CITY COUNCIL ACTION REPORT

October 9, 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 Watermain & Emergency Ingress/Egress – C-L Bellingham Associates, LLC, Section 26, Sidwell #88-20-26-200-088

Background:

- In connection with the development of a property located in Section 26 on Bellingham, the future home of SECO Tools Inc., the Real Estate Department has received two easements for watermain and emergency ingress/egress from the property owner, C-L Bellingham Associates, LLC, having Sidwell #88-20-26-200-008.

Financial Considerations:

- The consideration amount on these two documents is $1.00.

Legal Considerations:

- The format and content of these easements 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, III & V)

Options:

- City Management recommends that City Council accept the attached easements for watermain and emergency ingress/egress, consistent with our policy of accepting easements for property developments.

PERMANENT EASEMENT

Sidwell # 88-20-26-200-088 (pt of)
Project # 07.939.3

C-L BELLINGHAM ASSOCIATES, L.L.C., a Michigan limited liability company, whose address is 39400 Woodward, Ste. 250, Blfd. Hills, MI 48304 for and in consideration of the sum of: One and no/100 ($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, storm drains, & storm sewers, detention pond & for **emergency ingress/egress**, & police/fire protection over, under & across the real property, 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 OF

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 8th day of October A.D. 2007.

C-L BELLINGHAM ASSOCIATES, L.L.C., a Michigan limited liability company
By: C-L ASSOCIATES, L.L.C., a Michigan limited liability company, Sole Member
By: KOJAIAN C-L ASSOCIATES, L.L.C., a Michigan limited liability company, Managing Member
By: KOJAIAN C-L ASSOCIATES-MM, INC., a Michigan corporation, Manager

By: Mike Kojaian
Mike Kojaian, President

STATE OF MICHIGAN)
) ss.
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this 8th day of October, 2007, by Mike Kojaian, the President of Kojaian C-L Associates-MM, Inc., a Michigan corporation, the Manager of Kojaian C-L Associates, L.L.C., a Michigan limited liability company, the Managing Member of C-L Associates, L.L.C., a Michigan limited liability company, the Sole Member of C-L BELLINGHAM ASSOCIATES, L.L.C., a Michigan limited liability company, on behalf of said corporation and companies.

Beverly Shoemaker
Notary Public, Oakland County, MI
My Comm. Expires:

BEVERLY SHOEMAKER
NOTARY PUBLIC MACOMB CO., MI
MY COMMISSION EXPIRES Nov 30, 2007
ACTING IN OAKLAND COUNTY, MI

Prepared by:
Larysa Figol
City of Troy, Real Estate & Dev.
500 West Big Beaver
Troy, Michigan 48084

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

Exhibit "A"

SKETCH OF ACCESS EASEMENT

LEGAL DESCRIPTION:
OVERALL PARCEL

Unit 2, of The Automation Alley Technology Park Troy Condominium, recorded in Liber 32860, Page 144, Oakland County Records and designated as Oakland County Condominium Plan 1623, being part of the Northwest 1/4 and Northeast 1/4 of Section 26, Town 2 North, Range 11 East, City of Troy, Oakland County, Michigan.

LEGAL DESCRIPTION:
24' WIDE ACCESS EASEMENT

A 24 foot wide easement for cross-access over land in part of Unit 2, of the Automation Alley Technology Park Troy Condominium, recorded in Liber 32860, Page 144, Oakland County Records and designated as Oakland County Condaminium Plan 1623, being part of the Northwest 1/4 and Northeast 1/4 of Section 26, Town 2 North, Range 11 East, City of Troy, Oakland County, Michigan, the centerline being more particularly described as: Commencing at the Northeast corner of said Unit 2; thence along the west line of Bellingham Drive (60' wide) S00°36'00"E, 54.00 feet to the Point of Beginning; thence S89°42'00"W, 615.29 feet; thence N00°18'00"W, 54.00 feet; thence S00°18'00"E, 54.00 feet; thence S43°17'56"W, 81.79 feet; thence S00°36'00"E, 97.83 feet; thence S27°52'42"E, 41.46 feet; thence S00°36'00"E, 92.94 feet; thence N89°24'00"E, 19.53 feet; thence S00°36'00"E, 54.00 feet; thence N00°36'00"W, 54.00 feet; thence N89°24'00"E, 549.87 feet; thence S44°53'26"E, 13.86 feet to the Point of Ending.

