



500 West Big Beaver
Troy, MI 48084
troy.mi.gov



CITY COUNCIL AGENDA ITEM

Date: January 5, 2022

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 Vacate a Portion of Sanitary Sewer Easement - Sidwell #88-20-21-352-016 and for Acceptance of Two Permanent Easements – Sidwell #88-20-21-352-016 & 017

History

The extensive commercial expansion at the northeast corner of Big Beaver and Crooks Road required the reconfiguration of a sanitary sewer line. New utility plans were reviewed by the City's Engineering Department who recommend that a portion of an easement previously granted and recorded in Liber 8548, Page 846 in Oakland County Records be vacated.

The City of Troy will return its' interest in a portion of the sanitary sewer to Zen Troy, LLC, owner of the property having Sidwell #88-20-21-352-016. These rights will be returned by Quit Claim Deed executed by the Mayor and City Clerk.

To replace the vacated sanitary sewer line Zen Troy, LLC, owner of the property having Sidwell #88-20-21-352-016 and Troy 888, LLC, owner of the property having Sidwell #88-20-21-352-017 have each granted a sanitary sewer easement for the new service line.

Financial

The consideration amount on each document is \$1.00.

Recommendation

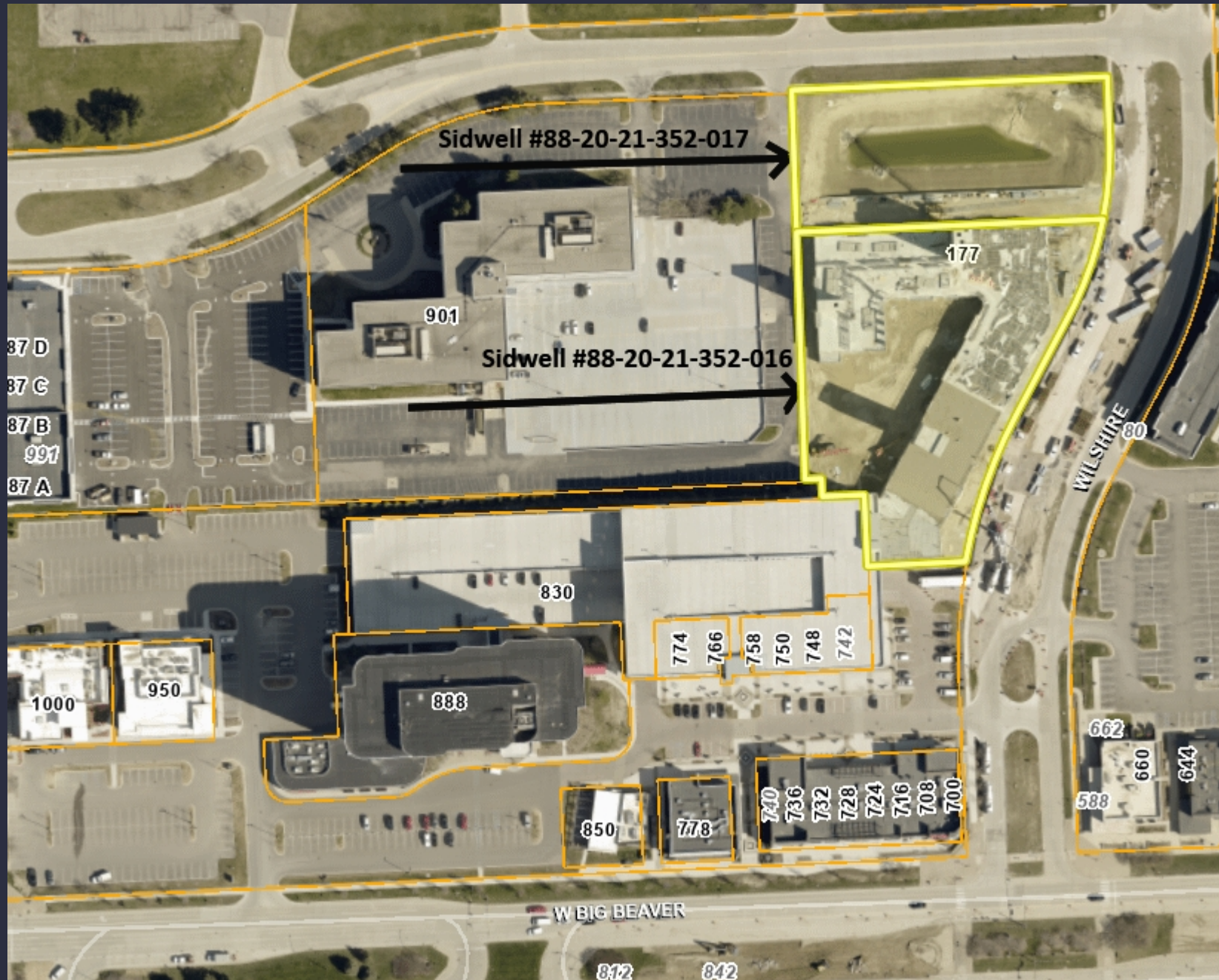
City Staff recommends that City Council vacate a portion of an existing sanitary sewer easement previously recorded in Liber 8548, Page 846 by recording a Quit Claim Deed executed by the Mayor and City Clerk with Oakland County Register of Deeds.

