



# TROY CITY COUNCIL

## REGULAR MEETING

### AGENDA

**OCTOBER 12, 2015**  
CONVENING AT 7:30 P.M.

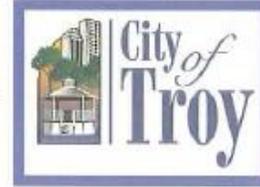
**Submitted By**  
**The City Manager**

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***NOTICE: Persons with disabilities needing accommodations for effective participation in this meeting should contact the City Clerk at (248) 524-3316 or via e-mail at [clerk@troymt.gov](mailto:clerk@troymt.gov) at least two working days in advance of the meeting. An attempt will be made to make reasonable accommodations.***

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TO: The Honorable Mayor and City Council  
Troy, Michigan

FROM: Brian Kischnick, City Manager

SUBJECT: Background Information and Reports

Ladies and Gentlemen:

This booklet provides a summary of the many reports, communications and recommendations that accompany your agenda. Also included are suggested or requested resolutions and/or ordinances for your consideration and possible adoption.

Supporting materials transmitted with this Agenda have been prepared by department directors and staff members. I am indebted to them for their efforts to provide insight and professional advice for your consideration.

As always, we are happy to provide such added information as your deliberations may require.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "B. Kischnick".

Brian Kischnick, City Manager



# TROY CITY COUNCIL

## VISION STATEMENT AND GOALS

Adopted: Monday, February 7, 2011

### **VISION:**

To honor the legacy of the past and build a strong, vibrant future and be an attractive place to live, work, and grow a business.

### **GOALS:**

#### **Provide a safe, clean, and livable city**

- Practice good stewardship of infrastructure
- Maintain high quality professional community oriented police and fire protection
- Conserve resources in an environmentally responsible manner
- Encourage development toward a walkable, livable community

#### **Provide effective and efficient local government**

- Demonstrate excellence in community services
- Maintain fiscally sustainable government
- Attract and support a committed and innovative workforce
- Develop and maintain efficiencies with internal and external partners
- Conduct city business and engage in public policy formation in a clear and transparent manner

#### **Build a sense of community**

- Communicate internally and externally in a timely and accurate manner
- Develop platforms for transparent, deliberative and meaningful community conversations
- Involve all stakeholders in communication and engagement activities
- Encourage volunteerism and new methods for community involvement
- Implement the connectedness of community outlines in the Master Plan 2008

#### **Attract and retain business investment**

- Clearly articulate an economic development plan
- Create an inclusive, entrepreneurial culture internally and externally
- Clarify, reduce and streamline investment hurdles
- Consistently enhance the synergy between existing businesses and growing economic sectors
- Market the advantages of living and working in Troy through partnerships

2015/2016

# TOP 10 STRATEGIES

*Adopted by City Council 3/9/2015*

**'Why'**

We believe a strong community embraces diversity, promotes innovation, and encourages collaboration. We strive to lead by example within the region. We do this because we want everyone to choose Troy as their community for life. We believe in doing government the best.

1

Improve and invest in our assets, both people and infrastructure

Define our organizational culture

2

3

Consistently tell our story

Create a sense of place

4

5

Embrace a sustainable Library

Implement a Trails and Pathways Plan and increase walkability

6

7

Maintain strong Public Safety

Improve interaction online and in-person

8

9

Modernize wayfinding opportunities

Celebrate diversity

10



**CITY COUNCIL  
AGENDA**  
October 12, 2015 – 7:30 PM  
Council Chambers  
City Hall - 500 West Big Beaver  
Troy, Michigan 48084  
(248) 524-3317

**INVOCATION: Pastor Brian Wood from Woodside Bible Church** **1**

**PLEDGE OF ALLEGIANCE:** **1**

**A. CALL TO ORDER:** **1**

**B. ROLL CALL:** **1**

**C. CERTIFICATES OF RECOGNITION AND SPECIAL PRESENTATIONS:** **1**

C-1 Proclamation for Eli's of Troy – 45 Years in Business (*Presented by: Mayor Dane Slater*) **1**

C-2 Troy Community Coalition Programs Update (*Introduced by: Gary Mayer, Chief of Police, and Presented by: Nancy Morrison, Troy Community Coalition*) **1**

C-3 Crime Stats (*Presented by: Gary Mayer, Chief of Police, and Ben Nelms, Crime Data Analyst*) **1**

C-4 Proclamation for Tree City USA / Arbor Day Presented to Mike Potyok, City Forester (*Presented by: Mayor Dane Slater*) **1**

**D. CARRYOVER ITEMS:** **1**

D-1 No Carryover Items **1**

**E. PUBLIC HEARINGS:** **2**

E-1 No Public Hearings **2**

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<b><u>K.</u></b>	<b><u>MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:</u></b>	<b>10</b>
K-1	Announcement of Public Hearings:	10
	a) October 26, 2015 – Street Vacation Request (SV 190) – Alley Between Vermont and Birchwood, Abutting Parcels #88-20-27-353-001, 002, 003, 004, 005, 006, 007, 008 and 029 on the West and Parcels #88-20-27-353-012 and 021 on the East, Section 27, Currently Zoned MR (Maple Road) and R-1E (One Family Residential) Districts (Abutting Properties).....	10
K-2	Memorandums (Items submitted to City Council that may require consideration at some future point in time): None Submitted	10
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<b><u>M.</u></b>	<b><u>CITY COUNCIL/CITY ADMINISTRATION RESPONSE/REPLY TO PUBLIC COMMENT:</u></b>	<b>10</b>
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	a) 2015 Third Quarter Litigation Report .....	11
	b) Notification from Oakland Community College Regarding Two Companies in Troy Approved for Funding Through the Michigan New Jobs Training (MNJT) Program.....	11
	c) 2015 Employee Wellness Fair Summary .....	11
P-3	Letters of Appreciation:	11

a)	To the Employees of the City of Troy from Fire Chief Bill Nelson Regarding His Retirement Gifts and Support.....	11
b)	To Mayor Dane Slater from Sue McCormick, Great Lakes Water Authority Regarding Support for the Great Lakes Water Authority.....	11
c)	To Chief Gary Mayer from John Talamo, VP Loss Prevention at LBrands, Regarding Officer Assistance .....	11
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**INVOCATION: Pastor Brian Wood from Woodside Bible Church**

**PLEDGE OF ALLEGIANCE:**

**A. CALL TO ORDER:**

**B. ROLL CALL:**

- a) Mayor Dane Slater  
Jim Campbell  
Steve Gottlieb  
Dave Henderson  
Ellen Hodorek  
Ed Pennington  
Doug Tietz

- b) Excuse Absent Council Members:

Suggested Resolution

Resolution #2015-10-

Moved by

Seconded by

RESOLVED, That Troy City Council hereby **EXCUSES** the absence of \_\_\_\_\_ at the Regular City Council Meeting of October 12, 2015, due to \_\_\_\_\_.

Yes:

No:

**C. CERTIFICATES OF RECOGNITION AND SPECIAL PRESENTATIONS:**

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**C-1** Proclamation for Eli’s of Troy – 45 Years in Business (*Presented by: Mayor Dane Slater*)

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**C-2** Troy Community Coalition Programs Update (*Introduced by: Gary Mayer, Chief of Police, and Presented by: Nancy Morrison, Troy Community Coalition*)

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**C-3** Crime Stats (*Presented by: Gary Mayer, Chief of Police, and Ben Nelms, Crime Data Analyst*)

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**C-4** Proclamation for Tree City USA / Arbor Day Presented to Mike Potyok, City Forester (*Presented by: Mayor Dane Slater*)

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**D. CARRYOVER ITEMS:**

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**D-1** No Carryover Items

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**E. PUBLIC HEARINGS:****E-1 No Public Hearings****F. PUBLIC COMMENT FOR ITEMS ON THE AGENDA FROM TROY RESIDENTS AND BUSINESSES:****In accordance with the Rules of Procedure for the City Council, Article 17 – Members of the Public and Visitors:**

Any person not a member of the City Council may address the Council with recognition of the Chair, after clearly stating the nature of his/her inquiry or comment. *City Council requests that if you do have a question or concern, to bring it to the attention of the appropriate department(s) whenever possible. If you feel that the matter has not been resolved satisfactorily, you are encouraged to bring it to the attention of the City Manager, and if still not resolved satisfactorily, to the Mayor and Council.*

- Petitioners shall be given a fifteen (15) minute presentation time that may be extended with the majority consent of City Council.
- Any member of the public, not a petitioner of an item, shall be allowed to speak for up to three (3) minutes to address any Public Hearing item.
- Any Troy resident or Troy business representative, not a petitioner of an item, shall be allowed to speak for up to three (3) minutes total to address Postponed, Regular Business, Consent Agenda or Study items or any other item on the Agenda as permitted under the Open Meetings Act during the *Public Comment for Items On the Agenda from Troy Residents and Businesses* portion of the Agenda.
- Any Troy resident or Troy business representative, not a petitioner of an item, shall be allowed to speak for up to three (3) minutes to address any topic not on the Agenda as permitted under the Open Meetings Act during the *Public Comment for Items Not on the Agenda from Troy Residents and Businesses* portion of the Agenda.
- Any member of the public who is not a Troy resident or Troy business representative shall be allowed to speak for up to three (3) minutes to address any topic on or not on the Agenda as permitted under the Open Meetings Act during the *Comments for Items On or Not On the Agenda from Members of the Public Outside of Troy (Not Residents of Troy and Not From Troy Businesses)* portion of the Agenda.
- All members of the public who wish to address the Council at a meeting shall be allowed to speak only if they have signed up to speak within thirty minutes before or within fifteen minutes after the meeting's start time. Signing up to speak requires each speaker provide his or her name and residency status (Troy resident, non-resident, or Troy business owner). If the speaker is addressing an Item (or Items) that appear on the pre-printed agenda, then the speaker shall also identify each such agenda item number(s) to be addressed.
- City Council may waive the requirements of this section by a majority vote of the City Council members.
- Agenda items that are related to topics where there is significant public input anticipated should initiate the scheduling of a Special meeting for that specific purpose.

The following has been approved by Troy City Council as a statement of the rules of decorum for City Council meetings. The Mayor will also provide a verbal notification of these rules prior to Public Comment:

*The audience should be aware that all comments are to be directed to the Council rather than to City Administration or the audience. Anyone who wishes to address the Council is required to sign up to speak within thirty minutes before or within fifteen minutes of the start of the meeting. There are three Public Comment portions of the Agenda. For Items On the Agenda, Troy Residents and Business Owners can sign up to address Postponed, Regular Business, Consent Agenda, or Study items or any other item on the Agenda. Troy Residents and Business Owners can sign up to address all other topics under Items Not on the Agenda. All Speakers who do not live in Troy or own a Troy business may sign up to speak during the Comments on Items On and Not On the Agenda from Members of the Public Outside of Troy. Also, there is a timer on the City Council table in front of the Mayor that turns yellow when there is one minute of speaker time remaining, and turns red when the speaker's time is up. In order to make the meeting more orderly and out of respect, please do not clap during the meeting, and please do not use expletives or make derogatory or disparaging comments about any one person or group. If you do so, then there may be immediate consequences, including having the microphone turned off, being asked to leave the meeting, and/or the deletion of speaker comments for any re-broadcast of the meeting. Speakers should also be careful to avoid saying anything that would subject them to civil liability, such as slander and defamation.*

*Please avoid these consequences and voluntarily assist us in maintaining the decorum befitting this great City.*

**G. CITY COUNCIL/CITY ADMINISTRATION RESPONSE/REPLY TO PUBLIC COMMENT:**

**H. POSTPONED ITEMS:**

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**H-1 No Postponed Items**

**I. REGULAR BUSINESS:**

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**I-1 Board and Committee Appointments: a) Mayoral Appointments – None; b) City Council Appointments – None**

**a) Mayoral Appointments: None**

**b) City Council Appointments: None**

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**I-2 Board and Committee Nominations: a) Mayoral Nominations – Brownfield Redevelopment Authority; b) City Council Nominations – Animal Control Appeal Board, Charter Revision Committee, Employee Retirement System Board of Trustees / Retiree Health Care Benefits Plan & Trust, Personnel Board**

**a) Mayoral Nominations:**

Suggested Resolution

Resolution #2015-10-

Moved by

Seconded by

RESOLVED, That the Mayor of the City of Troy hereby **FORWARDS** the following nominated person(s) to serve on the Boards and Committees as indicated to the next Regular City Council Meeting for action:

**Brownfield Redevelopment Authority**

Appointed by Mayor  
7 Regular Members  
3 Year Term

**Current Members:**

Last Name	First Name	App Res Expire	Appointment Expire	Notes 2	Notes 3
Dziurman	Theodore	5/7/2017	4/30/2015	BCBA exp 1/1/2020	NO Reappointment
Kerwin	Mary	1/16/2017	4/30/2017		
Kornacki	Rosemary	12/12/2015	4/30/2017		
Swartz	Robert D.	12/16/2017	4/30/2017		
Vacancy			4/30/2016	Bruce Wilberding's unexpired term.	
Vassallo	Joseph J.	5/7/2017	4/30/2018		

**Nominations to the Brownfield Redevelopment Authority:**

**Unexpired Term Expiring: 4/30/2016**

Term currently held by: Vacancy–Bruce Wilberding resigned 4/11/2014

**Interested Applicants:**

Last Name	First Name	App Resume Expire	Notes 1
Brennan	Michael T.	9/17/2015	

Yes:

No:

**b) City Council Nominations:**

**Suggested Resolution**

Resolution #2015-10-

Moved by

Seconded by

RESOLVED, That Troy City Council hereby **FORWARDS** the following nominated person(s) to serve on the Boards and Committees as indicated to the next Regular City Council Meeting for action:

**Animal Control Appeal Board**

Appointed by Council  
5 Regular Members  
3 Year Term

**Current Members:**

Last Name	First Name	App Res Expire	Appointment Expire	Notes 2	Notes 3
Carolan	Patrick	6/17/2015	9/30/2016		
Knight	P. Terry	1/15/2016	9/30/2017	(Deceased)	
Petrulis	Al	6/16/2017	9/30/2015	ACAB exp 9/30/2015; Traffic Comm exp 1/31/2017	Requests Reappointment
Saeger	Jayne	10/15/2016	9/30/2017		
Waters	Gretchen	10/3/2013	9/30/2015		

**Nominations to the Animal Control Appeal Board:**

**Unexpired Term Expiring: 9/30/2017**

Term currently held by: P. Terry Knight (Deceased)

**Interested Applicants:**

Last Name	First Name	App Resume Expire	Notes 1
Floch	Patrick	11/18/2016	

**Charter Revision Committee**

Appointed by Council  
7 Regular Members  
3 Year Term

**Current Members:**

Last Name	First Name	App Res Expire	Appointment Expire	Notes 1
Berk	Robert	2/27/2015	4/30/2016	
Bernardi	Maryann	11/18/2013	4/30/2015	NO Reappointment
Bliss	Daniel	11/16/2013	4/30/2015	NO Reappointment
Howrylak	Frank	2/1/2014	4/30/2017	
Kanoza	Shirley	2/21/2015	4/30/2016	
Weisgerber	William	11/17/2013	4/30/2015	NO Reappointment
Wilsher	Cynthia	2/27/2016	4/30/2017	

**Nominations to the Charter Revision Committee:**

**Term Expires: 4/30/2018**

Term currently held by: Maryann Bernardi

**Term Expires: 4/30/2018**

Term currently held by: Daniel Bliss

**Term Expires: 4/30/2018**

Term currently held by: William Weisgerber

**Interested Applicants:**

No applicants on file.

**Employee Retirement System Board of Trustees / Retiree Health Care Benefits Plan & Trust**

Appointed by Council  
7 Regular Members and 2 Ordinance Members  
3 Year Term

**Current Members:**

Last name	First name	App Res Expire	Appointment Expire	Notes 1
Calice	Mark	9/6/2014	12/31/2015	Council Appointed Citizen
Darling	Thomas			Chapter 10
Gordon II	Thomas	9/17/2015	12/31/2016	DB-Employee Rep. - Elected
Henderson	Dave		4/15/2018	
Kischnick	Brian			Chapter 10
Pallotta	Steven		12/31/2017	DC Employee Rep. - Elected
Stansbury	Milt	11/29/2013	12/31/2015	DC Employee Rep. - Elected
Vacancy			12/31/2016	DB Ex-Officio Retiree Rep. - Council Appointed Ex-Officio (Bill need resigned 9/9/2015)

**Nominations to the Employee Retirement System Board of Trustees / Retiree Health Care Benefits Plan & Trust:**

**Unexpired Term Expiring: 12/31/2016**

Term currently held by: William Need-Resigned

**Interested Applicants:**

No DB retiree applicants on file.

**Personnel Board**  
 Appointed by Council  
 5 Regular Members  
 3 Year Term

**Current Members:**

Last Name	First Name	App Res Expire	Appointment Expire	Notes 2
Abraham	Edna	8/15/2013	4/30/2018	
Baughman	Deborah	2/22/2013	4/30/2017	
Knight	P. Terry	1/15/2016	4/30/2018	(Deceased)
New	Lorraine	5/1/2017	4/30/2018	
Rosenberg	Michael	4/19/2015	4/30/2017	

**Nominations to the Personnel Board:**

**Unexpired Term Expiring: 4/30/2018**

Term currently held by: P. Terry Knight (Deceased)

**Interested Applicants:**

No applications on file.

Yes:  
 No:

**I-3 No Closed Session Requested**

**I-4 2016 City Council Meeting Schedule (Presented by: Cindy Stewart, Community Affairs Director)**

Suggested Resolution

Resolution #2015-10-

Moved by

Seconded by

RESOLVED, That Troy City Council **SHALL HOLD** Regular Meetings in 2016 according to the following schedule at 7:30 PM:

Monday, January 11 & 25

Monday, February 8 & 22

Monday, March 14 & 21

Monday, April 4 & 18

Monday, May 9 & 23

Monday, June 13 & 27

Monday, July 11 & 25

Monday, August 8 & 22

Monday, September 19 & 26

Monday, October 10 & 24  
Monday, November 14 & 21  
Monday, December 5 & 19

BE IT FURTHER RESOLVED, That Troy City Council **SHALL HOLD** Special Study Sessions for the purpose of budget discussions in 2016 according to the following schedule at 6:00 PM:

Wednesday, April 20  
Monday, April 25

BE IT FURTHER RESOLVED, That Troy City Council **SHALL HOLD** Regular Liquor Violation Hearing Meetings in 2016 according to the following schedule at 6:00 PM:

Monday, February 22  
Monday, March 14

BE IT FURTHER RESOLVED, That Troy City Council **SHALL HOLD** Special Joint Study Session Meetings in 2016 according to the following schedule at 6:00 PM:

Monday, January 25 (Joint Meeting – Troy City Council/Troy Downtown Development Authority)  
Monday, April 18 (Joint Meeting – Troy City Council/Troy Planning Commission)  
Monday, July 11 (Joint Meeting – Troy City Council/Troy Chamber)  
Monday, August 8 (Joint Meeting – Troy City Council/Troy School Board)  
Monday, October 24 (Joint Meeting – Troy City Council/Troy Planning Commission)

BE IT FURTHER RESOLVED, That Troy City Council **SHALL HOLD** the City Council/Staff Retreat in 2016 according to the following schedule:

Friday, February 26 5:00PM (Kresge Foundation, 3215 W. Big Beaver Road)  
Saturday, February 27 8:30AM (Walsh College, Barry Center, 3838 Livernois Road)

BE IT FINALLY RESOLVED, That Troy City Council **MAY SCHEDULE** other Special Meetings as needed.

Yes:  
No:

**J. CONSENT AGENDA:**

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**J-1a Approval of “J” Items NOT Removed for Discussion**

Suggested Resolution  
Resolution #2015-10-  
Moved by  
Seconded by

RESOLVED, That Troy City Council hereby **APPROVES** all items on the Consent Agenda as presented with the exception of Item(s) \_\_\_\_\_, which shall be **CONSIDERED** after Consent Agenda (J) items, as printed.

Yes:

No:

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**J-1b Address of “J” Items Removed for Discussion by City Council**

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**J-2 Approval of City Council Minutes**

Suggested Resolution

Resolution #2015-10-

RESOLVED, That Troy City Council hereby **APPROVES** the following Minutes as submitted:

- a) City Council Minutes-Draft – September 28, 2015

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**J-3 Proposed City of Troy Proclamations:**

- a) Eli’s of Troy – 45 Years in Business

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**J-4 Standard Purchasing Resolutions: None Submitted**

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**J-5 Tree City USA – Arbor Day 2015**

Suggested Resolution

Resolution #2015-10-

WHEREAS, The City of Troy has been certified as a Tree City USA for 25 years through the National Arbor Day Foundation and this prestigious certification proves the City of Troy is dedicated to the future of its urban forest; and

WHEREAS, The City of Troy wishes to acknowledge that Troy’s urban forest reduces noise, air pollution, energy costs, reflected light, flooding, stabilizes soils, sequesters carbon, provides habitat for wildlife and improves the overall quality of life; and

WHEREAS, Trees in our City increase property values, enhance the economic vitality of business areas, and beautify our community; and

WHEREAS, It is in the interest of all to plant and protect trees; and

WHEREAS, Troy desires to be recognized as a Tree City USA by The National Arbor Day Foundation and wishes to continue its tree planting ways;

THEREFORE BE IT RESOLVED, That the Troy City Council hereby **PROCLAIMS** May 6, 2016, May 5, 2017, and May 4, 2018 as Arbor Day in the City of Troy, and urges all citizens to support our City’s urban forestry program and to plant trees to gladden the hearts and promote the well-being of present and future generations.

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**J-6 Request for Acceptance of Three Warranty Deeds and Two Permanent Easements for Pinery Woods Site Condominium – Sidwell #88-20-13-401-010, 011, 039, 014, 015 and 016**

Suggested Resolution  
Resolution #2015-10-

RESOLVED, That City Council hereby **ACCEPTS** three warranty deeds for a public road, Wattles Road right-of-way, and for detention purposes, and two permanent easements for storm sewers & surface drainage, and public utilities from Mondrian Properties Pinery, LLC, owner of the property having Sidwell #88-20-13-401-010, 011, 039, 014, 015 & 016.

BE IT FURTHER RESOLVED, That the City Clerk is hereby **DIRECTED** to record the warranty deeds and permanent easements with the Oakland County Register of Deeds, copies of which shall be **ATTACHED** to the original Minutes of this meeting.

**K. MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:**

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**K-1 Announcement of Public Hearings:**

- a) October 26, 2015 – Street Vacation Request (SV 190) – Alley Between Vermont and Birchwood, Abutting Parcels #88-20-27-353-001, 002, 003, 004, 005, 006, 007, 008 and 029 on the West and Parcels #88-20-27-353-012 and 021 on the East, Section 27, Currently Zoned MR (Maple Road) and R-1E (One Family Residential) Districts (Abutting Properties)
- 

**K-2 Memorandums (Items submitted to City Council that may require consideration at some future point in time): None Submitted**

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**L. PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA FROM TROY RESIDENTS AND BUSINESSES:**

**M. CITY COUNCIL/CITY ADMINISTRATION RESPONSE/REPLY TO PUBLIC COMMENT:**

**N. COUNCIL REFERRALS:**

Items Advanced to the City Manager by Individual City Council Members for Placement on the Agenda

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**N-1 No Council Referrals**

**O. COUNCIL COMMENTS:**

**O-1 No Council Comments Advanced**

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**P. REPORTS:**

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**P-1 Minutes – Boards and Committees: None Submitted**

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**P-2 Department Reports:**

- a) 2015 Third Quarter Litigation Report
  - b) Notification from Oakland Community College Regarding Two Companies in Troy Approved for Funding Through the Michigan New Jobs Training (MNJT) Program
  - c) 2015 Employee Wellness Fair Summary
- 

**P-3 Letters of Appreciation:**

- a) To the Employees of the City of Troy from Fire Chief Bill Nelson Regarding His Retirement Gifts and Support
  - b) To Mayor Dane Slater from Sue McCormick, Great Lakes Water Authority Regarding Support for the Great Lakes Water Authority
  - c) To Chief Gary Mayer from John Talamo, VP Loss Prevention at LBrands, Regarding Officer Assistance
  - d) To Chief Gary Mayer from David Eager, Kelly Services, Regarding Presentation by Officers
- 

**P-4 Proposed Proclamations/Resolutions from Other Organizations: None Submitted**

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**Q. COMMENTS ON ITEMS ON OR NOT ON THE AGENDA FROM MEMBERS OF THE PUBLIC OUTSIDE OF TROY (NOT RESIDENTS OF TROY AND NOT FROM TROY BUSINESSES):**

**R. CLOSED SESSION:**

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**R-1 No Closed Session Requested**

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**S. ADJOURNMENT:**

Respectfully submitted,



Brian Kischnick, City Manager

**FUTURE CITY COUNCIL PUBLIC HEARINGS:**

**PROPOSED SPECIAL CITY COUNCIL MEETINGS AND STUDY SESSIONS:**

**SCHEDULED SPECIAL CITY COUNCIL MEETINGS:**

**2015 SCHEDULED REGULAR CITY COUNCIL MEETINGS:**

October 26, 2015.....	Regular Meeting
November 9, 2015.....	Regular Meeting
November 23, 2015.....	Regular Meeting
December 7, 2015.....	Regular Meeting
December 14, 2015.....	Regular Meeting

**PROCLAMATION TO CELEBRATE  
ELI OF TROY MENSWEAR  
45 YEARS IN BUSINESS**

**WHEREAS**, Forty-five years ago, **Eli Kurtz** moved his men's clothing store from Royal Oak to the City of Troy at 5067 Rochester Road; and

**WHEREAS**, **Randy Norman** came to work with **Eli** in 1978. **Eli** taught **Randy** all about being a customer-oriented store, offering quality one-on-one service to the men in Troy and surrounding areas. They built a very loyal customer base, with third and fourth generation customers who wanted to look good and purchase quality, tailored suits. Their philosophy is what's kept **Eli's of Troy** in business since 1970; and

**WHEREAS**, **Randy** bought the store in 1995 when **Eli** retired, and has continued offering tailored suits, along with shirts, ties, shoes, socks and casual sport coats. **Randy** works with two tailors and his son **Kyle** helps on Saturdays; and

**WHEREAS**, **Eli's of Troy** has been a huge community supporter for many years, including Troy Baseball Boosters and Troy High and Athens High School All-Night Parties, as well as Troy School District sports teams; and

**WHEREAS**, **Eli's of Troy** sells high school varsity jackets; tuxedos for proms and weddings, as well as doing the measurements for Troy's Fire department Class A uniforms. Mayor **Dane Slater**, Councilmembers **Ed Pennington** and **Dave Henderson**, City Manager **Brian Kischnick**, as well as many Troy Police Officers and Firefighters have been loyal customers over the years; and

**NOW, THEREFORE, BE IT RESOLVED**, That the Mayor and City Council of the City of Troy hereby congratulate **Randy Norman and Eli's Of Troy Menswear on their 45<sup>th</sup> anniversary** in the City of Troy; and

**BE IT FURTHER RESOLVED**, That the Mayor, City Council and City Management join the citizens of this community in celebration of the **45<sup>th</sup> anniversary of Eli of Troy Menswear** and look forward to it being part of Troy for many more years to come.

