



CITY COUNCIL AGENDA ITEM

Date: September 21, 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 Sanitary Sewer Easement and Accept a Sanitary Sewer easement from Hannawa Holdings, Benton Harbor, LLC
Sidwell #88-20-24-476-005

History

As part of the redevelopment and improvement of the Golden Gate Plaza, located in Section 24 at the northwest corner of Big Beaver and Dequindre roads, it is necessary to vacate a portion of an existing sanitary sewer easement previously granted to the City and recorded with Oakland County Register of Deeds in Liber 6866, Page 205, located on a property now having Sidwell #88-20-24-476-005. The easement rights for the vacated sanitary sewer will be granted back to the property owner, Hannawa Holdings, Benton Harbor, LLC, by means of a Quit Claim Deed.

The existing sanitary sewer will be relocated and a new sanitary sewer easement has been granted to the City by the property owners Hannawa Holdings, Benton Harbor, LLC.

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

Financial

The consideration amount on each document is \$1.00.

Recommendation

City Management recommends that City Council vacate that portion of the sanitary sewer easement previously granted to the City and accept the attached permanent easement consistent with our policy of accepting easements for development and improvement purposes.



QUIT CLAIM DEED

Sidwell # 88-20-24-476-005 (pt)
Resolution #

The Grantor(s), the **CITY OF TROY**, a Michigan municipal corporation, whose address is 500 West Big Beaver, Troy, MI 48084 quit claims to **HANNAWA HOLDINGS, BENTON HARBOR L.L.C.**, a Michigan limited liability company, Grantee, whose address is 2425 Franklin Road, Bloomfield Hills, MI 48302, the following described easement rights situated in the City of Troy, County of Oakland and State of Michigan a portion of which was previously recorded in Liber 6866 Page 205 and a copy of which is attached hereto (Exhibit "B"): the following described premises situated in the City of Troy, County of Oakland and State of Michigan:

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
My commission expires: _____
Acting in _____ County, _____

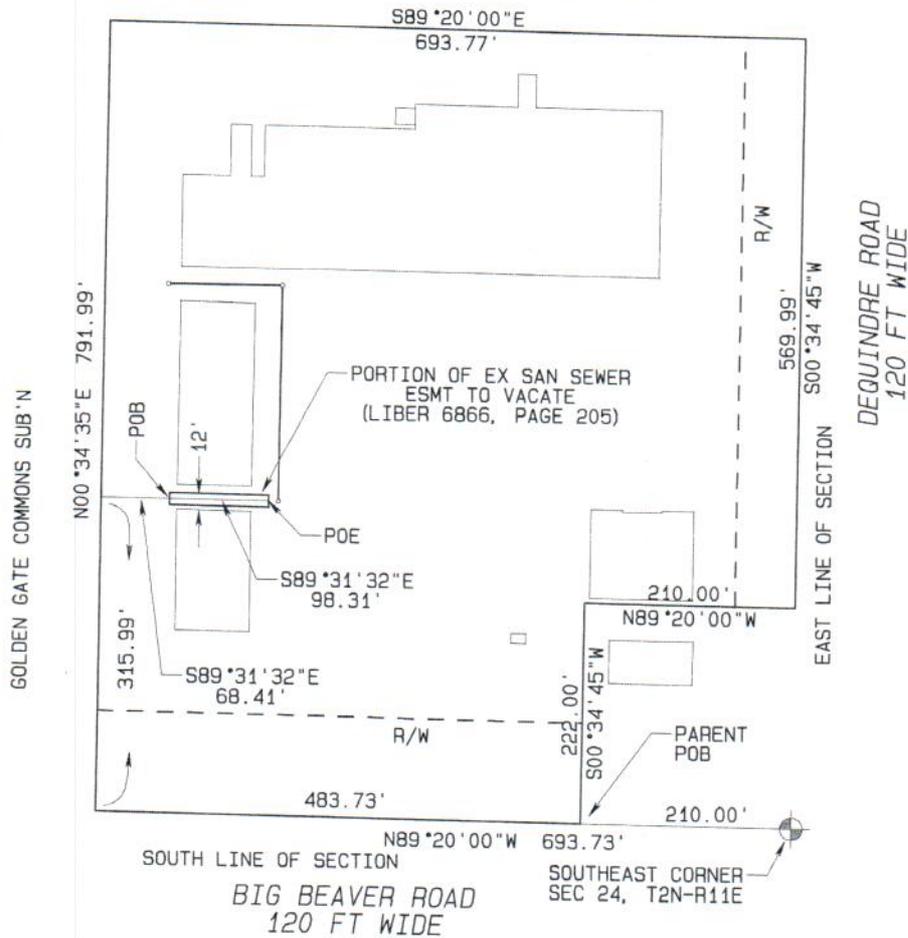
County Treasurer's Certificate		City Treasurer's Certificate	
When recorded return to: City Clerk City of Troy 500 West Big Beaver Troy, MI 48084	Send subsequent tax bills to: Grantee	Drafted by: Larysa Figol City of Troy 500 West Big Beaver Troy, MI 48084	

