



CITY COUNCIL AGENDA ITEM

Date: October 4, 2016

To: Brian Kischnick, City Manager

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

Subject: Request for Acceptance of a Warranty Deed and Two Permanent Easements from GFA Harmony Developers, LLC, - West Oak III Site Condominium, Sidwell #88-20-23-401-018 and 019

History

As part of the proposed West Oak III Site Condominium development in the southeast ¼ of Section 23, at the end of Boyd Street, the City of Troy received a warranty deed for right-of-way and two permanent easements for public utilities, and storm sewer & surface drainage from GFA Harmony Developers, LLC, owner of a portion of the properties having Sidwell #88-20-23-401-018 and 019.

The Planning Commission granted preliminary site plan approval for West Oak III, a 10 unit site condominium on May 24, 2016.

The format and content of this warranty deed and permanent easements 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 accept the attached warranty deed and permanent easements consistent with our policy of accepting deeds and easements for development and improvement purposes.



743 0 372 743Feet



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.

WARRANTY DEED

Sidwell #88-20-23-401-018+019 (pt. of)
Resolution #

The Grantor(s), GFA HARMONY DEVELOPERS, LLC a Michigan limited liability corporation., whose address 3301 Mirage Drive, Troy, MI 48083, convey(s) and warrant(s) to the CITY OF TROY, a Michigan Municipal Corporation, Grantee, whose address is 500 West Big Beaver, Troy, MI 48084, 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 HEREOF

For the sum of One and 00/100 Dollars (\$1.00)

subject to easements and building and use restrictions of record and further subject to

Dated this 19th day of September, 2016.

GFA HARMONY DEVELOPERS, LLC, a Michigan limited liability company

By: [Signature]
Gary Abitheira
Its: Member

STATE OF MICHIGAN
COUNTY OF Oakland)

The foregoing instrument was acknowledged before me this 19th day of September, 2016, by Gary Abitheira, Member of GFA Harmony Developers, LLC, a Michigan limited liability company, on behalf of the company.

LARYSA FIGOL
Notary Public, Oakland County, Michigan
Acting in Oakland County, Michigan
My Commission Expires 03/02/2018

[Signature]
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:	Drafted by: Larysa Figol City of Troy 500 West Big Beaver Troy, MI 48084	

Tax Parcel # 88-20-23-401-018+019 (pt. of) Recording Fee _____ Transfer Tax _____

*TYPE OR PRINT NAMES IN BLACK INK UNDER SIGNATURES

EXHIBIT "A"

