

July 25, 2005

TO: John Szerlag, City Manager

FROM: Brian P. Murphy, Assistant City Manager/Services
 Douglas J. Smith, Real Estate and Development Director

SUBJECT: **AGENDA ITEM** - REQUEST FOR ACCEPTANCE – Permanent Storm Sewer Easement – Permanent Sanitary Sewer Easement – Permanent Non-Access Greenbelt Easement – Timbercrest Estates Site Condominium – Sidwell#88-20-24-201-002, 003

In connection with the development of The Timbercrest Estates Site Condominium project on the south side of Wattles Road, west of Fernleigh Street in section 24, the Real Estate and Development Department has acquired the necessary required documents listed below. The consideration on each document is \$1.00.

GRANTOR

TYPE of DOCUMENT

Matt Morgan's Development	Permanent Storm Sewer Easement
Matt Morgan's Development	Permanent Sanitary Sewer Easement
Matt Morgan's Development	Permanent Non-access Greenbelt Easement

In order for this development project to be finalized, management recommends that City Council accept the attached easements for recording.

PERMANENT EASEMENT

Sidwell #88-20-24-201-002, 003 part
Project# 04.920.3
Res. #

Matt Morgan's Development, L.L.C., a Michigan Limited Liability Co., Grantor, whose address is 3951 Iverness, West Bloomfield, MI 48323, 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 Storm Sewer, & said easement for land situated in the City of Troy, Oakland County, Michigan, described as:

SEE EXHIBIT "A" ATTACHED HERE TO 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.

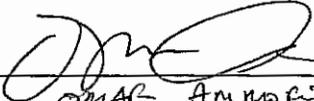
This instrument shall be binding upon and inure to the benefit of the parties hereto, their heirs, representatives, successors and assigns and the covenants contained herein shall run with the land.

IN WITNESS WHEREOF, the undersigned hereunto affixed his signature(s) this 6th day of July A.D. 2005

In presence of:
WITNESS

Matt Morgan's Development, L.L.C.
a Michigan limited liability company

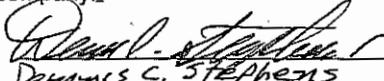
_____ none required _____
*

By:  (L.S.)
Omar Amador
Its: Managing Member

_____ none required _____
*

STATE OF MICHIGAN)
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this 6th day of July, 2005 by Omar Amador, Managing Member of Matt Morgan's Development, L.L.C. a Michigan limited liability company, on behalf of said limited liability company.


Dennis C. Stephens

Notary Public, Oakland County, Michigan
Acting in Oakland County
My Commission Expires 10/30/2010

(L.L.C.)

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

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

STORM SEWER EASEMENTS DESCRIPTION

EASEMENT DESCRIPTION: (15 FEET WIDE STORM SEWER EASEMENT - A)

A FIFTEEN (15.00) FEET WIDE STORM SEWER EASEMENT WHICH IS PART OF LOT 2 OF "EYSTER'S DEQUINDRE FARMS SUBDIVISION NO. 5" LIBER 55 OF PLATS, PAGE 58 OAKLAND COUNTY RECORDS, ALSO BEING PART OF THE NORTHEAST 1/4 OF SECTION 24, T. 2 N., R. 11 E., CITY OF TROY, OAKLAND COUNTY, MICHIGAN, OF CENTERLINE DESCRIBED AS:

COMMENCING AT THE NORTHWEST CORNER OF SAID LOT 2, SAID POINT BEING ON THE SOUTH LINE OF WATTLES ROAD (60 FEET WIDE); THENCE S. 01°35'30" W., 94.86 FEET ALONG THE WEST LINE OF SAID LOT 2; THENCE S. 88°24'30" E., 7.50 FEET TO THE POINT OF BEGINNING; THENCE S. 01°35'30" W., 467.00 FEET TO THE POINT OF ENDING.

