

## CITY COUNCIL ACTION REPORT

September 12, 2008

TO: Phillip L. Nelson, City Manager

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

SUBJECT: Request for Acceptance of a Water Main Easement – Section 9 Water Main Replacement Project #01.508.5 – Sidwell #88-20-09-232-009

### Background:

- In connection with a Section 9 water main replacement project, the Real Estate Department has received a permanent easement for water main from Mark T. Bergin, owner of the property having Sidwell #88-20-09-232-009. The property is located at the northwest corner of Livernois and Florence.

### Financial Considerations:

- An appraisal was prepared by Kimberly Harper, Deputy Assessor and State Licensed Appraiser, and Larysa Figol, Limited Real Estate Appraiser and Sr. Right-of-Way Representative. Staff believes that \$1,860 is a justifiable amount for acquisition of this easement.
- Funds for easement compensation are available in the 2008-09 Water Fund, account number 591.537.555.7972.015085.

### 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 water main, consistent with our policy of accepting right-of-way and easements for maintenance and infrastructure developments and improvements.

PERMANENT EASEMENT

Sidwell #88-20-09-232-009 (part of)  
Resolution #

Mark T. Bergin, a single man, Grantor, whose address is 26 Florence, Troy, MI 48098 for and in consideration of the sum of: One Thousand Eight Hundred and Sixty and no/100 Dollar (\$1,860.00) 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 **watermain**, said easement for land situated in the City of Troy, Oakland County, Michigan described as:

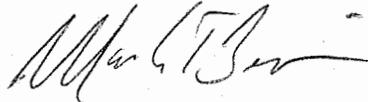
That part of the South 71.00 feet of the East 120.64 feet of Lot 14 of "Supervisor's Plat No. 7", as recorded in Liber 45, Pages 21-21A, of Oakland County, Michigan records, lying east of a line 60.00 feet west of and parallel to the east line of said Section 9, except the South 25.00 feet taken for roadway purposes, being part of the Northeast 1/4 of Section 9, Town 2 North, Range 11 East, City of Troy, Oakland County, Michigan. Containing 1,328 square feet or 0.003 acres, more or less:

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

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.

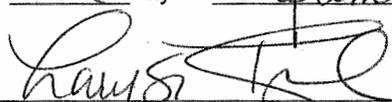
IN WITNESS WHEREOF, the undersigned hereunto affixed his signature(s) this 11th day of September A.D. 2008.

In presence of:  
WITNESS

  
\_\_\_\_\_  
\*Mark T. Bergin (L.S.)

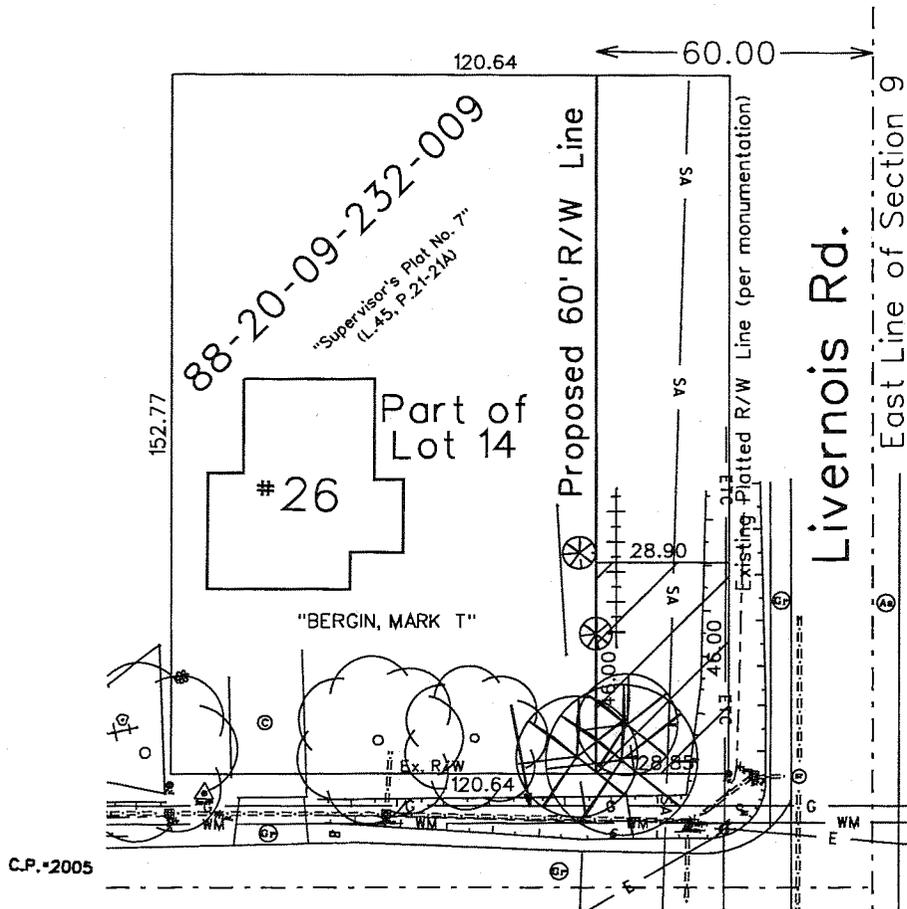
STATE OF MICHIGAN )  
COUNTY OF Oakland )

The foregoing instrument was acknowledged before me this 11th day of September, 2008, by Mark T. Bergin, a single man.

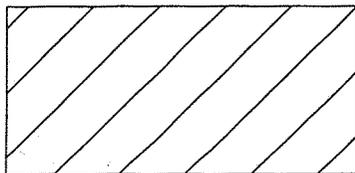
  
\_\_\_\_\_  
LARYSA FIGOL  
Notary Public, Oakland County, Michigan  
Acting in Oakland County, Michigan  
My Commission Expires 03/02/2012  
Notary Public, Oakland County, Michigan  
My Commission Expires 3-2-2012  
Acting in Oakland County, Michigan \*

Prepared by and when recorded return to:  
Larysa Figol  
City of Troy  
500 W. Big Beaver Road  
Troy, MI 48084

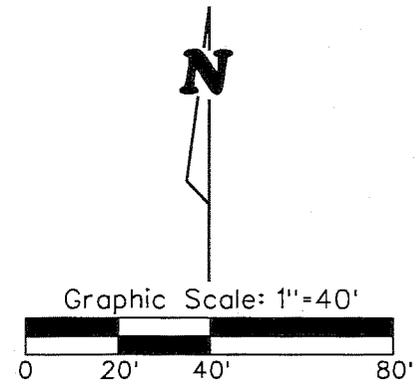
**PLEASE SIGN IN BLUE INK AND PRINT OR TYPE NAMES IN BLACK INK UNDER SIGNATURES**



Florence (50' Wide)



Proposed W/M  
Easement Area  
1,328 Square Feet



CITY OF TROY OAKLAND COUNTY, MICHIGAN			
Proposed W/M Easement Sketch *88-20-09-232-009			
SCALE	DRAWN BY	CHECKED	FILE
HOR. 1" = 40'	NAME GJB III	NAME	See Above
VER.	DATE 6-20-08	DATE	VIEW *1
DATE	REV.	SHEET No.	JOB No.
		10F1	

DOCUMENT PREPARED BY  
George J. Ballard III  
LAND SURVEYOR

CONTRACT No.

STEVEN J. VANDETTE  
CITY ENGINEER