

CITY COUNCIL ACTION REPORT

October 3, 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 Sanitary Sewer
Krispy Kreme Doughnut Shop
Sidwell #88-20-35-400-021 - Project No. 03.933.3

Background:

- In connection with the opening of the Krispy Kreme Doughnut Shop, the Real Estate & Development Department received a permanent easement for sanitary sewer from Sears, Roebuck and Co. This parcel is located on the north side of Fourteen Mile Road, between I-75 and John R.

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:

- The City Engineering Department has reviewed and approved the location of the sanitary sewer easement. (Goal IV)
- It has been the City's policy to accept easement dedications for new development. (Goals II & IV)

Options:

- City Management recommends that City Council accept the attached Permanent Easement for Sanitary Sewer from Sears, Roebuck and Co. consistent with our policy of accepting easements to serve new development.

PERMANENT EASEMENT

Sidwell # 88-20-35-400-021
Project # 03.933.3
Resolution #

Sears, Roebuck and Company, a New York Corporation, Grantor, whose address is 3333 Beverly Road, Hoffman Estates, IL 60192 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 sanitary sewer, said easement for land situated in the City of Troy, Oakland County, Michigan, described as:

SEE ATTACHED EXHIBIT "A"

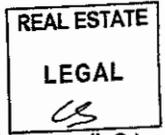
and to enter upon sufficient land adjacent to said improvement(s) for the purpose of the construction, operation, maintenance, repair and/or replacement thereof.

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 20th day of September A.D. 20 06.

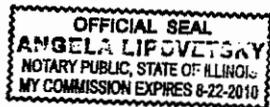
SEARS, ROEBUCK AND COMPANY,
a New York Corporation



By [Signature]
James B. Terrell
Vice President Real Estate

STATE OF ILLINOIS)
COUNTY OF COOK)

The foregoing instrument as acknowledged before me this 28th day of September, 20 06, by JAMES B. TERRELL, VICE PRESIDENT REAL ESTATE, a New York Corporation, on behalf of the corporation.



[Signature]
Notary Public, LAKE County,
Acting in Cook County, Illinois
My Commission Expires 8/22/10

(Corporations)

Prepared by:

Patricia A. Petitto
500 West Big Beaver
Troy, Michigan 48084

Return to:

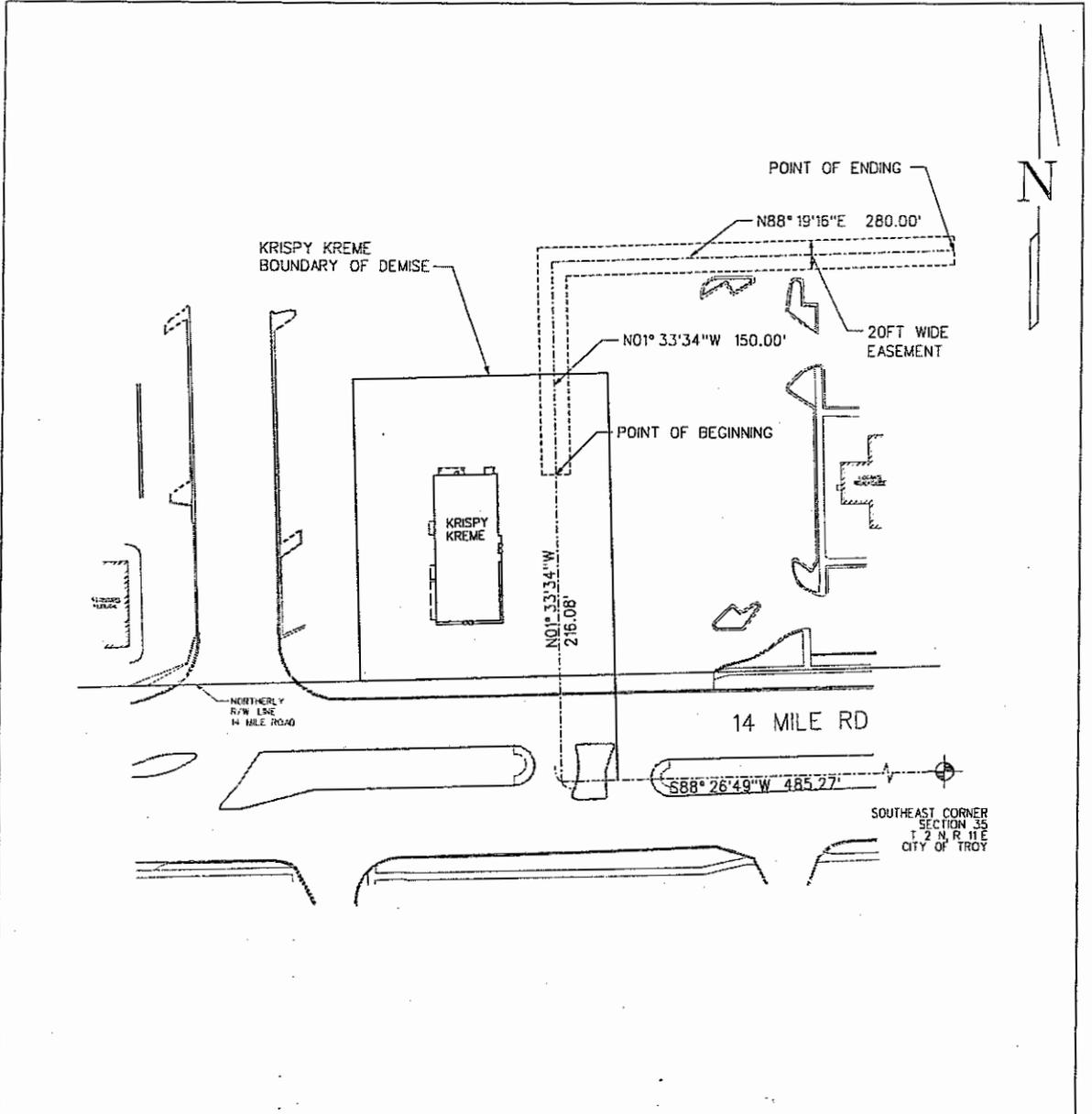
City Clerk, City of Troy
500 West Big Beaver Road
Troy, Michigan 48084

