

November 15, 2005

TO: John Szerlag, City Manager

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

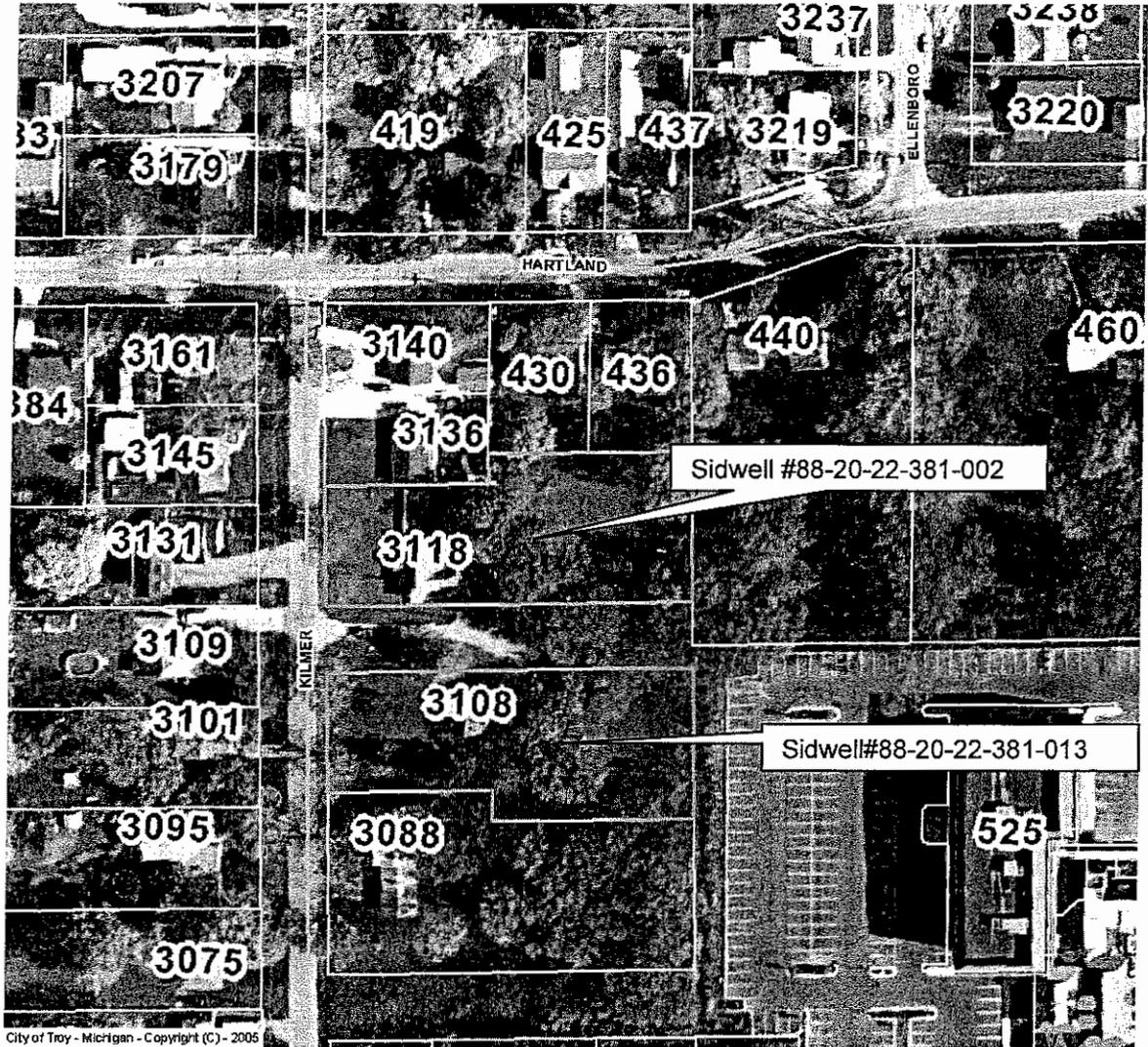
SUBJECT: AGENDA ITEM – REQUEST FOR ACCEPTANCE OF FOUR  
UTILITY EASEMENTS FROM GARY F. AND BRENDA  
ABITHEIRA - Sidwell #88-20-22-381-002 & 013

In connection with the redevelopment of two parcels on Kilmer Avenue, located in the southwest ¼ of Section 22, the Real Estate and Development Department has acquired four easements from the property owners Gary F. and Brenda Abitheira. The consideration on each of these documents is \$1.00:

<u>SIDWELL #</u>	<u>OWNER</u>	<u>DOCUMENT TYPE</u>
88-20-22-381-013	Gary F. & Brenda Abitheira	Sidewalk Easement
88-20-22-381-002 & 013	Gary F. & Brenda Abitheira	Storm Sewer Easement
88-20-22-381-002	Gary F. & Brenda Abitheira	Sidewalk Easement
88-20-22-381-002	Gary F. & Brenda Abitheira	Sanitary Sewer Easement

Management recommends that City Council accept the attached documents.

