



CITY COUNCIL AGENDA ITEM

Date: June 30, 2016

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 Grant an Underground Utility Easement Over a City Owned Property To DTE Electric Company, Michigan Bell Telephone Company, d/b/a AT&T Michigan formerly d/b/a SBC Michigan, Comcast Cable of Indiana/Michigan/Texas, Inc., Consumers Energy, and Wide Open West, Inc. - Sidwell #20-13-402-041, Vacant Wattles Road

History

The City of Troy has received an underground easement request from DTE Detroit Electric Company over a portion of property currently owned by the City of Troy. The parcel is located in Section 13 on the north side of Wattles Road at the newly constructed Aleppo Drive, west of Forsyth. The vacant parcel was recently conveyed to the City for detention purposes as part of the new Pinery Woods Site Condominium development.

Pinery Woods is a 25-unit condominium project that received preliminary site plan approval from the Planning Commission on April 14, 2015.

The easement request for utility purposes will benefit DTE Electric Company, Michigan Bell Telephone Company, d/b/a AT&T Michigan formerly d/b/a SBC Michigan, Comcast Cable of Indiana/Michigan/Texas, Inc., Consumers Energy, and Wide Open West, Inc.

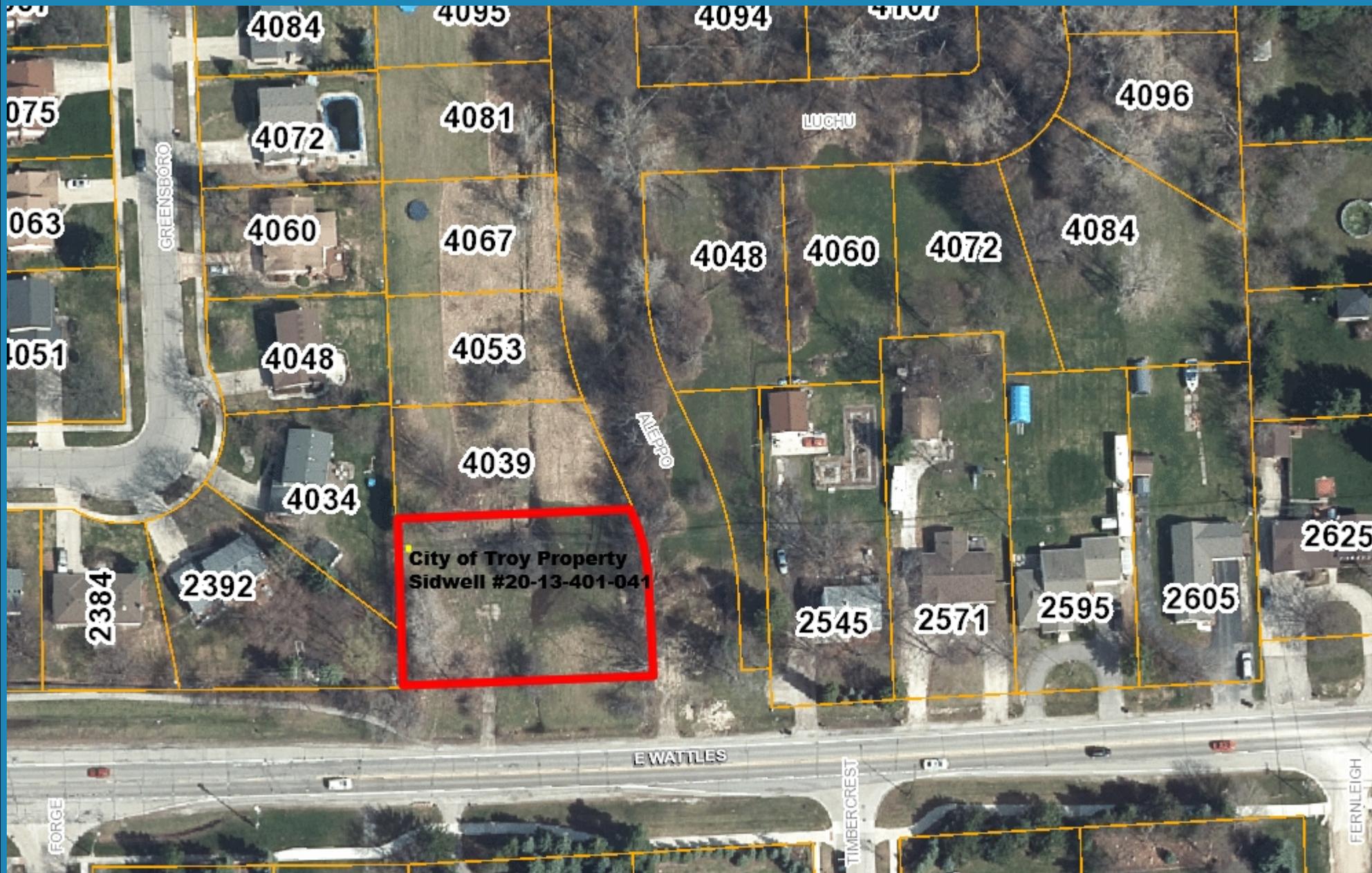
Engineering staff has reviewed this request and recommends the granting of the easement. The format and content of this easement is consistent with conveyance documents previously granted by Troy City Council.

