



500 West Big Beaver
Troy, MI 48084
troymi.gov



CITY COUNCIL AGENDA ITEM

Date: May 23, 2024

To: Robert J. Bruner, Acting City Manager

From: Megan E. Schubert, Assistant City Manager
R. Brent Savidant, Community Development Director
G. Scott Finlay, City Engineer
Larysa Figol, Sr. Right-of-Way Representative

Subject: Request to Vacate a Reserved Public Utility Easement, John R Garden
Subdivision

History

On June 20, 1983, City Council vacated a platted 18-foot alley subject to the retention of a public utility easement over a portion of the alley to be vacated (Resolution #83-553, recorded in L8421, P680). The reserved easement encumbers parcels identified by Sidwell #88-20-26-433-020 and -021. The properties are located in Section 26 at the south corner of John R and Larchwood.

The Kroger Company has proposed the building of a gas station that includes development over three vacant parcels at John R and Larchwood. Staff reviewed any current or future necessity to retain the reserved easement and has determined it could be vacated to allow for development. To ensure that no public utilities are currently utilizing the easement area, the developers conducted a ground penetrating survey to prove the area is devoid of any utility improvements.

A Special Use Approval application was submitted by the Kroger Co., and property owner Bostick Real Estate, LLC. The Planning Commission approved the application on June 27, 2023. All parcels are found within John R Gardens Subdivision and zoned IB – Integrated Industrial Business District.

Financial

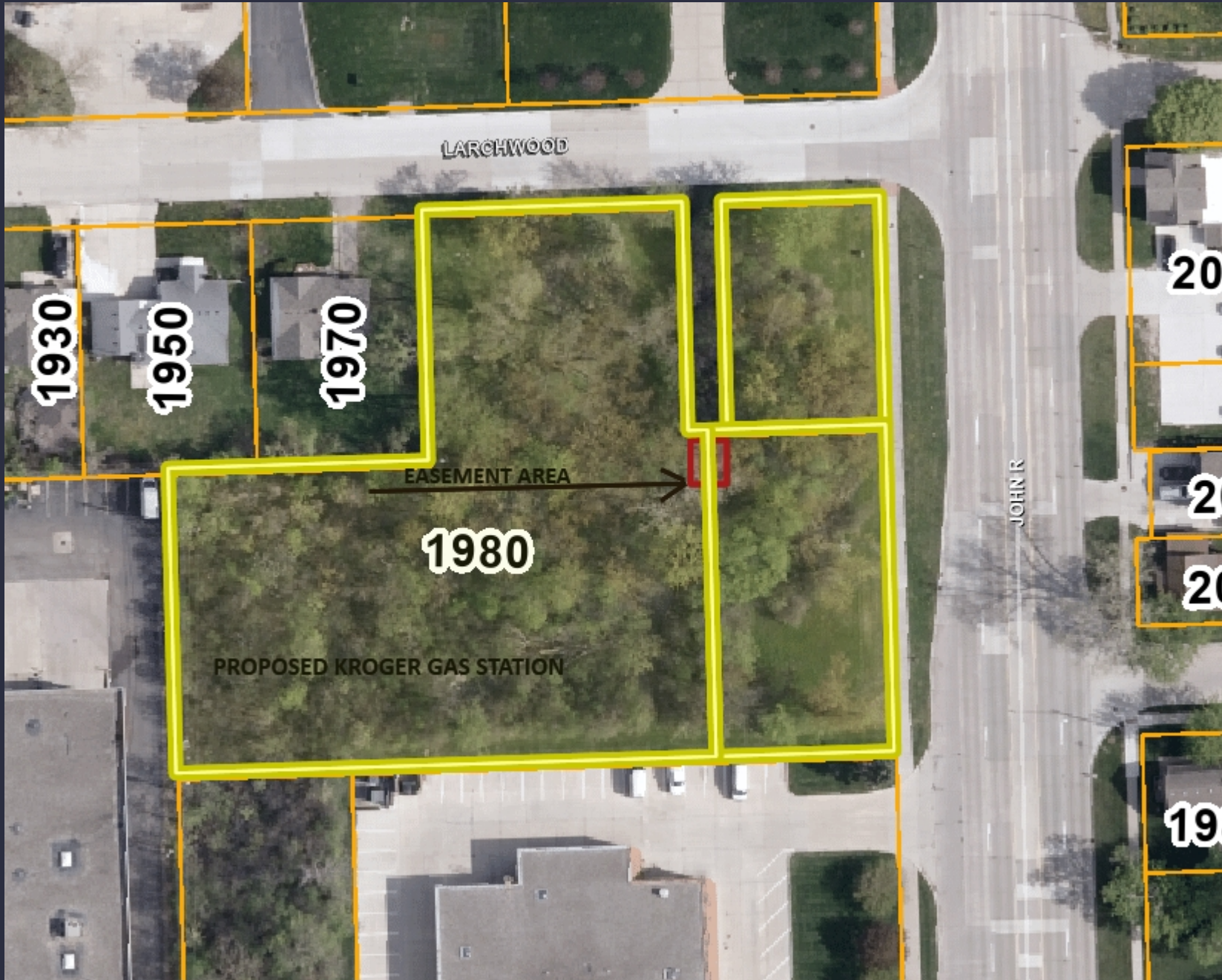
The consideration amount on this document is \$1.00.

