



500 West Big Beaver
Troy, MI 48084
troymi.gov



CITY COUNCIL AGENDA ITEM

Date: January 15, 2024

To: Mark F. Miller, City Manager

From: Robert J. Bruner, Deputy City Manager
Megan E. Schubert, Assistant City Manager
G. Scott Finlay, City Engineer
Larysa Figol, Sr. Right-of-Way Representative

Subject: Request to Vacate an Existing Easement and to Accept a Permanent Easement for Franchise and Municipal Public Utilities, Ashton Parc, Sidwell #88-20-11-201-001

History

As part of the proposed Ashton Park one-family cluster development, City Council previously accepted seven permanent easements, from Glen Arbor Building, LLC, owner of the property having Sidwell #88-20-11-201-001 (Resolution #2023-11-157-J-7). A further plan review requires additional width and placement for franchise and municipal public utilities necessitating the vacation of an easement recorded in Liber 58982, Page 280 thru 282.

The City of Troy will return its' interest in the easement to Glen Arbor Building, LLC by Quit Claim Deed executed by the Mayor and City Clerk.

The owners, Glen Arbor Building, LLC, have granted a new permanent easement for franchise and municipal public utilities.

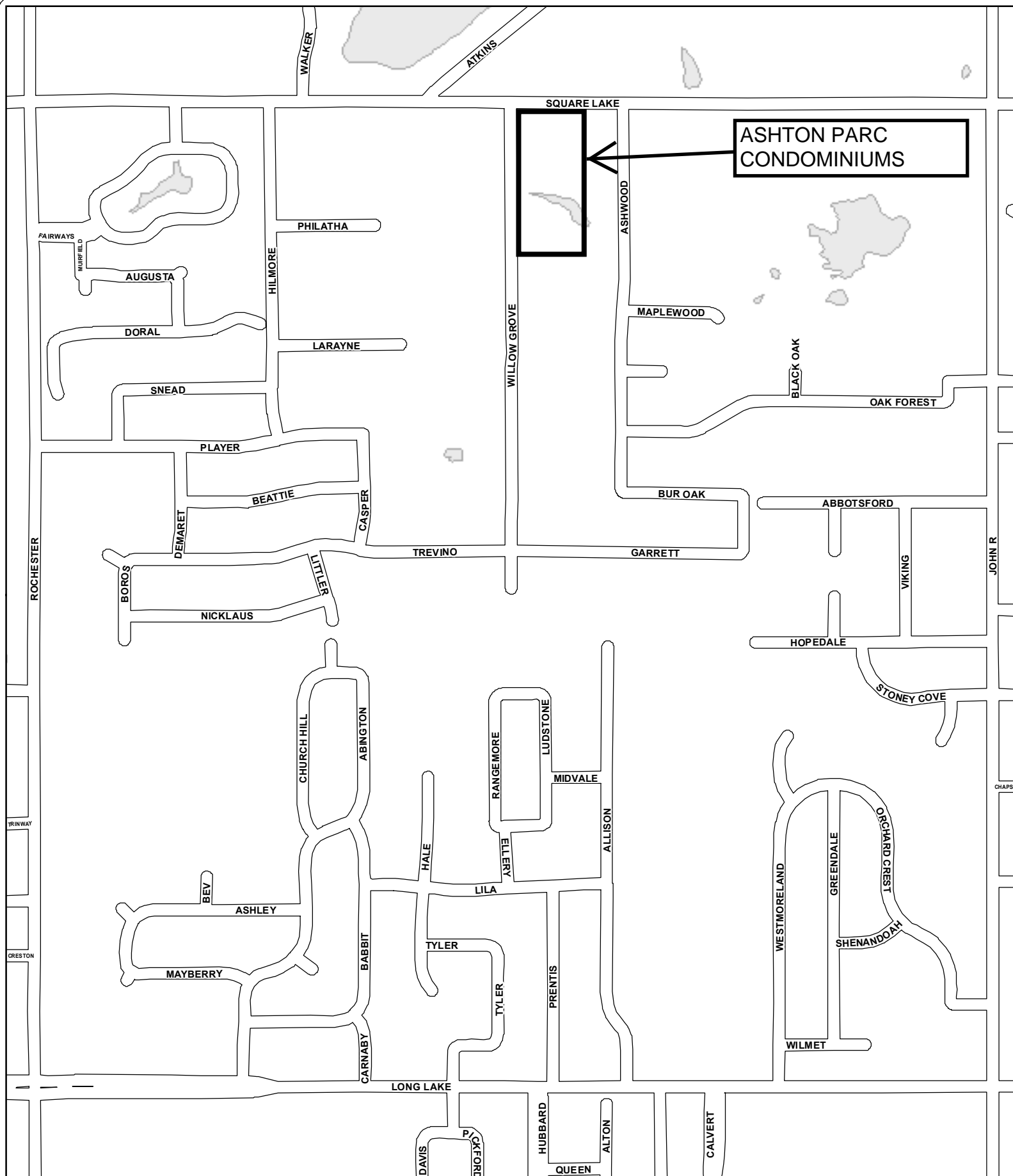
The proposed development is located in the northeast quarter of Section 11, south of Square Lake Road at Willow Grove Drive. City Council approved this cluster development at their September 23, 2019 meeting (Resolution #2019-09-107).

