AGENDA

Regular Meeting of the

CITY COUNCIL
OF THE CITY OF TROY

JUNE 7, 2004

CONVENING AT 7:30 P.M.

Submitted By
The City Manager

TO: The Honorable Mayor and City Council
Troy, Michigan

FROM: John Szerlag, City Manager

SUBJECT: Background Information and Reports

Ladies and Gentlemen:

This booklet provides a summary of the many reports, communications and recommendations that accompany your Agenda. Also included are suggested or requested resolutions and/or ordinances for your consideration and possible amendment and adoption.

Supporting materials transmitted with this Agenda have been prepared by department directors and staff members. I am indebted to them for their efforts to provide insight and professional advice for your consideration.

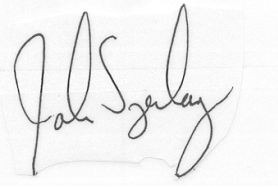
Identified below are goals for the City, which have been advanced by the governing body; and Agenda items submitted for your consideration is on course with these goals.

Goals

1. Minimize cost and increase efficiency of City government.
2. Retain and attract investment while encouraging redevelopment.
3. Effectively and professionally communicate internally and externally.
4. Creatively maintain and improve public infrastructure.
5. Protect life and property.

As always, we are happy to provide such added information as your deliberations may require.

Respectfully submitted,



John Szerlag, City Manager

CITY COUNCIL

AGENDA

June 7, 2004 – 7:30 PM
Council Chambers
City Hall - 500 West Big Beaver
Troy, Michigan 48084
(248) 524-3317

CALL TO ORDER: 1

INVOCATION & PLEDGE OF ALLEGIANCE: Pastor Gene Cowie – Troy Church of Christ 1

ROLL CALL: 1

CERTIFICATES OF RECOGNITION: 1

A-1 No Certificates of Recognition 1

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CALL TO ORDER:

INVOCATION & PLEDGE OF ALLEGIANCE: Pastor Gene Cowie – Troy Church of Christ

ROLL CALL:

Mayor Louise E. Schilling
Robin Beltramini
Cristina Broomfield
David Eisenbacher
Martin F. Howrylak
David A. Lambert
Jeanne M. Stine

CERTIFICATES OF RECOGNITION:

A-1 No Certificates of Recognition

CARRYOVER ITEMS:

B-1 No Carryover Items brought forward.

PUBLIC HEARINGS:

C-1 Commercial Vehicle Appeal – 3129 Alpine

City Management requests a 5-minute presentation regarding this item.

Suggested Resolution
Resolution #2004-06-
Moved by
Seconded by

(a) Resolution A for Approval

WHEREAS, Section 44.02.02 of Chapter 39, Zoning, of the Code of the City of Troy provides that actions to grant appeals to the restrictions on outdoor parking of commercial vehicles in residential districts pursuant to Section 40.66.00 of Chapter 39 of the Code of the City of Troy "shall be based upon at least one of the following findings by the City Council:

A. The occurrence of the subject commercial vehicle on the residential site involved is compelled by parties other than the owner or occupant of the subject residential site (e.g. employer).

B. Efforts by the applicant have determined that there are no reasonable or feasible alternative locations for the parking of the subject commercial vehicle.

C. A garage or accessory building on the subject residential site cannot accommodate, or cannot reasonably be constructed or modified to accommodate, the subject commercial vehicle.

D. The location available on the residential site for the outdoor parking of the subject commercial vehicle is adequate to provide for such parking in a manner which will not negatively impact adjacent residential properties, and will not negatively impact pedestrian and vehicular movement along the frontage street(s)."; and

WHEREAS, The City Council of the City of Troy has found that the petitioner has demonstrated the presence of the following condition(s), justifying the granting of a variance:_____

_____

_____.

NOW, THEREFORE, BE IT RESOLVED, That the request from Paul Piscopo, 3129 Alpine, for waiver of Chapter 39, Section 40.66.00, of the Code of the City of Troy, to permit outdoor parking of a Chevrolet work van and a GMC step van in a residential district is hereby **APPROVED** for _____ (not to exceed two years).

OR

(b) <u>Resolution B for Denial</u>

WHEREAS, Section 44.02.02 of Chapter 39, Zoning, of the Code of the City of Troy provides that actions to grant appeals to the restrictions on outdoor parking of commercial vehicles in residential districts pursuant to Section 40.66.00 of Chapter 39 of the Code of the City of Troy "shall be based upon at least one of the following findings by the City Council:

A. The occurrence of the subject commercial vehicle on the residential site involved is compelled by parties other than the owner or occupant of the subject residential site (e.g. employer).

B. Efforts by the applicant have determined that there are no reasonable or feasible alternative locations for the parking of the subject commercial vehicle.

C. A garage or accessory building on the subject residential site cannot accommodate, or cannot reasonably be constructed or modified to accommodate, the subject commercial vehicle.

D. The location available on the residential site for the outdoor parking of the subject commercial vehicle is adequate to provide for such parking in a manner which will not negatively impact adjacent residential properties, and will not negatively impact pedestrian and vehicular movement along the frontage street(s)."; and

WHEREAS, The City Council of the City of Troy has not found that the petitioner has demonstrated the presence of condition(s), justifying the granting of a variance:

NOW, THEREFORE, BE IT RESOLVED, That the request from Paul Piscopo, 3129 Alpine, for waiver of Chapter 39, Section 40.66.00, of the Code of the City of Troy, to permit outdoor parking of a Chevrolet work van and a GMC step van in a residential district is hereby **DENIED**.

Yes:
No:

POSTPONED ITEMS:

D-1 Final Planned Unit Development Review – PUD-002 Rochester Commons – North Side of Big Beaver Road, East of Rochester Road and West of Daley Street – Section 23

City Management requests a 5-minute presentation regarding this item.

Resolution
Moved by Beltramini
Seconded by Broomfield

RESOLVED, That the Final Plan and Agreement for a Planned Unit Development, pursuant to Section 35.60.01 and Section 35.80.00, as requested by Tadian Homes, for the Rochester Commons Planned Unit Development, located on the north side of Big Beaver Road, east of Rochester Road, located in Section 23, within the R-1E zoning district, being 4.86 acres in size, is hereby **APPROVED** and shall be known as PUD - 2;

BE IT FURTHER RESOLVED, That the PUD Plans for the Rochester Commons Planned Unit Development, as approved by the Troy City Council (referred to herein as the "Site Plans"), **SHALL INCLUDE** the following:

1. The following full sized plans, approximately 24 inches by 36 inches in size, prepared by Professional Engineering Associates:

   PSP-2 Site Plan Rochester Commons, dated 4-23-04
   PSP-3 Grading Plan (Preliminary) Rochester Commons, dated 4-23-04
   C-2 Rochester Commons Topographic Survey, dated 4-23-04
   T-1 Rochester Commons Tree Survey, dated 4-23-04

2. The following full sized plans, approximately 24 inches by 36 inches in size, prepared by Grissim Metz Andriese Associates:

   1. Site Landscape Plan, dated September 2003
   2. Building Enlargement Landscape Plans, dated September 2003
   3. Lighting/Street Signage Plan, dated September 2003
   4. Site Details, dated September 2003
   5. Site Amenities, dated September 2003
   6. Park Section and Planting Details, dated September 2003
   7. Photometric Plan, dated September 2003
   I-1. Irrigation Enlargement Plan, dated September 2003
   I-2. Irrigation Enlargement Plan, dated September 2003

3. The Rochester Commons PUD Final Project Manual, dated April 21, 2004 and presented in binder format, and including the following:

   TAB 1 City of Troy Final PUD Approval Checklist
   TAB 2 Planned Unit Development Agreement
   TAB 3 Installation and Maintenance Obligation Plan
   TAB 4 Project Impact Analysis
   TAB 5 List of Plan Changes Since Preliminary Approval
   TAB 6 Final Site Plan
   TAB 7 List of Landscape Plan Changes since Approval
   TAB 8 Landscape Plan
   TAB 9 Elevations
   TAB 10 Specifications
   TAB 11 Master Deed and Bylaws
   TAB 12 Easements
   TAB 13 Address Plan

BE IT FURTHER RESOLVED, That the Mayor and City Clerk are hereby **AUTHORIZED TO EXECUTE** the Development Agreement for the Rochester Commons Planned Unit Development; a copy shall be **ATTACHED** to the original Minutes of this meeting.

BE IT FINALLY RESOLVED, That the Rochester Commons Planned Unit Development Agreement be **RECORDED** with the Oakland County Register of Deeds.

Yes:
No:

D-2 Amendment #1 – Expanded Scope of Work – Upgraded Landscape Maintenance Services

Resolution
Moved by Stine
Seconded by Beltramini

WHEREAS, A contract to provide Upgraded Landscape Maintenance Services was awarded to the highest scoring bidder, Torre & Bruglio, Inc., on April 8, 2002, at an estimated total cost of $507,488.00 (Resolution #2002-04-213).

WHEREAS, It is recommended that the contract be amended to cover increased acreages and improved landscapes on the Big Beaver medians (I-75 to Rochester Road and Coolidge to Cunningham).

NOW, THEREFORE, BE IT RESOLVED, That the contract is hereby **AMENDED** for additional services at an estimated cost of $133,638.00.

Proposed Resolution to Amend

Resolution

Moved by Howrylak
Seconded by Eisenbacher

RESOLVED, That the Resolution be **AMENDED** by **INSERTING,** "BE IT FINALLY RESOLVED, That the $35,100.00 allocated for the planting of annuals along the Big Beaver corridor and the $8,000.00 allocated for unforeseen maintenance and repairs be STRICKEN from the proposed amended contract."

Yes:
No:

D-3 Reconsideration of the Approval of City Council Minutes: Regular Meeting of May 10, 2004

Resolution
Moved by Stine
Seconded by Beltramini

RESOLVED, That the Minutes of the 7:30 PM Regular Meeting of May 10, 2004 be **APPROVED** as submitted.

Yes:
No:

CONSENT AGENDA:

Public comment is limited to not more than twice nor longer than five (5) minutes on any item, unless so permitted by the Chair, in accordance with the Rules of Procedure of the City Council, Article 15, as amended May 3, 2004. City Council requests that if you do have a question or concern, to bring it to the attention of the appropriate department(s) whenever possible. If you feel that the matter has not been resolved satisfactorily, you are encouraged to bring it to the attention of the City Manager, and if still not resolved satisfactorily, to the Mayor and Council.

E-1a Approval of "E" Items NOT Removed for Discussion

Suggested Resolution
Resolution #2004-06-
Moved by
Seconded by

RESOLVED, That all items as presented on the Consent Agenda are hereby **APPROVED** as presented with the exception of Item(s) _____, which shall be considered after Consent Agenda (E) items, as printed.

Yes:
No:

E-1b Address of "E" Items Removed for Discussion by City Council and/or the Public

E-2 Minutes: Regular Meeting of May 24, 2004

Suggested Resolution
Resolution #2004-06-

RESOLVED, That the Minutes of the 7:30 PM Regular Meeting of May 24, 2004 be **APPROVED** as submitted.

E-3 Proposed City of Troy Proclamation(s): No Proclamations proposed.

E-4 Request for Acceptance of Warranty Deeds and Easements Required for Crestwood Site Condos – Project No. 02.922.3 – Sidwell #20-15-378-042, #20-15-379-051 and #20-15-451-035

Suggested Resolution
Resolution #2004-06-

RESOLVED, That the Warranty Deeds for Tanner Drive and Wattles Road right-of-way; and the Permanent Easements for Sanitary Sewer, Water Main, Sidewalk, Drainage, Detention Basin and Declaration of Non-Access Greenbelt from RWT Building, L.L.C., a Michigan Limited Liability Company, having Sidwell #20-15-378-042, #20-15-379-051 and #20-15-451-035, are hereby **ACCEPTED**; and

BE IT FURTHER RESOLVED, That the City Clerk is hereby **DIRECTED TO RECORD** said Deeds and Permanent Easements with Oakland County Register of Deeds, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

E-5 Request for Acceptance of Permanent Easement for Water Main - Sidwell #88-20-26-200-084 – Project No. 03.937.3 – Automation Alley Tech Center

Suggested Resolution
Resolution #2004-06-

RESOLVED, That the Permanent Easement for Water Main from Automation Alley, Inc., being part of property having Sidwell #88-20-26-200-084, is hereby **ACCEPTED**; and

BE IT FURTHER RESOLVED, That the City Clerk is hereby **DIRECTED TO RECORD** said Permanent Easement with Oakland County Register of Deeds, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

E-6 Private Agreement for Booth Road Extension Property Splits – Project No. 03.949.3

Suggested Resolution
Resolution #2004-06-

RESOLVED, That the Contract for the Installation of Municipal Improvements (Private Agreement) between the City of Troy and Milano Building Co., Inc. is hereby **APPROVED** for the installation of sanitary sewer, storm sewer, detention, water main, sidewalk, soil erosion and paving on the site and in the adjacent right-of-way, and the Mayor and City Clerk are **AUTHORIZED TO EXECUTE** the documents; a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

E-7 Standard Purchasing Resolution 1: Award to Low Bidder – Contract 04-2 – Maple Road Water Main Replacement Coolidge to Crooks

Suggested Resolution
Resolution #2004-06-

RESOLVED, That Contract No. 04-2, Maple Road Water Main Replacement Coolidge to Crooks, be **AWARDED** to Aielli Construction Co., Inc., 36609 Groesbeck Hwy., Clinton Township, MI 48035 at an estimated total cost of $887,741.10; and

BE IT FURTHER RESOLVED, That the award is **CONTINGENT** upon submission of proper contract and bid documents, including bonds, insurance certificates and all specified requirements, and if additional work is required, such additional work is **AUTHORIZED** in an amount not to exceed 10% of the total project cost.

E-8 Standard Purchasing Resolution 2: Bid Award – Lowest Bidder Meeting Specifications – Hair and Body Shampoo

Suggested Resolution
Resolution #2004-06-

RESOLVED, That a one (1) year contract to furnish Duraview hair and body shampoo with an option to renew for one additional year is hereby **AWARDED** to the low bidder meeting specifications, Lobaido Cleaning Supply of Macomb, Michigan, at unit prices contained in the bid tabulation opened April 14, 2004 which will expire April 30, 2005; a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

E-9 Private Agreement for Crestwood Site Condominiums – Project No. 02.922.3

Suggested Resolution
Resolution #2004-06-

RESOLVED, That the Contract for the Installation of Municipal Improvements (Private Agreement) between the City of Troy and RTW Building, LLC is hereby **APPROVED** for the installation of sanitary sewer, storm sewer, detention, water main, sidewalk, soil erosion and

paving on the site and in the adjacent right-of-way, and the Mayor and City Clerk are **AUTHORIZED TO EXECUTE** the documents; a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

E-10 Standard Purchasing Resolution 11: Rejection of Bid – Air Compressor Repair and Maintenance

Suggested Resolution
Resolution #2004-06-

RESOLVED, That the sole bid to provide a three-year contract for repair services including parts and bi-annual maintenance of air compressors for the Fire Department, opened May 18, 2004, is hereby **REJECTED** due to costs exceeding contract estimates, and the services be **RE-BID** as soon as possible.

E-11 Extension of Preliminary Plat – Tentative Approval – Oak Forest Subdivision – West Side of John R Road and South of Square Lake Road – Section 11

Suggested Resolution
Resolution #2004-06-

RESOLVED, That a one-year extension of the Tentative Approval be **GRANTED** to the Preliminary Plat of Oak Forest Subdivision (Revised), west side of John R Road and south of Square Lake Road, Section 11.

PUBLIC COMMENT: Limited to Items Not on the Agenda

Public comment is limited to not more than twice nor longer than five (5) minutes on any item, unless so permitted by the Chair, in accordance with the Rules of Procedure of the City Council, Article 15, as amended May 3, 2004. City Council requests that if you do have a question or concern, to bring it to the attention of the appropriate department(s) whenever possible. If you feel that the matter has not been resolved satisfactorily, you are encouraged to bring it to the attention of the City Manager, and if still not resolved satisfactorily, to the Mayor and Council.

REGULAR BUSINESS:

Persons interested in addressing the City Council on items, which appear on the printed Agenda, will be allowed to do so at the time the item is discussed upon recognition by the Chair during the Public Comment section under item 12."F" of the agenda. Other than asking questions for the purposes of gaining insight or clarification, Council shall not interrupt or debate with members of the public during their comments. For those addressing City Council, petitioners shall be given a fifteen (15) minute presentation time that may be extended with the majority consent of Council and all other interested people, their time may be limited to not more than twice nor longer than five (5) minutes on any item, unless so permitted by the Chair, in accordance with the Rules of Procedure of the City Council, Article 15, as amended May 3, 2004. Once discussion is

brought back to the Council table, persons from the audience will be permitted to speak only by invitation by Council, through the Chair.

F-1 Appointments to Boards and Committees: (a) Mayoral Appointments: 1. Brownfield Redevelopment Authority; 2. Economic Development Corporation and (b) City Council Appointments: 1. Advisory Committee for Persons with Disabilities; 2. Advisory Committee for Senior Citizens; 3. Library Advisory Board; Troy Daze Advisory Committee

The appointment of new members to all of the listed board and committee vacancies will require only one motion and vote by City Council. Council members submit recommendations for appointment. When the number of submitted names exceed the number of positions to be filled, a separate motion and roll call vote will be required (current process of appointing). Any board or commission with remaining vacancies will automatically be carried over to the next Regular City Council Meeting Agenda.

The following boards and committees have expiring terms and/or vacancies. Bold red lines indicate the number of appointments required:

(a) Mayoral Appointments

Suggested Resolution
Resolution #2004-06-
Moved by
Seconded by

RESOLVED, That the following persons are hereby **APPOINTED BY THE MAYOR** with **COUNCIL APPROVAL** to serve on the Boards and Committees as indicated:

Brownfield Redevelopment Authority
Mayor, Council Approval (7) – 3 years

Victor Lenivov seeks reappointment. **Term expires 04-30-2007**

CURRENT MEMBERS

NAME	TERM EXPIRES
Cotsonika, Arthur	04/30/06
Wilberding, Bruce J	04/30/07
Lenivov, Victor	04/30/04
Goss, Laurence R	04/30/05
Swartz, Robert D	04/30/05
Lee, Katherine M	04/30/05
Ullmann, Lon M	04/30/06

INTERESTED APPLICANTS

NAME	DATE APPLIED	DATE SENT TO COUNCIL
Baptista, Michael	05/21/03-05/2005	06/02/03
DeBacker, Deborah	05/20/02-05/2004	06/03/02

Dziurman, Theodore	06/10/03-05/2005	06/16/03
Hyun, Yul Woong (Jeff)	09/26/03-09/2005	10/06/03
Joseph, Luke	03/10/03-03/2005	03/17/03
Keisling, Laurence	04/29/04-04/2006	05/03/04
Pritzloff, Mark	04/17/03-04/2005	04/28/03
Shier, Frank	02/18/03-02/2005	03/03/03
Silver, Neil S	08/11/00-06/20/01-06/09/03-05/2005	08/21/00-07/09/01-06/16/03
Smits, Beatrice G	12/02/03-12/2005	12/15/03

Economic Development Corporation

Mayor, Council Approval (9) – 6 years

Term expires 04-30-2009

Term expires 04-30-2009

CURRENT MEMBERS

NAME	TERM EXPIRES
Bluhm, Kenneth	04/30/06
Gigliotti, Robert S	04/30/08
Licari, Leger (Nino)	04/30/10
Parker, Michael	04/30/07
Redpath, Stuart F	04/30/03
Rocchio, James A.	04/30/03
Salgat, Charles	04/30/10
Sharp, John	04/30/09
Smith, Douglas	04/30/05

INTERESTED APPLICANTS

NAME	DATE APPLIED	DATE SENT TO COUNCIL
Almassian, Carolyn	04/22/02-04/2004	05/06/02
Baptista, Michael	05/02/03-05/2005	06/02/03
Baughman, Deborah L	06/18/01-05/2003	07/09/01
Chang, Jouky	10/02/01-10/2003	10/15/01
Courtney, Kenneth	03/12/04-03/2006	03/15/04
Hoef, Paul V	09/12/01-08/14/02-08/2004	09/17/01
Hyun, Yul Woong (Jeff)`	09/26/03-09/2005	10/06/03
Lang, Victoria	06/16/03-06/2005	07/07/03
Pritzloff, Mark	04/17/03-04/2003	04/28/03
Shah, Jayshree	08/28/01-04/16/04-04/2006	09/17/01-05/03/04
Silver, Neil S	08/11/00-06/20/01-05/2003	08/21/00-07/09/01
Smits, Beatrice	12/02/03-12/2005	12/15/03
Victor, Robert	06/03/03-05/2005	06/16/03

Wilberding, Bruce	06/17/03-06/2005	07/07/03
Wright, Wayne	06/18/03-06/2005	07/07/03

Yes:
No:

(b) City Council Appointments

Suggested Resolution
Resolution #2004-06-
Moved by
Seconded by

RESOLVED, That the following persons are hereby **APPOINTED BY THE CITY COUNCIL** to serve on the Boards and Committees as indicated:

Advisory Committee for Persons with Disabilities

Appointed by Council (9 Regular, 3 Alternates) – 3 years

Term expires 07-01-2004 (Student)

CURRENT MEMBERS

NAME	TERM EXPIRES
Susan Robosan-Burt	11/01/06
Angela Done	11/01/05
Nancy Johnson	11/01/06
Leonard G. Bertin	11/01/05
Pauline Manetta	11/01/06
Dick Kuschinsky	11/01/04
Theodora House	11/01/06
Grace Yau **(Student)**	11/01/04
Dorothy Ann Pietron	11/01/04
Nada Raheb **(Student)**	07/01/03
Mark Pritzloff	11/01/06
Cynthia Buchanan	11/01/04
Kul B. Gauri	11/01/05
Adam Fuhrman	11/01/06

INTERESTED STUDENT APPLICANTS

NAME	DATE APPLIED	DATE SENT TO COUNCIL
None on file		

Advisory Committee for Senior Citizens

Appointed by Council (9) – 3 years

Ed Forst does not seek reappointment. **Term expires 04-30-2007**

CURRENT MEMBERS

NAME	TERM EXPIRES
Banch, Steven M	04/30/07
Dixon, Merrill W	04/30/06
Forst, Ed	04/30/04
Hoag, Marie	04/30/06
Noce, Pauline	04/30/07
Ogg, David S	04/30/05
Rhoads, Josephine	04/30/05
Thompson, JoAnn	04/30/06
Weisgerber, William	04/30/05

INTERESTED APPLICANTS

NAME	DATE APPLIED	DATE SENT TO COUNCIL
Berar, James	05/05/05-05/2006	05/10/04
Buchanan, Cynthia	06/07/00	06/19/00
Burt, Susan	09/24/01	10/01/01
Connor, Kathleen Ann	02/25/04-02/2006	03/01/04
Freliga, Mary E	11/25/02-11/2004	12/02/02
Freliga, Victor	04/19/04-04/2006	05/03/04
Lang, Victoria	06/16/03-06/2005	07/07/03
Pietron, Dorothy A	12/21/98-07/10/01	07/23/01
Pritzloff, Mark	04/17/03-04/2005	04/28/03
Wheeler, Nancy	03/08/04-03/2006	04/12/04

Library Advisory Board

Appointed by Council (5) – 3 years

Term expires 07-01-2005 Student

Term expires 07-01-2005 Student

CURRENT MEMBERS

NAME	TERM EXPIRES
Joanne E Allen	04/30/05
Brian Griffen	04/30/06
Lynne R Gregory	04/30/07
Nancy D Wheeler	04/30/07
Audre Zembrzuski	04/30/05
Steve Zhang **(Student)**	07/01/04

INTERESTED STUDENT APPLICANTS

NAME	DATE APPLIED	DATE SENT TO COUNCIL
Lauren Andreoff	04/20/04	06/07/04
Cheng Chen	02/09/04	06/07/04

Troy Daze Advisory Committee

Appointed by Council (9) – 3 years

Term expires 07-01-2003 Student

CURRENT MEMBERS

NAME	TERM EXPIRES
Robert A. Berk	11/30/04
Jim D. Cyrulewski	11/30/04
Cecile Dilley	11/30/04
Kessie Kaltsounis	11/30/05
Michael Gonda	11/30/06
William F Hall	11/30/05
Marilyn Musiak	11/30/04
Jeffrey Stewart **(Rep to Parks/Rec Board)**	09/30/06
Robert S. Preston	11/30/05
Cheryl A Whitton-Kaszubski	11/30/06
Jessica Zablocki **(Student)**	07/01/03

INTERESTED STUDENT APPLICANTS

NAME	DATE APPLIED	DATE SENT TO COUNCIL
Dwani Mehta	06/20/03	06/07/04

Yes:
No:

F-2 Request for Unconditioned Offers – Purchase of Right-of-Way to the 60 Foot Line for Water Main Replacement – Livernois Section 3 Water Main Replacement – Project #01.509.5

(a) Proposed Resolution to Request Authorization to Make Unconditioned Offer – Deeded Fee Right-of-Way – Livernois Road Section 3 Water Main Replacement – Project #01.509.5 – Sidwell #20-03-301-018: Owners – Tarik Toma and Maurice Gennari

Suggested Resolution
Resolution #2004-06-
Moved by
Seconded by

WHEREAS, In order to proceed with the proposed Water Main Replacement on Livernois Road, north of Square Lake in Section 3 on schedule, it is necessary for the City to obtain the needed right-of-way from the property owners, Tarik Toma and Maurice Gennari, having Sidwell #20-03-301-018.

BE IT RESOLVED, That the Real Estate and Development Department is hereby **AUTHORIZED** to make an Unconditioned Offer to purchase the right-of-way from Parcel #20-03-301-018 in the amount of $4,400.00, plus closing costs.

Yes:
No:

(b) Proposed Resolution to Request Authorization to Institute Court Action for Necessary Deeded Fee Right-of-Way – Livernois Road Section 3 Water Main Replacement - Project #01.509.5 – Sidwell #20-03-301-018: Owners – Tarik Toma and Maurice Gennari

Suggested Resolution
Resolution #2004-06-
Moved by
Seconded by

WHEREAS, In order to proceed with the proposed Water Main Replacement on Livernois Road, north of Square Lake in Section 3 on schedule, it is necessary for the City to obtain the needed right-of-way from the property owners, Tarik Toma and Maurice Gennari, having Sidwell #20-03-301-018.

BE IT RESOLVED, That the City Attorney is hereby **AUTHORIZED**, 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:
No:

F-3 Request for Unconditioned Offers – Purchase of Right-of-Way to the 60 Foot Line for Sidewalk – Rochester Road Section 2 Sidewalk Gap

(a) Proposed Resolution to Request Authorization to Make Unconditioned Offer – Deeded Fee Right-of-Way – Rochester Road – Section 2 Sidewalk Gap Construction Project – Sidwell #20-02-301-005, 006, and 007 – Owners: Michael and Glenna Switlicki

Suggested Resolution
Resolution #2004-06-
Moved by
Seconded by

WHEREAS, In order to proceed with the proposed Rochester Road Sidewalk Gap Project on Rochester Road, north on Square Lake in Section 2, it is necessary for the City to obtain the needed right-of-way from the property owners, Michael and Glenna Switlicki, having Sidwell #20-02-301-005, 006, and 007.

BE IT RESOLVED, That the Real Estate and Development Department is hereby **AUTHORIZED** to make an Unconditioned Offer to purchase right-of-way from Parcel #20-02-301-005, 006, and 007 in the amount of $75,227.61, plus closing costs.

Yes:
No:

b) Proposed Resolution to Request Authorization to Institute Court Action for Necessary Deeded Fee Right-of-Way – Rochester Road – Section 2 Sidewalk Gap Construction Project – Sidwell #20-02-301-005, 006, and 007 – Owners: Michael and Glenna Switlicki

Suggested Resolution
Resolution #2004-06-
Moved by
Seconded by

WHEREAS, In order to proceed with the proposed Rochester Road Sidewalk Gap Project on Rochester Road, north on Square Lake in Section 2, it is necessary for the City to obtain the needed right-of-way from the property owners, Michael and Glenna Switlicki, having Sidwell #20-02-301-005, 006, and 007.

BE IT RESOLVED, That the City Attorney is hereby **AUTHORIZED**, 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:
No:

F-4 Request for Authorization to Enter into Contract for Professional Real Estate Appraisal Services for Big Beaver Improvement Project – Rochester to Dequindre

Suggested Resolution
Resolution #2004-06-
Moved by
Seconded by

RESOLVED, That the Real Estate and Development Department of the City of Troy is hereby **AUTHORIZED TO RETAIN** the professional services of independent fee appraisers, R.S. Thomas and Associates, and **SIGN** the appraisal contract in the amount of $11,450.00 for the appraisal of 17 parcels on the south side of Big Beaver, west of Dequindre.

Yes:
No:

F-5 Purchase of Seventy-Five (75) Golf Cars from Club Car, Inc. for Sanctuary Lake Golf Course

Suggested Resolution
Resolution #2004-06-
Moved by
Seconded by

WHEREAS, On March 18, 2002, the City awarded a contract to purchase sixty-five (65) golf cars including maintenance from Club Car, Inc. (Resolution #2002-03-169-E11b).

WHEREAS, The City has concluded that golf course operations at Sylvan Glen Golf Course experienced lower operating costs using the Club Car due to less man-hours for general daily maintenance and reduced downtime.

WHEREAS, The introduction of the Precedent IQ golf car includes many new safety and maintenance features, which will be particularly useful at the Sanctuary Lake Golf Course due to the design, severity of terrain, and the expected number of carts used each day at the facility.

NOW, THEREFORE, BE IT RESOLVED, That formal bidding procedures are hereby **WAIVED** and a contract to purchase seventy-five (75) golf cars for Sanctuary Lake Golf Course is hereby **APPROVED** to Club Car, Inc. at an estimated cost of $251,250.00.

Yes:
No:

F-6 Proposed I-75/Crooks/Long Lake Interchange Improvement Project; Right-of-Way Agreement with Michigan Department of Transportation (MDOT); and Request to Obtain Independent Fee Appraisers

(a) PROPOSED RESOLUTION A – Approval of Contract Between City of Troy and Michigan Department of Transportation (MDOT) for Right-of-Way Acquisition, I-75 / Crooks / Long Lake Interchange Improvement Project, Project No. 99.120.6

Suggested Resolution
Resolution #2004-06-
Moved by
Seconded by

RESOLVED, That Contract No. 92-0930, between the City of Troy and the Michigan Department of Transportation (MDOT), with provisions that the City of Troy acquire at no cost to MDOT any and all right-of-way required for the construction of the I-75/Crooks/Long Lake interchange improvement (Project No. 99.120.6), is hereby **APPROVED** and the Mayor and City Clerk are **AUTHORIZED TO EXECUTE** the documents; a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

Yes:
No:

(b) PROPOSED RESOLUTION B - Request for Approval to Retain the Professional Services of Independent Fee Appraiser(s) to Appraise Property for the I-75 / Crooks / Long Lake Interchange Improvements

Suggested Resolution
Resolution #2004-06-
Moved by
Seconded by

RESOLVED, That the Real Estate & Development Department is hereby **AUTHORIZED** to retain the professional services of independent fee appraiser(s) and **SIGN** individual and/or group appraisal contracts in a total amount not to exceed $40,000 for the appraisal of an estimated 5 fee simple partial acquisitions and 9 grading permits under the following conditions:

1. The State Certified Appraiser(s) awarded the contract(s) will be approved by the Troy Appraisal Selection Committee and the State of Michigan.

