



CITY COUNCIL ACTION REPORT

August 19, 2008

TO: Phillip L. Nelson, City Manager

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

SUBJECT: Request for Acceptance of a Sidewalk Easement – Section 29 & 30, Coolidge and Golfview Safety Project #07.103.5, Sidwell #88-20-30-226-008

Background:

- In connection with an intersection improvement project at the corners of Golfview and Coolidge, the Real Estate Department has received a sidewalk easement from property owners Nemer Troy Place Equities, LLC and Troy Place Equities, LLC, having Sidwell # 88-20-30-226-008.

Financial Considerations:

- The consideration amount on this document is \$1.00

Legal Considerations:

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

Policy Considerations:

- I. Troy has enhanced the health and safety of the community
- II. Troy adds value to properties through maintenance or upgrades of infrastructure and quality of life venues
- III. Troy is rebuilding for a healthy economy reflecting the values of a unique community in a changing and interconnected world.

Options:

- City Management recommends that City Council accept the attached Permanent Easement for sidewalk, consistent with our policy of accepting right-of-way and easements for maintenance and infrastructure developments and improvements.

PERMANENT EASEMENT

Sidwell #88-20-30-226-008 (part of)

NEMER TROY PLACE EQUITIES, LLC, and TROY PLACE EQUITIES, LLC, each a Michigan limited liability company, hereinafter referred to collectively as **Grantor(s)**, whose address is c/o 26877 Northwestern Hwy, Ste 101, Southfield, MI 48033 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 **concrete sidewalk**, on the following described property situated in the City of Troy, Oakland County, Michigan described as:

SEE EXHIBIT "A" ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF

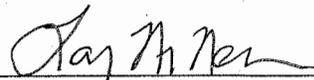
and to enter upon sufficient land adjacent to said improvement(s) for the purpose of the construction, operation, maintenance, repair and/or replacement thereof.

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.

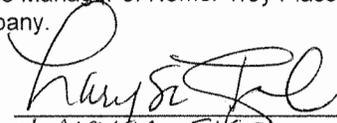
IN WITNESS WHEREOF, the undersigned hereunto affixed their signature(s) this 6th day of August A.D. 2008.

NEMER TROY PLACE EQUITIES, LLC, a Michigan limited liability company
By: NEMER TROY PLACE REALTY, LLC a Michigan limited liability company
Its: Manager

By:  (L.S.)
Larry M. Nemer, Manager

STATE OF MICHIGAN)
COUNTY OF OAKLAND)

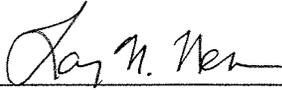
The foregoing instrument was acknowledged before me this 6th day of August, 2008, by Larry M. Nemer, the Manager of Nemer Troy Place Realty, LLC, the Manager of Nemer Troy Place Equities, LLC, a Michigan limited liability company, on behalf of the company.


*LARYBA FISO
Notary Public, OAKLAND County, Michigan
My Commission Expires 3-2-2012
Acting in OAKLAND County, Michigan

TROY PLACE EQUITIES, LLC, a Michigan limited liability company

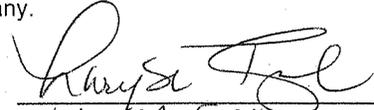
By: NEMER TROY PLACE REALTY, LLC
a Michigan limited liability company

Its: Manager

By:  (L.S.)
Larry M. Nemer, Manager

STATE OF MICHIGAN)
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this 6th day of August, 2008, by Larry M. Nemer, the Manager of Nemer Troy Place Realty, LLC, the Manager of Troy Place Equities, LLC, a Michigan limited liability company, on behalf of the company.


