



CITY COUNCIL AGENDA ITEM

Date: July 6, 2011

To: John Szerlag, City Manager

From: Mark F. Miller, Director of Economic and Community Development
Steven J. Vandette, City Engineer
Patricia A. Petitto, Real Estate Consultant, Greenstar & Associates, LLC

Subject: Request for Approval of Purchase Agreement and Acceptance of Regrading and Temporary Construction Permit, John R Road Improvements, Square Lake Road to South Boulevard
Project No. 02.204.5 – Parcels #29 & 30 – Sidwell #88-20-02-427-016 & -017

Background

In connection with the proposed improvements to John R Road, from Square Lake Road to South Boulevard, we reached an agreement to acquire right-of-way from Ramarao V. and Ramadevi Cherukuri, Lakshmi Gontina, and Vemula Panduranga and Chandralekha P. Rao. These parcels are located on the west side of John R Road, between Square Lake Road and Atkins Road in the southeast $\frac{1}{4}$ of Section 2.

An appraisal was prepared by Andrew Reed, State Certified General Appraiser and reviewed by Kimberly Harper, Deputy Assessor and State Licensed Appraiser, and Larysa Figol, Limited Real Estate Appraiser. Staff believes that \$21,700, plus closing costs for the acquisition of the property described in the purchase agreement and \$700 for the Regrading and Temporary Construction Permit are justifiable amounts for this acquisition.

Recommendation

City Management recommends that City Council approve the attached Purchase Agreement and accept the attached Regrading and Temporary Construction Permit from Ramarao V. and Ramadevi Cherukuri, Lakshmi Gontina, and Vemula Panduranga and Chandralekha P. Rao so that the City can proceed with the acquisition of this right-of-way.

Fund Availability

Eighty percent of these costs will be reimbursed from Federal funds. Funds for the City of Troy's share are available in the Major Roads Fund.

CITY OF TROY
AGREEMENT TO PURCHASE REALTY
FOR PUBLIC PURPOSES

The CITY OF TROY (the "Buyer"), agrees to purchase from Ramarao V. Cherukuri and Ramadevi Cherukuri, husband and wife; ~~Haribabu Gontina and Lakshmi Gontina, husband and wife~~; and Vemula Panduranga Rao and Chandralekha P. Rao, husband and wife (the "Sellers"), the following described premises (the "Property"):

SEE ATTACHED EXHIBIT "A"

*SURVIVOR OF HERSELF AND HER
DECEASED HUSBAND HARI BABU
GONTINA WHOSE DEATH CERTIFICATE
IS ATTACHED*

for a public project within the City of Troy and to pay the sum of Twenty-One Thousand, Seven Hundred and no/100 Dollars (\$21,700) under the following terms and conditions:

1. Seller shall assist Buyer in obtaining all releases necessary to remove all encumbrances from the property so as to vest a marketable title in Buyer.
2. Seller shall pay all taxes, prorated to the date of closing, including all special assessments, now due or which may become a lien on the property prior to the conveyance.
3. Seller shall deliver the Warranty Deed upon payment of the purchase money by check drawn upon the account of the City of Troy.
4. Buyer shall, at its own expense, provide title insurance information, and the Seller shall disclose any encumbrances against the property.
5. This Agreement is binding upon the parties and closing shall occur within ninety (90) days of the date that all liens have been released and encumbrances have been extinguished to the satisfaction of the Buyer, unless extended by agreement of the parties in writing. It is further understood and agreed that this period of time is for the preparation and authorization of purchase money.
6. Buyer shall notify the Seller immediately of any deficiencies encumbering marketable title, and Seller shall then proceed to remove the deficiencies. If the Seller fails to remove the deficiencies in marketable title to Buyer's approval, the Buyer shall have the option of proceeding under the terms of this Agreement to take title in a deficient condition or to render the Agreement null and void, and any deposit tendered to the Seller shall be returned immediately to the Buyer upon demand.
7. The City of Troy's sum paid for the property being acquired represents the property being free of all environmental contamination. Although the City of Troy will not withhold or place in escrow any portion of this sum, the City reserves its rights to bring Federal and/or State and/or local cost recovery actions against the present owners and any other potentially responsible parties, arising out of a release of hazardous substances at the property.
8. Seller acknowledges that this offer to purchase is subject to final approval by Troy City Council.
9. Seller grants to Buyer temporary possession and use of the property commencing on this date and continuing to the date of closing in order that the Buyer may proceed with the public project.
10. Additional conditions, if any:

SELLER HEREBY ACKNOWLEDGES THAT NO PROMISES WERE MADE EXCEPT AS CONTAINED IN THIS AGREEMENT.

