



500 West Big Beaver
Troy, MI 48084
troymi.gov



CITY COUNCIL AGENDA ITEM

Date: March 31, 2020

To: Mark F. Miller, City Manager

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

Subject: Request for Acceptance of a Permanent Easement from Urbancal Oakland Mall, LLC, Sidwell #88-20-35-400-037

History

As part of the development of a commercial site (zoned GB General Business) located on the Oakland Mall site in Section 35, on the north side of 14 Mile Road west of John, the City of Troy received a permanent easement for sidewalks from Urbancal Oakland Mall, LLC, owner of the property having Sidwell #88-20-35-400-037.

The Planning Commission recommended special use and preliminary site plan approval at their August 27, 2019 meeting. The property is the future site of Panera Bread Restaurant with a drive-thru.

Financial

The consideration amount on this document is \$1.00.

Recommendation

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

Legend:

Tax Parcel



Sidwell #88-20-35-400-037

Notes:

URBANAL OAKLAND, LLC
88-20-35-400-037
Sidewalk Easement
Panera Bread w/ Drive Thru



**PERMANENT EASEMENT
FOR SIDEWALKS**

Sidwell #88-20-35-400-037 (pt of)
Resolution #

URBANCAL OAKLAND MALL, LLC, a Delaware limited liability company, Grantor(s), whose address is 412 W. 14 Mile Road, Troy, MI 48083, 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, 48084 grants to the Grantee the right to access, construct, reconstruct, modify, operate, maintain, repair, upgrade, improve, inspect, enlarge or remove and/or replace sidewalks, said easement for land situated in the City of Troy, Oakland County, Michigan described as:

An area of land in the Southeast 1/4 of Section 35, T2N, R11E, City of Troy, Oakland County, Michigan, the limits of said area described as: Commencing at the Southeast corner of said Section 35; thence S88°13'06"W along the South line of said Section 35 a distance of 735.00 feet; thence N02°09'04"W 85.08 feet to the point of beginning of this description; thence S89°25'50"W 15.38 feet; thence S57°20'36"W 20.28 feet to the North line of 14 Mile Road; thence S88°13'06"W along said North line 121.50 feet; thence N02°09'40"W 7.29 feet; thence S59°11'27"E 11.68 feet; thence N88°13'06"E 16.69 feet; thence N59°07'35"E 11.82 feet; thence N88°12'19"E 76.51 feet; thence N57°20'36"E 26.70 feet; thence N89°25'50"E 17.98 feet; thence S02°09'04"E 10.00 feet to the point of beginning; said area containing 0.02 acre, more or less; said area subject to all other easements and restrictions, if any.

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 her signature(s)
this 16th day of March A.D. 2020.

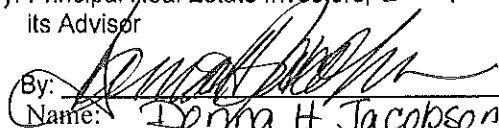
[Signature Page to Permanent Easement for Sidewalks]

URBANCALL OAKLAND MALL, LLC, a Delaware limited liability company

By: URBANCAL, LLC, a Delaware limited liability company, its sole member

By: CALIFORNIA STATE TEACHERS' RETIREMENT SYSTEM, a public entity, its sole member

By: Principal Real Estate Investors, LLC, its Advisor

By: 
Name: Donna H. Jacobson
Title: Asset Manager

STATE OF _____)
COUNTY OF _____)

see attached page

On _____, before me, _____, personally appeared _____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____ (Seal)

Prepared by: Larysa Figol, SR/WA
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

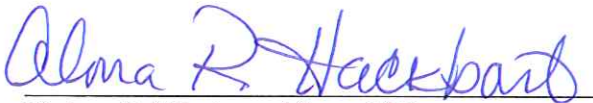
A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, or validity of that document.

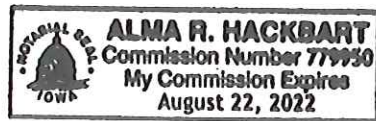
STATE OF IOWA)
) ss.
COUNTY OF POLK)

On March 16, 2020, before me, Alma R. Hackbart, a Notary Public in and for said state, personally appeared Donna H. Jacobson, personally known to me (or proved to me on the basis of satisfactory evidence) to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same in their authorized capacities, and that by their signatures on the instrument the persons or the entity upon behalf of which the persons acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the state of Iowa that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.


Notary Public in and for said State



(Seal)

