April 22, 2005

TO: John Szerlag, City Manager

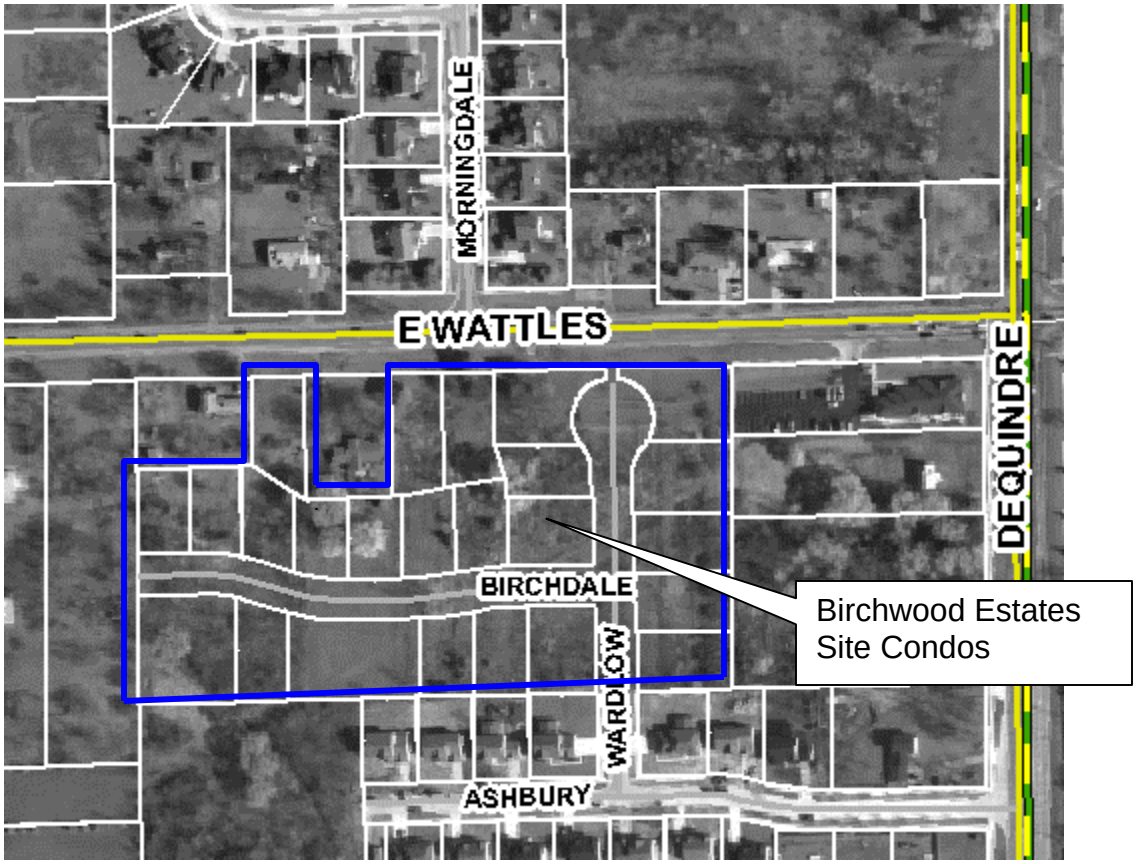
FROM: Brian P. Murphy, Assistant City Manager/Services
Douglas J. Smith, Real Estate Development Director

SUBJECT: Agenda Item – Request for Acceptance of Three Permanent Easements for Public Utilities and a Warranty Deed for Street Right-of-Way
Birchwood Estates Site Condo, Sidwell #88-20-24-226-026, 027, 047, 046, & 045

In connection with the development of Birchwood Estates Site Condos, in the northeast ¼ of Section 24, the Real Estate and Development Department has acquired three permanent easement for public utilities and a warranty deed for street right-of-way from the property owner, Elro Corporation. The consideration on each document is $1.00

Management recommends that City Council accept the attached documents.