KILMER AVENUE  
SIDWELL #88-20-22-381-002 & 013



PERMANENT EASEMENT

Sidwell #88-20-22-381-013

Gary F. Abitheira and Brenda A. Abitheira, husband and wife, Grantors, whose address is 178 Larchwood , Troy, MI 48083 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 sidewalk, said easement for land situated in the City of Troy, Oakland County, Michigan described as:

THE NORTH 5.00 FEET OF THE FOLLOWING DESCRIBED PARCEL:

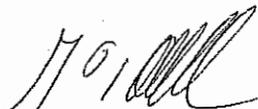
TOWN 2 NORTH, RANGE 11 EAST, SECTION 22, LOTS 12 TO 16 INCLUSIVE, OF "BURGESS BUNGALOW SUBDIVISION" AS RECORDED IN LIBER 46, PAGE 34 OF PLATS, OAKLAND COUNTY RECORDS.

and to enter upon sufficient land adjacent to said improvement(s) for the purpose of the construction, operation, maintenance, repair and/or replacement thereof.

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 25TH day of OCTOBER A.D. 2005.

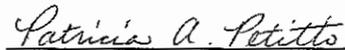
In presence of:  
WITNESS

  
\_\_\_\_\_  
\*Gary F. Abitheira (L.S.)

  
\_\_\_\_\_  
\*Brenda A. Abitheira (L.S.)

STATE OF MICHIGAN )  
COUNTY OF OAKLAND )

The foregoing instrument was acknowledged before me this 25TH day of OCTOBER, 2005, by Gary F. Abitheira and Brenda A. Abitheira, husband and wife.

  
\_\_\_\_\_  
\*PATRICIA A. PETITTO  
Notary Public, OAKLAND County, Michigan

My Commission Expires 12-31-11  
Acting in OAKLAND County, Michigan

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

Return to: City Clerk  
City of Troy  
500 West Big Beaver  
Troy, MI 48084

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

PERMANENT EASEMENT

Sidwell #88-20-22-381-002 & 013

Gary F. Abitheira and Brenda A. Abitheira, husband and wife, Grantors, whose address is 178 Larchwood , Troy, MI 48083 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 storm sewer, surface drainage and public utilities, 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 HERE

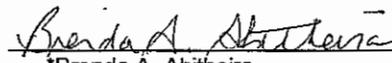
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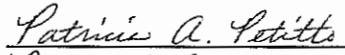
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WITNESS

  
\_\_\_\_\_(L.S.)  
\*Gary F. Abitheira

  
\_\_\_\_\_(L.S.)  
\*Brenda A. Abitheira

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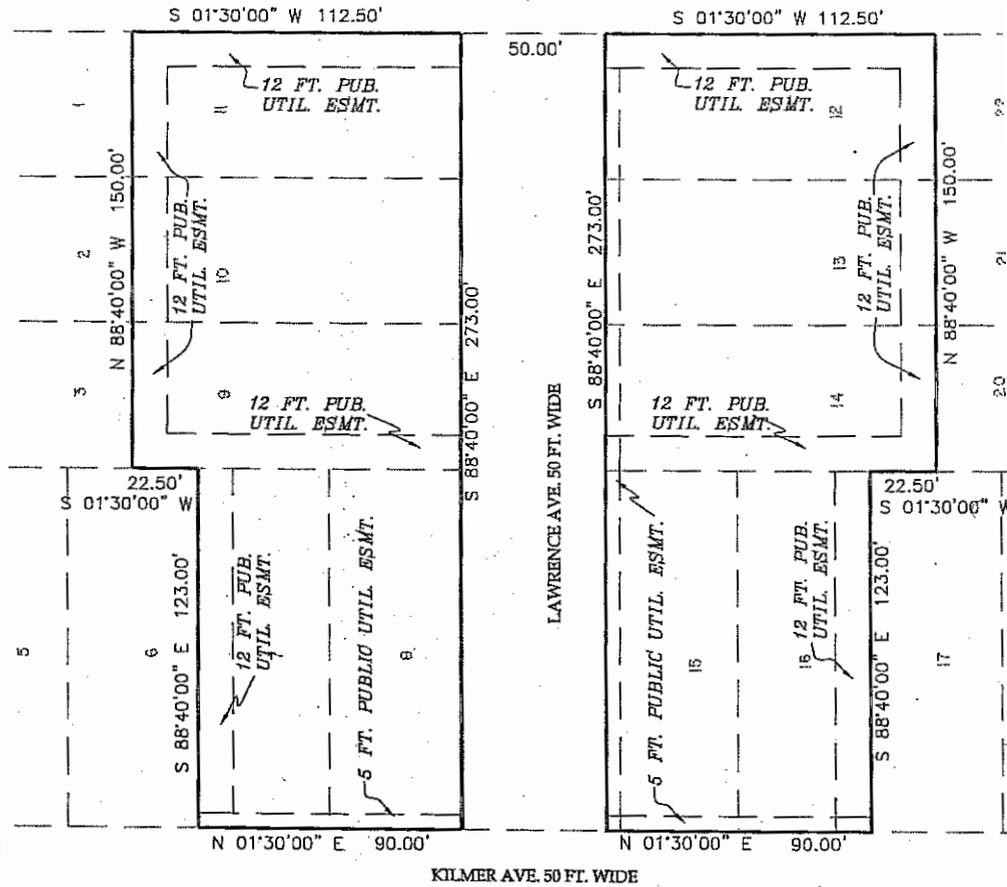
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# EXHIBIT "A"