Presented this 12<sup>th</sup> day of October 2015.

**PROCLAMATION  
CITY OF TROY -- TREE CITY USA**

**WHEREAS**, The **City of Troy** has been certified as a **Tree City USA** for 25 years through the National Arbor Day Foundation and this prestigious certification proves the City of Troy is dedicated to the future of its urban forest; and

**WHEREAS**, The **City of Troy** wishes to acknowledge that **Troy's** urban forest reduces noise, air pollution, energy costs, reflected light, flooding, stabilizes soils, sequesters carbon, provides habitat for wildlife and improves the overall quality of life; and

**WHEREAS**, Trees in our City increase property values, enhance the economic vitality of business areas, and beautify our community; and

**WHEREAS**, It is in the interest of all to plant and protect trees; and

**WHEREAS**, **Troy** desires to be recognized as a Tree City USA by The National Arbor Day Foundation and wishes to continue its tree planting ways;

**THEREFORE BE IT RESOLVED**, That the Troy City Council hereby **PROCLAIMS** **May 6, 2016, May 5, 2017, and May 4, 2018 as Arbor Day in the City of Troy**, and urges all citizens to support our City's urban forestry program and to plant trees to gladden the hearts and promote the well-being of present and future generations.

Signed this 12<sup>th</sup> day of October 2015.



## CITY COUNCIL AGENDA ITEM

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Date: September 25, 2015  
 To: Brian Kischnick, City Manager  
 From: Cindy Stewart, Community Affairs Director  
 Subject: 2016 City Council Meeting Schedule

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### **History**

According to the City Charter Chapter 4.1 – Regular Meetings:

*“The Council shall provide by resolution for the time and place of its regular meetings and shall hold at least two regular meetings each month.”*

According to the City Council Rules of Procedure for the City Council of Troy, Michigan part 5:

*“Regular meetings shall be held in the Council Chambers at 7:30 pm. Meeting dates will be established, by resolution, prior to the end of the preceding calendar year.”*

All Liquor Violation Hearings and Special Study Sessions will be scheduled at 6 pm unless otherwise noted.

The meetings in March, August and November reflect election dates on the first Tuesday of those months – March 8 Presidential Primary, August 2 Primary November 8 Presidential General. Monday holidays we will not hold meetings including January 18: Martin Luther King Jr. Day, May 30: Memorial Day, June 6: Ramadan, July 4: Independence Day, September 12: Eid, October 3: Rosh Hashanah, and November 28: the Monday after Thanksgiving.

### **Recommendation**

The following 2016 Meeting dates are recommended:

#### **Regular Meetings:**

Monday, January 11 & 25  
 Monday, February 8 & 22  
 Monday, March 14 & 21  
 Monday, April 4 & 18  
 Monday, May 9 & 23  
 Monday, June 13 & 27  
 Monday, July 11 & 25  
 Monday, August 8 & 22  
 Monday, September 19 & 26



## CITY COUNCIL AGENDA ITEM

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### **Regular Meetings Continued:**

Monday, October 10 & 24  
Monday, November 14 & 21  
Monday, December 5 & 19

### **Budget Study Sessions:**

Wednesday, April 20  
Monday, April 25

### **Liquor Violation Hearings:**

Monday, February 22  
Monday, March 14

### **Study Sessions – 6:00PM:**

Monday, January 25 (Joint Meeting – Troy City Council/Troy Downtown Development Authority)  
Monday, April 18 (Joint Meeting – Troy City Council/Troy Planning Commission)  
Monday, July 11 (Joint Meeting – Troy City Council/Troy Chamber)  
Monday, August 8 (Joint Meeting – Troy City Council/Troy School Board)  
Monday, October 24 (Joint Meeting – Troy City Council/Troy Planning Commission)

### **City Council/Staff Retreat:**

Friday, February 26 5:00PM (Kresge Foundation, 3215 W. Big Beaver Road)  
Saturday, February 27 8:30AM (Walsh College, Barry Center, 3838 Livernois Road)

Council Member Henderson performed the Invocation. The Pledge of Allegiance to the Flag was given.

## A. CALL TO ORDER:

A Regular Meeting of the Troy City Council was held on Monday, September 28, 2015, at City Hall, 500 W. Big Beaver Rd. Mayor Slater called the meeting to order at 7:30 PM.

## B. ROLL CALL:

- a) Mayor Dane Slater  
Jim Campbell - Absent  
Steve Gottlieb  
Dave Henderson  
Ellen Hodorek  
Ed Pennington  
Doug Tietz

- b) Excuse Absent Council Members:

Resolution #2015-09-125  
Moved by Slater  
Seconded by Pennington

RESOLVED, That Troy City Council hereby **EXCUSES** the absence of Mayor Pro Tem Campbell at the Regular City Council Meeting of September 28, 2015, due to being out of the county.

Yes: Slater, Gottlieb, Henderson, Hodorek, Pennington, Tietz  
No: None  
Absent: Campbell

## MOTION CARRIED

## C. CERTIFICATES OF RECOGNITION AND SPECIAL PRESENTATIONS:

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**C-1** Trails and Pathways Update (*Presented by: Kurt Bovensiep, Public Works Manager*)

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**C-2** Economic Development Activity Update (*Presented by: Glenn Lapin, Economic Development Specialist, and John Kottler, Vice President of Sales – New Image Building Services*)

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**C-3** LDFA Update (*Presented by: Mark Miller, Director of Economic and Community Development, and Tom Kelly, COO – Automation Alley*)

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**C-4** City of Troy Employees' Retirement System Fifty-First Annual Actuarial Valuation, City of Troy Incentive Plan for Volunteer Firefighters 35<sup>th</sup> Annual Actuarial

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Valuation and the City of Troy Retiree Health Care Plan Actuarial Valuation of Other Post-Employment Benefits – December 31, 2014 *(Presented by: Tom Darling, Director of Financial Services)*

**D. CARRYOVER ITEMS:**

**D-1** No Carryover Items

**E. PUBLIC HEARINGS:**

**E-1** No Public Hearings

**F. PUBLIC COMMENT FOR ITEMS ON THE AGENDA FROM TROY RESIDENTS AND BUSINESSES:**

James Savage	Spoke in support of bike paths and trails
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**G. CITY COUNCIL/CITY ADMINISTRATION RESPONSE/REPLY TO PUBLIC COMMENT:**

**H. POSTPONED ITEMS:**

**H-1** No Postponed Items

**I. REGULAR BUSINESS:**

**I-1** Board and Committee Appointments: a) Mayoral Appointments – Brownfield Redevelopment Authority, Downtown Development Authority; b) City Council Appointments – Animal Control Appeal Board, Historic District Study Committee, Parks and Recreation Board, Traffic Committee

**a) Mayoral Appointments: Brownfield Redevelopment Authority**

Resolution #2015-09-126

Moved by Slater

Seconded by Gottlieb

RESOLVED, That the Mayor of the City of Troy hereby **APPOINTS** the following nominated person(s) to serve on the Boards and Committees as indicated:

**Brownfield Redevelopment Authority**

Appointed by Mayor

7 Regular Members

3 Year Term

**Term Expires: 4/30/2018**

**Charles Salgat**

Term currently held by: Theodore Dziurman



**Term Expires: 9/30/2018:**

**Patrick Floch**

Term currently held by: Gretchen Waters

**Historic District Study Committee**

Appointed by Council  
3 Members  
Ad Hoc

**Term Expires: Ad-Hoc**

**Barbara Chambers**

**Term Expires: Ad-Hoc**

**Laurie Huber**

**Term Expires: Ad-Hoc**

**Charles Salgat**

**Parks and Recreation Board**

Appointed by Council  
7 Regular Members and 1 Troy School Board Member:  
Regular Member: 3 Year Term / Troy School Board Member: 1 Year Term

**Term Expires: 9/30/2018**

**Laurie Huber**

Term currently held by: Laurie Huber

**Term Expires: 9/30/2018**

**Orestis Rusty Kaltsounis**

Term currently held by: Orestis Rusty Kaltsounis

**Traffic Committee**

Appointed by Council  
7 Regular Members  
3 Year Term

**Unexpired Term Expiring: 1/31/2016**

**Robert Huber**

Term currently held by: Vacancy (O. Apahidean resigned 2/13/15)

Yes: Hodorek, Pennington, Tietz, Slater, Gottlieb, Henderson

No: None

Absent: Campbell

**MOTION CARRIED**

**I-2 Board and Committee Nominations: a) Mayoral Nominations – Brownfield Redevelopment Authority; b) City Council Nominations – Animal Control Appeal Board, Charter Revision Committee, Personnel Board**

**a) Mayoral Nominations:**

*City Council took no action on this Item.*

**b) City Council Nominations:**

*City Council took no action on this Item.*

**I-3 No Closed Session Requested**

**I-4 Assignment of the Detroit Water and Sewerage Department Water Contract and Amendments to Chapter 20 (Water Turn Off/On After Hour Fee) of the City Code (Introduced by: Tim Richnak, DPW Director)**

**RESOLUTION A – APPROVING PROPOSED WATER CONNECTION FEES**

Resolution #2015-09-129

Moved by Hodorek

Seconded by Pennington

RESOLVED, That Troy City Council hereby **APPROVES** the following revisions to the Water Connection Fees as recommended by City Management, a copy of which shall be **ATTACHED** to the original Minutes of this meeting, and said fee revision shall be effective upon approval by City Council:

Service Charges	Current
Water Turn off/on - <b>all inclusive</b>	
Regular working hours	<b>\$50.00</b>
After working hours	<b>Flat Rate \$200.00 parts/materials</b>
Meter Install/reinstall **	<b>\$50.00</b>
Meter Pull **	<b>\$50.00</b>
MIU relocate, fix, rewire	
MIU Replacement	<b>\$50.00 + MIU Cost</b>
Damaged/Frozen Meter	<b>\$50.00 + Meter Cost</b>
Meter Testing - High Consumption	<b>\$50.00</b>
Meter Re-seal	<b>\$50.00</b>

\*\* Includes sprinkler meters and residential winterizations

Yes: Pennington, Tietz, Slater, Gottlieb, Henderson, Hodorek

No: None

Absent: Campbell

**MOTION CARRIED****RESOLUTION B - ASSIGNMENT AGREEMENT WITH THE CITY OF DETROIT AND THE GREAT LAKES WATER AUTHORITY**

Resolution #2015-09-130

Moved by Gottlieb

Seconded by Tietz

WHEREAS, On September 9, 2014, a Memorandum of Understanding Regarding the Formation of the Great Lakes Water Authority was adopted by the City of Detroit, the State of Michigan and the counties of Wayne, Oakland and Macomb; and,

WHEREAS, The Memorandum of Understanding required, among other things, that the City of Detroit and the counties of Wayne, Oakland and Macomb adopt Articles of Incorporation no later than October 10, 2014, and that the City of Detroit and the Great Lakes Water Authority execute a lease agreement regarding the operation and management of the Detroit water supply and sewage disposal systems; and,

WHEREAS, On October 10, 2014, the City of Detroit and the counties of Wayne, Oakland and Macomb adopted the Articles of Incorporation of Great Lakes Water Authority; and,

WHEREAS, On June 12, 2015, the City of Detroit and the Great Lakes Water Authority executed two 40-year lease agreements regarding (1) the operation and management of the Detroit water supply system ("Water Lease") and (2) the operation and management of the Detroit sewage disposal system; and,

WHEREAS, Pursuant to Sections 4.1(a)(i), 4.1(d) and 4.4 of the Water Lease, the City of Detroit assigned and the Great Lakes Water Authority assumed all of Detroit's rights, duties, liabilities, responsibilities and obligations under the wholesale customer water contracts without any impairment to said contracts; and,

WHEREAS, Article III of the Water Lease provides that the effective date of the Water Lease is dependent upon the satisfaction of certain conditions precedent, including obtaining the consent of the wholesale water customers to the assignment of their 30-year water service contracts to the Great Lakes Water Authority pursuant to Section 3.2(j) of the Water Lease; and,

WHEREAS, Pursuant to the Water Lease, and as provided in Article 13 of the Water Service Contract, the City of Detroit has presented an Agreement to Assign Wholesale Customer Water Service Contract between the City of Detroit Water and Sewerage Department, the Great Lakes Water Authority and this community for the assignment of the Water Service Contract with the City of Detroit Water and Sewerage Department to the Great Lakes Water Authority with a request for approval; and,

WHEREAS, The Troy City Council finds it is in the best interests of this community to consent to the assignment of the Water Service Contract to the Great Lakes Water Authority;

NOW THEREFORE BE IT RESOLVED, That the attached Agreement to Assign Wholesale Customer Water Service Contract between the City of Detroit Water and Sewerage Department, the Great Lakes Water Authority, and the City of Troy is **APPROVED**.

BE IT FURTHER RESOLVED, That the City Clerk is **DIRECTED** to send a certified copy of this Resolution and the executed Agreement to Assign Wholesale Customer Water Service Contract to the City of Detroit Water and Sewerage Department.

Yes: Tietz, Slater, Gottlieb, Henderson, Hodorek, Pennington  
No: None  
Absent: Campbell

**MOTION CARRIED**

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**I-5 Approval of Contract with MDOT for Preliminary Engineering Service for the Reconstruction and Widening of John R, Long Lake to South Boulevard – Project No. 02.203.5 and 02.204.5 (Introduced by: Bill Huotari, Deputy City Engineer)**

Resolution #2015-09-131  
Moved by Henderson  
Seconded by Pennington

RESOLVED, That the Preliminary Engineering Agreement, Contract No. 15-5468, between the City of Troy and the Michigan Department of Transportation for Preliminary Engineering services for John R, Long Lake to South Boulevard, Project No. 02.203.5 and 02.204.5, is hereby **APPROVED** in the amount of \$900,000, with a federal share of \$736,650 and a City share of \$163,350 and the Mayor and City Clerk are **AUTHORIZED** to execute the documents, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

BE IT FURTHER RESOLVED, That the 3<sup>rd</sup> Party Agreement, Subcontract No. 15-5468/S1, between the City of Troy and OHM Advisors for preliminary engineering services for John R, Long Lake to South Boulevard, Project No. 02.203.5 and 02.204.5, is hereby **APPROVED** for a not to exceed fee of \$702,501.13, with a federal share estimated at \$574,997 and a City share estimated at \$127,504 and the Mayor and City Clerk are **AUTHORIZED** to execute the documents, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

Yes: Slater, Gottlieb, Henderson, Hodorek, Pennington, Tietz  
No: None  
Absent: Campbell

**MOTION CARRIED**

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**I-6 Approval of Suburban Mobility Authority for Regional Transportation and City of Troy Pass Through Agreement for Troy Multi-Modal Transit Center (Introduced by: Lori Grigg Bluhm, City Attorney)**

*This item has been pulled by City Administration.*

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**J. CONSENT AGENDA:**

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**J-1a Approval of “J” Items NOT Removed for Discussion**

Resolution #2015-09-132-J-1a

Moved by Henderson

Seconded by Hodorek

RESOLVED, That Troy City Council hereby **APPROVES** all items on the Consent Agenda as presented.

Yes: Gottlieb, Henderson, Hodorek, Pennington, Tietz, Slater

No: None

Absent: Campbell

**MOTION CARRIED**

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**J-1b Address of “J” Items Removed for Discussion by City Council**

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**J-2 Approval of City Council Minutes**

Resolution #2015-09-132-J-2

RESOLVED, That Troy City Council hereby **APPROVES** the following Minutes as submitted:

- a) Special Joint City Council and Planning Commission Minutes-Draft–September 14, 2015
  - b) City Council Minutes-Draft – September 14, 2015
- 

**J-3 Proposed City of Troy Proclamations: None Submitted**

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**J-4 Standard Purchasing Resolutions:**

- a) **Standard Purchasing Resolution 5: Approval to Expend Budgeted Funds – Avondale Youth Assistance**

Resolution #2015-09-132-J-4a

RESOLVED, That Troy City Council hereby **APPROVES** the expenditure of funds budgeted in the 2015/2016 fiscal year to the Avondale Youth Assistance to provide diversion programs and community services to the residents of the City of Troy at a cost of \$2,500.00 which shall be paid in one installment.

BE IT FURTHER RESOLVED, That Troy City Council hereby **AUTHORIZES** the Mayor and City Clerk to **EXECUTE** the agreements to fund these services, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

**b) Standard Purchasing Resolution 5: Approval to Expend Budgeted Funds – Troy Youth Assistance**

Resolution #2015-09-132-J-4b

RESOLVED, That Troy City Council hereby **APPROVES** the expenditure of funds budgeted in the 2015/2016 fiscal year to the Troy Youth Assistance to provide diversion programs and community services to the residents of the City of Troy at a cost of \$10,000.00 which shall be paid in quarterly installments.

BE IT FURTHER RESOLVED, That Troy City Council hereby **AUTHORIZES** the Mayor and City Clerk to **EXECUTE** the agreements to fund these services, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

**c) Standard Purchasing Resolution 5: Approval to Expend Budgeted Funds – Troy Community Coalition**

Resolution #2015-09-132-J-4c

RESOLVED, That Troy City Council hereby **APPROVES** the expenditure of funds budgeted in the 2015/2016 fiscal year to the Troy Community Coalition to provide community services to prevent drug and alcohol abuse in the amount of \$25,000.00.

BE IT FURTHER RESOLVED, That Troy City Council hereby **AUTHORIZES** the Mayor and City Clerk to **EXECUTE** the agreements to fund these services, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

**d) Standard Purchasing Resolution 4: Cooperative Contract Award – Fleet Vehicles/Equipment**

Resolution #2015-09-132-J-4d

RESOLVED, That Troy City Council hereby **APPROVES** a contract to purchase one (1) 2015 John Deere 190G wheeled excavator from *JDE Equipment/AIS Construction Equipment, of Grand Rapids, MI*, through the State of Michigan MiDEAL Program for an estimated total cost of \$233,216.00 less trade-in allowance of \$7,000.00 or better for the 1997 Badger wheeled excavator for an estimated net total cost of \$226,216.00.

**e) Standard Purchasing Resolution 4: Cooperative Contract Awards – Upgrade and Expansion of Disk Based Backup System**

Resolution #2015-09-132-J-4e

WHEREAS, The Information Technology Department utilizes a disk based backup system that is currently at capacity;

THEREFORE BE IT RESOLVED, That Troy City Council hereby **APPROVES** a contract to purchase one (1) ExaGrid EX32000SEC encrypted disk backup system from *CDW-G, of Chicago, IL*, through the NIPA Cooperative Contract #130733 for an estimated total cost of

\$38,000.00 less trade-in allowance of \$4,000.00 for the trade-in of existing devices and 3 years of maintenance for \$15,000.00 for an estimated total cost of \$49,000.00; with ongoing annual maintenance at \$5,000.00 per year after the initial 3 years.

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**J-5 Request for Acceptance of Five Permanent Easements from Sterling Construction, Inc. – Sidwell #88-20-10-477-050 and 051**

Resolution #2015-09-132-J-5

RESOLVED, That Troy City Council hereby **ACCEPTS** five permanent easements for sanitary sewers, public utilities, storm sewers and surface drainage, and sidewalks from Sterling Construction, Inc., owner of the property having Sidwell #88-20-10-477-050 & 051.

BE IT FURTHER RESOLVED, That the City Clerk is hereby **DIRECTED** to record the permanent easements with Oakland County Register of Deeds, copies of which shall be **ATTACHED** to the original Minutes of this meeting.

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**J-6 Request for Acceptance of a Permanent Easement from Daniel V. and Joanna F. Pap – Sidwell #88-20-21-101-010**

Resolution #2015-09-132-J-6

RESOLVED, That Troy City Council hereby **ACCEPTS** a permanent easement for sanitary sewer from Daniel V. Pap and Joanna F. Pap, owners of the property having Sidwell #88-20-21-101-010.

BE IT FURTHER RESOLVED, That the City Clerk is hereby **DIRECTED** to record the permanent easement with Oakland County Register of Deeds, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

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**J-7 Request for Acceptance of a Permanent Easement and Two Warranty Deeds from BB Investments, LLC - Sidwell #88-20-20-103-001 to 012**

Resolution #2015-09-132-J-7

RESOLVED, That Troy City Council hereby **ACCEPTS** five permanent easements for water mains, non-access greenbelt and landscaping, public utilities, storm sewer and surface drainage, and signage as well as two warranty deeds for right-of-way and a storm water detention area from BB Investments, LLC owner of the property having Sidwell #88-20-20-103-001 to 012.

BE IT FURTHER RESOLVED, That the City Clerk is hereby **DIRECTED** to record the permanent easements and warranty deeds with Oakland County Register of Deeds, copies of which shall be **ATTACHED** to the original Minutes of this meeting.

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**J-8 Request to Vacate a Portion of an Existing Sanitary Sewer Easement and Accept a Sanitary Sewer Easement from Hannawa Holdings, Benton Harbor, LLC – Sidwell #88-20-24-476-005**

Resolution #2015-09-132-J-8

RESOLVED, That Troy City Council hereby **VACATES** a portion of sanitary sewer previously recorded in L6866, Page 205 by Quit Claim Deed.

BE IT FURTHER RESOLVED, That Troy City Council hereby **AUTHORIZES** the Mayor and City Clerk to execute a Quit Claim Deed conveying interest of that portion of sanitary sewer previously recorded to the property owners, Hannawa Holdings, Benton Harbor, LLC.

BE IF FURTHER RESOLVED, That Troy City Council hereby **ACCEPTS** a permanent easement for sanitary sewers from Hannawa Holdings, Benton Harbor, LLC, owner of the property having Sidwell #88-20-24-476-005.

BE IT FINALLY RESOLVED, That the City Clerk is hereby **DIRECTED** to record the Quit Claim Deed and permanent easement with Oakland County Register of Deeds, copies of which shall be **ATTACHED** to the original Minutes of this meeting.

---

**J-9 Traffic Committee Recommendations and Minutes – September 16, 2015**

Resolution #2015-09-132-J-9

**7. Request for Traffic Control – Braemar at Aberdeen**

RESOLVED, That Troy City Council hereby **AUTHORIZES** the intersection of Braemar at Aberdeen be modified from NO traffic control to ONE-WAY STOP control with a sign on the northbound Aberdeen Drive approach to Braemar.

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**J-10 Private Agreement – Contract for Installation of Municipal Improvements – Golden Gate Plaza Sanitary Sewer Relocation – Project No. 15.405.3**

Resolution #2015-09-132-J-10

RESOLVED, That the Contract for the Installation of Municipal Improvements (Private Agreement) between the City of Troy and *Tower Construction*, is hereby **APPROVED** for the installation of sanitary sewer and the Mayor and City Clerk are **AUTHORIZED** to execute the documents, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

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**J-11 Budget Appropriation – Local and Major Road Concrete Slab Replacement**

Resolution #2015-09-132-J-11

BE IT RESOLVED, That Troy City Council hereby **AUTHORIZES** City Management to appropriate two transfers that include supplementary and carryover funds of \$1.5 million and \$1.2 million from the General Fund to the Capital Projects Fund and the related appropriation

from the Capital Fund, which will allow the city to take advantage of 2015 pricing and continue focusing on neighborhood concrete segment replacement and to successfully complete Troy Roads Rock 2, respectfully.

