



**TO:** Members of Troy City Council  
**FROM:** Lori Grigg Bluhm, City Attorney *LGB*  
**DATE:** April 4, 2014  
**SUBJECT:** Transit Center Property

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The transit center property was initially deeded by Grand Sakwa to the City in 2001 as part of a Consent Judgment, which allowed Grand Sakwa to construct its mixed use Midtown Square development, even though it exceeded what was authorized under Troy's zoning ordinance. The deed contained a reverter provision which required a reversion of the ownership of the transit center property back to Grand Sakwa if the transit center was not funded by June 2, 2010. After June, 2010, Grand Sakwa asked the Court to determine that the property reverted. In May 2011, Oakland County Circuit Court Judge Rae Lee Chabot affirmed the City's legal title to the property. Grand Sakwa appealed, and on May 2, 2013 the Michigan Court of Appeals reversed the Oakland County Circuit Court decision. The Court of Appeals held that the federal government's announcements in January 2010 that the project was selected for a FTA appropriation of \$1,300,000 and in February 2010 that the project was selected for a FRA-HSIPR grant of \$8,600,000 did not satisfy the Consent Judgment's requirement that a transportation center be funded by June 2, 2010. As such, the Court of Appeals ruled that Grand Sakwa was entitled to a reversion of the transit center property. On November 25, 2013, the Michigan Supreme Court decided not to review the issue.

Since there were time limitations on the federal funding, the City was not able to wait to construct the project until after the appellate process was finalized. In the event that the Courts ruled against the City, and ordered that the property reverted to Grand Sakwa, the City had the ability to re-acquire the property through either a voluntary sale or involuntarily through the condemnation process. The costs of this re-acquisition would qualify as part of the federally funded project costs.

Prior to any property sale negotiations, the property needed to be valued by an independent appraiser. The City has now received an appraisal of the property, and is ready to send Grand Sakwa a good faith offer to purchase the property in the amount of the appraised value (\$1,050,000). The attached resolution, prepared by our outside legal counsel Peter Webster of Dickinson Wright, authorizes the City's agents to make such a good faith offer for the transit center parcel at the earliest opportunity. Once the resolution is approved by City Council, then the Mayor and City agents will continue negotiating towards a voluntary sale of the property. However, in the event that the parties cannot quickly reach an agreement, the attached resolution also authorizes initiation of the condemnation process. The parties can continue the negotiations even if a condemnation lawsuit is filed, but the formal process may be used to expedite the City's re-acquisition of the transit center property, so that the Transit Center can be open to the public as soon as possible.

**Resolution No.:**

**Date:**

**CITY OF TROY RESOLUTION**

WHEREAS, the City of Troy is establishing a public transit and transportation center located near the southwesterly corner of Coolidge Highway and Maple Road in the City of Troy (the "Project") and has determined that it is necessary to acquire certain lands and interest in lands for public purposes in conjunction with the Project owned by Grand/Sakwa New Holland, LLC and its successor or successors in interest as the case may be, including but not limited to Grand/Sakwa Properties, LLC, Grand/Sakwa Properties, Inc., and/or Grand Old Property Company, Inc. (hereinafter defined as "Owner").

WHEREAS, the City of Troy has determined that conditions necessitate the acquisition of the land and interests in land owned by the Owner described and depicted in **Exhibit A** consisting of all of the Owner's interest in approximately 2.7 gross acres of land, in the City of Troy, County of Oakland, State of Michigan (the "Transit Parcel" as also described in a certain warranty deed recorded in liber 23097, page 576-577, June 21, 2001, Oakland County Records) and a permanent nonexclusive easement for ingress and egress for the construction, establishment, and operation of the public transit and transportation center on the Transit Parcel over, through and across the main boulevard driveway known as Doyle Drive connecting Coolidge Highway and Maple Road (the "Easement") (the Transit Parcel and Easement are collectively referred to as "the Property") for the Project and the 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 the Owner for the public purpose of the construction, establishment, and operation of the public transit and 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 the City of Troy, in accordance with the provisions of Section 5 of 1980 PA 87, as amended, waives federal and state cost recovery actions against the present owner(s) of the Property, including, but not limited to, actions arising out of a release of hazardous substances at the Property

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 owned by the Owner as described in **Exhibit A** is hereby taken.

INTEREST TAKEN: All of the Owner's interest in Transit Parcel and a permanent nonexclusive easement for ingress and egress for the construction, establishment, and operation of the public transit and transportation center on the Transit Parcel over, through and across the main boulevard driveway known as Doyle Drive

connecting Coolidge Road and Maple Road as more fully described in **Exhibit A**.

