



## CITY COUNCIL AGENDA ITEM

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Date: October 10, 2011

To: John Szerlag, City Manager

From: Mark F. Miller, Assistant City Manager/Economic Development Services  
Steven J. Vandette, City Engineer  
Larysa Figol, Sr. Right-of-Way Representative

Subject: Request to Abandon a Portion of an Existing Sanitary Sewer Easement and Acceptance of a Permanent Sanitary Sewer Easement – Sidwell #88-20-32-200-032, Cambridge Crossings Shops #2, LLC

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### Background

As part of a redevelopment project located in the Cambridge Crossings Shopping Mall (WalMart and Marshall's), located in Section 32 on the south side of Fifteen Mile at Maplelawn the Engineering Department has received proposed plans to redesign a portion of the public utilities to accommodate a reconfiguration of the existing facilities.

The City Engineering department has reviewed all proposed plans and has no objection to the abandonment of part of the existing sanitary sewer easement previously granted to the City and recorded with Oakland County Register of Deeds in Liber 21432, Page 290.

In its' place, the Engineering department has received a new sanitary sewer easement granted by Cambridge Crossings Shops #2, LLC, owner of the property having Sidwell #88-20-32-200-032 to the City of Troy.

### Recommendations

Staff recommends that City Council approve the request for abandonment of a portion of an existing sanitary sewer easement by way of a quit claim deed to the current property owner. In addition, staff recommends that City Council accept the attached easement, consistent with our policy of accepting easements for development and improvement purposes.

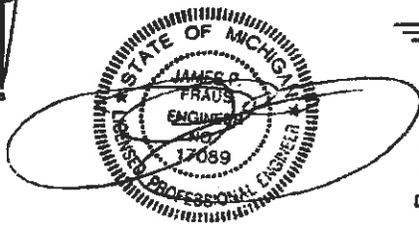
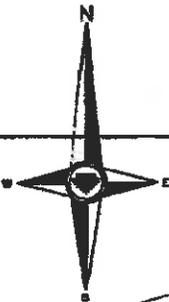
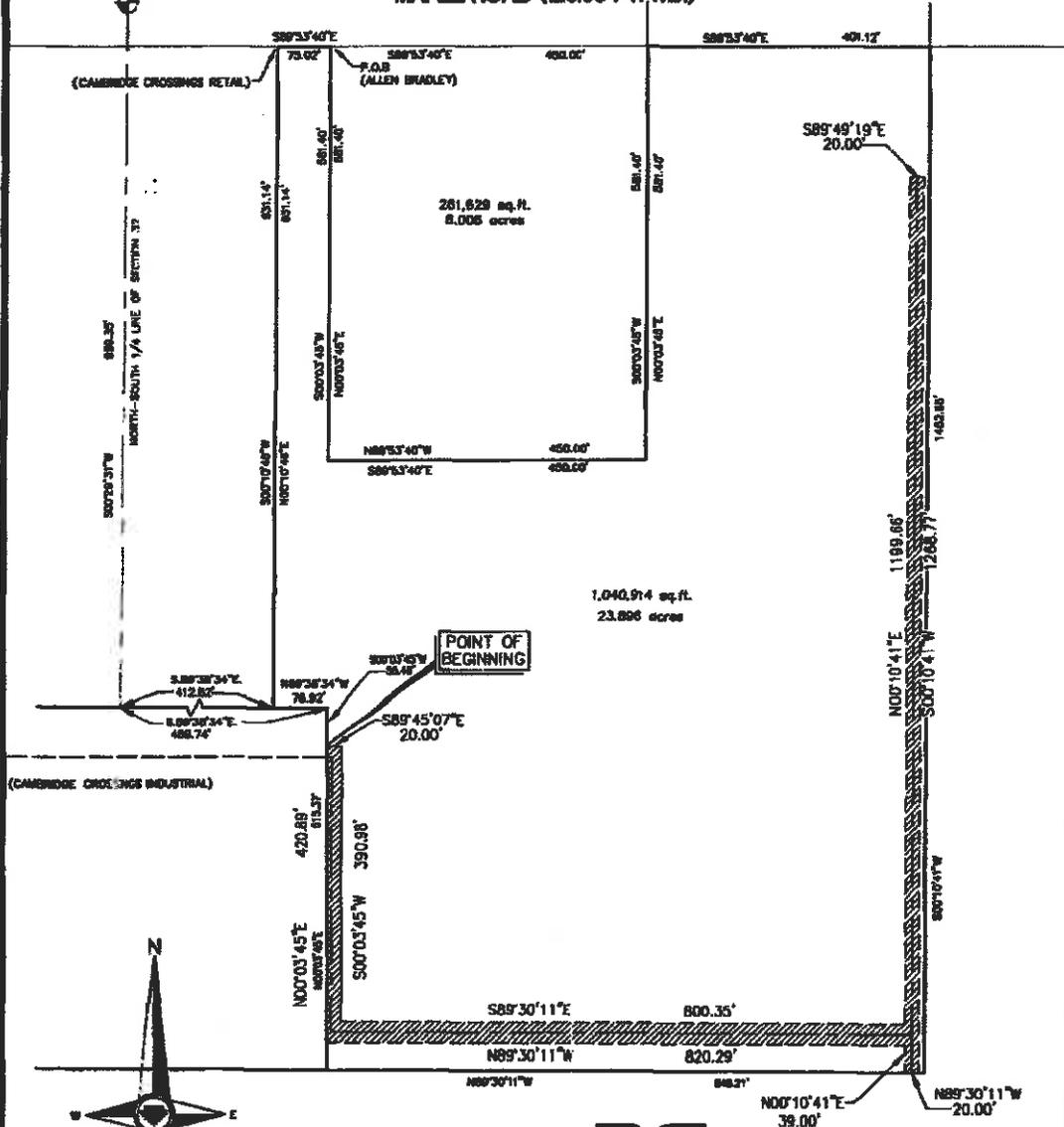