## OVERALL LEGAL DESCRIPTION

LOT 7 THROUGH 16, BURGESS BUNGALOW SUBDIVISION, A PART OF LOT 135 OF REPLAT OF OUTLOT "A" OF BIG BEAVER SUBDIVISION, PART OF S.W. 1/4 OF SECTION 22, T.2N., R.11E., CITY OF TROY, OAKLAND COUNTY, MICHIGAN, AS RECORDED IN LIBER 46 OF PLAT, PAGE 34 OF OAKLAND COUNTY RECORDS.

## STORM SEWER EASEMENT

AN EASEMENT FOR STORM SEWER, SURFACE DRAINAGE AND PUBLIC UTILITY BEING PART OF LOT 7 THROUGH 16, BURGESS BUNGALOW SUBDIVISION, A PART OF LOT 135 OF REPLAT OF OUTLOT "A" OF BIG BEAVER SUBDIVISION, PART OF S.W. 1/4 OF SECTION 22, T.2N., R.11E., CITY OF TROY, OAKLAND COUNTY, MICHIGAN, AS RECORDED IN LIBER 46 OF PLAT, PAGE 34 OF OAKLAND COUNTY RECORDS, MORE PARTICULARLY DESCRIBED AS THE NORTHERLY 12 FEET AND THE WESTERLY 5 FEET OF LOT 7, THE WESTERLY 12 FEET OF LOT 9, THE NORTHERLY 12 FEET OF THE LOTS 9, 10 & 11, THE EASTERLY 12 FEET OF LOT 11, THE EASTERLY 12 FEET OF LOT 12, THE SOUTHERLY 12 FEET AND THE NORTHERLY 5 FEET OF LOTS 12, 13, & 14, THE WESTERLY 12 FEET OF LOT 14, THE NORTHERLY 5 FEET OF LOTS 12 THROUGH 15, THE SOUTHERLY 12 FEET OF LOT 16 AND THE WESTERLY 5 FEET OF LOTS 15 & 16.

HENNESSEY



ENGINEERS, INC

*ENGINEERING THE FUTURE*

2674 WEST JEFFERSON AVE.  
SUITE 200  
TRENTON, MI 48183  
(734) 692-3300  
FAX (734) 692-3203

TITLE . STORM SEWER EASEMENT  
KILMER DEVELOPMENT  
CITY OF TROY  
OAKLAND COUNTY, MICHIGAN

FILE NAME:	FILE #	D.1
DRAWN	DMH	APPROVED
PROJECT No.	53252	SCALE 1" = 50'
DATE	10/21/05	DRAWING NUMBER SHEET 1 OF

PERMANENT EASEMENT

Sidwell #88-20-22-381-002

Gary F. Abitheira and Brenda A. Abitheira, husband and wife, Grantors, whose address is 178 Larchwood , Troy, MI 48083 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 sidewalk, said easement for land situated in the City of Troy, Oakland County, Michigan described as:

THE SOUTH 5.00 FEET OF THE FOLLOWING DESCRIBED PARCEL:

TOWN 2 NORTH, RANGE 11 EAST, SECTION 22, LOTS 7, 8, 9, 10 AND 11 OF "BURGESS BUNGALOW SUBDIVISION" AS RECORDED IN LIBER 46, PAGE 34 OF PLATS, OAKLAND COUNTY RECORDS.

and to enter upon sufficient land adjacent to said improvement(s) for the purpose of the construction, operation, maintenance, repair and/or replacement thereof.

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 25<sup>TH</sup> day of OCTOBER A.D. 2005.

In presence of:  
WITNESS

[Signature] (L.S.)  
\*Gary F. Abitheira

[Signature] (L.S.)  
\*Brenda A. Abitheira

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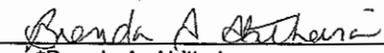
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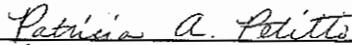
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