



500 West Big Beaver
Troy, MI 48084
troymi.gov



CITY COUNCIL AGENDA ITEM

Date: April 6, 2021

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 – Hopedale Site
Condominium, Sidwell #88-20-11-277-024

History

GFA Development, Inc., has proposed the Hopedale Site Condominium, a seven single family detached home development, located in the northeast ¼ of Section 11, west of John R Road, between Abbotsford and Hopedale.

Troy Planning Commission granted preliminary site plan approval at their October 22, 2019 meeting (Resolution #PC-2019-10-073).

City Council previously accepted a warranty deed for the extended Viking Drive right of way and four permanent easements for sanitary sewers, water mains, storm sewers & surface drainage, and a rain garden. (Resolution #2020-06-081-J-5)

A review of the site condominium plans now calls for an easement for public utilities and franchise utilities. The grantor of these property rights is GFA Hopedale Gardens, LLC, an entity of GFA Development, Inc., owner of the property having Sidwell #88-20-11-277-024.

Financial

The consideration amount on this document is \$1.00.

Recommendation

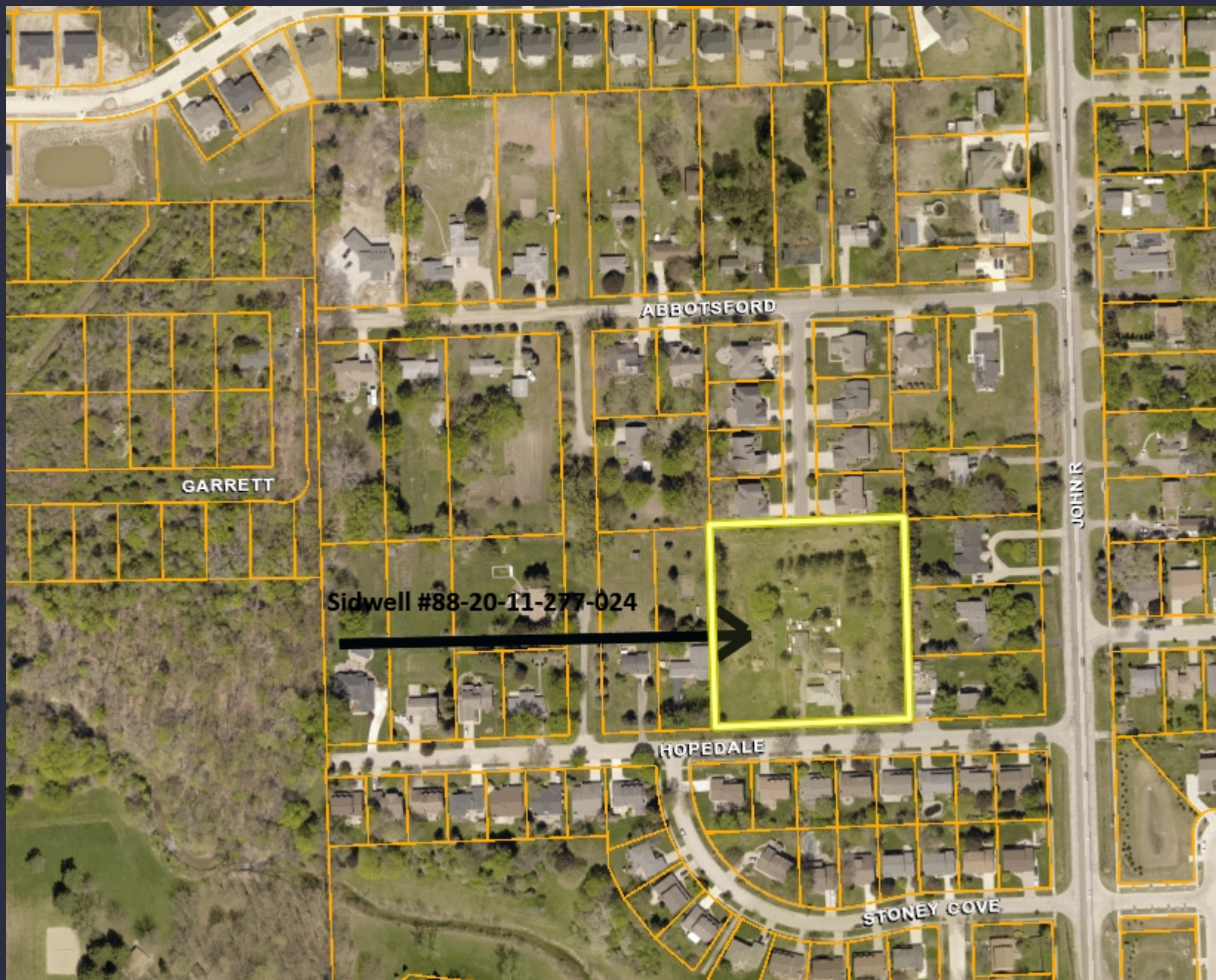
City Management recommends that City Council accept permanent easement consistent with our policy of accepting deeds and easements for development and improvement purposes.