Financial

The consideration amount on each document is \$1.00.

Recommendation

Staff recommends that City Council vacate the permanent easement for franchise and municipal public utilities previously accepted and recorded in Liber 58982, Page 280 thru 282, by recording a Quit Claim Deed executed by the Mayor and City Clerk. Staff also recommends that City Council accept a new permanent easement for franchise and municipal public utilities consistent with our policy of accepting easements for development and improvement purposes.



**ASHTON PARC
CONDOMINIUMS**



QUIT CLAIM DEED

Sidwell #88-20-11-201-001 (pt)
Resolution #

The **CITY OF TROY**, a Michigan municipal corporation, Grantor, whose address is 500 West Big Beaver, Troy, MI 48084 quit claims to **GLEN ARBOR BUILDING, LLC**, a Michigan limited liability company, Grantee, whose address is 5232 22 Mile, Shelby Twp., MI 48317, interest granted in a permanent easement for franchise and municipal public utilities and recorded in Liber 58982, Page 280 thru 282, Oakland County Register of Deeds, in land situated in the City of Troy, County of Oakland and State of Michigan, more particularly described as:

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

For the sum of One Dollar and no cents (\$1.00).

Dated this _____ day of January, 2024.

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, 2024 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, Oakland County, MI
My commission expires: _____
Acting in Oakland County, MI

County Treasurer's Certificate		City Treasurer's Certificate	
When recorded return to: Glen Arbor Building, LLC 5232 22 Mile Shelby Twp, MI 48317	Send subsequent tax bills to: Grantee	Drafted by: Larysa Figol City of Troy 500 West Big Beaver Troy, MI 48084	

Tax Parcel # 88-20-11-201-001 (pt) Recording Fee _____ Transfer Tax _____

120113 Liber 58982 Page 280 thru 282
11/2/2023 12:07:58 PM Receipt #000093581
\$21.00 Misc Recording
\$4.00 Remonumentation
\$5.00 Automation
\$0.00 Transfer Tax
UCC #
PAID RECORDED - Oakland County, MI
Lisa Brown, Clerk/Register of Deeds

RECEIVED
OAKLAND COUNTY
REGISTER OF DEEDS

2023 NOV -1 PM 2:37

**PERMANENT EASEMENT
FOR FRANCHISE AND MUNICIPAL PUBLIC UTILITIES**

Sidwell #88-20-11-201-001 (pt)

GLEN ARBOR BUILDING, LLC, a Michigan limited liability company, Grantor, whose address 5232 22 Mile, Shelby Twp, MI 48317, 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, 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 **franchise and municipal public utilities**, 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 1 signature(s) this 19th day of September A.D. 2023.

