

follows:

... (P-8) For the benefit of the residents of the PROPRIETOR'S development, to donate a total of \$40,100.00 to the CITY Parks and Recreation Services Unit [and/or the South University Area Association] for the care, maintenance and irrigation system repair of the street trees in the South University area, and/or improvements to the public plaza adjacent to the South Forest Avenue parking deck OR OTHER PARKS PURPOSES AS RECOMMENDED BY STAFF . Said donation(s) shall be deposited prior to issuance of any building permits. The proposed use of the donation(s) shall be presented to the [City Planning Commission by the recipient(s)] CITY COUNCIL BY RECOMMENDATION OF STAFF for review and approval prior to issuance of any certificates of occupancy with the understanding that any reasonable proposal that would directly benefit the area will be approved.

On a voice vote, the Mayor declared the motion carried.

The question being the resolution and development agreement as amended, on roll call, the vote was as follows:

Yeas, Councilmembers Kunselman, Teall, Higgins, Easthope, Woods, Suarez, Johnson, Lowenstein, Rapundalo, Mayor Hieftje, 10;

Nays, Councilmembers 0;

Abstention, Councilmember Greden, 1.

The Mayor declared the motion carried.

R-219-6-07 APPROVED AS AMENDED

(RESOLUTION TO APPROVE THE SALE OF CITY-OWNED PROPERTY LOCATED ADJACENT TO 385 E. EISENHOWER PARKWAY TO JAG EISENHOWER, L.L.C. FOR THE MALLETT'S VIEW OFFICE CENTER DEVELOPMENT AND TO REVOKE RESOLUTION R-481-11-98 REGARDING THE PROCEEDS FROM THE SALE OF EXCESS CITY LAND)

Councilmember Higgins moved, seconded by Councilmember Teall, that the resolution be adopted.

Councilmember Greden moved, seconded by Councilmember Teall, to amend the resolution as follows:

5th RESOLVED Clause:

...RESOLVED, That the proceeds from this transaction be deposited into Fund 0008 - The [Municipal Center Fund] AFFORDABLE HOUSING TRUST FUND;...

On a voice vote, the Mayor declared the motion carried.

Councilmember Kunselman moved, seconded by Councilmember Johnson, to amend the resolution as follows:

4TH RESOLVED Clause:

[RESOLVED, That City Council revoke Resolution R-481-11-98 which provided that the proceeds from the sale of excess City property be deposited into the Affordable Housing Trust Fund;]

Councilmember Higgins moved, seconded by Councilmember Kunselman, to suspend the Council Rules to discuss the amendment on the floor.

On a voice vote, the motion to suspend the Council Rules carried.

The question, being the amendment to the resolution, on roll call, the vote was as follows:

.....

Yeas, Councilmembers Kunselman, Higgins, Woods, Suarez, Johnson, 5;

Nays, Councilmembers Teall, Easthope, Mayor Hieftje, Lowenstein, Rapundalo, Greden, 6.

The Mayor declared the motion failed.

Councilmember Johnson moved, seconded by Councilmember Suarez, to amend the resolution as follows:

5th RESOLVED Clause:

...RESOLVED, That the proceeds from this transaction be deposited into Fund 0008 - The Municipal Center Fund INTO THE AFFORDABLE HOUSING TRUST FUND UNLESS COUNCIL DESIGNATES ANOTHER RECIPIENT; ...

On roll call, the vote was as follows:

Yeas, Councilmembers Kunselman, Higgins, Woods, Suarez, Johnson, 5;

Nays, Councilmembers Teall, Easthope, Mayor Hieftje, Lowenstein, Rapundalo, Greden, 6.

The Mayor declared the motion defeated.

The question being the resolution as amended, on roll call, the vote was as follows:

Yeas, Councilmembers Kunselman, Greden, Teall, Higgins, Easthope, Woods, Suarez, Johnson, Lowenstein, Rapundalo, Mayor Hieftje, 11;

Nays, 0.

The Mayor declared the motion carried.