Recommendation

Staff recommends that City Council vacate the previously retained easement rights by granting a Quit Claim Deed to the current owner releasing those easement rights retained in Resolution #83-553 and recorded in Liber8421, P680.

Legal Review

The item was submitted to the City Attorney for review pursuant to City Charter Section 3.17.



Notes:

- Reserved Easement Vacation
- Proposed Kroger Gas



QUIT CLAIM DEED

Sidwell # 20-32-200-032 (pt)
Resolution #

The **CITY OF TROY**, a Michigan municipal corporation, Grantor, whose address is 500 West Big Beaver, Troy, MI 48084 quit claims to **BOSTICK REAL ESTATE, LLC**, a Michigan limited liability company, Grantee, whose address is 803 West Big Beaver, Ste 100, Troy, MI 48084, the following described premises situated in the City of Troy, County of Oakland and State of Michigan:

An existing 18 feet wide Public Utility Easement recorded in Liber 8421, Page 680 of Oakland County Records, being part of the vacated platted alley of, "John R. Garden Subdivision", as recorded in Liber 31, Page 8, being Part of the East 1/2 of the Southeast 1/4 of Section 26, Town 2 North, Range 11 East, City of Troy, Oakland County, Michigan records, being more particularly described as:
Commencing at the northwest corner of Lot 65 of said "John R. Garden Subdivision"; thence South 00 degrees 15 minutes 00 seconds West, along the west line of said Lot 65, also being the east line of platted alley, 4.00 feet to the Point of Beginning of said easement; thence, continuing, South 00 degrees 15 minutes 00 seconds West, along said line, 12.00 feet; thence West 18.00 feet to the west line of platted alley; thence North 00 degrees 15 minutes 00 seconds East, along said west line, 12.00 feet; thence East 18.00 feet to the Point of Beginning, containing 216.00 square feet, more or less.

For the sum of One Dollar (\$ 1.00)

Dated this _____ day of May, 2024.

CITY OF TROY,
a Michigan municipal corporation

By _____
* Ethan D. Baker, Mayor

By _____
* M. Aileen Dickson, City Clerk

STATE OF _____)
COUNTY OF _____)

