



CITY COUNCIL AGENDA ITEM

Date: May 22, 2014

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 Authorization to make Unconditioned Offers to Purchase Property for John R Improvements, Project No. 02.204.5 and a Request for Authorization to Institute Court Action – Parcel #55, Sidwell #88-20-02-228-024

History

In connection with the proposed improvements to John R Road, from Long Lake to Square Lake, and from Square Lake to South Boulevard, the Engineering department is seeking authorization to make an unconditioned offer to the property owners listed below. The property owners were presented with a written offer to purchase right of way and presented with our appraisal and plans for the project.

Discussions with the property owners have not resulted in an agreement to acquire the necessary right-of-way. Staff is requesting these authorizations so that the project can be kept on schedule in the event that agreements cannot be reached. Additionally, the property owners are now represented by legal counsel; therefore, it may be necessary to acquire the property rights by exercising our power of eminent domain as a last resort.

At the time of the original good faith offer, ownership of the property rested with Marjorie E. Thornthwaite and Kathleen L. Mohamed. Subsequently a quit claim deed was recorded with Oakland County Register of Deeds conveying interest in the property to Kathleen L. Behunin and Michael J. Behunin.

Project Overview

This project will reconstruct and widen a two (2) mile stretch of John R Road, Long Lake Road to South Boulevard, to relieve congestion, improve safety and traffic flow. Included in the project are new traffic signals, concrete sidewalks and underground utilities where required.

There were thirty-five (35) parcels within the project limits that required acquisition of right-of-way or full acquisition. There are two outstanding purchase agreements for right-of-way, including this proposed agreement for Parcel #55.

Financial

An appraisal was prepared by Andrew M. Reed, State Certified General Appraiser and reviewed by Kimberly Harper, Deputy Assessor and State Licensed Appraiser.

Federal funds for the design and right-of-way phases have been obligated and used for these purposes. Eighty percent of the costs will be reimbursed from Federal funds.

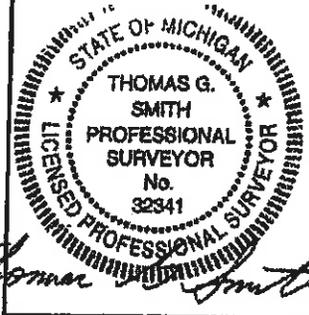
The construction phase is anticipated to start in the winter of 2015/16. The estimated cost of the construction phase is \$19.5 million with a City share of \$3.9 million. Funds for the City of Troy's share are included in the Major Road, Water and Sewer Funds.

PARCEL	SIDWELL	OWNER	TOTAL FEE COMPENSATION
#55	20-02-228-024	Kathleen L. Behunin & Michael J. Behunin	\$33,500

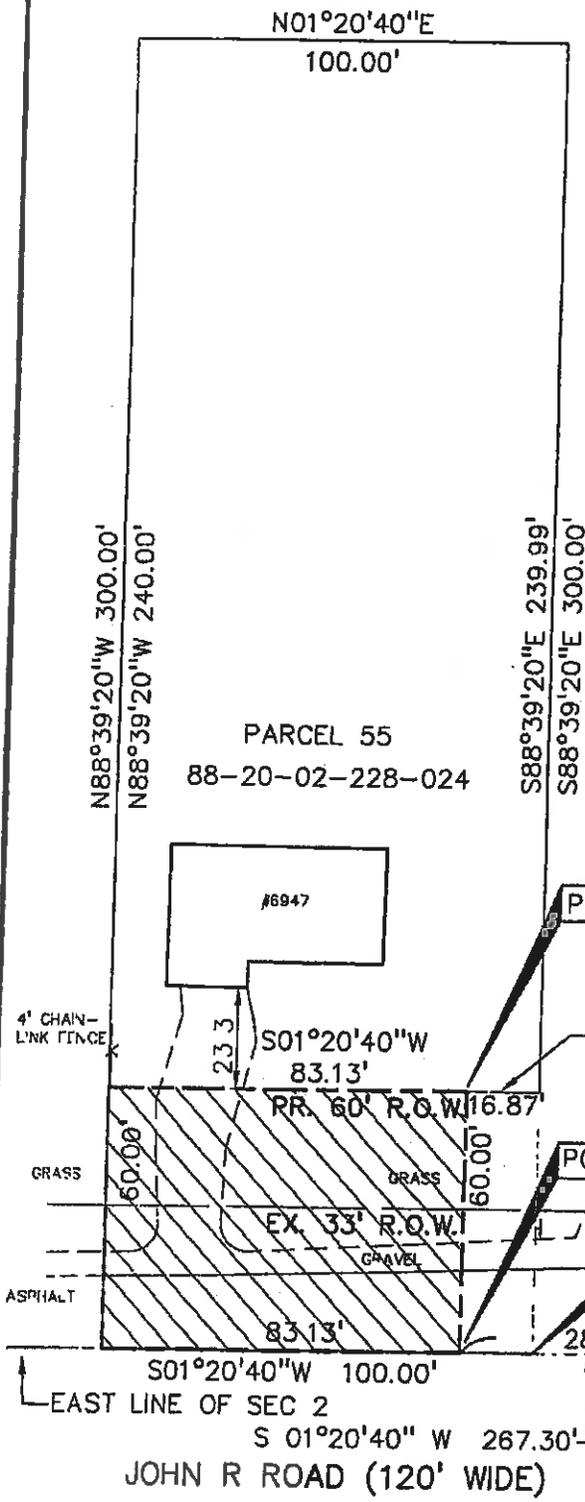
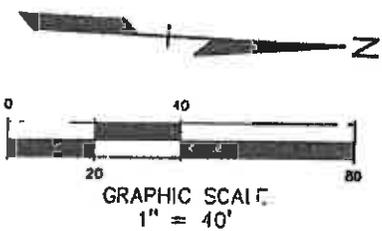
Recommendation

City staff recommends that City Council authorize the unconditioned offers in the amount listed above, plus closing costs. It is also requested that City Council authorize the City Attorney to take whatever action necessary and to expend the needed funds to acquire this right-of-way.

Approved as to Form: _____
Lori Grigg Bluhm, City Attorney



Right-of-Way Acquisition
 Gross Area=4,988 sf; 0.11 AC
 Net Area=2,245 sf; 0.05 AC



POB REMAINDER PARCEL

POB ACQUISITION PARCEL

POB PARENT PARCEL

PARCEL 55

ROW LINE PER RELEASE OF RIGHT OF WAY RECORDED IN L.20, P.212 O.C.R.

GRAVEL

EX. 33' R.O.W.

GRAVEL

NE CORNER SECTION 2 T2N--R11E

JOHN R ROAD (120' WIDE)

ORCHARD, HILTZ & McCLIMENT, INC
 34000 Plymouth Road
 Livonia, MI 48150 (734)522-6711

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

6947 John R
 Right-of-Way
 Acquisition Sketch

SCALE:	DRAWN BY	CHECK BY	FILE
1" = 40'	JRV	GWC	P55-SEC2 ROW
	1-27-06	2-17-06	

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

STEVEN J. VANDETTE
 CITY ENGINEER

Document Prepared by
 Professional Engineering
 Associates, Inc

3-06	2
3-06	1
DATE	REV.

ESQUIMONTO



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.