

## CITY COUNCIL

### AGENDA

June 16, 2003 – 7:30 PM  
Council Chambers  
City Hall - 500 West Big Beaver  
Troy, Michigan 48084  
(248) 524-3317

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#### CALL TO ORDER 1

Invocation & Pledge Of Allegiance - Pastor Paul Lehman – Glen Oaks Alliance Church 1

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#### ROLL CALL 1

A-1 Presentations: (a) Proclamation to Honor William McCabe as the 2002 Police Officer of the Year; (b) Proclamation to Honor JoAnn Irvin as the 2002 Non-Sworn Police Department Employee of the Year; (c) Sgt. Major Jack Turner – Troy Heritage Campaign; (d) APT to Succeed Program on Behalf of the Troy Chamber of Commerce and the Troy School District; (e) Introduction of Kara Huang, Student Representative Applicant to the Ethnic Issues Advisory Board; (f) Parks & Recreation Month – July 2003; (g) Check Presentation by Skate Boarders; and (h) Troy Junior Chamber of Commerce Week – June 15 – 21, 2003 1

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#### PUBLIC HEARINGS 1

C-1 Rezoning Application Z-688 – East Side of Coolidge, South of Maple, Section 32 – M-1 to O-1 1

C-2 Preliminary Planned Unit Development Review – PUD-002, Rochester Commons – North Side of Big Beaver Road, East of Rochester Road and West of Daley Street, Section 23 2

C-3 Street Vacation Application (SV-182) – A Section of Alley Located South of Chopin and North of Maple – Section 27 4

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#### POSTPONED ITEMS 5

D-1 Request for Commercial Vehicle Appeal – 1093 W. Wattles 5

**NOTICE:** People with disabilities needing accommodations for effective participation in this meeting should contact the City Clerk at (248) 524-3317 or via e-mail at [clerk@ci.troy.mi.us](mailto:clerk@ci.troy.mi.us) at least two working days in advance of the meeting. An attempt will be made to make reasonable accommodations.

D-2	Zoning Ordinance Text Amendment – Article XXXIX (ZOTA 193) – Environmental Provisions – Walls, Article 39.00.00	6
D-3	Proposed Alley Vacation – Daley Street	10
D-4	Acknowledgement and Lease – Sylvan Glen Tower	11
<b><u>PUBLIC COMMENT:</u></b>		<b>11</b>
A.	Items on the Current Agenda	11
B.	Items Not on the Current Agenda	11
<b><u>CONSENT AGENDA</u></b>		<b>12</b>
E-1	Approval of Consent Agenda	12
E-2	Minutes: Regular Meeting of June 2, 2003	12
E-3	Proposed City of Troy Proclamations:	12
	a) Parks and Recreation Month – July 2003.....	12
	b) Troy Junior Chamber of Commerce Week – June 15 – 21, 2003.....	12
E-4	Extension of Preliminary Plat-Tentative Approval – Oak Forest Subdivision (Revised) West Side of John R. Road; South of Square Lake Road – Section 11	13
E-5	Extension of Preliminary Plat – Tentative Approval – Beachview Estates – West Side of Beach; South of Long Lake – Section 18	13
E-6	Troy v. Ronald R. Theuer (Section 24 Park)	13
E-7	Standard Purchasing Resolution 4: State of Michigan Extended Purchasing Agreements – Mailing Equipment	13
E-8	Request for Acceptance of Permanent Water Main Easement – Sidwell #88-20-32-200-022 – Project No. 02.956.3 – Owner – BST Limited	14
E-9	Standard Purchasing Resolution 1: Award to Low Bidder – Three (3) Year Requirements of Guard Service	14

E-10	Private Agreement for Metroline Expansion – Project No. 02.956.3	14
E-11	Redemption of the King Drainage District Drain Bonds	14
E-12	Request for Final Vacation of a Portion of Lovell, Eckerman and Barabeau Streets – East of Rochester	15
E-13	Request of Acceptance of Warranty Deeds and Permanent Easements from Golden Homes, Inc. – Section 12 – Sidwell #88-20-12-200-006, 007, 020 & 021	16
E-14	Request of Approval to Pay Business Relocation Claim – Rick Beverly, Inc. – O’Rilley Building Tenant – 2780 Rochester Road	16
E-15	Request for Acceptance of Two Permanent Sidewalk Easements from RWT Building, L.L.C. – Sidwell #88-20-22-401-035	16
E-16	Standard Purchasing Resolution 7: Proprietary Maintenance Service Contract – Motorola Communications	17
E-17	Request for Acceptance of Two Permanent Easements for Storm Drain/Sewer from Raymond R. & Catherine A. Comiskey and the Jacqueline A. Cohen Revocable Trust – Sidwell #88-20-18-451-037 & #88-20-18-451-038	17
E-18	Request for Acceptance of Warranty Deed, Private Road Agreement, Emergency Access Easement, Two (2) Permanent Easements for Water Main & Two (2) Permanent Easements for Sanitary Sewer and Authorization for Mayor and City Clerk to Sign the Private Road Agreement – Northwyck/Woodside Bible PUD – Sidwell #88-20-02-151-001 - Project No. 02.953.3	17
E-19	Contract Extension – Mobile Communications Contract Services	18
E-20	Request for Acceptance of Final Street Vacation – Section 26 – Portion of Chopin Street Abutting Lots 521, 522, 523 and 524 – Between John R and Alger Streets in John R Gardens and Request for Acceptance of Warranty Deed – Section 26 – Portion of Lots #543, 544, 545, and 546 - Widening of Maple Road	18
E-21	Barton Malow Company v. Kmart, City of Troy et. al	19
E-22	Request for Acceptance of Four Permanent Sanitary Sewer Easements and Approval to Pay Consideration – Dequindre Sewer - Project No. 02.406.5 – Sidwell #88-20-13-278-018, #88-20-13-228-020 & 021, #88-20-13-281-004 and #88-20-13-281-003	20

E-23	Troy v. Premium Construction, John Pavone, et. al (Maple Road between John R and Dequindre)	20
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**REGULAR BUSINESS** **20**

F-1	Appointments to Boards and Committees: (1) Mayoral Appointments: (a) Economic Development Corporation (2) City Council Appointments: (a) Advisory Committee for Persons with Disabilities; (b) Ethnic Community Advisory Board; (c) Historic District; and (d) Personnel Board	21
F-2	Closed Session - None Requested	24
F-3	Ground Water and Methane Gas Monitoring at Sanctuary Golf Course Contract Change Order with NTH Consultants	24
F-4	Final Site Condominium Review – Colleen Meadows Site Condominium – West of Dequindre Road and South of Square Lake Road – Section 12 – R-1C	25
F-5	2002-03 Budget Amendment No. 2	25
F-6	Amendment #3 – Lacaria Construction – Concrete Replacement Contract	25
F-7	1) Request for Authorization to Make Unconditioned Offer to Purchase Right-of-Way for Dequindre Southbound Right Turn Lane – Project #99.206.5 – Sidwell #88-20-01-476-069 – Tom Obertynski & Agatha Obertynski – 43109 Dequindre Road; 2) Request for Authorization to Institute Court Action if Necessary	26
F-8	2003 Annual Salary Update for Classified and Exempt Employees and Proposed Change to Personnel Rules & Regulations	27
F-9	Sole Source – Irrigation Replacement Parts	27
F-10	Amendment to Chapter 106 – Designation of Acting Traffic Engineer	28
F-11	Request to Develop Ballot Proposal Language: Sale of Property at Civic Center	28
F-12	Troy v. James and Amy Lewis and Flagstar Bank	28
F-13	City Calendar Program Review	29

**COUNCIL COMMENTS/REFERRALS**

Policy Allowing Private Groups to Have Religious Displays in Front of City Hall –  
Proposed by Council Member Lambert 29

**REPORTS AND COMMUNICATIONS**

**G-1 Minutes – Boards and Committees:** 29

- (a) Personnel Board/Final – May 21, 2002 ..... 29
- (b) Historical Commission/Final – March 25, 2003 ..... 29
- (c) Employees’ Retirement System Board of Trustees/Final – April 9, 2003 ..... 29
- (d) Historical Commission/Final – April 22, 2003 ..... 29
- (e) Troy Daze/Final – April 22, 2003 ..... 29
- (f) Youth Council/Final – April 23, 2003 ..... 29
- (g) Advisory Committee for Persons with Disabilities – May 7, 2003 ..... 29
- (h) Planning Commission/Draft – May 13, 2003 ..... 29
- (i) Employees’ Retirement System Board of Trustees/Draft – May 14, 2003 ..... 29
- (j) Board of Zoning Appeals/Draft – May 21, 2003 ..... 29
- (k) Personnel Board/Draft – June 9, 2003 ..... 29

**G-2 Department Reports:** 29

- (a) Permits Issued During the Month of May 2003 ..... 29
- (b) Monthly Financial Report – May 31, 2003 ..... 29

**G-3 Announcement of Public Hearing:** 29

- a) Proposed Zoning Ordinance Text Amendment (ZOTA-126) – Article 39.70.09  
– Dumpsters and Grease Containers – Scheduled for July 7, 2003 ..... 29

**G-4 Proposed Proclamations/Resolutions from Other Organizations: None proposed.** 29

**G-5 Letters of Appreciation:** 30

- (a) Letter from Anthony Triplett – Department of Homeland Security, to Chief  
Craft in Appreciation to the Troy Police Department for All their Support  
During the Visit of President H.E. Rudolf Schuster and Madame Irena  
Schusterova of the Slovak Republic to the City of Troy..... 30
- (b) E-mail from Greg and Susan Faubert to Chief Craft Thanking the Traffic  
Safety Officers for Monitoring the Speeding Problem in their Subdivision ..... 30
- (c) Letter from Renee Jenuwine to Chief Craft Thanking Officers Daniels,  
Hamzey, Bodick, LaForest and Wolf; Detective Campbell and PSA Green-  
Hernandez for Their Assistance in an Accident She was Involved in and the  
Subsequent Trial ..... 30
- (d) Letter from Sherman R. Cecil, Resident Agent, US Department of Justice –  
Drug Enforcement Administration, to Chief Craft Thanking Officer Joe  
Morgan and the Troy Police Department for their Assistance in a Joint Drug  
Related Investigation..... 30

(e) Letter from Carolyn Jamioz to Chief Craft Thanking Officers Cochran, Latka and Kowalski; for their Assistance in a Deer Incident.....	30
(f) Thank You Note from Frances Koppelman to Chief Craft Thanking Sgt. Dave Livingston for the Kindness and Courtesy Extended to Her and Her Sister While Assisting Them When Their Car Stalled .....	30
<b>G-6</b> Calendar	30
<b>G-7</b> Memorandum (Green) – Alternate Cricket Field Sites	30
<b>G-8</b> Memorandum (Green) – Standardized Purchasing Resolutions 9, 10 and 11	30
<b>G-9</b> Memorandum (Green) – Proposed Expansion of SMART’s Dial-a-Ride Service to Include Troy and Birmingham	30
<b>G-10</b> Memorandum (Green) – Master Plans for New Parks	30
<b>G-11</b> Memorandum – City of Troy Website Update	30
<b>G-12</b> Memorandum (Green) – Golf Course Name Selection – The Sanctuary	30
<b><u>PUBLIC COMMENT</u></b>	<b><u>30</u></b>

## CALL TO ORDER

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**Invocation & Pledge Of Allegiance** - Pastor Paul Lehman – Glen Oaks Alliance Church

## ROLL CALL

Mayor Matt Pryor  
Robin Beltramini  
Cristina Broomfield  
David Eisenbacher  
Martin F. Howrylak  
David A. Lambert  
Jeanne M. Stine

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**A-1 Presentations:** (a) Proclamation to Honor William McCabe as the 2002 Police Officer of the Year; (b) Proclamation to Honor JoAnn Irvin as the 2002 Non-Sworn Police Department Employee of the Year; (c) Sgt. Major Jack Turner – Troy Heritage Campaign; (d) APT to Succeed Program on Behalf of the Troy Chamber of Commerce and the Troy School District; (e) Introduction of Kara Huang, Student Representative Applicant to the Ethnic Issues Advisory Board; (f) Parks & Recreation Month – July 2003; (g) Check Presentation by Skate Boarders; and (h) Troy Junior Chamber of Commerce Week – June 15 – 21, 2003

## PUBLIC HEARINGS

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**C-1 Rezoning Application Z-688 – East Side of Coolidge, South of Maple, Section 32 – M-1 to O-1**

City Management requests a 5-minute presentation regarding this item.

Suggested Resolution

Resolution #2003-06-

Moved by

Seconded by

RESOLVED, That the M-1 to O-1 rezoning request, located on the east side of Coolidge Road, south of Maple Road, Section 32, being 0.86 acres in size, is hereby **GRANTED**, as recommended by City Management and the Planning Commission.

Yes:

No:

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**C-2 Preliminary Planned Unit Development Review – PUD-002, Rochester Commons – North Side of Big Beaver Road, East of Rochester Road and West of Daley Street, Section 23**

City Management requests a 5-minute presentation regarding this item.

Suggested Resolution

Resolution #2003-06-

Moved by

Seconded by

RESOLVED, That the Preliminary Plan for a Planned Unit Development, pursuant to Section 35.60.01, as requested by Tadian Developments, for the Rochester Commons Planned Unit Development (fka Back Bay Village PUD), located on the north side of Big Beaver Road and east of Rochester Road, located in Section 23, within the R-1E zoning district, being 4.86 acres in size, is hereby approved as recommended by City Management, the City Planning Consultant and Planning Commission; and

BE IT RESOLVED, That the proposed PUD meets the location requirements set forth in Section 35.30.00, A and B (2 and 3). The unique layout and location of the site is better served by the flexibility of the PUD ordinance. In addition, the site does have economic obsolescence considerations, based on the vacant school, the current single-family residential zoning and the site's frontage on the highly traveled Big Beaver Road, as demonstrated by the deteriorated condition of some of the existing single family residential homes. The multiple-family residential development would be similar to office use in being a transitional use and a compatible use with Big Beaver Road, the adjacent Fire Station and adjacent single-family residential uses; and

BE IT RESOLVED, Pursuant to Section 35.30.00.C, the applicant demonstrated that a sufficient number of objectives are met which would not be accomplished without the use of the PUD.

1. The applicant has demonstrated that the "development quality objectives" in Section 35.30.00.B.2 are met. As the applicant notes in response to the PUD conditions, the site layout is based on a creative design that enhances the use of an obsolete site. It includes a large central open area, provision of a pedestrian network connecting the site to the safety path along Big Beaver Road and the adjacent park and an excellent landscape design. It also includes improvement of the City Fire Department property.
2. The proposed development includes multiple-family residences and associated common recreation areas only, with no other mixed use. However, a mix of uses is not a prerequisite to permit a PUD. The definition in Section 35.20.00 refers to a PUD as a development consisting of a "combination of uses wherein the specific development configuration and use allocation is based upon a comprehensive physical plan." The definition refers to a combination of uses, such consideration is mitigated or tempered by "the specific development configuration and use allocation" as demonstrated by a physical plan. Therefore, the Ordinance contemplates a more narrow allocation of use based upon the constraints of site, as demonstrated by a physical plan.

3. That the eligibility criteria for consideration of a PUD are set forth in Section 35.30.00.C. Providing a mixture of uses is one (1) of seven (7) objectives that may be considered. However, the Ordinance does not require that all seven (7) objectives are met. It states that the “applicant must show that a sufficient number of ... objectives ... are met.”; and

BE IT RESOLVED, The use will include screening to buffer the site from adjacent properties above and beyond Zoning Ordinance requirements. The applicant also proposes use of the retention pond adjacent to the Fire Station, and will have a decorative wet pond appearance. The aesthetic enhancement of the Fire Station with landscaping and reshaping of the detention pond will be a significant benefit; and

BE IT RESOLVED, That the proposed Preliminary Plan demonstrates that the General Development Standards, set forth in Section 35.40.00, and the Standards for Approval, set forth in Section 35.70.00, have been met; and

BE IT RESOLVED, That the PUD is consistent with the Future Land Use Plan. The Future Land Use Plan designation calls for low-rise office which is used as a transition between more intense commercial uses and less intense single-family residential uses. The office designation also serves as a transition between major thoroughfares (Big Beaver) and single-family residential areas; and

BE IT FURTHER RESOLVED, That it is evident the former school site is transitional in nature. Commercial uses along Rochester Road and traffic along both Rochester and Big Beaver form an intense corridor. The proposed Rochester Commons project would achieve the same transitional benefits as office development and, in fact, would be more compatible with the neighboring single-family residential; and

BE IT FINALLY RESOLVED, That the Preliminary Planned Unit Development consist of the project manual, dated May 2003, which contains narratives, reduced plans, and full size plans, including the following:

Prepared by Grissim, Metz, Andriese Associates

- 1 Conceptual Landscape Plan
- 2 Conceptual Building Enlargement Landscape Plans
- 3 Conceptual Lighting/Street Signage Plan

Site Details

Site Amenities

Photometric Plan

Prepared by Professional Engineering Associates

PSP-3 Site Plan

PSP-3 Grading Plan (Preliminary)

C-2 Topographic Survey

T-1 Tree Survey

Prepared by Dominick Tringali Architect

1. Front Elevation

2. Rear Elevation

3. Side Elevation

4. Lower Level Plan
5. First Floor Plan
6. Second Floor Plan
7. Loft Level Plan
8. Section
9. Doors/Fixtures

Yes:

No:

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**C-3 Street Vacation Application (SV-182) – A Section of Alley Located South of Chopin and North of Maple – Section 27**

City Management requests a 5-minute presentation regarding this item.

Suggested Resolution

Resolution #2003-06-

Moved by

Seconded by

WHEREAS, A request has been received for the vacation of a portion of a section of alley that is 18 feet wide by approximately 222.54 feet, within the Addison Heights Subdivision, abutting lots 78 through 90 and 589, Section 27.

WHEREAS, The Planning Commission recommended that the street vacation be granted subject to the following conditions:

1. Retention of easements for utilities.

WHEREAS, The Planning Commission did not have knowledge that the subject alley provides access to off street parking,

NOW, THEREFORE, BE IT RESOLVED, That the City Council concurs in the recommendations of City Management and **DENIES** the alley vacation request.

Yes:

No:

## POSTPONED ITEMS

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### **D-1 Request for Commercial Vehicle Appeal – 1093 W. Wattles**

City Management requests a 5-minute presentation regarding this item.

#### Suggested Resolution

Resolution #2003-06-

Moved by

Seconded by

#### **(a) Resolution A for Approval**

WHEREAS, Section 44.02.02 of Chapter 39, Zoning, of the Code of the City of Troy provides that actions to grant appeals to the restrictions on outdoor parking of commercial vehicles in residential districts pursuant to Section 40.66.00 of Chapter 39 of the Code of the City of Troy "shall be based upon at least one of the following findings by the City Council:

- A. The occurrence of the subject commercial vehicle on the residential site involved is compelled by parties other than the owner or occupant of the subject residential site (e.g. employer).
- B. Efforts by the applicant have determined that there are no reasonable or feasible alternative locations for the parking of the subject commercial vehicle.
- C. A garage or accessory building on the subject residential site cannot accommodate, or cannot reasonably be constructed or modified to accommodate, the subject commercial vehicle
- D. The location available on the residential site for the outdoor parking of the subject commercial vehicle is adequate to provide for such parking in a manner which will not negatively impact adjacent residential properties, and will not negatively impact pedestrian and vehicular movement along the frontage street(s)."; and

WHEREAS, The City Council of the City of Troy has found that the petitioner has demonstrated the presence of the following condition(s), justifying the granting of a variance:

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NOW, THEREFORE, BE IT RESOLVED, That the request from Bruce Byrd, 1093 W. Wattles, for waiver of Chapter 39, Section 40.66.00, of the Code of the City of Troy, to permit outdoor parking of a Ford cube van in a residential district is hereby **APPROVED** for \_\_\_\_\_ (not to exceed two years).

**OR**

#### **(b) Resolution B for Denial**

WHEREAS, Section 44.02.02 of Chapter 39, Zoning, of the Code of the City of Troy provides that actions to grant appeals to the restrictions on outdoor parking of commercial vehicles in residential districts pursuant to Section 40.66.00 of Chapter 39 of the Code of the City of Troy "shall be based upon at least one of the following findings by the City Council:

- A. The occurrence of the subject commercial vehicle on the residential site involved is compelled by parties other than the owner or occupant of the subject residential site (e.g. employer).
- B. Efforts by the applicant have determined that there are no reasonable or feasible alternative locations for the parking of the subject commercial vehicle.
- C. A garage or accessory building on the subject residential site cannot accommodate, or cannot reasonably be constructed or modified to accommodate, the subject commercial vehicle.
- D. The location available on the residential site for the outdoor parking of the subject commercial vehicle is adequate to provide for such parking in a manner which will not negatively impact adjacent residential properties, and will not negatively impact pedestrian and vehicular movement along the frontage street(s)."; and

WHEREAS, The City Council of the City of Troy has not found that the petitioner has demonstrated the presence of condition(s), justifying the granting of a variance:

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NOW, THEREFORE, BE IT RESOLVED, That the request from Bruce Byrd, 1093 W. Wattles, for waiver of Chapter 39, Section 40.66.00, of the Code of the City of Troy, to permit outdoor parking of a Ford cube van in a residential district is hereby **DENIED**.

Yes:

No:

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**D-2 Zoning Ordinance Text Amendment – Article XXXIX (ZOTA 193) – Environmental Provisions – Walls, Article 39.00.00**

City Management requests a 5-minute presentation regarding this item.

Suggested Resolution

Resolution #2003-06-

Moved by

Seconded by

**(a) Proposed Resolution – Option A – City Management**

RESOLVED, that Article XXXIX (ENVIRONMENTAL PROVISIONS), of the Zoning Ordinance, Option A, be adopted, as recommended by City Management.

BE IT FINALLY RESOLVED, to amend the indicated portions of the Environmental Provisions text in the following manner:

*(Underlining, except for major section titles, denotes changes.)*

**39.00.00 ARTICLE XXXIX ENVIRONMENTAL PROVISIONS**

39.10.00 WALLS:

39.10.01 For those use districts and uses listed below there shall be provided and maintained on those sides abutting or adjacent to a residential District an obscuring wall as required below:

	<u>District/Use</u>	<u>Requirements</u>
(A)	P-1 Vehicular Parking District	4'-6" high wall
(B)	Off-street parking areas in residential Districts and C-F Districts	4'-6" high wall
(C)	B-1, B-2, B-3, H-S, O-1, O-M, O-S-C, R-C and M-1	6'-0" high wall
(D)	E-P Districts, when such are a part of a non-residential development site involving Non-Residential Zoning Districts.	4'-6" high wall
(E)	M-1 Districts - open storage area	6'-0" to 8'-0" high wall. See Article XXVIII, Section 28.25.02 and 28.30.04
(F)	Hospital ambulance and delivery areas	6'-0" high wall

(Rev. 10-7-96)

In those instances when a wall is required by Article 39.10.01(B) and there is a distance of at least two-hundred (200) feet between the property line and the off-street parking area, the Planning Commission or City Council, if applicable, may permit a landscape buffer within the two hundred (200) foot distance, in lieu of the required wall. The landscape buffer shall include at a minimum a double row of upright coniferous evergreen trees (pine or spruce species, as acceptable to the Department of Parks and Recreation). The plantings shall be a minimum of five (5) to six (6) feet in height, planted twenty (20) feet on center. The rows shall be spaced ten (10) feet apart and staggered ten (10) feet on center. The location of such landscape buffer shall be determined by the Planning Commission or City Council, if applicable.

OR

**(b) Proposed Resolution – Option B – City Management**

RESOLVED, that Article XXXIX (ENVIRONMENTAL PROVISIONS), of the Zoning Ordinance, Option B, be adopted, as recommended by the Planning Commission.

BE IT FINALLY RESOLVED, to amend the indicated portions of the Environmental Provisions text in the following manner:

*(Underlining, except for major section titles, denotes changes.)*

**39.00.00     ARTICLE XXXIX   ENVIRONMENTAL PROVISIONS**39.10.00     WALLS:

39.10.01     For those use districts and uses listed below there shall be provided and maintained on those sides abutting or adjacent to a residential District an obscuring wall as required below:

	<u>District/Use</u>	<u>Requirements</u>
(A)	P-1 Vehicular Parking District	4'-6" high wall
(B)	Off-street parking areas in residential Districts and C-F Districts	4'-6" high wall
(C)	B-1, B-2, B-3, H-S, O-1, O-M, O-S-C, R-C and M-1	6'-0" high wall
(D)	E-P Districts, when such are a part of a non-residential development site involving Non-Residential Zoning Districts.	4'-6" high wall
(E)	M-1 Districts - open storage area	6'-0" to 8'-0" high wall. See Article XXVIII, Section 28.25.02 and 28.30.04
(F)	Hospital ambulance and delivery areas	6'-0" high wall

(Rev. 10-7-96)

In those instances when a wall is required by Article 39.10.01(B) and there is a distance of at least two hundred (200) feet between the property line and the off-street parking area, the Planning Commission or City Council, if applicable, may permit a landscape buffer within the two hundred (200) foot distance, in lieu of the required wall. In those instances where there is less than two hundred (200) feet but at least seventy five (75) feet between the property line and the off-street parking area, the Planning Commission may permit a landscaped berm, in lieu of the required wall. The landscaped berms shall be at least four and one half (4 1/2) feet in height and the landscape buffer shall include at a minimum a double row of upright coniferous evergreen trees (pine or spruce species, as acceptable to the Department of Parks and Recreation). The plantings shall be a minimum of five (5) to six (6) feet in height, planted twenty (20) feet on center. The rows shall be spaced ten (10) feet apart and staggered ten (10) feet on center. The location of such landscape buffer or landscaped berm shall be determined by the Planning Commission or City Council, if applicable.

**OR**

**(c) Proposed Resolution – Option C – City Council**

RESOLVED, that Article XXXIX (ENVIRONMENTAL PROVISIONS) of the Zoning Ordinance, Option C, be adopted.

BE IT FINALLY RESOLVED, to amend the indicated portions of the Environmental Provisions text in the following manner:

*(Underlining, except for major section titles, denotes changes.)*

**39.00.00 ARTICLE XXXIX ENVIRONMENTAL PROVISIONS**

**39.10.00 WALLS:**

39.10.01 For those use districts and uses listed below there shall be provided and maintained on those sides abutting or adjacent to a residential District an obscuring wall as required below:

	<u>District/Use</u>	<u>Requirements</u>
(A)	P-1 Vehicular Parking District	4'-6" high wall
(B)	Off-street parking areas in residential Districts and C-F Districts	4'-6" high wall
(C)	B-1, B-2, B-3, H-S, O-1, O-M, O-S-C, R-C and M-1	6'-0" high wall
(D)	E-P Districts, when such are a part of a non-residential development site involving Non-Residential Zoning Districts.	4'-6" high wall
(E)	M-1 Districts - open storage area	6'-0" to 8'-0" high wall. See Article XXVIII, Section 28.25.02 and 28.30.04
(F)	Hospital ambulance and delivery areas	6'-0" high wall

(Rev. 10-7-96)

**39.10.05 Landscaped Buffer or Berm Option**

In those instances when a wall is required by Article 39.10.01(B) and there is a distance of at least one hundred (100) feet between the property line and the off-street parking area, the applicant shall have the option of providing a landscape buffer within the one hundred (100) foot distance, in lieu of the required wall. The buffer shall include at a minimum a double row of upright coniferous evergreen trees (pine or spruce species, as acceptable to the Department of Parks and Recreation). The plantings shall be a minimum of five (5) to six (6) feet in height,

planted twenty (20) feet on center. The rows shall be spaced ten (10) feet apart and staggered ten (10) feet on center.

In those instances when a wall is required by Article 39.10.01(B) and there is a distance of less than one-hundred (100) feet and at least forty-five (45) feet between the property line and the off-street parking area, the applicant shall have the option of providing a 4'-6" landscaped earth berm in lieu of the required wall. The design of the berm shall meet the following standards:

(A) The slope of the berm shall be no greater than one foot vertical for each three feet horizontal (1 on 3).

(B) There shall be a two (2) foot wide horizontal crest at the top of the berm.

(C) The off-street parking area side of the berm, shall include, at a minimum, four (4) feet between the lowest point of the berm and the off-street parking area, to provide for berm maintenance. The residential side of the berm shall include, at a minimum, twelve (12) feet between the lowest point of the berm and the adjacent residential property, to provide space for a utility and stormwater easements.

(D) The berm shall include at a minimum a double row of upright coniferous evergreen trees (pine or spruce species, as acceptable to the Department of Parks and Recreation). The plantings shall be a minimum of five (5) to six (6) feet in height, planted twenty (20) feet on center. The rows shall be spaced ten (10) feet apart and staggered ten (10) feet on center.

Yes:

No:

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### **D-3 Proposed Alley Vacation – Daley Street**

#### Suggested Resolution

Resolution #2003-06-

Moved by

Seconded by

#### Vote on Postponement

RESOLVED, That Postponement for the Public Hearing for the Proposed Alley Vacation – Daley Street be **CONTINUED** until such time as an agreement between Mr. & Mrs. Jackson and the City of Troy can be reached or until September 22, 2003, whichever shall occur first.

Yes:

No:

**D-4 Acknowledgement and Lease – Sylvan Glen Tower**Suggested Resolution

Resolution #2003-06-

Moved by

Seconded by

RESOLVED, That the Acknowledgement and Lease Agreement between the City of Troy and Omnipoint Holdings, Inc. is hereby **APPROVED**, the Mayor and City Clerk are **AUTHORIZED TO EXECUTE** the documents, and a copy is to be **ATTACHED** to the original Minutes of this meeting.

Yes:

No:

**PUBLIC COMMENT:**

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**A. Items on the Current Agenda**

*Any person not a member of the Council may address the Council with recognition of the Chair, after clearly stating the nature of his/her inquiry. No person not a member of the Council shall be allowed to speak more than twice or longer than five (5) minutes on any question, unless so permitted by the Chair. The Council may waive the requirements of this section by a majority of the Council Members. Consistent with Order of Business #11, the City Council will move forward the specific Business Items which audience members would like to address. The Mayor shall announce the items which are to be moved forward and will ask the audience if there are any additional items which they would like to address. All Business Items that members of the audience would like to address will be brought forth and acted upon at this time. Items will be taken individually and members of the audience will address council prior to council discussion of the individual item.*

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**B. Items Not on the Current Agenda**

*After Council is finished acting on all Business Items that have been brought forward, the public is welcome to address the Mayor and Council on items that are specifically not on the agenda. (Article 15)*

## CONSENT AGENDA

*The Consent Agenda includes items of a routine nature and will be approved with one motion. That motion will approve the recommended action for each item on the Consent Agenda. Any Council Member may remove an item from the Consent Agenda and have it considered as a separate item. Any item so removed from the Consent Agenda shall be considered after other items on the consent business portion of the agenda have been heard. (Rules of Procedure for the City Council, Article 13, as amended May 6, 2002.)*

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### E-1 Approval of Consent Agenda

#### Suggested Resolution

Resolution #2003-06-

Moved by

Seconded by

RESOLVED, That all items as presented on the Consent Agenda are hereby **APPROVED** as presented with the exception of Item(s) \_\_\_\_\_, which shall be considered after Consent Agenda (E) items, as printed.

Yes:

No:

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### E-2 Minutes: Regular Meeting of June 2, 2003

#### Suggested Resolution

Resolution #2003-06-

RESOLVED, That the Minutes of the 7:30 PM Regular Meeting of June 2, 2003, be **APPROVED** as submitted.

---

### E-3 Proposed City of Troy Proclamations:

#### Suggested Resolution

Resolution #2003-06-

RESOLVED, That the following City of Troy Proclamations be **APPROVED**:

- a) Parks and Recreation Month – July 2003
- b) Troy Junior Chamber of Commerce Week – June 15 – 21, 2003

**E-4 Extension of Preliminary Plat-Tentative Approval – Oak Forest Subdivision  
(Revised) West Side of John R. Road; South of Square Lake Road – Section 11**Suggested Resolution

Resolution #2003-06-

RESOLVED, That a one-year extension of the Tentative Approval be **GRANTED** to the Preliminary Plat of Oak Forest Subdivision (Revised), west side of John R Road, south of Square Lake Road in Section 11.

**E-5 Extension of Preliminary Plat – Tentative Approval – Beachview Estates – West Side of Beach; South of Long Lake – Section 18**Suggested Resolution

Resolution #2003-06-

RESOLVED, That a one-year extension of the Tentative Approval be **GRANTED** to the Preliminary Plat of Beachview Estates Subdivision, on the west side of Beach, south of Long Lake in Section 18.

**E-6 Troy v. Ronald R. Theuer (Section 24 Park)**Suggested Resolution

Resolution #2003-06-

RESOLVED, That the Troy City Council **APPROVES** the attached Judgment of Jury Verdict Determining Just Compensation in the case of City of Troy v. Ronald R. Theuer (Oakland County Circuit Court Case No. 01-037097-CC), **AUTHORIZES** the City Attorney's Office to **EXECUTE** the document, and further **AUTHORIZES** payment of the additional compensation, costs, and attorney fees contained therein.

**E-7 Standard Purchasing Resolution 4: State of Michigan Extended Purchasing Agreements – Mailing Equipment**Suggested Resolution

Resolution #2003-06-

RESOLVED, That a contract to lease mailing equipment from Pitney Bowes is hereby **APPROVED** through the State of Michigan Extended Purchasing Program at an estimated total cost of \$29,556.00, over 36-months with payments of \$821.00/month. The City has the option to purchase the equipment at lease-end with a final payment of \$100.00.

**E-8 Request for Acceptance of Permanent Water Main Easement – Sidwell #88-20-32-200-022 – Project No. 02.956.3 – Owner – BST Limited**Suggested Resolution

Resolution #2003-06-

RESOLVED, That the Permanent Easement for Water Main from BST Limited, a Michigan Corporation, having Sidwell #88-20-32-200-022, is hereby **ACCEPTED**; and

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

---

**E-9 Standard Purchasing Resolution 1: Award to Low Bidder – Three (3) Year Requirements of Guard Service**Suggested Resolution

Resolution #2003-06-

RESOLVED, That a contract to provide Three Year Requirements of Guard Service is hereby **AWARDED** to the low bidder, DuHadway, Kendall and Assoc. (DK Security), at hourly rates contained in the bid tabulation opened April 25, 2003, a copy of which shall be **ATTACHED** to the original Minutes of this meeting at an estimated total cost of \$85,941.00 for three years.

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**E-10 Private Agreement for Metroline Expansion – Project No. 02.956.3**Suggested Resolution

Resolution #2003-06-

RESOLVED, That the Contract for the Installation of Municipal Improvements (Private Agreement) between the City of Troy and Metroline, Inc. is hereby **APPROVED** for the installation of water main on the site and in the adjacent right-of-way, 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.

---

**E-11 Redemption of the King Drainage District Drain Bonds**Suggested Resolution

Resolution #2003-06-

WHEREAS, The County of Oakland, Michigan (the "County"), has previously issued the following bonds to defray part of the cost of locating, establishing, and constructing the King Drain in the County, of which the following principal amount remains outstanding:

<u>Bonds</u>	<u>Outstanding Principal</u>	<u>Outstanding Bonds to be Redeemed</u>
King Drain Drainage District Drain Bonds Dated 09-01-93	\$900,000	Maturing in the years 2004 thru 2008 \$900,000

all bearing interest, due as to principal and subject to redemption as more fully described on EXHIBIT A to this Resolution (all of such outstanding bonds referred to as the "BONDS TO BE REDEEMED"); and

WHEREAS, The City Council has determined that it is in the best interest of the City and the County that the Bonds to be Redeemed be called with monies on hand at the City, as set forth in the form of Notice of Redemption attached hereto as EXHIBIT B, to secure for the City the anticipated interest savings thereby benefiting the taxpayers of the City.

WHEREAS, The City will deposit with the County on or before June 30, 2003, from available funds the amount of \$918,011.66 to be used for the redemption of all of the outstanding callable King Drainage District Drain Bonds on November 1, 2003 (the "redemption date") including the scheduled interest payment in the amount of \$21,731.40.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TROY, MICHIGAN as follows:

1. The City hereby requests that the County, acting through its Drain Board, call the Bonds to be Redeemed totaling \$900,000 in principal amount as described in EXHIBIT B and hereby consents to fixing the date of redemption of the Bonds to be Redeemed as shown on EXHIBIT B and to causing notice of such redemption, as heretofore provided.
2. The City understands that its obligations to the County under their contractual agreement will continue, as before, until the principal of, premium, and interest on the bonds are paid when said bonds are redeemed on the next interest payment date, November 1, 2003.
3. All resolutions and parts of resolutions, insofar as the same may be in conflict herewith, are hereby rescinded.

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**E-12 Request for Final Vacation of a Portion of Lovell, Eckerman and Barabeau Streets  
– East of Rochester**

Suggested Resolution  
Resolution #2003-06-

RESOLVED, That a portion of the 30-foot wide platted public Lovell Street, extending east approximately 2,182 feet from Rochester Road, plus 170 feet of the 60-foot wide Eckerman right-of-way, and 170 feet of the 60-ft wide Barabeau right-of-way, all being part of Eyster's Suburban Home Subdivision, Section 2 (Liber 44, Page 27 of Oakland County Plats), are hereby **VACATED**; and

BE IT FURTHER RESOLVED, That the City Clerk is hereby **DIRECTED TO RECORD** said final vacation resolution with the Oakland County Register of Deeds, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

---

**E-13 Request of Acceptance of Warranty Deeds and Permanent Easements from Golden Homes, Inc. – Section 12 – Sidwell #88-20-12-200-006, 007, 020 & 021**

Suggested Resolution  
Resolution #2003-06-

RESOLVED, That the two Warranty Deeds for road right-of-way and three Permanent Easements for storm sewer, sanitary sewer and detention pond road access from Golden Homes, Inc. having Sidwell #88-20-12-200-006, 007, 020 and 021 are hereby **ACCEPTED**; and

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

---

**E-14 Request of Approval to Pay Business Relocation Claim – Rick Beverly, Inc. – O’Riley Building Tenant – 2780 Rochester Road**

Suggested Resolution  
Resolution #2003-06-

RESOLVED, That as required by Michigan Laws and Federal Guidelines, the City Council of the City of Troy hereby **AUTHORIZES** payment for relocation benefits on a fixed payment basis in the amount of \$20,000.00 to Rick Beverly, Inc., one of the businesses being displaced from property at 2780 Rochester Road.

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**E-15 Request for Acceptance of Two Permanent Sidewalk Easements from RWT Building, L.L.C. – Sidwell #88-20-22-401-035**

Suggested Resolution  
Resolution #2003-06-

RESOLVED, That the two Permanent Easements for Sidewalk from RWT Building, L.L.C., for property having Sidwell #88-20-22-401-035, are hereby **ACCEPTED**; and

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

---

**E-16 Standard Purchasing Resolution 7: Proprietary Maintenance Service Contract – Motorola Communications**Suggested Resolution

Resolution #2003-06-

RESOLVED, That a one-year hardware and software maintenance contract for the City of Troy's radio console and integrated 911 system is hereby **APPROVED** to Motorola Communications, for proprietary hardware and software at an estimated annual cost of \$32,100.00 expiring June 30, 2004.

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**E-17 Request for Acceptance of Two Permanent Easements for Storm Drain/Sewer from Raymond R. & Catherine A. Comiskey and the Jacqueline A. Cohen Revocable Trust – Sidwell #88-20-18-451-037 & #88-20-18-451-038**Suggested Resolution

Resolution #2003-06-

RESOLVED, That the Permanent Easements from Raymond R. and Catherine A. Comiskey, owners of property at 4084 Wentworth Ave., having Sidwell #88-20-18-451-037 and from Jacqueline Ann Cohen, Trustee of the Jacqueline A. Cohen Revocable Trust, dated December 14, 1999, having Sidwell #88-20-18-451-038, are hereby **ACCEPTED** for the operation, maintenance and repair of storm drain/sewer; and

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

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**E-18 Request for Acceptance of Warranty Deed, Private Road Agreement, Emergency Access Easement, Two (2) Permanent Easements for Water Main & Two (2) Permanent Easements for Sanitary Sewer and Authorization for Mayor and City Clerk to Sign the Private Road Agreement – Northwyck/Woodside Bible PUD – Sidwell #88-20-02-151-001 - Project No. 02.953.3**Suggested Resolution

Resolution #2003-06-

RESOLVED, That the Warranty Deed, Private Road Agreement, Emergency Access Easement, Two (2) Permanent Easements for Water Main, and Two (2) Permanent Easements for Sanitary Sewer all being part of Northwyck/Woodside Bible PUD are hereby **ACCEPTED**; and

BE IT FURTHER RESOLVED, That the Mayor and City Clerk are **AUTHORIZED TO SIGN** the Private Road Agreement; and

BE IT FINALLY RESOLVED, That the City Clerk is hereby **DIRECTED TO RECORD** said documents with the Oakland County Register of Deeds, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

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**E-19 Contract Extension – Mobile Communications Contract Services**

Suggested Resolution

Resolution #2003-06-

WHEREAS, On March 13, 1995, a five-year contract to provide labor and replacement parts for radio and emergency warning equipment maintenance, repair and installation was awarded to the low bidder, Wireless Resources, Inc. (formerly Mobile Communications Service) (Resolution #95-252) with an option to renew for two additional years exercised March 6, 2000 and April 9, 2001 (Resolution #2000-99-E-3b and #2001-04-188-E-6) and extended February 4, 2002 (Resolution #2002-02-059); and

WHEREAS, Wireless Resources, Inc. has agreed to extend the contract under the same prices, terms and conditions;

NOW, THEREFORE, BE IT RESOLVED, That formal bidding procedures are hereby **WAIVED** and the contract is hereby **EXTENDED** with Wireless Resources, Inc., to provide labor and replacement parts for radio and emergency warning equipment maintenance and repair based upon the original contract prices, terms and conditions as outlined in Appendix I, until the City establishes service with the Oakland County Emergency Radio System.

---

**E-20 Request for Acceptance of Final Street Vacation – Section 26 – Portion of Chopin Street Abutting Lots 521, 522, 523 and 524 – Between John R and Alger Streets in John R Gardens and Request for Acceptance of Warranty Deed – Section 26 – Portion of Lots #543, 544, 545, and 546 - Widening of Maple Road**

Suggested Resolution

Resolution #2003-06-

WHEREAS, A request has been received for the vacation of a portion of the 50-foot wide Chopin Street right-of-way in the area extending east from Alger Street, abutting Lots 481 through 484, and 521 through 524, of the John R Garden Subdivision, as recorded in Liber 31, Page 8 of Oakland Count Plats; and

WHEREAS, Vacation of this portion of Chopin Street shall be subject to the following conditions:

1. Retention of an easement for public utilities over the total street area proposed for vacation; and
2. Conveyance of additional property in order to achieve the planned 60 feet half-width Maple Road right-of-way across the frontage of Lots 543 through 546 of John R Garden Subdivision; and
3. The Execution of a recordable easement by the owners of Lots 521 through 524, granting a lifetime right of access to the owners of Lots 482 through 484 over the south

half of that portion of the Chopin Street right-of-way, with said easement to remain in effect until such time as lots 482 through 484 are sold;

WHEREAS, The following properties shall benefit from the requested street vacation:

20-26-483-049	521, 522, 523, 524
20-26-481-006	481
20-26-481-016	482
20-26-481-034	483
20-26-481-038	484

NOW, THEREFORE, BE IT RESOLVED, That final action can now be taken as the three conditions have now been met:

1. The retention of an easement for public utilities over the total street area proposed for vacation.
2. The receipt of a Warranty Deed for 27 feet of right-of-way from owner of Lots 543 through 546 of John R Garden Subdivision, Royal Coney, L.L.C., having Sidwell #88-20-26-483-054.
3. The execution and receipt of a recordable easement by the owners of Lots 521 through 524, granting a lifetime right of access to the owners of Lots 482 through 484 over the south half of that portion of the Chopin Street right-of-way, with said easement to remain in effect until such time as lots 482 through 484 are sold.

BE IT FURTHER RESOLVED, That the Warranty Deed from Royal Coney, L.L.C., having Sidwell #88-20-26-483-054 is hereby accepted, and

BE IT FINALLY RESOLVED, That the portion of the 50-foot wide Chopin Street right-of-way in the area extending east from Alger Street, abutting Lots 481 through 484, and 521 through 524, of John R Subdivision, as recorded in Liber 31, Page 8 of Oakland Count plats be **VACATED** retaining an easement for public utilities over the total street area proposed.

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### **E-21 Barton Malow Company v. Kmart, City of Troy et. al**

#### Suggested Resolution

Resolution #2003-06-

RESOLVED, That the City Attorney is hereby **AUTHORIZED AND DIRECTED** to represent the City of Troy in any and all claims and damages in the matter of Barton Malow Company v. Kmart Corporation, City of Troy, et. al and to **RETAIN** any necessary expert witnesses and outside legal counsel to adequately represent the City.

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**E-22 Request for Acceptance of Four Permanent Sanitary Sewer Easements and Approval to Pay Consideration – Dequindre Sewer - Project No. 02.406.5 – Sidwell #88-20-13-278-018, #88-20-13-228-020 & 021, #88-20-13-281-004 and #88-20-13-281-003**

Suggested Resolution  
Resolution #2003-06-

RESOLVED, That the Four Permanent Easements for Sanitary Sewer from Gregory S. and Mabelle N. Linska, owners of 2987 Hill, having Sidwell #88-20-13-278-018, from Marion Pomykacz, owner of 40297 Dequindre and an adjacent vacant parcel, having Sidwell #88-20-13-228-020 and 021, and from Anthony P. Minchella and Lilia Minchella Trust and as individuals, owners of 40375 Dequindre and an adjacent vacant parcel having Sidwell #88-20-13-281-004 and #88-20-13-281-003 are **ACCEPTED**; and

BE IT FURTHER RESOLVED, That payment is **AUTHORIZED** in the total amount of \$15,200.00, plus recording costs; and

BE IT FINALLY RESOLVED, That the City Clerk is hereby **DIRECTED TO RECORD** said documents with the Oakland County Register of Deeds, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

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**E-23 Troy v. Premium Construction, John Pavone, et. al (Maple Road between John R and Dequindre)**

Suggested Resolution  
Resolution #2003-06-

RESOLVED, That the Troy City Council **APPROVES** the payment of the amounts set forth in the Order for Interim Payment of Just Compensation in the case of City of Troy v. Premium Construction, et. al. (Oakland County Circuit Court Case No. 01-035191-CC) and **AUTHORIZES** the Assistant City Attorney to sign the Order.

## REGULAR BUSINESS

*Persons interested in addressing the City Council on items, which appear on the printed Agenda, will be allowed to do so at the time the item is discussed upon recognition by the Chair (during the public comment portion of the agenda item's discussion). Other than asking questions for the purposes of gaining insight or clarification, Council shall not interrupt members of the public during their comments. For those addressing City Council, petitioners shall be given a fifteen (15) minute presentation time that may be extended with the majority consent of Council and all other interested people, their time may be limited to not more than twice nor longer than five (5) minutes on any question, unless so permitted by the Chair, in accordance with the Rules of Procedure of the City Council, Article 15, as amended May 6, 2002. Once discussion is brought back to the Council table, persons from the audience will be permitted to speak only by invitation by Council, through the Chair.*

**F-1 Appointments to Boards and Committees: (1) Mayoral Appointments: (a) Economic Development Corporation (2) City Council Appointments: (a) Advisory Committee for Persons with Disabilities; (b) Ethnic Community Advisory Board; (c) Historic District; and (d) Personnel Board**

The appointment of new members to all of the listed board and committee vacancies will require only one motion and vote by City Council. Council members submit recommendations for appointment. When the number of submitted names exceed the number of positions to be filled, a separate motion and roll call vote will be required (current process of appointing). Any board or commission with remaining vacancies will automatically be carried over to the next Regular City Council Meeting Agenda.

The following boards and committees have expiring terms and/or vacancies. Bold red lines indicate the number of appointments required:

**(a) Mayoral Appointments**

Suggested Resolution  
 Resolution #2003-06-  
 Moved by  
 Seconded by

RESOLVED, That the following persons are hereby **APPOINTED BY THE MAYOR** with **COUNCIL APPROVAL** to serve on the Boards and Committees as indicated:

**Economic Development Corporation**  
**Mayor, Council Approval (9) – 6 years**

	Term expires 04-30-2009
	Term expires 04-30-2009
	Term expires 04-30-2009

**CURRENT MEMBERS**

NAME	TERM EXPIRES
Bluhm, Kenneth	04/30/06
Gigliotti, Robert S	04/30/08
Licari, Leger (Nino)	04/30/04
Parker, Michael	04/30/07
Redpath, Stuart F	04/30/03
James A. Rocchio	04/30/03
Salgat, Charles	04/30/04
Sharp, John	04/30/03
Smith, Douglas	04/30/05

## INTERESTED APPLICANTS

NAME	DATE APPLIED	DATE SENT TO COUNCIL
Almassian, Carolyn	04/22/02-04/2004	05/06/02
Baughman, Deborah L	06/18/01-05/2003	07/09/01
Chang, Jouky	10/02/01-10/2003	10/15/01
Chhaya, Dhimant	09/26/02	10/07/02
Hall, Patrick C	01/26/01-06/12/01-05/2003	02/05/01-07/09/01
Hoef, Paul V	09/12/01-08/14/02-08/2004	09/17/01
Freliga, Victor P	11/25/02-11/2004	12/02/02
Pritzloff, Mark	04/17/03-04/2003	04/28/03
Shah, Jayshree	08/28/01	09/17/01
Silver, Neil S	08/11/00-06/20/01-05/2003	08/21/00-07/09/01
Victor, Robert	06/03/03-05/2005	06/16/03

Yes:

No:

**(b) City Council Appointments**Suggested Resolution

Resolution #2003-06-

Moved by

Seconded by

RESOLVED, That the following persons are hereby **APPOINTED BY THE CITY COUNCIL** to serve on the Boards and Committees as indicated:

**Advisory Committee for Persons w/Disabilities****Approved by Council (9)- 3 years****Term expires 07-01-2003 (Student)**

## CURRENT MEMBERS

NAME	TERM EXPIRES
Susan Burt ( <b>Alternate</b> )	11/01/03
Angela Done	11/01/05
Nancy Johnson	11/01/03
Leonard Bertin	11/01/05
Pauline Manetta ( <b>Alternate</b> )	11/01/03
Dick Kuschinsky	11/01/04
Theodora House	11/01/03
Sharon Lu ( <b>Student</b> )	07/01/02
Dorothy Ann Pietron	11/01/04
Nada Raheb ( <b>Student</b> )	07.01/03
John J. Rodgers	11/01/03
Cynthia Buchanan	11/01/04
Kul B. Gauri	11/01/05

Jayshree Shah ( <b>Alternate</b> )	11/01/03
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## INTERESTED STUDENT APPLICANTS

NAME	DATE APPLIED	DATE SENT TO COUNCIL
None on file.		

## Ethnic Community Advisory Board

Appointed by Council (9) – 3 years

Term expires 07-01-2004 (Student)

## CURRENT MEMBERS

NAME	TERM EXPIRES
Anju C Brodbine	09/30/05
Amin Hashmi	09/30/05
Tom Kaszubski	09/30/05
Padma Kuppa	09/30/05
Victoria Lang	09/30/05
Hailu S Robele	09/30/05
Oniell Shah	09/30/05
Flora M Tan	09/30/05
Charles Yuan	09/30/05

## INTERESTED STUDENT APPLICANTS

NAME	DATE APPLIED	DATE SENT TO COUNCIL
Kara Huong	06/01/2003	06/16/2003

## Historic District

Appointed by Council (7) – 3 years

(One member must be an architect)

(Two members recommended by Troy Historical Society)

(One member recommended by Troy Historical Commission)

Kevin Danielson (Resigned)

Unexpired Term expires 05-15-2003

## CURRENT MEMBERS

NAME	TERM EXPIRES
Marjorie A Biglin	03/01/04
Wilson Deane Blythe	03/01/05
Barbara Chambers	03/01/05
Kevin Danielson ( <b>Resigned</b> )	05/15/03
Paul C Lin	05/15/06
Ann Partlan	03/01/05
Dorothy Scott	05/15/06

**INTERESTED APPLICANTS**

NAME	DATE APPLIED	DATE SENT TO COUNCIL
Kerry S Krivoshein	08/12/99-06/14/01-05/2003	07/09/01
Mark Pritzloff	04/17/03-04/2005	04/28/03
<b>Personnel Board</b>		
<b>Appointed by Council (5) – 3 years</b>		
<b>Jonathan V. Tavalin (Resigned)</b>		<b>Unexpired term expires 04-30-2005</b>

**CURRENT MEMBERS**

NAME	TERM EXPIRES
Albert T Nelson, Jr	04/30/06
Stephen Patrick, Jr., Ch.	04/30/06
Ronald L. Tschirhart	04/30/06
Jonathan V. Tavalin (Resigned)	04/30/06
James E. Vanderbrink	04/30/06

**INTERESTED APPLICANTS**

NAME	DATE APPLIED	DATE SENT TO COUNCIL
Baughman, Deborah L	3/29/01/6/18/01-05/2003	04/09/01-07/09/01
Blythe, Wilson Deane	3/06/02-02/2004	03/18/02
Calice, Mark A	6/10/03-05/2005	06/16/03
Howrylak, Frank J	6/11/03-05/2005	06/16/03
Huber, Laurie G	6/18/01-05/2003	07/09/01
Pritzloff, Mark	4/17/03-04/2005	04/28/03
Rogowski, Robert F	11/14/01-11/2003	12/17/01
Ziegenfelder, Peter F	12/07/00-06/11/01 06/11/03-05/2005	12/18/00-07/09/01- 06/16/03

Yes:

No:

**F-2 Closed Session - None Requested****F-3 Ground Water and Methane Gas Monitoring at Sanctuary Golf Course Contract Change Order with NTH Consultants**Suggested Resolution

Resolution #2003-06-

Moved by

Seconded by

RESOLVED, That Change Order No. 1 to our existing contract with NTH Consultants for environmental services is hereby **APPROVED** in the amount of \$57,400.00 for ground water

and methane gas monitoring at the Sanctuary Golf Course. Funds are available from bonds issued by the Building Authority for the construction of the golf course.

Yes:

No:

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**F-4 Final Site Condominium Review – Colleen Meadows Site Condominium – West of Dequindre Road and South of Square Lake Road – Section 12 – R-1C**

Suggested Resolution

Resolution #2003-06-

Moved by

Seconded by

RESOLVED, That the Final Plan, as submitted under Section 34.30.00 of the Zoning Ordinance (Unplatted One-Family Residential Development) for the development of a One-Family Residential Site Condominium known as Colleen Meadows, located west of Dequindre Road and south of Square Lake Road, including 20 homes sites, within the R-1C Zoning District, being 7.5 acres in size, is hereby **APPROVED**, as recommended by City Management.

Yes:

No:

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**F-5 2002-03 Budget Amendment No. 2**

Suggested Resolution

Resolution #2003-06-

Moved by

Seconded by

RESOLVED, That the 2002-2003 Budget Amendment No. 2 is hereby **APPROVED** and a copy shall be **ATTACHED** to the original Minutes of this meeting.

Yes:

No:

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**F-6 Amendment #3 – Lacaria Construction – Concrete Replacement Contract**

Suggested Resolution

Resolution #2003-06-

Moved by

Seconded by

WHEREAS, A two-year contract with an option to renew for an additional two years to provide concrete pavement repair was awarded to the low bidder, Lacaria Construction, Inc. on April 8, 2002, at an estimated cost of \$553,002.50 for year 2002 and \$541,669.75 for year 2003, and if changes in the quantity of work is required either additive or deductive, such changes are

authorized in an amount not to exceed 25% of the total annual cost for each year (Resolution #2002-04-208-E-11); and

WHEREAS, It is recommended that the contract be amended to include amounts over the authorized 25% for work to be completed by November 15, 2003, on Rochester Road and Northfield Parkway, and local roads in Sections 23, 24, and 15.

NOW, THEREFORE, BE IT RESOLVED, That the contract is here by **AMENDED** to provide for additional concrete pavement repair at an estimated cost of \$300,000.00.

Yes:

No:

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**F-7 1) Request for Authorization to Make Unconditioned Offer to Purchase Right-of-Way for Dequindre Southbound Right Turn Lane – Project #99.206.5 – Sidwell #88-20-01-476-069 – Tom Obertynski & Agatha Obertynski – 43109 Dequindre Road; 2) Request for Authorization to Institute Court Action if Necessary**

**1) Request for Authorization to Make Unconditioned Offer to Purchase Right-of-Way for Dequindre Southbound Right Turn Lane – Project #99.206.5 – Sidwell #88-20-01-476-069 – Tom Obertynski & Agatha Obertynski – 43109 Dequindre Road**

Suggested Resolution

Resolution #2003-06-

Moved by

Seconded by

WHEREAS, In order to proceed with the southbound right turn lane and intersection improvement project at Dequindre and Square Lake Roads, it is necessary for the City to obtain the needed right-of-way.

BE IT RESOLVED, That the Real Estate and Development Department is hereby **AUTHORIZED** to make an Unconditioned Offer to purchase right-of-way for Parcel #88-20-01-476-069 in the amount of \$30,000.00 plus closing costs.

Yes:

No:

**2) Request for Authorization to Institute Court Action if Necessary**

Suggested Resolution

Resolution #2003-06-

Moved by

Seconded by

WHEREAS, In order to proceed with the southbound right turn lane and intersection improvement project at Dequindre and Square Lake Roads, it is necessary for the City to obtain the needed right-of-way.

BE IT RESOLVED, That the City Attorney is **AUTHORIZED**, if necessary, to **INSTITUTE CONDEMNATION** litigation and to **EXECUTE AND DELIVER** any and all documents and papers, and to **EXPEND** necessary funds expedient for the prosecution of such proceedings or settlement of such claims on proceedings by and with the express **APPROVAL** of this Council.

Yes:

No:

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**F-8 2003 Annual Salary Update for Classified and Exempt Employees and Proposed Change to Personnel Rules & Regulations**

Suggested Resolution

Resolution #2003-06-

Moved by

Seconded by

RESOLVED, That the 2003 Classification and Pay Plans are hereby **APPROVED** as recommended by City Management and the Personnel Board, and a copy shall be **ATTACHED** to the original Minutes of this meeting; and

BE IT FURTHER RESOLVED, That the revision to the Personnel Rules and Regulations for Classified Personnel is hereby **APPROVED**, as recommended by City Management and the Personnel Board, and a copy shall be **ATTACHED** to the original Minutes of this meeting.

Yes:

No:

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**F-9 Sole Source – Irrigation Replacement Parts**

Suggested Resolution

Resolution #2003-06-

Moved by

Seconded by

WHEREAS, John Deere Landscapes, Inc., the authorized dealer/distributor for Michigan, provides Rainbird irrigation replacement parts directly to the City of Troy at discounts up to 40%.

NOW, THEREFORE, BE IT RESOLVED, That a two-year contract is hereby **APPROVED** with John Deere Landscapes, Inc. to provide Rainbird irrigation replacement parts at discounts up to 40% expiring June 30, 2005.

BE IT FURTHER RESOLVED, That purchases at an estimated amount of \$7,500.00 over the approved administrative limit are hereby **CONFIRMED**.

Yes:

No:

**F-10 Amendment to Chapter 106 – Designation of Acting Traffic Engineer**Suggested Resolution

Resolution #2003-06-

Moved by

Seconded by

RESOLVED, That an Ordinance Amendment to add Section 2.24 to Chapter 106 – Traffic Code is hereby **ADOPTED** as recommended by the City Attorney, a copy of this ordinance shall be **ATTACHED** to the original Minutes of this meeting.

Yes:

No:

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**F-11 Request to Develop Ballot Proposal Language: Sale of Property at Civic Center**Suggested Resolution

Resolution #2003-06-

Moved by

Seconded by

RESOLVED, That City Management is **AUTHORIZED** to work in conjunction with the City Attorney's Office to develop proposed ballot language asking the electors of the City of Troy for the authority to sell approximately eleven acres of property in the southeast quadrant of the Civic Center for reason of having a hotel/conference center and ancillary uses constructed on the Civic Center site.

Yes:

No:

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**F-12 Troy v. James and Amy Lewis and Flagstar Bank**Suggested Resolution

Resolution #2003-06-

Moved by

Seconded by

RESOLVED, That the Consent Judgment between the City of Troy and James B. Lewis, Amy E. Lewis and Flagstar Bank is hereby **APPROVED**, the City Attorney is **AUTHORIZED TO EXECUTE** the document, and a copy is to be **ATTACHED** to the original Minutes of this meeting.

Yes:

No:

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**F-13 City Calendar Program Review**Suggested Resolution

Resolution #2003-06-

Moved by

Seconded by

RESOLVED, That **AUTHORIZATION IS GRANTED** to take Requests for Proposals for the 2004 City Calendar with the understanding that the Calendar will be awarded and implemented after competitive bids have been received, funds have been budgeted in the 2003-04 budget.

Yes:

No:

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**COUNCIL COMMENTS/REFERRALS**

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**Policy Allowing Private Groups to Have Religious Displays in Front of City Hall – Proposed by Council Member Lambert**

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**REPORTS AND COMMUNICATIONS**

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

- (a) Personnel Board/Final – May 21, 2002
- (b) Historical Commission/Final – March 25, 2003
- (c) Employees' Retirement System Board of Trustees/Final – April 9, 2003
- (d) Historical Commission/Final – April 22, 2003
- (e) Troy Daze/Final – April 22, 2003
- (f) Youth Council/Final – April 23, 2003
- (g) Advisory Committee for Persons with Disabilities – May 7, 2003
- (h) Planning Commission/Draft – May 13, 2003
- (i) Employees' Retirement System Board of Trustees/Draft – May 14, 2003
- (j) Board of Zoning Appeals/Draft – May 21, 2003
- (k) Personnel Board/Draft – June 9, 2003

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**G-2 Department Reports:**

- (a) Permits Issued During the Month of May 2003
- (b) Monthly Financial Report – May 31, 2003

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**G-3 Announcement of Public Hearing:**

- a) Proposed Zoning Ordinance Text Amendment (ZOTA-126) – Article 39.70.09 – Dumpsters and Grease Containers – Scheduled for July 7, 2003

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**G-4 Proposed Proclamations/Resolutions from Other Organizations: None proposed.**

**G-5 Letters of Appreciation:**

- (a) Letter from Anthony Triplett – Department of Homeland Security, to Chief Craft in Appreciation to the Troy Police Department for All their Support During the Visit of President H.E. Rudolf Schuster and Madame Irena Schusterova of the Slovak Republic to the City of Troy
  - (b) E-mail from Greg and Susan Faubert to Chief Craft Thanking the Traffic Safety Officers for Monitoring the Speeding Problem in their Subdivision
  - (c) Letter from Renee Jenuwine to Chief Craft Thanking Officers Daniels, Hamzey, Bodick, LaForest and Wolf; Detective Campbell and PSA Green-Hernandez for Their Assistance in an Accident She was Involved in and the Subsequent Trial
  - (d) Letter from Sherman R. Cecil, Resident Agent, US Department of Justice – Drug Enforcement Administration, to Chief Craft Thanking Officer Joe Morgan and the Troy Police Department for their Assistance in a Joint Drug Related Investigation
  - (e) Letter from Carolyn Jamioz to Chief Craft Thanking Officers Cochran, Latka and Kowalski; for their Assistance in a Deer Incident
  - (f) Thank You Note from Frances Koppelman to Chief Craft Thanking Sgt. Dave Livingston for the Kindness and Courtesy Extended to Her and Her Sister While Assisting Them When Their Car Stalled
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**G-6 Calendar**

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**G-7 Memorandum (Green) – Alternate Cricket Field Sites**

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**G-8 Memorandum (Green) – Standardized Purchasing Resolutions 9, 10 and 11**

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**G-9 Memorandum (Green) – Proposed Expansion of SMART's Dial-a-Ride Service to Include Troy and Birmingham**

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**G-10 Memorandum (Green) – Master Plans for New Parks**

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**G-11 Memorandum – City of Troy Website Update**

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**G-12 Memorandum (Green) – Golf Course Name Selection – The Sanctuary**

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**PUBLIC COMMENT**

*Public Comment is limited to people who have not addressed Council during the 1<sup>st</sup> Public Comment section. (Rules of Procedure for the City Council, Article 5 (16), as amended May 6, 2002.)*

Respectfully submitted,

John Szerlag, City Manager

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**PROCLAMATION TO HONOR  
WILLIAM MCCABE  
2002 POLICE OFFICER OF THE YEAR**

**WHEREAS**, Officer **William (Bill) McCabe**, currently assigned to the traffic safety unit as an accident investigation officer, is a 24-year veteran of the Troy Police Department; and

**WHEREAS**, He also serves as an OUIL training instructor for the MML, a PPCT Instructor, DUI/Drug recognition instructor, and a speaker on impact panels for MADD; and

**WHEREAS**, His selection was based on his commitment to both the department and the community, as well as his superior performance, hard work and dedication to duty; and

**WHEREAS**, **Officer McCabe** has given outstanding performance in a variety of assignments including Administrative Assistant, Accident Investigation Office and Tactical Support Team member; and

**WHEREAS**, Achievements in his career include ten Commendations, three Unit Citations, two Departmental Citations, one Merit Service Award and three-time MADD Award Recipient; and

**WHEREAS**, **Officer McCabe** has distinguished himself through exemplary performance in regards to specific tasks and incidents, as well as outstanding performance of routine duties including his sincere commitment to traffic safety. An asset to the Department, he overcame injury without any visible negative impact to his performance; and

**WHEREAS**, Through **Officer McCabe's** leadership, hard work and commitment to providing quality service, the Troy Police Department has gained the respect of the community and other law enforcement agencies.

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of the City of Troy, does hereby join with the citizens of Troy, to express sincere congratulations to **Officer William McCabe** on the occasion of being chosen **2002 Police Officer of the Year** by the Troy Police Department.

**BE IT FURTHER RESOLVED** that the City Council commends **Officer McCabe** for his achievement, leadership and dedicated service to the citizens of Troy.

Signed this 2<sup>nd</sup> day of June 2003.

**PROCLAMATION TO HONOR  
JOANN IRVIN  
2002 NON-SWORN POLICE DEPARTMENT  
EMPLOYEE OF THE YEAR**

**WHEREAS, JoAnn Irvin's** City of Troy Police Department career began on July 28, 1980 as a Police Service Aide. She was promoted in 1984, and again in 1986 to Civilian Communications Supervisor; and

**WHEREAS,** Communications Supervisor **JoAnn Irvin** has distinguished herself in her career by being a truly outstanding employee who displays professionalism and enthusiasm in all of her job duties; and

**WHEREAS, JoAnn's** many accomplishments include being on the Board of Directors of the Oakland County Response Team, serving as the Project Blue Light Coordinator, receiving ten Department Commendations and eleven Letters of Appreciation for outstanding performance; and

**WHEREAS, JoAnn's** kind manner and unwavering commitment to her work, friends and helping others has made her both a role model for all those around her and an asset to the City of Troy all the organizations that she supports with her time, effort and positive energy; and

**WHEREAS,** Always willing to go out of her way to help others, **JoAnn** helps organize Police Memorial Day, works on the Chivas/Smetana/Mulvihill Golf Outing and always volunteers to do the decorations for department retirement parties; and

**WHEREAS,** Through **JoAnn's** leadership, hard work and commitment to providing quality service, the Troy Police Department has gained the respect of the community and other law enforcement agencies.

**NOW, THEREFORE, BE IT RESOLVED,** that the City Council of the City of Troy, does hereby join with the citizens of Troy, to express sincere congratulations to **JoAnn Irvin** on the occasion of being chosen **2002 Non-Sworn Employee of the Year by the Troy Police Department.**

**BE IT FURTHER RESOLVED** that the City Council commend **JoAnn Irvin** for her achievement, leadership and dedicated service to the citizens of Troy.

Signed this 2<sup>nd</sup> day of June 2003.

TO: Troy City Council  
FROM: Ethnic Issues Advisory Board  
RE: Student Rep Appointment  
DATE: June 11, 2003

We are recommending that City Council appoint Kara Huang, Troy High student to the position of Student Representative to the Ethnic Issues Advisory Board. Based on her application, and after meeting her at our June meeting, we felt that she would be an excellent candidate for this position. She is very excited about sharing her culture with our community and would also like to learn about other cultures. She will be in attendance at your June 16 Council meeting.

**PROCLAMATION  
PARKS AND RECREATION MONTH  
July 2003**

**WHEREAS**, The City of Troy officially recognizes **Parks and Recreation Month** with programs and activities that reflect the spirit of outstanding leisure programming that benefit the citizens of Troy; and

**WHEREAS**, We invite all citizens to celebrate **Parks and Recreation Month** by participating in fun summer programs for the entire family; and

**WHEREAS**, Our belief in enhancing quality of life is the central purpose and the driving force behind **Troy Parks and Recreation** philosophy; and

**WHEREAS**, We are committed to providing opportunities for people to experience a sense of community through recreational pursuits, comprehensive programs, parks, facilities and open space; and

**WHEREAS**, Our 14 parks and four special facilities comprising 610 acres of open space, serve to offer exercise, sports and special event activities, relaxation and leisure pursuits for all interests; and

**WHEREAS**, **Troy Parks and Recreation** special programs and sports opportunities give young people better chances to live, grow and develop into contributing members of society; and creates lifelines and continued life experiences for older members of our community; and

**WHEREAS**, Parks, playgrounds, nature trails, open spaces and neighborhood sites make our community an attractive and desirable place to live, work, play and visit in a manner that contributes to our ongoing economic vitality; and

**WHEREAS**, **Troy Parks and Recreation** touches the lives of individuals, families, groups and the entire community, which positively impacts upon the social, economic, health and environmental quality of our community; and

**NOW, THEREFORE BE IT RESOLVED**, that we recognize July as **Parks and Recreation Month** and encourage all citizens to celebrate healthy, active lifestyles.

Signed this 16<sup>th</sup> day of June 2003



# Did you know that Troy Parks and Recreation offers...

- |                            |                               |  |
|----------------------------|-------------------------------|--|
| 14 Parks                   | 17 Baseball/Softball fields   | 2 Disc Golf Courses                            |
| 14 Play Structures         | 2 Outdoor Fitness Trails      | 3 Fishing Ponds                                |
| 18 Tennis Courts           | 7 Sand Volleyball Courts      | 3 Basketball Courts                            |
| 19 Soccer Fields           | 9 Shelters                    | Stage Nature Center                            |
| Troy Community Center      | Sylvan Glen Golf Course       | 5 New Parcels of Land for future Parks         |
| Troy Family Aquatic Center | Skate Park – Coming June 2003 | Driving Range and Golf Course – Coming 2003-04 |

## **Also:**

- \* We offer over 60 programs for seniors, with over 400 Seniors participating each day.
- \* Over 900 people have take swim lessons at the Troy Family Aquatic Center each summer.
- \* The Stage Nature Center has over 23,000 visitors each year.
- \* Over 7,300 man-hours are spent on mowing/trimming parks.
- \* Approximately 850 youngsters have a day camping experience, June – August.
- \* Over 200 children entering kindergarten learn about safety at Safety Town.
- \* Annual attendance for senior citizen programs is 103,200.
- \* The Troy Family Aquatic Center attracts nearly 50,000 visitors annually.
- \* Approximately 65,000 rounds of golf were played at Sylvan Glen Golf Course
- \* 600 boys and girls learn the fundamentals of baseball through Tee Ball/Coach Pitch
- \* Over 2500 households receive the Senior Citizen News, monthly.
- \* 600 right-of-way trees are planted yearly.
- \* Our new Lacrosse program has grown to 3 teams for grades 5-8.
- \* Over 350 girls participate in Girls Softball for grades 3-8
- \* 45 teams participate in the Adult Soccer League.
- \* Over a dozen programs are offered for persons with developmental disabilities, with over 100 participants attending each week.
- \* We offer a Family Concert series each week beginning in June.
- \* Over 2,900 children participate in Troy Sports Camps.
- \* Our department hires over 200 seasonal workers each year.
- \* Nearly 1100 youngsters enjoy our Roving Recreation Unit each summer.
- \* The Troy Community Center has over 5,000 Pass Holders.
- \* Improving their fitness is a high priority for over 6,000 residents.
- \* The Troy Family Aquatic Center hosts seven Teen Jam Fests each summer.
- \* Over 65 teams participate in Adult Softball.
- \* Meals on Wheels volunteers delivered over 24,000 meals to homebound seniors.
- \* Over 2,000 man-hours were spent in Soccer/Football Field Maintenance last year.
- \* Approximately 3,400 youngsters participate in athletic programs each year.
- \* Over 100 youngsters and their families attend our Annual Fishing Adventure at Firefighters Park.



**"The Benefits Are Endless"**

**TM**

**PROCLAMATION**  
**Junior Chamber of Commerce Week**  
**June 15 – 21, 2003**

**WHEREAS**, The Troy Junior Chamber of Commerce (Troy Jaycees) has actively involved itself in the life of our community for the future development of community leaders as an organization, and in the State of Michigan for the past 35 years; and

**WHEREAS**, The Troy Jaycees has contributed countless hours on humanitarian projects such as Love Baskets, Make A Difference Day, the Children's Shopping Tour and the Troy Daze 5K/10K race; and

**WHEREAS**, The Troy Jaycees has adopted the basic tenets of purpose of brotherhood, free enterprise, government of laws, human personality, and service to humanity;

**WHEREAS**, The Troy Junior Chamber of Commerce mission is to provide young people the opportunity to develop personal and leadership skills through local community service and organizational involvement while expanding the Jaycee movement,

**NOW, THEREFORE, BE IT RESOLVED**, That the City Council of the City of Troy, does hereby proclaim the **week of June 15-21, 2003** as **Junior Chamber of Commerce Week** and urges all citizens to recognize the importance of community service.

**BE IT FURTHER RESOLVED**, That we extend appreciation and recognition to this organization of young people who have contributed to the betterment of our community.

Signed this 16<sup>th</sup> day of June 2003.

June 10, 2003

TO: Honorable Mayor and City Council

FROM: John Szerlag, City Manager  
Gary A. Shripka, Assistant City Manager/Services  
Mark F. Miller, Planning Director

SUBJECT: PUBLIC HEARING – PROPOSED REZONING Z-688 – East side of Coolidge, south of Maple, Section 32 – M-1 to O-1).

### **RECOMMENDATION**

At the May 13, 2003 Regular Planning Commission meeting, the Planning Commission held a Public Hearing to solicit public comment on the application (see attached minutes). Following the Public Hearing, the Planning Commission recommended approval of the rezoning request.

The rezoning request is consistent with the Future Land Use Plan and is compatible with existing land uses and zoning districts, including an office presently under construction on the abutting property to the north.

Based upon these findings, City Management concurs with the Planning Commission and recommends that the property be rezoned from M-1 to O-1.

### **GENERAL INFORMATION**

Name of Owner / Applicant:

The applicant is Joe Poggi. The owner is Santa Zawaideh.

Location of Subject Property:

The property is located on the east side of Coolidge, south of Maple, in Section 32.

Size of Subject Parcel:

The parcel is approximately 0.86 acres in area.

Current Use of Subject Property:

The property is currently used as an industrial storage facility.

Current Zoning Classification:

M-1 Light Industrial.

Proposed Zoning of Subject Parcel:  
O-1 Office Building.

Proposed Uses and Buildings on Subject Parcel:

The applicant is proposing a 3-story office building, approximately 12,000 square feet in area.

Current Use of Adjacent Parcels:

North: Office (under construction).

South: Industrial.

East: Industrial.

West: Commercial retail.

Zoning Classification of Adjacent Parcels:

North: O-1 Office Building.

South: M-1 Light Industrial.

East: M-1 Light Industrial.

West: M-1, Controlled by a Consent Judgment.

**ANALYSIS**

Range of Uses Permitted in Proposed Zoning District and Potential Build-out Scenario:

PRINCIPAL USES PERMITTED:

Office Buildings for any of the following occupations: executive, administrative, professional, accounting, writing, clerical stenographic, drafting and sales, subject to the limitations contained below in Sub-section 24.50.00 Development Standards.

Medical offices, including clinics.

Banks, credit unions, savings and loan associations, and similar uses. Such uses may include drive-in facilities only as an accessory use, subject to the provision of back-up or waiting space, apart from required off-street parking areas, at the rate of four (4) car spaces for each service window or pedestal, in addition to the space at the window or pedestal.

Publicly owned buildings, exchanges, and public utility offices.

Other uses similar to the above uses.

USES PERMITTED SUBJECT TO SPECIAL CONDITIONS:

Uses customarily supporting or serving the Principal Uses permitted in this District, such as pharmacies or drug stores, optical services, copy services, office supplies, book stores, art galleries, or restaurants; provided that these uses are within the building housing the Principal Uses which they support, and provided that there is no direct outside entrance for these uses separate from the entrance serving the Principal Uses.

Data processing and computer centers.

Technical training uses.

USES PERMITTED SUBJECT TO SPECIAL USE APPROVAL:

Mortuary Establishments.

Private Service Clubs Fraternal Organizations and Lodge Halls.

Private ambulance facilities.

Utility Sub-Stations, Transformer Stations or Gas Regulator Stations (Without Storage Yards).

Mechanical or Laboratory Research Involving Testing and Evaluation of Products, or Prototype or Experimental Product or Process Development.

Child care centers, nursery schools, or day nurseries (not including dormitories).

Vehicular and Non-motorized Access:

Access will be provided to the parcel by Coolidge Highway, a major thoroughfare.

Potential Stormwater and Utility Issues:

The proposed method of storm water detention is not shown on the site plan. The applicant will be required to adequately dispose of storm water on the property.

Natural Features and Floodplains:

The Natural Features Map indicates there are no significant natural features located on the property.

Compliance with Future Land Use Plan:

The property is classified as Community Service Area on the Future Land Use Plan. This designation correlates with B-2 (primary correlation) and B-3, B-1 and O-1 (secondary correlation) in the Future Land Use Plan. The application is in compliance with the Future Land Use Plan.

cc: Applicant  
File Z-688

10. PUBLIC HEARING – PROPOSED REZONING (Z-688) – Proposed Office Building, East side of Coolidge, South of Maple, Section 32 – M-1 to O-1

Mr. Savidant presented a summary of the Planning Department report for the proposed rezoning request. Mr. Savidant reported that it is the recommendation of the Planning Department to approve the rezoning request as submitted.

Matt Ray of 3384 W. 12 Mile Road, Berkley, was present to represent the petitioner. Mr. Ray said the intent of the property owner and developer is to provide a nice office building at this location.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

**Resolution**

Moved by Waller

Seconded by Wright

**RESOLVED**, that the Planning Commission hereby recommends to the City Council that the M-1 to O-1 rezoning request for the existing industrial storage facility, located on the east side of Coolidge Road, south of Maple Road, Section 32, being 0.86 acres in size, be granted.

Yeas

All present (7)

Absent

Chamberlain  
Storrs

**MOTION CARRIED**

# CITY OF TROY



CITY OF BIRMINGHAM

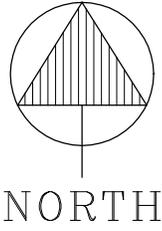
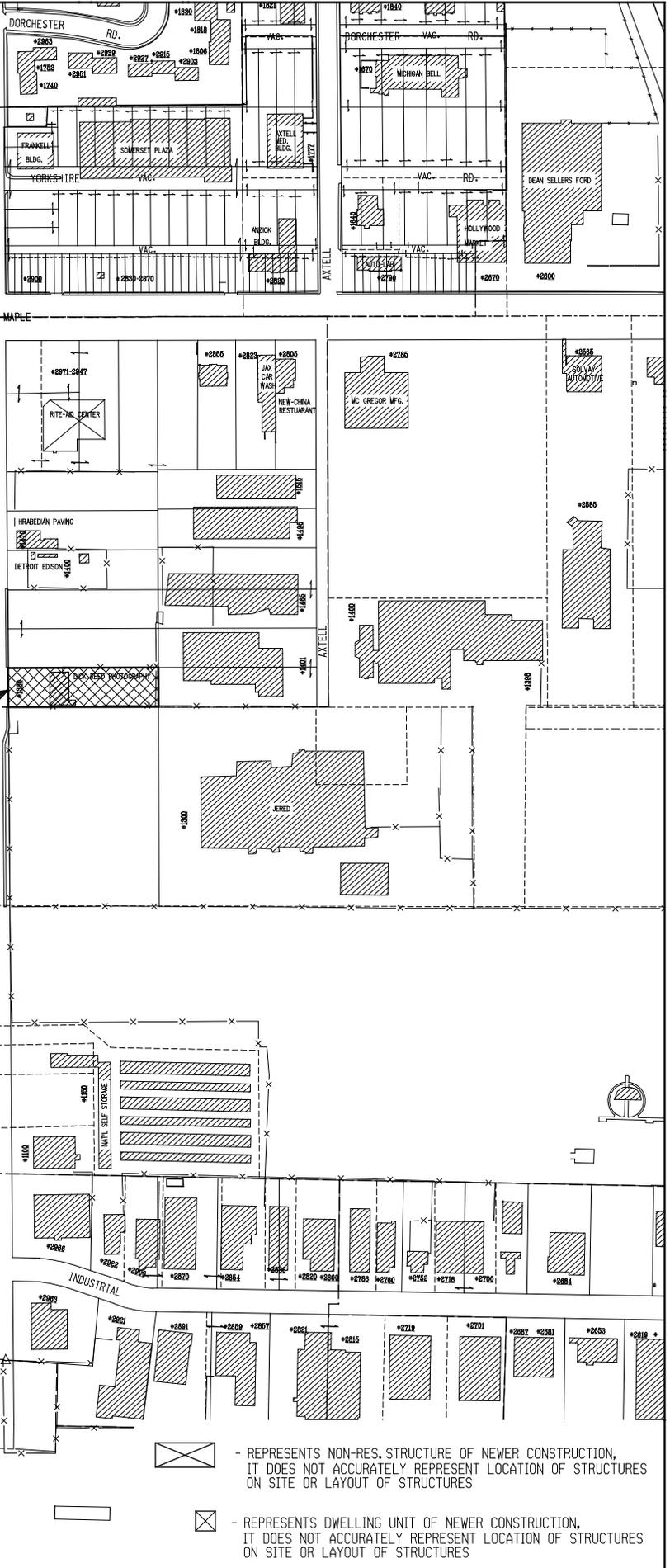
MAPLE ROAD

MAPLE

COOLIDGE ROAD

REZONING REQUEST  
From M-1 To O-1

VILLAGE AT MIDTOWN SQUARE  
&  
MIDTOWN SQUARE SHOPPING CENTER



-  - REPRESENTS NON-RES. STRUCTURE OF NEWER CONSTRUCTION, IT DOES NOT ACCURATELY REPRESENT LOCATION OF STRUCTURES ON SITE OR LAYOUT OF STRUCTURES
-  - REPRESENTS DWELLING UNIT OF NEWER CONSTRUCTION, IT DOES NOT ACCURATELY REPRESENT LOCATION OF STRUCTURES ON SITE OR LAYOUT OF STRUCTURES

R-1C

CITY OF BIRMINGHAM

COOLIDGE ROAD

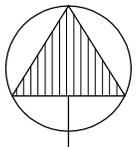
MAPLE ROAD

MAPLE ROAD

32

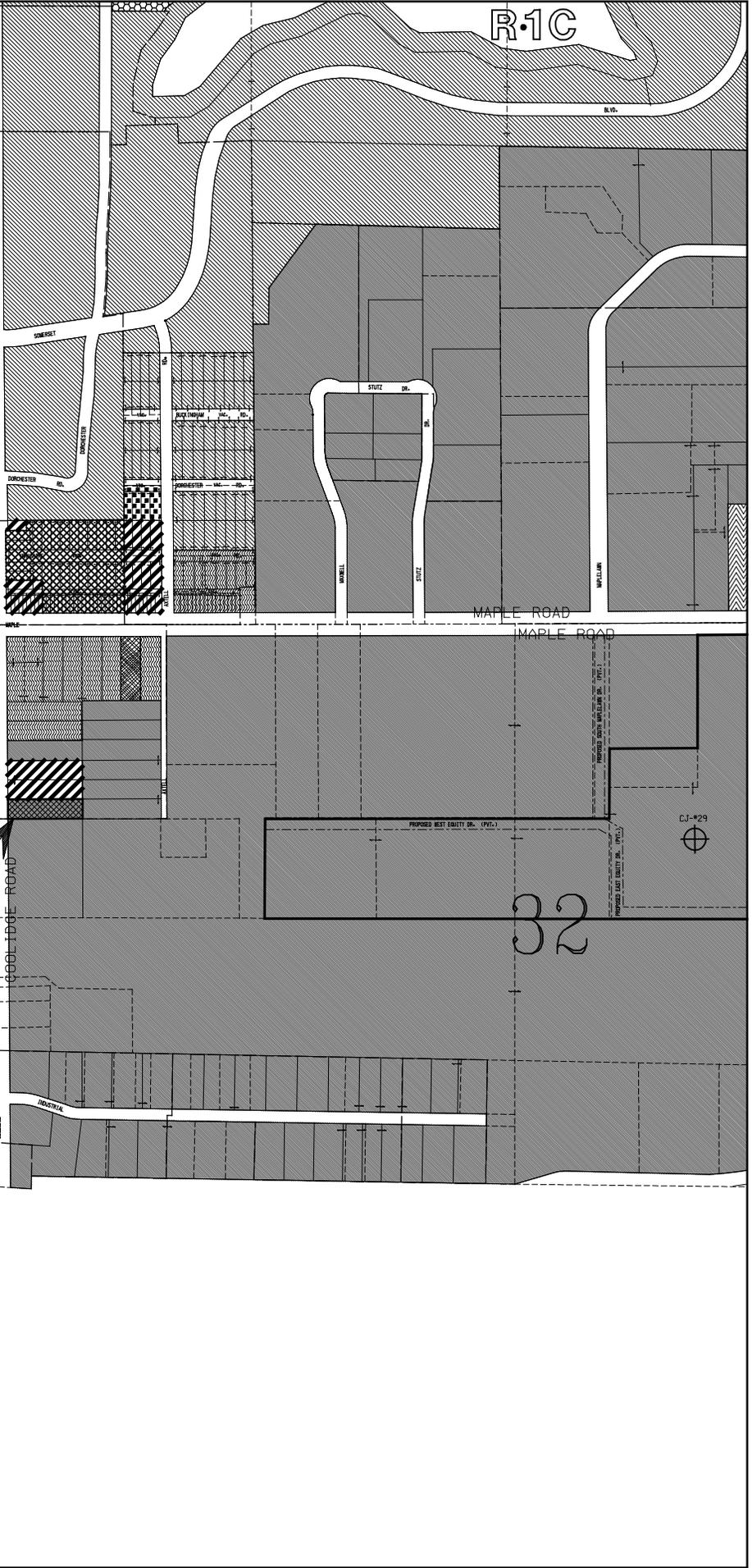
REZONING REQUEST  
From M-1 To O-1

IND TRUNK RAILROAD R.O.W.



NORTH

COOLIDGE ROAD



REZONING REQUEST  
PROPOSED EAST BIRMINGHAM OFFICE CTR.  
FROM M-1 TO O-1  
E SIDE COOLIDGE, S OF MAPLE  
SEC. 32 (Z-688)



REZONING REQUEST  
FROM M-1 TO O-1

0 50 100 200 300 400 Feet



June 10, 2003

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager  
Gary A. Shripka, Assistant City Manager/Services  
Steve Vandette, City Engineer  
Mark F. Miller, Planning Director

SUBJECT: PUBLIC HEARING – PRELIMINARY PLANNED UNIT DEVELOPMENT REVIEW – PUD-002 Rochester Commons – North side of Big Beaver Road, east of Rochester Road and west of Daley Street, section 23.

### **RECOMMENDATION**

The Planning Commission conducted a Public Hearing on March 11, 2003 and on May 13, 2003. In addition, the proposed PUD was discussed at three Study Meetings. At the May 13, 2003 Public Hearing the Planning Commission recommended approval of the proposed Rochester Commons Planned Unit Development Preliminary Site Plan, as submitted. City Management and the City's Planning consultant concur with the Planning Commission and recommend approval.

### **GENERAL INFORMATION**

Name of Owner / Applicant:

Tadian Developments.

Size of subject parcel:

The parcel is approximately 4.86 acres in size.

Proposed use(s) of subject parcel:

The applicant is proposing 80 multi-family dwellings.

Current use of subject property:

The property is presently occupied by a vacant elementary school that is in poor condition and four single family homes.

Current use of adjacent parcels:

North: Single family residential.

South: Single family residential.

East: Single family residential.

West: City of Troy fire station and single family residential.

Current zoning classification:

The parcel is currently zoned R-1E One Family Residential.

Zoning classification of adjacent parcels:

North: R-1E One Family Residential.

South: R-1E One Family Residential.

East: R-1E One Family Residential.

West: C-F Community Facilities and R-1E One Family Residential.

Future Land Use Designation:

The property is designated as Low Rise Office on the Future Land Use Plan.

Stormwater Detention:

The applicant is proposing to utilize a portion of the city-owned property to the west of the fire station for stormwater detention. This detention basin will be designed to a size sufficient enough to accommodate additional stormwater should other property in the immediate area be developed, including the fire station.

Natural features and floodplains:

The Natural Features Map indicates that there are no significant natural features located on the property.

Compatibility with adjacent land uses:

The multi-family dwellings are compatible with the surrounding neighborhood in terms of use. The development will contrast with the adjacent detached single-family residence in terms of height and scale. The proximity to existing homes to the east will compound this difference. The applicant is proposing to provide extensive buffering comprised of hedges, large evergreen trees and shade trees to soften the proposed development.

It should be noted that the property is classified on the Future Land Use Plan as Low Rise Office. The maximum height for an office building in O-1 is 3 stories, with a minimum side yard setback of 20 feet. There is a requirement for a 6-foot high wall for offices in O-1 on parcels that abut residentially zoned property. There is also a 4-foot, 6-inch screen wall for off-street parking areas. There are no other landscape buffer requirements for the common lot line between O-1 and R-1E. If the property were to be rezoned to O-1, the residential properties to the east could abut a 3-story

office structure that is set back only 20 feet from the property line. The only required screening would be a 6-foot high wall, with no other landscaping required. The proposed landscape buffer exceeds the screen wall in this scenario.

Compliance With Standards For Approval Of Planned Unit Developments (Section 35.70.00)

***In considering applications for Planned Unit Developments, the Planning Commission and City Council shall make their determination based upon the following standards:***

***The overall design and all proposed uses shall be consistent with and promote the Intent of the Planned Unit Development approach, as stated in Section 35.10.00, and the Eligibility conditions as stated in Section 35.30.00:***

The proposed development is consistent with the Intent of the PUD option in that it involves the assembly of properties and the redevelopment of outdated structures and areas, provides enhanced housing and recreation opportunities, and involves innovation and variety in design and layout and types of land uses and structures.

The application is consistent with the Eligibility conditions in that it will be under a single ownership and involves the improvement of property characterized by extreme obsolescence that would be difficult to develop under a conventional zoning approach. In addition, the application will provide public facilities which could not otherwise be required, provide a complementary variety of housing types that are in harmony with the adjacent uses, and provide for the redevelopment or re-use of sites that are occupied by obsolete uses.

***The proposed Planned Unit Development shall be consistent with the intent of Master Land Use Plan:***

The Future Land Use Plan delineates the property as Low Rise Office. The attached memorandum and report from the City's Planning Consultant, Richard Carlisle, dated February 19, 2003, clarifies how the PUD application is consistent with the intent of the Future Land Use Plan.

The application is consistent with the Residential Areas Development Policies of the Future Land Use Plan, which include the following:

- a) Continue the development of Troy's residential areas at densities compatible with adjacent areas.

- b) Encourage a variety of housing types within the density framework of the Future Land Use Plan.
- c) Encourage private development, renovation, and redevelopment of residential areas.
- d) Provide for recreational and cultural amenities and facilities which will support and enhance residential areas.
- e) Encourage the provision and maintenance of open space and environmental preservation areas within residential areas.

In addition, the proposed development is appropriate as a transition area between the Big Beaver corridor and the single family residential uses to the north and east.

***The proposed Planned Unit Development includes information which clearly sets forth specifications or information with respect to structure height, setbacks, density, parking, circulation, landscaping, views, and other design and layout features which exhibit due regard for the relationship of the development to the surrounding properties and uses thereon, as well the relationship between the various elements of the proposed Planned Unit Development. In determining whether this requirement has been met, consideration shall be given to the following:***

***The bulk, placement, and materials of construction of the proposed structures and other site improvements:***

The applicant is proposing a total of 80 units on the 4.86-acre parcel, a density of 16.5 units per acre. Because the units are attached, the developments bulk will be larger than the abutting detached one-family residences to the north and east. The applicant has addressed this issue by providing a landscape buffer along the east and north property lines. The units north of Big Beaver face the street and will have a relationship with the Big Beaver corridor in terms of exposure and non-motorized access. Front elevations indicate that the design and building materials will provide visual interest. The applicant has provided samples of the siding to be used for the units and the siding appears to be durable and of high quality.

The applicant will provide a bike path along Big Beaver that connects to a walkway system through the development to the north and Urbancrest. The applicant will also pave Urbancrest and plant shade trees along both sides of the street. Detention will be provided by a landscaped detention pond with decorative metal fencing, located on city-owned property west of the fire station. This detention basin will be designed to serve as a regional

detention basin for the area should the area north of Urbancrest be redeveloped. A pocket park and pavilion will be provided within the development. An emergency access drive will connect the development to Parkton Street to the north.

***The location and screening of vehicular circulation and parking areas in relation to surrounding properties and the other elements of the development:***

The applicant is proposing two off street parking spaces per unit; one space is to be located within the garage and the second space will be in front of each garage. In addition, there will be 33 parallel parking spaces for guest parking. The Site Plan indicates that the off street parking areas will be screened from adjacent property by a combination of berms, hedges and trees.

***The location and screening of outdoor storage, loading areas, outdoor activity or work areas, and mechanical equipment:***

The only proposed use is single-family attached dwellings. Outdoor storage, work areas, and mechanical equipment will not be required.

***The hours of operation of the proposed uses:***

The only proposed use is single-family attached dwellings, which do not have regular hours of operation.

***The location, amount, type and intensity of landscaping, and other site amenities:***

A Conceptual Landscape Plan has been provided. The plan indicates species types, size, spacing or other specific information. The applicant is providing a central pocket park with a lawn area, perennial garden, shade trees, gazebo area and seating. The applicant is proposing to provide landscaped berms along Big Beaver Road and along the western edge of the property. The development will be buffered from the north and east with trees and hedges. Sidewalks will be provided throughout the development. The applicant is proposing to pave the portion of Urbancrest that is presently unpaved.

***The proposed development shall not exceed the capacities of existing public facilities and available public services, including but not limited to utilities, roads, police and fire protection services, recreation facilities and services, and educational services (Section 35.70.04).***

The proposed development will not exceed the capacities of existing public facilities. The detention pond will be designed so that it can accommodate additional stormwater runoff should property on the north side of Urbancrest be redeveloped in the future.

***The Planned Unit Development shall be designed to minimize the impact of traffic generated by the PUD on the surrounding uses and area (Section 35.70.05).***

Vehicular access to the PUD will be from Urbancrest to the west. Urbancrest presently provides access to 4 single-family homes and a City of Troy Fire Station. Traffic generated by the proposed PUD will be less than the traffic that would be generated for an office development on the same parcel.

***The Planned Unit Development shall include a sidewalk system to accommodate safe pedestrian circulation throughout the development, and along the perimeter of the site, without undue interference from vehicular traffic.***

There is a proposed bike path on the north side of Big Beaver, between Daley Street and the community park at the Big Beaver/Rochester Road intersection. The path is also located on the city-owned property to the west, between Big Beaver and Urbancrest. This trail connects to the sidewalk system throughout the proposed development and connecting to each unit. There is a proposed emergency access connection to Parkton Street to the north that will serve as a non-motorized connection.

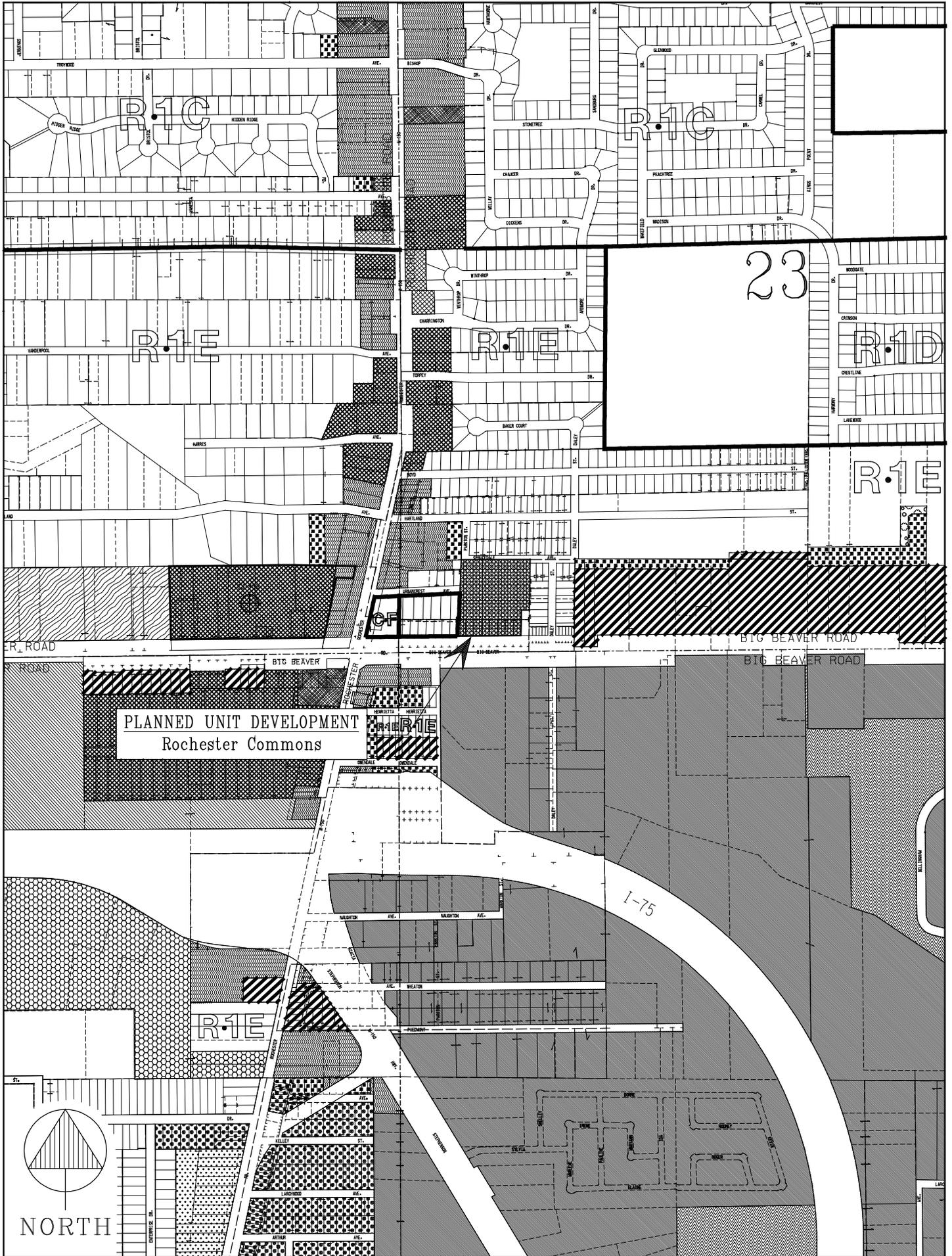
***The proposed Planned Unit Development shall be in compliance with all applicable Federal, State and local laws and ordinances.***

The PUD is in compliance with all applicable laws and ordinances.

cc: Applicant  
File/PUD-002  
Planners (4)

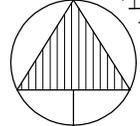
# CITY OF TROY



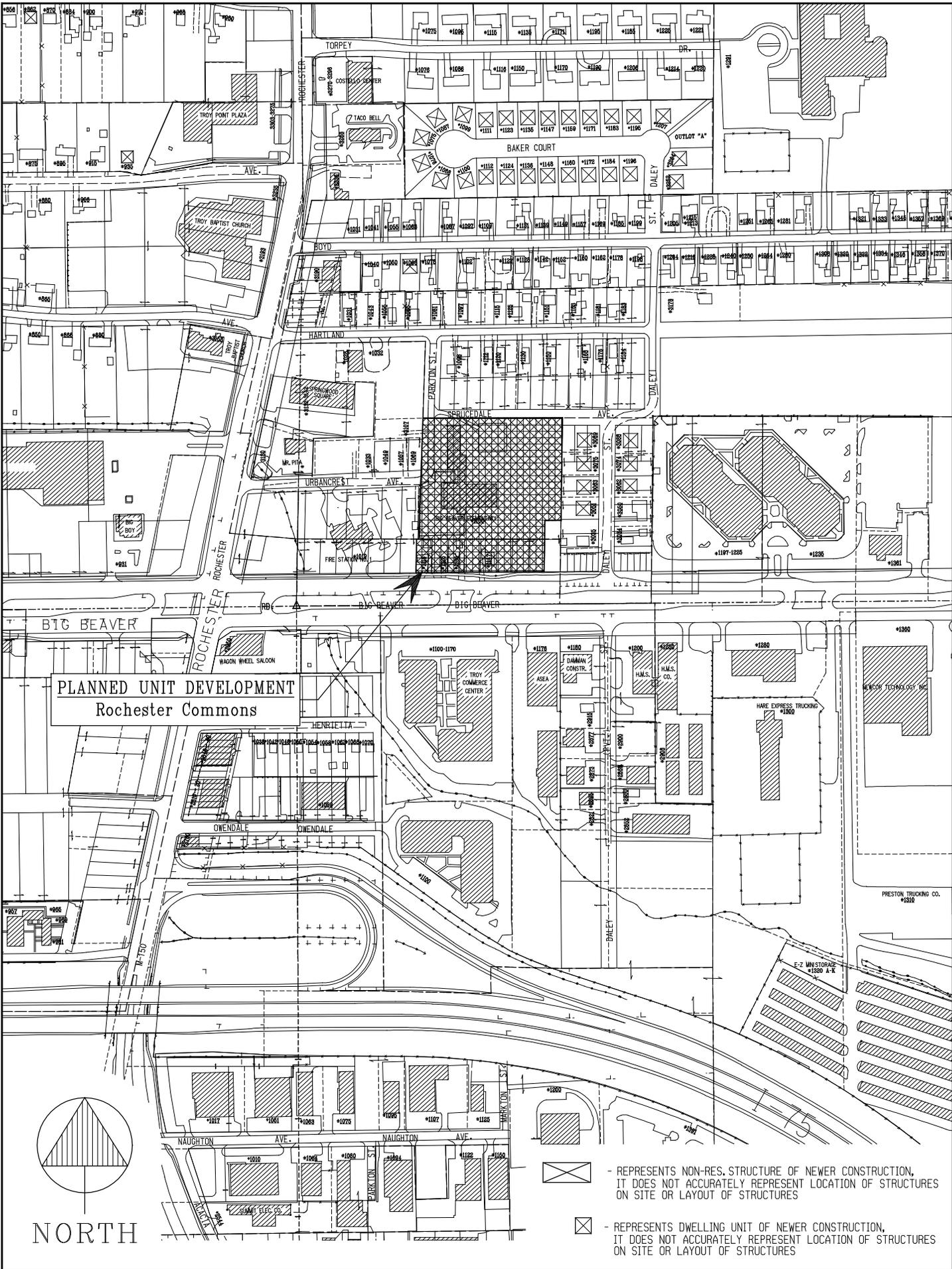


PLANNED UNIT DEVELOPMENT  
Rochester Commons

23



NORTH

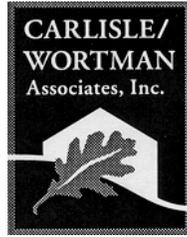


PLANNED UNIT DEVELOPMENT  
ROCHESTER COMMONS  
N SIDE BIG BEAVER, W OF DALEY  
SEC. 23 R-1E (PUD-2)



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*Community Planners Landscape Architects*  
605 S. Main, Suite 1 Ann Arbor, MI 48104 734-662-2200 fax 734-662-1935

## **MEMORANDUM**

**TO:** City Council  
City of Troy

**FROM:** Richard K. Carlisle

**DATE:** May 21, 2003

**RE:** Summary of Comments - Rochester Commons PUD

I have been asked to provide a summarized version of our comments and recommendations relative to the proposed project. Detailed comments may be found in our review dated May 21, 2003.

### **Project Description**

The site in question is located near the intersection of Big Beaver Road and Rochester Road, and is accessed from Urbancrest Street. The 4.86 acre site includes nine (9) parcels, a number of single-family units and the vacant Big Beaver School building. The applicant proposes to build seven (7) three-story multiple family condominium buildings. The buildings will include a total of eighty (80) units, ranging in size of 1,100 to 1,300 square feet. The site is zoned as R-1E, One-Family Residential and is Master Planned for Low Rise Office.

The applicant has requested the use of the PUD option due to the following:

- Development strictly according to the R-1E zoning district may not be the best use of the site, evidenced by the state of the current uses on the site.
- The unconventional site, including frontage on Big Beaver Road and Urbancrest Street, and the adjacent mix of uses, makes conventional development difficult.
- Multiple family residential, while providing an appropriate transitional use for the area, is not permitted in the R-1E zoning district.

## **Consistency with PUD Standards**

Criteria and general design standards for use of the PUD option are set forth in Section 35.30.00 Eligibility and in Section 35.40.00 General Development Standards. The following are our comments:

1. We believe the site is an appropriate location for use of the PUD. The appropriateness of the site for the PUD option is based on:
  - a. The unique layout and location of the site, which could be better served by the flexibility of the PUD ordinance.
  - b. The site's economic obsolescence considerations, based on the vacant school, the current single-family residential zoning and the site's frontage on the highly traveled Big Beaver Road (as demonstrated by the condition of some of the existing single family residential homes).
  
2. The project meets a sufficient number of objectives set forth by the PUD.
  - a. A demonstration that the "development quality objectives" are met. The site layout is based on a creative design that enhances the use of an obsolete site. Project elements include a large central open area, provision of a pedestrian network connecting the site to the safety path along Big Beaver Road, the adjacent park, an excellent landscape design and improvement of the City Fire Department property.
  - b. The use will include substantial screening to buffer the site from adjacent properties, and open space above and beyond Ordinance requirements.
  - c. The site will have one (1) direct access from Rochester Road via Urbancrest Street, which is an improvement over the safety and access concerns associated with a Big Beaver Road access.
  - d. Although not identical with the low rise office designation delineated by the Master Plan, the use is consistent with the transitional character that the low rise office designation encourages. Residential use will have less impact on neighboring uses than office use.

## **Recommendation**

One of the goals of the PUD option is to encourage the redevelopment and infill of properties with the qualities that exist on this site. The PUD option will permit the creation of a unique development that will provide an appropriate transitional use compatible with each of its surrounding uses. To meet the intent of the PUD, there has been continual coordination between the City, our office and the applicant to provide the greatest design and overall project for the site.

It is our opinion that this project could create an attractive and highly functional development that will further the public health, safety and welfare of the residents of this and the adjacent neighborhood. We believe that the use of the PUD, and the resulting design, will provide one of the best options available for redevelopment of this site. We would therefore recommend that the City Council approve the use of the PUD option.

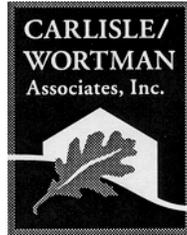
CARLISLE/WORTMAN ASSOCIATES, INC.



Richard K. Carlisle, PCP

RKC:jk  
# 225-02-2201

cc: Nick Donofrio, Tadian Homes, FAX (248) 643-9693  
Jim Butler, Professional Engineering Associates, FAX (248) 689-1044  
Randy Metz, Grissim, Metz, Andriese Associates, FAX (248) 347-1005



*Community Planners Landscape Architects*  
605 S. Main, Suite 1 Ann Arbor, MI 48104 734-662-2200 fax 734-662-1935

Date: March 5, 2003  
Revised: May 8, 2003  
Revised: May 21, 2003

## **Planned Unit Development/Site Plan Review For City of Troy, Michigan**

### **GENERAL INFORMATION**

**Applicant:** Tadian Homes  
2039 W. Big Beaver Road, Suite 200  
Troy, Michigan 48084

**Project Name:** Rochester Commons

**Plan Date:** February 18, 2003

**Latest Revision:** April 25, 2003

**Location:** The intersection of Parkton and Urbancrest Streets (the north side of Big Beaver Road, between Rochester Road and Daley Street).

**Zoning:** R-1E, One-Family Residential

**Action Requested:** City Council approval of Preliminary Site Plan and PUD.

**Required Information:** Provided.

### **PROJECT AND SITE DESCRIPTION**

The applicant proposes to build seven (7) three-story multiple family condominium buildings. A total of eighty (80) units, ranging in size of 1,100 to 1,300 sq. ft. will be constructed. The 4.86 acre site includes nine (9) parcels, a number of single-family units and the vacant Big Beaver School building.



### NEIGHBORING ZONING AND LAND USE

**North:** Use to the north is comprised of single-family residential uses, zoned R-1E, One-Family Residential.

**South:** Use to the south is Big Beaver Road. On the south side of Big Beaver, properties are zoned M-1, Light Industrial.

**East:** The land use directly to the east is comprised of single family residential uses, zoned R-1E, One-Family Residential. Further to the east, the frontage of Big Beaver is zoned and used as office.

**West:** The land use to the west is comprised of single-family residential (north of Urbancrest) and a City Fire Station (south of Urbancrest). Zoning is split based on these uses, including R-1E and C-F Community Facilities.

**Items to be Addressed:** None

## **MASTER PLAN**

The subject property is currently planned for Low Rise Office. The intent of the designation, among others, is to provide a transition from the office, commercial and industrial uses of Big Beaver Road to the outlying residential areas to the north.

Although the proposed use is not identical to the office designation, it meets the intent of the Master Land Use Plan. The use will be effective in providing a transition from the more intensive commercial and community facility uses to the west and to the low intensive single-family uses to the east. More discussion is provided in this report, as well as a previous opinion written by our office provided as Attachment I.

The following illustrates the surrounding Master Land Use Plan designations:

- North:** Low Density Residential
- South:** Major Thoroughfare (Big Beaver). On the south side of Big Beaver Road the area is planned for Light Industrial/Research.
- East:** Low Rise Office.
- West:** Low Rise Office.

*Items to be Addressed: None*

## **NATURAL RESOURCES**

- Topography:** The topography is best described as flat, sloping from the northwest to southeast.
- Woodlands:** There are no significant woodlands on-site. The applicant has provided the location of the site's existing trees, most of which consists of perimeter vegetation. Although many of the trees are in reasonably good condition, they are not of high quality. Replacement trees will be of much higher quality.
- Wetlands:** There are no existing wetlands on this site.
- Flood Plain:** According to the Preliminary Environmental Impact Study provided by the applicant, the southern part of the site is located within the floodplain. It is our understanding that the floodplain mapping is in the process of revision.

**Other:** A Preliminary Environmental Impact Statement has been provided. A Final Environmental Impact Statement will be required with the application for Final Plan approval.

*Items to be Addressed: None.*

## **TRAFFIC IMPACT**

The site development will be accessed from Rochester Road via Urbancrest Street. Because there is no direct access to Big Beaver, projected traffic impacts on such shall be limited. According to the applicant's traffic impact study the proposed development is expected to generate forty-three (43) total trips during the AM peak hour (seven (7) inbound and thirty-six (36) outbound) and fifty-one (51) total trips during the PM peak hour (thirty-four (34) inbound and seventeen (17) outbound).

Urbancrest Street will be paved from the current end of pavement near the fire station to handle the development's traffic. Based on the traffic impact study, the Rochester Road/Urbancrest Street intersection will continue to operate at LOS "C" and LOS "D" levels during respective AM and PM peak hours, which are acceptable levels of service. Parkston Street will also be affected, as its connection from Urbancrest will be closed for general traffic. However, an access drive from the site will be connected to Parkston for emergency use only.

The applicant has provided supplemental traffic information from the project's traffic consultant in letters dated March 18<sup>th</sup> and April 8<sup>th</sup>, 2003. The former is in respect to projected traffic impact of other uses on the site, including an office building and single family detached residential development. Office use, as per the Master Plan designation, would have the largest impact, followed by the proposed multiple family development, with the single family development having the least traffic impact. However, the consultant is correct in noting that the site is probably not appropriate for a single family detached residential development.

The April 8<sup>th</sup> letter is also in response to concerns expressed by the public and Planning Commission at meetings where this project has been discussed. According to the letter, Urbancrest will not have a stacking problem. With the limited amount of traffic being spread out over the morning peak period, and the gaps that the traffic signal provides at the Rochester/Big Beaver intersection, current and future traffic turning off of Urbancrest should not have a problem.

*Items to be Addressed: None.*

## **ESSENTIAL FACILITIES AND SERVICES**

The site has access to water and sewer that is located in Big Beaver Road. Stormwater will be directed off of the site to a retention facility on the fire station property, which will be further improved and enhanced by the applicant. An outlet from this facility will link to the storm sewer from Big Beaver Road.

The enhancement of the retention facility will be significant benefit to the overall area. It is being sized to provide additional capacity for properties north of Urbancrest, which can be provided as an incentive for redevelopment.

*Items to be Addressed: None.*

## **PUD ELIGIBILITY**

The Zoning Ordinance sets forth criteria in Section 35.30.00 Eligibility, for consideration of a project as a PUD. The following are our comments:

*Section 35.30.00, A. and B.:* The proposed development meets the location requirements set forth in Section 35.30.00, A. and B. Approval of the site will require approval from the City Council, following a recommendation from the Planning Commission that the standards of 35.30.00 B 2. or 3. are met. We believe that the site is appropriate for either category; the unique layout and location of the site could be better served by the flexibility of the PUD ordinance. In addition, the site does have economic obsolescence considerations, based on the vacant school, the current single-family residential zoning and the site's frontage on the highly traveled Big Beaver Road (as demonstrated by the condition of some of the existing single family residential homes). As previously noted, the multiple-family residential would be similar to the office use in being a transition and compatible use with Big Beaver Road, the adjacent fire station and adjacent single-family residential uses.

*35.30.00.C.* The applicant must demonstrate that a sufficient number of objectives are met which would not be accomplished without the use of the PUD. As the comments indicate, we would advise that the intent of the PUD is being met.

*1:* The applicant has demonstrated that the "development quality objectives" in Section 35.30.00.B.2 are met. As the applicant notes in response to the PUD conditions, the site layout is based on a creative design that enhances the use of an obsolete site. It includes a large central open area, provision of a pedestrian network connecting the site to the safety path along Big Beaver Road and the adjacent park and an excellent landscape design. It also includes improvement of the City Fire Department property.

2: The proposed development includes multiple-family residences and associated common recreation areas only, with no other mixed use. However, we do not believe that a mix of uses is a prerequisite to permit a PUD. The definition in Section 35.20.00 refers to a PUD as a development consisting of a “combination of uses wherein the specific development configuration and use allocation is based upon a comprehensive physical plan.” While the definition refers to a combination of uses, such consideration is mitigated or tempered by “the specific development configuration and use allocation” as demonstrated by a physical plan. Therefore, the Ordinance contemplates a more narrow allocation of use based upon the constraints of site, as demonstrated by a physical plan.

Eligibility criteria for consideration of a PUD are set forth in Section 35.30.00.C. Providing a mixture of uses is one (1) of seven (7) objectives that may be considered. However, the Ordinance does not require that all seven (7) objectives are met. It states that the “applicant must show that a sufficient number of ... objectives ... are met.”

3: The use will include screening to buffer the site from adjacent properties above and beyond Ordinance requirements. The applicant also proposes use of the retention pond adjacent to the fire station, and will have a decorative wet pond appearance. The aesthetic enhancement of the Fire Station with landscaping and reshaping of the detention pond will be a significant benefit.

4: The site will have one (1) direct access from Rochester Road via Urbancrest Street. The lack of an entrance from Big Beaver Road is based on the direction provided by City staff and our office. The revised entrance improves the overall site layout and allows for uninterrupted greenbelt along Big Beaver. The resulting traffic impact on Urbancrest and Rochester Road was investigated by the applicant’s traffic consultant, who found that LOS service at the intersection of the two (2) streets would remain at the same level following development of the site.

5: The development will provide an appropriate use of a site characterized by the vacant school building, older housing of diminishing appearance, and vacant lots.

6: As noted, the use will be compatible with the fire station, single-family residences and Big Beaver frontage.

7: Also as noted, while the use may not be identical with the low rise office designation delineated by the Master Plan, it is consistent with the transitional character that the low rise office designation encourages.

***Items to be Addressed: None.***

## **PLANNED UNIT DEVELOPMENT STANDARDS**

The Ordinance sets forth general standards in Section 35.40.00 General Development Standards. The following are our comments:

### **A. Consistency with Intent of Master Plan:**

Regarding consistency with the Master Plan, Section 35.10.00.H. states that the intent of the PUD option is to “ensure development that is consistent with the direction of the Master Land Use Plan.” The same phrase is repeated in the second sentence of the definition of PUD found in Section 35.20.00 and also in Section 35.40.00. Section 35.50.02 goes on to state the converse of the previous statements that an applicant may request an amendment to the Master Plan if the use is not consistent. The key words throughout the Ordinance are consistent with the intent of the Master Land Use Plan. The Master Land Use Plan is not a Zoning Map, it is a guide to land use policy.

In the case of the Rochester Commons site, the Land Use Plan designation calls for low rise office. The office designation is typically used as a transition between more intense commercial uses and less intense single-family residential. The office designation also serves as a transition between major thoroughfares (Big Beaver) and single-family residential areas.

It is evident that the former school site is transitional in nature. Commercial uses along Rochester Road and traffic along both Rochester and Big Beaver form an intense corridor. The proposed Rochester Commons project would achieve the same transitional benefits as office development and, in fact, would be more compatible with the neighboring single-family residential.

It is our opinion that the proposed project is consistent with the direction of the Master Land Use Plan. Therefore, we do not believe an amendment is necessary.

It is also important to consider that the amendments made to the Master Plan for residential uses in areas along or adjacent to Big Beaver Road. In *Subsection E (Residential Diversity and Other Plan Amendments)* of *Section I (Evolution of the Master Plan)*, the Master Plan discusses amendments made to expand the potential diversity of residential development in the Big Beaver Road corridor. These amendments were made to improve alternatives to the dominant base of single-family residential in the City, but also to provide support for the commercial and office uses of the Corridor.

One (1) other consideration of the Master Plan discussion of the Low Rise Office designation:

*"Establish standards for the provision of pedestrian amenities and facilities on development sites." Future Land Use Plan, page 19.*

- The site plan encourages a positive pedestrian layout on the site, as well as connections off-site to the park at the Big Beaver/Rochester Road intersection, the

Big Beaver Road safety path, and elsewhere. Each building is connected by sidewalks, and includes special paving at most of the crosswalks. A larger “bikeway/walkway”, located partly on the fire station property, connects the site to the Big Beaver Road safety path. Indication of approval from the fire department for the proposed walk, as well as the proposed detention facility and landscaping, should be provided.

- The layout of the site includes the central pocket park and pavilion, which the majority of the units front upon. Benches, a perennial border and decorative fencing are also provided to create a distinct area for pedestrian use.

**B. Consistency and Compatibility with Adjacent Properties:**

The proposed multiple-family condominiums are compatible and provide a transition between the following uses:

- To the north:  
Single-family residential.
- To the south (Big Beaver):
- To the west:  
Fire station/community park, and single-family residential.
- To the east:  
Single-family residential.

**C. Open Space and Landscape Area:**

The applicant is required to provide substantially more open space and landscape area than the ten (10%) percent requirement of Section 39.70.04. Open space and landscape features are intended to be primary features of developments seeking PUD approval and are expected to provide substantially more open space area than that required for typical developments.

The proposed site plan indicates that over 80,000 sq. ft., or nearly forty (40%) percent of the site, is landscaped. Though the figure may be a little high (a breakdown of how this figure was determined was not provided), the landscaping appears to be much higher than the ten (10%) percent required.

**D. Stormwater Detention/Retention:**

The applicant plans to use the retention pond on the fire station property for the site’s stormwater. The facility will be enlarged and enhanced to handle the stormwater from both sites. The pond has been landscaped to provide an attractive appearance. In addition, the applicant is proposing decorative metal fencing. Section 35.40.00.D does not permit fencing.

**E. Parking:**

Two (2) parking spaces per unit are required. The site plan will provide eighty (80) spaces within the garages and eighty (80) spaces within the driveway, to meet the required one hundred sixty (160) spaces. An additional thirty-three (33) spaces will be provided on the street for visitor parking. The applicant is requesting a deviation of one (1) foot from the parking standards for eight (8) foot parallel parking space widths. This is discussed in greater detail in the parking section of this review.

**F. Implementation Single/Cohesive Development vs. Multi-Stage Development:**

The development of the site will be completed as a single coordinated and cohesive development project.

***Items to be Addressed: None.***

**AREA, WIDTH, HEIGHT, SETBACKS**

The underlying R-1E zoning requirements are not applicable to a project of this nature. Based upon the density of the project, the RM-1 and RM-2 may be more applicable. However, both of these Districts utilize dated formulas that are not reflective of more current housing and architectural styles.

Per our request, the applicant has provided a table of the deviations for the proposed project in comparison to the standards of the O-1, RM-1 and RM-2 Districts. Based on the table provided, the development exceeds the maximum height, density and is deficient in the height of the buffer for the RM-1 District. However, the project would meet all but one (1) of the standards of the RM-2 District. The one (1) deviation noted from this category is the reduction in the height of the berm from five (5) feet to four (4) feet. As the table notes, the reduction is coupled with the installation of the pathway and associated amenities, as well as the large percentage of landscape/open space.

In addition, it is our opinion that the setbacks that are critical are along the northern and eastern boundaries. In both cases, these setbacks are in excess of fifty (50) feet along each property line.

***Items to be Addressed: None.***

**PARKING, LOADING**

The Ordinance requires two (2) off-street spaces per unit. Parking will be provided in single car garages with driveways. In addition, there will be thirty-three (33) spaces provided on-street. We are satisfied that parking is adequate for both residents and visitors.

	<u>Required</u>	<u>Provided</u>
<b>Off-Street</b>	80	--
<b>On-Street</b>	--	33

No barrier free visitor spaces have been provided. However, based on the use of the site, off-street spaces could be used for any barrier free needs.

The width of the on-street spaces are required to be at least nine (9) feet. The applicant has indicated that he would like a reduction of one (1) foot to eight (8) foot in width. We believe the request is reasonable for a project of this nature.

*Items to be Addressed: None.*

**SITE ACCESS AND CIRCULATION**

**Site Access:** The development would revise the current street layout, eliminating the direct connection between Urbancrest and Parkton Street. Urbancrest would culminate into the development at the proposed park and split into a number of one (1) and two (2) way drives. An emergency access connection to Parkton would also be provided. The applicant has revised the access to a bituminous pavement section in accordance with and based on the requirements of the Fire Department.

The connection to Big Beaver Road shown on previous plans has been eliminated, due to the access and cut-through traffic concerns that would have likely resulted. Access to the existing single-family residences on the northwest side of the Urbancrest/Parkton intersection will remain.

**Site Circulation:** The site's one (1) and two (2) way streets will direct vehicles around the development. Access to the garage units and driveways of the buildings will be provided by rear alleys. The width of the drives vary, with a minimum width of eighteen (18) feet for the one (1) way drives and twenty-four (24) feet for the two (2) way drives.

The width of one (1) way drive with on-street parking has been kept to a minimum. The ordinance requires a minimum width of thirty (30) feet from curb to curb. Although twenty-six (26) feet has been provided, we believe that such a width is adequate and allows for safe access and circulation.

*Items to be Addressed: None.*

## **SAFETY PATHS/SIDEWALKS**

An existing sidewalk along some areas of Big Beaver Road will be replaced by a safety path. This path is located to reflect future improvements to Big Beaver. A safety path will also be constructed along the west property line to connect the Big Beaver safety path to the sidewalk network of the site. Internally, this network includes sidewalks connecting each of the buildings to each other and to the pocket park. Other pedestrian elements within the site include the park area, benches and a “common identity piece”.

*Items to be Addressed: None.*

## **LANDSCAPING**

The applicant has provided a conceptual landscape plan and narrative description for the site. Rendered landscape and detail sheets have been included. The plan includes a substantial amount of landscaping, including the proposed amenities of the pocket park, screening at the property lines and for the detention basin, and street trees throughout the site. Review of the plan by the Troy Department of Parks and Recreation to determine compliance with the Landscape Design and Tree Preservation Standards will be required prior to final approval.

**Composition:** The mix of landscaping is appropriate. The applicant is proposing a wide range of landscaping types, spread throughout the site.

**Existing Landscaping:** The majority of the trees on the site will be removed based on the construction of the interior drives and the southern group of buildings. The narrative describing the landscape concept indicates that some of the perimeter vegetation on the north and east boundaries will be preserved and supplemented. Plans indicate that several of the large Norway Spruces on the site will be preserved. However, as indicated, much of the existing vegetation is not high quality.

**Greenbelt:** The Big Beaver Road greenbelt and landscaping has been provided, and exceeds the required depth of ten (10) feet. The plan includes a mix of berms, flowering and shade trees, and the safety path. In concept, the appearance of this frontage will be excellent and carry across the subject site to include the Fire Station. A greenbelt at the rear of the site also

exceeds the required ten (10) feet. An evergreen hedge along with deciduous trees is proposed along the north and sections of the east property line.

**Residential**

**Screening:**

Although not required by Ordinance, extensive screening is provided between the project and neighboring residences. The east property line includes large evergreens and deciduous trees.

**Site**

**Landscaping:**

Developments requesting PUD approval shall provide substantially more open space area than required for typical developments within the underlying zoning district. As noted in the PUD section, the site plan indicates that nearly forty (40%) percent has been provided for site landscaping.

**Details:**

Details have been provided and are appropriate. Review by the Troy Department Parks and Recreation department is required.

**Refuse**

**Container:**

Trash receptacles are provided along the pathway system and are appropriate. No other refuse containers are proposed.

**Other:**

The revised plan includes a couple of changes that should be noted. Transplanted evergreens have been added along the north property line at the southeast corner of the site. We commend the applicant for this, though the condition of the trees may be a concern (as noted, a number of the site's existing evergreens are currently in poor condition).

Previous plans indicated Urbancrest as a "tree lined street", with each of the trees appearing to be proposed. However, the location of current drainage and existing trees makes this impossible.

Approval for all work within the Big Beaver Road right-of-way will be required.

*Items to be Addressed: None.*

**LIGHTING**

Conceptual lighting information has been provided. Decorative light fixtures approximately nineteen (19) feet in height will be provided for internal drives. Based on the provided detail, some of the light fixtures will include directional or street signage as well. The applicant has provided a photometric plan which we find to be acceptable.

*Items to be Addressed: None.*

## **SIGNS**

An entry sign is not anticipated. The applicant has provided the location and type of directional signage (indicating one (1) way, do not enter, etc.) on the site.

*Items to be Addressed: None.*

## **FLOOR PLANS AND ELEVATIONS**

Elevations have been provided for the buildings. Commission previously expressed a concern over the appearance of the units. The colored rendering in the Project Report indicated very attractive units with traditional design details. Materials will be a combination of stone and siding. Window and trim details enhance the appearance of the units.

The height of the residential buildings range from twenty-eight feet eight inches (28' - 8") to thirty-three feet eight inches (33' - 8") and exceed the twenty-five (25) foot height permitted. However, the nature of the use, particularly in relation to the location of the site along Big Beaver Road and the size and type of the various uses along the Big Beaver Corridor, the height increase is justified as part of the PUD approval. In addition, a three-story building of thirty-six (36) feet in height would be permitted in the O-1 District.

The revised plans include elevations and details for the pavilion and mailbox. Based on these elevations, materials and style will be consistent with those of the main buildings on the site.

*Items to be Addressed: None.*

## **RECOMMENDATIONS**

The proposed PUD will provide an attractive and viable use and remove the current obsolete and detractive uses currently on the site. The use will be compatible with the neighboring uses and will provide a transition from the intensive aspects of Big Beaver Road and its uses to the adjacent single-family residential neighborhoods. The quality of the design, including the pedestrian amenities, the central green area, and traffic circulation, are well thought out and are based on the direction presented by the City Planning Department.

Specifically, the project contains the following elements that exhibit exemplary PUD planning and design:

- This is an urban residential concept that emphasizes a community or neighborhood feeling by orienting most of the units to a central "core", or pocket park.

- The plan has two (2) strong elements: the pocket park that is in line with Urbancrest Street, and the perpendicular green spaces between the units. These features provide open space, as well as serve to provide clear organization for the development.
- The pocket park is the development's main outdoor amenity, giving residents the opportunity to walk to a green area close to their homes. It can also be used for a community gathering space and recreational space for smaller children. The park also provides a significant view for most residents, letting natural light into their homes while buffering them from units directly across the street.
- All units provide for vehicle storage in the rear of the buildings without dominating the building facades with garage doors. This creates a comfortable, pedestrian-scale streetscape. It also provides private "alleyways" that can be used by residents as casual gathering spaces, work spaces, or recreation areas for older children (basketball, roller blades, skateboarding).
- The units that face Big Beaver provide attractive views for vehicles and pedestrians using the roadway. Orienting some units toward Big Beaver, rather than turning their backs on this road, indicates the road's significance.
- In addition to vehicle access off of Urbancrest, the development is also accessible by non-motorized transportation through the pedestrian safety-path proposed along Big Beaver. This pathway will also allow residents of Rochester Commons to walk to the proposed park on the corner of Big Beaver and Rochester roads.
- Stormwater detention will be provided on City owned property by enlarging and enhancing the existing detention facility.

We recommend approval by the City Council of the preliminary site plan and PUD designation.

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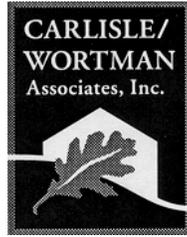
CARLISLE/WORTMAN ASSOCIATES, INC.



Richard K. Carlisle, PCP

# 225-02-2201

cc: Nick Donofrio, Tadian Homes, FAX (248) 643-9693  
Jim Butler, Professional Engineering Associates, FAX (248) 689-1044  
Randy Metz, Grissim, Metz, Andriese Associates, FAX (248) 347-1005



*Community Planners Landscape Architects*  
605 S. Main, Suite 1 Ann Arbor, MI 48104 734-662-2200 fax 734-662-1935

February 19, 2003

Mark Miller, Planning Director  
City of Troy  
500 West Big Beaver  
Troy, MI 48084

Re: PUD Option/Rochester Commons

Dear Mark:

You have asked for my opinion on two specific aspects of the PUD option. The first issue relates to consistency with the Master Plan. The second issue is whether all PUD's must be mixed use in nature.

Regarding consistency with the Master Plan, Section 35.10.00.H. states that the intent of the PUD option is to "ensure development that is consistent with the direction of the Master Land Use Plan." The same phrase is repeated in the second sentence of the definition of PUD found in Section 35.20.00 and also in Section 35.40.00. Section 35.50.02 goes on to state the converse of the previous statements that an applicant may request an amendment to the Master Plan if the use is not consistent. The key words throughout the Ordinance are consistent with the intent of the Master Land Use Plan. The Master Land Use Plan is not a Zoning Map, it is a guide to land use policy.

In the case of the Rochester Commons site, the Land Use Plan designation calls for low rise office. The office designation is typically used as a transition between more intense commercial uses and less intense single family residential. The office designation also serves as a transition between major thoroughfares (Big Beaver) and single-family residential areas.

It is evident that the former school site is transitional in nature. Commercial uses along Rochester Road and traffic along both Rochester and Big Beaver form an intense corridor. The proposed Rochester Commons project would achieve the same transitional benefits as office development and, in fact, would be more compatible with the neighboring single-family residential.

Mr. Mark Miller  
February 19, 2003  
Page 2

It is my opinion that the proposed project is consistent with the direction of the Master Land Use Plan. Therefore, I do not believe an amendment is necessary.

The second issue is whether a mix of uses is required. The definition in Section 35.20.00 refers to a PUD as a development consisting of a "combination of uses wherein the specific development configuration and use allocation is based upon a comprehensive physical plan." While the definition refers to a combination of uses, such consideration is mitigated or tempered by "the specific development configuration and use allocation" as demonstrated by a physical plan. Therefore, the Ordinance contemplates a more narrow allocation of use based upon the constraints of site, as demonstrated by a physical plan.

Eligibility criteria for consideration of a PUD are set forth in Section 35.30.00.C. Providing a mixture of uses is one of seven objectives that may be considered. However, the Ordinance does not require that all seven objectives are met. It states that the "applicant must show that a sufficient number of .... objectives... are met."

The Rochester Commons project meets a number of important objectives, which will be more fully documented in our detailed review. However, I am confident that the project can proceed without the necessity of mixed use or an Ordinance amendment and meet both the letter and intent of the PUD Ordinance.

Please let me know if you have additional questions.

CARLISLE/WORTMAN ASSOCIATES, INC.



Richard K. Carlisle, PCP



*Your Idea Of A Home*

May 30, 2003

REC'D

MAY 30 2003

PLANNING DEPT.

Mark Miller, Planning Director  
City of Troy Planning Department  
500 West Big Beaver Road  
Troy, MI 48084

RE: Rochester Commons PUD

Dear Mr. Miller;

The following information will give an overview of what we are proposing at Rochester Commons PUD while specifically answering questions asked by City Management.

**1. Environment**

• **Is any blight to be eradicated?**

Rochester Commons PUD plan has incorporated both the homes that have fallen into disrepair along Big Beaver and the Big Beaver School building, which has not been in use for a number of years. The homes located at one of Troy's main gateways are used as rentals with most of the owners living outside of Troy.

• **What is being done to preserve significant natural features and open space areas?**

As part of the PUD approval process we are required to provide substantially more open space and landscape area than the 10% requirements. Our plan indicates that nearly 40% of the site is landscaped. In Mr. Carlisle's letter dated 5/21/2003, he writes, "The plan has 2 strong elements: the pocket park and the perpendicular green spaces between the units. These features provide open space, as well as serve to provide clear organization for the development. The pocket park is the development's main outdoor amenity giving residents the opportunity to walk to a green area close to their homes."

## 2. Traffic

- **Identify traffic volumes of the proposed development to what could be generated from maximum density under existing zoning classifications. Relate to peak and non-peak times.**

The proposed multi-family condominium development will generate:

- AM peak hour – 43 trips ends
- PM peak hour – 51 trips ends

If an office building were developed as the Master Plan would allow:

Office Building size = 60,000 sq. ft

- AM peak hour – 124 trip ends
- PM peak hour – 147 trip ends

Office Building size = 50,000 sq. ft.

- AM peak hour – 108 trip ends
- PM peak hour – 147 trip ends

The analysis, based on 12/9/2002, Goodell-Grivas Traffic Study, clearly indicates that the traffic due to the multi-family condominiums development is less than half of the alternative office land use.

Current zoning is for Single Family Detached R-1E:

20 Units

- AM peak hour – 23 trip ends
- PM pak hour – 25 trip ends

As Tapan K. Datta, Ph.D., P.E., from Goodell-Grivas, noted in his 3/18/2003, letter, “The single-family detached residential development will certainly generate the least number of trips. However, such a development may be economically infeasible since the land being so close to major roadway corridors is certainly quite expensive. Besides, single-family homeowners who are willing to spend high price for there lots often look for larger lot sizes, away from heavily traveled corridors and quieter neighborhoods. Economically, such a development will certainly mean the landowner would have to sacrifice significant value. Therefore, single-family detached housing is at this site is an infeasible scenario.”

This view is also share by Dick Carlisle in a review letter dated 5/8/2003, “However, the consultant is correct in noting that the site is probably not appropriate for a single family detached residential development.

- **Analysis to also include comparison of traffic patterns and points of ingress/egress from proposed development to what could be developed under existing zoning.**

The traffic circulation and points of ingress/egress were based on the direction presented by the City Planning Department and confirmed as appropriate by Godell-Givas, the traffic consultants. They write, "The access to the property through Urban Crest Street is far superior to having an access from the Big Beaver Road for the following reasons;

- a. Eliminates an additional interruption to Big Beaver Road traffic.
- b. Existing traffic from the property intending to go east, will have to cross multiple lanes of traffic to turn around, which is a safety hazard or they may never be able to do so during the peak hour.

Considering all of the noted issues, it is evident that the proposed multi-family condominium development's access through Urban Crest Street will be the most appropriate land use."

Dick Carlisle review letter dated 5/21/03 once again confirms their opinion: "The site will have one (1) direct access from Rochester Road via Urbancrest Street. The lack of an entrance from Big Beaver Road is based on the direction provided by City staff and our office. The revised entrance improves the overall site layout and allows for uninterrupted greenbelt along Big Beaver. The resulting traffic impact on Urbancrest and Rochester Road was investigated by the applicant's traffic consultant, who found that LOS service at the intersection of the two (2) street would remain at the same level following development of the site."

### **3. Durability of Design and Use**

- **What architectural features, material, and building elements are being proposed that exceed industry standards? Also delineate obstacles developed had or will overcome in achieving this particular site development, and include any assemblage of adjacent parcels in your community.**

The units are traditional in their design with a "Bay Harbor" feel to the architecture. The materials will be a combination of stone and cement board (Hardi-Plank) siding. Window and trim details enhance the appearance of the units. The park pavilion and group mailbox will match the units' design and stone monuments from the school building will be incorporated into the pavilion.

Our original intent was to develop the school property only. At the direction of the City's staff the homes along Big Beaver Road were also purchased over a 2-year period, and incorporated into the plan.

- **Comment on how landscaping on the proposed site compares to basic requirements.**

Rochester Commons is providing 30% more landscaping than required if the site was developed as multi-family housing. We are enlarging the detention pond located on the fire station property into a retention pond that will feature a fountain with extensive landscaping surrounding this area. We have included in our plan screening to buffer the site from adjacent properties above and beyond ordinance requirements. Most of the units have been oriented towards the central park and a series of trails will connect this park to the future city park on the corner of Rochester Road and Big Beaver Road.

- **How does proposal compare with general direction of the master land use plan?**  
In Dick Carlisle memorandum to City Council dated 5/21/2003 he writes, "Although not identical with the low rise office designation delineated by the Master Plan, the use is consistent with the transitional character that the low rise office designation encourages. Residential use will have less impact on neighboring uses than office use." There is also a letter dated 2/19/2003, to Mr. Miller, which gives greater detail and support of this issue. A copy is attached for your review.

#### **4. Economics**

- **Determine if proposed PUD will be a catalyst to improve and/or support surrounding area.**

The proposed development will provide an attractive and viable use and remove the current obsolete and detractive uses (abandoned school and homes in disrepair) currently on the site. This redevelopment along with the enhancement of the retention facility will be a significant benefit to the overall area. The pond is being sized to provide additional capacity for properties north of Urbancrest, which can be provided as an incentive for redevelopment.

- **If density incentive is being proposed, determine differential from maximum density under applicable zoning.**

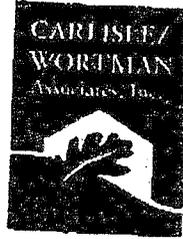
The maximum number of units allowed under current zoning would be approximately 4 units to the acre and as master planned the site could have a 60,000 square foot office building. Under multiple housing zoning the site could be built under either RM-1 which allows for 9 units per acre or RM-2 which allows for 24 units per acre. The Rochester Commons PUD is requesting 16.4 units to the acre. Using the RM 1 and RM2 for comparison, Rochester Commons will provide more open space than required with less building coverage than allowed

5. **Public Input**

- **As the first stages of a PUD is a blending of developer and staff input which is later calibrated by the Planning Commission and City Council, meeting will be held with surrounding property owners prior to the public hearing at the Planning Commission level. Staff members will attend the information meeting along with the developer so that public input comments can be made as part of the analysis by staff to the Planning Commission, and City Council; also because staff will have had input in the PUD plan.**

Please see enclosed Rochester Commons Public Comments.

ATTACHMENT I



Community Planners  
Landscape Architects

February 19, 2003

Mark Miller, Planning Director  
City of Troy  
500 West Big Beaver  
Troy, MI 48084

Re: PUD Option/Rochester Commons

Dear Mark:

You have asked for my opinion on two specific aspects of the PUD option. The first issue relates to consistency with the Master Plan. The second issue is whether all PUD's must be mixed use in nature.

Regarding consistency with the Master Plan, Section 35.10.00.H. states that the intent of the PUD option is to "ensure development that is consistent with the direction of the Master Land Use Plan." The same phrase is repeated in the second sentence of the definition of PUD found in Section 35.20.00 and also in Section 35.40.00. Section 35.50.02 goes on to state the converse of the previous statements that an applicant may request an amendment to the Master Plan if the use is not consistent. The key words throughout the Ordinance are consistent with the intent of the Master Land Use Plan. The Master Land Use Plan is not a Zoning Map, it is a guide to land use policy.

In the case of the Rochester Commons site, the Land Use Plan designation calls for low rise office. The office designation is typically used as a transition between more intense commercial uses and less intense single family residential. The office designation also serves as a transition between major thoroughfares (Big Beaver) and single-family residential areas.

It is evident that the former school site is transitional in nature. Commercial uses along Rochester Road and traffic along both Rochester and Big Beaver form an intense corridor. The proposed Rochester Commons project would achieve the same transitional benefits as office development and, in fact, would be more compatible with the neighboring single-family residential.

It is my opinion that the proposed project is consistent with the direction of the Master Land Use Plan. Therefore, I do not believe an amendment is necessary.

Carlisle/Wortman Associates Inc.

