

**Authorization of Termination and
Release of Water Main Easements**

January 21, 2020

The Honorable Mayor Fournier and
Members of the City Commission:

The site work for the Woodward Corners Development (formerly the Northwoods Shopping Center) is now complete. Part of the project involved removing public water mains that served the old buildings and installing new water mains for proposed buildings in the development. These old water mains have been removed and/or relocated as approved by the engineering division and new water mains have been accepted as city owned public utilities. (The removal and abandonment of old public water mains and installation of new water mains is done completely at the property owner's expense.)

The city can now terminate and release the easements for the old water mains, which are no longer necessary. Proposed termination and release of easement documents are attached (Attachment 1 and 2). The property plan (Attachment 3) is provided for your consideration.

The city attorney has reviewed the termination and release of easement documents and has approved them as to form.

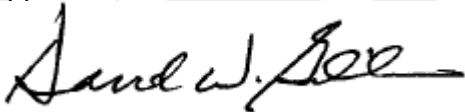
The following resolution is recommended for approval:

Be it resolved, the city commission hereby terminates the easement recorded at Liber 3445, Page 485, Oakland County Register of Deeds, and authorizes the mayor and city clerk to execute the termination and release of easement for the same.

Be it further resolved, the city commission hereby terminates the easement recorded at Liber 3298, Page 231, Oakland County Register of Deeds, and authorizes the mayor and city clerk to execute the termination and release of easement for the same.

Respectfully submitted,
Matthew J. Callahan, P.E.
City Engineer

Approved,



David Gillam
Interim City Manager / City Attorney

3 Attachments

Attachment 1

TERMINATION AND RELEASE OF EASEMENT

This Termination and Release of Easement ("Termination") is made and executed this _____ day of _____, 2020, by the **CITY OF ROYAL OAK**, a Michigan municipal corporation (the "City"), whose address is 27175 Energy Way, Novi, Michigan 48377.

RECITALS

- A. The City currently has easement interests over lands located in the City of Royal Oak, Oakland County, Michigan, pursuant to that certain Quit Claim Deed recorded in **Liber 3445, Page 485**, Oakland County Register of Deeds, a copy of which is attached hereto as Exhibit A (the "Easement").
- B. The utilities that are the subject of the Easement have been relocated and the City no longer utilizes the Easement.

NOW, THEREFORE,

1. The undersigned does by the recording hereof terminate, waive and vacate the Easement identified above.
2. The undersigned hereby confirms that the land previously encumbered by the Easement shall, upon the recording of this instrument, be held, conveyed, hypothecated, encumbered, leased, rented, occupied and improved, or in any other manner utilized, free from the benefits and provisions of the Easement.

CITY OF ROYAL OAK, a Michigan municipal corporation

By _____
Michael Fournier, Mayor

And _____
Melanie Halas, City Clerk

[NOTARY ON FOLLOWING PAGE]

Attachment 1

STATE OF MICHIGAN)
) SS
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this _____ day of _____, 2020, by Michael Fournier, Mayor and Melanie Halas, City Clerk of the City of Royal Oak, a Michigan municipal corporation,.

Notary Public, acting in Oakland County, MI

My commission expires _____

Approved as to form:

Dave Gillam, City Attorney
211 Williams Street
Royal Oak, MI 48067
(248) 246-3240

DRAFTED BY AND WHEN RECORDED
RETURN TO:

Andrea S. Todorovic
Dykema Gossett PLLC
39577 Woodward Avenue
Suite 300
Bloomfield Hills, Michigan 48304

Attachment 1

EXHIBIT A EASEMENT

See attached

3445 or 485
Corporation: **Lawyers Title Insurance Corporation** Form 23
QUIT CLAIM INSTRUMENT

This Indenture, made this 2ND day of AUGUST 1955
BETWEEN **NORTHWOOD CENTER, INC.**,
a corporation organized and existing under and by virtue of the laws of the State of Michigan, with its principal office at
16556 SCHAEFER ROAD, DETROIT, MICHIGAN party (first) of the first part,
and **CITY OF ROYAL OAK, A MICHIGAN MUNICIPAL CORPORATION**, party (first) of the second part,
whose Street Number and PostOffice Address is 211 WILLIAMS STREET, ROYAL OAK, MICHIGAN.

