

BOARD OF REGENTS
EASTERN MICHIGAN UNIVERSITY

SECTION: 5
DATE: October 24, 2008

RECOMMENDATION

UNIVERSITY HOUSE - EMU/CITY OF YPSILANTI AGREEMENT

ACTION REQUESTED:

It is recommended that the Board of Regents approves and authorizes the President to sign the attached Escrow Agreement between the University and the City of Ypsilanti that provides in part for the construction of a pedestrian pathway on the University House property.

STAFF SUMMARY:

Construction of the pedestrian pathway at the Southern end of the University House property will facilitate safe pedestrian access to EMU events as well as providing citizens and neighbors a paved pathway through the property.

FISCAL IMPLICATIONS:

Construction costs can be contained in the University's FY 2009 budget.

ADMINISTRATIVE RECOMMENDATION:

The proposed Board action has been reviewed and is recommended for Board approval.

University Executive Officer

Date

ESCROW AGREEMENT

WHEREAS Roosevelt Boulevard was originally platted to run in an east-west direction and continue west all the way to Hewitt Road; and

WHEREAS in 1961 Roosevelt Boulevard was vacated between Hewitt Road and Bellevue and the vacation resolution, Resolution No. 61-139, reserved for the City of Ypsilanti the right to construction, maintain, and repair all conduits, sanitary storm sewers, gas and water mains, and any other public or private utility within a 20 foot easement; and

WHEREAS Eastern Michigan University (EMU) has obtained all the surrounding property and erected a residence for the President; and

WHEREAS the erection of the residence has cut off pedestrian access through the property between Bellevue Avenue and Hewitt Road; and

WHEREAS pedestrian access is important for the neighboring residents to safely access EMU events; and

WHEREAS the parties have negotiated that a pedestrian pathway will be built at the President's Residence (EMU property); by EMU and

WHEREAS EMU will reimburse the City for survey work in the amount of \$1,200.00; and

WHEREAS the design criteria and exact location of pathway have yet to be determined; and

WHEREAS in return, the City will abandon said easement by resolution and record said resolution of abandonment in the Washtenaw County Register of Deeds.

NOW THEREFORE;

IT IS AGREED:

1. Eastern Michigan University shall at its sole expense design construct and maintain a non-motorized safety pathway, connecting Hewitt Road and Bellevue on the Southern portion of the EMU President's residence.

2. Construction of the non-motorized safety pathway shall be completed by January 30th, 2009.

3. Upon execution of this agreement the City of Ypsilanti shall execute and record with the Washtenaw County Register of Deeds, a resolution and/or ordinance of abandonment of said easement. In the event Eastern Michigan University requires a Court Order of vacation, such law suit may be initiated by Eastern Michigan University at its sole discretion and all costs and expenses shall be borne by the University

4. The Agreement shall become effective after approval by the governing bodies of the City of Ypsilanti and Eastern Michigan University and execution by the authorized officials of the parties; shall terminate on the expiration unless extended by the parties in writing; may be executed in several counterparts; and shall be binding upon and inure to the benefit of the parties hereto and their respective successors and assigns.

5. The parties to this Agreement are independent contractors and have no employment relationship, joint venture, or partnership between them with respect to the subject matter of this Agreement.

6. This agreement is the entire Agreement between the parties regarding the subject matter hereof. The Agreement cancels, supersedes and

revokes all prior negotiations, representations and agreement between the parties , whether oral or written, relating to the subject matter of this Agreement.

This agreement is dated the _____ day of _____, 2008.

In the presence of:

EASTERN MICHIGAN UNIVERSITY

BY: _____

THE CITY OF YPSILANTI

BY: _____

Paul Schreiber, Mayor

BY: _____

Frances McMullan, City Clerk

APPROVED AS TO FORM:

Karl A. Barr, P-57467
Assistant Ypsilanti City Attorney

Attorney for Eastern Michigan University