



# CITY COUNCIL ACTION REPORT

January 31, 2008

TO: Phillip L. Nelson, City Manager

FROM: Brian P. Murphy, Assistant City Manager/Economic Development Services  
Steven J. Vandette, City Engineer  
Patricia A. Petitto, Real Estate Consultant, Greenstar & Associates, LLC *pk*

SUBJECT: Request for Acceptance of Regrading and Temporary Construction Permit, John R Road Improvements, Long Lake Road to Square Lake Road – Project No. 02.203.5 Parcel #12 – Sidwell #88-20-11-226-006 – Garrett Family Limited Partnership

## Background:

- In connection with the proposed improvements to John R Road, from Long Lake Road to Square Lake Road, the Real Estate & Development Department received a Regrading and Temporary Construction Permit from Garrett Family Limited Partnership. This parcel is located on the west side of John R Road, between Abbotsford and Square Lake Road in the northeast ¼ of Section 11.

## Financial Considerations:

- A market study was prepared by Andrew Reed, State Certified Appraiser and reviewed by Kimberly Harper, Deputy Assessor and State Licensed Appraiser, and Larisa Figol, Limited Real Estate Appraiser. Staff believes that \$750 for the acquisition of this permit is a justifiable amount.
- Eighty percent of the costs for this project will be reimbursed from Federal funds. Funds for the City of Troy's share are included in the 2007-08 Major Road fund, account number 401479.7989.022035.

## Legal Considerations:

- The format and content of the permit are consistent with documents previously accepted by City Council.

## Policy Considerations:

- The purpose of this project is to relieve congestion, improve safety and improve the flow of traffic. (Goals I and V)

## Options:

- City Management recommends that City Council accept the attached Regrading and Temporary Construction Permit from Garrett Family Limited Partnership so that the City can proceed with the acquisition of this permit.

REGRADING AND TEMPORARY CONSTRUCTION PERMIT

Sidwell # 88-20-11-226-006  
Parcel #12

Garrett Family Limited Partnership, a Michigan Limited Partnership, Grantor(s), whose address is 5877 Livernois, Suite #103, Troy, MI 48098, for and in consideration of Seven Hundred, Fifty and no/100 Dollars (\$750.00) paid by the CITY OF TROY, a Michigan Municipal Corporation, hereinafter called the CITY, whose address is 500 West Big Beaver Road, Troy, Michigan, hereby grants to the CITY, during the construction of and for a period of six (6) Months after completion of John R Road Improvements, from Long Lake Road to Square Lake Road (City of Troy Project No. 02.203.5)\*, the right to move men, equipment, and materials on and through, and to store equipment, materials, and excavated matter on the following described property, located in the City of Troy, to-wit:

SEE ATTACHED EXHIBIT "A" FOR PARENT PARCEL DESCRIPTION AND DESCRIPTION OF  
REGRADING AND TEMPORARY CONSTRUCTION PERMIT

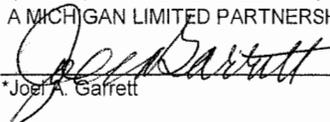
IN FURTHER CONSIDERATION, the premises so disturbed by reason of the exercise of any of the foregoing powers, shall be reasonably restored to its original condition by the City.

\*It is anticipated that construction funding will be available in the 2010 calendar year. However, if construction is delayed this document will be effective during the actual construction year(s) and for a period of six (6) Months after completion of this project.

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

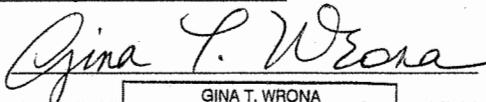
IN WITNESS WHEREOF, the undersigned hereunto affixed his/their signatures(s) this 19<sup>th</sup> day of OCT, 2007.

GARRETT FAMILY LIMITED PARTNERSHIP,  
A MICHIGAN LIMITED PARTNERSHIP

 (L.S.)  
\*Joel A. Garrett

STATE OF MICHIGAN  
COUNTY OF OAKLAND

The foregoing instrument was acknowledged before me this 19<sup>th</sup> day of October 2007, by Joel A. Garrett on behalf of Garrett Family Limited Partnership, a Michigan Limited Partnership.

