



500 West Big Beaver  
Troy, MI 48084  
troymi.gov



## CITY COUNCIL AGENDA ITEM

Date: January 19, 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 Sanitary Sewer Easement - Sidwell #88-20-21-352-016 and #88-20-21-352-017

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### **History**

The extensive commercial expansion at the northeast corner of Big Beaver and Crooks roads required the reconfiguration of public utilities. City Council vacated a portion of a sanitary sewer easement at their January 10, 2022 meeting and accepted a new easement in its' stead.

An Alta Survey provided to the Engineering Department showed yet another sanitary sewer easement, recorded in L51871 Page 298, Oakland County Register of Deeds, that encroached into a newly constructed structure. Vacating this easement will cure the encroachment.

The City of Troy will return its' interest in the sanitary sewer to Zen Troy, LLC, owner of the property having Sidwell #88-20-21-352-016 and to Troy 888, LLC, owner of the property having Sidwell #88-20-21-352-017. The easement rights will be returned by Quit Claim Deed executed by the Mayor and City Clerk.

The property has a new sanitary sewer constructed several feet to the north of the easement to be vacated. A permanent easement for this sewer was accepted by City Council at the January 10, 2022 meeting and sent for recording to Oakland County Register of Deeds.

### **Financial**

The consideration amount on each document is \$1.00.