Financial

The consideration amount on this document is \$1.00.

Recommendation

City Management recommends that Troy City Council grant the attached permanent easement consistent with our policy of granting easements for development and improvement purposes.



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.

DTE Electric Company Underground Easement (Right of Way) No. 44024519-44024523

On _____, 2016, for the consideration of system betterment, Grantor grants to Grantee a permanent, non-exclusive underground easement ("Right of Way") in, on, and across a part of Grantor's Land called the "Right of Way Area".

"Grantor" is: CITY OF TROY, A MICHIGAN MUNICIPAL CORPORATION, WHOSE ADDRESS IS 500 WEST BIG BEAVER ROAD, TROY, MI 48084

"Grantee" is: DTE Electric Company, a Michigan corporation, One Energy Plaza Drive, Detroit, Michigan 48226
Michigan Bell Telephone Company, d/b/a AT&T Michigan formerly d/b/a SBC Michigan, 54 N. Mill, Pontiac, MI 48342
Comcast Cable of Indiana/Michigan/Texas, Inc., 30600 Telegraph Rd., Bingham Farms, Michigan 48025
Consumers Energy, 1015 S. Latson, Howell, Michigan 48843
Wide Open West, Inc., 950 E. Whitcomb, Madison Heights, MI 48071

"Grantor's Land" is in SE 1/4, SEC 13, T2N, R11E, TROY TOWNSHIP, County of OAKLAND, and State of Michigan, and is described as follows:

**T2N, R11E, SEC 13 SUPERVISOR'S PLAT OF BROADACRES SUB PART OF LOTS 42, 43 & 44 ALL DESC AS
BEG AT PT DIST N 00-01-33 E 60 FT FROM S 1/4 COR, TH N 00-01-33 E 116.93 FT, TH S 89-58-27 E 164.45 FT,
TH ALG CURVE TO RIGHT, RAD 200 FT, CHORD BEARS S 09-18-31 E 64.76 FT, DIST OF 65.04 FT, TH S 00-00-
30 W 50.89 FT, TH S 89-19-30 W 174.99 FT TO BEG 0.46 A 11-30-15 FR 010, 011 & 039**

Tax Identification Number(s): 20-13-401-041

The "Right of Way Area" is a ten (10') foot wide easement on part of Grantor's Land. The centerline of the Right of Way Area shall be established in the as-built location of the centerline of Grantee's facilities, and shall be installed on Grantor's Land in the approximate location described as follows:

THE LEGAL DESCRIPTION OR EASEMENT DRAWING IS MORE PARTICULARLY DESCRIBED ON EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF.