RIGHT OF WAY DEDICATION

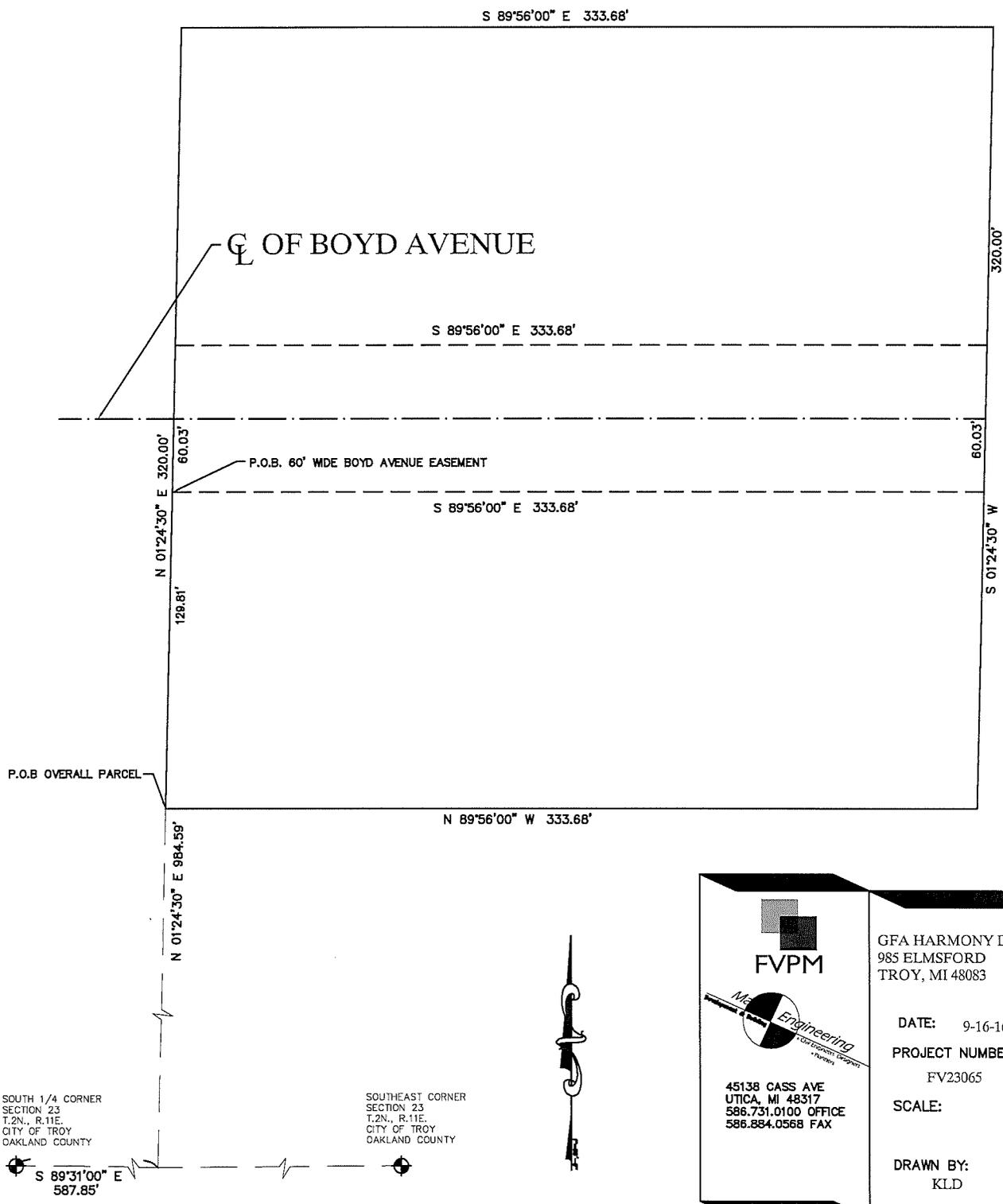
PARCEL COMBINATION

PART OF THE SOUTHEAST 1/4 OF SECTION 23, T.2N., R.11E., CITY OF TROY, OAKLAND COUNTY, MICHIGAN AND BEING MORE PARTICULARLY DESCRIBED AS: COMMENCING AT SOUTH 1/4 CORNER OF SECTION 23; THENCE S 89°31' 00" E 587.85 FT ALONG THE SOUTH LINE OF SECTION 23; THENCE N 01°24' 30" E 984.59 FT TO THE POINT OF BEGINNING; THENCE N 01°24' 30" E 320.00 FT; THENCE S 89°56' 00" E 333.68 FT; THENCE S 01°24' 30" W 320.00 FT; THENCE N 89°56' 00" W 333.68 FT TO THE POINT OF BEGINNING. CONTAINING 2.45 ACRES OF LAND SUBJECT TO ANY AND ALL EASEMENTS AND ROW OF RECORD OR OTHERWISE.

COMBINING PART OF PARCELS 20-23-401-018 & 20-23-401-019

PROPOSED BOYD AVENUE RIGHT OF WAY:

PART OF THE SOUTHEAST 1/4 OF SECTION 23, T.2N., R.11E., CITY OF TROY, OAKLAND COUNTY, MICHIGAN AND BEING MORE PARTICULARLY DESCRIBED AS: COMMENCING AT SOUTH 1/4 CORNER OF SECTION 23; THENCE S89°31'00"E 587.85 FT ALONG THE SOUTH LINE OF SECTION 23; THENCE N01°24'30"E 1114.40 FT TO THE POINT OF BEGINNING; THENCE CONTINUING N01°24'30"E 60.03 FT; THENCE S89°56'00"E 333.68 FT; THENCE S01°24'30"W 60.03 FT; THENCE N89°56'00"W 333.68 FT TO THE POINT OF BEGINNING. CONTAINING 0.46 ACRES OF LAND SUBJECT TO ANY AND ALL EASEMENTS AND ROW OF RECORD OR OTHERWISE.