CLIENT: CUNNINGHAM-LIMP COMPANY 39300 WEST 12 MILE RD., SUITE #200 FARMINGTON HILLS, MI 48331	SCALE: 1"= 100'	JOB No: 2007126	PROFESSIONAL ENGINEERING ASSOCIATES 2430 Rochester Ct. Suite 100 Troy, MI 48083-1872 (248) 689-9090
	DATE: 10-01-07	DWG. No: 2 of 2	

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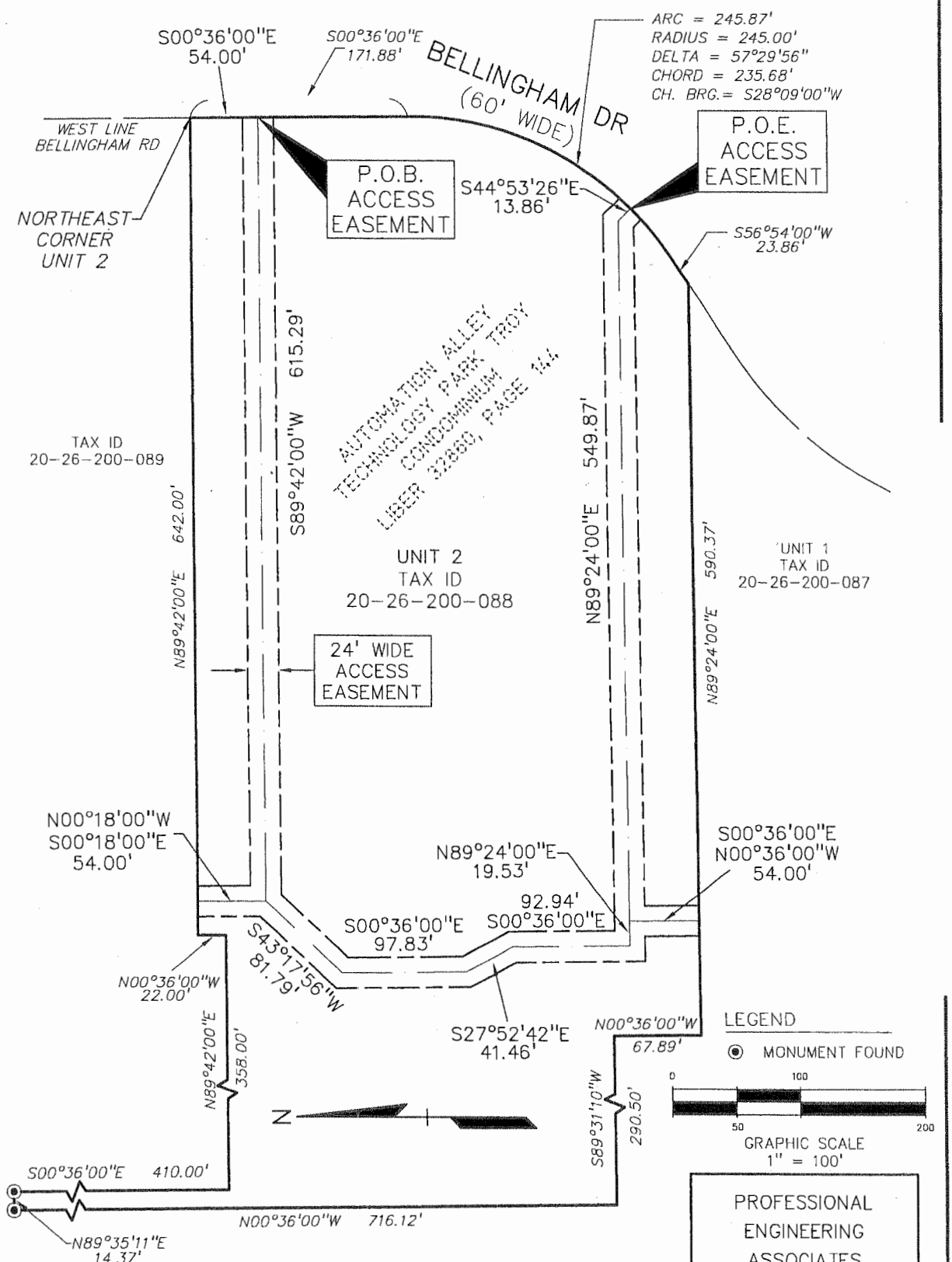
SKETCH OF ACCESS EASEMENT



