



CITY COUNCIL AGENDA ITEM

Date: September 20, 2016

To: Brian Kischnick, City Manager

From: Mark F. Miller, Director of Economic and Community Development
Steven J. Vandette, City Engineer
Brent Savidant, Planning Director
Larysa Figol, Sr. Right-of-Way Representative

Subject: Request to Complete Lincoln Drive Street Vacation, Section 26, West of John R, South of Big Beaver, Zoned PUD 7, Sidwell #88-20-26-200-093

History

At a June 18, 2007 Regular meeting, City Council granted Final PUD Approval to the Village at Big Beaver Planned Unit Development (PUD 7). Resolution #2007-06-193.

On August 14, 2007, the Planning Commission recommended approval of a street vacation request for Lincoln Drive, which was located within approved PUD 7. Resolution #PC2007-08-128.

At the September 17, 2007 Regular meeting, City Council agreed with the Planning Department's recommendation to convey the City's interest in a strip of land measuring 25' x 260' known as Lincoln Drive. This was an unimproved and unplatted paper street that was intended to be used to access surrounding properties. The City retained temporary water main and natural gas line easements over the entire parcel until the design was finished for PUD 7, and the utility locations were finalized. (Resolution 2007-09-274)

Staff recorded Resolution #2007-09-274 with Oakland County Register of Deeds in L39610, P804. This resolution, however, did not expressly authorize the Mayor and City Clerk to execute a Quit Claim deed to convey the City's interest in this parcel.

After the final design, SAAM-Troy, LLC granted three utility easements to the City on January 28, 2008 for water main, sanitary sewer, and emergency ingress and egress (Resolution #2008-01-023-F5). The easements were accepted by the City, and recorded with Oakland County Register of Deeds.

The current owners of the property are attempting to work with a title company to establish clear title to a portion of the property where Lincoln Drive was identified. Although usually only a recorded resolution is required, this is a unique situation, since this parcel is not platted. In order to declare clear title, the title company requires approval of a Quit Claim Deed that expressly conveys this vacated road property. A proposed Quit Claim Deed accomplishing this technicality has been prepared for your consideration.

Financial

There are no financial considerations for this item.

Recommendation

Staff recommends that City Council authorize the Mayor and City Clerk to execute the attached Quit Claim deed granting any interest the City may have in the parcel known as Lincoln Drive to SAAAM-Troy, LLC.

City Attorney's Review as to Form and Legality

Lori Grigg Bluhm, City Attorney

Date

LF/G:MEMOSTOMAYORANDCC\LINCOLNDRIVEQCDEED

QUIT CLAIM DEED

PIN: #88-20-26-200-093 (part of)
Res.# 2016-

The Grantor(s), **CITY OF TROY, a Michigan municipal corporation**, whose address is 500 West Big Beaver, Troy, Michigan 48084, convey(s) and warrants to **SAAAM-Troy, LLC, a Michigan limited liability company**, whose address is 2100 E. Maple Rd, Birmingham, MI 48009 the following described premises, for the sum of One Dollar and 00/100 Cents (\$1.00), situated in the City of Troy, County of Oakland and State of Michigan:

ALL OF THE RELEASED LAND RECORDED IN LIBER 15149 ON PAGE 596 OAKLAND COUNTY RECORDS, SAID RELEASED AREA BEING THE NORTH 25.00 FEET OF THE SOUTH 243.77 FEET OF THE NORTH 1183.77 FEET OF THE EAST 320 FEET OF THE NORTHEAST ¼ OF SECTION 26, TOWN 2 NORTH, RANGE 11 EAST, CITY OF TROY, OAKLAND COUNTY MICHIGAN AND BEING MORE PARTICULARLY DESCRIBED AS: COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 26; THENCE S00°04'00"W, 940.00 FEET ALONG EAST LINE OF SAID SECTION 26; THENCE N89°59'10"W, 60.00 FEET TO THE WEST LINE OF JOHN R ROAD (120' WIDE) AND THE POINT OF BEGINNING; THENCE CONTINUING N89°59'10"W, 260.00 FEET; THENCE S00°04'00"W, 25 FEET; THENCE S89°59'10E, 260.00 FEET TO THE WEST LINE OF JOHN R; THENCE N00°04'00"E, 25 FEET ALONG SAID LINE TO THE POINT OF BEGINNING.

EXEMPT FROM COUNTY & STATE REAL ESTATE TRANSFER TAX UNDER MCL 207.505 (h) (i) & 207.526 (h) (i)

subject to easements and building and use restrictions of record.

