



CITY COUNCIL ACTION REPORT

November 26, 2007

TO: Phillip L. Nelson, City Manager

FROM: Brian Murphy, Assistant City Manager/Economic Development Services
John Lamerato, Assistant City Manager/Finance
Steven J. Vandette, City Engineer *SV*
Larysa Figol, Right of Way Representative *LF*

SUBJECT: Request for Approval of the Sale of City-Owned Surplus Parcel to Tepel Land LLC,
Section 26 – Sidwell #88-20-26-477-042

Background:

- The Real Estate Department has received a request to purchase a vacant parcel of land owned by the City of Troy, located in Section 26, west of John R on Woodslee.
- Jim Tepel, owner of Tepel Land, LLC and Tepel Brothers Printing Company, an abutting property and business owner, would like to purchase this land to expand their parking needs. The property is currently zoned M-1, consistent with the surrounding properties.
- The City acquired this property in August 2002 as part of a tax foreclosure sale in the amount of \$5,347.71.
- There was a house on the site which was in great disrepair and the City building department demolished the house for reasons of blight.
- This property was one of several properties offered to the public as part of a bid process. Notification of the sale was sent to all surrounding property owners. No bids were received to purchase this property.
- The Parks and Recreation Advisory Board has reviewed 1930 Woodslee and found little value as a possible park site, and have recommended sale of the parcel.

Financial Considerations:

- A summary appraisal of the property was prepared dated October 27, 2007 showing estimated market value of \$18,400.
- A Purchase Offer was received by the Real Estate Department, signed by Jim Tepel on behalf of Tepel Land, LLC, in the amount of \$18,400.

Legal Considerations:

- City Council can approve sales of a Surplus City Owned Remnant parcel per Res#2007-01-028

Policy Considerations:

- This item is consistent with City Council Goal III to retain and attract investment while encourage redevelopment.
- Additionally, the property will be put back on the tax roll bringing in additional funds. (Goal III)

Options:

- Management recommends that City Council approve the sale of the property in the amount of \$18,400.00, and approve any necessary closing cost.

OFFER TO PURCHASE
CITY OF TROY REAL ESTATE

1. THE UNDERSIGNED, Tepel Land, LLC, a Michigan limited liability company hereby offers and agrees to purchase from the City of Troy, a Michigan municipal corporation the following land situated in the City of Troy, Oakland County, Michigan, described as follows:

Lots 359 and 360, except the north 5 feet taken for road, JOHN R
GARDEN SUBDIVISION, according to the plat thereof as recorded in
Liber 31, page 8 of Plats, Oakland County Records.
Sidwell #88-20-26-477-042

and to pay therefore the sum of Eighteen Thousand Four Hundred and no/Dollars (\$18,400.00) subject to the existing building and use restrictions, easements, zoning ordinances, and other deed restrictions and conditions as specified herein.

The sale is to be consummated by the delivery of a 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. When the Seller accepts this offer 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, and that upon acceptance of this offer to purchase the property will be placed on the tax assessor's roll.

L.S.

Date: _____

PURCHASER'S RECEIPT OF ACCEPTED OFFER

The Purchaser hereby acknowledges the receipt of the Seller's signed acceptance of the foregoing offer to purchase.

Purchaser

L.S

L.S.

Date _____

ATTACHMENT "A"
CITY OF TROY PROPERTY SALE
DEED RESTRICTION

- A. Construction shall take place only as indicated on the site plan including the number of Units, as submitted to and approved by the Building Department and Planning Department of the City of Troy and all construction shall conform to all codes of the City of Troy. Purchaser shall complete the fee purchase of other parcels, which comprise the full site, if any.
- B. The purchaser shall construct or pay for the construction of any and all improvements to public facilities or private improvements as required by ordinances or design standards of the City of Troy
- C. All buildings shall be constructed as indicated on the architectural rendering as submitted to and approved by the Troy Planning Department and Building Department; no other alteration, addition or deletion shall occur.
- D. The Purchaser shall combine this parcel description with adjacent properties owned or controlled by Purchaser on City tax records.
- E. These deed restrictions and the full purchase agreement shall be recorded with and as part of the deed at the Oakland County Register of Deeds.
- F. The Purchaser agrees upon closing this transaction that all restrictions and conditions shall bind and inure to Purchaser, heirs, executors, administrators, successors and assigns, and that they will reimburse to the City all costs incurred by the City in the future, including court and attorney fees, in order for the City to gain compliance with this agreement and the stated restrictions.

