



# CITY COUNCIL ACTION REPORT

June 2, 2010

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 Watermain Easement – Our Credit Union, a State Chartered Credit Union - Sidwell #88-20-03-226-104

## Background:

- As part of the development of a vacant property located on the north corner of Lovell Avenue and Rochester Road, the Real Estate and Development Department has received a water main easement from Our Credit Union, a State Chartered Credit Union, owner of the vacant property having Sidwell #88-20-03-226-104.

## 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 #88-20-03-226-104 (part of)  
Resolution #

**OUR CREDIT UNION**, a State Chartered Credit Union, Grantor(s), whose address is 3070 Normandy Road, Royal Oak, MI 48073 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 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 26TH day of MAY A.D. 2010.

OUR CREDIT UNION  
a State Chartered Credit Union

By Thomas P. Zamberlan (L.S.)  
\*Thomas P. Zamberlan  
Its President and Chief Executive Officer

STATE OF MICHIGAN )  
COUNTY OF OAKLAND )

The foregoing instrument was acknowledged before me this 26th day of May, 2010, by Thomas P. Zamberlan, President and Chief Executive Officer of OUR CREDIT UNION, a State Chartered Credit Union.

Jennifer Cobb  
\*

Notary Public, Oakland County, Michigan  
My Commission Expires Oct. 7, 2010  
JENNIFER COBB Acting in Oakland County, Michigan  
Notary Public, State of Michigan  
County of Oakland  
My Commission Expires Oct. 7, 2010  
Acting in the County of Oakland

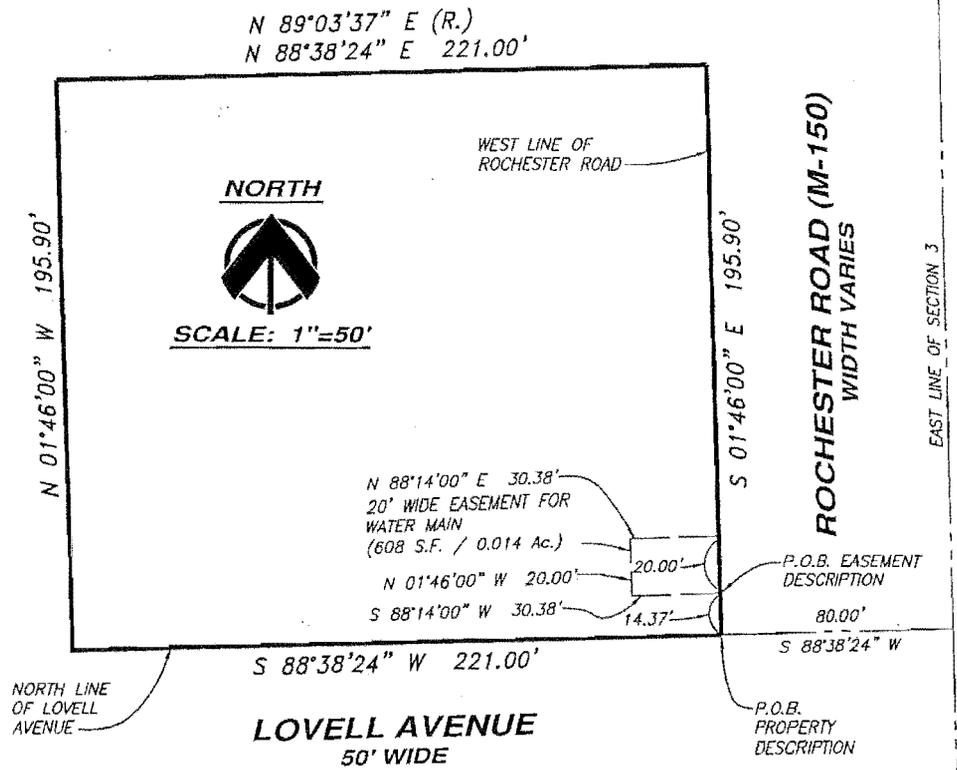
Prepared by: Larysa Figol  
City of Troy  
500 W. Big Beaver Road  
Troy, MI 48084

