



# TROY CITY COUNCIL

## REGULAR MEETING

### AGENDA

**NOVEMBER 25, 2013**  
CONVENING AT 7:30 P.M.

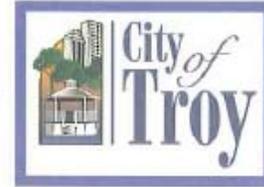
**Submitted By**  
**The City Manager**

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***NOTICE: Persons with disabilities needing accommodations for effective participation in this meeting should contact the City Clerk at (248) 524-3316 or via e-mail at [clerk@troymi.gov](mailto:clerk@troymi.gov) at least two working days in advance of the meeting. An attempt will be made to make reasonable accommodations.***

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TO: The Honorable Mayor and City Council  
Troy, Michigan

FROM: Brian Kischnick, City Manager

SUBJECT: Background Information and Reports

Ladies and Gentlemen:

This booklet provides a summary of the many reports, communications and recommendations that accompany your agenda. Also included are suggested or requested resolutions and/or ordinances for your consideration and possible adoption.

Supporting materials transmitted with this Agenda have been prepared by department directors and staff members. I am indebted to them for their efforts to provide insight and professional advice for your consideration.

As always, we are happy to provide such added information as your deliberations may require.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "B. Kischnick".

Brian Kischnick, City Manager



# TROY CITY COUNCIL

## VISION STATEMENT AND GOALS

Adopted: Monday, February 7, 2011

### **VISION:**

To honor the legacy of the past and build a strong, vibrant future and be an attractive place to live, work, and grow a business.

### **GOALS:**

#### **Provide a safe, clean, and livable city**

- Practice good stewardship of infrastructure
- Maintain high quality professional community oriented police and fire protection
- Conserve resources in an environmentally responsible manner
- Encourage development toward a walkable, livable community

#### **Provide effective and efficient local government**

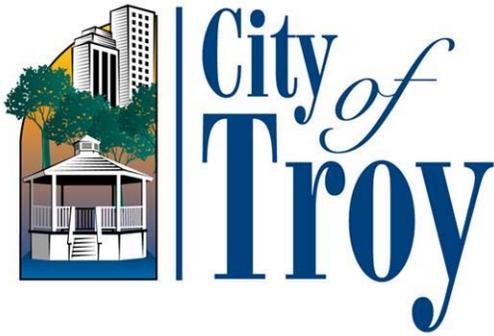
- Demonstrate excellence in community services
- Maintain fiscally sustainable government
- Attract and support a committed and innovative workforce
- Develop and maintain efficiencies with internal and external partners
- Conduct city business and engage in public policy formation in a clear and transparent manner

#### **Build a sense of community**

- Communicate internally and externally in a timely and accurate manner
- Develop platforms for transparent, deliberative and meaningful community conversations
- Involve all stakeholders in communication and engagement activities
- Encourage volunteerism and new methods for community involvement
- Implement the connectedness of community outlines in the Master Plan 2008

#### **Attract and retain business investment**

- Clearly articulate an economic development plan
  - Create an inclusive, entrepreneurial culture internally and externally
  - Clarify, reduce and streamline investment hurdles
  - Consistently enhance the synergy between existing businesses and growing economic sectors
  - Market the advantages of living and working in Troy through partnerships
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# CITY COUNCIL AGENDA

November 25, 2013 – 7:30 PM  
Council Chambers  
City Hall - 500 West Big Beaver  
Troy, Michigan 48084  
(248) 524-3317

**INVOCATION: Pastor Dan Lewis from Troy Christian Chapel** **1**

**PLEDGE OF ALLEGIANCE:** **1**

**A. CALL TO ORDER:** **1**

**B. ROLL CALL:** **1**

**C. CERTIFICATES OF RECOGNITION AND SPECIAL PRESENTATIONS:** **1**

C-1 Presenting the MML Legislator of the Year Award to Senator Pappageorge  
(Introduced by: MML President Jacqueline Noonan) **1**

C-2 Certificate of Recognition for Smith Middle School Students Who Volunteered to  
Clean Up Troy Parks (Introduced by: Cindy Stewart, Community Affairs Director) **1**

C-3 Troy High School Senior and Eagle Scout Candidate Kyle Newberry to Present a  
Check From Money Raised From His Eagle Scout Project to Troy Nature Society  
(Introduced by: Cindy Stewart, Community Affairs Director) **1**

C-4 Service Commendation Award to Peggy Sears, Human Resources Director  
(Introduced by: Cindy Stewart, Community Affairs Director) **1**

**D. CARRYOVER ITEMS:** **2**

D-1 No Carryover Items **2**

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**INVOCATION: Pastor Dan Lewis from Troy Christian Chapel**

**PLEDGE OF ALLEGIANCE:**

**A. CALL TO ORDER:**

**B. ROLL CALL:**

- a) Mayor Dane Slater  
Jim Campbell  
Wade Fleming  
Dave Henderson  
Ellen Hodorek  
Ed Pennington  
Doug Tietz

- b) Excuse Absent Council Members:

Suggested Resolution

Resolution #2013-11-

Moved by

Seconded by

RESOLVED, That Troy City Council hereby **EXCUSES** the absence of \_\_\_\_\_ at the Regular City Council Meeting of November 25, 2013, due to \_\_\_\_\_.

Yes:

No:

**C. CERTIFICATES OF RECOGNITION AND SPECIAL PRESENTATIONS:**

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**C-1 Presenting the MML Legislator of the Year Award to Senator Pappageorge  
(Introduced by: MML President Jacqueline Noonan)**

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**C-2 Certificate of Recognition for Smith Middle School Students Who Volunteered to Clean Up Troy Parks  
(Introduced by: Cindy Stewart, Community Affairs Director)**

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**C-3 Troy High School Senior and Eagle Scout Candidate Kyle Newberry to Present a Check From Money Raised From His Eagle Scout Project to Troy Nature Society  
(Introduced by: Cindy Stewart, Community Affairs Director)**

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**C-4 Service Commendation Award to Peggy Sears, Human Resources Director  
(Introduced by: Cindy Stewart, Community Affairs Director)**

**D. CARRYOVER ITEMS:**

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**D-1** No Carryover Items**E. PUBLIC HEARINGS:**

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**E-1** Public Hearing for Industrial Development District (IDD) for Magna US Holding Inc. at 750 Tower (*Introduced by: Nino Licari, City Assessor*)Suggested Resolution

Resolution #2013-11-

Moved by

Seconded by

WHEREAS, Pursuant to PA 198 of 1974, as amended, the Troy City Council has the authority to establish Industrial Development Districts (IDD's) within the City of Troy; and

WHEREAS, Magna US Holding, Inc. has petitioned the Troy City Council to establish an Industrial Development District (IDD) on its property located in the City of Troy, hereinafter described; and

WHEREAS, Construction, acquisition, alteration, or installation of a proposed facility had not commenced at the time of filing the request to establish the district; and

WHEREAS, Written notice was given by mail to all owners of real property located within the district, and to the public by newspaper advertisement in the newspaper of record, and public posting of the hearing on the establishment of the district; and

WHEREAS, On November 25, 2013, a public hearing was held at which all owners of real property within the proposed Industrial Development District (IDD) and all residents and taxpayers of the City of Troy were afforded an opportunity to be heard thereon; and

WHEREAS, The Troy City Council deems it to be in the public interest of the City of Troy to establish the industrial Development District (IDD) as proposed.

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **ESTABLISHES** an Industrial Development District (IDD) for property known as 750 Tower, Troy, MI 48098, Parcel #88-20-09-301-015, in accordance with City Council Policy Resolution #2010-08-173; and

BE IT FINALLY RESOLVED, That Troy City Council hereby **DIRECTS** the City Clerk to forward a certified copy of this resolution to the State Tax Commission, Treasury Building, P.O. Box 30471, Lansing, MI 48909-7971.

Yes:

No:

Absent:

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**E-2 Public Hearing for Industrial Facilities Exemption Certificate (IFEC) for Magna US Holding Inc. at 750 Tower (Introduced by: Nino Licari, City Assessor)**Suggested Resolution

Resolution #2013-11-

Moved by

Seconded by

WHEREAS, After due notice and proper hearing, the City Council of the City of Troy on November 25, 2013, established an Industrial Development District (IDD) for property known as 750 Tower, Troy, MI 48098, Parcel # 88-20-09-301-015; and

WHEREAS, An Application has been submitted by Magna US Holding, Inc., for an Industrial Facilities Exemption Certificate (IFEC) for personal property at 750 Tower, Troy, MI 48098 for nine (9) years after completion; and

WHEREAS, After due and proper notice by the City Clerk, the City Council, on November 25, 2013, held a Public Hearing giving opportunity for comment by all taxing units as to the possibility that the granting of an Industrial Facilities Exemption Certificate (IFEC) for Magna US Holding, Inc. at 750 Tower, Troy, MI 48098 may have the effect of substantially impeding the operation of the taxing unit, or impairing the financial soundness of the taxing unit; and

WHEREAS, The aggregate SEV of real and personal property exempt from ad valorem taxes within the City of Troy, after granting this certificate will not exceed 5% of an amount equal to the sum of the SEV of the City of Troy, plus the SEV of real and personal property thus exempted.

NOW, THEREFORE, BE IT RESOLVED, That Troy City Council has **FOUND THAT THE GRANTING** of an Industrial Facilities Exemption Certificate (IFEC) for Magna US Holding, Inc., at 750 Tower, Troy, MI 48098 shall not substantially impede the operation of the City of Troy or the other taxing units, **NOR HAS IT BEEN FOUND THAT THE GRANTING** of the Industrial Facilities Exemption Certificate (IFEC) will impair the financial soundness of the City of Troy, or the other taxing units which levy taxes on said property; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **APPROVES** the application to for an Industrial Facilities Exemption Certificate (IFEC) for Magna US Holding, Inc., at 750 Tower, Troy, MI 48098, Parcel # 88-20-09-301-015, for personal property for a term of nine (9) years after completion, **CONTINGENT** upon the execution of a Letter of Agreement between the City of Troy and Magna US Holding, Inc., and the payment of the fees in accordance with Public Act 198 of 1974, as amended; and

BE IT FURTHER RESOLVED, That the Mayor and City Clerk are **AUTHORIZED TO EXECUTE** the Letter of Agreement between the City of Troy and Magna US Holding, Inc., a copy of which shall be **ATTACHED** to the original Minutes of this meeting;

BE IT FINALLY RESOLVED, That the City Clerk is hereby **AUTHORIZED TO COMPLETE** the Application and **TRANSMIT** same to the State Tax Commission, Treasury Building, P.O. Box 30471, Lansing, MI 48909-7971.

Yes:

No:

Absent:

## **F. PUBLIC COMMENT FOR ITEMS ON THE AGENDA:**

### **In accordance with the Rules of Procedure for the City Council, Article 17 – Members of the Public and Visitors:**

Any person not a member of the City Council may address the Council with recognition of the Chair, after clearly stating the nature of his/her inquiry or comment. *City Council requests that if you do have a question or concern, to bring it to the attention of the appropriate department(s) whenever possible. If you feel that the matter has not been resolved satisfactorily, you are encouraged to bring it to the attention of the City Manager, and if still not resolved satisfactorily, to the Mayor and Council.*

- Petitioners shall be given a fifteen (15) minute presentation time that may be extended with the majority consent of City Council.
- Any member of the public, not a petitioner of an item, shall be allowed to speak for up to three (3) minutes to address any Public Hearing item.
- Any member of the public, not a petitioner of an item, shall be allowed to speak for up to three (3) minutes total to address Postponed, Regular Business, Consent Agenda or Study items or any other item on the Agenda as permitted under the Open Meetings Act during the *Public Comment for Items On the Agenda* portion of the Agenda.
- Any member of the public, not a petitioner of an item, shall be allowed to speak for up to three (3) minutes to address any topic not on the Agenda as permitted under the Open Meetings Act during the *Public Comment for Items Not on the Agenda* portion of the Agenda.
- All members of the public who wish to address the Council at a meeting shall be allowed to speak only if they have signed up to speak within thirty minutes before or within fifteen minutes after the meeting's start time. Signing up to speak requires each speaker provide his or her name and residency status (Troy resident, non-resident, or Troy business owner). If the speaker is addressing an Item (or Items) that appear on the pre-printed agenda, then the speaker shall also identify each such agenda item number(s) to be addressed.
- City Council may waive the requirements of this section by a majority vote of the City Council members.
- Agenda items that are related to topics where there is significant public input anticipated should initiate the scheduling of a Special meeting for that specific purpose.

The following has been approved by Troy City Council as a statement of the rules of decorum for City Council meetings. The Mayor will also provide a verbal notification of these rules prior to Public Comment:

*The audience should be aware that all comments are to be directed to the Council rather than to City Administration or the audience. Anyone who wishes to address the Council is required to sign up to speak within thirty minutes before or within fifteen minutes of the start of the meeting. There are two Public Comment portions of the Agenda. For Items On the Agenda, speakers can sign up to address Postponed, Regular Business, Consent Agenda, or Study items or any other item on the Agenda. Speakers can sign up to address all other topics under Items Not on the Agenda. Also, there is a timer on the City Council table in*

*front of the Mayor that turns yellow when there is one minute of speaker time remaining, and turns red when the speaker's time is up.*

*In order to make the meeting more orderly and out of respect, please do not clap during the meeting, and please do not use expletives or make derogatory or disparaging comments about any one person or group. If you do so, then there may be immediate consequences, including having the microphone turned off, being asked to leave the meeting, and/or the deletion of speaker comments for any re-broadcast of the meeting. Speakers should also be careful to avoid saying anything that would subject them to civil liability, such as slander and defamation.*

*Please avoid these consequences and voluntarily assist us in maintaining the decorum befitting this great City.*

**G. CITY COUNCIL/CITY ADMINISTRATION RESPONSE/REPLY TO PUBLIC COMMENT:**

**H. POSTPONED ITEMS:**

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**H-1 No Postponed Items**

**I. REGULAR BUSINESS:**

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**I-1 Board and Committee Appointments: a) Mayoral Appointments – None; b) City Council Appointments – None**

**a) Mayoral Appointments: None**

**b) City Council Appointments: None**

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**I-2 Board and Committee Nominations: a) Mayoral Nominations – Local Development Finance Authority (LDFA), Planning Commission; b) City Council Nominations – Employee Retirement System Board of Trustees/Retiree Health Care Benefits Plan and Trust, Southeastern Michigan Council of Governments (SEMCOG)**

**a) Mayoral Nominations:**

Suggested Resolution

Resolution #2013-11-

Moved by

Seconded by

RESOLVED, That the Mayor of the City of Troy hereby **FORWARDS** the following nominated person(s) to serve on the Boards and Committees as indicated to the next Regular City Council Meeting for action:

**Local Development Finance Authority (LDFA)**

Appointed by Mayor  
5 Regular Members  
Staggered 4 Year Term

**Current Members:**

Last Name	First Name	App Res Expire	Appointment Expire	Notes 1	Notes 2
Beltramini	Robin		6/30/2014	Resident Member	
Hoef	Paul	11/21/2013	6/30/2015	Resident Member	EDC exp 4/30/2015
Kidder	Michael	1/13/2009	6/30/2015	Member	
McGinnis	Maureen		11/11/2013	Alternate	
Sharp	John	7/15/2013	6/30/2016	Resident Member	EDC exp 4/30/2015
Shields	David	6/14/2014	6/30/2016	Member	
Slater	Dane		11/9/2015	Alternate	
Spanos	Irene				
Vitale	Nickolas	7/1/2013	6/30/2015	Resident Member	

**Nominations to the Local Development Finance Authority (LDFA):**

**Term Expires: 11/13/2017**

**(Alternate)**

Term previously held by: Maureen McGinnis

**Planning Commission**

Appointed by Mayor  
9 Regular Members  
3 Year Term

**Current Members:**

Last Name	First Name	Appointment Expire	Notes 2	Notes 3
Edmunds	Donald	12/31/2013	Edc exp 4/30/3014	Requests Reappointment
Hutson	Michael	12/31/2015	Sust Design Rev Comm-Ad Hoc	
Kempen	Edward	12/31/2013		
Krent	Thomas	12/31/2013	PC Rep to ZBA exp 12/31/2013	Requests Reappointment

Sanzica	Philip	12/31/2015	Alt. PC Rep on BZA	
Schepke	Gordon	12/31/2014		
Schultz	Robert	12/31/2014		
Strat	Thomas	12/31/2014	Sust Design Rev Comm-Ad Hoc	
Tagle	John	12/31/2015		
Boudon	Frank	7/31/2014	Student	

**Nominations to the Planning Commission:**

**Term Expires: 12/31/2016**

Term currently held by: Donald Edmunds

**Term Expires: 12/31/2016**

Term currently held by: Edward Kempen

**Term Expires: 12/31/2016**

Term currently held by: Thomas Krent

**Interested Applicants:**

Last Name	First Name	App Res Expire	Notes	Notes
Binkowski	Sarah	1/16/2015		Traffic Comm exp 1/31/2013
Binkowski	Matthew	5/7/2015		Liquor Adv Comm exp 1/31/2015
Gottlieb	Steve	11/8/2015		
Huber	Robert	3/1/2015	Student	
Johansson	Steven	1/23/2014		
Kaltsounis	Andrew	12/13/2014		Liquor Adv Comm exp 1/31/2016
Kaltsounis	Orestis (Rusty)	1/20/2014		P&R Bd exp 9/30/2015; ZBA (Alt) exp 1/31/2015
Lambert	Dave	1/8/2015		ZBA exp 4/30/2014
Lokken	Stephen	1/23/2014		
Ragan	John	1/26/2014		

Yes:  
No:  
Absent:

**b) City Council Nominations:**

Suggested Resolution  
Resolution #2013-11-

Moved by  
 Seconded by

RESOLVED, That Troy City Council hereby **FORWARDS** the following nominated person(s) to serve on the Boards and Committees as indicated to the next Regular City Council Meeting for action:

**Employee Retirement System Board of Trustees / Retiree Health Care Benefits Plan & Trust**

Appointed by Council

6 Regular Members and 2 Ordinance Members:

- (1) Troy Citizen.; (1) City Council Member.; (1) Retiree-DB; (3) Trustees - Elected;  
 City Manager; Asst. City Manager-Finance & Administration  
 3 Year Term

**Current Members:**

Last Name	First Name	App Res Expire	Appointment Expire	Notes 1
Calice	Mark	9/6/2014	12/31/2015	
Darling	Thomas			
Gordon II	Thomas	9/17/2015	12/31/2013	
Henderson	Dave			
Kischnick	Brian			
Need	William	11/13/2012	12/31/2013	
Pallotta	Steven		12/31/2014	
Stansbury	Milt	11/29/2013	12/31/2015	

**Nominations to the Employee Retirement System Board of Trustees/Retiree Health Care Benefits Plan & Trust:**

**Term Expires: 12/31/2016**

**Ex-Officio – DB Retiree Rep.**

Term currently held by: William Need

**Interested Applicants:**

Last Name	First Name	App Res Expire		Notes 1
Doyle	Hugh	2/8/2014		
Kornacki	Rosemary	9/20/2015		
McHugh	Daniel	7/11/2015		

Southeastern Michigan Council of Governments (SEMCOG)

Appointed by Council  
1 Regular and 1 Alternate  
Appointed Every Odd-Year Election

Nominations to the Southeastern Michigan Council of Governments (SEMCOG):

**Term Expires: 11/10/2015** (Delegate)

Term currently held by: James Campbell

**Term Expires: 11/10/2015** (Alternate)

Term currently held by: Mark Miller

Yes:  
No:  
Absent:

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**I-3 No Closed Session Requested**

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**I-4 City Council Rules of Procedure (Introduced by: Aileen Bittner, City Clerk)**

- a) **Adoption of the City Council Rules of Procedure**
- b) **Council Member Fleming’s Proposed Revisions to the City Council Rules of Procedure**

Suggested Resolution  
Resolution #2013-11-  
Moved by  
Seconded by

RESOLVED, That Troy City Council hereby (**ADOPTS** or **AMENDS**) the Rules of Procedure of the City Council of the City of Troy as recorded by the City Clerk in the Minutes of this meeting.

Yes:  
No:  
Absent:

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**I-5 Recommendation: Six Month Review of the Amendments to the Troy City Code Chapter 77, Smoking Lounges Hours of Operation (Introduced by: Gary Mayer, Chief of Police)**

Suggested Resolution  
Resolution #2013-11-  
Moved by  
Seconded by

RESOLVED, That Chapter 77 – Smoking Lounges, **BE AMENDED** to allow hours of operation to be extended for Friday and Saturday nights, as recommended by the City Administration; a copy of the amendment shall be **ATTACHED** to the original Minutes of this meeting.

Yes:

No:

Absent:

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**I-6 Approval of Third Amendment to MDOT Capital Contract for Troy Multi-Modal Transit Facility, MDOT Contract No. 2011-0231/A2 (Introduced by: Steve Vandette, City Engineer)**

Suggested Resolution

Resolution #2013-11-

Moved by

Seconded by

WHEREAS, On September 12, 2011, City Council approved Capital Contract No. 2011-0231 with MDOT (Resolution No. 2011-09-210) for \$8,485,212 in federal funds for the final design and construction of the Troy Multi-Modal Transit Facility; and

WHEREAS, On January 17, 2012, City Council resolved that the total cost of the Troy Multi-Modal Transit Center not exceed \$6,272,500 (Resolution No. 2012-01-008); and

WHEREAS, On November 12, 2012, City Council approved the First Amendment to the MDOT Capital Contract to reduce the grant funding amount from the original \$8,485,212 to \$6,272,500; and

WHEREAS, On March 4, 2013, City Council approved the Second Amendment to the MDOT Capital Contract to increase the grant amount from \$6,272,500 to \$6,620,736 so as to include the cost of a crash wall required by the host railroad, Grand Trunk Western Railroad, also known as Canadian National Railroad (CN).

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **APPROVES** a Third Amendment to MDOT Capital Contract No. 2011-0231 between the City of Troy and the Michigan Department of Transportation to increase the funding amount from \$6,620,736 to a not to exceed amount of \$8,378,736, and **AUTHORIZES** the Mayor and Clerk to **EXECUTE** the contract amendment documents.

Yes:

No:

Absent:

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**I-7 Grand/Sakwa Properties – Transit Center (Introduced by: Lori Grigg Bluhm, City Attorney)**

Suggested Resolution

Resolution #2013-11-

Moved by

Seconded by

WHEREAS, The City of Troy is in the process of completing the construction and establishing the operation of a public transportation center located near the southwesterly corner of Maple Road and Coolidge Highway in the City of Troy (the "Project");

WHEREAS, The City of Troy and Grand/Sakwa Properties, Inc. ("Grand/Sakwa") are currently involved in a legal dispute over the ownership of real property underlying the Project which is currently pending before the Michigan Supreme Court, Case No. 147482, and as such the interest of Grand/Sakwa, if any, is currently in dispute and has not been the subject of a final unappealable judicial determination;

WHEREAS, Without waiving, and expressly reserving, any claims or defenses in the pending legal dispute, nor admitting the validity of the asserted property rights of Grand/Sakwa, the City of Troy has determined that conditions necessitate the acquisition of the asserted property rights which serve as a basis for the claimed interest of Grand/Sakwa in the real property described in Exhibit A consisting of approximately 2.7 gross acres of land, in the City of Troy, County of Oakland, State of Michigan (the "Property") for the Project and benefit of the public;

THEREFORE, BE IT RESOLVED, That by virtue of the authority vested in the City of Troy, the City of Troy **DECLARES** and **DETERMINES** that it is necessary to proceed with eminent domain proceedings to acquire and take the Property without the consent of Grand/Sakwa, to the extent it may have an ownership interest, for the purpose of the construction, establishment, and operation of the public transportation center and benefit of the public; and that the Property is necessary for the use and benefit of the public and that a good faith written offer may be made in accordance with the requirements of 1980 PA 87, as amended; and

BE IT FURTHER RESOLVED, That by virtue of the authority vested in the City of Troy, it is **NOW DECLARED** and **DETERMINED** that the property rights, if any, owned by the parties of interest as described in Exhibit A is hereby taken.

INTEREST TAKEN: All interest (including all remainder and/or contingent interest) of Grand/Sakwa Properties, Inc. a Michigan corporation, as more fully described in **Exhibit A**.

PARTIES IN INTEREST: Grand/Sakwa Properties, Inc. a Michigan corporation, and other parties of interest unknown to the City of Troy at this time.

ESTIMATED JUST COMPENSATION: \$550,000.00

BE IT FURTHER RESOLVED, That the attorneys for the City of Troy and the agents for the City of Troy, are **DIRECTED** to take the necessary steps to acquire the Property, including making a good faith offer in the amount of the estimated just compensation to purchase for the property rights, negotiating to purchase the property rights, and to institute condemnation proceedings against parties of interest in the Property, and take any other steps that are necessary to implement this action.

BE IT FURTHER RESOLVED, That the City Manager of the City of Troy is **AUTHORIZED** to sign any related documents upon approval of counsel to acquire the Property.

Yes:  
No:  
Absent:

**J. CONSENT AGENDA:**

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**J-1a Approval of “J” Items NOT Removed for Discussion**

Suggested Resolution  
Resolution #2013-11-  
Moved by  
Seconded by

RESOLVED, That Troy City Council hereby **APPROVES** all items on the Consent Agenda as presented with the exception of Item(s) \_\_\_\_\_, which shall be **CONSIDERED** after Consent Agenda (J) items, as printed.

Yes:  
No:  
Absent:

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**J-1b Address of “J” Items Removed for Discussion by City Council**

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**J-2 Approval of City Council Minutes**

Suggested Resolution  
Resolution #2013-11-

RESOLVED, That Troy City Council hereby **APPROVES** the following Minutes as submitted:

- a) City Council Meeting Minutes-Draft – November 11, 2013

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**J-3 Proposed City of Troy Proclamations:**

- a) MML Legislator of the Year Award to Senator Pappageorge
- b) Service Commendation Award to Peggy Sears, Human Resources Director

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**J-4 Standard Purchasing Resolutions:**

- a) **Standard Purchasing Resolution 1: Award to Low Bidder - Asphalt Patching Material – Cold Patch**

Suggested Resolution  
Resolution #2013-11-

RESOLVED, That Troy City Council hereby **AWARDS** a seasonal contract for Asphalt Patching Material – Cold Patch to the low bidder, *Cadillac Asphalt LLC of Wixom, MI*, for an estimated total cost of \$39,000.00, at the unit price contained in the bid tabulation electronically submitted November 7, 2013, a copy of which shall be **ATTACHED** to the original Minutes of this meeting, the cost of which **SHALL NOT EXCEED** annual budgetary limitations; with the contract expiring April 30, 2014; and

BE IT FURTHER RESOLVED, That the award is **CONTINGENT** upon the contractor’s submission of properly executed bid and proposal documents, including insurance certificates and all other specified requirements.

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**J-5 Agreement for Traffic Control Device – Adams Road and Harlan Elementary School**

Suggested Resolution  
Resolution #2013-11-

RESOLVED, That the Road Commission for Oakland County (RCOC) “Agreement for Traffic Control Device” (Co. #316) for the traffic signal on Adams Road at Harlan Elementary School **BE APPROVED**; and

BE IT FURTHER RESOLVED, That the Mayor and City Clerk are **AUTHORIZED TO EXECUTE** the agreement.

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**J-6 May, as Personal Representative of Jesus Gillard v City of Troy, et al**

Suggested Resolution  
Resolution #2013-11-

NOW, THEREFORE, BE IT RESOLVED, That the Troy City Council hereby **APPROVES** the confidential settlement presented during the November 11, 2013 closed session, and **DIRECTS** the City Attorney to proceed with settling this matter and executing a release and settlement agreement with Plaintiff and his counsel.

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**J-7 Authorization to Request Reimbursement – MDEQ SAW Grant**

Suggested Resolution  
Resolution #2013-11-

City of Troy  
County of Oakland

Resolution Authorizing the SAW Grant Agreement

Minutes of the regular meeting of the City Council of the City of Troy County of Oakland, State of Michigan, (the “Municipality”) held on November 25, 2013.

PRESENT: Members: \_\_\_\_\_

ABSENT: Members: \_\_\_\_\_  
\_\_\_\_\_

Member \_\_\_\_\_ offered and moved the adoption of the following resolution, seconded by Member \_\_\_\_\_

WHEREAS, Part 52 (strategic water quality initiatives) of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended ("Part 52"), provides at MCL 324.5204e that the Michigan Finance Authority (the "MFA") in consultation with the Michigan Department of Environmental Quality (the "DEQ") shall establish a strategic water quality initiatives grant program; and

WHEREAS, In accordance with the provisions of 2012 PA 511, which provides grants to municipalities for sewage collection and treatment systems or storm water or nonpoint source pollution control; and

WHEREAS, In accordance with the provisions of 1985 PA 227, as amended, Part 52, and other applicable provisions of law, the MFA, the DEQ, and the Municipality that is a grant recipient shall enter into a grant agreement (the "SAW Grant Agreement") that requires the Municipality to repay the grant under certain conditions as set forth in MCL 324.5204e, as amended; and

WHEREAS, The Municipality does hereby determine it necessary to (***select one or more***)  
 establish an asset management plan,  establish a stormwater management plan,  establish a plan for wastewater/stormwater,  establish a design of wastewater/stormwater,  pursue innovative technology, or  initiate construction activities (up to \$500,000 for disadvantaged community).

WHEREAS, It is the determination of the Municipality that at this time, a grant in the aggregate principal amount not to exceed \$2,000,000.00 ("Grant") be requested from the MFA and the DEQ to pay for the above-mentioned undertaking(s); and

WHEREAS, The Municipality shall obtain this Grant by entering into the SAW Grant Agreement with the MFA and the DEQ.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. \_\_\_\_\_ (*title of the designee's position*), a position currently held by \_\_\_\_\_ (*name of the designee*), is designated as the Authorized Representative for purposes of the SAW Grant Agreement.

2. The proposed form of the SAW Grant Agreement between the Municipality, the MFA and DEQ (attached Sample Grant Agreement) is hereby approved and the Authorized Representative is authorized and directed to execute the SAW Grant Agreement with such revisions as are permitted by law and agreed to by the Authorized Representative.

- 3. The Municipality shall repay the Grant, within 90 days of being informed to do so, with interest at a rate not to exceed 8 percent per year, to the Authority if the Municipality is unable to, or decides not to, proceed with constructing the project or implementing the asset management program for which the funding is provided within 3 years of the Grant award.
- 4. The Grant, if repayable, shall be a first budget obligation of the Municipality, and the Municipality is required, if necessary, to levy ad valorem taxes on all taxable property in the Municipality for the payment thereof, subject to applicable constitutional, statutory and Municipality tax rate limitations.
- 5. The Municipality shall not invest, reinvest or accumulate any moneys deemed to be Grant funds, nor shall it use Grant funds for the general local government administration activities or activities performed by municipal employees that are unrelated to the project.
- 6. The Authorized Representative is hereby jointly or severally authorized to take any actions necessary to comply with the requirements of the MFA and the DEQ in connection with the issuance of the Grant. The Authorized Representative is hereby jointly or severally authorized to execute and deliver such other contracts, certificates, documents, instruments, applications and other papers as may be required by the MFA or the DEQ or as may be otherwise necessary to effect the approval and delivery of the Grant.
- 7. The Municipality acknowledges that the SAW Grant Agreement is a contract between the Municipality, the MFA and the DEQ.
- 8. All resolutions and parts of resolutions insofar as they conflict with the provisions of this Resolution are rescinded.

YEAS: Members: \_\_\_\_\_  
 NAYS: Members: \_\_\_\_\_

**RESOLUTION DECLARED ADOPTED**

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Council of the City of Troy, County of Oakland, said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

\_\_\_\_\_  
 M. Aileen Bittner, CMC  
 City of Troy, City Clerk  
 State of Michigan, County of Oakland

Yes:  
 No:  
 Absent:

**J-8 Request for Acceptance of Two Permanent Easements From Tinelle Properties, LLC - Sidwell #88-20-08-276-002**Suggested Resolution

Resolution #2013-11-

RESOLVED, That City Council hereby **ACCEPTS** two permanent easements for water mains and sanitary sewers from Tinelle Properties, LLC, owner of the property having Sidwell #88-20-08-276-002; and

BE IT FURTHER RESOLVED, That the City Clerk is hereby **DIRECTED** to record the easements with Oakland County Register of Deeds, copies of which shall be **ATTACHED** to the original Minutes of this meeting.

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**J-9 Request for Recognition as a Nonprofit Organization Status From Kim Bryson – Boyd R. Larson Middle School Parent Teacher Organization**Suggested Resolution

Resolution #2013-11-

RESOLVED, That Troy City Council hereby **APPROVES** the request from Boyd R. Larson Middle School Parent Teacher Organization, asking that they be recognized as a nonprofit organization operating in the community for the purpose of obtaining a charitable gaming license as recommended by City Management.

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**J-10 Request for Acceptance of Permanent Easements and Warranty Deeds for Beachview Site Condominium – Sidwell #88-20-18-127-012**Suggested Resolution

Resolution #2013-11-

RESOLVED, That City Council hereby **ACCEPTS** three warranty deeds for right-of-way and a detention basin, and four permanent easements for greenbelts, storm sewers, landscaping and signage, and sanitary sewers from Mondrian Properties Beachview, LLC, owner of the property having Sidwell #88-20-18-127-012; and

BE IT FURTHER RESOLVED, That the City Clerk is hereby **DIRECTED** to record the warranty deeds and easements with the Oakland County Register of Deeds, copies of which shall be **ATTACHED** to the original Minutes of this meeting.

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**J-11 Request for Acceptance of Permanent Easements and Warranty Deeds for Adria Estates Site Condominium – Sidwell #88-20-11-104-013 and 88-20-11-151-020**Suggested Resolution

Resolution #2013-11-

RESOLVED, That City Council hereby **ACCEPTS** three permanent easements for sanitary sewers, watermains, sidewalks, public utilities, surface drainage, and emergency

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ingress/egress and police/fire protection from Mondrian Properties Adria, LLC, owner of the property having Sidwell #88-20-11-104-013 & 88-20-11-151-020; and

BE IT FURTHER RESOLVED, That the City Clerk is hereby **DIRECTED** to record the easements with the Oakland County Register of Deeds, copies of which shall be **ATTACHED** to the original Minutes of this meeting.

Yes:  
No:  
Absent:

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**J-12 Request for Acceptance of Eight Permanent Easements From Maurice and Sandy Gennari – Sidwell #88-20-03-301-078, 079, 080, 081, 082**

Suggested Resolution  
Resolution #2013-11-

RESOLVED, That City Council hereby **ACCEPTS** eight permanent easements for storm sewer and surface drainage, public utilities and greenbelt from Maurice and Sandy Gennari, owners of the property having Sidwell # 88-20-03-301-078, 079, 080, 081 & 082; and

BE IT FURTHER RESOLVED, That the City Clerk is hereby **DIRECTED** to record the easements with the Oakland County Register of Deeds, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

**K. MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:**

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**K-1 Announcement of Public Hearings: None Submitted**

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**K-2 Memorandums (Items submitted to City Council that may require consideration at some future point in time): None Submitted**

**L. PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA:**

**M. COUNCIL REFERRALS:**

Items Advanced to the City Manager by Individual City Council Members for Placement on the Agenda

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**M-1 Council Referrals Advanced**

a) Amendments to Chapter 34 Referred by Mayor Slater

**N. COUNCIL COMMENTS:**

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**N-1 No Council Comments Advanced**

**O. REPORTS:**

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**O-1 Minutes – Boards and Committees:**

- a) Retiree Health Care Benefits Plan & Trust-Final – April 10, 2013
  - b) Employees' Retirement System Board of Trustees-Final – May 8, 2013
  - c) Retiree Health Care Benefits Plan & Trust-Final – July 10, 2013
  - d) Employees' Retirement System Board of Trustees-Final – August 14, 2013
  - e) Employees' Retirement System Board of Trustees-Final – September 11, 2013
  - f) Retiree Health Care Benefits Plan & Trust-Final – September 11, 2013
  - g) Employees' Retirement System Board of Trustees-Final – October 9, 2013
  - h) Retiree Health Care Benefits Plan & Trust-Final – October 9, 2013
  - i) Planning Commission Special/Study-Draft – October 22, 2013
  - j) Planning Commission Special/Study-Final – October 22, 2013
- 

**O-2 Department Reports:**

- a) First Quarter Financial Report
  - b) Troy Nature Society – June, 2013 Annual Report
  - c) SOCRRA Quarterly Report – October, 2013
  - d) 2013 Local Millage Rates Comparison by County
  - e) City of Troy Retiree Health Care Plan Actuarial Valuation of Other Post Employment Benefits – December 31, 2012
- 

**O-3 Letters of Appreciation:**

- a) To Steven Pallotta From Kyle Newberry Regarding Assistance with an Eagle Scout Project
- 

**O-4 Proposed Proclamations/Resolutions from Other Organizations: None Submitted**

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**P. STUDY ITEMS:**

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**P-1 Troy's Story**

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**Q. CLOSED SESSION:**

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**Q-1 No Closed Session Requested**

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**R. ADJOURNMENT:**

Respectfully submitted,



Brian Kischnick, City Manager

**FUTURE CITY COUNCIL PUBLIC HEARINGS:**

**SCHEDULED REGULAR CITY COUNCIL MEETINGS:**

December 2, 2013 .....	Regular Meeting
December 16, 2013 .....	Regular Meeting
January 13, 2014 .....	Regular Meeting
January 27, 2014 .....	Regular Meeting
February 3, 2014.....	Regular Meeting
February 10, 2014.....	Regular Meeting
March 3, 2014 .....	Regular Meeting
March 17, 2014.....	Regular Meeting
April 7, 2014.....	Regular Meeting
April 14, 2014.....	Regular Meeting
May 12, 2014 .....	Regular Meeting
May 19, 2014 .....	Regular Meeting
June 2, 2014 .....	Regular Meeting
June 16, 2014 .....	Regular Meeting
July 7, 2014.....	Regular Meeting
July 21, 2014.....	Regular Meeting
August 11, 2014.....	Regular Meeting
August 25, 2014.....	Regular Meeting
September 8, 2014 .....	Regular Meeting
September 22, 2014 .....	Regular Meeting
October 6, 2014 .....	Regular Meeting
October 20, 2014 .....	Regular Meeting
November 10, 2014 .....	Regular Meeting
November 24, 2014 .....	Regular Meeting
December 1, 2014 .....	Regular Meeting
December 15, 2014 .....	Regular Meeting

**SCHEDULED SPECIAL CITY COUNCIL MEETINGS:**

November 26, 2013 .....	Special Joint City Council / Planning Commission
February 5, 2014.....	Liquor Advisory Meeting
February 19, 2014.....	Liquor Advisory Meeting
April 21, 2014.....	Special Budget Meeting
April 23, 2014.....	Special Budget Meeting

## Sincere Thanks to Troy Students

A big thank you to Troy High School students **Julia Howard-Downy and Andrew William** for putting together a project to clean up and spread mulch on the trail at **Sylvan Glen Lake Park** in October. They also recruited 7th and 8th graders from Nancy Klein's Smith Middle School science classes to help with the project. **The City appreciates the hard work from Emma Bossenberger, Raul Dutta, Olivia Eigmey, Patrick Larimer, Delbert Li, Kaumudi Mahajan, Garrett Mastrovito, Jason Park, Megan Parker, Brittany Rose, Adithya Sanjay, Anisha Shukla, Daanyal Syed, Jason Trumbauer, Madeline Trumbauer, Fiona Warner Eashan Yedulla, and May Zitzelberger, as well as parent volunteer Cathy Larimer.**



These 7th & 8th graders did an awesome job showing how teamwork, enthusiasm and a passion for a healthy environment gets the job done. Your efforts to help make our community a greener and cleaner place to live were fantastic and did not go unnoticed.

This project was headed up by two former Smith Knights who are now attending Troy High as sophomores. Julia Howard-Downy and Andrew William orchestrated and directed the current middle schoolers who worked on a Saturday in drizzly weather. Their motivation was stemmed from doing a similar project when they were attending Smith Middle School several years ago. Ms. Klein was truly touched by Julia and Andrew's passion to continue their mission for community service projects. What a bright spot to see young adults in a leadership role and doing good things for the community that we live in. **The City of Troy thanks you!**

**SERVICE COMMENDATION  
PEGGY SEARS**

**WHEREAS, Peggy Sears** began her career with the City of Troy on June 15, 1977 as a Personnel Technician in the Human Resources Department; and

**WHEREAS, Peggy** was promoted on March 6, 1989 to Acting Personnel Director and on November 11, 1991 promoted to the City of Troy's Human Resources Director; and

**WHEREAS,** While Human Resources Director, **Peggy** worked under five City Managers; settled 28 collective bargaining agreements; and hired or supervised the hiring of thousands of quality City of Troy employees; and

**WHEREAS, Peggy** was an active member of MPELRA (Michigan Public Employer Labor Relations Association) including Past-President, and long time Secretary; and

**WHEREAS, Peggy** has been an active supporter of the American Red Cross, donating blood and rarely missing one of Troy's Community Blood Drives; and is a proud Alum of Michigan State University; and

**WHEREAS,** While not an easy time in Troy during the economic downturn, **Peggy** worked tirelessly with City Management and all Departments as Troy went through a serious downsizing of personnel to meet the declining revenues which helped lay the foundation for Troy's ultimate success in its rebound; and

**WHEREAS, Peggy retired from the City of Troy on December 13, 2013 after 36 years of dedicated service** and the utmost respect from the Troy employees, and countless members of the Human Resources/Labor Relations organizations she served; and

**WHEREAS, Peggy** will now enjoy more time with her fiancé **Gil** (a wedding is planned for 2014); son **Justin**, daughter-in-law **Jenna** and granddaughters **Mara and Charlotte**; and son **Dan**; as well as working on quilting, needlepoint and baking projects; and

**NOW, THEREFORE, BE IT KNOWN,** That the Mayor and City Council of the City of Troy take this opportunity to express their appreciation to **Peggy Sears** for her many contributions to the betterment of the City; and

**BE IT FURTHER KNOWN,** That the Mayor and City Council of the City of Troy, City Management, and the citizens of the City of Troy, extends wishes of prosperity, good health and happiness to **Peggy** during her retirement years.

Presented the 25<sup>th</sup> day of November 2013.



## CITY COUNCIL AGENDA ITEM

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Date: November 25, 2013

To: Brian Kischnick, City Manager

From: Tom Darling, Director of Financial Services  
Nino Licari, City Assessor

Subject: Public Hearing for the establishment of an Industrial Development District (IDD) for magna US Holding Inc., 750 Tower, Troy MI 48098

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### **Background:**

Magna US Holding, Inc. is consolidating three divisions at 750 Tower in Troy. They will be retaining 990 jobs and creating 30 additional jobs.

They intend to invest \$6,203,819.09 in new equipment at the location that they have leased for 10 years.

They are applying for the establishment of an Industrial Development District (IDD) at the site so that they are eligible to apply for tax abatement under PA 198, and City Council Policy resolution #2010-08-173.

### **Financial Considerations:**

Based on the length of their lease of the building, the amount of the investment, and the number of jobs they will be creating, they qualify for a 9 year abatement under Council Policy Resolution #2010-08-173.

The \$6,203,819.09 investment would generate approximately \$250,206.00 in total taxes over 9 years, of which \$83,645.32 would be City taxes.

The abatement would therefore save the company \$125,103.00 over its life. The City would realize \$41,822.66 in taxes that it does not currently receive.

### **Legal Considerations:**

The site meets all legal and Policy Resolution criteria necessary for establishing an IDD.



## CITY COUNCIL AGENDA ITEM

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### Policy Considerations:

The application is in compliance with City Council Tax Abatement Policy Resolution #2010-08-173, and PA 198.

### In Addition:

The Legislature is working on a plan to eliminate Industrial Personal Property completely, by 2022. The phase out would begin in the 2016 fiscal year. Each year's personal property, starting with 2015 purchase and prior, would be dropped off of the roll.

At some point in time there will be no IFT abatements available, as there will be no Industrial Personal Property to abate taxes on.

The Council will have to decide whether it still needs tax abatement as an attraction tool, going forward to 2022, or whether to eliminate the policy in the near future.

### Options:

City Council may establish the IDD (and approve the tax abatement). Or, City Council may choose to not establish a district at this site. In which case, the Council must then deny any tax abatement for a district not established (the next Public Hearing on your Agenda). The company would then appeal these decisions to the State tax Commission (STC).

NI/nl H:IFT\Magna Tower Dr 2013\Memo IDD 11.25.13

# Application for Industrial Facilities Tax Exemption Certificate

Issued under authority of Public Act 198 of 1974, as amended. Filing is mandatory.

**INSTRUCTIONS:** File the original and two copies of this form and the required attachments (three complete sets) with the clerk of the local government unit. The State Tax Commission (STC) requires two complete sets (one original and one copy). One copy is retained by the clerk. If you have any questions regarding the completion of this form or would like to request an informational packet, call (517) 373-2408.

RECEIVED

<b>To be completed by Clerk of Local Government Unit</b>	
Signature of Clerk	Date received by Local Unit <b>OCT 08 2013</b>
<b>STC Use Only</b>	
Application Number	Date Received by STC <b>CITY OF TROY ASSESSING DEPT.</b>

## APPLICANT INFORMATION

All boxes must be completed.

▶ 1a. Company Name (Applicant must be the occupant/operator of the facility) <b>Magna US Holding Inc.</b>	▶ 1b. Standard Industrial Classification (SIC) Code - Sec. 2(10) (4 or 6 Digit Code) <b>336390</b>	
▶ 1c. Facility Address (City, State, ZIP Code) (real and/or personal property location) <b>750 Tower Drive, Troy, MI 48098</b>	▶ 1d. City/Township/Village (indicate which) <b>City of Troy</b>	▶ 1e. County <b>Oakland</b>
▶ 2. Type of Approval Requested <input checked="" type="checkbox"/> New (Sec. 2(4)) <input type="checkbox"/> Transfer (1 copy only) <input type="checkbox"/> Speculative Building (Sec. 3(8)) <input type="checkbox"/> Rehabilitation (Sec. 3(1)) <input type="checkbox"/> Research and Development (Sec. 2(9))	▶ 3a. School District where facility is located <b>Troy School District</b>	▶ 3b. School Code <b>63150</b>
	▶ 4. Amount of years requested for exemption (1-12 Years) <b>9</b> <b>OK, NL 10/08/13</b>	

5. Per section 5, the application shall contain or be accompanied by a general description of the facility and a general description of the proposed use of the facility, the general nature and extent of the restoration, replacement, or construction to be undertaken, a descriptive list of the equipment that will be part of the facility. Attach additional page(s) if more room is needed.

See Attached.

6a. Cost of land and building improvements (excluding cost of land) .....	<u>          \$0.00          </u>
* Attach list of improvements and associated costs. * Also attach a copy of building permit if project has already begun.	Real Property Costs
6b. Cost of machinery, equipment, furniture and fixtures .....	<u>          \$6,203,819.09          </u>
* Attach itemized listing with month, day and year of beginning of installation, plus total	Personal Property Costs
6c. Total Project Costs .....	<u>          \$6,203,819.09          </u>
* Round Costs to Nearest Dollar	Total of Real & Personal Costs

7. Indicate the time schedule for start and finish of construction and equipment installation. Projects must be completed within a two year period of the effective date of the certificate unless otherwise approved by the STC.

	<u>Begin Date (M/D/Y)</u>	<u>End Date (M/D/Y)</u>		
Real Property Improvements	▶ _____	▶ _____	▶ <input type="checkbox"/> Owned	<input type="checkbox"/> Leased
Personal Property Improvements	▶ <u>          7/1/13          </u>	▶ <u>          7/1/15          </u>	▶ <input checked="" type="checkbox"/> Owned	<input type="checkbox"/> Leased

▶ 8. Are State Education Taxes reduced or abated by the Michigan Economic Development Corporation (MEDC)? If yes, applicant must attach a signed MEDC Letter of Commitment to receive this exemption.     Yes     No

▶ 9. No. of existing jobs at this facility that will be retained as a result of this project. <b>990</b>	▶ 10. No. of new jobs at this facility expected to create within 2 years of completion. <b>30</b>
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11. Rehabilitation applications only: Complete a, b and c of this section. You must attach the assessor's statement of SEV for the entire plant rehabilitation district and obsolescence statement for property. The Taxable Value (TV) data below must be as of December 31 of the year prior to the rehabilitation.

a. TV of Real Property (excluding land) .....	_____
b. TV of Personal Property (excluding inventory) .....	_____
c. Total TV .....	_____

▶ 12a. Check the type of District the facility is located in:

Industrial Development District       Plant Rehabilitation District

▶ 12b. Date district was established by local government unit (contact local unit)	▶ 12c. Is this application for a speculative building (Sec. 3(8))? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
--	---

**APPLICANT CERTIFICATION - complete all boxes.**

The undersigned, authorized officer of the company making this application certifies that, to the best of his/her knowledge, no information contained herein or in the attachments hereto is false in any way and that all are truly descriptive of the industrial property for which this application is being submitted.

It is further certified that the undersigned is familiar with the provisions of P.A. 198 of 1974, as amended, being Sections 207.551 to 207.572, inclusive, of the Michigan Compiled Laws; and to the best of his/her knowledge and belief, (s)he has complied or will be able to comply with all of the requirements thereof which are prerequisite to the approval of the application by the local unit of government and the issuance of an Industrial Facilities Exemption Certificate by the State Tax Commission.

13a. Preparer Name Frank W. Ervin, III	13b. Telephone Number (248) 631-5330	13c. Fax Number (248) 631-1148	13d. E-mail Address frank.ervin@magna.com
14a. Name of Contact Person Frank W. Ervin, III	14b. Telephone Number (248) 631-5330	14c. Fax Number (248) 631-1148	14d. E-mail Address frank.ervin@magna.com
▶ 15a. Name of Company Officer (No Authorized Agents) <i>FRANK W. ERVIN III</i>			
15b. Signature of Company Officer (No Authorized Agents) <i>Frank W. Ervin III</i>		15c. Fax Number see above	15d. Date 10/08/13
▶ 15e. Mailing Address (Street, City, State, ZIP Code) 750 Tower Drive, Mail Code 7000, Troy, MI 48098		15f. Telephone Number see above	15g. E-mail Address see above

**LOCAL GOVERNMENT ACTION & CERTIFICATION - complete all boxes.**

This section must be completed by the clerk of the local governing unit before submitting application to the State Tax Commission. Check items on file at the Local Unit and those included with the submittal.

▶ 16. Action taken by local government unit <input checked="" type="checkbox"/> Abatement Approved for _____ Yrs Real (1-12), _____ Yrs Pers (1-12) After Completion <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Denied (Include Resolution Denying)	16b. The State Tax Commission Requires the following documents be filed for an administratively complete application: <b>Check or Indicate N/A if Not Applicable</b> <input checked="" type="checkbox"/> 1. Original Application plus attachments, and one complete copy <input checked="" type="checkbox"/> 2. Resolution establishing district <input checked="" type="checkbox"/> 3. Resolution approving/denying application. <input checked="" type="checkbox"/> 4. Letter of Agreement (Signed by local unit and applicant) <input checked="" type="checkbox"/> 5. Affidavit of Fees (Signed by local unit and applicant) n/a 6. Building Permit for real improvements if project has already begun <input checked="" type="checkbox"/> 7. Equipment List with dates of beginning of installation <input checked="" type="checkbox"/> 8. Form 3222 (if applicable) n/a 9. Speculative building resolution and affidavits (if applicable)
16a. Documents Required to be on file with the Local Unit <b>Check or Indicate N/A if Not Applicable</b> <input checked="" type="checkbox"/> 1. Notice to the public prior to hearing establishing a district. <input checked="" type="checkbox"/> 2. Notice to taxing authorities of opportunity for a hearing. <input checked="" type="checkbox"/> 3. List of taxing authorities notified for district and application action. <input checked="" type="checkbox"/> 4. Lease Agreement showing applicants tax liability.	
16c. LUCI Code 336390	16d. School Code 63150
17. Name of Local Government Body City of Troy	▶ 18. Date of Resolution Approving/Denying this Application

Attached hereto is an original and one copy of the application and all documents listed in 16b. I also certify that all documents listed in 16a are on file at the local unit for inspection at any time.

19a. Signature of Clerk	19b. Name of Clerk M. Aileen Bittner	19c. E-mail Address BittnerA@troy.mi.gov
19d. Clerk's Mailing Address (Street, City, State, ZIP Code) 500 W Big Beaver, Troy MI 48084-5254		
19e. Telephone Number 248.524.3331	19f. Fax Number 248.524.1770	

State Tax Commission Rule Number 57: Complete applications approved by the local unit and received by the State Tax Commission by October 31 each year will be acted upon by December 31. Applications received after October 31 may be acted upon in the following year.

Local Unit: Mail one original and one copy of the completed application and all required attachments to:

**State Tax Commission**  
Michigan Department of Treasury  
P.O. Box 30471  
Lansing, MI 48909-7971

(For guaranteed receipt by the STC, it is recommended that applications are sent by certified mail.)

STC USE ONLY				
▶ LUCI Code	▶ Begin Date Real	▶ Begin Date Personal	▶ End Date Real	▶ End Date Personal

**Magna Services of America, Inc.**

**EIN: 74-3256684**

**Project Description**

Magna International Inc. and subsidiaries (Magna) is the most diversified global automotive supplier. Magna designs, develops and manufactures technologically advanced automotive systems, assemblies, modules and components, and engineers and assembles complete vehicles, primarily for sale to original equipment manufacturers (—OEMs) of cars and light trucks. Magna’s capabilities include the design, engineering, testing and manufacture of automotive interior systems; seating systems; closure systems; body and chassis systems; vision systems; electronic systems; exterior systems; powertrain systems; roof systems; as well as complete vehicle engineering and assembly. Magna follows a corporate policy of functional and operational decentralization, pursuant through which it conducts its operations through divisions, each of which is an autonomous business unit operating within pre-determined guidelines. At the end of 2012 Magna had approximately 238 manufacturing operations and 79 product development, engineering and sales centers in 25 countries. Magna is the largest automotive supplier in the United States operating more than 400 manufacturing and product development facilities in 29 countries. In the US, Magna employs approximately 20,000 employees, of those 8,608 in State of Michigan at 42 manufacturing plants and engineering facilities.

Magna Services of America, Inc.

EIN: 74-3256684

PERSONAL PROPERTY LISTING

IT Cabling (5th, 6th & 7th floors & 750 Tower)	8/1/2013	\$	200,076.31	
IT Cloet Switches (5th, 6th & 7th floors & 750 Tower)	8/1/2013	\$	77,852.25	
		\$	277,928.56	\$
<b>SECTION TOTAL</b>				
IP Phone System	8/1/2013	\$	168,702.87	
		\$	168,702.87	\$
<b>SECTION TOTAL</b>				
Various Hardware and Installation	8/1/2013	\$	50,000.00	\$
		\$	50,000.00	\$
<b>SECTION TOTAL</b>				
Office Chairs and Guest Chairs	8/1/2013	\$	79,792.44	\$
Office Furniture for two offices and one conference room	8/1/2013	\$	25,242.94	
Executive Conference Room and furniture	8/1/2013	\$	20,000.00	
		\$		
		\$	125,035.38	\$
<b>SECTION TOTAL</b>				
<b>TOTAL PERSONAL PROPERTY COSTS</b>				
		\$	621,666.81	\$
			2013	\$
			2014	\$
			Total	\$
				<b>671,666.81</b>

**Magna Exteriors and Interiors of America, Inc.**

**EIN: 74-3256684**

**Project Description**

Magna International Inc. and subsidiaries (Magna) is the most diversified global automotive supplier. Magna designs, develops and manufactures technologically advanced automotive systems, assemblies, modules and components, and engineers and assembles complete vehicles, primarily for sale to original equipment manufacturers (—OEMs ) of cars and light trucks. Magna’s capabilities include the design, engineering, testing and manufacture of automotive interior systems; seating systems; closure systems; body and chassis systems; vision systems; electronic systems; exterior systems; powertrain systems; roof systems; as well as complete vehicle engineering and assembly. Magna follows a corporate policy of functional and operational decentralization, pursuant through which it conducts its operations through divisions, each of which is an autonomous business unit operating within pre-determined guidelines. At the end of Quarter 1 2013 Magna had 315 manufacturing operations and 87 product development, engineering and sales centers in 29 countries. Magna conducts business operations in North America, Europe and other parts of the world including primarily Asia, South America and Africa. It has significant manufacturing operations in the United States with over thirty locations and approximately 8,608 employees in the State of Michigan at the end of Quarter 1, 2013.

Magna International Inc., through Magna Exteriors & Interiors, is a full service supplier of exterior systems. We design, engineer and manufacture front and rear fascia systems; sealing systems; exterior trim; class A composite panels; modular systems; engineered glass; under hood & underbody components; and structural components for automotive, commercial truck, consumer, and industrial markets. We also manufacture sheet molding compound (SMC) material, Epic Blend SMC™, in multiple formulations.

**Magna Exteriors and Interiors of America, Inc.**  
**EIN: 74-3256684**

**PERSONAL PROPERTY LISTING**

Network Hardware	8/1/2013	\$ 108,077.00	\$ 40,000.00
CAD Hardware	7/15/2013	\$ 154,476.28	\$ 153,000.00
PC Hardware	7/15/2013	\$ 38,994.22	\$ 62,000.00
		\$ 301,547.50	\$ 255,000.00
<b>CAD Software</b>			
	9/1/2013	\$ 310,000.00	\$ 235,000.00
		\$ 310,000.00	\$ 235,000.00
<b>SECTION TOTAL</b>			
<b>Various Hardware and Installation</b>			
Poke-thru floor pockets for AV Equipment	8/1/2013	\$ 152,079.00	\$ -
	8/1/2013	\$ 6,360.00	
		\$ 158,439.00	\$ -
<b>SECTION TOTAL</b>			
<b>Global Additional Furniture</b>			
Guest Chairs	8/1/2013	\$ 24,539.00	\$ -
	8/1/2013	\$ 39,058.88	
Workstation & Desk	8/1/2013	\$ 864,260.00	
Office Chairs	8/1/2013	\$ 170,622.90	
		\$ -	
		\$ 1,098,480.78	\$ -
<b>SECTION TOTAL</b>			
<b>TOTAL PERSONAL PROPERTY COSTS</b>			
		\$ 1,868,467.28	\$ 490,000.00
		2013 \$ 1,868,467.28	
		2014 \$ 490,000.00	
		<b>Total</b>	<b>\$ 2,358,467.28</b>

**Vehma International Inc.**

**EIN: 74-3256684**

**Project Description**

Magna International Inc. and subsidiaries (Magna) is the most diversified global automotive supplier. Magna designs, develops and manufactures technologically advanced automotive systems, assemblies, modules and components, and engineers and assembles complete vehicles, primarily for sale to original equipment manufacturers (—OEMs ) of cars and light trucks. Magna’s capabilities include the design, engineering, testing and manufacture of automotive interior systems; seating systems; closure systems; body and chassis systems; vision systems; electronic systems; exterior systems; powertrain systems; roof systems; as well as complete vehicle engineering and assembly. Magna follows a corporate policy of functional and operational decentralization, pursuant through which it conducts its operations through divisions, each of which is an autonomous business unit operating within pre-determined guidelines. At the end of Quarter 1 2013 Magna had 315 manufacturing operations and 87 product development, engineering and sales centers in 29 countries. Magna conducts business operations in North America, Europe and other parts of the world including primarily Asia, South America and Africa. It has significant manufacturing operations in the United States with over thirty locations and approximately 8,608 employees in the State of Michigan at the end of Quarter 1, 2013.

The Vehma ( Multi-Material Lightweight Vehicle (“MMLV”) ) engineers/design, prototype vehicle build and component- and vehicle-level validation testing of a “new passenger vehicle design architecture” which facilitates extensive use of lightweight and high strength materials, resulting in environmental and fuel economy benefits associated with a 50% reduction in weight, relative to a CY-2002 baseline FMVSS-compliant steel vehicle architecture.

**Vehma International Inc.**

**EIN: 74-3256684**

**PERSONAL PROPERTY LISTING**

IT Cabling and Cloet	8/1/2013	\$ 1,018,250.00	\$ 1,018,250.00
<b>SECTION TOTAL</b>			
		\$ 1,018,250.00	\$ 1,018,250.00
Phone System	8/1/2013	\$ 125,500.00	\$ 22,590.00
<b>SECTION TOTAL</b>			
		\$ 125,500.00	\$ 22,590.00
Various Hardware and Installation	8/1/2013	\$ 226,100.00	\$ -
<b>SECTION TOTAL</b>			
		\$ 226,100.00	\$ -
Office furniture, chairs, conference room tables and cubicles	11/1/2013	\$ 762,995.00	\$ -
<b>SECTION TOTAL</b>			
		\$ 762,995.00	\$ -
<b>TOTAL PERSONAL PROPERTY COSTS</b>			
		\$ 2,132,845.00	\$ 1,040,840.00
		2013	\$ 2,132,845.00
		2014	\$ 1,040,840.00
		<b>Total</b>	<b>\$ 3,173,685.00</b>

Applicant Name Magna US Holdings, Inc.
---

## Fiscal Statement (to be completed by local unit)

	<u>YES</u>	<u>NO</u>
Is this project:		
Real Property?	<input type="checkbox"/>	<input type="checkbox"/>
Personal Property?	<input type="checkbox"/>	<input type="checkbox"/>
Both Real and Personal Property - New Facility?	<input type="checkbox"/>	<input type="checkbox"/>
Both Real and Personal Property - Rehabilitation Facility?	<input type="checkbox"/>	<input type="checkbox"/>
Both New and Replacement Facility?	<input type="checkbox"/>	<input type="checkbox"/>

Estimated Project Investment (not assessed value):

Real Property	Personal Property	Total
---------------	-------------------	-------

	<u>YES</u>	<u>NO</u>	<u>REMARKS</u>
1. A. Has the proper local authority reviewed the plan?	<input type="checkbox"/>	<input type="checkbox"/>	_____
B. Is the project located in a certified industrial park?	<input type="checkbox"/>	<input type="checkbox"/>	_____
C. Is this a renovation or expansion of an existing building?	<input type="checkbox"/>	<input type="checkbox"/>	_____
2. Will this project require improvement of your road service?	<input type="checkbox"/>	<input type="checkbox"/>	_____
3. Will this project require improvement of your sanitary sewer services?	<input type="checkbox"/>	<input type="checkbox"/>	_____
4. Will this project require improvement of your storm sewer services?	<input type="checkbox"/>	<input type="checkbox"/>	_____
5. Will this project require improvement of your water services?	<input type="checkbox"/>	<input type="checkbox"/>	_____
6. Will this project require additional police personnel, police equipment or a need for new police building expansion?	<input type="checkbox"/>	<input type="checkbox"/>	_____
7. Will this project require the need for additional fire personnel, additional or specialized fire equipment or the need for a new fire building?	<input type="checkbox"/>	<input type="checkbox"/>	_____
8. Will this project require other costs?	<input type="checkbox"/>	<input type="checkbox"/>	_____
9. Are costs of infrastructure elements to be provided through Local Development Finance Authority or Tax Increment Finance Authority Bonds?	<input type="checkbox"/>	<input type="checkbox"/>	_____

If you answered yes to any of questions 2 through 8, the appropriate sections of the Supplement to Fiscal Statement form must be completed and accompany the IFT application. Call (517) 373-3272 to obtain that form.

### LOCAL UNIT CERTIFICATION

This is to certify that the following has been provided as accurately as possible.

Signature	Name and Title of Local Governmental Unit Official
-----------	--



**Magna Services America, Incorporated  
Office of Government Affairs**

600 Wilshire Drive  
Troy, Michigan 48084  
Tel: (248) 729-4097  
Fax: (248) 729-4035  
www.magna.com

June 10, 2013

Leger A Licari  
Assessor, City of Troy Michigan  
500 W. Big Beaver  
Troy, MI 48084

Re: Magna International, Inc.  
PA 198, Letter of Intent

Dear Nino,

For more than 15 years now, Magna International's US headquarters building has been located at the 600 Wilshire Drive location in Troy, MI. In an effort to keep our headquarters in Troy and at the same time consolidate some of our other operations in the area; we have made the decision to move to new office space located at 750 Tower Drive, Troy, MI. (part of the North Troy Corporate Park).

As a result of the consolidation, we will be bringing additional employees from other facilities to our new location; this will increase our current employee base and make our operations even more efficient. In order to accommodate this consolidation, Magna will invest approximately \$4,500,000 in new capital for the new location.

The new location will become Magna International's US headquarters. Therefore, we are requesting that the City of Troy grant us a P.A. 198 for the maximum years allowable.

We sincerely appreciate your consideration and look forward to many more years in the City of Troy.

Sincerely,

A handwritten signature in black ink, appearing to read 'Frank W. Ervin, III'.

Frank W. Ervin, III  
Director, Government Affairs

**RECEIVED**

**JUN 11 2013**

**CITY OF TROY  
ASSESSING DEPT.**



**Magna Services of America, Inc.**  
**Office of Government Affairs**  
600 Wilshire Drive  
Troy, Michigan 48084  
Tel: (248) 729-4097  
Fax: (248) 729-4035  
[www.magna.com](http://www.magna.com)

June 11, 2013

Leger A. Licari  
Assessor, City of Troy Michigan  
500 W. Big Beaver  
Troy, MI 48084

Re: Magna International, Inc.  
PA 198, Clarification for the Letter of Intent

Dear Nino,

In order to clarify our original June 10, 2013 Letter of Intent, Magna specifically requests that the Troy City Council establish an Industrial Development District at 750 Tower, Troy Michigan, so that we may apply for PA 198 Tax Abatement.

If you have any questions, please feel free to contact me.

Sincerely,  
  
Frank W. Ervin, III  
Director, Government Affairs

**RECEIVED**

**JUN 11 2013**

**CITY OF TROY  
ASSESSING DEPT.**

Magna US Holdings, Inc.  
 750 Tower, Troy MI 48098  
 88-20-09-301-015  
 IDD & IFT Application  
 SITE



# GIS Online



**Legend:**

- Building Footprints 1**
- <all other values>
- GOVERNMENT - CITYHALL
- GOVERNMENT - COMMUNITY CENTE
- GOVERNMENT - DISRICT COURT
- GOVERNMENT - FIRE STATION
- GOVERNMENT - LIBRARY
- GOVERNMENT - POLICE
- GOVERNMENT - POST OFFICE
- GOVERNMENT - RECREATION
- PLACE OF WORSHIP
- SCHOOL
- Building Footprints 2**
- <all other values>
- GOVERNMENT - CITYHALL
- GOVERNMENT - COMMUNITY CENTE
- GOVERNMENT - DISRICT COURT
- GOVERNMENT - FIRE STATION
- GOVERNMENT - LIBRARY
- GOVERNMENT - POLICE
- GOVERNMENT - POST OFFICE
- GOVERNMENT - RECREATION
- PLACE OF WORSHIP
- SCHOOL
- Hydrography Poly 5**
- Streams
- Lakes And Ponds

**Notes:**

Map Scale: 1=645  
 Created: October 14, 2013



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.

Magna USA Holdings, Inc.  
750 Tower, Troy, MI 48098  
88-20-09-301-015  
IDD & IFT Application  
AERIAL



# GIS Online

Legend:



Notes:

Map Scale: 1=645  
Created: October 14, 2013



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.

Magna US Holdings  
750 Tower Drive  
Troy, MI 48098

IDD & IFT Application

Parcel ID Number: 88-20-09-301-015

Legal Description:

T2N, R11E, SEC 9  
PART OF SW 1/4  
BEG AT PT DIST  
N 87-26-35 E 2314.95 FT &  
N 02-57-32 W 614.29 FT &  
N 04-44-08 W 165.81 FT  
FROM SW SEC COR,  
TH S 87-26-35 W 1017.71 FT,  
TH S 53-47-31 W 190.40 FT,  
TH N 36-12-29 W 180.74 FT,  
TH ALG CURVE TO RIGHT,  
RAD 397.50 FT, CHORD BEARS  
N 19-25-13 W 229.62 FT,  
DIST OF 232.94 FT,  
TH N 02-37-54 W 236.31 FT,  
TH N 72-05-07 E 1197.33 FT,  
TH ALG CURVE TO RIGHT,  
RAD 2673.79 FT, CHORD BEARS  
S 15-32-43 E 839.59 FT,  
DIST OF 843.07 FT  
TO BEG 19.76 A  
10-11-88 FR 010 & 011

**City of Troy - Assessing Department**  
**Magna US Holdings, Inc - IDD & IFT Application 2013**  
**Estimate of Total Taxes and Tax Savings for IFEC Application**

<b>Market Value</b>	6,203,819	5,521,399	4,196,263	2,811,496	1,686,898	910,925	446,353	200,859	84,361	32,057	11,541
<b>50% of Value</b>	3,101,910	2,760,699	2,098,132	1,405,748	843,449	455,462	223,177	100,429	42,180	16,029	5,770
<b>Year</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>	<b>2023</b>	
<b>Depreciation</b>	0.8900	0.7600	0.6700	0.6000	0.5400	0.4900	0.4500	0.4200	0.3800	0.3600	
<b>Taxable Value</b>	2,760,699	2,098,132	1,405,748	843,449	455,462	223,177	100,429	42,180	16,029	5,770	

<b>Taxing Authority</b>	<b>100% of Millage</b>	<b>Taxes</b>	<b>Taxes</b>	<b>Taxes</b>	<b>Taxes</b>	<b>Taxes</b>	<b>Taxes</b>	<b>Taxes</b>	<b>Taxes</b>	<b>Taxes</b>	<b>Taxes</b>
Trans	0.59000	\$1,628.81	\$1,237.90	\$829.39	\$497.63	\$268.72	\$131.67	\$59.25	\$24.89	\$9.46	\$3.40
County	4.64610	\$12,826.49	\$9,748.13	\$6,531.25	\$3,918.75	\$2,116.12	\$1,036.90	\$466.61	\$195.97	\$74.47	\$26.81
Zoo	0.10000	\$276.07	\$209.81	\$140.57	\$84.34	\$45.55	\$22.32	\$10.04	\$4.22	\$1.60	\$0.58
Int Schools	3.36900	\$9,300.80	\$7,068.61	\$4,735.97	\$2,841.58	\$1,534.45	\$751.88	\$338.35	\$142.11	\$54.00	\$19.44
Comm Coll	1.58440	\$4,374.05	\$3,324.28	\$2,227.27	\$1,336.36	\$721.63	\$353.60	\$159.12	\$66.83	\$25.40	\$9.14
State Ed	0.00000	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
School Op	0.00000	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Sch Debt	4.95000	\$13,665.46	\$10,385.75	\$6,958.45	\$4,175.07	\$2,254.54	\$1,104.72	\$497.13	\$208.79	\$79.34	\$28.56
Hold Harmless	5.55630	\$15,339.27	\$11,657.85	\$7,810.76	\$4,686.46	\$2,530.69	\$1,240.04	\$558.02	\$234.37	\$89.06	\$32.06
Admin	0.15240	\$420.72	\$319.74	\$214.23	\$128.54	\$69.41	\$34.01	\$15.30	\$6.43	\$2.44	\$0.88
City	10.52000	\$29,042.56	\$22,072.34	\$14,788.47	\$8,873.08	\$4,791.46	\$2,347.82	\$1,056.52	\$443.74	\$168.62	\$60.70
<b>Total</b>	<b>31.46820</b>	<b>\$86,874.23</b>	<b>\$66,024.41</b>	<b>\$44,236.36</b>	<b>\$26,541.81</b>	<b>\$14,332.58</b>	<b>\$7,022.96</b>	<b>\$3,160.33</b>	<b>\$1,327.34</b>	<b>\$504.39</b>	<b>\$181.58</b>

<b>Total Taxes 10 Yrs</b>	<b>\$250,206.00</b>
<b>Total City Taxes 10 Yrs</b>	<b>\$83,645.32</b>

<b>50% Total Taxes 10 Yrs</b>	<b>\$125,103.00</b>	<b>Net Total Taxes Abated</b>
<b>50% Total City Taxes 10 yrs</b>	<b>\$41,822.66</b>	<b>Net Total City Taxes Abated</b>
<b>2% Total City 10 Yrs</b>	<b>\$836.45</b>	<b>Application Fee (2% total city)</b>

**OFFICE LEASE**

THIS OFFICE LEASE ("Lease") is entered into by Landlord and Tenant as described in the following basic lease information on the date that is set forth for reference only in the following basic lease information. Landlord and Tenant agree:

**ARTICLE 1 BASIC LEASE INFORMATION**

- 1.1 **Basic Lease Information.** In addition to the terms that are defined elsewhere in this Lease, these terms are used in this Lease:
- (a) **LEASE DATE:** May 22, 2013
  - (b) **LANDLORD:** 750 NTCC, LLC, a Delaware limited liability company
  - (c) **LANDLORD'S ADDRESS:** For Notices & Payment of Rent:  
c/o Friedman Management Company  
34975 W. 12 Mile Road  
Farmington Hills, MI 48331  
Attn: 750 NTCC
  - (d) **TENANT:** Magna Mirrors of America Inc., a Michigan corporation
  - (e) **TENANT'S ADDRESS:** For Notice:  
Magna Mirrors of America Inc.  
c/o Magna International Inc.  
375 Magna Drive  
Aurora, ON L4G 7L6  
CANADA
  - (f) **BUILDING ADDRESS:** 750 Tower Drive, Troy, MI 48098
  - (g) **PREMISES:** The Premises shown on Exhibit A to this Lease, known as Suites 160, 500, 600 and 700.
  - (h) **USABLE AREA OF THE PREMISES:** 108,299 Usable Square Feet ("USF") made up of Suite 160 consisting of 7,122 USF, Suite 500 consisting of 34,670 USF, Suite 600 consisting of 33,255 USF and suite 700 consisting of 33,252 USF. Tenant hereby acknowledges and agrees that the references in this Lease to "usable" and "rentable" square footage are based on definitions established by the Building Owners and Managers Association International (BOMA) 2010 standard.
  - (i) **RENTABLE AREA OF THE PREMISES:** 117,319 rentable square feet ("RSF"). Tenant hereby acknowledges and agrees that Building standard add-on rent factors are 8% for single tenant floors and 13% for multi-tenant floors.
  - (j) **RENTABLE AREA OF THE BUILDING:** 244,062 rentable square feet. Landlord may adjust the Rentable Area of the Building in the event of a change in the rentable square footage of the Building.
  - (k) **TERM:** 120 complete calendar months, beginning on the Commencement Date and expiring on the Expiration Date.
  - (l) **COMMENCEMENT DATE:** July 1, 2013, or such other date as set forth in Article 3 hereof.
  - (m) **EXPIRATION DATE:** June 30, 2023, or such other date as set forth in Article 3 hereof.
  - (n) **SECURITY DEPOSIT:** \$131,983.88 (based on the Base Rent due in the period beginning in Lease

---

**I-4 Amending the Personal Property Tax Abatement** Magna US Holdings, Inc.  
750 Tower, Troy, MI 48098  
88-20-09-301-015  
IDD & IFT Application  
POLICY RES & YEARS QUALIFIED

Resolution #2010-08-173  
Moved by Beltramini  
Seconded by Kerwin

WHEREAS, The City of Troy has the economic objective of (a) increasing employment opportunities, (b) diversifying and stabilizing the tax base of the community, (c) reducing economic obsolescence, (d) providing homogenous industrial areas, (e) encouraging expansion, (f) providing for improved public facilities, and (g) encouraging attractive, viable building sites and (h) enhancing our economic development tools to attract and retain businesses; and

WHEREAS, The Industrial Facilities Tax Act (P.A. 1974 No. 198), as amended, empowers cities to establish Industrial Development Districts (IDD) and to grant tax abatements for eligible properties established by the Act;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **ADOPTS** the following minimum criteria, as authorized by the Industrial Facilities Tax Act (P.A. 1974 No. 198):

1. An Industrial Facilities Exemption Certificate (IFEC) tax abatement shall not be granted until there is compliance with MCL 207.559; and
2. Any real and/or personal property tax abatement at a minimum must be revenue neutral to the City of Troy.
3. Leasehold property shall not qualify for an IFEC tax abatement unless applicant is responsible for payment of the property taxes, and can demonstrate timely payment of property taxes upon the City's request; and
4. An IFEC tax abatement shall not be issued for a period or term exceeding 12 years; and
5. An IFEC tax abatement shall not be issued unless an Applicant will create more than 10 jobs and/or has a personal property investment of at least \$750,000.00, and/or owns the underlying real property or has a lease for the underlying property for a minimum term of 5 years, as long as two of the three criteria are satisfied.

BE IT FURTHER RESOLVED, That Troy City Council hereby **APPROVES** the use of the following matrix to calculate the length of an IFEC tax abatement, where the increase in the number of jobs created will increase the term of the IFEC abatement, and similarly the increase in the personal property investment and the ownership/lease conditions on the real property will increase the term of the IFEC abatement:

**CITY COUNCIL MINUTES**

Tax Abatement Matrix for Real and Personal Property					
Job Creation		Building Terms		RP and/or PP Investment	
10 - 24	1 year	Own	4 years	\$ 750,000	1 year
25 - 49	2 years	Lease		\$ 2,000,000	2 years
50 - 99	3 years	5 year	1 Year	\$ 5,000,000	3 years
100 - 149	4 years	6 - 9 year	2 years	\$ 10,000,000	4 years
150 - 199	5 years	10 + year	4 years	\$ 20,000,000	5 years
200 +	6 years				

BE IT FINALLY RESOLVED, That Troy City Council hereby **AUTHORIZES** the implementation of an application fee equal to 2% of the estimated personal property taxes abated under the terms of the IFEC tax abatement, or the actual costs of processing the application, whichever is less, and the City of Troy will not charge or collect any other fees for the application, in keeping with MCL 207.555 (3).

Yes: Schilling, Beltramini, Fleming, Kerwin, McGinnis, Slater

No: Howrylak

**MOTION CARRIED**

October 14, 2013

To: State Tax Commission  
P. O. Box 30471  
Lansing, MI 48909-7971

From: Leger A. (Nino) Licari, City Assessor

Re: Affidavit of Application Fees For IFEC

This affidavit attests to the fact that the City of Troy has charged an application fee in the amount of \$836.45, equal to 2% of the estimated abated City taxes for the life of the exemption for Magna US Holdings, Inc., 750 Tower, Troy, MI 48098

Further, no other fee or concession has been charged or accepted in regards to this application, or consideration thereof.

---

Signed: Leger A. (Nino) Licari, City Assessor

---

Dated:

**CITY OF TROY  
INDUSTRIAL FACILITIES EXEMPTION  
CERTIFICATE LETTER OF AGREEMENT**

This agreement between **Magna US Holding Inc.**, (“Company”) and the **City of Troy**, is for the purpose of fulfilling the requirements of Public Act 198, as amended in Public Act 334, Section 22.

In consideration of approval of an Industrial Facilities Exemption Certificate (IFEC), **Magna US Holding Inc.**, understands that through its investment of \$6,203,819.09 ~~and its qualification for Michigan Economic Growth Authority incentives~~, and the **City of Troy**, by its investment of the Industrial Facilities Exemption Certificate, are mutually investing in and benefiting from this economic development project, and furthermore, agree to the following:

- 1.) The length of time for which the abatement is approved is 9 years after either completion of construction of the facilities, or December 31, 2024, whichever is sooner.
- 2.) At the end of two (2) years or no later than December 31, 2015, **Magna US Holding Inc.**, will report to the Assessing Department of the City of Troy the actual cost of this project and indicate any differences and the reason for any differences in the cost or scope of the project as compared to the IFEC application submitted by the Company.
- 3.) **Magna US Holding Inc.**, agrees to remain within the City of Troy for the period of the Industrial Facilities Tax (IFT) abatement in order to retain the benefits of the IFT, unless permission for relocation is granted by the **City Council of the City of Troy**.

**Magna US Holding Inc.**, further understands that if it chooses to leave the City of Troy without permission for relocation prior to the end of the term of the IFT, the **City Council of the City of Troy** has the right to recapture from the Company the total amount of taxes abated by the IFT.

- 4.) **Magna US Holding Inc.**, understands that the City of Troy may reduce the term of the IFEC, revoke the IFEC and/or recover from the Company, the amount of taxes which were abated if the project has not been completed, expenditures made, as represented by the Company, in Section 12’C of its application, by sending a copy of this Agreement along with a copy of the City Council Resolution authorizing such action to the State Tax Commission.

- 5.) **Magna US Holding Inc.**, agrees that it will operate the Project in accordance with all applicable Federal, State and Local laws or regulations, including but not limited to zoning, outside storage, industrial waste disposal, air and water quality, noise control, other environmental regulations, and all of the terms and conditions of any Consent Judgment governing the parcel.
- 6.) By execution of the Agreement, it is understood that the Company's investment in the Project, and the City of Troy's investment in the granting of the IFEC is to encourage economic growth within the City of Troy.

The City of Troy acknowledges that in some instances economic conditions may prevent the Company from complying fully with this Agreement, and the terms of the Application. The City of Troy will give the Company an opportunity to explain the reasons for any variations from the representations contained in the Application and will evaluate the Company's situation prior to taking any action authorized by Paragraph 4 and 5 of this Letter of Agreement.

- 7.) This Agreement constitutes the entire Agreement between the parties and there are no other remedies for breach of this Agreement other than as specified in this Agreement or as provided for in Public Act 198.

This agreement may only be altered upon mutual consent of both parties.

**CITY OF TROY**  
**INDUSTRIAL FACILITIES EXEMPTION**  
**CERTIFICATE LETTER OF AGREEMENT**  
(Signature page)

Signed: \_\_\_\_\_ (date) \_\_\_\_\_

Name:

Title:

Signed: \_\_\_\_\_ (date) \_\_\_\_\_  
Dane Slater, Mayor  
City of Troy  
500 W Big Beaver  
Troy, MI 48084-5285

Signed: \_\_\_\_\_ (date) \_\_\_\_\_  
M. Aileen Bittner  
City Clerk

**CITY OF TROY**  
**PUBLIC HEARING**

A Public Hearing will be held by and before the City Council of the City of Troy at City Hall, 500 W. Big Beaver, Troy, Michigan on Monday, November 25, 2013 at 7:30 P.M. to consider establishing an Industrial Development district (IDD) and the granting of an Industrial Facilities Exemption Certificate (IFEC) for Magna US Holding, Inc., at the following location:

88-20-09-301-015 750 Tower, Troy, MI. 48098  
T2N, R11E, Section 9 part of SW 1/4

You may express your comments regarding this matter by writing to this office, or by attending the Public Hearing.

---

M. Aileen Bittner, City Clerk

**NOTICE:** *People with disabilities needing accommodations for effective participation in this meeting should contact the City Clerk by e-mail at [clerk@ci.troy.mi.us](mailto:clerk@ci.troy.mi.us) or by calling (248) 524-3317 at least two working days in advance of the meeting. An attempt will be made to make reasonable accommodations.*

TROY SCHOOL DISTRICT  
MARK RAJTER  
4400 LIVERNOIS  
TROY MI 48098-4799

OAKLAND COMMUNITY COLLEGE  
CLARENCE E BRANTLEY  
2480 OPDYKE  
BLOOMFIELD HILLS MI 48304-2266

OAKLAND INTERMEDIATE  
SCHOOLS  
2111 PONTIAC LAKE  
WATERFORD MI 48328

OAKLAND COUNTY PTA  
1200 N TELEGRAPH Dept 479  
PONTIAC MI 48341-0479

OAKLAND COUNTY EQUALIZATION  
Attn: DAVID HIEBER  
250 ELIZABETH LAKE RD 1000 W  
PONTIAC MI 48341

MAGNA US HOLDING INC  
Attn: FRANK W ERVIN III  
750 TOWER MC 7000  
TROY MI 48098

HURON-CLINTON METRO AUTHORITY  
Attn: JOHN P MCCULLOCH  
13000 HIGH RIDGE DR  
BRIGHTON MI 48114-9058

**AFFIDAVIT OF PUBLICATION, POSTING & MAILING**

**State of Michigan**  
**County of Oakland**  
**City of Troy**

**RE: PUBLIC HEARING:**

Council/Board/Committee: City Council  
Day: Monday  
Date: November 25, 2013  
Time: 7:30 PM  
Business: Magna Holding, Inc.  
To consider the following: establishing an Industrial Development District (IDD) and the granting of an Industrial Facilities Exemption Certificate (IFEC)  
Address: 750 Tower  
Section: 9

I hereby certify that the attached notice was E-mailed to the Somerset Gazette Newspapers on: October 30, 2013

For publication on: November 4, 2013

*Cheryl A Stewart*

\_\_\_\_\_  
Cheryl A. Stewart  
Admin Aide

I hereby certify that the attached notice was posted to the City of Troy website on: October 30, 2013

I further certify that the mailing is scheduled to be mailed by first class mail by the City Clerk's Office on: October 31, 2013

*Cheryl A Stewart*

\_\_\_\_\_  
Cheryl A. Stewart  
Admin Aide

**POSTED:** October 30, 2013  
**PUBLISHED:** November 4, 2013

**CITY OF TROY**  
**PUBLIC HEARING**

A Public Hearing will be held by and before the City Council of the City of Troy at City Hall, 500 W. Big Beaver, Troy, Michigan on Monday, November 25, 2013 at 7:30 P.M. to consider establishing an Industrial Development district (IDD) and the granting of an Industrial Facilities Exemption Certificate (IFEC) for Magna US Holding, Inc., at the following location:

88-20-09-301-015 750 Tower, Troy, MI. 48098  
T2N, R11E, Section 9 part of SW 1/4

You may express your comments regarding this matter by writing to this office, or by attending the Public Hearing.

---

M. Aileen Bittner, City Clerk

**NOTICE:** *People with disabilities needing accommodations for effective participation in this meeting should contact the City Clerk by e-mail at [clerk@ci.troy.mi.us](mailto:clerk@ci.troy.mi.us) or by calling (248) 524-3317 at least two working days in advance of the meeting. An attempt will be made to make reasonable accommodations.*

**From:** Cheryl A Stewart  
**To:** ["Cindy Kmett"; "Patti Sweitzer"](#)  
**Cc:** [Clerks](#)  
**Subject:** PUBLISH: November 4, 2013 20131125 IDD-IFECT for Magna US Holding Inc.  
**Date:** Wednesday, October 30, 2013 3:08:00 PM  
**Attachments:** [20131125 IDD-IFEC for Magna US Holding Inc.doc](#)  
[image001.png](#)

---

Cindy and/or Patti,

Would you please publish the attached Notice of Public Hearing in the November 4, 2013 edition of the Somerset Gazette?

Also, would you please reply to this email to confirm receipt of the information?

Thanks,

**Cheryl A. Stewart**  
Admin Aide  
City Clerk's Office  
City of Troy



**From:** [Aileen Bittner](#)  
**To:** [Cheryl A Stewart](#)  
**Subject:** FW: Publication for Public Hearings on November 25, 2013  
**Date:** Wednesday, October 30, 2013 3:01:35 PM  
**Attachments:** [CouncilPak Ann PH Magna 11.11.13.pdf](#)  
[Publication IDD IFEC 11.25.13.docx](#)  
[Labels Magna US.docx](#)

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Can we get this in the 4<sup>th</sup> Gazette?

City of Troy

M. Aileen Bittner, CMC | City Clerk | City Clerk's Office | Voice: +1 248 524 3331 | Email: [aileen.bittner@troymi.gov](mailto:aileen.bittner@troymi.gov) | Fax: +1 248 524 1770

---

**From:** Nino A Licari  
**Sent:** Wednesday, October 30, 2013 8:40 AM  
**To:** Aileen Bittner  
**Subject:** Publication for Public Hearings on November 25, 2013

Aileen,

Attached is the memo and data for the Announcement of the Public Hearings for tax abatement for Magna US Holdings that will be held on November 25, 2013.

The actual Announcement will occur on the November 11, 2013 Council Meeting.

I'd like to publish as soon as possible to ensure that we make the publication deadline.

I'm taking the item to the Manager's Office now.

Thanks!

Nino

Leger A. (Nino) Licari | MMAO (4), PPE | City Assessor - City of Troy | 500 W Big Beaver, Troy, MI 48084 | ph 248 524-3305 | fax 248 524-3310 | Mon - Fri 8:00AM - 4:30PM |

---

**I-## Establishment of an Industrial Development District (IDD) at 750 Tower**

Suggested Resolution

Resolution #2013-

Moved by

Seconded by

WHEREAS, pursuant to PA 198 of 1974, as amended, the Troy City Council has the authority to establish Industrial Development Districts (IDD's) within the City of Troy; and

WHEREAS, **Magna US Holding, Inc.** has petitioned the Troy City Council to establish an Industrial Development District (IDD) on its property located in the City of Troy, hereinafter described; and

WHEREAS, construction, acquisition, alteration, or installation of a proposed facility had not commenced at the time of filing the request to establish the district; and

WHEREAS, written notice was given by mail to all owners of real property located within the district, and to the public by newspaper advertisement in the newspaper of record, and public posting of the hearing on the establishment of the district; and

WHEREAS, on November 25, 2013, a public hearing was held at which all owners of real property within the proposed Industrial Development District (IDD) and all residents and taxpayers of the City of Troy were afforded an opportunity to be heard thereon; and

WHEREAS, the Troy City Council deems it to be in the public interest of the City of Troy to establish the Industrial Development District (IDD) as proposed.