**Exhibit A**

NORTH 1/4 CORNER  
OF SECTION 32  
T.2N., R.11E.

**PROPOSED SANITARY SEWER EASEMENT**

**MAPLE ROAD (120.00 FT. WD.)**



**NOWAK & FRAUS**

Civil Engineers Land Surveyors

1310 N. Stephenson Highway Tel. (248) 399-0886  
Royal Oak, Michigan 48067-1508 Fax. (248) 399-0805

DRAWN: SCALE: DATE: JOB No. SHEET  
MPS 1" = 200' 04-25-00 8-8217 1 of 2  
REV. 04-28-00

8'4  
20

1  
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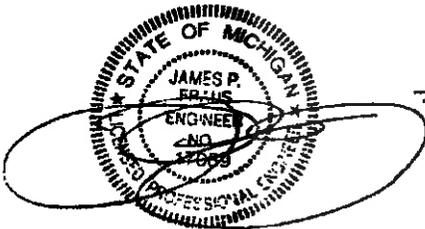
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**Exhibit B**  
**PROPOSED SANITARY SEWER EASEMENT**

**LEGAL DESCRIPTION**

An easement for sanitary sewer which is described as being located in part of the Northeast 1/4 of Section 32, Town 2 North, Range 11 East, City of Troy, Oakland County, Michigan, being more particularly described as commencing at the North 1/4 Corner of said Section 32; thence S.00°29'31"W., 989.35 feet along the North and South 1/4 line of said Section 32; thence S.89°38'34"E., 489.74 feet; thence S.00°03'45"W., 55.48 feet to the point of beginning; thence S.89°45'07"E., 20.00 feet; thence S.00°03'45"W., 390.98 feet; thence S.89°30'11"E., 800.35 feet; thence N.00°10'41"E., 1199.66 feet; thence S.89°49'19"E., 20.00 feet; thence S.00°10'41"W., 1268.77 feet; thence N.89°30'11"W., 20.00 feet; thence N.00°10'41"E., 39.00 feet; thence N.89°30'11"W., 820.29 feet; thence N.00°03'45"E., 420.89 feet to the point of beginning.

