



500 West Big Beaver
Troy, MI 48084
troymi.gov



CITY COUNCIL AGENDA ITEM

Date: August 4, 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 to Abandon a Water Main and Accept a New Permanent Easement –
Chadbury Place Site Condominium, Section 13, Sidwell #88-20-13-127-020

History

Mondrian Properties has proposed Chadbury Place Site Condominium, a 16-unit one family cluster development located in the northwest ¼ of Section 13 on the south Side of Long Lake, east of John R Road.

City Council granted preliminary site plan approval at their May 20, 2019 meeting (Resolution #2019-05-054).

As part of the proposed development, City Council previously accepted easements at their January 13, 2020 meeting (Resolution #2020-01-021-J-9). Since that time the developer has redesigned the water main for this project. Engineering staff has reviewed and approved the new design and recommends that the easement for water mains previously accepted and recorded in Liber 53736 Page 808 be abandoned. The easement rights will be returned to the property owner, Chadbury Place, LLC, by Quit Claim Deed executed by the Mayor and City Clerk.

In its place, the City received a new permanent easement for water mains from Chadbury Place, LLC, owner of the property having Sidwell #88-20-13-127-020.

Financial

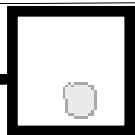
The consideration amount on each document is \$1.00.

Recommendation

City Staff recommends that City Council abandon the permanent easement previously granted to the City of Troy and recorded in Liber 53736 Page 808. These property rights will be returned to the current owner by recording a Quit Claim Deed executed by the Mayor and City Clerk.

To replace the abandoned easement, City Staff recommends that City Council accept the new permanent easement for water mains consistent with our policy of accepting easements for development and improvement purposes.

RY →



QUIT CLAIM DEED

Sidwell #88-20-16-401-002 (pt)
Resolution #

The **CITY OF TROY**, a Michigan municipal corporation, Grantor, whose address is 500 West Big Beaver, Troy, MI 48084 quit claims to **CHADBURY PLACE, LLC**, a Michigan limited liability company, Grantee, whose address is 50215 Schoenherr Road, Shelby Township, MI 48315, the following described premises situated in the City of Troy, County of Oakland and State of Michigan as previously recorded in a permanent easement for water mains in L53736, Page 808-810, Oakland County Register of Deeds, and attached as Exhibit "A":

SEE EXHIBIT "A" ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF

For the sum of One Dollar (\$ 1.00)

Dated this _____ day of August, 2020.

CITY OF TROY
a Michigan municipal corporation

By _____
* Ethan D. Baker, Mayor

By _____
* M. Aileen Dickson, City Clerk

STATE OF MICHIGAN)
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this _____ day of August, 2020 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, MI
My commission expires: _____
Acting in _____ County, MI

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 # 88-20-13-127-020 (pt) Recording Fee _____ Transfer Tax _____

RECEIVED
OAKLAND COUNTY
REGISTER OF DEEDS

2020 JAN 17 AM 11:27

LIBER 53736 PAGE 808
\$21.00 MISC RECORDING
\$4.00 REMONUMENTATION
\$5.00 AUTOMATION
01/21/2020 02:22:14 PM RECEIPT# 11294
PAID RECORDED - Oakland County, MI
Lisa Brown, Clerk/Register of Deeds

EXHIBIT "A"

PERMANENT EASEMENT FOR WATER MAINS

Sidwell #88-20-13-127-020 (part of)

CHADBURY PLACE, LLC, a Michigan limited liability company, Grantor(s), whose address is 50215 Schoenherr Road, Shelby Township, MI 48315, for and in consideration of the sum of: One and no/100 Dollars (\$1.00) paid by the **CITY OF TROY**, a Michigan municipal corporation, Grantee, whose address is 500 West Big Beaver, Troy, MI 48084, grants to the Grantee the right to access, construct, reconstruct, modify, operate, maintain, repair, upgrade, improve, inspect, enlarge or remove and/or replace water mains, 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 OF

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 1 signature(s)
this 3rd day of January, A.D. 2020.