WITNESSETH, That the said party (first) of the first part, for and in consideration of the sum of ONE DOLLAR (\$1.00) AND OTHER GOOD AND VALUABLE CONSIDERATIONS, on (his) to it as hereinafter set forth, the receipt whereof is hereby confessed and acknowledged, do (she) by these presents grant, bargain, sell, remise, release and forever QUIT CLAIM unto the said party (first) of the second part, and his (her) heirs, successors and assigns **PERMANENTLY**, all (that) (those) certain parcel (s) or parcel (s) of land situate and being in the CITY of ROYAL OAK, County of OAKLAND State of Michigan, and described as full hereinafter.

AN EASEMENT THROUGH AND OVER A STRIP OF LAND 12.00 FT. WIDE, THE CENTER LINE OF WHICH IS DESCRIBED AS BEGINNING AT A POINT ON THE NORTH LINE OF SECTION 7, T. 1 N., R. 11 E., SAID POINT BEING 14.00 FT. EAST OF THE EAST LINE OF BROADGAGES SUBDIVISION; THENCE SOUTHWESTLY AND PARALLEL TO THE EAST LINE OF SAID SUBDIVISION 752.27 FT.; THENCE EASTWARD AND PARALLEL TO NORTH LINE OF SAID SECTION 7 421.47 FT. TO A POINT WHICH IS 10.00 FT. (MEASURED AT RIGHT ANGLES) NORTHWESTERLY OF THE NORTHWESTERLY LINE OF JAYSON BRADWAY'S WOODWARD-MONRIER SUBDIVISION; THENCE NORTHEASTERLY AND PARALLEL TO SAID SUBDIVISION LINE 645.92 FT. TO A POINT ON THE SOUTHWESTERLY LINE OF WOODWARD AVENUE (200.00 FT. WIDE); WITH SAID EASEMENT IS AND SHALL BE EXCLUSIVELY FOR PUBLIC UTILITY PURPOSES.

TOGETHER WITH all and singular the hereditaments and appurtenances thereto in anywise appertaining TO HAVE AND TO HOLD unto the said party (first) of the second part, and to his (her) heirs and assigns to the use and only proper use, benefit and behoof of the said party (first) of the second part, his (her) heirs and assigns forever.

IN WITNESS WHEREOF, The said party (first) of the first part has (they) caused this instrument to be executed by its (their) authorized officers and sealed with its (their) corporate seal, this day and year first above written.

Signed, sealed and delivered in presence of
Constance Caunt
CONSTANCE CAUNT
Mary Ann Miles
MARY ANN MILES

NORTHWOOD CENTER, INC.
By *Eugene Sloan* President
EUGENE SLOAN, PRESIDENT
Bert L. Smokler Secretary
BERT L. SMOGLER, SECRETARY

STATE OF MICHIGAN } On this 2 day of AUGUST 1955
COUNTY OF WAYNE } before me, EUGENE SLOAN, AND BERT L. SMOGLER
and to his personal knowledge,

who, being by me severally and duly sworn, say that they are respectively, PRESIDENT and SECRETARY of NORTHWOOD CENTER, INC. a corporation organized and existing under the laws of the State of Michigan, and that the said instrument was signed and sealed in behalf of said corporation by said EUGENE SLOAN, AND BERT L. SMOGLER; and the said officer(s) acknowledged the said instrument to be the free act and deed of said corporation.

My Commission expires NOVEMBER 3 1955
Notary Public MARY ANN MILES County, Michigan

Mary Ann Miles
MARY ANN MILES
Notary Public
1955 NOV 3 11:19 AM '55
RECORDING DIVISION
1955 NOV 27 11:19 AM '55

No Revenue

81280

Attachment 2

TERMINATION AND RELEASE OF EASEMENT

This Termination and Release of Easement ("Termination") is made and executed this _____ day of _____, 2020, by the **CITY OF ROYAL OAK**, a Michigan municipal corporation (the "City"), whose address is 211 Williams St, Royal Oak, Michigan 48067.