*PART OF 20-32-200-030*



**NOWAK & FRAUS**

Civil Engineers Land Surveyors

1310 N. Stephenson Highway Tel. (248) 399-0886  
 Royal Oak, Michigan 48067-1508 Fax. (248) 399-0805

DRAWN:	SCALE:	DATE:	JOB No.	SHEET
MPS	None	04-25-00	8-8217	2 of 2
		REV. 04-28-00		

**PERMANENT EASEMENT**

Sidwell #88-20-32-200-032

CAMBRIDGE CROSSINGS SHOPS #2, LLC, a Delaware limited liability company, Grantor(s), whose address is 3333 New Hyde Park Road, New Hyde Park, NY 11042 for and in consideration of the sum of: One and no/100 Dollar (\$1.00) paid by the CITY OF TROY, a Michigan Municipal Corporation, Grantee, whose address is 500 West Big Beaver Road, Troy, Michigan, grants to the Grantee the right to construct, operate, maintain, repair and/or replace sanitary sewer, said easement for land situated in the City of Troy, Oakland County, Michigan described as:

SEE EXHIBIT "A" ATTACHED HERETO AND BY REFERENCE MADE A PART OF

and to enter upon sufficient land adjacent to said improvement(s) for the purpose of the construction, operation, maintenance, repair and/or replacement thereof.

The premises so disturbed by the exercise of any of the foregoing powers shall be reasonably restored to its original condition by the Grantee.

This instrument shall be binding upon and inure to the benefit of the parties hereto, their heirs, representatives, successors and assigns and the covenants contained herein shall run with the land.

IN WITNESS WHEREOF, the undersigned hereunto affixed HIS signature(s) this 17th day of AUGUST A.D. 2011.

CAMBRIDGE CROSSINGS SHOPS #2, LLC  
a Delaware limited liability company

By: Kimco Preferred Investor X, Inc., a  
Delaware corporation, its Managing  
Member

By Robert Nadler (S.)  
\* ROBERT NADLER  
Its Vice-President  
VICE-PRESIDENT

STATE OF ILLINOIS )  
COUNTY OF WILL )

The foregoing instrument was acknowledged before me this 17th day of AUGUST, 2011, by ROBERT NADLER, the VICE PRESIDENT, of Kimco Preferred Investor X., Inc., a Delaware limited liability company, on behalf of the company.



Jo Anne Jarosik  
\*  
Notary Public, WILL County, IL  
My Commission Expires 4-30-2013  
Acting in COOK County, IL

Prepared by: Larysa Figol  
City of Troy  
500 W. Big Beaver Road  
Troy, MI 48084

Return to: City Clerk  
City of Troy  
500 W. Big Beaver Road  
Troy, MI 48084

**SANITARY SEWER EASEMENT:**

**EXHIBIT 'A'**

Part of the Northeast ¼ of Section 32, T2N-R11E, situated in the City of Troy, County of Oakland and State of Michigan, and being part of lands dedicated to Cambridge Crossing Shops #2, LLC in liber 28689, page 246, and being more particularly described as follows:

Commencing at a 5/8" iron pin, with cap stamped D11, in monument box, said point being the North ¼ corner of Section 32, Town 2 North, Range 11 East;

Thence South 00° 29' 31" West, a distance of 60.00 feet to ~~a point in~~ the southerly right of way line of West Maple Road;

Thence following along the southerly right of way line of said West Maple Road, South 89° 53' 40" East, a distance of 402.74 feet to the northwesterly corner of said Cambridge lands;

Thence following along the westerly line of said Cambridge lands for the following courses:

South 00° 10' 46" West, a distance of 931.12 feet;

South 89° 38' 34" East, a distance of 81.92 feet;

South 00° 03' 45" West, a distance of 55.48 feet to the northerly line of an Existing Sanitary Sewer Easement;

Thence following along the northerly and easterly lines of said Existing Easement for the following courses:

South 89° 45' 07" East, a distance of 20.00 feet;

South 00° 03' 45" West, a distance of 390.98 feet;

South 89° 30' 11" East, a distance of 174.67 feet to the northerly line of a New Sanitary Sewer Easement, said point being the POINT OF BEGINNING;

Thence following along the edge of said New Easement for the following courses:

South 44° 21' 06" East, a distance of 28.96 feet;

South 89° 32' 50" East, a distance of 191.75 feet;

North 46° 01' 23" East, a distance of 29.09 feet;

South 04° 19' 26" West, a distance of 30.07 feet;

South 46° 01' 23" West, a distance of 14.81 feet;

North 89° 32' 50" West, a distance of 208.25 feet;

North 44° 21' 06" West, a distance of 14.86 feet;

North 02° 36' 49" West, a distance of 30.04 feet to the POINT OF BEGINNING.