3 P
E

Glen Arbor Building, LLC, a Michigan limited liability company

By [Signature] (L.S.)
Zef Berishaj
Its: Manager

STATE OF MICHIGAN)
COUNTY OF Oakland)

The foregoing instrument was acknowledged before me this 19th day of September, 2023, by Zef Berishaj, Manager of Glen Arbor Building, LLC, a Michigan limited liability company, on behalf of the company.

Merissa Clark
Notary Public - State of Michigan
County of Macomb
My Commission Expires April 25, 2029
Acting in the County of Oakland

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

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 4808

Return to Counter Customer

OKLB

EXHIBIT A
SKETCH OF EASEMENT
VARIABLE WIDTH FRANCHISE UTILITY

NORTHEAST
CORNER
SECTION 11
T.2N., R.11E.

S89°51'52"E
33.00'
NORTH 1/4
CORNER
SECTION 11
T.2N., R.11E.

S00°27'22"E
60.00'

SQUARE LAKE ROAD

NORTH LINE SECTION 11

(PR=60' 1/2 WIDTH - PUBLIC)

SOUTH LINE SQUARE LAKE ROAD



PARCEL
#20-11-
126-014

WILLOW GROVE DRIVE
(33' HALF WIDTH - PUBLIC)
NORTH-SOUTH 1/4 LINE SECTION 11

EAST LINE WILLOW GROVE DRIVE

S00°27'22"E 566.14'
N00°27'22"W 930.00'

PARCEL
#20-11-
126-015

PARCEL
#20-11-
126-016

PARCEL
#20-11-
126-013

CENTER OF
SECTION 11
T.2N., R.11E.

PARCEL
#20-11-201-027

N89°51'52"W 407.12'