Mr. Mark Miller  
February 19, 2003  
Page 2

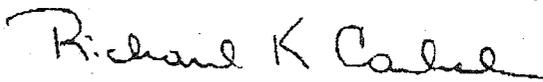
The second issue is whether a mix of uses is required. The definition in Section 35.20.00 refers to a PUD as a development consisting of a "combination of uses wherein the specific development configuration and use allocation is based upon a comprehensive physical plan." While the definition refers to a combination of uses, such consideration is mitigated or tempered by "the specific development configuration and use allocation" as demonstrated by a physical plan. Therefore, the Ordinance contemplates a more narrow allocation of use based upon the constraints of site, as demonstrated by a physical plan.

Eligibility criteria for consideration of a PUD are set forth in Section 35.30.00.C. Providing a mixture of uses is one of seven objectives that may be considered. However, the Ordinance does not require that all seven objectives are met. It states that the "applicant must show that a sufficient number of .... objectives... are met."

The Rochester Commons project meets a number of important objectives, which will be more fully documented in our detailed review. However, I am confident that the project can proceed without the necessity of mixed use or an Ordinance amendment and meet both the letter and intent of the PUD Ordinance.

Please let me know if you have additional questions.

CARLISLE/WORTMAN ASSOCIATES, INC.



Richard K. Carlisle, PCP, AICP

# 225-02-2201



*Your Idea Of A Home*

May 7, 2003

Mr. Mark Miller, Planning Director  
City of Troy Planning Department  
500 West Big Beaver Road  
Troy, Michigan 48084

RE: Rochester Commons Public Comments

Dear Mr. Miller:

The surrounding homeowner questions that were more than of a general nature dealt with Urbancrest traffic, ingress/egress for existing homes with driveways onto school property, the condition of the trees located in the Sprucedale right-a-way, street light locations, a screening wall, future lot subdivision for the homes located on Hartland, snow removal inside of Rochester Commons and the Jackson's concern with the landscaping on the Big Beaver frontage adjacent to their home.

Urbancrest Traffic – Exhibit 1 & 2:

Two additional letters were provided from Goodwell-Grivas that addressed these concerns. First, the questions of what was the traffic generation if the property was built as office. Their conclusion was that Rochester Commons would generate less than half the traffic as the alternative office use.

The second concern was over stacking and exiting onto Rochester Road at peak traffic hours. Goodwell-Grivas believes this will not be a problem now or in the future.

Driveways for Existing Homes Existing onto the School Property: (see grading plan)

The two homes which are currently using the school property as part of their driveways have been incorporated into the plans. Easements will be granted and the right of ingress and egress will become part of the Master Deed.

Condition of the Trees Located in the Sprucedale Right-a-Away – Exhibit 3:

Bill Udell, a certified Arborist and Michigan certified Nurseryman, has commented that all trees in this area are living and salvageable. He has presented a punch list of item that Tadian Homes is willing to do to ensure the long-term health of these trees.

Street Light Location: (see landscape plan)

All street lighting has been removed from the back of the project. The lighting for this area will be provided by the lights located on the homes at the garage door. These lights along with the lights located at the front doors will be on a photo cell.

Brick Screening Wall: (see landscape plan)

It was a request that a six foot high brick wall be placed at the edge of the Sprucedale and the School property line prior to construction. Tadian Homes has submitted plans that show 88 eight foot high dark green Arborvitae planted in this location. Grissim and Metz the landscape architect for this site, believes this would better serve the location and the style of the homes.

Future Lot Subdivision for the Homes Located on Hartland – Exhibit 4 & 5:

There is a concern by certain homeowners along Hartland that Rochester Commons would negate their ability to subdivide their lots. According to Troy's Schedule of Regulation, their lots are not deep enough to split into two lots. With a minimum 60' front they would need lots that are at least 125' deep. Their lots range from a combined depth of 207 feet to 213 feet. There is not enough lot depth to split these lots into two useable lots.

Snow Removal Inside Rochester Commons – Exhibit 6:

A letter from United Soils which address this issue is enclosed. They have found no difficulties in planning for the removal of snow from the roads for this site.

Jackson's Concerns with the Landscaping Along Big Beaver on the City Owned Parcels – Exhibit 7:

The existing tress that the Jackson's have planted on Troy's property, will be moved by Tadian Homes behind the berm. The berm will be landscaped as detailed on the landscaping plan. If the city can persuade the Jackson's to allow landscaping on the lot that is between Rochester Commons and the city owned parcels, Tadian Homes will install the landscaping and the Rochester Commons Association will maintain all frontage along Big Beaver.

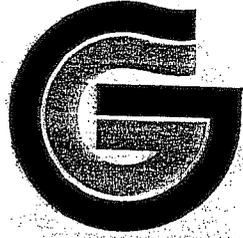
For your review I have enclosed a letter from several of the Hartland Homeowners. Should you have any questions or comments with regard to Rochester Commons please feel free to contact me.

Sincerely,



Nicholas Donofrio  
VP of Land Development

## Exhibit 1



**Goodell-Grivas, Inc.**  
Livonia Corporate Tower  
29200 Vassar Avenue  
Suite 310  
Livonia, Michigan 48152  
Telephone 248-473-7000  
Fax 248-473-7027

Structural Engineers  
Transportation Engineers  
Structural Steel Detailers

March 18, 2003

Mr. Jack Ludington,  
Director of Land Development  
Tadian Homes  
2038 Big Beaver Road  
Suite #200  
Troy, MI 48084

RE.: Proposed "Backbay Village" Development, Troy, Michigan

Dear Mr. Ludington,

As per your request, I have reviewed various scenarios of alternative land uses for the property in question.

The 'Planned Unit Development' allows a variety of land uses including office development. Both the residential and office development coincide with the AM and PM peak hours of the adjacent roadways. Therefore, a property with either development should be investigated carefully in terms of its traffic related impacts to the adjacent roadways.

As a part of an alternate use, I have made a few reasonable assumptions which are as follows:

Total area of the property = 4.86 acres

Permissible building area for office use  
= 15,000 square feet (SF) Gross Floor Area (GFA)/acre

Total permissible Building Area =  $4.86 \times 15,000 = 72,900$  SF

Practical Building Area = 60,000 SF GFA

The proposed multi-family condominium development as included in our Traffic Impact Study report dated December 9, 2002 has the following characteristics:

- Number of multi family units = 80
- Trip generation characteristics
  - o AM Peak Hour = 43 trip ends
  - o PM Peak Hour = 51 trip ends

If we assume an office building development of 60,000 SF GFA, or even 50,000 SF GFA the trip generation characteristics will be as follows:

- Office Building Size = 60,000 SF GFA
- Trip generation characteristics
  - o AM Peak Hour = 124 trip ends
  - o PM Peak Hour = 147 trip ends
  
- Office Building Size = 50,000 SF GFA
- Trip generation characteristics
  - o AM Peak Hour = 108 trip ends
  - o PM Peak Hour = 135 trip ends

(The detail of the analysis is included in Attachment I.)

This analysis clearly indicates that the traffic due to the multi-family condominiums development is less than half of the alternative office land use, based on either of the assumed building sizes. The impact to the adjacent roadways and neighborhood will be far more if the property is used for an office development. Therefore, it is clear from the data presented here, and the Traffic Impact Study dated December 9, 2002, the proposed multi-family development will be most appropriate for the property.

We have also reviewed the scenario of a single-family detached development. Assuming a twenty unit single-family residential development, the trip generation characteristics will be as follows:

Single Family Detached Residential Development  
20 units

AM Peak Hour Traffic

$$T = 0.70 (X) + 9.477$$

$$T = 23 \text{ trip ends per hour}$$

6 entering trips

17 exiting trips

PM Peak Hour Traffic

$$\ln (T) = 0.901 \ln (X) + 0.527$$

$$\ln (T) = 3.23$$

$$T = 25 \text{ trip ends per hour with 64\% entering and 36\% exiting}$$

16 entering trips

9 exiting trips

The single-family detached residential development will certainly generate the least number of trips. However, such a development may be economically infeasible since the land being so close to major roadway corridors, is certainly quite expensive. Besides, single-family homeowners who are willing to spend high price for their lots often look for larger lot sizes, away from heavily traveled corridors and quieter neighborhoods. Economically, such a development will certainly mean the landowner have to sacrifice significant value. Therefore, single-family detached housing at this site is an infeasible scenario.

The access to the property through Urban Crest Street is far superior to having an access from the Big Beaver Road for the following reasons:

1. Eliminates an additional interruption to Big Beaver Road traffic.
2. Exiting traffic from the property intending go east, will have to cross multiple lanes of traffic to turn around, which is a safety hazard or they may never be able to do so during the peak hour.

Considering all of the noted issues, it is evident that the proposed multi-family condominium development's access through Urban Crest Street will be the most appropriate land use.

If you have any other questions please call me at (248) 473-7000.

Sincerely yours,

GOODELL-GRIVAS, INC.



Tapan K. Datta, Ph.D., P.E.  
President

TKD/ks

Attachment

Exhibit 2



**Goodell-Grivas, Inc.**  
Livonia Corporate Tower  
29200 Vassar Avenue  
Suite 310  
Livonia, Michigan 48150  
Telephone 248-473-7000  
Fax 248-473-7027

Structural Engineers  
Transportation Engineers  
Structural Steel Detailers

April 8, 2003

Mr. Jack Ludington,  
Director of Land Development  
Tadian Homes  
2038 Big Beaver Road  
Suite #200  
Troy, MI 48084

RE.: Proposed "Backbay Village" Development, Troy, Michigan

Dear Mr. Ludington,

I have investigated the question you had asked me to review relative to the proposed residential development last Friday. The following represents a summary of my investigation:

1. Urban Crest Street currently serves as access to only a few homes. It also provides access to the fire station and a secondary access to Mr. Pita, a sandwich shop.
2. The issue of stacking for the outgoing traffic on Urban Crest Street will be relevant for morning peak period only. Since the current homeowners and future residential development's owners will use westbound Urban Crest Street to go to Rochester Road for their work and school trips.
3. In order to put everyone's concern regarding high traffic volume and stacking problem on Urban Crest Street to rest, we have taken a video study of westbound Urban Crest Street. This study shows the following traffic volumes:

Westbound Traffic

7:00 to 7:30 AM - 4 vehicles  
7:30 to 8:00 AM - 5 vehicles  
8:00 to 8:30 AM - 2 vehicles  
8:30 to 9:00 AM - 1 vehicle

This clearly shows that there could not be any stacking problem whatsoever.

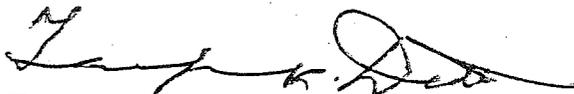
4. During the AM peak hour, Mr. Pita's driveway and the fire station driveway do not add to the residential traffic.
5. Even for the future scenario, you may expect 30 to 40 vehicles coming out of Urban Crest Street during the highest peak hour. This translates to approximately on an average one vehicle every 1 ½ to 2 minutes. This is very low volume and no one should be alarmed by that.
6. Urban Crest Street is located within 350 to 400 feet of the intersection of Rochester Road and Big Beaver Road. According to the signal timing plan of this intersection, there are large time gaps in the northbound Rochester Road traffic every two minutes due to the traffic signal at the Rochester Road and Big Beaver Road intersection. These gaps can easily accommodate 50 vehicles per hour.

We have reviewed the concerns carefully and strongly believe that the ability to turn out of Urban Crest Street is not a problem now and it will not be a problem in the future. The video study data is available for anyone's inspection.

If you have any other questions please feel free call me at (248) 473-7000.

Sincerely yours,

GOODELL-GRIVAS, INC.



Tapan K. Datta, Ph.D., P.E.  
President

TKD/el

Post-It® Fax Note	7671	Date	2/28	# of pages	1/1
To	NICK	From	BILL		
Co./Dept.		Co.			
Phone #		Phone #			
Fax #	248 643 9693	Fax #			



February 28, 2003

Exhibit 3

RECEIVED FEB 28 2003

Mr. Nick Donofrio  
 TADIAN HOMES  
 2038 W. Big Beaver Rd. Ste. 200  
 Troy, MI 48084  
 P: 248-643-9690, F: 9693

RE: ROCHESTER COMMONS - SPRUCE DALE RIGHT OF WAY

Dear Nick,

WH Canon, Inc. was on site 2/21/03 to inspect the north boundary separating Hartland St. from the school property. This area is mixed with viable trees including: Tree of heaven, Box Elder, Black Walnut, Mulberry, Buckthorn, Black Cherry. These trees are living and salvageable. All trees are expected to survive if the following items are completed.

- Remove all garbage and debris piled under and around trees in common's area to help reduce soil compaction. The trash has been piled for several years possible by the homeowners.
- Selective removal of downed/leaning trees. One (1) tree has split, and (1) is prone to split due to structure. Remove (4) dead trees in right of way.
- Major deadwood prune remaining naturals as needed. Two (2) natural trees outside of property line were damaged at trunk by an individual who cut out 5" x 1/4" diameter around trunk to girdle. The two trees are not in common area you showed on site. There are several other large dead natural trees in neighbors' properties. If needed, a separate proposal could be sent for removals.
- Remove small 1/2" diameter suckers growing under tree of heaven at north west side of property line. Remove (2) dead tree stubs.

Cost to complete renovation/clean-up of right of way as described above including debris removal will be furnished upon request.

Sincerely,  
 WH CANON, INC.

Bill Udell  
 Superintendent/Certified Arborist & Michigan Certified Nurseryman  
 BU/ac

Chapter 39 - Zoning Ordinance

30.00.00 ARTICLE XXX SCHEDULE OF REGULATIONS

30.10.00

**SCHEDULE OF REGULATIONS - RESIDENTIAL**

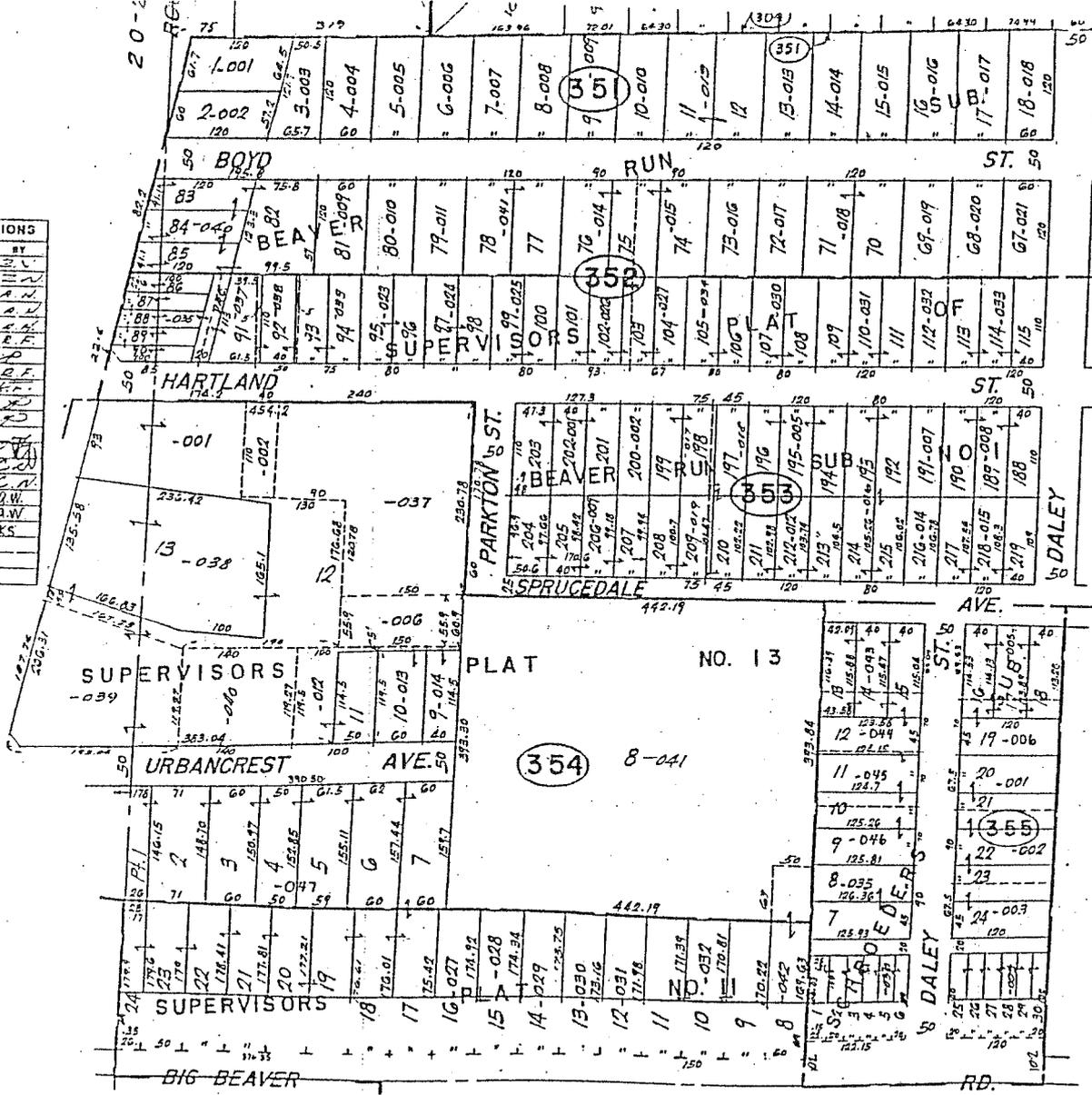
Use District	Minimum Lot Size Per Dwelling Unit		Maximum Height of Structures (T)		Minimum Yard Setback (R) (Per Lot in Feet)				Minimum Floor Area Per Unit (Square Feet)	Maximum % of Lot Area Covered by All Buildings
	Area in Sq. Ft.	Width In Feet	In Stories	In Feet	Front	Sides		Rear		
						Least One	Total Two			
30.10.01	<b>R-1A One Family Residential</b> Without Sewer 30,000(A) 150 With Sewer 21,780(A) 120		2 ½ 2 ½	25(U) 25(U)	40 40	15(N) 15(N)	30 30	45 45	1,400 1,400	30% 30%
30.10.02	<b>R-1B One Family Residential</b> Without Sewer 21,780(A) 110 With Sewer 15,000(A) 100		2 ½ 2 ½	25(U) 25(U)	40 40	15(N) 10(N)	30 25	45 45	1,400 1,400	30% 30%
30.10.04	<b>R-1C One Family Residential</b> Without Sewer 21,780(A) 110 With Sewer 10,500(A) 85		2 2	25 25	30 30	15(N) 10(N)	30 20	40 40	1,200 1,200	30% 30%
30.10.05	<b>R-1D One Family Residential</b> Without Sewer 21,780(A) 110 With Sewer 8,500(A) 75		2 2	25 25	25 25	15(N) 8(N)	30 20	40 40	1,000 1,000	30% 30%
30.10.06	<b>R-1E One Family Residential</b> Without Sewer 21,780 110 With Sewer 7,500 60		2 2	25 25	25 25	15(N) 5(N)	30 15	35 35	1,000 1,000	30% 30%
30.10.07	<b>CR-1 One Family Residential Cluster</b> See Section 11.00.00		2	25	25	See Section 11.00.00	35		1,000	30%
30.10.08	<b>R-1T One Family Attached Residential</b> 7,000 20		2 ½	25(U)	25(O)	20(O)	40(O)	35(O)	1,000	30%
30.10.09	<b>R-2 Two Family Residential</b> Without Sewer 15,000 75 With Sewer 5,000 40		2 2	25 25	25 25	15(N) 10(N)	30 20	35 35	1,000 1,000	30% 30%
30.10.10	<b>R-M Multiple-Family Medium Density</b> (B) (B) See Section 14.00.00		2	25	30(O)	See Section 14.00.00 30(O)	60(O)	40(O)	(B) 1-BR-600	30%

39-195

Exhibit 4

10/13

REVISIONS	
DATE	BY
1-22	SLV
3-23	SLV
7-25	A.N.
7-26	A.N.
6-26	A.N.
8-27	R.F.
3-30	D
8-30	R.F.
11-8	H.C.
5-22	X
9-8	R
9-8	R
4-8	R
6-8	C.N.
7-8	C.N.
1-91	Q.W.
8-92	Q.W.
10-93	KS



SCALE: 1" = 100'

20-23E

COPIES AVAILABLE FROM  
 OAKLAND COUNTY PLANNING DIVISION  
 EXECUTIVE OFFICE BUILDING  
 1200 N. TELEGRAPH AVENUE  
 PONTIAC, MICHIGAN 48106  
 PHONE (313) 837-8121  
 Donald T. Murphy, County Engineer

TROY TWP.

W. 1/2 S.W. 1/4 SEC. 23 T.2N. R.11E.

Exhibit 5

90



*United Soils*  
INCORPORATED

16171 31 MILE RD. • RAY, MI 48096 • 586-752-7008 • FAX: 586-752-3040

March 25, 2003

Tadian Development Company,  
2038 W. Big Beaver Rd. Suite 200  
Troy, MI 48084

ATT: Jack Ludington

RE: Snow Removal at Rochester Commons

Dear Jack:

Snow pushes would proceed as follows:

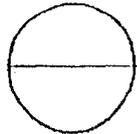
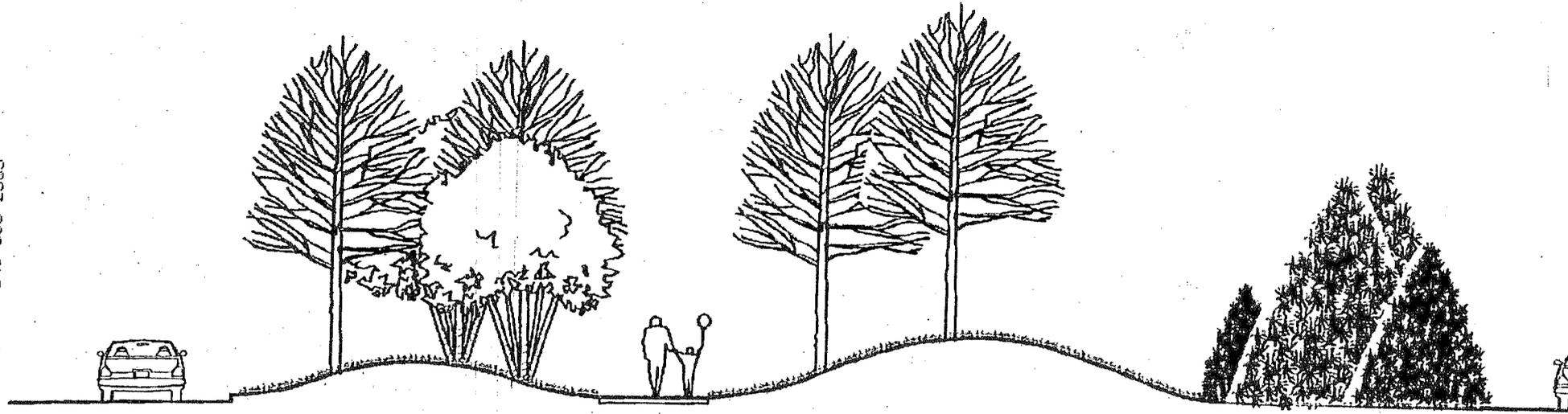
1. The perimeter roads and parking areas will be pushed to the outer edge of the roads or the greenbelt areas.
2. The interior parking and drive areas will be pushed to the open large area in the center of the project known as Central Park. This area could also be used for future stock piling of snow if required. This area will hold approximately 1,250 cy of snow which would accommodate the snow even in the harshest of winters.

Sincerely,

Gary Radulski  
Site Development

GR/lja

# Exhibit 7



## Jackson Property Cross Section

Scale: 1" = 10'-0"

March 11, 2003

Troy City Council/Planning Department:

This letter is in response to the building of Rochester Commons Planned Unit Development. We, the homeowners on Hartland Street, have some privacy, noise and security issues that we would like to see resolved. They are as follows:

Since a road will be constructed adjacent to the property line, we propose that a minimum 6 foot high brick wall be put along the property line. Such wall would be constructed before any type of development begins. This includes the demolition process. This would provide both a sound barrier, security, and eye appeal between the property and adjoining street.

The project also shows the constructing of several street lights a minimum of 10 foot or higher. This would also light up our property leaving us with a minimum of privacy. The light fixtures should be no more than 6 foot in height and shields be provided on the Hartland side.

There is also the matter of 25' of city property between the existing home owners and the new development. The homeowners on Hartland would like the city of Troy to deed the land to the homeowners. It would still be a city easement, but the homeowners would maintain such property. This would also give homeowners an extra buffer between them and the proposed development.

We feel that these are just a few small adjustments to the proposed development. However, they will give peace of mind to all parties concerned. We hope that some kind of agreement concerning these matters can be met. Your cooperation and attention to these concerns is greatly appreciated.

Sincerely,

Greg & Lisa Forester  
1112 & 1096 Hartland

Gary & Donna Jakubowski  
1120 Hartland

Kent &Carolynn Thomas  
1130 Hartland

5. PUBLIC HEARING – PROPOSED PLANNED UNIT DEVELOPMENT (PUD-2) – Proposed Rochester Commons, North side of Big Beaver, East of Rochester Road, Section 23 – R-1E

Mr. Miller presented a summary of the Planning Department report for the proposed Rochester Commons PUD.

The Planning Consultant, Mr. Carlisle, gave a brief report on the most recent revisions to the project: resolution of the floodplain delineation; revised walkway as a result of the Big Beaver Road future improvements; substantial improvements to Urbancrest; and emergency accesses per the Fire Department requirements. In summary, Mr. Carlisle said the proposed development is a very good example of a PUD project and recommended approval by the Planning Commission.

Mr. Miller noted the plan has been revised to make no improvements to the adjacent Jackson property so the Jackson's garden area would remain the same, and further noted that the request to vacate the alley between the Jackson property and the City-owned property will be on the June 2, 2003 City Council Regular Meeting agenda. Mr. Miller foresees no problem with the City Council's approval of the alley vacation that would result in one-half of the alley going to the Jackson family and the other half would remain City property.

Mr. Kramer questioned if the designated open space would remain open space, if and once the project is approved.

Mr. Carlisle responded that a development agreement would be required and the only way the open space could be changed is if it came before the Planning Commission as an amendment to the PUD.

Ms. Lancaster confirmed that a change in the open space would come back before the Planning Commission as an amendment to the PUD. She explained that a new site plan would be required, as well as a resolution on the deed restriction and a recorded new planned unit development agreement.

Mr. Kramer questioned the integration of the surface treatment with the pond and landscaped areas.

Mr. Miller responded that no design work has been done at this time, but noted that the intent is to provide a uniform look beginning at Daley Street and continuing along the berm area through to the pond, fire station and park.

Mr. Carlisle agreed that the petitioner should be encouraged to carry the concept all the way to the park.

A brief discussion followed with respect to the alley vacation request and landscape plans for the southern half of the alley, if the vacation is approved.

The petitioner, Nick Donofrio of Tadian Development, 2038 Big Beaver, Troy, was present. Mr. Donofrio said that he is working with the City's Real Estate and Development Director and a landscape architect to arrive at a landscape plan that would provide uniformity throughout the proposed development. Mr. Donofrio briefly reported on the proposed building materials and circulated samples of the building materials to the Commission. Mr. Donofrio discussed the landscape plan along Urbancrest and the property adjacent to the Jackson family. Mr. Donofrio expressed his desire to work with the City and said he is open to suggestions.

#### PUBLIC HEARING OPENED

Ms. Barbara Jackson of 3035 Daley, Troy, was present. Ms. Jackson provided a letter that cites her major concerns to the proposed development. Ms. Jackson believes the development would have a negative impact on the neighborhood, and noted the neighbors on Hartland are not in favor of the development. Ms. Jackson expressed her appreciation to the Commission for their dedication and hard work on behalf of the City.

Eileen Youngerman of 369 Lange, Troy, was present. Ms. Youngerman said she manages property on Rochester Road, south of Big Beaver, and is familiar with the proposed development. Ms. Youngerman is in favor of the proposed development. She believes it would remove and improve a long-time blighted area as well as continue the Golden Corridor concept for the City. She views the proposed development as an asset to the City.

Helen Haas of 1069 Urbancrest, Troy, was present. Ms. Haas, who lives next to the abandoned school, questioned the term "mixed use" and voiced her objections to the proposed development. Ms. Haas stated the petitioner has committed to providing an easement but that there would be certain restrictions. She stated that she cannot afford an attorney to seek legal advice and does not want to sign any documents.

Ms. Lancaster said it would be in the best interest of Ms. Haas to retain an attorney to review the legal documentation related to the easement agreement, but noted that the City would ensure that her interests would be protected as part of the master deed plan.

Mr. Donofrio clarified that the restriction to which Ms. Haas is referring is the parking of her recreational vehicle on the property. He informed Ms. Haas that neither she nor any of her neighbors would be permitted to park recreational vehicles on the property. Mr. Donofrio noted that Ms. Haas would not be responsible for any maintenance nor would she be assessed any association

dues, and further that this would be inherent for any future owners of the Haas property.

Jim Meinershagen of 4657 Heatherbrook, Troy, was present. Mr. Meinershagen is the head of the Scotland homeowners association. Mr. Meinershagen stated that he is in favor of the proposed development because it would be improving the City's principal intersection. He asked that the needs and wishes of neighbors, such as the Jackson family, with respect to landscaping and access be taken into consideration.

David Hornak was present to represent the homeowners at 1115 E. Big Beaver Road, Troy. Mr. Hornak spoke in favor of the proposed development and expressed appreciation to the petitioner for his efforts to work with the neighbors. Mr. Hornak believes the area will be well maintained by the private condominium owners.

Bob Jackson of 3035 Daley, Troy, was present. Mr. Jackson thanked the Commission for their hard work. Mr. Jackson stated that he has maintained the property to the rear for 47 years. He does not think a berm is necessary in this area and suggested to keep the existing trees. He voiced concerns with respect to watering the proposed berm. Mr. Jackson referenced the alley vacation and said there is no way a car will fit on a 10-foot driveway.

#### PUBLIC HEARING CLOSED

Mr. Waller requested that City staff, the City Attorney's Office and City Council give serious consideration to the wishes of the Jackson family.

Mr. Vleck questioned the proposed storm water retention and the maximum height of an office building if the site was developed under office zoning.

Mr. Miller confirmed that the petitioner is required to provide some method of storm water retention, and noted that the petitioner has proposed an oversized retention pond as a catalyst for future development. Mr. Miller further said that if the property was rezoned to low rise office, a three-story office building at a height of 36 feet would be allowed under the zoning.

#### **Resolution**

Moved by Waller

Seconded by Schultz

**RESOLVED**, that the Preliminary Plan for a Planned Unit Development, pursuant to Section 35.60.01, as requested by Tadian Developments, for the Rochester Commons Planned Unit Development (fka Back Bay Village PUD), located on the north side of Big Beaver Road and east of Rochester Road, located in

section 23, within the R-1E zoning district, being 4.86 acres in size, is hereby recommended for approval to City Council.

**FURTHER RESOLVED**, the proposed PUD meets the location requirements set forth in Section 35.30.00, A and B (2 and 3). The unique layout and location of the site is better served by the flexibility of the PUD ordinance. In addition, the site does have economic obsolescence considerations, based on the vacant school, the current single-family residential zoning and the site's frontage on the highly traveled Big Beaver Road, as demonstrated by the deteriorated condition of some of the existing single family residential homes. The multiple-family residential development would be similar to office use in being a transitional use and a compatible use with Big Beaver Road, the adjacent fire station and adjacent single-family residential uses.

**FURTHER RESOLVED**, pursuant to Section 35.30.00.C, the applicant demonstrated that a sufficient number of objectives are met which would not be accomplished without the use of the PUD.

1. The applicant has demonstrated that the "development quality objectives" in Section 35.30.00.B.2 are met. As the applicant notes in response to the PUD conditions, the site layout is based on a creative design that enhances the use of an obsolete site. It includes a large central open area, provision of a pedestrian network connecting the site to the safety path along Big Beaver Road and the adjacent park and an excellent landscape design. It also includes improvement of the City Fire Department property.
2. The proposed development includes multiple-family residences and associated common recreation areas only, with no other mixed use. However, a mix of uses is not a prerequisite to permit a PUD. The definition in Section 35.20.00 refers to a PUD as a development consisting of a "combination of uses wherein the specific development configuration and use allocation is based upon a comprehensive physical plan." The definition refers to a combination of uses, such consideration is mitigated or tempered by "the specific development configuration and use allocation" as demonstrated by a physical plan. Therefore, the Ordinance contemplates a more narrow allocation of use based upon the constraints of site, as demonstrated by a physical plan.
3. That the eligibility criteria for consideration of a PUD are set forth in Section 35.30.00.C. Providing a mixture of uses is one (1) of seven (7) objectives that may be considered. However, the Ordinance does not require that all seven (7) objectives are met. It states that the "applicant must show that a sufficient number of ... objectives ... are met."

**FURTHER RESOLVED**, the use will include screening to buffer the site from adjacent properties above and beyond Zoning Ordinance requirements. The applicant also proposes use of the retention pond adjacent to the fire station, and will have a decorative wet pond appearance. The aesthetic enhancement of the Fire Station with landscaping and reshaping of the detention pond will be a significant benefit.

**FURTHER RESOLVED**, that the proposed Preliminary Plan demonstrates that the General Development Standards, set forth in Section 35.40.00, and the Standards for Approval, set forth in Section 35.70.00, have been met.

**FURTHER RESOLVED**, the PUD is consistent with the Future Land Use Plan. The Future Land Use Plan designation calls for low rise office which is used as a transition between more intense commercial uses and less intense single-family residential uses. The office designation also serves as a transition between major thoroughfares (Big Beaver) and single-family residential areas.

**FURTHER RESOLVED**, it is evident that the former school site is transitional in nature. Commercial uses along Rochester Road and traffic along both Rochester and Big Beaver form an intense corridor. The proposed Rochester Commons project would achieve the same transitional benefits as office development and, in fact, would be more compatible with the neighboring single-family residential.

**FURTHER RESOLVED**, that the recommendation is subject to the following conditions.

1. The Preliminary Plan consists of a project manual, dated 4/03, which was presented to the Planning Department on April 11, 2003; the manual contains narratives, reduced plans, and full size plans:

Prepared by Grissim, Metz, Andriese Associates

- 1 Conceptual Landscape Plan
- 2 Conceptual Building Enlargement Landscape Plans
- 3 Conceptual Lighting/Street Signage Plan
- 4 Site Details
- 5 Site Amenities
- 6 Photometric Plan

Prepared by Professional Engineering Associates

- PSP-3 Site Plan
- PSP-3 Grading Plan (Preliminary)
- C-2 Topographic Survey
- T-1 Tree Survey

***FURTHER RESOLVED***, that the Planning Department will keep the Planning Commission informed on a written basis on any change or items of merit that occur to this project.

***FURTHER RESOLVED***, the City of Troy in support of the theme of improvement of this area of Troy will enclose the dumpster located on the parking lot of the Fire Department.

Yeas

Kramer  
Littman  
Pennington  
Schultz  
Waller  
Wright

Nays

Vleck

Absent

Chamberlain  
Storrs

**MOTION CARRIED**

Chairman Littman congratulated the petitioner on following the PUD process plan.

Mr. Vleck stated he is not in favor of the motion because he feels the proposal falls short in relation to a PUD project. He cited the proposal has no mixed use; the building material quality is of relatively low standard; and the public benefits are minimal. Mr. Vleck stated that the only precedent being set is for a developer to originally submit a sub-standard plan, make a lot of revisions to show that he/she is going through the PUD process, and receive approval that the proposal qualifies as a PUD project.

**Resolution**

Moved by Kramer

Seconded by Waller

***RESOLVED***, that the Planning Commission recommend to City Council that City Management be directed to coordinate the development of the corner park with the design intent and development as presented by the petitioner this evening.

Yeas

All present (7)

Absent

Chamberlain  
Storrs

**MOTION CARRIED**

6. PROPOSED PLANNED UNIT DEVELOPMENT (PUD-2) – Proposed Rochester Commons P.U.D., North side of Big Beaver, East of Rochester Road, Section 23 – R-1E

Mr. Savidant reported that Mr. Jackson of 3035 Daley brought to the Planning Department's attention that the City proposes to widen westbound Big Beaver, south of the proposed development. The Engineering Department has confirmed that the road widening is projected for the year 2005. As a result, the landscape berm originally designed by the petitioner had to be modified to accommodate the road widening. Mr. Savidant reported that the petitioner has provided to the Commission a revised landscape plan and a user-friendlier grading plan.

The petitioner, Nick Donofrio of Tadian Development, 2038 Big Beaver, Troy, was present. Mr. Donofrio displayed "before and after" landscape renderings, and noted that the proposed widening greatly impacts the landscaping and resulted in a less elaborate landscape plan. Mr. Donofrio also detailed the final grading plan.

Mr. Chamberlain remarked that it is unfair to both the Planning Commission and the petitioner to receive findings such as this at the 11<sup>th</sup> hour.

Mr. Donofrio circulated various building materials and noted that additional materials would be available for examination at the May 13, 2003 Public Hearing. Mr. Donofrio confirmed that a report relating to homeowner comments would also be available at the May 13, 2003 Public Hearing.

9. PROPOSED PLANNED UNIT DEVELOPMENT (PUD-2) – Proposed Rochester Commons P.U.D., North side of Big Beaver, East of Rochester Road, Section 23 – R-1E

Mr. Miller reported the most current PUD material has been provided to the Commission and noted that neither the Planning Department nor the Planning Consultant have completed their reviews. Mr. Miller reminded the Commission that the item is scheduled for the May 13, 2003 Regular Meeting.

Mr. Carlisle reported results of the traffic impact study revealed the proposed PUD project would generate one-third less traffic than a potential office site development. Further, the traffic impact study documented that there would be no car stacking concerns on Urbancrest during morning hours. Mr. Carlisle reported that FEMA is in the process of revising its floodplain maps as a result of a drain project, and noted the existing floodplain boundary on the proposed site would be eliminated. He stated the petitioner has provided details on detention fencing and clarification on parking dimensions. In summary, Mr. Carlisle said he is satisfied the petitioner has addressed the majority of issues and the plan looks good.

Mr. Miller stated the PUD ordinance requires the petitioner to have control of the PUD property. Further he reported that the offer to purchase the City's property is before City Council for approval at their April 28, 2003 meeting.

A brief discussion followed with respect to the proposed grades and engineering drawings. The petitioner said he would provide the Commission with a more user-friendly engineering drawing. In addition, the petitioner said that sample building materials would be provided at the May 13, 2003 Regular Meeting.

Mr. Storrs requested the Planning Department provide the Commission with a list of public comments and how the petitioner has addressed them.

There was discussion with respect to the keyhole piece of property owned by the Jackson family. The petitioner stated that he has prepared final landscape plans with two options: one to allow for the possible vacation of the alley and one without the vacation of the alley. Mr. Miller stated that he would confirm if the vacation is a necessary step in the process.

There was a brief discussion on bituminous sidewalks versus concrete sidewalks. The petitioner stated he would provide the type of sidewalk the City desires.

Chairman Littman requested the proposed PUD-2 be placed on the May 6, 2003 Special/Study Meeting agenda.

6. PROPOSED PLANNED UNIT DEVELOPMENT (PUD-2) – Proposed Rochester Commons PUD (formerly Backbay Village), North side of Big Beaver, East of Rochester Road, Section 23 – R-1E

Mr. Miller noted that a letter from the Jackson's and an updated traffic study was received and distributed to the Commissioners prior to tonight's meeting. He reported that the petitioner has not submitted any revised plans since the Public Hearing on March 11.

The petitioner, Nick Donofrio of Tadian Development, 2038 Big Beaver, Troy, was present.

Chairman Littman questioned the type of materials that would be used for the condominium development.

Mr. Donofrio briefly reviewed the external materials proposed for the development. He stated that cultured stone is proposed for the base and hardy plank is proposed for the shakes, siding, corner boards and trim boards. He noted that standard 30-year shingles will be used and wood pine is proposed for the rails. Mr. Donofrio said that garage doors would be a panel style and balcony decks are proposed to be cedar. Mr. Donofrio noted that the Enclaves development at John R and Wattles was constructed with identical materials that are proposed for Rochester Commons, and suggested interested parties to visit the site. Additional developments constructed with similar materials are Forester Square in Auburn Hills (on Adams Road) and Cherry Hill in Canton. Mr. Donofrio said he would be glad to provide material samples to the Planning Department and at the Public Hearing. Mr. Donofrio said additional stone and more architectural detail has been added along the windows and garages, and noted the buildings would be the same color.

Mr. Kramer questioned the required maintenance of the condominiums with the use of hardy plank.

Mr. Donofrio responded that in an upscale neighborhood hardy plank is a more desirable material than vinyl and aluminum; and confirmed the material would require some maintenance. He noted the maintenance would be covered in association fees.

Ms. Pennington questioned if the proposed development is similar to the development in Lake Orion on Atwater Street.

Mr. Donofrio confirmed that the proposed development would be identical to the Lake Orion development, which is located at the corner of M-24 and Atwater Street and includes an extension of the Paint Creek Trail.

Mr. Chamberlain addressed his concerns with respect to the petitioner's coordination with the Planning Department to have all the required documentation submitted within a reasonable timeframe for Planning Commission approval.

A brief discussion followed.

Mr. Donofrio said that his deadline to submit the final required documentation to the Planning Department is April 15, and noted that all public concerns will be addressed and resolved at such time.

Chairman Littman announced that the proposed PUD will be a discussion item again on the April 22, 2003 Special/Study Meeting, and the Public Hearing is tentatively scheduled for the May 13, 2003 Regular Meeting.

6. PUBLIC HEARING - PROPOSED PLANNED UNIT DEVELOPMENT (PUD-2) – Proposed Rochester Commons P.U.D., North of Big Beaver, East of Rochester Road, Section 23 – R-1E

Chairman Littman gave an explanation of a Public Hearing procedure. He requested that the public limit their comments to the scope of the proposed project. Chairman Littman stated that the Commission would consider all public comments presented at tonight's meeting and at a future study meeting and noted that a second Public Hearing will be scheduled for residents. Chairman Littman noted that the Commission is advisory only and that City Council has the final decision on the proposed Rochester Commons PUD.

Mr. Miller announced that the City's Planning Consultant, Richard Carlisle of Carlisle/Wortman Associates, would be making tonight's presentation. Mr. Miller noted that Mr. Carlisle has been working with the petitioner and the Planning Department in reviewing the proposed project and the Planning Consultant's report has been provided to the Commission. Mr. Miller stated that the proposed Rochester Commons PUD is the City's second PUD project and, per a new City policy, a public informational meeting has been held where the developer and City staff were available to answer questions and concerns of the public and to receive public comment.

Mr. Carlisle introduced himself and explained his working relationship with the City. Mr. Carlisle provided a brief overview of what a Planned Unit Development is. He stated that the PUD ordinance does not contemplate a specific style or type of development, but outlines a planning-driven process where the Commission makes an approval based on a specific development plan. Mr. Carlisle explained that a PUD project must meet certain development objectives and ordinance provisions. He cited that the project must be a demonstrated benefit to the community and a demonstrated enhancement that could not otherwise be achieved without application of a PUD.

Mr. Carlisle stated that the proposed PUD is on a site that has remained dormant for a number of years, noting the abandonment of the old public school. He noted that the site is bordered on the north and east sides by single family residential, a mix of commercial and public space is to the west (the City Fire Department), and Big Beaver Road is to the south. The applicant proposes to construct 7 multi story buildings in a multiple family condominium style of development. Mr. Carlisle noted that 80 condominium units are proposed, ranging in size from 1,100 to 1,300 square feet. Mr. Carlisle reported that the total site is 3.9 acres, and that approximately 9 parcels were assembled to accommodate the project. Mr. Carlisle noted that an aerial photograph of the surrounding area has been provided to the Commission.

Mr. Carlisle briefly reported on the natural resources of the development. He stated that the site is bordered on the northern and eastern perimeters by

existing tree cover, and noted that the trees are in reasonably good condition but not of high quality. Mr. Carlisle said that there are no existing wetlands on site and the floodplain delineation is under reconsideration as a result of the recent drain improvements.

Mr. Carlisle stated that a traffic study has been submitted and reviewed by the City's Traffic Engineer and the determination is that there will be no deterioration of the level of service as a result of impact on this project. Mr. Carlisle projected that the total number of trips generated by a project of this nature would be less than what would be generated during a peak period by an office building, should it be located on the site. He noted that generally condominium projects generate fewer trips per day than a standard single family home.

Mr. Carlisle reported that the applicant is proposing Urbancrest to be the main entry as opposed to creating additional curb cuts onto Big Beaver. The applicant further proposed to make improvements to the Urbancrest entry. Mr. Carlisle noted that the site does have access to sewer and water. The applicant is agreeing to utilize and enhance the existing storm water detention basin on the Fire Department area by enlarging, reshaping and landscaping it.

Mr. Carlisle believes the proposed project has a unique location that will be better served by the use of the flexibility of the PUD ordinance. He said the proposed development is an excellent source of an infill project and use of the PUD ordinance. He feels that the project is better designed and will have less of an impact on the area than if the property were developed in the manner that it is specifically master planned.

Mr. Carlisle stated that all of the elements incorporate quality; i.e., materials, design layout, use of park space, landscaping, and architecture. Mr. Carlisle noted that the applicant has put forth great efforts to consolidate the frontage and cooperate with the City. He noted that the entire frontage would be enhanced with landscaped walkways and pathways that will improve the image of the City property and the entire frontage along Big Beaver. Mr. Carlisle reported that the project includes extensive buffering and screening from adjacent properties above and beyond the current ordinance requirements. He believes the project provides an appropriate use of the site now, and that conversion to another use would be extremely difficult.

Mr. Carlisle spoke with respect to the consistency of the proposed project with the intent of the Master Plan. He noted that Section 35.10.00.H. of the Zoning Ordinance reads: "that the intent of the PUD option is to ensure development that is consistent with the direction of the Master Land Use Plan." Mr. Carlisle noted the ordinance is very specific that the Planning Commission can make a determination of consistency with the Master Plan. Mr. Carlisle's opinion is a determination could be made that this particular project is consistent with the guidance that is given in the Master Plan. Mr. Carlisle noted that in most

communities, an office designation is typically used as a transition between more intense commercial uses and less intense single family residential, or between major thoroughfares and single family residential areas.

Mr. Carlisle reported that it is evident that the former school site is transitional in nature and that the Master Plan designation of office was intended as a transitional category between the more intensive potential use of the corner of Rochester and Big Beaver and the less intensive use surrounding it, which is single family in nature. Mr. Carlisle believes that the proposed development provides a superior transitional use because it is residential in nature. He believes in the long run, the proposed development would be less intense and less obtrusive on the surrounding neighborhood than the potential of office use. In summary, Mr. Carlisle said the intent is for a PUD to remain consistent with the City's Master Plan, and the ordinance provides the Planning Commission with the flexibility to interpret consistency with the Master Plan. It is Mr. Carlisle's opinion that an amendment to the Master Plan is not necessary.

Mr. Carlisle reported that parking is proposed in the garages and in spaces behind the garages, as well as on-street parking. A request has been made to the applicant for clarification on dimensional requirements. Mr. Carlisle applauded the proposed pedestrian circulation throughout the development. He noted that the landscape plan meets or exceeds ordinance requirements.

Mr. Carlisle said that overall the proposed PUD is an attractive and viable use of the property that fits the intent of the PUD ordinance and is a good example of an infill project on a very difficult site.

In summary, Mr. Carlisle recommends approval of the preliminary site plan and PUD designation subject to clarification of the following items: flood plain delineation; approval from the City for use of the detention facility; retention pond fencing; explanation of all requested deviations; barrier-free parking; width of on-street spaces; directional signage; emergency access; and height of light fixtures.

Mr. Storrs asked how the density would compare if the proposed property were zoned to allow condominium development, and in what zoning category would it fall.

Mr. Carlisle responded that if the project were zoned in a multiple family category, its density would be in the middle range of the City's two multiple family categories, and noted that the density of the proposed development is on the lower side. Mr. Carlisle noted that in order to accomplish this project as a multiple family development, a zoning category would have to be achieved.

Mr. Miller stated that the current multiple family zoning district would not allow this type of development. He said that the multiple family district encourages somewhat of an outdated mode of garden-type apartments and that more

modern techniques of construction for multiple family development are not permitted within the City's existing zoning. Mr. Miller asked for comments from the Planning Consultant.

Mr. Carlisle responded that the City's current ordinance requirements are based on formulas and approaches that in reality are probably indicative of the way ordinances were written 25 to 30 years ago.

Mr. Kramer asked for a point of clarification on the density, noting that Mr. Carlisle's report quotes 3.88 acres with 80 units, which would arrive at a density of 21 units per acre.

Mr. Carlisle apologized and said that is an error on his part. The 3.88 acres in the report references only the school site. Mr. Carlisle said that the total project area is 4.86 acres, which would attain a density of 21 units per acre.

Mr. Kramer asked what the width of the proposed sidewalk is along Big Beaver.

Mr. Miller stated that 10 feet is the minimum width for a multi-use safety path on a major thoroughfare.

Mr. Carlisle confirmed that the drawing shows the sidewalk as 10 feet in width. Mr. Carlisle said that his recommendation for a safety path is anywhere between 8 to 10 feet, and noted that sidewalk standards keep going upward. He said that a multi purpose pathway is designated for use by pedestrians, bicycles, inline skaters, etc.

The petitioner, Nick Donofrio of Tadian Development, 2038 Big Beaver, Troy, was present. Mr. Donofrio displayed two renditions of the proposed development. Mr. Donofrio said that because of the nature of the infill project, the proposed development would impact a few long-time residents. He addressed one issue relating to the use of the driveways and the dirt road on the former school property. Mr. Donofrio said that a permanent easement would be granted to those property owners to incorporate their driveways into the neighborhood and the use of the road, and noted that the property owners would not incur any of the maintenance costs.

The second issue Mr. Donofrio addressed was the impact the proposed development would have on the existing landscaping. Mr. Donofrio said that it is proposed to remove the large line of spruce trees along the north property line because of their age and deterioration and stated that they would be replaced with plantings, shade trees and a 6-foot high hedgerow. Mr. Donofrio addressed the trees behind the spruce trees for which an arborist conducted a walk-through along the perimeter and reported that some trees are alive and viable but in need of special care. Mr. Donofrio said that the underside area would be cleaned up and those designated trees given special care. Mr. Donofrio noted that the trees

along the eastern boundary will remain and any other existing trees will be kept if possible. Mr. Donofrio specifically addressed the Jackson home and said it is proposed to enhance the existing landscaping with a 6-foot high evergreen hedge along the perimeter and shade trees. He noted that he would continue to work directly with the Jackson family on other items of concern.

Mr. Kramer asked for further information on the pond with respect to fencing and maintenance.

Mr. Donofrio explained that the pond is planned to be more of a regional pond to service future infill development and because of the size of the pond, it has been recommended by City administration to fence it. He stated that it is proposed to fence the pond with a heavy rod iron design.

Mr. Miller stated that the maintenance of the fence would be the responsibility of the City because it is on City property. Mr. Miller said that the petitioner has met with City staff to insure that the pond is sufficient in size to be capable of retaining storm water when other infill projects are developed, especially to the north. He noted that the petitioner is providing future benefit to the redevelopment of the whole area and suggested the Commission address any issues it may have with respect to fencing the retention pond at this time.

Mr. Vleck requested that the outdoor lighting be limited in brightness and meet City standards, especially with respect to the units on the north and east boundaries.

Mr. Donofrio confirmed that they would work with the City and hope to tie the outdoor lighting into the landscaping and architectural aspects of the project.

Mr. Waller commented on the boundaries of the retention pond that are dictated by the easements of the drains and asked the Commission to keep in mind the considerations of the Drain Commission.

Chairman Littman reminded the public that tonight's meeting would be televised tomorrow, March 12, at 5:00 p.m.

Mr. Storrs commented that it would be more desirable to locate the proposed park nearer to the fire station and locate the water amenity nearer to the intersection of Big Beaver and Rochester. Mr. Storrs' other concern is that it may be a temptation for some residents to cut through the development via the fire station to Urbancrest.

Mr. Chamberlain commented that a special committee is working on a gateway entrance to the City and suggested not to be concerned about the PUD's proposed water amenity.

Mr. Wright mentioned that it appears the park's location is on top of the huge drain and the water amenity cannot be moved because of the concrete below the surface.

Mr. Miller stated that the initial direction of staff and Mr. Carlisle was to put the water amenity near the intersection, but as the realization that the drain became an issue, it was apparent that the water amenity would be placed in the same area as the existing retention.

### PUBLIC HEARING OPENED

Barbara Jackson, 3035 Daley, Troy was present. Ms. Jackson expressed her appreciation with the petitioner's approach to their concerns. Ms. Jackson expressed concerns with respect to the proposed development not meeting the City's PUD criteria, the density of the project, the lack of parking within the development, and the City's maintenance of the trees. Ms. Jackson said the project is not a traditional project and not a well thought out plan and asked that the proposed development be given more study.

Chairman Littman announced that the proposed PUD would be discussed at the March 25<sup>th</sup> Special/Study Meeting and welcomed the public to attend.

Gary Jakubowski of 1120 Hartland, Troy, was present. Mr. Jakubowski expressed concerns with respect to the proposed buffering on the north side of the development and requested a 6-foot high decorative brick wall that would provide a sound barrier, security and eye appeal for the neighbors. He and other neighbors do not want to give up their neighborhood's peace and secluded area for the inevitable construction noise and construction crews that will be there for a one to two year project. Mr. Jakubowski asked if the 25 feet of City property between the proposed PUD and the existing property on Hartland could be deeded to the residents on Hartland so they could maintain the property, and noted that it would provide more of a buffer area to the residents. Mr. Jakubowski expressed concerns with the height of the proposed buildings within the PUD and bright street lighting. For the record, Mr. Jakubowski submitted a letter from the residents addressing their concerns on the proposed PUD development. Mr. Jakubowski questioned if the proposed PUD would landlock his two parcels from further development.

Ann Marie Perkowski of 1168 Hartland, Troy, was present. Ms. Perkowski expressed concern with the spruce trees parallel to Hartland and asked if they could be salvaged, and further asked the height of the trees that are proposed for the development. Ms. Perkowski said that neither her 6-foot privacy fence nor the pine trees would block her view of the project. Ms. Perkowski also questioned the Master Plan with respect to Sprucedale and the potential landlock of other parcels for future development.

Mr. Miller responded that Sprucedale is a small residential local road and is not addressed in the Master Plan. He stated that Sprucedale is both 25 feet and 50 feet wide in that general area, and noted that the piece of property was not platted very well. Mr. Miller explained that if a property owner wanted to develop the property as residential homes, the owner would be required to provide a 60-foot wide road and noted it would be difficult in the area where Sprucedale is only 25 feet.

Mr. Chamberlain, for further clarification, stated that a platted road is not on City plans but only on plats, and that a lot of platted streets that have not been opened.

Mr. Wright questioned if the lots in question would be buildable if the owners donated 35 feet.

Mr. Miller responded that would be a safe assumption, but said he would confirm and report his findings at a future meeting.

Jeff Perez of 1057 Urbancrest, Troy, was present. Mr. Perez expressed his concern with the traffic impact on Urbancrest. He said that it appears the traffic study addresses only Big Beaver and Rochester Roads and does not address the traffic impact on Urbancrest, which he believes would have a huge increase in traffic volume should the development be approved. He asked that the Commission give this serious consideration.

Helen Haas of 1069 Urbancrest, Troy, was present. Ms. Haas requested clarification on the traffic pattern through the proposed development with respect to her house and garage. Ms. Haas expressed concerns with traffic, flooding, water pressure, sewer gas, parking and snow removal. Ms. Haas expressed displeasure in losing the morning winter sun through her windows because the proposed development would block the sun. Ms. Haas stated that the Master Plan is not being looked at very far in advance. Ms. Haas raised another concern of hearing the traffic as a detrimental aspect to the proposed development.

Mr. David Hornak was present to represent his parents who live at 1115 E. Big Beaver Road, Troy. Mr. Hornak stated his parents and he are in favor of the proposed development as opposed to a potential office development. It is their belief that an office development would result in more traffic and congestion and not as nice of a looking development as the proposed condos.

There being no one else present to speak, Chairman Littman announced that the Public Hearing would remain open until the next meeting, and reminded the public that the proposed PUD will be on the March 25<sup>th</sup> Special/Study Meeting agenda.

Mr. Chamberlain stated that the petitioner should be using churches next to residential as a starting point for its proposed lighting for the development.

Mr. Donofrio suggested that the earliest date he could address all concerns and issues would be the May regular meeting.

**Resolution**

Moved by Chamberlain

Seconded by Waller

**RESOLVED**, that the Preliminary Plan for a Planned Unit Development, pursuant to Article 35.60.01, as requested by the Tadian Developments, for the Rochester Commons Planned Unit Development (FKA Backbay Village PUD), located north of Big Beaver and east of Rochester Road, section 23, within the R-1E zoning district being 4.86 acres in size, be postponed to the May 13, 2003 Planning Commission meeting, to allow the developer to respond to the Planning Department's, Planning Consultant's, and Planning Commission's comments.

Mr. Kramer requested that the petitioner address the snow removal issue, and further requested the City to address what process might be in place to assure both the City and residents that the development is built per the proposed plan.

Yeas:  
Chamberlain  
Kramer  
Littman  
Vleck  
Waller  
Wright

Nays:  
Storrs

Absent:  
Pennington  
Schultz

**MOTION CARRIED**

Mr. Storrs said he voted no because he would have preferred that the resolution include the public comments voiced during the Public Hearing.

5. PROPOSED PLANNED UNIT DEVELOPMENT (PUD-2) – Proposed Rochester Commons P.U.D. (formerly Backbay Village), North side of Big Beaver, East of Rochester Road, Section 23 – R-1E

Mr. Miller stated that this project has taken on a new name of Rochester Commons. He stated that the developer has worked with Mr. Carlisle, the Planning Department and City management to fine-tune the project since the Commission last looked at it. Mr. Miller said the major change is eliminating the main entrance off of Big Beaver and moving it to Urbancrest. Mr. Miller reported the Fire Department has expressed concerns with traffic to the fire station and emergency access driveways, and assured the Commission that the Planning Department is working with the Fire Department to resolve these issues.

The developer, Nick Donofrio of Tadian Development, 2038 W. Big Beaver, Suite 200, Troy, was present.

Mr. Carlisle commented that the central focus of the development is the open space. He complimented the developer on the landscaping and the excellent overall plan in creating a great visual amenity to the City.

Discussion followed. The Commission expressed favorable comments to the developer with respect to the community park and the landscaped screening.

Mr. Donofrio noted that the price range for the condominiums is approximately \$185,000 per unit and that the homes will most likely appeal to buyers in the age range of 25 to 35 years. Mr. Donofrio noted that square footage of the units is approximately 1,150 to 1,200 square feet and that each unit has a one-car garage.

Mr. Miller stated the City's intent is to hold a public informational meeting for residents prior to holding a public hearing.

Chairman Chamberlain encouraged the developer to meet with the Planning Department with respect to providing the City with the appropriate PUD documentation.

From: Barbara and Robert Jackson  
3035 Daley  
To: Planning Commission  
Re: Planned Unit Development at old Big Beaver School

This PUD was brought to the neighbors in Feb. 2003 by the planning department. Supposedly it was 3 years in the making and was brought to you under the PUD. Rules. The first major error in the plan was called to their attention at that time. The landscape along Big Beaver went through private property, owned by us, which was not part of the developer property. Since then, the developer has said more than once that he is not interested in buying our property, yet the city people are pressuring us to give up our garden lot. For a lot of reasons {including 3 lbs. of morel mushrooms that we found in the garden, last week end} we will not give up our garden lot. It seems the city people think our property is vital to the development.

You are familiar with the second major error. How could they not know that Big Beaver was scheduled to be widened to 3 west bound lanes at that point. When we asked at the April 24 meeting we were told that there was no plan to widen by the city planning dept. We went to engineering the next morning and were told otherwise. This caused big changes in the plan.

HOW MANY OTHER ERRORS ARE THERE IN THIS PLAN?

We believe that the traffic studies are not a true reflection of the impact on this neighborhood. There are almost 80 new homes coming in the wetland development at the end of Hartland. Plus all the homes on Hartland, Boyd, Daley and Daley Ct. will be competing with Urbancrest for access to Rochester Rd.

Neighbors are panicking and talking of selling. Most believe that there will be a serious negative impact from this PUD.

This development does not meet the INTENT of the PUD.

This development does not result in "improvements to the public health, safety and welfare in the area."\*

This plan is not compatible with adjacent uses"\*

The plan does not "preserve significant natural features, provide greater amount of open space, provide extensive pedestrian facilities and amenities...of enhance or replace those which would otherwise be provided by entities. (e.g. recreation, transportation, safety and security}" \*

"These are all quotes from the PUD Zoning Ordinance and there are many other inconsistencies in this development plan. We hope you will not give approval to the plan the way it is written at this point.

ROCHESTER COMMONS PLANNED UNIT DEVELOPMENT  
PUBLIC INPUT SESSION

February 11, 2003, 7:30PM

SIGN-IN SHEET

	NAME	ADDRESS
1	BERT JUNE WALTERS	1184 HARTLAND TROY, MI 48083
2	GREG FORESTER	1696 HARTLAND TROY, MI 48083
3	GISS LOZZI	1125 + 1135 E. BIG BEAVER
4	GARY DONNA JAKUBOWSKI	1120 HARTLAND TROY, MI 48083
5	DAVE HURMAN SHEILA NEWTON	1115 E. BIG BEAVER
6	Robin Dick Beltrami	6514 Parkview Dr. 48098
7	Bob & Darl Jackson	3035 Daley 48083
8	Carolyn Thomas	1130 Hartland 48083
9	Steven Jordano	1125 Hartland
10	JEFF PEREZ	1057 VERANCREST DR 48083
11	Dennis BRINKER	WAGON WHEEL SALOON
12	Helen Hase	1069 Verancrest TROY
13	Caryl Taylor	
14	Paul Thomas	1130 Hartland Ave. Troy

**Paula P Bratto**

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**From:** Nancy Negohosian [nnegohosian@hms-group.com]  
**Sent:** Thursday, June 05, 2003 3:59 PM  
**To:** planning@ci.troy.mi.us  
**Subject:** T2N, R11E, Part of the SW 1/4 of Section 23

To Whom It May Concern:

As a property owner on Big Beaver Road, I would like to urge the Planning Commission to grant the variance to Tadian Development to establish the Rochester Commons Planned Unit Development. The property that would be utilized will be greatly improved by the establishment of this condominium community. Our two buildings would face the Big Beaver border of this development. We would have a park like setting to view and the mish-mash of housing and abandoned buildings would be eliminated. This would also be very positive for the tax base in Troy also. Please do the right thing and approve this development.

Sincerely,  
Nancy A. Negohosian  
Property Owner  
1200 and 1230 E. Big Beaver Road

REC'D

JUN 06 2003

PLANNING DEPT

**Paula P Bratto**

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**From:** David Sofy [dsofy@hms-group.com]

**Sent:** Thursday, June 05, 2003 3:25 PM

**To:** planning@ci.troy.mi.us

**Subject:** Public Hearing 6-16-03

To Whom It May Concern:

I am a business owner across the street from the Tadian Development on E. Big Beaver. I would love to see his development go in and improve the existing property. Real estate values have been slumping for quite awhile and I believe his development may help to stabilize this situation. Please count my vote as a big positive in his appeal for a zoning change.

David Sofy  
HMS Products Co.  
1200 E. Big Beaver

REC'D

JUN 06 2003

PLANNING DEPT

**Paula P Bratto**

**From:** Greatout2001@aol.com  
**Sent:** Wednesday, March 12, 2003 1:05 PM  
**To:** planning@ci.troy.mi.us  
**Subject:** Rochester Commons Development

Dear Mark Miller,

My name is Kirk Kibby I own the property located at 3107 Parkton. I am sending you this e-mail after talking on the phone with Brent. My only issue with the proposed condo complex is the closing of Parkton St. in front of my property which is located at 3107 Parkton. I must say that the overall site plan looks great and I offer no opposition in the development other than the closing of Parkton St. Parkton St. is a legal road that has been in existence over 75 years, it has been maintained by both the County and also the City of Troy. Parkton St. is labeled with a street sign and is also on the map! Again I think that the site plan looks great and I feel it would be a great addition to the City of Troy. I do not wish to seek legal action to keep the road open.

Thank you for your time and consideration: Kirk Kibby

(586)254-5263

Received MAR 11 2003  
② Planning Commission  
Meeting

March 11, 2003

Troy City Council/Planning Department:

This letter is in response to the building of Rochester Commons Planned Unit Development. We, the homeowners on Hartland Street, have some privacy, noise and security issues that we would like to see resolved. They are as follows:

Since a road will be constructed adjacent to the property line, we propose that a minimum 6 foot high brick wall be put along the property line. Such wall would be constructed before any type of development begins. This includes the demolition process. This would provide both a sound barrier, security, and eye appeal between the property and adjoining street.

The project also shows the constructing of several street lights a minimum of 10 foot or higher. This would also light up our property leaving us with a minimum of privacy. The light fixtures should be no more than 6 foot in height and shields be provided on the Hartland side.

There is also the matter of 25' of city property between the existing home owners and the new development. The homeowners on Hartland would like the city of Troy to deed the land to the homeowners. It would still be a city easement, but the homeowners would maintain such property. This would also give homeowners an extra buffer between them and the proposed development.

We feel that these are just a few small adjustments to the proposed development. However, they will give peace of mind to all parties concerned. We hope that some kind of agreement concerning these matters can be met. Your cooperation and attention to these concerns is greatly appreciated.

Sincerely,

Greg & Lisa Forester  
1112 & 1096 Hartland

Gary & Donna Jakubowski  
1120 Hartland

Kent &Carolynn Thomas  
1130 Hartland

**Paula P Bratto**

**From:** Nancy Negohosian [nnegohosian@hms-group.com]  
**Sent:** Thursday, February 06, 2003 12:09 PM  
**To:** planning@ci.troy.mi.us  
**Subject:** Tadian Homes/Big Beaver School Project

Please let this correspondence serve as the HMS Products Co. 1200 and 1230 E. Big Beaver Road endorsement of the Tadian Homes Project that will be discussed Tuesday February 11, 2003 at 6:00PM.

The look of East Big Beaver from the current Fire Station to Daley Road would be greatly improved by the Tadian condominium development. I think the empty nesters and professionals of Troy will welcome this style of community specially with the park like setting. If further information is required of our company, please contact me.

Sincerely,  
Nancy Negohosian  
Vice President  
HMS Products Co.  
1200 E. Big Beaver Road  
Troy, MI 48083  
(248) 689-8120

**Mark F Miller**

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**From:** Paula P Bratto  
**Sent:** Tuesday, February 11, 2003 12:35 PM  
**To:** Mark F Miller  
**Subject:** FW: PUD for big beaver school site

*Paula Preston Bratto*  
Planner  
(248) 524-3365

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

**From:** Mike Young [mailto:bmwmay@wideopenwest.com]  
**Sent:** Tuesday, February 11, 2003 10:47 AM  
**To:** planning@ci.troy.mi.us  
**Subject:** PUD for big beaver school site

I am unable to attend the meeting regarding the Big Beaver School development tonight, but was hoping you could answer a question for me.

Will this new condo development only have access to Rochester Road via Urban Crest?  
I live at 1081 Hartland (facing parkton street) and am very concerned of increased traffic if this 80 unit complex will be able to use Parkton as a through street. As I'm sure you are aware, we also have a new single family home subdivision being built at the end of Hartland off Daley Street which will add lots of traffic to Hartland as its access to Rochester Road.

If this new condo complex will not increase traffic on my street, I am in complete support.  
Thank you for your prompt response.  
Rebecca Young

PLEASE NOTE THE PHONE NUMBER 248.534.3364 IS "BEING CHECKED FOR TROUBLE". I CAN NOT REACH YOU VIA TELEPHONE. (2-11-03 10:45 AM)

# TROY

SCHOOL DISTRICT

Janet H. Jopke, Ed.D., Superintendent of Schools

4400 Livernois Road  
Troy, Michigan 48098-4799  
248.823.4000  
248.823.4013 Fax

Michael M. Adamczyk, Assistant Superintendent Business Services

March 7, 2003

Mr. John Szerlag, City Manager  
City of Troy  
500 West Big Beaver Road  
Troy, MI 48083

REC'D

MAR 12 2003

PLANNING DEPT.

RECEIVED

MAR 11 2003

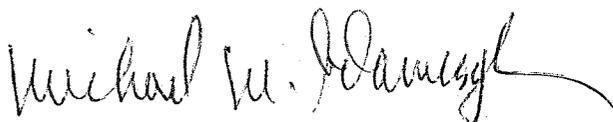
CITY OF TROY  
CITY MANAGER'S OFFICE

Dear Mr. Szerlag:

The Troy School District is very much in support of the proposed Tadian Development Project at our Big Beaver site. As you know the Tadian Development Company has made an offer to purchase this property from the Troy School District for the purpose of constructing a multi-unit residential development. This development would be a benefit to the Troy School District by bringing in additional students and would also benefit the city of Troy by increasing its tax base.

Please share this letter with the Troy Planning Commission that we understand is having a hearing on this subject Tuesday, March 11, 2003. If you would like to discuss this matter in more detail, please do not hesitate to contact me.

Very truly yours,



Michael M. Adamczyk  
Assistant Superintendent  
Business Services

Cc: J. Jopke

June 10, 2003

TO: Honorable Mayor and City Council

FROM: John Szerlag, City Manager  
Gary A. Shripka, Assistant City Manager/Services  
Doug Smith, Real Estate & Development Director  
Steve Vandette, City Engineer  
Mark F. Miller, Planning Director

SUBJECT: PUBLIC HEARING - STREET VACATION APPLICATION (SV-182) –  
A section of alley located south of Chopin and north of Maple, Section  
27.

### **PLANNING COMMISSION RECOMMENDATION**

At a May 13, 2003 Public Hearing, the Planning Commission recommended approval of the street vacation request as submitted, with the condition that the City retain existing easements for utilities. However, the Planning Commission were not notified of the parking areas that have access from the subject alley.

### **CITY MANAGEMENT RECOMMENDATION**

Upon further investigation, it was determined that the commercial business abutting the alley to the east does not have an on-site parking area. A conversation with an employee of this business indicates that employees park in a two-space parking area west of the alley. Access to this parking area is from the alley. There is no room on the parcel for visitor parking. The parking area for the residence abutting the alley to the east, uses the alley for parking access. Vacation of the alley would eliminate access to off-street parking areas.

City Management recommends denial of the vacation request as submitted, because of the elimination of off street parking access. If the alley vacation request was part of an approved site plan that consolidated properties and provided necessary parking, City Management, is likely to recommend approval.

### **GENERAL INFORMATION**

Name of applicant(s):  
Maple Road Properties, L.L.C.

Location of property owned by applicant(s):

The applicant owns 26 Chopin and 35 Maple, which abut the alley to the east.

Length and width of right-of-way.

The section of alley proposed to be vacated is approximately 18 feet wide by 222.54 feet long, between Chopin and Maple.

Current use of adjacent parcels:

North: Baskin Robbins and single family residence.

South: Subway restaurant.

East: Commercial uses and single family residence.

West: Clark gas station and Pizza Hut restaurant.

Zoning classification of adjacent parcels:

North: B-1 Local Business and R-1E One Family Residential.

South: B-2 Community Business.

East: B-1 Local Business and R-1E One Family Residential.

West: B-1 Local Business.

**ANALYSIS**

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

The application states that it is required "to acquire unused alley for development".

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

Currently, the two structures have parking access from the alley. The petitioner owns these parcels, and future redevelopment would eliminate the need for alley access.

Existing utilities located within the right-of-way:

There are no City sewer, storm or water easements located within the right-of-way.

Future need for easements within the right-of-way:

The City does not have a need for easements within the right-of-way. There may be utilities other than City utilities that require easement retention.

Proposed ownership of vacated street/alley:

The eastern 9 feet of the alley would revert to the applicant, who owns both abutting lots east of the alley. The western 9 feet would revert to the abutting lot owners west of the alley.

Future Land Use Designation:

The area is designated on the Future Land Use Plan as Non-Center Commercial.

cc: Applicant  
File/SV-182

7. PUBLIC HEARING – STREET VACATION REQUEST (SV-182) – 18 Foot Alley, between Chopin Road and Maple Road, Abutting Lots 78 through 90 and 589 of Addison Heights Subdivision, North of Maple, East of Livernois, Section 27

Mr. Miller presented a summary of the Planning Department report for the proposed street vacation request. Mr. Miller reported that it is the recommendation of the Planning Department to approve the street vacation request as submitted with the condition that retention of easements for utilities is provided.

Matt Ray of 3384 W. 12 Mile Road, Berkley, was present to represent the petitioner. Mr. Ray stated that the petitioner wishes to improve the property for future development.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Mr. Savidant clarified that the City does not require easements for City utilities (storm, water and sewer) but the recommended condition is to require easements for other potential utilities such as telephone, cable, etc.

Mr. Miller reported there were no responses from affected residents who received notification of the proposed street vacation.

**Resolution**

Moved by Vleck

Seconded by Wright

**RESOLVED**, that the Planning Commission hereby recommends to the City Council that the street vacation request, as submitted for the alley, between Chopin Road and Maple Road, located within the Addison Heights Subdivision, abutting lots 78 through 90 and 589, being approximately 222.54 feet in length and 18 feet in width, in Section 27, be approved subject to the following condition:

1. Retention of easements for utilities.

Yeas

All present (7)

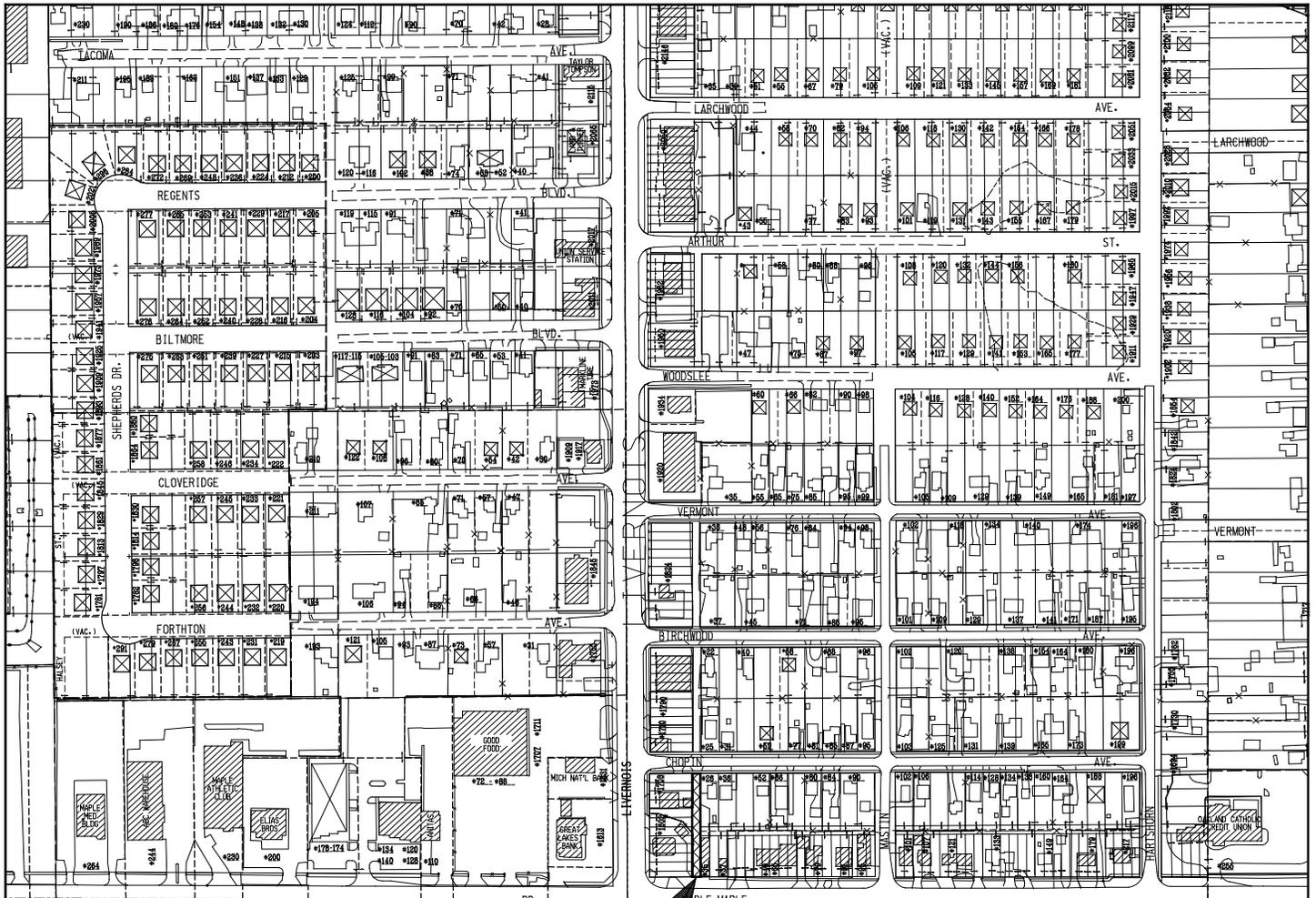
Absent

Chamberlain  
Storrs

**MOTION CARRIED**

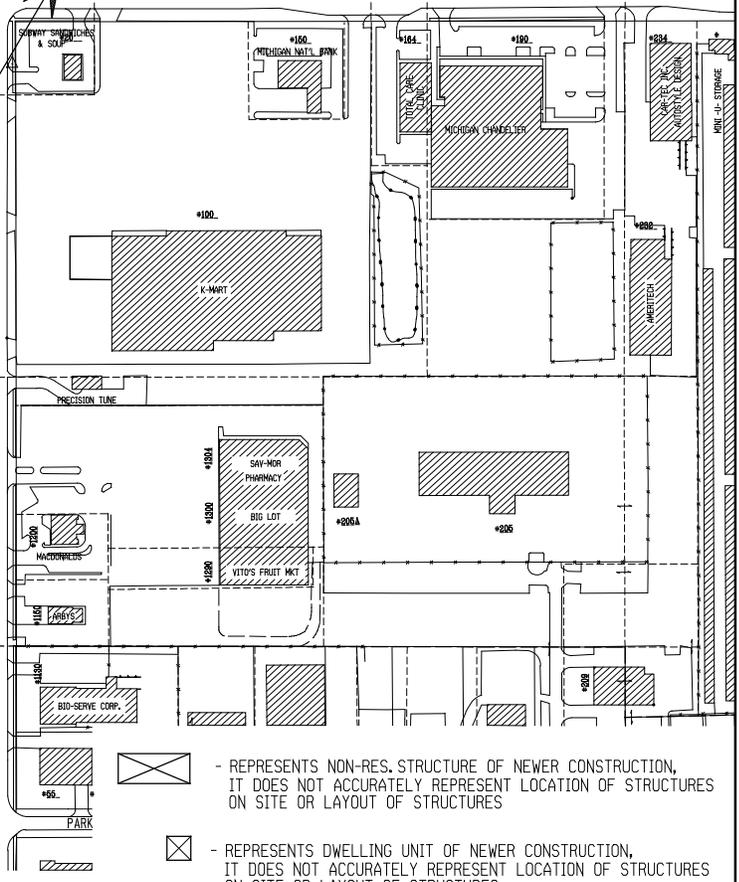
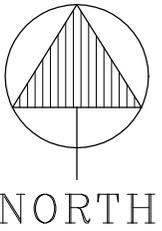
# CITY OF TROY





STREET VACATION REQUEST  
18 ft. Alley

LIVERNOIS ROAD



-  - REPRESENTS NON-RES. STRUCTURE OF NEWER CONSTRUCTION, IT DOES NOT ACCURATELY REPRESENT LOCATION OF STRUCTURES ON SITE OR LAYOUT OF STRUCTURES
-  - REPRESENTS DWELLING UNIT OF NEWER CONSTRUCTION, IT DOES NOT ACCURATELY REPRESENT LOCATION OF STRUCTURES ON SITE OR LAYOUT OF STRUCTURES





STREET VACATION REQUEST  
18' ALLEY E OF LIVERNOIS,  
BTWN CHOPIN & MAPLE  
SEC. 27 R-1E, & B-1 (SV-182)

STREET VACATION REQUEST  
18' ALLEY

0 50 100 200 300 400 Feet



DATE: May 6, 2003

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager  
Gary A. Shripka, Assistant City Manager/Services  
Mark Stimac, Director of Building & Zoning

SUBJECT: Commercial Vehicle Appeal  
1093 W. Wattles

On April 1, 2003, information was sent to Mr. Bruce Byrd, resident of 1093 W. Wattles that identified restrictions related to commercial vehicles located on residential property. As part of that information, he was advised that the Ford cube van parked on that property did not comply with the exceptions found in Chapter 39, Section 40.66.00. He was given the option to remove the vehicle or appeal to City Council for relief of the Ordinance.

In response to our letters, Mr. Byrd has filed an appeal. The appeal requests that a public hearing date be held in accordance with the ordinance. A public hearing has been scheduled for your meeting of June 2, 2003.

Although the building department has typically noticed the vehicle parked in the front yard of the property, as seen in the photos taken by staff on April 22, 2003, Mr. Byrd has indicated that he will be storing the vehicle in the rear of the property as indicated in his application.

The existing main structure on the property has a ground floor area 1948 square feet. Section 40.57.04 of the Zoning Ordinance would allow up to 974 square feet of accessory building.

Should you have any questions or require additional information, kindly advise.

MS/pr

Attachments

APR 17 2003

BUILDING DEPARTMENT

COMMERCIAL VEHICLE  
APPEAL APPLICATION

Request is hereby made for permission to keep a commercial vehicle(s) as described below, on the following residential zoned site:

NAME: Bruce Edward Papel

ADDRESS: 1093 W. WATLES

CITY: TROY MI. ZIP: 48098 PHONE: 816-0734

ADDRESS OF SITE: \_\_\_\_\_

NUMBER OF VEHICLES: 1

VEHICLE IDENTIFICATION NUMBER(S)  
1FDKE37H6RHA76307

LICENSE PLATE NUMBER(S) 1253 LF

DESCRIPTION OF VEHICLE(S) Box Truck

REASON FOR APPEAL (see A - D below) B, C, D.

THE APPLICANT IS AWARE OF THE REQUIRED FINDINGS WHICH ARE STATED IN THE FOLLOWING:

44.02.01 ACTIONS TO GRANT APPEALS ... SHALL BE BASED UPON AT LEAST ONE OF THE FOLLOWING FINDINGS BY THE CITY COUNCIL:

- A. The occurrence of the subject commercial vehicle on the residential site involved is compelled by parties other than the owner or occupant of the subject residential site (e.g. employer).
- B. Efforts by the applicant have determined there are no reasonable or feasible alternative locations for parking of the subject commercial vehicle.
- C. A garage or accessory building on the subject site cannot accommodate, or cannot reasonably be constructed or modified to accommodate the subject commercial vehicle
- D. The location available on the residential site for the outdoor parking of the subject commercial vehicle is adequate to provide for such parking in a manner that will not negatively impact adjacent residential properties, and will not negatively impact pedestrian and vehicular movement along the frontage street(s).

*These <sup>Do</sup> Should Apply*  
BB

**COMMERCIAL VEHICLE APPEAL APPLICATION**

40.02.2. The City Council may grant appeals in relation to the type, character or number of commercial vehicles to be parked outdoors in Residential Districts for an initial period not to exceed two (2) years, and may thereafter extend such actions for a similar period.

Supporting data, attached to the application, shall include: a plot plan, drawn to scale, a description and location of the vehicle(s) and a photo of the vehicle on-site..

Bruce Byrd  
(signature of applicant)

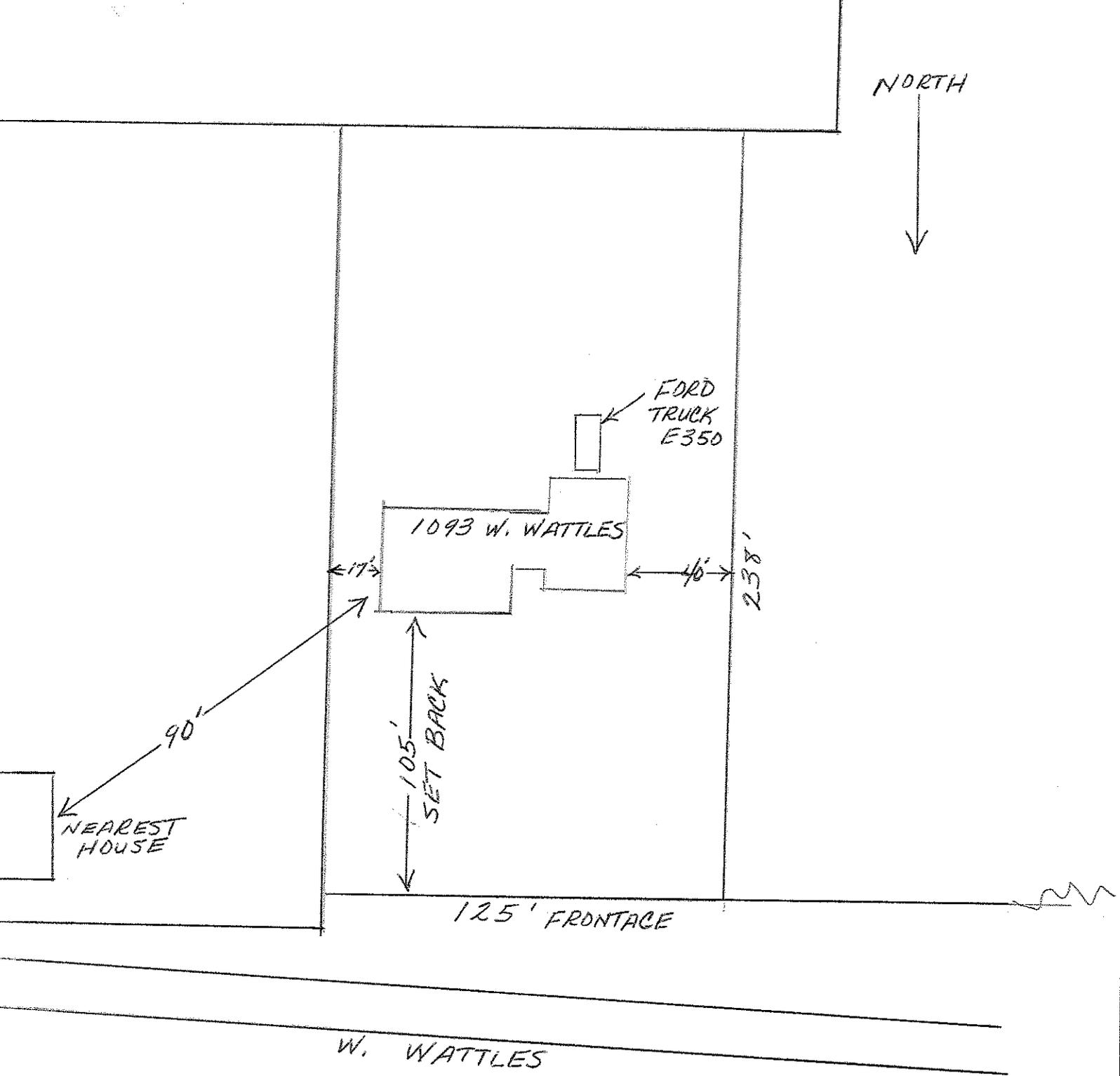
STATE OF MICHIGAN  
COUNTY OF Oakland

On this 17th day of April, 2003 before me personally appeared the above named person who depose and sayeth that he/she signed this application with full knowledge of its contents and that all matters stated therein are true.

Amy L. Sharpe  
Notary Public, \_\_\_\_\_ County, Michigan

My Commission Expires: \_\_\_\_\_

AMY L. SHARPE  
NOTARY PUBLIC, OAKLAND COUNTY, MI  
ACTING IN Oakland CO., MI  
MY COMMISSION EXPIRES 11-30-2004



(PLOT MAP)

Bruce Byrd  
 1093 W. WATTLES  
 Tray, MI 48098  
 (248) 816-0734

RECEIVED  
 APR 25 2003  
 BUILDING DEPARTMENT

Photos Supplied by the Petitioner



View of house from Wattles



View of proposed parking for vehicle (back of House



View from driveway to neighbor east of house



View from house directly across Wattles



View from street back of house  
with the vehicle parked in back



View from backyard from backdoor



Neighbor east of house from driveway

Photos Taken by the Building Department April 22, 2003



**City of Troy**  
**Building and Inspection Division**  
**Commercial vehicle Violation Notice**  
500 West Big Beaver, Troy, MI 48084

April 1, 2003

Bruce Byrd  
1093 W. Wattles  
Troy, MI 48084

Subject: Outside Commercial Vehicle Storage on Residential Sites  
1093 W. Wattles

Dear Mr. Byrd,

I recently observed a White Ford box truck parked at the above location, in violation of the Zoning Ordinance, Chapter 39, of the Troy City Code. Section 40.66.00 of the ordinance restricts the type of commercial vehicles parked on residential property. Specifically, one commercial pickup truck or passenger/cargo-style van is permitted.

The outdoor storage of the box truck does not comply with the ordinance. Therefore, to correct the violation, please remove the vehicle from the property or store it in the garage.

You also have the right to request a variance from City Council, if you wish to continue storing the vehicle on site. Council has the authority to grant variances, in certain circumstances, to store commercial vehicles on residential property. The process begins with the completion and submission of the enclosed application.

The deadline for removing the vehicle from the site, storing it in the garage, or submitting the appeal form is April 15, 2003.

The complete text of the Troy Zoning Ordinance can be viewed at the City's website at [www.ci.troy.mi.us](http://www.ci.troy.mi.us). If you have any questions, please call me at 248-680-7284.

Sincerely,

---

Don Phillips  
Housing & Zoning Inspector

TO: CITY COUNCIL

Please register my approval  objection  to the request described on the reverse side.

My reason for this approval  objection  is:

House sits so far back from road you really don't even notice the truck

RECEIVED

MAY 21 2003

BUILDING DEPARTMENT

NAME: Kimberly A. Nielsen - K.A. Nielsen

ADDRESS OR PROPERTY DESCRIPTION 4046 Parkstone Ct  
Troy, MI 48098

June 10, 2003

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager  
Gary A. Shripka, Assistant City Manager/Services  
Mark F. Miller, Planning Director

SUBJECT: ZONING ORDINANCE TEXT AMENDMENT ARTICLE XXXIX (ZOTA 193)  
– Environmental Provisions – Walls, Article 39.00.00

On June 2, 2003, City Council conducted a public hearing regarding the proposed amendment to the off-street parking, screen wall requirements for the Residential and Community Facilities zoning districts. Direction given to City Management was to prepare new amendment language that reduced the required area needed for both the landscape buffer and landscape berm options. A third amendment known as “Option C” was prepared and includes the following provisions:

- Landscape Buffer Option

This proposed language reduced the minimum distance between the off-street parking and the residential property line to 100 ft. The option permits a minimum 100 ft. landscape buffer, in lieu of the required wall and at the discretion of the developer. The landscape requirement language remains identical in comparison to the earlier proposals, and includes a double row of coniferous evergreen trees.

- Landscape Berm Option

This proposed language permits a landscape berm option in lieu of the required wall, within a 45 ft. wide area, utilized at the discretion of the developer. The berm height is 4.5 ft. high and the berm is to be located within a required 45 ft. wide area. The landscape requirement language remains identical in comparison to the earlier proposals, and includes a double row of coniferous evergreen trees. Although, the berm will have a footprint of 29 ft. of width, additional area of 12 ft. is necessary for utilities and surface drainage easements along the residential property line. In addition, 4 ft. is necessary along the off-street parking area for lawn maintenance. Therefore, to have a berm function without creating additional unintended problems, a minimum distance of 45 feet between the off-street parking and residential properties is included in the amendment.

The three resolutions provided to City Council include: Option/Resolution A, City Management’s amendment; Option/Resolution B, Planning Commission’s amendment; and Option/Resolution C, City Council’s amendment.

Attachments: 1. City Council Option “C”  
2. Landscape Buffer Diagram, 6-11-03  
3. Landscape Berm Diagram, 6-11-03  
4. Memo to City Council, May 23, 2003

cc: Mark Stimac, Building and Zoning Director  
Planning Commission  
File/ZOTA 193

PROPOSED ZONING ORDINANCE TEXT AMENDMENT  
**OPTION C – CITY COUNCIL**  
**Environmental Provisions - Walls**

Amend the indicated portions of the Environmental Provisions text in the following manner:

*(Underlining, except for major section titles, denotes changes.)*

**39.00.00     ARTICLE XXXIX ENVIRONMENTAL PROVISIONS**

39.10.00     WALLS:

39.10.01     For those use districts and uses listed below there shall be provided and maintained on those sides abutting or adjacent to a residential District an obscuring wall as required below:

<u>District/Use</u>	<u>Requirements</u>
(A)     P-1 Vehicular Parking District	4'-6" high wall
(B)     Off-street parking areas in residential Districts and C-F Districts	4'-6" high wall
(C)     B-1, B-2, B-3, H-S, O-1, O-M, O-S-C, R-C and M-1	6'-0" high wall
(D)     E-P Districts, when such are a part of a non-residential development site involving Non-Residential Zoning Districts.	4'-6" high wall
(E)     M-1 Districts - open storage area	6'-0" to 8'-0" high wall. See Article XXVIII, Section 28.25.02 and 28.30.04
(F)     Hospital ambulance and delivery areas	6'-0" high wall

(Rev. 10-7-96)

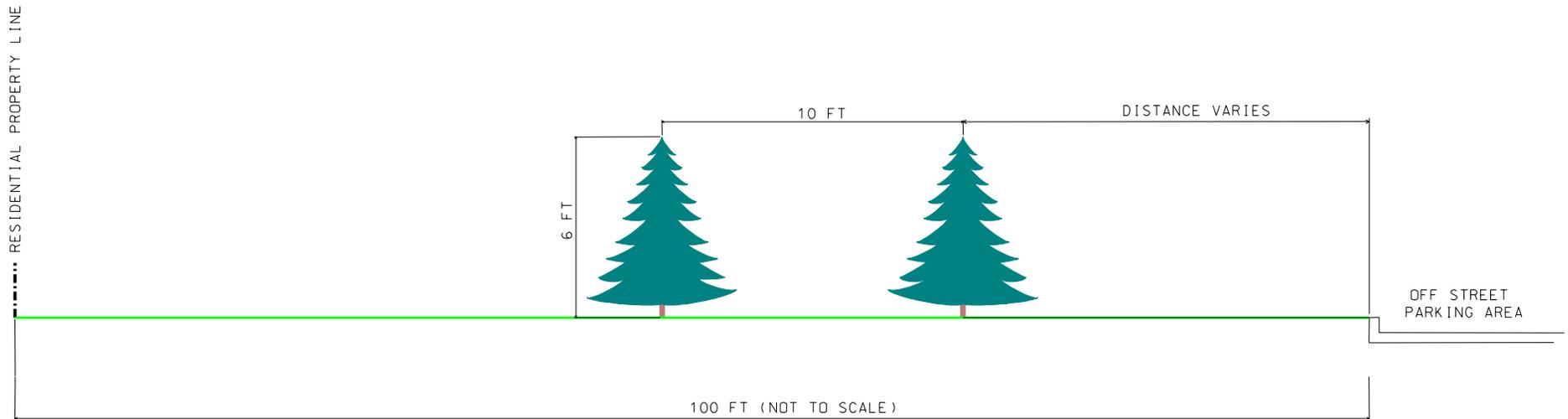
39.10.05     Landscaped Buffer or Berm Option

In those instances when a wall is required by Article 39.10.01(B) and there is a distance of at least one hundred (100) feet between the property line and the off-street parking area, the applicant shall have the option of providing a landscape buffer within the one hundred (100) foot distance, in lieu of the required wall. The buffer shall include at a minimum a double row of upright coniferous evergreen trees (pine or spruce species, as acceptable to the Department of Parks and Recreation). The plantings shall be a minimum of five (5) to six (6) feet in height, planted twenty (20) feet on center. The rows shall be spaced ten (10) feet apart and staggered ten (10) feet on center.

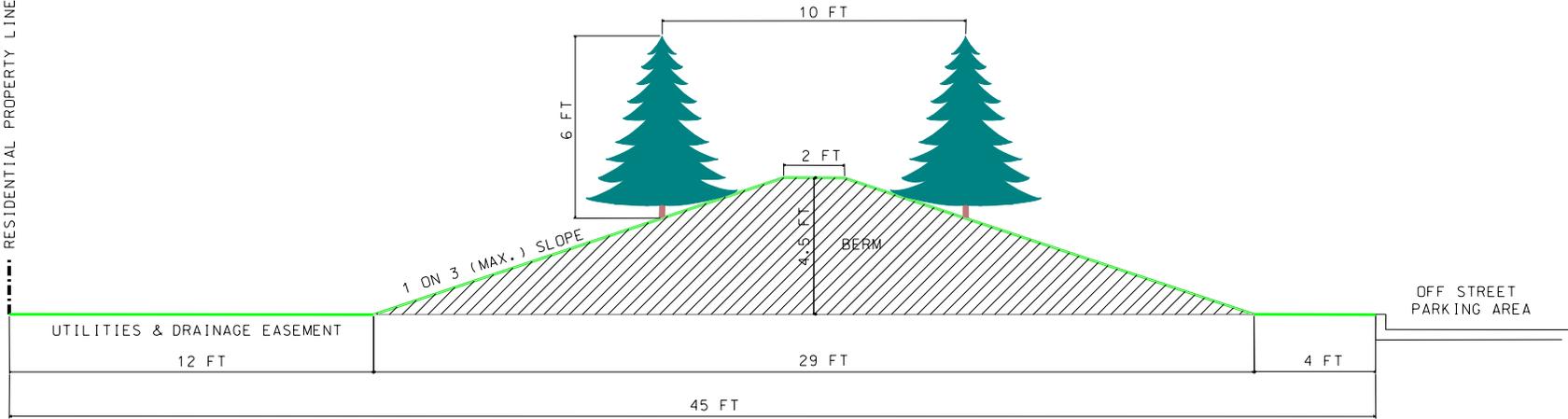
In those instances when a wall is required by Article 39.10.01(B) and there is a distance of less than one-hundred (100) feet and at least forty-five (45) feet between the property line and the off-street parking area, the applicant shall have the option of providing a 4'-6" landscaped earth berm in lieu of the required wall. The design of the berm shall meet the following standards:

- (A) The slope of the berm shall be no greater than one foot vertical for each three feet horizontal (1 on 3).
- (B) There shall be a two (2) foot wide horizontal crest at the top of the berm.
- (C) The off-street parking area side of the berm, shall include, at a minimum, four (4) feet between the lowest point of the berm and the off-street parking area, to provide for berm maintenance. The residential side of the berm shall include, at a minimum, twelve (12) feet between the lowest point of the berm and the adjacent residential property, to provide space for a utility and stormwater easements.
- (D) The berm shall include at a minimum a double row of upright coniferous evergreen trees (pine or spruce species, as acceptable to the Department of Parks and Recreation). The plantings shall be a minimum of five (5) to six (6) feet in height, planted twenty (20) feet on center. The rows shall be spaced ten (10) feet apart and staggered ten (10) feet on center.

# CITY COUNCIL OPTION C LANDSCAPE BUFFER OPTION



# CITY COUNCIL OPTION C LANDSCAPE BERM OPTION



Prepared by  
City of Troy  
Planning Department  
06-11-03

DATE: May 23, 2003

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager  
Gary A. Shripka, Assistant City Manager/Services  
Mark F. Miller, Planning Director

SUBJECT: PUBLIC HEARING - PROPOSED ZONING ORDINANCE TEXT  
AMENDMENT ARTICLE XXXIX (ZOTA 193) – Environmental Provisions –  
Walls, Article 39.00.00

### **RECOMMENDATION**

City Management recommends approval of Amendment Option “A” via Resolution A. This amendment will recognize that when there is a substantial distance between parking areas and property lines, the proposed landscape buffer, in addition to the 200-foot distance, is a sufficient buffer.

### **BACKGROUND**

When Sanctuary Golf Club (f.k.a. Section 1 Golf Course) received Preliminary Site Plan Approval by City Council, a wall was required to buffer the maintenance building parking area from the adjacent single family zoning district (Section 39.10.01). The City acquired the Mead property that abuts the golf course to the west and there is now over 200 feet from the parking lot to the west property line. It was recognized that the wall would not serve a useful purpose. However, only the Board of Zoning Appeals has the authority to waive or modify screen wall requirements. City Council directed City Management not to seek a Board of Zoning Appeals variance from the wall requirement and to consider ordinance revisions that would eliminate the wall requirement on a City-wide basis when similar circumstances occur.

City Management prepared a zoning ordinance amendment that permits the Planning Commission or City Council, if required, to waive the wall requirement when there is a 200-foot distance between parking areas and a property line. This buffer area is required to contain a double row of coniferous evergreen trees (i.e., spruce, pine). Please see Amendment Option “A”.

The Planning Commission conducted a Public Hearing and recommended that when a parking area is 75 to 200 feet to a property line, a wall can be waived, with the provision of a 4-1/2 foot earthen berm. This berm includes the double row of coniferous evergreen trees as required in the City Management amendment. The Planning Commission kept the provision permitting a landscape buffer if the distance between the parking area and property line exceeded 200 feet. Please see Amendment Option “B”.

Attachments: City Management Amendment Option "A"  
Planning Commission Amendment Option "B"  
Planning Commission Minutes, April 1, 2003  
Planning Commission Minutes, April 8, 2003  
Planning Commission Minutes, April 22, 2003

cc: Planning Commission  
File/ZOTA 193

G:\Zoning Ordinance\ZOTA 193 CC 06-02-03 PH.doc

PROPOSED ZONING ORDINANCE TEXT AMENDMENT  
**OPTION A – CITY MANAGEMENT**  
**Environmental Provisions - Walls**

Amend the indicated portions of the Environmental Provisions text in the following manner:

*(Underlining, except for major section titles, denotes changes.)*

**39.00.00     ARTICLE XXXIX   ENVIRONMENTAL PROVISIONS**

39.10.00     WALLS:

39.10.01     For those use districts and uses listed below there shall be provided and maintained on those sides abutting or adjacent to a residential District an obscuring wall as required below:

<u>District/Use</u>	<u>Requirements</u>
(A)   P-1 Vehicular Parking District	4'-6" high wall
(B)   Off-street parking areas in residential Districts and C-F Districts	4'-6" high wall
(C)   B-1, B-2, B-3, H-S, O-1, O-M, O-S-C, R-C and M-1	6'-0" high wall
(D)   E-P Districts, when such are a part of a non-residential development site involving Non-Residential Zoning Districts.	4'-6" high wall
(E)   M-1 Districts - open storage area	6'-0" to 8'-0" high wall. See Article XXVIII, Section 28.25.02 and 28.30.04
(F)   Hospital ambulance and delivery areas	6'-0" high wall

(Rev. 10-7-96)

In those instances when a wall is required by Article 39.10.01(B) and there is a distance of at least two-hundred (200) feet between the property line and the off-street parking area, the Planning Commission or City Council, if applicable, may permit a landscape buffer within the two-hundred (200) foot distance, in lieu of the required wall. The landscape buffer shall include at a minimum a double row of upright coniferous evergreen trees (pine or spruce species, as acceptable to the Department of Parks and Recreation). The plantings shall be a minimum of five (5) to six (6) feet in height, planted twenty (20) feet on center. The rows shall be spaced ten (10) feet apart and staggered ten (10) feet on center. The location of such landscape buffer shall be determined by the Planning Commission or City Council, if applicable.

PROPOSED ZONING ORDINANCE TEXT AMENDMENT  
**OPTION B – PLANNING COMMISSION**  
**Environmental Provisions - Walls**

Amend the indicated portions of the Environmental Provisions text in the following manner:

*(Underlining, except for major section titles, denotes changes.)*

**39.00.00     ARTICLE XXXIX   ENVIRONMENTAL PROVISIONS**

39.10.00     WALLS:

39.10.01     For those use districts and uses listed below there shall be provided and maintained on those sides abutting or adjacent to a residential District an obscuring wall as required below:

<u>District/Use</u>	<u>Requirements</u>
(A)   P-1 Vehicular Parking District	4'-6" high wall
(B)   Off-street parking areas in residential Districts and C-F Districts	4'-6" high wall
(C)   B-1, B-2, B-3, H-S, O-1, O-M, O-S-C, R-C and M-1	6'-0" high wall
(D)   E-P Districts, when such are a part of a non-residential development site involving Non-Residential Zoning Districts.	4'-6" high wall
(E)   M-1 Districts - open storage area	6'-0" to 8'-0" high wall. See Article XXVIII, Section 28.25.02 and 28.30.04
(F)   Hospital ambulance and delivery areas	6'-0" high wall

(Rev. 10-7-96)

In those instances when a wall is required by Article 39.10.01(B) and there is a distance of at least two hundred (200) feet between the property line and the off-street parking area, the Planning Commission or City Council, if applicable, may permit a landscape buffer within the two hundred (200) foot distance, in lieu of the required wall. In those instances where there is less than two hundred (200) feet but at least seventy five (75) feet between the property line and the off-street parking area, the Planning Commission may permit a landscaped berm, in lieu of the required wall. The landscaped berms shall be at least four and one half (4 1/2) feet in height and the landscape buffer shall include at a minimum a double row of upright coniferous evergreen trees (pine

or spruce species, as acceptable to the Department of Parks and Recreation). The plantings shall be a minimum of five (5) to six (6) feet in height, planted twenty (20) feet on center. The rows shall be spaced ten (10) feet apart and staggered ten (10) feet on center. The location of such landscape buffer or landscaped berm shall be determined by the Planning Commission or City Council, if applicable.

10. ORDINANCE REVISION DISCUSSION – Environmental Provisions – Walls – Article 39.10.01 (ZOTA # 193)

Mr. Miller reported that City Management is aware that one of the Commission's future tasks is the review of wall and landscaping standards, but that a practical problem in completing construction of the Section 1 Golf Course has occurred. Mr. Miller recollected that the Planning Commission made a recommendation to City Council to construct a berm in lieu of the required wall adjacent to the maintenance area parking lot, and that City Council overrode that recommendation because they prefer not to seek variances as a general rule. Mr. Miller cited that City Council had no concerns with the berm, but concerns with the City itself seeking a variance. In addition, the City purchased the Mead property that abutted the maintenance building and parking lot to the west. The property purchase resulted in the maintenance area parking lot being over 200 feet from the new Golf Course property line.

Mr. Miller reported that City Management developed the opinion that when a parking lot is at least 200 feet from a property line, a landscape buffer would be sufficient to screen headlights and automobiles. Mr. Miller provided a draft ordinance amendment that gives authority to the Planning Commission to permit the distance and landscaping in lieu of the required wall, and noted that the proposed ordinance text amendment has been published as a Public Hearing item for the April 8, 2003 Planning Commission Regular Meeting.

Mr. Vleck questioned the timing of the proposed ordinance change and City Council's reasoning for not seeking a variance.

Mr. Schultz wondered what City Council and staff's reception would be if a developer insisted on changing an ordinance to get what he/she desires on a site plan. Additionally, Mr. Schultz recalled that at the time the Mead property was acquired, it was City Council's intent to sell the property after the necessary easements had been obtained. He believes that if the change is wanted specifically at this point in time for the Golf Course, there should be something in writing stipulating that the Mead property has permanently become part of the Golf Course and that it would not be sold without a vote of the people.

Ms. Pennington questioned what plan is in place for the Mead property.

Mr. Storrs commented that the Commission reviewed of the Golf Course site plan and made its recommendation on that defined site plan which was not inclusive of the Mead property, and noted agreement with Mr. Schultz.

Ms. Lancaster confirmed that a City vote would be required to sell land acquired for parks and recreational purposes, and agreed that a setback on the Mead property

would have to be determined and a revised site plan would have to come back before the Commission.

Mr. Miller said that he would confirm if the Mead property was or was not incorporated in the Golf Course site plan at the time of City Council review and consideration.

Chairman Littman referenced the City Manager's memorandum dated April 1, 2003, that was sent to the Commission late this afternoon with respect to "Methodology to Propose Ordinance Changes; in this Case, Off-Street Parking." Chairman Littman questioned if the Golf Course matter has gone through the empirical analysis that the City Manager is proposing for all ordinance changes.

Mr. Schultz referenced the partnership between the Commission and City Management that the City Manager spoke of at an earlier Planning Commission meeting, and stated that the proposed ordinance change specifically addressing the Golf Course matter should be held to the same standards.

Mr. Vleck questioned the specifications quoted in the proposed ordinance change.

Mr. Miller stated that the language used in the proposed ordinance amendment references standard language used in the Zoning Ordinance that relates to other berm situations and the landscape design tree preservation ordinance.

Chairman Littman directed the Planning Department to place the City Manager's memorandum "*Methodology to Propose Ordinance Changes; in this Case, Off-street Parking*" on a future agenda for discussion.

Mr. Chamberlain requested that the Planning Department prepare a report on the City's position on the Mead property; i.e., what is the City's plan for the property, how does the property tie into the Golf Course, and if the property was inclusive of City Council's site plan approval.

Mr. Schultz requested a descriptive site plan showing the relationship of the wall, the Mead property and the maintenance area parking lot.

## ZONING ORDINANCE TEXT AMENDMENTS

### 12. PUBLIC HEARING - ZONING ORDINANCE TEXT AMENDMENT (ZOTA-193) – Article 39.00.00 Parking Screen Wall Waiver

Mr. Savidant presented a review of the Parking Screen Wall Waiver zoning ordinance text amendment. The proposed amendment was initiated because of a practical problem at the Section 1 Golf Course with respect to the maintenance area parking lot. Mr. Savidant stated that City Management recommends amending the existing environmental provision of the ordinance that would essentially provide more landscaping in lieu of a wall in instances where the property line next to a residential district is 200 feet or more from an off-street parking area. Mr. Savidant said that he was informed by the Real Estate and Development Department that the Mead property is not officially a part of the Golf Course yet and the City at this time is not selling the property nor are there any specific plans for the property.

Discussion followed with respect to revising the distance between the property line and the off-street parking area, placing restrictions on the location of the landscape buffer within the designated distance, and including the term landscape berm.

Mr. Savidant reminded the Commission that this text amendment would affect all property in the City, not just the Section 1 Golf Course and the Mead property.

The Commission requested the Planning Department provide a scaled drawing of the affected area inclusive of the proposed landscape buffer and the Mead property.

#### PUBLIC HEARING OPENED

No one was present to speak.

#### PUBLIC HEARING CLOSED

There was brief discussion.

**Resolution**

Moved by Waller

Seconded by Wright

RESOLVED, that the Planning Commission hereby recommends to the City Council that ARTICLE XXXIX (ENVIRONMENTAL PROVISIONS) of the Zoning Ordinance, be amended to read as follows:

*(Underlining, except for major section titles, denotes changes.)*

39.00.00    ARTICLE XXXIX    ENVIRONMENTAL PROVISIONS

39.10.00    WALLS:

**39.10.01    For those use districts and uses listed below there shall be provided and maintained on those sides abutting or adjacent to a residential District an obscuring wall as required below:**

	<u>District/Use</u>	<u>Requirements</u>
(A)	P-1 Vehicular Parking District	4'-6" high wall
(B)	Off-street parking areas in residential Districts and C-F Districts	4'-6" high wall
(C)	B-1, B-2, B-3, H-S, O-1, O-M, O-S-C, R-C and M-1	6'-0" high wall
(D)	E-P Districts, when such are a part of a non-residential development site involving Non-Residential Zoning Districts.	4'-6" high wall
(E)	M-1 Districts - open storage area	6'-0" to 8'-0" high wall. See Article XXVIII, Section 28.25.02 and 28.30.04
(F)	Hospital ambulance and delivery areas	6'-0" high wall

(Rev. 10-7-96)

In those instances when a wall is required by Article 39.10.01(B) and there is a distance of at least **fifty (50) feet** between the property line and the off-street parking area, the Planning Commission may permit a landscape buffer **or landscape berm** within the **fifty (50) foot** distance, in lieu of the required wall and **at a location to be determined by the Planning Commission**. The landscape buffer shall include at a minimum a double row of upright coniferous evergreen trees (pine or spruce species, as acceptable to the Department of Parks and Recreation). The plantings shall be a minimum of five (5) to six (6) feet in height, planted twenty (20) feet on center. The rows shall be spaced ten (10) feet apart and staggered ten (10) feet on center.

Discussion followed with respect to determination of the property line, hypothetical situations involving the sale of the Mead property, whether the revised motion satisfies the existing problem at the Golf Course and further revisions to the text amendment.

It was the consensus of the Commission to table the proposed ordinance text amendment to give the Planning Department an opportunity to incorporate the recommended changes into the draft text.

**Resolution**

Moved by Vleck

Seconded by Schultz

**RESOLVED**, that the Planning Commission hereby recommends that ARTICLE XXXIX (ENVIRONMENTAL PROVISIONS) of the Zoning Ordinance, be tabled to the April 22, 2003 Special/Study Meeting.

Yeas

All present (8)

Absent

Chamberlain

**MOTION CARRIED**

Chairman Littman re-opened the Public Hearing for the April 22, 2003 Special/Study Meeting.

4. PUBLIC HEARING – ZONING ORDINANCE TEXT AMENDMENT (ZOTA-193) – Article 39.00.00 Parking Screen Wall Waiver

Mr. Miller reviewed the concerns and questions raised at the April 8<sup>th</sup> Public Hearing with respect to the minimum distance required between the property line and the parking lot and the requirement of a landscaped berm or a landscape buffer. Mr. Miller reported that the Mead property has been combined with the Section 1 Golf Course. He said the City Surveyor prepared the legal descriptions for the Assessing Department to officially combine the two properties, and subsequently the appropriate documents would be filed with the County. Mr. Miller stated that if in the future there was a request to split the combined property, the split would be reviewed administratively and public notification would not be required because the approved site plan for the Golf Course did not originally include the Mead property. Mr. Miller reported that currently a wall has been approved in the maintenance parking area of the Golf Course because City Council directed management to seek an alternative to the practical issue instead of seeking a variance from the Board of Zoning Appeals. He explained that if there were a future request by City Council for a waiver of the wall that would create a distance requirement, a revised site plan would then be required for consideration of approval.

A brief discussion followed with respect to the minimum distance required between the property line and the parking lot. The Planning Department provided two options for the proposed text amendment: Option 1 provides a 50 foot requirement between the property line and parking lot for buffers and berms; and Option 2 provides a 50 foot requirement for berms and a 200-foot requirement for buffers.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Mr. Miller stated that Option 1 is not a viable option, and recommended Option 2 with a 75-foot requirement between the parking lot and property line, with a 4'6" high berm.

**Resolution**

Moved by Vleck

Seconded by Storrs

**RESOLVED**, that the Planning Commission hereby recommends to City Council that ARTICLE XXXIX (ENVIRONMENTAL PROVISIONS) of the Zoning Ordinance, be amended to read as follows:

**39.00.00 ARTICLE XXXIX ENVIRONMENTAL PROVISIONS**

39.10.00 WALLS:

39.10.01 For those use districts and uses listed below there shall be provided and maintained on those sides abutting or adjacent to a residential District an obscuring wall as required below:

	<u>District/Use</u>	<u>Requirements</u>
(A)	P-1 Vehicular Parking District	4'-6" high wall
(B)	Off-street parking areas in residential Districts and C-F Districts	4'-6" high wall
(C)	B-1, B-2, B-3, H-S, O-1, O-M, O-S-C, R-C and M-1	6'-0" high wall
(D)	E-P Districts, when such are a part of a non-residential development site involving Non-Residential Zoning Districts.	4'-6" high wall
(E)	M-1 Districts - open storage area	6'-0" to 8'-0" high wall. See Article XXVIII, Section 28.25.02 and 28.30.04
(F)	Hospital ambulance and delivery areas	6'-0" high wall

(Rev. 10-7-96)

In those instances when a wall is required by Article 39.10.01(B) and there is a distance of at least two hundred (200) feet between the property line and the off-street parking area, the Planning Commission may permit a landscape buffer within the two hundred (200) foot distance, in lieu of the required wall. In those instances where there is less than two hundred (200) feet but at least seventy five (75) feet between the property line and the off-street parking area, the Planning Commission may permit a landscaped berm, in lieu of the required wall. The landscaped berms shall be at least four and one half (4.5) feet in height and the landscape buffer shall include at a minimum a double row of upright coniferous evergreen trees (pine or spruce species, as acceptable to the Department of Parks and Recreation). The plantings shall be a minimum of five (5) to six (6) feet in height, planted twenty (20) feet on center. The rows shall be spaced ten (10) feet apart and staggered ten (10) feet on

center. The location of such landscape buffer or landscaped berm shall be determined by the Planning Commission.

Yeas  
All present (8)

Absent  
Pennington

**MOTION CARRIED**

June 9, 2003

Robert and Barbara Jackson  
3035 Daley  
Troy, Mi 48083

Regarding: Possible Exchange of City Property

Dear Mr. and Mrs. Jackson:

I enjoyed meeting with you on June 5, 2003 where we discussed the possibility of exchanging property owned by the City of Troy for a portion of your property fronting Big Beaver Road. Specifically, the City would like a continuous 30-foot strip of land that would be landscaped as part of the Rochester Commons development. To accomplish this, we spoke about the City acquiring a portion of your property, fronting on Big Beaver that equals approximately 1,500 square feet (see the attached area shaded in green). This property would be part of an exchange for you to acquire a portion of the City's remnant parcel on Big Beaver (shaded in blue & pink), which would enable you additional privacy from the Big Beaver traffic flow. This exchange would preserve the tall tree line you have planted. Of course, we would determine fair market value for this exchange and the benefiting party would pay for any additional properties going to either the City or to you. And the value would be mutually agreed to. Please know that other options are available for discussion; like a life-long lease for one dollar.

In order to arrive at a dimensioned solution, Tadian Development Company will stake the cross-section area of the berm proposed to be located through your property off of Big Beaver Road, as well as property owned by the City of Troy. And your input in this berm location would be appreciated. Further, any trees to be removed that are not part of the tall tree line would be relocated to your parcel.

We'll attempt to have this area staked as early as this week, and Doug Smith, Larysa Figol and myself look forward to working with you to reach an amicable solution.

Very truly yours,

John Szerlag,  
City Manager

cc: Tonni Bartholomew  
Doug Smith  
Larysa Figol  
Gary Tadian

C: Doug Smith

RECEIVED

JUN 10 2003

CITY OF TROY  
CITY MANAGER'S OFFICE

3035 Daley  
Troy, MI 48083

John Szerlag  
City Manager  
500 West Big Beaver  
Troy, MI 48084

Regarding: Possible exchange of City Property (Reply)

Dear John,

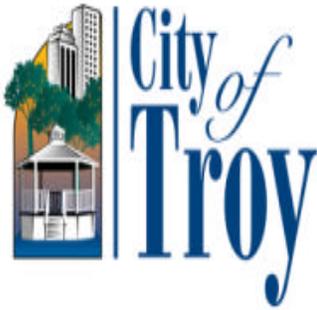
We appreciate your meeting with us to resolve matters. We have only two problems with your proposal. We would like to lose only 25 feet of our property. This would leave our apple tree (which has lots of little apples for the first time), and a little more of our garden. We do not believe the apple tree would survive a move. The 30 feet along the city property is certainly acceptable to us, except that we hope that when a berm is done that they will save the big maple tree. We believe that would make the whole thing more attractive.

A berm at the Big Beaver end of our lot and a vacation of the alley would landlock this property. Therefore we must have assurance that the alley will not be vacated. We have no intention of building on that lot but we do not know what the future holds in 20 or more years when we are no longer here.

Very truly yours,

Bob and Barbara Jackson





**TO:** Mayor and Members of Troy City Council  
**FROM:** Lori Grigg Bluhm, City Attorney  
**DATE:** May 29, 2003  
**SUBJECT:** Proposed Acknowledgement and Lease- Sylvan Glen tower

---

T-Mobile has approached our office, requesting the opportunity to co-locate on the communication tower located at Sylvan Glen Golf Course. The tower has the capacity for four providers plus the City's antennae. There are three other providers who have previously co-located on the tower- AT & T, Nextel, and Verizon. The City entered into a lease agreement with the AT & T, who constructed the tower and currently owns the tower. The City has subsequently entered into Acknowledgement and Leases for all other providers. These Acknowledgement and Leases expressly incorporate the AT & T lease agreement.

T-Mobile, through Omnipoint Holdings, has agreed to pay the attached rent schedule for the use of the tower and the equipment shelter. This rent schedule reflects the rent currently being paid by the other providers. In addition, the acknowledgement and lease term expires at the same time that the Verizon acknowledgement and lease expires. It is my recommendation that to approve the attached Acknowledgement and Lease, and allow T-Mobile to be the last entity to co-locate on the Sylvan Glen cell tower.

Keith Davidow, the attorney representing T-Mobile, will be present at the City Council meeting to respond to any questions. If you have any questions concerning the above, please let me know.

CC: John Szerlag, City Manager  
Carol Anderson, Parks and Recreation Director  
James Nash, Financial Services Director  
Mark Stimac, Building and Zoning Director  
William Nelson, Fire Chief

## ACKNOWLEDGMENT AND LEASE

This Acknowledgment and Lease (the "Acknowledgment") is made this \_\_\_\_\_ day of \_\_\_\_\_, 2003, between Omnipoint Holdings, Inc. (hereinafter Omnipoint), a Delaware corporation, whose business address is 12170 Merriman Road, Livonia, Michigan 48150, and the City of Troy (hereinafter "City"), a Michigan municipal corporation, whose address is 500 W. Big Beaver Road, Troy, MI 48084.

- A. The City and Wireless PCS, Inc., d/b/a AT & T Wireless Services (AT & T) entered into a Ground Lease dated October 6, 1998 (the "Lease") pertaining to the lease of a certain part of the City's property located at the Sylvan Glen Golf Course, Troy, Michigan (the "Property"), to enable AT & T to construct a communication tower and equipment shelter (collectively referred to as the "Tower") for use by AT & T, the City, and by other telecommunications companies.
- B. Under the terms of the Lease, AT & T is required to allow other telecommunications companies to utilize the Tower constructed by AT & T, with the rental for such use of the Tower space and a part of the City's property payable to the City.
- C. Omnipoint is interested in leasing a part of the Tower and equipment shelter constructed by AT & T as authorized by the Lease.
- D. The parties are desirous of setting forth their agreements with respect to the utilization of the Tower.

NOW THEREFORE, Omnipoint and the City agree as follows:

1. **Lease.** The City leases to Omnipoint and Omnipoint leases from the City a portion of the 21' x 42 1/2' equipment shelter constructed upon the Property, together with a non-exclusive easement for ingress and egress over the adjacent real property as legally described in the access easement and the utilities easement under the Lease. The City of Troy will also be sharing less than one half of the designated equipment shelter bay. In addition, Omnipoint may utilize the vertical space at 130 feet on the Tower unless modified by a written amendment executed by the City, Omnipoint, and AT & T. Omnipoint's Facilities and easement are collectively referred to as "Omnipoint's Premises". By entering into this Acknowledgement and Lease, the City waives any rights to install any additional equipment on the tower. This does not preclude a replacement or a repair of the City's antennae that currently exist on the tower.

2. **Consideration.** Omnipoint agrees to pay the City a lump sum of non-refundable initial payment of Fifty Thousand Dollars and no/100 (\$50,000), at the time that construction is commenced, which shall be not later than December 31, 2003. Omnipoint further agrees to pay the sum of Ten Thousand Dollars and no/100 (\$10,000) for the purchase of microwave communications equipment, which shall be paid at the time that construction is commenced, which shall be not later than December 31, 2003. These payments are made in connection with the negotiation of the Lease and in lieu of the annual rent for part of the initial four year term commencing July 1, 2003. Omnipoint shall pay the City as annual rent for the Premises each year during the term of this Lease, the rent specified on the attached Exhibit A, which annual rent payment shall commence without further notice on July 1, 2007.
3. **Notification.** Any written communication between the parties shall be sent to the following:
  - (a) **City:** City Manager, **City of Troy**, 500 W. Big Beaver Rd., Troy, MI 48085, with a copy sent to City Attorney, **City of Troy**, 500 W. Big Beaver Rd., Troy, MI 48084
  - (b) **Omnipoint:** **T-Mobile USA, Inc.**, Attn. PCS Lease Administrator, 12920 SE 38<sup>th</sup> Street, Bellevue, WA 98006, with a copy to **T-Mobile USA, Inc.**, Attn. Legal Department, 12920 SE 38<sup>th</sup> Street, Bellevue, WA 98006, and a copy sent to **Omnipoint Holdings, Inc.**, Attn. Marketing Director, 12170 Merriman Road, Livonia, MI 48150 and a copy sent to **Omnipoint Holdings, Inc., c/o T-Mobile USA, Inc.**, Attn. Lease Administration Manager, 8550 W. Bryn Mawr Ave., Chicago, IL 60631.
4. **Consent to be bound by Lease.** Omnipoint agrees and acknowledges that it has reviewed the terms of the Lease between the City of Troy and AT & T. Omnipoint agrees to be bound by paragraphs 1-36 of the Lease as if it were a tenant under such Lease. Such terms are incorporated by reference into this Acknowledgement.
5. **Insurance and Indemnity.** Omnipoint shall provide the City with copies of insurance naming the City as an additional insured party, as required by paragraph 21 of the Lease. Omnipoint agrees to assume the risks of a tenant under such Lease and indemnify the City in accordance with the terms set forth in the Lease, including

but not limited to, the indemnification pertaining to hazardous substances.

6. **Waiver of City's Lien.** The City waives any lien rights it may have concerning Omnipoint's Facilities that are deemed Omnipoint's personal property and not fixtures, and Omnipoint has the right to remove the same at any time without the City's consent.
7. **Assignment.** Omnipoint may not assign, or otherwise transfer all or any part of its interest in this Acknowledgment or in Omnipoint's Premises without the prior written consent of the City; provided, however, that Omnipoint may assign its interest to its parent company, any subsidiary or affiliate or to any successor-in-interest or entity acquiring fifty-one percent (51%) or more of its stock or assets, subject to any financing entity's interest, if any, in this Acknowledgment as set forth in Paragraph 5 above. The City may assign this Acknowledgment upon written notice to Omnipoint, subject to the assignee assuming all of the City's obligations herein, including but not limited to, those set forth in Paragraph 5 above.
8. **Authority.** By execution of this Acknowledgement, each party acknowledges that it has the authority to execute this document on behalf of the party for whom it is signing this Agreement.
9. **Inconsistencies.** In the case of any inconsistencies between the terms and conditions contained in the Lease Agreement entered into October 6, 1998, between the City and AT & T, hereby acknowledged, the terms and conditions herein shall control.

IN WITNESS HEREOF, the parties have executed this Acknowledgment on the date set forth below.

WITNESS:

**OMNIPOINT HOLDINGS, INC.**

\_\_\_\_\_

\_\_\_\_\_  
By: Greg Cisewski  
Its: Vice President of  
Engineering and Operations

\_\_\_\_\_

The foregoing instrument was acknowledged before me on this \_\_\_\_\_ day of \_\_\_\_\_, 2003 by Greg Cisewski, Vice President of Engineering and Operations of **Omnipoint Holdings, Inc.**

\_\_\_\_\_  
Notary Public  
\_\_\_\_\_ County, \_\_\_\_\_  
My Commission Expires \_\_\_\_\_

WITNESS:

\_\_\_\_\_  
  
\_\_\_\_\_

CITY OF TROY

By: \_\_\_\_\_  
Matt Pryor, Mayor

By: \_\_\_\_\_  
Tonni L. Bartholomew  
City Clerk

The foregoing instrument was acknowledged before me on this \_\_\_\_\_ day of \_\_\_\_\_, 2003 by Matt Pryor, Mayor of the City of Troy, and Tonni L. Bartholomew, Troy City Clerk.

\_\_\_\_\_  
Notary Public  
\_\_\_\_\_ County, Michigan  
My Commission Expires \_\_\_\_\_

EXHIBIT A

RENT

Years 1-4

Annual Rent

1. July 1, 2003- June 30, 2004	\$0
2. July 1, 2004- June 30, 2005	\$0
3. July 1, 2005- June 30, 2006	\$0
4. July 1, 2006- June 30, 2007	\$0

Years 5-9

5. July 1, 2007- June 30, 2008	\$14,400
6. July 1, 2008- June 30, 2009	\$14,400
7. July 1, 2009- June 30, 2010	\$16,800
8. July 1, 2010- June 30, 2011	\$16,800
9. July 1, 2011- June 30, 2012	\$16,800

Years 10-14

10. July 1, 2012- June 30, 2013	\$16,800
11. July 1, 2013- June 30, 2014	\$16,800
12. July 1, 2014- June 30, 2015	\$19,200
13. July 1, 2015- June 30, 2016	\$19,200
14. July 1, 2016- June 30, 2017	\$19,200

Years 15-19

15. July 1, 2017- June 30, 2018	\$19,200
16. July 1, 2018- June 30, 2019	\$19,200
17. July 1, 2019- June 30, 2020	\$21,600
18. July 1, 2020- June 30, 2021	\$21,600
19. July 1, 2021- June 30, 2022	\$21,600

Years 20-24

20. July 1, 2022- June 30, 2023	\$21,600
21. July 1, 2023- June 30, 2024	\$21,600
22. July 1, 2024- June 30, 2025	\$24,000
23. July 1, 2025- June 30, 2026	\$24,000
24. July 1, 2026- June 30, 2027	\$24,000

A Regular Meeting of the Troy City Council was held Monday, June 2, 2003, at City Hall, 500 W. Big Beaver Road. Mayor Pryor called the Meeting to order at 7:42 P.M.

The Invocation was given by Mr. Robert McIlwaine – First Baptist Church and the Pledge of Allegiance to the Flag was given.

## ROLL CALL

**PRESENT:** Mayor Matt Pryor  
Robin E. Beltramini (Absent)  
Cristina Broomfield  
David Eisenbacher  
Martin F. Howrylak  
David A. Lambert  
Jeanne M. Stine

### Resolution to Excuse Council Member Beltramini

Resolution #2003-06-273  
Moved by Lambert  
Seconded Stine

RESOLVED, That Council Member Beltramini's absence be excused due to her being out of the county.

Yes: Pryor, Broomfield, Eisenbacher, Howrylak, Lambert, Stine  
No: None  
Absent: Beltramini

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**A-1 Presentations:** (a) Mayor Pryor presented a proclamation to student representatives from Smith Middle School for "Students Taking A New Direction" (STAND) program; (b) Proclamation to honor William McCabe as the 2002 Police Officer of the Year; (c) Proclamation to honor JoAnn Irvin as the 2002 Non-Sworn Police Department Employee of the Year; (d) Mayor Pryor presented a proclamation to honor Robert Potts as the 2002 Fire Fighter of the Year on behalf of the City of Troy; and (e) Mayor Pryor introduced Fred Wong – Student Representative Applicant for the Downtown Development Authority (DDA)

## PUBLIC HEARINGS

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**C-1 Parking Variance – 208 W. Fourteen Mile (Proposed Address) – Krispy Kreme Doughnuts, Oakland Mall**

Resolution #2003-06-274  
Moved by Lambert  
Seconded by Eisenbacher

WHEREAS, Articles XLIII and XLIV (43.00.00 and 44.00.00) of the Zoning Ordinance provide that the City Council may grant variances from the off-street parking requirements of the Zoning Ordinance upon general findings that:

1. The variance would not be contrary to public interest or general purpose and intent of the Zoning Ordinance.
2. The variance does not permit the establishment of a prohibited use as a principal use within a zoning district.
3. The variance does not cause an adverse effect to properties in the immediate vicinity or zoning district.
4. The variance relates only to property described in the application for variance; and

WHEREAS, Article XLIII (43.00.00) requires that in granting, the City Council shall find that the practical difficulties justifying the variances are:

- A. That absent a variance, no reasonable use can be made of the property; or
- B. That absent a variance, a significant natural feature would be negatively affected or destroyed; or
- C. That absent a variance, public health, safety and welfare would be negatively affected; or
- D. That literal enforcement of the Zoning Ordinance precludes full enjoyment of the permitted use and makes conforming unnecessarily burdensome. In this regard, the City Council shall find that a lesser variance does not give substantial relief, and that the relief requested can be granted within the spirit of the Ordinance, and within the interests of public safety and welfare; and

WHEREAS, The City Council finds the above-stated general conditions to be present and finds the practical difficulty stated above to be operative in the appeal;

NOW, THEREFORE, BE IT RESOLVED, That the request from DRM Development Company, representing Sears for waiver of 88 parking spaces at the development at 208 W. Fourteen Mile (proposed address) be **APPROVED**.

Yes: Broomfield, Eisenbacher, Howrylak, Lambert, Stine, Pryor  
 No: None  
 Absent: Beltramini

## **C-2 Commercial Vehicle Appeal – 1093 W. Wattles**

### **Vote on Postponement**

Resolution #2003-06-275  
 Moved by Eisenbacher  
 Seconded by Howrylak

RESOLVED, That the Public Hearing for the Request for Commercial Vehicle Appeal – 1093 W. Wattles be **POSTPONED** until the Regular City Council Meeting scheduled for Monday, June 16, 2003.

Yes: Eisenbacher, Howrylak, Lambert, Stine, Pryor, Broomfield  
 No: None

Absent: Beltramini

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**C-3 Zoning Ordinance Text Amendment – Article XXXIX (ZOTA 193) – Environmental Provisions – Walls, Article 39.00.00**

**Vote on Postponement**

Resolution #2003-06-276  
Moved by Howrylak  
Seconded by Stine

RESOLVED, That Public Hearing for Proposed Zoning Ordinance Text Amendment – Article XXXIX (ZOTA 193) – Environmental Provisions – Walls, Article 39.00.00 be **POSTPONED** until the Regular City Council Meeting scheduled for Monday, June 16, 2003.

Yes: Howrylak, Lambert, Stine, Pryor, Broomfield, Eisenbacher  
No: None  
Absent: Beltramini

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**C-4 Special Assessment District – Standard Resolution #2 – 2 Speed Humps-Chestnut Hill and Walnut Hill – No Petition Received from Residents; No Action Taken by City Council**

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**C-5 Proposed Alley Vacation – Daley Street**

**Vote on Postponement**

Resolution #2003-06-277  
Moved by Stine  
Seconded by Eisenbacher

RESOLVED, That Public Hearing for Proposed Alley Vacation – Daley Street be **POSTPONED** until the Regular City Council Meeting scheduled for Monday, June 16, 2003.

Yes: Lambert, Stine, Pryor, Broomfield, Eisenbacher, Howrylak  
No: None  
Absent: Beltramini

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**POSTPONED ITEMS**

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**D-1 Project X**

Resolution #2003-06-  
Moved by Stine  
Seconded by Howrylak

RESOLVED, That the City Council **APPROVES** the placement of the Project X artwork to include sites on public property.

**Vote on Amendment**

Resolution #2003-06-278  
Moved by Eisenbacher  
Seconded by Howrylak

RESOLVED, That the Postponed Resolution on Project X be **AMENDED** by **STRIKING** "APPROVES the placement of Project X artwork to include sites on public property." and **INSERTING** "ACCEPT the letter of withdrawal from the petitioner."

Yes: Stine, Pryor, Broomfield, Eisenbacher, Howrylak, Lambert  
No: None  
Absent: Beltramini

**Proposed Amended Main Motion**

Resolution #2003-06-279  
Moved by Stine  
Seconded by Howrylak

RESOLVED, That the City Council **ACCEPT** the letter of withdrawal from the petitioner.

Yes: Pryor, Broomfield, Eisenbacher, Howrylak, Lambert, Stine  
No: None  
Absent: Beltramini

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**D-2 Commercial Vehicle Appeal – 4101 Cherrywood – Continuation of Public Hearing**

Resolution #2003-06-  
Moved by Stine  
Seconded by Lambert

WHEREAS, Section 44.02.02 of Chapter 39, Zoning, of the Code of the City of Troy provides that actions to grant appeals to the restrictions on outdoor parking of commercial vehicles in residential districts pursuant to Section 40.66.00 of Chapter 39 of the Code of the City of Troy "shall be based upon at least one of the following findings by the City Council:

- A. The occurrence of the subject commercial vehicle on the residential site involved is compelled by parties other than the owner or occupant of the subject residential site (e.g. employer).
- B. Efforts by the applicant have determined that there are no reasonable or feasible alternative locations for the parking of the subject commercial vehicle.
- C. A garage or accessory building on the subject residential site cannot accommodate, or cannot reasonably be constructed or modified to accommodate, the subject commercial vehicle.
- D. The location available on the residential site for the outdoor parking of the subject commercial vehicle is adequate to provide for such parking in a manner which will not negatively impact adjacent residential properties, and will not negatively impact pedestrian and vehicular movement along the frontage street(s)."; and

WHEREAS, The City Council of the City of Troy has not found that the petitioner has demonstrated the presence of condition(s), justifying the granting of a variance:

NOW, THEREFORE, BE IT RESOLVED, That the request from Kenneth Follis – 4101 Cherrywood, for waiver of Chapter 39, Section 40.66.00, of the Code of the City of Troy, to permit outdoor parking of a Ford one-ton stake truck in a residential district is hereby **DENIED**.

### **Vote on Postponement**

Resolution #2003-06-280

Moved by Pryor

Seconded by Stine

RESOLVED, That Request for Commercial Vehicle Appeal – 4101 Cherrywood – Continuation of Public Hearing be **POSTPONED** until the Regular City Council Meeting scheduled for Monday, July 21, 2003.

Yes: Broomfield, Eisenbacher, Howrylak, Lambert, Stine, Pryor

No: None

Absent: Beltramini

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### **D-3 Standard Purchasing Resolution 8: Best Value Award – Emergency Medical Services Contract – Known and Possible Ramifications for Award to Other than the Recommended Best Value Company – Emergency Medical and First Responder Services**

Resolution #2003-06-281

Moved by Broomfield

Seconded by Stine

RESOLVED, That a three-year contract to provide for Emergency Medical Services with an option to extend for three additional one-year periods is hereby **AWARDED** to the low bidder submitting the best value proposal, Alliance Mobile Health, which the Troy City Council determines to be in the public interest at unit prices contained in the tabulation opened January

31, 2003 for an estimated cost of \$463,623.00 per year, a copy of which shall be **ATTACHED** to the original Minutes of this meeting; and

BE IT FURTHER RESOLVED, That the award is **CONTINGENT** upon contractor submission of properly executed proposal documents, including insurance certificates and all other specified requirements.

Yes: Eisenbacher, Howrylak, Lambert, Stine, Broomfield  
No: Pryor  
Absent: Beltramini

**MOTION CARRIED**

**RECESS: 9:50 PM – 10:14 PM**

---

**D-4 Appointments to Boards and Committees: City Council Appointments: Ethnic Community Issues Advisory Committee**

**(b) City Council Appointments**

Resolution #2003-06-282  
Moved by Lambert  
Seconded by Beltramini

RESOLVED, That the following persons are hereby **APPOINTED** by the City Council to serve on the Boards and Committees as indicated:

**Ethnic Community Issues Advisory Committee**

---

**Appointed by Council (9) – 3 years**

Flora M. Tan **Unexpired term expires 09/30/05**

Charles Yuan **Unexpired term expires 09/30/05**

Yes: Howrylak, Lambert, Stine, Pryor, Broomfield, Eisenbacher  
No: None  
Absent: Beltramini

**PUBLIC COMMENT:**

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**A. Items on the Current Agenda**

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**E-5 Application for New Specially Designated Merchant (SDM) Licensed Business by Gabriel Imported Foods, Inc.****(a) New SDM Licensed Business**

Resolution #2003-06-283a

Moved by Eisenbacher

Seconded by Stine

RESOLVED, That the request from Gabriel Imported Foods, Inc. for a new Specially Designated Merchant (SDM) licensed business, located at 42889 Dequindre Road, Troy, MI 48085, Oakland County, [MLCC REQ ID# 177687]; be **CONSIDERED** for **APPROVAL**.

Yes: Lambert, Stine, Pryor, Broomfield, Eisenbacher, Howrylak

No: None

Absent: Beltramini

**(b) Agreement**

Resolution #2003-06-283b

Moved by Eisenbacher

Seconded by Stine

WHEREAS, The City Council of the City of Troy deems it necessary to enter agreements with applicants for liquor licenses for the purpose of providing civil remedies to the City of Troy in the event licensees fail to adhere to Troy Codes and Ordinances.

NOW, THEREFORE BE IT RESOLVED, That the City of Troy hereby **APPROVES** an agreement with Gabriel Imported Foods, Inc. which shall become effective upon the approval of the request for a new Specially Designated Merchant (SDM) licensed business, located at 42889 Dequindre Road, Troy, MI 48085; and the Mayor and City Clerk are **AUTHORIZED** to **EXECUTE** the document, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

Yes: Lambert, Stine, Pryor, Broomfield, Eisenbacher, Howrylak

No: None

Absent: Beltramini

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**Suspend City Council Rules # 5 and Change Order of Business**

Resolution #2003-06-284  
Moved by Stine  
Seconded by Lambert

RESOLVED, That City Council suspend Rules of Procedure #5 and move forward Item G-11 – Cricket Field – Resident Concerns on the current agenda.

Yes: Stine, Pryor, Broomfield, Eisenbacher, Howrylak. Lambert  
No: None  
Absent: Beltramini

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**G-11 Memorandum – Cricket Field – Resident Concerns**

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**E-23 Private Agreement for Woodside Bible Church – Project No. 01.945.3**

Council Member Broomfield disclosed that she is a member of the Woodside Bible Church congregation.

