

## 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 – Kirts Office Center Associates, LLC - Sidwell #20-28-101-054

### Background:

- As part of a property improvement project located at the northeast intersection of Kirts Boulevard and Troy Center Drive in Section 28, the Real Estate Department received a permanent easement for water main from Kirts Office Center Associates, L.L.C., owner of the property having Sidwell #20-28-101-054.

### 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 #88-20-28-101-054 (pt of)

KIRTS OFFICE CENTER ASSOCIATES, L.L.C. a Michigan limited liability company, Grantor(s), whose address is 101 West Big Beaver, Ste 200, Troy, MI 48084 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.

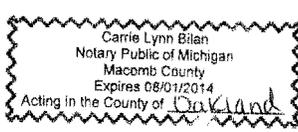
IN WITNESS WHEREOF, the undersigned hereunto affixed \_\_\_\_\_ signature(s) this 13<sup>th</sup> day of October A.D. 2009.

Kirts Office Center Associates, L.L.C.  
a Michigan Limited Liability Company  
by: Kirts Development, L.L.C.,  
a Michigan Limited Liability Company, Member

By: [Signature]  
A. Mathew Kiriluk, II, Its Managing Member

STATE OF MICHIGAN )  
COUNTY OF Oakland )

The foregoing instrument was acknowledged before me this 13<sup>th</sup> day of October, 2009, by A. Mathew Kiriluk, II, a Member of Kirts Development, L.L.C., a Michigan limited liability company, which is the Managing Member of Kirts Office Center Associates, L.L.C., a Michigan limited liability company, on behalf of the company.