PROFESSIONAL
ENGINEERING
ASSOCIATES

2430 Rochester Ct. Suite 100
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PERMANENT EASEMENT

Sidwell # 88-20-26-200-088 (pt of)
Project # 07 939.3

C-L BELLINGHAM **ASSOCIATES, L.L.C.**, a Michigan limited liability company, whose address is 39400 Woodward, Ste. 250, Blfd. Hills, MI 48304 for and in consideration of the sum of: One and no/100 ($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 easements for land situated in the City of Troy, Oakland County, Michigan, described as:

SEE EXHIBIT "A" ATTACHED HERETO AND BY REFERENCE MADE A PART OF

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 8th day of October A.D. 2007.

C-L BELLINGHAM ASSOCIATES, L.L.C., a Michigan limited liability company
By: C-L ASSOCIATES, L.L.C., a Michigan limited liability company, Sole Member
By: KOJAIAN C-L ASSOCIATES, L.L.C., a Michigan limited liability company, Managing Member
By: KOJAIAN C-L ASSOCIATES-MM, INC., a Michigan corporation, Manager

By: Mike Kojaian
Mike Kojaian, President

STATE OF MICHIGAN)
) ss.
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The foregoing instrument was acknowledged before me this 8th day of October, 2007, by Mike Kojaian, the President of Kojaian C-L Associates-MM, Inc., a Michigan corporation, the Manager of Kojaian C-L Associates, L.L.C., a Michigan limited liability company, the Managing Member of C-L Associates, L.L.C., a Michigan limited liability company, the Sole Member of C-L BELLINGHAM ASSOCIATES, L.L.C., a Michigan limited liability company, on behalf of said corporation and companies.

Beverly Shoemaker
Notary Public, Oakland County, MI
My Comm. Expires: _____

BEVERLY SHOEMAKER
NOTARY PUBLIC MACOMB CO., MI
MY COMMISSION EXPIRES Nov 30, 2007
ACTING IN OAKLAND COUNTY, MI

Prepared by:
Larysa Figol
City of Troy, Real Estate & Dev.
500 West Big Beaver
Troy, Michigan 48084

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

EXHIBIT "A"

SKETCH OF WATERMAIN EASEMENT

LEGAL DESCRIPTION:
OVERALL PARCEL

Unit 2, of The Automation Alley Technology Park Troy Condominium, recorded in Liber 32860, Page 144, Oakland County Records and designated as Oakland County Condominium Plan 1623, being part of the Northwest 1/4 and Northeast 1/4 of Section 26, Town 2 North, Range 11 East, City of Troy, Oakland County, Michigan.

LEGAL DESCRIPTION:
20' WIDE WATERMAIN EASEMENT

A 20 foot wide easement for the construction, operation, maintenance and repair of a watermain over part of Unit 2, of the Automation Alley Technology Park Troy Condominium, recorded in Liber 32860, Page 144, Oakland County Records and designated as Oakland County Condominium Plan 1623, being part of the Northwest 1/4 and Northeast 1/4 of Section 26, Town 2 North, Range 11 East, City of Troy, Oakland County, Michigan, the centerline being more particularly described as: Commencing at the Northeast corner of said Unit 2; thence along the west line of Bellingham Drive (60' wide) the following two courses: S00°36'00"E, 171.88 feet and 120.37 feet along the arc of a curve to the right having a radius of 245.00 feet and a chord that bears S13°28'33"W, 119.17 feet to the Point of Beginning; thence N62°35'39"W, 52.54 feet; thence S89°24'00"W, 85.63 feet to a Point of Branching; thence S00°36'00"E, 53.53 feet; thence S44°24'00"W, 28.28 feet; thence S89°24'00"W, 175.25 feet; thence N00°36'00"W, 30.00 feet; thence S00°36'00"E, 30.00 feet; thence S89°24'00"W, 17.75 feet; thence N00°36'00"W, 15.00 feet; thence S00°36'00"E, 15.00 feet; thence S89°24'00"W, 265.00 feet; thence N45°36'00"W, 28.28 feet; thence N00°36'00"W, 10.00 feet; thence S89°24'00"W, 23.00 feet; thence N89°24'00"E, 23.00 feet; thence N00°36'00"W, 228.11 feet; thence N89°24'00"E, 79.37 feet; thence S89°24'00"W, 79.37 feet; thence N00°36'00"W, 48.00 feet to a Point of Ending; thence continuing from said Point of Branching N00°36'00"W, 182.79 feet; thence S89°24'00"W, 24.00 feet; thence N89°24'00"E, 24.00 feet; thence N00°36'00"W, 47.45 feet to the Point of Ending.

