

Regular Meeting of the Troy City Council was held Monday, February 2, 2009, at City Hall, 500 W. Big Beaver Road. Mayor Schilling called the Meeting to order at 7:31 PM.

Cynthia Khan of Faith Lutheran Church gave the Invocation and the Pledge of Allegiance to the Flag was given.

**ROLL CALL**

- Mayor Louise E. Schilling
- Robin Beltramini
- Cristina Broomfield
- David Eisenbacher
- Wade Fleming
- Mayor Pro Tem Martin Howrylak
- Mary Kerwin

**CERTIFICATES OF RECOGNITION:**

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**A-1 Presentations:**

- a) On behalf of the City of Troy, Mayor Louise Schilling presented a proclamation to Ann Comiskey, Executive Director of the Troy Community Coalition, recognizing the week of February 8-14, 2009 as *National Children of Alcoholics Week*.

**CARRYOVER ITEMS:**

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- B-1 No Carryover Items**

**PUBLIC HEARINGS:**

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- C-1 No Public Hearings**

**POSTPONED ITEMS:**

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- D-1 No Postponed Items**

**PUBLIC COMMENT: Limited to Items Not on the Agenda**

Corinne Khederian  
Audre Zembrzuski

**REGULAR BUSINESS:**

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- E-1 Appointments to Boards and Committees: a) Mayoral Appointments: None Scheduled b) City Council Appointments: Board of Zoning Appeals; Cable Advisory Committee; Election Commission; Liquor Advisory Committee; Municipal Building Authority; and Traffic Committee**
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**(a) Mayoral Appointments – None Scheduled****(b) City Council Appointments**

Resolution #2009-02-027

Moved by Howrylak

Seconded by Beltramini

RESOLVED, That Troy City Council hereby **APPOINTS** the following persons to serve on the Boards and Committees as indicated:

**Board of Zoning Appeals**

Appointed by Council (7 Regular) 3-Year Term

Lon Ullmann - Planning Commission Rep. Term Expires 01/31/2010

Philip Sanzica - Planning Commission Alt. Rep. Term Expires 01/31/2010

**Cable Advisory Committee**

Appointed by (7 Regular) 3 Year Term

Brian J. Wattles Term Expires 02/28/2012

**Election Commission**

Appointed by Council (2-Regular; 1-Charter) - 3-Year Terms

David C. Anderson – Republican Representative Term Expires 01/31/2010

**Liquor Advisory Committee**

Appointed by Council ( 7-Regular) 3-Year Term

Max K. Ehlert Term Expires 01/31/2012

David S. Ogg Term Expires 01/31/2012

Timothy P. Payne Term Expires 01/31/2012

**Municipal Building Authority**

Appointed by Council (5 Regular) 3-Year Term

Michael J. Chaffee Term Expires 01/31/2012

**Traffic Committee**

Appointed by Council (7 Regular) 3-Year Term

Sarah Binkowski Term Expires 01/31/2013

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John Diefenbaker Term Expires 01/31/2013

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Gordon A. Schepke Term Expires 01/31/2012

Yes: All-7

**MOTION CARRIED**

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**E-2 Nominations for Appointments to Boards and Committees: (a) Mayoral Nominations: None Scheduled (b) City Council Nominations: Traffic Committee**

**(a) Mayoral Nominations – None Scheduled**

**(b) City Council Nominations**

Resolution #2009-02-028

Moved by Howrylak

Seconded by Beltramini

RESOLVED, That the Troy City Council hereby **FORWARDS** the following nominated person(s) to serve on the Boards and Committees as indicated to the next Regular City Council Meeting for action:

**Traffic Committee**

Appointed by Council (7 Regular) 3-Year Term

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Lawrence Halsey Term Expires 01/31/2012

Yes: All-7

**MOTION CARRIED**

**CONSENT AGENDA:**

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**F-1a Approval of “F” Items NOT Removed for Discussion**

Resolution #2009-02-029

Moved by Eisenbacher

Seconded by Kerwin

RESOLVED, That all items as presented on the Consent Agenda are hereby **APPROVED** as presented with the exception of Part 2 of Items F-5 & F-6, which **SHALL BE CONSIDERED** after Consent Agenda (F) items, as printed.

Yes: All-7

**MOTION CARRIED**

**F-2 Approval of City Council Minutes**

Resolution #2009-02-029-F-2

RESOLVED, That Troy City Council hereby **APPROVES** the Minutes of the 7:30 PM Regular City Council Meeting of January 26, 2009 as submitted.

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**F-3 Proposed City of Troy Proclamation:**

Resolution #2009-02-029-F-3

- a) National Children of Alcoholics Week – February 8-14, 2009
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**F-4 Standard Purchasing Resolutions**

- a) **Standard Purchasing Resolution #10: Travel Authorization and Approval to Expend Funds for Council Member Travel Expenses – National League of Cities 2009 Annual Congressional City Conference**

Resolution #2009-02-029-F-4

RESOLVED, That Troy City Council hereby **AUTHORIZES** Council members to attend the National League of Cities 2009 Annual Congressional City Conference from March 14 -18, 2009 in Washington, DC, in accordance with accounting procedures of the City of Troy.

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**F-5 Authorization to Make Unconditioned Offers to Purchase Property for Rochester Road Improvements, Torpey to Barclay – Project No. 99.203.5 and Request for Authorization to Institute Court Action**

- a) **Parcel #2 – Space Station of Troy, Inc. – Sidwell #88-20-23-301-003**

Resolution #2009-02-029-F-5a

WHEREAS, In order to proceed with the proposed Rochester Road Improvements, between Torpey and Barclay, it is necessary for the City to obtain the needed right-of-way from Space Station of Troy, Inc., owners of property having Sidwell #88-20-23-301-003;

BE IT RESOLVED, That Troy City Council hereby **AUTHORIZES** the Real Estate and Development Department to make an Unconditioned Offer to purchase right-of-way for parcel #88-20-23-301-003 in the amount of \$950.00, plus closing costs.

- b) **Parcel #3 – MNAD Property, LLC – Sidwell #88-20-23-301-002**

Resolution #2009-02-029-F-5b

WHEREAS, In order to proceed with the proposed Rochester Road Improvements, between Torpey and Barclay, it is necessary for the City to obtain the needed right-of-way from MNAD Property, LLC, owners of property having Sidwell #88-20-23-301-002;

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BE IT RESOLVED, That Troy City Council hereby **AUTHORIZES** the Real Estate and Development Department to make an Unconditioned Offer to purchase right-of-way for parcel #88-20-23-301-002 in the amount of \$29,100.00, plus closing costs.