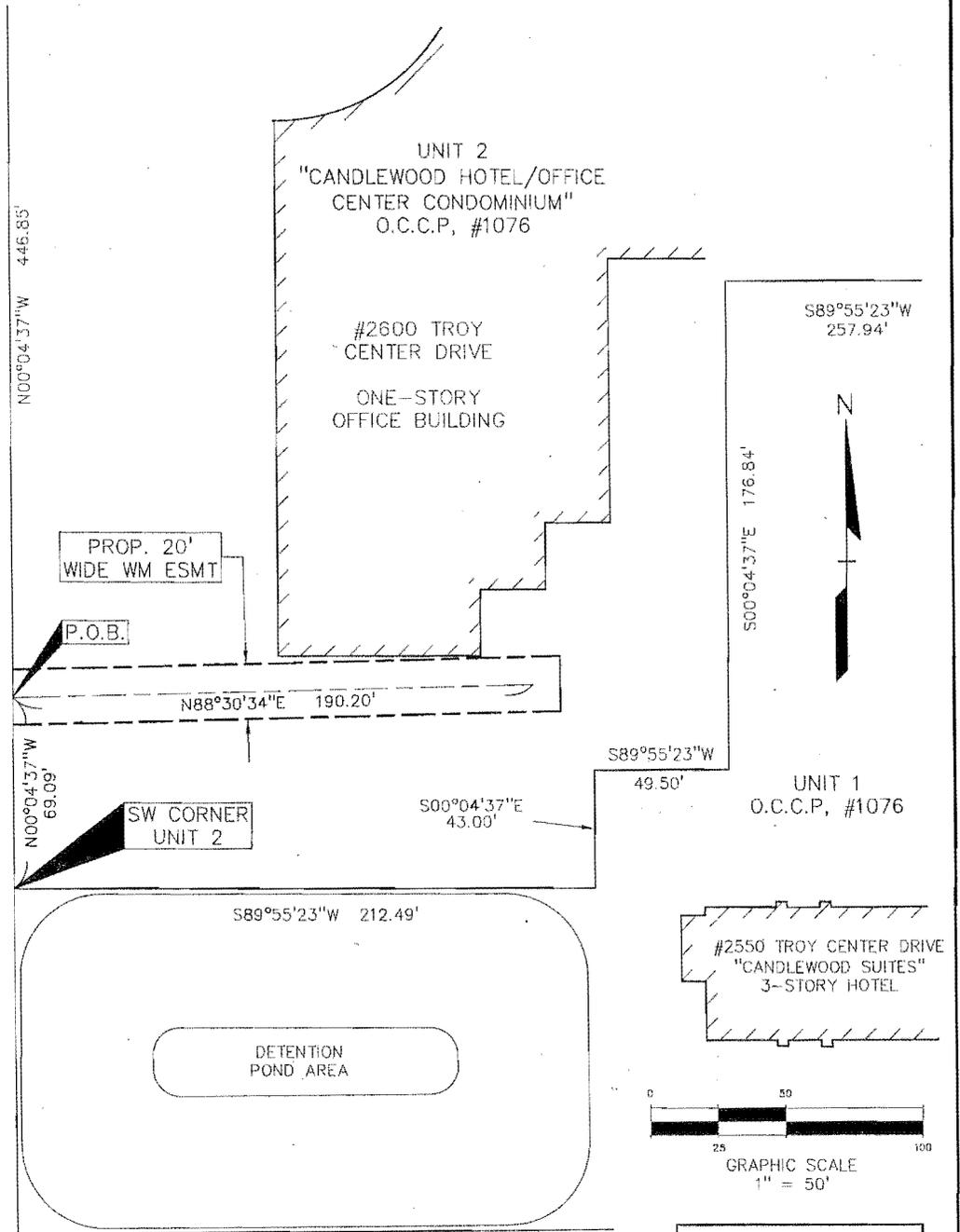


Carrie Lynn Bilan  
Notary Public, Macomb County, Michigan  
My Commission Expires August 1, 2014  
Acting in Oakland County, Michigan

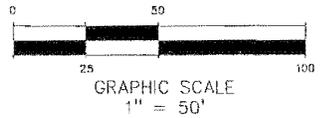
Prepared by: Larysa Figol  
City of Troy  
500 W. Big Beaver Road  
Troy, MI 48084

Return to: City Clerk  
City of Troy  
500 W. Big Beaver Road  
Troy, MI 48084

SKETCH OF EASEMENT



KIRTS BOULEVARD  
(120' PUBLIC R.O.W.)



CLIENT: KIRCO MANIX CONST. LLC 101 BIG BEAVER RD. TROY, MI., 48084-5255	SCALE: 1" = 50'	JOB No: 2009-164	2430 Rochester Ct. Suite 100 Troy, MI 48083-1872 (248) 689-9090
	DATE: 9-30-09	DWG. No: 1 of 2	

**EXHIBIT "A"**  
Parcel #20-28-101-054 (part of)

**SKETCH OF EASEMENT**

**LEGAL DESCRIPTION:**

(Per First American Title Insurance Company, Commitment No. CM256904M, Dated July 24, 2009, Rev. A Dated August 10, 2009)

Unit 2, CANDLEWOOD HOTEL/OFFICE CENTER CONDOMINIUM, a Condominium according to the Master Deed thereof recorded in Liber 17654, Page 812, Oakland County Records, and designated as Oakland County Condominium Subdivision Plan No. 1076, and any amendments thereto, together with an undivided interest in the common elements of said condominium as set forth in said Master Deed, and any amendments thereto, as described in Act 59 of the Public Acts of 1978, as amended.

**LEGAL DESCRIPTION:**

(Proposed 20' Wide Water Main Easement)

A 20 foot wide easement for water main over Unit 2 of "CANDLEWOOD HOTEL/OFFICE CENTER CONDOMINIUM", being O.C.C.P. number 1076, as recorded in Liber 17654, Page 812, Oakland County Records, the centerline being more particular described as: Commencing at the southwest corner of said Unit 2; thence along the west line of said unit N00°04'37"W, 69.09 feet to the Point of Beginning; thence N88°30'34"E, 190.20 feet to the Point of Ending.

PROFESSIONAL  
ENGINEERING  
ASSOCIATES

CLIENT:  
KIRCO MANIX CONST. LLC  
101 BIG BEAVER RD.  
TROY, MI., 48064-5255

SCALE: 1"= 50'

JOB No: 2009-164

DATE: 9-30-09

DWG. No: 2 of 2

2430 Rochester Ct. Suite 100  
Troy, MI 48063-1872  
(248) 689-9090