IN WITNESS WHEREOF, the undersigned hereunto affixed their signatures this
6TH day of July, 2008-2011.

In presence of:

G. Scott Finlay
G. SCOTT FINLAY

Herman Heintz
HERMAN HEINTZ

CITY OF TROY (BUYER)

Patricia A. Petitto
PATRICIA A. PETITTO

SELLERS:

Ramarao V. Cherukuri
Ramarao V. Cherukuri

Ramadevi Cherukuri
Ramadevi Cherukuri

L. Gontina
Lakshmi Gontina

Vemula Panduranga Rao
Vemula Panduranga Rao

Chandralekha P. Rao
Chandralekha P. Rao

Exhibit "A"

Section 2, John R Widening Project
Parcel: 88-20-02-427-017
Parcel 29

PARENT PARCEL #29 DESCRIPTION:

T2N, R11E, SEC 2, CITY OF TROY, OAKLAND COUNTY, MICHIGAN, DESCRIBED AS PART OF THE SOUTHEAST 1/4 BEGINNING AT A POINT DISTANT NORTH 1226.03 FT FROM SOUTHEAST SECTION CORNER, THENCE S 82°38'00" W 669.70 FT, THENCE S 88°50'00" W 565.94 FT, THENCE N 50°40'00" E 127 FT, THENCE EASTERLY TO EAST SECTION LINE, THENCE SOUTH 100 FT TO BEGINNING, THE EAST 33 FEET OF WHICH IS CURRENTLY BEING USED FOR ROADWAY PURPOSES. CONTAINING 2.80 ACRES.

REMAINDER PARCEL DESCRIPTION:

T2N, R11E, SEC 2, CITY OF TROY, OAKLAND COUNTY, MICHIGAN, DESCRIBED AS PART OF THE SOUTHEAST 1/4 BEGINNING AT A POINT DISTANT NORTH 1226.03 FT & S 82°38'00" W 60.50 FT FROM SOUTHEAST SECTION CORNER, THENCE S 82°38'00" W 609.20 FT, THENCE S 88°50'00" W 565.94 FT, THENCE N 50°40'00" E 127 FT, THENCE EASTERLY TO WEST 60 FT R.O.W. LINE OF JOHN R ROAD, THENCE SOUTH 101.56 FT TO BEGINNING. CONTAINING 2.66 ACRES.

PROPOSED RIGHT OF WAY ACQUISITION:

T2N, R11E, SEC 2, CITY OF TROY, OAKLAND COUNTY, MICHIGAN, DESCRIBED AS PART OF THE SOUTHEAST 1/4 BEGINNING AT A POINT DISTANT NORTH 1226.03 FT FROM SOUTHEAST SECTION CORNER, THENCE S 82°38'00" W 60.50 FT, THENCE NORTH 101.56 FT, THENCE N 84°06'11" E (CALCULATED) 60.32 FT, THENCE SOUTH 100.00 FT TO THE POINT OF BEGINNING, ALSO KNOWN AS R.O.W. PARCEL #29, THE EAST 33 FEET OF WHICH IS CURRENTLY BEING USED FOR ROADWAY PURPOSES. CONTAINING 6,047 SQUARE FEET; 0.14 ACRES (GROSS) OR 2,733 SQUARE FEET; 0.06 ACRES (NET).