**ENTITIES BELIEVED TO HAVE AN INTEREST IN THE PROPERTY:**

Grand/Sakwa New Holland, LLC and its successor or successors in interest as the case may be, including but not limited to Grand/Sakwa Properties, LLC, Grand/Sakwa Properties, Inc., and/or Grand Old Property Company, Inc. and other parties of interest unknown to the City of Troy at this time.

**ESTIMATED JUST COMPENSATION FOR THE PROPERTY:**

**\$1,050,000.00.**

Subject to delinquent taxes, if any and the proration of real property taxes, if any, in accordance with applicable law.

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 and property rights, negotiating to purchase the property and 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 April \_\_, 2014.

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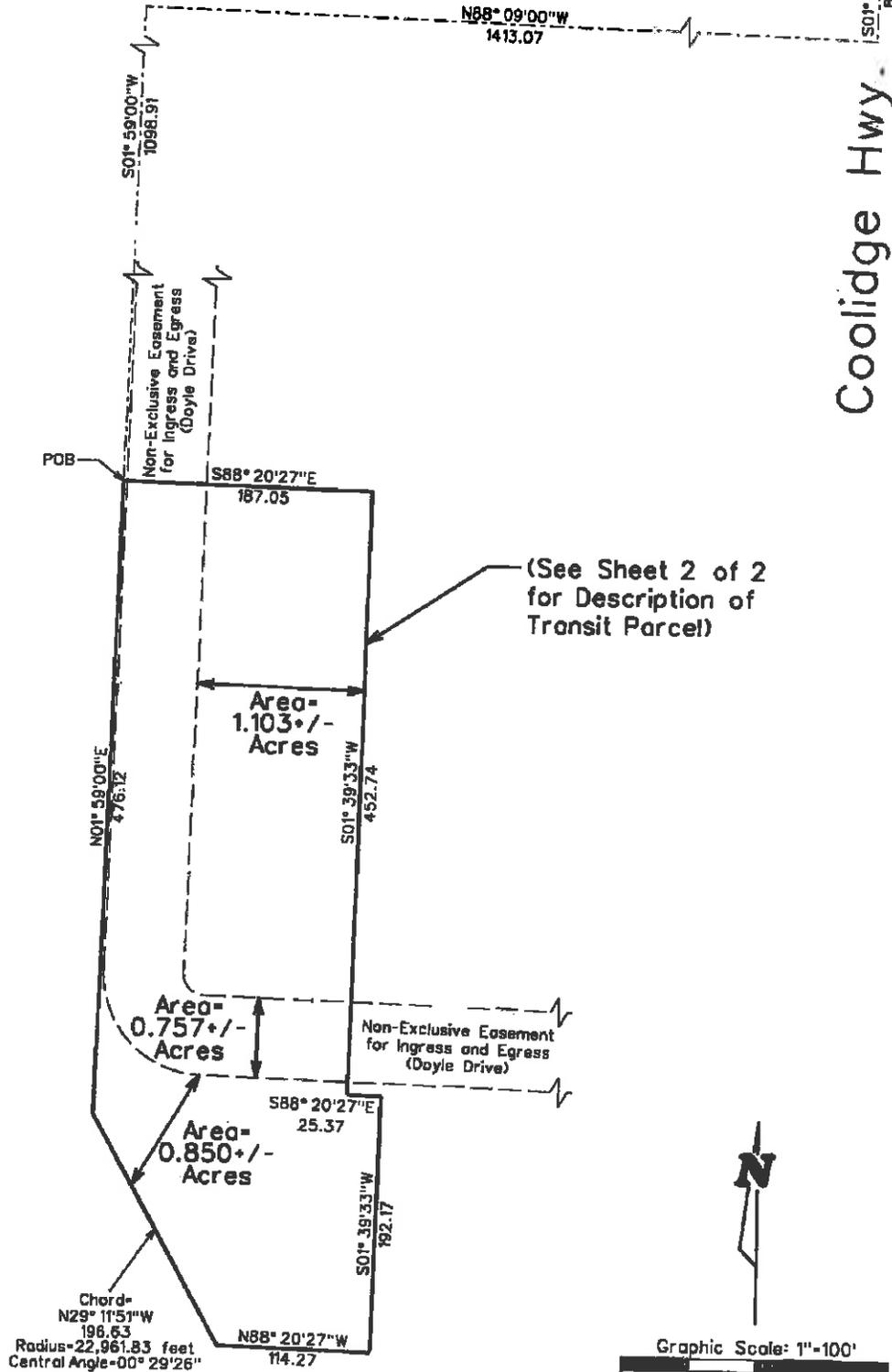
Clerk/Secretary of the City of Troy

BLOOMFIELD 90528-9 1370118v2

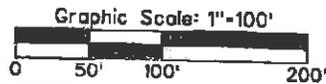
## EXHIBIT A

Maple Rd.

