City of Troy

CITY COUNCIL ACTION REPORT

February 18, 2009

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

SUBJECT: Request for Acceptance of a Water Main Easement from Dunham Capital Management, LLC - Sidwell #88-20-28-101-066

Background:

- In connection with the Granite City Food & Brewery development site, the Real Estate Department has received an easement for water main from the property owner Dunham Capital Management, LLC, having Sidwell #88-20-28-101-066. The property is located on the south side of Big Beaver, east of Troy Center Drive.

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 easement for water main, consistent with our policy of accepting easements for infrastructure developments and improvements.

PERMANENT EASEMENT

Sidwell #88-20-28-101-~~038~~ 66 (pt of)
Resolution #

DUNHAM CAPITAL MANAGEMENT, L.L.C., a South Dakota limited liability company, Grantor(s), whose address is 600 South Main Ave, Ste. 102, Sioux Falls, SD 57104 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 12th day of August A.D. 2008.

DUNHAM CAPITAL MANAGEMENT, LLC, a South Dakota limited liability company

Nancy J. Hughes
SEAL NOTARY PUBLIC SOUTH DAKOTA

By _____ (L.S.)
*Donald Dunham, Jr.
Its Managing Member

STATE OF ~~MICHIGAN~~ South Dakota)
COUNTY OF ~~OAKLAND~~ Minnehaha)

The foregoing instrument was acknowledged before me this 12th day of August, 2008, by Donald Dunham, Jr., Managing Member, of DUNHAM CAPITAL MANAGEMENT, L.L.C., a South Dakota limited liability company on behalf of the company.

_____
* Nancy J. Hughes
Notary Public, Minnehaha County, ~~Michigan~~ South Dakota
My Commission Expires 9/30/09
Acting in Minnehaha County, ~~Michigan~~ South Dakota

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"

SKETCH OF EASEMENT
20' WIDE WATER MAIN

LEGAL DESCRIPTION
(Per Professional Engineering Associates, Inc.)

OVERALL PARCEL
Land situated in the City of Troy, Oakland County, Michigan described as follows:

Part of the Northwest 1/4 of Section 28, Town 2 North, Range 11 East, City of Troy, Oakland County, Michigan, described as: Commencing at the Northwest Corner of Section 28; thence along the north line of said Section 28, N87°28'23"E, 1257.91 feet; thence along the east Right-of-Way line of Troy Center Drive (120 feet wide), S02°31'05"E, 332.19 feet; thence N87°28'55"E, 220.00 feet to the Point-of-Beginning; thence N02°31'05"W, 230.00 feet to the south Right-of-Way line of Big Beaver Road (204 feet wide); thence along said Right-of-Way, N87°28'55"E, 279.81 feet to the southwesterly Right-of-Way line of I-75 expressway; thence along said southwesterly Right-of-Way, S45°23'49"E, 174.67 feet; and S02°31'05"E, 102.00 feet; thence S87°28'55"W, 398.66 feet to the Point-of-Beginning. Containing 1.93 acres of land, more or less.