**c) Parcel #8 – RCU Independence, Inc./Sentry, Inc. – Sidwell #88-20-23-156-002**

Resolution #2009-02-029-F-5c

WHEREAS, In order to proceed with the proposed Rochester Road Improvements, between Torpey and Barclay, it is necessary for the City to obtain the needed right-of-way from RCU Independence, Inc./Sentry, Inc., owners of property having Sidwell #88-20-23-156-002;

BE IT RESOLVED, That Troy City Council hereby **AUTHORIZES** the Real Estate and Development Department to make an Unconditioned Offer to purchase right-of-way for parcel #88-20-23-156-002 in the amount of \$111,300.00, plus closing costs.

**d) Parcel #12 – Howard and Carolyn Gronow – Sidwell #88-20-23-100-047**

Resolution #2009-02-029-F-5d

WHEREAS, In order to proceed with the proposed Rochester Road Improvements, between Torpey and Barclay, it is necessary for the City to obtain the needed right-of-way from Howard and Carolyn Gronow, owners of property having Sidwell #88-20-23-100-047;

BE IT RESOLVED, That Troy City Council hereby **AUTHORIZES** the Real Estate and Development Department to make an Unconditioned Offer to purchase right-of-way for parcel #88-20-23-100-047 in the amount of \$79,600.00, plus closing costs.

**e) Parcel #13 – Atto Construction, Inc. – Sidwell #88-20-23-100-061**

Resolution #2009-02-029-F-5e

WHEREAS, In order to proceed with the proposed Rochester Road Improvements, between Torpey and Barclay, it is necessary for the City to obtain the needed right-of-way from Atto Construction, Inc., owners of property having Sidwell #88-20-23-100-061;

BE IT RESOLVED, That Troy City Council hereby **AUTHORIZES** the Real Estate and Development Department to make an Unconditioned Offer to purchase right-of-way for parcel #88-20-23-100-061 in the amount of \$77,800.00, plus closing costs.

**f) Parcel #16 – Lukich Realty, LLC – Sidwell #88-20-23-100-083**

Resolution #2009-02-029-F-5f

WHEREAS, In order to proceed with the proposed Rochester Road Improvements, between Torpey and Barclay, it is necessary for the City to obtain the needed right-of-way from Lukich Realty, LLC, owners of property having Sidwell #88-20-23-100-083;

BE IT RESOLVED, That Troy City Council hereby **AUTHORIZES** the Real Estate and Development Department to make an Unconditioned Offer to purchase right-of-way for parcel #88-20-23-100-083 in the amount of \$2,700.00, plus closing costs.

**g) Parcel #18 – Rochester Square Associates – Sidwell #88-20-23-100-070**

Resolution #2009-02-029-F-5g

WHEREAS, In order to proceed with the proposed Rochester Road Improvements, between Torpey and Barclay, it is necessary for the City to obtain the needed right-of-way from Rochester Square Associates, owners of property having Sidwell #88-20-23-100-070;

BE IT RESOLVED, That Troy City Council hereby **AUTHORIZES** the Real Estate and Development Department to make an Unconditioned Offer to purchase right-of-way for parcel #88-20-23-100-070 in the amount of \$160,415.00, plus closing costs.

**h) Parcel #20 – JLJ Investments, LLC – Sidwell #88-20-14-351-056**

Resolution #2009-02-029-F-5h

WHEREAS, In order to proceed with the proposed Rochester Road Improvements, between Torpey and Barclay, it is necessary for the City to obtain the needed right-of-way from JLJ Investments, LLC, owners of property having Sidwell #88-20-14-351-056;

BE IT RESOLVED, That Troy City Council hereby **AUTHORIZES** the Real Estate and Development Department to make an Unconditioned Offer to purchase right-of-way for parcel #88-20-14-351-056 in the amount of \$74,600.00, plus closing costs.

**i) Parcel #22 – Maya’s Meadows – Sidwell #88-20-14-352-001**

Resolution #2009-02-029-F-5i

WHEREAS, In order to proceed with the proposed Rochester Road Improvements, between Torpey and Barclay, it is necessary for the City to obtain the needed right-of-way from Maya’s Meadows, owners of property having Sidwell #88-20-14-352-001;

BE IT RESOLVED, That Troy City Council hereby **AUTHORIZES** the Real Estate and Development Department to make an Unconditioned Offer to purchase right-of-way for parcel #88-20-14-352-001 in the amount of \$1,800.00, plus closing costs.

**j) Parcel #25 – 3385 Rochester Road Associates, LLC – Sidwell #88-20-22-401-067**

Resolution #2009-02-029-F-5j

WHEREAS, In order to proceed with the proposed Rochester Road Improvements, between Torpey and Barclay, it is necessary for the City to obtain the needed right-of-way from 3385 Rochester Road Associates, LLC, owners of property having Sidwell #88-20-22-401-067;

BE IT RESOLVED, That Troy City Council hereby **AUTHORIZES** the Real Estate and Development Department to make an Unconditioned Offer to purchase right-of-way for parcel #88-20-22-401-067 in the amount of \$2,000.00, plus closing costs.

**k) Parcel #26 – Halle-Von Voigtlander – Sidwell #88-20-22-401-019**

Resolution #2009-02-029-F-5k

WHEREAS, In order to proceed with the proposed Rochester Road Improvements, between Torpey and Barclay, it is necessary for the City to obtain the needed right-of-way from Halle-Von Voigtlander, owners of property having Sidwell #88-20-22-401-019;

BE IT RESOLVED, That Troy City Council hereby **AUTHORIZES** the Real Estate and Development Department to make an Unconditioned Offer to purchase right-of-way for parcel #88-20-22-401-019 in the amount of \$70,140.00, plus closing costs.

