



CITY COUNCIL AGENDA ITEM

Date: August 21, 2012

To: Michael W. Culpepper, Interim 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 for Acceptance of a Warranty Deed and Permanent Easement -
Athens Parc Site Condominium - Sidwell #88-20-14-401-007

Background

As part of the development of Athens Parc Site Condominium in Section 14, the Engineering Department has received a warranty deed for a portion of Rockdale Court, a public road, and a permanent easement for sanitary sewer from Athens Parc Developers, LLC, owners of the property having Sidwell #88-20-14-401-007.

The consideration amount on each document is \$1.00. The format and content of the warranty deed and easement is consistent with documents previously accepted by City Council.

Recommendation

City Management recommends that City Council accept the attached warranty deed and permanent easement consistent with our policy of accepting deeds and easements for development and improvement purposes.

WARRANTY DEED

Sidwell #88-20-14-401-007 (pt of)
Resolution #

The Grantor(s), ATHENS PARC DEVELOPERS, LLC, a Michigan limited liability company whose address is 3301 Mirage, Troy, MI 48084 convey(s) and warrant(s) to the City of Troy, a Michigan Municipal Corporation, Grantee, whose address is 500 West Big Beaver, Troy, MI 48084, the following described premises situated in the City of Troy, County of Oakland and State of Michigan:

SEE EXHIBIT "A" ATTACHED HERETO & BY REFERENCE MADE A PART HEREOF

For the sum of One Dollar and 00/100 Dollars (\$1.00)

subject to easements and building and use restrictions of record and further subject to

Dated this 14th day of August, 2012.

ATHENS PARC DEVELOPERS, LLC
a Michigan limited liability company

By: [Signature]
*Gary F. Abitheira
Sole Member

STATE OF MICHIGAN
COUNTY OF Oakland }

The foregoing instrument was acknowledged before me this 14th day of August, 2012, by Gary F. Abitheira, Member of ATHENS PARC DEVELOPERS, LLC, a Michigan limited liability company, on behalf of the company.

LARYSA FIGOL
Notary Public, Oakland County, Michigan
Acting in Oakland County, Michigan
My Commission Expires 03/02/2018

[Signature]
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: | Drafted by: Larysa Figol City of Troy 500 West Big Beaver Troy, MI 48084 | |

Tax Parcel #88-20-14-401-007 (part of) Recording Fee _____ Transfer Tax _____

*TYPE OR PRINT NAMES UNDER SIGNATURES

EXHIBIT "A"

ROCKDALE COURT
PART OF PARCEL No. 20-14-401-007

PART OF LOT 17 OF "AMENDED PLAT OF LOT 17 SUPERVISOR'S PLAT OF SQUARE ACRES SUB.", AS RECORDED IN LIBER 296 OF PLATS, PAGE 23 AND 24, OAKLAND COUNTY RECORDS, BEING A PART OF THE SOUTHEAST QUARTER OF SECTION 14, TOWN 2 NORTH, RANGE 11 EAST, CITY OF TROY, OAKLAND COUNTY, MICHIGAN, BEING DESCRIBED AS:

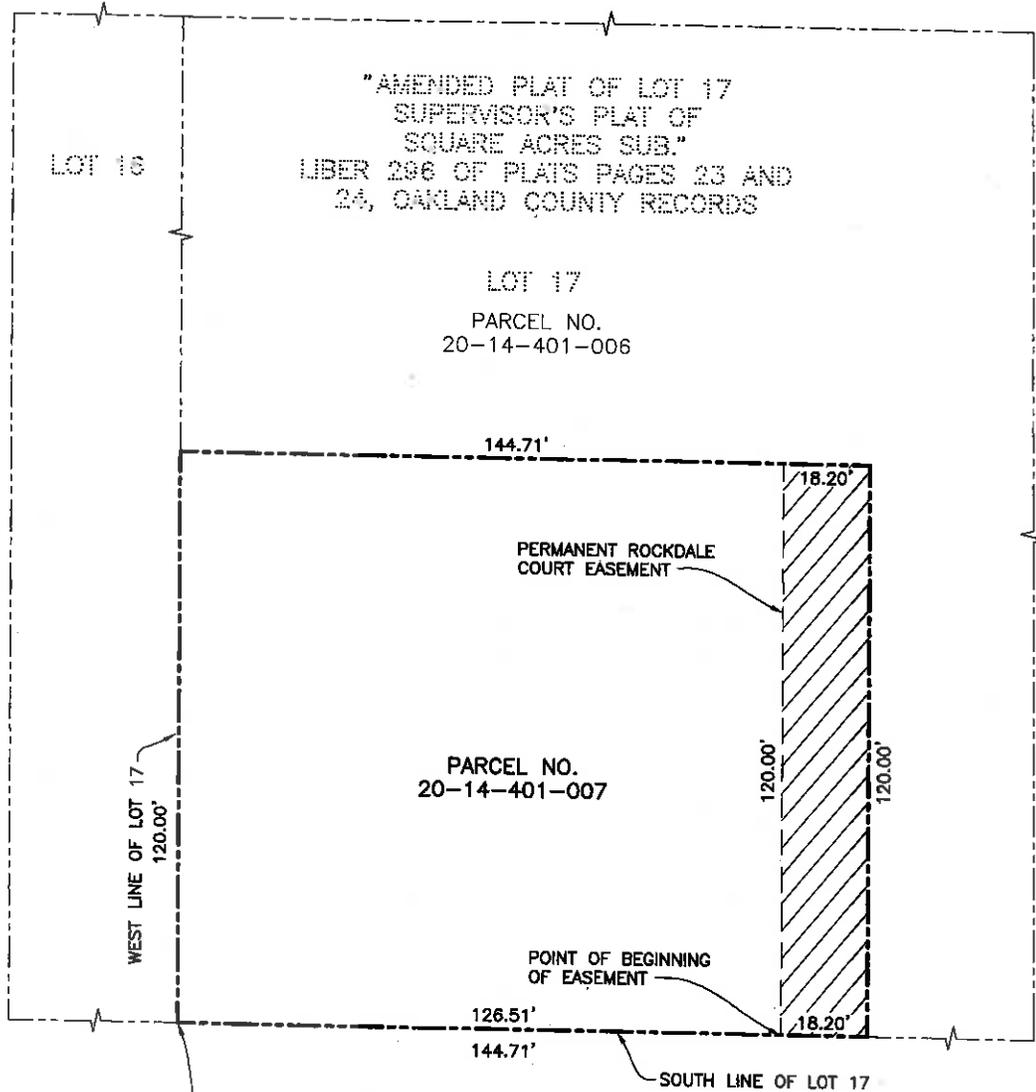
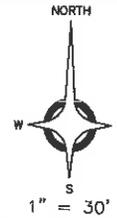
COMMENCING AT THE SOUTHWEST CORNER OF LOT 17 OF "AMENDED PLAT OF LOT 17 SUPERVISOR'S PLAT OF SQUARE ACRES SUB.", THENCE SOUTH 89 DEGREES 42 MINUTES 44 SECONDS EAST 126.51 FEET ALONG THE SOUTH LINE OF LOT 17 TO THE POINT OF BEGINNING; THENCE NORTH 00 DEGREES 15 MINUTES 00 SECONDS WEST 120.00 FEET; THENCE SOUTH 89 DEGREES 42 MINUTES 44 SECONDS EAST 18.20 FEET; THENCE SOUTH 00 DEGREES 15 MINUTES 00 SECONDS EAST 120.00 FEET TO THE SOUTH LINE OF LOT 17; THENCE NORTH 89 DEGREES 42 MINUTES 44 SECONDS WEST 18.20 FEET ALONG THE SOUTH LINE OF LOT 17 TO THE POINT OF BEGINNING. CONTAINING 0.05 ACRES, MORE OR LESS.

SUBJECT TO ANY AND ALL EASEMENTS AND RIGHTS OF WAY OF RECORD OR OTHERWISE.

ANDERSON, ECKSTEIN AND WESTRICK, INC.

