

CITY COUNCIL ACTION REPORT

September 16, 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 *PAI*

SUBJECT: Request for Acceptance of Permanent Public Utility Easement and Regrading
 And Temporary Construction Permit
 Wattles Road Improvements, Bristol to Worthington
 Project No. 01.106.5 – Parcel #8 – Sidwell #88-20-14-351-058
 Ioan Buia and Victoria Buia

Background:

In connection with the proposed improvements to Wattles Road, from Bristol to Worthington, the Real Estate & Development Department received a Permanent Public Utility Easement and a Regrading and Temporary Construction Permit from Ioan Buia and Victoria Buia. This parcel is located on the north side of Wattles Road, between Rochester and Worthington in the southwest $\frac{1}{4}$ of Section 14.

Financial Considerations:

- An appraisal was prepared by Raymond V. Bologna, CRE, MAI, and David J. Abraham, SRA, both State Certified Appraisers and reviewed by Kimberly Harper, Deputy Assessor and State Licensed Appraiser. Staff believes that \$1,300 for the Permanent Public Utility Easement and \$8,500 for the Regrading and Temporary Construction Permit are justifiable amounts for this acquisition.
- Eighty percent of these costs will be reimbursed from Federal funds. Funds for the City of Troy's share are included in the 2008-09 Major Road fund, account number 401479.7989.011065.

Legal Considerations:

- The format and content of the easement and 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. (Outcome Statements I, II and III)

Options:

- City Management recommends that City Council accept the attached Permanent Public Utility Easement and Grading and Temporary Construction Permit from loan Buia and Victoria Buia so that the City can proceed with this project.

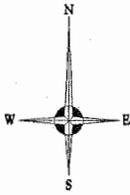
PAP\G\MEMOS TO MAYOR & CC\PUEasement & RTCP

SKETCH OF EASEMENT

EXHIBIT 'B'
PARCEL 8

NOTE: DESCRIPTION TAKEN FROM RECORD.

MAYA' MEADOWS O.C.C.P. NO. 1355
92.59'



SCALE: 1" = 30'

20-14-351-059
LOT 12

367.00'

"SUPERVISOR'S PLAT NO. 22"
L. 13, P. 45, O.C.R.

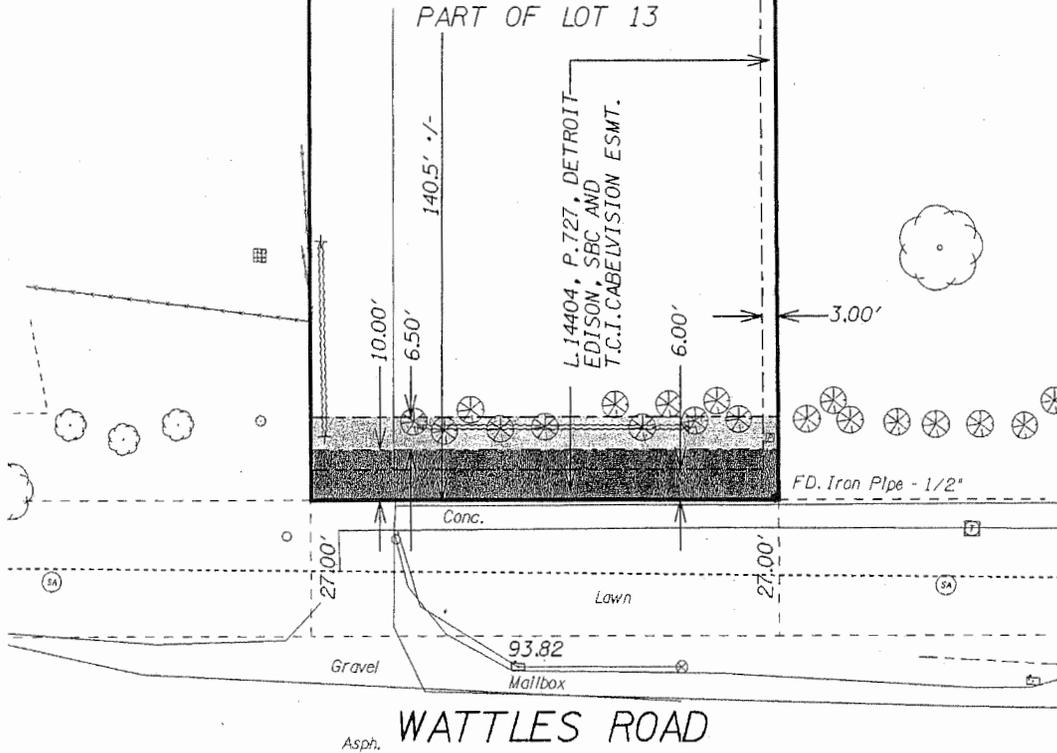
(8)

