



CITY COUNCIL ACTION REPORT

February 11, 2009

TO: Phillip L. Nelson, City Manager

FROM: Brian P. Murphy, Assistant City Manager/Economic Development Services
 Steven J. Vandette, City Engineer *SV*
 Patricia A. Petitto, Real Estate Consultant, Greenstar & Associates, LLC *PA*

SUBJECT: Request for Acceptance of Permanent Public Utility Easement & Regrading and Temporary Construction Permit - Rochester Road Improvements, Torpey to Barclay Project No. 99.203.5 – Parcel #58 – Sidwell #88-20-14-351-084 Fountain Park Troy Association

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 the Fountain Park Troy Association, owners of the subject property. This parcel is located on the east side of Rochester Road between Maya and Lamb, in the southwest ¼ of Section 14.

Financial Considerations:

- An appraisal was prepared by Raymond V. Bologna, CRE, MAI, Certified General Appraiser and reviewed by Kimberly Harper, Deputy Assessor and State Licensed Appraiser. Staff believes that \$500 for the Permanent Public Utility Easement and \$300 for the Regrading and Temporary Construction Permit are justifiable amounts for this acquisition.
- Eighty percent of this cost 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 401479.7989.992035.

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 Regrading and Temporary Construction Permit from the Fountain Park Troy Association, so that the City can proceed with this project.

PERMANENT UTILITY EASEMENT

Sidwell #88-20-14-351-084
Parcel #58

Fountain Park Troy Association, a Michigan Condominium Association, Grantor, whose address is: P.O. Box 99103, Troy, MI 48099 for and in consideration of the sum of: Five Hundred and no/100 Dollars (\$500) 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 11th day of FEBRUARY, 2009.

FOUNTAIN PARK TROY ASSOCIATION,
A MICHIGAN CONDOMINIUM ASSOCIATION

[Signature] (L.S.)
*Iftexhar Ahmad, President
[Signature] (L.S.)
*Zahra Ahmad, Treasurer
[Signature] (L.S.)
*Carla Kearney, Secretary

STATE OF MICHIGAN)
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this 11th day of FEBRUARY, 2009, by Iftexhar Ahmad, President, Zahra Ahmad, Treasurer, and Carla Kearney, Secretary of Fountain Park Troy Association, a Michigan Condominium Association.

[Signature]
*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

EXHIBIT 'A'

DESCRIPTION OF PUBLIC UTILITY EASEMENT

The West 8.00 feet of the North 12.00 feet of the South 94.00 feet of Fountain Park Troy O.C.C.P. 1494, described as: Lots 2, 3, and 4 Except the West 42.00 of Lots 2, 3 and 4 of "Supervisor's Plat No. 22", a subdivision of part of the Southwest ¼ of Section 14, T2N, R11E, Troy Township (now City of Troy), Oakland County, Michigan, as recorded in Liber 13 of Plats, Page 45, Oakland County Records, more particularly described as follows: Commencing at the Southwest corner of said Lot 4; thence East 42.00 feet to the Point Of Beginning; thence N00°35'00"W 356.00 feet; thence East 294.57 feet; thence S00°15'00"E 356.00 feet; thence West 292.45 feet to the Point Of Beginning.

Said easement contains 96 square feet, or 0.002 acres, more or less.

REGRAIDING AND TEMPORARY CONSTRUCTION PERMIT

Sidwell # 88-20-14-351-084
Project # 99.203.5
Parcel #58

Fountain Park Troy Association, a Michigan Condominium Association, Grantor(s), whose address is: P.O. Box 99103, Troy, MI 48099, for and in consideration of the sum of Three Hundred and no/100 Dollars (\$300.00) 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 Rochester Road Improvements, Torpey to Barclay, 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 11th day of FEBRUARY, 2009.

FOUNTAIN PARK TROY ASSOCIATION,
A MICHIGAN CONDOMINIUM ASSOCIATION

[Signature] (L.S.)
*Iftekhah Ahmad, President

[Signature] (L.S.)
*Zahra Ahmad, Treasurer

[Signature] (L.S.)
*Carla Kearney, Secretary

STATE OF MICHIGAN
COUNTY OF OAKLAND

The foregoing instrument was acknowledged before me this 11th day of FEBRUARY, 2009, by Iftekhah Ahmad, President, Zahra Ahmad, Treasurer and Carla Kearney, Secretary, of Fountain Park Troy Association, a Michigan Condominium Association.

[Signature]
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'

DESCRIPTION OF REGRADING AND TEMPORARY CONSTRUCTION PERMIT

The West 21.00 feet of the North 45.00 feet of the South 200.00 feet of Fountain Park Troy O.C.C.P. 1494, described as: Lots 2, 3, and 4 Except the West 42.00 of Lots 2, 3 and 4 of "Supervisor's Plat No. 22", a subdivision of part of the Southwest ¼ of Section 14, T2N, R11E, Troy Township (now City of Troy), Oakland County, Michigan, as recorded in Liber 13 of Plats, Page 45, Oakland County Records, more particularly described as follows: Commencing at the Southwest corner of said Lot 4; thence East 42.00 feet to the Point Of Beginning; thence N00°35'00"W 356.00 feet; thence East 294.57 feet; thence S00°15'00"E 356.00 feet; thence West 292.45 feet to the Point Of Beginning.

Said permit contains 945 square feet, or 0.022 acres, more or less.