* LARISA FIGOL
Notary Public, OAKLAND County, Michigan
My Commission Expires 3-2-2012
Acting in OAKLAND County, Michigan

Prepared by:
Larisa Figol
City of Troy
500 West Big Beaver
Troy, MI 48084

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

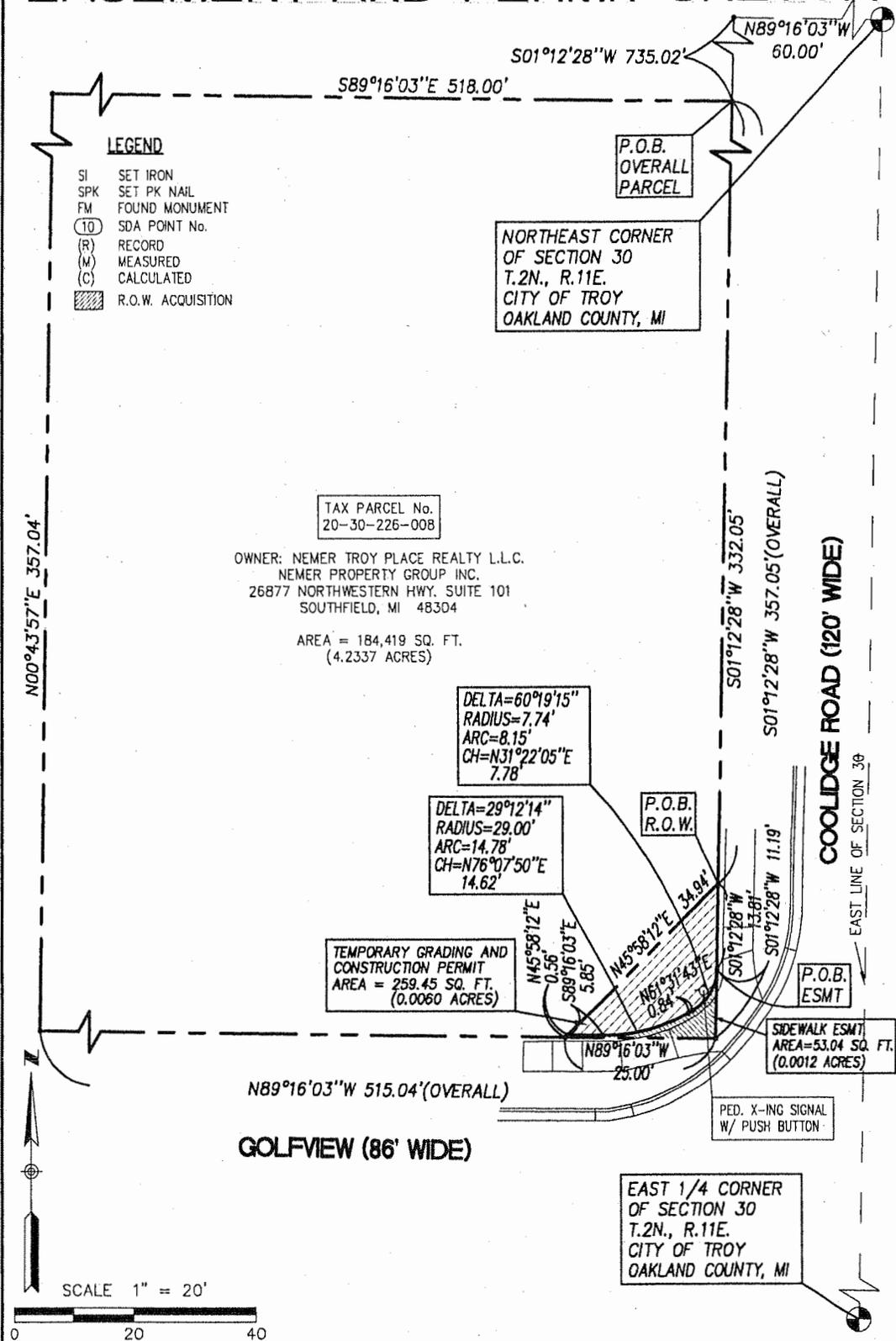
EXHIBIT "A"

