

CITY COUNCIL ACTION REPORT

February 19, 2009

TO: Phillip L. Nelson, City Manager

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

SUBJECT: Request for Acceptance of a Permanent Easement for Water Main –
 NH Motel Enterprises, Inc., Section 9, Sidwell #88-20-09-151-004

Background:

- In connection with a water main improvement project on the Hilton Hotel property located on Crooks Road at the 1-75 exit, the Real Estate Department received an easement for water main from the property owner, NH Motel Enterprises, having Sidwell #88-20-09-151-004.

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 easement for water main, consistent with our policy of accepting easements for infrastructure maintenance.

PERMANENT EASEMENT

Sidwell #88-20-09-151-004 (pt of)

NH MOTEL ENTERPRISES, INC., a Michigan corporation, Grantor(s), whose address is 3445 Peachtree Road, Ste. 700, Atlanta, GA 30326 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.

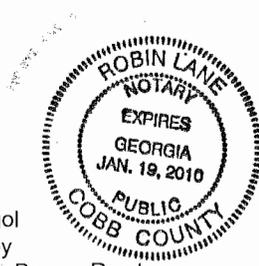
IN WITNESS WHEREOF, the undersigned hereunto affixed his signature(s) this 28 day of June A.D. 2007.

NH MOTEL ENTERPRISES, INC.
A Michigan Corporation

By Daniel E. Ellis (L.S.)
* Vice President

STATE OF Georgia)
COUNTY OF Fulton)

The foregoing instrument was acknowledged before me this 3 day of August, 2007, by Daniel E. Ellis, Vice President of NH MOTEL ENTERPRISES, INC., a Michigan corporation, on behalf of the corporation.



Robin Lane
* Notary Public, Fulton County, Georgia
My Commission Expires 1/19/2010
Acting in _____ County,

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

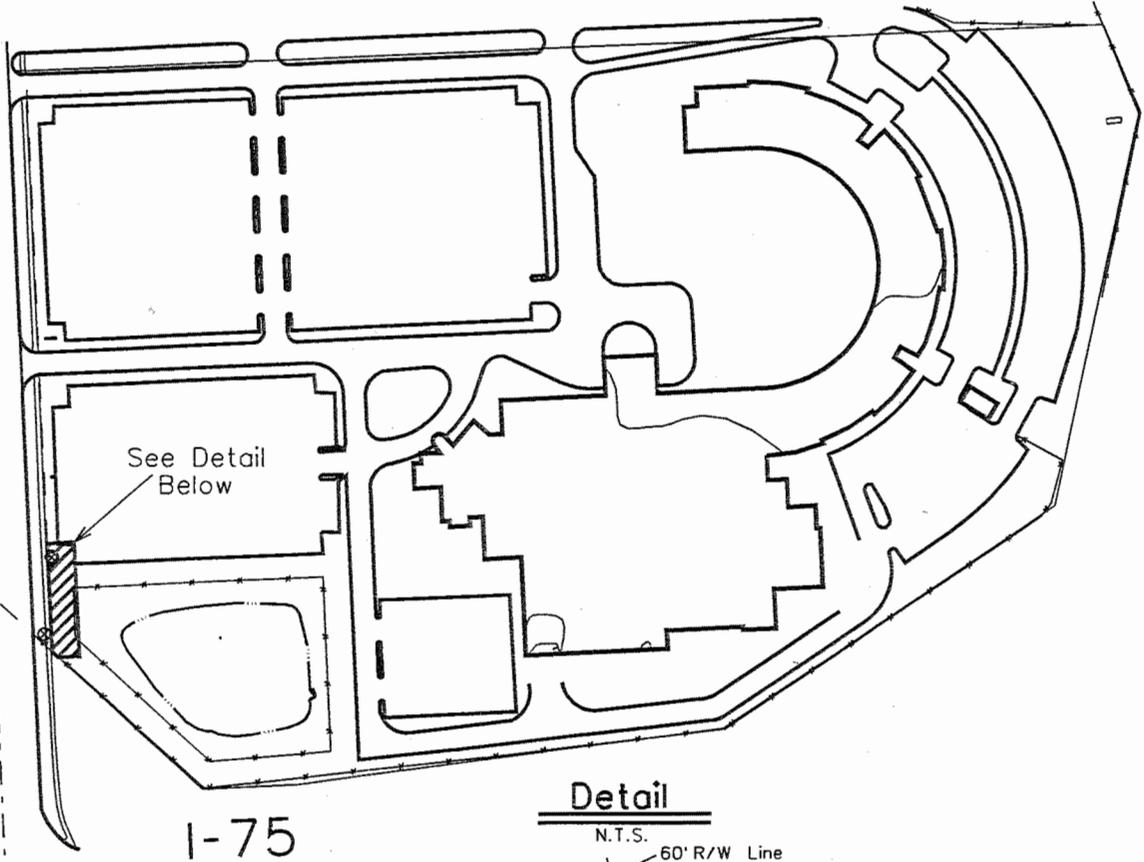
EXHIBIT "A"