**l) Parcel #29 – Midwest Master Investment, LLC – Sidwell #88-20-22-277-025**

Resolution #2009-02-029-F-5l

WHEREAS, In order to proceed with the proposed Rochester Road Improvements, between Torpey and Barclay, it is necessary for the City to obtain the needed right-of-way from Midwest Master Investment, LLC, owners of property having Sidwell #88-20-22-277-025;

BE IT RESOLVED, That Troy City Council hereby **AUTHORIZES** the Real Estate and Development Department to make an Unconditioned Offer to purchase right-of-way for parcel #88-20-22-277-025 in the amount of \$52,100.00, plus closing costs.

**m) Parcel #35 – DePorre Property Investments, LLC – Sidwell #88-20-22-276-046**

Resolution #2009-02-029-F-5m

WHEREAS, In order to proceed with the proposed Rochester Road Improvements, between Torpey and Barclay, it is necessary for the City to obtain the needed right-of-way from DePorre Property Investments, LLC, owners of property having Sidwell #88-20-22-276-046;

BE IT RESOLVED, That Troy City Council hereby **AUTHORIZES** the Real Estate and Development Department to make an Unconditioned Offer to purchase right-of-way for parcel #88-20-22-276-046 in the amount of \$61,200.00, plus closing costs.

**n) Parcel #38 – Sentry, Inc. – Sidwell #88-20-22-226-077**

Resolution #2009-02-029-F-5n

WHEREAS, In order to proceed with the proposed Rochester Road Improvements, between Torpey and Barclay, it is necessary for the City to obtain the needed right-of-way from Sentry, Inc., owners of property having Sidwell #88-20-22-226-077;

BE IT RESOLVED, That Troy City Council hereby **AUTHORIZES** the Real Estate and Development Department to make an Unconditioned Offer to purchase right-of-way for parcel #88-20-22-226-077 in the amount of \$43,900.00, plus closing costs.

**o) Parcel #39 – UEOS Troy, LLC – Sidwell #88-20-22-226-079**

Resolution #2009-02-029-F-5o

WHEREAS, In order to proceed with the proposed Rochester Road Improvements, between Torpey and Barclay, it is necessary for the City to obtain the needed right-of-way from UEOS Troy, LLC, owners of property having Sidwell #88-20-22-226-079;

BE IT RESOLVED, That Troy City Council hereby **AUTHORIZES** the Real Estate and Development Department to make an Unconditioned Offer to purchase right-of-way for parcel #88-20-22-226-079 in the amount of \$38,100.00, plus closing costs.

**p) Parcel #44 – Karen A. Ostdiek – Sidwell #88-20-22-226-044**

Resolution #2009-02-029-F-5p

WHEREAS, In order to proceed with the proposed Rochester Road Improvements, between Torpey and Barclay, it is necessary for the City to obtain the needed right-of-way from Karen A. Ostdiek, owner of property having Sidwell #88-20-22-226-044;

BE IT RESOLVED, That Troy City Council hereby **AUTHORIZES** the Real Estate and Development Department to make an Unconditioned Offer to purchase right-of-way for parcel #88-20-22-226-044 in the amount of \$24,100.00, plus closing costs.

**q) Parcel #46 – P.G. Equities Cort Limited Partnership – Sidwell #88-20-22-226-042**

Resolution #2009-02-029-F-5q

WHEREAS, In order to proceed with the proposed Rochester Road Improvements, between Torpey and Barclay, it is necessary for the City to obtain the needed right-of-way from P.G. Equities Cort Limited Partnership, owners of property having Sidwell #88-20-22-226-042:

BE IT RESOLVED, That Troy City Council hereby **AUTHORIZES** the Real Estate and Development Department to make an Unconditioned Offer to purchase right-of-way for parcel #88-20-22-226-042 in the amount of \$16,800.00, plus closing costs.

**r) Parcel #47 – Surg, LLC – Sidwell #88-20-22-226-041**

Resolution #2009-02-029-F-5r

WHEREAS, In order to proceed with the proposed Rochester Road Improvements, between Torpey and Barclay, it is necessary for the City to obtain the needed right-of-way from Surg, LLC, owners of property having Sidwell #88-20-22-226-041;

BE IT RESOLVED, That Troy City Council hereby **AUTHORIZES** the Real Estate and Development Department to make an Unconditioned Offer to purchase right-of-way for parcel #88-20-22-226-041 in the amount of \$17,100.00, plus closing costs.

**s) Parcel #49 – CNL Net Lease Funding – Sidwell #88-20-22-226-074**

Resolution #2009-02-029-F-5s

WHEREAS, In order to proceed with the proposed Rochester Road Improvements, between Torpey and Barclay, it is necessary for the City to obtain the needed right-of-way from CNL Net Lease Funding, owners of property having Sidwell #88-20-22-226-074;

BE IT RESOLVED, That Troy City Council hereby **AUTHORIZES** the Real Estate and Development Department to make an Unconditioned Offer to purchase right-of-way for parcel #88-20-22-226-074 in the amount of \$120,160.00, plus closing costs.

**t) Parcel #50 – Comerica Bank – Sidwell #88-20-15-478-015**

Resolution #2009-02-029-F-5t

WHEREAS, In order to proceed with the proposed Rochester Road Improvements, between Torpey and Barclay, it is necessary for the City to obtain the needed right-of-way from Comerica Bank, owners of property having Sidwell #88-20-15-478-015;

BE IT RESOLVED, That Troy City Council hereby **AUTHORIZES** the Real Estate and Development Department to make an Unconditioned Offer to purchase right-of-way for parcel #88-20-15-478-015 in the amount of \$356,900.00, plus closing costs.

**u) Parcel #53 – Prashant S. and Purnima Chaudhari – Sidwell #88-20-15-477-015**

Resolution #2009-02-029-F-5u

WHEREAS, In order to proceed with the proposed Rochester Road Improvements, between Torpey and Barclay, it is necessary for the City to obtain the needed right-of-way from Prashant S. and Purnima Chaudhari, owners of property having Sidwell #88-20-15-477-015;

BE IT RESOLVED, That Troy City Council hereby **AUTHORIZES** the Real Estate and Development Department to make an Unconditioned Offer to purchase right-of-way for parcel #88-20-15-477-015 in the amount of \$6,000.00, plus closing costs.