Resolution #2003-06-285  
Moved by Eisenbacher  
Seconded by Stine

RESOLVED, That the Contract for the Installation of Municipal Improvements (Private Agreement) between the City of Troy and Woodside Bible Church is hereby **APPROVED** for the installation of water main, storm sewer, detention basin, sanitary sewer, sidewalks, landscaping, soil erosion control measures and paving on the site and in the adjacent right-of-way, 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: Pryor, Broomfield, Eisenbacher, Howrylak. Lambert, Stine  
No: None  
Absent: Beltramini

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**F-4 Final Planned Unit Development Approval and Planned Unit Development Agreement Approval - Woodside Bible Church (Formerly Troy Baptist Church)/Northwyck Planned Unit Development (PUD-1), Located on the East Side of Rochester Road, North of Square Lake Road and South of South Boulevard – Section 2**

Resolution #2003-06-286  
Moved by Lambert  
Seconded by Eisenbacher

RESOLVED, That the Final Plan and Agreement for a Planned Unit Development, pursuant to Section 35.60.01 and Section 35.80.00, as requested by the Robertson Brothers Co. and

Woodside Bible Church, for the Woodside Bible Church/Northwyck Planned Unit Development (FKA Troy Baptist PUD), located on the east side of Rochester Road and south of South Boulevard, located in section 2, within the R-1D zoning district, being 89.83 acres in size, is hereby **APPROVED** and shall be known as PUD - 1;

BE IT FURTHER RESOLVED, That the PUD Plans for the Woodside Bible Church/Northwyck Planned Unit Development, as approved by the Troy City Council (referred to herein as the "Site Plans"), shall **INCLUDE** the following:

1. The Final Plan consists of a document dated May 15, 2003, the document contains narratives and the following reduced plans:

GWE1	Final Site Plan Cover, 04/11/03
GWE2	Land Use/General Development Map, 04/11/03
GWE3	Natural Features Plan, 04/11/03
GWE4	Tree Inventory Plan, 04/11/03
GWE5	Storm Water Management Plan, 04/11/03
GWE6	Utility Layout Plan, 04/11/03
GWE7	Final Site Plan, 04/11/03
GWE8	Final Site Plan, 04/11/03
GWE9	Final Site Plan, 04/11/03
GWE10	Final Site Plan, 04/11/03
GWE11	Preliminary Site Plan, 04/11/03
L1	Overall Site Landscape/Tree Preservation Plan, 05/09/03
L2	The Townes Site Landscape Plan, 05/09/03
L3	The Townes Unit Landscape Plan, 05/09/03
L4	The Villas Site Landscape Plan, 05/09/03
L5	The Villas Site Landscape Plan, 05/09/03
L6	The Villas Unit Landscape Plan, 05/09/03
L7	Clubhouse Layout Plan, 05/09/03
L8	Clubhouse Planting Plan, 05/09/03
L9	Clubhouse Detail Plan, 05/09/03
L10-N	Northwyck Entrance (Northern Wall), 05/09/03
L10-S	Northwyck Entrance (Southern Wall), 05/09/03
L11	Northwyck Entrance Planting Plan, 05/09/03
L12	Seed and Sod Plan, 04/18/03
L13	Landscape Planting Details, 1/15/03

BE IT FURTHER RESOLVED, That the Mayor and City Clerk are hereby **AUTHORIZED** to **EXECUTE** the Development Agreement for the Woodside/Northwyck Planned Unit Development dated May 28, 2003; a copy shall be **ATTACHED** to the original Minutes of this meeting.

BE IT FURTHER RESOLVED, That the Mayor and City Clerk are hereby **AUTHORIZED** to **EXECUTE** the Conservation and Access Easement dated May 28, 2003; a copy shall be **ATTACHED** to the original Minutes of this meeting.

BE IT FURTHER RESOLVED, That the Woodside Bible Church/Northwyck Planned Unit Development Agreement and the Conservation and Access Easement be **RECORDED** with the Oakland County Register of Deeds.

Yes: Broomfield, Eisenbacher, Howrylak. Lambert, Stine, Pryor  
No: None  
Absent: Beltramini

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**F-5 Final Preliminary Plat Review – The Estates at Cambridge Subdivision – Section 18- R-1B**

Resolution #2003-06-287  
Moved by Stine  
Seconded by Broomfield

RESOLVED, That Final Approval of the Preliminary Plat for The Estates at Cambridge Subdivision located on the east side of Beach Road, north of Wattles Road and south of Long Lake Road, within Section 18 is hereby **GRANTED**; and

BE IT FURTHER RESOLVED, That the Mayor and City Clerk are hereby **AUTHORIZED TO EXECUTE** the Subdivision Agreement, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

Yes: Eisenbacher, Howrylak. Lambert, Stine, Pryor, Broomfield  
No: None  
Absent: Beltramini

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**G-7 Memorandum (Green) – Re: Joel Garrett Property – Section 11**

**Suspend City Council Rules #21 and Continue with Agenda**

Resolution #2003-06-288  
Moved by Broomfield  
Seconded by Stine

RESOLVED, That the City Council suspend the Rules of Procedure #21 and continue discussion on Agenda items to 12:30 A.M.

Yes: Howrylak. Lambert, Stine, Pryor, Broomfield, Eisenbacher  
No: None  
Absent: Beltramini

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**B. Items Not on the Current Agenda**

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**CONSENT AGENDA**

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**E-1 Approval of Consent Agenda**

Resolution #2003-06-289  
Moved by Stine  
Seconded by Broomfield

RESOLVED, That all items as presented on the Consent Agenda are hereby **APPROVED** as presented with the exception of Items E-12, E-13 and E-18, which shall be considered after Consent Agenda (E) items, as printed.

Yes: Lambert, Stine, Pryor, Broomfield, Eisenbacher, Howrylak  
No: None  
Absent: Beltramini

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**E-2 Minutes: Regular Meeting of May 12, 2003 and Special Meeting of May 13, 2003**

Resolution #2003-06-289-E-2

RESOLVED, That the Minutes of the 7:30 PM Regular Meeting of May 12, 2003 and the Minutes of the 7:30 PM Special Meeting of May 13, 2003, be **APPROVED** as submitted.

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**E-3 City of Troy Proclamations:**

Resolution #2003-06-289-E-3

RESOLVED, That the following City of Troy Proclamations be **APPROVED**:

- (a) William McCabe – 2002 Police Officer of the Year
- (b) JoAnn Irvin – 2002 Non-Sworn Police Department Employee of the Year
- (c) Robert Potts – 2002 Fire Fighter of the Year
- (d) 6<sup>th</sup> Annual Celebration of Life Picnic – William Beaumont Hospital

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**E-4 Excuse Council Member Eisenbacher's Absence from Closed Session Held on Monday, May 12, 2003**

Resolution #2003-06-289-E-4

RESOLVED, That Council Member Eisenbacher's absence from the Closed Session held on Monday, May 12, 2003 be **EXCUSED** due to his being outside the county.

**E-6 Revisions to Chapter 60 and Chapter 83 of the Troy City Code Regarding Fence Permit Fees****(a) Fee Language in Chapter 60 – Section 60.03**

Resolution #2003-06-289-E-6a

RESOLVED, That an ordinance amendment to Chapter 60, Section 60.03 is hereby **ADOPTED** as recommended by the City Manager, a copy of this ordinance shall be **ATTACHED** to the original Minutes of this meeting.

**(b) Fee Language in Chapter 83 – Section 5**

Resolution #2003-06-289-E-6b

RESOLVED, That an ordinance amendment to Chapter 83, Section 5 is hereby **ADOPTED** as recommended by the City Manager, a copy of this ordinance shall be **ATTACHED** to the original Minutes of this meeting.

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**E-7 Request for Acceptance of Permanent Water Main Easement Sidwell #88-20-17-200-025, Project No. 97.906.3 – Long Lake/Northfield, L.L.C.**

Resolution #2003-06-289-E-7

RESOLVED, That the Permanent Easement for Water Main from Long Lake/Northfield, L.L.C., having Sidwell #88-20-17-200-025, is hereby **ACCEPTED**.

BE IT FURTHER RESOLVED, That the City Clerk is hereby directed to **RECORD** said 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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**E-8 Request for Acceptance of Permanent Public Utilities and Clear Vision Easement and Permanent Water Main Easement Sidwell #88-20-28-101-019, Candlewood, Troy, MI, L.L.C. – Project 97.919.3**

Resolution #2003-06-289-E-8

RESOLVED, That the Permanent Easement for Public Utilities and Clear Vision and Permanent Easement for Water Main from Candlewood Troy, MI, L.L.C., having Sidwell #88-20-28-101-019, are hereby **ACCEPTED**.

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

---

**E-9 Standard Purchasing Resolution 1: Award to Low Bidder - Cable Bulletin Board System**

Resolution #2003-06-289-E-9

RESOLVED, That a contract for Cable Bulletin Board System is hereby **AWARDED** to the low bidder, City Animation at prices contained in the bid tabulation opened April 14, 2003, a copy of which shall be **ATTACHED** to the original Minutes of this meeting, at an estimated total cost of \$12,810.00, contingent upon contractor submission of properly executed bid and contract documents including insurance certificates and all other specified requirements.

BE IT FURTHER RESOLVED, That the Maintenance Contracts for website and internet software are hereby **REJECTED**, as well for news and weather subscription services, software to provide for Website presence and content, and software to change or update content through the internet.

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**E-10 Mar-ty, L.L.C. and Marriott International, Inc., 200 W. Big Beaver, Troy, Oakland County, Request to Transfer Ownership of 2002 B-Hotel Licensed Business With Dance-Entertainment Permit, Official Permit (Food), and 8 Bars from CHC REIT Lessee Corp.; PA Troy Hospitality Investors LP, and CHC REIT Management Corporation (Step II). Request to add Marriott International, Inc. as Co-Licensee in 2002 B-Hotel Licensed Business With Dance-Entertainment Permit, Official Permit (Food) and 8 Bars (Step III). [MLCC REQ ID# 95266]****(a) License Transfer**

Resolution #2003-289-E-10a

RESOLVED, that the request by Mar-ty, L.L.C. and Marriott International, Inc., 200 W. Big Beaver, Troy, Oakland County, to transfer ownership of 2002 B-Hotel licensed business with Dance-Entertainment Permit, Official Permit (Food), and 8 bars from CHC REIT Lessee Corp.; PA Troy Hospitality Investors LP, and CHC REIT Management Corporation (Step II). Request to add Marriott International, Inc. as co-licensee in 2002 B-Hotel licensed business with Dance-Entertainment Permit, Official Permit (Food) and 8 bars (Step III). [MLCC REQ ID# 95266], be considered for **APPROVAL**.

It is the consensus of this legislative body that the application be recommended for issuance.

**(b) Agreement**

Resolution #2003-289-E-10b

WHEREAS, the City Council of the City of Troy deems it necessary to enter agreements with applicants for liquor licenses for the purpose of providing civil remedies to the City of Troy in the event licensees fail to adhere to Troy Codes and Ordinances;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Troy hereby **APPROVES** an agreement with Mar-ty, L.L.C. and Marriott International, Inc., 200 W. Big

Beaver, Troy, Oakland County, to transfer ownership of 2002 B-Hotel licensed business with Dance-Entertainment Permit, Official Permit (Food), and 8 bars from CHC REIT Lessee Corp.; PA Troy Hospitality Investors LP, and CHC REIT Management Corporation (Step II). Request to add Marriott International, Inc. as co-licensee in 2002 B-Hotel licensed business with Dance-Entertainment Permit, Official Permit (Food) and 8 bars (Step III). [MLCC REQ ID# 95266], a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

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**E-11 Rejection of Bid – Fishing Pier**

Resolution #2003-06-289-E-11

RESOLVED, That the bid proposal for ITB-COT 03-14, to design, furnish and install a Fishing Pier at Sylvan Glen Park, opened May 7, 2003, is hereby **REJECTED**.

---

**E-14 Request for Acceptance of Permanent Sanitary Sewer Easement and Permanent Water Main Easement – Sidwell #88-20-08-476-013 – Hughes & Sheila Potiker**

Resolution #2003-06-289-E-14

RESOLVED, That the Permanent Easement for Sanitary Sewer and the Permanent Easement for Water Main from Hughes and Sheila Potiker, having Sidwell #88-20-08-476-013, are hereby **ACCEPTED**.

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

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**E-15 Private Agreement for Empire Electronics – Project No. 03.902.3**

Resolution #2003-06-289-E-15

RESOLVED, That the Contract for the Installation of Municipal Improvements (Private Agreement) between the City of Troy and Empire Electronics is hereby **APPROVED** for the installation of water main on the site and in the adjacent right-of-way, 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.

**E-16 Acceptance of Permanent Sanitary Sewer Easement & Approval to Pay Consideration – Sidwell #88-20-13-429-020 – Dequindre Sewer - Project No. 02.406.5**

Resolution #2003-06-289-E-16

RESOLVED, That the Permanent Easement for Sanitary Sewer from Amir J. and Widad Hallac, property owners of 39839 Dequindre, having Sidwell #88-20-13-429-020 is **ACCEPTED**.

BE IT FURTHER RESOLVED, That payment is **AUTHORIZED** in the amount of \$1,000.00.

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

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**E-17 Acceptance of Permanent Sanitary Sewer Easement – Sidwell #88-20-25-428-012 – Project No. 01.403.3 – Daniel E. Bora, Daniel T. Bora and Silvia Bora**

Resolution #2003-06-289-E-17

RESOLVED, That the Permanent Easement for Sanitary Sewer from Daniel E. Bora, Daniel T. Bora and Silvia Bora, having Sidwell #88-20-25-428-012, is hereby **ACCEPTED**.

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

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**E-19 Recognition as a Nonprofit Organization Status from Troy Police Benevolent Association**

Resolution #2003-06-289-E-19

BE IT RESOLVED, That the City of Troy City Council **RECOGNIZE** the Troy Police Benevolent Association as a nonprofit organization operating in the City of Troy.

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**E-20 City of Troy v. Livernois Road Partners**

Resolution #2003-06-289-E-20

RESOLVED, That the Troy City Council **APPROVES** the payment of \$194,000.00, plus statutory interest in the City of Troy v. Livernois Road Partners condemnation case and **AUTHORIZES** the City Attorney's Office to **EXECUTE** the attached Order for Interim Payment of Just Compensation.

**E-21 City of Troy v. Corazza and Rehse (Square Lake/Dequindre)**

Resolution #2003-06-289-E-21

RESOLVED, That the Troy City Council **APPROVES** the payment of \$519,120.90, as set forth in the Judgment on Jury Verdict Determining Just Compensation entered in the case City of Troy v. Henry E. Corazza and David Rehse by the Oakland County Circuit Court on May 8, 2003.

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**E-22 Standard Purchasing Resolution 1: Award to Low Bidder – Park Shelter at Boulan Park**

Resolution #2003-06-289-E-22

RESOLVED, That a contract to remove and dispose of an existing park shelter and to furnish and install a new park shelter at Boulan Park is hereby **AWARDED** to the low bidder, Michigan Playgrounds, Inc., at an estimated total cost of \$50,650.00, plus an amount not to exceed \$2,000.00 for insurance, to be paid directly to the insurance company; and

BE IT FURTHER RESOLVED, That the award is **CONTINGENT** upon contractor submission of properly executed proposal and bid documents, including bonds, insurance certificates and all other specified requirements; and if additional work is required that could not be foreseen, such additional work is authorized in an amount not to exceed 10% of the total project cost.

**ITEMS TAKEN OUT OF ORDER**

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**E-12 Standard Purchasing Resolution 1: Award To Low Bidder – Mosquito Control Services**

Resolution #2003-06-290

Moved by Stine

Seconded by Lambert

RESOLVED, That a contract to furnish one (1) year requirements of mosquito control services on various City sites is hereby **AWARDED** to the low bidder, Advanced Pest Management, at unit prices contained in the tabulation opened May 22, 2003, a copy of which shall be **ATTACHED** to the original Minutes of this meeting at an estimated total cost of \$13,436.00 for Proposal B.

BE IT FURTHER RESOLVED, That the award is **CONTINGENT** upon contractor submission of properly executed quote and contract documents, including insurance certificates and all other specified requirements.

Yes: Stine, Pryor, Broomfield, Eisenbacher, Howrylak, Lambert

No: None

Absent: Beltramini

**E-13 Medi-Go Service Agreement**

Mayor Pro Tem Lambert disclosed he is a member of the Medi-Go Plus Board

Resolution #2003-06-291

Moved by Lambert

Seconded by Eisenbacher

RESOLVED, That the request for funding in the amount of \$170,000.00 for Troy Medi-Go Plus for Fiscal Year 2003/2004, and the Funding Agreement between the City of Troy and Troy Medi-Go Plus covering July 1, 2003 through June 30, 2004 are hereby **APPROVED**, and the Mayor and City Clerk are **AUTHORIZED TO EXECUTE** the documents and copies shall be **ATTACHED** to the original Minutes of this meeting.

Yes: Pryor, Broomfield, Eisenbacher, Howrylak, Lambert, Stine

No: None

Absent: Beltramini

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**E-18 Troy v. Ronald R. Theuer (Section 24 Park)**

Resolution #2003-06-292

Moved by Pryor

Seconded by Lambert

RESOLVED, That the Troy City Council **APPROVE** the payment of the amounts set forth in the Judgment of Jury Verdict Determining Just Compensation entered in the case of City of Troy v. Ronald R. Theuer (Case No. 01-037097-CC) by the Oakland County Circuit Court on May 20, 2003.

BE IT FURTHER RESOLVED, That the Judgment of Jury Verdict Determining Just Compensation entered in the case of City of Troy v. Ronald R. Theuer (Case No. 01-037097-CC) by the Oakland County Circuit Court on May 20, 2003 be **AMENDED** by **STRIKING** Paragraph 10.

Yes: Broomfield, Eisenbacher, Howrylak, Lambert, Stine, Pryor

No: None

Absent: Beltramini

## REGULAR BUSINESS

F-1 **Appointments to Boards and Committees: (1) Mayoral Appointments: (a) Economic Development Corporation; (b) Downtown Development Authority; and (c) Planning Commission (2) City Council Appointments: (a) Advisory Committee for Persons with Disabilities and (b) Historic District**

### (a) Mayoral Appointments

Resolution #2003-06-293

Moved by Pryor

Seconded by Stine

RESOLVED, That the following persons are hereby **APPOINTED BY THE MAYOR** with **COUNCIL APPROVAL** to serve on the Boards and Committees as indicated:

#### Downtown Development Authority

Mayor, Council Approval (13) – 4 years

**Fred Wong**

Term expires 7-01-04

#### Planning Commission

Mayor, Approved by Council (9) – 3 years

**Thomas Strat**

Unexpired Term expires 12/31/05

Yes: Eisenbacher, Howrylak, Lambert, Stine, Pryor, Broomfield

No: None

Absent: Beltramini

### Appointments Carried-Over as Item F-1 on the Next Regular City Council Meeting Agenda Scheduled for June 16, 2003:

### (a) Mayoral Appointments

#### Economic Development Corporation

Mayor, Council Approval (9) – 6 years

Term expires 04-30-2009

Term expires 04-30-2009

Term expires 04-30-2009

### (b) City Council Appointments

**Advisory Committee for Persons w/Disabilities**

Approved by Council (9)- 3 years

Term expires 07-01-2003 (Student)

**Historic District**

Appointed by Council (7) – 3 years

(One member must be an architect)

(Two members recommended by Troy Historical Society)

(One member recommended by Troy Historical Commission)

Kevin Danielson (Resigned)

Unexpired Term expires 05-15-2003

**F-2 Closed Session - No Closed Session Scheduled**

**F-2b Excuse Council Member Beltramini’s Absence from Closed Session to be Held on Monday, June 2, 2003 - No Closed Session Scheduled**

**F-3 Proposed 2003-2004 City of Troy Downtown Development Authority Budget**

Resolution #2003-06-294  
Moved by Stine  
Seconded by Lambert

WHEREAS, The Troy Downtown Development Authority has adopted, and recommends City Council approval of its 2003-2004 Budget.

NOW, THEREFORE, BE IT RESOLVED, That the Troy Downtown Development Authority’s Annual Budget for fiscal year July 1, 2003 through June 30, 2004 is hereby **APPROVED**.

Yes: Lambert, Stine, Pryor, Broomfield  
No: Howrylak, Eisenbacher  
Absent: Beltramini

**MOTION CARRIED**

**Resolution to Amend Rules of Procedure for the City Council – Section 22**

Resolution #2003-06-295  
Moved by Pryor  
Seconded by Broomfield

RESOLVED, That the Rules of Procedure for the City Council be **AMENDED** by **STRIKING** Section 22 - Continued Agenda Items Not Considered Before 11:30 PM.

Yes: Lambert, Stine, Pryor, Broomfield, Eisenbacher, Howrylak  
No: None  
Absent: Beltramini

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**F-6 Temporary Sales/Office Trailer – Northwyck Condominiums**

Resolution #2003-06-296  
Moved by Stine  
Seconded by Eisenbacher

RESOLVED, That the request from Douglas T. Smith of Robertson Brothers to place and occupy a sales trailer during construction of Northwyck Condominiums is hereby **APPROVED** until June 2, 2004 in accordance with Chapter 47, House Trailers and Trailer Courts, Section 6.41 (3), of the Code of the City of Troy.

Yes: Stine, Pryor, Broomfield, Eisenbacher, Howrylak, Lambert  
No: None  
Absent: Beltramini

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**F-7 Vacation of Part of Crestfield Street – Section 15 – Crestfield Subdivision and Acceptance of Warranty Deed for Wattles Road Right-of-Way Sidwell #88-20-15-355-066**

Resolution #2003-06-297  
Moved by Stine  
Seconded by Eisenbacher

WHEREAS, The owners of the property at the northeast corner of Wattles and Livernois have voluntarily dedicated the required 7 feet of right-of-way for Wattles Road as required by City Council Resolution #96-368 for the Final Vacation of Crestfield Street in Crestfield Subdivision;

THEREFORE, BE IT RESOLVED, That the portion of Crestfield Street, described as beginning at a point 60 feet east of the west line of Section 15 and up to and including the west ½ of the previously vacated alleys adjacent to Lots 5 and 124 **BE VACATED** with an easement for public utilities being retained over the entire area being vacated; and

THEREFORE, BE IT FURTHER RESOLVED, That City Council **ACCEPTS** the Warranty Deed for the voluntary dedication of Wattles Road right-of-way from Wattles Investment Company Limited for property being part of Sidwell #88-20-15-355-066; and

BE IT FINALLY RESOLVED, That the City Clerk is hereby **DIRECTED TO RECORD** said final vacation resolution and Warranty Deed with Oakland County Register of Deeds, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

Yes: Pryor, Broomfield, Eisenbacher, Howrylak, Lambert, Stine  
No: None  
Absent: Beltramini

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**F-8 Sole Source – M26 Advanced Taser Less than Lethal Electrical Impulse Devices**

Resolution #2003-06-298  
Moved by Lambert  
Seconded by Eisenbacher

WHEREAS, Michigan Taser Distributing is the sole source provider in Michigan of the M-26 Advanced Taser and Accessories, and

WHEREAS, This electrical impulse tool has now become legal for Michigan law enforcement to use to reduce injury and potential liability for the City;

NOW, THEREFORE, BE IT RESOLVED, That a contract is hereby **AWARDED** to Michigan Taser Distributing, the sole source provider, for the M-26 Advanced Tasers and accessories, at an estimated total cost of \$20,322.00, which includes freight.

Yes: Broomfield, Eisenbacher, Howrylak, Lambert, Stine, Pryor

No: None

Absent: Beltramini

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**F-9 Final Vacation of a Portion of Hartland Street (Platted Meadowcrest St.) - East of Daley Street, North of Big Beaver Road - Section 23**

Resolution #2003-06-299  
Moved by Stine  
Seconded by Broomfield

WHEREAS, A request has been received for the vacation of a portion of Hartland Street (platted Meadowcrest St.) that is 50-feet wide by approximately 1,469 feet, within Supervisor's Plat of Beaver Run Subdivision No. 1, Section 23, and

WHEREAS, The properties which shall benefit from this requested vacation include the proposed West Oaks Subdivision No. 1 and 2; and

WHEREAS, The Planning Commission and City Management have recommended that this street vacation **BE GRANTED SUBJECT** to the following actions:

1. Determination by the City Engineer of the nature and extent of easements to be retained over the subject street right-of-way, based in part on input or responses from applicable utility companies, for West Oaks Subdivision No. 1 and 2.
2. Dedication of the relocated Hartland Street within the proposed West Oaks Subdivision No. 1 and 2.

NOW, THEREFORE, BE IT RESOLVED, That final action can now be taken as the two conditions have been met:

1. Utility easements are now platted in the Final Plat approved by City Council on February 2, 2003.

2. Relocated Hartland Street is dedicated in the Final Plat approved by City Council on February 2, 2003.

BE IT FINALLY RESOLVED, That the portion of Hartland Street (platted Meadowcrest St.) that is 50 feet wide by approximately 1,469 feet, located east of Daley Street and north of Big Beaver Road, within Supervisor's Plat of Beaver Run Subdivision No. 1, Section 23 is **VACATED**.

Yes: Eisenbacher, Howrylak, Lambert, Stine, Pryor, Broomfield  
 No: None  
 Absent: Beltramini

#### **F-10 Upgrade – Mug Shot Computer Hardware and Conversion Services**

Resolution #2003-06-300  
 Moved by Eisenbacher  
 Seconded by Stine

WHEREAS, DATAWORKS Plus, Inc. is the single source provider of the project to upgrade and provide new printers and all conversion services for the mug shot and employee database system.

NOW, THEREFORE, BE IT RESOLVED, That a contract to purchase and upgrade the mug shot and employee database system is hereby **AWARDED** to DATAWORKS Plus, Inc., in accordance with Appendix A at an estimated total cost of \$12,950.00, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

Yes: Howrylak, Lambert, Stine, Pryor, Broomfield, Eisenbacher  
 No: None  
 Absent: Beltramini

#### **F-11 Durant Development Corporation v. Neumann, et. al**

Resolution #2003-06-301  
 Moved by Lambert  
 Seconded by Eisenbacher

RESOLVED, That the Assistant City Attorney is hereby **AUTHORIZED** to sign the Consent Judgment in the matter of Durant Development Corporation v. City of Troy, et. al (Case No. 03-048644-CH).

Yes: Lambert, Stine, Pryor, Broomfield, Eisenbacher, Howrylak  
 No: None  
 Absent: Beltramini

#### **F-12 Acknowledgement and Lease – Sylvan Glen Tower**

**Vote on Postponement**

Resolution #2003-06-302  
 Moved by Eisenbacher  
 Seconded by Stine

RESOLVED, That Acknowledgement and Lease – Sylvan Glen Tower be **POSTPONED** until the Regular City Council Meeting scheduled for Monday, June 16, 2003.

Yes: Stine, Pryor, Broomfield, Eisenbacher, Howrylak, Lambert  
 No: None  
 Absent: Beltramini

**COUNCIL COMMENTS/REFERRALS****REPORTS AND COMMUNICATIONS****G-1 Minutes – Boards and Committees:**

- (a) Parks & Recreation Advisory Board/Final – March 13, 2003
- (b) Advisory Committee for Persons with Disabilities/Final – April 2, 2003
- (c) Ethnic Issues Advisory Board/Final – April 8, 2003
- (d) Planning Commission/Final – April 8, 2003
- (e) Liquor Advisory Committee/Final - April 14, 2003
- (f) Planning Commission/Final – April 22, 2003
- (g) Parks & Recreation Advisory Board/Final – April 24, 2003
- (h) Planning Commission/Draft – May 6, 2003
- (i) Advisory Committee for Persons with Disabilities/Draft – May 7, 2003
- (j) Building Code Board of Appeals/Draft – May 7, 2003
- (k) Liquor Advisory Committee/Draft – May 12, 2003  
 Noted and Filed

**G-2 Department Reports:**

- (a) April 30, 2003 Monthly Financial Report
- (b) 2003 Year-to-Date (1<sup>st</sup> Quarter) Crime and Police Calls for Service Report  
 Noted and Filed

**G-3 Announcement of Public Hearings:**

- (a) Rezoning Application Z-688 – East Side of Coolidge, South of Maple, Section 32 – M-1 to O-1 – **Scheduled for June 16, 2003**
- (b) Preliminary Planned Unit Development Review – PUD-002, Rochester Commons – North Side of Big Beaver Road, East of Rochester Road and West of Daley Street, Section 23 – **Scheduled for June 16, 2003**
- (c) Street Vacation Application (SV-182) – A Section of Alley Located South of Chopin and North of Maple – Section 27 – **Scheduled for June 16, 2003**  
 Noted and Filed

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**G-4 Proposed Proclamations/Resolutions from Other Organizations: None proposed.**

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**G-5 Letters of Appreciation:**

- (a) Letter From Daryl Jamison to John Szerlag Complimenting Police Records and Nancy Paulus on the Excellent Customer Service He Received When He Applied for a Green Safety Registration Card for Firearms
  - (b) Letter From Chief Kevin M. Sagan, Madison Heights Police to Chief Craft Thanking the Troy Police Department for Their Assistance During the Search of Jenna Hart
  - (c) Letter From Terry Self, Brinks, to Chief Craft Recognizing Officers Breidenich and Barrows for Their Assistance in a Recent Disturbance
  - (d) Letter From Donna M. St. John to Chief Craft Recognizing Officer Sewell for his Assistance in a Recent Accident
  - (e) Letter of Thanks and Appreciation From Kathleen Martin to the Troy Police Department
  - (f) Letter from Laith, Jonna, Jonna Management Group to Ronald Figlan Thanking Him for His Assistance on the Long Lake and John R Project
  - (g) Letter from Mr. William J. Bratton to Chief Craft Thanking him for The City of Troy Police Department's Professional Treatment
  - (h) Letter from George O'Brien, Advanced Placement Coordinator - Troy High School, to Beverly Sackner Thanking the Community Center Staff and Milton Richards for their Assistance in Successfully Implementing their Advanced Placement Program
- Noted and Filed
- 

**G-6 Calendar**

Noted and Filed

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**G-8 Memorandum (Green) – Re: The Sanctuary Golf Club Tour**

Noted and Filed

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**G-9 Memorandum (Green) – Re: Council Rule Confirmation**

Noted and Filed

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**G-10 Memorandum – SmartZone LDFA**

Noted and Filed

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**G-12 Memorandum – Videography Services at Community Center**

Noted and Filed

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**G-13 Memorandum – Naming of Public Lands**

Noted and Filed

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**G-14 Memorandum (Green) – City Calendar Program Review**

Noted and Filed

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**PUBLIC COMMENT**

The meeting adjourned at 12:55 A.M.

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\_\_\_\_\_  
Matt Pryor, Mayor

\_\_\_\_\_  
Tonni L. Bartholomew, MMC  
City Clerk

June 10, 2003

To: The Honorable Mayor and City Council

From: John Szerlag, City Manager  
Gary Shripka, Assistant City Manager/Services  
Steve Vandette, City Engineer  
Mark F. Miller, Planning Director

Subject: EXTENSION OF PRELIMINARY PLAT-TENTATIVE APPROVAL – **Oak Forest Subdivision** (Revised) West side of John R Road, South of Square Lake Road – Section 11

### RECOMMENDATION

The current Tentative Preliminary Plat Approval expires on July 23, 2003. City Council granted Tentative Approval of the Preliminary Plat of the current proposed subdivision on July 23, 2001. The Planning Commission recommended approval at their June 12, 2001 meeting subject to the City requesting a MDEQ Wetlands Permit hearing, before submittal of the Final Preliminary Plat. A previous extension for this proposal was granted by City Council on July 8, 2002.

The Tentative Preliminary Plat as now submitted for this proposed 24 lot subdivision meets applicable Ordinance requirements. A one-year extension of this Tentative Preliminary Plat is recommended by City Management.

### BACKGROUND

The proposed subdivision consists of a 10.2 acre site, extending west ¼ mile from John R Road. This proposed subdivision consists of 24 lots developed in accordance with the lot-averaging provisions applicable to the subject R-1C zoning district. The street pattern involves a single street access from John R Road, now properly located directly opposite Highbury Drive in the Stoneridge Subdivisions. A stub-street is proposed extending south to the present Holm Street right-of-way within the Eyster's John R Farms Subdivision. A stub-street is also proposed to extend to the north, in order to provide for potential additional residential development in that area. The proprietor's engineer provided a potential street and lot layout for that area.

Storm water detention is proposed to be provided in an off-site location abutting immediately to the west, between the proposed subdivision site and the Fetterley Drain. The location and configuration of this parcel is indicated on an additional sheet attached to the proposed subdivision plat. It is intended that this basin site will ultimately serve this proposed subdivision, along with potential additional development in the area to the west. It is further intended that this basin will ultimately be conveyed to the City for maintenance.

Under the Wattles Square, Inc. cover letter of April 24, 2001, the proprietors have submitted the Wetlands Assessment Report from the Michigan Department of Environmental Quality (MDEQ). A June 11, 2001 J & L Consulting Services report from Dr. Eugene Jaworski, the City's Interim Environmental Consultant outlined an separate wetland assessment for the subject property. The proposed plat shows wetlands preservation and mitigation areas at three locations and wetlands mitigation within the detention basin site to the west. Although staff would prefer consolidation of regulated wetlands and wetlands mitigation areas into subdivision open spaces, the wetlands permit authority continues to be the responsibility of the MDEQ.

It should be noted that City Council has authorized, in conjunction with Wattles Square, Inc., (Joel and Dale Garret), the preparation of an engineering study to determine the feasibility of a linear park along the Fetterly Drain. This proposed park could affect the design of the proposed Oak Forest Subdivision.

#### Enclosures

copies:           Petitioner  
                      Steve Vandette, City Engineer  
                      File/Oak Forest (revised)

WATTLES SQUARE, INC.  
5877 LIVERNOIS ROAD, SUITE 103  
TROY, MI 48098  
Phone (248)828-1726  
Fax (248)828-3573

May 29, 2003

Mark Miller  
Planning Department  
City of Troy  
500 W. Big Beaver  
Troy, MI 48084

REC'D

MAY 29 2003

PLANNING DEPT.

Re: Tentative Preliminary Plat, Oak Forest Subdivision

Dear Mr. Miller:

The Tentative Approval of the Preliminary Plat for Oak Forest Subdivision will expire on July 8, 2003. We hereby request an extension of the approval. Accompanying this letter are 26 copies of the plat for review.

If you have any questions please contact me at (248)828-1726, ext. 206.

Sincerely,



Dale E. Garrett

*Rec'd at  
Club's office  
5/29/03  
ml*

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**F-6 Extension of Preliminary Plat-Tentative Approval – Oak Forest Subdivision  
(Revised) West Side of John Road, South of Square Lake Road – Section 11**

Resolution #2002-07-398

Moved by Pallotta

Seconded by Pryor

RESOLVED, That a one-year extension of the Tentative Approval be granted to the Preliminary Plat of Oak Forest Subdivision (revised) west side of John R Road, south of Square Lake Road – Section 11.

Yes: All-7

# CITY OF TROY



OAK FOREST (REVISED) SUB.  
TENT. PREL. PLAT APPROVED

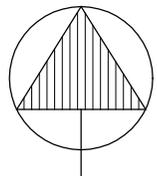
PROPOSED  
OAK FOREST WEST SUB.

PROPOSED  
OAK FOREST SOUTH SUB.

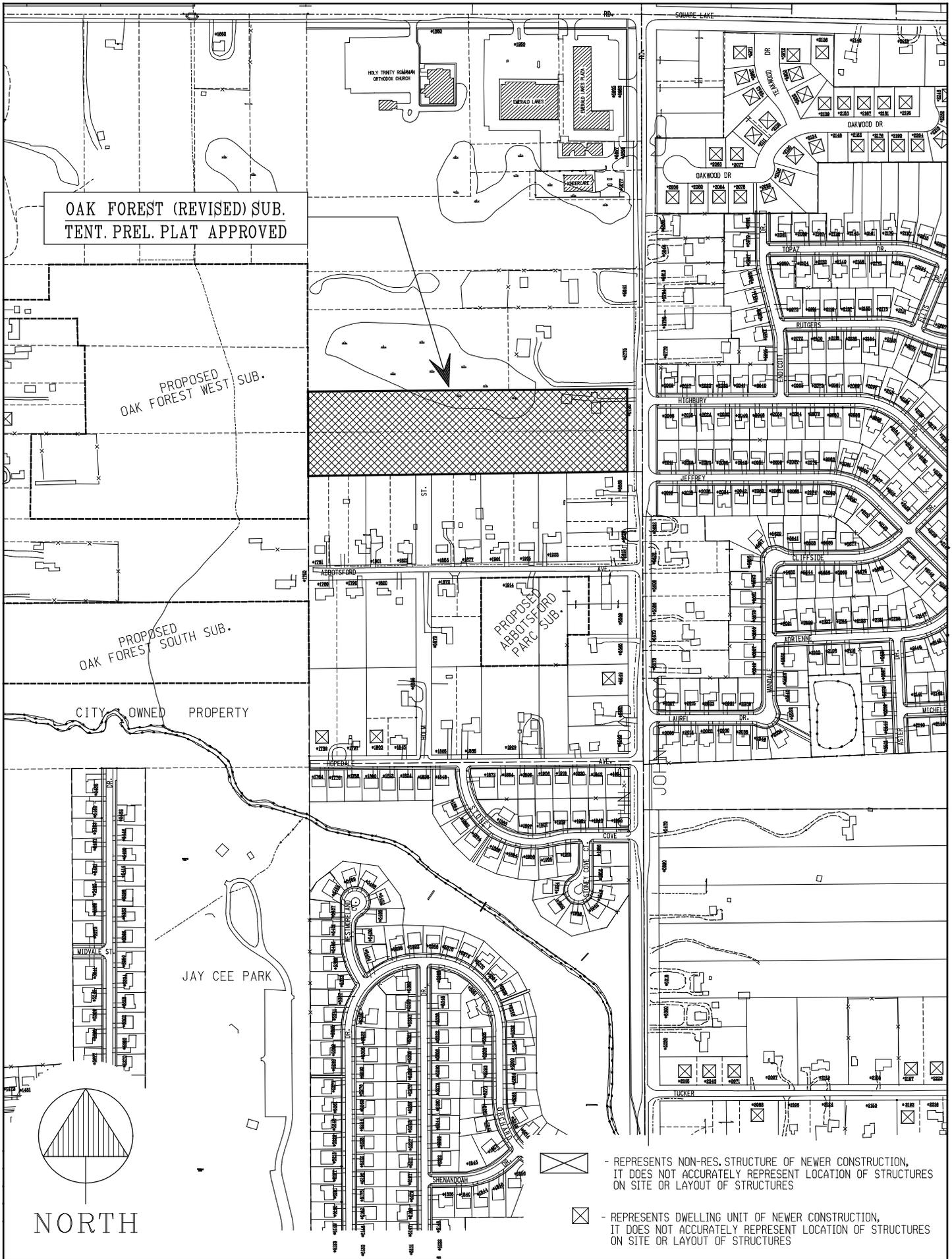
CITY OWNED PROPERTY

JAY CEE PARK

PROPOSED  
ABBOTTSFORD  
PARC SUB.



NORTH



- REPRESENTS NON-RES. STRUCTURE OF NEWER CONSTRUCTION,  
IT DOES NOT ACCURATELY REPRESENT LOCATION OF STRUCTURES  
ON SITE OR LAYOUT OF STRUCTURES



- REPRESENTS DWELLING UNIT OF NEWER CONSTRUCTION,  
IT DOES NOT ACCURATELY REPRESENT LOCATION OF STRUCTURES  
ON SITE OR LAYOUT OF STRUCTURES



## **PLATTED RESIDENTIAL DEVELOPMENT LEVELS OF APPROVAL**

### **Tentative Preliminary Plat Approval**

The following items are included in the **Tentative Approval** process:

- Existing Conditions
- Tree Preservation Plan
- Street layout
- Number of lots
- Building setbacks
- Lot dimensions
- Stub Street for possible future developments
- Locations of easements
- The Planning Department analyses the potential future development of the abutting property.
- The developer must provide locations of wetlands and natural features on the property and the method of preservation.
- An environmental impact statement is required if the development consists of 25 lots or more.
- A sign is placed on the property informing the public of the proposed development.
- A notice of the public meeting before Planning Commission is mailed to the abutting property owners.

### **Final Preliminary Plat Approval**

The following items are included in the **Preliminary Plat- Final Approval** process:

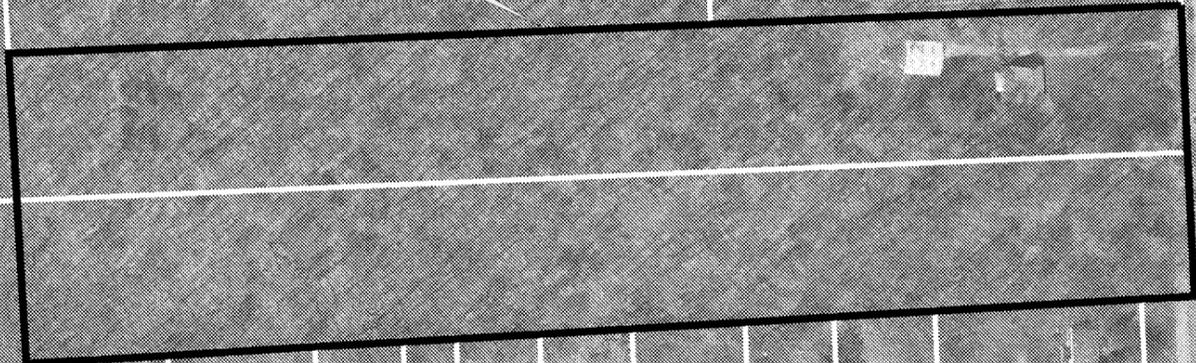
- Determine that all city development standards are met and complied with.
- Capacity of sanitary and storm sewers
- Size and location of Water mains
- Size and location of Detention / Retention basins
- Grading and rear yard drainage
- Paving and widening lanes
- Financial guarantees
- Sidewalk and driveway approaches
- Approval from other government agencies involved with the development.
- Verification of wetlands and M.D.E.Q. permit if necessary.
- Agreements, covenants or other documents for the dedication of land for public use or property owners use.

### **Final Plat Approval**

**Final Approval** checks for conformance with the approved Tentative and Final Preliminary Plats and that all property conveyances such as R.O.W, Easements, Open Space and Parks are in proper order.

PROPOSED SUBDIVISION  
OAK FOREST (REVISED)  
S OF SQUARE LAKE & W OF JOHN R  
SEC. 11

PROPOSED SUBDIVISION  
OAK FOREST (REVISED)



JOHN R. ROAD

EMCOTT DRIVE

RUTGERS DRIVE

JEFFREY DRIVE

JOHN R. ROAD

ABBOTSFORD AVENUE

HOLM STREET

MANDEL DRIVE

ADRIENNE DRIVE

0 200 400 600 Feet



June 10, 2003

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager  
Gary Shripka, Assistant City Manager/Services  
Steve Vandette, City Engineer  
Mark F. Miller, Planning Director

SUBJECT: EXTENSION OF PRELIMINARY PLAT – TENTATIVE APPROVAL -  
**Beachview Estates** – West Side of Beach, South of Long Lake – Section  
18

#### RECOMMENDATION

The current Tentative Preliminary Plat Approval expires on July 10, 2003. City Council granted Tentative Approval of the Preliminary Plat of the current proposed subdivision on July 10, 2000. The Planning Commission recommended approval at their June 13, 2000 meeting. Two previous extensions for this proposal have been granted by City Council on July 8, 2002 and October 1, 2001.

The Tentative Preliminary Plat as now submitted for this proposed 8 lot subdivision meets applicable Ordinance requirements. The proposed plat will include dedication of the 43 foot half-width right-of-way for Beach Road. A one-year extension of this Tentative Preliminary Plat is recommended by City Management.

#### BACKGROUND

The historical background includes original Tentative Preliminary Approval granted in November of 1998 for a 4.5 acre R-1A zoned site on the west side of Beach Road south of Long Lake Road. The proposed development involved five (5) platted lots and one (1) excepted residential acreage parcel fronting on Beach Road. This rather unusual approach was followed in order to enable the creation of six homesites which would be reasonably similar to typical R-1A lot configurations, based upon a single cul-de-sac street extending west from Beach Road.

The potential subdivision proprietors, Choice Properties, then acquired a portion of the existing homesite immediately to the north, thus bringing the total site area to 5.55 acres. The additional north-south dimension available through this acquisition has enabled Choice to revise the subdivision plat, involving a total of 8 platted lots, all of

which would front on the proposed cul-de-sac street. The expanded site and revised layout further enables the creation of a detention basin parcel which abuts the small watercourse which crosses the southwest corner of the property.

This proposed subdivision is to be developed in accordance with the lot-averaging provisions applicable to the subject R-1A Zoning District. As a result of the preliminary review of this site by the City's Environmental staff, it was determined that no further wetlands delineation or environmental review by Dr. Jaworski (the City's Interim Environmental Consultant) was necessary in 2000. In addition, the Natural Features Map indicates woodlands in the southwest corner of the subject property.

copies:           Petitioner  
                      Steve Vandette, City Engineer  
                      File/Beachview Estates



Shouhayib Investment Co.  
Choice Development Corp.

Choice Properties, Inc.  
Choice Marketing, Inc.

June 3, 2003

Troy City Council  
Council Members  
500 W. Big Beaver Road  
Troy, Michigan 48084

RE: Beachview Estates Subdivision Tentative Preliminary Plat

Dear Council:

We request another one year extension for the Tentative Preliminary Plat approval which will expire on July 8, 2003, for the above referenced subdivision.

We greatly appreciate your cooperation in granting the requested extension.

Sincerely,  
Choice Development Corporation

Youssef (Joe) Chehayeb  
Vice President

REC'D

JUN 05 2003

PLANNING DEPT.

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**F-5 Extension of Preliminary Plat – Tentative Approval – Beachview Estates –  
West Side of Beach, South of Long Lake – Section 18**

Resolution #2002-07-406

Moved by Beltramini

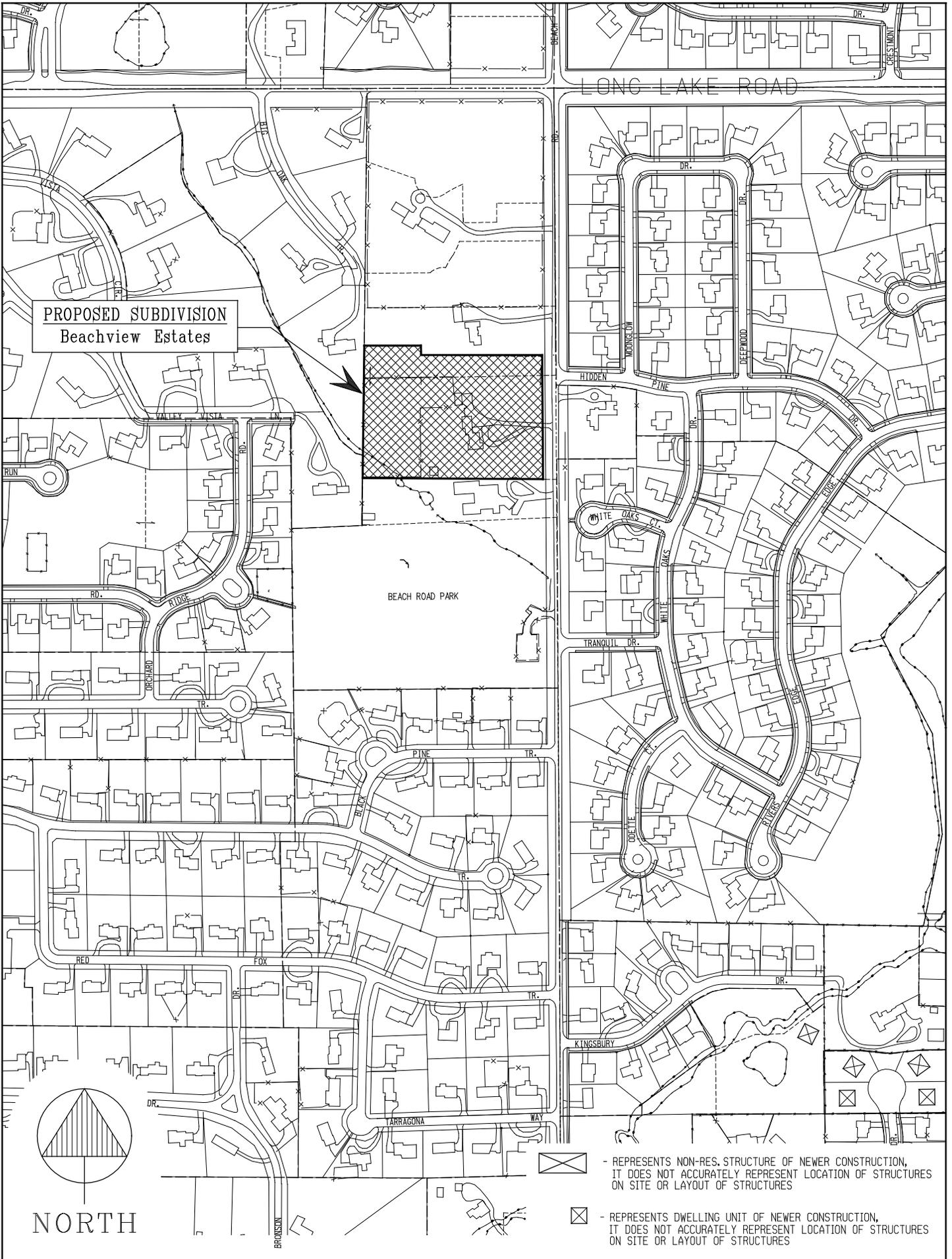
Seconded by Howrylak

RESOLVED, That a one-year extension of the Tentative Approval be granted to the Preliminary Plat of Beachview Estates Subdivision, on the west side of Beach, south of Long Lake in Section 18.

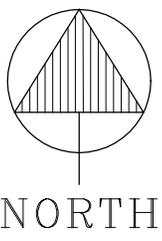
Yes: All-7

# CITY OF TROY





**PROPOSED SUBDIVISION**  
Beachview Estates



- REPRESENTS NON-RES. STRUCTURE OF NEWER CONSTRUCTION, IT DOES NOT ACCURATELY REPRESENT LOCATION OF STRUCTURES ON SITE OR LAYOUT OF STRUCTURES
- ⊠ - REPRESENTS DWELLING UNIT OF NEWER CONSTRUCTION, IT DOES NOT ACCURATELY REPRESENT LOCATION OF STRUCTURES ON SITE OR LAYOUT OF STRUCTURES



## **PLATTED RESIDENTIAL DEVELOPMENT LEVELS OF APPROVAL**

### **Tentative Preliminary Plat Approval**

The following items are included in the **Tentative Approval** process:

- Existing Conditions
- Tree Preservation Plan
- Street layout
- Number of lots
- Building setbacks
- Lot dimensions
- Stub Street for possible future developments
- Locations of easements
- The Planning Department analyses the potential future development of the abutting property.
- The developer must provide locations of wetlands and natural features on the property and the method of preservation.
- An environmental impact statement is required if the development consists of 25 lots or more.
- A sign is placed on the property informing the public of the proposed development.
- A notice of the public meeting before Planning Commission is mailed to the abutting property owners.

### **Final Preliminary Plat Approval**

The following items are included in the **Preliminary Plat- Final Approval** process:

- Determine that all city development standards are met and complied with.
- Capacity of sanitary and storm sewers
- Size and location of Water mains
- Size and location of Detention / Retention basins
- Grading and rear yard drainage
- Paving and widening lanes
- Financial guarantees
- Sidewalk and driveway approaches
- Approval from other government agencies involved with the development.
- Verification of wetlands and M.D.E.Q. permit if necessary.
- Agreements, covenants or other documents for the dedication of land for public use or property owners use.

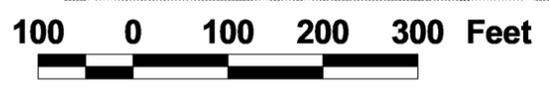
### **Final Plat Approval**

**Final Approval** checks for conformance with the approved Tentative and Final Preliminary Plats and that all property conveyances such as R.O.W, Easements, Open Space and Parks are in proper order.

TENTATIVE PRELIMINARY PLAT - EXTENTION  
BEACHVIEW ESTATES  
W SIDE BEACH, S OF LONG LAKE  
SEC 18



PROPOSED SUBDIVISION  
BEACHVIEW ESTATES





June 11, 2003

TO: Mayor and Members of Troy City Council

FROM: Lori Grigg Bluhm, City Attorney *LB*  
Susan M. Lancaster, Assistant City Attorney *SMC*

RE: Troy v. Ronald R. Theuer (Section 24 Park)

---

A proposed judgment in the Troy v. Ronald Theuer condemnation case was presented to the Troy City Council at the June 2, 2003 meeting. The proposed judgment incorporated the recent jury verdict, and also included proposed attorney fees. There were some additional monies that were requested by Mr. Theuer's attorney, and a motion for these additional costs and sanctions was filed after our memo was prepared. Since the Court would be entertaining this motion, we recommended that the issues of attorney fees, and interest on attorney fees, be submitted to the Court for a decision. Council concurred, and removed that provision. This judgment was never entered, however.

Judge Edward Sosnick of the Oakland County Circuit Court has subsequently issued a ruling on the contested costs, attorney fees, and sanctions, which is reflected in this new proposed judgment (attached). Judge Sosnick awarded a one-third attorney fee of \$103,953.33 and an expert witness fee of \$12,300.00. However, Judge Sosnick held that the City did not have to pay the costs, interest on the attorney fee, case evaluation fee, or facilitation fee. Further, he did not assess case evaluation sanctions against the City. The City saved approximately \$38,618 in cost and interest demanded by the Defendant and at least \$4,240 in Case Evaluation sanctions claimed by the Defendant.

It is our recommendation that City Council approves the attached Judgment on Jury Verdict Determining Just Compensation, and authorizes payment of the additional just compensation, costs, and attorney fees totaling \$455,960.06. This Judgment finalizes the case. If you have any questions concerning this matter, please let us know.

STATE OF MICHIGAN

OAKLAND COUNTY CIRCUIT COURT

CITY OF TROY, a Michigan  
Municipal Corporation,

Plaintiff,

v

Case No. 01-037097- CC

RONALD R. THEUER and SUN PIPELINE,  
a Pennsylvania Corporation, f/k/a  
Buckeye Pipe Line Company, a Corporation  
of Ohio,

HON. Edward Sosnick

Defendants.

---

CITY OF TROY-CITY ATTORNEY'S OFFICE  
By: Susan M. Lancaster (P33168)  
Attorney for Plaintiff  
500 W. Big Beaver Road  
Troy, MI 48084  
(248) 524-3320

Thomas R. Charboneau (P31837)  
Attorney for Defendant Ronald R. Theuer  
Sills, Charboneau, Fiedler & Barnett, P.C.  
36880 Woodward Avenue, Suite 103  
Bloomfield Hills, MI 48304-0921  
(248) 644-3600

---

**JUDGMENT ON JURY VERDICT**  
**DETERMINING JUST COMPENSATION**

At a session of Court held in the  
Courthouse in the City of Pontiac,  
Oakland County, MI

on: \_\_\_\_\_

PRESENT: HONORABLE EDWARD SOSNICK, CIRCUIT JUDGE

This cause came on for trial before the Court and a jury, the Honorable  
Edward Sosnick presiding, and the jury having determined Defendant is entitled

to \$926,860 as just compensation to Ronald R. Theuer for the subject property, now, therefore

IT IS ORDERED:

1. Title to the property which is the subject of this cause of action, and which is fully described in the Complaint for Acquisition of Property and Declaration of Taking filed with this Court on December 21, 2001, has vested in the Plaintiff by virtue of the filing of the Complaint for Acquisition of Property and Declaration of Taking and the entry by this Court on August 8, 2002 of the Order for Payment of Estimated Compensation and Surrender of Possession.

2. As required in the Order for Payment of Estimated Compensation and Surrender of Possession, the Plaintiff previously paid the Defendant Ronald R. Theuer estimated just compensation in the amount of \$615,000.

3. On the date of the jury verdict, the Court entered a dismissal of the Defendant Sun Pipeline with no compensation.

4. Pursuant to the jury's verdict, Plaintiff shall pay to Defendant Ronald R. Theuer the additional sum of Three Hundred Eleven Thousand Eight Hundred and Sixty (\$311,860.00) Dollars for the acquisition of the property described in the Complaint for Acquisition of Property and Declaration of Taking or otherwise arising out of the taking for public purposes of said property (exclusive of interest, costs and attorney fees) and except as otherwise expressly provided in this Judgment.

5. Pursuant to the provisions of 1931 PA 270 as amended, MCL 213.291, any amounts due as delinquent taxes, assessments or water bills, if any, shall be deducted by Plaintiff prior to payment of the sums set forth in paragraph 4.

6. Plaintiff shall further pay Defendant Ronald R. Theuer statutory interest on the unpaid just compensation of \$311,860.00 from and after December 21, 2001 in accordance with the provisions of Section 15 of the Uniform Condemnation Procedures Act, MCL 213.65, until the date of actual tender of payment. The accrued interest compounded annually from December 21, 2001 through December 31, 2001, at the federal income tax deficiency rate is determined to be \$ 654.91. The additional per diem interest from January 1, 2002 to actual day of tender of all sums under this paragraph 6 shall be \$27,131.82 for a total interest payment of \$27,786.73.

7. Plaintiff, in accordance with MCL 213.66(1), has reimbursed the Defendant for the jury fee of \$60 by check number 00093602 dated June 5, 2003 made payable to Ronald R. Theuer and Sills, Charboneau, Fiedler & Barnett, P.C.

8. The total amount due to Ronald R. Theuer is \$339,646.73 which is just compensation of \$311,860.00 plus \$27,786.73 interest. The Plaintiff has reimbursed Ronald R. Theuer for the total amount of \$339,646.73 by check number 00093609 dated June 5, 2003 made payable to Ronald R. Theuer.

9. Pursuant to the provisions of Section 2 of the General Property Tax Act, being 1893 PA 206, as amended, (MCL 211.2) taxes paid or deducted shall be prorated, on a due-date basis and adjusted proportionately for the amount of

the acquisition, and an appropriate adjustment shall be made in the amount paid or withheld pursuant to this judgment.

10. Plaintiff, pursuant to MCL 213.66(3), shall pay attorney fees to Thomas R. Charboneau, Jr. in the sum of \$ 103,953.33 pursuant to Section 16(3) of the Uniform Condemnation Procedures Act (1980 PA 87; MCL 213.66(3); MSSA 8.265 (16)(3)) by check made payable to Thomas R. Charboneau, Jr.

11. Plaintiff shall pay to Thomas R. Charboneau, Jr. the total amount of \$12,300.00 for reimbursement of appraisal and expert witness fees for David E. Burgoyne, Burgoyne Appraisal Company, in a check made payable to Thomas R. Charboneau, Jr.

12. This Judgment resolves the last pending claim and closes the case.

---

Circuit Judge

Approved as to substance and form;  
notice of entry waived

---

Susan M. Lancaster (P33168)  
Attorney for Plaintiff

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Thomas R. Charboneau, Jr. (P31837)  
Attorney for Defendant Ronald R. Theuer

June 9, 2003

TO: Honorable Mayor and City Council

FROM: John Szerlag, City Manager  
 John M. Lamerato, Assistant City Manager/Finance and Administration  
 Jeanette Bennett, Purchasing Director  
 James Nash, Financial Services Director  
 Nancy L. Aguinaga, Treasurer

RE: Standard Purchasing Resolution 4: State Of Michigan Extended  
 Purchasing Agreements – Mailing Equipment

**RECOMMENDATION**

The Treasurer’s Department requests approval to lease mailing equipment from Pitney Bowes through the State of Michigan Extended Purchasing Program at an estimated total cost of \$29,556.00, over a 36-month lease term with payments of \$821.00/month. Pitney Bowes will deliver, install, and furnish training on the equipment and provide all warranty service. The City has the option to purchase the equipment at lease-end with a final payment of \$100.00.

**SUMMARY**

The equipment specified below will replace the current mail machine equipment which was a refurbished machine purchased in December 1990.

Product/Description

SPVF Bundled Package includes DM800 Digital Mail Machine 180 LPM, 300 Dept Accounting, Printer, Power Stacker	
IA00/IC00 Intellilink Interface/Subscription	
UC30 Console Workstation	
IFW5 15 Lb Integrated Scale	
IFWI Differential Weighing	
<u>Total Lease Price (including discounts/trade-ins)</u>	<u>\$18,415.40</u>
36 month lease term @ .032	\$589.30/mo
Full Service Maintenance	\$156.00/mo
Meter Rental	\$ 75.25/mo

**BUDGET**

Funds are budgeted in the Treasurer’s Department Capital Account 401253.7980.010.



Pitney Bowes Mailing Systems

Suite #9  
2450 Delmi Commerce Drive  
Holt, MI 48842

**TO:** Susan Lierstein, Purchasing Systems Administrator  
City of Troy

**FROM:** Leanne M. Richards *Leanne Richards*  
Strategic State Government Manager  
Pitney Bowes

**RE:** State of Michigan Contract Pricing

**DATE:** June 6, 2003

517 694-2980  
800 322-8000 Toll Free  
517 694-7363 Fax  
www.pitneybowes.com

Thank you for your continued interest in Pitney Bowes mailing solutions for the City of Troy. As you requested, I am writing to clarify some information relative to our statewide contract with the State of Michigan for mailing equipment.

Our State of Michigan Contract number is #071B1001338. The contract information is available at [www.michigan.gov](http://www.michigan.gov). The contract is for mailing equipment statewide. The contract is extended to all local units of government. The City of Troy is on the Extended Purchasing list with the State of Michigan so we are confident that you understand the value and savings involved in buying directly from state negotiated contracts. The pricing is the best price available as well as the acquisition costs are reduced greatly because of the simplification of the overall procurement process by buying directly from the state contract.

Section I-K, page 4, of the Contract #071B1001388 states that "Individual prices are consistent with the contractor's GSA contract. Pricing will fluctuate according to the contractor's GSA contract. Items not on the GSA contract are similarly discounted and the pricing will fluctuate using the same methodology. Periodic price specials may be available to agencies...."

The pricing that was offered to the City of Troy is a combination of the above to yield you the best overall price. The package SPVF that includes all of the components necessary for your mail center to operate efficiently per Raymond Recchia's evaluation, are each individually on GSA but the package is not- therefore similar discounts are used. The package prices yield a lower "bundled" price. Some of the other components to the system are on GSA and some are not. There are also components that include further price reductions which fall under the "periodic price specials" portion of the State Contract.

Listed below please find further breakdown of our pricing. I can personally assure you that it is all in compliance with our statewide contract with the State of Michigan. Please let me know if you have any further questions. I can be reached at 800-322-8000 Ext. 5712.

C: Raymond Recchia



**Pitney Bowes**

-2-City of Troy

**Product/Description**

**Price**

SPVF – Bundled Package including DM800 Digital Mail Machine 180 LPM, 300 Dept. Accounting, Printer, Power Stacker	List \$17,010 (4,082.40) Net \$12,927.60
IA00/IC00 Intellilink Interface/Subscription	No Charge
UC30 - Console Workstation	GSA \$1,155 List \$1,360 (121.40) Net \$1,033.60*
1FW5 – 15 Pound Integrated Scale	List \$3,120 (1,820) Net \$1,300*
1FW1 – Differential Weighing	GSA \$505 List \$595 (52.80) Net \$452.20*

Total List Price . . . . . \$22,085

Total Discounts . . . . . (6,371)

*\*Periodic Price specials*

Plus \$2,702 Net Cost for trade up of balance remaining on scale/meter (48 months)

Total Lease Price . . . . . \$18,415.40

36 Month Lease Term .032 \$589.30/Month

Intellilink Rental Cost \$75.25/Month

Full Service Maintenance \$156/Month

**Total Lease Cost \$821/Month**

May 10, 2003

TO: The Honorable Mayor and City Council

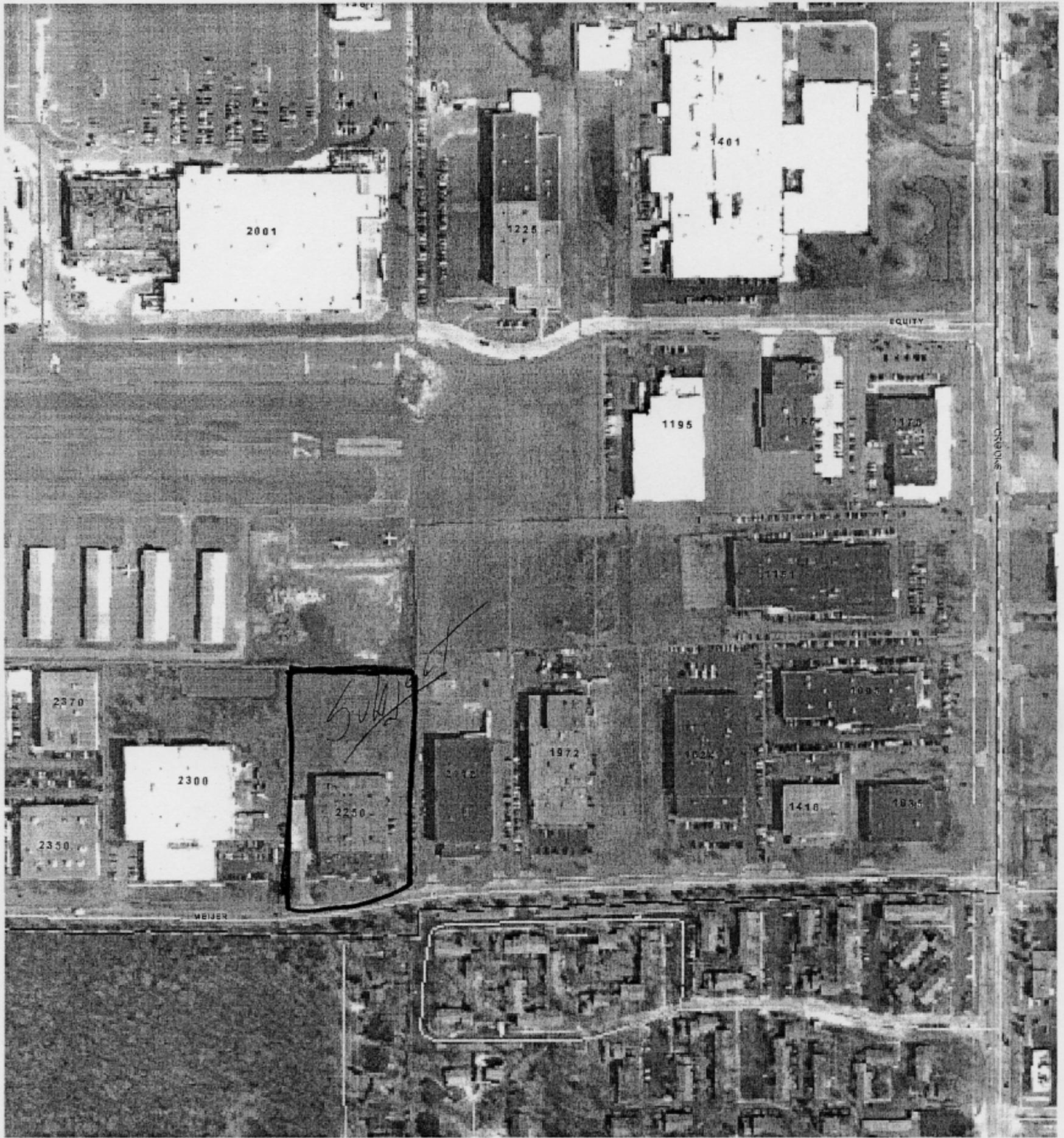
FROM: John Szerlag, City Manager  
Gary A. Shripka, Assistant City Manager/Services  
Douglas J. Smith, Real Estate & Development Director  
Dennis C. Stephens, Right of Way Representative

SUBJECT: Request for Acceptance of Permanent Water Main Easement  
Sidwell #88-20-32-200-022, Project No. 02.956.3  
Owner - BST Limited

In connection with the expansion of Metroline located at 2250 Meijer Drive in the Northeast ¼ of Section 32, the Real Estate and Development Department has acquired a permanent easement for water main from BST Limited, the owners of the property. The consideration on the document is \$1.00.

Management recommends that City Council accept the attached easement.

cc: Steve Vandette, City Engineer



**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.**



PERMANENT EASEMENT

Sidwell #88-20-32-200-022  
Res. #

BST Limited, a Michigan Corporation, Grantor, whose address is 2250 Meijer Drive, Troy, MI for and in consideration of the sum of: One Dollar (\$1.00) paid by the CITY OF TROY, a Michigan Municipal Corporation, Grantee, whose address is 500 West Big Beaver Road, Troy, Michigan, grants to the Grantee the right to construct, operate, maintain, repair and/or replace Water Main, said easement for land situated in the City of Troy, Oakland County, Michigan, described as:

SEE EXHIBIT "A" ATTACHED 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 their signature(s) this 9 day of June, 2003.

In presence of:  
WITNESS

BST Limited, a Michigan Corporation

By [Signature] (L.S.)  
Barry T. Werthmann - President

By [Signature] (L.S.)  
Thomas S. Werthmann - Secretary

(STATE OF Michigan )  
COUNTY OF Oakland)

On this 9 day of June, 2003, personally appeared Barry T. Werthmann & Thomas S. Werthmann, who, being by me duly sworn, did say that they are the President & Secretary respectively, of BST Limited, a Michigan Corporation; and that they have been duly authorized to sign the foregoing easement on behalf of, BST Limited, a Michigan Corporation, and that the execution of such easement is the free act and deed of such corporation.

[Signature]  
Notary Public, Macomb  
Oakland County,  
acting in Oakland County  
My Commission Expires 8/22/06

(Corporations)

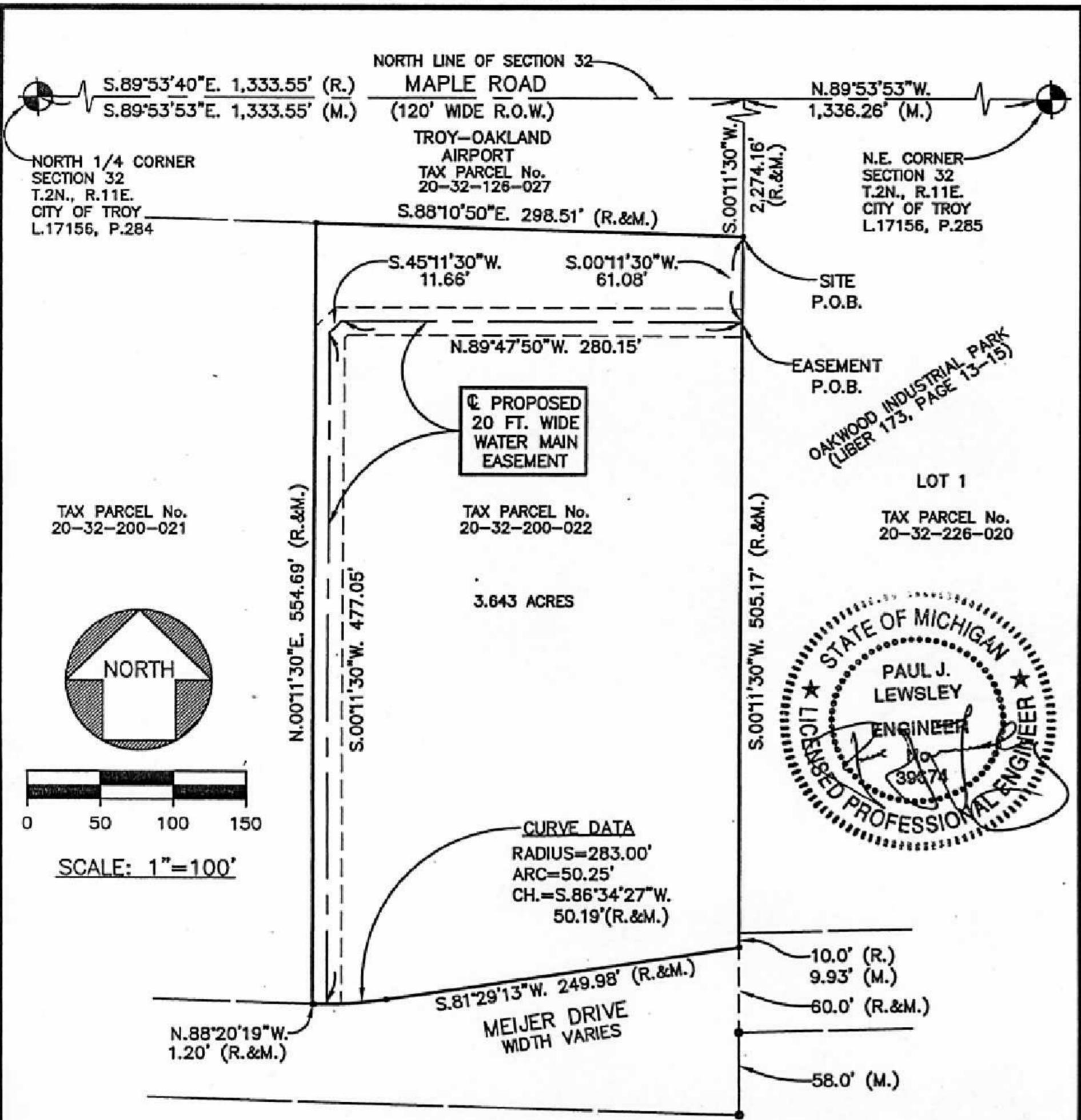
Prepared by:

Dennis C. Stephens  
500 West Big Beaver  
Troy, Michigan 48084

Return to:

City Clerk, City of Troy  
500 West Big Beaver Road  
Troy, Michigan 48084

PROPOSED WATER MAIN EASEMENT SKETCH



**PROPERTY DESCRIPTION - TAX NO. 20-32-200-022**

LAND IN THE NORTH 1/2 OF SECTION 32, TOWN 2 NORTH, RANGE 11 EAST, CITY OF TROY, OAKLAND COUNTY, MICHIGAN, DESCRIBED AS:

COMMENCING AT THE NORTH 1/4 CORNER OF SECTION 32; THENCE ALONG THE NORTH SECTION LINE S.89°53'40"E. 1,333.55 FEET; THENCE S.00°11'30"W. 2,274.16 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING S.00°11'30"W. 505.17 FEET; THENCE S.81°29'13"W. 249.98 FEET; THENCE 50.25 FEET ALONG A CURVE TO THE RIGHT, RADIUS 283.00 FEET, CHORD S.86°34'27"W. 50.19 FEET; THENCE N.88°20'19"W. 1.20 FEET; THENCE N.00°11'30"E. 554.69 FEET; THENCE S.88°10'50"E. 298.51 FEET TO THE POINT OF BEGINNING, CONTAINING 3.643 ACRES.

**PROPOSED PUBLIC WATER MAIN EASEMENT DESCRIPTION**

A 20 FOOT WIDE EASEMENT FOR PUBLIC WATER MAIN WHOSE CENTERLINE IS DESCRIBED AS COMMENCING AT THE NORTH 1/4 CORNER OF SECTION 32; THENCE ALONG THE NORTH SECTION LINE S.89°53'40"E. 1,333.55 FEET; THENCE S.00°11'30"W. 2,335.24 FEET TO THE POINT OF BEGINNING; THENCE N.89°47'50"W. 280.15 FEET; THENCE S.45°11'30"W. 11.66 FEET; THENCE S.00°11'30"W. 477.05 FEET TO THE POINT OF ENDING ON THE NORTH LINE OF MEIJER DRIVE.

**PREPARED FOR:**  
 SYNERGY GROUP, INC.  
 5440 CORPORATE DR., SUITE 275  
 TROY, MICHIGAN 48098  
 PHONE: 248/740-7400

JOB NO.  
 0262

SCALE 1"=100'

DATE 5/14/03

REVISION

SHEET 1 OF 1

**PROPOSED EASEMENT SKETCH**



**ENVIRONMENTAL ENGINEERS, INC.**  
 18820 WEST TEN MILE ROAD  
 SOUTHFIELD, MICHIGAN 48075  
 PHONE: 248/424-9510

June 2, 2003

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager  
Gary A. Shripka, Assistant City Manager/Services  
Jeanette Bennett, Purchasing Director  
Timothy L. Richnak, Public Works Director

SUBJECT: Standard Purchasing Resolution 1: Award To Low Bidder –  
Three (3) Year Requirements of Guard Service

### **RECOMMENDATION**

Bids were received April 25, 2003, to provide guard service for the DPW building and yard. City management recommends awarding the contract to the lowest bidder, DuHadway, Kendall, and Assoc. (DK Security) at hourly rates contained on the attached bid tabulation. The estimated cost for three years is \$85,941.04 (\$27,802.04; \$28,639.74; \$29,499.26) respectfully. The estimated hours for regular time per year are 1,922; estimated hours for holiday time are 130.

### **BACKGROUND**

The guard service is used on weekends (Saturdays and Sundays, 18 hours each day) and holidays (18 hours) when the DPW building and yard are idle.

The City DPW yard has provided the guard service since 1982. We recommend that we award this (3) three-year contract to DK Security for the pricing, terms, and conditions on their bid proposal. This guard service is essential to provide protection for the city vehicles, DPW yard materials, and buildings. The guard also unlocks the recycling center gates at 8:00am and oversees the residents and traffic entering the recycling yard. The gates are then secured at 7:00pm.

### **BUDGET**

Funds for Guard Service are budgeted in the Contractual Services (Security System) account for the DPW Facility 551.7802.220.

17 MITN Vendors Notified  
9 Bid Responses Received  
2 No Bids: (1) Company indicated the job was too small.  
(1) Company had liability issues.

Opening Date -- 4/25/03  
 Date Prepared -- 6/2/03

CITY OF TROY  
 BID TABULATION  
 GUARD SERVICE

VENDOR NAME:

** DuHadway, Kendall	Ascension	Top Notch	AARMCO
& Assoc, Inc	Security	Protection	INC
dba DK Security	Professionals	Inc	

PROPOSAL -- FURNISH THREE (3) YEAR REQUIREMENTS OF GUARD SERVICE

ESTIMATED HOURS:

1922/year **Regular Time Charge**

Year 2003-04

Year 2004-05

Year 2005-06

130/year **Holiday Time Charge**

Year 2003-04

Year 2004-05

Year 2005-06

COST/ MAN HR	COST/ MAN HR	COST/ MAN HR	COST/ MAN HR
\$ 13.27	\$ 13.85	\$ 14.00	\$ 14.00
\$ 13.67	\$ 13.85	\$ 14.25	\$ 14.50
\$ 14.08	\$ 14.12	\$ 14.50	\$ 15.00
\$ 17.67	\$ 19.53	\$ 21.00	\$ 21.00
\$ 18.20	\$ 19.53	\$ 21.38	\$ 21.75
\$ 18.75	\$ 19.91	\$ 21.75	\$ 22.50

ESTIMATED GRAND TOTAL--

** \$ 85,941.04	\$ 88,044.14	\$ 90,502.40	\$ 92,089.50
-----------------	--------------	--------------	--------------

Holidays defined as --

NEW YEARS DAY  
 EASTER  
 JULY 4TH, MEMORIAL DAY  
 LABOR DAY  
 THANKSGIVING &  
 CHRISTMAS EVE & DAY

SITE INSPECTION:

Y/N --

DATE --

YES	YES	NO	NO
4/9/03	4/22/03		

INSURANCE:

Can Meet

Cannot Meet

XX	Can Obtain	+\$1,200	XX
	XX	XX	

TERMS:

NET 10 DAYS	NET 15 DAYS	3 YEARS	30 DAYS NET
-------------	-------------	---------	-------------

EXCEPTIONS:

Attached to Bid	BLANK	NONE	BLANK
--------------------	-------	------	-------

HOLD HARMLESS AGREEMENT: Attached (Y/N)

YES	YES	YES	YES
-----	-----	-----	-----

NO BIDS:

Nation Wide Security

VanGuard Protection, Inc

\*\* DENOTES LOW BIDDER

ATTEST:

Kathy Denby

M Aileen Bittner

Susan Leirstein

\_\_\_\_\_  
 Jeanette Bennett  
 Purchasing Director

Opening Date -- 4/25/03  
 Date Prepared -- 6/2/03

CITY OF TROY  
 BID TABULATION  
 GUARD SERVICE

VENDOR NAME:

GUARDIAN	Advanced	Advanced	Securalex
SECURITY	Protective	Protective	
SERVICES	Services	Services	
(Optional Proposal)			

**PROPOSAL -- FURNISH THREE (3) YEAR REQUIREMENTS OF GUARD SERVICE**

**ESTIMATED HOURS:**

1922/year **Regular Time Charge**

Year 2003-04

Year 2004-05

Year 2005-06

130/year **Holiday Time Charge**

Year 2003-04

Year 2004-05

Year 2005-06

COST/ MAN HR	COST/ MAN HR	COST/ MAN HR	COST/ MAN HR
	<u>2228 hrs/year</u>		
\$ 14.58	\$ 12.79	\$ 15.26	\$ 15.99
\$ 14.58	\$ 12.79	\$ 15.26	\$ 16.39
\$ 14.58	\$ 12.79	\$ 15.26	\$ 16.80
	<u>136 hrs/year</u>		
\$ 20.70	\$ 19.18	\$ 22.89	\$ 23.99
\$ 20.70	\$ 19.18	\$ 22.89	\$ 24.58
\$ 20.70	\$ 19.18	\$ 22.89	\$ 25.19
<b>ESTIMATED GRAND TOTAL--</b>	<b>\$ 92,141.28</b>	<b>\$ 93,313.80</b>	<b>\$ 96,916.26</b>

Holidays defined as --

NEW YEARS DAY  
 EASTER  
 JULY 4TH, MEMORIAL DAY  
 LABOR DAY  
 THANKSGIVING &  
 CHRISTMAS EVE & DAY

SITE INSPECTION:

Y/N --

DATE --

YES		YES	YES
4/17/03		4/11/03	4/10/03

INSURANCE:

Can Meet

Cannot Meet

XX		XX	XX
----	--	----	----

TERMS:

NET 30 DAYS		NET 15 DAYS	NET 30
-------------	--	-------------	--------

EXCEPTIONS:

LISTED IN		Attached To	BLANK
BID		Bid	

HOLD HARMLESS AGREEMENT: Attached (Y/N)

YES		YES	YES
-----	--	-----	-----

Opening Date -- 4/25/03  
 Date Prepared -- 6/2/03

CITY OF TROY  
 BID TABULATION  
 GUARD SERVICE

VENDOR NAME:

THE			
WACKENHUT			
CORPORATION			

**PROPOSAL -- FURNISH THREE (3) YEAR REQUIREMENTS OF GUARD SERVICE**

**ESTIMATED HOURS:**

1922/year **Regular Time Charge**

Year 2003-04

Year 2004-05

Year 2005-06

130/year **Holiday Time Charge**

Year 2003-04

Year 2004-05

Year 2005-06

COST/ MAN HR			
\$ 15.58			
\$ 16.58			
\$ 17.58			
\$ 21.81			
\$ 23.21			
\$ 24.61			
<b>ESTIMATED GRAND TOTAL--</b>	<b>\$ 104,652.18</b>		

Holidays defined as --

NEW YEARS DAY  
 EASTER  
 JULY 4TH, MEMORIAL DAY  
 LABOR DAY  
 THANKSGIVING &  
 CHRISTMAS EVE & DAY

SITE INSPECTION:

Y/N --

DATE --

Current

Provider

INSURANCE:

Can Meet

Cannot Meet

XX

TERMS:

NET UPON RECEIPT

EXCEPTIONS:

LISTED IN

BID

HOLD HARMLESS AGREEMENT: Attached (Y/N)

NO



## Downloading History for ITB-COT 03-15Guard

The report below shows all fax and e-mail vendors that matched this document when it was originally issued. It also shows all vendors that have downloaded or ordered the document and any subsequent as of **6/2/2003**.

<b>Document Title:</b>	Guard Services
<b>Date Issued:</b>	4/4/2003
<b>Close Date:</b>	4/25/2003

Click on the table headings for "Account Number" or "Company name" to re-sort this report by that column. You may also click on any vendor account number to view their account information.

Acct #	Company Name	Service	Date Obtained Document	Date Obtained
11020	AARMCO, Inc.	Fax	4/9/2003	
11504	Advanced Protective Services, Inc	E-mail	4/7/2003	
11547	Ascension Security Professionals	Free	4/8/2003	
11303	Asset Protection Specialists of Saginaw	E-mail		
11518	DENSU,INC. Security	Free	4/10/2003	
11451	DuHadway, Kendall, and Associates, Inc.	Free	4/10/2003	
11689	Guardian Security Services	E-mail	4/22/2003	
10820	Morrison Security	E-mail		
11529	Nation Wide Security	Free	4/7/2003	
11602	On-Site Mobile Storage Incorporated	Free	4/11/2003	
11545	Pinkerton / Burns Security Services	E-mail	4/25/2003	
11581	SECURATEX	Free	4/9/2003	
10010	Test E-mail Company for MITN	E-mail	4/18/2003	
11519	The Wackenhut Corporation	Free	4/21/2003	
10484	Top Notch Protections	Fax	4/29/2003	
11799	Universal Components LLC	Free	4/21/2003	
11492	Vanguard Protection and Investigations, Inc.	E-mail	4/7/2003	

[Return to Main Menu](#)

[Return to Report Menu](#)

June 9, 2003

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager  
Gary A. Shripka, Assistant City Manager/Services  
Steven Vandette, City Engineer

SUBJECT: Private Agreement for Metroline Expansion  
Project No. 02.956.3

The Engineering Department has reviewed and approved plans for this project, which includes water main.

The Owner has provided letter of credit for escrow and cash fees in the amount of the estimated cost of public improvements, as required.

Approval is recommended.

G:\Projects\Projects - 02.956.3\Private Agreement Cover Letter.doc

cc: Tonni Bartholomew, City Clerk (Original Agreement)  
James Nash, Financial Services Director

Prepared by: Gary Streight, P.E.  
Civil Engineer

Enclosed Private Agreement, Detailed Summary, Sketch

**CONTRACT FOR INSTALLATION OF MUNICIPAL IMPROVEMENTS  
(PRIVATE AGREEMENT)**

PROJECT NO. 02.956.3

PROJECT LOCATION:

2250 Meijer

RESOLUTION NO.

DATE OF COUNCIL APPROVAL:

**KNOW ALL MEN BY THESE PRESENT;** That the City of Troy, a Michigan Municipal Corporation of the County of Oakland, State of Michigan, hereinafter referred to as "City" and **Metroline** whose address is 2250 Meijer Drive, Troy, MI 48084 and whose telephone number is 248-435-5750 hereinafter referred to as "Owners".

**WITNESSETH, FIRST:** That the City agrees to allow the installation of water main in accordance with plans prepared by Environmental Engineers whose address is 18620 W. Ten Mile Road, Southfield, MI 48075 and whose telephone number is 248-424-9510 and approved prior to construction by the City specifications of the City shall be complied with for this construction.

**SECOND:** That the Owners agree to contribute the approximate contract price of \$23,228.00. This amount will be transmitted to the City Clerk for installation of said improvements in the form of (check one):

- Cash
- Certificate of Deposit
- Irrevocable Bank Letter of Credit
- Performance Bond

Said funds shall be placed on deposit with the City upon the execution of this contract and shall be disbursed to the owner by the City only upon presentation of duly executed waivers of lien and sworn statements satisfactory to the City, and after final inspection and approval by the Engineering Department for the City. In addition, the owners agree to contribute the following cash fees:

* Plan Review and Construction Inspection Fee	\$	1,416.91
Water Main Testing Fee	\$	650.00
Street Cleaning/Road Maintenance (Refundable)	\$	
	\$	
	\$	
<b>TOTAL:</b>	<b>\$</b>	<b>\$2,066.91</b>

\* 6.1% (.061) of approximate contract price

**CONTRACT FOR INSTALLATION OF MUNICIPAL IMPROVEMENTS  
(PRIVATE AGREEMENT)**

PROJECT NO. **02.956.3**

PROJECT LOCATION:

**2250 Meijer Drive**

RESOLUTION NO.

DATE OF COUNCIL APPROVAL:

**THIRD:** The owners may contract for construction of said improvement or may have the City advertise for bids. In the even the Owners select their own contractor, such contractor shall be subject to prior written approval by the City and completed contract documents shall be submitted to the City.

Owners agree to arrange for a pre-construction meeting with the City Engineer and the contractor prior to start of work. All municipal improvements must be completely staked in the field under the direct supervision of a registered civil engineer or registered land surveyor, according to the approved plans.

**FOURTH:** Owners hereby acknowledge the benefit to their property conferred by the construction of the aforementioned and agree and consent to pay the total sum of \$25,294.91 for the construction of said public utilities in lieu of the establishments of any special district by the City. Further, owners acknowledge that the benefit to their property conferred by the improvement is equal to, or in excess of, the aforementioned amount.

**FIFTH:** Owners agree that if, for any reason, the total cost of completion of such improvement shall exceed the sum deposited with the City in accordance with Paragraph SECOND hereof, that Owners will immediately remit such additional amount to the City upon request and City will disburse such additional amount in accordance with Paragraph SECOND hereof. In the event the total cost of completion shall be less than the sum deposited with City in accordance with Paragraph SECOND hereof, City will reimburse to the Owners the excess funds remaining after disbursement of funds.

**SIXTH:** Owners agree to indemnify and save harmless City, their agents and employees, from and against all loss or expense (including costs and attorneys' fees) by reason of liability imposed by law upon the City, its agents and employees for damages because of bodily injury, including death, at any time resulting therefrom sustained by any person or persons or on account of damage to property, including work, provided such injury to persons or damage to property is due or claimed to be due to negligence of the Owner, his contractor, or subcontractors, employees or agents, Owner further agrees to obtain and convey to the City all necessary easements for such public utilities as required by the City Engineer.

**CONTRACT FOR INSTALLATION OF MUNICIPAL IMPROVEMENTS  
(PRIVATE AGREEMENT)**

PROJECT NO. 02.956.3

PROJECT LOCATION:

2250 Meijer Drive

RESOLUTION NO.

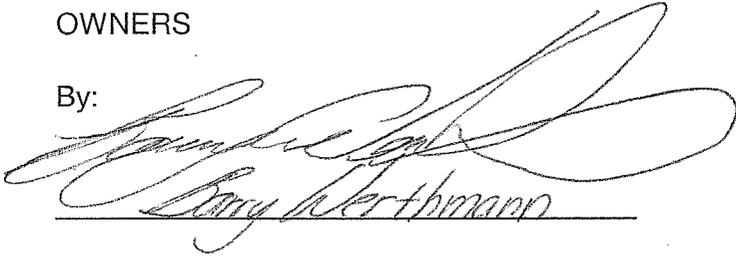
DATE OF COUNCIL APPROVAL:

IN WITNESS WHEREOF, the parties hereto have caused this agreement to be executed in duplicate on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

OWNERS

CITY OF TROY

By:

  
\_\_\_\_\_

By:

\_\_\_\_\_

Please Print or Type

Matt Pryor, Mayor

  
ANTHONY MAC  
\_\_\_\_\_

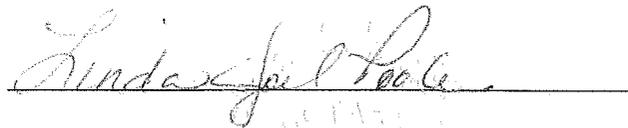
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Please Print or Type

Tonni Bartholomew, City Clerk

STATE OF MICHIGAN, COUNTY OF OAKLAND

On this \_\_\_\_\_ day of \_\_\_\_\_, A.D.20\_\_\_\_\_, before me personally appeared \_\_\_\_\_ known by me to be the same person(s) who executed this instrument and who acknowledged this to be his/her/their free act and deed.

  
\_\_\_\_\_

NOTARY PUBLIC, Macomb Oakland County, Michigan  
acting in Oakland County

My commission expires: 8/22/06

DETAILED SUMMARY OF REQUIRED ESCROW DEPOSITS AND CASH FEES  
PRIVATE AGREEMENT FOR METROLINE EXPANSION  
PROJECT No. 02.956.3

The estimated costs of public improvements for the above mentioned project are as follows:

**Escrow Deposits:**

<b>Water Main</b>	<b>23,228.00</b>
-------------------	------------------

<b>Total Escrow Deposits: (l.o.c.)</b>	<b>\$ 23,228.00</b>
--	---------------------

**Cash Fees:**

Review & Inspection	\$1,416.91
Water Main Testing Fee	650.00
Street Cleaning/Road Maintenance	_____

<b>Total Cash Fees: (check)</b>	<b>\$ 2,066.91</b>
---------------------------------	--------------------

#2112  
EXISTING ONE STORY  
INDUSTRIAL BUILDING  
"FEDERAL EXPRESS  
WORLD SERVICE CENTER"  
20-32-226-020

#2250  
EXISTING ONE STORY  
MASONRY & METAL  
INDUSTRIAL BUILDING  
"METROLINE"  
FIN. FLR. EL. 703.91  
(ZONED M-1)  
20-32-200-022

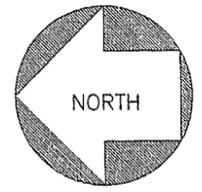
#2300  
EXISTING ONE STORY  
INDUSTRIAL BUILDING  
"G.E. LIGHTING"  
"AMBROSE INTERNATIONAL PAPER EXPRESS"  
FIN. FLR. 697.53  
(ZONED M-1)



LOCATION MAP  
SCALE: 1" = 2,000'

LEGEND

- - - - - EXISTING ELEVATION
- + 702.00 - PROPOSED ELEVATION
- - - - - EXISTING CONTOUR
- - - - - PROPOSED CONTOUR
- U.P. - UTILITY POLE
- ⊕ GUY - GUY WIRE
- ⊕ T.S. - TRAFFIC SIGN
- ⊕ S.I. - SET IRON
- ⊕ F.I. - FOUND IRON
- ⊕ F.P.K. - FOUND P.K. NAIL



SCALE  
1" = 30'

BENCH MARKS

- B.M. #1 - ARROW ON HYDRANT LOCATED ON THE SOUTH SIDE OF MEYER DRIVE IN FRONT OF BUILDING #2250 PROPERTY ELEVATION 704.81 (U.S.G.S.)
- B.M. #2 - NORTH RIM OF STORM SEWER MANHOLE LOCATED 5' SOUTH AND 16' WEST OF NORTHEAST PROPERTY CORNER ELEVATION 701.09 (U.S.G.S.)

PROPERTY DESCRIPTION

LAND IN THE NORTH 1/2 OF SECTION 32, TOWN 2 NORTH, RANGE 11 EAST, CITY OF TROY, OAKLAND COUNTY, MICHIGAN, DESCRIBED AS:  
COMMENCING AT THE NORTH 1/4 CORNER OF SECTION 32; THENCE ALONG THE SECTION LINE SOUTH 89° 53' 40" EAST 1333.55 FEET; THENCE SOUTH 07° 11' 30" WEST 2274.16 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 07° 11' 30" WEST 505.17 FEET; THENCE SOUTH 81° 28' 13" WEST 249.98 FEET; THENCE 50.25 FEET ALONG A CURVE TO THE RIGHT, RADIUS 293.00 FEET, CHORD SOUTH 86° 34' 27" WEST 501.19 FEET; THENCE NORTH 88° 20' 18" WEST 1.20 FEET; THENCE NORTH 01° 30' EAST, 554.58 FEET; THENCE SOUTH 88° 10' 50" EAST 298.81 FEET TO THE POINT OF BEGINNING, CONTAINING 3.643 ACRES.

CONSTRUCTION NOTES

- 1) ALL SITE WORK SHALL BE IN ACCORDANCE WITH THE CURRENT CITY OF TROY STANDARDS AND SPECIFICATIONS.
- 2) ALL TEMPORARY SOIL EROSION CONTROL MEASURES SHALL BE MAINTAINED THROUGHOUT THE CONSTRUCTION. A CITY OF TROY SOIL EROSION AND SEDIMENTATION CONTROL PERMIT IS REQUIRED PRIOR TO THE START OF CONSTRUCTION.
- 3) THE PROPOSED BUILDING AND PAVEMENT AREAS SHALL BE STRIPPED OF ALL EXISTING TOPSOIL. ANY FILL PLACED UNDER OR WITHIN 6 FEET OF THE PROPOSED BUILDING OR PAVEMENT AREAS SHALL BE CLEAN SOIL, FREE OF ANY VEGETATION OR ORGANIC MATERIALS AND SHALL BE PLACED IN 12" MAXIMUM LIFTS COMPACTED TO 95% OF MAXIMUM DENSITY PER MODIFIED PROCTOR TEST.
- 4) ALL PROPOSED WATER MAIN SHALL HAVE 6 FOOT MINIMUM COVER. A M.D.E.C. PERMIT IS REQUIRED FOR PUBLIC WATER MAIN CONSTRUCTION.
- 5) ALL PROPOSED DRAINAGE STRUCTURES AND COVERS ARE DESIGNATED USING MICHIGAN DEPARTMENT OF TRANSPORTATION STANDARD DETAILS AND SPECIFICATIONS. ALL STORM SEWERS SHALL HAVE PREMIUM JOINTS AND SAND OR PEA GRAVEL BEDDING. ALL CATCH BASINS SHALL HAVE 10'-4" P.V.C. BLEEDER DRAIN IN PEA GRAVEL TRENCH IN FOUR DIRECTIONS FROM THE STRUCTURE.
- 6) ALL EXCAVATION UNDER OR WITHIN 5 FEET OF EXISTING OR PROPOSED BUILDING OR PAVEMENT AREAS SHALL HAVE COMPACTED CL # (SAND) BACKFILL.
- 7) THE PROPOSED GRADES SHOWN WITHIN PAVEMENT AREAS ARE FINISHED PAVEMENT GRADES. ALL PROPOSED ASPHALT PAVEMENT SHALL BE AS FOLLOWS:  
2" - M.D.O.T. NO. 1100T BITUMINOUS MIX WEARING COURSE ON  
2" - M.D.O.T. NO. 1100L BITUMINOUS MIX LEVELING COURSE ON  
6" - M.D.O.T. NO. 21AA AGGREGATE BASE

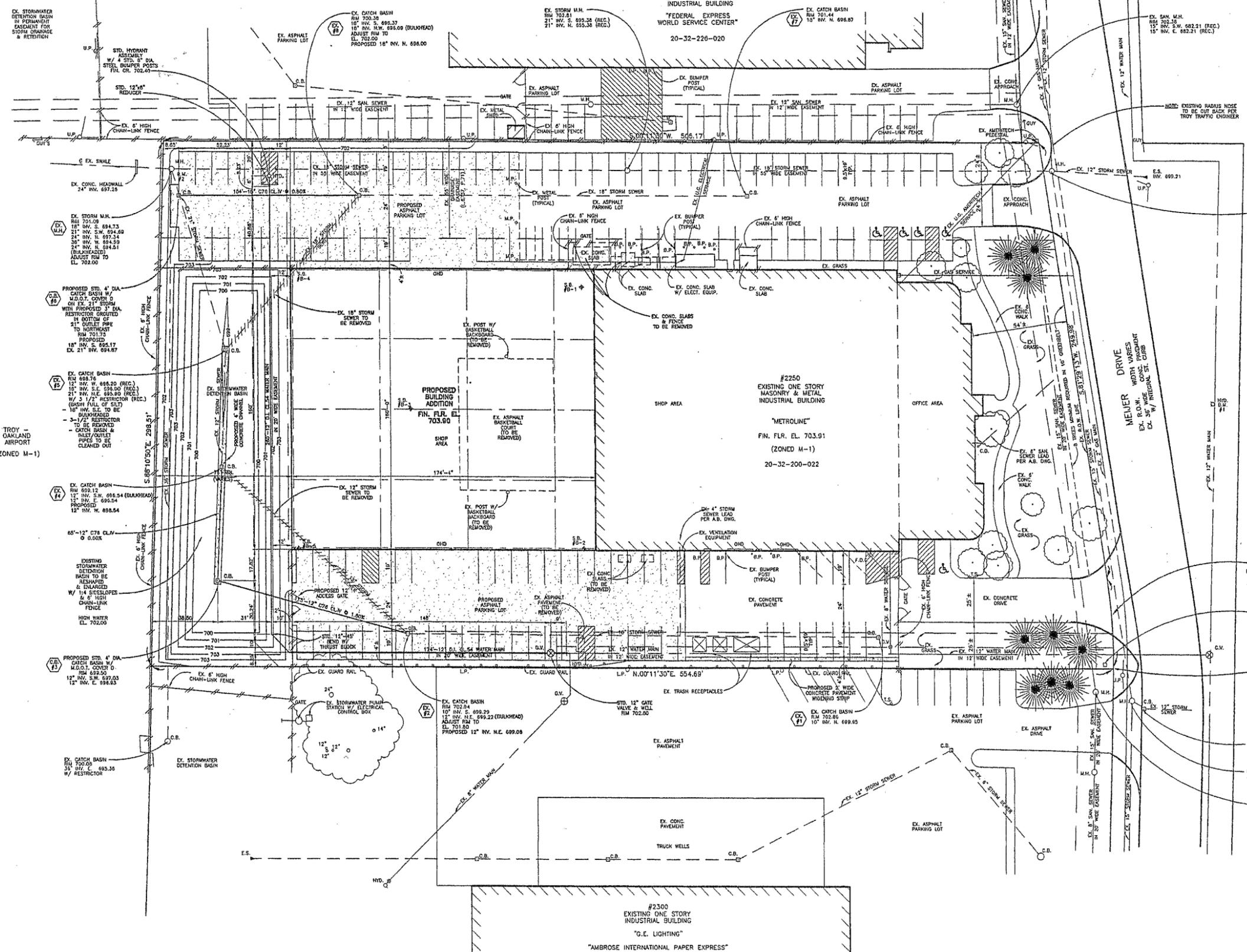
PUBLIC WATER MAIN QUANTITIES

- 434 L.F. - 12" O.D. CL44 WATER MAIN
- 1 EA. - STD. 12" GATE VALVE & WELL
- 1 EA. - STD. HYDRANT ASSEMBLY

STORM SEWER QUANTITIES

- 104 L.F. - 18" C78 CLV STORM SEWER
- 178 L.F. - 12" C78 CLV STORM SEWER
- 2 EA. STD. 4" DIA. CATCH BASIN

NOTE: EXISTING ON-SITE STORM SEWER SYSTEM TO BE CLEARED OUT AS PART OF PROPOSED CONSTRUCTION.



EX. STORMWATER DETENTION BASIN IN PERMANENT EASEMENT FOR STORM DRAINAGE & RETENTION

TROY - OAKLAND AIRPORT (ZONED M-1)



72 HOURS BEFORE YOU DIG  
CALL MISS DIG  
1-800-487-7171  
FORM 1997

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager  
John M. Lamerato, Assistant City Manager-Finance and Administration

RE: Redemption of the King Drainage District Drain Bonds

DATE: June 6, 2003

On September 1, 1993 the City of Troy and the Oakland County Drain Commission issued \$1,675,000 in Oakland County King Drainage District Drain Bonds. As of June 30, 2003 the outstanding bonds amount to approximately \$900,000 bearing interest of 4.625% to 5.00%.

Based on the current interest rate climate and funded position of the Debt Service Fund it is our recommendation to call the outstanding bonds per the attached resolution prepared by the bond counsel of the Drain Commission.

In addition to the principal and accrued interest due on the outstanding bonds, there will approximately \$2,425.00 in legal fees to cover this transaction.

MEMORANDUM

TO: JOHN LAMERATO, ASSISTANT CITY MANAGER  
CITY OF TROY

FROM: JOHN R. AXE  
AXE & ECKLUND, P.C.

DATED: JUNE 4, 2003

RE: REDEMPTION OF THE KING DRAINAGE DISTRICT DRAIN BONDS

---

Enclosed herewith please find a Resolution to Redeem all of the Outstanding Callable Bonds for the King Drainage District Drain Bonds.

On or before November 1, 2003 the City of Troy needs to deposit with Oakland County the following amount:

1. \$900,000 for the outstanding principal to be redeemed
2. \$21,731.40 for the interest payment due on November 1, 2003.

The City may deposit on or before June 30, 2003 a total amount of \$918,011.66 which will earn interest at the rate of 1.20% per annum in Oakland County's money market account. If deposited by June 30, 2003 the total interest earned by November 1, 2003 will equal \$3,719.74 for a total of \$921,731.40.

If you have any questions please give us a call.

June 9, 2003

TO: Honorable Mayor and City Council

FROM: John Szerlag, City Manager  
Gary A. Shripka, Assistant City Manager/Services  
Douglas J. Smith, Real Estate and Development Director  
Patricia A. Petitto, Senior Right of Way Representative

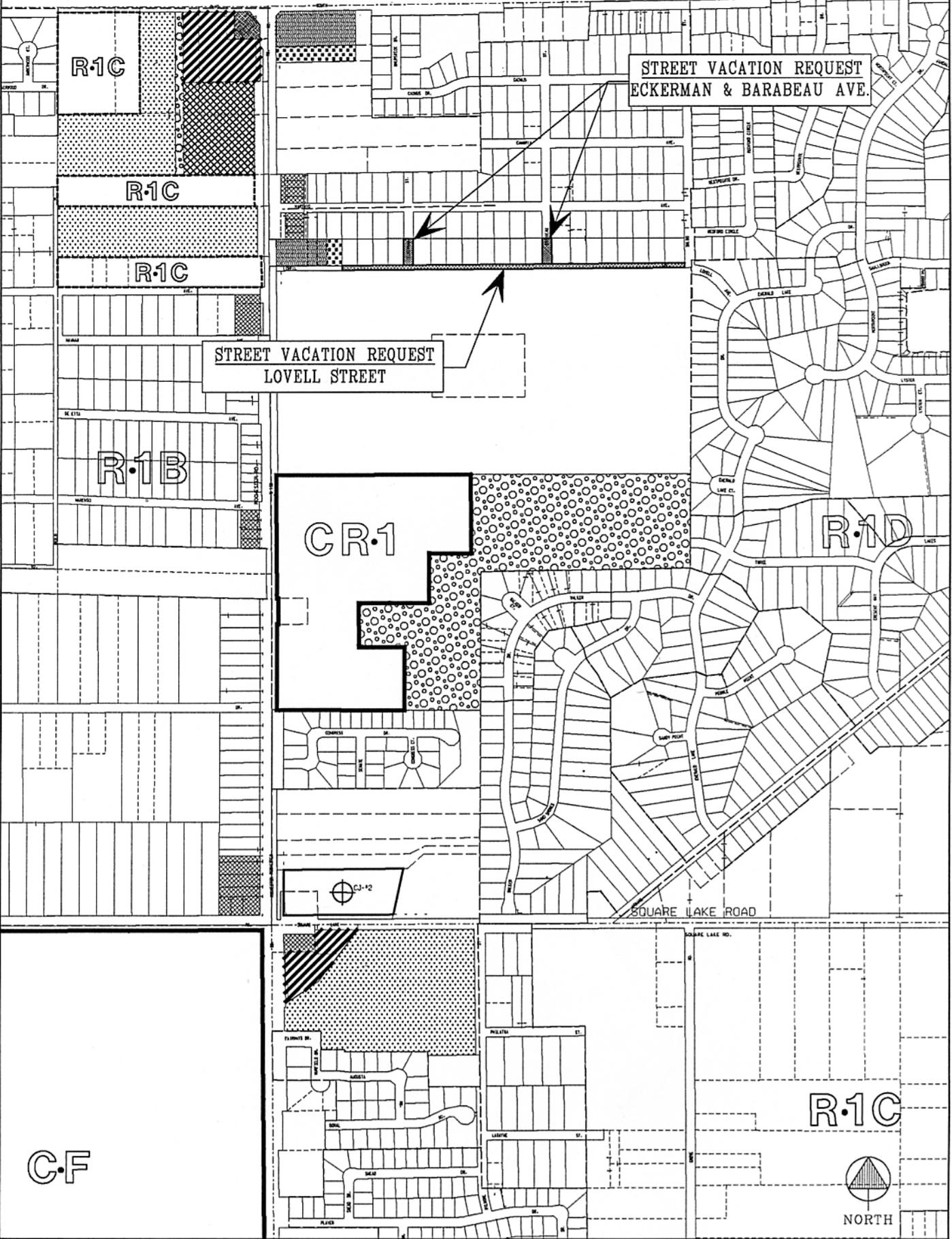
SUBJECT: Request for Final Vacation of a Portion of Lovell, Eckerman and Barabeau Streets,  
East of Rochester

On December 16, 2002 and in connection with the development of the Northwyck/Woodside Bible PUD project, City Council authorized the vacation of a portion of the 30-foot-wide platted public Lovell Street, extending east approximately 2,182 feet from Rochester Road, being part of Eyster's Suburban Home Subdivision, Section 2 (Liber 44, Page 27 of Oakland County Plats). This vacation was approved subject to the retention of easements over the area being vacated as determined by the City Engineer; and subject to petitioners providing proof of ownership of 6710 Eckerman Street and application for a wrecking permit prior to the vacation.

The memo, attachments and resolution caption submitted as part of this agenda item last December also included a request to authorize 170 feet of the 60-foot wide Eckerman right-of-way, and 170 feet of the 60-foot wide Barabeau right-of-way, but they were mistakenly omitted from the resolution text. The public hearing and Planning Commission Meeting minutes from November 12, 2002 included all three streets.

Our Engineering Department has determined that no utilities are located in the area to be vacated so it will not be necessary to retain any easements. Proof of ownership has been provided. The petitioners have applied for a wrecking permit.

Since all of the conditions of the authorizing resolution have been met, Management recommends the final vacation of the 30-foot-wide platted public Lovell Street, extending east approximately 2,182 feet from Rochester Road, plus 170 feet of the 60-foot wide Eckerman right-of-way, and 170 feet of the 60-foot wide Barabeau right-of-way, all being part of Eyster's Suburban Home Subdivision, Section 2 (Liber 44, Page 27 of Oakland County Plats).



June 3, 2003

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager  
 Gary A. Shripka, Assistant City Manager/Services  
 Douglas J. Smith, Real Estate & Development Director  
 Larysa Figol, Right of Way Representative

RE: Request of Acceptance of Warranty Deeds and Permanent Easements From Golden Homes, Inc., - Section 12, Sidwell #88-20-12-200-006, 007, 020 & 021

In connection with the construction of the Colleen Meadows Site Condominium development in Section 12, west of Dequindre and south of Square Lake, the Real Estate & Development Department has received the documents listed below from the property owners, Golden Homes, Inc., having Sidwell #88-20-12-200-006, 007, 020 and 021. The consideration on each document is \$1.00.

<u>GRANTOR</u>	<u>TYPE OF DOCUMENT</u>
Golden Homes, Inc.	Warranty Deed – road right-of-way (extension of Colleen Avenue)
Golden Homes, Inc.	Warranty Deed - road right-of-way (emergency vehicle access)
Golden Homes, Inc.	Permanent Easement – storm sewer
Golden Homes, Inc.	Permanent Easement – sanitary sewer
Golden Homes, Inc.	Permanent Easement – detention pond road access

In order for the developers to proceed with this project, management recommends that City Council accept the attached two warranty deeds and three permanent easements.

WARRANTY DEED

Sidwell #88-20-12-200-006, 007, 020, 021 (pt. of)  
Resolution #

The Grantor(s), GOLDEN HOMES, INC., a Michigan Corporation., whose address is 5108 23 Mile Road, Shelby Twp., MI 48316, convey(s) and warrant(s) to the City of Troy, a Michigan Municipal Corporation, Grantee, whose address is 500 West Big Beaver, Troy, MI 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 and 00/100 Dollars (\$1.00)

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

Dated this 28th day of May, 2003.

GOLDEN HOMES, INC., a Michigan Corporation

By: [Signature]  
Salvatore DiMercurio  
Its: President

STATE OF MICHIGAN )  
COUNTY OF OAKLAND )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2003, by Salvatore DiMercurio, President of Golden Homes, Inc., a Michigan Corporation, on behalf of the Corporation.

[Signature]  
LARYSA FIGOL  
Notary Public, OAKLAND County, MI

My commission expires: MAR 2 / 2006

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

Tax Parcel # 88-20-12-200-006, 007, 020, 021 (pt. of) Recording Fee \_\_\_\_\_ Transfer Tax \_\_\_\_\_

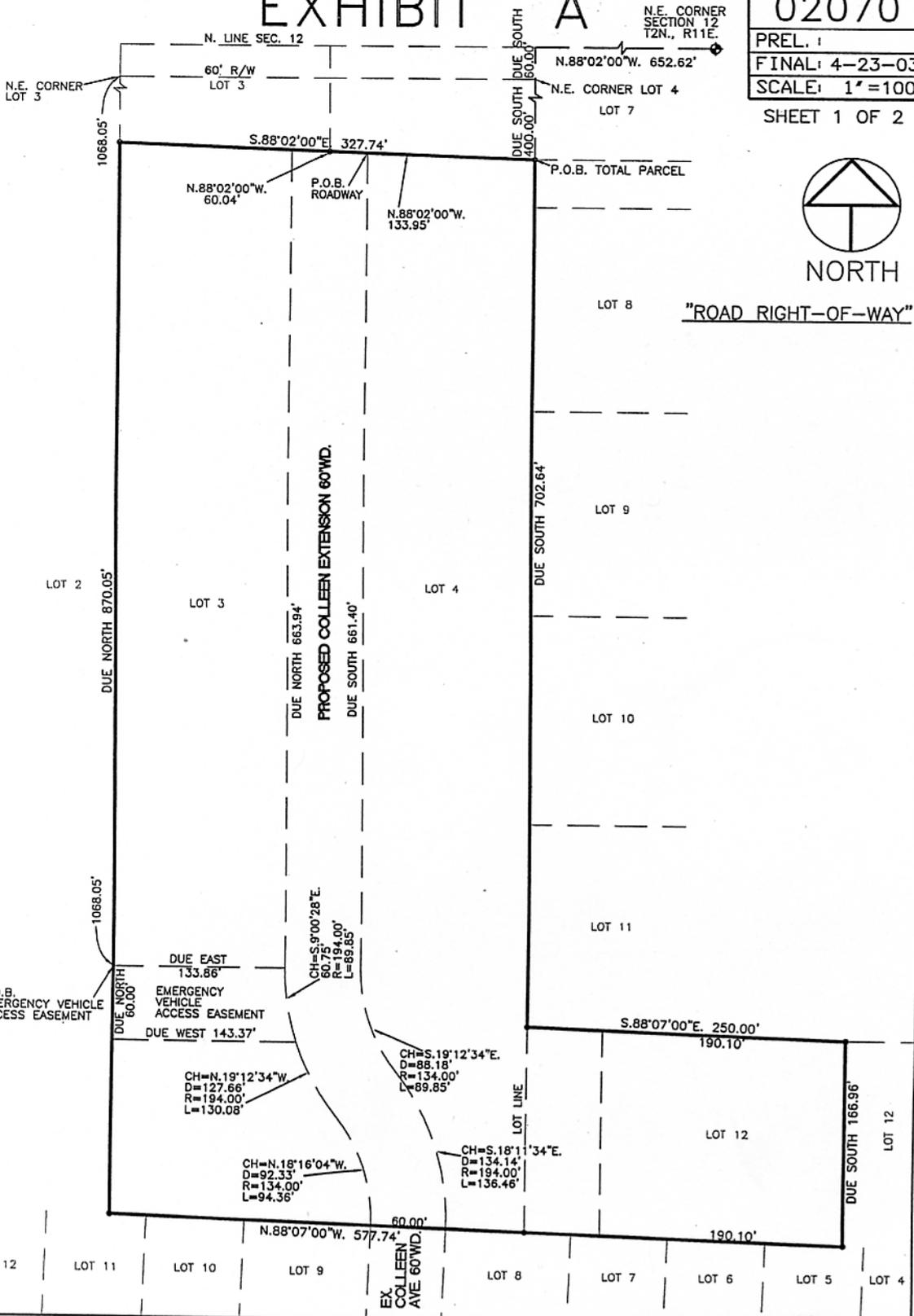
\*TYPE OR PRINT NAMES IN BLACK INK UNDER SIGNATURES

**Legal Description: Emergency Vehicle Access Easement**

PART OF LOT 3 OF "SUPERVISOR'S PLAT OF WILBRETT ACRES" OF PART OF THE N.E. 1/4 OF THE N.E. 1/4 OF SECTION 12, T2N., R11E., TROY TOWNSHIP (NOW CITY OF TROY), OAKLAND COUNTY, MICHIGAN. RECORDED IN LIBER 13, PAGE 54 OF PLATS, OAKLAND COUNTY RECORDS MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 12; THENCE N.88°02'00"W. 652.62 FEET ALONG NORTH LINE OF SAID SECTION 12 TO A POINT; THENCE DUE SOUTH 60.00 FEET TO THE NORTHEAST CORNER OF SAID LOT 4; THENCE N.88°02'00"W. 327.74 FEET TO THE NORTHWEST CORNER OF SAID LOT 3; THENCE DUE SOUTH 1068.05 FEET TO THE POINT OF BEGINNING; THENCE DUE EAST 133.86 FEET TO A POINT OF CURVE; THENCE SOUTHERLY 61.00 FEET ALONG AN ARC TO THE LEFT (RADIUS OF 194.00 FEET, CENTRAL ANGLE OF 18°00'57", LONG CHORD BEARS S.09°00'28"E. 60.75 FEET) TO A POINT ON A CURVE; THENCE DUE WEST 143.37 FEET TO A POINT ON THE WEST LINE OF SAID LOT 3; THENCE DUE NORTH 60.00 FEET ALONG SAID WEST LINE OF LOT 3 TO THE POINT OF BEGINNING. CONTAINING 0.19 ACRES OF LAND MORE OR LESS AND SUBJECT TO AND TOGETHER WITH ALL EASEMENTS AND RESTRICTIONS AFFECTING TITLE TO THE ABOVE DESCRIBED PREMISES.

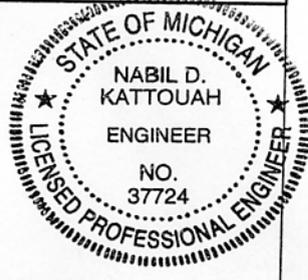
# EXHIBIT "A"

SURVEY NUMBER  
**02070**  
PREL. I  
FINAL: 4-23-03  
SCALE: 1"=100'  
SHEET 1 OF 2



LAND ENGINEERING SERVICES, INC.  
2201 12 MILE ROAD  
WARREN, MI 48092  
PHONE (586)582-9800  
FAX (586)582-9866

Certified by  
*Nabil D. Kattouah*  
NABIL D. KATTOUAH P.E. #37724  
ORIGINAL: 4-23-03  
REVISED: 4-30-03 ROAD DIMENSIONS



WARRANTY DEED

Sidwell #88-20-26-483-054 (pt. of)  
Resolution #

The Grantor(s), GOLDEN HOMES, INC., a Michigan Corporation., whose address is 5108 23 Mile Road, Shelby Twp., MI 48316, convey(s) and warrant(s) to the City of Troy, a Michigan Municipal Corporation, Grantee, whose address is 500 West Big Beaver, Troy, MI 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 and 00/100 Dollars (\$1.00)

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

Dated this 28th day of May, 2003.

GOLDEN HOMES, INC., a Michigan Corporation

By: [Signature]  
Salvatore DiMercurio  
Its: President

STATE OF MICHIGAN )  
COUNTY OF OAKLAND )

The foregoing instrument was acknowledged before me this 28th day of May, 2003, by Salvatore DiMercurio, President of Golden Homes, Inc., a Michigan Corporation, on behalf of the Corporation.

[Signature]  
\* LARYSA FIGOL  
Notary Public, OAKLAND County, MI

My commission expires: MAR. 2/2006

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

Tax Parcel # 88-20-26-483-054 (pt. of) Recording Fee \_\_\_\_\_ Transfer Tax \_\_\_\_\_

\*TYPE OR PRINT NAMES IN BLACK INK UNDER SIGNATURES

# EXHIBIT "A"

## Legal Description: Roadway Right of Way

PART OF LOT 3 AND 4 EXCEPT THE NORTH 400.00 FEET OF "SUPERVISOR'S PLAT OF WILBRETT ACRES" OF PART OF THE N.E. 1/4 OF THE N.E. 1/4 OF SECTION 12, T2N., R11E., TROY TOWNSHIP (NOW CITY OF TROY), OAKLAND COUNTY, MICHIGAN, RECORDED IN LIBER 13, PAGE 54 OF PLATS, OAKLAND COUNTY RECORDS MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 12; THENCE N.88°02'00"W. 652.62 FEET ALONG NORTH LINE OF SAID SECTION 12 TO A POINT; THENCE DUE SOUTH 60.00 FEET TO THE NORTHEAST CORNER OF SAID LOT 4; THENCE CONTINUING DUE SOUTH 400.00 FEET; THENCE N.88°02'00"W. 133.95 FEET TO THE POINT OF BEGINNING; THENCE DUE SOUTH 661.40 FEET TO A POINT OF CURVE; THENCE SOUTHERLY 89.85 FEET ALONG AN ARC TO THE LEFT (RADIUS OF 134.00 FEET, CENTRAL ANGLE OF 38°25'08", LONG CHORD BEARS S.19°12'34"E. 88.18 FEET) TO A POINT OF REVERSE CURVE; THENCE SOUTHERLY 136.46 FEET ALONG AN ARC TO THE RIGHT (RADIUS OF 194.00 FEET, CENTRAL ANGLE OF 40°27'07", LONG CHORD BEARS S.18°11'34"E. 134.14 FEET TO A POINT ON THE SOUTH LINE OF SAID LOT 4; THENCE N.88°07'00"W. 60.00 FEET ALONG SOUTH LINE OF SAID LOT 4; THENCE NORTHERLY 94.36 FEET ALONG AN ARC TO THE LEFT (RADIUS 134.00 FEET, CENTRAL ANGLE 40°31'16", LONG CHORD BEARS N.18°16'04"W. 92.33 FEET) TO A POINT OF REVERSE CURVE; THENCE NORTHERLY 130.08 FEET (RADIUS 194.00 FEET, CENTRAL ANGLE 38°25'08", LONG CHORD BEARS N.19°12'34"W. 127.66 FEET TO A POINT OF CURVE; THENCE DUE NORTH 663.94 FEET; THENCE S.88°02'00"E. 60.04 FEET TO THE POINT OF BEGINNING. CONTAINING 1.22 ACRES OF LAND MORE OR LESS AND SUBJECT TO AND TOGETHER WITH ALL EASEMENTS AND RESTRICTIONS AFFECTING TITLE TO THE ABOVE DESCRIBED PREMISES.

# EXHIBIT "A"

SURVEY NUMBER

02070

PREL. :

FINAL: 4-23-03

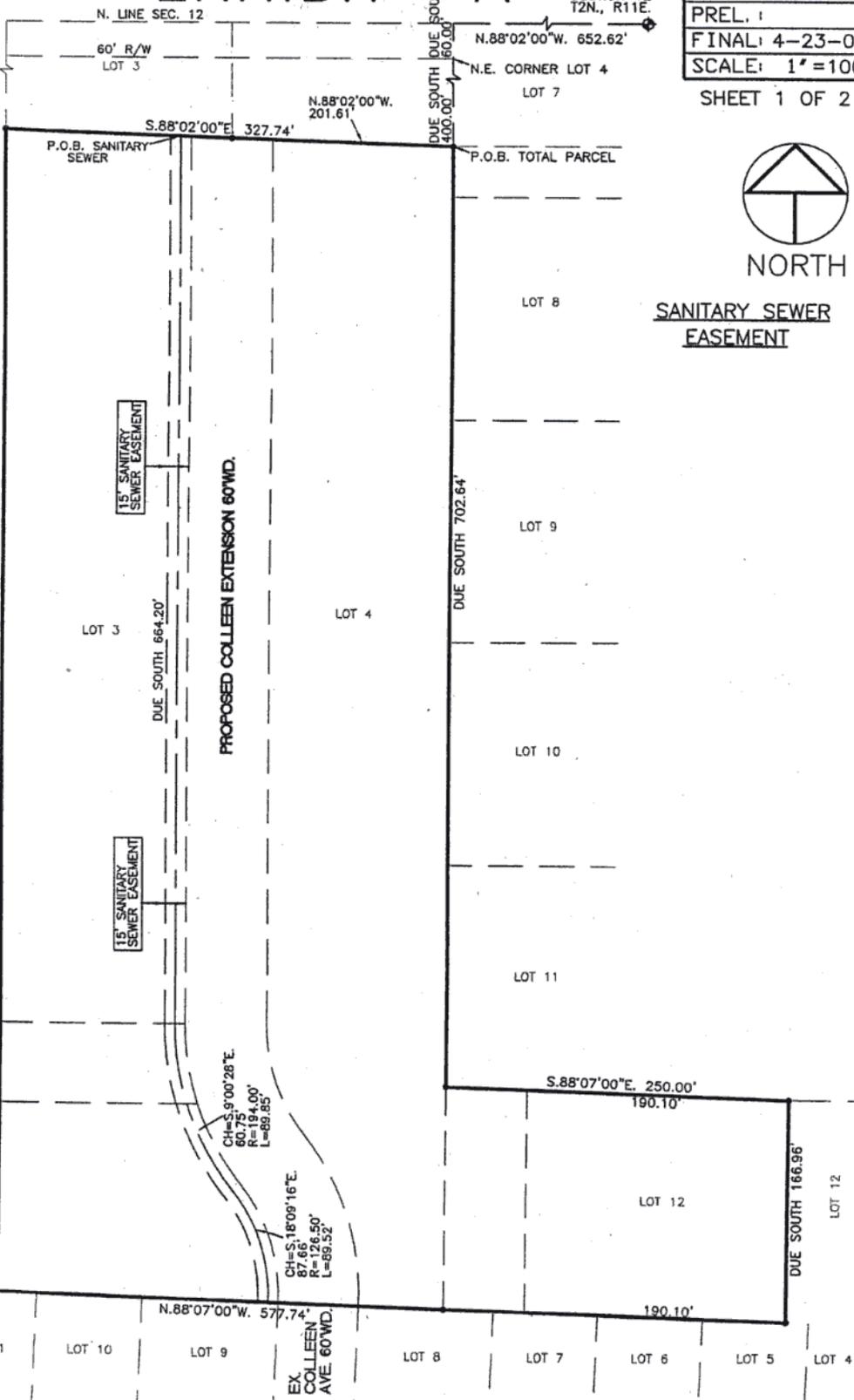
SCALE: 1" = 100'

SHEET 1 OF 2



NORTH

SANITARY SEWER  
EASEMENT



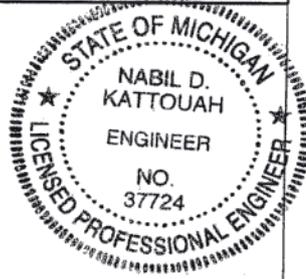
LAND ENGINEERING  
SERVICES, INC.  
2201 12 MILE ROAD  
WARREN, MI 48092  
PHONE (586)582-9800  
FAX (586)582-9866

Certified by  
*N. Kattouah*  
*N.D.*

NABIL D. KATTOUAH P.E. #37724

ORIGINAL: 4-23-03

REVISED: 4-30-03 SANITARY DIMENSIONS



PERMANENT EASEMENT

Sidwell #88-20-12-200-006, 007, 020, 021

Golden Homes, Inc., a Michigan Corporation, Grantors, whose address is 5108 23 Mile Road, Shelby Twp., Michigan 48316 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/drain sewer, said easement for land situated in the City of Troy, Oakland County, Michigan described as:

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

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

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

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

IN WITNESS WHEREOF, the undersigned hereunto affixed his signature(s) this 28<sup>th</sup> day of May, A.D. 2003.

In presence of:  
WITNESS ( Not required)

\_\_\_\_\_

\_\_\_\_\_

GOLDEN HOMES, INC.

By [Signature] (L.S.)  
\*Salvatore DiMercurio  
Its: President

\_\_\_\_\_ (L.S.)

STATE OF MICHIGAN )  
COUNTY OF DAKLAND )

The foregoing instrument was acknowledged before me this 28<sup>th</sup> day of May, 2003, by Salvatore DiMercurio, President of Golden Homes, Inc., a Michigan Corporation, on behalf of the Corporation.

[Signature]  
\* LARYSA FIGOL  
Notary Public, DAKLAND County, Michigan

My Commission Expires MAY - 2/06

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

Return to: City Clerk  
City of Troy  
500 W. Big Beaver Rd.  
Troy, MI 48084

PLEASE PRINT OR TYPE NAMES IN BLACK INK UNDER SIGNATURES

# EXHIBIT "A"

## Legal Description: Storm Sewer Easement #1

THE CENTERLINE OF A 20.00 FOOT STORM SEWER EASEMENT DESCRIBED AS FOLLOWS: PART OF LOT 3 AND 4 EXCEPT THE NORTH 400.00 FEET AND THE WEST 250.00 FEET OF LOT 12 OF "SUPERVISOR'S PLAT OF WILBRETT ACRES" OF PART OF THE N.E. 1/4 OF THE N.E. 1/4 OF SECTION 12, T2N., R11E., TROY TOWNSHIP (NOW CITY OF TROY), OAKLAND COUNTY, MICHIGAN. RECORDED IN LIBER 13, PAGE 54 OF PLATS, OAKLAND COUNTY RECORDS MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 12; THENCE N.88°02'00"W. 652.62 FEET ALONG NORTH LINE OF SAID SECTION 12 TO A POINT; THENCE DUE SOUTH 60.00 FEET TO THE NORTHEAST CORNER OF SAID LOT 4; THENCE CONTINUING DUE SOUTH 400.00 FEET; THENCE N.88°02'00"W. 10.00 FEET TO THE POINT OF BEGINNING; THENCE DUE SOUTH 702.69 FEET TO A POINT; THENCE DUE WEST 115.77 FEET; RETURN THENCE DUE EAST 112.51 FEET TO A POINT; THENCE S:67°33'27"E. 115.77 FEET TO THE POINT OF END.

## Legal Description: Storm Sewer Easement #2

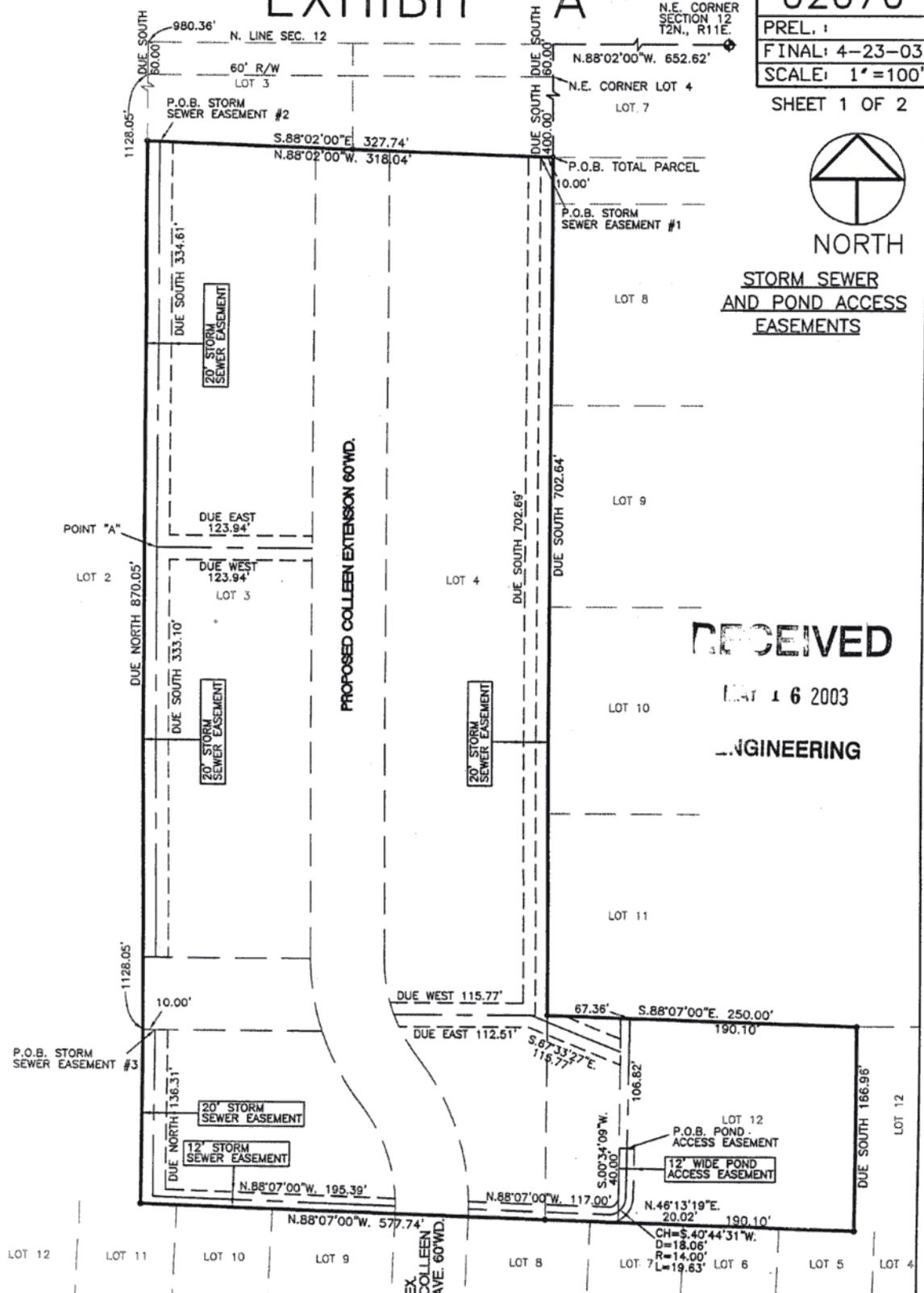
THE CENTERLINE OF A 20.00 FOOT STORM SEWER EASEMENT DESCRIBED AS FOLLOWS: PART OF LOT 3 EXCEPT THE NORTH 400.00 FEET THEREOF OF "SUPERVISOR'S PLAT OF WILBRETT ACRES" OF PART OF THE N.E. 1/4 OF THE N.E. 1/4 OF SECTION 12, T2N., R11E., TROY TOWNSHIP (NOW CITY OF TROY), OAKLAND COUNTY, MICHIGAN. RECORDED IN LIBER 13, PAGE 54 OF PLATS, OAKLAND COUNTY RECORDS MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 12; THENCE N.88°02'00"W. 652.62 FEET ALONG NORTH LINE OF SAID SECTION 12 TO A POINT; THENCE DUE SOUTH 60.00 FEET TO THE NORTHEAST CORNER OF SAID LOT 4; THENCE CONTINUING DUE SOUTH 400.00 FEET; THENCE N.88°02'00"W. 318.04 FEET TO THE POINT OF BEGINNING; THENCE DUE SOUTH 334.39 FEET TO POINT "A"; THENCE DUE EAST 123.94 FEET; RETURN THENCE DUE WEST 123.94 FEET TO POINT "A"; THENCE DUE SOUTH 333.10 FEET TO THE POINT OF END.

## Legal Description: Storm Sewer Easement #3

THE CENTERLINE OF A 20.00 FOOT STORM SEWER EASEMENT DESCRIBED AS FOLLOWS: PART OF LOT 3 EXCEPT THE NORTH 400.00 FEET THEREOF OF "SUPERVISOR'S PLAT OF WILBRETT ACRES" OF PART OF THE N.E. 1/4 OF THE N.E. 1/4 OF SECTION 12, T2N., R11E., TROY TOWNSHIP (NOW CITY OF TROY), OAKLAND COUNTY, MICHIGAN. RECORDED IN LIBER 13, PAGE 54 OF PLATS, OAKLAND COUNTY RECORDS MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 12; THENCE N.88°02'00"W. 980.36 FEET ALONG NORTH LINE OF SAID SECTION 12 TO A POINT; THENCE DUE SOUTH 60.00 FEET TO THE NORTHWEST CORNER OF SAID LOT 3; THENCE CONTINUING DUE SOUTH 1128.05 FEET ALONG THE WEST LINE OF SAID LOT 3; THENCE DUE EAST 10.00 FEET TO THE POINT OF BEGINNING; THENCE DUE SOUTH 136.31 FEET; THENCE S.88°07'00"E. 195.39 FEET TO THE POINT OF END.

# EXHIBIT "A"

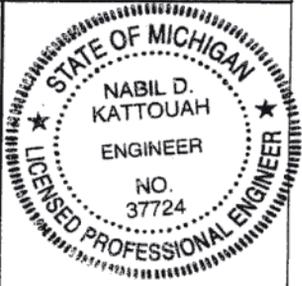
SURVEY NUMBER  
**02070**  
 PREL. 1  
 FINAL: 4-23-03  
 SCALE: 1"=100'  
 SHEET 1 OF 2



**RECEIVED**  
 MAY 16 2003  
 ENGINEERING

LAND ENGINEERING  
 SERVICES, INC.  
 2201 12 MILE ROAD  
 WARREN, MI 48092  
 PHONE (586)582-9800  
 FAX (586)582-9866

Certified by  
  
 NABIL D. KATTOUAH P.E. #37724  
 ORIGINAL: 4-23-03  
 REVISED: 4-30-03 STORM DIMENSIONS  
 5-12-03 STORM #3 DIMENSIONS



PERMANENT EASEMENT

Sidwell #88-20-12-200-006, 007, 020, 021

Golden Homes, Inc., a Michigan Corporation, Grantors, whose address is 5108 23 Mile Road, Shelby Twp., Michigan 48316 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 sanitary sewer, said easement for land situated in the City of Troy, Oakland County, Michigan described as:

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

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

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

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

IN WITNESS WHEREOF, the undersigned hereunto affixed his signature(s) this 28th day of May A.D. 2003.

In presence of:  
WITNESS ( Not required)

GOLDEN HOMES, INC.

By [Signature] (t.S.)  
\*Salvatore DiMercurio  
Its: President

\_\_\_\_\_  
\* (L.S.)

STATE OF MICHIGAN )  
COUNTY OF (DAKLAND)

The foregoing instrument was acknowledged before me this 28th day of May, 2003, by Salvatore DiMercurio, President of Golden Homes, Inc., a Michigan Corporation, on behalf of the Corporation.

[Signature]  
\* LARYSA FIGOL  
Notary Public, DAKLAND County, Michigan  
My Commission Expires MAR-2/06

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

Return to: City Clerk  
City of Troy  
500 W. Big Beaver Rd.  
Troy, MI 48084

PLEASE PRINT OR TYPE NAMES IN BLACK INK UNDER SIGNATURES

## EXHIBIT "A"

### Legal Description: Total Parcel

LOT 3 AND 4 EXCEPT THE NORTH 400.00 FEET THEREOF, AND THE WEST 250.00 FEET OF LOT 12 OF "SUPERVISOR'S PLAT OF WILBRETT ACRES" OF PART OF THE N.E. 1/4 OF THE N.E. 1/4 OF SECTION 12, T2N., R11E., TROY TOWNSHIP (NOW CITY OF TROY), OAKLAND COUNTY, MICHIGAN. RECORDED IN LIBER 13, PAGE 54 OF PLATS, OAKLAND COUNTY RECORDS MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 12; THENCE N.88°02'00"W. 652.62 FEET ALONG NORTH LINE OF SAID SECTION 12 TO A POINT; THENCE DUE SOUTH 60.00 FEET TO THE NORTHEAST CORNER OF SAID LOT 4; THENCE CONTINUING DUE SOUTH 400.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING DUE SOUTH 702.64 FEET ALONG THE EAST LINE OF SAID LOT 4 TO THE NORTHWEST CORNER OF SAID LOT 12; THENCE S.88°07'00"E. 250.00 FEET ALONG THE NORTH LINE OF SAID LOT 12; THENCE DUE SOUTH 166.96 FEET TO A POINT ON THE SOUTH LINE OF SAID LOT 12; THENCE N.88°07'00"W. 577.74 FEET ALONG THE SOUTH LINE OF SAID LOT 12, 4, 3 TO THE SOUTHWEST CORNER OF SAID LOT 3; THENCE DUE NORTH 870.05 FEET ALONG THE WEST LINE OF SAID LOT 3 TO A POINT; THENCE S.88°02'00"E. 327.74 FEET TO THE POINT OF BEGINNING. CONTAINING 7.51 ACRES MORE OR LESS AND SUBJECT TO AND TOGETHER WITH ALL EASEMENTS AND RESTRICTIONS AFFECTING TITLE TO THE ABOVE DESCRIBED PREMISES.

### Legal Description: Sanitary Sewer Easement

THE CENTERLINE OF A 15 FOOT SANITARY SEWER EASEMENT DESCRIBED AS FOLLOWS: PART OF LOT 3 AND LOT 4 EXCEPT THE NORTH 400.00 FEET THEREOF OF "SUPERVISOR'S PLAT OF WILBRETT ACRES" OF PART OF THE N.E. 1/4 OF THE N.E. 1/4 OF SECTION 12, T2N., R11E., TROY TOWNSHIP (NOW CITY OF TROY), OAKLAND COUNTY, MICHIGAN. RECORDED IN LIBER 13, PAGE 54 OF PLATS, OAKLAND COUNTY RECORDS MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 12; THENCE N.88°02'00"W. 652.62 FEET ALONG NORTH LINE OF SAID SECTION 12 TO A POINT; THENCE DUE SOUTH 60.00 FEET TO THE NORTHEAST CORNER OF SAID LOT 4; THENCE CONTINUING DUE SOUTH 400.00 FEET; THENCE N.88°02'00"W. 201.61 FEET TO THE POINT OF BEGINNING; THENCE DUE SOUTH 664.20 FEET TO A POINT OF CURVE; THENCE SOUTHERLY 135.11 FEET ALONG AN ARC TO THE LEFT (RADIUS OF 201.50 FEET, CENTRAL ANGLE OF 38°25'08", LONG CHORD BEARS S.19°13'05"E. 132.60 FEET) TO A POINT OF REVERSE CURVE; THENCE SOUTHERLY 89.52 FEET ALONG AN ARC TO THE RIGHT (RADIUS OF 126.50 FEET, CENTRAL ANGLE OF 40°32'47", LONG CHORD BEARS S.18°09'16"E. 87.66 FEET TO A POINT ON THE SOUTH LINE OF SAID LOT 4 BEING THE POINT OF END FOR ROAD AND SANITARY EASEMENT.

