

500 West Big Beaver Troy, MI 48084 troymi.gov

# **CITY COUNCIL AGENDA ITEM**

A

Date:	June 13, 2025
То:	Frank Nastasi, City Manager
From:	Robert J. Bruner, Deputy City Manager Chris Wilson, Assistant City Manager G. Scott Finlay, City Engineer Larysa Figol, Sr. Right-of-Way Representative
Subject:	Request to Vacate a Portion of an Existing Sanitary Sewer Easement and Acceptance of a Permanent Easement - #88-20-29-101-010, Somerset Collection Limited Partnership

## <u>History</u>

Somerset Collection Limited Partnership, owners of the property having Sidwell #88-20-29-101-010 have undertaken renovation to a portion of their commercial site located at Somerset Mall South. The property is zoned BB – Big Beaver Road.

As part of this project an existing sanitary sewer has been redesigned and relocated necessitating vacation of a portion of sewer previously recorded in L11828 P655, Oakland County Records.

The property owners have granted a new permanent easement for sanitary sewers to accommodate the sewer redesign.

## **Financial**

The consideration amount on each document is \$1.00.

## **Recommendation**

Staff recommends that City Council vacate a portion of the existing sanitary sewer by returning those easement rights to the owners by quit claim deed. Staff also recommends acceptance of a new permanent easement for sanitary sewers that reflect the new redesign.





A

Tax Parcels Tax Parcel

Print Date: 6/13/2025

0

400

800

ft

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.

### QUIT CLAIM DEED

Sidwell #88-20-29-101-010 (pt) Resolution #

The CITY OF TROY, a Michigan municipal corporation, Grantor, whose address is 500 West Big Beaver, Troy, MI 48084 quit claims to Somerset Collection Limited Partnership, a Michigan limited partnership, Grantee, whose address is 100 Galleria Officentre, Suite 427, Southfield, MI 48034 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 L11828, Page 655, Oakland County Records:

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

For the sum of One Dollar (\$ 1.00)

Dated this day of June, 2025.

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 June, 2025 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, \_\_\_\_\_ otary Public, \_\_\_\_\_ County, MI My commission expires: \_\_\_\_\_ Acting in \_\_\_\_\_ County, MI

When recorded return to:	Send subsequent tax bills to:	Drafted by:
Somerset Collection Limited	Grantee	Larysa Figol
Partnership		City of Troy
100 Galleria Officentre, Suite 427		500 West Big Beaver
Southfield, MI 48034		Troy, MI 48084

Tax Parcel # 88-20-29-101-010 (pt) Recording Fee \_\_\_\_\_ Transfer Tax \_\_\_

# EXHIBIT 'A' SANITARY EASEMENT

## LEGAL DESCRIPTION

SOURCE: SURVEY OAKLAND OWNER: SOMERSET COLLECTION LTD PARTNERSHIP SOMERSET COLLECTION SOUTH TAX PARCEL ID: 20-29-101-010 ADDRESS: 2800 W BIG BEAVER RD

T2N, R11E, SEC 29 PEMBROOK MANOR SUB NO 2 S 18 FT OF LOT 674, ALSO E 5.00 FT OF LOT 707, ALSO LOTS 708 TO 737 INCL, ALSO LOT 738 EXC E 6.59 FT, ALSO LOT 743 EXC N 45.01 FT, ALSO LOT 744 EXC N 45.01 FT OF E 38.25 FT, ALSO LOTS 745 TO 756 INCL, ALSO E 40 FT OF LOT 757, ALSO E 40 FT OF LOT 772, ALSO LOTS 773 TO 800 INCL, ALSO LOT 801 EXC W 10 FT OF N 134 FT, ALSO LOTS 802 TO 808 INCL EXC N 134 FT, ALSO LOTS 812 TO 849 INCL EXC THAT PART PLATTED INTO 'TROY APARTMENT SUB NO 4', ALSO ALL THAT PART OF VAC RDS & ALLEYS ADJ THERETO EXC THAT PART OF VAC STANLEY RD ADJ TO LOTS 668, 850, 851 & 852, ALSO THAT PART OF 'SUPERVISOR'S PLAT NO 15' DESC AS W 11.41 FT OF S 434.99 FT OF LOT 8, ALSO LOT 9 EXC N 165 FT, ALSO THAT PART OF LOTS 10, 11 & 12 LYING N OF GOLFVIEW DR & W OF LAKEVIEW DR, ALSO EXC THAT PART IN PARCEL DESC AS BEG AT PT DIST S 01-12-00 W 102 FT FROM NW SEC COR, TH S 89-22-00 E 80 FT, TH S 01-12-00 W 990.01 FT TH N 89-22-00 W 80 FT, TH N 01-12-00 E 990.01 FT TO BEG, ALSO EXC THAT PART IN PARCEL DESC AS BEG AT PT DIST S 01-200 W 102 FT FROM NW SEC COR, TH N 89-22-00 E 560 FT, TH N 01-12-00 E 102 FT TO BEG, ALSO EXC THAT PART IN PARCEL DESC AS BEG AT PT DIST S 00-36-16 W 284.51 FT FROM NW SEC COR, TH S 00-36-16 W 344.62 FT, TH ALG CURVE TO RIGHT, RAD 150.50 FT, CHORD BEARS N 80-18-02 E 53.99 FT, DIST OF 54.28 FT, TH S 89-22-00 E 200.24 FT, TH N 00-36-30 E 302.31 FT, TH N 82-01-44 W 255.49 FT TO BEG