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **ESTABLISHES** an Industrial Development District (IDD) for property known as **750 Tower, Troy, MI. 48098**, Parcel #**88-20-09-301-015**, in accordance with City Council Policy Resolution #2010-08-173; and

BE IT FINALLY RESOLVED, That Troy City Council hereby **DIRECTS** the City Clerk to forward a certified copy of this resolution to the State Tax Commission, Treasury Building, P.O. Box 30471, Lansing, MI 48909-7971.

Yes:

No:



## CITY COUNCIL AGENDA ITEM

---

Date: November 25, 2013

To: Brian Kischnick, City Manager

From: Tom Darling, Director of Financial Services  
Nino Licari, City Assessor

Subject: Public Hearing for the granting of an Industrial Facilities Exemption Certificate (IFEC) for Magna US Holding, Inc., 750 Tower, Troy, MI. 48098

---

### **Background:**

Magna US Holding, Inc. is consolidating three divisions at 750 Tower in Troy. They will be retaining 990 jobs and creating 30 additional jobs.

They intend to invest \$6,203,819.09 in new equipment at the location that they have leased for 10 years.

They are applying for an Industrial Facilities Exemption Certificate (IFEC) which grants tax abatement under PA 198, and City Council Policy resolution #2010-08-173.

### **Financial Considerations:**

Based on the length of their lease of the building, the amount of the investment, and the number of jobs they will be creating, they qualify for a nine year abatement under Council Policy Resolution #2010-08-173.

The \$6,203,819.09 investment would generate approximately \$250,206.00 in total taxes over 9 years, of which \$83,645.32 would be City taxes.

The abatement would therefore save the company \$125,103.00 over its life. The City would realize \$41,822.66 in taxes that it does not currently receive.

### **Legal Considerations:**

The site meets all legal and Policy Resolution criteria necessary for establishing an IDD.



## CITY COUNCIL AGENDA ITEM

---

### Policy Considerations:

The application is in compliance with City Council Tax Abatement Policy Resolution #2010-08-173, and PA 198.

### Options:

City Council may approve the tax abatement, as recommended by staff. Or, City Council may choose to not grant the exemption at this point. The company would then appeal this decision to the State tax Commission (STC).

NI/ni H:IFT\Magna Tower 2013\Memo IFEC 11.25.13

**CITY OF TROY**  
**PUBLIC HEARING**

A Public Hearing will be held by and before the City Council of the City of Troy at City Hall, 500 W. Big Beaver, Troy, Michigan on Monday, November 25, 2013 at 7:30 P.M. to consider establishing an Industrial Development district (IDD) and the granting of an Industrial Facilities Exemption Certificate (IFEC) for Magna US Holding, Inc., at the following location:

88-20-09-301-015 750 Tower, Troy, MI. 48098  
T2N, R11E, Section 9 part of SW 1/4

You may express your comments regarding this matter by writing to this office, or by attending the Public Hearing.

---

M. Aileen Bittner, City Clerk

**NOTICE:** *People with disabilities needing accommodations for effective participation in this meeting should contact the City Clerk by e-mail at [clerk@ci.troy.mi.us](mailto:clerk@ci.troy.mi.us) or by calling (248) 524-3317 at least two working days in advance of the meeting. An attempt will be made to make reasonable accommodations.*

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WATERFORD MI 48328

OAKLAND COUNTY PTA  
1200 N TELEGRAPH Dept 479  
PONTIAC MI 48341-0479

OAKLAND COUNTY EQUALIZATION  
Attn: DAVID HIEBER  
250 ELIZABETH LAKE RD 1000 W  
PONTIAC MI 48341

MAGNA US HOLDING INC  
Attn: FRANK W ERVIN III  
750 TOWER MC 7000  
TROY MI 48098

HURON-CLINTON METRO AUTHORITY  
Attn: JOHN P MCCULLOCH  
13000 HIGH RIDGE DR  
BRIGHTON MI 48114-9058

**E - 01 Request for Consideration to Grant an Industrial Facilities Exemption Certificate (IFEC) for Magna US Holding, Inc., 750 Tower, Troy MI., 48098**

Suggested Resolution

Resolution # 2013-

Moved by:

Seconded by:

WHEREAS, After due notice and proper hearing, the City Council of the City of Troy on November 25, 2013, established an Industrial Development District (IDD) for property known as 750 Tower, Troy, MI. 48098, Parcel # 88-20-09-301-015; and

WHEREAS, An Application has been submitted by Magna US Holding, Inc., for an Industrial Facilities Exemption Certificate (IFEC) for personal property at 750 Tower, Troy, MI. 48098 for nine (9) years after completion; and

WHEREAS, After due and proper notice by the City Clerk, the City Council, on November 25, 2013, held a Public Hearing giving opportunity for comment by all taxing units as to the possibility that the granting of an Industrial Facilities Exemption Certificate (IFEC) for Magna US Holding, Inc. at 750 Tower, Troy, MI. 48098 may have the effect of substantially impeding the operation of the taxing unit, or impairing the financial soundness of the taxing unit; and

WHEREAS, the aggregate SEV of real and personal property exempt from ad valorem taxes within the City of Troy, after granting this certificate will not exceed 5% of an amount equal to the sum of the SEV of the City of Troy, plus the SEV of real and personal property thus exempted;

NOW, THEREFORE, BE IT RESOLVED, That Troy City Council has **FOUND THAT THE GRANTING** of an Industrial Facilities Exemption Certificate (IFEC) for Magna US Holding, Inc., at 750 Tower, Troy, MI. 48098 shall not substantially impede the operation of the City of Troy or the other taxing units, **NOR HAS IT BEEN FOUND THAT THE GRANTING** of the Industrial Facilities Exemption Certificate (IFEC) will impair the financial soundness of the City of Troy, or the other taxing units which levy taxes on said property; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **APPROVES** the application to for an Industrial Facilities Exemption Certificate (IFEC) for Magna US Holding, Inc., at 750 Tower, Troy, MI. 48098, Parcel # 88-20-09-301-015, for personal property for a term of nine (9) years after completion, **CONTINGENT** upon the execution of a Letter of Agreement between the City of Troy and Magna US Holding, Inc., and the payment of the fees in accordance with Public Act 198 of 1974, as amended; and

BE IT FURTHER RESOLVED, That the Mayor and City Clerk are **AUTHORIZED TO EXECUTE** the Letter of Agreement between the City of Troy and Magna US Holding, Inc., a copy of which shall be **ATTACHED** to the original minutes of this meeting; and

BE IT FINALLY RESOLVED, That the City Clerk is hereby **AUTHORIZED TO COMPLETE** the Application and **TRANSMIT** same to the State Tax Commission, Treasury Building, P.O. Box 30471, Lansing, MI. 48909-7971

Yes:

No:



**RULES OF PROCEDURE FOR THE  
CITY COUNCIL  
CITY OF TROY, MICHIGAN**

**Adopted: January 28, 2013**

1.	APPOINTMENT OF MAYOR PRO TEM .....	1
2.	CODE OF ETHICS.....	1
3.	DESIGNATION OF ACTING MAYOR .....	1
4.	SPECIAL MEETINGS .....	1
5.	REGULAR MEETINGS.....	2
6.	AGENDA .....	2
7.	ORDER OF BUSINESS.....	2
8.	CABLE CASTING OF CITY COUNCIL MEETINGS.....	3
9.	MINUTES .....	3
10.	PROCLAMATIONS .....	3
11.	RECONSIDERATION OF QUESTIONS.....	4
12.	RESCISSION OF QUESTIONS.....	4
13.	WITHDRAWAL OF MOTIONS PRIOR TO VOTING.....	4
14.	PUBLIC HEARING .....	4
15.	CONSENT AGENDA .....	4
16.	APPOINTMENTS .....	4
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22.	ABSENCES AT COUNCIL MEETINGS.....	7
23.	SUSPEND RULES .....	7
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**1. APPOINTMENT OF MAYOR PRO TEM**

The selection of Mayor Pro Tem shall rotate annually in the following order: ~~McGinnis, Slater, Fleming, Tietz, Henderson, Campbell~~ Henderson, Campbell, Pennington, Hodorek, Fleming, Tietz.

**2. CODE OF ETHICS**

- a) The City Council Code of Ethics shall be reviewed in November of each calendar year, and all City Council members shall agree to abide by the City Council Code of Ethics, and shall evidence this agreement by affixing their signature to a written copy of the Code of Ethics at the earliest opportunity, and providing a copy to the City Clerk.
- b) The Board and Committee Code of Ethics shall be reviewed in November of each calendar year, and all Board and Committee members shall agree upon appointment to abide by the Board and Committee Code of Ethics, and shall evidence this agreement by affixing their signature to a written copy of the Code of Ethics at the earliest opportunity, and providing a copy to the City Clerk.

**3. DESIGNATION OF ACTING MAYOR**

In the absence or disability of the Mayor and the Mayor Pro Tem, the Council Member present who has served longest shall be designated Acting Mayor and shall perform the duties of the Mayor.

**4. SPECIAL MEETINGS**

**A. CALLING OF SPECIAL MEETINGS** (Pursuant to City Charter Section 4.2):

Special meetings shall be called by the Clerk on the written request of the Mayor, or any two members of the Council on at least twenty-four hours written notice to each member of the Council, served personally or left at his usual place of residence; but a special meeting may be held on shorter notice if all members of the Council are present or have waived notice thereof in writing.

**B. DOCUMENTATION:**

Special meetings shall be exclusively limited to items specifically referenced in the Call of the Meeting.

- **Special Meeting Posting:** Pursuant to City Charter a printed meeting notice for each specially called meeting shall contain the items indicated in the written notice calling the meeting.
- **Study Session (Special Meeting) Agenda and Posting:** Study Session Agendas shall contain the items as indicated in the motion calling the meeting.

**C. POSTING AND DELIVERY:**

Special Meeting Calling Notice and/or Agenda shall be personally delivered to each Council Member and posted for public display at least twenty-four (24) hours in advance of the meeting.

**D. ORDER OF BUSINESS:**

At each Study Session (Special Meeting) of the Council, the business to be considered shall include the items listed and in the following order:

**A. Call to Order**

**B. Roll Call:**

- 1) Listing of Council Members
- 2) Excuse Absent Council Members pursuant to Rule Number 22.

**C. Items as Indicated in the Motion Calling of the Meeting**

**D. Items Not Indicated in the Motion Call the Meeting** (Pursuant to City Charter Section 4.2):

- 1) Special meetings are limited to what is expressly indicated in the Call of the Meeting (Motion of Council or written notice), except as set forth below.

**E. Amendments/Additions to Agenda** (Pursuant to City Charter Section 4.3):

In order for City Council to address items at a Special Meeting that are in addition to the Items expressly indicated in the Call of a Special Meeting, all members of City Council must consent to the requested addition(s) in writing and all Council members present at the Special Meeting must consent.

**F. Public Comment**

**G. Adjournment**

**5. REGULAR MEETINGS**

Regular meetings shall be held in the Council Chambers at 7:30 P.M. Meeting dates will be established, by resolution, prior to the end of the preceding calendar year.

**6. AGENDA**

**A. Regular Meeting Agenda:** A printed agenda for each regularly scheduled meeting shall be produced at least forty-eight (48) hours in advance of the meeting. Every item of business to come before the Council shall be filed with the City Clerk by noon on the Wednesday preceding the Monday on which the Council meets. It shall be the duty of the City Clerk to have delivered, as soon as practical, to each member of the Council a complete agenda of the items to be considered at the following meeting. Each item on the agenda shall have sufficient explanation to indicate its intent. All items introduced by the City Council members that do not meet the Wednesday noon deadline will be referred to a later meeting, except by suspension of these rules. A packet, excluding all confidential items, will be posted on the City's Website at least 48 hours prior to Council meetings.

**B. Closed Session Agenda:** Where a Closed Session is requested for a pending case pursuant to MCL 15.268 (e), the specific name(s) of each case is to be identified in the resolution, even though the specific name(s) is not technically required under the Open Meetings Act. Where a Closed Session is requested for any collective bargaining unit discussion pursuant to MCL 15.268 (c), the specific bargaining unit is to be identified pursuant to MCL 15.268 (c), even though not technically required under the Open Meetings Act.

**7. ORDER OF BUSINESS**

At each Regular meeting of the Council, the business to be considered shall be taken up for

consideration and disposition in the following order:

**Invocation**

**Pledge of Allegiance**

**A. Call to Order**

**B. Roll Call**

1) Listing of Council Members

2) Excuse Absent Council Members pursuant to Rule Number 22

**C. Certificates of Recognition and Special Presentations**

**D. Carryover Items**

**E. Public Hearings**

**F. Public Comment for Items On the Agenda**– In accordance with the Rules of Procedure of the City Council, Rule Number 17 - Members of the Public and Visitors

**G. City Council/City Administration Response/Reply to Public Comment**

**H. Postponed Items**

**I. Regular Business**

**J. Consent Agenda**

1) Approval of “J” Items NOT Removed for Discussion

2) Address of “J” Items Removed for Discussion

**K. Memorandums and Future Council Agenda Items**

**L. Public Comment for Items Not on the Agenda** – In accordance with the Rules of Procedure of the City Council, Rule Number 17 – Members of the Public and Visitors

**M. Council Referrals** - Items appearing under Council Referrals are items intended for City Council action that are brought forward by the Mayor or Council Members in accordance with Rule 6 (A).

**N. Council Comments** - Items for the good of the order brought forward by Mayor and Council.

**O. Reports**

**P. Study Items**

**Q. Closed Session**

**R. Adjournment**

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All City Council Meetings will be broadcast on WTRY, with the exception of Closed sessions and Council retreats.

**9. MINUTES**

**A. Minutes:** The minutes will be distributed to the Council prior to their approval. The minutes will be placed on the Consent Agenda for approval.

**Closed Session Minutes:** No official City Council action will be necessary for closed session minutes, since the closed session minutes will reflect only the reason for the closed session (in compliance with Section 6 (B), the date, the starting and ending time and the persons in attendance.

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Proclamations, which are formal public announcements made by City Council, shall be included in the agenda under Reports and Communications and may be brought before

Council or City Administration for consideration by any member. Proclamations will be placed on the Consent Agenda for approval and may include a presentation listed under *Certificates of Recognition and Special Presentations*.

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A motion to reconsider any vote of the Council may be made by either side of the voted motion and shall require the affirmative vote of the majority of the Council Members elect. If such a motion to reconsider passes, and new information has been brought forward, then any member of Council may move to take action on the motion that is to be reconsidered, and any such motion would pass by an affirmative vote of the majority of the Council Members elect.

**12. RESCISSION OF QUESTIONS**

Rescission of any vote of the Council shall require the affirmative vote of the majority of the Council Members. \*Charter states "majority of the members elect."

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Any motion may be withdrawn by its maker prior to voting. A motion to withdraw must receive a second and the affirmative vote of the majority of the Council Members present.

**14. PUBLIC HEARING**

Public Hearings will be held after required notice has been provided. Notices shall inform recipients of possible continuations of hearings. The City Council may upon affirmative vote of a majority of its members "continue" said hearing at a future date designated in the resolution. If the City Council elects to continue the Public Hearing it will appear in the designated meeting Agenda under the topic of "Public Hearings".

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The Consent Agenda includes items of a routine nature and will be approved with one motion. That motion will approve the recommended action for each item on the Consent Agenda. Any Council Member may ask a question regarding an item as well as speak in opposition to the recommended action by removing an item from the Consent Agenda and having it considered as a separate item. Any item so removed from the Consent Agenda shall be considered after other items on the consent portion of the agenda have been heard. Public comment on Consent Agenda Items will be permitted under Agenda Item F.

**16. APPOINTMENTS**

**A. Appointments to Boards, Commissions and Committees:**

The Mayor shall, with City Council concurrence, appoint members of Boards or Committees as governed by State Statute or local ordinances.

The Mayor Pro Tem will contact incumbents to determine their interest in being nominated for reappointment.

The Mayor or any Council Member desiring to nominate a person for appointment to a Board, Commission, or Committee shall at the meeting prior to the appointment, submit

such name, for nomination. A brief summary of background and personal data as to nominee's qualifications should be presented at the time of nomination, except that such a resume shall not be required for the re-nomination of a current member, or if the Council unanimously agrees that a resume is not necessary. Resumes will be submitted on or before the time of nomination.

Nominations will occur during any regular meeting of the Council. A resolution to nominate will be considered during the "Regular Business" of the agenda. All nominations are subject to Section "B" which appears below.

**B. Method of Voting on Nominees:**

- 1) Where the number of nominees does not exceed the number of positions to be filled, a roll call vote shall be used.
- 2) Where the number of nominations exceeds the number of positions to be filled, voting shall take place by the City Clerk calling the roll of the Council and each Council Member is to indicate the names of the individuals he/she wishes to fill the vacancies
- 3) When no candidate receives a majority vote, the candidate(s) with the least number of votes shall be eliminated from the ensuing ballot.
- 4) No member of the City Council shall serve on any committee, commission or board of the City of Troy, except the Retirement System Board of Trustees, Retiree Health Care Benefits Plan and Trust Board, and the Local Development Finance Authority (LDFA) unless membership is required by Statute or the City Charter.
- 5) Persons nominated, but not appointed during this process will be sent a letter thanking them for their willingness to serve the community.
- 6) Recognition will be given to persons who have concluded their service to the community on Boards and Commissions.

**Appointment of City of Troy Representation to SEMCOG and SOCRRA**

**SEMCOG (Southeastern Michigan Council of Governments) Representation:** The Mayor and City Council shall appoint one Delegate and one Alternate to serve on the SEMCOG General Assembly for a term of two-years expiring at 7:30 PM on the Monday following the Regular City Council Election. The appointments shall be made at the organizational meeting of Council at the first Regular meeting of every odd-year November.

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The Mayor and City Council shall appoint one delegate and one alternate to serve on the SOCRRA Board for a term of one-year expiring on June 15<sup>th</sup>.

**17. MEMBERS OF THE PUBLIC AND VISITORS**

Any person not a member of the City Council may address the Council with recognition of the Chair, after clearly stating the nature of his/her inquiry or comment. ***NOTE TO THE PUBLIC:*** *City Council requests that if you do have a question or concern, to bring it to the attention of the appropriate department(s) whenever possible. If you feel that the matter has not been resolved satisfactorily, you are encouraged to bring it to the attention of the City Manager, and*

*if still not resolved satisfactorily, to the Mayor and Council.*

- Petitioners shall be given a fifteen (15) minute presentation time that may be extended with the majority consent of City Council.
- Any member of the public, not a petitioner of an item, shall be allowed to speak for up to three (3) minutes to address any Public Hearing item.
- Any member of the public, not a petitioner of an item, shall be allowed to speak for up to three (3) minutes total to address Postponed, Regular Business, Consent Agenda or Study items or any other item on the Agenda as permitted under the Open Meetings Act during the *Public Comment for Items On the Agenda* portion of the Agenda.
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- All members of the public who wish to address the Council at a meeting shall be allowed to speak only if they have signed up to speak within thirty minutes before or within fifteen minutes after the meeting's start time. Signing up to speak requires each speaker provide his or her name and residency status (Troy resident, non-resident, or Troy business owner). If the speaker is addressing an Item (or Items) that appear on the pre-printed agenda, then the speaker shall also identify each such agenda item number(s) to be addressed.
- City Council may waive the requirements of this section by a majority vote of the City Council members.
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Prior to *Public Comment for Items On the Agenda*, the Mayor will provide a verbal notification of the rules of decorum for City Council meetings. In addition, the written Agenda Packet will include the following language, as approved by City Council:

*The audience should be aware that all comments are to be directed to the Council rather than to City Administration or the audience. Anyone who wishes to address the Council is required to sign up to speak within thirty minutes before or within fifteen minutes of the start of the meeting. There are two Public Comment portions of the Agenda. For Items On the Agenda, speakers can sign up to address Postponed, Regular Business, Consent Agenda, or Study items or any other item on the Agenda. Speakers can sign up to address all other topics under Items Not on the Agenda. Also, there is a timer on the City Council table in front of the Mayor that turns yellow when there is one minute of speaker time remaining, and turns red when the speaker's time is up.*

*In order to make the meeting more orderly and out of respect, please do not clap during the meeting, and please do not use expletives or make derogatory or disparaging comments about any one person or group. If you do so, then there may be immediate consequences, including having the microphone turned off, being asked to leave the meeting, and/or the deletion of speaker comments for any re-broadcast of the meeting. Speakers should also be careful to avoid saying anything that would subject them to civil liability, such as slander and defamation.*

*Please avoid these consequences and voluntarily assist us in maintaining the decorum befitting this great City.*

**18. POSTPONE**

A motion to postpone may be made for a definite period of time. Items will automatically appear on the appropriate agenda.

**19. RULES OF ORDER**

*Robert's Rules of Order*, current edition, as clarified by the City Clerk, is hereby adopted and made a part hereof, except as modified by these Rules of Procedure, the Charter, and the City Code.

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**21. EXPENSES: OUT-OF-TOWN TRAVEL FOR CITY BUSINESS**

- A. Funds providing for Council representation at State and National conferences sponsored by affiliations of cities will be annually approved in the budget for the subject fiscal year. The City Council will by advance resolution grant authorization for out of town travel to specific places, for conference purposes. Members of the City Council will submit expense vouchers exceeding \$50.00 per day to attend out-of-town meetings and conferences, with additional allowances being made for transportation (paid at the air coach rate, City pool car, City Vehicle rental rate, or gas mileage at current IRS guidelines, depending upon the mode of transportation) and lodging. Expenses may be authorized for payment by the City Manager, and a copy of the expense report form will be placed on the Council agenda under Reports and Communications.
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- A. Council members who are unable to attend a Council meeting and desire an excused absence shall notify the City Manager, City Attorney or City Clerk of their absence in writing prior to the meeting and indicate the reason for the absence. The reason shall be entered in the proceedings of the Council at the time of each absence.
- B. In the event of an absence of a Council member at a meeting, the City Manager is directed to supply such absent Council member with information about any special meetings that may have been scheduled.

**23. SUSPEND RULES**

The Rules of Procedure may be waived by a simple majority.

**24. COUNCIL DISCUSSION**

No member of Council shall speak a second time on any item under discussion until all other

members desiring to speak on that item have been heard. No member of Council shall be allowed to speak for more than five (5) minutes at a time.

**25. AGENDA ITEMS SUBMITTED BY COUNCIL MEMBERS**

Mayor and Council Members submitting an agenda item that calls for a vote shall send the item to the City Manager in a timely manner in writing. Staff professional opinion may be written to accompany the item. Rule 17 would govern, limiting any presentations to 15 minutes.

**26. VIDEO AND AUDIO PRESENTATIONS**

Video and Audio Presentations may not be submitted for presentation at a Council meeting unless submitted to the Troy City Clerk by noon on the day of the meeting. Inappropriate material will be prohibited.

**27. CONTINUED AGENDA ITEMS NOT CONSIDERED BEFORE 12:00 AM**

Any item on the Council agenda that has not been discussed by 12:00 AM of the morning following the beginning of the meeting shall be continued to the next regular meeting as a Carryover Item, unless City Council takes action to the contrary.

**28. VIOLATIONS**

The City Clerk shall be responsible for reporting violations of time limitations or speaking sequence to the Chair.

**29. WIRE COMMUNICATIONS BY AND TO COUNCIL MEMBERS DURING ANY MEETING OF COUNCIL**

All communications are subject to the Michigan Open Meetings Act, therefore members of the City Council shall not engage in any form of wire communication, as defined by U.S. Code Title 18, Part I, Chapter 119, Section 2510, during any meeting of the Council.



**Council Member Fleming's Proposed  
Revisions**

**RULES OF PROCEDURE FOR THE  
CITY COUNCIL  
CITY OF TROY, MICHIGAN**

**Adopted: January 28, 2013**

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**1. APPOINTMENT OF MAYOR PRO TEM**

The selection of Mayor Pro Tem shall rotate annually in the following order: McGinnis, Slater, Fleming, Tietz, Henderson, Campbell.

**2. CODE OF ETHICS**

- a) The City Council Code of Ethics shall be reviewed in November of each calendar year, and all City Council members shall agree to abide by the City Council Code of Ethics, and shall evidence this agreement by affixing their signature to a written copy of the Code of Ethics at the earliest opportunity, and providing a copy to the City Clerk.
- b) The Board and Committee Code of Ethics shall be reviewed in November of each calendar year, and all Board and Committee members shall agree upon appointment to abide by the Board and Committee Code of Ethics, and shall evidence this agreement by affixing their signature to a written copy of the Code of Ethics at the earliest opportunity, and providing a copy to the City Clerk.

**3. DESIGNATION OF ACTING MAYOR**

In the absence or disability of the Mayor and the Mayor Pro Tem, the Council Member present who has served longest shall be designated Acting Mayor and shall perform the duties of the Mayor.

**4. SPECIAL MEETINGS**

**A. CALLING OF SPECIAL MEETINGS** (Pursuant to City Charter Section 4.2):

Special meetings shall be called by the Clerk on the written request of the Mayor, or any two members of the Council on at least twenty-four hours written notice to each member of the Council, served personally or left at his usual place of residence; but a special meeting may be held on shorter notice if all members of the Council are present or have waived notice thereof in writing.

**B. DOCUMENTATION:**

Special meetings shall be exclusively limited to items specifically referenced in the Call of the Meeting.

- **Special Meeting Posting:** Pursuant to City Charter a printed meeting notice for each specially called meeting shall contain the items indicated in the written notice calling the meeting.
- **Study Session (Special Meeting) Agenda and Posting:** Study Session Agendas shall contain the items as indicated in the motion calling the meeting.

**C. POSTING AND DELIVERY:**

Special Meeting Calling Notice and/or Agenda shall be personally delivered to each Council Member and posted for public display at least twenty-four (24) hours in advance of the meeting.

**D. ORDER OF BUSINESS:**

At each Study Session (Special Meeting) of the Council, the business to be considered

shall include the items listed and in the following order:

**A. Call to Order**

**B. Roll Call:**

- 1) Listing of Council Members
- 2) Excuse Absent Council Members pursuant to Rule Number 22.

**C. Items as Indicated in the Motion Calling of the Meeting**

**D. Items Not Indicated in the Motion Call the Meeting** (Pursuant to City Charter Section 4.2):

- 1) Special meetings are limited to what is expressly indicated in the Call of the Meeting (Motion of Council or written notice), except as set forth below.

**E. Amendments/Additions to Agenda** (Pursuant to City Charter Section 4.3):

In order for City Council to address items at a Special Meeting that are in addition to the Items expressly indicated in the Call of a Special Meeting, all members of City Council must consent to the requested addition(s) in writing and all Council members present at the Special Meeting must consent.

**F. Public Comment**

**G. Adjournment**

**5. REGULAR MEETINGS**

Regular meetings shall be held in the Council Chambers at 7:30 P.M. Meeting dates will be established, by resolution, prior to the end of the preceding calendar year.

**6. AGENDA**

**A. Regular Meeting Agenda:** A printed agenda for each regularly scheduled meeting shall be produced at least forty-eight (48) hours in advance of the meeting. Every item of business to come before the Council shall be filed with the City Clerk by noon on the Wednesday preceding the Monday on which the Council meets. It shall be the duty of the City Clerk to have delivered, as soon as practical, to each member of the Council a complete agenda of the items to be considered at the following meeting. Each item on the agenda shall have sufficient explanation to indicate its intent. All items introduced by the City Council members that do not meet the Wednesday noon deadline will be referred to a later meeting, except by suspension of these rules. A packet, excluding all confidential items, will be posted on the City's Website at least 48 hours prior to Council meetings.

**B. Closed Session Agenda:** Where a Closed Session is requested for a pending case pursuant to MCL 15.268 (e), the specific name(s) of each case is to be identified in the resolution, even though the specific name(s) is not technically required under the Open Meetings Act. Where a Closed Session is requested for any collective bargaining unit discussion pursuant to MCL 15.268 (c), the specific bargaining unit is to be identified pursuant to MCL 15.268 (c), even though not technically required under the Open Meetings Act.

**7. ORDER OF BUSINESS**

At each Regular meeting of the Council, the business to be considered shall be taken up for consideration and disposition in the following order:

**Invocation**

**Pledge of Allegiance**

**A. Call to Order**

**B. Roll Call**

- 1) Listing of Council Members
- 2) Excuse Absent Council Members pursuant to Rule Number 22

**C. Certificates of Recognition and Special Presentations**

**D. Carryover Items**

**E. Public Hearings**

**F. Public Comment for Items On the Agenda from Troy Residents and Businesses** – In accordance with the Rules of Procedure of the City Council, Rule Number 17 - Members of the Public and Visitors

**G. City Council/City Administration Response/Reply to Public Comment**

**H. Postponed Items**

**I. Regular Business**

**J. Consent Agenda**

- 1) Approval of “J” Items NOT Removed for Discussion
- 2) Address of “J” Items Removed for Discussion

**K. Memorandums and Future Council Agenda Items**

**L. Public Comment for Items Not on the Agenda from Troy Residents and Businesses** – In accordance with the Rules of Procedure of the City Council, Rule Number 17 – Members of the Public and Visitors

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**M. Council Referrals** - Items appearing under Council Referrals are items intended for City Council action that are brought forward by the Mayor or Council Members in accordance with Rule 6 (A).

**N. Council Comments** - Items for the good of the order brought forward by Mayor and Council.

**O. Reports**

**P. Comments for Items On or Not On the Agenda from Members of the Public Outside of Troy (Not Residents of Troy and Not From Troy Businesses)**

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**PQ. Study Items**

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**22. ABSENCES AT COUNCIL MEETINGS**

A. Council members who are unable to attend a Council meeting and desire an excused absence shall notify the City Manager, City Attorney or City Clerk of their absence in writing prior to the meeting and indicate the reason for the absence. The reason shall be entered in the proceedings of the Council at the time of each absence.

- B. In the event of an absence of a Council member at a meeting, the City Manager is directed to supply such absent Council member with information about any special meetings that may have been scheduled.

**23. SUSPEND RULES**

The Rules of Procedure may be waived by a simple majority.

**24. COUNCIL DISCUSSION**

No member of Council shall speak a second time on any item under discussion until all other members desiring to speak on that item have been heard. No member of Council shall be allowed to speak for more than five (5) minutes at a time.

**25. AGENDA ITEMS SUBMITTED BY COUNCIL MEMBERS**

Mayor and Council Members submitting an agenda item that calls for a vote shall send the item to the City Manager in a timely manner in writing. Staff professional opinion may be written to accompany the item. Rule 17 would govern, limiting any presentations to 15 minutes.

**26. VIDEO AND AUDIO PRESENTATIONS**

Video and Audio Presentations may not be submitted for presentation at a Council meeting unless submitted to the Troy City Clerk by noon on the day of the meeting. Inappropriate material will be prohibited.

**27. CONTINUED AGENDA ITEMS NOT CONSIDERED BEFORE 12:00 AM**

Any item on the Council agenda that has not been discussed by 12:00 AM of the morning following the beginning of the meeting shall be continued to the next regular meeting as a Carryover Item, unless City Council takes action to the contrary.

**28. VIOLATIONS**

The City Clerk shall be responsible for reporting violations of time limitations or speaking sequence to the Chair.

**29. WIRE COMMUNICATIONS BY AND TO COUNCIL MEMBERS DURING ANY MEETING OF COUNCIL**

All communications are subject to the Michigan Open Meetings Act, therefore members of the City Council shall not engage in any form of wire communication, as defined by U.S. Code Title 18, Part I, Chapter 119, Section 2510, during any meeting of the Council.



## CITY COUNCIL ACTION ITEM

Date: November 22, 2013

To: Brian M. Kischnick, City Manager

From: Gary G. Mayer, Chief of Police *ggm*

Subject: Recommendation: Six Month Review of the Amendments to Troy City Code Chapter 77, Smoking Lounges Hours of Operations

### Background

Prior to May of 2013, several incidents occurred at Hookah establishments in the City of Troy. Hookah establishments attracted large crowds which resulted in overflow parking into nearby businesses, often leaving behind debris. These large crowds generated multiple incidents requiring a police response, including a shooting, fights, drug and alcohol possession, noise, traffic, and parking complaints from area businesses and residents. Complaints were also received that hookah establishments were allowing minors (under 18) into their businesses contrary to state law. There were no restrictions on the hours of operations for hookah establishments and many of the incidents occurred after 12:00 a.m. (midnight).

On May 8, 2013, City Council voted to amend City Ordinance Chapter 77 of the Troy City Code to limit the hours of operations, restrict transfers of state exemption certificates into Troy, required specific information on operational management, reinforce current state laws, implement parking-related restrictions, and establish specific codes of conduct for these establishments. City Council indicated that the amendments to Chapter 77 would be reviewed in six months for compliance and effects of the enacted revisions.

Since the revisions to Chapter 77 took effect, we have experienced an overall decrease of 52% in calls for service to these establishments.

Included in these were:

40% drop in the drug/alcohol related incidents (5 to 3)

73% drop in suspicious incidents (11 to 3)

83% drop in traffic/parking related incidents (6 to 1)

Attached you will find documents that summarize incidents pre and post City Ordinance Chapter 77 changes. It is also important to recognize that the current hookah establishments have made an investment in their Troy businesses. Business representatives have asked for extended hours to attract customers. In the spirit of compromise this merits consideration.

### Recommendation

It is evident that the amendments to Chapter 77 along with a robust licensing inspection program by the Police Department achieved the intended purpose. The Police Department recommends modification of Chapter 77 to allow the hours of operation to be extended to 1:00 a.m. on Friday and Saturday.

### City Attorney's Review as to Form and Legality

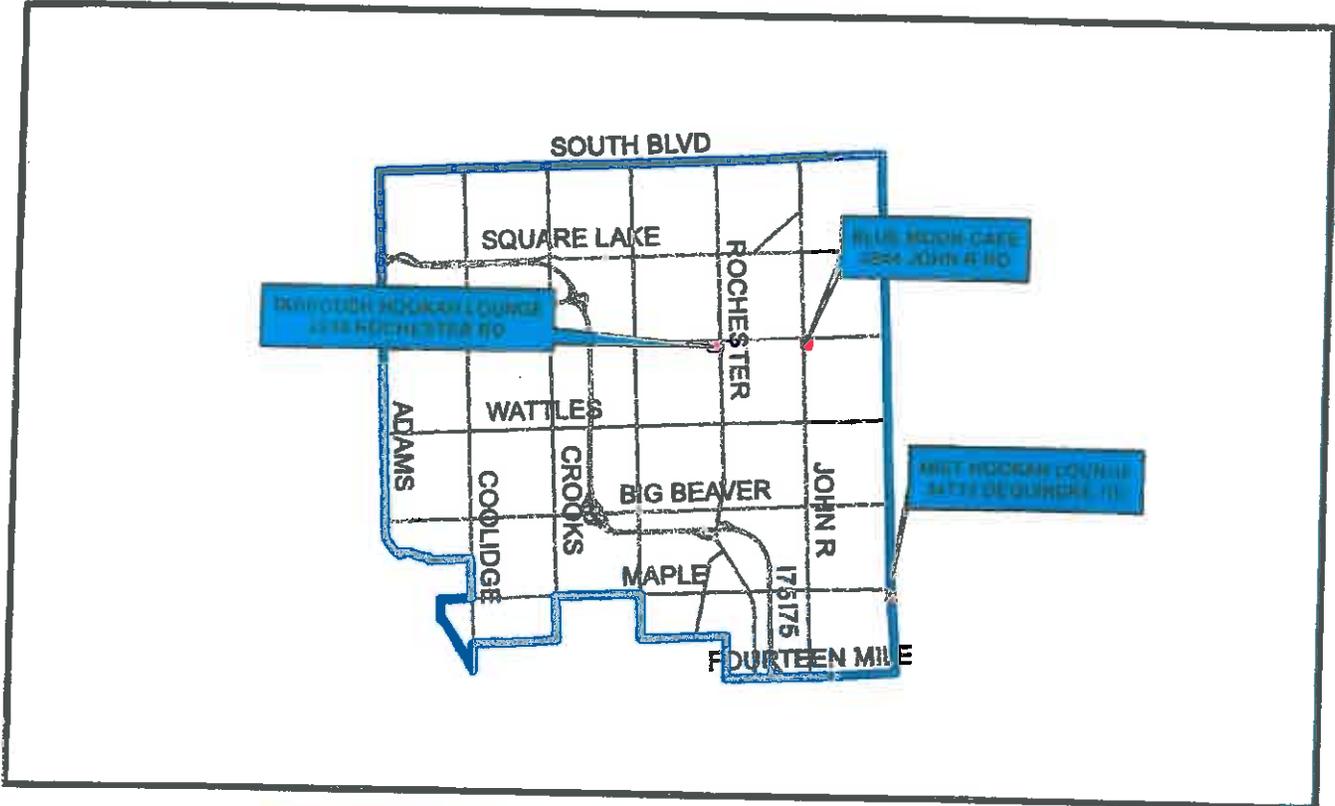
*Lori Grigg Bluhm*  
 Lori Grigg Bluhm, City Attorney

*11/22/2013*  
 Date

# CITY OF TROY HOOKAH LOUNGES

POST CHAPTER 77 ORDINANCE CHANGE

5/13/2013 - 11/12/2013

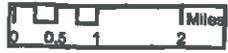


**BILLE MOON CAFE**  
4544 JOHN R RD  
5-21-2013 (13-15588)  
Copy of new ordinance was given to owner Jonathan Yacoub  
5-27-2013 (13-16214)  
Ordinance Violation - New patrons were still in the business at 01 00 business was cited for violation of new ordinance  
5-28-2013 (13-16456)  
Cocaine Possession - suspicious vehicle in parking lot after midnight revealed two underage males that had been consuming alcohol in the parking lot and were in possession of cocaine - suspects released pending warrants- both suspects have criminal histories  
6-02-2013 (13-17094)  
Suspicious Vehicle - vehicle checked out clear  
6-18-2013 (13-18786)  
Parking Complaint - Person issued citation for parking in handicapped spot without proper tag  
6-8-2013 (13-25022)  
Ordinance Violation - cited for no registered manager on premise - Yacoub, Julian stated he was the manager but was not registered with City and had Troy warrants and was arrested(13-25021)  
11-14-2013  
Copy of memo about council meeting delivered to Jonathan Yacoub

**MIST HOOKAH LOUNGE**  
34713 DEQUINDRE RD  
5-21-2013 (13-15584)  
Copy of new ordinance was given to co-owner Brian Joseph Kajo  
5-24-2013 (13-16214)  
Call for a suspicious person waving a laser - through investigation learned it was an underage cousin of owner who sparked a security guard's laser - cousin was asked to leave  
6-11-2013 (13-20083)  
Marijuana Possession- suspicious occupied car in parking lot after midnight revealed car's driver had a large amount of marijuana and drug paraphernalia in car; driver received citations and was released and advised to set-up a court date  
11-11-2013 (13-35542)  
Marijuana Possession and FNP- Officer observed vehicle running with head lights on and went to check on driver-passenger was in possession of marijuana and pipe- passenger was cited and released  
11-14-2013  
Copy of memo about council meeting delivered to Brian Kajo

**TARBOOSH HOOKAH LOUNGE**  
4533 ROCHESTER RD  
5-21-2013 (13-15581)  
Copy of new ordinance was given to manager Bashar Dentry  
11-14-2013  
Copy of memo about council meeting delivered to Bashar Dentry

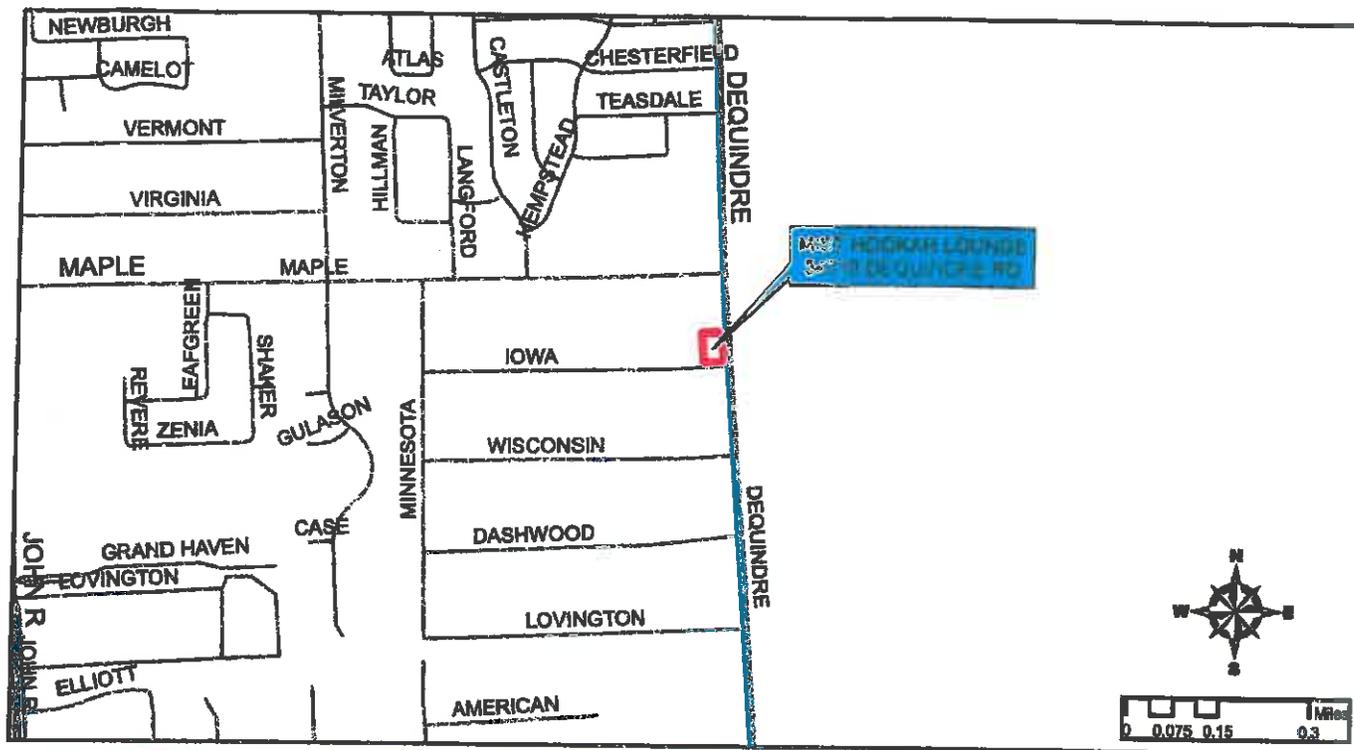
**\*\*ICE Lounge (formerly CoffeeNetUSA- 5929 John R Rd) 2nd applicant rejected by Police because of criminal past 3rd applicant also rejected by Police because of criminal past on 7-25-2013 Recently noticed business signage taken down and "For Lease" up out front**  
**\*\*White Room (1985 E Wattles) has state exemption, but has not applied for city license No Updates**  
**\*\*2995 E Long Lake (Inquiries made) No Updates**



# MIST HOOKAH LOUNGE

## PRE CHAPTER 77 ORDINANCE CHANGE

11/13/2012 - 5/12/2013



**MIST HOOKAH LOUNGE**  
 34713 DEQUINDE RD  
 12-26-2012  
 Mist's smoking license was approved by City  
 1-18-2013 (13-2045)  
 Suspicious Circumstances - called in as fight inside Mist but all people involved had left before police arrived  
 2-18-2013 (13-5132)  
 Aggravated Assault w/ Gun- 4 males were kicked out of the Mist and one retrieved a gun and pointed it at the bouncers and then fired one shot in the air as they all left in vehicle  
 2-18-2013 (13-5428)  
 Suspicious Circumstances- several customers came and went very quickly - no issues  
 3-19-2013 (13-5523)  
 Suspicious Person- no issues  
 3-21-2013 (13-5818)  
 Suspicious Person- no issues  
 3-23-2013 (13-5838)  
 Suspicious Vehicle- no issues  
 3-23-2013 (13-5847)  
 Marijuana Possess- officers patrolling parking lot and found occupied vehicle with two people smoking marijuana and both were arrested  
 2-23-2013 (13-5858)  
 Nuisances Ordinance- patron in cell in Mist's parking lot was honking his horn at pedestrians in lot - cited for Noise Prohibited Home and Signal Devices

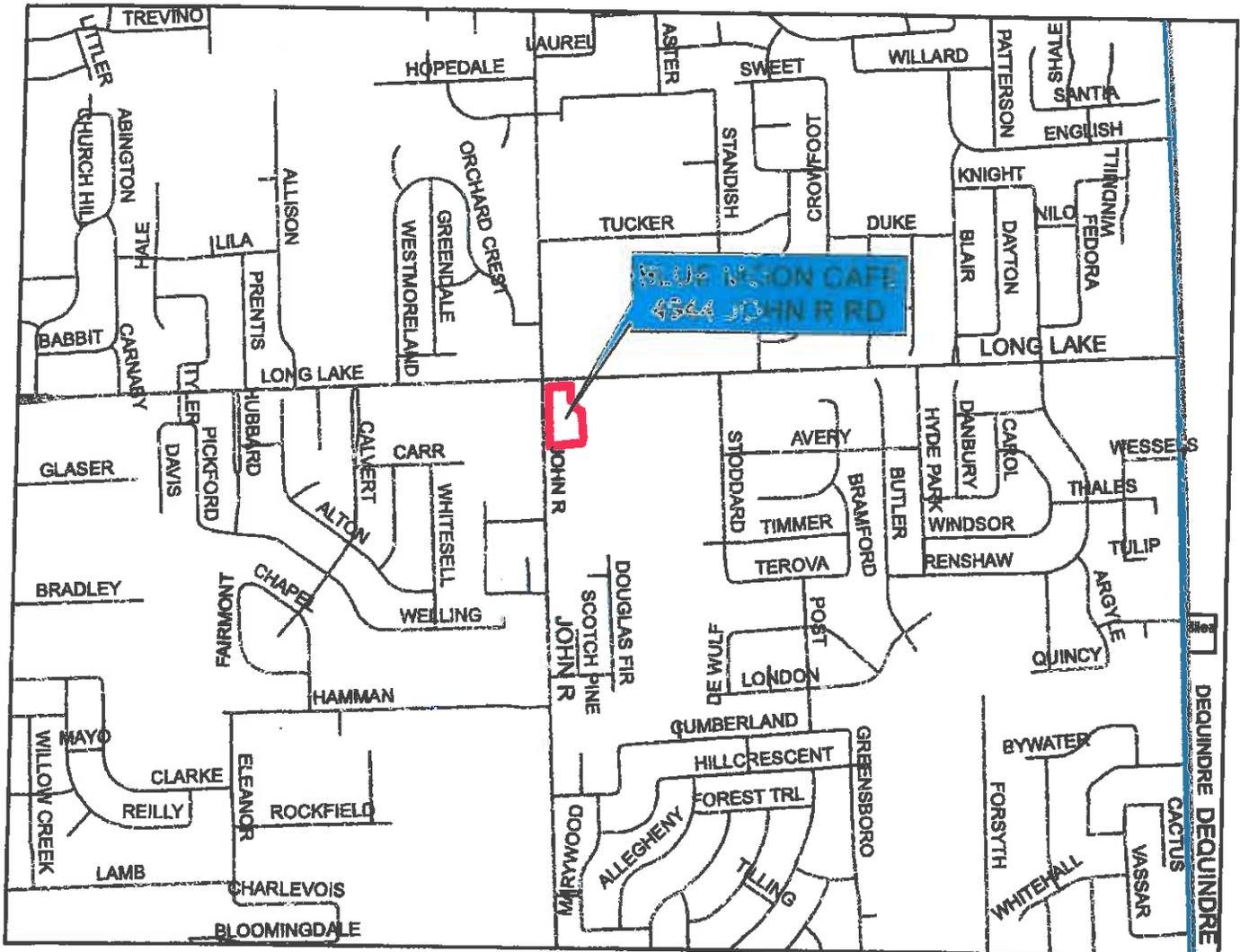
2-23-2013 (13-5887)  
 Marijuana Possess- while officers were patrolling parking lot found occupied vehicle with three males smoking marijuana- passenger cited and released  
 2-23-2013 (13-5923)  
 Suspicious Vehicle- no issues  
 3-23-2013 (13-5953)  
 Open Container- person in parking lot drinking a 22 oz beer- cited and released  
 2-24-2013 (13-68021)  
 Property Damage Crash - citation issued  
 3-25-2013 (13-68028)  
 Parking Complaint - citation issued  
 2-25-2013 (13-68127)  
 Parking Complaint - Citation issued for illegally parking in handicap space  
 2-25-2013 (13-68528)  
 AB Simple - two patrons got into a fight inside Mist  
 3-03-2013 (13-68773)  
 Larceny- purse stolen from patron while inside Mist  
 3-06-2013 (13-67138)  
 Nuisance Parking- citations issued  
 3-08-2013 (13-67138)  
 Parking Complaint- no violation  
 3-27-2013 (13-69571)  
 Marijuana Possess- two individuals observed smoking marijuana inside vehicle - both cited and released  
 4-01-2013 (13-69583)  
 Suspicious Vehicle - passengers just talking - no violations

4-10-2013 (13-10948)  
 Suspicious Circumstances - reports of under age patrons - no violations  
 4-12-2013 (13-11188)  
 Marijuana Possess- officers patrolling parking lot found occupied vehicle- driver cited and released  
 4-27-2013 (13-12871)  
 Disorderly Conduct - two patrons were fighting and left before police arrival  
 5-03-2013 (13-13340)  
 Marijuana Possess - Officers waiting parking lot noticed car running occupied by four men - driver cited for marijuana and paraphernalia possession and released  
 5-04-2013 (13-13478)  
 Customs Trouble  
 5-21-2013 (13-15584)  
 Copy of new ordinance was given to co-owner Brian Joseph Keys



# BLUE MOON CAFE

PRE CHAPTER 77 ORDINANCE CHANGE  
11/13/2012 - 5/12/2013



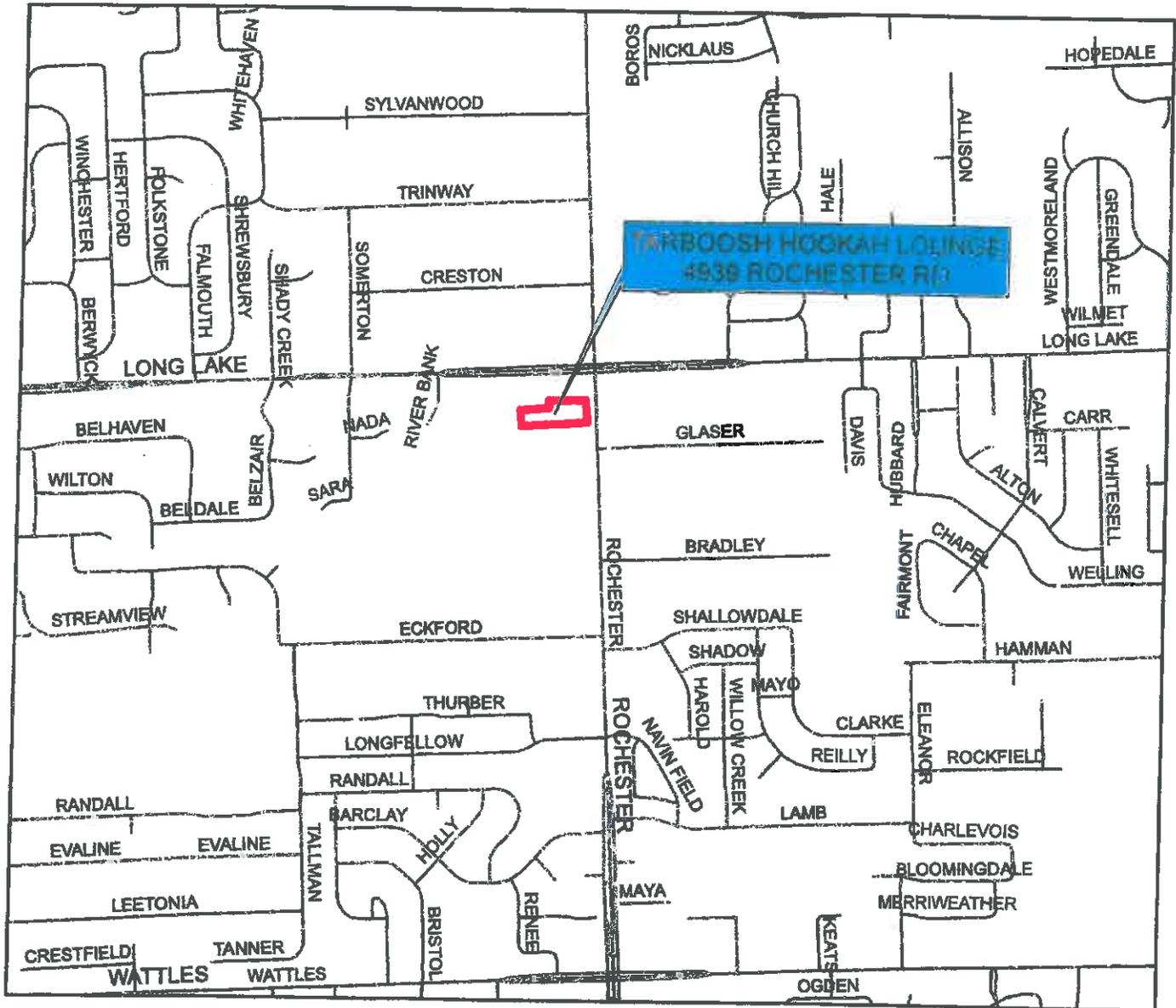
**BLUE MOON CAFE**  
4544 JOHN R RD  
6-12-2012  
Blue Moon's smoking license was approved by City 12-18-2012 (12-41618)  
Suspicious Person- person in vehicle parked in Handicap space without permit was cited for giving false info to officer 12-31-2012 (12-41816)  
302X Care for Medical- employee of Blue Moon was reported to have passed and was vomiting 3-15-2013 (13-08011)  
Traffic/Parling Complaint- citation issued 3-18-2013 (13-08134)  
Suspicious Vehicle- citation issued 4-25-2013 (13-12554)  
Suspicious Vehicle- while patrolling parking lot officers noticed car with windows fogged up and found two patrons inside car 6-21-2013 (13-15598)  
Copy of new ordinance was given to owner Jonathan Yasoub



# TARBOOSH HOOKAH LOUNGE

PRE CHAPTER 77 ORDINANCE CHANGE

11/13/2012 - 5/12/2013



**TARBOOSH HOOKAH LOUNGE**  
 4938 ROCHESTER RD  
 2-08-2013  
 Tarboosh's smoking license was approved by City  
 3-23-2013 (13-09022)  
 Miscellaneous Public: received call about nude  
 underage patrons inside Tarboosh - they were  
 all gone before Police arrival  
 5-10-2013 (13-14293)  
 Health and Safety Violation: there was a  
 call of underage patrons in lounge- police did  
 ID check and found several underage patrons  
 resulting in Tarboosh receiving citations of  
 City Ordinance  
 5-21-2013 (13-15001)  
 Copy of new ordinance was given to owner  
 Bashar Dimiry



City of  
**Troy**

CITY OF TROY

**AN ORDINANCE TO AMEND**

CHAPTER 77 OF THE CODE OF THE CITY OF TROY

THE CITY OF TROY ORDAINS:

Section 1. Short Title: That Sections 11 and 13 of Chapter 77– Smoking Lounges of the City of Troy Code of Ordinances- is hereby amended to modify the hours of operation for Friday and Saturday nights only, as set forth below in red line version.

11. Hours of Operation

It shall be unlawful for a smoking lounge business to be open for business or for the licensee, manager or any employee of a licensee to allow patrons to enter into the licensed premises between ~~midnight~~ 12:00 a.m. of each day until ~~eight~~ 8:00 a.m. the next day, **except that the closing time for Saturday morning and for Sunday morning can be extended one hour to 1:00 am.** All individuals except employees of the smoking lounge business shall be required to leave or be removed from the building by 12:30 a.m., **except that this time can be extended by one hour until 1:30 a.m. on Saturday morning and Sunday morning.** Only a maximum of three (3) employees shall remain on the premises after 12:30 am **or 1:30 a.m. on Saturday morning and Sunday morning only**, and each shall carry proof of employment at the licensed establishment, such as an identification badge. The manager and/or employees shall provide proof of such employment when requested to do so by a member of the Troy Police Department or Troy Fire Department

13. Parking Restrictions

The manager and/or employees shall require patrons to leave the parking lot of the smoking lounge business by 12:30 a.m, **except for Saturday and Sunday morning, when the manager and/or employees shall require patrons to leave the parking lot of the smoking lounge by 1:30 a.m.** The manager and/or employees shall ensure that patrons of the smoking lounge business are not parking in adjacent or neighboring parking lots or in residential areas that are not part of the parking area provided to the licensed premises.

Section 6. Effective Date

This Ordinance shall become effective ten (10) days from the date hereof or upon publication, whichever shall later occur.

This Ordinance is enacted by the Council of the City of Troy, Oakland County, Michigan, at a regular meeting of the City Council held at City Hall, 500 W. Big Beaver, Troy, MI, on Monday, \_\_\_\_\_, 2013.

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Dane Slater, Mayor

---

M. Aileen Bittner, City Clerk

**Beth L Tashnick**

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**Subject:** FW: Smoking lounge Ordinance 77 Review Letter for Distribution to City Council Members  
**Attachments:** SIGNED OWNERS\_0001.pdf; SIGNED OWNERS\_0002.pdf

**Fabric Affair  
4928 John R. Rd.  
Troy, MI  
248-457-9320**

To: City of Troy Council members

November 22, 2013

Dear Sir/Madam,

I am writing you today in reference to the upcoming six month review of the City of Troy Smoking Lounges Ordinance Chapter 77. I am the current owner of the retail fabric & sewing machine store located directly next to the Blue Moon hookah bar located on John R. rd. in the city of Troy. After canvassing the surrounding cities for the best location to open our lifelong dream retirement business, my husband and I selected the city of Troy. We opened our business in the fall of 2011 and were graciously welcome by the community and supported by the efforts of the Troy City Departments.

This enjoyment was soon to be short lived due to the opening of the Blue Moon hookah bar. Since the hookah bars opening we have been forced to deal with a deluge of problems which never existed prior to its opening. We have been forced to request the services of the Troy police department on several occasions for noise violations, use of controlled substances in parking lot, removal of such substances from around the store fronts and sidewalks, verbal abuse by patrons of Hookah Bar, personal threats made and motorcycles driving down sidewalks directly past business doors to park in front of Hookah establishment. We also request the involvement of other departments for non-use of mandatory ventilation system resulting in smoke entering our fabric store potentially damaging product and waste form hookah bar discarded on sidewalks and area behind hookah bar. Now with recent increase in robberies and break-ins we feel the need for increased security and Police involvement.

We recently canvased the present store owners outside of the hookah bar and asked if they in favor of extending the hookah bars hours back to 2:00 a.m., four out of seven are opposed to extending hours and also request that these businesses no longer be allowed to operate in the City of Troy. The remaining three businesses selected not to get involved. Please find attached list.

If you have any question or if we can be of service please contact us at:

Fabric Affair  
4928 John R. Rd.  
Troy, MI. 48085

Thank you

Sincerely  
Richard & Michelle Strassburg

November 19, 2013

Dear City Council Members,

As neighbors of the Blue Moon Hookah Lounge, we respectfully discourage amending City Ordinance Chapter 77 of the Troy City Code.

Business ownership in any economy is a challenge. Operating a business adjacent to the above Hookah Lounge has been even more of a challenge. We have experienced everything from motorcycles racing on the sidewalk in front of our door, very loud and foul language, excessive litter in the parking lot both front and back, broken windows in stores located in the plaza to outright verbal physical threats. We as business owners not only ask you not to amend the ordinance, we would like to see Hookah Lounges no longer allowed to operate in the City of Troy.

Respectfully,

The Business Owners in Plaza Long Lake & John R

Fabric Affair  
Business Name

4928 John R  
Address

  
Business Owner Signature

11-19-13  
Date

BUSINESS NAME

Address

Cindy Jacklin  
Business Owner Signature

11-19-13  
Date

Fit Zone for Women, Troy  
Business Name

4924 John R.  
Address

\_\_\_\_\_  
Business Owner Signature

\_\_\_\_\_  
Date

Business Name

EMBERS DELI

Business Owner Signature

Business Name

Address

4916

Date

11-11-13

Address

Business Owner Signature

CN Nails & Spa

Business Name

Business Owners Signature

Date

4940

Address

11/30/13

Date

Business Name

Address

Business Owners Signature

Date



## CITY COUNCIL ACTION REPORT

November 22, 2013

TO: Brian Kischnick, City Manager

FROM: Mark Miller, Director of Economic and Community Development  
Lori Bluhm, City Attorney  
Steven J. Vandette, City Engineer

SUBJECT: Approval of Third Amendment to MDOT Capital Contract for  
Troy Multi-Modal Transit Facility, MDOT Contract No. 2011-0231/A2

### History:

#### MDOT Contract Amendments

City Council approved Capital Contract No. 2011-0231 (Resolution No. 2011-09-210) with MDOT for the final design and construction of the Troy Multi-Modal Transit Facility on September 12, 2011. MDOT provided federal funding in the amount of \$8,485,212 to the City for design and construction of the Transit Center.

On January 17, 2012, City Council approved a resolution that reduced the total cost of the Troy Multi-Modal Transit Center to \$6,272,500 (Resolution No. 2012-01-008). Following that, the First Amendment to the MDOT Capital Contract, was approved on November 12, 2012 (Resolution No. 2012-11-203), which reduced the grant funding amount from the original \$8,485,212 to the \$6,272,500 amount previously approved by City Council..

The Second Amendment to the MDOT Capital Contract, approved on March 4, 2013 (Resolution No. 2013-03-054), increased the grant amount from \$6,272,500 to \$6,620,736 so as to include the unanticipated cost of a crash wall , which was required after the start of construction by the host railroad, Grand Trunk Western Railroad, also known as Canadian National Railroad (CN).

#### Transit Center Property

Although the transit center property was deeded to the City in 2001 as part of the Consent Judgment negotiation that allowed the construction of Midtown Square, the Court of Appeals issued an opinion in May 2013 that reversed the May 2011 decision of the Oakland County Circuit Court. The Court of Appeals ruled that the Transit Center was allegedly not timely “funded” as of June 2, 2010, which was a condition for the City to keep the property. The City is seeking a reversal of this Court of Appeals decision, and has filed an application for leave to appeal with the Michigan Supreme Court, which is still pending.

### Funding for Property Acquisition

In addition to the FRA construction grant, there was also a federal appropriation for the Transit Center that was administered by the FTA and granted to SMART. In September a request by SMART to repurpose \$1.625 million in appropriations was entered into FTA's Transportation Electronic Award Management (TEAM) system. This appropriation included \$1.3 million secured for the Transit Center by Congressman Gary Peters and a \$325,000 match from MDOT. These funds were requested to cover any necessary land acquisition costs.

The recent government shutdown has significantly delayed the processing of the FTA repurposing request. Only in the last week has the FTA Regional Office sent the request to Washington DC to begin its review by other governmental agencies. The FRA, who administered the construction grant, believes that this process may take months and this could significantly delay the opening of the Transit Center. The FRA has therefore offered to restore some of the original grant funding back to the Transit Center project in order for the city to proceed with actions necessary to secure continuous ownership of the property and open the station as quickly as possible.

### Financial:

The total project continues to be 100% funded with federal ARRA funds administered by the FRA, through MDOT to Troy.

A summary of actions taken to date is provided below:

Original Contract	\$8,485,212	Original Grant Amount – Administered by FRA
Amendment #1	\$6,272,500	Council Compromise Amount – Reduction by City Council
Amendment #2 Tooles/Clark	\$287,623	Increase for Crash Wall Construction
Amendment #2 HRC	\$60,613	Increase for Crash Wall Design, Testing and Staking
Amendment #3	\$1,758,000	Increase Reserve for Property Acquisition and Contingency
Total Revised Contract Amount	<b>\$8,378,736</b>	

### Recommendation:

Staff recommends that City Council approve a Third Contract Amendment to MDOT Capital Contract No. 2011-0231 for the purpose of increasing grant funds by \$1,758,000 for securing the City's ownership of the Transit Center property. The total revised contract amount is \$8,378,736.

MICHIGAN DEPARTMENT OF TRANSPORTATION

CITY OF TROY

AMENDMENT

This Amendatory Contract is made and entered into this date of \_\_\_\_\_ by and between the Michigan Department of Transportation (DEPARTMENT) and the City of Troy (CITY) for the purpose of amending Contract No. 2011-0231 (CONTRACT), effective October 1, 2011.

Recitals:

The CONTRACT provides federal grant funds for the final design and construction of the Troy Multi-Modal Transit Facility; and

Contract Amendment A1, entered into on November 19, 2012 reduced the grant amount from \$8,485,212 to \$6,272,500 to match the amount approved by Troy City Council on January 17, 2012.

Contract Amendment A2, entered into on May 8, 2013 increased the grant amount from \$6,272,500 to \$6,620,736 so as to include the cost of a crash wall required by the host railroad, Grand Trunk Western Railroad Company (CN).

The parties desire to further amend the CONTRACT to increase the grant to include the cost of property acquisition in Troy.

The parties agree that the CONTRACT be and that the same is amended as follows:

1. In order to increase the CONTRACT amount by One Million Seven Hundred Fifty-Eight Thousand Dollars and Zero Cents (\$1,758,000), for a revised total CONTRACT amount of Eight Million Three Hundred Seventy-Eight Thousand Seven Hundred Thirty-Six Dollars and Zero Cents (\$8,378,736), Sections 1, 3, 4, and 5(c) of the CONTRACT are amended to read as follows, and Attachment A of the CONTRACT, dated March 8, 2011, is replaced with Revised Attachment A, dated November 11, 2013.

**“Section 1. PURPOSE**

This Contract is to provide for the final design and construction of the Troy Multi-Modal Transit Facility, as set forth in Revised Attachment A, dated November 11, 2013 attached hereto and made a part hereof, such work hereinafter referred to as the “PROJECT.” The PROJECT will be performed in accordance with the Statement of Work, attached to and a part of the Grant Agreement (as defined

below) submitted to the FRA by the DEPARTMENT, said Statement of Work attached hereto and made a part hereof by reference as if the same were repeated in full herein.

The DEPARTMENT will participate in the PROJECT by making up to Eight Million Three Hundred Seventy-Eight Thousand Seven Hundred Thirty-Six Dollars and Zero Cents (\$8,378,736.00) in ARRA funding available to the CITY for use in financing the PROJECT, as set forth in Section 4.”

### **“Section 3. COST**

The DEPARTMENT and the CITY agree that the maximum PROJECT amount of Eight Million Three Hundred Seventy-Eight Thousand Seven Hundred Thirty-Six Dollars and Zero Cents (\$8,378,736.00) set forth in Revised Attachment A represents estimated line item costs required to complete the PROJECT and may be subject to revision and adjustment. Therefore, the DEPARTMENT and the CITY agree that revisions or adjustments to estimated line item costs set forth in Attachment A are permitted, provided, however, that such revisions or adjustments will not result in an increase in the financial obligations of the DEPARTMENT, as set forth in Section 4 of this Contract, or in a change in the scope of the PROJECT, unless by prior award of a written amendment to the Contract. All costs in excess of the amount stated above will be the CITY’s responsibility.

No work may begin on the PROJECT until the work plan is approved by the DEPARTMENT and the DEPARTMENT provides the CITY with written notification to proceed. The DEPARTMENT will allow costs to be incurred by the CITY for the PROJECT prior to award of the Contract. If costs are incurred for the PROJECT that are not approved by the DEPARTMENT, those costs will not be eligible for reimbursement and will remain the responsibility of the CITY. If for any reason this Contract is not awarded, the DEPARTMENT will not be responsible for any expenses that have been incurred.

Funding for this Contract made available through legislative appropriation is based on projected revenue estimates. The DEPARTMENT may reduce the amount of this Contract if the revenue actually received is insufficient to support the appropriation under which this Contract is made.”

### **“Section 4. COST REIMBURSEMENT**

The PROJECT cost will be met by contributions from the federal government. Federal ARRA funds will be applied to 100 percent of the eligible items of PROJECT cost not to exceed Eight Million Three Hundred Seventy-Eight Thousand Seven Hundred Thirty-Six Dollars and Zero Cents (\$8,378,736.00), as set forth in Revised Attachment A. All costs in excess of the amount stated above will be the CITY’s responsibility.

Reimbursement for costs incurred is subject to the cost criteria set forth in OMB Circular A-87, 49 CFR Part 18, and Federal Acquisition Regulations, 48 CFR Chapter I, Subpart 31.2, incorporated herein by reference as if the same were repeated in full herein. ARRA funds used for management and administrative costs will be allowable, reasonable, allocable, and in accordance with applicable OMB cost principles.”

“[5]c. The DEPARTMENT will reimburse the CITY for all eligible PROJECT costs, as set forth in Revised Attachment A, within thirty (30) days of receiving said billings, up to a maximum amount of Eight Million Three Hundred Seventy-Eight Thousand Seven Hundred Thirty-Six Dollars and Zero Cents (\$8,378,736).”

- 2. All other provisions of the CONTRACT, except as herein amended, remain in full force and effect as originally set forth.
- 3. The CITY agrees that the compensation noted above represents payment in full for all services requested by the DEPARTMENT and waives any and all claims it has or may have against the DEPARTMENT that arise out of the need to amend the CONTRACT.
- 4. This Amendatory Contract will become binding on the parties and of full force and effect upon signing by the duly authorized representatives of the CITY and the DEPARTMENT and upon adoption of a resolution approving said Amendatory Contract and authorizing the signature(s) thereto of the respective representative(s) of the CITY, a certified copy of which resolution will be sent to the DEPARTMENT with this Amendatory Contract, as applicable.

CITY OF TROY

By: \_\_\_\_\_  
Title: Dane M. Slater, Mayor

By: \_\_\_\_\_  
Title: M. Aileen Bittner, City Clerk

MICHIGAN DEPARTMENT OF TRANSPORTATION

By: \_\_\_\_\_  
Title: Department Director

ATTACHMENT A  
THE CITY OF TROY  
AND  
THE STATE OF MICHIGAN

November 11, 2013

Total estimated cost breakdown for the final design and construction of the Troy Multi-Modal Transit Facility:

Professional services, architectural, engineering and Construction management	\$1,876,972
Construction and Contingency	\$4,743,764
Property Acquisition and Contingency	\$1,758,000
Project Total to be contributed by the Michigan Department of Transportation	\$8,378,736



**TO:** Members of Troy City Council  
**FROM:** Lori Grigg Bluhm, City Attorney *LGB*  
**DATE:** November 22, 2013  
**SUBJECT:** Grand/Sakwa Properties - Transit Center

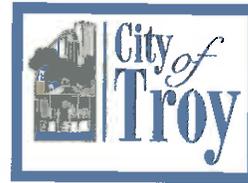
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The transit center property was deeded to the City in 2001 as part of the Consent Judgment negotiation that allowed the construction of Midtown Square. In May 2011, Oakland County Circuit Court Judge Rae Lee Chabot affirmed the City's legal title to the property. In May 2013, the Michigan Court of Appeals issued an opinion that reversed this decision, finding that the Transit Center was allegedly not timely "funded" as of June 2, 2010, which was a condition for the City to keep the property. The City is seeking a reversal of this Court of Appeals decision, and has filed an application for leave to appeal with the Michigan Supreme Court, which is still pending. In order to insure that the City maintains continuous possession of the transit center parcel, our outside legal counsel Peter Webster of Dickinson Wright has prepared the attached unconditional offer and City of Troy Resolution and Declaration of Taking for City Council approval. This would authorize condemnation of any interest that Grand Sakwa may have in the property.

Please let us know if you have any questions about this matter.

Proposed Resolution:

- A- BE IT RESOLVED that the Troy City Council hereby AUTHORIZES our attorney to make the attached Unconditioned Offer at the earliest opportunity, a copy of which shall be attached to the original minutes of the meeting.
- B- BE IT RESOLVED that the Troy City Council hereby APPROVES the attached City of Troy Resolution, a copy of which shall be attached to the original minutes of the meeting.



Grand/Sakwa properties, Inc.  
28470 13 Mile Road, Suite 220  
Farmington Hills, Michigan 48334

The City of Troy, 500 West Big Beaver Road, Troy, Michigan 48084, makes the following written good faith offer to purchase certain property interests, as set forth below, from Grand/Sakwa Properties, Inc. 28470 13 Mile Road, Suite 220, Farmington Hills, Michigan 48334 ("Grand/Sakwa").

The City of Troy offers to acquire all of the interests of Grand/Sakwa, remainder, contingent or otherwise in the property bounded and described as follows:

**See attached Exhibit A.**

consisting of approximately 2.7 gross acres of land situated within the southwesterly corner of Maple Road and Coolidge Highway in the City of Troy, County of Oakland, State of Michigan.

The City of Troy is completing the construction and establishing the operation of a public transportation center located near the southwesterly corner of Maple Road and Coolidge Highway in the City of Troy (the "Project"). The City of Troy and Grand/Sakwa are currently involved in a legal dispute over the ownership of real property underlying the Project which is currently pending before the Michigan Supreme Court, Case No. 147482, and as such the interest of Grand/Sakwa Properties, Inc., if any, is currently in dispute and has not been the subject of a final unappealable judicial determination.

Without waiving, and expressly reserving, any claims or defenses in the pending legal dispute, nor admitting the validity of the asserted property rights of Grand/Sakwa the City of Troy has determined that conditions necessitate the acquisition of the asserted property rights which serve as a basis for the claimed ownership interest of Grand/Sakwa in the real property described in **Exhibit A** consisting of approximately 2.7 gross acres of land, in the City of Troy, County of Oakland, State of Michigan (the "Property") for the Project and benefit of the public.

By virtue of the authority vested in the City of Troy, the City of Troy has declared and determined that it is necessary to proceed with eminent domain proceedings to acquire and take the Property without the consent of Grand/Sakwa, to the extent it may have an ownership interest, for the purpose of the construction, establishment, and operation of the public transportation center and benefit of the public; and that the Property is necessary for the use and benefit of the public and that this good faith written offer may be made in accordance with the requirements of 1980 PA 87, as amended; and

**INTEREST TAKEN:** All interest (including all remainder and/or contingent interest) of Grand/Sakwa Properties, Inc. a Michigan corporation, as more fully described in **Exhibit A**.

**PARTIES IN INTEREST:** Grand/Sakwa Properties, Inc. a Michigan corporation, and other parties of interest unknown to the City of Troy at this time.

**ESTIMATED JUST COMPENSATION:** \$550,000.00.

The offer the City of Troy makes to Grand/Sakwa is the total estimated just compensation for the property. The offer is based on investigation of the Property and consideration of an independently prepared appraisal by a qualified competent professional appraiser and is not less than the approved appraisal of the estimated value of the Property.

Fair market value is defined as the amount in cash or on terms reasonably equivalent to cash, for which, in all probability, the Property would be sold by a knowledgeable owner willing, but not obligated, to sell to a knowledgeable purchaser who desired, but is not obligated, to buy.

The City of Troy offers the sum of \$550,000.00 as the estimated just compensation for the proposed property acquisition. This offer disregards any increase or decrease in the fair market value caused by the Project for which this Property is being acquired.

The appraisals and determination of just compensation do not reflect any consideration of or allowance for any relocation assistance and payments which a property owner may be entitled to receive under Title II of the Uniform Act or for any agreement by the City of Troy to pay certain settlement costs.

If you sign and return this offer, we will contact you to arrange the necessary documents and payments of the sum offered. This transaction can be closed at a date and time convenient for you and the City of Troy. If this offer is not accepted, the City has authorized condemning proceedings to acquire the Property in accordance with MCL 213.51 et seq. Please contact the undersigned if you have any questions in this regard.

CITY OF TROY

Dated: \_\_\_\_\_

By: \_\_\_\_\_  
Agent for the City of Troy

This offer of just compensation is expressly understood and the terms and conditions are agreed to:

Grand/Sakwa Properties, Inc.: \_\_\_\_\_

BLOOMFIELD 90528-9 1344932v1

**Resolution No.:**

**Date:**

**CITY OF TROY RESOLUTION**

WHEREAS, the City of Troy is in the process of completing the construction and establishing the operation of a public transportation center located near the southwesterly corner of Maple Road and Coolidge Highway in the City of Troy (the "Project").

WHEREAS, the City of Troy and Grand/Sakwa Properties, Inc. ("Grand/Sakwa") are currently involved in a legal dispute over the ownership of real property underlying the Project which is currently pending before the Michigan Supreme Court, Case No. 147482, and as such the interest of Grand/Sakwa, if any, is currently in dispute and has not been the subject of a final unappealable judicial determination.

WHEREAS, without waiving, and expressly reserving, any claims or defenses in the pending legal dispute, nor admitting the validity of the asserted property rights of Grand/Sakwa, the City of Troy has determined that conditions necessitate the acquisition of the asserted property rights which serve as a basis for the claimed interest of Grand/Sakwa in the real property described in **Exhibit A** consisting of approximately 2.7 gross acres of land, in the City of Troy, County of Oakland, State of Michigan (the "Property") for the Project and benefit of the public.

THEREFORE, BE IT RESOLVED, that by virtue of the authority vested in the City of Troy, the City of Troy declares and determines that it is necessary to proceed with eminent domain proceedings to acquire and take the Property without the consent of Grand/Sakwa, to the extent it may have an ownership interest, for the purpose of the

construction, establishment, and operation of the public transportation center and benefit of the public; and that the Property is necessary for the use and benefit of the public and that a good faith written offer may be made in accordance with the requirements of 1980 PA 87, as amended; and

BE IT FURTHER RESOLVED that by virtue of the authority vested in the City of Troy, it is now declared and determined that the property rights, if any, owned by the parties of interest as described in **Exhibit A** is hereby taken.

INTEREST TAKEN: All interest (including all remainder and/or contingent interest) of Grand/Sakwa Properties, Inc. a Michigan corporation, as more fully described in **Exhibit A**.

PARTIES IN INTEREST: Grand/Sakwa Properties, Inc. a Michigan corporation, and other parties of interest unknown to the City of Troy at this time.

ESTIMATED JUST COMPENSATION: \$550,000.00.

BE IT FURTHER RESOLVED, that the attorneys for the City of Troy and the agents for the City of Troy, are directed to take the necessary steps to acquire the Property, including making a good faith offer in the amount of the estimated just compensation to purchase for the property rights, negotiating to purchase the property rights, and to institute condemnation proceedings against parties of interest in the Property, and take any other steps that are necessary to implement this action.

BE IT FURTHER RESOLVED, that the City Manager of the City of Troy is authorized to sign any related documents upon approval of counsel to acquire the Property.

Moved:

Supported:

Carried:

I hereby certify that the above is a true and correct copy of a resolution adopted by the City of Troy on November \_\_, 2013

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Clerk/Secretary of the City of Troy

BLOOMFIELD 90528-9 1344936v1

**DECLARATION OF TAKING  
OF PROPERTY FOR THE CITY OF TROY**

The City of Troy, 500 West Big Beaver Road, Troy, Michigan 48084, by its authorized representative, declares its intention to take, by eminent domain, the property interests respecting a parcel of land in the City of Troy, Oakland County, Michigan, as more particularly described the City of Troy's resolution referenced below and in **Exhibit A** attached hereto (the "Property").

A resolution of necessity was adopted by the City of Troy on November 25, 2013 finding it necessary to use the City of Troy's power of eminent domain to take the Property upon which to construct, establish and operate a transportation center in the City of Troy. The City of Troy intends to take the ownership interest a party(ies) of interest may have in the Property. The City of Troy estimates that the just compensation for the Property described in **Exhibit A** is \$550,000.00.

WITNESSES:

CITY OF TROY

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

Its: \_\_\_\_\_

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

Its: \_\_\_\_\_

The foregoing instrument was acknowledged before me this \_\_\_\_ day of November, 2013, by \_\_\_\_\_ as the \_\_\_\_\_ of the City of Troy, on behalf of the City of Troy.

Subscribed and sworn to before me on this \_\_\_\_\_ day of November, 2013.

\_\_\_\_\_  
Notary Public  
Oakland County, Michigan  
My Commission Expires:

When recorded return to:  
Peter H. Webster  
Dickinson Wright PLLC  
2600 West Big Beaver, Suite 300  
Troy, Michigan 48084

Pastor A.C. Phipps from Evanswood Church of God performed the Invocation. The Pledge of Allegiance to the Flag was given.

## A. CALL TO ORDER:

A Regular Meeting of the Troy City Council was held on Monday, November 11, 2013, at City Hall, 500 W. Big Beaver Rd. Mayor Slater called the meeting to order at 7:31 PM.

## B. 1. ROLL CALL:

Mayor Dane Slater  
 Jim Campbell  
 Wade Fleming  
 Dave Henderson  
 Ellen Hodorek  
 Ed Pennington  
 Doug Tietz

## B. 2. INSTALLATION CEREMONY: 2013-2014 City Council Convenes:

### a) Swearing-In of New City Council Members

### b) Appointment of Mayor Pro Tem

*Rules of Procedure for the City Council* addresses the appointment of Mayor Pro Tem as follows:

#### 1. APPOINTMENT OF MAYOR PRO TEM

The selection of Mayor Pro Tem shall rotate annually in the following order: McGinnis, Slater, Fleming, Tietz, Henderson, Campbell.

Council Member Tietz declined the appointment of Mayor Pro Tem.

Resolution #2013-11-169  
 Moved by Fleming  
 Seconded by Pennington

RESOLVED, That Troy City Council hereby **APPOINTS** Dave Henderson to serve as Mayor Pro Tem for the City Council of the City of Troy for a term scheduled to expire at 7:30 PM on Monday, November 10, 2014.

Yes: All-7  
 No: None

**MOTION CARRIED**

c) Adoption of City Council Rules of Procedure

City Council **TOOK NO ACTION** on this Item.

d) Adoption of Code of Ethics for City Council

Resolution #2013-11-170

Moved by Campbell

Seconded by Fleming

RESOLVED, That Troy City Council hereby **ADOPTS** the Code of Ethics of the City Council of the City of Troy as recorded by the City Clerk in the Minutes of this meeting.

Yes: All-7

No: None

**MOTION CARRIED**

e) Adoption of Code of Ethics for Boards and Committees

Resolution #2013-11-171

Moved by Fleming

Seconded by Campbell

RESOLVED, That Troy City Council hereby **ADOPTS** the Code of Ethics for Boards and Committees of the City of Troy as recorded by the City Clerk in the Minutes of this meeting.

Yes: All-7

No: None

**MOTION CARRIED**

**C. CERTIFICATES OF RECOGNITION AND SPECIAL PRESENTATIONS:**

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**C-1 Certificate of Appreciation to Awni Fakhoury**

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**C-2 Presentation by Kiwanis Foundation on Troy Lights of Hope for 2013**

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**C-3 America Recycles Day 2013 Presented to Pam Brady, SOCRRA Representative**

**D. CARRYOVER ITEMS:**

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**D-1** No Carryover Items**E. PUBLIC HEARINGS:**

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**E-1** File Number PUD 10-A – Proposed Revision to Concept Development Plan and Preliminary Development Plan, Northeast Corner of Big Beaver and Kilmer (3088 Kilmer), Section 22, Currently Zoned PUD (Planned Unit Development #10) District

The Mayor **OPENED** the Public Hearing. The Mayor **CLOSED** the Public Hearing after receiving public comment from Kevin Douglass.

Resolution #2013-11-172

Moved by Henderson

Seconded by Fleming

WHEREAS, On June 15, 2009, City Council approved the Preliminary Development Plan for the Kilmer Plaza Planned Unit Development (PUD 10), located on the northeast corner of Big Beaver and Kilmer, located in Section 22; and

WHEREAS, The approximately 2.5 acre BBK mixed-use PUD included approximately 19,000 square feet of retail and fourteen (14) attached residential units; and

WHEREAS, Construction on the retail component of the PUD along the Big Beaver frontage was recently completed; and

WHEREAS, Robertson Brothers Company intends to add two (2) additional residential units within the residential component of the PUD, known as Kilmer Place; and

WHEREAS, The proposed increase in two (2) residential units, improvements to the outdoor elements, and increase in guest parking is in compliance with what was originally approved; and

WHEREAS, The proposed revision to the PUD meets the Standards for Approval set forth in Section 11.03.

BE IT RESOLVED, That Troy City Council hereby **APPROVES** the attached Amendment No. 2 to Kilmer Plaza Planned Unit Development Agreement and the Mayor and City Clerk are hereby **AUTHORIZED TO EXECUTE** Amendment No. 2 to Kilmer Plaza Planned Unit Development Agreement on behalf of the City; a copy shall be **ATTACHED** to the original Minutes of this meeting;

BE IT FURTHER RESOLVED, City Council hereby **APPROVES** the revised Concept Development Plan (CDP) and Preliminary Development Plan (PDP) for Kilmer Plaza Planned Unit Development;

BE IT FURTHER RESOLVED, That Troy City Council hereby **AUTHORIZES** the **RECORDING** of the executed Kilmer Plaza Planned Unit Development Agreement with the Oakland County Register of Deeds;

BE IT FINALLY RESOLVED, That Troy City Council hereby **AUTHORIZES** the petitioner to seek Final Site Plan Approval.

Yes: All-7  
No: None

### **MOTION CARRIED**

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**E-2 Conditional Rezoning Application – (File Number CR 009) – Proposed Troy Marriott Hotels, West Side of Stephenson Highway, North of 14 Mile (333 Stephenson Highway), Section 35, From O (Office) District to OM (Office Mixed Use) District**

The Mayor **OPENED** the Public Hearing. The Mayor **CLOSED** the Public Hearing after receiving public comment from Mary Jo Austin, Kay Vavruska, Sally Wilsher, Cynthia Wilsher, Thomas Norton, Suzanne Ciminelli, James Kaltz, and Randall Kriebel.

Moved by Fleming  
Seconded by Henderson

WHEREAS, The City is in receipt of a proposed rezoning request from O Office District to OM Office Mixed Use District.; and

WHEREAS, The applicant voluntarily offered a number of conditions, as described in the Conditional Rezoning Agreement and related attachments, as per Section 16.04 of the City of Troy Zoning Ordinance; and

WHEREAS, The subject property, located on the west side of Stephenson Highway, north of 14 Mile Road, parcel 88-20-35-326-012, being approximately 4.5 acres in size, is described in the following legal description and illustrated on the attached Topographic Survey drawing:

Land located in the southwest  $\frac{1}{4}$  of Section 35, T-2-N, R-11-E, City of Troy, Oakland County, Michigan, being more particularly described as:

Beginning at a point distant S.88°24'00"E., 664.61 feet and S.88°13'12"E., 1019.84 feet and N.01°57'38"E., 358.88 feet from the southwest corner of above said Section; thence N.88°35'27"W., 351.11 feet; thence N.02°31'48"E., 570.29 feet; thence S.88°02'22"E., 345.43 feet; thence S.01°57'38"W., 566.88 feet to the point of beginning; and

WHEREAS, The conditional rezoning was recommended for approval by the Planning Commission; and

WHEREAS, The proposed rezoning is supported by the Master Plan and advances the general and specific development policies of the Master Plan; and

WHEREAS, The proposed site design mitigates the potential impacts on adjacent properties; and

WHEREAS, The proposed rezoning will facilitate redevelopment of the site.

THEREFORE BE IT RESOLVED, City Council hereby **APPROVES** the O to OM Conditional Rezoning Agreement and related attachments;

BE IT FURTHER RESOLVED, City Council **AUTHORIZES** the Mayor and City Clerk to sign the Conditional Rezoning Agreement on behalf of the City of Troy;

BE IT FINALLY RESOLVED, The City of Troy Zoning District Map is hereby **AMENDED**.

**Vote on Resolution to Amend E-2 Conditional Rezoning Application – (File Number CR 009) – Proposed Troy Marriott Hotels, West Side of Stephenson Highway, North of 14 Mile (333 Stephenson Highway), Section 35, From O (Office) District to OM (Office Mixed Use) District**

Resolution #2013-11-173  
Moved by Slater  
Seconded by Fleming

RESOLVED, That Troy City Council **AMENDS** Item *E-2 Conditional Rezoning Application – (File Number CR 009) – Proposed Troy Marriott Hotels, West Side of Stephenson Highway, North of 14 Mile (333 Stephenson Highway), Section 35, From O (Office) District to OM (Office Mixed Use) District* to **AMEND** the Conditional Rezoning Agreement to extend the warranty on trees from two (2) years to five (5) years and to include buffer trees for the residents on the north side of the property.

