



## CITY COUNCIL ACTION REPORT

September 25, 2006

TO: Phillip L. Nelson, City Manager

FROM: Brian P. Murphy, Assistant City Manager/Services  
Patricia A. Petitto, Greenstar & Associates, LLC

SUBJECT: Request for Acceptance of a Permanent Easement for Watermain & Abandonment of Part of Original Watermain Easement, Woodland Elementary School  
Sidwell #88-20-04-276-046 - Project No. 04.905.3

### Background:

- In connection with the building addition to Woodland Elementary School, the Real Estate & Development Department has received a permanent easement for watermain from Avondale School District. This parcel is located on the west side of Livernois, between Square Lake and South Boulevard.

### Financial Considerations:

- The consideration amount on the document is \$1.00.

### Legal Considerations:

- The format and content of the easement is consistent with easements previously accepted by City Council.

### Policy Considerations:

- Part of the original watermain had to be relocated to make way for the building addition.
- The City Engineering Department has reviewed the request and has no objection to the abandonment of part of the original easement in conjunction with the acceptance of the new easement.

### Options:

- City Council can accept the attached easement and authorize the Mayor and City Clerk to sign the attached Quit Claim Deed to complete the abandonment of that part of the original watermain easement that is no longer needed.
- City Council can postpone action pending additional information.

PERMANENT EASEMENT

Sidwell #88-20-04-276-046  
Project # 04.905.3

Avondale School District, a Michigan Municipal Corporation, Grantor, whose address is 2940 Waukegan Street, Auburn Hills, MI 48326 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 easement for land situated in the City of Troy, Oakland County, Michigan, described as:

SEE ATTACHED EXHIBIT "A"

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 8<sup>TH</sup> day of SEPTEMBER A.D. 20 06.

AVONDALE SCHOOL DISTRICT  
a Michigan Municipal Corporation

By Stephen A. Sucher (L.S.)

Its: AVONDALE BOARD PRESIDENT

By George Heitsch (L.S.)

Its: Superintendent

STATE OF MICHIGAN )  
COUNTY OF OAKLAND )

The foregoing instrument as acknowledged before me this 8<sup>TH</sup> day of SEPTEMBER, 20 06 by STEPHEN SUCHER and GEORGE HEITSCH, of Avondale School District, a Michigan Municipal Corporation, on behalf of the corporation.

**JULIE M. KELLY**  
**Notary Public, Macomb County, MI**  
**My Commission Expires Nov. 7, 2011**  
(Corporations)

Julie M. Kelly  
Notary Public, MACOMB County, Michigan  
acting in Oakland City.  
My Commission Expires Nov. 7, 2011

Prepared by: Patricia A. Petitto  
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"

### LEGAL DESCRIPTION OF OVERALL PARCEL

A PARCEL OF LAND LOCATED IN AND BEING PART OF THE NORTHEAST ¼ OF SECTION 4, T2N, R11E, CITY OF TROY, OAKLAND COUNTY, MICHIGAN, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 4; THENCE S00°55'02"W 2790.01 FEET ALONG THE EAST LINE OF SAID SECTION 4; THENCE N89°07'38"W 60.00 FEET TO THE POINT OF BEGINNING; THENCE S00°55'02"W 494.84 FEET ALONG THE WESTERLY RIGHT-OF-WAY LINE OF LIVERNOIS ROAD (WEST-HALF BEING 60 FEET WIDE); THENCE N89°25'19"W 145.00 FEET; THENCE S00°55'02"W 32.00 FEET; THENCE S07°15'11"W 18.12 FEET; THENCE S00°55'02"W 112.00 FEET; THENCE N89°25'19"W 573.10 FEET ALONG THE EAST/WEST ¼ LINE OF SAID SECTION 4 AS MONUMENTED BY "GLEN-MOOR ESTATES" SUBDIVISION, RECORDED IN LIBER 86, PAGE 21, OAKLAND COUNTY PLAT RECORDS; THENCE N00°38'23"E 165.79 FEET; THENCE N89°07'38"W 27.72 FEET; THENCE N00°38'23"E 494.76 FEET; THENCE S89°07'38"E 751.00 FEET TO THE POINT OF BEGINNING CONTAINING 10.6830 ACRES OF LAND, SUBJECT TO AND TOGETHER WITH ALL EASEMENTS, RESERVATIONS, EXCEPTIONS, CONDITIONS AND RESTRICTIONS CONTAINED IN PRIOR CONVEYANCES OF RECORD OR OTHERWISE.