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



GIS Online

Legend:



Notes:

Troy 888, LLC - #
88-20-21-352-017
Zen Troy, LLC - #
88-20-21-352-016

Map Scale: 1=214

Created: January 5, 2022



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.

QUIT CLAIM DEED

Sidwell #88-20-21-352-016 (pt)
Resolution #

The **CITY OF TROY**, a Michigan municipal corporation, Grantor, whose address is 500 West Big Beaver, Troy, MI 48084 quit claims to **ZEN TROY, LLC**, a Florida limited liability company, Grantee, whose address is 7940 Via Dellagio Way, Suite 200, Orlando, FL 32819 the following described interest in land situated in the City of Troy, County of Oakland and State of Michigan and attached as Exhibit "A", a portion of which was previously recorded in an easement recorded in L8548, Page 846, Oakland County Register of Deeds:

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

For the sum of One Dollar (\$ 1.00)

Dated this _____ day of January, 2022.

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 January, 2022 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.

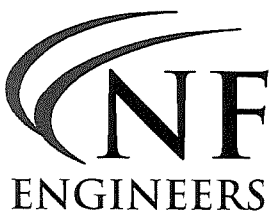
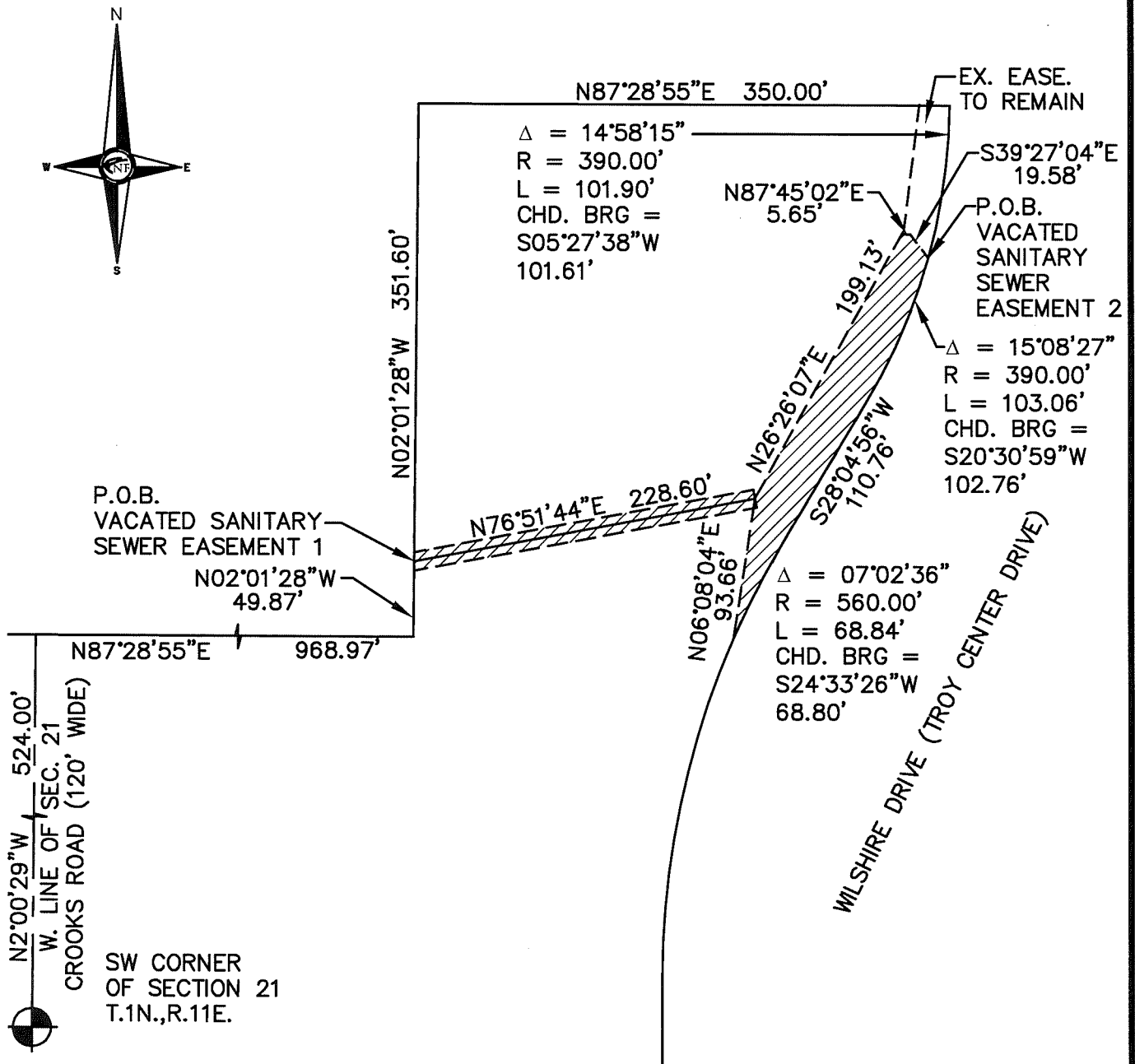
*
Notary Public, _____ County, MI
My commission expires: _____
Acting in _____ County, MI