2. The appraiser(s) must guarantee the work product meets all state and federal guidelines and can be delivered to the City of Troy within 60-90 days of authorization to proceed. Also, the appraisal report fees must be determined fair and reasonable by the Real Estate & Development Department, the City's Review Appraiser and the City Attorney.

BE IT FURTHER RESOLVED, That the award(s) are **CONTINGENT** upon contractor submission of properly executed contract documents, including insurance certificates and all other specified requirements.

Yes:
No:

MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:

G-1 Announcement of Public Hearings:

(a) Street Vacation Application (SV-185) – South 149.26 Feet of Beach Road – South of Hampton Lane within Wendover Woods Subdivision No. 2 – Section 19 – **Scheduled for June 21, 2004**

(b) Rezoning Application (Z-694) – West Side of Dequindre – South of Big Beaver – Section 25 – B-1 to B-2 or B-3 – **Scheduled for June 21, 2004**

G-2 Green Memorandums: No Green Items submitted.

COUNCIL REFERRALS:

H-1 No Council Referrals brought forward.

COUNCIL COMMENTS:

I-1 No Council Comments brought forward.

REPORTS:

J-1 Minutes – Boards and Committees:

(a) Library Board/Final – March 11, 2004
(b) Historic District Commission/Draft – March 17, 2004
(c) Advisory Committee for Senior Citizens/Final – April 1, 2004
(d) Advisory Committee for Persons with Disabilities/Final – April 7, 2004
(e) Youth Council/Final – April 28, 2004
(f) Planning Commission/Final – May 4, 2004
(g) Advisory Committee for Senior Citizens/Draft – May 6, 2004
(h) Planning Commission/Draft – May 11, 2004
(i) Planning Commission/Final – May 11, 2004
(j) Employees' Retirement System Board of Trustees/Draft – May 12, 2004
(k) Youth Council/Draft – May 26, 2004

J-2 Department Reports:

(a) Permits Issued During the Month of May 2004

J-3 Letters of Appreciation:

(a) Letter from Joan Larson – Troy Continuing Education – Niles Center Thanking Tonni Bartholomew and Cheryl Morrell for Their Presentation Regarding the Registration of Voters and the Services Offered by the City Clerk's Office

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

J-5 Calendar

J-6 Memorandum, Re: Liquor Law Compliance Testing

J-7 Memorandum, Re: Protest Petition Procedures

STUDY ITEMS:

K-1 No Study Items brought forward.

PUBLIC COMMENT: Address of "K" Items

Public comment is limited to not more than twice nor longer than five (5) minutes on any item, unless so permitted by the Chair, in accordance with the Rules of Procedure of the City Council, Article 15, as amended May 3, 2004. City Council requests that if you do have a question or concern, to bring it to the attention of the appropriate department(s) whenever possible. If you feel that the matter has not been resolved satisfactorily, you are encouraged to bring it to the attention of the City Manager, and if still not resolved satisfactorily, to the Mayor and Council.

CLOSED SESSION:

L-1 **Closed Session –** No Closed Session requested.

ADJOURNMENT

Respectfully submitted,

John Szerlag, City Manager

DATE: June 1, 2004

TO: John Szerlag, City Manager

FROM: Steven J. Vandette, Acting Assistant City Manager/Services
Mark Stimac, Director of Building and Zoning

SUBJECT: Agenda Item – Public Hearing
Commercial Vehicle Appeal
3129 Alpine

On May 6, 2002, City Council granted approval to Mr. Paul Piscopo to park two commercial vehicles outside his home at 3129 Alpine. Those vehicles were a Chevrolet work van and a GMC step van. That variance was for a period not to exceed two years. That two-year period has now expired and Mr. Piscopo wishes to continue to park these same vehicles on his site.

Mr. Piscopo has filed a new appeal application. The appeal requests that a public hearing be held in accordance with the ordinance. A public hearing has been scheduled for your meeting of June 7, 2004.

Mr. Piscopo is in the process of constructing a large attached garage. It is anticipated that the new garage will be completed sometime this fall. After the completion of the new garage it is unlikely that there will be the need for any additional outside parking of commercial vehicles.

A copy of the previous minutes, new application, site plan, and photos of the vehicles are attached for your reference.

Should you have any questions or require additional information, kindly advise.

COMMERCIAL VEHICLE APPEAL APPLICATION

RECEIVED
APR 20 2004
BUILDING DEPARTMENT

Request is hereby made for permission to keep a commercial vehicle(s) as described below, on the following residential zoned site:

NAME: Paul Piscopo

ADDRESS: 3129 Alpine st

CITY: Troy MI. ZIP: 48084 PHONE: 248-643-4951

ADDRESS OF SITE: 3129 Alpine st

NUMBER OF VEHICLES: 2

VEHICLE IDENTIFICATION NUMBER(S)
2GDHG31K7H4516818 CPL3583312247

LICENSE PLATE NUMBER(S) 0008HH 4526EU

DESCRIPTION OF VEHICLE(S) GMC service van Blue 1987
1978 chevrolet Bread truck - ("used as a tool shed")

REASON FOR APPEAL (see A - D below) need more time. Because garage is in the mid of Erection. Both vehicles will be placed inside garage when final Approval is Approved. Approx time needed 1 year

THE APPLICANT IS AWARE OF THE REQUIRED FINDINGS WHICH ARE STATED IN THE FOLLOWING:

44.02.01 ACTIONS TO GRANT APPEALS ... SHALL BE BASED UPON AT LEAST ONE OF THE FOLLOWING FINDINGS BY THE CITY COUNCIL:

A. The occurrence of the subject commercial vehicle on the residential site involved is compelled by parties other than the owner or occupant of the subject residential site (e.g. employer).

B. Efforts by the applicant have determined there are no reasonable or feasible alternative locations for parking of the subject commercial vehicle.

C. A garage or accessory building on the subject site cannot accommodate, or cannot reasonably be constructed or modified to accommodate the subject commercial vehicle

D. The location available on the residential site for the outdoor parking of the subject commercial vehicle is adequate to provide for such parking in a manner that will not negatively impact adjacent residential properties, and will not negatively impact pedestrian and vehicular movement along the frontage street(s).

COMMERCIAL VEHICLE APPEAL APPLICATION

40.02.2. The City Council may grant appeals in relation to the type, character or number of commercial vehicles to be parked outdoors in Residential Districts for an initial period not to exceed two (2) years, and may thereafter extend such actions for a similar period.

Supporting data, attached to the application, shall include: a plot plan, drawn to scale, a description and location of the vehicle)s) and a photo of the vehicle on-site..

(signature of applicant)

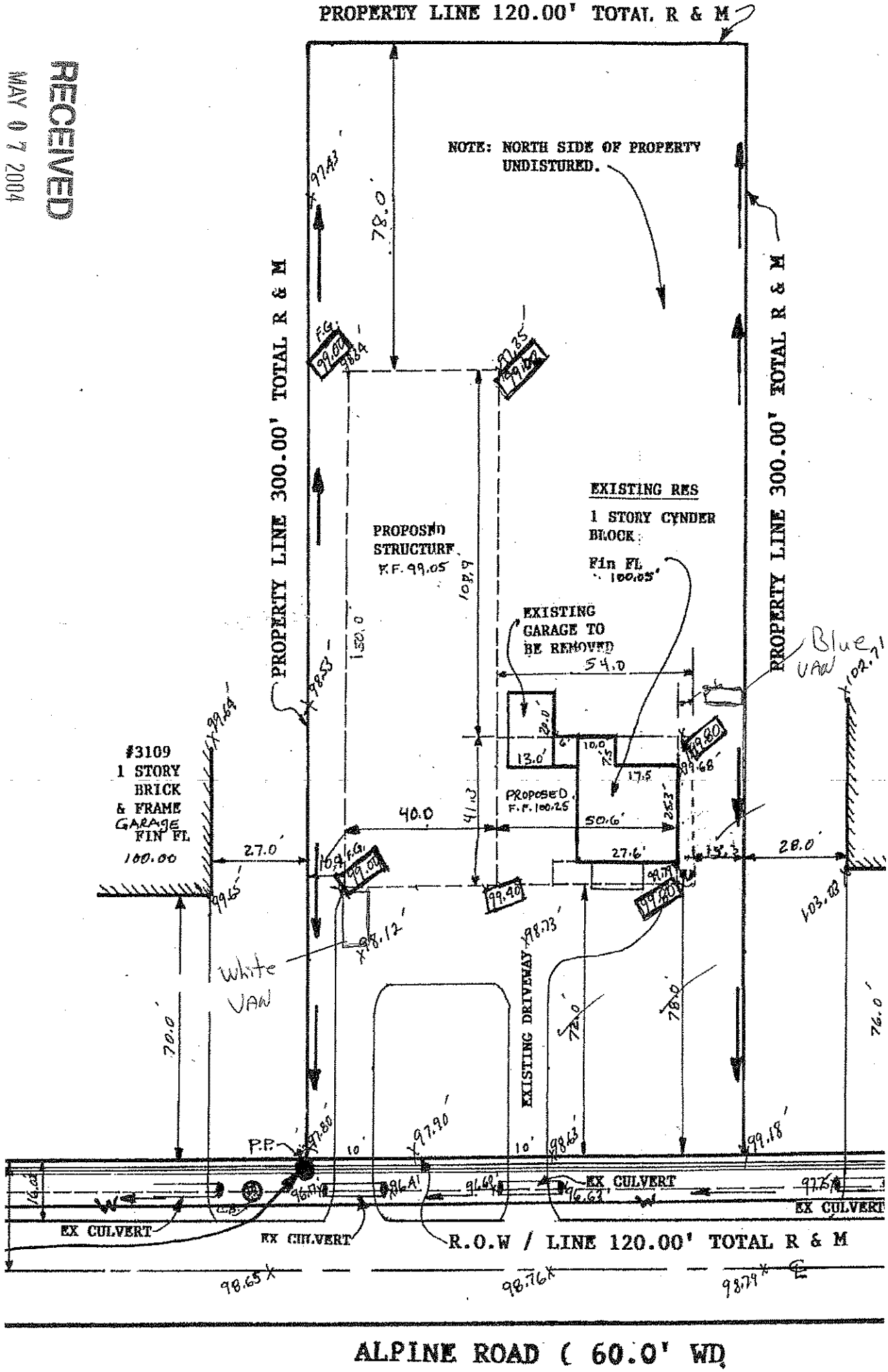
STATE OF MICHIGAN
COUNTY OF Oakland

On this 20 day of April, 20 04 before me personally appeared the above named person who depose and sayeth that he/she signed this application with full knowledge of its contents and that all matters stated therein are true.

Mary Lorraine McGinnis Oakland
Notary Public, County, Michigan

My Commission Expires: May 30, 2007

RECEIVED
MAY 0 7 2004
BUILDING DEPARTMENT



3129

PUBLIC HEARINGS

C-1 Request for Commercial Vehicle Appeal – 3129 Alpine

Resolution #2002-05-272
Moved by Howrylak
Seconded by Broomfield

WHEREAS, Section 44.02.02 of Chapter 39, Zoning, of the Code of the City of Troy provides that actions to grant appeals to the restrictions on outdoor parking of commercial vehicles in residential districts pursuant to Section 40.66.00 of Chapter 39 of the Code of the City of Troy "shall be based upon at least one of the following findings by the City Council:

A. The occurrence of the subject commercial vehicle on the residential site involved is compelled by parties other than the owner or occupant of the subject residential site (e.g. employer).

B. Efforts by the applicant have determined that there are no reasonable or feasible alternative locations for the parking of the subject commercial vehicle.

C. A garage or accessory building on the subject residential site cannot accommodate, or cannot reasonably be constructed or modified to accommodate, the subject commercial vehicle.

D. The location available on the residential site for the outdoor parking of the subject commercial vehicle is adequate to provide for such parking in a manner which will not negatively impact adjacent residential properties, and will not negatively impact pedestrian and vehicular movement along the frontage street(s)."; and

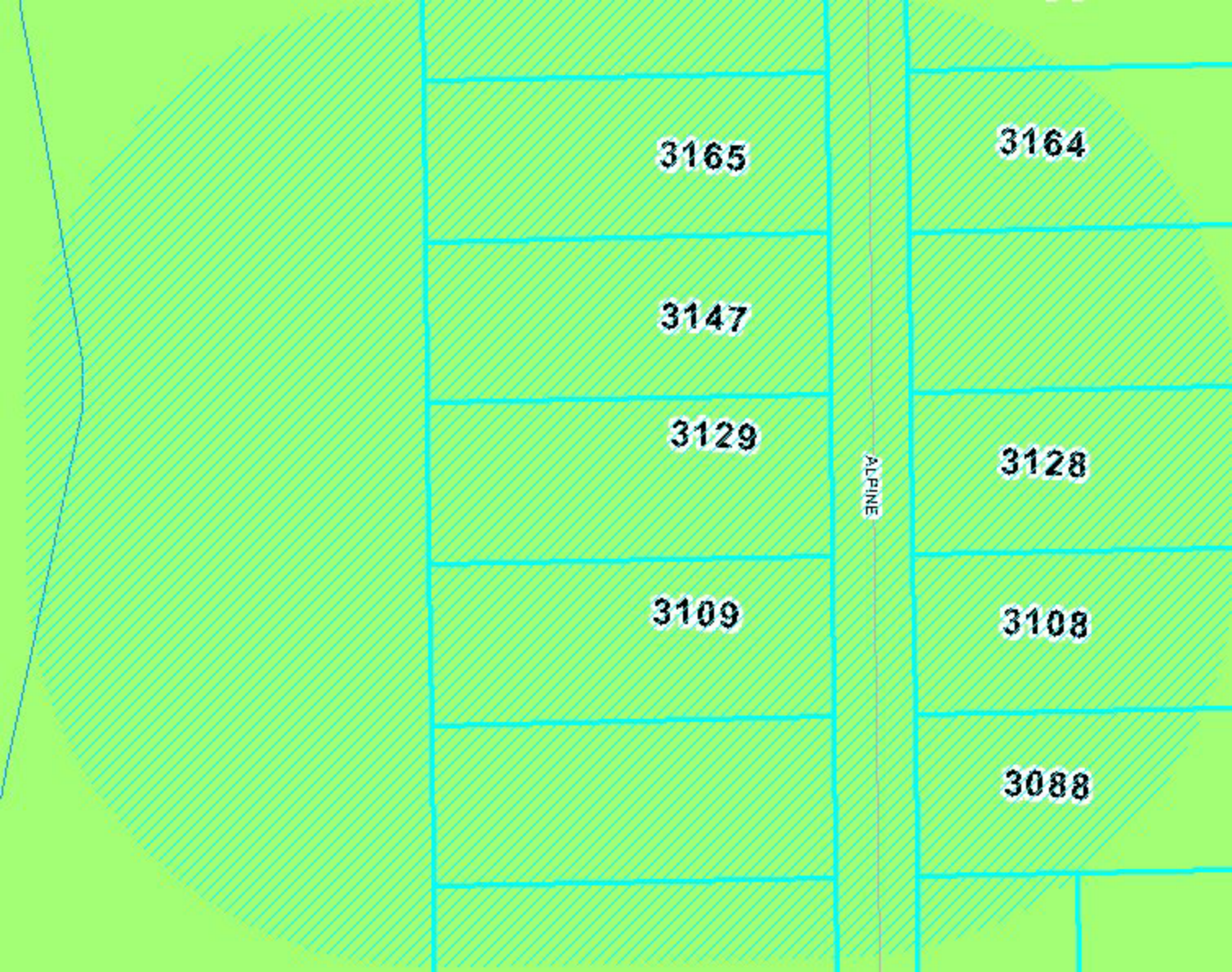
WHEREAS, The City Council of the City of Troy has found that the petitioner has demonstrated the presence of the following condition(s), justifying the granting of a variance:

No conditions were given by City Council.

NOW, THEREFORE, BE IT RESOLVED, That the request from Mr. Paul Piscopo, 2139 Alpine, for waiver of Chapter 39, Section 40.66.00, of the Code of the City of Troy, to permit outdoor parking of a Chevrolet work van and a GMC step van in a residential district is hereby **APPROVED** for two years.

Yes: Beltramini, Broomfield, Eisenbacher, Howrylak, Lambert, Pryor
No: Pallotta

MOTION CARRIED


3165
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3088
ALPINE

DATE: June 2, 2004

TO: John Szerlag, City Manager

FROM: Steve Vandette, Acting Assistant City Manager/Services
Douglas J. Smith, Real Estate & Development Director
William J. Huotari, Acting City Engineer
Mark F. Miller, Planning Director

SUBJECT: FINAL PLANNED UNIT DEVELOPMENT REVIEW – PUD-002 Rochester Commons – North side of Big Beaver Road, east of Rochester Road and west of Daley Street, Section 23

On May 24, 2004 City Council postponed the Final Approval of the Rochester Commons Planned Unit Development (PUD) to the June 7, 2004 Regular Meeting. The purpose of the postponement is to have City Management review the preliminary PUD documents and discussions regarding stormwater detention for the proposed PUD. Considering that sufficient stormwater detention capacity and a unified landscape treatment, including a gateway, are identified as a community benefit, the petitioner proposed a detention basin that would incorporate property on the north side of Urbancrest.

The approved Preliminary documents indicated the following regional stormwater detention service area:

1. Petitioner's property, 4.86 acres.
2. Urbancrest Road, 1.00 acre.
3. Residential area north of the petitioner's property, 0.60 acres.
4. Fire Department and City's vacant parcel, 3.34 acres.

There were questions regarding the extent of the community benefit provided by the stormwater drainage area submitted in the Final PUD Plan since the drainage area did not go all the way north to Hartland Street as some thought that it would. Engineering staff met with the petitioner to revise the engineering plans for the stormwater detention basin by increasing the size and stormwater volume of the detention pond. An additional 4.1 acres of land between Urbancrest and Hartland streets are now included in the drainage area for the proposed detention basin.

City Management recommends Final Approval of the Planned Unit Development and execution of the Development Agreement.

Attachments:
1. Revised PUD Documents
2. City Council Minutes, May 24, 2004
3. City Council Agenda Package, May 24, 2004

cc: Applicant
File/ PUD-002

G:\PUD's\PUD-002 Rochester Commons PUD\Rochester Commons PUD CC Final App 06-07-04R1.doc

PROPOSED RESOLUTION

FINAL PLANNED UNIT DEVELOPMENT APPROVAL AND PLANNED UNIT DEVELOPMENT AGREEMENT APPROVAL – Rochester Commons Planned Unit Development (PUD 2), located on the north side of Big Beaver Road, east of Rochester Road, Section 23.

Resolution #2004-
Moved by:
Seconded by:

RESOLVED, that the Final Plan and Agreement for a Planned Unit Development, pursuant to Section 35.60.01 and Section 35.80.00, as requested by Tadian Homes, for the Rochester Commons Planned Unit Development, located on the north side of Big Beaver Road, east of Rochester Road, located in section 23, within the R-1E zoning district, being 4.86 acres in size, is hereby approved and shall be known as PUD 2;

BE IT FURTHER RESOLVED, that the PUD Plans for the Rochester Commons Planned Unit Development, as approved by the Troy City Council (referred to herein as the "Site Plans"), shall include the following:

1. The following full sized plans, approximately 24 inches by 36 inches in size, prepared by Professional Engineering Associates:

   PSP-2 Site Plan Rochester Commons, dated 4-23-04
   PSP-3 Grading Plan (Preliminary) Rochester Commons, dated 4-23-04
   C-2 Rochester Commons Topographic Survey, dated 4-23-04
   T-1 Rochester Commons Tree Survey, dated 4-23-04

2. The following full sized plans, approximately 24 inches by 36 inches in size, prepared by Grissim Metz Andriese Associates:

   1. Site Landscape Plan, dated September 2003
   2. Building Enlargement Landscape Plans, dated September 2003
   3. Lighting/Street Signage Plan, dated September 2003
   4. Site Details, dated September 2003
   5. Site Amenities, dated September 2003
   6. Park Section and Planting Details, dated September 2003
   7. Photometric Plan, dated September 2003
   I-1. Irrigation Enlargement Plan, dated September 2003
   I-2. Irrigation Enlargement Plan, dated September 2003

3. The Rochester Commons PUD Final Project Manual, dated April 21, 2004, and presented in binder format, and including the following:

TAB 1	City of Troy Final PUD Approval Checklist
TAB 2	Planned Unit Development Agreement
TAB 3	Installation and Maintenance Obligation Plan
TAB 4	Project Impact Analysis
TAB 5	List of Plan Changes Since Preliminary Approval
TAB 6	Final Site Plan
TAB 7	List of Landscape Plan Changes since Approval
TAB 8	Landscape Plan
TAB 9	Elevations
TAB 10	Specifications
TAB 11	Master Deed and Bylaws
TAB 12	Easements
TAB 13	Address Plan

BE IT FURTHER RESOLVED, that the Mayor and City Clerk are hereby authorized to execute the Development Agreement for the Rochester Commons Planned Unit Development. A copy shall be attached to the original minutes of this meeting.

BE IT FURTHER RESOLVED, that the Rochester Commons Planned Unit Development Agreement be recorded with the Oakland County Register of Deeds.

Yes:
No:
Absent:

G:\PUD's\PUD-002 Rochester Commons PUD\Rochester Commons PUD CC Final App 06-07-04R1.doc

F-11 Final Planned Unit Development Review – PUD-002 Rochester Commons – North Side of Big Beaver Road, East of Rochester Road and West of Daley Street – Section 23

Resolution
Moved by Beltramini
Seconded by Broomfield

RESOLVED, That the Final Plan and Agreement for a Planned Unit Development, pursuant to Section 35.60.01 and Section 35.80.00, as requested by Tadian Homes, for the Rochester Commons Planned Unit Development, located on the north side of Big Beaver Road, east of Rochester Road, located in Section 23, within the R-1E zoning district, being 4.86 acres in size, is hereby **APPROVED** and shall be known as PUD - 2;

BE IT FURTHER RESOLVED, That the PUD Plans for the Rochester Commons Planned Unit Development, as approved by the Troy City Council (referred to herein as the "Site Plans"), **SHALL INCLUDE** the following:

1. The following full sized plans, approximately 24 inches by 36 inches in size, prepared by Professional Engineering Associates:

   PSP-2 Site Plan Rochester Commons, dated 4-23-04
   PSP-3 Grading Plan (Preliminary) Rochester Commons, dated 4-23-04
   C-2 Rochester Commons Topographic Survey, dated 4-23-04
   T-1 Rochester Commons Tree Survey, dated 4-23-04

2. The following full sized plans, approximately 24 inches by 36 inches in size, prepared by Grissim Metz Andriese Associates:

   1. Site Landscape Plan, dated September 2003
   2. Building Enlargement Landscape Plans, dated September 2003
   3. Lighting/Street Signage Plan, dated September 2003
   4. Site Details, dated September 2003
   5. Site Amenities, dated September 2003
   6. Park Section and Planting Details, dated September 2003
   7. Photometric Plan, dated September 2003
   I-1. Irrigation Enlargement Plan, dated September 2003
   I-2. Irrigation Enlargement Plan, dated September 2003

3. The Rochester Commons PUD Final Project Manual, dated April 21, 2004 and presented in binder format, and including the following:

   TAB 1 City of Troy Final PUD Approval Checklist
   TAB 2 Planned Unit Development Agreement
   TAB 3 Installation and Maintenance Obligation Plan
   TAB 4 Project Impact Analysis

TAB 5 List of Plan Changes Since Preliminary Approval
TAB 6 Final Site Plan
TAB 7 List of Landscape Plan Changes since Approval
TAB 8 Landscape Plan
TAB 9 Elevations
TAB 10 Specifications
TAB 11 Master Deed and Bylaws
TAB 12 Easements
TAB 13 Address Plan

BE IT FURTHER RESOLVED, That the Mayor and City Clerk are hereby **AUTHORIZED TO EXECUTE** the Development Agreement for the Rochester Commons Planned Unit Development; a copy shall be **ATTACHED** to the original Minutes of this meeting.

BE IT FINALLY RESOLVED, That the Rochester Commons Planned Unit Development Agreement be **RECORDED** with the Oakland County Register of Deeds.

Vote on Resolution to Postpone

Resolution #2004-05-283
Moved by Beltramini
Seconded by Broomfield

RESOLVED, That Final Planned Unit Development Review – PUD-002 Rochester Commons – North Side of Big Beaver Road, East of Rochester Road and West of Daley Street – Section 23 be **POSTPONED** until the Regular City Council Meeting scheduled for Monday, June 7, 2004 and that City Council **DIRECTS** Staff to review the preliminary documents and discussions regarding community benefit and detention for this project.

Yes: All-6
No: None
Absent: Lambert

May 17, 2004

TO: John Szerlag, City Manager

FROM: Steve Vandette, Acting Assistant City Manager/Services
Doug Smith, Director of Real Estate and Development
William J. Huotari, Acting City Engineer
Mark F. Miller, Planning Director

SUBJECT: FINAL PLANNED UNIT DEVELOPMENT REVIEW – PUD-002 Rochester Commons – North side of Big Beaver Road, east of Rochester Road and west of Daley Street, Section 23.

RECOMMENDATION

City Council approved the Preliminary Plan for Rochester Commons Planned Unit Development on July 21, 2003. The proposed Final Plan is consistent with the Preliminary Plan. The Engineering Department granted approval of the engineering plans based upon the City's Development Standards; therefore, the development will not cause or exacerbate drainage problems on contiguous properties, due to surface run-off from the proposed development.

The proposed Development Agreement for the Rochester Commons Planned Unit Development is included in the Final Project Manual.

City Council approved the Contract for Installation of Municipal Improvements/Private Agreement for Rochester Commons on March 5, 2004.

City Management recommends Final Approval of the Rochester Commons Planned Unit Development and execution of the Planned Unit Development Agreement.

GENERAL INFORMATION

Name of Owner / Applicant:
Tadian Developments.

Size of subject parcel:
The parcel is approximately 4.86 acres in size.

Proposed use(s) of subject parcel:
The applicant is proposing 80 multi-family dwellings.

Current use of subject property:
The vacant elementary school and four single family homes that were situated on the property have been demolished.

Current use of adjacent parcels:
North: Single family residential.

South: Single family residential.

East: Single family residential.

West: City of Troy fire station and single family residential.

Current zoning classification:
The parcel is currently zoned R-1E One Family Residential.

Zoning classification of adjacent parcels:
North: R-1E One Family Residential.

South: R-1E One Family Residential.

East: R-1E One Family Residential.

West: C-F Community Facilities and R-1E One Family Residential.

Future Land Use Designation:
The property is designated as Low Rise Office on the Future Land Use Plan.

Stormwater Detention:
The applicant is proposing to utilize a portion of the city-owned property to the west of the fire station for stormwater detention. This detention basin will be designed to a size sufficient enough to accommodate additional stormwater should other property in the immediate area be developed, including the fire station.

Natural features and floodplains:
The Natural Features Map indicates that there are no significant natural features located on the property.

Compatibility with adjacent land uses:
The multi-family dwellings are compatible with the surrounding neighborhood in terms of use. The development will contrast with the adjacent detached single-family residence in terms of height and scale. The proximity to existing homes to the east will compound this difference. The applicant is proposing to provide extensive buffering comprised of hedges, large evergreen trees and shade trees to soften the proposed development.

It should be noted that the property is classified on the Future Land Use Plan as Low Rise Office. The maximum height for an office building in O-1 is 3 stories, with a minimum side yard setback of 20 feet. There is a requirement for a 6-foot high wall for offices in O-1 on parcels that abut residentially zoned property. There is also a 4-foot, 6-inch screen wall for off-street parking areas. There are no other landscape buffer requirements for the common lot line between O-1 and R-1E. If the property were to be rezoned to O-1, the residential properties to the east could abut a 3-story office structure that is set back only 20 feet from the property line. The only required screening would be a 6-foot high wall, with no other landscaping required. The proposed landscape buffer exceeds the screen wall in this scenario.

Compliance With Standards For Approval Of Planned Unit Developments (Section 35.70.00)

In considering applications for Planned Unit Developments, the Planning Commission and City Council shall make their determination based upon the following standards:

> ***The overall design and all proposed uses shall be consistent with and promote the Intent of the Planned Unit Development approach, as stated in Section 35.10.00, and the Eligibility conditions as stated in Section 35.30.00:***
>
> The proposed development is consistent with the Intent of the PUD option in that it involves the assembly of properties and the redevelopment of outdated structures and areas, provides enhanced housing and recreation opportunities, and involves innovation and variety in design and layout and types of land uses and structures.
>
> The application is consistent with the Eligibility conditions in that it will be under a single ownership and involves the improvement of property characterized by extreme obsolescence that would be difficult to develop under a conventional zoning approach. In addition, the application will provide public facilities which could not otherwise be required, provide a complementary variety of housing types that are in harmony with the adjacent uses, and provide for the redevelopment or re-use of sites that are occupied by obsolete uses.
>
> ***The proposed Planned Unit Development shall be consistent with the intent of Master Land Use Plan:***
>
> The Future Land Use Plan delineates the property as Low Rise Office. The attached memorandum and report from the City's Planning Consultant, Richard Carlisle, dated February 19, 2003, clarifies how the PUD application is consistent with the intent of the Future Land Use Plan.

The application is consistent with the Residential Areas Development Policies of the Future Land Use Plan, which include the following:

a) Continue the development of Troy's residential areas at densities compatible with adjacent areas.

b) Encourage a variety of housing types within the density framework of the Future Land Use Plan.

c) Encourage private development, renovation, and redevelopment of residential areas.

d) Provide for recreational and cultural amenities and facilities which will support and enhance residential areas.

e) Encourage the provision and maintenance of open space and environmental preservation areas within residential areas.

In addition, the proposed development is appropriate as a transition area between the Big Beaver corridor and the single family residential uses to the north and east.

The proposed Planned Unit Development includes information which clearly sets forth specifications or information with respect to structure height, setbacks, density, parking, circulation, landscaping, views, and other design and layout features which exhibit due regard for the relationship of the development to the surrounding properties and uses thereon, as well the relationship between the various elements of the proposed Planned Unit Development. In determining whether this requirement has been met, consideration shall be given to the following:

The bulk, placement, and materials of construction of the proposed structures and other site improvements:

The applicant is proposing a total of 80 units on the 4.86-acre parcel, a density of 16.5 units per acre. Because the units are attached, the developments bulk will be larger than the abutting detached one-family residences to the north and east. The applicant has addressed this issue by providing a landscape buffer along the east and north property lines. The units north of Big Beaver face the street and will have a relationship with the Big Beaver corridor in terms of exposure and non-motorized access. Front elevations indicate that the design and building materials will provide visual interest. The applicant has provided samples of the siding to be used for the units and the siding appears to be durable and of high quality.

The applicant will provide a bike path along Big Beaver that connects to a walkway system through the development to the north and Urbancrest. The applicant will also pave Urbancrest and plant shade trees along both sides of the street. Detention will be provided by a landscaped detention pond with decorative metal fencing, located on city-owned property west of the fire station. This detention basin will be designed to serve as a regional detention basin for the area should the area north of Urbancrest be redeveloped. A pocket park and pavilion will be provided within the development. An emergency access drive will connect the development to Parkton Street to the north.

The location and screening of vehicular circulation and parking areas in relation to surrounding properties and the other elements of the development:

The applicant is proposing two off street parking spaces per unit; one space is to be located within the garage and the second space will be in front of each garage. In addition, there will be 33 parallel parking spaces for guest parking. The Site Plan indicates that the off street parking areas will be screened from adjacent property by a combination of berms, hedges and trees.

The location and screening of outdoor storage, loading areas, outdoor activity or work areas, and mechanical equipment:

The only proposed use is single-family attached dwellings. Outdoor storage, work areas, and mechanical equipment will not be required.

