



CITY COUNCIL ACTION REPORT

December 11, 2007

TO: Phillip L. Nelson, City Manager

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

SUBJECT: Request for Acceptance of a Warranty Deed for Right-of-Way and a Permanent Easement for Watermain – Livernois Properties, LLC - Section 21, Sidwell #88-20-21-426-009

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 Livernois Properties, LLC, having Sidwell #88-20-21-426-009.

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 #88-20-21-426-009 (pt. of)
Resolution #

The Grantor(s), LIVERNOIS PROPERTIES, LLC, a Michigan limited liability company whose address is 70 West Long Lake road, Suite 114, Troy, MI 48098, 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:

LOT 4, "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, DESCRIBED AS: COMMENCING AT THE EAST 1/4 CORNER OF SAID SECTION 21; THENCE S00°24'00"W 360.25 FEET ALONG THE EAST LINE OF SAID SECTION 21 AND THE CENTERLINE OF LIVERNOIS ROAD (VARIABLE WIDTH); THENCE N89°48'11"W 53.00 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF LIVERNOIS ROAD, THE EAST LINE OF LOT 4 AND TO THE POINT OF BEGINNING; THENCE S00°24'00"W 131.40 FEET ALONG THE EAST LINE OF LOT 4 AND THE WESTERLY RIGHT-OF-WAY LINE LIVERNOIS ROAD TO THE SOUTH LINE OF LOT 4; THENCE N89°48'11"W 443.00 FEET ALONG THE SOUTH LINE OF LOT 4 TO THE WEST LINE OF LOT 4; THENCE N00°24'00"E 131.40 FEET ALONG THE WEST LINE OF LOT 4 TO THE NORTH LINE OF LOT 4; THENCE S89°48'11"E 443.00 FEET ALONG THE NORTH LINE OF LOT 4 TO THE POINT OF BEGINNING, CONTAINING 1.34 ACRES OF LAND, MORE OR LESS, BEING SUBJECT TO ANY EASEMENTS AND/OR EXCEPTIONS, RECORDED OR OTHERWISE.

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

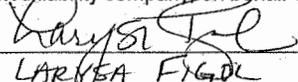
Dated this 29th day of June, 2007.

LIVERNOIS PROPERTIES, LLC,
a Michigan limited liability company

By: 
Michael Guerra
Member

STATE OF MICHIGAN)
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this 29th day of June, 2007, by Michael Guerra, Member of LIVERNOIS PROPERTIES, 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 03/02/2012
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 # 88-20-21-426-009 (part of) Recording Fee _____ Transfer Tax _____

*TYPE OR PRINT NAMES UNDER SIGNATURES

PERMANENT EASEMENT

Sidwell #88-20-21-426-009 (part of)
Resolution #

Livernois Properties Group, L.L.C., a Michigan Limited Liability Company, Grantor(s), whose address is 70 West Long Lake Road, Suite 114, Troy, MI 48098 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 **water main**, 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 his signature(s) this 29th day of June A.D. 2007.

In presence of: (not required)

Livernois Properties Group, LLC, a Michigan limited liability company

By [Signature] (L.S.)
*Michael Guerra
Its Member

STATE OF MICHIGAN)
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this 29th day of June, 2007, by Michael Guerra, Member, of Livernois Properties Group, L.L.C., a Michigan limited liability company on behalf of the company.

[Signature]
* LARYSA FIGOL
Notary Public, Oakland County, Michigan
Acting in Oakland County, Michigan
My Commission Expires 03/02/2012
My Commission Expires _____
Acting in _____ County, Michigan

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"

EASTRIDGE MEDICAL/OFFICE FACILITY - LOT 4 PARCEL DESCRIPTION:

LOT 4, "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, DESCRIBED AS: COMMENCING AT THE EAST 1/4 CORNER OF SAID SECTION 21; THENCE S00°24'00"W 360.25 FEET ALONG THE EAST LINE OF SAID SECTION 21 AND THE CENTERLINE OF LIVERNOIS ROAD (VARIABLE WIDTH); THENCE N89°48'11"W 53.00 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF LIVERNOIS ROAD, THE EAST LINE OF LOT 4 AND TO THE POINT OF BEGINNING; THENCE S00°24'00"W 131.40 FEET ALONG THE EAST LINE OF LOT 4 AND THE WESTERLY RIGHT-OF-WAY LINE LIVERNOIS ROAD TO THE SOUTH LINE OF LOT 4; THENCE N89°48'11"W 443.00 FEET ALONG THE SOUTH LINE OF LOT 4 TO THE WEST LINE OF LOT 4; THENCE N00°24'00"E 131.40 FEET ALONG THE WEST LINE OF LOT 4 TO THE NORTH LINE OF LOT 4; THENCE S89°48'11"E 443.00 FEET ALONG THE NORTH LINE OF LOT 4 TO THE POINT OF BEGINNING, CONTAINING 1.34 ACRES OF LAND, MORE OR LESS, BEING SUBJECT TO ANY EASEMENTS AND/OR EXCEPTIONS, RECORDED OR OTHERWISE.