County Treasurer's Certificate		City Treasurer's Certificate	
When recorded return to: Amy Barnard 740 Via Dellagio Way Suite 200 Orlando, FL 32819	Send subsequent tax bills to: Grantee	Drafted by: Larysa Figol City of Troy 500 West Big Beaver Troy, MI 48084	

Tax Parcel # 88-20-21-352-016 (pt) Recording Fee _____ Transfer Tax _____

Exhibit A

VACATED SANITARY SEWER EASEMENTS



ENGINEERS
NOWAK & FRAUS ENGINEERS
46777 WOODWARD AVE.
PONTIAC, MI 48342-5032
TEL. (248) 332-7931
FAX. (248) 332-8257

SCALE
1" = 100'

DATE
04-06-2018

DRAWN
N.N.

JOB NO.
3916-05

SHEET
1 of 2

Exhibit A

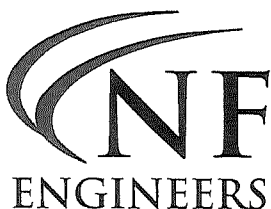
VACATED SANITARY SEWER EASEMENTS

Legal Description: Vacated Sanitary Sewer Easement 1

The centerline of a twelve (12.00) Sanitary sewer easement located in the Southwest ¼ of Section 21, Town 2 North, Range 11 East, City of Troy, Oakland County Michigan, described as: Commencing at the Southwest corner of said Section 21; thence North 02 degrees 00 minutes 29 seconds West, 524.00 feet along the West line of Section 21; thence North 87 degrees 28 minutes 55 seconds East, 968.97 feet; thence North 02 degrees 01 minutes 28 seconds West, 49.87 feet from the Southwest corner of said Section 21 to the point of beginning; thence North 76 degrees 51 minutes 44 seconds East, 228.60 feet to the point of ending.

Legal Description: Vacated Sanitary Sewer Easement 2

Sanitary sewer easement located in the Southwest ¼ of Section 21, Town 2 North, Range 11 East, City of Troy, Oakland County Michigan, described as: Commencing at the Southwest corner of said Section 21; thence North 02 degrees 00 minutes 29 seconds West, 524.00 feet along the West line of Section 21; thence North 87 degrees 28 minutes 55 seconds East, 968.97 feet; thence North 02 degrees 01 minutes 28 seconds West, 351.60 feet; thence North 87 degrees 28 minutes 55 seconds East, 350.00 feet; thence 101.90 feet along an arc of a curve to the right (radius 390.00 feet, central angle 14 degrees 58 minutes 15 seconds, chord bears South 05 degrees 27 minutes 38 seconds West, 101.61 feet) to the point of beginning; thence 103.06 feet along an arc of a curve to the right (radius 390.00 feet, central angle 15 degrees 08 minutes 27 seconds, chord bears South 20 degrees 30 minutes 59 seconds West, 102.76 feet); thence South 28 degrees 04 minutes 56 seconds West, 110.76 feet; thence 68.84 feet along an arc of a curve to the left (radius 560.00 feet, central angle 07 degrees 02 minutes 36 seconds, chord bears South 24 degrees 33 minutes 26 seconds West, 68.80 feet); thence North 06 degrees 08 minutes 04 seconds East, 93.66 feet; thence North 26 degrees 26 minutes 07 seconds East, 199.13 feet; thence North 87 degrees 45 minutes 02 seconds East, 5.65 feet; thence South 39 degrees 27 minutes 04 seconds East, 19.58 feet to the point of beginning.



