City of Troy

CITY COUNCIL ACTION REPORT

December 11, 2007

TO: Phillip L. Nelson, City Manager

FROM: Brian P. Murphy, Assistant City Manager/Services
Steven J. Vandette, City Engineer
Larysa Figol, Sr. Right-of-Way Representative

SUBJECT: Request for Acceptance of a Warranty Deed for Right-of-Way and a Permanent Easement for Watermain –
ESC Associates, LLC - Section 21, Sidwell #88-20-21-426-012

Background:

- In connection with the development of a property located on the west side of Livernois north of Town Center, the Real Estate Department has received a Warranty Deed for 7 feet of right-of-way and a Permanent Easement for watermain from property owner ESC Associates, LLC, having Sidwell #88-20-21-426-012.

Financial Considerations:

- The consideration amount on these documents is $1.00.

Legal Considerations:

- The format and content of this deed and easement is consistent with documents previously accepted by City Council.

Policy Considerations:

- The dedication of right-of-way and easements is required as part of the development process. (Goal I & V)

Options:

- City Management recommends that City Council accept the attached Warrant Deed and Permanent Easement for watermain, consistent with our policy of accepting right-of-way and easements for property development .

WARRANTY DEED

Sidwell #88-20-21-426-012 (pt. of)
Resolution #

The Grantor(s), ESC ASSOCIATES, LLC, a Michigan limited liability company whose address is 29753 Hoover Road, Suite A, Warren, MI 48093 convey(s) and warrant(s) to the City of Troy, 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:

THE EAST 7 FEET OF THE FOLLOWING DESCRIBED PROPERTY:

LAND SITUATED IN THE CITY OF TROY, OAKLAND COUNTY, MICHIGAN, DESCRIBED AS: THE EAST 443 FEET OF LOT 3, SUPERVISOR'S PLANT NO. 26, ACCORDING TO THE PLAT THEREOF AS RECORDED IN LIBER 57. PAGE 59 OF PLATS, OAKLAND COUNTY RECORDS.

More commonly known as: vacant Livernois Road, Troy, MI

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

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

Dated this 29th day of June, 2007.

ESC Associates, LLC,
a Michigan limited liability company

By: _____
Brandon M. Kaufman
Member

STATE OF MICHIGAN)
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this 29th day of June, 2007, by Brandon M. Kaufman, Member of ESC Associates, LLC, a Michigan limited liability company, on behalf of the company.

_____
* LARYSA FIGOL

LARYSA FIGOL
Notary Public, Oakland County, Michigan
Acting in Oakland County, Michigan
My Commission Expires 03/02/2012

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 # 88-20-21-426-012 (part of) Recording Fee _____ Transfer Tax _____

TYPE OR PRINT NAMES UNDER SIGNATURES

PERMANENT EASEMENT

Sidwell #88-20-21-426-012 (part of)
Res#2007-

ESC Associates, L.L.C., a Michigan limited liability company, Grantor(s), whose address is 29753 Hoover Road, Suite A, Warren, MI 48093 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 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 & BY REFERENCE MADE A PART HEREOF

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

The premises so disturbed by the exercise of any of the foregoing powers shall be 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 29th day of June A.D. 2007.

In presence of:
WITNESS

ESC Associates, L.L.C., a Michigan limited liability company

By _____(L.S.)
*Brandon M. Kaufman
Its Member

STATE OF MICHIGAN)
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this 29th day of June, 2007, by Brandon M. Kaufman, Member, of ESC Associates, L.L.C., a Michigan limited liability company, on behalf of the company.

_____
* LARYSA FIGOL
Notary Public, _____County, Michigan
My Commission Expires_____
Acting in _____ County, Michigan

LARYSA FIGOL
Notary Public, Oakland County, Michigan
Acting in Oakland County, Michigan
My Commission Expires 03/02/2012

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"

TROY MEDICAL/OFFICE FACILITY – LOT 3
LEGAL DESCRIPTION:

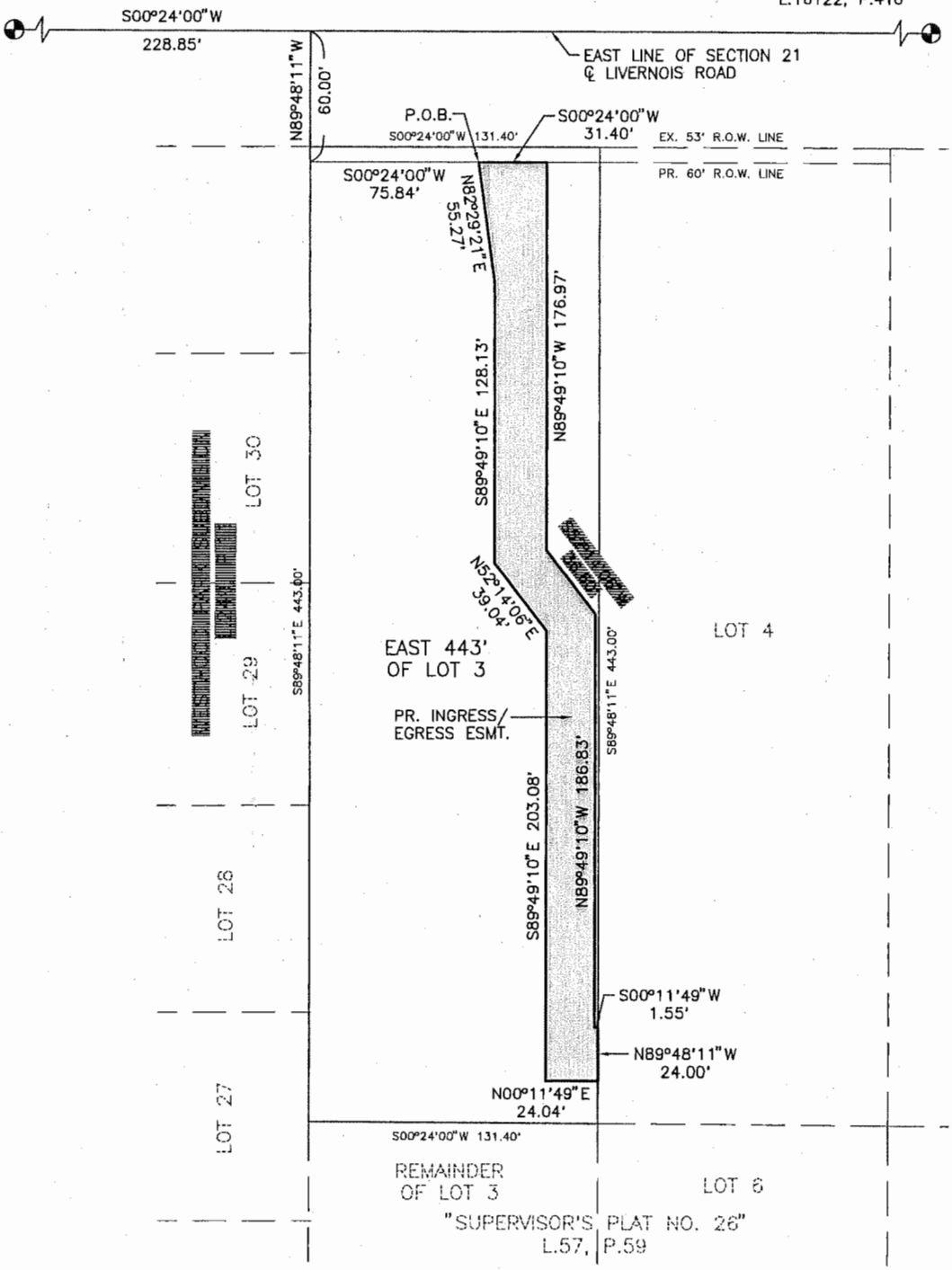
LAND SITUATED IN THE CITY OF TROY, OAKLAND COUNTY, MICHIGAN, DESCRIBED AS:

THE EAST 443 FEET OF LOT 3, SUPERVISOR'S PLAT No. 26, ACCORDING TO THE PLAT THEREOF AS RECORDED IN LIBER 57, PAGE 59 OF PLATS, OAKLAND COUNTY RECORDS.

INGRESS–EGRESS EASEMENT

AN EASEMENT FOR INGRESS AND EGRESS BEING PART OF LOT 3, "SUPERVISOR'S PLAT NO. 26" OF PART OF THE E 1/2 OF THE E 1/2 OF SECTION 21, AND PART OF THE NW 1/4 OF THE SW 1/4 OF SECTION 22, T2N, R11E, TROY TOWNSHIP (NOW CITY OF TROY), OAKLAND COUNTY, MICHIGAN, AS RECORDED IN LIBER 57 OF PLATS, PAGE 59, OAKLAND COUNTY RECORDS, DESCRIBED AS: COMMENCING AT THE EAST 1/4 CORNER OF SAID SECTION 21; THENCE S00°24'00"W 228.85 FEET ALONG THE EAST LINE OF SAID SECTION 21 AND THE CENTERLINE OF LIVERNOIS ROAD (VARIABLE WIDTH); THENCE N89°48'11"W 60.00 FEET TO THE PROPOSED WESTERLY RIGHT–OF–WAY LINE OF LIVERNOIS ROAD; THENCE S00°24'00"W 75.84 FEET ALONG THE WESTERLY RIGHT–OF–WAY LINE OF LIVERNOIS ROAD TO THE POINT OF BEGINNING; THENCE S00°24'00"W 31.40 FEET; THENCE N89°49'10"W 176.97 FEET; THENCE S52°14'06"W 36.60 FEET; THENCE N89°49'10"W 186.83 FEET; THENCE S00°11'49"W 1.55 FEET; THENCE N89°48'11"W 24.00 FEET; THENCE N00°11'49"E 24.04 FEET; THENCE S89°49'10"E 203.08 FEET; THENCE N52°14'06"E 39.04 FEET; THENCE S89°49'10"E 128.13 FEET; THENCE N82°29'21"E 55.27 FEET TO THE POINT OF BEGINNING, CONTAINING 10065 SQUARE FEET OF LAND, MORE OR LESS.

EXHIBIT 'A'



FENN & ASSOCIATES, INC.
13399 West Star Drive
Shelby Township,
Michigan 48315
LAND SURVEYORS AND CIVIL ENGINEERS
PH: 586.254.9577 FX: 586.254.9020
www.fennsurveying.com e-mail: surveying@fennsurveying.com

0 30' 60' 120'
SCALE: 1"=60'

CLIENT: VISION QUEST CONSULTING, INC.

DATE	05/10/07	**SCALE**	-------
DRAWN	D.B.	**CHECK**	R.E.H., P.S.
JOB NO.	07-001	**SHEET**	1 OF 2

M:\2007 Contracts\07-001 - Medical Office - Troy - Vision Quest Consulting\Survey\Exhibit(Ingress-egress).dwg dawn 5/23/07 10:46