Tax Identification Number(s): 20-13-401-041

- Purpose:** The purpose of this Right of Way is to construct, reconstruct, modify, add to, repair, replace, inspect, operate and maintain underground utility line facilities, which may consist of poles, guys, anchors, wires, manholes, conduits, pipes, cables, transformers and accessories.
- Access:** Grantee has the right of pedestrian and vehicular ingress and egress to and from the Right of Way Area over and across Grantor's Land.
- Buildings or other Permanent Structures:** No buildings or other permanent structures or improvements may be constructed or placed in the Right of Way Area without Grantee's prior, written consent. Grantor agrees, at its own expense, to remove any improvement that interferes with the safe and reliable operation, maintenance and repair of Grantee's facilities upon the written demand of Grantee. If Grantor fails to comply with such demand, Grantor agrees that Grantee may remove any such improvement and bill Grantor for the cost thereof, which cost Grantor shall pay within thirty (30) days after demand therefor.
- Excavation:** Pursuant to 2013 Public Act 174, MISS DIG (1-800-482-7171 or 811 in some areas) must be called before any excavation in the Right of Way Area may proceed.
- Trees, Bushes, Branches, Roots, Structures and Fences:** Grantee may trim, cut down, remove or otherwise control any trees, bushes, branches and roots growing or that could grow or fall in the Right of Way Area and remove any structures, improvements,

fences, buildings or landscaping in the Right of Way Area that Grantee believes could interfere with the safe and reliable construction, operation, maintenance and repair of Grantee's facilities. No landscaping, trees, plant life, structures, improvements or fences may be planted, grown or installed within 8 feet of the front door, or within 2 feet of the other sides, of transformers or switching cabinet enclosures, and Grantee shall not be responsible for any damage to, or removal of, landscaping, trees, plant life, structures, improvements and/or fences located in such areas.

6. **Restoration:** If Grantee's agents, employees, contractors, subcontractors, vehicles or equipment damage Grantor's Land while entering Grantor's Land for the purposes stated in this Right of Way, then Grantee will restore Grantor's Land as nearly as is reasonably practicable to the condition in which it existed prior to such damage. Restoration with respect to paved surfaces shall consist of asphalt cold patching of the damaged portion of any asphalted surfaces when the weather conditions suggest such use and the cement patching of the damaged portion of any cemented surfaces. Grantee shall have no liability, however, for the restoration or cost of any improvements located within the Right of Way Area, including, but not limited to, parking islands, gutters, fences or landscaping such as trees, bushes, or flowers (but not a simple lawn which, if damaged, will be patched and re-seeded by Grantee) that are damaged by Grantee in the course of constructing, reconstructing, modifying, adding to, repairing, replacing, operating or maintaining its facilities as described in paragraph 1 above.

7. **Successors:** This Right of Way runs with the land and binds and benefits Grantor's and Grantee's successors and assigns.

8. **Exemptions:** This Right of Way is exempt from transfer tax pursuant to MCL 207.505(a) and MCL 207.526(a).

9. **Governing Law:** This Right of Way shall be governed by the laws of the State of Michigan.

Grantor(s): City of Troy

By: _____
Name: _____
Title _____

Acknowledged before me in _____ County, Michigan, on _____, 2016,
by _____, Its: _____ for City of Troy, a Michigan municipal corporation.

Notary's
Stamp _____
Acting in _____ County, Michigan

Notary's
Signature _____

Grantor(s): City of Troy

By: _____
Name: _____
Title _____

Acknowledged before me in _____ County, Michigan, on _____, 2016,
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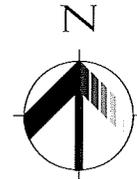
Notary's
Stamp _____
Acting in _____ County, Michigan