EASEMENT DESCRIPTION: (20 FEET WIDE STORM SEWER EASEMENT - B)

A TWENTY (20.00) FEET WIDE STORM SEWER EASEMENT WHICH IS PART OF LOT 2 OF "EYSTER'S DEQUINDRE FARMS SUBDIVISION NO. 5" LIBER 55 OF PLATS, PAGE 58 OAKLAND COUNTY RECORDS, ALSO BEING PART OF THE NORTHEAST 1/4 OF SECTION 24, T. 2 N., R. 11 E., CITY OF TROY, OAKLAND COUNTY, MICHIGAN, OF CENTERLINE DESCRIBED AS:

COMMENCING AT THE NORTHWEST CORNER OF SAID LOT 2, SAID POINT BEING ON THE SOUTH LINE OF WATTLES ROAD (60 FEET WIDE); THENCE S. 01°35'30" W., 187.36 FEET ALONG THE WEST LINE OF SAID LOT 2 TO THE POINT OF BEGINNING; THENCE S. 88°24'30" E., 125.00 FEET TO THE POINT OF ENDING.

EASEMENT DESCRIPTION: (15 FEET WIDE STORM SEWER EASEMENT - C)

A FIFTEEN (15.00) FEET WIDE STORM SEWER EASEMENT WHICH IS PART OF LOT 3 OF "EYSTER'S DEQUINDRE FARMS SUBDIVISION NO. 5" LIBER 55 OF PLATS, PAGE 58 OAKLAND COUNTY RECORDS, ALSO BEING PART OF THE NORTHEAST 1/4 OF SECTION 24, T. 2 N., R. 11 E., CITY OF TROY, OAKLAND COUNTY, MICHIGAN, OF CENTERLINE DESCRIBED AS:

COMMENCING AT THE NORTHEAST CORNER OF SAID LOT 3, SAID POINT BEING ON THE SOUTH LINE OF WATTLES ROAD (60 FEET WIDE); THENCE DUE WEST 7.50 FEET TO THE POINT OF BEGINNING; THENCE S. 01°35'30" W., 562.07 FEET TO THE POINT OF OF ENDING.

EASEMENT DESCRIPTION: (20 FEET WIDE STORM SEWER EASEMENT - D)

A TWENTY (20.00) FEET WIDE STORM SEWER EASEMENT WHICH IS PART OF LOT 3 OF "EYSTER'S DEQUINDRE FARMS SUBDIVISION NO. 5" LIBER 55 OF PLATS, PAGE 58 OAKLAND COUNTY RECORDS, ALSO BEING PART OF THE NORTHEAST 1/4 OF SECTION 24, T. 2 N., R. 11 E., CITY OF TROY, OAKLAND COUNTY, MICHIGAN, OF CENTERLINE DESCRIBED AS:

COMMENCING AT THE NORTHEAST CORNER OF SAID LOT 3, SAID POINT BEING ON THE SOUTH LINE OF WATTLES ROAD (60 FEET WIDE); THENCE S. 01°35'30" W., 203.47 FEET ALONG THE EAST LINE OF SAID LOT 3 TO THE POINT OF BEGINNING; THENCE N. 88°24'30" W., 124.88 FEET TO THE POINT OF OF ENDING.

PROPERTY DESCRIPTION:

LOTS 2 AND 3 OF "EYSTER'S DEQUINDRE FARMS SUBDIVISION NO. 5" BEING PART OF THE NORTHEAST 1/4 OF SECTION 24, T. 2 N., R. 11 E., TROY TOWNSHIP (NOW CITY OF TROY), OAKLAND COUNTY, MICHIGAN, AS RECORDED IN LIBER 55 OF PLATS, PAGE 58 OAKLAND COUNTY RECORDS, BEING MORE PARTICULARLY DESCRIBED AS:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 2, SAID POINT BEING ON THE SOUTH LINE OF WATTLES ROAD (60 FEET WIDE); THENCE DUE EAST 310.00 FEET ALONG SAID SOUTH LINE OF WATTLES ROAD; SAID LINE ALSO BEING THE NORTH LINE OF SAID LOTS 2 AND 3 TO THE NORTHEAST CORNER OF SAID LOT 3; THENCE S. 01°35'30" W. (RECORDED AS S. 01°35'00" W.) 562.07 FEET ALONG THE EAST LINE OF SAID LOT 3 TO THE SOUTHEAST CORNER OF SAID LOT 3; THENCE DUE WEST 310.00 FEET ALONG THE SOUTH LINE OF SAID LOTS 2 AND 3 TO THE SOUTHWEST CORNER OF SAID LOT 2; AND THENCE N. 01°35'30" E. (RECORDED AS N. 01°35'00" E.) 562.07 FEET ALONG THE WEST LINE OF SAID LOT 2 TO THE POINT OF BEGINNING. CONTAINING 4.0 ACRES OF LAND, MORE OR LESS. SUBJECT TO ANY AND ALL EASEMENTS OR RIGHTS OF WAY OF RECORD, IF ANY.