# EXISTING EASEMENT DESCRIPTION

(TO BE VACATED)

A 20 FOOT WIDE PERMANENT EASEMENT FOR THE PURPOSES OF INSTALLATION, OPERATION AND MAINTENANCE OF SANITARY SEWERS OVER LAND LOCATED IN THE NORTHWEST 1/4 OF SECTION 29, T.2.N., R.11.E., CITY OF TROY, OAKLAND COUNTY, MICHIGAN, THE CENTERLINE OF WHICH IS MORE PARTICULARLY DESCRIBED AS:

COMMENCING AT THE NORTHWEST CORNER OF SECTION 29, T.2.N., R.11.E.; THENCE ALONG THE NORTH LINE OF SAID SECTION 29, S89°22'00"E 60.00 FEET; THENCE ALONG A A LINE PARALLEL TO AND 60.00 FEET EAST OF THE WEST LINE OF SAID SECTION 29, S01°12'00"W 565.00 FEET; THENCE S89°22'00"E., 258.00 FEET; THENCE S00°38'00"W., 164.0 FEET; THENCE S84°02'06"E., 236.83 FEET; THENCE N05°57'54"E., 11.53 FEET TO THE POINT OF BEGINNING; THENCE S51°52'56"E., 92.23 FEET; THENCE N65°44'48"E., 93.15 FEET; THENCE S84°02'07"E., 107.55 FEET; THENCE S35°13'30"E., 29.96 FEET; THENCE S89°18'00"E., 206.36 FEET; THENCE N56°48'54"E., 114.30 FEET TO THE POINT OF ENDING.

# PROPOSED EASEMENT DESCRIPTION

A 20 FOOD WIDE PERMANENT EASEMENT FOR THE PURPOSES OF INSTALLATION, OPERATION AND MAINTENANCE OF SANITARY SEWERS OVER LAND LOCATED IN THE NORTHWEST 1/4 OF SECTION 29, TOWN 02 NORTH, RANGE 11 EAST, CITY OF TROY, COUNTY OF OAKLAND, STATE OF MICHIGAN, THE CENTERLINE OF WHICH IS MORE PARTICULARLY DESCRIBED AS FOLLOWS.

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 29, THENCE ALONG THE NORTH LINE OF SAID SECTION 29, SOUTH 69° 22' 00" EAST 60.00 FEET; THENCE ALONG A LINE PARALLEL TO AND 60.00 FEET EAST OF THE WEST LINE OF SAID SECTION 29, SOUTH 01° 12' 00" WEST 565.00 FEET; THENCE SOUTH 89° 22' 00" EAST 258 00 FEET; THENCE SOUTH 00° 38' 00" WEST 164.00 FEET; THENCE SOUTH 84° 02' 06" EAST 236.83 FEET; THENCE NORTH 15° 57' 54" EAST 11.52 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 51° 52' 56" EAST 92.23 FEET; THENCE SOUTH 06° 46' 48" WEST 44.07 FEET; THENCE NORTH 79° 44' 24" EAST 186.85 FEET; THENCE NORTH 66° 46' 21" EAST 03.21 FEET; THENCE SOUTH 89° 18' 00" EAST 206.36 FEET; THENCE NORTH 56° 48' 54" 54" 54' 54' EAST 114.30 FEET TO THE POINT OF ENDING.