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**J-12 Suggested Resolution to Schedule a Joint Study Session on Monday, October 12, 2015, Between the Troy City Council and Troy Planning Commission at 6:00 PM for the Purpose of Discussing Common Issues Related to the Master Plan Planning and Development**

Resolution #2015-09-132-J-12

RESOLVED, That a Joint Study Meeting is **SCHEDULED** for Troy City Council and Troy Planning Commission for the purpose of discussing common issues related to the Master Plan planning and development on Monday, October 12, 2015, at 6:00 PM in the Council Boardroom at 500 W. Big Beaver Road, Troy, MI 48084.

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**J-13 Sale of Equipment – Surplus Police Vehicles**

Resolution #2015-09-132-J-13

WHEREAS, Mott Community College has expressed an interest in purchasing two (2) out of service 2011 Ford Crown Victorias with 90,000 miles for use on their driving course to provide Emergency Vehicle Operations (EVO) training for Mott Police Academy cadets and in-service police officers; and,

WHEREAS, Police Recruits utilize the Mott Police Academy for basic police academy training and police departments will soon send in-service officers for Basic EVO refresher course; and,

WHEREAS, To validate the fair market value of these surplus vehicles, prior auctions were reviewed and it was determined the fair market value to be estimated at \$9,500.00 after auction fees;

NOW, THEREFORE, BE IT RESOLVED, That Troy City Council hereby **WAIVES** formal auction procedures and **AUTHORIZES** the City of Troy to sell two (2) 2011 Ford Crown Victoria police vehicles for the fair market value of \$9,500.00 to Mott Community College for the purpose of providing Emergency Vehicle Operations for Mott Police Academy.

BE IT FINALLY RESOLVED, That Troy City Council hereby **DIRECTS** City staff to ensure the appropriate transfer of the vehicle titles to Mott Community College.

**K. MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:**

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**K-1 Announcement of Public Hearings: None Submitted**

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**K-2 Memorandums (Items submitted to City Council that may require consideration at some future point in time):**

a) 2016 City Council Meeting Schedule

**L. PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA FROM TROY RESIDENTS AND BUSINESSES:**

**M. CITY COUNCIL/CITY ADMINISTRATION RESPONSE/REPLY TO PUBLIC COMMENT:**

**N. COUNCIL REFERRALS:**

Items Advanced to the City Manager by Individual City Council Members for Placement on the Agenda

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**N-1 No Council Referrals**

**O. COUNCIL COMMENTS:**

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**O-1 Council Comments**

Council Member Hodorek commented on Chief Nelson's retirement and the collaboration she has witnessed in City staff between new employees and experienced employees.

Council Member Henderson commented about the Scare Crow Glow at the Troy Historic Village.

Mayor Slater commented on J-11 and the importance of repair to the roadway on South Blvd between Crooks and John R. He said that stretch of roadway needs to be a priority, and asked City Administration to find funding for that project. Mr. Kischnick commented that he has made contact with Oakland County already, and that Oakland County and Rochester Hills have come together with Troy to work on South Blvd.

**P. REPORTS:**

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**P-1 Minutes – Boards and Committees:**

- a) Zoning Board of Appeals-Final – May 19, 2015
- b) Planning Commission-Draft – August 25, 2015
- c) Planning Commission-Final – August 25, 2015
- d) Zoning Board of Appeals-Draft – September 15, 2015  
Noted and Filed

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**P-2 Department Reports:**

- a) Letter of Resignation from William R. Need – Ex-Officio Member of the Employee Retirement System
- b) Information from the City of Detroit Water and Sewerage Department to Assist in Great Lakes Water Authority Contract Assignment Deliberations
- c) City of Troy Employees Retirement System Fifty-First Annual Actuarial Valuation – December 31, 2014
- d) City of Troy Incentive Plan for Volunteer Firefighters 35<sup>th</sup> Annual Actuarial Valuation – December 31, 2014

Noted and Filed

**P-3 Letters of Appreciation:**

- a) To Brian Kischnick, City Manager, from Marie Couch Regarding Connecting to the Clinton River Trail from City Hall
- b) To Brian Kischnick, City Manager, from Mark Calice Regarding Professionalism of Troy Police Officers Joe Morgan and Russ Barrows
- c) Letter from Trisha Shapiro with Positive Feedback Regarding Brian Kischnick, City Manager, and Kurt Bovensiep, Public Works Manager, Taking Time to Talk About Troy Trails with Residents

Noted and Filed

**P-4 Proposed Proclamations/Resolutions from Other Organizations: None Submitted****P-5 Notice of Hearing for the Electric Customers of DTE Electric Company Case No. U-17804**

Noted and Filed

**Q. COMMENTS ON ITEMS ON OR NOT ON THE AGENDA FROM MEMBERS OF THE PUBLIC OUTSIDE OF TROY (NOT RESIDENTS OF TROY AND NOT FROM TROY BUSINESSES):**

David Zuza	Commented on the Scare Crow Glow dinner fundraiser at the Troy Historic Village on Wednesday, September 30 <sup>th</sup> from 6:00-9:00 PM. Tickets can be purchased on the website at <a href="http://troyhistoricvillage.org">troyhistoricvillage.org</a> .
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**R. CLOSED SESSION:****R-1 No Closed Session Requested****S. ADJOURNMENT:**

The Meeting **ADJOURNED** at 8:34 PM.

---

Mayor Dane Slater

---

M. Aileen Dickson, CMC  
City Clerk

**PROCLAMATION  
CITY OF TROY -- TREE CITY USA**

**WHEREAS**, The **City of Troy** has been certified as a **Tree City USA** for 25 years through the National Arbor Day Foundation and this prestigious certification proves the City of Troy is dedicated to the future of its urban forest; and

**WHEREAS**, The **City of Troy** wishes to acknowledge that **Troy's** urban forest reduces noise, air pollution, energy costs, reflected light, flooding, stabilizes soils, sequesters carbon, provides habitat for wildlife and improves the overall quality of life; and

**WHEREAS**, Trees in our City increase property values, enhance the economic vitality of business areas, and beautify our community; and

**WHEREAS**, It is in the interest of all to plant and protect trees; and

**WHEREAS**, **Troy** desires to be recognized as a Tree City USA by The National Arbor Day Foundation and wishes to continue its tree planting ways;

**THEREFORE BE IT RESOLVED**, That the Troy City Council hereby **PROCLAIMS** **May 6, 2016, May 5, 2017, and May 4, 2018 as Arbor Day in the City of Troy**, and urges all citizens to support our City's urban forestry program and to plant trees to gladden the hearts and promote the well-being of present and future generations.

Signed this 12<sup>th</sup> day of October 2015.



## CITY COUNCIL AGENDA ITEM

---

Date: October 6, 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 for Acceptance of Three Warranty Deeds and Two Permanent Easements for Pinery Woods Site Condominium - Sidwell #88-20-13-401-010, 011, 039, 014, 015 & 016

---

### **History**

As part of the new Pinery Woods Site Condominium development located on Wattles Road, between Dequindre and John R roads in the southeast  $\frac{1}{4}$  of Section 13, the Engineering department received three warranty deeds for Wattles Road right-of-way, a public road and for detention purposes. Additionally, we received two permanent easements for storm sewers & surface drainage, and for public utilities. The warranty deeds and easements were granted by Mondrian Properties Pinery, LLC, owner of the properties having Sidwell #88-20-13-401-010, 011, 039, 014, 015 & 016.

The format and content of the warranty deeds and permanent easements is consistent with conveyances previously accepted by City Council.

### **Financial**

The consideration amount on each document is \$1.00

### **Recommendation**

City Management recommends that City Council accept the attached warranty deeds and permanent easements consistent with our policy of accepting warranty deeds and easements for development and improvement purposes.



WARRANTY DEED

Sidwell # 88-20-13-401-010, 011 & 039 (part of)  
Resolution #

The Grantor(s) **MONDRIAN PROPERTIES PINERY, LLC**, a Michigan limited liability company, whose address is: 50125 Schoenherr, Shelby Township, MI 48315 convey(s) and warrant(s) to the **CITY OF TROY**, a Michigan municipal corporation, Grantee, whose address is 500 West Big Beaver Road, Troy, Michigan, 48084, the following described premises situated in the City of Troy, County of Oakland and State of Michigan:

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

For the sum of One Dollar and no/cents (\$1.00)

subject to easements and building and use restrictions of record and further subject to:

Dated this 6 day of October 2015.

MONDRIAN PROPERTIES PINERY, LLC  
a Michigan limited liability company

By [Signature]  
Joseph Maniaci  
Its: Member

STATE OF MICHIGAN)  
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this 6th day of October, 2015, by Joseph Maniaci, Member, of MONDRIAN PROPERTIES PINERY, LLC, a Michigan limited liability company, on behalf of the company.

**LARYSA FIGOL** [Signature]  
Notary Public, Oakland County, Michigan  
Acting in Oakland County, Michigan Notary Public, \_\_\_\_\_ County, MI  
My Commission Expires **03/02/2018** commission expires: \_\_\_\_\_  
Acting \_\_\_\_\_ County, MI

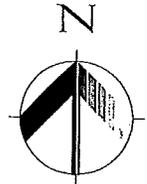
County Treasurer's Certificate		City Treasurer's Certificate	
When recorded return to: City Clerk City of Troy 500 West Big Beaver Troy, MI 48084	Send subsequent tax bills to: Grantee	Drafted by: Larysa Figol City of Troy 500 West Big Beaver Troy, MI 48084	

Tax Parcel #88-20-13-401-010, 011 & 039 (pt. of) Recording Fee \_\_\_\_\_ Transfer Tax \_\_\_\_\_

\*TYPE OR PRINT NAMES UNDER SIGNATURES

# Exhibit A

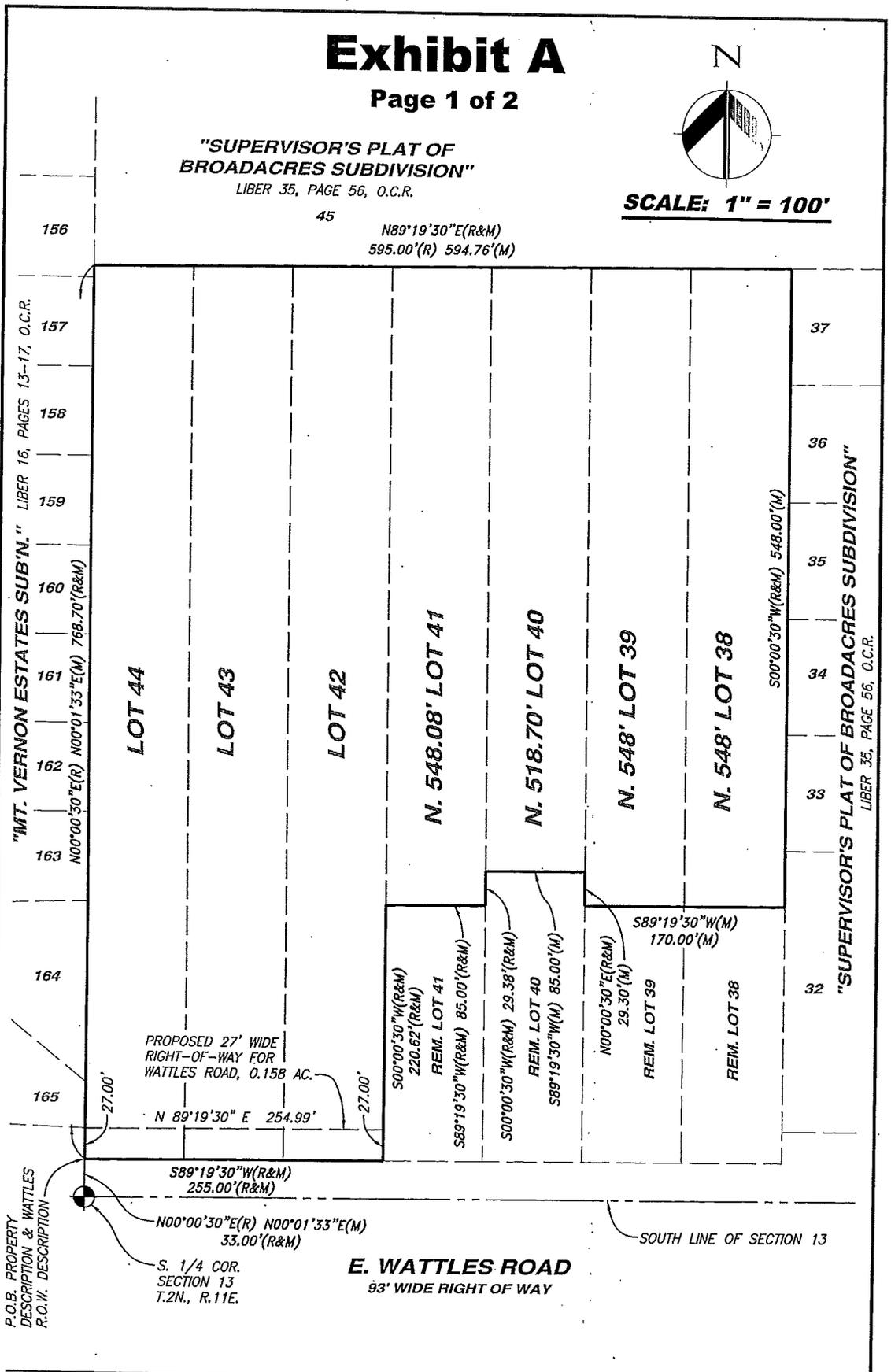
Page 1 of 2



## "SUPERVISOR'S PLAT OF BROADACRES SUBDIVISION"

LIBER 35, PAGE 56, O.C.R.

**SCALE: 1" = 100'**



**HORIZON**  
ENGINEERING LLC

CIVIL ENGINEERING, SITE PLANNING & LAND DEVELOPMENT CONSULTING  
P.O. Box 182158, Shelby Township, Michigan 48318  
Phone 586.453.8097 Fax 586.580.0053

PROJECT:  
**Wattles Road Right-of-Way for "Pinery Woods"**

PART OF THE SOUTHEAST 1/4 OF SECTION 13, T.2N., R.11E., CITY OF TROY, OAKLAND COUNTY, MICHIGAN

CLIENT:  
MR. JOSEPH MANIACI  
MONDRIAN PROPERTIES, LLC  
50215 SCHOENHERR RD.  
SHELBY TWP, MI 48315  
(588) 726-7340

JOB NO: 14-065  
DATE: 8-5-16  
REVISED:  
DRAWN BY: N.P.R.

# Exhibit A

Page 2 of 2

## **PROPERTY DESCRIPTION (AS SURVEYED)**

LOT 44, LOT 43, LOT 42, THE NORTH 548.08 FEET OF LOT 41, THE NORTH 518.70 FEET OF LOT 40, THE NORTH 548.00 FEET OF LOT 39, AND THE NORTH 548.00 FEET OF LOT 38 OF "SUPERVISOR'S PLAT OF BROADACRES SUB.", A SUBDIVISION OF PART OF THE SOUTHEAST 1/4 OF SECTION 13, TOWN 2 NORTH, RANGE 11 EAST, TROY TOWNSHIP (NOW CITY OF TROY), OAKLAND COUNTY, MICHIGAN AS RECORDED IN LIBER 35 OF PLATS, PAGE 56 OF OAKLAND COUNTY RECORDS, ALL BEING MORE PARTICULARLY DESCRIBED AS:

COMMENCING AT THE SOUTH 1/4 CORNER OF SAID SECTION 13; THENCE N.00°01'33"E. (N.00°00'30"E. RECORD), 33.00 FEET TO THE SOUTHWEST CORNER OF SAID LOT 44 AND THE POINT OF BEGINNING; THENCE ALONG THE WEST LINE OF SAID LOT 44 N.00°01'33"E. (N.00°00'30"E. RECORD), 768.70 FEET TO THE NORTHWEST CORNER OF SAID LOT 44; THENCE ALONG THE NORTH LINES OF LOTS 38 THROUGH 44, INCLUSIVE, N.89°19'30"E., 594.76 FEET (595.00 FEET RECORD) TO THE NORTHEAST CORNER OF SAID LOT 38; THENCE ALONG THE EAST LINE OF SAID LOT 38 S.00°00'30"W., 548.00 FEET; THENCE S.89°19'30"W., 170.00 FEET TO A POINT ON THE WEST LINE OF SAID LOT 39; THENCE ALONG THE WEST LINE OF SAID LOT 39 N.00°00'30"E., 29.30 FEET; THENCE S.89°19'30"W., 85.00 FEET TO A POINT ON THE WEST LINE OF SAID LOT 40; THENCE ALONG THE WEST LINE OF SAID LOT 40 S.00°00'30"W., 29.38 FEET; THENCE S.89°19'30"W., 85.00 FEET TO A POINT ON THE WEST LINE OF SAID LOT 41; THENCE ALONG THE WEST LINE OF SAID LOT 40 S.00°00'30"W., 220.62 FEET TO THE SOUTHWEST CORNER OF SAID LOT 41; THENCE ALONG THE SOUTH LINES OF SAID LOTS 42 THROUGH 44, INCLUSIVE, S.89°19'30"W., 255.00 FEET TO THE POINT OF BEGINNING. CONTAINING 379,736 SQUARE FEET, OR 8.718 ACRES, MORE OR LESS.

## **RIGHT-OF-WAY FOR WATTLES ROAD**

A TWENTY-SEVEN (27) FEET WIDE RIGHT-OF-WAY FOR WATTLES ROAD, BEING PART OF LOTS 42, 43 AND 44, OF "SUPERVISOR'S PLAT OF BROADACRES SUB.", A SUBDIVISION OF PART OF THE SOUTHEAST 1/4 OF SECTION 13, TOWN 2 NORTH, RANGE 11 EAST, TROY TOWNSHIP (NOW CITY OF TROY), OAKLAND COUNTY, MICHIGAN AS RECORDED IN LIBER 35 OF PLATS, PAGE 56 OF OAKLAND COUNTY RECORDS, AND BEING MORE PARTICULARLY DESCRIBED AS:

COMMENCING AT THE SOUTH 1/4 CORNER OF SAID SECTION 13; THENCE N.00°01'33"E. (N.00°00'30"E. RECORD), 33.00 FEET TO THE SOUTHWEST CORNER OF SAID LOT 44 AND THE POINT OF BEGINNING; THENCE CONTINUING ALONG THE WEST LINE OF SAID LOT 44 N.00°01'33"E. (N.00°00'30"E. RECORD), 27.00 FEET; THENCE N.89°19'30"E., 254.99 FEET TO A POINT ON THE EAST LINE OF SAID LOT 42; THENCE ALONG SAID EAST LINE OF LOT 42 S.00°00'30"W., 27.00 FEET TO THE SOUTHWEST CORNER OF SAID LOT 42; THENCE ALONG THE SOUTH LINES OF SAID LOTS 42 43 AND 44, S.89°19'30"W., 255.00 FEET TO THE POINT OF BEGINNING. CONTAINING 6,885 SQUARE FEET, OR 0.158 OF AN ACRE, MORE OR LESS.

**HORIZON**  
ENGINEERING LLC

CIVIL ENGINEERING, SITE PLANNING & LAND DEVELOPMENT CONSULTING

P.O. Box 182158, Shelby Township, Michigan 48318  
Phone 586.453.8097 Fax 586.580.0053

PROJECT:

**Wattles Road Right-of-Way  
for "Pinery Woods"**

PART OF THE SOUTHEAST 1/4 OF SECTION 13, T.2N., R.11E.,  
CITY OF TROY, OAKLAND COUNTY, MICHIGAN

CLIENT:

MR. JOSEPH MANIACI  
MONDRIAN PROPERTIES, LLC  
50215 SCHOENHERR RD.  
SHELBY TWP., MI 48315  
(586) 728-7340

JOB NO: 14-065  
DATE: 8-5-15  
REVISED:  
DRAWN BY: N.P.R.

WARRANTY DEED

Sidwell # 88-20-13-401-011, 039, 014, 015 (part of)  
Resolution #

The Grantor(s), **MONDRIAN PROPERTIES PINERY, LLC**, a Michigan limited liability company, whose address is: 50125 Schoenherr, Shelby Township, MI 48315 convey(s) and warrant(s) to the **CITY OF TROY**, a Michigan municipal corporation, Grantee, whose address is 500 West Big Beaver Road, Troy, Michigan 48084, the following described premises situated in the City of Troy, County of Oakland and State of Michigan:

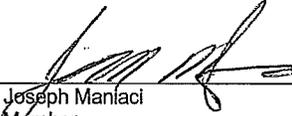
SEE "EXHIBIT A" ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF

For the sum of One Dollar and no/cents (\$1.00)

subject to easements and building and use restrictions of record and further subject to:

Dated this 6 day of OCTOBER 2015.

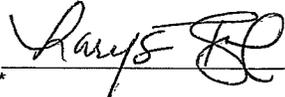
MONDRIAN PROPERTIES PINERY, LLC  
a Michigan limited liability company

By   
Joseph Maniaci  
Its: Member

STATE OF MICHIGAN)  
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this 6th day of October, 2015, by Joseph Maniaci, Member, of MONDRIAN PROPERTIES PINERY, LLC, a Michigan limited liability company, on behalf of the company.

**LARYSA FIGOL**  
Notary Public, Oakland County, Michigan  
Acting in Oakland County, Michigan  
My Commission Expires 03/02/2018

  
Notary Public, \_\_\_\_\_ County, MI  
My commission expires: \_\_\_\_\_  
Acting \_\_\_\_\_ 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 City of Troy 500 West Big Beaver Troy, MI 48084	

Tax Parcel #88-20-13-401-011, 039, 014, 015 (part of) Recording Fee \_\_\_\_\_ Transfer Tax \_\_\_\_\_

\*TYPE OR PRINT NAMES UNDER SIGNATURES



# Exhibit A

Page 2 of 2

## PROPERTY DESCRIPTION (AS SURVEYED)

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## 60' WIDE RIGHT-OF-WAY FOR PROPOSED "ALEPPO DRIVE" AND "LUCHU DRIVE"

A SIXTY (60) FEET WIDE RIGHT-OF-WAY FOR PROPOSED "ALEPPO DRIVE" AND "LUCHU DRIVE", BEING PART OF LOTS 39 THROUGH 43, INCLUSIVE, OF "SUPERVISOR'S PLAT OF BROADACRES SUB.", A SUBDIVISION OF PART OF THE SOUTHEAST 1/4 OF SECTION 13, TOWN 2 NORTH, RANGE 11 EAST, TROY TOWNSHIP (NOW CITY OF TROY), OAKLAND COUNTY, MICHIGAN AS RECORDED IN LIBER 35 OF PLATS, PAGE 56 OF OAKLAND COUNTY RECORDS, AND BEING MORE PARTICULARLY DESCRIBED AS:

COMMENCING AT THE SOUTH 1/4 CORNER OF SAID SECTION 13; THENCE N.00°01'33"E. (N.00°00'30"E. RECORD) ALONG THE WEST LINE OF SAID LOT 44 AND THE SOUTHERLY EXTENSION THEREOF, 60.00 FEET; THENCE N.89°19'30"E., 174.99 FEET TO THE POINT OF BEGINNING; THENCE N.00°00'30"E., 50.89 FEET; THENCE 81.15 FEET ALONG A CURVE CONCAVE TO THE WEST OF RADIUS 200.00 FEET WHOSE CHORD BEARS N.11°36'55"W., 80.59 FEET; THENCE N.23°14'21"W., 50.00 FEET; THENCE 94.61 FEET ALONG A CURVE CONCAVE TO THE EAST OF RADIUS 233.00 FEET WHOSE CHORD BEARS N.11°36'24"W., 93.96 FEET; THENCE N.00°01'33"E., 473.23 FEET TO A POINT ON THE NORTH LINE OF SAID LOT 43; THENCE ALONG THE NORTH LINES OF SAID LOTS 42 AND 43 N.89°19'30"E., 60.00 FEET; THENCE S.00°01'33"W., 336.70 FEET; THENCE S.89°58'27"E., 227.00 FEET; THENCE 14.14 FEET ALONG A CURVE CONCAVE TO THE NORTHWEST OF RADIUS 9.00 FEET WHOSE CHORD BEARS N.45°01'33"E., 12.73 FEET; THENCE N.00°01'33"E., 330.59 FEET TO A POINT ON THE NORTH LINE OF SAID LOT 40; THENCE ALONG THE NORTH LINES OF LOTS 39 AND 40 N.89°19'30"E., 60.00 FEET; THENCE S.00°01'33"W., 303.34 FEET; THENCE 12.82 FEET ALONG A CURVE CONCAVE TO THE EAST OF RADIUS 60.00 FEET WHOSE CHORD BEARS S.06°05'36"E., 12.79 FEET; THENCE 143.86 FEET ALONG A CURVE CONCAVE TO THE NORTHWEST OF RADIUS 72.00 FEET WHOSE CHORD BEARS S.45°01'33"W., 121.09 FEET; THENCE 12.82 FEET ALONG A CURVE CONCAVE TO THE SOUTH OF RADIUS 60.00 FEET WHOSE CHORD BEARS N.83°51'17"W., 12.79 FEET; THENCE N.89°58'27"W., 199.02 FEET; THENCE S.00°01'33"W., 77.27 FEET; THENCE 70.25 FEET ALONG A CURVE CONCAVE TO THE EAST OF RADIUS 173.00 FEET WHOSE CHORD BEARS S.11°36'24"E., 69.77 FEET; THENCE S.23°14'21"E., 50.00 FEET; THENCE 105.79 FEET ALONG A CURVE CONCAVE TO THE WEST OF RADIUS 260.00 FEET WHOSE CHORD BEARS S.11°35'00"E., 105.06 FEET; THENCE S.00°00'30"W., 49.88 FEET; THENCE S.89°19'30"W., 60.00 FEET TO THE POINT OF BEGINNING. CONTAINING 82,565 SQUARE FEET, OR 1.895 ACRE, MORE OR LESS.

