

CITY COUNCIL ACTION REPORT

March 27, 2007

TO: Phillip L. Nelson, City Manager

FROM: Brian P. Murphy, Assistant City Manager/Economic Development Services
Steven J. Vandette, City Engineer
Patricia A. Petitto, Real Estate Consultant, Greenstar & Associates, LLC

SUBJECT: Request for Acceptance of Regrading and Temporary Construction Permit, John R Road Improvements, Square Lake Road to South Boulevard – Project No. 02.204.5 – Parcel #56 – Sidwell #88-20-02-228-023 – Gladys J. Brewer Revocable Living Trust

Background:

- In connection with the proposed improvements to John R Road, from Square Lake Road to South Boulevard, the Real Estate & Development Department received a Regrading and Temporary Construction Permit from Robert C. Brewer, as attorney in fact for the Gladys J. Brewer Revocable Living Trust dated April 29, 1993. This parcel is located on the west side of John R Road, between Chancery and South Boulevard in the northeast $\frac{1}{4}$ of Section 2.

Financial Considerations:

- A market study was prepared by Andrew Reed, State Certified Appraiser and reviewed by Kimberly Harper, Deputy Assessor and State Licensed Appraiser, and Larysa Figol, Limited Real Estate Appraiser. Staff believes that \$500, for the acquisition of this permit is a justifiable amount.
- Eighty percent of the costs for this project will be reimbursed from Federal funds. Funds for the City of Troy's share are included in the 2006-07 Major Road fund, account number 401479.7989.022045.

Legal Considerations:

- The format and content of the permit are consistent with documents previously accepted by City Council.

Policy Considerations:

- The purpose of this project is to relieve congestion, improve safety and improve the flow of traffic. (Goals I and V)

Options:

- City Management recommends that City Council accept the attached Regrading and Temporary Construction Permit from Robert C. Brewer, as attorney in fact for the Gladys J. Brewer Revocable Living Trust so that the City can proceed with the acquisition of this right-of-way.

REGRAIDING AND TEMPORARY CONSTRUCTION PERMIT

Sidwell # 88-20-02-228-023
Parcel # 56

Robert C. Brewer, a single man, as Attorney in Fact (POA unrecorded) for Gladys J. Brewer, Trustee of the Gladys J. Brewer Revocable Living Trust dated 4/29/93, and Gladys J. Brewer, a single woman, Grantor(s), whose address is 6955 John R., Troy, MI 48085, for and in consideration of Five Hundred and no/100 Dollars (\$500.00) paid by the CITY OF TROY, a Michigan Municipal Corporation, hereinafter called the CITY, whose address is 500 West Big Beaver Road, Troy, Michigan, hereby grants to the CITY, during the construction of and for a period of six (6) Months after completion of John R Road Improvements, from Square Lake Road to South Boulevard (City of Troy Project No. 02.204.5)*, the right to move men, equipment, and materials on and through, and to store equipment, materials, and excavated matter on the following described property, located in the City of Troy, to-wit:

SEE ATTACHED EXHIBIT "A" FOR PARENT PARCEL LEGAL DESCRIPTION AND DESCRIPTION OF PERMIT AREA

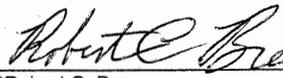
IN FURTHER CONSIDERATION, the premises so disturbed by reason of the exercise of any of the foregoing powers, shall be reasonably restored to its original condition by the City.

*It is anticipated that construction funding will be available in the 2010 calendar year. However, if construction is delayed this document will be effective during the actual construction year(s) and for a period of six (6) Months after completion of this project.

This instrument shall be binding upon and inure to the benefit of the parties hereto, their heirs, representative, successors, and assigns and the covenants contained herein shall run with the land.

IN WITNESS WHEREOF, the undersigned hereunto affixed his signatures(s) this 21st day of MARCH, 2007.