Yes: All-7  
No: None

**MOTION CARRIED**

**Vote on Resolution E-2 Conditional Rezoning Application – (File Number CR 009) – Proposed Troy Marriott Hotels, West Side of Stephenson Highway, North of 14 Mile (333 Stephenson Highway), Section 35, From O (Office) District to OM (Office Mixed Use) District as Amended**

Resolution #2013-11-174  
Moved by Slater  
Seconded by Fleming

WHEREAS, The City is in receipt of a proposed rezoning request from O Office District to OM Office Mixed Use District.; and

WHEREAS, The applicant voluntarily offered a number of conditions, as described in the Conditional Rezoning Agreement, as amended, and related attachments, as per Section 16.04 of the City of Troy Zoning Ordinance; and

WHEREAS, The subject property, located on the west side of Stephenson Highway, north of 14 Mile Road, parcel 88-20-35-326-012, being approximately 4.5 acres in size, is described in the following legal description and illustrated on the attached Topographic Survey drawing:

Land located in the southwest ¼ of Section 35, T-2-N, R-11-E, City of Troy, Oakland County, Michigan, being more particularly described as:

Beginning at a point distant S.88°24'00"E., 664.61 feet and S.88°13'12"E., 1019.84 feet and N.01°57'38"E., 358.88 feet from the southwest corner of above said Section; thence N.88°35'27"W., 351.11 feet; thence N.02°31'48"E., 570.29 feet; thence S.88°02'22"E., 345.43 feet; thence S.01°57'38"W., 566.88 feet to the point of beginning; and

WHEREAS, The conditional rezoning was recommended for approval by the Planning Commission; and

WHEREAS, The proposed rezoning is supported by the Master Plan and advances the general and specific development policies of the Master Plan; and

WHEREAS, The proposed site design mitigates the potential impacts on adjacent properties; and

WHEREAS, The proposed rezoning will facilitate redevelopment of the site.

THEREFORE BE IT RESOLVED, City Council hereby **APPROVES** the O to OM Conditional Rezoning Agreement, as amended, and related attachments;

BE IT FURTHER RESOLVED, City Council **AUTHORIZES** the Mayor and City Clerk to sign the Conditional Rezoning Agreement on behalf of the City of Troy;

BE IT FINALLY RESOLVED, The City of Troy Zoning District Map is hereby **AMENDED**.

Yes: All-7  
 No: None

**MOTION CARRIED**

The Meeting **RECESSED** at 9:20 PM.

The Meeting **RECONVENED** at 9:30 PM.

**F. PUBLIC COMMENT FOR ITEMS ON THE AGENDA:**

Weir, John	Spoke on Item I-04 Pure Troy – Snow Maintenance.
Cushing, Jack	Spoke on Item I-04 Pure Troy – Snow Maintenance.
Neeve, Ronald	Spoke on Item I-04 Pure Troy – Snow Maintenance.
Harubin, Geri	Spoke on Item I-04 Pure Troy – Snow Maintenance.

**G. CITY COUNCIL/CITY ADMINISTRATION RESPONSE/REPLY TO PUBLIC COMMENT:**

**H. POSTPONED ITEMS:**

**H-1** No Postponed Items

**I. REGULAR BUSINESS:**

**I-1** Board and Committee Appointments: a) Mayoral Appointments – None; b) City Council Appointments – Parks and Recreation Board

a) Mayoral Appointments: None

b) City Council Appointments:

Resolution #2013-11-175  
Moved by Fleming  
Seconded by Campbell

RESOLVED, That Troy City Council hereby **APPOINTS** the following nominated person(s) to serve on the Boards and Committees as indicated:

**Parks and Recreation Board**

Appointed by Council

7 Regular Members and 1 Troy School Board Member:

Regular Member: 3 Year Term / Troy School Board Member: 1 Year Term

**Term Expires: 9/30/2016**

**Carolyn Noble**

Term currently held by: Tod Gazetti

**Term Expires: 7/31/2014**

**David Bluhm**

Term currently held by: Aditya Yelamanchi

Yes: All-7  
No: None

**MOTION CARRIED**

**I-2** Board and Committee Nominations: a) Mayoral Nominations – None; b) City Council Nominations – None

a) Mayoral Nominations: None

b) City Council Nominations: None

**I-3 Request for Closed Session**

Resolution #2013-11-176  
Moved by Campbell  
Seconded by Fleming

BE IT RESOLVED, That Troy City Council **SHALL MEET** in Closed Session, as permitted by MCL15.268 (e) (h) - (*May, as Personal Representative of Jesus Gillard v. City of Troy, et. al*) (MCL 15.243 (g)), after adjournment of this meeting.

Yes: All-7  
No: None

**MOTION CARRIED**

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**I-4 Pure Troy – Snow Maintenance (*Introduced by: Brent Savidant, Planning Director*)**

Moved by Henderson  
Seconded by Campbell

RESOLVED, That Troy City Council hereby **AMENDS** Chapter 34 – Sidewalk and Driveway Approaches, as prepared by City Administration, a copy of which shall be **ATTACHED** to the original Minutes of this meeting;

BE IT FINALLY RESOLVED, The effective date of the amendment is ten (10) days following publication, as per the Troy City Code and Charter.

**Vote on Resolution to Amend Item I-4 Pure Troy – Snow Maintenance by Substitution**

Resolution #2013-11-177  
Moved by Henderson  
Seconded by Pennington

RESOLVED, That City Council **AMENDS** Item I-4 *Pure Troy – Snow Maintenance* by amending Section 34.11.01 of Chapter 34 – Sidewalk and Driveway Approaches to read as follows:

**34.11.01 Sidewalks Exempt From Requirement to Clear**

*The rear and side yard of a lot or premise shall be exempt from the requirements of Section 34.11 if all the following conditions are met:*

- (a) The lot or premise is used as a single-family or two-family residence; and,*
- (b) The lot or premise is addressed on a non-major thoroughfare but has a rear or side yard abutting a major thoroughfare.”*

Yes: All-7  
No: None

**MOTION CARRIED****Vote on Resolution to Amend Item I-4 Pure Troy – Snow Maintenance by Substitution**

Resolution #2013-11-178

Moved by Tietz

Seconded by Hodorek

RESOLVED, That City Council **AMENDS** Item *I-4 Pure Troy – Snow Maintenance* by **STRIKING** “three (3) inches” in Section 34.11.01 of Chapter 34 – Sidewalk and Driveway Approaches, and **SUBSTITUTING** it with “one (1) inch”, and **STRIKING** “forty-eight (48) hours” and **SUBSTITUTING** it with “twenty-four (24) hours”.

Yes: Fleming, Henderson, Hodorek, Pennington, Tietz

No: Slater, Campbell

**MOTION CARRIED****Vote on Resolution as Amended**

Resolution #2013-11-179

Moved by Tietz

Seconded by Henderson

RESOLVED, That Troy City Council hereby **AMENDS** Chapter 34 – Sidewalk and Driveway Approaches, as prepared by City Administration and amended by City Council, a copy of which shall be **ATTACHED** to the original Minutes of this meeting;

BE IT FINALLY RESOLVED, The effective date of the amendment is ten (10) days following publication, as per the Troy City Code and Charter.

Yes: Henderson, Hodorek, Pennington, Tietz, Fleming

No: Slater, Campbell

**MOTION CARRIED****I-5 Approval of the Annual Salary Increase for the City Manager (Introduced by: Brian Kischnick, City Manager)**

Resolution #2013-11-180

Moved by Fleming

Seconded by Campbell

RESOLVED, That Troy City Council hereby **APPROVES** the following Salary Increase for the City Manager:

- 1% salary increase effective July 6, 2013
- A reduction of furlough hours from 104 hours per fiscal year to 52 hours per fiscal year

- A \$500.00 lump sum payment

Yes: All-7  
No: None

## MOTION CARRIED

## J. CONSENT AGENDA:

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### J-1a Approval of “J” Items NOT Removed for Discussion

Resolution #2013-11-181  
Moved by Fleming  
Seconded by Pennington

RESOLVED, That Troy City Council hereby **APPROVES** all items on the Consent Agenda as presented with the exception of Item(s) J-5, which shall be **CONSIDERED** after Consent Agenda (J) items, as printed.

Yes: All-7  
No: None

## MOTION CARRIED

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### J-1b Address of “J” Items Removed for Discussion by City Council

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### J-2 Approval of City Council Minutes

Resolution #2013-11-181-J-2

RESOLVED, That Troy City Council hereby **APPROVES** the following Minutes as submitted:

- a) City Council Meeting Minutes-Draft – October 21, 2013

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### J-3 Proposed City of Troy Proclamations:

- a) America Recycles Day 2013

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### J-4 Standard Purchasing Resolutions:

- a) **Standard Purchasing Resolution 4: State of Michigan MiDeal Program – 4-Ton Falcon Asphalt Recycler and Hot Box Trailer**

Resolution #2013-11-181-J-4a

RESOLVED, That Troy City Council hereby **APPROVES** a contract to purchase one (1) 4-Ton Falcon Asphalt Recycler & Hot Box Trailer including various options from *Falcon Asphalt Repair Equipment of Midland, MI*; for an estimated total cost of \$24,402, at prices contained in quote

#OZ103113-600 and as per the Michigan MiDeal Contract #071B1300079, a copy of which shall be **ATTACHED** to the original Minutes of this meeting;

BE IT FURTHER RESOLVED, That the award is **CONTINGENT** upon contractor's submission of properly executed contract documents, including insurance certificates and all other specified requirements.

**b) Standard Purchasing Resolution 3: Option to Renew – Liquid Calcium Chloride**

Resolution #2013-11-181-J-4b

WHEREAS, On December 3, 2012, Troy City Council approved a one (1) year contract to provide liquid calcium chloride with an option to renew for one (1) additional year to the lowest bidder meeting specifications, Great Lakes Chloride, Inc. {Resolution #2012-12-214-J4a}; and

WHEREAS, After the award of contract, Great Lakes Chloride, Inc. advised the City that a Certificate of Insurance could not be provided for the annual contract aggregate limit as specified; it was in the City's best interest to re-award the contract; and

WHEREAS, On January 14, 2013, Troy City Council approved a one-year contract to provide liquid calcium chloride with an option to renew for one (1) additional year to Liquid Calcium Chloride Sales Inc. {Resolution #2013-01-010-J05}; and

WHEREAS, The City of Troy has determined that Liquid Calcium Chloride Sales, Inc. is successfully providing liquid calcium chloride as specified, and the awarded vendor has agreed to exercise the one (1) year option to renew the contract under the same prices, terms and conditions as their original contract.

NOW, THEREFORE, BE IT RESOLVED, That Troy City Council hereby **DETERMINES** it to be in the City's best interest to exercise the option to renew the contract with Liquid Calcium Chloride Sales Inc, to provide liquid calcium chloride under the same contract prices, terms, and conditions for one (1) year to be ordered on an as needed basis not to exceed budget limitations; contract expiring November 31, 2014;

BE IT FURTHER RESOLVED, That the award is **CONTINGENT** upon the submission of contract documents, insurance certificates and all other specified documents.

**c) Standard Purchasing Resolution 4: MITN Purchasing Cooperative – City of Ann Arbor – Premium Laser Compatible Ink and Toner Cartridges**

Resolution #2013-11-181-J-4c

RESOLVED, That Troy City Council hereby **AWARDS** a two (2) year contract for the purchase of premium laser compatible ink and toner cartridges on an as needed basis, with an option to renew for two (2) additional one (1) year periods to the lowest bidder meeting specifications, Preferred Toner Solutions of Canton, MI, through a MITN Cooperative Award hosted by the City of Ann Arbor at unit prices contained in Appendix A, a copy of which shall be **ATTACHED** to the original Minutes of this meeting expiring November 30, 2017;

BE IT FURTHER RESOLVED, That the award is **CONTINGENT** upon contractor's submission of properly executed contract documents, including insurance certificates and all other specified requirements.

**d) Standard Purchasing Resolution 4: State of Minnesota Department of Administration Cooperative Purchasing – Sewer and Pipeline Inspection Equipment**

Resolution #2013-11-181-J-4d

RESOLVED, That Troy City Council hereby **AWARDS** a contract to purchase one (1) Envirosight Rovver X Pipeline Inspection Camera System for the Public Works Water & Drains Division from Bell Equipment Company; Envirosight's authorized Michigan Dealer and of Lake Orion, MI, for an estimated total cost of \$111,763.69 as per the State of Minnesota Department of Administration Cooperative Purchasing Contract #70575; a copy of which shall be **ATTACHED** to the original Minutes of this meeting;

BE IT FURTHER RESOLVED, That the award is **CONTINGENT** upon the contractor's submission of properly executed bid and contract documents, including insurance certificates, and all other specified requirements.

**e) Standard Purchasing Resolution 2: Low Bidder Meeting Specifications – LED Lighting Fixtures for Community Center Indoor Pool Area**

Resolution #2013-11-181-J-4e

RESOLVED, That Troy City Council hereby **AWARDS** a contract to purchase thirty-one (31) Dialight Model HBGCMP LED lights to the low bidder meeting specification; *Madison Electric Company of Madison Heights, MI* for an estimated total cost of \$32,054.00, at prices contained in the bid tabulation dated November 5, 2013, a copy of which shall be **ATTACHED** to the original Minutes of this meeting;

BE IT FURTHER RESOLVED, That the awards are **CONTINGENT** upon the company's submission of properly executed bid and contract documents, including insurance certificates and all other specified requirements.

**f) Standard Purchasing Resolution 3: Exercise Renewal Option – Snow Removal Rental Equipment Including Operators**

Resolution #2013-11-181-J-4f

WHEREAS, On November 21, 2011, Troy City Council awarded contracts to provide seasonal requirements of snow removal rental equipment including operators for municipal properties and local roads with an option to renew for one (1) additional season to the following low bidders: Advanced Landscape & Builders Supply Inc, Florence Cement Company, and DiPonio Contracting, all at the hourly rates as contained in the original bid tabulation opened November 1, 2011 (Resolution #2011-11-267-J4a); and

WHEREAS, On September 24, 2012, the one-year renewal option was approved (Resolution #2012-09-187-J4a); and

WHEREAS, The City of Troy has determined Advanced Landscape & Builders Supply, Inc., Florence Cement Company and DiPonio Contracting has successfully provided seasonal requirements of snow removal and rental equipment including operators and all three (3) vendors have agreed to extend their contracts for one (1) additional season under the same prices, terms and conditions as their original contracts.

NOW, THEREFORE, BE IT RESOLVED, That Troy City Council hereby determines it to be in the City's best interest to **EXERCISE** the option to extend the contracts to provide snow removal services with Advanced Landscaping & Builders Supply Inc for municipal property; Florence Cement Company and Diponio Contracting for local roads, under the same terms and conditions as originally bid and as per the pricing contained in the original bid tabulation opened November 1, 2011; contract expiring April 30, 2014;

BE IT FURTHER RESOLVED, That the award is **CONTINGENT** upon contractors' submission of properly executed insurance certificates and all other specified requirements;

BE IT FINALLY RESOLVED, That Troy City Council hereby **AUTHORIZES** City staff to extend the hourly contract rates to other contractors after the awarded vendors have been employed to speed the snow removal process during times of snow emergencies.

**g) Standard Purchasing Resolution 3: Exercise Renewal Option – Snow Removal Services Home Chore Program and Public Sidewalks**

Resolution #2013-11-181-J-4g

WHEREAS, On November 21, 2011, Troy City Council awarded contracts to provide seasonal requirements of snow removal services for the City's municipal sidewalks, code enforcement tasks, and Home Chore Program with an option to renew for one (1) additional season to the low total bidder, MVP Environmental, LLC of Troy as the primary contractor for all three (3) proposals; and Brantley Development LLC of Westland, as secondary contractor for code enforcement and the Home Chore Program, to be used in the event the primary contractor is unable to provide the services as needed, all at unit prices contained in the bid tabulation opened November 1, 2011 (Resolution #2011-11-267-J4b); and

WHEREAS, On October 8, 2012, the one-year renewal option was approved (Resolution #2012-10-191-J4b); and

WHEREAS, The City of Troy has determined that MVP Environmental LLC, the primary contractor and Brantley Development LLC, the secondary contractor have successfully provided the seasonal requirements of snow removal services for the City's municipal sidewalks, code enforcement tasks, and the Home Chore Program. Both contractors have agreed to extend their contracts for one (1) additional season under the same pricing, terms and conditions as their original contracts.

NOW, THEREFORE, BE IT RESOLVED, That Troy City Council hereby **DETERMINES** it to be in the City's best interest to **EXERCISE** the option to extend the contracts to provide seasonal

requirements of snow removal services with MVP Environmental LLC, as the primary contractor for municipal sidewalks, code enforcement tasks, and Home Chore Program; and Brantley Development LLC, as secondary contractor for code enforcement and the Home Chore Program under the same pricing, terms and conditions contained in the original bid a copy; contract expiring April 30, 2014;

BE IT FURTHER RESOLVED, That the award is **CONTINGENT** upon contractors' submission of properly executed insurance certificates and all other specified requirements.

---

**J-6 Traffic Committee Recommendations and Minutes – October 16, 2013**

Resolution #2013-11-181-J-6

**Item #3 – Request for Traffic Control – Ellenboro at Trombley**

RESOLVED, That the intersection of Ellenboro and Trombley be **MODIFIED** to All-Way Stop control.

**Item #4 – Request for No Parking Zone – Brentwood at Northfield Parkway**

RESOLVED, That a No Parking zone be **ESTABLISHED** on the south side of Brentwood, from 15' west of the existing fire hydrant to the intersection at Northfield Parkway.

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**J-7 Request for Acceptance of Permanent Easements and Warranty Deeds for Bridgewater Estates Site Condominium**

Resolution #2013-11-181-J-7

RESOLVED, That City Council hereby **ACCEPTS** two warranty deeds and three permanent easements for water mains, sanitary sewers, and storm sewers from John R Land, LLC, owner of the property having Sidwell #88-20-12-301-001 & 002;

BE IT FURTHER RESOLVED, That the City Clerk is hereby **DIRECTED** to record the easements warranty deeds with the Oakland County Register of Deeds, copies of which shall be **ATTACHED** to the original Minutes of this meeting.

---

**J-8 Request for Acceptance of Permanent Easements and Warranty Deeds for Oak Forest Site Condominium**

Resolution #2013-11-181-J-8

RESOLVED, That City Council hereby **ACCEPTS** two warranty deeds, six permanent easements and a temporary access easement from Oak Forest, LLC, owner of the property having Sidwell #88-20-11-226-007 and #88-20-11-201-026 & 015;

BE IT FURTHER RESOLVED, That the City Clerk is hereby **DIRECTED** to record the easements and warranty deeds with the Oakland County Register of Deeds, copies of which shall be **ATTACHED** to the original Minutes of this meeting.

---

**J-9 Request for Acceptance of Two Permanent Easements from Galleria of Troy, LLC**

Resolution #2013-11-181-J-9

RESOLVED, That City Council hereby **ACCEPTS** two permanent easements for water mains and sanitary sewers from Galleria of Troy, LLC, owner of the property having Sidwell #88-20-21-326-013;

BE IT FURTHER RESOLVED, That the City Clerk is hereby **DIRECTED** to record the easements with Oakland County Register of Deeds, copies of which shall be **ATTACHED** to the original Minutes of this meeting.

---

**J-10 Extension of Contract – Community Planning Services**

Resolution #2013-11-181-J-10

WHEREAS, On February 21, 2011, Troy City Council awarded a three (3) year contract to provide requirements of Community Planning and Related Services for the City of Troy to the best value bidder, Carlisle, Wortman and Associates, Inc. of Ann Arbor, MI, with the option to renew for two (2) additional years; contract expiring on March 31, 2014. {Resolution #2011-02-045}; and

WHEREAS The City of Troy has determined that Carlisle, Wortman and Associates, Inc. has successfully provided Community Planning and Related Services to the City as per all terms and conditions of the existing contract; and

WHEREAS, Carlisle, Wortman and Associates, Inc. has offered to renew and also extend their contract renewal for five (5) years under the same terms and conditions as the 2011 contract.

THEREFORE, BE IT RESOLVED, That Troy City Council hereby determines it to be in the City's best interest to **APPROVE** a contract for five (5) years upon mutual consent of both parties with *Carlisle, Wortman and Associates, Inc. of Ann Arbor, MI*, for Community Planning Services, under the same terms and conditions as originally bid, the Agreement Extension and the *revised* Attachment 1; copies of which shall be **ATTACHED** to the original minutes of this meeting; contract to expire March 31, 2019;

BE IT FURTHER RESOLVED, That the award is **CONTINGENT** upon the submission of contract documents and all other specified requirements;

BE IT FINALLY RESOLVED, That Troy City council hereby **AUTHORIZES** the Mayor and City Clerk to **EXECUTE** the documents on behalf of the City of Troy.

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**J-11 2014 City Council Meeting Schedule**

Resolution #2013-11-181-J-11

RESOLVED, That Troy City Council **SHALL HOLD** Regular Meetings in 2014 according to the following schedule at 7:30 PM:

Monday,	January	13	&	27
Monday,	February	3	&	10
Monday,	March	3	&	17
Monday,	April	7	&	14
Monday,	May	12	&	19
Monday,	June	2	&	16
Monday,	July	7	&	21
Monday,	August	11	&	25
Monday,	September	8	&	22
Monday,	October	6	&	20
Monday,	November	10	&	24
Monday,	December	1	&	15

BE IT FURTHER RESOLVED, That Troy City Council **SHALL HOLD** Special Study Sessions for the purpose of budget discussions in 2014 according to the following schedule at 7:30 PM:

Monday,	April	21
Wednesday,	April	23

BE IT FURTHER RESOLVED, That Troy City Council **SHALL HOLD** Regular Liquor Violation Hearing Meetings in 2014 according to the following schedule at 7:30 PM:

Wednesday,	February	5
Wednesday,	February	19

BE IT FINALLY RESOLVED, That Troy City Council **MAY SCHEDULE** other Special Meetings as needed.

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**J-12 Sole Source: Expand Azteca Systems, Inc. Cityworks Licensing**

Resolution #2013-11-181-J-12

WHEREAS, The City has utilized Cityworks software since 2010 for asset management, work orders, inspections, service requests and inventory management; and

WHEREAS, The City has consumed all available full function licenses and wishes to develop applications to expand use and improve efficiencies; and

WHEREAS, Cityworks offers an Enterprise License Agreement (ELA) which allows for unlimited users, an Advanced Work Order Application Programming Interface (API) as well as other modules the City could utilize.

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **APPROVES** and **AUTHORIZES** the purchase of ELA – Server AMS STANDARD Tier 3A which includes the Work Order API Advanced module from the sole source provider of the proprietary software, Azteca Systems, Inc. of Sandy, Utah, as detailed in Attachment C, a copy of which shall be

**ATTACHED** to the original Minutes of this meeting, for an es timated increase in annual maintenance from \$47,855 to \$52,000 in 2014, \$60,000 in 2015 and \$68, 000 in 2016 and subsequent years.

**J-5 Authorization to Request Reimbursement – MDEQ SAW Grant**

City Council **TOOK NO ACTION** on this Item.

**K. MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:**

**K-1 Announcement of Public Hearings:**

- a) November 25, 2013 – Announcement of Public Hearing for Industrial Development District (IDD) and Industrial Facilities Exemption Certificate (IFEC) for Magna US Holding Inc. at 750 Tower

**K-2 Memorandums (Items submitted to City Council that may require consideration at some future point in time): None Submitted**

**L. PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA:**

Wilsher, Cynthia	Spoke about City Master Plan and Boards and Committees.
Yousif, Sarmad	Spoke about Smoking Lounges.
Zayto, Fadi	Spoke about Smoking Lounges.
Savage, James	Spoke about Veterans Day in honor of Lt. Anderson of Mason, MI.
Werpetinski, Jim	Welcomed returning and new Council Members.
Campbell, Loraine	Spoke of original Troy Township Commission.

**M. COUNCIL REFERRALS:**

**Items Advanced to the City Manager by Individual City Council Members for Placement on the Agenda**

**M-1 No Council Referrals Advanced**

**N. COUNCIL COMMENTS:**

**N-1 No Council Comments Advanced**

Council Member Pennington spoke honoring all veterans.

Mayor Pro Tem Henderson spoke about “Movember” to raise awareness of Men's health issues, including prostate cancer, and associated charities.

Council Member Fleming mentioned the recent loss of significant members of the community, Stu Redpath, and Joel and Dale Garrett, who recently passed away.

Mayor Slater also mentioned the loss of Mike Lukich, owner of Lukich's Restaurant, who recently passed away.

## O. REPORTS:

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### O-1 Minutes – Boards and Committees:

- a) Parks and Recreation Advisory Board-Final – February 21, 2013
  - b) Local Development Finance Authority-Final – April 22, 2013
  - c) Zoning Board of Appeals-Final – September 17, 2013
  - d) Traffic Committee-Final – September 18, 2013
  - e) Planning Commission-Draft – October 8, 2013
  - f) Planning Commission-Final – October 8, 2013
  - g) Zoning Board of Appeals-Draft – October 15, 2013  
Noted and Filed
- 

### O-2 Department Reports:

- a) 2013 Year-To-Date Calls for Police Service
  - b) Building Department Activity Report – October, 2013  
Noted and Filed
- 

### O-3 Letters of Appreciation:

- a) To Chief Mayer From Jeffrey Frost, Special Agent in Charge, US Secret Service Regarding Police Department Assistance with a Diplomatic Visit to Troy  
Noted and Filed
- 

### O-4 Proposed Proclamations/Resolutions from Other Organizations: None Submitted Noted and Filed

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The Meeting **RECESSED** at 10:58 PM.

The Meeting **RECONVENED** at 11:05.

## P. STUDY ITEMS:

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### P-1 Retirement and Retiree Health Care Plans

City Manager Kischnick opened the discussion by talking about the success of Troy. He pointed out that the City has moved from DB to DC, is well funded and is taking steps to continue funding each year.

Mayor Slater pointed out that copies of these presentations are available on the City website.

City Manager turned the discussion over to Tom Darling, Director of Finance. Mr. Darling presented a PowerPoint presentation that detailed the retirement and retiree health care plans.

Mr. Darling emphasized that this presentation is a success story of Troy.

Mr. Darling introduced Actuarial Consultants Kenneth Alberts and Jeff Tebeau from Gabriel, Roeder, Smith & Company.

Mr. Alberts and Mr. Tebeau offered a PowerPoint presentation titled “Actuary 101 and Troy ERS 12/31/2012 Valuation Results”.

Mr. Darling discussed a presentation on comparisons between the City of Troy and other municipalities in the area.

**Vote on Resolution to Suspend Rules of Procedure for the City Council, Rule #27 – Continued Agenda Items Not Considered Before 12:00 AM**

Resolution #2013-11-182  
Moved by Henderson  
Seconded by Fleming

RESOLVED, That City Council hereby **SUSPENDS** Rules of Procedure for the City Council, Rule #27 - *Continued Agenda Items Not Considered Before 12:00 AM* and **AUTHORIZE** City Council to **EXTEND** the adjournment time to Tuesday, November 12, 2013, 12:45 AM.

Yes: All-7  
No: None

**MOTION CARRIED**

The discussion regarding Troy’s success story with retirement and retiree health care plans continued. Council Members discussed the Employee Retirement System and professional investment consultants. Council Member Henderson reported that the ERS is getting close to approving a plan to hire a consultant.

The Meeting **RECESSED** at 12:11 AM.

The Meeting **RECONVENED** at 12:13 AM.

**Q. CLOSED SESSION:**

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**Q-1 Closed Session**

**R. ADJOURNMENT:**

The Meeting **ADJOURNED** at 12:40 AM.

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Mayor Dane Slater

---

M. Aileen Bittner, CMC  
City Clerk



## CITY COUNCIL AGENDA ITEM

Date: November 12, 2013

To: Brian Kischnick, City Manager

From: Timothy L. Richnak, Public Works Director  
Kurt Bovensiepe, Parks, Streets and Drain Superintendent  
MaryBeth Murz, Purchasing Manager

Subject: Standard Purchasing Resolution 1: Award to Low Bidder – Asphalt Patching Material – Cold

### History

Asphalt Patching Material – Cold, is used on a seasonal basis during colder weather as a temporary patching repair to paved surfaces as needed.

### Purchasing

On November 7, 2013; a bid opening was conducted as required by City Charter/Code and bid proposals were received at the City's request from firms interested in providing seasonal requirements of Asphalt Patching Material – Cold Patch. Companies were notified via the Michigan Intergovernmental Trade Network (MITN); [www.mitn.info](http://www.mitn.info). 76 vendors were notified via the MITN website. Three (3) bid responses were received. Below is a detailed summary of the vendor responses.

<b>Companies notified via MITN</b>	76
Troy Companies notified via MITN	1
Troy Companies notified Active email Notification	1
Troy Companies notified Active Free	0
<b>Companies that viewed the bid</b>	12
Troy Companies that viewed the bid	0

**MITN** provides a resourceful online platform to streamline the procurement process, reduce costs, and make it easier and more transparent for vendors to do business with the City of Troy. **Active MITN** members with a current membership and paying annual dues receive automatic electronic notification which allows instant access to Bids, RFPS and Quote opportunities with the City. **Active MITN non-paying members** are responsible to monitor and check the MITN website for opportunities to do business with the City. **Inactive MITN member** status can occur when a company does not renew their account upon expiration. Inactive members cannot be notified of solicitations or access any bid information.

After reviewing the bid proposals, Cadillac Asphalt LLC of Wixom, MI was low bidder meeting specification and is being recommended for the purchase of Asphalt Patching Material – Cold Patch as required and on an as needed basis.

### Financial

Funds are available through the Public Works operating budgets for the Streets and Water Divisions.

### Recommendation

City Management recommends awarding a contract for seasonal requirements of Asphalt Patching Material – Cold Patch, to the low bidder, *Cadillac Asphalt LLC of Wixom, MI*; to be purchased on an as needed basis for an estimated total cost of \$39,000.00 at the unit price contained in the bid tabulation opened November 7, 2013; not to exceed annual budget limitations.

Opening Date -- 10/24/13  
 Date Reviewed - 11/18/13

CITY OF TROY  
 BID TABULATION  
 ASPHALT PATCHING MATERIAL - COLD PATCH

VENDOR NAME:

**	<b>Cadillac Asphalt LLC</b>	Ace-Saginaw Paving	Barrett Paving
	<b>Wixom, MI</b>	Saginaw MI	Ypsilanti, MI

**PROPOSAL: Provide seasonal requirements of Asphalt Patching Material - Cold Patch**

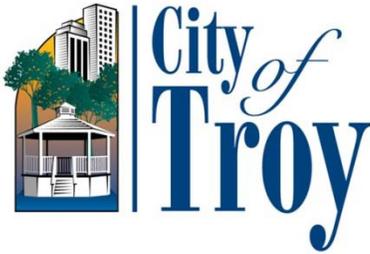
	UOM	QTY	Unit Price	Ext Price	Unit Price	Ext Price	Unit Price	Ext Price
QPR/UPM or Approved Alternate - Delivered	TON	400	\$ 97.50	\$ 39,000.00	\$98.07	\$ 39,228.00	\$ 111.50	\$ 44,600.00
<b>Brand Requirement:</b>			<i>Brand Name or Approved Equal</i>					
<b>Manufacturer:</b> QPR/UPM			CPI/SCM		Quoting as Specified		UPM/UPM	
<b>Delivery will be within how many hours after a verbal request for material.</b>			48 hours		48 hours		48 hours	
<b>Payment Terms:</b>			Net 30		Net 30		Net 30	
<b>All or None Award:</b>	<b>Yes/No</b>		Yes		Yes		Yes	
<b>Contact Information:</b>			Denny West		Nathan Gotts		Mike Verklan	
Hours of Operation:			M-F 8:00am - 3:00pm		Mon & Wed 8am-Noon		7am-3pm	
24 hour phone number:			248-388-8802		989.737.2863		734.260.5784	
<b>Additional forms</b>	<b>Yes/No</b>		Yes		Yes		Yes	
<b>Insurance/Can meet</b>	<b>Yes/No</b>		Yes		Yes		Yes	
<b>MSDS Sheet</b>	<b>Yes/No</b>		No		No		Yes	

\*\* Denotes Low Bidder Meeting Specification.

ATTEST:

Emily Frontera  
 \_\_\_\_\_  
 Susan Riesterer  
 \_\_\_\_\_  
 MaryBeth Murz  
 \_\_\_\_\_

\_\_\_\_\_  
 MaryBeth Murz,  
 Purchasing Manager



## CITY COUNCIL ACTION REPORT

November 6, 2013

TO: Brian Kischnick, City Manager

FROM: Mark Miller, Director of Economic and Community Development  
Steven J. Vandette, City Engineer  
William J. Huotari, Deputy City Engineer/Traffic Engineer

SUBJECT: Agreement for Traffic Control Device  
Adams Road and Harlan Elementary School (Co. #316)

### Background:

Ownership and maintenance of traffic signals in Troy is based primarily on road jurisdiction (number of legs of an intersection) with some signals based on other entities that benefit from the traffic signal. Costs are shared proportionately based on the percentage jurisdiction and/or benefitting entities.

The existing traffic signal on Adams Road at Harlan Elementary was originally installed in 1960 with the City being responsible for the maintenance charges. At that time, the RCOC did not draft cost sharing agreements. The process of having cost agreements executed did not start until about 1970. In 1981, RCOC developed an Operating Procedure that required two-thirds participation from someone other than RCOC for all school traffic signals. In many communities throughout Oakland County the local municipality has agreed to share the costs with the local school district (which is the case with other existing traffic signals at schools in Troy). A cost sharing agreement was never drafted for this location and the RCOC notified the City of the same when it was discovered during a review of their files.

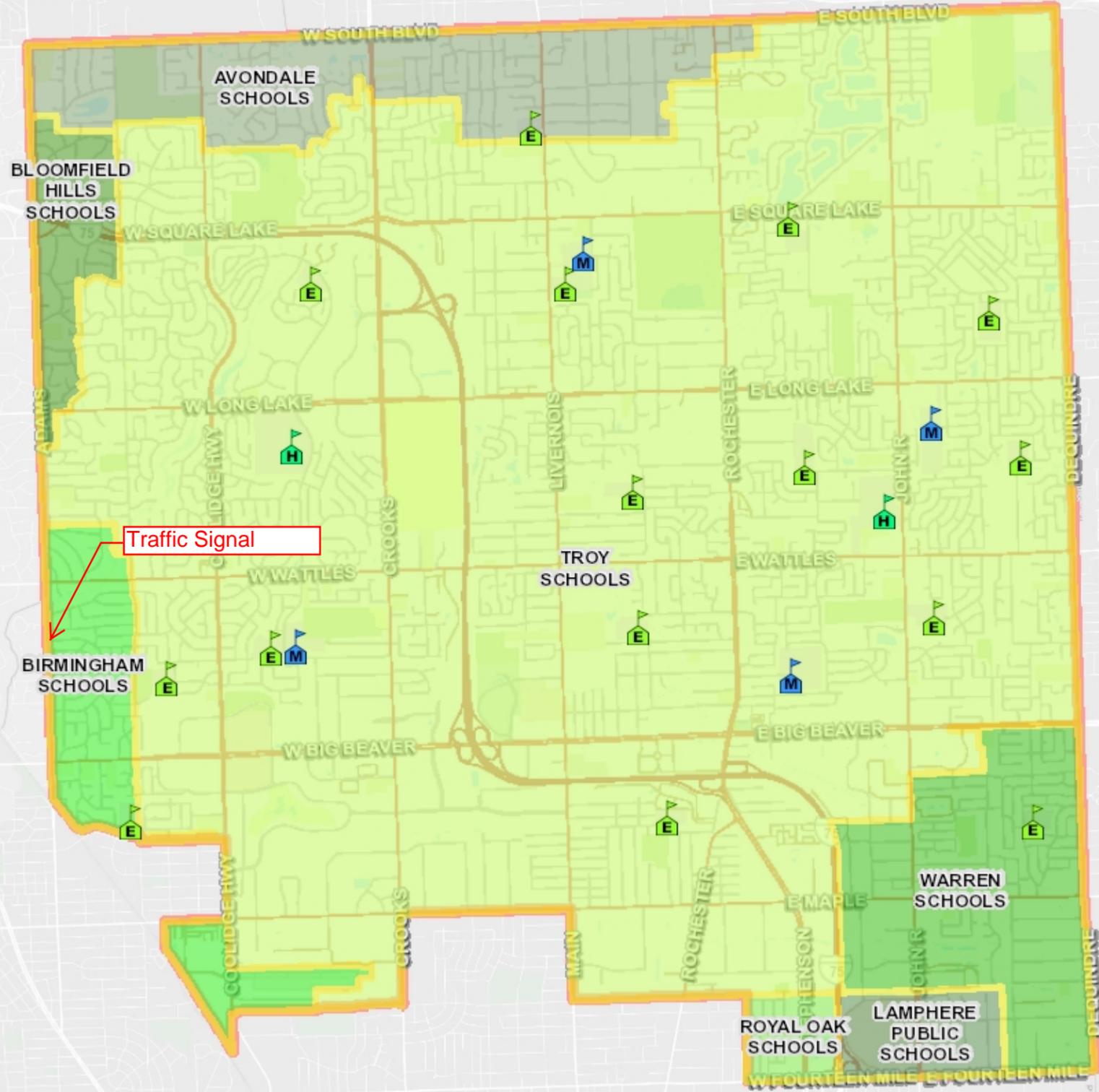
### Financial Considerations:

The cost sharing agreement presented shares costs as follows: 1/3 RCOC, 1/3 Birmingham Public Schools and 1/3 City. Cost shares for all school traffic signal locations in Troy are attached.

There are 170 traffic signals in Troy and the City's average maintenance cost, over the past three years, is approximately \$14,000 per month or approximately \$83 per signal per month.

### Legal Considerations:

The agreement is of the same format and content as other traffic signal agreements that have been previously approved.



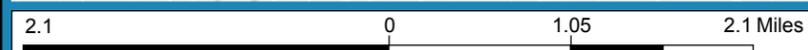
Legend

- All Educational Site
  - ELEMENTARY SCHOOLS
  - MIDDLE SCHOOLS
  - HIGH SCHOOLS
- School District
  - AVONDALE SCHOOLS
  - BIRMINGHAM SCHOOLS
  - BLOOMFIELD HILLS SCHOOLS
  - LAMPHERE PUBLIC SCHOOLS
  - ROYAL OAK SCHOOLS
  - TROY SCHOOLS
  - WARREN SCHOOLS
- Light Gray Canvas Base

1: 66,364



Notes



WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere

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.

## **City of Troy School Signals**

### **Harlan Elementary School (RCOC has jurisdiction of Adams Rd)**

Co. #316      Adams & Harlan Signal      RCOC-1/3, Troy-1/3, BSD-1/3

### **Troy High School (RCOC has jurisdiction of Long Lake Rd)**

Co. #1039      Long Lake e/o Crooks/H.S. Drive Signal      RCOC-1/3, TSD-2/3

### **Troy High School (Troy has jurisdiction of Wattles Road)**

Co. #1159      Wattles w/o John R/H.S. Drive Signal      Troy-50%, TSD-50%

### **Woodland Elementary School (RCOC has jurisdiction of Livernois Rd)**

Co. #1081      Livernois n/o Square Lk/Woodland signal      RCOC-1/3, Troy-1/3, ASD-1/3

**STATE OF MICHIGAN  
BOARD OF COUNTY ROAD COMMISSIONERS  
OAKLAND COUNTY  
AGREEMENT FOR TRAFFIC CONTROL DEVICE**

Type of Work: **Traffic Signal Maintenance**

Location: **Adams Road & Harlan Elementary School, North of Big Beaver Road  
School Crossing Signal**

Signal No: **316**  
Date Effective:

Under authority of state law and by virtue of resolution formally adopted by their respective governing bodies, the under-signed hereby agree to participate in the cost of installation, maintenance and operation of the above traffic control device on the basis of the following division of costs. (Title to equipment shall remain with the purchasing agency, unless purchased for roads not under the jurisdiction of the Board of County Road Commissioner.) The proportionate share of all costs are to be billed monthly. This agreement is terminable on thirty days written notice by any party.

**DIVISION OF COSTS**

AGENCY	INSTALLATION		MAINTENANCE Percent
	Percent	Estimated Cost	
RCOC	N/A %	\$ N/A	33 1/3 %
Birmingham Public Schools	N/A %	\$ N/A	33 1/3 %
City of Troy	N/A %	\$ N/A	33 1/3 %
Total	N/A %	\$ N/A	100 %

It is further agreed that the agency responsible for payment of energy billings and/or leased line interconnection billings included in maintenance costs, shall be the ROAD COMMISSION FOR OAKLAND COUNTY.

It is further agreed that the agency responsible for making original and replacement installations and performing maintenance shall be the ROAD COMMISSION FOR OAKLAND COUNTY.

"In the event the traffic control device referred to in this agreement is located on a road or street that is not under the jurisdiction of the Road Commission for Oakland County, the authority having the jurisdiction over the road or street hereby agrees to save harmless, indemnify, represent, and defend the Road Commission for Oakland County from any and all claims, demands, or suits arising out of or relating to the installation, maintenance and operation of the traffic control device which is the subject matter of this agreement."

"In the event the traffic control device referred to in this agreement is located on a road or street that is under the jurisdiction of the Road Commission for Oakland County and by virtue of this agreement will be maintained by an agency other than the Road Commission for Oakland County, then and in that event the said agency hereby acknowledges that it is undertaking the Road Commission for Oakland County's duty to maintain the said traffic control device and further agrees to provide insurance coverage protecting the Road Commission for Oakland County."

APPROVED:

ROAD COMMISSION FOR OAKLAND COUNTY

Date \_\_\_\_\_

By \_\_\_\_\_  
Danielle Deneau, P.E.

DIRECTOR OF TRAFFIC-SAFETY  
Title of Authorized Official

APPROVED:

BIRMINGHAM PUBLIC SCHOOLS

Date 10/16/13

By Danielle A. Nivard

SUPERINTENDENT  
Title of Authorized Official

APPROVED:

CITY OF TROY

Date \_\_\_\_\_

By \_\_\_\_\_

\_\_\_\_\_  
Title of Authorized Official



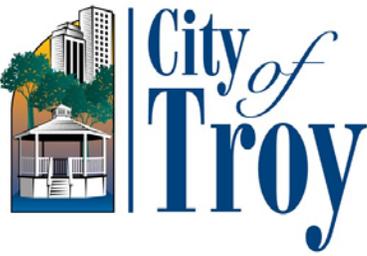
**TO:** Members of Troy City Council  
**FROM:** Lori Grigg Bluhm, City Attorney *LGB*  
Julie Quinlan Dufrane, Assistant City Attorney *JQD*  
**DATE:** November 25, 2013  
**SUBJECT:** *May, as Personal Representative of Jesus Gillard v. City of Troy, et al*

---

The above lawsuit was the subject of a closed session which was authorized on November 11, 2013. The proposed resolution authorizes the insurance carrier to settle the lawsuit for an amount less than the City's insurance deductible. Absent a settlement, this matter will proceed to a jury trial, and the parties will continue to accrue expenses.

**PROPOSED RESOLUTION:**

**NOW THEREFORE, BE IT RESOLVED:** That the Troy City Council hereby **APPROVES** the confidential settlement presented during the November 11, 2013 closed session, and **DIRECTS** the City Attorney to proceed with settling this matter and executing a release and settlement agreement with Plaintiff and his counsel.



## CITY COUNCIL ACTION REPORT

Date November 18, 2013

TO: Brian Kischnick, City Manager

FROM: Timothy L. Richnak, Public Works Director  
Steve Vandette, City Engineer

SUBJECT: Authorization to Request Reimbursement – MDEQ SAW Grant

### **History**

The Michigan Department of Environmental Quality (MDEQ) has released a Stormwater Asseset Management (SAW) grant opportunity to local governments. The grant is intended to assist local governments in managing storm and wastewater. The MDEQ has appropriated \$450 million dollars for these projects and allows local governments to apply for an amount not to exceed \$2 million. The first \$1 million requires the local government to match 10% of the funding and the second \$1 million requires a 25% local match. The project and matching funds must be completed within three years of the grant award.

The Streets and Drains Division's application will include developing an asset management system that records the size and flow direction of the city's 700 miles of stormwater drains. The Water and Sewer Division's application will include an asset management plan that references video of the sewer to its GPS coordinates. Both these tasks take equipment and labor, which are eligible expenses. The city's engineering consultant firm Hubbell, Roth & Clark, Inc (HRC) is familiar with the SAW grant process and will be the engineer for these projects.

### **Policy Considerations:**

Maintaining accurate infrastructure records allows the city to prepare for capital repair projects and allows the city to plan maintenance to the infrastructure effectively.

### **Options:**

City Management recommends moving forward with the MDEQ SAW Grant application to the full \$2 million, which will require the city to have a total local match of \$444,444.44 with a total funding assemblage of \$2,444,444.44. The local match is budgeted in both the Streets and Drains, and Water and Sewer Divisions over the next three years.



# Michigan Finance Authority

## Stormwater, Asset Management, and Wastewater (SAW) GRANT AGREEMENT

This Grant Agreement ("Agreement") is made as of \_\_\_\_\_ 20\_\_\_\_, among the Michigan Department of Environmental Quality, Office of Drinking Water and Municipal Assistance (the "DEQ"), the Michigan Finance Authority (the "Authority") (the DEQ and the Authority are, collectively, the "State") and the \_\_\_\_\_, County of \_\_\_\_\_ ("Grantee") in consideration for providing grant assistance to the Grantee.

The purpose of this Agreement is to provide funding for the project named below. The State is authorized to provide grant assistance pursuant to the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended. Legislative appropriation of funds for grant disclosure is set forth in 2013 Public Act 59.

**The Grantee shall be required to repay the grant made under this Agreement (the "Grant"), within 90 days of being informed by the State to do so, under certain conditions, as set forth in Section XVIII. Program Specific Requirements: SAW Grant.**

Award of a Grant under this Agreement and completion of the activities identified in Exhibit A does not guarantee loan assistance from the State Revolving Fund, Strategic Water Quality Initiatives Fund, or Stormwater, Asset Management or Wastewater.

### GRANTEE INFORMATION:

\_\_\_\_\_  
Name/Title of Authorized Representative  
\_\_\_\_\_  
Address  
\_\_\_\_\_  
Address  
\_\_\_\_\_  
Telephone number  
\_\_\_\_\_  
E-mail address  
\_\_\_\_\_

### GRANT INFORMATION:

Project Name: \_\_\_\_\_  
Project #: \_\_\_\_\_  
Amount of Grant: \$ \_\_\_\_\_  
Amount of Match \$ \_\_\_\_\_  
Project Total \$ \_\_\_\_\_ (grant plus match)  
Start Date: \_\_\_\_\_ End Date: \_\_\_\_\_

### DEQ REPRESENTATIVE:

\_\_\_\_\_  
Name/Title  
\_\_\_\_\_  
Address  
\_\_\_\_\_  
Address  
\_\_\_\_\_  
Telephone number  
\_\_\_\_\_  
E-mail address

### AUTHORITY REPRESENTATIVE:

\_\_\_\_\_  
Name/Title  
\_\_\_\_\_  
Address  
\_\_\_\_\_  
Address  
\_\_\_\_\_  
Telephone number  
\_\_\_\_\_  
E-mail address

THE FORM WILL NOT BE ACCEPTED IF IT HAS BEEN EDITED, ALTERED, RETYPED, OR CONVERTED TO ANY OTHER FORMAT.

The individuals signing below certify by their signatures that they are authorized to sign this Grant Agreement on behalf of their respective parties, and that the parties will fulfill the terms of this Agreement, including the attached Exhibit A, and use this Grant only as set forth in this Agreement.

GRANTEE

\_\_\_\_\_  
Signature of Grantee

\_\_\_\_\_  
Date

\_\_\_\_\_  
Name and title (typed or printed)

MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY

\_\_\_\_\_  
Its Authorized Officer

\_\_\_\_\_  
Date

MICHIGAN FINANCE AUTHORITY

\_\_\_\_\_  
Its Authorized Officer

\_\_\_\_\_  
Date

### **I. PROJECT SCOPE**

This Agreement shall be in addition to any other contractual undertaking by the Grantee contained in the Resolution authorizing the Grant (the "Resolution").

This Agreement, including its exhibit(s), constitutes the entire agreement between the DEQ, the Authority, and the Grantee.

- (A) The scope of this Grant is limited to the activities specified in Exhibit A (the "Project"), and such activities as are authorized by the State under this Agreement. Any change in project scope requires prior written approval in accordance with Section III, Changes, in this Agreement.
- (B) By acceptance of this Agreement, the Grantee commits to complete the Project identified in Exhibit A within the time period allowed for in this Agreement and in accordance with the terms and conditions of this Agreement.

### **II. AGREEMENT PERIOD**

This Agreement shall take effect on the date that it has been signed by all parties (the "Effective Date"). The Grantee shall complete the Project in accordance with all the terms and conditions specified in this Agreement no later than the End Date shown on page one. **Only costs incurred on or after January 2, 2013 and between the Start Date and the End Date shall be eligible for payment under this Grant.**

THE FORM WILL NOT BE ACCEPTED IF IT HAS BEEN EDITED, ALTERED, RETYPED, OR CONVERTED TO ANY OTHER FORMAT.

### **III. CHANGES**

Any decreases in the amount of the Grantee's compensation, significant changes to the Project, or extension of the End Date, shall be requested by the Grantee in writing, and approved in writing by the State in advance. The State reserves the right to deny requests for changes to the Agreement including its Exhibit A. No changes can be implemented without approval by the State.

### **IV. GRANTEE PAYMENTS AND REPORTING REQUIREMENTS**

The Grantee shall meet the reporting requirements specified in Section XVIII of this Agreement.

### **V. GRANTEE RESPONSIBILITIES**

- (A) The Grantee agrees to abide by all local, state, and federal laws, rules, ordinances and regulations in the performance of this Grant.
- (B) All local, state, and federal permits, if required, are the responsibility of the Grantee. Award of this Grant is not a guarantee of permit approval by the state.
- (C) The Grantee shall be solely responsible to pay all taxes, if any, that arise from the Grantee's receipt of this Grant.
- (D) The Grantee is responsible for the professional quality, technical accuracy, timely completion, and coordination of all designs, drawings, specifications, reports, and other services furnished by its subcontractors under this Agreement. The State will consider the Grantee to be the sole point of contact concerning contractual matters, including payment resulting from this Grant. The Grantee or its subcontractor shall, without additional grant award, correct or revise any errors, omissions, or other deficiencies in designs, drawings, specifications, reports, or other services.
- (E) The DEQ's approval of drawings, designs, specifications, reports, and incidental work or materials furnished hereunder shall not in any way relieve the Grantee of responsibility for the technical adequacy of the work. The DEQ's review, approval, acceptance, or payment for any of the services shall not be construed as a waiver of any rights under this Agreement or of any cause of action arising out of the performance of this Agreement.
- (F) The Grantee acknowledges that it is a crime to knowingly and willfully file false information with the State for the purpose of obtaining this Agreement or any payment under the Agreement, and that any such filing may subject the Grantee, its agents, and/or employees to criminal and civil prosecution and/or termination of the Grant.

### **VI. ASSIGNABILITY**

The Grantee shall not assign this Agreement or assign or delegate any of its duties or obligations under this Agreement to any other party without the prior written consent of the State. The State does not assume responsibility regarding the contractual relationships between the Grantee and any subcontractor.

## **VII. NON-DISCRIMINATION**

The Grantee shall comply with the Elliott Larsen Civil Rights Act, 1976 PA 453, as amended, MCL 37.2101 *et seq*, the Persons with Disabilities Civil Rights Act, 1976 PA 220, as amended, MCL 37.1101 *et seq*, and all other federal, state, and local fair employment practices and equal opportunity laws and covenants that it shall not discriminate against any employee or applicant for employment, to be employed in the performance of this Agreement, with respect to his or her hire, tenure, terms, conditions, or privileges of employment, or any matter directly or indirectly related to employment, because of his or her race, religion, color, national origin, age, sex, height, weight, marital status, or physical or mental disability that is unrelated to the individual's ability to perform the duties of a particular job or position. The Grantee agrees to include in every subcontract entered into for the performance of this Agreement this covenant not to discriminate in employment. A breach of this covenant is a material breach of this Agreement.

## **VIII. UNFAIR LABOR PRACTICES**

The Grantee shall comply with the Employers Engaging in Unfair Labor Practices Act, 1980 PA 278, as amended, MCL 423.321 *et seq*.

## **IX. LIABILITY**

(A) The Grantee, not the State, is responsible for all liabilities as a result of claims, judgments, or costs arising out of activities to be carried out by the Grantee under this Agreement, if the liability is caused by the Grantee, any subcontractor, or anyone employed by the Grantee.

(B) All liability as a result of claims, demands, costs, or judgments arising out of activities to be carried out by the State in the performance of this Agreement is the responsibility of the State and not the responsibility of the Grantee if the liability is materially caused by any State employee or agent.

(C) In the event that liability arises as a result of activities conducted jointly by the Grantee and the State in fulfillment of their responsibilities under this Agreement, such liability is held by the Grantee and the State in relation to each party's responsibilities under these joint activities.

(D) Nothing in this Agreement should be construed as a waiver of any governmental immunity by the Grantee, the State, its agencies, or their employees as provided by statute or court decisions.

## **X. CONFLICT OF INTEREST**

No government employee or member of the legislative, judicial, or executive branches or member of the Grantee's governing body, its employees, partner, agencies or their families shall have benefit financially from any part of this Agreement.

## **XI. AUDIT AND ACCESS TO RECORDS**

See Section XVIII (C).

## **XII. INSURANCE**

(A) The Grantee shall maintain insurance or self insurance that will protect it from claims that may arise from the Grantee's actions under this Agreement or from the actions of others for whom the Grantee may be held liable.

THE FORM WILL NOT BE ACCEPTED IF IT HAS BEEN EDITED, ALTERED, RETYPED, OR CONVERTED TO ANY OTHER FORMAT.

- (B) The Grantee must comply with applicant workers' compensation laws while engaging in activities authorized under this Agreement.

### **XIII. OTHER SOURCES OF FUNDING**

The Grantee guarantees that any claims for reimbursement made to the State under this Agreement shall not be financed by any source other than the State under the terms of this Agreement. If funding is received through any other source, the Grantee agrees to delete from Grantee's billings or to immediately refund to the State, the total amount representing such duplication of funding.

### **XIV. COMPENSATION**

- (A) A breakdown of Project costs covered under this Agreement is identified in Exhibit A. The State will pay the Grantee a total amount not to exceed the amount on page one of this Agreement, in accordance with Exhibit A, and only for expenses incurred. All other costs over and above the Grant amount, necessary to complete the Project, are the sole responsibility of the Grantee.
- (B) The Grantee is committed to the match amount on page one of this Agreement, in accordance with Exhibit A. The Grantee shall expend all local match committed to the Project by the End Date of this Agreement.
- (C) The State will approve payment requests after approval of reports and related documentation as required under this Agreement.
- (D) The State reserves the right to request additional information necessary to substantiate payment requests.

### **XV. CLOSEOUT**

- (A) A determination of Project completion shall be made by the DEQ after the Grantee has met any match obligations and satisfactorily completed the activities and provided products and deliverables described in Exhibit A.
- (B) Upon issuance of final payment from the State, the Grantee releases the State of all claims against the State arising under this Agreement. Unless otherwise provided in this Agreement or by State law, final payment under this Agreement shall not constitute a waiver of the State's claims against the Grantee.
- (C) The Grantee shall immediately refund to the State any payments or funds in excess of the costs allowed by this Agreement.

### **XVI. CANCELLATION**

This Agreement may be canceled by the State, upon 30 days written notice, due to Executive Order, budgetary reduction, or other lack of funding upon request by Grantee or upon mutual agreement by the State and Grantee. The State reserves the right to provide just and equitable compensation to the Grantee for all satisfactory work completed under this Agreement.

## **XVII. TERMINATION**

(A) This Agreement may also be terminated by the State for any of the following reasons upon 30 days written notice to the Grantee:

(1) If the Grantee fails to comply with the terms and conditions of the Agreement or with the requirements of the authorizing legislation cited on page 1 or the rules promulgated thereunder, or with other applicable law or rules.

(2) If the Grantee knowingly and willfully presents false information to the State for the purpose of obtaining this Agreement or any payment under this Agreement.

(3) If the State finds that the Grantee, or any of the Grantee's agents or representatives, offered or gave gratuities, favors, or gifts of monetary value to any official, employee, or agent of the State in an attempt to secure a subcontract or favorable treatment in awarding, amending, or making any determinations related to the performance of this Agreement.

(4) During the 30-day written notice period, the State shall also withhold payment for any findings under subparagraphs 1 through 3, above.

(5) If the Grantee or any subcontractor, manufacturer, or supplier of the Grantee appears in the register of persons engaging in unfair labor practices that is compiled by the Michigan Department of Licensing and Regulatory Affairs or its successor.

(B) The State may immediately terminate this Agreement without further liability if the Grantee, or any agent of the Grantee, or any agent of any subagreement, is:

(1) Convicted of a criminal offense incident to the application for or performance of a state, public, or private contract or subcontract;

(2) Convicted of a criminal offense, including but not limited to any of the following: embezzlement, theft, forgery, bribery, falsification or destruction of records, receiving stolen property, or attempting to influence a public employee to breach the ethical conduct standards for State of Michigan employees;

(3) Convicted under state or federal antitrust statutes;

(4) Convicted of any other criminal offense which, in the sole discretion of the State, reflects on the Grantee's business integrity; or

(C) If a grant is terminated, the State reserves the right to require the Grantee to repay all or a portion of funds received under this Agreement.

## **XVIII. PROGRAM-SPECIFIC REQUIREMENTS: SAW REPAYABLE GRANT**

(A) General Representations. The Grantee represents and warrants to, and agrees with, the Authority and DEQ, as of the date hereof as follows:

(1) Grant funds shall be expended only to cover costs for the development of an Asset Management Plan, Stormwater Management Plan, innovative wastewater or stormwater technology, construction costs for disadvantaged communities, or for planning, design and user charge development.

THE FORM WILL NOT BE ACCEPTED IF IT HAS BEEN EDITED, ALTERED, RETYPED, OR CONVERTED TO ANY OTHER FORMAT.

(2) Grant funds used for administrative activities or activities performed by municipal employees shall be limited to work that is directly related to the Project and is conducted by employees of the Grantee.

(3) The Grantee has full legal right, power and authority to execute this Agreement, and to consummate all transactions contemplated by this Agreement, the Resolution, and any and all other agreements relating thereto. The Grantee has duly authorized and approved the execution and delivery of this Agreement, the performance by the Grantee of its obligations contained in this Agreement, and this Agreement is a valid, legally binding action of the Grantee, enforceable in accordance with the terms thereof except as enforceability may be limited by bankruptcy, insolvency, reorganization, moratorium and other similar laws affecting the rights of creditors generally, and by principles of equity if equitable remedies are sought.

(4) The Resolution has been duly adopted by the Grantee, acting through its executive(s) or governing body, is in full force and effect as of the date hereof, and is a valid, legally binding action of the Grantee, enforceable in accordance with the terms thereof except as enforceability may be limited by bankruptcy, insolvency, reorganization, moratorium and other similar laws affecting the rights of creditors generally, and by principles of equity if equitable remedies are sought.

(5) The execution and delivery of this Agreement by the Grantee, and the fulfillment of the terms and conditions of, and the carrying out of the transactions contemplated by the Resolution and this Agreement do not and will not conflict with or constitute on the part of the Grantee a breach of, or a default under any existing law (including, without limitation, the Michigan Constitution), any court or administrative regulation, decree or order or any agreement, indenture, mortgage, obligation, lease or other instrument to which the Grantee is subject or by which it is bound and which breach or default would materially affect the validity or binding effect of the Grant, or result in a default or lien on any assets of the Grantee. No event has occurred or is continuing which with the lapse of time or the giving of notice, or both, would constitute a default by the Grantee under the Resolution or this Agreement.

(6) No consent or approval of, or registration or declaration with, or permit from, any federal, state or other governmental body or instrumentality, is or was required in connection with enactment by the Grantee of the Resolution, or execution and delivery by the Grantee of this Agreement which has not already been obtained, nor is any further election or referendum of voters required in connection therewith which has not already been held and certified and all applicable referendum periods have expired.

(7) Proceeds of the Grant will be applied (i) to the financing of the Project or a portion thereof as set forth in the Resolution and Exhibit A or (ii) to reimburse the Grantee for a portion of the cost of the Project. The Grantee will expend the proceeds of each disbursement of the Grant for the governmental purpose for which the Grant was issued.

(8) The attached Exhibit A contains a summary of the estimated cost of the Project, which the Grantee certifies is a reasonable and accurate estimate.

(9) The Grantee reasonably expects (i) to fulfill all conditions set forth in this Agreement to receive and to keep the Grant, and (ii) that no event will occur as set forth in this Agreement which will require the Grantee to repay the Grant.

(B) Repayment of Grant. The Grantee shall repay the Grant, within 90 days of being informed to do so, with interest calculated from the date Grant funds are first drawn at a rate not to exceed 8% per year, to be determined by the Authority, to the Authority for deposit into the SWQIF.

"(a) A grant recipient (shall) proceed with a project for which grant funding is provided within 3 years after the department approves the grant (executed grant agreement). For asset management programs related to sewage collection and treatment systems, this includes significant progress, as determined by the department, toward achieving the funding structure necessary to implement the program.

(b) The grant recipient (shall) repay the grant, within 90 days of being informed to do so, with interest at a rate not to exceed 8 percent per year, to the Authority for deposit into the fund if the applicant is unable to, or decides not to, proceed with a construction project or begin implementation of an asset management program for which grant funding is provided."

SAW grant recipients for wastewater system asset management plans are required to make significant progress on the funding structure. Significant progress is defined as a 5-year plan to eliminated the gap with a minimum initial rate increase to close at least 10 percent of the funding gap. The first rate increase must be implemented within three years of the executed grant. The applicant will need to certify that all grant activities have been completed at the end of three years. Asset management plans for stormwater systems are to be implemented. Stormwater management grant recipients must develop a stormwater management plan. Innovative project grant recipients must proceed with full implementation or certify that the project is not financially or technically feasible.

(C) Covenants and Certifications.

(1) The Grantee has the legal, managerial, institutional, and financial capability to plan, design, and build the Project, or cause the Project to be built, and cause all facilities eventually constructed to be adequately operated.

(2) The Grantee certifies that no undisclosed fact or event, or pending litigation, will materially or adversely affect the Project, the prospects for its completion, or the Grantee's ability to make timely repayments of the grant if any of the two (2) conditions identified under Section XVIII(B) occur.

(3) The Grantee agrees to provide the minimum appropriate local match for grant-eligible costs and disburse match funds to service providers concurrent with grant disbursements.

(4) The Grantee agrees to maintain complete books and records relating to the grant and financial affairs of the Project in accordance with generally accepted accounting principles ("GAAP") and generally accepted government auditing standards ("GAGAS").

(5) The Grantee agrees that all municipal contracts related to the Project will provide that the contractor and any subcontractor may be subject to a financial audit and must comply with GAAP and GAGAS.

(6) The Grantee agrees to provide any necessary written authorizations to the DEQ and the Authority for the purpose of examining, reviewing, or auditing the financial records of the Project. The applicant also agrees to require similar authorizations from all contractors, consultants, property owners or agents with which the applicant negotiates an agreement.

THE FORM WILL NOT BE ACCEPTED IF IT HAS BEEN EDITED, ALTERED, RETYPED, OR CONVERTED TO ANY OTHER FORMAT.

(7) The Grantee agrees that all pertinent records shall be retained and available to the DEQ and the Authority for a minimum of three years after satisfactory completion of the Project and final payment. If litigation, a claim, an appeal, or an audit is begun before the end of the three-year period, records shall be retained and available until the three years have passed or until the action is completed and resolved, whichever is longer.

(8) The Grantee agrees to ensure that planning and design activities of the Project are conducted in compliance with the requirements of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, its Administrative Rules; and all applicable state and federal laws, executive orders, regulations, policies, and procedures.

(9) The Grantee agrees that the Project shall proceed in a timely fashion and will exercise its best efforts to satisfy the program requirements as identified under Section XVIII(B) within three years of award of the SAW Grant from the Strategic Water Quality Initiatives Fund in accordance with Section 5204(e) of the Natural Resources and Environmental Protection Act 1994, PA 451, as amended.

(10) The Grantee acknowledges that acceptance of a wastewater asset management grant will subsequently affect future NPDES permits to include asset management language as applicable.

(D) Grantee Reimbursements and Deliverables

The Grantee may request grant disbursements no more frequently than monthly, using the Disbursement Request Form provided by the DEQ. Upon receipt of a disbursement request, the DEQ will notify the Authority, which will in turn disburse grant funds equal to 75 percent, 90 percent, or 100 percent of eligible costs, whichever percentage is applicable, that have been adequately documented. The forms provided by the State will include instructions on their use and shall be submitted to the DEQ representative at the address on page 1. All required supporting documentation (invoices) for expenses must be included with the disbursement request form. The Grantee is responsible for the final submittal of all documents prepared under this Grant and included in the Project Scope identified in Exhibit A.

(E) Miscellaneous Provisions.

(1) Applicable Law and Nonassignability. This Agreement shall be governed by the laws of the State of Michigan.

(2) Severability. If any clause, provision or section of this Agreement be ruled invalid or unenforceable by any court of competent jurisdiction, the invalidity or unenforceability of such clause, provision or section shall not affect any of the remaining clauses, provisions or sections.

(3) Execution of Counterparts. This Agreement may be executed in several counterparts each of which shall be regarded as an original and all of which shall constitute one and the same document.

## **XIX. USE OF MATERIAL**

Unless otherwise specified in this Agreement, the Grantee may release information or material developed under this Agreement, provided it is acknowledged that the DEQ funded all or a portion of its development.

THE FORM WILL NOT BE ACCEPTED IF IT HAS BEEN EDITED, ALTERED, RETYPED, OR CONVERTED TO ANY OTHER FORMAT.

## **XX. SUBCONTRACTS**

The State reserves the right to deny the use of any consultant, contractor, associate or other personnel to perform any portion of the project. The Grantee is solely responsible for all contractual activities performed under this Agreement. Further, the State will consider the Grantee to be the sole point of contact with regard to contractual matters, including payment of any and all charges resulting from the anticipated Grant. All subcontractors used by the Grantee in performing the project shall be subject to the provisions of this Agreement and shall be qualified to perform the duties required.

## **XXI. ANTI-LOBBYING**

If all or a portion of this Agreement is funded with state funds, then the Grantee shall not use any of the grant funds awarded in this Agreement for the purpose of lobbying as defined in the State of Michigan's lobbying statute, MCL 4.415(2). "Lobbying" means communicating directly with an official of the executive branch of state government or an official in the legislative branch of state government for the purpose of influencing legislative or administrative action." The Grantee shall not use any of the grant funds awarded in this Agreement for the purpose of litigation against the State. Further, the Grantee shall require that language of this assurance be included in the award documents of all subawards at all tiers.

## **XXII. IRAN SANCTIONS ACT**

By signing this Agreement, the Grantee is certifying that it is not an Iran linked business, and that its contractors are not Iran linked businesses as outlined in Michigan Compiled Law 129.312

## **XXIII. DEBARMENT AND SUSPENSION**

By signing this Agreement, the Grantee certifies to the best of its knowledge and belief that it, its agents, and its subcontractors:

- (1) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any federal department or the state.
- (2) Have not within a 3-year period preceding this Agreement been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (federal, state, or local) transaction or contract under a public transaction as defined in 45 CFR 1185; violation of federal or state antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property.
- (3) Are not presently indicted or otherwise criminally or civilly charged by a government entity (federal, state, or local) with commission of any of the offenses enumerated in subsection (2).
- (4) Have not within a 3-year period preceding this Agreement had one or more public transactions (federal, state, or local) terminated for cause or default.
- (5) Will comply with all applicable requirements of all other state or federal laws, executive orders, regulations, and policies governing this program.



## CITY COUNCIL AGENDA ITEM

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Date: November 14, 2013

To: Brian Kischnick, City Manager

From: Mark F. Miller, Director of Economic and Community Development  
Steven J. Vandette, City Engineer  
Larysa Figol, Sr. Right-of-Way Representative

Subject: Request for Acceptance of Two Permanent Easements from Tinelle Properties, LLC  
Sidwell #88-20-08-276-002

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### **History**

As part of the development of a commercial property located in the northeast ¼ of Section 8, the Engineering department has received two permanent easements for water mains and sanitary sewers from Tinelle Properties, LLC, owner of the property having Sidwell #88-20-08-276-002.

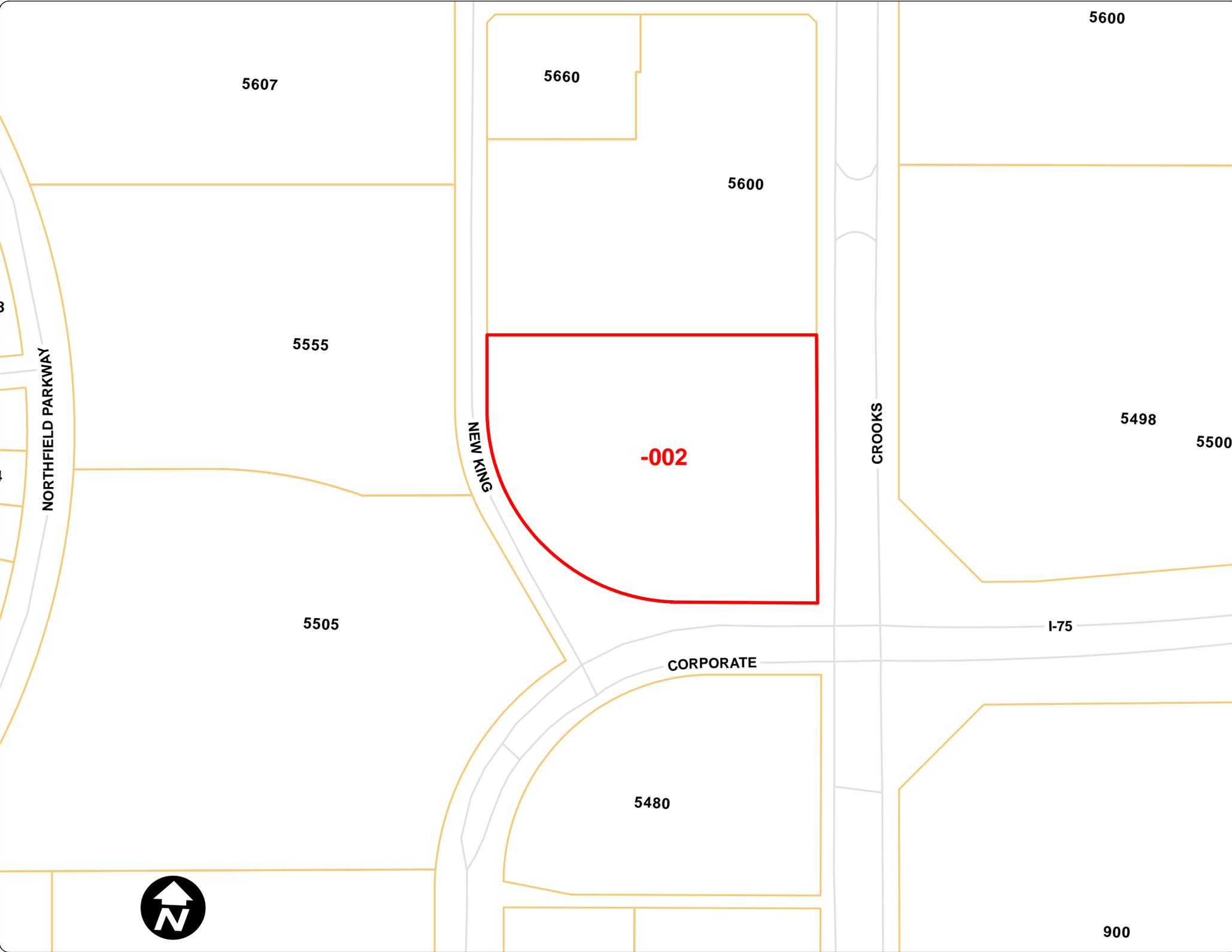
The format and content of these easements is consistent with easements previously accepted by City Council.

### **Financial**

The consideration amount on each document is \$1.00

### **Recommendation**

City Management recommends that City Council accept the attached easements consistent with our policy of accepting easements for development and improvement purposes.



5607

5660

5600

5600

5555

NEW KING

-002

CROOKS

5498

5500

5505

I-75

CORPORATE

5480

900



NORTHFIELD PARKWAY

**PERMANENT EASEMENT**

Sidwell #88-20-08-276-002 (pt)

TINELLE PROPERTIES, LLC, a Michigan limited liability company, Grantor, whose address 18700 West Ten Mile, Ste 200, Southfield, MI 48075 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 construct, operate, maintain, repair and/or replace water mains, 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 22 signature(s) this 22 day of Oct A.D. 2013.

TINELLE PROPERTIES, LLC  
a Michigan limited liability company

By [Signature] (L.S.)  
\* Amer Asmar  
Its Managing Member

STATE OF Michigan  
COUNTY OF Oakland

The foregoing instrument was acknowledged before me this 22 day of October, 2013, by Amer Asmar, Managing Member of Tinelle Properties, LLC, a Michigan limited liability company, on behalf of the company.

Patrick J. Fleher  
Notary Public, State of Michigan  
County of Oakland  
My Commission Exp. April 21, 2018  
Acting in the County of Oakland

[Signature]  
Notary Public, \_\_\_\_\_ County, \_\_\_\_\_  
My Commission Expires \_\_\_\_\_  
Acting in \_\_\_\_\_ County, \_\_\_\_\_

Prepared by: Larysa Figol  
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

## Exhibit A

### WATER MAIN EASEMENT

#### LEGAL DESCRIPTION - SUBJECT PROPERTY

A PARCEL OF LAND LOCATED IN THE NORTHEAST 1/4 OF SECTION 8, TOWN 2 NORTH, RANGE 11 EAST, CITY OF TROY, OAKLAND COUNTY, MICHIGAN, DESCRIBED AS: BEGINNING AT A POINT DISTANT N.02°30'26"W., 225.27' FEET ALONG THE EAST LINE OF SECTION 8 AND S.87°29'34"W., 90.00 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF CROOKS ROAD (150' WIDE) FROM THE EAST 1/4 CORNER OF SAID SECTION 8; THENCE S.87°29'34"W., 248.90 FEET; THENCE 554.06 FEET ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 352.68 FEET, CHORD BEARING N.47°30'51"W., 498.81 FEET; THENCE N.02°30'26"W., 137.51 FEET; THENCE N.87°29'34"E., 601.65 FEET; THENCE S.02°30'26"E., 490.18 FEET ALONG THE WEST RIGHT-OF-WAY LINE OF SAID CROOKS ROAD TO THE POINT OF BEGINNING.

CONTAINING 268,226.44 SQUARE FEET OR 6.157 ACRES.

TAX ID NO. 20-08-276-002

ADDRESS: 5500 NEW KING STREET, TROY, MI

#### LEGAL DESCRIPTION - WATER MAIN EASEMENT

A TWENTY (20) FOOT WIDE EASEMENT FOR WATER MAIN BEING DESCRIBED ALONG ITS CENTERLINE AS: BEGINNING AT A POINT DISTANT N.02°30'26"W., 715.45 FEET ALONG THE EAST LINE OF SECTION 8 AND S.87°29'34"W., 122.27 FEET FROM THE EAST 1/4 CORNER OF SECTION 8, TOWN 2 NORTH, RANGE 11 EAST, CITY OF TROY, OAKLAND COUNTY, MICHIGAN; THENCE S.10°25'13"W., 32.48 FEET; THENCE S.01°25'29"E., 128.17 FEET; THENCE S.43°16'29"W., 18.66 FEET TO POINT 'A'; THENCE CONTINUING S.43°16'29"W., 16.32 FEET; THENCE S.88°28'18"W., 330.03 FEET TO POINT 'B'; THENCE S.01°31'41"E., 107.56 FEET TO POINT 'C'; THENCE CONTINUING S.01°31'41"E., 169.30 FEET TO A POINT OF ENDING; THENCE CONTINUING FROM SAID POINT 'A' S.01°43'31"E., 31.86 FEET TO A POINT OF ENDING; THENCE CONTINUING FROM SAID POINT 'B' N.01°31'41"W., 110.69 FEET TO A POINT OF ENDING; THENCE CONTINUING FROM SAID POINT 'C' S.88°29'23"W., 110.66 FEET TO A POINT OF ENDING.



**NOWAK & FRAUS ENGINEERS**  
46777 WOODWARD AVE  
PONTIAC, MI 48342-5032  
TEL (248) 332-7931  
FAX (248) 332-8257

PREPARED FOR:  
TINELLE  
PROPERTIES, LLC

REVISED  
09-18-13

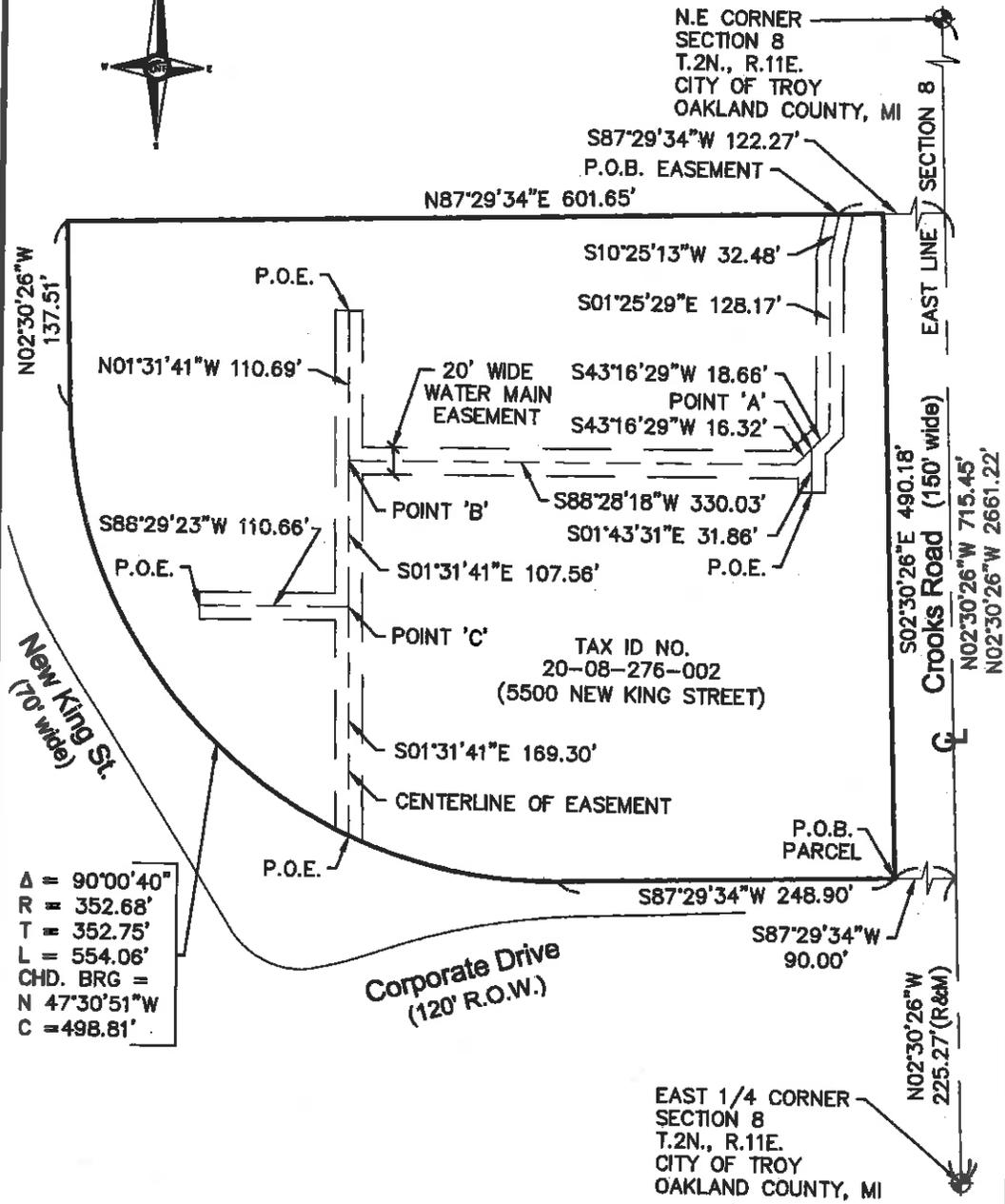
DRAWN  
MC

JOB NO.  
C380-02

SHEET  
1 of 2

# Exhibit A

## WATER MAIN EASEMENT



$\Delta = 90^{\circ}00'40''$   
 $R = 352.68'$   
 $T = 352.75'$   
 $L = 554.06'$   
 $CHD. BRG =$   
 $N 47^{\circ}30'51''W$   
 $C = 498.81'$

  
**ENGINEERS**  
 NOWAK & FRAUS ENGINEERS  
 4677 WOODWARD AVE.  
 PONTIAC, MI 48342-5032  
 TEL. (248) 332-7931  
 FAX. (248) 332-8257

PREPARED FOR:	SCALE	REVISED	DRAWN	JOB NO.	SHEET
TINELLE	1" = 100'	09-18-13	MC	C380-02	2 of 2
PROPERTIES, LLC					

**PERMANENT EASEMENT**

Sidwell #88-20-08-276-002 (pt)

TINELLE PROPERTIES, LLC, a Michigan limited liability company, Grantor, whose address 18700 West Ten Mile, Ste 200, Southfield, MI 48075 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 construct, operate, maintain, repair and/or replace sanitary sewers, 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 \_\_\_\_\_ signature(s) this 22 day of OCT A.D. 2013.

TINELLE PROPERTIES, LLC  
a Michigan limited liability company

By [Signature] (L.S.)  
\* Amer Asmar  
Its Managing Member

STATE OF Michigan  
COUNTY OF Oakland

The foregoing instrument was acknowledged before me this 22 day of October, 2013, by Amer Asmar, Managing Member of Tinele Properties, LLC, a Michigan limited liability company, on behalf of the company.

Patrick J. Fisher  
Notary Public, State of Michigan  
County of Oakland  
My Commission Exp. April 21, 2018  
Acting in the County of Oakland

[Signature]  
Notary Public, \_\_\_\_\_ County, \_\_\_\_\_  
My Commission Expires \_\_\_\_\_  
Acting in \_\_\_\_\_ County, \_\_\_\_\_

Prepared by: Larysa Figol  
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

## Exhibit A

### SANITARY SEWER EASEMENT

#### LEGAL DESCRIPTION - SUBJECT PROPERTY

A PARCEL OF LAND LOCATED IN THE NORTHEAST 1/4 OF SECTION 8, TOWN 2 NORTH, RANGE 11 EAST, CITY OF TROY, OAKLAND COUNTY, MICHIGAN, DESCRIBED AS: BEGINNING AT A POINT DISTANT N.02°30'26"W., 225.27' FEET ALONG THE EAST LINE OF SECTION 8 AND S.87°29'34"W., 90.00 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF CROOKS ROAD (150' WIDE) FROM THE EAST 1/4 CORNER OF SAID SECTION 8; THENCE S.87°29'34"W., 248.90 FEET; THENCE 554.06 FEET ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 352.68 FEET, CHORD BEARING N.47°30'51"W., 498.81 FEET; THENCE N.02°30'26"W., 137.51 FEET; THENCE N.87°29'34"E., 601.65 FEET; THENCE S.02°30'26"E., 490.18 FEET ALONG THE WEST RIGHT-OF-WAY LINE OF SAID CROOKS ROAD TO THE POINT OF BEGINNING.

CONTAINING 268,226.44 SQUARE FEET OR 6.157 ACRES.

TAX ID NO. 20-08-276-002

ADDRESS: 5500 NEW KING STREET, TROY, MI

#### LEGAL DESCRIPTION - SANITARY SEWER EASEMENT

A TWENTY (20) FOOT WIDE EASEMENT FOR SANITARY SEWER BEING DESCRIBED ALONG ITS CENTERLINE AS: BEGINNING AT A POINT DISTANT N.02°30'26"W., 225.27' FEET ALONG THE EAST LINE OF SECTION 8 AND S.87°29'34"W., 338.90 FEET AND 92.70 FEET ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 352.68 FEET, CHORD BEARING N.84°59'21"W., 92.44 FEET FROM THE EAST 1/4 CORNER OF SECTION 8, TOWN 2 NORTH, RANGE 11 EAST, CITY OF TROY, OAKLAND COUNTY, MICHIGAN; THENCE N.23°17'17"W., 60.94 FEET; THENCE N.02°22'40"W., 191.41 FEET; THENCE N.86°55'55"E., 194.23 FEET; THENCE N.02°02'44"W., 64.73 FEET TO A POINT OF ENDING.



NOWAK & FRAUS ENGINEERS  
46777 WOODWARD AVE.  
PONTIAC, MI 48342-5032  
TEL. (248) 332-7931  
FAX. (248) 332-8257

PREPARED FOR:  
TINELLE  
PROPERTIES, LLC

REVISED  
09-18-13

DRAWN  
MC

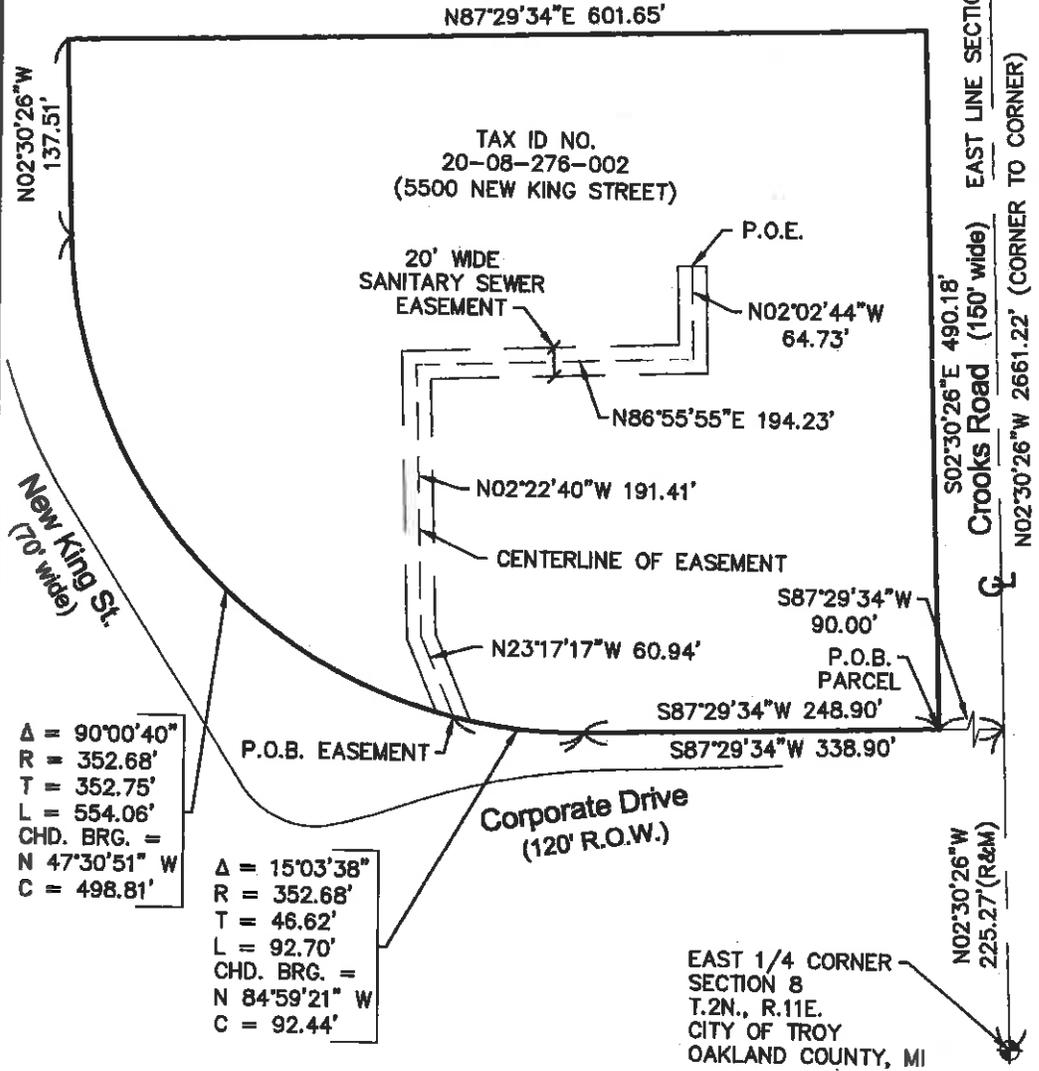
JOB NO. C380-02  
SHEET 1 of 2

# Exhibit A

## SANITARY SEWER EASEMENT



N.E. CORNER  
SECTION 8  
T.2N., R.11E.  
CITY OF TROY  
OAKLAND COUNTY, MI



Δ = 90°00'40"  
R = 352.68'  
T = 352.75'  
L = 554.06'  
CHD. BRG. =  
N 47°30'51" W  
C = 498.81'

Δ = 15°03'38"  
R = 352.68'  
T = 46.62'  
L = 92.70'  
CHD. BRG. =  
N 84°59'21" W  
C = 92.44'



**ENGINEERS**  
NOWAK & FRAUS ENGINEERS  
4677 WOODWARD AVE.  
PONTIAC, MI 48342-5032  
TEL (248) 332-7931  
FAX (248) 332-8257

PREPARED FOR: TINELLE PROPERTIES, LLC	SCALE 1" = 100'	REVISED 09-18-13	DRAWN MC	JOB NO. C380-02	SHEET 2 of 2
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## CITY COUNCIL AGENDA ITEM

Date: November 14, 2013

To: Brian Kischnick, City Manager

From: Aileen Bittner, City Clerk

Subject: Request for Recognition as a Nonprofit Organization Status from Kim Bryson – Boyd R. Larson Middle School Parent Teacher Organization

---

### Background

Attached is a request from Kim Bryson, Larson Middle School Treasurer on behalf of the Boyd R. Larson Middle School Parent Teacher Organization seeking recognition as nonprofit organization status for the purpose of obtaining a charitable gaming license for fundraising purposes.