AND

Section 2, John R Widening Project
Parcel: 88-20-02-427-016
Parcel #30

PARENT PARCEL #30 DESCRIPTION:

T2N, R11E, SEC 2, CITY OF TROY, OAKLAND COUNTY, MICHIGAN, SAID PARCEL DESCRIBED AS PART OF SOUTHEAST 1/4 BEGINNING AT A POINT DISTANT NORTH 1326.03 FT FROM SOUTHEAST SECTION CORNER, THENCE NORTH 100 FT, THENCE S 82°13'00" W 1042.80 FT, THENCE S 50°40'00" W 127 FT, THENCE EASTERLY TO BEGINNING, THE EAST 33 FEET OF WHICH IS CURRENTLY BEING USED FOR ROADWAY PURPOSES. CONTAINING 2.20 ACRES.

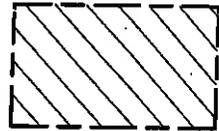
REMAINDER PARCEL DESCRIPTION:

T2N, R11E, SEC 2, CITY OF TROY, OAKLAND COUNTY, MICHIGAN, SAID PARCEL DESCRIBED AS PART OF SOUTHEAST 1/4 BEGINNING AT A POINT DISTANT NORTH 1326.03 FT & S 83°51'35" W 60.35 FT FROM SOUTHEAST SECTION CORNER, THENCE NORTH 98.25 FT, THENCE S 82°13'00" W 982.24 FT, THENCE S 50°40'00" W 127 FT, THENCE EASTERLY 1077.60 FT (CALCULATED) TO THE POINT OF BEGINNING. CONTAINING 2.06 ACRES.

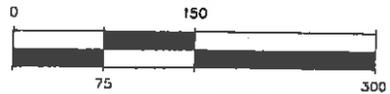
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S 50°40'00" W 127.00'
 N 83°51'35" E 1077.60' (CALCULATED)
 N 83°51'35" E 1137.95' (CALCULATED)
 S 82°13'00" W 1042.80'
 S 82°13'00" W 982.24'



Right-of-Way Acquisition
 Gross Area=5,948 sf; 0.14 AC
 Net Area=2,663 sf; 0.06 AC



GRAPHIC SCALE
 1" = 150'

PARCEL 30
 POB REMAINDER PARCEL

NORTH 98.25'
 PR. 60' R.O.W.
 EX. 33' R.O.W.

60.35'
 WETLAND
 100.00'

JOHN R ROAD
 (120' WIDE)

POB PARENT PARCEL
 POB ACQUISITION PARCEL

SE CORNER
 SECTION 2
 T2N-R11E

PARCEL 30

ORCHARD, HILTZ & McCLIMENT, INC.
 34000 Plymouth Road
 Livonia, MI, 48150 (734)522-8711



500 W. Big Beaver Rd.
 Troy, Michigan 48064
 (248) 524-3594
 www.ci.troy.mi.us

88-20-02-427-016
 Right-of-Way
 Acquisition Sketch

SCALE: 1" = 150'	DRAWN BY: JRV	CHECK BY: GWC	FILE P39-SEC2 ROW
	1-27-06	2-17-06	

4-06	2
3-06	1
DATE	REV.