The hours of operation of the proposed uses:

The only proposed use is single-family attached dwellings, which do not have regular hours of operation.

The location, amount, type and intensity of landscaping, and other site amenities:

A Conceptual Landscape Plan has been provided. The plan indicates species types, size, spacing or other specific information. The applicant is providing a central pocket park with a lawn area, perennial garden, shade trees, gazebo area and seating. The applicant is proposing to provide landscaped berms along Big Beaver Road and along the western edge of the property. The development will be buffered from the north and east with trees and hedges. Sidewalks will be provided throughout the development. The applicant is proposing to pave the portion of Urbancrest that is presently unpaved.

The proposed development shall not exceed the capacities of existing public facilities and available public services, including but not limited to utilities, roads, police and fire protection services, recreation facilities and services, and educational services (Section 35.70.04).

The proposed development will not exceed the capacities of existing public facilities. The detention pond will be designed so that it can accommodate additional stormwater runoff should property on the north side of Urbancrest be redeveloped in the future.

The Planned Unit Development shall be designed to minimize the impact of traffic generated by the PUD on the surrounding uses and area (Section 35.70.05).

Vehicular access to the PUD will be from Urbancrest to the west. Urbancrest presently provides access to 4 single-family homes and a City of Troy Fire Station. Traffic generated by the proposed PUD will be less than the traffic that would be generated for an office development on the same parcel.

The Planned Unit Development shall include a sidewalk system to accommodate safe pedestrian circulation throughout the development, and along the perimeter of the site, without undue interference from vehicular traffic.

There is a proposed bike path on the north side of Big Beaver, between Daley Street and the community park at the Big Beaver/Rochester Road intersection. The path is also located on the city-owned property to the west, between Big Beaver and Urbancrest. This trail connects to the sidewalk system throughout the proposed development and connecting to each unit. There is a proposed emergency access connection to Parkton Street to the north that will serve as a non-motorized connection.

The proposed Planned Unit Development shall be in compliance with all applicable Federal, State and local laws and ordinances.

The PUD is in compliance with all applicable laws and ordinances.

Attachments:

1. Maps
2. Rochester Commons PUD Final Project Manual
3. Final Environmental Impact Statement

cc: Applicant
File/PUD-002

PROPOSED RESOLUTION

FINAL PLANNED UNIT DEVELOPMENT APPROVAL AND PLANNED UNIT DEVELOPMENT AGREEMENT APPROVAL – Rochester Commons Planned Unit Development (PUD - 2), located on the north side of Big Beaver Road, east of Rochester Road, Section 23.

Resolution #2004-
Moved by:
Seconded by:

RESOLVED, that the Final Plan and Agreement for a Planned Unit Development, pursuant to Section 35.60.01 and Section 35.80.00, as requested by Tadian Homes, for the Rochester Commons Planned Unit Development, located on the north side of Big Beaver Road, east of Rochester Road, located in section 23, within the R-1E zoning district, being 4.86 acres in size, is hereby approved and shall be known as PUD - 2;

BE IT FURTHER RESOLVED, that the PUD Plans for the Rochester Commons Planned Unit Development, as approved by the Troy City Council (referred to herein as the "Site Plans"), shall include the following:

1. The following full sized plans, approximately 24 inches by 36 inches in size, prepared by Professional Engineering Associates:

   PSP-2 Site Plan Rochester Commons, dated 4-23-04
   PSP-3 Grading Plan (Preliminary) Rochester Commons, dated 4-23-04
   C-2 Rochester Commons Topographic Survey, dated 4-23-04
   T-1 Rochester Commons Tree Survey, dated 4-23-04

2. The following full sized plans, approximately 24 inches by 36 inches in size, prepared by Grissim Metz Andriese Associates:

   1. Site Landscape Plan, dated September 2003
   2. Building Enlargement Landscape Plans, dated September 2003
   3. Lighting/Street Signage Plan, dated September 2003
   4. Site Details, dated September 2003
   5. Site Amenities, dated September 2003
   6. Park Section and Planting Details, dated September 2003
   7. Photometric Plan, dated September 2003
   I-1. Irrigation Enlargement Plan, dated September 2003
   I-2. Irrigation Enlargement Plan, dated September 2003

3. The Rochester Commons PUD Final Project Manual, dated April 21, 2004 and presented in binder format, and including the following:

TAB 1	City of Troy Final PUD Approval Checklist
TAB 2	Planned Unit Development Agreement
TAB 3	Installation and Maintenance Obligation Plan
TAB 4	Project Impact Analysis
TAB 5	List of Plan Changes Since Preliminary Approval
TAB 6	Final Site Plan
TAB 7	List of Landscape Plan Changes since Approval
TAB 8	Landscape Plan
TAB 9	Elevations
TAB 10	Specifications
TAB 11	Master Deed and Bylaws
TAB 12	Easements
TAB 13	Address Plan

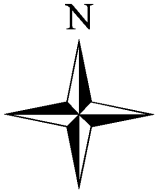
BE IT FURTHER RESOLVED, that the Mayor and City Clerk are hereby authorized to execute the Development Agreement for the Rochester Commons Planned Unit Development. A copy shall be attached to the original minutes of this meeting.

BE IT FURTHER RESOLVED, that the Rochester Commons Planned Unit Development Agreement be recorded with the Oakland County Register of Deeds.

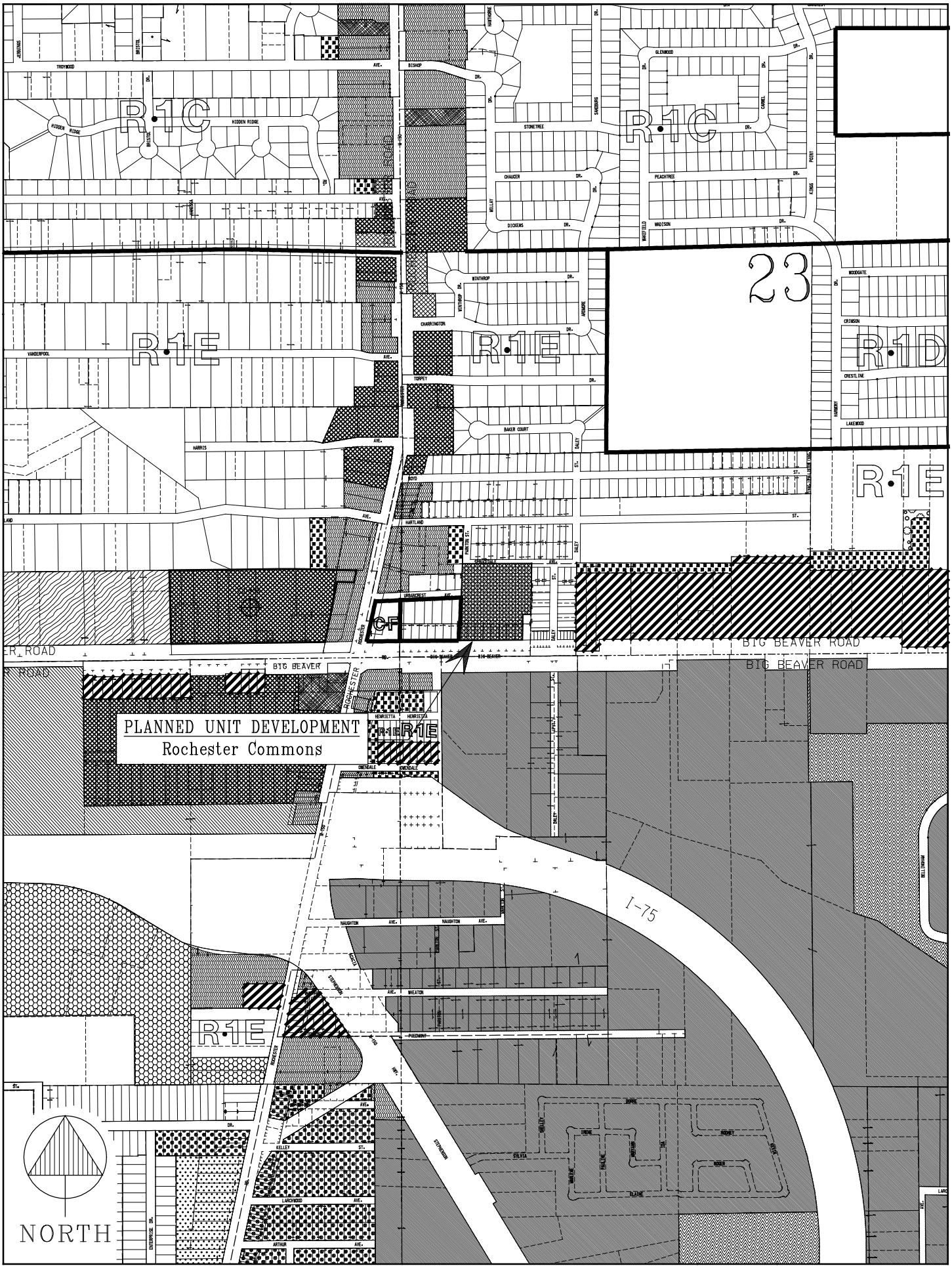
Yes:
No:
Absent:

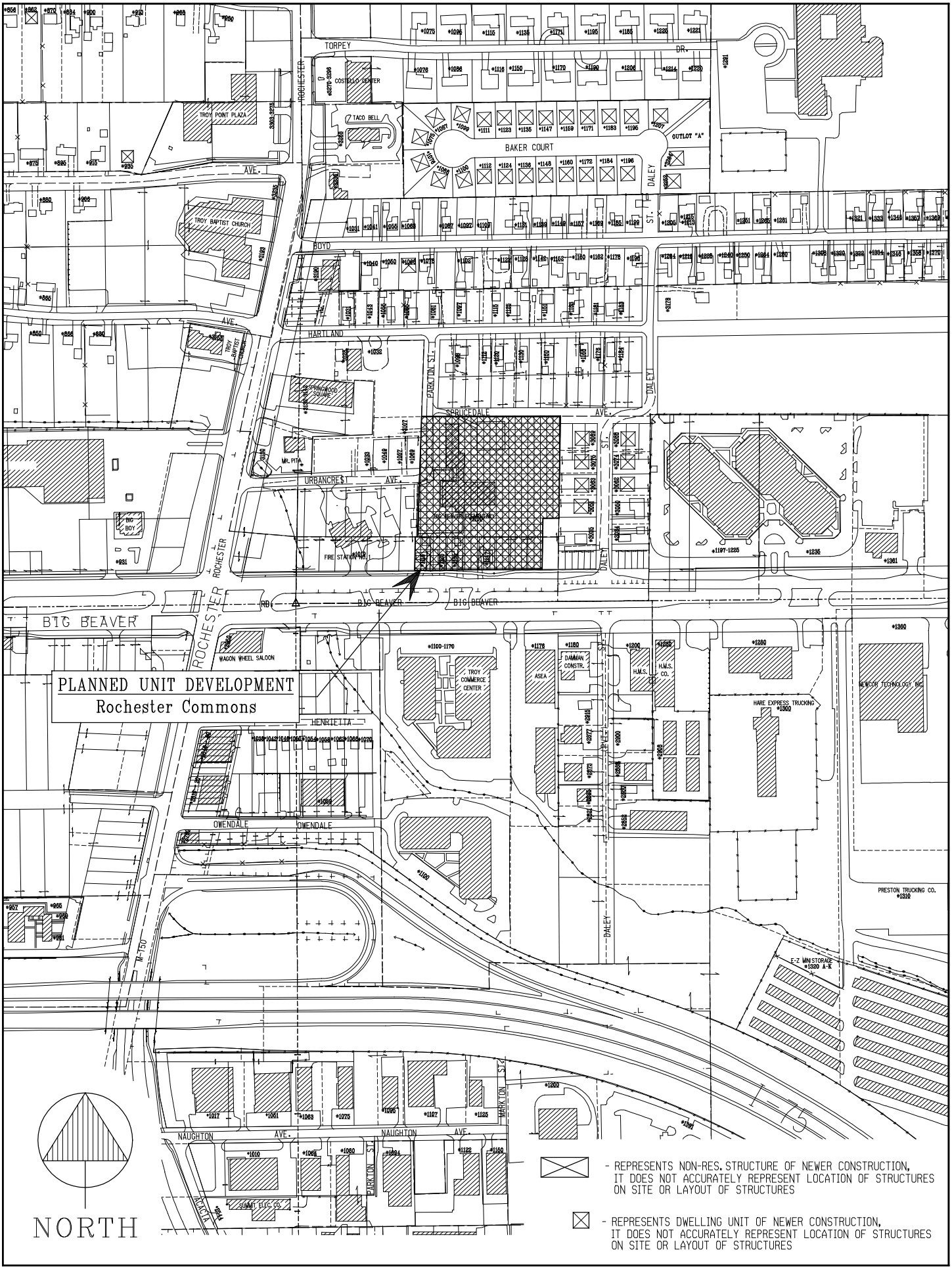
G:\PUD's\PUD-002 Rochester Commons PUD\05-24-04 CC Proposed Resolution_Final.doc

CITY OF TROY



PREPARED BY CITY OF TROY PLANNING DEPT.


PLANNED UNIT DEVELOPMENT
Rochester Commons
BIG BEAVER ROAD
BIG BEAVER
ROCHESTER
I-75
R1C
R1E
R1D
23
CF
NORTH



PUD-002 / Sec. 23 / 09-09-02

PLANNED UNIT DEVELOPMENT
ROCHESTER COMMONS
N SIDE BIG BEAVER, W OF DALEY
SEC. 23 R-1E (PUD-2)
HARRIS
HARTLAND
HARTLAND
ROCHESTER
PARKTON
DALEY
URBANCREST
E BIG BEAVER
E BIG BEAVER
PROPOSED
PLANNED UNIT DEVELOPMENT
ROCHESTER COMMONS
HENRIETTA
DALEY
N
0
100
200
400
600
800 Feet

file

File copy

March 9, 2004

TO: John Szerlag, City Manager

FROM: Gary A. Shripka, Assistant City Manager/Services
Steven Vandette, City Engineer

SUBJECT: Agenda Item - Private Agreement
Rochester Commons PUD
Project No. 03.914.3

The Engineering Department has reviewed and approved plans for this project, which includes water main, storm sewer, detention, sanitary sewer, sidewalks, landscaping, soil erosion and paving.

The Owner has provided a Letter of Credit for escrow and cash fees & deposits in the amount of the estimated cost of public improvements, as required.

Approval is recommended.

G:\Projects\Projects - 2003\03.914.3 - Rochester Commons PUD\Private Agreement Cover Letter.doc

cc: Tonni Bartholomew, City Clerk (Original Agreement)
James Nash, Financial Services Director
Carol Anderson, Director of Parks and Recreation
Mark Miller, Planning Director
Nino Licari, City Assessor
Timothy Richnak, Director of Public Works
William Jawlik, Inspector Supervisor.
Gulf Rochester Commons L.L.C.

Prepared by: G. Scott Finlay, PE
Civil Engineer

Enclosed: Private Agreement, Detailed Summary, Sketch, and Suggested Resolution

CONTRACT FOR INSTALLATION OF MUNICIPAL IMPROVEMENTS
(PRIVATE AGREEMENT)

PROJECT NO. 03.914.3 PROJECT LOCATION: SW ¼ SECTION 23

RESOLUTION NO. DATE OF COUNCIL APPROVAL:

KNOW ALL MEN BY THESE PRESENT; That the City of Troy, a Michigan Municipal Corporation of the County of Oakland, State of Michigan, hereinafter referred to as "City" and Gulf Rochester Commons L.L.C. whose address is 2038 W. Big Beaver, Suite 200, Troy, MI 48084 and whose telephone number is 248-643-9690 hereinafter referred to as "Owners".

WITNESSETH, FIRST: That the City agrees to allow the installation of water main, storm sewer, detention, sanitary sewer, sidewalks, soil erosion, landscaping and paving in accordance with plans prepared by Professional Engineers Associates . whose address is 2430 Rochester Ct., Suite 100, Troy, MI 48083 and whose telephone number is (248) 689-9090 and approved prior to construction by the City Specifications of the City shall be complied with for this construction.

SECOND: That the Owners agree to contribute the approximate contract price of **$723,896.00**. This amount will be transmitted to the City Clerk for installation of said improvements in the form of (check one):

- Cash ☐
- Certificate of Deposit ☐
- Irrevocable Bank Letter of Credit ☒
- Check ☐
- Performance Bond & 10% Cash ☐

Said funds shall be placed on deposit with the City upon the execution of this contract and shall be disbursed to the contractor by the City only upon presentation of duly executed waivers of lien and sworn statements satisfactory to the City, and after final inspection and approval by the Engineering Department for the City. In addition, the owners agree to deposit and contribute **$120,067.00** cash fee per the attached **Detailed Summary of Required Escrow Deposits Cash Deposits and Cash Fees.**

CONTRACT FOR INSTALLATION OF MUNICIPAL IMPROVEMENTS (PRIVATE AGREEMENT)

PROJECT NO. 03.914.3 PROJECT LOCATION: S ¼ SECTION 23

COUNCIL RESOLUTION NO. DATE OF COUNCIL APPROVAL:

THIRD: The owners may contract for construction of said improvement or may have the City advertise for bids. In the event the Owners select their own contractor, such contractor shall be subject to prior written approval by the City and completed contract documents shall be submitted to the City. Owners agree to arrange for a pre-construction meeting with the City Engineer and the contractor prior to start of work. All municipal improvements must be completely staked in the field under the direct supervision of a registered civil engineer or registered land surveyor, according to the approved plans.

FOURTH: Owners hereby acknowledge the benefit to their property conferred by the construction of the aforementioned and agree and consent to pay the total sum of $ 843,963.00 for the construction of said public utilities in lieu of the establishments of any special district by the City. Further, owners acknowledge that the benefit to their property conferred by the improvement is equal to, or in excess of, the aforementioned amount.

FIFTH: Owners agree that if, for any reason, the total cost of completion of such improvement shall exceed the sum deposited with the City in accordance with Paragraph SECOND hereof, that Owners will immediately remit such additional amount to the City upon request and City will disburse such additional amount in accordance with Paragraph SECOND hereof. In the event the total cost of completion shall be less than the sum deposited with City in accordance with Paragraph SECOND hereof, City will reimburse to the Owners the excess funds remaining after disbursement of funds.

SIXTH: Owners agree to indemnify and save harmless City, their agents and employees, from and against all loss or expense (including costs and attorneys' fees) by reason of liability imposed by law upon the City, its agents and employees for damages because of bodily injury, including death, at any time resulting therefrom sustained by any person or persons or on account of damage to property, including work, provided such injury to persons or damage to property is due or claimed to be due to negligence of the Owner, his contractor, or subcontractors, employees or agents, Owner further agrees to obtain and convey to the City all necessary easements for such public utilities as required by the City Engineer.

CONTRACT FOR INSTALLATION OF MUNICIPAL IMPROVEMENTS
(PRIVATE AGREEMENT)

PROJECT NO. 03.914.3

PROJECT LOCATION: SW ¼ SECTION 23

COUNCIL RESOLUTION NO.

DATE OF COUNCIL APPROVAL:

IN WITNESS WHEREOF, the parties hereto have caused this agreement to be executed in duplicate on this 5TH day of MARCH, 2007.

OWNERS

Gulf Rochester Commons, LLC, a Michigan limited liability company
By: SRJ Land Company, LLC a Michigan limited liability company,
Its: Member
By: SRJ-Management, Inc., a Michigan corporation
Its: Manager

By: _____
Scott R. Jacobson, President

CITY OF TROY

By:

_____
Matt Pryor, Mayor

_____
Tonni Bartholomew, City Clerk

STATE OF MICHIGAN)
) ss.
COUNTY OF OAKLAND)

March The foregoing instrument was acknowledged before me this 5th day of , 2004, by Scott R. Jacobson, the President of SRJ-Management, Inc., a Michigan corporation, as the Manager of SRJ Land Company LLC, a Michigan limited liability company, as the Member of **Gulf Rochester Commons, LLC**, a Michigan limited liability company, on behalf of said company.

MELBA AUSTIN
Notary Public, Wayne County, Mich.
Acting In OAKLAND County, Mich.
My Commission Expires July 1, 2004

Melba Austin
, Notary Public
Oakland County, Michigan
My Commission Expires:

Detailed Summary of Required Escrow Deposits or Performance Bond, Cash Fees & Deposits
Rochester Commons PUD - Project No. 03.914.3
40 Units - Section 26

ESCROW DEPOSITS or PERFORMANCE BOND:

Sanitary Sewers	$69,200
Water Mains	$127,890
Storm Sewers	$185,850
Pavement - On-Site	$115,870
Grading	$48,000
Detention Basin	$25,000
Soil Erosion Control Measures	$2,126
Monuments and Lot Corner Irons	$275
Temporary Access Road	$2,500
Major Road Improvements (other than decel or passing lanes)	$5,000
Sidewalks - ON SITE	$63,675
Sidewalks - Big Beaver	$21,600
Deposit for the Repair of Damage to Existing Public Streets Used for Access	$24,000
Urbancrest Removal & Replacement	$32,910
TOTAL ESCROW DEPOSITS (REFUNDABLE):	**$723,896**

CASH FEES (NON-REFUNDABLE):

Water Main Testing and Chlorination	$926
Maintenance of Detention Basin	$18,143
Testing Services	$10,858
Engineering Review and Inspection	$49,732
TOTAL CASH FEES (NON-REFUNDABLE):	**$79,659**

CASH DEPOSITS (REFUNDABLE):

Deposit for Maintenance & Cleaning of Ex. Public Streets Used for Access	$8,000
Landscape Deposit	$16,720
Punchlist & Restoration Deposit	$15,688
TOTAL CASH DEPOSITS (REFUNDABLE):	**$40,408**

Stormwater detention for this development will be provided by:
a new detention basin on the Fire Station #1 Site
Engineer: Professional Engineering Associates
Developer: Tadian Development

Approval of Contract for the Installation of Municipal Improvements (Private Agreement) for Rochester Commons PUD, Project No. 03.914.3

RESOLVED, that the *Contract for the Installation of Municipal Improvements* (Private Agreement) between the City of Troy and Gulf Rochester Commons, L.L.C. is hereby approved for the installation of sanitary sewer, storm sewer, detention, water main, sidewalks, landscaping, soil erosion and paving on the site and in the adjacent right of way, and the Mayor and City Clerk are authorized to execute the documents, a copy of which shall be attached to the original Minutes of this meeting.

BENCHMARKS:

B.M. #3: ARROW ON HYDRANT AT SOUTH WEST CORNER OF URBAN CREST AND PARKTON. ELEV.: 686.09

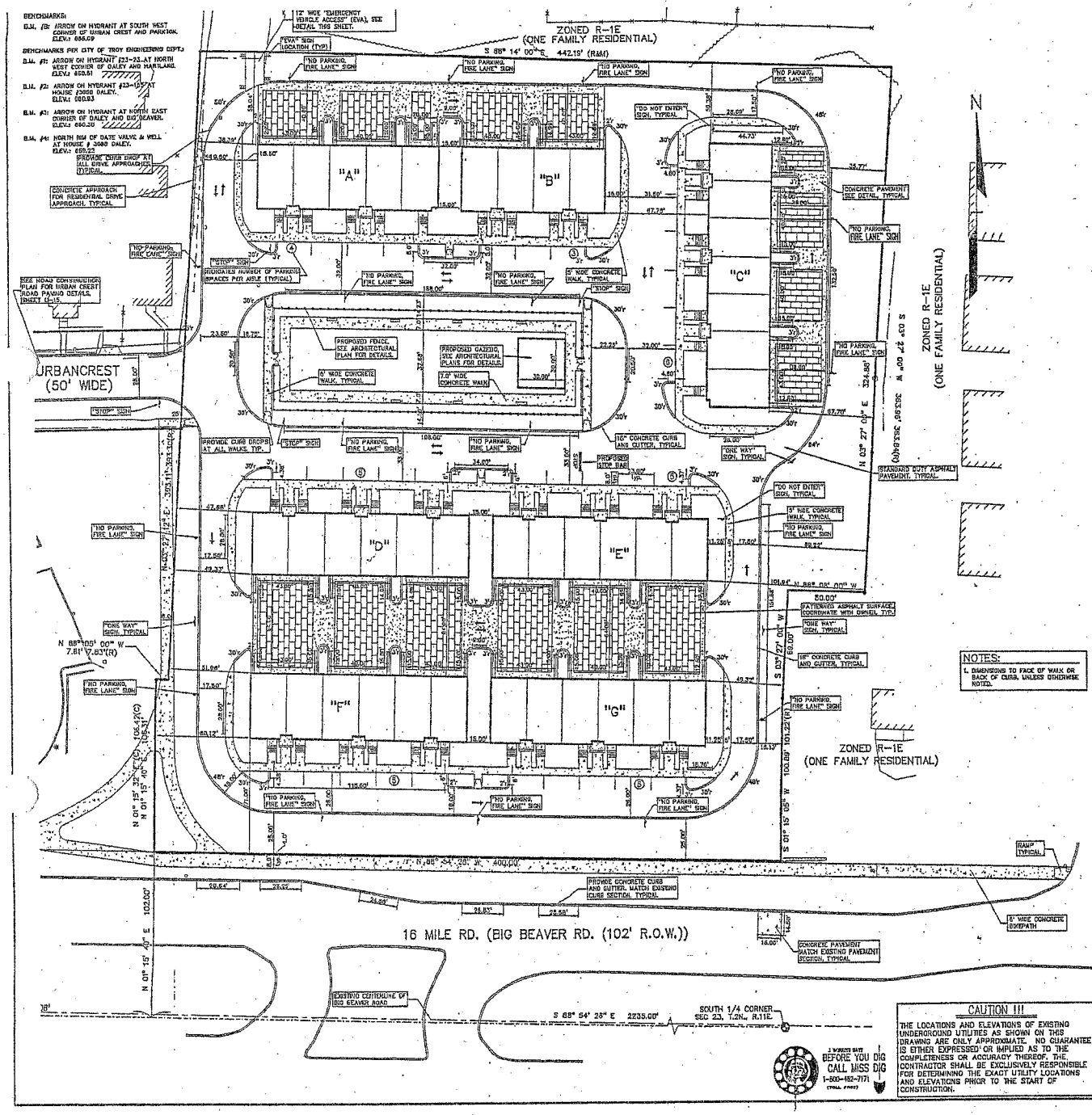
BENCHMARKS PER CITY OF TROY ENGINEERING DEPT.:

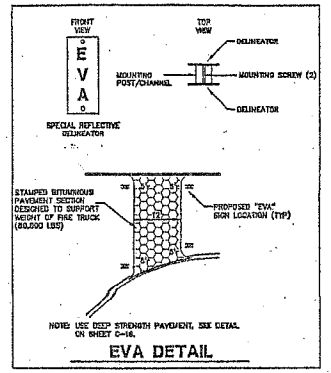
B.M. #1: ARROW ON HYDRANT #23-23-AT NORTH WEST CORNER OF DALEY AND HARTLAND. ELEV.: 680.51

B.M. #2: ARROW ON HYDRANT #23-1057 AT HOUSE #3000 DALEY. ELEV.: 680.93

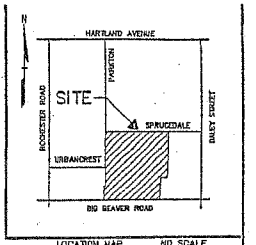
B.M. #3: ARROW ON HYDRANT AT NORTH EAST CORNER OF DALEY AND BIG BEAVER. ELEV.: 680.30

B.M. #4: NORTH RIM OF GATE VALVE & WELL AT HOUSE # 3080 DALEY. ELEV.: 680.22

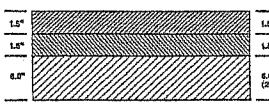




EVA DETAIL



LOCATION MAP NO SCALE



DEEP STRENGTH PAVEMENT DETAIL N.T.S.

NOTE: RS-1H OR SS-1H at 0.10/GAL/SYD BETWEEN LIFTS.

GRAPHIC SCALE

0 15 30 60 120

(IN FEET)
1 inch = 30 ft.

NOTES:

1. DIMENSIONS TO FACE OF WALK OR BACK OF CURB, UNLESS OTHERWISE NOTED.

LEGEND

REFERENCE DRAWINGS

WATER MAINS — CITY OF TROY, WATER MAIN MAP
SANITARY SEWER — CITY OF TROY, SANITARY SEWER MAP
STORM SEWER — CITY OF TROY, STORM SEWER MAP
CATCHBASIN — SITE ENGINEERING, INVERT FILES PROJECT MAP # 1-378-209, DATED 7-9-97
GAS — CONSUMERS ENERGY GAS DISTRIBUTION MAP # 83-01-32-2, DATED 8-21-03
CABLE — ALTA/ACSM SURVEY BY FCA, DATED 6-7-98, JOB NO. 98-0344

REVISED PRELIMINARY SITE PLAN APPROVED BY CITY COUNCIL ON Oct. 20, 2003
Ron Jenkins
PLANNING DEPARTMENT

SUPERSEDES APPROVAL ON JULY 21, 2003

PRINT DATE SEP 11 2003

ENG. DEPT COPY

CAUTION !!!

THE LOCATIONS AND ELEVATIONS OF EXISTING UNDERGROUND UTILITIES AS SHOWN ON THIS DRAWING ARE ONLY APPROXIMATE. NO GUARANTEE IS EITHER EXPRESSED OR IMPLIED AS TO THE COMPLETENESS OR ACCURACY THEREOF. THE CONTRACTOR SHALL BE EXCLUSIVELY RESPONSIBLE FOR DETERMINING THE EXACT UTILITY LOCATIONS AND ELEVATIONS PRIOR TO THE START OF CONSTRUCTION.

J. NORRIS INC. BEFORE YOU DIG CALL MISS DIG 1-800-482-7171 (TOLL FREE)

CONSTRUCTION CONTRACTOR AGREES THAT IN ACCORDANCE WITH GENERALLY ACCEPTED CONSTRUCTION PRACTICES, CONSTRUCTION CONTRACTOR WILL BE REQUIRED TO ASSUME SOLE AND COMPLETE RESPONSIBILITY FOR JOB SITE CONDITIONS DURING THE COURSE OF CONSTRUCTION OF THE PROJECT, INCLUDING SAFETY OF ALL PERSONS AND PROPERTY THAT MAY BE AFFECTED BY THE CONSTRUCTION. CONTRACTOR SHALL BE DEEMED TO HAVE ACCEPTED THE SITE AS SUITABLE FOR THE PERFORMANCE OF WORK UNLESS CONTRACTOR GIVES WRITTEN NOTICE TO THE OWNER OF ANY DEFECTS OR DEFICIENCIES IN THE SITE PRIOR TO THE COMMENCEMENT OF WORK.

GAS DRAINS AND DESIGN ARE THE PROPERTY OF ARCHITECTURAL DESIGN ASSOCIATES, INC. THEY ARE LOANED TO THE OWNER FOR USE ON THIS PROJECT ONLY AND ARE NOT TO BE USED, REPRODUCED, COPIED, IN WHOLE OR IN PART, OR USED FOR FURNISHING INFORMATION TO OTHERS, WITHOUT THE PRIOR WRITTEN CONSENT OF ARCHITECTURAL DESIGN ASSOCIATES, INC. ALL COMMON LAW RIGHTS OF COPYRIGHT AND OTHERWISE ARE HEREBY SPECIFICALLY RESERVED. © 1983 ARCHITECTURAL DESIGN ASSOCIATES, INC.