### Recommendation

It has been City Management's practice to support the approval of such requests.

### Fund Availability

There are no financial considerations associated with this item.

### City Attorney's Review as to Form and Legality

There are no legal considerations associated with this item.

Suggested Resolution  
Resolution #2013-11-

RESOLVED, That Troy City Council hereby **APPROVES** the request from Boyd R. Larson Middle School Parent Teacher Organization, asking that they be recognized as a nonprofit organization operating in the community for the purpose of obtaining a charitable gaming license as recommended by City Management.

Yes:

No:

Boyd R. Larson Middle School Parent Teacher Organization  
2222 E. Long Lake Road  
Troy, MI 48085

November 12, 2013

Mayor Dane Slater  
City Council Members  
500 W. Big Beaver Rd  
Troy, MI 48084

NOV 12 2013

Dear Mayor Slater and Troy City Council Members,

The Boyd R. Larson Middle School Parent Teacher Organization is seeking to be licensed to conduct millionaire parties under the regulations established by the Michigan Gaming Control Board. We plan to host charity poker nights at licensed establishments in Troy to raise funds to support the educational needs at the school.

The Boyd R. Larson Middle School Parent and Teacher Organization's (aka Larson PTO) purpose is to enhance and support the educational experience at our school, to develop a closer connection between school and home by encouraging parent involvement and to improve the environment at our school through volunteer and financial support. Our organization provides support services and offers programs which augment the education provided by the Troy School district.

All operations of the organization are conducted by the Larson staff and the students' parents at the school in Troy, Michigan. All work is done on a volunteer basis during the school year.

To pay for the programs offered, the organization conducts a magazine fund raiser, maintains a student supply center, sells student directories, receives grants from local stores, holds skating and bowling parties and sells videos to the school's eighth graders.

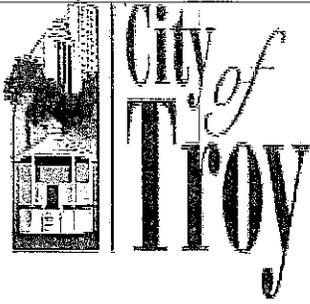
The operations of the Larson PTO include providing assignment books for all students, holding break free dances, organizing the Pride program for students who attain specific grades and show exemplary behavior, providing money to teachers for supplies needed in their classrooms, paying for technology needs, buying books, running the ANCHORS program for students with special needs, making donations to local organizations that support education and safety, paying tribute to our staff in appreciation for their service and holding a party for the school's eighth graders at the end of the year. Operations in the past also included maintaining a fish tank used in the school's science program.

We respectfully request that you issue a resolution recognizing our organization as bona fide non-profit organization operating in Troy which is required for our organization to receive the license to conduct millionaire parties. Please find the required documents for this resolution enclosed.

Sincerely,



Kim M. Bryson  
Larson Middle School Treasurer  
248-828-7996



# CITY OF TROY

## SOLICITATION – FUND RAISING

Date Received: 11/12/13

File the following information with the City Clerk's Office at least 21 days prior to the time when the permit is desired. TIME SPAN FOR PERMIT IS NOT TO EXCEED NINETY (90) DAYS.

Name of Organization:

Boyd R. Larson Middle School Parent Teacher Org.

Phone:

248-823-4800

Local Address:

City/Zip:

2222 E. Long Lake Rd.

Troy, MI, 48085

Home Address (if different):

City/Zip:

same

Name of Parent Organization:

N/A

Address:

N/A

Local Representative/Officers:

Name	Title	Phone
<u>Tracy Sutherland</u>	<u>President</u>	<u>248-524-9158</u>
<u>Danielle Clippard</u>	<u>Vice-President</u>	<u>248-740-0758</u>
<u>Danielle Buser</u>	<u>Vice-President</u>	<u>248-740-8431</u>
<u>Kim Bryson</u>	<u>Treasurer</u>	<u>248-828-7996</u>

Person in Charge of Solicitations: Kim Bryson, Treasurer

How are funds solicited: Charity Poker event at licensed operator

Locations/Dates/Times:

Locations	Dates	Times
<u>To be determined after license is obtained from the Michigan Gaming Control Board</u>		

To what purpose will you put these funds: support educational needs at Larson

What is the requested amount for contribution: to be determined





State of Michigan  
 Michigan Gaming Control Board  
 Office of the Executive Director  
 P.O. Box 30786  
 Lansing, MI 48909  
 Phone: (313) 456-4940  
 Fax: (313) 456-3405  
 Email: Millionaireparty@michigan.gov  
 www.michigan.gov/mgcb

**LOCAL GOVERNING BODY RESOLUTION FOR CHARITABLE GAMING LICENSES**  
 (Required by MCL 432.103(K)(ii))

At a \_\_\_\_\_ meeting of the \_\_\_\_\_  
REGULAR OR SPECIAL TOWNSHIP, CITY, OR VILLAGE COUNCIL/BOARD

called to order by \_\_\_\_\_ on \_\_\_\_\_  
DATE

at \_\_\_\_\_ a.m./p.m. the following resolution was offered:  
TIME

Moved by \_\_\_\_\_ and supported by \_\_\_\_\_

that the request from \_\_\_\_\_ of \_\_\_\_\_  
NAME OF ORGANIZATION CITY

county of \_\_\_\_\_, asking that they be recognized as a  
COUNTY NAME

nonprofit organization operating in the community for the purpose of obtaining charitable  
 gaming licenses, be considered for \_\_\_\_\_  
APPROVAL/DISAPPROVAL

**APPROVAL**  
 Yeas: \_\_\_\_\_  
 Nays: \_\_\_\_\_  
 Absent: \_\_\_\_\_

**DISAPPROVAL**  
 Yeas: \_\_\_\_\_  
 Nays: \_\_\_\_\_  
 Absent: \_\_\_\_\_

I hereby certify that the foregoing is a true and complete copy of a resolution offered and  
 adopted by the \_\_\_\_\_ at a \_\_\_\_\_  
TOWNSHIP, CITY, OR VILLAGE COUNCIL/BOARD REGULAR OR SPECIAL  
 meeting held on \_\_\_\_\_  
DATE

SIGNED: \_\_\_\_\_  
TOWNSHIP, CITY, OR VILLAGE CLERK

\_\_\_\_\_  
PRINTED NAME AND TITLE

\_\_\_\_\_  
ADDRESS

P.O. BOX 2508  
CINCINNATI OH 45201

In reply refer to: 9999999999  
Apr. 30, 2013 LTR 3367C S0  
38-2900364 000000 00

00022593  
BODC: TE

BOYD R LARSON MIDDLE SCHOOL PARENT  
AND TEACHER ORGANIZATION  
C/O LARSON PTO  
2222 E LONG LAKE RD  
TROY MI 48085

Employer Identification Number: 38-2900364  
Tax Form: 1023  
Document Locator Number: 17053-098-33101-3  
For assistance, call: 1-877-829-5500

Dear Applicant,

We received your application for exemption from Federal income tax and your user fee payment.

During the initial review process, applications for exemption are separated into three groups:

1. Those that can be processed immediately based on information submitted,
2. Those that need minor additional information to be resolved, and
3. Those that require additional development.

If your application falls in the first group or second group, you will receive your determination letter stating that you are exempt from Federal income tax or a request for information via phone, fax, or letter. If your application falls within the third group, you will be contacted when your application has been assigned to an Exempt Organizations specialist for technical review. You can expect to be contacted within approximately 90 days from the date of this notice.

IRS does not issue "tax exempt numbers" or "tax exempt certificates" for state or local sales or income taxes. If you need exemption from these taxes, contact your state or local tax offices.

General information about the application process and tax-exemption can be found by visiting our website, [www.irs.gov/eo](http://www.irs.gov/eo). If you are unable to locate the information needed, you may call our toll free number shown above Monday through Friday. When communicating with us, please refer to the employer identification number and document locator number shown above.

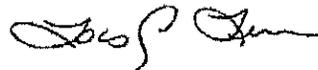
Sign up for Exempt Organizations' EO Update, a regular e-mail newsletter that highlights new information posted on the Charities pages of [irs.gov](http://irs.gov). To subscribe, go to [www.irs.gov/eo](http://www.irs.gov/eo) and click on "EO Newsletter."

9999999999  
Apr. 30, 2013 LTR 3367C S0  
38-2900364 000000 00  
0002259

BOYD R LARSON MIDDLE SCHOOL PARENT  
AND TEACHER ORGANIZATION  
C/O LARSON PTD  
2222 E LONG LAKE RD  
TROY MI 48085

For other general information, tax forms, and publications, visit  
[www.irs.gov](http://www.irs.gov)

Sincerely yours,



Lois G. Lerner  
Director, Exempt Organizations



**IRS** Department of the Treasury  
Internal Revenue Service

P.O. BOX 2508  
CINCINNATI OH 45201

022139.181416.0118.003 1 AB 0.384 536



BOYD R LARSON MIDDLE SCHOOL PARENT  
AND TEACHER ORGANIZATION  
C/O LARSON PTO  
2222 E LONG LAKE RD  
TROY MI 48085

12139

# Form 1023 Checklist

(Revised June 2006)

## Application for Recognition of Exemption under Section 501(c)(3) of the Internal Revenue Code

**Note.** Retain a copy of the completed Form 1023 in your permanent records. Refer to the General Instructions regarding Public Inspection of approved applications.

**Check each box to finish your application (Form 1023). Send this completed Checklist with your filled-in application. If you have not answered all the items below, your application may be returned to you as incomplete.**

- Assemble the application and materials in this order:
  - Form 1023 Checklist
  - Form 2848, *Power of Attorney and Declaration of Representative* (if filing) N/A
  - Form 8821, *Tax Information Authorization* (if filing)
    - Expedite request (if requesting) N/A
  - Application (Form 1023 and Schedules A through H, as required)
  - Articles of organization
  - Amendments to articles of organization in chronological order
  - Bylaws or other rules of operation and amendments
    - Documentation of nondiscriminatory policy for schools, as required by Schedule B N/A
  - Form 5768, *Election/Revocation of Election by an Eligible Section 501(c)(3) Organization To Make Expenditures To Influence Legislation* (if filing) N/A
  - All other attachments, including explanations, financial data, and printed materials or publications. Label each page with name and EIN.
- User fee payment placed in envelope on top of checklist. DO NOT STAPLE or otherwise attach your check or money order to your application. Instead, just place it in the envelope.
- Employer Identification Number (EIN)
- Completed Parts I through XI of the application, including any requested information and any required Schedules A through H.
  - You must provide specific details about your past, present, and planned activities.
  - Generalizations or failure to answer questions in the Form 1023 application will prevent us from recognizing you as tax exempt.
  - Describe your purposes and proposed activities in specific easily understood terms.
  - Financial information should correspond with proposed activities.
- Schedules. Submit only those schedules that apply to you and check either "Yes" or "No" below.

Schedule A	Yes ___ No <input checked="" type="checkbox"/>	Schedule E	Yes ___ No <input checked="" type="checkbox"/>
Schedule B	Yes ___ No <input checked="" type="checkbox"/>	Schedule F	Yes ___ No <input checked="" type="checkbox"/>
Schedule C	Yes ___ No <input checked="" type="checkbox"/>	Schedule G	Yes ___ No <input checked="" type="checkbox"/>
Schedule D	Yes ___ No <input checked="" type="checkbox"/>	Schedule H	Yes ___ No <input checked="" type="checkbox"/>

- An exact copy of your complete articles of organization (creating document). Absence of the proper purpose and dissolution clauses is the number one reason for delays in the issuance of determination letters.
  - Location of Purpose Clause from Part III, line 1 (Page, Article and Paragraph Number) Amendment to Articles of Incorporation
  - Location of Dissolution Clause from Part III, line 2b or 2c (Page, Article and Paragraph Number) or by operation of state law Amendment to Articles of Incorporation, #3 - Article 11 (Article 11)
- Signature of an officer, director, trustee, or other official who is authorized to sign the application.
  - Signature at Part XI of Form 1023.
- Your name on the application must be the same as your legal name as it appears in your articles of organization.

Send completed Form 1023, user fee payment, and all other required information, to:

Internal Revenue Service  
 P.O. Box 192  
 Covington, KY 41012-0192

If you are using express mail or a delivery service, send Form 1023, user fee payment, and attachments to:

Internal Revenue Service  
 201 West Rivercenter Blvd.  
 Attn: Extracting Stop 312  
 Covington, KY 41011

Form **8821**

### Tax Information Authorization

OMB No. 1545-1165

For IRS Use Only

(Rev. October 2012)

- ▶ Information about Form 8821 and its instructions is at [www.irs.gov/form8821](http://www.irs.gov/form8821).
- ▶ Do not sign this form unless all applicable lines have been completed.
- ▶ To request a copy or transcript of your tax return, use Form 4506, 4506-T, or 4506T-EZ.

Received by: \_\_\_\_\_  
 Name \_\_\_\_\_  
 Telephone \_\_\_\_\_  
 Function \_\_\_\_\_  
 Date \_\_\_\_\_

Department of the Treasury  
Internal Revenue Service

**1 Taxpayer information.** Taxpayer must sign and date this form on line 7.

Taxpayer name and address (type or print)		Taxpayer identification number(s)	
Boyd R. Larson Middle School Parent and Teacher Organization 2222 East Long Lake Road Troy, MI 48085		38-2900364	
		Daytime telephone number	Plan number (if applicable)
		248-823-4800	

**2 Appointee.** If you wish to name more than one appointee, attach a list to this form.

Name and address	CAF No. _____ none
	PTIN _____
	Telephone No. _____
	Fax No. _____
Check if new: Address <input type="checkbox"/> Telephone No. <input type="checkbox"/> Fax No. <input type="checkbox"/>	

See attached list for 2 appointees

**3 Tax matters.** The appointee is authorized to inspect and/or receive confidential tax information for the tax matters listed on this line. Do not use Form 8821 to request copies of tax returns.

(a) Type of Tax (Income, Employment, Payroll, Excise, Estate, Gift, Civil Penalty, etc.) (see instructions)	(b) Tax Form Number (1040, 941, 720, etc.)	(c) Year(s) or Period(s) (see the instructions for line 3)	(d) Specific Tax Matters (see instr.)
501(c)(3) exemption	1023	2013, 2014, 2015, 2016	not applicable

**4 Specific use not recorded on Centralized Authorization File (CAF).** If the tax information authorization is for a specific use not recorded on CAF, check this box. See the instructions. If you check this box, skip lines 5 and 6 . . . . .

- 5 Disclosure of tax information** (you must check a box on line 5a or 5b unless the box on line 4 is checked):
- a** If you want copies of tax information, notices, and other written communications sent to the appointee on an ongoing basis, check this box . . . . .
- Note.** Appointees will no longer receive forms, publications and other related materials with the notices.
- b** If you do not want any copies of notices or communications sent to your appointee, check this box . . . . .

**6 Retention/revocation of tax information authorizations.** This tax information authorization automatically revokes all prior authorizations for the same tax matters you listed on line 3 above unless you checked the box on line 4. If you do not want to revoke a prior tax information authorization, you **must** attach a copy of any authorizations you want to remain in effect **and** check this box . . . . .

To revoke this tax information authorization, see the instructions.

**7 Signature of taxpayer.** If signed by a corporate officer, partner, guardian, executor, receiver, administrator, trustee, or party other than the taxpayer, I certify that I have the authority to execute this form with respect to the tax matters and tax periods shown on line 3 above.

▶ IF NOT SIGNED AND DATED, THIS TAX INFORMATION AUTHORIZATION WILL BE RETURNED.

▶ DO NOT SIGN THIS FORM IF IT IS BLANK OR INCOMPLETE.

*Samantha J Maziasz* \_\_\_\_\_ Date 2/12/13

Signature \_\_\_\_\_

*Samantha J Maziasz* \_\_\_\_\_ Title (if applicable) President

Print Name \_\_\_\_\_

PIN number for electronic signature

Boyd R. Larson Middle School Parent and Teacher Organization  
38-2900364  
Form 8821 – Tax Information Authorization

2. **Appointees**

Kim Marie Bryson  
2101 Highbury Drive  
Troy, MI 48085  
248-828-7996

CAF - none  
PTIN - none

Christine Marie Clifford  
5117 Westmoreland  
Troy, MI 48085  
248-770-4838

CAF - none  
PTIN - none

**Application for Recognition of Exemption**  
**Under Section 501(c)(3) of the Internal Revenue Code**

Use the instructions to complete this application and for a definition of all **bold** items. For additional help, call IRS Exempt Organizations Customer Account Services toll-free at 1-877-829-5500. Visit our website at [www.irs.gov](http://www.irs.gov) for forms and publications. If the required information and documents are not submitted with payment of the appropriate user fee, the application may be returned to you.

Attach additional sheets to this application if you need more space to answer fully. Put your name and EIN on each sheet and identify each answer by Part and line number. Complete Parts I - XI of Form 1023 and submit only those Schedules (A through H) that apply to you.

**Part I Identification of Applicant**

1 Full name of organization (exactly as it appears in your organizing document) <i>Boyd R. Larson Middle School Parent and Teacher Organization</i>		2 c/o Name (if applicable) <i>Larson PTO</i>	
3 Mailing address (Number and street) (see instructions) <i>2222 E. Longlake Road</i> City or town, state or country, and ZIP + 4 <i>Troy MI 48085</i>		Room/Suite	4 Employer Identification Number (EIN) <i>38-2900364</i>
6 Primary contact (officer, director, trustee, or authorized representative) a Name: <i>Christine Clifford, Treasurer</i>		5 Month the annual accounting period ends (01 - 12) <i>6</i>	
7 Are you represented by an authorized representative, such as an attorney or accountant? If "Yes," provide the authorized representative's name, and the name and address of the authorized representative's firm. Include a completed Form 2848, <i>Power of Attorney and Declaration of Representative</i> , with your application if you would like us to communicate with your representative.		b Phone: <i>248-823-4800</i> c Fax: (optional) <i>248-823-4813</i>	
8 Was a person who is not one of your officers, directors, trustees, employees, or an authorized representative listed in line 7, paid, or promised payment, to help plan, manage, or advise you about the structure or activities of your organization, or about your financial or tax matters? If "Yes," provide the person's name, the name and address of the person's firm, the amounts paid or promised to be paid, and describe that person's role.		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
9a Organization's website: <i>www.larsonpto.com</i>			
b Organization's email: (optional)			
10 Certain organizations are not required to file an information return (Form 990 or Form 990-EZ). If you are granted tax-exemption, are you claiming to be excused from filing Form 990 or Form 990-EZ? If "Yes," explain. See the instructions for a description of organizations not required to file Form 990 or Form 990-EZ. <i>Gross revenues &lt; \$50,000 annually</i>		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
11 Date incorporated if a corporation, or formed, if other than a corporation. (MM/DD/YYYY) <i>06/25/2012</i>			
12 Were you formed under the laws of a foreign country? If "Yes," state the country.		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

**Part II Organizational Structure**

You must be a corporation (including a limited liability company), an unincorporated association, or a trust to be tax exempt. (See instructions.) **DO NOT file this form unless you can check "Yes" on lines 1, 2, 3, or 4.**

- 1 Are you a **corporation**? If "Yes," attach a copy of your articles of incorporation showing **certification of filing** with the appropriate state agency. Include copies of any amendments to your articles and be sure they also show state filing certification.  **Yes**  **No**  
*See attached*
- 2 Are you a **limited liability company (LLC)**? If "Yes," attach a copy of your articles of organization showing certification of filing with the appropriate state agency. Also, if you adopted an operating agreement, attach a copy. Include copies of any amendments to your articles and be sure they show state filing certification. Refer to the instructions for circumstances when an LLC should not file its own exemption application.  **Yes**  **No**
- 3 Are you an **unincorporated association**? If "Yes," attach a copy of your articles of association, constitution, or other similar organizing document that is dated and includes at least two signatures. Include signed and dated copies of any amendments.  **Yes**  **No**
- 4a Are you a **trust**? If "Yes," attach a signed and dated copy of your trust agreement. Include signed and dated copies of any amendments.  **Yes**  **No**
- b Have you been funded? If "No," explain how you are formed without anything of value placed in trust.  **Yes**  **No**
- 5 Have you adopted **bylaws**? If "Yes," attach a current copy showing date of adoption. If "No," explain how your officers, directors, or trustees are selected.  **Yes**  **No**  
*See attached*

**Part III Required Provisions in Your Organizing Document**

The following questions are designed to ensure that when you file this application, your organizing document contains the required provisions to meet the organizational test under section 501(c)(3). Unless you can check the boxes in both lines 1 and 2, your organizing document does not meet the organizational test. **DO NOT file this application until you have amended your organizing document.** Submit your original and amended organizing documents (showing state filing certification if you are a corporation or an LLC) with your application.

- 1 Section 501(c)(3) requires that your organizing document state your exempt purpose(s), such as charitable, religious, educational, and/or scientific purposes. Check the box to confirm that your organizing document meets this requirement. Describe specifically where your organizing document meets this requirement, such as a reference to a particular article or section in your organizing document. Refer to the instructions for exempt purpose language. Location of Purpose Clause (Page, Article, and Paragraph): Amendment to Articles of Incorporation #3 Article 11
- 2a Section 501(c)(3) requires that upon dissolution of your organization, your remaining assets must be used exclusively for exempt purposes, such as charitable, religious, educational, and/or scientific purposes. Check the box on line 2a to confirm that your organizing document meets this requirement by express provision for the distribution of assets upon dissolution. If you rely on state law for your dissolution provision, do not check the box on line 2a and go to line 2c.
- 2b If you checked the box on line 2a, specify the location of your dissolution clause (Page, Article, and Paragraph) Do not complete line 2c if you checked box 2a. Amendment to Articles of Incorporation #3 Article 11
- 2c See the instructions for information about the operation of state law in your particular state. Check this box if you rely on operation of state law for your dissolution provision and indicate the state:

**Part IV Narrative Description of Your Activities**

Using an attachment, describe your *past, present, and planned* activities in a narrative. If you believe that you have already provided some of this information in response to other parts of this application, you may summarize that information here and refer to the specific parts of the application for supporting details. You may also attach representative copies of newsletters, brochures, or similar documents for supporting details to this narrative. Remember that if this application is approved, it will be open for public inspection. Therefore, your narrative description of activities should be thorough and accurate. Refer to the instructions for information that must be included in your description.

**Part V Compensation and Other Financial Arrangements With Your Officers, Directors, Trustees, Employees, and Independent Contractors**

- 1a List the names, titles, and mailing addresses of all of your officers, directors, and trustees. For each person listed, state their total annual **compensation**, or proposed compensation, for all services to the organization, whether as an officer, employee, or other position. Use actual figures, if available. Enter "none" if no compensation is or will be paid. If additional space is needed, attach a separate sheet. Refer to the instructions for information on what to include as compensation.

Name	Title	Mailing address	Compensation amount (annual actual or estimated)
Samantha Maziasz	President	5306 Greendale Dr. Tray MI 48085	none
M'Liz Malven	Vice President	5173 Julian Tray MI 48085	none
Tracy Sutherland	Secretary	4443 Eleanor Dr. Tray MI 48085	none
Christine Clifford	Treasurer	5117 Westmoreland Tray MI 48085	none
<i>See attached for additional officers</i>			

**Part V Compensation and Other Financial Arrangements With Your Officers, Directors, Trustees, Employees, and Independent Contractors (Continued)**

**b** List the names, titles, and mailing addresses of each of your five highest compensated employees who receive or will receive compensation of more than \$50,000 per year. Use the actual figure, if available. Refer to the instructions for information on what to include as compensation. Do not include officers, directors, or trustees listed in line 1a.

Name	Title	Mailing address	Compensation amount (annual actual or estimated)
N/A - None			

**c** List the names, names of businesses, and mailing addresses of your five highest compensated independent contractors that receive or will receive compensation of more than \$50,000 per year. Use the actual figure, if available. Refer to the instructions for information on what to include as compensation.

Name	Title	Mailing address	Compensation amount (annual actual or estimated)
N/A - None			

The following "Yes" or "No" questions relate to *past, present, or planned* relationships, transactions, or agreements with your officers, directors, trustees, highest compensated employees, and highest compensated independent contractors listed in lines 1a, 1b, and 1c.

- 2a Are any of your officers, directors, or trustees **related** to each other through **family** or **business relationships**? If "Yes," identify the individuals and explain the relationship.  Yes  No
  - b Do you have a business relationship with any of your officers, directors, or trustees other than through their position as an officer, director, or trustee? If "Yes," identify the individuals and describe the business relationship with each of your officers, directors, or trustees.  Yes  No
  - c Are any of your officers, directors, or trustees related to your highest compensated employees or highest compensated independent contractors listed on lines 1b or 1c through family or business relationships? If "Yes," identify the individuals and explain the relationship.  Yes  No
- 
- 3a For each of your officers, directors, trustees, highest compensated employees, and highest compensated independent contractors listed on lines 1a, 1b, or 1c, attach a list showing their name, qualifications, average hours worked, and duties. *See attached*
- b Do any of your officers, directors, trustees, highest compensated employees, and highest compensated independent contractors listed on lines 1a, 1b, or 1c receive compensation from any other organizations, whether tax exempt or taxable, that are related to you through **common control**? If "Yes," identify the individuals, explain the relationship between you and the other organization, and describe the compensation arrangement.  Yes  No
- 
- 4 In establishing the compensation for your officers, directors, trustees, highest compensated employees, and highest compensated independent contractors listed on lines 1a, 1b, and 1c, the following practices are recommended, although they are not required to obtain exemption. Answer "Yes" to all the practices you use.
- a Do you or will the individuals that approve compensation arrangements follow a conflict of interest policy?  Yes  No
  - b Do you or will you approve compensation arrangements in advance of paying compensation?  Yes  No
  - c Do you or will you document in writing the date and terms of approved compensation arrangements?  Yes  No

Part V Compensation and Other Financial Arrangements With Your Officers, Directors, Trustees, Employees, and Independent Contractors (Continued)

- d Do you or will you record in writing the decision made by each individual who decided or voted on compensation arrangements?
e Do you or will you approve compensation arrangements based on information about compensation paid by similarly situated taxable or tax-exempt organizations for similar services, current compensation surveys compiled by independent firms, or actual written offers from similarly situated organizations?
f Do you or will you record in writing both the information on which you relied to base your decision and its source?
g If you answered "No" to any item on lines 4a through 4f, describe how you set compensation that is reasonable for your officers, directors, trustees, highest compensated employees, and highest compensated independent contractors listed in Part V, lines 1a, 1b, and 1c.

- 5a Have you adopted a conflict of interest policy consistent with the sample conflict of interest policy in Appendix A to the instructions?
b What procedures will you follow to assure that persons who have a conflict of interest will not have influence over you for setting their own compensation?
c What procedures will you follow to assure that persons who have a conflict of interest will not have influence over you regarding business deals with themselves?
Note: A conflict of interest policy is recommended though it is not required to obtain exemption. Hospitals, see Schedule C, Section I, line 14.

See attached Conflict of Interest Statement adopted by a vote of the general membership February 12, 2013

- 6a Do you or will you compensate any of your officers, directors, trustees, highest compensated employees, and highest compensated independent contractors listed in lines 1a, 1b, or 1c through non-fixed payments, such as discretionary bonuses or revenue-based payments?
b Do you or will you compensate any of your employees, other than your officers, directors, trustees, or your five highest compensated employees who receive or will receive compensation of more than \$50,000 per year, through non-fixed payments, such as discretionary bonuses or revenue-based payments?

- 7a Do you or will you purchase any goods, services, or assets from any of your officers, directors, trustees, highest compensated employees, or highest compensated independent contractors listed in lines 1a, 1b, or 1c?
b Do you or will you sell any goods, services, or assets to any of your officers, directors, trustees, highest compensated employees, or highest compensated independent contractors listed in lines 1a, 1b, or 1c?

- 8a Do you or will you have any leases, contracts, loans, or other agreements with your officers, directors, trustees, highest compensated employees, or highest compensated independent contractors listed in lines 1a, 1b, or 1c?
b Describe any written or oral arrangements that you made or intend to make.
c Identify with whom you have or will have such arrangements.
d Explain how the terms are or will be negotiated at arm's length.
e Explain how you determine you pay no more than fair market value or you are paid at least fair market value.
f Attach copies of any signed leases, contracts, loans, or other agreements relating to such arrangements.

- 9a Do you or will you have any leases, contracts, loans, or other agreements with any organization in which any of your officers, directors, or trustees are also officers, directors, or trustees, or in which any individual officer, director, or trustee owns more than a 35% interest?

Part V Compensation and Other Financial Arrangements With Your Officers, Directors, Trustees, Employees, and Independent Contractors (Continued)

- b Describe any written or oral arrangements you made or intend to make.
c Identify with whom you have or will have such arrangements.
d Explain how the terms are or will be negotiated at arm's length.
e Explain how you determine or will determine you pay no more than fair market value or that you are paid at least fair market value.
f Attach a copy of any signed leases, contracts, loans, or other agreements relating to such arrangements.

Part VI Your Members and Other Individuals and Organizations That Receive Benefits From You

The following "Yes" or "No" questions relate to goods, services, and funds you provide to individuals and organizations as part of your activities. Your answers should pertain to past, present, and planned activities. (See instructions.)

- 1a In carrying out your exempt purposes, do you provide goods, services, or funds to individuals? If "Yes," describe each program that provides goods, services, or funds to individuals. See attached
b In carrying out your exempt purposes, do you provide goods, services, or funds to organizations? If "Yes," describe each program that provides goods, services, or funds to organizations.
2 Do any of your programs limit the provision of goods, services, or funds to a specific individual or group of specific individuals? For example, answer "Yes," if goods, services, or funds are provided only for a particular individual, your members, individuals who work for a particular employer, or graduates of a particular school. If "Yes," explain the limitation and how recipients are selected for each program.
3 Do any individuals who receive goods, services, or funds through your programs have a family or business relationship with any officer, director, trustee, or with any of your highest compensated employees or highest compensated independent contractors listed in Part V, lines 1a, 1b, and 1c? If "Yes," explain how these related individuals are eligible for goods, services, or funds.

Part VII Your History

The following "Yes" or "No" questions relate to your history. (See instructions.)

- 1 Are you a successor to another organization? Answer "Yes," if you have taken or will take over the activities of another organization; you took over 25% or more of the fair market value of the net assets of another organization; or you were established upon the conversion of an organization from for-profit to non-profit status. If "Yes," complete Schedule G.
2 Are you submitting this application more than 27 months after the end of the month in which you were legally formed? If "Yes," complete Schedule E.

Part VIII Your Specific Activities

The following "Yes" or "No" questions relate to specific activities that you may conduct. Check the appropriate box. Your answers should pertain to past, present, and planned activities. (See instructions.)

- 1 Do you support or oppose candidates in political campaigns in any way? If "Yes," explain.
2a Do you attempt to influence legislation? If "Yes," explain how you attempt to influence legislation and complete line 2b. If "No," go to line 3a.
b Have you made or are you making an election to have your legislative activities measured by expenditures by filing Form 5768? If "Yes," attach a copy of the Form 5768 that was already filed or attach a completed Form 5768 that you are filing with this application. If "No," describe whether your attempts to influence legislation are a substantial part of your activities. Include the time and money spent on your attempts to influence legislation as compared to your total activities.
3a Do you or will you operate bingo or gaming activities? If "Yes," describe who conducts them, and list all revenue received or expected to be received and expenses paid or expected to be paid in operating these activities. Revenue and expenses should be provided for the time periods specified in Part IX, Financial Data.
b Do you or will you enter into contracts or other agreements with individuals or organizations to conduct bingo or gaming for you? If "Yes," describe any written or oral arrangements that you made or intend to make, identify with whom you have or will have such arrangements, explain how the terms are or will be negotiated at arm's length, and explain how you determine or will determine you pay no more than fair market value or you will be paid at least fair market value. Attach copies or any written contracts or other agreements relating to such arrangements.
c List the states and local jurisdictions, including Indian Reservations, in which you conduct or will conduct gaming or bingo.

Part VIII Your Specific Activities (Continued)

- 4a Do you or will you undertake fundraising? If "Yes," check all the fundraising programs you do or will conduct. (See instructions.)  Yes  No
- mail solicitations
  - email solicitations
  - personal solicitations
  - vehicle, boat, plane, or similar donations
  - foundation grant solicitations
  - phone solicitations
  - accept donations on your website
  - receive donations from another organization's website
  - government grant solicitations
  - Other

Attach a description of each fundraising program.

- b Do you or will you have written or oral contracts with any individuals or organizations to raise funds for you? If "Yes," describe these activities. Include all revenue and expenses from these activities and state who conducts them. Revenue and expenses should be provided for the time periods specified in Part IX, Financial Data. Also, attach a copy of any contracts or agreements.  Yes  No
- c Do you or will you engage in fundraising activities for other organizations? If "Yes," describe these arrangements. Include a description of the organizations for which you raise funds and attach copies of all contracts or agreements.  Yes  No
- d List all states and local jurisdictions in which you conduct fundraising. For each state or local jurisdiction listed, specify whether you fundraise for your own organization, you fundraise for another organization, or another organization fundraises for you.  Yes  No
- e Do you or will you maintain separate accounts for any contributor under which the contributor has the right to advise on the use or distribution of funds? Answer "Yes" if the donor may provide advice on the types of investments, distributions from the types of investments, or the distribution from the donor's contribution account. If "Yes," describe this program, including the type of advice that may be provided and submit copies of any written materials provided to donors.  Yes  No

Michigan - we fund raise ourselves only

5 Are you affiliated with a governmental unit? If "Yes," explain.  Yes  No

6a Do you or will you engage in economic development? If "Yes," describe your program.  Yes  No

b Describe in full who benefits from your economic development activities and how the activities promote exempt purposes.

7a Do or will persons other than your employees or volunteers develop your facilities? If "Yes," describe each facility, the role of the developer, and any business or family relationship(s) between the developer and your officers, directors, or trustees.  Yes  No

b Do or will persons other than your employees or volunteers manage your activities or facilities? If "Yes," describe each activity and facility, the role of the manager, and any business or family relationship(s) between the manager and your officers, directors, or trustees.  Yes  No

c If there is a business or family relationship between any manager or developer and your officers, directors, or trustees, identify the individuals, explain the relationship, describe how contracts are negotiated at arm's length so that you pay no more than fair market value, and submit a copy of any contracts or other agreements. N/A

8 Do you or will you enter into joint ventures, including partnerships or limited liability companies treated as partnerships, in which you share profits and losses with partners other than section 501(c)(3) organizations? If "Yes," describe the activities of these joint ventures in which you participate.  Yes  No

9a Are you applying for exemption as a childcare organization under section 501(k)? If "Yes," answer lines 9b through 9d. If "No," go to line 10.  Yes  No

b Do you provide child care so that parents or caretakers of children you care for can be gainfully employed (see instructions)? If "No," explain how you qualify as a childcare organization described in section 501(k).  Yes  No

c Of the children for whom you provide child care, are 85% or more of them cared for by you to enable their parents or caretakers to be gainfully employed (see instructions)? If "No," explain how you qualify as a childcare organization described in section 501(k).  Yes  No

d Are your services available to the general public? If "No," describe the specific group of people for whom your activities are available. Also, see the instructions and explain how you qualify as a childcare organization described in section 501(k).  Yes  No

10 Do you or will you publish, own, or have rights in music, literature, tapes, artworks, choreography, scientific discoveries, or other intellectual property? If "Yes," explain. Describe who owns or will own any copyrights, patents, or trademarks, whether fees are or will be charged, how the fees are determined, and how any items are or will be produced, distributed, and marketed.  Yes  No

Part VIII Your Specific Activities (Continued)

11 Do you or will you accept contributions of: real property; conservation easements; closely held securities; intellectual property such as patents, trademarks, and copyrights; works of music or art; licenses; royalties; automobiles, boats, planes, or other vehicles; or collectibles of any type? If "Yes," describe each type of contribution, any conditions imposed by the donor on the contribution, and any agreements with the donor regarding the contribution. [ ] Yes [X] No

12a Do you or will you operate in a foreign country or countries? If "Yes," answer lines 12b through 12d. If "No," go to line 13a. [ ] Yes [X] No
b Name the foreign countries and regions within the countries in which you operate.
c Describe your operations in each country and region in which you operate.
d Describe how your operations in each country and region further your exempt purposes.

13a Do you or will you make grants, loans, or other distributions to organization(s)? If "Yes," answer lines 13b through 13g. If "No," go to line 14a. [ ] Yes [X] No
b Describe how your grants, loans, or other distributions to organizations further your exempt purposes.
c Do you have written contracts with each of these organizations? If "Yes," attach a copy of each contract. [ ] Yes [ ] No
d Identify each recipient organization and any relationship between you and the recipient organization.
e Describe the records you keep with respect to the grants, loans, or other distributions you make.
f Describe your selection process, including whether you do any of the following:
(i) Do you require an application form? If "Yes," attach a copy of the form. [ ] Yes [ ] No
(ii) Do you require a grant proposal? If "Yes," describe whether the grant proposal specifies your responsibilities and those of the grantee, obligates the grantee to use the grant funds only for the purposes for which the grant was made, provides for periodic written reports concerning the use of grant funds, requires a final written report and an accounting of how grant funds were used, and acknowledges your authority to withhold and/or recover grant funds in case such funds are, or appear to be, misused. [ ] Yes [ ] No
g Describe your procedures for oversight of distributions that assure you the resources are used to further your exempt purposes, including whether you require periodic and final reports on the use of resources.

14a Do you or will you make grants, loans, or other distributions to foreign organizations? If "Yes," answer lines 14b through 14f. If "No," go to line 15. [ ] Yes [X] No
b Provide the name of each foreign organization, the country and regions within a country in which each foreign organization operates, and describe any relationship you have with each foreign organization.
c Does any foreign organization listed in line 14b accept contributions earmarked for a specific country or specific organization? If "Yes," list all earmarked organizations or countries. [ ] Yes [ ] No
d Do your contributors know that you have ultimate authority to use contributions made to you at your discretion for purposes consistent with your exempt purposes? If "Yes," describe how you relay this information to contributors. [ ] Yes [ ] No
e Do you or will you make pre-grant inquiries about the recipient organization? If "Yes," describe these inquiries, including whether you inquire about the recipient's financial status, its tax-exempt status under the Internal Revenue Code, its ability to accomplish the purpose for which the resources are provided, and other relevant information. [ ] Yes [ ] No
f Do you or will you use any additional procedures to ensure that your distributions to foreign organizations are used in furtherance of your exempt purposes? If "Yes," describe these procedures, including site visits by your employees or compliance checks by impartial experts, to verify that grant funds are being used appropriately. [ ] Yes [ ] No

Boyd R. Larson Middle School

**Part VIII Your Specific Activities (Continued)**

- 15 Do you have a **close connection** with any organizations? If "Yes," explain.  Yes  No
- 16 Are you applying for exemption as a **cooperative hospital service organization** under section 501(e)? If "Yes," explain.  Yes  No
- 17 Are you applying for exemption as a **cooperative service organization of operating educational organizations** under section 501(f)? If "Yes," explain.  Yes  No
- 18 Are you applying for exemption as a **charitable risk pool** under section 501(n)? If "Yes," explain.  Yes  No
- 19 Do you or will you operate a **school**? If "Yes," complete Schedule B. Answer "Yes," whether you operate a school as your main function or as a secondary activity.  Yes  No
- 20 Is your main function to provide **hospital or medical care**? If "Yes," complete Schedule C.  Yes  No
- 21 Do you or will you provide **low-income housing** or housing for the **elderly or handicapped**? If "Yes," complete Schedule F.  Yes  No
- 22 Do you or will you provide scholarships, fellowships, educational loans, or other educational grants to individuals, including grants for travel, study, or other similar purposes? If "Yes," complete Schedule H.  Yes  No

**Note:** Private foundations may use Schedule H to request advance approval of individual grant procedures.

Boyd R. Larson Middle School

**Part IX Financial Data**

For purposes of this schedule, years in existence refer to completed tax years. If in existence 4 or more years, complete the schedule for the most recent 4 tax years. If in existence more than 1 year but less than 4 years, complete the statements for each year in existence and provide projections of your likely revenues and expenses based on a reasonable and good faith estimate of your future finances for a total of 3 years of financial information. If in existence less than 1 year, provide projections of your likely revenues and expenses for the current year and the 2 following years, based on a reasonable and good faith estimate of your future finances for a total of 3 years of financial information. (See instructions.)

**A. Statement of Revenues and Expenses**

	Type of revenue or expense	Current tax year	3 prior tax years or 2 succeeding tax years			(e) Provide Total for (a) through (d)
		(a) From ..... To .....	(b) From ..... To .....	(c) From ..... To .....	(d) From ..... To .....	
Revenues	1 Gifts, grants, and contributions received (do not include unusual grants)	See attached schedule.				
	2 Membership fees received					
	3 Gross investment income					
	4 Net unrelated business income					
	5 Taxes levied for your benefit					
	6 Value of services or facilities furnished by a governmental unit without charge (not including the value of services generally furnished to the public without charge)					
	7 Any revenue not otherwise listed above or in lines 9-12 below (attach an itemized list)					
	8 Total of lines 1 through 7					
9 Gross receipts from admissions, merchandise sold or services performed, or furnishing of facilities in any activity that is related to your exempt purposes (attach itemized list)						
10 Total of lines 8 and 9						
11 Net gain or loss on sale of capital assets (attach schedule and see instructions)						
12 Unusual grants						
13 Total Revenue Add lines 10 through 12						
Expenses	14 Fundraising expenses					
	15 Contributions, gifts, grants, and similar amounts paid out (attach an itemized list)					
	16 Disbursements to or for the benefit of members (attach an itemized list)					
	17 Compensation of officers, directors, and trustees					
	18 Other salaries and wages					
	19 Interest expense					
	20 Occupancy (rent, utilities, etc.)					
	21 Depreciation and depletion					
	22 Professional fees					
	23 Any expense not otherwise classified, such as program services (attach itemized list)					
	24 Total Expenses Add lines 14 through 23					

Part IX Financial Data (Continued)

B. Balance Sheet (for your most recently completed tax year)

		Year End:
		(Whole dollars)
<b>Assets</b>		
1	Cash . . . . .	13,147
2	Accounts receivable, net . . . . .	
3	Inventories . . . . .	
4	Bonds and notes receivable (attach an itemized list) . . . . .	
5	Corporate stocks (attach an itemized list) . . . . .	
6	Loans receivable (attach an itemized list) . . . . .	
7	Other investments (attach an itemized list) . . . . .	
8	Depreciable and depletable assets (attach an itemized list) . . . . .	
9	Land . . . . .	
10	Other assets (attach an itemized list) . . . . .	
11	Total Assets (add lines 1 through 10) . . . . .	13,147
<b>Liabilities</b>		
12	Accounts payable . . . . .	
13	Contributions, gifts, grants, etc. payable . . . . .	
14	Mortgages and notes payable (attach an itemized list) . . . . .	
15	Other liabilities (attach an itemized list) . . . . .	
16	Total Liabilities (add lines 12 through 15) . . . . .	-
<b>Fund Balances or Net Assets</b>		
17	Total fund balances or net assets . . . . .	13,147
18	Total Liabilities and Fund Balances or Net Assets (add lines 16 and 17) . . . . .	13,147
19	Have there been any substantial changes in your assets or liabilities since the end of the period shown above? If "Yes," explain.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Part X Public Charity Status

Part X is designed to classify you as an organization that is either a private foundation or a public charity. Public charity status is a more favorable tax status than private foundation status. If you are a private foundation, Part X is designed to further determine whether you are a private operating foundation. (See instructions.)

- 1a Are you a private foundation? If "Yes," go to line 1b. If "No," go to line 5 and proceed as instructed.  Yes  No  
If you are unsure, see the instructions.
- b As a private foundation, section 508(e) requires special provisions in your organizing document in addition to those that apply to all organizations described in section 501(c)(3). Check the box to confirm that your organizing document meets this requirement, whether by express provision or by reliance on operation of state law. Attach a statement that describes specifically where your organizing document meets this requirement, such as a reference to a particular article or section in your organizing document or by operation of state law. See the instructions, including Appendix B, for information about the special provisions that need to be contained in your organizing document. Go to line 2.
- 2 Are you a private operating foundation? To be a private operating foundation you must engage directly in the active conduct of charitable, religious, educational, and similar activities, as opposed to indirectly carrying out these activities by providing grants to individuals or other organizations. If "Yes," go to line 3. If "No," go to the signature section of Part XI.  Yes  No
- 3 Have you existed for one or more years? If "Yes," attach financial information showing that you are a private operating foundation; go to the signature section of Part XI. If "No," continue to line 4.  Yes  No
- 4 Have you attached either (1) an affidavit or opinion of counsel, (including a written affidavit or opinion from a certified public accountant or accounting firm with expertise regarding this tax law matter), that sets forth facts concerning your operations and support to demonstrate that you are likely to satisfy the requirements to be classified as a private operating foundation; or (2) a statement describing your proposed operations as a private operating foundation?  Yes  No
- 5 If you answered "No" to line 1a, indicate the type of public charity status you are requesting by checking one of the choices below. You may check only one box.  
The organization is not a private foundation because it is:
  - a 509(a)(1) and 170(b)(1)(A)(i)—a church or a convention or association of churches. Complete and attach Schedule A.
  - b 509(a)(1) and 170(b)(1)(A)(ii)—a school. Complete and attach Schedule B.
  - c 509(a)(1) and 170(b)(1)(A)(iii)—a hospital, a cooperative hospital service organization, or a medical research organization operated in conjunction with a hospital. Complete and attach Schedule C.
  - d 509(a)(3)—an organization supporting either one or more organizations described in line 5a through c, f, g, or h or a publicly supported section 501(c)(4), (5), or (6) organization. Complete and attach Schedule D.

Boyd R. Larson Middle School  
Parent and Teacher Org.

32-2902624

**Part X Public Charity Status (Continued)**

- e 509(a)(4)—an organization organized and operated exclusively for testing for public safety.
- f 509(a)(1) and 170(b)(1)(A)(iv)—an organization operated for the benefit of a college or university that is owned or operated by a governmental unit.
- g 509(a)(1) and 170(b)(1)(A)(vi)—an organization that receives a substantial part of its financial support in the form of contributions from publicly supported organizations, from a governmental unit, or from the general public.
- h 509(a)(2)—an organization that normally receives not more than one-third of its financial support from gross **investment income** and receives more than one-third of its financial support from contributions, membership fees, and gross receipts from activities related to its exempt functions (subject to certain exceptions).
- i A publicly supported organization, but unsure if it is described in 5g or 5h. The organization would like the IRS to decide the correct status.

6 If you checked box g, h, or i in question 5 above, you must request either an **advance** or a **definitive ruling** by selecting one of the boxes below. Refer to the instructions to determine which type of ruling you are eligible to receive.

- a **Request for Advance Ruling:** By checking this box and signing the consent, pursuant to section 6501(c)(4) of the Code you request an advance ruling and agree to extend the statute of limitations on the assessment of excise tax under section 4940 of the Code. The tax will apply only if you do not establish public support status at the end of the 5-year advance ruling period. The assessment period will be extended for the 5 advance ruling years to 8 years, 4 months, and 15 days beyond the end of the first year. You have the right to refuse or limit the extension to a mutually agreed-upon period of time or issue(s). Publication 1035, *Extending the Tax Assessment Period*, provides a more detailed explanation of your rights and the consequences of the choices you make. You may obtain Publication 1035 free of charge from the IRS web site at [www.irs.gov](http://www.irs.gov) or by calling toll-free 1-800-829-3676. Signing this consent will not deprive you of any appeal rights to which you would otherwise be entitled. If you decide not to extend the statute of limitations, you are not eligible for an advance ruling.

**Consent Fixing Period of Limitations Upon Assessment of Tax Under Section 4940 of the Internal Revenue Code**

For Organization

.....  
(Signature of Officer, Director, Trustee, or other authorized official)

.....  
(Type or print name of signer)

.....  
(Date)

.....  
(Type or print title or authority of signer)

For IRS Use Only

.....  
IRS Director, Exempt Organizations

.....  
(Date)

- b **Request for Definitive Ruling:** Check this box if you have completed one tax year of at least 8 full months and you are requesting a definitive ruling. To confirm your public support status, answer line 6b(i) if you checked box g in line 5 above. Answer line 6b(ii) if you checked box h in line 5 above. If you checked box i in line 5 above, answer both lines 6b(i) and (ii).

- (i) (a) Enter 2% of line 8, column (e) on Part IX-A. Statement of Revenues and Expenses. \_\_\_\_\_
- (b) Attach a list showing the name and amount contributed by each person, company, or organization whose gifts totaled more than the 2% amount. If the answer is "None," check this box.
- (ii) (a) For each year amounts are included on lines 1, 2, and 9 of Part IX-A. Statement of Revenues and Expenses, attach a list showing the name of and amount received from each **disqualified person**. If the answer is "None," check this box.
- (b) For each year amounts are included on line 9 of Part IX-A. Statement of Revenues and Expenses, attach a list showing the name of and amount received from each payer, other than a disqualified person, whose payments were more than the larger of (1) 1% of line 10, Part IX-A. Statement of Revenues and Expenses, or (2) \$5,000. If the answer is "None," check this box.

- 7 Did you receive any unusual grants during any of the years shown on Part IX-A. Statement of Revenues and Expenses? If "Yes," attach a list including the name of the contributor, the date and amount of the grant, a brief description of the grant, and explain why it is unusual.  Yes  No

Boyd R. Larson Middle School

Part XI User Fee Information

You must include a user fee payment with this application. It will not be processed without your paid user fee. If your average annual gross receipts have exceeded or will exceed \$10,000 annually over a 4-year period, you must submit payment of \$750. If your gross receipts have not exceeded or will not exceed \$10,000 annually over a 4-year period, the required user fee payment is \$300. See instructions for Part XI, for a definition of gross receipts over a 4-year period. Your check or money order must be made payable to the United States Treasury. User fees are subject to change. Check our website at www.irs.gov and type "User Fee" in the keyword box, or call Customer Account Services at 1-877-829-5500 for current information.

- 1 Have your annual gross receipts averaged or are they expected to average not more than \$10,000?  Yes  No  
If "Yes," check the box on line 2 and enclose a user fee payment of \$300 (Subject to change—see above).  
If "No," check the box on line 3 and enclose a user fee payment of \$750 (Subject to change—see above).
- 2 Check the box if you have enclosed the reduced user fee payment of \$300 (Subject to change).
- 3 Check the box if you have enclosed the user fee payment of \$750 (Subject to change).

I declare under the penalties of perjury that I am authorized to sign this application on behalf of the above organization and that I have examined this application, including the accompanying schedules and attachments, and to the best of my knowledge it is true, correct, and complete.

Please Sign Here

*Samantha Maziasz*  
(Signature of Officer, Director, Trustee, or other authorized official)

Samantha J. Maziasz 2/12/13  
(Type or print name of signer) (Date)

President  
(Type or print title or authority of signer)

Reminder: Send the completed Form 1023 Checklist with your filled-in-application.

*Michigan Department of Licensing and Regulatory Affairs*

*Filing Endorsement*

*This is to Certify that the ARTICLES OF INCORPORATION - NONPROFIT*

*for*

*BOYD R. LARSON MIDDLE SCHOOL PARENT AND TEACHER ORGANIZATION*

*ID NUMBER: 71229T*

*received by facsimile transmission on June 22, 2012 is hereby endorsed*

*Filed on June 25, 2012 by the Administrator.*

*The document is effective on the date filed, unless a subsequent effective date within 90 days after received date is stated in the document.*



*In testimony whereof, I have hereunto set my hand and affixed the Seal of the Department, in the City of Lansing, this 25TH day of June, 2012.*

A handwritten signature in black ink, appearing to read "Schiffman".

*Director*

*Bureau of Commercial Services*

BCS/CD-602 (Rev. 12/03)

MICHIGAN DEPARTMENT OF LABOR & ECONOMIC GROWTH  
BUREAU OF COMMERCIAL SERVICES

Date Received	(FOR BUREAU USE ONLY)
This document is effective on the date filed, unless a subsequent effective date within 90 days after received date is stated in the document.	

Name	Larson PTO (Tracy Sutherland)		
Address	4443 Eleanor Dr.		
City	State	Zip Code	
Troy	MI	48085	

EFFECTIVE DATE:

Document will be returned to the name and address you enter above.  
If left blank document will be mailed to the registered office.

11/9/97

**ARTICLES OF INCORPORATION**  
For use by Domestic Nonprofit Corporations  
(Please read information and instructions on the last page)

Pursuant to the provisions of Act 162, Public Acts of 1982, the undersigned corporation executes the following Articles:

ARTICLE I

The name of the corporation is: (AKA - Larson PTO)  
Boyd R. Larson Middle School Parent and Teacher Organization

ARTICLE II

The purpose or purposes for which the corporation is organized are: To establish, develop and nurture among educators and the general public united efforts as will secure for every child the highest advantage in mental, physical and social education.

ARTICLE III

1. The corporation is organized upon a nonstock basis.  
(Stock or Nonstock)

2. If organized on a stock basis, the total number of shares which the corporation has authority to issue is N/A. If the shares are, or are to be, divided into classes, the designation of each class, the number of shares in each class, and the relative rights, preferences and limitations of the shares of each class are as follows:

ARTICLE III (cont.)

3. a. If organized on a nonstock basis, the description and value of its real property assets are: (if none, insert "none")

none

b. The description and value of its personal property assets are: (if none, insert "none")

Cash \$14,129.20

c. The corporation is to be financed under the following general plan:

donations from the general public

d. The corporation is organized on a membership basis.  
(Membership or Directorship)

ARTICLE IV

1. The address of the registered office is:

2222 E. Long Lake Troy, Michigan 48085  
(Street Address) (City) (ZIP Code)

2. The mailing address of the registered office, if different than above:

(Street Address or P.O. Box) (City) Michigan (ZIP Code)

3. The name of the resident agent at the registered office is:

Joseph Duda

ARTICLE V

The name(s) and address(es) of the incorporator(s) is (are) as follows:

Name: Samantha Sam Maziasz Residence or Business Address: 2222 E Long Lake Troy, MI 48085

Christine Clifford 2222 E. Long Lake Troy MI 48085

Tracy Sutherland 2222 E. Long Lake Troy MI 48085

**Michigan Department of Licensing and Regulatory Affairs**

**Filing Endorsement**

**This is to Certify that the CERTIFICATE OF AMENDMENT - CORPORATION**

**for**

**BOYD R. LARSON MIDDLE SCHOOL PARENT AND TEACHER ORGANIZATION**

**ID NUMBER: 71229T**

**received by facsimile transmission on March 17, 2013 is hereby endorsed**

**Filed on March 19, 2013 by the Administrator.**

**The document is effective on the date filed, unless a subsequent effective date within 90 days after received date is stated in the document.**



**In testimony whereof, I have hereunto set my hand and affixed the Seal of the Department, in the City of Lansing, this 20TH day of March, 2013.**

A handwritten signature in black ink, appearing to read "A. Schefke".

**Alan J. Schefke, Director  
Corporations, Securities & Commercial Licensing Bureau**

38-2900364

03/17/2013 5:56PM (GMT-04:00)

BCS/CD-615 (Rev. 11/11)

MICHIGAN DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS BUREAU OF COMMERCIAL SERVICES		
Date Received		
	This document is effective on the date filed, unless a subsequent effective date within 90 days after received date is stated in the document.	
Name Boyd R. Larson Middle School Parent and Teacher Organization		
Address 2222 E. Long Lake Road		
City Troy	State MI	ZIP Code 48065
		EFFECTIVE DATE:

Document will be returned to the name and address you enter above. If left blank, document will be returned to the registered office.

**CERTIFICATE OF AMENDMENT TO THE ARTICLES OF INCORPORATION**

For use by Domestic Profit and Nonprofit Corporations  
(Please read information and instructions on the last page)

Pursuant to the provisions of Act 284, Public Acts of 1972, (profit corporations), or Act 162, Public Acts of 1982 (nonprofit corporations), the undersigned corporation executes the following Certificate:

1. The present name of the corporation is: Boyd R. Larson Middle School Parent and Teacher Organization
2. The identification number assigned by the Bureau is: <span style="border: 1px solid black; padding: 2px 20px;">71229T</span>

3. Article   II   of the Articles of Incorporation is hereby amended to read as follows:  
See attached.

6. Nonprofit corporation only: Member, shareholder, or board approval

The foregoing amendment to the Articles of Incorporation was duly adopted on the twelfth day of February, 2013 by the (check one of the following)

Member or shareholder approval for nonprofit corporations organized on a membership or share basis

- members or shareholders at a meeting in accordance with Section 611(2) of the Act.
- written consent of the members or shareholders having not less than the minimum number of votes required by statute in accordance with Section 407(1) and (2) of the Act. Written notice to members or shareholders who have consented in writing has been given. (Note: Written consent by less than all of the members or shareholders is permitted only if such provision appears in the Articles of Incorporation.)
- written consent of all the members or shareholders entitled to vote in accordance with section 407(3) of the Act.

Directors (Only if the Articles state that the corporation is organized on a directorship basis)

- directors at a meeting in accordance with Section 611(2) of the Act.
- written consent of all directors pursuant to Section 525 of the Act.

Nonprofit Corporations

Signed this 12<sup>th</sup> day of February, 2013

By Samantha Maziasz  
(Signature of President, Vice-President, Chairperson or Vice-Chairperson)

Samantha J Maziasz President  
(Type or Print Name) (Type or Print Title)

Boyd R. Larson Middle School Parent and Teacher Organization  
Certificate of Amendment to Articles of Incorporation

71229T

3. Article II of the Articles of Incorporation is hereby amended to read as follows:

The Corporation is organized exclusively for charitable, educational and scientific purposes as described in Section 501(c)(3) of the Internal Revenue Code (the "Code") or the corresponding section of any future federal tax code specifically to establish, develop and nurture along with educators and the general public, united efforts as will secure for every child the highest advantage in mental, physical and social education.

The Corporation will at all times be conducted as an organization as described in Section 501(c)(3) of the Code or any corresponding future federal tax code. The Corporation will not carry on any activities which are not permitted to be carried on by (a) a corporation exempt from federal income tax under Section 501(c)(3) of the Code or the corresponding section of any future federal tax code, (b) a corporation eligible to receive tax deductible contributions under Section 170(c) and Section 2055, Section 2522 or Section 2106 of the Code, or (c) a nonprofit corporation organized under the laws of the State of Michigan pursuant to the Act.

No part of the assets or net earnings of the Corporation may inure to the benefit of or be distributable to its directors, officers or other private persons; provided, however that the Corporation is authorized and empowered to pay reasonable compensation for services rendered and to make payments and distributions in furtherance of its charitable purposes.

No substantial part of the activities of the Corporation will be the carrying on of propaganda or otherwise attempting to influence legislation. The Corporation will not participate or intervene in any political campaign on behalf of or in opposition of any candidate for public office and will not publish or distribute statements relating to political campaigns.

Upon dissolution of the Corporation, assets shall be distributed to the general operating fund of the Boyd R. Larson Middle School for one or more exempt purposes within the meaning of section 501(c)(3) of the Code, or the corresponding section of any future federal tax code. Any assets not so disposed of shall be distributed to another public school in Troy, Michigan to be used exclusively for educational purposes under exempt purposes within the meaning of section 501(c)(3) of the Code or the corresponding section of any future federal tax code. Such school shall be determined by a 2/3 majority vote of the general membership of the Boyd R. Larson Middle School Parent and Teacher Organization. If such determination cannot be made by said membership, the Troy School Board shall have jurisdiction to determine which public school in Troy will receive the remaining assets to utilize accordingly.

**Boyd R. Larson Middle School  
Parent and Teacher Organization**

**Bylaws**

(As Amended February 2013)

**Article I. Name**

The name of this organization is Boyd R. Larson Middle School Parent and Teacher Organization hereinafter identified as 'Larson PTO'.

**Article II. Organization**

The Larson PTO is an incorporated association of its members, organized and controlled by the procedures and rules contained in these bylaws.

**Article III. Purpose**

Section 1. The purpose and goals of the Larson PTO are to establish, develop and nurture among educators and the general public united efforts as will secure for every child the highest advantage in mental, physical and social education.

Section 2. The Larson PTO supports and adopts the Statement of Mission drawn up by the faculty and staff of Boyd R. Larson Middle School, which may be revised at any time.

**Article IV. Membership and Dues**

Section 1. Any parent or legal guardian of current students or incoming 6, 7 or 8<sup>th</sup> grade students, any member of the faculty or staff of Larson Middle School who subscribes to the purpose, goals, policies and bylaws of the Larson PTO is considered to be a member. Membership is available without regard for race, gender, creed, disability, or national origin.

Section 2. Any member of the Larson PTO is eligible to hold an elected or appointed office or position.

Section 3. Dues will be determined, and the amount set, by the Board of Directors of the Larson PTO.

**Article V. Meetings**

Section 1. General Membership Meetings.

- a. There will be a general membership meeting every month, beginning with September, ending in May, with the exception of December, with the date to be set by the Board of Directors. At the discretion of the PTO President, meetings may be canceled and not rescheduled for due cause (i.e., schedule conflicts with other school events, room availability problems, weather-related issues, building emergencies, etc.)
- b. Special general membership meetings may be called at any time by a majority of the Board of Directors.
- c. All members of the Larson PTO are eligible to attend and vote at any general membership meetings.

Section 2. Board of Directors Meetings.

- a. The President or Co-Presidents of the Larson PTO may call meetings of the Board of Directors at any time.
- b. A majority of the members of the Board of Directors may call an official meeting of the Board of Directors.
- c. Members of the Larson PTO are invited and encouraged to attend meetings of the Board of Directors, and express their thoughts and opinions on subjects of interest to them.
- d. Only members of the Board of Directors may vote at Board of Directors meetings.

**Article VI. Quorums, Notice, Approval Majorities, Voting**

Section 1. General Membership Meetings.

- a. Official business of the Larson PTO may be conducted when there are at least a 2/3 majority of Board of Directors present at any duly called general membership meeting.
- b. Notice of a general membership meeting will be given at least three weeks in advance, using a method of distribution intended to reach the full membership.
- c. Voting on regular propositions or elections, approval is defined as 'more than half of the members present'.
- d. Voting on amendments or revisions to these bylaws, approval is defined as 'at least two-thirds of the members present'.
- e. Voting may be conducted by voice, at the discretion of the officer presiding at the meeting. Any member present may require that a vote be conducted by a formal show of hands or written ballot.

Section 2. Board of Directors Meetings.

- a. Official business of the Larson PTO may be conducted when there are at least half the members of the Board of Directors present at any duly called meeting.
- b. Notice of a meeting of the Board of Directors will be given at least one week in advance, using a method of distribution intended to reach the full membership.
- c. Voting on regular propositions or elections, approval is defined as 'more than half of the members present'.
- d. Voting on amendments or revisions to these bylaws, approval is defined as 'at least two-thirds of the members present'.
- e. Voting may be conducted by voice, at the discretion of the officer presiding at the meeting. Any member present may require that a vote be conducted by a formal show of hands or written ballot.

**Article VII. Board of Directors & Committee Chairperson Definition and Duties**

Section 1. The Board of Directors is comprised of officers, as defined in Article VII, Section 5 subsection F, i through v, and the Principal or Assistant Principal and Faculty Representative(s).

Section 2. Only persons who are, or will continue to be members of the Larson PTO, as defined in Article IV, Section 1, may stand for election or appointment to an office or committee.

Section 3. The term of office for officers and committee chairpersons is one fiscal school year as defined in Article X.

Section 4. Members of the Larson PTO may be re-elected or re-appointed to any office or committee chair position.

Section 5. Nominations, Officer, and Duties

- a. A nomination ballot will be drafted and distributed using a method of distribution intended to reach the full membership. This ballot will nominate officers and chairpersons for the standing committees for the ensuing fiscal school year of the Larson PTO, and will clearly state that all positions are open to nomination. This ballot will include:
  - i. all board and standing committee positions.
  - ii. the names of all those currently serving in those positions.
  - iii. the names of all those currently nominated for those positions for the ensuing fiscal school year.
- b. The nominating ballot will be distributed to those elementary schools whose current 5th grade students will be attending Larson in the ensuing year for distribution to their respective PTOs and 5th grade parents.
- c. The officers and chairpersons of standing committees of the Larson PTO will be elected at a general membership meeting in May for the ensuing fiscal school year.
- d. Other than members proposed by the ballot nominating process, other persons may be nominated from the floor of the regular May general membership meeting.
- e. Consent to both stand for election and to serve will be obtained from each person prior to nomination by the current Vice President.
- f. The officers of the Larson PTO and their duties are as follows:

i. President or Co-Presidents. The President or Co-Presidents will prepare agenda and preside at all general membership meetings and all meetings of the Board of Directors of the Larson PTO; will coordinate the work of the officers and committees of the Larson PTO, serve as an ex-officio member of each standing and special project committee; will be listed on PTO bank account for purpose of conducting transactions in Treasurer's absence; and will perform other duties as may be prescribed in these bylaws, assigned by the Board of Directors or during a general membership meeting.

ii. Vice President. The Vice President will preside at all meetings in the absence of the President or Co-Presidents and will perform the duty of providing a slate of officers and chairpersons for the standing committees which will be presented before a general membership meeting in May, and will make the nomination form available to feeder elementary schools. The Vice President will perform other duties as may be prescribed in these bylaws, assigned by the Board of Directors or during a general membership meeting.

iii. Secretary. The Secretary will take minutes of all general membership and Board of Directors meetings, present the minutes at subsequent meetings for approval; have custody of the official book of minutes of the Larson PTO which contain approved minutes of both general membership and Board of Directors meetings; will, within a reasonable period of time, provide any member of the Larson PTO copies of minutes from any previous meeting, will perform other duties as may be prescribed in these bylaws, assigned by the Board of Directors or during a general membership meeting.

iv. Treasurer. The Treasurer will have custody of all assets of the Larson PTO; maintain the assets in accounts with financial institutions approved by the Board of Directors; keep full, accurate records of all transactions via computer-based accounting system; make disbursements in accordance with approved directions of the Board of Directors; reconcile the accounts and report all financial activity at each regular general

membership meeting and regular Board of Director meetings; receive from committees of the Larson PTO all records and proceeds from fund-raising activities; submit to the Financial Review Committee as defined in Art. VII, section 6, subsection xiii. all records and books of the Larson PTO after closing the books at the end of the fiscal year and ensure that the annual financial review results are presented at a general membership meeting in the Fall; shall maintain the financial records of the organization in accordance with all non-profit corporation laws of the state of Michigan and the Internal Revenue Service. The treasurer is responsible to file all required Michigan Annual Reports, federal income tax returns and any other documentation in a timely fashion; and perform duties as may be prescribed in these bylaws, assigned by the Board of Directors or during a general membership meeting.

v. Parliamentarian. The Parliamentarian will draft these bylaws; put into order and publish, in a timely fashion, any proposed revisions to these bylaws; interpret any procedural questions during a meeting of the general membership or Board of Directors using Robert's Rule of Order, revised, as the authority; perform duties as may be prescribed in these bylaws, assigned by the Board of Directors or during a general membership meeting.

Section 6. Standing Committees and Chairpersons.

- a. The committees listed in Article VII, Section 6, sub-section e, shall be considered permanent committees of the Larson PTO and will continue as part of these bylaws.
- b. The chairperson(s) of each committee will be elected at a general membership meeting in May, for the ensuing fiscal school year.
- c. Each chairperson may recruit as many members of the Larson PTO to serve on said committees as necessary and convenient to conduct its duties.
- d. All Committees and Chairpersons will keep accurate financial records and turn in proceeds to the treasurer.
- e. The standing committees of the Larson PTO, and duties of each, are as follows:

i. Clinic. This committee will staff the school's clinic and provide assistance as directed by the Troy School District Board of Education.

ii. Library. This committee will assist the library staff with performance of regular or special duties or activities.

iii. Ways and Means. This committee will recommend and staff fundraising activities and solicit contributions to the Larson PTO, as appropriate.

iv. Hospitality. This committee will provide light refreshments at general membership meetings and Board of Directors meetings if directed to do so by the Board of Directors, serve the host function at all general membership meetings or events sponsored by the Larson PTO. This committee will also plan and implement activities for Teacher Appreciation Week, Principal Appreciation Week and Secretary Appreciation Week.

v. Directory. This committee will compile and oversee printing and mailing of the Larson PTO Student directory and perform duties as may be prescribed in these bylaws, assigned by the Board of Directors or during a general membership meeting.

vi. 8<sup>th</sup> Grade Party. This committee will coordinate the 8<sup>th</sup> Grade Party and perform duties as may be prescribed in these bylaws, assigned by the Board of Directors or during a general membership meeting.

vii. Student Activities Chair. This committee will coordinate volunteers for student activities, specifically activities at student dances. Other than the 8<sup>th</sup> grade dance and perform duties as may be prescribed in these bylaws, assigned by the Board of Directors or during a general membership meeting.

viii. Public Relations. This committee will be responsible for keeping the PTO website up to date and current. The Larson Middle School Principal must approve all information before being placed onto the website.

ix. Awards and Recognitions. This committee will assist with the planning and conduct of awards events, ceremonies, or other forms of citation.

x. Supply Cart. This committee will assist with the planning, ordering and operation of the Larson Middle School Supply Cart.

xi. Safe Homes. This committee will promote and encourage social responsibility among students at either public or private sponsored events or parties, with special emphasis on avoiding the use or provision of alcohol or illegal drugs; will provide a forum for parents and the school staff to discuss methods and common ground rules which can assist in this effort.

xii. Faculty Representative(s). This position will have at least one representative from the Larson Middle School Staff to act as liaison between the Larson PTO and the balance of the faculty. Each representative is to be a co-chairperson, with full membership on the Board of Directors of Larson PTO.

xiii. Financial Review Committee. This committee will be comprised of three to five (3-5) members of the PTO, of which one must be a board member who does not have signatory authority of the PTO bank account, and shall be chosen by a vote of the membership at the general meeting in September, unless not already assigned. This committee shall review the records of the organization at the end of each fiscal year and will report its findings at the first general meeting of the school year.

Section 7. Special Project Committees. On an as-needed basis, the President may create ad-hoc committees to carry out specialized duties which are not currently assigned to one of the standing committees listed above and may appoint chairpersons to head them.

- a. The creation of Special Projects committees and the appointment of chairpersons will have the approval of a majority of the Board of Directors.
- b. Each chairperson may recruit as many members of the Larson PTO to serve on the committee as necessary and convenient to conduct its duties.
- c. Special Project Committees cannot carry into a subsequent fiscal school year but must be reappointed, if necessary, to continue duties.

Section 8. In the event of a vacancy in any of the officer or chair positions of the Larson PTO, the remaining Board of Directors may vote to fill the vacancy from among the membership of the Larson PTO.

Section 9. Any replacement officer or chairperson selected as provided above will serve for the remainder of the current fiscal school year.

### **Article VIII. General Policies and Procedures**

Section 1. The Larson PTO is noncommercial, nonsectarian and nonpartisan.

Section 2. No person or organization may use the name of the Larson PTO or the name of any of the officers or committee chairpersons for any purpose without the expressed approval of the Board of Directors.

Section 3. The Larson PTO will cooperate with other organizations and agencies concerned with the well-being of the students of Larson Middle School. Persons representing the Larson PTO will not make any commitments or representations that bind the Larson PTO in any way without the approval and authorization by the Board of Directors.

Section 4. The government and direction of the Larson PTO, the control of its properties and records are vested in the Board of Directors.

Section 5. In the event that the Larson PTO is dissolved, the assets of the Larson PTO will revert to the general operating fund of the Boyd R. Larson Middle School without restriction.

### **Article IX. Financial Policies and Procedures**

Section 1. All accounts necessary for the transaction of the financial business of the Larson PTO will be opened and maintained at recognized financial institutions using the full name of the organization. The placements of such accounts are to be approved by the Board of Directors. The cancellation of any accounts must have approval and authorization of the Board of Directors.

Section 2. All accounts are required to have two signatures of members of the Board of Directors for any withdrawal transaction of more than \$1000. More than two members of the Board of Directors may be designated to authorize withdrawal transactions. All transactions or reimbursements must have documentation on any monies distributed.

#### **Section 3. Annual Financial Review**

- a. An annual financial review will be conducted after the fiscal year ends, but before the first general membership PTO meeting in September, or, upon a change of Treasurer, prior to the transition to a new Treasurer.
- b. The results of the annual financial review will be presented at a general membership meeting in the fall.
- c. A tentative budget for the organization shall be drafted by the treasurer in conjunction with the board of directors. The budget shall be approved by majority vote at the first general meeting of each school year.
- d. The Board of Directors, at their discretion, may designate an outside authority to conduct an audit of the financial records with the provision that a written and signed report is specified and required.

**Section 4. Conflict of Interest**

All directors and principal officers will abide with the Larson PTO Conflict of Interest Statement and agree to annually sign the "Larson PTO Annual Statement of Board of Directors"

**Section 5. IRS Non-Profit Status**

With non-profit corporate status under IRS code section 501c(3) pending and being duly registered as a non-profit corporation with the state of Michigan, the organization shall operate within the confines of the laws of the state of Michigan and the Internal Revenue Service so as not to jeopardize this status. All required Michigan Annual Reports, federal income tax returns and any other required documentation shall be filed on time.

**Article X. Fiscal School Year**

The fiscal school year of the Larson PTO begins on July 1, ending on the following June 30.

**Article XI. Amendments**

These bylaws may be amended or revised at any duly called meeting of the general membership or Board of Directors by a two-thirds vote of those present.

**Article XII. Parliamentary Authority**

Robert's Rules of Order, Revised, will govern the organization in all cases which they are applicable and in which they are not in conflict with these bylaws.

**Article XIII. Dissolution**

The Larson PTO may be dissolved upon a 2/3 vote of the Board of Directors or a majority vote of the General Membership. If the Board of Directors has not met for more than 1 year, the Larson Middle School Principal may dissolve the Larson PTO at his/her discretion. Upon dissolution of the Larson PTO, all remaining assets will be distributed to Larson Middle School for exempt purposes within the meaning of section of 501© (3) of the Internal Revenue Code or corresponding section of any future federal tax code.

## Larson Middle School Parent Teacher Organization

### Conflict of Interest Statement

Date of adoption: February 12, 2013

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#### Article I – Purpose

The purpose of the conflict of interest policy is to protect this tax-exempt organization's interest when it is contemplating entering into a transaction or arrangement that might benefit the private interest of an officer or director of the Organization or might result in possible excess benefit transaction. This policy is intended to supplement but not replace any applicable state and federal laws governing conflict of interest applicable to nonprofit and charitable organizations.

#### Article II – Definitions

##### **1. Interested person**

Any director or principal officer with governing board delegated powers, who has a direct or indirect financial interest, as defined below, is an interested person.

##### **2. Financial Interest**

A person has a financial interest if the person has, directly or indirectly, through business, investment or family:

- a. An ownership or investment interest in any entity with which the Organization has a transaction or arrangement,
- b. A compensation arrangement with the Organization or with any entity or individual with which the Organization has a transaction or arrangement, or
- c. A potential ownership or investment interest in, or compensation arrangement with, any entity or individual with which the Organization is negotiating a transaction or arrangement.

Compensation includes direct and indirect remuneration as well as gifts or favors that are not insubstantial.

A financial interest is not necessarily a conflict of interest. Under Article III, Section 2, a person who has a financial interest may have a conflict of interest only if the appropriate governing board decides that a conflict exists.

#### Article III – Procedures

##### **1. Duty to Disclose**

In connection with any actual or possible conflict of interest, an interested person must disclose the existence of the financial interest and be given the opportunity to disclose all material facts to the directors considering the proposed transaction or arrangement.

##### **2. Determining Whether a Conflict of Interest Exists**

After disclosure of the financial interest and all material facts, and after any discussion with the interested person, he/she shall leave the governing board meeting while the determination of a conflict of interest is discussed and voted upon. The remaining board members shall decide if a conflict of interest exists.

##### **3. Procedures for Addressing the Conflict of Interest**

- a. An interested person may make a presentation at the governing board meeting, but after the presentation, he/she shall leave the meeting during the discussion of, and the vote on, the transaction or arrangement involving the possible conflict of interest.
- b. The chairperson of the governing board shall, if appropriate, appoint a disinterested person to investigate alternatives to the proposed transaction or arrangement.

c. After exercising due diligence, the governing board shall determine whether the Organization can obtain with reasonable efforts a more advantageous transaction or arrangement from a person or entity that would not give rise to a conflict of interest.

d. If a more advantageous transaction or arrangement is not reasonably possible under circumstances not producing a conflict of interest, the governing board shall determine by a majority vote of the disinterested directors whether the transaction or arrangement is in the Organization's best interest, for its own benefit, and whether it is fair and reasonable. In conformity with the above determination it shall make its decision as to whether to enter into the transaction or arrangement.

#### **4. Violations of the Conflicts of Interest Policy**

a. If the governing board has reasonable cause to believe a member has failed to disclose actual or possible conflicts of interest, it shall inform the member of the basis for such belief and afford the member an opportunity to explain the alleged failure to disclose.

b. If, after hearing the member's response and after making further investigation as warranted by the circumstances, the governing board determines the member has failed to disclose an actual or possible conflict of interest, it shall take appropriate disciplinary and corrective action.

#### Article IV - Records of Proceedings

The minutes of the governing board shall contain:

a. The names of the persons who disclosed or otherwise were found to have a financial interest in connection with an actual or possible conflict of interest, the nature of the financial interest, any action taken to determine whether a conflict of interest was present, and the governing board's decision as to whether a conflict of interest in fact existed.

b. The names of the persons who were present for discussions and votes relating to the transaction or arrangement, the content of the discussion, including any alternatives to the proposed transaction or arrangement, and a record of any votes taken in connection with the proceedings.

#### Article V - Compensation

a. A voting member of the governing board who receives compensation, directly or indirectly, from the Organization for services is precluded from voting on matters pertaining to that member's compensation.

b. A voting member of any committee whose jurisdiction includes compensation matters and who receives compensation, directly or indirectly, from the Organization for services is precluded from voting on matters pertaining to that member's compensation.

c. No voting member of the governing board whose jurisdiction includes compensation matters and who receives compensation, directly or indirectly, from the Organization, either individually or collectively, is prohibited from providing information to any committee regarding compensation.

#### Article VI - Annual Statements

Each director or principal officer shall annually sign a statement which affirms such person:

- a. Has received a copy of the conflicts of interest policy,
- b. Has read and understands the policy,
- c. Has agreed to comply with the policy, and
- d. Understands the Organization is charitable and in order to maintain its federal tax exemption it must engage primarily in activities which accomplish one or more of its tax-exempt purposes.

Article VII - Periodic Reviews

To ensure the Organization operates in a manner consistent with charitable purposes and does not engage in activities that could jeopardize its tax-exempt status, periodic reviews shall be conducted. The periodic reviews shall, at a minimum, include the following subjects:

- a. Whether compensation arrangements and benefits are reasonable, based on competent survey information and the result of arm's length bargaining.
- b. Whether partnerships, joint ventures, and arrangements with management organizations conform to the Organization's written policies, are properly recorded, reflect reasonable investment or payments for goods and services, further charitable purposes and do not result in inurement, impermissible private benefit or in an excess benefit transaction.

Article VIII - Use of Outside Experts

When conducting the periodic reviews as provided for in Article VII, the Organization may, but need not, use outside advisors. If outside experts are used, their use shall not relieve the governing board of its responsibility for ensuring periodic reviews are conducted.

Boyd R. Larson Middle School Parent and Teacher Organization  
38-2900364

Application for Recognition of Exemption Under Section 501(c)(3) of the Internal Revenue Code

**Part IV – Narrative Description of Your Activities**

The Boyd R. Larson Middle School Parent and Teacher Organization's (aka Larson PTO) purpose is to enhance and support the educational experience at our school, to develop a closer connection between school and home by encouraging parent involvement and to improve the environment at our school through volunteer and financial support. Our organization provides support services and offers programs which augment the education provided by the Troy School district.

All operations of the organization are conducted by the Larson staff and the students' parents at the school in Troy, Michigan. All work is done on a volunteer basis during the school year.

To pay for the programs offered, the organization conducts a magazine fund raiser, maintains a student supply center, sells student directories, receives grants from local stores, holds skating and bowling parties and sells videos to the school's eighth graders.

The operations of the Larson PTO include providing assignment books for all students, holding break free dances, organizing the Pride program for students who attain specific grades and show exemplary behavior, providing money to teachers for supplies needed in their classrooms, paying for technology needs, buying books, running the ANCHORS program for students with special needs, making donations to local organizations that support education and safety, paying tribute to our staff in appreciation for their service and holding a party for the school's eighth graders at the end of the year. Operations in the past also included maintaining a fish tank used in the school's science program.

Boyd R. Larson Middle School Parent and Teacher Organization  
38-2900364

Application for Recognition of Exemption Under Section 501(c)(3) of the Internal Revenue Code

Part V – Compensation and Other Financial arrangements with your officers, directors,  
trustees, employees and independent contractors

1a. Officers - continued

Name	Title	Mailing address	Compensation amount
Joseph Duda	Principal	6448 Glyndebourne Troy, MI 48098	None
Mark Hayes	Teacher Representative	230 McKinley Troy, MI 48098	None

**Boyd R. Larson Middle School Parent and Teacher Organization  
38-2900364**

**Application for Recognition of Exemption Under Section 501(c)(3) of the Internal Revenue Code**

**Part V – Compensation and Other Financial arrangements with your officers, directors,  
trustees, employees and independent contractors**

**3a. Officer detail**

<b>Officer Name and title</b>	<b>Qualifications</b>	<b>Average hours worked</b>	<b>Duties</b>
Samantha Maziasz President	Human resource professional / parent of current Larson Middle School student	12 hours per month	prepare agenda and preside at all general membership meetings and all meetings of the Board of Directors of the Larson PTO; will coordinate the work of the officers and committees of the Larson PTO, serve as an ex-officio member of each standing and special project committee; will be listed on PTO bank account for purpose of conducting transactions in Treasurer's absence; and will perform other duties as may be prescribed in these bylaws, assigned by the Board of Directors or during a general membership meeting.
M'Liz Malven Vice President	Information Technology Project Manager / parent of current Larson Middle School student	3 hours per month	preside at all meetings in the absence of the President or Co-Presidents and will perform the duty of providing a slate of officers and chairpersons for the standing committees which will be presented before a general membership meeting in May, and will make the nomination form available to feeder elementary schools. The Vice President will perform other duties as may be prescribed in these bylaws, assigned by the Board of Directors or during a general membership meeting.
Tracy Sutherland Secretary	Database Administrator and Project Manager / parent of current Larson Middle School student	15 hours per month	take minutes of all general membership and Board of Directors meetings, present the minutes at subsequent meetings for approval; have custody of the official book of minutes of the Larson PTO which contain approved minutes of both general membership and Board of Directors meetings; will, within a reasonable period of time, provide any member of the Larson PTO copies of minutes from any previous meeting, will perform other duties as may be prescribed in these bylaws, assigned by the Board of Directors.

**Boyd R. Larson Middle School Parent and Teacher Organization**

**38-2900364**

**Application for Recognition of Exemption Under Section 501(c)(3) of the Internal Revenue Code**

<b>Section V 3a. - continued</b>			
<b>Officer Name and title</b>	<b>Qualifications</b>	<b>Average Hours Worked</b>	<b>Duties</b>
Christine Clifford Treasurer	Human Resource Management experience as well as currently a special education teacher's aide / parent of current Larson Middle School student	12 hours per month	have custody of all assets of the Larson PTO; maintain the assets in accounts with financial institutions approved by the Board of Directors; keep full, accurate records of all transactions; make disbursements in accordance with approved directions of the Board of Directors; prepare current financial reports for each regular general membership meeting and regular Board of Director meetings; receive from committees of the Larson PTO all records and proceeds from fund-raising activities; submit for audit all records and books of the Larson PTO after closing the books at the end of the fiscal year and ensure that audit results are presented at a general membership meeting in the Fall; and perform duties as may be prescribed in these bylaws, assigned by the Board of Directors or during a general membership meeting.
Joseph Duda Principal	Teacher – 7.5 years Assistant Principal – 5.5 years Principal – 1 year	2 hours per month	liaison between the Larson PTO and the balance of the faculty
Mark Hayes Teacher Representative	Math teacher for 17 years	2 hours per month	liaison between the Larson PTO and the balance of the faculty

5a. The attached Conflict of Interest Statement was ratified by a vote of the general membership on November 13, 2012. The statement must be signed by every member of the board of directors annually.

Boyd R. Larson Middle School Parent and Teacher Organization  
38-2900364

Application for Recognition of Exemption Under Section 501(c)(3) of the Internal Revenue Code

**Part VI – Your members and Other Individuals and Organizations that Receive Benefits From You**

- 1a. The Corporation provides goods, services or funds to the students of the Boyd R. Larson Middle School located in Troy, Michigan. For a list of those programs, see the last paragraph of Part IV- Narrative Description of Your Activities.

