



CITY COUNCIL ACTION REPORT

June 14, 2007

TO: Phillip L. Nelson, City Manager

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

SUBJECT: Request to Abandon a Permanent Easement for Watermain – Troy Church of the Nazarene, Section 4, Sidwell #88-20-04-100-010 - Project No. 06.941.3

Background:

- In connection with a building addition to Troy Church of the Nazarene, located in Section 4 on Crooks Road south of South Boulevard, the Real Estate Department has received a request to abandon an existing watermain easement, as recorded in Liber 7552 Page 889 with the Oakland County Register of Deeds. The existing watermain will be relocated and the property owner has conveyed a new permanent easement for this purpose. In order to abandon the existing easement, a Quit Claim Deed signed by the Mayor and City Clerk will be needed to complete the abandonment of the original watermain easement

Financial Considerations:

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

Legal Considerations:

- The format and content of this Quit Claim Deed is consistent with deeds previously conveyed by City Council.

Policy Considerations:

- The City Engineering Department has reviewed the request and has no objection to the abandonment of existing easement to make way for a new building addition. (Goal I & V)

Options:

- City Management recommends that City Council abandon the existing watermain easement, and authorizing the Mayor and City Clerk to sign a Quit Claim Deed conveying our interest in this easement area back to the property owner.
- This action is consistent with our policy of abandoning easements for property improvements and expansions.

2-11
4

KNOW ALL MEN BY THESE PRESENTS, That the Troy Church of the Nazarene

whose address is

6840 Crooks/Rd., Troy, MI 48098

party of the first part, for and in consideration of the sum of One Dollar (\$1.00)

paid to Troy Church of the Nazarene

by the CITY OF TROY, a Michigan Municipal Corporation, party of the second part, whose address is 500 West Big Beaver Road, Troy, Michigan, do hereby grant to the said party of the second part the right to construct, operate, maintain, repair and/or replace a 8" water main and hydrant within an easement across and through the following described land situated in the City of Troy, to-wit:

Beginning on the west line of northwest quadrant of section 4, south 861.83' from corner; thence south 89 47m. east 978'; thence south 0 28m. west 200'; thence north 89 47m. west 976.25' to the west line; thence north 200'.

Said easement is described as:

ATTACHED EXHIBIT "A"

and to enter upon sufficient land adjacent to said 8" water main and hydrant for the purpose of the construction, operation, maintenance, repair and/or replacement thereof.

The premises so disturbed by reason of the exercise of any of the foregoing powers, shall be reasonably restored to its original condition by the party of the second part.

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 three signatures this 21st day of May A.D. 19 79.

In presence of:
WITNESS

David C. Paull
DAVID C. PAULL
Ruth J. Rengers
RUTH J. RENGERS

Dr. Gregory Z. Clague (L.S.)
DR. GREGORY Z. CLAQUE, Secretary
Lawrence D. Schenk Jr. (L.S.)
LAWRENCE D. SCHENK JR., Trustee
Paul E. Anglin (L.S.)
PAUL E. ANGLIN, Trustee

STATE OF MICHIGAN)
COUNTY OF Oakland)

On this 22nd day of May A.D. 19 79
before me personally appeared Dr. Gregory Clague, Lawrence D. Schenk Jr. and Paul E. Anglin to me personally known, who being by name sworn, did each for himself say that they are respectively the _____ of _____

Corporation names in and which executed the within instrument, and that the seal affixed to said instrument is the corporate seal of said Corporation and that said instrument was signed and sealed on behalf of _____ acknowledge said instrument to be the free act and deed of said Corporation.

