City of Troy

CITY COUNCIL ACTION REPORT

March 26, 2009

TO: Phillip L. Nelson, City Manager

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

SUBJECT: Request for Acceptance of a Warranty Deed and Permanent Easement from 1401 Troy Associates Limited Partnership – Sidwell #88-20-32-226-037

Background:

- In connection with a property improvement project located on the west side of Crooks Road at Equity Drive in Section 32, the Real Estate Department has received a warranty deed for right-of-way and a permanent easement for water main from 1401 Troy Associates Limited Partnership, owners of the property having Sidwell #88-20-32-226-037.

Financial Considerations:

- The consideration amount on both documents is $1.00.

Legal Considerations:

- The format and content of these documents is consistent with warranty deeds and 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 warranty deed and permanent easement for water main, consistent with our policy of accepting right-of-way for infrastructure developments and improvements.

WARRANTY DEED

Sidwell # 88-20-32-226-037 (pt 02)
Resolution #

The Grantor(s) 1401 Troy Associates Limited Partnership, a Michigan Limited Partnership, whose address is: 200 Franklin Center, 29100 Northwestern Highway, Southfield, MI 48034 convey(s) and warrant(s) to the City of Troy, a Michigan Municipal Corporation, Grantee, whose address is 500 West Big Beaver Road,, Troy, Michigan 48084, the following described premises situated in the City of Troy, County of Oakland and State of Michigan:

SEE EXHIBIT "A" ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF

For the sum of One Dollar ($1.00)

subject to easements and building and use restrictions of record.

Dated this 11 day of March 2009.

1401 Troy Associates Limited Partnership,
a Michigan Limited Partnership

By _____
Douglas M. Etkin

Its: President

STATE OF MICHIGAN)
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this 11 day of March, 2009, by Douglas M. Etkin, of 1401 Troy Associates Limited Partnership, a Michigan Limited Partnership, on behalf of the Limited Partnership.

C. LANDRA
Notary Public, State of Michigan
County of Oakland
My Commission Expires Nov. 01, 2013
Acting in the County of Oakland

C. Landra

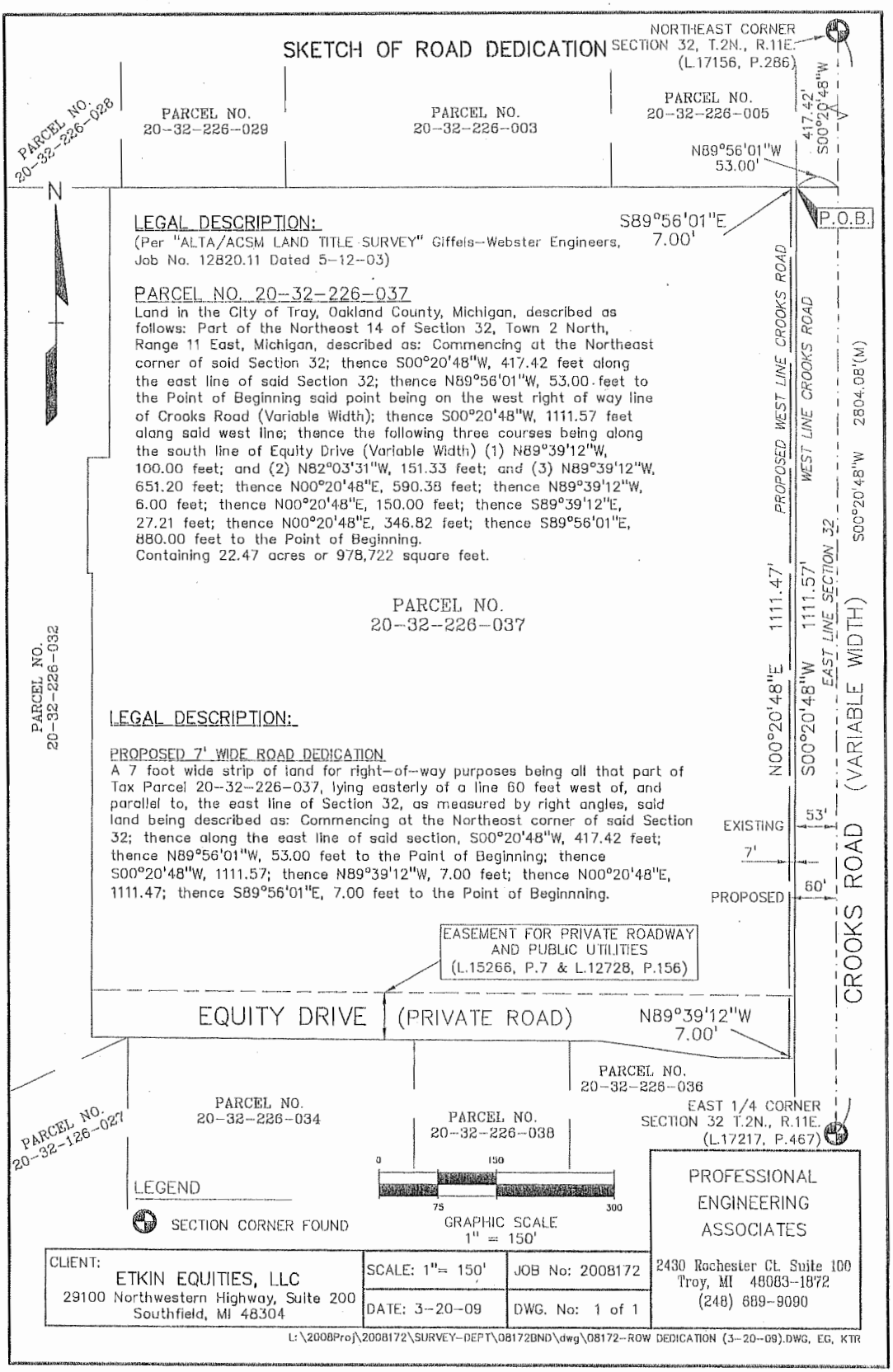
Notary Public, Oakland County, Michigan
My commission expires: November 1, 2013
Acting in Oakland County