Prepared by: Larysa Figol, Right of Way Representative


MORNINGDALE
E WATTLES
DEQUINDRE
BIRCHDALE
WARDLOW
ASHBURY
Birchwood Estates
Site Condos

PERMANENT EASEMENT

Sidwell #
Resolution #

ELRO CORPORATION, a Michigan Corporation, Grantor, whose address is 201 W. Big Beaver, Suite 702, 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 public utilities, said easement for land situated in the City of Troy, Oakland County, Michigan, described as:

SEE EXHIBIT "A"

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 20th day of MARCH A.D. 2002.

In presence of:
WITNESS

JESSE L. KRANZ

JOANNE B. JENNINGS

By _____ (L.S.)
Harry Terbrueggen
It's Vice President

STATE OF MICHIGAN)
COUNTY OF OAKLAND)

The foregoing instrument as acknowledged before me this 20th day of MARCH, 2002, by Harry Terbrueggen, Vice-President, ELRO CORPORATION, a Michigan Corporation, on behalf of the Corporation.

Notary Public, JOANNE B. JENNINGS NOTARY PUBLIC OAKLAND COUNTY, MI MY COMMISSION EXPIRES Jul 7, 2003 County, Michigan
My Commission Expires _____

(Corporations)

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

EXHIBIT "A"

Lot 21, 20, 19, and Part of Lot 18, "Eyster's Dequindre Farms Subdivision No. 5" being Part of the Northeast corner of Section 24. T.2N., R.11E., Troy Township (now City of Troy), Oakland County, Michigan (as recorded in Liber 55 of Plats, Page 58, Oakland County Records) and being more particularly described as follows: Beginning at a point which is S01°13'00"W 60.11 ft. along the east line of said section 24 and S89°59'52"W 432.92 ft. from the Northeast corner of Section 24, T.2N., R.11E.; thence S01°12'58"W 475.59 ft.; along the East line of said lot 21; thence S89°59'52"W 140.65 ft. along the South line of said lots 21, 20, 19 and 18; thence N00°00'08"W 315.71 ft. along the East line of proposed Wardlow Drive (60 ft. wd.); thence Northerly 46.65 ft. along the arc of a curve to the right (Radius of 60.00 ft., central angle of 44°33'01", long chord bears N22°16'22"E 45.49 ft.), thence Northerly 130.39 ft. along the arc of a curve to the left (Radius of 60.00 ft., central angle of 124°30'47", long chord bears N17°42'31"W 106.20 ft.), thence N00°26'27"E 16.51 thence N89°59'52"E 153.69 ft.; thence S01°12'58"W 469.59 ft.; thence S89°59'52"W 118.77 ft.; thence N00°00'08"W 162.00 ft.; thence N89°59'52"E 122.22 ft.; thence N01°12'58"E 12.00 ft.; thence S89°59'52"W 122.47 ft.; thence N00°00'08"W 135.71 ft.; thence Northerly 38.88 ft. along the arc of a curve to the right (Radius of 50.00 ft., central angle of 44°33'01", long chord bears N22°16'22"E 37.91 ft.); thence Northeasterly 10.63 ft. along the arc of a curve to the left (Radius of 70.00 ft., central angle of 08°41'48", long chord bears N40°11'59"E 10.61 ft.); thence N89°59'52"E 105.06 ft.; thence N01°12'58"E 12.00 ft.; thence S89°59'52"W 98.34 ft.; thence Northerly 103.15 ft. along the arc of a curve to the left (Radius of 70.00 ft., central angle of 84°25'37", long chord bears N17°44'29"W 94.07 ft.); thence N89°59'52"E 128.90 ft.; thence N01°12'58"E 15.00 ft.; thence N89°59'52"E 12.00 ft. to the point of beginning.

PERMANENT EASEMENT

Sidwell #
Resolution #

ELRO CORPORATION, a Michigan Corporation, Grantor, whose address is 201 W. Big Beaver, Suite 702, 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 public utilities, said easement for land situated in the City of Troy, Oakland County, Michigan, described as:

SEE EXHIBIT "A"

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 20TH day of MARCH A.D. 2002.