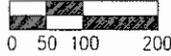
### LEGAL DESCRIPTION OF WATERMAIN EASEMENT

A 20' WIDE PARCEL OF LAND LOCATED IN THE NORTHEAST ¼ OF SECTION 4, T2N, R11E, CITY OF TROY, OAKLAND COUNTY, MICHIGAN, THE CENTERLINE OF THE EASEMENT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

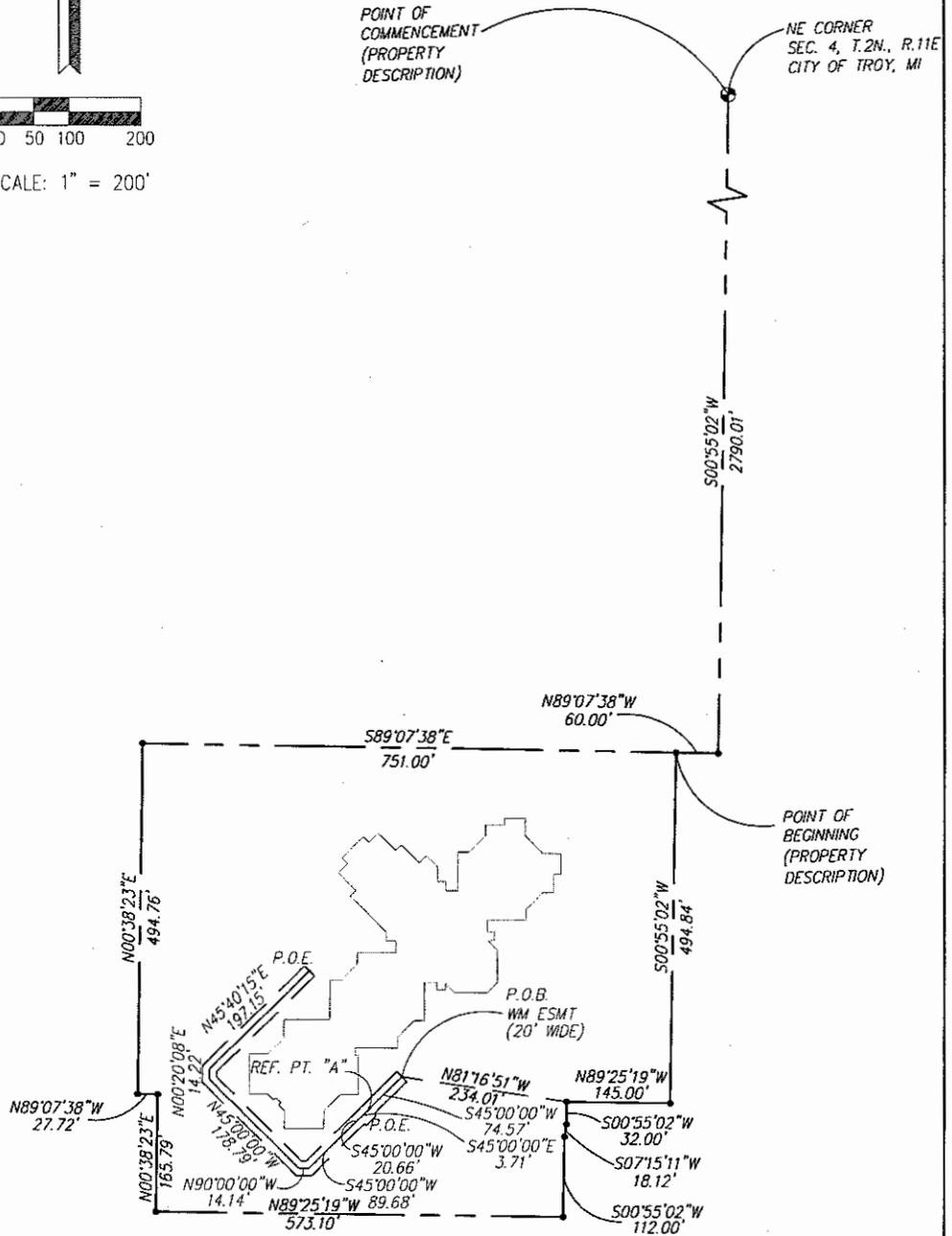
COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 4; THENCE S00°55'02"W 2790.01 FEET ALONG THE EAST LINE OF SAID SECTION 4; THENCE N89°07'38"W 60.00 FEET; THENCE S00°55'02"W 494.84 FEET; THENCE N89°25'19"W 145.00 FEET; THENCE N81°16'51"W 234.01 FEET TO THE POINT OF BEGINNING OF THE WATERMAIN EASEMENT; THENCE S45°00'00"W 74.57 FEET TO REFERENCE POINT "A"; THENCE S45°00'00"W 20.66 FEET; THENCE S45°00'00"W 89.68 FEET; THENCE N90°00'00"W 14.14 FEET; THENCE N45°00'00"W 178.79 FEET; THENCE N00°20'08"E 14.22 FEET; THENCE N45°40'15"E 197.15 FEET TO THE POINT OF ENDING.