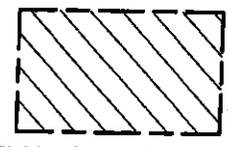
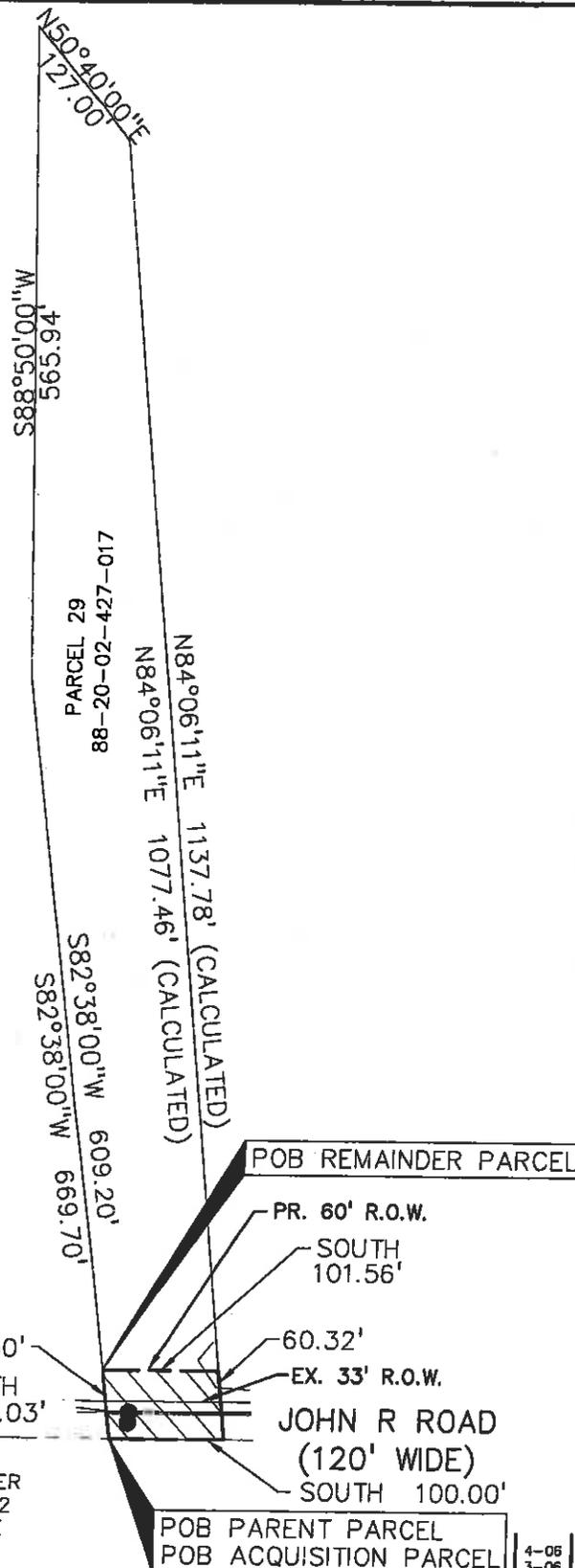


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 Associates, Inc.

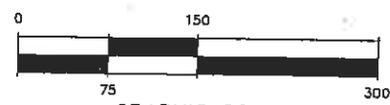
CONTRACT No.

STEVEN J. VANDETTE
 CITY ENGINEER

SHEET No. 1 of 2
 JOB No. 2002-234



Right-of-Way Acquisition
 Gross Area=6,047 sf; 0.14 AC
 Net Area=2,733 sf; 0.06 AC



GRAPHIC SCALE
 1" = 150'

PARCEL 29

ORCHARD, HILTZ & McCLIMENT, INC.
 34000 Plymouth Road
 Livonia, MI, 48150 (734) 522-8711



City of
Troy

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88-20-02-427-017
 Right-of-Way
 Acquisition Sketch

SCALE:	DRAWN BY:	CHECK BY:	FILE
1" = 150'	JRV	GWC	P29-SEC2 ROW
	1-27-06	2-17-06	

STEVEN J. VANDETTE CITY ENGINEER	SHEET No. 1 of 2	JOB No. 2002-234
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4-06 DATE	2 REV.
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Document Prepared by
 Professional Engineering
 Associates, Inc.

CONTRACT No.

SE CORNER
 SECTION 2
 T2N-R11E

NORTH
 1226.03'

POB REMAINDER PARCEL

PR. 60' R.O.W.

SOUTH
 101.56'

60.32'
 EX. 33' R.O.W.

