



CITY COUNCIL AGENDA ITEM

Date: November 18, 2011

To: John Szerlag, City Manager

From: Mark F. Miller, Director of Economic and Community Development
Steven J. Vandette, City Engineer
Larysa Figol, Sr. Right-of-Way Representative

Subject: Request to Abandon a Portion of an Existing Water Main Easement and Acceptance of a Permanent Water Main Easement – Sidwell #88-20-10-351-018, Sunset Plaza Shopping Center, LLC

Background

As part of a redevelopment project located in the Sunset Plaza Shopping Center (CVS Pharmacy) located in Section 10 on the north side of Long Lake Road, the Engineering Department received plans to redesign a portion of the water main to accommodate a reconfiguration of the existing facility.

The City Engineering department has reviewed all proposed plans and has no objection to the abandonment of part of the existing water main easement previously granted to the City and recorded with Oakland County Register of Deeds in Liber 15191, Page 262.

In its place, the Engineering department has received a new water main easement granted by Sunset Plaza Shopping Center, LLC, owner of the property having Sidwell #88-20-10-351-018 to the City of Troy.

Recommendations

Staff recommends that City Council approve the request for abandonment of a portion of an existing water main 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.

QUIT CLAIM DEED

Sidwell # 88-20-10-351-018 (part of)
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 SUNSET PLAZA SHOPPING CENTER, LLC, a Michigan limited liability company, Grantee, whose address is 89 East Long Lake Road, Troy, MI 48085, the following described premises situated in the City of Troy, County of Oakland and State of Michigan, a portion of which was previously recorded in L15191, P262:

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 _____
* Janice L. Daniels, Mayor

By _____
* M. Aileen Bittner, City Clerk

STATE OF MICHIGAN)
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this _____ day of _____ 2011, by Janice L. Daniels, 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, MI
My commission expires: _____
Acting in _____ County, MI

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 # 88-20-10-351-018 Recording Fee _____ Transfer Tax _____
EXEMPT FROM COUNTY & STATE REAL ESTATE TRANSFER TAX UNDER MSA 7.456 (26) (h) (g) & 7.456 (5) (h) (i)

*TYPE OR PRINT NAMES UNDER SIGNATURES

EXHIBIT "A"

