



CITY COUNCIL ACTION REPORT

March 4, 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

SUBJECT: Request for Acceptance of Regrading and Temporary Construction Permit, John R Road Improvements, Square Lake Road to South Boulevard – Project No. 02.204.5 Parcel #80 – Sidwell #88-20-01-104-001 – John and Nancy Lozenkovski

Background:

- In connection with the proposed improvements to John R Road, from Square Lake Road to South Boulevard, the Real Estate & Development Department received a Regrading and Temporary Construction Permit from John and Nancy Lozenkovski. This parcel is located at the southeast corner of John R and Jarman, in the northwest ¼ of Section 1.

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 Larysa Figol, Limited Real Estate Appraiser. Staff believes that \$2,220 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 401479.7989.022045.

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 John and Nancy Lozenkovski so that the City can proceed with the acquisition of this permit.

REGRAIDING AND TEMPORARY CONSTRUCTION PERMIT

Sidwell #88-20-01-104-001
Parcel # 80

John Lozenkovski and Nancy Lozenkovski, husband and wife, Grantor(s), whose address is 6118 Brittany Tree, Troy, MI 48085, for and in consideration of Two Thousand, Two Hundred, Twenty and no/100 Dollars (\$2,220.00*) 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 Square Lake Road to South Boulevard (City of Troy Project No. 02.204.5)**, 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 LEGAL DESCRIPTION AND DESCRIPTION OF PERMIT AREA

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 amount includes \$500 for the Regrading and Temporary Construction Permit and \$1,720 for the loss of 2 Mulberry Trees.

**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 their signatures(s) this 3RD day of MARCH, 2007.

John Lozenkovski (L.S.)
John Lozenkovski

Nancy Lozenkovski (L.S.)
*Nancy Lozenkovski

STATE OF MICHIGAN
COUNTY OF OAKLAND

The foregoing instrument was acknowledged before me this 3RD day of MARCH, 2007, by John Lozenkovski and Nancy Lozenkovski, husband and wife, to me known to be the same person(s) described in and who executed the within instrument, and who then acknowledged the same to be their free act and deed.

Patricia A. Petitto
PATRICIA A. PETITTO
Notary Public, OAKLAND County, Michigan

Acting in OAKLAND County, Michigan

My Commission Expires 12-31-11

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 1, John R Widening Project
Parcel: 88-20-01-104-001
Parcel #80

PARENT PARCEL DESCRIPTION:

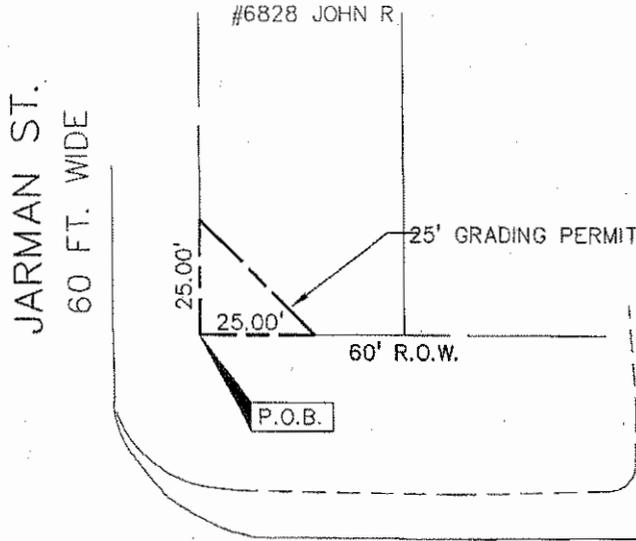
T2N, R11E, SEC 1 SUPERVISOR'S PLAT OF JOHN ARBOR SUBDIVISION, RECORDED IN L. 6, P.56, O.C.R., LOTS 272 TO 273, INCLUSIVE.

PARCEL 88-20-01-104-001

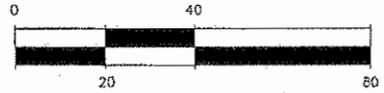
25' TRIANGULAR GRADING PERMIT:

A 25 FOOT GRADING PERMIT BEGINNING AT THE NORTHWEST CORNER OF LOT 273 OF "SUPERVISOR'S PLAT OF JOHN ARBOR SUBDIVISION", AS RECORDED IN L. 6, P. 56 OF OAKLAND COUNTY, MICHIGAN RECORDS; THENCE EAST 25 FT ALONG THE NORTH LINE OF SAID LOT, THENCE SOUTHWESTERLY TO A POINT ON THE WEST LINE OF SAID LOT, SAID POINT BEING 25 FT SOUTH OF THE NORTHWEST LOT CORNER, THENCE NORTH 25 FT ALONG THE WEST LINE OF SAID LOT TO THE POINT OF BEGINNING.

PARCEL 80
 88-20-01-104-001
 LOTS 272 TO 273



JOHN R ROAD (120' WIDE)
 SECTION LINE



GRAPHIC SCALE
 1" = 40'

PARCEL 80

Thomas G. Smith



ORCHARD, HILTZ & McCLIMENT, INC.
 34000 Plymouth Road
 Livonia, MI, 48150 (734)622-6711



City of
Troy

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

6828 John Rd
 Grading Permit
 Sketch

SCALE:	DRAWN BY:	CHECK BY:	FILE
1" = 40'	JRV	GWC	104-001 GRD
	2-10-06	3-17-06	
CONTRACT No.		SHEET No.	JOB No.
STEVEN J. VANDETTE		1 of 2	2002-234
CITY ENGINEER			

Document Prepared by
 Professional Engineering
 Associates, Inc.