UNIT 52

PARCEL
20-11-
227-056

UNIT 51

PARCEL
#20-11-
227-055

UNIT 50

PARCEL
#20-11-
227-054

UNIT 49

PARCEL
#20-11-
227-053

UNIT 48

PARCEL
#20-11-
227-052

UNIT 47

PARCEL
#20-11-
227-051

UNIT 46

PARCEL
#20-11-
227-050

UNIT 45

PARCEL
#20-11-
227-049

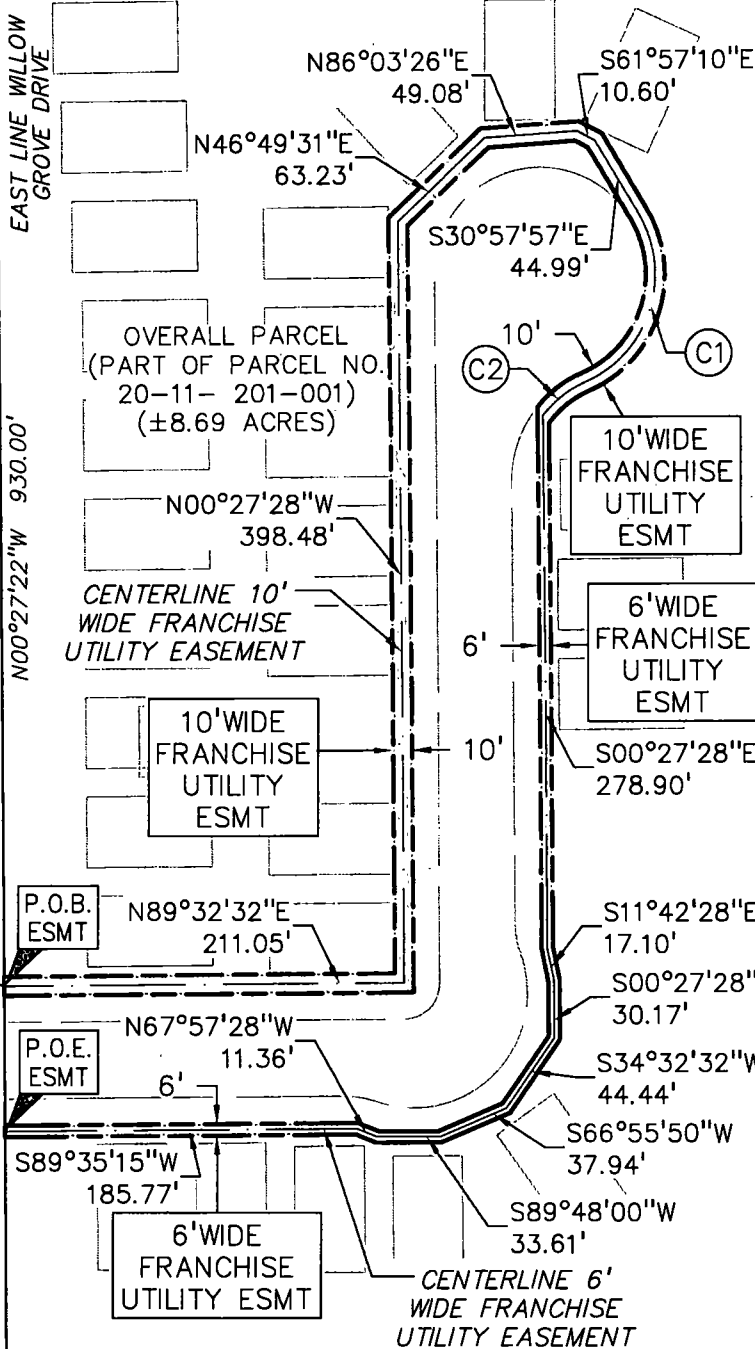
UNIT 44

PARCEL
#20-11-
227-048

OAK FOREST CONDOMINIUM REPLAT NO. 2
OCCP NO. 2036
(L.48034, P.317)

S00°27'22"E 930.00'

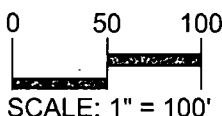
PARCEL
#20-11-227-081
CONSERVATION ESMT
(L.43833, P.415-427)



SEE SHEET 2
FOR EASEMENT
CURVE TABLE

PEA
GROUP

WOLVERINE BUILDING COMPANY
14955 TECHNOLOGY DRIVE
SHELBY TOWNSHIP, MI 48315



SHEET 1 OF 2
MAY 10, 2022
2017-214

t: 844.813.2949
www.peagroup.com

EXHIBIT A
SKETCH OF EASEMENT

LEGAL DESCRIPTION
(PER PEA GROUP)

OVERALL PARCEL – PART OF PARCEL NO. 20-11-201-001

A parcel of land over part of the Northeast 1/4 of Section 11, Town 2 North, Range 11 East, City of Troy, Oakland County, Michigan, being more particularly described as:

Commencing at the North 1/4 corner of said Section 11; thence along the north line of said Section 11, S89°51'52"E, 33.00 feet; thence S00°27'22"E, 60.00 feet to the south line of Square Lake Road (60 foot half width) and the POINT OF BEGINNING;
thence along said north line, S89°51'52"E, 407.12 feet to the westerly line of "Oak Forest Condominium", OCCP No. 2036, as recorded in Liber 48034, Page 317, Oakland Count Records;
thence along said westerly line, S00°27'22"E, 930.00 feet to a northerly line of said condominium;
thence along said northerly line and the extension thereof, N89°51'52"W, 407.12 feet to the east line of Willow Grove Drive (33 foot half width); thence along said east line, N00°27'22"W, 930.00 feet to the aforementioned south line of Square Lake and the POINT OF BEGINNING.
Containing 8.69 acres of land, more or less.

