



Legislation Text

File #: 11-1029, **Version:** 1

Resolution Approving a License Agreement and Grant of Easement for Pedestrian Access for Properties at 113-119 W. Liberty (Kline's Lot) **(8 Votes Required)**

Peter Allen has requested a permanent pedestrian access easement for the sale of a condominium unit in the building located at 115 W. Liberty. Salon Vox currently occupies the first floor of this building. Mr. Allen was completing due diligence for the pending sale of the third-floor condominium unit of the building, when he discovered that the only access to the door of the third-floor unit is the walkway servicing the Kline's lot, which is not a public right-of-way. Mr. Allen is closing on the sale of this unit this month, and has asked for a permanent easement for the entire walkway, as shown on the attached diagram, to insure access for the new owner. (The building at 115 W. Liberty was owned by the City more than 25 years ago, and subsequently sold without any specific access to the rear of the property.)

After consulting with various City service areas, we are proposing that the City grant a revocable license agreement to all of the buildings at 113, 115, 117 and 119 W. Liberty in exchange for maintenance of the walkway that accesses Ashley, as shown on the attached diagram. (It is our understanding that the property owners are currently maintaining the walkway.) The City will be able to revoke the license agreement at any time with 180 days notice for any reason, such as if the City wishes to modify the walkway, or use the walkway area as part of future development on the Kline's lot.

As the building at 115 W. Liberty has a unit with its sole egress at the rear of the building, we are proposing that a permanent access easement be granted to the building owners. The permanent access easement would be from the rear of the building east to the alley, as generally shown on the attached diagram. The access easement would give this unit permanent access to public right-of-way, if the revocable license agreement was revoked. It would also give the owners the ability to maintain the existing balconies, awning, and downspouts. The easement area will be approximately 209 square feet.

The proposed cost to the building owners of this easement is \$2,500, which takes into account the value of the land as reviewed by City staff, as well as the staff time involved in the immediate turnaround of Mr. Allen's request. Mr. Allen has indicated that this resolution will allow the sale of the unit by land contract this month, and the license agreement and easement documents can be completed in the next 75 days. The land contract is scheduled to be completely paid in January of 2012.

Prepared by: Kevin McDonald, Senior Assistant City Attorney

Reviewed by: Stephen K. Postema, City Attorney

Sponsored by: Sabra Briere, Sandy Smith

Whereas, Peter Allen, on behalf of the 115 W. Liberty Street Condominium, has requested an easement for pedestrian access to the rear of 115 W. Liberty, over the walkway that services the South Ashley (Kline's) Parking Lot at Ashley and William for permanent access for the third-floor unit that has its only egress at the rear of the building; and

Whereas, the 115 W. Liberty Condominium Association, and the Ann Arbor Art Association, at 117 W. Liberty have egress doors onto the walkway, and the walkway is part of a City parking lot, but not public right-of-way, and the owners of 113 W. Liberty may also want defined access to this walkway;

RESOLVED, That the City of Ann Arbor approve revocable license agreements to the owners of 113, 115, 117 and 119 W. Liberty (Joseph H. and Carolyn L. Arcure, 115 W. Liberty Street Condominium Association, the Ann Arbor Art Association, and any other necessary affiliated ownership entities as determined by the City Attorney, for pedestrian access to the walkway behind the properties as generally shown on the attached diagram;

RESOLVED, That the terms of the revocable license agreements include that the license be granted in exchange for the walkway being maintained by the property owners, and that the City be able to revoke the license with 180 days notice, and any other necessary terms and provisions as determined by the City Attorney;

RESOLVED, That the City of Ann Arbor approve the grant of a permanent pedestrian access easement to the owners of 115 W. Liberty Street, for pedestrian access to the alley as generally shown on the attached diagram, as well as easement rights for the existing encroachments onto City property, which include two balconies, a metal awning, and downspouts;

RESOLVED, That the easements be granted for \$2,500.00, and that the terms of the easement include that the pedestrian access easement is nonexclusive, as well as any other necessary terms and provisions as determined by the City Attorney;

RESOLVED, That City Council finds, upon the recommendation of the City Administrator, that an appraisal for this easement is not necessary given the cost of having an appraisal completed relative to the size of the easement, as well as the need for the owner to have reasonable access to the unit;

RESOLVED, That the City Attorney be directed to complete the license agreements and easement within 75 days;

RESOLVED, That the Mayor and City Clerk be authorized to execute the license agreements and grant of easement in the form approved by the City Attorney; and

RESOLVED, That the City Administrator, or his designee, be authorized to take necessary administrative actions and to execute any documents necessary to implement this resolution.