A PARCEL OF LAND LOCATED IN AND BEING A PART OF THE NORTHEAST $\frac{1}{4}$ OF SECTION 30, T.2N, R.11E, CITY OF TROY, OAKLAND COUNTY, MICHIGAN, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SAID NORTHEAST CORNER OF SECTION 30, THENCE N89°16'03"W 60.00 FEET AND S°012'28"W 1088.88 FEET ALONG THE WESTERLY RIGHT-OF-WAY LINE OF COOLIDGE ROAD (120 FEET WIDE) S01°12'28"W 11.19 FEET; THENCE ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF GOLFVIEW DRIVE (86 FEET WIDE) N89°16'03"W 25 FEET; THENCE 45°58'12"E 0.56 FEET; THENCE S 89°16'03"E 5.85 FEET; THENCE 14.78 FEET ALONG A TANGENT CURVE TO THE LEFT (HAVING A CENTRAL ANGLE OF 29°12'14", A RADIUS OF 29.00 FEET AND CHORD BEARING N76°07'50"E 14.62 FEET); THENCE N61°31'43"E 0.84 FEET; THENCE 8.15 FEET ALONG A TANGENT CURVE TO THE LEFT (HAVING A CENTRAL ANGLE OF 60°19'15", A RADIUS OF 7.74 FET AND A CHORD BEARING N31°22'05"E 7.78 FEET) TO THE POINT OF BEGINNING. CONTAINING 53.04 SQUARE FEET (0.0012 ACRES).

ALSO KNOWN AS PART OF SIDWELL NO. 88-20-30-226-008

EASEMENT AND PERMIT SKETCH



LEGEND

- SI SET IRON
- SPK SET PK NAIL
- FM FOUND MONUMENT
- (10) SDA POINT No.
- (R) RECORD
- (M) MEASURED
- (C) CALCULATED
- [Hatched Box] R.O.W. ACQUISITION

NORTHEAST CORNER OF SECTION 30
T.2N., R.11E.
CITY OF TROY
OAKLAND COUNTY, MI

TAX PARCEL No.
20-30-226-008

OWNER: NEMER TROY PLACE REALTY L.L.C.
NEMER PROPERTY GROUP INC.
26877 NORTHWESTERN HWY. SUITE 101
SOUTHFIELD, MI 48304

AREA = 184,419 SQ. FT.
(4.2337 ACRES)

DELTA=60°19'15"
RADIUS=7.74'
ARC=8.15'
CH=N31°22'05"E
7.78'

DELTA=29°12'14"
RADIUS=29.00'
ARC=14.78'
CH=N76°07'50"E
14.62'

TEMPORARY GRADING AND
CONSTRUCTION PERMIT
AREA = 259.45 SQ. FT.
(0.0060 ACRES)

S01°12'28"W 332.05'

S01°12'28"W 11.19'

COOLIDGE ROAD (120' WIDE)

EAST LINE OF SECTION 30

S01°12'28"W 13.88'

S01°12'28"W 25.00'

S01°12'28"W 11.19'

N89°16'03"W 515.04'(OVERALL)

GOLFVIEW (86' WIDE)

EAST 1/4 CORNER OF SECTION 30
T.2N., R.11E.
CITY OF TROY
OAKLAND COUNTY, MI



SCALE 1" = 20'

	SPALDING DeDECKER ASSOCIATES, INC.		DRAWN: P.O'ROURKE	DATE: 07-07-08
	ENGINEERS SURVEYORS		CHECKED: P.O'ROURKE	DATE: 07-07-08
	905 SOUTH BLVD. EAST ROCHESTER HILLS, MI 48307		MANAGER: M.DeDECKER	SCALE: 1" = 30'
	PH: (248) 844-5400 FAX: (248) 844-5404		JOB No. RB07-012	SHEET: 1 OF 2
	www.spaldingdedecker.com		SECTION 30 TOWN 02 NORTH RANGE 11 EAST	CITY OF TROY OAKLAND COUNTY, MI