LEGAL DESCRIPTION
(PER PEA GROUP)

VARIABLE WIDTH FRANCHISE UTILITY EASEMENT 20-11-201-001pt

A variable width franchise utility easement over 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:

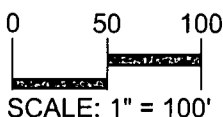
Commencing at the North 1/4 Corner of said Section 11; thence along the north line of said section, S89°51'52"E, 33.00 feet; thence S00°27'22"E, 60.00 feet to the south line of Square Lake Road (60 foot half width); thence along the east line of Willow Grove Drive (33 foot half width), S00°27'22"E 566.14 feet to the POINT OF BEGINNING;

thence along the centerline of a 10 foot wide easement, N89°32'32"E, 211.05 feet;
thence N00°27'28"W, 398.48 feet;
thence N46°49'31"E, 63.23 feet;
thence N86°03'26"E, 49.08 feet;
thence S61°57'10"E, 10.60 feet;
thence S30°57'57"E, 44.99 feet;
thence 104.06 feet along an arc of a curve to the right, having a radius of 61.00 feet and a chord that bears S18°02'13"W, 91.89 feet;
thence 28.49 feet along an arc of a curve to the left, having a radius of 56.00 feet and a chord that bears S52°19'54"W, 28.19 feet;
thence continuing along the centerline of a 6 foot wide easement, S00°27'28"E, 278.90 feet;
thence S11°42'28"E, 17.10 feet;
thence S00°27'28"E, 30.17 feet;
thence S34°32'32"W, 44.44 feet;
thence S66°55'50"W, 37.94 feet;
thence S89°48'00"W, 33.61 feet;
thence N67°57'28"W, 11.36 feet;
thence S89°35'15"W, 185.77 feet to the POINT OF ENDING.

Curve Table

Curve #	Length	Radius	Delta	CH. BRG.	Chord
C1	104.06'	61.00'	97°44'32"	S18°02'13"W	91.89'
C2	28.49'	56.00'	29°09'09"	S52°19'54"W	28.19'

WOLVERINE BUILDING COMPANY
14955 TECHNOLOGY DRIVE
SHELBY TOWNSHIP, MI 48315



SHEET 2 OF 2
MAY 10, 2022
2017-214

PEA
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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.

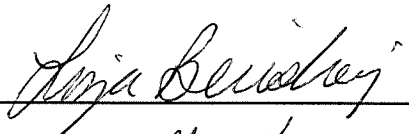
IN WITNESS WHEREOF, the undersigned hereunto affixed 1 signature(s)
this 11 day of January A.D. 2024.

Glen Arbor Building, LLC, a Michigan limited liability company


By _____ (L.S.)
Zef Berishaj
Its: Manager

STATE OF MICHIGAN)
COUNTY OF Macomb)

The foregoing instrument was acknowledged before me this 11 day of January, 2024, by Zef Berishaj, Manager of Glen Arbor Building, LLC, a Michigan limited liability company, on behalf of the company.


*
Notary Public, Macomb County, Michigan
My Commission Expires April 10, 2027
Acting in Macomb County, Michigan

