



500 West Big Beaver
Troy, MI 48084
troymi.gov



CITY COUNCIL AGENDA ITEM

Date: May 17, 2022

To: Mark F. Miller, City Manager

From: Robert J. Bruner, Assistant City Manager
Kurt Bovensiepe, Public Works Director
Dennis Trantham, Facilities Manager
William J. Huotari, City Engineer
Larysa Figol, Sr. Right-of-Way Representative

Subject: Request to Grant an Underground Utility Easement to DTE Electric Company,
Sylvan Glen Park, Sidwell #88-20-10-200-001

History

As part of the proposed restroom facility upgrades at Sylvan Glen Park and future improvements, Detroit Electric Company (DTE) has requested a permanent easement for underground utilities over and under part of the Sylvan Glen Golf Course Park, a City of Troy owned property identified with Sidwell #88-20-10-200-001.

DTE will install a ground transformer in the easement area to furnish electrical power to the site. The transformer will also serve future improvements at the park.

Department of Public Works staff and their consultant have reviewed the plans and approve the location and placement of the ground transformer. The format and content of this easement is consistent with conveyance documents previously granted by Troy City Council.

Financial

The consideration amount on this document is \$1.00.


Recommendation

City Management recommends that Troy City Council grant the attached permanent easement consistent with our policy of granting easements for development and improvement purposes and to authorize the Mayor and City Clerk to execute the easement.



GIS Online

Legend:

 Tax Parcel



Notes:

DTE Easement
Sylvan Glen Park

Map Scale: 1=424

Created: May 18, 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.

DTE Electric Company Underground Easement (Right of Way) No. 64253008-64253011

On _____, 2022, for the consideration of system betterment, Grantor grants to Grantee a permanent, non-exclusive underground easement ("Right of Way") in, on, and across a part of Grantor's Land called the "Right of Way Area".

"Grantor" is: City of Troy, a Michigan municipal corporation, whose address is 500 W. Big Beaver Rd, Troy, MI 48084

"Grantee" is: DTE Electric Company, a Michigan corporation, One Energy Plaza Drive, Detroit, Michigan 48226

"Grantor's Land" is in NE 1/4, SEC 10, T2N, R11E, CITY OF TROY, County of OAKLAND, and State of Michigan, and is described as follows:

T2N, R11E, SEC 10 NE 1/4 EXC N 60 FT TAKEN FOR RD, ALSO EXC E 75 FT TAKEN FOR RD 156.01 A 3-13-03 CORR

Tax Identification Number(s): **20-10-200-001**

More commonly known as: **5705 ROCHESTER RD # -5729 TROY MI 48085-3354**

The "Right of Way Area" is a ten (10') foot wide easement on part of Grantor's Land. The centerline of the Right of Way Area shall be established in the as-built location of the centerline of Grantee's facilities, and shall be installed on Grantor's Land in the approximate location described as follows:

THE LEGAL DESCRIPTION OR EASEMENT DRAWING IS MORE PARTICULARLY DESCRIBED ON EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF.

- 1. Purpose:** The purpose of this Right of Way is to construct, reconstruct, modify, add to, repair, replace, inspect, operate and maintain underground utility line facilities, which may consist of poles, guys, anchors, wires, manholes, conduits, pipes, cables, transformers and accessories.
- 2. Access:** Grantee has the right of pedestrian and vehicular ingress and egress to and from the Right of Way Area over and across Grantor's Land.
- 3. Buildings or other Permanent Structures:** No buildings or other permanent structures or improvements may be constructed or placed in the Right of Way Area without Grantee's prior, written consent. Grantor agrees, at its own expense, to remove any improvement that interferes with the safe and reliable operation, maintenance and repair of Grantee's facilities upon the written demand of Grantee. If Grantor fails to comply with such demand, Grantor agrees that Grantee may remove any such improvement and bill Grantor for the cost thereof, which cost Grantor shall pay within thirty (30) days after demand therefor.
- 4. Excavation:** Pursuant to 2013 Public Act 174, MISS DIG (1-800-482-7171 or 811 in some areas) must be called before any excavation in the Right of Way Area may proceed.
- 5. Trees, Bushes, Branches, Roots, Structures and Fences:** Grantee may trim, cut down, remove or otherwise control any trees, bushes, branches and roots growing or that could grow or fall in the Right of Way Area and remove any structures, improvements, fences, buildings or landscaping in the Right of Way Area that Grantee believes could interfere with the safe and reliable construction, operation, maintenance and repair of Grantee's facilities. No landscaping, trees, plant life, structures, improvements or fences may be planted, grown or installed within 8 feet of the front door, or within 2 feet of the other sides, of transformers or switching cabinet enclosures, and Grantee shall not be responsible for any damage to, or removal of, landscaping, trees, plant life, structures, improvements and/or fences located in such areas.
- 6. Restoration:** If Grantee's agents, employees, contractors, subcontractors, vehicles or equipment damage Grantor's Land while entering Grantor's Land for the purposes stated in this Right of Way, then Grantee will restore Grantor's Land as nearly as is