DALZING
P-4021 BASELINE
TWIN ANGLE SYNTHANE
PVC POLYETHYLENE PIPE

No.	Date	Revision (Description)	Date

TADIAN DEVELOPMENTS
2038 WEST BIG BEAVER, SUITE: 200
TROY, MICHIGAN 48083

DIMENSION AND PAVING PLAN
ROCHESTER COMMONS
PART OF SW 1/4 CORNER OF SECTION 23, T. 2N., R. 11E.
CITY OF TROY, OAKLAND COUNTY, MICHIGAN

DES. JMJ | SUR. KR | SCALE 1" = 30' | JOB NO. 2002 093
DR. EVS | P.M. JPB | DATE 08-25-03 | DWG. NO. C-6

PROFESSIONAL ENGINEERING ASSOCIATES
2430 Rochester Ct. Suite 100
Troy, MI 48083-1872
(248) 689-9090

May 27, 2004

To: John Szerlag, City Manager

From: John M. Lamerato, Assistant City Manager- Finance and Administration
Steven J. Vandette, Acting Assistant City Manager- Services
Jeanette Bennett, Purchasing Director
Carol K. Anderson, Director of Parks and Recreation

Subject: **Agenda Item:** Expanded Scope of Work - "Upgraded Landscape Maintenance Services," Supplemental Information

At the May 24, 2004 meeting, there was discussion and a request for additional information concerning the expanded scope of landscape work within the DDA area, specifically, what areas along Big Beaver will receive the additional 1,350 flats of flowers.

The need for additional flowers is the result of an increase in landscape area between I-75 and Rochester Road and the Rochester Road medians north and south of Big Beaver. Staff designed the landscape plan for this area and contractors completed the perennial and annual plant beds, tree plantings and irrigation system this spring. The flowers contained in the upgraded landscape maintenance services request are intended for planting in this area.

The annuals for the DDA area west of I-75 are not part of upgraded services request as they are already included in the original contract.

Funds from the DDA budget pay the cost of this maintenance. There are adequate funds to cover the increased maintenance costs for fiscal year end and in the 04-05 budgets.

April 27, 2004

TO: John Szerlag, City Manager

FROM: Steven J. Vandette, Acting Assistant City Manager/Services
John M. Lamerato, Assistant City Manager/Finance & Administration
Jeanette Bennett, Purchasing Director
Carol Anderson, Parks and Recreation Director

SUBJECT: **Agenda Item**: Amendment #1 – Expanded Scope of Work – "Upgraded Landscape Maintenance Services"

RECOMMENDATION

On April 8, 2002, Troy City Council approved a three-year contract for "Upgraded Landscape Maintenance Services" with an option to renew for two one-year periods to Torre & Bruglio, Inc. of Pontiac, the highest rated bidder as a result of a best value process, at an estimated total cost of $507,488.00 {Resolution #2002-04-213}.

City management recommends that City Council approve an amendment to the contract for expanded scope of work at an estimated cost of $133,638.00.

BACKGROUND

Under the specifications of this contract, the City is authorized to add or delete any acreage, mowings (weather dependent), call-outs, or annuals as deemed necessary at unit prices listed in the bid tab, which accompanied the original bid proposal. Previous year's adjustments were well within the allowable percentage increase used for maintenance contracts of (+-) 25%. However, the cost of additional services in this contract year will exceed the allowable contract estimate percentage since the total contract (for all three years) will be approximately 27% over estimate.

Maintenance areas covered by this amendment are within the boundaries of the Downtown Development Authority. Funding for this amendment is in the Parks and Recreation operating budget for Street Island Maintenance-DDA .

Increases in the contract consist of:

- Spring of 2002, eight acres of non-irrigated turf on Big Beaver Medians (I-75) to Rochester was added to the contract for maintenance.
- Spring of 2003, one acre of non-irrigated turf on Big Beaver Medians Coolidge to Cunningham was added to the contract for maintenance.
- Fall of 2003, the aforementioned medians on Big Beaver were landscaped and irrigated.
- Spring of 2004, 1350 flats of annual flowers to be planted for the newly landscaped Big Beaver Corridor – DDA –

2002-2004 Approved Contract	**$507,488.00**
Spring of 2002 + 8 Acres non-irrigated	$24,207.36
Spring of 2003 + 9 Acres non-irrigated	$32,616.24
Spring of 2004 + 9 Acres Irrigated	$33,714.27
+ Annuals	$35,100.00
Unforeseen Maintenance/Repairs	$8,000.00
Amendment #1	**$133,637.87**

BUDGET

Funds for the amendment will be available in the Parks operating budget for Street Island Maintenance – DDA Account #783.7802.070.

Prepared by: Ron Hynd, Landscape Analyst

City Clerk

Memo

To: Honorable Mayor and City Council

From: John Szerlag, City Manager
Tonni L. Bartholomew, City Clerk

Date: June 3, 2004

Re: Postponed Approval of May 10, 2004 City Council Minutes

City Council Minutes should reflect actual words spoken.

There has been some confusion in regards to effect of the outcome of a vote based on information received after the completion of that meeting. In review of Minutes of May 10, 2004, it is the determination of the City Clerk that the Minutes correctly reflect the action spoken at the meeting and should be approved as submitted if the entire document is acceptable to City Council Members.

Should Council wish to reconsider the outcome of a vote, it would be most appropriate for that item to be reconsidered and the outcome declared as desired by Council.

A Regular Meeting of the Troy City Council was held Monday, May 10, 2004, at City Hall, 500 W. Big Beaver Road. Mayor Schilling called the Meeting to order at 7:32 P.M.

The Invocation was given by Father Joseph Antypas of St. George Antiochian Orthodox Church and the Pledge of Allegiance to the Flag was given.

ROLL CALL

PRESENT: Mayor Louise E. Schilling
Robin E. Beltramini
Cristina Broomfield
David Eisenbacher
Martin F. Howrylak
David A. Lambert
Jeanne M. Stine

CERTIFICATES OF RECOGNITION: No Certificates of Recognition Submitted

CARRYOVER ITEMS: No Items Carried Over

PUBLIC HEARINGS:

C-1 Approval of 2004-2005 Budget

Resolution
Moved by Stine
Seconded by Beltramini

WHEREAS, Section 8.3 of the City Charter directs the City Council to **ADOPT** a budget for the ensuing year, beginning July 1, 2004:

NOW, THEREFORE, BE IT RESOLVED, That

1. The following listed re-appropriations, operating transfers-in, and operating revenues of the General Operating Fund are anticipated:

Taxes	$31,996,690
Licenses and Permits	1,517,000
Federal Grants	22,000
State Grants	6,645,000
Contributions – Local	135,000
Charges for Services	5,723,600
Fines and Forfeits	975,000
Interest and Rents	954,000
Other Revenue	450,110
Operating Transfers In	7,555,020
Re-appropriation	3,106,430

TOTAL $59,079,850

THEREFORE, The tax rate for the General Operating Fund shall be six and twenty-five one hundredths (6.25) mills on the 2004 taxable valuation.

2. To meet the anticipated expenses, the following listed budgetary centers shall be appropriated the following amounts from the General Operating Fund:

Building Inspection	$2,075,770
Council/Executive Administration	2,025,620
Engineering	3,013,880
Finance	4,847,690
Fire	3,899,000
Library /Museum	4,908,410
Other General Government	2,619,120
Police	22,059,220
Parks and Recreation	8,208,820
Streets	5,412,320
Operating Transfer Out	10,000
TOTAL	$59,079,850

3. The following listed re-appropriations and revenues of the Capital Fund are anticipated:

Taxes	$8,938,000
State Grants	4,267,750
Charges for Services	140,000
Interest and Rents	325,000
Operating Transfer In	2,150,000
Re-appropriation	12,588,780
TOTAL	$28,409,530

THEREFORE, The tax rate for the Capital Fund shall be one and eighty-seven one hundredths (1.87) mills on the 2004 taxable valuation.

4. The following listed budgetary centers shall be appropriated the following listed amounts from the Capital Fund to meet anticipated expenses:

Building Inspection	$20,000
Drains	1,512,890
Engineering	17,000
Finance	55,000
Fire	447,500
Information Technology	806,020
Operating Transfers Out	3,100,000
Museum	247,000

Other General Government	614,000
Police	487,120
Parks and Recreation	3,971,000
Streets	15,429,000
Public Works	1,703,000
TOTAL	$28,409,530

5. The following listed revenues of the Refuse Fund are anticipated:

Taxes	$3,967,000
Interest and Rents	40,000
Charges for Services	1,000
Re-appropriation	451,180
TOTAL	$4,459,180

THEREFORE, The tax rate for the Refuse Fund shall be eighty-three one hundredths (.83) mills on the 2004 taxable valuation.

6. The Refuse Fund shall be appropriated $4,459,180

7. The General Debt Service Fund shall be appropriated $3,509,690

AND, There shall be a tax levy of fifty one hundredth (.50) mills on the 2004 taxable valuation for the General Debt Service Fund.

8. The following budgets shall be approved as shown in the budget for 2004-2005:

Budget Stabilization Fund	$7,000
Major Road Fund	$3,800,000
Local Road Fund	$1,680,580
Community Development Block Grant Fund	$199,250
Troy Community Fair Fund	$166,500
2000 MTF Debt Fund	$247,740
Proposal A Debt Fund	$776,170
Proposal B Debt Fund	$1,337,280
Proposal C Debt Fund	$1,335,320
Special Assessment Fund	$433,380
Water Supply System	$13,401,250
Sanitary Sewer Fund	$9,809,180
Aquatic Center Fund	$595,460
Sylvan Glen Golf Course Fund	$1,215,930
Sanctuary Lake Golf Course Fund	$1,628,420
Building Operations	$1,735,630
Information Technology Fund	$1,696,180
Fleet Maintenance Fund	$3,979,910
Workers' Compensation Fund	$550,000
Compensated Absences Fund	$4,000,000

Unemployment Insurance Fund $40,000

Proposed Resolution to Amend

Resolution
Moved by Howrylak
Seconded by Lambert

RESOLVED, That the Resolution to approve the 2004-2005 Budget be **AMENDED** by **INSERTING**, "RESOLVED, That the $2.0M, allocated to property acquisition for the Long Lake / I-75 Interchange Improvement Project from the Major Roads Capital Projects Fund, be removed from the 2004-2005 Budget."

Vote on Resolution to Place on the Table

Resolution #2004-05-250
Moved by Stine
Seconded by Schilling

RESOLVED, That Item C-1 "*Ápproval of the 2004-2005 Budget"* be **TABLED** until after Item K-1 *"Proposed I-75 / Crooks / Long Lake Road Interchange Improvement"* has been addressed.

Yes: Schilling, Beltramini, Broomfield, Eisenbacher, Stine
No: Howrylak, Lambert

MOTION CARRIED

C-2 Rezoning Application (Z-582 – Northeast Corner of Maple Road and John R Road – Section 25 – B-3 to H-S)

Resolution
Moved by Eisenbacher
Seconded by Broomfield

RESOLVED, That the B-3 to H-S rezoning request, located on the northeast corner of Maple Road and John R Road, Section 25, being 20,804 square feet in size, is hereby **GRANTED,** as recommended by City Management and the Planning Commission.

Vote on Resolution to Amend

Resolution #2004-05-251
Moved by Eisenbacher
Seconded by Beltramini

RESOLVED, That the Resolution for Rezoning Application - Z-582, northeast corner of Maple Road and John R Road - Section 25, B-3 to H-S, be **AMENDED** by **INSERTING**, "BE IT FURTHER RESOLVED, That the granting of the B-3 to H-S rezoning request for Rezoning Application - Z-582, northeast corner of Maple Road and John R Road - Section 25, does not compel the Board of Zoning Appeals to take any action one way or the other."

Yes: All-7

Vote on Amended Resolution

Resolution #2004-05-252
Moved by Eisenbacher
Seconded by Broomfield

RESOLVED, That the B-3 to H-S rezoning request, located on the northeast corner of Maple Road and John R Road, Section 25, being 20,804 square feet in size, is hereby **GRANTED,** as recommended by City Management and the Planning Commission.

BE IT FURTHER RESOLVED, That the granting of the B-3 to H-S rezoning request for Rezoning Application - Z-582, northeast corner of Maple Road and John R Road - Section 25, does not compel the Board of Zoning Appeals to take any action one way or the other.

Yes: Broomfield, Eisenbacher, Howrylak, Beltramini
No: Lambert, Stine, Schilling

MOTION CARRIED

POSTPONED ITEMS: No Items Postponed

CONSENT AGENDA:

E-1a Approval of "E" Items NOT Removed for Discussion

Resolution #2004-05-253
Moved by Beltramini
Seconded by Lambert

RESOLVED, That all items as presented on the Consent Agenda are hereby **APPROVED** as presented.

Yes: All-7

E-1b Address of "E" Items Removed for Discussion by City Council and/or the Public

E-2 Minutes: Regular Meeting of May 3, 2004

Resolution #2004-05-253-E-2

RESOLVED, That the Minutes of the 7:30 PM Regular Meeting of May 3, 2004 be **APPROVED** as submitted.

E-3 Proposed City of Troy Proclamations: No City of Troy Proclamations Proposed

E-4 Standard Purchasing Resolution 1: Award to Low Bidder – Contract 04-1 – Walnut Hill & Chestnut Hill S.A.D. - Paving & Storm Sewer, Adams to Big Beaver

Resolution #2004-05-253-E-4

RESOLVED, That Contract No. 04-1, Walnut Hill & Chestnut Hill S.A.D. – Paving and Storm Sewer be **AWARDED** to ADJ Excavating Company, 47301 Feathered Ct., Shelby Township, MI 48315 at an estimated total cost of $451,607.58; and

BE IT FURTHER RESOLVED, That the award is **CONTINGENT** upon the submission of proper contract and bid documents, including bonds, insurance certificates and all specified requirements, and if additional work is required, such additional work is **AUTHORIZED** in an amount not to exceed 10% of the total project cost.

PUBLIC COMMENT: Address of "F" Items Removed for Discussion by the Public

REGULAR BUSINESS:

F-1 Appointments to Boards and Committees: No appointments moved forward.

F-2 Amendment to Chapter 20 of the City Code (Water and Sewer Rates)

Resolution #2004-05-254
Moved by Beltramini
Seconded by Stine

RESOLVED, That an amendment to Chapter 20, Water and Sewer Rates, is hereby **APPROVED**, and a copy shall be **ATTACHED** to the original Minutes of this meeting.

Yes: All-7

The meeting **RECESSED** at 9:01 P.M.

The meeting **RECONVENED** at 9:13 P.M

MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:

G-1 Announcement of Public Hearings:
(a) Parking Variance Request – 5991 Livernois – **Scheduled for May 24, 2004**
(b) Parking Variance Request – 3871-3883 Rochester Rd. – **Scheduled for May 24, 2004**
Noted and Filed

G-2 Green Memorandums: No Green Items Submitted

G-3 Memorandum – Re: Bicycles, Segways, Go-peds, Mo-peds and Low Speed Vehicles

Noted and Filed

COUNCIL REFERRALS: No Referral Items Advanced to the City Manager by Individual City Council Members for Placement on the Agenda

COUNCIL COMMENTS:

REPORTS:

J-1 Minutes – Boards and Committees:

(a) Planning Commission/Final – April 6, 2004

(b) Planning Commission/Final – April 13, 2004

Noted and Filed

J-2 Department Reports:

(a) Permits issued during the Month of April 2004

(b) 2004 Law Day – Speaker: Professor Robert A. Sedler – "*To Win Equality by Law: Brown v Board of Education at 50"* - City Council Chambers - Wednesday, May 12, 2004

Noted and Filed

J-3 Letters of Appreciation: No Letters of Appreciation Submitted

J-4 Proposed Proclamations/Resolutions from Other Organizations:

(a) Village of Schoolcraft – Resolution Urging Michigan Legislature to Correct Inequities in Assessment Laws

Noted and Filed

J-5 Calendar

Noted and Filed

The meeting **RECESSED** at 9:14 P.M.

STUDY ITEMS:

K-1 Proposed I-75 / Crooks / Long Lake Road Interchange Improvement

PUBLIC COMMENT: Address of "K" Items

The meeting **RECONVENED** at 12:55 A.M. on Tuesday, May 11, 2004.

Vote on Resolution to Remove Agenda Item C-1 from the Table

Resolution #2004-05-255
Moved by Lambert
Seconded by Beltramini

RESOLVED, That Item C-1 "*Ápproval of the 2004-2005 Budget"* be **REMOVED** from the table.

Yes: All-7

C-1 Approval of 2004-2005 Budget

Resolution
Moved by Stine
Seconded by Beltramini

WHEREAS, Section 8.3 of the City Charter directs the City Council to **ADOPT** a budget for the ensuing year, beginning July 1, 2004:

NOW, THEREFORE, BE IT RESOLVED, That

1. The following listed re-appropriations, operating transfers-in, and operating revenues of the General Operating Fund are anticipated:

Taxes	$31,996,690
Licenses and Permits	1,517,000
Federal Grants	22,000
State Grants	6,645,000
Contributions – Local	135,000
Charges for Services	5,723,600
Fines and Forfeits	975,000
Interest and Rents	954,000
Other Revenue	450,110
Operating Transfers In	7,555,020
Re-appropriation	3,106,430
TOTAL	$59,079,850

THEREFORE, The tax rate for the General Operating Fund shall be six and twenty-five one hundredths (6.25) mills on the 2004 taxable valuation.

3. To meet the anticipated expenses, the following listed budgetary centers shall be appropriated the following amounts from the General Operating Fund:

Building Inspection	$2,075,770
Council/Executive Administration	2,025,620
Engineering	3,013,880
Finance	4,847,690
Fire	3,899,000
Library /Museum	4,908,410
Other General Government	2,619,120
Police	22,059,220
Parks and Recreation	8,208,820
Streets	5,412,320
Operating Transfer Out	10,000

TOTAL $59,079,850

3. The following listed re-appropriations and revenues of the Capital Fund are anticipated:

Taxes	$8,938,000
State Grants	4,267,750
Charges for Services	140,000
Interest and Rents	325,000
Operating Transfer In	2,150,000
Re-appropriation	12,588,780
TOTAL	$28,409,530

THEREFORE, The tax rate for the Capital Fund shall be one and eighty-seven one hundredths (1.87) mills on the 2004 taxable valuation.

4. The following listed budgetary centers shall be appropriated the following listed amounts from the Capital Fund to meet anticipated expenses:

Building Inspection	$20,000
Drains	1,512,890
Engineering	17,000
Finance	55,000
Fire	447,500
Information Technology	806,020
Operating Transfers Out	3,100,000
Museum	247,000
Other General Government	614,000
Police	487,120
Parks and Recreation	3,971,000
Streets	15,429,000
Public Works	1,703,000
TOTAL	$28,409,530

5. The following listed revenues of the Refuse Fund are anticipated:

Taxes	$3,967,000
Interest and Rents	40,000
Charges for Services	1,000
Re-appropriation	451,180
TOTAL	$4,459,180

THEREFORE, The tax rate for the Refuse Fund shall be eighty-three one hundredths (.83) mills on the 2004 taxable valuation.

6. The Refuse Fund shall be appropriated $4,459,180

7. The General Debt Service Fund shall be appropriated $3,509,690

AND, There shall be a tax levy of fifty one hundredth (.50) mills on the 2004 taxable valuation for the General Debt Service Fund.

8. The following budgets shall be approved as shown in the budget for 2004-2005:

Budget Stabilization Fund	$7,000
Major Road Fund	$3,800,000
Local Road Fund	$1,680,580
Community Development Block Grant Fund	$199,250
Troy Community Fair Fund	$166,500
2000 MTF Debt Fund	$247,740
Proposal A Debt Fund	$776,170
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Proposal C Debt Fund	$1,335,320
Special Assessment Fund	$433,380
Water Supply System	$13,401,250
Sanitary Sewer Fund	$9,809,180
Aquatic Center Fund	$595,460
Sylvan Glen Golf Course Fund	$1,215,930
Sanctuary Lake Golf Course Fund	$1,628,420
Building Operations	$1,735,630
Information Technology Fund	$1,696,180
Fleet Maintenance Fund	$3,979,910
Workers' Compensation Fund	$550,000
Compensated Absences Fund	$4,000,000
Unemployment Insurance Fund	$40,000

Vote on Resolution to Amend

Resolution #2004-05-256
Moved by Howrylak
Seconded by Lambert

RESOLVED, That the Resolution to approve the 2004-2005 Budget be **AMENDED** by **INSERTING**, "RESOLVED, That the $2.0M, allocated to property acquisition for the Long Lake / I-75 Interchange Improvement Project from the Major Roads Capital Projects Fund, be removed from the 2004-2005 Budget."

Yes: Howrylak, Lambert
No: Stine, Schilling, Beltramini, Broomfield, Eisenbacher

MOTION FAILED

Vote on Resolution to Amend

Resolution #2004-05-257
Moved by Howrylak
Seconded by Eisenbacher

RESOLVED, That the Resolution to approve the 2004-2005 Budget be **AMENDED** by **INSERTING,** "RESOLVED, That $7,000.00 be REMOVED from the Community Affairs budget to amend the calendar program such that the City calendar will be distributed throughout the City, but not mailed."

Yes: Beltramini, Broomfield, Eisenbacher, Howrylak, Lambert
No**:** Schilling, Stine

MOTION CARRIED

Vote on Resolution as Amended

Resolution #2004-05-258
Moved by Stine
Seconded by Beltramini

WHEREAS, Section 8.3 of the City Charter directs the City Council to **ADOPT** a budget for the ensuing year, beginning July 1, 2004:

NOW, THEREFORE, BE IT RESOLVED, That

1. The following listed re-appropriations, operating transfers-in, and operating revenues of the General Operating Fund are anticipated:

Taxes	$31,996,690
Licenses and Permits	1,517,000
Federal Grants	22,000
State Grants	6,645,000
Contributions – Local	135,000
Charges for Services	5,723,600
Fines and Forfeits	975,000
Interest and Rents	954,000
Other Revenue	450,110
Operating Transfers In	7,555,020
Re-appropriation	~~3,106,430~~ **3,099,430**
TOTAL	$59,079,850

THEREFORE, The tax rate for the General Operating Fund shall be six and twenty-five one hundredths (6.25) mills on the 2004 taxable valuation.

4. To meet the anticipated expenses, the following listed budgetary centers shall be appropriated the following amounts from the General Operating Fund:

Building Inspection	$2,075,770
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Fire	3,899,000
Library /Museum	4,908,410
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Police	22,059,220
Parks and Recreation	8,208,820
Streets	5,412,320
Operating Transfer Out	10,000
TOTAL	$59,079,850

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Operating Transfers Out	3,100,000
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Streets	15,429,000
Public Works	1,703,000
TOTAL	$28,409,530

5. The following listed revenues of the Refuse Fund are anticipated:

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Charges for Services	1,000
Re-appropriation	451,180
TOTAL	$4,459,180

THEREFORE, The tax rate for the Refuse Fund shall be eighty-three one hundredths (.83) mills on the 2004 taxable valuation.

6. The Refuse Fund shall be appropriated $4,459,180

7. The General Debt Service Fund shall be appropriated $3,509,690

AND, There shall be a tax levy of fifty one hundredth (.50) mills on the 2004 taxable valuation for the General Debt Service Fund.

8. The following budgets shall be approved as shown in the budget for 2004-2005:

Budget Stabilization Fund	$7,000
Major Road Fund	$3,800,000
Local Road Fund	$1,680,580
Community Development Block Grant Fund	$199,250
Troy Community Fair Fund	$166,500
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Aquatic Center Fund	$595,460
Sylvan Glen Golf Course Fund	$1,215,930
Sanctuary Lake Golf Course Fund	$1,628,420
Building Operations	$1,735,630
Information Technology Fund	$1,696,180
Fleet Maintenance Fund	$3,979,910
Workers' Compensation Fund	$550,000
Compensated Absences Fund	$4,000,000
Unemployment Insurance Fund	$40,000

BE IT FINALLY RESOLVED, That $7,000.00 be **REMOVED** as indicated from the Community Affairs budget to amend the calendar program such that the City calendar will be distributed throughout the City, but not mailed.

Yes: Beltramini, Broomfield, Stine, Schilling
No: Eisenbacher, Howrylak, Lambert

MOTION CARRIED

CLOSED SESSION:

L-1 Closed Session

Resolution
Moved by Stine
Seconded by Schilling

BE IT RESOLVED, That the City of Troy City Council **SHALL MEET** in Closed Session, as permitted by MCL 15.268 (e); Norris et. al. v. City of Troy – Pending Litigation, MCL 15.268 (h) and MCL 15243 (g) – Attorney Client Privileged Memorandum.

Vote on Resolution to Separate Resolution

Resolution #2004-05-259
Moved by Howrylak
Seconded by Eisenbacher

RESOLVED, That the resolution to meet in Closed Session be separated so that a vote can be taken independently.

Yes: All-7

Vote on Closed Session–MCL 15.268 (e); Norris et. al. v. City of Troy (Pending Litigation)

Resolution #2004-05-260
Moved by Stine
Seconded by Schilling

BE IT RESOLVED, That the City of Troy City Council **SHALL MEET** in Closed Session, as permitted by MCL 15.268 (e); Norris et. al. v. City of Troy – Pending Litigation.

Yes: All-7

Vote on Closed Session–MCL 15.268 (h) and MCL 15243 (g) – Attorney Client Privileged Memorandum

Resolution #2004-05-261
Moved by Stine
Seconded by Schilling

BE IT RESOLVED, That the City of Troy City Council **SHALL MEET** in Closed Session, as permitted by MCL 15.268 (h) and MCL 15243 (g) – Attorney Client Privileged Memorandum.

Yes: Stine, Schilling
No: Howrylak, Lambert, Beltramini, Broomfield, Eisenbacher

MOTION FAILED

Meeting **RECESSED** at 1:18 A.M. on Tuesday, May 11, 2004.

Meeting **RECONVENED** at 1:30 A.M. on Tuesday, May 11, 2004

ADJOURNMENT

The meeting **ADJOURNED** at 1:30 A.M. on Tuesday, May 11, 2004.

Louise E. Schilling, Mayor

Tonni L. Bartholomew, MMC - City Clerk

A Regular Meeting of the Troy City Council was held Monday, May 24, 2004, at City Hall, 500 W. Big Beaver Road. Mayor Schilling called the Meeting to order at 7:33 P.M.

The Invocation was given by Pastor Tom Barbret – Lutheran Church of the Master and the Pledge of Allegiance to the Flag was given.

ROLL CALL

PRESENT: Mayor Louise E. Schilling
Robin E. Beltramini
Cristina Broomfield
David Eisenbacher
Martin F. Howrylak
David A. Lambert (Absent/Excused)
Jeanne M. Stine

Resolution to Excuse Council Member Lambert

Resolution #2004-05-262
Moved by Beltramini
Seconded by Stine

RESOLVED, That Council Member Lambert‘s absence at the Regular City Council and Closed Session meetings of Monday, May 24, 2004 **BE EXCUSED** due to his absence from the country.

Yes: All-6
No: None
Absent: Lambert

CERTIFICATES OF RECOGNITION:

A-1 **(a)** Mayor Schilling presented Richard Wiles, Jr. with a proclamation on behalf of the City of Troy recognizing him as the 2004 Fire Fighter of the Year; **(b)** Mayor Schilling presented Carl Barton with a proclamation on behalf of the City of Troy recognizing him as the 2003 Police Officer of the Year; **(c)** Mayor Schilling presented Theresa Hope with a proclamation on behalf of the City of Troy recognizing her as the 2003 Non-Sworn Police Department Employee of the Year; **(d)** Mayor Schilling presented Ilka Olivich with a proclamation on behalf of the City of Troy recognizing her years of service with the City Attorney’s Office.

CARRYOVER ITEMS: No Carryover Items brought forward.

PUBLIC HEARINGS:

C-1 Commercial Vehicle Appeal – 1019 Minnesota

Resolution #2004-05-263
Moved by Eisenbacher
Seconded by Howrylak

WHEREAS, Section 44.02.02 of Chapter 39, Zoning, of the Code of the City of Troy provides that actions to grant appeals to the restrictions on outdoor parking of commercial vehicles in residential districts pursuant to Section 40.66.00 of Chapter 39 of the Code of the City of Troy "shall be based upon at least one of the following findings by the City Council:

A. The occurrence of the subject commercial vehicle on the residential site involved is compelled by parties other than the owner or occupant of the subject residential site (e.g. employer).
B. Efforts by the applicant have determined that there are no reasonable or feasible alternative locations for the parking of the subject commercial vehicle.
C. A garage or accessory building on the subject residential site cannot accommodate, or cannot reasonably be constructed or modified to accommodate, the subject commercial vehicle.
D. The location available on the residential site for the outdoor parking of the subject commercial vehicle is adequate to provide for such parking in a manner which will not negatively impact adjacent residential properties, and will not negatively impact pedestrian and vehicular movement along the frontage street(s)."

WHEREAS, The City Council of the City of Troy has found that the petitioner has demonstrated the presence of the following conditions, justifying the granting of a variance:

D. The location available on the residential site for the outdoor parking of the subject commercial vehicle is adequate to provide for such parking in a manner which will not negatively impact adjacent residential properties, and will not negatively impact pedestrian and vehicular movement along the frontage street(s).

NOW, THEREFORE, BE IT RESOLVED, That the request from Nathan Case, 1019 Minnesota, for waiver of Chapter 39, Section 40.66.00, of the Code of the City of Troy, to permit outdoor parking of a Ford cube van in a residential district is hereby **APPROVED** for two years.

Yes: All-6
No: None
Absent: Lambert

C-2 Commercial Vehicle Appeal – 5735 John R

Resolution #2004-05-264
Moved by Eisenbacher
Seconded by Howrylak

WHEREAS, Section 44.02.02 of Chapter 39, Zoning, of the Code of the City of Troy provides that actions to grant appeals to the restrictions on outdoor parking of commercial vehicles in residential districts pursuant to Section 40.66.00 of Chapter 39 of the Code of the City of Troy "shall be based upon at least one of the following findings by the City Council:

A. The occurrence of the subject commercial vehicle on the residential site involved is compelled by parties other than the owner or occupant of the subject residential site (e.g. employer).
B. Efforts by the applicant have determined that there are no reasonable or feasible alternative locations for the parking of the subject commercial vehicle.
C. A garage or accessory building on the subject residential site cannot accommodate, or cannot reasonably be constructed or modified to accommodate, the subject commercial vehicle.
D. The location available on the residential site for the outdoor parking of the subject commercial vehicle is adequate to provide for such parking in a manner which will not negatively impact adjacent residential properties, and will not negatively impact pedestrian and vehicular movement along the frontage street(s)."

WHEREAS, The City Council of the City of Troy has found that the petitioner has demonstrated the presence of the following condition, justifying the granting of a variance:

D. The location available on the residential site for the outdoor parking of the subject commercial vehicle is adequate to provide for such parking in a manner which will not negatively impact adjacent residential properties, and will not negatively impact pedestrian and vehicular movement along the frontage street(s); and

   The site is 5 acres in size, is not in a subdivision and the vehicle is very difficult to view. The petitioner does not own the site and cannot be expected to construct a garage to accommodate the vehicle. The petitioner provides a valuable service to the community.

NOW, THEREFORE, BE IT RESOLVED, That the request from Amanda Brooks, 5735 John R, for waiver of Chapter 39, Section 40.66.00, of the Code of the City of Troy, to permit outdoor parking of a Ford cube van in a residential district is hereby **APPROVED** for two years.

Yes: All-6
No: None
Absent: Lambert

C-3 Commercial Vehicle Appeal – 2310 Rochester Ct.