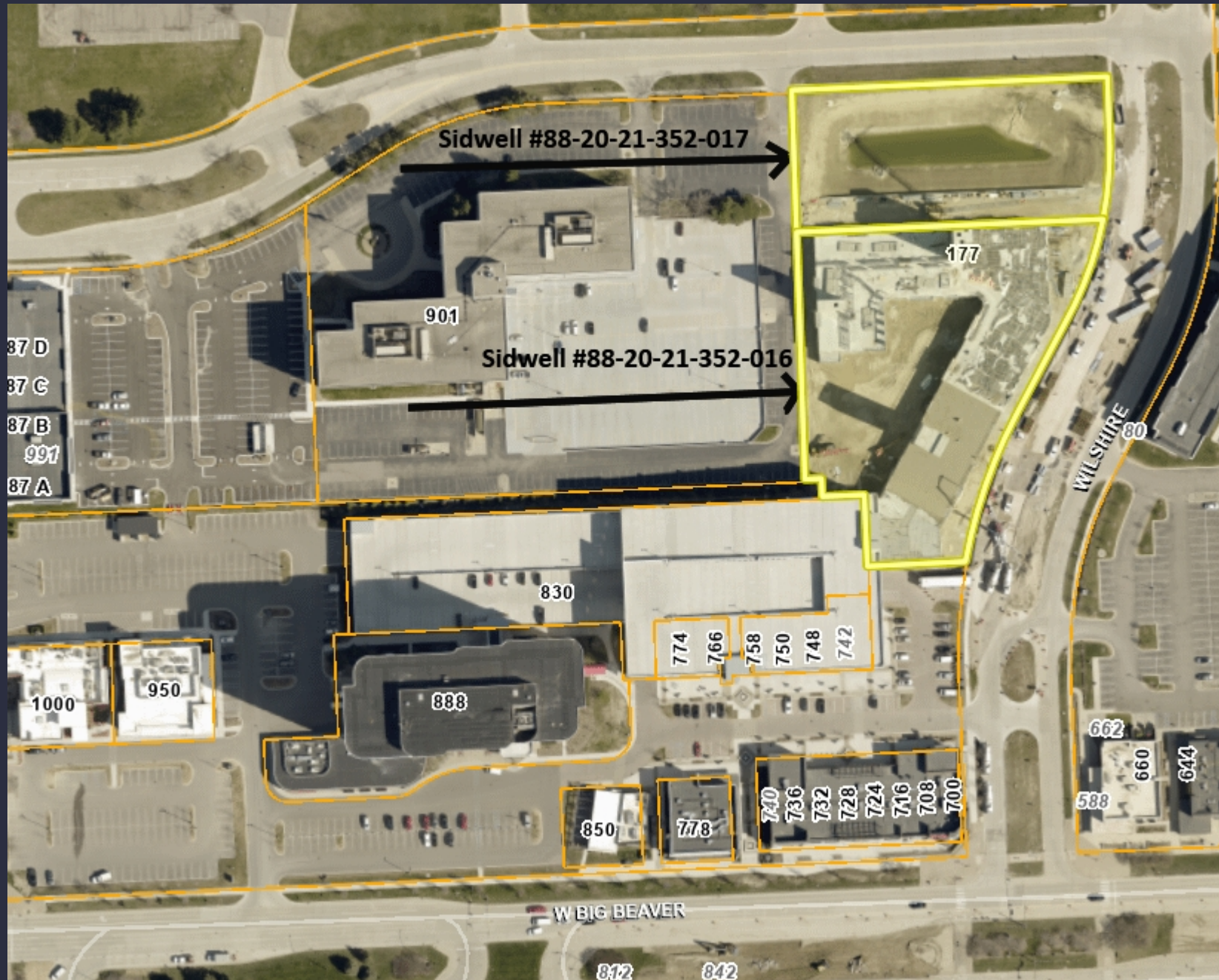
### **Recommendation**

City Staff recommends that City Council vacate a sanitary sewer easement previously recorded in Liber 51871, Page 298 by recording two Quit Claim Deeds executed by the Mayor and City Clerk returning the easement rights to the property owners.



# 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.

RECEIVED  
OAKLAND COUNTY  
REGISTER OF DEEDS

2018 JUN -5 PM 2:00

LIBER 51871 PAGE 298  
\$21.00 MISC RECORDING  
\$4.00 REMONUMENTATION  
\$5.00 AUTOMATION  
06/05/2018 02:19:06 PM RECEIPT# 61957  
PAID RECORDED - Oakland County, MI  
Lisa Brown, Clerk/Register of Deeds

**PERMANENT EASEMENT  
FOR SANITARY SEWERS**

Sidwell #88-20-21-352-010 (pt of)

**ZEN TROY, LLC**, a Florida limited liability company, Grantor(s), whose address is 7940 Via Dellagio Way, Suite 200, Orlando, FL 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, Troy, MI 48084, grants to Grantee the right to access, construct, reconstruct, modify, operate, maintain, repair, upgrade, improve, inspect, enlarge, 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.

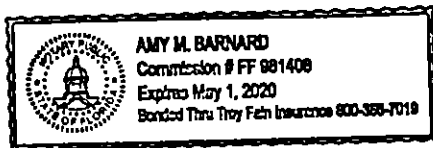
IN WITNESS WHEREOF, the undersigned hereunto affixed his signature(s) this 8<sup>th</sup> day of May, 2018.

**ZEN TROY, LLC**  
a Florida limited liability company

By [Signature] (L.S.)  
Its: Charles Whitall  
manager

STATE OF Florida  
COUNTY OF Orange

The foregoing instrument was acknowledged before me this 8<sup>th</sup> day of May, 2018, by Charles Whitall, Manager of **ZEN TROY, LLC**, a Florida limited liability company, on behalf of the company.



\* Amy Barnard  
Notary Public, Orange County, Florida  
My Commission Expires MAY 1, 2020  
Acting in Orange County, FL