NE Cor.  
Sec. 31  
T2N-R1E



(See Sheet 2 of 2  
for Description of  
Transit Parcel)



**CITY OF TROY**  
OAKLAND COUNTY, MICHIGAN

Visual Depiction of Transit Parcel  
as per Warranty Deed recorded in  
L.23097, P.576-577 (June 21, 2001)

FILE: 88-20-31-226-012.WD.DGN			
SCALE	DRAWN BY	NAME	DATE
HOR. 1"=100'	CHECKED BY	NAME	DATE N/A
VER. 1"=X'	STEVEN J. VANDETTE, P.E.	SHEET NO.	JOB NO.
	CITY ENGINEER	10F2	N/A

Document Prepared By  
George J. Ballard II, P.S.  
Land Surveyor

DATE REV.  
CONTRACT NO.  
N/A

**DESCRIPTION OF TRANSIT PARCEL AS PER WARRANTY DEED RECORDED IN LIBER 23097, PAGES 576-577 (JUNE 21, 2001) AS VISUALLY DEPICTED ON SHEET 1 OF 2:**

PART OF THE NORTHEAST ¼ OF SECTION 31, T2N-R11E, CITY OF TROY, OAKLAND COUNTY, MICHIGAN, DESCRIBED AS BEGINNING AT A POINT DISTANT SOUTH 01 DEGREES 40 MINUTES 27 SECONDS WEST MEASURED 87.00 FEET ALONG THE EAST LINE OF SECTION 31 AND NORTH 88 DEGREES 09 MINUTES 00 SECONDS WEST 1413.07 FEET ALONG THE SOUTH RIGHT-OF-WAY LINE OF MAPLE ROAD AND SOUTH 01 DEGREES 59 MINUTES 00 SECONDS WEST 1098.91 FEET FROM THE NORTHEAST CORNER OF SECTION 31; THENCE FROM SAID POINT OF BEGINNING SOUTH 88 DEGREES 20 MINUTES 27 SECONDS EAST 187.06 FEET; THENCE SOUTH 01 DEGREES 39 MINUTES 33 SECONDS WEST 452.74 FEET; THENCE SOUTH 88 DEGREES 20 MINUTES 27 SECONDS EAST 25.37 FEET; THENCE SOUTH 01 DEGREES 39 MINUTES 33 SECONDS WEST 192.17 FEET; THENCE NORTH 88 DEGREES 20 MINUTES 27 SECONDS WEST 114.27 FEET; THENCE ALONG A NON-TANGENTIAL CURVE TO THE LEFT ALSO BEING THE NORTHEASTERLY RIGHT-OF-WAY LINE OF GRAND TRUNK RAILROAD; RADIUS 22,961.83 FEET, CENTRAL ANGLE OF 00 DEGREES 29 MINUTES 28 SECONDS, AN ARC LENGTH 198.83 FEET; WHOSE CHORD BEARS NORTH 29 DEGREES 11 MINUTES 51 SECONDS WEST, 198.83 FEET; THENCE NORTH 01 DEGREES 59 MINUTES 00 SECONDS EAST 476.12 FEET TO THE POINT OF BEGINNING.

**CERTIFICATION:**

I, hereby certify that I have mapped the above description as visually depicted on Sheet 1 of 2.

George J. Ballard III  
George J. Ballard III, P.S.

4-3-2014  
Date



		<b>CITY OF TROY</b> OAKLAND COUNTY, MICHIGAN			
		Description of Transit Parcel as per Warranty Deed recorded in L.23097, P.576-577 (June 21, 2001)			
		FILE: BB-20-31-225-012 - WD.DGN			
	DATE	REV.	SCALE	DRAWN BY	NAME GJBH DATE 04-01-14
			HDR. 1"=100'	CHECKED BY	NAME DATE N/A
Document Prepared By George J. Ballard III, P.S. Land Surveyor	CONTRACT NO.	VER. 1"=X'	STEVEN J. VANDETTE, P.E. CITY ENGINEER		SHEET NO. JOB NO.
	N/A				20F2 N/A

NE Cor.  
Sec. 31  
T2N-R11E

POB

# Maple Road

"The Village at Midtown Square II"

"The Village at Midtown Square"

"Shopping Center Parcel"

Non-Exclusive Easement  
for Ingress and Egress  
(Doyle Drive)  
(See Sheet 2 of 2  
for Description of  
Easement)

"Transit Parcel"

Coolidge Hwy.