CHADBURY PLACE, LLC,
a Michigan limited liability company

By Joseph Maniaci (L.S.)
Its Member

STATE OF MICHIGAN)
COUNTY OF Oakland)

The foregoing instrument was acknowledged before me this 3rd day of January, 2020, by Joseph Maniaci, Member of Chadbury Place, LLC, a Michigan limited liability company, on behalf of the company.

MARIA PETKOVSKI
NOTARY PUBLIC, STATE OF MI
COUNTY OF MACOMB
MY COMMISSION EXPIRES Sep 20, 2020
ACTING IN COUNTY OF Oakland

Mania
Notary Public, Macomb County, Michigan
My Commission Expires Sep 20, 2020
Acting in Oakland County, Michigan

Prepared by: Larysa Figol, SR/WA, City of Troy, 500 West Big Beaver, Troy, MI 48084
When recorded return to: City Clerk, City of Troy, 500 West Big Beaver, Troy, MI 48084

OK - AB

LEGAL DESCRIPTIONS EXHIBIT "A"

LEGAL DESCRIPTION

(As Surveyed by PEA, Inc.)

PARCEL ID 20-13-127-020

Land in the City of Troy, Oakland County, Michigan, described as follows:
Part of the Northwest 1/4 of Section 13, Town 2 North, Range 11 East, City of Troy, Oakland County Michigan, described as Commencing at the North 1/4 Corner of said Section 13, thence along the north line of said section S89°53'00"W, 493.35 feet, previously recorded as 492.80 feet; thence S00°11'12"E, 60.00 feet to the south line of East Long Lake Road (120 ft. wide) and the Point of Beginning; thence the following three courses along "Windmill Pointe Sub No. 2" as recorded in Liber 129, Page 36, Oakland County Records, S00°11'12"E, 445.60 feet and S89°53'00"W, 510.00 feet and N00°11'12"W, 445.60 feet to the aforementioned south line the East Long Lake Road; thence along said south line, N89°53'00"E, 510.00 to the Point of Beginning. Containing 5.217 acres of land more or less.

LEGAL DESCRIPTION

(per PEA, Inc.)

20' WIDE WATER MAIN EASEMENT

A 20 foot wide water main easement over part of the Northwest 1/4 of Section 13, 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 North 1/4 Corner of said Section 13; thence along the north line of said section S89°53'00"W, 493.35 feet; thence S00°11'12"E, 60.00 feet to the south line of East Long Lake Road (120 ft. wide); thence along said south line, S89°53'00"W, 103.00 feet to the POINT OF BEGINNING;
thence S00°11'12"E, 342.63 feet;
thence N89°48'00"W, 19.86 feet;
thence S89°48'00"E, 19.86 feet;
thence C1) 123.15 feet along an arc of a curve to the right, having a radius of 69.93 feet and a chord that bears S49°07'46"W, 107.85 feet;
thence N68°53'54"W, 13.55 feet;
thence S89°44'52"W, 102.98 feet;
thence C2) 144.41 feet along an arc of a curve to the right, having a radius of 67.12 feet and a chord that bears N49°59'01"W, 118.13 feet;
thence N11°02'04"E, 18.56 feet;
thence N00°12'56"W, 142.41 feet;
thence N22°42'56"W, 8.93 feet;
thence N67°06'12"E, 19.86 feet;
thence S67°06'12"W, 19.86 feet;
thence N22°42'56"W, 17.27 feet;
thence N67°42'56"W, 43.41 feet;
thence N22°42'56"W, 39.18 feet;
thence N00°12'56"W, 25.34 feet;
thence N22°31'28"E, 29.27 feet;
thence N00°26'00"W, 42.34 feet to the aforementioned south line of East Long Lake and the POINT OF ENDING.

pt. 20-13-127-020



PEA, Inc.

2430 Rochester Ct., Ste. 100
Troy, MI 48063-1872
t: 248.689.9090
f: 248.689.1044
www.peainc.com

CLIENT:

MONDRIAN PROPERTIES
50215 SCHOENHERR
SHELBY TWP, MI 48315

SCALE: 1" = 80'

JOB No: 2018237

DATE: 9-30-19

DWG. No: 2 of 2

SKETCH OF EASEMENT 20' WIDE WATER MAIN EASEMENT

NW CORNER
SECTION 13
T.2N., R.11E.

