



CITY COUNCIL ACTION REPORT

June 18, 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 *LF*

SUBJECT: Request for Acceptance of a Permanent Easement for Watermain –
5600 New King SPE, LLC, Section 8, Sidwell #88-20-08-276-005

Background:

- In connection with the development of the property located at 5600 New King, site of "The Learning Center" in Section 8, the Real Estate Department has received an easement for watermain from the property owner 5600 New King SPE, LLC.

Financial Considerations:

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

Legal Considerations:

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

Policy Considerations:

- The dedication of easements is required as part of the development process. (Goal I & V)

Options:

- City Management recommends that City Council accept the attached easement for watermain, consistent with our policy of accepting easements for property improvements and expansions.

PERMANENT EASEMENT

Sidwell #88-20-08-276-005

5600 NEW KING SPE LLC., a Delaware limited liability company, Grantor(s), whose address is c/o The Gale Company, LLC, Park Avenue at Morris county, 100 Campus Drive, Suite 200, Florham Park, New Jersey 07932 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 4 day of October A.D. 2006.

In presence of:
WITNESS (not required)

5600 NEW KING SPE LLC
A Delaware limited liability company

By [Signature] (L.S.)
Its Vice President

New Jersey
STATE OF MICHIGAN)
COUNTY OF Union)

The foregoing instrument was acknowledged before me this 4 day of October, 2006, by Mark Yeagin, Vice President of 5600 NEW KING-SPE LLC., a Delaware limited liability company, on behalf of the company.

FRANCES DOYLE
NOTARY PUBLIC OF NEW JERSEY
My Commission Expires Aug. 27, 2011

Frances Doyle
*
Notary Public, Union County, Michigan
Acting in Union 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

PLEASE SIGN IN BLUE INK AND PRINT OR TYPE NAMES IN BLACK INK UNDER SIGNATURES

EXHIBIT "A"

**WATER MAIN EASEMENT
(PARENT PARCEL)**

CENTERLINE OF A 20-FOOT WIDE WATER MAIN EASEMENT

PART OF THE NORTHEAST ¼ OF SECTION 8, TOWN 2 NORTH, RANGE 11 EAST, CITY OF TROY, OAKLAND COUNTY, MICHIGAN, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT DISTANT N02°30'26"W 715.45 FEET AND S87°29'34"W 90.00 FEET AND N02°30'26"W 570.43 FEET (REC.) 570.67 FEET (MEA.) AND N47°30'26"W 21.21 FEET AND S87°29'34"W 306.46 FEET AND S02°30'26"E 105.01 FEET AND S87 33'21"W 8.27 FEET AND S02°30'26"E 4.93 FEET FROM THE EAST ¼ CORNER OF SAID SECTION 8. THENCE N87°38'24"E 139.51 FEET TO A REFERENCE POINT "A"; THENCE S02°30'26"E 29.71 FEET TO THE POINT OF ENDING.

ALSO THE CENTERLINE OF A 20-FOOT WIDE WATER MAIN EASEMENT

BEGINNING AT THE ABOVE REFERENCE POINT "A". THENCE N02°30'26"W 110.29 FEET TO THE POINT OF ENDING. SAID POINT OF ENDING BEING LOCATED ON THE SOUTHERLY RIGHT-OF-WAY LINE OF NEW KING STREET (60' WIDE)

REV. 06/22/06