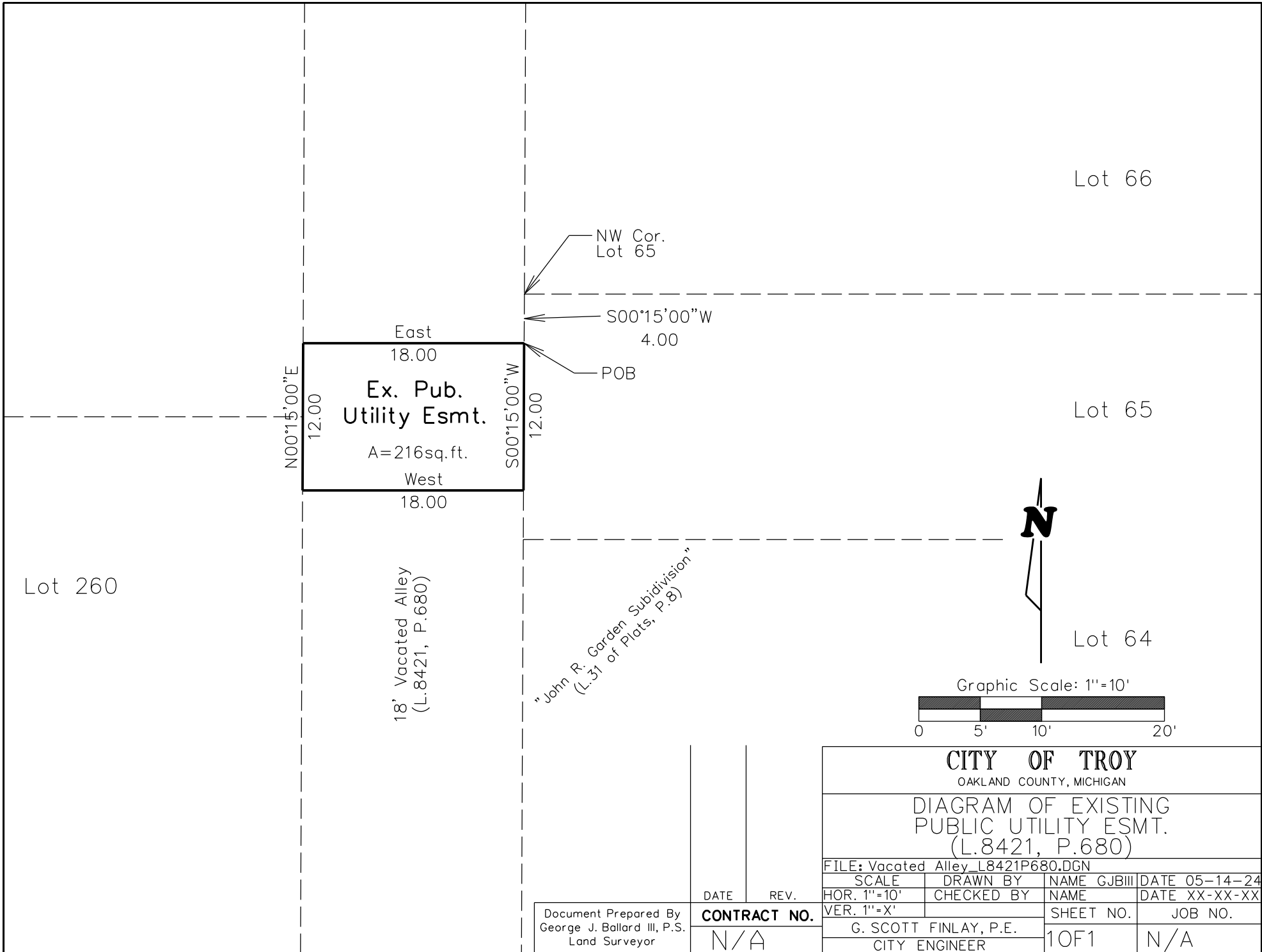
The foregoing instrument was acknowledged before me this _____ day of May, 2024 by Ethan D. Baker, Mayor and M. Aileen Dickson, City Clerk of the City of Troy, a Michigan municipal corporation, on behalf of the municipal corporation.