 FVPM Mc Engineering CONSULTING ENGINEERS & SURVEYORS	GFA HARMONY DEV. 985 ELMSFORD TROY, MI 48083
	DATE: 9-16-16 PROJECT NUMBER: FV23065
45138 CASS AVE UTICA, MI 48317 586.731.0100 OFFICE 586.884.0568 FAX	SCALE: DRAWN BY: KLD

PERMANENT EASEMENT

Sidwell #88-20-23-401-018 + 019 (pt of)
Resolution #

GFA HARMONY DEVELOPERS, LLC, a Michigan limited liability company, Grantor(s), whose address is 3301 Mirage, Troy, MI 48083, 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, 48084 grants to the Grantee the right to construct, operate, maintain, repair and/or replace **public utilities**, said easement for land situated in the City of Troy, Oakland County, Michigan described as:

SEE "EXHIBIT A" ATTACHED HERETO AND BY REFERENCE MADE APART 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 1 signature(s) this 19 day of September A.D. 2016.

GFA HARMONY DEVELOPERS, LLC
a Michigan limited liability company

By [Signature] (L.S.)
*Gary Abitheira
Its Member

STATE OF MICHIGAN)
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this 19th day of September, 2016, by Gary Abitheira, Member of GFA Harmony Developers, LLC, a Michigan limited liability company on behalf of the company.

LARYSA FIGOL
Notary Public, Oakland County, Michigan
Acting in Oakland County, Michigan
My Commission Expires 03/02/2018

[Signature]
*
Notary Public, _____ County, Michigan
My Commission Expires _____
Acting in _____ County, Michigan

Prepared by: Larysa Figol, SR/WA
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"

PUBLIC UTILITY EASEMENTS

PARCEL COMBINATION

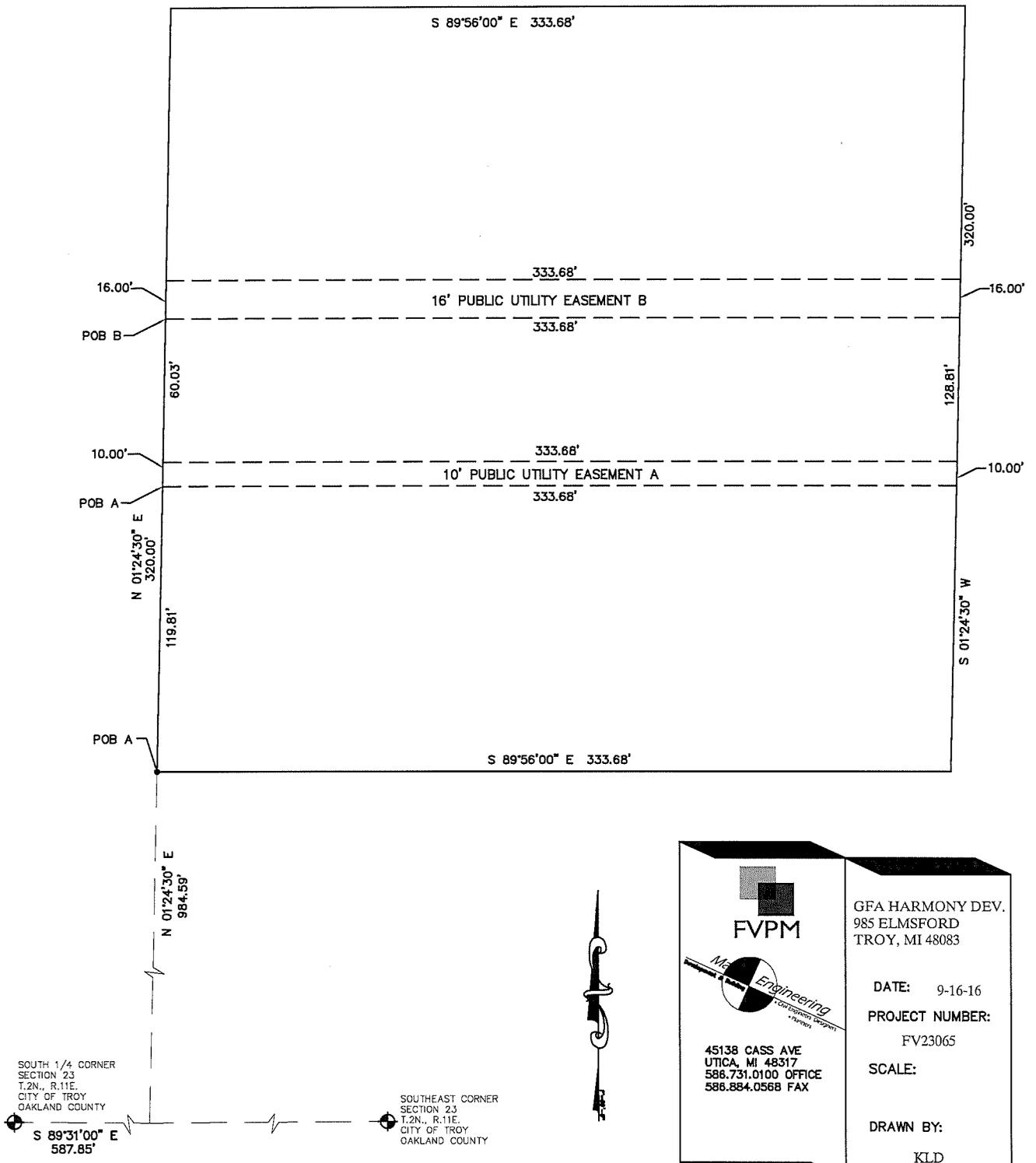
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PUBLIC UTILITY EASEMENT - A:

PART OF THE SOUTHEAST 1/4 OF SECTION 23, T.2N., R.11E., CITY OF TROY, OAKLAND COUNTY, MICHIGAN AND BEING MORE PARTICULARLY DESCRIBED AS: COMMENCING AT SOUTH 1/4 CORNER OF SECTION 23; THENCE S 89°31' 00" E 587.85 FT ALONG THE SOUTH LINE OF SECTION 23; THENCE N 01°24' 30" E 1104.40 FT TO THE POINT OF BEGINNING FOR EASEMENT A; THENCE CONTINUING N 01°24'30" E 10.00 FT; THENCE S 89°56' 00" E 333.68 FT; THENCE S 01°24' 30" W 10.00 FT; THENCE N 89°56' 00" W 333.68 FT TO THE POINT OF BEGINNING.

PUBLIC UTILITY EASEMENT - B:

PART OF THE SOUTHEAST 1/4 OF SECTION 23, T.2N., R.11E., CITY OF TROY, OAKLAND COUNTY, MICHIGAN AND BEING MORE PARTICULARLY DESCRIBED AS: COMMENCING AT SOUTH 1/4 CORNER OF SECTION 23; THENCE S 89°31' 00" E 587.85 FT ALONG THE SOUTH LINE OF SECTION 23; THENCE N 01°24' 30" E 1174.43 FT TO THE POINT OF BEGINNING FOR EASEMENT B; THENCE CONTINUING N 01°24'30" E 16.00 FT; THENCE S 89°56' 00" E 333.68 FT; THENCE S 01°24' 30" W 16.00 FT; THENCE N 89°56' 00" W 333.68 FT TO THE POINT OF BEGINNING.



PERMANENT EASEMENT

Sidwell #88-20-23-401-018²⁰¹⁹ (pt of)
Resolution #

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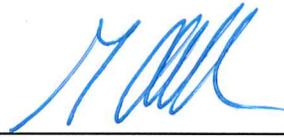
and to enter upon sufficient land adjacent to said improvement(s) for the purpose of the construction, operation, maintenance, repair and/or replacement thereof.

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IN WITNESS WHEREOF, the undersigned hereunto affixed 1 signature(s) this 19 day of September A.D. 2016.

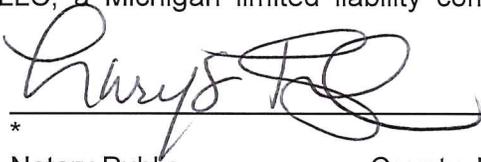
GFA HARMONY DEVELOPERS, LLC
a Michigan limited liability company

By  (L.S.)
*Gary Abitheira
Its Member

STATE OF MICHIGAN)
COUNTY OF OAKLAND)

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LARYSA FIGOL
Notary Public, Oakland County, Michigan
Acting in Oakland County, Michigan
My Commission Expires 03/02/2018


*
Notary Public, _____ County, Michigan
My Commission Expires _____
Acting in _____ County, Michigan

Prepared by: Larysa Figol, SR/WA
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"

