

CITY COUNCIL ACTION REPORT

October 20, 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 Permanent Public Utility Easement
Rochester Road Improvements, Torpey to Barclay
Project No. 99.203.5 – Parcel #1 – Sidwell #88-20-23-303-001
Rochester Development Group, LLC

Background:

In connection with the proposed improvements to Rochester Road, from Torpey to Barclay, the Real Estate & Development Department received a Permanent Public Utility Easement from Rochester Development Group, LLC. This parcel is located on the east side of Rochester Road, between Torpey and Charrington in the southwest ¼ of Section 23.

Financial Considerations:

- An appraisal was prepared by Raymond V. Bologna, CRE, MAI, State Certified Appraiser and reviewed by Kimberly Harper, Deputy Assessor and State Licensed Appraiser. Staff believes that \$15,000 for the Permanent Public Utility Easement is a justifiable amount 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 401479.7989992035.

Legal Considerations:

- The format and content of the easement is 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 from Rochester Development Group, LLC so that the City can proceed with this project.

PERMANENT UTILITY EASEMENT

Sidwell #88-20-23-303-001
Parcel #1

Rochester Development Group, LLC, a Michigan Limited Liability Company, Grantors, whose address is: 3364 Rochester, Troy, MI 48083 for and in consideration of the sum of: Fifteen Thousand and no/100 Dollars (\$15,000) 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"

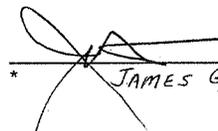
and to enter upon sufficient land adjacent to said improvement(s) for the purpose of the construction, operation, maintenance, repair and/or replacement thereof.

The premises so disturbed by the exercise of any of the foregoing powers shall be reasonably restored to its original condition by the Grantee. The Grantee agrees to reimburse the Grantors all costs related to the relocation of the current sign from the proposed easement area, based on the lowest of three bids from an approved sign company.

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.

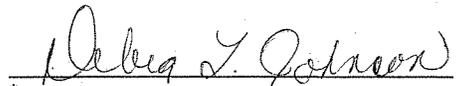
IN WITNESS WHEREOF, the undersigned hereunto affixed HIS signature(s) this 13TH day of OCTOBER, 2008.

ROCHESTER DEVELOPMENT GROUP, LLC,
A MICHIGAN LIMITED LIABILITY COMPANY


_____(L.S.)
* JAMES GIFTOS
_____(L.S.)
*

STATE OF MICHIGAN)
COUNTY OF MACOMB)

The foregoing instrument was acknowledged before me this 13th day of OCTOBER, 2008, by JAMES GIFTOS, of Rochester Development Group, LLC, a Michigan Limited Liability Company.


* _____
Notary Public, Macomb County, Michigan
Acting in Macomb County, Michigan
My Commission Expires 6-6-2013

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

11-20-07
19990476
20-23-303-001

EXHIBIT 'A'

DESCRIPTION OF PUBLIC UTILITY EASEMENT

The West 10.00 feet of the North 72.80 feet and the West 10.00 feet of the South 74.35 feet of Outlot B "Dean Estates Subdivision" part of the Southwest ¼ of Section 23, T2N, R11E, City of Troy, Oakland County, Michigan, as recorded in Liber 119 of Plats, Page 17 and 18, Oakland County Records.
Said easement contains 1,472 square feet, or 0.034 acres, more or less.

