



CITY COUNCIL ACTION REPORT

August 18, 2009

TO: John Szerlag, Acting City Manager

FROM: Mark F. Miller, Acting Assistant City Manager/Economic Development Services
Steven J. Vandette, City Engineer
Larysa Figol, Sr. Right-of-Way Representative

SUBJECT: Request for Acceptance of a Water Main Easement – Troy BNK Investors, LLC
Sidwell #20-28-101-051 & 050

Background:

- As part of the anticipated Huntington Bank branch to be built at the southeast corner of Big Beaver and Troy Center roads in Section 28, the Real Estate Department received a permanent easement for water main from Troy BNK Investors, L.L.C., owner of the property having Sidwell #20-28-101-051 & 050.

Financial Considerations:

- The consideration amount on this document is \$1.00.

Legal Considerations:

- The format and content of this document is consistent with permanent easements previously granted to and accepted by the City.

Policy Considerations:

- Troy has enhanced the health and safety of the community
- Troy adds value to properties through maintenance or upgrades of infrastructure and quality of life venues
- Troy is rebuilding for a healthy economy reflecting the values of a unique community in a changing and interconnected world.

PERMANENT EASEMENT

Sidwell # 88-20-28-101-051 & 050
Project #
Resolution #

Troy BNK Investors, L.L.C., a Delaware limited liability company, Grantor, whose principal office is c/o Cardinal Capital Partners, Inc., 8411 Preston Road, 8th floor, Dallas, TX 75225 for and in consideration of the sum of: One Dollar (\$1.00) paid by the CITY OF TROY, a Michigan Municipal Corporation, Grantee, whose address is 500 West Big Beaver Road, Troy, Michigan, 48084 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 13th day of AUGUST A.D. 2009.

Troy BNK Investors, L.L.C., a Delaware limited liability company

By: Jess L. Frost (L.S.)
JESS L. FROST
Its: MANAGER

STATE OF _____)
COUNTY OF _____)

The foregoing instrument as acknowledged before me this _____ day of _____, 2009, by _____ of Troy BNK Investors, L.L.C., A Delaware limited liability company, on behalf of said company.

See attached loose certificate.

Notary Public, _____ County, _____

My Commission Expires _____
Acting in _____ County, _____

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

CALIFORNIA ALL-PURPOSE CERTIFICATE OF ACKNOWLEDGMENT

State of California

County of Orange

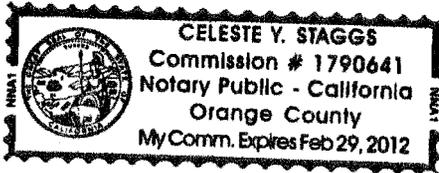
On Aug. 13, 2009 before me, Celeste Y. Staggs, Notary Public
(Here insert name and title of the officer)

personally appeared Jess L. Frost

who proved to me on the basis of satisfactory evidence to be the person whose name is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity , and that by his/her/their signature on the instrument the person , or the entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.
Celeste Y. Staggs
 Signature of Notary Public



(Notary Seal)

ADDITIONAL OPTIONAL INFORMATION

INSTRUCTIONS FOR COMPLETING THIS FORM

Any acknowledgment completed in California must contain verbiage exactly as appears above in the notary section or a separate acknowledgment form must be properly completed and attached to that document. The only exception is if a document is to be recorded outside of California. In such instances, any alternative acknowledgment verbiage as may be printed on such a document so long as the verbiage does not require the notary to do something that is illegal for a notary in California (i.e. certifying the authorized capacity of the signer). Please check the document carefully for proper notarial wording and attach this form if required.

- State and County information must be the State and County where the document signer(s) personally appeared before the notary public for acknowledgment.
- Date of notarization must be the date that the signer(s) personally appeared which must also be the same date the acknowledgment is completed.
- The notary public must print his or her name as it appears within his or her commission followed by a comma and then your title (notary public).
- Print the name(s) of document signer(s) who personally appear at the time of notarization.
- Indicate the correct singular or plural forms by crossing off incorrect forms (i.e. ~~he/she/they~~, is/are) or circling the correct forms. Failure to correctly indicate this information may lead to rejection of document recording.
- The notary seal impression must be clear and photographically reproducible. Impression must not cover text or lines. If seal impression smudges, re-seal if a sufficient area permits, otherwise complete a different acknowledgment form.
- Signature of the notary public must match the signature on file with the office of the county clerk.
 - ❖ Additional information is not required but could help to ensure this acknowledgment is not misused or attached to a different document.
 - ❖ Indicate title or type of attached document, number of pages and date.
 - ❖ Indicate the capacity claimed by the signer. If the claimed capacity is a corporate officer, indicate the title (i.e. CEO, CFO, Secretary).
- Securely attach this document to the signed document

DESCRIPTION OF THE ATTACHED DOCUMENT

Permanent Easement

(Title or description of attached document)

(Title or description of attached document continued)

Number of Pages _____ Document Date _____

(Additional information)

CAPACITY CLAIMED BY THE SIGNER

Individual (s)

Corporate Officer

(Title)

Partner(s)

Attorney-in-Fact

Trustee(s)

Other _____

EXHIBIT "A"

WATER MAIN EASEMENT

A 20 foot wide easement being over and across a parcel of land being a part of the Northwest Quarter of Section 28, Township 2 North, Range 11 East, City of Troy, Oakland County, Michigan, and being more particularly described as follows:

Commencing at the Northwest corner of said Section 28; thence South 02 degrees 25 minutes 41 seconds East 60.00 feet along the westerly line of said Section 28; thence North 87 degrees 28 minutes 29 seconds East 710.00 feet along a line parallel to the northerly line of said Section 28; thence South 02 degrees 31 minutes 05 seconds East 452.00 feet partly along the easterly line of the adjacent property to the West; thence North 87 degrees 28 minutes 55 seconds East 115.00 feet; thence South 02 degrees 31 minutes 05 seconds East 115.00 feet; thence North 87 degrees 28 minutes 55 seconds East 15.00 feet to the Point of Beginning of this easement;

Thence North 02 degrees 31 minutes 05 seconds West 107.25 feet;

Thence North 44 degrees 55 minutes 56 seconds West 61.00 feet;

Thence North 02 degrees 29 minutes 20 seconds West 184.84 feet;

Thence North 40 degrees 39 minutes 03 seconds East 36.40 feet;

Thence North 87 degrees 38 minutes 32 seconds East 93.79 feet;

Thence North 02 degrees 21 minutes 28 seconds West 20.00 feet;

Thence North 87 degrees 38 minutes 32 seconds East 43.31 feet;

Thence South 02 degrees 21 minutes 28 seconds East 20.00 feet;

Thence North 87 degrees 38 minutes 32 seconds East 177.06 feet to a point on Troy Center Drive;

Thence South 02 degrees 31 minutes 05 seconds East 20.00 feet along said Troy Center Drive;

Thence South 87 degrees 38 minutes 32 seconds West 305.52 feet;

Thence South 40 degrees 39 minutes 03 seconds West 19.80 feet;

Thence South 02 degrees 29 minutes 20 seconds East 169.16 feet;

Thence South 44 degrees 55 minutes 56 seconds East 61.00 feet;

Thence South 02 degrees 31 minutes 05 seconds East 115.01 feet;

Thence South 87 degrees 28 minutes 55 seconds West 20.00 feet to the Point of Beginning of this easement.

WATER MAIN EASEMENT