County Treasurer's Certificate		City Treasurer's Certificate
When recorded return to: City Clerk City of Troy 500 West Big Beaver Troy, MI 48084	Send subsequent tax bills to: Grantee	Drafted by: Josh A. Suardini Etkin Equities 29100 Northwestern Hwy., Ste. 200 Southfield, MI 48034

Tax Parcel # 20-32-226-037 Recording Fee _____ Transfer Tax _____

**TYPE OR PRINT NAMES UNDER SIGNATURES*

SKETCH OF ROAD DEDICATION



LEGAL DESCRIPTION:

(Per "ALTA/ACSM LAND TITLE SURVEY" Giffels-Webster Engineers, Job No. 12820.11 Dated 5-12-03)

PARCEL NO. 20-32-226-037

Land in the City of Troy, Oakland County, Michigan, described as follows: Part of the Northeost 14 of Section 32, Town 2 North, Range 11 East, Michigan, described as: Commencing at the Northeast corner of said Section 32; thence S00°20'48"W, 417.42 feet along the east line of said Section 32; thence N89°56'01"W, 53.00 feet to the Point of Beginning said point being on the west right of way line of Crooks Road (Variable Width); thence S00°20'48"W, 1111.57 feet along said west line; thence the following three courses being along the south line of Equity Drive (Variable Width) (1) N89°39'12"W, 100.00 feet; and (2) N82°03'31"W, 151.33 feet; and (3) N89°39'12"W, 651.20 feet; thence N00°20'48"E, 590.38 feet; thence N89°39'12"W, 6.00 feet; thence N00°20'48"E, 150.00 feet; thence S89°39'12"E, 27.21 feet; thence N00°20'48"E, 346.82 feet; thence S89°56'01"E, 880.00 feet to the Point of Beginning.
Containing 22.47 acres or 978,722 square feet.

LEGAL DESCRIPTION:

PROPOSED 7' WIDE ROAD DEDICATION

A 7 foot wide strip of land for right-of-way purposes being all that part of Tax Parcel 20-32-226-037, lying easterly of a line 60 feet west of, and parallel to, the east line of Section 32, as measured by right angles, said land being described as: Commencing at the Northeost corner of said Section 32; thence along the east line of said section, S00°20'48"W, 417.42 feet; thence N89°56'01"W, 53.00 feet to the Paint of Beginning; thence S00°20'48"W, 1111.57; thence N89°39'12"W, 7.00 feet; thence N00°20'48"E, 1111.47; thence S89°56'01"E, 7.00 feet to the Point of Beginnning.

LEGEND

SECTION CORNER FOUND

CLIENT: ETKIN EQUITIES, LLC, 29100 Northwestern Highway, Suite 200, Southfield, MI 48304	SCALE: 1"= 150'	JOB No: 2008172	PROFESSIONAL ENGINEERING ASSOCIATES, 2430 Rochester Ct. Suite 100, Troy, MI 48083-1872, (248) 689-9090
	DATE: 3-20-09	DWG. No: 1 of 1	

L:\2008Proj\2008172\SURVEY-DEPT\08172BND\dwg\08172-ROW DEDICATION (3-20-09).DWG, EG, KTR

PERMANENT EASEMENT

Sidwell #88-20-32-226-037 (pt of)

1401 Troy Associates Limited Partnership, a Michigan Limited Partnership, Grantor(s), whose address is 200 Franklin Center, 29100 Northwestern Highway, Southfield, MI 48304 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 OF

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 19th day of March A.D. 2009.