SKETCH OF RELEASE OF EASEMENT
AND PROPOSED NEW EASEMENT

LEGAL DESCRIPTION

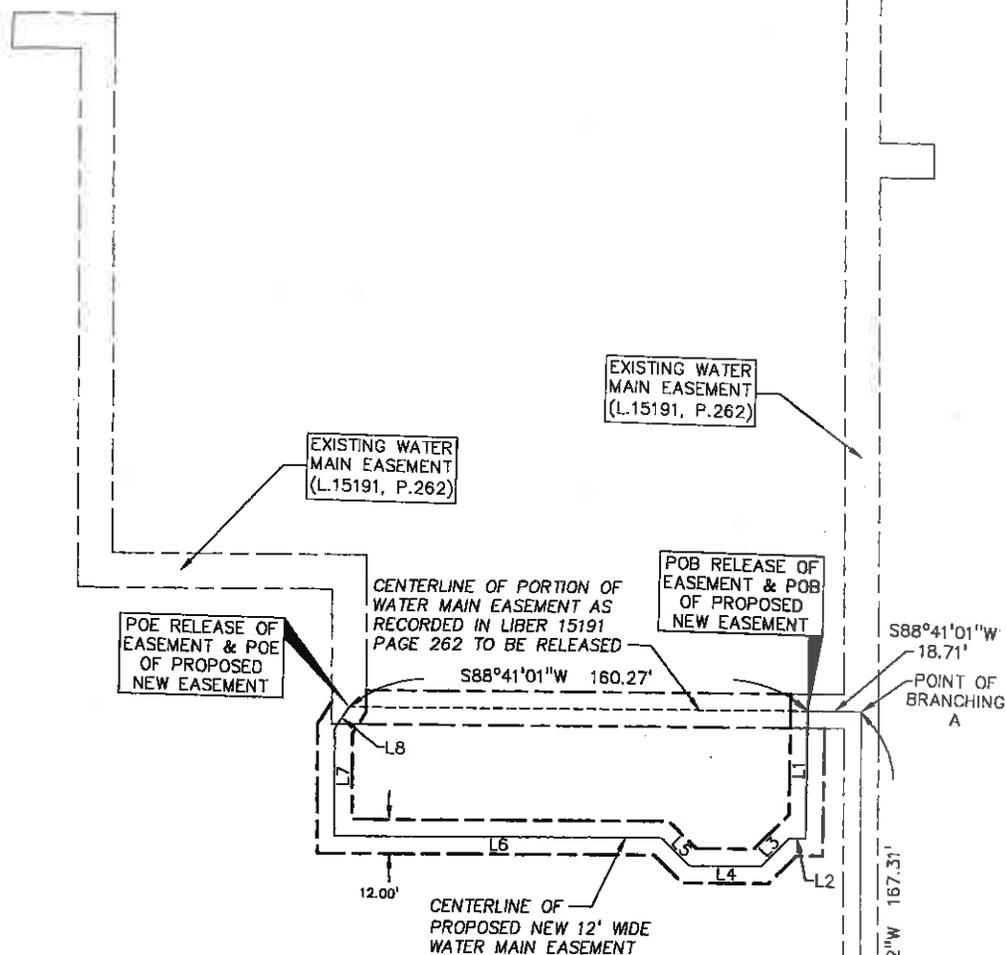
EXISTING WATER MAIN EASEMENT TO BE RELEASED

A release of a portion of a 12 foot wide easement for the construction, operation, maintenance and repair of a water main over land in the Southwest 1/4 of Section 10, Town 2 North, Range 11 East, City of Troy, Oakland County, Michigan, the centerline of which is more particularly described as: Commencing at the Southwest corner of Section 10;
thence along the South section line of said Section 10, N88°50'57"E, 684.28 feet;
thence N01°24'41"W, 65.00 to a point on the centerline of an existing 12 foot wide water main easement as recorded in Liber 15191, Pages 262-264 of Oakland County Records;
thence along said centerline North 01°17'52"W, 167.31 feet to the Point of Branching "A" as described in Addendum "A" of said existing easement;
thence from said Point of Branching along said existing centerline S88°41'01"W, 18.71 feet to the POINT OF BEGINNING of the centerline of the portion of the existing 12 foot wide water main easement to be released;
thence S88°41'01"W, 160.27 along said centerline, to a point on the centerline of the aforementioned existing water main easement, said point also being the POINT OF ENDING of this release of easement.

PROFESSIONAL
ENGINEERING
ASSOCIATES

CLIENT: NORR, LLC 719 GRISWOLD STREET, SUITE 1000 DETROIT, MICHIGAN 48226	SCALE: 1"= 50'	JOB No: 2011-136	2430 Rochester Cl. Suite 100 Troy, MI 48063-1872 (248) 689-9090
	DATE: 10-07-11	DWG. No: 2 of 2	

SKETCH OF RELEASE OF EASEMENT AND PROPOSED NEW EASEMENT



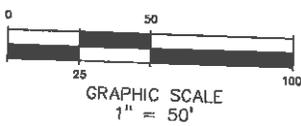
LINE TABLE		
LINE	BEARING	DIST.
L1	S00°39'42"E	45.22'
L2	S88°31'50"W	5.83'
L3	S43°31'50"W	13.76'
L4	S88°40'26"W	24.95'
L5	N46°28'10"W	13.67'
L6	S88°31'50"W	114.45'
L7	N01°22'06"W	38.00'
L8	N31°18'44"E	9.10'



CENTERLINE OF
EXISTING WATER
MAIN EASEMENT
(L.15191, P.262)


 SOUTH LINE OF SECTION 10
 SOUTHWEST
 CORNER
 SECTION 10
 T.2N, R.11E.