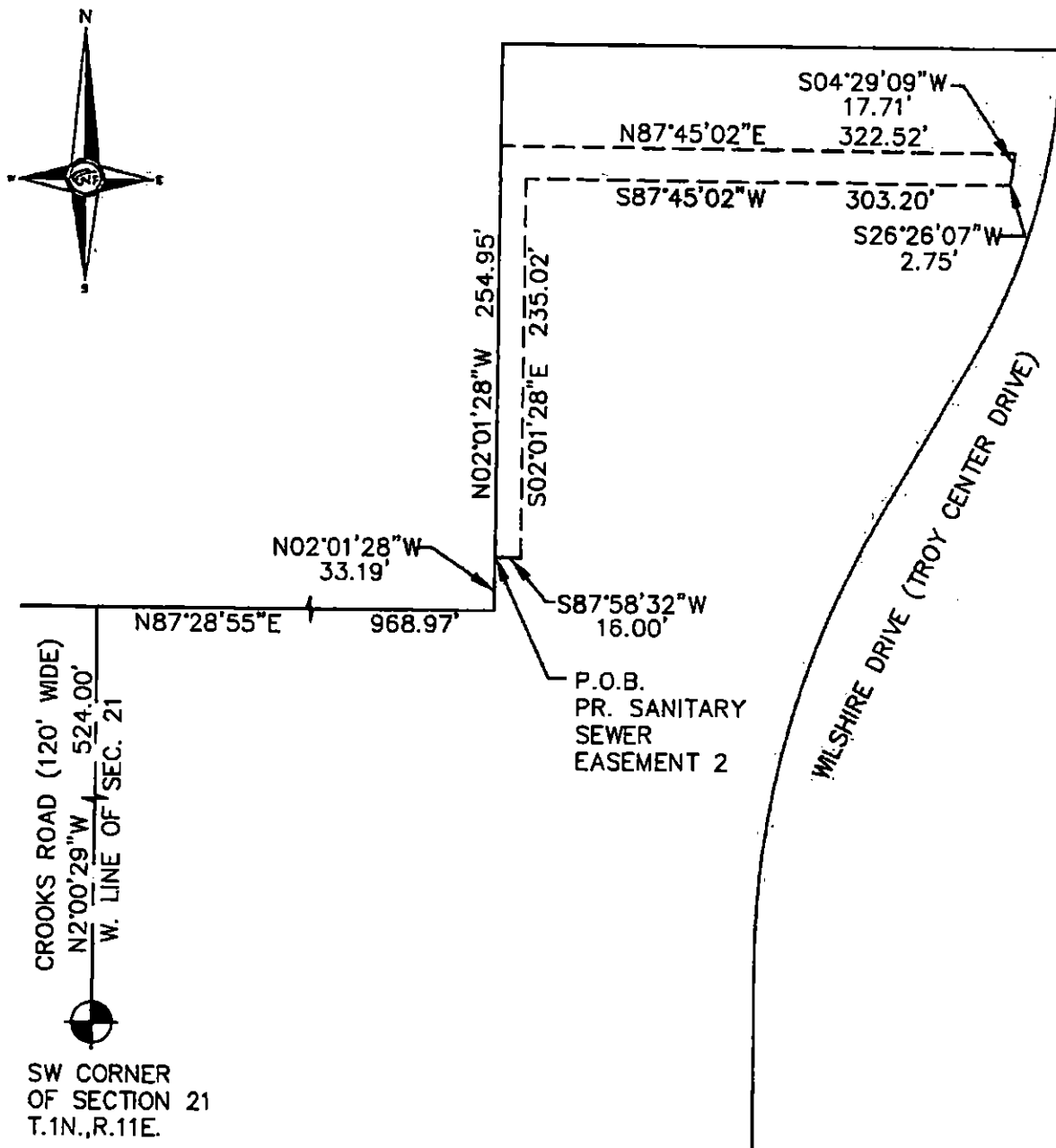
Prepared by: Larysa Figol, SR/WA, City of Troy, 500 West Big Beaver, Troy, MI 48084  
When recorded return to: City Clerk, City of Troy, 500 West Big Beaver, Troy, MI 48084

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

OK - LB

## Exhibit A

## PROPOSED SANITARY SEWER EASEMENT



### Legal Description: Proposed Sanitary Sewer Easement 2

Sanitary sewer easement located in the Southwest 1/4 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, 33.19 feet from the Southwest corner of said Section 21 to the point of beginning; thence North 02 degrees 01 minutes 28 seconds West, 254.95 feet; thence North 87 degrees 45 minutes 02 seconds East, 322.52 feet; thence the following two (2) courses along an existing sanitary sewer easement: 1) South 04 degrees 29 minutes 09 seconds West, 17.71 feet; 2) South 26 degrees 26 minutes 07 seconds West, 2.75 feet; thence South 87 degrees 45 minutes 02 seconds West, 303.20 feet; thence South 02 degrees 01 minutes 28 seconds East, 235.02 feet; thence South 87 degrees 58 minutes 32 seconds West, 16.00 feet to the point of beginning.

pt 20-21-32-010 Unit 10 Troy City Center  
occp# 2193



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

SCALE  
1" = 100'

DATE  
03-28-2018

DRAWN  
N.N.

