

CITY COUNCIL ACTION REPORT

February 24, 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 *pt*

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 #12 – Sidwell #88-20-22-226-023
 5J's Investment, L.L.C.

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 5J's Investment, L.L.C. 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 \$3,000 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 5J's Investment, L.L.C. so that the City can proceed with this project.

PAP\G\MEMOS TO MAYOR & CC\5J's LLC PU Easement & RGTCP

PERMANENT PUBLIC UTILITY EASEMENT

Sidwell #88-20-22-226-023
Parcel #12

5 J's Investment, LLC, a Michigan Limited Liability Company, Grantors, whose address is: 4397 Bender Court, Troy, MI 48098 for and in consideration of the sum of: Three Thousand and no/100 Dollars (\$3,000) 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.

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 25TH day of FEBRUARY, 2009.

^{INVESTMENT}
5 J'S, LLC, A MICHIGAN LIMITED LIABILITY COMPANY

James W. Chang (L.S.)
* JAMES W. CHANG, MANAGING MEMBER

Judy Chang (L.S.)
* JUDY CHANG, MANAGING MEMBER

STATE OF MICHIGAN)
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this 25TH day of FEBRUARY, 2009, by JAMES W. CHANG, MANAGING MEMBER AND of 5 J'S, LLC, a Michigan Limited Liability Company.
JUDY CHANG, MANAGING MEMBER ^{& INVESTMENT}

Patricia A. Petitto
* 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

04-17-08
20010397
20-22-226-023

EXHIBIT 'A'

DESCRIPTION OF PUBLIC UTILITY EASEMENT

The North 10.00 feet of Lot 71 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 2,272 square feet, or 0.052 acres, more or less.

REGRAIDING AND TEMPORARY CONSTRUCTION PERMIT

Sidwell # 88-20-22-226-023
Project # 01.106.5
Parcel #12

^{INVESTMENT}
5J'S LLC, a Michigan Limited Liability Company, Grantor(s), whose address is: 4397 Bender Court, Troy, MI 48098, 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 25TH day of FEBRUARY, 2009.

^{INVESTMENT}
5J'S, LLC, A MICHIGAN LIMITED
LIABILITY COMPANY
James W. Chang (L.S.)
JAMES W. CHANG, MANAGING MEMBER
Judy Chang (L.S.)
* JUDY CHANG, MANAGING MEMBER

STATE OF MICHIGAN
COUNTY OF OAKLAND

The foregoing instrument was acknowledged before me this 25TH day of FEBRUARY 2009, by JAMES W. CHANG, MANAGING MEMBER AND ^{INVESTMENT} of 5J'S, LLC, a Michigan Limited Liability Company. JUDY CHANG, MANAGING MEMBER

Patricia A. Petitto
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

04-17-08
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20-22-226-023

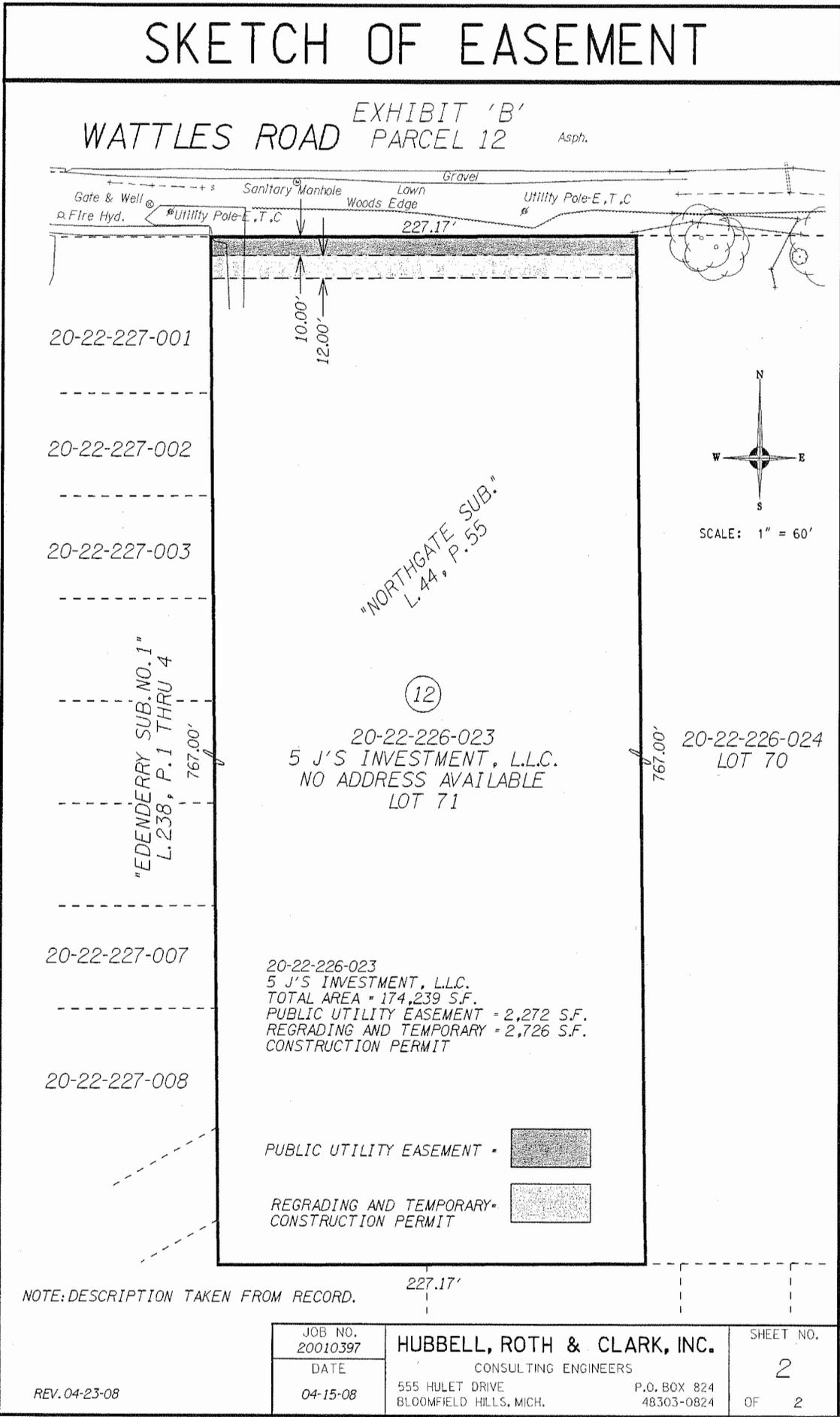
EXHIBIT 'A'

DESCRIPTION OF REGRADING AND TEMPORARY CONSTRUCTION PERMIT

The South 12.00 feet of the North 22.00 feet of Lot 71 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 2,726 square feet, or 0.063 acres, more or less.

SKETCH OF EASEMENT

TIME: 25-APR-2008 16:27
 CUR: TEL: J:\s\robert\Map\0400\0397\010397.tbl
 QUEUE: \mapsv\CPB\TJFF
 DESIGN FILE: \s\20010397\010397.dwg
 USER NAME: robert



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

REV. 04-23-08