ROBERT C. BREWER, A SINGLE MAN, AS ATTORNEY IN FACT (POA unrecorded) FOR GLADYS J. BREWER REVOCABLE LIVING TRUST DATED 4/29/93 AND FOR GLADYS J. BREWER A SINGLE WOMAN

 (L.S.)
*Robert C. Brewer

STATE OF MICHIGAN
COUNTY OF OAKLAND

The foregoing instrument was acknowledged before me this 21st day of MARCH 2007, by Robert C. Brewer, a single man, as Attorney in Fact (POA unrecorded) for Gladys J. Brewer, Trustee of the Gladys J. Brewer Revocable Living Trust dated 4/29/93 and Gladys J. Brewer, a single woman, to me known to be the same person(s) described in and who executed the within instrument, and who then acknowledged the same to be their free act and deed.



Notary Public, OAKLAND, County, Michigan

Acting in OAKLAND County, Michigan

My Commission Expires 12-31-11

Prepared by: Patricia A. Petitto
500 West Big Beaver
Troy, MI 48084

Return to: City Clerk, City of Troy
500 West Big Beaver Road
Troy, Michigan 48084

Exhibit "A"

Section 2, John R Widening Project
Parcel: 88-20-02-228-023
Parcel #56

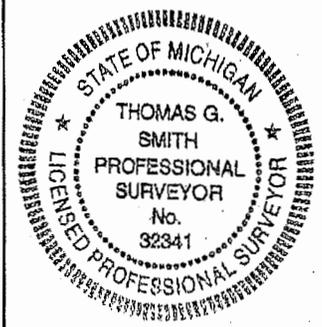
PARENT PARCEL #56 DESCRIPTION:

T2N, R11E, SEC 2, CITY OF TROY, OAKLAND COUNTY, MICHIGAN, DESCRIBED AS PART OF EAST 1/2 OF NORTHEAST 1/4: BEGINNING AT POINT ON EAST SECTION LINE DISTANT S 01°20'40" W 187.30 FT FROM NORTHEAST SECTION CORNER, THENCE S 01°20'40" W 80 FT, THENCE N 88°39'20" W 300 FT, THENCE N 01°20'40" E 80 FT, THENCE S 88°39'20" E 300 FT TO BEGINNING. CONTAINING 0.55 ACRES

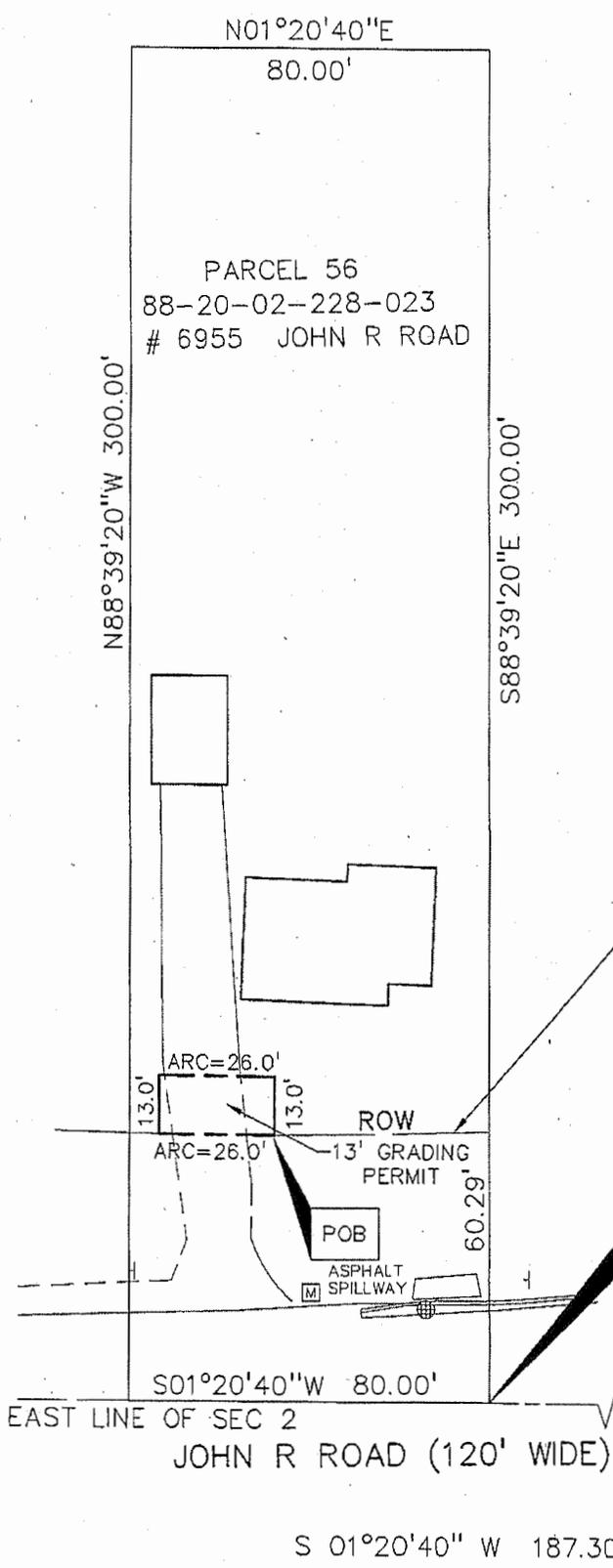
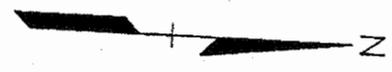
PARCEL #88-20-02-228-023