N88°50'57"E
 684.28'



PROFESSIONAL
 ENGINEERING
 ASSOCIATES
 2430 Rochester Ct. Suite 100
 Troy, MI 48063-1872
 (248) 689-9090

CLIENT: **NORR, LLC**
 719 GRISWOLD STREET, SUITE 1000
 DETROIT, MICHIGAN 48226

SCALE: 1" = 50'
 DATE: 10-07-11

JOB No: 2011-136
 DWG. No: 1 of 2

Stuart S. Chosid Trust dated February 11, 1985;
Paul T. Chosid and Ruth L. Chosid, his wife (as to her
Dower Interest if any); and Edna Chosid
whose address is 4410 Strathdale Lane, West Bloomfield, MI 48323-2851, Grantor
for and in consideration of the sum of: One 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
a water main, said easement for land situated in the City of Troy,
Oakland County, Michigan, described as:

SEE ATTACHED ADDENDUM "A" \$ 11.00 MISCELLANEOUS RECORDING
\$ 2.00 REMONUMENTATION

and to enter upon sufficient land adjacent to said 6 1/2 acres land (s) RECORD WITH 158
the purpose of the construction, operation, maintenance, RECORD IN OAKLAND COUNTY
replacement thereof. LYNN D. ALLEN, CLERK/REGISTER OF DEEDS

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 their
signature(s) this 24th day of October A.D. 1994.

In presence of:
WITNESS

Marcia Hawes
MARCIA HAWES

Katrina Steenstra
KATRINA STEENSTRA

Marcia Hawes
MARCIA HAWES

Katrina Steenstra
KATRINA STEENSTRA

Paul T. Chosid (L.S.)
Paul T. Chosid, Trustee

Paul T. Chosid (L.S.)
Paul T. Chosid as Power of Attorney
for Edna Chosid, Trustee

Paul T. Chosid (L.S.)
Paul T. Chosid

Ruth L. Chosid (L.S.)
Ruth L. Chosid (as to her Dower
Interest if any)

Paul T. Chosid (L.S.)
Paul T. Chosid as Power of Attorney
for Edna Chosid, Trustee

STATE OF MICHIGAN
COUNTY OF Oakland }

On this 24th day of October A.D. 1994,
before me a Notary Public in and for said county, personally appeared
Paul T. Chosid, Trustee, and Paul T. Chosid as Power of Attorney for
Edna Chosid, Trustee, of the Stuart S. Chosid Trust dated February 11,
1985; Paul T. Chosid and Ruth L. Chosid, his wife (as to her Dower
Interest if any); and Paul T. Chosid as Power of Attorney for Edna
Chosid

to me known to be the same person(s) described in and who executed the
within instrument, who then acknowledged the same to be their free
act and deed.

DEBRA M. WOOD
NOTARY PUBLIC - OAKLAND COUNTY, MI
MY COMMISSION EXPIRES 01/28/98

(Individual)

Debra M. Wood
Notary Public, Oakland County, Michigan

My Commission Expires 1/28/98

Prepared by:

Alicia T. Worthley
500 West Big Beaver Road
Troy, Michigan 48084

Return to:

City Clerk, City of Troy
500 West Big Beaver Road
Troy, Michigan 48084

LIBER 15191:263

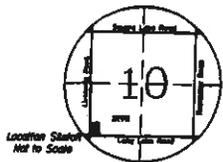
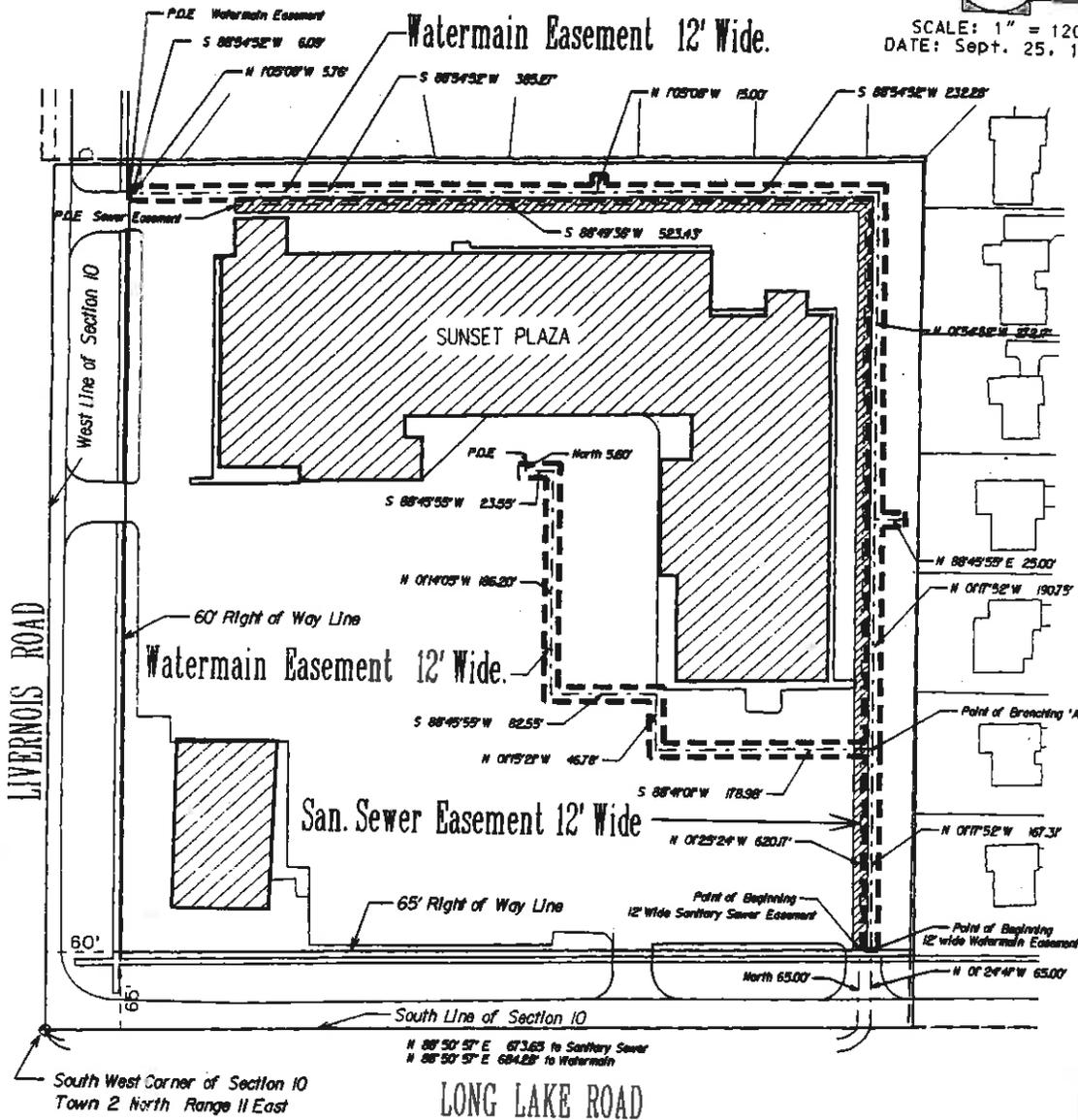
Pat
Patrol

ADDENDUM "A"