EXHIBIT "A"

PARENT PARCEL DESCRIPTION: T2N, R11E, SEC 35 PART OF SE ¼ BEG AT PT DIST N 02-09-04 W 1804.36 FT & S 88-13-06 W 60.00 FT FROM SE SEC COR, TH S 88-13-06 W 188.00 FT, TH N 02-09-04 W 282.00 FT, TH S 88-13-06 W 487.00 FT, TH S 02-09-40 E 2011.36 FT, TH S 88-13-06 E 675.00 FT, TH N 02-09-04 W 1729.36 FT TO BEG 29.95 A

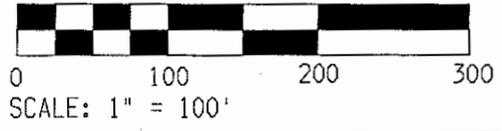
SANITARY SEWER EASEMENT DESCRIPTION: A 20.00 FT WIDE EASEMENT FOR THE INSTALLATION AND MAINTENANCE OF A SANITARY SEWER IN THE SE ¼ OF SECTION 35, T2N, R11E, CITY OF TROY, OAKLAND COUNTY, MICHIGAN, WHOSE CENTERLINE IS DESCRIBED AS: COMMENCING AT THE SE CORNER OF SAID SECTION 35; THENCE S 88-26-49 W 485.27 FT ALONG THE S LINE OF SAID SECTION 35 AND THE CENTERLINE OF 14 MILE RD; THENCE N 01-33-34 W 216.08 FT TO THE PT OF BEG; THENCE N 01-33-34 W 150.00 FT; THENCE N 88-19-16 E 280.00 FT TO THE POINT OF ENDING.

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LEGAL DESCRIPTION - SANITARY SEWER EASEMENT

A 20 foot wide easement for the installation and maintenance of a sanitary sewer in the southeast 1/4 of Section 35, T2N, R11E, City of Troy, Oakland County, Michigan, whose centerline is described as: Commencing at the southeast corner of said Section 35; thence S88° 26' 49" W 485.27 feet along the south line of said Section 35 and the centerline of 14 Mile Road; thence N01° 33' 34" W 216.08 feet to the point of beginning; thence N01° 33' 34" W 150.00 feet; thence N88° 19' 16" E 280.00 feet to the point of ending.



	SANITARY SEWER EASEMENT KRISPY KREME DOUGHNUTS SE 1/4, SECTION 35, T2N, R11E CITY OF TROY, OAKLAND COUNTY, MICHIGAN		DATE 10/02/03	Wilcox Professional Services ISO 9001 CERTIFIED
			DRN ZHI CHD FDP	
CLIENT: DOUGH RE MI COMPANY, LTD	SCALE 1" = 100'	F.B. PG.	SHEET 1 OF 1	JOB NO. 2003-235