PROJECT:

TIMBERCREST ESTATES
CITY OF TROY, MICHIGAN

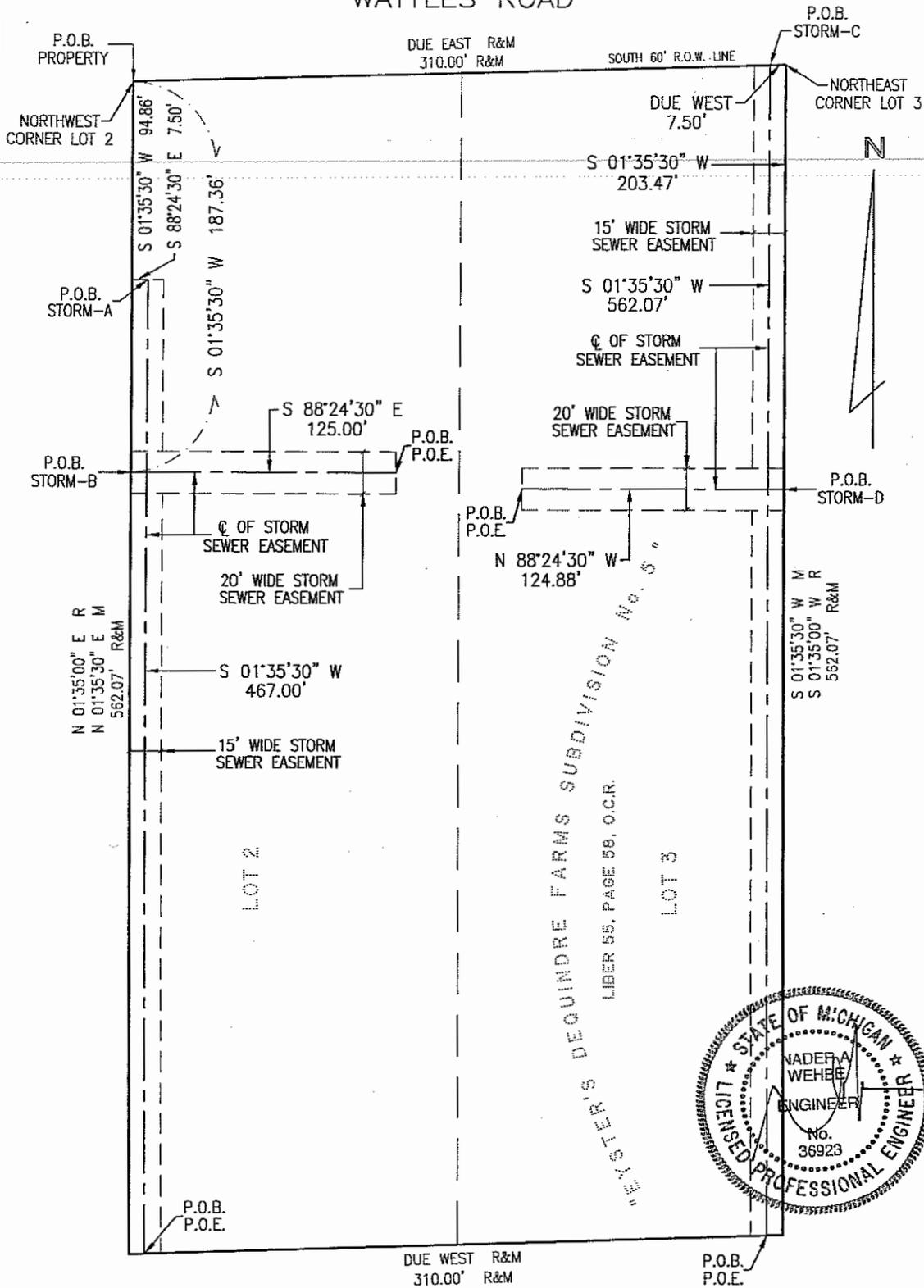


**BECKMAN
WEHBE
CORP.**

25775 TEN MILE RD.
SUITE-A
SOUTHFIELD
MICHIGAN 48034
PHONE (248) 353-6330
FAX (248) 353-4148

STORM SEWER EASEMENTS

WATTLES ROAD



P.O.B. = POINT OF BEGINNING
P.O.E. = POINT OF ENDING

PROJECT:
TIMBERCREST ESTATES
CITY OF TROY, MICHIGAN



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PERMANENT EASEMENT

Sidwell #88-20-24-201-002, 003 part
Project# 04.920.3
Res. #

Matt Morgan's Development, L.L.C., a Michigan Limited Liability Co., Grantor, whose address is 3951 Iverness, West Bloomfield, MI 48323, 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 Sanitary Sewer, & said easement for land situated in the City of Troy, Oakland County, Michigan, described as:

SEE EXHIBIT "A" ATTACHED HERE TO 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 6th day of July A.D. 2005

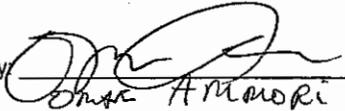
In presence of:

WITNESS

Matt Morgan's Development, L.L.C.
a Michigan limited liability company

_____ none required _____

*

By  (L.S.)

Its: Managing Member

_____ none required _____

*

STATE OF MICHIGAN)
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this 6th day of July, 2005 by OMAR AMADORI, Managing Member of Matt Morgan's Development, L.L.C. a Michigan limited liability company, on behalf of said limited liability company.


DENNIS C. STEPHENS

Notary Public, Oakland County, Michigan
Acting in Oakland County
My Commission Expires 10/20/2010

(L.L.C.)

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

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

***PLEASE TYPE OR PRINT NAMES IN BLACK INK UNDER SIGNATURES**

SANITARY SEWER EASEMENT DESCRIPTION

EASEMENT DESCRIPTION: (15 FEET WIDE SANITARY SEWER EASEMENT)

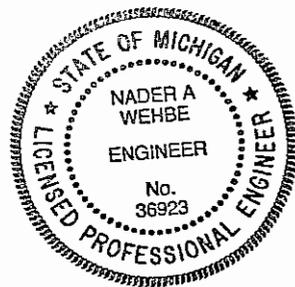
A FIFTEEN (15.00) FEET WIDE SANITARY SEWER EASEMENT WHICH IS PART OF LOT 2 OF "EYSTER'S DEQUINDRE FARMS SUBDIVISION NO. 5" LIBER 55 OF PLATS, PAGE 58 OAKLAND COUNTY RECORDS, ALSO BEING PART OF THE NORTHEAST 1/4 OF SECTION 24, T. 2 N., R. 11 E., CITY OF TROY, OAKLAND COUNTY, MICHIGAN, OF CENTERLINE DESCRIBED AS:

COMMENCING AT THE NORTHWEST CORNER OF SAID LOT 2, SAID POINT BEING ON THE SOUTH LINE OF WATTLES ROAD (60 FEET WIDE); THENCE DUE EAST 117.55 FEET ALONG SAID SOUTH LINE OF WATTLES ROAD, SAID LINE ALSO BEING THE NORTH LINE OF SAID LOT 2 TO THE POINT OF BEGINNING; THENCE S. 01°35'30" W., 562.07 FEET TO THE POINT OF ENDING.

PROPERTY DESCRIPTION:

LOTS 2 AND 3 OF "EYSTER'S DEQUINDRE FARMS SUBDIVISION NO. 5" BEING PART OF THE NORTHEAST 1/4 OF SECTION 24, T. 2 N., R. 11 E., TROY TOWNSHIP (NOW CITY OF TROY), OAKLAND COUNTY, MICHIGAN, AS RECORDED IN LIBER 55 OF PLATS, PAGE 58 OAKLAND COUNTY RECORDS, BEING MORE PARTICULARLY DESCRIBED AS:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 2, SAID POINT BEING ON THE SOUTH LINE OF WATTLES ROAD (60 FEET WIDE); THENCE DUE EAST 310.00 FEET ALONG SAID SOUTH LINE OF WATTLES ROAD; SAID LINE ALSO BEING THE NORTH LINE OF SAID LOTS 2 AND 3 TO THE NORTHEAST CORNER OF SAID LOT 3; THENCE S. 01°35'30" W. (RECORDED AS S. 01°35'00" W.) 562.07 FEET ALONG THE EAST LINE OF SAID LOT 3 TO THE SOUTHEAST CORNER OF SAID LOT 3; THENCE DUE WEST 310.00 FEET ALONG THE SOUTH LINE OF SAID LOTS 2 AND 3 TO THE SOUTHWEST CORNER OF SAID LOT 2; AND THENCE N. 01°35'30" E. (RECORDED AS N. 01°35'00" E.) 562.07 FEET ALONG THE WEST LINE OF SAID LOT 2 TO THE POINT OF BEGINNING. CONTAINING 4.0 ACRES OF LAND, MORE OR LESS. SUBJECT TO ANY AND ALL EASEMENTS OR RIGHTS OF WAY OF RECORD, IF ANY.