WATERMAIN EASEMENT

An easement for the installation and maintenance of watermain being part of Lot 4, "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, described as: Commencing at the East 1/4 corner of said Section 21; thence S00°24'00"W 360.25 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 and to the Point of Beginning; thence S00°24'00"W 16.00 feet along the proposed Westerly right-of-way line of Livernois Road; thence N89°48'11"W 228.23 feet; thence S45°11'49"W 4.20 feet; thence S00°11'49"W 39.66 feet; thence N89°48'11"W 20.00 feet; thence N00°11'49"E 47.95 feet; thence N45°11'49"E 15.11 feet; thence S89°48'11"E 240.57 feet to the Point of Beginning, containing 4820 square feet of land, more or less.

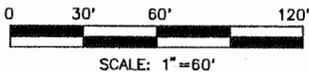
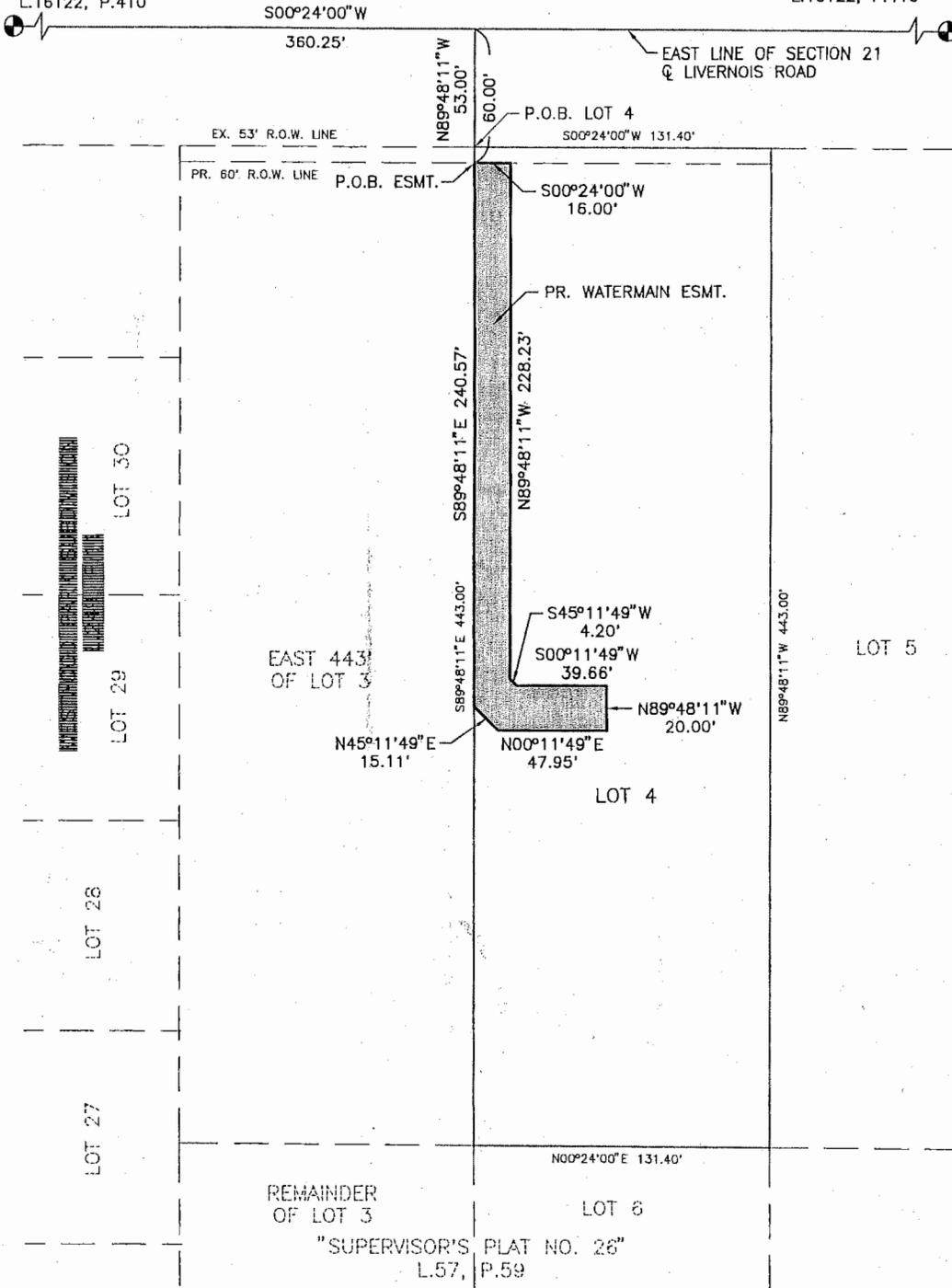


EXHIBIT 'A'

EAST 1/4 CORNER
SECTION 21
T2E, R11E,
CITY OF TROY
L.16122, P.410

LIVERNOIS (PR. 120' WD.)

SOUTHEAST CORNER
SECTION 21
T2N, R11E,
CITY OF TROY
L.16122, P.410



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

CLIENT: MILLCREEK BUILDING CO.
DATE: 05/10/07 SCALE: 1" = 60'
DRAWN: D.B. CHECK: R.E.H., P.S.
JOB NO. 06-038 SHEET: 1 OF 2