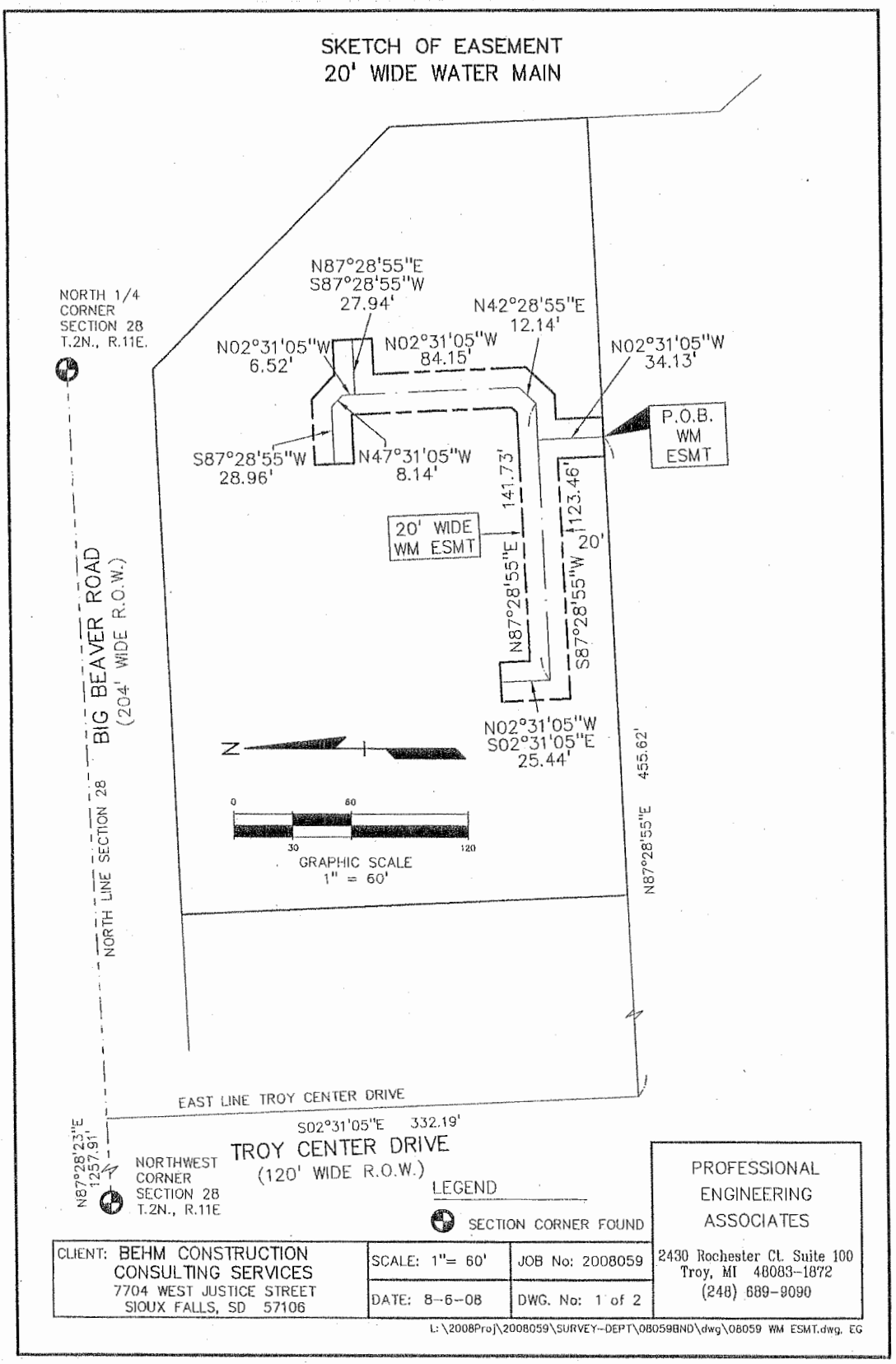
LEGAL DESCRIPTION

20' WIDE WATER MAIN EASEMENT
A 20 foot wide easement for the construction, operation, maintenance and repair of a water main over part of the Northwest 1/4 of Section 28, Town 2 North, Range 11 East, City of Troy, Oakland County, Michigan, the centerline of said easement being more particularly described as:
Commencing at the Northwest Corner of Section 28; thence along the north line of said Section 28, N87°28'23"E, 1257.91 feet; thence along the east Right-of-Way line of Troy Center Drive (120 feet wide), S02°31'05"E, 332.19 feet; thence N87°28'55"E, 455.62 feet to the Point of Beginning;
thence N02°31'05"W, 34.13 feet;
thence S87°28'55"W, 123.46 feet;
thence N02°31'05"W, 25.44 feet;
thence S02°31'05"E, 25.44 feet;
thence N87°28;55"E, 141.73 feet;
thence N42°28'55"E, 12.14 feet;
thence N02°31'05"W, 84.15 feet;
thence N87°28'55"E, 27.94 feet;
thence S87°28'55"W, 27.94 feet;
thence N02°31'05"W, 6.52 feet;
thence N47°31'05"W, 8.14 feet;
thence S87°28'55"W, 28.96 feet to the Point of Ending.

CLIENT: BEHM CONSTRUCTION CONSULTING SERVICES 7704 WEST JUSTICE STREET SIOUX FALLS, SD 57106	SCALE: 1"= 60'	JOB No: 2008059	PROFESSIONAL ENGINEERING ASSOCIATES 2430 Rochester Ct. Suite 100 Troy, MI 48083-1872 (248) 689-9090
	DATE: 8-6-08	DWG. No: 2 of 2	

L:\2008Proj\2008059\SURVEY-DEPT\08059BND\dwg\08059 WM ESMT.dwg, EG

EXHIBIT "A"



CLIENT: BEHM CONSTRUCTION CONSULTING SERVICES 7704 WEST JUSTICE STREET SIOUX FALLS, SD 57106	SCALE: 1"= 60'	JOB No: 2008059	PROFESSIONAL ENGINEERING ASSOCIATES 2430 Rochester Ct. Suite 100 Troy, MI 48083-1872 (248) 689-9090
	DATE: 8-6-08	DWG. No: 1 of 2	

L:\2008Proj\2008059\SURVEY-DEPT\08059BND\dwg\08059 WM ESMT.dwg, EG