# EXHIBIT "A"

SURVEY NUMBER

02070

PREL. 1

FINAL 4-23-03

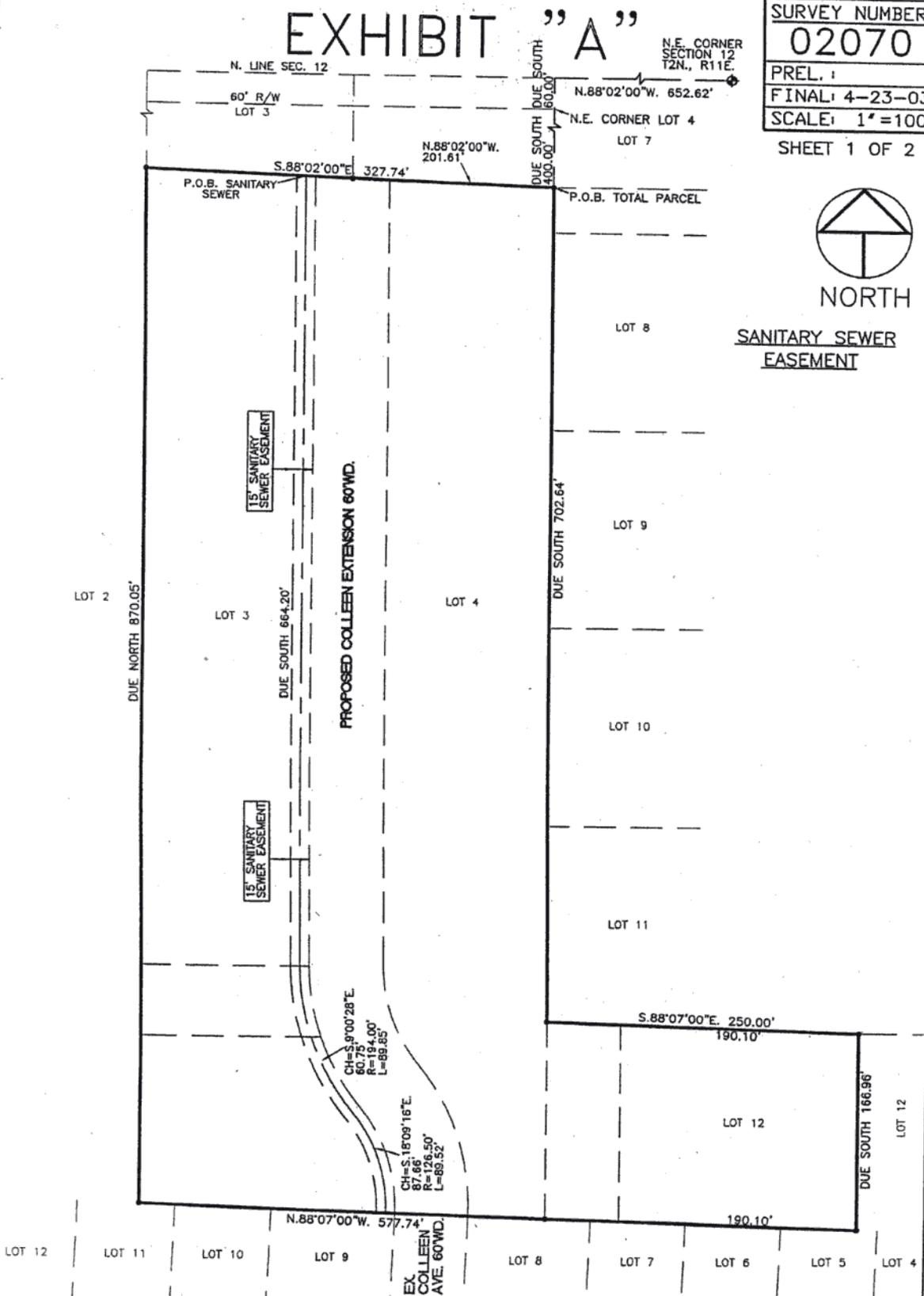
SCALE: 1"=100'

SHEET 1 OF 2



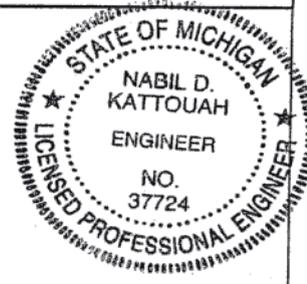
NORTH

SANITARY SEWER EASEMENT



LAND ENGINEERING SERVICES, INC.  
 2201 12 MILE ROAD  
 WARREN, MI 48092  
 PHONE (586)582-9800  
 FAX (586)582-9866

Certified by  
  
 NABIL D. KATTOUAH P.E. #37724  
 ORIGINAL: 4-23-03  
 REVISED: 4-30-03 SANITARY DIMENSIONS



PERMANENT EASEMENT

Sidwell #88-20-12-200-006, 007, 020, 021 (pt.of)

Golden Homes, Inc., a Michigan Corporation, Grantors, whose address is 5108 23 Mile Road, Shelby Twp., Michigan 48316 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 operate, maintain, repair and/or replace storm pond access road & ingress/egress over, under and across the real property, 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 his signature(s) this 28th day of May A.D. 2003.

In presence of:  
WITNESS ( Not required)

GOLDEN HOMES, INC.

By [Signature] (L.S.)  
\*Salvatore DiMercurio  
Its: President

\_\_\_\_\_  
\*  
  
\_\_\_\_\_  
\*

\_\_\_\_\_  
\* (L.S.)

STATE OF MICHIGAN )  
COUNTY OF DAKLAND )

The foregoing instrument was acknowledged before me this 28th day of May, 2003, by Salvatore DiMercurio, President of Golden Homes, Inc., a Michigan Corporation, on behalf of the Corporation.

[Signature]  
\* LARYSA FIGOL  
Notary Public, DAKLAND County, Michigan

My Commission Expires MAR. 2 / 06

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

Return to: City Clerk  
City of Troy  
500 W. Big Beaver Rd.  
Troy, MI 48084

EXHIBIT "A"

**Legal Description: Storm Pond Access Road Easement**

THE CENTERLINE OF A 12.00 FOOT INGRESS AND EGRESS EASEMENT DESCRIBED AS FOLLOWS: PART OF LOT 4 EXCEPT THE NORTH 400.00 FEET AND PART OF THE WEST 250.00 FEET OF LOT 12 OF "SUPERVISOR'S PLAT OF WILBRETT ACRES" OF PART OF THE N.E. 1/4 OF THE N.E. 1/4 OF SECTION 12, T2N., R11E., TROY TOWNSHIP (NOW CITY OF TROY), OAKLAND COUNTY, MICHIGAN. RECORDED IN LIBER 13, PAGE 54 OF PLATS, OAKLAND COUNTY RECORDS MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 12; THENCE N.88°02'00"W. 652.62 FEET ALONG NORTH LINE OF SAID SECTION 12 TO A POINT; THENCE DUE SOUTH 60.00 FEET TO THE NORTHEAST CORNER OF SAID LOT 4; THENCE CONTINUING DUE SOUTH 1102.64 FEET ALONG THE EAST LINE OF SAID LOT 4; THENCE S.88°07'00"E. 67.36 FEET ALONG THE NORTH LINE OF SAID LOT 12; THENCE S.00°34'09"W. 106.82 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING S.00°34'09"W. 40.00 FEET TO A POINT OF CURVE; THENCE SOUTHERLY 19.63 FEET ALONG AN ARC TO THE RIGHT (RADIUS OF 14.00 FEET, CENTRAL ANGLE OF 80°20'44", LONG CHORD BEARS S.40°44'31"W. 18.06 FEET TO A POINT OF CURVE; THENCE N.88°07'00"W. 117.00 FEET TO A POINT OF END.

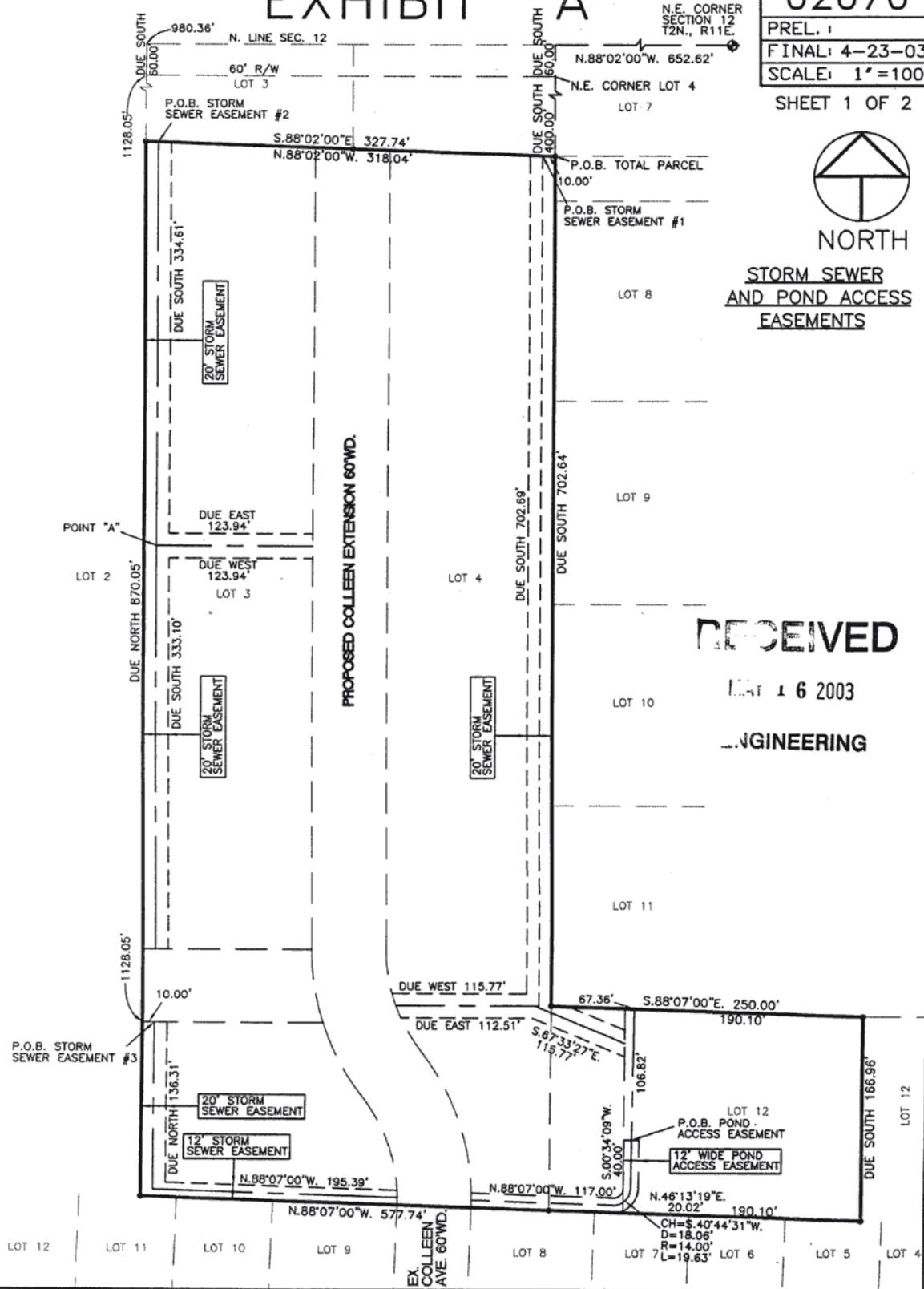
# EXHIBIT "A"

SURVEY NUMBER  
**02070**  
 PREL. 1  
 FINAL: 4-23-03  
 SCALE: 1"=100'  
 SHEET 1 OF 2



NORTH

**STORM SEWER  
 AND POND ACCESS  
 EASEMENTS**



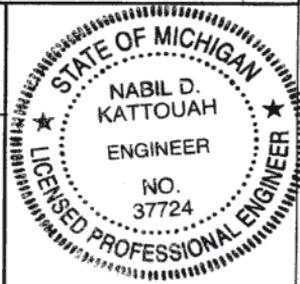
**RECEIVED**

APR 16 2003

ENGINEERING

LAND ENGINEERING  
 SERVICES, INC.  
 2201 12 MILE ROAD  
 WARREN, MI 48092  
 PHONE (586)582-9800  
 FAX (586)582-9866

Certified by  
  
 NABIL D. KATTOUAH P.E. #37724  
 ORIGINAL: 4-23-03  
 REVISED: 4-30-03 STORM DIMENSIONS  
 5-12-03 STORM #3 DIMENSIONS



June 9, 2003

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager  
Gary A. Shripka, Assistant City Manager/Services  
Douglas J. Smith, Real Estate & Development Director  
Patricia A. Petitto, Senior Right of Way Representative

SUBJECT: Request for Approval to Pay Business Relocation Claim  
Rick Beverly, Inc.  
O'Rilley Building Tenant - 2780 Rochester Road

In compliance with Michigan Laws and Federal Guidelines, businesses displaced by a public project are entitled to Relocation Benefits that include payments for actual reasonable moving costs, actual reasonable expenses to reestablish the business, and payment for actual reasonable expenses to search for a replacement property. The laws provide that the owner may choose instead to receive an "in lieu of" or "fixed payment" based on income. A fixed payment is equal to the business's average annual net earnings for the two years prior to displacement with a maximum payment amount of \$20,000.

Attached is a copy of a "Relocation Claim" for a fixed payment based on income filed by Rick Beverly, Inc., one of the businesses that is being displaced from 2780 Rochester Road. We have verified that the average net earnings for the years 2001 and 2002 exceeded \$20,000. They are currently negotiating a lease for office space at another location here in Troy.

Therefore, the Real Estate & Development Department requests approval to pay the attached claim in the amount of \$20,000 (the maximum allowed) to Rick Beverly, Inc. This payment will be made in lieu of payment for moving and other related relocation benefits. The funds will come from the Downtown Development Authority (DDA) budget for land acquisition.

Att.

# RELOCATION CLAIM

## BUSINESS/NON-PROFIT/FARM

*Information required by Act 31, P.A. 1970 as amended, and Act 277  
P.A. of 1972, to process payment.*

City of Troy  
MDOT A677 (12/95)

CLAIMANT'S NAME: Rick Beverly Inc.

MAILING ADDRESS: 780 Bloomer Rochester Hills MI 48307

ACQUIRED PROPERTY O'riley Realty  
ADDRESS AND 2780 Rochester Rd Troy Mi 48083  
PHONE: (248)-689-8844

REPLACEMENT PROPERTY TBD  
ADDRESS AND  
PHONE:

### CONTROLLING DATES

Date of first written offer:

Date of final payment:

Date of move:

Date move verified:

Claim must be filed by 18 months after date of move or final payment, whichever is later.

Date:

Listed below are relocation payments claimed in accordance with Act 31, PA 1970 as amended. For further information, please refer to the booklet "Your Rights and Benefits When Displaced by a City of Troy Project".

Owner  Tenant

Business  Farm  Non-profit  Landlord

Moving Expenses

Reestablishment Expenses

Fixed Payment ("In Lieu Of")

\$ 20,000

AMOUNT DUE: \$ 20,000

I/We agree payment will be sent to : 780 Bloomer Rd Rochester Hills MI 48307

I/We Certify that:

1. All information submitted is true and correct.
2. I/We have not submitted any other claim, or received reimbursement from any other source, for expenses itemized on this claim.
3. I/We have vacated or will vacate the state acquired property.
4. I/We am/are a legal resident of the United States.

Claimant's Signature

Date

Claimant's Signature

Date

I Certify that I have examined this claim and the substantiating documentation and have found it to conform to the applicable State and Federal Laws and the operating procedures of the City of Troy.

RECOMMENDED BY:

*Patricia A. Pettit*

DATE:

6-9-03

APPROVED BY:

DATE:

Remarks:

CONTROL SECTION

PARCEL

NAME

*RICK BEVERLY, INC.*

JOB NUMBER

FED ITEM NUMBER

FED PROJ NUMBER

June 3, 2003

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager  
Gary A. Shripka, Assistant City Manager/Services  
Douglas J. Smith, Real Estate & Development Director  
Larysa Figol, Right of Way Representative

RE: Request for Acceptance of 2 Permanent Sidewalk Easements From  
RWT Building, L.L.C. – Sidwell #88-20-22-401-035

As part of the development of a residential lot, located in the northeast quarter of Section 22 at 889 Vanderpool, the Real Estate & Development Department has received two permanent easements for sidewalk. The consideration on each document is \$1.00.

City management recommends that City Council accept the attached two easements.



PERMANENT EASEMENT

Sidwell #88-20-22-401-035 (pt of)

RWT BUILDING, L.L.C., a Michigan Limited Liability Company, Grantors, whose address is 4535 Homesite, Lake Orion, MI 48359 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, grants to the Grantee the right to construct, operate, maintain, repair and/or replace sidewalk, 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 his signature(s) this 7th day of February A.D. 2003.

In presence of:  
WITNESS (not required)

\_\_\_\_\_  
\*  
\_\_\_\_\_  
\*

By George Tanner (L.S.)  
\*George Tanner  
Its Managing Member

STATE OF MICHIGAN )  
COUNTY OF OAKLAND )

The foregoing instrument was acknowledged before me this 7th day of February, 2003, by George Tanner, Managing Member on behalf of RWT BUILDING, L.L.C., a Michigan Limited Liability Company.

Larysa Figol  
\* LARYSA FIGOL  
Notary Public, OAKLAND County, Michigan

My Commission Expires 3/2/06

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

Return to: City Clerk  
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"**  
**SIDEWALK EASEMENT**

**LEGAL DESCRIPTION**

PARCEL "B": THE WEST  $\frac{1}{2}$  OF LOT 7, SUPERVISOR'S PLAT NO. 17 AS RECORDED IN PLAT LIBER 28 PAGE 36, OAKLAND COUNTY, MICHIGAN RECORDS, MORE PARTICULARLY DESCRIBED AS COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 8; THENCE S89°43'12"E, 130.12 FEET (PREVIOUSLY RECORDED AS 130') ALONG THE NORTHERLY R.O.W. LINE OF VANDERPOOL AVENUE TO THE THE SOUTHWEST CORNER OF LOT 7, SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE N00°00'32"E, 304.25 FEET (PREVIOUSLY RECORDED AS DUE NORTH, 305') TO THE NORTH LINE OF SUPERVISOR'S PLAT NO. 17; THENCE ALONG SAID NORTH LINE S89°34'40"E (PREVIOUSLY RECORDED AS S89°43'12"E), 65.06 FEET; THENCE S00°00'32"W, 304.08 FEET TO THE NORTH R.O.W. LINE OF VANDERPOOL AVENUE; THENCE N89°43'12"W, 65.06 FEET ALONG SAID R.O.W. LINE TO THE POINT OF BEGINNING. BEING PART OF THE SOUTHEAST  $\frac{1}{4}$  OF SECTION 22, T2N-R11E, TROY TOWNSHIP, OAKLAND COUNTY MICHIGAN AND CONTAINING 19,789 SQUARE FEET OR 0.45 ACRES.

TOGETHER WITH AN EASEMENT FOR PUBLIC SIDEWALK DESCRIBED AS FOLLOWS:

THE SOUTH 5 FEET OF THE ABOVE DESCRIBED PARCEL.

PERMANENT EASEMENT

Sidwell #88-20-22-401-035 (pt of)

RWT BUILDING, L.L.C., a Michigan Limited Liability Company, Grantors, whose address is 4535 Homesite, Lake Orion, MI 48359 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, grants to the Grantee the right to construct, operate, maintain, repair and/or replace sidewalk, 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 his signature(s) this 7th day of February A.D. 2003.

In presence of:  
WITNESS (not required)

\_\_\_\_\_  
\*  
  
\_\_\_\_\_

By George Tanner (L.S.)  
\*George Tanner  
Its Managing Member

STATE OF MICHIGAN )  
COUNTY OF OAKLAND )

The foregoing instrument was acknowledged before me this 7th day of February, 2003, by George Tanner, Managing Member on behalf of RWT BUILDING, L.L.C., a Michigan Limited Liability Company.

Larysa Figol  
\* LARYSA FIGOL  
Notary Public, OAKLAND County, Michigan

My Commission Expires 3/2/06

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

Return to: City Clerk  
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"**  
**SIDEWALK EASEMENT**

**LEGAL DESCRIPTION:**

**PARCEL "A":** THE EAST  $\frac{1}{2}$  OF LOT 8, SUPERVISOR'S PLAT NO. 17 AS RECORDED IN PLAT LIBER 28 PAGE 36, OAKLAND COUNTY, MICHIGAN RECORDS, MORE PARTICULARLY DESCRIBED AS COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 8; THENCE S89°43'12"E, 65.06 FEET ALONG THE NORTHERLY R.O.W. LINE OF VANDERPOOL AVENUE TO THE POINT OF BEGINNING; THENCE N00°00'32"E, 304.41 FEET TO THE NORTH LINE OF SUPERVISOR'S PLAT NO. 17; THENCE ALONG SAID NORTH LINE S89°34'40"E (PREVIOUSLY RECORDED AS S89°43'12"E), 65.06 FEET TO THE NORTHWEST CORNER OF LOT 7, SUPERVISOR'S PLAT NO. 17; THENCE ALONG THE WEST LINE OF SAID LOT 7, S00°00'32"W, 304.25 FEET (PREVIOUSLY RECORDED AS DUE SOUTH, 305') TO THE NORTH R.O.W. LINE OF VANDERPOOL AVENUE; THENCE N89°43'12"W, 65.06 FEET ALONG SAID R.O.W. LINE TO THE POINT OF BEGINNING. BEING PART OF THE SOUTHEAST  $\frac{1}{4}$  OF SECTION 22, T2N-R11E, TROY TOWNSHIP, OAKLAND COUNTY MICHIGAN AND CONTAINING 19,799 SQUARE FEET OR 0.45 ACRES.

TOGETHER WITH AN EASEMENT FOR PUBLIC SIDEWALK DESCRIBED AS FOLLOWS:

THE SOUTH 5 FEET OF THE ABOVE DESCRIBED PARCEL.

June 10, 2003

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager  
Gert Paraskevin, Information Technology Director  
Jeanette Bennett, Purchasing Director  
Charles Craft, Chief of Police

Subject: Standard Purchasing Resolution 7: Proprietary Maintenance Service Contract – Motorola Communications

### **RECOMMENDATION**

The Troy Police Department recommends the City renew a one-year contract with Motorola to provide hardware and software maintenance for the Police and Fire Departments' radio console and integrated 911 system. The period covered by the contract is July 1, 2003 through June 30, 2004. The current contract will expire on June 30, 2003. The contract is estimated to cost \$32,100.00 for the year.

### **BACKGROUND**

Motorola is the provider of this proprietary hardware and software.

Motorola has provided service for the radio and 911 system since installation in 1999. The radio console and 911 system are serviced by two different providers, both of whom are under contract to Motorola. Motorola provides a single point of contact on a 24-hour basis.

### **BUDGET**

Funds are budgeted in the Police Department account number 325.7802.095.

June 5, 2003

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager  
Gary A. Shripka, Assistant City Manager/Services  
Douglas J. Smith, Real Estate & Development Director  
Larysa Figol, Right of Way Representative

SUBJECT: Request for Acceptance of Two Permanent Easements for  
Storm Drain/Sewer from Raymond R & Catherine A. Comiskey and  
The Jacqueline A. Cohen Revocable Trust  
Sidwell #88-20-18-451-037 & 88-20-18-451-038

In connection with the installation of a rear yard drainage project on Wentworth Avenue, Section 18 north of Wattles and east of Beech, the Real Estate and Development Department has acquired the following two permanent easements for storm drain/sewer. The consideration amount is \$1.00.

GRANTOR

1. Raymond R. and Catherine A. Comiskey
2. The Jacqueline A. Cohen Revocable  
Trust Dated December 14, 1999,  
- Jacqueline Ann Cohen, Trustee

SIDWELL

88-20-18-451-037  
88-20-18-451-038

In order to proceed with this project, we recommend that City Council accept the attached permanent easements.

cc: Tim Richnak, Public Works Director

PERMANENT EASEMENT

Sidwell #88-20-18-451-037  
Resolution #

*Handwritten initials*  
4084

Raymond R. Comiskey and Catherine A. Comiskey, husband and wife, Grantors, whose address is 4084 Wentworth, Troy, MI 48098 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, grants to the Grantee the right to construct, operate, maintain, repair and/or replace storm drain/sewer, said easement for land situated in the City of Troy, Oakland County, Michigan described as:

The East 8.00 feet of the South 25.00 feet of Lot 152 of "Greentrees East Subdivision No. 2", as recorded in Liber 130, Page 33-34, of Oakland County, Michigan records. Said plat being a part of the Southeast 1/4 of Section 18, Town 2 North, Range 11 East, City of Troy, Oakland County, Michigan.

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

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 ~~their~~ signature(s) this 3rd day of June A.D. 2003.

In presence of:  
WITNESS

\_\_\_\_\_  
\*

Raymond R. Comiskey (L.S.)  
\*Raymond R. Comiskey

\_\_\_\_\_  
\*

Catherine A. Comiskey (L.S.)  
\*Catherine A. Comiskey

STATE OF MICHIGAN )  
COUNTY OF Oakland )

The foregoing instrument was acknowledged before me this 3rd day of June, 2003, by, Raymond R. Comiskey and Catherine A. Comiskey, husband and wife.

Dennis C. Stephans  
\*Dennis C. Stephans  
Notary Public, Oakland County, Michigan

My Commission Expires 10/29/2004

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

Return to: City Clerk  
City of Troy  
500 West Big Beaver  
Troy, MI 48084



PERMANENT EASEMENT

Sidwell #88-20-18-451-038

Resolution #

Jacqueline Ann Cohen, as an Individual and Trustee of THE JACQUELINE A. COHEN REVOCABLE TRUST DATED DECEMBER 14, 1999, whose address is 4068 Wentworth, Troy, MI 48098 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, grants to the Grantee the right to construct, operate, maintain, repair and/or replace storm drain/sewer, said easement for land situated in the City of Troy, Oakland County, Michigan described as:

The East 8.00 of Lot 151 of "Greentrees East Subdivision No. 2", as recorded in Liber 130, Page 33-34, of Oakland County, Michigan records. Said plat being a part of the Southeast 1/4 of Section 18, Town 2 North, Range 11 East, City of Troy, Oakland County, Michigan.

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

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 her signature(s) this 28th day of May A.D. 2003.

In presence of:  
WITNESS

\_\_\_\_\_

\_\_\_\_\_

Jacqueline A. Cohen (L.S.)  
\*Jacqueline A. Cohen, Trustee of  
The Jacqueline A. Cohen Revocable  
Trust dated December 14, 1999.

Jacqueline A. Cohen (L.S.)  
\*Jacqueline Ann Cohen, as an Individual

STATE OF MICHIGAN )  
COUNTY OF OAKLAND )

The foregoing instrument was acknowledged before me this 28th day of May, 2003, by Jacqueline Ann Cohen, as an Individual and Trustee of THE JACQUELINE A. COHEN REVOCABLE TRUST DATED DECEMBER 14, 1999

Larysa Figol  
\* LARYSA FIGOL  
Notary Public, OAKLAND County, Michigan

My Commission Expires MAR. 2/2006

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

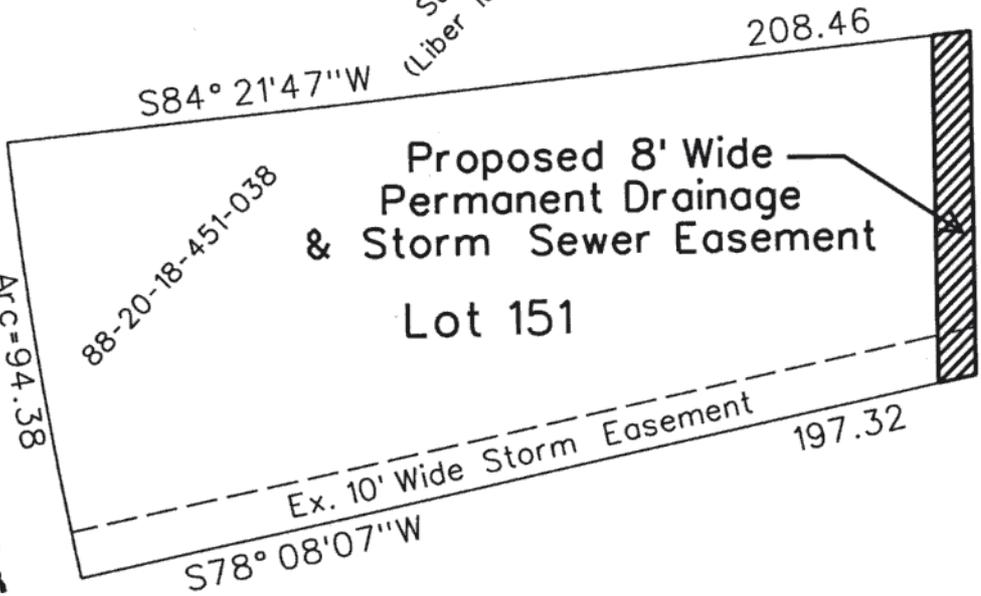
Return to: City Clerk  
City of Troy  
500 West Big Beaver  
Troy, MI 48084

4068 Wentworth

Arc=94.38

88-20-18-451-038

"Greentrees East  
Subdivision No. 2"  
(Liber 130, Pages 33-34)



S84° 21'47"W

208.46

Proposed 8' Wide  
Permanent Drainage  
& Storm Sewer Easement

Lot 151

N00° 00'00"W  
73.19

Ex. 10' Wide Storm Easement

197.32

S78° 08'07"W



Graphic Scale: 1"=40'



DATE	REV.

CITY OF TROY  
OAKLAND COUNTY, MICHIGAN

Proposed Easement Sketch  
4068 Wentworth

SCALE	DRAWN BY	CHECKED	FILE
HOR. 1"=40'	NAME GJB III	NAME	See Below
VER.	DATE 5-8-03	DATE	VIEW

DOCUMENT PREPARED BY  
George J. Ballard III  
CITY SURVEYOR

CONTRACT No.

STEVEN J. VANDETTE  
CITY ENGINEER

SHEET No.	JOB No.
1 of 1	N/A

May 23, 2003

TO: Honorable Mayor and City Council

FROM: John Szerlag, City Manager  
 Gary A. Shripka, Assistant City Manager/Services  
 Douglas J. Smith, Real Estate and Development Director  
 Patricia A. Petitto, Senior Right of Way Representative

SUBJECT: Request for Acceptance of Warranty Deed, Private Road Agreement, Emergency Access Easement, (2) Permanent Easements for Water Main & (2) Permanent Easements for Sanitary Sewer & Authorization for Mayor and City Clerk to Sign the Private Road Agreement - Northwyck/Woodside Bible PUD – Sidwell #88-20-02-151-001 – Project No. 02.953.3

In connection with the development of the Northwyck/Woodside Bible PUD project on the east side of Rochester Road, south of Lovell, the Real Estate and Development Department has acquired the documents listed below from Woodside Bible Church & Robertson Northwyck, L.L.C. The consideration on each document is \$1.00.

<u>DOCUMENT #</u>	<u>TYPE OF DOCUMENT</u>	<u>LOCATION</u>
1	Warranty Deed	Rochester Road & Lovell/Shell Drake Right-of-Way
2	Private Road Agreement	(Residential Parcel)
3	Emergency Access Easement	
4	Permanent Easement for Water Main	(Residential Parcel)
5	Permanent Easement for Water Main	(Church Parcel)
6	Permanent Easement for Sanitary Sewer	(Residential Parcel)
7	Permanent Easement for Sanitary Sewer	(Church Parcel)

Management recommends that City Council accept the attached documents since they are required for this project to proceed. Management also recommends that the Mayor and City Clerk be authorized to sign the Private Road Agreement.

WARRANTY DEED

Sidwell #88-20-02-151-001  
Resolution #  
Project #

The Grantor(s), WOODSIDE BIBLE CHURCH, A MICHIGAN ECCLESIASTICAL CORPORATION formerly known as Troy Baptist Church, whose address is 3193 Rochester Road, Troy, MI 48084, and Robertson Northwyck, L.L.C., a Michigan Limited Liability Company, whose address is 6905 Telegraph Road, Suite 200, Bloomfield Hills, Michigan 48301 convey(s) and warrant(s) to THE CITY OF TROY, A MICHIGAN MUNICIPAL CORPORATION, Grantee, whose address is 500 West Big Beaver, Troy, MI 48084, the following described premises situated in the City of TROY County of OAKLAND and State of Michigan:

SEE ATTACHED EXHIBIT "A" & "B"

For the sum of ONE DOLLAR (\$1.00)

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

Dated this 12th day of May, 2003.

Signed in presence of:

Brent A. Blankenship  
\*Brent A. Blankenship

Michelle L Tribisono  
\*MICHELLE L TRIBISONO

Signed by:  
WOODSIDE BIBLE CHURCH,  
A MICHIGAN ECCLESIASTICAL CORPORATION

Kevan Johnston  
\*Kevan Johnston  
Its: Trustee

STATE OF MICHIGAN)  
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this 12th day of May, 2003, by Kevan Johnston, Trustee, of WOODSIDE BIBLE CHURCH, A MICHIGAN ECCLESIASTICAL CORPORATION, on behalf of the Corporation.

Brent A. Blankenship

Notary Public, Oakland County, Michigan

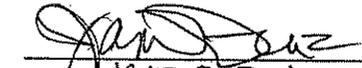
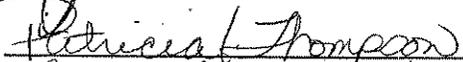
My commission expires: 10/17/04

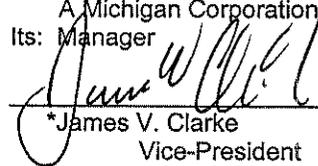
BRENT A. BLANKENSHIP  
NOTARY PUBLIC OAKLAND CO., MI  
MY COMMISSION EXPIRES Oct 17, 2004

In the presence of:  
WITNESSES:

ROBERTSON NORTHWYCK, L.L.C.  
a Michigan Limited Liability Company

By: Robertson Brothers Company,  
A Michigan Corporation  
Its: Manager

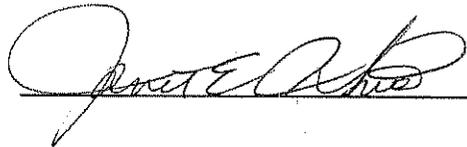
  
\_\_\_\_\_  
JANE O. DENZ  
  
\_\_\_\_\_  
PATRICIA A. THOMPSON

  
\_\_\_\_\_  
\*James V. Clarke  
Vice-President

STATE OF MICHIGAN)  
COUNTY OF OAKLAND)

Subscribed and sworn to before me this 9th day of May, 2003,  
by James V. Clarke, Vice-President of Robertson Brothers Company, a Michigan Corporation,  
Manager of Robertson Northwyck L.L.C., a Michigan Limited Liability Company, on behalf of the  
Company.

JANET E. WHITE  
NOTARY PUBLIC OAKLAND CO., MI  
MY COMMISSION EXPIRES Oct 27, 2008

  
\_\_\_\_\_

Notary Public, \_\_\_\_\_ County, Michigan

(Corporations)

My Commission Expires 10-27-03

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:	Drafted by: Patricia A. Petitto City of Troy 500 West Big Beaver Troy, MI 48084

Tax Parcel # 88-20-02-151-001 Recording Fee \_\_\_\_\_ Transfer Tax \_\_\_\_\_

\*TYPE OR PRINT NAMES UNDER SIGNATURES.

**EXHIBIT "A"**

**PARCEL C**

A PART OF THE NORTHWEST ¼ OF SECTION 2, TOWN 2 NORTH, RANGE 11 EAST, CITY OF TROY, OAKLAND COUNTY, MICHIGAN, MORE PARTICULARLY DESCRIBED AS: COMMENCING AT THE WEST ¼ CORNER OF SAID SECTION 2; THENCE NORTH 00°02'23" WEST, 637.07 FEET ALONG THE WEST LINE OF SAID SECTION 2 (ROCHESTER ROAD) TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 00°02'23" EAST, 879.06 FEET ALONG SAID SECTION LINE; THENCE SOUTH 89°43'00" EAST, 75.00 FEET; THENCE SOUTH 00°02'23" EAST, 879.59 FEET; THENCE NORTH 89°18'58" WEST, 75.01 FEET TO THE POINT OF BEGINNING AND CONTAINING 1.514 ACRES.

**PARCEL D**

A PART OF THE NORTHWEST ¼ OF SECTION 2, TOWN 2 NORTH, RANGE 11 EAST, CITY OF TROY, OAKLAND COUNTY, MICHIGAN, MORE PARTICULARLY DESCRIBED AS: COMMENCING AT THE WEST ¼ CORNER OF SAID SECTION 2; THENCE NORTH 00°02'23" WEST, 1,516.13 FEET ALONG THE WEST LINE OF SAID SECTION 2 (ROCHESTER ROAD) TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 00°02'23" WEST, 425.00 FEET ALONG SAID SECTION LINE TO A POINT ON THE SOUTH LINE OF "EYSTER'S SUBURBAN HOME SUBDIVISION" AS RECORDED IN LIBER 44, PAGE 27 OF PLATS, OAKLAND COUNTY RECORDS THENCE SOUTH 89°43'00" EAST, 75.00 FEET ALONG SAID SOUTH LINE; THENCE SOUTH 00°02'23" EAST, 425.00 FEET; THENCE NORTH 89°43'00" WEST 75.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.732 ACRES.

**PARCEL E**

A PART OF THE NORTHWEST ¼ OF SECTION 2, TOWN 2 NORTH, RANGE 11 EAST, CITY OF TROY, OAKLAND COUNTY, MICHIGAN, INCLUDING LOTS 12 THROUGH 26 AND THE SOUTH ½ OF LOT 27 AND LOTS 28 THROUGH 30 OF "EYSTER'S SUBURBAN HOME SUBDIVISION" AS RECORDED IN LIBER 44, PAGE 27, OF PLATS, OAKLAND RECORDS; ALSO THE REVISIONARY INTEREST IN THAT PART OF ECKERMAN AVENUE (PLATTED AS EATON AVENUE) (60 FEET WIDE), BARRBEAU AVENUE (PLATTED AS BROMLEY AVENUE) (60 FEET WIDE) AND LOVELL AVENUE (30 FEET WIDE) ALL LYING WITHIN THE BOUNDS OF THIS PARCEL, ALL BEING MORE PARTICULARLY DESCRIBED AS: COMMENCING AT THE WEST ¼ CORNER OF SAID SECTION 2; THENCE NORTH 00°02'23" WEST, 1,516.13 FEET ALONG THE WEST LINE OF SAID SECTION 2 (ROCHESTER ROAD) THENCE SOUTH 89°43'00" EAST, 75.00 FEET; THENCE NORTH 00°02'23" WEST, 425.00 FEET TO A POINT ON THE SOUTH LINE OF "EYSTER'S SUBURBAN HOME SUBDIVISION"; THENCE SOUTH 89°43'00" EAST, 376.22 FEET; THENCE NORTH 00°00'00" WEST, 200.00 FEET; THENCE SOUTH 89°43'00" EAST, 1,660.00 FEET; THENCE SOUTH 00°00'00" EAST, 85.00 FEET; THENCE SOUTH 89°43'00" EAST, 100.00 FEET; THENCE NORTH 00°00'00" WEST, 85.00 FEET; THENCE SOUTH 89°43'00" EAST, 300.00 FEET; THENCE SOUTH 00°00'00" EAST, 200.00 FEET; THENCE SOUTH 89°43'00" EAST, 121.89 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 89°43'00" EAST, 43.16 FEET TO A POINT ON THE WEST LINE OF "EMERALD LAKES VILLAGE NO. 7", AS RECORDED IN LIBER 134, PAGES 14 THROUGH 16 OF PLATS, OAKLAND COUNTY RECORDS, SAID POINT ALSO BEING A POINT ON THE NORTH-SOUTH ¼ LINE OF SAID SECTION 2 AS OCCUPIED; THENCE SOUTH 00°39'30" WEST, 39.04 FEET ALONG SAID LINE; THENCE NORTH 89°43'00" WEST, 43.16 FEET; THENCE NORTH 00°39'30" WEST, 39.04 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.039 ACRES.



## PRIVATE ROAD AGREEMENT

Sidwell #88-20-02-151-001

THIS PRIVATE ROAD AGREEMENT ("Agreement") made this 13 day of May, 2003, WOODSIDE BIBLE CHURCH, a Michigan Ecclesiastical Corporation, formerly known as Troy Baptist Church ("Developer") whose address is 3193 Rochester Road, Troy, MI 48084, Robertson Northwyck, L.L.C., a Michigan Limited Liability Company, whose address is 6905 Telegraph Road, Suite 200, Bloomfield Hills, Michigan 48301 and the CITY OF TROY, a Michigan Municipal Corporation ("City") whose address is 500 West Big Beaver Road, Troy, Michigan 48084,

### WITNESSETH:

WHEREAS, Developer is the owner of certain real property located in the City of Troy, Oakland County, Michigan, more particularly described on Exhibit A (the "Land"), which is attached to this Agreement and made a part hereof, and

WHEREAS, Developer intends to develop a Planned Unit Development project (PUD) within an R-1C Zoning District, with private streets located within the portion of the Land described on Exhibit A (the "Road Easement Area"), which is attached to this Agreement and made a part hereof, and seeks the approval of the City Council of the street system; and

WHEREAS, the Road Easement Area is shown on the drawing attached hereto as Exhibit B and by this reference made a part hereof; and

WHEREAS, it is recognized that the development of a private street system will result in less street area being available for public uses, and the placement of residential buildings closer to the street pavement than would occur in the case of a public street system; and

WHEREAS, it is recognized that the private street may include some non-standard improvements, street furniture, etc., which are not available or present in conjunction with public street systems; and

WHEREAS, the City is willing to approve the private street system; provided that developer will agree that the streets will never be dedicated to the public and the City will never be required to maintain them; and

WHEREAS, in conjunction with approval of the subject private street system, the City must be assured that the residents of Developer's condominium project will have street facilities which will be similar in quality to public streets.

NOW, THEREFORE, in consideration of One Dollar (\$1.00) paid by the City, Developer and City agree as follows:

1. City approves the use of a private street system to serve the proposed residential condominium development on the Land.
2. Developer agrees, on its behalf and on behalf of all future owners of the Land, that the condominium association created to administer the condominium established on the Land shall always have the obligation to maintain the streets on the Land as private roads in accordance with the final approved site plan prepared by Giffels-Webster Engineers, Inc., Dated 4-11-03, being Drawing Number <sup>15786</sup> ~~15786~~, and shall never request that the City accept a dedication of the streets for public use and maintenance.
3. Developer and City agree that the private street pavement shall be constructed to public street standards, or to an alternative pavement standard acceptable to the City Engineer in relation to the pavement life, durability and serviceability. The pavement construction shall be inspected by the City's Engineering staff.
4. Developer agrees to grant to the City, easements for emergency access, for police and fire protection, and for the maintenance, repair or replacement of the storm water drainage system in the event the owner(s) of the Land fail to maintain the system. The cost of any such repair, replacement, or maintenance by the City shall be charged to and reimbursed by the condominium association.
5. No modification, amendment or supplement to the terms and conditions stated in this Agreement shall be effective unless in writing and signed by each of the parties.
6. This Agreement shall be governed by and interpreted in accordance with the ordinances of the City of Troy and the laws of the State of Michigan.
7. This Agreement shall be binding upon and inure to the benefit of the respective heirs, representatives, successors and permitted assigns of the parties.
8. This Agreement shall be recorded in the office of the Oakland County Register of Deeds.
9. Developer agrees to reference this Agreement in the individual deeds to subsequent purchasers and in the master deed that establishes the condominium on the Land.
10. Any notice required or permitted to be given to either party by the other pursuant to this Agreement shall be deemed to be sufficient if in writing and either personally delivered, sent by facsimile, telecopier or telegram, or sent by certified or registered mail, postage prepaid to the following addresses:

To Developer: Woodside Bible Church  
3193 Rochester Road  
Troy, MI 48084

and Robertson Northwyck, L.L.C.  
6905 Telegraph Road, Suite 200  
Bloomfield Hills, MI 48103

To City: City of Troy  
Real Estate & Development Department  
500 West Big Beaver Road  
Troy, Michigan 48084

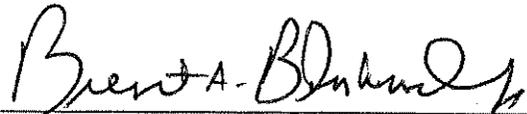
or at such other address as either party shall designate by written notice to the other. Such notice shall be deemed given on the date when personally served or, if by facsimile, telecopier or telegram, on the day it is sent or, if by mail, on the day it is posted.

11. In the event either party hereto commences litigation against the other to enforce its rights hereunder, the prevailing party in such litigation shall be entitled to recover from the other party its reasonable attorneys fees and expenses incident to such litigation (through all appeals).
12. All provisions of this instrument, including the benefits and burdens, run with the land and are binding upon and inure to the benefit of the successors and assigns of the parties hereto.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year first above written.

Signed in presence of:

Signed by:  
WOODSIDE BIBLE CHURCH,  
A MICHIGAN ECCLESIASTICAL  
CORPORATION

  
\* Brent A. Blankenship

  
\* MICHELLE L TRIBISONO

  
\* Kevan Johnston  
Its: Trustee

STATE OF MICHIGAN)  
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this 12th day of May, 2003, by Kevan Johnston, Trustee, of WOODSIDE BIBLE CHURCH, A MICHIGAN ECCLESIASTICAL CORPORATION, on behalf of the Corporation.

BRENT A. BLANKENSHIP  
NOTARY PUBLIC OAKLAND CO., MI  
MY COMMISSION EXPIRES Oct 17, 2004

Brent A. Blankenship

Notary Public, Oakland County, MI  
My Commission Expires: 10/17/04

In the presence of:  
WITNESSES:

ROBERTSON NORTHWYCK, L.L.C.  
a Michigan Limited Liability Company

By: Robertson Brothers Company,  
A Michigan Corporation  
Its: Manager

Jane O. Denz  
\* JANE O. DENZ

James V. Clarke  
\* James V. Clarke  
Vice-President

Patricia A. Thompson  
\* PATRICIA A. THOMPSON

STATE OF MICHIGAN)  
COUNTY OF OAKLAND)

Subscribed and sworn to before me this 9 day of May, 2003, by James V. Clarke, Vice-President of Robertson Brothers Company, a Michigan Corporation, Manager of Robertson Northwyck L.L.C., a Michigan Limited Liability Company, on behalf of the Company.

JANET E. WHITE  
NOTARY PUBLIC OAKLAND CO., MI  
MY COMMISSION EXPIRES Oct 27, 2003

Janet E. White

Notary Public, \_\_\_\_\_ County, Michigan

My Commission Expires 10-27-03

WITNESSES:

CITY OF TROY,  
a Michigan Municipal Corporation

\_\_\_\_\_

\*

By: \_\_\_\_\_

\*Matt Pryor  
It's Mayor

\_\_\_\_\_

\*

By: \_\_\_\_\_

\*Tonni Bartholomew  
It's City Clerk

STATE OF MICHIGAN)  
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2003, by  
Matt Pryor and Tonni Bartholomew, the Mayor and City Clerk of the CITY OF TROY, a Michigan  
Municipal Corporation, on behalf of the City.

\_\_\_\_\_

Notary Public, \_\_\_\_\_ County, MI  
My Commission Expires: \_\_\_\_\_

DRAFTED BY:  
Larysa Figol  
City of Troy  
500 West Big Beaver  
Troy, MI 48084

WHEN RECORDED PLEASE RETURN TO:  
City Clerk  
City of Troy  
500 West Big Beaver Road  
Troy, MI 48084

## EXHIBIT "A"

**PROPERTY DESCRIPTION****OF BURDENED PARCEL (AS FIELD SURVEYED)**

A PART OF THE NORTHWEST 1/4 OF SECTION 2, T-2-N., R-11-E., CITY OF TROY, OAKLAND COUNTY, MICHIGAN, INCLUDING LOTS 12 THROUGH 26 AND THE SOUTH 1/2 OF LOT 27 AND LOTS 28 THROUGH 30 OF "EYSTER'S SUBURBAN HOME SUBDIVISION" AS RECORDED IN LIBER 44, PAGE 27, OF PLATS, OAKLAND RECORDS; ALSO THE REVISIONARY INTEREST IN THAT PART OF ECKERMAN AVENUE (PLATTED AS EATON AVENUE) (60 FEET WIDE), BARRBEAU AVENUE (PLATTED AS BROMLEY AVENUE) (60 FEET WIDE) AND LOVELL AVENUE (30 FEET WIDE) ALL LYING WITHIN THE BOUNDS OF THIS PARCEL, ALL BEING MORE PARTICULARLY DESCRIBED AS: COMMENCING AT THE WEST 1/4 CORNER OF SAID SECTION 2; THENCE N.00°02'23"W., 1516.13 FEET ALONG THE WEST LINE OF SAID SECTION 2 (ROCHESTER ROAD) THENCE S.89°43'00"E., 75.00 FEET TO THE POINT OF BEGINNING; THENCE N.00°02'23"W., 425.00 FEET TO A POINT ON THE SOUTH LINE OF "EYSTER'S SUBURBAN HOME SUBDIVISION"; THENCE S. 89° 43'00"E., 376.22 FEET; THENCE N.00°00'00"W., 200.00 FEET; THENCE S.89°43'00"E., 1660.00 FEET; THENCE S.00°00'00"E., 85.00 FEET; THENCE S.89°43'00"E., 100.00 FEET; THENCE N00°00'00"W., 85.00 FEET; THENCE S. 89° 43'00"E., 300.00 FEET; THENCE S.00°00'00"E., 200.00 FEET; THENCE S.89°43'00"E., 121.89 FEET; THENCE S.00°39'30"W., 39.04 FEET; THENCE S. 89° 43'00"E., 43.16 FEET TO A POINT ON THE WEST LINE OF "EMERALD LAKES VILLAGE NO. 7", AS RECORDED IN LIBER 134, PAGES 14 THROUGH 16 OF PLATS, OAKLAND COUNTY RECORDS, SAID POINT ALSO BEING A POINT ON THE NORTH-SOUTH 1/4 LINE OF SAID SECTION 2 AS OCCUPIED; THENCE S00°39'30"W., 288.76 FEET ALONG SAID LINE; THENCE N.89°43'00"W., 398.29 FEET; THENCE S.57°44'39"W., 332.62 FEET; THENCE N.89°43'00"W., 283.63 FEET; THENCE N. 68°28'38"W., 285.75 FEET; THENCE S.11°12'16"E., 92.67 FEET; THENCE N.79°32'53"W., 162.50 FEET; THENCE S. 83°59'20"W., 92.96 FEET; THENCE S.58°45'54"W., 91.94 FEET; THENCE N.89°43'03"W., 29.82 FEET; THENCE N. 33°51'39"W., 61.18 FEET; THENCE N.89°43'00"W., 96.61 FEET; THENCE N.54°44'53"W., 83.67 FEET; THENCE N.89°43'00"W., 826.46 FEET TO THE POINT OF BEGINNING AND CONTAINING 35.046 ACRES.

**EASEMENT "A"****DESCRIPTION OF A PRIVATE ROAD/PUBLIC ACCESS EASEMENT**

A PRIVATE ROAD/PUBLIC ACCESS EASEMENT DESCRIBED AS PART OF THE NORTHWEST 1/4 OF SECTION 2, T-2-N., R-11-E., CITY OF TROY, OAKLAND COUNTY, MICHIGAN, BEING MORE PARTICULARLY DESCRIBED AS: COMMENCING AT THE WEST 1/4 CORNER OF SAID SECTION 2; THENCE N.00°02'23"W., 1823.63 FEET ALONG THE WEST LINE OF SAID SECTION 2 (ROCHESTER ROAD); THENCE S.89°43'00"E., 75.00 FEET TO THE POINT OF BEGINNING EASEMENT "A"; THENCE ALONG THE FOLLOWING SIXTEEN COURSES: (1) S.89°43'00"E., 644.51 FEET; (2) ALONG A CURVE TO THE LEFT 82.58 FEET, SAID CURVE HAVING A RADIUS OF 226.00 FEET, A CENTRAL ANGLE OF 20°56'06", AND A LONG CHORD BEARING OF N.52°36'41"E, 82.12 FEET; (3) N.42°08'38"E., 25.98 FEET; (4) S.47°51'20"E., 24.00 FEET TO POINT OF BEGINNING EASEMENT "B"; (5) S.47°51'20"E., 24.00 FEET; (6) ALONG A CURVE TO THE RIGHT 205.75 FEET, SAID CURVE HAVING A RADIUS OF 107.00 FEET, A CENTRAL ANGLE OF 110°10'42", AND A LONG CHORD BEARING OF S.19°25'55"W., 175.49 FEET; (7) ALONG A CURVE TO THE RIGHT 48.94 FEET, SAID CURVE HAVING A RADIUS OF 274.00 FEET, A CENTRAL ANGLE OF 10°14'04", AND A LONG CHORD BEARING OF S.03°12'35"E., 48.88 FEET; (8) ALONG A CURVE TO THE LEFT 64.82 FEET, SAID CURVE HAVING A RADIUS OF 226.00 FEET, A CENTRAL ANGLE OF 16°26'00", AND A LONG CHORD BEARING OF S.06°18'33"E., 64.60 FEET; (9) S.14°31'33"E., 68.54 FEET; (10) N.89°43'00"W., 49.65 FEET; (11) N.14°31'33"W., 55.85 FEET; (12) ALONG A CURVE TO THE RIGHT 53.28 FEET, SAID CURVE HAVING A RADIUS OF 274.00 FEET, A CENTRAL ANGLE OF 11°08'26", AND A LONG CHORD BEARING OF N.08°57'20"W., 53.19 FEET; (13) N.89°53'00"W., 19.37 FEET; (14) N.00°17'00"E., 103.00 FEET; (15) N.89°43'00"W., 640.56 FEET; (16) N.00°02'23 E., 98.00 FEET TO POINT OF BEGINNING EASEMENT "A".

**EASEMENT "B"****DESCRIPTION OF A 48 FOOT WIDE PRIVATE ROAD/PUBLIC ACCESS EASEMENT**

THE CENTERLINE OF A 48 FOOT WIDE EASEMENT FOR PRIVATE ROAD/PUBLIC ACCESS IS DESCRIBED AS PART OF THE NORTHWEST 1/4 OF SECTION 2, T-2-N., R-11-E., CITY OF TROY, OAKLAND COUNTY, MICHIGAN, BEING MORE PARTICULARLY DESCRIBED AS: COMMENCING AT THE WEST 1/4 CORNER OF SAID SECTION 2; THENCE N.00°02'23"W., 1774.63 FEET ALONG THE WEST LINE OF SAID SECTION 2 (ROCHESTER ROAD); THENCE S.89°43'00"E., 615.91 FEET; THENCE ALONG A CURVE TO THE LEFT 210.05 FEET, SAID CURVE HAVING A RADIUS OF 250.00 FEET, A CENTRAL ANGLE OF 48°08'22", AND A LONG CHORD BEARING OF N.66°12'49"E., 203.92 FEET; THENCE N.42°08'38"E., 25.98 FEET TO THE POINT OF BEGINNING EASEMENT "B"; THENCE THE FOLLOWING FIFTEEN COURSES: (1) N.42°08'38"E., 34.71 FEET; (2) ALONG A CURVE TO THE RIGHT 210.04 FEET, SAID CURVE HAVING A RADIUS OF 250.00 FEET, A CENTRAL ANGLE OF 48°08'22", AND A LONG CHORD BEARING OF N.66°12'49"E, 203.92 FEET; (3) S.89°42'60"E., 86.99 FEET; (4) ALONG A CURVE TO TO THE RIGHT 274.88 FEET, SAID CURVE HAVING A RADIUS OF 500.00 FEET, A CENTRAL ANGLE OF 31°29'57", AND A LONG CHORD BEARING OF S.73°58'01"E., 271.43 FEET; (5) ALONG A CURVE TO THE RIGHT 131.74 FEET, SAID CURVE HAVING A RADIUS OF 500.00 FEET, A CENTRAL ANGLE OF 15°05'46", AND A LONG CHORD BEARING OF S.50°40'10"E., 131.36 FEET; (6) S.43°07'17"E., 212.17 FEET; (7) ALONG A CURVE TO THE LEFT 453.81 FEET, SAID CURVE HAVING A RADIUS OF 300.00 FEET, A CENTRAL ANGLE OF 86°40'17", AND A LONG CHORD BEARING OF S.86°27'26"E., 411.76 FEET; (8) N.50°12'26"E., 45.40 FEET; (9) ALONG A CURVE TO THE LEFT 200.68 FEET, SAID CURVE HAVING A RADIUS OF 150.00 FEET, A CENTRAL ANGLE OF 76°39'17", AND A LONG CHORD BEARING OF N.11°52'47"E., 186.05 FEET TO POINT "X"; (10) ALONG A CURVE TO THE LEFT 84.41 FEET, SAID CURVE HAVING A RADIUS OF 150.00 FEET, A CENTRAL ANGLE OF 32°14'34", AND A LONG CHORD BEARING OF N.42°34'09"W., 83.30 FEET; (11) N.58°41'26"W., 17.75 FEET; (12) ALONG A CURVE TO THE LEFT 216.60 FEET; SAID CURVE HAVING A RADIUS OF 400.00 FEET, A CENTRAL ANGLE OF 31°01'34", AND A LONG CHORD BEARING OF N.74°12'13"W., 213.97 FEET; (13) N.89°42'60"W., 281.28 FEET; (14) ALONG A CURVE TO THE LEFT 150.30 FEET, SAID CURVE HAVING A RADIUS OF 150.00 FEET, A CENTRAL ANGLE OF 57°24'35", AND A LONG CHORD BEARING OF S.61°34'42"W., 144.09 FEET; (15) S.32°52'25"W., 32.27 FEET TO THE POINT OF ENDING EASEMENT "B".

**PRIVATE ROAD/PUBLIC ACCESS EASEMENT**

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

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**GWE**  
Giffels-Webster Engineers, Inc.  
ENGINEERS LAND SURVEYORS PLANNERS LANDSCAPE ARCHITECTS  
2871 BOND STREET, ROCHESTER HILLS, MI. 48309  
(248) 852-3100

DATE: 4-02-03	CHECKED BY: JNR	DATE: 4/3	SCALE: NONE
DRAWN: KAT			SHEET: 4 OF 5
DESIGN: JKA			
SECTION: 2	T-2-N, R-11-E		JOB No: 15786

EXHIBIT "A"

**EASEMENT "C"**  
**DESCRIPTION OF A PUBLIC ACCESS EASEMENT**

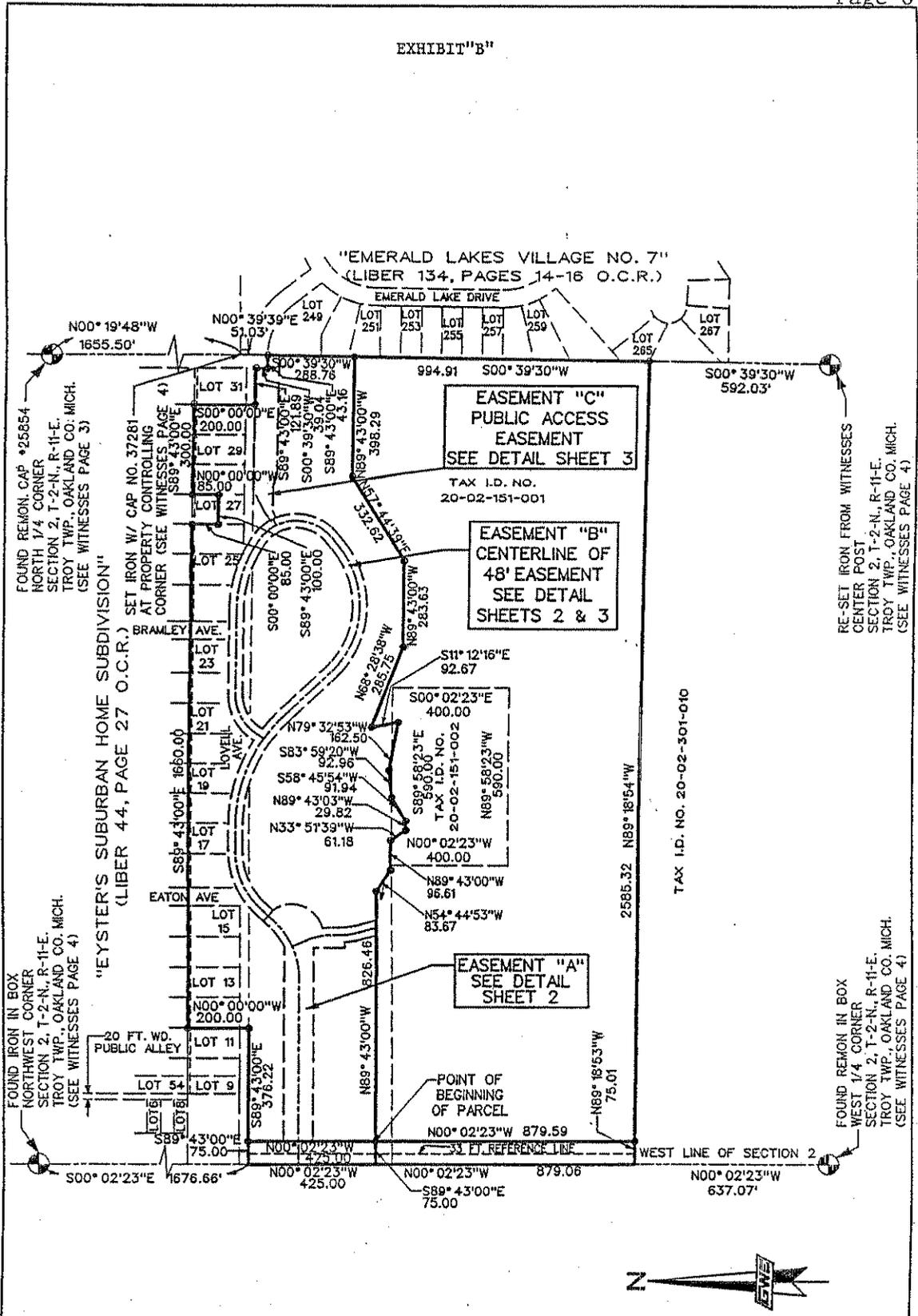
A WATER MAIN EASEMENT DESCRIBED AS PART OF THE NORTHWEST 1/4 OF SECTION 2, T-2-N., R-11-E., CITY OF TROY, OAKLAND COUNTY, MICHIGAN, BEING MORE PARTICULARLY DESCRIBED AS: COMMENCING AT POINT "X" AS DESCRIBED IN EASEMENT "B" ON SHEET 4; THENCE N.63° 33'08"E., 23.71 FEET TO THE POINT OF BEGINNING EASEMENT "C"; THENCE ALONG THE FOLLOWING TWELVE COURSES:  
 (1) N.26° 26'52"W., 10.01 FEET; (2) N.54° 33'20"E., 31.32 FEET; (3) N.62° 30'22"E., 84.86 FEET; (4) S.89° 43'00"E., 406.91 FEET; (5) S.00° 39'30"W., 39.04 FEET; (6) S.89° 43'00"E., 43.16 FEET; (7) S.00° 39'30"W., 38.76 FEET; (8) N.89° 43'00"W., 398.27 FEET; (9) N.70° 44'49"W., 36.90 FEET; (10) N.89° 43'00"W., 85.21 FEET; (11) S.66° 39'22"W., 24.75 FEET; (12) N.26° 26'52"W., 10.01 FEET TO THE POINT OF BEGINNING EASEMENT "C".

**PRIVATE ROAD/PUBLIC ACCESS EASEMENT**  
PART OF THE NORTHWEST 1/4 OF SECTION 2, T-2-N., R-11-E.,  
CITY OF TROY, OAKLAND COUNTY, MICHIGAN

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 <b>Giffels-Webster Engineers, Inc.</b> ENGINEERS LAND SURVEYORS PLANNERS LANDSCAPE ARCHITECTS 2871 BOND STREET, ROCHESTER HILLS, MI. 48309 (248) 852-3100	DATE: 4-02-03	CHECKED BY: JNR	DATE: 4/3	SCALE: NONE
	DESIGN: JKA			SHEET: 5 OF 5
	SECTION: 2	T-2-N R-11-E		JOB No: 15786

EXHIBIT "B"



**PRIVATE ROAD/PUBLIC ACCESS EASEMENT**

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

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**GWE**  
Giffels-Webster Engineers, Inc.  
ENGINEERS LAND SURVEYORS PLANNERS LANDSCAPE ARCHITECTS  
2871 BOND STREET, ROCHESTER HILLS, MI. 48309

DATE: 4-02-03	CHECKED BY: JNR	DATE: 4/3	SCALE: 1"=400'
DRAWN: KAT			SHEET: 1 OF 5
DESIGN: JKA			
SECTION: 2	T-2-N R-11-E		JOB No: 15788

EMERGENCY ACCESS EASEMENT

Sidwell #88-20-02-151-001

WOODSIDE BIBLE CHURCH, A MICHIGAN ECCLESIASTICAL CORPORATION, formerly known as Troy Baptist Church ("Grantor") whose address is 3193 Rochester Road, Troy, MI 48084 and Robertson Northwyck, L.L.C., a Michigan Limited Liability Company ("Grantor") whose address is 6905 Telegraph Road, Suite 200, Bloomfield Hills, MI 48301 for and in consideration of the sum of One 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, as the fee simple owner of the real property described on Exhibit A, which is attached hereto and by this reference made a part hereof, grants to the Grantee the right to enter upon the real property described on Exhibit A ("Emergency Vehicle Access"), which is attached hereto and by this reference made a part hereof, (the "Emergency Access Easement") for emergency ingress and egress, and police and fire protection. The Emergency Vehicle Access Area is shown on the drawing attached hereto as Exhibit B and by this reference made a part hereof.

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 their signature(s) this 12<sup>th</sup> day of May, 2003.

In presence of:  
WITNESS

WOODSIDE BIBLE CHURCH,  
A MICHIGAN ECCLESIASTICAL CORPORATION

Brent A. Blankenship  
Brent A. Blankenship

By [Signature] (L.S.)  
Kevan Johnston, Trustee

Michelle L Tribisono  
MICHELLE L TRIBISONO

STATE OF MICHIGAN)  
COUNTY OF OAKLAND)

The foregoing instrument as acknowledged before me this 12<sup>th</sup> day of May, 2003, by Kevan Johnston, of Woodside Baptist Church, a Michigan Ecclesiastical Corporation, formerly known as Troy Baptist Church, a Michigan Ecclesiastical Corporation, on behalf of the corporation.

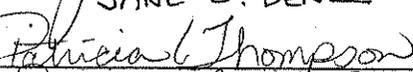
BRENT A. BLANKENSHIP  
NOTARY PUBLIC OAKLAND CO., MI  
MY COMMISSION EXPIRES Oct 17, 2004

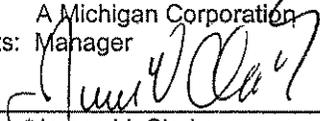
Brent A. Blankenship  
Notary Public, Oakland County, MI  
My Commission Expires: 10/17/04

In the presence of:  
WITNESSES:

ROBERTSON NORTHWYCK, L.L.C.  
a Michigan Limited Liability Company

By: Robertson Brothers Company,  
A Michigan Corporation  
Its: Manager

  
\_\_\_\_\_  
JANE O. DENZ  
  
\_\_\_\_\_  
PATRICIA A. THOMPSON

  
\_\_\_\_\_  
\*James V. Clarke  
Vice-President

STATE OF MICHIGAN)  
COUNTY OF OAKLAND)

Subscribed and sworn to before me this 9 day of May, 2003,  
by James V. Clarke, Vice-President of Robertson Brothers Company, a Michigan Corporation,  
Manager of Robertson Northwyck L.L.C., a Michigan Limited Liability Company, on behalf of the  
Company.

JANET E. WHITE  
NOTARY PUBLIC OAKLAND CO., MI  
MY COMMISSION EXPIRES Oct 27, 2008



Notary Public, \_\_\_\_\_ County, Michigan

(Corporation)

My Commission Expires 10-27-08

Prepared by:  
Patricia A. Petitto  
City of Troy  
500 West Big Beaver  
Troy, Michigan 48084

Return to:  
  
City Clerk, City of Troy  
500 West Big Beaver Road  
Troy, Michigan 48084

EXHIBIT "A"  
LEGAL DESCRIPTIONS

LEGAL DESCRIPTION:  
SUBJECT PARCEL

(Per Giffels-Webster Engineers, Inc. "Certificate of Survey" Job No. 15786, Dated 03/18/03)

A part of the northwest 1/4 of Section 2, T-2-N., R-11-E., City of Troy, Oakland County, Michigan, more particularly described as: Commencing at the West 1/4 Corner of said Section 2; thence N00°02'23"W, 637.07 feet along the West line of said Section 2 (Rochester Road); thence S89°18'53"E, 75.01 feet to the Point of Beginning; thence N00°02'23"W, 879.59 feet; thence S89°43'00"E, 826.46 feet; thence S54°44'53"E, 83.67 feet; thence S89°43'00"E, 96.61 feet; thence S33°51'39"E, 61.18 feet; thence S89°43'03"E, 29.82 feet; thence N58°45'54"E, 91.94 feet; N83°59'20"E, 92.96 feet; thence S79°32'53"E, 162.50 feet; thence N11°12'16"W, 92.67 feet; thence S68°28'38"E, 285.75 feet; thence S89°43'00"E, 283.63 feet; thence N57°44'39"E, 332.62 feet; thence S89°43'00"E, 398.29 feet to a point on the West line of "Emerald Lakes Village No. 7" as recorded in Liber 134, Pages 14 through 16 of Plats, Oakland County Records, said point also being a point on the North-South 1/4 line of said Section 2 as occupied; thence S00°39'29"W, 994.91 feet along said line; thence N89°18'54"W, 2585.32 feet to the Point of Beginning, and containing 52.382 acres.

LEGAL DESCRIPTION:  
EMERGENCY VEHICLE ACCESS EASEMENT

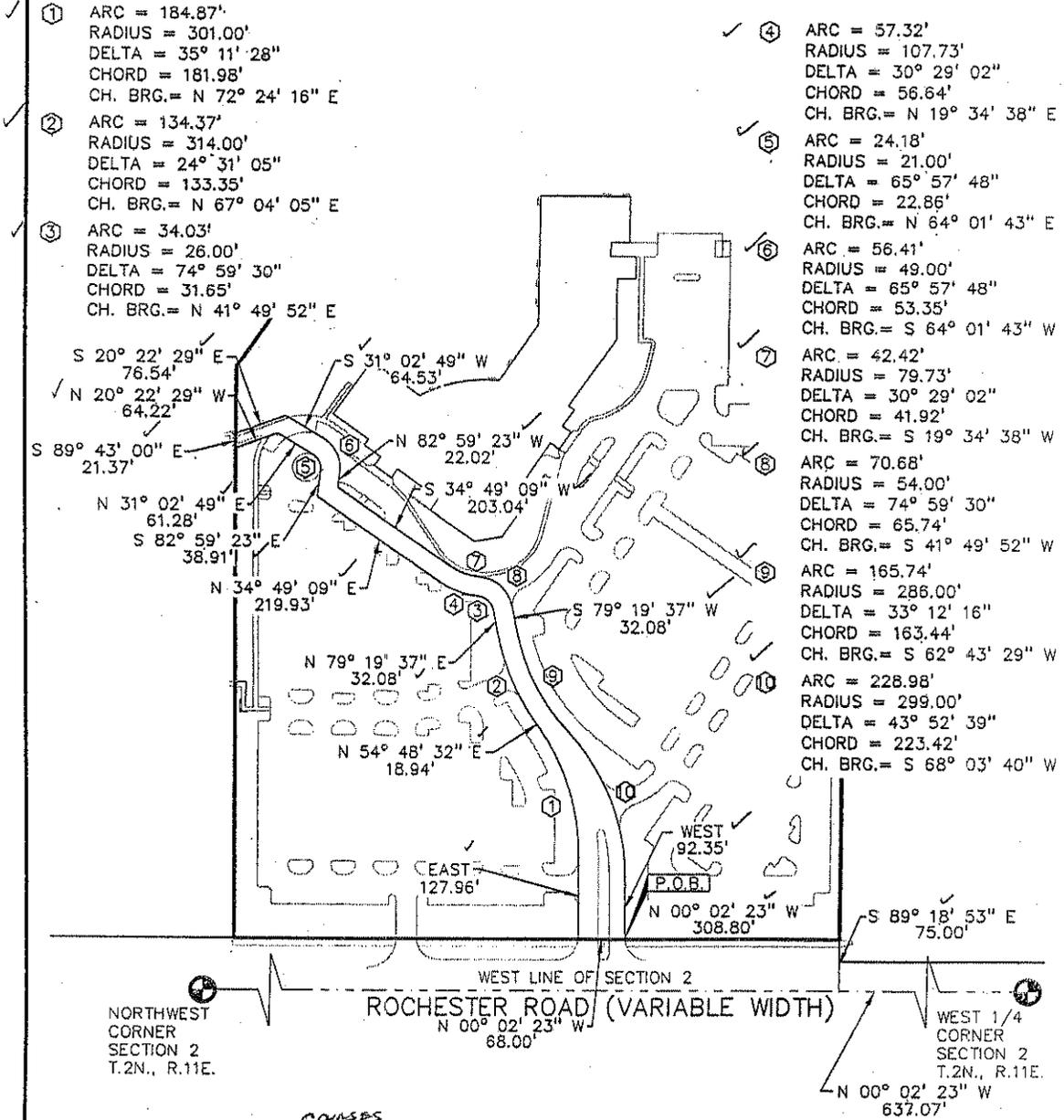
An easement over part of the northwest 1/4 of Section 2, T-2-N., R-11-E., City of Troy, Oakland County, Michigan, which is more particularly described as: Commencing at the West 1/4 Corner of said Section 2; thence N00°02'23"W, 637.07 feet along the West line of said Section 2 (Rochester Road) to the westerly extension of the southerly line of the subject parcel; thence S89°18'53"E, 75.00 feet along said westerly extension to the westerly line of the subject parcel; thence N00°02'23"W, 308.80 feet along said westerly line of the subject parcel to the Point of Beginning; thence continuing along said westerly line N00°02'23"W, 68.00 feet; thence East 127.96 feet; thence 184.87 feet along a curve to the left, having a radius of 301.00 feet, a central angle of 35°11'28", and a chord which bears N72°24'16"E, 181.98 feet; thence N54°48'32"E, 18.94 feet; thence 134.37 feet along a curve to the right, having a radius of 314.00 feet, a central angle of 24°31'05", and a chord which bears N67°04'05"E, 133.35 feet; thence N79°19'37"E, 32.08 feet; thence 34.03 feet along a curve to the left, having a radius of 26.00 feet, a central angle of 74°59'30", and a chord which bears N41°49'52"E, 31.65 feet; thence 57.32 feet along a curve to the right, having a radius of 107.73 feet, a central angle of 30°29'02", and a chord which bears N19°34'38"E, 56.64 feet; thence N34°49'09"E, 219.93 feet; thence S82°59'23"E, 38.91 feet; thence 24.18 feet along a curve to the left, having a radius of 21.00 feet, a central angle of 65°57'48", and a chord which bears N64°01'43"E, 22.86 feet; thence N31°02'49"E, 61.28 feet; thence N20°22'29"W, 64.22 feet to the northerly line of the subject parcel; thence S89°43'00"E, 21.37 feet along said northerly line; thence S20°22'29"E, 76.54 feet; thence S31°02'49"W, 64.53 feet; thence 56.41 feet along a curve to the right, having a radius of 49.00 feet, a central angle of 65°57'48", and a chord which bears S64°01'43"W, 53.35 feet; thence N82°59'23"W, 22.02 feet; thence S34°49'09"W, 203.04 feet; thence 42.42 feet along a curve to the left, having a radius of 79.73 feet, a central angle of 30°29'02", and a chord which bears S19°34'38"W, 41.92 feet; thence 70.68 feet along a curve to the right, having a radius of 54.00 feet, a central angle of 74°59'30", and a chord which bears S41°49'52"W, 65.74 feet; thence S79°19'37"W, 32.08 feet; thence 165.74 feet along a curve to the left, having a radius of 286.00 feet, a central angle of 33°12'16", and a chord which bears S62°43'29"W, 163.44 feet; thence 228.98 feet along a curve to the right, having a radius of 299.00 feet, a central angle of 43°52'39", and a chord which bears S68°03'40"W, 223.42 feet; thence West 92.35 feet to the Point of Beginning; containing 0.86 acres, more or less.

CLOSES & AREA  
OK'S

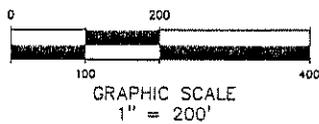
PROFESSIONAL  
ENGINEERING  
ASSOCIATES

CLIENT: FRANK REWOLD & SON, INC. 333 EAST SECOND STREET ROCHESTER, MICHIGAN, 48307	SCALE: None	JOB No: 2002.081	2430 Rochester Ct. Suite 100 Troy, MI 48083-1872 (248) 689-9090
	DATE: 04-04-03	DWG. No: 3 of 3	

EXHIBIT "B"  
SKETCH OF EMERGENCY VEHICLE ACCESS EASEMENT



COURSES  
MATCH  
DESCRIPTION



PROFESSIONAL  
ENGINEERING  
ASSOCIATES

CLIENT: FRANK REWOLD & SON, INC. 333 EAST SECOND STREET ROCHESTER, MICHIGAN, 48307	SCALE: 1" = 200'	JOB No: 2002.081	2430 Rochester Ct. Suite 100 Troy, MI 48063-1872 (248) 689-9090
	DATE: 04-04-03	DWG. No: 2 of 3	

PERMANENT EASEMENT

Sidwell # 88-20-02-151-001  
Project #  
Resolution #

Woodside Bible Church, a Michigan Ecclesiastical Corporation formerly known as Troy Baptist Church, Grantor, whose address is 3193 Rochester Road, Troy, MI 48084 and Robertson Northwyck, L.L.C., a Michigan Limited Liability Company, whose address is 6905 Telegraph Road, Suite 200, Bloomfield Hills, MI 48301 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, grants to the Grantee the right to construct, operate, maintain, repair and/or replace water main, said easement for land situated in the City of Troy, Oakland County, Michigan, described as:

SEE ATTACHED EXHIBITS "A", "B", "C", "D" & "E"

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 his signature(s) this 12<sup>th</sup> day of May A.D. 2003.

In presence of:  
WITNESSES

WOODSIDE BIBLE CHURCH,  
A MICHIGAN ECCLESIASTICAL CORPORATION

Brent A. Blankenship  
Brent A. Blankenship

By [Signature] (L.S.)  
Kevan Johnston, Trustee

Michelle L. Tribisono  
MICHELLE L. TRIBISONO

STATE OF MICHIGAN)  
COUNTY OF OAKLAND)

The foregoing instrument as acknowledged before me this 12<sup>th</sup> day of May, 2003, by Kevan Johnston, Trustee, of Woodside Bible Church, a Michigan Ecclesiastical Corporation, formerly known as Troy Baptist Church, a Michigan Ecclesiastical Corporation, on behalf of the corporation.

Brent A. Blankenship

BRENT A. BLANKENSHIP  
NOTARY PUBLIC  
MY COMMISSION EXPIRES OCT 17, 2004

Notary Public, Oakland County, Michigan

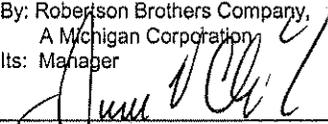
My Commission Expires 10/17/04

In the presence of:  
WITNESSES:

ROBERTSON NORTHWYCK, L.L.C.  
a Michigan Limited Liability Company

By: Robertson Brothers Company,  
A Michigan Corporation  
Its: Manager

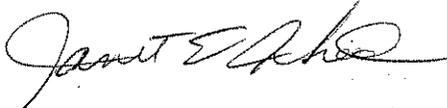
  
\_\_\_\_\_  
JANE O. LENZ  
  
\_\_\_\_\_  
PATRICIA A. THOMPSON

  
\_\_\_\_\_  
\*James V. Clarke  
Vice-President

STATE OF MICHIGAN)  
COUNTY OF OAKLAND)

Subscribed and sworn to before me this 9 day of May, 2003, by James V. Clarke,  
Vice-President of Robertson Brothers Company, a Michigan Corporation, Manager of Robertson Northwyck L.L.C.,  
a Michigan Limited Liability Company, on behalf of the Company.

JANET E. WHITE  
NOTARY PUBLIC OAKLAND CO., MI  
MY COMMISSION EXPIRES Oct 27, 2008



Notary Public, \_\_\_\_\_ County, Michigan

My Commission Expires 10-27-08

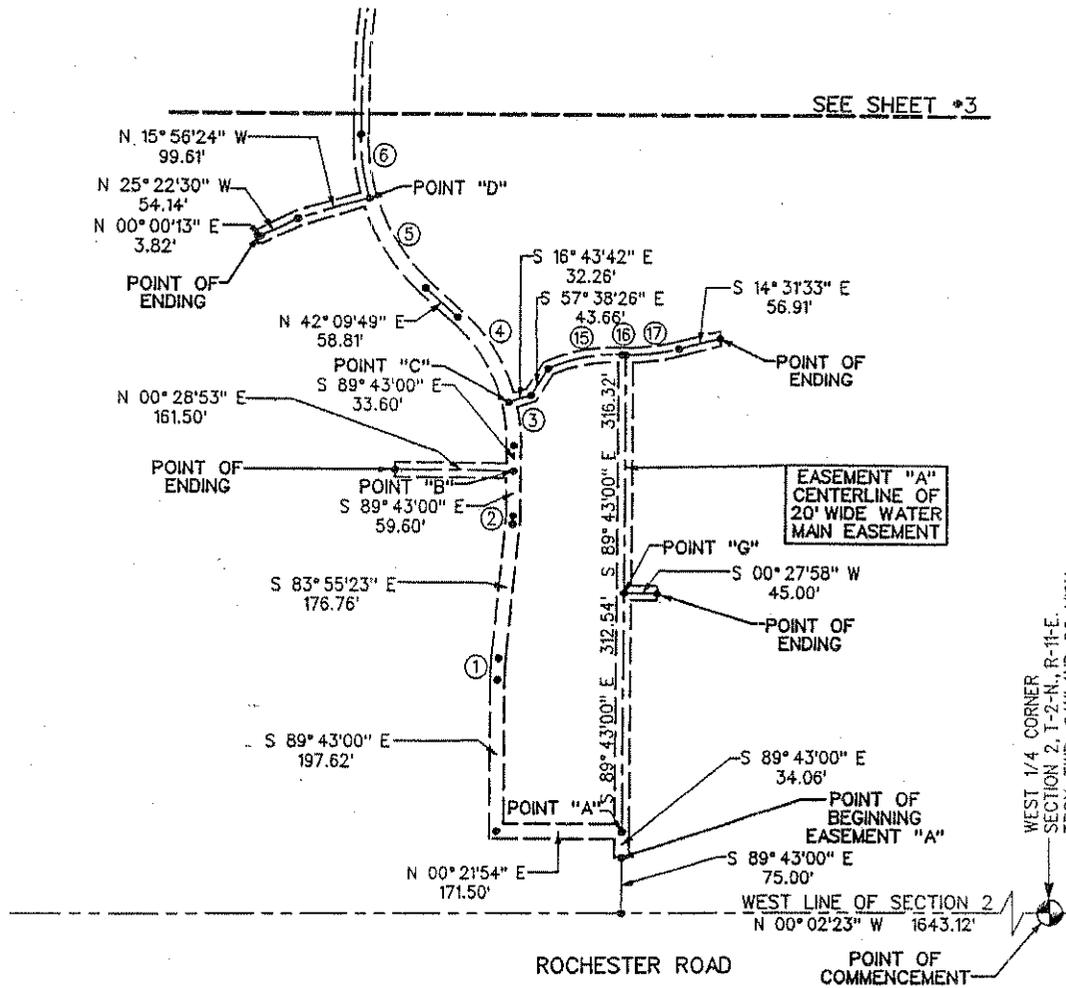
(Corporations)

Prepared by:  
Patricia A. Petitto  
City of Troy  
500 West Big Beaver  
Troy, Michigan 48084

Return to:  
City Clerk, City of Troy  
500 West Big Beaver Road  
Troy, Michigan 48084



EXHIBIT "B"



NO.	ARC	RADIUS	DELTA	CHORD BEARING	CHD. LENGTH
1	27.96'	256.00'	06° 15' 31"	S 86° 35' 15" E	27.95'
2	10.90'	94.00'	06° 38' 32"	S 86° 23' 44" E	10.89'
3	57.70'	230.00'	14° 22' 29"	N 83° 12' 01" E	57.55'
4	137.92'	230.00'	34° 21' 28"	N 58° 50' 02" E	135.86'
5	141.59'	270.00'	30° 02' 46"	N 57° 11' 11" E	139.97'
6	85.17'	270.00'	18° 04' 27"	N 81° 14' 48" E	84.82'
15	102.66'	230.00'	25° 34' 22"	S 10° 52' 44" E	101.81'
16	4.69'	270.00'	00° 59' 40"	S 01° 24' 37" W	4.69'
17	72.75'	270.00'	15° 26' 20"	S 06° 48' 23" E	72.53'

SCALE: 1"=200'



# WATER MAIN EASEMENT EASEMENT DETAIL

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

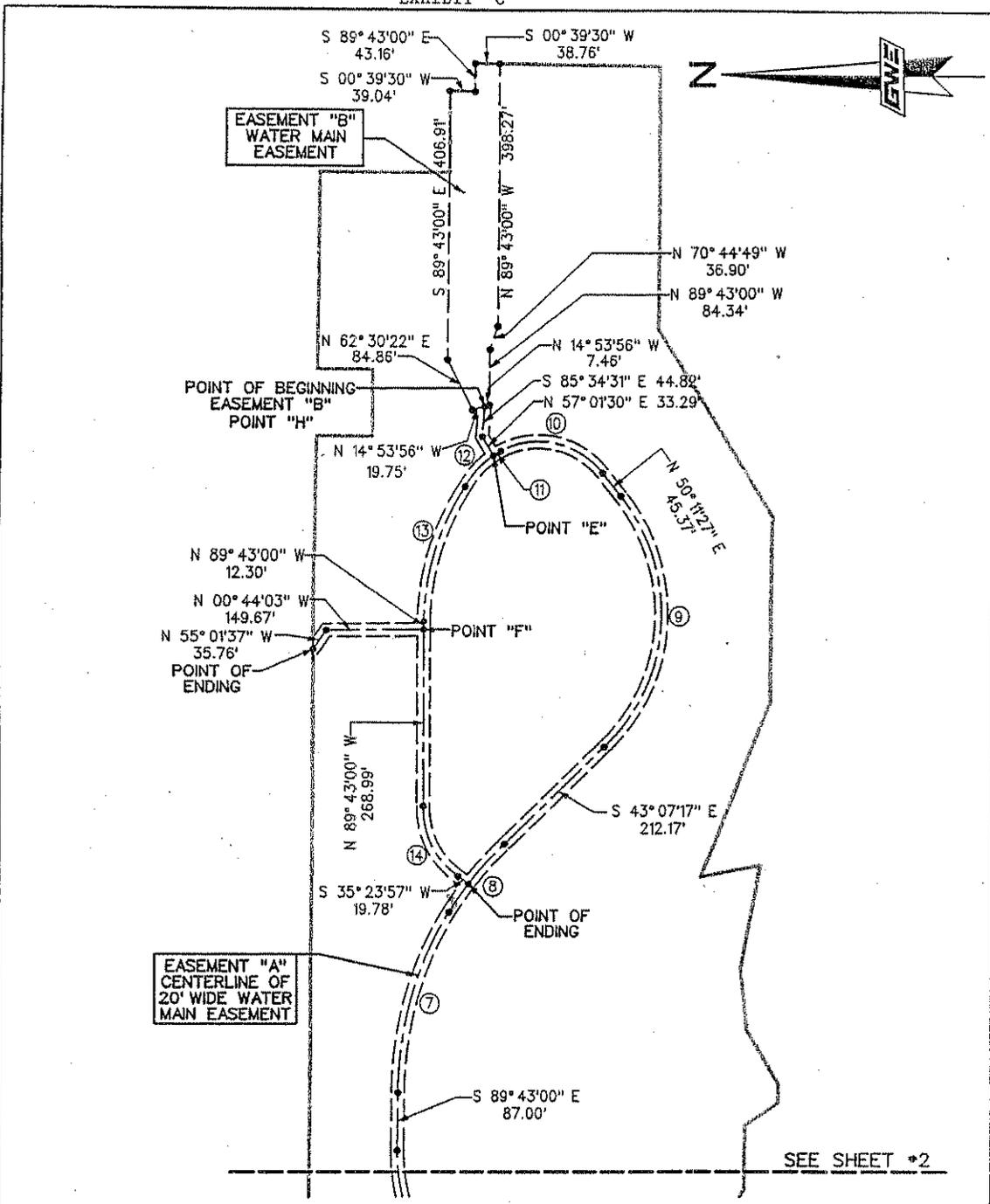
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**GWE**  
Giffels-Webster Engineers, Inc.  
ENGINEERS LAND SURVEYORS PLANNERS LANDSCAPE ARCHITECTS  
2871 BOND STREET, ROCHESTER HILLS, MI. 48309

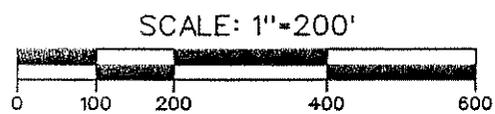
DATE: 4-02-03	CHECKED BY: JNR	DATE: 4/3	SCALE: 1"=200'
DESIGN: JKA			SHEET: 2 OF 5
SECTION: 2	T-2-N., R-11-E.		JOB No: 15786

15786\survey\watermain\_esmnt2.dgn

EXHIBIT "C"



NO.	ARC	RADIUS	DELTA	CHORD BEARING	CHD. LENGTH
7	285.57'	520.00'	31° 27' 55"	S 73° 59' 03" E	281.99'
8	137.31'	520.00'	15° 07' 48"	S 50° 41' 11" E	136.92'
9	423.64'	280.00'	86° 41' 17"	S 86° 27' 56" E	384.37'
10	175.67'	130.00'	77° 25' 21"	N 11° 28' 47" E	162.60'
11	13.03'	130.00'	05° 44' 37"	N 30° 06' 11" W	13.03'
12	64.90'	130.00'	28° 36' 11"	N 47° 16' 35" W	64.23'
13	216.97'	380.00'	32° 42' 53"	N 73° 21' 33" W	214.04'
14	124.53'	130.00'	54° 53' 03"	S 62° 50' 28" W	119.82'



## WATER MAIN EASEMENT EASEMENT DETAIL

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

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**GWE**  
Giffels-Webster Engineers, Inc.  
ENGINEERS LAND SURVEYORS PLANNERS LANDSCAPE ARCHITECTS  
2871 BOND STREET, ROCHESTER HILLS, MI. 48309  
(248) 852-3100

DATE: 4-02-03	CHECKED BY: JNR	DATE: 4/3	SCALE: 1"=200'
DRAWN: KAT	JNR	4/3	SHEET: 3 OF 5
DESIGN: JKA			JOB No: 15786
SECTION: 2	T-2-N, R-11-E		

15786\survey\watermain\_esmnt3.dgn

EXHIBIT "D"

**PROPERTY DESCRIPTION  
OF BURDENED PARCEL**

A PART OF THE NORTHWEST 1/4 OF SECTION 2, T-2-N., R-11-E., CITY OF TROY, OAKLAND COUNTY, MICHIGAN, INCLUDING LOTS 12 THROUGH 26 AND THE SOUTH 1/2 OF LOT 27 AND LOTS 28 THROUGH 30 OF "EYSTER'S SUBURBAN HOME SUBDIVISION" AS RECORDED IN LIBER 44, PAGE 27, OF PLATS, OAKLAND RECORDS; ALSO THE REVISIONARY INTEREST IN THAT PART OF ECKERMAN AVENUE (PLATTED AS EATON AVENUE) (60 FEET WIDE), BARRBEAU AVENUE (PLATTED AS BROMLEY AVENUE) (60 FEET WIDE) AND LOVELL AVENUE (30 FEET WIDE) ALL LYING WITHIN THE BOUNDS OF THIS PARCEL, ALL BEING MORE PARTICULARLY DESCRIBED AS: COMMENCING AT THE WEST 1/4 CORNER OF SAID SECTION 2; THENCE N.00° 02'23"W., 1516.13 FEET ALONG THE WEST LINE OF SAID SECTION 2 (ROCHESTER ROAD) THENCE S.89° 43'00"E., 75.00 FEET TO THE POINT OF BEGINNING; THENCE N.00° 02'23"W., 425.00 FEET TO A POINT ON THE SOUTH LINE OF "EYSTER'S SUBURBAN HOME SUBDIVISION"; THENCE S. 89° 43'00"E., 376.22 FEET; THENCE N.00° 00'00"W., 200.00 FEET; THENCE S.89° 43'00"E., 1660.00 FEET; THENCE S.00° 00'00"E., 85.00 FEET; THENCE S.89° 43'00"E., 100.00 FEET; THENCE N00° 00'00"W., 85.00 FEET; THENCE S. 89° 43'00"E., 300.00 FEET; THENCE S.00° 00'00"E., 200.00 FEET; THENCE S.89° 43'00"E., 121.89 FEET; THENCE S.00° 39'30"W., 39.04 FEET; THENCE S. 89° 43'00"E., 43.16 FEET TO A POINT ON THE WEST LINE OF "EMERALD LAKES VILLAGE NO. 7", AS RECORDED IN LIBER 134, PAGES 14 THROUGH 16 OF PLATS, OAKLAND COUNTY RECORDS, SAID POINT ALSO BEING A POINT ON THE NORTH-SOUTH 1/4 LINE OF SAID SECTION 2 AS OCCUPIED; THENCE S00° 39'30"W., 288.76 FEET ALONG SAID LINE; THENCE N.89° 43'00"W., 398.29 FEET; THENCE S.57° 44'39"W., 332.62 FEET; THENCE N.89° 43'00"W., 283.63 FEET; THENCE N. 68° 28'38"W., 285.75 FEET; THENCE S.11° 12'16"E., 92.67 FEET; THENCE N.79° 32'53"W., 162.50 FEET; THENCE S. 83° 59'20"W., 92.96 FEET; THENCE S.58° 45'54"W., 91.94 FEET; THENCE N.89° 43'03"W., 29.82 FEET; THENCE N. 33° 51'39"W., 61.18 FEET; THENCE N.89° 43'00"W., 96.61 FEET; THENCE N.54° 44'53"W., 83.67 FEET; THENCE N.89° 43'00"W., 826.46 FEET TO THE POINT OF BEGINNING AND CONTAINING 35.046 ACRES.

**EASEMENT "A"  
DESCRIPTION OF A 20 FOOT WIDE WATER MAIN EASEMENT**

THE CENTERLINE OF A 20 FOOT WIDE EASEMENT FOR WATER MAIN IS DESCRIBED AS PART OF THE NORTHWEST 1/4 OF SECTION 2, T-2-N., R-11-E., CITY OF TROY, OAKLAND COUNTY, MICHIGAN, BEING MORE PARTICULARLY DESCRIBED AS: COMMENCING AT THE WEST 1/4 CORNER OF SAID SECTION 2; THENCE N.00° 02'23"W., 1643.12 FEET ALONG THE WEST LINE OF SAID SECTION 2 (ROCHESTER ROAD); THENCE S.89° 43'00"E., 75.00 FEET TO THE POINT OF BEGINNING EASEMENT "A"; THENCE THE FOLLOWING TWENTY-SEVEN COURSES BEING ALONG SAID CENTERLINE: (1) S.89° 43'00"E., 34.06 FEET TO POINT "A"; (2) N.00° 21'54"E., 171.50 FEET; (3) S.89° 43'00"E., 197.62 FEET; (4) ALONG A CURVE TO THE RIGHT 27.96 FEET, SAID CURVE HAVING A RADIUS OF 256.00 FEET, A CENTRAL ANGLE OF 06° 15'31" AND A LONG CHORD BEARING OF S.86° 35'31"E., 27.95 FEET; (5) S.83° 55'23"E., 176.76 FEET; (6) ALONG A CURVE TO THE LEFT 10.90 FEET, SAID CURVE HAVING A RADIUS OF 94.00 FEET, A CENTRAL ANGLE OF 06° 38'32" AND A LONG CHORD BEARING OF S.86° 23'44"E., 10.89 FEET; (7) S.89° 43'00"E., 59.60 FEET TO POINT "B"; (8) S.89° 43'00"E., 33.60 FEET; (9) ALONG A CURVE TO THE LEFT 57.70 FEET, SAID CURVE HAVING A RADIUS OF 230.00 FEET, A CENTRAL ANGLE OF 14° 22'29" AND A LONG CHORD BEARING OF N.83° 12'01"E., 57.55 FEET TO POINT "C"; (10) ALONG A CURVE TO THE LEFT 137.92 FEET, SAID CURVE HAVING A RADIUS OF 230.00 FEET, A CENTRAL ANGLE OF 34° 21'28" AND A LONG CHORD BEARING OF N.58° 50'02"E., 135.86 FEET; (11) N.42° 09'49"E., 58.81 FEET; (12) ALONG A CURVE TO THE RIGHT 141.59 FEET, SAID CURVE HAVING A RADIUS OF 270.00 FEET, A CENTRAL ANGLE OF 30° 02'46" AND A LONG CHORD BEARING OF N.57° 11'11"E., 139.97 FEET TO POINT "D"; (13) ALONG A CURVE TO THE RIGHT 85.17 FEET, SAID CURVE HAVING A RADIUS OF 270.00 FEET, A CENTRAL ANGLE OF 18° 04'27" AND A LONG CHORD BEARING OF N.81° 14'48"E., 84.82 FEET; (14) S.89° 43'00"E., 87.00 FEET; (15) ALONG A CURVE TO THE RIGHT 285.57 FEET, SAID CURVE HAVING A RADIUS OF 520.00 FEET, A CENTRAL ANGLE OF 31° 27'55" AND A LONG CHORD BEARING OF S.73° 59'03"E., 281.99 FEET; (16) ALONG A CURVE TO THE RIGHT 137.70 FEET, SAID CURVE HAVING A RADIUS OF 520.00 FEET, A CENTRAL ANGLE OF 15° 07'48" AND A LONG CHORD BEARING OF S.50° 41'11"E., 136.92 FEET; (17) S.43° 07'17"E., 212.17 FEET; (18) ALONG A CURVE TO THE LEFT 423.64 FEET, SAID CURVE HAVING A RADIUS OF 280.00 FEET, A CENTRAL ANGLE OF 86° 41'17" AND A LONG CHORD BEARING OF S.86° 27'56"E., 384.37 FEET; (19) N.50° 11'27"E., 45.37 FEET; (20) ALONG A CURVE TO THE LEFT 175.67 FEET, SAID CURVE HAVING A RADIUS OF 130.00 FEET, A CENTRAL ANGLE OF 77° 25'21" AND A LONG CHORD BEARING OF N.11° 28'47"E., 162.60 FEET; (21) ALONG A CURVE TO THE LEFT 13.03 FEET, SAID CURVE HAVING A RADIUS OF 130.00 FEET, A CENTRAL ANGLE OF 05° 44'37" AND A LONG CHORD BEARING OF N.30° 06'11"W., 13.03 FEET TO POINT "E"; (22) ALONG A CURVE TO THE LEFT 64.90 FEET, SAID CURVE HAVING A RADIUS OF 130.00 FEET, A CENTRAL ANGLE OF 28° 36'11" AND A LONG CHORD BEARING OF N.47° 16'35"W., 64.23 FEET; (23) ALONG A CURVE TO THE LEFT 216.97 FEET, SAID CURVE HAVING A RADIUS OF 380.00 FEET, A CENTRAL ANGLE OF 32° 42'53" AND A LONG CHORD BEARING OF N.73° 21'33"W., 214.04 FEET; (24) N.89° 43'00"W., 12.30 FEET TO POINT "F"; (25) N.89° 43'00"W., 268.99 FEET; (26) ALONG A CURVE TO THE LEFT 124.53 FEET, SAID CURVE HAVING A RADIUS OF 130.00 FEET, A CENTRAL ANGLE OF 54° 53'03" AND A LONG CHORD BEARING OF S.62° 50'28"W., 119.82 FEET; (27) S.35° 23'57"W., 19.78 FEET TO THE POINT OF ENDING.

**WATER MAIN EASEMENT**

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

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Giffels-Webster Engineers, Inc.  
ENGINEERS LAND SURVEYORS PLANNERS LANDSCAPE ARCHITECTS  
2871 BOND STREET, ROCHESTER HILLS, MI. 48309  
(248) 852-3100

DATE: 4-02-03	CHECKED BY: JNR	DATE: 4/3	SCALE: NONE
DRAWN: KAT			SHEET: 4 OF 5
DESIGN: JKA			JOB No: 15786
SECTION: 2	T-2-N, R-11-E		

L:\15786\survey\watermain\_esmnt4.dgn

EXHIBIT "E"

**EASEMENT "A" (CONTINUED FROM SHEET 4)  
DESCRIPTION OF A 20 FOOT WIDE WATER MAIN EASEMENT**

AND

THE CENTERLINE OF A 20 FOOT WIDE EASEMENT FOR WATER MAIN DESCRIBED AS PART OF THE NORTHWEST 1/4 OF SECTION 2, T-2-N., R-11-E., CITY OF TROY, OAKLAND COUNTY, MICHIGAN, BEING MORE PARTICULARLY DESCRIBED AS: BEGINNING AT POINT "A" AS DESCRIBED IN EASEMENT "A" ON SHEET 4; THENCE S.89° 43'00"E., 312.54 FEET TO POINT "G"; THENCE S.89° 43'00"E., 316.32 FEET TO THE POINT OF ENDING.

AND

THE CENTERLINE OF A 20 FOOT WIDE EASEMENT FOR WATER MAIN DESCRIBED AS PART OF THE NORTHWEST 1/4 OF SECTION 2, T-2-N., R-11-E., CITY OF TROY, OAKLAND COUNTY, MICHIGAN, BEING MORE PARTICULARLY DESCRIBED AS: BEGINNING AT POINT "B" AS DESCRIBED IN EASEMENT "A" ON SHEET 4; THENCE N.00° 28'53"E., 161.50 FEET TO THE POINT OF ENDING.

AND

THE CENTERLINE OF A 20 FOOT WIDE EASEMENT FOR WATER MAIN DESCRIBED AS PART OF THE NORTHWEST 1/4 OF SECTION 2, T-2-N., R-11-E., CITY OF TROY, OAKLAND COUNTY, MICHIGAN, BEING MORE PARTICULARLY DESCRIBED AS: BEGINNING AT POINT "C" AS DESCRIBED IN EASEMENT "A" ON SHEET 4; THENCE S.16° 43'42"E., 32.26 FEET; THENCE S.57° 38'26"E., 43.66 FEET; THENCE ALONG A CURVE TO THE RIGHT 102.66 FEET, SAID CURVE HAVING A RADIUS OF 230.00 FEET, A CENTRAL ANGLE OF 25° 34'22" AND A LONG CHORD BEARING OF S.10° 52'44"E., 101.81 FEET; THENCE ALONG A CURVE TO THE LEFT 4.69 FEET, SAID CURVE HAVING A RADIUS OF 270.00 FEET, A CENTRAL ANGLE OF 00° 59'40" AND A LONG CHORD BEARING OF S.01° 24'37"W., 4.69 FEET; THENCE ALONG A CURVE TO THE LEFT 72.75 FEET, SAID CURVE HAVING A RADIUS OF 270.00 FEET, A CENTRAL ANGLE OF 15° 26'20" AND A LONG CHORD BEARING OF S.06° 48'23"E., 72.53 FEET; THENCE S.14° 31'33"E., 56.91 FEET TO THE POINT OF ENDING.

AND

THE CENTERLINE OF A 20 FOOT WIDE EASEMENT FOR WATER MAIN DESCRIBED AS PART OF THE NORTHWEST 1/4 OF SECTION 2, T-2-N., R-11-E., CITY OF TROY, OAKLAND COUNTY, MICHIGAN, BEING MORE PARTICULARLY DESCRIBED AS: BEGINNING AT POINT "D" AS DESCRIBED IN EASEMENT "A" ON SHEET 4; THENCE N.15° 56'24"W., 99.61 FEET; THENCE N.25° 22'30"W., 54.14 FEET; THENCE N.00° 00'13"E., 3.82 FEET TO THE POINT OF ENDING.

AND

THE CENTERLINE OF A 20 FOOT WIDE EASEMENT FOR WATER MAIN DESCRIBED AS PART OF THE NORTHWEST 1/4 OF SECTION 2, T-2-N., R-11-E., CITY OF TROY, OAKLAND COUNTY, MICHIGAN, BEING MORE PARTICULARLY DESCRIBED AS: BEGINNING AT POINT "E" AS DESCRIBED IN EASEMENT "A" ON SHEET 4; THENCE N.57° 01'30"E., 33.29 FEET; THENCE S.85° 34'31"E., 44.82 FEET TO THE POINT "H".

AND

THE CENTERLINE OF A 20 FOOT WIDE EASEMENT FOR WATER MAIN DESCRIBED AS PART OF THE NORTHWEST 1/4 OF SECTION 2, T-2-N., R-11-E., CITY OF TROY, OAKLAND COUNTY, MICHIGAN, BEING MORE PARTICULARLY DESCRIBED AS: BEGINNING AT POINT "F" AS DESCRIBED IN EASEMENT "A" ON SHEET 4; THENCE N.00° 44'03"W., 149.67 FEET; THENCE N.55° 01'37"W., 35.76 FEET TO THE POINT OF ENDING.

AND

THE CENTERLINE OF A 20 FOOT WIDE EASEMENT FOR WATER MAIN DESCRIBED AS PART OF THE NORTHWEST 1/4 OF SECTION 2, T-2-N., R-11-E., CITY OF TROY, OAKLAND COUNTY, MICHIGAN, BEING MORE PARTICULARLY DESCRIBED AS: BEGINNING AT THE ABOVE DESCRIBED POINT "G"; THENCE S.00° 27'58"W., 45.00 FEET; TO THE POINT OF ENDING.

**EASEMENT "B"  
DESCRIPTION OF A WATER MAIN EASEMENT**

A WATER MAIN EASEMENT DESCRIBED AS PART OF THE NORTHWEST 1/4 OF SECTION 2, T-2-N., R-11-E., CITY OF TROY, OAKLAND COUNTY, MICHIGAN, BEING MORE PARTICULARLY DESCRIBED AS: BEGINNING AT THE ABOVE DESCRIBED POINT "H", SAID POINT "H" ALSO BEING THE POINT OF BEGINNING EASEMENT "B"; THENCE N.14° 53'56"W., 19.75 FEET; THENCE N.62° 30'22"E., 84.86 FEET; THENCE S.89° 43'00"E., 406.91 FEET; THENCE S.00° 39'30"W., 39.04 FEET; THENCE S.89° 43'00"E., 43.16 FEET; THENCE S.00° 39'30"W., 38.76 FEET; THENCE N.89° 43'00"W., 398.27 FEET; THENCE N.70° 44'49"W., 36.90 FEET; THENCE N.89° 43'00"W., 84.34 FEET; THENCE N.14° 53'56"W., 7.46 FEET TO THE POINT OF BEGINNING EASEMENT "B".

**WATER MAIN EASEMENT**

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

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2871 BOND STREET, ROCHESTER HILLS, MI. 48309  
(248) 852-3100

DATE: 4-02-03	CHECKED BY: JNR	DATE: 4/3	SCALE: NONE
DRAWN: KAT			SHEET: 5 OF 5
DESIGN: JKA			
SECTION: 2	T-2-N R-11-E		JOB No: 15786

15786\survey\watermain\_esm14.dgn

PERMANENT EASEMENT

Sidwell # 88-20-02-151-001  
Project #  
Resolution #

Woodside Bible Church, a Michigan Ecclesiastical Corporation formerly known as Troy Baptist Church, Grantor, whose address is 3193 Rochester Road, Troy, MI 48084 and Robertson Northwyck, L.L.C., a Michigan Limited Liability Company, whose address is 6905 Telegraph Road, Suite 200, Bloomfield Hills, MI 48301 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, grants to the Grantee the right to construct, operate, maintain, repair and/or replace water main, said easement for land situated in the City of Troy, Oakland County, Michigan, described as:

SEE ATTACHED EXHIBITS "A" & "B"

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 his signature(s) this 12th day of May A.D. 2003.

In presence of:  
WITNESSES

Brent A. Blankenship  
Brent A. Blankenship

Michelle L Tribisono  
MICHELLE L TRIBISONO

WOODSIDE BIBLE CHURCH,  
A MICHIGAN ECCLESIASTICAL CORPORATION

By [Signature] (L.S.)  
Kevan Johnston, Trustee

STATE OF MICHIGAN)  
COUNTY OF OAKLAND)

The foregoing instrument as acknowledged before me this 12th day of May, 2003, by Kevan Johnston, Trustee, of Woodside Bible Church, a Michigan Ecclesiastical Corporation, formerly known as Troy Baptist Church, a Michigan Ecclesiastical Corporation, on behalf of the corporation.

Brent A. Blankenship

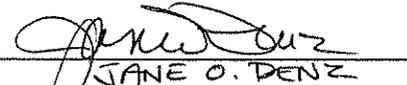
BRENT A. BLANKENSHIP  
NOTARY PUBLIC OAKLAND CO., MI  
MY COMMISSION EXPIRES Oct 17, 2004

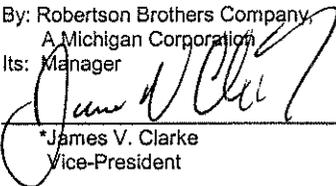
Notary Public, Oakland County, Michigan  
My Commission Expires 10/17/04

In the presence of:  
WITNESSES:

ROBERTSON NORTHWYCK, L.L.C.  
a Michigan Limited Liability Company

By: Robertson Brothers Company,  
A Michigan Corporation  
Its: Manager

  
\_\_\_\_\_  
JANE O. DENZ  
  
\_\_\_\_\_  
PATRICIA A. THOMPSON

  
\_\_\_\_\_  
\*James V. Clarke  
Vice-President

STATE OF MICHIGAN)  
COUNTY OF OAKLAND)

Subscribed and sworn to before me this 9 day of Mar, 2003, by James V. Clarke,  
Vice-President of Robertson Brothers Company, a Michigan Corporation, Manager of Robertson Northwyck L.L.C.,  
a Michigan Limited Liability Company, on behalf of the Company.

JANET E. WHITE  
NOTARY PUBLIC OAKLAND CO., MI  
MY COMMISSION EXPIRES Oct 27, 2008



Notary Public, \_\_\_\_\_ County, Michigan

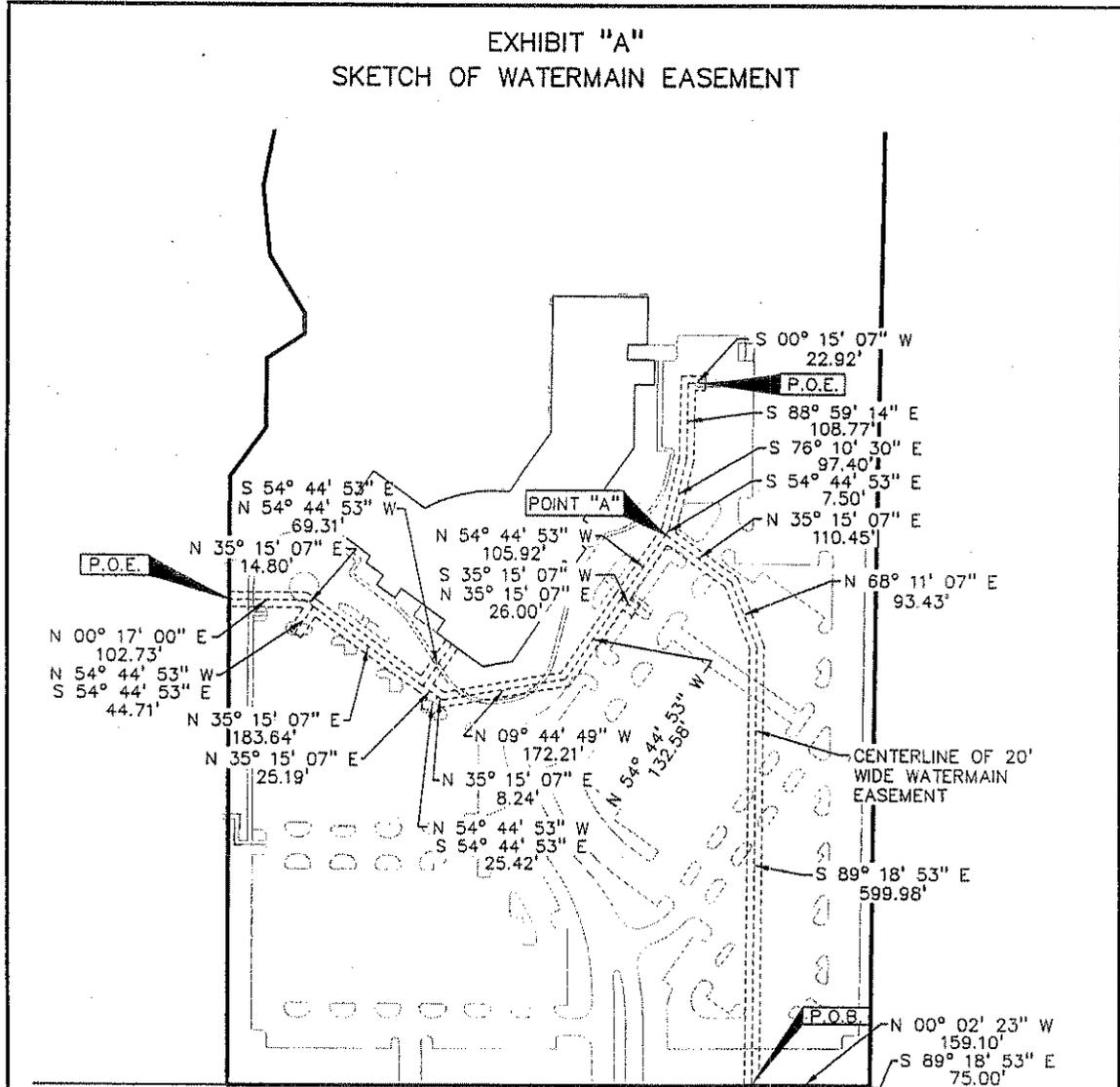
My Commission Expires 10-27-08

(Corporations)

Prepared by:  
Patricia A. Petitto  
City of Troy  
500 West Big Beaver  
Troy, Michigan 48084

Return to:  
City Clerk, City of Troy  
500 West Big Beaver Road  
Troy, Michigan 48084

EXHIBIT "A"  
SKETCH OF WATERMAIN EASEMENT

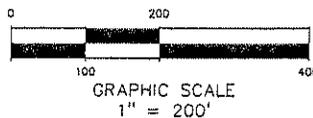


NORTHWEST  
CORNER  
SECTION 2  
T.2N., R.11E.

WEST LINE OF SECTION 2  
ROCHESTER ROAD (VARIABLE WIDTH)

WEST 1/4  
CORNER  
SECTION 2  
T.2N., R.11E.

BE COURSES MATCH DESCRIPTION



PROFESSIONAL  
ENGINEERING  
ASSOCIATES

CLIENT:  
FRANK REWOLD & SON, INC.  
333 EAST SECOND STREET  
ROCHESTER, MICHIGAN, 48307

SCALE: 1" = 200'	JOB No: 2002.081
DATE: 04-04-03	DWG. No: 2 of 3

2430 Rochester Ct. Suite 100  
Troy, MI 48063-1872  
(248) 689-9090

**EXHIBIT "B"**  
**LEGAL DESCRIPTIONS**

**LEGAL DESCRIPTION:**  
**SUBJECT PARCEL**

(Per Giffels-Webster Engineers, Inc. "Certificate of Survey" Job No. 15786, Dated 03/18/03)

A part of the northwest 1/4 of Section 2, T-2-N., R-11-E., City of Troy, Oakland County, Michigan, more particularly described as: Commencing at the West 1/4 Corner of said Section 2; thence N00°02'23"W, 637.07 feet along the West line of said Section 2 (Rochester Road); thence S89°18'53"E, 75.01 feet to the Point of Beginning; thence N00°02'23"W, 879.59 feet; thence S89°43'00"E, 826.46 feet; thence S54°44'53"E, 83.67 feet; thence S89°43'00"E, 96.61 feet; thence S33°51'39"E, 61.18 feet; thence S89°43'03"E, 29.82 feet; thence N58°45'54"E, 91.94 feet; N83°59'20"E, 92.96 feet; thence S79°32'53"E, 162.50 feet; thence N11°12'16"W, 92.67 feet; thence S68°28'38"E, 285.75 feet; thence S89°43'00"E, 283.63 feet; thence N57°44'39"E, 332.62 feet; thence S89°43'00"E, 398.29 feet to a point on the West line of "Emerald Lakes Village No. 7" as recorded in Liber 134, Pages 14 through 16 of Plats, Oakland County Records, said point also being a point on the North-South 1/4 line of said Section 2 as occupied; thence S00°39'29"W, 994.91 feet along said line; thence N89°18'54"W, 2585.32 feet to the Point of Beginning, and containing 52.382 acres.

**LEGAL DESCRIPTION:**  
**WATERMAIN EASEMENT**

A 20.00 foot wide watermain easement over part of the northwest 1/4 of Section 2, T-2-N., R-11-E., City of Troy, Oakland County, Michigan, whose centerline is more particularly described as: Commencing at the West 1/4 Corner of said Section 2; thence N00°02'23"W, 637.07 feet along the West line of said Section 2 (Rochester Road) to the westerly extension of the southerly line of the subject parcel; thence S89°18'53"E, 75.00 feet along said westerly extension to the westerly line of the subject parcel; thence N00°02'23"W, 159.10 feet along said westerly line of the subject parcel to the Point of Beginning; thence S89°18'53"E, 599.98 feet; thence N68°11'07"E, 93.43 feet; thence N35°15'07"E, 110.45 feet to Point "A"; thence S54°44'53"E, 7.50 feet; thence S76°10'30"E, 97.40 feet; thence S88°59'14"E, 108.77 feet; thence S00°15'07"W, 22.92 feet to a Point of Ending; thence continuing from aforementioned Point "A" N54°44'53"W, 105.92 feet; thence S35°15'07"W, 26.00 feet; thence N35°15'07"E, 26.00 feet; thence N54°44'53"W, 132.58 feet; thence N09°44'49"W, 172.21 feet; thence N35°15'07"E, 8.24 feet; thence N54°44'53"W, 25.42 feet; thence S54°44'53"E, 25.42 feet; thence N35°15'07"E, 25.19 feet; thence S54°44'53"E, 69.31 feet; thence N54°44'53"W, 69.31 feet; thence N35°15'07"E, 183.64 feet; thence N54°44'53"W, 44.71 feet; thence S54°44'53"E, 44.71 feet; thence N35°15'07"E, 14.80 feet; thence N00°17'00"E, 102.73 feet to the northerly line of the subject parcel and the Point of Ending.

PROFESSIONAL  
ENGINEERING  
ASSOCIATES

CLIENT: FRANK REWOLD & SON, INC. 333 EAST SECOND STREET ROCHESTER, MICHIGAN, 48307	SCALE: None	JOB No: 2002.081	2430 Rochester Ct. Suite 100 Troy, MI 48063-1872 (248) 689-9090
	DATE: 04-04-03	DWG. No: 3 of 3	

PERMANENT EASEMENT

Sidwell # 88-20-02-151-001  
Project #  
Resolution #

Woodside Bible Church, a Michigan Ecclesiastical Corporation formerly known as Troy Baptist Church, Grantor, whose address is 3193 Rochester Road, Troy, MI 48084 and Robertson Northwyck, L.L.C., a Michigan Limited Liability Company, whose address is 6905 Telegraph Road, Suite 200, Bloomfield Hills, MI 48301 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, grants to the Grantee the right to construct, operate, maintain, repair and/or replace sanitary sewer, said easement for land situated in the City of Troy, Oakland County, Michigan, described as:

SEE ATTACHED EXHIBITS "A", "B", "C", & "D"

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 his signature(s) this 12th day of May A.D. 2003.

In presence of:  
WITNESSES

Brent A. Blankenship  
Brent A. Blankenship

Michelle L. Tribisono  
MICHELLE L. TRIBISONO

WOODSIDE BIBLE CHURCH,  
A MICHIGAN ECCLESIASTICAL CORPORATION

By [Signature] (L.S.)  
Kevan Johnston, Trustee

STATE OF MICHIGAN)  
COUNTY OF OAKLAND)

The foregoing instrument as acknowledged before me this 12th day of May, 2003, by Kevan Johnston, Trustee, of Woodside Bible Church, a Michigan Ecclesiastical Corporation, formerly known as Troy Baptist Church, a Michigan Ecclesiastical Corporation, on behalf of the corporation.

[Signature]

BRENT A. BLANKENSHIP  
NOTARY PUBLIC OAKLAND CO., MI  
MY COMMISSION EXPIRES Oct 17, 2004

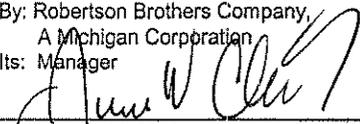
Notary Public, Oakland County, Michigan  
My Commission Expires 10/17/04

In the presence of:  
WITNESSES:

ROBERTSON NORTHWYCK, L.L.C.  
a Michigan Limited Liability Company

By: Robertson Brothers Company,  
A Michigan Corporation  
Its: Manager

  
\_\_\_\_\_  
JANE O. DENZ  
  
\_\_\_\_\_  
PATRICIA A THOMPSON

  
\_\_\_\_\_  
\*James V. Clarke  
Vice-President

STATE OF MICHIGAN)  
COUNTY OF OAKLAND)

Subscribed and sworn to before me this 9 day of May, 2003, by James V. Clarke,  
Vice-President of Robertson Brothers Company, a Michigan Corporation, Manager of Robertson Northwyck L.L.C.,  
a Michigan Limited Liability Company, on behalf of the Company.

JANET E. WHITE  
NOTARY PUBLIC OAKLAND CO., MI  
MY COMMISSION EXPIRES Oct 27, 2008



Notary Public, \_\_\_\_\_ County, Michigan

(Corporations)

My Commission Expires 10-27-08

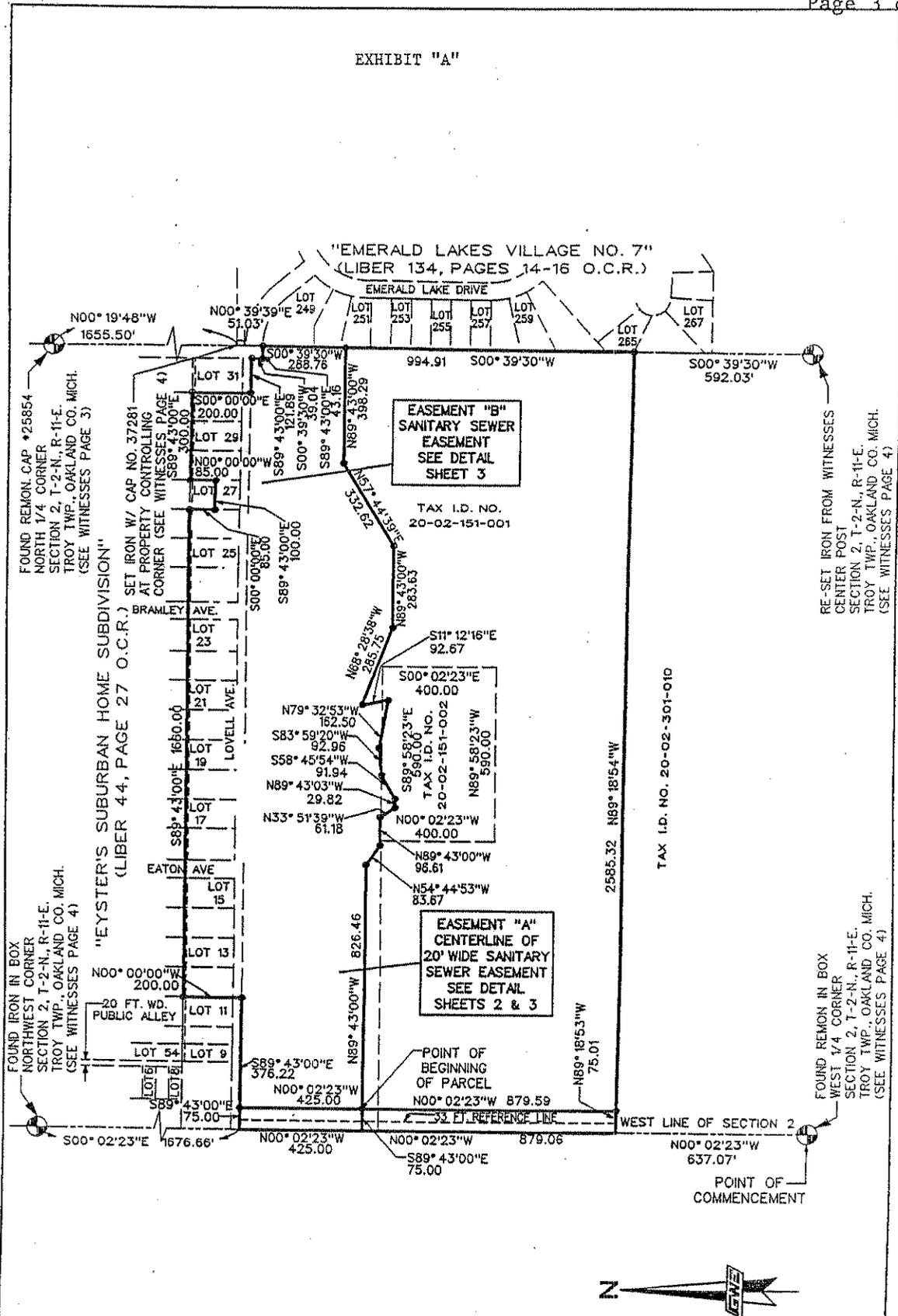
Prepared by:

Patricia A. Petitto  
City of Troy  
500 West Big Beaver  
Troy, Michigan 48084

Return to:

City Clerk, City of Troy  
500 West Big Beaver Road  
Troy, Michigan 48084

EXHIBIT "A"



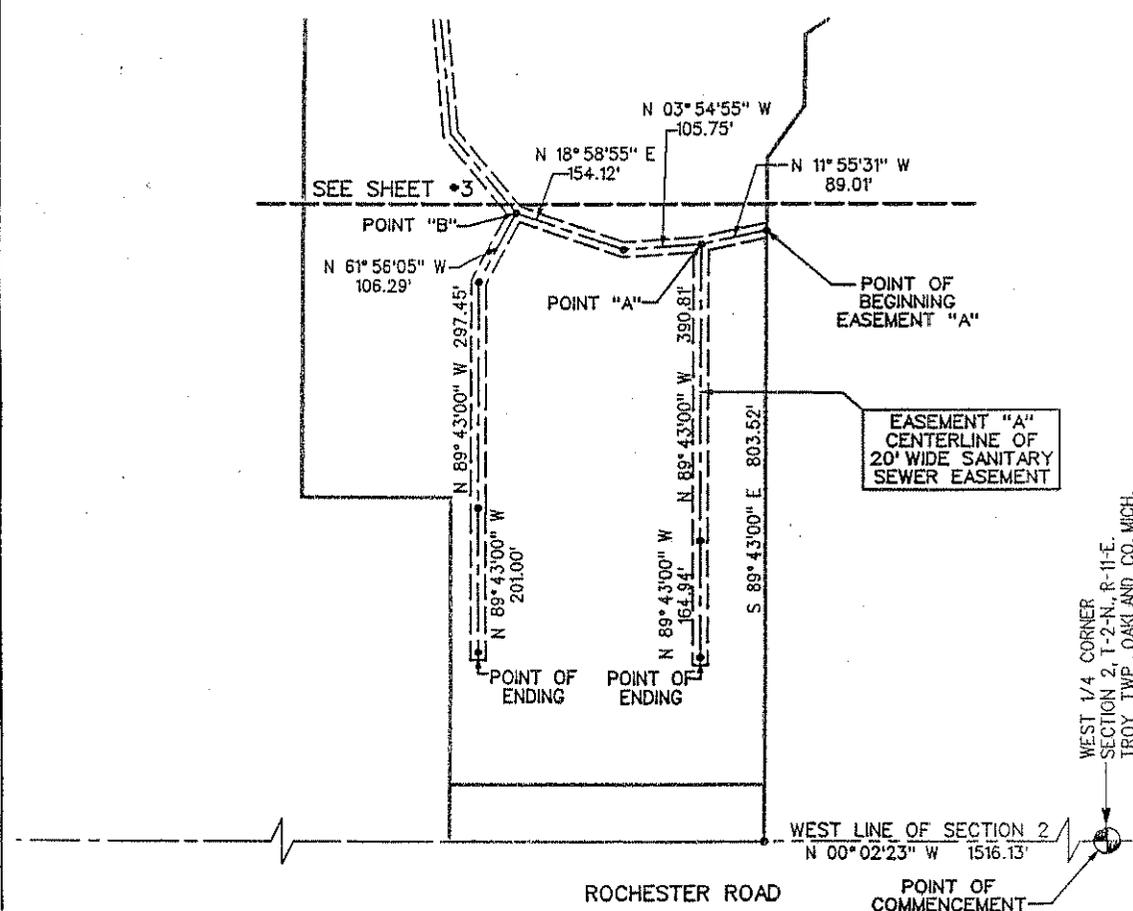
**SANITARY SEWER EASEMENT**  
PART OF THE NORTHWEST 1/4 OF SECTION 2, T-2-N., R-11-E.,  
CITY OF TROY, OAKLAND COUNTY, MICHIGAN

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ENGINEERS LAND SURVEYORS PLANNERS LANDSCAPE ARCHITECTS  
2871 BOND STREET, ROCHESTER HILLS, MI. 48309  
(248) 852-3100

DATE: 4-02-03	CHECKED BY: JNR	DATE: 4/3	SCALE: 1"=400'
DRAWN: KAT	DESIGN: JKA	SECTION: 2	SHEET: 1 OF 4
T-2-N, R-11-E		JOB No: 15786	

EXHIBIT "B"



EASEMENT "A"  
CENTERLINE OF  
20' WIDE SANITARY  
SEWER EASEMENT

SCALE: 1"=200'



# SANITARY SEWER EASEMENT EASEMENT DETAIL

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

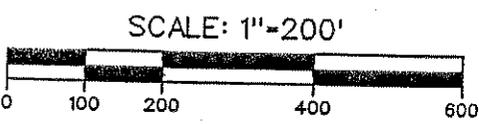
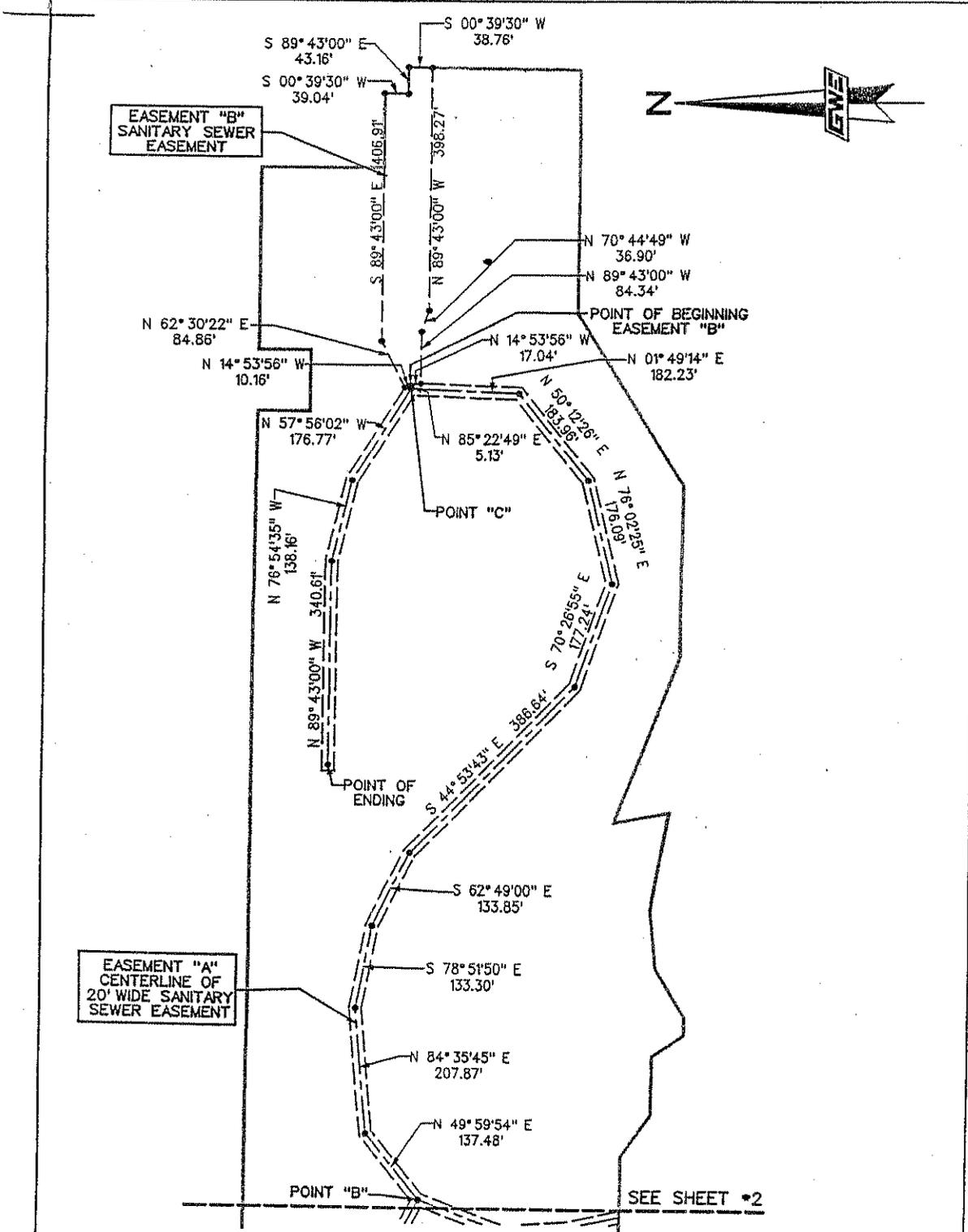
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2871 BOND STREET, ROCHESTER HILLS, MI. 48309  
(248) 852-3100

DATE: 4-02-03	CHECKED BY: JNR	DATE: 4/3	SCALE: 1"=200'
DRAWN: KAT			SHEET: 2 OF 4
DESIGN: JKA			JOB No: 15786
SECTION: 2	T-2-N, R-11-E		

L:\15786\survey\sanitary esemnt.dwg

EXHIBIT "C"



# SANITARY SEWER EASEMENT EASEMENT DETAIL

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

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ENGINEERS LAND SURVEYORS PLANNERS LANDSCAPE ARCHITECTS  
2871 BOND STREET, ROCHESTER HILLS, MI. 48309  
(248) 852-3100

DATE: 4-02-03	CHECKED BY: JNR	DATE: 4/3
DRAWN: KAT		
DESIGN: JKA		
SECTION: 2	T-2-N, R-11-E	

SCALE: 1"=200'
SHEET: 3 OF 4
JOB No: 15786

EXHIBIT "D"

**PROPERTY DESCRIPTION  
OF BURDENED PARCEL**

A PART OF THE NORTHWEST 1/4 OF SECTION 2, T-2-N., R-11-E., CITY OF TROY, OAKLAND COUNTY, MICHIGAN, INCLUDING LOTS 12 THROUGH 26 AND THE SOUTH 1/2 OF LOT 27 AND LOTS 28 THROUGH 30 OF "EYSTER'S SUBURBAN HOME SUBDIVISION" AS RECORDED IN LIBER 44, PAGE 27, OF PLATS, OAKLAND RECORDS; ALSO THE REVISIONARY INTEREST IN THAT PART OF ECKERMAN AVENUE (PLATTED AS EATON AVENUE) (60 FEET WIDE), BARRBEAU AVENUE (PLATTED AS BROMLEY AVENUE) (60 FEET WIDE) AND LOVELL AVENUE (30 FEET WIDE) ALL LYING WITHIN THE BOUNDS OF THIS PARCEL, ALL BEING MORE PARTICULARLY DESCRIBED AS: COMMENCING AT THE WEST 1/4 CORNER OF SAID SECTION 2; THENCE N.00°02'23"W., 1516.13 FEET ALONG THE WEST LINE OF SAID SECTION 2 (ROCHESTER ROAD) THENCE S.89°43'00"E., 75.00 FEET TO THE POINT OF BEGINNING; THENCE N.00°02'23"W., 425.00 FEET TO A POINT ON THE SOUTH LINE OF "EYSTER'S SUBURBAN HOME SUBDIVISION"; THENCE S. 89° 43'00"E., 376.22 FEET; THENCE N.00° 00'00"W., 200.00 FEET; THENCE S.89° 43'00"E., 1660.00 FEET; THENCE S.00° 00'00"E., 85.00 FEET; THENCE S.89° 43'00"E., 100.00 FEET; THENCE N00°00'00"W., 85.00 FEET; THENCE S. 89° 43'00"E., 300.00 FEET; THENCE S.00° 00'00"E., 200.00 FEET; THENCE S.89° 43'00"E., 121.89 FEET; THENCE S.00° 39'30"W., 39.04 FEET; THENCE S. 89° 43'00"E., 43.16 FEET TO A POINT ON THE WEST LINE OF "EMERALD LAKES VILLAGE NO. 7", AS RECORDED IN LIBER 134, PAGES 14 THROUGH 16 OF PLATS, OAKLAND COUNTY RECORDS, SAID POINT ALSO BEING A POINT ON THE NORTH-SOUTH 1/4 LINE OF SAID SECTION 2 AS OCCUPIED; THENCE S00° 39'30"W., 288.76 FEET ALONG SAID LINE; THENCE N.89° 43'00"W., 398.29 FEET; THENCE S.57° 44'39"W., 332.62 FEET; THENCE N.89° 43'00"W., 283.63 FEET; THENCE N. 68° 28'38"W., 285.75 FEET; THENCE S.11° 12'16"E., 92.67 FEET; THENCE N.79° 32'53"W., 162.50 FEET; THENCE S. 83° 59'20"W., 92.96 FEET; THENCE S.58° 45'54"W., 91.94 FEET; THENCE N.89° 43'03"W., 29.82 FEET; THENCE N. 33° 51'39"W., 61.18 FEET; THENCE N.89° 43'00"W., 96.61 FEET; THENCE N.54° 44'53"W., 83.67 FEET; THENCE N.89° 43'00"W., 826.46 FEET TO THE POINT OF BEGINNING AND CONTAINING 35.046 ACRES.

**EASEMENT "A"  
DESCRIPTION OF A 20 FOOT WIDE SANITARY SEWER EASEMENT**

THE CENTERLINE OF A 20 FOOT WIDE EASEMENT FOR SANITARY SEWER IS DESCRIBED AS PART OF THE NORTHWEST 1/4 OF SECTION 2, T-2-N., R-11-E., CITY OF TROY, OAKLAND COUNTY, MICHIGAN, BEING MORE PARTICULARLY DESCRIBED AS: COMMENCING AT THE WEST 1/4 CORNER OF SAID SECTION 2; THENCE N.00°02'23"W., 1516.13 FEET ALONG THE WEST LINE OF SAID SECTION 2 (ROCHESTER ROAD); THENCE S.89°43'00"E., 803.52 FEET TO THE POINT OF BEGINNING EASEMENT "A"; THENCE THE FOLLOWING FIFTEEN COURSES: (1) N.11°55'31"W., 89.01 FEET TO POINT "A"; (2) N.03°54'55"W, 105.75 FEET; (3) N.18°58'55"E., 154.12 FEET TO POINT "B"; (4) N.49°59'54"E., 137.48 FEET; (5) N.84°35'45"E., 207.87 FEET; (6) S.78°51'50"E., 133.30 FEET; (7) S.62°49'00"E., 133.85 FEET; (8) S.44°53'43"E., 386.64 FEET; (9) S.70°26'55"E., 177.24 FEET; (10) N.76°02'25"E., 176.09 FEET; (11) N.50°12'26"E., 183.96 FEET; (12) N.01°49'14"E., 182.23 FEET TO POINT "C"; (13) N.57°56'02"W., 176.77 FEET; (14) N.76°54'35"W., 138.16 FEET; (15) N.89°43'00"W., 340.61 FEET TO THE POINT OF ENDING.

AND

THE CENTERLINE OF 20 FOOT WIDE SANITARY SEWER EASEMENT DESCRIBED AS PART OF THE NORTHWEST 1/4 OF SECTION 2, T-2-N., R-11-E., CITY OF TROY, OAKLAND COUNTY, MICHIGAN, BEING MORE PARTICULARLY DESCRIBED AS: BEGINNING AT THE ABOVE DESCRIBED POINT "A"; THENCE N.89°43'00"W., 390.81 FEET; THENCE N.89°43'00"W., 164.94 FEET TO THE POINT OF ENDING.