*
Notary Public, _____ County
My commission expires: _____
Acting in _____ County, _____

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
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Tax Parcel # _____ Recording Fee _____ Transfer Tax _____

*TYPE OR PRINT NAMES UNDER SIGNATURES



Document Prepared By
George J. Ballard III, P.S.
Land Surveyor

DATE _____ REV. _____
CONTRACT NO.
N/A

CITY OF TROY			
OAKLAND COUNTY, MICHIGAN			
DIAGRAM OF EXISTING PUBLIC UTILITY ESMT. (L.8421, P.680)			
FILE: Vacated Alley_L8421P680.DGN			
SCALE	DRAWN BY	NAME GJBIII	DATE 05-14-24
HOR. 1"=10'	CHECKED BY	NAME	DATE XX-XX-XX
VER. 1"=X'	SHEET NO.		JOB NO.
G. SCOTT FINLAY, P.E. CITY ENGINEER		10F1	N/A

JULY 19 83

#83-553
6-20-83

8421

83 59739

2-11
46

At a Regular meeting of the Council of the City of Troy held Monday, June 20, 1983, at City Hall, 500 West Big Beaver, Troy, Michigan:

PRESENT: Doyle, Husk, Liebrecht, Pallotta
Schilling, Stine, Taucher

ABSENT: None

The following resolution was offered and approved:

RESOLVED, That the 18 foot wide alley (125 feet in length) lying west of and parallel to John R Road, and extending north from Arthur, abutting lots 60 through 65 and lot 260 of John R Gardens Subdivision, (Liber 31, Page 8 of the recorded plats of Oakland County, Michigan), T2N, R11E, Section 26 of the City of Troy, is hereby vacated subject to the retention of a public utility easement over the South 12' of the North 16' of that portion being vacated;

BE IT FURTHER RESOLVED, that the City Clerk shall forward and record a certification of this resolution in accordance with Sections 256 and 257 of Act 288 of Michigan Public Acts of 1967, as amended.

Yeas: All-7

I hereby certify that the foregoing constitutes a true and complete copy of a resolution adopted by the City Council of the City of Troy, County of Oakland, Michigan, at a Regular meeting duly called and held on Monday, the twentieth day of June, 1983.

20.26-483-000
ENT 31008

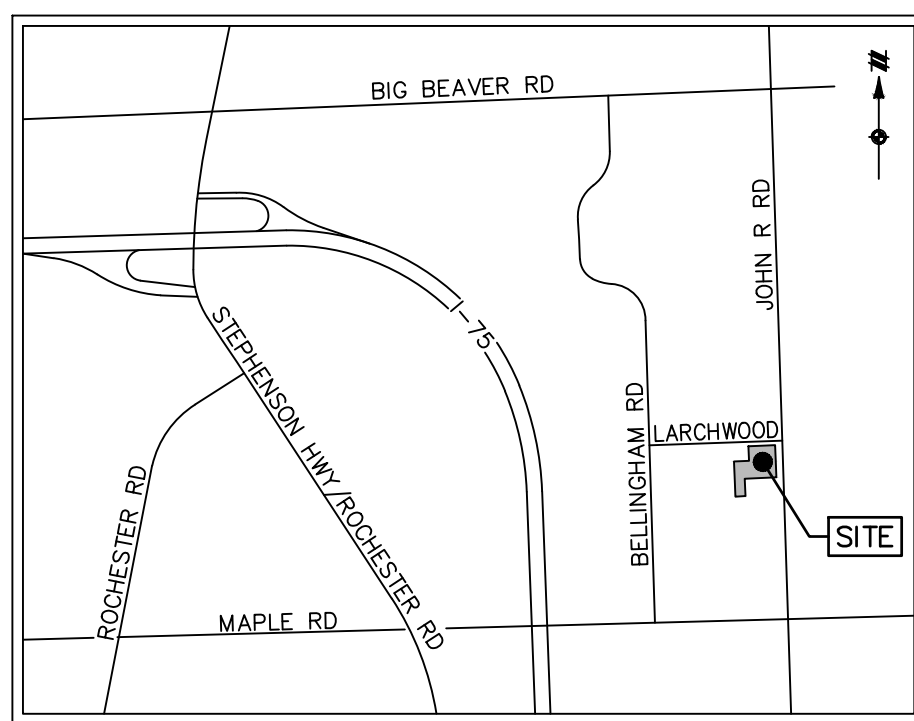
Kenneth L. Courtney
Kenneth L. Courtney
City Clerk

