



Legislation Text

File #: 19-1221, **Version:** 2

Resolution to Authorize Settlement of Trinitas Development, LLC v City of Ann Arbor, 22nd Circuit Court, Case No. 18-1095-AA

Prepared by: Kevin S. McDonald, Deputy City Attorney

Reviewed by: Stephen K. Postema, City Attorney

Whereas, The parties have negotiated a proposed settlement of Trinitas Development, LLC v City of Ann Arbor, 22nd Circuit Court, Case No. 18-1095-AA;

Whereas, The City Attorney's Office has briefed the City Council about the status of this case; and

Whereas, the terms of the settlement regarding the Cottages at Barton Green Development ("Development") are more specifically described in the Consent Judgment attached to this resolution, which includes the following general terms:

- a) The Development shall have a maximum of 690 occupants, reduced from the 1002 occupants that would be allowed under City ordinance. (Exceptions shall be provided for children, caregivers, or otherwise as required by law.)
- b) All of the 6-bedroom dwelling units shall be removed from the Development.
- c) The number of parking spaces shall be reduced from 559 to the City-required minimum of 422, with an additional 137 reserved spaces that will be deferred, and may only be constructed using pervious materials. These reserved spaces may be constructed if the City or the Developer demonstrates the need for additional spaces.
- d) An additional 50 covered bicycle parking spaces shall be provided in the Development.
- e) Trinitas Development, LLC shall pay the City the full contribution of \$346,000 for future intersection improvements at Pontiac Trail and Barton Drive.
- f) Other offers made to the City by Trinitas Development, LLC at the time of Council consideration of the Cottages at Barton Green Site Plan, have been incorporated, including green initiatives throughout the Development and providing a shuttle bus to serve the residents of the Development.

RESOLVED, That City Council authorizes the City Attorney to resolve the case entitled Trinitas Development, LLC v City of Ann Arbor, 22nd Circuit Court, Case No. 18-1095-AA, consistent with the terms of the Consent Judgment attached to this resolution, as revised, provided, that the foregoing authorization is contingent upon development agreement language that is consistent with Trinitas Development, LLC representations made in writing to the City Attorney's Office on July 1, 2019;

RESOLVED, That City Council authorizes and directs the Mayor, City Clerk, City Attorney and the City's Outside Counsel, Carol Rosati, to sign the Consent Judgment;

RESOLVED, That City Council authorizes and directs the Mayor and Clerk to sign the Development Agreement referenced in the Consent Judgment, substantially in the form of that attached; and

RESOLVED, That the City Council authorizes and directs the City Administrator, City Clerk, Mayor, and City Attorney to take such further actions that are consistent with the purposes of this resolution, and to implement the terms of the Consent Judgment following approval by the Court.

As Amended by Ann Arbor City Council on July 1, 2019