CITY COUNCIL AGENDA ITEM

Date: August 22, 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 Two Permanent Easements - Cedar Pines Estates No.2 Site Condominium - Sidwell #88-20-04-100-013

Background

As part of the development of Cedar Pines Estates No.2 Site Condominium in Section 4, the Engineering Department has received two permanent easements for storm sewer and surface drainage, and sanitary sewer from Mondrian Properties Cedar Pines, LLC, owners of the property having Sidwell #88-20-04-100-013.

The consideration amount on each document is $1.00. The format and content of these easements is consistent with documents previously accepted by City Council.

Recommendation

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

PERMANENT EASEMENT

Sidwell #88-20-04-100-013 (pt of)
Resolution #

MONDRIAN PROPERTIES CEDAR PINES, L.L.C., a Michigan limited liability company, Grantor(s), whose address is 50215 Schoenherr Road, Shelby Twp, MI 48315 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, 48084 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 1 signature(s) this 22nd day of August A.D. 2012.

In presence of: (not required)

MONDRIAN PROPERTIES CEDAR PINES, LLC,
a Michigan limited liability company

By _____(L.S.)
*Joseph Maniaci
Its Managing Member

STATE OF MICHIGAN)
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this 22nd day of August, 2012, by Joseph Maniaci, Managing Member, of MONDRIAN PROPERTIES CEDAR PINES, L.L.C., a Michigan limited liability company on behalf of the company.

Janet M Parsons

JANET M PARSONS
Notary Public, State of Michigan
County of Oakland
My Commission Expires 10-14-2016
Acting in the County of OAKLAND

Notary Public, _____County, Michigan

My Commission Expires on _____
Acting in the County of _____, Michigan

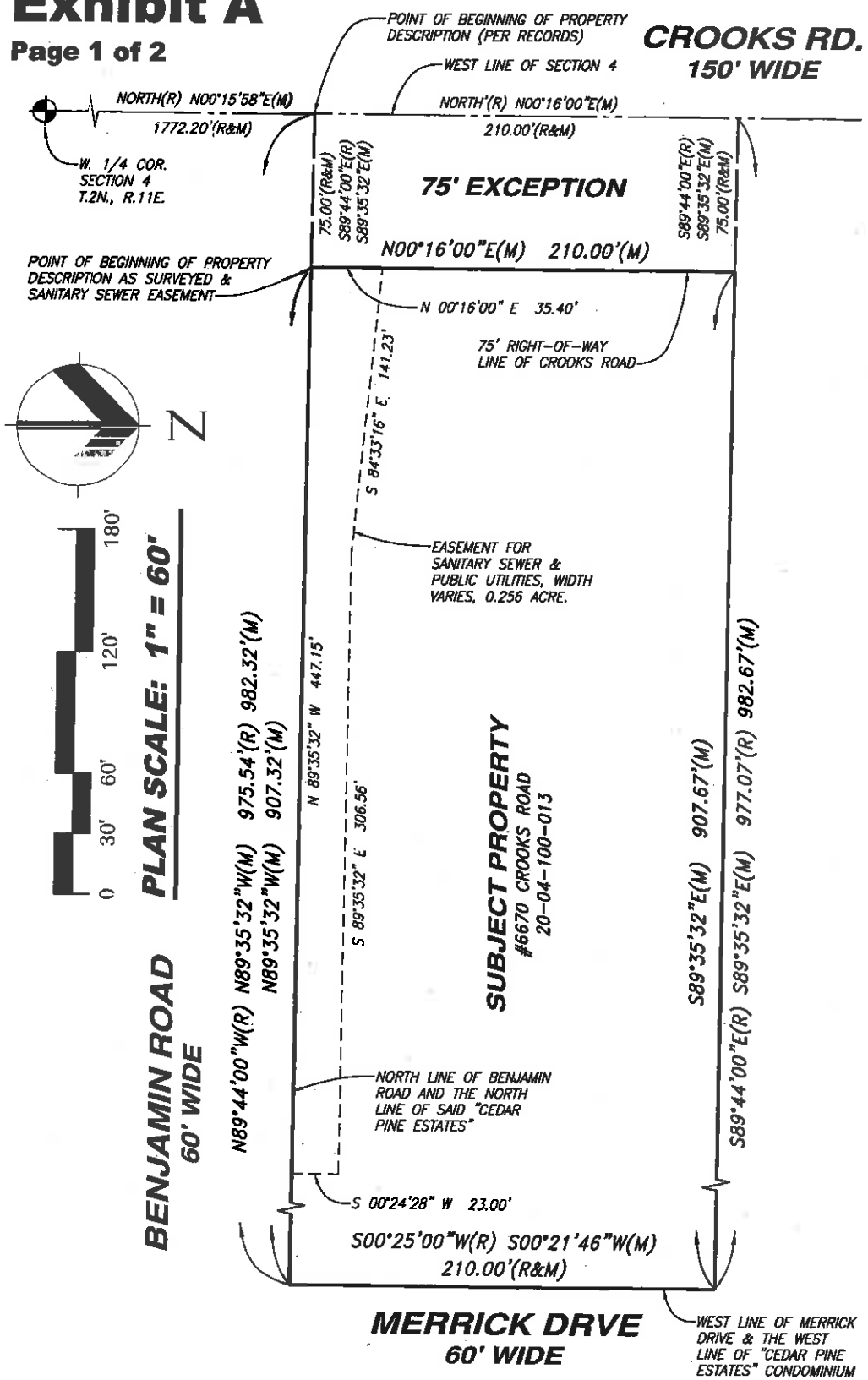
Prepared by: Larysa Figol
City of Troy
500 W. Big Beaver Road
Troy, MI 48084