**HORIZON**  
ENGINEERING LLC

CIVIL ENGINEERING, SITE PLANNING & LAND DEVELOPMENT CONSULTING

P.O. Box 182158, Shelby Township, Michigan 48318  
Phone 586.453.8097 Fax 586.580.0053

PROJECT:

**Proposed Street  
Right-of-Ways  
for "Pinery Woods"**

PART OF THE SOUTHEAST 1/4 OF SECTION 13, T.2N., R.11E,  
CITY OF TROY, OAKLAND COUNTY, MICHIGAN

CLIENT:

MR. JOSEPH MANIACI  
MONDRIAN PROPERTIES, LLC  
50215 SCHOENHERR RD.  
SHELBY TWP., MI 48315  
(586) 726-7340

JOB NO: 14-065

DATE: 8-5-16

REVISED:

DRAWN BY: N.P.R.

WARRANTY DEED

Sidwell # 88-20-13-401-010, 011 & 039 (part of)  
Resolution #

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

For the sum of One Dollar and no/cents (\$1.00)

subject to easements and building and use restrictions of record and further subject to:

Dated this 6 day of October 2015.

MONDRIAN PROPERTIES PINERY, LLC  
a Michigan limited liability company

By [Signature]  
Joseph Maniaci  
Its: Member

STATE OF MICHIGAN)  
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this 6<sup>th</sup> day of October, 2015, by Joseph Maniaci, Member, of MONDRIAN PROPERTIES PINERY, LLC, a Michigan limited liability company, on behalf of the company.

**LARYSA FIGOL**  
Notary Public, Oakland County, Michigan  
Acting in Oakland County, Michigan  
My Commission Expires 03/02/2018  
Notary Public, \_\_\_\_\_ County, MI  
My commission expires: \_\_\_\_\_  
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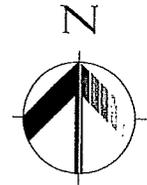
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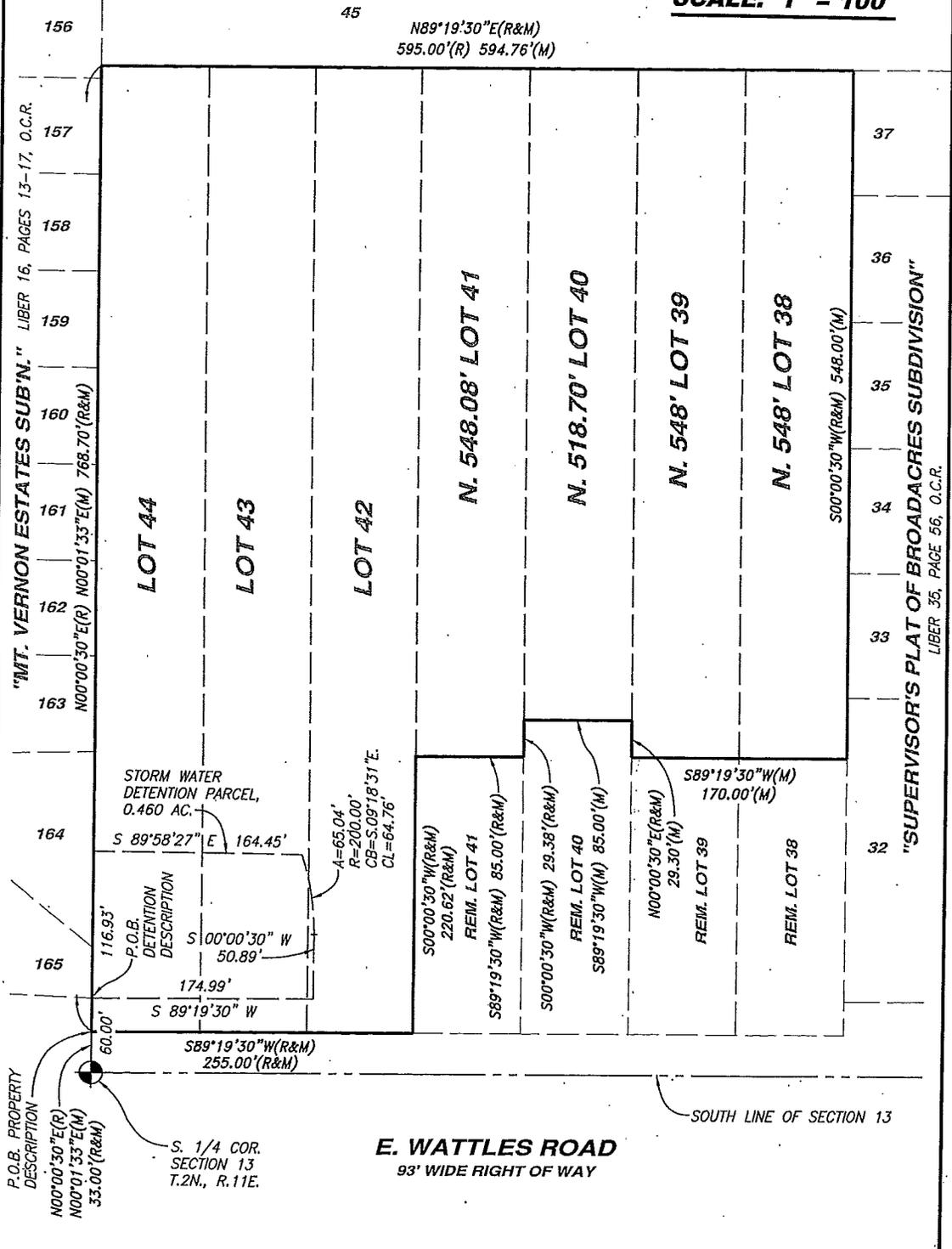
Page 1 of 2



## "SUPERVISOR'S PLAT OF BROADACRES SUBDIVISION"

LIBER 35, PAGE 56, O.C.R.

**SCALE: 1" = 100'**



**HORIZON**  
ENGINEERING LLC

CIVIL ENGINEERING, SITE PLANNING & LAND DEVELOPMENT CONSULTING  
P.O. Box 182158, Shelby Township, Michigan 48318  
Phone 586.453.8097 Fax 586.580.0053

PROJECT:  
**Storm Water Detention Area for "Pinery Woods"**

PART OF THE SOUTHEAST 1/4 OF SECTION 13, T.2N., R.11E., CITY OF TROY, OAKLAND COUNTY, MICHIGAN

CLIENT:  
MR. JOSEPH MANIACI  
MONDRIAN PROPERTIES, LLC  
60216 SCHOENHERR RD.  
SHELBY TWP., MI 48315  
(586) 728-7340

JOB NO: 14-065  
DATE: 8-5-15  
REVISED:  
DRAWN BY: N.P.R.

# Exhibit A

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## **PROPERTY DESCRIPTION**

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## **STORM WATER DETENTION PARCEL**

A PARCEL FOR STORM WATER DETENTION, BEING PART OF LOTS 42, 43, AND 44 OF "SUPERVISOR'S PLAT OF BROADACRES SUB.", A SUBDIVISION OF PART OF THE SOUTHEAST 1/4 OF SECTION 13, TOWN 2 NORTH, RANGE 11 EAST, TROY TOWNSHIP (NOW CITY OF TROY), OAKLAND COUNTY, MICHIGAN AS RECORDED IN LIBER 35 OF PLATS, PAGE 56 OF OAKLAND COUNTY RECORDS, AND BEING MORE PARTICULARLY DESCRIBED AS:

COMMENCING AT THE SOUTH 1/4 CORNER OF SAID SECTION 13; THENCE N.00°01'33"E. (N.00°00'30"E. RECORD) ALONG THE WEST LINE OF SAID LOT 44 AND THE SOUTHERLY EXTENSION THEREOF, 60.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG THE WEST LINE OF SAID LOT 44 N.00°01'33"E. (N.00°00'30"E. RECORD), 116.93 FEET; THENCE S.89°58'27"E., 164.45 FEET; THENCE 65.04 FEET ALONG A CURVE CONCAVE TO THE WEST OF RADIUS 200.00 FEET WHOSE CHORD BEARS S.09°18'31"E., 64.76 FEET; THENCE S.00°00'30"W., 50.89 FEET; THENCE S.89°19'30"W., 174.99 FEET TO THE POINT OF BEGINNING. CONTAINING 20,050 SQUARE FEET, OR 0.460 OF AN ACRE, MORE OR LESS.

**HORIZON**  
ENGINEERING LLC

CIVIL ENGINEERING, SITE PLANNING & LAND DEVELOPMENT CONSULTING

P.O. Box 182158, Shelby Township, Michigan 48318  
Phone 586.453.8097 Fax 586.580.0053

PROJECT:

**Storm Water Detention Area  
for "Pinery Woods"**

PART OF THE SOUTHEAST 1/4 OF SECTION 13, T.2N., R.11E,  
CITY OF TROY, OAKLAND COUNTY, MICHIGAN

CLIENT:

MR. JOSEPH MANIACI  
MONDRIAN PROPERTIES, LLC  
50215 SCHOENHERR RD.  
SHELBY TWP., MI 48315  
(586) 726-7340

JOB NO: 14-065

DATE: 8-5-15

REVISED:

DRAWN BY: N.P.R.

**PERMANENT EASEMENT**

Sidwell #88-20-13-401-010, 011,039, 014, 015 & 016 (part of)  
Resolution #

**MONDRIAN PROPERTIES PINERY, L.L.C.**, a Michigan limited liability company, Grantor(s), whose address is 50215 Schoenherr Road, Shelby Twp, MI 48315 for and in consideration of the sum of: One and no/100 Dollar (\$1.00) paid by the **CITY OF TROY**, a Michigan municipal corporation, Grantee, whose address is 500 West Big Beaver Road, Troy, Michigan, 48084 grants to the Grantee, the right to construct, operate, maintain, repair and/or replace **storm sewers and surface drainage**, 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 6 day of October A.D. 2015.

MONDRIAN PROPERTIES PINERY, LLC,  
a Michigan limited liability company

By [Signature] (L.S.)  
\*Joseph Maniaci  
Its Member

STATE OF MICHIGAN )  
COUNTY OF OAKLAND )

The foregoing instrument was acknowledged before me this 6th day October, 2015, by Joseph Maniaci, Member, of MONDRIAN PROPERTIES PINERY, L.L.C., a Michigan limited liability company on behalf of the company.

[Signature]  
**LARYSA FIGOL**  
Notary Public, Oakland County, Michigan  
Acting in Oakland County, Michigan  
My Commission Expires 03/03/2018  
Notary Public, \_\_\_\_\_ County, Michigan  
My Commission Expires on \_\_\_\_\_  
Acting in the County of \_\_\_\_\_, Michigan

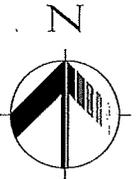
Prepared by and when recorded return to:  
Larysa Figol  
City of Troy  
500 W. Big Beaver Road  
Troy, MI 48084

**PLEASE SIGN IN BLUE INK AND PRINT OR TYPE NAMES IN BLACK INK UNDER SIGNATURES**

# Exhibit A

Page 1 of 3

SCALE:  
1" = 100'



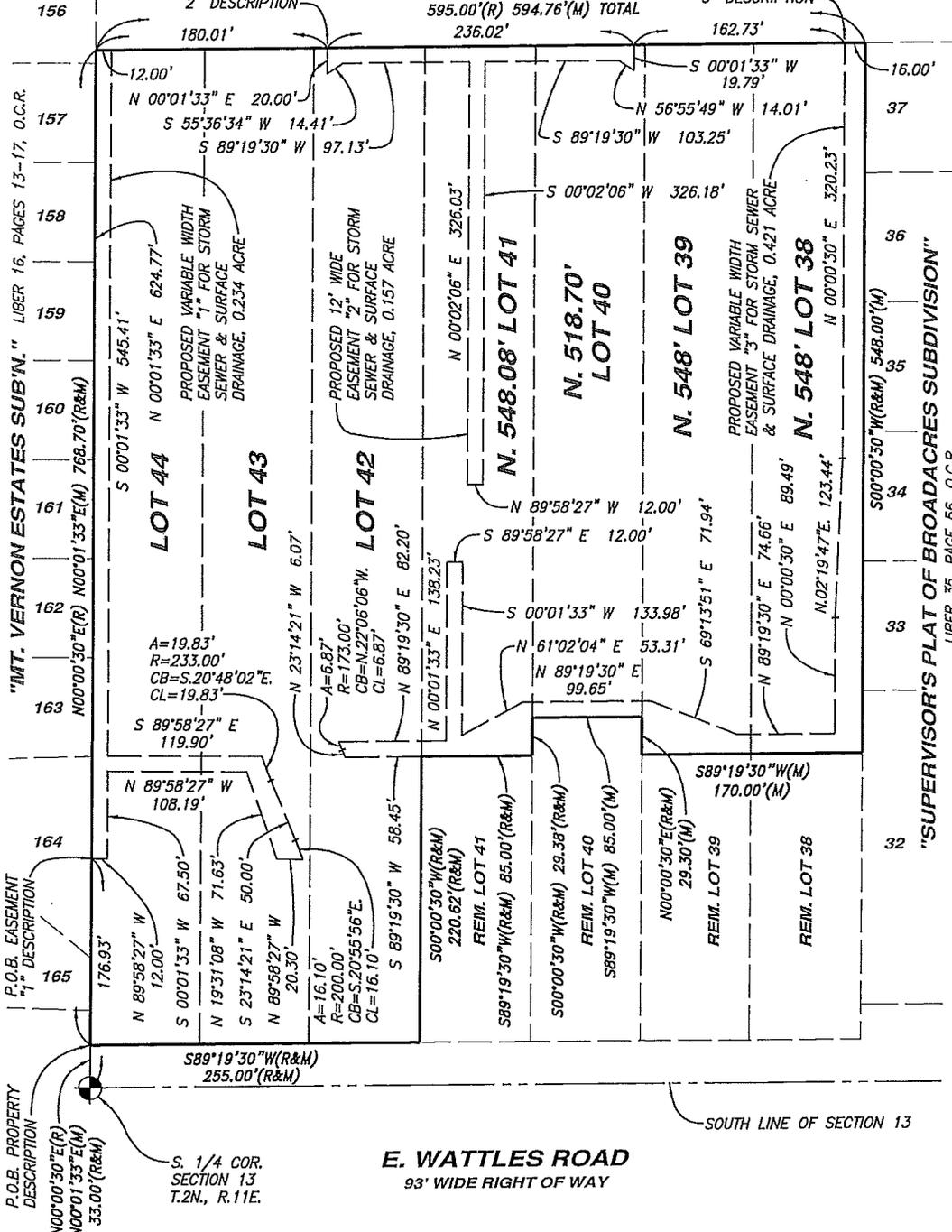
## "SUPERVISOR'S PLAT OF BROADACRES SUBDIVISION"

LIBER 35, PAGE 56, O.C.R.

P.O.B. EASEMENT  
"2" DESCRIPTION 45

N89°19'30"E(R&M)  
595.00'(R) 594.76'(M) TOTAL  
236.02'

P.O.B. EASEMENT  
"3" DESCRIPTION



"MT. VERNON ESTATES SUBN." LIBER 16, PAGES 13-17, O.C.R.

"SUPERVISOR'S PLAT OF BROADACRES SUBDIVISION" LIBER 35, PAGE 56, O.C.R.

P.O.B. PROPERTY DESCRIPTION  
N00°00'30"E(R)  
N00°01'33"E(M)  
53.00'(R&M)

P.O.B. EASEMENT  
"1" DESCRIPTION

**E. WATTLES ROAD**  
93' WIDE RIGHT OF WAY

**HORIZON**  
ENGINEERING LLC  
CIVIL ENGINEERING, SITE PLANNING & LAND DEVELOPMENT CONSULTING  
P.O. Box 182158, Shelby Township, Michigan 48318  
Phone 586.453.8097 Fax 586.580.0053

PROJECT:  
**Proposed Storm Sewer & Surface Drainage Easements for "Pinery Woods"**

CLIENT:  
MR. JOSEPH MANIACI  
MONDRIAN PROPERTIES, LLC  
50216 SCHOENHEER RD.  
SHELBY TWP, MI 48315  
(586) 726-7340

JOB NO: 14-065  
DATE: 8-5-15  
REVISED: 10-1-15  
DRAWN BY: N.P.R.

PART OF THE SOUTHEAST 1/4 OF SECTION 13, T.2N., R.11E,  
CITY OF TROY, OAKLAND COUNTY, MICHIGAN

# Exhibit A

Page 2 of 3

## **PROPERTY DESCRIPTION (AS SURVEYED)**

LOT 44, LOT 43, LOT 42, THE NORTH 548.08 FEET OF LOT 41, THE NORTH 518.70 FEET OF LOT 40, THE NORTH 548.00 FEET OF LOT 39, AND THE NORTH 548.00 FEET OF LOT 38 OF "SUPERVISOR'S PLAT OF BROADACRES SUB.", A SUBDIVISION OF PART OF THE SOUTHEAST 1/4 OF SECTION 13, TOWN 2 NORTH, RANGE 11 EAST, TROY TOWNSHIP (NOW CITY OF TROY), OAKLAND COUNTY, MICHIGAN AS RECORDED IN LIBER 35 OF PLATS, PAGE 56 OF OAKLAND COUNTY RECORDS, ALL BEING MORE PARTICULARLY DESCRIBED AS:

COMMENCING AT THE SOUTH 1/4 CORNER OF SAID SECTION 13; THENCE N.00°01'33"E. (N.00°00'30"E. RECORD), 33.00 FEET TO THE SOUTHWEST CORNER OF SAID LOT 44 AND THE POINT OF BEGINNING; THENCE ALONG THE WEST LINE OF SAID LOT 44 N.00°01'33"E. (N.00°00'30"E. RECORD), 768.70 FEET TO THE NORTHWEST CORNER OF SAID LOT 44; THENCE ALONG THE NORTH LINES OF LOTS 38 THROUGH 44, INCLUSIVE, N.89°19'30"E., 594.76 FEET (595.00 FEET RECORD) TO THE NORTHEAST CORNER OF SAID LOT 38; THENCE ALONG THE EAST LINE OF SAID LOT 38 S.00°00'30"W., 548.00 FEET; THENCE S.89°19'30"W., 170.00 FEET TO A POINT ON THE WEST LINE OF SAID LOT 39; THENCE ALONG THE WEST LINE OF SAID LOT 39 N.00°00'30"E., 29.30 FEET; THENCE S.89°19'30"W., 85.00 FEET TO A POINT ON THE WEST LINE OF SAID LOT 40; THENCE ALONG THE WEST LINE OF SAID LOT 40 S.00°00'30"W., 29.38 FEET; THENCE S.89°19'30"W., 85.00 FEET TO A POINT ON THE WEST LINE OF SAID LOT 41; THENCE ALONG THE WEST LINE OF SAID LOT 40 S.00°00'30"W., 220.62 FEET TO THE SOUTHWEST CORNER OF SAID LOT 41; THENCE ALONG THE SOUTH LINES OF SAID LOTS 42 THROUGH 44, INCLUSIVE, S.89°19'30"W., 255.00 FEET TO THE POINT OF BEGINNING. CONTAINING 379,736 SQUARE FEET, OR 8.718 ACRES, MORE OR LESS.

## **EASEMENT "1" FOR STORM SEWER & SURFACE DRAINAGE**

A VARIABLE WIDTH EASEMENT FOR STORM SEWER AND SURFACE DRAINAGE, BEING PART OF LOTS 43 AND 44 OF "SUPERVISOR'S PLAT OF BROADACRES SUB.", A SUBDIVISION OF PART OF THE SOUTHEAST 1/4 OF SECTION 13, TOWN 2 NORTH, RANGE 11 EAST, TROY TOWNSHIP (NOW CITY OF TROY), OAKLAND COUNTY, MICHIGAN AS RECORDED IN LIBER 35 OF PLATS, PAGE 56 OF OAKLAND COUNTY RECORDS, AND BEING MORE PARTICULARLY DESCRIBED AS:

COMMENCING AT THE SOUTH 1/4 CORNER OF SAID SECTION 13; THENCE N.00°01'33"E. (N.00°00'30"E. RECORD), 176.93 FEET ALONG THE WEST LINE OF SAID LOT 44 AND THE SOUTHERLY EXTENSION THEREOF TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG THE WEST LINE OF SAID LOT 44 N.00°01'33"E. (N.00°00'30"E. RECORD), 624.77 FEET TO THE NORTHWEST CORNER OF SAID LOT 44; THENCE ALONG THE NORTH LINE OF SAID LOT 44 N.89°19'30"E., 12.00 FEET; THENCE S.00°01'33"W., 545.41 FEET; THENCE S.89°58'27"E., 119.90 FEET; THENCE 19.83 FEET ALONG A CURVE CONCAVE TO THE NORTHEAST OF RADIUS 233.00 FEET WHOSE CHORD BEARS S.20°48'02"E., 19.83 FEET; THENCE S.23°14'21"E., 50.00 FEET; THENCE 16.10 FEET ALONG A CURVE CONCAVE TO THE SOUTHWEST OF RADIUS 200.00 FEET WHOSE CHORD BEARS S.20°55'56"E., 16.10 FEET; THENCE N.89°58'27"W., 20.30 FEET; THENCE N.19°31'08"W., 71.63 FEET; THENCE N.89°58'27"W., 108.19 FEET; THENCE S.00°01'33"W., 67.50 FEET; THENCE N.89°58'27"W., 12.00 FEET TO THE POINT OF BEGINNING. CONTAINING 10,206 SQUARE FEET, OR 0.234 OF AN ACRE, MORE OR LESS.

## **HORIZON** ENGINEERING LLC

CIVIL ENGINEERING, SITE PLANNING & LAND DEVELOPMENT CONSULTING

P.O. Box 182158, Shelby Township, Michigan 48318  
Phone 586.453.8097 Fax 586.580.0053

PROJECT:

**Proposed Storm Sewer &  
Surface Drainage Easements  
for "Pinery Woods"**

PART OF THE SOUTHEAST 1/4 OF SECTION 13, T.2N., R.11E,  
CITY OF TROY, OAKLAND COUNTY, MICHIGAN

CLIENT:

MR. JOSEPH MANIACI  
MONDRIAN PROPERTIES, LLC  
50215 SCHOENHERR RD.  
SHELBY TWP, MI 48315  
(586) 720-7840

JOB NO: 14-065  
DATE: 8-5-15  
REVISED: 10-1-15  
DRAWN BY: N.P.R.

# Exhibit A

Page 3 of 3

## **EASEMENT "2" FOR STORM SEWER & SURFACE DRAINAGE**

A TWELVE (12) FEET WIDE EASEMENT FOR STORM SEWER AND SURFACE DRAINAGE, PART OF LOTS 40, 41 AND 42, OF "SUPERVISOR'S PLAT OF BROADACRES SUB.", A SUBDIVISION OF PART OF THE SOUTHEAST 1/4 OF SECTION 13, TOWN 2 NORTH, RANGE 11 EAST, TROY TOWNSHIP (NOW CITY OF TROY), OAKLAND COUNTY, MICHIGAN AS RECORDED IN LIBER 35 OF PLATS, PAGE 56 OF OAKLAND COUNTY RECORDS, AND BEING MORE PARTICULARLY DESCRIBED AS:

COMMENCING AT THE SOUTH 1/4 CORNER OF SAID SECTION 13; THENCE N.00°01'33"E. (N.00°00'30"E. RECORD), 33.00 FEET TO THE SOUTHWEST CORNER OF SAID LOT 44; THENCE ALONG THE WEST LINE OF SAID LOT 44 N.00°01'33"E. (N.00°00'30"E. RECORD), 768.70 FEET TO THE NORTHWEST CORNER OF SAID LOT 44; THENCE ALONG THE NORTH LINES OF LOTS 42, 43 AND 44, N.89°19'30"E., 180.01 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG THE NORTH LINES OF SAID LOTS 40, 41 AND 42 N.89°19'30"E., 236.02 FEET; THENCE S.00°01'33"W., 19.79 FEET; THENCE N.56°55'49"W., 14.01 FEET; THENCE S.89°19'30"W., 103.25 FEET; THENCE S.00°02'06"W., 326.18 FEET; THENCE N.89°58'27"W., 12.00 FEET; THENCE N.00°02'06"E., 326.03 FEET; THENCE S.89°19'30"W., 97.13 FEET; THENCE S.55°36'34"W., 14.41 FEET; THENCE N.00°01'33"E., 20.00 FEET TO THE POINT OF BEGINNING. CONTAINING 6,839 SQUARE FEET, OR 0.157 OF AN ACRE, MORE OR LESS.