PROJECT:

TIMBERCREST ESTATES
CITY OF TROY, MICHIGAN



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SANITARY SEWER EASEMENT

WATTLES ROAD

P.O.B. PROPERTY

P.O.B. ESMT.

DUE EAST R&M
310.00' R&M

SOUTH 60' R.O.W. LINE

DUE EAST 117.55'

Q. OF SANITARY SEWER EASEMENT



N 01°35'00" E R
N 01°35'30" E M
562.07' R&M

LOT 2

15' WIDE SANITARY SEWER EASEMENT

S 01°35'30" W
562.07'

LOT 3

"ESTATE'S DEQUINDRE FARMS SUBDIVISION No. 5"

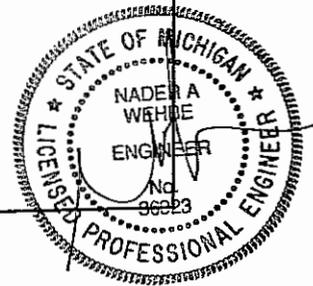
LIBER 55, PAGE 58, O.C.R.

S 01°35'30" W M
S 01°35'00" W R
562.07' R&M

DUE WEST R&M
310.00' R&M

P.O.E. ESMT.

P.O.B. = POINT OF BEGINNING
P.O.E. = POINT OF ENDING



PROJECT:

TIMBERCREST ESTATES
CITY OF TROY, MICHIGAN



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DECLARATION OF NON-ACCESS GREENBELT EASEMENTS

Sidwell #88-20-24-201-002 & #88-20-24-201-003

On this 6th day of July, 2005, Matt Morgan's Development, LLC, a Michigan Limited Liability Company, Declarant, having its principal office at 3951 Iverness, West Bloomfield, MI 48323, makes this Declaration of Easement for the benefit of THE CITY OF TROY, a Michigan municipal corporation, with an address of 500 W. Big Beaver Road, Troy, MI 48084, and for the benefit of the property owners in the ~~Greatwood~~ Timbercrest Estates Site Condominium as described below.

Consideration. No monetary consideration will be provided to Declarant for this easement, therefore the conveyance is exempt from transfer tax pursuant to MCL 207.505(a) and 257.526(a).

Affected Property. Declarant owns the property in the Timbercrest Estates Site Condominium, Sidwell Numbers 88-20-24-201-002 and 88-20-24-201-003 that is described in the attached Exhibit A, and declares these easements that affect a portion of said property.

Declaration of Easements. Declarant hereby declares, grants, conveys, and establishes non-access greenbelt easements A and B that are shown and fully described in the attached Exhibit A. The area within said easements shall be landscaped in accordance with the CITY OF TROY ordinances and the approved landscaping plan. Curb cuts that would allow access to a road or thoroughfare shall not be made within said easements.

Binding Effect. This instrument shall be binding upon and inure to the benefit of the CITY OF TROY and the property owners in Timbercrest Estates Site Condominium, their heirs, representatives, successors and assigns and the covenants contained herein shall run with the land.

IN WITNESS WHEREOF, the undersigned hereunder affixed his signature this 6th day of July, 2005

Witnesses:

Matt Morgan's Development, L.L.C. a Michigan Limited Liability Company

None required

By [Signature] (L.S.)
OMAR AMMARI

None required

It's: Managing Member

STATE OF MICHIGAN)
COUNTY OF OAKLAND)

OMAR AMMARI, Managing Member of Matt Morgan's Development, L.L.C., acknowledged the foregoing instrument before me this 6th day of July 2005 on behalf of Matt Morgan's Development, L.L.C., a Michigan Limited Liability Company.