03/20/25 REVISE PER REVIEW COMMENTS RECEIVED 03/17/25

Engineers | Surveyors

905 South Blvd. East Pho Rochester Hills, MI 48307 Www.sda-eng.com

Phone: (248) 844-5400 Fax: (248) 844-5440

DRAWN: R.CALI	DATE: 02-28-25	
CHECKED: D.JACKSON	DATE: 02-28-25	
MANAGER: G.PLATZ	SCALE: N/A	
JOB No. SM24003	SHEET: 2 OF 2	
SECTION 29 TOWN 02 NORTH RANGE 11 EAST		
CITY OF TROY OA	KLAND COUNTY, MI	
	CHECKED: D.JACKSON MANAGER: G.PLATZ JOB No. SM24003 SECTION 29 TOWN 02 NOF	



Plotted: Mar 20, 2025, 6:55 PM by user: 1098 - Saved: 3/20/2025 by user: 1098 J:\SM\SM24003 - Somerset Collection South - Arhaus Project\DWG\SM24003UTL-EASE.dwg

## IDER 11828%655

Resolution #91-168 Project No. 91.901.3 (88+20-29-101-005

#### - 91 0 058676

#### PERMANENT EASEMENT

FRANKEL/FORBES-COHEN ASSOCIATES, a Michigan co-partnership consisting of Somerset Mall Limited Partnership, a Michigan limited partnership, Somerset North Limited Partnership, a Michigan limited partnership, and Forbes/Cohen Development Company, a Michigan co-partnership, (collectively the "Grantor") whose address is 100 Galleria Officentre, Suite 427, Southfield, Michigan 48037, for and in consideration of the sum of One Dollars (\$1.00) and the vacating of portions of existing sanitary sewer easements, the sufficiency of which is hereby acknowledged, paid by the CITY OF TROY, a Michigan Municipal Corporation, Grantee, whose address is 500 West Big Beaver Road, Troy, Michigan, grants to the Grantee the right to construct, operate, maintain, repair and/or replace underground sanitary sewer line(s) and such nonexclusive surface rights on the Easement Parcels (as hereinafter defined) as are necessary to construct, operate, maintain, repair and/or replace said underground utility, said easement for land situated in the City of Troy, Oakland County, Michigan, described as:

> Easement Parcel-South and Easement Parcel-North, and more particularly described in Exhibits 1 and 2, respectively, attached herato and made a part hereof (collectively referred to herein as the "Easement Parcels");

and to enter upon sufficient land adajacent to said imp::ovement(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 herein EG HITS EG IN their signatures this <u>NYIM</u> day of February, A.D. 9108:3304 05:3304 05:3304 05:3304

In presence of:

- ip

WITNESS

multacher

Virack Minchion

Mark /J. Erickson

J. Erickson

ALMOÜ

FRANKEL/FORBES-COHEN ASSOCIATES a Michigan co-partnership, Grantor

1 aund trankl By: Samuel Frankel, General Partner SOMERSET MALL LIMITED PARTNERSHIP, a Michigan limited partnership By:

: <u>Hernul</u> Failed Samuel Frankel, General Partner SOMERSET NORTH LIMITED PARTNERSHIP a Michigan limited partnership

and By: // Wan Ward Coes ts: DATA COES FORBES-COHEN DEVELOPMENT COMPANY Its: a Michigan co-partnership

6492 5.EG/DEED5 PAID 0001 APF.24/91 03:33AN 0963 PNT FEE 2.00

Page 1 of 4

Resolution #91-168 Project No. 91,901.3 (88)20-29-101-004

## Hera 11828/1656

STARE OF MICHIGAN )

COUNTY OF OAKLAND }

On this day of February A.D. 1991, before me personally appeared Samuel Frankel to me personally known, who being by name sworn, did for himself say that he is the General Partner of Somerset Mall Limited Partnership and Somerset North Limited Partnership and that said instrument was signed and sealed on pehalf of said limited partnership and acknowledge said instrument to be the free act and deed of same.