Notary's
Signature _____

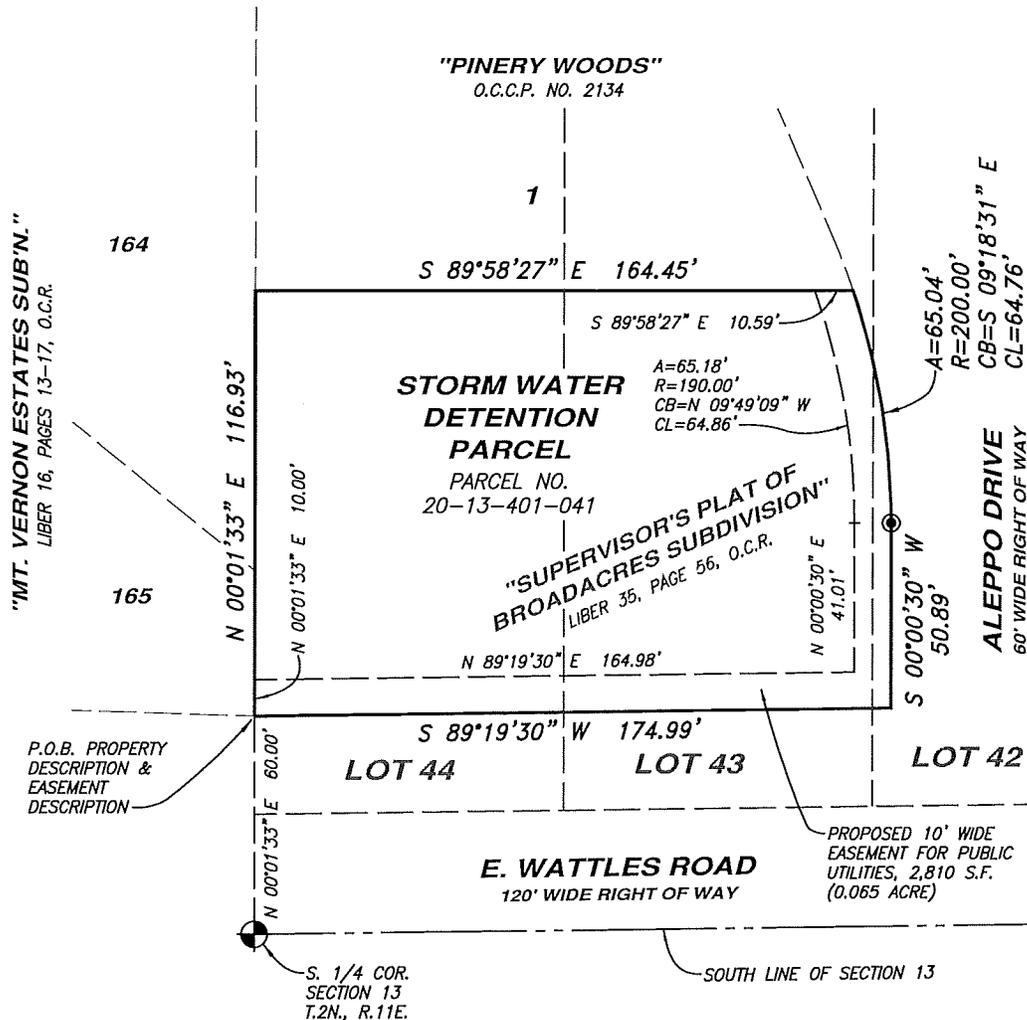
Drafted by and when recorded, return to: Cassandra Dansby, DTE Electric Company, NW Planning & Design, 37849 Interchange Dr., Farmington Hills, MI 48335

Exhibit A

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SCALE: 1" = 40'



HORIZON
ENGINEERING LLC

CIVIL ENGINEERING, SITE PLANNING & LAND DEVELOPMENT CONSULTING
P.O. Box 182158, Shelby Township, Michigan 48318
Phone 586.453.8097 Fax 586.580.0053

PROJECT:
**Public Utility
Easement**

PART OF THE SOUTHEAST 1/4 OF SECTION 13, T.2N., R.11E.,
CITY OF TROY, OAKLAND COUNTY, MICHIGAN

CLIENT:
MR. JOSEPH MANIACI
MONDRIAN PROPERTIES, LLC
50215 SCHOENHERR RD.
SHELBY TWP., MI 48315
(586) 726-7340

JOB NO: 14-065
DATE: 3-11-16
REVISED:
DRAWN BY: N.P.R.

