



CITY COUNCIL AGENDA ITEM

Date: January 19, 2015

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 to Accept an Offer to Purchase a City Owned Remnant Parcel on Maple Road, Section 34 - Sidwell #88-20-34-201-003

History

The City of Troy owns a remnant parcel of land located on the south side of Maple Road, west of Rochester. The City acquired this property in 1977 for a Maple Road reconstruction project. The City previously attempted to sell this parcel, but received no bids.

The parcel is approximately 6,190 square feet in size and is an unbuildable remnant zoned IB-Integrated Industrial Business District.

At its April 7, 2014 meeting, City Council approved the sale of this parcel without obtaining a sealed bid (Resolution #2014-04-047). The City owned parcel abuts three parcels. Engineering staff contacted the abutting property owners informing them that the property was available for purchase.

Financial

R.S. Thomas and Associates, an appraisal firm contracted by the City, determined a market value of \$6,200.00. Staff notified the adjacent property owners that the City owned property was available to purchase. The property owner to the west and south declined any interest in acquiring the property.

The owner to the east, John Ivko Bogdanovic has made an offer to purchase the City owned parcel for the amount of \$6,300.00. Mr. Bogdanovic purchased the property to the east two years ago, and would like to combine the two parcels.

Recommendation

City Management recommends that City Council accept the attached offer to purchase City owned property from John Ivko Bogdanovic for the amount of \$6,300.00.

Remnant Parcel: 88-20-34-201-003



Parcel H Notes

0.14 acres

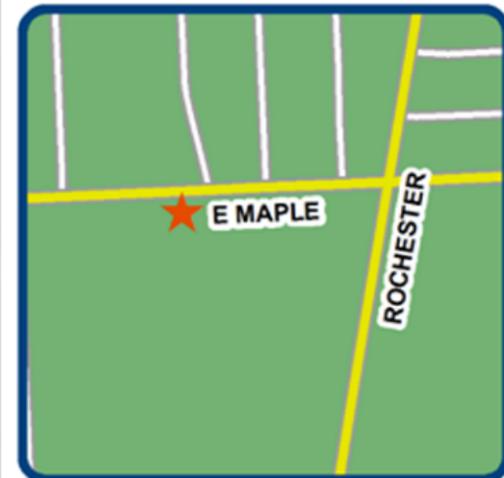
Transportation

Assemblage
Required

Proceeds Pro-rated

Zoning

Integrated Industrial
Business District
(IB)



OFFER TO PURCHASE
CITY OF TROY
REAL ESTATE

1. THE UNDERSIGNED, Ivko John Bogdanovic, whose address is 626 E. Maple Rd, Troy, MI 48068 hereby offers and agrees to purchase from the City of Troy the following land situated in the City of Troy, Oakland County, Michigan, described as follows:

Part of the Northeast ¼ of Section 34, Town 2 North, Range 11 East, City of Troy, Oakland County, Michigan. Being described as:

Beginning at a point distant East 370.00 feet from the North 1/4 Corner of said section; thence East 75.00 feet; thence South 05 degrees 42 minutes 00 seconds West, 142.85 feet; thence West 75.00 feet; thence North 05 degrees 42 minutes 00 seconds East 142.85 feet to the point of beginning, except the North 60.00 being used for road purposes. Containing 0.14 Acres, more or less and being subject to all easements and matters of record.

Sidwell # 88-20-34-201-003

and to pay therefore the sum of Six Thousand Three Hundred ~~Thousand~~ Dollars (\$ 6,300) subject to the existing building and use restrictions, easements, zoning ordinances, and other deed restrictions and conditions as specified herein.

THE SALE TO BE CONSUMMATED BY:

- Delivery of the usual warranty deed conveying a marketable title. Payment of purchase money is to be made in cash or certified check made payable to the City of Troy.
2. As evidence of title, Seller agrees to furnish Purchaser as soon as possible a Commitment for Title Insurance for information purposes. Purchase of Title Insurance shall be the option of the Purchaser at Purchaser's expense.
 3. If this offer is accepted by the Seller and if title can be conveyed in the condition required hereunder, the Purchaser agrees to complete the sale within 30 days after delivery of the commitment of title insurance.
 4. If objection to the title is made in the Commitment for Title Insurance or based upon a written opinion of Purchaser's attorney after examination of the Abstract that the title is not in the condition required for performance hereunder, the Seller shall have 30 days from the date he is notified in writing of the particular defects claimed either (1) to fulfill the requirements in said commitment or to remedy the title defects set forth in said attorney's opinion or (2) to refund the deposit in full termination of this agreement or if unable to furnish satisfactory title. If the Seller is able to comply with such requirements or remedy such defects within the time specified as evidenced by written notification, revised commitment or endorsement to commitment, the Purchaser agrees to complete the sale within 10 days of receipt thereof. If the

Seller is unable to furnish satisfactory title within the time specified, the deposit shall be refunded forthwith in full termination of this agreement.