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

Page 1 of 2



HORIZON ENGINEERING LLC

CIVIL ENGINEERING, SITE PLANNING & LAND DEVELOPMENT CONSULTING

P.O. Box 182158, Shelby Township, Michigan 48318
Phone 586.453.8097 Fax 586.580.0053

PROJECT:

Sanitary Sewer Easement for Cedar Pines Est. No. 2

#6670 CROOKS ROAD
PARCEL 20-04-100-013

PART OF THE N.W. FRACTIONAL 1/4 OF SECTION 4, T.2N., R.11E., CITY OF TROY, OAKLAND COUNTY, MICHIGAN

CLIENT:
MR. JOSEPH MANIACI
MONDRIAN PROPERTICS, LLC
50215 SCHOENHERR RD.
SHELBY TWP., MI 48315
(586) 726-7340

JOB NO:	12-051
DATE:	7-14-12
REVISED:	7-19-12
DRAWN BY:	N.P.R.

Exhibit A

PROPERTY DESCRIPTION (PER RECORDS)

PARCEL ID NO. 20-04-100-013
A PARCEL OF LAND LOCATED IN THE NORTHWEST FRACTIONAL 1/4 OF SECTION 4, TOWN 2 NORTH, RANGE 11 EAST, CITY OF TROY, OAKLAND COUNTY, MICHIGAN DESCRIBED AS: BEGINNING AT A POINT DISTANT NORTH 1772.20 FEET FROM THE WEST 1/4 CORNER OF SAID SECTION 4; THENCE NORTH 210 FEET; THENCE S.89°44'00"E., 977.07 FEET; THENCE S.00°25'00"W., 210 FEET; THENCE N.89°44'00"W., 975.54 FEET TO THE POINT OF BEGINNING EXCEPT THE WEST 75 FEET TAKEN FOR ROAD PURPOSES.

PROPERTY DESCRIPTION (AS SURVEYED)

PARCEL ID NO. 20-04-100-013
A PARCEL OF LAND LOCATED IN THE NORTHWEST FRACTIONAL 1/4 OF SECTION 4, TOWN 2 NORTH, RANGE 11 EAST, CITY OF TROY, OAKLAND COUNTY, MICHIGAN DESCRIBED AS: COMMENCING AT THE WEST 1/4 CORNER OF SAID SECTION 4; THENCE ALONG THE WEST LINE OF SAID SECTION 4 N.00°15'58"E., 1772.20 FEET; THENCE S.89°35'32"E., 75.00 FEET TO THE 75-FOOT RIGHT-OF-WAY LINE OF CROOKS ROAD (150' WIDE) AND THE POINT OF BEGINNING; THENCE ALONG SAID 75-FOOT RIGHT-OF-WAY LINE N.00°16'00"E., 210.00 FEET; THENCE S.89°35'32"E., 907.67 FEET TO A POINT ON THE WEST LINE OF MERRICK DRIVE & THE WEST LINE OF "CEDAR PINE ESTATES" CONDOMINIUM AS RECORDED IN LIBER 33777, PAGE 612, OAKLAND COUNTY RECORDS; THENCE ALONG SAID LINE S.00°21'46"W., 210.00 FEET TO THE INTERSECTION OF THE WEST LINE OF MERRICK DRIVE AND THE NORTH LINE OF BENJAMIN ROAD; THENCE ALONG THE NORTH LINE OF BENJAMIN ROAD AND THE NORTH LINE OF SAID "CEDAR PINE ESTATES" N.89°35'32"W., 907.32 FEET TO THE POINT OF BEGINNING, CONTAINING 4.375 ACRES OF LAND.