N 1/4
SECTION
13
T.02N.,
R.11E.

E. LONG LAKE ROAD
(120' WIDE - PUBLIC)

S89°53'00"W
493.35'

NORTH LINE
SECTION 13

SOUTH LINE EAST
LONG LAKE RD.

N89°53'00"E 510.00'

P.O.B.
ESMT

S00°11'12"E
60.00'

P.O.B.
OVERALL

"WINDMILL POINTE SUB NO. 2"
(L.129 P.36-40)

S00°11'12"E 445.60'

"WINDMILL POINTE SUB NO. 2"
(L.129 P.36-40)

N00°11'12"W 445.60'

N00°12'56"W 142.41'

N11°02'04"E 18.56'

20'
WIDE
WATER MAIN
ESMT

20'
WIDE
WATER MAIN
ESMT

CENTERLINE
20' WIDE WATER
MAIN ESMT

N89°48'00"W
S89°48'00"E
19.86'

S89°44'52"W
102.98'

N68°53'54"W 13.55'

S89°53'00"W 510.00'

"WINDMILL POINTE
SUB NO. 2"
(L.129 P.36-40)

Curve Table

Curve #	Length	Radius	Delta	CH. BRG.	Chord
C1	123.15'	69.93'	100°53'49"	S49°07'46"W	107.85'
C2	144.41'	67.12'	123°16'03"	N49°59'01"W	118.13'



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FOR WATER MAINS**

Sidwell #88-20-13-127-020 (part of)

CHADBURY PLACE, LLC, a Michigan limited liability company, Grantor(s), whose address is 50215 Schoenherr Road, Shelby Township, MI 48315, for and in consideration of the sum of: One and no/100 Dollars (\$1.00) paid by the **CITY OF TROY**, a Michigan municipal corporation, Grantee, whose address is 500 West Big Beaver, Troy, MI 48084, grants to the Grantee the right to access, construct, reconstruct, modify, operate, maintain, repair, upgrade, improve, inspect, enlarge or remove and/or replace water mains, 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 OF


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 _____ signature(s)
this 4th day of August 2020 A.D. 2020.


CHADBURY PLACE, LLC,
a Michigan limited liability company

By  (L.S.)
Joseph Maniaci
Its Member

STATE OF MICHIGAN)
COUNTY OF Oakland)

The foregoing instrument was acknowledged before me this 4th day of August, 2020,
by Joseph Maniaci, Member of Chadbury Place, LLC, a Michigan limited liability company, on behalf of
the company.

MARIA PETKOVSKI
NOTARY PUBLIC, STATE OF MI
COUNTY OF MACOMB
MY COMMISSION EXPIRES Sep 20, 2020
ACTING IN COUNTY OF Oakland


Notary Public, Macomb County, Michigan
My Commission Expires Sep 20, 2020
Acting in Oakland County, Michigan

Prepared by: Larysa Figol, SR/WA, City of Troy, 500 West Big Beaver, Troy, MI 48084
When recorded return to: City Clerk, City of Troy, 500 West Big Beaver, Troy, MI 48084

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thence C2) 144.41 feet along an arc of a curve to the right, having a radius of 67.12 feet and a chord that bears N49°59'01"W, 118.13 feet;

thence N11°02'04"E, 18.56 feet;

thence N00°12'56"W, 154.47 feet;

thence N89°47'04"E, 15.68 feet;

thence S89°47'04"W, 15.68 feet;

thence N00°12'56"W, 159.55 feet to the aforementioned south line of East Long Lake and the POINT OF ENDING.



PEA, Inc.

