



CITY COUNCIL AGENDA ITEM

Date: July 14, 2015

To: Brian Kischnick, City Manager

From: Mark F. Miller, Director of Economic and Community Development
Steven J. Vandette, City Engineer
Larysa Figol, Sr. Right-of-Way Representative

Subject: Request to Vacate a Portion of an Existing Public Utility Easement,
Sidwell #88-20-21-326-014

History

As part of the development of a Hilton Garden Hotel facility, located in the southwest $\frac{1}{4}$ of Section 21 on Wilshire Boulevard, it is necessary to vacate a portion of an existing public utility easement previously granted to the City and recorded with Oakland County Register of Deeds in Liber 43410, Page 099, located on a property now having Sidwell #88-20-21-326-014.

The easement rights for the vacated utilities will be granted back to the property owner, Galleria of Troy, LLC, by means of a Quit Claim Deed.

The format and content of this Quit Claim deed is consistent with conveyance documents previously granted by City Council.

Financial

The consideration amount on this document is \$1.00

Recommendation

City Management recommends that City Council vacate that portion of the public utility easement previously granted to the City.



Note: The information provided by this application has been compiled from recorded deeds, plats, tax maps, surveys, and other public records and data. It is not a legally recorded map survey. Users of this data are hereby notified that the source information represented should be consulted for verification.

LIBER43410 PG099

RECEIVED
OAKLAND COUNTY
REGISTER OF DEEDS
2011 JUL 13 AM 3:02

CHECKING COMPLETED
AT REGISTER OF DEEDS
AUG 03 2011
Register of Deeds
Oakland County, MI

175491
LIBER 43410 PAGE 99

\$25.00 MISC RECORDING
\$4.00 REMONUMENTATION
09/26/2011 01:17:10 P.M. RECEIPT# 78280



PAID RECORDED - OAKLAND COUNTY
BILL BULLARD JR, CLERK/REGISTER OF DEEDS

3

PERMANENT EASEMENT (public utilities)
- MI Developments (America) Inc. - Grantor
City of Troy, a Michigan Municipal Corporation -Grantee
with respect to property located in the City of Troy, Oakland County, Michigan
Address: 600 Wilshire
Tax Parcel No. 20-21-326-007

(88-20-21-326-010)

RECEIVED
OAKLAND COUNTY
REGISTER OF DEEDS
2011 AUG 23 PM 11:24

~~11~~

Need
Releasing
of pg. 103 + 104
10' esmt.
O.K. - AN.

CHECKING COMPLETED
AT REGISTER OF DEEDS
AUG 23 2011
Register of Deeds
Oakland County, MI

2011 SEP 22 AM 10:44
RECEIVED
OAKLAND COUNTY
REGISTER OF DEEDS

original gas
pipeline.

PRE
NCS/FAT

NCS-475999

79

LIBER43410 PG100

PERMANENT EASEMENT

(Sidwell #88-20-21-326-007)

MI DEVELOPMENTS (AMERICA) INC., a Delaware corporation, Grantor, whose address is 455 Magna Drive, Aurora, Ontario, Canada L4G7A9, the owner of the property located in the City of Troy, Oakland County, Michigan described on Exhibit "A: attached hereto and by reference made a part hereof, 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 ~~gas main~~ ^{public utilities} said easement for land situated in the City of Troy, Oakland County, Michigan described as:

SEE EXHIBIT "B" 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.

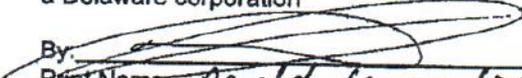
The premises so disturbed by Grantee's construction, operation, maintenance, repair and/or replacement by virtue of the easement and rights granted herein shall be restored to substantially the same condition as existed prior to Grantee's construction, operation, maintenance, repair and/or replacement by the Grantee by virtue of the easement and rights granted herein.

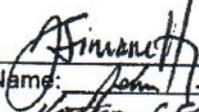
This instrument shall be binding upon and inure to the benefit of the parties hereto, their heirs, representatives, successors and assigns and the covenants contained herein shall run with the land.

This easement is exempt from real estate transfer tax pursuant to MCLA 207.505(a) and from State real estate transfer tax pursuant to the provisions of MCLA 207.526(a).

IN WITNESS WHEREOF, the undersigned hereunto affixed _____ signatures this 20 day of June, 2011.

MI DEVELOPMENTS (AMERICA) INC.,
a Delaware corporation

By: 
Print Name: Donald Cameron (DONALD CAMERON)
Its: COO (COO)

By: 
Print Name: John Simonetti (JOHN SIMONETTI)
Its: Interim CFO (INTERIM CFO)

(Acknowledgements contained on following page)

LIBER43410 PG101

Region OF York)
Town OF Rumson) ss.

