



Legislation Text

File #: 19-1413, Version: 1

Resolution to Partially Release an Easement for Storm and Sanitary Sewers Recorded at Liber 628, Page 226 of Deeds, Washtenaw County Records **(8 Votes Required)**

Approval of this resolution releases the City's rights in a portion of the easement for storm and sanitary sewers granted in the Right of Way for Storm and Sanitary Sewers from Nielsen's Flower Shop & Greenhouses, Inc. to the City of Ann Arbor dated May 22nd, 1953 and recorded June 30, 1953 in Liber 628, page 226, Washtenaw County Records. A portion of this easement located on 1116 Nielsen Court was previously released in Liber 1135, page 350. This release will leave the remaining portion of the easement on 1116 Nielsen Court, which contains an active sewer, in full force and effect.

The portion of the easement to be vacated is located on 1200 Broadway. No storm infrastructure currently exists within the easement area. City staff confirms that the existing sanitary sewer line is not in service and that the easement is not necessary for any current or future City needs.

Release of the easement is recommended.

Prepared by: Michele Yanga, Legal Assistant

Reviewed by: Christopher Frost, Senior Assistant City Attorney

Approved by: Howard S. Lazarus, City Administrator

Whereas, The City acquired an easement for storm and sanitary sewers by an easement dated May 22, 1953 and recorded in Liber 628, Page 226 of Deeds, Washtenaw County Records;

Whereas, The City released a portion of the easement in 1965, in an indenture recorded in Liber 1133, Page 350 of Deeds, Washtenaw County Records; and

Whereas, The City has determined that there is no longer any public need for the portion of the easement on 1200 Broadway;

RESOLVED, That the City of Ann Arbor hereby releases all rights granted by the easement recorded at Liber 628, Page 226 of Deeds, Washtenaw County Records, only as to the portion of the easement described below as:

Commencing at the Westerly corner of Lot 78 of ASSESSOR'S PLAT NO. 33, as recorded in Liber 9 of Plats, Page 46, Washtenaw County Records; thence S 58°44'00" E 653.70 feet along the Northerly right-of-way line of Maiden Lane (50.00 feet wide); thence N 31°16'00" E 255.50 feet along the Westerly line of Nielson Court (50.00 feet wide); thence N 58°44'00" W 74.99 feet; thence N 31°16'00" E 217.00 feet along the Northwesterly line of Ross Maiden Lane Apartments to the POINT OF BEGINNING; thence N 58°44'00" W 180.35 feet; thence N 37°27'39" E 60.35 feet; thence S 58°44'00" E 173.84 feet; thence S 31°16'00" W 60.00 feet along the Northwesterly line of Ross Maiden Lane Apartments to the POINT OF BEGINNING. Being a part of Lot 25 of ASSESSOR'S PLAT NO. 32, as recorded in Liber 9 of Plats, Page 45, Washtenaw

County Records. Being subject to easements and restrictions of record, if any.

Tax Parcel No. 09-09-21-302-120

RESOLVED, That the easement recorded in Liber 628, page 226 remains in full force and effect as to the remainder of the land encumbered by said easement that has not previously been released; and

RESOLVED, That an appropriate instrument, approved by the City Attorney, evidencing this release be recorded at the Washtenaw County Register of Deeds as soon as practicable following approval of this resolution.