June 23, 2005

TO: John Szerlag, City Manager

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

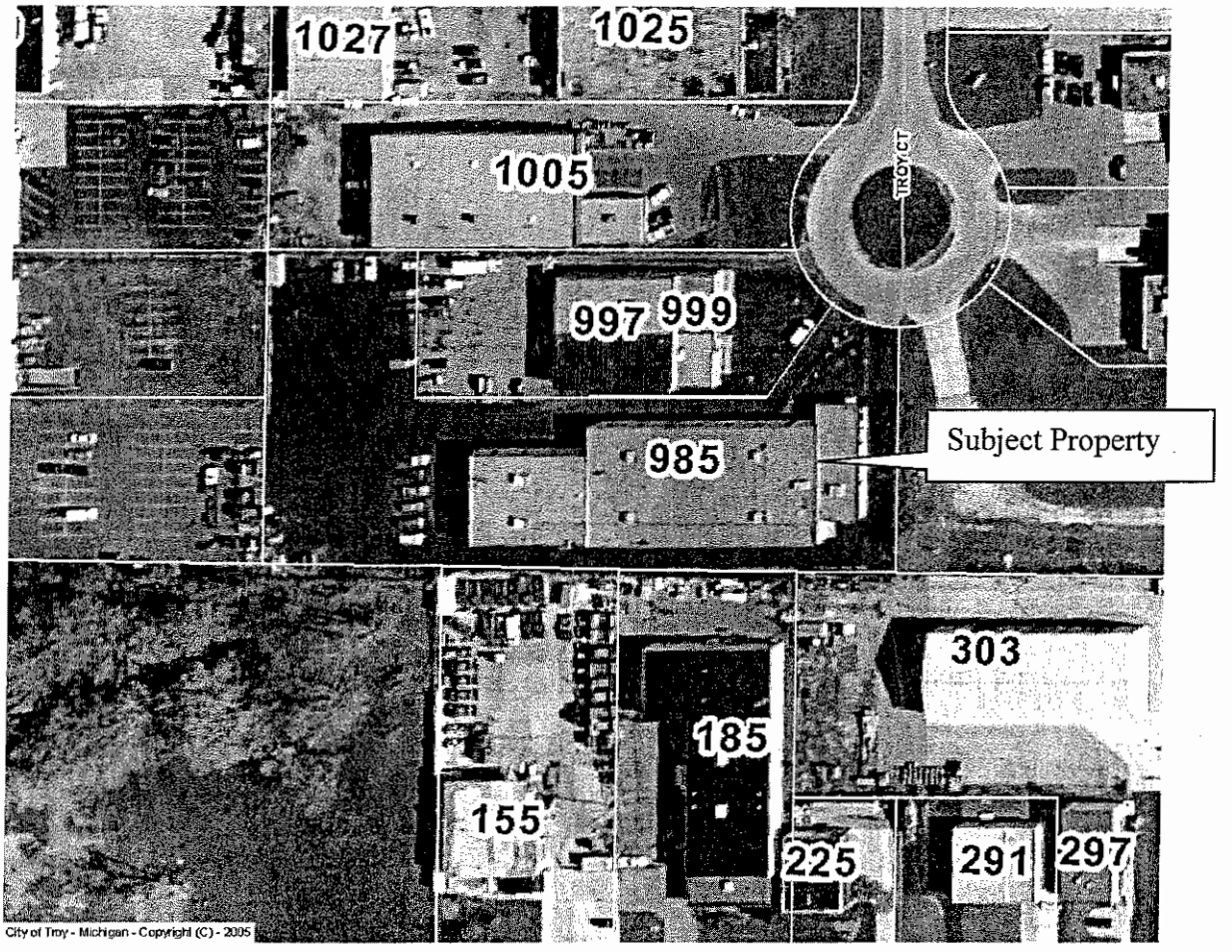
RE: Agenda Item – Request for Acceptance of a Permanent Watermain Easement and a Regrading and Temporary Construction Permit for the Troy Court Water Main Project #01.502.5 – Section 34

In connection with the Troy Court Water Main improvement project affecting properties located on Elmwood Street and Troy Court in Section 34, the Real Estate and Development Department has received a Permanent Watermain Easement and a Regrading and Temporary Construction Permit from Boward Investment Corp, property owner of Sidwell #88-20-34-152-026. Staff has reviewed property values in the area and believes that a compensation amount of $2,000.00 for both is justifiable

In order for the Water Department to proceed with the Troy Court Watermain Improvement Project, we recommend that City Council accept the attached documents and authorize the payment of the agreed amount.