The foregoing instrument was acknowledged before me on this 20 day of June, 2011 by Donald Connor, the CEO of MI Developments (America) Inc., a Delaware corporation on behalf of said corporation.


Print Name: Vito Cravo
Notary Public, _____ County, _____
Acting in _____ County
My Commission Expires: N/A

[Seal]

Region OF York)
Town OF Rumson) ss.

The foregoing instrument was acknowledged before me on this 20 day of June, 2011 by John Simenetti, the Vice CEO of MI Developments (America) Inc., a Delaware corporation on behalf of said corporation.


Print Name: Vito Cravo
Notary Public, _____ County, _____
Acting in _____ County
My Commission Expires: N/A

[Seal]

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 SIGNATURE

LIBER 43410 PG 102

EXHIBIT "A"

Legal Description of Grantee's Property

REAL PROPERTY IN THE CITY OF TROY, COUNTY OF OAKLAND, STATE OF MICHIGAN, DESCRIBED AS FOLLOWS:

ALL THAT PART OF THE SOUTHEAST 1/4 OF THE ~~SOUTHWEST 1/4 OF SECTION 21, TOWN 2 NORTH, RANGE 11 EAST, CITY OF TROY, OAKLAND COUNTY, MICHIGAN, BEING MORE PARTICULARLY DESCRIBED AS COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 21; THENCE N.87°28'55"E., ALONG THE SOUTH LINE OF SAID SECTION 21, A DISTANCE OF 1644.21 FEET; THENCE N.02°31'05"W., 102.00 FEET; THENCE N.02°42'49"E., 450.89 FEET; THENCE N.30°30'43"E., 217.24 FEET TO THE POINT OF BEGINNING; THENCE N.79°31'26"W., 370.39 FEET TO THE POINT OF A CURVATURE OF A 510.00 FOOT RADIUS CURVE TO THE LEFT; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE, 58.26 FEET (CHORD BEARS N.01°14'53"E., 58.22 FEET) TO THE POINT OF TANGENCY OF SAID CURVE; THENCE N.02°01'28"W., 846.04 FEET; THENCE S.87°58'32"W., 120.00 FEET; THENCE N.02°01'28"W., 864.56 FEET TO THE EAST-WEST 1/4 LINE OF SAID SECTION 21; THENCE N.87°40'05"E., ALONG SAID EAST-WEST 1/4 LINE OF SAID SECTION 21, A DISTANCE OF 838.45 FEET; THENCE S.00°01'06"W., 633.78 FEET; THENCE S.00°52'45"W., 508.57 FEET; THENCE S.12°25'36"W., 274.37 FEET; THENCE S.23°06'06"W., 271.07 FEET; THENCE S.30°30'43"W., 238.41 FEET TO THE POINT OF BEGINNING.~~

PROPERTY ADDRESS: 600 WILSHIRE

TAX PARCEL NO.: 20-21-326-007

CONTAINING: 1,270,374.77 SQ. FT. OR 29.163 ACRES OF LAND.

(88)-20-21-326-010, (88)-20-21-326-011
(88)-20-21-326-012

LIBER 43410 PG 03

EXHIBIT "B"

Easement Legal Description and Depiction

GAS EASEMENT

A TEN (10.00) FOOT WIDE EASEMENT FOR GAS MAIN BEING DESCRIBED ALONG ITS CENTERLINE AS BEING A PART OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 21, TOWN 2 NORTH, RANGE 11 EAST, CITY OF TROY, OAKLAND COUNTY, MICHIGAN, BEING MORE PARTICULARLY DESCRIBED AS COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 21; THENCE N.87°28'55"E., ALONG THE SOUTH LINE OF SAID SECTION 21, A DISTANCE OF 1439.12 FEET AND N.02°01'28"W., 1072.64 FEET TO THE POINT OF BEGINNING; THENCE N.87°58'28"E. 30.57 FEET; THENCE S.02°01'32"E. 145.90 FEET; THENCE N.88°05'10"E. 347.32; THENCE N.10°28'19"E. 328.84 TO THE POINT OF ENDING.

BLOOMFIELD 27897-50 1126035v2

Part of ~~88-20-21-326-007~~
88-20-21-326-~~010~~
011

Part of 88-20-21-326-012

QUIT CLAIM DEED

Sidwell # 20-21-326-014 (part of)
Resolution #

The Grantor, **CITY OF TROY**, a Michigan municipal corporation whose address is 500 West Big Beaver, Troy, MI 48084 quit claims to **Galleria of Troy, LLC**, a Michigan limited liability company whose address is 30500 Northwestern Highway, Suite 525, Farmington Hill, MI 48334, the following described premises situated in the City of Troy, County of Oakland and State of Michigan as previously recorded in Liber 46653 Page 344 a copy of which is attached hereto (Exhibit "B");

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

For the sum of One Dollar (\$ 1.00)

Dated this _____ day of _____, 2015.