RECITALS

- A. The City currently has easement interests over lands located in the City of Royal Oak, Oakland County, Michigan, pursuant to that certain Quit Claim Deed recorded in **Liber 3298, Page 231**, Oakland County Register of Deeds, a copy of which is attached hereto as Exhibit A (the "Easement").
- B. The utilities that are the subject of the Easement have been relocated and the City no longer utilizes the Easement.

NOW, THEREFORE,

1. The undersigned does by the recording hereof terminate, waive and vacate the Easement identified above.
2. The undersigned hereby confirms that the land previously encumbered by the Easement shall, upon the recording of this instrument, be held, conveyed, hypothecated, encumbered, leased, rented, occupied and improved, or in any other manner utilized, free from the benefits and provisions of the Easement.

CITY OF ROYAL OAK, a Michigan municipal corporation

By _____
Michael Fournier, Mayor

And _____
Melanie Halas, City Clerk

[NOTARY ON FOLLOWING PAGE]

Attachment 2

STATE OF MICHIGAN)
) SS
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this _____ day of _____
_____, 2020, by Michael Fournier, Mayor and Melanie Halas, City Clerk of the
City of Royal Oak, a Michigan municipal corporation,.

Notary Public, acting in Oakland County, MI

My commission expires _____

Approved as to form:

Dave Gillam, City Attorney
211 Williams Street
Royal Oak, MI 48067
(248) 246-3240

DRAFTED BY AND WHEN RECORDED
RETURN TO:

Andrea S. Todorovic
Dykema Gossett PLLC
39577 Woodward Avenue
Suite 300
Bloomfield Hills, Michigan 48304

Attachment 2

EXHIBIT A EASEMENT

See attached

QUIT CLAIM DEED CORPORATION
Act 127 P.A. 1941 - R.S.A. 26-572
9000 Abstract and Title Guaranty Company
1870/270 PRE 201
Detroit Pontiac Mt. Clemens Ferndale

KNOW ALL MEN BY THESE PRESENTS: That NORTHWOOD CENTER, Inc.,

Quit Claim to CITY OF ROYAL OAK, a Michigan Municipal Corporation

whose Street Number and Post Office address is 211 Williams Street, Royal Oak, Michigan

the following described premises, situated in the City of Royal Oak County of Oakland and State of Michigan, to-wit:

An easement through and over a strip of land 12 feet wide, the center line of which is described as beginning at a point on the north line of Section 7, T1N., R11E., said point being 20 feet east of the east line of Prodaeres Subdivision; thence southerly and parallel to the east line of said subdivision 756.49 feet; thence easterly and parallel to Judson Avenue in Judson Pradway's Woodward-Monnier Subdivision 430 feet, more or less, to the northwesterly line of the latter named subdivision. Also an easement through and over a strip of land 6 feet wide, lying northwesterly of the northwesterly line of Judson Pradway's Woodward-Monnier Subdivision, from the northeasterly corner of Lot 1 of said Subdivision, southwesterly 640 feet, more or less, to connect with the previously described line. Also an easement through and over the north 6 feet of Lot 1 of Judson Pradway's Woodward-Monnier Subdivision.

Said easement hereby granted being for the purpose of installing, maintaining, repairing and, if necessary, replacing a water main. for the sum of one (\$1) dollar and other good and valuable considerations

subject to

Dated this 14th day of FEBRUARY A. D. 1955 -

Signed, Sealed and Delivered in Presence of:

Signed and Sealed:

Constance Caunt
CONSTANCE CAUNT

NORTHWOOD CENTER, INC.

BY: *Eugene Sloss* (L.S.)
Eugene Sloss, President

Mary Ann Miles
MARY ANN MILES

BY: *Bert L. Smokler* (L.S.)
Bert L. Smokler, Secretary

In the STATE OF MICHIGAN, COUNTY OF Oakland

On this 14th day of FEBRUARY

A. D. 1955 before me personally

appeared EUGENE SLOSS AND BERT L. SMOGLER

To me personally known, who being by me sworn, did (1) EACH FOR HIMSELF

say that (2) THEY ARE RESPECTIVELY the PRESIDENT AND SECRETARY

of NORTHWOOD CENTER, INC. the corporation named in and which executed the within instrument, and that the seal affixed to said instrument is the corporate seal of said corporation, and that said instrument was signed and sealed in behalf of said corporation by authority of its board of directors; and said

free act and deed of said corporation.

