

CITY COUNCIL ACTION REPORT

January 27, 2009

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 & Regrading and Temporary Construction Permit
 Wattles Road Improvements, Bristol to Worthington
 Project No. 01.106.5 – Parcel #13 – Sidwell #88-20-22-226-024
 Michael and Connie Kohn

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 Regrading and Temporary Construction Permit from Michael and Connie Kohn. This parcel is located on the south side of Wattles Road, between Gatwick and Rochester in the northeast ¼ of Section 22.

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 \$10,800 for the Permanent Public Utility Easement and \$800 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 Michael and Connie Kohn so that the City can proceed with this project.

PAP\G\MEMOS TO MAYOR & CC\Kohn PU Easement & RTCP

PERMANENT PUBLIC UTILITY EASEMENT

Sidwell #88-20-22-226-024
Parcel #13

Michael Kohn and Connie Kohn, husband and wife, Grantors, whose address is: 934 East Wattles, Troy, MI 48085 for and in consideration of the sum of: Ten Thousand, Eight Hundred and no/100 Dollars (\$10,800) 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 2 signature(s) this 27th day of ~~January 2008~~ January 2009

[Signature] (L.S.)
*Michael Kohn

[Signature] (L.S.)
*Connie Kohn

STATE OF MICHIGAN)
COUNTY OF Macomb)

The foregoing instrument was acknowledged before me this 27th day of January, ~~2008~~ 2009, by Michael Kohn and Connie Kohn, husband and wife.

K. DEBURGHGRAEVE
Notary Public, Macomb Co., MI
My Commission Expires June 23, 2011

[Signature]
Notary Public, Macomb County, Michigan
Acting in Oakland County, Michigan
My Commission Expires 6/23/2011

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

04-17-08
20010397
20-22-226-024

EXHIBIT 'A'

DESCRIPTION OF PUBLIC UTILITY EASEMENT

The North 10.00 feet and the South 12.00 feet of the North 22.00 feet of the East 12.00 feet of Lot 70 of "Northgate Subdivision" a subdivision of part of the Northeast $\frac{1}{4}$ of Section 22, T2N, R11E, Troy Township (now City of Troy), Oakland County, Michigan as recorded in Liber 44 of Plats, Page 55, Oakland County Records.

Said easement contains 2,416 square feet, or 0.055 acres, more or less.

REGRAIDING AND TEMPORARY CONSTRUCTION PERMIT

Sidwell # 88-20-22-226-024
Project # 01.106.5
Parcel #13

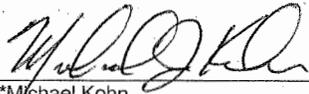
Michael Kohn and Connie Kohn, husband and wife, Grantor(s), whose address is 934 E. Wattles, Troy, MI 48085, for and in consideration of the sum of Eight Hundred and no/100 Dollars (\$800.00) paid by the CITY OF TROY, a Michigan Municipal Corporation, hereinafter called the CITY, whose address is 500 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:

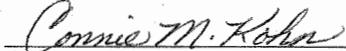
SEE ATTACHED EXHIBIT "A"

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 27 day of January, ~~2008~~ 2009

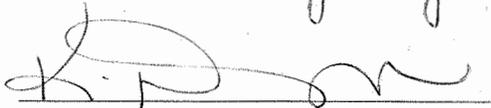
 (L.S.)
*Michael Kohn

 (L.S.)
*Connie Kohn

STATE OF MICHIGAN
COUNTY OF OAKLAND

The foregoing instrument was acknowledged before me this 27th day of January, ~~2008~~ 2009 by Michael Kohn and Connie Kohn, husband and wife.