JOB NO.  
3916-05

SHEET  
2 of 3

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 L51871, Page 298, 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"**

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

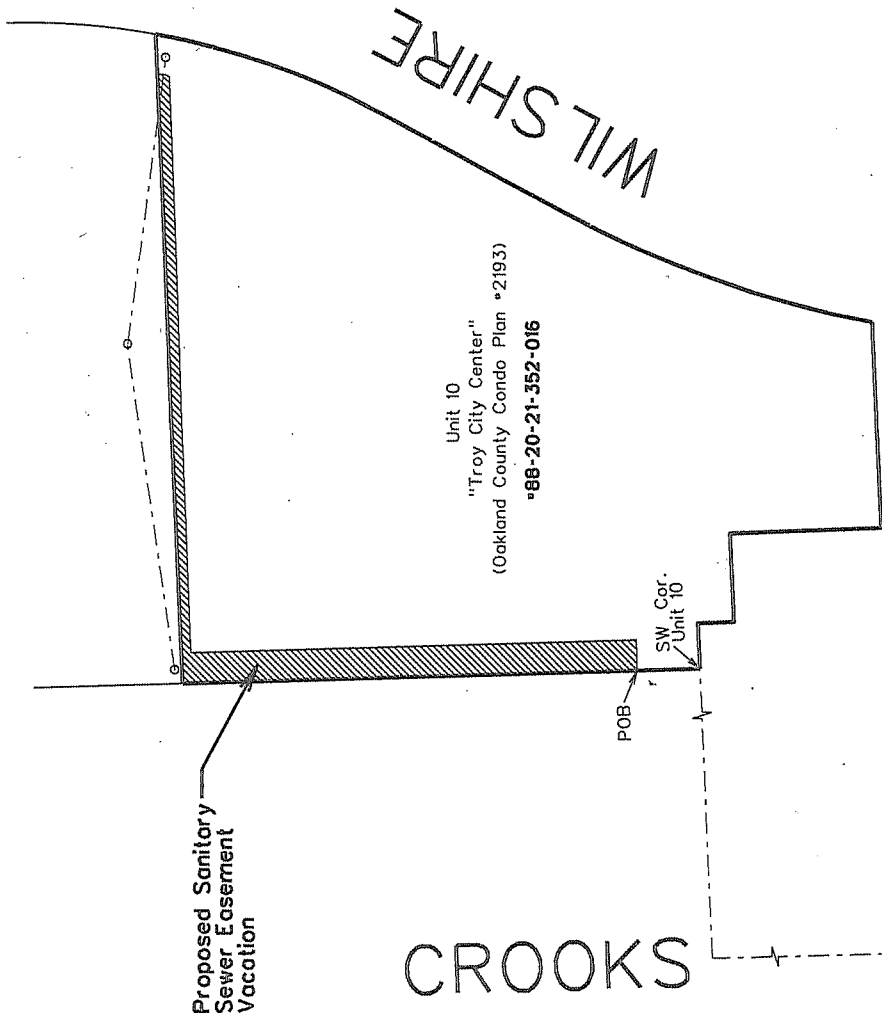
### **Tax Description of Parcel:**

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

### **Proposed Sanitary Sewer Easement Vacation:**

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, 33.19 feet to the Point of Beginning of Sanitary Sewer Easement Vacation; 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, 320.97 feet; thence South 04 degrees 29 minutes 09 seconds West 3.99 feet; thence South 26 degrees 26 minutes 07 seconds West 2.75 feet; thence South 87 degrees 45 minutes 02 seconds West 303.20 feet; thence South 02 degrees 01 minutes 28 seconds East 235.02 feet; thence South 87 degrees 58 minutes 32 seconds West 16.00 feet to the Point of Beginning. Containing a total of 5,560 Square Feet or 0.128 Acres more or less.