**v) Parcel #57 – Waleed L. and Alhan N. Hadad – Sidwell #88-20-15-426-052**

Resolution #2009-02-029-F-5v

WHEREAS, In order to proceed with the proposed Rochester Road Improvements, between Torpey and Barclay, it is necessary for the City to obtain the needed right-of-way from Waleed L. and Alhan N. Hadad, owners of property having Sidwell #88-20-15-426-052;

BE IT RESOLVED, That Troy City Council hereby **AUTHORIZES** the Real Estate and Development Department to make an Unconditioned Offer to purchase right-of-way for parcel #88-20-15-426-052 in the amount of \$8,555.00, plus closing costs.

w) **Parcel #58 – Fountain Park Troy – Sidwell #88-20-14-351-084**

Resolution #2009-02-029-F-5w

WHEREAS, In order to proceed with the proposed Rochester Road Improvements, between Torpey and Barclay, it is necessary for the City to obtain the needed right-of-way from Fountain Park Troy, owners of property having Sidwell #88-20-14-351-084;

BE IT RESOLVED, That Troy City Council hereby **AUTHORIZES** the Real Estate and Development Department to make an Unconditioned Offer to purchase right-of-way for parcel #88-20-14-351-084 in the amount of \$800.00, plus closing costs.

x) **Parcel #60 – Old Troy, LLC – Sidwell #88-20-23-304-016**

Resolution #2009-02-029-F-5x

WHEREAS, In order to proceed with the proposed Rochester Road Improvements, between Torpey and Barclay, it is necessary for the City to obtain the needed right-of-way from Old Troy, LLC, owners of property having Sidwell #88-20-23-304-016;

BE IT RESOLVED, That Troy City Council hereby **AUTHORIZES** the Real Estate and Development Department to make an Unconditioned Offer to purchase right-of-way for parcel #88-20-23-304-016 in the amount of \$3,000.00, plus closing costs.

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**F-6 Authorization to Make Unconditioned Offers to Purchase Property for Wattles Road Improvements, Bristol to Worthington – Project No. 01.106.5 and Request for Authorization to Institute Court Action**

a) **Parcel #3 – Gavril Mosutan and Ligia Mosutan – Sidwell #88-20-15-476-037**

Resolution #2009-02-029-F-6a

WHEREAS, In order to proceed with the proposed Wattles Road Improvements, between Bristol and Worthington, it is necessary for the City to obtain the needed right-of-way from Gavril Mosutan and Ligia Mosutan, owners of property having Sidwell #88-20-15-476-037;

BE IT RESOLVED, That Troy City Council hereby **AUTHORIZES** the Real Estate and Development Department to make an Unconditioned Offer to purchase right-of-way for parcel #88-20-15-476-037 in the amount of \$2,500.00, plus closing costs.

b) **Parcel #10 – Firas I. Ibrahim and Reeta Ibrahim – Sidwell #88-20-14-351-061**

Resolution #2009-02-029-F-6b

WHEREAS, In order to proceed with the proposed Wattles Road Improvements, between Bristol and Worthington, it is necessary for the City to obtain the needed right-of-way from Firas I. Ibrahim and Reeta Ibrahim, owners of property having Sidwell #88-20-14-351-061;

BE IT RESOLVED, That Troy City Council hereby **AUTHORIZES** the Real Estate and Development Department to make an Unconditioned Offer to purchase right-of-way for parcel #88-20-14-351-061 in the amount of \$2,800.00, plus closing costs.

**c) Parcel #12 – 5 J’s Investment Company – Sidwell #88-20-22-226-023**

Resolution #2009-02-029-F-6c

WHEREAS, In order to proceed with the proposed Wattles Road Improvements, between Bristol and Worthington, it is necessary for the City to obtain the needed right-of-way from 5 J’s Investment Company, owners of property having Sidwell #88-20-22-226-023;

BE IT RESOLVED, That Troy City Council hereby **AUTHORIZES** the Real Estate and Development Department to make an Unconditioned Offer to purchase right-of-way for parcel #88-20-22-226-023 in the amount of \$3,800.00, plus closing costs.

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**F-7 Acceptance of Permanent Public Utility Easement and 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**

Resolution #2009-02-029-F-7

RESOLVED, That Troy City Council hereby **ACCEPTS** the Permanent Public Utility Easement in the amount of \$10,800.00 and the Regrading and Temporary Construction Permit in the amount of \$800.00 from Michael and Connie Kohn, owners of property having Sidwell #88-20-22-226-024; and

BE IT FINALLY RESOLVED, That Troy City Council hereby **DIRECTS** the City Clerk to record the Permanent Public Utility Easement with the Oakland County Register of Deeds, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

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**F-1b Address of “F” Items Removed for Discussion by City Council and/or the Public**

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**F-5 Authorization to Make Unconditioned Offers to Purchase Property for Rochester Road Improvements, Torpey to Barclay – Project No. 99.203.5 and Request for Authorization to Institute Court Action**

**a) Parcel #2 – Space Station of Troy, Inc. – Sidwell #88-20-23-301-003**

Resolution #2009-02-030-F-5a

Moved by Beltramini

Seconded by Kerwin

WHEREAS, In order to proceed with the Rochester Road Improvements, between Torpey and Barclay, it is necessary for the City to obtain the needed right-of-way from Space Station of Troy, Inc., owners of property having Sidwell #88-20-23-301-003;

BE IT RESOLVED, That Troy City Council hereby **AUTHORIZES** the City Attorney, if necessary, to institute condemnation litigation and to execute and deliver any and all documents and papers, and to expend necessary funds expedient for the prosecution of such proceedings or settlement of such claims on proceedings by and with the express approval of this Council.

Yes: Fleming, Kerwin, Schilling, Beltramini, Broomfield  
No: Eisenbacher, Howrylak

#### **MOTION CARRIED**

##### **b) Parcel #3 – MNAD Property, LLC – Sidwell #88-20-23-301-002**

Resolution #2009-02-030-F-5b  
Moved by Beltramini  
Seconded by Kerwin

WHEREAS, In order to proceed with the Rochester Road Improvements, between Torpey and Barclay, it is necessary for the City to obtain the needed right-of-way from MNAD Property, LLC, owners of property having Sidwell #88-20-23-301-002;

BE IT RESOLVED, That Troy City Council hereby **AUTHORIZES** the City Attorney, if necessary, to institute condemnation litigation and to execute and deliver any and all documents and papers, and to expend necessary funds expedient for the prosecution of such proceedings or settlement of such claims on proceedings by and with the express approval of this Council.

