



CITY COUNCIL ACTION REPORT

July 26, 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 Permanent Easement for Sanitary Sewer and Authorization of Payment for Easement and Temporary Construction and Grading Permit – Patricia Willard-Bonnici Revocable Intervivos Trust and William and Helen Yeyna - Section 06, Sidwell #88-20-06-328-007

Background:

- In connection with the City's ongoing efforts to provide sanitary sewer service to the residents of Charnwood Hills in Section 6, the Real Estate Department has received a Permanent Easement for Sanitary Sewer and a Temporary Construction and Grading Permit from property owners Patricia Willard-Bonnici Revocable Intervivos Trust and William and Helen Yeyna, having Sidwell #88-20-06-328-007
- This sewer connection will begin at Beach Road and extend to Anslow Court, providing immediate service to the properties located on Anslow Court

Financial Considerations:

- City staff has negotiated a compensatory amount of \$13,330 for the permanent easement and \$6,670 for the temporary construction and grading permit. The sanitary sewer easement crosses the entire north property boundary providing service from a Beach Road hook-up to properties on Anslow Court. This easement will not benefit the property owner, but allows us to circumvent a longer and substantially more costly route to bring sanitary sewer to residents in Charnwood Hills No. 2 subdivision.
- Funds are included in the Sanitary Sewer Fund, project no: 535.7973.04403.

Legal Considerations:

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

- The format and content of the temporary construction and grading permit is consistent with permits 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 sanitary sewer, consistent with our policy of accepting easements for property and infrastructure improvements and authorizes the payment of \$13,330 for the sanitary sewer easement and \$6,670 for the temporary construction and grading permit, plus closing costs.

Sidwell #88-20-06-328-007

TEMPORARY CONSTRUCTION AND GRADING PERMIT

KNOWN ALL MEN BY THESE PRESENTS, that Patricia Willard-Bonnici individually and as Trustee of the Patricia Willard-Bonnici Revocable Intervivos Trust dated 11/4/00, an undivided 1/2 interest 6307 Beach, Troy, MI 48098 and William and Helen Yeyna, husband and wife, an undivided 1/2 interest, collectively as tenants in common whose address is 6472 Crabapple Drive, Troy, MI 48098; for and in consideration of Six Thousand, Six Hundred and Seventy and no/cents (\$6,670.00) paid by the CITY OF TROY paid by the CITY OF TROY, a Michigan Municipal Corporation, hereinafter called the CITY, whose address is 500 West Big Beaver Road, Troy, Michigan, do hereby grant to the CITY the right to move men, equipment, and materials on and through, and to store equipment, materials, and excavated matter on the following described grading permit, located in the City of Troy, to-wit:

SEE EXHIBIT "A" ATTACHED HERETO & BY REFERENCE MADE A PART HEREOF

IN FURTHER CONSIDERATION, the premises so disturbed by reason of the exercise of any of the foregoing powers, shall be restored to its original condition by the City.

This instrument shall be binding upon and inure to the benefit of the parties hereto, their heirs, representative, successors, and assigns and the covenants contained herein shall run with the land.

IN WITNESS WHEREOF, the undersigned hereunto affixed their signatures(s) this 25th day of July, 2007.

Patricia Willard-Bonnici (s.)
* Patricia Willard-Bonnici,
Individually & as Trustee

William Yeyna (L.S.)
* William Yeyna

Helen Yeyna (L.S.)
* Helen Yeyna

STATE OF MICHIGAN
COUNTY OF Oakland

The foregoing instrument was acknowledged before me this 25th day of July, 2007, by Patricia Willard-Bonnici individually and as trustee of the Patricia Willard-Bonnici Revocable Intervivos Trust dated 11/4/00, an undivided 1/2 interest, and William and Helen Yeyna, husband and wife, an undivided 1/2 interest, collectively as tenants in common.

Larysa Figol
LARYSA FIGOL

Acting in Oakland County, Michigan
Notary Public for Oakland County, Michigan
Commission Expires 03/02/2012
Acting in Oakland County, Michigan
Commission Expires 3-2-2012

Prepared by:
Larysa Figol, City of Troy
500 West Big Beaver
Troy, MI 48084

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

EXHIBIT "A"

Section 6, 20' Wide Temporary Construction Grading Permit
Parcel: 88-20-06-328-007
Owner: Patricia Willard-Bonnici Trust et al
Address: 6307 Beach

Description of Permit: (Created from County Tax Records)

Part of the West 1/2 of Section 6, Town 2 North, Range 11 East, City of Troy, Oakland County, Michigan. Being more particularly described as:
The South 20.00 feet of the North 40.00 feet of the easterly part of Lot 96, measuring 200.00 feet along the north lot line and 225.00 feet along the south lot line of "Charnwood Hills No. 2", as recorded in Liber 73, Pages 21-22, of Oakland County, Michigan records. Containing 4,062 Square Feet or 0.093 Acres more or less.

PERMANENT EASEMENT

Sidwell #88-20-06-328-007
Resolution #

Patricia Willard-Bonnici individually and as Trustee of the Patricia Willard-Bonnici Revocable Intervivos Trust dated 11/4/00, an undivided 1/2 interest, whose address is 6307 Beach, Troy, MI 48098 and William and Helen Yeyna, husband and wife, an undivided 1/2 interest, collectively as tenants in common, whose address is 6472 Crabapple Drive, Troy, MI 48098 for and in consideration of the sum of: Thirteen Thousand, Three Hundred and Thirty and no/100 Dollar (\$13,330.00) 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 traverse or use for sanitary sewer, 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 their signature(s) this 25th day of JULY, 2007.

Patricia Willard-Bonnici (s.)
* Patricia Willard-Bonnici,
Individually & as Trustee

William Yeyna (L.S.)
* William Yeyna

Helen Yeyna (L.S.)
* Helen Yeyna

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Larysa Figol
* LARYSA FIGOL
Notary Public, Oakland County, Michigan
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My Commission Expires 03/02/2012
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Prepared by: City of Troy, Larysa Figol
500 W. Big Beaver Road
Troy, MI 48084

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

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