20-14-351-058
IOAN AND VICTORIA BUIA
1109 E. WATTLES
PART OF LOT 13

367.00'

20-14-351-059
PART OF LOT 13

L. 14404, P. 727, DETROIT
EDISON, SBC AND
T.C.I. CABLEVISION ESMT.



WATTLES ROAD

20-14-351-058
ION AND VICTORIA BUIA
TOTAL AREA = 31,673 S.F.
PUBLIC UTILITY EASEMENT = 937 S.F.
REGRADING AND TEMPORARY = 609 S.F.
CONSTRUCTION PERMIT

PUBLIC UTILITY EASEMENT

REGRADING AND TEMPORARY
CONSTRUCTION PERMIT



REV. 04-24-08

JOB NO. 20010397
DATE 04-17-08

HUBBELL, ROTH & CLARK, INC.
CONSULTING ENGINEERS
555 HULET DRIVE
BLOOMFIELD HILLS, MICH.

P.O. BOX 824
48303-0824

SHEET NO.
2
OF 2

TIME - 24-APR-2008 08:29

CLIP.TBL - I:\standards\msys\B\color\color\2\INPEN.TBL - I:\m\giffing\wg\black.ctb

DESIGN FILE - \N20010397\FY010397_0408.dgn

USER NAME - gnrbrt

PERMANENT PUBLIC UTILITY EASEMENT

Sidwell #88-20-14-351-058
Parcel #8

Ioan Buia and Victoria Buia, husband and wife, Grantors, whose address is: 1109 East Wattles, Troy, MI 48085 for and in consideration of the sum of: One Thousand, Three Hundred and no/100 Dollars (\$1,300) 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 a utility easement, said easement for land situated in the City of Troy, Oakland County, Michigan described as:

SEE ATTACHED EXHIBIT "A"

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 16TH day of SEPTEMBER, 2008.



(L.S.)

*Ioan Buia

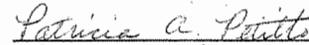


(L.S.)

*Victoria Buia

STATE OF MICHIGAN)
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this 16TH day of SEPTEMBER, 2008, by Ioan Buia and Victoria Buia, husband and wife.



*PATRICIA A. PETITTO
Notary Public, OAKLAND County, Michigan

Acting in OAKLAND County, Michigan

My Commission Expires 12-31-11

Prepared by: Patricia A. Petitto
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

04-16-08
20010397
20-14-351-058

EXHIBIT 'A'

DESCRIPTION PUBLIC UTILITY EASEMENT

The South 10.00 feet of the following described property: The West ½ of Lot 13 of "Supervisor's Plat No. 22" a subdivision of part of the SW ¼ of Section 14, T2N, R11E, City of Troy, Oakland County, Michigan, as recorded in Liber 13 of Plats, Page 45, Oakland County Records. Except the South 27.00 feet of subject property taken for road.

Said easement contains 937 square feet, or 0.022 acres, more or less.

REGRADING AND TEMPORARY CONSTRUCTION PERMIT

Sidwell # 88-20-14-351-028
Project # 01.106.5
Parcel #8

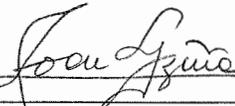
Joan Buia and Victoria Buia, husband and wife, Grantor(s), whose address is 1109 East Wattles Road, Troy, MI 48085, for and in consideration of the sum of Eight Thousand, Five Hundred and no/100 Dollars (\$8,500.00) paid by the CITY OF TROY, a Michigan Municipal Corporation, hereinafter called the CITY, 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 Wattles Road Improvements, Bristol to Worthington, 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:

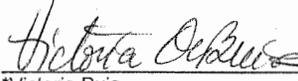
SEE ATTACHED EXHIBIT "A"

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, 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 16TH day of SEPTEMBER, 2008.

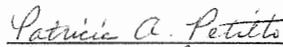


*Joan Buia (L.S.)


*Victoria Buia (L.S.)

STATE OF MICHIGAN
COUNTY OF OAKLAND

The foregoing instrument was acknowledged before me this 15TH day of SEPTEMBER 2008, by Joan Buia and Victoria Buia, husband and wife.



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

04-16-08
20010397
20-14-351-058

EXHIBIT 'A'

DESCRIPTION REGRADING AND TEMPORARY CONSTRUCTION PERMIT

The North 6.50 feet of the South 16.50 feet of the following described property: The West ½ of Lot 13 of "Supervisor's Plat No. 22" a subdivision of part of the SW ¼ of Section 14, T2N, R11E, City of Troy, Oakland County, Michigan, as recorded in Liber 13 of Plats, Page 45, Oakland County Records. Except the South 27.00 feet of subject property taken for road.

Said permit contains 609 square feet, or 0.014 acres, more or less.