> <u>Hiulic</u> H. <u>Hunki</u> Notary Public County, Michigan My Commission Experies LANE Notary Public, Macomb County, Mr. My Commission Expires 2-6-93 Acting in Oakland Lounty, MI

STATE OF MICHIGAN )

COUNTY OF OAKLAND )

On this <u>18th</u> day of February A.D. 1991, before me personally appeared <u>Nathan Forbes</u> to me personally known, who being by name sworn, did for himself say that <u>he</u> is the <u>Partner</u> of Forbes-Cohen Development Company and that said instrument was signed and sealed on behalf of said co-partnership and acknowledge said instrument to be the free act and deed of same.

> LAURIE K. LANE Notary Public, Macomb County, MI My Commission Explose 2-6-93

unic A. Mark

 Macomb
 County, Michigan

 My Commission Expires:
 2-6-612

 Acting in Oakland County, Michigan

Prepared by: Mark J. Erickson, Esq. 2301 W. Big Beaver Suite 900 Troy, MI 48084

Return to: City Clerk CITY OF TROY 500 West Big Beaver Troy, MI 48084

permease pc 2/6/91

## 11828%657

EASEMENT PARCEL - SOUTH

LEGAL DESCRIPTION

Resolution #91-168 Project No. 91.901.3 (88)20-29-101-008 Pier

#### SANITARY SEWER EASEMENT (SOUTH OF MALL)

A 20 FOOT WIDE PERMANENT EASEMENT FOR THE PURPOSES OF INSTALLATION, OPERATION AND MAINTENANCE OF SANITARY SEWERS OVER LAND LOCATED IN THE NORTHWEST 1/4 OF SECTION 29, T.2.N., R.11.E., CITY OF TROY, OARLAND COUNTY, MICHIGAN, THE CENTERLINE OF WHICH IS MORE PARTICULARLY DESCRIBED AS:

COMMENCING AT THE NORTHWEST CORNER OF SECTION 29, T.2.N., R.11.E.; THENCE ALONG THE NORTH LINE OF SAID SECTION 29, S. 89° 22' 00" E., THENCE ALONG THE NOLTH LINE OF SAID SECTION 29, 8. 89° 22' 00" E., 60.00 FEET; THENCE ALONG A LINE PARALLEL TO AND 60.00 FEET ERST OF THE WEST LINE OF SAID SECTION 29, 5. 01' 12' 00" W., 565.00 FEET; THENCE B. 89° 22' 00" E., 258.00 FEET; THENCE S. 00° 38' 00" W., 164.00 FEET; THENCE S. 84° 02' 06" E., 236.83 FEET; THENCE N. 05° 57' 54" E., 11.53 FEET TO THE FOINT OF BEGINNING; THENCE 8. 51° 52' 56" E., 92.23 FEET; THENCE N. 65° 44' 48" E., 93.15 FEET; THENCE E. 84° 02' 07" E., 107.55 FEET; THENCE S. 35° 13' 30" E., 29.96 FEET; THENCE S. 89° 18' 00" E., 206.36 FEET; THENCE N. 56° 48' 54' E., 114.30 FEET TO THE POINT OF ENDING.

The above easement falls within Pembrook Maner Sub No. 2 Part of Lots Silvition 826 and fart of 46043 Vacated Hxtell Rd.

#13205 12-17-90 LEGALS.SLC





## ma**11828**M658

EASEMENT PARCEL - NORTH

Resolution #91-168 Project No. 91.901.3 (88-20-29-101-008 [4

#### LEGAL DESCRIPTION

#### SANITARY SEWER CASEMENT (NORTH OF MALL)

A 20 FOOT WIDE PERMANENT EASEMENT FOR THE PURPOSES OF INSTALLATION, OPERATION AND MAINTENANCE OF BANITARY BEWERS OVER LAND LOCATED IN THE NORTHWEST 1/4 OF BECTION 29, T.2.N., R.11.E., CITY OF TROY, OAKLAND COUNTY, MICHIGAN, THE CENTERLINE OF WHICH IS MORE PARTICULARLY DESCRIBED AS:

COMMENCING AT THE NORTHWEST CORNER OF SECTION 29, T.2.N., R.11.E.; THENCE ALONG THE NORTH LINE OF SAID SECTION 29 8. 89° 22° 00" E., 60.00 FEET; THENCE ALONG THE A LINE FARALLEL TO AND 60.00 FEET EAST 01 THE WEST LINE OF SAID SECTION 29 8. 01° 12' 00" W., 565.00 FEET THENCE 8. 89° 22° 00" E., 258.00 FEET; THENCE N. 00° 38' 00" E., 152.00 FEET; THENCE N. 84° 33' 35" E., 247.42 FEET TO THE FOINT OF BEGINNING; THENCE N. 85° 14' 43" E., 97.64 FEET; THENCE N. 65° 00' 40" E., 167.64 FEET; THENCE B. 57° 52' 03" E., 81.61 FEET; THENCE 8. 76° 10' 20" E., 259.21 FEET; THENCE S. 84° 29' 36" E., 20.08 FEET TO THE FOINT OF ENDING.