EASEMENT FOR SANITARY SEWER & PUBLIC UTILITIES

A VARIABLE-WIDTH EASEMENT FOR SANITARY SEWER AND PUBLIC UTILITIES, PART OF THE NORTHWEST FRACTIONAL 1/4 OF SECTION 4, TOWN 2 NORTH, RANGE 11 EAST, CITY OF TROY, OAKLAND COUNTY, MICHIGAN, IS DESCRIBED AS: COMMENCING AT THE WEST 1/4 CORNER OF SAID SECTION 4; THENCE ALONG THE WEST LINE OF SAID SECTION 4 N.00°15'58"E., 1772.20 FEET; THENCE S.89°35'32"E., 75.00 FEET TO THE 75-FOOT RIGHT-OF-WAY LINE OF CROOKS ROAD (150' WIDE) AND THE POINT OF BEGINNING; THENCE ALONG SAID 75-FOOT RIGHT-OF-WAY LINE N.00°16'00"E., 35.40 FEET; THENCE S.84°33'16"E., 141.23 FEET; THENCE S.89°35'32"E., 306.56 FEET; THENCE S.00°24'28"W., 23.00 FEET TO A POINT ON THE NORTH LINE OF BENJAMIN ROAD AND THE NORTH LINE OF SAID "CEDAR PINE ESTATES" CONDOMINIUM AS RECORDED IN LIBER 33777, PAGE 612, OAKLAND COUNTY RECORDS; THENCE ALONG SAID LINE N.89°35'32"W., 447.15 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.256 OF AN ACRE.

HORIZON
ENGINEERING LLC
CIVIL ENGINEERING, SITE PLANNING & LAND DEVELOPMENT CONSULTING
P.O. Box 182158, Shelby Township, Michigan 48318
Phone 586.453.8097 Fax 586.580.0053

PROJECT:
Sanitary Sewer Easement for Cedar Pines Est. No. 2
#6670 CROOKS ROAD
PARCEL 20-04-100-013
PART OF THE N.W. FRACTIONAL 1/4 OF SECTION 4, T.2N., R.11E., CITY OF TROY, OAKLAND COUNTY, MICHIGAN

CLIENT:
MR. JOSEPH MANIACI
MONDRIAN PROPERTIES, LLC
50215 SCHOENHERR RD.
SHELBY TWP., MI 48316
(586) 726-7340

JOB NO: 12-051
DATE: 7-14-12
REVISED: 7-19-12
DRAWN BY: N.P.R.

PERMANENT EASEMENT

Sidwell #88-20-04-100-013 (pt of)
Resolution #

MONDRIAN PROPERTIES CEDAR PINES, L.L.C., a Michigan limited liability company, Grantor(s), whose address is 50215 Schoenherr Road, Shelby Twp, MI 48315 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, 48084 grants to the Grantee the right to construct, operate, maintain, repair and/or replace **storm sewer and surface drainage**, 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 1 signature(s) this 22nd day of August A.D. 2012.

In presence of: (not required)

MONDRIAN PROPERTIES CEDAR PINES, LLC,
a Michigan limited liability company

By _____(L.S.)
Joseph Maniaci
Its Managing Member

STATE OF MICHIGAN)
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this 22nd day of August, 2012, by Joseph Maniaci, Managing Member, of MONDRIAN PROPERTIES CEDAR PINES, L.L.C., a Michigan limited liability company on behalf of the company.

Janet M Parsons

JANET M PARSONS
Notary Public, State of Michigan
County of Oakland
My Commission Expires 10-14-2016
Acting in the County of Oakland

