

## CITY COUNCIL ACTION REPORT

June 5, 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 Two Permanent Easements –  
Congregation Shir Tikvah, Section 20, Sidwell #88-20-20-226-001

### Background:

- The City of Troy is in possession of sidewalk and water main easements from property owner Congregation Shir Tikvah, a Michigan Non-Profit Corporation. The property is located at the southeast corner of Wattles and Northfield Parkway in Section 20; having Sidwell #88-20-20-226-001.

### Financial Considerations:

- The consideration amount on each document is \$1.00.

### Legal Considerations:

- The format and content of these easements 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 easements, consistent with our policy of accepting easements for property improvements.

PERMANENT EASEMENT

Congregation Shir Tikvah, a Michigan Non-Profit Corporation, F/K/A The Troy Jewish Congregation, a Michigan Non-Profit Corporation Grantor, whose address is P. O. Box 99, Troy, Michigan, 48099 party of the first part, for and in consideration of the sum of: One 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 said easement for land situated in the City of Troy, Oakland County, Michigan, described as:

THE NORTH 27 FEET OF THE FOLLOWING DESCRIBED PROPERTY:

LOT 17 OF SUPERVISOR'S PLAT OF JAMES ACRES, A SUBDIVISION AS RECORDED IN LIBER 5, PAGE 21 OF PLATS, OAKLAND COUNTY RECORDS.

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.

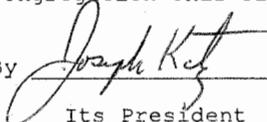
This instrument shall be binding upon and inure to the benefit of the parties hereto, their heirs, representatives, successors and assigns and the covenants contained herein shall run with the land.

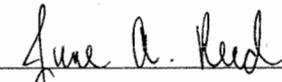
IN WITNESS WHEREOF, the undersigned hereunto affixed signature(s) this 13th day of January A.D. 19 97.

In presence of:  
WITNESS

  
Lawrence E. Littman

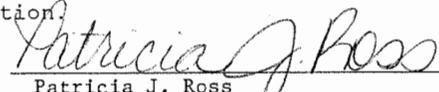
  
Irwin Wengrow

Congregation Shir Tikvah  
By  (L.S.)  
Its President

By  (L.S.)  
Its Recording Secretary

STATE OF MICHIGAN )  
COUNTY OF OAKLAND )

On this 13th day of January A.D. 19 97, before me personally appeared Joseph Katz and June A. Reed of Congregation Shir Tikvah, a Non-Profit Corporation, F/K/A The Troy Jewish Congregation, a Non-Profit Corporation, created and existing under the laws of the State of Michigan and that the said document was signed and sealed in behalf of said corporation by authority of its Board of Directors; and the said President and Recording Secretary acknowledged the said instrument to be the free act and deed of the said corporation.

  
Patricia J. Ross  
Notary Public, Macomb County, Michigan

(Corporations) PATRICIA J. ROSS  
Notary Public, Macomb County, MI  
Acting in Oakland County My Commission Expires 5/18/97  
My Commission Expires 5-18-97

Prepared by: Dennis C. Stephens  
500 West Big Beaver Road  
Troy, Michigan 48084

Return to:  
City Clerk, City of Troy  
500 West Big Beaver Road  
Troy, Michigan 48084

## EXHIBIT "A"

### 20 FOOT WATER MAIN EASEMENT

A 20 foot water main easement whose centerline is described as beginning at a point distant South 02 degrees 23 minutes 31 seconds East along the North and South 1/4 line of said Section 20, 33.00 feet and North 86 degrees 56 minutes 29 seconds East 212.96 feet and South 02 degrees 40 minutes 35 seconds East 424.00 feet from the North 1/4 corner of Section 20, T.2 N., R.11 E., City of Troy, Oakland County, Michigan. Proceeding thence South 87 degrees 36 minutes 29 seconds West 35.00 feet; thence South 02 degrees 23 minutes 31 seconds East 208.50 feet; thence South 87 degrees 36 minutes 29 seconds West 29.00 feet; thence North 87 degrees 36 minutes 29 seconds East 29.00 feet; thence South 02 degrees 23 minutes 31 seconds East 151.00 feet; thence North 87 degrees 36 minutes 29 seconds East 36.55 feet to the point of ending, also being a point on the East property line.

PERMANENT EASEMENT

Congregation Shir Tikvah, a Michigan Non-Profit Corporation, F/K/A The Troy Jewish Congregation, a Michigan Non-Profit Corporation Grantor, whose address is P. O. Box 99, Troy, Michigan, 48099 party of the first part, for and in consideration of the sum of: One 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 signature(s) this Sixth day of February A.D. 19 97.

In presence of:  
WITNESS

Janet Schenk  
David W. Simpson

Congregation Shir Tikvah

By Joseph Katz (L.S.)  
Its President

By June A. Reed (L.S.)  
Its Recording Secretary

STATE OF MICHIGAN )  
COUNTY OF OAKLAND )

On this Sixth day of February A.D. 19 97, before me personally appeared Joseph Katz and June A. Reed of Congregation Shir Tikvah, a Non-Profit Corporation, F/K/A The Troy Jewish Congregation, a Non-Profit Corporation, created and existing under the laws of the State of Michigan and that the said document was signed and sealed in behalf of said corporation by authority of its Board of Directors; and the said President and Recording Secretary acknowledged the said instrument to be the free act and deed of the said corporation.

Patricia J. Ross  
Patricia J. Ross  
Notary Public, Macomb County, Michigan  
Acting In Oakland County  
My Commission Expires 5/18/97

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