[Signature]
Dennis C. Stephens

Notary Public, Oakland County, MI
Acting in Oakland County
My Commission Expires 10/24/10

AFTER RECORDING SEND TO:
CITY OF TROY
500 W. Big Beaver Road
Troy, MI 48084

PREPARED BY:
Dennis C. Stephens
500 West Big Beaver Road
Troy, MI 48084

NON-ACCESS EASEMENT DESCRIPTION

EASEMENT DESCRIPTION: (15 FEET WIDE NON-ACCESS EASEMENT WEST)

A FIFTEEN (15.00) FEET WIDE NON-ACCESS EASEMENT WHICH IS PART OF LOT 2 OF "EYSTER'S DEQUINDRE FARMS SUBDIVISION NO. 5" LIBER 55 OF PLATS, PAGE 58 OAKLAND COUNTY RECORDS, ALSO BEING PART OF THE NORTHEAST 1/4 OF SECTION 24, T. 2 N., R. 11 E., CITY OF TROY, OAKLAND COUNTY, MICHIGAN, OF CENTERLINE DESCRIBED AS:

COMMENCING AT THE NORTHWEST CORNER OF SAID LOT 2, SAID POINT BEING ON THE SOUTH LINE OF WATTLES ROAD (60 FEET WIDE); THENCE S. 01°35'30" W., 7.50 FEET ALONG THE WEST LINE OF SAID LOT 2 TO THE POINT OF BEGINNING; THENCE DUE EAST, 125.05 FEET TO THE POINT OF ENDING.

EASEMENT DESCRIPTION: (15 FEET WIDE NON-ACCESS EASEMENT EAST)

A FIFTEEN (15.00) FEET WIDE NON-ACCESS EASEMENT WHICH IS PART OF LOT 3 OF "EYSTER'S DEQUINDRE FARMS SUBDIVISION NO. 5" LIBER 55 OF PLATS, PAGE 58 OAKLAND COUNTY RECORDS, ALSO BEING PART OF THE NORTHEAST 1/4 OF SECTION 24, T. 2 N., R. 11 E., CITY OF TROY, OAKLAND COUNTY, MICHIGAN, OF CENTERLINE DESCRIBED AS:

COMMENCING AT THE NORTHEAST CORNER OF SAID LOT 3, SAID POINT BEING ON THE SOUTH LINE OF WATTLES ROAD (60 FEET WIDE); THENCE S. 01°35'30" W., 7.50 FEET ALONG THE EAST LINE OF SAID LOT 3 TO THE POINT OF BEGINNING; THENCE DUE WEST, 124.93 FEET TO THE POINT OF ENDING.

PROPERTY DESCRIPTION:

LOTS 2 AND 3 OF "EYSTER'S DEQUINDRE FARMS SUBDIVISION NO. 5" BEING PART OF THE NORTHEAST 1/4 OF SECTION 24, T. 2 N., R. 11 E., TROY TOWNSHIP (NOW CITY OF TROY), OAKLAND COUNTY, MICHIGAN, AS RECORDED IN LIBER 55 OF PLATS, PAGE 58 OAKLAND COUNTY RECORDS, BEING MORE PARTICULARLY DESCRIBED AS:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 2, SAID POINT BEING ON THE SOUTH LINE OF WATTLES ROAD (60 FEET WIDE); THENCE DUE EAST 310.00 FEET ALONG SAID SOUTH LINE OF WATTLES ROAD; SAID LINE ALSO BEING THE NORTH LINE OF SAID LOTS 2 AND 3 TO THE NORTHEAST CORNER OF SAID LOT 3; THENCE S. 01°35'30" W. (RECORDED AS S. 01°35'00" W.) 562.07 FEET ALONG THE EAST LINE OF SAID LOT 3 TO THE SOUTHEAST CORNER OF SAID LOT 3; THENCE DUE WEST 310.00 FEET ALONG THE SOUTH LINE OF SAID LOTS 2 AND 3 TO THE SOUTHWEST CORNER OF SAID LOT 2; AND THENCE N. 01°35'30" E. (RECORDED AS N. 01°35'00" E.) 562.07 FEET ALONG THE WEST LINE OF SAID LOT 2 TO THE POINT OF BEGINNING. CONTAINING 4.0 ACRES OF LAND, MORE OR LESS. SUBJECT TO ANY AND ALL EASEMENTS OR RIGHTS OF WAY OF RECORD, IF ANY.