## **EASEMENT "3" FOR STORM SEWER & SURFACE DRAINAGE**

A VARIABLE-WIDTH EASEMENT FOR STORM SEWER AND SURFACE DRAINAGE, PART OF LOTS 38 THROUGH 42, INCLUSIVE, OF "SUPERVISOR'S PLAT OF BROADACRES SUB.", A SUBDIVISION OF PART OF THE SOUTHEAST 1/4 OF SECTION 13, TOWN 2 NORTH, RANGE 11 EAST, TROY TOWNSHIP (NOW CITY OF TROY), OAKLAND COUNTY, MICHIGAN AS RECORDED IN LIBER 35 OF PLATS, PAGE 56 OF OAKLAND COUNTY RECORDS, AND BEING MORE PARTICULARLY DESCRIBED AS:

COMMENCING AT THE SOUTH 1/4 CORNER OF SAID SECTION 13; THENCE N.00°01'33"E. (N.00°00'30"E. RECORD), 33.00 FEET TO THE SOUTHWEST CORNER OF SAID LOT 44; THENCE ALONG THE WEST LINE OF SAID LOT 44 N.00°01'33"E. (N.00°00'30"E. RECORD), 768.70 FEET TO THE NORTHWEST CORNER OF SAID LOT 44; THENCE ALONG THE NORTH LINES OF LOTS 38 THROUGH 44, INCLUSIVE, N.89°19'30"E., 578.76 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG THE NORTH LINE OF SAID LOT 38 N.89°19'30"E., 16.00 FEET TO THE NORTHEAST CORNER OF SAID LOT 38; THENCE ALONG THE EAST LINE OF SAID LOT 38 S.00°00'30"W., 548.00 FEET; THENCE S.89°19'30"W., 170.00 FEET TO A POINT ON THE WEST LINE OF SAID LOT 39; THENCE ALONG THE WEST LINE OF SAID LOT 39 N.00°00'30"E., 29.30 FEET; THENCE S.89°19'30"W., 85.00 FEET TO A POINT ON THE WEST LINE OF SAID LOT 40; THENCE ALONG THE WEST LINE OF SAID LOT 40 S.00°00'30"W., 29.38 FEET; THENCE S.89°19'30"W., 85.00 FEET TO A POINT ON THE WEST LINE OF SAID LOT 41; THENCE S.89°19'30"W., 58.45 FEET; THENCE N.23°14'21"W., 6.07 FEET; THENCE 6.87 FEET ALONG A CURVE CONCAVE TO THE NORTHEAST OF RADIUS 173.00 FEET WHOSE CHORD BEARS N.22°06'06"W., 6.87 FEET; THENCE N.89°19'30"E., 82.20 FEET; THENCE N.00°01'33"E., 138.23 FEET; THENCE S.89°58'27"E., 12.00 FEET; THENCE S.00°01'33"W., 133.98 FEET; THENCE N.61°02'04"E., 53.31 FEET; THENCE N.89°19'30"E., 99.65 FEET; THENCE S.69°13'51"E., 71.94 FEET; THENCE N.89°19'30"E., 74.66 FEET; THENCE N.00°00'30"E., 89.49 FEET; THENCE N.02°19'47"E., 123.44 FEET; THENCE N.00°00'30"E., 320.23 FEET TO THE POINT OF BEGINNING. CONTAINING 18,338 SQUARE FEET, OR 0.421 OF AN ACRE, MORE OR LESS.

## **HORIZON** ENGINEERING LLC

CIVIL ENGINEERING, SITE PLANNING & LAND DEVELOPMENT CONSULTING

P.O. Box 182158, Shelby Township, Michigan 48318  
Phone 586.453.8097 Fax 586.580.0053

PROJECT:

**Proposed Storm Sewer &  
Surface Drainage Easements  
for "Pinery Woods"**

PART OF THE SOUTHEAST 1/4 OF SECTION 13, T.2N., R.11E,  
CITY OF TROY, OAKLAND COUNTY, MICHIGAN

CLIENT:

MR. JOSEPH MANIACI  
MONDRIAN PROPERTIES, LLC  
50215 SCHODENHERR RD.  
SHELBY TWP., MI 48315  
(586) 726-7340

JOB NO: 14-065  
DATE: 8-5-15  
REVISED: 10-1-15  
DRAWN BY: N.F.R.

PERMANENT EASEMENT

Sidwell #88-20-13-401-010, 011,039, 014, 015 & 016 (part of) Resolution #

MONDRIAN PROPERTIES PINERY, L.L.C., a Michigan limited liability company, Grantor(s), whose address is 50215 Schoenherr Road, Shelby Twp, MI 48315 for and in consideration of the sum of: One and no/100 Dollar (\$1.00) paid by the CITY OF TROY, a Michigan municipal corporation, Grantee, whose address is 500 West Big Beaver Road, Troy, Michigan, 48084 grants to the Grantee, the right to construct, operate, maintain, repair and/or replace public utilities, 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 6 day of OCTOBER A.D. 2015.

MONDRIAN PROPERTIES PINERY, LLC, a Michigan limited liability company

By [Signature] (L.S.) Joseph Maniaci Its Member

STATE OF MICHIGAN ) COUNTY OF OAKLAND )

The foregoing instrument was acknowledged before me this 6th day of October, 2015, by Joseph Maniaci, Member, of MONDRIAN PROPERTIES PINERY, L.L.C., a Michigan limited liability company on behalf of the company.

LARYSA FIGOL Notary Public, Oakland County, Michigan Acting in Oakland County, Michigan My Commission Expires 03/02/2018 [Signature] Notary Public, County, Michigan Commission Expires on Acting in the County of Michigan

Prepared by and when recorded return to: Larysa Figol City of Troy 500 W. Big Beaver Road Troy, MI 48084

PLEASE SIGN IN BLUE INK AND PRINT OR TYPE NAMES IN BLACK INK UNDER SIGNATURES

# Exhibit A

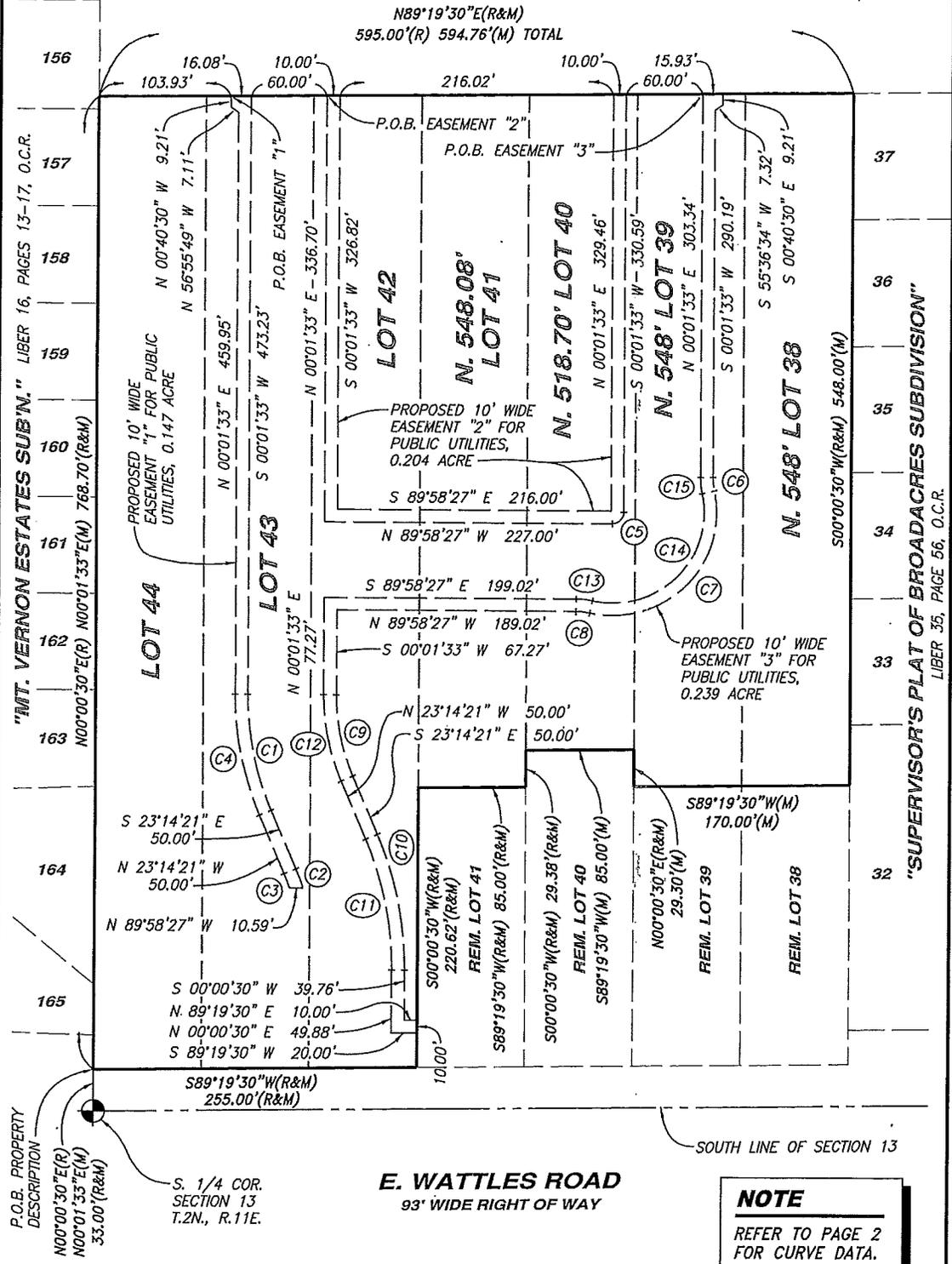
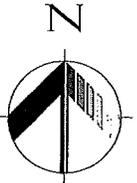
Page 1 of 4

## "SUPERVISOR'S PLAT OF BROADACRES SUBDIVISION"

LIBER 35, PAGE 56, O.C.R.

45

SCALE:  
1" = 100'



P.O.B. PROPERTY DESCRIPTION  
N00°00'30"E(R)  
N00°01'33"E(M)  
33.00'(R&M)

S. 1/4 COR.  
SECTION 13  
T.2N., R.11E.

**E. WATTLETS ROAD**  
93' WIDE RIGHT OF WAY

SOUTH LINE OF SECTION 13

**NOTE**  
REFER TO PAGE 2  
FOR CURVE DATA.

**HORIZON**  
ENGINEERING LLC

CIVIL ENGINEERING, SITE PLANNING & LAND DEVELOPMENT CONSULTING

P.O. Box 182158, Shelby Township, Michigan 48318  
Phone 586.453.8097 Fax 586.580.0053

PROJECT:  
**Proposed Public Utility Easements for "Pinery Woods"**

PART OF THE SOUTHEAST 1/4 OF SECTION 13, T.2N., R.11E., CITY OF TROY, OAKLAND COUNTY, MICHIGAN

CLIENT:  
MR. JOSEPH MANIACI  
MONDRIAN PROPERTIES, LLC  
50216 SCHOENHERR RD.  
SHELBY TWP., MI 48315  
(586) 726-7340

JOB NO: 14-065  
DATE: 8-5-15  
REVISED: 9-18-15  
DRAWN BY: N.P.R.

# Exhibit A

Page 2 of 4

## CURVE DATA

(C1) A=94.61' R=233.00' CB=S.11°36'24"E. CL=93.96'	(C5) A=14.14' R=9.00' CB=S.45°01'33"W. CL=12.73'	(C9) A=66.19' R=163.00' CB=S.11°36'24"E. CL=65.73'	(C13) A=12.82' R=60.00' CB=S.83°51'17"E. CL=12.79'
(C2) A=16.10' R=200.00' CB=S.20°55'56"E. CL=16.10'	(C6) A=10.68' R=50.00' CB=S.06°05'36"E. CL=10.66'	(C10) A=109.85' R=270.00' CB=S.11°35'02"E. CL=109.09'	(C14) A=143.86' R=72.00' CB=N.45°01'33"E. CL=121.09'
(C3) A=11.91' R=190.00' CB=N.21°26'34"W. CL=11.91'	(C7) A=163.84' R=82.00' CB=S.45°01'33"W. CL=137.91'	(C11) A=105.79' R=260.00' CB=N.11°35'00"W. CL=105.06'	(C15) A=12.82' R=60.00' CB=N.06°05'36"W. CL=12.79'
(C4) A=98.67' R=243.00' CB=N.11°36'24"W. CL=97.99'	(C8) A=10.68' R=50.00' CB=N.83°51'17"W. CL=10.66'	(C12) A=70.25' R=173.00' CB=N.11°36'24"W. CL=69.77'	

## PROPERTY DESCRIPTION (AS SURVEYED)

LOT 44, LOT 43, LOT 42, THE NORTH 548.08 FEET OF LOT 41, THE NORTH 518.70 FEET OF LOT 40, THE NORTH 548.00 FEET OF LOT 39, AND THE NORTH 548.00 FEET OF LOT 38 OF "SUPERVISOR'S PLAT OF BROADACRES SUB.", A SUBDIVISION OF PART OF THE SOUTHEAST 1/4 OF SECTION 13, TOWN 2 NORTH, RANGE 11 EAST, TROY TOWNSHIP (NOW CITY OF TROY), OAKLAND COUNTY, MICHIGAN AS RECORDED IN LIBER 35 OF PLATS, PAGE 56 OF OAKLAND COUNTY RECORDS, ALL BEING MORE PARTICULARLY DESCRIBED AS:

COMMENCING AT THE SOUTH 1/4 CORNER OF SAID SECTION 13; THENCE N.00°01'33"E. (N.00°00'30"E. RECORD), 33.00 FEET TO THE SOUTHWEST CORNER OF SAID LOT 44 AND THE POINT OF BEGINNING; THENCE ALONG THE WEST LINE OF SAID LOT 44 N.00°01'33"E. (N.00°00'30"E. RECORD), 768.70 FEET TO THE NORTHWEST CORNER OF SAID LOT 44; THENCE ALONG THE NORTH LINES OF LOTS 38 THROUGH 44, INCLUSIVE, N.89°19'30"E., 594.76 FEET (595.00 FEET RECORD) TO THE NORTHEAST CORNER OF SAID LOT 38; THENCE ALONG THE EAST LINE OF SAID LOT 38 S.00°00'30"W., 548.00 FEET; THENCE S.89°19'30"W., 170.00 FEET TO A POINT ON THE WEST LINE OF SAID LOT 39; THENCE ALONG THE WEST LINE OF SAID LOT 39 N.00°00'30"E., 29.30 FEET; THENCE S.89°19'30"W., 85.00 FEET TO A POINT ON THE WEST LINE OF SAID LOT 40; THENCE ALONG THE WEST LINE OF SAID LOT 40 S.00°00'30"W., 29.38 FEET; THENCE S.89°19'30"W., 85.00 FEET TO A POINT ON THE WEST LINE OF SAID LOT 41; THENCE ALONG THE WEST LINE OF SAID LOT 40 S.00°00'30"W., 220.62 FEET TO THE SOUTHWEST CORNER OF SAID LOT 41; THENCE ALONG THE SOUTH LINES OF SAID LOTS 42 THROUGH 44, INCLUSIVE, S.89°19'30"W., 255.00 FEET TO THE POINT OF BEGINNING. CONTAINING 379,736 SQUARE FEET, OR 8.718 ACRES, MORE OR LESS.

## HORIZON ENGINEERING LLC

CIVIL ENGINEERING, SITE PLANNING & LAND DEVELOPMENT CONSULTING

P.O. Box 182158, Shelby Township, Michigan 48318  
Phone 586.453.8097 Fax 586.580.0053

PROJECT:

### Proposed Public Utility Easements for "Pinery Woods"

PART OF THE SOUTHEAST 1/4 OF SECTION 13, T.2N., R.11E,  
CITY OF TROY, OAKLAND COUNTY, MICHIGAN

CLIENT:

MR. JOSEPH MANIACI  
MONDRIAN PROPERTIES, LLC  
60215 SCHOENHERR RD.  
SHELBY TWP., MI 48315  
(586) 726-7340

JOB NO: 14-065

DATE: 8-5-15

REVISED: 9-18-15

DRAWN BY: N.P.R.

# Exhibit A

Page 3 of 4

## **EASEMENT "1" FOR PUBLIC UTILITIES**

A TEN (10) FEET WIDE EASEMENT FOR PUBLIC UTILITIES, BEING PART OF LOT 43 OF "SUPERVISOR'S PLAT OF BROADACRES SUB.", A SUBDIVISION OF PART OF THE SOUTHEAST 1/4 OF SECTION 13, TOWN 2 NORTH, RANGE 11 EAST, TROY TOWNSHIP (NOW CITY OF TROY), OAKLAND COUNTY, MICHIGAN AS RECORDED IN LIBER 35 OF PLATS, PAGE 56 OF OAKLAND COUNTY RECORDS, AND BEING MORE PARTICULARLY DESCRIBED AS:

COMMENCING AT THE SOUTH 1/4 CORNER OF SAID SECTION 13; THENCE N.00°01'33"E. (N.00°00'30"E. RECORD), 33.00 FEET TO THE SOUTHWEST CORNER OF SAID LOT 44; THENCE ALONG THE WEST LINE OF SAID LOT 44 N.00°01'33"E. (N.00°00'30"E. RECORD), 768.70 FEET TO THE NORTHWEST CORNER OF SAID LOT 44; THENCE ALONG THE NORTH LINES OF LOTS 43 AND 44 N.89°19'30"E., 103.93 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG THE NORTH LINE OF SAID LOT 43 N.89°19'30"E., 16.08 FEET; THENCE S.00°01'33"W., 473.23 FEET; THENCE 94.61 FEET ALONG A CURVE CONCAVE TO THE EAST OF RADIUS 233.00 FEET WHOSE CHORD BEARS S.11°36'24"E., 93.96 FEET; THENCE S.23°14'21"E., 50.00 FEET; THENCE 16.10 FEET ALONG A CURVE CONCAVE TO THE SOUTHWEST OF RADIUS 200.00 FEET WHOSE CHORD BEARS S.20°55'56"E., 16.10 FEET; THENCE N.89°58'27"W., 10.59 FEET; THENCE 11.91 FEET ALONG A CURVE CONCAVE TO THE SOUTHWEST OF RADIUS 190.00 FEET WHOSE CHORD BEARS N.21°26'34"W., 11.91 FEET; THENCE N.23°14'21"W., 50.00 FEET; THENCE 98.67 FEET ALONG A CURVE CONCAVE TO THE EAST OF RADIUS 243.00 FEET WHOSE CHORD BEARS N.11°36'24"W., 97.99 FEET; THENCE N.00°01'33"E., 459.95 FEET; THENCE N.56°55'49"W., 7.11 FEET; THENCE N.00°40'30"W., 9.21 FEET TO THE POINT OF BEGINNING. CONTAINING 6,405 SQUARE FEET, OR 0.147 OF AN ACRE, MORE OR LESS.

## **EASEMENT "2" FOR PUBLIC UTILITIES**

A TEN (10) FEET WIDE EASEMENT FOR PUBLIC UTILITIES, BEING PART OF LOTS 40, 41 AND 42 OF "SUPERVISOR'S PLAT OF BROADACRES SUB.", A SUBDIVISION OF PART OF THE SOUTHEAST 1/4 OF SECTION 13, TOWN 2 NORTH, RANGE 11 EAST, TROY TOWNSHIP (NOW CITY OF TROY), OAKLAND COUNTY, MICHIGAN AS RECORDED IN LIBER 35 OF PLATS, PAGE 56 OF OAKLAND COUNTY RECORDS, AND BEING MORE PARTICULARLY DESCRIBED AS:

COMMENCING AT THE SOUTH 1/4 CORNER OF SAID SECTION 13; THENCE N.00°01'33"E. (N.00°00'30"E. RECORD), 33.00 FEET TO THE SOUTHWEST CORNER OF SAID LOT 44; THENCE ALONG THE WEST LINE OF SAID LOT 44 N.00°01'33"E. (N.00°00'30"E. RECORD), 768.70 FEET TO THE NORTHWEST CORNER OF SAID LOT 44; THENCE ALONG THE NORTH LINES OF LOTS 42, 43 AND 44 N.89°19'30"E., 180.01 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG THE NORTH LINE OF SAID LOT 42 N.89°19'30"E., 10.00 FEET; THENCE S.00°01'33"W., 326.82 FEET; THENCE S.89°58'27"E., 216.00 FEET; THENCE N.00°01'33"E., 329.46 FEET TO A POINT ON THE NORTH LINE OF SAID LOT 40; THENCE ALONG THE NORTH LINE OF SAID LOT 40 N.89°19'30"E., 10.00 FEET; THENCE S.00°01'33"W., 330.59 FEET; THENCE 14.14 FEET ALONG A CURVE CONCAVE TO THE NORTHWEST OF RADIUS 9.00 FEET WHOSE CHORD BEARS S.45°01'33"W., 12.73 FEET; THENCE N.89°58'27"W., 227.00 FEET; THENCE N.00°01'33"E., 336.70 FEET TO THE POINT OF BEGINNING. CONTAINING 8,905 SQUARE FEET, OR 0.204 OF AN ACRE, MORE OR LESS.

**HORIZON**  
ENGINEERING LLC

CIVIL ENGINEERING, SITE PLANNING & LAND DEVELOPMENT CONSULTING

P.O. Box 182158, Shelby Township, Michigan 48318  
Phone 586.453.8097 Fax 586.580.0053

PROJECT:

**Proposed Public Utility  
Easements  
for "Pinery Woods"**

PART OF THE SOUTHEAST 1/4 OF SECTION 13, T.2N., R.11E,  
CITY OF TROY, OAKLAND COUNTY, MICHIGAN

CLIENT:

MR. JOSEPH MANIACI  
MONDRIAN PROPERTIES, LLC  
80215 SCHOENHERR RD.  
SHELBY TWP., MI 48316  
(586) 728-7340

JOB NO: 14-065  
DATE: 8-5-15  
REVISED: 9-18-15  
DRAWN BY: N.P.R.

# Exhibit A

Page 4 of 4

## **EASEMENT "3" FOR PUBLIC UTILITIES**

A TEN (10) FEET WIDE EASEMENT FOR PUBLIC UTILITIES, BEING PART OF LOTS 39, 40, 41, AND 42 OF "SUPERVISOR'S PLAT OF BROADACRES SUB.", A SUBDIVISION OF PART OF THE SOUTHEAST 1/4 OF SECTION 13, TOWN 2 NORTH, RANGE 11 EAST, TROY TOWNSHIP (NOW CITY OF TROY), OAKLAND COUNTY, MICHIGAN AS RECORDED IN LIBER 35 OF PLATS, PAGE 56 OF OAKLAND COUNTY RECORDS, AND BEING MORE PARTICULARLY DESCRIBED AS:

COMMENCING AT THE SOUTH 1/4 CORNER OF SAID SECTION 13; THENCE N.00°01'33"E. (N.00°00'30"E. RECORD), 33.00 FEET TO THE SOUTHWEST CORNER OF SAID LOT 44; THENCE ALONG THE WEST LINE OF SAID LOT 44 N.00°01'33"E. (N.00°00'30"E. RECORD), 768.70 FEET TO THE NORTHWEST CORNER OF SAID LOT 44; THENCE ALONG THE NORTH LINES OF LOTS 39, 40, 41, 42, 43 AND 44 N.89°19'30"E., 476.03 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG THE NORTH LINE OF SAID LOT 39 N.89°19'30"E., 15.93 FEET; THENCE S.00°40'30"E., 9.21 FEET; THENCE S.55°36'34"W., 7.32 FEET; THENCE S.00°01'33"W., 290.19 FEET; THENCE 10.68 FEET ALONG A CURVE CONCAVE TO THE EAST OF RADIUS 50.00 FEET WHOSE CHORD BEARS S.06°05'36"E., 10.66 FEET; THENCE 163.84 FEET ALONG A CURVE CONCAVE TO THE NORTHWEST OF RADIUS 82.00 FEET WHOSE CHORD BEARS S.45°01'33"W., 137.91 FEET; THENCE 10.68 FEET ALONG A CURVE CONCAVE TO THE SOUTH OF RADIUS 50.00 FEET WHOSE CHORD BEARS N.83°51'17"W., 10.66 FEET; THENCE N.89°58'27"W., 189.02 FEET; THENCE S.00°01'33"W., 67.27 FEET; THENCE 66.19 FEET ALONG A CURVE CONCAVE TO THE EAST OF RADIUS 163.00 FEET WHOSE CHORD BEARS S.11°36'24"E., 65.73 FEET; THENCE S.23°14'21"E., 50.00 FEET; THENCE 109.85 FEET ALONG A CURVE CONCAVE TO THE WEST OF RADIUS 270.00 FEET WHOSE CHORD BEARS S.11°35'02"E., 109.09 FEET; THENCE S.00°00'30"W., 39.76 FEET; THENCE N.89°19'30"E., 10.00 FEET TO A POINT ON THE EAST LINE OF SAID LOT 42; THENCE ALONG THE EAST LINE OF SAID LOT 42 S.00°00'30"W., 10.00 FEET; THENCE S.89°19'30"W., 20.00 FEET; THENCE N.00°00'30"E., 49.88 FEET; THENCE 105.79 FEET ALONG A CURVE CONCAVE TO THE WEST OF RADIUS 260.00 FEET WHOSE CHORD BEARS N.11°35'00"W., 105.06 FEET; THENCE N.23°14'21"W., 50.00 FEET; THENCE 70.25 FEET ALONG A CURVE CONCAVE TO THE EAST OF RADIUS 173.00 FEET WHOSE CHORD BEARS N.11°36'24"W., 69.77 FEET; THENCE N.00°01'33"E., 77.27 FEET; THENCE S.89°58'27"E., 199.02 FEET; THENCE 12.82 FEET ALONG A CURVE CONCAVE TO THE SOUTH OF RADIUS 60.00 FEET WHOSE CHORD BEARS S.83°51'17"E., 12.79 FEET; THENCE 143.86 FEET ALONG A CURVE CONCAVE TO THE NORTHWEST OF RADIUS 72.00 FEET WHOSE CHORD BEARS N.45°01'33"E., 121.09 FEET; THENCE 12.82 FEET ALONG A CURVE CONCAVE TO THE EAST OF RADIUS 60.00 FEET WHOSE CHORD BEARS N.06°05'36"W., 12.79 FEET; THENCE N.00°01'33"E., 303.34 FEET TO THE POINT OF BEGINNING. CONTAINING 10,396 SQUARE FEET, OR 0.239 OF AN ACRE, MORE OR LESS.

