City of Troy

CITY COUNCIL ACTION REPORT

January 10, 2008

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 Permanent Easement for Sidewalk, Public Utilities and Drainage – Rochester Professional Building, LLC, Section 3, Sidwell #88-20-03-226-104

Background:

- In connection with the property development located on the northwest corner of Rochester and Lovell, the Real Estate Department has received an easement for sidewalk, public utilities and drainage from the property owner, Rochester Professional Building, LLC, having Sidwell #88-20-03-226-104

Financial Considerations:

- The consideration amount on this document is $1.00.

Legal Considerations:

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

Policy Considerations:

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

Options:

- City Management recommends that City Council accept the attached easement, consistent with our policy of accepting easements for property developments.

PERMANENT EASEMENT

Sidwell #88-20-03-226-104 (part of)

ROCHESTER PROFESSIONAL BUILDING, L.L.C., a Michigan Limited Liability Company, Grantor(s), whose address is 47858 Van Dyke, Ste. 410, Shelby Twp, MI 48317 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 **sidewalk, public utilities and drainage**, 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 14th day of November A.D. 2007.

In presence of:
WITNESS (not required)

Rochester Professional Building, L.L.C.,
A Michigan Limited Liability Company

By _____ (L.S.)
* Franco C. Mancini
Its Member

STATE OF MICHIGAN)
COUNTY OF Oakland)

The foregoing instrument was acknowledged before me this 14th day of November, 2007, by Franco C. Mancini, Managing Member of Rochester Professional Building, L.L.C., a Michigan limited liability company, on behalf of the company.

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

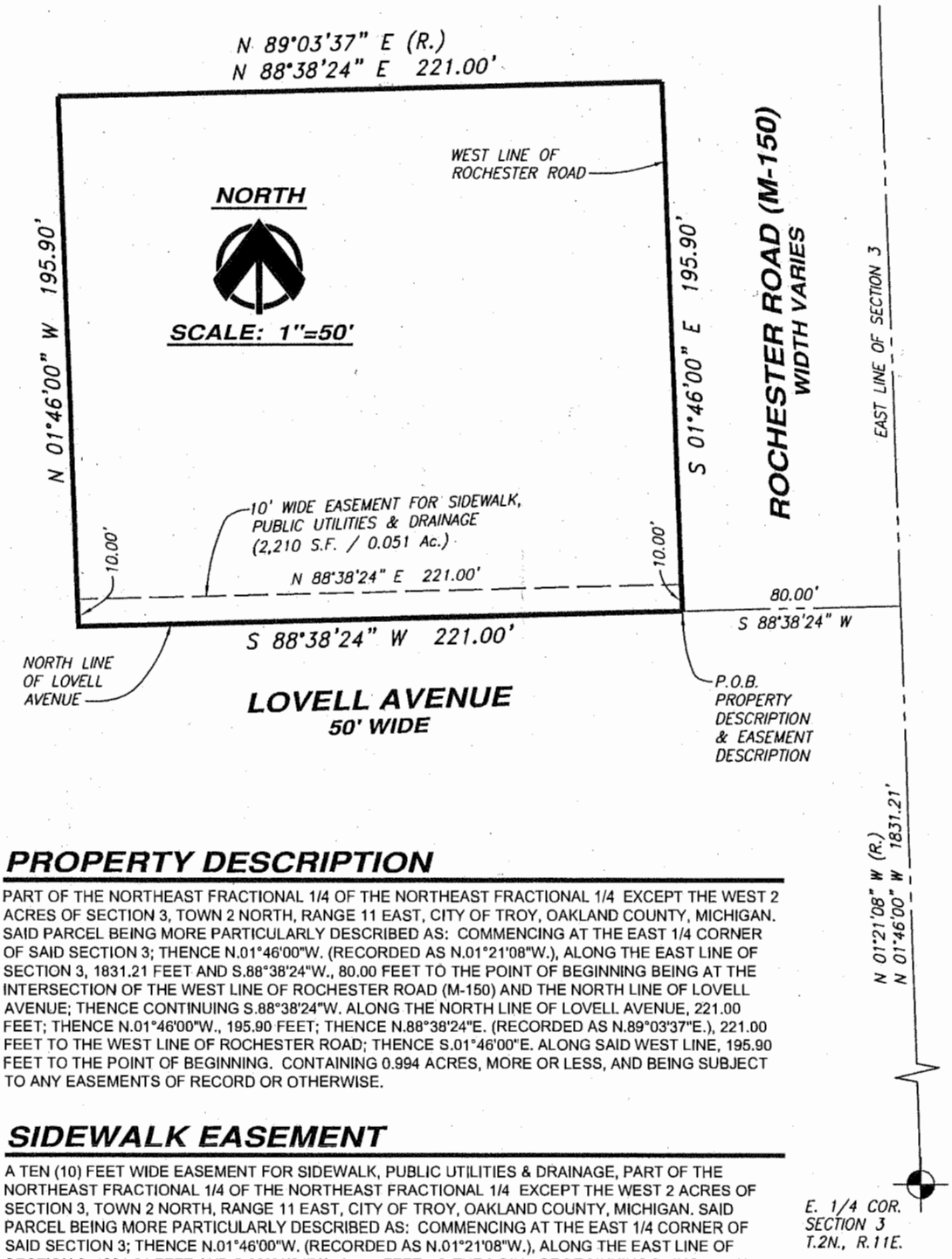
LARYSA FIGOL
Notary Public, Oakland County, Michigan
Acting in Oakland County, Michigan
My Commission Expires 03/02/2012