PROJECT:

TIMBERCREST ESTATES
CITY OF TROY, MICHIGAN

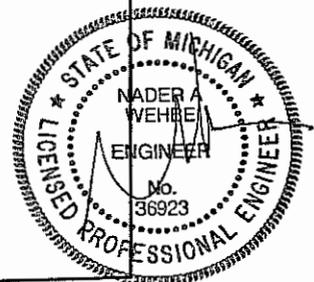
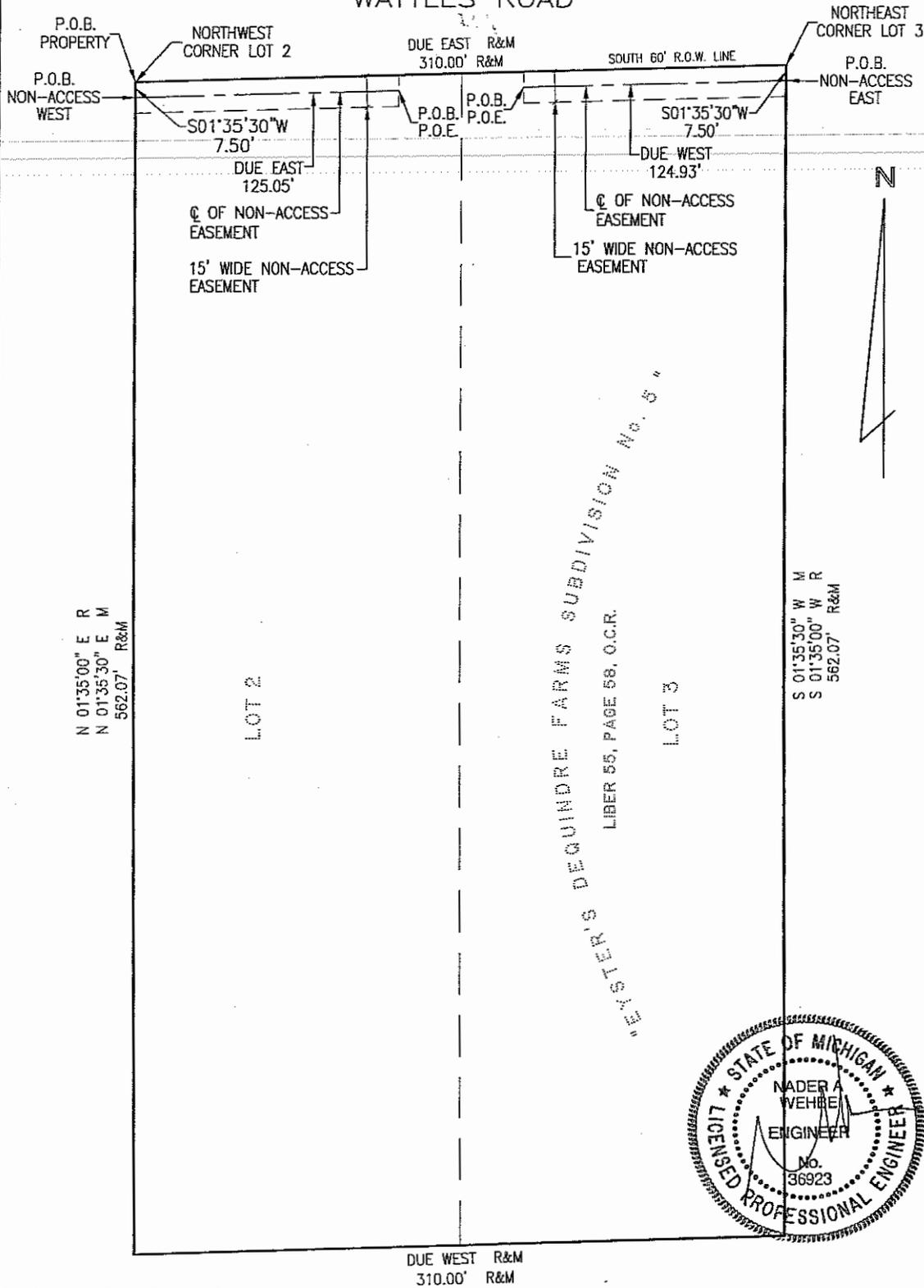


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NON-ACCESS EASEMENT

WATTLES ROAD



P.O.B. = POINT OF BEGINNING
 P.O.E. = POINT OF ENDING

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 CITY OF TROY, MICHIGAN

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