



CITY COUNCIL ACTION REPORT

October 14, 2009

TO: John Szerlag, City Manager

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

SUBJECT: Request for Acceptance of a Water Main Easement – HCR Manorcare Properties, LLC - Sidwell #20-03-102-022

Background:

- As part of a property improvement project located at the southeast corner of Livernois and South Boulevard in Section 03, the Real Estate Department received a permanent easement for water main from HCR Manorcare Properties, L.L.C., owner of the property having Sidwell #20-03-101-022.

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:

- 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.

PERMANENT EASEMENT

Sidwell # 88-20-03-102-022 (part of)
Resolution #

HCR MANORCARE PROPERTIES, LLC, a Delaware limited liability company whose address is 333 North Summit, Toledo, OH 43699 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 ATTACHED EXHIBITS "A" AND "B" BY REFERENCE MADE A PART HERE 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 this 8th day of October A.D. 2009.

HCR MANORCARE PROPERTIES, LLC
a Delaware limited liability company

By: Matthew S. Kang (LS)
Matthew S. Kang
Its: Director and Secretary/Treasurer

STATE OF OHIO)
COUNTY OF LUCAS)

The foregoing instrument as acknowledged before me this 8th day of October, 2009, by Matthew S. Kang, Director and Secretary/Treasurer, of HCR ManorCare Properties, LLC, a Delaware limited liability company to me known to be the person described in and who executed the foregoing instrument and acknowledged that he executed the same as his free act and deed on behalf of the Company.



CHERYL L. ADAMSKI
Notary Public, State of Ohio
My Commission Expires 07-27-2013

Cheryl Adamski
Notary Public, Lucas County, Ohio
My Commission Expires 7-27-2013
Acting in Lucas County, Ohio

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

PLEASE SIGN IN BLUE INK AND PRINT OR TYPE NAMES IN BLACK INK UNDER SIGNATURES

EXHIBIT "A"

Sidwell #88-20-03-102-022 (part)

20' WIDE WATER MAIN EASEMENT

A TWENTY (20.00) FOOT WIDE EASEMENT FOR WATER MAIN DESCRIBED ALONG IT'S CENTERLINE AS BEING A PART OF THE NW ¼ OF SECTION 3, TOWN 2 NORTH, RANGE 11 EAST, CITY OF TROY, OAKLAND COUNTY, MICHIGAN, BEING DESCRIBED AS: COMMENCING AT THE NORTHWEST CORNER OF SECTION 3; THENCE S.01°06'39" E., 60.00 FEET ALONG THE WESTERLY LINE OF SAID SECTION 3; THENCE N.88°33'00"E., 60.00 FEET; THENCE S.01°06'39"E., 333.57 FEET ALONG THE EASTERLY RIGHT-OF-WAY LINE OF LIVERNOIS (120' WIDE) TO THE POINT OF BEGINNING; THENCE N.88°54'24"E., 31.00 FEET TO THE POINT OF BEGINNING.