370
JH

When recorded return to:
Troy City Clerk
500 W. Big Beaver
Troy, Michigan 48064-5285

①
S

ALTA/NSPS LAND TITLE SURVEY



VICINITY MAP
NOT TO SCALE

SITE BENCHMARKS:

BM #1: ARROW ON FIRE HYDRANT IN WEST RIGHT OF WAY OF JOHN R ROAD
ELEVATION: 642.00 (NAVD88)

BM #2: ARROW ON FIRE HYDRANT IN NORTH RIGHT OF WAY OF LARCHWOOD DRIVE
ELEVATION: 641.57 (NAVD88)



EXHIBIT "A" DESCRIPTION PER ALTA COMMITMENT FOR TITLE INSURANCE ISSUED BY FIRST AMERICAN TITLE INSURANCE COMPANY, ISSUING AGENT: AMROCK, LLC, COMMITMENT NUMBER: C000126451, COMMITMENT DATE: AUGUST 9, 2023:

THE FOLLOWING DESCRIBED PREMISES SITUATED IN THE CITY OF TROY, COUNTY OF OAKLAND AND STATE OF MICHIGAN:

LOTS 60 THRU 70 INCLUSIVE, EXCEPT THE EAST 27 FT, ALSO 1/2 OF VACATED ALLEY ADJACENT TO LOTS 60 THRU 65, ALSO 1/2 OF VACATED ARTHUR AVE, ADJACENT TO LOT 60, EXCEPT THE EAST 27 FEET, ALL IN JOHN R. GARDEN SUBDIVISION AS RECORDED IN LIBER OF PLATS 31, PAGE 8 OF OAKLAND COUNTY RECORDS.

AND
THE FOLLOWING DESCRIBED PREMISES SITUATED IN THE CITY OF TROY, COUNTY OF OAKLAND AND STATE OF MICHIGAN:

LOTS 257, 258, 259, 260, 261, 262, 263, 264, 265 OF JOHN R. GARDEN SUBDIVISION, AS RECORDED IN LIBER 31, PAGE 8 OF PLATS, OAKLAND COUNTY RECORDS. TOGETHER WITH THE ONE HALF VACATED ALLEY ADJACENT TO LOT 259 AND 260 AND ONE HALF OF VACATED ARTHUR AVE ADJACENT TO LOTS 260 TO 265.

LOTS 308 AND 309 OF JOHN R. GARDEN SUBDIVISION, AS RECORDED IN LIBER 31, PAGE 8 OF PLATS, OAKLAND COUNTY RECORDS.

SCHEDULE B, PART II - EXCEPTIONS PER ALTA COMMITMENT FOR TITLE INSURANCE ISSUED BY FIRST AMERICAN TITLE INSURANCE COMPANY, ISSUING AGENT: AMROCK, LLC, COMMITMENT NUMBER: C000126451, COMMITMENT DATE: AUGUST 9, 2023:

7. INTEREST OF JOHN P. LOSIER AS EVIDENCED IN WARRANTY DEED RECORDED NOVEMBER 5, 1979 IN LIBER 7663, PAGE 621. (AS TO LOTS 257, 258, 259) NOTE: JOHN P. LOSIER HAD A LAND CONTRACT INTEREST IN INSTRUMENT RECORDED JUNE 28, 1968 IN LIBER 5208, PAGE 182. JOHN AND GENE LOSIER DIVORCED AND HE ASSIGNED HIS LAND CONTRACT INTEREST AND QUIT CLAIMED HIS INTEREST IN LIBER 5920, PAGE 846 AND LIBER 5920, PAGE 847. JOHN P. LOSIER INTEREST WAS RECREATED IN THE SATISFACTION OF THE LAND CONTRACT IN LIBER 7663, PAGE 621. JOHN P. LOSIER NEVER DEEDS OUT AFTER LIBER 7663, PAGE 621.