Prepared by: Larysa Figol, Right of Way Representative

TROY COURT WATER MAIN
Sidwell #88-20-34-152-026



PERMANENT EASEMENT

Sidwell # 88-20-34-152-026
Project # 01.502.5
Resolution #

Boward Investment Corp., a Michigan Corporation, Grantor, whose address is 985 Troy Court, Troy, MI 48083 for and in consideration of the sum of: One Thousand, Five Hundred and no/100 Dollars ($1,500.00) 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 watermain, said easement for land situated in the City of Troy, Oakland County, Michigan, described as:

> Part of Lot 22 of "Maple Industrial Subdivision", a subdivision of part of the West ½ of the Northwest ¼ of Section 34, T2N-R11E, City of Troy, Oakland County, Michigan, as recorded in Liber 120, Page 5-6 of Oakland County records. Described as beginning at the Northeast corner of said Lot 22; thence, along the east line of said lot, South 00 degrees 02 minutes 15 seconds West 165.00 feet to the southeast corner of said lot; thence North 89 degrees 11 minutes 30 seconds West, along south lot line, 6.05 feet; thence North 17 degrees 42 minutes 29 seconds West 12.97 feet; thence North 00 degrees 02 minutes 15 seconds East 153.23 feet to the north line of said lot; thence on a curve to the left having a radius of 75.00 feet, a central angle of 07 degrees 39 minutes 38 seconds, and a chord bearing and distance of South 86 degrees 07 minutes 28 seconds East 10.02 feet to the point of beginning. Containing 1,627 Square Feet or 0.037 Acres more or less.

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 City of Troy agrees to replace the existing driveway to the East of the property as described on Exhibit "A". That driveway shall be replaced with asphalt and be in compliance with City engineering standards concerning asphalt. If it is necessary to remove all or part of the fence at the back of the property to replace the driveway or as a result of watermain installation, the City will reinstate the same fence in its original location.

The premises so disturbed by the exercise of any of the foregoing powers shall be restored to its original condition by the Grantee and any defects directly caused by work done by the City in the easement shall be repaired for a three (3) year period after completion of the work.

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 23 day of June 2005.

BOWARD INVESTMENT CORP., A
MICHIGAN CORPORATION

By _____ (L.S.)

Its: DAVID J. RIVARD
SECRETARY

STATE OF MICHIGAN)
COUNTY OF OAKLAND)

The foregoing instrument as acknowledged before me this 23rd day of June, 2005, by David J. Rivard, Secretary, of Boward Investment Corp., a Michigan Corporation, on behalf of the corporation.