In presence of:
WITNESS

JESSE L. KRANZ

JOANNE B. JENNINGS

ELRO CORPORATION
A MICHIGAN CORPORATION

By _____ (L.S.)
Harry Terbrueggen
Its: Vice-President

STATE OF MICHIGAN)
COUNTY OF OAKLAND)

The foregoing instrument as acknowledged before me this 20TH day of MARCH, 2002, by Harry Terbrueggen, Vice-President, ELRO CORPORATION, a Michigan Corporation, on behalf of the Corporation.

JOANNE B. JENNINGS
NOTARY PUBLIC OAKLAND CO., MI
MY COMMISSION EXPIRES Jul 7, 2005

Notary Public, _____ County, Michigan

(Corporations)

My Commission Expires _____

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

EXHIBIT "A"

Lots 21, 20, 19, and Part of Lot 18, "Eyster's Dequindre Farms Subdivision No. 5" being Part of the Northeast corner of Section 24. T.2N., R.11E., Troy Township (now City of Troy), Oakland County, Michigan (as recorded in Liber 55 of Plats, Page 58, Oakland County Records) and being more particularly described as follows: Beginning at a point which is S01°13'00"W 60.11 ft. along the East line of said Section 24 and S89°59'52"W 432.92 ft. and S01°12'58"W 475.59 ft. and S89°59'52"W 873.98 ft. and N00°52'42"E 333.54 ft. from the Northeast corner of Section 24, T.2N., R.11E.; thence N89°59'52"E 172.14 ft.; thence S54°16'07"E 86.35 ft.; thence N89°59'52"E 136.23 ft.; thence N80°15'43"E 15.22 ft.; thence N81°49'09"E 158.79 ft.; thence N00°00'08"W 12.17 ft.; thence N16°55'20"W 40.23 ft.; thence N89°59'52"E 100.97 ft.; thence Southeasterly 6.44 ft.; around the arc of a curve to the left (Radius of 75.00 ft., central angle of 04°55'18", long chord bears S35°36'06"E 6.44 ft.); thence Southerly 29.89 ft. along the arc of a curve to the right (Radius of 45.00 ft. central angle of 38°03'37", long chord bears S19°01'56"E 29.35 ft.); thence S00°00'08"E 122.52 ft.; thence S89°59'52"W 102.57 ft.; thence N00°00'08"W 104.84 ft.; thence S81°49'09"W 15.15 ft.; thence S00°00'08"E 102.75 ft.; thence Westerly 28.54 ft., around the arc of a curve to the left (Radius of 295.00 ft., central angle of 05°32'36", long chord bears S86°03'38"W 25.83 ft.); thence S83°17'20"W 86.25 ft.; thence Westerly 24.00 ft. along the arc of a curve to the right (Radius of 205.00 ft., central angle of 06°42'32", long chord bears S86°38'36"W 23.99 ft.); thence S89°59'52"W 4.10 ft.; thence N00°00'08"W 95.75 ft.; thence S80°15'43"W 15.22 ft.; thence S00°00'08"E 93.18 ft.; thence S89°59'52"W 74.07 ft.; thence Westerly 63.74 ft. along the arc of a curve to the right (Radius of 205.00 ft., central