**HORIZON**  
ENGINEERING LLC

CIVIL ENGINEERING, SITE PLANNING & LAND DEVELOPMENT CONSULTING

P.O. Box 182158, Shelby Township, Michigan 48318  
Phone 586.453.8097 Fax 586.580.0053

PROJECT:

**Proposed Public Utility  
Easements  
for "Pinery Woods"**

PART OF THE SOUTHEAST 1/4 OF SECTION 13, T.2N., R.11E,  
CITY OF TROY, OAKLAND COUNTY, MICHIGAN

CLIENT:

MR. JOSEPH MANIACI  
MONDRIAN PROPERTIES, LLC  
50216 SCHOENHERR RD.  
SHELBY TWP., MI 48315  
(586) 726-7340

JOB NO: 14-065  
DATE: 8-5-15  
REVISED:  
DRAWN BY: N.P.R.



## CITY COUNCIL AGENDA ITEM

---

Date: October 6, 2015

To: Brian Kischnick, City Manager

From: Mark F. Miller, Director of Economic & Community Development  
R. Brent Savidant, Planning Director

Subject: ANNOUNCEMENT OF PUBLIC HEARING (OCTOBER 26, 2015) - STREET VACATION REQUEST (SV 190) – Alley between Vermont and Birchwood, Abutting parcels 88-20-27-353-001, 002, 003, 004, 005, 006, 007, 008 and 029 on the west and parcels 88-20-27-353-012 and 021 on the east, Section 27, Currently Zoned MR (Maple Road) and R-1E (One Family Residential) Districts (abutting properties)

The applicant, Amber Properties Company, seeks vacation of a section of alley approximately 18 feet wide by 240 feet long. The alley vacation is needed to facilitate development of the 35-unit Amber Studios and Lofts apartment building, which was conditionally rezoned by City Council on August 24, 2015.

Because the applicant owns the parcels which abut the alley to the west, the applicant will acquire the western 9 feet of the alley upon vacation. The applicant proposes to utilize the western half of the alley primarily for a landscaping buffer. A portion of the dumpster enclosure is also proposed for the western half of the alley. Ownership of the eastern half of the alley will revert to the two residential properties to the east (39 Birchwood and 36 Vermont).

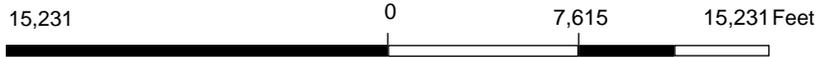
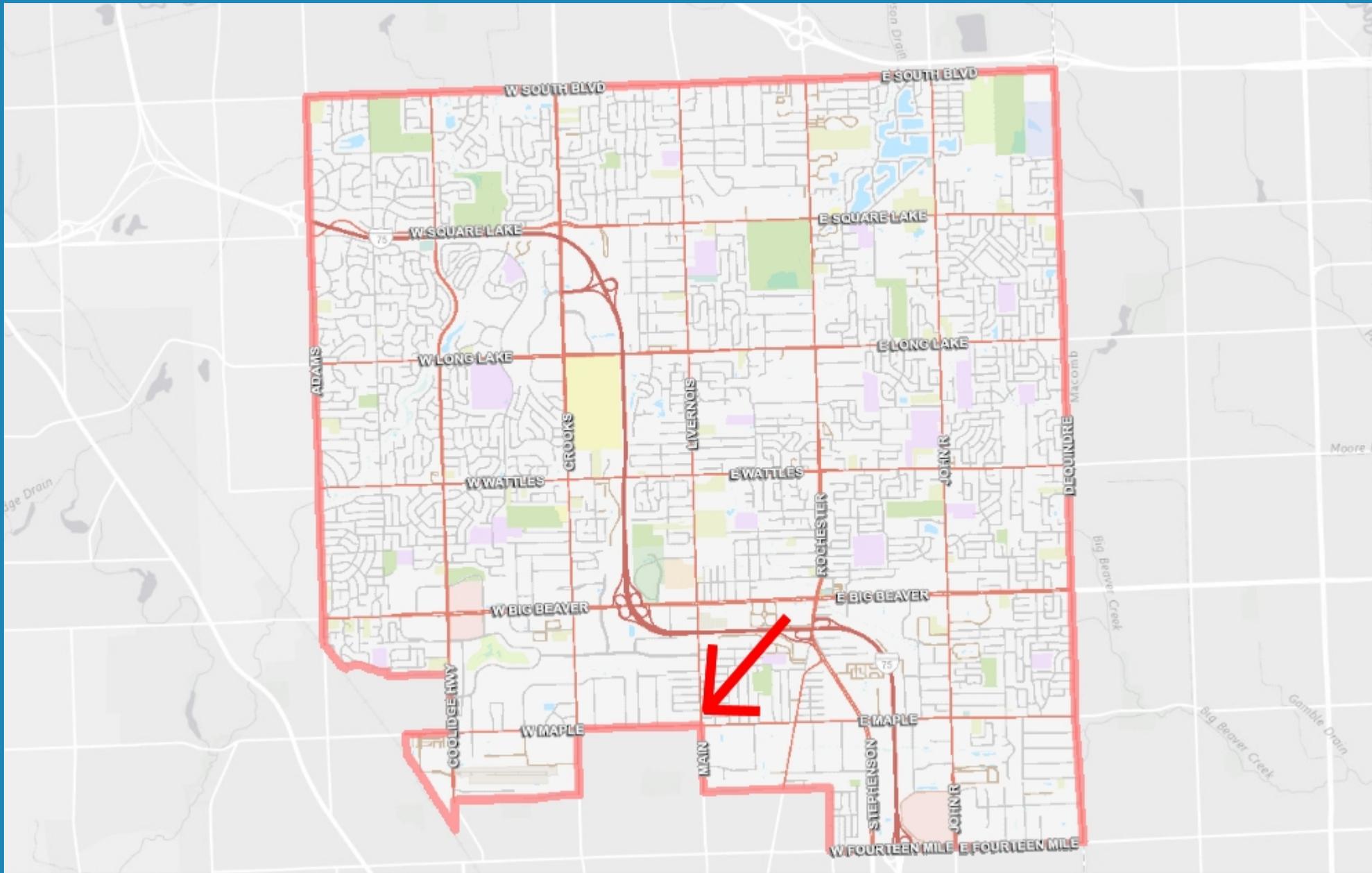
There are no City utilities in the alley, however there are overhead utilities. An easement must be maintained for the overhead utilities.

The Planning Commission held a public hearing on this item on September 22, 2015 and recommended approval of the application by a 7-0 vote.

The attached Planning Commission item provides additional background. A City Council public hearing has been scheduled for October 26, 2015.

Attachments:

1. Map
2. Agenda item from September 22, 2015 Planning Commission Regular meeting
3. Minutes (draft) from September 22, 2015 Planning Commission meeting (excerpt)
4. Public Comment



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.

DATE: September 16, 2015

TO: Planning Commission

FROM: R. Brent Savidant, Planning Director

SUBJECT: PUBLIC HEARING - STREET VACATION REQUEST (SV 190) – Alley between Vermont and Birchwood, Abutting parcels 88-20-27-353-001, 002, 003, 004, 005, 006, 007, 008 and 029 on the west and parcels 88-20-27-353-012 and 021 on the east, Section 27, Currently Zoned MR (Maple Road) and R-1E (One Family Residential) Districts (abutting properties)

### **GENERAL INFORMATION**

Name of applicant(s):  
Amber Properties Company.

History of Right of Way:

The subject alley is in the Addison Height Subdivision, which was platted in 1924. The alley has not been developed.

The applicant owns parcels 88-20-27-353-001, 002, 003, 004, 005, 006, 007, 008 and 029, which front on Livernois. The parcels 88-20-27-353-021 (39 Birchwood) and 88-20-27-353-012 (36 Vermont) abut the alley to the east.

The applicant is requesting to vacate the alley to facilitate development of his multi-family development. Most of the alley has been vacated over time (see attached map).

Length and width of right of way.

The section of alley proposed to be vacated is approximately 18 feet wide by 240 feet long, between Vermont Avenue and Birchwood Street.

### **ANALYSIS**

Reason for street vacation (as stated on the Street/Alley Vacation Application):

To support Conditional Rezoning of the parcels fronting Livernois Rd. that will facilitate implementation of the site plan for a multiple family development under the Maple Road District.

Impact on access to existing lots or buildings (including emergency service vehicles):

If the alley were to be vacated, all properties abutting the alley will continue to have access to abutting streets. Ownership of the vacated alley will revert to the abutting property owners within the subdivision. The applicant will receive the western 9 feet of

the vacated alley and the owners of 39 Birchwood and 36 Vermont will receive the eastern 9 feet of the vacated alley.

Impact on Utilities

There are no City utilities in the alley, however there are overhead utilities. An easement must be maintained for the overhead utilities.

Future Land Use Designation:

The area is designated on the Future Land Use Plan as Maple Road Zoning District.

**CITY MANAGEMENT RECOMMENDATION**

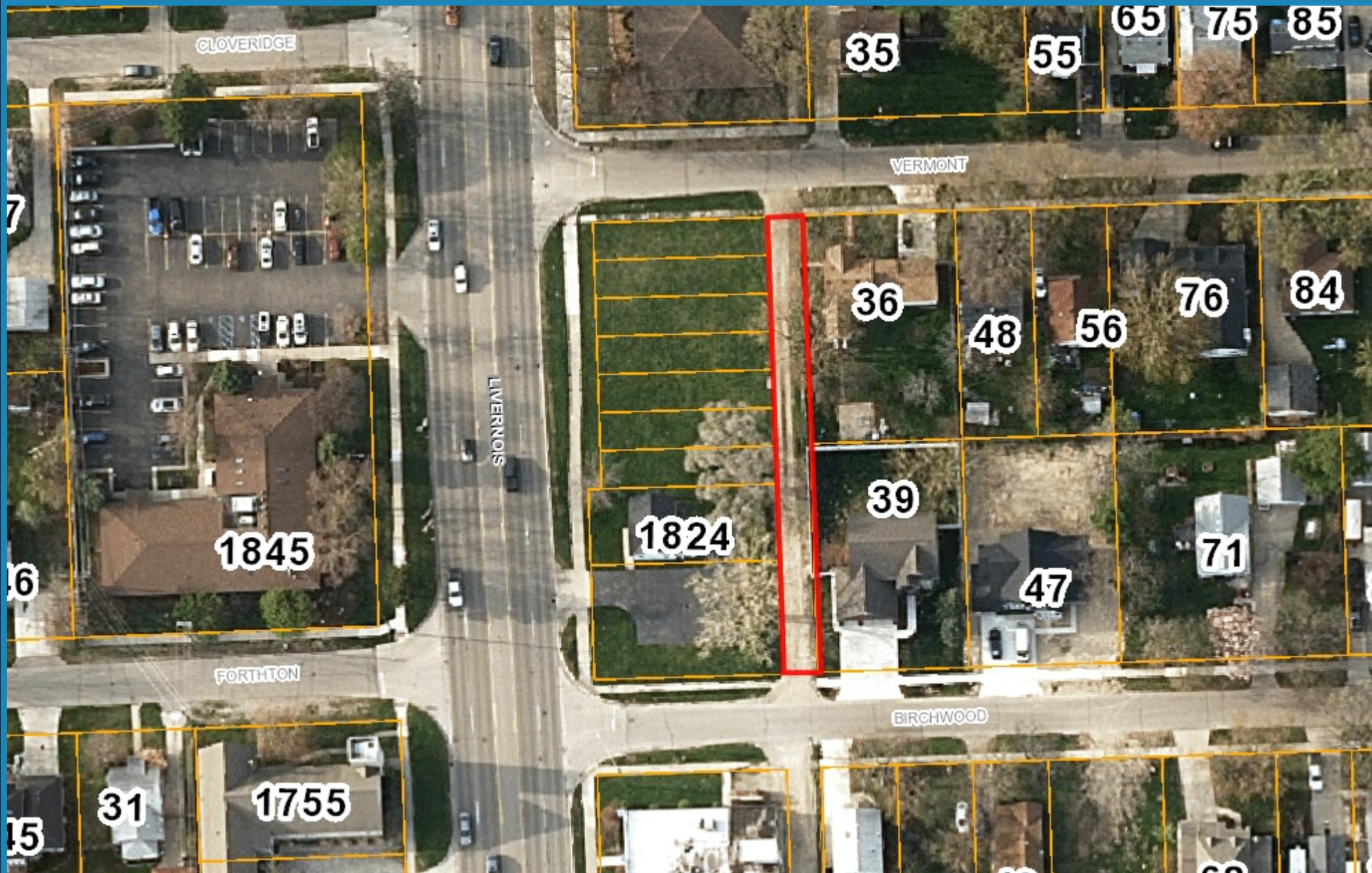
City Management recommends approval of the street vacation request as submitted, subject to the following:

1. An easement shall be maintained for overhead utilities.

Attachments:

1. Maps
2. Application and correspondence from applicant

G:\STREET VACATION\SV 190 Alley btwn Vermont and Birchwood Sec 27\SV 190 PC Memo 09 22 2015.doc



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.

# "ADDISON HEIGHTS-SUBDIVISION" No 2

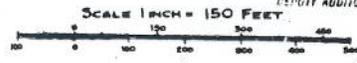
A SUBDIVISION OF W 1/2 OF SW 1/4 OF SEC. 27 T2N, R11 E.  
TROY TOWNSHIP, OAKLAND COUNTY, MICHIGAN.

Examined and Approved  
*Aug 29 1924*  
Deputy Auditor General

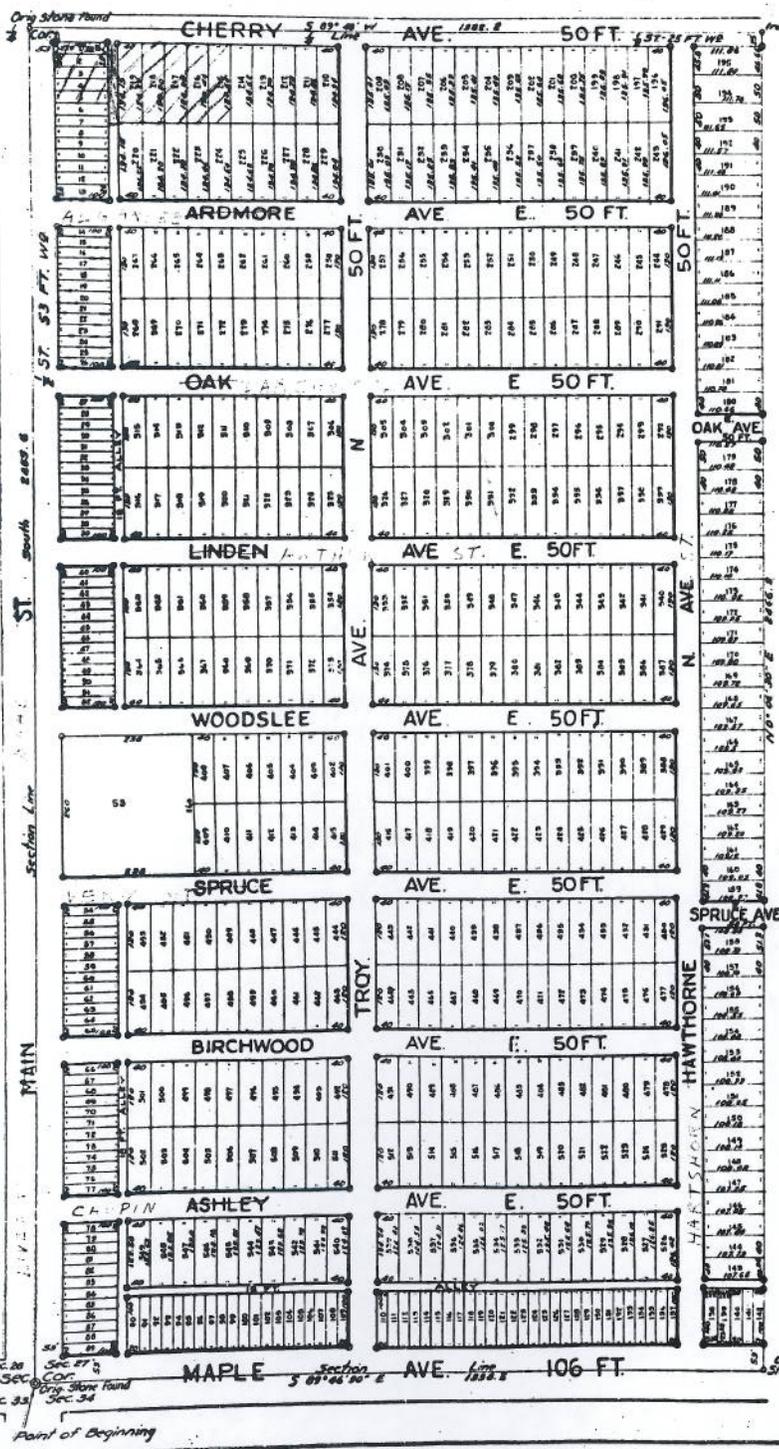
Recorded this *2nd* day of *Sept*  
A.D. 1924 at *11:20* o'clock  
of *1924* of *Plat*  
*Lucile Avery*  
Deputy Auditor General

I HEREBY CERTIFY THAT THIS IS A TRUE COPY OF THE MAP OR PLAN FORWARDED THE REGISTER OF DEEDS FOR RECORDING.  
COMPOSED *Aug 29 1924*  
*Deputy Auditor General*

FILED IN AUDITOR GENERAL'S DEPT.  
*Aug 29 1924*  
*Deputy Auditor General*



Note: -  
All dimensions in feet and decimals thereof.



**DEDICATION** -  
Know all men by these present that we, Addison Heights Land Company, a Michigan Corporation by John F. Addison, President and Lawrence W. Snell, Secretary and Francis W. Poole and Edith F. Poole, its wife, as proprietors, have caused the land shown on the annexed plat to be surveyed, laid out and platted as shown as Addison Heights Subdivision No. 2, a subdivision of the W 1/2 of the SW 1/4 of Section 27, T2N, R11E, Troy Township, Oakland County, Michigan and that all the streets and alleys as shown on said plat are hereby dedicated to the use of the public.

Signed and sealed in the presence of:  
*John F. Addison*  
*Lawrence W. Snell*  
*Francis W. Poole*  
*Edith F. Poole*

STATE OF MICHIGAN }  
COUNTY OF WAYNE } S.S.  
On this *14th* day of *July*, A.D. 1924 before me a Notary Public in and for said County, came the above named John F. Addison, President and Lawrence W. Snell, Secretary of Addison Heights Land Co., who being duly sworn, by me, did say that the above dedication was signed in behalf of said Corporation, by authority of its Board of Directors and the said John F. Addison, President and Lawrence W. Snell, Sec'y acknowledged said dedication to be the free act and deed of said Corporation, also personally came the above named Francis W. Poole and Edith F. Poole, his wife, known to me to be the persons who executed the above dedication and acknowledged the same to be their free act and deed.  
*Notary Public Wayne County, Mich.*  
*My Commission Expires - (Oct) 14th, 1927*

**DESCRIPTION** -  
Beginning at the SW corner of Section 27, T2N, R11E, Troy Township, Oakland County, Michigan; thence S89°30'E, 182.3 feet along Section line to 1/2 corner; thence N09°30'25"E, 100 feet along 1/2 Section line; thence S 89° 30' W, 182.3 feet along 1/2 Section line to W 1/2 corner of Section 27; thence South along Section line 825.6 to the point of beginning.

VACATED BY CIRCUIT COURT  
ORDER *2176* 1962  
VOLUME *210-62*

**SURVEYOR'S CERTIFICATE** -  
I hereby certify that the Plat hereon delineated is a correct one, and that permanent monuments consisting of 2"x10" iron pipe have been placed at angles in the boundaries of the land plat, and at intersections of Streets and Alleys and at all points marked thus: *o* of Streets and Alleys.

*W. S. McAlpine*  
Registered Surveyor

**CERTIFICATE OF MUNICIPAL APPROVAL** -  
This Plat was approved by the Township Board of the Township of Troy, Oakland County, Michigan at a meeting held on the 28 day of June, A.D. 1924.

*Monie G. Wadler*  
Township Clerk

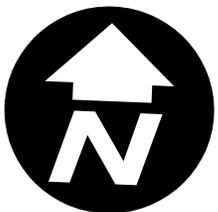
**Oakland County Treasurer's Certificate**  
This is to Certify, that there are no Tax Liens or Taxes held by the State or any individual against, and that all Taxes on lands described in the annexed instrument bearing Treasurer's No. *8763* have been paid FIVE YEARS prior to the date thereof, according to the records of this office, except as stated.  
*Aug 6 1924*  
Pontiac, Mich.

