



## Legislation Text

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**File #:** 19-0059, **Version:** 1

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### Resolution to Approve an Agreement Transferring an Abandoned Sewer at Maple Village to Brixmor Holdings 1 SPE, LLC

In 1962, the City acquired a sanitary sewer easement on the Maple Village shopping center by indentures recorded in Liber 1006, Pages 410, 404, and 407 of Deeds, Washtenaw County Records.

Due to redevelopment of the Maple Village parcel, part of the easement and sewer are no longer needed. The owners of Maple Village have expressed interest in accepting the abandoned sewer to use as their sanitary lead serving their building at 195 N. Maple. This sewer would otherwise be filled with grout. A companion resolution releases the easement.

This sewer transfer agreement was prepared by the City Attorney's Office and has been signed by Brixmor. There is no cost to the City for this transfer. This transfer would save the City the cost of grouting the abandoned sewer.

Approval of this sewer transfer agreement is recommended.

Prepared by: Michele Yanga, Legal Assistant

Reviewed by: Christopher Frost, Senior Assistant City Attorney

Approved by: Howard S. Lazarus, City Administrator

Whereas, Brixmor Holdings 1 SPE, LLC ("Brixmor") is the owner of real property located in the City of Ann Arbor, Washtenaw County, Michigan, commonly known as 155-396 North Maple Road, described in Liber 4641, Page 463 and Liber 5155, page 857 of Deeds, Washtenaw County Records ("Property");

Whereas, the City has released an easement on the Property, which contains an existing sanitary sewer pipe and appurtenances ("Sewer");

Whereas, the City has determined that there is no longer any public need for the Sewer and would otherwise grout and abandon the Sewer;

Whereas, Brixmor wishes to accept ownership of and responsibility for the Sewer for use as a private sewer lead connecting its building at 195 N. Maple Road to the public sewer in Maple Road, thus saving the City the cost of grouting the abandoned Sewer; and

Whereas, Brixmor has signed an agreement accepting transfer of ownership of the Sewer and releasing the City from responsibility for the Sewer;

**RESOLVED**, That the City of Ann Arbor hereby approves the sewer transfer agreement; and

**RESOLVED**, That the Mayor and City Clerk are authorized and directed to execute the sewer transfer agreement, after approval as to form by the City Attorney and as to substance by the City

Administrator;