



500 West Big Beaver  
Troy, MI 48084  
troymi.gov



## CITY COUNCIL AGENDA ITEM

Date: March 20, 2024

To: Mark F. Miller, City Manager

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

Subject: Request to Grant an Underground Utility Easement Over a City Owned Property to DTE Electric Company, Sidwell #88-20-27-402-027, Robinwood Park

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### **History**

The City of Troy received a request to grant an underground utility easement over a portion of Robinwood Park, adjacent to three residential properties fronting Cook Court. The 10-foot wide easement would extend approximately 170 feet south from Cherry Street. The easement will be used to service the development of a vacant residential lot. The most efficient route for the service line is along the west boundary of the park.

Engineering and Public Works staff have reviewed the proposed plans and recommend granting the easement to DTE Electric Company.

### **Financial**

There is no financial consideration on this document.

### **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.



# GIS Online

Legend:



Notes:

Proposed DTE Easement  
Robinwood Park  
88-20-27-402-027

Map Scale: 1=178

Created: April 2, 2024



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. #70739730 SRW#70739731**

On \_\_\_\_\_, 2024, 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, Detroit, Michigan 48226

"Grantor's Land" is in the SW & SE 1/4, Section 27, Town 2N, Range 11E, City of Troy, County of Oakland, and State of Michigan, and is described as follows:

T2N, R11E, SEC 27 COUNCIL HEIGHTS LOTS 148 TO 158 INCL, ALSO LOTS 165 TO 177 INCL, ALSO VAC PARTS OF LARCHWOOD ST & EASTPORT ST, ALSO PART OF SE 1/4 ALL IN PCL DESC AS BEG AT PT DIST N 00-27-00 E 1150 FT FROM S 1/4 COR, TH N 00-27-00 E 78 FT, TH N 89-45-23 W 198.30 FT, TH N 00-14-17 E 142 FT, TH N 89-45-23 W 235 FT, TH N 00-14-17 E 831 FT, TH S 89-45-23 E 437.20 FT, TH N 00-27-00 E 246.43 FT, TH N 89-51-00 E 345 FT, TH S 00-16-00 W 262 FT, TH N 89-51-00 E 50 FT, TH S 00-16-00 W 629.44 FT, TH N 89-40-00 W 30 FT, TH S 00-16-00 W 409.45 FT, TH N 89-38-47 W 369.14 FT TO BEG 2-4-03 FR 026, 328-013, 329-003, 332-013 & 333-012 (tax description)

Tax Identification Number(s): 20-27-402-027

More commonly known as: Robinwood Park, Robinwood Dr, Troy, MI 48084

The "Right of Way Area" is a **Six (6') 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 on Exhibit A, attached hereto and made a part hereof.

- 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.
- 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.
- 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.
- 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.
- 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 and Assigns:** 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: City of Troy, a Michigan municipal corporation

By: \_\_\_\_\_

Name: Ethan D. Baker

Title: Mayor

Acknowledged before me in _____ County, Michigan, on _____, 2024, by	
Ethan D. Baker, It's: Mayor for City of Troy, a Michigan municipal corporation.	
Notary's Stamp _____	Notary's Signature _____
Acting in _____ County, Michigan	Print Name _____

Grantor: City of Troy, a Michigan municipal corporation

By: \_\_\_\_\_

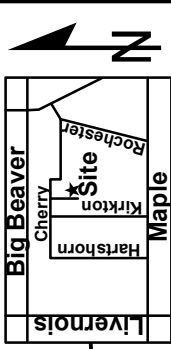
Name: M. Aileen Dickson

Title: City Clerk

Acknowledged before me in _____ County, Michigan, on _____, 2024, by	
M. Aileen Dickson, It's: City Clerk for City of Troy, a Michigan municipal corporation.	
Notary's Stamp _____	Notary's Signature _____
Acting in _____ County, Michigan	Print Name _____

# DTE

EXHIBIT "A"



## CHERRY ST

## ROBINWOOD DR

## COOK CT

N 89° 51' 00" E  
345'

S 00° 16' 00" W  
262'

N 89° 51' 00" E  
50'

S 00° 16' 00" W  
629.44'

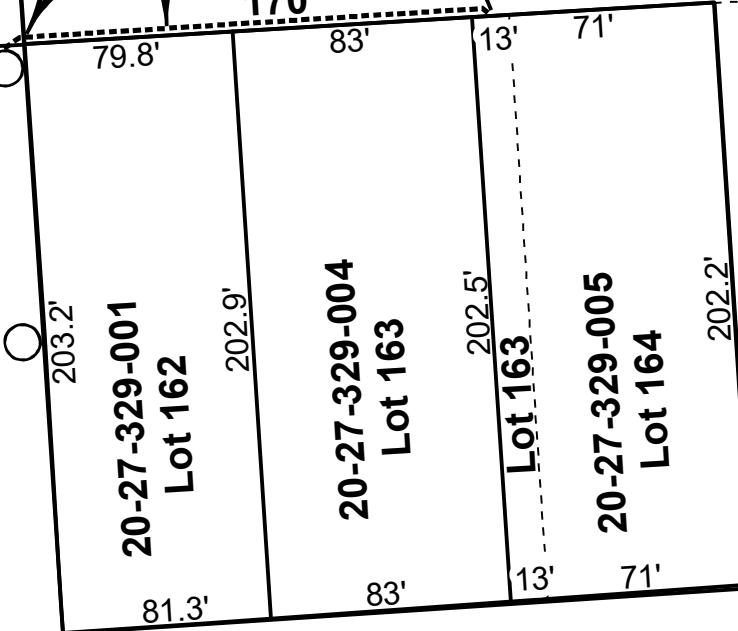
POB

POE

**CENTERLINE OF 6 FOOT WIDE EASEMENT**  
NOTE: THE EASEMENT CENTERLINE MAY VARY IF FIELD CONSTRUCTION PROBLEMS ARISE. THEREFORE, FOR THESE INSTALLED EASEMENT CENTERLINE CALL MISS/DIG 1-800-482-7171 OR 811

**6' Wide DTE Easement**  
Northerly 170' of the Westerly 6' of 20-27-402-027

**20-27-402-027**



**Lot 165**

**Lot 166**

**Lot 158**

**Lot 157**

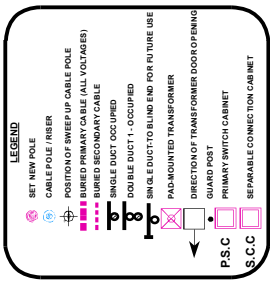
**Council Heights**  
**20-27-402-027**

**REPORT OF R/W FACILITATOR.**  
R/W SECURED AS INDICATED ON THIS SKETCH

BY \_\_\_\_\_  
DATE \_\_\_\_\_  
DATE WANTED \_\_\_\_\_  
FACILITATOR \_\_\_\_\_

PERMITS TO:  
RECORD CENTER \_\_\_\_\_  
R/W FILES \_\_\_\_\_  
TELEPHONE \_\_\_\_\_  
ORIGINATOR \_\_\_\_\_  
TOTAL \_\_\_\_\_

**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.



Work Order #	70739727	Work Order Description	2146 Cook Ct. Troy - UG Easement	GIS-DSN	70739730	SRW	70739731	RSD	PH	PLC
Service Center	PON	Circuit #1	APACE9014	COH		COS		CUG	CUL	CUS
Worksite City	Troy city, Oakland County	Circuit #2		Worksite County						
Town	02N11E27	Section		Worksite County						
Range		Or		CUJ Request #	1476128	Version	1	Plot Date	3/18/2024	Scale
		Planner Name	Sawman, Matthew D							None