

CITY COUNCIL ACTION REPORT

May 17, 2006

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 Warranty Deed for Right of Way – Caswell Town Center PUD 5, Section 2, Sidwell #88-20-02-101-001

Background:

As part of the development of Caswell Town Center PUD 5, located at Rochester Road and South Boulevard, the Real Estate Department has received a Warranty Deed conveying 60 feet of necessary right-of-way along South Boulevard.

Financial Considerations:

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

Legal Considerations:

- The format and content of this Warranty Deed is consistent with deeds previously accepted by City Council.

Policy Considerations:

- The dedication of right-of-way is required as part of the PUD process, and by the Assessing Department to prepare the necessary lot splits and combinations. (Goal I & V)
- It has been the City's policy to accept right-of-way dedications for PUD's and new developments. (Goal I & V)

Options:

- City Management recommends that City Council accept the attached Warranty Deed for right-of-way, consistent with our policy of accepting dedications in new developments.

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS: That **JOSEPH PETRUZZELLO, as Trustee or his Successor Trustee(s) under Agreement Dated October 27, 1999** whose address is 11205 Chippewa, Warren, Michigan 48093 (herein "Grantor"), conveys and warrants to the **CITY OF TROY, MICHIGAN**, a Michigan municipal corporation, whose address is 500 West Big Beaver Road, Troy, MI, 48084 ("Grantee"), all of Grantor's interest in and to the following described premises situated in the City of Troy, County of Oakland and State of Michigan, to-wit:

See legal description on Exhibit A, attached hereto (the "Property"),

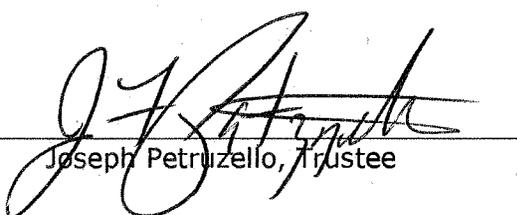
together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, for the sum of One Dollar (\$1.00).

If the land being conveyed is unplatted, the following is deemed to be included: "This property may be located within the vicinity of farmland or a farm operation. Generally accepted agricultural and management practices which may generate noise, dust, odors, and other associated conditions may be used and are protected by the Michigan Right to Farm Act."

Dated this 4th day of May, 2007.

Signed by:

JOSEPH PETRUZZELLO, as Trustee under Agreement dated October 27, 1999

By: 
Joseph Petruzzello, Trustee

[Notary signatures on next page.]

STATE OF MICHIGAN)
) ss.
COUNTY OF MACOMB)

The foregoing instrument was acknowledged before me this 4TH day of MAY, 2007,
by Joseph Petruzzello, as Trustee under Agreement dated October 27, 1999.

Ruth Ann Sharp
_____, Notary Public
MACOMB County, Michigan
My Commission Expires: 11/19/2011
Acting in OAKLAND County, Michigan

County Treasurer's Certificate		City Treasurer's Certificate
When Recorded Return To: _____ City Attorney City of Troy Big Beaver Road Troy, MI 48084	Send Subsequent Tax Bills To: Grantee	Drafted by: Gregory J. DeMars, Esq. Business Address: Honigman Miller Schwartz & Cohn LLC 2290 First National Building 660 Woodward Avenue Detroit, MI 48226-3506

Tax Parcel #: See attached Exhibit A Recording Fee _____ Revenue Stamps _____

EXHIBIT A

DESCRIPTION OF REAL ESTATE

PETRUZZELLO PORTION OF EAST SOUTH BOULEVARD RIGHT-OF-WAY DEDICATION

PART OF THE NORTHWEST 1/4 OF SECTION 2, TOWN 2 NORTH, RANGE 11 EAST, CITY OF TROY, OAKLAND COUNTY, MICHIGAN, DESCRIBED AS: COMMENCING AT THE PROPERTY CONTROLLING CORNER OF "MAPLE FOREST OF TROY SUBDIVISION" AS RECORDED IN LIBER 272, PAGES 25 THROUGH 27, OAKLAND COUNTY RECORDS, SAID CONTROLLING CORNER BEING SOUTH 00°00'51" WEST 6.89 FEET FROM THE NORTHWEST CORNER OF SECTION 2, TOWN 2 NORTH, RANGE 11 EAST, AS ACCORDING TO THE LAND CORNER RECORDATION CERTIFICATE RECORDED IN LIBER 24871, PAGE 101, OAKLAND COUNTY RECORDS, AND PROCEEDING THENCE NORTH 89°42'00" EAST 90.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 89°42'00" EAST 457.45 FEET; THENCE SOUTH 00°01'29" EAST 60.00 FEET, TO THE SOUTH RIGHT-OF-WAY LINE OF EAST SOUTH BOULEVARD (60 FOOT WIDE 1/2 RIGHT-OF-WAY); THENCE ALONG SAID SOUTH RIGHT-OF-WAY LINE, SOUTH 89°42'00" WEST 457.49 FEET TO THE EAST RIGHT-OF-WAY LINE OF ROCHESTER ROAD (90 FOOT WIDE 1/2 RIGHT-OF-WAY); THENCE ALONG SAID EAST RIGHT-OF-WAY LINE, NORTH 00°00'51" EAST 60.00 FEET TO THE POINT OF BEGINNING. CONTAINING 0.63 ACRES.