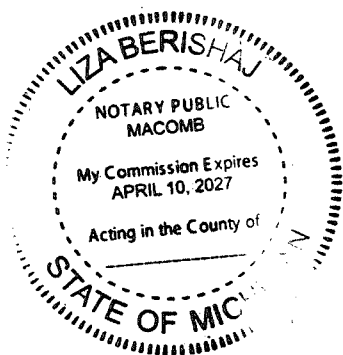
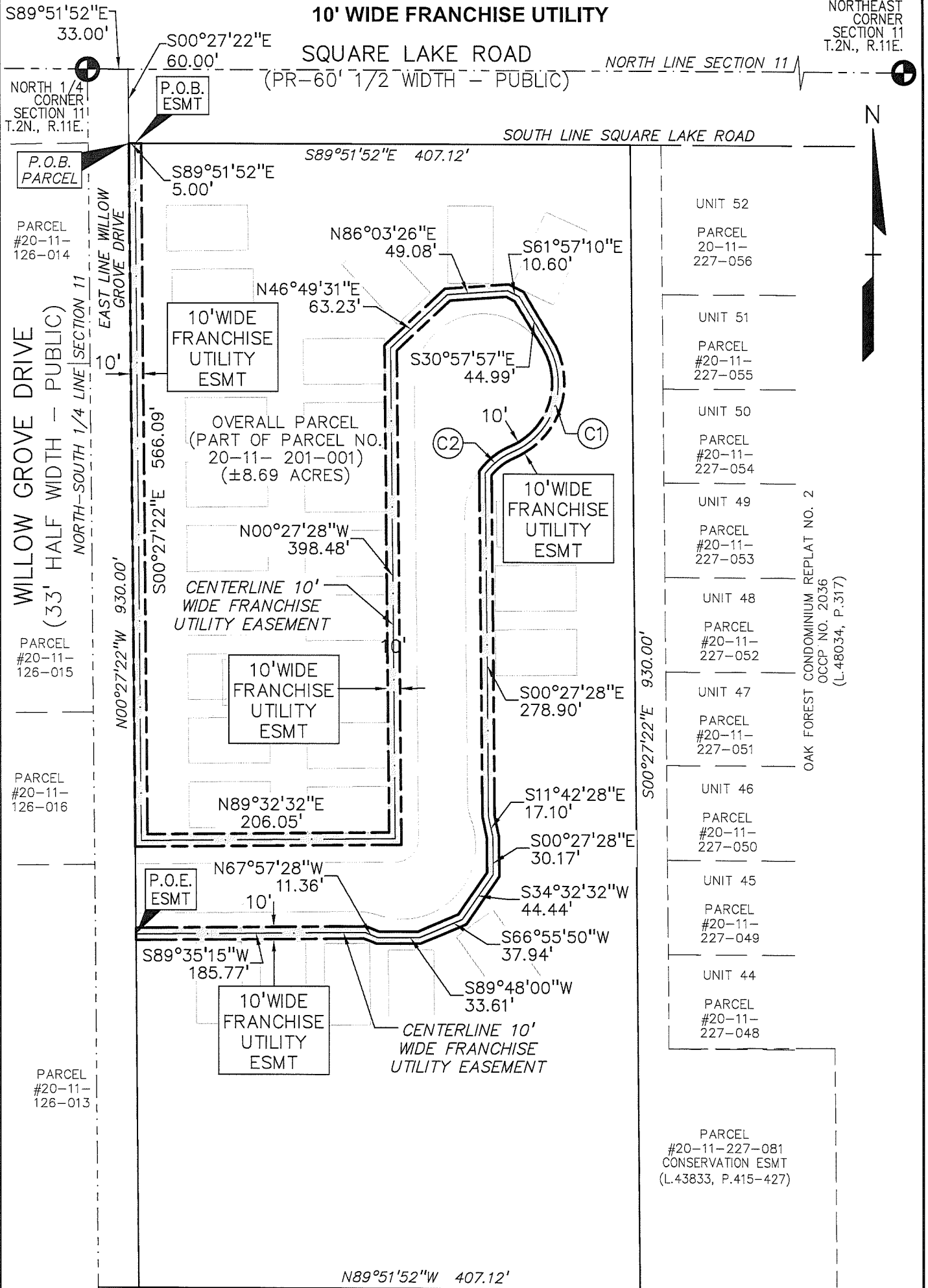


EXHIBIT "A"

SKETCH OF EASEMENT 10' WIDE FRANCHISE UTILITY

NORTHEAST
CORNER
SECTION 11
T.2N., R.11E.



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

P.O.B.
PARCEL

PARCEL
#20-11-
126-014

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(33' HALF WIDTH - PUBLIC)
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CENTER OF
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PARCEL
#20-11-
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UNIT 46

PARCEL
#20-11-
227-050

UNIT 45

PARCEL
#20-11-
227-049

UNIT 44

PARCEL
#20-11-
227-048

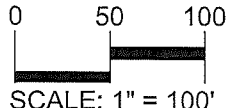
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#20-11-227-081
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OAK FOREST CONDOMINIUM REPLAT NO. 2
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