NOWAK & FRAUS ENGINEERS
46777 WOODWARD AVE.
PONTIAC, MI 48342-5032
TEL. (248) 332-7931
FAX. (248) 332-8257

SCALE	DATE	DRAWN	JOB NO.	SHEET
1" = 100'	04-06-2018	N.N.	3916-05	2 of 2

PERMANENT EASEMENT

Sidwell #88-20-21-352-016 (pt of)

ZEN TROY, LLC, a Florida limited liability company, Grantor(s), whose address is 7940 Via Dellagio Way, Suite 200, Orlando, Florida 32819, 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, 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 **sanitary sewers** 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 his signature(s) this 5th day of January A.D. 2022.

Zen Troy, LLC,
a Florida limited liability company

By: Unicorp Investors III, LLC,
a Florida limited liability company,
its Sole Member

By: CW Family, LLLP,
a Florida limited liability limited partnership,
its Manager

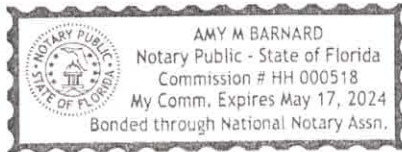
By: CW Family, LLC,
a Florida limited liability company,
its General Partner

By: 
Charles Whittall, Manager

[NOTARY ON FOLLOWING PAGE]

STATE OF FLORIDA)
COUNTY OF Orange) SS.

The foregoing instrument was acknowledged before me this 5th day of January, 2022, by Charles Whittall, as General Partner of CW Family, LLC, a Florida limited liability company, as Manager of CW Family, LLLP, a Florida limited liability limited partnership, as Sole Member of Unicorp Investors III, LLC, a Florida limited liability company, and as Manager of Zen Troy, LLC, a Florida limited liability company on behalf of said limited liability company.




* Amy M. Barnard
Notary Public, Orange County, Florida
My Commission Expires 5/17/2024
Acting in Orange County, Florida

Prepared by: Larysa Figol
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

PLEASE SIGN IN BLUE INK AND PRINT OR TYPE NAMES IN BLACK INK UNDER SIGNATURES

EXHIBIT "A"

Section 21, Proposed Variable Width
Sanitary Sewer Easement
Parcel: 88-20-21-352-016
Owner: Zen Troy LLC
Address: 177 Wilshire

Tax Description of Parcel:

T2N, R11E, SEC 21 Oakland County Condominium Plan No 2193, Troy City
Center, Unit 10, L 53366 P 267

Proposed Variable Width Sanitary Sewer Easement:

Part of Unit 10 of "Troy City Center", Oakland County Condominium Plan #2193 as recorded in Liber 53366, Page 267, being more particularly described as: Commencing at the southwest corner of said Unit 10; thence North 02 degrees 01 minutes 28 seconds West, along the west line of said unit, 33.18 feet to the Point of Beginning of Sanitary Sewer Easement #1; thence continuing along said west line, North 02 degrees 01 minutes 28 seconds West 239.82 feet to the north line of Unit 10; thence North 87 degrees 28 minutes 55 seconds East, along said north line, 52.50 feet to Point A; thence South 82 degrees 18 minutes 54 seconds West 36.68 feet; thence South 02 degrees 01 minutes 28 seconds East 236.66 feet; thence South 87 degrees 58 minutes 32 seconds West 16.00 feet to the Point of Beginning and also Commencing at said Point A on the north line of said Unit 10, thence North 87 degrees 28 minutes 55 seconds East, along said north line, 196.92 feet to the Point of Beginning of Sanitary Sewer Easement #2; thence; continuing along said north line, North 87 degrees 28 minutes 55 seconds East, 71.55 feet; thence South 04 degrees 29 minutes 09 seconds West 3.99 feet; thence South 26 degrees 26 minutes 07 seconds West 7.93 feet; thence North 83 degrees 18 minutes 29 seconds West 68.10 feet to the Point of Beginning. Containing a total of 4,294 Square Feet or 0.099 Acres more or less.