ALSO COMMENCING AT REFERENCE POINT "A"; THENCE S45°00'00"E 3.71 FEET TO THE POINT OF ENDING.

# EASEMENT



SCALE: 1" = 200'



**SPALDING DeDECKER ASSOCIATES, INC.**  
ENGINEERS SURVEYORS

905 SOUTH BLVD. EAST  
ROCHESTER HILLS, MI 48307  
PH: (248) 844-5400 FAX: (248) 844-5404  
www.spaldingdedecker.com

DRAWN: JA	DATE: 03-29-04
CHECKED: DH	DATE: 03-29-04
MANAGER: DH	SCALE: 1" = 200'
JOB No. DV03-043	SHEET: 1 OF 2
SECTION 4 TOWN 2 NORTH RANGE 11 EAST	
CITY OF TROY	OAKLAND COUNTY, MI

QUIT CLAIM DEED

Sidwell # 20-04-276-046  
 Project #04.905.3  
 Resolution #

The City of Troy, a Michigan Municipal Corporation, Grantor, whose address is 500 West Big Beaver Road, Troy, MI 48084 quit claims to Avondale School District, a Michigan Municipal Corporation, Grantee, whose address is 2940 Waukegan Street, Auburn Hills, Michigan 48326, the following described premises situated in the City of Troy, County of Oakland and State of Michigan:

SEE ATTACHED EXHIBIT "A"

For the sum of One Dollar (\$ 1.00)

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

CITY OF TROY  
 A Michigan Municipal Corporation

By: \_\_\_\_\_  
 \*Louise E. Schilling

Its: Mayor

By: \_\_\_\_\_  
 \*Tonni L. Bartholomew

Its: City Clerk

STATE OF \_\_\_\_\_ )  
 COUNTY OF \_\_\_\_\_ )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2006 by Louise E. Schilling and Tonni L. Bartholomew, who are the Mayor and City Clerk, respectively, of the CITY OF TROY, a Michigan Municipal Corporation, on behalf of the City.

\_\_\_\_\_  
 \*  
 Notary Public, \_\_\_\_\_ County  
 My commission expires:  
 Acting in \_\_\_\_\_ County, \_\_\_\_\_

County Treasurer's Certificate		City Treasurer's Certificate	
When recorded return to: Avondale School District 2940 Waukegan Street Auburn Hills, MI 48326	Send subsequent tax bills to: Grantee	Drafted by: Patricia A. Petitto City of Troy 500 West Big Beaver Troy, MI 48084	

Tax Parcel #20-04-276-046

Recording Fee

Transfer Tax

\*TYPE OR PRINT NAMES UNDER SIGNATURES

## EXHIBIT A

### LEGAL DESCRIPTION OF PARENT PARCEL:

A PARCEL OF LAND LOCATED IN AND BEING PART OF THE NORTHEAST ¼ OF SECTION 4, TOWN 2 NORTH, RANGE 11 EAST, CITY OF TROY, OAKLAND COUNTY, MICHIGAN, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 4; THENCE S 00°55'02" W 2,790.01' ALONG THE EAST LINE OF SAID SECTION 4; THENCE N 89°07'38" W 60.00 FEET TO THE POINT OF BEGINNING; THENCE S 00°55'02" W 494.84 FEET ALONG THE WESTERLY RIGHT-OF-WAY LINE OF LIVERNOIS ROAD (WEST – HALF BEING 60 FEET WIDE); THENCE N 89°25'19" W 145.00 FEET; THENCE S 00°55'02" W 32.00 FEET; THENCE S 07°15'11" W 18.12 FEET; THENCE S 00°55'02" W 112.00 FEET; THENCE N 89°25'19" W 573.10 FEET ALONG THE EAST/WEST ¼ LINE OF SAID SECTION 4 AS MONUMENTED BY "GLEN-MOOR ESTATES" SUBDIVISION, RECORDED IN LIBER 86, PAGE 21, OAKLAND COUNTY PLAT RECORDS; THENCE N 00°38'23" E 165.79 FEET; THENCE N 89°07'38" W 27.72 FEET; THENCE N 00°38'23" E 494.76 FEET; THENCE S 89°07'38" E 751.00 FEET TO THE POINT OF BEGINNING. CONTAINING 10.6830 ACRES OF LAND. SUBJECT TO AND TOGETHER WITH ALL EASEMENTS, RESERVATIONS, EXCEPTIONS, CONDITIONS AND RESTRICTIONS CONTAINED IN PRIOR CONVEYANCES OF RECORD OR OTHERWISE.