Tax Parcel # 88-20-24-476-005 (pt of) Recording Fee _____ Transfer Tax _____

*TYPE OR PRINT NAMES UNDER SIGNATURES

EXHIBIT A EASEMENT VACATION

N



VACATION OF EASEMENT DESCRIPTION

PART OF THE SOUTHEAST QUARTER OF SECTION 24, T2N-R11E, CITY OF TROY, OAKLAND COUNTY, MICHIGAN, DESCRIBED AS: A TWELVE FOOT WIDE STIP OF LAND LYING SIX FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:
 COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION; THENCE ALONG THE SOUTH LINE OF SAID SECTION, N89°20'00"W 693.73 FEET TO THE SOUTHEAST CORNER OF THE PLAT "GOLDEN GATE COMMONS SUBDIVISION" AS RECORDED IN LIBER 241 OF PLATS, PAGE 16, OAKLAND COUNTY, MICHIGAN RECORDS; THENCE ALONG THE EAST LINE OF SAID PLAT, N00°34'35"E, 315.99 FEET; THENCE S89°31'21"E, 68.41 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING S89°31'21"E, 98.31 FEET TO THE POINT OF ENDING.

PARENT PARCEL DESCRIPTION

PART OF THE SOUTHEAST QUARTER OF SECTION 24, T2N-R11E, CITY OF TROY, OAKLAND COUNTY, MICHIGAN, DESCRIBED AS: COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION; THENCE ALONG THE SOUTH LINE OF SAID SECTION, N89°20'00"W, 210.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID SOUTH LINE, N89°20'00"W, 483.73 FEET TO THE SOUTHEAST CORNER OF THE PLAT "GOLDEN GATE COMMONS SUBDIVISION", RECORDED IN LIBER 241 OF PLATS, PAGE 16, OAKLAND COUNTY, MICHIGAN RECORDS; THENCE ALONG THE EAST LINE OF SAID PLAT, N00°34'35"E, 791.99 FEET; THENCE S89°20'00"E, 693.77 FEET TO A POINT ON THE EAST LINE OF SAID SECTION; THENCE ALONG SAID EAST LINE OF SECTION, S00°34'45"W, 569.99 FEET; THENCE N89°20'00"W, 210.00 FEET; THENCE S00°34'45"W, 222.00 FEET TO THE POINT OF BEGINNING. EXCEPT THE EAST 60 FEET OF THE NORTH 569.99 FEET TAKEN FOR DEQUINDRE ROAD. ALSO EXCEPT THE SOUTH 102 FEET TAKEN FOR BIG BEAVER ROAD.



CES
 CIVIL ENGINEERING
 SOLUTIONS, Inc.

PO BOX 243
 56711 NEW HUDSON, MI 48165
 PH: (248) 264-6906
 F: (810) 448-5903
 Izwada@civilengineeringsolutions.us

REVISIONS			SCALE: 1"=150'
NO.	ITEM	DATE	JOB #: 2014-0024
1	PER CITY OF TROY	9/3/15	DRAWN BY: BA
2	-	-	CHECKED BY: LZ
3	-	-	SECTION: 24
4	-	-	TOWN: 2N RANGE: 11E

EXHIBIT "B"

MARCH 17 77

LIBER 6868 PAGE 205

77 20945

EASEMENT

KNOW ALL MEN BY THESE PRESENTS, That John D. Dinan (a married man)

whose address is

17117 West Nine Mile Road, Suite 428, Southfield, Michigan

party of the first part, for and in consideration of the sum of One Dollar (\$1.00) paid to party of the first part by the CITY OF TROY, a Michigan Municipal Corporation, party of the second part, whose address is 800 West Big Beaver Road, Troy, Michigan, do hereby grant to the said party of the second part the right to construct, operate, maintain, repair and/or replace a PUBLIC SANITARY SEWER AND WATER MAIN across and through the following described land situated in the City of Troy, Michigan:

LAND AS DESCRIBED IN EXHIBIT "A"

Said easement is described as:

IN EXHIBIT "B"

and to enter upon sufficient land adjacent to said PUBLIC SANITARY SEWER AND WATER MAIN for the purpose of the construction, operation, maintenance, repair and/or replacement thereof.