CITY OF TROY OAKLAND COUNTY, MICHIGAN	
PROPOSED SANITARY SEWER EASEMENT VACATION DIAGRAM #88-20-21-352-016	
FILE: Easement Review.DGN	
SCALE	DRAWN BY
HOR. 1"=100'	CHECKED BY
VER. 1"=X'	NAME GSF
WILLIAM HUOTARI, P.E.	SHEET NO.
CITY ENGINEER	10F1
	JOB NO.
	N/A

DATE	REV.
CONTRACT NO.	
N/A	

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

QUIT CLAIM DEED

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

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

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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 # 88-20-21-352-017 (pt) Recording Fee \_\_\_\_\_ Transfer Tax \_\_\_\_\_



## **EXHIBIT "A"**

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

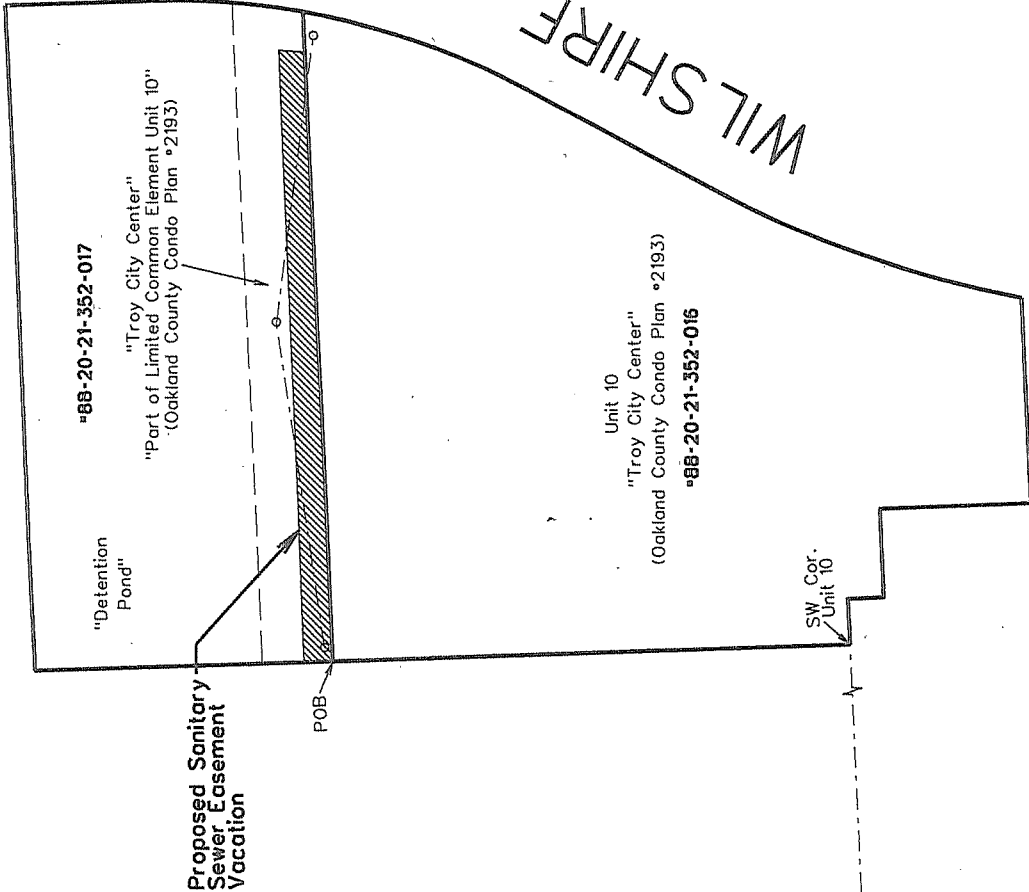
### **Tax Description of Parcel:**

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 Sanitary Sewer Easement Vacation:**

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 Vacation; thence, continuing North 02 degrees 01 minutes 28 seconds West 15.13 feet; thence North 87 degrees 45 minutes 02 seconds East 322.52 feet; thence South 04 degrees 29 minutes 09 seconds West 13.72 feet; thence South 87 degrees 28 minutes 55 seconds West 320.97 feet to the Point of Beginning. Containing a total of 4,626 Square Feet or 0.106 Acres more or less.

WILSHIRE

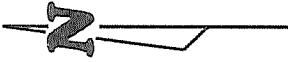


CROOKS

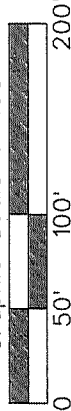
SW. COR.  
SEC. 21  
T2N-R1E

BIG BEAVER

WILSHIRE



Graphic Scale: 1"=100'



CITY OF TROY  
OAKLAND COUNTY, MICHIGAN

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

FILE: Easement Review.DGN

SCALE	DRAWN BY	NAME	GJB/III	DATE	01-12-22
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