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 SJV
Larysa Figol, Sr. Right-of-Way Representative

SUBJECT: Request for Acceptance of a Sidewalk Easement – Section 29 & 30, Coolidge and Golfview Safety Project #07.103.5, Sidwell #88-20-29-151-001

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 owner Somerset Park Apartments, LLC, having Sidwell # 88-20-29-151-101.
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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 #88-20-29-151-001 (part of)

SOMERSET PARK APARTMENTS, LLC, a Michigan liability company , Grantor(s), whose address is c/o 2301 West Big Beaver, Suite 900, Troy, MI 48084 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**, said easement for land situated in the City of Troy, Oakland County, Michigan described as:

BEGINNING AT THE NORTHWEST CORNER OF LOT 9 OF LOT 9 "TROY APARTMENT SUB. No. 4" (AS RECORDED IN PAGES 10 THRU 14, INCLUSIVE, OF OAKLAND COUNTY PLAT RECORDS), SECTION 29, T2N, R11E, SECTION 29 CITY OF TROY, OAKLAND COUNTY, MICHIGAN, THENCE ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF GOLFVIEW DRIVE (86 FEED WIDE) S89°22'00"E 8.21 FEET; THENCE S41°58'23"W 12.57 FEET; THENCE ALONG THE EASTERLY RIGHT-OF-WAY LINE OF COOLIDGE ROAD (120 FEET WIDE) N01°12'00"E 9.44 FEET TO THE POINT OF BEGINNING. CONTAINING 38.76 SQUARE FEET (0.0009 ACRES).

ALSO KNOWN AS PART OF SIDWELL No. 88-20-29-151-001.

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 2nd day of July A.D. 2008.

Somerset Park Apartments, LLC,
a Michigan limited liability company

By _____ (L.S.)
Its: Member

STATE OF MICHIGAN)
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this 2ND day of JULY, 2008, by STANLEY FRANKEL, MEMBER of Somerset Park Apartments, LLC, a Michigan limited liability company, on behalf of the company.

SANDRA R. PISCHING
NOTARY PUBLIC – STATE OF MICHIGAN
COUNTY OF MACOMB
My Commission expires Sept. 19, 2013
Acting in the County of OAKLAND

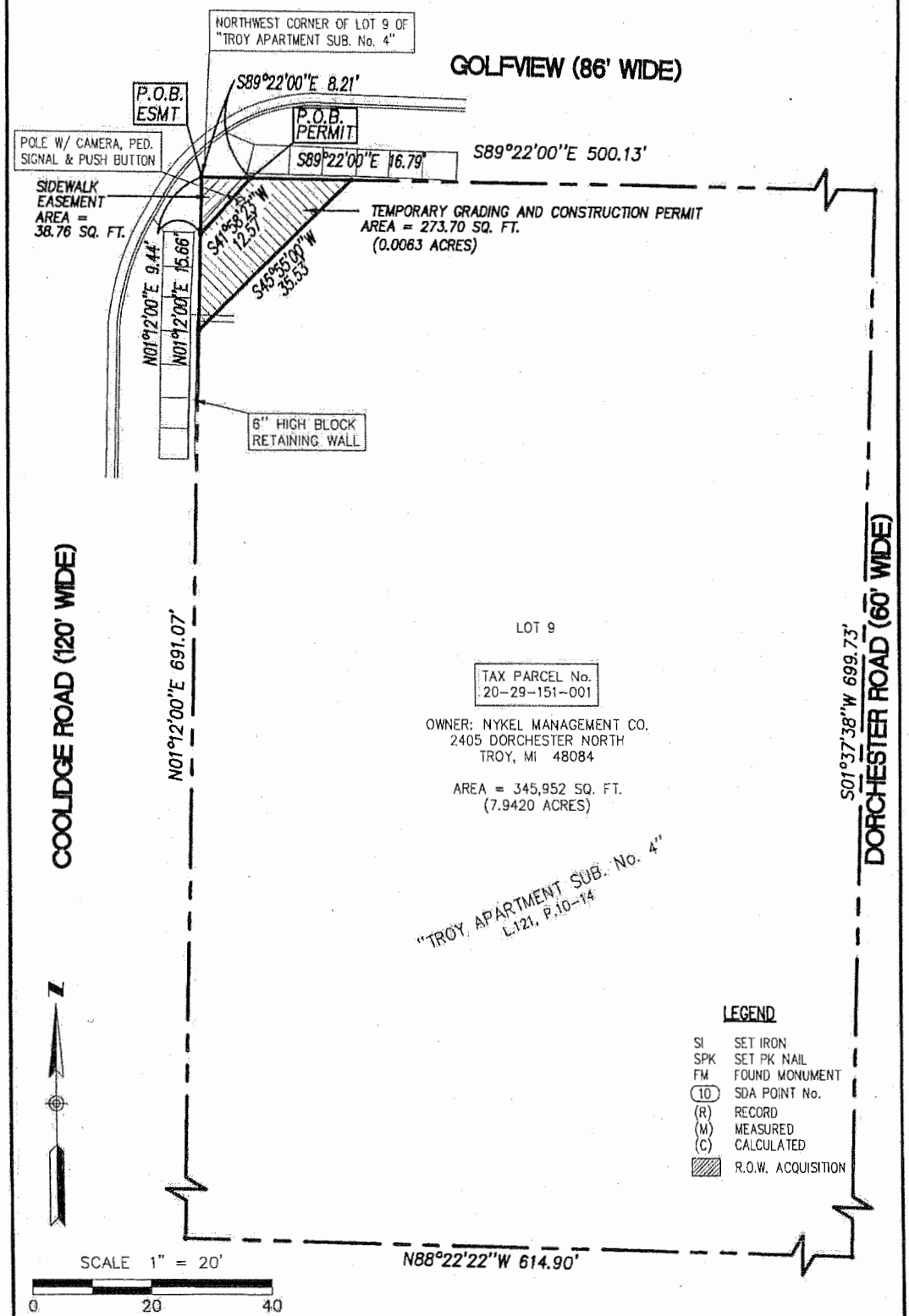
Sandra R Pisching

Notary Public, MACOMB County, Michigan
My Commission Expires 9-19-13
Acting in OAKLAND 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

EASEMENT AND PERMIT SKETCH



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DRAWN: T.JUDSON	DATE: 06-27-08
CHECKED: M.DeDECKER	DATE: 06-27-08
MANAGER: M.DeDECKER	SCALE: 1" = 30'
JOB No. RB07-012	SHEET: 1 OF 2
SECTION 29 TOWN 02 NORTH	RANGE 11 EAST
CITY OF TROY	OAKLAND COUNTY, MI

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