The premises so disturbed by reason of the exercise of any of the foregoing powers, shall be reasonably restored to its original condition by the party of the second part.

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 signatures this 17th day of November, A.D. 1977.

In presence of: WITNESS

Blaine Trosala, Nathan Klittner

John D. Dinan

STATE OF MICHIGAN) COUNTY OF Oakland)

On this 17th day of November, A.D. 1977 before me personally appeared John D. Dinan

to me personally known, who being by name sworn, did oath for himself say that he does acknowledge said instrument to be his free act and deed.

Corporation names in and which executed the within instrument, and that the seal affixed to said instrument is the corporate seal of said Corporation and that said instrument was signed and sealed on behalf of and acknowledged said instrument to be the free act and deed of said Corporation.

RETURN TO: City Clerk, City of Troy, 800 W. Big Beaver Road, Troy, Michigan 48064 PREPARED BY: Singh Dhatia, P.E., Engineering Division, City of Troy

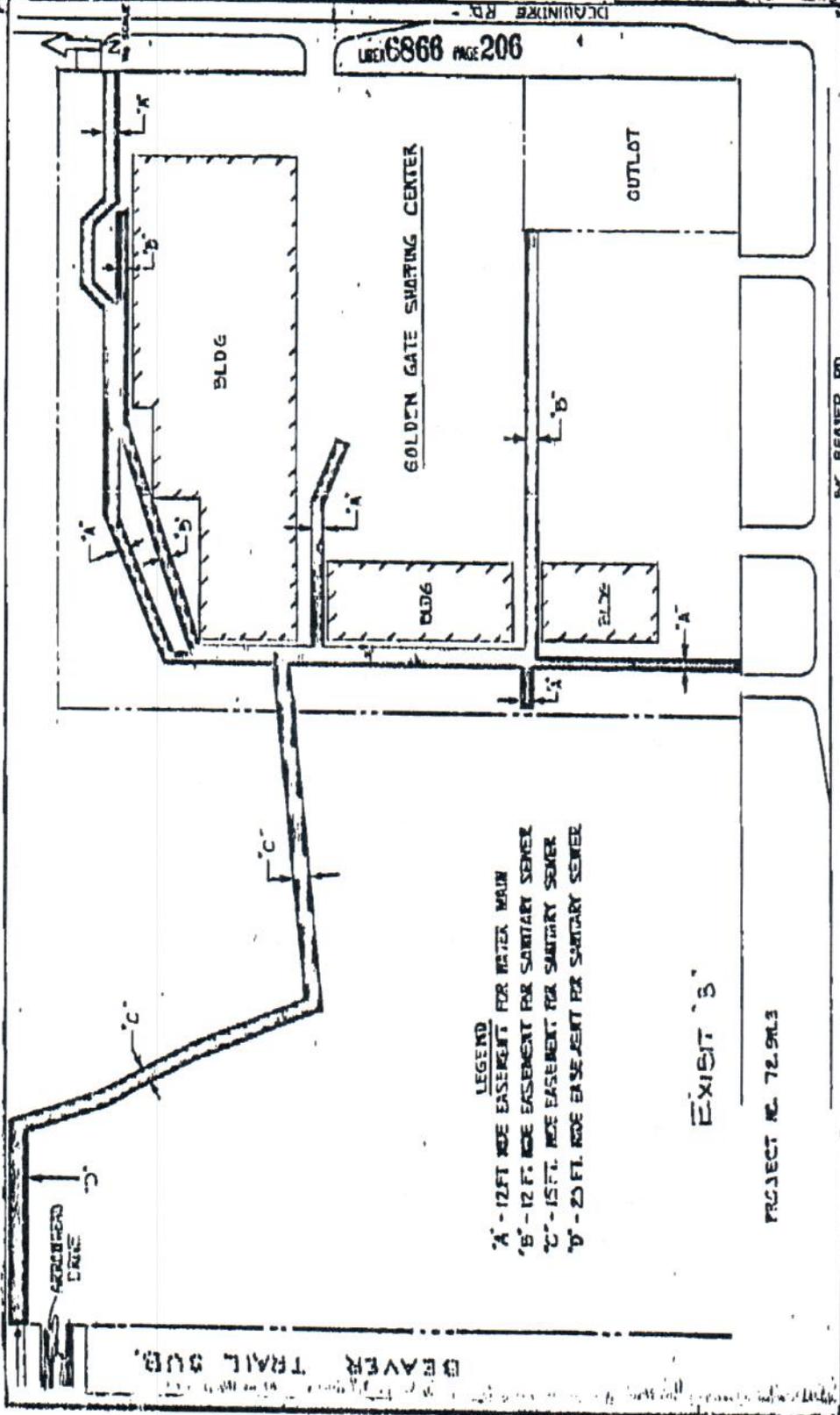
Nathan Klittner, Notary Public, Oakland County, Michigan, My Commission Expires 1/78