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

#961 LOVELL DRIVE
88-20-03-226-104



PROPERTY DESCRIPTION

PART OF THE NORTHEAST FRACTIONAL 1/4 OF THE NORTHEAST FRACTIONAL 1/4 EXCEPT THE WEST 2 ACRES OF SECTION 3, TOWN 2 NORTH, RANGE 11 EAST, CITY OF TROY, OAKLAND COUNTY, MICHIGAN. SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS: COMMENCING AT THE EAST 1/4 CORNER OF SAID SECTION 3; THENCE N.01°46'00"W. (RECORDED AS N.01°21'08"W.), ALONG THE EAST LINE OF SECTION 3, 1831.21 FEET AND S.88°38'24"W., 80.00 FEET TO THE POINT OF BEGINNING BEING AT THE INTERSECTION OF THE WEST LINE OF ROCHESTER ROAD (M-150) AND THE NORTH LINE OF LOVELL AVENUE; THENCE CONTINUING S.88°38'24"W. ALONG THE NORTH LINE OF LOVELL AVENUE, 221.00 FEET; THENCE N.01°46'00"W., 195.90 FEET; THENCE N.88°38'24"E. (RECORDED AS N.89°03'37"E.), 221.00 FEET TO THE WEST LINE OF ROCHESTER ROAD; THENCE S.01°46'00"E. ALONG SAID WEST LINE, 195.90 FEET TO THE POINT OF BEGINNING. CONTAINING 0.994 ACRES, MORE OR LESS, AND BEING SUBJECT TO ANY EASEMENTS OF RECORD OR OTHERWISE.

SIDEWALK EASEMENT

A TEN (10) FEET WIDE EASEMENT FOR SIDEWALK, PUBLIC UTILITIES & DRAINAGE, PART OF THE NORTHEAST FRACTIONAL 1/4 OF THE NORTHEAST FRACTIONAL 1/4 EXCEPT THE WEST 2 ACRES OF SECTION 3, TOWN 2 NORTH, RANGE 11 EAST, CITY OF TROY, OAKLAND COUNTY, MICHIGAN. SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS: COMMENCING AT THE EAST 1/4 CORNER OF SAID SECTION 3; THENCE N.01°46'00"W. (RECORDED AS N.01°21'08"W.), ALONG THE EAST LINE OF SECTION 3, 1831.21 FEET AND S.88°38'24"W., 80.00 FEET TO THE POINT OF BEGINNING BEING AT THE INTERSECTION OF THE WEST LINE OF ROCHESTER ROAD (M-150) AND THE NORTH LINE OF LOVELL AVENUE; THENCE CONTINUING S.88°38'24"W. ALONG THE NORTH LINE OF LOVELL AVENUE, 221.00 FEET; THENCE N.01°46'00"W., 10.00 FEET; THENCE N.88°38'24"E., 221.00 FEET TO THE WEST LINE OF ROCHESTER ROAD; THENCE S.01°46'00"E. ALONG SAID WEST LINE, 10.00 FEET TO THE POINT OF BEGINNING. CONTAINING 0.051 ACRES, MORE OR LESS.

APEX
ENGINEERING GROUP INC.
CIVIL ENGINEERING, SURVEYING & LAND PLANNING CONSULTANTS
47745 VAN DYKE AVENUE
SHELBY TOWNSHIP, MI 48317
PHONE: 586-739-5200
FAX: 586-254-5314

PROJECT:
SIDEWALK EASE.
"ROCHESTER PROFESSIONAL BLD'G"
PART OF THE NORTHEAST 1/4 OF SECTION 3, CITY OF TROY, OAKLAND COUNTY, MI

CLIENT:
FRANCO C. MANCINI
47858 VAN DYKE AVENUE
SUITE 410
SHELBY TWP., MI 48317
(586) 726-1501

JOB NO: 05-061
DATE: 11/1/07
DRAWN BY: N.P.R.
CHECKED BY: N.P.R.