

May 16, 2006

TO: John M. Lamerato, Acting City Manager

FROM: Douglas J. Smith, Real Estate & Development Director 

SUBJECT: AGENDA ITEM – Request for Approval of Proposed Quit Claim Deed for Right-of-Way Acquisition & Authorization to Schedule Closing, Consumers Energy Company, Northeast Corner of Coolidge & Wattles – Sidwell #88-20-17-351-029, Project No. 00.109.5 – Wattles East Bound & West Bound Right Turn Lane at Coolidge

As part of the proposed improvements to the Coolidge and Wattles intersection, the Real Estate & Development Department has reached an agreement with Consumers Energy Company to purchase right-of-way on the north side of Wattles, east of Coolidge. The property is zoned R-1B and the compensation is for 9,072 square feet of land.

An appraisal was prepared by Mike Oakes, State Certified Appraiser for Consumers Energy Company and reviewed by Kimberly Harper, Deputy Assessor and State Licensed Appraiser. Staff believes that \$17,600, the compensation agreed upon, is a justifiable value for this acquisition.

In order for the City to proceed with this project, staff requests that City Council approve the proposed Quit Claim Deed in the amount of \$17,600, plus closing costs; and authorize the Real Estate and Development Department to close the transaction with Consumers Energy Company. Funds will come from the Wattles, East Bound and West Bound Right Turn Lane at Coolidge project.

Oakland 132

QUIT-CLAIM DEED

Consumers Energy Company, a Michigan corporation, One Energy Plaza, Jackson, Michigan 49201, Grantor,

for the sum of \$17,600.00, receipt of which Grantor hereby acknowledges,

quit-claims to

The City of Troy, a Michigan municipal corporation, 500 West Big Beaver Road, Troy, Michigan 48084, Grantee,

the following described land in the City of Troy, County of Oakland and State of Michigan:

The South 60.00 feet of the East 336.00 feet of the West 396.00 feet of the Southwest 1/4 of Section 17, T2N, R11E, containing 0.463 acres, more or less.

Excepting and reserving to Grantor, its successors and assigns, forever, an easement to operate, inspect, maintain, replace, improve, enlarge, and remove the existing gas mains running in Northerly-Southerly and Northeasterly-Southwesterly directions in, under, and across the land conveyed, said gas mains being located approximately as indicated in engineering drawings entitled Plans of Proposed 2006 Intersection Improvement Project, by Hubbell, Roth & Clark, Inc., dated February 2006. Grantee, its successors and assigns, shall use the land conveyed in compliance with the specifications set forth in attached Exhibit A.

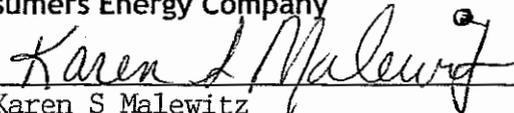
NOTICE UNDER MCL 560.109: This property may be located within the vicinity of farmland or a farm operation. Generally accepted agricultural and management practices which may generate noise, dust, odors and other associated conditions may be used and are protected by the Michigan Right to Farm Act.

STATEMENT PURSUANT TO MCL 560.109(3): Grantor grants to Grantee the right to make zero (0) divisions of the land conveyed under section 108 of the Land Division Act, Act No. 288 of the Public Acts of 1967.

Dated: May 17, 2006

Consumers Energy Company

By:


Karen S Malewitz

APPROVED AS TO FORM



Its General Technical Analyst

Acknowledged before me in Jackson County, Michigan, on May 17, 2006,
by Karen S Malewitz General Technical Analyst of Consumers Energy
Company, a Michigan corporation, for the corporation.


Loretta L Lester Notary Public
Jackson County, Michigan
Acting in Jackson County
My Commission Expires July 30, 2007

