July 26, 2006

TO: Phillip L. Nelson, City Manager

FROM: Brian P. Murphy, Assistant City Manager/Services

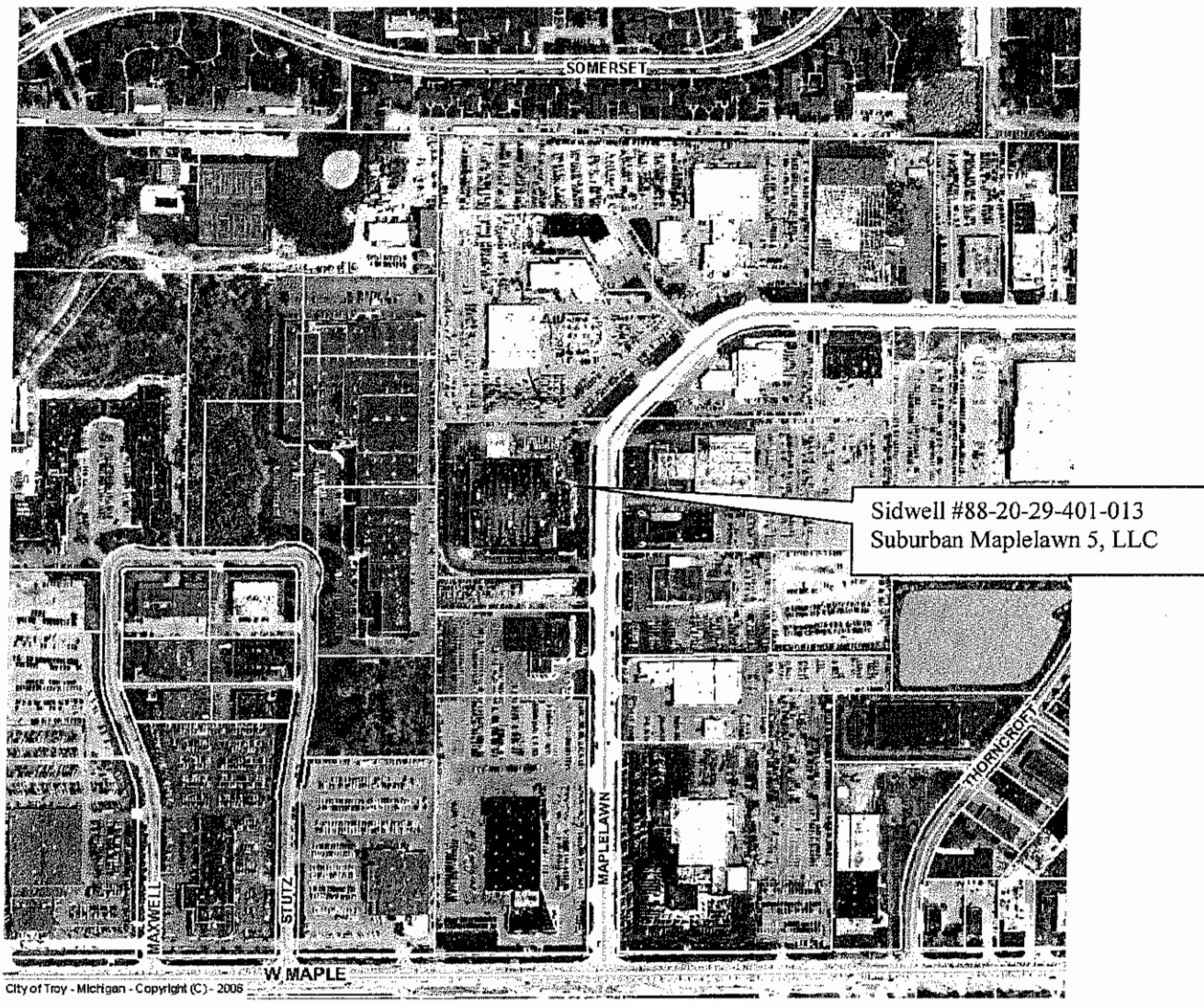
SUBJECT: AGENDA ITEM - Request for Acceptance of a Permanent Easement for Watermain, Suburban Maplelawn 5, LLC, Sidwell # 88-20-29-401-013

In connection with the redevelopment of a property located in Section 29, on the west side of Maplelawn, the Real Estate and Development Department has received a permanent easement for watermain from the property owner Suburban Maplelawn 5, LLC, having Sidwell #88-20-29-401-013. The property is being developed for the future location of Infinity and Hyundai dealerships. The consideration amount is $1.00.

