

December 6, 2005

E-07

TO: John Szerlag, City Manager

FROM: Douglas Smith, Real Estate & Development Director
Mark Miller, Planning Director

RE: AGENDA ITEM – Approval of Quit Claim Deed for Part of Vacated Bronx Avenue and Part of Lot 35 of Lasier Gardens Subdivision from City of Troy to Troy Sports Center Properties, L.L.C. and Authorization for Signatures Sidwell #88-20-23-476-011

In December of 1986 the City of Troy sold Remnant Parcel "K" to William and Natalie Fordon for the development of an office building. In conjunction with this sale, the City retained the eastern 5' of this parcel for future Bronx Avenue right-of-way. It was anticipated that if Bronx Avenue were ever improved the 5' would be added to the existing 50' of platted right-of-way, and we would acquire 5' on the east side of the street (to total 60' of right-of-way).

On April 15, 1996 Troy City Council passed a resolution authorizing the vacation of several streets in Lasier Gardens Subdivision, so that Troy Sports Center, LLC could proceed with their development at the northwest corner of Big Beaver and John R. It has come to our attention that this vacation included the 50' wide Bronx Avenue, but did not address the 5' future right-of-way that was retained in 1996 as part of the sale of Remnant Parcel "K".

As part of the General Provisions of Michigan's Land Divisions Act, when a street is vacated title up to the center line of the vacated street vests in the respective owners of the abutting property on each side. Therefore, when Bronx Avenue was vacated, title to one-half of the area adjacent to the former Remnant Parcel "K" vested with the City of Troy due to their ownership of the 5' strip of land previously retained.

The property at 1735 East Big Beaver (including the former Remnant Parcel "K") has been sold several times since 1986 and is currently owned by Troy Sports Center Properties, L.L.C. It was never the intent of the City of Troy to retain anything greater than some easement interests in the property.

In order to clear up this cloud on the title, it is recommended that City Council approve the attached Quit Claim Deed from the City of Troy to Troy Sports Center Properties, L.L.C., subject to the retention of an easement for public access over the vacated street adjacent to the north 162 feet of Lot 35, as well as an easement for public utilities, storm sewer/drainage and sidewalk over the south 10 feet of the west 25 feet of the vacated street and authorize the Mayor and City Clerk to sign the deed. As stated on the attached deed, the City will retain an easement for public access over the vacated street adjacent to the North 162 feet of Lot 35, as well as an easement over the South 10 feet of the West 25 feet of the vacated street for public utilities, storm sewer/drainage and sidewalk.

QUIT CLAIM DEED

Sidwell # part of 20-23-476-011
Resolution #

The Grantor(s), City of Troy, a Michigan Municipal Corporation, whose address is 500 West Big Beaver Road, Troy, Michigan 48084 quit claims to Troy Sports Center Properties, L.L.C., a Michigan Limited Liability Company, Grantee, whose address is 1819 East Big Beaver Road, Troy, Michigan 48083, the following described premises situated in the City of Troy, County of Oakland and State of Michigan:

THE WEST 25' OF VACATED BRONX AVENUE, ADJACENT TO THE NORTH 162 FEET OF LOT 35; ALSO THE EAST 5' OF THE NORTH 162 FEET OF LOT 35, LASIER GARDENS SUBDIVISION, A SUBDIVISION OF THE SOUTHEAST ¼ OF SECTION 23, TOWN 2 NORTH, RANGE 11 EAST, OAKLAND COUNTY, MICHIGAN, AS RECORDED IN LIBER 34, PAGE 10 OF OAKLAND COUNTY PLATS.

THE CITY WILL RETAIN AN EASEMENT FOR PUBLIC ACCESS OVER THE VACATED STREET ADJACENT TO THE NORTH 162 FEET OF LOT 35, AS WELL AS AN EASEMENT OVER THE SOUTH 10 FEET OF THE WEST 25 FEET OF THE VACATED STREET FOR PUBLIC UTILITIES, STORM SEWER/ DRAINAGE AND SIDEWALK.

For the sum of One Dollar (\$ 1.00)

Dated this day of , 2005.

Signed by:

By _____
*Louise E. Schilling

Its: Mayor

By _____
*Tonni L. Bartholomew

Its: City Clerk

STATE OF MICHIGAN)
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this day of 2005 by Louise E. Schilling, Mayor and Tonni L. Bartholomew, City Clerk on behalf of the City of Troy, a Michigan Municipal Corporation, on behalf of the corporation.

Notary Public, _____ County
My commission expires: _____
Acting in Oakland County, Michigan

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: Patricia A. Pettito City of Troy 500 West Big Beaver Troy, MI 48084	



Geographical Information Systems Online