The above Light Description falls within Pembrock Manor Sub NO. 2 Part of Lots 772 thru 774 and Part of Lots. 778 thru 782 also part of vacated 13205 46043 Grace Road 12-17-96 LEGALS.SLC



#### PERMANENT EASEMENT FOR SANITARY SEWERS

Sidwell #88-20-29-101-010 (pt)

**SOMERSET COLLECTION LIMITED PARTNERSHIP**, a Michigan limited partnership, Grantor(s), whose address is 100 Galleria Officentre, Suite 427, Southfield, MI 48034, 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 grant(s) to the Grantee the non-exclusive right to access, construct, operate, maintain, inspect **sanitary sewers**, said easement for land situated in the City of Troy, Oakland County, Michigan described as:

SEE EXHIBITS A and B ATTACHED HERETO AND BY REFERENCE MADE A PART OF

and to enter upon sufficient land adjacent to said improvement(s) as reasonably necessary 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 within a reasonable time and in such a manner as to minimize interference with Grantor's use of the easement and adjoining land.

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 <u>His</u> signature(s) this <u>II</u> day of April A.D. 2025.

SOMERSET COLLECTION LIMITED PARTNERSHIP a Michigan limited partnership

By \*Nathan M. Forbes

\_(L.S.)

\*Nathan M. Forbes Its: Managing Partner

[Notary Acknowledgment on Following Page]

88-20-29-101-010 Easement - Sanitary Sewer Page 1 of 2 STATE OF MICHIGAN COUNTY OF OAKLAND

The foregoing instrument was acknowledged before me this ZZMP day of April, 2025 by Nathan M. Forbes, Managing Partner of Somerset Collection Limited Partnership, a Michigan limited partnership on behalf of the limited partnership.

BRENDA WALTON NOTARY PUBLIC-STATE OF MICHIGAN OAKLAND COUNTY MY COMMISSION EXPIRES OCT. 01, 2029 Acting in the County of DAKE BAIS

)

)

Notary Public, <u>DAKLAN</u> County, Michigan My Commission Expires <u>Act 2024</u> Acting in <u>Out Alato</u> 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 48084

88-20-29-101-010 Easement - Sanitary Sewer Page 2 of 2

### EXHIBIT "A"

#### SANITARY SEWER EASEMENT DESCRIPTION

A 20 FOOT WIDE PERMANENT EASEMENT FOR THE PURPOSES OF INSTALLATION, OPERATION AND MAINTENANCE OF SANITARY SEWERS OVER LAND LOCATED IN THE NORTHWEST ¼ OF SECTION 29, TOWN 02 NORTH, RANGE 11 EAST, CITY OF TROY, COUNTY OF OAKLAND, STATE OF MICHIGAN, THE CENTERLINE OF WHICH IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 29, THENCE ALONG THE NORTH LINE OF SAID SECTION 29, SOUTH 89°22'00" EAST 60.00 FEET; THENCE ALONG A LINE PARALLEL TO AND 60.00 FEET EAST OF THE WEST LINE OF SAID SECTION 29, SOUTH 01°12'00" WEST 565.00 FEET; THENCE SOUTH 89°22'00" EAST 258.00 FEET; THENCE SOUTH 00°38'00" WEST 164.00 FEET; THENCE SOUTH 84°02'06" EAST 236.83 FEET; THENCE NORTH 05°57'54" EAST 11.53 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 51°52'56" EAST 92.23 FEET; THENCE SOUTH 06°46'48" WEST 44.07 FEET; THENCE NORTH 79°44'24" EAST 186.85 FEET; THENCE NORTH 66°46'21" EAST 33.21 FEET; THENCE SOUTH 89°18'00" EAST 206.36 FEET; THENCE NORTH 56°48'54" EAST 114.30 FEET TO THE POINT OF ENDING.

i