JOHN R ROAD
 (120' WIDE)

SOUTH 100.00'

POB PARENT PARCEL
 POB ACQUISITION PARCEL

REGRAIDING AND TEMPORARY CONSTRUCTION PERMIT

Sidwell # 88-20-02-427-016 & -017
Parcel #29

Ramarao V. Cherukuri and Ramadevi Cherukuri, husband and wife; Lakshmi Gontina, survivor of herself and her deceased husband Haribabu Gontina whose death certificate is attached; and Vemula Panduranga Rao and Chandralekha P. Rao, husband and wife, Grantor(s), whose address is 3288 Greentree Road, Bloomfield Hills, MI 48304, for and in consideration of Seven Hundred and no/100 Dollars (\$700.00) paid by the CITY OF TROY, a Michigan Municipal Corporation, hereinafter called the CITY, whose address is 500 West Big Beaver Road, Troy, Michigan, hereby grants to the CITY, during the construction of and for a period of six (6) Months after completion of John R Road Improvements, from Square Lake Road to South Boulevard (City of Troy Project No. 02.204.5)", the right to move men, equipment, and materials on and through, and to store equipment, materials, and excavated matter on the following described property, located in the City of Troy, to-wit:

SEE ATTACHED EXHIBIT "A" FOR PARENT PARCEL LEGAL DESCRIPTION AND DESCRIPTION OF PERMIT AREA

IN FURTHER CONSIDERATION, the premises so disturbed by reason of the exercise of any of the foregoing powers, shall be reasonably restored to its original condition by the City.

*It is anticipated that construction funding will be available in the 2010 calendar year. However, if construction is delayed this document will be effective during the actual construction year(s) and for a period of six (6) Months after completion of this project.

This instrument shall be binding upon and inure to the benefit of the parties hereto, their heirs, representative, successors, and assigns and the covenants contained herein shall run with the land.

IN WITNESS WHEREOF, the undersigned hereunto affixed their signatures(s) this 23rd day of JUNE, ²⁰¹¹ ~~2008~~:

Ramarao V. Cherukuri (L.S.)
*Ramarao V. Cherukuri

Ramadevi Cherukuri (L.S.)
*Ramadevi Cherukuri

L. Gontina (L.S.)
*Lakshmi Gontina

Vemula Panduranga Rao (L.S.)
*Vemula Panduranga

Chandralekha P. Rao (L.S.)
Chandralekha P. Rao

STATE OF MICHIGAN
COUNTY OF OAKLAND

The foregoing instrument was acknowledged before me this 23rd day of JUNE, ²⁰¹¹ ~~2008~~; by Ramarao V. Cherukuri and Ramadevi Cherukuri, husband and wife; Lakshmi Gontina, survivor of herself and her deceased husband, Haribabu Gontina whose death certificate is attached; and Vemula Panduranga Rao and Chandralekha P. Rao, husband and wife, to me known to be the same person(s) described in and who executed the within instrument, and who then acknowledged the same to be their free act and deed.

Patricia A. Petitto
PATRICIA A. PETITTO
Notary Public, OAKLAND County, Michigan

Acting in OAKLAND County, Michigan

My Commission Expires 12-31-11

Prepared by: Patricia A. Petitto
500 West Big Beaver
Troy, MI 48084

Return to: City Clerk, City of Troy
500 West Big Beaver Road
Troy, Michigan 48084

Exhibit "A"

Section 2, John R Widening Project

Parcel: 88-20-02-427-017

Parcel 29

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10' GRADING PERMIT:

A 10 FOOT GRADING PERMIT IN T2N, R11E, SEC 2, CITY OF TROY, OAKLAND COUNTY, MICHIGAN, DESCRIBED AS BEING THE NORTH 86.48 FEET OF THE WEST 10.00 FEET OF THE EAST 70.00 FEET OF THE FOLLOWING DESCRIBED PARCEL: T2N, R11E, SEC 2, CITY OF TROY, OAKLAND COUNTY, MICHIGAN, DESCRIBED AS PART OF THE SOUTHEAST 1/4 BEGINNING AT A POINT DISTANT NORTH 1226.03 FT FROM SOUTHEAST SECTION CORNER, THENCE S 82°38'00" W 669.70 FT, THENCE S 88°50'00" W 565.94 FT, THENCE N 50°40'00" E 127 FT, THENCE EASTERLY TO EAST SECTION LINE, THENCE SOUTH 100 FT TO BEGINNING, THE EAST 33 FEET OF WHICH IS CURRENTLY BEING USED FOR ROADWAY PURPOSES.