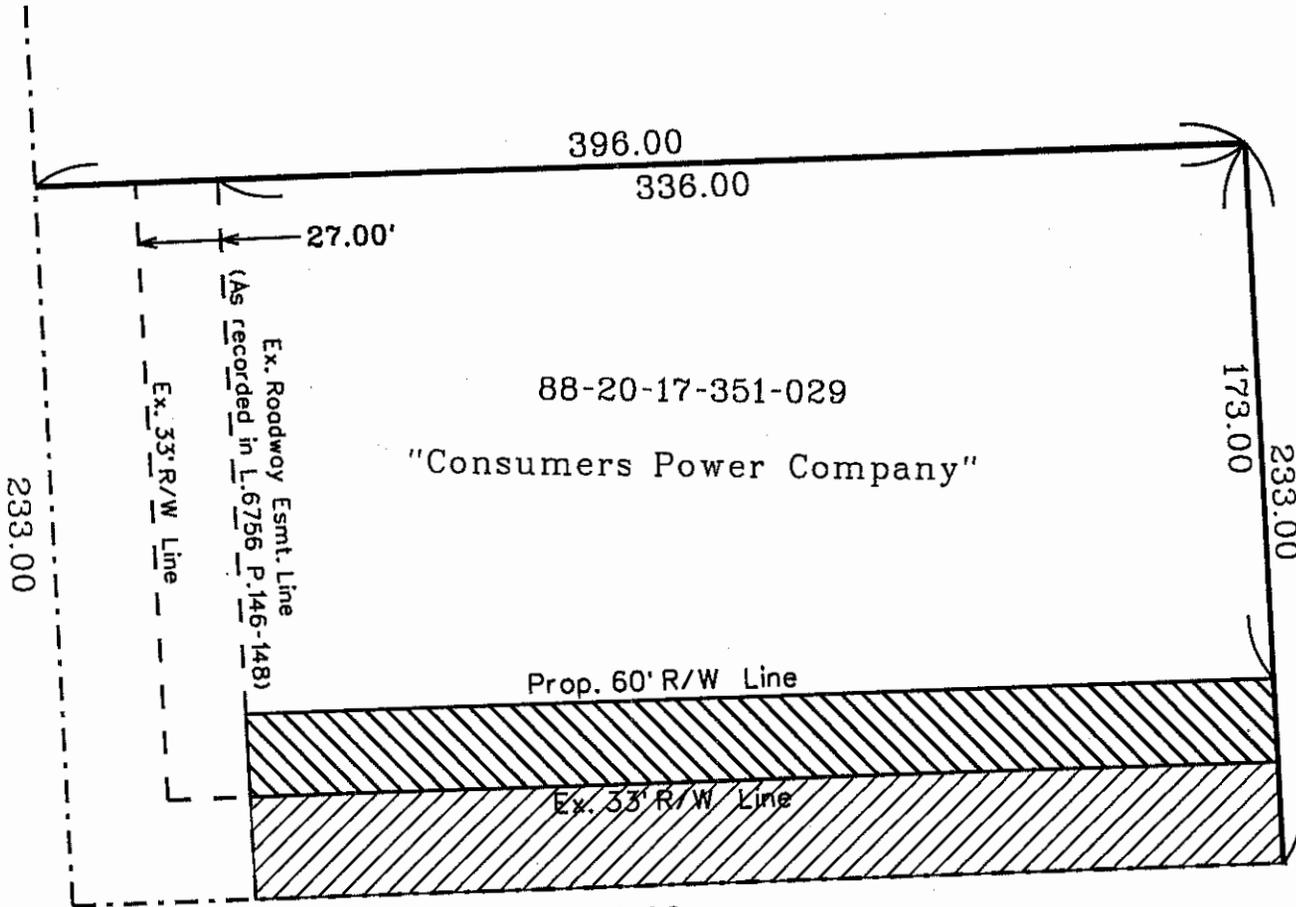
Prepared by:
Kimberly L. Savage (P68267)
Consumers Energy Company
One Energy Plaza
Jackson, Michigan 49201

Return recorded instrument to:
City Clerk, City of Troy
500 West Big Beaver Road
Troy, MI 48084

EXHIBIT A

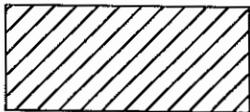
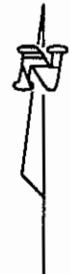
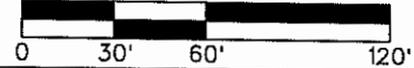
1. No underground utility facilities may be constructed in the land conveyed without Consumers' prior approval. No underground utility facility that parallels the gas mains may be located within 15 feet from the edge of the gas mains. As a condition of approval of any underground utility facility that crosses the gas mains, Consumers may require: a) a minimum clearance of 24 inches between the underground utility facility and the gas mains; b) maintenance of the depth of the underground utility facility across the land conveyed; c) crossing of the gas mains as near as practicable to a 90-degree angle; and d) compliance with such requirements as Consumers' corrosion control engineer (517-788-1195) deems necessary to avoid accelerated corrosion damage to the gas mains.
2. The Utility Communications System (Miss Dig), phone number 800-482-7171, must be contacted prior to any excavation within 33 feet of the gas mains, in accordance with MCL 460.701 et seq.
3. If the gas mains must be exposed, no more than 25 feet of the gas mains may be exposed at any time. Backfilling of the exposed gas mains must be performed in a manner to avoid damage to the pipe coating and to provide firm support for the pipes. Hand labor must be used if necessary to assure full support of the gas mains on compacted fill. Backfill must be placed so that the ground surface, after settlement, will be as near original grade as possible. No large rocks, boulders, clods, or refuse may be used in backfill material. Consumers must approve all backfill operations.
4. Consumers' St. Clair Office shall be contacted at 586-716-3335 at least 5 business days prior to commencing any surveying, excavation, or construction work within the land conveyed.
5. Consumers' access to the gas mains and to its land lying Northerly of the land conveyed must be maintained at all times. Upon completion of road construction or maintenance activities on the land conveyed, Consumers' permanent access drive shall be restored, at no expense to Consumers, as indicated in engineering drawings entitled Plans of Proposed 2006 Intersection Improvement Project, by Hubbell, Roth & Clark, Inc., dated February 2006. Alternate access, acceptable to Consumers, shall be provided if Consumers' permanent access is permanently or temporarily obstructed or blocked.

Coolidge



Wattles

Graphic Scale: 1"=60'



Statutory
33' R/W
11,088 Sq.Ft.



Proposed R/W
Acquisition
9,072 Sq.Ft.

CITY OF TROY
OAKLAND COUNTY, MICHIGAN

Exhibit A

SCALE	DRAWN BY	CHECKED	FILE
HOR. 1"=60'	NAME GJB III	NAME	See Above
VER.	DATE 5-8-06	DATE	VIEW #1
STEVEN J. VANDETTE CITY ENGINEER		SHEET No.	JOB No.
		10F1	

5-9 2006
5-8 2006
DATE REV.

DOCUMENT PREPARED BY
George J. Ballard III
LAND SURVEYOR

CONTRACT No.