



500 West Big Beaver
Troy, MI 48084
troymi.gov



CITY COUNCIL AGENDA ITEM

Date: August 9, 2022

To: Mark F. Miller, City Manager

From: Robert J. Bruner, Assistant City Manager
William J. Huotari, City Engineer
Larysa Figol, Sr. Right-of-Way Representative

Subject: Request for Acceptance of a Permanent Easement from Elan Associates, LLC
and Bortolotti Industrial Park Condominium Association, Sidwell #88-20-36-
426-093

History

The City of Troy has an upcoming water main replacement project in Section 36 along Minnesota and American streets (Project #22.501.5). As part of the project the City received an easement for water mains from Elan Associates, LLC, owner of the property located at 640 Minnesota, having Sidwell #88-20-426-093.

The building and surrounding land at 640 Minnesota is part of the Bortolotti Industrial Park Condominium. The Condominium Association also signed the easement as required in the Condominium Master Deed.

The property is located in the southeast ¼ of Section 36 at Minnesota and American roads.

Financial

The consideration amount on this document is \$1.00.

Recommendation

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



GIS Online

Legend:



Notes:

Elan Associates, LLC
Water Main Easement
#88-20-36-426-093

Map Scale: 1=212
Created: August 9, 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.

**PERMANENT EASEMENT
FOR WATER MAINS**

Sidwell #88-20-36-426-093 (part of)

ELAN ASSOCIATES, L.L.C. a Michigan limited liability company, whose address is 640 Minnesota Ave, Troy, MI 48083 and **BORTOLOTTI INDUSTRIAL PARK CONDOMINIUM ASSOCIATION**, a Michigan domestic nonprofit corporation, whose address is 6128 Beachwood Drive, West Bloomfield, MI 48324, Grantors, 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 **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.

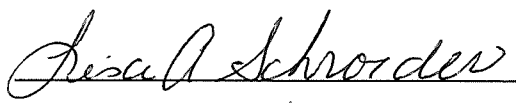
IN WITNESS WHEREOF, the undersigned hereunto affixed 2 signature(s) this 19th day of JULY ~~June~~ A.D. 2022.

ELAN ASSOCIATES, L.L.C.,
a Michigan limited liability company

By  (L.S.)
*
Its: General Partner

STATE OF MICHIGAN
COUNTY OF Oakland

The foregoing instrument was acknowledged before me this 19th day of JULY, 2022, by JANE NIDO, GENERAL PARTNER of ELAN ASSOCIATES, L.L.C., a Michigan limited liability company, on behalf of the company.


Notary Public, Macomb County, Michigan
My Commission Expires 4/5/2029
Acting in Oakland County, Michigan

Lisa A Schroeder
NOTARY PUBLIC - STATE OF MICHIGAN
COUNTY OF MACOMB
My Commission Expires 04/05/2029
Acting in the County of Oakland

BORTOLOTTI INDUSTRIAL PARK
CONDOMINIUM ASSOCIATION,
a Michigan domestic nonprofit corporation

By Mark L. Bortolotti (L.S.)
*Mark Bortolotti
Its: President

STATE OF MICHIGAN)
COUNTY OF Oakland

The foregoing instrument was acknowledged before me this 19th day of JULY, 2022, by Mark Bortolotti, President of the BORTOLOTTI INDUSTRIAL PARK CONDOMINIUM ASSOCIATION, a Michigan domestic nonprofit corporation, on behalf of the corporation.

Lisa A Schroeder *
Notary Public, Macomb County, Michigan
My Commission Expires 4/5/2029
Acting in Oakland County, Michigan

Lisa A Schroeder
NOTARY PUBLIC - STATE OF MICHIGAN
COUNTY OF MACOMB
My Commission Expires 04/05/2029
Acting in the County of Oakland

Prepared by: Larysa Figol, SR/WA
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



EXHIBIT "A"

Section 36, Proposed Variable Width
Water Main Easement
Parcel: 88-20-36-426-093
Owner: Elan Assoc. LLC
Address: 640 Minnesota

Tax Description of Parcel:

"Replat No. 1 of Bortolotti Industrial Park Condominium", being Oakland County Condominium Subdivision Plan No. 408", being part of the North $\frac{1}{2}$ of Southeast $\frac{1}{4}$ of Section 36, Town 2 North, Range 11 East, City of Troy, as recorded in Liber 18018, Pages 534-540, Oakland County, Michigan records.

Proposed Variable width Water Main Easement:

Part of the "Limited Common Elements" of "Replat No. 1 of Bortolotti Industrial Park Condominium", being Oakland County Condominium Subdivision Plan No. 408", being part of the North $\frac{1}{2}$ of Southeast $\frac{1}{4}$ of Section 36, Town 2 North, Range 11 East, City of Troy, as recorded in Liber 18018, Pages 534-540, Oakland County, Michigan records, being more particularly described as: Commencing at the northwest corner of said "Replat No. 1 of Oakland County Condominium Subdivision Plan No. 408"; thence South 00 degrees 21 minutes 58 seconds West, along the west line of said condo, 120.00 feet to the Point of Beginning; thence South 89 degrees 50 minutes 53 seconds East, 167.99 feet to the northerly line of the existing water main easement; thence South 70 degrees 54 minutes 50 seconds West, along said north line of water main easement, 42.49 feet; thence North 89 degrees 50 minutes 53 seconds West, continuing along said north line of water main easement, 127.92 feet; thence North 00 degrees 21 minutes 58 seconds East 14.00 feet to the Point of Beginning. Containing 2,071 square feet or 0.048 acres, more or less.