2 (Corporations)

NATHAN KLITNER, Notary Public, Oakland County, Mich., My Commission Expires 1/78

MARCH 17 77

LIB 6866 PAGE 206



LEGEND

'A' - 12 FT. WIDE EASEMENT FOR WATER MAIN

'B' - 12 FT. WIDE EASEMENT FOR SANITARY SEWER

'C' - 15 FT. WIDE EASEMENT FOR SANITARY SEWER

'D' - 20 FT. WIDE EASEMENT FOR SANITARY SEWER

EXIST 'B'

PROJECT NO. 72.943

BEAVER TRAIL SUB.

ADJACENT LANE

MAY BEAVER RD.

MARCH

17

77

LEGER 6866 PAGE 207

EXHIBIT "A"

A parcel of land being a part of the S.E. 1/4 of Section 24, T.2N. R.11E., City of Troy, Oakland County, Michigan and is described as follows:

Begin at a point on the south line of Section 24, T.2N. R.11E. City of Troy, Oakland County, Michigan, located distant N 89° 20' 00" W 693.73 ft. from the S.E. cor. of said Section 24 and proceeding thence N 89° 20' 00" W 670.01 ft. along said South Sec. line; thence N 0° 56' 50" E 1307.48 ft. thence S 89° 54' 25" E 1305.38 feet to a point on the East line of said Section 24 thence S 0° 34' 45" W 828.51 feet along said East Section line thence N 89° 20' 00" W 693.73 feet thence S 0° 34' 45" W 791.99 feet to the point of beginning and containing 1,171,230 square feet, being 26.8077 acres of land, more or less.

Also a parcel of land in the S.E. 1/4 of Section 24, T.2N., R.11E., City of Troy, Oakland County, Michigan and is described as follows:

Begin at a point located distant N 0° 34' 45" E 102.00 feet and N 89° 20' 00" W 210.00 feet from the S.E. 1/4 Section of said Section 24, and proceeding thence N 89° 20' 00" W 483.07 ft. thence N 0° 56' 50" E. 690.00 feet, thence S 89° 20' 00" W 620.64 feet, thence S 0° 34' 45" W. 469.99 feet; thence N 89° 20' 00" W. 180.00 feet, thence S 0° 34' 45" W. 220.00 feet to the pt. of beginning.

PERMANENT EASEMENT

Sidwell #88-20-24-476-005 (part of)

HANNAWA HOLDINGS, BENTON HARBOR, LLC, a Michigan limited liability company, Grantor(s), whose address is 2425 Franklin Road, Bloomfield Hills, MI 48302 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 **sanitary sewers**, 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 signature(s) this 18th day of September A.D. 2015.

HANNAWA HOLDINGS, BENTON HARBOR, LLC
a Michigan limited liability company

By *Kenny Hanna* (L.S.)

* KENNY HANNAWA
Its: MANAGING MEMBER

STATE OF MICHIGAN)
COUNTY OF Oakland)

The foregoing instrument was acknowledged before me this 18th day of September, 2015, by Kenny Hanna, Managing Member of Hannawa Holdings, Benton Harbor, LLC, a Michigan limited liability company, on behalf of the company.

CHRISTINE S. BROWN
Notary Public, State of Michigan
County of Macomb
My Commission Expires Feb. 18, 2020
Acting in the County of Oakland