Graphic Scale: 1"=200'



**CITY OF TROY**  
OAKLAND COUNTY, MICHIGAN

VISUAL DEPICTION OF NON-EXCLUSIVE  
EASEMENT FOR INGRESS & EGRESS  
(Zeimet/Wozniak 01-17-2000)

FILE: Transit Center Esmt Checks_07202012.DGN			
SCALE	DRAWN BY	NAME	DATE 04-01-14
HOR. 1"=200'	CHECKED BY	NAME	DATE XX-XX-XX
VER. 1"=X'	STEVEN J. VANDETTE, P.E.	SHEET NO.	JOB NO.
	CITY ENGINEER	10F2	N/A

Document Prepared By  
George J. Ballard II, P.S.  
Land Surveyor

DATE REV.  
CONTRACT NO.  
N/A

**DESCRIPTION OF A NON-EXCLUSIVE EASEMENT FOR INGRESS AND EGRESS (ZEIMET/WOZNAK 01-17-2000)  
AS VISUALLY DEPICTED ON SHEET 1 OF 2:**

PART OF THE N.E. 1/4 OF SECTION 31, T2N-R11E, CITY OF TROY, OAKLAND COUNTY MICHIGAN AND BEGINNING AT A POINT DISTANT NORTH 88 DEGREES 09 MINUTES 00 SECONDS WEST 1412.80 FEET ALONG THE NORTH LINE OF SECTION 31, SAID LINE ALSO BEING THE CENTERLINE OF MAPLE ROAD (87.00 FEET WIDE, 1/2 WIDTH) AND SOUTH 01 DEGREES 59 MINUTES 00 SECONDS WEST 87.00 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF MAPLE ROAD AND ALONG SAID RIGHT-OF-WAY LINE SOUTH 88 DEGREES 08 MINUTES 48 SECONDS EAST 17.05 FEET FROM THE N.E. CORNER OF SAID SECTION 31; THENCE FROM THE POINT OF BEGINNING OF SAID PUBLIC ACCESS EASEMENT SOUTH 88 DEGREES 08 MINUTES 48 SECONDS EAST 85.00 FEET; THENCE SOUTH 01 DEGREES 57 MINUTES 24 SECONDS WEST 255.36 FEET; THENCE SOUTH 01 DEGREES 57 MINUTES 24 SECONDS WEST 186.42 FEET; THENCE 52.98 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS 314.00 FEET, A CENTRAL ANGLE OF 08 DEGREES 40 MINUTES 12 SECONDS, A CHORD LENGTH OF 52.93 FEET, AND A CHORD BEARING OF SOUTH 08 DEGREES 47 MINUTES 28 SECONDS WEST; THENCE SOUTH 11 DEGREES 37 MINUTES 35 SECONDS WEST 187.11 FEET; THENCE 48.25 FEET ALONG THE ARC OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 288.00 FEET, A CENTRAL ANGLE OF 08 DEGREES 39 MINUTES 57 SECONDS, A CHORD LENGTH OF 48.19 FEET AND A CHORD BEARING SOUTH 08 DEGREES 47 MINUTES 37 SECONDS WEST; THENCE SOUTH 01 DEGREES 57 MINUTES 48 SECONDS WEST 739.10 FEET; THENCE 25.22 FEET ALONG THE ARC OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 16.00 FEET, A CENTRAL ANGLE OF 90 DEGREES 19 MINUTES 42 SECONDS, A CHORD LENGTH OF 22.89 FEET AND A CHORD BEARING SOUTH 43 DEGREES 10 MINUTES 36 SECONDS EAST; THENCE SOUTH 88 DEGREES 20 MINUTES 27 SECONDS EAST 383.27 FEET; THENCE 30.94 FEET ALONG THE ARC OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 159.00 FEET; A CENTRAL ANGLE OF 11 DEGREES 08 MINUTES 52 SECONDS, A CHORD LENGTH OF 30.89 FEET AND A CHORD BEARING OF NORTH 88 DEGREES 05 MINUTES 07 SECONDS EAST; THENCE SOUTH 88 DEGREES 20 MINUTES 27 SECONDS EAST 312.48 FEET; THENCE 179.03 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 545.50 FEET, A CENTRAL ANGLE OF 18 DEGREES 48 MINUTES 13 