Staff recommends the acceptance of the attached easement.

Prepared by: Larysa Figol, ROW Representative

SUBURBAN MAPLELAWN 5, LLC
Sidwell #88-20-29-401-013



PERMANENT EASEMENT

Sidwell # 88-20-29-401-013
Project # 05.936.3
Resolution #

SUBURBAN MAPLELAWN 5, LLC, a Michigan limited liability company, Grantor, whose address is 1795 Maplelawn Drive, Troy, MI 48084 for and in consideration of the sum of: One 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 watermain, said non-exclusive 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. Grantor reserves all use of the easement land not inconsistent with this easement grant, but no buildings or signs shall be erected on the easement area without the prior written approval of 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 25th day of July A.D. 2006.

SUBURBAN MAPLELAWN 5, LLC,
a Michigan Limited Liability Company

By: _____
* David T. Fischer
Its: Managing Member

STATE OF MICHIGAN)
COUNTY OF Oakland)

The foregoing instrument as acknowledged before me this 25th day of July, 2006, by David T. Fischer, Managing Member of SUBURBAN MAPLELAWN 5, LLC, a Michigan limited liability company, on behalf of the company.

_____
Notary Public, Oakland County, Michigan
My Commission Expires _____
Acting in Oakland County, Michigan

LEISA M. YORKWALKER
NOTARY PUBLIC OAKLAND CO., MI
MY COMMISSION EXPIRES Aug 17, 2007

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 48084

EXHIBIT "A"