AND

Section 2, John R Widening Project

Parcel: 88-20-02-427-016

Parcel #30

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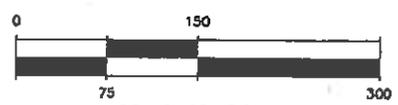
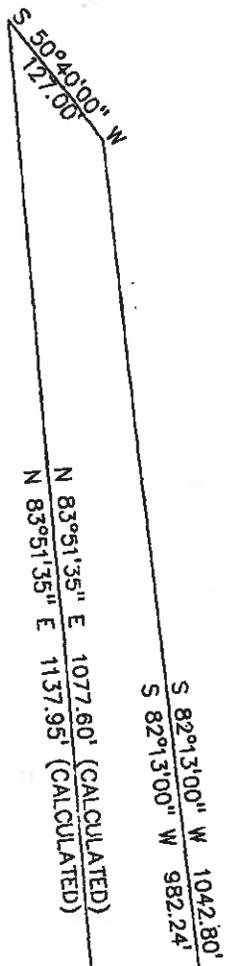
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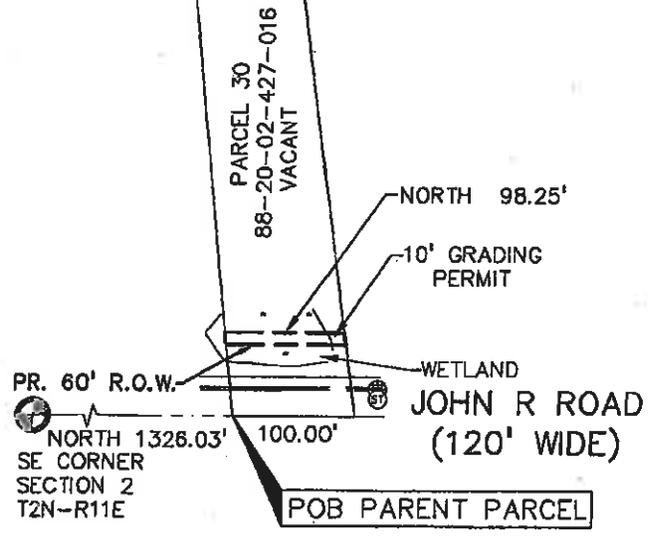
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Thomas G. Smith



GRAPHIC SCALE
1" = 150'



PARCEL 30

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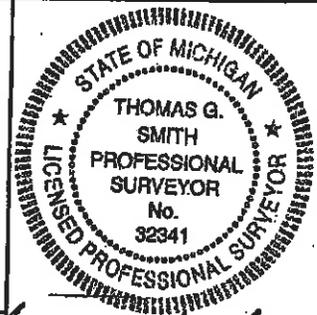