AND

THE CENTERLINE OF 20 FOOT WIDE SANITARY SEWER EASEMENT DESCRIBED AS PART OF THE NORTHWEST 1/4 OF SECTION 2, T-2-N., R-11-E., CITY OF TROY, OAKLAND COUNTY, MICHIGAN, BEING MORE PARTICULARLY DESCRIBED AS: BEGINNING AT THE ABOVE DESCRIBED POINT "B"; THENCE N.61°56'05"W., 106.29 FEET; THENCE N.89°43'00"W., 297.45 FEET; THENCE N.89°43'00"W., 201.00 FEET TO THE POINT OF ENDING.

**EASEMENT "B"  
DESCRIPTION OF A SANITARY SEWER EASEMENT**

A SANITARY SEWER EASEMENT DESCRIBED AS: COMMENCING AT THE ABOVE DESCRIBED POINT "C"; THENCE N.85°22'49"E., 5.13 FEET TO THE POINT OF BEGINNING EASEMENT "B"; THENCE N.14°53'56"W., 10.16 FEET; THENCE N.62°30'22"E., 84.86 FEET; THENCE S.89°43'00"E., 406.91 FEET; THENCE S.00°39'30"W., 39.04 FEET; THENCE S.89°43'00"E., 43.16 FEET; THENCE S.00°39'30"W., 38.76 FEET; THENCE N.89°43'00"W., 398.27 FEET; THENCE N.70°44'49"W., 36.90 FEET; THENCE N.89°43'00"W., 84.34 FEET, THENCE N.14°53'56"W., 17.04 FEET TO THE POINT OF BEGINNING EASEMENT "B".

**SANITARY SEWER EASEMENT**

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

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Giffels-Webster Engineers, Inc.  
ENGINEERS LAND SURVEYORS PLANNERS LANDSCAPE ARCHITECTS  
2871 BOND STREET, ROCHESTER HILLS, MI. 48309  
(248) 852-3100

DATE: 4-02-03	CHECKED BY: JNR	DATE: 4/3	SCALE: NONE
DRAWN: KAT			SHEET: 4 OF 4
DESIGN: JKA			
SECTION: 2	T-2-N, R-11-E		JOB No: 15786

PERMANENT EASEMENT

Sidwell # 88-20-02-151-001  
Project #  
Resolution #

Woodside Bible Church, a Michigan Ecclesiastical Corporation formerly known as Troy Baptist Church, Grantor, whose address is 3193 Rochester Road, Troy, MI 48084 and Robertson Northwyck, L.L.C., a Michigan Limited Liability Company, whose address is 6905 Telegraph Road, Suite 200, Bloomfield Hills, MI 48301 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, grants to the Grantee the right to construct, operate, maintain, repair and/or replace sanitary sewer, said easement for land situated in the City of Troy, Oakland County, Michigan, described as:

SEE ATTACHED EXHIBITS "A" & "B"

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 his signature(s) this 12th day of May A.D. 2003.

In presence of:  
WITNESSES

WOODSIDE BIBLE CHURCH,  
A MICHIGAN ECCLESIASTICAL CORPORATION

Brent A. Blankenship  
Brent A. Blankenship

By [Signature] (L.S.)  
Kevan Johnston, Trustee

Michelle L Tribisono  
MICHELLE L TRIBISONO

STATE OF MICHIGAN)  
COUNTY OF OAKLAND)

The foregoing instrument as acknowledged before me this 12th day of May, 2003, by Kevan Johnston, Trustee, of Woodside Bible Church, a Michigan Ecclesiastical Corporation, formerly known as Troy Baptist Church, a Michigan Ecclesiastical Corporation, on behalf of the corporation.

Brent A. Blankenship

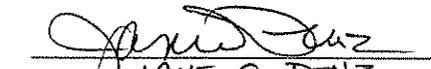
BRENT A. BLANKENSHIP  
NOTARY PUBLIC OAKLAND CO., MI  
MY COMMISSION EXPIRES Oct 17, 2004

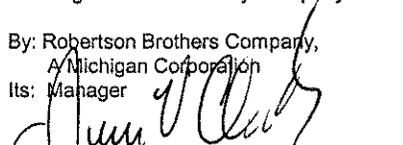
Notary Public, Oakland County, Michigan  
My Commission Expires 10/17/04

In the presence of:  
WITNESSES:

ROBERTSON NORTHWYCK, L.L.C.  
a Michigan Limited Liability Company

By: Robertson Brothers Company,  
A Michigan Corporation  
Its: Manager

  
\_\_\_\_\_  
JANE O. DENZ  
  
\_\_\_\_\_  
PATRICIA A. THOMPSON

  
\_\_\_\_\_  
James V. Clarke  
Vice-President

STATE OF MICHIGAN)  
COUNTY OF OAKLAND)

Subscribed and sworn to before me this 9 day of May, 2003, by James V. Clarke,  
Vice-President of Robertson Brothers Company, a Michigan Corporation, Manager of Robertson Northwyck L.L.C.,  
a Michigan Limited Liability Company, on behalf of the Company.

JANET E. WHITE  
NOTARY PUBLIC OAKLAND CO., MI  
MY COMMISSION EXPIRES Oct 27, 2009

NOTARY PUBLIC OAKLAND CO., MI  
MY COMMISSION EXPIRES Oct 27, 2009



Notary Public, \_\_\_\_\_ County, Michigan

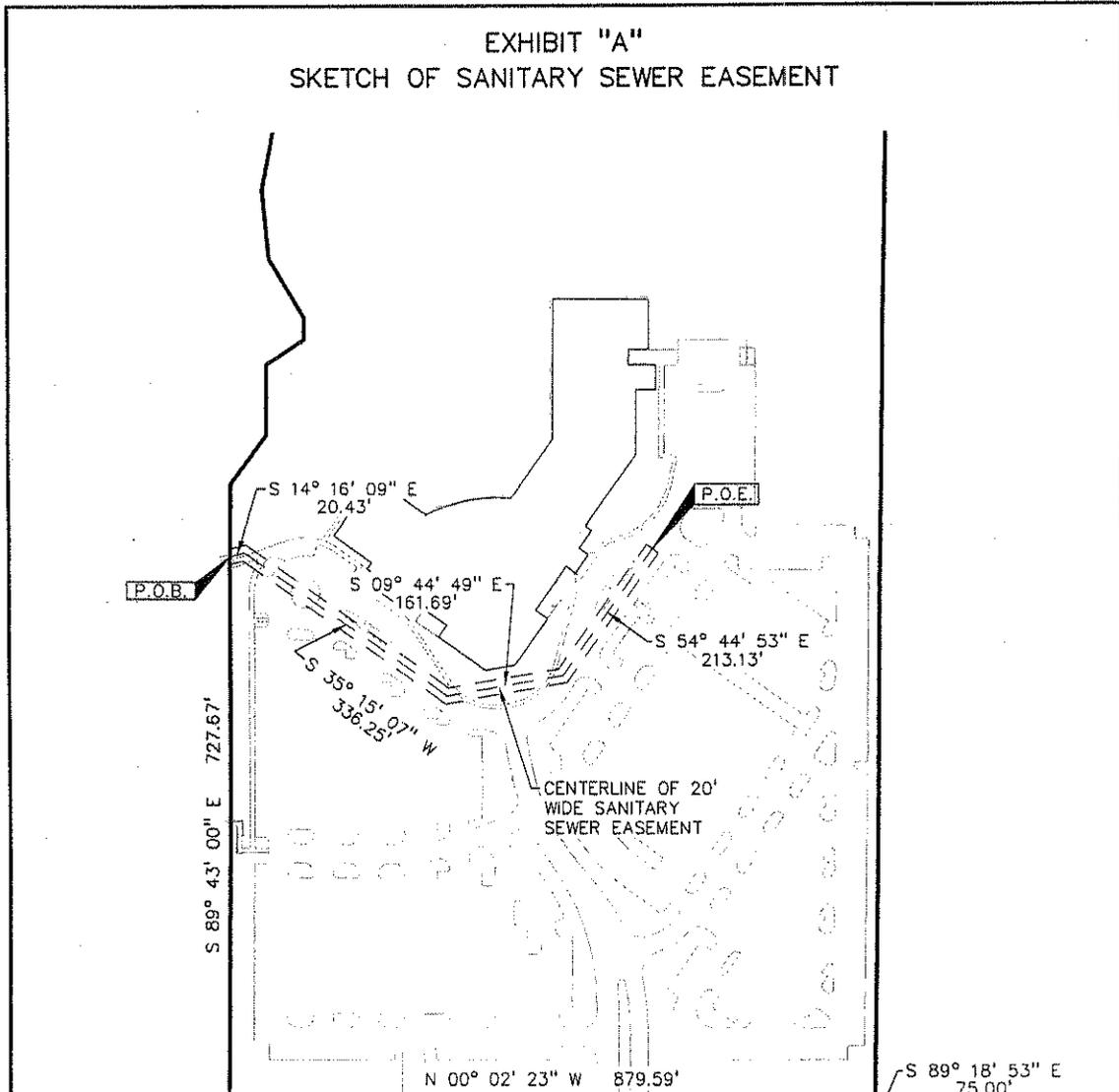
My Commission Expires \_\_\_\_\_

(Corporations)

Prepared by:  
Patricia A. Petitto  
City of Troy  
500 West Big Beaver  
Troy, Michigan 48084

Return to:  
City Clerk, City of Troy  
500 West Big Beaver Road  
Troy, Michigan 48084

EXHIBIT "A"  
SKETCH OF SANITARY SEWER EASEMENT

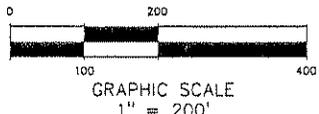


NORTHWEST  
CORNER  
SECTION 2  
T.2N., R.11E.

WEST LINE OF SECTION 2  
ROCHESTER ROAD (VARIABLE WIDTH)

WEST 1/4  
CORNER  
SECTION 2  
T.2N., R.11E.

*COURSES CHECK  
DESCRIPTION*



PROFESSIONAL  
ENGINEERING  
ASSOCIATES

CLIENT:  
FRANK REWOLD & SON, INC.  
333 EAST SECOND STREET  
ROCHESTER, MICHIGAN, 48307

SCALE: 1" = 200'	JOB No: 2002.081
DATE: 04-04-03	DWG. No: 2 of 3

2430 Rochester Ct. Suite 100  
Troy, MI 48063-1872  
(248) 689-9090

**EXHIBIT "B"**  
**LEGAL DESCRIPTIONS**

**LEGAL DESCRIPTION:  
SUBJECT PARCEL**

(Per Giffels-Webster Engineers, Inc. "Certificate of Survey" Job No. 15786, Dated 03/18/03)

A part of the northwest 1/4 of Section 2, T-2-N., R-11-E., City of Troy, Oakland County, Michigan, more particularly described as: Commencing at the West 1/4 Corner of said Section 2; thence N00°02'23"W, 637.07 feet along the West line of said Section 2 (Rochester Road); thence S89°18'53"E, 75.01 feet to the Point of Beginning; thence N00°02'23"W, 879.59 feet; thence S89°43'00"E, 826.46 feet; thence S54°44'53"E, 83.67 feet; thence S89°43'00"E, 96.61 feet; thence S33°51'39"E, 61.18 feet; thence S89°43'03"E, 29.82 feet; thence N58°45'54"E, 91.94 feet; N83°59'20"E, 92.96 feet; thence S79°32'53"E, 162.50 feet; thence N11°12'16"W, 92.67 feet; thence S68°28'38"E, 285.75 feet; thence S89°43'00"E, 283.63 feet; thence N57°44'39"E, 332.62 feet; thence S89°43'00"E, 398.29 feet to a point on the West line of "Emerald Lakes Village No. 7" as recorded in Liber 134, Pages 14 through 16 of Plats, Oakland County Records, said point also being a point on the North-South 1/4 line of said Section 2 as occupied; thence S00°39'29"W, 994.91 feet along said line; thence N89°18'54"W, 2585.32 feet to the Point of Beginning, and containing 52.382 acres.

**LEGAL DESCRIPTION:  
SANITARY SEWER EASEMENT**

A 20.00 foot wide sanitary sewer easement over part of the northwest 1/4 of Section 2, T-2-N., R-11-E., City of Troy, Oakland County, Michigan, whose centerline is more particularly described as: Commencing at the West 1/4 Corner of said Section 2; thence N00°02'23"W, 637.07 feet along the West line of said Section 2 (Rochester Road) to the westerly extension of the southerly line of the subject parcel; thence S89°18'53"E, 75.00 feet along said westerly extension to the westerly line of the subject parcel; thence N00°02'23"W, 879.59 feet along said westerly line of the subject parcel to the northerly line of the subject parcel; thence S89°43'00"E, 727.67 feet along said northerly line to the Point of Beginning; thence S14°16'09"E, 20.43 feet; thence S35°15'07"W, 336.25 feet; thence S09°44'49"E, 161.69 feet; thence S54°44'53"E, 213.13 feet to the Point of Ending.

PROFESSIONAL  
ENGINEERING  
ASSOCIATES

CLIENT:  
FRANK REWOLD & SON, INC.  
333 EAST SECOND STREET  
ROCHESTER, MICHIGAN, 48307

SCALE: None	JOB No: 2002.081
DATE: 04-04-03	DWG. No: 3 of 3

2430 Rochester Ct. Suite 100  
Troy, MI 48083-1872  
(248) 689-9090

TO: Honorable Mayor and City Council

FROM: John Szerlag, City Manager  
Jeanette Bennett, Director of Purchasing  
Charles T. Craft, Chief of Police  
William Nelson, Fire Chief

SUBJECT: Contract Extension – Mobile Communications Contract Services

**RECOMMENDATION**

On Monday, March 13, 1995, Troy City Council approved a five-year contract with Wireless Resources, Inc. (formerly Mobile Communications Service) for radio and emergency warning equipment maintenance, repair, and installation, with an option to renew for two additional years at the same prices, terms, and conditions exercised and approved on March 6, 2000 and April 9, 2001, expiring June 30, 2002 (Council Resolution #95-252, 2000-99-E-3b, and 2001-04-188-E-6). On Monday, February 4, 2002, Council approved to extend the contract with Wireless Resources until June 30, 2003 (Council Resolution #2002-02-059).

City management recommends the contract be extended with Wireless Resources (formerly Mobile Communications Service) for radio and emergency warning equipment maintenance and repair until the City establishes service with the Oakland County Emergency Radio System. A letter from Wireless has been received to extend the contract at the same prices, terms, and conditions as outlined in Appendix I.

**BACKGROUND**

The City of Troy Police and Fire Departments will eventually participate in the new Oakland County Emergency Radio System. This system will replace our current radio system and will be operated by Oakland County CLEMIS. Last year Council approved to extend the Wireless Resources contract anticipating that the Oakland County system would be operational within that fiscal year. Due to issues out of our control, the system is behind schedule but it should be operational before June 30, 2004. Once this occurs, we will no longer need the fixed and mobile contract for the Police and Fire Departments. It is still in the best interest of the City to extend the contract with Wireless, while we wait for activation the Oakland County Emergency Radio System.

A market survey was not deemed necessary as Motorola, Inc., the only other bidder, guaranteed prices only for the first two years of the contract. Motorola requested to increase the contract up to 10% for years 3-5 with proper justification.

**BUDGET**

Funds are available from the Police and Fire Departments Operating Budget.

<u>POLICE:</u>	<u>Per Month/Unit</u>	<u>POLICE:</u>	<u>Per Month/Unit</u>
MSF 5000 BASE	\$ 15.00	SYNTOR W/SIREN	\$ 3.00
MICOR BASE	\$ 15.00	SYNTOR W/DVP	\$ 4.00
MSR 2000 BASE	\$ 15.00	SYNTOR	\$ 3.00
MITREK BASE	\$ 15.00	SPECTRA/DVP	\$ 7.00
CONSOLES	\$ 60.00	SPECTRA	\$ 3.00
COMPARATORS	\$ 5.00	MAXTRAC EMG BASE	\$ 5.00
VOTING RECEIVERS	\$ 4.00	MDT/RADIO	\$ 5.50
<u>FIRE:</u>	<u>Per Month/Unit</u>	<u>FIRE:</u>	<u>Per Month/Unit</u>
MSF BASE	\$ 15.00	SYNTOR /R CONT	\$ 3.00
MICOR BASE	\$ 15.00	SYNTOR / SIREN	\$ 3.00
MSR 2000 BASE	\$ 15.00	SYNTOR VHF	\$ 3.00
MITREK BASE	\$ 15.00	SYNTOR UHF	\$ 3.00
CONSOLE	\$ 25.00	MAXTRAC /SCAN	\$ 3.00
CONTROL STATIONS	\$ 5.00	MAXTRAC EMG BASE	\$ 5.00
COMPARATOR	\$ 5.00	MDT/RADIO	\$ 5.50
VOTING RECEIVERS	\$ 4.00		
<u>PUBLIC WORKS:</u>	<u>Per Month/Unit</u>	<u>MISC CHARGES:</u>	<u>As Needed</u>
BASE STATIONS	\$ 15.00	HOURLY NON CONT	\$ 68.00
COMPARATOR	\$ 5.00	HOURLY EMG EQP	\$ 50.00
VOTING RECEIVERS	\$ 4.00	EMG WARNING EQ	\$ 50.00
CONTROL STATION	\$ 5.00	HOURLY AFTER HOURS	\$ 136.00
		<u>PARTS DISCOUNT:</u>	
		FED SIGNL	15%
		MOTOROLA	15%
		GE	15%
		ANT SPEC	10%
		MAXRAD	10%
		MDT's	5%
		TOMAR	10%



# Wireless Resources, Inc.

2300 Bellingham • Troy, Michigan 48063 • Office: 248.740.1345 • Fax: 248.740.1346

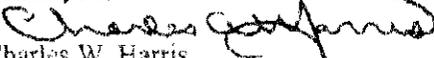
June 4, 2003

Troy Police Department  
500 W. Big Beaver  
Troy, Michigan 48084  
Attn: Sgt. Don Ostrowski, Susan (Purchasing)

Don, after our discussion a couple of weeks ago, Wireless Resources Inc. agrees to extend the current maintenance contract with the City of Troy under the same prices, terms and conditions. The current radio repair and installation contract expires on June 30<sup>th</sup>, 2003. This extension will remain in place until the new Oakland County Open Sky system is up and operational and the City of Troy is on it and wishes to cancel the covered equipment from the maintenance contract.

The extension will only include the maintenance of the currently covered equipment. If you have any questions please do not hesitate to call me. Please advise me as soon as possible when this is approved so I can adjust my records

Thank you.

  
Charles W. Harris  
Service Manager  
Wireless Resources Inc.

---

**F-5 Contract Extension – Mobile Communications Contract Services**

Resolution #2002-02-059

Moved by Pallotta

Seconded by Kaszubski

WHEREAS, On March 13, 1995, a five-year contract to provide labor and replacement parts for radio and emergency warning equipment maintenance, repair and installation was awarded to the low bidder, Wireless Resources, Inc. (formerly Mobile Communications Service) Resolution #95-252, with an option to renew for two additional years exercised March 6, 2000 and April 9, 2001, Resolutions #2000-99-E-3b and #2001-04-188-E-6; and

WHEREAS, Wireless Resources, Inc. has agreed to extend the contract for one-year under the same prices, terms, and conditions;

NOW, THEREFORE, BE IT RESOLVED, That formal bidding procedures are hereby waived and the contract with Wireless Resources, Inc., to provide labor and replacement parts for radio and emergency warning equipment maintenance, repair, and installations hereby extended based upon the same prices, terms, and conditions expiring June 30, 2003.

Yes: All-7

---

**E-6 Standard Purchasing Resolution 3: Exercise Renewal Option –  
Mobile Communications Contract Services**

Resolution #2001-04-188-E-6

WHEREAS, On March 13, 1995, a five-year contract with an option to renew for two additional years to provide labor and replacement parts for radio and emergency warning equipment maintenance, repair and installation was awarded to Wireless Resources, Inc. (formerly Mobile Communications Service) (Resolution #95-252); and

WHEREAS, Wireless Resources, Inc. agreed to exercise the first one-year option to renew the contract and Troy City Council approved the renewal (Resolution #2000-99-E-3b); and

WHEREAS, Wireless Resources, Inc. has again agreed to exercise the second one-year option to renew under the same prices, terms, and conditions;

NOW, THEREFORE, BE IT RESOLVED, That the final option to renew the contract is hereby exercised with Wireless Resources, Inc. to provide labor and replacement parts for radio and emergency warning equipment maintenance, repair and installation under the same contract prices, terms and conditions expiring June 30, 2002.

**CONSENT AGENDA - CONTINUED**

**Options to Renew - Continued**

E-3

**(b) Mobile Communications Contract Services**

Resolution #2000-99-E-3b

WHEREAS, on March 13, 1995, a five year contract was awarded to Mobile Communications Service (name changed to Wireless Resources, Inc.) to provide labor and replacement parts for radio and emergency warning equipment maintenance, repair and installation (Resolution #95-252); and

WHEREAS, the contract contained an option to renew for an additional two year period and Wireless Resources, Inc., has agreed to exercise one year of the option under the same prices, terms, and conditions; and

WHEREAS, it is the determination of the City Manager and City Council of the City of Troy that no benefit would result for the City to solicit additional sealed bids;

NOW, THEREFORE, BE IT RESOLVED, that bidding procedures are hereby waived and the contract with Wireless Resources, Inc., to provide labor and replacement parts for radio and emergency warning equipment maintenance, repair and installation is hereby approved based upon the same prices, terms and conditions through June 30, 2001.

Bid Awards: (a) Contract No. 95-1 - Widening of Livernois, C-4  
Big Beaver to Town Center, Project No. 94.202.5; (b) Radio and  
Emergency Warning Equipment Maintenance; (c) Tree Transplanting,  
From Big Beaver Median to Long Lake Median; (d) Dockable  
Camera/Recorder for Cable Television Operation

(b) Radio and Emergency Warning Equipment Maintenance

Resolution #95-252  
Moved by Pallotta  
Seconded by Husk

RESOLVED, that bids to provide labor and replacement parts for radio and emergency warning equipment maintenance, repair and installation for Police Department, Fire Department and Public Works Department fixed and mobile radio and emergency warning equipment maintenance (Alternates 1A, 2A, 3A and 4A) and to provide labor only for repair of Public Works Department mobile radios (Alternate 4B) at a fixed monthly fee are hereby rejected; and

BE IT FURTHER RESOLVED, that a five-year contract, to provide labor only with replacement parts to be purchased at quoted discounts from price lists for radio and emergency warning equipment maintenance, repair and installation for Police Department, Fire Department and Public Works Department fixed radio equipment and for Police Department and Fire Department mobile radio and emergency warning equipment at a fixed monthly fee per Alternates 1B, 2B and 3B and to provide repair service for Public Works Department mobile equipment on a time and material basis (Alternate 4C), is hereby awarded to the low bidder, Mobile Communications Service, at a total estimated cost of \$250,505 for the five-year period ending in 2000; and

BE IT FURTHER RESOLVED, that a contract to provide specific services at an hourly rate for non-contract services and on non-contract equipment is hereby awarded to the low bidder, Mobile Communications Service;

BE IT FURTHER RESOLVED, that the contracts awarded to Mobile Communications Service are contingent upon contractor submission of properly executed bid and contract documents, including bonds, insurance certificates and all other specified requirements.

Yeas: All-6  
Absent: Pryor

June 10, 2003

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager  
Gary A. Shripka, Assistant City Manager/Services  
Mark Miller, Planning Director  
Douglas J. Smith, Real Estate & Development Director  
Larysa Figol, Right of Way Representative

SUBJECT: Request for Acceptance of Warranty Deed and Final Street Vacation – Section 26 – Portion of Chopin Street Abutting Lots 521, 522, 523 and 524, Between John R and Alger Streets, in John R Gardens

City Council Resolution #99-73 (copy attached) approved the vacation of the 50-foot wide Chopin Street right-of-way in the area extending east from Alger Street, abutting Lots 481 through 484, and 521 through 524, of John R Garden Subdivision, as recorded in Liber 31, Page 8 of Oakland County Plats.

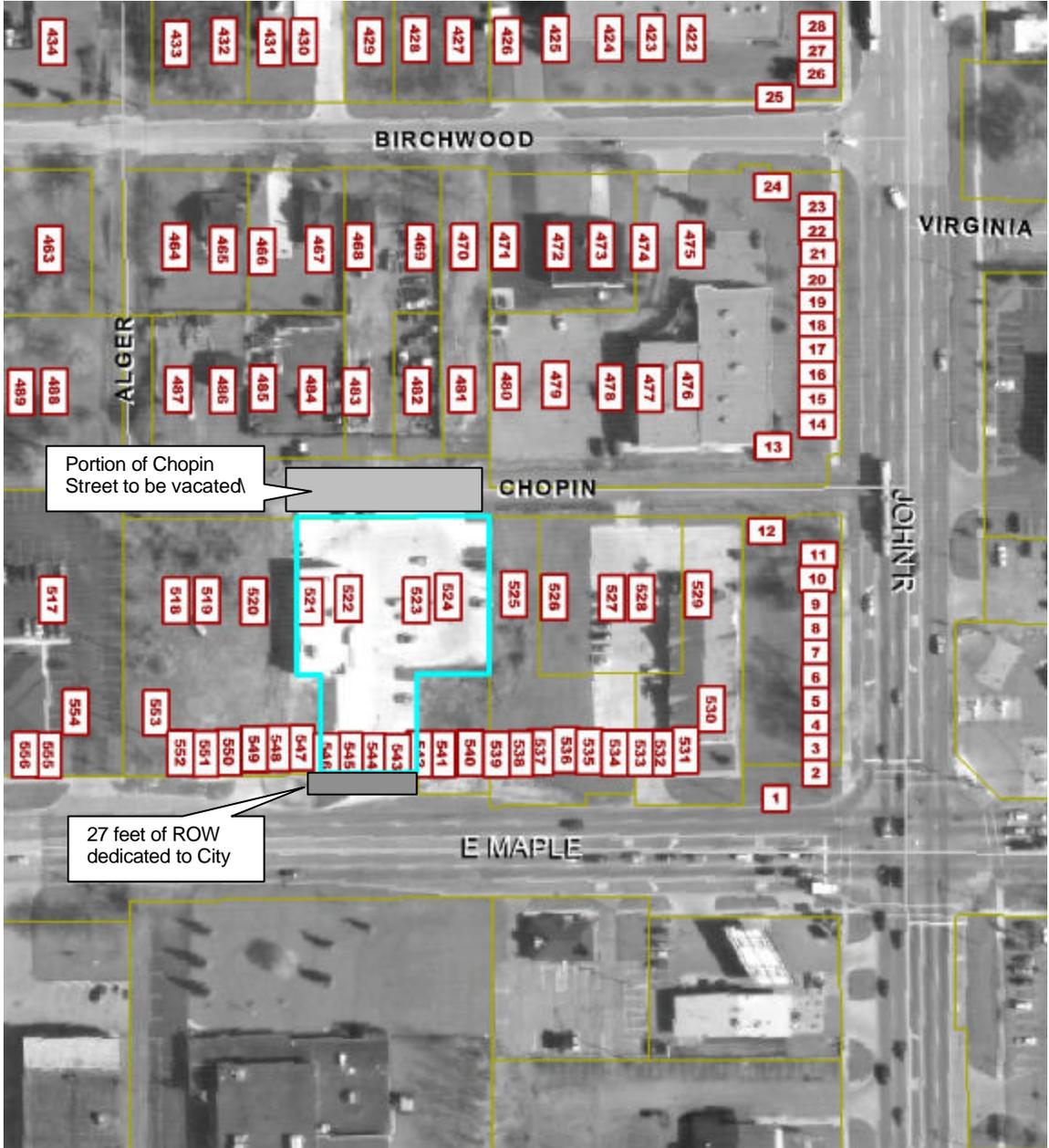
Final action can now be taken as the three conditions have been met:

1. The Retention of an easement for public utilities over the total street area proposed for vacation.
2. Conveyance of additional property in order to achieve the planned 60 foot half-width Maple Road right-of-way across the frontage of Lots 543 through 546 of John R Garden Subdivision.
3. The execution of a recordable easement by the owners of Lots 521 through 524, granting a lifetime right of access to the owners of Lots 482 through 484 over the south half of that portion of the Chopin Street right-of-way, with said easement to remain in effect until such time as lots 482 through 484 are sold.

The Real Estate and Development Department has received a Warranty Deed conveying 27 feet of right-of-way. City management recommends acceptance of this document. The consideration on the document is \$1.00.

In addition the Real Estate & Development Department has received a Cross-Access Easement satisfying the third condition.

City management recommends the acceptance of the attached Warranty Deed and recommends the final vacation of that part of Chopin Street as described above.



**Request for Street Vacation - Section 26 - South 1/2 of Chopin Street Abutting Lots 521, 522, 523 and 524, Between John R and Alger Streets, in John R Gardens D-1**

Resolution #99-73  
Moved by Pryor  
Seconded by Schilling

RESOLVED, That Resolution #88-1075 is hereby revised to read as follows:

WHEREAS, a proposal has been received for the vacation of the 50-foot wide Chopin Street right-of-way in the area extending east from Alger Street, abutting Lots 481 through 484, and 521 through 524, of the John R Garden Subdivision, as recorded in Liber 31, Page 8 of Oakland County Plats; and

WHEREAS, vacation of this portion of Chopin Street shall be subject to the following conditions:

- 1) Retention of an easement for public utilities over the total street area proposed for vacation; and
- 2) Conveyance of additional property in order to achieve the planned 60 foot half-width Maple Road right-of-way across the frontage of Lots 543 through 546 of John R Garden Subdivision; and
- 3) The Execution of a recordable easement by the owners of Lots 521 through 524, granting a lifetime right of access to the owners of Lots 482 through 484 over the south half of that portion of the Chopin Street right-of-way, with said easement to remain in effect until such time as lots 482 through 484 are sold;

WHEREAS, the following properties shall benefit from the requested street vacation:

20-26-483-049	521, 522, 523, 524
20-26-481-006	481
20-26-481-016	482
20-26-481-034	483
20-26-481-038	484

NOW, THEREFORE, BE IT RESOLVED, that this vacation will become final after conveyance to the City of Troy of the above noted properties required for Maple Road rights-of-way, and following receipt of the recordable easement from the owners of Lots 521 through 524, as described above.

Yes: Pallotta, Pryor, Schilling, Thompson  
No: Stevens, Stine, Allemon

WARRANTY DEED

054

Sidwell #88-20-26-483-049 & 051-

The Grantor(s), Royal Coney Properties, L.L.C., a Michigan Limited Liability Company, whose address is 6700 East Ten Mile Road, Centerline, MI 48015-1166, convey(s) and warrant(s) to The City of Troy, a Michigan Municipal Corporation, Grantee, whose address is 500 West Big Beaver, Troy, Michigan 48084, the following described premises situated in the City of Troy, County of Oakland and State of Michigan:

SEE ATTACHED EXHIBIT "A"

For the sum of \$1.00  
subject to easements and building and use restrictions of record and further subject to

Dated this 17th day of November, 1999

Signed in presence of:

Dennis C. Stephens  
\* DENNIS C. STEPHENS  
Laurel Nottage  
\* LAUREL NOTTAGE

ROYAL CONEY PROPERTIES, L.L.C.  
A Michigan Limited Liability Company

By: Pashk Oroshi  
\* PASHK OROSHI  
Its Managing Member

STATE OF MICHIGAN  
COUNTY OF OAKLAND

The foregoing instrument was acknowledged before me this 17th day of November, 1999 by PASHK OROSHI, Managing Member of Royal Coney Properties, L.L.C., a Michigan Limited Liability Company.

Dennis C. Stephens

Notary Public, OAKLAND County, Mich

My commission expires: 10/29/2000

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: Dennis C. Stephens City of Troy 500 West Big Beaver Troy, MI 48084	

Tax Parcel # \_\_\_\_\_ Recording Fee \_\_\_\_\_ Transfer Tax \_\_\_\_\_

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

**EXHIBIT "A"**

**The South 27 feet of Lots 543 Through 546 of John R Garden Subdivision in Section 26, Town 2 North, Range 11 East, City of Troy, Oakland County, Michigan, as recorded in Liber 31, of Plats, Oakland County Records.**

**DECLARATION AND GRANT OF EASEMENT**  
**IN GROSS FOR INGRESS AND EGRESS**

This Declaration and Grant of Easement for Ingress and Egress is made as of the 28 day of March, 2003, by ROYAL CONEY PROPERTIES, L.L.C., a Michigan limited liability company (hereinafter "Grantor"), whose address is 6623 Mountain, Troy, Michigan 48098.

WHEREAS, Grantor is the owner of that certain parcel of land in the City of Troy, Oakland County, Michigan (hereinafter referred to as the "Grantor's Parcel") legally described on Exhibit A attached hereto and made a part hereof; and

WHEREAS, the City of Troy has agreed to vacate the South one-half (½) of Chopin Avenue abutting the Grantor's Parcel provided Grantor declares and grants to Grantee the easement herein described for ingress and egress to Grantee's Parcel; and

WHEREAS, Grantor is willing to convey the easement herein described subject to the vacation of Chopin Avenue by the City of Troy; and

WHEREAS, Paul Stiff, whose address is 1924 Birchwood, Troy, Michigan ("Grantee") is the owner of that certain parcel adjacent to Grantor's Parcel legally described on Exhibit "B" attached hereto (the "Grantee Parcel").

NOW, THEREFORE, in consideration of the premises and for other good and valuable consideration, the receipt of which is hereby acknowledged, Grantor declares as follows:

1. Effective as of the later of the date on which (a) the City of Troy has formally vacated Chopin Avenue by all necessary municipal action; and (b) fee simple title to the south one-half (1/2) of vacated Chopin Avenue has fully and finally vested in Grantor, as evidenced by an instrument confirming same recorded in the Office of the Register of Deeds of Oakland County, Michigan, the Grantor shall and does hereby grant and convey to Grantee, for the sole use and benefit of Grantee and its invitees and licensees, for vehicular egress and ingress to and from Grantee's Parcel, a non-exclusive easement over, upon and across the existing gravel roadway on the northerly twelve (12) feet of that portion of the southerly one-half (1/2) of vacated Chopin Avenue located upon Grantor's Parcel, which easement is more particularly depicted on Exhibit "C" attached hereto and made a part hereof (the "Access Easement").

2. Grantee alone shall be responsible during the time of his ownership and utilization of the Access Easement, for the payment of the expenses of maintenance, upkeep, repair and replacement of said Access Easement (collectively, "Easement Maintenance"). Easement Maintenance shall include the maintenance and repair of the condition of the roadway surface, snow removal, repair and replacement of road improvements. No sale or transfer of Grantee's Parcel or any part thereof shall relieve Grantee or any successor owner from liability which accrued or resulted from acts or omissions during the term of the Access Easement.

3. The Access Easement shall be an easement in gross, personal to and for the sole use and benefit of Grantee, shall not run with the land or inure to the benefit of Grantee's heirs, representatives or assigns, and during the term of such easement shall be a non-exclusive easement and right of Grantee, and burden to the Grantor's Parcel. The Access Easement shall terminate automatically and be of no further force or effect upon the first to occur of (a) the death of Grantee; or (b) the sale, transfer or conveyance of the Grantee's Parcel, or any portion thereof, or any interest therein including any sale, transfer or conveyance by death, devise, descent or by land contract or other installment sale. This Grant of Easement for Ingress and Egress may be unilaterally terminated of record by Grantor upon recording an affidavit certifying that any of the foregoing event(s) has occurred. Said Access Easement is private and nothing herein contained shall be deemed to constitute a dedication of the same to the public absent dedication by separate specific recorded instrument.

4. Grantee shall indemnify, defend and hold Grantor harmless of, from and against any loss, claim, lien, injury, bodily and personal injury, damage or expense, including attorneys fees and costs, arising from or in connection with Grantee's use of the Access Easement, including any lien or charge against the Grantor's Parcel or Grantor or any expense incurred by Grantor in connection with performing Grantee's Easement Maintenance responsibility.

IN WITNESS WHEREOF, this Declaration and Grant of Easement in Gross for Ingress and Egress was executed as of the day and year first written above.

ROYAL CONEY PROPERTIES, L.L.C. a Michigan limited liability company

By: Pashk Oroschi  
Pashk Oroschi  
Its: Member

State of Michigan )  
) ss  
County of Oakland )

On this 28 day of March, 2003, before me, a Notary Public in and for the County and State above written, personally appeared Pashk Oroschi, Member of Royal Coney Properties, L.L.C., a Michigan limited liability company, and acknowledged that he executed the foregoing instrument as the free act and deed of said limited liability company.

GERTRUDE L VOELKLE  
NOTARY PUBLIC STATE OF MICHIGAN  
OAKLAND COUNTY  
MY COMMISSION EXP. JUNE 10, 2004

Gertrude L. Voelkle  
Notary Public  
County, State of Michigan

My Commission Expires: \_\_\_\_\_

Instrument drafted by and  
After Recording, Return to:

William D. Serwer, Esq.  
Ehrlich, Foley & Serwer, P.C.  
280 West Maple Road  
Suite 310  
Birmingham, Michigan 48009

**EXHIBIT A**

**GRANTOR'S PARCEL**

Land in part of the SE ¼ of Section 26, Town 2 North Range 11 East, City of Troy, Oakland County, Michigan described as:

Lots 521, 522, 523, 524 and the North ½ of vacated alley adjacent to same; also Lots 543 – 546 inclusive, except the South 27 feet of said Lots 543 – 546 inclusive taken from Maple Road; also the South ½ of vacated alley adjacent to said Lots of East ½ of Southeast ¼ of Section 26, Town 2 North, Range 10 East according to the Plat thereof recorded in Liber 31, Page 8 of Plats, Oakland County Records.

**EXHIBIT "B"**  
Property Owner Paul C. Stiff

Sidwell #88-20-26-481-016 (part of)  
Town 2 North, Range 11 East, Section 26, John R Garden Subdivision, Lot 482.

ALSO

Sidwell #88-20-26-481-034 (part of)  
Town 2 North, Range 11 East, Section 26, John R Garden Subdivision, Lots 468  
& 469, Also All of Lot 483.

ALSO

Sidwell #88-20-26-481-038 (part of)  
Town 2 North, Range 11 East, Section 26, John R Garden Subdivision, Lots 484  
to 487.

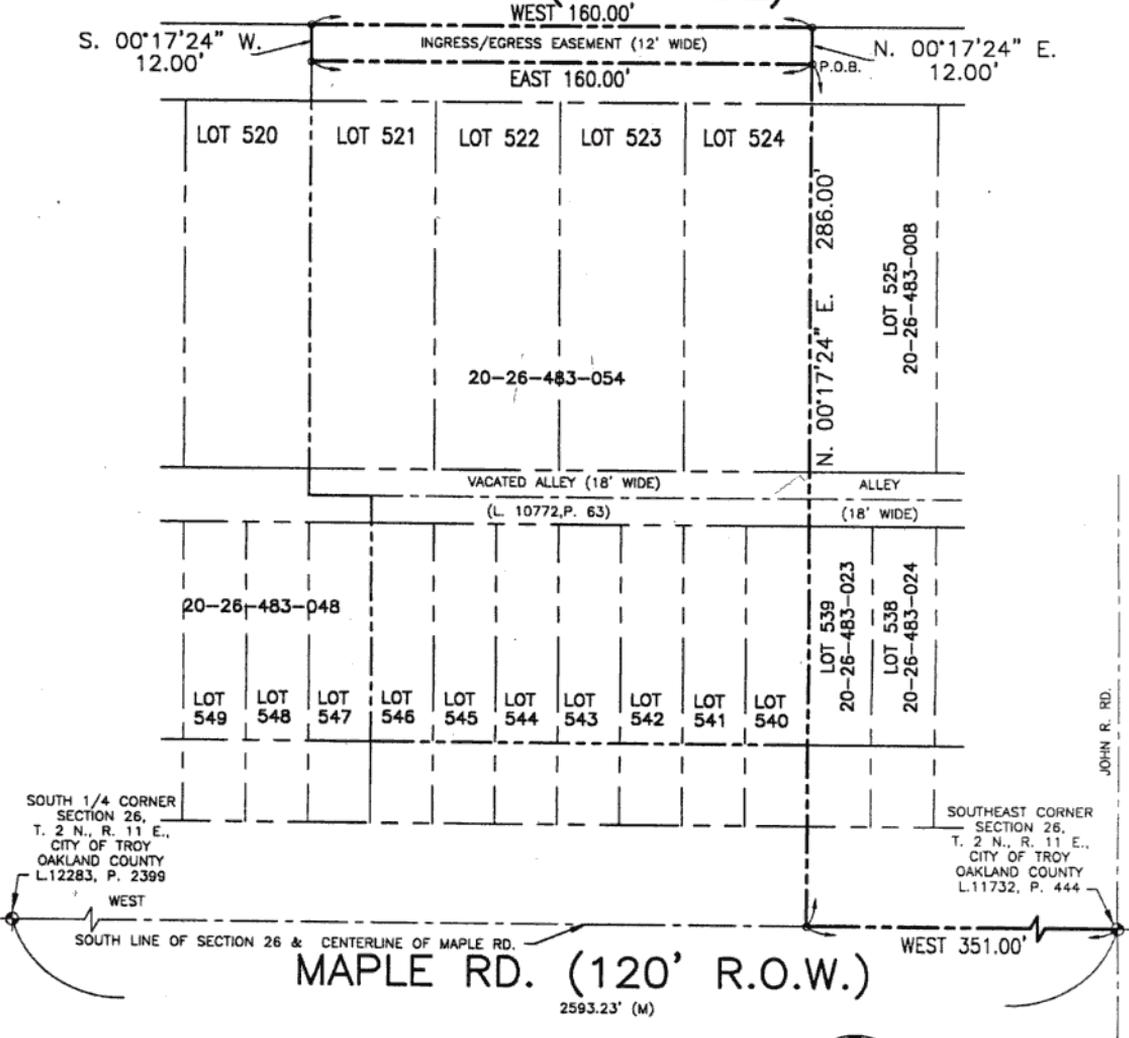
# INGRESS/EGRESS EASEMENT (12' WIDE)

## LEGAL DESCRIPTION

A 12 FOOT WIDE INGRESS/EGRESS EASEMENT DESCRIBED AS COMMENCING AT THE SOUTHEAST CORNER OF SECTION 26, TOWN 2 NORTH, RANGE 11 EAST, CITY OF TROY, OAKLAND COUNTY, MICHIGAN, THENCE DUE WEST 351.00 FEET ALONG THE SOUTH LINE OF SECTION 26 AND THE CENTERLINE OF MAPLE ROAD, THENCE NORTH 00°17'24" EAST, 286.00 FEET TO THE POINT OF BEGINNING FOR A 12 FOOT WIDE INGRESS/EGRESS EASEMENT, THENCE CONTINUING NORTH 00°17'24" EAST, 12.00 FEET; THENCE DUE WEST 160.00 FEET; THENCE SOUTH 00°17'24" WEST, 12.00 FEET; THENCE DUE EAST 160.00 FEET TO THE POINT OF BEGINNING IN "JOHN R GARDEN SUBDIVISION" OF THE EAST 1/2 OF SOUTHEAST 1/4 SECTION 26, TOWN 2 NORTH, RANGE 11 EAST, CITY OF TROY, OAKLAND COUNTY, MICHIGAN ACCORDING TO PLAT RECORDED IN LIBER 31, PAGE 8 OF PLATS, OAKLAND COUNTY RECORDS.

EXHIBIT "C"

## CHOPIN AVE. (50' WIDE) (VACATED)



NOTE: BEARINGS DIRECTLY RELATED TO THE SOUTH LINE OF SECTION 26, T. 2 N., R. 11 E., CITY OF TROY, FROM "JOHN R. GARDEN SUBDIVISION", L. 31, P. 8. O.C.R. ERROR OF CLOSURE = 1/84,800

NOTE: TITLE WORK WAS NOT FURNISHED BY CLIENT AND THEREFORE ANY EASEMENT OR RESTRICTIONS AT THE TIME OF THIS SURVEY WHICH MAY AFFECT THE DESCRIBED PREMISES ARE NOT SHOWN.

the building design group  
**BDG**  
 Incorporated

330 E Maple Rd  
 Suite B  
 Troy MI 48063  
 248-685-6888  
 Fax 248-685-6884

CLIENT:  
 ROYAL DINER  
 1915 E. MAPLE RD.  
 TROY, MICHIGAN 48083

DATE:  
 03/04/03



**TO:** Mayor and Members of Troy City Council  
**FROM:** Lori Grigg Bluhm, City Attorney  
**DATE:** June 11, 2003  
**SUBJECT:** Barton Malow Company v. Kmart, City of Troy et. al

---

The City of Troy has recently been named in a new lawsuit, filed by Barton Malow against the Kmart Corporation. Barton Malow alleges that it had a contract with Kmart for \$11,956,173.35 for the construction of the new Kmart Data Center. Barton Malow asserts that \$145,678.81 remains unpaid at this time, and therefore seeks to foreclose on the construction lien on the property. The City of Troy is a named defendant, since we have an easement interest of record.

This case was filed just after the stay was lifted in the extensive Kmart bankruptcy (May 6, 2003). Our office will monitor the case, and represent the City of Troy absent objections from City Council.

If you have any questions concerning the above, please let me know.

(800) 530-2255  
Approved, SCAO

Original - Court  
1st copy - Defendant

03-050253-CH



STATE OF MICHIGAN

JUDICIAL DISTRICT

6th

JUDICIAL CIRCUIT

COUNTY PROBATE

SUMMONS AND COMPLAINT

Court Address

1200 North Telegraph Road, Pontiac, MI 48341-0404

Court telephone no.

248-858-0582

Plaintiff name(s), address(es) and telephone no(s).

**BARTON MALOW COMPANY**

26500 American Drive  
Southfield, MI

V

Defendant name(s), address(es), and telephone no(s).

**CITY OF TROY**

500 West Big Beaver Road  
Troy, MI

Plaintiff attorney, bar no., address, and telephone no.

Douglas J. Fryer (P51765)

Dykema Gossett PLLC

39577 Woodward, Suite 300

Bloomfield Hills, MI 48304 - 248-203-0767

**SUMMONS**

**NOTICE TO THE DEFENDANT:** In the name of the people of the State of Michigan, you are notified:

1. You are being sued.
2. YOU HAVE 21 DAYS after receiving this summons to file an answer with the court and serve a copy on the other party or to take other lawful action (28 days if you were served by mail or you were served outside this state).
3. If you do not answer or take other action within the time allowed, judgment may be entered against you for the relief demanded in the complaint.

Issued	This summons expires	Court clerk
--------	----------------------	-------------

\*This summons is invalid unless served on or before its expiration date.

**COMPLAINT** Instruction: The following is information that is required to be in the caption of every complaint and is to be completed by the plaintiff. Actual allegations and the claim for relief must be stated on additional complaint pages and attached to this form.

**Family Division Cases**

- There is no other pending or resolved action within the jurisdiction of the family division of circuit court involving the family or family members of the parties.
- An action within the jurisdiction of the family division of the circuit court involving the family or family members of the parties has been previously filed in \_\_\_\_\_ Court.
- The action  remains  is no longer pending. The docket number and the judge assigned to the action are:

Docket no.	Judge	Bar no.
------------	-------	---------

**General Civil Cases**

- There is no other pending or resolved civil action arising out of the same transaction or occurrence as alleged in the complaint.
- A civil action between these parties or other parties arising out of the transaction or occurrence alleged in the complaint has been previously filed in \_\_\_\_\_ Court.
- The action  remains  is no longer pending. The docket number and the judge assigned to the action are:

Docket no.	Judge	Bar no.
------------	-------	---------

**VENUE**

Plaintiff(s) residence (include city, township, or village) Oakland County, MI	Defendant(s) residence (include city, township, or village) Oakland County, MI
Place where action arose or business conducted Oakland County, MI	

I declare that the complaint information above and attached is true to the best of my information, knowledge, and belief.

6/4/03

Date

Signature of attorney - Douglas J. Fryer

If you require special accommodations to use the court because of disabilities, please contact the court immediately to make arrangements.

**PROOF OF SERVICE**

**SUMMONS AND COMPLAINT**  
Case No. 03-\_\_\_\_\_-CH

**TO PROCESS SERVER:** You are to serve the summons and complaint not later than 91 days from the date of filing. You must make and file your return with the court clerk. If you are unable to complete service you must return this original and all copies to the court clerk.

**CERTIFICATE / AFFIDAVIT OF SERVICE / NON-SERVICE**

<input type="checkbox"/> <b>OFFICER CERTIFICATE</b> I certify that I am a sheriff, deputy sheriff, bailiff, appointed court officer, or attorney for a party [MCR 2.104(A)(2), and that: (notary not required)	OR	<input checked="" type="checkbox"/> <b>AFFIDAVIT OF PROCESS SERVER</b> Being first duly sworn, I state that I am a legally competent adult who is not a party or an officer of a corporate party, and that: (notary required)
---	----	--

I served personally a copy of the summons and complaint,  
 I served by registered or certified mail (copy of return receipt attached) a copy of the summons and complaint,  
 together with \_\_\_\_\_  
List all Documents served with the Summons and Complaint

<small>Defendant's name</small>	<small>Complete address(es) of service</small>	<small>on the defendant's: Day, date, time</small>
City of Troy	500 West Big Beaver Road, Troy, MI	

After diligent search and inquiry, I have been unable to find and serve the following defendant(s): \_\_\_\_\_  
 I have made the following efforts in attempting to serve the defendant's: \_\_\_\_\_

I have personally attempted to serve the summons and complaint, together with \_\_\_\_\_ Attachment  
 \_\_\_\_\_ on \_\_\_\_\_ Name  
 at \_\_\_\_\_ Address and have been unable to complete service because  
 the address was incorrect at the time of filing.

<small>Service fee</small>	<small>Miles Traveled</small>	<small>Mileage fee</small>	<small>Total fee</small>
\$		\$	\$

\_\_\_\_\_  
Signature  
 \_\_\_\_\_  
Title

Subscribed and sworn to before me on \_\_\_\_\_, \_\_\_\_\_ County, Michigan.  
Date  
 My commission expires: \_\_\_\_\_ Date Signature: \_\_\_\_\_  
Deputy court clerk/Notary public

**ACKNOWLEDGMENT OF SERVICE**

I acknowledge that I have received service of the summons and complaint, together with: \_\_\_\_\_ Attachments  
 \_\_\_\_\_ on \_\_\_\_\_  
Day, date, time  
 \_\_\_\_\_ on behalf of \_\_\_\_\_  
 \_\_\_\_\_  
Signature

60-2  
City Mgr.  
City Atty  
Asst Mgr.

TROY LAW DEPARTMENT  
STATE OF MICHIGAN

JUN 5 2 25 PM '03  
IN THE CIRCUIT COURT FOR THE COUNTY OF OAKLAND

BARTON MALOW COMPANY, a Michigan corporation,

Plaintiff,

Civil Action No. 03-050253-CH

vs.

Honorable



JUDGE FRED M. MESTER  
COUNTY: BARTON MALOW V KMART CORP

KMART CORPORATION, a Michigan corporation, MICHIGAN METAL WALLS, INC., a Michigan corporation, WHC-SIX REAL ESTATE LIMITED PARTNERSHIP, a Delaware limited partnership, MICHIGAN BELL TELEPHONE COMPANY, a Michigan corporation, LUTHERAN CHURCH OF THE MASTER, a Michigan charitable organization, and CITY OF TROY, a Michigan municipal corporation,

Defendants.

RECEIVED FOR FILING  
OAKLAND COUNTY CLERK  
2003 JUN -4 P 2:51  
BY: DEPUTY COUNTY CLERK

Douglas J. Fryer (P51765)  
Attorneys for Barton Malow  
DYKEMA GOSSETT PLLC  
39577 Woodward Avenue, Suite 300  
Bloomfield Hills, MI 48304  
(248) 203-0767

COMPLAINT

There is no other pending or resolved civil action arising out of the transaction or occurrence alleged in the complaint.

Plaintiff, Barton Malow Company ("Barton Malow), by its attorneys, Dykema Gossett PLLC, for its Complaint against the above-captioned Defendants, states as follows:

DYKEMA GOSSETT - A PROFESSIONAL LIMITED LIABILITY COMPANY - 19577 WOODWARD AVENUE - SUITE 300 - BLOOMFIELD HILLS, MICHIGAN 48304

## VENUE AND JURISDICTION

1. Barton Malow is a Michigan corporation with its principal offices located at 26500 American Drive, Southfield, Oakland County, Michigan.
2. Kmart Corporation (“Kmart”) is a Michigan corporation with its principal offices located at 3100 W. Big Beaver, Troy, Oakland County, Michigan.
3. Michigan Metal Walls, Inc. is a Michigan corporation with its principal offices located at 1479 Fort Street, Wyandotte, Michigan.
4. WHC-SIX Real Estate Limited Partnership is a Delaware limited partnership with its principal offices located at 600 Las Colinas Boulevard, Suite 1900, Irving, Texas.
5. Michigan Bell Telephone Company is a Michigan corporation with its principal offices located at 444 Michigan Avenue, Detroit, Michigan.
6. Lutheran Church of the Master is a Michigan charitable organization with its principal offices located at 3333 Coolidge Road, Troy, Michigan.
7. City of Troy is a Michigan municipal corporation with its principal offices located at 500 West Big Beaver Road, Troy, Michigan.
8. Kmart is the owner of certain real property located in Oakland County, Michigan commonly known as 2240 Cunningham Drive, Troy, Michigan, with a property description as shown on the Claim of Lien (attached as Exhibit 1) (the “Subject Property”).
9. The following entities also have a property interest in the Subject Property, and are named herein in accordance with MCL §570.1117(4):

- a. Michigan Metal Walls, Inc. (construction lien claimant)
- b. WHC-SIX Real Estate Limited Partnership (easement interest)
- c. Michigan Bell Telephone Company (easement interest)
- d. Lutheran Church of the Master (easement interest)

e. City of Troy (easement interest)

10. This matter arises out of the construction of Kmart's new Data Center located on the Subject Property (the "Project")

11. This is an action to foreclose a construction lien on the Subject Property.

Accordingly, venue is proper in this Court under MCL §600.1605, while jurisdiction is conferred upon this Court by MCL §570.1118.

### GENERAL ALLEGATIONS

12. On or about December 18, 1998, Barton Malow and Kmart entered into a Construction Contract under which Barton Malow agreed to furnish all material and to perform all work necessary for the Project. A copy of the Construction Contract is attached as Exhibit 2.

13. In return for Barton Malow's construction services, Kmart agreed to pay Barton Malow the total sum of \$10,530,996.15. During construction of the Data Center, Kmart approved certain change orders in the total amount of \$1,425,177.20, thereby increasing the total contract sum to \$11,956,173.35.

14. On or about February 9, 1999, Barton Malow first provided labor and material to the Project.

15. On or about January 15, 2002, Barton Malow last provided labor and material to the Project.

16. Barton Malow has fully complied with its obligations under the contract documents, and has received payment in the total amount of \$11,810,494.54, leaving a balance due and owing of \$145,678.81. Despite submission of a proper Application And Certificate For Payment (attached as Exhibit 3), Kmart has failed or refused to submit payment for the balance due.

17. On January 22, 2002, Kmart filed a voluntary petition for bankruptcy under Chapter 11 of the United States Bankruptcy Code. At that time, Kmart fell under the protection of the automatic stay provision in 11 USC §362.

18. Kmart's bankruptcy plan became effective, and the automatic stay was lifted, on May 6, 2003.

## COUNT I

### CONSTRUCTION LIEN FORECLOSURE

19. Barton Malow incorporates by reference paragraphs 1 through 18.

20. Barton Malow furnished labor and materials in connection with improvements made to the Subject Property.

21. Barton Malow furnished the labor and materials at the request of and pursuant to a contract with Kmart.

22. Barton Malow is currently owed \$145,678.81, plus interest, by Kmart in connection with the labor and materials furnished for improvements to the Subject Property.

23. On January 17, 2002, only two (2) days after last furnishing labor or materials to the Project, Barton Malow filed a Claim of Lien for \$145,678.81 with the Oakland County Register of Deeds, Liber 24539 Page 523 (Exhibit 1).

24. In accordance with MCL §570.1111(1), the Claim of Lien was timely filed within 90 days after Barton Malow last provided labor or materials to the Project.

25. On January 22, 2002, before expiration of the one-year limitations period set forth in MCL §570.1117(1), Kmart filed its voluntary petition for bankruptcy under Chapter 11 of the United States Bankruptcy Code.

26. Pursuant to the automatic stay provision of the Bankruptcy Code, 11 USC §362, Barton Malow was prevented from commencing a construction lien foreclosure action during the pendency of the bankruptcy matter.

27. Under the Bankruptcy Code, 11 USC 108(c), the limitations period set forth in MCL §570.1117(1) is extended for 30 days after the automatic stay is terminated, or until June 5, 2003. Accordingly, this construction lien foreclosure action is timely filed.

28. Barton Malow has performed all of the steps prescribed by the Michigan Construction Lien Act to perfect its claim of lien and therefore has a valid and enforceable lien on the Subject Property.

29. Contemporaneously with the filing of this Complaint, Barton Malow is filing a Notice of Lis Pendens with the Oakland County Register of Deeds.

WHEREFORE, Barton Malow requests that this Court grant the following relief:

- a. Find that Barton Malow has a valid lien on the Subject Property for the amount due, with interest, costs and attorneys' fees as provided by law.
- b. Determine the lien of Barton Malow to be valid and superior to all other claims.
- c. Establish the statutory proceedings required to sell the Subject Property to satisfy Barton Malow's lien claim, as provided by the Michigan Construction Lien Act, and order that the Subject Property be sold.
- d. Order that from the proceeds of the sale, Barton Malow be paid the sum found due, together with interest, costs and attorneys' fees as provided by law.
- e. Order such other relief as is equitable and just.

## **COUNT II**

### **BREACH OF CONTRACT**

30. Barton Malow incorporates by reference paragraphs 1 through 29.

31. Barton Malow entered into a contract with Kmart in which Barton Malow agreed to furnish all material and to perform all work necessary for the Project. (Exhibit 2).

32. Barton Malow has performed all of its obligations under the contract.

33. The contract amount is \$11,810,494.54, of which a balance of \$145,678.81 remains due and owing.

34. Barton Malow has demanded payment from Kmart, who has failed or refused to pay the outstanding contract balance.

35. Kmart's failure or refusal to pay all sums due and owing under the contract constitutes a material breach of the contract.

36. As a direct and proximate cause of Kmart's breach of contract, Barton Malow has suffered damages in the amount of \$145,678.81, plus interest, for the labor and materials provided.

WHEREFORE, Barton Malow requests that this Court enter judgment in its favor and against Kmart in the amount of \$145,678.81, plus interest, costs and attorneys' fees, and for such further relief as the Court deems fair and just.

### COUNT III

#### UNJUST ENRICHMENT

37. Barton Malow incorporates by reference paragraphs 1 through 36.

38. Barton Malow has expended considerable time, effort and money in furnishing the improvements to the Project, including without limitation, the furnishing of labor and materials.

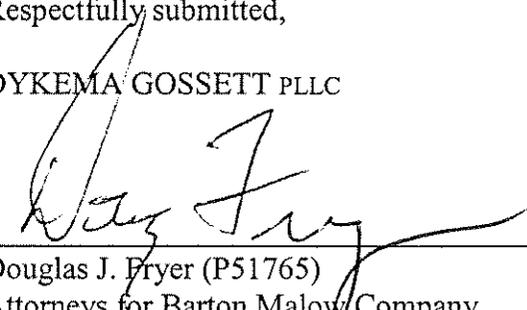
39. Barton Malow's furnishing of labor and materials conferred a benefit on Kmart for which Barton Malow has not been fully compensated.

40. Kmart has become unjustly enriched as a result of the unpaid labor and materials provided by Barton Malow to the Project in the amount of \$145,678.81.

WHEREFORE, Barton Malow requests that this Court enter judgment in its favor and against Kmart in the amount of \$145,678.81, plus interest, costs and attorneys' fees, and for such further relief as the Court deems fair and just.

Respectfully submitted,

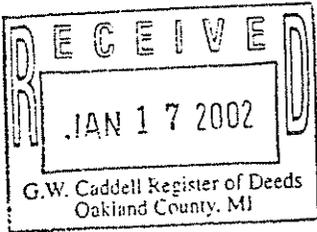
DYKEMA GOSSETT PLLC

By: 

Douglas J. Fryer (P51765)  
Attorneys for Barton Malow Company  
39577 Woodward Avenue, Suite 300  
Bloomfield Hills, MI 48304  
(248) 203-0700

Date: June 4, 2003

BH01\383294.1  
ID\DJFR



LIBER 24539PG523

26288  
LIBER 24539 PAGE 523  
\$9.00 MISC RECORDING  
\$2.00 REMONUMENTATION  
01/17/2002 10:12:34 A.M. RECEIPT# 4551  
PAID RECORDED - OAKLAND COUNTY  
G.WILLIAM CADDELL, CLERK/REGISTER OF DEEDS

CLAIM OF LIEN

Notice is hereby given that on the Ninth (9<sup>th</sup>) day of February, 1999, Barton Malow Company, 26500 American Drive, Southfield, Michigan, first provided labor or material for an improvement to:

A part of the Southeast ¼ of Section 19, Town 2 North, Range 11 East, City of Troy, Oakland County, Michigan, being more particularly described as follows: Beginning at a point distance N 00° 21' 23" East 102.01 feet and N 89° 30' 00" East 360.04 feet and N 00° 21' 23" East 1008.94 feet, and S 89° 38' 37" East 872.52 from the South ¼ corner; thence N 00° 01' 30" West 680.20 feet; thence N 89° 49' 05" East 958.62 feet; thence S 00° 01' 30" East 88.57 feet; thence N 89° 58' 30" East 400.00 feet; thence S 00° 01' 30" East 440.77 feet; thence S 89° 30' 00" West 1,007.36 feet; thence along a curve concave Southwesterly, radius of 285.00 feet, chord bearings S 59° 21' 06" West 286.28 feet a distance of 299.93 feet; thence N 89° 38' 37" West 104.94 feet to the Point of Beginning.

2P  
R

20-19-430-002

Commonly known as: 2240 Cunningham Drive, Troy, Michigan.

The Owner of the above described real property is Kmart Corporation, 3100 West Big Beaver Road, City of Troy, County of Oakland, State of Michigan.

The Last day of providing labor or material was the Fifteenth (15<sup>th</sup>) day of January, 2002.

The lien claimant's contract amount, including extras, is Eleven Million Nine Hundred Fifty-six Thousand One Hundred Seventy-three and 35/100 Dollars (\$11,956,173.35).

The lien claimant has received payment in the total amount of Eleven Million Eight Hundred Ten Thousand Four Hundred Ninety-four and 54/100 Dollars (\$11,810,494.54) and therefore claims a construction lien upon the above described real property in the amount of One Hundred Forty-five Thousand Six Hundred Seventy-eight and 81/100 Dollars (\$145,678.81).

WITNESSED:

BARTON MALOW COMPANY

Dawn Tucker  
Dawn Tucker

BY: Edward Jarchow  
Edward Jarchow  
Vice President & Treasurer  
26500 American Drive  
Southfield, MI 48034

Carmen Pelham  
Carmen Pelham

VOL. 1 MECH LIENS/17  
LETTER FILE # 29

O.K. - LG

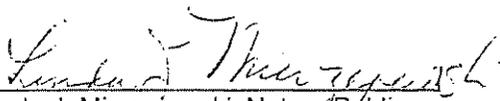
Dated: January 17, 2002

LIBER 24539 PG 524

Prepared by:

Edward Jarchow  
26500 American Drive  
Southfield, MI 48034

Subscribed and sworn to before me this  
17th day of January, 2002.

  
Linda J. Mierzajewski, Notary Public  
Wayne County, Michigan acting in  
Oakland County  
My Commission Expires: 3/5/06

Return to:  
Thomas Porter  
Barton Malow Company  
26500 American Drive  
Southfield, MI 48034

## CONSTRUCTION CONTRACT

This Construction Contract is made and entered into this Eighteenth day of December 1998 by and between Kmart Corporation, a Michigan Corporation with principal offices at 3100 W. Big Beaver, Troy, Michigan 48084-3163 ("Owner"), and Barton Malow a Michigan Corporation with principal offices at 27777 Franklin Road, Suite 800, Southfield, Michigan 48034 ("Contractor").

1. Contractor agrees to furnish all material and perform all work in accordance with the Contract Documents to complete the Data Center project at Store # 8480 located at 2240 Cunningham Drive, Troy, Michigan 48084.
  2. The following together with this Construction Contract shall collectively and exclusively constitute the Contract Documents, all of which are incorporated herein and made a part hereof by this reference:
    - a) Drawings: **Architectural:** G-1.0, G-2.0, G-3.0, G-4.0, G-5.0, G-6.0, G-7.0, A-1.0, A-1.1S, A-1.1N, A-1.2S, A-1.2N, A-1.3S, A-1.3N, A-1.4, A-2.0, A-2.1.1, A-2.1.2, A-2.1.3, A-2.1.4, A-2.2, A-2.2.1, A-3.1S, A-3.1N, A-3.2S, A-3.2N, A-4.1, A-5.1S, A-5.1N, A-5.2S, A-5.2N, A-5.3, A-6.1, A-6.2, A-7.2, A-7.3, A-7.4, A-8.1, A-8.2.1, A-8.2.2, A-8.2.3, A-8.4, A-8.5 and A-8.6 all with the latest revised date of 10/30/98; **Structural Engineering:** S1.1, S2.1, S2.2, S2.3, S3.1, S3.2, S3.3, S3.4, S4.1, S4.2, S4.3, S5.1, S6.1, S7.1, S7.2, S7.3, S8.1, S8.2 and S8.3 all with latest revised date of 10/30/98; **Civil Engineering:** C-1, C-2, C-3, C-4, C-5, C-6, C-7, C-8, C-9 and C-10 all with latest revised date of dated 10/30/98 and prepared by Professional Engineering Associates, SE-1, SE-2 and SE-3 all with latest revised date of 10/30/98 and prepared by Steele Engineering Associates Incorporated; Troy Standard Details for Sanitary with latest revised date of 10/95, Water Main with latest revised date of 1/3/96 and Storm with latest revised date of 4/19/93 all prepared by the City of Troy; **Electrical Engineering:** E-0.1, E-0.2, E-0.3, E-0.4, E-0.5, E-1.0, E-1.1S, E-1.1N, E-1.2S, E-1.2N, E-2.1S, E-2.1N, E-2.2S, E-2.2N, E-2.3S, E-2.3N, E-2.4S, E-2.4N, E-3.1 and E-4.1 all with latest revised date of 10/30/98; **Mechanical Engineering:** M0.1, M1.1, M1.2, M2.1S, M2.1N, M2.2S, M2.2N, M3.1, M4.1, M5.1 and M5.2 all with latest revised date of 10/30/98; **Plumbing:** P-1, P-2, P-3, P-4 and P-5 all with latest revised date of 10/30/98; **Landscape:** L-1, L-2, L-3, I-1, I-2 and I-3 all with latest revised date of 10/30/98 and prepared by Kmart Corporation.
    - b) Specifications: Divisions 1, 2, 3, 4, 5, 7, 8, 9, 10, 11, 13, 14, 15 and 16 all with latest revised date of 10/30/98.
    - c) Bidding Instructions dated November 4, 1998, Revision #1 to the Bidding Instructions dated November 25, 1998 and Revision #2 to the Bidding Instructions dated December 1, 1998
    - d) General Conditions of the contract for Construction (Code 900-88-(8470)-10/96)
  3. Contractor agrees to begin work on January 4, 1999 or immediately upon notification from Owner and to complete all work by December 7, 1999. Time is of the Essence.
- Bid qualifications or conditions (and any other terms or conditions) contained in any proposal letter or other document from Contractor not expressly listed or incorporated by reference in paragraph 6 hereof (Special Conditions) are hereby rejected and are not a part of the contract between the parties.

4. Owner agrees to pay Contractor the sum of Ten million five hundred thirty thousand nine hundred ninety six and 15/100<sup>th</sup> Dollars (\$ 10,530,996.15) for said material and work. Itemization:

a) Base bid:

Division 1 - General Requirements	\$ 332,372.00
Division 2 - Sitework	560,075.00
Division 3 - Concrete	583,700.00
Division 4 - Masonry	112,050.00
Division 5 - Metals	817,000.00
Division 6 - Wood and Plastics	36,749.00
Division 7 - Thermal and Moisture Protection	714,500.00
Division 8 - Doors and Windows	353,048.00
Division 9 - Finishes	518,677.00
Division 10 - Specialties	534,554.00
Division 11 - Equipment	29,617.00
Division 13 - Special Construction	In Division 7
Division 14 - Conveying Systems	196,930.00
Division 15 - Mechanical	2,812,166.00
Division 16 - Electrical	2,748,399.15
Fee	181,159.00
	<u>TOTAL BASE BID \$10,530,996.15</u>

b) Elected alternates

None

Total (including all applicable taxes) \$ 10,530,996.15

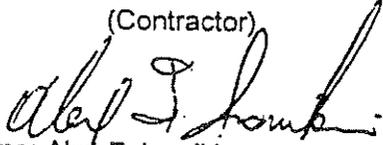
c) Alternates not elected at this time

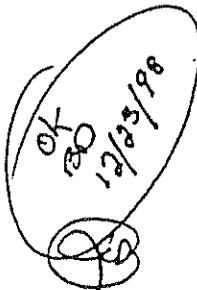
None

By notice to Contractor within thirty days of the date of Owner's execution hereof at Owner's option, Owner may elect, and Contractor shall perform all work in connection with, the alternates not elected at this time at the price set forth above.

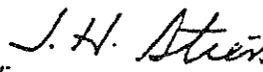
5. In the event that any additional work or changes to the work shown on the Drawings or described in the Specifications is requested in writing by Owner, the cost of same (except where governed by unit prices) shall be limited to actual cost of labor, materials, insurance and taxes plus 10% for combined overhead and profit for work performed by Contractor's own labor or 5% for Contractor's mark-up for work performed by subcontractor's labor.

6. Special Conditions: Exhibit "A" and Exhibit "B" both dated November 4, 1998; Exhibit "C" - Unit Prices dated December 18, 1998.

(Contractor)  
 By:   
 Name: Alex F. Ivanikiw  
 Title: Vice President  
 Date: 12/23/98



Kmart Corporation

By:   
 Name: J. H. Stien  
 Title: Field Manager  
 Date: 12/23/98

APPLICATION AND CERTIFICATE FOR PAYMENT

AIA DOCUMENT G702

TO: KMART CORPORATION  
3100 W. BIG BEAVER ROAD  
TROY, MI 48084  
ATTN: JOANN PHENEGAR  
DESIGN & CONSTRUCTION DEPT

APPLICATION #: 18  
PERIOD FROM: 05/31/01  
TO: 04/09/02

Distribution to:  
 OWNER  
 ARCHITECT  
 CONTRACTOR

FROM : (C/M) BARTON MALOW COMPANY  
27777 FRANKLIN DR. SUITE 800  
SOUTHFIELD, MICHIGAN 48034

CONTRACT FOR:  
STORE#8480 - DATA CENTER  
2240 CUNNINGHAM DRIVE, TROY, MI

INVOICE NO. 040902

CONTRACTOR'S APPLICATION FOR PAYMENT

Application is made for Payment, as shown below, in connection with the Contract.

CONTINUATION SHEET, AIA DOCUMENT, is attached.

The present status of the account for this Contract is as follows:

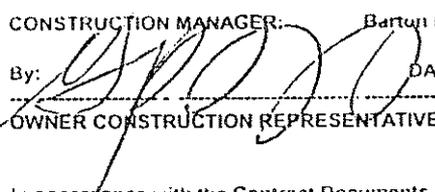
CHANGE ORDER SUMMARY		
Change Orders approved in previous months by	ADDITIONS	DEDUCTIONS
Owner		
TOTAL	1,217,000.94	79,696.70
Approved this Month		
Number	Date Approved	
		287,872.96
TOTALS	1,504,873.90	79,696.70
Net change by Change Orders		1,425,177.20

ORIGINAL CONTRACT SUM	\$ 10,530,996.15
Net change by Change Orders	\$ 1,425,177.20
CONTRACT SUM TO DATE	\$ 11,956,173.35
TOTAL COMPLETED & STORED TO DATE	11,956,173.35
LESS: RETENTION 0%	\$0.00
TOTAL EARNED	\$11,956,173.35
LESS PREVIOUS CERTIFICATES FOR PAYMENT	\$ 11,810,494.54
CURRENT PAYMENT DUE	\$ 145,678.81

The undersigned Construction Manager certifies that to the best of his knowledge, information and belief the Work covered by this Application for Payment has been completed in accordance with the Contract Documents, that all amounts have been paid by him for Work for which previous Certificates for Payment were issued and payments received from the Owner, and that current payment shown herein is now due.

State of: \_\_\_\_\_ County of: \_\_\_\_\_  
Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_

CONSTRUCTION MANAGER: Barton Malow Co.

By:  DATE: 04/09/02

Notary Public:  
My Commission expires: \_\_\_\_\_

OWNER CONSTRUCTION REPRESENTATIVE

AMOUNT CERTIFIED ..... \$ \_\_\_\_\_  
(Attach explanation if amount certified differs from the amount applied for.)

In accordance with the Contract Documents, based on on-site observations and the data comprising the above application the Architect certifies to the Owner that the ments; and that the Contractor is entitled to payment of the AMOUNT CERTIFIED.

OWNER CONSTRUCTION REPRESENTATIVE

only to the Contactor named herein. Issuance, payment and acceptance of payment are without prejudice to any rights of the Owner or Contractor under this Contract.

Schedule of Prices/Sworn Statement (Required With Each Payment Application)

Contractor: Barton Malow Company  
 Address: 27777 Franklin Road, Suite 800  
 City, State, Zip: Southfield, MI 48034

Application Number: (Eighteen) 18  
 Application Date: 4/9/2002  
 Period: From 05/32/01 To 4/9/2002

Store # B480 - Data Center  
 Location: 2240 Cunningham Drive  
 Troy, Michigan 48084

A	B	C	D	E	F	G	H	I	J	K	
Item No.		Labor / Material Furnished	Original Contract	Total Supplements	Revised Contract ( D plus E )	Total Value of Work Completed	% Work Completed	Retainage ( 10% of G )	Total Value Earned ( G minus H )	Total of Previous Payments	Net Due ( I minus J )
1000	Barton Malow Company	General Conditions	\$471,829.47	\$0.00	\$471,829.47	\$471,829.47	100%	\$0.00	\$471,829.47	\$424,646.52	\$47,182.95
1000	Barton Malow Company	Mobilization	\$20,000.00	\$0.00	\$20,000.00	\$20,000.00	100%	\$0.00	\$20,000.00	\$18,000.00	\$2,000.00
1000	Barton Malow Company	Fee	\$181,659.00	\$0.00	\$181,659.00	\$181,659.00	100%	\$0.00	\$181,659.00	\$163,493.10	\$18,165.90
1000	Barton Malow Company	CO's	\$0.00	\$121,946.57	\$121,946.57	\$121,946.57	100%	\$0.00	\$121,946.57	\$109,751.91	\$12,194.66
	<b>Barton Malow Company Total</b>		<b>\$673,488.47</b>	<b>\$121,946.57</b>	<b>\$795,435.04</b>	<b>\$795,435.04</b>		<b>\$0.00</b>	<b>\$795,435.04</b>	<b>\$715,891.53</b>	<b>\$79,543.51</b>
1000	Barton Malow Company	Sup 5	\$0.00	\$112,257.60	\$112,257.60	\$112,257.60	100%	\$0.00	\$112,257.60	\$112,257.60	\$0.00
1000	Barton Malow Company	Extra work	\$0.00	\$0.00	\$0.00	\$0.00	100%	\$0.00	\$0.00	\$0.00	\$0.00
	<b>BMC Total (Duct Bank)</b>		<b>\$0.00</b>	<b>\$112,257.60</b>	<b>\$112,257.60</b>	<b>\$112,257.60</b>		<b>\$0.00</b>	<b>\$112,257.60</b>	<b>\$112,257.60</b>	<b>\$0.00</b>
10200	ABP	Louvers/Vents	\$5,300.00	\$0.00	\$5,300.00	\$5,300.00	100%	\$0.00	\$5,300.00	\$5,300.00	\$0.00
10200	ABP	CO 1	\$0.00	\$530.00	\$530.00	\$530.00	100%	\$0.00	\$530.00	\$530.00	\$0.00
	<b>ABP Total</b>		<b>\$5,300.00</b>	<b>\$530.00</b>	<b>\$5,830.00</b>	<b>\$5,830.00</b>		<b>\$0.00</b>	<b>\$5,830.00</b>	<b>\$5,830.00</b>	<b>\$0.00</b>
11870	Alliance Material Handling	Loading Dock Equip	\$8,900.00	\$0.00	\$8,900.00	\$8,900.00	100%	\$0.00	\$8,900.00	\$8,900.00	\$0.00
11870	Alliance Material Handling	Sup 1	\$0.00	(\$290.00)	(\$290.00)	(\$290.00)	100%	\$0.00	(\$290.00)	(\$290.00)	\$0.00
	<b>Alliance Material Handling Total</b>		<b>\$8,900.00</b>	<b>(\$290.00)</b>	<b>\$8,610.00</b>	<b>\$8,610.00</b>		<b>\$0.00</b>	<b>\$8,610.00</b>	<b>\$8,610.00</b>	<b>\$0.00</b>
5000	Art Iron	Engineering	\$65,000.00	\$0.00	\$65,000.00	\$65,000.00	100%	\$0.00	\$65,000.00	\$65,000.00	\$0.00
5000	Art Iron	Mobilization	\$78,000.00	\$0.00	\$78,000.00	\$78,000.00	100%	\$0.00	\$78,000.00	\$78,000.00	\$0.00
5000	Art Iron	Embeds/Inlets ABS	\$8,000.00	\$0.00	\$8,000.00	\$8,000.00	100%	\$0.00	\$8,000.00	\$8,000.00	\$0.00
5000	Art Iron	Mill Material	\$229,000.00	\$0.00	\$229,000.00	\$229,000.00	100%	\$0.00	\$229,000.00	\$229,000.00	\$0.00
5000	Art Iron	Steel Mill Erection	\$373,000.00	\$0.00	\$373,000.00	\$373,000.00	100%	\$0.00	\$373,000.00	\$373,000.00	\$0.00
5000	Art Iron	Stairs/Rails/Misc.	\$45,000.00	\$0.00	\$45,000.00	\$45,000.00	100%	\$0.00	\$45,000.00	\$45,000.00	\$0.00
5000	Art Iron	CO 1	\$0.00	\$526.00	\$526.00	\$526.00	100%	\$0.00	\$526.00	\$526.00	\$0.00
5000	Art Iron	CO 2	\$0.00	\$15,105.00	\$15,105.00	\$15,105.00	100%	\$0.00	\$15,105.00	\$15,105.00	\$0.00
5000	Art Iron	CO 3	\$0.00	\$9,357.00	\$9,357.00	\$9,357.00	100%	\$0.00	\$9,357.00	\$9,357.00	\$0.00
5000	Art Iron	CO 4	\$0.00	(\$833.00)	(\$833.00)	(\$833.00)	100%	\$0.00	(\$833.00)	(\$833.00)	\$0.00
5000	Art Iron	CO 5	\$0.00	(\$900.00)	(\$900.00)	(\$900.00)	100%	\$0.00	(\$900.00)	(\$900.00)	\$0.00
5000	Art Iron	CO 6	\$0.00	\$11,744.00	\$11,744.00	\$11,744.00	100%	\$0.00	\$11,744.00	\$11,744.00	\$0.00
5000	Art Iron	CO 7	\$0.00	\$4,095.00	\$4,095.00	\$4,095.00	100%	\$0.00	\$4,095.00	\$4,095.00	\$0.00
5000	Art Iron	CO 9	\$0.00	\$6,181.00	\$6,181.00	\$6,181.00	100%	\$0.00	\$6,181.00	\$6,181.00	\$0.00
5000	Art Iron	CO 10	\$0.00	(\$203.44)	(\$203.44)	(\$203.44)	100%	\$0.00	(\$203.44)	(\$203.44)	\$0.00
5000	Art Iron	CO 11	\$0.00	\$9,655.00	\$9,655.00	\$9,655.00	100%	\$0.00	\$9,655.00	\$9,655.00	\$0.00
5000	Art Iron	CO 12	\$0.00	\$952.00	\$952.00	\$952.00	100%	\$0.00	\$952.00	\$952.00	\$0.00
5000	Art Iron	CO 13	\$0.00	\$6,858.00	\$6,858.00	\$6,858.00	100%	\$0.00	\$6,858.00	\$6,858.00	\$0.00
5000	Art Iron	CO 14	\$0.00	\$3,495.00	\$3,495.00	\$3,495.00	100%	\$0.00	\$3,495.00	\$3,495.00	\$0.00
	<b>Art Iron Total</b>		<b>\$0.00</b>	<b>\$17,225.00</b>	<b>\$17,225.00</b>	<b>\$17,225.00</b>		<b>\$0.00</b>	<b>\$17,225.00</b>	<b>\$17,225.00</b>	<b>\$0.00</b>
			<b>\$798,000.00</b>	<b>\$83,256.56</b>	<b>\$881,256.56</b>	<b>\$881,256.56</b>		<b>\$0.00</b>	<b>\$881,256.56</b>	<b>\$881,256.56</b>	<b>\$0.00</b>
4200	Artisan	Conc Blk Wrk Mat	\$10,000.00	\$0.00	\$10,000.00	\$10,000.00	100%	\$0.00	\$10,000.00	\$10,000.00	\$0.00
4200	Artisan	Conc Blk Wrk Lab	\$12,000.00	\$0.00	\$12,000.00	\$12,000.00	100%	\$0.00	\$12,000.00	\$12,000.00	\$0.00
4200	Artisan	Brick Wrk Mat	\$14,000.00	\$0.00	\$14,000.00	\$14,000.00	100%	\$0.00	\$14,000.00	\$14,000.00	\$0.00
4200	Artisan	Brick Wrk Lab	\$66,750.00	\$0.00	\$66,750.00	\$66,750.00	100%	\$0.00	\$66,750.00	\$66,750.00	\$0.00
4200	Artisan	Ramp/Planter Mat	\$4,000.00	\$0.00	\$4,000.00	\$4,000.00	100%	\$0.00	\$4,000.00	\$4,000.00	\$0.00
4200	Artisan	Ramp/Planter Lab	\$5,300.00	\$0.00	\$5,300.00	\$5,300.00	100%	\$0.00	\$5,300.00	\$5,300.00	\$0.00
4200	Artisan	CO 1	\$0.00	\$1,800.00	\$1,800.00	\$1,800.00	100%	\$0.00	\$1,800.00	\$1,800.00	\$0.00
4200	Artisan	CO 2	\$0.00	\$1,013.04	\$1,013.04	\$1,013.04	100%	\$0.00	\$1,013.04	\$1,013.04	\$0.00
4200	Artisan	CO 3	\$0.00	\$1,375.07	\$1,375.07	\$1,375.07	100%	\$0.00	\$1,375.07	\$1,375.07	\$0.00
4200	Artisan	CO 4	\$0.00	(\$172.50)	(\$172.50)	(\$172.50)	100%	\$0.00	(\$172.50)	(\$172.50)	\$0.00
	<b>Artisan Total</b>		<b>\$112,050.00</b>	<b>\$4,015.61</b>	<b>\$116,065.61</b>	<b>\$116,065.61</b>		<b>\$0.00</b>	<b>\$116,065.61</b>	<b>\$116,065.61</b>	<b>\$0.00</b>
16000	Bayview Electric	Mobilization	\$22,500.00	\$0.00	\$22,500.00	\$22,500.00	100%	\$0.00	\$22,500.00	\$22,500.00	\$0.00
16000	Bayview Electric	Gen. Conditions	\$70,800.00	\$0.00	\$70,800.00	\$70,800.00	100%	\$0.00	\$70,800.00	\$70,800.00	\$0.00
16000	Bayview Electric	Temporary	\$35,000.00	\$0.00	\$35,000.00	\$35,000.00	100%	\$0.00	\$35,000.00	\$35,000.00	\$0.00
16000	Bayview Electric	Site Demolition	\$20,000.00	\$0.00	\$20,000.00	\$20,000.00	100%	\$0.00	\$20,000.00	\$20,000.00	\$0.00
16000	Bayview Electric	Vaults/Duct Bank	\$64,800.00	\$0.00	\$64,800.00	\$64,800.00	100%	\$0.00	\$64,800.00	\$64,800.00	\$0.00
16000	Bayview Electric	Site Work	\$11,000.00	\$0.00	\$11,000.00	\$11,000.00	100%	\$0.00	\$11,000.00	\$11,000.00	\$0.00
16000	Bayview Electric	Power Equipment	\$1,073,145.00	\$0.00	\$1,073,145.00	\$1,073,145.00	100%	\$0.00	\$1,073,145.00	\$1,073,145.00	\$0.00
16000	Bayview Electric	Power M/E Equip	\$226,500.00	\$0.00	\$226,500.00	\$226,500.00	100%	\$0.00	\$226,500.00	\$226,500.00	\$0.00
16000	Bayview Electric	Lighting Rough 1st Fl	\$49,800.00	\$0.00	\$49,800.00	\$49,800.00	100%	\$0.00	\$49,800.00	\$49,800.00	\$0.00

Schedule of Prices/Sworn Statement (Required With Each Payment Application)

Contractor: Barton Malow Company  
 Address: 27777 Franklin Road, Suite 800  
 City, State, Zip: Southfield, MI 48034

Application Number: (Eighteen) 18  
 Application Date: 4/9/2002  
 Period: From 05/32/01 To 4/9/2002

Store # 8480 - Data Center  
 Location 2240 Cunningham Drive  
Troy, Michigan 48084

A	B	C	D	E	F	G	H	I	J	K	
Item No.		Labor / Material Furnished	Original Contract	Total Supplements	Revised Contract ( D plus E )	Total Value of Work Completed	% Work Completed	Retainage ( 10% of G )	Total Value Earned ( G minus H )	Total of Previous Payments	Net Due ( I minus J )
16000	Bayview Electric	Light Finish 1st Flr	\$34,000.00	\$0.00	\$34,000.00	\$34,000.00	100%	\$0.00	\$34,000.00	\$34,000.00	\$0.00
16000	Bayview Electric	Light Rough 2nd Flr	\$43,500.00	\$0.00	\$43,500.00	\$43,500.00	100%	\$0.00	\$43,500.00	\$43,500.00	\$0.00
16000	Bayview Electric	Light Finish 2nd Flr	\$30,000.00	\$0.00	\$30,000.00	\$30,000.00	100%	\$0.00	\$30,000.00	\$30,000.00	\$0.00
16000	Bayview Electric	Branch Rough 1 Flr	\$44,000.00	\$0.00	\$44,000.00	\$44,000.00	100%	\$0.00	\$44,000.00	\$44,000.00	\$0.00
16000	Bayview Electric	Branch Finish 1st Flr	\$16,600.00	\$0.00	\$16,600.00	\$16,600.00	100%	\$0.00	\$16,600.00	\$16,600.00	\$0.00
16000	Bayview Electric	Branch Rough 2 Flr	\$44,000.00	\$0.00	\$44,000.00	\$44,000.00	100%	\$0.00	\$44,000.00	\$44,000.00	\$0.00
16000	Bayview Electric	Branch Finish 2 Flr	\$14,000.00	\$0.00	\$14,000.00	\$14,000.00	100%	\$0.00	\$14,000.00	\$14,000.00	\$0.00
16000	Bayview Electric	PDU's	\$519,961.00	\$0.00	\$519,961.00	\$519,961.00	100%	\$0.00	\$519,961.00	\$519,961.00	\$0.00
16000	Bayview Electric	PDU Cables	\$120,039.00	\$0.00	\$120,039.00	\$120,039.00	100%	\$0.00	\$120,039.00	\$120,039.00	\$0.00
16000	Bayview Electric	PDU Breakers	\$18,355.00	\$0.00	\$18,355.00	\$18,355.00	100%	\$0.00	\$18,355.00	\$18,355.00	\$0.00
16000	Bayview Electric	Fire Alarm	\$40,000.00	\$0.00	\$40,000.00	\$40,000.00	100%	\$0.00	\$40,000.00	\$40,000.00	\$0.00
16000	Bayview Electric	Security	\$40,000.00	\$0.00	\$40,000.00	\$40,000.00	100%	\$0.00	\$40,000.00	\$40,000.00	\$0.00
16000	Bayview Electric	CCTV	\$40,000.00	\$0.00	\$40,000.00	\$40,000.00	100%	\$0.00	\$40,000.00	\$40,000.00	\$0.00
16000	Bayview Electric	CO 1	\$0.00	\$4,248.00	\$4,248.00	\$4,248.00	100%	\$0.00	\$4,248.00	\$4,248.00	\$0.00
16000	Bayview Electric	CO 2	\$0.00	\$8,177.10	\$8,177.10	\$8,177.10	100%	\$0.00	\$8,177.10	\$8,177.10	\$0.00
16000	Bayview Electric	CO 3	\$0.00	\$6,370.00	\$6,370.00	\$6,370.00	100%	\$0.00	\$6,370.00	\$6,370.00	\$0.00
16000	Bayview Electric	CO 4	\$0.00	\$22,500.00	\$22,500.00	\$22,500.00	100%	\$0.00	\$22,500.00	\$22,500.00	\$0.00
16000	Bayview Electric	CO 5	\$0.00	\$26,630.00	\$26,630.00	\$26,630.00	100%	\$0.00	\$26,630.00	\$26,630.00	\$0.00
16000	Bayview Electric	CO 6	\$0.00	\$20,970.00	\$20,970.00	\$20,970.00	100%	\$0.00	\$20,970.00	\$20,970.00	\$0.00
16000	Bayview Electric	CO 7	\$0.00	\$17,370.00	\$17,370.00	\$17,370.00	100%	\$0.00	\$17,370.00	\$17,370.00	\$0.00
16000	Bayview Electric	CO 8	\$0.00	\$36,270.00	\$36,270.00	\$36,270.00	100%	\$0.00	\$36,270.00	\$36,270.00	\$0.00
16000	Bayview Electric	CO 9	\$0.00	\$34,200.00	\$34,200.00	\$34,200.00	100%	\$0.00	\$34,200.00	\$34,200.00	\$0.00
16000	Bayview Electric	CO 10	\$0.00	\$29,252.00	\$29,252.00	\$29,252.00	100%	\$0.00	\$29,252.00	\$29,252.00	\$0.00
16000	Bayview Electric	CO 11	\$0.00	\$9,470.00	\$9,470.00	\$9,470.00	100%	\$0.00	\$9,470.00	\$9,470.00	\$0.00
16000	Bayview Electric	CO 12	\$0.00	\$5,020.00	\$5,020.00	\$5,020.00	100%	\$0.00	\$5,020.00	\$5,020.00	\$0.00
16000	Bayview Electric	CO 13	\$0.00	(\$4,970.00)	(\$4,970.00)	(\$4,970.00)	100%	\$0.00	(\$4,970.00)	(\$4,970.00)	\$0.00
16000	Bayview Electric	CO 14	\$0.00	\$33,270.00	\$33,270.00	\$33,270.00	100%	\$0.00	\$33,270.00	\$33,270.00	\$0.00
16000	Bayview Electric	CO 15	\$0.00	(\$149,000.00)	(\$149,000.00)	(\$149,000.00)	100%	\$0.00	(\$149,000.00)	(\$149,000.00)	\$0.00
16000	Bayview Electric	CO 16	\$0.00	\$8,227.00	\$8,227.00	\$8,227.00	100%	\$0.00	\$8,227.00	\$8,227.00	\$0.00
16000	Bayview Electric	CO 17	\$0.00	\$13,401.00	\$13,401.00	\$13,401.00	100%	\$0.00	\$13,401.00	\$13,401.00	\$0.00
16000	Bayview Electric	CO 18	\$0.00	\$26,722.00	\$26,722.00	\$26,722.00	100%	\$0.00	\$26,722.00	\$26,722.00	\$0.00
16000	Bayview Electric	CO 19	\$0.00	(\$13,720.00)	(\$13,720.00)	(\$13,720.00)	100%	\$0.00	(\$13,720.00)	(\$13,720.00)	\$0.00
16000	Bayview Electric	CO 20	\$0.00	\$6,450.00	\$6,450.00	\$6,450.00	100%	\$0.00	\$6,450.00	\$6,450.00	\$0.00
16000	Bayview Electric	CO 21	\$0.00	(\$8,530.00)	(\$8,530.00)	(\$8,530.00)	100%	\$0.00	(\$8,530.00)	(\$8,530.00)	\$0.00
16000	Bayview Electric	CO 22	\$0.00	\$5,700.33	\$5,700.33	\$5,700.33	100%	\$0.00	\$5,700.33	\$5,700.33	\$0.00
16000	Bayview Electric	CO 23	\$0.00	\$1,163.13	\$1,163.13	\$1,163.13	100%	\$0.00	\$1,163.13	\$1,163.13	\$0.00
16000	Bayview Electric	CO 24	\$0.00	\$2,510.00	\$2,510.00	\$2,510.00	100%	\$0.00	\$2,510.00	\$2,510.00	\$0.00
16000	Bayview Electric	CO 25	\$0.00	\$7,000.00	\$7,000.00	\$7,000.00	100%	\$0.00	\$7,000.00	\$7,000.00	\$0.00
16000	Bayview Electric	CO 26	\$0.00	(\$13,611.94)	(\$13,611.94)	(\$13,611.94)	100%	\$0.00	(\$13,611.94)	(\$13,611.94)	\$0.00
16000	Bayview Electric	CO 27	\$0.00	(\$2,587.00)	(\$2,587.00)	(\$2,587.00)	100%	\$0.00	(\$2,587.00)	(\$2,587.00)	\$0.00
16000	Bayview Electric	CO 28	\$0.00	\$937.48	\$937.48	\$937.48	100%	\$0.00	\$937.48	\$937.48	\$0.00
16000	Bayview Electric	CO 29	\$0.00	\$1,465.89	\$1,465.89	\$1,465.89	100%	\$0.00	\$1,465.89	\$1,465.89	\$0.00
16000	Bayview Electric	CO 30	\$0.00	\$57,881.00	\$57,881.00	\$57,881.00	100%	\$0.00	\$57,881.00	\$57,881.00	\$0.00
16000	Bayview Electric	CO 31	\$0.00	\$4,510.00	\$4,510.00	\$4,510.00	100%	\$0.00	\$4,510.00	\$4,510.00	\$0.00
16000	Bayview Electric	CO 32	\$0.00	\$790.00	\$790.00	\$790.00	100%	\$0.00	\$790.00	\$790.00	\$0.00
16000	Bayview Electric	CO 33-34	\$0.00	\$125,087.83	\$125,087.83	\$125,087.83	100%	\$0.00	\$125,087.83	\$125,087.83	\$0.00
	<b>Bayview Electric Total</b>		<b>\$2,578,000.00</b>	<b>\$323,173.82</b>	<b>\$2,901,173.82</b>	<b>\$2,901,173.82</b>		<b>\$0.00</b>	<b>\$2,901,173.82</b>	<b>\$2,901,173.82</b>	<b>\$0.00</b>
16000	Bayview Electric (Duct Bk)	Sup 5-Conduit	\$0.00	\$184,100.00	\$184,100.00	\$184,100.00	100%	\$0.00	\$184,100.00	\$184,100.00	\$0.00
16000	Bayview Electric (Duct Bk)	Sup 5-Manholes	\$0.00	\$49,970.00	\$49,970.00	\$49,970.00	100%	\$0.00	\$49,970.00	\$49,970.00	\$0.00
16000	Bayview Electric (Duct Bk)	Sup 5-Wire	\$0.00	\$28,930.00	\$28,930.00	\$28,930.00	100%	\$0.00	\$28,930.00	\$28,930.00	\$0.00
16000	Bayview Electric (Duct Bk)	CO 1	\$0.00	(\$26,080.00)	(\$26,080.00)	(\$26,080.00)	100%	\$0.00	(\$26,080.00)	(\$26,080.00)	\$0.00
16000	Bayview Electric (Duct Bk)	CO 2	\$0.00	\$13,710.00	\$13,710.00	\$13,710.00	100%	\$0.00	\$13,710.00	\$13,710.00	\$0.00
16000	Bayview Electric (Duct Bk)	CO 3 (Extra Work)	\$0.00	\$0.00	\$0.00	\$0.00	100%	\$0.00	\$0.00	\$0.00	\$0.00
16000	Bayview Electric (Duct Bk)	Co 4	\$0.00	\$2,465.75	\$2,465.75	\$2,465.75	100%	\$0.00	\$2,465.75	\$2,465.75	\$0.00
	<b>Bayview Electric Total (DB)</b>			<b>\$253,095.75</b>	<b>\$253,095.75</b>	<b>\$253,095.75</b>		<b>\$0.00</b>	<b>\$253,095.75</b>	<b>\$253,095.75</b>	<b>\$0.00</b>

# Schedule of Prices/Sworn Statement (Required With Each Payment Application)

Contractor: Barton Malow Company  
 Address: 27777 Franklin Road, Suite 800  
 City, State, Zip: Southeastfield, MI 48034

Application Number: (Eighteen) 18  
 Application Date: 4/9/2002  
 Period: From 05/32/01 To 4/9/2002

Store # 8480 - Data Center  
 Location: 2240 Cunningham Drive  
Troy, Michigan 48064

A	B	C	D	E	F	G	H	I	J	K	
Item No.		Labor / Material Furnished	Original Contract	Total Supplements	Revised Contract ( D plus E )	Total Value of Work Completed	% Work Completed	Retainage ( 10% of G )	Total Value Earned ( G minus H )	Total of Previous Payments	Net Due ( I minus J )
3300	Brazen & Greer	Removals	\$71,350.00	\$0.00	\$71,350.00	\$71,350.00	100%	\$0.00	\$71,350.00	\$71,350.00	\$0.00
3300	Brazen & Greer	Earthwork	\$49,350.00	\$0.00	\$49,350.00	\$49,350.00	100%	\$0.00	\$49,350.00	\$49,350.00	\$0.00
3300	Brazen & Greer	Storm Sewer	\$41,850.00	\$0.00	\$41,850.00	\$41,850.00	100%	\$0.00	\$41,850.00	\$41,850.00	\$0.00
3300	Brazen & Greer	Sanitary Sewer	\$13,500.00	\$0.00	\$13,500.00	\$13,500.00	100%	\$0.00	\$13,500.00	\$13,500.00	\$0.00
3300	Brazen & Greer	Water Main	\$44,250.00	\$0.00	\$44,250.00	\$44,250.00	100%	\$0.00	\$44,250.00	\$44,250.00	\$0.00
3300	Brazen & Greer	Gas Conditions	\$9,700.00	\$0.00	\$9,700.00	\$9,700.00	100%	\$0.00	\$9,700.00	\$9,700.00	\$0.00
3300	Brazen & Greer	Mobilization	\$10,000.00	\$0.00	\$10,000.00	\$10,000.00	100%	\$0.00	\$10,000.00	\$10,000.00	\$0.00
3300	Brazen & Greer	Resteeel Foundations	\$26,000.00	\$0.00	\$26,000.00	\$26,000.00	100%	\$0.00	\$26,000.00	\$26,000.00	\$0.00
3300	Brazen & Greer	Rstl Mat Caissons	\$1,800.00	\$0.00	\$1,800.00	\$1,800.00	100%	\$0.00	\$1,800.00	\$1,800.00	\$0.00
3300	Brazen & Greer	Rstl Mat Slabs	\$18,000.00	\$0.00	\$18,000.00	\$18,000.00	100%	\$0.00	\$18,000.00	\$18,000.00	\$0.00
3300	Brazen & Greer	Rstl Mat Site	\$3,000.00	\$0.00	\$3,000.00	\$3,000.00	100%	\$0.00	\$3,000.00	\$3,000.00	\$0.00
3300	Brazen & Greer	Rusteeel Labor	\$35,000.00	\$0.00	\$35,000.00	\$35,000.00	100%	\$0.00	\$35,000.00	\$35,000.00	\$0.00
3300	Brazen & Greer	Mush Mat	\$6,500.00	\$0.00	\$6,500.00	\$6,500.00	100%	\$0.00	\$6,500.00	\$6,500.00	\$0.00
3300	Brazen & Greer	Mach Lab	\$6,600.00	\$0.00	\$6,600.00	\$6,600.00	100%	\$0.00	\$6,600.00	\$6,600.00	\$0.00
3300	Brazen & Greer	Excav. Foundations	\$10,900.00	\$0.00	\$10,900.00	\$10,900.00	100%	\$0.00	\$10,900.00	\$10,900.00	\$0.00
3300	Brazen & Greer	Backfill Foundations	\$9,700.00	\$0.00	\$9,700.00	\$9,700.00	100%	\$0.00	\$9,700.00	\$9,700.00	\$0.00
3300	Brazen & Greer	Grade Beam Fdn	\$99,650.00	\$0.00	\$99,650.00	\$99,650.00	100%	\$0.00	\$99,650.00	\$99,650.00	\$0.00
3300	Brazen & Greer	Column Pad Fdn	\$11,150.00	\$0.00	\$11,150.00	\$11,150.00	100%	\$0.00	\$11,150.00	\$11,150.00	\$0.00
3300	Brazen & Greer	Caisson Fnd/Bolts	\$23,700.00	\$0.00	\$23,700.00	\$23,700.00	100%	\$0.00	\$23,700.00	\$23,700.00	\$0.00
3300	Brazen & Greer	Anchor Bolts	\$6,500.00	\$0.00	\$6,500.00	\$6,500.00	100%	\$0.00	\$6,500.00	\$6,500.00	\$0.00
3300	Brazen & Greer	Front Exit Trench Fin	\$9,500.00	\$0.00	\$9,500.00	\$9,500.00	100%	\$0.00	\$9,500.00	\$9,500.00	\$0.00
3300	Brazen & Greer	Formed Conc Walls	\$64,500.00	\$0.00	\$64,500.00	\$64,500.00	100%	\$0.00	\$64,500.00	\$64,500.00	\$0.00
3300	Brazen & Greer	Slab on Grade	\$115,000.00	\$0.00	\$115,000.00	\$115,000.00	100%	\$0.00	\$115,000.00	\$115,000.00	\$0.00
3300	Brazen & Greer	Slab on Mat Deck	\$105,500.00	\$0.00	\$105,500.00	\$105,500.00	100%	\$0.00	\$105,500.00	\$105,500.00	\$0.00
3300	Brazen & Greer	Conc. Stairs in Hlt	\$5,600.00	\$0.00	\$5,600.00	\$5,600.00	100%	\$0.00	\$5,600.00	\$5,600.00	\$0.00
3300	Brazen & Greer	House Keep Pads	\$6,000.00	\$0.00	\$6,000.00	\$6,000.00	100%	\$0.00	\$6,000.00	\$6,000.00	\$0.00
3300	Brazen & Greer	Site 4inch Sidewalks	\$11,860.00	\$0.00	\$11,860.00	\$11,860.00	100%	\$0.00	\$11,860.00	\$11,860.00	\$0.00
3300	Brazen & Greer	Site Paving	\$9,140.00	\$0.00	\$9,140.00	\$9,140.00	100%	\$0.00	\$9,140.00	\$9,140.00	\$0.00
3300	Brazen & Greer	Site Conc Slab Entra	\$6,000.00	\$0.00	\$6,000.00	\$6,000.00	100%	\$0.00	\$6,000.00	\$6,000.00	\$0.00
3300	Brazen & Greer	Site Curbs	\$15,000.00	\$0.00	\$15,000.00	\$15,000.00	100%	\$0.00	\$15,000.00	\$15,000.00	\$0.00
3300	Brazen & Greer	Site Ductbank Encase	\$3,400.00	\$0.00	\$3,400.00	\$3,400.00	100%	\$0.00	\$3,400.00	\$3,400.00	\$0.00
3300	Brazen & Greer	Adj to Orig Cost	\$3,500.00	\$0.00	\$3,500.00	\$3,500.00	100%	\$0.00	\$3,500.00	\$3,500.00	\$0.00
3300	Brazen & Greer	CO 1	\$0.00	\$7,902.00	\$7,902.00	\$7,902.00	100%	\$0.00	\$7,902.00	\$7,902.00	\$0.00
3300	Brazen & Greer	CO 2	\$0.00	\$2,782.00	\$2,782.00	\$2,782.00	100%	\$0.00	\$2,782.00	\$2,782.00	\$0.00
3300	Brazen & Greer	CO 3	\$0.00	\$485.10	\$485.10	\$485.10	100%	\$0.00	\$485.10	\$485.10	\$0.00
3300	Brazen & Greer	CO 4	\$0.00	\$9,900.00	\$9,900.00	\$9,900.00	100%	\$0.00	\$9,900.00	\$9,900.00	\$0.00
3300	Brazen & Greer	CO 5	\$0.00	\$2,850.00	\$2,850.00	\$2,850.00	100%	\$0.00	\$2,850.00	\$2,850.00	\$0.00
3300	Brazen & Greer	CO 6	\$0.00	\$5,472.85	\$5,472.85	\$5,472.85	100%	\$0.00	\$5,472.85	\$5,472.85	\$0.00
3300	Brazen & Greer	CO 7	\$0.00	\$966.00	\$966.00	\$966.00	100%	\$0.00	\$966.00	\$966.00	\$0.00
3300	Brazen & Greer	CO 8	\$0.00	\$2,090.47	\$2,090.47	\$2,090.47	100%	\$0.00	\$2,090.47	\$2,090.47	\$0.00
3300	Brazen & Greer	CO 9	\$0.00	(\$600.00)	(\$600.00)	(\$600.00)	100%	\$0.00	(\$600.00)	(\$600.00)	\$0.00
3300	Brazen & Greer	CO 10	\$0.00	(\$45.00)	(\$45.00)	(\$45.00)	100%	\$0.00	(\$45.00)	(\$45.00)	\$0.00
3300	Brazen & Greer	CO 11	\$0.00	\$1,186.38	\$1,186.38	\$1,186.38	100%	\$0.00	\$1,186.38	\$1,186.38	\$0.00
3300	Brazen & Greer	CO 12	\$0.00	\$325.00	\$325.00	\$325.00	100%	\$0.00	\$325.00	\$325.00	\$0.00
3300	Brazen & Greer	CO 13	\$0.00	\$2,852.38	\$2,852.38	\$2,852.38	100%	\$0.00	\$2,852.38	\$2,852.38	\$0.00
3300	Brazen & Greer	CO 14	\$0.00	(\$1,552.50)	(\$1,552.50)	(\$1,552.50)	100%	\$0.00	(\$1,552.50)	(\$1,552.50)	\$0.00
3300	Brazen & Greer	CO 15	\$0.00	(\$12,660.00)	(\$12,660.00)	(\$12,660.00)	100%	\$0.00	(\$12,660.00)	(\$12,660.00)	\$0.00
3300	Brazen & Greer	CO 16	\$0.00	(\$12,290.61)	(\$12,290.61)	(\$12,290.61)	100%	\$0.00	(\$12,290.61)	(\$12,290.61)	\$0.00
3300	Brazen & Greer	CO 17	\$0.00	(\$952.00)	(\$952.00)	(\$952.00)	100%	\$0.00	(\$952.00)	(\$952.00)	\$0.00
3300	Brazen & Greer	CO 18	\$0.00	\$1,587.00	\$1,587.00	\$1,587.00	100%	\$0.00	\$1,587.00	\$1,587.00	\$0.00
3300	Brazen & Greer	CO 19	\$0.00	\$1,304.00	\$1,304.00	\$1,304.00	100%	\$0.00	\$1,304.00	\$1,304.00	\$0.00
3300	Brazen & Greer	CO 20	\$0.00	\$1,365.77	\$1,365.77	\$1,365.77	100%	\$0.00	\$1,365.77	\$1,365.77	\$0.00
3300	Brazen & Greer	CO 21-22	\$0.00	\$6,754.76	\$6,754.76	\$6,754.76	100%	\$0.00	\$6,754.76	\$6,754.76	\$0.00
3300	Brazen & Greer	Brazen & Greer Total	\$853,500.00	\$19,723.60	\$873,223.60	\$873,223.60	\$0.00	\$873,223.60	\$873,223.60	\$873,223.60	\$0.00
3300	Brazen & Greer	(Duct Bank)	\$0.00	\$17,300.00	\$17,300.00	\$17,300.00	100%	\$0.00	\$17,300.00	\$17,300.00	\$0.00

# Schedule of Prices/Sworn Statement (Required With Each Payment Application)

Contractor: Barton Malow Company  
 Address: 27777 Franklin Road, Suite 800  
 City, State, Zip: Southfield, MI 48034

Application Number: (Eighteen) 18  
 Application Date: 4/9/2002  
 Period: From 05/32/01 To 4/9/2002

Store #: 8480 - Data Center  
 Location: 2240 Cunningham Drive  
Troy, Michigan 48084

A	B	C	D	E	F	G	H	I	J	K	
Item No.		Labor / Material Furnished	Original Contract	Total Supplements	Revised Contract ( D plus E )	Total Value of Work Completed	% Work Completed	Retainage ( 10% of G )	Total Value Earned ( G minus H )	Total of Previous Payments	Net Due ( I minus J )
3300	Brazen & Greer (Duct Bank)	Sup 5-Excavation	\$0.00	\$50,700.00	\$50,700.00	\$50,700.00	100%	\$0.00	\$50,700.00	\$50,700.00	\$0.00
3300	Brazen & Greer (Duct Bank)	Sup 5- Backfill	\$0.00	\$54,400.00	\$54,400.00	\$54,400.00	100%	\$0.00	\$54,400.00	\$54,400.00	\$0.00
3300	Brazen & Greer (Duct Bank)	Sup 5-Conc Enc	\$0.00	\$107,200.00	\$107,200.00	\$107,200.00	100%	\$0.00	\$107,200.00	\$107,200.00	\$0.00
3300	Brazen & Greer (Duct Bank)	Repl walk, curb pav	\$0.00	\$24,100.00	\$24,100.00	\$24,100.00	100%	\$0.00	\$24,100.00	\$24,100.00	\$0.00
3300	Brazen & Greer (Duct Bank)	Sup 5- Gen Cund	\$0.00	\$5,000.00	\$5,000.00	\$5,000.00	100%	\$0.00	\$5,000.00	\$5,000.00	\$0.00
3300	Brazen & Greer (Duct Bank)	CO 1	\$0.00	\$15,850.00	\$15,850.00	\$15,850.00	100%	\$0.00	\$15,850.00	\$15,850.00	\$0.00
3300	Brazen & Greer (Duct Bank)	CO 2	\$0.00	\$7,350.00	\$7,350.00	\$7,350.00	100%	\$0.00	\$7,350.00	\$7,350.00	\$0.00
3300	Brazen & Greer (Duct Bank)	CO 3 (Extra Wk)	\$0.00	\$0.00	\$0.00	\$0.00	100%	\$0.00	\$0.00	\$0.00	\$0.00
3300	Brazen & Greer (Duct Bank)	CO 4	\$0.00	(\$2,465.75)	(\$2,465.75)	(\$2,465.75)	100%	\$0.00	(\$2,465.75)	(\$2,465.75)	\$0.00
3300	Brazen & Greer (Duct Bank)	CO 5	\$0.00	\$398.91	\$398.91	\$398.91	100%	\$0.00	\$398.91	\$398.91	\$0.00
3300	Brazen & Greer (Duct Bank)	CO 6 (Extra Wk)	\$0.00	\$0.00	\$0.00	\$0.00	100%	\$0.00	\$0.00	\$0.00	\$0.00
3300	Brazen & Greer (Duct Bank)	CO 7 (Extra Wk)	\$0.00	\$0.00	\$0.00	\$0.00	100%	\$0.00	\$0.00	\$0.00	\$0.00
3300	Brazen & Greer (Duct Bank)	CO 8	\$0.00	(\$600.00)	(\$600.00)	(\$600.00)	100%	\$0.00	(\$600.00)	(\$600.00)	\$0.00
	<b>Brazen &amp; Greer Total (DB)</b>		\$0.00	\$279,233.16	\$279,233.16	\$279,233.16		\$0.00	\$279,233.16	\$279,233.16	\$0.00
15500	Comunale	Permit	\$1,200.00	\$0.00	\$1,200.00	\$1,200.00	100%	\$0.00	\$1,200.00	\$1,200.00	\$0.00
15500	Comunale	Mobilization	\$4,000.00	\$0.00	\$4,000.00	\$4,000.00	100%	\$0.00	\$4,000.00	\$4,000.00	\$0.00
15500	Comunale	Design	\$7,000.00	\$0.00	\$7,000.00	\$7,000.00	100%	\$0.00	\$7,000.00	\$7,000.00	\$0.00
15500	Comunale	Sprinkler Mat	\$60,000.00	\$0.00	\$60,000.00	\$60,000.00	100%	\$0.00	\$60,000.00	\$60,000.00	\$0.00
15500	Comunale	Sprinkler Lab	\$65,800.00	\$0.00	\$65,800.00	\$65,800.00	100%	\$0.00	\$65,800.00	\$65,800.00	\$0.00
	Comunale	CO 1-2	\$0.00	\$9,710.00	\$9,710.00	\$9,710.00	100%	\$0.00	\$9,710.00	\$9,710.00	\$0.00
	<b>Comunale Total</b>		\$138,000.00	\$9,710.00	\$147,710.00	\$147,710.00		\$0.00	\$147,710.00	\$147,710.00	\$0.00
10270	Data Supplies	Access Flooring	\$515,865.00	\$0.00	\$515,865.00	\$515,865.00	100%	\$0.00	\$515,865.00	\$515,865.00	\$0.00
10270	Data Supplies	Sup 7	\$0.00	(\$503,865.00)	(\$503,865.00)	(\$503,865.00)	100%	\$0.00	(\$503,865.00)	(\$503,865.00)	\$0.00
	<b>Data Supplies Total</b>		\$515,865.00	(\$503,865.00)	\$12,000.00	\$12,000.00		\$0.00	\$12,000.00	\$12,000.00	\$0.00
9250	Denn-Co Construction	Spray on Fireproof	\$51,112.00	\$0.00	\$51,112.00	\$51,112.00	100%	\$0.00	\$51,112.00	\$51,112.00	\$0.00
9250	Denn-Co Construction	Milwork-1st Flr Lab	\$6,410.00	\$0.00	\$6,410.00	\$6,410.00	100%	\$0.00	\$6,410.00	\$6,410.00	\$0.00
9250	Denn-Co Construction	Milwork-1st Flr Mat	\$14,959.00	\$0.00	\$14,959.00	\$14,959.00	100%	\$0.00	\$14,959.00	\$14,959.00	\$0.00
9250	Denn-Co Construction	Doors	\$6,064.00	\$0.00	\$6,064.00	\$6,064.00	100%	\$0.00	\$6,064.00	\$6,064.00	\$0.00
9250	Denn-Co Construction	Frames	\$5,739.00	\$0.00	\$5,739.00	\$5,739.00	100%	\$0.00	\$5,739.00	\$5,739.00	\$0.00
9250	Denn-Co Construction	Hardware	\$15,394.00	\$0.00	\$15,394.00	\$15,394.00	100%	\$0.00	\$15,394.00	\$15,394.00	\$0.00
9250	Denn-Co Construction	Fram- 1st Flr Lab	\$49,423.00	\$0.00	\$49,423.00	\$49,423.00	100%	\$0.00	\$49,423.00	\$49,423.00	\$0.00
9250	Denn-Co Construction	Fram- 1st Flr Mat	\$43,828.00	\$0.00	\$43,828.00	\$43,828.00	100%	\$0.00	\$43,828.00	\$43,828.00	\$0.00
9250	Denn-Co Construction	Fram- 2nd Flr Lab	\$11,593.00	\$0.00	\$11,593.00	\$11,593.00	100%	\$0.00	\$11,593.00	\$11,593.00	\$0.00
9250	Denn-Co Construction	Fram- 2nd Flr Mat	\$10,280.00	\$0.00	\$10,280.00	\$10,280.00	100%	\$0.00	\$10,280.00	\$10,280.00	\$0.00
9250	Denn-Co Construction	Drywall-1st Flr Lab	\$72,728.00	\$0.00	\$72,728.00	\$72,728.00	100%	\$0.00	\$72,728.00	\$72,728.00	\$0.00
9250	Denn-Co Construction	Drywall-1st Flr Mat	\$42,714.00	\$0.00	\$42,714.00	\$42,714.00	100%	\$0.00	\$42,714.00	\$42,714.00	\$0.00
9250	Denn-Co Construction	Drywall-2nd Flr Lab	\$17,060.00	\$0.00	\$17,060.00	\$17,060.00	100%	\$0.00	\$17,060.00	\$17,060.00	\$0.00
9250	Denn-Co Construction	Drywall-2nd Flr Mat	\$10,019.00	\$0.00	\$10,019.00	\$10,019.00	100%	\$0.00	\$10,019.00	\$10,019.00	\$0.00
9250	Denn-Co Construction	Acoustic-1st Flr Lab	\$17,332.00	\$0.00	\$17,332.00	\$17,332.00	100%	\$0.00	\$17,332.00	\$17,332.00	\$0.00
9250	Denn-Co Construction	Acoustic-1st Flr Mat	\$45,007.00	\$0.00	\$45,007.00	\$45,007.00	100%	\$0.00	\$45,007.00	\$45,007.00	\$0.00
9250	Denn-Co Construction	Acoustic-2nd Flr Lab	\$17,331.00	\$0.00	\$17,331.00	\$17,331.00	100%	\$0.00	\$17,331.00	\$17,331.00	\$0.00
9250	Denn-Co Construction	Acoustic-2nd Flr Mat	\$45,007.00	\$0.00	\$45,007.00	\$45,007.00	100%	\$0.00	\$45,007.00	\$45,007.00	\$0.00
9250	Denn-Co Construction	Dumpster	\$4,000.00	\$0.00	\$4,000.00	\$4,000.00	100%	\$0.00	\$4,000.00	\$4,000.00	\$0.00
9250	Denn-Co Construction	CO 2	\$0.00	\$1,352.00	\$1,352.00	\$1,352.00	100%	\$0.00	\$1,352.00	\$1,352.00	\$0.00
9250	Denn-Co Construction	CO 3	\$0.00	\$787.00	\$787.00	\$787.00	100%	\$0.00	\$787.00	\$787.00	\$0.00
9250	Denn-Co Construction	CO 4	\$0.00	\$833.00	\$833.00	\$833.00	100%	\$0.00	\$833.00	\$833.00	\$0.00
9250	Denn-Co Construction	CO 5	\$0.00	\$3,194.00	\$3,194.00	\$3,194.00	100%	\$0.00	\$3,194.00	\$3,194.00	\$0.00
9250	Denn-Co Construction	CO 6	\$0.00	\$3,750.00	\$3,750.00	\$3,750.00	100%	\$0.00	\$3,750.00	\$3,750.00	\$0.00
9250	Denn-Co Construction	CO 7	\$0.00	\$1,919.00	\$1,919.00	\$1,919.00	100%	\$0.00	\$1,919.00	\$1,919.00	\$0.00
9250	Denn-Co Construction	CO 8	\$0.00	\$513.00	\$513.00	\$513.00	100%	\$0.00	\$513.00	\$513.00	\$0.00
9250	Denn-Co Construction	CO 9	\$0.00	(\$2,415.00)	(\$2,415.00)	(\$2,415.00)	100%	\$0.00	(\$2,415.00)	(\$2,415.00)	\$0.00
9250	Denn-Co Construction	CO 10	\$0.00	\$300.00	\$300.00	\$300.00	100%	\$0.00	\$300.00	\$300.00	\$0.00
9250	Denn-Co Construction	CO 11	\$0.00	\$400.00	\$400.00	\$400.00	100%	\$0.00	\$400.00	\$400.00	\$0.00
9250	Denn-Co Construction	CO 12	\$0.00	\$1,872.00	\$1,872.00	\$1,872.00	100%	\$0.00	\$1,872.00	\$1,872.00	\$0.00
9250	Denn-Co Construction	CO 13	\$0.00	\$446.00	\$446.00	\$446.00	100%	\$0.00	\$446.00	\$446.00	\$0.00

Schedule of Prices/Sworn Statement (Required With Each Payment Application)

Contractor: Barton Mulow Company  
 Address: 27777 Franklin Road, Suite 800  
 City, State, Zip: Southfield, MI 48034

Application Number: (Eighteen) 18  
 Application Date: 4/9/2002  
 Period: From 05/32/01 To 4/9/2002

Store # 8480 - Data Center  
 Location: 2240 Cunningham Drive  
 Troy, Michigan 48084

A	B	C	D	E	F	G	H	I	J	K	
Item No.		Labor / Material Furnished	Original Contract	Total Supplements	Revised Contract (D plus E)	Total Value of Work Completed	% Work Completed	Retainage (10% of G)	Total Value Earned (G minus H)	Total of Previous Payments	Net Due (I minus J)
	Denn-Co Construction	CO 14 - 21	\$0.00	\$7,884.50	\$7,884.50	\$7,884.50	100%	\$0.00	\$7,884.50	\$7,884.50	\$0.00
	<b>Denn-Co Construction Total</b>		<b>\$486,000.00</b>	<b>\$20,835.50</b>	<b>\$506,835.50</b>	<b>\$506,835.50</b>		<b>\$0.00</b>	<b>\$506,835.50</b>	<b>\$506,835.50</b>	<b>\$0.00</b>
9500	Integrated Interiors		\$24,187.00	\$24,187.00	\$24,187.00	\$24,187.00	100%	\$0.00	\$24,187.00	\$24,187.00	\$0.00
	<b>Integrated Interiors</b>		<b>\$0.00</b>	<b>\$24,187.00</b>	<b>\$24,187.00</b>	<b>\$24,187.00</b>		<b>\$0.00</b>	<b>\$24,187.00</b>	<b>\$24,187.00</b>	<b>\$0.00</b>
8110	Detroit Door & Hardware	Follow Metal Work	\$60,473.00	\$0.00	\$60,473.00	\$60,473.00	100%	\$0.00	\$60,473.00	\$60,473.00	\$0.00
8110	Detroit Door & Hardware	CO 1	\$0.00	\$25,040.00	\$25,040.00	\$25,040.00	100%	\$0.00	\$25,040.00	\$25,040.00	\$0.00
8110	Detroit Door & Hardware	CO 2	\$0.00	\$1,774.00	\$1,774.00	\$1,774.00	100%	\$0.00	\$1,774.00	\$1,774.00	\$0.00
	Detroit Door & Hardware	CO 3 + 4	\$0.00	\$742.00	\$742.00	\$742.00	100%	\$0.00	\$742.00	\$742.00	\$0.00
	<b>Detroit Door &amp; Hardware Total</b>		<b>\$60,473.00</b>	<b>\$27,556.00</b>	<b>\$88,029.00</b>	<b>\$88,029.00</b>		<b>\$0.00</b>	<b>\$88,029.00</b>	<b>\$88,029.00</b>	<b>\$0.00</b>
14200	Dover	Elevators	\$199,000.00	\$0.00	\$199,000.00	\$199,000.00	100%	\$0.00	\$199,000.00	\$199,000.00	\$0.00
14200	Dover	CO 1	\$0.00	(\$345.00)	(\$345.00)	(\$345.00)	100%	\$0.00	(\$345.00)	(\$345.00)	\$0.00
14200	Dover	CO 2	\$0.00	\$3,199.50	\$3,199.50	\$3,199.50	100%	\$0.00	\$3,199.50	\$3,199.50	\$0.00
14200	Dover	CO 3	\$0.00	\$3,100.00	\$3,100.00	\$3,100.00	100%	\$0.00	\$3,100.00	\$3,100.00	\$0.00
	<b>Dover Total</b>		<b>\$199,000.00</b>	<b>\$5,954.50</b>	<b>\$204,954.50</b>	<b>\$204,954.50</b>		<b>\$0.00</b>	<b>\$204,954.50</b>	<b>\$204,954.50</b>	<b>\$0.00</b>
9900	Duross	Painting	\$40,900.00	\$0.00	\$40,900.00	\$40,900.00	100%	\$0.00	\$40,900.00	\$40,900.00	\$0.00
9900	Duross	CO 1	\$0.00	\$1,275.00	\$1,275.00	\$1,275.00	100%	\$0.00	\$1,275.00	\$1,275.00	\$0.00
9900	Duross	CO 2	\$0.00	\$600.00	\$600.00	\$600.00	100%	\$0.00	\$600.00	\$600.00	\$0.00
9900	Duross	CO 3	\$0.00	\$4,650.00	\$4,650.00	\$4,650.00	100%	\$0.00	\$4,650.00	\$4,650.00	\$0.00
9900	Duross	CO 4	\$0.00	\$150.00	\$150.00	\$150.00	100%	\$0.00	\$150.00	\$150.00	\$0.00
	Duross	CO 5 a	\$0.00	\$2,219.00	\$2,219.00	\$2,219.00	100%	\$0.00	\$2,219.00	\$2,219.00	\$0.00
	<b>Duross Total</b>		<b>\$40,900.00</b>	<b>\$8,894.00</b>	<b>\$49,794.00</b>	<b>\$49,794.00</b>		<b>\$0.00</b>	<b>\$49,794.00</b>	<b>\$49,794.00</b>	<b>\$0.00</b>
8000	EWS	Curtainwall Labor	\$42,300.00	\$0.00	\$42,300.00	\$42,300.00	100%	\$0.00	\$42,300.00	\$42,300.00	\$0.00
8000	EWS	Curtainwall Mat	\$106,713.00	\$0.00	\$106,713.00	\$106,713.00	100%	\$0.00	\$106,713.00	\$106,713.00	\$0.00
8000	EWS	Curtainwall Eng	\$2,400.00	\$0.00	\$2,400.00	\$2,400.00	100%	\$0.00	\$2,400.00	\$2,400.00	\$0.00
8000	EWS	Glazing Labor	\$26,550.00	\$0.00	\$26,550.00	\$26,550.00	100%	\$0.00	\$26,550.00	\$26,550.00	\$0.00
8000	EWS	Glazing Mat	\$32,415.00	\$0.00	\$32,415.00	\$32,415.00	100%	\$0.00	\$32,415.00	\$32,415.00	\$0.00
8000	EWS	Sealant Labor	\$3,600.00	\$0.00	\$3,600.00	\$3,600.00	100%	\$0.00	\$3,600.00	\$3,600.00	\$0.00
8000	EWS	Sealant Mat	\$1,555.00	\$0.00	\$1,555.00	\$1,555.00	100%	\$0.00	\$1,555.00	\$1,555.00	\$0.00
8000	EWS	Hardware Mat	\$957.00	\$0.00	\$957.00	\$957.00	100%	\$0.00	\$957.00	\$957.00	\$0.00
8000	EWS	Hardware Lab	\$1,350.00	\$0.00	\$1,350.00	\$1,350.00	100%	\$0.00	\$1,350.00	\$1,350.00	\$0.00
8000	EWS	Int Glazing Mat	\$1,457.00	\$0.00	\$1,457.00	\$1,457.00	100%	\$0.00	\$1,457.00	\$1,457.00	\$0.00
8000	EWS	Int Glazing Lab	\$4,733.00	\$0.00	\$4,733.00	\$4,733.00	100%	\$0.00	\$4,733.00	\$4,733.00	\$0.00
8000	EWS	Revolving Door	\$49,250.00	\$0.00	\$49,250.00	\$49,250.00	100%	\$0.00	\$49,250.00	\$49,250.00	\$0.00
8000	EWS	Miscellaneous	\$4,600.00	\$0.00	\$4,600.00	\$4,600.00	100%	\$0.00	\$4,600.00	\$4,600.00	\$0.00
8000	EWS	CO 1	\$0.00	(\$172.00)	(\$172.00)	(\$172.00)	100%	\$0.00	(\$172.00)	(\$172.00)	\$0.00
	EWS	CO 2	\$0.00	(\$21,770.30)	(\$21,770.30)	(\$21,770.30)	100%	\$0.00	(\$21,770.30)	(\$21,770.30)	\$0.00
	<b>EWS Total</b>		<b>\$277,680.00</b>	<b>(\$21,942.30)</b>	<b>\$255,937.70</b>	<b>\$255,937.70</b>		<b>\$0.00</b>	<b>\$255,937.70</b>	<b>\$255,937.70</b>	<b>\$0.00</b>
	Hoover Wells	Revised Fit Finish	\$0.00	\$7,590.00	\$7,590.00	\$7,590.00	100%	\$0.00	\$7,590.00	\$7,590.00	\$0.00
	Hoover Wells	CO 1	\$0.00	\$12,660.00	\$12,660.00	\$12,660.00	100%	\$0.00	\$12,660.00	\$12,660.00	\$0.00
	Hoover Wells	CO 2	\$0.00	\$1,050.00	\$1,050.00	\$1,050.00	100%	\$0.00	\$1,050.00	\$1,050.00	\$0.00
	<b>Hoover Wells Total</b>		<b>\$0.00</b>	<b>\$21,300.00</b>	<b>\$21,300.00</b>	<b>\$21,300.00</b>		<b>\$0.00</b>	<b>\$21,300.00</b>	<b>\$21,300.00</b>	<b>\$0.00</b>
3300	Merlyn Contractors	Sup 5	\$0.00	\$28,860.00	\$28,860.00	\$28,860.00	100%	\$0.00	\$28,860.00	\$28,860.00	\$0.00
3300	Merlyn Contractors	CO 1	\$0.00	\$1,800.00	\$1,800.00	\$1,800.00	100%	\$0.00	\$1,800.00	\$1,800.00	\$0.00
	<b>Merlyn Total</b>		<b>\$0.00</b>	<b>\$30,660.00</b>	<b>\$30,660.00</b>	<b>\$30,660.00</b>		<b>\$0.00</b>	<b>\$30,660.00</b>	<b>\$30,660.00</b>	<b>\$0.00</b>
9300	Michielutti Brot	Fib	\$12,500.00	\$0.00	\$12,500.00	\$12,500.00	100%	\$0.00	\$12,500.00	\$12,500.00	\$0.00
9300	Michielutti Brot	CO 1	\$0.00	\$6,220.00	\$6,220.00	\$6,220.00	100%	\$0.00	\$6,220.00	\$6,220.00	\$0.00
9300	Michielutti Brot	CO 2	\$0.00	\$522.29	\$522.29	\$522.29	100%	\$0.00	\$522.29	\$522.29	\$0.00
	Michielutti Brot	CO 3	\$0.00	\$240.00	\$240.00	\$240.00	100%	\$0.00	\$240.00	\$240.00	\$0.00
	<b>Michielutti Total</b>		<b>\$12,500.00</b>	<b>\$6,982.29</b>	<b>\$19,482.29</b>	<b>\$19,482.29</b>		<b>\$0.00</b>	<b>\$19,482.29</b>	<b>\$19,482.29</b>	<b>\$0.00</b>
7410	Michigan Metal Walls	Materials-									
7410	Michigan Metal Walls	Roof Panels	\$22,000.00	\$0.00	\$22,000.00	\$22,000.00	100%	\$0.00	\$22,000.00	\$19,800.00	\$2,200.00
7410	Michigan Metal Walls	Roof Panels	\$210,900.00	\$0.00	\$210,900.00	\$210,900.00	100%	\$0.00	\$210,900.00	\$189,810.00	\$21,090.00
7410	Michigan Metal Walls	Wall Panels	\$127,100.00	\$0.00	\$127,100.00	\$127,100.00	100%	\$0.00	\$127,100.00	\$114,390.00	\$12,710.00
7410	Michigan Metal Walls	Interior Panels	\$59,100.00	\$0.00	\$59,100.00	\$59,100.00	100%	\$0.00	\$59,100.00	\$53,190.00	\$5,910.00
7410	Michigan Metal Walls	Acoustic Panels	\$67,000.00	\$0.00	\$67,000.00	\$67,000.00	100%	\$0.00	\$67,000.00	\$60,300.00	\$6,700.00

# Schedule of Prices/Sworn Statement (Required With Each Payment Application)

Contractor: Barton Malow Company

Application Number (Eighteen) 18

Store # 8480 - Data Center

Address: 27777 Franklin Road, Suite 800

Application Date 4/9/2002

Location 2240 Cunningham Drive

City, State, Zip: Southfield, MI 48034

Period: From 05/32/01 To 4/9/2002

Troy, Michigan 48084

A	B	C	D	E	F	G	H	I	J	K	
Item No.		Labor / Material Furnished	Original Contract	Total Supplements	Revised Contract (D plus E)	Total Value of Work Completed	% Work Completed	Retainage (10% of G)	Total Value Earned (G minus H)	Total of Previous Payments	Not Due (I minus J)
7410	Michigan Metal Walls	Flashing & Accys	\$20,400.00	\$0.00	\$20,400.00	\$20,400.00	100%	\$0.00	\$20,400.00	\$18,360.00	\$2,040.00
7410	Michigan Metal Walls	Labor-									
7410	Michigan Metal Walls	Louvers	\$2,500.00	\$0.00	\$2,500.00	\$2,500.00	100%	\$0.00	\$2,500.00	\$2,250.00	\$250.00
7410	Michigan Metal Walls	Roof Panels	\$27,000.00	\$0.00	\$27,000.00	\$27,000.00	100%	\$0.00	\$27,000.00	\$24,300.00	\$2,700.00
7410	Michigan Metal Walls	Roof Panels	\$80,500.00	\$0.00	\$80,500.00	\$80,500.00	100%	\$0.00	\$80,500.00	\$72,450.00	\$8,050.00
7410	Michigan Metal Walls	Wall Panels	\$46,000.00	\$0.00	\$46,000.00	\$46,000.00	100%	\$0.00	\$46,000.00	\$41,400.00	\$4,600.00
7410	Michigan Metal Walls	Interior Panels	\$21,000.00	\$0.00	\$21,000.00	\$21,000.00	100%	\$0.00	\$21,000.00	\$18,900.00	\$2,100.00
7410	Michigan Metal Walls	Acoustic Panels	\$9,000.00	\$0.00	\$9,000.00	\$9,000.00	100%	\$0.00	\$9,000.00	\$8,100.00	\$900.00
7410	Michigan Metal Walls	Flashing & Accys	\$7,000.00	\$0.00	\$7,000.00	\$7,000.00	100%	\$0.00	\$7,000.00	\$6,300.00	\$700.00
7410	Michigan Metal Walls	Sup 1	\$0.00	(\$45,000.00)	(\$45,000.00)	(\$45,000.00)	100%	\$0.00	(\$45,000.00)	(\$40,500.00)	(\$4,500.00)
7410	Michigan Metal Walls	CO 2	\$0.00	\$4,653.00	\$4,653.00	\$4,653.00	100%	\$0.00	\$4,653.00	\$4,187.70	\$465.30
7410	Michigan Metal Walls	CO 3	\$0.00	\$2,600.00	\$2,600.00	\$2,600.00	100%	\$0.00	\$2,600.00	\$2,340.00	\$260.00
7410	Michigan Metal Walls	CO 4	\$0.00	(\$400.00)	(\$400.00)	(\$400.00)	100%	\$0.00	(\$400.00)	(\$360.00)	(\$40.00)
	<b>Michigan Metal Walls Total</b>		<b>\$699,500.00</b>	<b>(\$38,147.00)</b>	<b>\$661,353.00</b>	<b>\$661,353.00</b>		<b>\$0.00</b>	<b>\$661,353.00</b>	<b>\$595,217.70</b>	<b>\$66,135.30</b>
2820	Miller Landscaping	Plants	\$147,571.00	\$0.00	\$147,571.00	\$147,571.00	100%	\$0.00	\$147,571.00	\$147,571.00	\$0.00
2820	Miller Landscaping	Irrigation Sys	\$24,700.00	\$0.00	\$24,700.00	\$24,700.00	100%	\$0.00	\$24,700.00	\$24,700.00	\$0.00
2820	Miller Landscaping	Retaining Wall	\$8,750.00	\$0.00	\$8,750.00	\$8,750.00	100%	\$0.00	\$8,750.00	\$8,750.00	\$0.00
2820	Miller Landscaping	Sod & TOPSOIL	\$27,599.00	\$0.00	\$27,599.00	\$27,599.00	100%	\$0.00	\$27,599.00	\$27,599.00	\$0.00
2820	Miller Landscaping	Edging/stone	\$2,380.00	\$0.00	\$2,380.00	\$2,380.00	100%	\$0.00	\$2,380.00	\$2,380.00	\$0.00
2820	Miller Landscaping	CO 1	\$0.00	\$2,419.20	\$2,419.20	\$2,419.20	100%	\$0.00	\$2,419.20	\$2,419.20	\$0.00
2820	Miller Landscaping	CO 2	\$0.00	\$600.00	\$600.00	\$600.00	100%	\$0.00	\$600.00	\$600.00	\$0.00
2820	Miller Landscaping	CO 3	\$0.00	(\$8,312.50)	(\$8,312.50)	(\$8,312.50)	100%	\$0.00	(\$8,312.50)	(\$8,312.50)	\$0.00
	<b>Miller Landscaping Total</b>		<b>\$211,000.00</b>	<b>(\$5,293.30)</b>	<b>\$205,706.70</b>	<b>\$205,706.70</b>		<b>\$0.00</b>	<b>\$205,706.70</b>	<b>\$205,706.70</b>	<b>\$0.00</b>
8300	Overhead Door West	Overhead Doors	\$7,660.00	\$0.00	\$7,660.00	\$7,660.00	100%	\$0.00	\$7,660.00	\$7,660.00	\$0.00
	Overhead Door West	CO 1	\$0.00	\$248.00	\$248.00	\$248.00	100%	\$0.00	\$248.00	\$248.00	\$0.00
	<b>Overhead Door West Total</b>		<b>\$7,660.00</b>	<b>\$248.00</b>	<b>\$7,908.00</b>	<b>\$7,908.00</b>		<b>\$0.00</b>	<b>\$7,908.00</b>	<b>\$7,908.00</b>	<b>\$0.00</b>
2600	Nagle Paving	Paving/Surfacing	\$78,000.00	\$0.00	\$78,000.00	\$78,000.00	100%	\$0.00	\$78,000.00	\$78,000.00	\$0.00
2600	Nagle Paving	CO 1	\$0.00	\$3,304.00	\$3,304.00	\$3,304.00	100%	\$0.00	\$3,304.00	\$3,304.00	\$0.00
2600	Nagle Paving	CO 2	\$0.00	\$460.00	\$460.00	\$460.00	100%	\$0.00	\$460.00	\$460.00	\$0.00
	<b>Nagle Paving Total</b>		<b>\$78,000.00</b>	<b>\$3,764.00</b>	<b>\$81,764.00</b>	<b>\$81,764.00</b>		<b>\$0.00</b>	<b>\$81,764.00</b>	<b>\$81,764.00</b>	<b>\$0.00</b>
2600	Nagle Paving	Sup 5	\$0.00	\$30,000.00	\$30,000.00	\$30,000.00	100%	\$0.00	\$30,000.00	\$30,000.00	\$0.00
2600	Nagle Paving	CO 1	\$0.00	\$5,200.00	\$5,200.00	\$5,200.00	100%	\$0.00	\$5,200.00	\$5,200.00	\$0.00
2600	Nagle Paving	CO 2 (Extra Work)	\$0.00	\$0.00	\$0.00	\$0.00	100%	\$0.00	\$0.00	\$0.00	\$0.00
	<b>Nagle Paving Total (Duct Bk)</b>		<b>\$0.00</b>	<b>\$35,200.00</b>	<b>\$35,200.00</b>	<b>\$35,200.00</b>		<b>\$0.00</b>	<b>\$35,200.00</b>	<b>\$35,200.00</b>	<b>\$0.00</b>
10160	Phoenix Wire Cloth	Toilet-Shower Part.	\$6,871.00	\$0.00	\$6,871.00	\$6,871.00	100%	\$0.00	\$6,871.00	\$6,871.00	\$0.00
10160	Phoenix Wire Cloth	Toilet-Shower Part.	\$0.00	(\$3.30)	(\$3.30)	(\$3.30)	100%	\$0.00	(\$3.30)	(\$3.30)	\$0.00
	<b>Phoenix Wire Cloth Total</b>		<b>\$6,871.00</b>	<b>(\$3.30)</b>	<b>\$6,867.70</b>	<b>\$6,867.70</b>		<b>\$0.00</b>	<b>\$6,867.70</b>	<b>\$6,867.70</b>	<b>\$0.00</b>
10020	Gardiner Vose	Folding Partitions	\$6,810.00	\$0.00	\$6,810.00	\$6,810.00	100%	\$0.00	\$6,810.00	\$6,810.00	\$0.00
	<b>Gardiner Vose Total</b>		<b>\$6,810.00</b>	<b>\$0.00</b>	<b>\$6,810.00</b>	<b>\$6,810.00</b>		<b>\$0.00</b>	<b>\$6,810.00</b>	<b>\$6,810.00</b>	<b>\$0.00</b>
9660	University Business Interiors	Rest 1st Floor	\$86,132.68	\$0.00	\$86,132.68	\$86,132.68	100%	\$0.00	\$86,132.68	\$86,132.68	\$0.00
9660	University Business Interiors	CO 1	\$0.00	\$1,156.12	\$1,156.12	\$1,156.12	100%	\$0.00	\$1,156.12	\$1,156.12	\$0.00
	University Business Interiors	CO 2-a	\$0.00	(\$610.74)	(\$610.74)	(\$610.74)	100%	\$0.00	(\$610.74)	(\$610.74)	\$0.00
	<b>University Business Interiors Total</b>		<b>\$86,132.68</b>	<b>\$545.38</b>	<b>\$86,678.06</b>	<b>\$86,678.06</b>		<b>\$0.00</b>	<b>\$86,678.06</b>	<b>\$86,678.06</b>	<b>\$0.00</b>
15520	Vanguard	Engineering	\$8,168.00	\$0.00	\$8,168.00	\$8,168.00	100%	\$0.00	\$8,168.00	\$8,168.00	\$0.00
15520	Vanguard	Pre Action Equip	\$70,500.00	\$0.00	\$70,500.00	\$70,500.00	100%	\$0.00	\$70,500.00	\$70,500.00	\$0.00
15520	Vanguard	Vesda Labor	\$34,366.00	\$0.00	\$34,366.00	\$34,366.00	100%	\$0.00	\$34,366.00	\$34,366.00	\$0.00
15520	Vanguard	Pre-Action Labor	\$25,395.00	\$0.00	\$25,395.00	\$25,395.00	100%	\$0.00	\$25,395.00	\$25,395.00	\$0.00
15520	Vanguard		\$737.00	\$0.00	\$737.00	\$737.00	100%	\$0.00	\$737.00	\$737.00	\$0.00
	Vanguard	CO 1	\$0.00	\$50,808.00	\$50,808.00	\$50,808.00	100%	\$0.00	\$50,808.00	\$50,808.00	\$0.00
	Vanguard	CO 2	\$0.00	\$5,661.00	\$5,661.00	\$5,661.00	100%	\$0.00	\$5,661.00	\$5,661.00	\$0.00
	<b>Vanguard Total</b>		<b>\$139,166.00</b>	<b>\$56,469.00</b>	<b>\$195,635.00</b>	<b>\$195,635.00</b>		<b>\$0.00</b>	<b>\$195,635.00</b>	<b>\$195,635.00</b>	<b>\$0.00</b>
10270	G Vose	Access Flooring									
10270	G Vose	Flr- 1st Flr Labor	\$0.00	\$41,704.00	\$41,704.00	\$41,704.00	100%	\$0.00	\$41,704.00	\$41,704.00	\$0.00
10270	G Vose	Flr- 1st Flr Mat	\$0.00	\$122,239.00	\$122,239.00	\$122,239.00	100%	\$0.00	\$122,239.00	\$122,239.00	\$0.00
10270	G Vose	Flr- 2nd Flr Labor	\$0.00	\$62,558.00	\$62,558.00	\$62,558.00	100%	\$0.00	\$62,558.00	\$62,558.00	\$0.00

Schedule of Prices/Sworn Statement (Required With Each Payment Application)

Contractor: Barton Malow Company  
 Address: 27777 Franklin Road, Suite 800  
 City, State, Zip: Southfield, MI 48034

Application Number: (Eighteen) 18  
 Application Date: 4/9/2002  
 Period: From 05/32/01 To 4/9/2002

Store # 8480 - Data Center  
 Location 2240 Cunningham Drive  
Troy, Michigan 48064

A	B	C	D	E	F	G	H	I	J	K	
Item No.		Labor / Material Furnished	Original Contract	Total Supplements	Revised Contract ( D plus E )	Total Value of Work Completed	% Work Completed	Retainage ( 10% of G )	Total Value Earned ( G minus H )	Total of Previous Payments	Net Due ( I minus J )
10270	G Vose	Fir-2nd Flr Mat	\$0.00	\$237,288.00	\$237,288.00	\$237,288.00	100%	\$0.00	\$237,288.00	\$237,288.00	\$0.00
10270	G Vose	CO 1	\$0.00	\$16,654.65	\$16,654.65	\$16,654.65	100%	\$0.00	\$16,654.65	\$16,654.65	\$0.00
10270	G Vose	CO 2	\$0.00	(\$1,035.00)	(\$1,035.00)	(\$1,035.00)	100%	\$0.00	(\$1,035.00)	(\$1,035.00)	\$0.00
10270	G Vose	CO 3	\$0.00	(\$1,249.22)	(\$1,249.22)	(\$1,249.22)	100%	\$0.00	(\$1,249.22)	(\$1,249.22)	\$0.00
10270	G Vose	CO 4	\$0.00	\$3,184.00	\$3,184.00	\$3,184.00	100%	\$0.00	\$3,184.00	\$3,184.00	\$0.00
	G Vose	CO 5-9	\$0.00	\$2,036.81	\$2,036.81	\$2,036.81	100%	\$0.00	\$2,036.81	\$2,036.81	\$0.00
	G Vose Total		\$0.00	\$483,380.24	\$483,380.24	\$483,380.24		\$0.00	\$483,380.24	\$483,380.24	\$0.00
15000	Western Mechanical	Start Up	\$25,000.00	\$0.00	\$25,000.00	\$25,000.00	100%	\$0.00	\$25,000.00	\$25,000.00	\$0.00
15000	Western Mechanical	Underground Drain	\$59,000.00	\$0.00	\$59,000.00	\$59,000.00	100%	\$0.00	\$59,000.00	\$59,000.00	\$0.00
15000	Western Mechanical	A/G Waste & Vent	\$26,000.00	\$0.00	\$26,000.00	\$26,000.00	100%	\$0.00	\$26,000.00	\$26,000.00	\$0.00
15000	Western Mechanical	Domestic Water Dis	\$45,000.00	\$0.00	\$45,000.00	\$45,000.00	100%	\$0.00	\$45,000.00	\$45,000.00	\$0.00
15000	Western Mechanical	Fixtures & Trim	\$12,000.00	\$0.00	\$12,000.00	\$12,000.00	100%	\$0.00	\$12,000.00	\$12,000.00	\$0.00
15000	Western Mechanical	AHU & ACU	\$848,000.00	\$0.00	\$848,000.00	\$848,000.00	100%	\$0.00	\$848,000.00	\$848,000.00	\$0.00
15000	Western Mechanical	Electric Heat Humid	\$207,000.00	\$0.00	\$207,000.00	\$207,000.00	100%	\$0.00	\$207,000.00	\$207,000.00	\$0.00
15000	Western Mechanical	Refrigeration	\$155,000.00	\$0.00	\$155,000.00	\$155,000.00	100%	\$0.00	\$155,000.00	\$155,000.00	\$0.00
15000	Western Mechanical	CTS	\$30,000.00	\$0.00	\$30,000.00	\$30,000.00	100%	\$0.00	\$30,000.00	\$30,000.00	\$0.00
15000	Western Mechanical	Pipe Insulation	\$86,000.00	\$0.00	\$86,000.00	\$86,000.00	100%	\$0.00	\$86,000.00	\$86,000.00	\$0.00
15000	Western Mechanical	Vent Wkr East	\$334,350.00	\$0.00	\$334,350.00	\$334,350.00	100%	\$0.00	\$334,350.00	\$334,350.00	\$0.00
15000	Western Mechanical	Vent Wkr West	\$304,350.00	\$0.00	\$304,350.00	\$304,350.00	100%	\$0.00	\$304,350.00	\$304,350.00	\$0.00
15000	Western Mechanical	Ins Elec Heat/Humid	\$30,000.00	\$0.00	\$30,000.00	\$30,000.00	100%	\$0.00	\$30,000.00	\$30,000.00	\$0.00
15000	Western Mechanical	Vent Finish	\$74,300.00	\$0.00	\$74,300.00	\$74,300.00	100%	\$0.00	\$74,300.00	\$74,300.00	\$0.00
15000	Western Mechanical	Temp Control Rough	\$280,000.00	\$0.00	\$280,000.00	\$280,000.00	100%	\$0.00	\$280,000.00	\$280,000.00	\$0.00
15000	Western Mechanical	Temp Control Finish	\$10,000.00	\$0.00	\$10,000.00	\$10,000.00	100%	\$0.00	\$10,000.00	\$10,000.00	\$0.00
15000	Western Mechanical	Temp Control / CTS	\$9,000.00	\$0.00	\$9,000.00	\$9,000.00	100%	\$0.00	\$9,000.00	\$9,000.00	\$0.00
15000	Western Mechanical	CO 1	\$0.00	\$4,357.65	\$4,357.65	\$4,357.65	100%	\$0.00	\$4,357.65	\$4,357.65	\$0.00
15000	Western Mechanical	CO 2	\$0.00	(\$33,270.00)	(\$33,270.00)	(\$33,270.00)	100%	\$0.00	(\$33,270.00)	(\$33,270.00)	\$0.00
15000	Western Mechanical	CO 3	\$0.00	\$3,412.00	\$3,412.00	\$3,412.00	100%	\$0.00	\$3,412.00	\$3,412.00	\$0.00
15000	Western Mechanical	CO 4	\$0.00	\$7,420.60	\$7,420.60	\$7,420.60	100%	\$0.00	\$7,420.60	\$7,420.60	\$0.00
15000	Western Mechanical	CO 5	\$0.00	(\$1,919.00)	(\$1,919.00)	(\$1,919.00)	100%	\$0.00	(\$1,919.00)	(\$1,919.00)	\$0.00
15000	Western Mechanical	CO 6	\$0.00	(\$2,150.00)	(\$2,150.00)	(\$2,150.00)	100%	\$0.00	(\$2,150.00)	(\$2,150.00)	\$0.00
15000	Western Mechanical	CO 7	\$0.00	(\$2,760.00)	(\$2,760.00)	(\$2,760.00)	100%	\$0.00	(\$2,760.00)	(\$2,760.00)	\$0.00
15000	Western Mechanical	CO 8	\$0.00	\$115.54	\$115.54	\$115.54	100%	\$0.00	\$115.54	\$115.54	\$0.00
15000	Western Mechanical	CO 9	\$0.00	\$1,174.84	\$1,174.84	\$1,174.84	100%	\$0.00	\$1,174.84	\$1,174.84	\$0.00
	Western Mechanical	CO 10-16	\$0.00	\$67,170.79	\$67,170.79	\$67,170.79	100%	\$0.00	\$67,170.79	\$67,170.79	\$0.00
	Western Mechanical Total		\$2,535,000.00	\$43,552.42	\$2,578,552.42	\$2,578,552.42		\$0.00	\$2,578,552.42	\$2,578,552.42	\$0.00
7500	Western Waterproofing	Sealant	\$1,000.00	\$0.00	\$1,000.00	\$1,000.00	100%	\$0.00	\$1,000.00	\$1,000.00	\$0.00
7900	Western Waterproofing	CO 1	\$0.00	\$3,600.00	\$3,600.00	\$3,600.00	100%	\$0.00	\$3,600.00	\$3,600.00	\$0.00
7500	Western Waterproofing	CO 2-4	\$0.00	\$14,647.10	\$14,647.10	\$14,647.10	100%	\$0.00	\$14,647.10	\$14,647.10	\$0.00
	Western Waterproofing Total		\$1,000.00	\$18,247.10	\$19,247.10	\$19,247.10		\$0.00	\$19,247.10	\$19,247.10	\$0.00
	Grand Total		\$10,530,996.15	\$1,425,177.20	\$11,956,173.35	\$11,956,173.35		\$0.00	\$11,956,173.35	\$11,810,494.54	\$145,678.81

is Complete and Accurate in All Respects.