Resolution #2004-05-265
Moved by Beltramini
Seconded by Eisenbacher

WHEREAS, Section 44.02.02 of Chapter 39, Zoning, of the Code of the City of Troy provides that actions to grant appeals to the restrictions on outdoor parking of commercial vehicles in

residential districts pursuant to Section 40.66.00 of Chapter 39 of the Code of the City of Troy "shall be based upon at least one of the following findings by the City Council:

A. The occurrence of the subject commercial vehicle on the residential site involved is compelled by parties other than the owner or occupant of the subject residential site (e.g. employer).
B. Efforts by the applicant have determined that there are no reasonable or feasible alternative locations for the parking of the subject commercial vehicle.
C. A garage or accessory building on the subject residential site cannot accommodate, or cannot reasonably be constructed or modified to accommodate, the subject commercial vehicle.
D. The location available on the residential site for the outdoor parking of the subject commercial vehicle is adequate to provide for such parking in a manner which will not negatively impact adjacent residential properties, and will not negatively impact pedestrian and vehicular movement along the frontage street(s)."

WHEREAS, The City Council of the City of Troy has found that the petitioner has demonstrated the presence of the following conditions, justifying the granting of a variance:

B. Efforts by the applicant have determined that there are no reasonable or feasible alternative locations for the parking of the subject commercial vehicle.

D. The location available on the residential site for the outdoor parking of the subject commercial vehicle is adequate to provide for such parking in a manner which will not negatively impact adjacent residential properties, and will not negatively impact pedestrian and vehicular movement along the frontage street(s).

NOW, THEREFORE, BE IT RESOLVED, That the request from Mr. John Baker, 2310 Rochester Ct., for waiver of Chapter 39, Section 40.66.00, of the Code of the City of Troy, to permit outdoor parking of a Ford box truck in a residential district is hereby **APPROVED** for two years.

Yes: All-6
No: None
Absent: Lambert

C-4 Parking Variance Request – 5991 Livernois

Vote on Resolution to Postpone

Resolution #2004-05-266
Moved by Beltramini
Seconded by Eisenbacher

RESOLVED, That the Parking Variance Request for 5991 Livernois be **POSTPONED** until the Regular City Council Meeting scheduled for Monday, June 21, 2004 in order to give the Planning Commissioner the opportunity to make a recommendation on the site plan and that the petitioner provide a formal agreement regarding employee parking.

Yes: All-6
No: None
Absent: Lambert

C-5 Parking Variance Request – 3871-3883 Rochester Road

Resolution #2004-05-267
Moved by Howrylak
Seconded by Broomfield

WHEREAS, Articles XLIII and XLIV (43.00.00 and 44.00.00) of the Zoning Ordinance provide that the City Council may grant variances from the off-street parking requirements of the Zoning Ordinance upon general findings that:

1. The variance would not be contrary to public interest or general purpose and intent of the Zoning Ordinance.
2. The variance does not permit the establishment of a prohibited use as a principal use within a zoning district.
3. The variance does not cause an adverse effect to properties in the immediate vicinity or zoning district.
4. The variance relates only to property described in the application for variance; and

WHEREAS, Article XLIII (43.00.00) requires that in granting, the City Council shall find that the practical difficulties justifying the variances are:

D. That literal enforcement of the Zoning Ordinance precludes full enjoyment of the permitted use and makes conforming unnecessarily burdensome. In this regard, the City Council shall find that a lesser variance does not give substantial relief, and that the relief requested can be granted within the spirit of the Ordinance, and within the interests of public safety and welfare; and

WHEREAS, The City Council finds the above-stated general conditions to be present and finds the practical difficulty stated above to be operative in the appeal.

NOW, THEREFORE, BE IT RESOLVED, That the request from Hasmukh Patel for waiver of 15 additional parking spaces at the development at 3871-3883 Rochester Road be **APPROVED**.

Yes: All-6
No: None
Absent: Lambert

POSTPONED ITEMS: No Postponed Items brought forward.

The Meeting **RECESSED** at 9:21 P.M.

The Meeting **RECONVENED** at 9:35 P.M.

CONSENT AGENDA:

E-1a Approval of "E" Items NOT Removed for Discussion

Resolution #2004-05-268
Moved by Stine
Seconded by Beltramini

RESOLVED, That all items as presented on the Consent Agenda are hereby **APPROVED** as presented with the exception of Item E-12, which shall be considered after Consent Agenda (E) items, as printed.

Yes: All-6
No: None
Absent: Lambert

E-2 Minutes: Regular Meeting of May 10, 2004

Resolution #2004-05-268-E-2 Resolution to Reconsider: #2004-05-292
Resolution to Postpone: #2004-05-293

RESOLVED, That the Minutes of the 7:30 PM Regular Meeting of May 10, 2004 be **APPROVED** as submitted.

E-3 City of Troy Proclamations:

Resolution #2004-05-268-E-3

RESOLVED, That the following City of Troy Proclamations be **APPROVED:**

(a) 2004 Fire Fighter of the Year – Richard Wiles, Jr.
(b) 2003 Police Officer of the Year – Carl Barton
(c) 2003 Non-Sworn Police Department Employee of the Year – Theresa Hope
(d) Service Commendation – Ilka Olivich
(e) Police Memorial Day – May 15th, 2004
(f) Service Commendation – Gary Shripka
(g) Proclamation in Recognition of Lydia Mouch on the Occasion of Her 100th Birthday
(h) Proclamation Welcoming the Polish Singers Alliance of America for their 47th International Convention
(i) Proclamation Recognizing Falun Gong Month – May 2004

E-4 Standard Purchasing Resolution 2- Bid Award to Lowest Bidder Meeting Specifications – Sewer Easement Hose Carrier and Trailer

Resolution #2004-05-268-E-4

RESOLVED, That a contract to provide one (1) Sewer Easement Hose Carrier and Transport Trailer is hereby **AWARDED** to the lowest bidder meeting specifications, Jack Doheny Supplies, Inc. of Northville, Michigan for an estimated total cost of $26,500.00.

E-5 Private Agreement for James Haefner Photo Studio – Project No. 03.941.3

Resolution #2004-05-268-E-5

RESOLVED, That the Contract for the Installation of Municipal Improvements (Private Agreement) between the City of Troy and Roy A. Seelbinder Construction Co. is hereby **APPROVED** for the installation of paving on the site and in the adjacent right-of-way, and the Mayor and City Clerk are **AUTHORIZED TO EXECUTE** the documents; a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

E-6 Standard Purchasing Resolution 1 – Award to Low Bidder - Topsoil

Resolution #2004-05-268-E-6

RESOLVED, That a one-year contract for topsoil with an option to renew for one (1) additional year is hereby **AWARDED** to the low bidder, Sterling Topsoil and Grading of Sterling Heights, Michigan at the unit price contained in the bid tabulation opened April 21, 2004; a copy of which shall be **ATTACHED** to the original Minutes of this meeting expiring May 31, 2005; and

BE IT FURTHER RESOLVED, That the award is **CONTINGENT** upon contractor submission of properly executed bid and contract documents, including insurance certificates and all other specified requirements.

E-7 Standard Purchasing Resolution 1 – Award to Low Bidders – Two (2) 86,000 GVW Tri-Axle Dump Trucks

Resolution #2004-05-268-E-7

RESOLVED, That a contract to purchase two (2) 86,000 GVW Tri-Axle Dump Trucks is hereby **AWARDED** to the low total bidders, Wolverine Truck Sales, Inc. of Dearborn, MI and Cannon Engineering & Equipment Company of Shelby Township for an estimated total cost of $178,938.00 and $117,098.00 respectively, at prices contained in the bid tabulation opened March 30, 2004, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

E-8 Standard Purchasing Resolution 2 – Bid Award – Lowest Bidders Meeting Specifications – Asphalt Paving Material

Resolution #2004-05-268-E-8

RESOLVED, That contracts to provide for one (1) year requirements of Asphalt Paving Material are hereby **AWARDED** to the lowest bidders meeting specifications, Barrett Paving Materials, Inc. and Ajax Materials Corporation at unit prices contained in the bid tabulation opened April 20, 2004, a copy of which shall be **ATTACHED** to the original Minutes of this meeting, and the contract expires April 30, 2005.

BE IT FURTHER RESOLVED, That the awards are contingent upon contractors submission of properly executed bid and contract documents, including insurance certificates and all other specified requirements; and the City be **AUTHORIZED** to use reciprocity between Barrett Paving and Ajax Materials in the event of a plant closing, inability to meet delivery times or supply material as specified.

E-9 Standard Purchasing Resolution 3 – Option to Renew – Towing and Storage Services

Resolution #2004-05-268-E-9

WHEREAS, On August 6, 2001, a three-year contract with two one-year options to renew to provide towing and storage services was awarded to Coleman's Towing and Recovery, Inc. (formerly A Roadone Company) (Resolution #2001-08-394-E-3).

WHEREAS, Coleman's Towing and Recovery, Inc. agrees to exercise the first one-year option to renew the contract.

NOW, THEREFORE, BE IT RESOLVED, That the first of two one-year options to renew the contract is hereby **EXERCISED** with Coleman's Towing and Recovery, Inc. to provide towing and storage services under the same contract prices, terms, and conditions expiring on July 31, 2005.

E-10 Standard Purchasing Resolution 3 – Option to Renew – Photographic Services

Resolution #2004-05-268-E-10

WHEREAS, On August 5, 2002, a two-year contract with an option to renew for two additional years was awarded to Laura K. Freeman Photography (formerly Laura McGuire Photography) (Resolution #2002-08-459-E-9).

WHEREAS, Laura K. Freeman Photography agrees to exercise the option to renew the contract for two additional years.

NOW, THEREFORE, BE IT RESOLVED, That the additional two-year option to renew the contract is hereby **EXERCISED** with Laura K. Freeman Photography under the same contract prices, terms, and conditions expiring on June 30, 2006.

E-11 Standard Purchasing Resolution 11 – Rejection of Bids – Accessibility Ramps at the Historic Village Green

Resolution #2004-05-268-E-11

RESOLVED, That the sole bid for the construction of accessibility ramps at the Historic Village Green, opened May 7, 2004, is hereby **REJECTED** due to budgetary considerations and the project will be re-bid as soon as possible.

E-1b Address of "E" Items Removed for Discussion by City Council and/or the Public

E-12 Standard Purchasing Resolution 1 – Award to Low Bidder – Roof Replacement Engineering Field Office

Resolution #2004-05-269
Moved by Eisenbacher
Seconded by Stine

RESOLVED, That a contract to replace the roof at the Engineering Field Office located at 3236 Rochester Road is hereby **AWARDED** to the low bidder, Boss Commercial Building Services of Southgate, Michigan, at an estimated total cost of $19,670.00.

BE IT FURTHER RESOLVED, That the award is **CONTINGENT** upon contractor submission of properly executed proposal and bid documents, including bonds, insurance certificates and all other specified requirements; and if additional work is required that could not be foreseen, such additional work is **AUTHORIZED** for purchase, not to exceed 10% of the total project cost or $1,967.00.

Yes: All-6
No: None
Absent: Lambert

PUBLIC COMMENT: Limited to Items Not on the Agenda

REGULAR BUSINESS:

F-3 Troy Historical Society Contributions – Amendment of Church/Parsonage Relocation Project at the Historical Village Green

Resolution #2004-05-270
Moved by Stine
Seconded by Beltramini

RESOLVED, That contributions received from the Troy Historical Society in the amount of $22,085.50 to cover the total expenses of the steeple and security system, and partial expense of the pews be **ADDED** to the Old Troy Methodist Church/Parsonage Relocation Project managed by Gerald J. Yurk Associates, Inc. with an amended project total not to exceed $1,076,995.50.

Yes: All-6
No: None

Absent: Lambert

F-4 Sanctuary Lake Golf Course Rates

Resolution #2004-05-271
Moved by Howrylak
Seconded by Beltramini

RESOLVED, That rates for Sanctuary Lake Golf Course be **APPROVED** as proposed, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

BE IT FURTHER RESOLVED, That City Management can **ADJUST** these rates in order to stay competitive in the market.

Yes: All-6
No: None
Absent: Lambert

F-7 City Owned Surplus Parcels

Resolution #2004-05-272
Moved by Beltramini
Seconded by Broomfield

RESOLVED, That the City Council of the City of Troy **AUTHORIZES** City Management to proceed with obtaining informal quotations for the purpose of hiring independent fee appraisers for the appraisal of 27 City-owned surplus parcels listed on the attached chart.

Yes: Stine, Schilling, Beltramini, Broomfield, Eisenbacher
No: Howrylak
Absent: Lambert

MOTION CARRIED

F-8 Traffic Committee Recommendations: March 17, 2004

(c) Replacement of the *YIELD* Sign with the Installation of a *STOP* Sign on Westbound Randall at Tallman

Resolution #2004-05-273c
Moved by Stine
Seconded by Howrylak

RESOLVED, That Traffic Control Order #04-01-SS is hereby **APPROVED** for the replacement of the *YIELD* sign on westbound Randall at Tallman with the installation of a *STOP* sign.

Yes: All-6

No: None
Absent: Lambert

(d) Replacement of the *YIELD* Sign with the Installation of a *STOP* Sign on Eastbound Randall at Tallman

Resolution #2004-05-273d
Moved by Stine
Seconded by Howrylak

RESOLVED, That Traffic Control Order #04-02-SS is hereby **APPROVED** for the replacement of the *YIELD* sign on eastbound Randall at Tallman with the installation of a *STOP* sign.

Yes: All-6
No: None
Absent: Lambert

(b) No Changes at Leetonia and Tallman

Resolution #2004-05-274
Moved by Stine
Seconded by Broomfield

RESOLVED, RESOLVED, That Traffic Control Order #04-03-SS is hereby **APPROVED** to install two additional *STOP* signs, on the northwest corner and on the east side at the intersection of Leetonia and Tallman.

Yes: All-6
No: None
Absent: Lambert

(a) Installation of a *"NO STOPPING, STANDING, PARKING – 8 AM to 4 PM - SCHOOL DAYS"* Sign on the West Side of Castleton

Resolution #2004-05-275
Moved by Stine
Seconded by Broomfield

RESOLVED, That Traffic Control Order #04-02-MR is hereby **APPROVED** for the installation of a *"NO STOPPING, STANDING, PARKING – 8 AM – 4 PM – SCHOOL DAYS"* sign on the west side of Castleton between 50 feet north and 50 feet south of the school drives.

Yes: All-6
No: None
Absent: Lambert

(e) Removal of the Parking Restriction in Front of 1923 Smallbrook

Resolution #2004-05-276

Moved by Stine
Seconded by Howrylak
RESOLVED, That the parking restriction in front of 1923 Smallbrook be **REMOVED**.

Yes: All-6
No: None
Absent: Lambert

(f) No Changes at Hartland and Daley Street

Resolution #2004-05-277
Moved by Eisenbacher
Seconded by Beltramini

RESOLVED, That **NO CHANGES** be made at Hartland and Daley Street.

Yes: Eisenbacher, Howrylak, Schilling, Beltramini, Broomfield
No: Stine
Absent: Lambert

MOTION CARRIED

F-9 Traffic Committee Recommendations: April 21, 2004

(a) Replacement of the *YIELD* Sign with the Installation of a *STOP* Sign on Longfellow at Tallman

Resolution #2004-05-278
Moved by Stine
Seconded by Howrylak

RESOLVED, That Traffic Control Order #04-04-SS is hereby **APPROVED** for the replacement of the *YIELD* sign on Longfellow at Tallman with the installation of a *STOP* sign.

Yes: All-6
No: None
Absent: Lambert

(b) Installation of All-Way Stop Signs at the Intersection of Longfellow and Yanich

Resolution #2004-05-279
Moved by Stine
Seconded by Eisenbacher

RESOLVED, That Traffic Control Order #04-05-SS is hereby **APPROVED** for the installation of all-way *STOP* signs at the intersection of Longfellow and Yanich.

Yes: All-6
No: None

Absent: Lambert

(c) Intersection of Thurber and Longfellow Referred to the Traffic Committee

Resolution #2004-05-280
Moved by Stine
Seconded by Beltramini

RESOLVED, That the recommendation that NO CHANGES be made at the intersection of Thurber and Longfellow be **REFERRED** to the Traffic Committee for further review.

Yes: All-6
No: None
Absent: Lambert

(d) Purchase of Three Portable Speed Humps

Resolution
Moved by Beltramini
Seconded by Eisenbacher

RESOLVED, That the City Council hereby **APPROVES** the **PURCHASE** of up to six portable speed humps to be used throughout the City with three portable speed humps installed on Randall.

Vote on Resolution to Amend

Resolution #2004-05-281
Moved by Broomfield
Seconded by Stine

RESOLVED, That the Resolution be **AMENDED** by **INSERTING** "and three portable speed humps installed on Leetonia."

Yes: Beltramini, Broomfield, Eisenbacher, Stine, Schilling
No: Howrylak
Absent: Lambert

MOTION CARRIED

Vote on Amended Resolution

Resolution #2004-05-282
Moved by Beltramini
Seconded by Eisenbacher

RESOLVED, That the City Council hereby **APPROVES** the **PURCHASE** of up to six portable speed humps to be used throughout the City with three portable speed humps installed on Randall and three portable speed humps installed on Leetonia.

Yes: Broomfield, Eisenbacher, Stine, Schilling, Beltramini
No: Howrylak
Absent: Lambert

MOTION CARRIED

F-11 Final Planned Unit Development Review – PUD-002 Rochester Commons – North Side of Big Beaver Road, East of Rochester Road and West of Daley Street – Section 23

Resolution
Moved by Beltramini
Seconded by Broomfield

RESOLVED, That the Final Plan and Agreement for a Planned Unit Development, pursuant to Section 35.60.01 and Section 35.80.00, as requested by Tadian Homes, for the Rochester Commons Planned Unit Development, located on the north side of Big Beaver Road, east of Rochester Road, located in Section 23, within the R-1E zoning district, being 4.86 acres in size, is hereby **APPROVED** and shall be known as PUD - 2;

BE IT FURTHER RESOLVED, That the PUD Plans for the Rochester Commons Planned Unit Development, as approved by the Troy City Council (referred to herein as the "Site Plans"), **SHALL INCLUDE** the following:

1. The following full sized plans, approximately 24 inches by 36 inches in size, prepared by Professional Engineering Associates:

   PSP-2 Site Plan Rochester Commons, dated 4-23-04
   PSP-3 Grading Plan (Preliminary) Rochester Commons, dated 4-23-04
   C-2 Rochester Commons Topographic Survey, dated 4-23-04
   T-1 Rochester Commons Tree Survey, dated 4-23-04

2. The following full sized plans, approximately 24 inches by 36 inches in size, prepared by Grissim Metz Andriese Associates:

   1. Site Landscape Plan, dated September 2003
   2. Building Enlargement Landscape Plans, dated September 2003
   3. Lighting/Street Signage Plan, dated September 2003
   4. Site Details, dated September 2003
   5. Site Amenities, dated September 2003
   6. Park Section and Planting Details, dated September 2003
   7. Photometric Plan, dated September 2003
   I-1. Irrigation Enlargement Plan, dated September 2003
   I-2. Irrigation Enlargement Plan, dated September 2003

3. The Rochester Commons PUD Final Project Manual, dated April 21, 2004 and presented in binder format, and including the following:

   TAB 1 City of Troy Final PUD Approval Checklist
   TAB 2 Planned Unit Development Agreement

TAB 3 Installation and Maintenance Obligation Plan
TAB 4 Project Impact Analysis
TAB 5 List of Plan Changes Since Preliminary Approval
TAB 6 Final Site Plan
TAB 7 List of Landscape Plan Changes since Approval
TAB 8 Landscape Plan
TAB 9 Elevations
TAB 10 Specifications
TAB 11 Master Deed and Bylaws
TAB 12 Easements
TAB 13 Address Plan

BE IT FURTHER RESOLVED, That the Mayor and City Clerk are hereby **AUTHORIZED TO EXECUTE** the Development Agreement for the Rochester Commons Planned Unit Development; a copy shall be **ATTACHED** to the original Minutes of this meeting.

BE IT FINALLY RESOLVED, That the Rochester Commons Planned Unit Development Agreement be **RECORDED** with the Oakland County Register of Deeds.

Vote on Resolution to Postpone

Resolution #2004-05-283
Moved by Beltramini
Seconded by Broomfield

RESOLVED, That Final Planned Unit Development Review – PUD-002 Rochester Commons – North Side of Big Beaver Road, East of Rochester Road and West of Daley Street – Section 23 be **POSTPONED** until the Regular City Council Meeting scheduled for Monday, June 7, 2004 and that City Council **DIRECTS** Staff to review the preliminary documents and discussions regarding community benefit and detention for this project.

Yes: All-6
No: None
Absent: Lambert

F-1 Appointments to Boards and Committees: (a) Mayoral Appointments: No appointments were considered. (b) City Council Appointments: No appointments were considered.

(b) City Council Appointments

Resolution #2004-05-284
Moved by Beltramini
Seconded by Eisenbacher

RESOLVED, That the following persons are hereby **NOMINATED** to serve on the Advisory Committee for Senior Citizens for the vacancy with the term expiring on April 30, 2007:

ROLL CALL VOTE

Nominated by: Beltramini	**Nominated by:** Howrylak
Burdette L. Black (Bud)	**James Berar**
Stine	Howrylak
Schilling	Broomfield
Beltramini	Eisenbacher

MOTION FAILED

Appointments Carried-Over as Item F-1 on the Next Regular City Council Meeting Agenda Scheduled for June 7, 2004:

(a) Mayoral Appointments

Brownfield Redevelopment Authority
Mayor, Council Approval (7) – 3 years

Victor Lenivov seeks reappointment Term expires 04-30-2007

Economic Development Corporation
Mayor, Council Approval (9) – 6 years

_____ Term expires 04-30-2009

_____ Term expires 04-30-2009

(b) City Council Appointments

Advisory Committee for Persons with Disabilities
Appointed by Council (9 Regular, 3 Alternates) – 3 years

_____ Term expires 07-01-2004 (Student)

Advisory Committee for Senior Citizens
Appointed by Council (9) – 3 years

_____ Term expires 04-30-2007

Troy Daze
Appointed by Council (9) – 3 years

_____ Term expires 07-01-2003 Student

F-2 Amendment #1 – Asphalt Paving Material Contracts

Resolution #2004-05-285
Moved by Beltramini
Seconded by Stine

WHEREAS, Contracts to provide Asphalt Paving Materials were awarded to the lowest acceptable bidders, National Asphalt Products, Angelo's Asphalt Materials, Ace Asphalt & Paving, and Barrett Paving Materials, Inc., on April 28, 2003, at an estimated cost of $65,940.00 (Resolution #2003-04-206-E-12).

WHEREAS, If changes in the quantity of work were required, either additive or deductive, such changes were allowed in an amount not to exceed 10% of the total contract total per year.

WHEREAS, The contracts in total exceeded the additional 10% by an estimated $12,466.00, due to a harsh winter season and resurfacing projects, which exceed projected usage.

NOW, THEREFORE, BE IT RESOLVED, That the contracts are hereby **AMENDED AND CONFIRMED** for additional asphalt paving materials at an aggregate cost not to exceed $12,466.00.

Yes: All-6
No: None
Absent: Lambert

F-5 Memorandum of Understanding for Reciprocal Use of Emergency Operations Centers

Resolution #2004-05-286
Moved by Stine
Seconded by Beltramini

RESOLVED, That the City Council of the City of Troy hereby **APPROVES** the Memorandum of Understanding between Oakland County and the City of Troy, regarding reciprocal use of emergency operations centers and **AUTHORIZES** the Mayor and City Clerk to **EXECUTE** the documents; a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

Yes: All-6
No: None
Absent: Lambert

F-6 Amendment #1 – Expanded Scope of Work – Upgraded Landscape Maintenance Services

Resolution
Moved by Stine
Seconded by Beltramini

WHEREAS, A contract to provide Upgraded Landscape maintenance Services was awarded to the highest scoring bidder, Torre & Bruglio, Inc., on April 8, 2002, at an estimated total cost of $507,488.00 (Resolution #2002-04-213).

WHEREAS, It is recommended that the contract be amended to cover increased acreages and improved landscapes on the Big Beaver medians (I-75 to Rochester Road and Coolidge to Cunningham).

NOW, THEREFORE, BE IT RESOLVED, That the contract is hereby **AMENDED** for additional services at an estimated cost of $133,638.00.

Resolution to Amend

Resolution
Moved by Howrylak
Seconded by Eisenbacher

RESOLVED, That the Resolution be **AMENDED** by **INSERTING,** "BE IT FINALLY RESOLVED, That $35,100.00 allocated for the planting of annuals along the Big Beaver corridor and $8,000.00 allocated for unforeseen maintenance and repairs be STRICKEN from proposed amended contract."

Vote on Resolution to Postpone

Resolution #2004-05-287
Moved by Beltramini
Seconded by Eisenbacher

RESOLVED, That Amendment #1 – Expanded Scope of Work – Upgraded Landscape Maintenance Services be **POSTPONED** until the Regular City Council Meeting scheduled for Monday, June 7, 2004 and **DIRECTS** Staff to provide further information.

Yes: All-6
No: None
Absent: Lambert

F-10 Approval of the Brownfield Redevelopment Authority 2004-05 Budget

Resolution #2004-05-288
Moved by Stine
Seconded by Schilling

RESOLVED, That the 2004-2005 Proposed Annual Budget for the Brownfield Redevelopment Authority be **APPROVED.**

Yes: All-6
No: None
Absent: Lambert

F-12 Proposed Ordinance Revisions – Chapter 106

Resolution
Moved by Eisenbacher
Seconded by Broomfield

RESOLVED, That an ordinance amendment to Chapter 106 by **REPEAL** of Sections 2.52, 6.3, 6.5 and 6.21, the **ADDITION** of new Sections 1.21.05 and 1.66.05 and the **AMENDMENT** of Sections 1.07, 4.20, 6.4, 6.6, 6.7, 6.9, 6.10, 6.11, 6.12, 6.13, 6.14, 6.15, 6.16, 6.17, 6.17a, 6.18, 6.19,6.20 and 6.22 is hereby **ADOPTED** as recommended by the City Attorney; a copy of this ordinance shall be **ATTACHED** to the original Minutes of this meeting.

Vote on Resolution to Amend

Resolution #2004-05-289
Moved by Beltramini
Seconded by Eisenbacher

RESOLVED, That the Resolution be **AMENDED** by **INSERTING,** "BE IT FURTHER RESOLVED, That "and/or electric personal assistive mobility device(s)" will be INSERTED after each occurrence of "bicycle(s)" in Sections 6.17 and 6.17a.

Yes: All-6
No: None
Absent: Lambert

Vote on Amended Resolution

Resolution #2004-05-290
Moved by Eisenbacher
Seconded by Broomfield

RESOLVED, That an ordinance amendment to Chapter 106 by **REPEAL** of Sections 2.52, 6.3, 6.5 and 6.21, the **ADDITION** of new Sections 1.21.05 and 1.66.05 and the **AMENDMENT** of Sections 1.07, 4.20, 6.4, 6.6, 6.7, 6.9, 6.10, 6.11, 6.12, 6.13, 6.14, 6.15, 6.16, 6.17, 6.17a, 6.18, 6.19,6.20 and 6.22 is hereby **ADOPTED** as recommended by the City Attorney; and

BE IT FURTHER RESOLVED, That "and/or electric personal assistive mobility device(s)" will be **INSERTED** after each occurrence of "bicycle(s)" in Sections 6.17 and 6.17a; a copy of this ordinance shall be **ATTACHED** to the original Minutes of this meeting.

Yes: All-6
No: None
Absent: Lambert

MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:

G-1 Announcement of Public Hearings:
(a) Commercial Vehicle Appeal – 3129 Alpine
Noted and Filed

G-2 Green Memorandums:
(a) I-75/Crooks/Long Lake Interchange
(b) CCPTF Meeting – 11 Acres
Noted and Filed

COUNCIL REFERRALS: No Items Advanced to the City Manager by Individual City Council Members for Placement on the Agenda

COUNCIL COMMENTS:

Reconsideration of Rezoning Application Z-582 – Corner of Maple Road and John R Rd – Section 25 – B-3 to H-5

Resolution #2004-05-291
Moved by Beltramini
Seconded by Stine

RESOLVED, That Resolution #2004-05-252, Moved by Eisenbacher and Seconded by Broomfield, as it appears below be **RECONSIDERED** by City Council:

> *RESOLVED, That the B-3 to H-S rezoning request, located on the northeast corner of Maple Road and John R Road, Section 25, being 20,804 square feet in size, is hereby **GRANTED,** as recommended by City Management and the Planning Commission.*
>
> *BE IT FURTHER RESOLVED, That the granting of the B-3 to H-S rezoning request for Rezoning Application - Z-582, northeast corner of Maple Road and John R Road - Section 25, does not compel the Board of Zoning Appeals to take any action one way or the other.*
>
> *Yes: Broomfield, Eisenbacher, Howrylak, Beltramini*
> *No: Lambert, Stine, Schilling*
>
> ***MOTION CARRIED***

Yes: Stine, Schilling, Beltramini
No: Broomfield, Eisenbacher, Howrylak
Absent: Lambert

MOTION FAILED

Reconsideration of the Approval of the City Council Minutes for the Regular Meeting of Monday, May 10, 2004

Resolution #2004-05-292
Moved by Howrylak
Seconded by Stine

RESOLVED, That Resolution #2004-05-268-E-2, Moved by Stine and Seconded by Beltramini, as it appears below be **RECONSIDERED** by City Council:

> *RESOLVED, That the Minutes of the 7:30 PM Regular Meeting of May 10, 2004 be **APPROVED** as submitted.*
>
> *Yes: All-6*
> *No: None*
> *Absent: Lambert*

Yes: Schilling, Eisenbacher, Howrylak, Stine
No: Beltramini, Broomfield
Absent: Lambert

MOTION CARRIED

Vote on Postponement of the Reconsideration of the Approval of the City Council Minutes for the Regular Meeting of Monday, May 10, 2004

Resolution #2004-05-293
Moved by Howrylak
Seconded by Eisenbacher

RESOLVED, That the Reconsideration of the Approval of the City Council Minutes for the Regular Meeting of Monday, May 10, 2004 be **POSTPONED** until the Regular City Council Meeting scheduled for Monday, June 7, 2004.

