

CITY COUNCIL ACTION REPORT

April 7, 2009

TO: John Szerlag, Acting 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 #53 – Sidwell #88-20-15-477-015
Prashant S. Chaudhari and Purnima Chaudhari

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 Prashant S. Chaudhari and Purnima Chaudhari, owners of the property at 992 Barclay. This parcel is located at the southwest corner of Barclay and Rochester Road, in the southeast ¼ of Section 15.

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 \$3,525 for the Permanent Public Utility Easement is a justifiable amount for this acquisition.
- We have also agreed to pay the property owners \$8,519 for the installation of a new fence, in the event that the existing fence needs to be removed as part of this project.
- 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 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 Prashant S. and Purnima Chaudhari, so that the City can proceed with this project.

PERMANENT UTILITY EASEMENT

Sidwell #88-20-15-477-015
Parcel #53

Prashant S. Chaudhari and Purnima Chaudhari, husband and wife, Grantors, whose address is: 992 Barclay, Troy, MI 48085 for and in consideration of the sum of: Three Thousand, Five Hundred, Twenty-Five and no/100 Dollars (\$3,525) 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. In the event that the fence needs to be removed as part of the Rochester Road Improvement Project, Torpey to Barclay (Project No. 99.203.5), in addition to the amount listed above, the City of Troy agrees to pay the property owners Eight Thousand, Five Hundred, Nineteen and no/100 Dollars (\$8,519); and that the property owners can install a new fence at the same location at their expense, and after the completion of the project. In the event that the fence needs to be removed for more than 30 days, the City of Troy agrees to install a Temporary Fence at the western boundary of the easement area for the duration of the construction period. The City of Troy shall remove the temporary fence at the completion of the project.

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 31ST day of MARCH, 2009.

Prashant S. Chaudhari (L.S.)

P. P. Chaudhari (L.S.)
*Purnima Chaudhari

STATE OF MICHIGAN)
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this 31ST day of MARCH, 2009, by Prashant S. Chaudhari and Purnima Chaudhari, husband and wife.

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

02-29-08
19990476
20-15-477-015

EXHIBIT 'A'

DESCRIPTION OF PUBLIC UTILITY EASEMENT

The East 12.00 feet of Lot 124 "Cypress Gardens Subdivision" part of the Southeast $\frac{1}{4}$ of Section 15, T2N, R11E, City of Troy, Oakland County, Michigan, as recorded in Liber 126 of Plats, Page 7, 8 and 9, Oakland county Records.

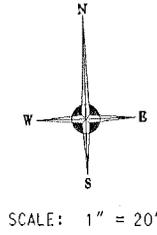
Said easement contains 1,593 square feet, or 0.037 acres, more or less.

SKETCH OF EASEMENT

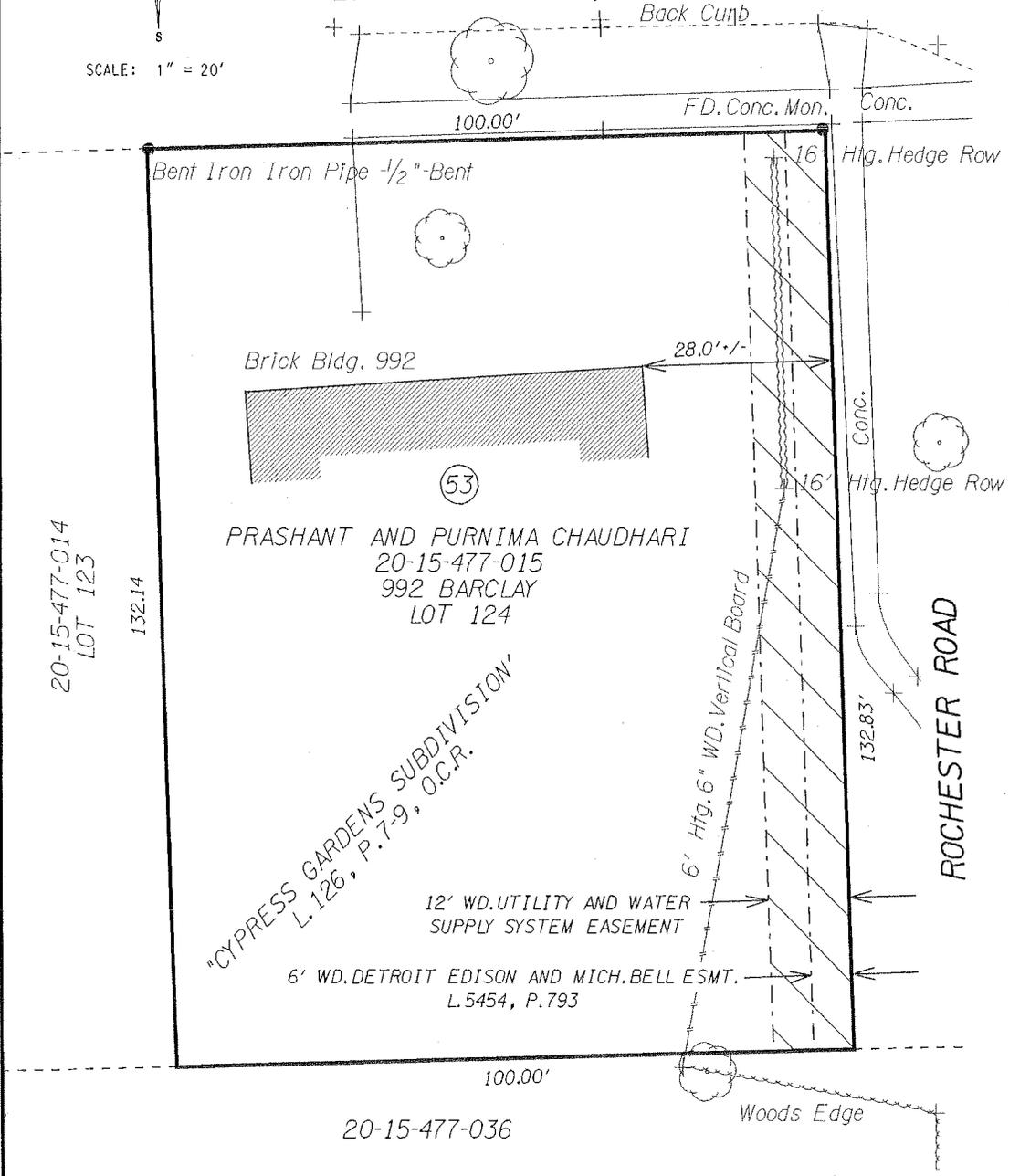
EXHIBIT 'B'
PARCEL 53

NOTE: DESCRIPTION TAKEN FROM RECORD.

BARCLAY DRIVE



TIME: 23-FEB-2008 16:02
 CUR. TBL: I:\standards\map\B\data\yrc\2008-2\TME\EN TBL: I:\MAP\forming\B\B\black.dwg
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 DESIGN FILE: F:\1999\19990476\cad\01\levy\950476_ea653.dgn
 USER NAME: dthbert



20-15-477-015
PRASHANT AND PURIMA SHAUDHARI.
TOTAL AREA = 13,248 S.F.
UTILITY AND WATER SUPPLY
SYSTEM EASEMENT = 1,593 S.F.

WATER SUPPLY SYSTEM
AND UTILITY EASEMENT

JOB NO. 19990476	HUBBELL, ROTH & CLARK, INC. CONSULTING ENGINEERS 555 HULET DRIVE BLOOMFIELD HILLS, MICH.	SHEET NO.
DATE 02-29-08		2 OF 2