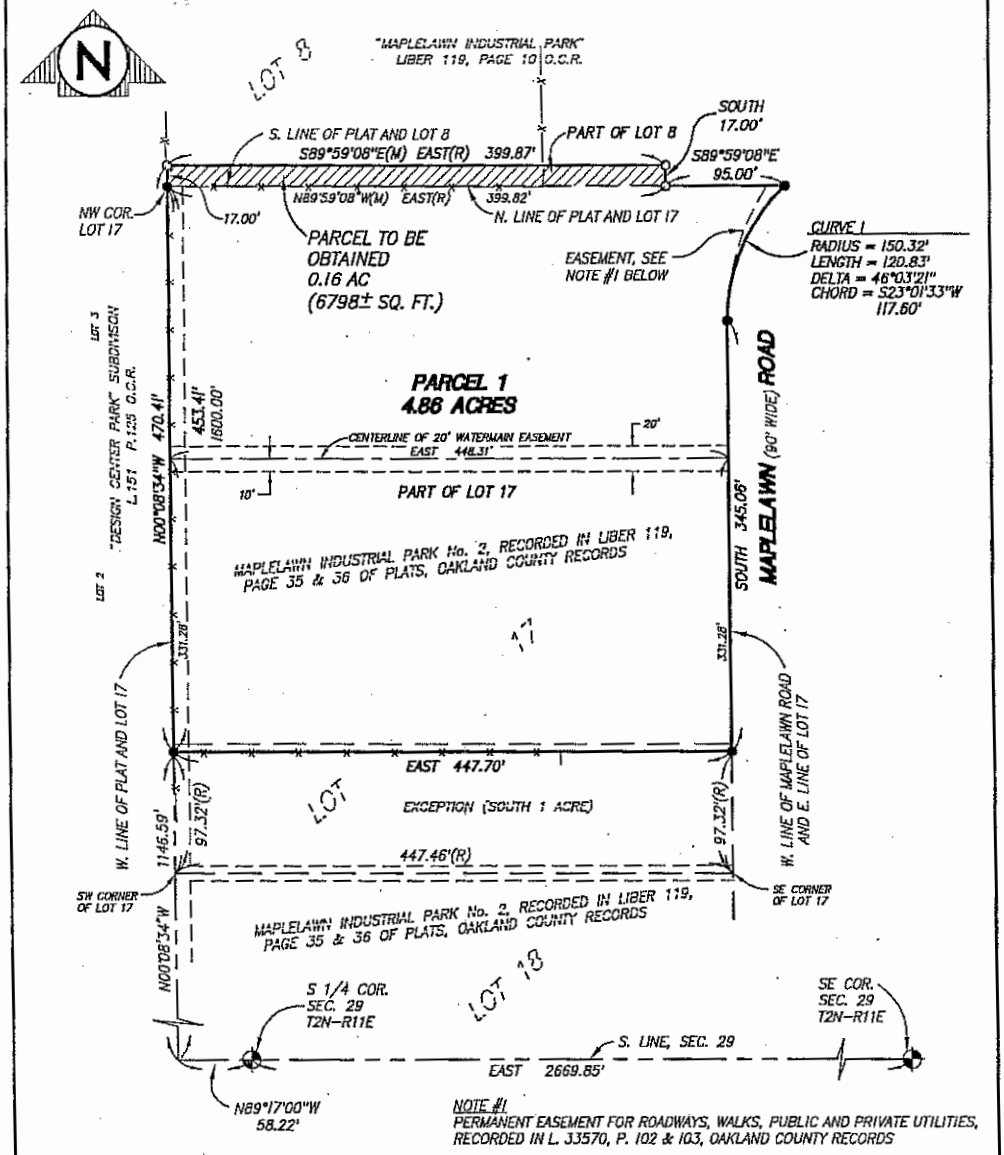
20 FOOT WIDE WATERMAIN EASEMENT

PART OF LOT 17 OF THE PLAT OF MAPLELAWN INDUSTRIAL PARK No. 2, RECOREDED IN LIBER 119 OF PLATS, PAGE 35 AND 36, OAKLAND COUNTY RECORDS, THE EASEMENT CENTERLINE IS DESCRIBED A SBGINNING AT A POINT ON THE WEST LINE OF SAID MAPLELAWN INDUSTRAIL PARK No. 2, WHICH IS N00°08'56"W, 331.28 FEET FROM THE SOUTHWEST CORNER OF SAID LOT 17; THENCE EAST 448.31 FEET TO A POINT ON THE EAST LINE OF SAID LOT 17 AND THE WESTERLY LINE OF MAPLELAWN ROAD WHICH IS NORTH, 331.28 FEET FROM THE SOUTHEAST CORNER OF SAID LOT 17, SAID POINT ALSO BEING THE POINT OF TERMINUS OF SAID CENTERLINE.

CERTIFIED SURVEY

CERTIFICATE:
I HEREBY CERTIFY THAT THE ATTACHED SURVEY HAS BEEN COMPLETED IN ACCORDANCE WITH PUBLIC ACT 132 OF 1970, AS AMENDED, AND THAT THE RATIO OF CLOSURE OF LATITUDES AND DEPARTURES IS 1 in 10,000

DESCRIPTION OF LAND SURVEYED:
SEE SHEET 2 OF 2



NOTE #1
PERMANENT EASEMENT FOR ROADWAYS, WALKS, PUBLIC AND PRIVATE UTILITIES, RECORDED IN L. 33570, P. 102 & 103, OAKLAND COUNTY RECORDS

BEARINGS ARE REFERENCED TO "MAPLELAWN INDUSTRIAL PARK NO. 2, RECORDED IN LIBER 119, PAGE 35, O.C.R.

LEGEND, O =IRON SET, ● =IRON FOUND, ■ = MONUMENT FOUND, -X-X- = FENCE, (R) = RECORDED, (M) = MEASURED

SUBURBAN MAPLELAWN L.L.C.

SEC. 29 T 2N-R 11E CITY OF TROY
OAKLAND COUNTY, MICHIGAN

ROWE INCORPORATED

LAPEER	CORPORATE OFFICE	Mt. PLEASANT
128 N. Saginaw St.	6211 Taylor Dr.	127 S. Main St.
Lapeer, MI 48446	Flint, MI 48507	Mt.Pleasant, MI 48858
810-664-9411	810-341-7500	989-772-2138

REVISED 7-19-05 added watermain easement
REVISED 5-4-06 obtained parcel

	DATE: 6-28-05	DRAWN: PO	
REVISED 2-20-06, MAC	SCALE: 1"=100' 0 1 IN. 0 50 100 FT.	FIELD: DCB	CAD NO. CS-01
SHEET NO. 1 OF 2		CHECKED: GGB	JOB NO. 05C0159