CITY OF TROY
a Michigan municipal corporation

By _____
* Dane M. Slater, Mayor

By _____
* M. Aileen Dickson, City Clerk

STATE OF MICHIGAN)
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this _____ day of _____, 2015, by Dane M. Slater, Mayor, and M. Aileen Dickson, City Clerk of The City of Troy, a Michigan municipal corporation, on behalf of the municipal corporation.

*
Notary Public, _____ County, MI
My commission expires: _____
Acting in _____ County, MI

County Treasurer's Certificate		City Treasurer's Certificate	
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 # 88-20-21-326-014 Recording Fee _____ Transfer Tax _____

**SKETCH OF 10' WIDE GAS EASEMENT
TO BE VACATED**

LEGAL DESCRIPTION – PARCEL 20–21–326–012

Real property in the City of Troy, County of Oakland, State of Michigan, described as follows: All that part of the Southeast 1/4 of the Southwest 1/4 of Section 21, Town 2 North, Range 11 East, City of Troy, Oakland County, Michigan, being more particularly described as commencing at the Southwest corner of said Section 21; thence N87°28'55"E along the South line of said Section 21, a distance of 1803.74 feet and N02°31'05"W, 733.14 feet to the point of beginning; thence N79°31'26"W, 370.39 feet to a point on the Easterly right-of-way line of Wilshire Drive (120' wide); thence along a curve to the left a distance of 58.26 feet (having a radius of 510.00 feet and a chord bearing and distance of N01°14'53"E 58.22 feet); thence N02°01'28"W, 105.29 feet; thence N77°34'16"E, 10.70 feet; thence N88°05'10"E, 213.71 feet; thence along a curve to the left a distance of 67.44 feet (having a radius of 50.00 feet and a chord bearing and distance of N49°26'44"E 62.44 feet); thence N10°48'18"E, 174.77 feet; thence along a curve to the right a distance of 67.33 feet (having a radius of 43 feet and a chord bearing and distance of N55°39'43"E 60.66 feet); thence S79°28'52"E, 238.80 feet to a point on the Westerly line of Interstate I-75; thence continuing along said Westerly line the following two courses; S23°06'06"W, 258.44 feet and S30°30'43"W, 238.41 feet to the point of beginning. Containing 3.49 Acres.

LEGAL DESCRIPTION – 10 FOOT WIDE GAS MAIN EASEMENT VACATION

That portion of a ten (10) foot wide easement over the above described parcel as recorded in Liber 43410, Page 99, Oakland County Records over land in part of the Southeast 1/4 of the Southwest 1/4 of Section 21, Town 2 North, Range 11 East, City of Troy, Oakland County, Michigan, TO BE VACATED; whose centerline is more particularly described as:

Commencing at the Southwest corner of said Section 21; thence N87°28'55"E along the South line of said Section 21 a distance of 1803.74 feet; thence N02°31'05"W, 733.14 feet; thence N79°31'26"W, 370.39 feet to a point on the Easterly right-of-way line of Wilshire Drive (120' wide); thence 58.26 feet along the arc of a curve to the left (having a radius of 510.00 feet and a chord bearing and distance of N01°14'53"E 58.22 feet); thence N02°01'28"W, 105.29 feet; thence N77°34'16"E, 10.70 feet; thence N88°05'10"E, 20.02 feet to the centerline of an existing gas easement as recorded in Liber 43410, Page 99, Oakland County Records; thence along said centerline S02°01'32"E, 54.99 feet; thence continuing along said centerline N88°05'10"E, 232.52 feet to the POINT OF BEGINNING of the area of said easement TO BE VACATED;

thence continuing along said centerline N88°05'10"E, 114.80 feet;
thence continuing along said centerline N10°28'19"E, 286.74 feet to the POINT OF ENDING.

PROFESSIONAL
ENGINEERING
ASSOCIATES

CLIENT:
GROUP 10 MANAGEMENT
30500 NORTHWESTERN HWY, SUITE 525
FARMINGTON HILLS, MI., 48334

SCALE: 1"= 100'

