



## Legislation Text

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**File #:** 19-2145, **Version:** 1

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Resolution to Authorize Settlement Agreement Regarding Potential Litigation Regarding Glacier Hills, Inc., Earhart Village Homes Association, and the City of Ann Arbor

This resolution will approve an agreement that will resolve a longstanding dispute between Glacier Hills, Inc. and Earhart Village Homes regarding terms of use restrictions and a conservation easement that were executed consistent with City approvals of site plans for Glacier Hills senior living community.

Prepared by: Kevin S. McDonald, Deputy City Attorney

Reviewed by: Stephen K. Postema, City Attorney

Whereas, A Grant of Conservation Easement ("Easement"), and Declaration of Building and Use Restrictions ("Restrictions") were recorded with respect to the development of the Glacier Hills senior living community on approximately 31 acres of land on Earhart Road in Ann Arbor ("Glacier Hills") in 1984;

Whereas, Glacier Hills and the adjacent Earhart Village Homes condominium development are currently in disagreement as to whether the Easement and Restrictions require Glacier Hills to seek approval from Earhart Village Homes for any future development of Glacier Hills;

Whereas, The City is responsible for issuance of building permits and oversight of construction activities with respect to Glacier Hills, consistent with Ann Arbor City Code;

Whereas, Glacier Hills, Inc. and Earhart Village Homes Association have negotiated a proposed settlement to threatened litigation by Glacier Hills, Inc. regarding the Conservation Easement and Restrictions, and the City agrees to the terms as a potential party to the lawsuit as it will allow two neighboring property owners to cooperate while potentially avoiding future litigation;

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

Whereas, The terms of the settlement of this potential litigation are more specifically described in the Settlement Agreement Regarding Conservation Easement and Building and Use Restrictions ("Settlement Agreement") attached to this resolution, which includes the following general terms:

- a) Glacier Hills, Inc. shall not build any structures or make any improvements upon the approximately 3.37 acres of land on the southern boundary of Glacier Hills included in the Conservation Easement.
- b) Any addition or expansion of Villas A, B,C and D shall maintain a distance from the northern boundary of the Conservation Easement of at least 9 feet, with the exception of existing decks and patios consistent with Ann Arbor City Code requirements.
- c) Glacier Hills, Inc. shall submit any future exterior development site plans or administrative amendments to Earhart Village at the same time plans are submitted to the City, and Glacier

Hills, Inc. shall give Earhart Village 30 days to respond to comments. If requested, Glacier Hills, Inc. shall meet with Earhart Village residents to answer questions and address any concerns or comments prior to commencement of any work on site;

RESOLVED, That City Council authorize the City Attorney to resolve the potential litigation consistent with the terms of the Settlement Agreement;

RESOLVED, That City Council authorize and direct the Mayor, City Clerk, and City Attorney, to sign the Settlement Agreement; and

RESOLVED, That the City Council authorize and direct the City Administrator and City Attorney to take such further actions that are consistent with this resolution, and to implement the terms of the Settlement Agreement.