Larysa Figol

Subject: FW: Are you interested in doing a quick sale of property on Woodslee

From: Patti L Holland
Sent: Thursday, August 23, 2007 10:00 AM
To: Larysa Figol
Subject: FW: Are you interested in doing a quick sale of property on Woodslee

-----Original Message-----

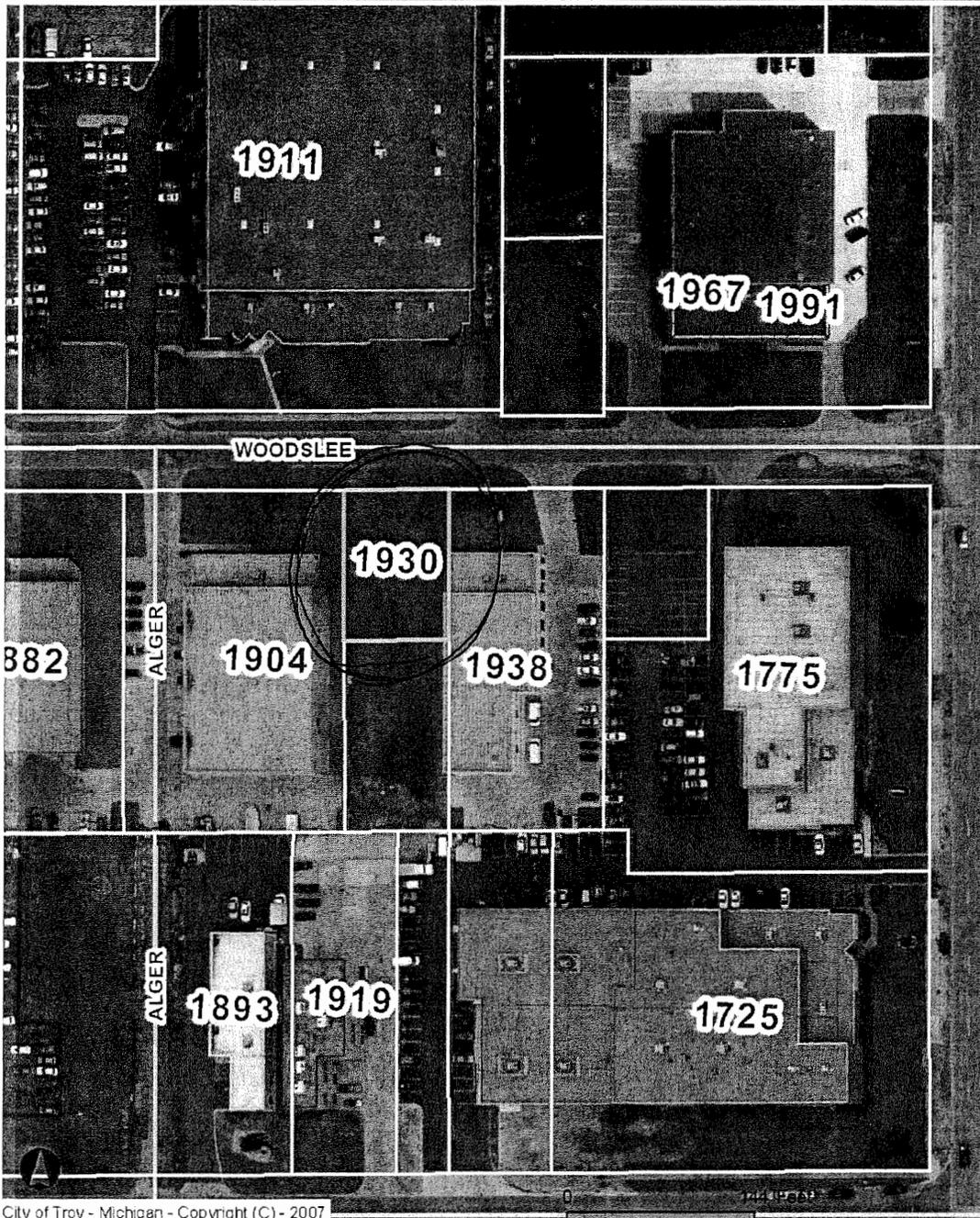
From: Jim Tepel [mailto:jtepel@tepelbrothers.com]
Sent: Thursday, August 23, 2007 9:59 AM
To: Patti L Holland
Subject: Are you interested in doing a quick sale of property on Woodslee

We are in the process of doing additional parking lot to our building at 1725 John R. I own 80% of the lot on Woodslee (375 & 376) the city of Troy owns access to Woodslee with all the set back property and a very small amount of the actual buildable property. I believe the property numbers are 360 and 359 See enclosed map. The property the city owns is really unsalable for any buildable situation out side of us using it for additional 10 parking spaces. We are currently working on our new parking lot and it was suggested that we really should get with the city for the remnant that you have. I would need a answer right away if this is possible. Last time I worked with the city on acquiring property it took two years.