Section 09, Watermain Easement
Parcel: 88-20-09-151-004
Owner: NH MOTEL ENTERPRISES, INC.

Description of Easement:

Part of the Northwest $\frac{1}{4}$ of Section 9, Town 2 North, Range 11 East, City of Troy, Oakland County, Michigan, described as: Commencing at the West $\frac{1}{4}$ corner of said Section 9; thence North 02 degrees 30 minutes 26 seconds West, 476.00 feet along the West Line of Section 9 and South 47 degrees 30 minutes 26 seconds East 84.86 feet to the east line of Crooks Road and the Point of Beginning; thence continuing South 47 degrees 30 minutes 26 seconds East 8.44 feet; thence North 87 degrees 29 minutes 34 seconds East 22.72 feet; thence North 02 degrees 30 minutes 26 seconds West 120.91 feet; thence South 87 degrees 29 minutes 34 seconds West 28.69 feet to the east line of Crooks Road; thence South 02 degrees 30 minutes 26 seconds East, along the said east line, 114.95 feet to the Point of Beginning. Containing 3,451 Square Feet or 0.079 Acres, more or less.

Crooks Road

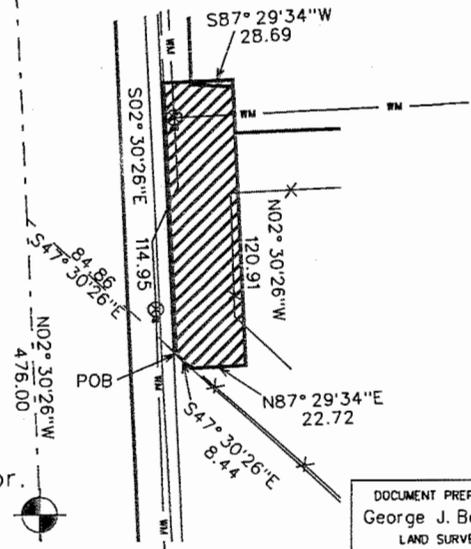


See Detail Below

I-75

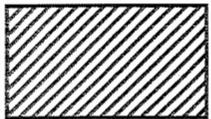
Detail

N.T.S.
60' R/W Line



West 1/4 Cor.
Section 9
T2N-R11E

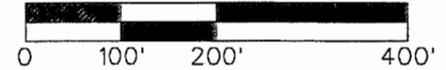
West 1/4 Cor.
Section 9
T2N-R11E



Proposed Watermain
Easement Area
Area=3451sq.ft.



Graphic Scale: 1"=200'



CITY OF TROY
OAKLAND COUNTY, MICHIGAN

**Proposed Watermain
Easement Sketch**

SCALE	DRAWN BY	CHECKED	FILE
HOR. 1"=200'	NAME GJB III	NAME	See Above
VER.	DATE 4-25-07	DATE	VIEW #1
SHEET No.		JOB No.	
STEVEN J. VANDETTE		10F1	
CITY ENGINEER			

DOCUMENT PREPARED BY
George J. Ballard III
LAND SURVEYOR

DATE REV. CONTRACT No.