PROPOSED SANITARY SEWER
EASEMENT DIAGRAM
#88-20-21-352-016

SCALE	DRAWN BY	NAME	GJBIII	DATE	12-08-21
HOR. 1"=100'	CHECKED BY	NAME	GSF	DATE	XX-XX-XX
VER. 1"=X'		SHEET NO.		JOB NO.	
WILLIAM HUOTARI, P.E.		10F1		N/A	
CITY ENGINEER					

DATE	REV.
CONTRACT NO.	
N/A	

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

BIG BEAVER

PERMANENT EASEMENT

Sidwell #88-20-21-352-017 (pt of)

TROY 888, LLC, a Florida limited liability company, Grantor(s), whose address is 7940 Via Dellagio Way, Suite 200, Orlando, Florida 32819, 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, 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 **sanitary sewers** 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 his signature(s) this 5th day of January A.D. 2022.

Troy 888, LLC,
a Florida limited liability company

By: Unicorp Investors III, LLC,
a Florida limited liability company,
its Sole Member

By: CW Family, LLLP,
a Florida limited liability limited partnership,
its Manager

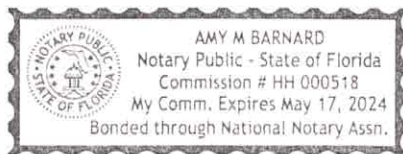
By: CW Family, LLC,
a Florida limited liability company,
its General Partner

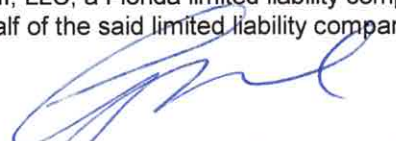
By: 
Charles Whittall, Manager

[NOTARY ON FOLLOWING PAGE]

STATE OF Florida)
COUNTY OF Orange) SS.

The foregoing instrument was acknowledged before me this 5th day of January, 2022, by Charles Whittall, as General Partner of CW Family, LLC, a Florida limited liability company, as Manager of CW Family, LLLP, a Florida limited liability limited partnership, as Sole Member of Unicorp Investors III, LLC, a Florida limited liability company, and as Manager of Troy 888, LLC, a Florida limited liability company on behalf of the said limited liability company.




* Amy M. Barnard
Notary Public, Orange County, Florida
My Commission Expires 5/17/2024
Acting in Orange County, Florida

Prepared by: Larysa Figol
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

PLEASE SIGN IN BLUE INK AND PRINT OR TYPE NAMES IN BLACK INK UNDER SIGNATURES

EXHIBIT "A"

Section 21, Proposed Variable Width
Sanitary Sewer Easement
Parcel: 88-20-21-352-017
Owner: Troy 888 LLC

Tax Description of Parcel:

T2N, R11E, SEC 21 Oakland County Condominium Plan No 2193, Troy City Center General Common Element to be Assessed with all units in Condo, L 53366 P 267.

Proposed Variable Width Sanitary Sewer Easement:

Part of Limited Common Element - Unit 10 of "Troy City Center", Oakland County Condominium Plan #2193 as recorded in Liber 53366, Page 267, being more particularly described as: Commencing at the southwest corner of said Unit 10; thence North 02 degrees 01 minutes 28 seconds West, along the west line of said unit, 273.00 feet to the Point of Beginning of Sanitary Sewer Easement; thence, continuing North 02 degrees 01 minutes 28 seconds West 15.35 feet; thence North 82 degrees 18 minutes 54 seconds East 180.24 feet; thence South 83 degrees 18 minutes 29 seconds East 144.24 feet; thence South 04 degrees 29 minutes 09 seconds West 8.55 feet; thence South 87 degrees 28 minutes 55 seconds West 71.55 feet; thence North 83 degrees 18 minutes 29 seconds West 71.42 feet; thence South 82 degrees 18 minutes 54 seconds West 126.93 feet; thence South 87 degrees 28 minutes 55 seconds West 52.50 feet to the Point of Beginning. Containing a total of 5,935 Square Feet or 0.136 Acres more or less.

SW COR.
SEC. 21
T2N-R11E

BIG BEAVER

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

N/A

DATE _____ REV. _____

CONTRACT NO.

N/A

FILE: Easement Review DGN

SCALE	DRAWN BY
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HOR. 1"=100'	CHECKED BY
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VER. 1"=X'	
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WILLIAM HUOTARI, P.E.

CITY ENGINEER

NAME	GJBIII	DATE	12-08-21
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NAME	GSF	DATE	XX-XX-XX
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SHEET NO.	JOB NO.
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10-1	N/A
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CITY OF TROY
OAKLAND COUNTY, MICHIGAN

**PROPOSED SANITARY SEWER
EASEMENT DIAGRAM
#88-20-21-352-017**

Graphic Scale: 1"=100'