Jim Tepel
Tepel Brothers Printing Co.
Direct 248-786-0330
<http://www.tepelbrothers.com>

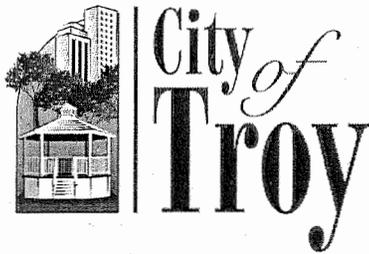
PLEASE NOTE - All City of Troy email suffixes have changed

Update all contact information by replacing
@ci.troy.mi.us
with
@troymi.gov



City of Troy - Michigan - Copyright (C) - 2007

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.



CITY COUNCIL REPORT

November 2, 2007

TO: Phillip L. Nelson, City Manager

FROM: John M. Lamerato, Assistant City Manager/Finance and Administration
Carol K. Anderson, Parks and Recreation Director

SUBJECT: Parks and Recreation Advisory Board Action

At the November 1, 2007 meeting of the Parks and Recreation Advisory Board the following action was taken:

Resolution #PR-2007-11-17

Moved by: Fejes
Seconded by: Zikakis

RESOLVED, That the Parks and Recreation Advisory Board has reviewed 1930 Woodslee and found little value as a possible park site, therefore be it resolved that the Parks and Recreation Advisory Board recommends sale of the parcel.

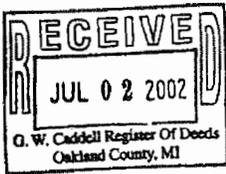
Yes: All
No: None
MOTION Carried

Resolution #PR-2007-11-18

Moved by: Fejes
Seconded by: Zikakis

RESOLVED, That the Parks and Recreation Advisory Board has reviewed vacant parcel 88-20-26-429-045 and found little value as a possible park site, therefore be it resolved that the Parks and Recreation Advisory Board recommends sale of the parcel.

Yes: Fejes, Redpath, Zikakis, Krent, and Noce.
No: Kaltsounis
MOTION CARRIED



160R26007PG160

283474
LISEE 26007 PAGE 160
\$1.00 DEED - COMBINED
\$2.00 REINDEMENTATION
07/02/2002 09:36:08 A.M. RECEIPT# 54533
PAGE RECORDED - OAKLAND COUNTY
G. WILLIAM CADDELL - CLERK/REGISTER OF DEEDS

DEED PURSUANT TO ACT 123 OF 1999

The grantor, C. Hugh Dohany, Oakland County Treasurer, whose address is 1200 N. Telegraph Road, Building 12E, Dept. 479, Pontiac, Michigan 48341, conveys in fee simple interest to

City of Troy

whose address is: **500 West Big Beaver Road
Troy, MI 48084-5285**

the following described premises situated in the **City of Troy**
County of Oakland and State of Michigan.

LOTS 359 & 360, JOHN R GARDEN SUB

31008

11/2
3
dy
Troy

Commonly Known As: **1930 WOODSLEE**
Parcel Number: **(88) 20-26-477-042**

for the sum of: **\$5,347.71**

subject to easements and building restrictions of record and those enumerated special assessments and liens set forth in MCL 211.78k(4)(c), as amended.

This transfer is exempt pursuant to MCL 207.505(h)(I) and MCL 207.526(h)(I)

Dated: **July 1, 2002**

C. Hugh Dohany
Oakland County Treasurer

State of Michigan
County of Oakland

The foregoing instrument was acknowledged before me on **July 1, 2002**
By C. Hugh Dohany, Oakland County Treasurer.

O.K. - KB

Lisa M. Johnson
Notary Public Oakland County, Michigan
My Commission expires: November 6, 2005

Instrument drafted by:
Chief - Tax Administration
Oakland County Treasurer's Office
1200 N. Telegraph Road, Bldg. 12E Dept. 479
Pontiac, MI 48341

When recorded return to: Grantee
Send subsequent tax bills to: Grantee

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