angle of 17°48'50", long chord bears N81°05'43"W 63.48 ft.); thence N72°11'18"W 68.73 ft.; thence Westerly 91.72 ft. along the arc of a curve to the left (Radius of 295.00 ft., central angle of 17°48'50", long chord bears N81°05'43"W 91.35 ft.); thence S89°59'52"W 75.50 ft.; thence N00°52'42"E 98.62 ft.; thence S89°59'52"W 12.00 ft.; thence S00°52'42"W 113.62 ft.; thence N89°59'52"E 87.75 ft.; thence Easterly 87.06 ft. along the arc of a curve to the right (Radius of 280.00 ft., central angle of 17°48'50", long chord bears S81°05'43"E 86.71 ft.); thence S72°11'18"E 68.73 ft.; thence Easterly 68.40 ft. along the arc of a curve to the left (Radius of 220.00 ft., central angle of 17°48'50", long chord bears S81°05'43"E 68.13 ft.); thence N89°59'52"E 93.17 ft.; thence Easterly 25.76 ft. along the arc of a curve to the left (Radius of 220.00 ft., central angle of 06°42'32", long chord bears N86°38'36"E 25.75 ft.); thence N83°17'20"E 86.25 ft.; thence Easterly 32.79 ft. along the arc of a curve to the right (Radius of 280.00 ft., central angle of 06°42'32", long chord bears N86°38'36"E 32.77 ft.); thence N89°59'52"E 126.57 ft.; thence N00°00'08"W 137.52 ft.; thence Northerly 39.86 ft. along the arc of a curve to the left (Radius of 60.00 ft., central angle of 38°03'37", long chord bears N19°01'56"W 39.13 ft.); thence Northwesterly 9.59 ft. along the arc of a curve to the right (Radius of 60.00 ft., central angle of 09°09'25", long chord bears N33°29'02"W 9.58 ft.); thence S89°59'52"W 113.47 ft.; thence N00°00'08"W 84.59 ft.; thence N89°59'52"E 91.00 ft.; thence S00°00'08"E 84.59 ft.; thence N89°59'52"E 22.47 ft.; thence Northeasterly 114.93 ft. along the arc of a curve to the right (Radius of 60.00 ft., central angle of 109°45'08", long chord bears N25°58'14"E 98.15 ft.); thence N00°26'27"E 16.36 ft.; thence S89°59'52"W 318.58 ft.; thence S00°00'08"E 20.00 ft.; thence N89°59'52"E 147.00 ft.; thence S00°00'08"E 91.49 ft.; thence S16°55'20"E 41.80 ft.; thence S81°49'09"W 148.68 ft.; thence N00°00'08"W 152.63 ft.; thence S89°59'52"W 12.00 ft.; thence S00°00'08"E 160.42 ft.; thence S89°59'52"W 127.43 ft.; thence N00°52'27"E 180.44 ft.; thence S89°59'52"W 77.84 ft.; thence S00°52'42"W 130.00 ft.; thence N89°59'52"E 12.00 ft.; thence N00°52'42"E 110.00 ft.; thence N89°59'52"E 56.84 ft.; thence S00°52'27"W 147.50 ft.; thence N56°48'21"W 67.26 ft.; thence N00°52'42"E 0.68 ft.; thence S89°59'52"W 182.00 ft.; thence S00°00'08"E 12.00 ft. to the point of beginning.