Containing 0.112 acres (4,877 square feet) more or less.



QUIT CLAIM DEED

Sidwell # 20-32-200-032 (pt)  
Resolution #

The Grantor(s), The City of Troy, a Michigan municipal corporation, Grantor, whose address is 500 West Big Beaver, Troy, MI 48084 quit claims to Cambridge Crossings Shops #2, LLC, a Delaware limited liability company, Grantee, whose address is 3333 New Hyde Park Road, New Hyde Park, NY 11042, the following described premises situated in the City of Troy, County of Oakland and State of Michigan:

SEE EXHIBIT "A" ATTACHED HERETO AND BY REFERENCE MADE A PART OF

For the sum of One Dollar (\$ 1.00)

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

CITY OF TROY  
a Michigan municipal corporation

By \_\_\_\_\_  
\* Louise E. Schilling, Mayor

By \_\_\_\_\_  
\* M. Aileen Bittner, City Clerk

STATE OF \_\_\_\_\_ )  
COUNTY OF \_\_\_\_\_ )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_ 2011 by Louise E. Schilling, Mayor and M. Aileen Bittner, City Clerk of The City of Troy, a Michigan municipal corporation, on behalf of the municipal corporation.

\_\_\_\_\_  
\*  
Notary Public, \_\_\_\_\_ County  
My commission expires: \_\_\_\_\_  
Acting in \_\_\_\_\_ County, \_\_\_\_\_

County Treasurer's Certificate		City Treasurer's Certificate
When recorded return to: City Clerk City of Troy 500 West Big Beaver Troy, MI 48084	Send subsequent tax bills to: Grantee	Drafted by: Larysa Figol City of Troy 500 West Big Beaver Troy, MI 48084

Tax Parcel # \_\_\_\_\_ Recording Fee \_\_\_\_\_ Transfer Tax \_\_\_\_\_

\*TYPE OR PRINT NAMES UNDER SIGNATURES

**EXISTING SANITARY EASEMENT TO BE VACATED:**

**EXHIBIT 'A'**

Part of the Northeast  $\frac{1}{4}$  of Section 32, T2N-R11E, situated in the City of Troy, County of Oakland and State of Michigan, and being part of lands dedicated to Cambridge Crossing Shops #2, LLC in liber 28689, page 246, and being more particularly described as follows:

Commencing at a 5/8" iron pin, with cap stamped D11, in monument box, said point being the North  $\frac{1}{4}$  corner of Section 32, Town 2 North, Range 11 East;

Thence South  $00^{\circ} 29' 31''$  West, a distance of 60.00 feet to the southerly right of way line of West Maple Road;

Thence following along the southerly right of way line of said West Maple Road, South  $89^{\circ} 53' 40''$  East, a distance of 402.74 feet to the northwesterly corner of said Cambridge lands;

Thence following along the westerly line of said Cambridge lands for the following courses:

South  $00^{\circ} 10' 46''$  West, a distance of 931.12 feet;

South  $89^{\circ} 38' 34''$  East, a distance of 81.92 feet;

South  $00^{\circ} 03' 45''$  West, a distance of 55.48 feet to the northerly line of an Existing Sanitary Sewer Easement;

Thence following along the northerly and easterly lines of said Existing Easement for the following courses:

South  $89^{\circ} 45' 07''$  East, a distance of 20.00 feet;

South  $00^{\circ} 03' 45''$  West, a distance of 390.98 feet;

South  $89^{\circ} 30' 11''$  East, a distance of 174.67 feet to the northerly line of an Existing Sanitary Sewer Easement To Be Vacated, said point being the POINT OF BEGINNING;

Thence following along the edge of said Existing Easement To Be Vacated for the following courses:

South  $89^{\circ} 30' 11''$  East, a distance of 232.93 feet;

South  $04^{\circ} 19' 26''$  West, a distance of 30.07 feet;

North  $89^{\circ} 30' 11''$  West, a distance of 229.30 feet;

North  $02^{\circ} 36' 49''$  West, a distance of 30.04 feet to the POINT OF BEGINNING.

Containing 0.159 acres (6,933 square feet) more or less.

Part of sidwell # 88-20-32-200-032.