GIS Online

Legend:

 Tax Parcel



Notes:

Hopedale Site Condominium
Section 11
#88-20-11-277-024

Map Scale: 1=339
Created: May 19, 2020



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.

**PERMANENT EASEMENT
FOR PUBLIC & FRANCHISE UTILITIES**

Sidwell # PT 20-11-277-024

GFA Hopedale Gardens LLC, a Michigan limited liability company, whose address is 985 Elmsford, Troy, Michigan 48083, for and in consideration of the sum of: One Dollar and no/100 (\$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 public utility & franchise utilities, said easement for land situated in the City of Troy, County of Oakland, Michigan, described as:

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

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.

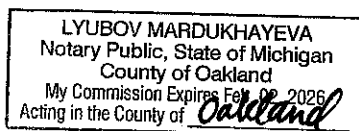
This instrument shall be binding upon and inure to the benefit of the parties hereto, their heirs, representatives, successors and assigns and the covenants contained herein shall run with the land.

IN WITNESS WHEREOF, the undersigned hereunto affixed its signature(s) this 7 day of April, 2021.

GFA HOPEDALE GARDENS LLC.
a Michigan limited liability company
By: GFA Development, Inc.,
a Michigan corporation
Its: Sole Member
By: [Signature]
Gary Abitheira
Its: Authorized Party

STATE OF MICHIGAN)
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this 7 day of April, 2021, by Gary Abitheira, Authorized Party for the GFA Development, Inc., a Michigan corporation, the Sole Member of GFA Hopedale Gardens LLC.



[Signature]
Notary Public, _____ County, MI
My Commission Expires _____
Acting in _____

Drafted by:
Larysa Figol SRWA
City of Troy
500 West Big Beaver, Troy, Michigan 48084

When Recorded Return to City Clerk:
City of Troy
500 West Big Beaver Road
Troy, Michigan 48084

LEGAL DESCRIPTIONS

LEGAL DESCRIPTION

(As surveyed by PEA, Inc.)

PARCEL NO. 20-11-277-024

Land in the City of Troy, Oakland County, Michigan, described as follows:

Lots 20 and 21 of "Eyster's John R Farms Subdivision", as recorded in Liber 48, Page 12 of plats, Oakland County Records, being part of the Northeast 1/4 of Section 11, Town 2 North, Range 11 East and more particularly described as:

Commencing at the East 1/4 corner of said Section 11; thence along the east-west 1/4 line of said section, S89°40'23"W, 300.74 feet to the extension of the east line of said Lot 20; thence along said extension, N00°15'59"E, 44.26 feet to the north line of Hopedale Road (60 feet wide) and the POINT OF BEGINNING;

thence along said north line, S89°22'00"W, 341.76 feet to the west line of said Lot 21;

thence along said west line, N00°15'59"E, 351.91 feet to the south line of "Abbottsford Parc Subdivision", as recorded in Liber 284, Page 19-21, Oakland County Records;

thence along said south line, N89°22'00"E, 341.76 feet to the aforementioned east line of Lot 20;

thence along said east line, S00°15'59"W, 351.91 feet to the aforementioned north line of Hopedale and the POINT OF BEGINNING.

Containing 2.76 acres of land, more or less.

LEGAL DESCRIPTION

(Per PEA, Inc.)