**Part VIII – Your Specific Activities**

- 4a. Fundraising activities include the following:
- Annual magazine sale in which the organization receives a portion of the profit from each magazine order
  - Student supply center sells school supplies and food
  - Student telephone directories are sold to school families
  - Skating and bowling parties are held
  - Munch club sells snacks at after school events
  - The eighth grade party and dance is video taped for sale to the students
  - Grants are received from local stores

Boyd R. Larson Middle School Parent and Teacher Organization  
 38-2900364  
 Form 1023 - Application for Recognition of Exemption  
 Under Section 501©(3) of the Internal Revenue Code

Part IX - Financial Data

A. Statement of Revenues and Expenses

Line #	Type of Revenue or Expense	Current					TOTAL
		Tax Year		Prior Four Years			
		7/1/11 - 6/30/12	7/1/10 - 6/30/11	7/1/09 - 6/30/10	7/1/08 - 6/30/09	7/1/07 - 6/30/08	
1	Grants, gifts and contributions	2,500	-	-	-	-	2,500
2	Membership fees received	-	-	-	-	-	-
3	Gross investment income	-	-	-	-	-	-
4	Net unrelated business income	-	-	-	-	-	-
5	Taxes levied for your benefit	-	-	-	-	-	-
6	Value of services or facilities furnished by a governmental unit without charge	-	-	-	-	-	-
7	Any revenue not otherwise listed above or in lines 9-12 below	9,282	12,213	9,501	5,173	4,794	40,963
8	TOTAL of lines 1-7	11,782	12,213	9,501	5,173	4,794	43,463
9	Gross receipts from admissions, merchandise sold or services performed or furnishing facilities in any activity that is related to your exempt purpose	6,605	8,934	-	-	-	15,539
10	TOTAL of lines 8 and 9	18,387	21,147	9,501	5,173	4,794	59,002
11	Net gain or loss on sale of capital assets	-	-	-	-	-	-
12	Unusual grants	-	-	-	-	-	-
13	TOTAL revenue - add lines 10-12	18,387	21,147	9,501	5,173	4,794	59,002
14	Fundraising expenses	6,739	10,169	3,993	1,718	1,789	24,408
15	Contributions, gifts, grants and similar amounts paid out	-	-	-	-	-	-
16	Disbursements to or for the benefit of members	-	-	-	-	-	-
17	Compensation of officers	-	-	-	-	-	-
18	Other salaries and wages	-	-	-	-	-	-
19	Interest expense	-	-	-	-	-	-
20	Occupancy	-	-	-	-	-	-
21	Depreciation and depletion	-	-	-	-	-	-
22	Professional fees	-	-	-	-	-	-
23	Any expense not otherwise classified see attached detail	12,454	7,503	4,225	3,958	3,874	32,014
24	TOTAL expenses - Add lines 14-23	19,193	17,672	8,218	5,676	5,663	56,422
	Net income (loss)	(806)	3,475	1,283	(503)	(869)	2,580

Boyd R. Larson Middle School Parent and Teacher Organization  
 38-2900364  
 Form 1023 - Application for Recognition of Exemption  
 Under Section 501(c)(3) of the Internal Revenue Code  
 Supporting Schedules

Part IX - Financial Data

A. Statement of Revenues and Expenses

Type of Revenue or Expense	Current Tax		Prior Four Years			TOTAL
	Year					
	7/1/11 - 6/30/12	7/1/10 - 6/30/11	7/1/09 - 6/30/10	7/1/08 - 6/30/09	7/1/07 - 6/30/08	

Line 7 - Any revenue not otherwise listed above or in lines 9-12 below

Student Supply Center	\$ 2,785	\$ 2,562	\$ 1,293	\$ 1,326	\$ 521	\$ 8,487
PTO Dance	505	613	642	888	915	3,563
Student Directory	2,837	2,837	2,470	2,745	2,705	13,594
Skate Party	481	-	-	-	-	481
Bowling Party	61	-	3,507	-	-	3,568
Magazine sales	-	600	500	-	600	1,700
Munch club	-	-	49	64	53	166
Macy's	-	-	115	150	-	265
Miscellaneous	154	625	-	-	-	779
8th grade party/video	2,459	4,976	925	-	-	8,360
<b>Total other revenue</b>	<b>9,282</b>	<b>12,213</b>	<b>9,501</b>	<b>5,173</b>	<b>4,794</b>	<b>40,963</b>

Boyd R. Larson Middle School Parent and Teacher Organization  
38-2900364  
Form 1023 - Application for Recognition of Exemption  
Under Section 501©(3) of the Internal Revenue Code  
Supporting Schedules

Part IX - Financial Data

A. Statement of Revenues and Expenses

Type of Revenue or Expense	Current Tax					TOTAL
	Year		Prior Four Years			
	7/1/11 - 6/30/12	7/1/10 - 6/30/11	7/1/09 - 6/30/10	7/1/08 - 6/30/09	7/1/07 - 6/30/08	
Line 23 - Any expense not otherwise classified						
Break Free	\$ 209	\$ 154	\$ 265	\$ 183	\$ 203	\$ 1,014
Student Assignment Logs	1,845	1,800	-	-	-	3,645
Office Supplies	-	-	-	6	-	6
Pride Program	1,323	455	1,218	1,470	1,450	5,916
Student Development	125	-	-	-	-	125
Classroom Supplies	1,530	-	1,400	595	500	4,025
Troyberry Books	500	-	-	-	-	500
Technology grants	1,203	1,089	-	-	-	2,292
Student Development	300	-	-	-	-	300
Administrative Appreciation	100	200	100	95	101	596
Teacher Appreciation	526	518	-	523	437	2,004
Secretary Appreciation	100	-	103	103	105	411
ANCHORS	79	-	439	-	-	518
Athens All Night Party donation	100	100	100	100	100	500
George Ku Fund donation	-	-	-	100	100	200
Miscellaneous Donations	-	-	-	-	158	158
Cancer Awareness donation	-	42	-	-	-	42
President's Council dues	30	(30)	60	-	35	95
Troy Foundation for Educational Excellence - donation	50	100	100	100	-	350
501©3	-	-	-	-	-	-
Safe Homes donation	-	150	150	150	150	600
Technology	-	2,000	-	-	-	2,000
Miscellaneous	765	-	67	33	35	900
Fish Tank Maintenance	-	-	-	500	500	1,000
8th grade party/video	2,835	-	-	-	-	2,835
Prior year 8th grade	834	925	223	-	-	1,982
	<u>12,454</u>	<u>7,503</u>	<u>4,225</u>	<u>3,958</u>	<u>3,874</u>	<u>32,014</u>

*Michigan Department of Licensing and Regulatory Affairs*

*Filing Endorsement*

**This is to Certify that the ARTICLES OF INCORPORATION - NONPROFIT**

**for**

**BOYD R. LARSON MIDDLE SCHOOL PARENT AND TEACHER ORGANIZATION**

**ID NUMBER: 71229T**

**received by facsimile transmission on June 22, 2012 is hereby endorsed**

**Filed on June 25, 2012 by the Administrator.**

**The document is effective on the date filed, unless a subsequent effective date within 90 days after received date is stated in the document.**



**In testimony whereof, I have hereunto set my hand and affixed the Seal of the Department, in the City of Lansing, this 25TH day of June, 2012.**

A handwritten signature in black ink, appearing to read "A. Schaffer".

**Director**

**Bureau of Commercial Services**

BCS/CD-602 (Rev. 12/03)

<b>MICHIGAN DEPARTMENT OF LABOR &amp; ECONOMIC GROWTH BUREAU OF COMMERCIAL SERVICES</b>	
Date Received	(FOR BUREAU USE ONLY)
This document is effective on the date filed, unless a subsequent effective date within 90 days after received date is stated in the document.	
Name: <u>Larson PTO (Tracy Sutherland)</u>	
Address: <u>4443 Eleanor Dr.</u>	
City: <u>Troy</u>	State: <u>MI</u> Zip Code: <u>48085</u>
EFFECTIVE DATE:	

Document will be returned to the name and address you enter above. If left blank document will be mailed to the registered office.

11/9/97

**ARTICLES OF INCORPORATION**  
For use by Domestic Nonprofit Corporations  
(Please read information and instructions on the last page)

Pursuant to the provisions of Act 162, Public Acts of 1982, the undersigned corporation executes the following Articles:

**ARTICLE I**

The name of the corporation is: (AKA - Larson PTO)  
Boyd R. Larson Middle School Parent and Teacher Organization

**ARTICLE II**

The purpose or purposes for which the corporation is organized are: To establish, develop and nurture among educators and the general public united efforts as will secure for every child the highest advantage in mental, physical and social education.

**ARTICLE III**

1. The corporation is organized upon a nonstock basis.  
(Stock or Nonstock)

2. If organized on a stock basis, the total number of shares which the corporation has authority to issue is N/A. If the shares are, or are to be, divided into classes, the designation of each class, the number of shares in each class, and the relative rights, preferences and limitations of the shares of each class are as follows:

ARTICLE III (cont.)

3. a. If organized on a nonstock basis, the description and value of its real property assets are: (if none, insert "none")

none

b. The description and value of its personal property assets are: (if none, insert "none")

Cash \$14,129.20

c. The corporation is to be financed under the following general plan:

donations from the general public

d. The corporation is organized on a membership basis.  
(Membership or Directorship)

ARTICLE IV

1. The address of the registered office is:

2222 E. Long Lake Troy, Michigan 48085  
(Street Address) (City) (ZIP Code)

2. The mailing address of the registered office, if different than above:

\_\_\_\_\_, Michigan \_\_\_\_\_  
(Street Address or P.O. Box) (City) (ZIP Code)

3. The name of the resident agent at the registered office is:

Joseph Duda

ARTICLE V

The name(s) and address(es) of the incorporator(s) is (are) as follows:

Name	Residence or Business Address
Samantha Sam Maziasz	2222 E Long Lake Troy, MI 48085
Christine Clifford	2222 E. Long Lake Troy MI 48085
Tracy Sutherland	2222 E. Long Lake, Troy MI 48085

38-2900364

03/17/2013 5:56PM (GMT-04:00)

BCS/CO-515 (Rev. 11/11)

<b>MICHIGAN DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS BUREAU OF COMMERCIAL SERVICES</b>		
Date Received		
	This document is effective on the date filed, unless a subsequent effective date within 90 days after received date is stated in the document.	
Name Boyd R. Larson Middle School Parent and Teacher Organization		
Address 2222 E. Long Lake Road		
City Troy	State MI	ZIP Code 48085
		EFFECTIVE DATE:

Document will be returned to the name and address you enter above. If left blank, document will be returned to the registered office.

### CERTIFICATE OF AMENDMENT TO THE ARTICLES OF INCORPORATION

For use by Domestic Profit and Nonprofit Corporations

(Please read information and instructions on the last page)

Pursuant to the provisions of Act 284, Public Acts of 1972, (profit corporations), or Act 162, Public Acts of 1982 (nonprofit corporations), the undersigned corporation executes the following Certificate:

1. The present name of the corporation is: Boyd R. Larson Middle School Parent and Teacher Organization
2. The identification number assigned by the Bureau is: <span style="border: 1px solid black; padding: 2px 20px;">71229T</span>

3. Article <u>  II  </u> of the Articles of Incorporation is hereby amended to read as follows: See attached.
--

6. Nonprofit corporation only: Member, shareholder, or board approval

The foregoing amendment to the Articles of Incorporation was duly adopted on the twelfth day of February, 2013 by the (check one of the following)

Member or shareholder approval for nonprofit corporations organized on a membership or share basis

- members or shareholders at a meeting in accordance with Section 611(2) of the Act.
- written consent of the members or shareholders having not less than the minimum number of votes required by statute in accordance with Section 407(1) and (2) of the Act. Written notice to members or shareholders who have consented in writing has been given. (Note: Written consent by less than all of the members or shareholders is permitted only if such provision appears in the Articles of Incorporation.)
- written consent of all the members or shareholders entitled to vote in accordance with section 407(3) of the Act.

Directors (Only if the Articles state that the corporation is organized on a directorship basis)

- directors at a meeting in accordance with Section 611(2) of the Act.
- written consent of all directors pursuant to Section 525 of the Act.

Nonprofit Corporations

Signed this 12<sup>th</sup> day of February, 2013

By Samantha Maziasz  
(Signature of President, Vice-President, Chairperson or Vice-Chairperson)

Samantha J Maziasz President  
(Type or Print Name) (Type or Print Title)

Boyd R. Larson Middle School Parent and Teacher Organization  
Certificate of Amendment to Articles of Incorporation

71229T

3. Article II of the Articles of Incorporation is hereby amended to read as follows:

The Corporation is organized exclusively for charitable, educational and scientific purposes as described in Section 501(c)(3) of the Internal Revenue Code (the "Code") or the corresponding section of any future federal tax code specifically to establish, develop and nurture along with educators and the general public, united efforts as will secure for every child the highest advantage in mental, physical and social education.

The Corporation will at all times be conducted as an organization as described in Section 501(c)(3) of the Code or any corresponding future federal tax code. The Corporation will not carry on any activities which are not permitted to be carried on by (a) a corporation exempt from federal income tax under Section 501(c)(3) of the Code or the corresponding section of any future federal tax code, (b) a corporation eligible to receive tax deductible contributions under Section 170(c) and Section 2055, Section 2522 or Section 2106 of the Code, or (c) a nonprofit corporation organized under the laws of the State of Michigan pursuant to the Act.

No part of the assets or net earnings of the Corporation may inure to the benefit of or be distributable to its directors, officers or other private persons; provided, however that the Corporation is authorized and empowered to pay reasonable compensation for services rendered and to make payments and distributions in furtherance of its charitable purposes.

No substantial part of the activities of the Corporation will be the carrying on of propaganda or otherwise attempting to influence legislation. The Corporation will not participate or intervene in any political campaign on behalf of or in opposition of any candidate for public office and will not publish or distribute statements relating to political campaigns.

Upon dissolution of the Corporation, assets shall be distributed to the general operating fund of the Boyd R. Larson Middle School for one or more exempt purposes within the meaning of section 501(c)(3) of the Code, or the corresponding section of any future federal tax code. Any assets not so disposed of shall be distributed to another public school in Troy, Michigan to be used exclusively for educational purposes under exempt purposes within the meaning of section 501(c)(3) of the Code or the corresponding section of any future federal tax code. Such school shall be determined by a 2/3 majority vote of the general membership of the Boyd R. Larson Middle School Parent and Teacher Organization. If such determination cannot be made by said membership, the Troy School Board shall have jurisdiction to determine which public school in Troy will receive the remaining assets to utilize accordingly.

**Boyd R. Larson Middle School  
Parent and Teacher Organization**

**Bylaws**

(As Amended February 2013)

**Article I. Name**

The name of this organization is Boyd R. Larson Middle School Parent and Teacher Organization hereinafter identified as 'Larson PTO'.

**Article II. Organization**

The Larson PTO is an incorporated association of its members, organized and controlled by the procedures and rules contained in these bylaws.

**Article III. Purpose**

Section 1. The purpose and goals of the Larson PTO are to establish, develop and nurture among educators and the general public united efforts as will secure for every child the highest advantage in mental, physical and social education.

Section 2. The Larson PTO supports and adopts the Statement of Mission drawn up by the faculty and staff of Boyd R. Larson Middle School, which may be revised at any time.

**Article IV. Membership and Dues**

Section 1. Any parent or legal guardian of current students or incoming 6, 7 or 8<sup>th</sup> grade students, any member of the faculty or staff of Larson Middle School who subscribes to the purpose, goals, policies and bylaws of the Larson PTO is considered to be a member. Membership is available without regard for race, gender, creed, disability, or national origin.

Section 2. Any member of the Larson PTO is eligible to hold an elected or appointed office or position.

Section 3. Dues will be determined, and the amount set, by the Board of Directors of the Larson PTO.

**Article V. Meetings**

Section 1. General Membership Meetings.

- a. There will be a general membership meeting every month, beginning with September, ending in May, with the exception of December, with the date to be set by the Board of Directors. At the discretion of the PTO President, meetings may be canceled and not rescheduled for due cause (i.e., schedule conflicts with other school events, room availability problems, weather-related issues, building emergencies, etc.)
- b. Special general membership meetings may be called at any time by a majority of the Board of Directors.
- c. All members of the Larson PTO are eligible to attend and vote at any general membership meetings.

Section 2. Board of Directors Meetings.

- a. The President or Co-Presidents of the Larson PTO may call meetings of the Board of Directors at any time.
- b. A majority of the members of the Board of Directors may call an official meeting of the Board of Directors.
- c. Members of the Larson PTO are invited and encouraged to attend meetings of the Board of Directors, and express their thoughts and opinions on subjects of interest to them.
- d. Only members of the Board of Directors may vote at Board of Directors meetings.

**Article VI. Quorums, Notice, Approval Majorities, Voting**

Section 1. General Membership Meetings.

- a. Official business of the Larson PTO may be conducted when there are at least a 2/3 majority of Board of Directors present at any duly called general membership meeting.
- b. Notice of a general membership meeting will be given at least three weeks in advance, using a method of distribution intended to reach the full membership.
- c. Voting on regular propositions or elections, approval is defined as 'more than half of the members present'.
- d. Voting on amendments or revisions to these bylaws, approval is defined as 'at least two-thirds of the members present'.
- e. Voting may be conducted by voice, at the discretion of the officer presiding at the meeting. Any member present may require that a vote be conducted by a formal show of hands or written ballot.

Section 2. Board of Directors Meetings.

- a. Official business of the Larson PTO may be conducted when there are at least half the members of the Board of Directors present at any duly called meeting.
- b. Notice of a meeting of the Board of Directors will be given at least one week in advance, using a method of distribution intended to reach the full membership.
- c. Voting on regular propositions or elections, approval is defined as 'more than half of the members present'.
- d. Voting on amendments or revisions to these bylaws, approval is defined as 'at least two-thirds of the members present.'
- e. Voting may be conducted by voice, at the discretion of the officer presiding at the meeting. Any member present may require that a vote be conducted by a formal show of hands or written ballot.

**Article VII. Board of Directors & Committee Chairperson Definition and Duties**

Section 1. The Board of Directors is comprised of officers, as defined in Article VII, Section 5 sub-section F, i through v, and the Principal or Assistant Principal and Faculty Representative(s).

Section 2. Only persons who are, or will continue to be members of the Larson PTO, as defined in Article IV, Section 1, may stand for election or appointment to an office or committee.

Section 3. The term of office for officers and committee chairpersons is one fiscal school year as defined in Article X.

Section 4. Members of the Larson PTO may be re-elected or re-appointed to any office or committee chair position.

Section 5. Nominations, Officer, and Duties

- a. A nomination ballot will be drafted and distributed using a method of distribution intended to reach the full membership. This ballot will nominate officers and chairpersons for the standing committees for the ensuing fiscal school year of the Larson PTO, and will clearly state that all positions are open to nomination. This ballot will include:
  - i. all board and standing committee positions.
  - ii. the names of all those currently serving in those positions.
  - iii. the names of all those currently nominated for those positions for the ensuing fiscal school year.
- b. The nominating ballot will be distributed to those elementary schools whose current 5th grade students will be attending Larson in the ensuing year for distribution to their respective PTOs and 5th grade parents.
- c. The officers and chairpersons of standing committees of the Larson PTO will be elected at a general membership meeting in May for the ensuing fiscal school year.
- d. Other than members proposed by the ballot nominating process, other persons may be nominated from the floor of the regular May general membership meeting.
- e. Consent to both stand for election and to serve will be obtained from each person prior to nomination by the current Vice President.
- f. The officers of the Larson PTO and their duties are as follows:

i. President or Co-Presidents. The President or Co-Presidents will prepare agenda and preside at all general membership meetings and all meetings of the Board of Directors of the Larson PTO; will coordinate the work of the officers and committees of the Larson PTO, serve as an ex-officio member of each standing and special project committee; will be listed on PTO bank account for purpose of conducting transactions in Treasurer's absence; and will perform other duties as may be prescribed in these bylaws, assigned by the Board of Directors or during a general membership meeting.

ii. Vice President. The Vice President will preside at all meetings in the absence of the President or Co-Presidents and will perform the duty of providing a slate of officers and chairpersons for the standing committees which will be presented before a general membership meeting in May, and will make the nomination form available to feeder elementary schools. The Vice President will perform other duties as may be prescribed in these bylaws, assigned by the Board of Directors or during a general membership meeting.

iii. Secretary. The Secretary will take minutes of all general membership and Board of Directors meetings, present the minutes at subsequent meetings for approval; have custody of the official book of minutes of the Larson PTO which contain approved minutes of both general membership and Board of Directors meetings; will, within a reasonable period of time, provide any member of the Larson PTO copies of minutes from any previous meeting, will perform other duties as may be prescribed in these bylaws, assigned by the Board of Directors or during a general membership meeting.

iv. Treasurer. The Treasurer will have custody of all assets of the Larson PTO; maintain the assets in accounts with financial institutions approved by the Board of Directors; keep full, accurate records of all transactions via computer-based accounting system; make disbursements in accordance with approved directions of the Board of Directors; reconcile the accounts and report all financial activity at each regular general

membership meeting and regular Board of Director meetings; receive from committees of the Larson PTO all records and proceeds from fund-raising activities; submit to the Financial Review Committee as defined in Art. VII, section 6, subsection xiii. all records and books of the Larson PTO after closing the books at the end of the fiscal year and ensure that the annual financial review results are presented at a general membership meeting in the Fall; shall maintain the financial records of the organization in accordance with all non-profit corporation laws of the state of Michigan and the Internal Revenue Service. The treasurer is responsible to file all required Michigan Annual Reports, federal income tax returns and any other documentation in a timely fashion; and perform duties as may be prescribed in these bylaws, assigned by the Board of Directors or during a general membership meeting.

v. Parliamentarian. The Parliamentarian will draft these bylaws; put into order and publish, in a timely fashion, any proposed revisions to these bylaws; interpret any procedural questions during a meeting of the general membership or Board of Directors using Robert's Rule of Order, revised, as the authority; perform duties as may be prescribed in these bylaws, assigned by the Board of Directors or during a general membership meeting.

Section 6. Standing Committees and Chairpersons.

- a. The committees listed in Article VII, Section 6, sub-section e, shall be considered permanent committees of the Larson PTO and will continue as part of these bylaws.
- b. The chairperson(s) of each committee will be elected at a general membership meeting in May, for the ensuing fiscal school year.
- c. Each chairperson may recruit as many members of the Larson PTO to serve on said committees as necessary and convenient to conduct its duties.
- d. All Committees and Chairpersons will keep accurate financial records and turn in proceeds to the treasurer.
- e. The standing committees of the Larson PTO, and duties of each, are as follows:

i. Clinic. This committee will staff the school's clinic and provide assistance as directed by the Troy School District Board of Education.

ii. Library. This committee will assist the library staff with performance of regular or special duties or activities.

iii. Ways and Means. This committee will recommend and staff fundraising activities and solicit contributions to the Larson PTO, as appropriate.

iv. Hospitality. This committee will provide light refreshments at general membership meetings and Board of Directors meetings if directed to do so by the Board of Directors, serve the host function at all general membership meetings or events sponsored by the Larson PTO. This committee will also plan and implement activities for Teacher Appreciation Week, Principal Appreciation Week and Secretary Appreciation Week.

v. Directory. This committee will compile and oversee printing and mailing of the Larson PTO Student directory and perform duties as may be prescribed in these bylaws, assigned by the Board of Directors or during a general membership meeting.

vi. 8<sup>th</sup> Grade Party. This committee will coordinate the 8<sup>th</sup> Grade Party and perform duties as may be prescribed in these bylaws, assigned by the Board of Directors or during a general membership meeting.

vii. Student Activities Chair. This committee will coordinate volunteers for student activities, specifically activities at student dances. Other than the 8<sup>th</sup> grade dance and perform duties as may be prescribed in these bylaws, assigned by the Board of Directors or during a general membership meeting.

viii. Public Relations. This committee will be responsible for keeping the PTO website up to date and current. The Larson Middle School Principal must approve all information before being placed onto the website.

ix. Awards and Recognitions. This committee will assist with the planning and conduct of awards events, ceremonies, or other forms of citation.

x. Supply Cart. This committee will assist with the planning, ordering and operation of the Larson Middle School Supply Cart.

xi. Safe Homes. This committee will promote and encourage social responsibility among students at either public or private sponsored events or parties, with special emphasis on avoiding the use or provision of alcohol or illegal drugs; will provide a forum for parents and the school staff to discuss methods and common ground rules which can assist in this effort.

xii. Faculty Representative(s). This position will have at least one representative from the Larson Middle School Staff to act as liaison between the Larson PTO and the balance of the faculty. Each representative is to be a co-chairperson, with full membership on the Board of Directors of Larson PTO.

xiii. Financial Review Committee. This committee will be comprised of three to five (3-5) members of the PTO, of which one must be a board member who does not have signatory authority of the PTO bank account, and shall be chosen by a vote of the membership at the general meeting in September, unless not already assigned. This committee shall review the records of the organization at the end of each fiscal year and will report its findings at the first general meeting of the school year.

Section 7. Special Project Committees. On an as-needed basis, the President may create ad-hoc committees to carry out specialized duties which are not currently assigned to one of the standing committees listed above and may appoint chairpersons to head them.

- a. The creation of Special Projects committees and the appointment of chairpersons will have the approval of a majority of the Board of Directors.
- b. Each chairperson may recruit as many members of the Larson PTO to serve on the committee as necessary and convenient to conduct its duties.
- c. Special Project Committees cannot carry into a subsequent fiscal school year but must be reappointed, if necessary, to continue duties.

Section 8. In the event of a vacancy in any of the officer or chair positions of the Larson PTO, the remaining Board of Directors may vote to fill the vacancy from among the membership of the Larson PTO.

Section 9. Any replacement officer or chairperson selected as provided above will serve for the remainder of the current fiscal school year.

### **Article VIII. General Policies and Procedures**

Section 1. The Larson PTO is noncommercial, nonsectarian and nonpartisan.

Section 2. No person or organization may use the name of the Larson PTO or the name of any of the officers or committee chairpersons for any purpose without the expressed approval of the Board of Directors.

Section 3. The Larson PTO will cooperate with other organizations and agencies concerned with the well-being of the students of Larson Middle School. Persons representing the Larson PTO will not make any commitments or representations that bind the Larson PTO in any way without the approval and authorization by the Board of Directors.

Section 4. The government and direction of the Larson PTO, the control of its properties and records are vested in the Board of Directors.

Section 5. In the event that the Larson PTO is dissolved, the assets of the Larson PTO will revert to the general operating fund of the Boyd R. Larson Middle School without restriction.

### **Article IX. Financial Policies and Procedures**

Section 1. All accounts necessary for the transaction of the financial business of the Larson PTO will be opened and maintained at recognized financial institutions using the full name of the organization. The placements of such accounts are to be approved by the Board of Directors. The cancellation of any accounts must have approval and authorization of the Board of Directors.

Section 2. All accounts are required to have two signatures of members of the Board of Directors for any withdrawal transaction of more than \$1000. More than two members of the Board of Directors may be designated to authorize withdrawal transactions. All transactions or reimbursements must have documentation on any monies distributed.

#### **Section 3. Annual Financial Review**

- a. An annual financial review will be conducted after the fiscal year ends, but before the first general membership PTO meeting in September, or, upon a change of Treasurer, prior to the transition to a new Treasurer.
- b. The results of the annual financial review will be presented at a general membership meeting in the fall.
- c. A tentative budget for the organization shall be drafted by the treasurer in conjunction with the board of directors. The budget shall be approved by majority vote at the first general meeting of each school year.
- d. The Board of Directors, at their discretion, may designate an outside authority to conduct an audit of the financial records with the provision that a written and signed report is specified and required.

Section 4. Conflict of Interest

All directors and principal officers will abide with the Larson PTO Conflict of Interest Statement and agree to annually sign the "Larson PTO Annual Statement of Board of Directors"

Section 5. IRS Non-Profit Status

With non-profit corporate status under IRS code section 501c(3) pending and being duly registered as a non-profit corporation with the state of Michigan, the organization shall operate within the confines of the laws of the state of Michigan and the Internal Revenue Service so as not to jeopardize this status. All required Michigan Annual Reports, federal income tax returns and any other required documentation shall be filed on time.

**Article X. Fiscal School Year**

The fiscal school year of the Larson PTO begins on July 1, ending on the following June 30.

**Article XI. Amendments**

These bylaws may be amended or revised at any duly called meeting of the general membership or Board of Directors by a two-thirds vote of those present.

**Article XII. Parliamentary Authority**

Robert's Rules of Order, Revised, will govern the organization in all cases which they are applicable and in which they are not in conflict with these bylaws.

**Article XIII. Dissolution**

The Larson PTO may be dissolved upon a 2/3 vote of the Board of Directors or a majority vote of the General Membership. If the Board of Directors has not met for more than 1 year, the Larson Middle School Principal may dissolve the Larson PTO at his/her discretion. Upon dissolution of the Larson PTO, all remaining assets will be distributed to Larson Middle School for exempt purposes within the meaning of section of 501© (3) of the Internal Revenue Code or corresponding section of any future federal tax code.

LARSON MIDDLE SCHOOL PTO			
HISTORICAL FINANCIAL STATEMENTS			
	Year ended	Year ended	Year ended
	6/30/2011	6/30/2012	6/30/2013
<b>INCOME:</b>			
Bowling party	-	61.00	-
Dance	613.00	505.00	-
Directories	2,837.00	2,837.00	2,897.00
8th grade party / dvd	4,976.00	2,459.00	5,270.00
Interest Income	-	-	6.47
Locker Pals	-	-	-
Magazine sales	600.00	-	-
Macy's	-	-	-
Miscellaneous	625.00	154.00	-
Munch club	-	-	-
Will Your School Rule	-	2,500.00	5,000.00
Skating party	-	481.00	-
Spirit Wear	8,934.00	6,605.00	7,767.01
Supply Cart	2,562.00	2,785.00	3,436.33
<b>TOTAL INCOME</b>	<b>21,147.00</b>	<b>18,387.00</b>	<b>24,376.81</b>
<b>EXPENSES:</b>			
Nonprofit status			950.00
8th grade party - current year	2,382.00	2,835.00	4,356.87
8th grade party - next year			(20.00)
8th grade party - prior year	925.00	834.00	2,189.10
Administration appreciation	200.00	100.00	200.00
Anchors	-	79.00	-
Anti-bullying			139.00
Assignment logs	1,800.00	1,845.00	1,845.00
Bank charges			21.00
Break Free	154.00	209.00	-
Classroom supplies		1,530.00	-
Dance activities		144.00	316.02
Directories	283.00		399.63
Donations	392.00	150.00	400.00
Fieldtrip assistance			329.38
Fish tank maintenance			-
Ground water kits			216.50
Locker Pals			-
Miscellaneous	190.00	765.00	-
Munch Club			-
Office expense			42.35
President's Council	(30.00)	30.00	53.17
Pride	455.00	1,323.00	270.97
Promotional expense			132.94
Secretary appreciation	-	100.00	105.91
Skating party		150.00	-
Spirit Wear	6,340.00	4,957.00	7,552.00
Student Development		425.00	292.01
Supply cart	974.00	1,488.00	1,672.37
Teacher Appreciation	518.00	526.00	621.33
Teacher Mini Grants			502.45
Technology	3,089.00	1,203.00	884.93
Troyberry Books		500.00	-
Website			82.58
<b>TOTAL EXPENSES</b>	<b>17,672.00</b>	<b>19,193.00</b>	<b>23,555.51</b>
<b>Net income for the period</b>	<b>3,475.00</b>	<b>(806.00)</b>	<b>821.30</b>





## CITY COUNCIL AGENDA ITEM

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Date: November 19, 2013

To: Brian Kischnick, City Manager

From: Mark F. Miller, Director of Economic and Community Development  
Steven J. Vandette, City Engineer  
Larysa Figol, Sr. Right-of-Way Representative

Subject: Request for Acceptance of Permanent Easements and Warranty Deeds for Beachview Site Condominium - Sidwell #88-20-18-127-012

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### **History**

As part of the development of the Beachview Site Condominium located in the northwest  $\frac{1}{4}$  of Section 18, the Engineering department has received four permanent easements for greenbelts, storm sewers, landscaping and signage, and sanitary sewers as well as three warranty deeds for right-of-way and a detention basin from Mondrian Properties Beachview, LLC, owner of the property having Sidwell #88-20-18-127-012.

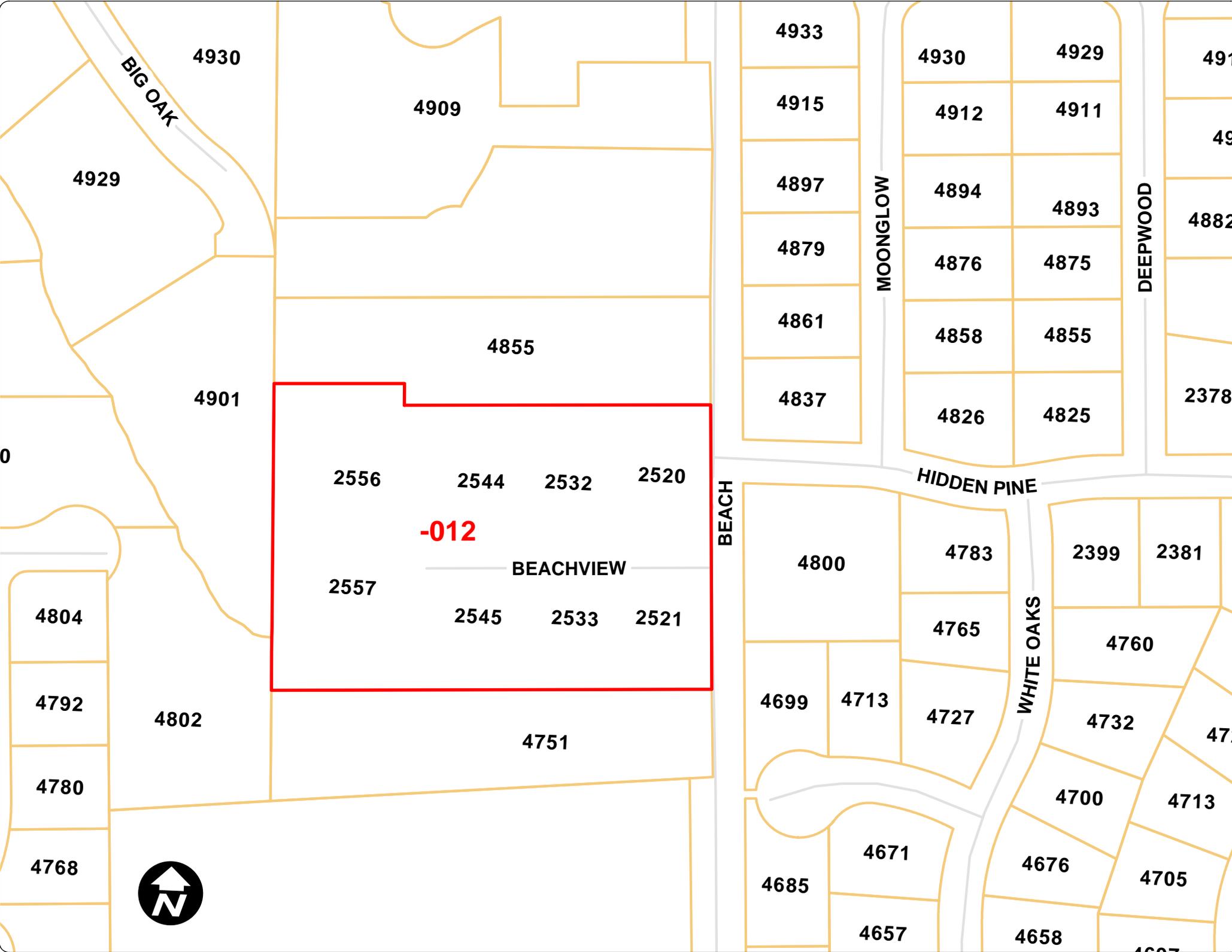
The format and content of these easements and warranty deeds is consistent with conveyances previously accepted by City Council.

### **Financial**

The consideration amount on each document is \$1.00

### **Recommendation**

City Management recommends that City Council accept the attached easements and warranty deeds consistent with our policy of accepting easements and warranty deeds for development and improvement purposes.



BIG OAK

4930

4909

4933

4930

4929

491

4929

4915

4912

4911

490

4897

4894

4893

4882

4879

4876

4875

4861

4858

4855

4855

4837

4826

4825

2378

4901

2556

2544

2532

2520

**-012**

BEACHVIEW

2557

2545

2533

2521

BEACH

HIDDEN PINE

4800

4783

2399

2381

4804

4765

4760

4792

4802

4699

4713

4727

WHITE OAKS

4732

472

4780

4751

4700

4713

4768



4685

4671

4676

4705

4657

4658

4607

WARRANTY DEED

Sidwell # 88-20-18-127-012 (part of)  
Resolution #

The Grantor(s) MONDRIAN PROPERTIES BEACHVIEW, LLC, a Michigan limited liability company, whose address is: 50125 Schoenherr, Shelby Township, MI 48315 convey(s) and warrant(s) to the City of Troy, a Michigan Municipal Corporation, Grantee, whose address is 500 West Big Beaver Road., Troy, Michigan 48084, the following described premises situated in the City of Troy, County of Oakland and State of Michigan:

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

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

subject to easements and building and use restrictions of record and further subject to:

Dated this 14<sup>th</sup> day of June, 2013.

MONDRIAN PROPERTIES BEACHVIEW, LLC  
a Michigan limited liability company

By [Signature]  
Joseph Maniaci  
Its Member

STATE OF MICHIGAN)  
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this 14<sup>th</sup> day of June, 2013, by Joseph Maniaci, Member, of MONDRIAN PROPERTIES BEACHVIEW, LLC, a Michigan limited liability company, on behalf of the company.

[Signature]

**LARYSA FIGOL**  
Notary Public, Oakland County, Michigan  
Acting in Oakland County, Michigan  
My Commission Expires 03/02/2018  
Notary Public, \_\_\_\_\_ County, MI  
My commission expires: \_\_\_\_\_  
Acting \_\_\_\_\_ County, MI

County Treasurer's Certificate		City Treasurer's Certificate	
When recorded return to: City Clerk City of Troy 500 West Big Beaver Troy, MI 48084	Send subsequent tax bills to: Grantee	Drafted by: Larysa Figol City of Troy 500 West Big Beaver Troy, MI 48084	

Tax Parcel #88-20-18-127-012 (part of) Recording Fee \_\_\_\_\_ Transfer Tax \_\_\_\_\_

\*TYPE OR PRINT NAMES UNDER SIGNATURES

EXHIBIT "A"

LEGAL DESCRIPTIONS

LEGAL DESCRIPTION

(Per Oakland County Tax Records)

PARCEL NO. 20-18-127-012

Town 2 North, Range 11 East, Section 18, Part of the Northwest 1/4 of Section, Beginning at a point distant S00°10'00"W, 838.80 feet from the North 1/4 corner; thence S00°10'00"W, 391.05 feet; thence N89°42'23"W, 607.22 feet; thence N00°59'25"E, 421.49 feet; thence S89°40'00"E, 180 feet; thence S00°59'25"W, 30 feet; thence S89°40'00"E, 421.59 feet to the Point of Beginning. Containing 5.55 acres of land, more or less.

LEGAL DESCRIPTION

(As Surveyed by Professional Engineering Associates)

PARCEL NO. 20-18-127-012

Part of the Northwest 1/4 of Section 18, Town 2 North, Range 11 East, City of Troy, Oakland County, Michigan, commencing at the North 1/4 corner of Section 18; thence along the north-south 1/4 line of said Section 18, S00°00'25"E, 838.80 feet to the Point of Beginning; thence continuing along said north-south 1/4 line, S00°00'25"E, 391.05 feet; thence N89°52'48"W, 607.22 feet to a point on the east line of "Countryside Estates No. 1" (Liber 95, Page 27, Oakland County Records); thence along said east line and also the east line of "Countryside Estates" (Liber 82 of plat, Page 9, O.C.R.), N00°49'00"E, 421.49 feet; thence S89°50'25"E, 180.00 feet; thence S00°49'00"W, 30.00 feet; thence S89°50'25"E, 421.59 feet to the aforementioned north-south 1/4 line of said Section 18 and the Point of Beginning. Containing 5.553 gross acres of land, more or less, and subject to the rights of the public over the easterly 33 feet of the subject parcel, known as Beach Road.

LEGAL DESCRIPTION

(Per Professional Engineering Associates)

BEACH ROAD PUBLIC RIGHT-OF-WAY DEDICATION AREA

A parcel of land to be dedicated to the public Right of Way over the easterly 43 feet of Tax Parcel 20-18-127-012, being part of the Northwest 1/4 of Section 18, Town 2 North, Range 11, East, City of Troy, Oakland County, Michigan, and being more particularly described as: Commencing at the North 1/4 corner of Section 18; thence along the north-south 1/4 line of said Section 18, S00°00'25"E, 838.80 feet to the north line of said Tax Parcel and the Point of Beginning; thence continuing along said north-south 1/4 line, S00°00'25"E, 391.05 feet to the south line of said Tax Parcel; thence along said south line, N89°52'48"W, 43.00 feet to the proposed west line of Beach Road; thence along said proposed line, said line being 43 feet westerly of and parallel to the aforementioned north-south 1/4 line of said Section 18, N00°00'25"W, 391.08 feet to the aforementioned north line of said Tax Parcel; thence along said north line, S89°50'25"E, 43.00 feet to the aforementioned north-south 1/4 line of said Section 18 and the Point of Beginning. Containing 16,816 square feet of land, more or less.

CLOSES & APP. CR'S

PROFESSIONAL  
ENGINEERING  
ASSOCIATES

2430 Rochester Ct. Suite 100  
Troy, MI 48063-1872  
(248) 689-9090

CLIENT:  
MONCRIAN PROPERTIES  
50215 SCHOENHERR  
SHELBY TOWNSHIP, MI 48315

SCALE: 1" = 80'  
JOB No: 2011150  
DATE: 4-24-13  
DWG. No: 2 of 2

# SKETCH OF DEDICATION BEACH ROAD

"COUNTRYSIDE  
ESTATES NO. 1"  
(L.95, P.27)

"COUNTRYSIDE ESTATES"  
(L.82, P.9)  
LOT 14

EAST LINE OF  
"COUNTRYSIDE ESTATES"

EAST LINE OF  
"COUNTRYSIDE  
ESTATES NO. 1"

PARCEL NO.  
20-18-127-012  
(±5.553 GROSS ACRES)

PARCEL NO.  
20-18-127-006

N89°52'48"W 607.22'

SOUTH LINE PARCEL 127-012

S89°50'25"E 3,152.06,688  
180.00'

S00°49'00"W 30.00'

S89°50'25"E 421.59'

PARCEL NO.  
20-18-127-011

NORTH LINE  
PARCEL 127-012

AREA TO BE  
DEDICATED  
(±16,816 SQ.FT.)

N89°52'48"W 43.00'

PROPOSED WEST  
LINE BEACH ROAD

N00°00'25"W 391.08'

S89°50'25"E 43.00'

EXISTING WEST  
LINE BEACH ROAD

S00°00'25"E 391.05'

838.80'  
S00°00'25"E

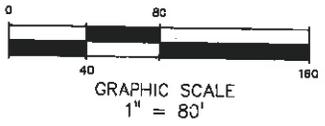
NORTH-SOUTH 1/4 LINE  
SECTION 18  
S00°00'25"E 391.05'

BEACH ROAD  
(EX-33' 1/2 WIDTH)

P.O.B.  
DEDICATION  
P.O.B. TAX  
PARCEL

NORTH 1/4  
CORNER  
SECTION 18  
T.2N., R.11E.  
(L.21626, P.459)

CENTER OF  
SECTION 18  
T.2N., R.11E.  
(L.31082, P.733)



PROFESSIONAL  
ENGINEERING  
ASSOCIATES  
  
2430 Rochester Ct. Suite 100  
Troy, MI 48063-1872  
(248) 689-9090

CLIENT: <b>MONDRIAN PROPERTIES</b> 50215 SCHOENHERR SHELBY TOWNSHIP, MI 48315	SCALE: 1" = 80'	JOB No: 2011150
	DATE: 4-24-13	DWG. No: 1 of 2

WARRANTY DEED

Sidwell # 88-20-18-127-012 (part of)  
Resolution #

The Grantor(s) MONDRIAN PROPERTIES BEACHVIEW, LLC, a Michigan limited liability company, whose address is: 50125 Schoenherr, Shelby Township, MI 48315 convey(s) and warrant(s) to the City of Troy, a Michigan Municipal Corporation, Grantee, whose address is 500 West Big Beaver Road., Troy, Michigan 48084, the following described premises situated in the City of Troy, County of Oakland and State of Michigan:

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

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

subject to easements and building and use restrictions of record and further subject to:

Dated this 14<sup>th</sup> day of June, 2013.

MONDRIAN PROPERTIES BEACHVIEW, LLC  
a Michigan limited liability company

By [Signature]  
Joseph Maniaci  
Its: Member

STATE OF MICHIGAN)  
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this 14<sup>th</sup> day of June, 2013, by Joseph Maniaci, Member, of MONDRIAN PROPERTIES BEACHVIEW, LLC, a Michigan limited liability company, on behalf of the company.

**LARYSA FIGOL**  
Notary Public, Oakland County, Michigan  
Acting in Oakland County, Michigan  
My Commission Expires 03/02/2018

[Signature]  
Notary Public, \_\_\_\_\_ County, MI  
My commission expires: \_\_\_\_\_  
Acting \_\_\_\_\_ County, MI

County Treasurer's Certificate		City Treasurer's Certificate
When recorded return to: City Clerk City of Troy 500 West Big Beaver Troy, MI 48084	Send subsequent tax bills to: Grantee	Drafted by: Larysa Figol City of Troy 500 West Big Beaver Troy, MI 48084

Tax Parcel #88-20-18-127-012 (part of) Recording Fee \_\_\_\_\_ Transfer Tax \_\_\_\_\_

\*TYPE OR PRINT NAMES UNDER SIGNATURES

EXHIBIT "A"

LEGAL DESCRIPTIONS

LEGAL DESCRIPTION

(Per Oakland County Tax Records)

PARCEL NO. 20-18-127-012

Town 2 North, Range 11 East, Section 18, Part of the Northwest 1/4 of Section, Beginning at a point distant S00°10'00"W, 838.80 feet from the North 1/4 corner; thence S00°10'00"W, 391.05 feet; thence N89°42'23"W, 607.22 feet; thence N00°59'25"E, 421.49 feet; thence S89°40'00"E, 180 feet; thence S00°59'25"W, 30 feet; thence S89°40'00"E, 421.59 feet to the Point of Beginning. Containing 5.55 acres of land, more or less.

LEGAL DESCRIPTION

(As Surveyed by Professional Engineering Associates)

PARCEL NO. 20-18-127-012

Part of the Northwest 1/4 of Section 18, Town 2 North, Range 11 East, City of Troy, Oakland County, Michigan, commencing at the North 1/4 corner of Section 18; thence along the north-south 1/4 line of said Section 18, S00°00'25"E, 838.80 feet to the Point of Beginning; thence continuing along said north-south 1/4 line, S00°00'25"E, 391.05 feet; thence N89°52'48"W, 607.22 feet to a point on the east line of "Countryside Estates No. 1" (Liber 95, Page 27, Oakland County Records); thence along said east line and also the east line of "Countryside Estates" (Liber 82 of plat, Page 9, O.C.R.), N00°49'00"E, 421.49 feet; thence S89°50'25"E, 180.00 feet; thence S00°49'00"W, 30.00 feet; thence S89°50'25"E, 421.59 feet to the aforementioned north-south 1/4 line of said Section 18 and the Point of Beginning. Containing 5.553 gross acres of land, more or less, and subject to the rights of the public over the easterly 33 feet of the subject parcel, known as Beach Road.

LEGAL DESCRIPTION

(Per Professional Engineering Associates)

BEACHVIEW COURT PUBLIC RIGHT-OF-WAY DEDICATION AREA

A parcel of land to be dedicated to the public Right of Way over part of Tax Parcel 20-18-127-012, being part of the Northwest 1/4 of Section 18, Town 2 North, Range 11, East, City of Troy, Oakland County, Michigan, and being more particularly described as:

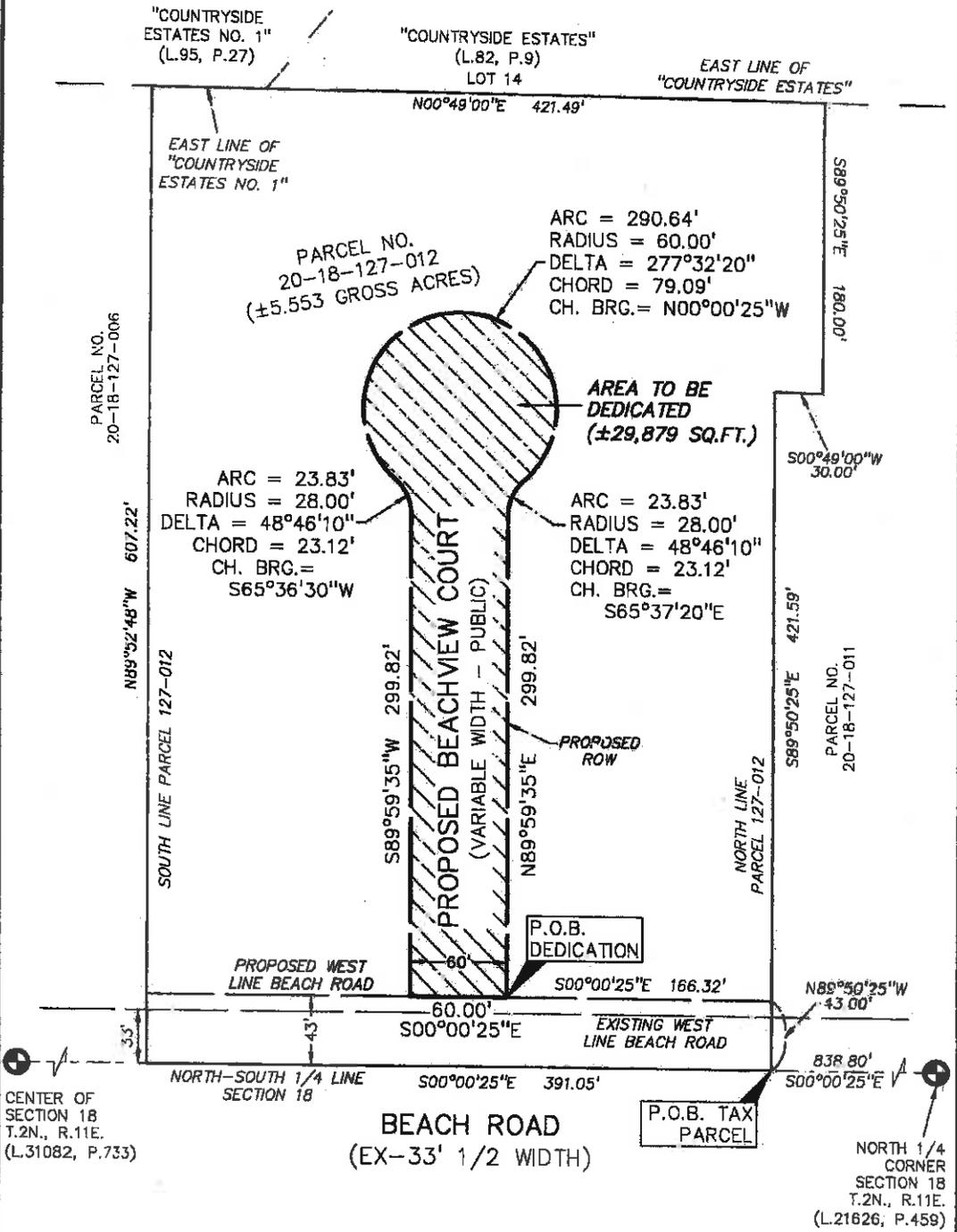
Commencing at the North 1/4 corner of Section 18; thence along the north-south 1/4 line of said Section 18, S00°00'25"E, 838.80 feet to the north line of said Tax Parcel; thence along said north line, N89°50'25"W, 43.00 feet to the proposed west line of Beach Road; thence along said proposed line, said line being 43 feet westerly of and parallel to the aforementioned north-south 1/4 line of said Section 18, S00°00'25"E, 166.32 feet to the proposed right-of-way of Proposed Beachview Court (variable width) and the Point of Beginning; thence continuing along said proposed right-of-way the following six (6) courses: S00°00'25"E, 60.00 feet and S89°59'35"W, 299.82 feet; and 23.83 feet along an arc of a tangent curve to the left, having a radius of 28.00 feet and a chord that bears S65°36'30"W, 23.12 feet to a point of reverse curvature; and 290.64 feet along an arc of a reverse curve to the right, having a radius of 60.00 feet and a chord that bears, N00°00'25"W, 79.09 feet to a point of reverse curvature; and 23.83 feet along an arc of a reverse curve to the left, having a radius of 28.00 feet and a chord that bears S65°37'20"E, 23.12 feet to a point of tangency; and N89°59'35"E, 299.82 feet to the aforementioned proposed west line of Beach Road and the Point of Ending.

Containing 25,879 square feet of land, more or less.

PROFESSIONAL ENGINEERING ASSOCIATES  
2430 Rochesler Ct, Suite 100  
Troy, MI 48063-1872  
(248) 689-9090

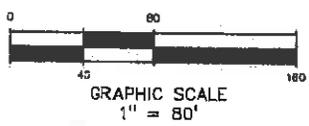
CLIENT MONDRIAN PROPERTIES 50215 SCHOENHERR SHELBY TOWNSHIP, MI 48315	SCALE: 1"= 80'	JOB No: 2011150
	DATE: 4-19-13	DWG. No: 2 of 2

# SKETCH OF DEDICATION BEACHVIEW COURT



CENTER OF SECTION 18  
T.2N., R.11E.  
(L.31082, P.733)

NORTH 1/4 CORNER SECTION 18  
T.2N., R.11E.  
(L.21626, P.459)



<b>CLIENT:</b> <b>MONDRIAN PROPERTIES</b> 50215 SCHOENHERR SHELBY TOWNSHIP, MI 48315	SCALE: 1" = 80'	JOB No: 2011150	2430 Rochester Ct. Suite 100 Troy, MI 48063-1872 (248) 689-9090
	DATE: 4-19-13	DWG. No: 1 of 2	

WARRANTY DEED

Sidwell # 88-20-18-127-012 (part of)  
Resolution #

The Grantor(s) MONDRIAN PROPERTIES BEACHVIEW, LLC, a Michigan limited liability company, whose address is: 50125 Schoenherr, Shelby Township, MI 48315 convey(s) and warrant(s) to the City of Troy, a Michigan Municipal Corporation, Grantee, whose address is 500 West Big Beaver Road., Troy, Michigan 48084, the following described premises situated in the City of Troy, County of Oakland and State of Michigan:

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

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

subject to easements and building and use restrictions of record and further subject to:

Dated this 14<sup>th</sup> day of June, 2013.

MONDRIAN PROPERTIES BEACHVIEW, LLC  
a Michigan limited liability company

By [Signature]  
Joseph Maniaci  
Its: Member

STATE OF MICHIGAN)  
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this 14<sup>th</sup> day of June, 2013, by Joseph Maniaci, Member, of MONDRIAN PROPERTIES BEACHVIEW, LLC, a Michigan limited liability company, on behalf of the company.

[Signature]  
LARYSA FIGOL  
Notary Public, Oakland County, Michigan County, MI  
Acting in Oakland County, Michigan My commission expires: \_\_\_\_\_  
My Commission Expires 03/02/2018 Acting \_\_\_\_\_ County, MI

County Treasurer's Certificate		City Treasurer's Certificate	
When recorded return to: City Clerk City of Troy 500 West Big Beaver Troy, MI 48084	Send subsequent tax bills to: Grantee	Drafted by: Larysa Figol City of Troy 500 West Big Beaver Troy, MI 48084	

Tax Parcel #88-20-18-127-012 (part of) Recording Fee \_\_\_\_\_ Transfer Tax \_\_\_\_\_

\*TYPE OR PRINT NAMES UNDER SIGNATURES

EXHIBIT "A"

LEGAL DESCRIPTIONS

LEGAL DESCRIPTION

(Per Oakland County Tax Records)

PARCEL NO. 20-18-127-012

Town 2 North, Range 11 East, Section 18, Part of the Northwest 1/4 of Section, Beginning at a point distant S00°10'00"W, 838.80 feet from the North 1/4 corner; thence S00°10'00"W, 391.05 feet; thence N89°42'23"W, 607.22 feet; thence N00°59'25"E, 421.49 feet; thence S89°40'00"E, 180 feet; thence S00°59'25"W, 30 feet; thence S89°40'00"E, 421.59 feet to the Point of Beginning. Containing 5.55 acres of land, more or less.

LEGAL DESCRIPTION

(Per Professional Engineering Associates)

PARCEL "A"

A parcel of land over part of Tax Parcel 20-18-127-012, being part of the Northwest 1/4 of Section 18, Town 2 North, Range 11, East, City of Troy, Oakland County, Michigan, and being more particularly described as: Commencing at the North 1/4 corner of Section 18; thence along the north-south 1/4 line of said Section 18, S00°00'25"E, 838.80 feet; thence N89°50'25"W, 43.00 feet to the west line of Beach Road (43 foot half width); thence along said west line, said line being 43 feet westerly of and parallel to the aforementioned north-south 1/4 line of said Section 18, S00°00'25"E, 391.08 feet; thence N89°52'48"W, 400.57 feet to the Point of Beginning; thence continuing N89°52'48"W, 163.65 feet to a point on the east line of "Countryside Estates No. 1" (Liber 95, Page 27, Oakland County Records); thence along said east line and also the east line of "Countryside Estates" (Liber 82 of plat, Page 9, O.C.R.), N00°49'00"E, 119.66 feet; thence N88°12'02"E, 125.09 feet; thence N45°36'31"E, 40.00 feet to a point on the right-of-way of Beachview Court; thence along said line, 14.03 feet along an arc of a curve to the left, having a radius of 60.00 feet and a chord that bears S51°05'28"E, 14.00 feet; thence S01°01'34"W, 143.13 feet to the Point of Beginning. Containing 0.475 acres of land, more or less.

CLOSES OK ✓

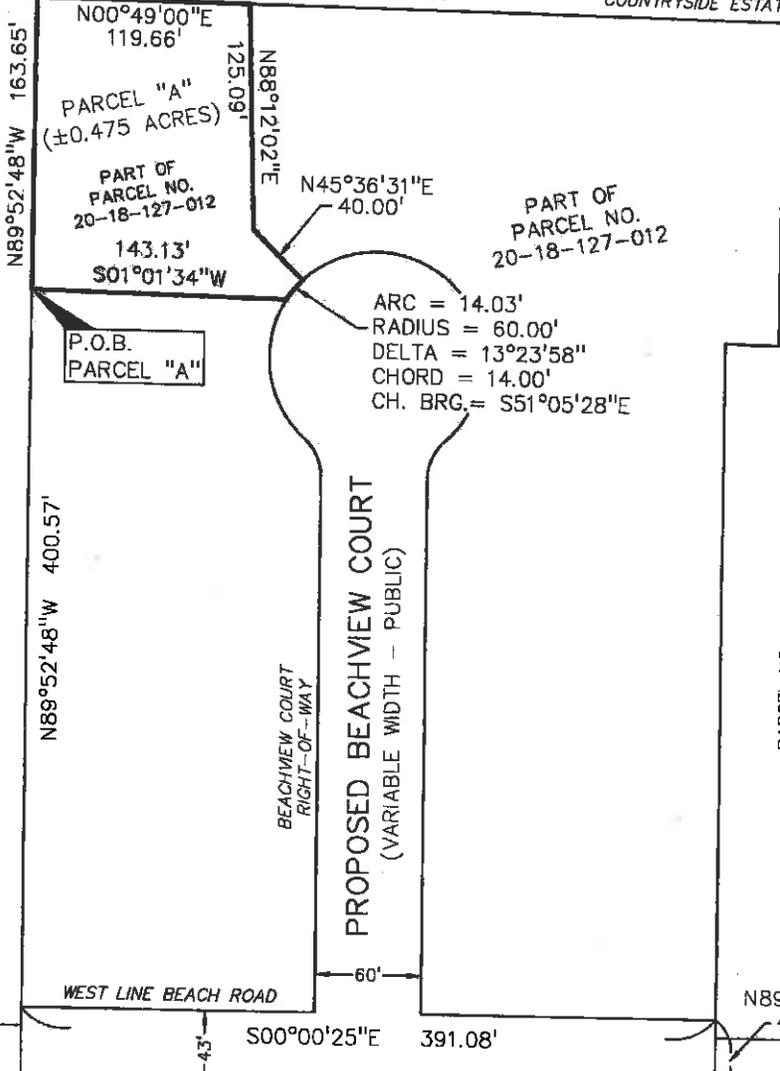
PROFESSIONAL  
ENGINEERING  
ASSOCIATES

CLIENT: <b>MONDRIAN PROPERTIES</b> 50215 SCHOENHERR SHELBY TOWNSHIP, MI 48315	SCALE: 1"= 80'	JOB No: 2011150	2430 Rochester Ct. Suite 100 Troy, MI 48083-1872 (248) 689-9090
	DATE: 5-8-13	DWG. No: 2 of 2	

**SKETCH OF DESCRIPTION  
PARCEL "A"**

"COUNTRYSIDE ESTATES NO. 1"  
(L.95, P.27)  
EAST LINE OF  
"COUNTRYSIDE  
ESTATES NO. 1"

"COUNTRYSIDE ESTATES"  
(L.82, P.9)  
LOT 14  
EAST LINE OF  
"COUNTRYSIDE ESTATES"



PARCEL NO.  
20-18-127-006

PARCEL NO.  
20-18-127-011

EXISTING  
WEST LINE  
BEACH ROAD

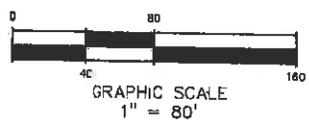
CENTER OF  
SECTION 18  
T.2N., R.11E.  
(L.31082, P.733)

NORTH-SOUTH 1/4 LINE  
SECTION 18

BEACH ROAD  
(43' 1/2 WIDTH)

P.O.B. TAX  
PARCEL

NORTH 1/4  
CORNER  
SECTION 18  
T.2N., R.11E.  
(L.21626, P.459)



PROFESSIONAL  
ENGINEERING  
ASSOCIATES

2430 Rochester Ct. Suite 100  
Troy, MI 48063-1872  
(248) 689-9090

CLIENT: <b>MONDRIAN PROPERTIES</b> 50215 SCHOENHERR SHELBY TOWNSHIP, MI 48315	SCALE: 1" = 80'	JOB No: 2011150
	DATE: 5-8-13	DWG. No: 1 of 2

**PERMANENT EASEMENT**

Sidwell #88-20-18-127-012(pt of)  
Resolution #

MONDRIAN PROPERTIES BEACHVIEW, LLC, a Michigan limited liability company, Grantor(s), whose address is 50215 Schoenherr Road, Shelby Twp, MI 48315, 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 construct, operate, maintain, repair and/or replace **greenbelts**, 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 HEREOF

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 14<sup>th</sup> day of June A.D. 2013.

Mondrian Properties Beachview, LLC  
a Michigan limited liability company

By [Signature] (L.S.)  
Joseph Maniadi  
its Manager

STATE OF MICHIGAN )  
COUNTY OF OAKLAND )

The foregoing instrument was acknowledged before me this 14<sup>th</sup> day of June, 2013, by Joseph Maniadi, Manager of, Mondrian Properties Beachview, LLC, a Michigan limited liability company on behalf of the company.

[Signature]  
**LARYSA FIGOL**  
Notary Public, Oakland County, Michigan  
Acting in Oakland County, Michigan  
My Commission Expires 03/02/2018  
Notary Public, \_\_\_\_\_ County, Michigan  
My Commission Expires \_\_\_\_\_  
Acting in \_\_\_\_\_ County, Michigan

Prepared by: Larysa Figol  
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

**PLEASE SIGN IN BLUE INK AND PRINT OR TYPE NAMES IN BLACK INK UNDER SIGNATURES**

EXHIBIT "A"

LEGAL DESCRIPTIONS  
GREENBELT EASEMENTS "A" & "B"

LEGAL DESCRIPTION

(Per Oakland County Tax Records)

PARCEL NO. 20-18-127-012

Town 2 North, Range 11 East, Section 18, Part of the Northwest 1/4 of Section, Beginning at a point distant S00°10'00"W, 838.80 feet from the North 1/4 corner; thence S00°10'00"W, 391.05 feet; thence N89°42'23"W, 607.22 feet; thence N00°59'25"E, 421.49 feet; thence S89°40'00"E, 180 feet; thence S00°59'25"W, 30 feet; thence S89°40'00"E, 421.59 feet to the Point of Beginning. Containing 5.55 acres of land, more or less.

LEGAL DESCRIPTION

(As Surveyed by Professional Engineering Associates)

PARCEL NO. 20-18-127-012

Part of the Northwest 1/4 of Section 18, Town 2 North, Range 11 East, City of Troy, Oakland County, Michigan, commencing at the North 1/4 corner of Section 18; thence along the north-south 1/4 line of said Section 18, S00°00'25"E, 838.80 feet to the Point of Beginning; thence continuing along said north-south 1/4 line, S00°00'25"E, 391.05 feet; thence N89°52'48"W, 607.22 feet to a point on the east line of "Countryside Estates No. 1" (Liber 95, Page 27, Oakland County Records); thence along said east line and also the east line of "Countryside Estates" (Liber 82 of plat, Page 9, O.C.R.), N00°49'00"E, 421.49 feet; thence S89°50'25"E, 180.00 feet; thence S00°49'00"W, 30.00 feet; thence S89°50'25"E, 421.59 feet to the aforementioned north-south 1/4 line of said Section 18 and the Point of Beginning. Containing 5.553 gross acres of land, more or less, and subject to the rights of the public over the easterly 33 feet of the subject parcel, known as Beach Road.

LEGAL DESCRIPTION

(Per Professional Engineering Associates)

15' WIDE GREENBELT EASEMENT "A"

A 15 foot wide easement for greenbelt over part of Tax Parcel 20-18-127-012, being part of the Northwest 1/4 of Section 18, Town 2 North, Range 11, East, City of Troy, Oakland County, Michigan, said easement being more particularly described as:

Commencing at the North 1/4 corner of Section 18; thence along the north-south 1/4 line of said Section 18, S00°00'25"E, 838.80 feet to the north line of said Tax Parcel; thence continuing along said north-south 1/4 line, S00°00'25"E, 391.05 feet to the south line of said Tax Parcel; thence along said south line, N89°52'48"W, 43.00 feet to the proposed west line of Beach Road, said line being 43 feet westerly of and parallel to the aforementioned north-south 1/4 line of said Section 18, and the Point of Beginning; thence continuing along said south parcel line, N89°52'48"W, 15.00 feet to a line being 15 feet westerly of and parallel to the proposed west line of Beach Road; thence along said line, N00°00'25"W, 164.73 feet to the proposed right-of-way of Proposed Beachview Court (variable width); thence along said proposed line, N89°59'35"E, 15.00 feet to the aforementioned proposed west line of Beach Road; thence along said proposed line, S00°00'25"E, 164.76 feet to the Point of Beginning.

LEGAL DESCRIPTION

(Per Professional Engineering Associates)

15' WIDE GREENBELT EASEMENT "B"

A 15 foot wide easement for greenbelt over part of Tax Parcel 20-18-127-012, being part of the Northwest 1/4 of Section 18, Town 2 North, Range 11, East, City of Troy, Oakland County, Michigan, said easement being more particularly described as:

Commencing at the North 1/4 corner of Section 18; thence along the north-south 1/4 line of said Section 18, S00°00'25"E, 838.80 feet to the north line of said Tax Parcel; thence along said north line, N89°50'25"W, 43.00 feet to the proposed west line of Beach Road, said line being 43 feet westerly of and parallel to the aforementioned north-south 1/4 line of said Section 18, and the Point of Beginning; thence along said proposed line, S00°00'25"E, 166.32 feet to the proposed right-of-way of Proposed Beachview Court (variable width); thence along said proposed line, S89°59'35"W, 15.00 feet to a line being 15 feet westerly of and parallel to the aforementioned proposed west line of Beach Road; thence along said line, N00°00'25"W, 166.36 feet to the aforementioned north line of said tax parcel; thence along said north line, S89°50'25"E, 15.00 feet to the aforementioned proposed west line of Beach Road and the Point of Beginning.

PROFESSIONAL  
ENGINEERING  
ASSOCIATES

CLIENT:

MONDRIAN PROPERTIES  
50215 SCHOENHERR  
SHELBY TOWNSHIP, MI 48315

SCALE: 1" = 80'

JOB No: 2011150

2430 Rochester Ct Suite 100  
Troy, MI 48083-1872

DATE: 4-19-13

DWG. No: 2 of 2

(248) 689-9090



**PERMANENT EASEMENT**

Sidwell #88-20-18-127-012(pt of)  
Resolution #

MONDRIAN PROPERTIES BEACHVIEW, LLC, a Michigan limited liability company, Grantor(s), whose address is 50215 Schoenherr Road, Shelby Twp, MI 48315, 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 construct, operate, maintain, repair and/or replace **storm sewers**, 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 HEREOF

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 14<sup>th</sup> day of June A.D. 2013.

Mondrian Properties Beachview, LLC  
a Michigan limited liability company

By [Signature] (L.S.)  
\*Joseph Maniaci  
Its Manager

STATE OF MICHIGAN )  
COUNTY OF OAKLAND )

The foregoing instrument was acknowledged before me this 14<sup>th</sup> day of June, 2013, by Joseph Maniaci, Manager of, Mondrian Properties Beachview, LLC, a Michigan limited liability company on behalf of the company.

[Signature]  
**LARYSA FIGOL**  
Notary Public, Oakland County, Michigan  
Acting in Oakland County, Michigan My Commission Expires \_\_\_\_\_  
My Commission Expires 03/02/2018 Acting in \_\_\_\_\_ County, Michigan

Prepared by: Larysa Figol  
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

**PLEASE SIGN IN BLUE INK AND PRINT OR TYPE NAMES IN BLACK INK UNDER SIGNATURES**

**EXHIBIT "A"**

**LEGAL DESCRIPTIONS  
STORM SEWER EASEMENTS "A", "B", "C" & "D"**

**LEGAL DESCRIPTION**

(Per Oakland County Tax Records)

**PARCEL NO. 20-18-127-012**

Town 2 North, Range 11 East, Section 18, Part of the Northwest 1/4 of Section, Beginning at a point distant S00°10'00"W, 838.80 feet from the North 1/4 corner; thence S00°10'00"W, 391.05 feet; thence N89°42'23"W, 607.22 feet; thence N00°59'25"E, 421.49 feet; thence S89°40'00"E, 180 feet; thence S00°59'25"W, 30 feet; thence S89°40'00"E, 421.59 feet to the Point of Beginning. Containing 5.55 acres of land, more or less.

**LEGAL DESCRIPTION**

(As Surveyed by Professional Engineering Associates)

**PARCEL NO. 20-18-127-012**

Part of the Northwest 1/4 of Section 18, Town 2 North, Range 11 East, City of Troy, Oakland County, Michigan, commencing at the North 1/4 corner of Section 18; thence along the north-south 1/4 line of said Section 18, S00°00'25"E, 838.80 feet to the Point of Beginning; thence continuing along said north-south 1/4 line, S00°00'25"E, 391.05 feet; thence N89°52'48"W, 607.22 feet to a point on the east line of "Countryside Estates No. 1" (Liber 95, Page 27, Oakland County Records); thence along said east line and also the east line of "Countryside Estates" (Liber 82 of plat, Page 9, O.C.R.), N00°49'00"E, 421.49 feet; thence S89°50'25"E, 180.00 feet; thence S00°49'00"W, 30.00 feet; thence S89°50'25"E, 421.59 feet to the aforementioned north-south 1/4 line of said Section 18 and the Point of Beginning. Containing 5.553 gross acres of land, more or less, and subject to the rights of the public over the easterly 33 feet of the subject parcel, known as Beach Road.

**LEGAL DESCRIPTION**

(Per Professional Engineering Associates)

**VARIABLE WIDTH STORM SEWER EASEMENT "A"**

A variable width storm sewer easement over part of Tax Parcel 20-18-127-012, being part of the Northwest 1/4 of Section 18, 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 Section 18; thence along the north-south 1/4 line of said Section 18, S00°00'25"E, 838.80 feet to the north line of said Tax Parcel; thence continuing along said north line, N89°50'25"W, 57.97 feet; thence S00°09'35"W, 10.00 feet to the centerline of a 20 foot wide easement and the Point of Beginning; thence continuing along the centerline of a 20 foot wide easement the following two courses: N89°50'25"W, 125.00 feet and S00°00'25"E, 149.22 feet to the centerline of a 15 foot wide easement; thence along the centerline of a 15 foot wide easement the following two courses: S89°59'35"W, 159.99 feet and S85°19'55"W, 17.32 feet to a point on the proposed right-of-way of Proposed Beachview Court (variable width) and the Point of Ending.

**LEGAL DESCRIPTION**

(Per Professional Engineering Associates)

**20' WIDE STORM SEWER EASEMENT "B"**

A 20 foot wide storm sewer easement over part of Tax Parcel 20-18-127-012, being part of the Northwest 1/4 of Section 18, 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 Section 18; thence along the north-south 1/4 line of said Section 18, S00°00'25"E, 838.80 feet to the northerly line of said Tax Parcel; thence continuing along said northerly line the following three courses: N89°50'25"W, 421.59 feet and N00°49'00"E, 30.00 feet and N89°50'25"W, 180.00 feet to the east line of "Countryside Estates" (Liber 82 of plat, Page 9, O.C.R.); thence along said east line, S00°49'00"W, 89.91 feet; thence S89°11'00"E, 10.00 feet to the Point of Beginning; thence S00°49'00"W, 208.28 feet; thence S88°08'23"E, 7.34 feet to the Point of Ending.

**LEGAL DESCRIPTION**

(Per Professional Engineering Associates)

**20' WIDE STORM SEWER EASEMENT "C"**

A 20 foot wide storm sewer easement over part of Tax Parcel 20-18-127-012, being part of the Northwest 1/4 of Section 18, 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 Section 18; thence along the north-south 1/4 line of said Section 18, S00°00'25"E, 838.80 feet to the north line of said Tax Parcel; thence continuing along said north line, N89°50'25"W, 43.00 feet to the proposed west line of Beach Road, said line being 43 feet westerly of and parallel to the aforementioned north-south 1/4 line of said Section 18; thence along said proposed line, S00°00'25"E, 166.32 feet to the proposed right-of-way of Proposed Beachview Court (variable width); thence along said proposed line the following three courses: S89°59'35"W, 299.82 feet; and 23.83 feet along an arc of a tangent curve to the right, having a radius of 28.00 feet and a chord that bears N65°37'20"W, 23.12 feet to a point of reverse curvature; and 59.36 feet along an arc of a reverse curve to the left, having a radius of 60.00 feet and a chord that bears, N69°34'41"W, 56.97 feet to the Point of Beginning; thence N37°08'23"E, 16.82 feet to the Point of Ending.

**LEGAL DESCRIPTION**

(Per Professional Engineering Associates)

**20' WIDE STORM SEWER EASEMENT "D"**

A 20 foot wide storm sewer easement over part of Tax Parcel 20-18-127-012, being part of the Northwest 1/4 of Section 18, 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 Section 18; thence along the north-south 1/4 line of said Section 18, S00°00'25"E, 838.80 feet to the north line of said Tax Parcel; thence continuing along said north-south 1/4 line, S00°00'25"E, 391.05 feet to the south line of said Tax Parcel; thence along said south line, N89°52'48"W, 168.03 feet; thence N00°07'12"E, 10.00 feet to the Point of Beginning; thence N89°52'48"W, 275.38 feet to the Point of Ending.

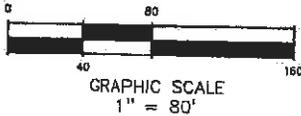
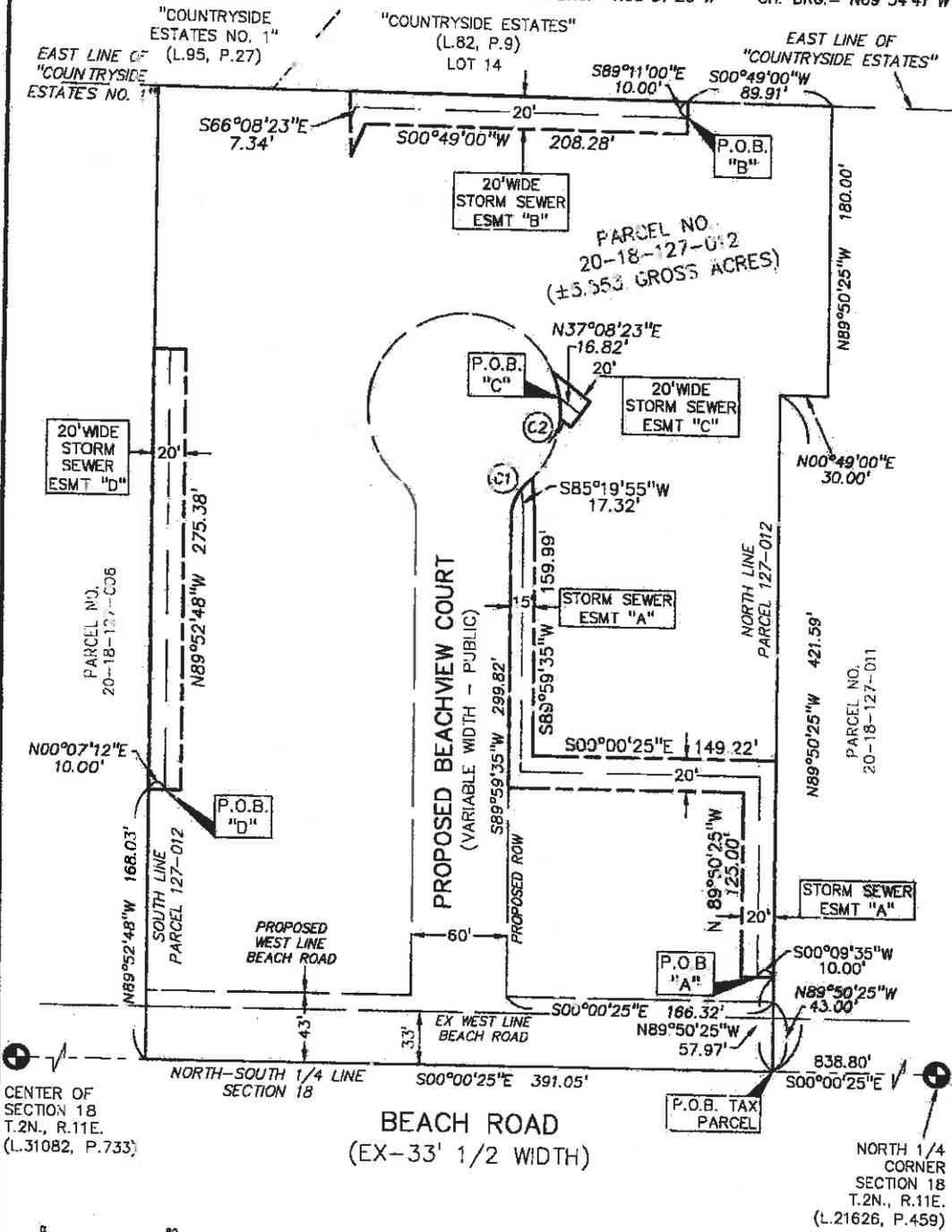
PROFESSIONAL  
ENGINEERING  
ASSOCIATES

CLIENT: <b>MONDRIAN PROPERTIES</b> 50215 SCHOENHERR SHELBY TOWNSHIP, MI 48315	SCALE: 1"= 80'	JOB No: 2011150
	DATE: 6-11-13	DWG. No: 2 of 2

2430 Rochester Ct, Suite 100  
Troy, MI 48063-1872  
(248) 689-8090

# SKETCH OF EASEMENTS STORM SEWER EASEMENTS "A", "B", "C" & "D"

- (C1) ARC = 23.83'  
RADIUS = 28.00'  
DELTA = 48°46'10"  
CHORD = 23.12'  
CH. BRG. = N65°37'20"W
- (C2) ARC = 59.36'  
RADIUS = 60.00'  
DELTA = 56°40'51"  
CHORD = 56.97'  
CH. BRG. = N69°34'41"W



PROFESSIONAL  
ENGINEERING  
ASSOCIATES

2430 Rochester Ct. Suite 100  
Troy, MI 48063-1872  
(248) 689-9090

CLIENT: <b>MONDRIAN PROPERTIES</b> 50215 SCHOENHERR SHELBY TOWNSHIP, MI 48315	SCALE: 1" = 80'	JOB No: 2011150
	DATE: 6-11-13	DWG. No: 1 of 2

**PERMANENT EASEMENT**

Sidwell #88-20-18-127-012(pt of)  
Resolution #

MONDRIAN PROPERTIES BEACHVIEW, LLC, a Michigan limited liability company, Grantor(s), whose address is 50215 Schoenherr Road, Shelby Twp, MI 48315, 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 construct, operate, maintain, repair and/or replace **landscaping and signage**, 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 HEREOF

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 14<sup>th</sup> day of June A.D. 2013.

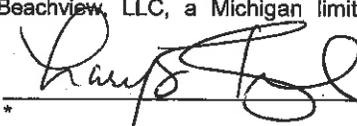
Mondrian Properties Beachview, LLC  
a Michigan limited liability company

By  (L.S.)  
\*Joseph Maniaci  
Its Manager

STATE OF MICHIGAN )  
COUNTY OF OAKLAND )

The foregoing instrument was acknowledged before me this 14<sup>th</sup> day of June, 2013, by Joseph Maniaci, Manager of, Mondrian Properties Beachview, LLC, a Michigan limited liability company on behalf of the company.

**LARYSA FIGOL**  
Notary Public, Oakland County, Michigan  
Acting in Oakland County, Michigan  
My Commission Expires 03/02/2018

  
Notary Public, \_\_\_\_\_ County, Michigan  
My Commission Expires \_\_\_\_\_  
Acting in \_\_\_\_\_ County, Michigan

Prepared by: Larysa Figol  
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

**PLEASE SIGN IN BLUE INK AND PRINT OR TYPE NAMES IN BLACK INK UNDER SIGNATURES**

**EXHIBIT "A"**

**LEGAL DESCRIPTIONS  
LANDSCAPING & SIGNAGE EASEMENTS "A" & "B"**

**LEGAL DESCRIPTION**

(Per Oakland County Tax Records)

**PARCEL NO. 20-18-127-012**

Town 2 North, Range 11 East, Section 18, Part of the Northwest 1/4 of Section, Beginning at a point distant S00°10'00"W, 838.80 feet from the North 1/4 corner; thence S00°10'00"W, 391.05 feet; thence N89°42'23"W, 607.22 feet; thence N00°59'25"E, 421.49 feet; thence S89°40'00"E, 180 feet; thence S00°59'25"W, 30 feet; thence S89°40'00"E, 421.59 feet to the Point of Beginning. Containing 5.55 acres of land, more or less.

**LEGAL DESCRIPTION**

(As Surveyed by Professional Engineering Associates)

**PARCEL NO. 20-18-127-012**

Part of the Northwest 1/4 of Section 18, Town 2 North, Range 11 East, City of Troy, Oakland County, Michigan, commencing at the North 1/4 corner of Section 18; thence along the north-south 1/4 line of said Section 18, S00°00'25"E, 838.80 feet to the Point of Beginning; thence continuing along said north-south 1/4 line, S00°00'25"E, 391.05 feet; thence N89°52'48"W, 607.22 feet to a point on the east line of "Countryside Estates No. 1" (Liber 95, Page 27, Oakland County Records); thence along said east line and also the east line of "Countryside Estates" (Liber 82 of plat, Page 9, O.C.R.), N00°49'00"E, 421.49 feet; thence S89°50'25"E, 180.00 feet; thence S00°49'00"W, 30.00 feet; thence S89°50'25"E, 421.59 feet to the aforementioned north-south 1/4 line of said Section 18 and the Point of Beginning. Containing 5.553 gross acres of land, more or less, and subject to the rights of the public over the easterly 33 feet of the subject parcel, known as Beach Road.

**LEGAL DESCRIPTION**

(Per Professional Engineering Associates)

**LANDSCAPING & ENTRY SIGNAGE EASEMENT "A"**

A variable width easement for landscape and entry signage over part of Tax Parcel 20-18-127-012, being part of the Northwest 1/4 of Section 18, Town 2 North, Range 11, East, City of Troy, Oakland County, Michigan, said easement being more particularly described as: Commencing at the North 1/4 corner of Section 18; thence along the north-south 1/4 line of said Section 18, S00°00'25"E, 838.80 feet to the north line of said Tax Parcel; thence continuing along said north-south 1/4 line, S00°00'25"E, 391.05 feet to the south line of said Tax Parcel; thence along said south line, N89°52'48"W, 58.00 feet to a line being 15 feet westerly of and parallel to the proposed west line of Beach Road and to the Point of Beginning; thence continuing along said south line, N89°52'48"W, 10.00 feet to a line being 25 feet westerly of and parallel to the proposed west line of Beach Road; thence along said line, N00°00'25"W, 114.71 feet to a line being 50 feet southerly of and parallel to the proposed right-of-way of Proposed Beachview Court (variable width); thence along said line, S89°59'35"W, 10.00 feet to a line being 35 feet westerly of and parallel to the proposed west line of Beach Road; thence along said line, N00°00'25"W, 50.00 feet to the aforementioned proposed line of Proposed Beachview Court; thence along said proposed line, N89°59'35"E, 20.00 feet to the aforementioned line lying 25 feet westerly of the proposed west line of Beach Road; thence along said line, S00°00'25"E, 164.73 feet to the aforementioned south line of said Tax Parcel and the Point of Beginning.

**LEGAL DESCRIPTION**

(Per Professional Engineering Associates)

**LANDSCAPING & ENTRY SIGNAGE EASEMENT "B"**

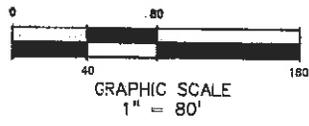
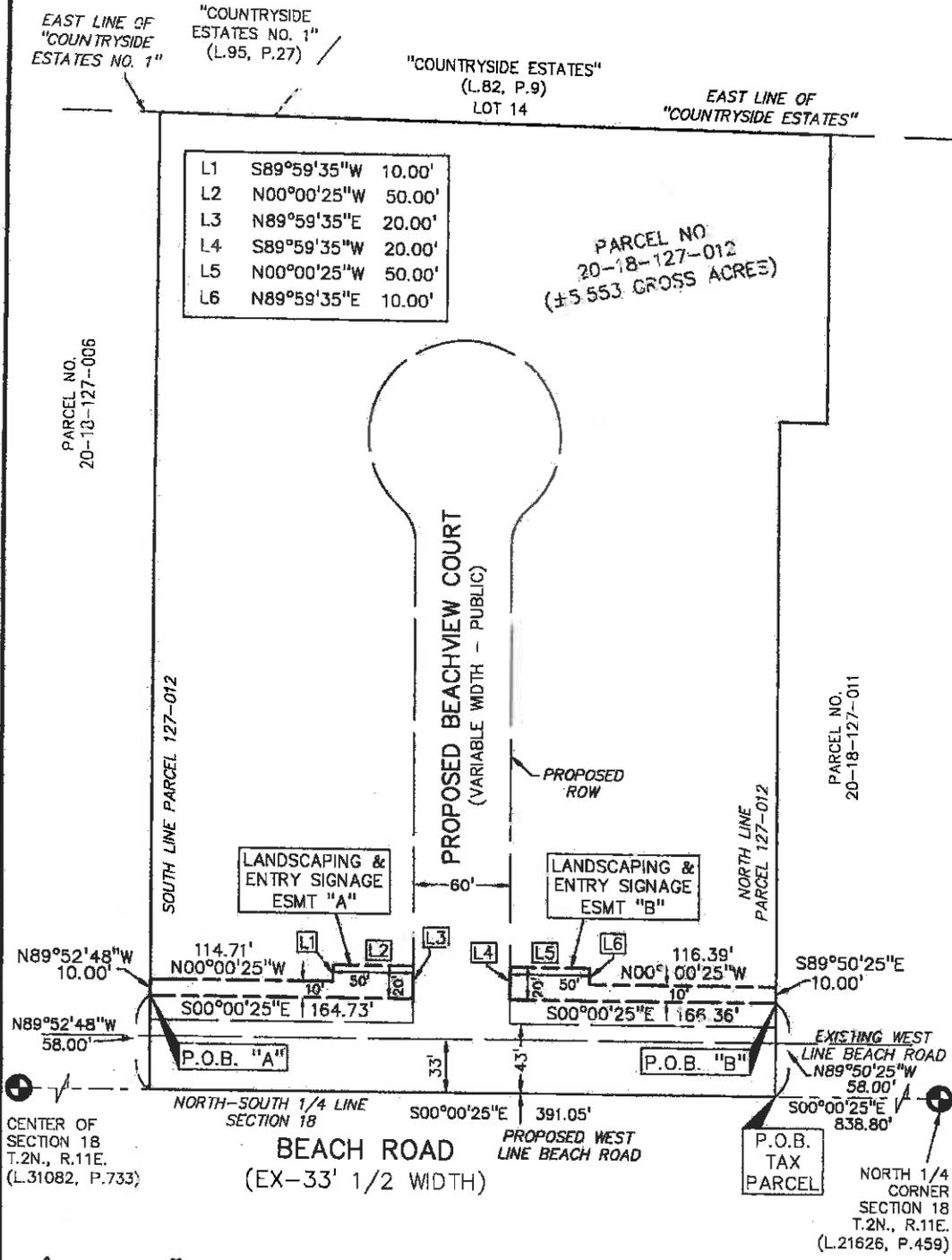
A variable width easement for landscape and entry signage over part of Tax Parcel 20-18-127-012, being part of the Northwest 1/4 of Section 18, Town 2 North, Range 11, East, City of Troy, Oakland County, Michigan, said easement being more particularly described as: Commencing at the North 1/4 corner of Section 18; thence along the north-south 1/4 line of said Section 18, S00°00'25"E, 838.80 feet to the north line of said Tax Parcel; thence along said north line, N89°50'25"W, 58.00 feet to a line being 15 feet westerly of and parallel to the proposed west line of Beach Road and to the Point of Beginning; thence along said line, S00°00'25"E, 186.36 feet to the proposed right-of-way of Proposed Beachview Court (variable width); thence along said proposed line, S89°59'35"W, 20.00 feet to a line being 35 feet westerly of and parallel to the proposed west line of Beach Road; thence along said line, N00°00'25"W, 50.00 feet to a line 50 feet northerly of and parallel to the aforementioned proposed line of Proposed Beachview Court; thence along said line, N89°59'35"E, 10.00 feet to a line being 25 feet westerly of and parallel to the proposed west line of Beach Road; thence along said line, N00°00'25"W, 116.39 feet to the aforementioned north line of said Tax Parcel; thence along said north line, S89°50'25"E, 10.00 feet to the aforementioned line lying 15 feet westerly of the proposed west line of Beach Road and the Point of Beginning.

PROFESSIONAL  
ENGINEERING  
ASSOCIATES

CLIENT: MONDRIAN PROPERTIES 50215 SCHOENHERR SHELBY TOWNSHIP, MI 48315	SCALE: 1" = 80'	JOB No: 2011150
	DATE: 4-19-13	DWG. No: 2 of 2

2430 Rochester Ct. Suite 100  
Troy, MI 48063-1872  
(248) 689-9090

# SKETCH OF EASEMENTS LANDSCAPING & SIGNAGE EASEMENTS "A" & "B"



**PROFESSIONAL  
ENGINEERING  
ASSOCIATES**

2430 Rochester Ct. Suite 100  
Troy, MI 48063-1872  
(248) 689-9090

<b>CLIENT:</b> <b>MONDRIAN PROPERTIES</b> 50215 SCHOENHERR SHELBY TOWNSHIP, MI 48315	SCALE: 1" = 80'	JOB No: 2011150
	DATE: 4-19-13	DWG. No: 1 of 2

**PERMANENT EASEMENT**

Sidwell #88-20-18-127-012(pt of)  
Resolution #

MONDRIAN PROPERTIES BEACHVIEW, LLC, a Michigan limited liability company, Grantor(s), whose address is 50215 Schoenherr Road, Shelby Twp, MI 48315, 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 construct, operate, maintain, repair and/or replace **sanitary sewers**, 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 HEREOF

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 14<sup>th</sup> day of June A.D. 2013.