Notary Public, _____County, Michigan

My Commission Expires on _____
Acting in the County of _____, Michigan

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

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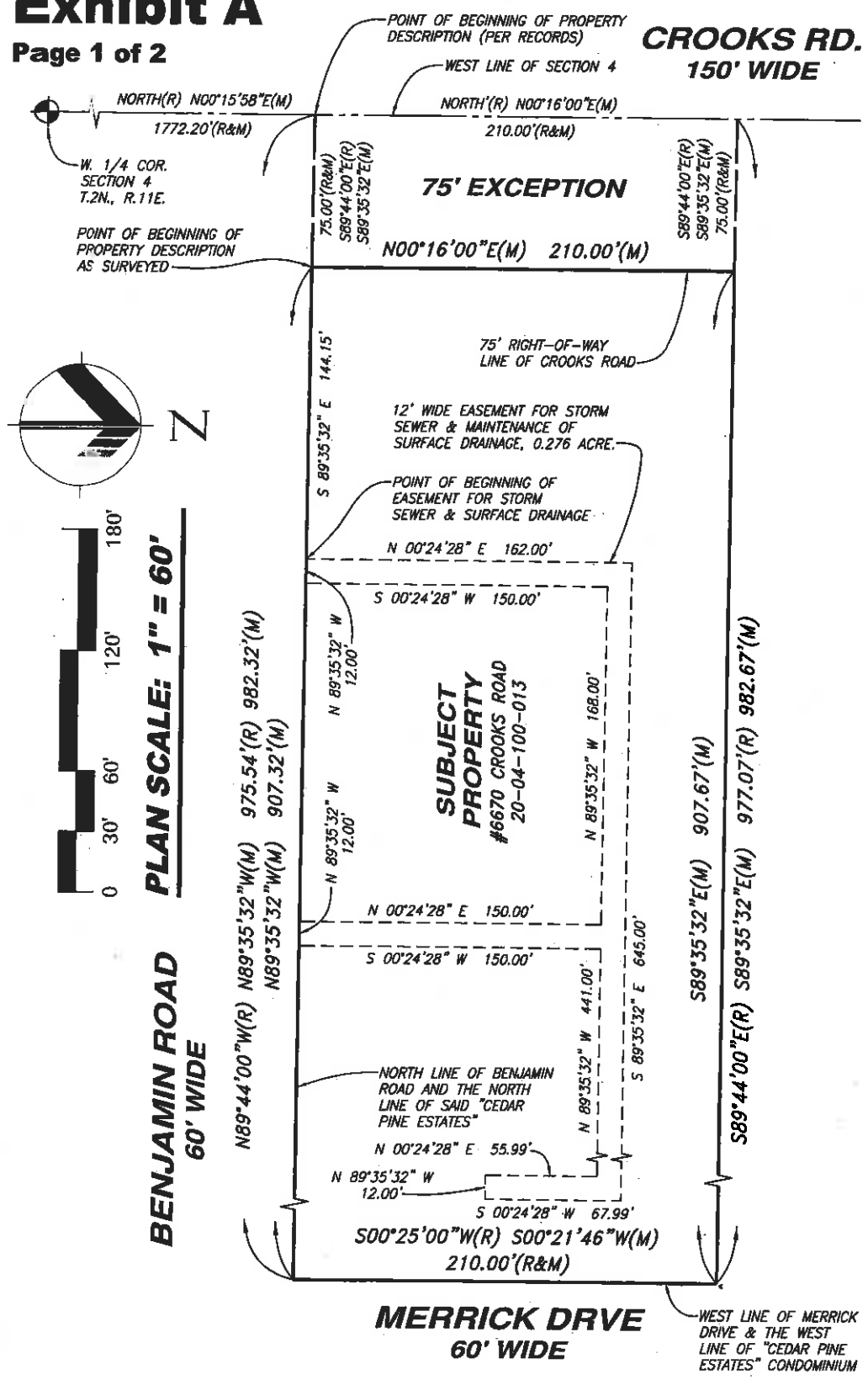
Page 1 of 2



HORIZON ENGINEERING LLC

CIVIL ENGINEERING, SITE PLANNING & LAND DEVELOPMENT CONSULTING

P.O. Box 182158, Shelby Township, Michigan 48318
Phone 586.453.8097 Fax 586.580.0053

PROJECT:

Storm Sewer Easement for Cedar Pines Est. No. 2

#6670 CROOKS ROAD
PARCEL 20-04-100-013

PART OF THE N.W. FRACTIONAL 1/4 OF SECTION 4, T.2N., R.11E., CITY OF TROY, OAKLAND COUNTY, MICHIGAN

CLIENT:
MR. JOSEPH MANIACI
MONDRIAN PROPERTIES, LLC
50215 SCHOENHERR RD.
SHELBY TWP., MI 48315
(586) 726-7340

JOB NO:	12-051
DATE:	7-14-12
REVISED:	7-19-12
DRAWN BY:	N.P.R.

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PARCEL ID NO. 20-04-100-013
A PARCEL OF LAND LOCATED IN THE NORTHWEST FRACTIONAL 1/4 OF SECTION 4, TOWN 2 NORTH, RANGE 11 EAST, CITY OF TROY, OAKLAND COUNTY, MICHIGAN DESCRIBED AS: BEGINNING AT A POINT DISTANT NORTH 1772.20 FEET FROM THE WEST 1/4 CORNER OF SAID SECTION 4; THENCE NORTH 210 FEET; THENCE S.89°44'00"E., 977.07 FEET; THENCE S.00°25'00"W., 210 FEET; THENCE N.89°44'00"W., 975.54 FEET TO THE POINT OF BEGINNING EXCEPT THE WEST 75 FEET TAKEN FOR ROAD PURPOSES.