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	DATE: 9–20–07	DWG. No: 2 of 2	

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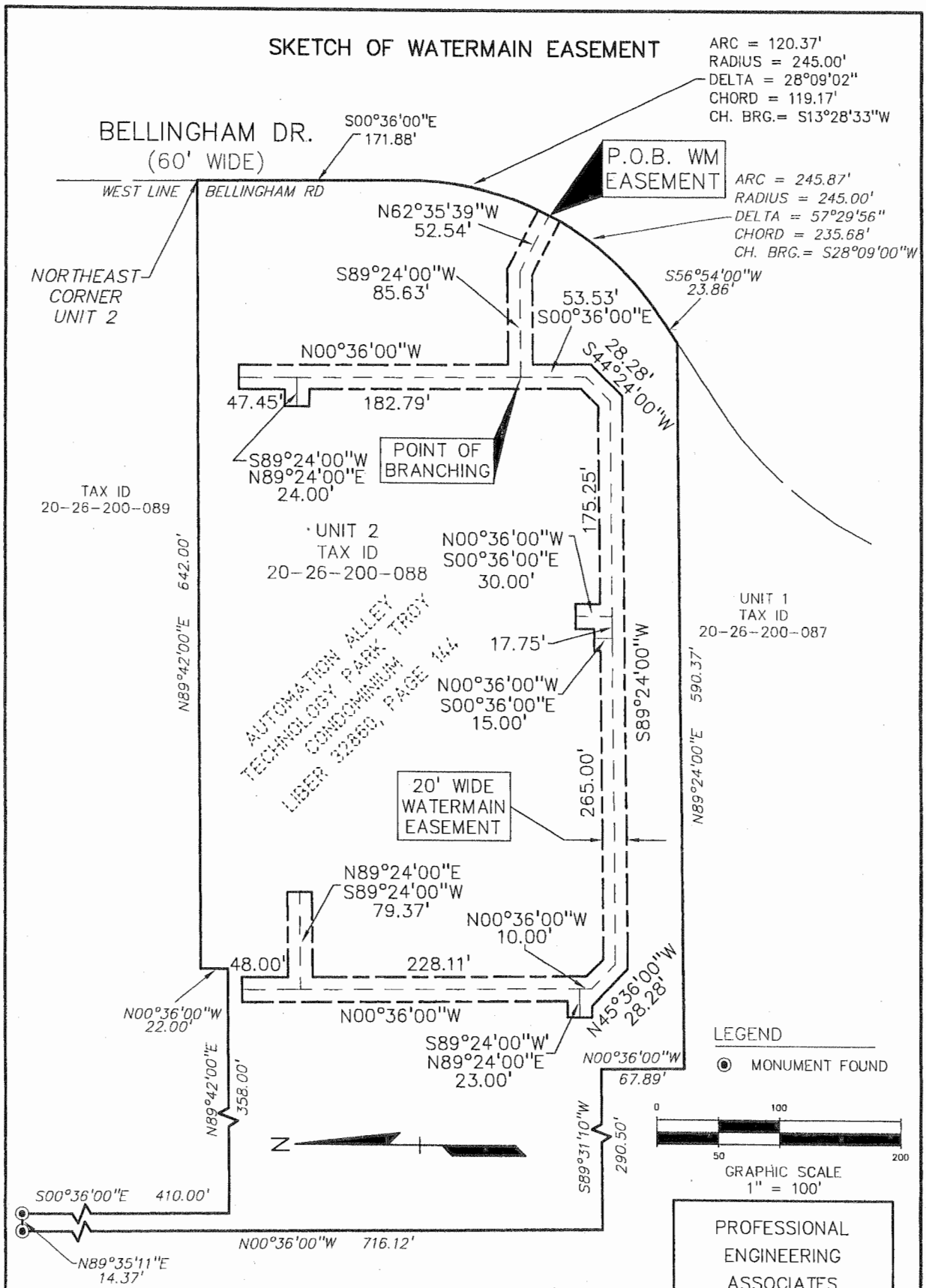
SKETCH OF WATERMAIN EASEMENT



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