ANDERSON, ECKSTEIN AND WESTRICK, INC.
 51301 SCHOENHERR ROAD
 SHELBY TWP., MI. 48315
 PHONE: (586) 726-1234
 FAX: (586) 726-8780
 ae@awinc.com
 www.awinc.com

EASEMENT EXHIBIT "A"



ROCKFIELD ROAD (60' WD.)

SOUTHWEST CORNER OF AMENDED PLAT
 OF LOT 17 SUPERVISOR'S PLAT OF
 SQUARE ACRES SUB." LIBER 296, PAGES
 23 AND 24, OAKLAND COUNTY RECORDS
 & POINT OF BEGINNING OF PARCEL

SEE ATTACHED SHEET FOR DESCRIPTION

| | | | |
|---|--|--|--|
| GRANTEE (TO): <u>CITY OF TROY</u> | | PARCEL I.D. NO.: <u>20-14-401-007</u> | |
| ADDRESS: <u>500 WEST BIG BEAVER</u> | | GRANTOR (FROM): <u>GARY ABITHEIRA</u> | |
| CITY, ST., & ZIP: <u>TROY, MI 48064</u> | | ADDRESS: <u>979 BADDER</u> | |
| SEC: <u>14</u> TWP: <u>CITY OF TROY</u> COUNTY: <u>OAKLAND COUNTY</u> | | CITY, ST., & ZIP: <u>TROY, MICHIGAN 48064</u> | |
| DRAWN BY: <u>MJS</u> CHECKED BY: <u>RHB</u> SCALE: <u>1" = 30'</u> | | AEW NO.: <u>1209-0001</u> BOOK NO.: | |
| SHEET <u>1 OF 3</u> | | EASEMENT NO.: <u>ROAD_EASE</u> CONST. PLAN PAGE NO.: | |
| TITLE SEARCH: | | | |

PERMANENT EASEMENT

Sidwell #88-20-14-401-007
Resolution #

ATHENS PARC DEVELOPERS, LLC a Michigan limited liability company, Grantor(s), whose address is 3301 Mirage, Troy, MI 48084 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 HEREOF

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 14th day of August A.D. 2012.

ATHENS PARC DEVELOPERS, LLC, a
Michigan limited liability company

By [Signature] (L.S.)
*Gary F. Abitheira
Its Sole Member

STATE OF MICHIGAN
COUNTY OF Oakland

The foregoing instrument was acknowledged before me this 14th day of August, 2012, by Gary F. Abitheira, Sole Member of ATHENS PARC DEVELOPERS, LLC, a Michigan limited liability company on behalf of the company.

LARYSA FIGOL
Notary Public, Oakland County, Michigan
Acting in Oakland County, Michigan
My Commission Expires 03/02/2018
Notary Public, _____ County, Michigan
My Commission Expires _____
Acting in _____ County, Michigan

[Signature]

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

PLEASE SIGN IN BLUE INK AND PRINT OR TYPE NAMES IN BLACK INK UNDER SIGNATURES

EXHIBIT "A"

SANITARY SEWER EASEMENT PART OF PARCEL No. 20-14-401-007

A PERMANENT SANITARY SEWER EASEMENT, PART OF LOT 17 OF "AMENDED PLAT OF LOT 17 SUPERVISOR'S PLAT OF SQUARE ACRES SUB.", AS RECORDED IN LIBER 296 OF PLATS, PAGES 23 AND 24, OAKLAND COUNTY RECORDS, BEING A PART OF THE SOUTHEAST QUARTER OF SECTION 14, TOWN 2 NORTH, RANGE 11 EAST, CITY OF TROY, OAKLAND COUNTY, MICHIGAN, BEING DESCRIBED AS:

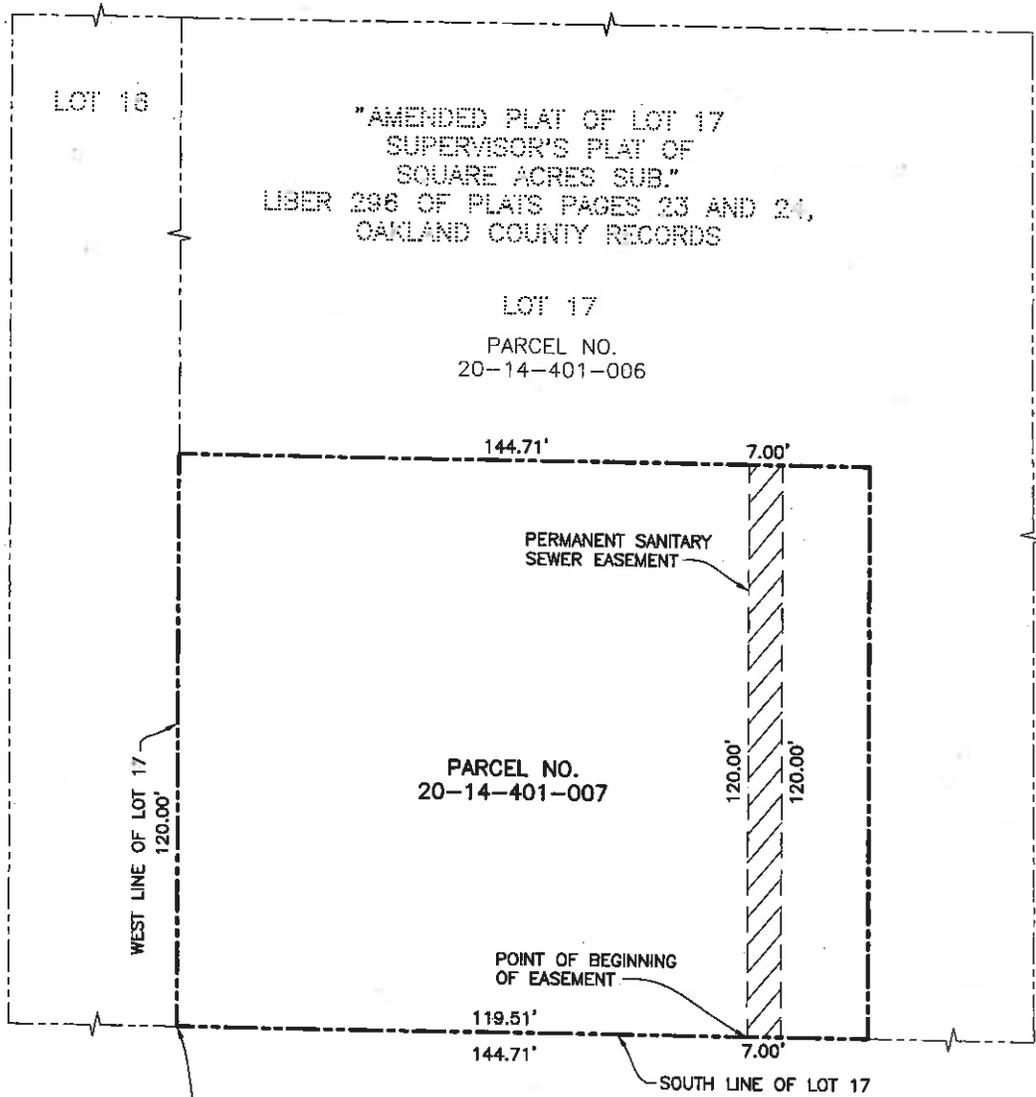
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SUBJECT TO ANY AND ALL EASEMENTS AND RIGHTS OF WAY OF RECORD OR OTHERWISE.

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ROCKFIELD ROAD (60' WD.)

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| GRANTEE (TO): | | CITY OF TROY | | PARCEL I.D. NO.: | 20-14-401-007 |
| ADDRESS: | | 500 WEST BIG BEAVER | | GRANTOR (FROM): | GARY ABITHEIRA |
| CITY, ST., & ZIP: | | TROY, MI 48084 | | ADDRESS: | 979 BADDER |
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| SEC: 14 | TWP: CITY OF TROY | COUNTY: OAKLAND COUNTY | AEW NO.: | 1209-0001 | BOOK NO.: |
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| SHEET 1 OF 3 | | | TITLE SEARCH: | | |