Dated this _____ day of September, 2016.

CITY OF TROY
a Michigan municipal corporation

Dane M. Slater
Its: Mayor

M. Ailene Dickson,
Its: City Clerk

STATE OF MICHIGAN)
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this _____ day of September, 2016, by Dane M. Slater, Mayor, and M. Ailene Dickson, City Clerk, of the City of Troy, a Michigan municipal corporation.

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

County Treasurer's Certificate		City Treasurer's Certificate	
When recorded return to: SAAAM-Troy, LLC 2100 E. Maple Rd Birmingham, MI 48009	Send subsequent tax bills to: Grantee	Drafted by: Larysa Figol City of Troy 500 West Big Beaver Troy, MI 48084	

Tax Parcel #88-20-26-200-093 (part of) Recording Fee _____ Transfer Tax _____

REGULAR BUSINESS:**F-9 Final Approval – The Village at Big Beaver Planned Unit Development (PUD 7) – Proposed Village at Big Beaver Planned Unit Development, Southwest corner of Big Beaver and John R, Section 26 – M-1 (Light Industrial) District**

Resolution #2007-06-193

Moved by Fleming

Seconded by Schilling

WHEREAS, The petitioner SAAAM-Troy, LLC has requested Final Planned Unit Development approval, pursuant to article 35.60.021, for The Village at Big Beaver Planned Unit Development (PUD-7), located on the south side of Big Beaver and west side of John R Road, located in section 26, within the M-1 zoning district, being approximately 15.048 acres in size; and

WHEREAS, City Council granted Preliminary Planned Unit Development Approval of PUD – 7, with conditions, on April 30, 2007; and

WHEREAS, The Final Planned Unit Development application is consistent with the application that received Preliminary Planned Unit Development Approval, including conditions; and

WHEREAS, The proposed PUD meets the Eligibility Requirements set forth in Article 35.30.00 and the General Development Standards set forth in Section 35.40.00; and

WHEREAS, The proposed Planned Unit Development, parts of parcels 88-20-26-200-026, -023, -069, -072, -073, is described in the following legal description and illustrated on the attached Certificate of Survey drawing:

T2N, R11E, NE 1/4 of Section 26

Commencing at the Northeast corner of said Section 26, thence S 00°04'00" W along the East line of said Section 26, a distance of 102.00 ft.; thence N 89°59'10" W (recorded as S 89°50'00" E), 60.00 ft. along the extension of the south line of Big Beaver Road (204 ft. wide) to the Point of Beginning; thence S 00°04'00" along the west line of John R. Rd., 1032.00 ft.; thence parallel to said North line of Section 26, N 89°59'10" W, 260.00 ft.; thence parallel to said East line of Section 26, S 00°04'00" W, 144.00 ft.; thence parallel to said North line of Section 26, N 89°59'10" W, 160 ft.; thence parallel to said East line of Section 26, N 00°04'00" E, 338.00 ft.; thence parallel to said North line of Section 26, N 89°59'10" W, 235.00 ft.; thence N 00°16'31" W, 838.01 ft. (recorded as N 00°16'24" W, 839.09 ft.) to the aforementioned south line of Big Beaver Rd.; thence S 89°59'10" E (recorded as N 89°50'00" E) along said south line, 660.00 ft. to the Point of Beginning; containing 15.048 acres more or less.

WHEREAS, The proposed Planned Unit Development requires that transfer by Quit Claim Deed of a small portion of property owned by the City but not used for roadway that is located to the north of Lincoln Road to the property owner for inclusion of that property into the

proposed Planned Unit Development and the City has determined that no retention of any easements are necessary;

BE IT RESOLVED, That the Mayor and City Clerk are **AUTHORIZED TO SIGN** a Quit Claim Deed conveying to SAAAM-TROY, LLC, a Michigan limited liability company, the City's interest, if any, in the property legally described as:

"A described area over part of the Northeast ¼ of Section 26, Town 2 North, Range 11 East, City of Troy, Oakland County Michigan and being more particularly described as: Commencing at the Northeast corner of said Section 26; thence S00°04'00"W, 940.00 feet along east line of said Section 26; thence N89°59'10"W, 60.00 feet to the west line of John R Road (120' wide) and the Point of Beginning; thence continuing N89°59'10"W, 325.00 feet; thence N00°00'50"E, 25.00 feet; thence S89°59'10"E, 325.00 feet to the west line of John R Road; thence S00°00'50"W, 25 feet along said west line to the Point of Beginning." Parcel No. 88-20-26-200-073