reasonably practicable to the condition in which it existed prior to such damage. Restoration with respect to paved surfaces shall consist of asphalt cold patching of the damaged portion of any asphalted surfaces when the weather conditions suggest such use and the cement patching of the damaged portion of any cemented surfaces. Grantee shall have no liability, however, for the restoration or cost of any improvements located within the Right of Way Area, including, but not limited to, parking islands, gutters, fences or landscaping such as trees, bushes, or flowers (but not a simple lawn which, if damaged, will be patched and re-seeded by Grantee) that are damaged by Grantee in the course of constructing, reconstructing, modifying, adding to, repairing, replacing, operating or maintaining its facilities as described in paragraph 1 above.

7. **Successors:** This Right of Way runs with the land and binds and benefits Grantor's and Grantee's successors and assigns.

8. **Exemptions:** This Right of Way is exempt from transfer tax pursuant to MCL 207.505(a) and MCL 207.526(a).

9. **Governing Law:** This Right of Way shall be governed by the laws of the State of Michigan.

Grantor(s): City of Troy

By: _____

Name: Ethan D. Baker

Title: Mayor

Acknowledged before me in _____ County, Michigan, on _____, 2022, by: Ethan D. Baker, Its: Mayor for City of Troy, a Michigan municipal corporation.

Notary's

Stamp _____

Acting in _____ County, Michigan

Notary's

Signature _____

Grantor(s): City of Troy

By: _____

Name: M. Aileen Dickson

Title: City Clerk

Acknowledged before me in _____ County, Michigan, on _____, 2022, by: M. Aileen Dickson, Its: City Clerk for City of Troy, a Michigan municipal corporation.

Notary's

Stamp _____

Acting in _____ County, Michigan

Notary's

Signature _____

Drafted by and when recorded, return to: Cassandra Dansby, DTE Electric Company, NW Planning & Design, 1970 Orchard Lake Rd., Sylvan Lake, MI 48320

PROPERTY DESCRIPTION
T2N, R11E, SEC 10 NE
1/4 EXC N 60 FT TAKEN
FOR RD, ALSO EXC E 75
FT TAKEN FOR RD
156.01 A 3-13-03 CORR

LEGEND

SET NEW POLE

CABLE POLE / RISER

POSITION OF SWEEP UP CABLE POLE

BURIED PRIMARY CABLE (ALL VOLTAGES)

