

January 24, 2006

TO: John Szerlag, City Manager

FROM: Brian P. Murphy, Assistant City Manager/Services
Douglas J. Smith, Real Estate & Development Director 

RE: AGENDA ITEM: Request for Acceptance of a Permanent
Watermain Easement – Manorcare Health Services, Inc.,
Sidwell # 88-20-03-102-001

In connection with the development of the property located at the southeast corner of Livernois and South Boulevard in Section 3, the Real Estate & Development Department has received a permanent easement for watermain from the property owner Manorcare Health Services, Inc., having Sidwell #88-20-03-102-001. Consideration on this document is \$1.00.

In order for this project to proceed, management recommends the acceptance of the attached document.

PERMANENT EASEMENT

Sidwell # 88-20-03-102-001
Project # 02.935.3
Resolution #

MANORCARE HEALTH SERVICES, INC., a Delaware Corporation, Grantor, whose address is 333 N. Summit Street, Toledo, OH 43699-0086 for and in consideration of the sum of: One dollar and no/100 (\$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 watermain, said easement for land situated in the City of Troy, Oakland County, Michigan, described as:

SEE EXHIBIT "A" ATTACHED HERETO & 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 15th day of November A.D. 2005.

In presence of:

^{CARE}
MANOR HEALTH SERVICES, INC., a Delaware Corporation

Patricia McC... (L.S.)

By [Signature] (L.S.)
*Larry R. Godja
Its: Vice-President

Cheryl Aden... (L.S.)

STATE OF Ohio
COUNTY OF Lucas

The foregoing instrument was acknowledged before me this 15th day of Nov, 2005, by Larry R. Godja, Vice-President of MANOR HEALTH SERVICES, INC., a Delaware Corporation, on behalf of the corporation.

^{CARE}

Cheryl Aden...

Notary Public, Lucas County, Ohio

My commission Expires 6-25-08
Acting in Lucas County, Ohio

Prepared by:
Larysa Figol, City of Troy
500 West Big Beaver
Troy, Michigan 48084

Return to:
City Clerk, City of Troy
500 West Big Beaver Road
Troy, Michigan 48064



Exhibit A

20 FOOT WIDE WATER MAIN EASEMENT

LEGAL DESCRIPTION - PARCEL

A PART OF THE NW. FRACTIONAL 1/4 OF SECTION 3, T.2N., R.11E., CITY OF TROY, OAKLAND COUNTY, MICHIGAN, BEING DESCRIBED AS: COMMENCING AT THE N.W. CORNER OF SECTION 3; THENCE S.01°06'39"E. 60.00 FEET ALONG THE WESTERLY LINE OF SAID SECTION 3; THENCE N.88°33'00"E. 240.01 FEET TO THE POINT OF BEGINNING; THENCE N.88°33'00"E. 400.00 FEET ALONG THE SOUTH LINE OF SOUTH BOULEVARD (120' WIDE); THENCE S.01°06'39"E. 411.69 FEET TO THE N.E. CORNER OF LOT #17 OF "MEADOWLAND ESTATES SUBDIVISION", AS RECORDED IN LIBER 224 OF PLATS, PAGES 32-37, OAKLAND COUNTY RECORDS; THENCE S.88°33'00"W. 400.00 FEET; THENCE N.01°06'39"W. 411.69 FEET TO THE POINT OF BEGINNING.

CONTAINING 164,676 SQ. FT. OR 3.785 ACRES OF LAND.

LEGAL DESCRIPTION - WATER MAIN EASEMENT

A TWENTY (20.00) FOOT WIDE WATER MAIN EASEMENT BEING DESCRIBED ALONG ITS CENTERLINE AS: BEGINNING AT A POINT DISTANT N.88°33'00"E., 28.14 FEET FROM SAID PARCEL P.O.B; THENCE S.01°26'01"E., 157.12 FEET TO THE POINT OF ENDING. ALSO BEGINNING AT A POINT DISTANT N.88°33'00"E., 334.63 FEET FROM SAID PARCEL P.O.B; THENCE S.01°26'01"E., 65.83 FEET TO POINT "A"; THENCE S.01°26'01"E., 187.36 FEET TO THE POINT OF ENDING; THENCE CONTINUING FROM SAID POINT "A", S.88°36'53"W., 50.00 FEET TO THE POINT OF ENDING.