Yes: All-6
No: None
Absent: Lambert

REPORTS:

J-1 Minutes – Boards and Committees:
(a) Civic Center Priority Task Force/Final - January 28, 2004
(b) Parks and Recreation Advisory Board/Final – February 12, 2004
(c) Liquor Advisory Committee/Final – March 8, 2004
(d) Youth Council/Final – March 24, 2004
(e) Parks and Recreation Advisory Board/Final – March 29, 2004
(f) Parks and Recreation Advisory Board/Final – April 8, 2004

(g) Employees' Retirement System Board of Trustees/Final – April 14, 2004
(h) Board of Zoning Appeals/Draft – April 20, 2004
(i) Planning Commission Special-Study/Draft – April 27, 2004
(j) Planning Commission Special-Study/Final – April 27, 2004
(k) Planning Commission Special-Study/Draft – May 4, 2004
(l) Building Code Board of Appeals/Draft – May 5, 2004
(m) Library Board/Draft – May 6, 2004
(n) Liquor Advisory Committee/Draft – May 10, 2004
(o) Civic Center Priority Task Force/Draft – May 12, 2004

Noted and Filed

J-2 Department Reports:

(a) Monthly Financial Report – April 30, 2004
(b) Office Depot Rebates for On-line Ordering and Cooperative Participation
(c) 2004 1st Quarter Crime and Police Calls for Service Report
(d) MSU Study in Troy
(e) Closed Captioning for Cable Channel
(f) Emerald Ash Borer Tree Planting Grant

Noted and Filed

J-3 Letters of Appreciation:

(a) E-Mail from Toby Buechner to the Planning and Building Departments Thanking Them for Their Assistance With the New Addition Proposed for Her Home
(b) E-Mail from Dianne Szluha to Mary Ann Nemshick in Appreciation of the Staff in the Youth Library and the Adult Library
(c) E-Mail from John D. Hug to Kraig L. Schmottlach and Stuart J. Alderman Recognizing the Timely Response of Staff During an Emergency Medical Situation That Occurred at the Community Center
(d) Letter from Shelley Darmetko-Marketing Director of the Oakland Mall Merchants to Captain Gary Mayer Expressing Appreciation to the Police Department and Sergeant Robert Kowalski in the Planning Process During a Recent Event Hosted by Oakland Mall
(e) Letter from Kim Streich-Event Coordinator for the March of Dimes to Lieutenant Gerry Scherlinck and Sergeant Robert Kowalski Thanking Them for Supporting the March of Dimes Campaign for Healthier Babies Through WalkAmerica
(f) Letter from Jeffrey W. Rolph of ABN-AMRO Services Company, Inc. Thanking Sergeant Robert Kowalski and the Troy Police Department for Their Participation in Their Annual *Diversity Event*
(g) Letter from Lynn Bell, Marsha McHale and Sherry St. Cyr, Co-Chairpersons-Streetwise Parenting for Troy Families for Safe Homes Thanking Officer Nicolette Kaptur for her Presentation Given for the Fourth Consecutive Year About Illegal Drugs
(h) Letter from Mary J. Reynolds-Deacon at the First Presbyterian Church of Troy Thanking Officers Ed Klute and Mike Cole of the Canine Unit for their Canine Presentation Given to Their Seniors' Group Luncheon
(i) E-Mail from Mary Cram to Barbara E. Schaich and Maria E. Hunciag in Appreciation of the Library Programs

Noted and Filed

J-4 Proposed Proclamations/Resolutions from Other Organizations:
(a) Moratorium on Detroit Water and Sewer Increases – City of Sterling Heights
(b) Opposition to House Bills 4234 and 4234 (S-1) – City of Ferndale
Noted and Filed

J-5 Calendar
Noted and Filed

J-6 Travel Expense Report/Michigan Municipal League Legislative Conference – Dave Lambert
Noted and Filed

J-7 Notice of Hearing for the Customers of the Detroit Edison Company Before the Michigan Public Service Commission – 6545 Mercantile Way – Suite 7 – Lansing, Michigan – May 25, 2004 at 9:00 AM
Noted and Filed

J-8 Notice of Hearing for the Customers of the Detroit Edison Company Before the Michigan Public Service Commission – 6545 Mercantile Way – Suite 7 – Lansing, Michigan - June 15, 2004 at 9:00 AM
Noted and Filed

J-9 Re-Zoning Protest Petition
Noted and Filed

STUDY ITEMS: No Study Items brought forward.

PUBLIC COMMENT: Address of "K" Items

CLOSED SESSION:

L-1 Closed Session

Resolution #2004-05-294
Moved by Stine
Seconded by Beltramini
BE IT RESOLVED, That the City of Troy City Council **SHALL MEET** in Closed Session, as permitted by MCL 15.268 (h) and MCL 15243 (g) – Attorney Client Privileged Memorandum.

Yes: Broomfield, Eisenbacher, Stine, Schilling, Beltramini
No: Howrylak
Absent: Lambert

MOTION CARRIED

The Meeting **RECESSED** at 1:07 A.M. on Tuesday, May 25, 2004.

The Meeting **RECONVENED** at 1:50 A.M. on Tuesday, May 25, 2004.

ADJOURNMENT

The meeting **ADJOURNED** at 1:51 A.M. on Tuesday, May 25, 2004.

Louise E. Schilling, Mayor

Tonni L. Bartholomew, MMC - City Clerk

May 27, 2004

TO: John Szerlag, City Manager

FROM: Steven J. Vandette, Acting Assistant City Manager/Services
Douglas J. Smith, Real Estate & Development Director
Patricia A. Petitto, Senior Right of Way Representative

SUBJECT: AGENDA ITEM - REQUEST FOR ACCEPTANCE OF WARRANTY DEEDS AND EASEMENTS REQUIRED FOR CRESTWOOD SITE CONDOS – Project No. 02.922.3
Sidwell #20-15-378-042, #20-15-379-051 & #20-15-451-035

In connection with the development of Crestwood Site Condos, north of Wattles Road between Livernois and Rochester, the Real Estate and Development Department has acquired the deeds and easements from RWT Building, L.L.C., a Michigan Limited Liability Company listed below. The consideration on each document is $1.00.

TYPE OF DOCUMENT	PURPOSE
Warranty Deed	Tanner Drive Right-of-Way
Warranty Deed	Wattles Road Right-of-Way
Easement	Sanitary Sewer
Easement	Water Main
Easement	Sidewalk
Easement	Drainage
Easement	Detention Basin
Easement	Declaration of Non-Access Greenbelt

Management recommends that City Council accept the attached deeds and easements.

WARRANTY DEED

The Grantor(s), RWT BUILDING, L.L.C, a Michigan Limited Liability Company

whose address is 2065 Livernois, Troy, MI 48083-1737

convey(s) and warrant(s) to City of Troy, a Michigan Municipal Corporation
Grantee

whose address is 500 West Big Beaver Road, Troy, MI 48084

the following described premises situated in the City of Troy, County of Oakland and State of Michigan:

SEE ATTACHED EXHIBIT "A"

For the sum of One and no/100 Dollars ($1.00)

subject to easements and building and use restrictions of record and further subject to

Dated this 26TH day of MAY , 2004

RWT BUILDING, L.L.C., a Michigan
Limited Liability Company

Signed in presence of:

*Murray D. Deagle, Member

STATE OF MICHIGAN)
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this 26TH day of MAY , 2004 ,

by Murray D. Deagle, Member, of RWT BUILDING, L.L.C., a Michigan Limited Liability Company.

*PATRICIA A. PETITTO

Notary Public, OAKLAND County, MI
My commission expires: 12-31-04

County Treasurer's Certificate		City Treasurer's Certificate
When recorded return to: Patricia > Petitto City of Troy 500 West Big Beaver Road Troy, MI 48084	Send subsequent tax bills to: Grantee	Drafted by:

Tax Parcel #88-20-15-378-043, #88-20-15-379-051 & #88-20-15-451-035 Recording Fee Transfer Tax

TYPE OR PRINT NAMES IN BLACK INK UNDER SIGNATURES

Exhibit A - Page 1 of 3

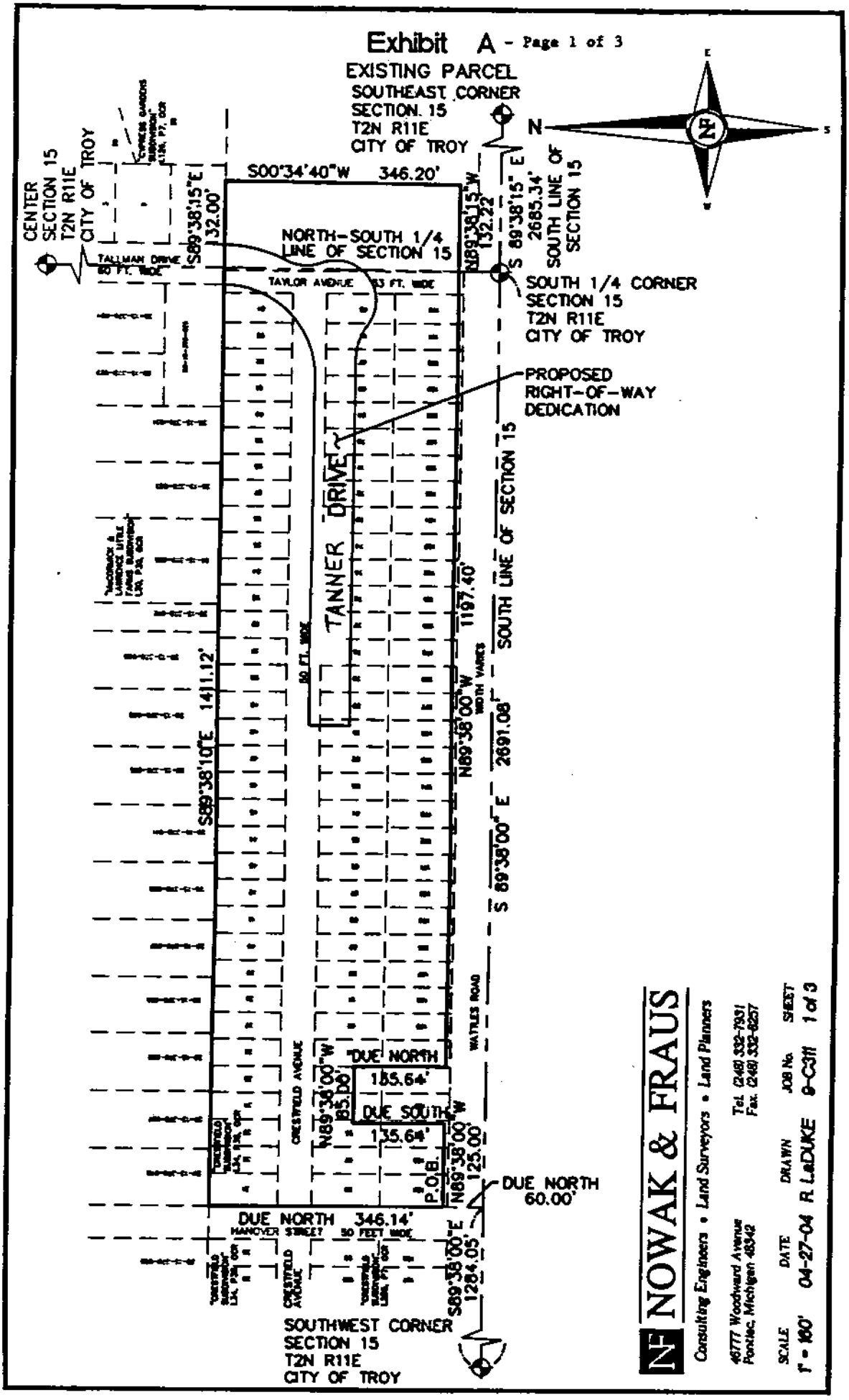
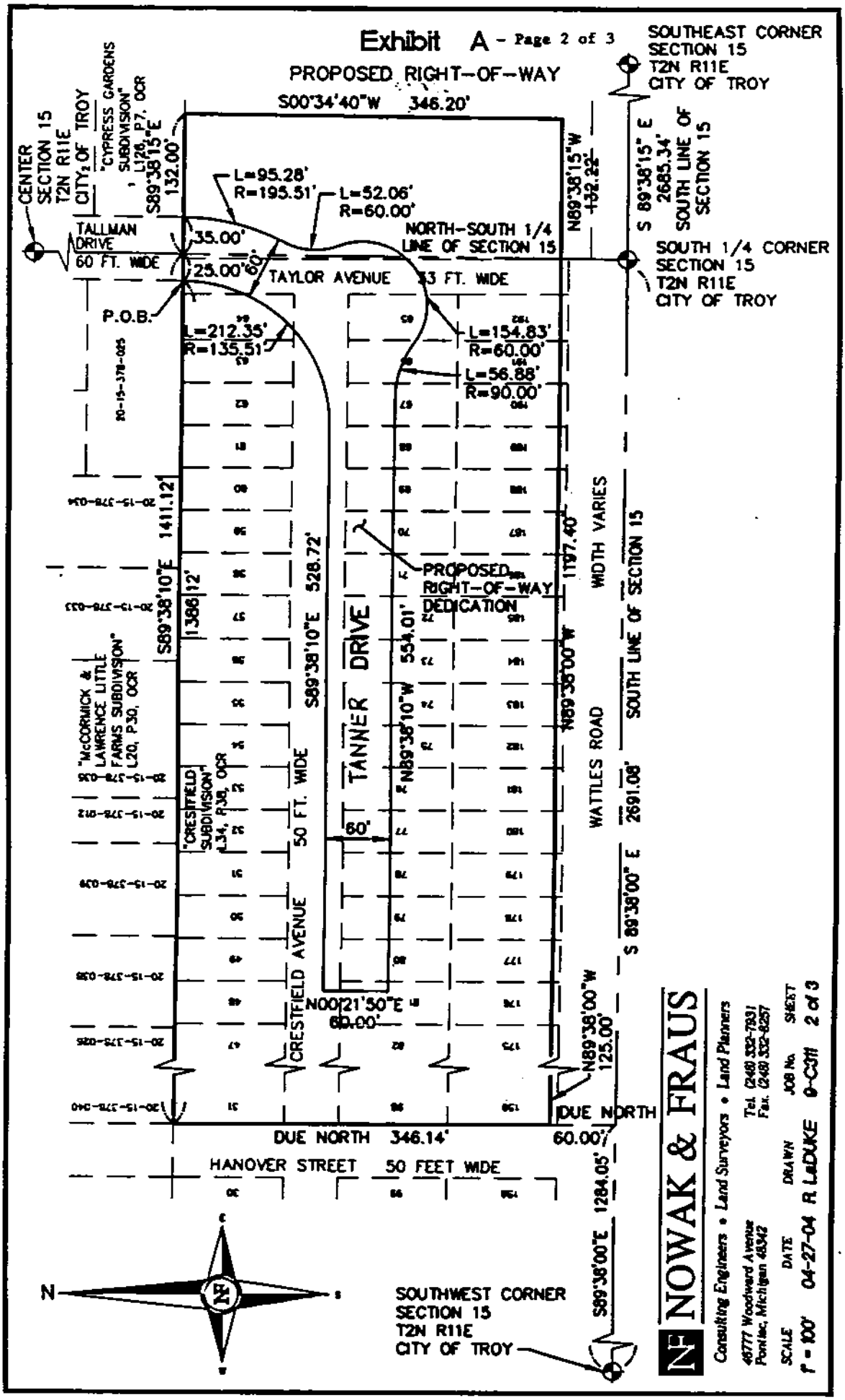


Exhibit A - Page 2 of 3



DESCRIPTIONS

LEGAL DESCRIPTION – Crestwood Condominium

A parcel of land described as lots 31–93 inclusive, part of lots 94–96 inclusive, lots 97 and 98, part of lots 159–161 inclusive, and part of lots 164–192 inclusive, of the Crestfield Subdivision, being part of the S.W. 1/4 of Section 15, T.2N., R.11E., also part of the S.E. 1/4 of Section 15, T.2N., R.11E., City of Troy, Oakland County, Michigan, all being more particularly described as commencing at the S.W. corner Section 15; thence S 89°38'00" E, 1284.05 feet along the South line of said Section 15; thence Due North, 60.00 feet to the Point of Beginning; thence Due North, 346.14 feet along the West line of Lots 159, 98, and 31 of "Crestfield Subdivision", as recorded in Liber 34, Page 38, Oakland County Records, also, the east line of Hanover Street (50 feet wide) to a point on the South line of "McCormick & Lawrence Little Farms Subdivision", as recorded in Liber 20, Page 30, Oakland County Records, said point also being the N.W. corner of said Lot 31, of "Crestfield Subdivision"; thence S 89°38'10" E, 1411.12 feet along the North line of said "Crestfield Subdivision" and the South line of said "McCormick & Lawrence Little Farms Subdivision" to a point on the North and South 1/4 line of said Section 15; thence S 89°38'15" E, 132.00 feet to a point on the South line of "Cypress Gardens Subdivision" as recorded in Liber 126, Page 7, Oakland County Records; thence S 00°34'40" W, 346.20 feet to a point on the North line of Wattles Road (width varies); thence N 89°38'15" W, 132.22 feet along the North line of said Wattles Road; thence N 89°38'00" W, 1197.40 feet along the North line of said Wattles Road to a point on the East line of Lot 163 of said "Crestfield Subdivision"; thence Due North, 135.64 feet along the East line of Lots 163 and 94 of said "Crestfield Subdivision"; thence N 89°38'00" W, 85.00 feet; thence Due South, 135.64 feet to a point on the North line of said Wattles Road; thence N 89°38'00" W, 125.00 feet along the North line of said Wattles Road to the Point of Beginning. Contains 11.985 acres or 522,050 square feet and subject to easements & restrictions of record.

LEGAL DESCRIPTION – Proposed Tanner Drive Right-of-Way Dedication

Part of the Southwest 1/4 and Southeast 1/4 of Section 15, T.2N., R.11E., City of Troy, Oakland County, Michigan, being described as follows:
Commencing at the S.W. corner Section 15; thence S 89°38'00" E, 1284.05 feet along the South Line of said Section 15; thence Due North, 60.00 feet; thence Due North, 346.14 feet along the West line of Lots 159, 98, and 31 of "Crestfield Subdivision", as recorded in Liber 34, Page 38, Oakland County Records, also, the east line of Hanover Street (50 feet wide) to a point on the South line of "McCormick & Lawrence Little Farms Subdivision", as recorded in Liber 20, Page 30, Oakland County Records, said point also being the N.W. corner of said Lot 31, of "Crestfield Subdivision"; thence S 89°38'10" E, 1386.12 feet along the North line of said "Crestfield Subdivision" and the South line of said "McCormick & Lawrence Little Farms Subdivision" to the Point of Beginning; thence continuing along said line S 89°38'10" E, 25.00 feet to a point on the North and South 1/4 line of said Section 15; thence S 89°38'15" E, 35.00 feet to a point on the South line of "Cypress Gardens Subdivision" as recorded in Liber 126, Page 7, Oakland County Records; thence 95.28 feet along the arc of a curve to the right (radius 195.51 feet, central angle 27°55'21", chord bears S 14°26'23" W, 94.34 feet); thence 52.06 feet along the arc of a curve to the left (radius 60.00 feet, central angle 49°42'32", chord bears S 03°34'48" W, 50.44 feet); thence 154.83 feet along the arc of a curve to the right (radius 60.00 feet, central angle 147°51'01", chord bears S 52°39'02" W, 115.31 feet); thence 56.88 feet along the arc of a curve to the left (radius 90.00 feet, central angle 36°12'42", chord bears N 71°31'49" W, 55.94 feet); thence N 89°38'10" W, 554.01 feet; thence N 00°21'50" E, 60.00 feet; thence S 89°38'10" E, 528.72 feet; thence 212.35 feet along the arc of a curve to the left (radius 135.51 feet, central angle 89°47'10", chord bears N 45°28'15" E, 191.28 feet) to the Point of Beginning. Contains 1.2481 acres or 54,366 square feet.

NF NOWAK & FRAUS
Consulting Engineers • Land Surveyors • Land Planners
46777 Woodward Avenue
Pontiac, Michigan 48342
Tel. (248) 332-7931
Fax. (248) 332-8257

SCALE	DATE	DRAWN	JOB No.	SHEET
No Scale	04-27-04	R. LaDUKE	9-C311	3 of 3

WARRANTY DEED

The Grantor(s), RWT BUILDING, L.L.C, a Michigan Limited Liability Company

whose address is 2065 Livernois, Troy, MI 48083-1737

convey(s) and warrant(s) to City of Troy, a Michigan Municipal Corporation
Grantee

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SEE ATTACHED EXHIBIT "A"

For the sum of One and no/100 Dollars ($1.00)

subject to easements and building and use restrictions of record and further subject to

Dated this 26TH day of MAY ,2004

RWT BUILDING, L.L.C., a Michigan
Limited Liability Company

Signed in presence of:

*Murray D. Deagle, Member

STATE OF MICHIGAN)
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this 26th day of MAY ,2004 ,

by Murray D. Deagle, Member, of RWT BUILDING, L.L.C., a Michigan Limited Liability Company.

*PATRICIA A. PETITTO

Notary Public, OAKLAND County, MI
My commission expires: 12-31-04

County Treasurer's Certificate		City Treasurer's Certificate
When recorded return to: Patricia > Petitto City of Troy 500 West Big Beaver Road Troy, MI 48084	Send subsequent tax bills to: Grantee	Drafted by:

Tax Parcel #88-20-15-379-051 Recording Fee Transfer Tax

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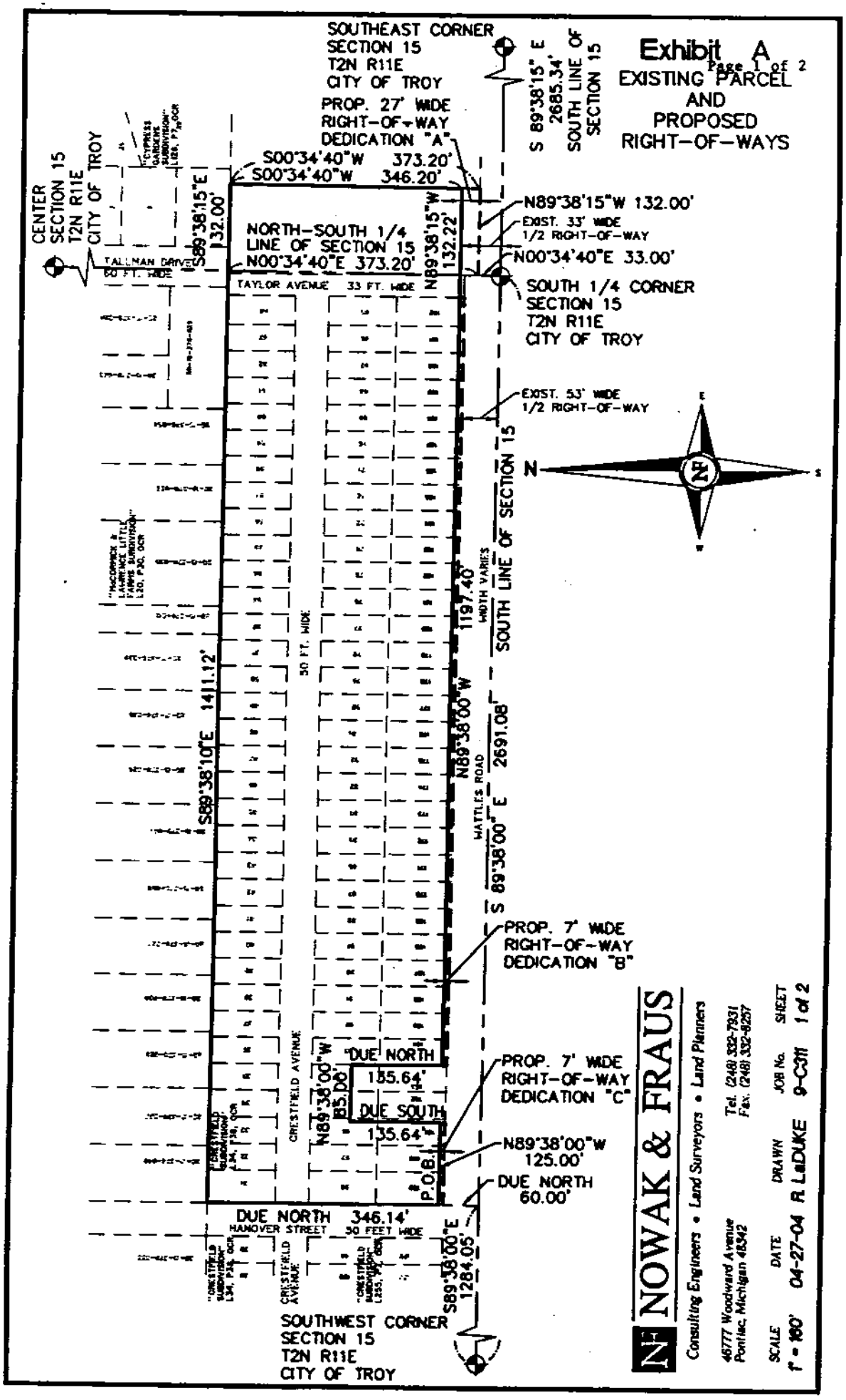
Exhibit A

Page 1 of 2

EXISTING PARCEL AND PROPOSED RIGHT-OF-WAYS



DESCRIPTIONS

LEGAL DESCRIPTION – Crestwood Condominium

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LEGAL DESCRIPTION – Proposed 27' Wide Right-of-Way Dedication "A"

The South 27.00 feet of a parcel of land, being part of the Southeast 1/4 of Section 15, T.2N., R.11E., City of Troy, Oakland County, Michigan, being described as follows: Commencing at the South 1/4 corner Section 15; thence N 00°34'40" E, 33.00 feet along the North-South 1/4 Line of said Section 15 to the Point of Beginning; thence N 00°34'40" E, 373.20 feet along said North-South 1/4 Line; thence S 89°38'15" E, 132.00 feet to a point on the South line of "Cypress Gardens Subdivision" as recorded in Liber 126, Page 7, Oakland County Records; thence S 00°34'40" W, 373.20 feet to a point on the North line of Wattles Road (width varies); thence N 89°38'15" W, 132.00 feet along the North line of said Wattles Road to the Point of Beginning. Contains 0.0818 acres or 3,564 square feet.

LEGAL DESCRIPTION – Proposed 7' Wide Right-of-Way Dedication "B"

The South 7.00 feet of lots 164–192 inclusive, of the "Crestfield Subdivision", being part of the Southwest 1/4 of Section 15, T.2N., R.11E., City of Troy, Oakland County, Michigan as recorded in Liber 34, Page 38, Oakland County Records. Contains 0.1871 acres or 8,149 square feet and subject to easement & restrictions of record.

LEGAL DESCRIPTION – Proposed 7' Wide Right-of-Way Dedication "C"

The South 7.00 feet of lots 159 and 160 and the South 7.00 feet of the West 35.00 feet of lot 161, of the "Crestfield Subdivision", being part of the Southwest 1/4 of Section 15, T.2N., R.11E., City of Troy, Oakland County, Michigan as recorded in Liber 34, Page 38, Oakland County Records. Contains 0.0201 acres or 875 square feet and subject to easement & restrictions of record.

NF NOWAK & FRAUS

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Pontiac, Michigan 48342

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SCALE	DATE	DRAWN	JOB No.	SHEET
No Scale	04-27-04	R. LaDUKE	9-C311	2 of 2

Exhibit A - Page 1 of 3

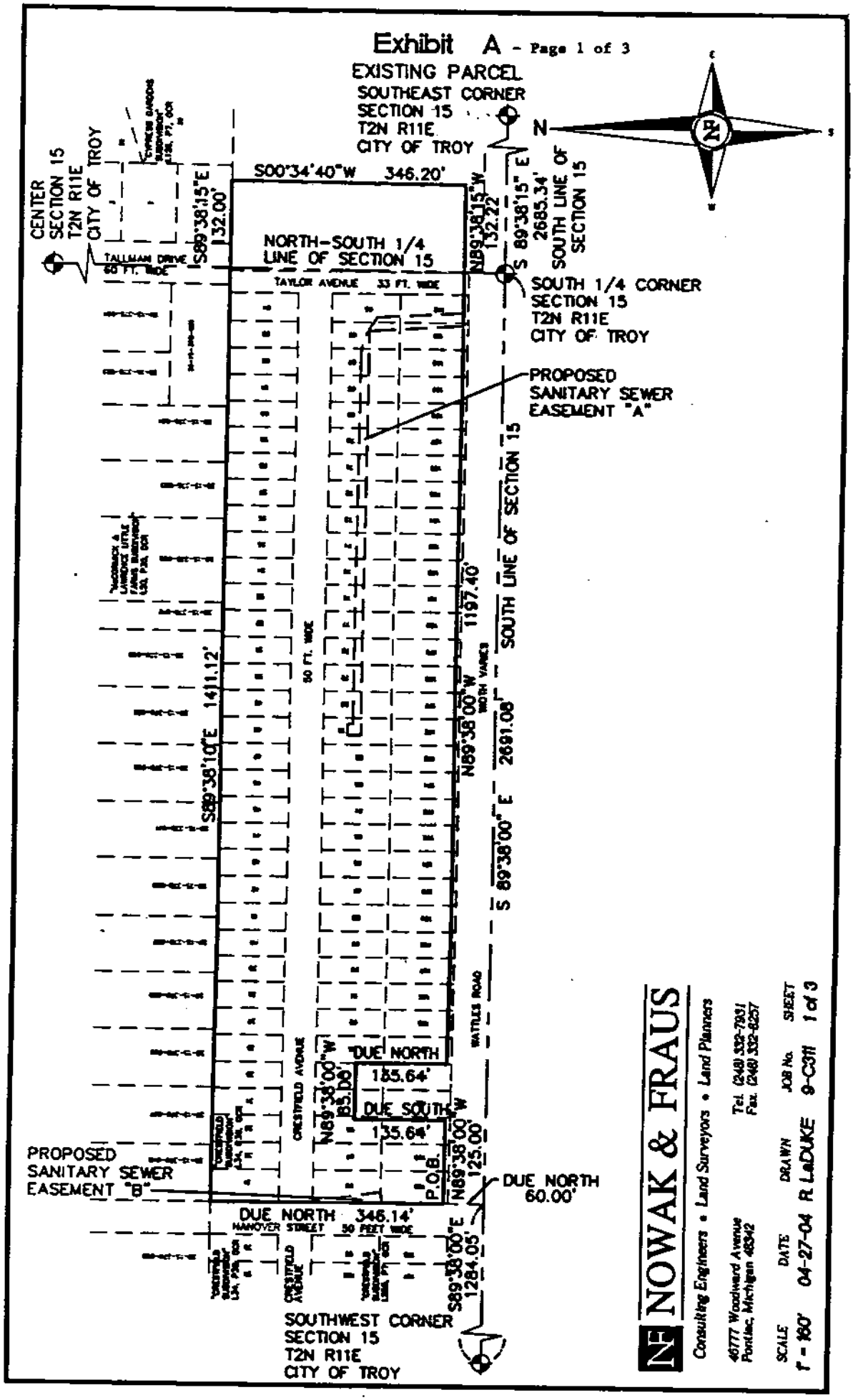
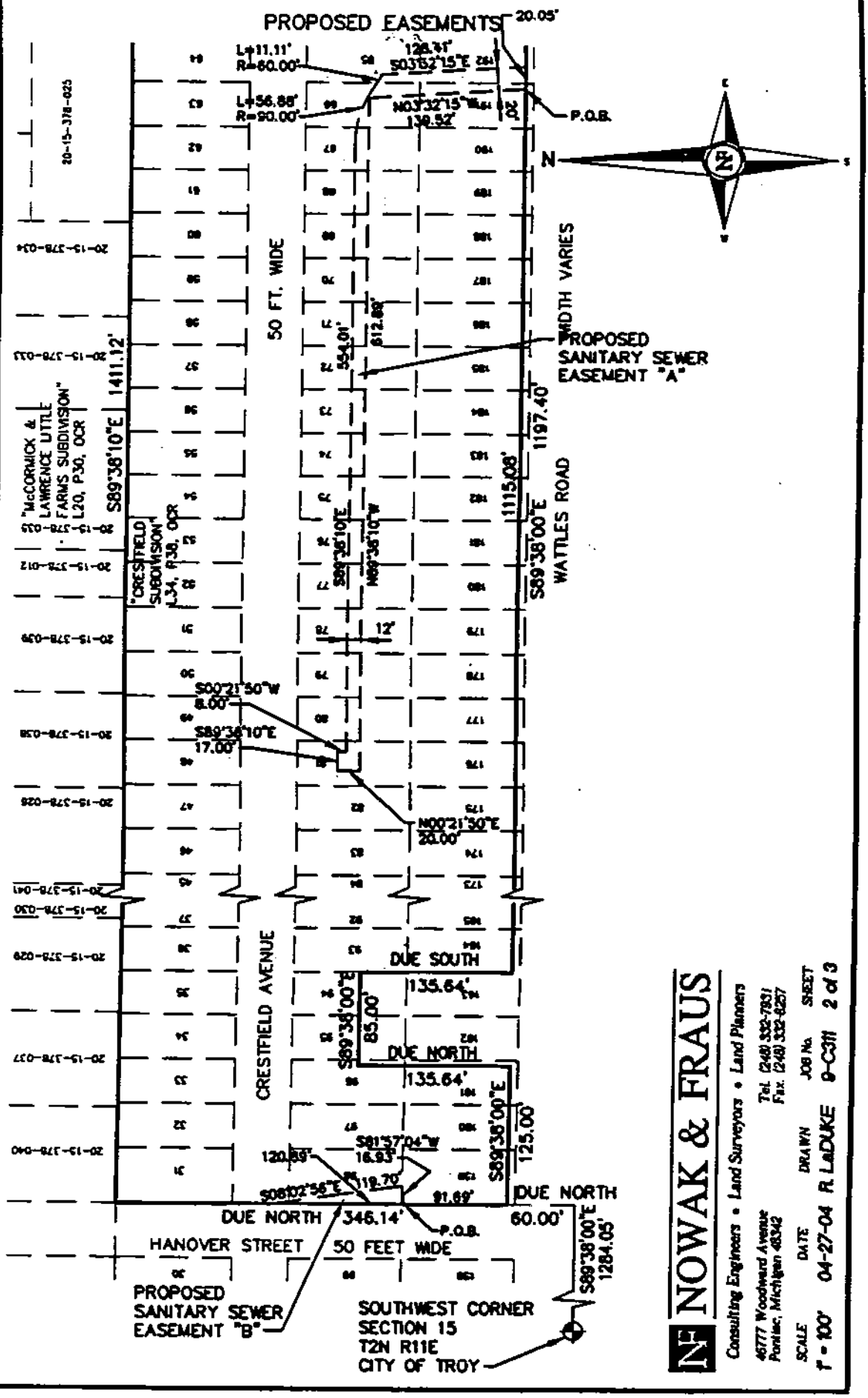


Exhibit A - Page 2 of 3



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SCALE	DATE	DRAWN	JOB No.	SHEET
1" = 100'	04-27-04	R. LaDUKE	9-C311	2 of 3

DESCRIPTIONS

LEGAL DESCRIPTION – Crestwood Condominium

A parcel of land described as lots 31–93 inclusive, part of lots 94–96 inclusive, lots 97 and 98, part of lots 159–161 inclusive, and part of lots 164–192 inclusive, of the Crestfield Subdivision, being part of the S.W. 1/4 of Section 15, T.2N., R.11E., also part of the S.E. 1/4 of Section 15, T.2N., R.11E., City of Troy, Oakland County, Michigan, all being more particularly described as commencing at the S.W. corner Section 15; thence S 89°38'00" E, 1284.05 feet along the South line of said Section 15; thence Due North, 60.00 feet to the Point of Beginning; thence Due North, 346.14 feet along the West line of Lots 159, 98, and 31 of "Crestfield Subdivision", as recorded in Liber 34, Page 38, Oakland County Records, also, the east line of Hanover Street (50 feet wide) to a point on the South line of "McCormick & Lawrence Little Farms Subdivision", as recorded in Liber 20, Page 30, Oakland County Records, said point also being the N.W. corner of said Lot 31, of "Crestfield Subdivision"; thence S 89°38'10" E, 1411.12 feet along the North line of said "Crestfield Subdivision" and the South line of said "McCormick & Lawrence Little Farms Subdivision" to a point on the North and South 1/4 line of said Section 15; thence S 89°38'15" E, 132.00 feet to a point on the South line of "Cypress Gardens Subdivision" as recorded in Liber 126, Page 7, Oakland County Records; thence S 00°34'40" W, 346.20 feet to a point on the North line of Wattles Road (width varies); thence N 89°38'15" W, 132.22 feet along the North line of said Wattles Road; thence N 89°38'00" W, 1197.40 feet along the North line of said Wattles Road to a point on the East line of Lot 163 of said "Crestfield Subdivision"; thence Due North, 135.64 feet along the East line of Lots 163 and 94 of said "Crestfield Subdivision"; thence N 89°38'00" W, 85.00 feet; thence Due South, 135.64 feet to a point on the North line of said Wattles Road; thence N 89°38'00" W, 125.00 feet along the North line of said Wattles Road to the Point of Beginning. Contains 11.985 acres or 522,050 square feet and subject to easements & restrictions of record.