PROPERTY DESCRIPTION (AS SURVEYED)

PARCEL ID NO. 20-04-100-013
A PARCEL OF LAND LOCATED IN THE NORTHWEST FRACTIONAL 1/4 OF SECTION 4, TOWN 2 NORTH, RANGE 11 EAST, CITY OF TROY, OAKLAND COUNTY, MICHIGAN DESCRIBED AS: COMMENCING AT THE WEST 1/4 CORNER OF SAID SECTION 4; THENCE ALONG THE WEST LINE OF SAID SECTION 4 N.00°15'58"E., 1772.20 FEET; THENCE S.89°35'32"E., 75.00 FEET TO THE 75-FOOT RIGHT-OF-WAY LINE OF CROOKS ROAD (150' WIDE) AND THE POINT OF BEGINNING; THENCE ALONG SAID 75-FOOT RIGHT-OF-WAY LINE N.00°16'00"E., 210.00 FEET; THENCE S.89°35'32"E., 907.67 FEET TO A POINT ON THE WEST LINE OF MERRICK DRIVE & THE WEST LINE OF "CEDAR PINE ESTATES" CONDOMINIUM AS RECORDED IN LIBER 33777, PAGE 612, OAKLAND COUNTY RECORDS; THENCE ALONG SAID LINE S.00°21'46"W., 210.00 FEET TO THE INTERSECTION OF THE WEST LINE OF MERRICK DRIVE AND THE NORTH LINE OF BENJAMIN ROAD; THENCE ALONG THE NORTH LINE OF BENJAMIN ROAD AND THE NORTH LINE OF SAID "CEDAR PINE ESTATES" N.89°35'32"W., 907.32 FEET TO THE POINT OF BEGINNING, CONTAINING 4.375 ACRES OF LAND.

EASEMENT FOR STORM SEWER & MAINTENANCE OF SURFACE DRAINAGE

A TWELVE (12) FEET WIDE EASEMENT FOR STORM SEWER AND MAINTENANCE OF SURFACE DRAINAGE, PART OF THE NORTHWEST FRACTIONAL 1/4 OF SECTION 4, TOWN 2 NORTH, RANGE 11 EAST, CITY OF TROY, OAKLAND COUNTY, MICHIGAN, IS DESCRIBED AS: COMMENCING AT THE WEST 1/4 CORNER OF SAID SECTION 4; THENCE ALONG THE WEST LINE OF SAID SECTION 4 N.00°15'58"E., 1772.20 FEET; THENCE S.89°35'32"E., 75.00 FEET TO THE 75-FOOT RIGHT-OF-WAY LINE OF CROOKS ROAD (150' WIDE); THENCE ALONG THE NORTH LINE OF BENJAMIN ROAD AND THE NORTH LINE OF "CEDAR PINE ESTATES" CONDOMINIUM AS RECORDED IN LIBER 33777, PAGE 612, OAKLAND COUNTY RECORDS S.89°35'32"E., 144.15 FEET TO THE POINT OF BEGINNING; THENCE N.00°24'28"E., 162.00 FEET; THENCE S.89°35'32"E., 645.00 FEET; THENCE S.00°24'28"W., 67.99 FEET; THENCE N.89°35'32"W., 12.00 FEET; THENCE N.00°24'28"E., 55.99 FEET; THENCE N.89°35'32"W., 441.00 FEET; THENCE S.00°24'28"W., 150.00 FEET TO A POINT ON THE NORTH LINE OF SAID BENJAMIN ROAD AND THE NORTH LINE OF SAID "CEDAR PINE ESTATES"; THENCE ALONG SAID LINE N.89°35'32"W., 12.00 FEET; THENCE N.00°24'28"E., 150.00 FEET; THENCE N.89°35'32"W., 168.00 FEET; THENCE S.00°24'28"W., 150.00 FEET TO A POINT ON THE NORTH LINE OF SAID BENJAMIN ROAD AND THE NORTH LINE OF SAID "CEDAR PINE ESTATES"; THENCE ALONG SAID LINE N.89°35'32"W., 12.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.276 OF AN ACRE.

HORIZON ENGINEERING LLC
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P.O. Box 182158, Shelby Township, Michigan 48318
Phone 586.453.8097 Fax 586.580.0053

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Storm Sewer Easement for Cedar Pines Est. No. 2
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CLIENT:
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