NF NOWAK & FRAUS

Consulting Engineers • Land Surveyors • Land Planners

1310 N. Stephenson Highway
Royal Oak, Michigan 48067-1508

Tel. (248) 399-0886
Fax. (248) 399-0805

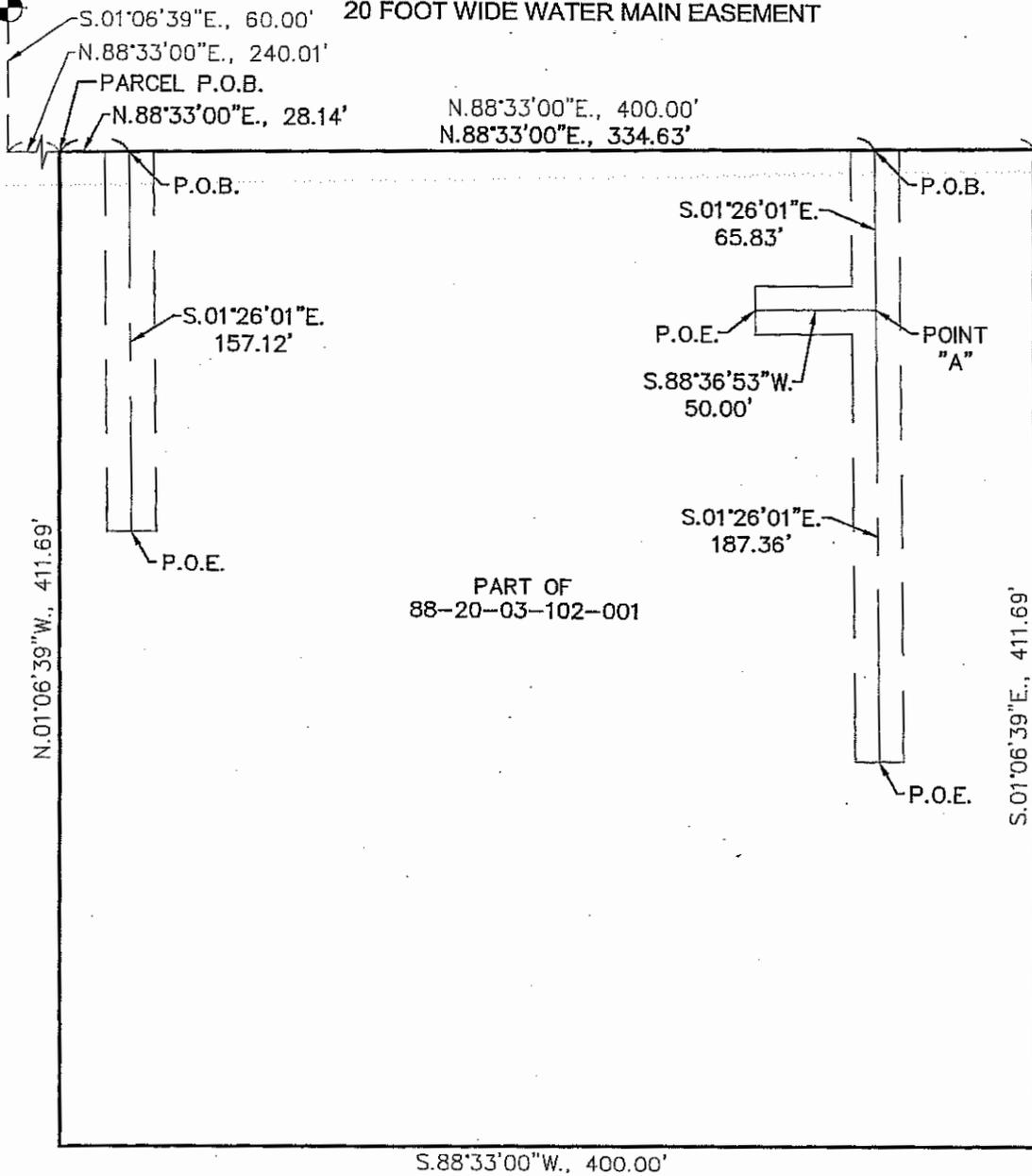
Prepared For:
HCR Manorcare

SCALE	DATE	REVISED	DRAWN	JOB No.	SHEET
No Scale	03-18-05	04-01-05	M.R.C.	D651	2 of 2

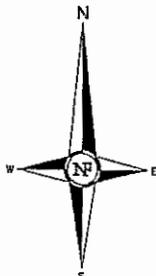
N.W. CORNER
SECTION 3,
T.2N., R.11E.

Exhibit A

20 FOOT WIDE WATER MAIN EASEMENT



PART OF
88-20-03-102-001



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Prepared For:
HCR Manorcure

SCALE	DATE	REVISED	DRAWN	JOB No.	SHEET
1" = 60'	03-18-05	04-01-05	M.R.C.	D651	1 of 2