LEGAL DESCRIPTION – Proposed Sanitary Sewer Easement "A"

Part of the Southwest 1/4 of Section 15, T.2N., R.11E., City of Troy, Oakland County, Michigan, being described as follows:
Commencing at the S.W. corner Section 15; thence S 89°38'00" E, 1284.05 feet along the South Line of said Section 15; thence Due North, 60.00 feet to a point on the North line of Wattles Road (width varies); thence S 89°38'00" E, 125.00 feet along the North line of said Wattles Road; thence Due North, 135.64 feet; thence S 89°38'00" E, 85.00 feet to a point on the East line of Lot 94 of said "Crestfield Subdivision", as recorded in Liber 34, Page 38, Oakland County Records; thence Due South, 135.64 feet along the East line of Lots 94 and 163 of said "Crestfield Subdivision" to a point on the North line of said Wattles Road; thence S 89°38'00" E, 1115.06 feet along the North line of said Wattles Road to the Point of Beginning; thence N 03°32'15" W, 139.52 feet; thence N 89°38'10" W, 612.89 feet; thence N 00°21'50" E, 20.00 feet; thence S 89°38'10" E, 17.00 feet; thence S 00°21'50" W, 8.00 feet; thence S 89°38'10" E, 554.01 feet; thence 56.88 feet along the arc of a curve to the right (radius 90.00 feet, central angle 36°12'42", chord bears S 71°31'49" E, 55.94 feet); thence 11.11 feet along the arc of a curve to the left (radius 60.00 feet, central angle 10°36'29", chord bears S 58°43'42" E, 11.09 feet); thence S 03°32'15" E, 128.41 feet to a point on the North line of said Wattles Road; thence N 89°38'00" W, 20.05 feet along the North line of said Wattles Road to the Point of Beginning. Contains 0.2306 acres or 10,045 square feet.

LEGAL DESCRIPTION – Proposed Sanitary Sewer Easement "B"

Part of the Southwest 1/4 of Section 15, T.2N., R.11E., City of Troy, Oakland County, Michigan, being described as follows:
Commencing at the S.W. corner Section 15; thence S 89°38'00" E, 1284.05 feet along the South Line of said Section 15; thence Due North, 60.00 feet; thence Due North, 91.69 feet along the West line of Lot 159 of "Crestfield Subdivision", as recorded in Liber 34, Page 38, Oakland County Records, also, the east line of Hanover Street (50 feet wide) to the Point of Beginning; thence Due North, 120.89 feet along the West line of said "Crestfield Subdivision" and East line of said Hanover Street; thence S 08°02'56" E, 119.70 feet; thence S 81°57'04" W, 16.93 feet to the Point of Beginning.
Contains 0.0233 acres or 1,013 square feet.

NF NOWAK & FRAUS
Consulting Engineers • Land Surveyors • Land Planners
46777 Woodward Avenue
Pontiac, Michigan 48342
Tel. (248) 332-7931
Fax. (248) 332-8257

SCALE	DATE	DRAWN	JOB No.	SHEET
No Scale	04-27-04	R. LaDUKE	9-C311	3 of 3

PERMANENT EASEMENT
WATER MAIN

Sidwell #88-20-15-379-051

RWT BUILDING, L.L.C., a Michigan Limited Liability Company, Grantors, whose address is: 2065 Livernois, Troy, MI 48083-1737 for and in consideration of the sum of: One and no/100 Dollar ($1.00) paid by the CITY OF TROY, a Michigan Municipal Corporation, Grantee, whose address is 500 West Big Beaver Road, Troy, Michigan, grants a non-exclusive easement to the Grantee for the right to construct, operate, maintain, repair and/or replace sanitary sewer, 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 HIS signature(s) this 26TH day of MAY A.D. 2004

In presence of:
WITNESS

RWT BUILDING, L.L.C. a Michigan Limited Liability Company

_____ By _____ (L.S.)
*Murray D. Deagle
Its: Member

_____ _____ (L.S.)

STATE OF MICHIGAN)
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this 26TH day of MAY, 2004, by Murray D. Deagle, Member on behalf of RWT BUILDING, L.L.C., a Michigan Limited Liability Company.

Patricia A. Petitto
*PATRICIA A. PETITTO
Notary Public, OAKLAND County, Michigan

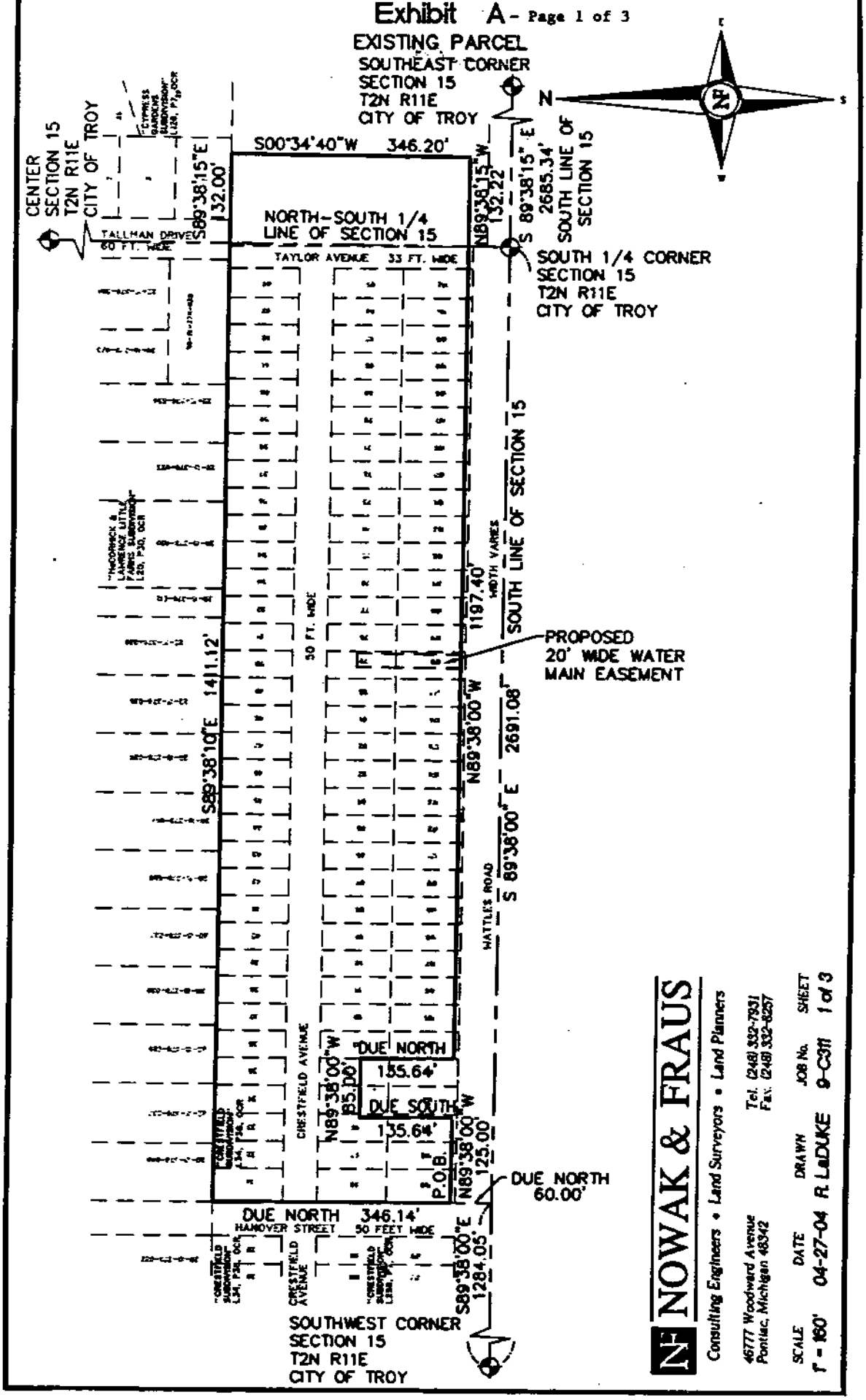
My Commission Expires 12-31-04

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 - Page 1 of 3



NOWAK & FRAUS
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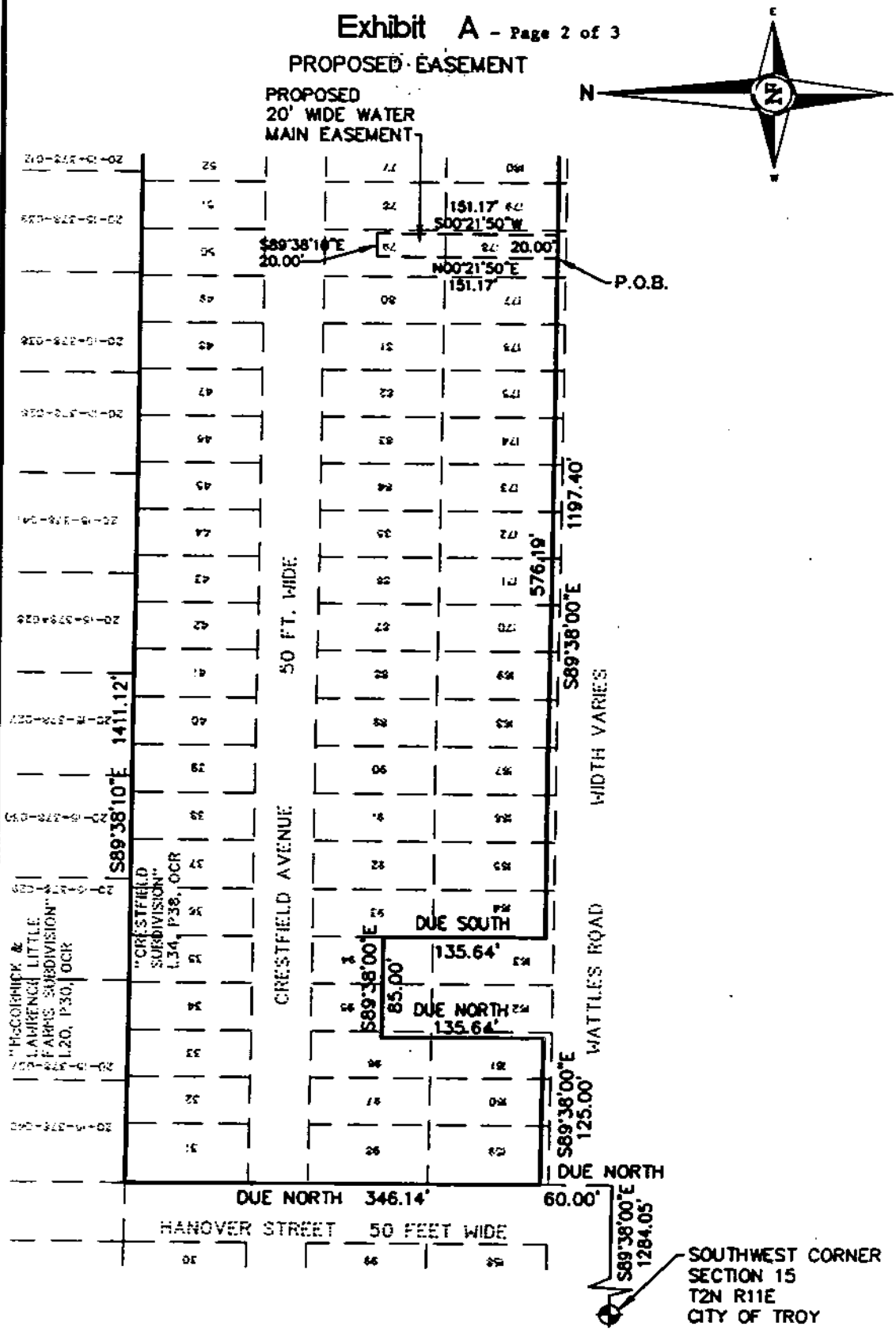
46777 Woodward Avenue
Pontiac, Michigan 48342

Tel. (248) 332-7931
Fax. (248) 332-8257

SCALE	DATE	DRAWN	JOB No.	SHEET
1" = 160'	04-27-04	R. LaDUKE	9-C311	1 of 3

Exhibit A - Page 2 of 3

PROPOSED EASEMENT



NOWAK & FRAUS

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46777 Woodward Avenue
Pontiac, Michigan 48342

Tel. (248) 332-7931
Fax. (248) 332-8257

SCALE	DATE	DRAWN	JOB No.	SHEET
1" = 100'	04-27-04	R. LaDUKE	9-C311	2 of 3

DESCRIPTIONS

LEGAL DESCRIPTION – Crestwood Condominium

A parcel of land described as lots 31–93 inclusive, part of lots 94–96 inclusive, lots 97 and 98, part of lots 159–161 inclusive, and part of lots 164–192 inclusive, of the Crestfield Subdivision, being part of the S.W. 1/4 of Section 15, T.2N., R.11E., also part of the S.E. 1/4 of Section 15, T.2N., R.11E., City of Troy, Oakland County, Michigan, all being more particularly described as commencing at the S.W. corner Section 15; thence S 89°38'00" E, 1284.05 feet along the South line of said Section 15; thence Due North, 60.00 feet to the Point of Beginning; thence Due North, 346.14 feet along the West line of Lots 159, 98, and 31 of "Crestfield Subdivision", as recorded in Liber 34, Page 38, Oakland County Records, also, the east line of Hanover Street (50 feet wide) to a point on the South line of "McCormick & Lawrence Little Farms Subdivision", as recorded in Liber 20, Page 30, Oakland County Records, said point also being the N.W. corner of said Lot 31, of "Crestfield Subdivision"; thence S 89°38'10" E, 1411.12 feet along the North line of said "Crestfield Subdivision" and the South line of said "McCormick & Lawrence Little Farms Subdivision" to a point on the North and South 1/4 line of said Section 15; thence S 89°38'15" E, 132.00 feet to a point on the South line of "Cypress Gardens Subdivision" as recorded in Liber 126, Page 7, Oakland County Records; thence S 00°34'40" W, 346.20 feet to a point on the North line of Wattles Road (width varies); thence N 89°38'15" W, 132.22 feet along the North line of said Wattles Road; thence N 89°38'00" W, 1197.40 feet along the North line of said Wattles Road to a point on the East line of Lot 163 of said "Crestfield Subdivision"; thence Due North, 135.64 feet along the East line of Lots 163 and 94 of said "Crestfield Subdivision"; thence N 89°38'00" W, 85.00 feet; thence Due South, 135.64 feet to a point on the North line of said Wattles Road; thence N 89°38'00" W, 125.00 feet along the North line of said Wattles Road to the Point of Beginning. Contains 11.985 acres or 522,050 square feet and subject to easements & restrictions of record.

LEGAL DESCRIPTION – Proposed 20' Wide Water Main Easement

Part of the Southwest 1/4 of Section 15, T.2N., R.11E., City of Troy, Oakland County, Michigan, being described as follows:
Commencing at the S.W. corner Section 15; thence S 89°38'00" E, 1284.05 feet along the South Line of said Section 15; thence Due North, 60.00 feet to a point on the North line of Wattles Road (width varies); thence S 89°38'00" E, 125.00 feet along the North line of said Wattles Road; thence Due North, 135.64 feet; thence S 89°38'00" E, 85.00 feet to a point on the East line of Lot 94 of said "Crestfield Subdivision", as recorded in Liber 34, Page 38, Oakland County Records; thence Due South, 135.64 feet along the East line of Lots 94 and 163 of said "Crestfield Subdivision" to a point on the North line of said Wattles Road; thence S 89°38'00" E, 576.19 feet along the North line of said Wattles Road to the Point of Beginning; thence N 00°21'50" E, 151.17 feet; thence S 89°38'10" E, 20.00 feet; thence S 00°21'50" W, 151.17 feet to a point on the North line of said Wattles Road; thence N 89°38'00" W, 20.00 feet along the North line of said Wattles Road to the Point of Beginning. Contains 0.0694 acres or 3,023 square feet.

NF NOWAK & FRAUS
Consulting Engineers • Land Surveyors • Land Planners
46777 Woodward Avenue
Pontiac, Michigan 48342
Tel. (248) 332-7931
Fax. (248) 332-8257

SCALE	DATE	DRAWN	JOB No.	SHEET
No Scale	04-27-04	R. LaDUKE	9-C311	3 of 3

PERMANENT EASEMENT
SIDEWALK

Sidwell #88-20-15-378-043 & #88-20-15-379-051

RWT BUILDING, L.L.C., a Michigan Limited Liability Company, Grantors, whose address is: 2065 Livernois, Troy, MI 48083-1737 for and in consideration of the sum of: One and no/100 Dollar ($1.00) paid by the CITY OF TROY, a Michigan Municipal Corporation, Grantee, whose address is 500 West Big Beaver Road, Troy, Michigan, grants a non-exclusive easement to the Grantee for the right to construct, operate, maintain, repair and/or replace sidewalk, 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 HIS signature(s) this 26TH day of MAY A.D. 2004

In presence of:
WITNESS

_____
*

_____
*

RWT BUILDING, L.L.C. a Michigan Limited Liability Company

By _____ (L.S.)
*Murray D. Deagle
Its: Member

_____ (L.S.)
*

STATE OF MICHIGAN)
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this 26TH day of MAY, 2004, by Murray D. Deagle, Member on behalf of RWT BUILDING, L.L.C., a Michigan Limited Liability Company.

Patricia A. Petitto
* PATRICIA A. PETITTO
Notary Public, OAKLAND County, Michigan

My Commission Expires 12-31-04

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 - Page 1 of 3

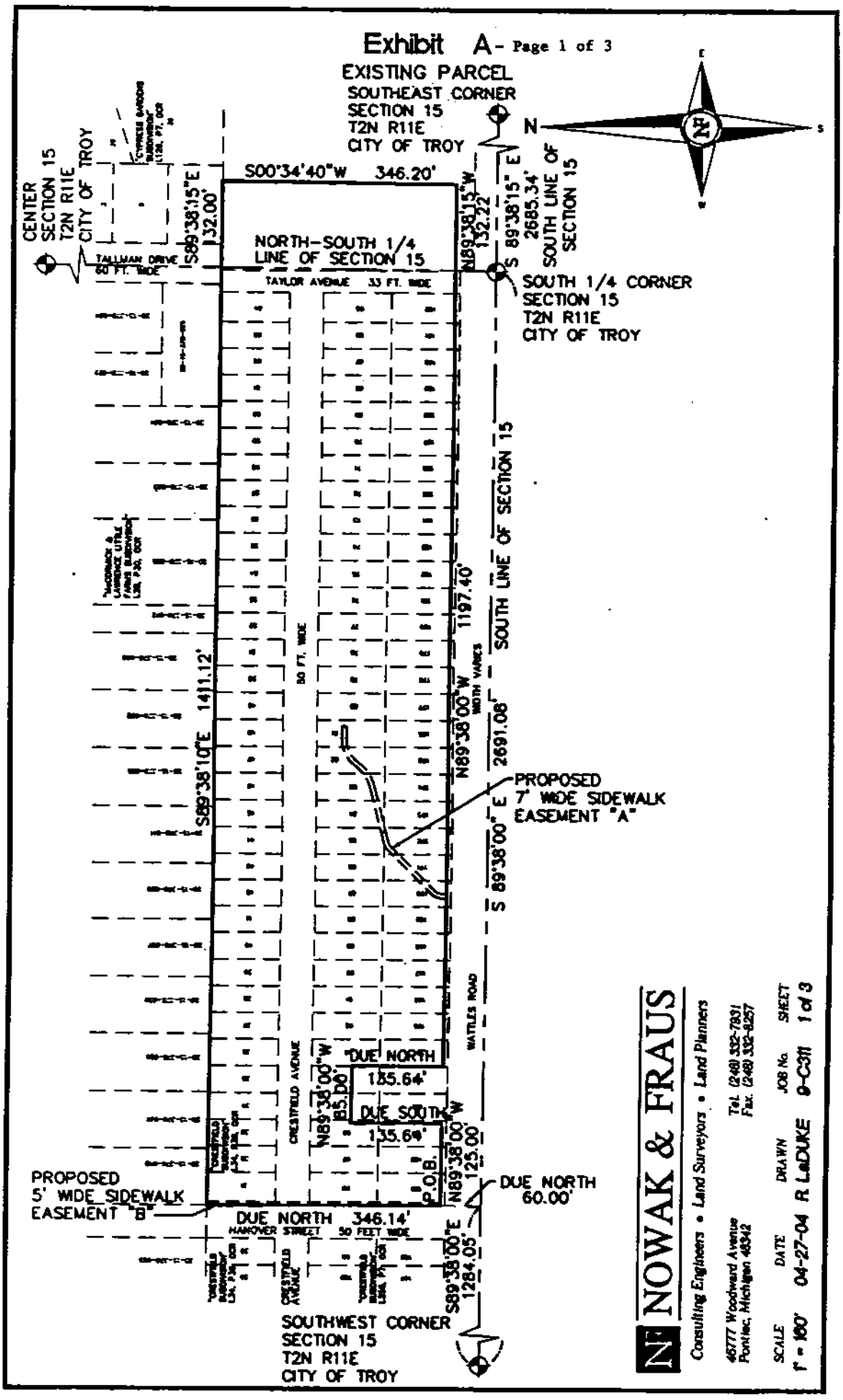
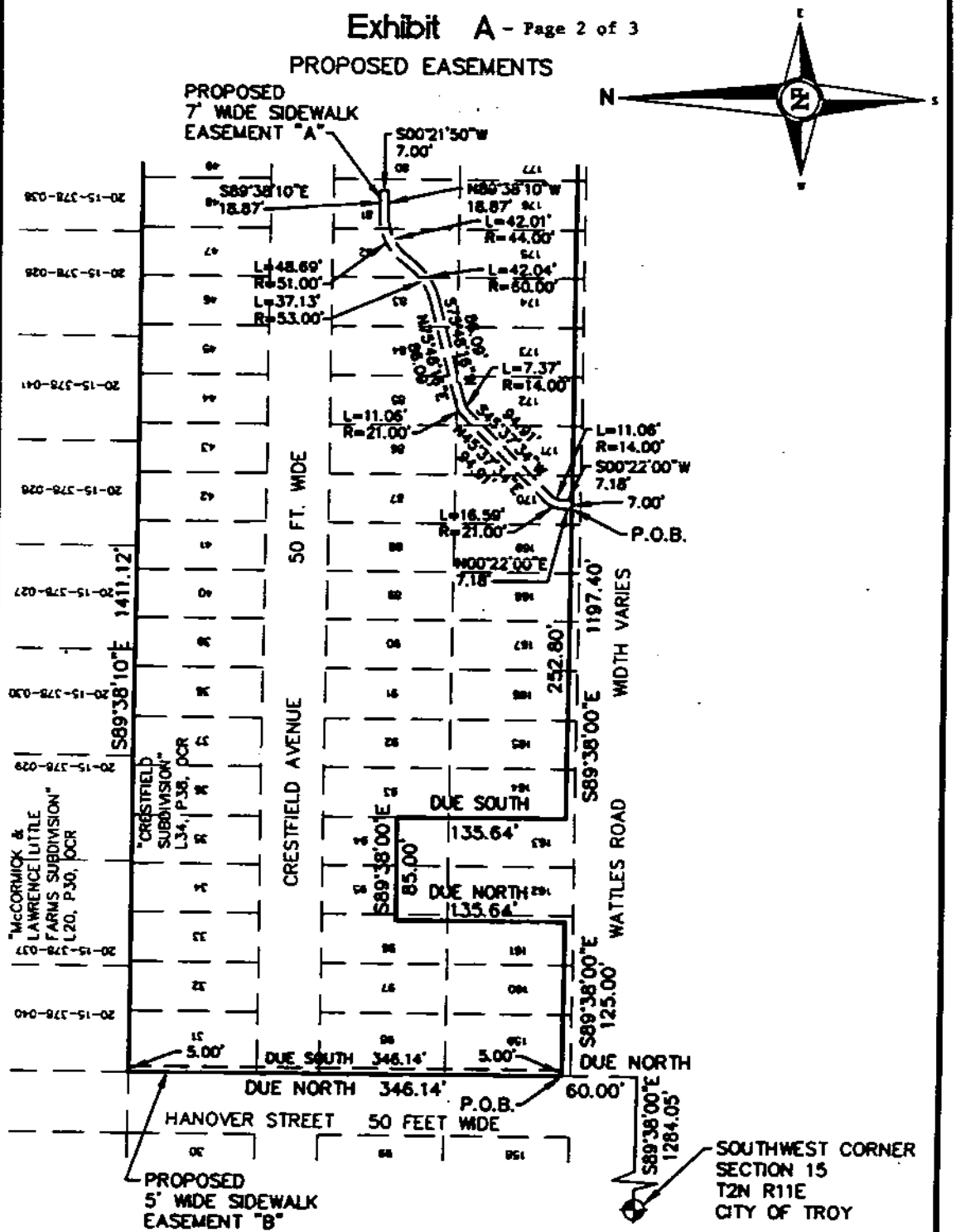


Exhibit A - Page 2 of 3

PROPOSED EASEMENTS



NOWAK & FRAUS

Consulting Engineers • Land Surveyors • Land Planners

46777 Woodward Avenue
Pontiac, Michigan 48342

Tel. (248) 332-7931
Fax. (248) 332-8257

SCALE	DATE	DRAWN	JOB No.	SHEET
1" = 100'	04-27-04	R. LaDUKE	9-C311	2 of 3

DESCRIPTIONS

LEGAL DESCRIPTION – Crestwood Condominium

A parcel of land described as lots 31–93 inclusive, part of lots 94–96 inclusive, lots 97 and 98, part of lots 159–161 inclusive, and part of lots 164–192 inclusive, of the Crestfield Subdivision, being part of the S.W. 1/4 of Section 15, T.2N., R.11E., also part of the S.E. 1/4 of Section 15, T.2N., R.11E., City of Troy, Oakland County, Michigan, all being more particularly described as commencing at the S.W. corner Section 15; thence S 89°38'00" E, 1284.05 feet along the South line of said Section 15; thence Due North, 60.00 feet to the Point of Beginning; thence Due North, 346.14 feet along the West line of Lots 159, 98, and 31 of "Crestfield Subdivision", as recorded in Liber 34, Page 38, Oakland County Records, also, the east line of Hanover Street (50 feet wide) to a point on the South line of "McCormick & Lawrence Little Farms Subdivision", as recorded in Liber 20, Page 30, Oakland County Records, said point also being the N.W. corner of said Lot 31, of "Crestfield Subdivision"; thence S 89°38'10" E, 1411.12 feet along the North line of said "Crestfield Subdivision" and the South line of said "McCormick & Lawrence Little Farms Subdivision" to a point on the North and South 1/4 line of said Section 15; thence S 89°38'15" E, 132.00 feet to a point on the South line of "Cypress Gardens Subdivision" as recorded in Liber 126, Page 7, Oakland County Records; thence S 00°34'40" W, 346.20 feet to a point on the North line of Wattles Road (width varies); thence N 89°38'15" W, 132.22 feet along the North line of said Wattles Road; thence N 89°38'00" W, 1197.40 feet along the North line of said Wattles Road to a point on the East line of Lot 163 of said "Crestfield Subdivision"; thence Due North, 135.64 feet along the East line of Lots 163 and 94 of said "Crestfield Subdivision"; thence N 89°38'00" W, 85.00 feet; thence Due South, 135.64 feet to a point on the North line of said Wattles Road; thence N 89°38'00" W, 125.00 feet along the North line of said Wattles Road to the Point of Beginning. Contains 11.985 acres or 522,050 square feet and subject to easements & restrictions of record.