acknowledged said instrument to be the

My commission expires MARCH 12 A. D. 1955

Donald H. Mitzel
DONALD H. MITZEL

Notary Public OAKLAND County, Michigan

Note: If more than one officer acknowledges insert at (1) "each for himself", and (2) "they are respectively"

Register of Deeds Office

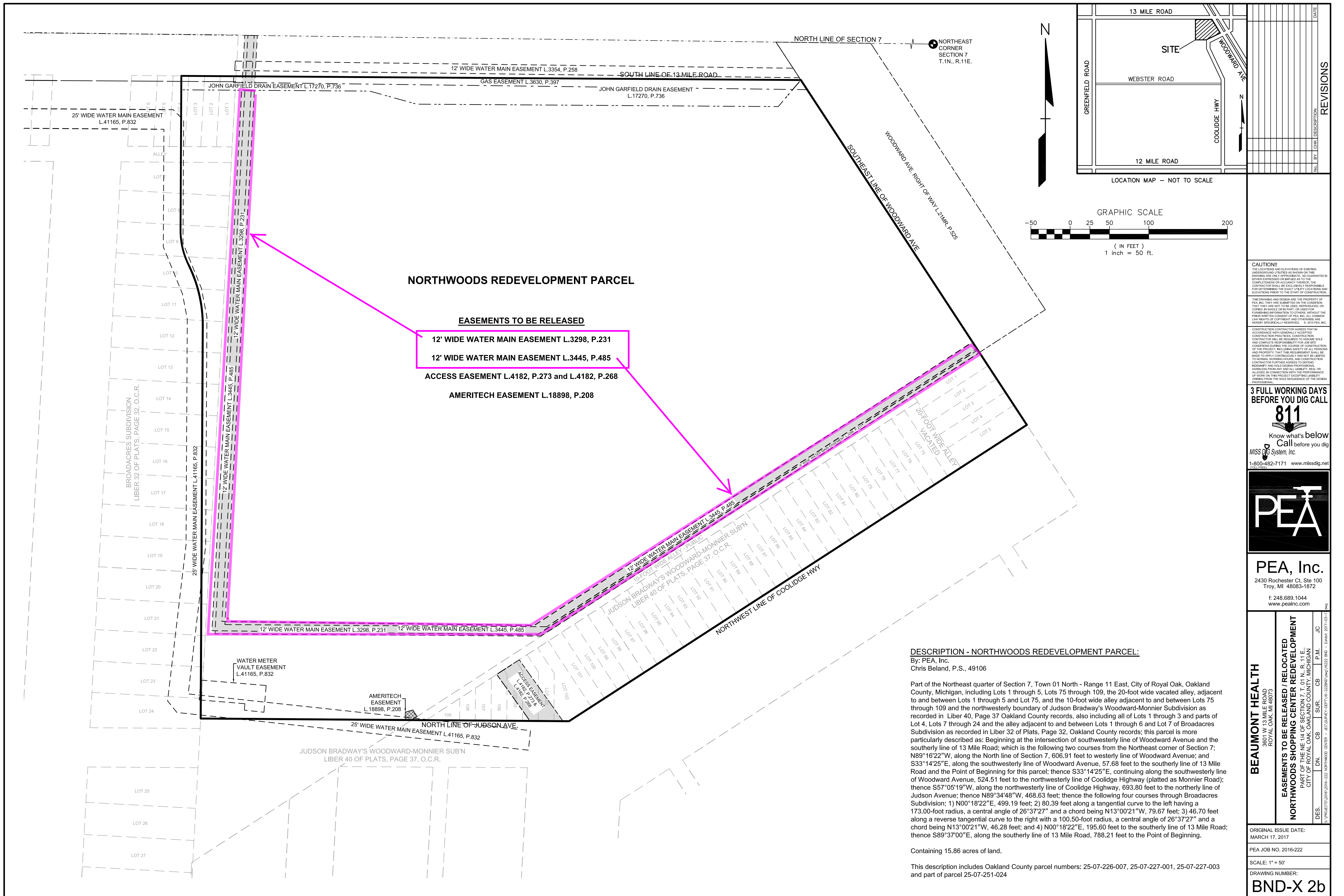
RECORDED
1955 MAR 14 10 5

Recording Fee \$ 4.00
U. S. Revenue Stamp

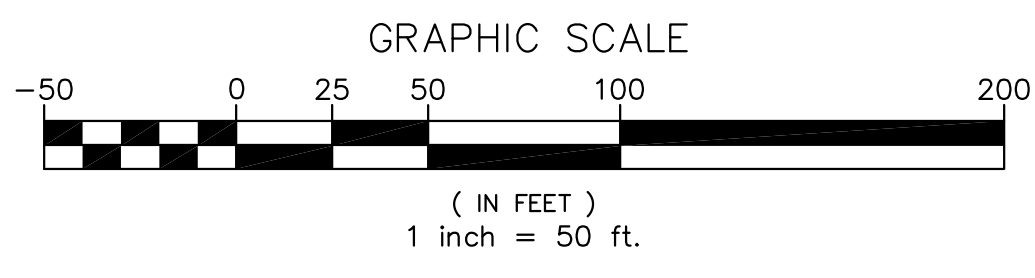
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Obtain in this office upon Title Insurance. For dependable title service see Abstract and Title Guaranty Company



NO.	BY	CHK	DESCRIPTION	DATE



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 THE LOCATIONS AND ELEVATIONS OF EXISTING UNDERGROUND UTILITIES AS SHOWN ON THIS DRAWING ARE ONLY APPROXIMATE. NO GUARANTEE IS EITHER EXPRESSED OR IMPLIED AS TO THE COMPLETENESS OR ACCURACY THEREOF. THE CONTRACTOR SHALL BE SOLELY RESPONSIBLE FOR DETERMINING THE EXACT UTILITY LOCATIONS AND ELEVATIONS PRIOR TO THE START OF CONSTRUCTION.

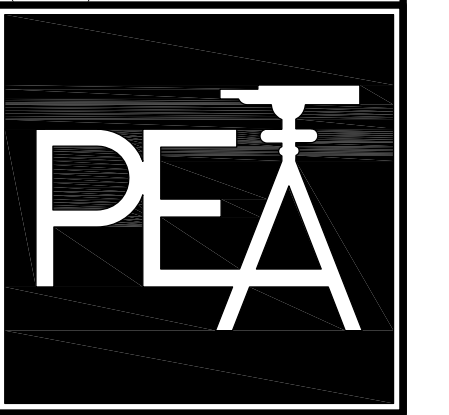