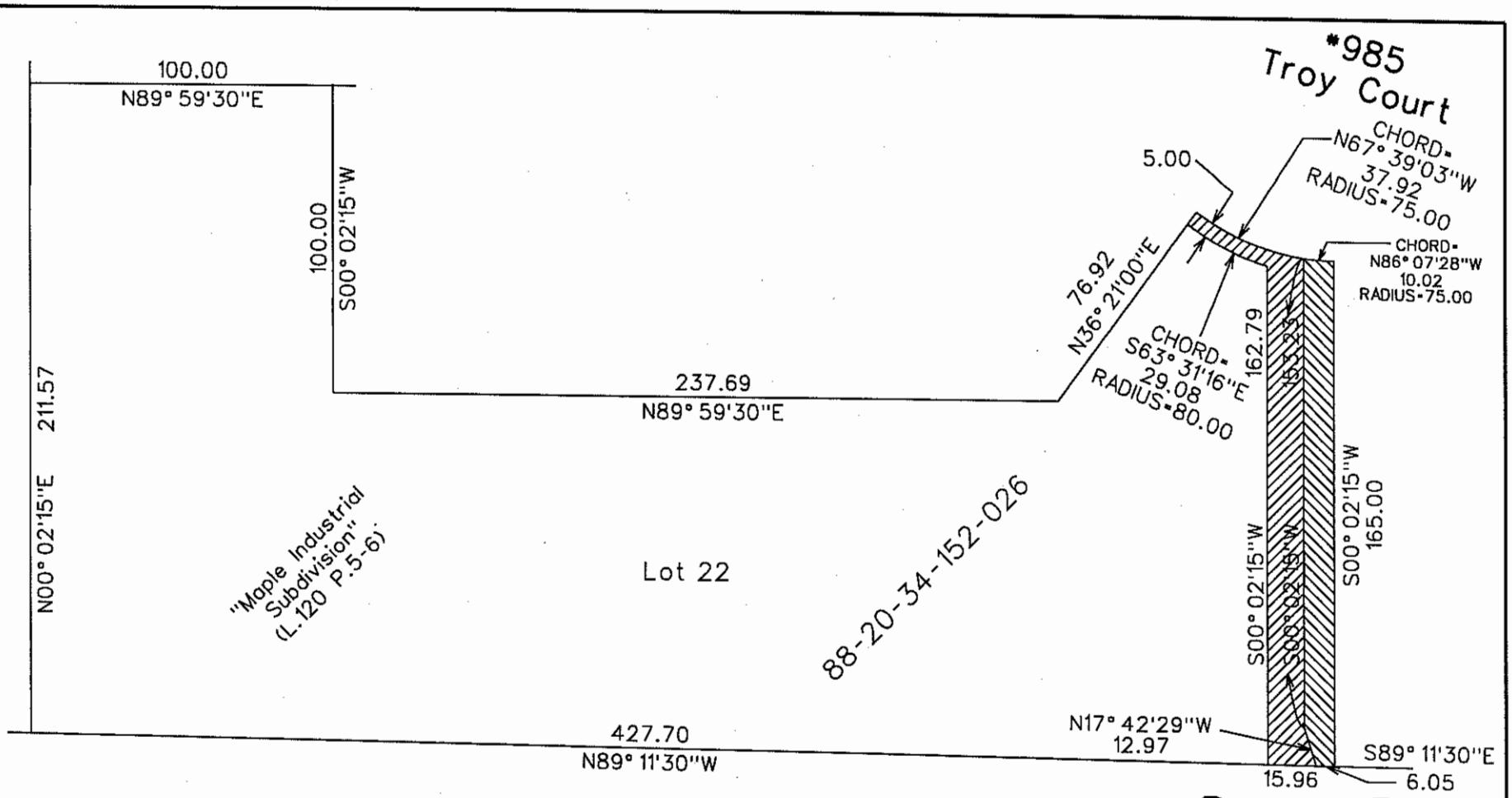
_____
LARYSA FIGOL

Notary Public, OAKLAND County, Michigan

My Commission Expires MARCH 2, 2006
ACTING IN OAKLAND COUNTY, MI

Prepared by:
Larysa Figol
City of Troy
500 West Big Beaver
Troy, Michigan 48084

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



Parcel #5

Graphic Scale: 1"=50'

0 25' 50' 100'

N

Permanent Watermain Easement
Area=1,627 Sq.Ft.

Temporary Grading Permit
Area=2,162 Sq.Ft.

DATE	REV.
5-03-05	Revised Grading Permit

DOCUMENT PREPARED BY
George J. Ballard III
LAND SURVEYOR

CONTRACT No.

CITY OF TROY
OAKLAND COUNTY, MICHIGAN

Proposed Easement and Permit Sketch

SCALE	DRAWN BY	CHECKED	FILE
HOR. 1"=50'	NAME GJB III	NAME	See Above
VER.	DATE 2-07-05	DATE	VIEW #1

STEVEN J. VANDETTE
CITY ENGINEER

SHEET No.	JOB No.
1OF1	

REGRADING AND TEMPORARY CONSTRUCTION PERMIT

Sidwell # 88-20-34-152-026
Project # 01.502.5
Resolution #

Boward Investment Corp., a Michigan Corporation, Grantor(s), whose address is 985 Troy Court, Troy, MI 48083 for and in consideration of Five Hundred and no/100 Dollars ($500.00) paid by the CITY OF TROY, a Michigan Municipal Corporation, hereinafter called the CITY, whose address is 500 West Big Beaver Road, Troy, Michigan, hereby grants to the CITY, during the construction of and for a period of six (6) Months after completion of water main the right to move men, equipment, and materials on and through, and to store equipment, materials, and excavated matter on the following described property, located in the City of Troy, to-wit:

> Part of Lot 22 of "Maple Industrial Subdivision", a subdivision of part of the West ½ of the Northwest ¼ of Section 34, T2N-R11E, City of Troy, Oakland County, Michigan, as recorded in Liber 120, Page 5-6 of Oakland County records. Described as commencing at the Northeast corner of said Lot 22; thence, along the northerly line of said lot, on a curve to the right having a radius of 75.00 feet, a central angle of 07 degrees 39 minutes 38 seconds, and a chord bearing and distance of North 86 degrees 07 minutes 28 seconds West 10.02 feet to the point of beginning; thence, continuing along said north line, along a curve to the right having a radius of 75.00 feet, a central angle of 29 degrees 17 minutes 11 seconds, and a chord bearing and distance of North 67 degrees 39 minutes 03 seconds West 37.92 feet; thence South 36 degrees 21 minutes 00 seconds West 5.00 feet; thence along a curve to the left having a radius of 80.00 feet, a central angle of 20 degrees 56 minutes 36 seconds, and a chord bearing and distance of South 63 degrees 31 minutes 16 seconds East 29.08 feet; thence South 00 degrees 02 minutes 15 seconds West 162.79 feet to the south line of said Lot 22; thence, along said south line, South 89 degrees 11 minutes 30 seconds East 15.96 feet; thence North 17 degrees 42 minutes 29 seconds West 12.97 feet; thence North 00 degrees 02 minutes 15 seconds East 153.23 feet to the point of beginning. Containing 2,162 Square Feet or 0.050 Acres more or less.

IN FURTHER CONSIDERATION, the premises so disturbed by reason of the exercise of any of the foregoing powers, shall be reasonably restored to its original condition by the City.

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

IN WITNESS WHEREOF, the undersigned hereunto affixed his signatures(s) this 23 day of JUNE, 2005, A.D.

BOWARD INVESTMENT CORP, A
MICHIGAN CORPORATION

By _____ (L.S.)
Its: DAVID J. RIVARD
SECRETARY

STATE OF MICHIGAN)
COUNTY OF OAKLAND)

On this 23rd day of June, 2005, before me a Notary Public in and for said county, personally appeared David J. Rivard, Secretary of Boward Investment Corp., a Michigan Corporation to me known to be the same person(s) described in and who executed the within instrument, who then acknowledged the same to be their free act and deed.

_____
Notary Public, OAKLAND, County, Michigan

My Commission Expires MARCH 2, 2006
Acting in OAKLAND County, MI.