A 12 foot wide easement for the construction, operation, maintenance and repair of a water main over land in the Southwest 1/4 of Section 10, Town 2 North, Range 11 East, City of Troy, Oakland County, Michigan, the center line of which is described as commencing at the Southwest corner of Section 10; thence along the South section line North 88 degrees 50 minutes 57 seconds East, 684.28 feet; thence North 01 degrees 24 minutes 41 seconds West, 65.00 feet to the Point of Beginning; Thence North 01 degrees 17 minutes 52 seconds West, 167.31 feet to the Point of Branching "A"; thence continuing North 01 degrees 17 minutes 52 seconds West, 190.75 feet; thence North 88 degrees 45 minutes 55 seconds East, 25.00 feet; thence South 88 degrees 45 minutes 55 seconds West, 25.00 feet; thence North 01 degrees 17 minutes 52 seconds West, 272.17 feet; thence South 88 degrees 54 minutes 52 seconds West, 232.28 feet; thence North 01 degrees 05 minutes 08 seconds West, 15.00 feet; thence South 01 degrees 05 minutes 08 seconds East, 15.00 feet; thence South 88 degrees 54 minutes 52 seconds West, 385.27 feet; thence North 01 degrees 05 minutes 08 seconds West, 5.76 feet; thence South 01 degrees 05 minutes 08 seconds East, 5.76 feet; thence South 88 degrees 54 minutes 52 seconds West, 6.09 feet to the Point of Ending: Thence beginning from Point of Branching "A" South 88 degrees 41 minutes 01 seconds West, 178.98 feet; thence North 01 degrees 15 minutes 21 seconds West, 46.78 feet; thence South 88 degrees 45 minutes 55 seconds West, 88.52 feet; thence North 01 degrees 14 minutes 05 seconds West, 186.20 feet; thence South 88 degrees 45 minutes 55 seconds West, 23.55 feet; thence North, 5.60 feet to the Point of Ending.



SCALE: 1" = 120'
DATE: Sept. 25, 1992



Location Sketch
Not to Scale

CITY OF TROY OAKLAND COUNTY, MICHIGAN			
Watermain and Sanitary Sewer Easement Part of the S. W. 1/4 Section 10			
SCALE	DRAWN BY	CHECKED	FILE
NO. 7-287	NAME A.B.W.	NAME	SECTION
VER.	DATE 8/25/92	DATE	
CONTRACT No.	CITY ENGINEER	SHEET No.	JOB No.
	C. NEALL SCHROEDER		

PERMANENT EASEMENT

Sidwell #88-20-10-351-018

SUNSET PLAZA SHOPPING CENTER, LLC, a Michigan limited liability company, Grantor(s), whose address is 89 East Long Lake Road, Troy, MI 48085 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 water main, 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 OCT. A.D. 2011.

SUNSET PLAZA SHOPPING CENTER, LLC
a Michigan limited liability company

By: Sunset Plaza Limited Partnership, a
Michigan limited partnership, its Member

By Paul T. Chosid (L.S.)
* Paul T. Chosid, Trustee of the Paul T.
Chosid Revocable Trust U/A/D 5/14/01
Its General Partner

STATE OF MICHIGAN)
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this 17th day of October, 2011, by Paul T. Chosid, Trustee of the Paul T. Chosid Revocable Trust u/ad 5/14/01, who is General Partner of Sunset Plaza limited partnership, a Michigan limited partnership, which is sole member of Sunset Plaza Shopping Center, LLC, a Michigan limited liability company, or behalf of said company

LARYSA FIGOL
Notary Public, Oakland County, Michigan*
Acting in Oakland County, Michigan
My Commission Expires 03/02/2012

Larysa Figol
Notary Public, _____ County, _____
My Commission Expires _____
Acting in _____ County, _____

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

EXHIBIT "A"