5. Purchaser understands and agrees that although the property being conveyed may at the time of conveyance be tax exempt, that upon acceptance of this offer to purchase the property will be placed on the tax assessor's roll.
6. The covenants herein shall bind and inure to the benefit of the heirs, executors, administrators, successors and assigns of the respective parties.
7. By the execution of this instrument the Purchaser acknowledges THAT HE HAS EXAMINED THE ABOVE DESCRIBED PREMISES and is satisfied with the physical condition of structures and/or land thereon.
8. The closing of this sale shall take place at the offices of the City of Troy unless otherwise agreed.
9. Purchaser agrees to comply with Troy City Council Resolution #2007-01-028, a copy of which is attached, and understands that this sale is contingent upon City Council approval.
10. Deed Restrictions and Subsequent Conditions:

11. Additional Conditions:

IN THE PRESENCE OF:

Purchaser

Jane Kausons

John P. Pughanovic L.S.

Stan J. Van Lette

Date 1-15-15 Phone 248-379-2483 Address 51 CHOPIN

IN THE PRESENCE OF:

Seller - City of Troy

Stan J. Van Lette
Jane Kausons

Russ J. L. L.S.

Date _____ Phone _____ Address _____

WARRANTY DEED

Sidwell: Parts of 88-20-34-201-003
Resolution # 2015-01-

The Grantor(s), **CITY OF TROY**, a Michigan municipal corporation, whose address is 500 West Big Beaver Road, Troy, MI 48084 convey(s) and warrant(s) to **John Ivko Bogdanovic**, Grantee, whose address is 51 Chopin, Troy, MI 48083, the following described premises situated in the City of Troy, County of Oakland and State of Michigan:

Part of the Northeast ¼ of Section 34, Town 2 North, Range 11 East, City of Troy, Oakland County, Michigan.
Being described as:

Beginning at a point distant East 370.00 feet from the North 1/4 Corner of said section; thence East 75.00 feet; thence South 05 degrees 42 minutes 00 seconds West, 142.85 feet; thence West 75.00 feet; thence North 05 degrees 42 minutes 00 seconds East 142.85 feet to the point of beginning, except the North 60.00 being used for road purposes. Containing 0.14 Acres, more or less and being subject to all easements and matters of record.

Commonly known as 598 East Maple, Troy, MI 48083

For the sum of Six Thousand, Three Hundred and 00/100 Dollars (\$6,300.00)
Exempt under MCL 207.505(h)(i) and MCL 207.526 (h)(i)

subject to building and use restrictions and easements of record

Dated this _____ day of January, 2015.

CITY OF TROY
a Michigan municipal corporation

*Dane M. Slater, Mayor

*M. Aileen Bittner, City Clerk

STATE OF MICHIGAN)
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this _____ day of January, 2015, by Dane M. Slater, Mayor, and M. Aileen Bittner, City Clerk, of the City of Troy, a Michigan Municipal corporation, on behalf of the corporation.

Notary Public, _____ County, MI
My commission expires: _____
Acting in _____ County, MI