8. RESOLUTION RECORDED JULY 19, 1983 IN LIBER 8421, PAGE 680. RESPONSE: AS SHOWN HEREON.

9. RIGHT OF WAY GRANTED TO CONSUMERS POWER COMPANY, RECORDED FEBRUARY 16, 1983 IN LIBER 8323, PAGE 253. (AS TO LOTS 60 THROUGH 65) RESPONSE: AS SHOWN HEREON.

10. RESOLUTION RECORDED FEBRUARY 28, 1990 IN LIBER 11277, PAGE 41. RESPONSE: VACATED STREET AS SHOWN HEREON. EASEMENT LOCATED SOUTH OF SUBJECT PROPERTY.

11. REAL ESTATE AND RIGHTS OF WAY JOINT OVERHEAD AND UNDERGROUND RIGHT OF WAY AGREEMENT GRANTED TO THE DETROIT EDISON COMPANY, MICHIGAN BELL TELEPHONE COMPANY AND UNITED CABLE TELEVISION OF OAKLAND COUNTY, LTD., RECORDED AUGUST 1, 1990 IN LIBER 11492, PAGE 797. (LOT 309) RESPONSE: AS SHOWN HEREON.

13. EASEMENTS, RESTRICTIONS AND SET BACK LINES, AS SHOWN ON THE PLAT RECORDED IN LIBER 31, PAGE 8 OF PLATS. RESPONSE: COVERS SUBJECT PROPERTY AND ADDITIONAL LAND.

SURVEYOR'S CERTIFICATE

TO: -FIRST AMERICAN TITLE INSURANCE COMPANY
-AMROCK, LLC
-KROGER

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2021 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1, 2, 3, 4, 5, 6(b), 7(c), 7(b)(1), 8, 9, 11(c), 11(b), 13, 17, 21 AND 22 (LOCATIONS/ELEVATION OF SOIL BORINGS) OF TABLE A THEREOF.

FIELD WORK WAS COMPLETED ON NOVEMBER 16, 2022.

MICHAEL D. EMBREE
PROFESSIONAL SURVEYOR NO. 4001056860
MEMBREE@ATWELL-GROUP.COM
TWO TOWNE SQUARE, SUITE 700
SOUTHFIELD, MICHIGAN 48076
248.447.2000

DATE _____

NOTES:

- BEARINGS ARE BASED ON MICHIGAN STATE PLANE COORDINATES (NAD83), SOUTH ZONE, GROUND DISTANCES, INTERNATIONAL FEET. MEASURED BEARINGS AS SHOWN DIFFER FROM RECORD TITLE BEARINGS. VERTICAL DATUM IS BASED ON NAVD88.
- THE SITE SHOWN HEREON IS LOCATED WITHIN ZONE X (AREAS DETERMINED TO BE OUTSIDE OF THE 0.2% ANNUAL CHANCE FLOODPLAIN) ACCORDING TO MAP NUMBER 26125C0561G OF THE FLOOD INSURANCE RATE MAP, EFFECTIVE DATE JANUARY 16, 2009.
- WATER MAIN, STORM SEWER, SANITARY SEWER AND FRANCHISE UTILITY STRUCTURES HAVE BEEN FIELD LOCATED WHERE VISIBLE. UTILITY AND AS-BUILT MAPS HAVE BEEN REQUESTED AND SOME MAPS HAVE BEEN RECEIVED AT DATE OF THIS SURVEY. FRANCHISE UTILITY MAPS HAVE BEEN REQUESTED FROM THE APPROPRIATE FRANCHISE COMPANIES, BUT NOT ALL MAPS HAVE BEEN RECEIVED AT DATE OF SURVEY.