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"

#961 LOVELL DRIVE  
88-20-03-226-104



## PROPERTY DESCRIPTION

PART OF THE NORTHEAST FRACTIONAL 1/4 OF THE NORTHEAST FRACTIONAL 1/4 EXCEPT THE WEST 2 ACRES OF SECTION 3, TOWN 2 NORTH, RANGE 11 EAST, CITY OF TROY, OAKLAND COUNTY, MICHIGAN. SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS: COMMENCING AT THE EAST 1/4 CORNER OF SAID SECTION 3; THENCE N.01°46'00"W. (RECORDED AS N.01°21'08"W.), ALONG THE EAST LINE OF SECTION 3, 1831.21 FEET AND S.88°38'24"W., 80.00 FEET TO THE POINT OF BEGINNING BEING AT THE INTERSECTION OF THE WEST LINE OF ROCHESTER ROAD (M-150) AND THE NORTH LINE OF LOVELL AVENUE; THENCE CONTINUING S.88°38'24"W. ALONG THE NORTH LINE OF LOVELL AVENUE, 221.00 FEET; THENCE N.01°46'00"W., 195.90 FEET; THENCE N.88°38'24"E. (RECORDED AS N.89°03'37"E.), 221.00 FEET TO THE WEST LINE OF ROCHESTER ROAD; THENCE S.01°46'00"E. ALONG SAID WEST LINE, 195.90 FEET TO THE POINT OF BEGINNING. CONTAINING 0.994 ACRES, MORE OR LESS, AND BEING SUBJECT TO ANY EASEMENTS OF RECORD OR OTHERWISE.

## WATER MAIN EASEMENT

A TWENTY (20) FEET WIDE EASEMENT FOR WATER MAIN, PART OF THE NORTHEAST FRACTIONAL 1/4 OF THE NORTHEAST FRACTIONAL 1/4 EXCEPT THE WEST 2 ACRES OF SECTION 3, TOWN 2 NORTH, RANGE 11 EAST, CITY OF TROY, OAKLAND COUNTY, MICHIGAN, DESCRIBED AS: COMMENCING AT THE EAST 1/4 CORNER OF SAID SECTION 3; THENCE N.01°46'00"W. (RECORDED AS N.01°21'08"W.), ALONG THE EAST LINE OF SECTION 3, 1831.21 FEET AND S.88°38'24"W., 80.00 FEET TO THE INTERSECTION OF THE WEST LINE OF ROCHESTER ROAD (M-150) AND THE NORTH LINE OF LOVELL AVENUE; THENCE ALONG THE WEST LINE OF ROCHESTER ROAD (M-150) N.01°46'00"W., 14.37 FEET TO THE POINT OF BEGINNING; THENCE S.88°14'00" W., 30.38 FEET; THENCE N.01°46'00"W., 20.00 FEET; THENCE N.88°14'00"E., 30.38 FEET TO A POINT ON THE WEST LINE OF ROCHESTER ROAD (M-150); THENCE ALONG SAID LINE S.01°46'00"E., 20.00 FEET TO THE POINT OF BEGINNING. CONTAINING 608 SQUARE FEET (0.014 ACRES).

**RECEIVED**

MAY 21 2010

**ENGINEERING**

**APEX** PROJECT: WATER MAIN EASE.  
ENGINEERING GROUP INC. "OUR CREDIT UNION"  
CIVIL ENGINEERING, SURVEYING & LAND PLANNING CONSULTANTS

560 WHIMS LANE  
ROCHESTER, MI 48306

PHONE: 586-739-5200  
EMAIL: apexengrni@gmail.com

PART OF THE NORTHEAST 1/4 OF SECTION 3,  
CITY OF TROY, OAKLAND COUNTY, MI

CLIENT:  
CARY J. PERELLI  
CJ PERELLI COMPANY  
222 EAST MERILL SUITE 101  
BIRMINGHAM, MI 48009  
248 646.1717

JOB NO: 09-040  
DATE: 4-23-10  
DRAWN BY: S.R.T./N.P.R.  
CHECKED BY: W.E.M.