Subscribed to before me and subscribed in my presence. Witness the hand and seal given this \_\_\_\_\_ day  
 of \_\_\_\_\_ 19\_\_\_\_ City of \_\_\_\_\_  
 (State/Province) of \_\_\_\_\_

Notary Public

By \_\_\_\_\_ (Authorized Signature)  
 Name \_\_\_\_\_ (Type or Print Name)  
 Title \_\_\_\_\_ (Type or Print Title)  
 Date \_\_\_\_\_

June 10, 2003

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager  
 Gary Shripka, Assistant City Manager/Services  
 Douglas Smith, Real Estate & Development Director  
 Larysa Figol, Right of Way Representative

RE: Request for Acceptance of Four Permanent Sanitary Sewer Easements and Approval to Pay Consideration – Dequindre Sewer Project No. 02.406.5, Sidwell #88-20-13-278-018, #88-20-13-228-020 & 021, #88-20-13-281-004 and 88-20-13-281-003

In connection with the installation of a sewer to the properties located at 40297 & 40375 Dequindre Road (Property B & C), the Real Estate and Development Department reached agreements for sanitary sewer easements with the property owners listed below.

Based on appraisals prepared by Andrew Reed and Associates, Inc., and reviews performed by Kimberly Harper, Deputy City Assessor, Management believes that the following compensations are justified:

Parcel	Sidwell #	Owner Name	Property Address	Compensation
A	88-20-13-278-018	Gregory S. & Machele Linska	2987 Hill	\$4,700.00
B	88-20-13-228-020 & 021	Marion Pomykacz	40297 Dequindre & vacant adjacent parcel	\$6,000.00
C	88-20-13-281-004	Anthony & Lilia Minchella Trust, as Trustees and as Individuals	40375 Dequindre	\$2,550.00
C	22-20-13-281-003	Anthony & Lilia Minchella Trust, as Trustees and as Individuals	vacant adjacent parcel	\$1,350.00
<b>TOTAL:</b>				\$15,200.00

In order to extend a sewer line to the property owned by Mrs. Pomykacz (Property B) and to the Minchella's (Property C), the City requires an additional easement from the Linska's to allow a sanitary lead hook up. This easement in no way benefits the Linska property.

It is the intention of the City to bring sewer service to properties along Dequindre Road, between Wattles and Long Lake, who are currently serviced by septic fields. It is anticipated that sewer installations will be completed prior to the widening of Dequindre Road.

Under current regulation, property owners are required to hook up to sanitary sewer within 18 months of the installation of the sewer if a residential structure is within 200 feet of the sewer main.

Management recommends that City Council accept the attached two permanent easements for sanitary sewer and authorize a total payment of \$15,200.00. Funding for the easements will come from the Water and Sewer Fund.

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Property C – Sidwell #88-20-13-228-004 & 003  
Sanitary Sewer Easement – East 15 feet  
Anthony P. Minchella and Lilia Minchella Trust  
and as Individuals

Property B – Sidwell #88-20-13-228-020 & 021  
Sanitary Sewer Easement – East 15 feet  
Marion Pomykacz

Property A – Sidwell #88-20-13-278-018  
Sanitary Sewer Easement – East 10 feet  
Gregory & Machele Linska

PERMANENT EASEMENT

Sidwell #88-20-13-278-018

Project #02.406.5

Resolution #

Gregory S. Linska and Machelles N. Linska, husband and wife, whose address is 2987 Hill, Troy, MI 48085 for and in consideration of the sum of: Four Thousand and Seven Hundred and no/Dollars (\$4,700.00) paid by the CITY OF TROY, a Michigan Municipal Corporation, Grantee, whose address is 500 West Big Beaver Road, Troy, Michigan, grants to the Grantee the right to construct, operate, maintain, repair and/or replace sanitary sewer, said easement for land situated in the City of Troy, Oakland County, Michigan described as:

Part of Lot 157 of "Windmill Pointe Sub.", as recorded in Liber 124, Page 15-18, Oakland County, Michigan records. Said plat being part of the Southeast 1/4 of Section 13, Town 2 North, Range 11 East, City of Troy, Oakland County, Michigan.

The East 10.00 feet of said lot 157. Containing 1, 200 Square Feet or 0.028 Acres more or less.

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

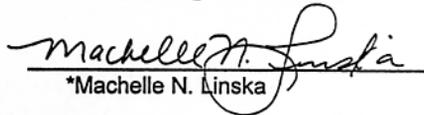
IN FURTHER CONSIDERATION, the premises so disturbed by reason of the exercise of any of the foregoing powers, shall be reasonably restored to its original condition by the City.

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

IN WITNESS WHEREOF, the undersigned hereunto affixed 2 signature(s) this 6th day of June A.D. 2003.

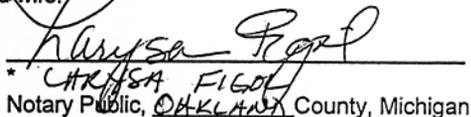
In presence of : (not required)

 (L.S.)  
\*Gregory S. Linska

 (L.S.)  
\*Machelles N. Linska

STATE OF MICHIGAN )  
COUNTY OF OAKLAND )

The foregoing instrument was acknowledged before me this 6th day of June, 2003, by Gregory S. Linska and Machelles N. Linska, husband and wife.

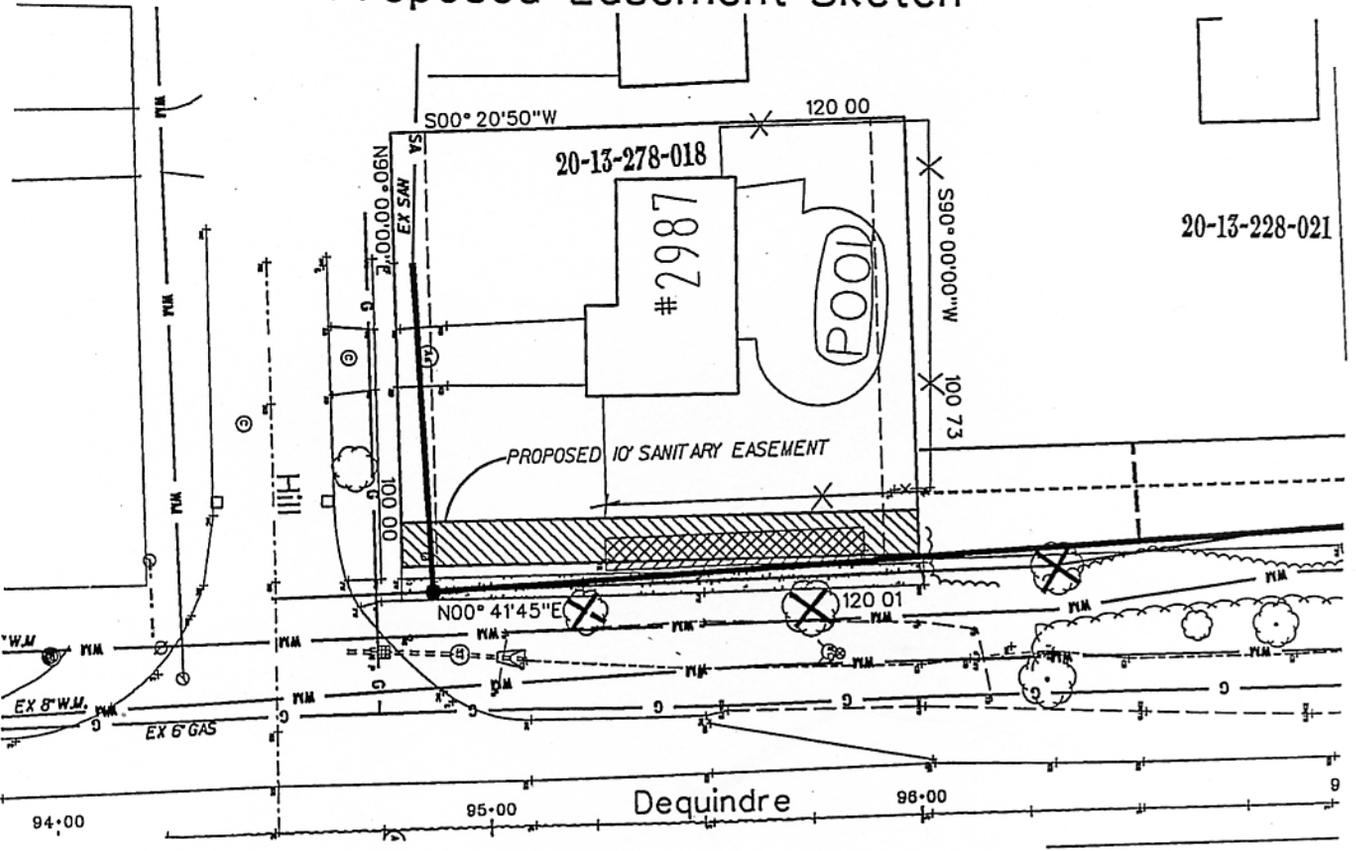
  
\* CHARISSA FIGOL  
Notary Public, OAKLAND County, Michigan

My Commission Expires MAR. 2 / 2006

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

Return to: City Clerk  
City of Troy  
500 West Big Beaver  
Troy, MI 48084

# Proposed Easement Sketch



PERMANENT EASEMENT

Sidwell #88-20-13-228-020 & 021 (part of)  
Project #02.202.5  
Resolution #

Marion Pomykacz, as survivor of herself and her deceased husband, Stephen J. Pomykacz, a copy of whose death certificate is attached, whose address is 40297 Dequindre, Troy, MI 48085 for and in consideration of the sum of: Six Thousand, Six Hundred and no/Dollars (\$6,600.00) paid by the CITY OF TROY, a Michigan Municipal Corporation, Grantee, whose address is 500 West Big Beaver Road, Troy, Michigan, grants to the Grantee the right to construct, operate, maintain, repair and/or replace sanitary sewer, said easement for land situated in the City of Troy, Oakland County, Michigan described as:

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

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

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 her signature(s) this 23rd day of May A.D. 2003.

In presence of : (not required)

Marion Pomykacz (L.S.)  
\*Marion Pomykacz

STATE OF MICHIGAN )  
COUNTY OF OAKLAND )

The foregoing instrument was acknowledged before me this 23rd day of May, 2003, by Marion Pomykacz, survivor of herself and her deceased husband Stephen J. Pomykacz.

Larysa Figol  
\* LARYSA FIGOL  
Notary Public, OAKLAND County, Michigan

My Commission Expires MAR-2/2006

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

Return to: City Clerk  
City of Troy  
500 West Big Beaver  
Troy, MI 48084

EXHIBIT "A"

Owner: Marion Pomykacz

Parcel: 88-20-13-228-020 *Res*

Description of Easement:

Part of the East ½ of the East ½ of the Northeast ¼ of Section 13, Town 2 North, Range 11 East, City of Troy, Oakland County, Michigan. Being more particularly described as follows:

The East 15.00 feet of the following described parcel:

The South 99.21 feet of the North 1883.29 feet of the East ½ of the East ½ of the Northeast ¼ of said Section 13, except the East 60.00 feet taken for Dequindre Road. Also except that part platted into the Amended Plat of Lots 160 through 163 and Lots 165 through 167 of "Windmill Pointe Sub.", as recorded in Liber 124, Pages 15-18, of Oakland County, Michigan records. Containing 1,488 Square Feet or 0.034 Acres more or less.

**AND**

Parcel: 88-20-13-228-021 *Lot*

Description of Easement:

Part of the East ½ of the East ½ of the Northeast ¼ of Section 13, Town 2 North, Range 11 East, City of Troy, Oakland County, Michigan. Being more particularly described as follows:

The East 15.00 feet of the following described parcel:

The South 99.22 feet of the North 1982.51 feet of the East ½ of the East ½ of the Northeast ¼ of said Section 13, except the East 60.00 feet taken for Dequindre Road. Also except that part platted into the Amended Plat of Lots 160 through 163 and Lots 165 through 167 of "Windmill Pointe Sub.", as recorded in Liber 124, Pages 15-18, of Oakland County, Michigan records. Containing 1,488 Square Feet or 0.034 Acres more or less.

LF 85-143  
CF 218533



STATE OF MICHIGAN  
DEPARTMENT OF PUBLIC HEALTH

STATE FILE NUMBER

0413960

CERTIFICATE OF DEATH

DECEDENT NAME FIRST MIDDLE LAST 1. <u>Stephen J. Pomykacz</u>			SEX 2. <u>Male</u>	DATE OF DEATH (Mo., Day, Yr.) 3. <u>May 15, 1985</u>
RACE (e.g., White, Black, American Indian, etc.) (Specify) 4. <u>White</u>	AGE - Last Birthday (Yr., Mo., Day) 5a. <u>06</u>	UNDER 1 YEAR MOS. DAYS	UNDER 1 DAY HOURS MINS.	DATE OF BIRTH (Mo., Day, Yr.) 6. <u>Aug. 18, 1918</u>
LOCATION OF DEATH (Check one and specify) <input checked="" type="checkbox"/> INSIDE CITY LIMITS OF: <u>Troy</u> <input type="checkbox"/> INSIDE VILLAGE LIMITS OF: <input type="checkbox"/> TWP. OF:		HOSPITAL OR OTHER INSTITUTION - (Name (if not in title, give street and number)) 7a. <u>Oakland</u> 7c. <u>Beaumont Hospital - Troy</u>		
STATE OF BIRTH (If not in U.S.A. name country) 8. <u>Michigan</u>	CITIZEN OF WHAT COUNTRY 9. <u>U.S.A.</u>	MARRIED, NEVER MARRIED, WIDOWED, DIVORCED (Specify) 10. <u>Married</u>	SURVIVING SPOUSE (If wife, give maiden name) 11. <u>Marion Erin</u>	
SOCIAL SECURITY NUMBER 13. <u>363-09-5502</u>		USUAL OCCUPATION (Give kind of work done during most of working life, even if retired) 14a. <u>Welder</u>	KIND OF BUSINESS OR INDUSTRY 14b. <u>Auto Industry</u>	
CURRENT RESIDENCE-STATE 15a. <u>Michigan</u>	COUNTY 15b. <u>Oakland</u>	LOCALITY (Check one and specify) <input checked="" type="checkbox"/> INSIDE CITY LIMITS OF <u>Troy</u> <input type="checkbox"/> INSIDE VILLAGE LIMITS OF <input type="checkbox"/> TWP. OF:	STREET AND NUMBER 15d. <u>40297 Dequindre</u>	
FATHER-NAME FIRST MIDDLE LAST 16. <u>Karol Pomykacz</u>		MOTHER-MAIDEN NAME FIRST MIDDLE LAST 17. <u>Elizabeth Staszko</u>		
INFORMANT 18a. (Signature) <u>Marion Pomykacz</u>		MAILING ADDRESS STREET OR R.F.D. NO. CITY OR TOWN STATE ZIP 18b. <u>40297 Dequindre, Troy, Michigan 48084</u>		
19. IMMEDIATE CAUSE (ENTER ONLY ONE CAUSE PER LINE FOR (a), (b), AND (c).)				
PART I				
(a) <u>cardio-pulmonary arrest</u> Interval between onset and death <u>hours</u>				
(b) <u>squamous carcinoma of the lung - squamous cell</u> Interval between onset and death				
(c)				
PART II OTHER SIGNIFICANT CONDITIONS - Conditions contributing to death but not related to cause given in PART I				
PLACE OF DEATH (Home, Nursing Home, Hospital, Ambulance) (Specify) 22a. <u>Hospital</u>		IF HOSP. OR INST., Indicate DOA, OP, (Intr., Nat., Inpatient) (Specify) 22b. <u>Inpatient</u>		24a. <input type="checkbox"/> The case reviewed and determined not to be a medical examiner's case. (Check one only)
23a. To the best of my knowledge, death occurred at the time, date and place and due to the cause(s) stated. (Signature and Title) <u>Chris Wilhelm, MD</u>		24b. (Signature and Title) <u>Chris Wilhelm, MD</u>		
DATE SIGNED (Mo., Day, Yr.) 23b. <u>5/16/85</u>	HOUR OF DEATH 23c. <u>5:24a M</u>	DATE SIGNED (Mo., Day, Yr.) 24b. <u>5/16/85</u>	HOUR OF DEATH 24c. <u>M</u>	24d. ON
NAME AND ADDRESS OF CERTIFIER (PHYSICIAN OR MEDICAL EXAMINER) (Type or Print) 25. <u>Chris Wilhelm, MD, William Beaumont Hospital, Troy, Michigan</u>		24e. AT		
ACC. SUICIDE, HOM., NATURAL OR PENDING INVEST. (Specify) 26a. <u>unknown</u>	DATE OF INJURY (Mo., Day, Yr.) 26b.	HOUR OF INJURY 26c.	DESCRIBE HOW INJURY OCCURRED 26d.	
INJURY AT WORK (Specify Yes or No) 26e.	PLACE OF INJURY - At home, farm, street, tavern, office building, etc. (Specify) 26f.	LOCATION STREET OR R.F.D. NO. CITY, VILLAGE, OR TOWNSHIP STATE 26g.		
BURIAL, CREMATION, REMOVAL, OTHER (Specify) 27a. <u>Burial</u>		CEMETERY OR CREMATORY-NAME 27b. <u>Mt. Olivet Cemetery</u>		LOCATION CITY, VILLAGE, OR TOWNSHIP STATE 27c. <u>Detroit, Michigan</u>
DATE (Mo., Day, Yr.) 27d. <u>May 17, 1985</u>	NAME OF FACILITY 28a. <u>John J. Skupny Funeral Home</u>		ADDRESS OF FACILITY 28b. <u>11405 Conant, Hamtramck, Mi. 48212</u>	
FUNERAL SERVICE (Specify) 28c. <u>Funeral Home</u>	REGISTRAR (Signature) 29a. <u>Alice Mikula</u>	DATE RECEIVED BY REGISTRAR (Mo., Day, Yr.) 29b. <u>May 16, 1985</u>		

STATE OF MICHIGAN } ss.  
COUNTY OF OAKLAND

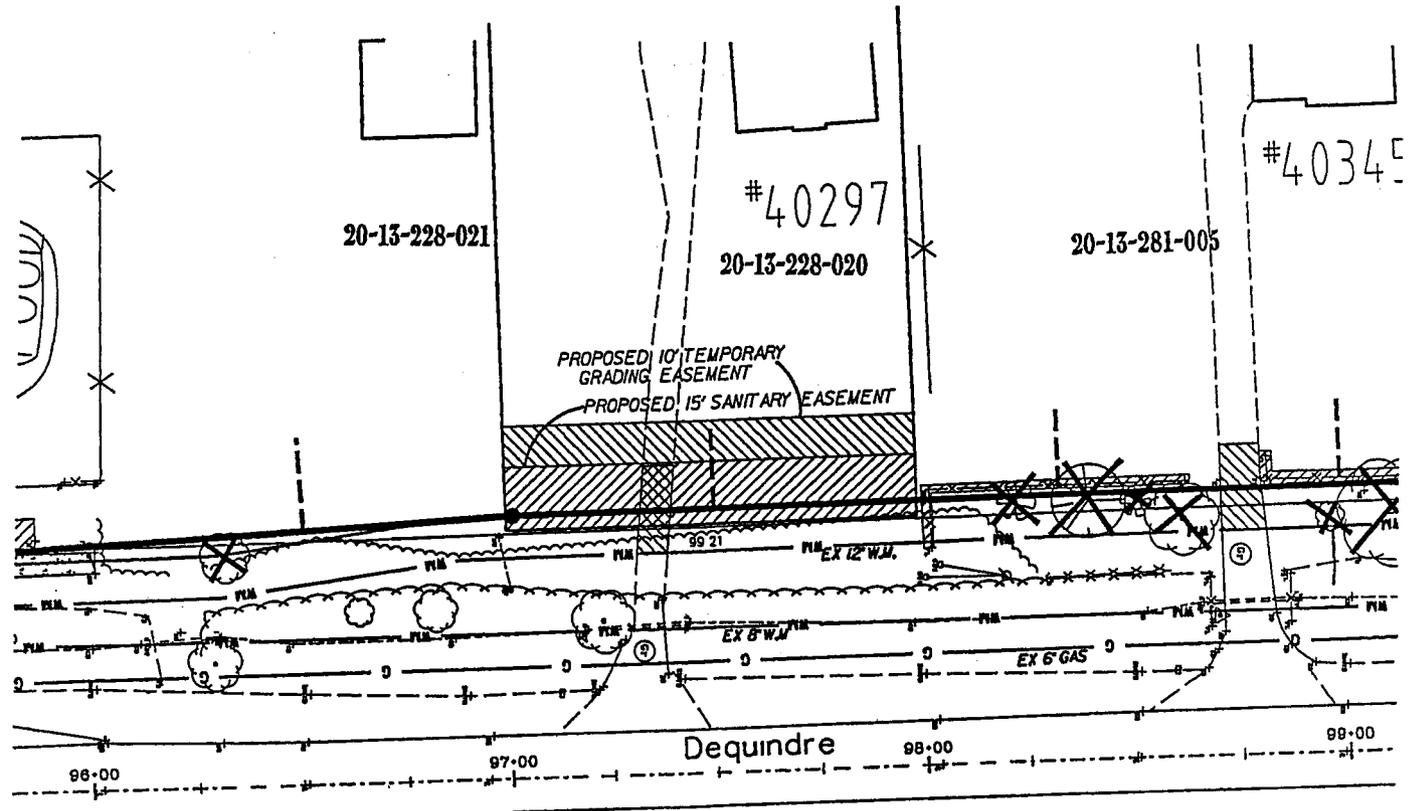
I, G. William Caddell, County Clerk for the County of Oakland, Clerk of the Circuit Court thereof, the same being a court of Record, and having a Seal, do hereby certify that the foregoing is a copy of the record now remaining in my office.

In Testimony, Whereof, I have hereunto set my hand and affixed the seal of said Court this 21ST day of MAY, A.D. 2003

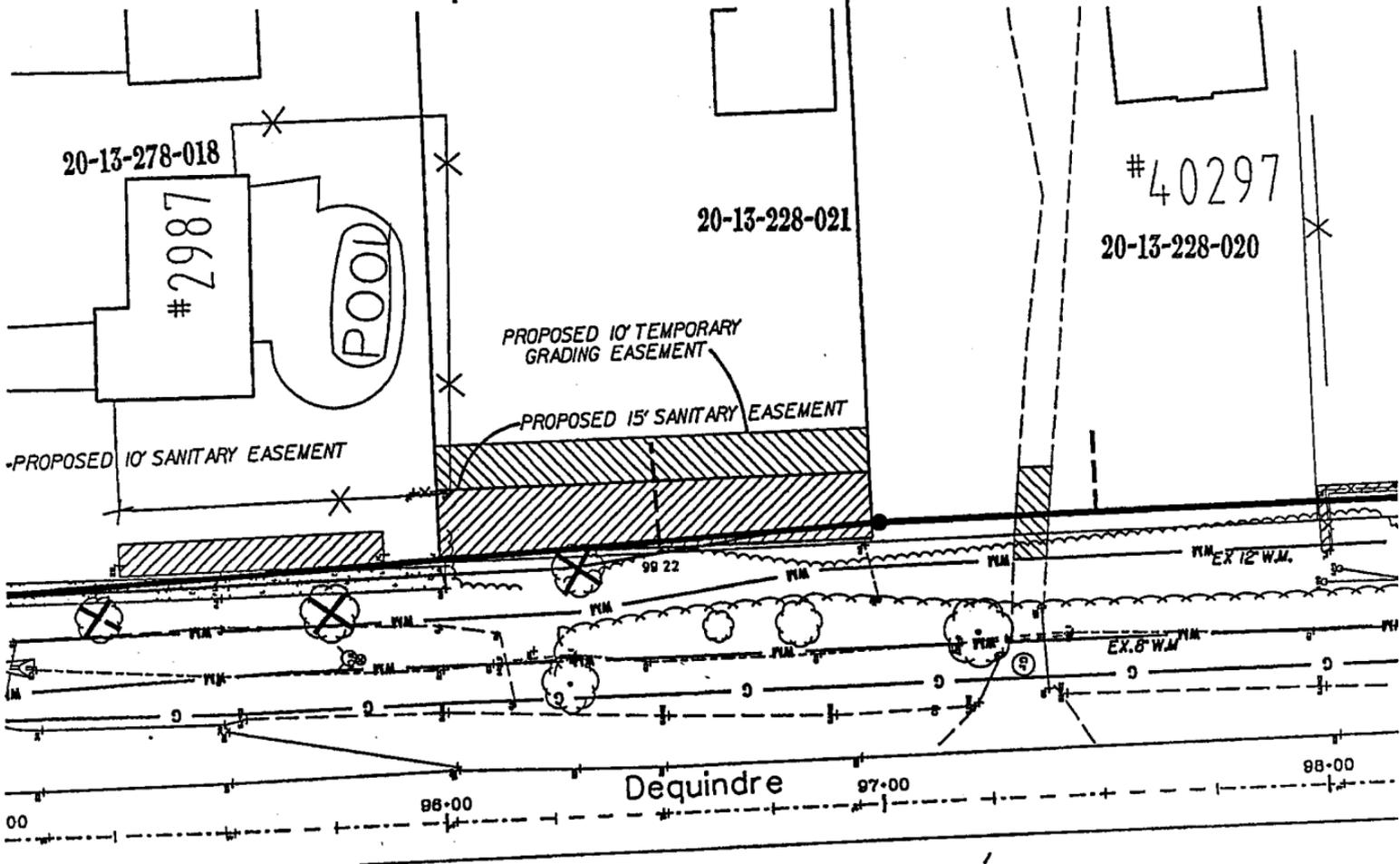
G. WILLIAM CADDELL, County Clerk-Register of Deeds

By: [Signature]  
Deputy Clerk

# Proposed Easement Sketch



# Proposed Easement Sketch



PERMANENT EASEMENT

Sidwell #88-20-13-281-004

Project #02.202.5

Resolution #

Anthony P. Minchella and Lilia Minchella Trust Under Agreement dated November 1, 1994, and Anthony Minchella and Lilia Minchella, husband and wife, as individuals, Grantors, whose address is 40375 Dequindre Road, Troy, MI 48085 for and in consideration of the sum of: Two Thousand Five Hundred and Fifty and no/100 Dollar (\$2,550.00) paid by the CITY OF TROY, a Michigan Municipal Corporation, Grantee, whose address is 500 West Big Beaver Road, Troy, Michigan, grants to the Grantee the right to construct, operate, maintain, repair and/or replace sanitary sewer, said easement for land situated in the City of Troy, Oakland County, Michigan described as:

Part of the East 1/2 of the Northeast 1/4 of Section 13, Town 2 North, Range 11 East, City of Troy, Oakland County, Michigan. Being more particularly described as follows:

The East 15.00 feet of the following described parcel:

Beginning at a point distant South 00 degrees 30 minutes 00 seconds East 1552.82 feet from the Northeast Corner of said Section 13; thence South 00 degrees 30 minutes 00 seconds East 99.00 feet; thence South 88 degrees 58 minutes 00 seconds West 658.75 feet; thence North 00 degrees 32 minutes 00 seconds West 99.00 feet; thence North 88 degrees 58 minutes 00 seconds East 658.82 feet to the Point of Beginning. Except the East 60.00 feet taken for Dequindre Road. Also except that part platted into "Holland Hills Sub.", as recorded in Liber 265, Pages 6-9 of Oakland County, Michigan records. Containing 1,485 Square Feet or 0.034 Acres more or less.

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

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 2 signature(s) this 3rd day of May A.D. 2003.

In presence of : (not required)

ANTHONY P. MINCHELLA AND LILIA MINCHELLA TRUST UNDER AGREEMENT DATED NOVEMBER 1, 1994.

Anthony P. Minchella (L.S.)  
\*Anthony P. Minchella, Trustee

Lilia Minchella (L.S.)  
\*Lilia Minchella, Trustee

Anthony P. Minchella (L.S.)  
\*Anthony Minchella, as an Individual

Lilia Minchella (L.S.)  
\*Lilia Minchella, as an Individual

STATE OF MICHIGAN )  
COUNTY OF OAKLAND )

The foregoing instrument was acknowledged before me this 23rd day of May, 2003, by Anthony P. Minchella and Lilia Minchella, Trustees, of the Anthony P. Minchella and Lilia Minchella Trust Under Agreement dated November 1, 1994, and Anthony Minchella and Lilia Minchella, husband and wife, as individuals.

  
\_\_\_\_\_  
\* LARISSA FIGOL  
Notary Public, OAKLAND County, Michigan

My Commission Expires MAR. 2/2006

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

Return to: City Clerk  
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**

# Proposed Easement Sketch

20-13-281-005

#40345

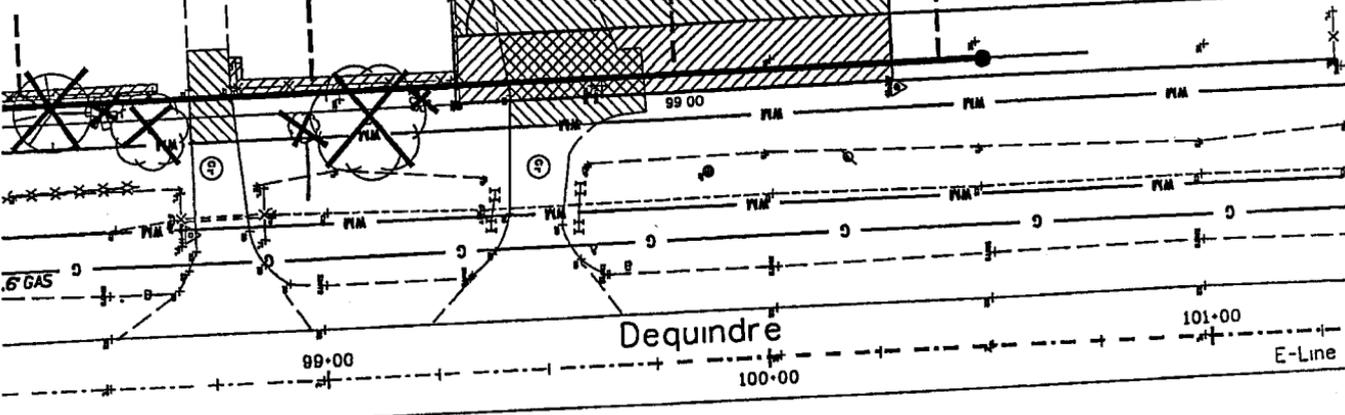
#40375  
20-13-281-004

20-13-281-003

PROPOSED 10' TEMPORARY  
GRADING EASEMENT

PROPOSED 15' SANITARY EASEMENT

PROPOSED 15' SANITARY EASEMENT



Dequindre

101.00

100.00

99.00

E-Line

PERMANENT EASEMENT

Sidwell #88-20-13-281-003

Project #02.202.5

Resolution #

Anthony P. Minchella and Lilia Minchella Trust Under Agreement dated November 1, 1994, as to an undivided 1/2 interest and Anthony Minchella and Lilia Minchella, husband and wife, as to an undivided 1/2 interest, Grantors, whose address is 40375 Dequindre Road, Troy, MI 48085 for and in consideration of the sum of: One Thousand, Three Hundred and Fifty and no/100 Dollar (\$1,350.00) paid by the CITY OF TROY, a Michigan Municipal Corporation, Grantee, whose address is 500 West Big Beaver Road, Troy, Michigan, grants to the Grantee the right to construct, operate, maintain, repair and/or replace sanitary sewer, said easement for land situated in the City of Troy, Oakland County, Michigan described as:

Part of the East 1/2 of the Northeast 1/4 of Section 13, Town 2 North, Range 11 East, City of Troy, Oakland County, Michigan. Being more particularly described as follows:

The East 15.00 feet of the following described parcel:

Beginning at a point distant South 00 degrees 30 minutes 00 seconds East 1453.25 feet from the Northeast Corner of said Section 13; thence South 00 degrees 30 minutes 00 seconds East 99.57 feet; thence South 88 degrees 58 minutes 00 seconds West 658.82 feet; thence North 00 degrees 32 minutes 00 seconds West 99.57 feet; thence North 88 degrees 58 minutes 00 seconds East 658.90 feet to the Point of Beginning. Except the East 60.00 feet taken for Dequindre Road. Also except that part platted into "Holland Hills Sub.", as recorded in Liber 265, Pages 6-9 of Oakland County, Michigan records. Containing 1,494 Square Feet or 0.034 Acres more or less.

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

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 2 signature(s) this 23rd day of May A.D. 2003.

In presence of :

ANTHONY P. MINCHELLA AND LILIA MINCHELLA TRUST UNDER AGREEMENT DATED NOVEMBER 1, 1994.

Anthony P. Minchella (L.S.)  
\*Anthony P. Minchella, Trustee

Lilia Minchella (L.S.)  
\*Lilia Minchella, Trustee

Anthony P. Minchella (L.S.)  
\*Anthony Minchella, as an Individual

Lilia Minchella (s.)  
\*Lilia Minchella, as an Individual

STATE OF MICHIGAN )  
COUNTY OF OAKLAND )

The foregoing instrument was acknowledged before me this 23rd day of May, 2003, by Anthony P. Minchella and Lilia Minchella, Trustees, of the Anthony P. Minchella and Lilia Minchella Trust Under Agreement dated November 1, 1994, and Anthony Minchella and Lilia Minchella, husband and wife, as individuals.

Larysa Figol  
\* LARYSA FIGOL  
Notary Public, OAKLAND County, Michigan

My Commission Expires MAR. 2 / 2006

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

Return to: City Clerk  
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**

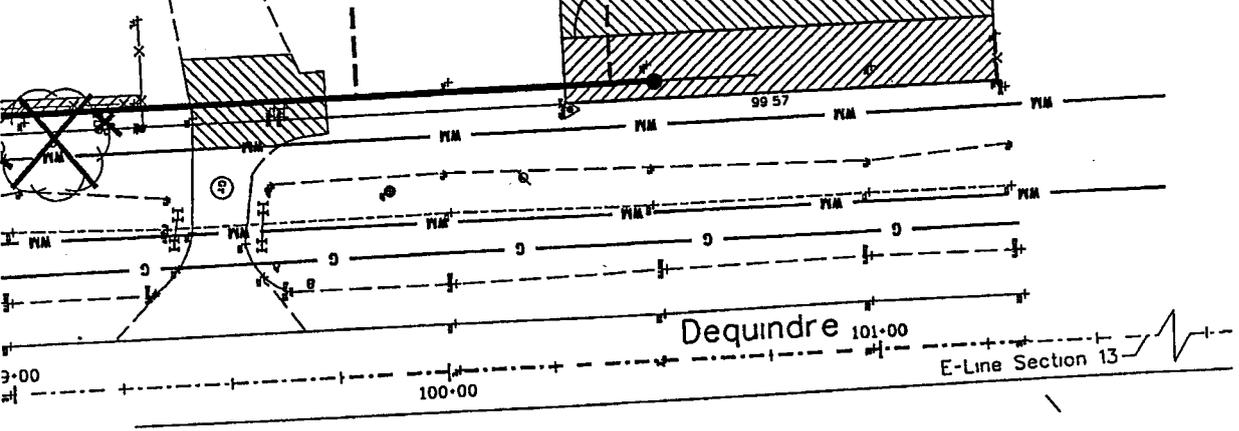
# Proposed Easement Sketch

345

#40375  
20-13-281-004

20-13-281-003

PROPOSED 10' TEMPORARY  
GRADING EASEMENT  
PROPOSED 15' SANITARY EASEMENT





**TO:** Mayor and Members of Troy City Council  
**FROM:** Lori Grigg Bluhm, City Attorney  
**DATE:** June 12, 2003  
**SUBJECT:** Mandatory Connection to Available Sanitary Sewer

---

The City of Troy ordinance Chapter 19, Section 19.02.04 requires structures to be hooked up to newly available sewer lines within 18 months of publication of the availability of the new system. This ordinance provision was amended in 1993, and is based on State statute, MCL 333.12753. This statute empowers municipalities to require connection for all properties within the City that are located within 200 feet of a sanitary sewer. The State requires that this connection be made as soon as possible, but not later than 18 months after publication of the availability of the sewer system. The municipality can impose a shorter time frame if necessary for health, safety, and welfare reasons.

As stated in Renne v. Waterford Twp., 73 Mich. App. 685; 252 NW 2d 842 (1977), the benefit of this statute is the elimination of individual determinations of septic tank seepage. In Renne, the Court rejected the argument that the imposition of this mandatory sewer hook-up required compensation. In so holding, the Court recognized that this statute may require a landowner, "for reasons of public health and welfare, to abandon a functional septic tank in favor of a public sewer system." (p. 690)

There is at least one municipality that has adopted an ordinance that allows functioning septic systems within 200 feet to postpone connection to a newly available public sewer system. However, allowing a postponement of this mandatory hook up until septic system failure would still require re-certification every three years from the Oakland County Health Department, a department with limited personnel resources. Unfortunately, under this system, there is a potential to prejudice home- owners who purchase property without notification of the availability of a public sewer or the eventual requirement to hook-up to the public sewer. In addition to the additional record keeping responsibilities and potential enforcement problems and financing issues caused by delaying the connection, the City of Troy has previously encountered situations where a purchaser is not provided with notification of the availability of a new public sewer. The purchaser is surprised when they learn that the previous owner was actually required to complete the mandatory hook-up, thereby incurring unexpected costs.

The State statute indicates that if a municipality chooses to require mandatory hook-up for structures within its jurisdiction, then this mandatory hook-up should be completed no later than 18 months from the date of publication. The goal in both the State statute and also the City of Troy ordinance is the eventual elimination of septic systems, which is encouraged by Oakland County, the MDEQ, and the EPA.

If you have any questions concerning the above, please let me know.



6/12/03

TO: Mayor and Members of Troy City Council

FROM: Lori Grigg Bluhm, City Attorney *LLB*  
Susan M. Lancaster, Assistant City Attorney *SML*

RE: Troy v. Premium Construction, John Pavone, et. al. (Maple Road between John R and Dequindre)

---

A condemnation case was initiated to obtain a parcel of property in Section 36 south of Maple Road between John R Road and Dequindre Road for park purposes. \$1,030.00 was paid initially to the property owners based on an appraisal by Jay Messer. That property is currently zoned R-1C on the northern portion and RM-1 on the southern portion of the property.

As City Council is aware, Jay Messer developed a serious illness after the completion of his appraisal and, unfortunately, has since died. The City hired another appraiser, Mary Jane Anderson, of Anderson and Anderson Associates, Inc., to appraise the property and testify at trial and depositions. Ms. Anderson completed an appraisal which calculates the price per unit for a residential development. She was careful to exclude any floodways and wetlands from those calculations. Her opinion of fair market value is \$1,783,000.

We have recently received the property owners' appraisal, where the property was valued at \$4,500,000. The appraiser for the property owner included an opinion by Brooks Williamson, an environmental consultant, which states that the wetlands and part of the floodway can be developed. Consequently, the property owners' appraiser computed the price per unit for the entire parcel even for the wetland and floodway area. We believe we can refute his appraisal and will prepare to go to trial.

However, in the meantime, the attorney for the property owners has requested that the City pay his clients the difference between our estimated just compensation and Mary Jane Anderson's appraisal value. That difference is \$753,000, plus statutory interest from the date that the City took possession of the property.

It is our recommendation that we pay the difference and statutory interest as soon as possible. Since the City will be submitting into evidence the appraisal report and testimony of Mary Jane Anderson, the jury will be instructed that the value of

\$1,783,000 is the minimum amount that it could award to the property owners. We would ultimately need to pay the difference between our two appraisers. Payment of the \$783,000 as soon as possible will minimize the statutory interest. It could be several months to a year before this matter goes to jury trial, so payment of the difference now will save the City money. A proposed Order is attached for your approval.

The payment of the \$783,000 plus statutory interest is not a settlement of the case, nor does that amount include the property owners' attorney fees. Attorney fees and costs are issues that will arise if the matter is settled or when there is a jury verdict.

If you have any questions about this matter, please let us know.

## STATE OF MICHIGAN

## OAKLAND COUNTY CIRCUIT COURT

CITY OF TROY, a Michigan  
municipal corporation,

Plaintiff,

v

Case No. 01-035191 CC

PREMIUM CONSTRUCTION, L.L.C, a  
Michigan Limited Liability Company;  
MATTHEW'S FARMS, L.L.C., a Michigan  
Limited Liability Company; JOHN PAVONE;  
MUKESH MANGULA; JOHN UHELSKI;  
VIRGINIA M. UHELSKI; JOSEPH A.  
UHELSKI; ELIZABETH UHELSKI; OLD  
KENT BANK, a Michigan Banking Corporation;  
MICHIGAN BELL TELEPHONE COMPANY a/k/a  
AMERITECH; BARNARD DRAIN DRAINAGE  
DISTRICT,

Defendants.

CITY OF TROY-CITY ATTORNEY'S OFFICE  
Susan M. Lancaster (P33168)  
Attorney for Plaintiff  
500 W. Big Beaver Road  
Troy, MI 48084  
(248) 524-3320

David W. Barry (P25418)  
Berry & Reynolds, PC  
Attorney for Defendants, Premium Construction,  
Matthew's Farms, Pavone and Mangula  
32255 Northwestern Highway #280  
Farmington Hills MI 48334-1527  
(248) 851-3434

Albert Calille (P26819)  
Attorney for Defendant Ameritech  
444 Michigan Avenue, Room 1750  
Detroit, MI 48226  
(313) 223-0964

Ahmad M. Roby (P58665)  
Attorney for Defendant Barnard Drain  
Drainage District  
Oakland County Corporation Counsel  
1200 N Telegraph Road  
Pontiac MI 48341-1032  
(248) 858-0557

**ORDER FOR INTERIM PAYMENT OF JUST COMPENSATION**

Due to the death of Jay Messer, the City of Troy's original appraiser for the Property, the City of Troy has updated its estimate of just compensation owing for the acquisition at issue in this case following simultaneous exchange of

appraisals. Based upon the appraisal report of Mary Jane Anderson, the City of Troy's subsequent appraiser, the City is increasing its offer of just compensation from \$1,030,000 to \$1,783,000. This Order requires payment of the difference, plus interest.

IT IS ORDERED:

1. Troy shall pay Defendants \$753,000 representing the increase of estimated just compensation from \$1,030,000 to \$1,783,000, without prejudice to Defendants' right to seek additional compensation of the acquisition described in the Declaration of Taking and Complaint. In addition, Troy shall pay interest from November 7, 2001, the date Defendants surrendered possession of the Property to Troy, through the date of actual payment, at the rate required by MCL 213.65.
2. Troy's increased estimate of just compensation plus interest shall be paid within 21 days after the entry of this Order.
3. This is **not a final order** and this case shall proceed in accordance with the Court's scheduling orders.

\_\_\_\_\_  
CIRCUIT COURT JUDGE

Approved for entry:

\_\_\_\_\_  
Susan M. Lancaster (P33168)  
Attorney for Plaintiff

\_\_\_\_\_  
David W. Berry (P25418)  
Attorney for Defendants  
Premlum Construction, LLC, Mathew's Farms,  
John Pavone and Mukesh Mangula

June 5, 2003

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager  
Gary A. Shripka, Assistant City Manager/Services  
Steven Vandette, City Engineer 

SUBJECT: Ground Water and Methane Gas Monitoring at Sanctuary Golf Course  
Contract Change Order with NTH Consultants

---

**BACKGROUND:**

NTH Consultant's final report on environmental conditions at the Fons & Northeast Landfills included a recommendation that groundwater sampling and testing be done to assess possible changes in groundwater quality or flow patterns after the golf course construction. This recommendation was included to address the School District's and Dr. Carl Freeman's concerns about impacts to the lake plain prairie located on the School's property south of the golf course. Now that the grading and drainage work at the golf course is nearing completion it is appropriate to begin this monitoring program.

The *Report on Environmental Conditions, Fons and Northeast Landfills* also indicated that a methane gas collection and management plan would likely be needed as part of the golf course design and post construction operation of the course. The scope of this work was indicated to possibly include methane detectors within the proposed clubhouse and associated structures. Also, monitoring of previously installed gas vents along the west side of the property and in other areas to confirm that subsurface gas is not migrating off-site is part of the post golf course construction management plan.

**RECOMMENDATION:**

It is recommended that City Council authorize execution of Change Order No. 1 (attached) in the amount of \$57,400 to our existing contract with NTH Consultants for environmental services. This change order includes ground water monitoring for a three year period, gas probe installation, methane measurements, data evaluation and memo preparation and wall mounted methane detectors for the clubhouse and service buildings. These items of work are recommended by NTH Consultants in their letter of May 7, 2003 (copy attached) and are necessary to confirm that the previously installed gas venting system is effective in preventing gas from migrating off site and to assess any changes in groundwater quality of flow patterns impacting the off-site lake prairie wetland south of the golf course.

The Honorable Mayor and City Council  
June 5, 2003  
Page 2 of 2

**BUDGET:**

Funds are available from bonds issued by the Building Authority for the construction of the golf course.

**THIRD ADDENDUM TO CONTRACT**

Owner: City of Troy  
500 West Big Beaver  
Troy, MI 48084

Name of Project: Environmental Services for Section 1 Golf Course Change Order No. 1

Contractor: NTH Consultants Date: June 16, 2003

Address: 38955 Hills Tech Drive Contract No. \_\_\_\_\_

Farmington Hills, MI 48331-3432 Project No. \_\_\_\_\_

This Addendum, When Approved, Will Constitute Agreement of the Following Items:

Description of Work	Unit	Estimated Quantities	Unit Price	Amount Increase	Amount Decrease
1. Gas Probe Installation	lsm	1	\$7,400	\$7,400	
2. Methane Measurements	lsm	1	\$4,200	\$4,200	
3. Data Evaluation and Memo Preparation	lsm	1	\$2,600	\$2,600	
4. Supply Wall Mounted Methane Detectors	lsm	1	\$4,800	\$4,800	
5. Conduct Groundwater Monitoring, Six Sampling Events	Ea.	6	\$6,400	\$38,400	
<b>Total</b>				\$57,400	
<b>Net Increase/Decrease</b>				\$57,400	

Change in Time of Completion: None to \_\_\_\_\_

Recommended by: \_\_\_\_\_ Date: \_\_\_\_\_

Accepted by: \_\_\_\_\_ By: \_\_\_\_\_ Date: \_\_\_\_\_  
 Contractor

Approved by: \_\_\_\_\_ By: \_\_\_\_\_ Date: \_\_\_\_\_  
 City of Troy



**NTH Consultants, Ltd.**

Infrastructure Engineering  
and Environmental Services

38955 Hills Tech Drive  
Farmington Hills, MI 48331  
248.553.6300  
248.324.5179 Fax

Mr. Neall Schroeder, P.E.  
Engineering Department  
City of Troy  
500 West Big Beaver  
Troy, Michigan 48084

May 7, 2003  
Prop. No. P-20030034-F  
Revised May 15, 2003

RE: Work Plan and Proposal for Landfill Gas and Groundwater Monitoring  
Troy Golf Development  
Troy, Michigan

Dear Mr. Schroeder:

With this letter, NTH Consultants, Ltd. (NTH) is requesting an amendment to our existing contract for environmental services. The amendment is to change our scope of services and contract amount to include landfill gas and groundwater monitoring at the Troy Golf Development. As we discussed during our meeting on February 25, 2003, a perimeter gas monitoring program is necessary to confirm that the gas venting system is effective in preventing landfill gas from migrating off site, particularly in areas of occupied structures.

Also, our *Report on Environmental Conditions, Fon & Northeast Landfills*, dated November 9, 2001, included recommendations regarding groundwater monitoring at the site. In particular, a groundwater sampling program should be conducted to confirm the findings presented in the report and to assess possible changes in groundwater quality or flow patterns after the golf course is constructed. These recommendations were developed in part to address Dr. Carl Freeman's concerns relative to impacts to the lake prairie wetland south of the golf course.

Our proposal includes installing several gas monitoring points, located primarily along the property boundaries, implementing a gas monitoring program for the possible presence of methane, and conducting the recommended groundwater sampling and analysis. This proposal also includes supplying a number of wall-mounted methane gas monitors for occupied structures at the property. As we discussed at our February 25 meeting, methane gas, if present, could accumulate in on-site structures and could be a health and safety risk. Monitors with audible alarms would provide warning in the event of methane accumulation.

The following sections presents our proposed scope of work, installation and monitoring procedures, anticipated schedule, and estimated fees for completing the work.

### SCOPE OF WORK

To provide additional monitoring for potential landfill gas and groundwater quality changes, we propose to complete the following tasks.

**RECEIVED**

MAY 16 2003



Mr. Neal Schroeder  
May 15, 2003

- We plan to install approximately twelve (12) gas monitoring probes along the property boundary or outside the waste limits to confirm that subsurface gas is not migrating off-site. The proposed locations of these probes are presented on the attached Plate 1, Proposed Gas Probe Location Plan. We will obtain preliminary methane measurements from the boreholes during drilling. Based on these field measurements, additional locations may be investigated to delineate the extent of subsurface gas occurrence. Prior to installation, we will confer with City of Troy Engineering staff regarding the need for and locations of any additional probes.
- The gas probes will be capped to allow any landfill gases to accumulate, and we will then monitor for the presence of methane twice weekly for two weeks. After the two-week period, we will meet with you to discuss results of the monitoring. We anticipate that monitoring will then continue on a bi-weekly basis for three months and monthly thereafter for nine months. Depending upon evaluation of the results of the monitoring program, the frequency of monitoring may be adjusted.
- At the end of the 9-month monitoring period, we will present our findings from the gas monitoring program to the City of Troy in a brief summary memorandum, which will include our results and interpretations along with recommendations for any additional monitoring or modifications to the gas venting system, if necessary. The probe locations will also be depicted on an appropriate site plan included with the memorandum.
- We will provide seven (7) single-point, stand alone methane gas monitors, Model PS 2 manufactured by RKI Instruments, Inc. (three for the clubhouse, two for the maintenance buildings, and two for the golf cart storage building). We note that any future structure on-site should have its own gas monitors. The gas monitors include audible and visual alarms and operate on standard 115 VAC input voltage. The gas sensor of the unit is located on the end of a 30-foot cable that will allow the sensor to be placed in unobtrusive locations in suspended ceilings (methane is lighter than air and will tend to rise). We understand that either City of Troy staff, or an outside contractor retained by the City of Troy, will install the monitors. Alternately, if desired by the City of Troy, NTH can retain a qualified subcontractor to install, calibrate, and program the units. Fees presented in this proposal do not include installation, calibration or programming of the gas monitors.
- We will collect groundwater samples in accordance with the proposed monitoring program as recommended in our report of November 9, 2001. Specifically, we will obtain samples from selected existing monitoring wells located along the south property boundary (i.e., MW-1 through MW-4, MW-10, MW-13, and MW-14). The wells will be sampled semi-annually for the next three years. During each sampling event, we will also measure static water levels in each of the wells that are sampled, along with several additional monitoring wells at the site to confirm the groundwater flow direction.



- We will submit the groundwater samples to an analytical laboratory for chemical testing. The proposed analytical parameters are presented on Table 1, Groundwater Sampling Parameters. The table also defines the analytical methods to be used and the method detection limits to be attained.
- We will present our findings from each groundwater sampling event in a brief letter report to the City of Troy. Each report will include an updated groundwater contour map, a tabulation of the analytical results, and a comparison to the appropriate generic Part 201 groundwater criteria.

## **FIELD PROCEDURES**

This section presents the proposed procedures to be used during installation and monitoring of the additional gas probes and collection and analysis of the groundwater samples.

### **Gas Probe Installation**

To confirm that landfill gas is not present at the property limits, approximately 12 gas monitoring probes will be installed, as shown on Plate 1. These locations are proposed, and will be discussed and confirmed with City of Troy engineering staff prior to the installation. Also, as is our standard practice, we will obtain utility clearance from MISS DIG prior to drilling.

Each of the gas monitoring probes will be installed at a depth just above the encountered groundwater level using GeoProbe® drilling techniques. The GeoProbe® will be driven to the water table or a maximum depth of 20 feet below ground surface. We propose to collect and observe soil samples at each location and prepare a soil boring log based on field observation and classification of the samples. However, we do not plan to retain any samples for chemical analysis or physical testing.

Approximately 1 foot of coarse sand will be placed at the base of the borehole. After retracting the drive point from the drilling apparatus, a gas probe assembly consisting of 1-inch diameter Schedule 40 PVC riser, fitted with a 0.010-inch slot PVC screen will then be inserted through the casing and placed on top of the sand pack. The length of the screen will vary according to site conditions, but each screen will extend to within approximately 5 feet below ground surface. As the casing is retracted, additional sand will be added to the annulus around the screen, up to approximately 1 foot above the top-of-screen. The remaining space will then be filled with hydrated bentonite "hole-plug." The probes will be completed at the surface in a manner agreeable to City of Troy staff (e.g., above-ground or flush-mounted).

Each probe will be fitted with an airtight PVC cap into which we will install a ball valve and a barbed hose fitting. The gas measurement techniques using these valves are described below.



Mr. Neal Schroeder  
May 15, 2003

## **Methane Measurements**

During drilling, we will obtain methane gas readings at several depth intervals in the boreholes as drilling progresses. These readings will be taken with a "tri-gas" meter fitted with a length of flexible tubing that will be inserted into the borehole. The meter provides measurements of methane as a percentage of the Lower Explosive Limit (LEL), and is typically calibrated to methane. The tri-gas meter also provides measurements of oxygen content (percent) and hydrogen sulfide in parts per million (ppm).

After the probes are in place, we will measure methane concentrations in the new probes and existing monitoring wells that are screened across the water table twice weekly for two weeks. We will attempt to obtain the readings at times representing different barometric conditions, which can significantly affect subsurface gas measurements. The measurements will be taken using an explosive gas meter with an infra-red sensor. This type of meter is capable of measuring the actual methane content (i.e., volume percent) in the monitored atmosphere. After evaluation of these initial measurements, we will meet with you to discuss the results. Staff of the City of Troy will be trained during this period so that future readings will be collected on a monthly basis by the City. The data collected by the City of Troy staff will be submitted to NTH for review and evaluation.

The gas measurements will be obtained using a standardized procedure that we have developed to reduce the effects of gas density stratification within the probes. This procedure involves purging approximately one volume of gas from each probe using a vacuum pump, then closing the valve and allowing subsurface gas to accumulate within the probe for one minute. The gas meter is then connected to the probe using rubber tubing attached to the barbed fitting, the valve is opened, and a sample of gas is pumped into the meter's detection port using a hand aspirator bulb. The peak and stabilized percent methane readings will be recorded.

For the existing monitoring well/gas detection points in the landfill area, our field personnel will obtain the gas measurements by removing the cap from the well and inserting approximately a 2-foot length of rubber tubing, which is connected to the gas meter. Using a hand aspirator bulb, a sample of the gas that has accumulated within the headspace of the probe will be pumped into the meter's detection port, and the peak and stabilized percent methane reading will be recorded.

## **Groundwater Sampling & Analysis**

As recommended in the *NTH Report on Environmental Conditions, Fon & Northeast Landfills*, dated November 9, 2001, the groundwater monitoring program will consist of two semi-annual events. These sampling events will be conducted during the Second and Fourth Quarters of each year, for the next three years (i.e., 2003 through 2005). During each sampling event, we will collect groundwater samples from seven (7) of the existing monitoring wells



located along the south property boundary (MW-1 through MW-4, MW-10, MW-13, and MW-14).

The locations of the monitoring wells are presented on Plate 1. Prior to collecting the groundwater samples, static water level measurements will be recorded at each well using a water level indicator, accurate to 0.01 foot. In addition to the wells to be sampled, we will also measure static water levels in each of the other existing monitoring wells at the site to confirm the groundwater flow direction.

After determining the static water level, the monitoring wells will be purged of at least 3 well volumes or until the groundwater appears relatively clear and free of suspended sediment. During purging, our field personnel will measure pH, temperature, and specific conductance of the purged groundwater to ensure that these measurements were relatively stable prior to sampling. The monitoring wells will be purged and sampled using either disposable plastic bailers or a peristaltic pump.

The samples will be placed in laboratory-prepared containers along with the proper preservatives, stored in iced coolers, and delivered to the analytical laboratory within 24 hours after collection following standard chain-of-custody protocol. Samples collected for dissolved metals analysis were field-filtered using a 0.45-micron membrane filter.

The groundwater samples will be analyzed for various indicator parameters including, the ten Michigan metals (dissolved), volatile organic compounds (VOCs), ammonia-nitrogen, iron (dissolved), phenols, and cyanide. The proposed analytical parameters are presented on Table 1, Groundwater Sampling Parameters. The table also defines the analytical methods to be used and the method detection limits to be attained.

To provide assurance that the laboratory and field data are reliable, we will collect and analyze a number of quality assurance (QA) samples. Specifically, during each sampling event, we will collect one field blank and one field duplicate sample. These samples will be analyzed for the same parameters as the groundwater samples.

## **WORK SCHEDULE**

Upon approval of this proposal, we estimate that the gas probes will be installed within approximately two weeks. We will then begin the gas monitoring program as previously described. The summary memorandum will be completed when sufficient data is obtained to develop our recommendations. We anticipate this will be approximately 3 months after installation of the gas probes. After the first two weeks of gas monitoring, we will meet with you and discuss interim results of our monitoring program.



As described above, the groundwater monitoring events will be conducted during the Second and Fourth Quarters for the next three years. Thus, the initial groundwater monitoring event will be conducted during the Second Quarter 2003. We will prepare a brief letter report presenting the analytical results and an updated groundwater contour map within 30 days following the end of each quarter in which groundwater sampling is conducted.

<b>TABLE 1</b> <b>GROUNDWATER SAMPLING PARAMETERS</b> City of Troy - Golf Course Development		
CONSTITUENT	Test Method	Target Detection Limit [ug/L]
<b>Field Measurements:</b>		
Static Water Elevation	Field	N/A
pH	Field	N/A
Specific Conductivity	Field	N/A
Temperature	Field	N/A
<b>Analytical Parameters:</b>		
Iron	6010A	20
Nitrogen, Ammonia	305.1	10
Phenolics	9066	10
Cyanide	9010A	5
Arsenic (As)	7060A	1
Barium (Ba)	6010A	5
Cadmium (Cd)	7131A (6010A)*	0.2
Chromium (Cr)	7131A (6010A)*	2
Copper (Cu)	7211 6010A*	2
Lead (Pb)	7421 (6010A)*	1
Mercury (Hg)		0.2
Selenium (Se)	7740	2
Silver (Ag)	7761	0.5
Zinc (Zn)	6010A (7950)*	4
Volatile Organic Compounds (VOCs)	8260	See Operational Memo 115-14
<b>NOTES:</b> 1. The detection limits in this table correspond to the target detection limits listed in Operational Memorandum 115-14 by the MDEQ Waste Management Division, dated November 19, 1999. 2. ug/L = micrograms per liter		



Mr. Neal Schroeder  
May 15, 2003

## PROPOSED PROJECT BUDGET

The proposed budget for the additional landfill gas investigation and groundwater monitoring, based on the scope of work described in this letter, is presented below. The work will be performed in accordance with the provisions of our current contract between NTH Consultants, Ltd., and the City of Troy. A fee schedule is included in the contract.

<u>Task Description</u>	<u>Proposed Budget</u>
1. Gas Probe Installation	\$ 7,400
2. Methane Measurements	\$4,200
3. Data Evaluation and Memo Preparation	\$ 2,600
4. Supply Wall Mounted Methane Detectors	\$ 4,800
5. Conduct Groundwater Monitoring – Six Sampling Events @ \$6,400 each	<u>\$38,400</u>
<b>TOTAL</b>	<b>\$57,400</b>

We trust this work plan meets your needs at this time. We appreciate the opportunity to be of continued service to the City of Troy. Should you have any questions or need additional information, please feel free to contact us.

Sincerely,

NTH Consultants, Ltd.

James J. Parsons, P.E.  
Project Manager

Richard L. Burns  
Vice President

JJP/ISA/pb

Attachment

**NTH Consultants, Ltd.**  
PROJECT FEE ESTIMATING SHEET

Client Name: City of Troy  
Project Description: Troy Golf Course Development  
Prepared By: A. ERICKSON

Work Package Designation:  
Project/Proposal Name:  
Date:

Troy - Monitoring  
Groundwater Monitoring  
5/8/2003

Detailed List of Steps or Tasks Required To Complete This Project	ESTIMATED LABOR HOURS									Total Hours	Estimated Expenses	Estimated Subcontractor Fees	Fee Estimate	
	Initials of Team Members, Employee Classifications, and Fee Rates													
	RLB	ISA/JP	ACE		STP		DR	TAT						
	SrPC	PC	SrPJ	PJ	SrSF	Sr. T	CADD	T2	WP					
	\$160	\$135	\$115	\$95	\$80	\$75	\$75	\$48	\$44					
<b>TASK 1 - GROUNDWATER SAMPLING</b>														
1a. NTH Scheduling and Project Management	0.5		4		4					8.5	\$0	\$0	\$860	
1b. Field Sampling					10					10	\$0	\$0	\$800	
1c. Travel					2					2	\$0	\$0	\$160	
1d. Expenses (mileage, bailers, filters, H&S)											\$200	\$0	\$200	
<b>TASK 1 SUBTOTAL</b>													<b>\$2,020</b>	
<b>TASK 2 - ANALYTICAL TESTING</b>														
2a. Groundwater Samples (7 @ \$277)										0	\$0	\$1,939	\$2,230	
2b. QA Samples (1 Field Blank + 1 Duplicate)										0	\$0	\$554	\$637	
<b>TASK 2 SUBTOTAL</b>													<b>\$2,867</b>	
<b>TASK 3 - DATA EVALUATION &amp; REPORT</b>														
3a. Develop New Groundwater Contour Map					2		1			3	\$0	\$0	\$235	
3b. Tabulate Analytical Results					0.5			2		2.5	\$0	\$0	\$136	
3c. Prepare Letter Report of Results	1		4		4				2	11	\$25	\$0	\$1,053	
<b>TASK 3 SUBTOTAL</b>													<b>\$1,424</b>	
<b>TOTAL COST PER SAMPLING EVENT</b>													<b>\$6,311</b>	
<b>TOTAL HOURS PER TEAM MEMBER</b>	1.5	0	8	0	22.5	0	1	2	2					
										<b>TOTALS</b>	<b>37</b>	<b>\$225</b>	<b>\$2,493</b>	<b>\$37,866</b>

**TOTAL ESTIMATED FEE  
FOR 6 SAMPLING EVENTS**

**NTH Consultants, Ltd.**  
PROJECT FEE ESTIMATING SHEET

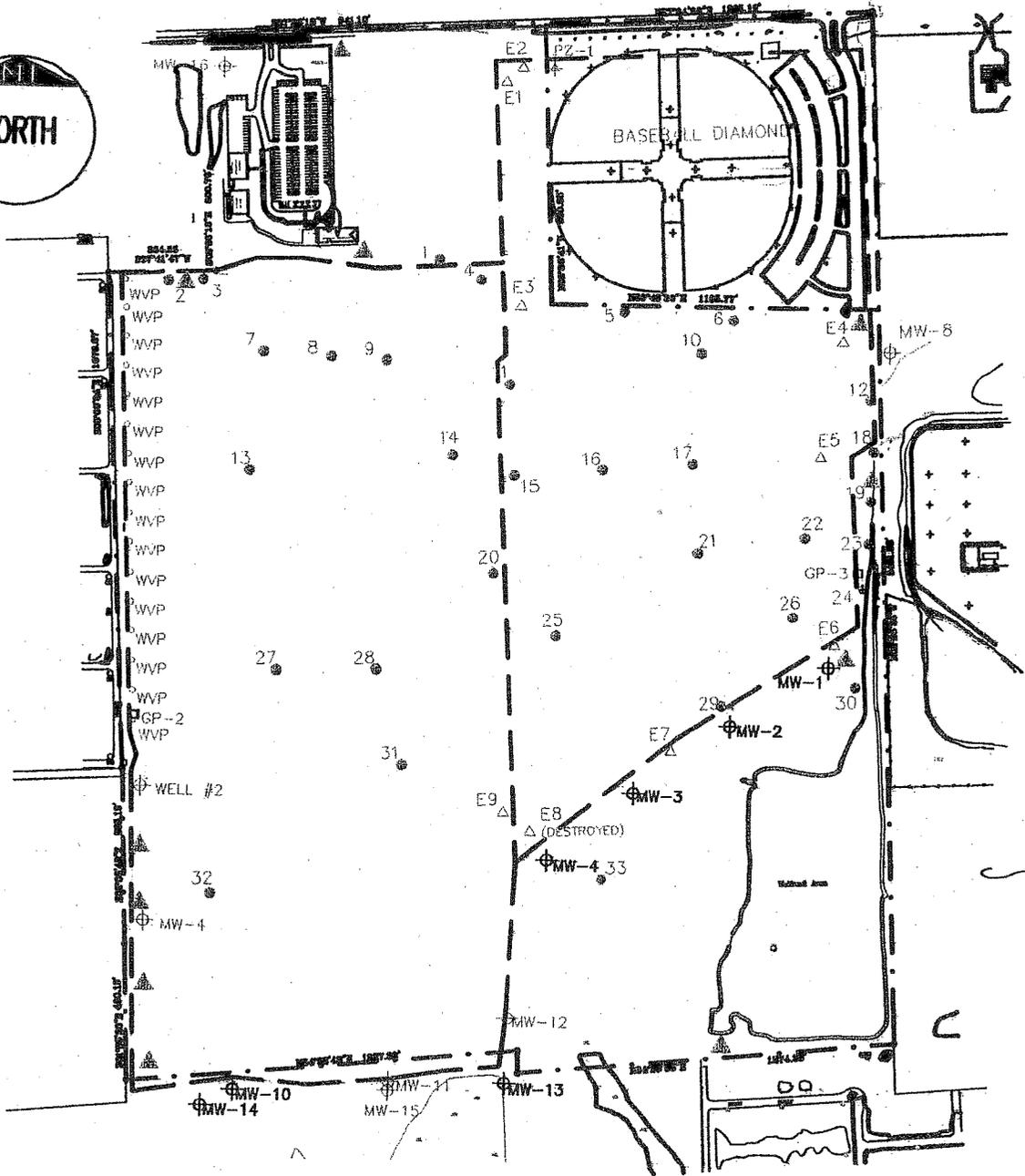
Client Name: City of Troy  
Project Description: Troy Golf Course Development  
Prepared By: J. PARSONS

Work Package Designation:  
Project/Proposal Name:  
Date:

Landfill Gas Monitoring  
2/26/2003, Revised 5/12/03

Detailed List of Steps or Tasks Required To Complete This Project	ESTIMATED LABOR HOURS										Estimated Expenses	Estimated Subcontractor Fees	Fee Estimate	
	Initials of Team Members, Employee Classifications, and Fee Rates													
	REB	ISA/IP				STP	DR	TAT		Total Hours				
	SrPC	PC	SrPJ	PJ	SrSF	Sr. T	CADD	T2	WF					
	\$160	\$135	\$115	\$95	\$80	\$75	\$75	\$48	\$44					
<b>TASK 1 - GAS PROBE INSTALLATION</b>														
1a. NTH Coordination and Scheduling		4				2				6	\$0	\$0	\$690	
1b. Drilling Subcontractor (Assume 2 days)										0	\$0	\$3,016	\$3,468	
1c. NTH Field Inspection (Drilling)						20				20	\$150	\$0	\$1,650	
1d. Boring Logs and Field Documentation		3				2		4		9	\$0	\$0	\$747	
1f. Project Management During Field Work	0.5	5								5.5	\$0	\$0	\$755	
1g. Expenses (mileage, tri-gas, etc.)											\$110		\$110	
1h. Meeting and Scope Development		7												
<b>TASK 1 SUBTOTAL</b>													\$7,420	
<b>TASK 2 - METHANE MEASUREMENTS</b>														
2a. Fabricate Probe Caps								4		4	\$200	\$0	\$392	
2b. Gas Surveys (Assume 4 events)								30		30	\$300	\$0	\$1,740	
2c. Project Management and two Meetings		15								15	\$0	\$0	\$2,025	
<b>TASK 2 SUBTOTAL</b>													\$4,157	
<b>TASK 3 - DATA EVALUATION AND MEMO</b>														
3a. Compile and Evaluate Soil Data and Gas Readings	1	6				2				9	\$25	\$0	\$1,145	
3b. Prepare Summary Memo of Results	1	6				4	2		2	15	\$0	\$0	\$1,508	
<b>TASK 3 SUBTOTAL</b>													\$2,653	
<b>TASK 4 - SUPPLY WALL MOUNTED MONITORS</b>														
4a. RKI Model PS2 Monitors						4					\$4,306		\$4,606	
4b. Calibration Kit (good for all Monitors)											\$218		\$218	
<b>TASK 4 SUBTOTAL</b>													\$4,824	
<b>TOTAL HOURS PER TEAM MEMBER</b>	2.5	46	0	0	0	34	2	38	2					
<b>TOTALS</b>										113.5	\$5,309	\$3,016	\$19,054	

**TOTAL ESTIMATED FEE  
LABOR, FIXED, AND SUBCONTRACTOR**



**LEGEND**

- LANDFILL LIMIT
- PROPERTY LINE
- EXISTING HDPE GAS VENT LOCATION
- EXISTING STEEL GAS VENT
- EXISTING PVC GAS VENT
- GP-2 EXISTING GAS PROBE
- EXISTING GAS DETECTION CHAMBER
- PZ-1 EXISTING PIEZOMETER
- MW-8 EXISTING MONITORING WELL
- PROPOSED NEW GAS PROBE

PROJECT NO.  
13-030213-00

SCALE:  
1"=600'

DRAWN BY:  
JD

CHECKED BY:

LOCATION:  
TROY GOLF DEVELOPMENT  
TROY, MICHIGAN

TITLE:  
**PROPOSED GAS PROBE  
LOCATION PLAN**

DATE:  
02-27-03

SHEET  
1 OF 1

PLATE NO:  
**1**



**NTH Consultants, Ltd.**  
Professional Engineering & Environmental Services  
Farmington Hills • Detroit • Exton • Grand Rapids • Lansing

05-13-03

June 10, 2003

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager  
Gary Shripka, Assistant City Manager/Services  
Steve Vandette, City Engineer  
Mark F. Miller, Planning Director

SUBJECT: FINAL SITE CONDOMINIUM REVIEW – Colleen Meadows Site Condominium, west of Dequindre Road and south of Square Lake Road, section 12 – R-1C.

### RECOMMENDATION

City Council granted Preliminary Plan Approval on December 2, 2002. The Engineering Department granted approval of the engineering plans based upon the City's Development Standards; therefore, the development will not cause or exacerbate drainage problems on contiguous properties, due to surface run-off from the proposed development. In addition, the petitioner executed a contract for installation of municipal improvements and provided the required escrow deposits and cash fees. The proposed site condominium complies with all applicable ordinance requirements. City Management recommends approval of the Final Plan for Colleen Meadows Site Condominium.

### GENERAL INFORMATION

Name of Owner / Applicant:  
Golden Homes, Inc.

Location of subject property:  
The property is located west of Dequindre Road and south of Square Lake Road, section 12.

Size of subject parcel:  
The parcel is approximately 7.5 acres in size.

Description of proposed development, including number and density of units:  
The applicant is proposing a total of 20 detached single family condominiums on 7.5 acres, a density of 2.7 units per acre.

Current use of subject property:  
The property is presently vacant.

Current use of adjacent parcels:

North: Single family residential.

South: Single family residential.

East: Korean United Methodist Church and single family residential.

West: Single family residential.

Current zoning classification:

The property is currently zoned R-1C One Family Residential.

Zoning classification of adjacent parcels:

North: R-1C One Family Residential.

South: R-1C One Family Residential.

East: R-1C One Family Residential.

West: R-1C One Family Residential.

Future Land Use Designation:

The property is designated on the Future Land Use Plan as Low Density Residential.

ANALYSIS

Compliance with area and bulk requirements:

Lot Area: 10,500 square feet. The applicant has utilized the Lot Averaging Option, which permits the reduction of lot area to 9,450 square feet for interior lots.

Lot Width: 85 feet (76.5 feet for interior lots using Lot Averaging).

Height: 2 stories or 25 feet.

Setbacks: Front: 30 feet.  
Side (least one): 10 feet.  
Side (total two): 20 feet.  
Rear: 40 feet.

Minimum Floor Area: 1,200 square feet.

Maximum Lot Coverage: 30%.

The applicant meets these requirements.

Off-street parking and loading requirements:

The applicant will be required to provide 2 off-street parking spaces per unit.

Environmental provisions, including Tree Preservation Plan:

A Tree Survey and Final Tree Preservation Plan were submitted as part of the application.

Stormwater detention

The applicant is proposing to develop a retention pond in the southeast corner of the property. The pond is proposed to have a 1:6 slope, which is consistent with Troy engineering standards. The applicant is proposing to install a 6-foot high fence on the north, west and east sides of the retention pond, which is not required by these standards.

Natural features and floodplains:

The Natural Features Map indicates that there are no significant natural features located on the property. The applicant has provided a wetland delineation report that indicates there are two unregulated wetlands located on the property. The report was prepared by Brooks Williamson and Associates, Inc. in October, 2002.

Subdivision Control Ordinance, Article IV Design Standards

Blocks: Access to the site condominium will be provided by the extension of a stub streets, Colleen Avenue. The applicant intends to extend Colleen Avenue to the north and stub it at the northern property line with a temporary turn-around. The Ruby Avenue right of way will be extended from the existing stub street; however, this will be utilized for emergency vehicle and pedestrian access only.

Lots: The applicant is utilizing the Subdivision Lot Averaging Option (Section 34.20.00), which allows the reduction of lot area and lot width.

Easements: The petitioner dedicated the necessary easements, as determined during the engineering review process.

Topographic Conditions:

The parcel is relatively flat, with a small pond in the northeast corner of the parcel.

Streets:

The applicant is proposing to extend one existing stub street, Colleen Avenue to the south. Ruby Avenue, a stub street to the west, will be extended, for the exclusive purpose of emergency vehicle and pedestrian

access. Both stub streets currently end at the property line and are stubbed by guardrails. The applicant proposes construction access from Square Lake Road to the temporary turn around.

Sidewalks:

The applicant is proposing a 5 feet wide concrete public walk on both sides of Colleen Avenue and a 12 feet wide emergency vehicle/pedestrian access within Ruby Avenue.

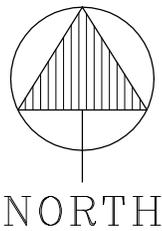
Utilities: The applicant indicates a retention pond in the southeast corner of the property.

cc: Applicant  
File/Colleen Site Condominium  
Planners (4)

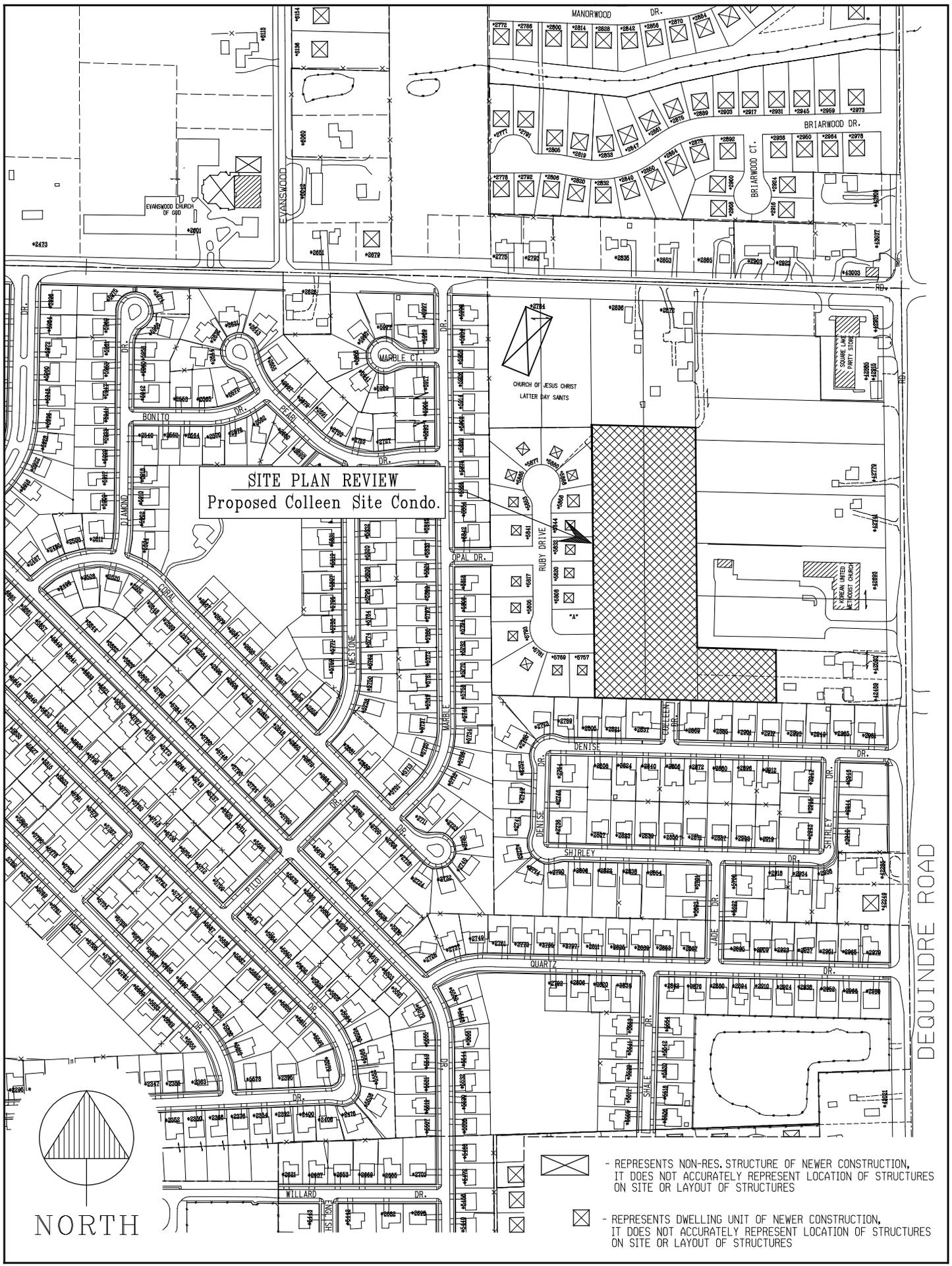
# CITY OF TROY



**SITE PLAN REVIEW**  
Proposed Colleen Site Condo.



-  - REPRESENTS NON-RES. STRUCTURE OF NEWER CONSTRUCTION, IT DOES NOT ACCURATELY REPRESENT LOCATION OF STRUCTURES ON SITE OR LAYOUT OF STRUCTURES
-  - REPRESENTS DWELLING UNIT OF NEWER CONSTRUCTION, IT DOES NOT ACCURATELY REPRESENT LOCATION OF STRUCTURES ON SITE OR LAYOUT OF STRUCTURES





Attch 1-6  
5-12-2003

**CONTRACT FOR INSTALLATION OF MUNICIPAL IMPROVEMENTS  
(PRIVATE AGREEMENT)**

PROJECT NO. 02.943.3

PROJECT LOCATION: NE 1/4 SECTION 12

RESOLUTION NO. 2003-05-264E-6

DATE OF COUNCIL APPROVAL: 5/12/2003

**KNOW ALL MEN BY THESE PRESENT;** That the City of Troy, a Michigan Municipal Corporation of the County of Oakland, State of Michigan, hereinafter referred to as "City" and Golden Homes, Inc. whose address is 5108 23 Mile Rd., Shelby Twp. MI 48316 and whose telephone number is 586-726-2677 hereinafter referred to as "Owners".

**WITNESSETH, FIRST:** That the City agrees to allow the installation of water main, storm sewer, detention, sanitary sewer, sidewalks and paving in accordance with plans prepared by Land Engineering Services, Inc. whose address is 2201 12 Mile Road, Warren, MI 48092 and whose telephone number is (810) 582-9800, and approved prior to construction by the City Specifications of the City shall be complied with for this construction.

**SECOND:** That the Owners agree to contribute the approximate contract price of **\$518,118.00**. This amount will be transmitted to the City Clerk for installation of said improvements in the form of (check one):

- Cash
- Certificate of Deposit
- Irrevocable Bank Letter of Credit
- Check

Said funds shall be placed on deposit with the City upon the execution of this contract and shall be disbursed to the contractor by the City only upon presentation of duly executed waivers of lien and sworn statements satisfactory to the City, and after final inspection and approval by the Engineering Department for the City. In addition, the owners agree to contribute **\$77,209.00** cash fee & deposit per the attached **Detailed Summary of Required Escrow Deposits and Cash Fees & Deposits.**

**RECEIVED**

MAY 14 2003

**ENGINEERING**

**CONTRACT FOR INSTALLATION OF MUNICIPAL IMPROVEMENTS  
(PRIVATE AGREEMENT)**

PROJECT NO. 02.943.3

PROJECT LOCATION: NE ¼ SECTION 12

COUNCIL RESOLUTION NO.

DATE OF COUNCIL APPROVAL:

**THIRD:** The owners may contract for construction of said improvement or may have the City advertise for bids. In the even the Owners select their own contractor, such contractor shall be subject to prior written approval by the City and completed contract documents shall be submitted to the City.

Owners agree to arrange for a pre-construction meeting with the City Engineer and the contractor prior to start of work. All municipal improvements must be completely staked in the field under the direct supervision of a registered civil engineer or registered land surveyor, according to the approved plans.

**FOURTH:** Owners hereby acknowledge the benefit to their property conferred by the construction of the aforementioned and agree and consent to pay the total sum of \$561,492.00 for the construction of said public utilities in lieu of the establishments of any special district by the City. Further, owners acknowledge that the benefit to their property conferred by the improvement is equal to, or in excess of, the aforementioned amount.

**FIFTH:** Owners agree that if, for any reason, the total cost of completion of such improvement shall exceed the sum deposited with the City in accordance with Paragraph SECOND hereof, that Owners will immediately remit such additional amount to the City upon request and City will disburse such additional amount in accordance with Paragraph SECOND hereof. In the event the total cost of completion shall be less than the sum deposited with City in accordance with Paragraph SECOND hereof, City will reimburse to the Owners the excess funds remaining after disbursement of funds.

**SIXTH:** Owners agree to indemnify and save harmless City, their agents and employees, from and against all loss or expense (including costs and attorneys' fees) by reason of liability imposed by law upon the City, its agents and employees for damages because of bodily injury, including death, at any time resulting therefrom sustained by any person or persons or on account of damage to property, including work, provided such injury to persons or damage to property is due or claimed to be due to negligence of the Owner, his contractor, or subcontractors, employees or agents, Owner further agrees to obtain and convey to the City all necessary easements for such public utilities as required by the City Engineer.

CONTRACT FOR INSTALLATION OF MUNICIPAL IMPROVEMENTS  
(PRIVATE AGREEMENT)

PROJECT NO. 02.943.3

PROJECT LOCATION: NE 1/4 SECTION 12

COUNCIL RESOLUTION NO. \_\_\_\_\_

DATE OF COUNCIL APPROVAL: \_\_\_\_\_

IN WITNESS WHEREOF, the parties hereto have caused this agreement to be executed in duplicate on this \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_\_\_\_.

OWNERS

By: [Signature]

CITY OF TROY

By:

Salvatore D. Mercurio

Please Print or Type

[Signature]  
Matt Pryor, Mayor

\_\_\_\_\_  
Please Print or Type

[Signature]  
Tonni Bartholomew, City Clerk

STATE OF MICHIGAN, COUNTY OF OAKLAND

On this 29th day of April, A.D. 2003, before me personally appeared Salvatore D. Mercurio known by me to be the same person(s) who executed this instrument and who acknowledged this to be his/her/their free act and deed.

Laurel Nottage

NOTARY PUBLIC, Oakland County Michigan

My commission expires: 10-12-04

Detailed Summary of Required Escrow Deposits Cash Fees & Deposits  
 Colleen Meadows Site Condominiums - Project No. 02.943.3  
 20 Units - Section 12

**ESCROW DEPOSITS**

Sanitary Sewers	\$81,670
Water Mains	\$51,105
Storm Sewers	\$100,735
Rear Yard Drains	\$34,497
Pavement - CONCRETE (incl. Temp. Turnaround)	\$147,090
Grading	\$48,000
Detention Basin	\$11,166
Soil Erosion Control Measures	\$5,130
Monuments and Lot Corner Irons	\$775
Temporary Access Road	\$20,400
Sidewalks - ON SITE	\$1,650
Sidewalks - OFF SITE	\$3,900
Deposit for the Repair of Damage to Existing Public Streets Used for Access	\$12,000
<b>TOTAL ESCROW DEPOSITS (REFUNDABLE):</b>	<b>\$518,118</b>

**CASH FEES (NON-REFUNDABLE):**

Water Main Testing and Chlorination	\$679
Street Name and Traffic Signs	\$493
Maintenance of Detention Basin	\$7,458
Soil Erosion and Sedimentation Control Permits	\$1,118
Testing Services	\$7,772
Engineering Review and Inspection	\$25,854
<b>TOTAL CASH FEES (NON-REFUNDABLE):</b>	<b>\$43,374</b>

**CASH DEPOSITS (REFUNDABLE):**

Detention Basin Access Drive & Split Rail Fence; Emergency Access Drive	\$9,250
Deposit for Maintenance & Cleaning of Ex. Public Streets Used for Access	\$4,000
Landscape Deposit	\$4,998
Punchlist & Restoration Deposit	\$15,587
<b>TOTAL CASH DEPOSITS (REFUNDABLE):</b>	<b>\$33,835</b>

Stormwater detention for this development will be provided by:  
 a new detention basin on site

Engineer: Land Engineering Services, Inc.  
 Developer: Golden Homes

## UNPLATTED RESIDENTIAL DEVELOPMENT LEVELS OF APPROVAL

### Preliminary Plan Approval

A sign is placed on the property informing the public of the proposed development.

Adjacent property owners are notified by mail

Public meeting held by **Planning Commission** for review and recommendation to City Council  
**City Council** reviews and approvals plan

The following items are addressed at Preliminary Plan Approval:

- Street Pattern, including potential stub streets for future development
- Potential development pattern for adjacent properties
- Fully dimensioned residential parcel layout, including proposed building configurations
  - Number of lots
  - Building setbacks
  - Lot dimensions
  - Locations of easements
- Preliminary sanitary sewer, storm sewer, and water main layout
- Environmental Impact Statement (if required)
- Location(s) of wetlands on the property

### Final Plan Approval

Notice sign is posted on site

**City Council** review and approval of:

- Final Plan
- Contract for Installation of Municipal Improvements (Private Agreement)

The following items are addressed at Final Plan Approval:

- Fully dimensioned plans of the total property proposed for development, prepared by registered Civil Engineer or Land Surveyor
- Corners of all proposed residential parcels and other points as necessary to determine that the potential parcels and building configurations will conform with ordinance requirements
- Warranty Deeds and Easement documents, in recordable form for all ROW. and easements which are to be conveyed to the public
- Construction plans for all utilities and street improvements, prepared in accordance with City Engineering Design Standards:
  - Sanitary and Storm sewer
  - Water mains
  - Detention / Retention basins
  - Grading and rear yard drainage
  - Paving and widening lanes
  - Sidewalk and driveway approaches
- Approval from other government agencies involved with the development
- Verification of wetlands and M.D.E.Q. permit if necessary
- Financial guarantees to insure the construction of required improvements and the placement of proper property and parcel monuments and markers shall be furnished by the petitioner prior to submittal of the Final Plan to the City Council for review and approval
- Floor Plans and Elevations of the proposed residential units

## **COMPARISON BETWEEN SITE CONDOMINIUMS AND PLATS**

The site condominium is a form of development that closely resembles the more traditional form of land subdivision known as a “subdivision” or a “plat”. Although both types of development have the same basic characteristics, site condominiums are a newer form of development and are not, therefore, as familiar to homebuyers and neighbors as the more customary plats. An important concept related to any type of condominium development is that condominiums are a form of OWNERSHIP, not a type of physical development.

The following summary is intended to compare and contrast the two types of development.

1. **Comparisons between site condominiums and plats.**
  - a. **Statutory Basis** – Site condominium subdivisions first became possible under the Michigan Condominium Act, which was adopted by the Michigan Legislature in 1978. Plats are created under the Michigan Land Division Act, formerly the Michigan Subdivision Control Act of 1967.
  - b. **Nature and Extent of Property Ownership** – An individual homesite building in a platted subdivision is called a “lot”. In a site condominium, each separate building site or homesite is referred to by the Condominium Act as a “unit”. Each unit is surrounded by “limited common area”, which is defined as common elements reserved in the master deed for the exclusive use of less than all of the co-owners”. The remaining area in the site condominium is “general common area”, defined as the common elements reserved in the master deed for the use of all of the co-owners. The nature and extent of ownership of a platted lot and a condominium unit, with the associated limited common area, are essentially equivalent from both a practical and legal standpoint.
  - c. **Compliance with Zoning Ordinance** – Both site condominiums and subdivisions are required to comply with the minimum requirements of the City of Troy Zoning Ordinance for area and bulk, including minimum lot size, lot width, setbacks and building height. Essentially, site condominiums and subdivisions in Troy must “look” similar.
  - d. **Creation/Legal Document** – A site condominium is established by recording in the records of the county in which the land is located a master deed, bylaws and condominium subdivision plan (“plan”). A platted subdivision is created by the recording of a subdivision plat (“plat”), usually coupled with a declaration of easements, covenants, conditions and restrictions. The plan depicts the condominium units and limited and general common areas, while the plat defines the lots. Both have

substantially the same geometrical appearance and characteristics. The master deed and bylaws on the one hand and the declaration on the other have essentially the same functions with respect to the site condominium or platted subdivision, namely, establishment of: (i) building and use restrictions; (ii) rights of homeowners to use common areas; (iii) financial obligations of owners; and, (iv) procedures for operation of the subdivision.

- e. **Home Maintenance and Real Estate Taxes** – Each unit and lot, as respectively depicted on a condominium plan or subdivision plat, together with any home located thereon, are required to be individually maintained by the owner. Likewise, separate real estate taxes are assessed on each condominium unit or platted lot and paid individually by each homeowner.
- f. **Roads and Utilities** – In most plats, roads are dedicated to the public and maintained by the county road commission or the municipality in which the subdivision is located. Site condominium roads can be either public or private. Sanitary sewer and water supply are public in both. Storm water detention can vary between public and private dedication in both platted and condominium subdivisions.
- g. **Common Areas** – In a site condominium, general common areas, such as open space, entrance areas and storm drainage system, are owned by condominium unit owners in common as an incident of ownership of each unit. In a platted subdivision, legal title to common areas is owned by a homeowners association. In both forms of development, a homeowners association administers the common areas for the benefit of all homeowners equally.
- h. **Homeowners Association** – It is important in both types of development to incorporate a homeowners association comprised of all lot owners or unit owners, as the case may be, to maintain common areas, enforce restrictions and regulations, collect assessments and otherwise administer the common affairs of the development. Because the Condominium Act confers special enforcement powers upon homeowner associations, which are not characteristic of platted subdivision associations, it is generally thought that the condominium form is superior from the standpoint of enforcing rules and regulations of the private community.
- i. **Financial Obligations of Homeowners** – In both types of development, the homeowners association is given the power to assess property owners to pay for maintenance of all common areas and other expenses of administration. Failure to pay give rise to a lien on the defaulting owner's homesite thus providing financial security that the common areas will be properly maintained for the benefit of all homeowners.

- j. **Public Relations** – The same types of public health, safety and welfare regulations apply to both forms of development. Procedurally, the methods of applying for and obtaining plat or condominium plan approval are similar at the municipal level.
- k. **Unique Characteristics of Condominium Unit Purchase** – The Condominium Act provides special benefits for site condominium unit purchasers: (i) a 9-day period after signing a purchase agreement within which a purchaser may withdraw without penalty; and (ii) a requirement that all condominium documents, supplemented by an explanatory disclosure statement, be furnished to all purchasers at the time of entry into a purchase agreement. There are no similar benefits to purchasers provided under the Land Division Act.
- l. **Local and State Review** – Both development types require City Council approval, following a recommendation by the Planning Commission. Unlike subdivisions, site condominiums do not require the review and approval of the Michigan Department of Consumer and Industry Services. For this reason it can sometimes take a substantially shorter period of time to obtain necessary public approvals of site condominiums than platted subdivisions.

**2. Reason for choosing one form versus another.**

Developers and municipalities often prefer the site condominium approach because of better control of market timing. It should be emphasized that the site condominium choice never sacrifices any public protections that would otherwise be present in the case of a platted subdivision under similar circumstances.

**3. Conclusion.**

The platted subdivision approach and the newer site condominium technique are two different statutory methods of reaching essentially the same practical and legal result of subdividing real estate into separate residential building sites. Both methods are required to meet substantially the same public health, safety and welfare requirements. The site condominium is sometimes chosen over the platted subdivisions because of perceived benefits to purchasers, homeowners, and developers.

SITE PLAN REVIEW  
COLLEEN SITE CONDOMINIUM  
S OF SQUARE LAKE, W OF DEQUINDRE  
SEC. 12

SITE PLAN REVIEW  
PROP. COLLEEN SITE CONDO.



0 50 100 200 300 400 Feet



TO: The Honorable Mayor and City council

FROM: John Szerlag, City Manager  
John M. Lamerato, Assistant City Manager-Finance and Administration

RE: 2002-03 Budget Amendment No. 2

DATE: June 10, 2003

Please find attached Budget Amendment No. 2 for the 2002-03 Fiscal Year. Upon review of the May 31, 2003 financial statements and estimates of June activity the following budget amendments are needed.

The Fire department overrun is mainly attributable to the contribution required for the incentive plan as determined by our actuary.

The Refuse Fund budget amendment is needed to cover the estimated cost of refuse collection.

The Brownfield Redevelopment Authority budget amendment accounts for actual tax collections and disbursements per the development agreement.

The Troy Downtown Development Authority Debt Fund budget accounts for the transfer of funds from the Troy Downtown Development Authority operating fund to the debt fund.

The Proposal 'B' Public Safety Facility Capital Fund budget amendment recognizes bond proceeds received and construction activity on the Police and Fire Administrative Building and Fire Station No. 3.

2002-2003 BUDGET AMENDMENT NO. 2

	<u>CURRENT BUDGET</u>	<u>AMENDMENT</u>	<u>AMENDED BUDGET</u>
<b><u>GENERAL FUND</u></b>			
<b>REVENUE</b>			
FEDERAL GRANTS	\$ 88,400	\$ 100,000	\$ 188,400
CHARGES FOR SERVICES - USE	2,324,000	80,000	2,404,000
TOTAL AMENDMENT TO REVENUES		<u>\$ 180,000</u>	
<b>EXPENDITURES</b>			
FIRE COMPANIES	\$ 818,900	\$ 100,000	\$ 918,900
FIRE PREVENTION	871,460	50,000	921,460
FIRE OPERATIONS	811,920	30,000	841,920
TOTAL AMENDMENT TO EXPENDITURES		<u>\$ 180,000</u>	
<b><u>REFUSE FUND</u></b>			
<b>REVENUE</b>			
CHARGES FOR SERVICES - RENDERED	\$ -	\$ 50,000	\$ 50,000
TOTAL AMENDMENT TO REVENUES		<u>\$ 50,000</u>	
<b>EXPENDITURES</b>			
CONTRACTOR'S SERVICE	\$ 3,965,000	\$ 50,000	\$ 4,015,000
TOTAL AMENDMENT TO EXPENDITURES		<u>\$ 50,000</u>	
<b><u>BROWNFIELD REDEV. FUND</u></b>			
<b>REVENUE</b>			
PROPERTY TAXES	\$ 295,000	\$ 3,000	\$ 298,000
TOTAL AMENDMENT TO REVENUES		<u>\$ 3,000</u>	
<b>EXPENDITURES</b>			
CONTRACTUAL SERVICES	\$ 288,900	\$ 3,000	\$ 291,900
TOTAL AMENDMENT TO EXPENDITURES		<u>\$ 3,000</u>	
<b><u>TDDA DEBT FUND</u></b>			
<b>REVENUE</b>			
TRANSFER FROM TDDA FUND	\$ -	\$ 2,531,000	\$ 2,531,000
TOTAL AMENDMENT TO REVENUES		<u>\$ 2,531,000</u>	
<b>EXPENDITURES</b>			
PRINCIPAL	\$ -	\$ 1,000,000	\$ 1,000,000
INTEREST	-	1,526,000	1,526,000
OTHER FEES	-	5,000	5,000
TOTAL AMENDMENT TO EXPENDITURES		<u>\$ 2,531,000</u>	

2002-2003 BUDGET AMENDMENT NO. 2

	<u>CURRENT BUDGET</u>	<u>AMENDMENT</u>	<u>AMENDED BUDGET</u>
<b><u>PROP. 'B' PUB. SAFETY FAC. CAPITAL FUND</u></b>			
<b>REVENUE</b>			
BOND PROCEEDS	\$ 8,137,120	\$ 6,000,000	\$ 14,137,120
TOTAL AMENDMENT TO REVENUES		<u>\$ 6,000,000</u>	
<b>EXPENDITURES</b>			
POLICE/FIRE ADMIN. BLDG.	\$ 5,000,000	\$ 3,000,000	\$ 8,000,000
FIRE ST. NO. 3	-	3,000,000	3,000,000
TOTAL AMENDMENT TO EXPENDITURES		<u>\$ 6,000,000</u>	

Amendment requested to provide funds for debt payments on the TDDA bonds; Proposal B bonds; Fire Department Operations; Refuse Collection and Brownfield Redevelopment operations.

June 5, 2003

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager  
 Gary A. Shripka, Assistant City Manager/Services  
 Jeanette Bennett, Purchasing Director  
 Timothy L. Richnak, Public Works Director

Subject: Amendment #3– Lacaria Construction  
 Concrete Replacement Contract

**RECOMMENDATION**

On April 8, 2002, the Troy City Council approved a two-year contract for concrete pavement repair to the low bidder, Lacaria Construction, Inc. (Resolution #2002-04-208-E11) City management recommends that Council approve an amendment to the contract to use 2003-04 budgeted money for additional work in the amount of \$300,000.00.

2002-03 Allocated/Budgeted Funds	\$800,000	
2003 Contract Amount	\$541,670	
Additional 25%	\$135,417	
Amendment 1 Amount	\$122,913	
2003-04 Budgeted Funds		\$300,000
Amendment 3 Amount		\$300,000

It is understood the work totaling approximately \$300,000 will be completed by November 15, 2003. (See Attachment I) Lacaria Construction Inc. has agreed to amend the concrete pavement replacement contract as recommended at 2003 contract prices. (Letter attached)

**BACKGROUND**

- Lacaria has been able to work at a faster than expected pace while producing a quality product for the City.
- It is to our benefit to take advantage of the construction season for this year by amending the quantity of the 2003 contract year, which expires December 31, 2003.
- Moving this work forward would improve the ride-ability for all vehicles on these streets.
- The pavement replacement would allow Public Works staff to concentrate on other meaningful work due to the reduced pothole patching required on these streets.

**BUDGET**

Funding for this amendment will come from 2003-2004 budgeted funds available in the Capital Accounts for Public Works Construction for Major (401479.7989.500) and Local (401499.7989.500) Streets.

Cc: Tom Rosewarne, Superintendent of Streets and Drains

Prepared by: Marina Basta Farouk, Project Construction Manager

**ATTACHMENT 1**  
**Amendment to Concrete Pavement Replacement Contract**  
**Scattered Location (Major and Local Roads)**  
**to be completed by Nov 15, 2003**

NO.	DESCRIPTION	EST.QTY. ONE(1)YR	Year 2003	
			UNIT PRICE	TOTAL
1.	Concrete Pavement Patching (9 sack FS), 9" Non-reinforced incl. curb if required	1600 SY	\$47.5	\$76,000
2.	Concrete Pavement Patching (7 sack HE), 9" Non-reinforced incl. curb if required	1600 SY	\$45.5	\$72,800
3.	Concrete Pavement Patching (7 sack HE), 8" Non-reinforced incl. Curb if required	1100 SY	\$40.00	\$44,000
4.	Concrete Pavement Patching (7 sack HE), 7" Non-reinforced incl. curb if required	2400 SY	\$36.75	\$88,200
5.	Concrete Driveway 6" Non-reinforced (Locations not specified)	25 SY	\$34.00	\$ 850
6.	Concrete Sidewalk, 4" Non-reinforced (Locations not specified)	25 SY	\$31.00	\$ 775
7.	Gatewell Adjustment	1 EA	\$195.0	\$ 195
8.	Gatewell Repair Per Foot	2 EA	\$190.0	\$ 380
9.	Manhole or Catch Basin Adjustment	2 EA	\$150.0	\$ 300
10.	Manhole or Catch Basin Repair per Foot	29FT	\$150.0	\$4,350
11.	Miscellaneous Base Repair per Cubic Yard to excavate and replace with 22A Gravel, compacted in place if and where needed.	500 CY	\$18.00	\$9,000
12.	Installation of 6" edge drain (Locations not specified)	95 LF	\$10.00	\$950
13.	Remove and Replace Curb and Gutter (Locations not specified)	100 LF	\$22.00	\$2,200
	<b>Total contract addition</b>			<b>\$300,000.00</b>

- 1- Major Rd Rochester Rd and Northfield Parkway
- 2- Local Rd Section 23, 24 and 15

5/21/03

Attention: City of Troy Department of Public Works

To Whom It May Concern:

Lacaria Construction, Inc. agrees to amend the Concrete Pavement Replacement Contract to complete more work in year 2003 than originally estimated in the contract documents for this project in accordance with the quantities listed on Attachment 1. (See attached)

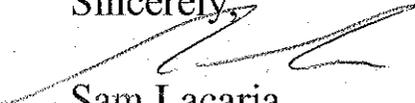
It is understood that the quantities in Attachment are additional quantities to the current contract (approximately worth \$300,000) and. It is understood that the value of the 2003 contract for work to be completed by November 15, 2003.

Also, the quantities listed in the Attachment are estimated, since as pavement is removed during the project; field conditions may cause quantities to change slightly.

Finally, Lacaria Construction, Inc. will hold Year 2003 contract pricing for the additional quantities of work completed in the year 2003 as indicated in Attachment 1.

Thank you.

Sincerely,

  
Sam Lacaria

March 21, 2002

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager  
Gary A. Shripka, Assistant City Manager/Services  
Jeanette Bennett, Purchasing Director  
William R. Need, Public Works Director

RE: Standard Purchasing Resolution 1: Award To Low Bidder –  
Concrete Pavement Repair

**RECOMMENDATION:**

On March 12, 2002, bids were received for two-year requirements of Concrete Pavement Repair with an option to renew for two additional years. The Public Works Department recommends awarding the contract to the low total bidder, Lacaria Construction Inc., at an estimated total cost of \$553,002.50 for year 2002 and \$541,669.75 for year 2003, at unit prices contained in the bid tabulation opened 3/12/02.

In addition, staff requests authorization to change the quantity of work either additive or deductive at unit prices contained in the attached bid tabulation, not to exceed 25% of the total project cost.

The award is contingent upon the recommended bidder submission of proper contract and bid documents, including bonds, insurance certificates and all specified requirements. Due to bonding requirements, the program was bid on a low total award basis.

**BUDGET:**

Funds for year 2002 are available in the Capital Accounts for Public Works Construction for Major Roads (401479.7989.500) and Local Roads (401499.7989.500).

27 Bids Sent  
9 Bid Responses Rec'd  
1 No Bid

Prepared by: Marina Basta, Project Construction Manager

VENDOR NAME:

** Lacaria Construction	Six S Inc.	Angelo Afrate
		Construction
Ck Number 264491334	342128142-0	878698008-9
Ck Amount 2,500.00	2,500.00	2,500.00

**Proposal A – Scattered Location (Major and Local Roads) to be completed by June 30, 2002**

NO.	DESCRIPTION	EST. QTY. ONE (1) YR.	Year 2002 UNIT PRICE	Year 2003 UNIT PRICE	Year 2002 UNIT PRICE	Year 2003 UNIT PRICE	Year 2002 UNIT PRICE	Year 2003 UNIT PRICE
1	Concrete Pavement Patching Type FS, 9" Non-reinforced	1683 S.Y.	\$46.50	\$47.50	\$45.50	\$46.50	\$53.00	\$53.50
2	Concrete Pavement Patching Type FS, 9" Non-reinforced	3432 S.Y.	\$44.00	\$45.50	\$45.00	\$46.00	\$49.00	\$49.50
3	Concrete Pavement Patching Type FS, 8" Non-reinforced	2184 S.Y.	\$39.00	\$40.00	\$43.00	\$44.00	\$45.00	\$45.00
4	Concrete Pavement Patching 6" Non-reinforced	4935 S.Y.	\$36.00	\$36.75	\$42.00	\$43.00	\$47.00	\$48.50
5	Concrete Driveway Type FS, 6" Non-reinforced (Locations not specified)	25 S.Y.	\$33.00	\$34.00	\$46.00	\$47.00	\$58.00	\$60.00
6	Concrete Sidewalk Type FS,	25 S.Y.	\$31.00	\$31.00	\$39.00	\$40.00	\$42.00	\$43.00
7	Gatewell Adjustment	1 Ea.	\$185.00	\$195.00	\$200.00	\$200.00	\$385.00	\$400.00
8	Gatewell Repair Per Foot	2 Ea.	\$170.00	\$190.00	\$220.00	\$220.00	\$275.00	\$285.00
9	Manhole or Catch Basin Adjustment	2 Ea.	\$150.00	\$150.00	\$200.00	\$200.00	\$385.00	\$400.00
10	Manhole or Catch Basin Repair	29 Ft.	\$150.00	\$150.00	\$220.00	\$220.00	\$275.00	\$285.00
11	Miscellaneous Base Repair per Cubic Yard to excavate and replace with 22A Gravel, compacted in place if and where needed. (Locations not specified)	500 CY	\$17.00	\$18.00	\$23.00	\$24.00	\$34.00	\$35.00
12	Installation of 6" edge drain (Locations not specified)	1000 L.F.	\$9.00	\$10.00	\$8.00	\$9.00	\$9.50	\$9.50
13	Remove and Replace Curb and Gutter.	500 L.F.	\$20.00	\$22.00	\$25.00	\$26.00	\$27.00	\$28.00
<b>Estimated Total Cost – Proposal A</b>			** <b>\$526,378.50</b>	<b>\$541,669.75</b>	<b>\$573,743.50</b>	<b>\$588,027.50</b>	<b>\$639,772.00</b>	<b>\$651,162.00</b>

**Proposal B – Fire Station #4 (Maple Road East of John R) to be completed by June 30, 2002**

NO.	DESCRIPTION	EST. QTY.	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL
1	Concrete Sidewalk, 9"	46 S.Y.	\$43.00	\$1,978.00	\$47.00	\$2,162.00	\$44.00	\$2,024.00
2	Concrete Driveway, 9"	307 S.Y.	\$43.00	\$13,201.00	\$47.00	\$14,429.00	\$44.00	\$13,508.00
3	Concrete Driveway Approaches, 9"	215 S.Y.	\$43.00	\$9,245.00	\$47.00	\$10,105.00	\$50.00	\$10,750.00
4	Adjust Drainage Structures	1 Ea.	\$200.00	\$200.00	\$200.00	\$200.00	\$385.00	\$385.00
5	Drainage Structure Covers	2000 LBS	\$1.00	\$2,000.00	\$1.10	\$2,200.00	\$1.15	\$2,300.00
<b>Estimated Total Cost – Proposal B</b>			**	<b>\$26,624.00</b>		<b>\$29,096.00</b>		<b>\$28,967.00</b>

**Estimated Grand Total --**

\*\* **\$553,002.50**      **\$602,839.50**      **\$668,739.00**

INSURANCE: Can Meet      X      X      X  
Cannot Meet

PROPOSED PAYMENT SCHEDULE: Y or N      Blank      Every Two Weeks      Blank

TERMS:      As Specified      Semi-Monthly      Blank

WARRANTY:      As Specified      1 yr      Blank

EXCEPTIONS:      Blank      Blank      None

**ATTEST:**

Cecilia Brukwinski  
Marian Basta Farouk  
Linda Bockstanz

\*\* DENOTES LOW TOTAL BIDDER

Jeanette Bennett  
Purchasing Director

VENDOR NAME:

	Luigi Ferdinandi & Sons	Florence Cement Co.	Hardrock Concrete
	Cement Co.		
Ck Number	621199656	428652662	711796308
Ck Amount	2,500.00	2,500.00	2,500.00

**Proposal A – Scattered Location (Major and Local Roads) to be completed by June 30, 2002**

NO.	DESCRIPTION	EST. QTY. ONE (1) YR.	Year 2002		Year 2003		Year 2002		Year 2003	
			UNIT PRICE							
1	Concrete Pavement Patching Type FS, 9" Non-reinforced	1683 S.Y.	\$68.50	\$68.50	\$59.50	\$60.25	\$55.00	\$56.00		
2	Concrete Pavement Patching Type FS, 9" Non-reinforced	3432 S.Y.	\$67.50	\$67.50	\$56.00	\$56.75	\$52.00	\$53.00		
3	Concrete Pavement Patching Type FS, 8" Non-reinforced	2184 S.Y.	\$54.00	\$54.00	\$49.50	\$50.25	\$51.00	\$52.00		
4	Concrete Pavement Patching 6" Non-reinforced	4935 S.Y.	\$54.00	\$54.00	\$44.75	\$45.50	\$49.00	\$50.00		
5	Concrete Driveway Type FS, 6" Non-reinforced (Locations not specified)	25 S.Y.	\$50.00	\$50.00	\$32.00	\$33.00	\$45.00	\$46.00		
6	Concrete Sidewalk Type FS, 25 S.Y.	25 S.Y.	\$50.00	\$50.00	\$25.00	\$26.00	\$38.00	\$39.00		
7	Gatewell Adjustment	1 Ea.	\$300.00	\$300.00	\$305.00	\$305.00	\$275.00	\$275.00		
8	Gatewell Repair Per Foot	2 Ea.	\$300.00	\$300.00	\$250.00	\$250.00	\$250.00	\$250.00		
9	Manhole or Catch Basin Adjustment	2 Ea.	\$300.00	\$300.00	\$305.00	\$305.00	\$275.00	\$275.00		
10	Manhole or Catch Basin Repair	29 Ft.	\$300.00	\$300.00	\$250.00	\$250.00	\$250.00	\$250.00		
11	Miscellaneous Base Repair per Cubic Yard to excavate and replace with 22A Gravel, compacted in place if and where needed. (Locations not specified)	500 CY	\$40.00	\$40.00	\$22.00	\$22.00	\$22.00	\$23.00		
12	Installation of 6" edge drain (Locations not specified)	1000 L.F.	\$15.00	\$15.00	\$6.50	\$6.50	\$22.00	\$23.00		
13	Remove and Replace Curb and Gutter.	500 L.F.	\$30.00	\$30.00	\$24.00	\$25.00	\$22.00	\$23.00		
<b>Estimated Total Cost – Proposal A</b>			<b>\$794,071.50</b>	<b>\$794,071.50</b>	<b>\$660,869.75</b>	<b>\$670,595.25</b>	<b>\$678,878.00</b>	<b>\$693,162.00</b>		

**Proposal B – Fire Station #4 (Maple Road East of John R) to be completed by June 30, 2002**

NO.	DESCRIPTION	EST. QTY.	Year 2002		Year 2003		Year 2002		Year 2003	
			UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL		
1	Concrete Sidewalk, 9"	46 S.Y.	\$54.00	\$2,848.00	\$33.00	\$1,518.00	\$49.00	\$2,254.00		
2	Concrete Driveway, 9"	307 S.Y.	\$54.00	\$16,578.00	\$42.50	\$1,347.50	\$49.00	\$15,043.00		
3	Concrete Driveway Approaches, 9"	215 S.Y.	\$54.00	\$11,610.00	\$38.75	\$8,331.25	\$49.00	\$10,535.00		
4	Adjust Drainage Structures	1 Ea.	\$200.00	\$200.00	\$305.00	\$305.00	\$275.00	\$275.00		
5	Drainage Structure Covers	2000 LBS	\$1.00	\$2,000.00	\$0.85	\$1,700.00	\$1.60	\$3,200.00		
<b>Estimated Total Cost – Proposal B</b>				<b>\$32,872.00</b>		<b>\$24,901.75</b>		<b>\$31,307.00</b>		

**Estimated Grand Total --**

INSURANCE: Can Meet	X	\$826,943.50	X	\$685,771.50	X	\$710,185.00
INSURANCE: Cannot Meet						
PROPOSED PAYMENT SCHEDULE: Y or N	Every 2 weeks		Bi-Weekly		Blank	
TERMS:	Net 30		Blank		Blank	
WARRANTY:	1 yr		1 yr		Blank	
EXCEPTIONS:	N/A		None Applicable		Blank	

Opening Date -- 3/12/02  
 Date Prepared -- 3/20/2002

CITY OF TROY  
 BID TABULATION  
 CONCRETE PAVEMENT REPAIR

SBP 02-06  
 Pg 3 of 3

VENDOR NAME:

Century Cement	Dilisio Construction
Ck Number 380362135	4909374714
Ck Amount 2,500.00	2,500.00

**Proposal A – Scattered Location (Major and Local Roads) to be completed by June 30, 2002**

NO.	DESCRIPTION	EST. QTY. ONE (1) YR.	Year 2002 UNIT PRICE	Year 2003 UNIT PRICE	Year 2002 UNIT PRICE	Year 2003 UNIT PRICE
1	Concrete Pavement Patching Type FS, 9" Non-reinforced	1683 S.Y.	\$70.00	\$70.00	\$80.00	\$80.00
2	Concrete Pavement Patching Type FS, 9" Non-reinforced	3432 S.Y.	\$65.00	\$65.00	\$70.00	\$70.00
3	Concrete Pavement Patching Type FS, 8" Non-reinforced	2184 S.Y.	\$50.00	\$50.00	\$69.00	\$69.00
4	Concrete Pavement Patching 6" Non-reinforced	4935 S.Y.	\$47.00	\$47.00	\$65.00	\$65.00
5	Concrete Driveway Type FS, 6" Non-reinforced (Locations not specified)	25 S.Y.	\$40.00	\$40.00	\$31.00	\$31.00
6	Concrete Sidewalk Type FS,	25 S.Y.	\$36.00	\$36.00	\$28.00	\$28.00
7	Gatewell Adjustment	1 Ea.	\$250.00	\$250.00	\$150.00	\$150.00
8	Gatewell Repair Per Foot	2 Ea.	\$300.00	\$300.00	\$250.00	\$250.00
9	Manhole or Catch Basin Adjustment	2 Ea.	\$250.00	\$250.00	\$150.00	\$150.00
10	Manhole or Catch Basin Repair	29 Ft.	\$300.00	\$300.00	\$200.00	\$200.00
11	Miscellaneous Base Repair per Cubic Yard to excavate and replace with 22A Gravel, compacted in place if and where needed. (Locations not specified)	500 CY	\$30.00	\$30.00	\$17.00	\$17.00
12	Installation of 6" edge drain (Locations not specified)	1000 L.F.	\$18.00	\$18.00	\$7.00	\$7.00
13	Remove and Replace Curb and Gutter.	500 L.F.	\$35.00	\$35.00	\$17.00	\$17.00
<b>Estimated Total Cost – Proposal A</b>			<b>\$744,485.00</b>	<b>\$744,485.00</b>	<b>\$878,576.00</b>	<b>\$878,576.00</b>

**Proposal B – Fire Station #4 (Maple Road East of John R) to be completed by June 30, 2002**

NO.	DESCRIPTION	EST. QTY.	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL
1	Concrete Sidewalk, 9"	46 S.Y.	\$55.00	\$2,530.00	\$69.00	\$3,174.00
2	Concrete Driveway, 9"	307 S.Y.	\$55.00	\$16,885.00	\$69.00	\$21,183.00
3	Concrete Driveway Approaches, 9"	215 S.Y.	\$55.00	\$11,825.00	\$69.00	\$14,835.00
4	Adjust Drainage Structures	1 Ea.	\$300.00	\$300.00	\$300.00	\$300.00
5	Drainage Structure Covers	2000 LBS	\$1.00	\$2,000.00	\$1.00	\$2,000.00
<b>Estimated Total Cost – Proposal B</b>				<b>\$33,540.00</b>		<b>\$41,492.00</b>

Estimated Grand Total --

INSURANCE: Can Meet  
 Cannot Meet

	\$778,025.00		\$920,068.00
X		X	

PROPOSED PAYMENT SCHEDULE: Y or N

Blank	Every 2 weeks
-------	---------------

TERMS:

Blank	Blank
-------	-------

WARRANTY:

5% Bid Bond	Blank
-------------	-------

EXCEPTIONS:

Blank	Blank
-------	-------

NO BIDS:  
 Man Con

ANGELO IAFRATE CONSTRUCTION COMPANY  
26400 SHERWOOD  
WARREN MI 48091

ATTN CHARLOTTE MCFARLAND  
SOULLIERE DECORATIVE STONE  
14015 24 MILE ROAD  
SHELBY TOWNSHIP MI 48315

B & V CONSTRUCTION INC  
P O BOX 930029  
WIXOM MI 48393-0029

CENTURY CEMENT  
12600 SIBLEY RD  
RIVERVIEW MI 48192

DILISIO CONTRACTING INC  
13576 VIOLA DRIVE  
STERLING HEIGHTS MI 48312

FLATROCK CONCRETE CONST INC  
43314 NORMANDY  
STERLING HGST MI 48314

FLORENCE CEMENT COMPANY  
1970 BRINSTON  
TROY MI 48083

FORMTEC CONCRETE CONSTRUCTION INC  
51531 INDUSTRIAL  
NEW BALTIMORE MI 48047

GUINN CONSTRUCTION CO  
1772 W CLARKSTON ROAD  
LAKE ORION MI 48362

HARD ROCK CONCRETE INC  
38146 ABRUZZI  
WESTLAND MI 48185

HARTWELL CEMENT COMPANY  
21650 FERN AVENUE  
OAK PARK MI 48237

JOHN C WALLACE CEMENT CONTRACTOR  
P O BOX 182156  
SHELBY TWP MI 48318-2156

KELCRIS CORPORATION  
P O BOX 362  
3416 CORWIN ROAD  
WILLIAMSTON MI 48895

LACARIA CONSTRUCTION INC  
23140 GROESBECK HWY  
WARREN MI 48089

LDS CONTRACTORS INC  
28000 MIDDLEBELT ROAD STE 30  
FARMINGTON HILLS MI 48334-4178

LUIGI FERNINANDI & SON CEMENT COMPANY  
21521 VIOLET  
ST CLAIR SHORES MI 48082

MAJOR CEMENT COMPANY  
PO BOX 19310  
DETROIT MI 48219

MAN-CON  
1065 E AUBURN  
ROCHESTER HILLS MI 48307

RAM CONCRETE LLC  
22116 TELEGRAPH  
SOUTHFIELD MI 48034

S O S SERVICE GROUP INC  
2193 EULER ROAD  
BRIGHTON MI 48114

SIX-S, INC  
2210 SCOTT LAKE ROAD  
WATERFORD MI 48328

VIKING CONSTRUCTION INC  
4837 MELDRUM  
CASCO TWP MI 48064

WALSH CONSTRUCTION COMPANY  
3011 W GRAND BLVD STE 466  
DETROIT MI 48202

June 3, 2003

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager  
Gary Shripka, Assistant City Manager/Services  
Doug Smith, Real Estate & Development Director  
Larysa Figol, Right of Way Representative

RE: 1. Request for Authorization to Make Unconditioned Offer to Purchase Right-of-Way for Dequindre Southbound Right Turn Lane – Project #99.206.5 Sidwell #88-20-01-476-069  
Tom Obertynski & Agatha Obertynski, 43109 Dequindre Road  
2. Request for Authorization to Institute Court Action if Necessary

As part of the proposed southbound right turn lane and intersection improvement project at Dequindre and Square Lake Roads, Staff is seeking authorization to make an unconditioned offer to the property owner of 43109 Dequindre Road, Tom Obertynski and Agatha Obertynski. In addition to the current 33 feet of road right-of-way, the City is seeking to purchase an additional 27 feet. This parcel is located in Section 1 on the West side of Dequindre and North of Square Lake.

State Certified General Appraiser Andrew Reed of Andrew Reed & Associates, Inc. appraised the property. The appraisal was review by Kimberly Harper, Deputy City Assessor. City management believes that the appraised value of \$30,000.00, reflecting highest and best use of low-rise office, is a justifiable amount for this acquisition

It is requested that City Council approve the unconditioned offer in the amount of \$30,000.00, the appraised value. It is also requested that City Council authorize the City Attorney to take whatever action is necessary and to expend the needed funds to acquire this right-of-way.

Monies for this project will come from the Major Roads Project Fund (Project #99.206.5).

CITY OF TROY  
AGREEMENT TO PURCHASE REALTY  
FOR PUBLIC PURPOSES

The CITY OF TROY (the "Buyer"), agrees to purchase from Tom Obertynski, a single man and Agatha Obertynski, a single woman, (the "Seller"), the following described premises (the "Property"):

The East 60.00 feet of the following described parcel:

Part of the Southeast  $\frac{1}{4}$  of Section 1, Town 2 North, Range 11 East, City of Troy, Oakland County, Michigan. Beginning at a point which is North 02 degrees 57 minutes 06 seconds East, 197.12 feet from the Southeast corner of said Section 1; thence South 89 degrees 00 minutes 21 seconds West, 275.28 feet; thence North 02 degrees 57 minutes 06 seconds West, 164.10 feet; thence North 89 degrees 00 minutes 21 seconds East, 275.28 feet; thence South 02 degrees 57 minutes 06 seconds East, 164.10 feet to the point of beginning, containing 9,840 Sq. Ft. or 0.226 acres, more or less. The East 33.00 feet of which is currently being used for road purposes.

for a public project within the City of Troy and to pay the sum of **Thirty Thousand** and no/100 dollars (\$30,000.00) under the following terms and conditions:

1. Seller shall assist Buyer in obtaining all releases necessary to remove all encumbrances from the property so as to vest a marketable title in Buyer.
2. Seller shall pay all taxes, prorated to the date of closing, including all special assessments, now due or which may become a lien on the property prior to the conveyance.
3. Seller shall deliver the Warranty Deed upon payment of the purchase money by check drawn upon the account of the City of Troy.
4. Buyer shall, at its own expense, provide title assurance information to the Buyer, and the Seller shall disclose any encumbrances against the property.
5. This Agreement is binding upon the parties and closing shall occur within ninety (90) days of the date that all liens have been released and encumbrances have been extinguished to the satisfaction of the Buyer, unless extended by agreement of the parties in writing. It is further understood and agreed that this period of time is for the preparation and authorization of purchase money.
6. Buyer shall notify the Seller immediately of any deficiencies encumbering marketable title, and Seller shall then proceed to remove the deficiencies. If the Seller fails to remove the deficiencies in marketable title to Buyer's approval, the Buyer shall have the option of proceeding under the terms of this Agreement to take title in a deficient condition or to render

the Agreement null and void, and any deposit tendered to the Seller shall be returned immediately to the Buyer upon demand.

7. The City of Troy's sum paid for the property being acquired represents the property being free of all environmental contamination. Although the City of Troy will not withhold or place in escrow any portion of this sum, the City reserves its rights to bring Federal and/or State and/or local cost recovery actions against the present owners and any other potentially responsible parties, arising out of a release of hazardous substances at the property.

8. Seller acknowledges that this offer to purchase is subject to final approval by Troy City Council.

9. Seller grants to Buyer temporary possession and use of the property commencing on this date and continuing to the date of closing in order that the Buyer may proceed with the public project.

10. Additional conditions, if any:

SELLER HEREBY ACKNOWLEDGES THAT NO PROMISES WERE MADE EXCEPT AS CONTAINED IN THIS AGREEMENT.

IN WITNESS WHEREOF, the undersigned hereunto affixed their signatures this \_\_\_\_\_ day of \_\_\_\_\_, A.D. 2002.

In presence of:

CITY OF TROY (BUYER)

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

SELLER: Sidewell#88-20-01-476-069

\_\_\_\_\_  
Tom Obertynski

\_\_\_\_\_  
Agatha Obertynski

CITY OF TROY  
AGREEMENT TO PURCHASE REALTY  
FOR PUBLIC PURPOSES

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for a public project within the City of Troy and to pay the sum of **Thirty Thousand** and no/100 dollars (\$30,000.00) under the following terms and conditions:

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9. Seller grants to Buyer temporary possession and use of the property commencing on this date and continuing to the date of closing in order that the Buyer may proceed with the public project.

10. Additional conditions, if any:

SELLER HEREBY ACKNOWLEDGES THAT NO PROMISES WERE MADE EXCEPT AS CONTAINED IN THIS AGREEMENT.

IN WITNESS WHEREOF, the undersigned hereunto affixed their signatures this \_\_\_\_\_ day of \_\_\_\_\_, A.D. 2002.

In presence of:

CITY OF TROY (BUYER)

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

SELLER: Sidewell#88-20-01-476-069

\_\_\_\_\_  
Tom Obertynski

\_\_\_\_\_  
Agatha Obertynski

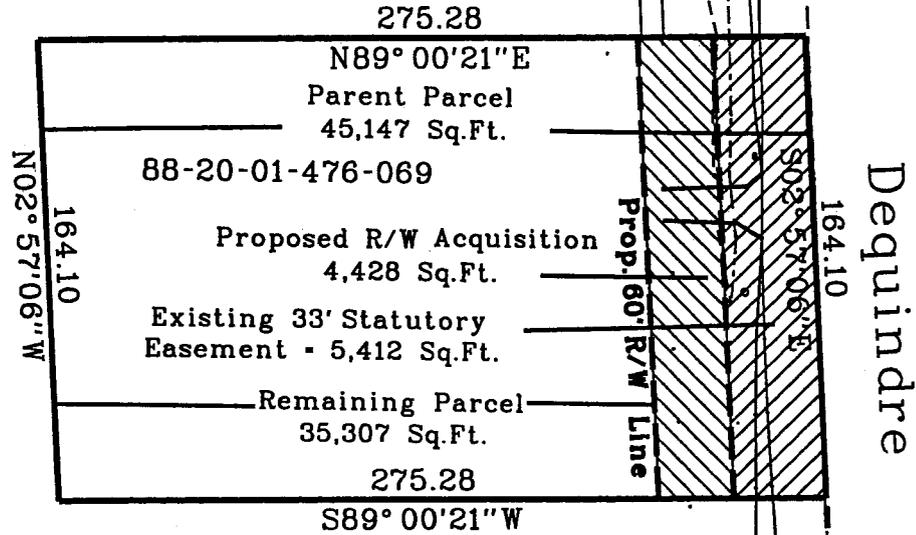
# Right of Way Aquisition 882001476069



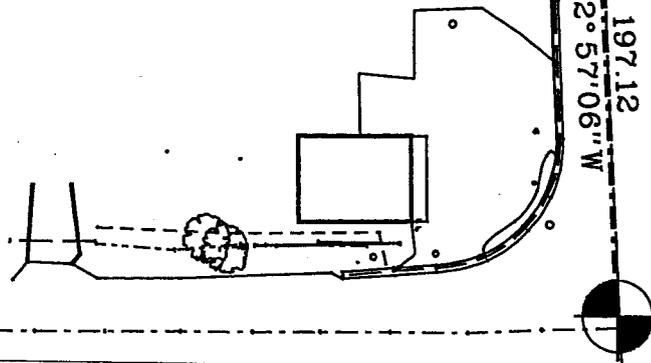
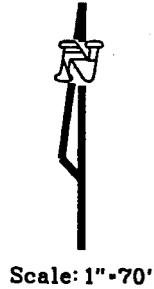
The information provided by this program has been compiled from recorded deeds, plats, tax maps, surveys, and other public records and data. It is not legally recorded map or survey. Users of this data are hereby notified that the source information represented should be consulted for verification.



# Exhibit A



Prepared By:  
George J. Ballard III, P.S.  
City of Troy  
Land Surveyor





## Human Resources Department

DATE: June 10, 2003

TO: Honorable Mayor and City Council

FROM: John Szerlag, City Manager  
John M. Lamerato, Assistant City Manager/Finance and Administration  
Gary A. Shripka, Assistant City Manager/Services  
Peggy E. Clifton, Human Resources Director

SUBJECT: 2003 Annual Salary Update for Classified and Exempt Employees and Proposed Change to Personnel Rules & Regulations

### **RECOMMENDATION**

City Administration recommends approval of the 2003 Classification and Pay Plans for Classified and Exempt employees. Also recommended is a revision to the personal business time provision in the Personnel Rules and Regulations for Classified employees who work a "4/10" schedule (4 days, 10 hours per day) to reflect "30 hours", thereby providing the equivalent of 3 days of personal business time.

The proposed Pay Plan adjustment results in an average salary increase of 4.0%. This is comprised of a 2% across the board increase to the pay range, plus a merit increase depending on performance. This year 4.0% was budgeted for these wage increases.

The proposed changes to the Classification Plans are footnoted on both Plans.

### **BACKGROUND**

#### Pay Plan

From 1999 to 2002 the Hay Group was retained to update the Classification and Pay Plans for Classified and Exempt employees. On April 11, 2002, City Council approved the city administration's recommendation not to contract with the Hay Group due to cost and service concerns, and approved a proposed Pay Plan pursuant to a survey conducted internally.

Due to budget constraints, it was determined not to contract at this time with an outside consultant for the purpose of updating the Classification and Pay Plans. A survey was conducted internally, and on June 9, 2003 the Personnel Board reviewed the proposed plans. These Plans are recommended to City Council for approval.

Once again, our goal is to advance high performance employees through the range, within budgetary constraints. It is our desire to seek Council approval next year to secure a consultant to conduct market surveys and evaluate the Classification and Pay Plans.

#### Revision to Personnel Rules & Regulations

The current provision for personal business time provides for “24 hours” of leave time. This language does not provide an equivalent benefit to those employees who work a 4-day, 10-hour shift. The proposed revision provides equity, and is consistent with the personal business time provision in the MAP union contract that covers employees who work a 4/10 schedule.

The Personnel Board reviewed the proposed change and recommends City Council approval.