LEGAL DESCRIPTION

PROPOSED NEW 12 FOOT WIDE WATER MAIN EASEMENT

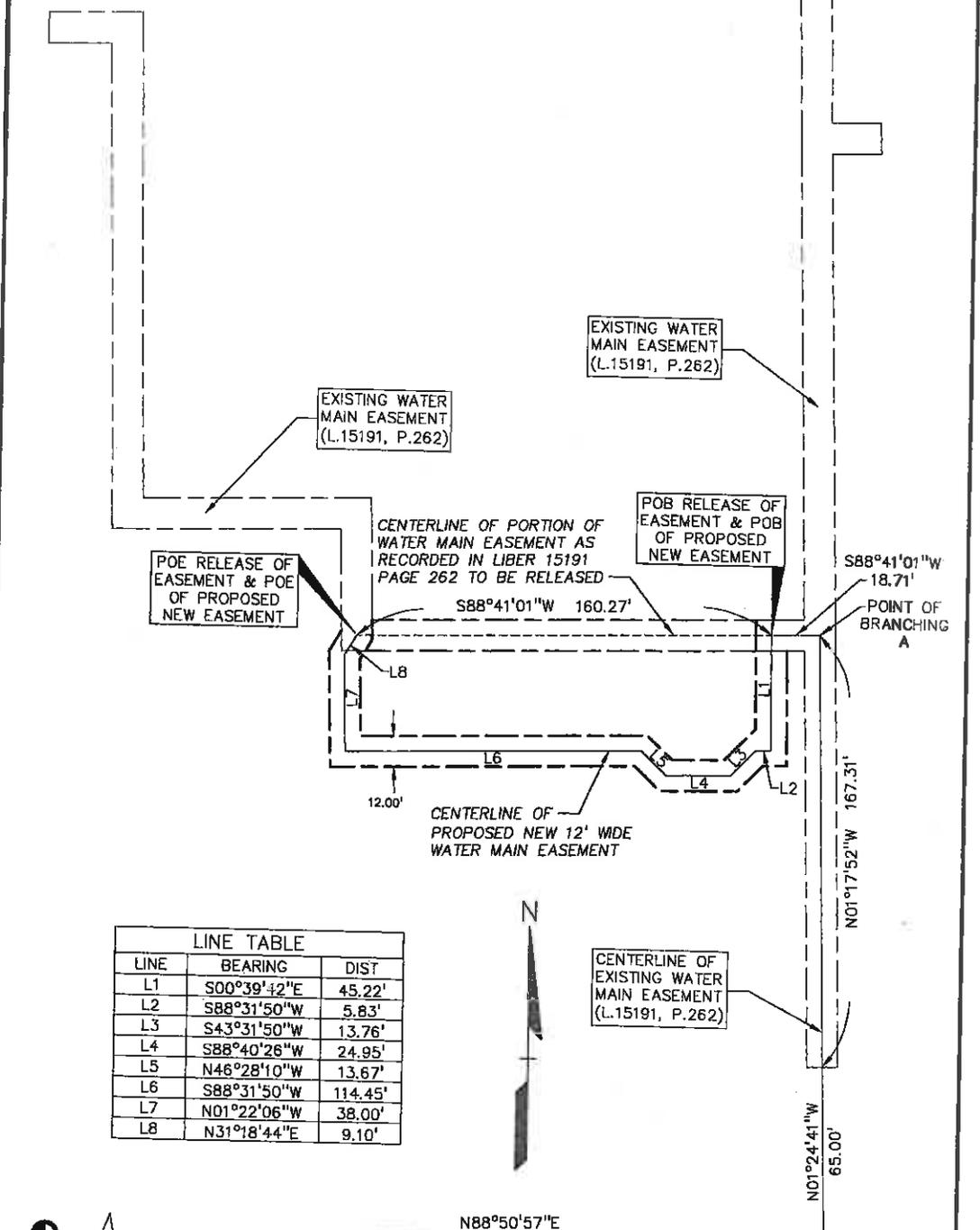
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- thence S00°39'42"E, 45.22 feet;
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- thence S43°31'50"W, 13.76 feet;
- thence S88°40'26"W, 24.95 feet;
- thence N46°28'10"W, 13.67 feet;
- thence S88°31'50"W, 114.45 feet;
- thence N01°22'06"W, 38.00 feet;
- thence N31°18'44"E, 9.10 feet to a point on the centerline of the aforementioned existing water main easement, said point also being the POINT OF ENDING of this new easement.

CLIENT: NORR, LLC 719 GRISWOLD STREET, SUITE 1000 DETROIT, MICHIGAN 48226	SCALE: 1"= 50'	JOB No: 2011-136
	DATE: 10-07-11	DWG. No: 2 of 2

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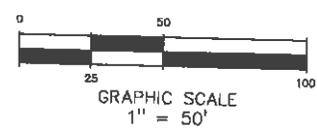
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 SOUTH LINE OF SECTION 10
 SOUTHWEST CORNER SECTION 10 T.2N, R.11E.



CLIENT: **NORR, LLC**
 719 GRISWOLD STREET, SUITE 1000
 DETROIT, MICHIGAN 48226

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