Mondrian Properties Beachview, LLC  
a Michigan limited liability company

By [Signature] (L.S.)  
\*Joseph Maniaci  
Its Manager

STATE OF MICHIGAN )  
COUNTY OF OAKLAND )

The foregoing instrument was acknowledged before me this 14<sup>th</sup> day of June, 2013, by Joseph Maniaci, Manager of, Mondrian Properties Beachview, LLC, a Michigan limited liability company on behalf of the company.

[Signature]  
LARYSA FIGOL  
Notary Public, Oakland County, Michigan  
Acting in Oakland County, Michigan  
My Commission Expires 03/02/2018  
Notary Public, \_\_\_\_\_ County, Michigan  
My Commission Expires \_\_\_\_\_  
Acting in \_\_\_\_\_ County, Michigan

Prepared by: Larysa Figol  
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

**PLEASE SIGN IN BLUE INK AND PRINT OR TYPE NAMES IN BLACK INK UNDER SIGNATURES**

EXHIBIT "A"

LEGAL DESCRIPTIONS  
SANITARY SEWER EASEMENTS

LEGAL DESCRIPTION

(Per Oakland County Tax Records)

PARCEL NO. 20-18-127-012

Town 2 North, Range 11 East, Section 18, Part of the Northwest 1/4 of Section, Beginning at a point distant S00°10'00"W, 838.80 feet from the North 1/4 corner; thence S00°10'00"W, 391.05 feet; thence N89°42'23"W, 607.22 feet; thence N00°59'25"E, 421.49 feet; thence S89°40'00"E, 180 feet; thence S00°59'25"W, 30 feet; thence S89°40'00"E, 421.59 feet to the Point of Beginning. Containing 5.55 acres of land, more or less.

LEGAL DESCRIPTION

(As Surveyed by Professional Engineering Associates)

PARCEL NO. 20-18-127-012

Part of the Northwest 1/4 of Section 18, Town 2 North, Range 11 East, City of Troy, Oakland County, Michigan, commencing at the North 1/4 corner of Section 18; thence along the north-south 1/4 line of said Section 18, S00°00'25"E, 838.80 feet to the Point of Beginning; thence continuing along said north-south 1/4 line, S00°00'25"E, 391.05 feet; thence N89°52'48"W, 607.22 feet to a point on the east line of "Countryside Estates No. 1" (Liber 95, Page 27, Oakland County Records); thence along said east line and also the east line of "Countryside Estates" (Liber 82 of plat, Page 9, O.C.R.), N00°49'00"E, 421.49 feet; thence S89°50'25"E, 180.00 feet; thence S00°49'00"W, 30.00 feet; thence S89°50'25"E, 421.59 feet to the aforementioned north-south 1/4 line of said Section 18 and the Point of Beginning. Containing 5.553 gross acres of land, more or less, and subject to the rights of the public over the easterly 33 feet of the subject parcel, known as Beach Road.

LEGAL DESCRIPTION

(Per Professional Engineering Associates)

5' WIDE SANITARY SEWER EASEMENT

A 5 foot wide sanitary sewer easement over part of Tax Parcel 20-18-127-012, being part of the Northwest 1/4 of Section 18, 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 Section 18; thence along the north-south 1/4 line of said Section 18, S00°00'25"E, 838.80 feet to the north line of said Tax Parcel; thence continuing along said north-south 1/4 line, S00°00'25"E, 391.05 feet to the south line of said Tax Parcel; thence along said south line, N89°52'48"W, 43.00 feet to the proposed west line of Beach Road, said line being 43 feet westerly of and parallel to the aforementioned north-south 1/4 line of said Section 18; thence along said proposed line, N00°00'25"W, 162.26 feet to the Point of Beginning; thence S89°59'35"W, 311.38 feet to the Point of Ending. OK ✓

LEGAL DESCRIPTION

(Per Professional Engineering Associates)

20' WIDE SANITARY SEWER EASEMENT

A 20 foot wide sanitary sewer easement over part of Tax Parcel 20-18-127-012, being part of the Northwest 1/4 of Section 18, 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 Section 18; thence along the north-south 1/4 line of said Section 18, S00°00'25"E, 838.80 feet to the north line of said Tax Parcel; thence continuing along said north-south 1/4 line, S00°00'25"E, 391.05 feet to the south line of said Tax Parcel; thence along said south line, N89°52'48"W, 43.00 feet to the proposed west line of Beach Road, said line being 43 feet westerly of and parallel to the aforementioned north-south 1/4 line of said Section 18; thence along said proposed line, N00°00'25"W, 164.76 feet to the proposed right-of-way of Proposed Beachview Court (variable width); thence along the proposed right-of-way the following three (3) courses: S89°59'35"W, 299.82 feet; and 23.83 feet along an arc of a tangent curve to the left, having a radius of 28.00 feet and a chord that bears S65°36'30"W, 23.12 feet to a point of reverse curvature; and 167.21 feet along an arc of a reverse curve to the right, having a radius of 60.00 feet and a chord that bears, N58°56'23"W, 118.12 feet to the Point of Beginning; thence N67°58'07"W, 14.48 feet to the Point of Ending.

OK ✓

PROFESSIONAL  
ENGINEERING  
ASSOCIATES

CLIENT:

MONDRIAN PROPERTIES  
50215 SCHOENHERR  
SHELEY TOWNSHIP, MI 48315

SCALE: 1" = 80'

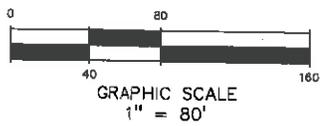
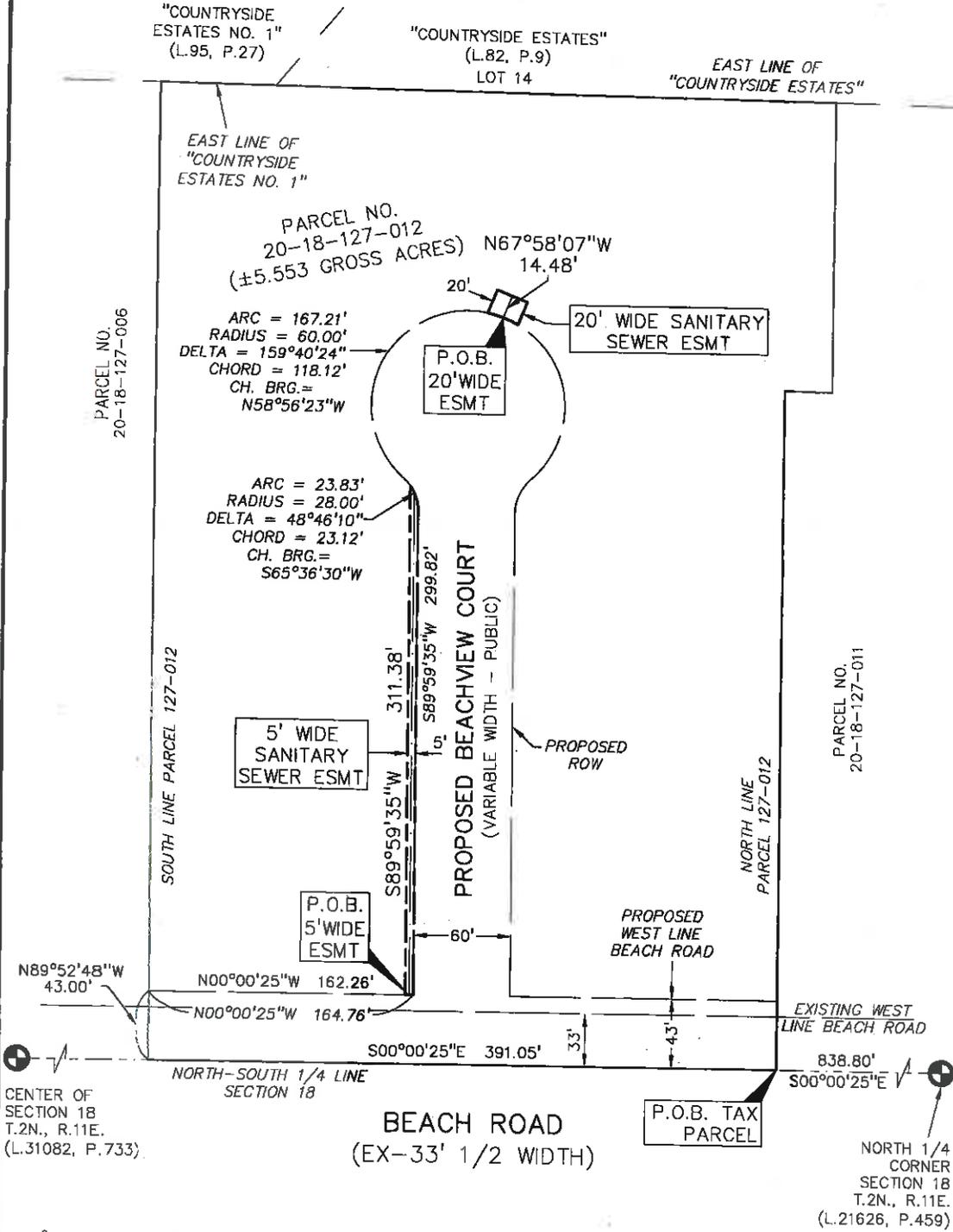
JOB No: 2011150

2430 Rochester Ct. Suite 100  
Troy, MI 48063-1872  
(248) 689-9090

DATE: 4-19-13

DWG. No: 2 of 2

# SKETCH OF EASEMENTS 5' WIDE & 20' WIDE SANITARY SEWER



**PROFESSIONAL  
ENGINEERING  
ASSOCIATES**

2430 Rochester Ct. Suite 100  
Troy, MI 48083-1872  
(248) 689-9090

CLIENT: <b>MONDRIAN PROPERTIES</b> 50215 SCHOENHERR SHELBY TOWNSHIP, MI 48315	SCALE: 1" = 80'	JOB No: 2011150
	DATE: 4-19-13	DWG. No: 1 of 2



## CITY COUNCIL AGENDA ITEM

---

Date: November 19, 2013

To: Brian Kischnick, City Manager

From: Mark F. Miller, Director of Economic and Community Development  
Steven J. Vandette, City Engineer  
Larysa Figol, Sr. Right-of-Way Representative

Subject: Request for Acceptance of Permanent Easements and Warranty Deeds for Adria Estates Site Condominium - Sidwell #88-20-11-104-013 & 88-20-11-151-020

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### **History**

As part of the development of the Adria Estates Site Condominium located in the northwest  $\frac{1}{4}$  of Section 11, the Engineering department has received three permanent easements for sanitary sewers, watermains, sidewalks, public utilities, surface drainage, and emergency ingress/egress and police/fire protection from Mondrian Properties Adria, LLC, owner of the property having Sidwell #88-20-11-104-013 & 88-20-11-151-020.

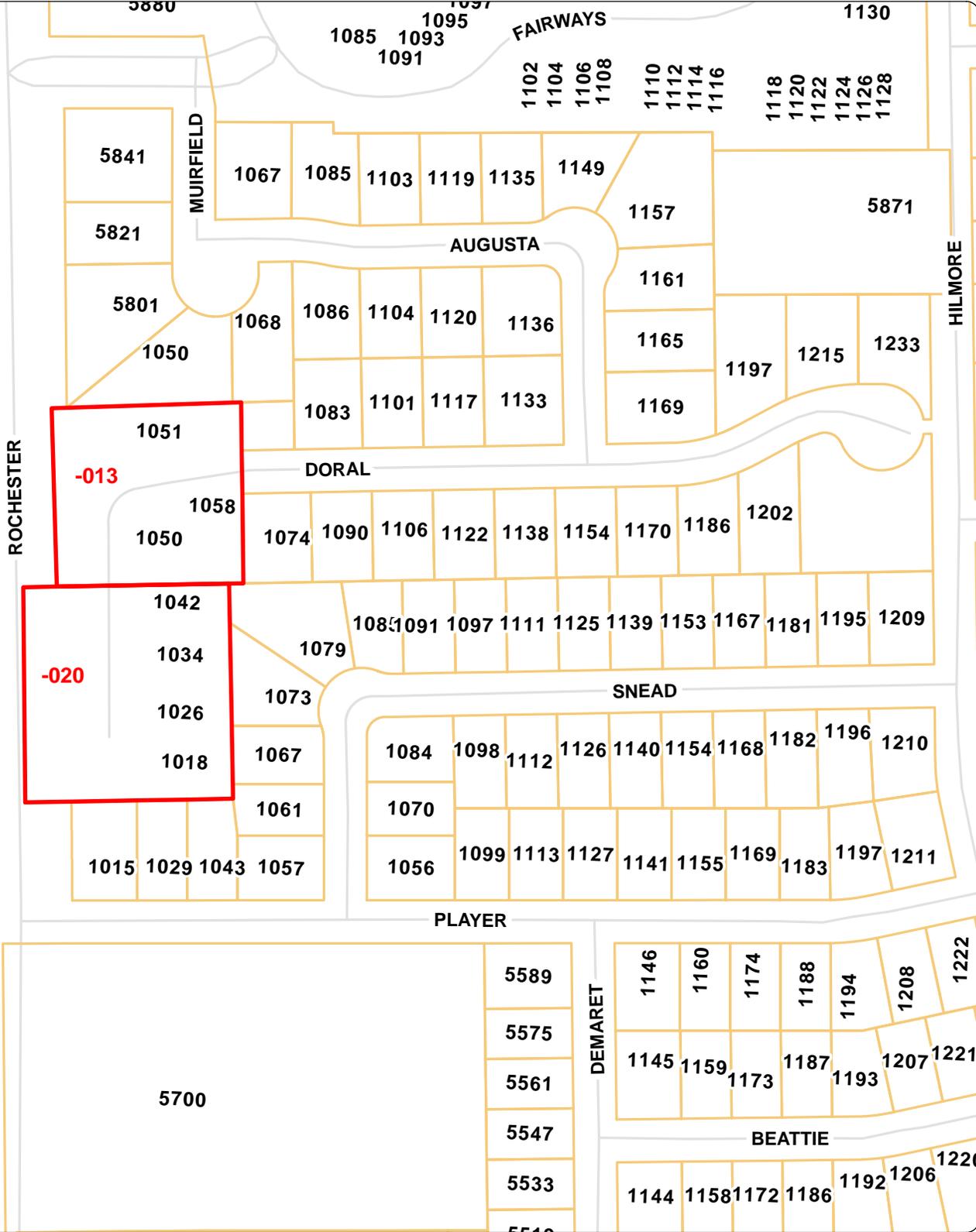
The format and content of these easements is consistent with conveyances previously accepted by City Council.

### **Financial**

The consideration amount on each document is \$1.00

### **Recommendation**

City Management recommends that City Council accept the attached easement consistent with our policy of accepting easements for development and improvement purposes.



**PERMANENT EASEMENT**

Sidwell #86-20-11-104-013 & 88-20-11-151-020 (pt of)  
Resolution #

MONDRIAN PROPERTIES ADRIA, L.L.C., a Michigan limited liability company, Grantor(s), whose address is 50215 Schoenherr Road, Shelby Twp, MI 48315 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 construct, operate, maintain, repair and/or replace **storm sewers, surface drainage and 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 HEREOF

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 8th day of October A.D. 2013.

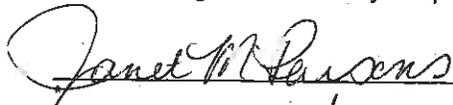
MONDRIAN PROPERTIES ADRIAN, LLC,  
a Michigan limited liability company

By  (L.S.)  
Joseph Maniaci  
Its Member

STATE OF MICHIGAN )  
COUNTY OF OAKLAND )

The foregoing instrument was acknowledged before me this 8<sup>th</sup> day of October, 2013, by Joseph Maniaci, Member, of MONDRIAN PROPERTIES ADRIA, L.L.C., a Michigan limited liability company on behalf of the company.

JANET M PARSONS  
Notary Public, State of Michigan  
County of Oakland  
My Commission Expires 10-14-2016  
Acting in the County of Oakland

  
Notary Public, Oakland County, Michigan

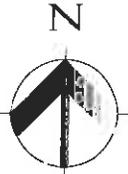
My Commission Expires on 10-14-2016  
Acting in the County of Oakland, Michigan

Prepared by and when recorded return to:  
Larysa Figol  
City of Troy  
500 W. Big Beaver Road  
Troy, MI 48084

**PLEASE SIGN IN BLUE INK AND PRINT OR TYPE NAMES IN BLACK INK UNDER SIGNATURES**

# Exhibit A

Page 1 of 2



PLAN SCALE: 1" = 60'

ROCHESTER ROAD  
WIDTH VARIES

WEST LINE OF SECTION 11

EASTERLY RIGHT-OF-WAY  
LINE OF ROCHESTER ROAD

N 00°33'56" W 546.69'

287.57'

N 00°54'28" W 210.50'

N 00°54'28" W 73.50'

UNPLATTED

N 88°21'00" E 242.82'

UNPL.

DORAL DR.  
60' WIDE

"THE FAIRWAYS  
ESTATES"  
LIBER 208, PAGES 19-21, O.C.R.

NORTH LINE OF  
"GOLF TRAIL  
SUBDIVISION"

S.W. COR. OF LOT 24  
"THE FAIRWAY ESTATES"

8

7

6

5

"GOLF TRAIL SUBDIVISION"  
LIBER 139, PAGES 6-9, O.C.R.

N.W. COR. OF LOT 24  
"THE FAIRWAY ESTATES"

N 89°05'26" E 10.00'

N 89°05'26" E 10.00'

N 00°33'56" W 126.87'

S 00°33'56" E 106.87'

N 00°33'56" W 106.91'

S 00°33'56" E 124.92'

N 89°07'28" E 72.76'

S 00°33'56" E 251.97'

24

WEST LINE OF  
"GOLF TRAIL  
SUBDIVISION"

S 89°07'34" W 45.24'

N.W. COR. OF LOT 8  
"GOLF TRAIL SUBDIVISION"

S 89°07'34" W 19.54'

EASEMENT FOR  
STORM SEWER,  
SURFACE DRAINAGE  
& PUBLIC UTILITIES,  
0.247 ACRE

A=12.40'  
R=50.00'  
C.B.=N 50°23'25" E  
C.L.=12.37'

S 53°41'44" E 10.21'

N 89°07'34" E 112.27'

N 53°41'44" W 17.25'

S 89°07'34" W 116.32'

POINT OF BEGINNING OF EASEMENT  
N.W. COR. OF LOT 1 "GOLF TRAIL  
SUBDIVISION" & POINT OF BEGINNING  
OF PROPERTY DESCRIPTION.

N 89°07'34" E 207.01'

S 89°07'34" W 225.01'

NORTH LINE OF "GOLF  
TRAIL SUBDIVISION"

N 88°07'34" E 36.78'

N 00°24'31" W 1255.18'

1

2

3

"GOLF TRAIL SUBDIVISION"

LIBER 139, PAGES 6-9, O.C.R.

18.00'

N.E. COR. OF LOT  
3 "GOLF TRAIL  
SUBDIVISION"

W. 1/4 COR.  
SECTION 11  
T.2N., R.11E.

**HORIZON**  
ENGINEERING LLC

CIVIL ENGINEERING, SITE PLANNING & LAND DEVELOPMENT CONSULTING

P.O. Box 182158, Shelby Township, Michigan 48318  
Phone 586.453.8097 Fax 586.580.0053

PROJECT:

**Storm Sewer, Surface  
Drainage & Public Utilities  
Ease. for "Adria Estates"**

20-11-104-013 & 20-11-151-020

PART OF THE N.W. 1/4 OF SECTION 11, T.2N., R.11E.,  
CITY OF TROY, O. KILAND COUNTY, MICHIGAN

CLIENT:

MR. JOSEPH MANIACI  
MONDRIAN PROPERTIES  
ADRIA LLC  
50215 SCHOENHERR RD.  
SHELBY TWP., MI 48316  
(586) 728-7340

JOB NO: 12-134

DATE: 10-4-13  
DRAWN BY: N.P.R.

# Exhibit A

Page 2 of 2

## PROPERTY DESCRIPTION

PART OF THE NORTHWEST 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 WEST 1/4 CORNER OF SECTION 11; THENCE NORTH 00 DEGREES 24 MINUTES 31 SECONDS WEST 1255.18 FEET ALONG THE WEST LINE OF SECTION 11; THENCE NORTH 89 DEGREES 07 MINUTES 34 SECONDS EAST 96.78 FEET TO THE EASTERLY RIGHT OF WAY LINE OF ROCHESTER ROAD AND THE NORTHWEST CORNER OF LOT 1 OF, "GOLF TRAIL SUBDIVISION", AS RECORDED IN LIBER 139, PAGES 6 THROUGH 9 OF OAKLAND COUNTY RECORDS, ALSO BEING THE POINT OF BEGINNING; THENCE NORTH 00 DEGREES 33 MINUTES 56 SECONDS WEST 548.69 FEET ALONG THE EASTERLY RIGHT OF WAY LINE OF ROCHESTER ROAD; THENCE NORTH 88 DEGREES 21 MINUTES 00 SECONDS EAST 242.82 FEET; THENCE SOUTH 00 DEGREES 33 MINUTES 36 SECONDS EAST 251.97 FEET TO THE SOUTHWEST CORNER OF LOT 24 OF, "THE FAIR WAY ESTATES", AS RECORDED IN LIBER 208, PAGES 19 THROUGH 21 OF OAKLAND COUNTY RECORDS AND THE NORTH LINE OF SAID "GOLF TRAIL SUBDIVISION"; THENCE SOUTH 89 DEGREES 07 MINUTES 34 SECONDS WEST 19.54 FEET ALONG THE NORTH LINE OF SAID "GOLF TRAIL SUBDIVISION" TO THE NORTHWEST CORNER OF LOT 8; THENCE SOUTH 00 DEGREES 54 MINUTES 28 SECONDS EAST 300.00 FEET ALONG THE WEST LINE OF SAID "GOLF TRAIL SUBDIVISION" TO THE NORTHEAST CORNER OF LOT 3 AND THE NORTH LINE OF SAID "GOLF TRAIL SUBDIVISION"; THENCE SOUTH 89 DEGREES 07 MINUTES 34 SECONDS WEST 225.01 FEET ALONG THE NORTH LINE OF SAID GOLF TRAIL SUBDIVISION TO THE POINT OF BEGINNING. CONTAINING 2.939 ACRES.

## EASEMENT FOR STORM SEWER, SURFACE DRAINAGE & PUBLIC UTILITIES

AN EASEMENT FOR STORM SEWER, SURFACE DRAINAGE AND PUBLIC UTILITIES, VARYING IN WIDTH, PART OF THE NORTHWEST 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 WEST 1/4 CORNER OF SECTION 11; THENCE NORTH 00 DEGREES 24 MINUTES 31 SECONDS WEST 1255.18 FEET ALONG THE WEST LINE OF SECTION 11; THENCE NORTH 89 DEGREES 07 MINUTES 34 SECONDS EAST 96.78 FEET TO THE EASTERLY RIGHT OF WAY LINE OF ROCHESTER ROAD AND THE NORTHWEST CORNER OF LOT 1 OF "GOLF TRAIL SUBDIVISION" AS RECORDED IN LIBER 139, PAGES 6 THROUGH 9 OF OAKLAND COUNTY RECORDS; THENCE ALONG THE NORTH LINE OF SAID "GOLF TRAIL SUBDIVISION" NORTH 89 DEGREES 07 MINUTES 34 SECONDS EAST 207.01 FEET TO THE POINT OF BEGINNING; THENCE NORTH 00 DEGREES 54 MINUTES 28 SECONDS WEST 73.50 FEET; THENCE SOUTH 89 DEGREES 07 MINUTES 34 SECONDS WEST 116.32 FEET; THENCE NORTH 53 DEGREES 41 MINUTES 44 SECONDS WEST 17.25 FEET; THENCE ALONG A CURVE TO THE LEFT A DISTANCE OF 12.40 FEET AND HAVING A RADIUS OF 50.00 FEET AND WHOSE CHORD BEARS NORTH 50 DEGREES 23 MINUTES 25 SECONDS EAST A CHORD DISTANCE OF 12.37 FEET; THENCE SOUTH 53 DEGREES 41 MINUTES 44 SECONDS EAST 10.21 FEET; THENCE NORTH 89 DEGREES 07 MINUTES 34 SECONDS EAST 112.27 FEET; THENCE NORTH 00 DEGREES 54 MINUTES 28 SECONDS WEST 210.50 FEET; THENCE SOUTH 89 DEGREES 07 MINUTES 34 SECONDS WEST 45.24 FEET; THENCE NORTH 00 DEGREES 33 MINUTES 56 SECONDS WEST 128.87 FEET; THENCE NORTH 89 DEGREES 05 MINUTES 26 SECONDS EAST 10.00 FEET; THENCE SOUTH 00 DEGREES 33 MINUTES 56 SECONDS EAST 106.87 FEET; THENCE NORTH 89 DEGREES 07 MINUTES 28 SECONDS EAST 62.76 FEET; THENCE NORTH 00 DEGREES 33 MINUTES 36 SECONDS WEST 106.91 FEET; THENCE NORTH 89 DEGREES 05 MINUTES 26 SECONDS EAST 10.00 FEET TO THE NORTHWEST CORNER OF LOT 24 OF "THE FAIR WAYS ESTATES" AS RECORDED IN LIBER 208, PAGES 19-21 OF OAKLAND COUNTY RECORDS; THENCE ALONG THE WEST LINE OF SAID "THE FAIR WAYS ESTATES" SOUTH 00 DEGREES 33 MINUTES 36 SECONDS EAST 124.92 FEET TO THE SOUTHWEST CORNER OF LOT 24 OF SAID "THE FAIR WAY ESTATES" AND THE NORTH LINE OF SAID "GOLF TRAIL SUBDIVISION"; THENCE SOUTH 89 DEGREES 07 MINUTES 34 SECONDS WEST 19.54 FEET ALONG THE NORTH LINE OF SAID "GOLF TRAIL SUBDIVISION" TO THE NORTHWEST CORNER OF LOT 8; THENCE SOUTH 00 DEGREES 54 MINUTES 28 SECONDS EAST 300.00 FEET ALONG THE WEST LINE OF SAID "GOLF TRAIL SUBDIVISION" TO THE NORTHEAST CORNER OF LOT 3 AND THE NORTH LINE OF SAID "GOLF TRAIL SUBDIVISION"; THENCE ALONG THE NORTH LINE OF SAID "GOLF TRAIL SUBDIVISION" SOUTH 89 DEGREES 07 MINUTES 34 SECONDS WEST 18.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.247 OF AN ACRE.

## HORIZON ENGINEERING LLC

CIVIL ENGINEERING, SITE PLANNING & LAND DEVELOPMENT CONSULTING

P.O. Box 182158, Shelby Township, Michigan 48318  
Phone 586.453.8097 Fax 586.580.0053

PROJECT:

**Storm Sewer, Surface  
Drainage & Public Utilities  
Ease. for "Adria Estates"**

20-11-104-013 & 20-11-151-020

PART OF THE N.W. 1/4 OF SECTION 11, T.2N., R.11E.,  
CITY OF TROY, OAKLAND COUNTY, MICHIGAN

CLIENT:

MR. JOSEPH MANIACI  
MONDRIAN PROPERTIES  
ADRIA LLC  
50215 SCHOENHERR RD.  
SHELBY TWP., MI 48315  
(58-) 726-7340

JOB NO: 12-134

DATE: 10-4-13

DRAWN BY: N.P.R.

**PERMANENT EASEMENT**

Sidwell #86-20-11-104-013 & 88-20-11-151-020 (pt of)  
Resolution #

MONDRIAN PROPERTIES ADRIA, L.L.C., a Michigan limited liability company, Grantor(s), whose address is 50215 Schoenherr Road, Shelby Twp, MI 48315 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 construct, operate, maintain, repair and/or replace **public utilities, emergency ingress/egress, and police/fire protection over, under & across the real property**, 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 HEREOF

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 8th day of October A.D. 2013.

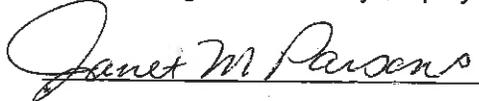
MONDRIAN PROPERTIES ADRIAN, LLC,  
a Michigan limited liability company

By  (t.S.)  
\* Joseph Maniaci  
Its Member

STATE OF MICHIGAN     )  
COUNTY OF OAKLAND    )

The foregoing instrument was acknowledged before me this 8<sup>th</sup> day of October, 2013, by Joseph Maniaci, Member, of MONDRIAN PROPERTIES ADRIA, L.L.C., a Michigan limited liability company on behalf of the company.

JANET M. PARSONS  
Notary Public, State of Michigan  
County of Oakland  
My Commission Expires 10-14-2016  
I am In the County of Oakland

  
Notary Public, Oakland County, Michigan

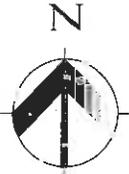
My Commission Expires on 10-14-2016  
Acting in the County of Oakland, Michigan

Prepared by and when recorded return to:  
Larysa Figol  
City of Troy  
500 W. Big Beaver Road  
Troy, MI 48064

**PLEASE SIGN IN BLUE INK AND PRINT OR TYPE NAMES IN BLACK INK UNDER SIGNATURES**

# Exhibit A

Page 1 of 2



PLAN SCALE: 1" = 60'

ROCHESTER ROAD  
WIDTH VARIES

WEST LINE OF SECTION 11

EASTERLY RIGHT-OF-WAY  
LINE OF ROCHESTER ROAD

N 00°33'56" W 548.69'  
287.57'

S 00°33'56" E 169.48'

A=22.15'  
R=19.00'  
C.B.=S 32°49'39" W  
C.L.=20.91'

A=78.72'  
R=430.00'  
C.B.=S 71°27'55" W  
C.L.=78.61'

N.W. COR. OF LOT 24  
"THE FAIR WAY ESTATES"

N 78°47'24" E 98.28'

A=156.47'  
R=470.00'  
C.B.=N 69°15'10" E  
C.L.=155.75'

N 88°21'00" E 242.82'

N.W. COR. OF LOT 8  
"GOLF TRAIL SUBDIVISION"

S 89°07'34" W 19.54'

A=54.12'  
R=54.00'  
C.B.=S 29°16'34" E  
C.L.=51.88'

EASEMENT FOR  
INGRESS, EGRESS  
& PUBLIC UTILITIES,  
0.702 ACRE

POINT OF  
BEGINNING OF  
EASEMENT

A=207.19'  
R=50.00'  
C.B.=S 60°43'26" W  
C.L.=87.71'

N.W. COR. OF LOT 1 "GOLF TRAIL  
SUBDIVISION" & POINT OF BEGINNING  
OF PROPERTY DESCRIPTION.

N 89°07'34" E 96.78'  
N 00°24'31" W 1255.18'

S 89°07'34" W 225.01'  
NORTH LINE OF "GOLF  
TRAIL SUBDIVISION"

"GOLF TRAIL SUBDIVISION"

LIBER 139, PAGES 6-9, O.C.R.

UNPL.

DORAL DR.  
60' WIDE

"THE FAIRWAYS  
ESTATES"

LIBER 208, PAGES 19-21, O.C.R.

24

8

7

6

5

"GOLF TRAIL SUBDIVISION"

LIBER 139, PAGES 6-9, O.C.R.

S 00°54'28" E 300.00'

WEST LINE OF "GOLF  
TRAIL SUBDIVISION"

N.E. COR. OF LOT  
3 "GOLF TRAIL  
SUBDIVISION"

W. 1/4 COR.  
SECTION 11  
T.2N., R.11E.

**HORIZON**  
ENGINEERING LLC

CIVIL ENGINEERING, SITE PLANNING & LAND DEVELOPMENT CONSULTING

P.O. Box 182158, Shelby Township, Michigan 48318  
Phone 586.453.8097 - Fax 586.580.0053

PROJECT:

**Ingress, Egress, & Public  
Utilities Easement for  
"Adria Estates"**

20-11-104-013 & 20-11-151-020

PART OF THE N.W. 1/4 OF SECTION 11, T.2N., R.11E,  
CITY OF TROY, OAKLAND COUNTY, MICHIGAN

CLIENT:

MR. JOSEPH MANIACI  
MONDRIAN PROPERTIES  
ADRIA LLC  
50215 SCHOENHERR RD.  
SHELBY TWP., MI 48315  
(588) 726-7340

JOB NO: 12-134

DATE: 10-4-13  
DRAWN BY: N.P.R.

# Exhibit A

Page 2 of 2

## PROPERTY DESCRIPTION

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**HORIZON**  
ENGINEERING LLC

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CLIENT:

MR. JOSEPH MANIACI  
MONDRIAN PROPERTIES  
ADRIA LLC  
50215 SCHOENHERR RD.  
SHELBY TWP., MI 48315  
(626) 726-7340

JOB NO: 12-134

DATE: 10-4-13  
DRAWN BY: N.P.R.

**PERMANENT EASEMENT**

Sidwell #88-20-11-104-013 & 88-20-11-151-020 (pt of)  
Resolution #

MONDRIAN PROPERTIES ADRIA, L.L.C., a Michigan limited liability company, Grantor(s), whose address is 50215 Schoenherr Road, Shelby Twp, MI 48315 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 construct, operate, maintain, repair and/or replace **sanitary sewers, water mains, sidewalks and 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 HEREOF

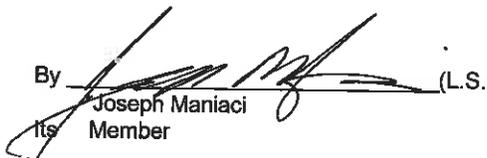
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IN WITNESS WHEREOF, the undersigned hereunto affixed 1 signature(s) this 8th day of October A.D. 2013.

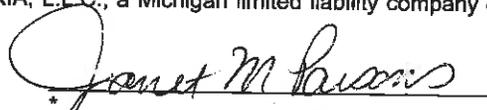
MONDRIAN PROPERTIES ADRIAN, LLC,  
a Michigan limited liability company

By  (L.S.)  
Joseph Maniaci  
its Member

STATE OF MICHIGAN     )  
COUNTY OF OAKLAND    )

The foregoing instrument was acknowledged before me this 8<sup>th</sup> day of October, 2013, by Joseph Maniaci, Member, of MONDRIAN PROPERTIES ADRIA, L.L.C., a Michigan limited liability company on behalf of the company.

JANET M PARSONS  
Notary Public, State of Michigan  
County of Oakland  
My Commission Expires 10-14-2016  
Acting In the County of Oakland

  
Notary Public, Oakland County, Michigan

My Commission Expires on 10-14-2016  
Acting in the County of Oakland, Michigan

Prepared by and when recorded return to:  
Larysa Figol  
City of Troy  
500 W. Big Beaver Road  
Troy, MI 48084

**PLEASE SIGN IN BLUE INK AND PRINT OR TYPE NAMES IN BLACK INK UNDER SIGNATURES**



# Exhibit A

Page 2 of 3

## PROPERTY DESCRIPTION

PART OF THE NORTHWEST 1/4 OF SECTION 11, TOWN 2 NORTH, RANGE 11 EAST, CITY OF TROY, OAKLAND COUNTY, MICHIGAN BEING MORE PARTICULARLY DESCRIBED AS:

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## EASEMENT "1"

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**HORIZON**  
ENGINEERING LLC

CIVIL ENGINEERING, SITE PLANNING & LAND DEVELOPMENT CONSULTING

P.O. Box 182158, Shelby Township, Michigan 48318  
Phone 586.453.8097 Fax 586.580.0053

PROJECT:

**Sanitary Sewer, Water Main,  
Sidewalk & Public Utilities  
Ease. for "Adria Estates"**

20-11-104-013 & 20-11-151-020

PART OF THE N.W. 1/4 OF SECTION 11, T.2N., R.11E.,  
CITY OF TROY, OAKLAND COUNTY, MICHIGAN

CLIENT:

MR. JOSEPH MANIACI  
MONDRIAN PROPERTIES  
ADRIA LLC  
50215 SCHOENHERR RD.  
SHELBY TWP., MI 48315  
(386) 728-7340

JOB NO: 12-134

DATE: 10-4-13  
DRAWN BY: N.P.R.

# Exhibit A

Page 3 of 3

## EASEMENT "2"

AN EASEMENT FOR SANITARY SEWER, WATER MAIN, SIDEWALK AND PUBLIC UTILITIES, VARYING IN WIDTH, PART OF THE NORTHWEST 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 WEST 1/4 CORNER OF SECTION 11; THENCE NORTH 00 DEGREES 24 MINUTES 31 SECONDS WEST 1255.18 FEET ALONG THE WEST LINE OF SECTION 11; THENCE NORTH 89 DEGREES 07 MINUTES 34 SECONDS EAST 96.78 FEET TO THE EASTERLY RIGHT OF WAY LINE OF ROCHESTER ROAD AND THE NORTHWEST CORNER OF LOT 1 OF "GOLF TRAIL SUBDIVISION" AS RECORDED IN LIBER 139, PAGES 6 THROUGH 9 OF OAKLAND COUNTY RECORDS; THENCE NORTH 00 DEGREES 33 MINUTES 56 SECONDS WEST 85.24 FEET ALONG THE EASTERLY RIGHT OF WAY LINE OF ROCHESTER ROAD TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID LINE NORTH 00 DEGREES 33 MINUTES 56 SECONDS WEST 41.53 FEET; THENCE ALONG A CURVE TO THE LEFT A DISTANCE OF 207.19 FEET AND HAVING A RADIUS OF 50.00 FEET AND WHOSE CHORD BEARS NORTH 60 DEGREES 43 MINUTES 26 SECONDS EAST A CHORD DISTANCE OF 87.71 FEET; THENCE ALONG A CURVE TO THE RIGHT A DISTANCE OF 54.12 FEET AND HAVING A RADIUS OF 54.00 FEET AND WHOSE CHORD BEARS NORTH 29 DEGREES 16 MINUTES 34 SECONDS WEST A CHORD DISTANCE OF 51.88 FEET; THENCE NORTH 00 DEGREES 33 MINUTES 56 SECONDS WEST 169.48 FEET; THENCE ALONG A CURVE TO THE RIGHT A DISTANCE OF 22.15 FEET AND HAVING A RADIUS OF 19.00 FEET AND WHOSE CHORD BEARS NORTH 32 DEGREES 49 MINUTES 39 SECONDS EAST A CHORD DISTANCE OF 20.91 FEET; THENCE ALONG A CURVE TO THE RIGHT A DISTANCE OF 78.72 FEET AND HAVING A RADIUS OF 430.00 FEET AND WHOSE CHORD BEARS NORTH 71 DEGREES 27 MINUTES 55 SECONDS EAST A CHORD DISTANCE OF 78.61 FEET; THENCE NORTH 89 DEGREES 05 MINUTES 26 SECONDS EAST 104.48 FEET TO THE NORTHWEST CORNER OF LOT 24 OF "THE FAIR WAYS ESTATES" AS RECORDED IN LIBER 208, PAGES 19-21 OF OAKLAND COUNTY RECORDS; THENCE ALONG THE WEST LINE OF SAID "THE FAIR WAYS ESTATES" SOUTH 00 DEGREES 33 MINUTES 36 SECONDS EAST 10.00 FEET; THENCE SOUTH 89 DEGREES 05 MINUTES 26 SECONDS WEST 76.45 FEET; THENCE ALONG A CURVE TO THE LEFT A DISTANCE OF 99.45 FEET AND HAVING A RADIUS OF 415.00 FEET AND WHOSE CHORD BEARS SOUTH 73 DEGREES 19 MINUTES 21 SECONDS WEST A CHORD DISTANCE OF 99.21 FEET; THENCE SOUTH 00 DEGREES 33 MINUTES 56 SECONDS EAST 191.03 FEET; THENCE ALONG A CURVE TO THE LEFT A DISTANCE OF 21.27 FEET AND HAVING A RADIUS OF 39.00 FEET AND WHOSE CHORD BEARS SOUTH 42 DEGREES 21 MINUTES 53 SECONDS EAST A CHORD DISTANCE OF 21.00 FEET; THENCE ALONG A CURVE TO THE RIGHT A DISTANCE OF 116.51 FEET AND HAVING A RADIUS OF 65.00 FEET AND WHOSE CHORD BEARS SOUTH 06 DEGREES 38 MINUTES 17 SECONDS EAST A CHORD DISTANCE OF 101.53 FEET; THENCE SOUTH 45 DEGREES 17 MINUTES 21 SECONDS EAST 5.00 FEET; THENCE ALONG A CURVE TO THE RIGHT A DISTANCE OF 53.64 FEET AND HAVING A RADIUS OF 70.00 FEET AND WHOSE CHORD BEARS SOUTH 66 DEGREES 39 MINUTES 48 SECONDS WEST A CHORD DISTANCE OF 52.34 FEET; THENCE NORTH 00 DEGREES 33 MINUTES 56 SECONDS WEST 5.00 FEET; THENCE ALONG A CURVE TO THE RIGHT A DISTANCE OF 58.05 FEET AND HAVING A RADIUS OF 65.00 FEET AND WHOSE CHORD BEARS NORTH 65 DEGREES 51 MINUTES 50 SECONDS WEST A CHORD DISTANCE OF 56.14 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.226 OF AN ACRE.

## HORIZON ENGINEERING LLC

CIVIL ENGINEERING, SITE PLANNING & LAND DEVELOPMENT CONSULTING

P.O. Box 182158, Shelby Township, Michigan 48318  
Phone 586.453.8097 Fax 586.580.0053

### PROJECT:

**Sanitary Sewer, Water Main,  
Sidewalk & Public Utilities  
Ease. for "Adria Estates"**

20-11-104-013 & 20-11-151-020

PART OF THE N.W. 1/4 OF SECTION 11, T.2N., R.11E,  
CITY OF TROY, OAKLAND COUNTY, MICHIGAN

### CLIENT:

MR. JOSEPH MANIACI  
MONDRIAN PROPERTIES  
ADRIA LLC  
50215 SCHOENHERR RD.  
SHELBY TWP., MI 48315  
(586) 725-7340

JOB NO: 12-134

DATE: 10-4-13

DRAWN BY: N.P.R.



## CITY COUNCIL AGENDA ITEM

---

Date: November 19, 2013

To: Brian Kischnick, City Manager

From: Mark F. Miller, Director of Economic and Community Development  
Steven J. Vandette, City Engineer  
Larysa Figol, Sr. Right-of-Way Representative

Subject: Request for Acceptance of Eight Permanent Easement from Maurice and Sandy Gennari – Sidwell # 88-20-03-301-078, 079, 080, 081 & 082

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### **History**

As part of the development of five vacant parcels located in the southwest ¼ of Section 3, the Engineering department has received eight permanent easements for storm sewer & surface drainage, public utilities and greenbelt from Maurice and Sandy Gennari, owners of the property having Sidwell # 88-20-03-301-078, 079, 080, 081 & 082

The format and content of these easements is consistent with easements previously accepted by City Council.

### **Financial**

The consideration amount on this document is \$1.00

### **Recommendation**

City Management recommends that City Council accept the attached easements, consistent with our policy of accepting easements for development and improvement purposes.



PERMANENT EASEMENT

Sidwell #86-20-03-301-087 (part)

Maurice Gennari, aka Maurizio Gennari and Sandy Gennari, aka Sandra Gennari, husband and wife, Grantors, whose address is, 3018 Barnes, Waterford, MI 48328 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, grants to the Grantee the right to construct, operate, maintain, repair and/or replace storm sewer and surface drainage, 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 HEREOF

and to enter upon sufficient land adjacent to said improvement(s) for the purpose of the construction, operation, maintenance, repair and/or replacement thereof.

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 2 signature(s) this 13th day of November A.D. 2013.

[Signature] (L.S.)
Maurice Gennari, aka Maurizio Gennari

[Signature] (L.S.)
Sandy Gennari, aka Sandra Gennari

STATE OF MICHIGAN )
COUNTY OF OAKLAND )

The foregoing instrument was acknowledged before me this 13th day of November, 2013, by Maurice Gennari, aka Maurizio Gennari, a married man.

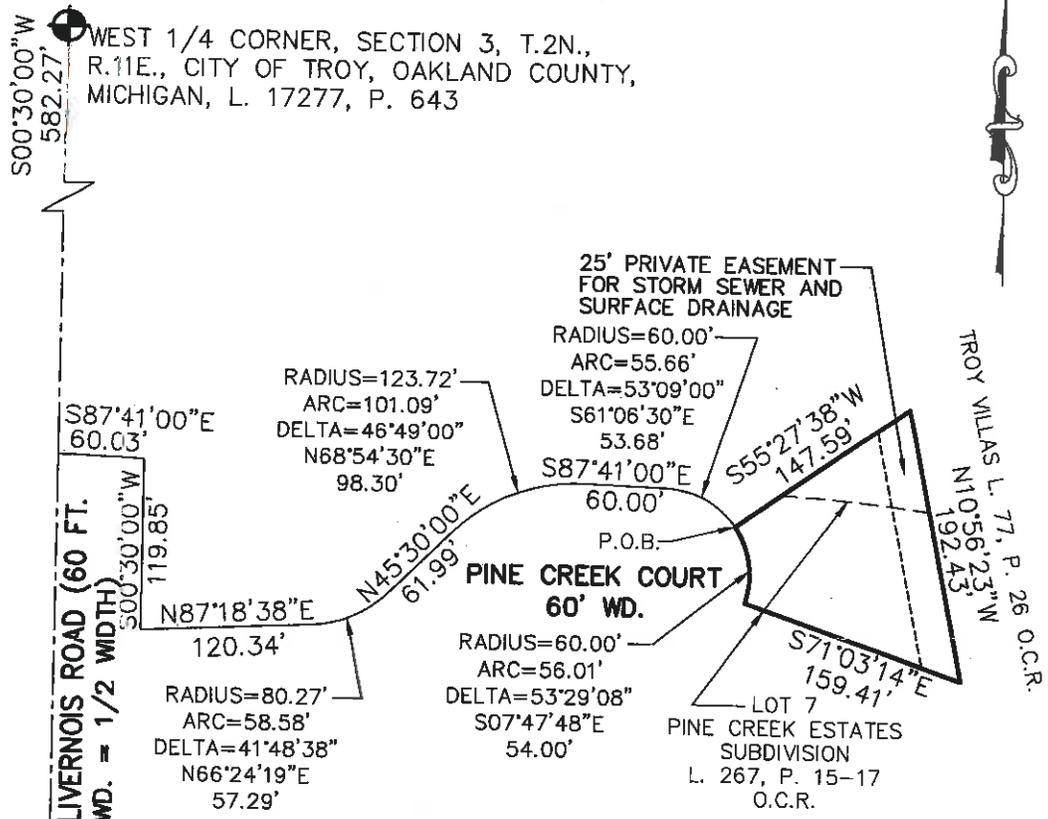
LARYSA FIGOL
Notary Public, Oakland County, Michigan
Acting in Oakland County, Michigan
My Commission Expires 03/02/2012
[Signature]
Notary Public, \_\_\_\_\_ County, Michigan
My Commission Expires \_\_\_\_\_
Acting in \_\_\_\_\_ County, Michigan

The foregoing instrument was acknowledged before me this 13th day of November, 2013, by Sandy Gennari, aka Sandra Gennari, a married woman.

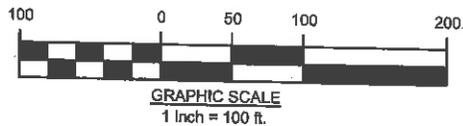
LARYSA FIGOL
Notary Public, Oakland County, Michigan
Acting in Oakland County, Michigan
My Commission Expires 03/02/2012
[Signature]
Notary Public, \_\_\_\_\_ County, Michigan
My Commission Expires \_\_\_\_\_
Acting in \_\_\_\_\_ County, Michigan

**EXHIBIT "A"**  
**SKETCH AND DESCRIPTION OF EASEMENT**

PART OF LOT 7 OF PINE CREEK ESTATES SUBDIVISION, AS RECORDED IN LIBER 267 OF PLATS ON PAGES 15-17 INCLUSIVE, OAKLAND COUNTY RECORDS, AND PART OF THE SOUTHWEST 1/4 OF SECTION 3, TOWN 2 NORTH, RANGE 11 EAST, CITY OF TROY, OAKLAND COUNTY, MICHIGAN



**NOTE:**  
 THIS SKETCH AND CORRESPONDING LEGAL DESCRIPTIONS ARE SUBJECT TO MUNICIPAL APPROVAL, STATE DIVISION LAWS AND LOCAL ORDINANCES. PARTS OF THIS DRAWING MAY NOT BE DRAWN TO SCALE FOR CLARITY PURPOSES.



**DESCRIPTION OF 25 FT. EASEMENT FOR STORM SEWER AND SURFACE DRAINAGE**  
 THE EASTERLY 25.00 FEET OF THE FOLLOWING DESCRIBED PARCEL:

PART OF LOT 7 OF PINE CREEK ESTATES SUBDIVISION, AS RECORDED IN LIBER 267 OF PLATS ON PAGES 15-17 INCLUSIVE, OAKLAND COUNTY RECORDS, AND PART OF THE SOUTHWEST 1/4 OF SECTION 3, TOWN 2 NORTH, RANGE 11 EAST, CITY OF TROY, OAKLAND COUNTY, MICHIGAN, BEING MORE PARTICULARLY DESCRIBED AS:

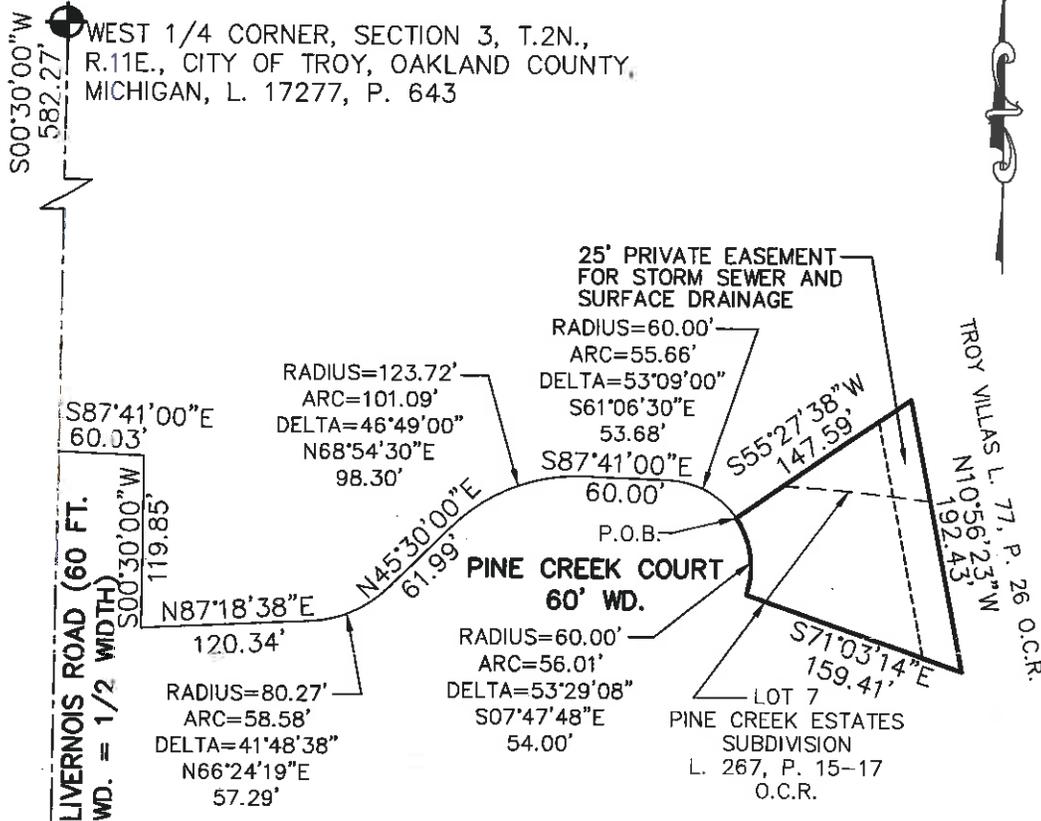
COMMENCING AT THE WEST 1/4 CORNER OF SAID SECTION 3, THENCE S.00°30'00\"W. 582.27 FEET ALONG THE WEST LINE OF SECTION 3; THENCE S.87°41'00\"E. 60.03 FEET; THENCE S.00°30'00\"W. 119.85 FEET ALONG THE WEST SIDE OF LIVERNOIS ROAD (60 FEET=1/2 WIDTH); THENCE ALONG THE NORTH SIDE OF PINE CREEK COURT (60 FEET WIDE) THE FOLLOWING SIX COURSES AND DISTANCES: N.87°18'38\"E. 120.34 FEET AND 58.58 FEET ALONG THE ARC OF CURVE CONCAVE TO THE NORTHWEST, RADIUS=80.27 FEET, DELTA=41°48'38\", CHORD=N.66°24'19\"E. 57.29 FEET AND N.45°30'00\"E. 61.99 FEET AND 101.09 FEET ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTHEAST, RADIUS=123.72 FEET, DELTA=46°49'00\", CHORD=N.68°54'30\"E. 98.30 FEET AND S.87°41'00\"E. 60.00 FEET AND 55.66 FEET ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTHWEST, RADIUS=60.00 FEET, DELTA=53°08'31\", CHORD=S.61°06'30\"E. 53.68 FEET TO THE POINT OF BEGINNING; THENCE EXTENDING 56.01 FEET ALONG THE ARC OF A CURVE CONCAVE TO THE WEST, RADIUS=60.00 FEET, DELTA=53°29'08\", CHORD=S.07°47'48\"E. 54.00 FEET ALONG THE WEST SIDE OF PINE CREEK COURT (60 FEET WIDE); THENCE LEAVING THE WEST SIDE OF PINE CREEK COURT (60 FEET WIDE) S.71°03'14\"E. 159.41 FEET; THENCE N.10°56'23\"W. 192.43 FEET ALONG THE WEST LINE OF TROY VILLAS SUBDIVISION AS RECORDED IN LIBER 77 OF PLATS ON PAGE 26, OAKLAND COUNTY RECORDS; THENCE S.55°27'38\"W. 147.59 FEET TO THE POINT OF BEGINNING. CONTAINING 0.382 ACRES OF LAND.

CLIENT PINE CREEK ESTATES	PROJECT NO. 12-013C	FIELD BOOK 000
	DATE 10-24-13	SHEET 1 OF 1
SCALE 1" = 100'	DRAWN BY L.A.	CHECKED BY D.H.K.

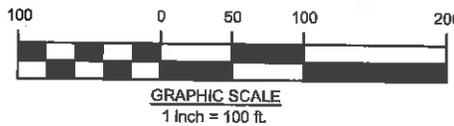

**FAZAL KHAN & ASSOCIATES, INC.**  
**CIVIL ENGINEERS & LAND SURVEYORS**  
 43279 SCHOENHERR STERLING HEIGHTS, MI 48313  
 PHONE (586) 739-8007 FAX (586) 739-6994  
[WWW.FAZALKHAN.COM](http://WWW.FAZALKHAN.COM)

## EXHIBIT "A" SKETCH AND DESCRIPTION OF EASEMENT

PART OF LOT 7 OF PINE CREEK ESTATES SUBDIVISION, AS RECORDED IN LIBER 267 OF PLATS ON PAGES 15-17 INCLUSIVE, OAKLAND COUNTY RECORDS, AND PART OF THE SOUTHWEST 1/4 OF SECTION 3, TOWN 2 NORTH, RANGE 11 EAST, CITY OF TROY, OAKLAND COUNTY, MICHIGAN



NOTE:  
THIS SKETCH AND CORRESPONDING LEGAL DESCRIPTIONS ARE SUBJECT TO MUNICIPAL APPROVAL, STATE DIVISION LAWS AND LOCAL ORDINANCES. PARTS OF THIS DRAWING MAY NOT BE DRAWN TO SCALE FOR CLARITY PURPOSES.



**DESCRIPTION OF 25 FT. EASEMENT FOR STORM SEWER AND SURFACE DRAINAGE**  
THE EASTERLY 25.00 FEET OF THE FOLLOWING DESCRIBED PARCEL:

PART OF LOT 7 OF PINE CREEK ESTATES SUBDIVISION, AS RECORDED IN LIBER 267 OF PLATS ON PAGES 15-17 INCLUSIVE, OAKLAND COUNTY RECORDS, AND PART OF THE SOUTHWEST 1/4 OF SECTION 3, TOWN 2 NORTH, RANGE 11 EAST, CITY OF TROY, OAKLAND COUNTY, MICHIGAN, BEING MORE PARTICULARLY DESCRIBED AS:

COMMENCING AT THE WEST 1/4 CORNER OF SAID SECTION 3, THENCE S.00°30'00"W. 582.27 FEET ALONG THE WEST LINE OF SECTION 3; THENCE S.87°41'00"E. 60.03 FEET; THENCE S.00°30'00"W. 119.85 FEET ALONG THE WEST SIDE OF LIVERNOIS ROAD (60 FEET=1/2 WIDTH); THENCE ALONG THE NORTH SIDE OF PINE CREEK COURT (60 FEET WIDE) THE FOLLOWING SIX COURSES AND DISTANCES: N.87°18'38"E. 120.34 FEET AND 58.58 FEET ALONG THE ARC OF CURVE CONCAVE TO THE NORTHWEST, RADIUS=80.27 FEET, DELTA=41°48'38", CHORD=N.66°24'19"E. 57.29 FEET AND N.45°30'00"E. 61.99 FEET AND 101.09 FEET ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTHEAST, RADIUS=123.72 FEET, DELTA=46°49'00", CHORD=N.68°54'30"E. 98.30 FEET AND S.87°41'00"E. 60.00 FEET AND 55.66 FEET ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTHWEST, RADIUS=60.00 FEET, DELTA=53°08'31", CHORD=S.61°06'30"E. 53.68 FEET TO THE POINT OF BEGINNING; THENCE EXTENDING 56.01 FEET ALONG THE ARC OF A CURVE CONCAVE TO THE WEST, RADIUS=60.00 FEET, DELTA=53°29'08", CHORD=S.07°47'48"E. 54.00 FEET ALONG THE WEST SIDE OF PINE CREEK COURT (60 FEET WIDE); THENCE LEAVING THE WEST SIDE OF PINE CREEK COURT (60 FEET WIDE) S.71°03'14"E. 159.41 FEET; THENCE N.10°56'23"W. 192.43 FEET ALONG THE WEST LINE OF TROY VILLAS SUBDIVISION AS RECORDED IN LIBER 77 OF PLATS ON PAGE 26, OAKLAND COUNTY RECORDS; THENCE S.55°27'38"W. 147.59 FEET TO THE POINT OF BEGINNING. CONTAINING 0.382 ACRES OF LAND.

CLIENT PINE CREEK ESTATES	PROJECT NO. 12-013C	FIELD BOOK 000
SCALE 1" = 100'	DATE 10-24-13	SHEET 1 OF 1
	DRAWN BY L.A.	CHECKED BY D.H.K.

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[WWW.FAZALKHAN.COM](http://WWW.FAZALKHAN.COM)

PERMANENT EASEMENT

Sidwell #88-20-03-301-080<sup>081</sup> (part)

Maurice Gennari, aka Maurizio Gennari and Sandy Gennari, aka Sandra Gennari, husband and wife, Grantors, whose address is, 3018 Barnes, Waterford, MI 48328 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, grants to the Grantee the right to construct, operate, maintain, repair and/or replace **storm sewer, surface drainage, public utilities and greenbelt**, said easement for land situated in the City of Troy, Oakland County, Michigan described as:

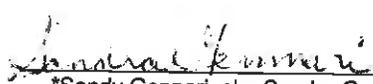
SEE EXHIBIT "A" ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF

and to enter upon sufficient land adjacent to said improvement(s) for the purpose of the construction, operation, maintenance, repair and/or replacement thereof.

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 2 signature(s) this 13<sup>th</sup> day of November A.D. 2013.

 (L.S.)  
\*Maurice Gennari, aka Maurizio Gennari

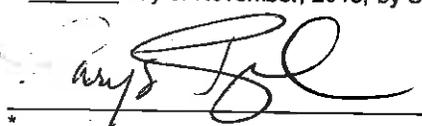
 (L.S.)  
\*Sandy Gennari, aka Sandra Gennari

STATE OF MICHIGAN )  
COUNTY OF OAKLAND )

The foregoing instrument was acknowledged before me this 13<sup>th</sup> day of November, 2013, by Maurice Gennari, aka Maurizio Gennari, a married man.

  
LARYSA FIGOL  
Notary Public, Oakland County, Michigan  
Acting in Oakland County, Michigan  
My Commission Expires 03/02/2012  
Notary Public, \_\_\_\_\_ County, Michigan  
My Commission Expires \_\_\_\_\_  
Acting in \_\_\_\_\_ County, Michigan

The foregoing instrument was acknowledged before me this 13<sup>th</sup> day of November, 2013, by Sandy Gennari, aka Sandra Gennari, a married woman.

LARYSA FIGOL  
Notary Public, Oakland County, Michigan  
Acting in Oakland County, Michigan  
My Commission Expires 03/02/2012  
  
Notary Public, \_\_\_\_\_ County, Michigan  
My Commission Expires \_\_\_\_\_  
Acting in \_\_\_\_\_ County, Michigan

**EXHIBIT "A"**  
**SKETCH AND DESCRIPTION OF EASEMENTS**

PART OF LOT 1 OF PINE CREEK ESTATES SUBDIVISION, AS RECORDED IN LIBER 267 OF PLATS ON PAGES 15-17 INCLUSIVE, OAKLAND COUNTY RECORDS, AND PART OF THE SOUTHWEST 1/4 OF SECTION 3, TOWN 2 NORTH, RANGE 11 EAST, CITY OF TROY, OAKLAND COUNTY, MICHIGAN

**DESCRIPTION OF 6 FT. WIDE EASEMENT FOR SURFACE DRAINAGE**

THE NORTHERLY 6.00 FEET OF THE EASTERLY 165.52 FEET OF THE FOLLOWING DESCRIBED PARCEL:

PART OF LOT 1 OF PINE CREEK ESTATES SUBDIVISION, AS RECORDED IN LIBER 267 OF PLATS ON PAGES 15-17 INCLUSIVE, OAKLAND COUNTY RECORDS, AND PART OF THE SOUTHWEST 1/4 OF SECTION 3, TOWN 2 NORTH, RANGE 11 EAST, CITY OF TROY, OAKLAND COUNTY, MICHIGAN, BEING MORE PARTICULARLY DESCRIBED AS:

COMMENCING AT THE WEST 1/4 CORNER OF SAID SECTION 3, THENCE S.00°30'00"W. 552.27 FEET ALONG THE WEST LINE OF SECTION 3 TO THE POINT OF BEGINNING; THENCE EXTENDING S.00°30'00"W. 30.00 FEET ALONG THE WEST LINE OF SECTION 3; THENCE S.87°41'00"E. 60.03 FEET TO THE NORTHWEST CORNER OF SAID LOT 1; THENCE S.00°30'00"W. 119.85 FEET ALONG THE EAST LINE OF LIVERNOIS ROAD (60 FEET=1/2 WIDTH); THENCE ALONG THE NORTH SIDE OF PINE CREEK COURT (60 FEET WIDE) THE FOLLOWING THREE COURSES AND DISTANCES N.87°18'38"E. 120.34 FEET AND 58.58 FEET ALONG THE ARC OF A CURVE CONCAVE TO THE NORTHWEST, RADIUS=80.27 FEET, DELTA=41°48'38", CHORD=N.66°24'19"E. 57.29 FEET AND N.45°30'00"E. 16.00 FEET; THENCE LEAVING SAID NORTH SIDE OF PINE CREEK COURT (60 FEET WIDE) N.09°34'03"W. 104.82 FEET; THENCE N.87°41'00"W. 225.56 FEET TO THE POINT OF BEGINNING. CONTAINING 0.604 ACRES OF LAND.

**DESCRIPTION OF 15 FT. WIDE EASEMENT FOR PUBLIC UTILITIES AND GREENBELT**

THE WESTERLY 15.00 FEET OF THE EASTERLY 75.00 FEET OF THE NORTHERLY 30.00 FEET OF THE FOLLOWING DESCRIBED PARCEL:

PART OF LOT 1 OF PINE CREEK ESTATES SUBDIVISION, AS RECORDED IN LIBER 267 OF PLATS ON PAGES 15-17 INCLUSIVE, OAKLAND COUNTY RECORDS, AND PART OF THE SOUTHWEST 1/4 OF SECTION 3, TOWN 2 NORTH, RANGE 11 EAST, CITY OF TROY, OAKLAND COUNTY, MICHIGAN, BEING MORE PARTICULARLY DESCRIBED AS:

COMMENCING AT THE WEST 1/4 CORNER OF SAID SECTION 3, THENCE S.00°30'00"W. 552.27 FEET ALONG THE WEST LINE OF SECTION 3 TO THE POINT OF BEGINNING; THENCE EXTENDING S.00°30'00"W. 30.00 FEET ALONG THE WEST LINE OF SECTION 3; THENCE S.87°41'00"E. 60.03 FEET TO THE NORTHWEST CORNER OF SAID LOT 1; THENCE S.00°30'00"W. 119.85 FEET ALONG THE EAST LINE OF LIVERNOIS ROAD (60 FEET=1/2 WIDTH); THENCE ALONG THE NORTH SIDE OF PINE CREEK COURT (60 FEET WIDE) THE FOLLOWING THREE COURSES AND DISTANCES N.87°18'38"E. 120.34 FEET AND 58.58 FEET ALONG THE ARC OF A CURVE CONCAVE TO THE NORTHWEST, RADIUS=80.27 FEET, DELTA=41°48'38", CHORD=N.66°24'19"E. 57.29 FEET AND N.45°30'00"E. 16.00 FEET; THENCE LEAVING SAID NORTH SIDE OF PINE CREEK COURT (60 FEET WIDE) N.09°34'03"W. 104.82 FEET; THENCE N.87°41'00"W. 225.56 FEET TO THE POINT OF BEGINNING. CONTAINING 0.604 ACRES OF LAND.

**DESCRIPTION OF 12 FT. EASEMENT FOR STORM SEWER AND SURFACE DRAINAGE**

THE SOUTHERLY 12.00 FEET OF THE NORTHERLY 54.00 FEET OF THE FOLLOWING DESCRIBED PARCEL:

PART OF LOT 1 OF PINE CREEK ESTATES SUBDIVISION, AS RECORDED IN LIBER 267 OF PLATS ON PAGES 15-17 INCLUSIVE, OAKLAND COUNTY RECORDS, AND PART OF THE SOUTHWEST 1/4 OF SECTION 3, TOWN 2 NORTH, RANGE 11 EAST, CITY OF TROY, OAKLAND COUNTY, MICHIGAN, BEING MORE PARTICULARLY DESCRIBED AS:

COMMENCING AT THE WEST 1/4 CORNER OF SAID SECTION 3, THENCE S.00°30'00"W. 552.27 FEET ALONG THE WEST LINE OF SECTION 3 TO THE POINT OF BEGINNING; THENCE EXTENDING S.00°30'00"W. 30.00 FEET ALONG THE WEST LINE OF SECTION 3; THENCE S.87°41'00"E. 60.03 FEET TO THE NORTHWEST CORNER OF SAID LOT 1; THENCE S.00°30'00"W. 119.85 FEET ALONG THE EAST LINE OF LIVERNOIS ROAD (60 FEET=1/2 WIDTH); THENCE ALONG THE NORTH SIDE OF PINE CREEK COURT (60 FEET WIDE) THE FOLLOWING THREE COURSES AND DISTANCES N.87°18'38"E. 120.34 FEET AND 58.58 FEET ALONG THE ARC OF A CURVE CONCAVE TO THE NORTHWEST, RADIUS=80.27 FEET, DELTA=41°48'38", CHORD=N.66°24'19"E. 57.29 FEET AND N.45°30'00"E. 16.00 FEET; THENCE LEAVING SAID NORTH SIDE OF PINE CREEK COURT (60 FEET WIDE) N.09°34'03"W. 104.82 FEET; THENCE N.87°41'00"W. 225.56 FEET TO THE POINT OF BEGINNING. CONTAINING 0.604 ACRES OF LAND.

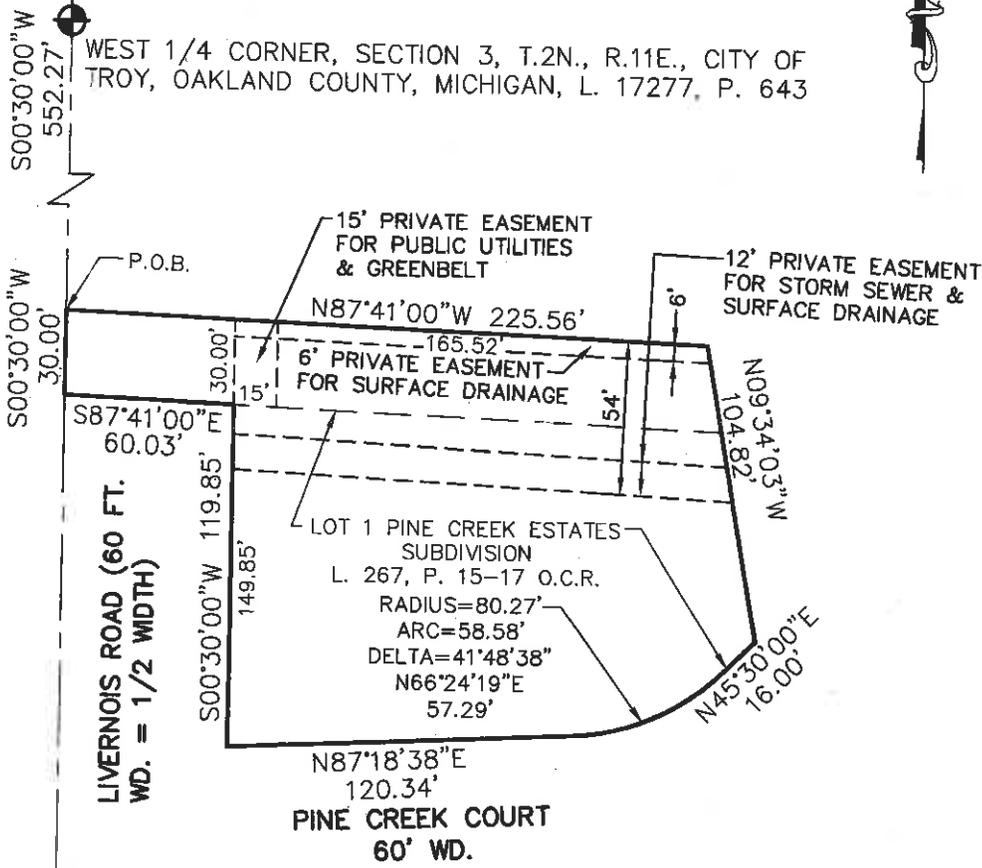
CLIENT PINE CREEK ESTATES	PROJECT NO. 12-013C	FIELD BOOK 000
SCALE NO SCALE	DATE 10-24-13	SHEET 2 OF 2
	DRAWN BY L.A.	CHECKED BY D.H.K.



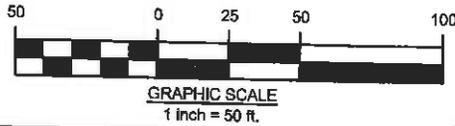
**FAZAL KHAN & ASSOCIATES, INC.**  
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**EXHIBIT "A"**  
**SKETCH AND DESCRIPTION OF EASEMENTS**

PART OF LOT 1 OF PINE CREEK ESTATES SUBDIVISION, AS RECORDED IN LIBER 267 OF PLATS ON PAGES 15-17 INCLUSIVE, OAKLAND COUNTY RECORDS, AND PART OF THE SOUTHWEST 1/4 OF SECTION 3, TOWN 2 NORTH, RANGE 11 EAST, CITY OF TROY, OAKLAND COUNTY, MICHIGAN



NOTE:  
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CLIENT PINE CREEK ESTATES	PROJECT NO. 12-013C	FIELD BOOK 000
	DATE 10-24-13	SHEET 1 OF 2
SCALE 1" = 50'	DRAWN BY L.A.	CHECKED BY D.H.K.



**FAZAL KHAN & ASSOCIATES, INC.**  
**CIVIL ENGINEERS & LAND SURVEYORS**  
 43279 SCHOENHERR STERLING HEIGHTS, MI 48313  
 PHONE (586) 739-8007 FAX (586) 739-6994  
[WWW.FAZALKHAN.COM](http://WWW.FAZALKHAN.COM)

**PERMANENT EASEMENT**

Sidwell #86-20-03-301-080 (part)

Maurice Gennary, aka Maurizio Gennary and Sandy Gennary, aka Sandra Gennary, husband and wife, Grantors, whose address is, 3018 Barnes, Waterford, MI 48328 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, grants to the Grantee the right to construct, operate, maintain, repair and/or replace **public utilities**, said easement for land situated in the City of Troy, Oakland County, Michigan described as:

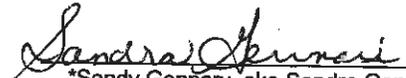
SEE EXHIBIT "A" ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF

and to enter upon sufficient land adjacent to said improvement(s) for the purpose of the construction, operation, maintenance, repair and/or replacement thereof.

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 2 signature(s) this 19<sup>th</sup> day of June A.D. 2013.

 (L.S.)  
\*Maurice Gennary, aka Maurizio Gennary

 (L.S.)  
\*Sandy Gennary, aka Sandra Gennary

STATE OF MICHIGAN     )  
COUNTY OF OAKLAND    )

The foregoing instrument was acknowledged before me this 19<sup>th</sup> day of June, 2013, by Maurice Gennary, aka Maurizio Gennary and Sandy Gennary, aka Sandra Gennary, husband and wife.

JANET M PARSONS  
Notary Public, State of Michigan  
County of Oakland  
My Commission Expires 10-14-2018  
Acting in the County of Oakland

  
\*  
Notary Public, Oakland County, Michigan  
My Commission Expires 10-14-16  
Acting in Oakland County, Michigan

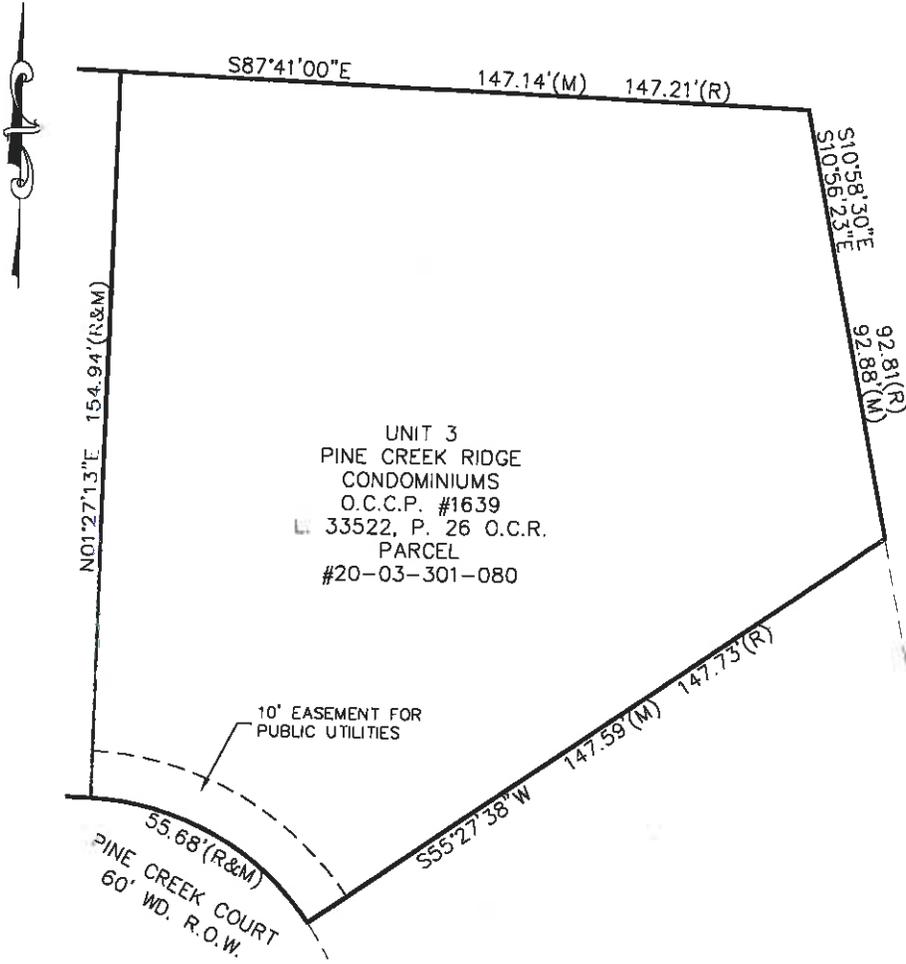
Prepared by: Larysa Figol  
City of Troy  
500 West Big Beaver  
Troy, MI 48084

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

**PLEASE SIGN IN BLUE INK AND PRINT OR TYPE NAMES IN BLACK INK UNDER SIGNATURES**

**EXHIBIT "A"**  
**SKETCH AND DESCRIPTION OF PUBLIC**  
**UTILITIES EASEMENT**

UNIT 3 OF PINE CREEK RIDGE CONDOMINIUMS, PART OF THE SOUTHWEST 1/4 OF SECTION 3,  
 TOWN 2 NORTH, RANGE 11 EAST, CITY OF TROY, OAKLAND COUNTY, MICHIGAN



UNIT 3  
 PINE CREEK RIDGE  
 CONDOMINIUMS  
 O.C.C.P. #1639  
 L. 33522, P. 26 O.C.R.  
 PARCEL  
 #20-03-301-080

10' EASEMENT FOR  
 PUBLIC UTILITIES

55.68'(R&M)  
 PINE CREEK COURT  
 60' WD. R.O.W.

**PROPERTY DESCRIPTION, PARCEL #20-03-301-080**

UNIT 3 OF PINE CREEK RIDGE CONDOMINIUMS, O.C.C.P. #1639, AS RECORDED IN LIBER 33522, PAGE 26, OAKLAND COUNTY RECORDS, PART OF THE SOUTHWEST 1/4 OF SECTION 3, TOWN 2 NORTH, RANGE 11 EAST, CITY OF TROY, OAKLAND COUNTY, MICHIGAN

**DESCRIPTION OF 10.00 FEET WIDE PUBLIC UTILITIES EASEMENT**  
 THE SOUTHERLY 10 FEET OF THE ABOVE DESCRIBED PARCEL.



**GRAPHIC SCALE**  
 1 Inch = 30 ft.

**NOTE:**  
 THIS SKETCH AND CORRESPONDING LEGAL DESCRIPTIONS ARE SUBJECT TO MUNICIPAL APPROVAL, STATE DIVISION LAWS AND LOCAL ORDINANCES. PARTS OF THIS DRAWING MAY NOT BE DRAWN TO SCALE FOR CLARITY PURPOSES.

CLIENT PINE CREEK RIDGE CONDOMINIUMS	PROJECT NO. 12-013C	FIELD BOOK 000
	DATE 03-15-13	SHEET 1 OF 1
SCALE 1" = 30'	DRAWN BY L.A.	CHECKED BY C.T.



**FAZAL KHAN & ASSOCIATES, INC.**  
**CIVIL ENGINEERS & LAND SURVEYORS**  
 43279 SCHOENHERR STERLING HEIGHTS, MI 48313  
 PHONE (586) 739-8007 FAX (586) 739-6994  
**WWW.FAZALKHAN.COM**

PERMANENT EASEMENT

Sidwell #86-20-03-301-080 (part)

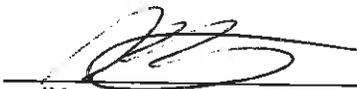
Maurice Gennary, aka Maurizio Gennary and Sandy Gennary, aka Sandra Gennary, husband and wife, Grantors, whose address is, 3018 Barnes, Waterford, MI 48328 for and in consideration of the sum of: One and no/100 Dollar (\$1.00) paid by the CITY OF TROY, a Michigan Municipal Corporation, Grantee, whose address is 500 West Big Beaver Road, Troy, Michigan, grants to the Grantee the right to construct, operate, maintain, repair and/or replace storm sewer and surface drainage, said easement for land situated in the City of Troy, Oakland County, Michigan described as:

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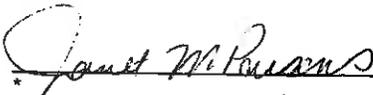
 (L.S.)  
\*Maurice Gennary, aka Maurizio Gennary

 (L.S.)  
\*Sandy Gennary, aka Sandra Gennary

STATE OF MICHIGAN )  
COUNTY OF OAKLAND )

The foregoing instrument was acknowledged before me this 19th day of June, 2013, by Maurice Gennary, aka Maurizio Gennary and Sandy Gennary, aka Sandra Gennary, husband and wife.

JANET M PARSONS  
Notary Public, State of Michigan  
County of Oakland  
My Commission Expires 10-14-2016  
Acting In the County of Oakland

  
\*Notary Public, Oakland County, Michigan  
My Commission Expires 10-14-16  
Acting in Oakland County, Michigan

Prepared by: Larysa Figol  
City of Troy  
500 West Big Beaver  
Troy, MI 48084

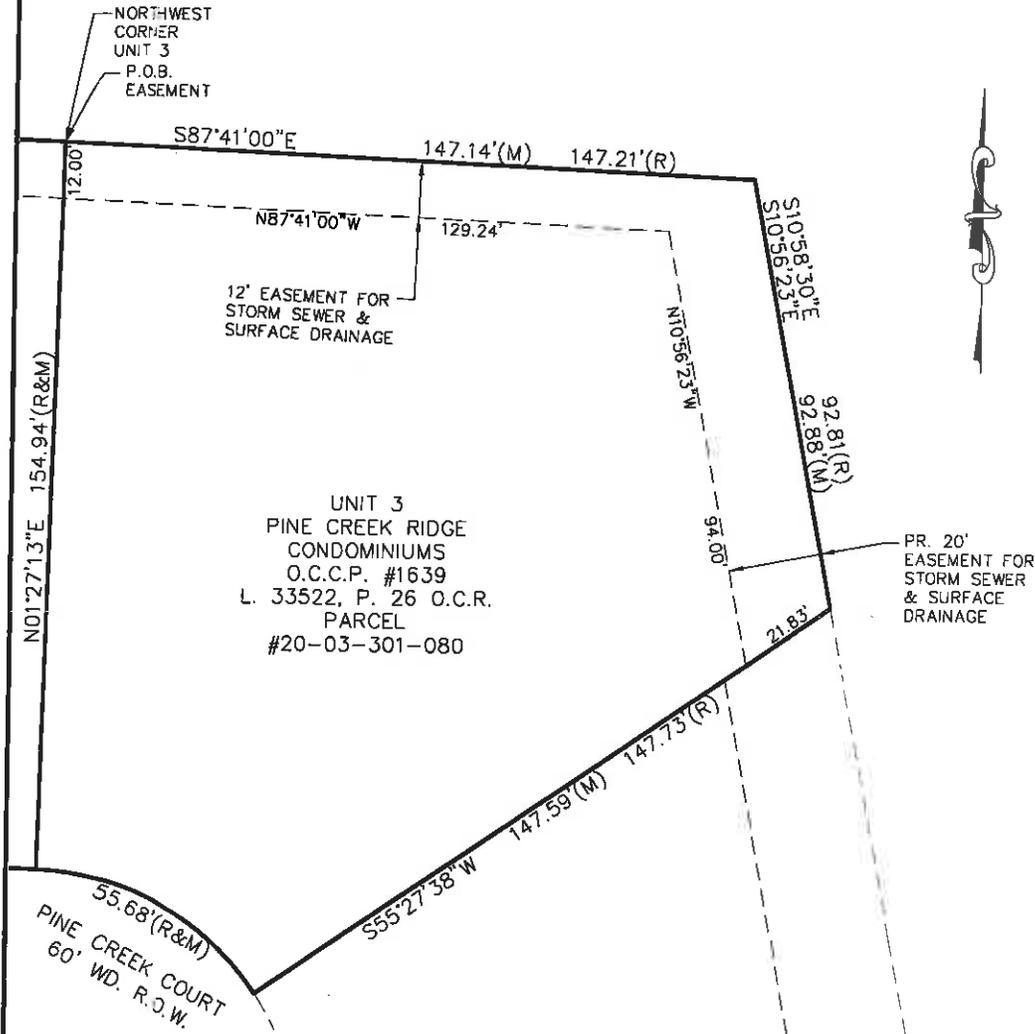
Return to: City Clerk  
City of Troy  
500 West Big Beaver  
Troy, MI 48084

PLEASE SIGN IN BLUE INK AND PRINT OR TYPE NAMES IN BLACK INK UNDER SIGNATURES

# EXHIBIT "A"

## SKETCH AND DESCRIPTION OF STORM SEWER AND SURFACE DRAINAGE EASEMENT

UNIT 3 OF PINE CREEK RIDGE CONDOMINIUMS, PART OF THE SOUTHWEST 1/4 OF SECTION 3,  
TOWN 2 NORTH, RANGE 11 EAST, CITY OF TROY, OAKLAND COUNTY, MICHIGAN

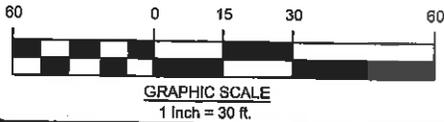


UNIT 3  
PINE CREEK RIDGE  
CONDOMINIUMS  
O.C.C.P. #1639  
L. 33522, P. 26 O.C.R.  
PARCEL  
#20-03-301-080

PR. 20'  
EASEMENT FOR  
STORM SEWER  
& SURFACE  
DRAINAGE

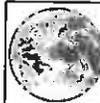
**PROPERTY DESCRIPTION, PARCEL #20-03-301-080**  
UNIT 3 OF PINE CREEK RIDGE CONDOMINIUMS, O.C.C.P. #1639, AS RECORDED IN LIBER 33522, PAGE 26,  
OAKLAND COUNTY RECORDS, PART OF THE SOUTHWEST 1/4 OF SECTION 3, TOWN 2 NORTH, RANGE 11  
EAST, CITY OF TROY, OAKLAND COUNTY, MICHIGAN

**DESCRIPTION OF STORM SEWER AND SURFACE DRAINAGE EASEMENT**  
PART OF UNIT 3 OF PINE CREEK RIDGE CONDOMINIUMS, O.C.C.P. #1639, AS RECORDED IN LIBER 33522, PAGE  
26, OAKLAND COUNTY RECORDS, PART OF THE SOUTHWEST 1/4 OF SECTION 3, TOWN 2 NORTH, RANGE 11  
EAST, CITY OF TROY, OAKLAND COUNTY, MICHIGAN AND BEING MORE PARTICULARLY DESCRIBED AS  
BEGINNING AT THE NORTHWEST CORNER OF SAID UNIT 3, THENCE S.87°41'00"E. 147.14 FEET, THENCE  
S.10°56'23"E. 92.88 FEET, THENCE S.55°27'38"W. 21.83 FEET, THENCE N.10°56'23"W. 94.00 FEET, THENCE N.  
87°41'00"W. 129.24 FEET, THENCE N.01°27'13"E. 12.00 FEET TO THE POINT OF BEGINNING.



**NOTE:**  
THIS SKETCH AND CORRESPONDING LEGAL DESCRIPTIONS ARE  
SUBJECT TO MUNICIPAL APPROVAL, STATE DIVISION LAWS AND  
LOCAL ORDINANCES. PARTS OF THIS DRAWING MAY NOT BE DRAWN  
TO SCALE FOR CLARITY PURPOSES.

CLIENT PINE CREEK RIDGE CONDOMINIUMS	PROJECT NO. 12-013C	FIELD BOOK 000
SCALE 1" = 30'	DATE 12-11-12	SHEET 1 OF 1
	DRAWN BY L.A.	CHECKED BY C.T.



**FAZAL KHAN & ASSOCIATES, INC.**  
**CIVIL ENGINEERS & LAND SURVEYORS**  
43279 SCHOENHERR STERLING HEIGHTS, MI 48313  
PHONE (586) 739-8007 FAX (586) 739-6994  
[WWW.FAZALKHAN.COM](http://WWW.FAZALKHAN.COM)

2012-11-12 10:03 AM J.F. 400-0010 12-013-013-FIELD BOOK 3/11/2013 9:34:14 AM

PERMANENT EASEMENT

Sidwell #86-20-03-301-079 (part)

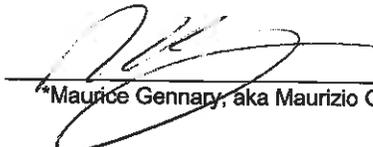
Maurice Gennary, aka Maurizio Gennary and Sandy Gennary, aka Sandra Gennary, husband and wife, Grantors, whose address is, 3018 Barnes, Waterford, MI 48328 for and in consideration of the sum of: One and no/100 Dollar (\$1.00) paid by the CITY OF TROY, a Michigan Municipal Corporation, Grantee, whose address is 500 West Big Beaver Road, Troy, Michigan, grants to the Grantee the right to construct, operate, maintain, repair and/or replace public utilities, said easement for land situated in the City of Troy, Oakland County, Michigan described as:

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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.

