July 25, 2005

TO: John Szerlag, City Manager

FROM: Brian Murphy, Assistant City Manager/Services
Douglas Smith, Real Estate & Development Director

RE: AGENDA ITEM – Request for Acceptance of Permanent Easement for Watermain, 888 West Big Beaver, L.L.C. – Sidwell #88-20-21-351-013

In conjunction with the development of the new Morton's Restaurant at the Northeast corner of Big Beaver and Crooks, the Real Estate & Development Department has received an easement for watermain from the property owners, 888 West Big Beaver, LLC. The consideration on this document is $1.00

Management recommends that City Council accept the attached easement.

Prepared by: Patricia A. Petitto, Senior Right of Way Representative

PERMANENT EASEMENT

Sidwell #88-20-21-351-013

888 West Big Beaver, L.L.C., a Michigan Limited Liability Company, Grantors, whose address is 20500 Civic Center Drive, Suite 3000, Southfield, MI 48076 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 ATTACHED EXHIBIT "A"

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 18TH day of JULY A.D. 2005

888 West Big Beaver, L.L.C., a Michigan Limited Liability Company

By [signature] (L.S.)

Its TREASURER

PAUL A. STODULSKI (L.S.)

STATE OF MICHIGAN)
COUNTY OF Oakland)

The foregoing instrument was acknowledged before me this 18 day of July, 2005, by PAUL A. STODULSKI on behalf of 888 West Big Beaver, L.L.C., a Michigan Limited Liability Company.

JULIE M. MORGENSTERN
NOTARY PUBLIC, STATE OF MI
COUNTY OF OAKLAND
MY COMMISSION EXPIRES Feb 20, 2012
ACTING IN COUNTY OF

Julie M. Morgenstern

Notary Public, Oakland County, Michigan

My Commission Expires 02/20/2012

Prepared by: Patricia A. Petitto
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

LEGAL DESCRIPTION - PROPOSED WATER MAIN EASEMENT

A TWELVE FOOT WIDE EASEMENT FOR WATER MAIN WHOSE CENTERLINE IS DESCRIBED AS BEGINNING AT A POINT ON THE NORTH RIGHT-OF-WAY LINE OF BIG BEAVER ROAD (204 FEET WIDE), DISTANT N.87°28'55"E., 738.60 FEET AND N.02°31'05"W., 102.00 FEET FROM THE SOUTHWEST CORNER OF SECTION 21, T.2N., R.11E., CITY OF TROY, OAKLAND COUNTY, MICHIGAN; THENCE N.02°31'05"W., 108.00 FEET; THENCE S.87°28'55"W., 9.00 FEET; THENCE N.02°31'05"W., 30.00 FEET; THENCE S.02°31'05"E., 30.00 FEET; THENCE S.87°28'55"W., 185.69 FEET; THENCE S.02°30'40"E., 6.90 FEET; THENCE S.42°24'31"W., 14.16 FEET; THENCE S.87°19'42"W., 166.38 FEET; THENCE N.47°40'18"W., 7.07 FEET; THENCE N.02°40'18"W., 68.00 FEET; THENCE N.42°19'42"E., 7.07 FEET; THENCE N.87°19'42"E., 27.26 FEET; THENCE N.02°31'05"W., 63.37 FEET; THENCE N.87°28'55"E., 30.00 FEET; THENCE S.87°28'55"W., 30.00 FEET; THENCE N.02°31'05"W., 257.37 FEET; THENCE S.87°28'55"W., 335.50 FEETTO THE POINT OF ENDING.

