



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 *SV*
Larysa Figol, Right-of-Way Representative *LF*

SUBJECT: Request for Acceptance of a Permanent Easement for Public Utilities –
100 East Big Beaver, L.L.C., Section 27, Sidwell #88-20-27-101-060

Background:

- In connection with the development of the southeast corner of Big Beaver and Livernois, Kona Grill Restaurant, the Real Estate Department has received a permanent easement for public utilities from property owner 100 East Big Beaver, LLC, having Sidwell #88-20-27-101-060.

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 public utilities, consistent with our policy of accepting easements for property improvement.

PERMANENT EASEMENT

Sidwell #88-20-27-101-060

100 East Big Beaver L.L.C., a Michigan Limited Liability Company, Grantors, whose address is One Towne Square, Suite 1600, Southfield MI 48076, 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 Public Utilities over, under & across the real property situated in the City of Troy, Oakland County, Michigan described as:

SEE ATTACHED EXHIBIT "A"

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 12th day of January A.D. 2006 7

100 East Big Beaver L.L.C.,
a Michigan limited liability company

WITNESS

_____ None Required _____

_____ None Required _____

By: 100 East Big Beaver Manager Inc.,
a Michigan Corporation
Its: Managing Member

By: [Signature]
Dale Watchowski - President

STATE OF MICHIGAN)
COUNTY OF Oakland

The foregoing instrument was acknowledged before me this 12th day of January, 2006, 7 by Dale Watchowski - President, 100 East Big Beaver Manager Inc., a Michigan Corporation, Managing Member, of 100 East Big Beaver L.L.C., Michigan Limited Liability Company, on behalf of the company.

CHERYL L. BOZARTH
Notary Public, State of Michigan
County of Wayne
My Commission Expires Nov. 6, 2011
Acting in the County of Oakland

* [Signature]
Notary Public, Wayne County, Michigan
Acting in Oakland County, Michigan
My Commission Expires 11-6-11

Prepared by: Dennis C. Stephens
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