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 2 signature(s) this 19<sup>th</sup> day of June A.D. 2013.

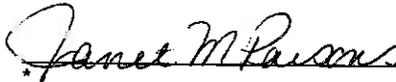
 (L.S.)  
\*Maurice Gennary, aka Maurizio Gennary

 (L.S.)  
\*Sandy Gennary, aka Sandra Gennary

STATE OF MICHIGAN )  
COUNTY OF OAKLAND )

The foregoing instrument was acknowledged before me this 19<sup>th</sup> day of June, 2013, by Maurice Gennary, aka Maurizio Gennary and Sandy Gennary, aka Sandra Gennary, husband and wife.

JANET M PARSONS  
Notary Public, State of Michigan  
County of Oakland  
My Commission Expires 10-14-2018  
Acting in the County of Oakland

  
Notary Public, Oakland County, Michigan  
My Commission Expires 10-14-16  
Acting in Oakland County, Michigan

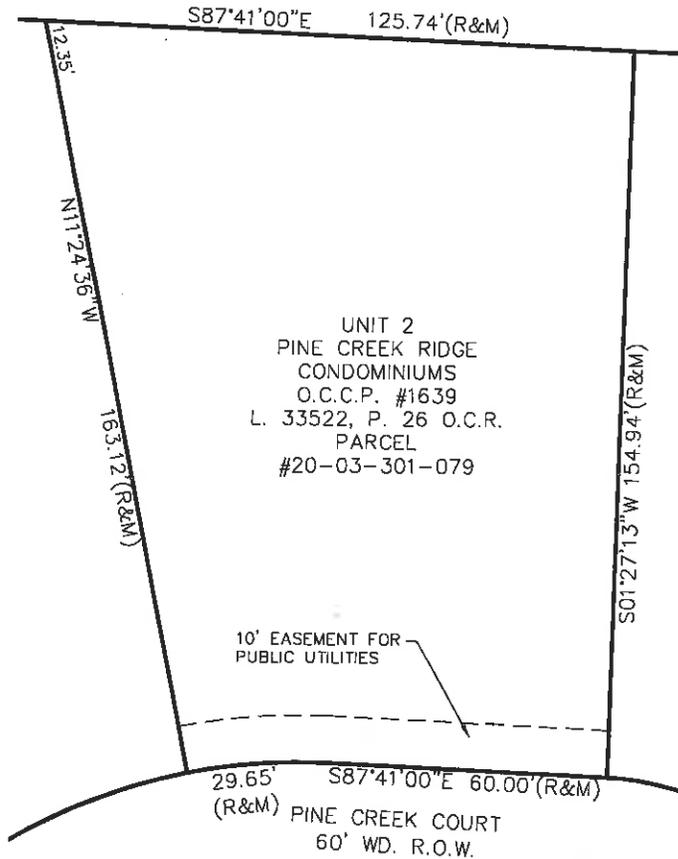
Prepared by: Larysa Figol  
City of Troy  
500 West Big Beaver  
Troy, MI 48084

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

**PLEASE SIGN IN BLUE INK AND PRINT OR TYPE NAMES IN BLACK INK UNDER SIGNATURES**

**EXHIBIT "A"**  
**SKETCH AND DESCRIPTION OF PUBLIC**  
**UTILITIES EASEMENT**

UNIT 2 OF PINE CREEK RIDGE CONDOMINIUMS, PART OF THE SOUTHWEST 1/4 OF SECTION 3,  
 TOWN 2 NORTH, RANGE 11 EAST, CITY OF TROY, OAKLAND COUNTY, MICHIGAN



UNIT 2  
 PINE CREEK RIDGE  
 CONDOMINIUMS  
 O.C.C.P. #1639  
 L. 33522, P. 26 O.C.R.  
 PARCEL  
 #20-03-301-079

10' EASEMENT FOR  
 PUBLIC UTILITIES

29.65' S87°41'00"E 60.00'(R&M)  
 (R&M) PINE CREEK COURT  
 60' WD. R.O.W.

**PROPERTY DESCRIPTION, PARCEL #20-03-301-079**

UNIT 2 OF PINE CREEK RIDGE CONDOMINIUMS, O.C.C.P. #1639, AS RECORDED IN LIBER 33522, PAGE 26,  
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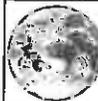
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**GRAPHIC SCALE**  
 1 Inch = 30 ft.

**NOTE:**  
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 DESCRIPTIONS ARE SUBJECT TO  
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CLIENT PINE CREEK RIDGE CONDOMINIUMS	PROJECT NO. 12-013C	FIELD BOOK 000
SCALE 1" = 30'	DATE 03-15-13	SHEET 1 OF 1
	DRAWN BY L.A.	CHECKED BY C.T.



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 43279 SCHOENHERR STERLING HEIGHTS, MI 48313  
 PHONE (586) 739-8007 FAX (586) 739-6994  
**WWW.FAZALKHAN.COM**

PERMANENT EASEMENT

Sidwell #88-20-03-301-078 (part)

Maurice Gennary, aka Maurizio Gennary and Sandy Gennary, aka Sandra Gennary, husband and wife, Grantors, whose address is, 3018 Barnes, Waterford, MI 48328 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, grants to the Grantee the right to construct, operate, maintain, repair and/or replace public utilities, said easement for land situated in the City of Troy, Oakland County, Michigan described as:

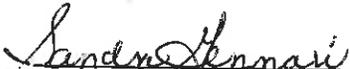
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\_\_\_\_\_(L.S.)  
\*Maurice Gennary, aka Maurizio Gennary

  
\_\_\_\_\_(L.S.)  
\*Sandy Gennary, aka Sandra Gennary

STATE OF MICHIGAN )  
COUNTY OF OAKLAND )

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JANET M PARSONS  
Notary Public, State of Michigan  
County of Oakland  
My Commission Expires 10-14-2016  
Acting in the County of Oakland

  
\_\_\_\_\_  
\*  
Notary Public, Oakland County, Michigan  
My Commission Expires 10-14-16  
Acting in Oakland County, Michigan

Prepared by: Larisa Figol  
City of Troy  
500 West Big Beaver  
Troy, MI 48084

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

**PLEASE SIGN IN BLUE INK AND PRINT OR TYPE NAMES IN BLACK INK UNDER SIGNATURES**



PERMANENT EASEMENT

Sidwell #86-20-03-301-079 (part)

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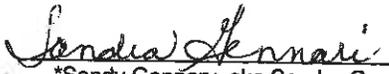
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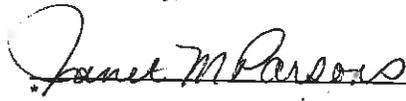
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My Commission Expires 10-14-2016  
Acting in the County of Oakland

  
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My Commission Expires 10-14-16  
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Prepared by: Larysa Figol  
City of Troy  
500 West Big Beaver  
Troy, MI 48084

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

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**PERMANENT EASEMENT**

Sidwell #63-20-03-301-078 (part)

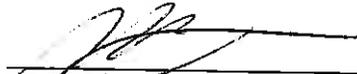
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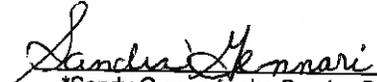
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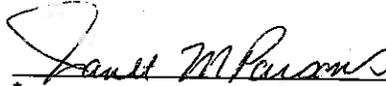
  
\_\_\_\_\_(L.S.)  
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STATE OF MICHIGAN     )  
COUNTY OF OAKLAND    )

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JANET M PARSONS  
Notary Public, State of Michigan  
County of Oakland  
My Commission Expires 10-14-2016  
Acting In the County of Oakland

  
\_\_\_\_\_  
Notary Public, Oakland County, Michigan  
My Commission Expires 10-14-16  
Acting in Oakland County, Michigan

Prepared by: Larysa Figol  
City of Troy  
500 West Big Beaver  
Troy, MI 48084

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

**PLEASE SIGN IN BLUE INK AND PRINT OR TYPE NAMES IN BLACK INK UNDER SIGNATURES**



CITY OF TROY  
AN ORDINANCE TO AMEND  
CHAPTER 34 OF THE CODE  
OF THE CITY OF TROY

The City of Troy ordains:

Section 1. Short Title

This Ordinance shall be known and may be cited as an amendment to Chapter 34 of the Code of the City of Troy.

Section 2. Amendment

Chapter 34 of the Code of the City of Troy is amended to read as follows:

34.01 Definitions

(g) “Major Thoroughfare” means the following street rights-of-way within the City of Troy: Adams Road, Big Beaver Road, Coolidge Highway, Crooks Road, Deguire Road, Fourteen Mile Road, John R Road, Maple Road, Livernois Road, Long Lake Road, Rochester Road, South Boulevard, Square Lake Road, Stephenson Highway, Wattles Road.

34.11 Sidewalks to be Cleared

~~The occupant of every lot or premises adjoining any street, or the owner of such lot or premises, if the same are not occupied, shall clear all ice and snow from sidewalks adjoining such lot or premises within the time herein required. When any snow or ice shall cease to fall during the daylight hours, such snow or ice shall be cleared from the sidewalks within twelve (12) hours after such cessation. When a fall of snow or ice shall have ceased during the nighttime, it shall be cleared from the sidewalks by 6:00 P.M. of the day following.~~

The occupant or owner of every lot or premise adjoining any street, shall keep all sidewalks clear of ice and shall clear sidewalks of all accumulations of snow when the depth of such snow is one (1) inch or greater. Ice or snow shall be cleared within twenty-four (24) hours following the end of the ice or snow event which led to such accumulation.

34.11.01 Sidewalks Exempt From Requirement to Clear

For sidewalks adjacent to rear and side yards, a lot or premise shall be exempt from the requirements of Section 34.11 if all of the following conditions are met:

- (a) The lot or premise is used as a single-family or two-family residence; and,
- (b) The lot or premise is addressed on a non-major thoroughfare but has a rear or side yard adjacent to a major thoroughfare;

34.12 Failure to Clear

If any occupant or owner ~~neglects or~~ fails to clear ice or snow from the sidewalks adjoining his/her premises within the allotted time period, or shall otherwise permit ice or snow to accumulate on such sidewalk contrary to this Code, the owner shall be responsible for a violation of this Chapter. The Director Superintendent may then cause the same to be cleared and the expense of removal shall become a debt to the City from the occupant or owner of such premises, and shall be collected as any other debt to the City. Written correspondence of such action from the City to said occupant or owner may be provided via first class mail in lieu of notice required by Chapter 1.11 of City Code.

### Section 3. Savings

All proceedings pending, and all rights and liabilities existing, acquired or incurred, at the time this Ordinance takes effect, are hereby saved. Such proceedings may be consummated under and according to the ordinance in force at the time such proceedings were commenced. This ordinance shall not be construed to alter, affect, or abate any pending prosecution, or prevent prosecution hereafter instituted under any ordinance specifically or impliedly repealed or amended by this ordinance adopting this penal regulation, for offenses committed prior to the effective date of this ordinance; and new prosecutions may be instituted and all prosecutions pending at the effective date of this ordinance may be continued, for offenses committed prior to the effective date of this ordinance, under and in accordance with the provisions of any ordinance in force at the time of the commission of such offense.

### Section 4. Severability Clause

Should any word, phrase, sentence, paragraph or section of this Ordinance be held invalid or unconstitutional, the remaining provision of this ordinance shall remain in full force and effect.

### Section 5. Effective Date

This Ordinance shall become effective ten (10) days from the date hereof or upon publication, whichever shall later occur.

This Ordinance is enacted by the Council of the City of Troy, Oakland County, Michigan, at a regular meeting of the City Council held at City Hall, 500 W. Big Beaver, Troy, MI, on \_\_\_\_\_, 2013.

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Dane Slater, Mayor

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Aileen Bittner, City Clerk

A meeting of the Retiree Health Care Benefits Plan & Trust Board of Trustees was held on Wednesday, April 10, 2013, at Troy City Hall, 500 W. Big Beaver Road, Troy, MI 48084.

The meeting was called to order at 10:58 a.m.

**Trustees Present:** Mark Calice (arrived at 11:03 am)  
Thomas J. Gordon, II  
Milton Stansbury  
Thomas Darling, CPA  
William R. Need (Ex-Officio)  
Dave Henderson  
Steve Pallotta (arrived at 11:00 am)

**Trustees Absent:** Brian Kischnick

**Also Present:** Justin Breyer

### Motion to Excuse Absent Members

#### **Resolution # ER – 2013-04-02**

Moved by Stansbury  
Seconded by Gordon

RESOLVED, That Troy City Council hereby **EXCUSES** the absence of Mark Calice, Steve Pallotta and Brian Kischnick at the Retiree Health Care Benefits Plan & Trust Board Meeting of April 10, 2013.

Yeas: All- 4

Absent: Calice, Pallotta, Kischnick

### Minutes

#### **Resolution # ER – 2013-04-03**

Moved by Stansbury  
Seconded by Gordon

RESOLVED, That the Minutes of the January 9<sup>th</sup>, 2012 meeting be approved.

Yeas: All- 6

Absent: Kischnick

### Investments

Tom Darling reviewed the Waddell & Reed Report.

**OTHER BUSINESS – INVESTMENT CONSULTANT**

**Resolution # ER – 2013-04-04**

Moved by Pallotta

Seconded by Stansbury

RESOLVED, That the Board hereby directs the Pension Administrator to enter negotiations for an Investment Consultant based on the recommendation of the Employees' Retirement System Board.

Yeas: All- 6

Absent: Kischnick

**Public Comment**

None

The next meeting is July 10, 2013 at 1:00 p.m. at Troy City Hall, Conference Room C, 500 W. Big Beaver Road, Troy, MI 48084.

The meeting adjourned at 11:09 p.m.

  
Mark Calice, Chairman

  
Tom Darling, Pension Administrator

G:\MY DOCUMENTS\Retiree Health Care Benefits Plan & Trust Board\2013\04.10.13\Final Agenda and Minutes

A meeting of the Employees' Retirement System Board of Trustees was held on Wednesday May 8, 2013 at Troy City Hall, 500 W. Big Beaver Road, Troy, MI 48084.

The meeting was called to order at 12:06 p.m.

**Trustees Present:** Mark Calice  
Thomas J. Gordon, II (left at 1:55pm)  
Thomas Darling, CPA  
Milton Stansbury  
Steve Pallotta  
William R. Need (Ex-Officio)

**Trustees Absent:** Brian Kischnick  
Dave Henderson

**Also Present:** Justin Breyer  
Rebecca Sorenson  
John Grant

### Minutes

#### **Resolution # ER – 2013-05-14**

Moved by Pallotta  
Seconded by Gordon

RESOLVED, That the Minutes of the April 10, 2013 meeting be approved.

Yeas: All-5

Absent: Kischnick, Henderson

### Retirement Requests – Carolyn Wright Disability Retirement

The board discussed whether to appoint a physician to review the case. The board wants to invite City Attorney Lori Bluhm to the next meeting.

### Other Business – Third Quarter Performance Reports

John Grant and Rebecca Sorenson presented UBS's Third Quarter Performance Report.

Thomas Darling also presented his Third Quarter Performance Report to the Board.

### Other Business – Discussion Relating to Investment Consultant

The board discussed their thoughts on the performance of Investment Consultant candidates as well as the direction of services in general. No decision was made.

### INVESTMENTS

**Resolution # ER – 2013-05-15**

Moved by Darling

Seconded by Pallotta

RESOLVED, That the Board directs the Pension Administrator to sell all but 5,000 shares of Sigma-Aldrich.

Yeas: All-4

Absent: Kischnick, Henderson, Gordon

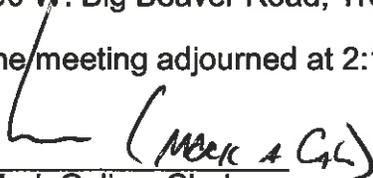
**Public Comment**

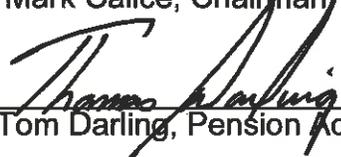
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None

The next meeting is June 12<sup>th</sup>, 2013 at 12:00 a.m. at Troy City Hall, Conference Room C, 500 W. Big Beaver Road, Troy, MI 48084.

The meeting adjourned at 2:18 p.m.

  
Mark Calice, Chairman

  
Tom Darling, Pension Administrator

A meeting of the Retiree Health Care Benefits Plan & Trust Board of Trustees was held on Wednesday, July 10, 2013, at Troy City Hall, 500 W. Big Beaver Road, Troy, MI 48084.

The meeting was called to order at 2:23 p.m.

**Trustees Present:** Mark Calice  
Thomas J. Gordon, II  
Milton Stansbury  
Thomas Darling, CPA  
William R. Need (Ex-Officio)  
Dave Henderson  
Steve Pallotta

**Trustees Absent:** Brian Kischnick

**Also Present:** Sehrish Salah-Ud-Din  
Lori Bluhm

### Minutes

#### **Resolution # ER – 2013-07-05**

Moved by Gordon

Seconded by Stansbury

RESOLVED, That the Minutes of the April 10, 2013 meeting be approved.

Yeas: All- 6

Absent: Kischnick

### Investments

The System Administrator reviewed the System Asset report with the Board. Total System Assets as of June 30, 2013 were \$34,299,460.

### OTHER BUSINESS – REVIEW INVESTMENTS

#### OTHER BUSINESS – RFI FOR INVESTMENT CONSULTANT

The Board discussed results of the RFI for an Investment Consultant.

The Boards consensus along with recommendations from the Employee Retirement System Board was to further discussions with UBS Financial Services.

Board Chairman, Calice brought up concerns regarding the UBS member Phil Fiore based on FINRA reportable litigation.

Board directed System Administrator to begin discussions with Grant/Sorenson of UBS financial services to provide a letter of understanding to provide Investment Consulting Services as outlined in the UBS proposal dated October 23, 2012.

**OTHER BUSINESS – SPECIAL MEETING**

A request was made for special meeting on September 11 at 1:00 pm.

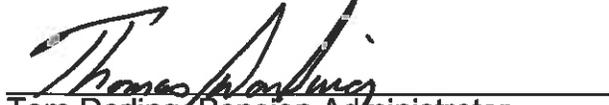
**Public Comment**

None

The next meeting is September 11, 2013 at 1:00 p.m. at Troy City Hall, Conference Room C, 500 W. Big Beaver Road, Troy, MI 48084.

The meeting adjourned at 3:00 p.m.

  
Mark Calice, Chairman

  
Tom Darling, Pension Administrator

**EMPLOYEES' RETIREMENT SYSTEM BOARD OF TRUSTEES MINUTES – FINAL August 14, 2013**

A meeting of the Employees' Retirement System Board of Trustees was held on **Wednesday August 14, 2013** at Troy City Hall, 500 W. Big Beaver Road, Troy, MI 48084.

The meeting was called to order at 12:05 p.m.

**Trustees Present:** Mark Calice  
Thomas J. Gordon, II  
Thomas Darling, CPA  
Milton Stansbury  
Steve Pallotta  
William R. Need (Ex-Officio)  
Dave Henderson

**Trustees Absent:** Brian Kischnick

**Also Present:**

### Minutes

#### **Resolution # ER – 2013-08-20**

Moved by Pallotta  
Seconded by Gordon

RESOLVED, That the Minutes of the July 10, 2013 meeting be approved.

Yeas: All-6  
Absent: Kischnick

### Retirement Requests

#### **Resolution # ER – 2013-08-21**

Moved by Gordon  
Seconded by Pallotta

RESOLVED, That the following retirement requests be approved:

<b>Name</b>	Joel Woods (Deferred)	Diane Salter	Michael Emerick
<b>Pension Program</b>	DB	DB	DC
<b>Retirement Date</b>	8/14/13 (Eligible on 9/30/2012)	8/30/13	8/16/13
<b>Department</b>	Exempt	Police	Motor Pool
<b>Service Time</b>	16 yrs, 0 mo	26 yrs, 4 mo	28 yrs, 5 mo

Yeas: All-6  
Absent: Kischnick

### Other Business – UBS Financial Services

Rebecca Sorenson from UBS Financial Services presented the ERS System investment performance for the quarter ended June 30, 2013.

Ms. Sorenson noted a 1.24% increase for the quarter compared to our benchmark of 0.77%. Calendar YTD earnings are 7.02% as compared to the benchmark of 7.03%.

### Other Business – Greystone Consulting

Michael Holycross and Brian Green of Greystone Consulting provided information as requested by the Board from the prior ERS Board meeting. The topics included:

- Performance reviews for managed Michigan municipalities along with the Troy ERS system.
- Investment manager examples for various sectors.
- Fee examples based on various allocation scenario's.
- Proposed Monthly Statement and Quarterly Review example.
- Morgan Stanley response to FINRA Broker Check report on Michael Holycross.

Discussion followed the presentation in regards to the Greystone agreement for investment consulting services. It was determined that the subject would be deferred until the next scheduled ERS Board meeting in order to allow sufficient time for the Board members to review the agreement.

### INVESTMENTS

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Notification by System Administrator Thomas Darling that he will transfer approximately \$7 million in cash from various broker investment accounts to reimburse the City for pension benefits paid over past six months.

### Public Comment

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None

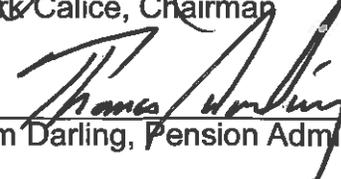
The next meeting is September 11<sup>th</sup>, 2013 at 12:00 p.m. at Troy City Hall, Conference Room C, 500 W. Big Beaver Road, Troy, MI 48084.

The meeting adjourned at 2:50 p.m.

11

August 14, 2013  
June 12, 2013

 (Mark A Calice)  
Mark Calice, Chairman

  
Tom Darling, Pension Administrator

**EMPLOYEES' RETIREMENT SYSTEM BOARD OF TRUSTEES MINUTES – FINAL September 11, 2013**

A meeting of the Employees' Retirement System Board of Trustees was held on **Wednesday September 11, 2013** at Troy City Hall, 500 W. Big Beaver Road, Troy, MI 48084.

The meeting was called to order at 12:08 p.m.

**Trustees Present:** Mark Calice  
Thomas J. Gordon, II  
Thomas Darling, CPA  
Milton Stansbury  
Steve Pallotta  
William R. Need (Ex-Officio)  
Dave Henderson  
Brian Kischnick (left 2:25)

**Trustees Absent:** None

**Also Present:** Sehrish Salah-Ud-Din

### Minutes

#### **Resolution # ER – 2013-09-22**

Moved by Pallotta

Seconded by Stansbury

RESOLVED, that the Minutes of the August 14, 2013 meeting be approved.

Yeas: All-7

Absent: None

### Other Business - ERS Actuarial Valuation

#### **Resolution # ER – 2013-09-23**

Moved by Stansbury

Seconded by Pallotta

RESOLVED, That the ERS Valuation dated December 31, 2012 be accepted as printed and presented:

Randy Dziubek and Jeff Tebeau from the Actuarial firm of Gabriel Roeder Smith and Company presented the City of Troy Employees Retirement System Actuarial Valuation for the year ended December 31, 2012. The report included that the system was 96.4% funded as of that date which is up 1.6% from the previous years. The valuation included the City of Troy annual required contribution to the system to be \$1,451,000 for the City's annual fiscal year ending June 30, 2015. This was down by \$395,000 compared to the amount that is required to be contributed for the June 30, 2014 fiscal year. The aggregate cost method was used in determining the annual required contribution.

Yeas: All-7  
Absent: None

**Other Business – Greystone Consulting Agreement**

**Resolution # ER – 2013-09-24**

Moved by Kischnick  
Seconded by Darling

RESOLVED, the System Administrator is directed to enter into agreement with Greystone Consulting for investment consulting services after amending the addendum agreement item 5 to read "The initial annual fee is 0.15% of the market value of ERS assets **managed by Greystone Consulting**".

Yeas: All-7  
Absent: None

**Meeting was suspended at 2:00 pm and re-opened at 2:38 pm.**

**Other Business – Fidelity Advisory Services**

**Resolution # ER – 2013-09-25**

Moved by Stansbury  
Seconded by Pallota

RESOLVED, that the System Administrator is directed to terminate Investment Advisory Services with Fidelity Investments.

Yeas: All-7  
Absent: None

**Other Business – Defined Contribution Plan**

- Board requested System Administrator to provide the latest ICMA Report, New Hire Packet and fee structure for the City of Troy Defined Contribution Account for Board review.

**INVESTMENTS**

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None

**Public Comment**

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None

The next meeting is October 9<sup>th</sup>, 2013 at 12:00 p.m. at Troy City Hall, Conference Room C, 500 W. Big Beaver Road, Troy, MI 48084.

The meeting adjourned at 3:20 p.m.

  
Mark Calice, Chairman

  
Tom Darling, Pension Administrator

A meeting of the Retiree Health Care Benefits Plan & Trust Board of Trustees was held on Wednesday, September 11, 2013, at Troy City Hall, 500 W. Big Beaver Road, Troy, MI 48084.

The meeting was called to order at 2:00 p.m.

**Trustees Present:** Mark Calice  
Thomas J. Gordon, II  
Milton Stansbury  
Thomas Darling, CPA  
William R. Need (Ex-Officio)  
Brain Kischnick  
Steve Pallotta

**Trustees Absent:** Dave Henderson

**Also Present:** Sehrish Salah-Ud-Din

### **Minutes**

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#### **Resolution # ER – 2013-09-06**

Moved by Pallotta  
Seconded by Milton

RESOLVED, That the Minutes of the April 10, 2013 meeting be approved.

Yeas: All- 6  
Absent: Henderson

### **Investments**

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#### **OTHER BUSINESS – UBS ACCOUNT**

##### **Resolution # ER – 2013-09-07**

Moved by Darling  
Seconded by Pallotta

RESOLVED, That the administrator is directed to open the UBS Account and transfer proceeds from certificate of deposit valued at over \$6 million into account upon maturity.

Yeas: All- 6  
Absent: Henderson

### **OTHER BUSINESS – UBS**

Direct Administrator to bring back UBS's Investment Consultant and clarify letter of understanding.

### **Public Comment**

None

The next meeting is October 9, 2013 at 1:00 p.m. at Troy City Hall, Conference Room C, 500 W. Big Beaver Road, Troy, MI 48084.

The meeting adjourned at 2:38 p.m.

  
Mark Calice, Chairman

  
Tom Darling, Pension Administrator

**EMPLOYEES' RETIREMENT SYSTEM BOARD OF TRUSTEES MINUTES FINAL October 9, 2013**

A meeting of the Employees' Retirement System Board of Trustees was held on **Wednesday October 9, 2013** at Troy City Hall, 500 W. Big Beaver Road, Troy, MI 48084.

The meeting was called to order at 12:09 p.m.

**Trustees Present:** Mark Calice  
Thomas J. Gordon, II  
Thomas Darling, CPA  
Milton Stansbury (Arrived 1:10pm)  
Steve Pallotta  
Dave Henderson

**Trustees Absent:** William R. Need (Ex-Officio), Brian Kischnick

**Also Present:** None

**Minutes****Resolution # ER – 2013-10-26**

Moved by Pallotta

Seconded by Henderson

RESOLVED, The Minutes of the September 11, 2013 meeting be approved with direction to edit the motions (and/or seconds) moved by Milton Stansbury from "Milton" to "Stansbury".

Yeas: All-6

Absent: Kischnick

**Retirement Requests****Resolution # ER – 2013-10-27**

Moved by Gordon

Second by Pallotta

RESOLVED, That the following retirement requests be approved as amended.

<b>Name</b>	Patrick Browne	Peggy Sears
<b>Pension Program</b>	DB	DC
<b>Retirement Date</b>	4/08/35 (deferred)	12/13/13
<b>Department</b>	Police	Human Resources
<b>Service Time</b>	15 yrs, 10 mo	36 yrs, 4 mo

Yeas: All-6

Absent: Kischnick

**Other Business – Greyston Consulting**

Members from Greystone Consulting presented a planning and action plan for implementation of services. This included steps for reviewing and modifying the ERS investment policy, asset allocation study and investment manager search and selection.

Discussion ensued regarding changes in position from custodial transfers noting that no change in position would occur. However, changes in asset allocation may occur within a mutual fund as mutual fund managers liquidate or strengthen positions within the mutual fund itself.

Investment Objective Questionnaires were distributed to board members by Greystone. Consensus was reached by the Board that questionnaires would be completed by board members and returned to Greystone no later than November 1, 2013.

**Meeting suspended – 1:15pm**

Chairman Calice suspended meeting as to allow for OPEB meeting and presentation by Becky Sorenson of UBS.

**Meeting reconvened – 2:15pm**

**Other Business – Transfer of funds to Morgan Stanley**

Discussion ensued on amounts and types of assets to be transferred from current ERS brokers to managed and unmanaged accounts at Morgan Stanley. No consensus was reached and tabled until the November 13, 2013 meeting.

**Other Business – ICMA/RC reports**

System Administrator Darling reviewed the ICMA/RC reports submitted for the 401 Defined Contribution, 457 Deferred Compensation and RHS Retiree Health savings accounts for the year ended December 31, 2012.

The Administrator noted that there is no fiduciary responsibility on behalf of the Board and that responsibility resides with City Management. However any comments or suggestions to the plan by board members is welcomed.

**INVESTMENTS**

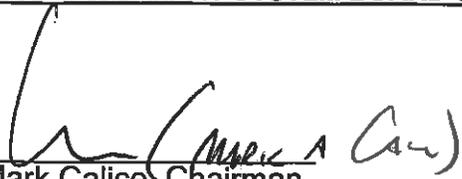
None

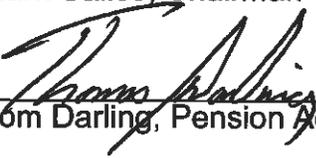
**Public Comment**

None

The next meeting is November 13<sup>th</sup>, 2013 at 12:00 p.m. at Troy City Hall, Conference Room C, 500 W. Big Beaver Road, Troy, MI 48084.

The meeting adjourned at 3:25 p.m.

  
Mark Calice, Chairman

  
Tom Darling, Pension Administrator

A meeting of the Retiree Health Care Benefits Plan & Trust Board of Trustees was held on Wednesday, October 9, 2013, at Troy City Hall, 500 W. Big Beaver Road, Troy, MI 48084.

The meeting was called to order at 1:15 p.m.

**Trustees Present:** Mark Calice  
Thomas J. Gordon, II  
Milton Stansbury  
Thomas Darling, CPA  
Dave Henderson  
Steve Pallotta

**Trustees Absent:** William R. Need (Ex-Officio), Brian Kischnick

**Also Present:** None

## Minutes

### **Resolution # ER – 2013-10-08**

Moved by Pallotta  
Seconded by Gordon

RESOLVED, The Minutes of the September 11, 2013 meeting be approved with direction to edit the motions (and/or seconds) moved by Milton Stansbury from "Milton" to "Stansbury".

Yeas: All- 6  
Absent: Kischnick

## Investments

None

### **OTHER BUSINESS – UBS AGREEMENT FOR INVESTMENT CONSULTING SERVICES**

Rebecca Sorenson and Louise Emerson from UBS Financial Services reviewed the tentative agreement for investment consulting services. Discussion ensued on various topics including item 4(b) regarding monitoring of transactions by ubs. It was explained that specific transactions for the retirement healthcare system may not be specifically monitored however a sample of transactions by a particular investment manager are monitored on an aggregate basis to assure compliance with the investment strategy and protocols. UBS will provide greater detail of this function at next meeting.

It was noted that the City Attorney has not had a chance to review the agreement in detail and that the Board will wait on ratification until such review is complete.

### **OTHER BUSINESS – SPECIAL MEETINGS**

**Resolution # ER – 2013-10-09**

Moved by Gordon

Seconded by Pallotta

RESOLVED, The System Administrator shall schedule and post publically special meetings of the Retiree Healthcare Benefits Plan & Trust Board for Wednesday November 13<sup>th</sup>, 2013 and Wednesday December 11<sup>th</sup>, 2013 at 1:30pm.

Yeas: All- 6

Absent: Kischnick

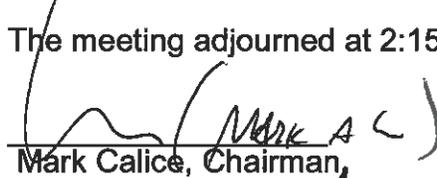
**Public Comment**

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None

The next meeting is October 9, 2013 at 1:30 p.m. at Troy City Hall, Conference Room C, 500 W. Big Beaver Road, Troy, MI 48084.

The meeting adjourned at 2:15 p.m.

  
Mark Calice, Chairman

  
Tom Darling, Administrator

Chair Tagle called the Special/Study meeting of the Troy City Planning Commission to order at 7:03 p.m. on October 22, 2013 in the Council Board Room of the Troy City Hall.

1. ROLL CALL

Present:

Donald Edmunds  
 Michael W. Hutson  
 Edward Kempen  
 Tom Krent  
 Gordon Schepke  
 Robert Schultz  
 Thomas Strat  
 John J. Tagle

Absent:

Philip Sanzica

Also Present:

R. Brent Savidant, Planning Director  
 Susan Lancaster, Assistant City Attorney  
 Ben Carlisle, Carlisle/Wortman Associates, Inc.  
 Frank Boudon, Student Representative  
 Kathy L. Czarnecki, Recording Secretary

2. APPROVAL OF AGENDA

**Resolution # PC-2013-10-081**

Moved by: Schultz  
 Seconded by: Hutson

**RESOLVED**, To approve the Agenda as prepared.

Yes: All present (8)  
 Absent: Sanzica

**MOTION CARRIED**

3. APPROVAL OF MINUTES

**Resolution # PC-2013-10-082**

Moved by: Edmunds  
 Seconded by: Strat

**RESOLVED**, To approve the minutes of the October 8, 2013 Regular meeting as published.

Yes: All present (8)  
 Absent: Sanzica

**MOTION CARRIED**

4. PUBLIC COMMENTS – Items not on the Agenda

Terry Adams of 5970 Sussex, Troy, addressed the Sunoco pipeline going in at the southeast corner of Square Lake and Adams as relates to the safety of residents.

5. ZONING BOARD OF APPEALS (ZBA) REPORT

Mr. Krent reported on the October 15, 2013 Zoning Board of Appeals (ZBA) meeting.

6. DOWNTOWN DEVELOPMENT AUTHORITY (DDA) REPORT

Mr. Savidant reported the October 16, 2013 Downtown Development Authority (DDA) meeting was canceled; the meeting is rescheduled for October 30, 2013.

7. PLANNING AND ZONING REPORT

Mr. Savidant reported Public Hearings are scheduled at the November 11, 2013 City Council meeting for the following applications:

- CR 009 Troy Marriot Hotels
- PUD 10-A Kilmer Place

**POSTPONED ITEMS**

8. PRELIMINARY SITE PLAN REVIEW (File Number SP 985) – Proposed Oakland Troy Senior Project, Southeast Corner of Square Lake and Adams, Section 20, Currently Zoned R-1A (One Family Residential) District

Mr. Savidant addressed the Sunoco pipeline improvements, to which Mr. Adams referred under Public Comments. Mr. Savidant said an application for the improvements should have been processed through the Planning Department prior to construction. Follow-up discussions with Sunoco resulted in the submission of a landscape plan, of which is the purview of the City administration. The plan proposes to seamlessly transition the landscaping with the proposed Oakland Troy Senior Project.

Mr. Savidant extended apologies to the neighbors and offered assistance going forward with questions, concerns or copies of the landscape plan, of which a copy has been provided to Mr. Adams.

Mr. Carlisle highlighted the revisions to the site plan since it was last reviewed by the Planning Commission. He corrected errors in his written report, stating the applicant is compliant with both the required number of parking spaces and bicycle parking. Mr. Carlisle addressed building access in relation to the parking lot, screening along the east property line and the recommendations of the Traffic Consultant's review.

Mr. Carlisle addressed a written communication received from John Mills of 5755 Sussex with respect to the definition of ‘senior assisted living’ in the Zoning Ordinance. Mr. Carlisle stated the definition is listed in Article 2, under “Senior Housing”. He confirmed the use of a senior assisted living facility is permissible in residential districts.

There was discussion on:

- Screening residential.
  - vehicular lights
  - additional vegetation
  - 3 foot height restriction in front yard
    - seek variance
    - 3 feet screening on top of berm
- Dumpster location.
- Parking, staff and visitors.

Lorenzo Cavaliere was present to represent the applicant. He addressed the building orientation and building access as relates to pedestrian circulation, as well as visitor patterns, code access and security cameras. Mr. Cavaliere said entry points must be controlled for security and safety purposes. The north entrance would be the main entrance for visitors; the east and west entrances for deliveries and staff. Mr. Cavaliere said the layout of the building is practical and internally works for the facility. He also addressed the screening/vegetation proposed on the east property line.

Chair Tagle opened the floor for public comment.

The following persons spoke in opposition.

*Kathy Mills of 5755 Sussex*; addressed letter submitted by John Mills.

*Terry Adams of 5970 Sussex*; addressed screening.

*Bob Tourtillott of 5900 Adams*; addressed noise (emergency vehicles), dumpster.

*Jennifer Myers of 2770 Lenox*; addressed landscaping, parking.

*Roger Howard of 5726 Sussex*; addressed level of care, licensing, unit size, location.

*Marge Qualmann of 2914 Lenox*; addressed building size, parking.

*Ron Paulinski of 5712 Sussex*; addressed development in general.

*Lois Kruse of 2850 Lenox*; addressed parking, dumpster.

*Salvatore Delisi of 5856 Adams*; addressed stormwater management, building size.

*Robert Gosselin of 5773 Sussex*; addressed residential zoning district, original subdivision plat.

*Marian Beer of 5920 Adams*; addressed easy accessibility to home’s private driveway.

*Susan Haven of 5940 Sussex*; addressed Sunoco tanker, pipeline improvements.

*Denise Smith of 2847 Arlund Way*; addressed consideration of residents’ concerns.

*Lenore Paxton of 5900 Sussex*; addressed respect for residential community.

*Chuck Ohman of 2800 Lenox*; addressed trash, traffic, location.

Chair Tagle closed the floor for public comment.

There was further discussion on:

- Screening of headlights.
- Subdivision deed restrictions; due diligence responsibility of homeowners.
- Potential ‘other’ uses for parcel.
- Building orientation / parking around building.
- Application meets all Zoning Ordinance requirements; minor deficiencies relate to screening along Sussex and site circulation.

Ms. Lancaster informed the Board that the City would be open to a lawsuit should the Board deny the application because the use is permitted by right and all Zoning Ordinance requirements are met.

Mr. Cavaliere stated deliveries would occur between the hours of 9 a.m. and 5 p.m. and offered to work with the Planning Department with respect to screening residential properties along Sussex and Arlund Way.

**Resolution # PC-2013-10-083**

Moved by: Krent  
 Seconded by: Schepke

**RESOLVED**, To postpone the application to the November 26, 2013 Special/Study meeting so the applicant can come back with a site plan that delineates the proposed screening along Sussex Drive and Arlund Way, and further to research the building orientation as relates to parking and pedestrian circulation.

Yes: Edmunds, Kempen, Krent, Schepke, Schultz, Strat, Tagle  
 No: Hutson  
 Absent: Sanzica

**MOTION CARRIED**

Mr. Hutson said the applicant meets all Zoning Ordinance requirements and is entitled to get approval at this meeting.

\_\_\_\_\_

Chair Tagle requested a recess at 8:15 p.m.; the meeting reconvened at 8:23 p.m.

\_\_\_\_\_

9. SPECIAL USE AND PRELIMINARY SITE PLAN REVIEW (File Number SU 409) – Proposed Faith Lutheran Church, West side of Dequindre, North of Big Beaver (37635 Dequindre), Section 24, Currently Zoned R-1D (One Family Residential) District

Mr. Carlisle said the applicant held a neighborhood meeting on October 5 and outlined the plan that was agreed upon at that meeting. He noted all of the fencing is on the property line. Mr. Carlisle said there were no other changes from the earlier submittal. The 25-foot tree collar and mature trees would remain and the underbrush would be cleared. Mr.

Carlisle recommended Special Use approval and Preliminary Site Plan approval with the condition that the hours of field use are limited to no later than 9:00 p.m.

The petitioner, Joseph Casiglia, and Nathan Robinson, the project engineer, were present.

Mr. Casiglia addressed the meeting in which nine households were represented and the unanimous decision reached as relates to screening. He said field play would be organized to keep the youngest children at the northwest end of the property, where there is continuous fencing.

Chair Tagle opened the floor for public comment.

Colleen Geyer of 2816 Majestic Court was present to represent the neighborhood and expressed full support of the plan that is in front of Board this evening.

Chair Tagle closed the floor for public comment.

**Resolution # PC-2013-10-084**

Moved by: Edmunds

Seconded by: Krent

**RESOLVED**, That Special Use Approval and Preliminary Site Plan Approval for the improvements proposed for Faith Lutheran Church, West side of Dequindre, North of Big Beaver (37635 Dequindre), Section 24, Currently Zoned R-1D (One Family Residential) District be granted, subject to the following conditions:

1. Hours of field use are limited to no later than 9:00 p.m.
2. Fencing shown on Sheet 1 is binding; Landscape Plan shall be revised to be made consistent with fencing shown on Sheet 1 prior to Final Site Plan Approval.

Yes: Edmunds, Hutson, Kempen, Krent, Schepke, Strat, Tagle

No: Schultz

Absent: Sanzica

**MOTION CARRIED**

Mr. Schultz said the fence should be consistent for all adjacent property owners and that select property homeowners extorted property from the church.

**OTHER BUSINESS**

10. **POTENTIAL DEVELOPMENT PROJECT** – Hi-Lex Property (1055 W. Square Lake Road), Southwest corner of Square Lake Road and Crooks Road, Section 8, Currently Zoned RC (Research Center) District

Mr. Savidant introduced the potential development project and outlined options for utilizing the building for indoor commercial recreation.

Present were:

Ron Reynolds, Vercruyse Murray & Calzone PC  
Mike Topolewski, Hi-Lex Controls  
Joe Banja, Real Estate Broker

Mr. Reynolds briefly addressed the proposed use of the building, noting the building has been vacant for the past six years. He said the use as a gymnastics facility on the first floor and office on the second floor would be complementary as relates to parking.

There was discussion on:

- Spot zoning.
- Isolation of subject property.
- Parking.
- Conditional rezoning, limited uses, go with the land in the future.

Chair Tagle opened the floor for public comment.

Fred Laws of 581 Colebrook stated his company has a serious interest in the subject property to bring in and start up an automotive prototype/engineering firm.

Mr. Reynolds agreed they were approached by the company a few weeks earlier. To date, no offer has been made and other potential sites are still in the running. Mr. Reynolds said going forward with a conditional rezoning would not stop an offer to purchase.

Chair Tagle closed the floor for public comment.

11. JOINT PLANNING COMMISSION / CITY COUNCIL MEETING – November 26, 2013

Mr. Carlisle asked the Board if they would like to focus on a particular topic, and/or if they wish to add any specific topics to the agenda.

The consensus was to:

- Add “Signs” as a topic.
- Ask City administration of its meeting ‘intent’ and ‘direction’.
- Consider meeting facilitator.

12. PUBLIC COMMENT – Items on Current Agenda

There was no one present who wished to speak.

13. PLANNING COMMISSION COMMENT

There were general Planning Commission comments.

The Special/Study meeting of the Planning Commission adjourned at 9:08 p.m.

Respectfully submitted,

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John J. Tagle, Chair

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Kathy L. Czarnecki, Recording Secretary

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Chair Tagle called the Special/Study meeting of the Troy City Planning Commission to order at 7:03 p.m. on October 22, 2013 in the Council Board Room of the Troy City Hall.

1. ROLL CALL

Present:

Donald Edmunds  
Michael W. Hutson  
Edward Kempen  
Tom Krent  
Gordon Schepke  
Robert Schultz  
Thomas Strat  
John J. Tagle

Absent:

Philip Sanzica

Also Present:

R. Brent Savidant, Planning Director  
Susan Lancaster, Assistant City Attorney  
Ben Carlisle, Carlisle/Wortman Associates, Inc.  
Frank Boudon, Student Representative  
Kathy L. Czarnecki, Recording Secretary

2. APPROVAL OF AGENDA

**Resolution # PC-2013-10-081**

Moved by: Schultz  
Seconded by: Hutson

**RESOLVED**, To approve the Agenda as prepared.

Yes: All present (8)  
Absent: Sanzica

**MOTION CARRIED**

3. APPROVAL OF MINUTES

**Resolution # PC-2013-10-082**

Moved by: Edmunds  
Seconded by: Strat

**RESOLVED**, To approve the minutes of the October 8, 2013 Regular meeting as published.

Yes: All present (8)  
Absent: Sanzica

**MOTION CARRIED**

4. PUBLIC COMMENTS – Items not on the Agenda

Terry Adams of 5970 Sussex, Troy, addressed the Sunoco pipeline going in at the southeast corner of Square Lake and Adams as relates to the safety of residents.

5. ZONING BOARD OF APPEALS (ZBA) REPORT

Mr. Krent reported on the October 15, 2013 Zoning Board of Appeals (ZBA) meeting.

6. DOWNTOWN DEVELOPMENT AUTHORITY (DDA) REPORT

Mr. Savidant reported the October 16, 2013 Downtown Development Authority (DDA) meeting was canceled; the meeting is rescheduled for October 30, 2013.

7. PLANNING AND ZONING REPORT

Mr. Savidant reported Public Hearings are scheduled at the November 11, 2013 City Council meeting for the following applications:

- CR 009 Troy Marriot Hotels
- PUD 10-A Kilmer Place

**POSTPONED ITEMS**

8. PRELIMINARY SITE PLAN REVIEW (File Number SP 985) – Proposed Oakland Troy Senior Project, Southeast Corner of Square Lake and Adams, Section 20, Currently Zoned R-1A (One Family Residential) District

Mr. Savidant addressed the Sunoco pipeline improvements, to which Mr. Adams referred under Public Comments. Mr. Savidant said an application for the improvements should have been processed through the Planning Department prior to construction. Follow-up discussions with Sunoco resulted in the submission of a landscape plan, of which is the purview of the City administration. The plan proposes to seamlessly transition the landscaping with the proposed Oakland Troy Senior Project.

Mr. Savidant extended apologies to the neighbors and offered assistance going forward with questions, concerns or copies of the landscape plan, of which a copy has been provided to Mr. Adams.

Mr. Carlisle highlighted the revisions to the site plan since it was last reviewed by the Planning Commission. He corrected errors in his written report, stating the applicant is compliant with both the required number of parking spaces and bicycle parking. Mr. Carlisle addressed building access in relation to the parking lot, screening along the east property line and the recommendations of the Traffic Consultant's review.

Mr. Carlisle addressed a written communication received from John Mills of 5755 Sussex with respect to the definition of 'senior assisted living' in the Zoning Ordinance. Mr. Carlisle stated the definition is listed in Article 2, under "Senior Housing". He confirmed the use of a senior assisted living facility is permissible in residential districts.

There was discussion on:

- Screening residential.
  - vehicular lights
  - additional vegetation
  - 3 foot height restriction in front yard
    - seek variance
    - 3 feet screening on top of berm
- Dumpster location.
- Parking, staff and visitors.

Lorenzo Cavaliere was present to represent the applicant. He addressed the building orientation and building access as relates to pedestrian circulation, as well as visitor patterns, code access and security cameras. Mr. Cavaliere said entry points must be controlled for security and safety purposes. The north entrance would be the main entrance for visitors; the east and west entrances for deliveries and staff. Mr. Cavaliere said the layout of the building is practical and internally works for the facility. He also addressed the screening/vegetation proposed on the east property line.

Chair Tagle opened the floor for public comment.

The following persons spoke in opposition.

*Kathy Mills of 5755 Sussex*; addressed letter submitted by John Mills.

*Terry Adams of 5970 Sussex*; addressed screening.

*Bob Tourtillott of 5900 Adams*; addressed noise (emergency vehicles), dumpster.

*Jennifer Myers of 2770 Lenox*; addressed landscaping, parking.

*Roger Howard of 5726 Sussex*; addressed level of care, licensing, unit size, location.

*Marge Qualmann of 2914 Lenox*; addressed building size, parking.

*Ron Paulinski of 5712 Sussex*; addressed development in general.

*Lois Kruse of 2850 Lenox*; addressed parking, dumpster.

*Salvatore Delisi of 5856 Adams*; addressed stormwater management, building size.

*Robert Gosselin of 5773 Sussex*; addressed residential zoning district, original subdivision plat.

*Marian Beer of 5920 Adams*; addressed easy accessibility to home's private driveway.

*Susan Haven of 5940 Sussex*; addressed Sunoco tanker, pipeline improvements.

*Denise Smith of 2847 Arlund Way*; addressed consideration of residents' concerns.

*Lenore Paxton of 5900 Sussex*; addressed respect for residential community.

*Chuck Ohman of 2800 Lenox*; addressed trash, traffic, location.

Chair Tagle closed the floor for public comment.

There was further discussion on:

- Screening of headlights.
- Subdivision deed restrictions; due diligence responsibility of homeowners.
- Potential ‘other’ uses for parcel.
- Building orientation / parking around building.
- Application meets all Zoning Ordinance requirements; minor deficiencies relate to screening along Sussex and site circulation.

Ms. Lancaster informed the Board that the City would be open to a lawsuit should the Board deny the application because the use is permitted by right and all Zoning Ordinance requirements are met.

Mr. Cavaliere stated deliveries would occur between the hours of 9 a.m. and 5 p.m. and offered to work with the Planning Department with respect to screening residential properties along Sussex and Arlund Way.

**Resolution # PC-2013-10-083**

Moved by: Krent  
Seconded by: Schepke

**RESOLVED**, To postpone the application to the November 26, 2013 Special/Study meeting so the applicant can come back with a site plan that delineates the proposed screening along Sussex Drive and Arlund Way, and further to research the building orientation as relates to parking and pedestrian circulation.

Yes: Edmunds, Kempen, Krent, Schepke, Schultz, Strat, Tagle  
No: Hutson  
Absent: Sanzica

**MOTION CARRIED**

Mr. Hutson said the applicant meets all Zoning Ordinance requirements and is entitled to get approval at this meeting.

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Chair Tagle requested a recess at 8:15 p.m.; the meeting reconvened at 8:23 p.m.

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9. SPECIAL USE AND PRELIMINARY SITE PLAN REVIEW (File Number SU 409) – Proposed Faith Lutheran Church, West side of Dequindre, North of Big Beaver (37635 Dequindre), Section 24, Currently Zoned R-1D (One Family Residential) District

Mr. Carlisle said the applicant held a neighborhood meeting on October 5 and outlined the plan that was agreed upon at that meeting. He noted all of the fencing is on the property line. Mr. Carlisle said there were no other changes from the earlier submittal. The 25-foot tree collar and mature trees would remain and the underbrush would be cleared. Mr.

Carlisle recommended Special Use approval and Preliminary Site Plan approval with the condition that the hours of field use are limited to no later than 9:00 p.m.

The petitioner, Joseph Casiglia, and Nathan Robinson, the project engineer, were present.

Mr. Casiglia addressed the meeting in which nine households were represented and the unanimous decision reached as relates to screening. He said field play would be organized to keep the youngest children at the northwest end of the property, where there is continuous fencing.

Chair Tagle opened the floor for public comment.

Colleen Geyer of 2816 Majestic Court was present to represent the neighborhood and expressed full support of the plan that is in front of Board this evening.

Chair Tagle closed the floor for public comment.

**Resolution # PC-2013-10-084**

Moved by: Edmunds

Seconded by: Krent

**RESOLVED**, That Special Use Approval and Preliminary Site Plan Approval for the improvements proposed for Faith Lutheran Church, West side of Dequindre, North of Big Beaver (37635 Dequindre), Section 24, Currently Zoned R-1D (One Family Residential) District be granted, subject to the following conditions:

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Yes: Edmunds, Hutson, Kempen, Krent, Schepke, Strat, Tagle

No: Schultz

Absent: Sanzica

**MOTION CARRIED**

Mr. Schultz said the fence should be consistent for all adjacent property owners and that select property homeowners extorted property from the church.

**OTHER BUSINESS**

10. **POTENTIAL DEVELOPMENT PROJECT** – Hi-Lex Property (1055 W. Square Lake Road), Southwest corner of Square Lake Road and Crooks Road, Section 8, Currently Zoned RC (Research Center) District

Mr. Savidant introduced the potential development project and outlined options for utilizing the building for indoor commercial recreation.

Present were:

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Mike Topolewski, Hi-Lex Controls  
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Mr. Reynolds briefly addressed the proposed use of the building, noting the building has been vacant for the past six years. He said the use as a gymnastics facility on the first floor and office on the second floor would be complementary as relates to parking.

There was discussion on:

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Fred Laws of 581 Colebrook stated his company has a serious interest in the subject property to bring in and start up an automotive prototype/engineering firm.

Mr. Reynolds agreed they were approached by the company a few weeks earlier. To date, no offer has been made and other potential sites are still in the running. Mr. Reynolds said going forward with a conditional rezoning would not stop an offer to purchase.

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11. JOINT PLANNING COMMISSION / CITY COUNCIL MEETING – November 26, 2013

Mr. Carlisle asked the Board if they would like to focus on a particular topic, and/or if they wish to add any specific topics to the agenda.

The consensus was to:

- Add “Signs” as a topic.
- Ask City administration of its meeting ‘intent’ and ‘direction’.
- Consider meeting facilitator.

12. PUBLIC COMMENT – Items on Current Agenda

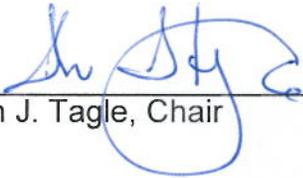
There was no one present who wished to speak.

13. PLANNING COMMISSION COMMENT

There were general Planning Commission comments.

The Special/Study meeting of the Planning Commission adjourned at 9:08 p.m.

Respectfully submitted,



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John J. Tagle, Chair



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Kathy L. Czarnecki, Recording Secretary



**INTERIM FINANCIAL STATEMENTS  
FOR THE THREE MONTHS ENDED  
SEPTEMBER 30, 2013**

**CITY OF TROY**  
**QUARTERLY REPORT**  
**THREE MONTHS ENDED SEPTEMBER 30, 2013**  
**HIGHLIGHTS**

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**General Fund**

**Revenues**

Total revenues are \$34.8 million to date. This includes recognition of total annual tax revenues of \$29.5 million. Revenues are up \$246 thousand compared to the same period last year. The increase is primarily due to an increase in tax revenues of \$188K along with licenses and permits of \$96 thousand.

**Expenditures**

Total expenditures to date amount to \$9.8 million or 18.19% of the annual budget. This is down \$794 thousand compared to the prior year primarily due to the 1.) Decrease in tax refunds \$107 thousand, 2.) Decrease in police services \$605 thousand for a.) Investigative/Admin \$177K and b.) operations \$523K.

**Refuse Fund**

**Revenues**

Refuse revenues are \$4.7 million to date. This represents an increase of \$197 thousand from prior year due to the increase in the millage rate of 0.05 mils required to meet escalating costs.

**Expenditures**

Expenditures to date of \$895 thousand are up \$9 thousand from the same time period in the prior year and represent 19.94 percent of budgeted expenditures for the year.

## **Library Fund**

### **Revenues**

Revenues of \$3.2 million are up \$153 thousand from the same time period in the prior year. This increase is due to funding from the culture grant of \$20 thousand and local contributions of \$107 thousand.

### **Expenditures**

Expenditures of \$740 thousand represent 23% of the annual budget and are up \$76 thousand from the prior year during this time frame. The increase is primarily due to additions to the library's collection.

## **Capital Fund**

### **Revenues**

Revenues of \$9.4 million and represent 70.71% of the fund's annual budgeted financial resources. Increases over the prior year during the same time are due primarily to the grant funded transit center.

### **Expenditures**

Expenditures for capital projects of \$2.2 million represent 14.68 percent of budgeted expenditures. This compares to 7.98 percent of budgeted expenditures to the same time period in the prior year. Major expenditures include the Transit Center and Streets, Drain projects.

## **Sanctuary Lake Golf Course**

Revenues of \$598 thousand are down \$31 thousand from the same time period in the prior year. This is primarily due to rounds of play issues related to weather patterns. Expenditures are up \$68 thousand due to fees related to capital expenses and leased golf carts that were not present in the prior year.

## **Sylvan Glen Golf Course**

Revenues of \$631 thousand are up \$16 thousand from the same time period in the prior year. This is primarily due to rounds play and weather conditions. Expenditures are up \$102 thousand due to capital expenses and leased golf carts that were not in the prior year.

## **Aquatic Center**

Aquatic Center revenues of \$280 thousand are up \$8 thousand compared with prior year amounts during the same time period. Expenditures of \$240 thousand are down \$19 thousand for the same period primarily from utility costs of \$7 thousand and workers comp of \$70 thousand.

## **Sewer Fund**

### **Revenues**

Sewer fund revenues of \$3.5 million are down \$910 thousand primarily from consumption (down 4,500 mcf(s)) compared to the prior year period.

### **Expenditures**

Sewer fund expenses of \$3.1 million are down \$518 thousand compared to the prior year period. This again is due to decreased consumption due to damper weather patterns compared to the prior year during the same time period.

## **Water Fund**

### **Revenues**

Water fund revenues of \$4.2 million are down \$1.2 million due primarily from consumption (down 4,500 mcf(s)) compared to the prior year.

**Expenditures**

Water fund expenses of \$3.7 million are down \$2.4 million due primarily from the decrease in consumption of \$105 thousand and capital expenses in the prior year of \$1.7 million.

**Quarterly Financial Report  
General Fund  
For the Period Ending September 30, 2013**

Description	Last Year Total Actual	Last Year Budget	Last Year Year To Date	Last Year Percent to Budget	Current Year Budget	Current Year Year To Date	Current Year % to Budget
<b>General Fund Revenues</b>							
TAXES	29,612,174	29,658,000	29,273,454	98.70	29,663,000	29,461,740	99.32
LICENSES AND PERMITS - BUSINESS	55,369	45,050	7,332	16.28	52,900	6,795	12.85
LICENSES AND PERMITS - NON-BUSINESS	2,199,404	1,886,500	545,294	28.91	2,052,000	641,452	31.26
FEDERAL GRANTS	12,146	7,000	0	0.00	23,000	1,400	6.09
STATE GRANTS	6,392,682	5,597,000	2,066,806	0.96	6,411,500	2,127,803	33.19
CONTRIBUTIONS FROM LOCAL UNITS	36,804	15,000	11,905	79.37	20,000	13,844	69.22
CHARGES FOR SERVICES - FEES	1,831,397	1,590,000	345,357	5.73	1,810,500	407,710	22.52
CHARGES FOR SERVICES - RENDERED	2,596,877	2,181,585	107,277	4.92	2,346,300	180,927	7.71%
CHARGES FOR SERVICES - SALES	103,152	94,000	30,057	31.98	91,000	29,704	32.64
CHARGES FOR SERVICES - REC	3,004,376	2,591,000	808,917	31.22	2,744,500	728,664	26.55
FINES AND FORFEITURES	801,043	725,900	156,357	21.54	797,800	156,189	19.58
INTEREST & RENT	1,004,471	1,051,100	206,186	19.62	994,000	276,373	27.80
OTHER REVENUE	720,743	733,770	181,332	24.71	891,100	224,829	25.23
OTHER FINANCING SOURCES	2,252,993	4,883,654	676,984	13.86	4,190,900	505,658	12.07
	<b>50,623,630</b>	<b>51,059,559</b>	<b>34,417,259</b>	<b>67.41%</b>	<b>52,088,500</b>	<b>34,763,090</b>	<b>66.74</b>
<b>General Fund Expenditures</b>							
FINANCE	2,543,478	2,911,973	578,777	19.88	2,586,600	445,947	17.24
COUNCIL/EXEC ADMINISTRATION	3,114,860	3,247,645	659,375	20.30	3,522,100	622,950	17.69
POLICE	21,247,573	22,892,408	4,493,806	19.63	24,113,900	3,888,509	16.13
FIRE	4,309,551	4,541,551	1,480,236	32.59	4,757,100	1,698,249	35.70
BUILDING INSPECTION	1,770,773	1,720,244	198,225	11.52	1,617,600	236,855	14.64
ENGINEERING	1,779,929	1,791,177	359,928	20.09	1,894,800	378,546	19.98
OTHER GENERAL GOVERNMENT	1,631,078	1,803,921	334,419	18.54	1,906,500	323,078	16.95
STREETS, DRAINS AND PARKS	6,477,014	7,862,776	1,215,982	15.47	8,153,800	1,230,606	15.09
RECREATION	3,575,134	3,879,078	1,041,006	26.84	3,952,500	830,310	21.01
NATURE CENTER	39,989	33,100	7,554	22.82	85,400	54,787	64.15
LIBRARY	0	0	0	0.00	0	0	0.00
HISTORIC DISTRICT	142,631	144,686	86,341	59.67	149,300	86,573	57.99
TRANSFERS OUT	1,134,786	1,231,000	134,786	10.95	1,120,200	0	0.00
	<b>47,766,796</b>	<b>52,059,559</b>	<b>10,590,435</b>	<b>20.34</b>	<b>53,859,800</b>	<b>9,796,409</b>	<b>18.19</b>

**Quarterly Financial Report  
Refuse Fund  
For the Period Ending September 30, 2013**

Description	Last Year Total Actual	Last Year Budget	Last Year Year To Date	Last Year Percent to Budget	Current Year Budget	Current Year Year To Date	Current Year % to Budget
<b>Refuse Fund Revenues</b>							
TAXES	4,446,398	4,468,000	4,498,432	100.68	4,600,000	4,696,246	102.09
CHARGES FOR SERVICES - SALES	6,012	4,500	1,470	32.67	6,000	1,690	28.17
INTEREST & RENT	7,875	10,000	3,597	35.97	8,000	2,447	30.59
	<b>4,460,285</b>	<b>4,482,500</b>	<b>4,503,500</b>	<b>100.47</b>	<b>4,614,000</b>	<b>4,700,383</b>	<b>101.87</b>
<b>Refuse Fund Expenditures</b>							
CONTRACTORS SERVICE	4,142,764	4,205,000	840,905	20.00	4,315,000	851,542	19.73
OTHER REFUSE EXPENDITURE	130,731	148,183	34,174	23.06	101,300	24,197	23.89
RECYCLING	58,066	72,284	11,044	15.28	74,200	19,506	26.29
	<b>4,331,561</b>	<b>4,425,467</b>	<b>886,123</b>	<b>20.02</b>	<b>4,490,500</b>	<b>895,245</b>	<b>19.94</b>

**Quarterly Financial Report  
Library Fund  
For the Period Ending September 30, 2013**

Description	Last Year Total Actual	Last Year Budget	Last Year Year To Date	Last Year Percent to Budget	Current Year Budget	Current Year Year To Date	Current Year % to Budget
<b>Library Fund Revenues</b>							
TAXES	2,962,459	2,972,000	2,999,402	100.92	2,956,000	3,014,584	101.98
STATE GRANTS	40,413	15,001	0	0.00	15,000	20,232	134.88
CONTRIBUTIONS FROM LOCAL UNITS	109,669	99,000	0	0.00	100,000	107,546	107.55
CHARGES FOR SERVICES-FEES	3,836	3,100	972	31.35	3,650	944	25.87
CHARGES FOR SERVICES-RENDERED	19,916	19,250	5,163	26.82	20,500	5,007	24.42
CHARGES FOR SERVICES-SAL;ES	666	50	178	356.00	100	151	151.00
FINES AND FORFEITURES	118,011	100,000	25,427	25.43	100,000	32,467	32.47
INTEREST AND RENT	18,484	13,000	3,509	26.99	13,000	4,785	36.81
OTHER REVENUE	22,539	2,750	-1,087	-39.54	2,750	602	21.90
	<b>3,295,993</b>	<b>3,224,151</b>	<b>3,033,562</b>	<b>94.09</b>	<b>3,211,000</b>	<b>3,186,319</b>	<b>99.23</b>
<b>Library Fund Expenditures</b>							
LIBRARY	2,856,967	3,128,850	663,801	21.22	3,211,000	739,677	23.04
	<b>2,856,967</b>	<b>3,128,850</b>	<b>663,801</b>	<b>21.22</b>	<b>3,211,000</b>	<b>739,677</b>	<b>23.04</b>

**Quarterly Financial Report  
Capital Fund  
For the Period Ending September 30, 2013**

Description	Last Year Total Actual	Last Year Budget	Last Year Year To Date	Last Year Percent to Budget	Current Year Budget	Current Year Year To Date	Current Year % to Budget
<b>Capital Fund Revenues</b>							
TAXES	6,481,465	6,516,000	6,554,859	100.60	6,480,000	6,594,551	101.77
FEDERAL GRANTS	10,597	0	0	0.00	985,000	408,245	41.45
STATE GRANTS	4,429,635	6,660,736	0	0.00	1,640,000	1,503,027	91.65
CONTRIBUTIONS FROM LOCAL UNITS	638,392	187,000	94,836	50.71	312,700	0	0.00
CHARGES FOR SERVICES - FEES	137,934	140,000	0	0.00	140,000	35,319	25.23
CHARGES FOR SERVICES - RENDERED	12,222	354,000	-7,407	-2.09	264,000	128,252	48.58
INTEREST & RENT	41,154	85,200	16,962	19.91	67,200	12,272	18.26
OTHER REVENUE	319,944	0	42,220	0.00	0	47,854	0.00
OTHER FINANCING SOURCES	2,895,015	5,392,788	435,370	8.07	3,410,500	675,040	19.79
	<b>14,966,358</b>	<b>19,335,724</b>	<b>7,136,840</b>	<b>36.91</b>	<b>13,299,400</b>	<b>9,404,559</b>	<b>70.71</b>
<b>Capital Fund Expenditures</b>							
FINANCE	120,470	129,000	34,857	27.02	129,000	9,631	7.47
TRANSFERS OUT	0	181,500	0	0.00	46,000	0	0.00
OTHER GENERAL GOVERNMENT	4,441,070	6,900,736	313,391	4.54	1,840,000	1,169,382	63.55
POLICE	52,269	265,000	8,590	3.24	520,000	116,147	22.34
FIRE	551,572	585,000	530,832	90.74	580,000	0	0.00
STREETS, DRAINS, AND PARKS	0	0	0	0.00	52,700	0	0.00
STREETS, DRAINS AND PARKS	8,518,054	9,472,494	457,466	4.83	10,937,700	680,773	6.22
RECREATION	0	300,000	0	0.00	221,000	0	0.00
LIBRARY	590,556	690,000	137,432	19.92	580,000	219,345	37.82
HISTORIC DISTRICT	26,926	50,000	0	0.00	46,500	0	0.00
	<b>14,300,916</b>	<b>18,573,730</b>	<b>1,482,568</b>	<b>7.98</b>	<b>14,952,900</b>	<b>2,195,277</b>	<b>14.68</b>

**Quarterly Financial Report  
Sanctuary Lake Golf Course  
For the Period Ending September 30, 2013**

Description	Last Year Total Actual	Last Year Budget	Last Year Year To Date	Last Year Percent to Budget	Current Year Budget	Current Year Year To Date	Current Year % to Budget
<b>Sanctuary Lake Golf Course Revenues</b>							
CHARGES FOR SERVICES - SALES	242,460	207,147	123,646	59.69	265,200	132,114	49.82
CHARGES FOR SERVICES - REC	1,052,816	1,158,311	505,626	43.65	1,213,100	466,403	38.45
INTEREST & RENT	106	0	86	0.00	0	0	0.00
	<b>1,295,383</b>	<b>1,365,458</b>	<b>629,358</b>	<b>46.09</b>	<b>1,478,300</b>	<b>598,517</b>	<b>40.49</b>
<b>Sanctuary Lake Golf Course Expenditures</b>							
SANCTUARY LAKE GREENS	1,268,634	1,022,056	438,989	42.95	1,172,700	407,118	34.72
SANCTUARY LAKE PRO SHOP	276,828	893,596	61	0.01	687,800	-6,410	-0.93
SANCTUARY LAKE CAPITAL	0	58,000	0	0.00	0	106,122	0.00
	<b>1,545,462</b>	<b>1,973,652</b>	<b>439,050</b>	<b>22.25</b>	<b>1,860,500</b>	<b>506,830</b>	<b>27.24</b>

**Quarterly Financial Report  
Sylvan Glen Golf Course  
For the Period Ending September 30, 2013**

Description	Last Year Total Actual	Last Year Budget	Last Year Year To Date	Last Year Percent to Budget	Current Year Budget	Current Year Year To Date	Current Year % to Budget
<b>Sylvan Glen Golf Course Revenues</b>							
CHARGES FOR SERVICES - SALES	46,465	34,886	21,247	60.90	55,916	25,831	46.20
CHARGES FOR SERVICES - REC	969,022	1,033,967	485,472	46.95	1,041,284	496,703	47.70
INTEREST & RENT	160,237	168,400	108,793	64.60	163,400	108,685	66.51
	<b>1,175,724</b>	<b>1,237,253</b>	<b>615,512</b>	<b>49.75</b>	<b>1,260,600</b>	<b>631,219</b>	<b>50.07</b>
<b>Sylvan Glen Golf Course Expenditures</b>							
SYLVAN GLEN GREENS	1,022,922	911,957	310,518	34.05	984,700	324,630	32.97
SYLVAN GLEN PRO SHOP	43,573	60,000	7,531	12.55	78,900	-7,300	-9.25
SYLVAN GLEN CAPITAL	0	44,700	0	0.00	224,400	103,422	46.09
	<b>1,066,496</b>	<b>1,016,657</b>	<b>318,049</b>	<b>31.28</b>	<b>1,288,000</b>	<b>420,752</b>	<b>32.67</b>

**Quarterly Financial Report  
Aquatic Center Fund  
For the Period Ending September 30, 2013**

Description	Last Year Total Actual	Last Year Budget	Last Year Year To Date	Last Year Percent to Budget	Current Year Budget	Current Year Year To Date	Current Year % to Budget
<b>Aquatic Center Fund Revenues</b>							
CHARGES FOR SERVICES - REC	441,772	559,048	249,160	44.57	542,000	238,115	43.93
INTEREST & RENT	39,650	30,400	23,106	76.01	38,400	42,513	110.71
OTHER REVENUE	2	0	2	0.00	100	1	0.50
	<b>481,423</b>	<b>589,448</b>	<b>272,267</b>	<b>46.19</b>	<b>580,500</b>	<b>280,629</b>	<b>48.34</b>
<b>Aquatic Center Fund Expenditures</b>							
AQUATIC CENTER	542,185	610,700	258,638	42.35	570,800	239,710	34.46
CAPITAL	0	0	0	0.00	58,000	0	0.00
	<b>542,185</b>	<b>610,700</b>	<b>258,638</b>	<b>42.35</b>	<b>628,800</b>	<b>239,710</b>	<b>38.12%</b>

**Quarterly Financial Report  
Sewer Fund  
For the Period Ending September 30, 2013**

Description	Last Year Total Actual	Last Year Budget	Last Year Year To Date	Last Year Percent to Budget	Current Year Budget	Current Year Year To Date	Current Year % to Budget
<b>Sewer Fund Revenues</b>							
CHARGES FOR SERVICES - FEES	152,032	80,000	89,139	111.42	120,000	50,991	42.49
CHARGES FOR SERVICES - RENDERED	13,039,634	12,950,000	4,281,158	8.07	14,304,000	3,411,239	23.85
INTEREST & RENT	79,717	165,000	25,775	15.62	115,000	24,101	20.96
OTHER REVENUE	197,532	0	0	0.00	0	0	0.00
	<b>13,468,915</b>	<b>13,195,000</b>	<b>4,396,072</b>	<b>33.32%</b>	<b>14,539,000</b>	<b>3,486,330</b>	<b>23.98</b>
<b>Sewer Fund Expenditures</b>							
COST OF SALES AND SERVICES	9,711,070	9,600,000	2,887,306	30.08	10,193,000	2,844,921	27.91
ADMINISTRATION	1,822,355	620,731	387,863	62.48	635,400	107,474	16.91
CAPITAL	0	1,800,000	109,633	6.09	1,800,000	15,086	0.84
MAINTENANCE	692,095	1,018,817	177,942	17.47	1,092,350	165,756	15.17
TRANSFERS OUT	0	542,310	88,185	16.26	527,050	0	0.00
	<b>12,225,521</b>	<b>13,581,858</b>	<b>3,650,929</b>	<b>26.88</b>	<b>14,247,800</b>	<b>3,133,237</b>	<b>21.99</b>

**Quarterly Financial Report  
Water Fund  
For the Period Ending September 30, 2013**

Description	Last Year Total Actual	Last Year Budget	Last Year Year To Date	Last Year Percent to Budget	Current Year Budget	Current Year Year To Date	Current Year % to Budget
<b>Water Fund Revenues</b>							
CHARGES FOR SERVICES - FEES	842,534	681,000	207,801	30.51	718,000	243,147	33.86
CHARGES FOR SERVICES - RENDERED	51,963	51,000	11,446	22.44	51,000	9,153	17.95
CHARGES FOR SERVICES - SALES	15,077,791	14,896,000	5,236,144	8.49	16,396,000	3,958,764	24.14
INTEREST & RENT	56,203	122,000	18,876	15.47	79,000	19,156	24.25
OTHER REVENUE	276,638	0	0	0.00	0	0	0.00
	<b>16,305,129</b>	<b>15,750,000</b>	<b>5,474,266</b>	<b>34.76%</b>	<b>17,244,000</b>	<b>4,230,220</b>	<b>24.53</b>
<b>Water Fund Expenditures</b>							
TRANS AND DISTRIBUTION	122,214	354,850	15,899	4.48	374,900	8,854	2.36
CUSTOMER INSTALLATION	105,965	102,181	22,961	22.47	113,200	22,539	19.91
CONTRACTORS SERVICE	212,569	197,650	29,455	14.90	209,200	57,511	27.49
MAIN TESTING	30,702	67,642	7,286	10.77	76,500	3,736	4.88
MAINTENANCE OF MAINS	310,382	492,976	34,114	6.92	530,200	80,215	15.13
MAINTENANCE OF SERVICES	175,837	291,424	38,017	13.05	325,500	41,011	12.60
MAINTENANCE OF METERS	538,028	587,486	63,228	10.76	630,000	122,285	19.41
MAINTENANCE OF HYDRANTS	176,017	376,376	22,594	6.00	400,800	46,018	11.48
WATER METERS & TAP-INS	220,847	337,459	61,860	18.33	353,300	74,457	21.07
COST OF SALES AND SERVICES	9,311,146	9,115,000	3,071,635	33.70	10,665,000	2,966,088	27.81
ADMINISTRATION	3,110,354	717,128	938,131	130.82	737,200	195,435	26.51
CAPITAL	0	5,125,000	1,711,188	33.39	4,300,000	35,563	0.83
WATER METER READING	34,376	65,928	10,139	15.38	72,800	9,853	13.53
ACCOUNTING & COLLECTING	91,362	171,590	29,160	16.99	197,300	38,854	19.69
	<b>14,439,799</b>	<b>18,002,690</b>	<b>6,055,668</b>	<b>33.64</b>	<b>18,985,900</b>	<b>3,702,421</b>	<b>19.50</b>

**City of Troy**  
**Schedule of Cash and Investments**  
**Sep 2013**

Fund	Financial Institution	Acct #	G/L Account	Balance per Bank (cost)	Outstanding Checks	Deposits in Transit	Transfers	Other Items	Balance per Books
Trust & Agency Fund	Comerica	1852985173	701.1001.001	\$ 3,091,572.35	\$ (444,851.98)	\$ 259,561.23	\$ 2,372.21		\$ 2,908,653.81
Trust & Agency Fund	Fifth Third Bank	7509286493	701.1001.100	\$ 555,501.71	\$ (16,056.56)	\$ -	\$ -	\$ (1,500.56)	\$ 537,944.59
DDA	Bank of NY Mellon	677706	394.1017.160	\$ 1,368,964.03					\$ 1,368,964.03
DDA	Bank of NY Mellon	677706	394.1017.145	\$ -					\$ -
DDA	Bank of NY Mellon	677706	394.1017.165	\$ -					\$ -
Sewer	Huntington Bank	07382450957	590.1001.180	\$ 709,962.44					\$ 709,962.44
Budget Stabilization	Huntington Bank	07382450944	257.1120	\$ 2,144,593.72					\$ 2,144,593.72
Water	Fifth Third Securities	069-038407	591.1001.100	\$ 114,857.14					\$ 114,857.14
Water	Fifth Third Securities	069-038407	591.1120	\$ 3,971,503.46					\$ 3,971,503.46
Water	Comerica	1852675147	591.1017.110	\$ 5,523,129.79					\$ 5,523,129.79
Water	Huntington Bank	07382431895	591.1003	\$ 183,127.13					\$ 183,127.13
Sanctuary Lake Golf Course - Oper	Fifth Third Bank	7913275280	583.1001.100	\$ 500,174.30	\$ (21,506.44)	\$ 17,839.32			\$ 496,507.18
Sanctuary Lake Golf Course - Onsite	Fifth Third Bank	7913275272	583.1001.130	\$ 8,315.74	\$ (1,665.62)				\$ 6,650.12
Sylvan Glen Golf Course - Oper	Fifth Third Bank	7913275306	584.1001.100	\$ 305,802.45	\$ (7,435.48)	\$ 11,133.07			\$ 309,500.04
Sylvan Glen Golf Course - Onsite	Fifth Third Bank	7913275264	584.1001.130	\$ 2,123.09					\$ 2,123.09
Pooled Fund	Comerica	1852985181	751.1001.001	\$ 63,649,224.24	\$ (1,723,379.29)	\$ 24,119.17	\$ (2,372.21)	\$ (111,452.75)	\$ 61,836,139.16
Pooled Fund	Fifth Third Bank	7509286444	751.1001.100	\$ 750,081.82	\$ (284,158.12)	\$ -	\$ -	\$ (1,443.27)	\$ 464,480.43
Pooled Fund	MBIA-Class	MI-01-0290-0001	751.1120	\$ 1,694,848.82					\$ 1,694,848.82
Pooled Fund	Huntington Bank	01381713471	751.1001.140	\$ 604,958.36					\$ 604,958.36
Pooled Fund	The Private Bank	501003	751.1003	\$ 1,088,255.48					\$ 1,088,255.48
Pooled Fund	The Private Bank	568100	751.1003	\$ 2,156,265.19					\$ 2,156,265.19
Pooled Fund	Charter One - Checking	451496-127-1	751.1120	\$ -					\$ -
Pooled Fund	Flagstar	1014963452	751.1003	\$ 3,718,315.42					\$ 3,718,315.42
Pooled Fund	Bank of Michigan	110000654	751.1003	\$ 205,622.48					\$ 205,622.48
Pooled Fund	Comerica	1852675154	751.1120	\$ 1,198,784.97					\$ 1,198,784.97
Pooled Fund	Comerica	P1R-131229	751.1001.230	\$ 13,197.60					\$ 13,197.60
Pooled Fund	Comerica	P1R-131229	751.1120	\$ 9,994,685.15					\$ 9,994,685.15
Pooled Fund	The Private Bank	503615	751.1003	\$ 1,753,081.79					\$ 1,753,081.79
Pooled Fund	Huntington Bank	07382448749	751.1003	\$ 1,120,055.31					\$ 1,120,055.31
Pooled Fund	Morgan Stanley Smith Barney	310-144417-526-1-0	751.1001.230	\$ 2,034,100.27					\$ 2,034,100.27
Pooled Fund	Morgan Stanley Smith Barney	089-128204-227-1-0	751.1001.230	\$ 5,000,670.89					\$ 5,000,670.89
Pooled Fund	Morgan Stanley Smith Barney	089-128204-227-1-0	751.1120	\$ 8,769,430.87					\$ 8,769,430.87
Pooled Fund	Fifth Third Securities	069-005851	751.1001.230	\$ 75,335.16					\$ 75,335.16
Pooled Fund	Fifth Third Securities	069-005851	751.1120	\$ 37,667,529.19					\$ 37,667,529.19
<b>Total</b>				<b>\$ 159,974,070.36</b>	<b>\$ (2,499,053.49)</b>	<b>\$ 312,652.79</b>	<b>\$ -</b>	<b>\$ (114,396.58)</b>	<b>\$ 157,673,273.08</b>

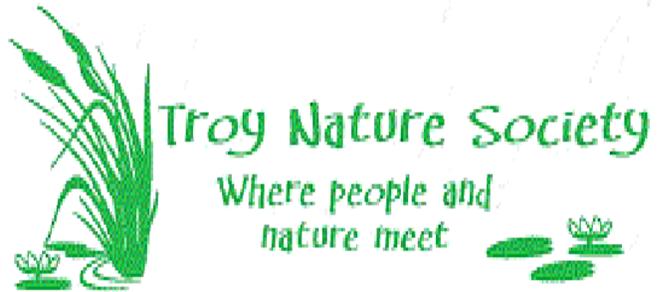


# *Where People And Nature Meet*



**June 2013  
Annual Report**

***Supporting the Educational Nature Programs and Activities Of  
The Lloyd A. Stage Nature Center  
6685 Coolidge Hwy.  
Troy, MI 48098***



## A Message From The President Of The Troy Nature Society

Dear Mayor, City Council Persons, and Members of the Troy Nature Society:

The Troy community is continually ranked as one of the best places to live across the nation. In fact, Troy was named by CNN as Michigan's best community to raise a family. Often cited as reasons for this recognition is the quality of life provided to the residents. The Lloyd A. Stage Nature Center is one of the crown jewels in a system developed to meet the varied and growing needs of our diverse and active population. The Troy Nature Society is proud to be the stewards of this truly unique and beautiful facility.

This is a wonderful time for the Troy Nature Society and the Lloyd A. Stage Nature Center. With added support from the City of Troy, we were able to move our Executive Director to a full time position and add another Naturalist. Center hours were expanded and a variety of new programs added for children, schools, scouts and adults. Last year over 13,000 people visited the Nature Center to attend the varied programs or to take a leisurely walk through the idyllic setting. New partnerships were developed with corporate and civic groups and old ones expanded. Miller Vein, REI, Sierra Club, Kelly Services, Whole Foods, DNR and The Troy Historical Village are but a few examples of these relationships.

The Executive Board of the Troy Nature Society developed a clear vision and mission this year. This vision will drive our continued efforts to be the destination for nature education and leisure for members of our community.

We are pleased to present you with the Annual Report, which provides key information on the progress for the Troy Nature Society and the Lloyd A. Stage Nature Center.

Stuart Redpath  
President  
Troy Nature Society



## In The Beginning

Land for The Lloyd A. Stage Nature Center (SNC) was originally purchased by the City of Troy in the 1970s and is located at 6685 Coolidge Hwy. in Troy just south of South Blvd. At the time of purchase, there was an older home on the property that was initially used as the nature center building. In 2002, the old structure was demolished and the current 8,200 square foot interpretive nature center building was constructed from funds received from a federal grant to the City of Troy. This center for learning contains classrooms, a public research library, an observation honeybee hive, wildlife viewing area and an exhibition lobby. The headwaters of the Rouge River flow through this unique 100-acre preserve. More than 145 plant and animal species may be viewed throughout the grounds. An outdoor play area features climbing boulders, and a paved path provides wheelchair access to the streamside forest. Within its boundaries are two miles of trails, which pass through upland forest, meadows, streamside wetlands, and a cattail marsh.

In 2010, in response to the planned closure of the Lloyd A. Stage Nature Center by the City of Troy, a small but devoted group of citizens came together to create the Troy Nature Society, a 501(c)(3) non-profit organization. The Board of Directors immediately began raising funds to support operations. The society assumed operational management of the nature center on July 1, 2011 and began offering educational nature and science programs.

This was a critical time in the transition of this valued community resource from City government to non-profit management and funding. The Troy Nature Society sought members, volunteers and financial supporters to ensure that the community may continue to enjoy the benefits of time spent in the out-of-doors. In July 2011, the society hired Debbie Williams as its Lead Naturalist to organize and conduct educational nature and science programs along with several program instructors engaged as needed for scheduled programs. In March 2012, a Volunteer Coordinator was contracted to help recruit, organize and schedule the many volunteers that support the various TNS activities. During the first fiscal year of operations, TNS provided services for 8,253 visitors, students and program participants.

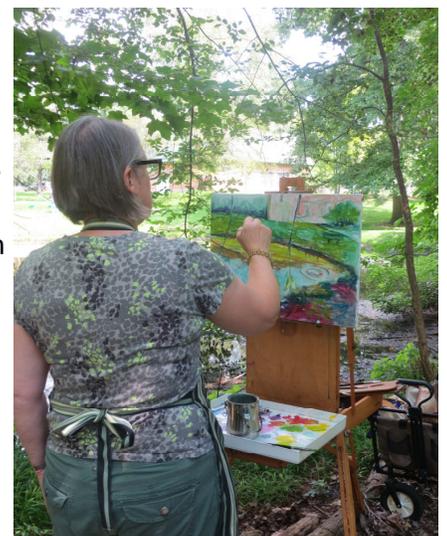
## TNS Now

Activities at the nature center include monthly public programs geared toward families, toddlers and senior adults. Additionally we conduct programming for school and community groups along with guided nature walks and targeted school outreach nature studies. The preserve is a valuable community asset offering quiet solitude to solitary observers, couples, Scout groups, families, and school children who come to enjoy the natural beauty of the preserve. Some people come to sit on a bench, some to count nesting bluebirds - others to test water quality, monitor pond life, or tap the sugar maples. Many take the opportunity to capture photos of the wildlife for their own collection.

In the fiscal year ended June 30, 2013:

- TNS provided services for 13,575 visitors, students and program participants, a 60% increase over the previous year
- TNS volunteers donated an amazing total of 2,533 hours in support of educational programs, trail maintenance, administrative support and other areas of need
- TNS Membership rose from 65 Charter Members in FY11 to 190 Members in the fiscal year ending June 30, 2013, nearly a 300% increase
- Multiple Clean-Up days are held annually throughout the year to maintain and beautify the trails and grounds

The trails of the nature center are open daily dawn to dusk. The nature center building is open Tuesday through Friday from 9:00 am. to 3:00 pm and Saturday 10:00 am to 4:00 pm. The building is also open whenever special programs are offered.



## Leadership

### Board Members

This vital program is supported by a volunteer board comprised of educators, administrators, a geologist and those with backgrounds in wildlife preservation, law and finance. Financial support is a board requirement for which 100% of the society's members comply. All members serve on at least one of five board committees; financial oversight, educational programming, fundraising, personnel management and board development. All members are involved in strategic planning, fundraising, program development and program evaluation.



Stuart Redpath – President  
Tom Lakocy – Vice President  
Mary Creager – Secretary  
Cindy Wymer – Treasurer  
John Ragan—Assistant Treasurer

William W. Blachford  
Roger Kowalski  
Craig Lange  
Keith Lenderman  
Ann Neuser

### Program Staff

The administration of the society includes an Executive Director hired in July 2012 with over twenty years nonprofit management experience, responsible for oversight and fundraising activities. The society has two Naturalists employed full time with extensive backgrounds in nature education; organizing, executing and evaluating educational nature and science programs. Additionally, three to five program instructors are employed “as needed” to help support the many TNS educational programs as they are offered throughout the year. Additionally, we have two part-time employees; a Program Assistant provides administrative support for the Naturalists and a Volunteer Coordinator recruits, schedules and trains individuals in all areas of organizational and program support.

Carla Reeb – Executive Director  
Debbie Williams – Naturalist I  
Layne Brown – Naturalist II  
Chelsea Schmidt – Volunteer Coordinator  
Sherrill Jackson – Program Assistant

Lori Brown – Instructor  
Lisa Ferdubinski – Instructor  
Linda Friedman – Instructor  
Stacy Fisher – Instructor  
Nancy Youngerman – Instructor

### Volunteer Corps

The society has a dedicated corps of 150 volunteers, comprising 98% of our work force, devoted to supporting TNS in various areas from educational program assistance, trail maintenance, Spring Clean-up projects, the annual Maple Syrup event, fundraising events, blue bird monitoring, front desk reception and administrative support.