10 FOOT WIDE FRANCHISE UTILITY EASEMENT "A"

A 10 foot wide franchise utility easement over part of Lot 21 of "Eyster's John R Farms Subdivision", as recorded in Liber 48, Page 12 of plats, Oakland County Records, being part of the Northeast 1/4 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 follows:

Commencing at the East 1/4 corner of said Section 11; thence along the east-west 1/4 line of said section, S89°40'23"W, 300.74 feet to the extension of the east line of Lot 20; thence along said extension, N00°15'59"E, 44.26 feet to the north line of Hopedale Road (60 feet wide);

thence along said north line, S89°22'00"W, 144.80 feet to the POINT OF BEGINNING of said centerline of easement;

thence N00°15'59"E, 351.91 feet to the south line of "Abbottsford Parc Subdivision", as recorded in Liber 284, Page 19-21, Oakland County Records and the POINT OF ENDING.

LEGAL DESCRIPTION

(Per PEA, Inc.)

10 FOOT WIDE FRANCHISE UTILITY EASEMENT "B"

A 10 foot wide franchise utility easement over part of Lot 21 of "Eyster's John R Farms Subdivision", as recorded in Liber 48, Page 12 of plats, Oakland County Records, being part of the Northeast 1/4 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 follows:

Commencing at the East 1/4 corner of said Section 11; thence along the east-west 1/4 line of said section, S89°40'23"W, 300.74 feet to the extension of the east line of Lot 20; thence along said extension, N00°15'59"E, 44.26 feet to the north line of Hopedale Road (60 feet wide);

thence along said north line, S89°22'00"W, 216.81 feet to the POINT OF BEGINNING of said centerline of easement;

thence N00°15'59"E, 37.57 feet;

thence N89°44'01"W, 20.00 feet;

thence N00°15'59"E, 314.02 feet to the south line of "Abbottsford Parc Subdivision", as recorded in Liber 284, Page 19-21, Oakland County Records and the POINT OF ENDING.



PEA, Inc.

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

CLIENT:

GFA DEVELOPMENT, INC
985 ELMSFORD
TROY, MI 48083

SCALE: 1" = 60'

JOB No: 2019283

DATE: 4-13-20

DWG. No: 2 of 2

SKETCH OF FRANCHISE UTILITY EASEMENTS

PARCEL NO. 20-11-277-017

LOT 4
PARCEL NO. 20-11-277-030

VIKING DR.
(60' WIDE - PUBLIC)

LOT 5
PARCEL NO. 20-11-277-031

"ABBOTSFORD
PARC SUBDIVISION"
(L.284, P.19-21)

PARCEL NO. 20-11-277-010
LOT 4

PARCEL NO. 20-11-277-011
LOT 3

PARCEL NO. 20-11-277-012
LOT 2

PARCEL NO. 20-09-277-013
LOT 1

LOT 22
PARCEL NO. 20-11-277-005

PARCEL NO. 20-11-277-024

LOT 21
"EYSTER'S JOHN
R. FARMS"
(L.48, P.12)

LOT 20

"EYSTER'S JOHN
R. FARMS"
(L.48, P.12)

10' WIDE
FRANCHISE
UTILITY
ESMT "B"

10' WIDE
FRANCHISE
UTILITY
ESMT "A"

CENTERLINE
FRAN. UTIL
EASEMENT

CENTERLINE
FRAN. UTIL
EASEMENT

N89°22'00"E 341.76'(C)

SOUTH LINE
"ABBOTSFORD
PARC SUB"

N00°15'59"E 351.91'(C)

N00°15'59"E 314.02'

N00°15'59"E 37.57'

N89°44'01"W 20.00'

P.O.B.
ESMT
"B"

P.O.B.
ESMT
"A"

S89°22'00"W 144.80'

S89°22'00"W 216.81'

S89°22'00"W 341.76'(C)

HOPEDALE ROAD (60' WIDE - PUBLIC)

NORTH LINE
HOPEDALE RD

S89°40'23"W 2640.98'(M)

EAST-WEST 1/4
LINE SECTION 11

S89°40'23"W 300.74'

EAST 1/4 CORNER
SECTION 11
T.2N., R.11E.

P.O.B.
PARCEL

N00°15'59"E 44.26'

0 30 60 120

GRAPHIC SCALE
1" = 60'

CLIENT:
GFA DEVELOPMENT, INC
985 ELMSFORD
TROY, MI 48083

SCALE: 1" = 60'

DATE: 4-13-20

JOB No: 2019283

DWG. No: 1 of 2

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