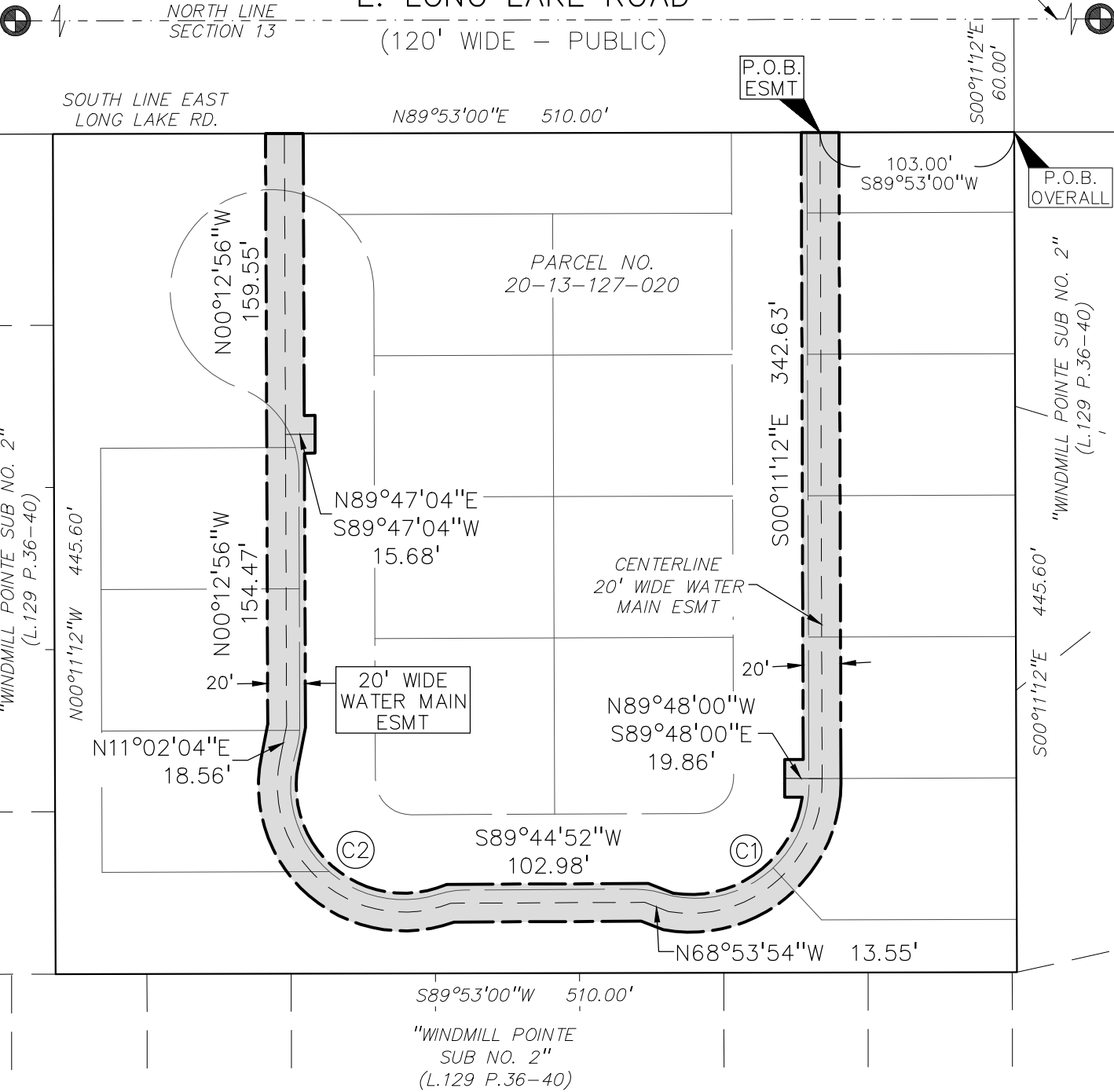
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CLIENT: MONDRIAN PROPERTIES 50215 SCHOENHERR SHELBY TWP, MI 48315	SCALE: 1" = 80'	JOB No: 2018237
	DATE: 7-30-20	DWG. No: 2 of 2

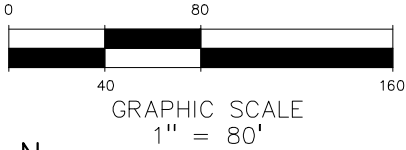
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20' WIDE WATER MAIN EASEMENT

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