## Mission

Our overarching mission is to provide resources and education to inspire the appreciation and preservation of nature. Specifically, the objectives of the society are to:

- Provide healthy outdoor experiences and educational activities for individuals of all ages
- Create an understanding of the value and necessity of stewardship of our natural environment
- Preserve and protect the Lloyd A. Stage Nature Center for future generations



## Vision

The Troy Nature Society will become the exemplary community resource for nature education and preservation in the Troy area. We believe in making learning fun! To reach our vision, the Society will continue to monitor and assess our performance in the following areas:

### - Education

- Innovative programs developed from current research, national trends and community needs
- A wide range of program offerings for people to view and interact with the natural environment
- Recognition by the community as a resource for nature related questions

### - Preservation

- Maintain and improve the Lloyd A. Stage Nature Center
- Provide physically safe, peaceful and well-maintained environment for visitors of the Lloyd A. Stage Nature Center

### - Collaborative Relationships

- Cultivate relationships with community organizations
- Recognized as leader in the community as a forward thinking and challenging partner
- Develop a vibrant and involved support base
- Cultivate relationships with organizations having similar purpose

## Program Benefits

Along with providing educational programming, our nature center and its activities provide numerous benefits including:

- Active and passive recreational opportunities
- Direct health benefits for individuals
- Protection for important natural systems
- Natural features and spaces important to defining community image and distinctive character
- A facility that contributes to educational and cultural benefits
- Healthy lifestyles enhancement by facilitating improvements in physical fitness through exercise, and also by facilitating positive emotional, intellectual and social experiences

# Making a Positive Difference In Our Community

## *Public Programs*

TNS offers the public a variety of educational nature and science programs geared for all ages - toddlers to senior adults - on a year round basis. These programs help children and adults increase their understanding and stewardship of our natural environment. We accomplish this by interpreting the natural world around us and acting as an educational resource in biology, ecology and natural history for all our students, young and old. One of our most popular public programs is our week-long Summer Day Camp sessions offered to reinforce children's learning experience during the summer months.

## *School Programming*

TNS offers educators a variety of programs at the nature center that meet students' academic needs. Each program provides students with hands-on experience in nature and is designed to enhance the school's core curriculum. We utilize animal mounts, pelts, skulls, shells and other bio-facts to ensure a first-class view of the world around us. Every program is designed for participants to learn about nature and science and includes indoor classroom instruction followed by outdoor activities and/or a guided hike through the preserve.

## *School Outreach*

Our naturalists bring TNS programs right into the classrooms of local schools. We offer a variety of outreach programs that fulfill the instructional and educational needs of the school. Like the programs held at the nature center, all outreach programs are designed to enhance the school's core curriculum and include hands-on interaction with mounts, pelts and other bio-facts.

## *Scout/Groups*

As a support to organized troops and groups, we offer programs that meet requirements for members to come and complete their nature related badge or achievement. Current programs include those geared toward Scouts, Brownies, Junior Girl Scouts, Bears and Webelos.

## *Junior Naturalist Club*

This very popular award-winning program is dedicated to teaching children from 4 years of age to the fifth grade about nature with members meeting monthly from September to July. Club members receive educational instruction along with a naturalist kit and participate in hands-on activities and crafts at every session. The eleven month program concludes with five consecutive day-camp sessions. On the final day of the camp, club members and their families gather to enjoy games and are treated to a barbecue followed by an awards ceremony. Club members receive awards for completing projects, doing work at home, submitting book reports and program attendance.

## *Maple Syrup Event*

March is a special time for TNS and the families of our community. TNS holds its annual Maple Syrup Event for three consecutive Saturdays every March. This fun educational event is typically attended by 1,000 individuals who venture into the woods on a guided tour, visit an historic sugar camp to learn how maple trees are tapped and see for themselves how the sap is harvested. Guests sample sap, learn more about syrup making and visit our sugar shed to see a wood-stoked sap evaporator in action. After the tour, guests are treated to mini waffles topped *with delicious maple syrup*.

## Public Awareness

TNS reaches out to our community through direct mailings, Public Service Announcements (PSAs), media events, the TNS website and participation in local fairs such as Troy Daze. We also partner with the Troy Historical Village and other organizations serving similar populations.

Public program announcements are placed in the city's premiere magazine "*Troy Today*" which is distributed to approximately 32,000 households and businesses quarterly.

Information packets on School and School Outreach programs are mailed annually to school districts across the tri-county area.

PSA's are distributed monthly to local papers to create community awareness of TNS programs, activities and volunteer opportunities which are also advertised on the TNS website.

In 2012, TNS held its first Annual Ice Cream Social Open House. In August 2013, nearly 400 people attended this free community event where they were introduced to TNS, toured the exhibit hall, enjoyed ice cream sundaes and participated in family activities, crafts and guided trail walks.

Additionally, the Executive Director speaks at local community groups throughout the tri-county area making them aware of fund raising opportunities along with educational programs and activities offered at the nature center.

## Program Attendance

<b>ATTENDANCE TOTALS FOR FISCAL YEAR ENDED JUNE 30, 2013</b>	
Group Visitations (Schools/Scouts/Senior Groups)	3,425
Outreach Programs & Lectures	1,823
Public Programs & Special Events	2,640
Birthday Parties	388
Walk-In Visitations	5,299
<b>Grand Total</b>	<b>13,575</b>

## Program Evaluation

Program evaluations from each student participating in the program are collected and surveyed. Educators and parents helping with programs evaluate the program for academic effectiveness. Teacher comments provide both quantitative and qualitative information regarding the overall impact of the program.

## Funding

Funding for TNS programs and activities comes from individuals, foundations, the City of Troy, corporations, membership fees, program fees, fundraising events and facility room rental fees. Contributors currently providing financial and/or in-kind support for TNS programs and activities include:



Alpha Delta Kappa  
 Anonymous Foundation  
 Jim and Shelly Green  
 Hubbell, Roth & Clark, Inc.  
 Kelly Services Foundation  
 Miller Vein  
 Larry and Nancy Piotrowski  
 REI  
 Starbucks Foundation  
 TCF Bank  
 Tringali Sanitation  
 Troy Garden Club  
 Walmart Foundation  
 Whole Foods of Troy

In addition, we have an established Wine and Beer Tasting fundraiser with nearly 300 guests who attend. There are approximately 190 TNS Members supporting our programs and activities.

## Financials

In 2011, the society began operating the nature center under a two year agreement with the City of Troy. The agreement called for approximately \$35,000 annually in support of city services, building maintenance and supplies for the nature center. In the spring of 2013, the City of Troy allocated a \$50,000 financial investment to TNS in the FY14 fiscal year and entered into a four year operating agreement with the society.

Revenue & Expenses	FYE 6/30/13	FYE 6/30/2012
Donations & Grants	\$ 37,793	\$ 23,778
Fundraising	18,030	12,365
Membership Dues	9,720	9,200
Program Fees	36,517	34,412
Retail Sales	2,477	0
City Investment (Seed Money)	<u>2,154*</u>	<u>12,111*</u>
<b>Total Revenue</b>	<b>\$ 106,691</b>	<b>\$ 91,866</b>
Wages & Payroll Taxes	81,069	35,957
Contract Services	4,904	11,321
Program Expenses	13,757	7,435
Administrative Expenses	<u>14,915</u>	<u>13,435</u>
<b>Total Expenses</b>	<b>\$ 114,645</b>	<b>\$ 68,148</b>

\*Does not include \$35,000 for other City services charged and supplies.

## FREQUENTLY ASKED QUESTIONS



***How is the Society funded?*** TNS operates on the contributions it receives from members, foundations, City of Troy, corporations, individuals, community organizations and fund-raising events.

***What kinds of programs does TNS offer at the nature center?*** High quality nature and science programs are offered year round to the public, local schools and community groups. We also offer our award-winning Junior Naturalist Club program for children ages 4 through the fifth grade along with programs for Brownies, Scouts, Cubs and other organized groups. All programs are offered for a minimal fee.

***How is the organization staffed?*** Currently, the organization has an Executive Director who oversees operations and fund-raising activities; two Naturalists oversee all educational programming; five program instructors assist with programs as they are scheduled. A Volunteer Coordinator oversees the recruiting, training and scheduling of volunteers.

***What types of volunteer help do you need?*** Individuals offer support in areas such as educational program assistance, various support committees, trail maintenance, park clean-up projects, our annual maple syrup event, fund-raising, blue bird monitoring, photography club, front desk help and administrative support.

***Is there a fee to visit the center?*** At this time, there is no fee to walk the trails or visit the nature center building. Donations are accepted and greatly appreciated.

***What are the hours of operation?*** Trails are open to the public year round daily from dawn to dusk. The nature center building is open Tuesday through Friday from 9:00 a.m. to 3:00 p.m. and Saturday 10:00 a.m. to 4:00 p.m. with the exception of holidays. Additionally, the center is also open to the public when special programs and classes are offered.



P.O. Box 99302  
Troy MI, 48099  
Phone: (248) 688-9703  
Fax: (248) 879-9241  
[www.troynaturesociety.org](http://www.troynaturesociety.org)

*Supporting the Educational Nature Programs  
and Activities At  
The Lloyd A. Stage Nature Center  
6685 Coolidge Hwy.  
Troy, MI 48098*





Berkley • Beverly Hills • Birmingham • Clawson • Ferndale • Hazel Park • Huntington Woods • Lathrup Village • Oak Park • Pleasant Ridge • Royal Oak • Troy

## QUARTERLY REPORT OCTOBER 2013

<b>BOARD OF TRUSTEES</b>	
<b>Representative</b>	<b>Municipality</b>
J. Bais-DiSessa	City of Berkley
C. Wilson	Village of Beverly Hills
L. Wood	City of Birmingham
M. Pollock	City of Clawson
A. Lynch	City of Ferndale
A. LeCureaux	City of Hazel Park
A. Allie	City of Huntington Woods
J. Mueller	City of Lathrup Village
K. Yee	City of Oak Park
S. Ball	City of Pleasant Ridge
G. Rassel	City of Royal Oak
T. Richnak	City of Troy

<b>OFFICERS</b>	
Chairman:	J. Mueller
Vice Chair:	G. Rassel
Secretary:	C. Wilson
Advisory Committee:	A. Allie S. Ball J. Mueller G. Rassel

J. A. McKeen	General Manager
R. Jackovich	Operations Manager

Board of Trustees  
SOCRRA

Subject: Quarterly Report - October 2013

Board Members:

Attached is a copy of SOCRRA's Quarterly Report covering the first three months operation of the fiscal year 2013/14. The report contains a financial statement of the Authority's operation and an outline of projects in progress or completed during the quarter. The report also contains statistical information and other information of general interest to the members of this Authority.

**BOARD OF TRUSTEES**

The governing body of the Authority is a Board of Trustees, consisting of one representative from each constituent municipality. The Board held its Organization Meeting on July 10, 2013, and members were elected to serve as Officers for the fiscal year beginning July 2013.

Following is a list of the current officers:

Chair: Jeff Mueller  
 Vice Chair: Greg Rassel  
 Secretary: Chris Wilson

Mr. Mueller retired from the City of Lathrup Village in September, 2013. The SOCRRA Board then elected the following members to serve as Officers for the remainder of the fiscal year:

Chair: Greg Rassel  
 Vice Chair: Chris Wilson  
 Secretary: Tim Richnak

Representatives on the Board are entitled to one vote for each 3,000 tons, or fraction thereof, of material delivered to the Authority during the preceding fiscal year. The number of votes of each constituent member for the fiscal year, beginning July 2013, is as follows:

<b>Municipality</b>	<b>Votes</b>
Berkley	3
Beverly Hills	3
Birmingham	6
Clawson	3
Ferndale	5
Hazel Park	3
Huntington Woods	2
Lathrup Village	1
Oak Park	5
Pleasant Ridge	1
Royal Oak	13
Troy	<u>14</u>
<b>Total:</b>	<b>59</b>

The Board meets in regular session once each month for the purpose of conducting all business coming before the Board.

The Authority is responsible for collecting recyclables, refuse and yard waste from the member communities and then recycling, disposing, or composting these materials. The Authority has entered into contracts with the individual members for a period extending to July 1, 2027. These contracts obligate the Authority to handle this material, charging rates sufficient to pay the operating costs and capital improvements.

### **FINANCIAL STATEMENT**

The total net income for the first 3 months of 2013/14 was \$269,880, before depreciation. This was \$175,245 greater than planned and a slight increase from the net income of \$243,026 for the same period of 2012/13.

	<u>Actual</u>	<u>Compared to Budget</u>
Revenue	\$4,836,153	- \$ 41,717
Expenses	\$4,566,273	- \$ 216,962
Net Income	\$ 269,880	+ \$ 175,245

The decrease in revenue was due primarily to lower member services revenue due to the reduced member rates due to the renegotiation of the collection contracts (-\$106,000) and lower proceeds from the sale of recycled material (-\$45,000), which were partially offset by greater than planned non-member refuse from Car Trucking, Rizzo Services and Tringali Sanitation (+\$92,000), higher tonnage of non-member yard waste (\$14,000) and higher than planned compost sales (+\$9,000). The sale of recycled material generated \$264,000, which was 15% lower than budgeted and 1.5% lower than the revenue generated in the first quarter of 2012/13. The primary reasons for this decrease in revenue were the weak markets for all of our recycled materials.

Expenses were significantly under budget. Reduced costs for non-labor Administrative and General expenses (-\$136,000), contract expenses (-\$47,000), labor (-\$33,000), supplies (-\$9,000) and utilities (-\$5,000) were partially offset by higher than budgeted costs for maintenance (+\$12,000) and. Additional financial detail is attached.

### **MATERIAL HANDLED**

SOCRRA processed 50,351 tons of refuse, yard waste and recyclables during the first three months of the current fiscal year. This represents an increase of 7.5% or 3,527 total tons compared to the same period last year. This was the highest amount of material handled in the last 5 years. The amount of member refuse increased by 4.6% compared to the previous fiscal year. The amount of recycling from the member communities increased by 243 tons or 5.7%. Non-member refuse and yard waste tonnages also increased.

Our recent history of tonnage handled is displayed in the table below:

	2009/10	2010/11	2011/12	2012/13	2013/14
Member Refuse	28,597	28,363	28,626	27,400	28,666
Non-Member Refuse	2,947	3,539	7,384	7,361	7,799
Member Recycling	4,035	4,190	4,259	4,242	4,485
Non-Member Recycling	945	377	113	145	127
Yard Waste	<u>10,044</u>	<u>8,499</u>	<u>7,683</u>	<u>7,676</u>	<u>9,274</u>
TOTAL	46,568	44,968	48,066	46,824	50,351

### **CAPITAL EXPENDITURES**

Capital expenditures totaled \$47,219 for the first quarter. The major expenditures were for the initial payment for the new paper shredder (\$20,000), expenses for relocating the compactor from Madison Heights to the MRF (\$15,000) and for the initial payments for the Scarab compost turner (\$13,000).

### **MAJOR PROJECTS**

#### **RECYCLED COMMODITY PRICES**

The prices that we receive for our recycled paper and plastic products have been fairly stable, but at a very low level. Prices have been consistently below the level used to prepare our budget. Part of the reason for lower commodity prices is the “Green Fence” policy instituted by China. Under this policy, the acceptable level of contamination of recycled material has been reduced and material being imported to China is being more rigorously inspected. While only a small portion of SOCRRA’s materials are shipped to China and we have not had an issue with contamination, this policy has reduced the amount of material being exported to China and has resulted in lower prices throughout the United States.

We are continuing to have to pay to recycle our mixed color glass. During the first quarter, we were able to ship about 127,000 pounds of the mixed #1-#7 injection molded plastics material for recycling. We have been receiving a small payment for this material and we finally have a stable outlet that can recycle the material as it is generated.

#### **CONTRACTOR COLLECTION RATES**

In January of 2013, we started a process, allowed under our collection contracts, to review the pricing and services provided by the three collection contractors to the member communities. As a result of this process, we were able to negotiate contract amendments with our 3 collection contractors that resulted in their rates being reduced by about 4% as of July 1, 2013. This results in an annual savings of \$550,000, which were passed along to the SOCRRA member communities. In addition, our future rate increases due to fuel and CPI cost escalators were limited to 1.5% for two of the contractors.

#### **CURBSIDE CLOTHING RECYCLING**

We have been approached by a vendor that would like to provide curbside clothing recycling in the SOCRRA communities. Residents would place clothing to be recycled in a brightly colored plastic bag which would be picked up by the vendor on the resident’s usual recycling and trash day. The material collected would be sorted for resale at local thrift shops and the unsold or unusable material would be exported for further sorting and processing. SOCRRA would be paid a small fee for each pound of material collected. In addition, SOCRRA would not have to pay to have this material landfilled. The EPA estimates that about 5% of the refuse in this

country is clothing. At this level, the SOCRRA communities could generate about 10 million pounds of clothing that could be taken out of the waste stream and recycled.

We are working with the vendor to develop an agreement to allow a pilot test of this concept in some of the SOCRRA communities for a four month period in early 2014. This vendor is also developing a pilot of their program in some of the RRRASOC communities, immediately to our west. We will be working with RRRASOC to develop a consistent way of communicating this pilot to our residents.

### **RECYCLING LATEX PAINT**

We have established a method of recycling the latex paint that is brought in to our household hazardous waste program. The vendor that receives the materials from our HHW program delivers all of the latex paint to a company in western Michigan that blends the recycled paint into a product that is sold at Habitat for Humanity stores. We have tested this recycling method for almost a year with no issues except for some frozen paint during the winter months that could not be recycled. The paint recycler has donated their recycled paint for use in repainting our administrative offices.

### **PROCESSING MATERIALS FROM OTHER COMMUNITIES**

Car Trucking, Rizzo Services and Tringali Sanitation are continuing to bring us a significant amount of refuse from outside of the SOCRRA communities. The incremental revenue from Car, Rizzo and Tringali helps us to offset the fixed costs of running the Troy Transfer Station.

### **RECYCLING BIN BLITZ**

As part of our celebration of America Recycles Day on November 15, during the month of November, SOCRRA and the member communities will again be selling recycling bins at a reduced price of \$6. This is about half of the usual price. We are doing this in order to encourage more residents to recycle and to use more than one bin for recycling in order to recycle the full range of materials that can be collected through our curbside recycling program. We hope to sell 1,000 recycling bins during the month of November.

### **NEW PAPER SHREDDER**

The SOCRRA Board approved the purchase of a larger paper shredder for the MRF at the August Board meeting. The shredder is currently being built and should be in service this fall. The larger shredder should allow additional residents to use this free service.

### **ANNUAL AUDIT**

Representatives of Plante & Moran were in the SOCRRA office for about a week during September performing their audit of our accounting records. The final audit is being reviewed with the SOCRRA Audit Committee during October, 2013 and will be reviewed by the SOCRRA Board at their November, 2013 meeting.

Respectfully submitted,

Jeffrey A. McKeen, P.E.  
General Manager

SOCRRA  
STATEMENT OF INCOME  
JULY 1, 2013 THROUGH SEPTEMBER 30, 2013

<u>REVENUES</u>	<u>ESTIMATED</u>	<u>ACTUAL</u>	<u>VARIANCES</u>
MEMBER SERVICES	\$4,279,770.00	\$4,173,809.24	(\$105,960.76)
NON-MEMBER REFUSE	235,000.00	326,937.62	91,937.62
NON MEMBER YARD WASTE	12,000.00	25,737.80	13,737.80
	<hr/> \$4,526,770.00	<hr/> \$4,526,484.66	<hr/> (\$285.34)
 <u>RECYCLING</u> 			
NEWSPAPERS	\$130,000.00	\$89,330.70	(\$40,669.30)
BOXBOARD	40,000.00	25,699.19	(\$14,300.81)
CARDBOARD	10,000.00	16,305.34	6,305.34
PLASTIC	74,000.00	84,679.09	10,679.09
SCRAP METAL	17,000.00	18,093.63	1,093.63
TIN CANS	26,000.00	18,270.08	(7,729.92)
NON FERROUS METAL	3,000.00	3,340.76	340.76
GLASS	1,600.00	504.25	(1,095.75)
BATTERIES	600.00	1,376.80	776.80
USED ELECTRONICS	2,000.00	2,058.44	58.44
	<hr/> \$304,200.00	<hr/> \$259,658.28	<hr/> (\$44,541.72)
 <u>OTHER</u> 			
REVENUES-COMPOST	\$14,000.00	\$22,724.50	\$8,724.50
INTEREST ON INVESTMENTS	3,900.00	3,531.34	(368.66)
RENTAL INCOME	23,000.00	22,192.00	(808.00)
GRANTS	0.00	0.00	0.00
MISC. INCOME	6,000.00	1,562.00	(4,438.00)
	<hr/> \$46,900.00	<hr/> \$50,009.84	<hr/> \$3,109.84
 TOTAL REVENUES	 <hr/> <hr/> \$4,877,870.00	 <hr/> <hr/> \$4,836,152.78	 <hr/> <hr/> (\$41,717.22)
 <u>EXPENSES</u> 			
	<u>BUDGET</u>	<u>ACTUAL</u>	<u>VARIANCES</u>
	<u>APPROPRIATIONS</u>	<u>EXPENDITURES</u>	
MADISON HEIGHTS FACILITY	\$3,000.00	\$5,038.36	\$2,038.36
TROY TRANSFER FACILITY	328,900.00	420,134.62	91,234.62
MATERIAL RECOVERY FACILITY	294,050.00	238,800.62	(55,249.38)
HOUSEHOLD HAZARDOUS WASTE	68,600.00	35,068.94	(33,531.06)
COMPOST/LANDFILL FACILITY	141,725.00	127,154.15	(14,570.85)
ADMINISTRATIVE & GENERAL	346,960.00	196,926.47	(150,033.53)
COLLECTION FEES	1,590,000.00	1,622,923.11	32,923.11
COLLECTION & DISPOSAL FEES IN TRANSIT	2,010,000.00	1,920,226.31	(89,773.69)
	<hr/> \$4,783,235.00	<hr/> \$4,566,272.58	<hr/> (\$216,962.42)
 REVENUES OVER EXPENSES	 \$94,635.00	 \$269,880.20	 \$175,245.20
 NET INCOME BEFORE DEPRECIATION	 <hr/> <hr/> \$94,635.00	 <hr/> <hr/> \$269,880.20	 <hr/> <hr/> \$175,245.20

SOCRRA  
STATEMENT OF INCOME  
JULY 1, 2013 THROUGH SEPTEMBER 30, 2013

<u>REVENUE</u>	<u>TOTAL TONS</u>	<u>AMOUNT</u>
MEMBER SERVICES	28,665.69	\$4,173,809.24
NON-MEMBER REFUSE	7,799.11	326,937.62
<u>YARD WASTE</u>		
MEMBERS	8,950.64	0.00
OTHERS	323.01	25,737.80
<u>RECYCLABLES</u>		
MEMBERS	4,484.95	0.00
OTHERS	127.14	0.00
	50,350.54	\$4,526,484.66
<u>RECYCLING</u>		
NEWSPAPERS		\$89,330.70
BOXBOARD		25,699.19
CARDBOARD		16,305.34
PLASTIC		84,679.09
SCRAP METAL		18,093.63
TIN CANS		18,270.08
NON FERROUS METAL		3,340.76
GLASS		504.25
BATTERIES		1,376.80
USED ELECTRONICS		2,058.44
		\$259,658.28
<u>OTHER</u>		
COMPOST SALES		\$22,724.50
INTEREST ON INVESTMENTS		3,531.34
RENTAL INCOME		22,192.00
GRANTS		0.00
MISC. INCOME		1,562.00
		\$50,009.84
TOTAL REVENUE		\$4,836,152.78
<u>EXPENSES</u>		
MADISON HEIGHTS FACILITY		\$5,038.36
TROY TRANSFER FACILITY		420,134.62
MATERIAL RECOVERY FACILITY		238,800.62
HOUSEHOLD HAZARDOUS WASTE		35,068.94
COMPOST/LANDFILL FACILITY		127,154.15
ADMINISTRATIVE & GENERAL		196,926.47
COLLECTION CONTRACT EXPENSES		1,622,923.11
COLLECTION & DISPOSAL FEES IN TRANSIT		1,920,226.31
		\$4,566,272.58
NET INCOME BEFORE DEPRECIATION		\$269,880.20
DEPRECIATION		92,045.49
NET INCOME		\$177,834.71

SOCRRA  
STATEMENT OF REVENUES & EXPENDITURES  
COMPARED WITH TOTAL BUDGET  
JULY 1, 2013 THROUGH SEPTEMBER 30, 2013

<u>REVENUES</u>	TOTAL BUDGET 2013/14	ACTUAL 3 MONTHS	<u>BALANCE</u>	
MEMBERS SERVICES	\$17,119,098.00	\$4,173,809.24	\$12,945,288.76	24%
NON-MEMBER REFUSE	890,000.00	326,937.62	563,062.38	37%
<u>YARD WASTE</u>				
NON-MEMBERS	64,000.00	25,737.80	38,262.20	40%
<hr/>				
	\$18,073,098.00	\$4,526,484.66	\$13,546,613.34	
<u>RECYCLABLES</u>				
NEWSPAPERS	\$782,000.00	\$89,330.70	\$692,669.30	11%
BOXBOARD	242,000.00	25,699.19	216,300.81	11%
CARDBOARD	63,000.00	16,305.34	46,694.66	26%
PLASTIC	442,000.00	84,679.09	357,320.91	19%
SCRAP METAL	105,000.00	18,093.66	86,906.34	17%
TIN CANS	157,000.00	18,270.08	138,729.92	12%
NON FERROUS METAL	18,000.00	3,340.76	14,659.24	19%
GLASS	10,000.00	504.25	9,495.75	5%
BATTERIES	4,000.00	1,376.80	2,623.20	34%
USED ELECTRONICS	15,000.00	2,058.44	12,941.56	14%
<hr/>				
	\$1,838,000.00	\$259,658.31	\$1,578,341.69	14%
<u>OTHER</u>				
COMPOST SALES	\$50,000.00	\$22,724.50	\$27,275.50	45%
INTEREST ON INVESTMENTS	16,000.00	3,531.34	12,468.66	22%
RENTAL OF HOMES	92,000.00	22,192.00	69,808.00	24%
GRANTS	0.00	0.00	0.00	0%
MISC. INCOME	25,000.00	1,562.00	23,438.00	6%
<hr/>				
	\$183,000.00	\$50,009.84	\$132,990.16	27%
<hr/> <hr/>				
TOTAL REVENUES	\$20,094,098.00	\$4,836,152.81	\$15,257,945.19	24%

SOCRRA  
 STATEMENT OF REVENUES & EXPENDITURES  
 COMPARED WITH TOTAL BUDGET  
 JULY 1, 2013 THROUGH SEPTEMBER 30, 2013

<u>EXPENSES</u>	<u>TOTAL BUDGET 2013/14</u>	<u>ACTUAL 3 MONTHS</u>	<u>BALANCE</u>	
MADISON HEIGHTS FACILITY	\$78,500.00	\$5,038.36	\$73,461.64	6%
TROY TRANSFER FACILITY	3,027,240.00	420,134.62	2,607,105.38	14%
MATERIAL RECOVERY FACILITY	1,218,200.00	238,800.62	979,399.38	20%
HOUSEHOLD HAZARDOUS WASTE	266,900.00	35,068.94	231,831.06	13%
COMPOST/LANDFILL FACILITY	454,670.00	127,154.15	327,515.85	28%
ADMINISTRATIVE & GENERAL	1,224,660.00	196,926.47	1,027,733.53	16%
COLLECTION & DISPOSAL FEES	12,713,821.00	1,622,923.11	11,090,897.89	13%
COLLECTION & DISPOSAL FEES IN TRANSIT	0.00	1,920,226.31	(1,920,226.31)	0%
	<u>\$18,983,991.00</u>	<u>\$4,566,272.58</u>	<u>\$14,417,718.42</u>	
TOTAL EXPENDITURES	<u>\$18,983,991.00</u>	<u>\$4,566,272.58</u>	<u>\$14,417,718.42</u>	24%
NET INCOME	<u>\$1,110,107.00</u>	<u>\$269,880.23</u>	<u>\$840,226.77</u>	24%

S O C R R A  
 COMPARATIVE STATEMENT  
 JULY 1, 2013 THROUGH SEPTEMBER 30, 2013

	<u>2013/14</u>	<u>2012/13</u>	<u>VARIANCES</u>
<u>REVENUES</u>			
MEMBER SERVICES	\$4,173,809.24	\$4,253,420.49	(\$79,611.25)
NON MEMBER REFUSE	326,937.62	305,496.48	21,441.14
<u>YARD WASTE</u>			
MEMBERS	0.00	0.00	0.00
OTHERS	25,737.80	21,626.80	4,111.00
	<hr/>	<hr/>	<hr/>
	\$4,526,484.66	\$4,580,543.77	(\$54,059.11)
<u>RECYCLABLES</u>			
NEWSPAPERS	\$89,330.70	\$120,348.22	(\$31,017.52)
BOXBOARD	25,699.19	34,327.09	(8,627.90)
CARDBOARD	16,305.34	10,157.48	6,147.86
PLASTIC	84,679.09	68,646.67	16,032.42
SCRAP METAL	18,093.63	8,701.04	9,392.59
TIN CANS	18,270.08	16,401.35	1,868.73
NON FERROUS METAL	3,340.76	4,103.20	(762.44)
GLASS	504.25	1,054.50	(550.25)
BATTERIES	1,376.80	330.66	1,046.14
USED ELECTRONICS	2,058.44	0.00	2,058.44
	<hr/>	<hr/>	<hr/>
	\$259,658.28	\$264,070.21	(\$4,411.93)
<u>OTHER</u>			
COMPOST SALES	\$22,724.50	\$17,004.00	\$5,720.50
INTEREST ON INVESTMENTS	3,531.34	2,265.97	1,265.37
RENTAL OF HOMES	22,192.00	20,647.50	1,544.50
GRANTS	0.00	0.00	0.00
MISC. INCOME	1,562.00	3,819.50	(2,257.50)
	<hr/>	<hr/>	<hr/>
	\$50,009.84	\$43,736.97	\$6,272.87
TOTAL REVENUES	\$4,836,152.78	\$4,888,350.95	(\$52,198.17)
OPERATING EXPENSES	\$4,566,272.58	\$4,645,325.23	(\$79,052.65)
EXCESS	<hr/>	<hr/>	<hr/>
	\$269,880.20	\$243,025.72	\$26,854.48

SOCRRA  
TOTAL SERVICE CHARGES  
JULY 1, 2013 THROUGH SEPTEMBER 30, 2013

<u>MUNICIPALITY</u>	<u>TOTAL TONS</u>	<u>SERVICE CHARGES</u>
BERKLEY	1,952	\$217,690.92
BEVERLY HILLS	2,082	\$151,980.00
BIRMINGHAM	3,657	\$341,648.73
CLAWSON	2,178	\$180,254.10
FERNDALE	3,847	\$402,779.78
HAZEL PARK	2,419	\$262,314.00
HUNTINGTON WOODS	918	\$83,160.00
LATHRUP VILLAGE	590	\$67,422.00
OAK PARK	3,412	\$382,521.65
PLEASANT RIDGE	409	\$42,552.72
ROYAL OAK	9,361	\$1,046,434.42
TROY	11,277	995,050.92
	<hr/>	<hr/>
SUB-TOTAL	42,102	\$4,173,809.24
	<hr/>	<hr/>
OTHER CUSTOMERS	8,152	\$352,675.42
DROP OFF CENTERS	97	0.00
	<hr/>	<hr/>
TOTAL	50,351	\$4,526,484.66

SOCRRA  
IMPROVEMENT FUND  
JULY 1, 2013 THROUGH SEPTEMBER 30, 2013

EXPENDITURES

TS New Compactor	\$14,503.82
MRF New Paper Shredder	19,915.00
CS Scarab Rental/Shipping	<u>12,800.00</u>
TOTAL	<u>\$47,218.82</u>



## CITY COUNCIL REPORT & COMMUNICATION

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Date: November 15, 2013

To: Brian Kischnick, City Manager  
Tom Darling, Director of Finance and Administration

From: Nino Licari, City Assessor

Subject: 2013 Local Millage Rates Comparison by County

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In 1999, City Council has requested a comparison of all local millage rates in Oakland County. In 2012 the comparison was expanded to include Macomb and Wayne County millage rates.

These rates are drawn from the Apportionment Reports generated by each County. Any errors or omissions are strictly mine.

By County, the millage rates appear in two columns. The first column is alphabetically by City Village or Township.

The Second columns listing is in order of millage rate, lowest to highest, by County. Please remember that villages and townships have the lowest millage rates, because the County provides most of their essential services. The County rate does not show up in the local apportionment report. Additionally, since all properties pay the County millage rate, Cities become donors to cover the costs of services to townships and villages.

City Of TROY - Assessing Department  
Comparison of Local Millage Rates  
Oakland County

2013 Oakland Co Certified Millage Rates for Cities, Villages, & Townships (alphabetically)				2013 Oakland Co Certified Millage Rates for Cities, Villages, & Townships (by Millage Rate, net of Transportation mills)			
City Village or Township	Total Mills	Transportation Mills	Net Yearly Mills	City Village or Township	Total Mills	Transportation Mills	Net Yearly Mills
Addison Twp	8.1311	0.00	8.1311	Southfield Twp	0.6000	0.00	0.6000
Auburn Hills	11.1502	0.59	10.5602	Holly Twp	2.5000	0.00	2.5000
Berkley	18.0974	0.59	17.5074	Novi Twp	2.9777	0.00	2.9777
Beverly Hills Village	14.4684	0.59	13.8784	Rose Twp	3.1233	0.00	3.1233
Bingham Farms Village	8.8900	0.59	8.3000	Commerce Twp	3.4873	0.00	3.4873
Birmingham	15.6635	0.59	15.0735	Lyon Twp	4.7466	0.00	4.7466
Bloomfield Hills	10.2400	0.00	10.2400	Groveland Twp	4.9400	0.00	4.9400
Bloomfield Twp	13.4677	0.59	12.8777	Oakland Twp	6.2960	0.00	6.2960
Brandon Twp	7.2286	0.00	7.2286	Orion Twp	6.5809	0.00	6.5809
Clarkston	18.6506	0.00	18.6506	Brandon Twp	7.2286	0.00	7.2286
Clawson	25.2458	0.59	24.6558	Springfield Twp	7.2786	0.00	7.2786
Commerce Twp	3.4873	0.00	3.4873	Orchard Lake Village (City)	7.3600	0.00	7.3600
Farmington	17.1756	0.59	16.5856	Highland Twp	7.4344	0.00	7.4344
Farmington Hills	14.5294	0.59	13.9394	Addison Twp	8.1311	0.00	8.1311
Fenton	10.6226	0.00	10.6226	Bingham Farms Village	8.8900	0.59	8.3000
Ferndale	31.6783	0.59	31.0883	Milford Twp	8.4274	0.00	8.4274
Franklin Village	11.4393	0.59	10.8493	Independence Twp	8.4814	0.00	8.4814
Groveland Twp	4.9400	0.00	4.9400	White Lake Twp	8.8590	0.00	8.8590
Hazel Park	24.8484	0.59	24.2584	Rochester Hills	9.7060	0.00	9.7060
Highland Twp	7.4344	0.00	7.4344	Lake Angelus	10.1588	0.00	10.1588
Holly Twp	2.5000	0.00	2.5000	Novi	10.2000	0.00	10.2000
Holly Village (Ind Twp)	16.6477	0.00	16.6477	Bloomfield Hills	10.2400	0.00	10.2400
Holly Village (Rose Twp)	16.0244	0.00	16.0244	<b>** TROY **</b>	<b>11.1100</b>	<b>0.59</b>	<b>10.5200</b>
Huntington Woods	27.4165	0.59	26.8265	Auburn Hills	11.1502	0.59	10.5602
Independence Twp	8.4814	0.00	8.4814	Fenton	10.6226	0.00	10.6226
Keego Harbor	13.3911	0.00	13.3911	Franklin Village	11.4393	0.59	10.8493
Lake Angelus	10.1588	0.00	10.1588	Waterford Twp	11.0796	0.00	11.0796
Lake Orion Village	16.6900	0.00	16.6900	Oxford Twp	11.2708	0.00	11.2708
Lathrup Village (City)	22.5644	0.00	22.5644	West Bloomfield Twp	12.8450	0.59	12.2550
Leonard Village	14.1311	0.00	14.1311	Rochester	12.4304	0.00	12.4304
Lyon Twp	4.7466	0.00	4.7466	Bloomfield Twp	13.4677	0.59	12.8777
Madison Heights	23.5150	0.59	22.9250	Wolverine Lake Village	13.0603	0.00	13.0603
Milford Twp	8.4274	0.00	8.4274	Royal Oak Twp	13.8002	0.59	13.2102
Milford Village	17.7705	0.00	17.7705	Keego Harbor	13.3911	0.00	13.3911
Northville	16.7447	0.00	16.7447	Beverly Hills Village	14.4684	0.59	13.8784
Novi	10.2000	0.00	10.2000	Farmington Hills	14.5294	0.59	13.9394
Novi Twp	2.9777	0.00	2.9777	Leonard Village	14.1311	0.00	14.1311
Oak Park	37.4634	0.59	36.8734	Birmingham	15.6635	0.59	15.0735
Oakland Twp	6.2960	0.00	6.2960	Royal Oak	15.7552	0.59	15.1652
Orchard Lake Village (City)	7.3600	0.00	7.3600	South Lyon	15.2222	0.00	15.2222
Orion Twp	6.5809	0.00	6.5809	Ortonville Village	15.2286	0.00	15.2286
Ortonville Village	15.2286	0.00	15.2286	Holly Village (Rose Twp)	16.0244	0.00	16.0244
Oxford Twp	11.2708	0.00	11.2708	Farmington	17.1756	0.59	16.5856
Oxford Village	17.9756	0.00	17.9756	Holly Village (Ind Twp)	16.6477	0.00	16.6477

**City Of TROY - Assessing Department  
Comparison of Local Millage Rates  
Oakland County**

2013 Oakland Co Certified Millage Rates for Cities, Villages, & Townships (alphabetically)				2013 Oakland Co Certified Millage Rates for Cities, Villages, & Townships (by Millage Rate, net of Transportation mills)			
City Village or Township	Total Mills	Transportation Mills	Net Yearly Mills	City Village or Township	Total Mills	Transportation Mills	Net Yearly Mills
Pleasant Ridge	19.0828	0.59	18.4928	Lake Orion Village	16.6900	0.00	16.6900
Pontiac	17.5911	0.59	17.0011	Northville	16.7447	0.00	16.7447
Rochester	12.4304	0.00	12.4304	Wixom	16.7929	0.00	16.7929
Rochester Hills	9.7060	0.00	9.7060	Pontiac	17.5911	0.59	17.0011
Rose Twp	3.1233	0.00	3.1233	Berkley	18.0974	0.59	17.5074
Royal Oak	15.7552	0.59	15.1652	Walled Lake	18.3247	0.59	17.7347
Royal Oak Twp	13.8002	0.59	13.2102	Milford Village	17.7705	0.00	17.7705
South Lyon	15.2222	0.00	15.2222	Oxford Village	17.9756	0.00	17.9756
Southfield	25.0911	0.59	24.5011	Pleasant Ridge	19.0828	0.59	18.4928
Southfield Twp	0.6000	0.00	0.6000	Clarkston	18.6506	0.00	18.6506
Springfield Twp	7.2786	0.00	7.2786	Lathrup Village (City)	22.5644	0.00	22.5644
Sylvan Lake	23.6553	0.00	23.6553	Madison Heights	23.5150	0.59	22.9250
** TROY **	11.1100	0.59	10.5200	Sylvan Lake	23.6553	0.00	23.6553
Walled Lake	18.3247	0.59	17.7347	Hazel Park	24.8484	0.59	24.2584
Waterford Twp	11.0796	0.00	11.0796	Southfield	25.0911	0.59	24.5011
West Bloomfield Twp	12.8450	0.59	12.2550	Clawson	25.2458	0.59	24.6558
White Lake Twp	8.8590	0.00	8.8590	Huntington Woods	27.4165	0.59	26.8265
Wixom	16.7929	0.00	16.7929	Ferndale	31.6783	0.59	31.0883
Wolverine Lake Village	13.0603	0.00	13.0603	Oak Park	37.4634	0.59	36.8734

City of TROY - Assessing Department  
 Comparison of Local Millage Rates  
 Macomb County

2013 Macomb Co. Certified Millage Rates for Cities, Villages, & Townships (alphabetically)				2013 Macomb Co. Certified Millage Rates for Cities, Villages, & Townships (by Millage Rate, net of Transportation mills)			
City Village or Township	Total Mills	Transportation Mills	Net Yearly Mills	City Village or Township	Total Mills	Transportation Mills	Net Yearly Mills
Armada Twp	3.8712	0.59	3.2812	Armada Twp	3.8712	0.59	3.2812
Armada Village	17.1254	0.59	16.5354	Ray Twp	4.1473	0.59	3.5573
Bruce Twp	9.0696	0.59	8.4796	Richmond Twp	4.2858	0.59	3.6958
Center Line	38.0925	0.59	37.5025	Macomb Twp	5.1786	0.59	4.5886
Chestefield Twp	9.3901	0.59	8.8001	Lenox Twp	6.8286	0.59	6.2386
Clinton Twp	16.5189	0.59	15.9289	Harrison Twp	7.8816	0.59	7.2916
Eastpointe	27.5512	0.59	26.9612	Washington Twp	8.1165	0.59	7.5265
Fraser	21.4259	0.59	20.8359	Bruce Twp	9.0696	0.59	8.4796
Grosse Pointe Shores	18.4694	0.59	17.8794	Chestefield Twp	9.3901	0.59	8.8001
Harrison Twp	7.8816	0.59	7.2916	Shelby Twp	9.8899	0.59	9.2999
Lenox Twp	6.8286	0.59	6.2386	** TROY **	11.1100	0.59	10.5200
Macomb Twp	5.1786	0.59	4.5886	Sterling Heights	13.2758	0.59	12.6858
Memphis	14.8853	0.59	14.2953	Memphis	14.8853	0.59	14.2953
Mount Clemens	19.2539	0.59	18.6639	New Baltimore	15.5065	0.59	14.9165
New Baltimore	15.5065	0.59	14.9165	Clinton Twp	16.5189	0.59	15.9289
New Haven Village	19.4336	0.59	18.8436	Armada Village	17.1254	0.59	16.5354
Ray Twp	4.1473	0.59	3.5573	Richmond	17.2428	0.59	16.6528
Richmond	17.2428	0.59	16.6528	Romeo Village (Bruce)	17.5396	0.59	16.9496
Richmond Twp	4.2858	0.59	3.6958	Romeo Village (Wash'ton)	18.3680	0.59	17.7780
Romeo Village (Bruce)	17.5396	0.59	16.9496	Grosse Pointe Shores	18.4694	0.59	17.8794
Romeo Village (Wash'ton)	18.3680	0.59	17.7780	Mount Clemens	19.2539	0.59	18.6639
Roseville	25.4394	0.59	24.8494	New Haven Village	19.4336	0.59	18.8436
Shelby Twp	9.8899	0.59	9.2999	St Clair Shores	21.1288	0.59	20.5388
St Clair Shores	21.1288	0.59	20.5388	Fraser	21.4259	0.59	20.8359
Sterling Heights	13.2758	0.59	12.6858	Utica	23.2070	0.59	22.6170
** TROY **	11.1100	0.59	10.5200	Roseville	25.4394	0.59	24.8494
Utica	23.2070	0.59	22.6170	Eastpointe	27.5512	0.59	26.9612
Warren	28.4556	0.59	27.8656	Warren	28.4556	0.59	27.8656
Washington Twp	8.1165	0.59	7.5265	Center Line	38.0925	0.59	37.5025

**City Of TROY - Assessing Department  
Comparison of Local Millage Rates  
Wayne County**

2013 Wayne Co. Certified Millage Rates for Cities, Villages, & Townships (alphabetically)				2013 Wayne Co. Certified Millage Rates for Cities, Villages, & Townships (by Millage Rate, without Transportation mills)			
City Village or Township	Total Mills	Transportation Mills	Net Yearly Mills	City Village or Township	Total Mills	Transportation Mills	Net Yearly Mills
Allen Park	25.7000	0.59	25.1100	Plymouth Twp	4.0000	0.00	4.0000
Belleville	18.1260	0.00	18.1260	Sumpter Twp	4.7904	0.00	4.7904
Brownstown Twp	13.1481	0.00	13.1481	Van Buren Twp	4.9144	0.00	4.9144
Canton Twp	10.4000	0.00	10.4000	Northville Twp	7.1074	0.00	7.1074
Dearborn	26.4900	0.59	25.9000	Huron Twp	7.7832	0.00	7.7832
Dearborn Heights	26.0566	0.59	25.4666	Canton Twp	10.4000	0.00	10.4000
Detroit	33.5779	0.00	33.5779	** TROY **	11.1100	0.59	10.5200
Ecorse	49.1163	0.59	48.5263	Romulus	13.6680	0.59	13.0780
Flat Rock	18.9997	0.00	18.9997	Brownstown Twp	13.1481	0.00	13.1481
Garden City	22.7395	0.59	22.1495	Livonia	13.8881	0.00	13.8881
Gibraltar	19.2200	0.00	19.2200	Grosse Pointe Farms	14.5900	0.59	14.0000
Grosse Isle Twp	14.4052	0.00	14.4052	Grosse Pointe Park	14.7153	0.59	14.1253
Grosse Pointe	14.9035	0.59	14.3135	Grosse Pointe	14.9035	0.59	14.3135
Grosse Pointe Farms	14.5900	0.59	14.0000	Westland	14.9813	0.59	14.3913
Grosse Pointe Park	14.7153	0.59	14.1253	Grosse Isle Twp	14.4052	0.00	14.4052
Grosse Pointe Shores	18.4694	0.59	17.8794	Northville	15.3534	0.00	15.3534
Grosse Pointe Woods	21.2734	0.59	20.6834	Plymouth	16.1734	0.00	16.1734
Hamtramck	25.4464	0.59	24.8564	Grosse Pointe Shores	18.4694	0.59	17.8794
Harper Woods	30.0900	0.59	29.5000	Belleville	18.1260	0.00	18.1260
Highland Park	41.5658	0.59	40.9758	Flat Rock	18.9997	0.00	18.9997
Huron Twp	7.7832	0.00	7.7832	Gibraltar	19.2200	0.00	19.2200
Inkster	27.8914	0.59	27.3014	Riverview	20.5500	0.59	19.9600
Lincoln Park	20.9248	0.00	20.9248	Grosse Pointe Woods	21.2734	0.59	20.6834
Livonia	13.8881	0.00	13.8881	Lincoln Park	20.9248	0.00	20.9248
Melvindale	37.8792	0.59	37.2892	Woodhaven	21.6300	0.00	21.6300
Northville	15.3534	0.00	15.3534	Garden City	22.7395	0.59	22.1495
Northville Twp	7.1074	0.00	7.1074	Wyandotte	22.8400	0.59	22.2500
Plymouth	16.1734	0.00	16.1734	Wayne	24.4591	0.59	23.8691
Plymouth Twp	4.0000	0.00	4.0000	River Rouge	24.5451	0.59	23.9551
Redford Twp	25.3919	0.59	24.8019	Rockwood	24.0625	0.00	24.0625
River Rouge	24.5451	0.59	23.9551	Southgate	24.7116	0.59	24.1216
Riverview	20.5500	0.59	19.9600	Trenton	25.3406	0.59	24.7506
Rockwood	24.0625	0.00	24.0625	Redford Twp	25.3919	0.59	24.8019
Romulus	13.6680	0.59	13.0780	Hamtramck	25.4464	0.59	24.8564
Southgate	24.7116	0.59	24.1216	Allen Park	25.7000	0.59	25.1100
Sumpter Twp	4.7904	0.00	4.7904	Dearborn Heights	26.0566	0.59	25.4666
Taylor	28.1343	0.59	27.5443	Dearborn	26.4900	0.59	25.9000
Trenton	25.3406	0.59	24.7506	Inkster	27.8914	0.59	27.3014
** TROY **	11.1100	0.59	10.5200	Taylor	28.1343	0.59	27.5443
Van Buren Twp	4.9144	0.00	4.9144	Harper Woods	30.0900	0.59	29.5000
Wayne	24.4591	0.59	23.8691	Detroit	33.5779	0.00	33.5779
Westland	14.9813	0.59	14.3913	Melvindale	37.8792	0.59	37.2892
Woodhaven	21.6300	0.00	21.6300	Highland Park	41.5658	0.59	40.9758
Wyandotte	22.8400	0.59	22.2500	Ecorse	49.1163	0.59	48.5263

**CITY OF TROY RETIREE HEALTH CARE PLAN**  
**ACTUARIAL VALUATION OF OTHER POSTEMPLOYMENT BENEFITS**  
**DECEMBER 31, 2012**



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November 14, 2013

Mr. Thomas Darling, CPA  
Director of Financial Services  
City of Troy  
500 West Big Beaver Road  
Troy, Michigan 48084

Dear Mr. Darling:

Submitted in this report are the results of an Actuarial Valuation of the benefit values associated with the employer financed Other Postemployment Benefits provided by the City of Troy. The date of the valuation was December 31, 2012, effective for the fiscal years beginning July 1, 2013 and July 1, 2014. This report was prepared at the request of the City of Troy.

The actuarial calculations were prepared for purposes of complying with the requirements of Statements No. 43 and No. 45 of the Governmental Accounting Standards Board (GASB). The calculations reported herein have been made on a basis consistent with our understanding of these accounting standards. Determinations of the liability associated with the benefits described in this report for purposes other than satisfying the System's financial reporting requirements may produce significantly different results. This report may be provided to parties other than the City of Troy only in its entirety and only with the permission of the City of Troy.

The valuation was based upon information, furnished by the City, concerning retiree health care benefits, individual members, and financial data. Data was checked for internal consistency, but was not otherwise audited. We are not responsible for the accuracy or completeness of the information provided.

This report should not be relied upon for any purpose other than the purpose described herein.

Future actuarial measurements may differ significantly from the current measurements presented in this report due to such factors as the following: plan experience differing from that anticipated by the economic or demographic assumptions; changes in economic or demographic assumptions; increases or decreases expected as part of the natural operation of the methodology used for these measurements (such as the end of an amortization period or additional cost or contribution requirements based on the plan's funded status); and changes in plan provisions or applicable law.

To the best of our knowledge, this report is complete and accurate and was made in accordance with standards of practice promulgated by the Actuarial Standards Board of the American Academy of Actuaries.

Mr. Thomas Darling, CPA  
November 14, 2013  
Page 2

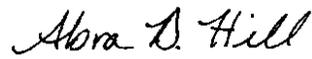
Randall J. Dziubek and Abra D. Hill are Members of the American Academy of Actuaries (MAAA) and meet the Qualification Standards of the American Academy of Actuaries to render the actuarial opinion herein.

The signing actuaries are independent of the plan sponsor.

Respectfully submitted,



Randall J. Dziubek, ASA, EA, MAAA



Abra D. Hill, ASA, MAAA

RJD/ADH:bd

C0449

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## **EXECUTIVE SUMMARY**

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## EXECUTIVE SUMMARY

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### **Annual Required Contribution**

This report presents the annual expense required to be recognized by the plan sponsor for purposes of complying with the accounting requirements of the Governmental Accounting Standards Board (GASB) Statement No. 43.

The Annual Required Contribution (ARC) for the fiscal year beginning July 1, 2013 is estimated to be \$4,465,378 provided that the City intends to fully fund the OPEB. Under GASB Statement No. 45, the annual OPEB cost required to be disclosed on the employer's financial statements is equal to the ARC. Actual claims and premiums including the effect of the implicit rate subsidy paid on behalf of retirees, if paid from outside of plan assets, may be treated as employer contributions in relation to the ARC and also act to reduce the Net OPEB Obligation (NOO) described below under Additional OPEB Reporting Requirements. The expected retiree health care claims and premium amounts paid during the fiscal year beginning July 1, 2013 are estimated to be \$4,980,908. These amounts reflect the employer portion of the retiree only premium rates and the implicit subsidy for retirees and covered spouses.

For additional details, please see Section B of the report.

### **Additional OPEB Reporting Requirements**

In addition to the ARC described above, employers will have to disclose a NOO. The current NOO is the cumulative difference between annual OPEB cost (ARC plus amortization of the prior NOO) and annual employer contributions in relation to the ARC, accumulated with interest from the implementation of GASB Statement No. 43. It is our understanding that the City has been making contributions equal to the ARC and plans to do so in the future.

## **EXECUTIVE SUMMARY (CONCLUDED)**

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The requirements for determining the employer's contributions in relation to the ARC are described in paragraph 13 g. of GASB Statement No. 45. Additional information required to be disclosed in the employer's financial statements is detailed in paragraphs 24 through 27 of GASB Statement No. 45.

### **Liabilities and Assets**

Once again assuming full pre-funding, the present value of all benefits expected to be paid to current plan members as of December 31, 2012 is \$110,328,541. The actuarial accrued liability, which is the portion of the \$110,328,541 attributable to service accrued by plan members as of December 31, 2012, is \$100,063,604. The assets currently set aside for GASB OPEB purposes as of December 31, 2012 are \$59,131,429. The OPEB liabilities are currently 59% funded.

### **Future Results**

Employees recently hired by the City as well as all future hires, will receive contributions of 4% of salary that will go into a Retiree Health Savings Account. As current employees continue to terminate or retire and are replaced with new hires, there will be continued downward pressure on future Annual Required Contributions.

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**SECTION A**  
VALUATION RESULTS

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**DEVELOPMENT OF THE ANNUAL REQUIRED CONTRIBUTION  
FOR THE OTHER POSTEMPLOYMENT BENEFITS**

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Contributions for	Annual Required Contribution
Normal Cost	
Normal Retirement	\$ 1,046,186
Early Retirement	0
Termination Benefits	27,612
Death-in-Service	27,506
Disability	<u>61,892</u>
Total Normal Cost	\$ 1,163,196
Amortization of Unfunded Actuarial Accrued Liabilities (Amortized over 26 years)	\$ 3,302,182
<b>Annual Required Contribution (ARC) for the Fiscal Year beginning July 1, 2013</b>	<b>\$ 4,465,378</b>
Projected Payroll for the Fiscal Year Beginning July 1, 2013	\$17,486,067
<b>Annual Required Contribution (ARC) as a Percentage of Projected Payroll</b>	<b>25.54%</b>

Projected Payroll for the Fiscal Year Beginning July 1, 2014	\$16,924,696
<b>Annual Required Contribution (ARC) for the Fiscal Year beginning July 1, 2014</b>	<b>\$ 4,425,495</b>
<b>Annual Required Contribution (ARC) as a Percentage of Projected Payroll</b>	<b>26.15%</b>

The results on this page are calculated under the assumption that a funding arrangement with contributions at least equal to the Annual Required Contribution (ARC) will be followed. The unfunded actuarial accrued liabilities were amortized as a level dollar amount. A 26-year amortization period for unfunded actuarial accrued liabilities was used. Thirty years is the maximum period that complies with GASB requirements.

**DETERMINATION OF UNFUNDED ACTUARIAL ACCRUED LIABILITY  
AS OF DECEMBER 31, 2012**

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A. Present Value of Future Benefits	
1. Retirees and Beneficiaries	\$ 69,427,612
2. Vested Terminated Members	0
3. Active Members	<u>40,900,929</u>
Total Present Value of Future Benefits	\$110,328,541
 B. Present Value of Future Employer Normal Costs	 10,264,937
C. Actuarial Accrued Liability (A.-B.)	100,063,604
D. Actuarial Value of Assets	59,131,429
E. Unfunded Actuarial Accrued Liability (C.-D.)	\$ 40,932,175
F. Funded Ratio (D./C.)	59.1%

The Unfunded Actuarial Accrued Liability (UAAL) is not booked as an expense all in one year and does not appear in the Employer's Statement of Net Assets. Nevertheless, it is reported in the Notes to the Financial Statements and in the Required Supplementary Information. These are information sections within the employer's financial statements.

## COMMENTS

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**COMMENT A:** One of the key assumptions used in any valuation of the cost of postemployment benefits is the long-term rate of investment return on plan assets. Higher assumed investment returns will result in a lower Annual Required Contribution (ARC). Lower returns will result in a higher ARC. We have calculated the liability and the resulting ARC using an assumed investment return of 6.5%. If the City chooses to pre-fund with contributions less than the ARC, the Governmental Accounting Standards Board (GASB) requires lowering the assumed investment return on assets to match expected return on the City's general assets. Lowering the assumed investment return would considerably increase the Net OPEB Obligation (NOO) that is disclosed on the employers' financial statement.

**COMMENT B:** Based on the number of plan members as of this valuation, the plan sponsor is required by GASB to perform actuarial valuations at least biennially. An annual actuarial valuation will re-compute the required contribution rate each year. This will permit fluctuations and trends in experience to be reflected in the contribution rate on a regular basis.

**COMMENT C:** The computed Annual Required Contributions reflect amortization of the unfunded actuarial accrued liability as a level dollar over 26 years. A shorter amortization period would result in a higher ARC. The maximum time period permitted by the GASB Statement No. 45 is 30 years.

**COMMENT D:** The amount of estimated claims and/or premiums paid by the employer on behalf of retirees including the effect of the implicit rate subsidy under GASB is \$4,980,908 for fiscal year ending June 30, 2014 and \$5,486,897 for fiscal year ending June 30, 2015.

**COMMENT E:** The primary reason for the increase in the ARC since the previous valuation is unfavorable claims experience and increases to fully-insured premiums. In addition, based on this recent experience as well as national experience, the trend assumption used to project future retiree health costs has been reset to 9% in year 2013 grading down to 3.5% by 2022 (see page D-6). Based on the trend assumption used for the December 31, 2010 valuation, the first year trend for this valuation would have been 7.50%. Therefore, the resetting of the trend is contributing to the overall increase in results from the previous valuation.

## COMMENTS

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**COMMENT F:** The Patient Protection and Affordable Care Act includes an excise tax on high cost (Cadillac) health plans beginning in 2018. The excise tax is 40% of costs above a threshold. Possible excise taxes beginning in 2018 have not been reflected in the results presented in this report.

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## **SECTION B**

### RETIREE PREMIUM RATE DEVELOPMENT

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## **RETIREE PREMIUM RATE DEVELOPMENT**

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City of Troy retirees participate in both fully-insured and self-insured plans.

First we developed the per capita costs for the self-insured retirees. The self-insured premium rates were developed separately for each class (pre-65 and post-65). The rates were calculated by using actual paid claims and exposure data for the period of January 2010 to December 2012, adjusted for catastrophic claims, plus the load for administration, network access fees, and stop loss premiums. The self-insured medical and prescription drug data was provided by the City. The medical and prescription drug data was split between the pre-65 and post-65 participants separately since Medicare is available for the post-65 participants and has a significant impact on the claim experience. Since the claim data is not split by these two groups of participants, assumptions were used to accomplish this task. Furthermore, since the prescription drug claims and the medical claims exhibit different trends and claim payment patterns, we analyzed these claims separately as well.

Next, the initial premium rates for the fully-insured retirees were developed for the two classes of retirees (pre-65 and post-65). The fully-insured rates provided by the City of Troy were utilized to determine the appropriate premium rates. The pre-65 fully-insured premiums were determined to be unblended rates based on the experience of pre-65 retired members only, therefore, the fully-insured premium rates were used as the basis of the initial per capita cost without adjustment since the rate reflects the demographics of the pre-65 retiree group. For the post-65 retirees, the fully-insured rates were similarly used as the basis of the initial per capita cost, again without adjustment, since the rate reflects the demographics of the post-65 retiree group.

Since different groups have benefits which differ significantly, group specific rates were developed as follows: current General retirees; future General retirees, current Public Safety retirees, and future Public Safety retirees.

## RETIREE PREMIUM RATE DEVELOPMENT

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Age graded and sex distinct premiums are utilized in this valuation. The premiums developed by the preceding process are appropriate for the unique age and sex distribution currently existing. Over the future years covered by this valuation, the age and sex distribution will most likely change. Therefore, our process “distributes” the average premium over all age/sex combinations and assigns a unique premium for each specific age/sex combination. The age/sex specific premiums more accurately reflect the health care utilization and cost at that age.

We have not “age graded” the dental premium rates for this valuation, since dental claims do not vary significantly by age. For the retirees that are eligible, the dental premium used for this valuation is \$35.62 for the first person and \$37.22 for the second person.

The tables below show the combined medical, prescription drug, and vision one-person monthly premiums at select ages. The premium (or per capita costs) rates shown below reflect the use of age grading.

<b>Current General Retirees</b>			<b>Future General Retirees</b>		
<b>For Those Not Eligible for Medicare</b>			<b>For Those Not Eligible for Medicare</b>		
<b>Age</b>	<b>Male</b>	<b>Female</b>	<b>Age</b>	<b>Male</b>	<b>Female</b>
45	\$ 462.24	\$ 605.15	45	\$ 461.22	\$ 603.81
50	625.37	708.58	50	623.98	707.01
55	817.35	840.16	55	815.54	838.30
60	1,026.82	987.00	60	1,024.55	984.82

<b>For Those Eligible for Medicare</b>			<b>For Those Eligible for Medicare</b>		
<b>Age</b>	<b>Male</b>	<b>Female</b>	<b>Age</b>	<b>Male</b>	<b>Female</b>
65	\$ 537.53	\$ 494.99	65	\$ 538.51	\$ 495.89
70	620.03	557.54	70	621.16	558.55
75	688.35	610.89	75	689.60	612.00

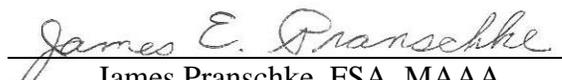
## RETIREE PREMIUM RATE DEVELOPMENT

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Current Public Safety Retirees				Future Public Safety Retirees			
For Those Not Eligible for Medicare				For Those Not Eligible for Medicare			
Age	Male	Female		Age	Male	Female	
45	\$ 519.32	\$ 679.88		45	\$ 490.68	\$ 642.39	
50	702.59	796.08		50	663.84	752.18	
55	918.28	943.90		55	867.63	891.85	
60	1,153.62	1,108.88		60	1,090.00	1,047.73	
For Those Eligible for Medicare				For Those Eligible for Medicare			
Age	Male	Female		Age	Male	Female	
65	\$ 527.63	\$ 485.88		65	\$ 418.99	\$ 385.83	
70	608.62	547.27		70	483.30	434.58	
75	675.67	599.64		75	536.54	476.17	

Based on the guidance provided by GASB on issues related to Medicare Part D payments to State and Local Governments effective as of June 30, 2006, an employer should apply the measurement requirements of GASB Statement No. 45 to determine the actuarial accrued liabilities, the annual required contribution of the employer, and the annual OPEB cost without reduction for Retiree Drug Subsidy (RDS) payments. Therefore the impact of the RDS that is part of the Medicare Prescription Drug Improvement and Modernization Act of 2003 is not reflected in this report.

James Pranschke is a Member of the American Academy of Actuaries (MAAA) and meets the Qualification Standards of the American Academy of Actuaries to certify the per capita retiree health care rates shown above.

  
 James Pranschke, FSA, MAAA

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## **SECTION C**

### **SUMMARY OF BENEFIT PROVISIONS AND VALUATION DATA**

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# **SUMMARY OF BENEFITS AS OF DECEMBER 31, 2012**

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## **PLAN PARTICIPANTS**

Employees, retirees, and spouses of the City of Troy who satisfy the following requirements are eligible to receive retiree health care coverage.

## **HEALTH INSURANCE PREMIUM SUBSIDY**

Post-retirement health insurance premiums are subsidized by the City as follows:

T.C.O.A. – 4% per completed year, retired after July 1, 1994.

T.C.S.A – 4% per completed year, hired before January 2, 2006.

T.P.O.A. – 4% per complete year, retired after February 20, 1996.

T.F.S.O.A. – 4% per complete year, retired after January 1, 1999.

Classified/Exempt - \$400/month or \$4 per complete year, whichever is greater.

AFSCME, Clerical/MAP – \$400/month or 4% per complete year for service accrued through June 30, 2013, plus 3% per complete year for service accrued on or after June 30, 2013 up to a maximum of 90%. If a member was over 90% funded at June 30, 2013 they get to keep that percentage, but do not accrue additional benefits.

Retirees from prior provisions – \$400/month or 3% per complete year, whichever is greater.

## **REGULAR RETIREMENT ELIGIBILITY**

T.P.O.A., T.F.S.O.A., and T.C.O.A. members – 25 years of service; or age 60 with 10 years of service.

AFSCME, Classified/Exempt, Clerical – Age 50 with 27 years of service; or age 55 with 25 years of service; or age 60 with 10 years of service.

There is no mandatory retirement age.

Health insurance from the City is not available for the following employees when they retire:

Classified/Exempt members hired after January 2, 2006

T.F.S.O.A. members hired after July 1, 2006

AFSCME members hired after July 1, 2006

T.P.O.A. and T.C.O.A. members hired after July 1, 2011

Clerical members hired after February 18, 2008

## **EARLY RETIREMENT ELIGIBILITY**

Age 55 with 10 years of service. Benefit commences immediately.

## **DEFERRED RETIREMENT**

Members retiring under deferred retirement conditions are not eligible for retiree health care through the City.

# **SUMMARY OF BENEFITS AS OF DECEMBER 31, 2012**

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## **DUTY DISABILITY RETIREMENT ELIGIBILITY**

No age or service requirement. Benefit commences immediately. Worker's compensation must be payable.

## **NON-DUTY DISABILITY RETIREMENT ELIGIBILITY**

5 years of service (10 years for Classified/Exempt employees hired after February 1996, and MAP employees hired after February 2005). Benefit commences immediately.

## **DUTY DEATH BEFORE RETIREMENT ELIGIBILITY**

No age or service requirement. Benefit commences immediately.

## **NON-DUTY DEATH BEFORE RETIREMENT ELIGIBILITY**

10-years service. Benefit commences immediately.

## **BENEFITS FOR SPOUSES OF RETIRED EMPLOYEES**

Spouses of living retirees are eligible for retiree health care coverage through the City. Only the spouse named at time of retirement is eligible. For retirees receiving a percentage (i.e., 3% or 4%) of their premium paid, the spouse receives an equal percentage of their premium paid. For retirees receiving a \$400 benefit, the spouse may use any amount that is above and beyond the cost of the retiree's premium, but is not eligible for an additional \$400.

Surviving spouses of deceased retirees are eligible for retiree health care coverage through the City if the surviving spouse is receiving a survivor's DB pension or is the spouse of a DC member. The surviving spouse's benefit amount is equal to a retiree's one person coverage.

## **NON-MEDICARE AND MEDICARE-ELIGIBLE PROVISIONS**

Member and spouse are required to enroll in Medicare Parts A & B. Premium for Medicare Part B is the responsibility of the retiree or spouse.

## **VISION COVERAGE**

Retirees/spouses enrolled in a medical plan that provides vision coverage are eligible for retiree vision coverage.

For retirees/spouses receiving a percentage (i.e., 3% or 4%) of their premium paid, or \$400 dollars whichever is greater, the vision coverage is included as part of the medical premium.

## **SUMMARY OF BENEFITS AS OF DECEMBER 31, 2012**

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### **DENTAL COVERAGE**

Certain T.C.O.A. members and their spouses are eligible for retiree dental coverage.

Retiree dental coverage is paid by the City for these certain T.C.O.A. retirees and their spouses at the rate of 4% per completed year of service.

### **LIFE INSURANCE COVERAGE**

City paid life insurance coverage is not offered to retirees of the City of Troy.

### **RETIREE OPT-OUT**

Retirees who opt not to participate in the City's plan are not eligible for any payment in lieu of coverage. Retirees that opt-out of coverage are eligible to elect coverage at a later time.

### **RETIREE HEALTH SAVINGS ACCOUNT**

Participating employees in the Retiree Health Savings Account contribute 2% of salary while working to their RHS account, the City contributes 4% of the employee's salary to the account which is used for health insurance premiums, reimbursement, etc. when they retire. These members are not included in this actuarial valuation.

*This is a brief summary of the City of Troy Retiree Health Care Plan provisions. In the event that any description contained herein differs from the actual eligibility or benefit, the appropriate employee contract or governing document will prevail.*

## ASSET INFORMATION AS OF DECEMBER 31, 2012

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Cash	\$ 3,342,482
Accrued Interest	6,110
Short Term	-
U.S. Bonds	1,515,325
Corporate Bonds	1,231,649
Bond Mutual Fund	5,496,309
Certificates of Deposit	6,000,000
Common Stock	16,501,536
PFD Stock	64,434
Stock Mutual Fund	<u>24,973,584</u>
	\$ 59,131,429

**GENERAL EMPLOYEES**  
**ACTIVE MEMBER DEMOGRAPHIC DATA AS OF DECEMBER 31, 2012**

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Attained Age	Years of Service to Valuation Date							Total No.
	0-4	5-9	10-14	15-19	20-24	25-29	30 Plus	
20-24		1						1
25-29		1						1
30-34		1	3					4
35-39		6	13		1			20
40-44		5	9	3	3			20
45-49		7	6	6	3	1		23
50-54		4	18	12	8	2	1	45
55-59		3	11	6	8	1	4	33
60-64		1	5	4	1			11
65 & Over			2	2			1	5
<b>Totals</b>		<b>29</b>	<b>67</b>	<b>33</b>	<b>24</b>	<b>4</b>	<b>6</b>	<b>163</b>

While not used in the financial computations, the following group averages are computed and shown because of their general interest.

**Age:** 49.5 years  
**Service:** 15.1 years

**PUBLIC SAFETY EMPLOYEES**  
**ACTIVE MEMBER DEMOGRAPHIC DATA AS OF DECEMBER 31, 2012**

---

Attained Age	Years of Service to Valuation Date							Total No.
	0-4	5-9	10-14	15-19	20-24	25-29	30 Plus	
25-29	1	1						2
30-34	1	9	6					16
35-39		9	9	5				23
40-44		1	7	14				22
45-49	1	1	2	7	7	1		19
50-54			1		5	1	1	8
55-59			1		3	1	6	11
60-64					1			1
<b>Totals</b>	<b>3</b>	<b>21</b>	<b>26</b>	<b>26</b>	<b>16</b>	<b>3</b>	<b>7</b>	<b>102</b>

While not used in the financial computations, the following group averages are computed and shown because of their general interest.

**Age:** 42.6 years  
**Service:** 15.8 years

## RETIRED MEMBER DEMOGRAPHIC DATA AS OF DECEMBER 31, 2012

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### General Retirees

Attained Age	Number of Retirees		
	Male	Female	Total
Under 55	9	8	17
55-59	26	14	40
60-64	42	18	60
65 & Over	51	61	112
<b>Totals</b>	<b>128</b>	<b>101</b>	<b>229</b>

### Public Safety Retirees

Attained Age	Number of Retirees		
	Male	Female	Total
Under 55	11	5	16
55-59	21	1	22
60-64	31	2	33
65 & Over	24	0	24
<b>Totals</b>	<b>87</b>	<b>8</b>	<b>95</b>

Only retirees indicated as receiving health care are valued in this report and shown in the exhibits above.

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## **SECTION D**

### ACTUARIAL COST METHOD AND ACTUARIAL ASSUMPTIONS

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## VALUATION METHODS

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**Actuarial Cost Method.** Normal cost and the allocation of benefit values between service rendered before and after the valuation date was determined using an **Individual Entry-Age Normal Actuarial Cost Method** having the following characteristics:

- (i) the annual normal cost for each individual active member, payable from the date of employment to the date of retirement, is sufficient to accumulate the value of the member's benefit at the time of retirement;
- (ii) each annual normal cost is a constant percentage of the member's year by year projected covered pay.

Actuarial gains (losses), as they occur, reduce (increase) the Unfunded Actuarial Accrued Liability.

**Financing of Unfunded Actuarial Accrued Liabilities.** Unfunded Actuarial Accrued Liabilities (UAAL) were amortized on a level dollar basis. The UAAL were determined using the funding value of assets and actuarial accrued liability calculated as of the valuation date. The UAAL amortization payment is the amount required to fully amortize the UAAL over a 26-year period beginning on the valuation date. This UAAL payment does not reflect any payments expected to be made between the valuation date and the fiscal year for which the contributions in this report have been calculated.

**Rates of Investment Return under a fully funded arrangement. 6.5% per year,** compounded annually, net of expenses. This rate consists of a real rate of return of 3.0% a year plus a long-term rate of wage growth of 3.5% a year. This assumption is used to equate the value of payments due at different points in time.

## ACTUARIAL ASSUMPTIONS

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**Rates of Salary Increase.** Employee salaries are estimated to increase between the date of hire and date of retirement. Salary increases occur in recognition of (i) individual merit and seniority, (ii) inflation-related depreciation of the purchasing power of salaries, and (iii) competition from other employers for personnel. A schedule of long-term rates of increase in individual salaries used for the valuation follows for sample ages:

<u>% Increase in Salary at Sample Ages</u>			
<u>Sample Ages</u>	<u>Merit &amp; Seniority</u>	<u>Base (Economic)</u>	<u>Increase Next Year</u>
35	2.5%	3.5%	6.0%
40	2.2%	3.5%	5.7%
45	1.7%	3.5%	5.2%
50	1.2%	3.5%	4.7%
55	0.7%	3.5%	4.2%
60	0.2%	3.5%	3.7%
65	0.0%	3.5%	3.5%
Ref	30		

**Pay Projections.** Active member covered payroll was projected to increase 3.5% a year, for the purpose of determining the level percent of payroll contributions. The rate of increase is consistent with the base rate of increase in salaries used to calculate actuarial present values.

## ACTUARIAL ASSUMPTIONS (CONTINUED)

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*The mortality table* used to project the mortality experience is the RP-2000 Combined Healthy Mortality Table, for males and females. 80% of active member deaths are assumed to be non-duty deaths.

Sample Attained Ages	Probability of Dying Next Year		Future Life Expectancy (years)	
	Men	Women	Men	Women
50	0.21 %	0.17 %	30.80	33.59
55	0.36	0.27	26.18	28.91
60	0.67	0.51	21.74	24.38
65	1.27	0.97	17.61	20.12
70	2.22	1.67	13.88	16.23
75	3.78	2.81	10.57	12.74
80	6.44	4.59	7.75	9.68
Ref	#506x1sb0yrs0Unisex		#507x1sb0yrs0Unisex	

There is no margin for future mortality improvement in the above table.

The table used to project disabled mortality experience is the RP-2000 Combined Disabled Mortality Table, for males and females.

## ACTUARIAL ASSUMPTIONS (CONTINUED)

*The rates of retirement* used to measure the probability of eligible members retiring during the next year, were as follows:

Percent of Eligible Active Members Retiring within Next Year				
Retirement Ages	Non-Exempt, General AFSCME, Clerical, and MAP	T.F.S.O.A. & Exempt	T.C.O.A.	T.P.O.A.
43			35 %	40 %
44			25	40
45			20	40
46			15	40
47			15	40
48			15	40
49			15	35
50	15 %	35 %	15	20
51	10	25	25	15
52	5	20	30	15
53	5	15	100	15
54	5	15		15
55	5	15		15
56	5	15		15
57	5	15		25
58	5	25		100
59	5	30		
60	5	100		
61	5			
62	30			
63	10			
64	10			
65	100			
Ref	39	23	23	46

## ACTUARIAL ASSUMPTIONS (CONTINUED)

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*Rates of separation from active membership* are used to estimate the number of employees at each age that are expected to terminate employment before qualifying for retirement benefits. The withdrawal rates do not apply to members eligible to retire, and do not include separation on account of death or disability.

Sample rates of separation from active employment are shown below:

Sample Ages	Years of Service	% of Active Members Separating Within Next Year	
		General	Public Safety
ALL	0	30.00 %	15.00 %
	1	20.00	10.00
	2	15.00	8.00
	3	10.00	7.00
	4	7.00	6.00
25	5 & Over	6.00	5.00
30		6.00	4.50
35		6.00	3.55
40		6.00	1.45
45		3.50	0.75
50		1.50	0.75
55		1.50	0.75
60		1.50	0.75
Ref	11	18	55

## ACTUARIAL ASSUMPTIONS (CONCLUDED)

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*Rates of disability* among active members are used to estimate the incidence of member disability in future years. 80% of disabilities were assumed to be non-duty related.

Sample Ages	Percent Becoming Disabled	
	Within Next Year	
	Male	Female
20	0.08 %	0.10 %
25	0.08	0.10
30	0.08	0.10
35	0.08	0.10
40	0.20	0.36
45	0.27	0.41
50	0.49	0.57
55	0.89	0.77
60	1.41	1.02
65	1.66	1.23
Ref	#9x1	#10x1

*Health care trend rates* used in the valuation were as shown below.

Year	Medical and	
	Drugs	Dental
2013	9.00 %	3.50 %
2014	8.25	3.50
2015	7.50	3.50
2016	6.75	3.50
2017	6.25	3.50
2018	5.75	3.50
2019	5.25	3.50
2020	4.75	3.50
2021	4.25	3.50
2022 & Later	3.50	3.50

**GASB STATEMENTS NO. 43 AND NO. 45  
REQUIRED SUPPLEMENTARY INFORMATION**

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Valuation Date	December 31, 2012
Actuarial Cost Method	Individual Entry Age Normal Cost
Amortization Method	Level Dollar Closed
Remaining Amortization Periods	26 Years
Asset Valuation Method	Market Value
Actuarial Assumptions:	
Discount Rate	6.5% Per Year
Projected Salary Increases	3.5% - 8.0%
Valuation Health Care Cost Trend Rate	
Medical, Prescription Drug, and Vision	9% in 2013, grading to 3.5% in 2022
Dental	3.5% for all years

**This information is presented in draft form for review by the City's auditor. Please let us know if there are any items that the auditor changes so that we may maintain consistency with the City's financial statements.**

## SCHEDULE OF FUNDING PROGRESS

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Rounded to the Nearest \$1,000

Actuarial Valuation Date December 31	Actuarial Value of Assets (a)	Actuarial Accrued Liability (AAL) (b)	Unfunded AAL (b)-(a)	Funded Ratio (a)/(b)	Active Member Covered Payroll (c)	Unfunded AAL as a Percentage of Active Member Covered Payroll ((b-a)/c)
2001	\$ 23,645	\$ 27,804	\$ 4,159	85.0 %	\$26,847	15.5 %
2002	31,003	31,263	260	99.2	28,480	0.9
2003	32,815	37,000	4,186	88.7	31,790	13.2
2004	36,484	40,419	3,935	90.3	30,046	13.1
2005	37,190	43,554	6,364	85.4	29,937	21.3
2006*	43,983	78,901	34,918	55.7	31,038	112.5
2008	38,094	91,966	53,872	41.4	31,168	172.8
2010	60,360	89,952	29,592	67.1	25,951	114.0
<b>2012</b>	<b>59,131</b>	<b>100,064</b>	<b>40,932</b>	<b>59.1</b>	<b>19,194</b>	<b>213.2</b>

\* After adoption of OPEB compliant methods and assumptions.

**This information is presented in draft form for review by the City's auditor. Please let us know if there are any items that the auditor changes so that we may maintain consistency with the City's financial statements.**

## MISCELLANEOUS AND TECHNICAL ASSUMPTIONS

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<b>Decrement Operation:</b>	Disability and mortality decrements do not operate during the first five years of service. Disability and withdrawal also do not operate during retirement eligibility.
<b>Decrement Timing:</b>	Decrements of all types are assumed to occur mid-year.
<b>Eligibility Testing:</b>	Eligibility for benefits is determined based upon the age nearest birthday and exact fractional service on the date the decrement is assumed to occur.
<b>Marriage Assumption:</b>	90% of males and 90% of females are assumed to be married for purposes of death-in-service benefits. Male spouses are assumed to be three years older than female spouses for active member valuation purposes.
<b>Medicare Coverage:</b>	Assumed to be available for all covered employees on attainment of age 65.
<b>Children:</b>	Children of active employees were assumed to not receive coverage upon retirement of the employee.
<b>Election Percentage:</b>	<p>(General) It was assumed that 72% of retirees would choose to receive retiree health care benefits through the City. Of those assumed to elect coverage, 50% of retirees assumed to elect two-person coverage, if eligible. For those that elect two-person coverage, it was assumed that coverage would continue to the spouse upon death of the retiree 50% of the time, if eligible.</p> <p>(Public Safety) It was assumed that 85% of retirees would choose to receive retiree health care benefits through the City. Of those assumed to elect coverage, 90% of retirees assumed to elect two-person coverage, if eligible. For those that elect two-person coverage, it was assumed that coverage would continue to the spouse upon death of the retiree 50% of the time, if eligible.</p>
<b>Retiree Opt-Outs:</b>	Retirees and spouses who have opted-out of coverage are assumed to not re-enroll.

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**APPENDIX A**  
OVERVIEW

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## **GASB BACKGROUND**

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The purpose of this valuation is to provide information on the cost associated with providing postemployment benefits other than pensions, or OPEB, to current and former employees. The information is designed to assist you in complying with Governmental Accounting Standards Board (GASB) Statements No. 43 and No. 45. OPEB benefits are most often associated with postemployment health care, but cover almost any benefit not provided through a pension plan, including life insurance, dental and vision benefits. It is important to note that OPEB benefits, by definition, do not include benefits *currently* being provided to active employees – however, this report includes the liabilities for benefits expected to be paid to current active employees in the future when they retire.

GASB Statements No. 43 and No. 45 were released in the spring of 2004. GASB Statement No. 43 covers the accounting rules for OPEB *plans* while GASB Statement No. 45 describes the rules for *employers* sponsoring OPEB plans. Your auditor can assist you in determining which statements apply to your particular situation.

The specific items required to be disclosed on an OPEB sponsor's financial statements are described in detail in GASB Statements No. 43 and No. 45.

### **GASB Statement No. 45**

Among the requirements of Statement No. 45 are recognition each year of an expense called the Annual OPEB Cost, and the accumulation of a liability to be disclosed on the employer's Statement of Net Assets called the Net OPEB Obligation (NOO).

The fundamental items required to determine the Annual OPEB Cost and the NOO are:

- the Annual Required Contribution (ARC)
- the Employer's Contributions in relation to the ARC

Although GASB does not require OPEB contributions, it has chosen to call the base component of the annual OPEB cost the Annual Required Contribution. The ARC is provided in this report.

## **GASB BACKGROUND (CONCLUDED)**

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Paragraph 13g. of Statement No. 45 states:

“An employer has made a contribution in relation to the ARC if the employer has:

1. made payments of benefits directly to or on behalf of a retiree or beneficiary,
2. made premium payments to an insurer, or
3. irrevocably transferred assets to a trust, or equivalent arrangement in which Plan assets are dedicated to providing benefits to retirees and their beneficiaries in accordance with the terms of the Plan and are legally protected from creditors of the employer(s) or plan administrator.”

For each fiscal year shown in this report, we have provided the ARC and the estimated benefits and/or premiums (based on valuation assumptions).

The NOO is the cumulative difference between the Annual OPEB Cost each year and the Employer’s Contribution in relation to the ARC. The Annual OPEB Cost for a year is equal to:

- the ARC, plus
- interest on the prior year’s NOO, plus
- amortization of the prior year’s NOO.

The Annual OPEB Cost and NOO are generally developed by the plan sponsor’s auditor based on information contained herein and elsewhere.

### **GASB Statement No. 43**

If the Plan has assets for Statement No. 43 purposes, then certain additional information useful in complying with the Statement is contained in this report.

## **OPEB PRE-FUNDING**

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Many employers fund retiree health care benefits using the pay-as-you-go (or cash disbursement) method. Under this method, the employer's annual contribution is equal to the actual disbursements during the year for OPEB for retired employees. This method of funding will result in increasing contributions over time. First, per capita cash disbursements will tend to increase from year to year as the cost of health care services, or the utilization of these services, increases. Second, the number of retired members is likely to increase for years to come. The more retirees, the greater the disbursements as a percentage of employee payroll.

A retiree health care plan is similar to a defined benefit pension plan in that promises are made to employees to provide them with a benefit payable at some future date. For defined benefit pension plan sponsors, a common funding objective is to contribute to a fund, annual amounts which will i) remain level as a percentage of active member payroll, and ii) when combined with present assets and future investment return be sufficient to meet the financial obligations of the Plan to current and future retirees.

The GASB statements are not funding requirements. They are accounting standards that require plan sponsors to calculate the annual expense associated with OPEB using certain methods.

The ultimate determination as to the level of pre-funding will be the result of decisions made in an attempt to support benefit security for members and the fiscal management needs of the employer.

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**APPENDIX B**  
GLOSSARY

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## GLOSSARY

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**Accrued Service** - The service credited under the plan which was rendered before the date of the actuarial valuation.

**Actuarial Accrued Liability** - The difference between (i) the actuarial present value of future plan benefits, and (ii) the actuarial present value of future normal cost. Sometimes referred to as "accrued liability" or "past service liability".

**Actuarial Assumptions** - Estimates of future plan experience with respect to rates of mortality, disability, turnover, retirement, rate or rates of investment income and salary increases. Decrement assumptions (rates of mortality, disability, turnover and retirement) are generally based on past experience, often modified for projected changes in conditions. Economic assumptions (salary increases and investment income) consist of an underlying rate in an inflation-free environment plus a provision for a long-term average rate of inflation.

**Actuarial Cost Method** - A mathematical budgeting procedure for allocating the dollar amount of the "actuarial present value of future plan benefits" between the actuarial present value of future normal cost and the actuarial accrued liability. Sometimes referred to as the "actuarial funding method".

**Actuarial Equivalent** - A single amount or series of amounts of equal value to another single amount or series of amounts, computed on the basis of the rate(s) of interest and mortality tables used by the plan.

**Actuarial Present Value** - The amount of funds presently required to provide a payment or series of payments in the future. It is determined by discounting the future payments at a predetermined rate of interest, taking into account the probability of payment.

**Amortization** - Paying off an interest-bearing liability by means of periodic payments of interest and principal, as opposed to paying it off with a lump sum payment.

## **GLOSSARY (CONCLUDED)**

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**Annual Required Contribution (ARC)** - The ARC is the normal cost plus the portion of the unfunded actuarial accrued liability to be amortized in the current period. The ARC is an amount that is actuarially determined in accordance with the requirements so that, if paid on an ongoing basis, it would be expected to provide sufficient resources to fund both the normal cost for each year and the amortized unfunded liability.

**Governmental Accounting Standards Board (GASB)** - GASB is the private, nonpartisan, nonprofit organization that works to create and improve the rules U.S. state and local governments follow when accounting for their finances and reporting them to the public.

**Medical Trend Rate (Health Care Inflation)** - The increase in the cost of providing health care benefits over time. Trend includes such elements as pure price inflation, changes in utilization, advances in medical technology, and cost shifting.

**Normal Cost** - The annual cost assigned, under the actuarial funding method, to current and subsequent plan years. Sometimes referred to as "current service cost". Any payment toward the unfunded actuarial accrued liability is not part of the normal cost.

**Other Postemployment Employee Benefits (OPEB)** - OPEB are postemployment benefits other than pensions. OPEB generally takes the form of health insurance and dental, vision, prescription drugs or other health care benefits.

**Reserve Account** - An account used to indicate that funds have been set aside for a specific purpose and is not generally available for other uses.

**Unfunded Actuarial Accrued Liability** - The difference between the actuarial accrued liability and valuation assets. Sometimes referred to as "unfunded accrued liability".

**Valuation Assets** - The value of current plan assets recognized for valuation purposes.

November 14, 2013

Mr. Thomas Darling, CPA  
Director of Financial Services  
City of Troy  
500 West Big Beaver Road  
Troy, Michigan 48084

**Re: City of Troy Retiree Health Care Plan Valuation**

Dear Mr. Darling:

Enclosed are 15 copies of our report of the actuarial valuation as of December 31, 2012 of the City of Troy Retiree Health Care Plan.

Respectfully submitted,



Randall J. Dziubek, ASA, EA, MAAA

RJD:bd  
Enclosures

North Star District

November 11, 2013

Great Lakes Council #272

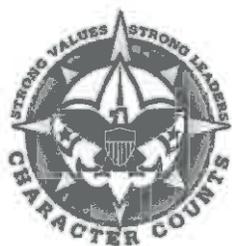
Boy Scouts of America



Troop 1707  
Clawson-Troy Elks #2169  
Troy, MI 48083



Kyle L. G. Newberry  
2072 Stirling  
Troy, MI 48085  
248-879-8294



*On My Honor  
I Will Do My Best*

City of Troy  
500 W. Big Beaver  
Troy, MI 48084

Attn: Steven A. Pallotta, Director of Building Operations

Re: Kyle Newberry Eagle Scout Candidate

Mr. Pallotta,

Thank you for all of your help and support with my Eagle Scout project.

My project consisted of building four new wooden benches which were placed on the Phillip J. Huber Park trails located in Troy and the wood to repair six benches which are located at the City of Troy Tennis bubble, 500 West Big Beaver, Troy, MI.

With the city support of purchasing the nuts and bolts which were needed for my project and I was able to have money to spare. The balance of money which we raised will be donated to City of Troy Park and Recreation programs.

I am enclosing before and after pictures of the benches which were repaired and a picture of the new benches which we built.

My project consisted of over 250 hours of community service, over three construction days including a bottle drive.

Thank You for your support.

Sincerely,

Kyle Newberry  
Eagle Scout Candidate  
Troop 1707 Troy, MI



ROY SCOUTS OF AMERICA

# Eagle Scout Leadership Service Project in progress

Leadership by

Unit **1707**

www.bsa.org



[Name]



**Tennis Bubble Benches wood to be replaced.**