NOTE: THE SURVEYOR MAKES NO GUARANTEES THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN-SERVICE OR ABANDONED.

NOTE TO THE CLIENT, INSURER, AND LENDER - WITH REGARD TO TABLE A, ITEM 11, SOURCE INFORMATION FROM PLANS AND MARKINGS WILL BE COMBINED WITH OBSERVED EVIDENCE OF UTILITIES PURSUANT TO SECTION 5.E.IV. TO DEVELOP A VIEW OF THE UNDERGROUND UTILITIES. HOWEVER, LACKING EXCAVATION, THE EXACT LOCATION OF UNDERGROUND FEATURES CANNOT BE ACCURATELY, COMPLETELY, AND RELIABLY DEPICTED. IN ADDITION, IN SOME JURISDICTIONS, 811 OR OTHER SIMILAR UTILITY LOCATE REQUESTS FROM SURVEYORS MAY BE IGNORED OR RESULT IN AN INCOMPLETE RESPONSE, IN WHICH CASE THE SURVEYOR SHALL NOTE ON THE PLAT OR MAP HOW THIS AFFECTED THE SURVEYOR'S ASSESSMENT OF THE LOCATION OF THE UTILITIES. WHERE ADDITIONAL OR MORE DETAILED INFORMATION IS REQUIRED, THE CLIENT IS ADVISED THAT EXCAVATION AND/OR A PRIVATE UTILITY LOCATE REQUEST MAY BE NECESSARY.
- ZONING LETTER OR REPORT NOT PROVIDED AT THE DATE OF THE SURVEY.
- THERE WAS NO EVIDENCE OF RECENT STREET OR SIDEWALK CONSTRUCTION OR REPAIRS OBSERVED IN THE PROCESS OF CONDUCTING THE FIELDWORK.
- THERE WAS OBSERVED EVIDENCE OF SOIL BORINGS AT THE DATE OF SURVEY.
- THE SURVEYED PROPERTY CONTAINS NO PARKING STALLS AT THE DATE OF THE SURVEY.

Know what's below.
Call before you dig.

THE LOCATIONS OF EXISTING UNDERGROUND UTILITIES ARE SHOWN IN AN APPROXIMATE WAY ONLY AND HAVE NOT BEEN INDEPENDENTLY VERIFIED BY THE OWNER OR ITS REPRESENTATIVE. THE CONTRACTOR SHALL DETERMINE THE EXACT LOCATION OF ALL EXISTING UTILITIES BEFORE COMMENCING WORK, AND AGREES TO BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES WHICH MIGHT BE OCCASIONED BY THE CONTRACTOR'S FAILURE TO EXACTLY LOCATE AND PRESERVE ANY AND ALL UNDERGROUND UTILITIES.

NOTICE: CONSTRUCTION SITE SAFETY IS THE SOLE RESPONSIBILITY OF THE CONTRACTOR. NEITHER THE OWNER NOR THE ENGINEER SHALL BE EXPECTED TO ASSUME ANY RESPONSIBILITY FOR SAFETY OF THE WORK OF PERSONS ENGAGED IN THE WORK, OF ANY NEARBY STRUCTURES, OR OF ANY OTHER PERSONS.

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TWO TOWNE SQUARE, SUITE 700
SOUTHFIELD, MI 48076
248.447.2000

SECTION 26
TOWN 2 NORTH, RANGE 11 EAST
CITY OF TROY
OAKLAND COUNTY, MICHIGAN

CLIENT THE KROGER COMPANY
ALTA/NSPS LAND TITLE SURVEY
LOCATED IN

DATE 11/14/2022

02/20/2023	REV. PER TITLE
03/16/2023	ADDITIONAL TOPO
09/02/2023	REV. PER TITLE

REVISIONS

SCALE	0	15	30
1" =	30 FEET		
DR.	JR	GH	ME

P.M. M. EMBREE
BOOK NA
JOB 22004415
SHEET NO. 1 OF 2

CAD FILE: 22004415TP-01.DWG