Yes: Fleming, Kerwin, Schilling, Beltramini, Broomfield  
No: Eisenbacher, Howrylak

#### **MOTION CARRIED**

##### **c) Parcel #8 – RCU Independence, Inc./Sentry, Inc. – Sidwell #88-20-23-156-002**

Resolution #2009-02-030-F-5c  
Moved by Beltramini  
Seconded by Kerwin

WHEREAS, In order to proceed with the Rochester Road Improvements, between Torpey and Barclay, it is necessary for the City to obtain the needed right-of-way from RCU Independence, Inc./Sentry, Inc., owners of property having Sidwell #88-20-23-156-002;

BE IT RESOLVED, That Troy City Council hereby **AUTHORIZES** the City Attorney, if necessary, to institute condemnation litigation and to execute and deliver any and all documents and papers, and to expend necessary funds expedient for the prosecution of such

proceedings or settlement of such claims on proceedings by and with the express approval of this Council.

Yes: Fleming, Kerwin, Schilling, Beltramini, Broomfield  
No: Eisenbacher, Howrylak

**MOTION CARRIED**

**d) Parcel #12 – Howard and Carolyn Gronow – Sidwell #88-20-23-100-047**

Resolution #2009-02-030-F-5d  
Moved by Beltramini  
Seconded by Kerwin

WHEREAS, In order to proceed with the Rochester Road Improvements, between Torpey and Barclay, it is necessary for the City to obtain the needed right-of-way from Howard and Carolyn Gronow, owners of property having Sidwell #88-20-23-100-047;

BE IT RESOLVED, That Troy City Council hereby **AUTHORIZES** the City Attorney, if necessary, to institute condemnation litigation and to execute and deliver any and all documents and papers, and to expend necessary funds expedient for the prosecution of such proceedings or settlement of such claims on proceedings by and with the express approval of this Council.

Yes: Fleming, Kerwin, Schilling, Beltramini, Broomfield  
No: Eisenbacher, Howrylak

**MOTION CARRIED**

**e) Parcel #13 – Atto Construction, Inc. – Sidwell #88-20-23-100-061**

Resolution #2009-02-030-F-5e  
Moved by Beltramini  
Seconded by Kerwin

WHEREAS, In order to proceed with the Rochester Road Improvements, between Torpey and Barclay, it is necessary for the City to obtain the needed right-of-way from Atto Construction, Inc., owners of property having Sidwell #88-20-23-100-061;

BE IT RESOLVED, That Troy City Council hereby **AUTHORIZES** the City Attorney, if necessary, to institute condemnation litigation and to execute and deliver any and all documents and papers, and to expend necessary funds expedient for the prosecution of such proceedings or settlement of such claims on proceedings by and with the express approval of this Council.

Yes: Fleming, Kerwin, Schilling, Beltramini, Broomfield  
No: Eisenbacher, Howrylak

**MOTION CARRIED**

**f) Parcel #16 – Lukich Realty, LLC – Sidwell #88-20-23-100-083**

Resolution #2009-02-030-F-5f  
Moved by Beltramini  
Seconded by Kerwin

WHEREAS, In order to proceed with the Rochester Road Improvements, between Torpey and Barclay, it is necessary for the City to obtain the needed right-of-way from Lukich Realty, Inc., owners of property having Sidwell #88-20-23-100-083;

BE IT RESOLVED, That Troy City Council hereby **AUTHORIZES** the City Attorney, if necessary, to institute condemnation litigation and to execute and deliver any and all documents and papers, and to expend necessary funds expedient for the prosecution of such proceedings or settlement of such claims on proceedings by and with the express approval of this Council.

Yes: Fleming, Kerwin, Schilling, Beltramini, Broomfield  
No: Eisenbacher, Howrylak

**MOTION CARRIED****g) Parcel #18 – Rochester Square Associates – Sidwell #88-20-23-100-070**

Resolution #2009-02-030-F-5g  
Moved by Beltramini  
Seconded by Kerwin

WHEREAS, In order to proceed with the Rochester Road Improvements, between Torpey and Barclay, it is necessary for the City to obtain the needed right-of-way from Rochester Square Associates, owners of property having Sidwell #88-20-23-100-070;

BE IT RESOLVED, That Troy City Council hereby **AUTHORIZES** the City Attorney, if necessary, to institute condemnation litigation and to execute and deliver any and all documents and papers, and to expend necessary funds expedient for the prosecution of such proceedings or settlement of such claims on proceedings by and with the express approval of this Council.

Yes: Fleming, Kerwin, Schilling, Beltramini, Broomfield  
No: Eisenbacher, Howrylak

**MOTION CARRIED****h) Parcel #20 – JLJ Investments, LLC – Sidwell #88-20-14-351-056**

Resolution #2009-02-030-F-5h  
Moved by Beltramini  
Seconded by Kerwin

WHEREAS, In order to proceed with the Rochester Road Improvements, between Torpey and Barclay, it is necessary for the City to obtain the needed right-of-way from JLJ Investments, LLC, owners of property having Sidwell #88-20-14-351-056;

BE IT RESOLVED, That Troy City Council hereby **AUTHORIZES** the City Attorney, if necessary, to institute condemnation litigation and to execute and deliver any and all documents and papers, and to expend necessary funds expedient for the prosecution of such proceedings or settlement of such claims on proceedings by and with the express approval of this Council.

Yes: Fleming, Kerwin, Schilling, Beltramini, Broomfield  
No: Eisenbacher, Howrylak

**MOTION CARRIED**

**i) Parcel #22 – Maya’s Meadows – Sidwell #88-20-14-352-001**

Resolution #2009-02-030-F-5i  
Moved by Beltramini  
Seconded by Kerwin

WHEREAS, In order to proceed with the Rochester Road Improvements, between Torpey and Barclay, it is necessary for the City to obtain the needed right-of-way from Maya’s Meadows, owners of property having Sidwell #88-20-14-352-001;

BE IT RESOLVED, That Troy City Council hereby **AUTHORIZES** the City Attorney, if necessary, to institute condemnation litigation and to execute and deliver any and all documents and papers, and to expend necessary funds expedient for the prosecution of such proceedings or settlement of such claims on proceedings by and with the express approval of this Council.