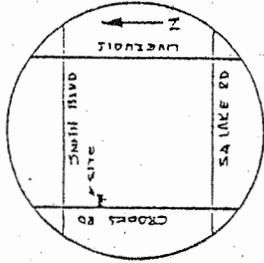
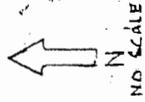
RETURN TO:
City Clerk, City of Troy
500 W. Big Beaver Road
Troy, Michigan 48084
PREPARED BY:
Jerome Lockmi
Chenoweth Assoc.
101 N. Alloy
Fenton, Mi 48430

David C. Paull
Notary Public, Oakland County, Michigan

My Commission Expires September 19, 1982

DAVID C. PAULL
Notary Public, Oakland County, Michigan
My Commission Expires September 18, 1982

500



LOCATION MAP
NO SCALE

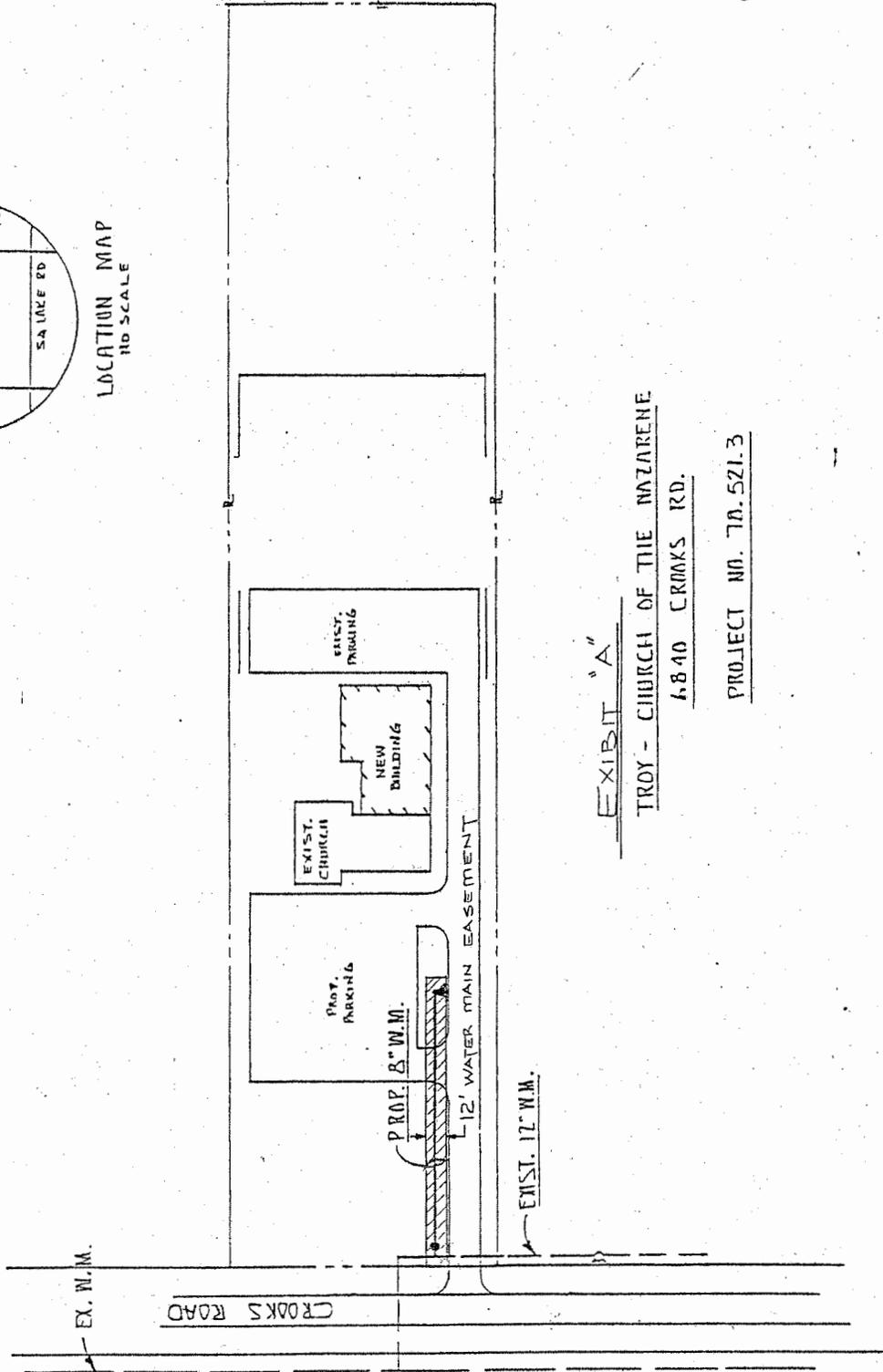


EXHIBIT "A"