BE IT FURTHER RESOLVED, That the Zoning District Map of the City of Troy Zoning Ordinance be **AMENDED** to delineate the subject parcel as PUD-007; and

BE IT FURTHER RESOLVED, That the Mayor and City Clerk are hereby **AUTHORIZED TO EXECUTE** the Development Agreement for The Village at Big Beaver Planned Unit Development; a copy shall be ATTACHED to the original Minutes of this meeting; and

BE IT FURTHER RESOLVED, That the Village at Big Beaver Planned Unit Development Agreement be **RECORDED** with the Oakland County Register of Deeds; and

BE IT FURTHER RESOLVED, That if there are significant revisions from the approved Preliminary PUD for Phase II Senior Living, and the Final PUD for Phase II Senior Living, then City Council **SHALL REVIEW FOR APPROVAL OR DENIAL** the Final Site Plan for Phase II Senior Living. If there are no significant revisions from the approved Preliminary PUD for Phase II Senior Living, and the Final PUD, then the Planning Director **MAY ADMINISTRATIVELY APPROVE OR DENY** the Final Site Plan for Phase II Senior Living; and

BE IT FINALLY RESOLVED, That the applicant shall **SEEK and RECEIVE** all required permits, licenses or approvals, including but not limited to, Federal, State of Michigan, Oakland County and City of Troy agencies or departments, in accordance with all applicable laws.

Yes: All-5
No: Howrylak
Absent: Lambert

MOTION CARRIED

STREET VACATION REQUEST

5. PUBLIC HEARING – STREET VACATION REQUEST (SV 32-B) – Lincoln Drive, West of John R, South of Big Beaver, approximately ±260.00 feet long, ±25 feet wide, Section 26 – Zoned PUD #7 (The Village at Big Beaver)

Mr. Miller presented a summary of the Planning Department report on the proposed street vacation. He reported it is the recommendation of City Management to approve the request with the condition that temporary easements would be retained for the water main and gas line. Mr. Miller indicated the easements would be relocated during construction and engineering of the Sunrise Senior Living portion of the planned unit development project.

Mr. Hutson asked if the temporary easements would be vacated automatically, or if they would remain.

Ms. Lancaster said the temporary easements would cease upon vacation and that the Resolution should state that.

Robert Jacobs, Attorney, of Jackier Gould, P.C., 121 W. Long Lake Road, Bloomfield Hills, was present to represent the petitioner.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED**Resolution # PC-2007-08-128**

Moved by: Wright

Seconded by: Kerwin

RESOLVED, That the Planning Commission hereby recommends to the City Council that the street vacation request, as submitted, for a street located west of John R, south of Big Beaver, approximately 260 feet long by approximately 25 feet wide, Section 26, be approved, subject to the following condition:

1. A temporary water main easement and natural gas line easement shall be retained until such time that easements are executed for the relocated water main and natural gas line.

Yes: All present (8)

Absent: Littman

MOTION CARRIED

PUBLIC HEARINGS:

C-1 Street Vacation (File Number SV-32-B) – Lincoln Drive, West of John R, South of Big Beaver, Zoned PUD #7, Section 26

The Mayor opened the Public Hearing for public comment.

The Mayor closed the Public Hearing after receiving no comment from the public.

Resolution #2007-09-274

Moved by Stine

Seconded by Howrylak

WHEREAS, A request has been received for the vacation of the 25-foot-wide and 260-foot long, unplatted street, located west of John R, south of Big Beaver Road;

WHEREAS, The properties which shall benefit from this requested vacation are parcels 88-20-26-200-023, 88-20-26-200-026, 88-20-26-200-073, all included within the parent property zoned PUD 7, in Section 26; and

WHEREAS, The Planning Commission recommended that this street vacation be granted with the retention of a temporary water main and natural gas line easement until such time that easements are executed for the relocated water main and natural gas line;

THEREFORE, BE IT RESOLVED, That Troy City Council **CONCURS** in the recommendations of the Planning Commission, and **VACATES** the street; and

BE IT FURTHER RESOLVED, That Troy City Council **TEMPORARILY RETAINS** easements for the water main and gas line within the vacated street, until such time that easements are executed for the relocated water main and natural gas line.

Yes: All-6

No: None

Absent: Fleming

POSTPONED ITEMS:

D-1 No Postponed Items**CONSENT AGENDA:**