EASEMENT SKETCH PLAN

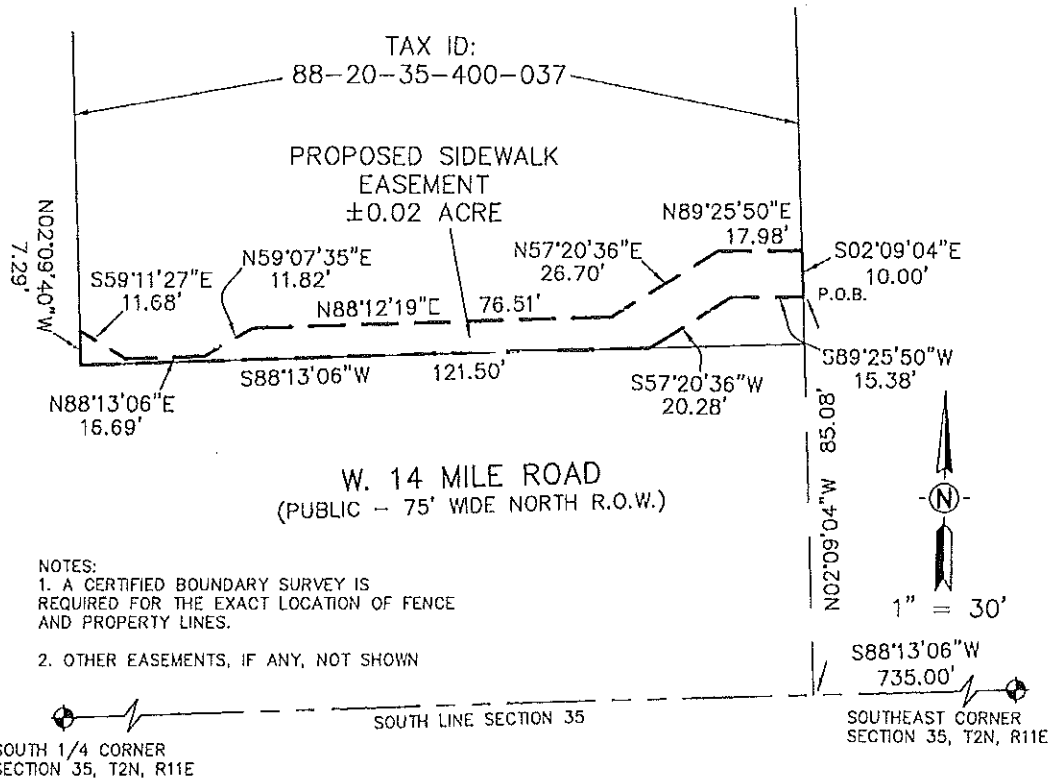
Proposed Sidewalk Easement Legal Description: An area of land in the Southeast 1/4 of Section 35, T2N, R11E, City of Troy, Oakland County, Michigan, the limits of said area described as: Commencing at the Southeast corner of said Section 35; thence S88°13'06"W along the South line of said Section 35 a distance of 735.00 feet; thence N02°09'04"W 85.08 feet to the point of beginning of this description; thence S89°25'50"W 15.38 feet; thence S57°20'36"W 20.28 feet to the North line of 14 Mile Road; thence S88°13'06"W along said North line 121.50 feet; thence N02°09'40"W 7.29 feet; thence S59°11'27"E 11.68 feet; thence N88°12'19"E 76.51 feet; thence N57°20'36"E 26.70 feet; thence N59°07'35"E 11.82 feet; thence N88°12'19"E 76.51 feet; thence N57°20'36"E 26.70 feet; thence N89°25'50"E 17.98 feet; thence S02°09'04"E 10.00 feet to the point of beginning; said area containing 0.02 acre, more or less; said area subject to all other easements and restrictions, if any.

PARENT PARCEL LEGAL DESCRIPTION:

(Tax ID: 88-20-35-400-037)

(Per PEA, Inc., Certificate of Survey, Job No. 2018-443, dated December 20, 2018)

Part of the Southeast 1/4 of Section 35, Township 02 North, Range 11 East, City of Troy, Oakland County, Michigan, described as: Commencing at the Southeast Corner of said Section 35, Thence along the South line of Section 35, S88°13'06"W, 735.00 feet; thence N02°09'04"W, 75.00 feet to the Point-Of-Beginning; Thence along the North line of 14 Mile Road (variable width right-of-way), S88°13'06"W, 154.35 feet; thence N02°09'40"W, 99.00 feet; thence N28°03'44"E, 22.22 feet; thence N01°46'54"W, 155.72 feet; thence N88°13'06"E, 142.17 feet; thence S02°09'04"E, 273.99 feet to the Point-of-Beginning. Containing 0.928 acres of land, more or less.



NOTES:

1. A CERTIFIED BOUNDARY SURVEY IS REQUIRED FOR THE EXACT LOCATION OF FENCE AND PROPERTY LINES.

2. OTHER EASEMENTS, IF ANY, NOT SHOWN

SOUTH 1/4 CORNER SECTION 35, T2N, R11E


SOUTH LINE SECTION 35

SOUTHEAST CORNER SECTION 35, T2N, R11E

This plan was made at the direction of the parties hereon and intended solely for their immediate use and no survey has been made and no property lines were monumented, all easements recorded or unrecorded may not be shown, unless specifically noted, and no dimensions are intended for use in establishing property lines.

- R = Recorded Distance
- = Proposed Easement Line
- - - = Distance Not to Scale
- [Pattern] = Deck, Porch, Sidewalk, & Patio Areas

E. R. Friestrom 03.04.20
ERICK R. FRIESTROM DATE
PROFESSIONAL SURVEYOR NO. 53497

 KEBS, INC. KYES ENGINEERING BRYAN LAND SURVEYS 2116 HASLETT ROAD, HASLETT, MI 48840 PH. 517-339-1014 FAX. 517-339-8047 13432 PRESTON DRIVE, MARSHALL, MI 49068 PH. 269-781-9800 FAX. 269-781-9805	
FIELD WORK BY ---	JOB NUMBER: 94700.ENG-WALK EASE
SHEET 1 OF 1	