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CONTRACTOR AGREES THAT IN ACCORDANCE WITH GENERAL ACCEPTED CONSTRUCTION PRACTICES, CONSTRUCTION CONTRACTOR SHALL BE REQUIRED TO ASSUME SOLE AND COMPLETE RESPONSIBILITY FOR JOB SITE CONDITIONS DURING THE COURSE OF CONSTRUCTION OF THE PROJECT, INCLUDING SAFETY OF ALL PERSONS AND PROPERTY THAT THE REQUIREMENT SHALL BE MADE TO APPLY CONTINUOUSLY AND NOT BE LIMITED TO NORMAL WORKING HOURS AND CONSTRUCTION CONTROLS OR OTHER SERVICES TO BE PROVIDED BY THE CONTRACTOR. CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY AND HOLD DESIGN PROFESSIONAL LIABILITY FROM ANY AND ALL LIABILITY, REAL OR ALLEGED, IN CONNECTION WITH THE PERFORMANCE OF WORK ON THE PROJECT EXCEPTING LIABILITY ARISING FROM THE SOLE NEGLIGENCE OF THE DESIGN PROFESSIONAL.

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BEAUMONT HEALTH		EASEMENTS TO BE RELEASED / RELOCATED	
888 N. 13 MILE RD. ROYAL OAK, MI 48073		NORTHWOODS SHOPPING CENTER REDEVELOPMENT	
PART OF THE NE 1/4 OF SECTION 7, T. 01 N., R. 11 E., CITY OF ROYAL OAK, OAKLAND COUNTY, MICHIGAN		DES.	DN.
		CB	CB
		SUR	P.M.
			JC
ORIGINAL ISSUE DATE: MARCH 17, 2017			
PEA JOB NO. 2016-222			
SCALE: 1" = 50'			
DRAWING NUMBER: BND-X 2b			