Yes: Fleming, Kerwin, Schilling, Beltramini, Broomfield  
No: Eisenbacher, Howrylak

**MOTION CARRIED**

**j) Parcel #25 – 3385 Rochester Road Associates, LLC – Sidwell #88-20-22-401-067**

Resolution #2009-02-030-F-5j  
Moved by Beltramini  
Seconded by Kerwin

WHEREAS, In order to proceed with the Rochester Road Improvements, between Torpey and Barclay, it is necessary for the City to obtain the needed right-of-way from 3385 Rochester Road Associates, LLC, owners of property having Sidwell #88-20-22-401-067;

BE IT RESOLVED, That Troy City Council hereby **AUTHORIZES** the City Attorney, if necessary, to institute condemnation litigation and to execute and deliver any and all documents and papers, and to expend necessary funds expedient for the prosecution of such

proceedings or settlement of such claims on proceedings by and with the express approval of this Council.

Yes: Fleming, Kerwin, Schilling, Beltramini, Broomfield

No: Eisenbacher, Howrylak

### **MOTION CARRIED**

#### **k) Parcel #26 – Halle-Von Voigtlander – Sidwell #88-20-22-401-019**

Resolution #2009-02-030-F-5k

Moved by Beltramini

Seconded by Kerwin

WHEREAS, In order to proceed with the Rochester Road Improvements, between Torpey and Barclay, it is necessary for the City to obtain the needed right-of-way from Halle-Von Voigtlander, owners of property having Sidwell #88-20-22-401-019;

BE IT RESOLVED, That Troy City Council hereby **AUTHORIZES** the City Attorney, if necessary, to institute condemnation litigation and to execute and deliver any and all documents and papers, and to expend necessary funds expedient for the prosecution of such proceedings or settlement of such claims on proceedings by and with the express approval of this Council.

Yes: Fleming, Kerwin, Schilling, Beltramini, Broomfield

No: Eisenbacher, Howrylak

### **MOTION CARRIED**

#### **l) Parcel #29 – Midwest Master Investment, LLC – Sidwell #88-20-22-277-025**

Resolution #2009-02-030-F-5l

Moved by Beltramini

Seconded by Kerwin

WHEREAS, In order to proceed with the Rochester Road Improvements, between Torpey and Barclay, it is necessary for the City to obtain the needed right-of-way from Midwest Master Investment, LLC, owners of property having Sidwell #88-20-22-277-025;

BE IT RESOLVED, That Troy City Council hereby **AUTHORIZES** the City Attorney, if necessary, to institute condemnation litigation and to execute and deliver any and all documents and papers, and to expend necessary funds expedient for the prosecution of such proceedings or settlement of such claims on proceedings by and with the express approval of this Council.

Yes: Fleming, Kerwin, Schilling, Beltramini, Broomfield

No: Eisenbacher, Howrylak

### **MOTION CARRIED**

**m) Parcel #35 – DePorre Property Investments, LLC – Sidwell #88-20-22-276-046**

Resolution #2009-02-030-F-5m  
Moved by Beltramini  
Seconded by Kerwin

WHEREAS, In order to proceed with the Rochester Road Improvements, between Torpey and Barclay, it is necessary for the City to obtain the needed right-of-way from DePorre Property Investments, LLC, owners of property having Sidwell #88-20-22-276-046;

BE IT RESOLVED, That Troy City Council hereby **AUTHORIZES** the City Attorney, if necessary, to institute condemnation litigation and to execute and deliver any and all documents and papers, and to expend necessary funds expedient for the prosecution of such proceedings or settlement of such claims on proceedings by and with the express approval of this Council.

Yes: Fleming, Kerwin, Schilling, Beltramini, Broomfield  
No: Eisenbacher, Howrylak

**MOTION CARRIED****n) Parcel #38 – Sentry, Inc. – Sidwell #88-20-22-226-077**

Resolution #2009-02-030-F-5n  
Moved by Beltramini  
Seconded by Kerwin

WHEREAS, In order to proceed with the Rochester Road Improvements, between Torpey and Barclay, it is necessary for the City to obtain the needed right-of-way from Sentry, Inc., owners of property having Sidwell #88-20-22-226-077;

BE IT RESOLVED, That Troy City Council hereby **AUTHORIZES** the City Attorney, if necessary, to institute condemnation litigation and to execute and deliver any and all documents and papers, and to expend necessary funds expedient for the prosecution of such proceedings or settlement of such claims on proceedings by and with the express approval of this Council.

Yes: Fleming, Kerwin, Schilling, Beltramini, Broomfield  
No: Eisenbacher, Howrylak

**MOTION CARRIED****o) Parcel #39 – UEOS Troy, LLC – Sidwell #88-20-22-226-079**

Resolution #2009-02-030-F-5o  
Moved by Beltramini  
Seconded by Kerwin

WHEREAS, In order to proceed with the Rochester Road Improvements, between Torpey and Barclay, it is necessary for the City to obtain the needed right-of-way from UEOS Troy, LLC, owners of property having Sidwell #88-20-22-226-079;

BE IT RESOLVED, That Troy City Council hereby **AUTHORIZES** the City Attorney, if necessary, to institute condemnation litigation and to execute and deliver any and all documents and papers, and to expend necessary funds expedient for the prosecution of such proceedings or settlement of such claims on proceedings by and with the express approval of this Council.

Yes: Fleming, Kerwin, Schilling, Beltramini, Broomfield

No: Eisenbacher, Howrylak

### **MOTION CARRIED**

#### **p) Parcel #44 – Karen A. Ostdiek – Sidwell #88-20-22-226-044**

Resolution #2009-02-030-F-5p

Moved by Beltramini

Seconded by Kerwin

WHEREAS, In order to proceed with the Rochester Road Improvements, between Torpey and Barclay, it is necessary for the City to obtain the needed right-of-way from Karen A. Ostdiek, owner of property having Sidwell #88-20-22-226-044;

BE IT RESOLVED, That Troy City Council hereby **AUTHORIZES** the City Attorney, if necessary, to institute condemnation litigation and to execute and deliver any and all documents and papers, and to expend necessary funds expedient for the prosecution of such proceedings or settlement of such claims on proceedings by and with the express approval of this Council.