BURIED SECONDARY CABLE

SINGLE DUCT OCCUPIED

DOUBLE DUCT 1 - OCCUPIED

SINGLE DUCT-TO BLIND END FOR FUTURE USE

PAD-MOUNTED TRANSFORMER

DIRECTION OF TRANSFORMER DOOR OPENING

GUARD POST

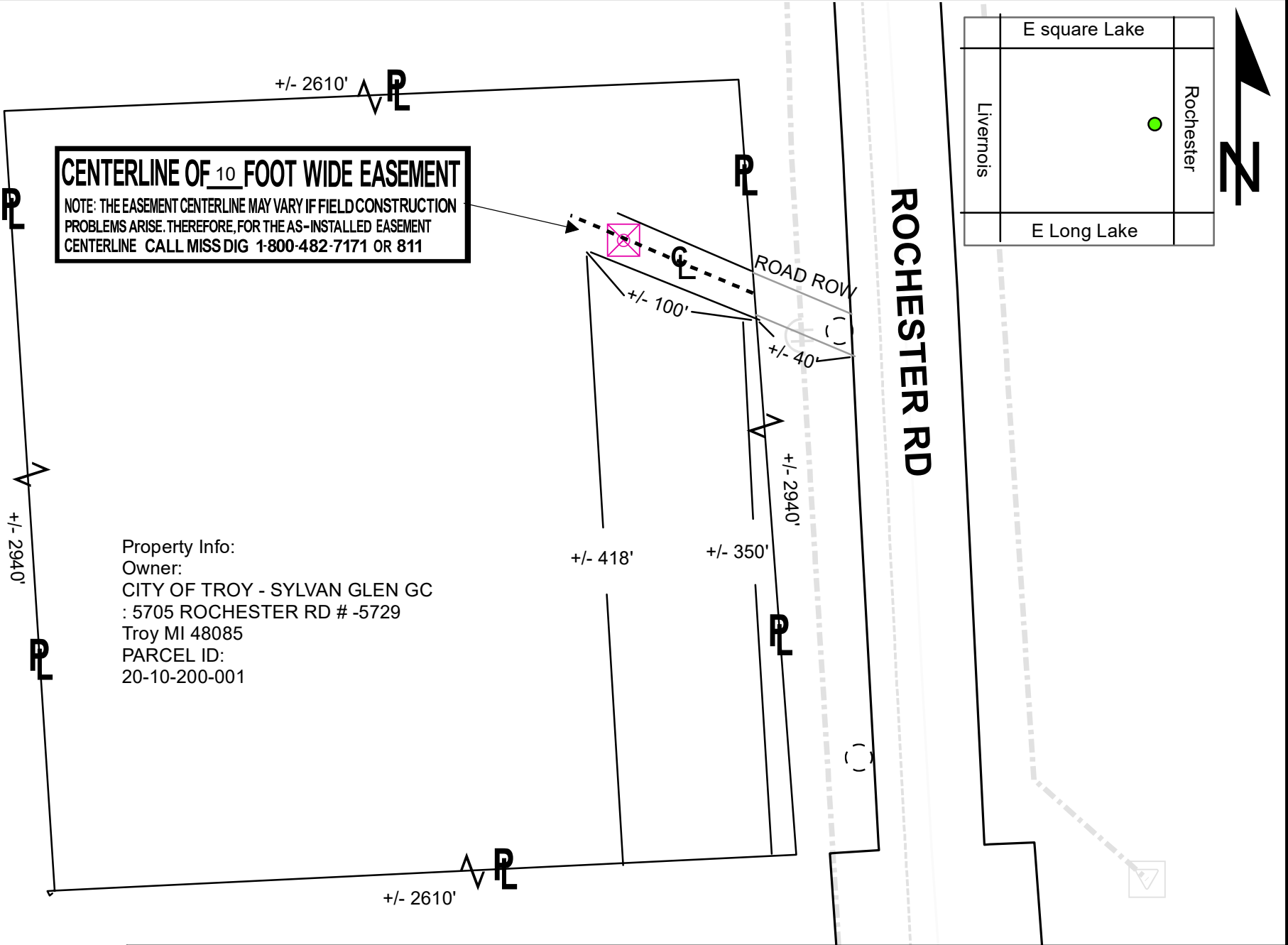
P.S.C

PRIMARY SWITCH CABINET

S.C.C

SEPARABLE CONNECTION CABINET

NOTICE
LOCATIONS OF UNDERGROUND FACILITIES ON THIS
DRAWING ARE ONLY APPROXIMATE. EXACT LOCATIONS
MUST BE DETERMINED BY THE UTILITY COMPANIES.
FOR EXACT LOCATIONS, TELEPHONE MISS DIG ON
1-800-482-7171 AS REQUIRED BY PUBLIC ACT 53
OF 1974 BEFORE DOING ANY POWER EXCAVATING.



CENTERLINE OF 10 FOOT WIDE EASEMENT
NOTE: THE EASEMENT CENTERLINE MAY VARY IF FIELD CONSTRUCTION
PROBLEMS ARISE. THEREFORE, FOR THE AS-INSTALLED EASEMENT
CENTERLINE CALL MISS DIG 1-800-482-7171 OR 811

Property Info:
Owner:
CITY OF TROY - SYLVAN GLEN GC
: 5705 ROCHESTER RD # -5729
Troy MI 48085
PARCEL ID:
20-10-200-001

Work Order # 64253008	Work Order Description 5501 Rochester SECURE ROW	GIS-DSN 64253009	SRW 64253011	RSD	PH	PLC
Service Center PONTIAC	Circuit #1	Circuit #2	COH	COS	CUG 64253022	CUL 64253021
Worksite City Troy	Worksite Twp.	Worksite County OAKLAND	SCMAT 64253019			
Town T2N	Range R11E	Section SEC10	Qtr	Planner Name ROBERT MAZEY 313.910.6592	CUE Request #	Version DV
					Plot Date 2/17/2022	Scale NONE