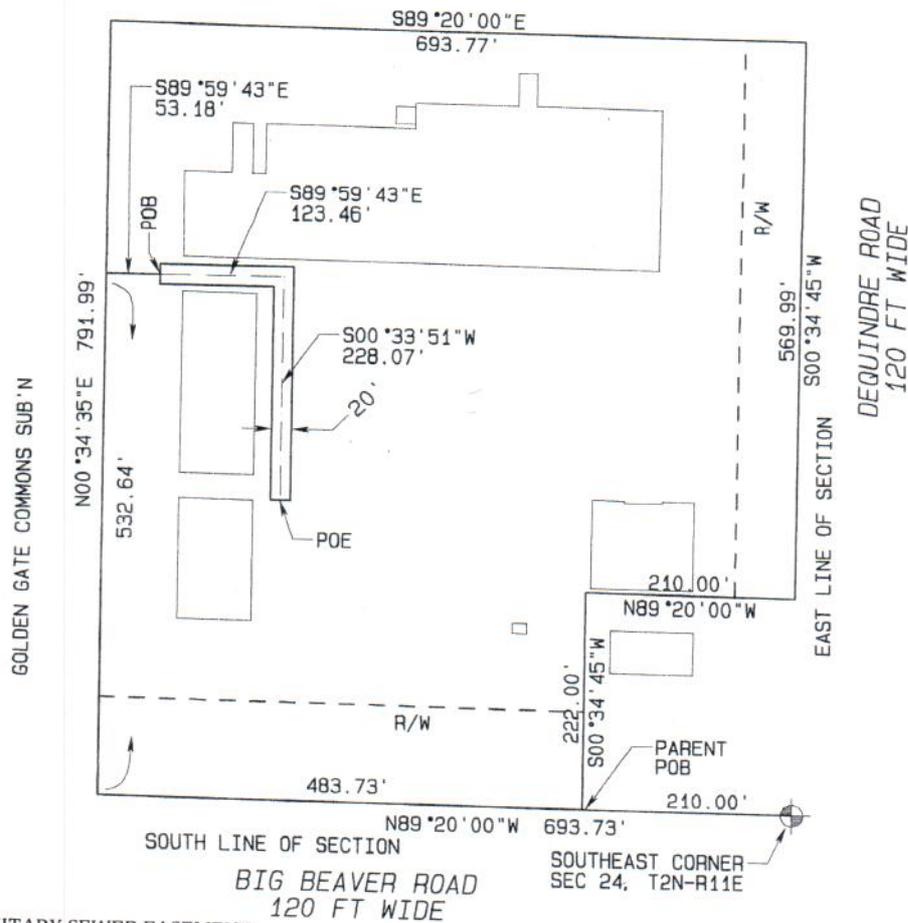
Christine S. Brown

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 SANITARY SEWER EASEMENT

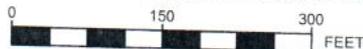


SANITARY SEWER EASEMENT

PART OF THE SOUTHEAST QUARTER OF SECTION 24, T2N-R11E, CITY OF TROY, OAKLAND COUNTY, MICHIGAN, DESCRIBED AS: A TWENTY FOOT WIDE STRIP OF LAND LYING TEN FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:
 COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION; THENCE ALONG THE SOUTH LINE OF SAID SECTION, N89°20'00"W 693.73 FEET TO THE SOUTHEAST CORNER OF THE PLAT "GOLDEN GATE COMMONS SUBDIVISION" AS RECORDED IN LIBER 241 OF PLATS, PAGE 16, OAKLAND COUNTY, MICHIGAN RECORDS; THENCE ALONG THE EAST LINE OF SAID PLAT, N00°34'35" E, 532.64 FEET; THENCE S89°59'43"E, 53.18 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING S89°59'43"E, 123.46 FEET; THENCE S00°33'51"W, 228.07 FEET TO THE POINT OF ENDING.

PARENT PARCEL DESCRIPTION

PART OF THE SOUTHEAST QUARTER OF SECTION 24, T2N-R11E, CITY OF TROY, OAKLAND COUNTY, MICHIGAN, DESCRIBED AS: COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION; THENCE ALONG THE SOUTH LINE OF SAID SECTION, N89°20'00"W, 210.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID SOUTH LINE, N89°20'00"W, 483.73 FEET TO THE SOUTHEAST CORNER OF THE PLAT "GOLDEN GATE COMMONS SUBDIVISION", RECORDED IN LIBER 241 OF PLATS, PAGE 16, OAKLAND COUNTY, MICHIGAN RECORDS; THENCE ALONG THE EAST LINE OF SAID PLAT, N00°34'35"E, 791.99 FEET; THENCE S89°20'00"E, 693.77 FEET TO A POINT ON THE EAST LINE OF SAID SECTION; THENCE ALONG SAID EAST LINE OF SECTION, S00°34'45"W, 569.99 FEET; THENCE N89°20'00"W, 210.00 FEET; THENCE S00°34'45"W, 222.00 FEET TO THE POINT OF BEGINNING. EXCEPT THE EAST 60 FEET OF THE NORTH 569.99 FEET TAKEN FOR DEQUINDRE ROAD. ALSO EXCEPT THE SOUTH 102 FEET TAKEN FOR BIG BEAVER ROAD.



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NO.	ITEM	DATE	JOB #: 2014-0024
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2	-	-	CHECKED BY: LZ
3	-	-	SECTION: 24
4	-	-	TOWN: 2N RANGE: 11E