13' WIDE GRADING PERMIT:

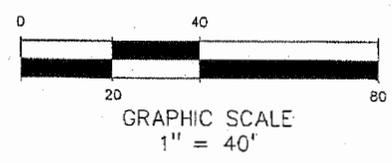
A 13 FT WIDE GRADING PERMIT OVER PARCEL 88-20-02-228-023, COMMENCING AT THE NORTHEAST CORNER OF SECTION 2, T.2 N., R.11 E, CITY OF TROY, OAKLAND COUNTY, MICHIGAN, THENCE S 01°20'40" W 187.30 FT, THENCE N 88°39'20" W 60.29' TO THE WEST RIGHT-OF-WAY LINE OF JOHN R ROAD, AS DESCRIBED IN L. 20, P.212 O.C.R., THENCE 47.30 FT ALONG A CURVE TO THE RIGHT AND THE WEST RIGHT-OF-WAY OF JOHN R ROAD (RADIUS 1372.7', CHORD CALCULATED AS S 00°06'27" W 47.29 FT) TO THE POINT OF BEGINNING, THENCE CONTINUING 26.00 FT SOUTH ALONG THE ARC OF SAID CURVE AND THE WEST RIGHT-OF-WAY OF JOHN R ROAD, THENCE N 88°39'20" W 13.00 FT, THENCE 26.00 FT NORTH ALONG A CURVE TO THE LEFT, PARALLEL TO AND 13 FT WEST OF THE WEST RIGHT-OF-WAY LINE OF JOHN R ROAD, THENCE S 88°39'20" E 13.00 FT TO THE POINT OF BEGINNING.



Thomas G. Smith



ARC=47.30'
RADIUS=1372.7'
CHD BRG S00°06'27"W (CALCULATED)
CHD=47.29'



POB PARENT PARCEL

NE CORNER
SECTION 2
T2N-R11E

PARCEL 56

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

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

6955 John R
Grading Permit
Sketch

SCALE:	DRAWN BY:	CHECK BY:	FILE
1" = 40'	JRY	GWG	228-023 GRD
	2-10-06	3-17-06	
CONTRACT No.		SHEET No.	JOB No.
STEVEN J. VANDETTE		1 of 2	2002-234
CITY ENGINEER			

Document Prepared by
Professional Engineering
Associates, Inc.

DATE	REV.