Exhibit A

Page 2 of 2

PROPERTY DESCRIPTION

A PARCEL FOR STORM WATER DETENTION, BEING PART OF LOTS 42, 43, AND 44 OF "SUPERVISOR'S PLAT OF BROADACRES SUB.", A SUBDIVISION OF PART OF THE SOUTHEAST 1/4 OF SECTION 13, TOWN 2 NORTH, RANGE 11 EAST, TROY TOWNSHIP (NOW CITY OF TROY), OAKLAND COUNTY, MICHIGAN AS RECORDED IN LIBER 35 OF PLATS, PAGE 56 OF OAKLAND COUNTY RECORDS, AND BEING MORE PARTICULARLY DESCRIBED AS:

COMMENCING AT THE SOUTH 1/4 CORNER OF SAID SECTION 13; THENCE N.00°01'33"E. (N.00°00'30"E. RECORD) ALONG THE WEST LINE OF SAID LOT 44 AND THE SOUTHERLY EXTENSION THEREOF, 60.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG THE WEST LINE OF SAID LOT 44 N.00°01'33"E. (N.00°00'30"E. RECORD), 116.93 FEET; THENCE S.89°58'27"E., 164.45 FEET; THENCE 65.04 FEET ALONG A CURVE CONCAVE TO THE WEST OF RADIUS 200.00 FEET WHOSE CHORD BEARS S.09°18'31"E., 64.76 FEET; THENCE S.00°00'30"W., 50.89 FEET; THENCE S.89°19'30"W., 174.99 FEET TO THE POINT OF BEGINNING. CONTAINING 20,050 SQUARE FEET, OR 0.460 OF AN ACRE, MORE OR LESS.

EASEMENT DESCRIPTION

A TEN (10) FEET WIDE EASEMENT FOR PUBLIC UTILITIES, BEING PART OF LOTS 42, 43, AND 44 OF "SUPERVISOR'S PLAT OF BROADACRES SUB.", A SUBDIVISION OF PART OF THE SOUTHEAST 1/4 OF SECTION 13, TOWN 2 NORTH, RANGE 11 EAST, TROY TOWNSHIP (NOW CITY OF TROY), OAKLAND COUNTY, MICHIGAN AS RECORDED IN LIBER 35 OF PLATS, PAGE 56 OF OAKLAND COUNTY RECORDS, AND BEING MORE PARTICULARLY DESCRIBED AS:

COMMENCING AT THE SOUTH 1/4 CORNER OF SAID SECTION 13; THENCE N.00°01'33"E. (N.00°00'30"E. RECORD) ALONG THE WEST LINE OF SAID LOT 44 AND THE SOUTHERLY EXTENSION THEREOF, 60.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG THE WEST LINE OF SAID LOT 44 N.00°01'33"E. (N.00°00'30"E. RECORD), 10.00 FEET; THENCE N.89°19'30"E., 164.98 FEET; THENCE N.00°00'30"E., 41.01 FEET; THENCE 65.18 FEET ALONG A CURVE CONCAVE TO THE WEST OF RADIUS 190.00 FEET WHOSE CHORD BEARS N.09°49'09"W., 64.86 FEET TO A POINT ON THE SOUTH LINE OF UNIT 1 OF "PINERY WOODS", OAKLAND COUNTY CONDOMINIUM PLAN NO. 2134, AS RECORDED IN LIBER 48830, PAGE 53, OAKLAND COUNTY RECORDS; THENCE ALONG THE SOUTH LINE OF SAID UNIT 1 S.89°58'27"E., 10.59 FEET TO A POINT ON THE WEST LINE OF ALEPPO DRIVE; THENCE ALONG THE WEST LINE OF ALEPPO DRIVE THE FOLLOWING TWO (2) COURSES: 65.04 FEET ALONG A CURVE CONCAVE TO THE WEST OF RADIUS 200.00 FEET WHOSE CHORD BEARS S.09°18'31"E., 64.76 FEET; AND THENCE S.00°00'30"W., 50.89 FEET TO A POINT ON THE NORTH LINE OF WATTLES ROAD; THENCE ALONG SAID NORTH LINE OF WATTLES ROAD S.89°19'30"W., 174.99 FEET TO THE POINT OF BEGINNING. CONTAINING 2,810 SQUARE FEET, OR 0.065 OF AN ACRE, MORE OR LESS.

HORIZON
ENGINEERING LLC

CIVIL ENGINEERING, SITE PLANNING & LAND DEVELOPMENT CONSULTING

P.O. Box 182158, Shelby Township, Michigan 48318

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