1401 Troy Associates Limited Partnership.
a Michigan Limited Partnership

By _____(L.S.)
* Douglas M. Etkin
Its President

STATE OF MICHIGAN)
COUNTY OF MI)

The foregoing instrument was acknowledged before me this 19 day of MARCH, 2009, by Douglas M. Etkin, President, of 1401 Troy Associates Limited Partnership, a Michigan Limited Partnership, on behalf of the Limited Partnership.

HELEN NICHOLS
Notary Public, State of Michigan
County of Oakland
My Commission Expires Nov. 2[illegible], 2011
Acting in the County of OAKLAND

*
Notary Public, OAKLAND County, Michigan
My Commission Expires NOV. 24. 2011
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"
Parcel #20-32-226-037 (part of)

WATER MAIN EASEMENT A:

A 20 FOOT WIDE EASEMENT OVER A PARCEL BEING LOCATED IN PART OF THE NORTHEAST ¼ OF SECTION 32, TOWNSHIP 2 NORTH RANGE 11 EAST, CITY OF TROY, OAKLAND COUNTY, MICHIGAN, WHOSE CENTERLINE IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 32; THENCE S00°20'48"W, 417.42 FEET ALONG THE EAST LINE OF SAID SECTION 32; THENCE N89°56'01"W, 53 FEET TO THE WEST RIGHT-OF-WAY LINE OF CROOKS ROAD (VARIABLE WIDTH); THENCE CONTINUING N89°56'01"W ALONG THE NORTH LINE OF PARCEL NO. 20-32-226-037, 223.56 FEET TO THE POINT OF BEGINNING;

THENCE S00°20'47"W, 316.40 FEET;
THENCE N89°38'22"W, 187.05 FEET;
THENCE S00°21'38"W, 18.59 FEET;
THENCE N00°21'38"E, 18.59 FEET;
THENCE N89°38'22"W, 244.92 FEET;
THENCE S00°21'38"W, 18.04 FEET;
THENCE N00°21'38"E, 18.04 FEET;
THENCE N89°38'22"W, 19.94 FEET;
THENCE N00°21'38"E, 24.35 FEET;
THENCE N89°38'22"W, 33.00 FEET;
THENCE S00°21'38"W, 42.00 FEET TO THE POINT OF ENDING.

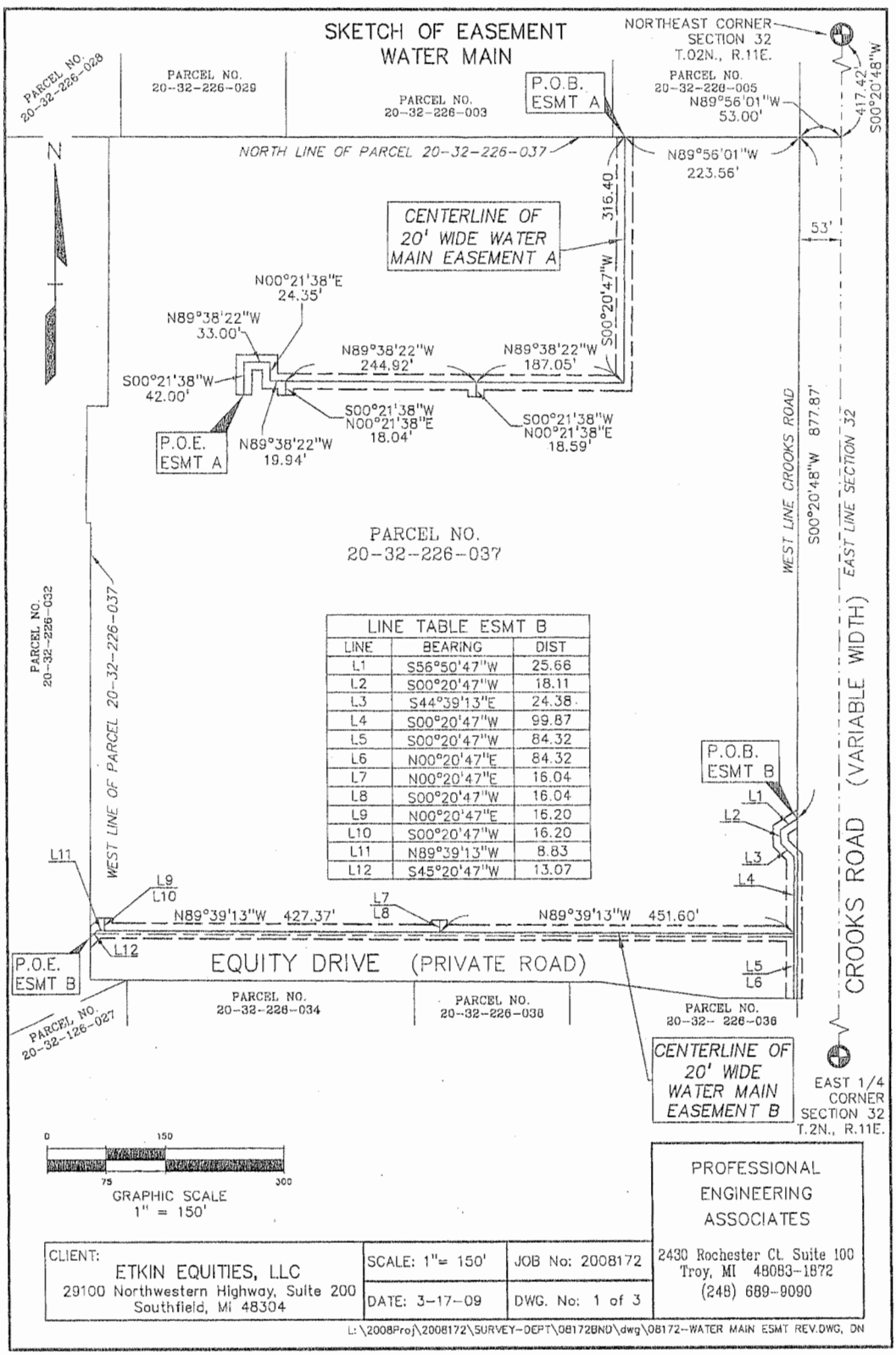
WATER MAIN EASEMENT B:

A 20 FOOT WIDE EASEMENT OVER A PARCEL BEING LOCATED IN PART OF THE NORTHEAST ¼ OF SECTION 32, TOWNSHIP 2 NORTH RANGE 11 EAST, CITY OF TROY, OAKLAND COUNTY, MICHIGAN, WHOSE CENTERLINE IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 32; THENCE S00°20'48"W, 417.42 FEET ALONG THE EAST LINE OF SAID SECTION 32; THENCE N89°56'01"W, 53 FEET TO THE WEST RIGHT-OF-WAY LINE OF CROOKS ROAD (VARIABLE WIDTH); THENCE ALONG SAID WEST LINE S00°20'48"W, 877.87 FEET TO THE POINT OF BEGINNING;

THENCE S56°50'47"W, 25.66 FEET;
THENCE S00°20'47"W, 18.11 FEET;
THENCE S44°39'13"E, 24.38 FEET;
THENCE S00°20'47"W, 99.87 FEET;
THENCE CONTINUING S00°20'47"W, 84.32 FEET;
THENCE N00°20'47"E, 84.32 FEET;
THENCE N89°39'13"W, 451.60 FEET;
THENCE N00°20'47"E, 16.04 FEET;
THENCE S00°20'47"W, 16.04 FEET;
THENCE N89°39'13"W, 427.37 FEET;
THENCE N00°20'47"E, 16.20 FEET;
THENCE S00°20'47"W, 16.20 FEET
THENCE 89°39'13"W, 8.83 FEET
THENCE S45°20'47"W, 13.07 FEET TO THE WEST LINE OF PARCEL 20-32-226-037 AND THE POINT OF ENDING.

EXHIBIT "A"



LINE TABLE ESMT B		
LINE	BEARING	DIST
L1	S56°50'47"W	25.66
L2	S00°20'47"W	18.11
L3	S44°39'13"E	24.38
L4	S00°20'47"W	99.87
L5	S00°20'47"W	84.32
L6	N00°20'47"E	84.32
L7	N00°20'47"E	16.04
L8	S00°20'47"W	16.04
L9	N00°20'47"E	16.20
L10	S00°20'47"W	16.20
L11	N89°39'13"W	8.83
L12	S45°20'47"W	13.07

CLIENT: ETKIN EQUITIES, LLC 29100 Northwestern Highway, Suite 200 Southfield, MI 48304	SCALE: 1"= 150'	JOB No: 2008172	PROFESSIONAL ENGINEERING ASSOCIATES 2430 Rochester Ct. Suite 100 Troy, MI 48083-1872 (248) 689-9090
	DATE: 3-17-09	DWG. No: 1 of 3	

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