The resolution as amended reads as follows:

RESOLUTION TO APPROVE THE SALE OF CITY-OWNED PROPERTY LOCATED ADJACENT TO 385 E. EISENHOWER PARKWAY TO JAG EISENHOWER, L.L.C. FOR THE MALLETT'S VIEW OFFICE CENTER DEVELOPMENT AND TO REVOKE RESOLUTION R-481-11-98 REGARDING THE PROCEEDS FROM THE SALE OF EXCESS CITY LAND

Whereas, The City of Ann Arbor is the fee title owner of certain property, located in front of and adjacent to 385 East Eisenhower Parkway, in the City of Ann Arbor, Washtenaw County, State of Michigan, and more fully described as follows:

Commencing at the SE Corner of Section 5, T3S, R6E, City of Ann Arbor, Washtenaw County, Michigan; thence S87° 25' 50" W 1196.60 feet along the S line of said Section 5; thence N01° 44' 10" W 36.46 feet to the POINT OF BEGINNING, thence S87° 25' 50" W 145.01 feet; thence N01° 44' 10" W 32.72 feet; thence N86° 38' 10" E 145.05 feet; thence S01° 44' 10" E 34.73 feet to the POINT OF BEGINNING.

Being a part of the SE ¼ of said Section 5 and containing 4890.0 sq. ft. or 0.11 acres of land, more or less. Being subject to easements and restrictions of record, if any.

Whereas, JAG EISENHOWER, L.L.C., a Michigan limited liability corporation, desires to purchase said described parcel of land from the City, contingent upon City Council approval of JAG EISENHOWER, L.L.C.'s site plan and PUD zoning;

Whereas, An appraisal that includes a comparative analysis of similar properties supported by additional data and zoning requirements enabled both parties to reach agreement that JAG EISENHOWER, L.L.C., will pay the City \$23,750.00 for the land;

Whereas, An additional public benefit of the sale and development of the proposed Malletts View Office Center PUD

development will be provided by JAG EISENHOWER, L.L.C., in the form of a conveyance by deed to the City of a 1.3 acre parcel for parkland;

Whereas, JAG EISENHOWER, L.L.C., contingent upon the approval of the Washtenaw County Drain Commission will grant an easement to the Washtenaw County Drain Commission, for that portion of the parcel that is located within the Mallett's Creek Drain;

Whereas, City Council has determined that the property is no longer needed for public purposes; and

Whereas, On November 5, 1998, City Council approved Resolution R-481-11-98 which requires that all funds from the sale of excess City property be deposited into the Affordable Housing Trust Fund;

RESOLVED, That City Council direct the City Attorney to transfer title to the above-described property by quit claim deed to JAG EISENHOWER, L.L.C., for the sum of Twenty-Three Thousand, Seven-Hundred Fifty Dollars, reserving easements and restrictions of record, if any;

RESOLVED, That City Council finds, upon the recommendation of the City Administrator, that the information in the appraisal submitted by the Developer that was reviewed, analyzed and negotiated by City Staff is a reasonable approach to ascertaining the value of the land given the specific terms and conditions outlined above and, therefore, it is unnecessary for the City to complete an appraisal to determine value;

RESOLVED, That the transfer of title to the Developer is contingent upon site plan approval and PUD zoning approval by City Council, and the granting of an easement for the Mallett's Creek Drain to the Washtenaw County Drain Commission;

RESOLVED, That City Council revoke Resolution R-481-11-98 which provided that the proceeds from the sale of excess City property be deposited into the Affordable Housing Trust Fund;

RESOLVED, That the proceeds from this transaction be deposited into the Affordable Housing Trust Fund;

RESOLVED, That City Council authorize the Mayor and City Clerk to execute the quit claim deed and any other transfer documents necessary to implement this resolution; and

RESOLVED, That the City Administrator be authorized to take any necessary administrative actions to complete this transaction.

R-220-6-07 APPROVED

RESOLUTION TO APPROVE MALLETT'S VIEW OFFICE CENTER PUD SITE PLAN AND DEVELOPMENT AGREEMENT

Whereas, JAG Eisenhower, LLC, has requested site plan approval in order to construct a two-story, 10,021-square foot medical office building at 385 East Eisenhower Parkway;

Whereas, JAG Eisenhower, LLC, has also requested approval to construct the northern portion of the proposed building and make grade changes within the 25-foot natural features open space adjacent to the wetland;

Whereas, A development agreement has been prepared to address parkland contribution, on-site storm water management, floodplain permit, planting of trees in the Eisenhower Parkway median, pedestrian bridge crossing Mallett's Creek, footing drain disconnections, and use of lawn care chemicals and fertilizers;

Whereas, The Ann Arbor City Planning Commission, on December 5, 2005, recommended approval of said request;

Whereas, The contemplated development will comply with all applicable state, local and federal law, ordinances, standards and regulations;

Whereas, The development would limit the disturbance of natural features to the minimum necessary to allow a