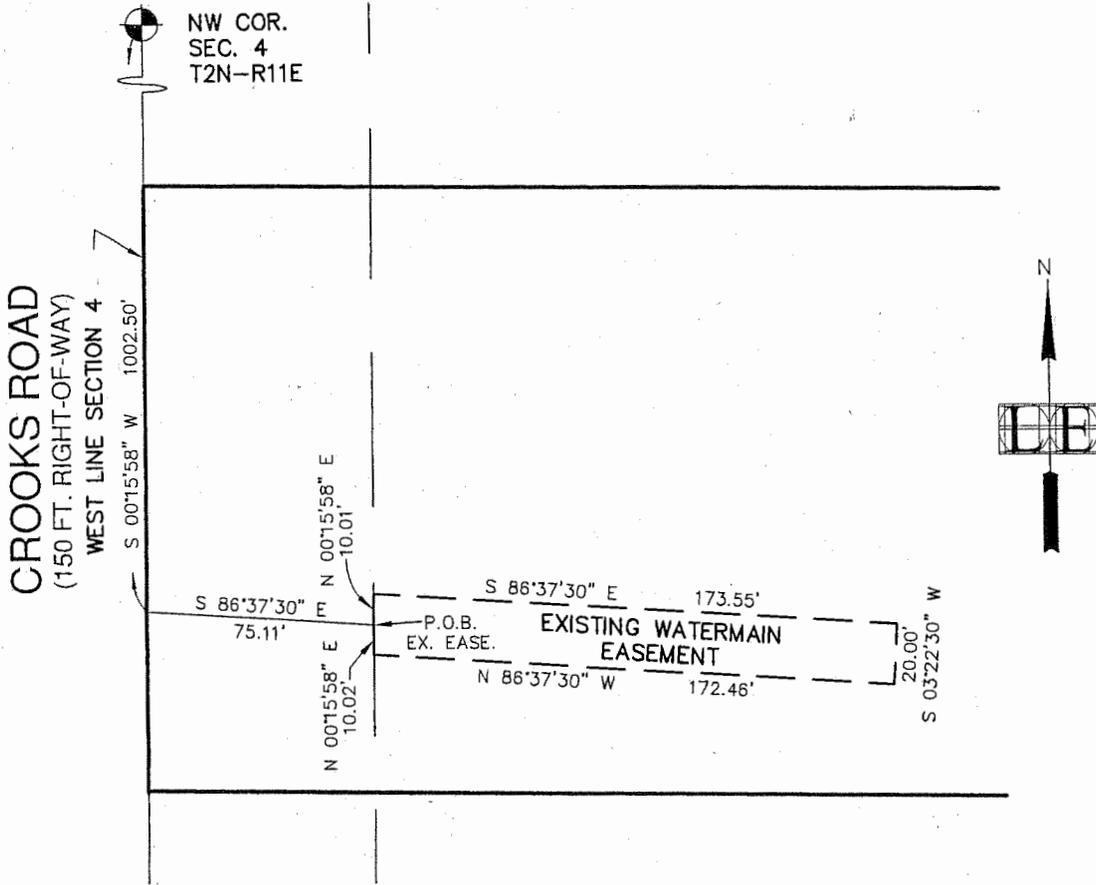
TROY - CHURCH OF THE NAZARENE

6.840 CROOKS RD.

PROJECT NO. 70.521.3

Existing Watermain Easement

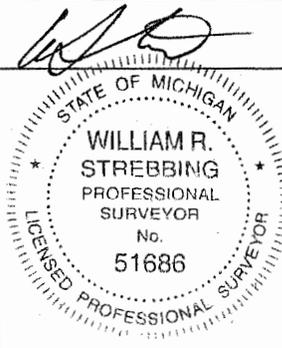
Part of the Northwest fractional 1/4 of Section 4, T2N-R11E, City of Troy, Oakland County, State of Michigan, more particularly described as follows: Commencing at the Northwest corner of said Section 4; thence along the West line of Section 4 and the centerline of Crooks Road (150 foot wide Right-of-Way), S 00°15'58" W, 1002.50 feet; thence S 86°37'30" E, 75.11 feet to the Point of Beginning of a 20 feet wide watermain easement to be described; thence N 00° 15' 58" E, 10.01 feet; thence S 86° 37' 30" E, 173.55 feet; thence S 03° 22' 30" W, 20.00 feet; thence N 86° 37' 30" W, 172.46 feet; thence N 00° 15' 58" E, 10.01 feet to the Point of Beginning.



LEGEND SECTION CORNER SET IRON ROD FOUND MONUMENT
 FENCE FOUND IRON ROD/PIPE SOIL BORING



LIVINGSTON ENGINEERING
 CIVIL ENGINEERING SURVEYING PLANNING
 2094 PLESS DRIVE, BRIGHTON, MI 48114
 INTERNET: WWW.LIVINGSTONENG.COM PHONE: (810) 225-7100 FAX: (810) 225-7699



CLIENT ANSCOMBE	0' 50' 100'	DATE 04-04-07
DESCRIPTION PART OF THE NW 1/4 SECTION 4, T2N-R11E, TROY OAKLAND COUNTY, MICHIGAN		REV.
	SCALE 1" = 50'	JOB No. 06203
	SHEET No.1 of 1	DRAWN mo
		CHECK

QUIT CLAIM DEED

Sidwell # 88-20-04-100-010 (part of)
Resolution #2007-

KNOW ALL PERSONS BY THESE PRESENTS: That

The Grantor(s), the CITY OF TROY, a Michigan Municipal Corporation, whose address is 500 West Big Beaver, Troy, MI 48084 quit claims to TROY CHURCH OF THE NAZARENE, Grantee, whose address is 6840 Crooks Road, Troy, MI 48098, the following described premises situated in the City of Troy, County of Oakland and State of Michigan:

Part of the Northwest fractional 1/4 of Section 4, T2N-R11E, City of Troy, Oakland County, State of Michigan, more particularly described as follows: Commencing at the Northwest corner of said Section 4; thence along the West line of Section 4 and the centerline of Crooks Road (150 foot wide right-of-way), S 00°15'58" W, 1002.50 feet; thence S 86°37'30" E, 75.11 feet to the Point of Beginning of a 20 feet wide watermain easement to be described; thence N 00°15'58" E, 10.01 feet; thence S 86°37'30" E, 173.55 feet; thence S 03°22'30" W, 20 feet; thence N 86°37'30" W, 172.46 feet; thence N 00°15'58" E, 10.01 to the Point of Beginning.

Commonly known as: (part of) 6840 Crooks Road, Troy, MI

For the sum of One Dollar and no/100 cents (\$ 1.00)
EXEMPT FROM COUNTY & STATE REAL ESTATE TRANSFER TAX UNDER MSA7.456 (26) (h) (i) & 7.456 (5) (h) (i)

Dated this _____ day of _____, 2007.

Signed by:

* Louise E. Schilling, Mayor

* Tonni Bartholomew, City Clerk

COUNTY OF _____)
STATE OF _____)

The foregoing instrument was acknowledged before me this _____ day of _____, 2007, by Louise Schilling, Mayor, and Tonni Bartholomew, City Clerk, of the City of Troy, a Michigan Municipal Corporation.

Notary Public, _____ County, MI

My commission expires: _____

Acting in _____ County, MI

When recorded return to: City Clerk City of Troy 500 West Big Beaver Troy, MI 48084	Send subsequent tax bills to: Grantee	Drafted by: Larysa Figol City of Troy 500 West Big Beaver Troy, MI 48084
---	--	--

Tax Parcel # 88-20-04-100-010 (pt of) Recording Fee _____ Transfer Tax _____

*SIGNATURES IN BLUE INK, TYPE OR PRINT NAMES UNDER SIGNATURES IN BLACK INK