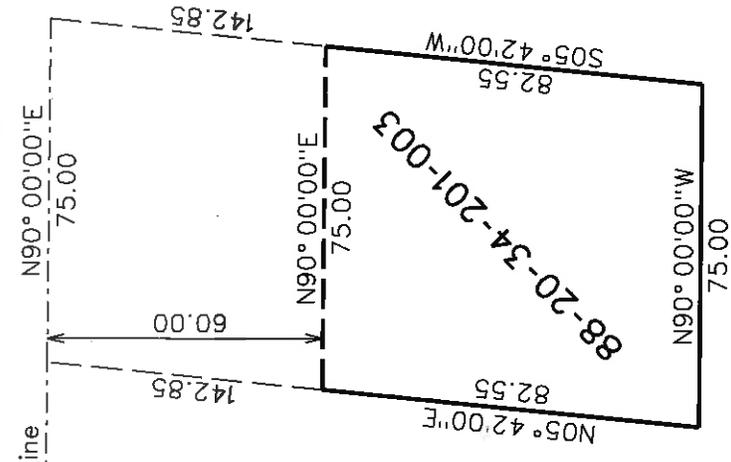
County Treasurer's Certificate		City Treasurer's Certificate	
When recorded return to: City Clerk City of Troy 500 West Big Beaver Troy, MI 48084	Send subsequent tax bills to: Grantee	Drafted by: Larysa Figol, SR/WA City of Troy 500 West Big Beaver Troy, MI 48084	

Exempt under MCL 207.505(h)(i) & MCL 207.526 (h)(i)

Tax Parcel # 88-20-34-201-003 Recording Fee _____ Transfer Tax _____

*TYPE OR PRINT NAMES UNDER SIGNATURE

#598 E. Maple Rd.



N90° 00' 00" E
370.00

North 1/4 Cor.
Section 34
T2N-R11E



CITY OF TROY OAKLAND COUNTY, MICHIGAN	
Exhibit of #598 E. Maple Rd. Remnant Parcel H 88-20-34-201-003	
FILE: 88-20-34-201-003-Parcel H.DGN	
SCALE	DRAWN BY NAME GJB/III DATE 07-30-14
HOR. 1"=40'	CHECKED BY NAME DATE XX-XX-XX
VER. 1"=X'	SHEET NO. JOB NO.
STEVEN J. VANDETTE, P.E.	10F2 N/A
CITY ENGINEER	

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

DATE	REV.
CONTRACT NO.	
N/A	

Vote on Resolution to Amend Disposal/Sale of Excess Property as Amended

Resolution #2007-01-028

Moved by Stine

Seconded by Lambert

WHEREAS, The City Council of the City of Troy endeavors to attain the highest and best land use, effective growth control measures and to enhance the health, safety and welfare of the community; and

WHEREAS, Chapter 12 of the Troy City Charter requires that..."in all sales or purchases in excess of \$10,000, (a) the sales or purchases shall be approved by the City Council, (b) sealed bids shall be obtained, except where the City Council shall determine that an emergency exists or that the public interest will be best served without obtaining sealed bids...";

THEREFORE, BE IT RESOLVED, That the City Council of the City of Troy **MAY DETERMINE** that the public interest will best be served without obtaining sealed bids for the sale of remnant parcels which remain after required right-of-way or excess property is taken when a purchase agreement is offered to the City of Troy by a prospective buyer which:

1. Has submitted evidence of ownership or control of an assembly of adjoining land of sufficient size so as to achieve what is believed to be the best possible development as determined by the City Council after review and recommendation from the City Manager.
2. Has submitted a conceptual site plan, which has been drawn to sufficient detail to indicate any and all features such as setbacks, parking and access, storm water detention and building height, which are governed by codes of the City of Troy.
3. Is accompanied by a petition for rezoning, if necessary, in compliance with the Master Land Use Plan of the City of Troy as being the most appropriate land use.
4. Commits the prospective buyer to a purchase price of at least a value established by an appraiser named by the Real Estate and Development Department of the City of Troy.
5. During the site plan review, site plan is accompanied by architectural renderings of all buildings along with a description of building materials to permit evaluation by building quality.
6. Is accompanied by a draft of proposed deed restrictions prepared by the City of Troy which will be imposed upon the purchaser of the City-owned property.
7. Nothing in this resolution relieves the Purchaser/Developer of their obligation to adhere to any and all City Ordinances and development standards.

BE IT FURTHER RESOLVED, That staff will **PROVIDE** an analysis of the zoning and **PRESENT** the remnant parcel(s) to the Parks and Recreation Advisory Committee to review for possible use as parks prior to Council action on the offer to purchase; and

BE IT FURTHER RESOLVED, That if it is most probable that a rezoning will be requested, that an appraisal based on that subsequent rezoning also be submitted; and

BE IT FINALLY RESOLVED, That the City Council **RETAINS** discretionary authority to determine the applicability of this policy.

Yes: All-7