SECONDS, A CHORD LENGTH OF 178.22 FEET, AND A CHORD BEARING OF SOUTH 71 DEGREES 10 MINUTES 32 SECONDS EAST; THENCE SOUTH 01 DEGREES 48 MINUTES 26 SECONDS EAST 105.83 FEET; THENCE 204.48 FEET ALONG THE ARC OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 440.88 FEET, A CENTRAL ANGLE OF 28 DEGREES 34 MINUTES 02 SECONDS, A CHORD LENGTH OF 202.65 FEET, AND A CHORD BEARING OF SOUTH 75 DEGREES 03 MINUTES 28 SECONDS EAST; THENCE SOUTH 88 DEGREES 20 MINUTES 27 SECONDS EAST 73.91 FEET; THENCE ALONG THE WEST RIGHT-OF-WAY LINE OF COOLIDGE ROAD (80.00 FEET WIDE, 1/2 WIDTH), SOUTH 01 DEGREES 39 MINUTES 33 SECONDS WEST 128.35 FEET; THENCE NORTH 81 DEGREES 51 MINUTES 28 SECONDS WEST 13.48 FEET; THENCE NORTH 78 DEGREES 24 MINUTES 33 SECONDS WEST 47.15 FEET; THENCE 282.33 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 1028.12 FEET, A CENTRAL ANGLE OF 14 DEGREES 37 MINUTES 09 SECONDS, A CHORD LENGTH OF 281.82 FEET AND A CHORD BEARING OF NORTH 89 DEGREES 04 MINUTES 59 SECONDS WEST; THENCE NORTH 81 DEGREES 48 MINUTES 28 SECONDS WEST 118.89 FEET; THENCE 215.85 FEET ALONG THE ARC OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 465.50 FEET; A CENTRAL ANGLE OF 28 DEGREES 34 MINUTES 02 SECONDS, A CHORD LENGTH OF 213.92 FEET AND A CHORD BEARING OF NORTH 75 DEGREES 03 MINUTES 28 SECONDS WEST; THENCE NORTH 88 DEGREES 20 MINUTES 27 SECONDS WEST 198.06 FEET; THENCE 35.58 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 153.00 FEET, A CENTRAL ANGLE OF 13 DEGREES 19 MINUTES 41 SECONDS, A CHORD LENGTH OF 35.51 FEET, AND A CHORD BEARING OF NORTH 81 DEGREES 40 MINUTES 36 SECONDS WEST; THENCE NORTH 75 DEGREES 00 MINUTES 48 SECONDS WEST 34.18 FEET; THENCE NORTH 88 DEGREES 20 MINUTES 27 SECONDS WEST 375.01 FEET; THENCE 119.82 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 75.00 FEET, A CENTRAL ANGLE OF 90 DEGREES 19 MINUTES 42 SECONDS, A CHORD LENGTH OF 107.79 FEET AND A CHORD BEARING OF NORTH 43 DEGREES 10 MINUTES 38 SECONDS WEST; THENCE NORTH 01 DEGREES 59 MINUTES 15 SECONDS EAST 891.58 FEET; THENCE NORTH 04 DEGREES 22 MINUTES 17 SECONDS EAST 347.87 FEET; THENCE NORTH 01 DEGREES 57 MINUTES 24 SECONDS EAST 428.98 FEET TO THE POINT OF BEGINNING.

**CERTIFICATION:**

I, hereby certify that I have mapped the above description as visually depicted on Sheet 1 of 2.

George J. Ballard III, P.S.  
George J. Ballard III, P.S.

4-3-2014  
Date



CITY OF TROY OAKLAND COUNTY, MICHIGAN	
DESCRIPTION OF NON-EXCLUSIVE EASEMENT FOR INGRESS & EGRESS (Zeimet/Wozniak 01-17-2000)	
FILE: Transit Center Egmt Checks_07202012.DGN	
SCALE	DRAWN BY
HOR. 1"=200'	CHECKED BY
VER. 1"=X'	NAME
DATE	DATE
04-01-14	XX-XX-XX
SHEET NO.	JOB NO.
20F2	N/A
STEVEN J. VANDETTE, P.E. CITY ENGINEER	

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