### LEGAL DESCRIPTION OF AREA BEING QUIT-CLAIMED (WATERMAIN EASEMENT ABANDONMENT):

A 20' WIDE PARCEL OF LAND LOCATED IN THE NORTHEAST ¼ OF SECTION 4, TOWN 2 NORTH, RANGE 11 EAST, CITY OF TROY, OAKLAND COUNTY, MICHIGAN, THE CENTERLINE OF THE EASEMENT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

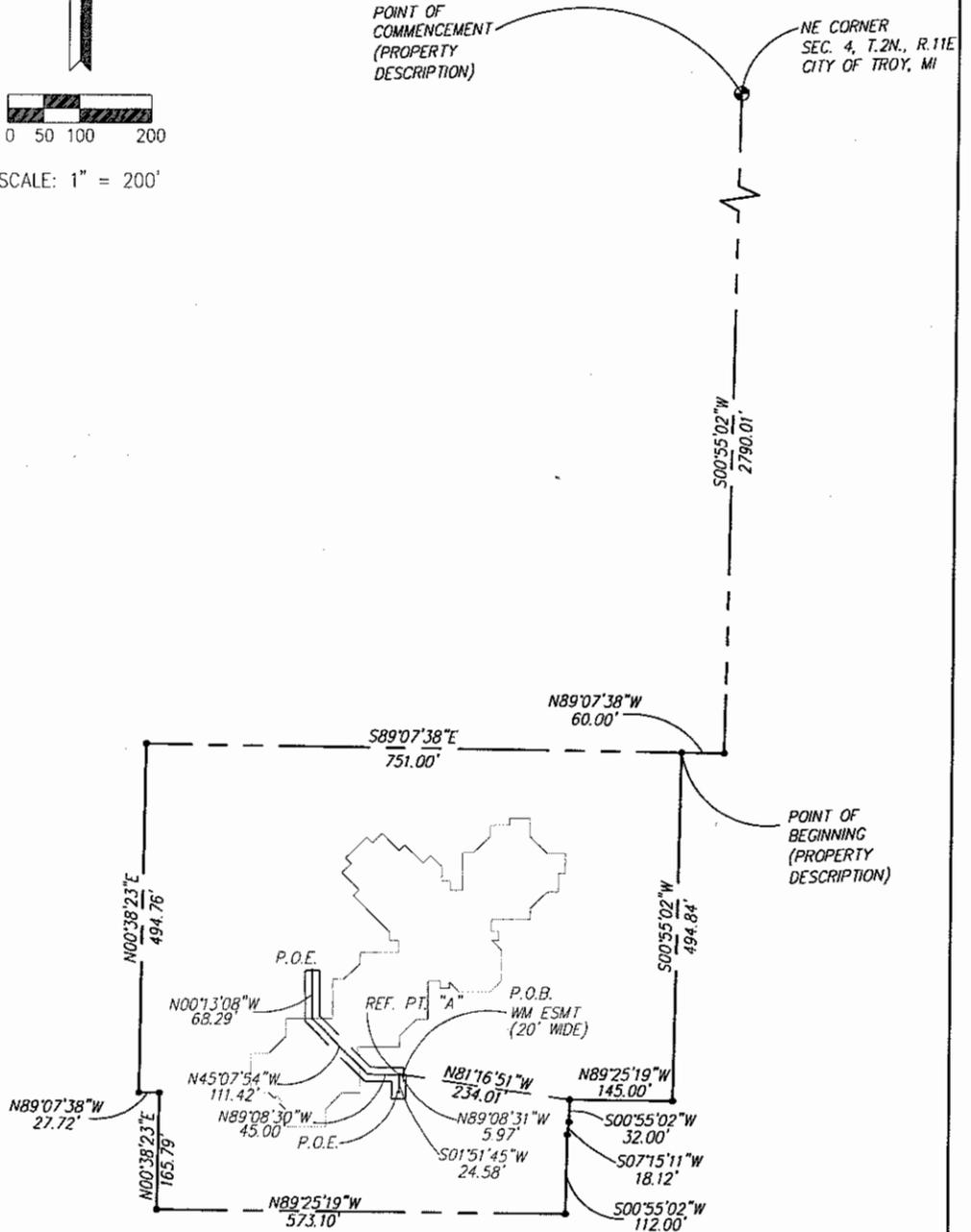
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ALSO COMMENCING AT REFERENCE POINT "A"; THENCE S 01°51'45" W 24.58 FEET TO THE POINT OF ENDING

# EASEMENT



SCALE: 1" = 200'



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 ROCHESTER HILLS, MI 48307  
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