JOB No: 2012070

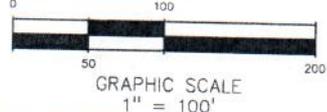
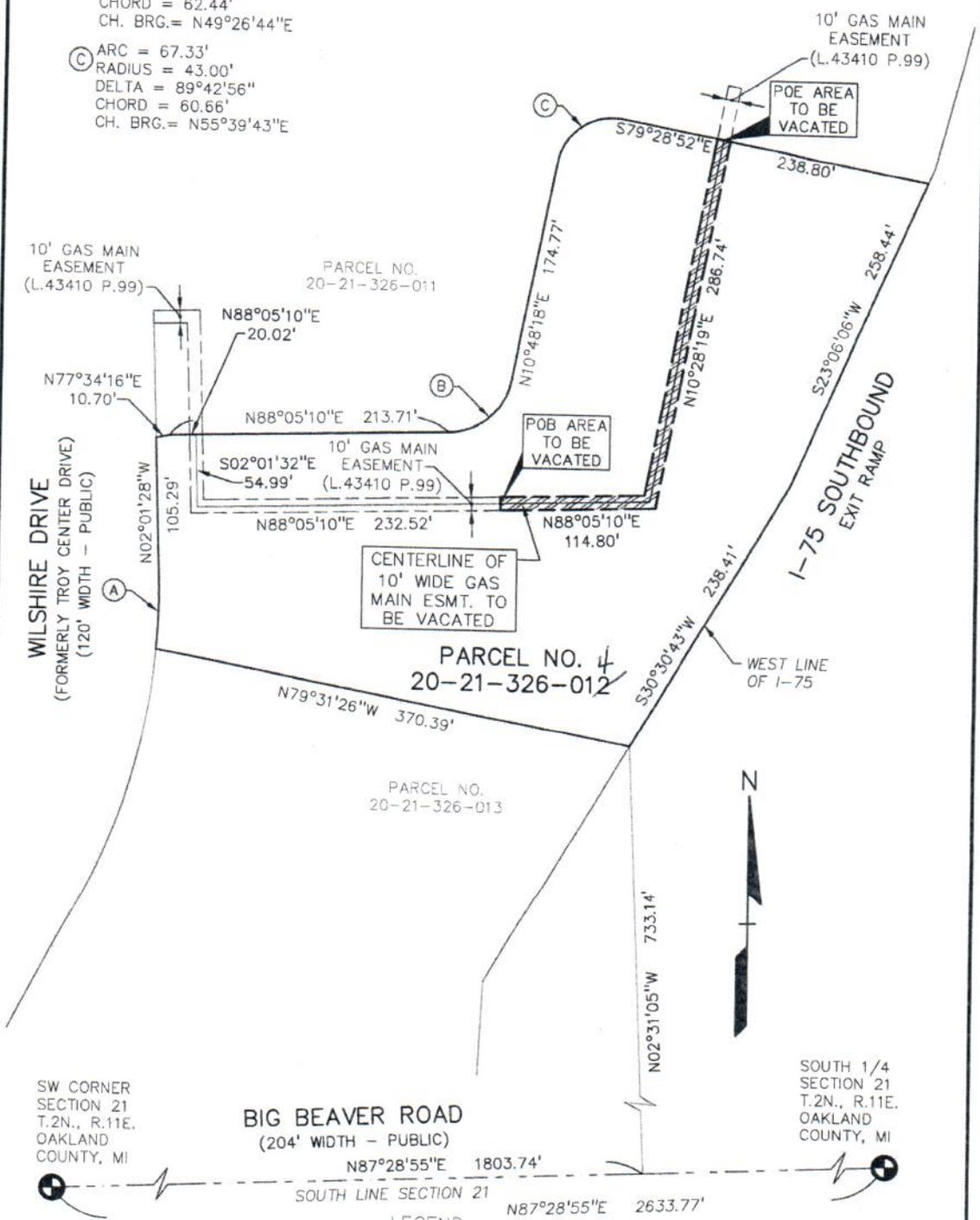
DATE: 7-14-15

DWG. No: 2 of 2

2430 Rochester Ct Suite 100
Troy, MI 48083-1872
(248) 689-9090

SKETCH OF 10' WIDE GAS EASEMENT TO BE VACATED

- (A) ARC = 58.26'
RADIUS = 510.00'
DELTA = 06°32'39"
CHORD = 58.22'
CH. BRG. = N01°14'53"E
- (B) ARC = 67.44'
RADIUS = 50.00'
DELTA = 77°16'35"
CHORD = 62.44'
CH. BRG. = N49°26'44"E
- (C) ARC = 67.33'
RADIUS = 43.00'
DELTA = 89°42'56"
CHORD = 60.66'
CH. BRG. = N55°39'43"E



LEGEND

	SECTION CORNER FOUND
	EASEMENT AREA TO BE VACATED

**PROFESSIONAL
ENGINEERING
ASSOCIATES**

2430 Rochester Ct. Suite 100
Troy, MI 48063-1872
(248) 689-9090

CLIENT: GROUP 10 MANAGEMENT 30500 NORTHWESTERN HWY, SUITE 525 FARMINGTON HILLS, MI., 48334	SCALE: 1" = 100'	JOB No: 2012070
	DATE: 7-14-15	DWG. No: 1 of 2