PEC/bjm

PC03M.020

Attachments: a) Recommended Pay Plan  
b) Recommended Classification Plans  
c) Personnel Board Minutes & Rules Changes

**PAY PLAN**  
**CLASSIFIED AND EXEMPT EMPLOYEES**  
**JULY 1, 2003 \***

<b>Grade</b>	<b>Minimum</b>	<b>Mid-Point</b>	<b>Maximum</b>
1	\$22,674	\$28,343	\$34,011
2	\$26,558	\$33,198	\$39,838
3	\$31,031	\$38,790	\$46,548
4	\$36,447	\$45,559	\$54,670
5	\$42,803	\$53,504	\$64,205
6	\$50,926	\$63,658	\$76,389
7	\$60,343	\$75,430	\$90,516
8	\$74,607	\$93,260	\$111,912
9	\$76,603	\$95,754	\$114,905
10	\$78,958	\$98,697	\$118,436
11	\$81,771	\$102,215	\$122,658
12	\$85,098	\$106,373	\$127,647
15	\$99,494	\$124,368	\$149,242

\* Pay Plan represents a 2.0% increase over 2002 Pay Plan

CLASSIFICATION PLAN  
CLASSIFIED EMPLOYEES

July 1, 2003

Pay Grade 1

Pay Grade 2

Inventory Control Assistant  
*Museum Archivist*

Pay Grade 3

Administrative Aide  
Assistant Naturalist  
*Education Coordinator*  
Engineering Technician  
Library Aide  
Manager's Office Secretary  
Secretary II

Pay Grade 4

Building Maintenance Specialist  
Engineering Assistant  
GIS Data Analyst  
Inspector  
Insurance & Safety Coordinator  
Landscape Analyst  
Legal Assistant  
Librarian I  
Office Coordinator  
Planning Technician  
Survey Supervisor

Pay Grade 5

Accountant  
Appraiser  
Building Inspector  
Civilian Communications Supervisor  
Community Affairs Officer  
Cross Connection Inspector  
Environmental Specialist  
Field Supervisor  
Project Manager (Engrg.)  
Right-of-Way Representative

Pay Grade 6

Inspector Supervisor

Pay Grade 7

Plan Analyst

Personnel Board Approved: 6/9/03

Council Approved:

N = 32

G: C&E/ClassifiedClassPlan2003

Note: Revisions in italics added 6/17/02

**CLASSIFICATION PLAN  
EXEMPT EMPLOYEES**

**July 1, 2003**

Pay Grade 3

Assistant to the City Manager  
Legal Secretary

Pay Grade 4

Aquatics Coordinator  
Associate Buyer  
Fitness and Gym Coordinator  
Museum Manager  
Naturalist  
PC Specialist/Help Desk Technician

Pay Grade 5

Application Support Specialist  
Buyer  
Community Center Facility Manager  
Data Processing Analyst/Programmer  
Director of Golf Operations  
Greens Superintendent  
Land Surveyor  
Librarian II  
Nature Center Manager  
Planner  
Police Records Supervisor  
Recreation Supervisor  
Solid Waste Coordinator

Pay Grade 6

Civil Engineer  
Communications Manager  
Deputy City Clerk  
GIS Administrator  
Human Resources Specialist  
Network Administrator  
Operations Coordinator  
Project Construction Manager  
Purchasing Systems Administrator  
Research and Technology Administrator

Pay Grade 7

Attorney I  
Attorney II  
City Treasurer  
Community Affairs Director  
Deputy City Assessor

Pay Grade 7 (continued)

Deputy City Engineer  
Parks Superintendent  
Plans Examiner/Coordinator  
Principal Planner  
Risk Manager  
Senior Right-of-Way Representative  
*Superintendent of Building Operations*  
Superintendent of Motor Pool  
Superintendent of Recreation  
Superintendent of Streets and Drains  
Water and Sewer Maintenance Superintendent

Pay Grade 8

Assistant City Attorney  
City Clerk  
*Director of Building Operations*  
Director of Purchasing

Pay Grade 9

City Assessor  
City Engineer  
Director of Building and Zoning  
Financial Services Director  
Fire Chief  
Human Resources Director  
Information Technology Director  
Library Director  
Parks and Recreation Director  
Planning Director  
Real Estate and Development Director

Pay Grade 10

Police Chief  
Public Works Director

Pay Grade 11

City Attorney

Pay Grade 12

Assistant City Manager/Finance  
Assistant City Manager/Services

Pay Grade 15

City Manager

XVIII. PERSONAL BUSINESS TIME

An employee may be granted up to 24 hours of personal business time (30 hours if regularly scheduled to work a 4/10 schedule) as paid time off in any one calendar year. Such personal business time off must be approved in advance by the Department Director and must be for a specific purpose which the employee could not normally accomplish on his own time.

A Regular Meeting of the Troy Personnel Board was held Monday, June 9, 2003, at City Hall, 500 W. Big Beaver Road. Chairman Patrick called the meeting to order at 7:15 PM.

**Roll Call:**

PRESENT: Chairman Patrick  
Member Tschirhart  
Member Vanderbrink

ABSENT: Member Nelson  
Member Tavalin

ALSO PRESENT: City Manager Szerlag  
Assistant City Manager/Services Shripka  
Human Resources Director Clifton  
City Clerk Bartholomew  
Jeanette Menig, Human Resources Specialist

**Approval of Minutes:**

PB-03-06-001: Moved by Patrick, Seconded by Vanderbrink, That the Minutes of the City of Troy Personnel Board Meeting of May 21, 2002 be **APPROVED** as submitted.

Yes: Patrick, Nelson, Tschirhart, Vanderbrink  
Absent: Nelson, Tavalin

**Old Business: None**

**New Business:**

**A. Recommendation for Merit Pay Plan for Classified Employees (FY 2003-2004)**

Peggy Clifton, Human Resources Director advised the Board that it was determined that it would be in the best interest of the City to not hire a consultant this year. This determination was based on several factors. She noted concern with the cost of a consultant and the possibility of not being able to implement the potential results. She stated that the cost of hiring a consultant would significantly reduce any potential money available for pay increases and this would negatively impact morale and productivity.. In light of the concerns, HR staff surveyed surrounding communities, which came in with a result of just under a proposed 3% rate increase. The budgeted amount for increases was set at 4%. Staff prepared a recommendation as follows:

- Range adjustment at 2%
- Wage increase 2% across the board
- Merit/performance increase:
  - 1% lowest performance range

1/5% mid performance range  
2% highest performance range

In addition to the range increase, staff is recommending 2 additions to the Classification Plan. The additions are Museum Archivist to Pay Grade 2 and Education Coordinator to Pay Grade 3.

Member Vanderbrink recommended ASE (American Society for Employers) as a potential consultant. Ms Clifton indicated she would look into his suggestion.

PB-03-06-002: Moved by Patrick, Seconded by Vanderbrink, That the proposed Merit Pay Plan for Classified Employees (FY 2003-2004) be **APPROVED** as submitted.

Yes: Patrick, Nelson, Tschirhart, Vanderbrink  
Absent: Nelson, Tavalin

**B. Approval of Revisions to Personnel Rules to Reflect 30 Hours Personal Business Time for Those Employees Working a “4/10” Schedule**

Peggy Clifton, Human Resources Director advised the Board that the purpose of this proposal is to align the supervisors of Police Service Aides that work 4/10 schedules with those that they supervise. Taking the Personal Business Time to 30 hours is the equivalent of three (3) days Personal Business leave time.

PB-03-06-003: Moved by Patrick, Seconded by Vanderbrink, That the Personnel Rules Section XVIII, Personal Business Time, be **APPROVED** to reflect 30 hours if regularly scheduled to work a 4/10 schedule,

Yes: Patrick, Nelson, Tschirhart, Vanderbrink  
Absent: Nelson, Tavalin

Peggy Clifton, Human Resources Director informed the Board that the City is looking into the potential benefit adjustments for future new hire employees. She stated that the potential for cost savings to the City is significant and would not effect current employees. Some of the areas they are looking at would be to switch insurance from traditional Blue Cross to PPO coverage and possible changes in the prescription drug rider co-pay. It was noted that the proposed changes would require union negotiations and acceptance.

Chairman Patrick asked if the City believes that they can be successful with the unions.

City Manager Szerlag indicated that the City and unions have been negotiating utilizing Interest Based Bargaining. To date the City has been very successful with this type of negotiating technique and he has every belief they would be in this area as well.

Member Vanderbrink suggested the City look into preventative health care programs. He noted that these programs can be expensive, however, they can be very beneficial in reducing health care costs.

**Excuse Member Nelson and Member Tavalin:**

PB-03-06-004: Moved by Patrick, Seconded by Tschirhart, CARRIED UNANIMOUSLY:  
To **EXCUSE** Member Nelson and Member Tavalin.

**Adjournment:**

PB-03-06-005: Moved by Patrick, Seconded by Tschirhart, CARRIED UNANIMOUSLY:  
That there being nothing else to come before the Board, the meeting be  
**ADJOURNED.**

Meeting adjourned at 7:35 PM.

---

Stephen Patrick, Chairman

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Tonni L. Bartholomew, City Clerk

June 9, 2003

TO: Honorable Mayor and City Council

FROM: John Szerlag, City Manager  
Gary A. Shripka, Assistant City Manager/Services  
Jeanette Bennett, Purchasing Director  
Carol K. Anderson, Parks and Recreation Director

SUBJECT: Sole Source – Irrigation Replacement Parts

### **RECOMMENDATION**

The Parks and Recreation Department recommends approval of a two-year contract for the purchase of Rainbird irrigation replacement parts from John Deere Landscapes, Inc., the authorized dealer/distributor in our area at discounts up to 40%. The two-year contract will commence on July 1, 2003.

In addition, City management requests confirmation of purchases over the administrative limit made to repair irrigation systems during the year at an estimated cost of \$7,500.00.

### **BACKGROUND**

For a number of years, the City has installed and upgraded the Rainbird irrigation systems with remote control devices. All of the irrigation systems at Troy's parks, municipal buildings and irrigated medians employ Rainbird parts and Rainbird Maxicom irrigation controllers. As the amount of irrigated land within the City of Troy continues to increase, the maintenance of those systems will necessitate increased replacement parts and accessories.

When the fiscal year began on July 1, 2002, the City established a blanket purchase order for irrigation products with John Deere Landscapes, Inc. in the amount of \$9900.00. Based on past experience, the Parks and Recreation department felt the contract amount would be adequate to cover the costs for the upcoming year. However, other City departments were also using the contract to purchase replacement parts for work done in the field on routine maintenance of irrigation systems. With the harsh winter and ongoing spring repairs, purchases have exceeded the original contract amount. Now, confirming purchases from John Deere Landscapes, Inc. (formerly Century RainAid, Inc.), the exclusive Rainbird turf irrigation distributor in Michigan, need Council approval.

### **BUDGET**

Funds for on-going repair and maintenance of municipal irrigation systems are available in Parks and Recreation operating accounts.



**TO:** MAYOR AND MEMBERS OF CITY COUNCIL  
**FROM:** LORI GRIGG BLUHM, CITY ATTORNEY *LG*  
ALLAN T. MOTZNY, ASSISTANT CITY ATTORNEY *ATM*  
**DATE:** June 10, 2003  
**SUBJECT:** AMENDMENT TO CHAPTER 106 – DESIGNATION OF ACTING TRAFFIC ENGINEER

---

Pursuant to Chapter 106 of the City Code, location of traffic control devices and traffic control signals are established by traffic control orders. Section 2.53 of Chapter 106, authorizes the Traffic Engineer to issue traffic control orders including temporary traffic control orders. In a recent inquiry to our office, we were asked if a traffic control order could be issued in the absence of the Traffic Engineer. We opined since the Traffic Division is included as part of the Engineering Department under section 1.112 of Chapter 3 of the City Code, the duties of the Traffic Engineer may be performed in his or her absence by a person the City Engineer designates as Interim Acting Traffic Engineer. However, for purposes of clarification, we suggest amending Chapter 106 by adding a new section that specifically provides for the designation of an Interim Acting Traffic Engineer. Accordingly, we have prepared a proposed amendment to Chapter 106, which is attached for review and action by City Council.

Please contact us if you should have any questions.

ATM/ps

CITY OF TROY  
AN ORDINANCE TO AMEND  
CHAPTER 106 OF THE CODE  
OF THE CITY OF TROY

The City of Troy ordains:

Section 1. Short Title

This Ordinance shall be known and may be cited as an amendment to Chapter 106 – Traffic Code of the City of Troy.

Section 2. Amendment

An ordinance to amend Chapter 106 of the Code of the City of Troy by adding a new section 2.24 to read as follows:

**2.24. Traffic Engineer Designee. The powers and duties of the Traffic Engineer, as set forth in this code, may be exercised by a person designated by the City Engineer as Acting Traffic Engineer if the Traffic Engineer is absent or unavailable.**

Section 3. Severability Clause

Should any word, phrase, sentence, paragraph or section of this Ordinance be held invalid or unconstitutional, the remaining provision of this ordinance shall remain in full force and effect.

Section 4. Effective Date

This Ordinance shall become effective ten (10) days from the date hereof or upon publication, whichever shall later occur.

This Ordinance is enacted by the Council of the City of Troy, Oakland County, Michigan, at a regular meeting of the City Council held at City Hall, 500 W. Big Beaver, Troy, MI, on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Matt Pryor, Mayor

\_\_\_\_\_  
Tonni Bartholomew, City Clerk

June 11, 2003

TO: The Honorable Mayor and City Council Members

FROM: John Szerlag, City Manager

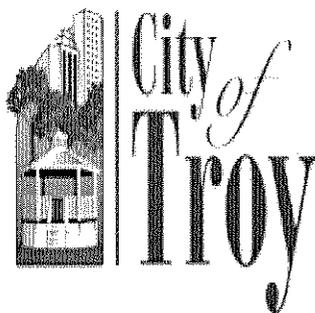
SUBJECT: Request to Develop Ballot Proposal Language;  
Sale of Property at Civic Center

At our last study session where we discussed financing options relative to development of the Civic Center site, Council asked us to return with a formal request to develop ballot language for the sale of Civic Center property. Specifically, the voters would be asked if the City of Troy can have the authority to sell Civic Center property in the southeast quadrant of the Civic Center site for reason of developing a hotel/conference center and ancillary uses. Preliminary indications are that eleven acres can adequately house Civic Center site plan components, but we are still researching this matter.

In terms of process, we'll develop ballot language and then review it with Mr. Joel Piell of Miller, Canfield, Paddock and Stone. Next, City Council would review and approve of the ballot language via Council resolution. The proposal would be placed on the ballot according to Michigan Election Law. City Council would then formally determine the date for an election.

JS/mr\AGENDA ITEMS\06.16.03 – Request to Develop Ballot Language

c: Lori Bluhm  
Tonni Bartholomew  
John M. Lamerato  
Gary A. Shripka  
Douglas J. Smith



**TO:** Mayor and Members of Troy City Council  
**FROM:** Lori Grigg Bluhm, City Attorney *LG*  
Susan M. Lancaster, Assistant City Attorney *SM*  
**DATE:** June 11, 2003  
**SUBJECT:** Troy v. James and Amy Lewis and Flagstar Bank

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In conjunction with the John R. Road sidewalk project, the City of Troy initiated a condemnation action for the property at 5632 John R. Road, which is owned by James and Amy Lewis. Flagstar Bank also has an interest in the property. On July 23, 2002, the City acquired the 27 foot wide and 100 foot long strip of property. This area included the entire circular drive, some of the gravel side drive, some trees, and some landscaping.

Based on an internal appraisal of the property by one of our licensed real estate appraisers, the City paid \$34,500 in estimated just compensation. The Defendants' appraisal was significantly higher, since he valued the property at \$65,000 (a \$30,500 difference).

We have received an offer to settle this case for one half of the difference between the two appraisals, which would require the City to pay an additional \$15,250 plus statutory costs and attorney fees. We recommend acceptance of this award, and have therefore included a proposed judgment for your review.

If the City does not accept this settlement offer, then the matter will necessarily proceed to trial. This would require the retention of an independent appraiser, which is estimated to cost \$4,500. Due to the unpredictability of a jury award, and also the continuing accumulation of interest and potential witness fees and time, a settlement for \$15,250 is probably in the best interest of the City.

If you have any questions concerning the above, please let us know.

STATE OF MICHIGAN  
OAKLAND COUNTY CIRCUIT COURT

CITY OF TROY, a Michigan  
municipal corporation,

Plaintiff,

v

Case No.

JAMES B. LEWIS, AMY E. LEWIS,  
f/k/a AMY E. TICE, FLAGSTAR  
BANK, FSB; AMERITECH, f/k/a  
MICHIGAN BELL TELEPHONE COMPANY,

Defendants.

\_\_\_\_\_  
City of Troy – City Attorney's Office  
By: Susan M. Lancaster (P33168)  
Attorney for Plaintiff  
500 W. Big Beaver Road  
Troy, MI 48084  
(248) 524-3320

\_\_\_\_\_  
Thomas G. Sawyer (P19929)  
Hutson, Sawyer, Reilly & Schroeder  
Attorney for Defendant  
292 Town Center Drive  
Troy, MI 48084  
(248) 689-5700

**CONSENT JUDGMENT**

At a session of Court held in the Courthouse  
In the City of Pontiac, Oakland County, Michigan,  
On: \_\_\_\_\_

PRESENT HONORABLE DENISE LANGFORD MORRIS

The parties appearing through their counsel having consented to the entry  
of this Consent Judgment and the Court being fully advised in the premises;

NOW THEREFORE,

IT IS ORDERED:

1. Title to the property taken for roadway widening purposes (described in Exhibit 1 (attached) and in the Complaint for Acquisition of Property and Declaration of Taking filed with this Court on July 23, 2002) has vested in the Plaintiff by virtue of the filing of the Complaint for Acquisition of Property and Declaration of Taking and the entry by this Court on August 15, 2002 of the Consent Order for Payment of Estimated Just Compensation and Surrender of Possession.
2. As required in the Consent Order for Payment of Estimated Just Compensation and Surrender of Possession, the Plaintiff previously paid the Defendants, James B. Lewis, Amy E. Lewis and Flagstar Bank FBS, estimated just compensation in the amount of \$ 34,500.00.
3. Subsequent to the filing of the Complaint for Acquisition of Property, the Defendant, Ameritech, f/k/a Michigan Bell Telephone Company, filed an Answer and Consent to the relief requested provided that a public utility easement for SBC Ameritech Corporation was preserved, or if its utility was relocated that it be reimbursed for its relocation costs.
4. Pursuant to this Consent Judgment, Plaintiff shall pay to James B. Lewis, Amy E. Lewis and Flagstar Bank, FBS, the total sum of Fifteen Thousand Two Hundred and Fifty (\$ 15,250.00) Dollars in compromise and settlement of any and all claims of Defendants against Plaintiff for compensation for the property described in Exhibit 1 and the Complaint for Acquisition of Property and Declaration of Taking or otherwise arising out of the taking for public purposes, (exclusive of interest, costs and attorney fees) and except as otherwise expressly provided in this Judgment.

5. Pursuant to the provisions of 1931 PA 270 as amended, (MCLA 213.291; MCA 8.231) any amounts due as delinquent taxes or assessments, if any, shall be deducted by Plaintiff prior to payment of the sums set forth in paragraph 4.

6. Plaintiff shall further pay Defendants statutory interest on the unpaid just compensation (\$15,250.00) from and after July 23, 2002 in accordance with the provisions of Section 15 of the Uniform Condemnation Procedures Act (1980 PA 87; MCLA 213.65; MSA 8.265(15)). This figure totals \$796.05. Therefore, Defendants shall receive a total payment for just compensation and interest of \$16,046.05 in a check made payable to James B. Tice, Amy E. Lewis and Flagstar Bank, FSB.

7. Plaintiff shall also pay Defendants' appraisal fees in the amount of \$4,500.00 in a check made payable to Robert H. Scott, SRPA, and jury fee of \$60.00 in a check made payable to Thomas G. Sawyer, James B. Lewis and Amy E. Lewis.

8. The remainder of the property after the acquisition is in a R-1C, Detached Single-Family zoning district in an unplatted area. As such, the front yard set back of the property is computed from the Master Thoroughfare Plan and is 50 feet from the new right of way line as depicted on Exhibit 2 attached. The City of Troy stipulates that an addition to the existing house in the side or rear yard, east of the 50-foot front yard setback, does not increase the non-conformity of the structure and shall be allowed without Board of Zoning Appeals approval as long as all other provisions of the City of Troy Code of Ordinances are met and proper permits are obtained. Both parties agree that a second story to the existing house can only be erected beyond the 50-foot front yard setback if the Defendant obtains a variance from the City of Troy Board of Zoning Appeals.

9. Pursuant to the provisions of Section 2 of the General Property Tax Act, being 1893 PA 206, as amended, (MCLA 211.2; MSA 7.2), taxes paid or deducted shall be prorated, on a due-date basis and adjusted proportionately for the amount of the partial acquisition, and an appropriate adjustment shall be made in the amount paid or withheld pursuant to this judgment.

10. Plaintiff shall also pay attorney fees to Hutson, Sawyer, Chapman, Reilly & Schroeder, P.C., in the sum of \$5,083.33, pursuant to Section 16 (3) of the Uniform Condemnation Procedures Act (1980 PA 87; MCL 213.66(3); MSA 8.265 (16)(3)).

11. Upon payment by Plaintiff of the sums recited herein, any and all claims of Defendants hereinbefore asserted or which could have been asserted against Plaintiff arising out of the taking of the property as described on Exhibit 1 or by reason of any other claims for damages which could or may have been asserted by reason of the commencement of the instant proceedings shall be forever barred.

12. This Judgment resolves the last pending claim and closes the case.

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Circuit Judge

Approved as to substance and form;  
Notice of entry waived:

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Susan M. Lancaster (P33168)  
Assistant City Attorney  
Attorney for Plaintiff

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Thomas G. Sawyer (P19929)  
Attorney for Defendant

**JOHN R SIDEWALK PROJECT  
PROJECT NO. 00.601.3  
SIDWELL #88-20-12-152-001**

**FEE ACQUISITION:**

Part of the Northwest  $\frac{1}{4}$  of Section 12, Town 2 North, Range 11 East, City of Troy, Oakland County, Michigan. Being more particularly described as:

The West 60.00 feet of the following described property of which the West 33.00 feet is currently being used for roadway purposes.;

Beginning at a point distant North 00 degrees 07 minutes 53 seconds East, 887.41 feet from the West  $\frac{1}{4}$  corner; thence North 00 degrees 07 minutes 53 seconds East, 100.00 feet; thence North 89 degrees 56 minutes 48 seconds East, 250.00 feet; thence South 00 degrees 07 minutes 53 seconds West, 100.00 feet; thence South 89 degrees 56 minutes 48 seconds West, 250.00 feet to the point of beginning.

Containing 6,000 Square Feet or 0.138 Acres more or less. (27 foot wide area contains 2,700 Square Feet)

Subject to an easement for storm sewer and drainage over the Easterly 15 feet of the Westerly 48 feet of subject property.

**TAX ITEM NUMBER:**

#88-20-12-152-001

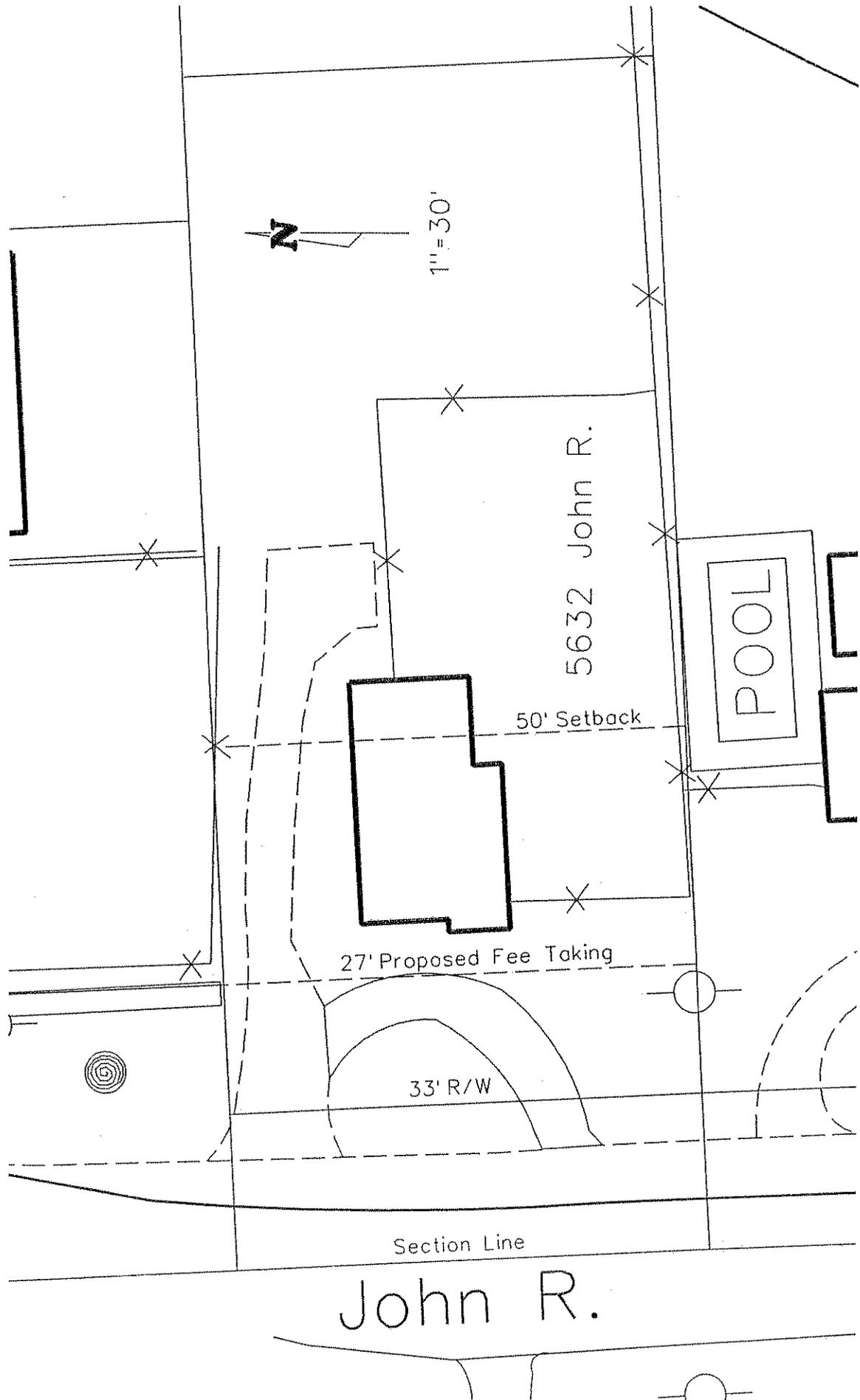


EXHIBIT 2

TO: Mayor & City Council

FROM: John Szerlag, City Manager  
John Lamerato, Asst City Manager/Finance and Administration  
Cindy Stewart, Community Affairs Director

RE: City Calendar Program Review

DATE: June 11, 2003

Attached you will find a program review for the City of Troy Calendar pursuant to the Budget Study Session discussions. We would like to release the RFP for the 2004 Calendar by June 20 in order to have adequate time to review the specs and award the bid. This project is very time sensitive.

# Program Review

## Troy City Calendar

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### I. Goal: Communicating with residents

The charge of the Community Affairs Department is to inform the public about the City services, news and information related to their City government. These efforts strive to fulfill the City's obligation to give the public the knowledge they need to be aware of and take advantage of the services that their tax dollars support.

#### Using multiple types of media

Residents collect and absorb information in different ways. The Community Affairs Department uses multiple forms of media to reach residents and get City messages across to the public including:

- Electronic Media (email and Internet)
- **Printed collateral materials (brochures, newsletters, calendars, flyers, water bill messages)**
- Television (WTRY, Troy's Government access television)
- News Media (via Press Releases, Press Interviews & Press Conferences and ongoing relationships with local media representatives)

### II. Troy City Calendar/Annual Report

The *Troy City Calendar/Annual Report* is a foundation element of the City's "Printed collateral materials" communication tools. Many key informational elements are condensed into this single product. Listed here are major categories of information contained in Troy's City Calendar (See **Appendix A** for a more detailed summary):

- Important Dates from all City Departments
- Elected Official Info
- Annual Message from the Mayor & City Manager
- Budget Summary Info
- Monthly Highlighted City Services
- City Map
- Facility Locations & Descriptions
- Board & Committee Membership
- Important Phone Numbers

### III. Keys to a successful Calendar project

The keys to the City Calendar/Annual Report project being a successful and quality document include:

- **Overall attractive look and feel** – like anything consumers receive in the mail, if it looks interesting and attractive, they are more likely to take time to look at it and retain it. This is an essential step for citizens to discover the contents and valuable resources contained within. Elements to achieve this include:
  - **Photographs** – Good photographs are crucial to a quality calendar. Good photographs also communicate a lot about the quality of life and reinforce the positive image of the community. It gives Troy residents a sense of identity and pride about their community.
  - **Design** – both consciously and subconsciously, quality graphic design has a significant impact on how reliable, valuable and up-to-date we perceive a publication to be. The design component is included in the printing bid to ensure a competitive price for this service.
  - **Paper** – balancing economy with quality, Troy's calendar is printed with the lightest weight paper that will resist bleed-through of ink. It is relatively durable for a calendar piece. Current paper stock is glossy, 80# text & 80# cover.
- **Delivery** – the City bulk mails 36,500 calendars to all home and business addresses in the City limits. An additional 2,500 copies are made available at City buildings, enclosed in Community Affairs' New Resident Welcome Packets, Real Estate & Development's Business Recruitment Packets, Police and Human Resources' Employment Recruitment Packets and shared with the Chamber of Commerce for their new member packets.
- **Timing** - people look for calendars for the upcoming year in December. The Troy City Calendar is delivered at a time of the year when people need it, and are more likely to keep it.

## IV. Return on Investment

The Troy City Calendar/Annual Report return on investment is qualitative in nature. The investment is both funds approved in the City's annual budget and staff time to carry out the project (See appendix C for a budget summary). The money, time and energy invested in this annual publication achieves the following:

- **Reinforces overall communication plan through repetition** – Some information in the calendar will be repeated in documents. For example, City Department phone numbers are listed in both the calendar and the *Troy Today* quarterly newsletter. Much of the calendar information is also available on the city website. The general *Rule of Repetition* is basic: marketing communication is most effective when it is repeatedly brought to the attention of your target market.
- **Maintains a positive image** – In addition to furnishing a large amount of information, the calendar reinforces the positive image of the community. Photographs feature Troy's people, events, landscapes, infrastructure, business sector and amenities. The quality design reinforces the perception of professionalism and quality services provided by the City. The thoroughness of the content, the photography, and the physical quality of the finished product all contribute to Troy's strong, positive image.
- **Delivers a strong message** - The annual Message from the City Manager and Mayor sets the tone for the sincerity and professionalism of the City operations. For the many citizens who often don't follow the day-to-day operations of their City government, it provides them with a comforting overview of recent accomplishments and goals for the coming year. It resembles a public corporation's annual report to stockholders.
- **Ensure residents have current information** – The Calendar serves residents with an annual update on City services, facilities, and resources available to them via their City government. The Calendar fulfills one of the City's key goals – keeping residents informed and providing access to basic City information.
- **Strong marketing piece** – The calendar serves as an impressive welcome and valuable resource. It is a strong sales piece for prospective new residents and businesses. The Calendar contributes to the image and appeal of the City to prospective residents and businesses. Beautiful photos of Troy's many assets reinforce the strong, vibrant image of the city. Maintaining a strong, positive image is good for the community. It is much harder to resurrect a positive image than to maintain one.

## V. Benchmarking

The City of Troy Calendar/Annual Report project is not unique or unusual. Many cities make use of this type of publication and use it as a workhorse to disseminate information to residents.

Troy's calendar project is comparable to several area cities. These calendars are published in full color on glossy stock. All contain at least the same number of pages (32) as Troy, with the exception of Sterling Heights that has 36.

Of seven other area city calendars collected, Troy's contained the base number of pages (32). Some other documents contained additional pages as well as advertising pages.

Troy's calendar, by comparison is a more sophisticated in appearance, although it is made of the same essential materials and content as most other calendars. This can be attributed to quality design and photographic content.

See *Appendix B* for a chart comparing elements of these and other Michigan municipal calendar projects.

## VI. Possible ways to reduce cost

- **Eliminate Inserted Reply Card** – This would save approximately \$2,185 in printing and less than \$200 in business reply postage costs.
- **Eliminate delivery to business addresses** (reduce postage costs) – This would possibly save \$1,000 while alienating a significant taxpaying segment of the community.
- **Advertising**.<sup>\*</sup> Some cities sell advertising to supplement their calendar projects. Adding advertising pages, logically, would increase the number of total pages. This would increase postage and printing costs. It would also require increased staff time to conduct advertising sales, design and technical art support to clients, billing, collections, as well as increased proofing and layout reviews. Advertising may have a negative impact on the appearance and presentation of the document. Another concern should be the possible perception that the City is endorsing advertisers and their services. The costs, both financial and otherwise, may outweigh the benefits.

\*The Community Affairs Department has some samples of City Calendars that contain advertising for viewing.

## **VII. Evaluation of Troy Program to date**

The Troy City Calendar/Annual Report has served as an asset to the City's communication and marketing efforts.

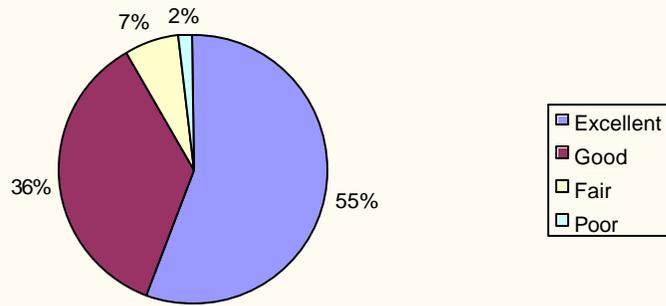
As an annually published document, it furnishes the core information and service detail that any residents and businesses need to communicate with their local government.

Residents were provided the opportunity to give their opinion about the calendar on the postage paid "Rate Your City Services" reply card enclosed in the 2002 publication. The results were strongly favorable, 91% rated the calendar as either Good or Excellent. The remaining ratings were 7% - Fair and 2% Poor.

The Reply card survey is not a scientific random sampling. Members of the entire population may self-select themselves to be respondents. Because of this, we should not generalize the results to the entire population of Troy. However, it does give a good indication of the public sentiment.

Also, because subjects self-select themselves to respond, we typically expect to receive a greater percentage of strong, negative opinions. Citizens wishing to air negative experiences with their city services are more likely to respond than satisfied residents. Because of this human tendency, we interpret these results as a strong, positive indication that residents feel the City Calendar/Annual Report is an Excellent/Good product.

2002 City Calendar Citizen Services Report Card Results



Total responses received, 518.

# Appendix A

## Detailed listing of information included in the Troy City Calendar/Annual Report

- Important City Dates
  - Board & Committee Meetings & Deadlines
  - City Office Closings
  - Community Summer Concert series
  - Council Meetings
  - Elections
  - Filing dates (tax forms, voter registration, etc.)
  - Library events
  - Museum events
  - Nature Center events
  - Parks & Recreation Registration Dates
  - Parks and Recreation events
  - Refuse Collection delays
  - Tax due dates
- City Facility Info
  - Description of services/facilities
  - Locations (Map)
  - Office Hours for all buildings
  - Parks, Fire Stations, Museum, Nature Center, etc.
- Board & Committee Members
  - All representatives are listed. This is the only community-wide public acknowledgement that all board & committee volunteers receive
- Important Phone Numbers/Contact Information
  - City Council Members
  - City Departments
  - County Representatives
  - Federal Representatives
  - Local Newspapers
  - Nonprofit, Service Club and Community Organization annual events
  - Service Clubs/Organizations
  - State Representatives
  - Utilities

## Appendix B

### Comparison of other area City government calendar projects

City	Color	# of pages	Advertising	Response Card
Birmingham	2 Color (Full color cover only)	32 Calendar pages	No, but Winter Newsletter enclosed (28 additional pages)	N
Dearborn	Full Color	32	N	N
Troy	Full Color	32	N	Y
Westland	Full Color	32	N	N
Novi	Full Color	36	Y (12 additional pages advertising, 2-color)	N
Sterling Heights	Full Color	36	N	Y
Southfield	Full Color	40	Y (16 additional pages advertising, 2 color)	N
Grosse Pointe Woods	Full Color	48	N	N

## Appendix C

### *Troy City Calendar/Annual Report Project Budget (2003)*

○ Printing (Quantity 39,000) Includes high resolution scans of photos, graphic design services, printing, mail house bundling and delivery to US Post Office	\$ 36,470
○ Postage for 36,500 calendars* Includes delivery to all home and business addresses at Bulk Government Postage Rate	\$ 7,753
○ Insert - City Services Report Card	\$ 2,185

---

▪ TOTAL \$ 46,408

#### **Other Resources drawn upon internally:**

- Photographs are used from the City's photographic services contract. This contract is utilized for a wide variety of promotional products including the website, brochures, creating displays for various departments, documenting special and historical events, and taking city portraits.
- All departments submit important calendar dates related to their operations and relevant to residents
- The Community Affairs Department creates a master list of calendar dates submitted by departments & prepares/coordinates all other copy
- Community Affairs is also responsible for proofreading and press checks

\*After the main mailing, the remaining 2,500 calendars are distributed year round from City Hall, Library, Community Center, and Chamber of Commerce. It is included in City employment recruitment packets, Real Estate & Development business recruitment packets and approximately 900 new resident packets a year.

## Tonni L Bartholomew

---

**From:** John Szerlag  
**Sent:** Thursday, June 12, 2003 9:26 AM  
**To:** 'Dave Lambert'  
**Cc:** Tonni L Bartholomew; Lori G Bluhm; Laura A Fitzpatrick  
**Subject:** RE: Council Comment Request

Hi Dave:

As we discussed, your request will be placed under Council Comments. Laura will call Birmingham to get their policy.

John

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

**From:** Dave Lambert [mailto:Dave@Lambert.net]  
**Sent:** Wednesday, June 11, 2003 9:30 AM  
**To:** City of Troy: Szerlag (2); City of Troy:Lori Bluhm  
**Subject:** Council Comment Request

John & Lori:

If it's not too late, I would like to have an item included on the agenda for the June 16 meeting.

Under Council Comments, I would like to request that City staff draft a policy allowing private groups to have religious displays in front of City Hall.

For background information, can we check with Birmingham on their policy?

Thanks!

Dave Lambert  
E-Mail: [dave@lambert.net](mailto:dave@lambert.net)  
Web Site: [www.LambertOnline.org](http://www.LambertOnline.org)

DANIEL C. DEVINE, SR.  
LAWRENCE H. TERNAN  
STEPHEN W. JONES  
FRANK S. GALGAN  
KENNETH J. SORENSEN  
JEFFREY K. HAYNES  
MARK W. HAFELI  
TIMOTHY J. CURRIER  
MARY T. SCHMITT SMITH  
JOSEPH F. YAMIN  
JOHN D. STARAN  
LAURA M. HALLAHAN  
PHYLLIS AIUTO ZIMMERMAN  
P. DANIEL CHRIST  
PATRICIA E. KEPALAS DUDCK  
THOMAS V. TRAINER  
LAUREN M. UNDERWOOD  
MICHAEL C. GIBBONS  
MICHAEL P. SALHANEY  
C. LYNN GATES  
MARY M. KUCHARAK  
L. RIDER BRICE, III  
ELIZABETH L. LUCKENBACH  
JEFFREY S. KRAFT  
TIMOTHY P. BERGLUND  
KEITH C. JABLONSKI  
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October 24, 2002

Birmingham City Commission  
151 Martin Street, P.O. Box 3001  
Birmingham, MI 48012-3001

**Re: Opinion –Menorah display in Shain Park**

Dear Commissioners:

I am in receipt of a copy of the Special Event Permit that was filed by the Birmingham-Bloomfield Chai Center. The Chai Center has filed the permit with the City of Birmingham seeking to erect an “outdoor giant menorah lighting for Hanukkah” in Shain Park. We have reviewed the permit request and applicable case law for potential legal challenges.

The City Attorney’s office offers this opinion letter regarding the proposed permit request so as to bring to light several potential Constitutional challenges to the request and the proposed use of the park.

After reviewing the proposed permit request for any and all Constitutional issues, I have found numerous potential Constitutional issues. The purpose of this letter is my attempt to identify and explain those Constitutional issues so that through the hearing process, an informed decision can be made. In a nutshell, I find there are numerous potential Constitutional issues, but if the menorah is displayed in a secular fashion, such a display is Constitutional.

I have received and reviewed an email from Rabbi Yachanan Polter, from the Chai Center. Rabbi Polters’ email attached a link to the United States Supreme Court opinion in Allegheny v Greater Pittsburgh ACLU, 492 US 573 (1989). Rabbi Polters’ interpretation of that case has led him to the erroneous conclusion that a menorah is not a “religious symbol”. As will be discussed below, Rabbi Polters’ interpretation of the ruling in Allegheny regarding the religious identification of a menorah is wrong. However, his reliance upon that case and its progeny is well placed.

**SHAIN PARK**

The City of Birmingham owns Shain Park in the City of Birmingham. The location of the park is directly across Henrietta Street from the Birmingham City Hall. City Hall houses the seat of government for the City of Birmingham including the Police Department, Mayor's Office, City Manager, City Clerk, Treasurers Office, and City Commission. The park has been used as a public park and forum. Events such as carnivals, art fairs, musical concerts and entertainment programs are scheduled there on a regular basis. The park is regulated by the City on a content neutral basis utilizing a Special Event Permit request.

There are several secular holiday events currently planned for Shain Park during the 2002 holiday season. The Holiday Tree Lighting will occur in Shain Park on November 21, 2002. The Santa House opens in the Park on November 22, 2002 through December 23, 2002. Additionally, the City sponsors Holiday Visions, Breakfast with Santa, and First Night.

**SPECIAL EVENT PERMIT**

The Special Event Permit request requires basic information to be supplied to the City such as the name of the organization seeking to use the park, insurance requirements as well as the type of event and a number of questions seeking to preserve the health, safety and welfare of the residents of the city. Every organization seeking to use City property, including Shain Park, is required to fill-out and return the Special Event Permit request. The Birmingham City Commission then reviews and either grants or denies the permit.

**CHAI CENTER SPECIAL EVENT PERMIT REQUEST**

The Birmingham-Bloomfield Chai Center filed a Special Event Permit with the City on August 27, 2002. The Chai Center seeks to use Shain Park on Wednesday December 4, 2002 from 6:00 pm through 7:00 pm. The Center wants to erect a 10 foot tall menorah in Shain Park and conduct a 20-minute lighting celebration in the park, and then move the rest of the celebration to the Baldwin Library. The candles on the menorah will be extinguished when the celebrants move to the library. It is anticipated that the menorah lighting celebration will attract approximately 100 people. The Permit application is not clear as to whether the menorah will then be removed immediately following the celebration, or if it will remain for a period of time during the holiday season.

**FIRST AMENDMENT**

The First Amendment to the United States Constitution states, in part, as follows:

Birmingham City Commission

Page 3

October 24, 2002

“Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof”.

This amendment is better known as the Establishment Clause. The United States Supreme Court gave the following summary of the Establishment Clause:

“The ‘establishment of religion’ clause of the First Amendment means at least this: Neither a state nor the Federal Government can set up a church. Neither can pass laws which aid one religion, aid all religions, or prefer one religion over another. Neither can force nor influence a person to go to or remain away from church against his will or force him to profess a belief or disbelief in any religion. No person can be punished for entertaining or professing religious beliefs or disbeliefs, for church attendance or non-attendance. No tax in any amount, large or small, can be levied to support and religious activities or institutions, whatever they may be called, or whatever form they may adopt to teach or practice religion. Neither a state nor the Federal Government can, openly or secretly, participate in the affairs of any religious organizations or groups and *vice versa*”.

Everson v Board of Education of Ewing, 330 US 1, 15-16 (1947).

The Supreme Court sought to refine the above principles in a series of rulings that followed its decision in Everson. In 1971 the High Court revisited the Establishment Clause, and developed a three-part test for determining whether a government practice violates the Establishment Clause in Lemon v Kurtzman, 403 US 602 (1971). Under the Lemon analysis, a statute or practice which touches upon religion, if it is to be permissible under the Establishment Clause,

1. Must have a secular purpose;
2. It must neither advance nor inhibit religion in its principle or primary effect;
3. And it must not foster an excessive entanglement with religion.

Lemon, at 612-613.

The Supreme Court further refined it’s analysis with its ruling in Lynch v Donnelly, 456 US 668 (1984). In Lynch, the majority agreed upon the relevant

constitutional principles: the government's use of religious symbolism is unconstitutional if it has the effect of endorsing religious beliefs, and the effect of the government's use of religious symbolism depends upon its context. Allegheny v Pittsburgh ACLU, 492 US 573 (1989) citing Lynch, Supra.

ALLEGHENY v PITTSBURGH ACLU

This case involved the constitutionality of two recurring holiday displays located on public property in Pittsburgh. The first is a crèche placed on the Grand Staircase of the Allegheny County Courthouse. The second is a Chanukah menorah placed next to a Christmas tree just outside the City-County Building and a sign saluting liberty.

The Holy Name Society, a Roman Catholic group, owned the crèche and the County permitted them to display the crèche each holiday season in the courthouse. Above the crèche was a sign that read "Glory to God in the Highest".

Outside of the City-County Building, the City had a long-standing tradition of erecting a 45-foot Christmas tree during the holiday season in the middle arch of the building. The tree was decorated with lights and ornaments. Below the tree was a sign entitled "Salute to Liberty". Next to the tree was an 18-foot Chanukah menorah. Chabad, a Jewish group, owned the menorah.

The Court ruled that the crèche, itself, is a religious symbol capable of communicating a religious message. *Id.* at 598. Under the analysis of Lynch, the effect of a crèche display turns on its setting. There were no other holiday displays near it and it occupied the Grand Staircase of the building. As the Court opined, "No viewer could reasonably think that it occupies this location without the support and approval of the government". Lynch at 599-600. Therefore, the Court ruled that the crèche display by itself violated the Establishment Clause.

The Christmas tree in front of the courthouse was ruled as being a secular display of the Christmas season, and not a religious symbol. Allegheny at 616. Contrary to Rabbi Polter's reading of the case, the High Court ruled that a menorah is a religious symbol. "The menorah, one must recognize, is a religious symbol: it serves to commemorate the miracle of the oil as described in the Talmud". Allegheny at 613. However, the court further ruled, "...the menorah's message is not exclusively religious. The menorah is the primary visual symbol for a holiday that, like Christmas, has both religious and secular dimensions". *Id.* at 613-614.

Therefore, the relevant question for Establishment Clause purposes is "whether the combined display of the tree, and sign, and the menorah has the effect of endorsing both Christian and Jewish faiths, or rather simply recognizes that both Christmas

Birmingham City Commission

Page 5

October 24, 2002

and Chanukah are part of the same winter-holiday season, which has attained a secular status in our society". *Id.* at 616. The Court ruled that for purposes of the Establishment Clause, the display of the tree and menorah in its setting and context conveyed a secular message recognizing the different traditions for celebrating the winter-holiday season.

However, there is a very important footnote in the Allegheny decision. There was left unresolved the question of whether the menorah would violate the Establishment Clause if there was a ceremony that accompanied its lighting. "In addition, nothing in this opinion forecloses the possibility that on other facts a menorah display could constitute an impermissible endorsement of religion. Indeed, there is some evidence in this record that in the past Chabad lit the menorah in front of the City-County Building in a religious ceremony that included the recitation of traditional religious blessings". Allegheny, Footnote 70, page 621.

CAPITOL SQUARE v PINETTE

In a more recent opinion, the United States Supreme Court ruled on facts very similar to the current Special Event Permit now under consideration by the Commission. The capitol of Ohio is the City of Columbus. The State owned a square as a forum for public activities. To use the square, a group must simply fill out an official application form and meet several criteria, which concern primarily safety, sanitation, and non-interference with other uses of the square, and which are neutral as to the speech content of the proposed event.

The State sponsored a Christmas tree lighting event in the square. A private group would also use the square to erect a menorah during Chanukah. The Ku Klux Klan sought application approval to erect a cross during the holiday season as well. The City denied that application, citing the Establishment Clause.

Justice Scalia, writing for the majority, ruled, "there is a crucial difference between *government* speech endorsing religion, which the Establishment Clause forbids, and *private* speech endorsing religion, which the Free Speech and Free Exercise Clauses protect". Capitol Square, at 765. Justice Scalia further found that the proposed display of the cross was a private expression of religion. "Our precedent establishes that private religious speech, far from being a First Amendment orphan, is as fully protected under the Free Speech Clause as secular private expression". *Id.* at 759.

The focus of the Capitol Square analysis is best described as follows: "The right to use government property for one's private expression depends upon whether the property has by law or tradition been given the status of a public forum, or rather has been reserved for specific official uses". *Id.* at 761. Moreover, "Religious expression cannot

Birmingham City Commission

Page 6

October 24, 2002

violate the Establishment Clause where it (1) is purely private and (2) occurs in a traditional or designated public forum, publicly announced and open to all on equal terms.

In the Capitol Square case, the Court ruled that the state did not sponsor the religious expression, the expression was made on government property that had been open to the public for speech, and permission was requested through the same application process and on the same terms required of other private groups.

#### ANALYSIS

The facts of the Special Event Permit application currently under consideration is analogous to the facts in the above two cases. The menorah display has been ruled a religious symbol, although it has secular as well as religious meaning. Simply displaying the menorah along with a Christmas tree, given the specific setting, has been ruled a secular display of the winter-holiday celebration tradition. Additionally, the menorah is proposed to be erected by a private group on public land that has been traditionally been used as a public forum. As long as the menorah is displayed in a secular fashion it will not be in violation of the Establishment Clause. However, pursuant to footnote 70 of the Allegheny opinion, any type of religious blessing or ceremony may violate the First Amendment.

Our conclusions regarding this proposed display is consistent with this Commission's resolution in 1996 to restrict holiday music over the City's public address system. In that Commission action, the Commission approved secular holiday music to be played over the PA system. Religious music was removed so as to not violate the restrictions of the Establishment Clause.

If you have any questions, please do not hesitate to contact my office.

Very truly yours,

BEIER HOWLETT, P.C.

Michael P. Salhaney

MPS/jc  
Enclosures

**PERSONNEL BOARD MINUTES****May 21, 2002**

A Regular Meeting of the Troy Personnel Board was held Tuesday, May 21, 2002, at City Hall, 500 W. Big Beaver Road. Chairman Patrick called the meeting to order at 7:30 AM.

**Roll Call:**

**PRESENT:** Chairman Patrick  
Member Tavalin  
Member Tschirhart  
Member Vanderbrink (arrived 7:30)

**ABSENT:** Member Nelson

**ALSO PRESENT:** Assistant City Manager/Finance Lamerato  
Assistant City Manager/Services Shripka  
Human Resources Director Clifton  
Deputy City Clerk Holmes  
Jeanette Menig, Human Resources Specialist  
Sharalyn Arft, Human Resources Specialist

**Approval of Minutes:**

PB-02-05-001: Moved by Patrick, Seconded by Tavalin, That the Minutes of the City of Troy Personnel Board Meeting of June 12, 2001 be approved as submitted.

Yes: Patrick, Tavalin, Tschirhart, Vanderbrink  
Absent: Nelson

**Old Business: None****New Business:**A. Recommendation for Merit Pay Plan for Classified Employees (FY 2002-2003)

Peggy Clifton, Human Resources Director advised that the quoted cost of the HayGroup study for FY2002 increased 67% since last year and did not include several services that were a part of the 2001 update.. In addition, Ms. Clifton reported that the managerial study did not outline the role of the City Manager as it currently exists within the City of Troy. For those reasons, Ms. Clifton advised the HayGroup was not utilized for the proposed Merit Pay Plan and further explained that the plan was formulated using an internal survey. Ms. Clifton reported that an RFP will be initiated this summer for a new consulting firm to assist them in next year's recommendation.

Member Tavalin suggested that next year's plan be reviewed in terms of offering a plan that is more performance oriented.

PB-02-05-002: Moved by Tavalin, Seconded by Patrick, That the proposed Merit Pay Plan for Classified Employees (FY 2002-2003) be approved as submitted.

Yes: Patrick, Tavalin, Tschirhart, Vanderbrink  
Absent: Nelson

PB-02-05-003: Moved by Tavalin, Seconded by Patrick, That the recommended Merit Pay Plan for Classified Employees proposed for the upcoming FY 2003-2004 be reviewed in terms of implementing a pay plan that is more performance based prior to its approval next year.

Yes: Patrick, Tavalin, Tschirhart, Vanderbrink  
Absent: Nelson

B. Approval of Revisions to Personnel Rules to Reflect 7<sup>th</sup> Day Overtime for Employees Working a 24/7 Schedule

Peggy Clifton, Human Resources Director summarized the revisions proposed to the Personnel Rules that would include supervisors under the same overtime plan as their union staff.

PB-02-05-004: Moved by Patrick, Seconded by Vanderbrink, That the revisions to Personnel Rules to Reflect 7<sup>th</sup> Day Overtime for Employees Working a 24/7 Schedule be approved as submitted.

Yes: Patrick, Tavalin, Tschirhart, Vanderbrink  
Absent: Nelson

**Excuse Member Nelson:**

PB-02-05-005: Moved by Patrick, Seconded by Tschirhart, CARRIED UNANIMOUSLY: To excuse Member Nelson.

**Adjournment:**

PB-02-05-006: Moved by Patrick, Seconded by Tavalin, CARRIED UNANIMOUSLY: That there being nothing else to come before the Board, the meeting be adjourned.

Meeting adjourned at 7:50 AM.

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Stephen Patrick, Chairman

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Barbara A. Holmes, Deputy City Clerk

**TROY HISTORICAL COMMISSION MINUTES – FINAL**

MARCH 25, 2003

Meeting was called to order at 7:35 P.M., on Tuesday, MARCH 25, 2003.

PRESENT:                   Rosemary Kornacki  
                                   Roger Kaniarz  
                                   Jack Turner  
                                   Brian Wattles  
                                   Muriel Rounds  
                                   Kevin Lindsey  
                                   Ed Bortner  
                                   Sucheta Sikdar, High School Rep

ABSENT:                    Connie Chang, High School Rep

STAFF:                     Loraine Campbell  
                                   Brian Stoutenburg

**ITEM #1 APPROVAL OF MINUTES OF MEETING OF FEBRUARY 25, 2003**

MOVED, TO APPROVE THE MINUTES OF THE MEETING OF FEBRUARY 25, 2003 AS SUBMITTED.

**ITEM #2 OLD BUSINESS****A. Church and Parsonage Status:**

The Purchase orders have been issued for the excavators and masons who will put in the footings and foundations. The contract for Dietz House Movers and the engineering consultants are in process. The Troy Historical Society agreed to contract with Shadetree Glass Studios directly, and has assumed all payments for the stained glass window restorations. The Society discussed entering into similar contracts for discreet aspects of the restorations, such as ground work (cutting the parking lot, digging the footings and excavating the foundation for Troy Hall). Work should commence next week if the weather holds. Mr. Yurk's best estimate on moving a date is between April 15- My 15.

**B. Programs:**

See attached report.

Staff is preparing the calendar of Summer 2003 Public Programs. The summer schedule will emphasize weekend programs. This will improve community awareness of the Museum as a weekend destination and provide weekday work time for staff to focus on program development and projects in the buildings. We will offer two day camps (July and August) for children.

Loraine and Bill will host Citizen's Academy on March 27, 2003.

**C. Interns:**

Loraine and Bill will meet on March 26 with Dr. Lynn Fauver and his student Angela Topalewski regarding her progress on the General Store project. Angela has done a good deal of research, however the package templates are not complete.

Paul Barnard seems to be making excellent progress on the Police Photo Collection for the Archive.

Loraine has had one inquiry from an Oakland University student regarding a summer internship.

**D. Caswell Restorations:**

The window work is proceeding well and on schedule. All lead-based paint has been removed. Tom was removing old glazing on the exterior today. The PO for Gerald Yurk to write specifications for the projects listed below has been released. That contract is for \$3,980.

1. Front steps, walkway and barrier free ramp
2. Permanent support for first floor in basement
3. Plaster repair
4. Replacement balusters and minor repairs to stairway railing system
5. Interior painting and wallpapering
6. Hardware and weather stripping for exterior doors
7. Attic insulation

**ITEM #3 NEW BUSINESS**

**A. Troy Historical Society Liaison Report:**

The Troy Heritage Campaign Committee continues to meet weekly. Their report, outlining their plan of action will be ready in May. A full color brochure and other fundraising tools are being developed. The goal of this Committee is to raise \$3.4 million dollars over five years. Funds will be used to finish all aspects of the Church and Parsonage Restorations, erect a barn in the Village, create a physical maintenance and conservation endowment fund for the Village structures and expand the Village.

Jack Turner noted that any contributions from commission members would be greatly appreciated.

**B. New Acquisitions:**

See attached report.

As a part of the Library Department, the Museum is participating in a pilot project with the Southeast Michigan Library Cooperative to place digitized archival records into the cooperatives search system. Bill Boardman and Tim McGee will work on this project.

**C. HDC Nominations:**

Barbara Chambers was appointed to the Historic District Commission on March 17, 2003. Mr. Lyn was reappointed at that meeting. However the City Clerk informed Loraine, that the reappointment did not follow the proper procedure. Mr. Lyn is not up for reappointment until May 2002. Council will be asked to reconsider the reappointment in May. Mrs. Dorothy Scott will also be up for reappointment in May. Both Mr. Lyn and Mrs. Scott will receive a letter from the Clerk asking if they seek reappointment. There is still one vacancy on the Historic District Commission.

#### **D. Physical Maintenance and Conservation Plan- Final Report**

The reports for the final phases of the plan are available to Commission Members. Loraine is completing a summary report to be distributed to the Commission, City Management and Council.

Loraine also reported that Karen Auch of the Michigan School of Gardening has volunteered to train our summer laborer on proper pruning techniques and use the Village site as a classroom for the school's apprentices.

#### **E. Other**

The Veteran's Memorial Committee requested the Museum's assistance in identifying WWI veterans from Troy to be recognized in the Veteran's Memorial Plaza. Ray Lucas and five volunteers from the Past Port lecture series have identified over sixty WWI Veterans utilizing records from the State Archive, Oakland County Pioneer and Genealogical Society and old Birmingham Eccentric records.

### **ITEM # 4 REPORTS AND COMMUNICATIONS**

#### **A. Visitors:**

No report.

#### **B. Staff:**

The Education Coordinator position will be posted on March 26, 2003.

Loraine will be attending the Region 4 National Association of Interpreter's conference April 8-10 in Ann Arbor. The conference theme is at the crossroads of Natural History and Cultural Interpretation. She will be leading a mobile workshop to the Troy Museum, Troy Nature Center and Rochester Hills Museum at Van Hoosen Farm. On April 11- 12 Loraine will attend the Local History Conference at Wayne State University where she is chairing a session for Historical Societies challenged by financial, membership and community support issues.

#### **C. Commission Members:**

Kevin Lindsey suggested publicizing the Museum's Michigan Week program in the Art, History and Libraries website.

The Troy Historical Commission meeting adjourned at 9:00 P.M.

The next regular meeting is scheduled on Tuesday, April 22, 2003. Jack Turner will take minutes at that meeting.

Respectively submitted,

Loraine Campbell  
Museum Manager

A meeting of the Employees' Retirement System Board of Trustees was held on Wednesday, April 9, 2003, at City Hall Conference Room C. The meeting was called to order at 3:05 p.m.

TRUSTEES PRESENT: Mark Calice  
Charles Campbell  
Robert Crawford  
Thomas Houghton, Chair  
John M. Lamerato  
Anthony Pallotta  
John Szerlag

ALSO PRESENT: Laura Fitzpatrick

### MINUTES

#### **Resolution # 03-12**

Moved by Pallotta  
Seconded by Crawford

*RESOLVED*, that the minutes of the March 12, 2003 meeting be approved.

Yeas: All 7

### RETIREMENT REQUESTS

#### **Resolution # 03-13**

Moved by Crawford  
Seconded by Calice

*RESOLVED*, That the retirement request of Charlotte Szwarc, DC, 4/26/03, 16 yrs, 5 months be approved.

Yeas: All 7

#### **Resolution # 03-14**

Moved by Pallotta  
Seconded by Lamerato

*RESOLVED*, That the retirement request of James J. Hamzey, DB, 4/25/03, 30 yrs, 3 months be approved.

Yeas: All 7

**INVESTMENTS**

***Resolution # 03-15***

Moved by Pallotta

Seconded by Calice

*RESOLVED*, That the following investments be purchased and sold: Purchase \$500,000. GMAC 6.75%, due 4/15/10; 10,000 shares NOKIA; 5,000 shares Countrywide Financial Corp; 5,000 Quest Diagnostics and sell positions in Williams Communications Group.

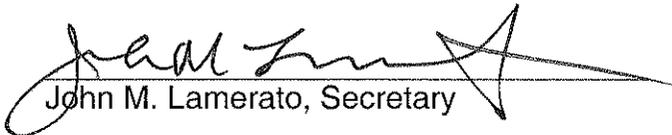
Yeas: All 7

**OTHER BUSINESS – PRIOR GOVERNMENTAL SERVICE**

The Board received and filed a report, which will be attached to the original minutes.

The next meeting is May 14, 2003 at 3:00 p.m. at the City Hall Conference Room C.

The meeting adjourned at 3:55 p.m.

  
John M. Lamerato, Secretary

## TROY HISTORICAL COMMISSION MINUTES – FINAL

APRIL 22, 2003

Meeting was called to order at 7:35 P.M., on Tuesday, APRIL 22, 2003.

PRESENT:                   Rosemary Kornacki  
                               Roger Kaniarz  
                               Jack Turner  
                               Muriel Rounds  
                               Kevin Lindsey  
                               Ed Bortner  
                               Sucheta Sikdar, High School Rep

ABSENT:                    Brian Wattles  
                               Connie Chang, High School Rep

STAFF:                     Loraine Campbell

## ITEM #1 APPROVAL OF MINUTES OF MEETING OF MARCH 25, 2003

MOVED, TO APPROVE THE MINUTES OF THE MEETING OF FEBRUARY 25, 2003 AS SUBMITTED.

## ITEM #2 OLD BUSINESS

**A. Church and Parsonage Status:**

On Thursday, April 17, 2003, Beardslee Excavators began excavating the new parking lot. They encountered the sump pump drain for the Museum and obtained a change order lay a drain across the parking lot to be incorporated with the new drainage system. Excavation for Troy Hall was begun Monday April 21. Excess water bubbling up from a spring has required another change order to place aggregate in the excavation. Gerald Yurk and Brian Stoutenburg continue to prepare contracts for new subcontractors for the project. Dietz House Movers will be on site May 1 to begin preparing Troy Hall for its relocation. Loraine is working with Cindy Stewart on coordinating access to the Museum and move for the press and public.

**B. Programs:**

See Attendance Reports.

March attendance for 2003 is up from March 2002. Sign ups for April programs are very good. There are 63 participants for the Dead Sea Scrolls trip. Summer program copy has been submitted to Troy Today, which will be distributed around May 5. Plans for our May celebration of Michigan and Heritage Day in June are progressing.

**C. Interns:**

Paul Bernard has submitted the final finding guide for the Police Photo Collection. Angela Topolewski will submit her final work tomorrow.

**D. Caswell Restorations:**

- 1) The windows have been refurbished and reglazed. All interior window painting is completed. The exterior window painting will be completed within two weeks. The contract to paint and install the reproduction shutters was awarded to American Painting for \$1,800. That work will begin in May.
- 2) Gerald Yurk has submitted the specifications for completing the following projects included in the Caswell Restoration Project. Loraine will begin getting prices for the front steps, walkway and support for the main floor joists.
  - a) Front steps, walkway and barrier free ramp
  - b) Permanent support for first floor in basement
  - c) Plaster repair
  - d) Replacement balusters and minor repairs to stairway railing system
  - e) Interior painting and wallpapering
  - f) Hardware and weather stripping for exterior doors
  - g) Attic insulation

**ITEM #3 NEW BUSINESS**

**A. Troy Historical Society Liaison Report:**

The Troy Heritage Campaign Committee continues to meet weekly. Their report, outlining their plan of action will be ready in May. A full color brochure and other fundraising tools are being developed. The goal of this Committee is to raise \$3.4 million dollars over five years. Funds will be used to finish all aspects of the Church and Parsonage Restorations, erect a barn in the Village, create a physical maintenance and conservation endowment fund for the Village structures and expand the Village.

Jack Turner noted that any contributions from commission members would be greatly appreciated.

**B. New Acquisitions:**

See attached report.

**C. HDC Nominations:**

There is still one vacancy on the Historic District Commission.

**D. World War I Veterans Report**

Ray Lucas has submitted a preliminary report to the Veterans Memorial Committee regarding World War I Veterans from Troy. See the attached report.

**ITEM # 4 REPORTS AND COMMUNICATIONS**

**A. Visitors:**

No report.

**B. Staff:**

Forty-one applications were received for the Education Coordinator position. Loraine has reviewed them. Jeannette Menig will score them next week. Interviews will be scheduled in May.

Loraine attended the NAI Region 4 Conference April 8-11. Loraine served as the Mobile Workshop Chairman for the conference. One Mobile Workshop (fieldtrip) included visits to the Troy Museum, Stage Nature Center and Rochester Hills Museum at Van Hoosen Farm. This day trip received excellent reviews.

Loraine also attended the Local History Conference at Wayne State University April 11-12 and chaired a session on critical issues facing local historical societies.

**C. Commission Members:**

No report.

The Troy Historical Commission meeting adjourned at 9:00 P.M.

The next regular meeting is scheduled on Tuesday, May 27, 2003. Brian Wattles will take minutes at that meeting.

Respectively submitted,

Loraine Campbell  
Museum Manager

**TROY DAZE MINUTES  
APRIL 22, 2003**

Called to order at 7:31PM by Cheryl Whitton Kaszubski

Present:	Bill Hall	Dave Swanson
	Jim Cyrulewski	Jeff Biegler
	Tonya Perry	Robert Preston
	Sue Bishop	Cheryl Whitton Kaszubski
	Bob Matlick	Cele Dilley
	Steve Zavislak	Cindy Stewart

Absent:	Dick Tharp	Kessie Kaltsounis
	Bob Berk	

Chairpersons & Guests:	Tom Kaszubski	JoAnn Preston
	Bob Broquet	Leonard Bertin
	Jeff Winiarski	Tom Connery
	Mike Gonda	Alison Miller
	Tarcisio Massaini	Tom Tighe
	Dave Lambert	Cyndee Krstich
	Dan O'Brien	Marilyn Musick

Motion by Jim, second by Bill, and carried, to excuse Kessie and Bob.

**Minutes** – Motion by Cele, second by Sue, and carried, to accept March minutes as submitted.

**New Business** – None.

**Old Business** – None.

Adjourned at 7:33PM.

Next Troy Daze Advisory Committee meeting May 27, 2003, at 7:30PM, followed by the Festival Committee meeting.

A meeting of the **Troy Youth Council (TYC)** was held on Wednesday, April 23, 2003 at 7:00 P.M., at City Hall in the Lower Level Conference Room. The meeting was called to order at 7:05 p.m.

MEMBERS PRESENT: Allister Chang  
Min Chong  
Juliana D'Amico (departed 8:05PM)  
Monika Govindaraj  
Eric Gregory  
Catherine Herzog  
Maniesh Joshi  
Andrew Kalinowski  
David Vennettilli  
Manessa Shaw  
YuJing Wang

MEMBERS ABSENT: Emily Burns  
Ryan Chandonnet  
Chris Cheng  
Raymond Deng  
Omar Hakim  
Christina Krokosky  
Matthew Michrina  
Brian Rider  
Fred Wong

ALSO PRESENT: Laura Fitzpatrick, Assistant to the City Manager

1. **Roll Call**
2. **Minutes**

***Resolution # 03-04***

Moved by Wang

Seconded by Govindaraj

*RESOLVED*, that the minutes of the March 26, 2003 meeting be approved.

Yeas: All – 11

No: None

Absent: Burns, Chandonnet, Cheng, Deng, Hakim, Krokosky, Michrina,  
Rider, Wong

**3. City & Other Information**

- ✓ *Troy Daze Committee* – Seeking TYC representatives to attend April, May, June, July, & August planning meetings. Note that more than one TYC rep may attend a meeting. Meetings held at the Community Center.

Tues April 22<sup>nd</sup> 7:30PM – Min

Tues May 27<sup>th</sup> 7:30PM – Emily

Tues June 24<sup>th</sup> 7:30PM - Min

Tues July 22<sup>nd</sup> 7:30PM – Min

Tues Aug 19<sup>th</sup> 7:30PM – Emily

- ✓ *Regional Conference to Promote Youth Participation in Local Government* – see article handout

**4. Bylaws Adoption/Discussion**, including attendance policy

Agreement reached on the following, to be incorporated into Bylaws/Operational Guidelines for adoption at the May meeting:

*Attendance*

**“4-3-2” Rule**

<i># Meetings Missed</i>	<i>Consequence</i>
2 unexcused*	Forfeit option to renew seat on TYC.
3 consecutive	Forfeit option to renew seat on TYC.
4 total	Forfeit option to renew seat on TYC.

\*An absence is excused if TYC member notifies the City staff liaison via phone, email, or voicemail by 6PM the day of the meeting. Providing a reason [for the absence] is not necessary. Staff liaison will provide a list of absences to be excused at the beginning of each meeting. Per City Charter, a motion must be made to excuse absent members.

Removal of members from office due to poor attendance was ruled out for inclusion in the bylaws. Fitzpatrick shared that per City Charter, such action requires procedural notification by the City Clerk, a hearing and a majority vote of the members. It was discussed, however, that it is the responsibility of the TYC members to police each other, “putting the heat on” members who miss meetings.

*Letter of Understanding*

Each TYC member will sign a letter of understanding. This letter will outline attendance requirements and the meeting schedule for 12 months. A tentative letter will be signed with the application. A final letter will be signed at the first meeting.

*Email*

TYC members are responsible for getting an email address and checking it regularly. Information about TYC meetings, City events, and other reminders will be shared via email. If member does not have email at home, s/he is expected to secure a free web-based email account (such as yahoo or hotmail). This account can be checked from public computer terminals at school or the City library. If a TYC member is unable to check email, they are expected to contact the City staff liaison or another TYC member to receive updated information.

*Meetings Schedule*

The February and April meetings of the TYC may be re-scheduled to accommodate spring break. This will be determined in advance.

Tentative approval\* of above moved by Herzog and seconded by Gregory and agreed by all present. A formal resolution will be made at the next meeting when there is a majority present.

- 5. **Logo Adoption** – Fitzpatrick presented 5 versions based on the Logo Committee’s design. Tentative approval on one (copy attached), included in tentative approval above.

\*Due to D’Amico’s early departure a majority was not present to take official action.

- 6. **Web Site Recommendations** – feedback to City administration; a list of 12 tips was compiled (see below). Fitzpatrick will put in report form and forward to city management.
  - 1. The “hot link” flame logo on the main page is cheesy and the color does not match
  - 2. The bulleted list on the main page is hard to follow, hard to read.
  - 3. Update the photos
  - 4. Have more shortcuts & menus – making it less crowded.
  - 5. Coordinate the color scheme.
  - 6. Have links & a banner across the top of each page.
  - 7. Make sure fonts are “friendly” (clear).
  - 8. Don’t clutter the home page – make sure it is easy to read.
  - 9. Put mailbox icon on every page so that user can quickly email the city.
  - 10. Do not be too graphically intensive – this can get too complicated and compromise efficiency.
  - 11. Video streaming of public meetings would be neat.
  - 12. On the calendar, have links to more information about each committee/meeting.
- 7. **Visitor:** Marie Weber to discuss Fund Raising for the Skate Park – did not show up – re-schedule?
- 8. **Suggestions for Future Agendas** – none at this time
- 9. **PUBLIC COMMENT** – none

Reminder Next Meeting: **May 28th** 7:00 P.M.  
@ City Hall – Lower Level Conference Room

**May Agenda**

- 1) *MI Youth Symposium* – brief report from attendees: Burns, Wong, Govindaraj, and Wang (postponed item)
- 2) *Speaker(s):* Attorney(s) from the City Attorney’s Office will speak about the legal profession, specifically municipal law (In recognition of Law Day, May 1<sup>st</sup>).
- 3) *Process Check:* How was the first year of the TYC? What improvements can be made? What can City Staff (Laura) do to assist the TYC in its mission? **Think of ideas for this topic!**

The meeting adjourned at 8:31 p.m.

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Laura Fitzpatrick, Assistant to the City Manager

**ADVISORY COMMITTEE FOR PERSONS WITH DISABILITIES – FINAL – MAY 7, 2003**

The Chairman, Leonard Bertin, called the meeting to order at 7:05 pm Wednesday, May 7, 2003.

Present: L. Bertin, member C. Buchanan, member  
 A. Done, member K. Gauri, member  
 D. House, member N. Johnson, member  
 P. Manetta, member D. Pietron, member  
 N. Raheb, student rep

Also

Present: M. Grusnick, staff  
 M. McGinnis, staff

Absent: S. Burt, alternate D. Kuschinsky, member  
 J. Rodgers, member J. Shah, alternate

**ITEM B – APPROVAL OF MINUTES OF MEETING OF APRIL 2, 2003**

Gauri made a motion that the Minutes of April 2, 2003 be approved. Supported by House. All voted in favor.

**ITEM C – VISITORS, DELEGATIONS AND GENERAL PUBLIC**

Liz Lamoste (248) 641-9139 a member of Project Lead at Troy High School. Lamoste stated that Project Lead is a community-based organization made up of teachers and students that help Troy Daze with programs such as the MS walk. They will help the Committee for Persons with Disabilities set up for the Disabilities Fair on Thursday night of Troy Daze.

**ITEM D – NEW BUSINESS**

Bertin stated that the Disabilities R and D Fair should be renamed a shorter name that would be easier to remember. Buchanan suggested the name “Ability Expo”, since the word expo gives the feeling of something large. House made a motion to adopt “Ability Expo” for the name of the event on Thursday night of Troy Daze, Done seconded. All voted in favor.

Bertin will finalize the booth application form this month and names of all interested vendors should be given to him .

House recently visited Midtown Square Shopping Center, where she observed insufficient handicapped parking in front of the Michaels store and minimal handicap parking in some other areas.

## **ADVISORY COMMITTEE FOR PERSONS WITH DISABILITIES – FINAL – MAY 7, 2003**

House called Grand Swaka (Contractors of the shopping center) and Rick Kessler, City Commercial Plan Analyst, and discussed the handicapped parking at this shopping center.

Bertin made a motion that whereas there are several problem areas in existing developments and in an effort to avoid such problems in the future, this Committee recommends that City Council review and implement training for the Planning Commission to update knowledge as it pertains to ADA Parking and Barrier Free Design. Buchanan seconded the motion. All voted in favor.

### **ITEM E – REGULAR BUSINESS**

### **ITEM F – OLD BUSINESS**

In the April 2003 Minutes the Committee made a recommendation for criteria to identify a person with a disability for the purpose of receiving a discount on a golf cart at the Sylvan Glen Golf Course. In reviewing the section that “ a doctors written diagnosis should be acceptable for obtaining the discount”, it was decided that it should be revised to read “ a doctors written diagnosis of a permanent disability would be acceptable for obtaining the discount” would be more acceptable.

Bertin stated that the City has hired Vickie Richardson for the position of Solid Waste Coordinator. She will be asked to attend the June meeting of this Committee to discuss the Home Chore Program.

Gauri was to ask Cindy Stewart if she could accommodate the Video of the Michigan Youth Leadership Forum on the City Television Station. Stewart will preview the videotape, and asked if she would need permission from Lansing to show it.

### **ITEM G – INFORMATIONAL ITEMS**

Members to attend the City Council meetings in May and June are:

May 12, 2003	K. Gauri and L. Bertin
June 2, 2003	C. Buchanan

Bertin learned at the last City Council meeting that Lord and Taylor will be locating at Oakland Mall and will be adding more handicap parking. This Committee would be interested in assisting Lord and Taylor with any questions about parking and is willing to review their plans.

**ITEM H – Adjourn**

House made a motion to adjourn the meeting at 8:18 pm. Gauri seconded the motion. All voted in favor.

MG:mm

The Regular Meeting of the Troy City Planning Commission was called to order by Chairman Littman at 7:30 p.m. on May 13, 2003, in the Council Chambers of the Troy City Hall.

1. ROLL CALL

Present:

Dennis A. Kramer  
Lawrence Littman  
Cindy Pennington  
Robert Schultz  
Mark J. Vleck  
David T. Waller  
Wayne Wright

Absent:

Gary Chamberlain  
Walter Storrs

Also Present:

Mark F. Miller, Planning Director  
Brent Savidant, Principal Planner  
Susan Lancaster, Assistant City Attorney  
Richard K. Carlisle, Carlisle/Wortman Associates  
Kathy Czarnecki, Recording Secretary

**Resolution**

Moved by Schultz

Seconded by Waller

**RESOLVED**, that Messrs. Chamberlain and Storrs be excused from attendance at this meeting.

Yeas

All present (7)

Absent

Chamberlain  
Storrs

**MOTION CARRIED**

Chairman Littman announced that per the request of the petitioner, item # 11, Public Hearing for Proposed Rezoning (Z-689) - Proposed Car Wash, north side of Maple, east of Livernois, Section 27 – B-1 and R-1E to HS, has been withdrawn.

## 2. PUBLIC COMMENTS

There was no one present who wished to speak.

### **TABLED ITEMS**

## 3. PUBLIC HEARING – STREET VACATION REQUEST (SV-180) – East ½ of Alger Street, between Lots 463 and 464 of John R Gardens Subdivision, South of Birchwood, West of John R, Section 26 – M-1

Mr. Miller presented a summary of the Planning Department report for the proposed street vacation. The City Assessor documented that the road was never officially vacated; therefore, one-half of the right of way was not deeded to the subject lot. Mr. Miller reported that it is the recommendation of the Planning Department to deny the street vacation request as submitted. Mr. Miller cited the request would result in a 25-foot wide substandard right-of-way that would not be accepted for maintenance as a street within the City and would effectively land lock the two parcels fronting on Chopin Street, making it impossible to sell or redevelop the lots in the future.

Ms. Lancaster reported that she provided the petitioner suggestions in seeking reimbursement of money he paid for property that was not titled to him.

The petitioner, Dennis Coleman of 1448 Madison, Troy, was present. Mr. Coleman questioned why the quit claim deed does not agree with recorded documents in the County and City.

Ms. Lancaster responded that the history of the matter does not show the street being picked up by the County or City. She explained the difference between a quit claim deed and a warranty deed, and offered further assistance to the petitioner.

### **PUBLIC HEARING OPENED**

No one was present to speak.

Mr. Waller requested that the Assistant City Attorney draft a memorandum that would enlighten the Commission on various deeds.

### **Resolution**

Moved by Waller

Seconded by Pennington

**RESOLVED**, that the Planning Commission hereby recommends that the street vacation request, as submitted, for the east ½ of the Alger Street right-of-way, located within the John R Gardens Subdivision, abutting lots 463 and 464, being

approximately 120 feet in length and 25 feet in width, be tabled until the June 10, 2003 Regular Meeting, to allow further investigation of the matter.

Yeas

Littman  
Pennington  
Schultz  
Vleck  
Waller  
Wright

Nays

Kramer

Absent

Chamberlain  
Storrs

**MOTION CARRIED**

Chairman Littman announced that the Public Hearing would remain open for the June 10, 2003 Regular Meeting.

4. PUBLIC HEARING – PROPOSED PLANNED UNIT DEVELOPMENT (PUD-3) – Proposed Sterling Corporate Center, North side of Big Beaver, West of I-75, Section 21 – O-S-C

Mr. Miller presented a summary of the Planning Department report for the proposed PUD and noted that the petitioner has provided additional information since the item was tabled at the April 8, 2003 Regular Meeting.

The Planning Consultant, Mr. Carlisle, presented a review of his report and noted that it does not incorporate responses to the additional information recently provided by the petitioner. Mr. Carlisle expressed surprise at the high vacancy rate quoted in the current market study, and cautioned the Commission that other office projects may request concessions in the future if the proposed project is approved, built and siphons off some of the office market. Again, Mr. Carlisle cautioned the Commission to be very careful in its consideration of the full impact of the proposed development. Mr. Carlisle stated that, to date, he is not convinced that the attributes offered by the proposed development warrant the additional square footage on the site. In summary, Mr. Carlisle stated it is his opinion that the project is not ready yet for PUD approval, and recommended the item be tabled for further study.

Mr. Chuck DiMaggio of Burton Katzman, 30100 Telegraph Road, Suite 366, Bingham Farms, was present. Mr. DiMaggio agreed with Mr. Carlisle's comment that a PUD is a process, not a product, and noted that the process has resulted in meaningful improvements to the proposed development since its original submission. He cited that some improvements suggested by City staff were beyond economic feasibility of the project, and hoped that the City and Commission still believe a good product is being offered. Mr. DiMaggio stated the deed restrictions have not hamstrung the project but allowed development to be possible, citing the construction of a parking structure. Mr. DiMaggio said he does not believe that the

proposed Sterling Corporate Center would set a precedent, but would encourage other developers to come before the Planning Commission with proposed PUD projects. He reviewed the recent site improvements, displayed renderings, referenced the comparable building materials, and addressed the proposed water feature. Mr. DiMaggio believes that the current office vacancy rate is not significantly detrimental to the market and noted that there are tenants wanting to take occupancy in the new development. In summary, Mr. DiMaggio stated that tabling the item for 90 days could be problematic and additional time would probably not move the project forward; therefore he asked the Commission for its consideration in approving the project.

Mr. Waller questioned the rendering display of a darkened feature under the canopy and behind the water feature.

Mr. DiMaggio detailed a paver entryway that would establish a different type of atmosphere in front of the building.

Mr. Kramer asked for examples of competitive signature buildings in Troy and specific elements of the proposed development that are above and beyond existing signature buildings.

Mr. DiMaggio replied that Columbia Center, Standard Federal Building, Troy Corporate Center and Somerset Place are examples of competitive signature buildings. He cited specific elements above and beyond comparable signature buildings are the substantial off-site improvements for the City, the proposed traffic improvements and meeting the goals and objectives of the City's Master Plan.

#### PUBLIC HEARING OPENED

No one was present to speak.

Mr. Kramer said he would like to move the project along but personally is looking for those elements that would convince him that the project is above and beyond the quality of other Class A office buildings existing in the City, citing that the Columbia Center is a very high class building constructed of brick and the Standard Federal Building constructed of marble and granite – not concrete as proposed for the subject development. Mr. Kramer said the proposed landscaping in the I-75 off-ramp area could be cited as an attribute but feels that 50 trees do not swing the needle very much.

Mr. Schultz said he views tabling the item tonight as an additional delay.

Mr. Vleck questioned if the project could be developed as an overlay district.

Mr. Miller said if an overlay district existed, it would allow for the creation of a unified development in which parking, intensity of development, storm water detention, and other features could be shared.

Mr. Wright asked for clarification as to why the proposed Sterling Corporate Center PUD does not qualify for the PUD eligibility criteria and the proposed Rochester Commons PUD does.

Mr. Carlisle stated that each PUD project should be considered uniquely. He noted that the Rochester Commons site is truly a blighted piece of property with an abandoned school and a series of substandard houses on the frontage of Big Beaver. In terms of development intensity, Mr. Carlisle believes the proposed Rochester Commons project is less intense than if the site would be developed as office for which it is master planned. Mr. Carlisle said the proposed Rochester Commons project provides a more equally and appropriate transition between intense commercial and single family to the rear. Mr. Carlisle believes the proposed Rochester Commons project would serve as a catalyst for redevelopment of areas along Big Beaver and Rochester Roads.

Mr. Wright stated that he agrees the proposed Sterling Corporate Center site is not as blighted as the proposed Rochester Commons site, but noted the history of the Sterling Corporate Center site shows it is significantly under-utilized.

Mr. Carlisle clarified that some of the recommendations offered the petitioner are consistent with the existing Columbia Center project and were drawn upon suggestions from the Commission. He clarified that it was suggested to bury a second floor of the parking structure that would then lower the overall profile of the structure. It was further suggested to add more square footage to the office building to offset the cost of burying the second floor of the parking structure.

### **Resolution**

Moved by Kramer

Seconded by Wright

**RESOLVED**, that the Preliminary Plan for a Planned Unit Development, pursuant to Section 35.60.01, as requested by Burton Katzman, for the Sterling Corporate Center Planned Unit Development, located on the north side of Big Beaver Road and west of I-75, located in section 21, within the O-S-C Mid or High Rise Office zoning district, being 5.91 acres in size, is hereby tabled for thirty (30) days to the June 10, 2003 Regular Meeting, for the following reasons:

1. While the Planning Department, City Planning Consultant, City Management, and the Planning Commission agree that a mid-rise office building is an appropriate use at the subject location, the Planned Unit Development application does not meet the minimum Eligibility criteria of Section 35.30.00.
2. The Planned Unit Development application is incomplete as submitted.
3. The thirty (30) day period will provide the Planning Department, City Planning Consultant, City Management and the Planning Commission and the applicant

an opportunity to negotiate and develop a Planned Unit Development application which is complete and which will meet the Eligibility criteria of the City of Troy Zoning Ordinance.

Yeas

All present (7)

Absent

Chamberlain  
Storrs

**MOTION CARRIED**

Chairman Littman announced that the Public Hearing would remain open until the June 10, 2003 Regular Meeting.

5. PUBLIC HEARING – PROPOSED PLANNED UNIT DEVELOPMENT (PUD-2) – Proposed Rochester Commons, North side of Big Beaver, East of Rochester Road, Section 23 – R-1E

Mr. Miller presented a summary of the Planning Department report for the proposed Rochester Commons PUD.

The Planning Consultant, Mr. Carlisle, gave a brief report on the most recent revisions to the project: resolution of the floodplain delineation; revised walkway as a result of the Big Beaver Road future improvements; substantial improvements to Urbancrest; and emergency accesses per the Fire Department requirements. In summary, Mr. Carlisle said the proposed development is a very good example of a PUD project and recommended approval by the Planning Commission.

Mr. Miller noted the plan has been revised to make no improvements to the adjacent Jackson property so the Jackson's garden area would remain the same, and further noted that the request to vacate the alley between the Jackson property and the City-owned property will be on the June 2, 2003 City Council Regular Meeting agenda. Mr. Miller foresees no problem with the City Council's approval of the alley vacation that would result in one-half of the alley going to the Jackson family and the other half would remain City property.

Mr. Kramer questioned if the designated open space would remain open space, if and once the project is approved.

Mr. Carlisle responded that a development agreement would be required and the only way the open space could be changed is if it came before the Planning Commission as an amendment to the PUD.

Ms. Lancaster confirmed that a change in the open space would come back before the Planning Commission as an amendment to the PUD. She explained that a new site plan would be required, as well as a resolution on the deed restriction and a recorded new planned unit development agreement.

Mr. Kramer questioned the integration of the surface treatment with the pond and landscaped areas.

Mr. Miller responded that no design work has been done at this time, but noted that the intent is to provide a uniform look beginning at Daley Street and continuing along the berm area through to the pond, fire station and park.

Mr. Carlisle agreed that the petitioner should be encouraged to carry the concept all the way to the park.

A brief discussion followed with respect to the alley vacation request and landscape plans for the southern half of the alley, if the vacation is approved.

The petitioner, Nick Donofrio of Tadian Development, 2038 Big Beaver, Troy, was present. Mr. Donofrio said that he is working with the City's Real Estate and Development Director and a landscape architect to arrive at a landscape plan that would provide uniformity throughout the proposed development. Mr. Donofrio briefly reported on the proposed building materials and circulated samples of the building materials to the Commission. Mr. Donofrio discussed the landscape plan along Urbancrest and the property adjacent to the Jackson family. Mr. Donofrio expressed his desire to work with the City and said he is open to suggestions.

#### PUBLIC HEARING OPENED

Ms. Barbara Jackson of 3035 Daley, Troy, was present. Ms. Jackson provided a letter that cites her major concerns to the proposed development. Ms. Jackson believes the development would have a negative impact on the neighborhood, and noted the neighbors on Hartland are not in favor of the development. Ms. Jackson expressed her appreciation to the Commission for their dedication and hard work on behalf of the City.

Eileen Youngerman of 369 Lange, Troy, was present. Ms. Youngerman said she manages property on Rochester Road, south of Big Beaver, and is familiar with the proposed development. Ms. Youngerman is in favor of the proposed development. She believes it would remove and improve a long-time blighted area as well as continue the Golden Corridor concept for the City. She views the proposed development as an asset to the City.

Helen Haas of 1069 Urbancrest, Troy, was present. Ms. Haas, who lives next to the abandoned school, questioned the term "mixed use" and voiced her objections to the proposed development. Ms. Haas stated the petitioner has committed to providing an easement but that there would be certain restrictions. She stated that she cannot afford an attorney to seek legal advice and does not want to sign any documents.

Ms. Lancaster said it would be in the best interest of Ms. Haas to retain an attorney to review the legal documentation related to the easement agreement, but noted that the City would ensure that her interests would be protected as part of the master deed plan.

Mr. Donofrio clarified that the restriction to which Ms. Haas is referring is the parking of her recreational vehicle on the property. He informed Ms. Haas that neither she nor any of her neighbors would be permitted to park recreational vehicles on the property. Mr. Donofrio noted that Ms. Haas would not be responsible for any maintenance nor would she be assessed any association dues, and further that this would be inherent for any future owners of the Haas property.

Jim Meinershagen of 4657 Heatherbrook, Troy, was present. Mr. Meinershagen is the head of the Scotland homeowners association. Mr. Meinershagen stated that he is in favor of the proposed development because it would be improving the City's principal intersection. He asked that the needs and wishes of neighbors, such as the Jackson family, with respect to landscaping and access be given serious consideration.

David Hornak was present to represent the homeowners at 1115 E. Big Beaver Road, Troy. Mr. Hornak spoke in favor of the proposed development and expressed appreciation to the petitioner for his efforts to work with the neighbors. Mr. Hornak believes the area will be well maintained by the private condominium owners.

Bob Jackson of 3035 Daley, Troy, was present. Mr. Jackson thanked the Commission for their hard work. Mr. Jackson stated that he has maintained the property to the rear for 47 years. He does not think a berm is necessary in this area and suggested to keep the existing trees. He voiced concerns with respect to watering the proposed berm. Mr. Jackson referenced the alley vacation and said there is no way a car will fit on a 10-foot driveway.

#### PUBLIC HEARING CLOSED

Mr. Waller requested that City staff, the City Attorney's Office and City Council give serious consideration to the wishes of the Jackson family.

Mr. Vleck questioned the proposed storm water retention and the maximum height of an office building if the site was developed under office zoning.

Mr. Miller confirmed that the petitioner is required to provide some method of storm water retention, and noted that the petitioner has proposed an oversized retention pond as a catalyst for future development. Mr. Miller further said that if the property was rezoned to low rise office, a three-story office building at a height of 36 feet would be allowed under the zoning.

**Resolution**

Moved by Waller

Seconded by Schultz

**RESOLVED**, that the Preliminary Plan for a Planned Unit Development, pursuant to Section 35.60.01, as requested by Tadian Developments, for the Rochester Commons Planned Unit Development (fka Back Bay Village PUD), located on the north side of Big Beaver Road and east of Rochester Road, located in section 23, within the R-1E zoning district, being 4.86 acres in size, is hereby recommended for approval to City Council.

**FURTHER RESOLVED**, the proposed PUD meets the location requirements set forth in Section 35.30.00, A and B (2 and 3). The unique layout and location of the site is better served by the flexibility of the PUD ordinance. In addition, the site does have economic obsolescence considerations, based on the vacant school, the current single-family residential zoning and the site's frontage on the highly traveled Big Beaver Road, as demonstrated by the deteriorated condition of some of the existing single family residential homes. The multiple-family residential development would be similar to office use in being a transitional use and a compatible use with Big Beaver Road, the adjacent fire station and adjacent single-family residential uses.

**FURTHER RESOLVED**, pursuant to Section 35.30.00.C, the applicant demonstrated that a sufficient number of objectives are met which would not be accomplished without the use of the PUD.

1. The applicant has demonstrated that the "development quality objectives" in Section 35.30.00.B.2 are met. As the applicant notes in response to the PUD conditions, the site layout is based on a creative design that enhances the use of an obsolete site. It includes a large central open area, provision of a pedestrian network connecting the site to the safety path along Big Beaver Road and the adjacent park and an excellent landscape design. It also includes improvement of the City Fire Department property.
2. The proposed development includes multiple-family residences and associated common recreation areas only, with no other mixed use. However, a mix of uses is not a prerequisite to permit a PUD. The definition in Section 35.20.00 refers to a PUD as a development consisting of a "combination of uses wherein the specific development configuration and use allocation is based upon a comprehensive physical plan." The definition refers to a combination of uses, such consideration is mitigated or tempered by "the specific development configuration and use allocation" as demonstrated by a physical plan. Therefore, the Ordinance contemplates a more narrow allocation of use based upon the constraints of site, as demonstrated by a physical plan.

3. That the eligibility criteria for consideration of a PUD are set forth in Section 35.30.00.C. Providing a mixture of uses is one (1) of seven (7) objectives that may be considered. However, the Ordinance does not require that all seven (7) objectives are met. It states that the “applicant must show that a sufficient number of ... objectives ... are met.”

**FURTHER RESOLVED**, the use will include screening to buffer the site from adjacent properties above and beyond Zoning Ordinance requirements. The applicant also proposes use of the retention pond adjacent to the fire station, and will have a decorative wet pond appearance. The aesthetic enhancement of the Fire Station with landscaping and reshaping of the detention pond will be a significant benefit.

**FURTHER RESOLVED**, that the proposed Preliminary Plan demonstrates that the General Development Standards, set forth in Section 35.40.00, and the Standards for Approval, set forth in Section 35.70.00, have been met.

**FURTHER RESOLVED**, the PUD is consistent with the Future Land Use Plan. The Future Land Use Plan designation calls for low rise office which is used as a transition between more intense commercial uses and less intense single-family residential uses. The office designation also serves as a transition between major thoroughfares (Big Beaver) and single-family residential areas.

**FURTHER RESOLVED**, it is evident that the former school site is transitional in nature. Commercial uses along Rochester Road and traffic along both Rochester and Big Beaver form an intense corridor. The proposed Rochester Commons project would achieve the same transitional benefits as office development and, in fact, would be more compatible with the neighboring single-family residential.

**FURTHER RESOLVED**, that the recommendation is subject to the following conditions.

1. The Preliminary Plan consists of a project manual, dated 4/03, which was presented to the Planning Department on April 11, 2003; the manual contains narratives, reduced plans, and full size plans:

Prepared by Grissim, Metz, Andriese Associates

- 1 Conceptual Landscape Plan
- 2 Conceptual Building Enlargement Landscape Plans
- 3 Conceptual Lighting/Street Signage Plan
- 4 Site Details
- 5 Site Amenities
- 6 Photometric Plan

Prepared by Professional Engineering Associates

- PSP-3 Site Plan
- PSP-3 Grading Plan (Preliminary)
- C-2 Topographic Survey
- T-1 Tree Survey

**FURTHER RESOLVED**, that the Planning Department will keep the Planning Commission informed on a written basis on any change or items of merit that occur to this project.

**FURTHER RESOLVED**, the City of Troy in support of the theme of improvement of this area of Troy will enclose the dumpster located on the parking lot of the Fire Department.

Yeas

- Kramer
- Littman
- Pennington
- Schultz
- Waller
- Wright

Nays

- Vleck

Absent

- Chamberlain
- Storrs

**MOTION CARRIED**

Chairman Littman congratulated the petitioner on following the PUD process.

Mr. Vleck stated he is not in favor of the motion because he feels the proposal falls short as a PUD project. He cited the proposal has no mixed use; the building material quality is of relatively low standard; and the public benefits are minimal. Mr. Vleck stated that the only precedent being set is for a developer to originally submit a sub-standard plan, make a lot of revisions to show that he/she is going through the PUD process, and receive approval that the proposal qualifies as a PUD project.

**Resolution**

Moved by Kramer

Seconded by Waller

**RESOLVED**, that the Planning Commission recommend to City Council that City Management be directed to coordinate the development of the corner park with the design intent and development as presented by the petitioner this evening.

Yeas

All present (7)

Absent

- Chamberlain
- Storrs

**MOTION CARRIED**

Chairman Littman requested a recess at 9:30 p.m.

The meeting reconvened at 9:40 p.m.

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### **SITE CONDOMINIUM SITE PLAN**

6. **SITE PLAN REVIEW** – Proposed Hidden Creek Site Condominium, 14 units proposed, East side of Ellenboro, South side of Vanderpool, Section 22 – R-1E

Mr. Miller presented a summary of the Planning Department report for the proposed Hidden Creek Site Condominium. Mr. Miller noted the report incorrectly specifies that the applicant is proposing a 14-unit site condominium; the report should read the applicant is proposing a 15-unit site condominium, which represents a density of 1.88 units per acre. Mr. Miller reported that it is the recommendation of the Planning Department to approve the preliminary site plan as submitted.

Discussion followed with respect to the unusual and quirky layout of the proposed development. It appears that Lot 8 has limited space between adjacent lots and that Lot 1 and 2 would be restricted in the placement of exterior structures.

Ms. Lancaster confirmed that condominium documents could be set up so that individual homeowners are responsible for maintenance of their lots.

Mr. Miller confirmed that Lots 14 and 15 would have access off of Ellenboro.

The petitioner, Gary Abitheira of 178 Larchwood, Troy, was present. Mr. Abitheira said that he personally is moving onto Lot 8 and that his father currently lives on Lot 15. Mr. Abitheira said the association bylaws would stipulate that each homeowner is responsible for his respective exterior maintenance. Mr. Abitheira explained that he could not split the lots because of legal restrictions.

Chairman Littman opened the floor for public comment.

James Ryan of 648 Vanderpool, Troy, was present. Mr. Ryan lives at the dead end of Vanderpool on the opposite side of the creek. Mr. Ryan spoke with the Chief Inspector of the Oakland County Drain Commission and was informed that the petitioner has not applied for any permits or variances with respect to the drain and existing 25-foot easement and that several outstanding violations exist. Mr. Ryan claimed the petitioner bulldozed the trees on the property without obtaining a permit, and the clearing of the property took away the privacy and nature he once enjoyed as a resident. Mr. Ryan asked that the petitioner be required to re-plant the trees he bulldozed. Mr. Ryan claimed that the petitioner built the two houses at the end of the

street without obtaining proper permits. Mr. Ryan stated the Planning Department has informed him that the petitioner has received all applicable City permits, but he understands that applicable County permits have not been obtained. Mr. Ryan voiced his concern, as well as his neighbors, that Vanderpool would be opened up to through traffic and believes it would be a detriment to the neighborhood. Mr. Ryan spoke with respect to the unusual layout of the site, and cited several questions that he feels should be addressed before further movement on this project.

Mr. Miller confirmed that the City's Parks and Recreation Department reviewed the petitioner's preliminary tree preservation plan and the Engineering Department reviewed the floodplain very closely. Mr. Miller stated the petitioner would apply for permits subsequent to receiving preliminary site plan approval. Mr. Miller said that he could not answer to potential violations at this time without doing further research on the issues.

Ms. Lancaster confirmed that the Commission's approval process relates to meeting City ordinances and not County requirements.

Mr. Miller cited the City ordinance relating to constructing equipment and/or structures within a floodplain area, and noted there could be potential limitations on developing or building in the rear yards that lie within the designated floodplain.

James Savage of 800 Harris, Troy, was present. Mr. Savage circulated a photograph taken two years ago after a one-inch rainfall wherein Rochester Road near the Sturgis drain was completely submerged. Mr. Savage voiced concern with additional flooding as a result of the proposed development. In addition, Mr. Savage addressed his concern of increased traffic on Vanderpool and Ellenboro, and noted it would endanger elementary school children. Mr. Savage feels the proposed development would have a negative impact on the neighborhood.

The floor was closed.

### **Resolution**

Moved by Littman

Seconded by Wright

**RESOLVED**, that the Planning Commission hereby recommends that the Preliminary Plan as submitted under Section 10.00.00 of the Zoning Ordinance (One Family Residential Districts) and Section 34.30.00 of the Zoning Ordinance (Unplatted One-Family Residential Development) for the development of a One-Family Residential Site Condominium, known as Hidden Creek Site Condominium, 15 units proposed, located on the east side of Ellenboro and the south side of Vanderpool, Section 22, within the R-1E zoning district, be tabled for thirty (30) days to the June 10, 2003 Regular Meeting, to allow residents, developer and City staff to address all issues.

Yeas

Kramer  
Littman  
Pennington  
Schultz  
Wright

Nays

Vleck  
Waller

Absent

Chamberlain  
Storrs

**MOTION CARRIED**

Mr. Vleck said he was not in favor of the motion because the Commission is compelled to approve a site plan that complies with City ordinances.

Mr. Waller said the Commission responded to hearsay and the professional City staff should have had the issues sorted out a long time ago. Mr. Waller asked that the record be clear that if the petitioner is in violation of clearing the subject land, that it is a Drain Commission issue and not the City's.

**STREET VACATION REQUEST**

7. PUBLIC HEARING – STREET VACATION REQUEST (SV-182) – 18 Foot Alley, between Chopin Road and Maple Road, Abutting Lots 78 through 90 and 589 of Addison Heights Subdivision, North of Maple, East of Livernois, Section 27

Mr. Miller presented a summary of the Planning Department report for the proposed street vacation request. Mr. Miller reported that it is the recommendation of the Planning Department to approve the street vacation request as submitted with the condition that retention of easements for utilities is provided.

Matt Ray of 3384 W. 12 Mile Road, Berkley, was present to represent the petitioner. Mr. Ray stated that the petitioner wishes to improve the property for future development.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Mr. Savidant clarified that the City does not require easements for City utilities (storm, water and sewer) but the recommended condition is to require easements for other potential utilities such as telephone, cable, etc.

Mr. Miller reported there were no responses from affected residents who received notification of the proposed street vacation.

**Resolution**

Moved by Vleck

Seconded by Wright

**RESOLVED**, that the Planning Commission hereby recommends to the City Council that the street vacation request, as submitted for the alley, between Chopin Road and Maple Road, located within the Addison Heights Subdivision, abutting lots 78 through 90 and 589, being approximately 222.54 feet in length and 18 feet in width, in Section 27, be approved subject to the following condition:

1. Retention of easements for utilities.

Yeas

All present (7)

AbsentChamberlain  
Storrs**MOTION CARRIED****SITE PLANS**

8. SITE PLAN REVIEW (SP-892) – Proposed Retail Building, Shops at Torpey, Northeast corner of Rochester Road and Torpey, Section 23 – B-2

Mr. Savidant presented a summary of the Planning Department report for the proposed retail building. Mr. Savidant reported that it is the recommendation of the Planning Department to approve the site plan as submitted subject to: the vacation of the existing 6-foot wide easement running north-south through the parcel; continuation of the concrete sidewalk along Torpey across the entry drives; relocation of the dumpster to the northeast corner; and provision of a vehicular cross access easement for future connection to the property to the north.

The petitioner, Dennis Torpey of 12830 Rattalee Lake Road, Davisburg, was present. Mr. Torpey expressed his concern in relocating the dumpster to the northeast corner because of the existing overhead utility lines, and questioned the City's request to continue the sidewalk along Torpey.

Mr. Miller clarified that the site plan must show the sidewalk to meet City ordinance and get approval by the Commission, but informed the petitioner that a sidewalk waiver could be submitted for consideration by the City's Traffic Committee.

Chairman Littman opened the floor for public comment.

There was no one present who wished to speak.

The floor was closed.

**Resolution**

Moved by Kramer

Seconded by Wright

**RESOLVED**, that the Preliminary Site Plan for the Shops at Torpey, located on the northeast corner of Rochester Road and Torpey, Section 23, within the B-2 zoning district is hereby granted, subject to the following conditions:

1. The existing 6 foot wide easement running north-south through the parcel to be vacated.
2. The concrete sidewalk shall continue along Torpey across the entry drives.
3. The dumpster be relocated to the northeast corner of the site and orient the dumpster enclosure so that the entrance faces due west, provided there is no safety hazard from overhead utilities or wires.
4. A vehicular cross access easement for future connection to the property to the north, to be located as shown on the site plan.

Yeas

All present (7)

Absent

Chamberlain  
Storrs

**MOTION CARRIED**

9. SITE PLAN REVIEW (SP-893) – Proposed Office/Retail Building, Southeast corner of Long Lake and John R, Section 13 – B-3 and E-P

Mr. Savidant presented a summary of the Planning Department report for the proposed office/retail building. Mr. Savidant noted that subsequent to the Planning Department’s written report, the petitioner submitted a landscape plan for the E-P Zoning District area that has been reviewed and approved by the Parks and Recreation Department. Mr. Savidant reported that it is the recommendation of the Planning Department to approve the site plan as submitted subject to the applicant receiving approval from the Michigan Department of Environmental Quality (MDEQ) prior to Final Site Plan approval.

Mr. Waller requested that the driveway of the proposed development be checked with relation to the elevation of the new bridge going in on Long Lake Road, east of John R.

The petitioner, Laith Jonna of 2360 Orchard Lake Road, Sylvan Lake, was present. Mr. Jonna stated that exact elevations have been taken of the new bridge on Long Lake and a plan that addresses the access requirements has been submitted.

Mr. Miller requested the petitioner to provide an explanation of the proposed upper and lower level parking.

With the assistance of display boards, Mr. Jonna gave a brief presentation of the proposed parking elevations with relation to the John R Road elevation, and a view of the office/retail construction. Mr. Jonna confirmed that the lower level offices would have entrances along the lower level in the rear of the site, and that handicapped parking spaces could easily be designated in the area.

There was discussion on the relation of the grade of the proposed development to the Police/Fire Training Center.

Tony Serra of 189 E. Big Beaver, Troy, the architect for the proposed project gave a brief explanation of the grading plan and summarized that the Police/Fire Training Center's elevation would remain higher than the proposed development and noted water run-off would flow to the catch basin.

Mr. Savidant said it appears that most of the Police/Fire Training Center property is designed so that its water run-off turns away from the proposed development.

Chairman Littman opened the floor for public comment.

There was no one present who wished to speak.

The floor was closed.

### **Resolution**

Moved by Kramer

Seconded by Schultz

**RESOLVED**, that the Preliminary Site Plan for the proposed Office/Retail Building, located on the southeast corner of Long Lake and John R, Section 13, within the B-3 and E-P zoning districts is hereby granted, subject to the following conditions:

1. The applicant will require approval from the Michigan Department of Environmental Quality (MDEQ) prior to Final Site Plan approval.
2. The E-P landscape buffer will be designed as shown in the landscape plan as submitted and approved by the Parks & Recreation Department.
3. The plan reflects the addition of handicapped parking spaces for the lower level building entrances to the east.

Yeas

All present (7)

Absent

Chamberlain  
Storrs

**MOTION CARRIED**

**REZONING REQUESTS**

10. PUBLIC HEARING – PROPOSED REZONING (Z-688) – Proposed Office Building, East side of Coolidge, South of Maple, Section 32 – M-1 to O-1

Mr. Savidant presented a summary of the Planning Department report for the proposed rezoning request. Mr. Savidant reported that it is the recommendation of the Planning Department to approve the rezoning request as submitted.

Matt Ray of 3384 W. 12 Mile Road, Berkley, was present to represent the petitioner. Mr. Ray said the intent of the property owner and developer is to provide a nice office building at this location.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

**Resolution**

Moved by Waller

Seconded by Wright

**RESOLVED**, that the Planning Commission hereby recommends to the City Council that the M-1 to O-1 rezoning request for the existing industrial storage facility, located on the east side of Coolidge Road, south of Maple Road, Section 32, being 0.86 acres in size, be granted.

Yeas

All present (7)

Absent

Chamberlain  
Storrs

**MOTION CARRIED**

11. PUBLIC HEARING - PROPOSED REZONING (Z-689) – Proposed Car Wash, North side of Maple, East of Livernois, Section 27 – B-1 and R-1E to H-S

Item withdrawn per the request of the petitioner.

## **SPECIAL USE REQUEST**

1. **PUBLIC HEARING – SPECIAL USE REQUEST (SU-181 B)** – Troy Auto Wash, East side of Livernois, South of Maple, Section 34 – H-S

Mr. Savidant presented a summary of the Planning Department report for the proposed special use request. Mr. Savidant reported that it is the recommendation of the Planning Department to table the request until the rear 317.5 feet of the property is deeded to a different owner, or until a variance from the 10% landscaping requirement is granted.

The petitioner, Tony Gallo of 30555 Hoover, Warren, was present. Mr. Gallo explained the difficulty in developing the subject site because of its irregular shape. He stated that there have been discussions with the property owners to the north (K-Mart facility) and to the south (vacant shopping plaza) with respect to deeding a portion of the property to the rear. Mr. Gallo provided the Commission with a letter from the property owner to the north that indicated agreement to accepting the deeded portion of the property. Mr. Gallo said he would seek a variance from the Zoning Board of Appeals if the property were not to be deeded. Mr. Gallo reviewed the present condition of the site and expressed his desire to provide a first-class building in its place. Mr. Gallo asked for the Commission's favorable consideration of the request.

### **PUBLIC HEARING OPENED**

No one was present to speak.

### **PUBLIC HEARING CLOSED**

Mr. Kramer asked what process is in place to guarantee the site plan condition would be met.

Mr. Miller replied that the Planning Department would not approve the final site plan until the condition occurred.

### **Resolution**

Moved by Waller

Seconded by Wright

**RESOLVED**, that Special Use Approval and Preliminary Site Plan Approval, pursuant to Section 23.30.04 of the Zoning Ordinance, as requested for the Troy Auto Wash, located on the east side of Livernois Road, south of Maple Road, located in section 34, within the H-S zoning district, is hereby granted, subject to the following condition:

1. The applicant and/or property owner either selling the rear land to the adjacent property owner or applying and receiving a 10% landscaping variance from the Zoning Board of Appeals.

Yeas

All present (7)

Absent

Chamberlain  
Storrs

**MOTION CARRIED**

**ZONING ORDINANCE TEXT AMENDMENTS**

2. PUBLIC HEARING – ZONING ORDINANCE TEXT AMENDMENT (ZOTA-198) – Article 40.20.00 Parking Requirements

Mr. Savidant summarized the intent of the proposed revisions to the parking requirements zoning ordinance text.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

**Resolution**

Moved by Kramer

Seconded by Schultz

**RESOLVED**, that the Planning Commission hereby recommends to the City Council that ARTICLE XI (GENERAL PROVISIONS), Section 40.20.00 (PARKING REQUIREMENTS) of the Zoning Ordinance, be amended as printed on the Planning Commission recommended amendment, dated 04/17/03:

Yeas

Kramer  
Littman  
Pennington  
Schultz  
Waller  
Wright

Nays

Vleck

Absent

Chamberlain  
Storrs

**MOTION CARRIED**

Mr. Vleck indicated he is not in favor of the motion because the text contains references to the “largest working shift” which he feels is too dynamic of a standard and makes the ordinance unenforceable.

3. PUBLIC HEARING – ZONING ORDINANCE TEXT AMENDMENT (ZOTA-199) – Article 03.40.00 Site Plan Approval

Mr. Savidant summarized the intent of the proposed revisions to the site plan zoning ordinance text.

A brief discussion was held with respect to specific criteria required for site plan approval; i.e., city projects, car dealerships.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

**Resolution**

Moved by Schultz

Seconded by Wright

**RESOLVED**, that the Planning Commission hereby recommends to the City Council that ARTICLE III (APPLICATIONS AND PROCEDURES), Section 03.40.00 (SITE PLAN REVIEW / APPROVAL) of the Zoning Ordinance, be amended to read as follows:

*(Underlining, except for major section titles, denotes changes.)*

03.40.00 SITE PLAN REVIEW / APPROVAL

03.40.01 INTENT

03.40.02 The site plan review requirements in this Article are intended to provide a consistent and uniform method of review of proposed development plans, to ensure full compliance with the regulations in this Ordinance and other applicable ordinances and state and Federal laws, to achieve efficient use of the land, to protect natural resources, and to prevent adverse impact on adjoining or nearby properties. It is the intent of these provisions to encourage cooperation and consultation between the City and the applicant to facilitate development in accordance with the City's land use objectives.

03.40.02 SITE PLAN REQUIRED

The development of any new use, the construction of any new structures, any change of an existing use of land or structure, and all other building or development activities shall require prior site plan

approval pursuant to this Article. Specifically, site plan review shall be required for any of the following activities:

- (1) Erection, moving, relocation, conversion or structural alteration to a building or structure to create additional usable floor space, other than a one family or two family dwelling.
- (2) Development of uses other than an individual one family residential unit in the R-1A, R-1B, R-1C, R-1D, and R-1E districts.
- (3) Any change in use that could affect compliance with the standards set forth in this Ordinance.
- (4) Expansion or paving of off-street parking and/or a change in circulation or access for other than a one or two family dwelling.
- (5) The development or construction of any accessory uses or structures at least 1,000 square feet in area or greater, except for uses or structures that are accessory to a one or two family dwelling.
- (6) Any use or development for which submission of a site plan is required by the provisions of this Ordinance, including all Special Use Approval applications.
- (7) A substantial revision to a development that has received Preliminary or Final Site Plan Approval, as determined by the Planning Director and Building and Zoning Director.
- (8) Changes to pedestrian access or site and building interconnectivity.
- (9) The Planning Director has the authority to waive the site plan review requirement if it is determined that a project does not affect compliance with the standards of this Ordinance or other regulations.

#### 03.41.00 PROCEDURE

03.41.01 A petitioner seeking Site Plan Approval for ~~proposed development and/or use of property within the City of Troy~~ as required under Section ~~03.41.04~~ 03.40.02 shall submit an application for same at the Planning Department of the City of Troy, together with the appropriate fee, not less than thirty (30) days prior to the date of the Regular Meeting of the Planning Commission.

- 03.41.02 The Planning Department shall review the application with respect to the submittal requirements contained herein. Any application which fails to provide the information and materials specified within this Section shall be held in abeyance until all deficiencies have been rectified.
- 03.41.03 Applications in conformity with the requirements of this Section shall be reviewed inter-departmentally and any revisions and/or corrections necessary shall be made by the petitioner prior to presentation to the Planning Commission for Preliminary Site Plan Approval. The Planning Department shall inform the Planning Commission of any inter-departmental comments or concerns.
- 03.41.04 The request for Preliminary Site Plan Approval shall be presented to the Planning Commission and after action by the Planning Commission, the petitioner shall obtain a copy of the Approved Preliminary Site Plan upon which shall be noted any requirements for modifications, additional information, or executed documents and/or agreements. Planning Commission Preliminary Site Plan Approval shall be effective for a period of one year. Within that one year period the petitioner shall submit a complete application for Final Site Plan Approval to the Planning Department in accordance with Section 03.41.07. If the petitioner does not renew the Preliminary Site Plan Approval or receive Final Site Plan Approval within 1 year, Preliminary Site Plan Approval shall expire. If at the time of renewal, the Planning Director determines that conditions have changed since Preliminary Site Plan Approval was first granted, the petitioner shall be required to resubmit the application for Preliminary Site Plan Approval.
- (11-19-90)
- 03.41.05 Landscape Plans, in conformity with the City's Landscape Design Standards, related to the required greenbelts, landscape and open space areas, shall be submitted with the application for the Preliminary Site Plan. ~~to The Department of Parks and Recreation shall for review and approve approval,~~ the Landscape Plan prior to the application for Preliminary Final Site Plan Approval.
- 03.41.06 Building and Engineering plans, conforming to all applicable portions of the City Code and the City's Engineering Design Standards, shall be submitted to the Building and Engineering Departments for their review and approval.
- 03.41.07 The petitioner shall, after review of building and engineering plans by the Building and Engineering Departments ~~and after review of landscape plans by the Department of Parks and Recreation,~~ and before granting of any building permits, submit the site plan to the Planning Department for consideration and Final Site Plan Approval. This site plan submittal

shall include those items indicated under Section 03.43.03 of this Article. It shall be the responsibility of the petitioner to secure all necessary approvals and authorizations related to the items covered under Section 03.43.03.

(11-19-90)

03.41.08 The Planning Department will review the submittal for Final Site Plan Approval to ascertain that all the requirements of Sections 03.41.07 and 03.43.03 have been complied with. Any submittal which fails to provide the modifications, information and/or documents required shall be deemed incomplete and held in abeyance until all deficiencies have been rectified.

03.41.09 In the event that the Site Plan has been substantially revised from that which received Preliminary Site Plan Approval, as determined by the Planning Director, the Planning Department shall present the revised plan to the Planning Commission for their review and approval. The Planning Commission shall review the request for approval of the revised Site Plan, taking into account the configuration of the plan granted Preliminary Approval, and the implications of Building and Engineering Plan Review, along with any plan modifications proposed by the petitioner. The Planning Commission shall then, by resolution:

- (1) Grant the request for Approval of the Revised Site Plan, subject to any additional modifications it deems necessary to assure the proper development of the proposed site and its' compatibility with adjacent or abutting properties, or
- (2) Deny the request for Approval of the Revised Site Plan indicating specific reasons for denial, or
- (3) Table the request for Approval of the Revised Site Plan, indicating the reasons for tabling.

03.41.10 When the Planning Department determines that the Final Site Plan is consistent with that which received Preliminary Site Plan Approval, and thus that further Planning Commission action is not necessary, they shall then review the applicable portions of complete submittals in order to confirm that all necessary City Department approvals, authorizations or certifications have been received from Departments including, but not limited to, the Engineering, Right-Of-Way, and Fire Departments. The Planning Department shall then grant Final Site Plan Approval and shall notify the Chief Building Inspector that building permits can be issued.

(11-19-90)

03.41.11 In those instances where Planning Commission review and approval of a revised site plan is necessary, and where modifications to the site plan are required by the Planning Commission, no building permits shall be issued until five copies of the modified site plan have been submitted and have been approved by the Building and Engineering Departments.

(11-19-90)

03.41.12 Final Site Plan Approval shall be effective for a period of one year.

(11-19-90)

03.42.00 APPLICATIONS

Application forms for Site Plan Approval for proposed development and/or use of property within the City of Troy are obtainable at the Planning Department of the City of Troy.

03.43.00 SUBMITTAL REQUIREMENTS

03.43.01 A petition or request for Preliminary Site Plan Approval shall be submitted on forms published by the Planning Department and shall contain the following:

- (1) The name, address and telephone of the person applying for Preliminary Site Plan Approval.
- (2) The name, address and telephone of the owner of the property.
- (3) The relationship between the applicant and the property owner.
- (4) The present zoning classification of the subject property.
- (5) The proposed use of the property.
- (6) A Certified Topographic Architectural Survey and a Certified Boundary Survey of the property, prepared and sealed by a Licensed Land Surveyor. The legal description and boundary survey shall be provided on 8-1/2 x 14 pages attached to the application, suitable for recording in accordance with Act 132 of Public Acts of 1970. The legal description of acreage parcels and parcels from subdivisions platted prior to January 1, 1970 shall be tied to a recorded Section or Quarter-Section Corner. If the subject Section or Quarter-Section Corner is not recorded, it is the responsibility of the applicant to have the Corner recorded by a Licensed Surveyor by filing a "Land Corner Recordation

Certificate" with the Oakland County Register of Deeds. A copy of the proposed "Land Corner Recordation Certificate" shall be attached to the Site Plan Approval application. The Planning Director may waive the Topographic Survey requirement for changes in use of existing buildings if each of the following conditions exist:

- (a) No additional impervious surfaces will be constructed on the property.
  - (b) The Engineering Department determines that the existing storm water drainage system is sufficient given present conditions.
- (7) A location map (minimum scale of 1"=400') indicating the subject property and the zoning classifications and uses of abutting and adjacent properties, on 8-1/2 x 11 pages, shall be attached to the application.
- (8) Attached to this application shall be ten (10) ~~six (6)~~ prints of the proposed site plan drawn to a scale of not less than 1"=20', (1" = 50' for parcels of 3 acres or more) wherein the following items shall be clearly labeled and dimensioned:
- (a) All drawings are to have a title block which shall have the name of the project and date of plans including revision dates.
  - (b) All drawings are to have a northpoint and the scale of the drawing is to be indicated.
  - (c) All lot and property lines.
  - (d) Location of all proposed structures.
  - (e) Existing and future right-of-way of adjacent streets, including centerlines and Section Lines where applicable.
  - (f) Location of all sidewalks, on and adjacent to the site, as required by the Zoning Ordinance and the Sidewalk Ordinance.
  - (g) Deceleration and passing lanes as required by the City of Troy Transportation Engineer.

(Rev. 5-17-93)

- (h) Indication of the means by which storm water detention will be provided.
- (i) Setbacks and required yards.
- (j) Parking areas, access drives, loading and unloading areas, and trash receptacles.
- (k) Greenbelts, landscape areas and other open space areas; and screening walls.
- (l) The location of any existing driveways and streets within 100 feet of the subject property, including those across frontage streets.
- (m) The location of existing cross access easements on abutting properties and the location of proposed cross access or joint drive easements on the subject property.
- (n) Calculations for the following shall be included on the site plan:
  - 1. Gross and net (after rights-of-way) site area.
  - 2. Gross and net ("usable") building area.
  - 3. Required parking and statement of parking provided.
  - 4. Required landscape and open space area and statement of area provided.
- (o) Site Plans for residential developments shall include the following additional information:
  - 1. Calculation of the dwelling unit density allowable and a statement of the number of dwelling units, by type, provided.
  - 2. Topography on site and 50 feet beyond, drawn at two (2) foot contour intervals, with existing drainage courses, flood plains, wetlands and tree stands indicated.
  - 3. Two prints each of the typical floor plans and elevations of the proposed buildings, indicating building height.

- (p) Existing and proposed grades.
  - (q) Number of employees on the largest working shift (if applicable).
  - (9) A wetlands determination shall be required for all applications for preliminary site plan approval, including subdivisions and site condominiums.
  - (10) An Environmental Impact Statement shall be attached as a part of the submittal when required in accordance with Article VII of the Zoning Ordinance.
  - (11) A Tree Preservation Plan in accordance with the City of Troy Landscape Design and Tree Preservation Standards shall be attached to all applications for Site Plan Approval. This requirement may be waived, by the Planning Director or by the Superintendent of Public Grounds, in those instances where the Topographic Architectural Survey and/or other written information provided by the applicant demonstrate that the nature of the site is such that a Tree Preservation Plan would not be applicable, or would serve no practical purpose.
  - (12) A Landscape Plan prepared in conformance with the City of Troy's Landscape Design Standards.
  - (13) Floor Plans.
  - (14) Building Elevations.
  - (15) Grading Plans.
  - (16) Preliminary Tree Preservation Plan.
  - (17) Indicate the method used to remove snow and the location of on-site snow storage areas.
- 03.43.03 A petition or request for Final Site Plan Approval shall be submitted on forms published by the Planning Department and shall contain the following:
- (1) The modifications and/or additional information required by the Planning Commission at the time of Preliminary Site Plan Approval;

- 
- (2) Any and all executed Easements, Agreements, or other documents required in conjunction with Preliminary Site Plan Approval, or required in conjunction with Building and Engineering Plan Reviews, including, but not limited to, the following:
    - (a) The dedication of rights-of-way,
    - (b) The conveyance of easements for public utilities, private access drives, cross access easements, joint driveway easements and pedestrian easements,
    - (c) "Private Agreements" for the installation of Public Improvements, by the petitioner.
    - (d) "Irrevocable Petition Agreements" for participation in potential Special Assessment Projects involving Road, Pedestrian and/or Public Utility improvements.
  - (3) A current Title Commitment, indicating all parties in interest in the subject property.
  - (4) A statement from the Landscape Analyst Superintendent of Public Grounds indicating that the Landscape Plans have been submitted, approved and the related fees have been paid.
  - (5) Approved Engineering Site Plans, developed in accordance with the City's Engineering Design Standards, indicating the location of the major elements of:
    - (a) The water distribution system,
    - (b) The sanitary sewer system,
    - (c) The storm drainage system, including the location size and shape of required storm water detention basins or other detention facilities.
  - (6) Site area and building area information and calculations to confirm that Zoning Ordinance requirements such as parking and landscape area are met. Final building floor area information shall include all floor levels including basement and mezzanine areas.
  - (7) The location of Fire Lanes as recommended by the Fire Department.

Yeas  
 Kramer  
 Littman  
 Pennington  
 Schultz  
 Waller  
 Wright

Nays  
 Vleck

Absent  
 Chamberlain  
 Storrs

**MOTION CARRIED**

Mr. Vleck stated he is not in favor of the motion because Section 03.43.01, (8) (q) references the "largest working shift" and he feels the criteria would arrive at a fictitious number because tenancy is not a known.

4. PUBLIC HEARING – ZONING ORDINANCE TEXT AMENDMENT (ZOTA-126) – Article 39.70.09 Dumpsters and Grease Containers

Mr. Savidant summarized the intent of the proposed revisions to the dumpsters and grease containers zoning ordinance text.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

**Resolution**

Moved by Pennington

Seconded by Vleck

**RESOLVED**, that the Planning Commission hereby recommends to the City Council that ARTICLE XXXIX (ENVIRONMENTAL PROVISIONS), Section 39.70.09 (TRASH RECEPTACLE AREA SCREENING) of the Zoning Ordinance, be amended to read as follows:

*(Underlining, except for major section titles, denotes changes.)*

39.70.09 Trash Receptacle Area Screening

Trash receptacle or "dumpster" areas, including containers used to store grease, oil, waste and food by-products, shall be indicated on Site Plans, and shall be screened on at least three sides with an opaque fence or masonry wall at least equal to the height of the trash receptacles. Such obscuring elements shall be constructed of materials which are similar to or compatible with the exterior materials utilized in the

construction elsewhere on the site, and shall be maintained so as to remain structurally sound, opaque throughout, and neat and clean in appearance. In locating trash receptacle facilities, primary consideration shall be given to access for service, minimizing on-site traffic congestion, and minimizing visibility or other negative effects on those utilizing the site or adjoining properties. Where sites of restaurants or food sales establishments abut residentially-zoned land, the trash receptacle facilities serving such establishments shall be located abutting or adjacent to the building housing the restaurant or food sales use, and thus not adjacent to or abutting residentially- zoned land. Where sites of other non-residential use establishments abut residentially-zoned land, the Planning Commission may require that the trash receptacle facilities serving such establishments be located away from the residentially-zoned land, in order to minimize any negative effects on that land. In M-1 Districts the Planning Commission may waive the required screening when they determine that the trash receptacles are located so as to be obscured from view from any abutting public streets, and that no other significant negative effects will result from the waiver of such screening.

(Rev. 6-29-92)

Yeas

All present (7)

Absent

Chamberlain  
Storrs

**MOTION CARRIED**

**OTHER BUSINESS**

- 5. PLANNING COMMISSION WORK PROGRAM – Approval and Referral to City Council

Chairman Littman reported that the Planning Commission Work Program went before City Council as a green informational memorandum at their May 12, 2003 Regular Meeting. City Management is requesting that the Work Program be officially approved by the Planning Commission prior to submitting it for approval by City Council.

A brief discussion followed.

Ms. Lancaster stated that a request to City Council to approve the Planning Commission Work Program could result in priority and funding issues.

**Resolution**

Moved by Littman

**RESOLVED**, that the Planning Commission Work Program be referred to City Council for review, comments and approval at their June 2, 2003 meeting.

There was no second to the motion.

**MOTION FAILED**

**GOOD OF THE ORDER**

Mr. Savidant thanked personally the person who passed out the Smarties candy.

Chairman Littman apologized for jumping the gun on the Work Program referral to City Council and not recognizing that he needed approval by the Planning Commission prior to requesting approval by City Council.

Ms. Pennington regretfully announced her resignation effective immediately, May 13, 2003. Ms. Pennington said it has been an honor and a privilege to work with the Commission.

Mr. Miller reminded everyone that the next meeting is June 3, 2003.

Ms. Lancaster said that she and all the Commission members would miss Ms. Pennington.

Chairman Littman announced that he has surgery scheduled on June 3<sup>rd</sup> and would advise the Planning Department and members of his return to chair the meetings.

**ADJOURN**

The Regular Meeting of the Planning Commission was adjourned at 11:33 p.m.

Respectfully submitted,

Mark F. Miller AICP/PCP  
Planning Director



**INVESTMENTS**

***Resolution # 03-17***

Moved by Crawford

Seconded by Calice

*RESOLVED*, That the following investments be purchased: Purchase \$500,000-1,000,000 Ford Motor Credit 6.30%, due 5/20/10; 8,000 shares First Industrial Realty; 10,000 shares American Express and 10,000 shares Abercrombie & Fitch.

Yeas:            All 7

The next meeting is June 11, 2003 at 3:00 p.m. at the City Hall Conference Room C.

The meeting adjourned at 3:45 p.m.

The Chairman, Michael Hutson, called the meeting of the Board of Zoning Appeals to order at 7:30 P.M., on Wednesday, May 21, 2003.

PRESENT: Kenneth Courtney  
Christopher Fejes  
Marcia Gies  
Michael Hutson  
Matthew Kovacs  
Mark Maxwell  
Mark Vleck

ALSO PRESENT: Mark Stimac  
Allan Motzny  
Pamela Pasternak

Mr. Hutson introduced his father, Mr. Jack Hutson, the first City Attorney for the City of Troy in 1956. Mr. Hutson explained that this was when the City was changing from a Township to a City.

### **ITEM #1 – APPROVAL OF MINUTES – MEETING OF APRIL 15, 2003**

Motion by Maxwell  
Supported by Vleck

MOVED, to approve the minutes of the meeting of April 15, 2003 as written.

Yeas: 5 – Hutson, Kovacs, Maxwell, Vleck, Courtney  
Abstain: 2 – Fejes, Gies

MOTION TO APPROVE MINUTES AS WRITTEN CARRIED

### **ITEM #2 – APPROVAL OF ITEMS #3 THROUGH #7**

**MOVED**, that Items #3 through #7, with the exception of Items #5 and #6 are hereby approved in accordance with the suggested resolutions printed in the Agenda Explanation.

Motion by Courtney  
Supported by Maxwell

MOVED, that Items #3, #4 and #7 are hereby approved in accordance with the suggested resolutions printed in the Agenda Explanation.

Yeas: All – 7

MOTION TO APPROVE ITEMS #3, #4 AND #7 ARE CARRIED

**ITEM #3 – RENEWAL REQUESTED. LIBERTY PROPERTY TRUST, 2600 AND 2710 BELLINGHAM,** for relief to construct two new industrial buildings with a 6' high berm in lieu of the 6' high masonry-screening wall.

Mr. Stimac explained that the petitioner is requesting relief to maintain a 6' high berm in lieu of the 6' high masonry-screening wall required. This Board at the meeting of May 2000 first granted this relief. This item last appeared before this Board at the meeting of May 2001 and was granted a two-year (2) renewal to allow the Board to observe the maintenance of the berm. Conditions remain the same and we have no objections or complaints on file.

MOVED, to grant Liberty Property Trust, 2600 and 2710 Bellingham a three-year (3) renewal of relief to maintain a 6' high berm in lieu of the 6' high masonry-screening wall, which is required.

- Conditions remain the same.
- We have no complaints or objections on file.

**ITEM #4 – RENEWAL REQUESTED. SAN MARINO SOCIAL CLUB, 1685 E. BIG BEAVER,** for relief of the 6' high masonry-screening wall required along the north property line.

Mr. Stimac explained that the petitioner is requesting relief of the 6' high masonry-screening wall required adjacent to the residential zoned district to the north. This relief has been granted on a yearly basis since 1976, primarily due to the fact that the adjacent residential property is undeveloped and owned by the petitioner. This item last appeared before this Board at the meeting of May 2000 and was granted a three-year (3) renewal at that time.

MOVED, to grant San Marino Social Club, 1685 E. Big Beaver, a three-year (3) renewal of relief of the 6' high masonry-screening wall required adjacent to the residential zoned district to the north.

- Conditions remain the same.
- We have no complaints or objections on file.

**ITEM #7 – RENEWAL REQUESTED. BIG BEAVER UNITED METHODIST CHURCH, 3753 JOHN R.,** for relief of a 4'-6" high masonry wall along the north, east and west sides of off-street parking.

Petitioner is requesting renewal of relief of a 4'-6" high masonry wall required along the north, east and west sides of off-street parking. This Board has granted this relief on a yearly basis since 1994 based on the fact that the wooded areas provide a natural screening and a variance would not cause an adverse effect to the properties in the

**ITEM #7 – con't.**

immediate vicinity. This item last appeared before this Board at the meeting of May 2000 and was granted a three-year (3) renewal at that time. Conditions remain the same and we have no complaints or objections on file.

MOVED, to grant Big Beaver United Methodist Church, 3753 John R., a three-year (3) renewal of relief to maintain a 4'-6" high masonry wall required along the north, east and west sides of off-street parking.

- Conditions remain the same.
- There are no complaints or objections on file.

**ITEM #5 – RENEWAL REQUESTED. REVEREND SIMION TIMBUC, BETHESDA ROMANIAN CHURCH, 2075 E. LONG LAKE**, for relief of the 4'-6" high masonry-screening wall required along the east side of off-street parking.

Mr. Stimac explained that the petitioner is requesting relief of the 4'-6" high masonry-screening wall required along the east side of off-street parking. This relief has been granted on a yearly basis since May 1998. This item last appeared before this Board at the meeting of May 2002 and was granted a one-year renewal to allow the petitioner the opportunity to replace the dead shrubbery that was present; and also to allow the Church the time needed to work with the City to determine what other types of screening can be provided.

Motion by Courtney  
Supported by Maxwell

Moved, to grant Simion Timbuc, Bethesda Romanian Church, 2075 E. Long Lake, a one-year (1) renewal for relief of the 4'-6" high masonry-screening wall required along the east side of off-street parking.

- To allow the petitioner the opportunity to replace the dead trees and shrubbery in this area.

Yeas: All – 7

MOTION TO GRANT VARIANCE FOR ONE-YEAR (1) CARRIED

**ITEM #6 – RENEWAL REQUESTED. WANDA WAITE, PPG INDUSTRIES, 5875 NEW KING**, for relief to maintain a berm in lieu of the 6' high masonry-screening wall required along the west property line.

Mr. Stimac explained that the petitioner is requesting renewal of relief to maintain a berm in lieu of the 6' high masonry-screening wall required along the west property line. This Board has granted this relief on a yearly basis since 1988 based on the fact that

**ITEM #6 – con't.**

the petitioner installed a berm in place of the wall and the adjacent property owners approved of the alternate screening. This item last appeared before this Board at the meeting of May 2000 and was granted a three-year (3) renewal at that time. Conditions remain the same and we have no objections or complaints on file.

Motion by Courtney  
Supported by Maxwell

MOVED, to postpone the request of Wanda Waite, PPG Industries, 5875 New King, until the meeting of June 17, 2003 to allow time to publish a Public Hearing, in order to consider making this a permanent variance.

Yeas: All – 7

MOTION TO POSTPONE REQUEST UNTIL THE MEETING OF JUNE 17, 2003  
CARRIED

**ITEM #8 – VARIANCE REQUESTED. MR. & MRS. GARY SHEREDA, 5231 CROWFOOT**, for relief of the rear yard setback to construct a rear family room addition with a 25.5' rear yard setback where 40' is required by Section 30.10.04.

Mr. Stimac explained that the petitioners are requesting relief of the rear yard setback to construct a family room addition. The site plan submitted indicates that the proposed family room addition would result with a 26.55' rear yard setback. Section 30.10.04 requires a 40' minimum rear yard setback in the R-1C Zoning District. This item last appeared before this Board at the meeting of April 15, 2003 and was postponed to allow the petitioners to explore the possibility of reducing the size of this addition and the opportunity to have a full board.

The Building Department received a letter from the homeowners requesting that this item be postponed until the meeting of June 17, 2003.

Motion by Fejes  
Supported by Gies

MOVED, to postpone the request of Mr. & Mrs. Gary Shereda, 5231 Crowfoot, for relief of the rear yard setback to construct a rear family room addition with a 25.5' rear yard setback where 40' is required by Section 30.10.04, until the meeting of June 17, 2003.

- Petitioner requested a postponement to allow them to explore the possibility of reducing the size of this addition.

Yeas: All – 7

MOTION TO POSTPONE REQUEST UNTIL JUNE 17, 2003 CARRIED

**ITEM #9 – VARIANCE REQUESTED. MR. THOMAS DOOLEY, 2872 WATERLOO DR.,** for relief of the rear yard setback to construct a rear family room addition with a 35.1' rear yard setback where Section 30.10.04 requires 40'.

Mr. Stimac explained that the petitioners are requesting relief of the rear yard setback to construct an addition to their family room. The site plan submitted indicates an addition to the family room with a proposed 35.1' rear yard setback. Section 30.10.04 requires a 40' minimum rear yard setback in the R-1C Zoning District.

Mr. Dooley was present and stated that the reason he wished to put his addition in this area was because he has an existing cement patio, which runs 14' from the back of his home. Mr. Dooley also said that he had seen other homes in his area and was using them as a model for his addition. Mr. Dooley explained that they wished to expand their family room, but he would be willing to go back to his architect to determine if the plans could be changed to comply with the Ordinance.

Mr. Fejes asked if Mr. Dooley could explain his reason for requesting a variance. Mr. Dooley said that presently they only have one wall that their couch can be put on and they would like to expand this area to give them more options.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There is one (1) written approval on file. There are no written objections on file.

Mr. Kovacs stated that when he drove by the area he had noticed a number of trees at the back of the lot and asked where they were in relation to the lot line. Mr. Dooley stated that they are arborvitaes and they are planted along the lot line within a foot. Mr. Kovacs then stated that he understood Mr. Dooley to say that he could go back to his architect to determine if there was another option available to him. Mr. Dooley said that he thought the architect could come up with something, which would enable them to expand this family room.

Motion by Courtney  
Supported by Gies

MOVED, to postpone the request of Mr. Thomas Dooley, 2872 Waterloo, until the meeting of June 17, 2003, for relief of the rear yard setback to construct a rear family room addition with a 35.1' rear yard setback where Section 30.10.04 requires 40'.

- To allow the petitioner the opportunity to meet with his architect to determine if he can expand his family room and still comply with the Ordinance.

Yeas: All – 7

MOTION TO POSTPONE THIS REQUEST UNTIL THE MEETING OF JUNE 17, 2003  
CARRIED.

**ITEM #10 – VARIANCE REQUESTED. MR. & MRS. RICK HOWARD, 2051 E. BIG BEAVER,** for relief of the Zoning Ordinance to have a day care center for 145 children with 16,637 square feet of outdoor play space where 21,750 square feet are required by Section 10.30.03.

Mr. Stimac explained that the petitioners are requesting relief of the Zoning Ordinance to construct additional parking area at the existing day care center at 2051 E. Big Beaver. Section 10.30.03 of the Troy Zoning Ordinance requires that a minimum of 150 square feet of outdoor play area be provided for each child cared for at the center. For the 145-child capacity that is proposed, a minimum of 21,750 square feet of outdoor play space is required. The site plan submitted indicates that only 16,637 of square feet of outdoor play space are proposed.

Mr. and Mrs. Rick Howard were present. Mrs. Howard stated that out of 145 children, there are 37, which are infants, and they stay in the three infant rooms provided. These 37 children are only taken outside in strollers and do not use the outside facility until they can walk. Mrs. Howard also said that they have a full gymnasium set up in order for these children to crawl. Mrs. Howard explained that she has been in business for 15 years and has baby rooms, toddler rooms and pre-school rooms.

Mr. Maxwell asked for a description of the recreation activities provided for these children both inside and outside. Mrs. Howard said that they have a full gymnasium, which is 65' by 25', which contains climbers and mats. Dance classes as well as tumbling classes are available in this gym. Outside there are full swing sets, sand boxes, and climbers. Mr. Maxwell asked if there are children at this facility twelve months a year and if they went outside every day. Mrs. Howard said that they do have children twelve months a year and they are outside weather permitting. Mr. Maxwell then asked what the maximum number of children would be that were outside at one time. Mrs. Howard said that at the end of the day there would be approximately 100 or 110 children out at one time. Mrs. Howard further explained that the play area is fenced off for different age groups.

Mr. Courtney suggested that this item appear before Council or the Planning Commission for a change in the Ordinance.

Mr. Hutson asked that if a variance could be granted, based on the premise that you would always have 38 or more infants. Mr. Motzny stated that he did not believe that this could be a condition of the variance, because the conditions of a variance have to run with the land, and not based on the people that use the land. Mr. Motzny said that he did not believe this type of condition could be imposed.

Mrs. Howard said that her three (3) infant rooms always have infants, and she would not be able to bring any more in until her pre-schoolers move out. Mr. Hutson then said that if the property were sold, another person might not run their day-care center in the same manner that Mr. and Mrs. Howard do, and it could create a problem in the future. Mr. Motzny said that the condition could be identified, and it would be possible to state that

**ITEM #10 – con't.**

as long as “so many” infants, who could possibly justify the condition, use this property. Mr. Stimac suggested that another way the condition could be made was to limit the total number of children rather than the number of infants, similar to granting a parking variance to a restaurant based on their occupant load. Mr. Stimac further went on to say that if the number of children who are over two and one half years old would be limited to 110, and then the number of children who would have access to the play space would be limited also.

Mr. Courtney also asked if the Planning Commission and Council had determined a certain number of children who would occupy this space. Mr. Courtney also said that if a determination had not been made, he still felt that this request may require a change in the Ordinance.

Mr. Maxwell said that he had a concern that if a condition was placed on their business that perhaps the Board was getting into an area where it shouldn't be. Mr. Maxwell said that perhaps they could say that this outside area would be used for 115 children.

Mr. Fejes asked for a clarification on the variance request. Mr. Stimac explained that they are requesting a new parking area on John R., which will result in less outdoor play space allowed for each child. Mr. Stimac further explained that the Ordinance based on the number of children they wish to take care; they would need a certain square footage of outdoor play space. Mr. Stimac also said that with the parking lot and the other land, which they wish to develop further as other than a day care center, they only want to leave 16,000 square feet of outdoor play space.

Mr. Fejes stated that obviously the 150 feet per child allowed for outdoor play space was set for a specific reason. Mrs. Howard indicated that the State wants only 75 feet per child and Troy's standards are much higher. Mr. Howard said that the State requires a maximum of 5000 square feet and the City requirements starts with a minimum of 5000 square feet.

Mr. Courtney said that they have sufficient property to add this parking lot, but don't want to use for this request as they can develop it in a more profitable way. Mrs. Howard said that this property is zoned Commercial and would rather not turn it into a playground. Mr. Courtney then said that this is not a hardship that runs with the land but more of a profit hardship. Mrs. Howard said that they could use the property but would rather not.