Yes: Fleming, Kerwin, Schilling, Beltramini, Broomfield

No: Eisenbacher, Howrylak

### **MOTION CARRIED**

#### **q) Parcel #46 – P.G. Equities Cort Limited Partnership – Sidwell #88-20-22-226-042**

Resolution #2009-02-030-F-5q

Moved by Beltramini

Seconded by Kerwin

WHEREAS, In order to proceed with the Rochester Road Improvements, between Torpey and Barclay, it is necessary for the City to obtain the needed right-of-way from P.G. Equities Cort Limited Partnership, owners of property having Sidwell #88-20-22-226-042;

BE IT RESOLVED, That Troy City Council hereby **AUTHORIZES** the City Attorney, if necessary, to institute condemnation litigation and to execute and deliver any and all

documents and papers, and to expend necessary funds expedient for the prosecution of such proceedings or settlement of such claims on proceedings by and with the express approval of this Council.

Yes: Fleming, Kerwin, Schilling, Beltramini, Broomfield

No: Eisenbacher, Howrylak

### **MOTION CARRIED**

#### **r) Parcel #47 – Surg, LLC – Sidwell #88-20-22-226-041**

Resolution #2009-02-030-F-5r

Moved by Beltramini

Seconded by Kerwin

WHEREAS, In order to proceed with the Rochester Road Improvements, between Torpey and Barclay, it is necessary for the City to obtain the needed right-of-way from Surg, LLC, owners of property having Sidwell #88-20-22-226-041;

BE IT RESOLVED, That Troy City Council hereby **AUTHORIZES** the City Attorney, if necessary, to institute condemnation litigation and to execute and deliver any and all documents and papers, and to expend necessary funds expedient for the prosecution of such proceedings or settlement of such claims on proceedings by and with the express approval of this Council.

Yes: Fleming, Kerwin, Schilling, Beltramini, Broomfield

No: Eisenbacher, Howrylak

### **MOTION CARRIED**

#### **s) Parcel #49 – CNL Net Lease Funding – Sidwell #88-20-22-226-074**

Resolution #2009-02-030-F-5s

Moved by Beltramini

Seconded by Kerwin

WHEREAS, In order to proceed with the Rochester Road Improvements, between Torpey and Barclay, it is necessary for the City to obtain the needed right-of-way from CNL Net Lease Funding, owners of property having Sidwell #88-20-22-226-074;

BE IT RESOLVED, That Troy City Council hereby **AUTHORIZES** the City Attorney, if necessary, to institute condemnation litigation and to execute and deliver any and all documents and papers, and to expend necessary funds expedient for the prosecution of such proceedings or settlement of such claims on proceedings by and with the express approval of this Council.

Yes: Fleming, Kerwin, Schilling, Beltramini, Broomfield

No: Eisenbacher, Howrylak

**MOTION CARRIED****t) Parcel #50 – Comerica Bank – Sidwell #88-20-15-478-015**

Resolution #2009-02-030-F-5t

Moved by Beltramini

Seconded by Kerwin

WHEREAS, In order to proceed with the Rochester Road Improvements, between Torpey and Barclay, it is necessary for the City to obtain the needed right-of-way from Comerica Bank, owners of property having Sidwell #88-20-15-478-015;

BE IT RESOLVED, That Troy City Council hereby **AUTHORIZES** the City Attorney, if necessary, to institute condemnation litigation and to execute and deliver any and all documents and papers, and to expend necessary funds expedient for the prosecution of such proceedings or settlement of such claims on proceedings by and with the express approval of this Council.

Yes: Fleming, Kerwin, Schilling, Beltramini, Broomfield

No: Eisenbacher, Howrylak

**MOTION CARRIED****u) Parcel #53 – Prashant S. and Purnima Chaudhari – Sidwell #88-20-15-477-015**

Resolution #2009-02-030-F-5u

Moved by Beltramini

Seconded by Kerwin

WHEREAS, In order to proceed with the Rochester Road Improvements, between Torpey and Barclay, it is necessary for the City to obtain the needed right-of-way from Prashant S. and Purnima Chaudhari, owners of property having Sidwell #88-20-15-477-015;

BE IT RESOLVED, That Troy City Council hereby **AUTHORIZES** the City Attorney, if necessary, to institute condemnation litigation and to execute and deliver any and all documents and papers, and to expend necessary funds expedient for the prosecution of such proceedings or settlement of such claims on proceedings by and with the express approval of this Council.

Yes: Fleming, Kerwin, Schilling, Beltramini, Broomfield

No: Eisenbacher, Howrylak

**MOTION CARRIED****v) Parcel #57 – Waleed L. and Alhan N. Hadad – Sidwell #88-20-15-426-052**

Resolution #2009-02-030-F-5v

Moved by Beltramini

Seconded by Kerwin

WHEREAS, In order to proceed with the Rochester Road Improvements, between Torpey and Barclay, it is necessary for the City to obtain the needed right-of-way from Waleed L. and Alhan N. Hadad, owners of property having Sidwell #88-20-15-426-052;

BE IT RESOLVED, That Troy City Council hereby **AUTHORIZES** the City Attorney, if necessary, to institute condemnation litigation and to execute and deliver any and all documents and papers, and to expend necessary funds expedient for the prosecution of such proceedings or settlement of such claims on proceedings by and with the express approval of this Council.

Yes: Fleming, Kerwin, Schilling, Beltramini, Broomfield  
No: Eisenbacher, Howrylak

#### **MOTION CARRIED**

##### **w) Parcel #58 – Fountain Park Troy – Sidwell #88-20-14-351-084**

Resolution #2009-02-030-F-5w  
Moved by Beltramini  
Seconded by Kerwin

WHEREAS, In order to proceed with the Rochester Road Improvements, between Torpey and Barclay, it is necessary for the City to obtain the needed right-of-way from Fountain Park Troy, owners of property having Sidwell #88-20-14-351-084;

BE IT RESOLVED, That Troy City Council hereby **AUTHORIZES** the City Attorney, if necessary, to institute condemnation litigation and to execute and deliver any and all documents and papers, and to expend necessary funds expedient for the prosecution of such proceedings or settlement of such claims on proceedings by and with the express approval of this Council.