PERMANENT EASEMENT

Sidwell #
Resolution #

ELRO CORPORATION, a Michigan Corporation, Grantor, whose address is 201 W. Big Beaver, Suite 702, 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 public utilities, said easement for land situated in the City of Troy, Oakland County, Michigan, described as:

SEE EXHIBIT "A"

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 20TH day of MARCH A.D. 20 02.

In presence of:
WITNESS

JESSE L. KRANZ

JOANNE B. JENNINGS

ELRO CORPORATION
A MICHIGAN CORPORATION

By _____ (L.S.)
Harry Terbrueggen
Its: Vice-President

STATE OF MICHIGAN)
COUNTY OF OAKLAND)

The foregoing instrument as acknowledged before me this 20TH day of MARCH, 20 02, by Harry Terbrueggen, Vice-President, ELRO CORPORATION, a Michigan Corporation, on behalf of the Corporation.

Notary Public, JOANNE B. JENNINGS County, Michigan
NOTARY PUBLIC OAKLAND CO., MI
MY COMMISSION EXPIRES Jul 7, 2003
My Commission Expires _____

(Corporations)

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

EXHIBIT "A"

Lots 21, 20, 19, and Part of Lot 18, "Eyster's Dequindre Farms Subdivision No. 5" being Part of the Northeast corner of Section 24. T.2N., R.11E., Troy Township (now City of Troy), Oakland County, Michigan (as recorded in Liber 55 of Plats, Page 58, Oakland County Records) and being more particularly described as follows: Beginning at a point which is S01°13'00"W 60.11 ft. along the East line of said Section 24 and S89°59'52"W 432.92 ft. and S01°12'58"W 475.59 ft. and S89°59'52"W 200.65 ft. along the South line of said Lots 21, 20, 19 and 18, from the Northeast corner of Section 24, T.2N., R.11E.; thence S89°59'52"W 528.83 ft. along the South line of said Lots 21, 20, 19, and 18; thence N00°00'08"W 12.00 ft.; thence N89°59'52"E 513.83 ft.; thence N00°00'08"W 106.39 ft.; thence S89°59'52"W 111.57 ft.; thence Westerly 24.59 ft. along the arc of a curve to the left (Radius of 210.00 ft., central angle of 06°42'32", long chord bears S86°38'36"W 24.58 ft.); thence S83°17'20"W 86.25 ft.; thence Westerly 33.96 ft. along the arc of a curve to the right (Radius of 290.00 ft., central angle of 06°42'32", long chord bears S86°38'36"W 33.94 ft.); thence S89°59'52"W 93.17 ft.; thence Westerly 90.16 ft. along the arc of a curve to the right (Radius of 290.00 ft., central angle of 17°48'50", long chord bears N81°05'43"W 89.80 ft.); thence N72°11'18"W 68.73 ft.; thence Westerly 11.30 ft. along the arc of a curve to the left (Radius of 210.00 ft., central angle of 03°05'03", long chord bears N73°43'49"W 11.30 ft.); thence N00°00'08"W 10.32 ft.; thence Easterly 14.47 ft. along the arc of a curve to the right (Radius of 220.00 ft., central angle of 03°46'04", long chord bears S74°04'19"E 14.46 ft.); thence S72°11'18"E 68.73 ft.; thence Easterly 87.06 ft. along the arc of a curve to the left (Radius of 280.00 ft., central angle of 17°48'50", long chord bears S81°05'43"E 86.71 ft.); thence N89°59'52"E 93.17 ft.; thence Easterly 32.79 ft. along the arc of a curve to the left (Radius of 280.00 ft., central angle of 06°42'32", long chord bears N86°38'36"E 32.77 ft.); thence N83°17'20"E 86.25 ft.; thence Easterly 25.76 ft. along the arc of a curve to the right (Radius of 220.00 ft., central angle of 06°42'32", long chord bears N86°38'36"E 25.75 ft.); thence N89°59'52"E 126.57 ft.; thence S00°00'08"E 128.39 ft. along the West line of Wardlow Drive (60 ft. wd.) to the point of beginning.

WARRANTY DEED

Sidwell #
Resolution #

The Grantor(s), ELRO CORPORATION, a Michigan Corporation, whose address is 201 W. Big Beaver, Suite 702, Troy, MI 48084 convey(s) and warrant(s) to The City of Troy, a Michigan Municipal Corporation, Grantee, whose address is 500 West Big Beaver, Troy, Michigan 48084, the following described premises situated in the City of Troy, County of Oakland and State of Michigan:

SEE EXHIBIT "A"

For the sum of One an no/100 Dollar ($ 1.00)

subject to easements and building and use restrictions of record and further subject to

_____

Dated this 20TH day of MARCH, 2002.

Signed in the presence of:

*JESSE L. KRANZ

JOANNE B. JENNINGS

ELRO CORPORATION
A MICHIGAN CORPORATION

By _____
Harry Terbrueggen
Its: Vice-President

STATE OF MICHIGAN)
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this 20TH day of MARCH, 2002, by

Harry Terbrueggen, Vice-President, of ELRO CORPORATION, a Michigan Corporation.

JOANNE B. JENNINGS
NOTARY PUBLIC OAKLAND CO., MI
MY COMMISSION EXPIRES Jul 7, 2003

Notary Public, _____

My commission expires: _____

County Treasurer's Certificate		City Treasurer's Certificate
When recorded return to: City Clerk City of Troy 500 West Big Beaver Troy, MI 48084	Send subsequent tax bills to: Grantee	Drafted by: Larysa Figol City of Troy 500 West Big Beaver Troy, MI 48084

Tax Parcel #_____ Recording Fee_____ Transfer Tax _____

TYPE OR PRINT NAMES UNDER SIGNATURES

EXHIBIT "A"

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Containing 72,660 Square Feet — 1.67 Acres