



CITY COUNCIL ACTION REPORT

January 18, 2007

TO: Phillip L. Nelson, City Manager

FROM: Brian P. Murphy, Assistant City Manager/Services
Steven J. Vandette, City Engineer
Larysa Figol, Right of Way Representative

SUBJECT: Request for Acceptance of a Water Main Easement
- Sidwell #88-20-32-152-001

Background:

- In connection with the development of a property located at Coolidge and Industrial Row, Section 32, the Real Estate Department has received a water main easement from SP Industrial Properties, LLC, owner of property having Sidwell #88-20-32-152-001. The property is being developed as the future home of CIOT Marble Granite & Tile.

Financial Considerations:

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

Legal Considerations:

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

Policy Considerations:

- The City Engineering Department has reviewed and approved the design and construction of the water main. (Goal IV)
- It has been the City's policy to accept easements for water mains and other public utilities. (Goal IV)

Options:

- City Management recommends that City Council accept the attached easement from SP Industrial Properties, LLC.

PERMANENT EASEMENT

Sidwell #88-20-32-152-001 (pt of)

SP Industrial Properties, L.L.C., a Michigan Limited Liability Company, Grantors, whose address is 2963 Industrial Row Drive, Troy, MI 48084 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 water main, 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 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 18th day of January A.D. 2007.

Signed by:

SP Industrial Properties, LLC,
a Michigan Limited Liability Company


By: Benny Spielmann
Its: Member

STATE OF MICHIGAN)
COUNTY OF Macomb)

The foregoing instrument was acknowledged before me this 18th day of January, 2007, by Benny Spielmann, Member of SP Industrial Properties, L.L.C., a Michigan Limited Liability Company on behalf of the Company.


Notary Public, Macomb County, Michigan

My Commission Expires 3-27-2011
Acting in Macomb County, Michigan

Prepared by: Larysa Figol
City of Troy
500 W. Big Beaver Road
Troy, MI 48084

Return to: City Clerk
City of Troy
500 W. Big Beaver Road
Troy, MI 48084

STEPHANIE ANN MCLEOD
Notary Public - Michigan
Macomb County
My Commission Expires
March 27, 2011

EXHIBIT "A"

WATER MAIN EASEMENT

A VARIABLE WIDTH STRIP OF LAND FOR THE INSTALLATION AND MAINTENANCE OF WATER MAIN, LOCATED IN THE SOUTHWEST ¼ OF THE NORTHWEST ¼ OF SECTION 32, T2N, R11E, CITY OF TROY, OAKLAND COUNTY, MICHIGAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE WEST 1/4 CORNER OF SAID SECTION 32; THENCE NORTH 167.55 FEET ALONG THE WEST LINE OF SECTION 32; THENCE SOUTH 87 DEGREES 47 MINUTES 06 SECONDS EAST 60.05 FEET TO THE SOUTH WEST CORNER OF LOT 5 OF "BIRMINGHAM AIRPORT SUBDIVISION" AS RECORDED IN LIBER 108 OF PLATS, PAGE 17, OAKLAND COUNTY RECORDS; THENCE CONTINUING ALONG THE SOUTH LINE OF SAID LOT 5 SOUTH 87 DEGREES 47 MINUTES 06 SECONDS EAST 200.00 FEET TO THE SOUTHEAST CORNER OF SAID LOT 5; THENCE ALONG THE EAST LINE OF LOT 5 NORTH 06 DEGREES 44 MINUTES 00 SECONDS EAST 14.25 FEET TO THE POINT OF BEGINNING; THENCE NORTH 83 DEGREES 16 MINUTES 00 SECONDS WEST 20.00 FEET; THENCE NORTH 06 DEGREES 44 MINUTES 00 SECONDS EAST 59.11 FEET; THENCE NORTH 00 DEGREES 20 MINUTES 53 SECONDS EAST 61.33 FEET; THENCE NORTH 19 DEGREES 48 MINUTES 20 SECONDS EAST 32.50 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF INDUSTRIAL ROW (60.00 FEET WIDE); THENCE ALONG SAID SOUTHERLY RIGHT OF WAY LINE SOUTH 70 DEGREES 03 MINUTES 31 SECONDS EAST 20.00 FEET TO THE NORTHEAST CORNER OF SAID LOT 5; THENCE SOUTH 19 DEGREES 48 MINUTES 20 SECONDS WEST 29.02 FEET; THENCE SOUTH 00 DEGREES 20 MINUTES 53 SECONDS WEST 59.02 FEET TO THE EAST LINE OF SAID LOT 5; THENCE ALONG SAID EAST LINE SOUTH 06 DEGREES 44 MINUTES 00 SECONDS WEST 60.23 FEET TO THE POINT OF BEGINNING. CONTAINING 3,012 S.F. OR 0.07 ACRES OF LAND, MORE OR LESS.

