



500 West Big Beaver
Troy, MI 48084
troymi.gov

J-16

CITY COUNCIL AGENDA ITEM

Date: August 30, 2019

To: Mark F. Miller, City Manager

From: Robert J. Bruner, Assistant City Manager
William J. Huotari, City Engineer
R. Brent Savidant, Community Development Director
Larysa Figol, Sr. Right-of-Way Representative

Subject: Request to Grant an Underground Utility Easement Over a City Owned Parcel to DTE Electric Company, Comcast Cable Communications, LLC, Consumers Energy, Michigan Bell Telephone Company, d/b/a AT&T Michigan formerly d/b/a SBC Michigan, and Wide Open West, Inc. – Sidwell #88-20-11-401-002

History

The City of Troy received an underground easement request from DTE Electric Company over a portion of property currently owned by the City of Troy. The property is a detention facility located in the approved Whispering Park Site Condominium, a 54 unit detached single family condominium cluster, located in Section 11, north of Long Lake and west of Jaycee Park.

Troy City Council approved the conditional rezoning, including the granting of Preliminary Site Plan Approval, on May 21, 2018.

The easement request for utility purposes will benefit DTE Electric Company, Comcast Cable Communications, LLC, Consumers Energy, Michigan Bell Telephone Company, d/b/a AT&T Michigan formerly d/b/a SBC Michigan, and Wide Open West, Inc..

Engineering staff has reviewed this request and recommends granting the easement. The format and content of this easement is consistent with conveyance documents previously granted by Troy City Council.


Financial

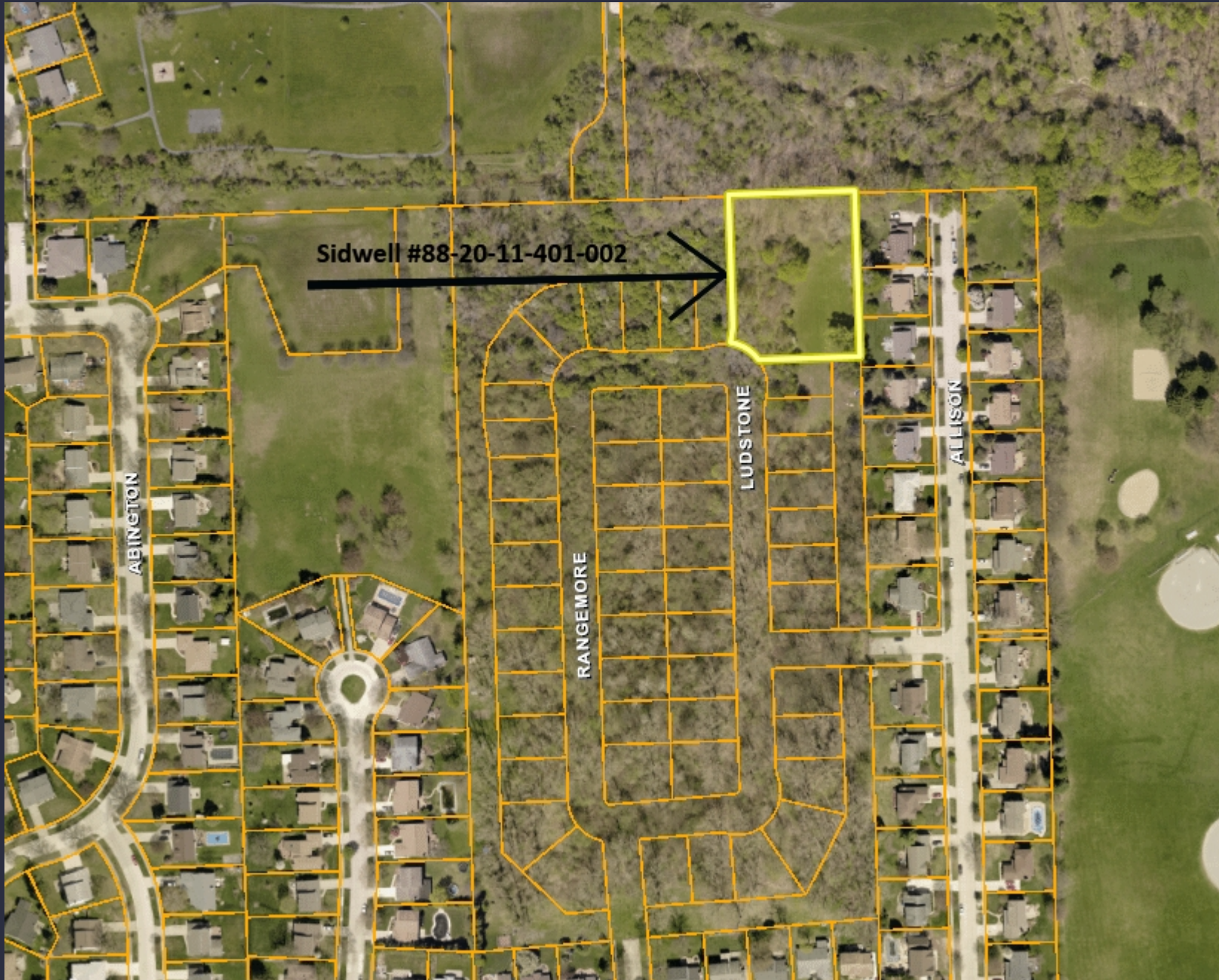
The consideration amount on this document is \$1.00.