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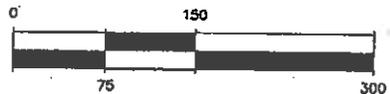
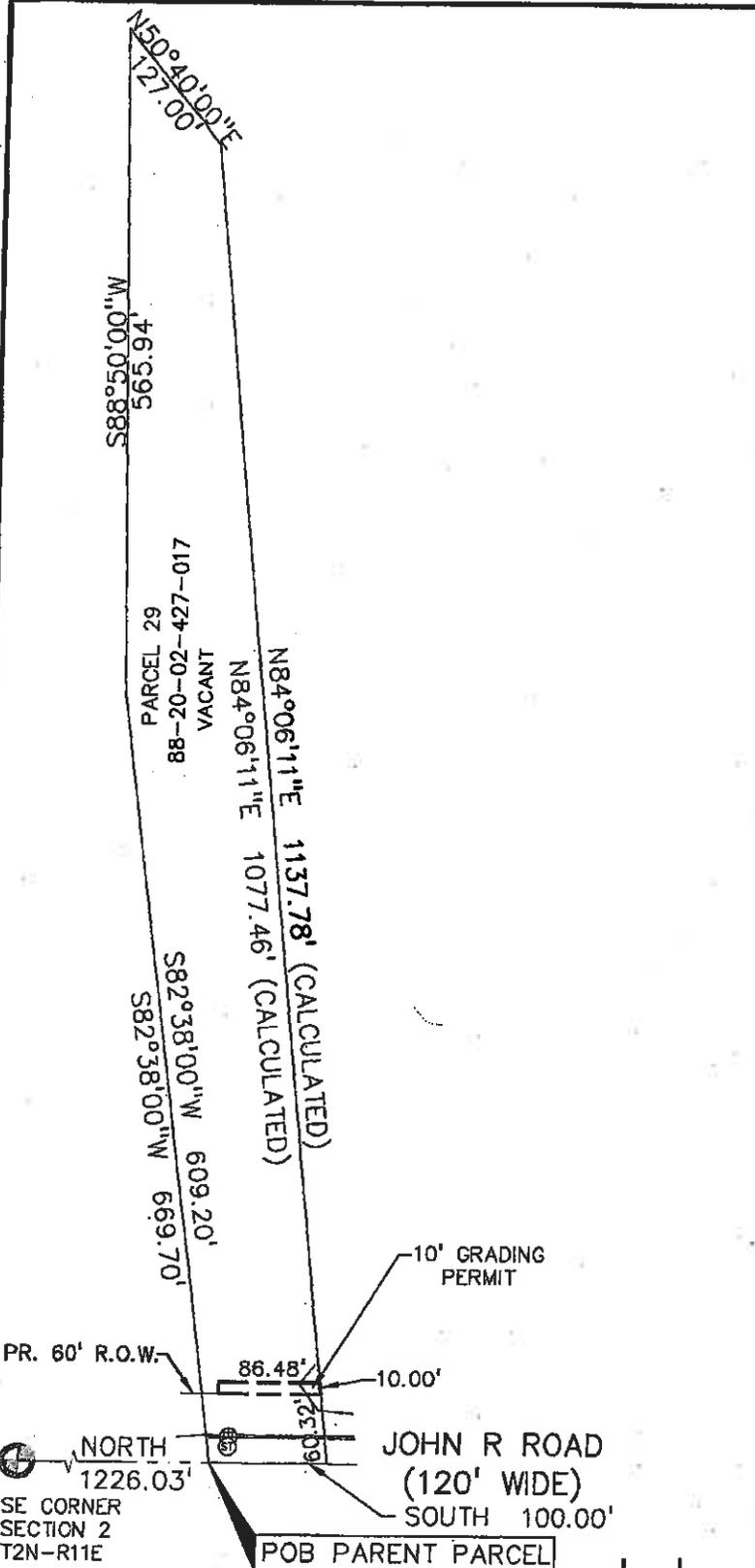
88-20-02-427-016
Grading Permit
Sketch

DATE	REV.	SCALE:	DRAWN BY:	CHECK BY:	FILE
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			2-10-08	3-17-08	
CONTRACT No.		STEVEN J. VANDETTE		SHEET No.	JOB No.
		CITY ENGINEER		1 of 2	2002-234

Document Prepared by
Professional Engineering
Associates, Inc.



Thomas G. Smith



GRAPHIC SCALE
1" = 150'

PARCEL 29

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Troy**

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88-20-02-427-017
Grading Permit
Sketch

SCALE: 1" = 150'	DRAWN BY: JRV	CHECK BY: GWC	FILE 427-017 GRD
	2-10-06	3-17-06	

CONTRACT No.	SHEET No.	JOB No.
STEVEN J. VANDETTE CITY ENGINEER	1 of 2	2002-234



Document Prepared by
Professional Engineering
Associates, Inc.

DATE	REV.

PR. 60' R.O.W.
NORTH
1226.03'
SE CORNER
SECTION 2
T2N-R11E

JOHN R ROAD
(120' WIDE)
SOUTH 100.00'
POB PARENT PARCEL

10' GRADING PERMIT

86.48'
10.00'

S88°50'00"W
565.94'

PARCEL 29
LNVCVA
88-20-02-427-017

N84°06'11"E 1137.78' (CALCULATED)
N84°06'11"E 1077.46' (CALCULATED)

S82°38'00"W 609.20'
S82°38'00"W 669.70'