

CITY COUNCIL ACTION REPORT

July 26, 2007

TO: Phillip L. Nelson, City Manager

FROM: Brian P. Murphy, Assistant City Manager/Services
 Steven J. Vandette, City Engineer *SV*
 Larysa Figol, Right-of-Way Representative *LF*

SUBJECT: Request For Compensation for a Permanent Easement for Sanitary Sewer and Temporary Construction and Grading Permit – Amina R. Haque Revocable Trust, Section 6, Sidwell #88-20-06-328-008

Background:

- In connection with the City's ongoing efforts to provide sanitary sewer service to the residents of Charnwood Hills in Section 6, the Real Estate Department has received a Permanent Easement for Sanitary Sewer and a Temporary Construction and Grading Permit from property owner Amina R. Haque, Trustee of the Amina R. Haque Revocable Trust, having Sidwell #88-20-06-328-008.
- This sewer connection will begin at Beach Road and extend to Anslow Court, providing immediate service to the properties located on Anslow Court.
- Council previously accepted the permanent easement and authorized payment for both the easement and temporary construction and grading permit (Resolution #2007-07-206-E-8). While the compensation amounts were stated correctly on the documents, the resolution misstated the total compensatory amount as \$7,810.00. The actual amount for both easement and permit should be in the amount of \$8,310.00

Financial Considerations:

- An appraisal was prepared by Kimberly Harper Deputy Assessor and State Licensed Appraiser, and Larysa Figol, Right of Way Representative and Limited Real Estate Appraiser. Staff believes that corrected amount of \$8,310.00, plus closing costs for the permanent easement and temporary construction and grading permit is a justifiable amount for this acquisition.
- Funds are included in the Sanitary Sewer Fund, project no: 535.7973.04403.

Legal Considerations:

- The format and content of this easement is consistent with easements previously accepted by City Council.
- The format and content of the permit is consistent with easements previously accepted by City Council

Policy Considerations:

- The dedication of easements is required as part of the development process. (Goal I & V)

Options:

- City Management recommends that City Council approved the corrected compensation in the amount of \$8,310.00, plus closing costs, for the attached easement for sanitary sewer and temporary construction and grading permit.

PERMANENT EASEMENT

Sidwell #88-20-06-328-008
Resolution #

AMINA R. HAQUE, as Trustee of the Amina R. Haque Revocable Trust Agreement dated June 2, 1995, whose address is 1643 Rulane Drive, Lapeer, MI 48446 for and in consideration of the sum of: Five Thousand, Five Hundred and no/100 Dollar (\$5,500.00) paid by the CITY OF TROY, a Michigan Municipal Corporation, Grantee, whose address is 500 West Big Beaver Road, Troy, Michigan, grants to the Grantee the right to traverse or use for sanitary sewer, said easement for land situated in the City of Troy, Oakland County, Michigan described as:

SEE EXHIBIT "A" ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF

and to enter upon sufficient land adjacent to said improvement(s) for the purpose of the construction, operation, maintenance, repair and/or replacement thereof.

The premises so disturbed by the exercise of any of the foregoing powers shall be reasonably restored to its original condition by the Grantee.

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

IN WITNESS WHEREOF, the undersigned hereunto affixed 1 signature(s) this 12th day of June 2007.

Amina R. Haque Revocable Trust Agreement dated
June 2, 1995

By Amina Haque (L.S.)
*Amina R. Haque, Trustee

STATE OF MICHIGAN)
COUNTY OF Lapeer)

The foregoing instrument was acknowledged before me this 12th day of June, 2007, by AMINA R. HAQUE, as Trustee of the Amina R. Haque Revocable Trust Agreement dated June 2, 1995

Deborah A. Day
Notary Public, Lapeer County, Michigan
Acting in Lapeer County, Michigan
My Commission Expires 08/13/2013

Prepared by: Larysa Figol
City of Troy
500 W. Big Beaver Road
Troy, MI 48084

Return to:

DEBORAH A. DAY NOTARY PUBLIC - MICHIGAN CITY OF TROY LAPEER COUNTY MICHIGAN MY COMMISSION EXPIRES AUG. 9, 2013 Troy, MI 48084

Tuesday, January 30, 2007

Section 6, 20' Wide Permanent Sanitary Sewer Easement

Parcel: 88-20-06-328-008

Owner: Unknown

Address: 6305 Anslow

Description of Easement: (Created from County Tax Records)

Part of the West 1/2 of Section 6, Town 2 North, Range 11 East, City of Troy, Oakland County, Michigan. Being more particularly described as:

The North 20.00 feet of Lot 96 of "Charnwood Hills No. 2", as recorded in Liber 73, Pages 21-22, of Oakland County, Michigan records.

