



## CITY COUNCIL ACTION REPORT

November 18, 2008

TO: Phillip L. Nelson, City Manager

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

SUBJECT: Request for Acceptance of a Water Main Easement – Troy-Rochester Properties, LLC  
 Sidwell #88-20-22-426-057

### Background:

- In connection with the development of a Tim Horton's retail store, located at the corner of Rochester and Vanderpool in Section 22, the Real Estate Department has received an easement for water main purposes from property owner Troy-Rochester Properties, LLC.

### 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:

- 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 water main easement, consistent with our policy of accepting easements for property development and improvements.

PERMANENT EASEMENT

Sidwell #88-20-22-426-057 (pt of)  
Resolution #2008-

Troy-Rochester Properties, LLC, a Michigan limited liability company, Grantors, whose address is 629 East Elmwood, Troy, MI 48083 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 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 his signature(s) this 7<sup>th</sup> day of November A.D. 2008.

Troy-Rochester Properties, LLC, a Michigan limited liability company

By [Signature] (L.S.)  
\*Burt Kassab  
Its Member

STATE OF MICHIGAN )  
COUNTY OF OAKLAND )

The foregoing instrument was acknowledged before me this 7<sup>th</sup> day of November, 2008, by Burt Kassab, Member of Troy-Rochester Properties, LLC, a Michigan limited liability company on behalf of the company.

KAREN A. FREMUTH  
NOTARY PUBLIC, STATE OF MI  
COUNTY OF OAKLAND  
MY COMMISSION EXPIRES Apr 11, 2014  
ACTING IN COUNTY OF OAKLAND, MI

[Signature]  
\*KAREN A. FREMUTH  
Notary Public, OAKLAND County, Michigan  
My Commission Expires 4-11-2014  
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

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

## EXHIBIT "A"

### 20' WIDE WATER MAIN EASEMENT

A 20' WIDE WATER MAIN EASEMENT LOCATED IN LOT 43, "SUPERVISOR'S PLAT NO. 17", AS RECORDED IN LIBER 28, PAGE 36, OAKLAND COUNTY RECORDS BEING PART OF THE SOUTHEAST ¼ OF SECTION 22 TOWN 2 NORTH, RANGE 11 EAST, CITY OF TROY, OAKLAND COUNTY, MICHIGAN, THE CENTERLINE OF WHICH BEING DESCRIBED AS: BEGINNING AT A POINT DISTANT S00°48'08" W., 688.27 FEET AND N89°43'12" W., 64.57 FEET AND S. 00°00'00" W., 119.51 FEET FROM THE EAST ¼ CORNER OF SAID SECTION 22 TO THE POINT OF BEGINNING OF SAID EASEMENT, THENCE N.90°00'00" W. 34.55 FEET TO THE POINT OF ENDING.