NF NOWAK & FRAUS

Consulting Engineers • Land Surveyors • Land Planners

1310 N. Stephenson Highway
Royal Oak, Michigan 48067-1508

Tel. (248) 399-0886
Fax. (248) 399-0805

SCALE	DATE	DRAWN	JOB No.	SHEET
N.T.S.	06-23-05	J.R.L.	D844	2 of 2

88-20-21-351-013

EXHIBIT A

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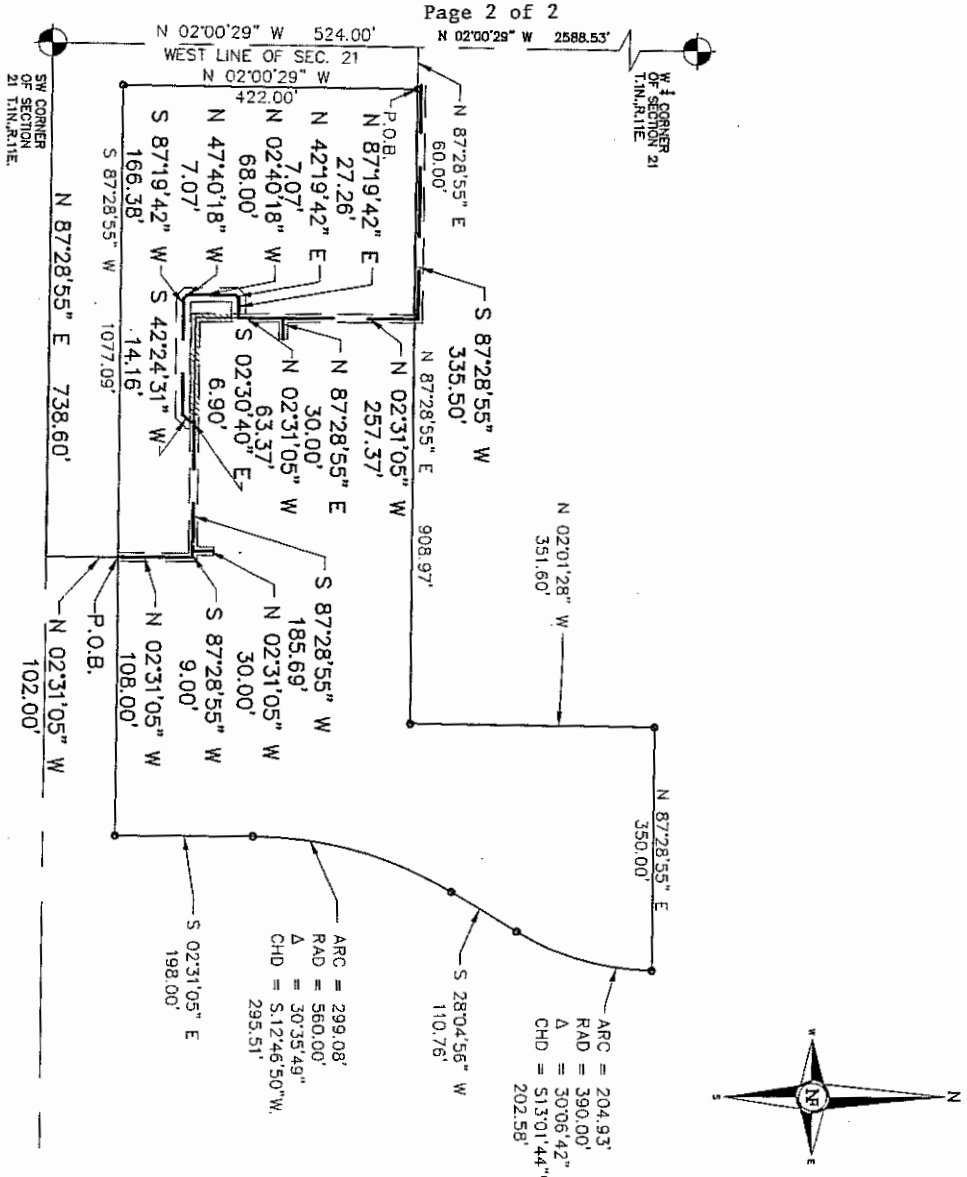

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SCALE	DATE	DRAWN	JOB No.	SHEET
1" = 200'	06-23-05	J.R.L.	D844	1 of 2