STORM SEWER AND SURFACE DRAINAGE EASEMENT

PARCEL COMBINATION

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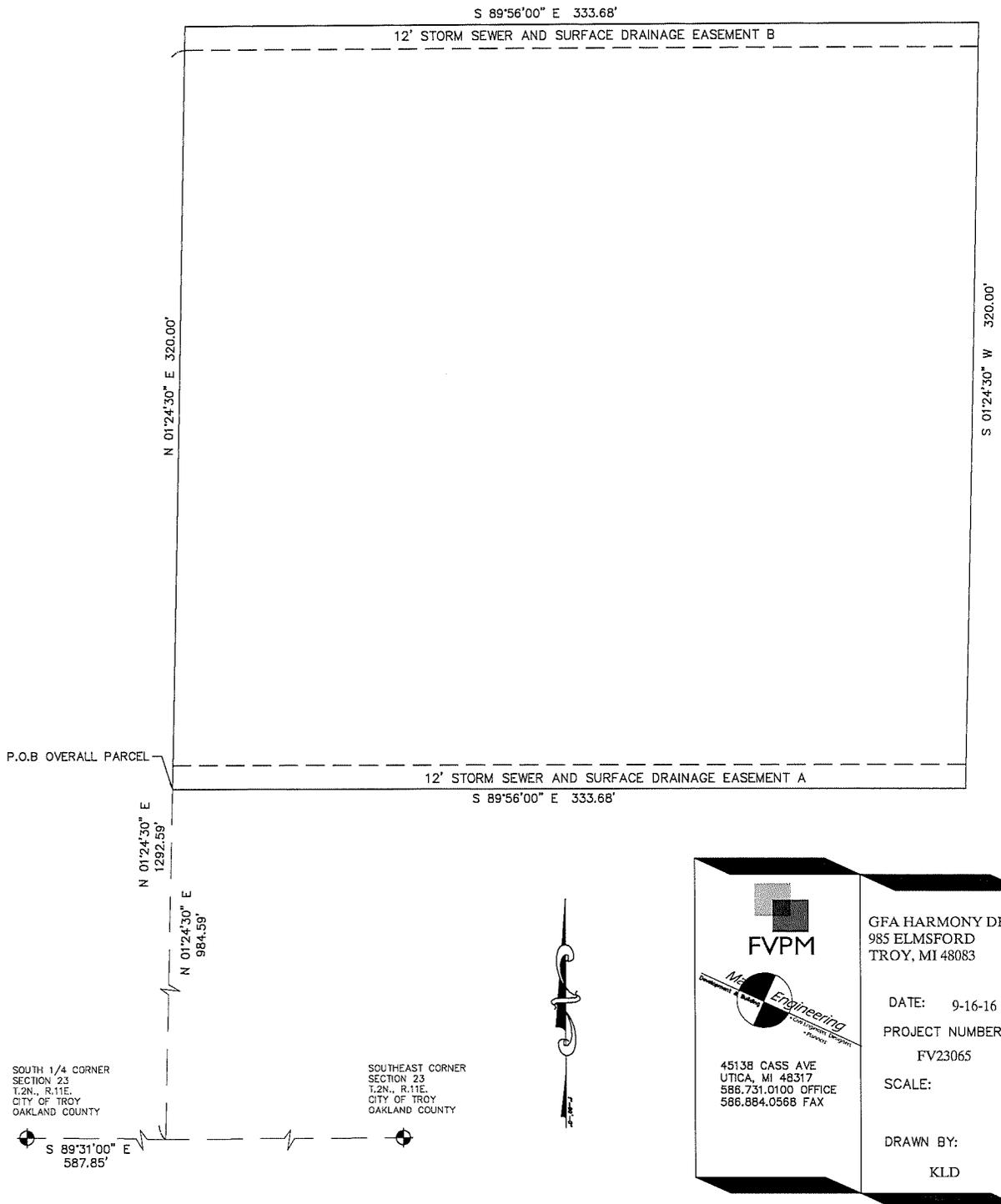
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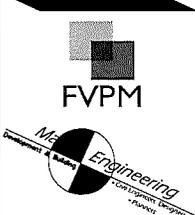
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EASEMENT - B:

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 <p>FVPM Engineering CONSULTING ENGINEERS</p>	<p>GFA HARMONY DEV. 985 ELMSFORD TROY, MI 48083</p>
	<p>DATE: 9-16-16 PROJECT NUMBER: FV23065 SCALE: DRAWN BY: KLD</p>
<p>45138 CASS AVE UTICA, MI 48317 588.731.0100 OFFICE 586.884.0568 FAX</p>	