Yes: Fleming, Kerwin, Schilling, Beltramini, Broomfield  
No: Eisenbacher, Howrylak

#### **MOTION CARRIED**

##### **x) Parcel #60 – Old Troy, LLC – Sidwell #88-20-23-304-016**

Resolution #2009-02-030-F-5x  
Moved by Beltramini  
Seconded by Kerwin

WHEREAS, In order to proceed with the Rochester Road Improvements, between Torpey and Barclay, it is necessary for the City to obtain the needed right-of-way from Old Troy, LLC, owners of property having Sidwell #88-20-23-304-016;

BE IT RESOLVED, That Troy City Council hereby **AUTHORIZES** the City Attorney, if necessary, to institute condemnation litigation and to execute and deliver any and all documents and papers, and to expend necessary funds expedient for the prosecution of such

proceedings or settlement of such claims on proceedings by and with the express approval of this Council.

Yes: Fleming, Kerwin, Schilling, Beltramini, Broomfield

No: Eisenbacher, Howrylak

### **MOTION CARRIED**

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#### **F-6 Authorization to Make Unconditioned Offers to Purchase Property for Wattles Road Improvements, Bristol to Worthington – Project No. 01.106.5 and Request for Authorization to Institute Court Action**

##### **a) Parcel #3 – Gavril Mosutan and Ligia Mosutan – Sidwell #88-20-15-476-037**

Resolution #2009-02-030-F-6a

Moved by Beltramini

Seconded by Kerwin

WHEREAS, In order to proceed with the Wattles Road Improvements, between Bristol and Worthington, it is necessary for the City to obtain the needed right-of-way from Gavril Mosutan and Ligia Mosutan, owners of property having Sidwell #88-20-15-476-037;

BE IT RESOLVED, That Troy City Council hereby **AUTHORIZES** the City Attorney, if necessary, to institute condemnation litigation and to execute and deliver any and all documents and papers, and to expend necessary funds expedient for the prosecution of such proceedings or settlement of such claims on proceedings by and with the express approval of this Council.

Yes: Fleming, Kerwin, Schilling, Beltramini, Broomfield

No: Eisenbacher, Howrylak

### **MOTION CARRIED**

##### **b) Parcel #10 – Firas I. Ibrahim and Reeta Ibrahim – Sidwell #88-20-14-351-061**

Resolution #2009-02-030-F-6b

Moved by Beltramini

Seconded by Kerwin

WHEREAS, In order to proceed with the Wattles Road Improvements, between Bristol and Worthington, it is necessary for the City to obtain the needed right-of-way from Firas I. Ibrahim and Reeta Ibrahim, owners of property having Sidwell #88-20-14-351-061;

BE IT RESOLVED, That Troy City Council hereby **AUTHORIZES** the City Attorney, if necessary, to institute condemnation litigation and to execute and deliver any and all documents and papers, and to expend necessary funds expedient for the prosecution of such proceedings or settlement of such claims on proceedings by and with the express approval of this Council.

Yes: Fleming, Kerwin, Schilling, Beltramini, Broomfield  
No: Eisenbacher, Howrylak

**MOTION CARRIED**

**c) Parcel #12 – 5 J’s Investment Company – Sidwell #88-20-22-226-023**

Resolution #2009-02-030-F-6c  
Moved by Beltramini  
Seconded by Kerwin

WHEREAS, In order to proceed with the Wattles Road Improvements, between Bristol and Worthington, it is necessary for the City to obtain the needed right-of-way from 5 J’s Investment Company, owners of property having Sidwell #88-20-22-226-023;

BE IT RESOLVED, That Troy City Council hereby **AUTHORIZES** the City Attorney, if necessary, to institute condemnation litigation and to execute and deliver any and all documents and papers, and to expend necessary funds expedient for the prosecution of such proceedings or settlement of such claims on proceedings by and with the express approval of this Council.

Yes: Fleming, Kerwin, Schilling, Beltramini, Broomfield  
No: Eisenbacher, Howrylak

**MOTION CARRIED**

**MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:**

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**G-1 Announcement of Public Hearings:**

- a) Street Vacation – Portions of Daley Street abutting Lots 28 and 33 of Supervisors Plat No. 11 Subdivision, South of Big Beaver, North of I-75, Section 26 (File Number: SV 148-D) - February 16, 2009

Noted and Filed

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**G-2 Memorandums: None**

**COUNCIL REFERRALS: Items Advanced to the City Manager by Individual City Council Members for Placement on the Agenda**

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**H-1 No Council Referrals**

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**COUNCIL COMMENTS:**

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**I-1 Council Comments:**

Council Member Kerwin indicated that the Troy Community Coalition offers various alcohol and drug awareness programs, and partners with other community groups in addressing this issue.

Council Member Beltramini suggested that one of her colleagues accompany her to the *National League of Cities 2009 Annual Congressional City Conference* from March 14-18, 2009 in Washington, DC. She explained that because her schedule is relatively full, she will not be available to discuss areas of concern with the congressional delegation.

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**REPORTS:**

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**J-1 Minutes – Boards and Committees:**

- a) Downtown Development Authority/Final – October 15, 2008
- b) Advisory Committee for Senior Citizens/Final – November 6, 2008
- c) Traffic Committee/Final – November 19, 2008
- d) Historic District Study Committee/Final – December 2, 2008
- e) Ethnic Issues Advisory Board/Draft – January 6, 2009
- f) Advisory Committee for Senior Citizens/Draft – January 8, 2009
- g) Planning Commission/Draft – January 13, 2009

Noted and Filed

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**J-2 Department Reports:**

- a) Purchasing Department – Final Reporting – BidNet On-Line Auction Services – December 2008

Noted and Filed

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**J-3 Letters of Appreciation: None Submitted**

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**J-4 Proposed Proclamations/Resolutions from Other Organizations: None Submitted**

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**J-5 Troy Youth Assistance Board Meeting Final Minutes – November 20, 2008**

Noted and Filed

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**J-6 Communication from the State of Michigan Public Service Commission Regarding Notice of Hearing for the Gas Customers of Consumers Energy Company – Case No. U-15704**

Noted and Filed

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**STUDY ITEMS:**

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**K-1 Latest Budget Numbers**

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**PUBLIC COMMENT: Address of “K” Items**

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**CLOSED SESSION:**

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**L-1 No Closed Session Requested**

The meeting **RECESSED** at 7:53 PM

The meeting **RECONVENED** at 8:02 PM.

The meeting **RECESSED** at 9:06 PM

The meeting **RECONVENED** at 9:16 PM.

The meeting **ADJOURNED** at 10:40 PM.

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Louise E. Schilling, Mayor

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Tonni L. Bartholomew, MMC  
City Clerk