K. DEBURGH CRAEVE
Notary Public, Macomb Co., MI
My Commission Expires June 23, 2011



Notary Public, _____ County, Michigan
Acting in Oakland County, Michigan

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

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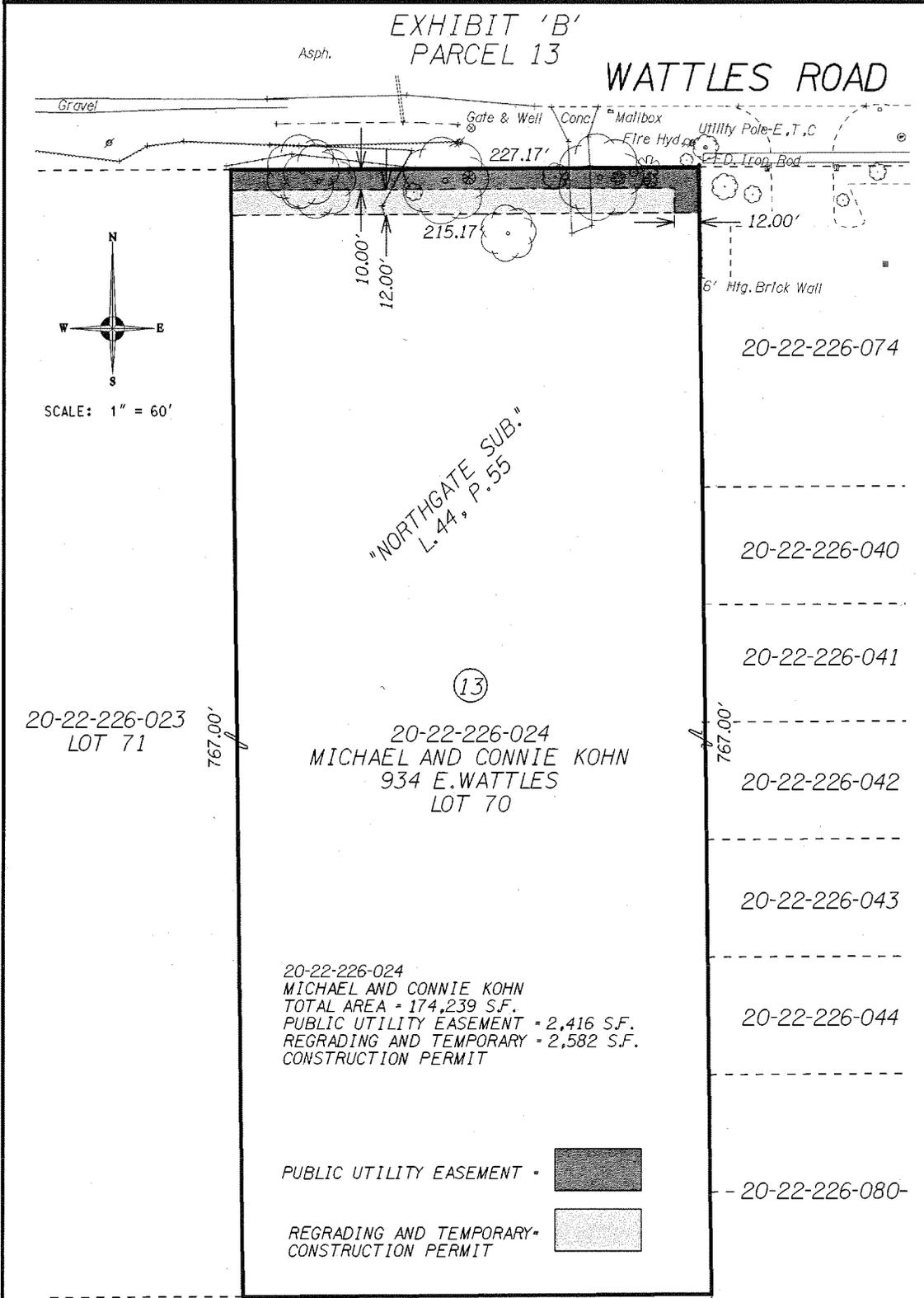
EXHIBIT 'A'

DESCRIPTION OF REGRADING AND TEMPORARY CONSTRUCTION PERMIT

The South 12.00 feet of the North 22.00 feet of the West 215.17 feet of Lot 70 of "Northgate Subdivision" a subdivision of part of the Northeast $\frac{1}{4}$ of Section 22, T2N, R11E, Troy Township (now City of Troy), Oakland County, Michigan as recorded in Liber 44 of Plats, Page 55, Oakland County Records.
Said permit contains 2,582 square feet, or 0.059 acres, more or less.

SKETCH OF EASEMENT

TIME - 23-APR-2008 16:31
 CUR_TBL - J:\standards\MAN\B\data\recolor2\HUFEN_TBL - h.v.m\working\86\hblack.plt
 QUEUE - \nosy\VP\DWITIFF
 DESIGN FILE - w:\200103\20010397\FY010397_ea13.dgn
 USER NAME - ghsb01



NOTE: DESCRIPTION TAKEN FROM RECORD.

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|---------------|---------------------|---|------------------------------------|
| REV. 04-23-08 | JOB NO. 20010397 | HUBBELL, ROTH & CLARK, INC. CONSULTING ENGINEERS 555 HULET DRIVE BLOOMFIELD HILLS, MICH. | SHEET NO. 2 |
| | DATE 04-15-08 | | P.O. BOX 824 48303-0824 OF 2 |