Mr. Vleck asked if that was a completely separate piece of property and Mrs. Howard said that it was.

Mr. Kovacs said that due to the fact that they have infants they do not require this outdoor play space, but that he agrees with Mr. Courtney and believes that the Ordinance needs to be reworded. Mr. Kovacs was not sure that the Board of Zoning

**ITEM #10 – con't.**

Appeals was the correct body to make this type of decision. Mrs. Howard said that the infants do have a play area outside of their rooms because of the gymnasium. Mr. Kovacs went on to say that he feels that this facility is very well maintained and beautiful, but is concerned because the variance runs forever and if the property is sold someone else could come in and move it.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There are no written approvals or objections on file.

Mr. Vleck stated that as a member of the Planning Commission he felt that it would make sense for this item to be studied by the Planning Commission in order to make some adjustments in the wording of the Ordinance, which would apply to this request.

Mr. Hutson asked what the petitioner's timetable was regarding this matter and Mrs. Howard indicated that they wanted to get the parking lot in ASAP. Mrs. Howard then asked how long the process would take if the request were to go to the Planning Commission and also if they would be allowed to start putting their parking lot in. Mr. Stimac stated that based upon the layout of the site, the most logical location for additional play space would be to the west of the existing outdoor play area where the parking lot is currently proposed. If they are denied in their request, it would not make sense for them to put in a parking lot only to have to remove it at a later date.

Mrs. Howard then asked how long the process would take through the Planning Commission. Mr. Vleck said that the first step is for them to get on the Agenda, and then Public Hearing notices would be sent out, and they were looking at least four to six weeks with the Planning Commission, and then any changes in the Ordinance would have to go to City Council. Mr. Vleck said that he thought a text ordinance revision would take several months.

Mr. Vleck suggested that a postponement would at least allow the Board to examine the possibility of placing a condition on the variance, which would be enforceable.

Motion by Gies  
Supported by Kovacs

**ITEM #10 – con't.**

MOVED, to postpone the request of Mr. and Mrs. Rick Howard, 2051 E. Big Beaver, for relief of the Zoning Ordinance to have a day care center for 145 children with 16,637 square feet of outdoor play space where 21,750 square feet are required by Section 10.30.03 until the meeting of June 17, 2003.

- To allow the Board to determine if conditions could be imposed on this variance request.
- To allow the petitioner the opportunity to seek a text amendment to address this condition.

Yeas: All – 7

MOTION TO POSTPONE THIS REQUEST UNTIL JUNE 17, 2003 CARRIED

**ITEM #11 – VARIANCE REQUESTED. MR. & MRS. WALT ROMANO, 5759 GLASGOW**, for relief of the setback requirements to construct an attached garage addition resulting in side yard setbacks totaling 19.6 feet where a total of 25' is required by Section 30.10.02.

Mr. Stimac explained that the petitioners are requesting relief of the Zoning Ordinance to construct an attached garage addition. The site plan submitted indicates that the proposed attached garage addition would result in a total of 19.6' for the combined side yard setbacks. Section 30.10.02 requires a 25' minimum for the total of both side yard setbacks in the R-1B Zoning District.

Mr. Bill Luster, the Builder for the Romano's was present and said that upon examination of this area a number of people had done this same type of addition. Mr. Luster also said that a detached garage would not be aesthetically pleasing and would ruin the view of the lots. Mr. Luster also indicated that the neighbors said that they would rather see the garage attached then detached.

Mr. Romano said that their desire is to have an attached garage for convenience and also for additional storage. Mr. Romano said that they have young children and feels that their yard is cluttered and this would enable them to put these things inside. Mr. Luster said that right now they have an outside storage container, which is about 8' x 8' and the existing garage, is quite small. Mr. Romano also said that two of his neighbors have also added on to their property in a similar manner. Mrs. Romano said that their closest neighbor has also come in to express his approval.

Mr. Maxwell asked if they were adding on to the existing garage or if they were adding an addition. Mr. Romano said all they were doing was going to be adding to the existing garage space. Mr. Maxwell then said the addition could come out 15' and would comply with the Ordinance, but the reason for the variance request is for an additional 5'.

**ITEM #11 – con't.**

Mr. Maxwell questioned why the 15' is not enough. Mrs. Romano said that in order to get into the existing garage a 90-degree turn is required and the new addition will be straight up the driveway. Mrs. Romano also said that when the cars are parked in the garage it is very difficult to open the doors to get out. Mrs. Romano also said that lacking this variance it would not be worth it for them to add on. Mr. Maxwell then asked what the size of the existing garage and was told it is 18' wide.

Mr. Courtney asked what the depth of the garage was and Mr. Romano said it was about 20', less about 3' because of the curve. Mr. Courtney then asked if they could add a door and Mrs. Romano said if they did that they would have to move the entire driveway.

Mr. Kovacs asked how the existing garage would be used and how much room is there from the front of the building to the new structure. Mr. Luster said that the new structure would only be set back about 2 ½ feet from the existing garage. Mr. Luster also explained that there would only be one door on this structure.

Mr. Kovacs then asked Mr. Stimac how much room was available from the back of the house to the back of the property. Mr. Stimac said that if the mortgage survey is correct they would have approximately 66.5'. Mr. Kovacs then asked what the rear yard setback is and Mr. Stimac explained that it is a 45' rear yard setback. Mr. Kovacs then said that he thought the petitioner would have the room to add a detached garage. Mr. Romano stated that the homeowner's association by-laws state that they do not want detached garages in the area. Mr. Stimac also said that they could build an accessory structure within 6' of the rear property line. Mr. Romano also said that all of the neighbors were pleased that the garage would be attached rather than detached.

Mr. Courtney said that even though the City would allow a detached garage, he felt that they are bound by the deed restrictions not to have a detached garage.

The Chairman opened the Public Hearing.

Mr. Thomas Gilmore of 5775 Glasgow was present and stated that he had lived in this area since 1989 and has seen four different homeowners at this address. Mr. Gilmore also said that he felt that these homeowners had moved out because of the need for more garage space. Mr. Gilmore said that he and his wife walk every night and there are a number of attached garages in this area. Mr. Gilmore also stated that he had seen the plans for this garage and is very pleased with the plans. Mr. Gilmore said that he is in favor of this variance request.

No one else wished to be heard and the Public Hearing was closed.

There are four (4) written approvals on file. There are two (2) written objections on file.

**ITEM #11 – con't.**

Motion by Vleck  
Supported by Courtney

MOVED, to grant Mr. and Mrs. Walt Romano, 5759 Glasgow, a variance for relief of the setback requirements to construct an attached garage addition resulting in side yard setbacks totaling 19.6 feet where a total of 25' is required by Section 30.10.02.

- Variance request is minimal.
- Variance will not have an adverse effect to surrounding property.
- Variance is not contrary to public interest.

Yeas: All – 7

MOTION TO GRANT REQUEST CARRIED.

**ITEM #12 – VARIANCE REQUESTED. ROBERT J. ROBERTS, OF LRS DEVELOPMENT, 1071 WHEATON,** for relief of the Zoning Ordinance to construct an addition to an existing industrial building with a 26' front yard, a 15' rear yard, and with 1,904 square feet of countable landscaping. Section 30.20.09 requires a 50' front yard and a 20' rear yard and Section 39.70.04 requires at least 1,941 square feet of landscaping.

Mr. Stimac explained that the petitioner is requesting relief of the Zoning Ordinance to construct an addition to an existing industrial building. The existing building has a 26' front yard setback and a 15' rear yard setback. A variance was granted for the existing building in 1967. The plans that were submitted indicate that these setbacks will be continued with the new addition. Section 30.20.09 of the Troy Zoning Ordinance requires a 50' minimum front yard setback and a 20' minimum rear yard setback for buildings in the M-1 (Light Industrial) Zoning District. In addition, for a site this size Section 39.70.04 requires that a minimum of 1,941 square feet of countable landscaping be provided. Only 1,904 square feet of countable landscaping are provided. Mr. Stimac further explained that the petitioner had modified his plan and now meets the landscaping requirement.

Mr. Robert Roberts was present and stated that they wished to add on to the existing building and in order for the building to line up it would require this front yard setback.

Mr. Hutson asked who owned the building to the west and Mr. Roberts stated that it was not his building.

Mr. Courtney asked why they wished to put on an addition and Mr. Roberts said that it was because they have another tenant coming in and without a variance this tenant would be left with a very small space. Mr. Roberts also said that they are asking for the rear yard setback so the it will line up with the existing building. Mr. Roberts also said

**ITEM #12 – con't.**

that they had the building on Wheaton and also on Acacia and Wheaton and they have maintained the yard of the building on the corner in order to make the buildings look good.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There are no written objections or approvals on file.

Motion by Kovacs  
Supported by Fejes

MOVED, to grant Robert J. Roberts, of LRS Development, 1071 Wheaton, a variance for relief of the Zoning Ordinance to construct an addition to an existing industrial building with a 26' front yard and a 15' rear yard setback.

- Variance is not contrary to public interest.
- The building addition will line up with the existing structure.
- Literal enforcement of the Ordinance is unnecessarily burdensome.
- Variance would not have an adverse effect to surrounding property.
- Variance applies only to the property described.

Yeas: All – 7

MOTION TO GRANT REQUEST CARRIED.

**ITEM #13 – VARIANCE REQUESTED. HOMEWORKS CGO, INC. 601 REDWOOD,** for relief of the Zoning Ordinance to construct a family room addition resulting in 2,529 square feet of lot coverage where 2,394 square feet is permitted by Section 30.10.06.

Mr. Stimac explained that the petitioner is requesting relief of the Zoning Ordinance to construct a family room addition. Section 30.10.06 of the Zoning Ordinance limits the lot coverage of all building to 30 percent of the lot area in the R-1E Zoning District. Since the lot area is 7,980 square feet, the maximum allowable lot coverage area is 2,394 square feet. The site plan submitted indicates that the proposed addition would bring the total lot coverage to 2,529 square feet.

Mr. John Abefusa of Homeworks cgo, Inc. was present and stated that originally they explored the possibility of adding a second story to this home; however due to the fact that the entire home has vaulted ceilings the addition would have been cost prohibitive and also would have affected each room. Mr. Abefusa also said that originally they had added a covered porch to the plan, but Mitch Grusnick suggested they remove it as it also added to the total amount of square footage of the house.

**ITEM #13 – con't.**

Mr. and Mrs. Tollafield were present and they brought in another approval from one of their neighbors. Mr. Tollafield said that they wished to add on to their home for the following reasons: they would enlarge the master bedroom to allow for a bedroom closet and also for enough room to add a dresser; and on the other side of the house, the current back door to the breezeway opens to the basement and they are concerned about the safety of their children; and finally they would add a family room which would extend off the existing dining room.

Mr. Kovacs asked how big the existing home was and Mr. Tollafield said it was 1300 square feet.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There are six (6) approvals on file. There are no written objections on file.

Mr. Maxwell asked what the front setbacks were in this Zoning District. Mr. Stimac explained that in the R-1E Zoning District a 25' front yard setback. Mr. Maxwell pointed out that there is a lot of room at the rear of the property and the petitioner is limited due to the short front yard setback.

Mr. Courtney stated that he thought this garage was quite large and asked if they could knock off 200' and then not require a variance. Mr. Stimac stated that they could; however, in 1992 the Board of Zoning Appeals granted a variance to allow the garage to be 11 square feet over what is permitted and also to allow a 3' side yard setback on the garage.

Motion by Maxwell  
Supported by Gies

MOVED, to allow Homeworks cgo, Inc., a variance for relief to construct a family room addition at 601 Redwood, resulting in 2,529 square feet of lot coverage where 2,394 square feet is permitted by Section 30.10.06.

- Variance is not contrary to public interest.
- Variance will not have an adverse effect to surrounding property.
- Literal enforcement of the Ordinance would preclude full enjoyment and use of this property.

Yeas: All – 7

MOTION TO APPROVE REQUEST CARRIED

**ITEM #14 – VARIANCE REQUESTED. YUEN WONG, 3400 EAGLE,** for relief of the rear yard setback to construct an addition with a 29' rear yard setback where 35' is required by Section 34.20.03.

Mr. Stimac explained that the petitioner is requesting relief of the Zoning Ordinance to construct an addition to his home. The site plan submitted indicates that the proposed addition would result in a 29' rear yard setback. Section 34.20.03 of the Ordinance requires a 35' rear yard setback in an R-1D zoned district utilizing the open space option. In January 2000, this Board granted a variance to allow Mr. Wong to construct a 16' x 16' living room addition on an existing foundation at the rear of their home that resulted in a 29' rear yard setback. Petitioner is now requesting to extend this addition along the back of their home.

Mr. Yuen Wong was present and said that this addition would be a continuation of the first addition and would not protrude into other property or obstruct the site of other property in the area. Mr. Wong went on to say that his family situation has changed in that now he and his wife have a young child and hope to have more children. Mr. Wong also stated that he is the oldest son in the family and eventually his parents and his wife's parents would be moving in with them. Mr. Wong explained that his home is a quad-level and this addition would allow their parents more privacy. Mr. Wong also said that they would use the existing addition for their parents' bedroom. Mr. Wong further stated that after this addition is constructed he planned to add more trees in order to shield this addition from the neighbors.

Mr. Courtney stated that the last variance was granted for protection from insect bites and now Mr. Wong is asking for a variance, which will result in a much larger house. Mr. Courtney asked Mr. Wong if he thought perhaps he should look for a larger house and Mr. Wong said that he likes the neighborhood he is in and wants to stay there. Mr. Wong wants to be able to provide extra space for his and his wife's parents. Mr. Courtney then said he would have three families living in his home. Mr. Wong said this is true and also they would like to have more children.

Mr. Kovacs asked if a large tree would need to be removed if the addition were constructed. Mr. Wong said that the tree is in his neighbors yard.

Mr. Maxwell asked how large this lot is and Mr. Wong stated that it is 60' wide and 120' long. Mr. Maxwell then asked how large the home would be after the addition is constructed and Mr. Wong said that it would be approximately 2,700 square feet. Mr. Maxwell said that he felt this addition would make the home too large for the lot. Mr. Stimac said that the ground floor area of the house is 2,534 square feet. Based on the 30% lot coverage that is allowed, the most Mr. Wong should have on this property is 2,160 square feet. However the request to exceed the lot coverage was not advertised as part of the public hearing notice. Before the board could act affirmatively on a request to exceed the lot coverage, new hearing notices would need to be sent out. Mr. Stimac also pointed out that based on the information the petitioner has provided this evening, this addition would not comply with the use requirements in this Zoning District,

**ITEM #14 – con't.**

because this would become a two (2) family dwelling, and possibly a three (3) family dwelling, and this Board cannot grant a use variance.

Mr. Wong explained that the parents would not come to live with him at the same time, but would live with them on a rotating basis. Mr. Hutson said this home would still become a two (2) family dwelling, which is not allowed in this Zoning District.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There are five (5) written objections on file. There is one (1) written approval with stipulations on file.

Motion by Courtney  
Supported by Gies

MOVED, to deny the request of Yuen Wong, 3400 Eagle, for relief of the rear yard setback to construct an addition with a 29' rear yard setback where 35' is required by Section 34.20.03.

- Petitioner did not demonstrate a hardship with the land.
- Variance would cause a substantial adverse effect to surrounding property.
- Variance would be contrary to public interest.
- Variance would cause this home to be overbuilt for the lot.

Yeas: All – 7

MOTION TO DENY REQUEST CARRIED.

**ITEM #15 – VARIANCE REQUESTED. DOUGLAS CHICK, ON BEHALF OF MR. & MRS. T. CHICK, 2706 TOWNHILL,** for relief of the Ordinance to construct an addition with a 36'-6" rear yard setback where Section 30.10.02 requires a 45' rear yard on to an existing non-conforming structure with a 33'-1" rear yard.

Mr. Stimac explained that the petitioners are requesting relief of the Zoning Ordinance to construct an addition to their home. Section 30.10.02 of the Zoning Ordinance requires a 45' rear yard setback in R-1B Zoning Districts. The site plan submitted indicates the existing house has a rear yard setback of only 33'-1". Because of the age of the home, this condition makes it a legal non-conforming structure. The proposed addition has a 36'-6" rear yard setback. Section 40.50.04 prohibits expansions of non-conforming structures in a way that increases its non-conformity.

Mr. Douglas Chick was present and stated that they are asking to construct this addition in order to put the laundry room and sewing room on the first floor to make access

**ITEM #15 – con't.**

easier for his mother, the owner. Mr. Chick also said that part of the home is closer to the rear lot line than where they want to add this addition. Mr. Chick pointed out that the kitchen is located on the east side of the house and they are hoping to be able to put up the addition without disturbing the kitchen and also that this would be the most cost effective way to do this addition.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There are eight (8) written approvals on file. There are no objections on file.

Motion by Maxwell  
Supported by Courtney

MOVED, to grant Douglas Chick, on behalf of Mr. and Mrs. T. Chick, 2706 Townhill, a variance for relief of the Ordinance to construct an addition with a 36'-6" rear yard setback where Section 30.10.02 requires a 45' rear yard setback on to an existing non-conforming structure with a 33'-1" rear yard setback.

- Variance is not contrary to public interest.
- Variance will not have an adverse effect to surrounding property.
- Literal enforcement of the Ordinance would be unnecessarily burdensome.

Yeas: All – 7

MOTION TO GRANT VARIANCE CARRIED

**OTHER BUSINESS****ITEM #16 - Election of Officers for Board of Zoning Appeals**

Motion by Courtney  
Supported by Vleck

MOVED, to appoint Mark Maxwell Chairman, and Marcia Gies Vice-Chairman for the Board of Zoning Appeals until May 31, 2004.

Yeas: All – 7

MOTION CARRIED

The Board of Zoning Appeals meeting adjourned at 9:03 P.M.

MS/pp

A Regular Meeting of the Troy Personnel Board was held Monday, June 9, 2003, at City Hall, 500 W. Big Beaver Road. Chairman Patrick called the meeting to order at 7:15 PM.

**Roll Call:**

PRESENT: Chairman Patrick  
Member Tschirhart  
Member Vanderbrink

ABSENT: Member Nelson  
Member Tavalin

ALSO PRESENT: City Manager Szerlag  
Assistant City Manager/Services Shripka  
Human Resources Director Clifton  
City Clerk Bartholomew  
Jeanette Menig, Human Resources Specialist

**Approval of Minutes:**

PB-03-06-001: Moved by Patrick, Seconded by Vanderbrink, That the Minutes of the City of Troy Personnel Board Meeting of May 21, 2002 be **APPROVED** as submitted.

Yes: Patrick, Nelson, Tschirhart, Vanderbrink  
Absent: Nelson, Tavalin

**Old Business: None****New Business:****A. Recommendation for Merit Pay Plan for Classified Employees (FY 2003-2004)**

Peggy Clifton, Human Resources Director advised the Board that it was determined that it would be in the best interest of the City to not hire a consultant this year. This determination was based on several factors. She noted concern with the cost of a consultant and the possibility of not being able to implement the potential results. She stated that the cost of hiring a consultant would significantly reduce any potential money available for pay increases and this would negatively impact morale and productivity.. In light of the concerns, HR staff surveyed surrounding communities, which came in with a result of just under a proposed 3% rate increase. The budgeted amount for increases was set at 4%. Staff prepared a recommendation as follows:

Range adjustment at 2%  
Wage increase 2% across the board  
Merit/performance increase:  
1% lowest performance range

1/5% mid performance range  
2% highest performance range

In addition to the range increase, staff is recommending 2 additions to the Classification Plan. The additions are Museum Archivist to Pay Grade 2 and Education Coordinator to Pay Grade 3.

Member Vanderbrink recommended ASE (American Society for Employers) as a potential consultant. Ms Clifton indicated she would look into his suggestion.

PB-03-06-002: Moved by Patrick, Seconded by Vanderbrink, That the proposed Merit Pay Plan for Classified Employees (FY 2003-2004) be **APPROVED** as submitted.

Yes: Patrick, Nelson, Tschirhart, Vanderbrink  
Absent: Nelson, Tavalin

**B. Approval of Revisions to Personnel Rules to Reflect 30 Hours Personal Business Time for Those Employees Working a “4/10” Schedule**

Peggy Clifton, Human Resources Director advised the Board that the purpose of this proposal is to align the supervisors of Police Service Aides that work 4/10 schedules with those that they supervise. Taking the Personal Business Time to 30 hours is the equivalent of three (3) days Personal Business leave time.

PB-03-06-003: Moved by Patrick, Seconded by Vanderbrink, That the Personnel Rules Section XVIII, Personal Business Time, be **APPROVED** to reflect 30 hours if regularly scheduled to work a 4/10 schedule,

Yes: Patrick, Nelson, Tschirhart, Vanderbrink  
Absent: Nelson, Tavalin

Peggy Clifton, Human Resources Director informed the Board that the City is looking into the potential benefit adjustments for future new hire employees. She stated that the potential for cost savings to the City is significant and would not effect current employees. Some of the areas they are looking at would be to switch insurance from traditional Blue Cross to PPO coverage and possible changes in the prescription drug rider co-pay. It was noted that the proposed changes would require union negotiations and acceptance.

Chairman Patrick asked if the City believes that they can be successful with the unions.

City Manager Szerlag indicated that the City and unions have been negotiating utilizing Interest Based Bargaining. To date the City has been very successful with this type of negotiating technique and he has every belief they would be in this area as well.

Member Vanderbrink suggested the City look into preventative health care programs. He noted that these programs can be expensive, however, they can be very beneficial in reducing health care costs.

**Excuse Member Nelson and Member Tavalin:**

PB-03-06-004: Moved by Patrick, Seconded by Tschirhart, CARRIED UNANIMOUSLY: To **EXCUSE** Member Nelson and Member Tavalin.

**Adjournment:**

PB-03-06-005: Moved by Patrick, Seconded by Tschirhart, CARRIED UNANIMOUSLY: That there being nothing else to come before the Board, the meeting be **ADJOURNED**.

Meeting adjourned at 7:35 PM.

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Stephen Patrick, Chairman

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Tonni L. Bartholomew, City Clerk

DATE: June 2, 2003  
 TO: John Szerlag, City Manager  
 FROM: Mark Stimac, Director of Building & Zoning  
 SUBJECT: Permits issued during the Month of May 2003

	NO.	VALUATION	PERMIT FEE
<u>INDUSTRIAL</u>			
Add/Alter	4	\$49,950.00	\$907.75
<b>Sub Total</b>	<b>4</b>	<b>\$49,950.00</b>	<b>\$907.75</b>
<u>COMMERCIAL</u>			
Fnd./Shell New	2	\$1,205,000.00	\$11,354.75
Completion (New)	1	\$1,410,000.00	\$8,000.00
Add/Alter	27	\$2,808,069.00	\$19,914.50
<b>Sub Total</b>	<b>30</b>	<b>\$5,423,069.00</b>	<b>\$39,269.25</b>
<u>RESIDENTIAL</u>			
New	20	\$2,918,649.00	\$44,847.75
Add/Alter	63	\$1,386,379.00	\$15,294.10
Garage/Acc. Structure	11	\$124,354.00	\$1,775.00
Pool/Spa/Hot Tub	14	\$171,126.00	\$2,450.00
Wreck	4	\$0.00	\$540.00
Fnd./Slab/Rat Wall	1	\$800.00	\$25.00
<b>Sub Total</b>	<b>113</b>	<b>\$4,601,308.00</b>	<b>\$64,931.85</b>
<u>TOWN HOUSE/CONDO</u>			
New	30	\$2,427,556.00	\$22,823.90
Add/Alter	5	\$8,072.00	\$235.00
Garage/Acc. Structure	1	\$12,960.00	\$255.00
<b>Sub Total</b>	<b>36</b>	<b>\$2,448,588.00</b>	<b>\$23,313.90</b>
<u>MULTIPLE</u>			
Add/Alter	10	\$1,046,703.00	\$6,483.50
<b>Sub Total</b>	<b>10</b>	<b>\$1,046,703.00</b>	<b>\$6,483.50</b>
<u>INSTITUTIONAL/HOSPITAL</u>			
Add/Alter	1	\$70,000.00	\$543.00
<b>Sub Total</b>	<b>1</b>	<b>\$70,000.00</b>	<b>\$543.00</b>
<u>MUNICIPAL</u>			
New	1	\$345,000.00	\$0.00
<b>Sub Total</b>	<b>1</b>	<b>\$345,000.00</b>	<b>\$0.00</b>

MISCELLANEOUS

Signs	43	\$0.00	\$4,535.00
Fences	31	\$0.00	\$260.00

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<b>Sub Total</b>	<b>74</b>		<b>\$4,795.00</b>
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<b>TOTAL</b>	<b>269</b>	<b>\$13,984,618.00</b>	<b>\$140,244.25</b>
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PERMITS ISSUED DURING THE MONTH OF MAY 2003

	NO.	PERMIT FEE
Mul. Dwel. Insp.	35	\$350.00
Cert. of Occupancy	71	\$2,745.50
Plan Review	118	\$5,034.60
Microfilm	39	\$527.00
Building Permits	269	\$140,244.25
Electrical Permits	169	\$11,043.00
Heating Permits	124	\$6,445.00
Air Condt. Permits	56	\$2,205.00
Plumbing Permits	143	\$10,196.00
Storm Sewer Permits	23	\$433.00
Sanitary Sewer Permits	7	\$235.00
Sewer Taps	53	\$14,681.40

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<b>TOTAL</b>	<b>1107</b>		<b>\$194,139.75</b>
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LICENSES & REGISTRATIONS ISSUED DURING MAY 2003

	NO.	LICENSE FEE
Mech. Contr.-Reg.	14	\$70.00
Elec. Contr.-Reg.	34	\$510.00
Master Plmb.-Reg.	54	\$54.00
Sewer Inst.-Reg.	4	\$200.00
Sign Inst. - Reg.	7	\$70.00
E. Sign Contr-Reg.	2	\$30.00
Fence Inst.-Reg.	2	\$20.00
Bldg. Contr.-Reg.	21	\$210.00
F.Alarm Contr.-Reg.	2	\$30.00

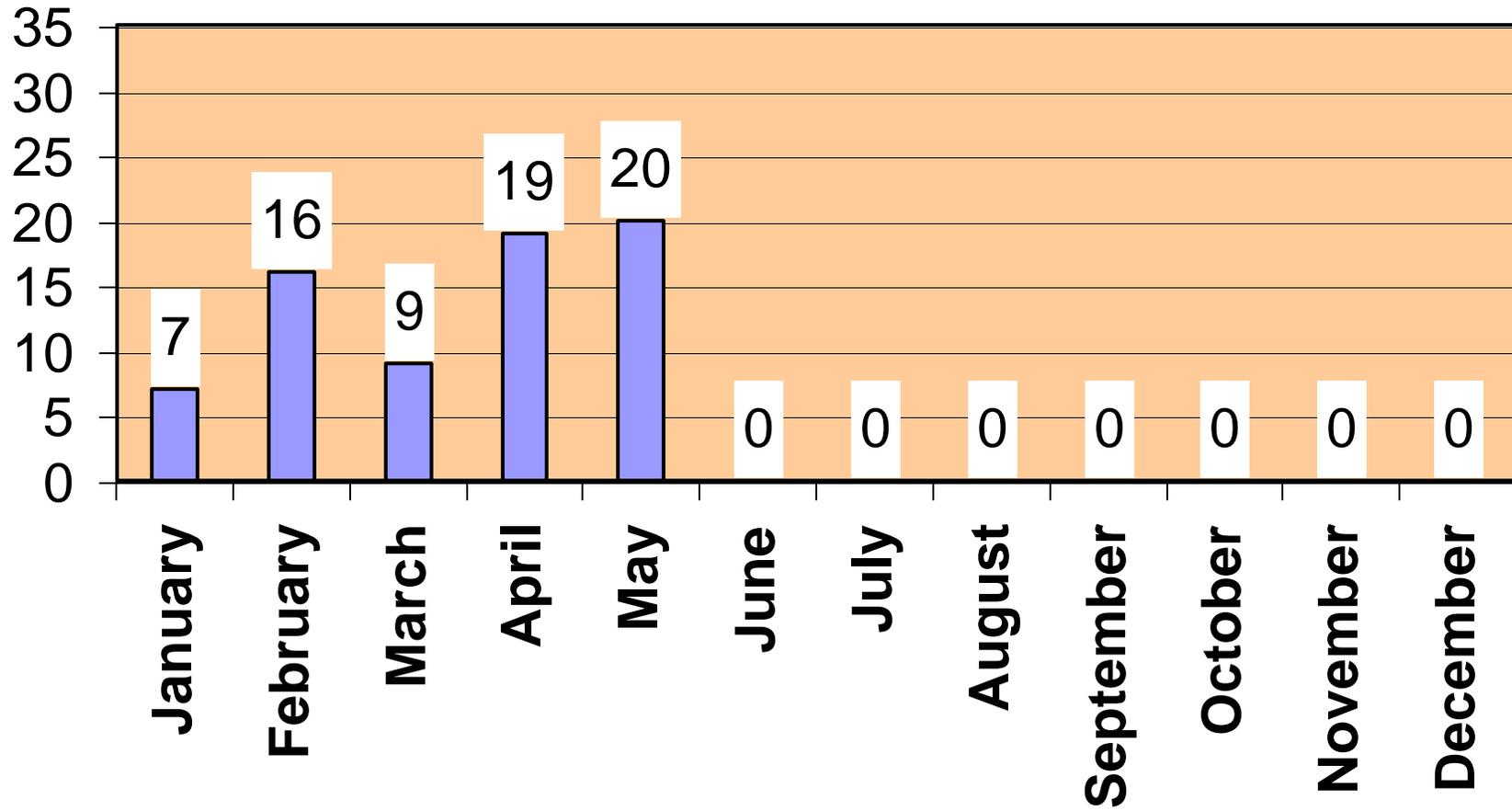
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<b>TOTAL</b>	<b>140</b>		<b>\$1,194.00</b>
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## BUILDING PERMITS ISSUED

	BUILDING PERMITS 2002	PERMIT VALUATION 2002	BUILDING PERMITS 2003	PERMIT VALUATION 2003
JANUARY	125	\$21,945,624	83	\$3,349,579
FEBRUARY	106	\$24,049,206	98	\$6,941,418
MARCH	121	\$10,452,003	106	\$10,102,093
APRIL	123	\$9,240,105	150	\$7,185,781
MAY	180	\$6,860,859	269	\$13,984,618
JUNE	225	\$12,585,296	0	\$0
JULY	193	\$7,968,796	0	\$0
AUGUST	186	\$31,423,350	0	\$0
SEPTEMBER	173	\$12,714,701	0	\$0
OCTOBER	189	\$12,832,019	0	\$0
NOVEMBER	122	\$8,532,727	0	\$0
DECEMBER	89	\$6,789,846	0	\$0
<b>TOTAL</b>	<b>1832</b>	<b>\$165,394,532</b>	<b>706</b>	<b>\$41,563,489</b>

# SINGLE FAMILY DWELLING PERMITS 2003



BRIEF BREAKDOWN OF NON-RESIDENTIAL BUILDING PERMITS  
ISSUED DURING THE MONTH OF MAY 2003

Type of Construction	Builder or Company	Address of Job	Valuation
Commercial, Add/Alter	IDC CONSTRUCTION LLC	5500 CROOKS	1,500,000.00
Commercial, Add/Alter	FERLITO CONSTRUCTION INC	1800 W BIG BEAVER 100	110,000.00
Commercial, Add/Alter	TRI NORTH BUILDERS	871 E BIG BEAVER	397,000.00
Commercial, Add/Alter	JRM ENTERPRISES, INC.	3270 W BIG BEAVER 250	140,000.00
Total Commercial, Add/Alter			2,147,000.00
Commercial, Completion New	DON VERCRUYSSSE	1750 E BIG BEAVER	1,410,000.00
Total Commercial, Completion New			1,410,000.00
Commercial, Fnd/Shell New	FERLITO CONSTRUCTION INC	2975 E MAPLE	805,000.00
Commercial, Fnd/Shell New	WEISS LAND DEVELOPMENT	3111 CROOKS 3115,3119	400,000.00
Total Commercial, Fnd/Shell New			1,205,000.00
Municipal, New Construction	DON VERCRUYSSSE	2400 W BIG BEAVER	345,000.00
Total Municipal, New Construction			345,000.00
Records 9			Total Valuation: 5,107,000.00

**CITY OF TROY**  
**MONTHLY FINANCIAL REPORT**  
**31-May-03**

CITY OF TROY  
 Monthly Financial Report  
 General Fund  
 For the Period Ending May 31, 2003

CITY OF TROY GENERAL FUND

Description	Last Year Actual	2002-03 Budget	Current Month	Year To Date	%
<b>GENERAL FUND REVENUES</b>					
TAXES	29,085,526	30,313,690	112,302	30,587,652	100.90
BUSINESS LICENSES & PERMITS	41,334	47,200	1,961	36,754	77.87
NON-BUS. LICENSES & PERMITS	1,480,799	1,525,500	135,692	1,154,609	75.69
FEDERAL GRANTS	69,453	88,400	17,224	206,809	233.95
STATE AGENCIES	8,492,956	8,138,000	991,899	6,689,262	82.20
CONTRIBUTIONS-LOCAL	159,268	95,800	3,498	16,228	16.94
CHARGES FOR SERVICES - FEES	1,030,349	983,600	136,810	842,377	85.64
CHARGES FOR SERVICES - REND.	1,888,342	1,519,100	114,491	799,091	52.60
CHARGES FOR SERVICES - SALES	163,712	122,500	3,831	31,601	25.80
CHARGES FOR SERVICES - REC	1,833,253	2,324,000	176,366	2,017,361	86.81
FINES & FORFEITS	1,171,749	905,000	66,105	834,597	92.22
INTEREST AND RENTS	1,155,235	1,317,700	17,486	576,215	43.73
OTHER REVENUE	364,693	330,200	3,608	348,052	105.41
OTHER FINANCING SOURCES	8,987,970	7,870,950	0	7,825,314	99.42
<b>TOTAL GENERAL FUND REVENUE</b>	<b>55,924,639</b>	<b>55,581,640</b>	<b>1,781,273</b>	<b>51,965,922</b>	<b>93.49</b>
<b>EXPENDITURES</b>					
LEGISLATIVE	1,705,181	1,872,490	135,857	1,660,987	88.70
FINANCE	3,919,479	4,602,740	263,282	3,806,083	82.69
OTHER GEN GOVERNMENT	1,979,299	2,239,420	140,860	1,805,751	80.63
POLICE	19,673,920	20,575,040	1,340,203	17,847,110	86.74
FIRE	3,313,576	3,480,250	161,637	3,111,654	89.41
BUILDING INSPECTION	1,697,480	1,893,800	139,273	1,627,900	85.96
STREETS	4,495,513	5,420,550	284,479	4,215,519	77.77
ENGINEERING	2,634,796	2,960,850	167,075	2,346,888	79.26
RECREATION	6,182,359	7,789,320	564,101	6,258,562	80.35
LIBRARY	4,042,658	4,737,180	341,084	4,004,465	84.53
TRANSFERS OUT	2,919,290	10,000	0	10,000	100.00
<b>TOTAL GEN FUND EXPENDITURES</b>	<b>52,563,551</b>	<b>55,581,640</b>	<b>3,537,851</b>	<b>46,694,919</b>	<b>84.01</b>

CITY OF TROY  
 Monthly Financial Report  
 Refuse Fund  
 For the Period Ending May 31, 2003

REFUSE FUND

Description	Last Year Actual	2002-03 Budget	Current Month	Year To Date	%
REVENUES					
TAXES	3,636,077	3,793,000	0	3,800,178	100.19
CHARGES FOR SERVICES - REND.	195	0	0	205,650	.00
CHARGES FOR SERVICES - SALES	726	500	57	666	133.20
INTEREST AND RENTS	88,981	80,000	6,503	57,004	71.26
OTHER FINANCING SOURCES	0	280,340	0	280,340	100.00
<b>TOTAL REVENUE</b>	<b>3,725,979</b>	<b>4,153,840</b>	<b>6,560</b>	<b>4,343,838</b>	<b>104.57</b>
EXPENDITURES					
CONTRACTORS SERVICE	3,504,018	3,965,000	328,423	3,306,177	83.38
OTHER REFUSE EXPENSE	44,674	51,280	1,514	44,614	87.00
RECYCLING	122,584	137,560	7,744	104,462	75.94
<b>TOTAL EXPENDITURES</b>	<b>3,671,276</b>	<b>4,153,840</b>	<b>337,681</b>	<b>3,455,253</b>	<b>83.18</b>

CITY OF TROY  
 Monthly Financial Report  
 Capital Fund  
 For the Period Ending May 31, 2003

CAPITAL FUND

Description	Last Year Actual	2002-03 Budget	Current Month	Year To Date	%
<b>REVENUES</b>					
TAXES	7,228,347	7,405,000	0	7,417,214	100.16
FEDERAL GRANTS	30,964	92,000	1,095	63,586	69.12
STATE AGENCIES	2,930,151	3,265,850	0	2,257,605	69.13
CHARGES FOR SERVICES - REND.	292,350	175,000	8,282	122,310	69.89
INTEREST AND RENTS	581,734	600,000	51,110	419,587	69.93
OTHER REVENUE	268,193	573,000	250	279,267	48.74
OTHER FINANCING SOURCES	28,849,908	36,138,710	0	36,138,710	100.00
<b>TOTAL REVENUE</b>	<b>40,181,647</b>	<b>48,249,560</b>	<b>60,737</b>	<b>46,698,279</b>	<b>96.78</b>
<b>EXPENDITURES</b>					
FINANCE	179,548	59,700	0	7,995	13.39
OTHER GEN GOVERNMENT	66,904	1,016,000	7,155	128,933	12.69
POLICE	148,061	1,663,790	13,395	288,076	17.31
FIRE	628,392	1,342,020	799	440,265	32.81
BUILDING INSPECTION	1,597	163,000	40	16,507	10.13
STREETS	21,866,829	26,031,350	1,347,831	10,634,170	40.85
ENGINEERING	66,741	70,940	7,815	18,835	26.55
RECREATION	4,435,493	12,968,850	233,622	8,067,947	62.21
LIBRARY	621,894	719,030	2,753	100,251	13.94
MUSEUM	281,845	1,655,350	42,938	159,242	9.62
PLANNING	0	25,000	0	0	.00
STORM DRAINS & RET PONDS	2,691,789	1,386,980	32,806	384,890	27.75
INFORMATION TECHNOLOGY	272,893	1,147,550	5,932	109,693	9.56
<b>TOTAL EXPENDITURES</b>	<b>31,261,986</b>	<b>48,249,560</b>	<b>1,695,086</b>	<b>20,356,804</b>	<b>42.19</b>

CITY OF TROY  
 Monthly Financial Report  
 Golf Course  
 For the Period Ending May 31, 2003

SYLVAN GLEN GOLF COURSE FUND

Description	Last Year Actual	2002-03 Budget	Current Month	Year To Date	%
REVENUES					
CHARGES FOR SERVICES - SALES	42,183	46,200	5,338	34,208	74.04
CHARGES FOR SERVICES - REC	1,142,797	1,243,800	151,868	919,250	73.91
INTEREST AND RENTS	83,851	100,000	11,122	126,969	126.97
OTHER REVENUE	768-	0	1,262	8,463-	.00
OTHER FINANCING SOURCES	178,440	180,690	0	180,690	100.00
<b>TOTAL REVENUE</b>	<b>1,446,503</b>	<b>1,570,690</b>	<b>169,590</b>	<b>1,252,654</b>	<b>79.75</b>
EXPENDITURES					
SYLVAN GLEN GREENS	853,995	914,600	57,577	749,869	81.99
SYLVAN GLEN PRO SHOP	340,820	404,090	38,606	289,518	71.65
SYLVAN GLEN CAPITAL	162,161	252,000	26,715	155,369	61.65
<b>TOTAL EXPENDITURES</b>	<b>1,356,976</b>	<b>1,570,690</b>	<b>122,898</b>	<b>1,194,756</b>	<b>76.07</b>

CITY OF TROY  
 Monthly Financial Report  
 Aquatic Center  
 For the Period Ending May 31, 2003

AQUATIC CENTER FUND

Description	Last Year Actual	2002-03 Budget	Current Month	Year To Date	%
<b>REVENUES</b>					
CHARGES FOR SERVICES - REC	359,840	371,000	76,645	219,057	59.05
INTEREST AND RENTS	28,653	24,600	13,723	27,488	111.74
OTHER REVENUE	14	0	0	24	.00
<b>TOTAL REVENUE</b>	<b>388,507</b>	<b>395,600</b>	<b>90,368</b>	<b>246,569</b>	<b>62.33</b>
<b>EXPENDITURES</b>					
AQUATIC CENTER	534,176	609,700	38,731	356,122	58.41
CAPITAL	14,148	50,000	0	0	.00
<b>TOTAL EXPENDITURES</b>	<b>548,324</b>	<b>659,700</b>	<b>38,731</b>	<b>356,122</b>	<b>53.98</b>

CITY OF TROY  
 Monthly Financial Report  
 Sewer Fund  
 For the Period Ending May 31, 2003

SEWER FUND

Description	Last Year Actual	2002-03 Budget	Current Month	Year To Date	%
<b>REVENUES</b>					
CHARGES FOR SERVICES - FEES	161,126	250,000	27,281	171,769	68.71
CHARGES FOR SERVICES - REND	7,635,479	8,060,000	515,810	6,504,878	80.71
INTEREST AND RENTS	501,018	775,000	45,484	291,066	37.56
OTHER REVENUE	762,994	10,000	0	0	.00
<b>TOTAL REVENUE</b>	<b>9,060,617</b>	<b>9,095,000</b>	<b>588,575</b>	<b>6,967,713</b>	<b>76.61</b>
<b>EXPENDITURES</b>					
ADMINISTRATION	6,853,994	7,269,870	495,276	7,027,991	96.67
MAINTENANCE	1,356,648	1,622,770	32,038	1,377,781	84.90
CAPITAL	3,109,914	3,315,020	27,537	1,016,475	30.66
<b>TOTAL EXPENDITURES</b>	<b>11,320,556</b>	<b>12,207,660</b>	<b>554,851</b>	<b>9,422,247</b>	<b>77.18</b>

CITY OF TROY  
 Monthly Financial Report  
 Water Fund  
 For the Period Ending May 31, 2003

WATER FUND

Description	Last Year Actual	2002-03 Budget	Current Month	Year To Date	%
<b>REVENUES</b>					
CHARGES FOR SERVICES - FEES	832,099	576,000	109,240	872,596	151.49
CHARGES FOR SERVICES - SALES	8,803,580	9,228,000	577,550	7,476,416	81.02
INTEREST AND RENTS	630,238	894,000	40,573	369,519	41.33
OTHER REVENUE	1,148,080	0	0	0	.00
<b>TOTAL REVENUE</b>	<b>11,413,997</b>	<b>10,698,000</b>	<b>727,363</b>	<b>8,718,531</b>	<b>81.50</b>
<b>EXPENDITURES</b>					
ADMINISTRATION	7,048,086	8,214,050	490,602	6,732,769	81.97
TRANS AND DISTRIBUTION	141,616	145,370	19,707	169,621	116.68
CUSTOMER INSTALLATION	0	104,680	0	0	.00
CONTRACTORS SERVICE	175,735	195,290	11,825	139,262	71.31
MAIN TESTING	92,429	183,170	2,463	50,717	27.69
MAINTENANCE OF MAINS	355,461	326,370	40,383	364,103	111.56
MAINTENANCE OF SERVICES	219,095	191,760	16,335	221,188	115.35
MAINTENANCE OF METERS	173,203	246,970	16,072	184,092	74.54
MAINTENANCE OF HYDRANTS	267,294	327,130	12,716	207,083	63.30
METERS AND TAP-INS	220,830	344,720	7,155	134,871	39.12
WATER METER READING	79,156	80,770	11,618	109,051	135.01
ACCOUNTING AND COLLECTING	42,215	55,550	2,151	53,632	96.55
CAPITAL	3,813,342	8,654,300	30,208	2,437,108	28.16
<b>TOTAL EXPENDITURES</b>	<b>12,628,462</b>	<b>19,070,130</b>	<b>661,235</b>	<b>10,803,497</b>	<b>56.65</b>

CITY OF TROY  
 Monthly Financial Report  
 Motor Pool  
 For the Period Ending May 31, 2003

MOTOR POOL FUND

Description	Last Year Actual	2002-03 Budget	Current Month	Year To Date	%
<b>REVENUES</b>					
CHARGES FOR SERVICES - REND	3,949	5,000	0	0	.00
INTEREST AND RENTS	3,379,430	3,595,200	286,072	3,257,092	90.60
OTHER REVENUE	349,422	156,900	7,309	310,289	197.76
OTHER FINANCING SOURCES	1,064,140	1,760,280	0	1,760,280	100.00
<b>TOTAL REVENUE</b>	<b>4,796,941</b>	<b>5,517,380</b>	<b>293,381</b>	<b>5,327,661</b>	<b>96.56</b>
<b>EXPENDITURES</b>					
ADMINISTRATION	430,891	490,620	35,467	434,599	88.58
OPERATION AND MAINTENANCE	2,696,472	2,814,360	192,858	2,491,266	88.52
DPW FACILITY MAINTENANCE	317,676	336,260	14,303	277,770	82.61
CAPITAL	1,216,676	1,876,140	409,331	1,077,376	57.43
<b>TOTAL EXPENDITURES</b>	<b>4,661,715</b>	<b>5,517,380</b>	<b>651,959</b>	<b>4,281,011</b>	<b>77.59</b>

Fund	Mat Yr.	Mat Mo.	Mat Day	Type	Loc	Pur Yr.	Pur Mo.	Pur Day	Rate	Name	Face	Accrue 6/30	Book
101	2003	7	1	7	REPUBLIC	2003	5	2	1.300	CD	257,999	559.20	257,999.35
TOTAL												559.20	257,999.35
112	2003	6	5	9	ML	2002	12	18	1.230	TBILL	2,107,000		2,095,031.65
	2003	6	5	7	FLAGSTAR	2003	5	1	1.300	CD	2,023,332		2,023,331.68
	2003	6	12	9	ML	2003	1	2	1.220	TBILL	2,151,000		2,139,456.30
	2003	6	12	7	FLAGSTAR	2003	3	20	1.520	CD	1,009,668		1,009,668.14
	2003	6	19	9	ML	2003	1	2	1.230	TBILL	2,101,000		2,089,136.35
	2003	6	19	7	FLAGSTAR	2003	5	8	1.300	CD	2,023,948		2,023,947.89
	2003	6	20	7	FLAGSTAR	2003	5	13	1.400	CD	1,012,402		1,012,401.99
	2003	6	24	7	MIDW GUART	2003	4	21	1.600	CD	2,098,474		2,098,474.42
	2003	6	26	9	ML	2003	1	9	1.200	TBILL	3,640,000		3,619,955.73
	2003	6	26	7	REPUBLIC	2003	3	20	1.300	CD	2,020,272		2,020,272.22
	2003	6	27	7	FLAGSTAR	2003	4	10	1.400	CD	1,012,462		1,012,461.79
	2003	6	30	8	FITB	1998	12	4	.770	LUG	1,410,498		1,410,497.61
	2003	6	30	8	HUNT BANK	2001	11	20	.670	LUG	513,313		513,313.43
	2003	6	30	8	FITB	2003	2	27	1.250	MAX SAVER	5,046,659		5,046,659.49
	2003	6	30	8	STAND FED	2003	3	27	1.270	MM	12,605,844		12,605,843.83
	2003	6	30	7	REPUBLIC	2003	5	12	1.300	CD	1,011,925		1,011,925.26
	2003	7	3	9	ML	2003	1	16	1.210	TBILL	2,488,000	13,569.96	2,474,183.31
	2003	7	3	7	FLAGSTAR	2003	1	30	1.750	CD	2,025,454	14,769.00	2,025,454.17
	2003	7	10	9	ML	2003	2	27	1.180	TBILL	2,423,000	9,603.15	2,412,616.10
	2003	7	10	7	FLAGSTAR	2003	5	8	1.300	CD	2,026,948	3,879.60	2,026,947.51
	2003	7	17	9	ML	2003	3	6	1.150	TBILL	2,477,000	9,019.03	2,466,659.21
	2003	7	17	7	FLAGSTAR	2003	5	29	1.400	CD	1,004,125		1,004,125.00
	2003	7	18	7	FLAGSTAR	2003	5	15	1.400	CD	1,011,768		1,011,767.85
	2003	7	24	9	ML	2003	3	13	1.110	TBILL	2,104,000	6,943.78	2,095,527.31
	2003	7	25	7	FLAGSTAR	2003	5	29	1.400	CD	1,030,127		1,030,126.68
	2003	7	29	7	MIDW	2003	5	28	1.400	CD	1,011,789		1,011,788.82
	2003	7	31	9	ML	2003	3	20	1.140	TBILL	2,077,000	6,591.24	2,063,405.84
	2003	8	7	9	ML	2003	3	28		TBILL	3,553,000	10,297.78	3,538,539.29
	2003	8	14	9	ML	2003	4	3	1.080	TBILL	2,940,000	7,689.73	2,928,378.02
	2003	8	21	9	ML	2003	4	10	1.110	TBILL	2,473,000	6,065.03	2,463,041.37
	2003	8	21	9	ML	2003	4	21	1.180	TBILL	2,216,000	4,998.31	2,207,288.66
	2003	8	28	9	ML	2003	4	21	1.170	TBILL	2,836,000	6,341.61	2,824,313.32
	2003	9	4	9	ML	2003	4	25	1.150	TBILL	2,859,000	5,922.89	2,847,154.21
	2003	9	11	9	ML	2003	5	2	1.100	TBILL	3,063,000	5,421.51	3,050,870.52
	2003	9	18	9	ML	2003	5	8	1.110	TBILL	3,480,000	5,584.43	3,465,986.23
	2003	9	25	9	ML	2003	5	22	1.060	TBILL	1,768,000	1,991.94	1,761,564.48
	2003	10	2	9	ML	2003	5	29	1.060	TBILL	2,814,000	2,676.43	2,803,461.57
	2003	12	30	8	FITB	2003	4	10	5.000	FHR02-2513	3,700,000		2,248,013.45
	2003	12	31	8	FITB	2003	3	11	6.000	GNR02-79KB	3,500,000		287,563.17
	2003	12	31	8	FITB	2003	3	28	5.500	FNR03-29GJ	2,000,000		1,838,196.22
	2003	12	31	8	FITB	2003	4	29	5.250	FHR03 2596	3,000,000		548,559.60
	2003	12	31	8	FITB	2003	5	15	4.500	FHR02 2517	1,540,000		1,000,109.73
	2003	12	31	8	FITB	2003	5	19	5.000	FHLMC 9237	1,000,000		1,000,000.00

7 = CD 8 = Paper 9 = T-Bills

FUND	Mat Yr.	Mat Mo.	Mat Day	Type	Loc	Pur Yr.	Pur Mo.	Pur Day	Rate	Name	Face	Accrue 6/30	Book
112	2004	10	29	8	NATL CITY	2003	1	29	2.010	FHLB	1,000,000		1,000,000.00
	2004	12	27	8	NATL CITY	2003	3	27	1.625	FHLB	1,000,000		1,000,000.00
	2005	3	1	8	FITB	2002	10	9		KENT DTAN	200,000		200,000.00
	2005	6	9	8	FITB	2002	12	9	2.550	FHLM	1,000,000		1,000,000.00
	2006	1	13	8	FITB	2003	1	15	2.625	FHLM	2,000,000	291.67	2,000,000.00
	2006	11	14	8	FITB	2002	11	14	3.000	FHLB	1,685,000		1,685,000.00
										TOTAL		121,657.09	103,058,019.42
591	2003	6	30	7	COMERICA	1997	7	1	1.097	GOV'T POOL	1,819,599		1,819,599.10
	2003	6	30	8	HUNT BANK	2001	11	21	.670	LUG	149,669		149,668.75
	2003	6	30	8	STAND FED	2003	2	20	1.600	M MKT	2,657,752		2,657,751.98
	2003	7	1	7	REPUBLIC	2003	5	2	1.300	CD	136,180	295.20	136,179.63
	2004	3	25	7	NATL CITY	2003	3	27	1.200	FHLM	1,482,299		1,482,298.75
	2005	11	25	8	FITB	2002	12	5	2.000	FHLM	1,000,000		1,000,000.00
										TOTAL		295.20	7,245,498.21
588	2003	6	30	7	BANK ONE	1997	7	1	1.030	GOV'T POOL	1,290,572		1,290,572.22
	2003	6	30	8	STAND FED	2003	3	5	1.500	MM	2,200,173		2,200,172.98
										TOTAL			3,490,745.20
701	2003	8	25	7	MIDW GUART	2003	5	28	1.400	CD	525,149		525,149.11
										TOTAL			525,149.11
										TOTAL	122,511.49		114,577,411.29

\*\*\* END OF REPORT \*\*\*

**Current Portfolio**

Quantity	Security Description	Date Acquired	Adjust/Unit Cost Basis	Total Cost Basis	Estimated Market Price	Estimated Market Value	Unrealized Gain or (Loss)	Estimated Accrued Interest	Estimated Annual Income	Current Yield %
<b>Government Securities</b>										
2,107,000	U.S. TREASURY BILL ZERO% JUN 05 2003	12/18/02	99.43	2,095,031	99.98	2,106,641	N/A			
2,151,000	US TREASURY BLLL ZERO% JUNE 12 2003	01/02/03	99.46	2,139,456	99.96	2,150,161	N/A			
2,101,000	US TREASURY BILL ZERO% JUNE 19 2003	01/02/03	99.43	2,089,136	99.93	2,099,676	N/A			
3,640,000	US TREASURY BILL ZERO% JUN 26 2003	01/08/03	99.44	3,619,955	99.91	3,636,833	N/A			
2,488,000	U.S. TREASURY BILL ZERO% JULY 03 2003	01/16/03	99.44	2,474,183	99.89	2,485,337	N/A			
2,423,000	U.S. TREASURY BILL ZERO% JUL 10 2003	02/27/03	99.57	2,412,616	99.87	2,420,019	N/A			
2,477,000	U.S. TREASURY BILL ZERO% JUL 17 2003	03/06/03	99.58	2,466,659	99.85	2,473,433	N/A			
2,104,000	U.S. TREASURY BILL ZERO% JUL 24 2003	03/13/03	99.59	2,095,527	99.83	2,100,486	N/A			
2,077,000	U.S. TREASURY BILL ZERO% JUL 31 2003	03/20/03	99.58	2,068,405	99.81	2,073,136	N/A			
3,553,000	U.S. TREASURY BILL ZERO% AUG 07 2003	03/28/03	99.59	3,538,539	99.79	3,545,645	N/A			
2,940,000	US TREASURY BILL ZERO% AUG 14 2003	04/03/03	99.60	2,928,378	99.77	2,933,296	N/A			
2,473,000	U.S. TREASURY BILL ZERO% AUG 21 2003	04/10/03	99.59	2,463,041	99.74	2,466,718	N/A			
2,216,000	U.S. TREASURY BILL ZERO% AUG 21 2003	04/21/03	99.60	2,207,288	99.74	2,210,371	N/A			
4,689,000	Security Sub-Total			4,670,330		4,677,089				
2,836,000	U.S. TREASURY BILL ZERO% AUG 28 2003	04/21/03	99.58	2,824,313	99.72	2,828,144	N/A			
2,859,000	U.S. TREASURY BILL ZERO% SEP 04 2003	04/25/03	99.58	2,847,154	99.70	2,850,537	N/A			



CITY OF TROY



**Current Portfolio**

Quantity	Security Description	Date Acquired	Adjust/Unit Cost Basis	Total Cost Basis	Estimated Market Price	Estimated Market Value	Unrealized Gain or (Loss)	Estimated Accrued Interest	Estimated Annual Income	Current Yield %
<b>Government Securities</b>										
3,063,000	U.S. TREASURY BILL ZERO% SEP 11 2003	05/01/03	99.60	3,050,870	99.68	3,053,259	N/A			
3,480,000	U.S. TREASURY BILL ZERO% SEP 18 2003	05/08/03	99.59	3,465,986	99.66	3,468,307	N/A			
1,768,000	U.S. TREASURY BILL ZERO% SEP 25 2003	05/22/03	99.63	1,761,564	99.64	1,761,688	N/A			
2,814,000	U.S. TREASURY BILL ZERO% OCT 02 2003	05/28/03	99.62	2,803,461	99.62	2,803,447	N/A			
<b>Total Government Securities</b>				<b>49,351,569</b>		<b>49,467,142</b>				
<b>Total of Long Portfolio</b>				<b>49,352,518</b>		<b>49,468,091</b>	*		<b>5</b>	<b>.58</b>

\* - Excludes N/A Items

**Monthly Activity**

Date	Transaction	Quantity	Description	Price	Debit	Credit
<b>Security Transactions</b>						
05/01	Redeemed	-3,040,000	U.S. TREASURY BILL ZERO% MAY 01 2003			3,040,000.00
05/02	Purchase	3,063,000	U.S. TREASURY BILL ZERO% SEP 11 2003	99.604	3,050,870.52	
			FACE VALUE 3063000.0000			
			PRICE 99.604000			
05/08	Redeemed	-3,466,000	U.S. TREASURY BILL ZERO% MAY 08 2003			3,466,000.00
05/08	Purchase	3,480,000	U.S. TREASURY BILL ZERO% SEP 18 2003	99.597	3,465,986.23	
			FACE VALUE 3480000.0000			
			CASH TRADE			
			PRICE 99.597305			
05/22	Redeemed	-1,762,000	U.S. TREASURY BILL ZERO% MAY 22 2003			1,762,000.00
05/22	Purchase	1,768,000	U.S. TREASURY BILL ZERO% SEP 25 2003	99.636	1,761,564.48	
			FACE VALUE 1768000.0000			

+ CITY OF TROY



# Fifth Third Securities, Inc.

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AGS 8001 0649265 086535 042982 AGAZ01

Acct #	Customer Name	Period	Page
30707214	CITY OF TROY	04/30/03 - 05/30/03	2 of 5

## Account Value Detail

Acct Type	Quantity	Description	Symbol/Cusip	Current Price	Market Value	Est Annual Income	Est Yield
<b>Cash and Equivalents</b>							
Cash		FIFTH THIRD INSTL GOVT MM FUND			2,392,020.35		
		Cash and Equivalents total market value:			<b>2,392,020.35</b>		
<b>Fixed Income - Government Bonds</b>							
Cash	1,000,000	FEDERAL HOME LN MTG CORP MED TERM NT CALLABLE DTD 12/09/02 CPN/MATY 2.55% 06/09/05 FC 12/09/03 @ 100 MOODYS Aaa S&P AAA	3128X0NM7	100.697	1,006,970.00	25,500.00	2.53%
Cash	2,000,000	FEDERAL HOME LN MTG CORP MEDIUM TERM NTS CALLABLE DTD 01/13/03 CPN/MATY 2.625% 01/13/06 FC 01/13/04 @ 100 MOODYS Aaa S&P AAA	3128X0VA4	100.871	2,017,420.00	52,500.00	2.60%
Cash	1,685,000	FEDERAL HOME LN BKS CONS BD CPN RATE 3% TO 11/03 THEREAFTE 3.65% CALLABLE DTD 11/14/02 CPN/MATY 3% 11/14/06 FC 11/14/03 @ 100 MOODYS Aaa S&P AAA	3133MT2V9	100.656	1,696,053.60	50,550.00	2.98%
		Fixed Income - Government Bonds total market value:			<b>4,720,443.60</b>	<b>128,550.00</b>	<b>2.72%</b>
<b>Fixed Income - Municipal Bonds</b>							
Cash	200,000	KENT CNTY MICH VAR RATE TAXABL TAX NTS BOOK ENTRY ONLY OPT PU 05/16/02 100.000 & EA DAY NOTIF DATES 7 DAYS B4 PUT DTD 05/10/02 CPN/MATY 0% 03/01/05 FC 07/01/02 @ 100 MOODYS MIG1 S&P SP1+	490278P93	100.000	200,000.00		
		Fixed Income - Municipal Bonds total market value:			<b>200,000.00</b>		
<b>Mortgage &amp; Asset Backed Issues</b>							
Cash	1,540,000	FEDERAL HOME LOAN MTG CORP MUL MTG PARTN CTF REMIC 2002 CL 25 DTD 10/01/02 CPN/MATY 4.5% 10/15/17 FACTOR IS 0.64828	FHR02 2517JH	100.657	1,004,921.83	44,926.31	4.47%
Cash	3,700,000	FEDERAL HOME LOAN MTG CORP MUT PARTN CTF REMIC 2002 CL 2513-L DTD 10/01/02 CPN/MATY 5% 10/15/17 FACTOR IS 0.60264	FHR02 2513LQ	100.799	2,247,608.46	111,489.62	4.96%
Cash	3,000,000	FEDERAL HOME LOAN MTG CORP MUL MTG PARTN CTF REMIC 2003 CL 25 DTD 04/01/03 CPN/MATY 5.25% 08/15/31 FACTOR IS 0.81714	FHR03 2596TD	100.802	2,471,100.95	128,700.62	5.20%



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Acct # 30707214 Customer Name CITY OF TROY Period 04/30/03 - 05/30/03 Page 3 of 5

## Account Value Detail

Acct Type	Quantity	Description	Symbol Cusip	Current Price	Market Value	Est Annual Income	Est Yield
<b>Mortgage &amp; Asset Backed Issues, continued</b>							
Cash	2,000,000	FEDERAL NATL MTG ASSN GTD MUTL MTG PARTN CTF REMIC 2003 CL 29 DTD 03/01/03 CPN/MATY 5.5% 01/25/32 FACTOR IS 0.88914	FNR03 29GJ	100.866	1,793,698.94	97,806.43	5.45%
Cash	1,000,000	FHLMC PARTN CTF POOL E95237 DTD 03/01/03 CPN/MATY 5% 03/01/13 FACTOR IS 0.98514	FHLMC E95237	103.829	1,022,865.47	49,257.21	4.81%
Cash	3,500,000	GOVERNMENT NATL MTG ASSN GTD M MTG PARTN CTF REMIC 2002 CL 79 DTD 11/01/02 CPN/MATY 6% 08/20/31 FACTOR IS 0.07507	GNR02 79KB	100.300	263,562.96	15,766.47	5.98%
<b>Mortgage &amp; Asset Backed Issues total market value:</b>					<b>8,803,758.61</b>	<b>447,946.66</b>	<b>5.09%</b>
<b>ACCOUNT VALUE:</b>					<b>16,116,222.56</b>		

## Securities Purchased and Sold

Acct Type	Date	Activity	Quantity	Description	Price	Debit	Credit
Cash	05/15/03	BUY	1,540,000	FEDERAL HOME LOAN MTG CORP MUL MTG PARTN CTF REMIC 2002 CL 25 4.5% 10/15/17	100.00	1,000,109.73	
Cash	05/16/03	SELL	1,430,794	FEDERAL HOME LN MTG CORP MUTLI MTG PARTN CTF REMIC 2003 CL 25 6% 06/15/18	100.00		667,547.67
Cash	05/19/03	BUY	1,000,000	FHLMC PARTN CTF POOL E95237 5% 03/01/13	104.6875	1,042,723.32	
Cash	05/22/03	BUY	1,000,000	FHLMC PARTN CTF POOL E95237 5% 03/01/13	104.6875	1,033,765.80	
Cash	05/22/03	CANCEL	1,000,000	FHLMC PARTN CTF POOL E95237 5% 03/01/13	104.6875		1,042,723.32

## Deposits and Withdrawals

Acct Type	Date	Activity	Description	Check #	Debit	Credit
Cash	05/30/03	JOURNAL ENTRY	CREDIT ADJUSTMENT MRG13			5,517.56
Cash	05/30/03	JOURNAL ENTRY	SAME DAY PURCHASE (L)		5,517.56	
Cash	05/30/03	JOURNAL ENTRY	CRD ADJ MRG16		5,517.56	
Cash	05/30/03	JOURNAL ENTRY	CR ADJ MRG4			5,517.56

June 10, 2003

To: Honorable Mayor and City Council

From: John Szerlag, City Manager  
Gary A. Shripka, Assistant City Manager/Services  
Mark F. Miller, Planning Director

Subject: ANNOUNCEMENT OF PUBLIC HEARING (JULY 7, 2003) - ZONING ORDINANCE TEXT AMENDMENT (ZOTA-126) – Article 39.70.09 Dumpsters and Grease Containers

The Planning Commission initiated the subject Zoning Ordinance Text Amendment (ZOTA). There is concern that restaurants do not screen containers used to store grease, oil, waste and food by-products within the dumpster areas. The proposed amendment will require grease/oil containers be identified on proposed site plans and screened in the same manner as dumpsters. At a May 13, 2003 Public Hearing, the Planning Commission recommended approval of the proposed amendment. City Management concurs with the Planning Commission and recommends approval.

Attachments: 1. Zoning Ordinance Text Amendment (ZOTA 126)  
2. Planning Commission Minutes, May 13, 2003  
3. Planning Commission Minutes, March 25, 2003  
4. Planning Commission Minutes, March 4, 2003

cc: Mark Stimac, Building and Zoning Director  
Planning Commission  
Planners (4)  
File/ZOTA 126

G:\Zoning Ordinance\ZOTA 126 Dumpsters & Grease Containers\ZOTA 126 Dumpsters & Grease Pits Ann. CC 6-16-03  
Public hearing Proposed Text Amend.doc

# PROPOSED ZONING ORDINANCE TEXT AMENDMENT

(ZOTA 126)

## Dumpster and Grease Container Screening Standards

Amend the indicated portions of the Environmental Provisions Non-Residential Developments Trash Receptacle Area Screening Standards text in the following manner:

*(Underlining, except for major section titles, denotes changes.)*

### 39.70.09 Trash Receptacle Area Screening

Trash receptacle or "dumpster" areas, including containers used to store grease, oil, waste and food by-products, shall be indicated on Site Plans, and shall be screened on at least three sides with an opaque fence or masonry wall at least equal to the height of the trash receptacles. Such obscuring elements shall be constructed of materials which are similar to or compatible with the exterior materials utilized in the construction elsewhere on the site, and shall be maintained so as to remain structurally sound, opaque throughout, and neat and clean in appearance. In locating trash receptacle facilities, primary consideration shall be given to access for service, minimizing on-site traffic congestion, and minimizing visibility or other negative effects on those utilizing the site or adjoining properties. Where sites of restaurants or food sales establishments abut residentially-zoned land, the trash receptacle facilities serving such establishments shall be located abutting or adjacent to the building housing the restaurant or food sales use, and thus not adjacent to or abutting residentially- zoned land. Where sites of other non-residential use establishments abut residentially-zoned land, the Planning Commission may require that the trash receptacle facilities serving such establishments be located away from the residentially-zoned land, in order to minimize any negative effects on that land. In M-1 Districts the Planning Commission may waive the required screening when they determine that the trash receptacles are located so as to be obscured from view from any abutting public streets, and that no other significant negative effects will result from the waiver of such screening.

(Rev. 6-29-92)

1. PUBLIC HEARING – ZONING ORDINANCE TEXT AMENDMENT (ZOTA-126) – Article 39.70.09 Dumpsters and Grease Containers

Mr. Savidant summarized the intent of the proposed revisions to the dumpsters and grease containers zoning ordinance text.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

**Resolution**

Moved by Pennington

Seconded by Vleck

**RESOLVED**, that the Planning Commission hereby recommends to the City Council that ARTICLE XXXIX (ENVIRONMENTAL PROVISIONS), Section 39.70.09 (TRASH RECEPTACLE AREA SCREENING) of the Zoning Ordinance, be amended to read as follows:

*(Underlining, except for major section titles, denotes changes.)*

39.70.09     Trash Receptacle Area Screening

Trash receptacle or "dumpster" areas, including containers used to store grease, oil, waste and food by-products, shall be indicated on Site Plans, and shall be screened on at least three sides with an opaque fence or masonry wall at least equal to the height of the trash receptacles. Such obscuring elements shall be constructed of materials which are similar to or compatible with the exterior materials utilized in the construction elsewhere on the site, and shall be maintained so as to remain structurally sound, opaque throughout, and neat and clean in appearance. In locating trash receptacle facilities, primary consideration shall be given to access for service, minimizing on-site traffic congestion, and minimizing visibility or other negative effects on those utilizing the site or adjoining properties. Where sites of restaurants or food sales establishments abut residentially-zoned land, the trash receptacle facilities serving such establishments shall be located abutting or adjacent to the building housing the restaurant or food sales use, and thus not adjacent to or abutting residentially- zoned land. Where sites of other non-residential use establishments abut residentially-zoned land, the Planning Commission may require that the trash receptacle facilities serving such establishments be located away from the residentially-zoned land, in order to minimize any negative effects on that land. In M-1 Districts the Planning Commission may waive the required screening when they determine that the trash receptacles are located so as to be obscured from view from any abutting public

streets, and that no other significant negative effects will result from the waiver of such screening.

(Rev. 6-29-92)

Yeas

All present (7)

Absent

Chamberlain

Storrs

**MOTION CARRIED**

11. ORDINANCE REVISION DISCUSSION – Dumpster and Grease Containers  
Potential Ordinance Amendment – Article 39.70.09 (ZOTA #126)

Mr. Miller reported that minor changes to the proposed ordinance text, as suggested at the last meeting, have been incorporated.

It was the consensus of the Commission to publish the proposed ordinance text for Trash Receptacle Area Screening as written and to go forward with the Public Hearing.

8. ORDINANCE REVISION DISCUSSION – Dumpster and Grease Containers Potential Ordinance Amendment

Mr. Waller mentioned that he has spoken to the City Manager with respect to licensing dumpster locations, and noted that the City Manager had an interest in the concept of licensing and was receptive to receiving additional information on licensing regulations.

Mr. Savidant suggested that the description of trash receptacle or “dumpster” be changed to read: “...including containers used by restaurants to store grease, oil, waste and food by-products.”

Discussion followed on the placement of dumpsters that abut residential, the screening of dumpsters and the heights of dumpsters.

There was specific discussion on the vertical dumpster located at the Alibi Restaurant. The Planning Department would be available to discuss this matter further with Mr. Vleck.

A lengthy discussion was held on dumpsters currently not screened that cause blight throughout the City. It was the consensus of the Commission to consider the matter from a code enforcement aspect and look into the enforcement of cleaning up dumpster locations for the health, safety and welfare of the City, and also to investigate the licensing of dumpsters.

Mr. Savidant said that he would make the appropriate changes to the trash receptacle area screening language as discussed tonight and provide the Commission with an updated draft for review. Mr. Storrs encouraged Mr. Savidant to use his resourcefulness in drafting the language.



DEPARTMENT OF HOMELAND SECURITY  
UNITED STATES SECRET SERVICE  
WASHINGTON, D.C. 20223

G-05a

U.S. Secret Service  
Patrick V. McNamara Building  
477 Michigan Avenue, Suite 1000  
Detroit, Michigan 48226  
May 16, 2003

Troy Police Department  
Chief Charles Craft  
500 West Big Beaver  
Troy, Michigan 48084

Dear Chief Craft:

Please let me extend my gratitude to the men and women of your department for all their support during the visit of President H.E. Rudolf Schuster and Madame Irena Schusterova of the Slovak Republic on April 11, 2003 to Troy. They did a superb job. As you know, without the assistance of local law enforcement, the Secret Service's task of providing a safe environment for President Schuster and Madame Schusterova would be insurmountable.

The Secret Service appreciates your expertise, and service in helping to make this visit a success. Your participation and continued support are always greatly appreciated.

I look forward to working with you and other members of your agency in the future.

Sincerely,

Anthony Triplett  
Special Agent in Charge

**RECEIVED**  
Chief of Police

5/29/2003 CTC

**Charles T Craft**

---

**From:** [REDACTED]  
**Sent:** Wednesday, May 28, 2003 8:52 PM  
**To:** craftct@ci.troy.mi.us  
**Cc:** steelepj@ci.troy.mi.us  
**Subject:** Player Drive Traffic Safety

Dear Chief Craft,

We want to thank you and your Traffic Safety Officers for the great work they did today in our subdivision. We live in the Golf Trail Sub and have experienced a problem with speeding citizens for many years; since there are a number of small children that reside on Player Drive this is a major concern for us and our families. Today we were pleased to see not just one, but two officers monitoring traffic into our sub. Thank you so much for your support!

Sincerely,

Greg and Susan Faubert  
1099 Player Drive  
[REDACTED]

5/29/03

RENEE M. JENUWINE

---

1274 Tennyson  
Troy, Michigan 48083

May 21, 2003

Chief Charles Craft  
Troy Police Department  
500 W. Big Beaver  
Troy, Michigan 48084

Dear Chief Craft,

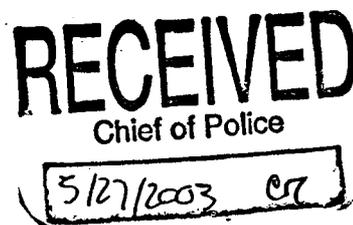
On Monday, January 6, 2003, I was involved in an car accident on Livernois north of Maple. My van, carrying 5 children, was struck by a drunk driver at 3:30 in the afternoon. I would like to commend several members of your staff for their assistance after this accident and during the recent trial.

Specifically, I would like to thank Officers Daniels, <sup>Hamzey</sup> ~~Hampton~~, Bodick, LaForest, and Wolf; Detective Campbell; and PSA Green-Hernandez. The integrity, dedication and professionalism shown by these officers not only comforted my children after the accident, but helped to convict the drunk driver who caused the crash. These officers are an asset to your police force.

Luckily everyone is fine now. However, I wanted to express my heartfelt thanks to the members of your staff who were so helpful.

Sincerely,

*Renee Jenuwine*  
Renee Jenuwine





**U. S. Department of Justice** G-05d  
Drug Enforcement Administration  
Saginaw Resident Office  
301 E. Genesee Ave., Suite 400  
Saginanw, MI 989-754-2330

[www.dea.gov](http://www.dea.gov)

May 21, 2003

Troy Police Department  
Chief Charles Craft  
500 W. Big Beaver  
Troy, MI 48084

Dear Chief Craft,

On October 30, 2002, a federal Grand Jury in Flint, MI, Eastern District of Michigan, Southern Division, indicted Eric Perry for conspiracy to distribute cocaine. Perry is responsible for distributing approximately 50 kilograms of cocaine in the Flint, MI. area.

On November 12, 2002, Agents from the Saginaw Resident Office and Federal Bureau of Investigation attempted to arrest Perry, but Perry fled on foot avoiding arrest. On November 13, 2002, Eric Perry was entered into NCIC as a fugitive.

It was the belief the Perry would remain a fugitive due to his ability to obtain false identification. Perry is also known to travel from California and Michigan. This remained true until April 23, 2003, when Troy P.D. Officer Joe Morgan located a stolen vehicle that was driven by Perry. Perry was arrested for several felonies, including the possession of 4 ½ ounces of cocaine, 200 grams of marijuana, a firearm, and other items relating the sale of illegal narcotics.

Since Perry's arrest, S/A Osterhagen has been in contact with Officer Morgan and other Troy P.D. personnel on several occasions regarding the prosecution of Perry. S/A Osterhagen and the United State Attorney's office requested to federally prosecute Perry on the illegal drugs that were seized by Officer Morgan on April 23, 2003. The Troy Police Department and the Oakland County Prosecutors office agreed to have Perry charged federally. On May 14, 2003, the Grand Jury in the Eastern District of Michigan issued an Indictment on Perry, stemming from Officer Morgan's stop.

**RECEIVED**  
Chief of Police  
5/27/2003

Due to the diligent work by Officer Morgan and other members of the Troy Police Department, another critical building block was established proving that Perry is a significant drug trafficker. Officer Morgan and all members of the Troy Police Department who participated in this action should be commended for their professionalism and outstanding contributions to this investigation. They are truly a credit to the spirit of cooperation that is essential in joint investigations.

Sincerely,



Sherman R. Cecil  
Resident Agent in Charge  
Saginaw RO/Lansing POD

cc: Mark Jones  
Assistant United State Attorney  
Eastern District of Michigan  
Southern Division

May 27, 2003

Dear Chief Craft,

Earlier today, I noticed a severely injured mother deer with two newly born fawns on our property.

Officer Don Cochran arrived, addressed the situation and along with officer Greg Latka, a decision was made to terminate the mother deer's life.

Sgt. Robert Kowaleki arrived and professionally assumed the responsibility.

All three officers were most compassionate, humane, courteous and professional in their duties while also managing to remain sensitive throughout the entire situation. They are truly, genuinely nice men.

Please extend to each of

them, a heartfelt thank you on my behalf. **G-05e**

They were so pleased that the fawns were able to be rescued and given a chance for survival.

We have always been most satisfied with the services that the city of Troy provides to its residents and today's quality response was no exception.

Sincerely,

Carolyn Jamroz

**RECEIVED**

Chief of Police

6/3/2003 CTC



CHRONICLE BOOKS

© 2001 PHILIPPE GLADE From Brilliance | Chronicle Books | 1998

**HOUSTON**  
Chief of Police  
#11612003 ce

[Redacted]  
Burrington #48009  
Jan 17, '03

Chief of Police  
City of Troy

Just a note to tell you how much I, my sister, Evelyn Bowen, and I appreciate the kindness and courtesy extended to us by Officer Dave Livingston on Friday, Jan 16.

My sister's car had stalled abruptly just before the traffic light on Maple and Cooley, and we were momentarily in a very tight spot. I don't know how to handle the situation, and all the honking and nasty remarks did not help! When my sister calmed down, she phoned your department.

Officer Livingston is not only a hard person, but extremely thoughtful. He did not leave us to our own devices after he managed to get the car to the Rite Aid parking lot (which wasn't easy). He drove us to my apartment.

Again, on behalf of my sister and myself, with heartfelt thanks for his wonderful help!!

Sgt. Dave Livingston Frances Koppelman

# June 2003

June 2003							July 2003				
S	M	T	W	T	F	S	S	M	T	W	T
1	2	3	4	5	6	7	6	7	8	9	10
8	9	10	11	12	13	14	11	12	13	14	15
15	16	17	18	19	20	21	18	19	20	21	22
22	23	24	25	26	27	28	25	26	27	28	29
29	30						28	29	30	31	

Monday	Tuesday	Wednesday	Thursday	Friday	Sat/Sun
					June 1
2	3	4	5	6	7
7:30pm City Council-Regular (Council Chambers)	7:30pm Planning Commission-Study (Lower Level)	8:30am Building Code Board of Appeals (Lower Level) 7:00pm Adv Comm Pers w/Disabilities (City Hall)	10:00am Sr Citizen Advisory Committee (Community Center)		8
9	10	11	12	13	14
<b>School Election</b> 7:30pm Liquor Committee (C)	7:30pm Historical Society (Community Center) 7:30pm Planning Commission-Regular (Council Chamber)	3:00pm Retirement System Board of Trustees (C)	7:30pm Library Board (Library) 7:30pm Parks & Recreation Board (Community Center)		15
16	17	18	19	20	21
7:30pm City Council-Regular (Council Chambers)	7:30pm Board of Zoning Appeals (Council Chamber) 7:30pm Historic District Commission (City Hall)	7:30am Downtown Development Authority (Lower Level) 7:30pm Traffic Committee (Lower Level)			22
23	24	25	26	27	28
	7:30pm Historical Commission (Museum) 7:30pm Planning Commission-Study (Lower Level)	7:00pm Youth Council Meeting (Conference Room LL)			29
30					

- 6/16 PH - Rezoning App. - Sect. 32
- 6/16 PH - Prelim. PUD Rev. - Sect. 23
- 6/16 PH - Street Vac. App. - Sect. 27
- 6/16 PH - Comm. Veh. App. - 1093 W. Wattles
- 6/16 PH - Zoning Text Amend. - Article XXXIX (ZOTA 193)
- 6/16 PH - Prop. Alley Vac. - Daley Stre

# July 2003

July 2003							August 2003						
S	M	T	W	T	F	S	S	M	T	W	T	F	S
6	7	8	9	10	11	12	3	4	5	6	7	8	9
13	14	15	16	17	18	19	10	11	12	13	14	15	16
20	21	22	23	24	25	26	17	18	19	20	21	22	23
27	28	29	30	31			24	25	26	27	28	29	30
							31						

Monday	Tuesday	Wednesday	Thursday	Friday	Sat/Sun
	July 1	2	3	4	5
	7:30pm Planning Commission-Study (Lower Level)	8:30am Building Code Board of Appeals (Lower Level)		Independence Day-City Offices Closed	
					6
7	8	9	10	11	12
7:30pm City Council-Regular (Council Chambers)	7:30pm Historical Society (Community Center) 7:30pm Planning Commission-Regular (Council Chambers)	3:00pm Retirement System Board of Trustees (C)	7:30pm Library Board (Library)		
					13
14	15	16	17	18	19
7:30pm Liquor Committee (C)	7:30pm Board of Zoning Appeals	7:30am Downtown Development Authority (Lower Level) 7:30pm Traffic Committee (Lower Level)	3:00pm Brownfield Redevelopment Authority 7:00pm CATV		
					20
21	22	23	24	25	26
7:30pm City Council-Regular (Council Chambers)	7:30pm Historical Commission (Museum) 7:30pm Planning Commission-Study (Lower Level)	7:00pm Troy Youth Council (Lower Level)			
					27
28	29	30	31		

6/16 PH - Rezoning App. - 1093  
 6/16 PH - Prelim. PUD Review - 1093  
 6/16 PH - Street Vac. App. - 1093  
 6/16 PH - Comm. Veh. App. - 1093  
 6/16 PH - Zoning Text Amend. - Article 3212 (1093)  
 6/16 PH - Prop. Air - 1093

# August 2003

August 2003						
S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

September 2003						
S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

Monday	Tuesday	Wednesday	Thursday	Friday	Sat/Sun
				August 1	2
					3
4	5	6	7	8	9
7:30pm City Council-Regular (Council Chambers)	7:30pm Planning Commission-Study (Lower Level)	8:30am Building Code Board of Appeals (Lower Level) 7:00pm Adv Comm Pers w/Disabilities			10
11	12	13	14	15	16
7:30pm Liquor Committee (C)	7:30pm Historical Society (Community Center) 7:30pm Planning Commission-Regular (Council Chambers)	3:00pm Retirement System Board of Trustees (C)	7:30pm Library Board (Library)	8:00am CC-Study Session (Council Board Room)	17
18	19	20	21	22	23
7:30pm City Council-Regular (Council Chambers)	7:30pm Board of Zoning Appeals (Council Chamber)	7:30am Downtown Development Authority (Lower Level) 7:30pm Traffic Committee (Lower Level)			24
25	26	27	28	29	30
	7:30pm Historical Commission (Museum) 7:30pm Planning Commission-Study (Lower Level)	7:00pm Troy Youth Council (Lower Level)			31

5/16 PM - Resuming App. Sect. 32  
 6/16 PM - Prob. P.U. Rev. Sect. 33  
 6/16 PM - Street Use App. Sect. 37  
 6/16 PM - Comm. Veh. App. 1151X, 1151Y  
 9/17 PM - Text Amend. Article 12-1.1 (2)(D) (13)  
 9/18 PM - P.U. 180-112-110-110-110

June 4, 2003

TO: Honorable Mayor and City Council

FROM: John Szerlag, City Manager  
Gary A. Shripka, Assistant City Manager/Services  
Carol K. Anderson, Parks and Recreation Director

SUBJECT: Alternate Cricket Field Sites

At the June 2, 2003 meeting, City Council requested information from staff on alternate sites for a full-size cricket field. The field, which is being constructed at the Nelson Drain, has neighboring residents concerned with issues such as noise, parking, traffic, litter, restroom needs, and location relative to their properties.

An agreement has been entered into between the City of Troy and The Michigan Cricket Association to use the Nelson Drain for their sport for a period of one year with the option of annual renewal of the agreement based on review of maintenance and associated costs and renegotiation of financial contribution and responsibilities of both parties.

The Michigan State Cricket Club has also secured an agreement with the Children's World Learning Center at 5480 Rochester Road to use their parking area on evenings and weekends when cricket games and practices will occur.

### **Alternate Sites**

Alternate sites were identified during the June 2, 2003 Council meeting. They are: 1) The playing fields west of the Troy Community Center, and 2) The new park site located on the east side of Livernois Road, north of Town Center Drive. Additionally, staff has identified the new park site on John R Road, south of Barnard Elementary School on which a Cricket field could fit.

### **Site #1 – The playing fields west of the Troy Community Center**

This site is currently used for baseball, softball, and soccer throughout the year. A new backstop and sideline fencing have recently been installed. Requests have been made to add another small baseball field to the area.

The site is just 400' in width, which could accommodate a reduced size cricket field (dimensions of full size cricket field are 450' x 550'). However, existing ball diamond and soccer fields would be eliminated to install a cricket field and all current programming of the site would be affected.

### Pros of This Site

Site has sufficient parking, restrooms in Community Center, relatively flat with a minimum of grading required. Cost to install a cricket field at this site would be minimal.

### Cons of This Site

Current programming of site would be greatly reduced. There are no other locations available to move baseball, softball, and soccer activities being played on these fields at this time.

Site is too small to accommodate a full-size cricket field, leaving the possibility of balls being hit into parked cars, Community Center building and windows, or pedestrians using the sidewalk around the building.

Recent fencing and backstop, which cost \$5000, would need to be removed.

### Timeline for Development

The playing fields have already been scheduled for the 2003 season. Therefore, the earliest this site could be made available for use as a cricket field would be spring of 2004.

### Site #2 - New park site on Livernois Rd.

This site is large enough to accommodate a full-size cricket field. However, as it is totally undeveloped, it would require substantial work to prepare it for use. The following is an estimate of the costs to develop a cricket field at this site:

	<b>REQUIRED</b>	<b>OPTIONAL*</b>
Clearing and Removal	\$ 5,500.00	
Grading and Topsoil	\$ 88,000.00	
Paved Parking for (30 cars)		\$ 31,200.00
Cricket field seeding	\$ 5,000.00	
Cricket Pitch	\$ 5,000.00	
3 Row x 15' Bleacher		\$ 1,500.00
Restroom (1200 s.f.)		\$180,000.00
Water Service and lines		\$ 6,140.00
Sanitary Sewer service and lines		\$ 7,160.00
Electrical Service and Distribution		\$ 10,200.00
Storm Sewer		\$ 12,000.00
<b>EST. TOTAL</b>	<b>\$103,500.00</b>	<b>\$248,200.00</b>

\*These estimates assume a parking lot equal to the size the Cricket Club has contracted to use at the Nelson Drain location. Costs could be reduced if portable toilets were used and if parking agreement with adjacent church or college were secured.

**Pros of This Site**

Site is large enough to accommodate a full-size cricket field.

**Cons of This Site**

Significant capital cost to construct cricket field. Cricket field will take up a major portion of park, thereby eliminating ball diamonds and soccer fields needed for current and future demand and reducing the space available to other amenities already proposed to residents during public park design meetings.

**Timeline for Development**

There are currently no budgeted funds to develop this site into a cricket field. If funding was available, clearing and field development could proceed this fall. However, the field turf would not be playable until fall 2004 or spring 2005.

**Site #3 – New Park Site on John R**

This site will also accommodate a full-size cricket field. Cost to prepare the site and construct the field will be similar to those at the other new park site on Livernois. Off-site parking might be available at Barnard Elementary School.

**Pros of This Site**

Site is large enough to accommodate a full-size cricket field.

**Cons of This Site**

Significant capital cost to construct cricket field. Would be a different use of the site than was presented to residents at park design meetings.

**Timeline for Development**

There are currently no budgeted funds to develop this site into a cricket field. If funding was available, clearing and field development could proceed this fall. However, the field turf would not be playable until Fall 2004 or Spring 2005.

**SUMMARY**

The Michigan Cricket Association and Michigan State Cricket Club are organizations that represent many cricket teams from throughout the state. Although there are two (2) Troy cricket teams, many of their games include teams that do not meet residency requirements. Allowing use by these non-resident teams in a City park facility would be a departure from current Parks and Recreation Department policies of requiring all teams using ball diamonds, soccer fields, picnic shelters, tennis courts, etc. to be comprised of at least 75% Troy residents.

Constructing a cricket field for use by the Michigan Cricket Association and/or the Michigan State Cricket Club at one of the three alternate sites identified in this

report would require a shift in policy regarding non-resident teams using Troy park facilities, that will affect all sports and facility programming.

Staff has been working with members of the Michigan Cricket Association for some time. The City Council approved an agreement with the Oakland County Drain Commission for use of the Nelson Drain area for cricket and a subsequent agreement with the Michigan Cricket Association. Although there may be some concerns about the use of the area, it is large enough for the game to be played, substantially less expensive to develop than other alternate sites, and the agreement is kept by both parties.

Staff will work with residents and cricket players to limit problems associated with play at the Nelson Drain. Should problems be irresolvable, City Council has no obligation to renew the agreement after this year. Unless directed otherwise, staff will proceed with the plan and agreement to use the drain this summer.

June 5, 2003

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager  
 John M. Lamerato, Assistant City Manager / Finance and Administration  
 Jeanette Bennett, Purchasing Director

RE: Report and Communication –  
 Standardized Purchasing Resolutions 9, 10,11

**PURPOSE**

In an effort to further assist City Council in their review of repetitive agenda items, City Management has established the following additional standard purchasing resolutions:

- Standard Purchasing Resolution 9 Approval of Membership Renewals
- Standard Purchasing Resolution 10 Approval of Council or Board Members Travel Requests
- Standard Purchasing Resolution 11 Rejection of Bids

**STANDARD PURCHASING RESOLUTION 9 - Approval of Membership Renewals**

RESOLVED, that approval is GRANTED to pay the \_\_\_\_\_ membership fee from \_\_\_\_\_ to \_\_\_\_\_ in the amount of \$ \_\_\_\_\_.

*SAMPLE COMPLETED RESOLUTIONS:*

*RESOLVED, that approval is **GRANTED** to pay the Michigan Municipal League membership fee from July 1, 2003 to June 30, 2004 in the amount of \$13,5000.*

**STANDARD PURCHASING RESOLUTION 10 - Approval of City Council Member’s Travel Requests**

RESOLVED, that the \_\_\_\_\_ and \_\_\_\_\_ are AUTHORIZED to attend the Annual Convention of the \_\_\_\_\_ in \_\_\_\_\_, \_\_\_\_\_ (City) \_\_\_\_\_ from \_\_\_\_\_ to \_\_\_\_\_ in accordance with \_\_\_\_\_ (State) accounting procedures of the City of Troy.

**STANDARD PURCHASING RESOLUTION 10** - Travel Requests - continued

*SAMPLE COMPLETED RESOLUTIONS:*

*RESOLVED, that the Mayor and City Council Members are **AUTHORIZED** to attend the annual convention of the Michigan Municipal League in Detroit, Michigan from September 16, 2003 to September 19, 2003 in accordance with accounting procedures of the City of Troy.*

**STANDARD PURCHASING RESOLUTION 11** - Rejection of Bids

RESOLVED, that all bid(s) for \_\_\_\_\_ opened \_\_\_\_\_ is (are) hereby rejected (due to) or (and) \_\_\_\_\_.

*SAMPLE COMPLETED RESOLUTIONS:*

*RESOLVED, That the bid proposal for ITB-COT 03-14, to design, furnish, and install a Fishing Pier at Sylvan Glen Park, opened May 7, 2003, is hereby rejected due to budgetary limitations.*

June 5, 2003

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager

SUBJECT: Proposed Expansion of SMART's Dial-a-Ride Service to Include Troy and Birmingham

As we discussed last fall, I've been meeting with Mr. Tom Markus, City Manager of Birmingham, and Mr. Ron Ristau, Director of Service Development for SMART to consider combining Troy's and Birmingham's individual dial-a-ride service. This blending of operations offers many benefits:

- 1) An expanded service area for residents of both communities.
- 2) SMART will extend its hours of operation.
- 3) In the case of Troy, we currently allocate \$170,000 from our General Fund to support Troy Medi-go. By combining the operations of Troy and Birmingham for dial-a-ride, we can reallocate our municipal, and community credits we receive from the SMART millage to fund this entire amount. This has the effect of freeing up General Fund monies while at the same time providing a dedicated source of funding for Troy Medi-go. Birmingham will receive a similar economic benefit.
- 4) Based on existing and projected ridership, response time will not be adversely affected.

Attached is a draft copy of the proposed ridership area assuming Troy and Birmingham agree to a shared dial-a-ride program.

As always, please feel free to call should you have any questions.

JS/mr\AGENDA ITEMS\2003\06.16.03 – Proposed Combined SMART Service

c: Carol Anderson, Parks and Recreation Director (Troy)  
Tom Markus, City Manager (Birmingham)  
Ron Ristau, SMART  
Gary A. Shripka, Assistant City Manager/Services (Troy)  
Donna Sykes, SMART

DAR Satisfaction Survey-Results

Bus number \_\_\_\_\_

Interviewer Donna Bunn

Dates: 2/26, 3/4, 3/5, 3/10, 3/12-2003

Time \_\_\_\_\_

Passengers name (Optional) N=35

In order to provide the best service to our customers, SMART is interested in your evaluation of our Dial-A-Ride bus service.

1. **What time did you call the dispatcher to be picked up for this ride?**  
\_\_\_\_\_ Average time from call in to drop off  
A.M. peak average-37min.  
Midday average-32 min.  
P.M. peak average-35 min.
2. **How often do you use the DAR service? \_\_\_\_\_ times per \_\_\_\_\_**  
57%- ride 4-5 days a week both-going and return  
23%- 2-3 days a week  
10%-2-3 times a month  
10%-first time or just occasionally
3. **How did you originally find out about the DAR service? \_\_\_\_\_**  
Friends/Family/Existing-riders/ Saw bus/Community paper
4. **What is your impression of the dispatchers?**  
75%- felt dispatcher was polite, knowledgeable and friendly  
25%- responded that dispatcher was not knowledgeable and seemed uninterested.
5. **What is your impression of the drivers?** 100%-satisfied with drivers. Felt drivers were polite and safe.
6. **What is your overall impression of the service?**  
Very Good/excellent-43%      Average-20%    Very Poor  
Good-37%                              Poor
7. **Explain any problems you have had.** Waiting more than 1 hour and having to call more than once.
8. **What trip purposes do you use the DAR for?**  
53%-work  
24%-Comm.Ctr. /Shopping/Church  
13%-school  
10%-Doctor/Hospital
9. **Do the hours of service fit your needs? (If not explain your needs)**  
70%-satisfied with times of present service

24%-need to return between the hours of 5-7 p.m.  
6%-need returns after 10 p.m.

**9. Would you like for the DAR service to go outside of Troy/Birmingham?  
(If so where would you like to travel?)**

67%- don't want to go out of Troy  
13%-wanted to travel to Royal Oak  
13%-wanted to travel to Rochester& Roc. Hills/Auburns Hills  
7%-wanted to travel to Birmingham and Southfield

**10. Any other comments or concerns?**

- Passengers want service to operate on Saturdays.
- Passengers are okay with the service going out of Troy if the quality of service doesn't suffer.
- Service is good and works well
- Dispatchers need to give out calls to drivers right away and not hold them.
- Passengers would like to call rides in for the whole week.

Some other observations made while taking surveys and riding bus:

The surveys were taken in all weather conditions and on different days of the week. In observation of buses they looked clean and in good working condition. Drivers that do the DAR/OLM shuttle have been on the runs for 3 or more years. People call Troy Medigo + but don't like that they have call in advance or the reservation hours.

Troy and Birmingham DAR's both serve Somerset Mall, Royal Oak Meijer, Barnum Rehab that was moved to Royal Oak Coolidge and Midtown Square.

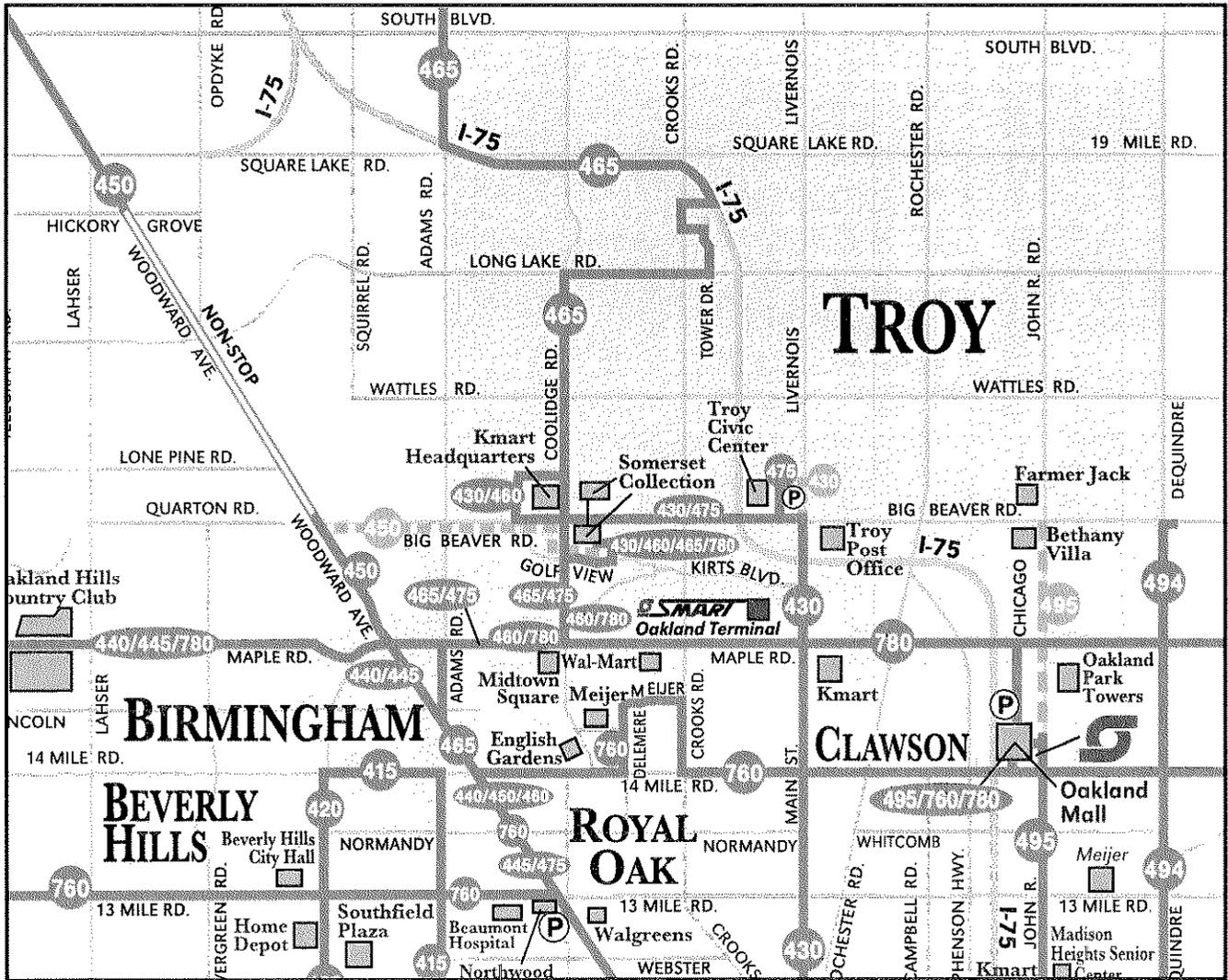


Suburban Mobility Authority for Regional Transportation

NEW!

Troy/Birmingham Dial-A-Ride Service

PROPOSED



Dial-A-Ride will pick up in the order requests are received, usually within one hour after calling. Call for a ride and a SMART small bus will be dispatched for pick up. Advanced reservation not necessary.

Time: ..... 6:00 a.m. to 6:00 p.m., Monday through Friday

Service Area: ..... Troy, Birmingham & Beverly Hills (Beaumont Hospital and Meijer Royal Oak)

Phone: ..... (248) 362-3436 (Phone opens at 5:30 a.m. and closes at 5:30 p.m.)

June 11, 2003

To: Honorable Mayor and City Council

From: John Szerlag, City Manager  
Gary A. Shripka, Assistant City Manager/Services  
Carol K. Anderson, Parks and Recreation Director

Subject: Master Plans for New Parks

On January 6, 2003, City Council approved an agreement with M. C. Smith Associates to provide master plans and park design services for the new park acquisitions.

Prior to any design work, M.C. Smith inventoried the sites for opportunities/constraints for the sites considering soils, parcel size, immediate and future needs, etc.

Residents living within 500 feet of each parcel, as well as the Senior Advisory Board, Parks and Recreation Advisory Board and the Advisory Committee for Disabilities were invited to "Opportunities and Visioning Workshops" in late March and/or early April to learn about the possible uses of the sites and to offer input. After these public input meetings, concept plans were developed. The same people were invited to a second meeting on April 30, 2003 to view the concept plans for the parcels. Adjustments were made to the concept plans and cost estimates developed.

The attached plan is the result of the work done by M.C. Smith as well as current cost estimates for the development.

# MASTER PLANNING FOR 5 NEW PARKS

## Cost Projections



**M.C. Smith Associates and  
Architectural Group, Inc.**  
East Grand Rapids, Michigan



**PARK MASTER PLANNING- PARCEL #1**  
**City of Troy**

Preliminary Cost Estimate  
 May 29, 2003

Description	Unit	No. of Units	Price	Extension
<b>Site Preparation</b>				
Topographic Survey	Acres	22	\$300.00	\$6,600.00
Soil Borings	L.S.	1	\$2,000.00	\$2,000.00
Clearing and Removals	L.S.	1	\$11,000.00	\$11,000.00
<b>Subtotal</b>				<b>\$19,600.00</b>
<b>Site Grading</b>				
Site Grading	S.Y.	64,804	\$2.25	\$145,809.00
Furnish and Grade New Topsoil	S.Y.	17,765	\$1.75	\$31,088.75
<b>Subtotal</b>				<b>\$176,897.75</b>
<b>Entrance Area</b>				
Stone Columns	EA.	10	\$850.00	\$8,500.00
Stone Wall	L.F.	160	\$175.00	\$28,000.00
Planter Wall	L.F.	75	\$100.00	\$7,500.00
Wood Fence with Stone Columns	L.F.	385	\$85.00	\$32,725.00
Signage	LS.	1	\$5,000.00	\$5,000.00
Plantings	S.F.	800	\$6.00	\$4,800.00
Lighting	L.S.	1	\$3,500.00	\$3,500.00
<b>Subtotal</b>				<b>\$90,025.00</b>
<b>Parking Area and Entrance Drive</b>				
Bituminous Paving w/Sand Base	S.Y.	7,040	\$18.00	\$126,720.00
4" Perforated Underdrainage Lines	L.F.	1,800	\$6.00	\$10,800.00
Concrete Curb and Gutter	L.F.	3,050	\$16.00	\$48,800.00
Site Lighting	EA.	6	\$3,000.00	\$18,000.00
Handicap Sign	EA.	7	\$200.00	\$1,400.00
<b>Subtotal</b>				<b>\$205,720.00</b>
<b>Walks and Trails</b>				
Concrete City Sidewalk	S.F.	2,875	\$5.50	\$15,812.50
Concrete Walks with Underdrainage	S.F.	14,480	\$5.50	\$79,640.00
Bituminous Paths with Underdrainage	S.Y.	2636	\$25.00	\$65,900.00
Elevated Boardwalks	S.F.	6,660	\$20.00	\$133,200.00
<b>Subtotal</b>				<b>\$294,552.50</b>

**M.C. SMITH ASSOCIATES AND  
 ARCHITECTURAL GROUP, INC.**

Description	Unit	No. of Units	Price	Extension
<b>Sports Fields and Courts</b>				
Infield Surfacing	S.Y.	2,941	\$9.00	\$26,469.00
Backstop	EA.	2	\$3,000.00	\$6,000.00
Sports Field Underdrainage	L.S.	1	\$50,000.00	\$50,000.00
8' Black Chain-Link Fencing	L.F.	380	\$22.00	\$8,360.00
Concrete Players Bench Slab	S.F.	1,000	\$5.50	\$5,500.00
Players Benches	EA.	4	\$1,500.00	\$6,000.00
3 Row x 15' Bleacher	EA.	4	\$1,500.00	\$6,000.00
Pedestrian Surfacing	S.Y.	667	\$8.00	\$5,336.00
Pitchers Plate and Bases	L.S.	2	\$500.00	\$1,000.00
Edging	L.F.	860	\$6.00	\$5,160.00
Basketball Court Surfacing	S.Y.	579	\$22.00	\$12,738.00
Basketball Goals	EA.	2	\$3,500.00	\$7,000.00
Volleyball Posts and Net	EA.	1	\$1,200.00	\$1,200.00
<b>Subtotal</b>				<b>\$140,763.00</b>
<b>Play Area</b>				
Play Area Edging	L.F.	350	\$12.00	\$4,200.00
Concrete Paving	S.F.	2,425	\$5.50	\$13,337.50
Wood Fiber Surfacing	S.Y.	879	\$12.00	\$10,548.00
Poured-in-Place Safety Surfacing	S.F.	274	\$12.00	\$3,288.00
Sand Base	S.Y.	910	\$2.00	\$1,820.00
4" Perforated Underdrainage Lines	L.F.	350	\$8.00	\$2,800.00
Play Area Equipment	L.S.	1	\$107,305.00	\$107,305.00
<b>Subtotal</b>				<b>\$143,298.50</b>
<b>Site Furniture</b>				
Benches	EA.	6	\$1,200.00	\$7,200.00
Picnic Tables	EA.	5	\$1,200.00	\$6,000.00
Grill	EA.	3	\$800.00	\$2,400.00
Serving Tables	EA.	3	\$800.00	\$2,400.00
Litter Containers	EA.	10	\$650.00	\$6,500.00
Drinking Fountains	EA.	1	\$3,500.00	\$3,500.00
Picnic Tables Portable	EA.	12	\$650.00	\$7,800.00
<b>Subtotal</b>				<b>\$35,800.00</b>
<b>Miscellaneous Park Improvements</b>				
Property Line Fence	L.F.	375	\$20.00	\$7,500.00
Signage	L.S.	1	\$4,000.00	\$4,000.00
<b>Subtotal</b>				<b>\$11,500.00</b>

Description	Unit	No. of Units	Price	Extension
<b>Buildings and Structures</b>				
Restroom and Storage Building	S.F.	1,200	\$150.00	\$180,000.00
Group Picnic Shelter	EA.	1	\$125,000.00	\$125,000.00
25' Hex Shade Shelter	EA.	2	\$20,000.00	\$40,000.00
<b>Subtotal</b>				<b>\$345,000.00</b>

<b>Site Utilities</b>				
Water Service and Lines	L.S.	1	\$12,690.00	\$12,690.00
Sanitary Sewer Service and Lines	L.S.	1	\$11,240.00	\$11,240.00
Electrical Service and Distribution	L.S.	1	\$18,000.00	\$18,000.00
Storm Sewer	L.S.	1	\$47,600.00	\$47,600.00
<b>Subtotal</b>				<b>\$89,530.00</b>

<b>Landscaping</b>				
Seeding Lawn Areas	S.Y.	35,531	\$0.80	\$28,424.80
Seeding Native Areas	S.Y.	6,312	\$0.80	\$5,049.60
Deciduous Canopy Trees	EA.	162	\$300.00	\$48,600.00
Evergreen Trees	EA.	89	\$225.00	\$20,025.00
Deciduous Accent Trees	EA.	67	\$225.00	\$15,075.00
Shrubs, Grasses and Groundcovers	L.S.	1	\$15,000.00	\$15,000.00
Wetland Restoration	S.Y.	727	\$4.00	\$2,908.00
Irrigation System	L.S.	1	\$67,100.00	\$67,100.00
<b>Subtotal</b>				<b>\$202,182.40</b>

<b>Garden Area</b>				
Paved Walk	S.F.	8,357	\$5.50	\$45,963.50
25' Hex Wedding Gazebo	EA.	1	\$30,000.00	\$30,000.00
Trellis	L.F.	65	\$85.00	\$5,525.00
Art in the Park Pads	EA.	5	\$500.00	\$2,500.00
Planting Soil	S.Y.	1,020	\$2.00	\$2,040.00
Underdrainage	L.S.	1	\$7,500.00	\$7,500.00
Plantings	L.S.	1	\$20,000.00	\$20,000.00
Benches	EA.	6	\$1,200.00	\$7,200.00
<b>Subtotal</b>				<b>\$120,728.50</b>

<b>Subtotal</b>	<b>\$1,875,597.65</b>
<b>Contingencies @ 8%</b>	<b>\$150,047.81</b>
<b>Engineering @ 8%</b>	<b>\$162,051.64</b>
<b>TOTAL</b>	<b><u>\$2,187,697.10</u></b>



**CONCEPT PLAN  
PARKS MASTER PLANNING**

**PARCEL #2 - SECTION 2, 6.5 AC.**



SCALE IN FEET



NORTH

DATE  
4.30.03

PROJECT NO.  
1525

**M.C. SMITH ASSOCIATES AND  
ARCHITECTURAL GROUP, INC.**  
Landscape Architecture • Park & Recreation Planning • Urban Planning  
Site Design • Urban Design • Public Works Planning  
200 Greenway Center, U.S. • Phone: (301) 251-0000  
www.mcsmith.com • Fax: (301) 251-0000



# PARK MASTER PLANNING- PARCEL #2

## City of Troy

Preliminary Cost Estimate

May 29, 2003

# M.C. SMITH ASSOCIATES AND ARCHITECTURAL GROUP, INC.

Description	Unit	No. of Units	Price	Extension
<b>Site Preparation</b>				
Topographic Survey	Acres	7	\$300.00	\$1,950.00
Soil Borings	L.S.	1	\$2,000.00	\$2,000.00
Miscellaneous Clearing and Removals	L.S.	1	\$5,500.00	\$5,500.00
<b>Subtotal</b>				<b>\$9,450.00</b>

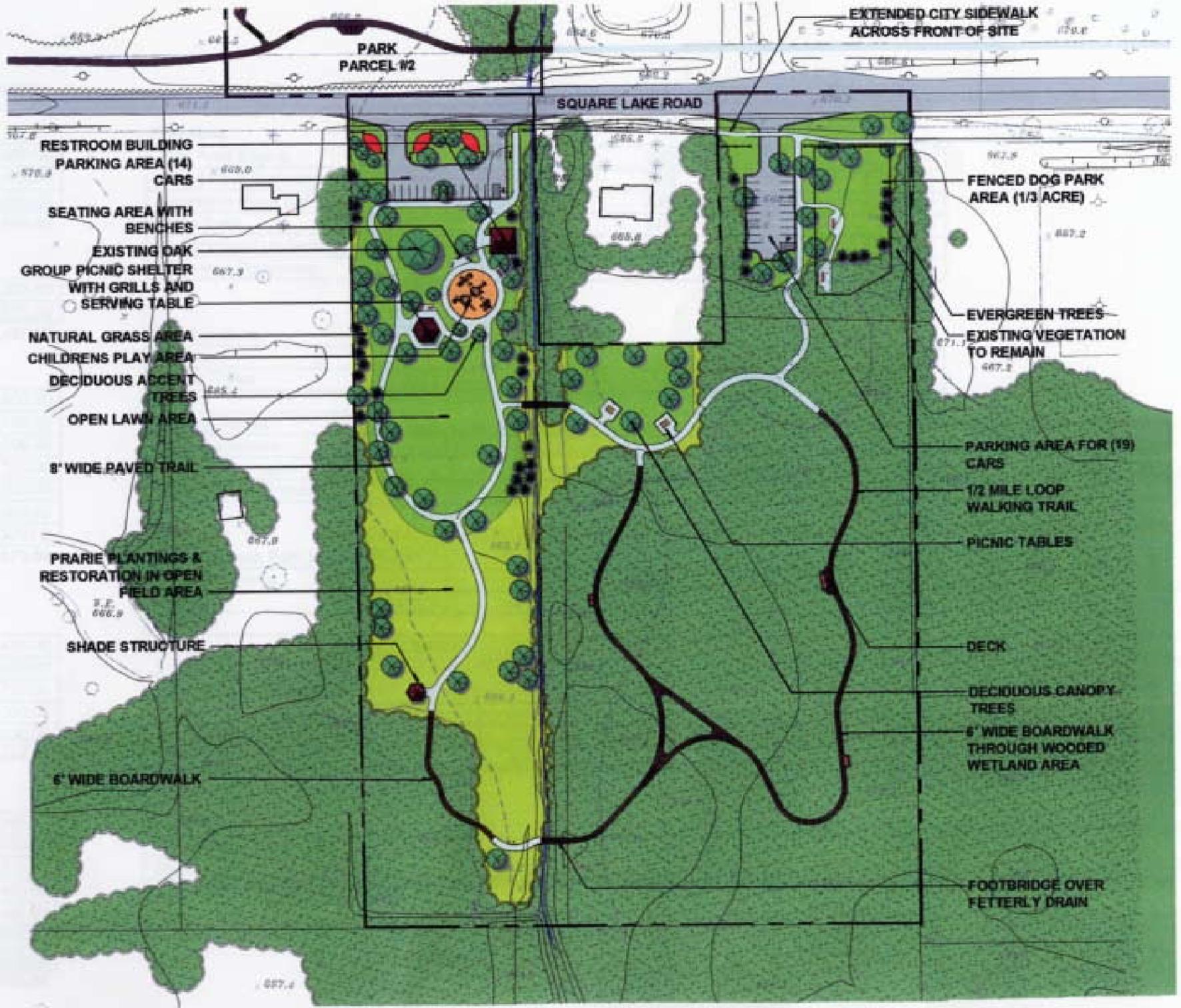
<b>Site Grading</b>				
Site Grading	S.Y.	6,706	\$2.25	\$15,088.50
<b>Subtotal</b>				<b>\$15,088.50</b>

<b>Walks and Trails</b>				
Concrete Walks with Underdrains	S.F.	1,016	\$5.50	\$5,588.00
Chips and Fines Walk with Timber Edge	S.F.	3920	\$3.00	\$11,760.00
Elevated Boardwalks with Railings	S.F.	11,340	\$25.00	\$283,500.00
Decks	S.F.	1,319	\$24.00	\$31,656.00
Pedestrian Bridge, 25' Length	L.S.	1	\$12,500.00	\$12,500.00
Pedestrian Bridge, 30' Length	L.S.	1	\$15,000.00	\$15,000.00
<b>Subtotal</b>				<b>\$360,004.00</b>

<b>Site Furniture</b>				
Benches	EA.	3	\$1,200.00	\$3,600.00
Litter Containers	EA.	3	\$650.00	\$1,950.00
<b>Subtotal</b>				<b>\$5,550.00</b>

<b>Buildings and Structures</b>				
16' Hex Shade Structure	EA.	1	\$14,000.00	\$14,000.00
Covered Benches	EA.	3	\$3,000.00	\$9,000.00
<b>Subtotal</b>				<b>\$23,000.00</b>

Description	Unit	No. of Units	Price	Extension
<b>Landscaping</b>				
Seeding Native Areas	S.Y.	1,200	\$0.80	\$960.00
Landscape Planting	L.S.	1	\$5,000.00	\$5,000.00
<b>Subtotal</b>				<b>\$5,960.00</b>
<b>Subtotal</b>				<b>\$419,052.50</b>
<b>Contingencies @ 8%</b>				<b>\$33,524.20</b>
<b>Engineering @ 8%</b>				<b>\$36,206.14</b>
<b>TOTAL</b>				<b>\$488,782.84</b>



**CONCEPT PLAN  
PARKS MASTER PLANNING**

PARCEL #3 - SECTION 11 - 11.99 AC.

SCALE IN FEET      NORTH  
 M.C. SMITH ASSOCIATES AND ARCHITECTURAL GROUP, INC.  
 400 Commercial Center Blvd., Troy, Michigan 48068  
 DATE: 4.23.03      PROJECT NO.: 0225

# PARK MASTER PLANNING- PARCEL #3

## City of Troy

Preliminary Cost Estimate

May 29, 2003

Description	Unit	No. of Units	Price	Extension
<b>Site Preparation</b>				
Topographic Survey	Acres	12	\$300.00	\$3,600.00
Soil Borings	L.S.	1	\$2,000.00	\$2,000.00
Clearing and Removals	L.S.	1	\$7,000.00	\$7,000.00
<b>Subtotal</b>				<b>\$12,600.00</b>
<b>Site Grading</b>				
Site Grading	S.Y.	29,940	\$2.25	\$67,365.00
Furnish and Grade New Topsoil	S.Y.	5,184	\$1.75	\$9,072.00
<b>Subtotal</b>				<b>\$76,437.00</b>
<b>Entrance Area</b>				
Stone Columns	EA.	28	\$850.00	\$23,800.00
Stone Wall	L.F.	170	\$175.00	\$29,750.00
Planter Wall	L.F.	110	\$100.00	\$11,000.00
Wood Fence with Stone Columns	L.F.	225	\$85.00	\$19,125.00
Signage	L.S.	1	\$5,000.00	\$5,000.00
Plantings	S.F.	800	\$6.00	\$4,800.00
Lighting	L.S.	1	\$3,500.00	\$3,500.00
<b>Subtotal</b>				<b>\$96,975.00</b>
<b>Parking Area and Entrance Drive</b>				
Bituminous Paving w/Sand Base	S.Y.	2,193	\$18.00	\$39,474.00
4" Perforated Underdrainage Lines	L.F.	650	\$6.00	\$3,900.00
Concrete Curb and Gutter	L.F.	1,295	\$16.00	\$20,720.00
Site Lighting	EA.	4	\$3,000.00	\$12,000.00
Handicap Sign	EA.	2	\$200.00	\$400.00
<b>Subtotal</b>				<b>\$76,494.00</b>
<b>Walks and Trails</b>				
Concrete City Sidewalk with Underdrainage	S.F.	3,375	\$5.50	\$18,562.50
Concrete Walks with Underdrainage	S.F.	10,820	\$5.50	\$59,510.00
Bituminous Paths with Underdrainage	S.Y.	1,209	\$25.00	\$30,225.00
Chips and Fines Path with Timber Edge	S.F.	480	\$3.00	\$1,440.00
Elevated Boardwalks	S.F.	10,020	\$20.00	\$200,400.00
Decks	S.F.	1,319	\$24.00	\$31,656.00
Pedestrian Bridge, 30' Length	EA.	2	\$15,000.00	\$30,000.00
<b>Subtotal</b>				<b>\$371,793.50</b>

# M.C. SMITH ASSOCIATES AND ARCHITECTURAL GROUP, INC.

Description	Unit	No. of Units	Price	Extension
<b>Play Area</b>				
Play Area Edging	L.F.	200	\$12.00	\$2,400.00
Wood Fiber Surfacing	S.Y.	292	\$12.00	\$3,504.00
Poured-in-Place Safety Surfacing	S.F.	200	\$12.00	\$2,400.00
Sand Base	S.Y.	314	\$2.00	\$628.00
4" Perforated Underdrainage Lines	L.F.	220	\$8.00	\$1,760.00
Play Area Equipment	L.S.	1	\$79,500.00	\$79,500.00
<b>Subtotal</b>				<b>\$90,192.00</b>
<b>Site Furniture</b>				
Benches	EA.	6	\$1,200.00	\$7,200.00
Picnic Tables	EA.	4	\$1,200.00	\$4,800.00
Grill	EA.	1	\$800.00	\$800.00
Serving Tables	EA.	1	\$800.00	\$800.00
Litter Containers	EA.	4	\$650.00	\$2,600.00
Drinking Fountains	EA.	1	\$3,500.00	\$3,500.00
Picnic Tables Portable	EA.	8	\$650.00	\$5,200.00
<b>Subtotal</b>				<b>\$24,900.00</b>
<b>Miscellaneous Park Improvements</b>				
Dog Area Fence	L.F.	490	\$20.00	\$9,800.00
Gates	EA.	2	\$350.00	\$700.00
Signage	L.S.	1	\$3,500.00	\$3,500.00
<b>Subtotal</b>				<b>\$14,000.00</b>
<b>Buildings and Structures</b>				
Restroom Building	S.F.	900	\$150.00	\$135,000.00
36' Hex Group Picnic Shelter	EA.	1	\$28,000.00	\$28,000.00
25' Hex Shade Structure	EA.	1	\$20,000.00	\$20,000.00
<b>Subtotal</b>				<b>\$183,000.00</b>
<b>Site Utilities</b>				
Water Service and Lines	L.S.	1	\$6,140.00	\$6,140.00
Sanitary Sewer Service and Lines	L.S.	1	\$7,160.00	\$7,160.00
Electrical Service and Distribution	L.S.	1	\$10,200.00	\$10,200.00
Storm Sewer	L.S.	1	\$12,000.00	\$12,000.00
<b>Subtotal</b>				<b>\$35,500.00</b>

Description	Unit	No. of Units	Price	Extension
<b>Landscaping</b>				
Seeding Lawn Areas	S.Y.	10,369	\$0.80	\$8,295.20
Seeding Native Areas	S.Y.	9,892	\$0.80	\$7,913.60
Deciduous Canopy Trees	EA.	62	\$300.00	\$18,600.00
Evergreen Trees	EA.	31	\$225.00	\$6,975.00
Deciduous Accent Trees	EA.	9	\$225.00	\$2,025.00
Shrubs, Grasses and Groundcovers	L.S.	1	\$15,000.00	\$15,000.00
Irrigation System	L.S.	1	\$29,900.00	\$29,900.00
<b>Subtotal</b>				<b>\$88,708.80</b>

<b>Subtotal</b>	<b>\$1,070,600.30</b>
<b>Contingencies @ 8%</b>	<b>\$85,648.02</b>
<b>Engineering @ 8%</b>	<b>\$92,499.87</b>
<b>TOTAL</b>	<b><u>\$1,248,748.19</u></b>



FENCE WITH STONE COLUMNS  
 ENTRY COLUMNS WITH STONE  
 WALLS AND RAISED PLANTERS  
 PARKING AREA FOR 98 CARS  
 RESTROOM BUILDING WITH  
 MAINTENANCE/STORAGE  
 BIKE RACKS  
 (2) HORSESHOE PITS  
 (2) - 36' GROUP PICNIC SHELTERS  
 WITH GRILLS AND SERVING TABLES  
 CHILDREN'S PLAY AREA  
 BENCHES

FOOTBALL/LACROSS FIELD  
 WALK CONNECTION TO BARNARD  
 ELEMENTARY SCHOOL  
 (8) 5 VS 5 SOCCER  
 FIELDS/MULTI USE OPEN  
 LAWN AREA  
 EXISTING VEGETATION  
 TO REMAIN

NATURAL GRASS AREA  
 MAINTAINED LAWN  
 AREA  
 EVERGREEN TREES  
 DECIDUOUS CANOPY  
 TREE  
 ROLLER HOCKEY RINK  
 SHADE STRUCTURE  
 BASKETBALL COURT  
 FENCE ALONG EDGE OF  
 SHANAHAN DRAIN  
 ENTRANCE DRIVE WITH  
 ACCELERATION AND  
 DECELERATION LANES

DECIDUOUS  
 ACCENT  
 TREE  
 PICNIC  
 TABLE  
 SHADE STRUCTURE  
 WITH TABLES  
 PICNIC TABLE  
 PEDESTRIAN BRIDGE AT  
 END OF GROVE STREET  
 1/2 MILE 8' WIDE PAVED  
 LOOP WALKING PATH  
 PICNIC TABLE

# PARK MASTER PLANNING- PARCEL #4

## City of Troy

Preliminary Cost Estimate

May 29, 2003

Description	Unit	No. of Units	Price	Extension
<b>Site Preparation</b>				
Topographic Survey	Acres	14	\$300.00	\$4,200.00
Soil Borings	L.S.	1	\$2,000.00	\$2,000.00
Clearing and Removals	L.S.	1	\$13,500.00	\$13,500.00
<b>Subtotal</b>				<b>\$19,700.00</b>

<b>Site Grading</b>				
Site Grading	S.Y.	55,314	\$2.25	\$124,456.50
Furnish and Grade New Topsoil	S.Y.	17,528	\$1.75	\$30,674.00
<b>Subtotal</b>				<b>\$155,130.50</b>

<b>Entrance Area</b>				
Stone Columns	EA.	32	\$850.00	\$27,200.00
Stone Wall	L.F.	225	\$175.00	\$39,375.00
Planter Wall	L.F.	115	\$100.00	\$11,500.00
Wood Fence	L.F.	165	\$85.00	\$14,025.00
Signage	LS.	1	\$5,000.00	\$5,000.00
Plantings	S.F.	800	\$6.00	\$4,800.00
Lighting	L.S.	1	\$3,500.00	\$3,500.00
<b>Subtotal</b>				<b>\$105,400.00</b>

<b>Parking Area and Entrance Drive</b>				
Bituminous Paving w/Sand Base	S.Y.	3,906	\$18.00	\$70,308.00
4" Perforated Underdrainage Lines	L.F.	1,240	\$6.00	\$7,440.00
Concrete Curb and Gutter	L.F.	2,015	\$16.00	\$32,240.00
Site Lighting	EA.	4	\$3,000.00	\$12,000.00
Handicap Sign	EA.	4	\$200.00	\$800.00
<b>Subtotal</b>				<b>\$122,788.00</b>

<b>Walks and Trails</b>				
Concrete City Sidewalk	S.F.	3,375	\$5.50	\$18,562.50
Concrete Walks with Underdrainage	S.F.	10,820	\$5.50	\$59,510.00
Bituminous Paths with Underdrainage	S.Y.	1,209	\$25.00	\$30,225.00
Chips and Fines Path with Timber Edging	S.F.	480	\$3.00	\$1,440.00
<b>Subtotal</b>				<b>\$109,737.50</b>

# M.C. SMITH ASSOCIATES AND ARCHITECTURAL GROUP, INC.

Description	Unit	No. of Units	Price	Extension
<b>Sports Fields and Courts</b>				
3 Row x 15' Bleacher	EA.	1	\$1,500.00	\$1,500.00
Basketball Court Surfacing	S.Y.	562	\$22.00	\$12,364.00
Basketball Goals	EA.	2	\$3,500.00	\$7,000.00
Soccer Goals	EA.	12	\$750.00	\$9,000.00
Sports Field Underdrainage	L.S.	1	\$50,000.00	\$50,000.00
Roller Hockey Court Surfacing	S.Y.	562	\$22.00	\$12,364.00
Roller Hockey Goals	EA.	2	\$300.00	\$600.00
Fence at Roller Hockey Court with Gates	L.F.	280	\$28.00	\$7,840.00
Horseshoe Pits	EA.	4	\$500.00	\$2,000.00
<b>Subtotal</b>				<b>\$102,668.00</b>

<b>Play Area</b>				
Play Area Edging	L.F.	325	\$12.00	\$3,900.00
Concrete Paving	S.F.	3,040	\$5.50	\$16,720.00
Wood Fiber Surfacing	S.Y.	752	\$12.00	\$9,024.00
Poured-in-Place Safety Surfacing	S.F.	500	\$12.00	\$6,000.00
Sand Base	S.Y.	807	\$2.00	\$1,614.00
4" Perforated Underdrainage Lines	L.F.	350	\$8.00	\$2,800.00
Play Area Equipment	L.S.	1	\$97,950.00	\$97,950.00
<b>Subtotal</b>				<b>\$138,008.00</b>

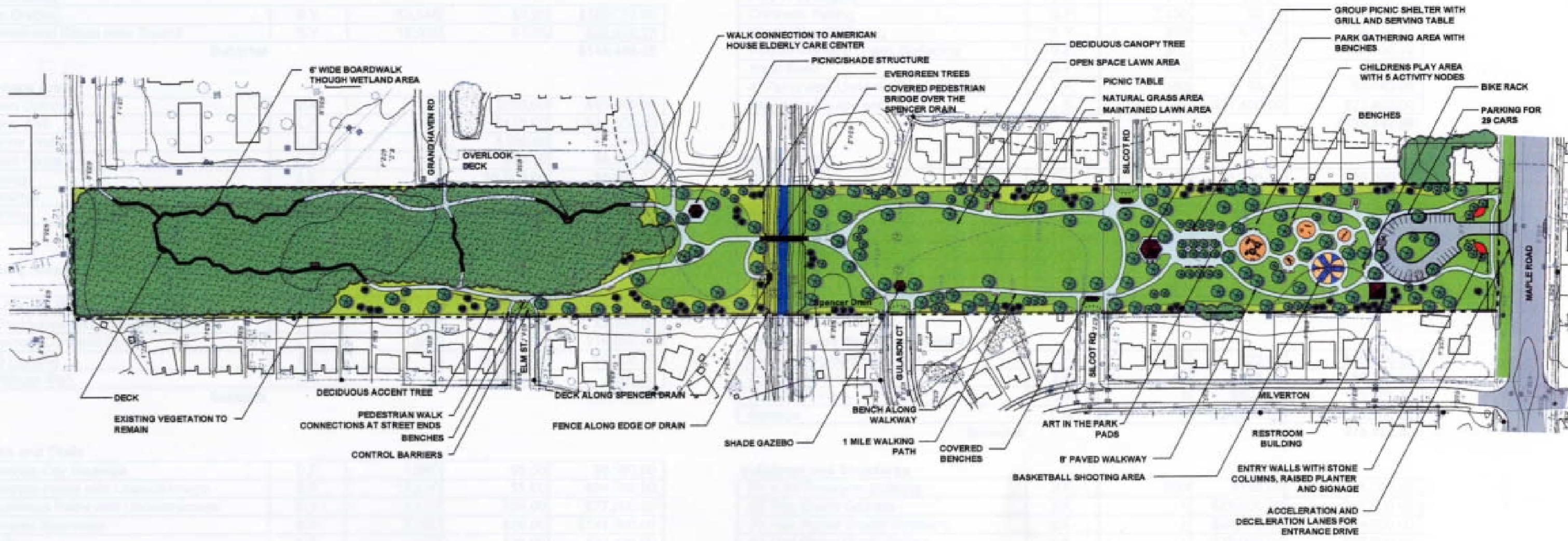
<b>Site Furniture</b>				
Benches	EA.	10	\$1,200.00	\$12,000.00
Picnic Tables	EA.	8	\$1,200.00	\$9,600.00
Grill	EA.	2	\$800.00	\$1,600.00
Serving Tables	EA.	2	\$800.00	\$1,600.00
Litter Containers	EA.	8	\$650.00	\$5,200.00
Drinking Fountains	EA.	1	\$3,500.00	\$3,500.00
Bike Racks	EA.	5	\$500.00	\$2,500.00
Picnic Tables Portable	EA.	16	\$650.00	\$10,400.00
<b>Subtotal</b>				<b>\$46,400.00</b>

<b>Buildings and Structures</b>				
Restroom and Maintenance/Storage Bldg.	S.F.	1,200	\$150.00	\$180,000.00
36' Hex Picnic Shelter	EA.	2	\$28,000.00	\$56,000.00
25' Hex Shade Structure	EA.	2	\$20,000.00	\$40,000.00
<b>Subtotal</b>				<b>\$276,000.00</b>

Description	Unit	No. of Units	Price	Extension
<b>Site Utilities</b>				
Water Service and Lines	L.S.	1	\$15,100.00	\$15,100.00
Sanitary Sewer Service and Lines	L.S.	1	\$8,400.00	\$8,400.00
Electrical Service and Distribution	L.S.	1	\$13,200.00	\$13,200.00
Storm Sewer	L.S.	1	\$42,000.00	\$42,000.00
<b>Subtotal</b>				<b>\$78,700.00</b>

<b>Landscaping</b>				
Seeding Lawn Areas	S.Y.	35,056	\$0.80	\$28,044.80
Seeding Native Areas	S.Y.	7,540	\$0.80	\$6,032.00
Deciduous Canopy Trees	EA.	69	\$300.00	\$20,700.00
Evergreen Trees	EA.	66	\$225.00	\$14,850.00
Deciduous Accent Trees	EA.	26	\$225.00	\$5,850.00
Shrubs, Grasses and Groundcovers	L.S.	1	\$12,000.00	\$12,000.00
Irrigation System	L.S.	1	\$57,000.00	\$57,000.00
<b>Subtotal</b>				<b>\$144,476.80</b>

<b>Subtotal</b>	<b>\$1,299,008.80</b>
<b>Contingencies @ 8%</b>	<b>\$103,920.70</b>
<b>Engineering @ 8%</b>	<b>\$112,234.36</b>
<b>TOTAL</b>	<b><u>\$1,515,163.86</u></b>



# PARK MASTER PLANNING- PARCEL #5

## City of Troy

Preliminary Cost Estimate

May 29, 2003

Description	Unit	No. of Units	Price	Extension
<b>Site Preparation</b>				
Topographic Survey	Acres	15	\$300.00	\$4,500.00
Soil Borings	L.S.	1	\$2,000.00	\$2,000.00
Miscellaneous Clearing and Removals	L.S.	1	\$7,500.00	\$7,500.00
<b>Subtotal</b>				<b>\$14,000.00</b>

Description	Unit	No. of Units	Price	Extension
<b>Site Grading</b>				
Site Grading	S.Y.	53,348	\$2.25	\$120,033.00
Furnish and Grade New Topsoil	S.Y.	15,095	\$1.75	\$26,416.25
<b>Subtotal</b>				<b>\$146,449.25</b>

Description	Unit	No. of Units	Price	Extension
<b>Entrance Area</b>				
Stone Columns	EA.	16	\$850.00	\$13,600.00
Stone Wall	L.F.	140	\$175.00	\$24,500.00
Planter Wall	L.F.	75	\$100.00	\$7,500.00
Wood Fence	L.F.	100	\$85.00	\$8,500.00
Signage	LS.	1	\$5,000.00	\$5,000.00
Plantings	S.F.	800	\$6.00	\$4,800.00
Lighting	L.S.	1	\$3,500.00	\$3,500.00
<b>Subtotal</b>				<b>\$67,400.00</b>

Description	Unit	No. of Units	Price	Extension
<b>Parking Area and Entrance Drive</b>				
Bituminous Paving w/Sand Base	S.Y.	1,759	\$18.00	\$31,662.00
4" Perforated Underdrainage Lines	L.F.	480	\$6.00	\$2,880.00
Concrete Curb and Gutter	L.F.	1,050	\$16.00	\$16,800.00
Site Lighting	EA.	2	\$3,000.00	\$6,000.00
Handicap Sign	EA.	2	\$200.00	\$400.00
<b>Subtotal</b>				<b>\$57,742.00</b>

Description	Unit	No. of Units	Price	Extension
<b>Walks and Trails</b>				
Concrete City Sidewalk	S.F.	1,560	\$5.50	\$8,580.00
Concrete Walks with Underdrainage	S.F.	17,230	\$5.50	\$94,765.00
Bituminous Paths with Underdrainage	S.Y.	3,112	\$25.00	\$77,800.00
Elevated Boardwalk	S.F.	7,290	\$20.00	\$145,800.00
Decks	S.F.	979	\$24.00	\$23,496.00
<b>Subtotal</b>				<b>\$350,441.00</b>

# M.C. SMITH ASSOCIATES AND ARCHITECTURAL GROUP, INC.

Description	Unit	No. of Units	Price	Extension
<b>Sports Fields and Courts</b>				
Basketball Court Surfacing	S.Y.	314	\$22.00	\$6,908.00
Basketball Goals	EA.	3	\$3,500.00	\$10,500.00
<b>Subtotal</b>				<b>\$17,408.00</b>

Description	Unit	No. of Units	Price	Extension
<b>Play Area</b>				
Play Area Edging	L.F.	415	\$12.00	\$4,980.00
Concrete Paving	S.F.	7,480	\$5.50	\$41,140.00
Wood Fiber Surfacing	S.Y.	392	\$12.00	\$4,704.00
Poured-in-Place Safety Surfacing	S.F.	200	\$12.00	\$2,400.00
Sand Base	S.Y.	414	\$2.00	\$828.00
4" Perforated Underdrainage Lines	L.F.	380	\$8.00	\$3,040.00
Play Area Equipment	L.S.	1	\$71,400.00	\$71,400.00
<b>Subtotal</b>				<b>\$128,492.00</b>

Description	Unit	No. of Units	Price	Extension
<b>Site Furniture</b>				
Benches	EA.	25	\$1,200.00	\$30,000.00
Picnic Tables	EA.	8	\$1,200.00	\$9,600.00
Grill	EA.	1	\$800.00	\$800.00
Serving Tables	EA.	1	\$800.00	\$800.00
Litter Containers	EA.	8	\$650.00	\$5,200.00
Drinking Fountains	EA.	1	\$3,500.00	\$3,500.00
Picnic Tables Portable	EA.	10	\$650.00	\$6,500.00
<b>Subtotal</b>				<b>\$56,400.00</b>

Description	Unit	No. of Units	Price	Extension
<b>Miscellaneous Park Improvements</b>				
Fence along Spencer Drain	L.F.	490	\$22.00	\$10,780.00
Control Bollards	EA.	49	\$65.00	\$3,185.00
Art in Park Pads	EA.	3	\$500.00	\$1,500.00
Signage	L.S.	1	\$4,000.00	\$4,000.00
<b>Subtotal</b>				<b>\$19,465.00</b>

Description	Unit	No. of Units	Price	Extension
<b>Buildings and Structures</b>				
30' x 30' Restroom Building	S.F.	900	\$150.00	\$135,000.00
25' Hex Shade Gazebo	EA.	1	\$25,000.00	\$25,000.00
30' Hex Picnic/ Shade Structure	EA.	1	\$24,000.00	\$24,000.00
40' Hex Group Picnic Shelter	EA.	1	\$32,000.00	\$32,000.00
Covered Benches	EA.	5	\$3,000.00	\$15,000.00
Covered Bridge Structure	S.F.	544	\$65.00	\$35,360.00
<b>Subtotal</b>				<b>\$266,360.00</b>

Description	Unit	No. of Units	Price	Extension
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**Site Utilities**

Water Service and Lines	L.S.	1	\$10,180.00	\$10,180.00
Sanitary Sewer Service and Lines	L.S.	1	\$11,280.00	\$11,280.00
Electrical Service and Distribution	L.S.	1	\$11,500.00	\$11,500.00
Storm Sewer	L.S.	1	\$30,200.00	\$30,200.00
<b>Subtotal</b>				<b>\$63,160.00</b>

**Landscaping**

Seeding Lawn Areas	S.Y.	29,231	\$0.80	\$23,384.80
Seeding Native Areas	S.Y.	11,256	\$0.80	\$9,004.80
Deciduous Canopy Trees	EA.	109	\$300.00	\$32,700.00
Evergreen Trees	EA.	109	\$225.00	\$24,525.00
Deciduous Accent Trees	EA.	64	\$225.00	\$14,400.00
Shrubs, Grasses and Groundcovers	L.S.	1	\$15,000.00	\$15,000.00
Irrigation System	L.S.	1	\$40,200.00	\$40,200.00
<b>Subtotal</b>				<b>\$159,214.60</b>

<b>Subtotal</b>	<b>\$1,346,531.85</b>
<b>Contingencies @ 10%</b>	<b>\$134,653.19</b>
<b>Engineering @ 8%</b>	<b>\$118,494.80</b>
<b>TOTAL</b>	<b><u>\$1,599,679.84</u></b>

# Cost Summary

**Parcel #1-** \$2,187,697.10

**Parcel #2-** \$488,782.84

**Parcel #3-** \$1,248,748.19

**Parcel #4-** \$1,515,163.86

**Parcel #5-** \$1,615,836.64

**Project Total-** \$7,056,228.63

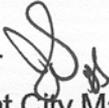
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JUN 11 2003

CITY OF TROY  
CITY MANAGER'S OFFICE

June 10, 2003

To: The Honorable Mayor and City Council

From: John Szerlag, City Manager   
John M. Lamerato, Assistant City Manager – Finance and Administration   
Cynthia Stewart, Community Affairs Director   
Gert Paraskevin, Information Services Director 

Re: City of Troy Website Update

To make access to our website a little easier, the City has registered two new Internet addresses: ***troymi.net*** and ***troymi.gov***. These can be used as an alternative to our original address of *ci.troy.mi.us*. Regardless of which address is utilized, all are directed to the same City of Troy website.

The City's website is now hosted internally and redesign of the site is in progress. We anticipate the first release to be available in the next few months.

June 11, 2003

TO: The Honorable Mayor and City Council Members

FROM: John Szerlag, City Manager

SUBJECT: Golf Course Name Selection; the Sanctuary

A concern has been expressed that the Parks and Recreation Board, as well as City Council, did not have formal input in the naming of the Section 1 golf course. At the nexus of this concern is Troy's park naming policy, which is contained in Resolution #86-559.

I've studied the above resolution as well as supporting documentation going back to 1986. In addition, I spoke with former Parks and Recreation Director Roger Kowalski because he developed the park naming policy in conjunction with the Parks Board seventeen years ago. And having done this, I can now argue both sides of the issue with confidence relative to the degree of involvement by Council and the Park Board. However, I'd rather apologize than argue; so on behalf of City staff, please accept our apology.

Council now has several options. You can:

- 1) Take no action, knowing that at some future point you may wish to dedicate the golf course to a person or group in accordance with criteria specified in Resolution #86-559. The Troy Community Center, Troy Family Aquatic Center, and Police/Fire Training Center could also be construed as being in this category.
- 2) Advance a resolution naming the Section 1 golf course as "The Sanctuary".
- 3) Advance a resolution that will give the golf course a different name. Please know however, that the name should not be dedicated to a person or group until requirements have been met in Resolution #86-559, which take about a year.
- 4) Defer this matter to another board or committee. If this option is selected, I'll need some kind of temporary name for the golf course as our practice facility opens in about five weeks.

Golf Course Name Selection; the Sanctuary  
June 11, 2003  
Page Two

As you know, when we issued the revenue bond for construction of the golf course in July, 2002, the interest was capitalized to December of 2004. We structured the bond in this manner so as to enable us time to obtain revenue from the practice facility this summer as well as greens fees in the late fall of 2004. We are currently on schedule.

JS/mr\AGENDA ITEMS\06.16.03 - Golf Course Name Selection

c: Carol Anderson  
Jake Pilat  
Gary A. Shripka