Except, the easterly part of Lot 96, measuring 200.00 feet along the north lot line and 225.00 feet along the south lot line. Containing 4,294 Square Feet or 0.099 Acres more or less.

20.00'

20.00'

213.58'

ANSLOW

88-20-06-328-008

Part of Lot 96

#6305

1st. Flr. El: 866.51

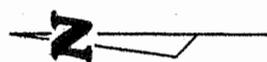


Permanent Sanitary Sewer Easement Area=4,294 Sq.Ft.



Temporary Construction Grading Permit Area=4,390 Sq.Ft.

Graphic Scale: 1"=30'



CITY OF TROY OAKLAND COUNTY, MICHIGAN		Proposed Sanitary Sewer Easement Sketch	
SCALE	DRAWN BY	CHECKED	FILE
HOR. 1"=30'	NAME GJB III		See Above
VER.	DATE 01-30-07	DATE	VIEW #1
STEVEN J. VANDETTTE CITY ENGINEER		SHEET No.	JOB No.
		10F1	

05-09	Dimensions	
07	REV.	
DATE	CONTRACT No.	

DOCUMENT PREPARED BY
George J. Ballard III
LAND SURVEYOR

Sidwell #88-20-06-328-008

TEMPORARY CONSTRUCTION AND GRADING PERMIT

KNOWN ALL MEN BY THESE PRESENTS, that AMINA R. HAQUE, as Trustee of the Amina R. Haque Revocable Trust Agreement dated June 2, 1995, whose address is 1643 Rulane Drive, Lapeer, MI 48446; for and in consideration of Two Thousand Eight Hundred and Ten and no/cents (\$2,810.00) paid by the CITY OF TROY paid by the CITY OF TROY, a Michigan Municipal Corporation, hereinafter called the CITY, whose address is 500 West Big Beaver Road, Troy, Michigan, do hereby grant to the CITY the right to move men, equipment, and materials on and through, and to store equipment, materials, and excavated matter on the following described grading permit, located in the City of Troy, to-wit:

SEE EXHIBIT "A" ATTACHED HERETO & BY REFERENCE MADE A PART HEREOF

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

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 1 signatures(s) this 12th day of June, 2007.

AMINA R. HAQUE Revocable Trust Agreement dated June 2, 1995

Amina Haque (L.S.)
* Amina R. Haque, Trustee

STATE OF MICHIGAN)
COUNTY OF Lapeer)

The foregoing instrument was acknowledged before me this 12th day of June, 2007, by AMINA R. HAQUE, as Trustee of the Amina R. Haque Revocable Trust Agreement dated June 2, 1995

Deborah A. Day
Notary Public, Lapeer County, Michigan
My Commission Expires 08/04/2013
Acting in Lapeer County, Michigan

(Individual)

Prepared by:
Larysa Figol, City of Troy
500 West Big Beaver
Troy, MI 48084

Return to:
DEBORAH A. DAY
City Clerk, City of Troy
500 West Big Beaver Road
Troy, Michigan 48064
NOTARY PUBLIC - MICHIGAN
LAPEER COUNTY
MY COMMISSION EXPIRES AUG. 4, 2013

Tuesday, January 30, 2007

Section 6, 20' Wide Temporary Construction Grading Permit

Parcel: 88-20-06-328-008

Owner: Unknown

Address: 6305 Anslow

Description of Permit: (Created from County Tax Records)

Part of the West 1/2 of Section 6, Town 2 North, Range 11 East, City of Troy, Oakland County, Michigan. Being more particularly described as:
The South 20.00 feet of the North 40.00 feet of Lot 96 of "Charnwood Hills No. 2", as recorded in Liber 73, Pages 21-22, of Oakland County, Michigan records. Except, the easterly part of Lot 96, measuring 200.00 feet along the north lot line and 225.00 feet along the south lot line. Containing 4,390 Square Feet or 0.101 Acres more or less.