Recommendation

City Management recommends that Troy City Council grant the attached permanent easement consistent with our policy of granting easements for development and improvement purposes.

Legend:

 Tax Parcel



Notes:

City of Troy
#88-20-11-401-002
Detention

Map Scale: 1=315

Created: August 30, 2019



Note: The information provided by this application has been compiled from recorded deeds, plats, tax maps, surveys, and other public records and data. It is not a legally recorded map survey. Users of this data are hereby notified that the source information represented should be consulted for verification.

**DTE Electric Company Underground Residential Distribution
Easement (Right of Way) No. 52644179-52644183-B
Apt/Condo/Site Condo/Tr Park Whispering Park**

On _____, 2019, for the consideration of system betterment, Grantor grants to Grantee a permanent, non-exclusive underground easement ("Right of Way") in, on, under and across a part of Grantor's Land called the "Right of Way Area".

"Grantor" is: CITY OF TROY, A MICHIGAN MUNICIPAL CORPORATION, WHOSE ADDRESS IS 500 WEST BIG BEAVER RD, TROY, MI 48084

"Grantee" is: DTE Electric Company, a Michigan corporation, One Energy Plaza, Detroit, Michigan 48226
Comcast Cable Communications, LLC, a Delaware Limited Liability Company, One Comcast Center, Philadelphia, PA 19103
Consumers Energy, 1015 S. Latson, Howell, Michigan 48843
Michigan Bell Telephone Company, d/b/a AT&T Michigan formerly d/b/a SBC Michigan, 54 N. Mill, Pontiac, MI 48342
Wide Open West, Inc., 950 E. Whitcomb, Madison Heights, MI 48071

"Grantor's Land" is in SE 1/4, SEC 11, T2N, R11E, City of Troy, County of OAKLAND, and State of Michigan, and is described as follows:

T2N, R11E, SEC 11 PART OF S 1/2 BEG AT PT DIST N 00-05-00 W 1250.17 FT & S 86-57-53 W 289.01 FT & N 00-06-10 W 1211.61 FT & N 89-54-00 E 289.03 FT & N 89-55-05 E 165.29 FT FROM S 1/4 COR, TH S 00-05-24 E 215.20 FT, TH S 10-37-24 W 25 FT, TH ALG CURVE TO RIGHT, RAD 70 FT, CHORD BEARS S 56-46-13 E 53.82 FT, DIST OF 55.24 FT, TH N 89-56-29 E 165.01 FT, TH N 00-03-31 W 269.39 FT, TH S 89-55-05 W 205.48 FT TO BEG 1.255 A 4-8-19 FR 001

Tax Identification Number(s): 20-11-401-002
More commonly known as: **Whispering Park**

The "Right of Way Area" is a ten (10') foot wide easement on part of Grantor's Land. The centerline of the Right of Way Area shall be established in the as-built location of the centerline of Grantee's facilities, and shall be installed on Grantor's Land in the approximate location described as follows:

A 10 feet wide franchise utility easement over part of the South 1/2 of Section 11, Town 2 North, Range 11 East, City of Troy, Oakland County, Michigan, the centerline of said easement being more particularly described as:
Commencing at the South 1/4 corner of said Section 11; thence along the north-south 1/4 line of said section, North 00 degrees 05 minutes 00 seconds West, 1250.17 feet to a northerly line of "East Long Lake Estates Sub. No. 2", as recorded in Liber 137, Page 23-25, Oakland County Records; thence along said northerly line, South 86 degrees 57 minutes 53 seconds West, 289.01 feet to an easterly line of said subdivision; thence along said easterly line, North 00 degrees 06 minutes 10 seconds West, 1211.61 feet to the east-west 1/4 line of said Section 11; thence along said east-west line, North 89 degrees 54 minutes 00 seconds East, 289.03 feet to the Center of Section 11; thence continuing along said east-west line, North 89 degrees 55 minutes 05 seconds East, 165.29 feet; thence South 00 degrees 05 minutes 24 seconds East, 215.20 feet; thence South 10 degrees 37 minutes 24 seconds West, 11.18 feet to the Point of Beginning of said centerline of easement; thence South 59 degrees 35 minutes 48 seconds East, 73.20 feet; thence South 00 degrees 53 minutes 47 seconds West 6.01 feet to the Point of Ending.

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- 1. Purpose:** The purpose of this Right of Way is to construct, reconstruct, modify, add to, repair, replace, inspect, operate and maintain underground utility line facilities consisting of poles, guys, anchors, wires, manholes, conduits, pipes, cables, transformers and accessories.
- 2. Access:** Grantee has the right of pedestrian and vehicular ingress and egress to and from the Right of Way Area and across Grantor's Land.
- 3. Buildings or other Permanent Structures:** No buildings or other permanent structures or improvements may be constructed or placed in the Right of Way Area without Grantee's prior, written consent
- 4. Excavation:** Pursuant to 2013 Public Act 174, MISS DIG (1-800-482-7171 or 811 in some areas) must be called before any excavation in the Right of Way Area may proceed.
- 5. Trees, Bushes, Branches, Roots, Structures and Fences:** Grantee may trim, cut down, remove or otherwise control any trees, bushes, branches and roots growing or that could grow in the Right of Way Area and remove any structures, improvements, fences, buildings or landscaping in the Right of Way Area that Grantee believes could interfere with the safe and reliable construction, operation, maintenance and repair of Grantee's facilities. No landscaping, trees, plant life, structures, improvements or fences may be planted, grown or installed within 8 feet of the front door, or within 2 feet of the other sides, of transformers or switching cabinet enclosures, and Grantee will not be responsible for any damage to, or removal of, landscaping, trees, plant life, structures, improvements and/or fences located in such areas.
- 6. Restoration:** If Grantee's agents, employees, contractors, subcontractors, vehicles or equipment damage Grantor's Land while entering Grantor's Land for the purposes stated in this Right of Way, then Grantee will restore Grantor's Land as nearly as is reasonably practicable to the condition in which it existed prior to such damage.
- 7. Successors:** This Right of Way runs with the land and binds and benefits Grantor's and Grantee's successors and assigns.
- 8. Exemptions:** This Right of Way is exempt from transfer tax pursuant to under MCL 207.505(a) and MCL 207.526(a).
- 9. Governing Law:** This Right of Way shall be governed by the laws of the State of Michigan.

Grantor(s):
 City of Troy, a Michigan municipal corporation

By: _____
 Name: Dane M. Slater
 Title: Mayor

By: _____
 Name: M. Aileen Dickson
 Title: City Clerk

Acknowledged before me in _____ County, Michigan, on _____, 2019, by Dane M. Slater, Its: Mayor and M. Aileen Dickson, Its: City Clerk, for the City of Troy, a Michigan municipal corporation.

Notary's Stamp _____ Acting in _____ County, Michigan

Notary's Signature _____

Drafted by and when recorded, return to: Cassandra Dansby, DTE Electric Company, NW Planning & Design, 37849 Interchange Dr., Farmington Hills, MI 48335

Exhibit A

