



December 5, 2005

500 West Big Beaver
Troy, Michigan 48084
www.troymi.gov

Area code (248)

Assessing
524-3311

Bldg. Inspections
524-3344

Bldg. Maintenance
524-3368

City Clerk
524-3316

City Manager
524-3330

Community Affairs
524-1147

Engineering
524-3383

Finance
524-3411

Fire-Administration
524-3419

Human Resources
524-3339

Information Services
619-7279

Law
524-3320

Library
524-3545

Parks & Recreation
524-3484

Planning
524-3364

Police-Administration
524-3443

Public Works
524-3370

Purchasing
524-3338

Real Estate & Development
524-3498

Treasurer
524-3334

General Information
524-3300

Mr. John McCulloch
Oakland County Drain Commissioner
One Public Works Drive, Bldg. 95 West
Waterford, Michigan 48328-1907

Re: Fetterly Drain

Dear Mr. McCulloch:

Since 1998 the City of Troy has consistently and repeatedly rejected all proposals for improvements to the Fetterly Drain that would benefit the developer or development in that area. Please know that the City of Troy speaks not through the Mayor or individual members of Council but through the resolutions of its City Council, who on October 3, 2003 resolved:

That **NO PROPOSAL SHALL BE SUBMITTED** to City Council that includes any payment for land, regional detention, drain improvements, wetland mitigation or easements related to development of the Oak Forest subdivisions.

The Oakland County Drain Commissioner has no authority or funding, except by petition of property owners or by the City of Troy, to construct or require the construction of any improvement to a Chapter 4 Drain upstream of a proposed development, which is not necessary and does not benefit the development. The City of Troy has not made any requirements of the developer to complete off-site improvements to the Fetterly Drain that are not required to support their development. Your staff, through its review of the Fetterly Drain Improvement plan submitted by the developer, did not indicate that any improvements upstream of Oak Forest are necessary, nor will the City of Troy be petitioning for improvements or paying for same.

As for the current expansion of the parking lot at the Kensington Church, the detention basin at the southeast corner of the site is being expanded to accommodate the increased runoff. This basin outlets to a storm sewer at the intersection of Square Lake and John R and does not flow to the Fetterly Drain, nor is this basin serviced by any pumps. The pumps for the church's westerly detention basin are not affected by the church's current expansion and remain in service.

Sincerely yours,

John Szerlag, City Manager

cc: B. Murphy, Asst. City Manager/Services; S. Vandette, City Eng.
J. Garrett, Garrett Associates

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**Oak Forest Subdivisions and Site Condominiums
City Council Time Line**

- 07-09-2001 City Council postpones Tentative Preliminary Plat for Oak Forest Subdivision (Revised) to July 23 meeting.
- 07-23-2001 City Council grants Tentative Preliminary Plat for Oak Forest Subdivision (Revised), subject to the City requesting a MDEQ Wetlands Permit public hearing before continuation of the Final Plan Approval Process.
- 12-03-2001 Memo to City Council (Agenda Item G-14) re: Fetterly Drain & Proposed Oak Forest Subdivisions.
- 12-17-2001 City Council postpones Fetterly Drain & Proposed Oak Forest Subdivisions to date not later than 3-18-02.
- 01-14-2002 Status Report re: Fetterly Drain & Proposed Oak Forest Subdivisions to City Council (Agenda Item G-10)
- 05-06-2002 Memo to City Council (Agenda Item G-18) re: Status of Improvements to the Fetterly Drain for the Oak Forest, Oak Forest South, and Oak Forest North Subdivisions.
- 05-13-2002 Presentation to City Council (Agenda Item A-1) Update on Status of Improvements to the Fetterly Drain for the Oak Forest, Oak Forest South, and Oak Forest North Subdivisions.
- 06-03-2002 Presentation to City Council (Agenda Item A-2) Update on Status of Improvements to the Fetterly Drain for the Oak Forest, Oak Forest South, and Oak Forest North Subdivisions.
- 07-08-2002 City Council grants 1 year extension of Tentative Preliminary Plat for Oak Forest Subdivision (Revised).
- 06-16-2003 City Council grants 1 year extension of Tentative Preliminary Plat for Oak Forest Subdivision (Revised).
- 07-21-2003 Memo to City Council (Agenda Item G-14) re: Oak Forest Subdivision, Fetterly Drain, Regional Detention, and Linear Park Development Status.
- 08-04-2003 City Council resolution that Ladd's Real Estate & Development shall proceed, if desired, with development of Oak Forest Subdivision in accordance with all current state & local legislation and development standards passes.
- 08-18-2003 City Council motion to reconsider previous resolution postponed to Sept. 8, 2003.

09-08-2003 City Council motion to reconsider previous resolution Fails. City Council motion to reject all offers by developers for property owned by the City in Section 11 Fails.

Memo to City Council (Agenda Item G-11) re: Letter from Dale Garrett regarding city owned property.

10-20-2003 City Council approves motion to hire assessor re: property in Section 11

06-07-2004 City Council grants 1 year extension of Tentative Preliminary Plat for Oak Forest Subdivision (Revised).

04-18-2005 City Council approves Preliminary Plan for Oak Forest Site Condominium and Oak Forest South Site Condominium.

F-11 Modified Linear Park and Regional Detention Pond Concept for Oak Forest Subdivisions

Vote on Resolution as Amended

Resolution #2003-10-526

Moved by Lambert

Seconded by Pryor

RESOLVED, That the developer of the Oak Forest subdivisions may **PROCEED** with the selection and hiring of an appraiser; and

RESOLVED, That the City Attorney **PREPARE** a written opinion on all of the attendant legal questions in the proposal prior to Mr. Garrett or the City seeking an appraisal; and

RESOLVED, That both properties be evaluated by the same appraiser; and

BE IT FURTHER RESOLVED, That the appraiser's credentials **SHALL BE SUBMITTED** to the City's Real Estate and Development Department for review and approval prior to proceeding with an appraisal of approximately five (5) acres of City owned property located west of the Fetterly Drain and being the westerly part of Parcel #88-20-11-201-024; and

BE IT FINALLY RESOLVED, That **NO PROPOSAL SHALL BE SUBMITTED** to City Council that includes any payment for land, regional detention, drain improvements, wetland mitigation or easements related to development of the Oak Forest subdivisions.

Yes: Lambert, Pryor, Beltramini, Broomfield

No: Eisenbacher, Howrylak

Absent: Stine

MOTION CARRIED

F-7 Oak Forest Subdivision, Fetterly Drain, Regional Detention and Linear Park Development

Resolution #2003-08-394
Moved by Stine
Seconded by Howrylak

RESOLVED, That Ladd's Real Estate & Development, the developers of the Oak Forest Subdivision, shall **PROCEED** with development, if so desired, in accordance with all current state and local legislation and development standards pertaining to but not limited to wetlands, wetland mitigation or mitigation banking and onsite storm water detention.

Yes: Howrylak, Lambert, Stine, Beltramini
No: Eisenbacher, Pryor
Absent: Broomfield

MOTION CARRIED