*Edwards*  
*Decker*

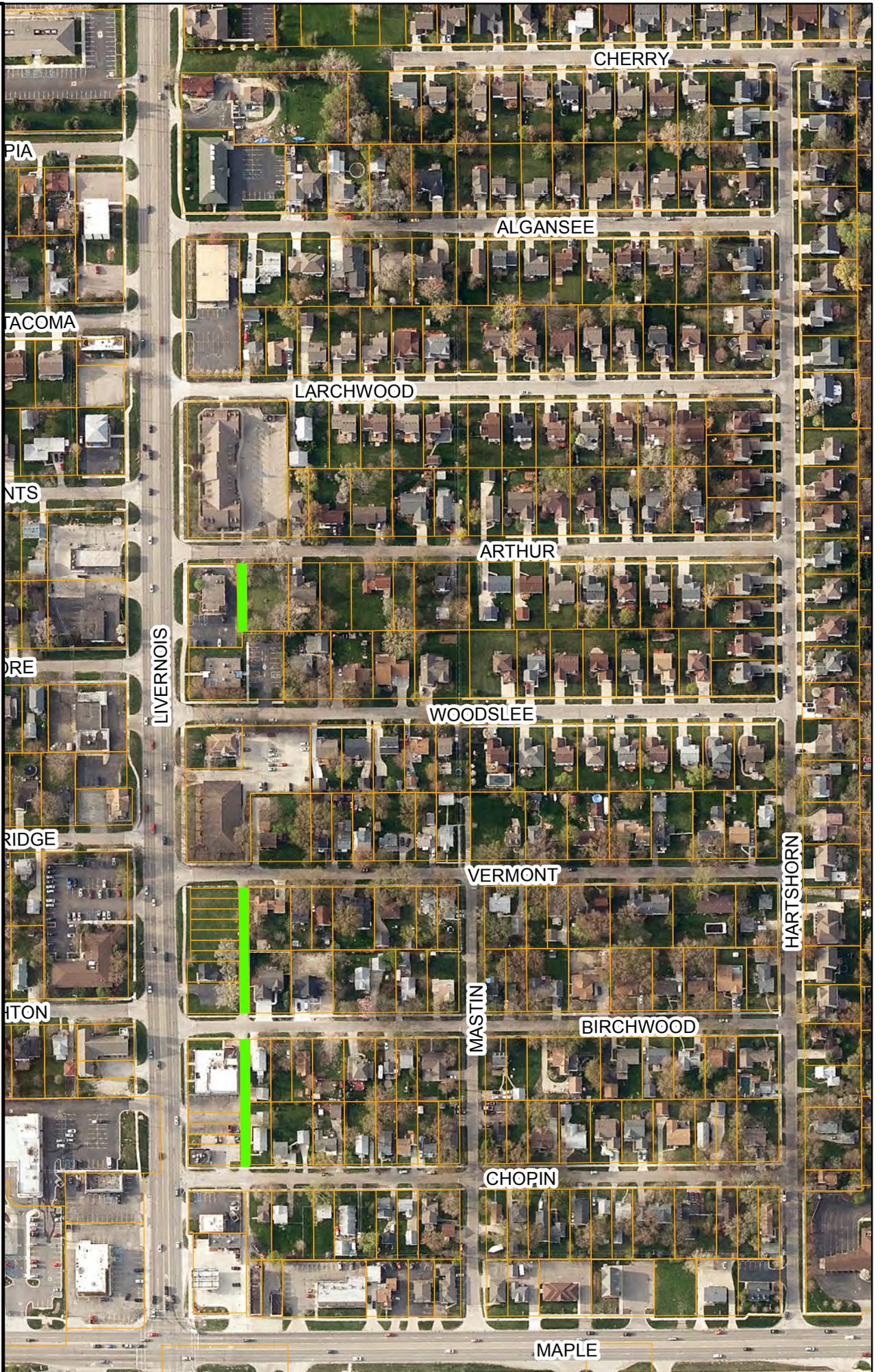
Point of Beginning  
Sec. 27  
Sec. 28  
Sec. 29  
Sec. 30  
Sec. 31  
Sec. 32  
Sec. 33  
Sec. 34

# Vacation of Alley

Remaining Alley

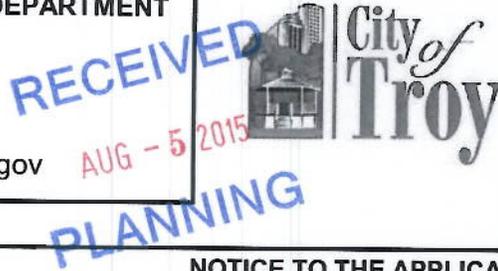


10/7/2015



# STREET / ALLEY VACATION APPLICATION CITY OF TROY

CITY OF TROY PLANNING DEPARTMENT  
500 W. BIG BEAVER  
TROY, MICHIGAN 48084  
248-524-3364  
FAX: 248-524-3382  
E-MAIL: [planning@troymi.gov](mailto:planning@troymi.gov)



FILE NUMBER SV 190  
DATE FILED 8/5/2015  
STREET VAC. FEE (\$500.00)   
ESCROW FEE (\$1,500.00)

### NOTICE TO THE APPLICANT

REGULAR MEETINGS OF THE TROY CITY PLANNING COMMISSION ARE HELD ON THE SECOND TUESDAY OF EACH MONTH AT 7:00 P.M. AT THE CITY HALL. APPLICATIONS FOR VACATIONS SHALL BE FILED NOT LATER THAN THIRTY (30) DAYS BEFORE THE SCHEDULED DATE OF THE MEETING.

**PLEASE FILE ONE (1) SIGNED ORIGINAL APPLICATION FORM**

THE **ESCROW FEE** IS AN ADDITIONAL FEE ABOVE THE NON-REFUNDABLE APPLICATION FEE WHICH SHALL BE USED TO PAY PROFESSIONAL REVIEW EXPENSES OF OUTSIDE CONSULTANTS.

### TO THE CITY COUNCIL:

I (WE), THE UNDERSIGNED, DO HEREBY RESPECTFULLY PETITION AND MAKE APPLICATION TO THE TROY CITY COUNCIL FOR VACATION OF THE RIGHT- OF- WAY OR EASEMENT WHICH IS DESCRIBED AS FOLLOWS:

The public alley between Birchwood Ave. and Vermont Ave. adjacent to the parcels identified below, as shown on attached drawing.

### APPLICANT(S) FOR VACATION: \*

NAME Jerome S. Amber

NAME \*Property is under an existing contract to purchase.

COMPANY Amber Properties Company

COMPANY \_\_\_\_\_

ADDRESS 380 N. Crooks Rd.

ADDRESS \_\_\_\_\_

CITY Clawson STATE MI ZIP 48017

CITY \_\_\_\_\_ STATE \_\_\_\_ ZIP \_\_\_\_\_

TELEPHONE (248) 280-1700

TELEPHONE \_\_\_\_\_

E-MAIL jamber@comcast.net

E-MAIL \_\_\_\_\_

ADDRESS(S) AND/OR PARCEL NUMBER(S) OF PROPERTY OWNED BY APPLICANT(S) WHICH ABUTS OR INCLUDES THE AREA FOR WHICH VACATION IS REQUESTED: Parcel nos. 20-27-353-001, 20-27-353-002, 20-27-353-003, 20-27-353-004, 20-27-353-005, 20-27-353-006, 20-27-353-007, 20-27-353-008 and 02-27-353-029 on the west; and 20-27-353-012 & 20-27-353 on the east.

THIS REQUEST FOR VACATION IS MADE FOR THE FOLLOWING REASON(S) : To support Conditional Rezoning of the parcels fronting Livernois Rd. that will facilitate implementation of the site plan for a multiple family development under the Maple Road District.

(Attach additional informational pages if necessary)

ATTACHED IS A MAP INDICATING THE AREA FOR WHICH VACATION IS REQUESTED, THE LOCATION OF THE APPLICANT(S) PROPERTY, AND OTHER ABUTTING PROPERTIES. ( 1" = 200' MIN. SCALE)

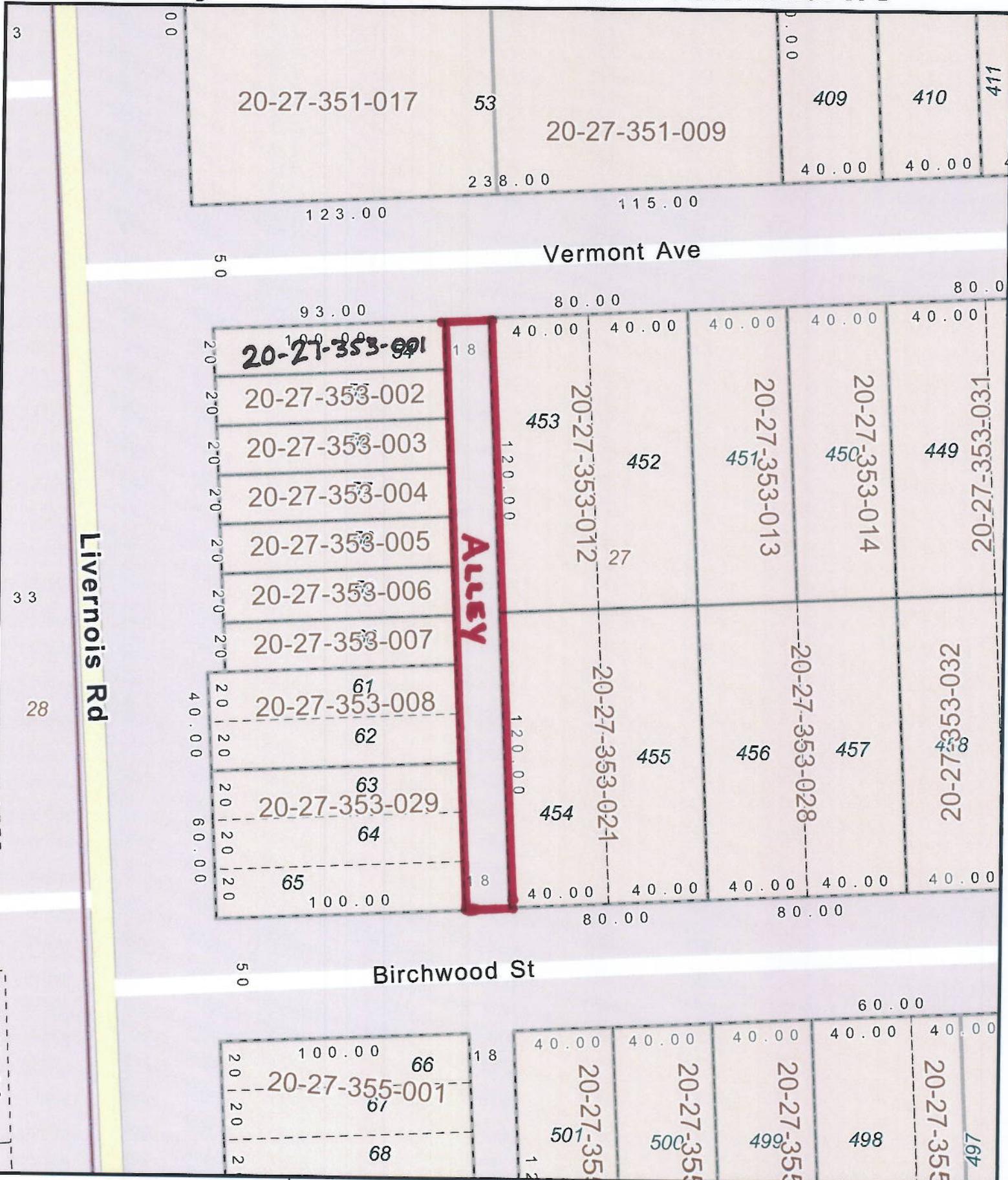
SIGNATURE(S) OF THE APPLICANT(S):

Jerome S. Amber

DATE: 8/5/2015

DATE: \_\_\_\_\_

# Alley Btwn Birchwood St and Vermont Ave



-  2 Foot Contours
-  5 Foot Contours
-  FEMA Base Flood Elevations
-  FEMA Cross Sections
-  100 yr - FEMA Floodplain
-  100 yr (detailed) - FEMA Floodplain
-  500 yr - FEMA Floodplain
-  FLOODWAY - FEMA Floodplain

Disclaimer: The information provided herewith has been compiled from recorded deeds, plats, tax maps, surveys and other public records. It is not a legally recorded map or survey and is not intended to be used as one. Users should consult the information sources mentioned above when questions arise. FEMA Floodplain data may not always be present on the map.

  
**L. Brooks Patterson**  
 Oakland County Executive

Date Created: 8/4/2015

  
**NORTH**  
 1 inch = 50 feet



September 18, 2015

Planning Commission  
City of Troy  
500 W. Big Beaver Rd.  
Troy, MI 48084

Re: Amber Properties Company  
Alley Vacation Request  
1800-1870 Livernois (the "Project")

Dear Planning Commissioners:

Since we last met with you on July 28<sup>th</sup>, we are very pleased to report that the Troy City Council unanimously approved the conditional rezoning and Site Plan for the Project on August 24<sup>th</sup>. As you may recall, as part of the Site Plan, the westerly nine feet of the current alley, has been added as a buffer area to the adjacent residential properties. Consequently, the alley needs to be vacated in order for the Project to move forward.

On behalf of Amber Properties Company, we assert the alley should be vacated for the following reasons:

1. The alley has never been paved or landscaped and only serves as an "unofficial" pathway between Birchwood and Vermont streets;
2. The alley is not needed for any governmental purpose, such as refuse pickup;
3. The alley is not needed for any ingress or egress to the Project -- all ingress and egress will occur off of the driveways on the adjacent residential streets;
4. The alley is not needed for any ingress or egress to the two adjacent residential homes, which have driveways and garages facing the streets;
5. The westerly half of the alleyway to be vacated to Amber will be part of the "buffer area" and will be appropriately landscaped and maintained;
6. Based upon an inspection of other adjacent properties bordering on Livernois, it appears that numerous alleys have been vacated over the years and incorporated into office and other commercial building projects; and

ATTORNEYS & COUNSELORS AT LAW

Planning Commission  
City of Troy  
September 18, 2015  
Page 2

7. The alley is not part of a network of alleys that are interconnected or continuous and that provide any manner of ingress and egress of the adjacent and nearby commercial and residential properties.

Amber respectfully requests a recommendation to vacate the alley from the Planning Commission to the City Council. We are under a current deadline as we have had the due diligence period extended with the current property owner. Amber would appreciate your accommodation in this regard.

As always, if you have any questions, please feel free to contact me at your earliest convenience or Jerry Amber at (248) 280-1700.

Sincerely,



Dennis G. Cowan  
PLUNKETT COONEY  
Direct Dial: (248) 901-4056  
Email: [dcowan@plunkettcooney.com](mailto:dcowan@plunkettcooney.com)

DGC/cmw  
cc: Jerry Amber

Open.19331.70425.15938672-1

6. PUBLIC HEARING - STREET VACATION REQUEST (SV 190) – Alley between Vermont and Birchwood, Abutting parcels 88-20-27-353-001, 002, 003, 004, 005, 006, 007, 008 and 029 on the west and parcels 88-20-27-353-012 and 021 on the east, Section 27, Currently Zoned MR (Maple Road) and R-1E (One Family Residential) Districts (abutting properties)

Mr. Savidant reported the vacation request is consistent with previous requests to vacate portions of the same alley. Mr. Savidant said City Management recommends approval of the alley vacation request as submitted, subject to the condition that an overhead utility easement is maintained.

Present were Dennis Cowan of Plunkett Cooney and Jerome Amber of Amber Properties Company.

Mr. Cowan said the proposed vacation has been discussed with the abutting property owner on Birchwood but they have not been successful making contact with the property owner on Vermont.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

**Resolution # PC-2015-09-059**

Moved by: Krent

Seconded by: Tagle

**RESOLVED**, That the Planning Commission hereby recommends to the City Council that the street vacation request, as submitted, for an alley located east of Livernois, between Vermont and Birchwood, approximately 18 feet wide by 240 feet in length, abutting Lots 65 through 54 and lots 454 and 455 of Addison Height, Section 27, be approved, subject to the following:

1. An easement shall be maintained for overhead utilities.

Yes: All present (8)

Absent: Hudson

**MOTION CARRIED**

September 15, 2015

Planning Commission  
City of Troy  
500 West Big Beaver  
Troy, MI 48064

Dear Sirs/Madams:

I, as a property holder on the site which is proposed for development at R 24 Leominster, between Vermont and Buchanan and following the Planning Commission and the City Council's unanimous approval to allow the development subject to the vacation of the alley which runs to the back of the proposed development just West of Leominster. My understanding is if the alley is vacated 1/2 will go to the owners of the property which is ~~to~~ planned to be

subject - vacation of alley developed and 1/2 to the two property owners whose property parallels the alley and also runs East of Leominster.

I include myself along with Jim Sheppard as a co-owner of the subject property in the petition to vacate the alley for the following reasons:

(1) it is an issue with the unanimous approval of the Planning Commission and the City Council that the proposed development go forward, (2) the developer needs the additional property as I understand it, to complete their proposed development, (3) there is a precedent for the area for vacation of alleys, (4) it will create a better lot base for the city, (5) there is several parcels of vacant property which

SUBJECT:

Vacation of Alley

have been vacant for years, which stand to be developed, (6) the two adjoining property owners who also stand to gain 1/2 of the land proposed by the vacation of the alley, have built attractive white picket fences on their respective property lines which abut the alley, (7) if approved release the City of Troy from the obligation to maintain an alley, (8) most importantly it will fulfill a need the City of Troy ~~has to~~ to attract young hard working professionals who will continue to live there after they are married and will seek large accommodations.

Subject - vacation of alley

(9) The developer has an outstanding track record for the development and maintenance of the properties which he has already developed, and (10) Jenni Sheppard and I, will be proud to see this development go forward as a vast improvement to what is on the site already and as a lasting legacy to the City. The City of Troy has made a lot of progress since I began a resident in the early "60's" living first in the Somerset Apartments and then purchasing a home at 296 Leshda in Troy. I admire the City for fulfilling the needs of the city despite all the progress it has made to date.

Respectfully,  
S. Whittier

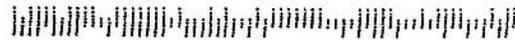
M. J. Farney  
1824 Lenox  
Troy, MI 48084

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Planning Commission  
City of Troy  
500 West Big Beaver  
Troy, MI 48084





**TO:** Members of the Troy City Council

**FROM:** Lori Grigg Bluhm, City Attorney  
Allan T. Motzny, Assistant City Attorney  
Julie Quinlan Dufrane, Assistant City Attorney  
Nicole MacMillan, City Attorney Assistant

**DATE:** October 2, 2015

**SUBJECT:** 2015 Third Quarter Litigation Report

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The following is the quarterly report of pending litigation and other matters of interest. **Developments during the THIRD quarter of 2015 are in bold.**

A. ANATOMY OF THE CASE

Once a lawsuit has been filed against the City or City employees, the City Attorney's office prepares a memo regarding the allegations in the complaint. At that time, our office requests authority from Council to represent the City and/or the employees. Our office then engages in the discovery process, which generally lasts for several months, and involves interrogatories, requests for documents, and depositions. After discovery, almost all cases are required to go through case evaluation (also called mediation). In this process, three attorneys evaluate the potential damages, and render an award. This award can be accepted by both parties, and will conclude the case. However, if either party rejects a case evaluation award, there are potential sanctions if the trial result is not as favorable as the mediation award. In many cases, a motion for summary disposition will be filed at the conclusion of discovery. In all motions for summary disposition, the Plaintiff's version of the facts are accepted as true, and if the Plaintiff still has failed to set forth a viable claim against the City, then dismissal will be granted. It generally takes at least a year before a case will be presented to a jury. It also takes approximately two years before a case will be finalized in the Michigan Court of Appeals and/or the Michigan Supreme Court.

B. ZONING CASES

These are cases where the property owner has sued for a use other than that for which the land is currently zoned and/or the City is suing a property owner to require compliance with the existing zoning provisions.

**There are no pending zoning cases for this quarter.**

C. EMINENT DOMAIN CASES

These are cases in which the City wishes to acquire property for a public improvement and the property owner wishes to contest either the necessity or the compensation offered. In cases where only the compensation is challenged, the City

obtains possession of the property almost immediately, which allows for major projects to be completed.

1. Troy v. Grand Sakwa et. al.- This condemnation case was initiated on December 16, 2013, to re-acquire the 2.7 acre transit center parcel from Grand Sakwa after the Michigan Supreme Court denied Troy's application for leave to appeal. Although the City was deeded the property in 2000, and initially prevailed against developer Grand Sakwa's motion seeking a reversion of the property, this decision was reversed by the Michigan Court of Appeals on the basis that the transit center was allegedly not funded by the June 2, 2010 reversion date in the consent judgment. Since the Court of Appeals decision became final upon the Michigan Supreme Court's refusal to hear the case, the condemnation complaint requests possession dating back to June 2, 2010. The independently appraised value for the property is \$550,000, which is well below the federal appropriation set aside for the project under the Federal Transit Administration. The City filed a Motion seeking an order confirming title and possession, based on the fact that the Defendants waived the ability to challenge necessity. Defendants filed a response to this motion, seeking a dismissal of the case based on the fact that the property appraisal date was for 2010 (the date of reversion as declared by the Court of Appeals opinion). The Court entered a dismissal order on February 21, 2014, based on his conclusion that there needed to be an appraisal of the improved property as of 2014 (the date of filing the condemnation case). The City immediately requested an amended appraisal. A new purchase offer was extended, based on the amended appraisal. The Court granted the City's request for an order of possession of the property on August 15, 2014. Discovery continues. Trial is now scheduled for August 24, 2015. Trial was adjourned until October 26, 2015. **On September 14, 2015, Oakland County Circuit Court Judge Bowman entered an order dismissing the case, based on a mutually accepted case evaluation. This case is now concluded.**
2. Troy v Behunin, et al- This condemnation case was initiated on December 2, 2014 to acquire needed right of way from property owned by Kathleen and Michael Behunin. The property is located on John R. Road, between Square Lake Road and South Boulevard. The case was assigned to Oakland County Circuit Court Judge Martha Anderson. A hearing is set for January 14, 2015 at which the City will request an Order of Possession. On January 14, 2015, the Court granted the City's request for an order of possession. The case will proceed on the issue of just compensation. The parties are preparing documents to facilitate discovery exchange. **Discovery is ongoing.**

#### D. CIVIL RIGHTS CASES

These are cases that are generally filed in the federal courts, under 42 U.S.C. Section 1983. In these cases, the Plaintiffs argue that the City and/or police officers of the City of Troy somehow violated their civil rights.

1. Burley v. Gagacki. This is an excessive force case filed against a Troy police officer who was participating on a federal task force executing search warrants. The task force divided up and simultaneously executed search warrants on two houses located some distance from each other. Plaintiffs argue that they were injured by unidentified task force members at one of the houses. The incident report fails to specify which task force members were at Plaintiff's house and which task force members were simultaneously executing the search warrant at the other house. The Troy police officer and other task force members were initially represented by an Assistant U.S. Attorney, who obtained a dismissal of the case. Plaintiffs then successfully appealed to the Sixth Circuit Court of Appeals, which reinstated the case. The second trial is scheduled for February 2014. Due to a retirement of the Assistant U.S. Attorney and the possibility of conflicts between the task force team members, our office has assumed a more active role in the litigation, and will defend the Troy police officer task force member. The Court granted the request of one of the co-defendants to adjourn the trial, which is now scheduled to start on June 16, 2014. The parties have been addressing procedural items and preparing for trial. After picking a jury on June 10, 2014 and intense preparation for trial to begin on June 16, 2014, one of the Plaintiffs was hospitalized four days before the scheduled trial date. Trial has been rescheduled for October 6, 2014. The parties are preparing for the jury trial to begin on October 6, 2014. A week long jury trial was conducted from October 6, 2014 through October 15, 2014, in Federal District Court. After deliberating for 30 minutes, the jury returned a verdict of no cause of action, dismissing the case against the task force officers. The Judge also ordered payment of costs to all Defendants. Plaintiffs subsequently filed an appeal with the Sixth Circuit- U.S. Court of Appeals. Plaintiffs' appellate brief is due in April 2015. The Court of Appeals issued a briefing schedule in this matter. Plaintiff-Appellant's brief was filed on May 18, 2015, and the Troy Defendant-Appellee's brief is due on July 3, 2015. **A timely brief on appeal was filed on behalf of the Troy police officer and the parties are waiting for the 6<sup>th</sup> Circuit Court of Appeals to schedule a date for oral argument.**
2. Terrell Bishop v City of Troy, et al. Terrell Bishop filed a lawsuit against the City and individual Troy police officers and fire department employees, as well as Oakland County individuals and entities. The lawsuit is based on the City's investigation and prosecution of Plaintiff for arson and aggravated stalking. Plaintiff filed the case in Oakland County Circuit Court and it was assigned to Judge Phyllis McMillen. Plaintiff alleges false evidence was used against him and that defendants violated his constitutional rights. He claims

he was unlawfully arrested and falsely imprisoned. He argues that he was deprived of life, liberty, and property without due process of law and that he was denied his right to equal protection of the law. Plaintiff brings this lawsuit under 42 USC Section 1983, seeking damages in excess of 30 million dollars. He is representing himself. The City will file a motion for summary disposition as its first responsive pleading, which is due on or before July 8, 2015. **The City filed a motion for summary disposition, which was heard on August 26, 2015. On August 31, 2015, the Court entered its Opinion and Order granting summary disposition and dismissing the case against all the Troy defendants. The Plaintiff then filed a motion requesting the Court re-instate the case against the Troy Defendants. Although it was not labelled as such, the motion was essentially a motion for reconsideration. The City filed a response to that motion, and on September 29, 2015, the Court issued an order denying the Plaintiff's motion. This case is now concluded.**

3. *Hammond v. City of Troy, et al.* LeDell Hammond filed a lawsuit against the City of Troy, the Troy Police Department, 52-4 District Court, A&M Service Center & Towing, and Secretary of State in United States District Court, Eastern District/Southern Division. The case has been assigned to Judge Paul Borman. The lawsuit stems from the removal of Plaintiff's vehicle by the Troy Police Department. Mr. Hammond's 2005 Grand Prix was seized in August 2014, as part of an on-going armed robbery investigation. Plaintiff brings this lawsuit under 42 USC Section 1983, alleging Fourth, Fifth, and Fourteenth Amendment violations, as well as a violation of MCL 257.252, a RICO claim, and a negligence claim. In addition to Plaintiff's Complaint, he also filed an emergency motion requesting the Court grant a temporary restraining order to prevent the Troy Police Department from auctioning his vehicle. The City filed a timely response in opposition of Plaintiff's request for a temporary restraining order. The Court has not yet decided this issue. The City also intends to file a motion to dismiss as its first responsive pleading to Plaintiff's Complaint. **Plaintiff's emergency motion for a temporary restraining order was denied by the District Court, and he filed an interlocutory appeal with the Sixth Circuit Court of Appeals. The City filed a timely motion to dismiss the case, and the District Court has not issued its ruling yet.**

#### E. PERSONAL INJURY AND DAMAGE CASES

These are cases in which the Plaintiff claims that the City or City employees were negligent in some manner that caused injuries and/or property damage. The City enjoys governmental immunity from ordinary negligence, unless the case falls within one of four exceptions to governmental immunity: a) defective highway exception, which includes sidewalks and road way claims; b) public building exception, which imposes liability only when injuries are caused by a defect in a public building; c) motor vehicle exception, which imposes liability when an employee is negligent when

operating their vehicle; d) proprietary exception, where liability is imposed when an activity is conducted primarily to create a profit, and the activity somehow causes injury or damage to another; e) trespass nuisance exception, which imposes liability for the flooding cases.