  
Notary Public, GINA T. WRONA Notary Public, State of Michigan, County of Macomb, Michigan  
Acting in the County of Oakland County, Michigan  
My Commission Expires Mar. 19, 2013  
My Commission Expires

Prepared by: Patricia A. Petitto  
500 West Big Beaver  
Troy, MI 48084

Return to: City Clerk, City of Troy  
500 West Big Beaver Road  
Troy, Michigan 48084

## Exhibit "A"

Section 11, John R Widening Project

Parcel: 88-20-11-226-006

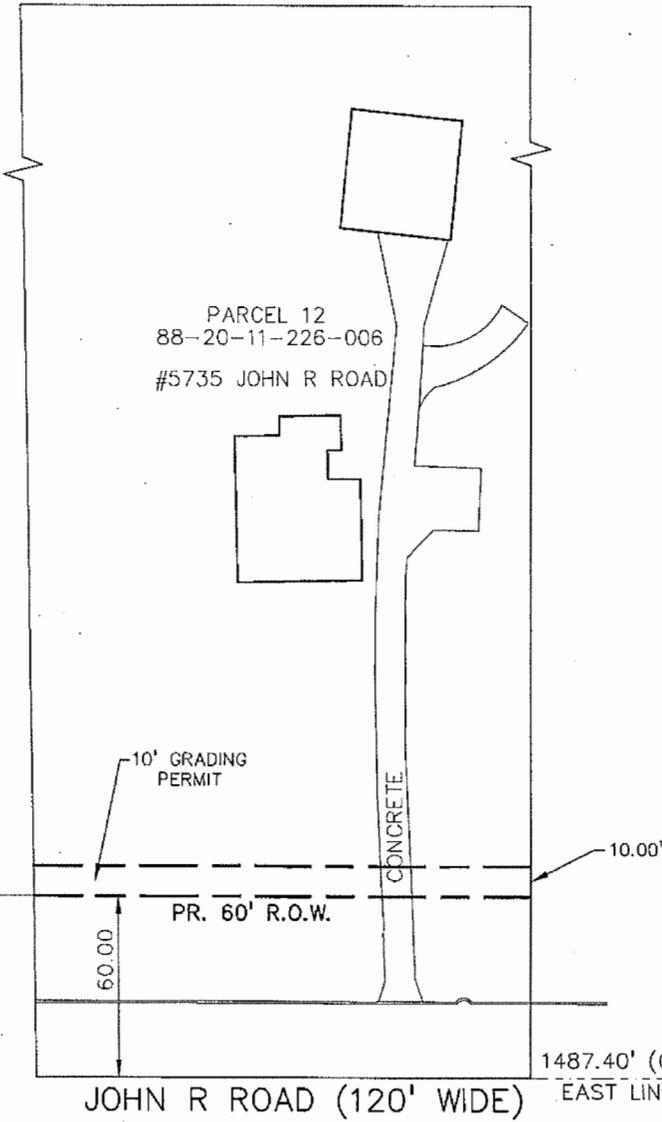
Parcel #12

### PARENT PARCEL #12 DESCRIPTION:

T2N, R11E, SEC 11, CITY OF TROY, OAKLAND COUNTY, MICHIGAN, DESCRIBED AS THE SOUTH 5 ACRES OF THE NORTH 50.51 ACRES OF THE EAST 1/2 OF THE NORTHEAST 1/4. CONTAINING 5.00 ACRES.

### 10' GRADING PERMIT:

A 10 FOOT GRADING PERMIT IN T2N, R11E, SEC 11, CITY OF TROY, OAKLAND COUNTY, MICHIGAN, DESCRIBED AS BEING THE WEST 10.00 FEET OF THE EAST 70.00 FEET OF THE SOUTH 5 ACRES OF THE NORTH 50.51 ACRES OF THE EAST 1/2 OF THE NORTHEAST 1/4.



GRAPHIC SCALE  
*Thomas 1" = 60' Smith*

PARCEL 12

ORCHARD, HILTZ & McCLIMENT, INC.  
34000 Plymouth Road  
Livonia, MI, 48150 (734)522-6711



**City of Troy**

600 W. Big Beaver Rd.  
Troy, Michigan 48064  
(248) 524-3594  
www.ci.troy.mi.us

**5735 John R**  
Grading Permit  
Sketch

SCALE:	DRAWN BY:	CHECK BY:	FILE
1" = 60'	JRV	GWC	226-006 GRD
	2-10-05	3-17-05	

DATE	REV.	CONTRACT No.	SHEET No.	JOB No.
			1 of 2	2002-234



**PEA**  
Document Prepared by  
Professional Engineering  
Associates, Inc.

STEVEN J. VANDETTE  
CITY ENGINEER