1. *Allstate Insurance Company v. City of Troy and Troy Fire Department*. This is a subrogation case, filed by Allstate Insurance Company against the City of Troy Fire Department, seeking reimbursement of Allstate's payment to its insured Rajkiran Panesar. Mr. Panesar's vehicle was damaged when he unexpectedly drove onto a fire hose that had fallen from a Troy Fire truck after dark on October 21, 2013. The Answer and Affirmative Defenses to the Complaint were due on July 17, 2014. The City filed a Motion for Summary Disposition on July 31, 2014 arguing that governmental immunity shielded the City from liability, and therefore the City was entitled to a dismissal of this case. Prior to entertaining this motion, Judge Asadoorian scheduled case evaluation for October 14, 2014. The City is waiting for the Court to schedule oral arguments on its Motion for Summary Disposition. On December 1, 2014, the Court entered an order denying Summary Disposition. The City filed an interlocutory appeal of this decision on December 5, 2014, which was assigned to Oakland County Circuit Court Judge Leo Bowman. On December 18, prior to the receipt of the transcript or the lower court file, Judge Bowman dismissed the appeal, characterizing it as an application for leave to appeal instead of an appeal of right from a denial of governmental immunity. Instead of filing an application for leave to appeal with the Michigan Court of Appeals, the parties will proceed to trial, which is scheduled for February 20, 2015. This case proceeded to a bench trial, resulting in a verdict of \$10,230. The City appealed the Court's denial of governmental immunity, and the case has now been assigned to Oakland County Circuit Court Judge Shalina Kumar. The City timely filed an appellate brief with the Oakland County Circuit Court. The Court scheduled oral argument on the appeal for July 15, 2015. **A stipulation and order was filed in Oakland County Circuit Court to dismiss the appeal and remand the case back to the 52-3<sup>rd</sup> District Court to have the case dismissed. Once the file was sent back to 52-3 District Court, the City filed a stipulation and order to set aside the judgment and dismiss the case with prejudice and without costs.**

#### F. MISCELLANEOUS CASES

1. *Michigan Association of Home Builders; Associated Builders and Contractors of Michigan; and Michigan Plumbing and Mechanical Contractors Association v. City of Troy* – The Plaintiffs filed a complaint for Declaratory and Injunctive Relief in the Oakland County Circuit. On the date of filing the Plaintiffs also filed a Motion for Preliminary Injunction and Order to Show Cause. The Plaintiffs allege

that the City of Troy has violated Section 22 of Michigan's Stille-DeRossett Hale Single State Construction Code Act by collecting fees for building department services that are not reasonably related to the cost of providing building department services. They are alleging that the City of Troy has illegally entered into a contract with Safe Built of Michigan, Inc. for building services that provides that 20% of each building permit fee be returned to the City to cover services that are not "reasonably related to the cost of building department services," as required by state statute. The Plaintiffs also assert a violation of the Headlee Amendment, arguing that the 20% returned to the City is a disguised tax that was not approved by voters. The Plaintiffs are asking for a declaratory judgment, as well as a return of any "surplus" building department service funds collected to date. Plaintiffs also request an order requiring the City to reduce its building department fees. The City of Troy was served with the Complaint and the Motion for Preliminary Injunction and Order for Show Cause on Wednesday, December 15, 2010. The parties were required to appear at Court on Wednesday, December 22, 2010, but the Court did not take any action at that time. Instead, the Court adjourned the matter to January 19, 2011. In the interim, the parties may engage in preliminary discovery in an attempt to resolve this matter. The parties are conducting discovery. The parties have completed discovery. Trial in this matter is scheduled for January 30, 2012. After being presented with motions for summary disposition, the Court ordered the parties to engage in mediation with a neutral municipal audit professional. Financial documents concerning this case are now being reviewed by an independent CPA. It is expected that the April 19, 2012 trial date will be postponed until after this review is complete. Mediation was unsuccessful in resolving this case, and therefore the Court is expected to issue an order on the pending Summary Disposition Motions. The trial date has been adjourned. On November 13, 2012, Oakland County Circuit Court Judge Shalina Kumar issued her order in favor of the City, and dismissed this case. Plaintiffs filed an appeal, which is now pending in the Michigan Court of Appeals. Appellant's brief is expected to be filed soon. The parties timely filed their appellate briefs, and are now waiting for the Court of Appeals to schedule a date for oral argument. The Court of Appeals has not yet scheduled oral argument for this case. The parties are still waiting for a date for oral argument. Oral argument was held on March 4, 2014. On March 13, 2014, the Court of Appeals issued its opinion ruling in the City's favor and affirming the Circuit Court's decision dismissing the case. On April 23, 2014, Plaintiff Home Builders filed an Application for Leave to Appeal with the Michigan Supreme Court. Troy's response was filed on May 19, 2014. The Michigan Supreme Court considered the application for leave to appeal and ordered that the matter be scheduled for oral argument. The Court also permitted the parties to submit supplemental briefs, which are due October 29, 2014. The City timely filed its supplemental brief with the Michigan Supreme Court. The parties are now waiting for the Court to set a date for oral argument on the application. The Michigan Supreme Court entertained oral arguments on the application for leave to appeal on March 11, 2015. On June 4, 2015, the Michigan Supreme Court reversed the decisions of the Court of Appeals and the Circuit Court and ruled

there was no requirement for Plaintiffs to exhaust their administrative remedies. The case was remanded to Circuit Court for further proceedings. A status conference was held on June 18, 2015 with Judge Kumar. During the status conference, Judge Kumar scheduled a hearing for September 2, 2015, allowing the parties to address the issues that were previously raised in the motion for summary disposition but were not decided since the case was initially dismissed for failure to exhaust administrative remedies. **At the hearing on September 2, 2015, Judge Kumar allowed Plaintiffs to request additional discovery within 30 days. Thereafter, both parties are allowed to file supplemental briefs.**

2. *Todd Michael v. City of Troy et. al.* Todd Michael has filed this lawsuit against the City, the Troy Police Department and the Troy Police Chief. Through this lawsuit, Plaintiff alleges that he was discriminated against in his employment with the City, in violation of the Americans With Disabilities Act. He also alleges that he suffered retaliation for his alleged disability. He is asking to be reinstated as a Troy Police Officer. He is also asking for additional compensation, punitive damages, costs and attorney fees. The answer to the complaint and affirmative defenses were filed on September 27, 2012. The Court has issued a scheduling order in this case, and discovery is on-going. The parties are continuing in the discovery phase. The Court has extended the discovery cut off in this matter, and the parties continue to take depositions in this case. The City will be filing a Motion for Summary Judgment. A Motion for Summary Judgment was filed on October 14, 2013. Plaintiff filed its Response on November 21, 2013, and the City's reply brief was filed on December 12, 2013. The parties are still waiting for the Court to either issue an opinion or schedule a date for oral argument on the Motion. The Court transferred the case to newly appointed U.S. District Court Judge Judith Levy, who has scheduled oral argument on the motion for summary judgment for July 10, 2014. Subsequent to oral argument, the Court entered an order on July 23, 2014 dismissing Police Chief Gary Mayer and Count II as to all parties. The Court is expected to issue an order as to the first Count of Plaintiff's Complaint. On October 21, 2014, the Court entered its order in favor of the City, dismissing the case. Plaintiff subsequently filed an appeal with the Sixth Circuit Court of Appeals. Plaintiff/ Appellant's Corrected Brief was filed on March 6, 2015. The City's brief was filed on April 7, 2015. Oral argument is set for July 29, 2015. **Since the July 29, 2015 oral argument, the parties have been waiting for the Sixth Circuit Court panel to issue its opinion.**

3. *Daniel E. Katayama v City of Troy.* Plaintiff filed this lawsuit under the Freedom of Information Act (FOIA) claiming that the City did not fully comply with a FOIA request he submitted on March 26, 2013. Plaintiff's FOIA request sought particular documents related to his arrest on suspicion of driving while intoxicated. The City filed an Answer to the Complaint, and the parties are conducting discovery. Discovery continues. The Court scheduled a mandatory settlement conference for March 10, 2014. The City filed a Motion for Summary Disposition on February 14, 2014. The Court scheduled oral argument on this Motion for June 5, 2014. The Court granted in part and denied in part the City's Motion for Summary Disposition.

Plaintiff filed a Claim of Appeal in the Michigan Court of Appeals on September 3, 2014. A briefing schedule has not been issued by the Court of Appeals. A timely response brief will be filed once the date is set by the Court. Plaintiff ordered the transcript of proceedings, and the date of the receipt of the transcript dictates the appellate briefing schedule. The parties are still waiting for the court transcript to be completed. The final transcript was filed with the Court on May 1, 2015. Plaintiff-Appellant's brief was due on May 19, 2015, but has not yet been filed. **Plaintiff-Appellant's Appeal was at first dismissed by the Court of Appeals for lack of progress, however, Plaintiff-Appellant's subsequent Motion to Reinstate Appeal was granted. Plaintiff-Appellant filed a brief on appeal on July 23, 2015. The City of Troy timely filed its brief on appeal on September 24, 2015. The Michigan Court of Appeals scheduled Oral Argument for November 9, 2015.**

4. *DiMario v. City of Troy, et al.* - Plaintiffs filed this case in Oakland County Circuit Court on November 5, 2014 to obtain a vacant piece of land next to Plaintiffs' home. Plaintiffs listed the City of Troy as a Defendant in the case because the City has easements on the property. The Plaintiffs also listed D&T Construction, Emerald Lakes Pointe Association, and the Oakland County Treasurer as Defendants. The City has filed an Answer to the Complaint, and is now waiting for the Court to issue a scheduling order. The Court issued its scheduling order. This case was removed from case evaluation through a stipulation of the parties. Trial is now scheduled for September 10, 2015. **The trial was adjourned to January 14, 2016.**
5. *Jeremey Carter v Oakland County Jail, et al.* Plaintiff filed this claim against the City of Troy and an individual Troy police officer claiming he was wrongfully arrested and incarcerated. The case was filed in the United States District Court for the Eastern District of Michigan and assigned to the Honorable Judge Gershwin Drain who ordered Plaintiff to file an Amended Complaint by a date certain. Plaintiff missed his deadline, and a motion to dismiss is pending before the Court awaiting a decision. The parties are still waiting for a Court decision in this case. **On July 8, 2015, the District Court issued an Order allowing Plaintiff additional time to file an Amended Complaint. Plaintiff's Amended Complaint, naming two different Troy police officers, was then timely filed on July 30, 2015. The City of Troy filed a Motion to Dismiss Plaintiff's Amended Complaint on August 17, 2015, and the parties are waiting for the Court's decision.**
6. *Dandu and Mosutan v. City of Troy, et al.* Plaintiffs filed this Complaint in Oakland County Circuit Court against the City of Troy and the Oakland County Treasurer's Office. The case has been assigned to Judge Denise Langford Morris. Mr. Dandu purchased a foreclosed property (1369 E. Wattles Road) from Oakland County in August 2014, and Mr. Moustan purchased the property from him in October 2014. Through the lawsuit, the Plaintiffs are seeking the removal of a past due water bill lien in the amount of \$17,230.63, since this bill represents charges incurred prior to their acquisition of the property. **The parties attended a show cause hearing on August 19, 2015 where the Judge set the case for a status hearing on October 12, 2015.**

## G. CRIMINAL APPEALS/ DISTRICT COURT APPEALS

These are cases involving an appeal from a decision of the 52-4 District Court in an ordinance prosecution case.

1. **City of Troy v. Barber.** Defendant was issued a citation for possession of marijuana on March 20, 2015. Defendant had a valid medical marijuana card at the time of the traffic stop and under state law, she is immune from prosecution for possession of marijuana, therefore the case was dismissed. Defendant then filed a motion for return of property, specifically 23 g of marijuana, which was granted by District Court Judge Hartig. The City appealed the decision to the Oakland County Circuit Court, and timely filed its Brief on Appeal. Oral arguments are scheduled before Oakland County Circuit Court Judge Shalina Kumar on November 9, 2015.

## H. ADMINISTRATIVE PROCEEDINGS

1. *In the matter of the Petitions on National Pollution Discharge Elimination Systems (NPDES Phase II General Permits).* The City has joined several other municipalities in challenging several of the mandates in the NPDES Phase II General Permit, which was recently issued by the MDEQ. The new NPDES permit requires some storm water management techniques that exceed the federal mandates, and/or are not justified, based on the high cost of the mandate, in relation to the nominal environmental benefits. A status conference for the parties is set for October 1, 2008. The municipalities are currently exploring the coordination of efforts with other parties. Community representatives are meeting with representatives from the MDEQ to discuss possible resolutions of this matter without the necessity of a full blown administrative hearing. The parties are continuing to negotiate with the MDEQ. The City of Riverview filed a class action complaint in the Ingham County Circuit Court, challenging the permit requirements as unfunded mandates. The petitioners to the NPDES permit administrative proceeding are named as participants in the proposed class action lawsuit. As a result, the class action determination may have an impact on the administrative proceeding. The motion for class certification is scheduled for October 15, 2009. Class certification was granted. Hearings regarding the procedure for the new class action are set for January 2010. The Court granted class action status, and the administrative proceedings are now being delayed. Status reports have been filed and reviewed, and we continue to monitor any new developments. On October 14, 2010, the Michigan Court of Appeals reversed the order granting a stay of the contested cases. On November 19, 2010, the Ingham County Circuit Court (the class action lawsuit) entered an order granting in part the dismissal of some of the claims. The remaining claims, including a Headlee claim, will be decided by the Court. Subsequently, the Assistant Attorney General, on behalf of the Michigan Department of Natural Resources and Environment (MDNRE)

attempted to withdraw all of the remaining NPDES permits, which would mean that the whole process would need to be started from scratch. Since this action would likely result in a significant delay and a duplication of all efforts to date, several municipalities filed objections to this unilateral action. The MDNRE was given until December 22, 2010 to file a formal motion seeking a dismissal of the remaining NPDES permits. On August 9, 2011, the Administrative Law Judge held the case in abeyance, due to pending case at the Michigan Court of Appeals. The parties will continue to provide status reports in the interim. The Court is continuing to receiving status reports, with the next one due on December 19, 2012. Status reports were timely filed on January 6, 2013 and March 22, 2013. Additional status reports were submitted on June 24 and 25, 2013. The Court issued an order on September 10, 2013, continuing to hold the matter in abeyance pending resolution of the constitutional issues. Status reports were timely filed on December 18, 2013. Administrative Law Judge Plummer issued an order on January 29, 2014, continuing the case in abeyance, and ordering quarterly status reports to be filed. Status reports were filed as of the deadline of May 1, 2014. The case continues to be held in abeyance. The Court issued an order on August 27, 2014, continuing the case in abeyance. The Court has continued to hold this case in abeyance, and has required status reports be filed on or before January 30, 2015. Status reports were timely filed. The Administrative Law Judge ordered a status conference, which was held on June 24, 2015. Since the parties could not reach an agreement, the Court scheduled an argument on motions for August 24. **The Court dismissed the cases on the grounds of mootness, based on the fact that a new NPDES permit is required for the communities, and the parties are now seeking attorney fee reimbursement.**

If you have any questions concerning these cases, please let us know.



OAKLAND COMMUNITY COLLEGE

*Chancellor's Office*

September 23, 2015

*Agenda*

Mr. Brian Kischnick  
 City Manager  
 City of Troy  
 500 W. Big Beaver Road  
 Troy, MI 48084

Dear Mr. Kischnick:

On behalf of Oakland Community College, I am pleased to notify you that two companies located in the City of Troy have been approved by OCC for funding through the Michigan New Jobs Training (MNJT) program. The MNJT program will provide training funds to support an anticipated 192 new positions through December 2018.

<u>Company</u>	<u>Award Amount</u>	<u>New Jobs</u>
Total Quality Logistics	\$250,000	80
Mahindra North America	\$250,000	112

The MNJT program enables companies working with community colleges to divert the Michigan state income taxes of new employees to provide training and education for new positions. Since 2011, Oakland Community College has awarded more than \$10 million in training incentives to 17 businesses in Oakland County.

We are proud to support the training and educational needs of local businesses in Oakland County through this unique incentive program, which enhances the economic development and well-being of our county and region.

When we say "Community is our middle name," we mean it!

Sincerely,

A handwritten signature in blue ink, appearing to read 'Tim Meyer'.

Dr. Timothy R. Meyer  
 Chancellor



## CITY COUNCIL AGENDA ITEM

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Date: October 7, 2015

To: Brian Kischnick, City Manager

From: Jeanette Menig, Human Resources Director  
Brooke Insana, Human Resources Coordinator

Subject: 2015 Employee Wellness Fair

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### **History**

In 2013 the Human Resources Department's focus and initiatives were widened to include employee wellness. The City Council reinforced the importance of employee wellness by approving funds in the 2014-15 and 2015-16 budgets to be used toward this effort.

### **Details**

Promoting employee wellness is a comprehensive, year-round undertaking that the Human Resources Department and City management have embraced. We began our flagship event, an annual Employee Wellness Fair, in 2014. This year our Wellness Fair was held on Wednesday, September 30 at the Troy Community Center.

Attendance for our 2015 event was remarkable; over 200 employees (from all City departments), retirees and volunteers enjoyed the fair. Vendors from 27 local businesses participated. They donated raffle prizes, interacted with employees and provided demonstrations, educational information and/or product samples.

We have learned that a quality wellness program considers all aspects of an individual's wellbeing: physical, mental, community, financial and career health. Therefore, we worked diligently to ensure that all of these aspects were represented at the fair. Flu shots were available through Rite Aid, blood pressure and diabetic screenings from Wayne State University Physicians Group, chair massages from The Chiropractic Studio, samples from Peacocks Poultry Farm, Zoyo, Tropical Smoothie and many more. The fair also highlighted services available from Ulliance, Blue Cross/Blue Shield, ICMA-RC, Weight Watchers, Troy Public Library, Troy Community Center/Recreation and the Police Department.

The collaboration between multiple departments made the 2015 Employee Wellness Fair a success. Numerous employees from Recreation, Library, Police, and Public Works contributed time and talents to the event. Additionally, Billy Casper Golf provided golf carts to expedite travel between City Hall and the Community Center, where the fair was held.

Based on the success of the event, we plan to continue offering the Wellness Fair annually and expand it as funds permit. Future fairs could include seminars or speakers on relevant wellness topics. We are always looking to improve this worthwhile initiative.

## 2015 Employee Wellness Fair

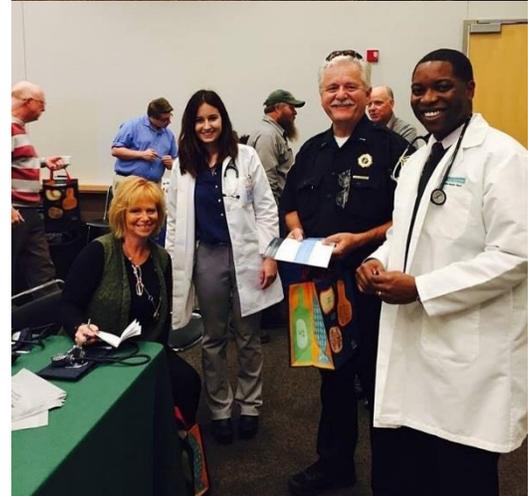


  
 City of Troy Employee  
**Wellness Fair**  


Please join us for the  
**Annual Troy Employee Wellness Fair**  
 September 30, 2015 | 10am-3pm

This event will take place at the  
 Community Center banquet rooms 304-305

*Flu shots available for you and your family  
 Enter for a chance to win amazing prizes!*



Tracy City employees,

THANK YOU VERY MUCH FOR GREAT  
RESTAURANT GIFT CARDS. THESE ARE  
OUR FAVORITE PLACES TO EAT.

THANKS FOR ALL THE SUPPORT AND  
HELP YOU HAVE GIVEN THE DEPT.  
AND ME OVER THE YEARS.

Bill



**GREAT LAKES  
WATER AUTHORITY**

September 29, 2015

The Honorable Mayor Dane Slater  
City of Troy  
500 W. Big Beaver  
Troy, Michigan 48084

Dear Mr. Slater:

I wanted to extend my personal thanks for your efforts in securing the consent of your legislative body to the assignment of your community's water service contract to the Great Lakes Water Authority. Your continued support of and partnership in the wholesale customer outreach program is truly appreciated.

Sincerely,

A handwritten signature in blue ink that reads "Sue F. McCormick".

Sue F. McCormick  
Interim CEO  
Great Lakes Water Authority

SFM:lk

# Lbrands

September 14, 2015

Chief of Police Gary G. Mayer  
Troy Police Department  
500 West Big Beaver  
Troy, MI 48084

Chief Mayer,

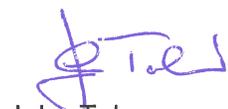
I am writing this letter to express my appreciation for the efforts of your officers and your department, specifically Retail Liaison Officer, Tim Garcher. Officer Garcher has routinely supported and led investigations involving several Organized Retail Crime (ORC) Groups. ORC is a big problem impacting the retail industry and the Troy Police Department has devoted significant resources to support retailers in their jurisdictions. We have certainly benefitted from the support that we have received from your department.

Most recently (August 17 - 22, 2015), we conducted an ORC operation in the Detroit Market. Several of our Regional Loss Prevention Managers from across the country and our National Investigations Team conducted surveillances at local malls that had been reporting increased levels of theft. During that week, our team received an unparalleled level of support from the Troy Police. We were able to arrest 10 ORC Boosters that had been creating significant loss for our stores with the support of your team. Officers Dan Bachleda, Brian Jones, Greg Stopczynski, Patrick McWilliams, Jason Bordo, Joe Morgan, Ben Hancock, Detective Sergeant Scott LaMilza, Sergeant Nathan Gobler and Detective Theresa Harrison all supported our operation.

Additionally, there was one arrest of a professional booster from Toledo, OH who had stolen over \$20,000 worth of merchandise in the previous six months. Had we not had the Officers from Troy Police with us that night, this booster would not have been arrested. The officers involved in that arrest went to great lengths to safely take this offender into custody and, because of their investigation were able to secure criminal charges that reflected the serious nature of his activity.

On behalf of L Brands Loss Prevention, we appreciate the level of support we received from your department and we look forward to our continued partnership with the Troy Police Department.

Sincerely,



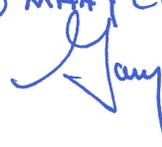
John Talamo  
Vice President Loss Prevention and Safety Services



POLICE OFFICERS TIM GARCHER, DAN BACHLEDA,  
BRIAN JONES, GREG STOPCZYNSKI,  
PAT MCWILLIAMS, JASON BORDO,  
JOE MORGAN, BEN HANCOCK,  
THERESA HARRISON

SUTS SCOTT LAMILZA + NATE GOBLER

THANK YOU ALL FOR YOUR GOOD WORK  
IN TARGETING THESE ORGANIZED RETAIL CRIME  
GROUPS THAT COMMIT SO MANY CRIMES.



September 1, 2015

Chief Gary G. Mayer  
Troy Police Department  
500 West Big Beaver Road  
Troy, MI 48084



Dear Chief Mayer,

I would like to commend your officers for the efforts put forth on the “How to Respond to an Active Threat” presentations at Kelly Services’ Global headquarters. Sgt. Meghan Lehman, Sgt. Andrew Satterfield, and Ofc. Steven Zagacki displayed the utmost professionalism and all were excellent representatives of your department. Their attention to detail and determination to release timely, quality responses to a potential active threat, were very much appreciated by all in attendance.

Since we must acknowledge violence in the workplace as becoming more evident every day, as proven by shared statistics, their comments and suggestions were very real and extremely relevant. I believe we can all benefit from the “Run, Hide, Fight” strategies they suggested as a simple, yet effective, response in a collaborative effort to keep all of our employees safe. Their enthusiasm was contagious and our employees have gained a new level of confidence to face any unforeseen threats.

I would also like to extend a thank you to Sgt. Andy Breidenich who helped facilitate our initial contact with Sgt. Lehman and helped bring these presentations to fruition.

We are proud to be associated with the Troy Police Department and to have you as part of our team. Please extend my appreciation and that of our staff to the dedicated men and women of the Troy Police Department.

Sincerely,

David E. Eager  
Director, Global Security & Investigations

SGT. MEGHAN LEHMAN  
SGT. ANDY SATTEFIELD  
SGT. ANDY BREIDENICH  
P.O. STEVE ZAGACKI

THANK YOU ALL FOR YOUR PART IN  
BRINGING THIS IMPORTANT ACTIVE SHOOTER  
RESPONSE TRAINING TO OUR GREAT  
CORPORATE PARTNER - KELLY SERVICES.