LEGAL DESCRIPTION – Proposed 7' Wide Sidewalk Easement "A"

Part of the Southwest 1/4 of Section 15, T.2N., R.11E., City of Troy, Oakland County, Michigan, being described as follows:
Commencing at the S.W. corner Section 15; thence S 89°38'00" E, 1284.05 feet along the South Line of said Section 15; thence Due North, 60.00 feet to a point on the North line of Wattles Road (width varies); thence S 89°38'00" E, 125.00 feet along the North line of said Wattles Road; thence Due North, 135.64 feet; thence S 89°38'00" E, 85.00 feet to a point on the East line of Lot 94 of said "Crestfield Subdivision", as recorded in Liber 34, Page 38, Oakland County Records; thence Due South, 135.64 feet along the East line of Lots 94 and 163 of said "Crestfield Subdivision" to a point on the North line of said Wattles Road; thence S 89°38'00" E, 252.80 feet along the North line of said Wattles Road to the Point of Beginning; thence N 00°22'00" E, 7.18 feet; thence 16.59 feet along the arc of a curve to the right (radius 21.00 feet, central angle 45°15'34", chord bears N 22°59'47" E, 16.16 feet); thence N 45°37'34" E, 94.91 feet; thence 11.06 feet along the arc of a curve to the right (radius 21.00 feet, central angle 30°10'42", chord bears N 60°42'55"E, 10.93 feet); thence N 75°48'16" E, 86.09 feet; thence 37.13 feet along the arc of a curve to the left (radius 53.00 feet, central angle 40°08'35", chord bears N 55°43'59" E, 36.38 feet); thence 48.69 feet along the arc of a curve to the right (radius 51.00 feet, central angle 54°42'09", chord bears N 63°00'46" E, 46.86 feet); thence S 89°38'10" E, 18.87 feet; thence S 00°21'50" W, 7.00 feet; thence N 89°38'10" W, 18.87 feet; thence 42.01 feet along the arc of a curve to the left (radius 44.00 feet, central angle 54°42'09", chord bears S 63°00'46" W, 40.43 feet); thence 42.04 feet along the arc of a curve to the right (radius 60.00 feet, central angle 40°08'35", chord bears S 55°43'59" W, 41.18 feet); thence S 75°48'16" W, 86.09 feet; thence 7.37 feet along the arc of a curve to the left (radius 14.00 feet, central angle 30°10'42", chord bears S 60°42'55" W, 7.29 feet); thence S 45°37'34" W, 94.91 feet; thence 11.06 feet along the arc of a curve to the left (radius 14.00 feet, central angle 45°15'34", chord bears S 22°59'47" W, 10.77 feet); thence S 00°22'00" W, 7.18 feet to a point on the North line of said Wattles Road; thence N 89°38'00" W, 7.00 feet along the North line of said Wattles Road to the Point of Beginning. Contains 0.0506 acres or 2,205 square feet.

LEGAL DESCRIPTION – Proposed 5' Wide Sidewalk Easement "B"

Part of the Southwest 1/4 of Section 15, T.2N., R.11E., City of Troy, Oakland County, Michigan, being described as follows:
Commencing at the S.W. corner Section 15; thence S 89°38'00" E, 1284.05 feet along the South Line of said Section 15; thence Due North, 60.00 feet to the Point of Beginning; thence Due North, 346.14 feet along the West line of Lots 159, 98, and 31 of "Crestfield Subdivision", as recorded in Liber 34, Page 38, Oakland County Records, also, the east line of Hanover Street (50 feet wide) to a point on the South line of "McCormick & Lawrence Little Farms Subdivision", as recorded in Liber 20, Page 30, Oakland County Records, said point also being the N.W. corner of said Lot 31, of "Crestfield Subdivision"; thence S 89°38'10" E, 5.00 feet along the North line of said "Crestfield Subdivision" and the South line of said "McCormick & Lawrence Little Farms Subdivision"; thence Due South, 346.14 feet to a point on the North line of Wattles Road (width varies); thence N 89°38'00" W, 5.00 feet along the North line of said Wattles Road to the Point of Beginning. Contains 0.0397 acres or 1,731 square feet.

NF NOWAK & FRAUS

Consulting Engineers • Land Surveyors • Land Planners

46777 Woodward Avenue
Pontiac, Michigan 48342

Tel. (248) 332-7931
Fax. (248) 332-8257

SCALE	DATE	DRAWN	JOB No.	SHEET
No Scale	04-27-04	R. LaDUKE	9-C311	3 of 3

PERMANENT EASEMENT
DRAINAGE

Sidwell #88-20-15-378-043, #88-20-15-379-051 & #88-20-15-451-035

RWT BUILDING, L.L.C., a Michigan Limited Liability Company, Grantors, whose address is: 2065 Livernois, Troy, MI 48083-1737 for and in consideration of the sum of: One and no/100 Dollar ($1.00) paid by the CITY OF TROY, a Michigan Municipal Corporation, Grantee, whose address is 500 West Big Beaver Road, Troy, Michigan, grants a non-exclusive easement to the Grantee for the right to construct, operate, maintain, repair and/or replace drainage, 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 HIS signature(s) this 26TH day of MAY A.D. 2004

In presence of:
WITNESS

_____
*

_____
*

RWT BUILDING, L.L.C. a Michigan
Limited Liability Company

By _____ (L.S.)
*Murray D. Deagle
Its: Member

_____ (L.S.)
*

STATE OF MICHIGAN)
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this 26TH day of MAY, 2004 by Murray D. Deagle, Member on behalf of RWT BUILDING, L.L.C., a Michigan Limited Liability Company.

Patricia A. Petitto
*PATRICIA A. PETITTO
Notary Public, OAKLAND County, Michigan

My Commission Expires 12-31-04

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 - Page 1 of 4

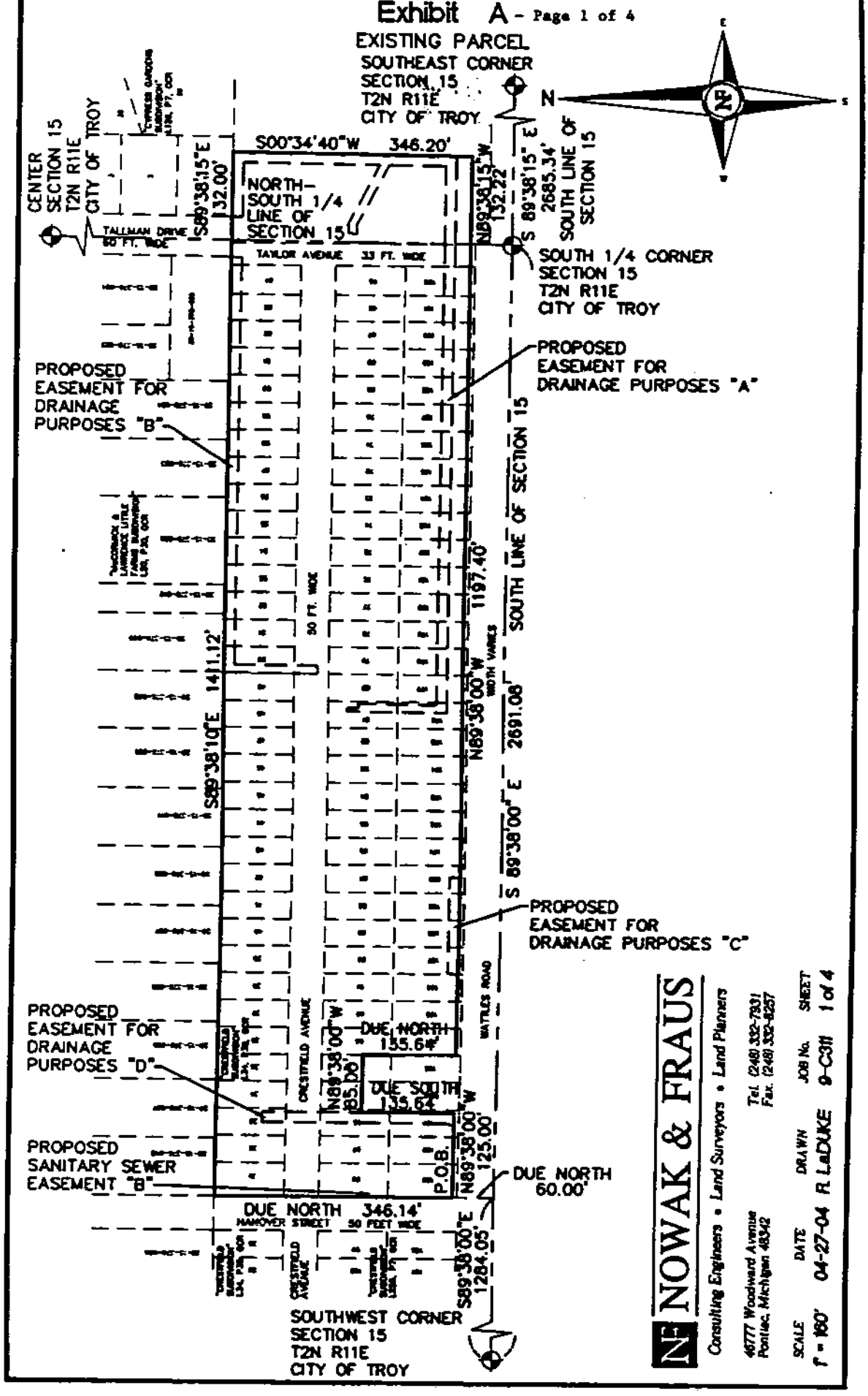


Exhibit A - Page 2 of 4

PROPOSED EASEMENTS

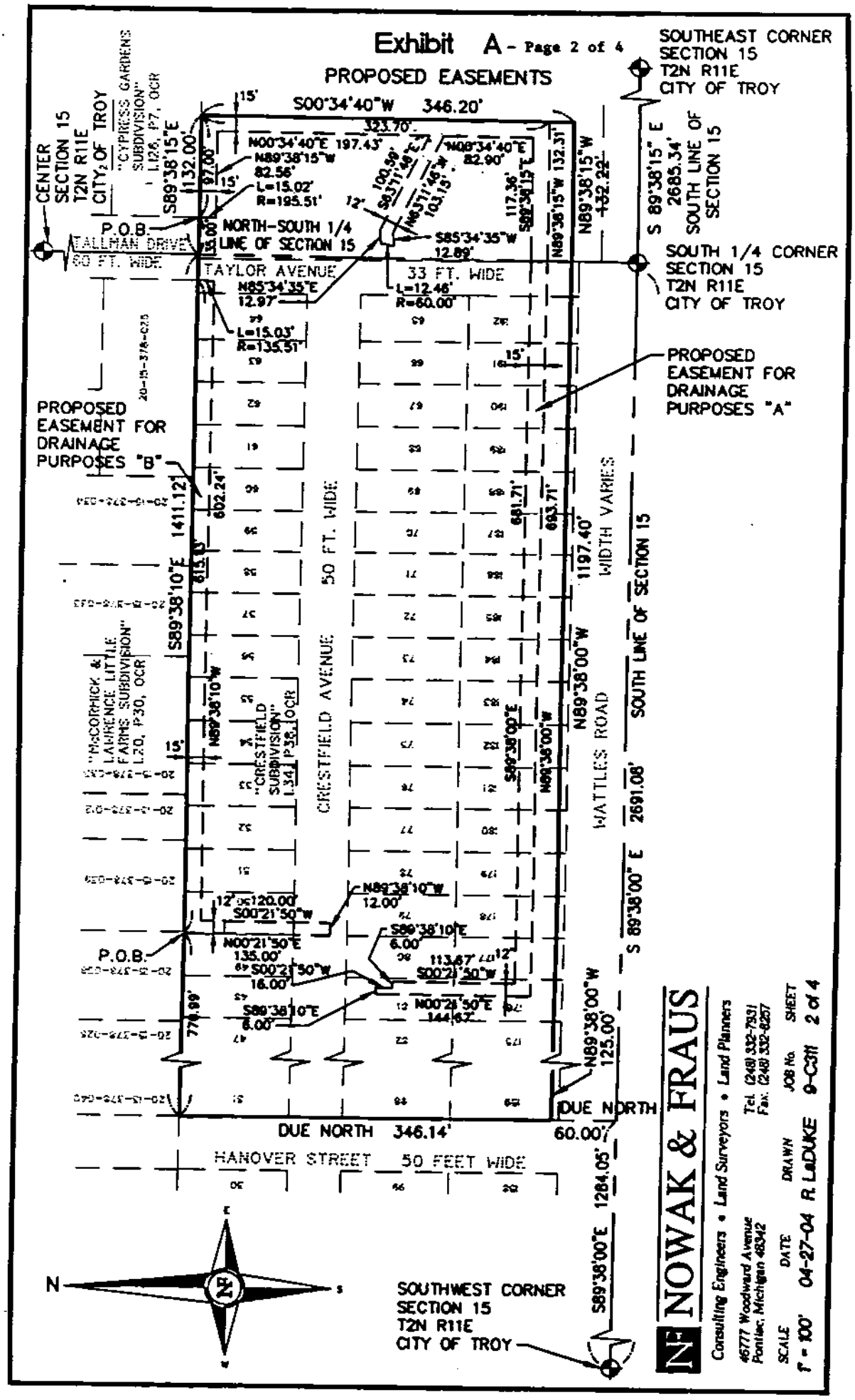


Exhibit A - Page 3 of 4

DESCRIPTIONS

LEGAL DESCRIPTION - Crestwood Condominium

A parcel of land described as lots 31-93 inclusive, part of lots 94-96 inclusive, lots 97 and 98, part of lots 150-161 inclusive, and part of lots 164-192 inclusive, of the Crestfield Subdivision, being part of the S.W. 1/4 of Section 15, T.2N., R.11E., also part of the S.E. 1/4 of Section 15, T.2N., R.11E., City of Troy, Oakland County, Michigan, all being more particularly described as commencing at the S.W. corner Section 15; thence S 89°38'00" E, 1284.05 feet along the South line of said Section 15; thence Due North, 60.00 feet to the Point of Beginning; thence Due North, 346.14 feet along the West line of Lots 150, 98, and 31 of "Crestfield Subdivision", as recorded in Liber 34, Page 38, Oakland County Records, also, the east line of Hanover Street (50 feet wide) to a point on the South line of "McCormick & Lawrence Little Farms Subdivision", as recorded in Liber 20, Page 30, Oakland County Records, said point also being the N.W. corner of said Lot 31, of "Crestfield Subdivision"; thence S 89°38'10" E, 1411.12 feet along the North line of said "Crestfield Subdivision" and the South line of said "McCormick & Lawrence Little Farms Subdivision" to a point on the North and South 1/4 line of said Section 15; thence S 89°38'15" E, 132.00 feet to a point on the South line of "Cypress Gardens Subdivision" as recorded in Liber 126, Page 7, Oakland County Records; thence S 00°34'40" W, 346.20 feet to a point on the North line of Wattles Road (width varies); thence N 89°38'15" W, 132.22 feet along the North line of said Wattles Road; thence N 89°38'00" W, 1197.40 feet along the North line of said Wattles Road to a point on the East line of Lot 163 of said "Crestfield Subdivision"; thence Due North, 135.84 feet along the East line of Lots 163 and 94 of said "Crestfield Subdivision"; thence N 89°38'00" W, 85.00 feet; thence Due South, 135.84 feet to a point on the North line of said Wattles Road; thence N 89°38'00" W, 125.00 feet along the North line of said Wattles Road to the Point of Beginning. Contains 11.985 acres or 522,050 square feet and subject to easements & restrictions of record.

ok

LEGAL DESCRIPTION - Proposed Easement for Drainage Purposes "A"

Part of the Southwest 1/4 of Section 15, T.2N., R.11E., City of Troy, Oakland County, Michigan, being described as follows:
Commencing at the S.W. corner Section 15; thence S 89°38'00" E, 1284.05 feet along the South Line of said Section 15; thence Due North, 60.00 feet; thence Due North, 346.14 feet along the West line of Lots 150, 98, and 31 of "Crestfield Subdivision", as recorded in Liber 34, Page 38, Oakland County Records, also, the east line of Hanover Street (50 feet wide) to a point on the South line of "McCormick & Lawrence Little Farms Subdivision", as recorded in Liber 20, Page 30, Oakland County Records, said point also being the N.W. corner of said Lot 31, of "Crestfield Subdivision"; thence S 89°38'10" E, 1411.12 feet along the North line of said "Crestfield Subdivision" and the South line of said "McCormick & Lawrence Little Farms Subdivision" to a point on the North and South 1/4 line of said Section 15; thence S 89°38'15" E, 35.00 feet to the Point of Beginning; thence S 89°38'15" E, 97.00 feet to a point on the South line of "Cypress Gardens Subdivision" as recorded in Liber 126, Page 7, Oakland County Records; thence S 00°34'40" W, 323.70 feet; thence N 89°38'15" W, 133.31 feet; thence N 89°38'00" W, 683.71 feet; thence N 00°21'50" E, 144.67 feet; thence S 89°38'10" E, 6.00 feet; thence S 00°21'50" W, 16.00 feet; thence S 89°38'10" E, 6.00 feet; thence S 00°21'50" W, 113.67 feet; thence S 89°38'00" E, 683.71 feet; thence S 89°38'15" E, 117.36 feet; thence N 00°34'40" E, 82.90 feet; thence N 63°11'46" W, 103.15 feet; thence S 85°34'35" W, 12.88 feet; thence 12.46 feet along the arc of a curve to the left (radius 60.00 feet, central angle 11°54'01", chord bears N 10°51'05" E, 12.44 feet); thence N 85°34'35" E, 12.97 feet; thence S 63°11'46" E, 100.58 feet; thence N 00°34'40" E, 187.43 feet; thence N 89°38'15" W, 82.56 feet; thence 15.02 feet along the arc of a curve to the left (radius 195.51 feet, central angle 04°24'03", chord bears N 02°42'44" E, 15.01 feet) to the Point of Beginning. Contains 0.4841 acres or 21,088 square feet.

ok

LEGAL DESCRIPTION - Proposed Easement for Drainage Purposes "B"

Part of the Southwest 1/4 and Southeast 1/4 of Section 15, T.2N., R.11E., City of Troy, Oakland County, Michigan, being described as follows:
Commencing at the S.W. corner Section 15; thence S 89°38'00" E, 1284.05 feet along the South Line of said Section 15; thence Due North, 60.00 feet; thence Due North, 346.14 feet along the West line of Lots 150, 98, and 31 of "Crestfield Subdivision", as recorded in Liber 34, Page 38, Oakland County Records, also, the east line of Hanover Street (50 feet wide) to a point on the South line of "McCormick & Lawrence Little Farms Subdivision", as recorded in Liber 20, Page 30, Oakland County Records, said point also being the N.W. corner of said Lot 31, of "Crestfield Subdivision"; thence S 89°38'10" E, 770.98 feet along the North line of said "Crestfield Subdivision" and the South line of said "McCormick & Lawrence Little Farms Subdivision" to the Point of Beginning; thence continuing along said line S 89°38'10" E, 615.13 feet; thence 15.03 feet along the arc of a curve to the right (radius 135.51 feet, central angle 06°21'25", chord bears S 03°45'23" W, 15.03 feet); thence N 89°38'10" W, 602.24 feet; thence S 00°21'50" W, 120.00 feet; thence N 89°38'10" W, 12.00 feet; thence N 00°21'50" E, 135.00 feet to the Point of Beginning. Contains 0.2448 acres or 10,662 square feet.

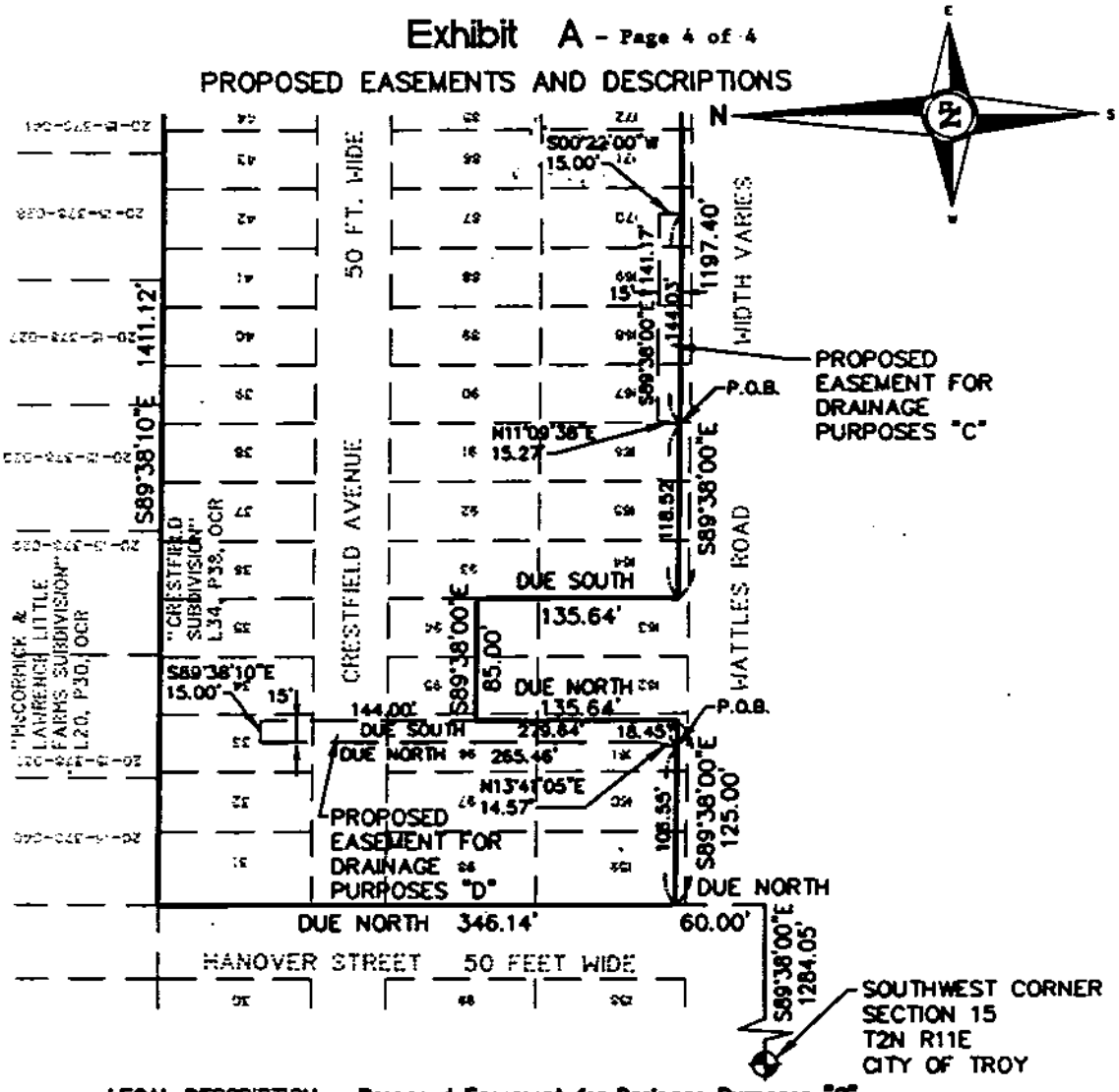
ok

NOWAK & FRAUS
Consulting Engineers • Land Surveyors • Land Planners
46777 Woodward Avenue
Pontiac, Michigan 48342
Tel. (248) 332-7931
Fax. (248) 332-8257

SCALE	DATE	DRAWN	JOB No.	SHEET
No Scale	04-27-04	R. LaDUKE	9-C38	3 of 4

Exhibit A - Page 4 of 4

PROPOSED EASEMENTS AND DESCRIPTIONS



LEGAL DESCRIPTION – Proposed Easement for Drainage Purposes "C"

Part of the Southwest 1/4 of Section 15, T.2N., R.11E., City of Troy, Oakland County, Michigan, being described as follows:
Commencing at the S.W. corner Section 15; thence S 89°38'00" E, 1284.05 feet along the South Line of said Section 15; thence Due North, 60.00 feet to a point on the North line of Wattles Road (width varies); thence S 89°38'00" E, 125.00 feet along the North line of said Wattles Road; thence Due North, 135.64 feet; thence S 89°38'00" E, 85.00 feet to a point on the East line of Lot 94 of said "Crestfield Subdivision", as recorded in Liber 34, Page 38, Oakland County Records; thence Due South, 135.64 feet along the East line of Lots 94 and 163 of said "Crestfield Subdivision" to a point on the North line of said Wattles Road; thence S 89°38'00" E, 118.52 feet along the North line of said Wattles Road to the Point of Beginning; thence N 11°09'38" E, 15.27 feet; thence S 89°38'00" E, 141.17 feet; thence S 00°22'00" W, 15.00 feet to a point on the North line of said Wattles Road; thence N 89°38'00" W, 144.03 feet along the North line of said Wattles Road to the Point of Beginning. Contains 0.0491 acres or 2,139 square feet.

ok

LEGAL DESCRIPTION – Proposed Easement for Drainage Purposes "D"

Part of the Southwest 1/4 of Section 15, T.2N., R.11E., City of Troy, Oakland County, Michigan, being described as follows:
Commencing at the S.W. corner Section 15; thence S 89°38'00" E, 1284.05 feet along the South Line of said Section 15; thence Due North, 60.00 feet to a point on the North line of Wattles Road (width varies); thence S 89°38'00" E, 106.55 feet to the Point of Beginning; thence N 13°41'05" E, 14.57 feet; thence Due North, 265.46 feet; thence S 89°38'10" E, 15.00 feet; thence Due South, 279.64 feet to a point on the North line of said Wattles Road; thence N 89°38'00" W, 18.45 feet along the North line of said Wattles Road to the Point of Beginning. Contains 0.0969 acres or 4,219 square feet.

ok

NF NOWAK & FRAUS

Consulting Engineers • Land Surveyors • Land Planners

46777 Woodward Avenue
Pontiac, Michigan 48342

Tel. (248) 332-7931
Fax. (248) 332-8257

SCALE	DATE	DRAWN	JOB No.	SHEET
1" = 100'	04-27-04	R. LeDUKE	9-C311	4 of 4

PERMANENT EASEMENT
DETENTION BASIN

Sidwell #88-20-15-378-043, #88-20-15-379-051

RWT BUILDING, L.L.C., a Michigan Limited Liability Company, Grantors, whose address is: 2065 Livernois, Troy, MI 48083-1737 for and in consideration of the sum of: One and no/100 Dollar ($1.00) paid by the CITY OF TROY, a Michigan Municipal Corporation, Grantee, whose address is 500 West Big Beaver Road, Troy, Michigan, grants a non-exclusive easement to the Grantee for the right to construct, operate, maintain, repair and/or replace detention basin, 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 HIS signature(s) this 26TH day of MAY A.D. 2004

In presence of:
WITNESS

RWT BUILDING, L.L.C. a Michigan Limited Liability Company

By _____ (L.S.)
*Murray D. Deagle
Its: Member

_____ (L.S.)

STATE OF MICHIGAN)
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this 26TH day of MAY, 2004, by Murray D. Deagle, Member on behalf of RWT BUILDING, L.L.C., a Michigan Limited Liability Company.

Patricia A. Petitto
* PATRICIA A. PETITTO
Notary Public, OAKLAND County, Michigan

My Commission Expires 12-31-04

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 - Page 1 of 3

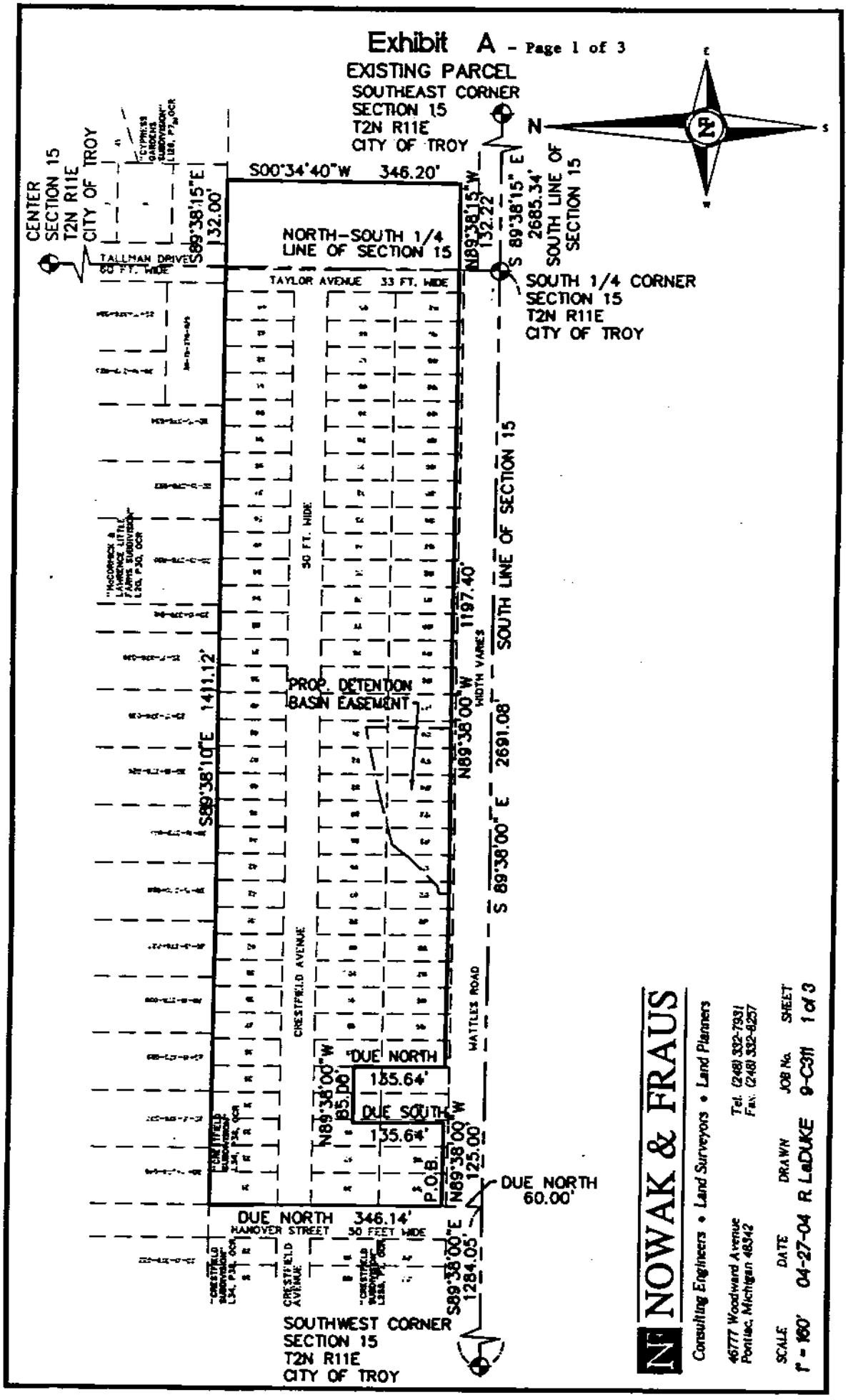
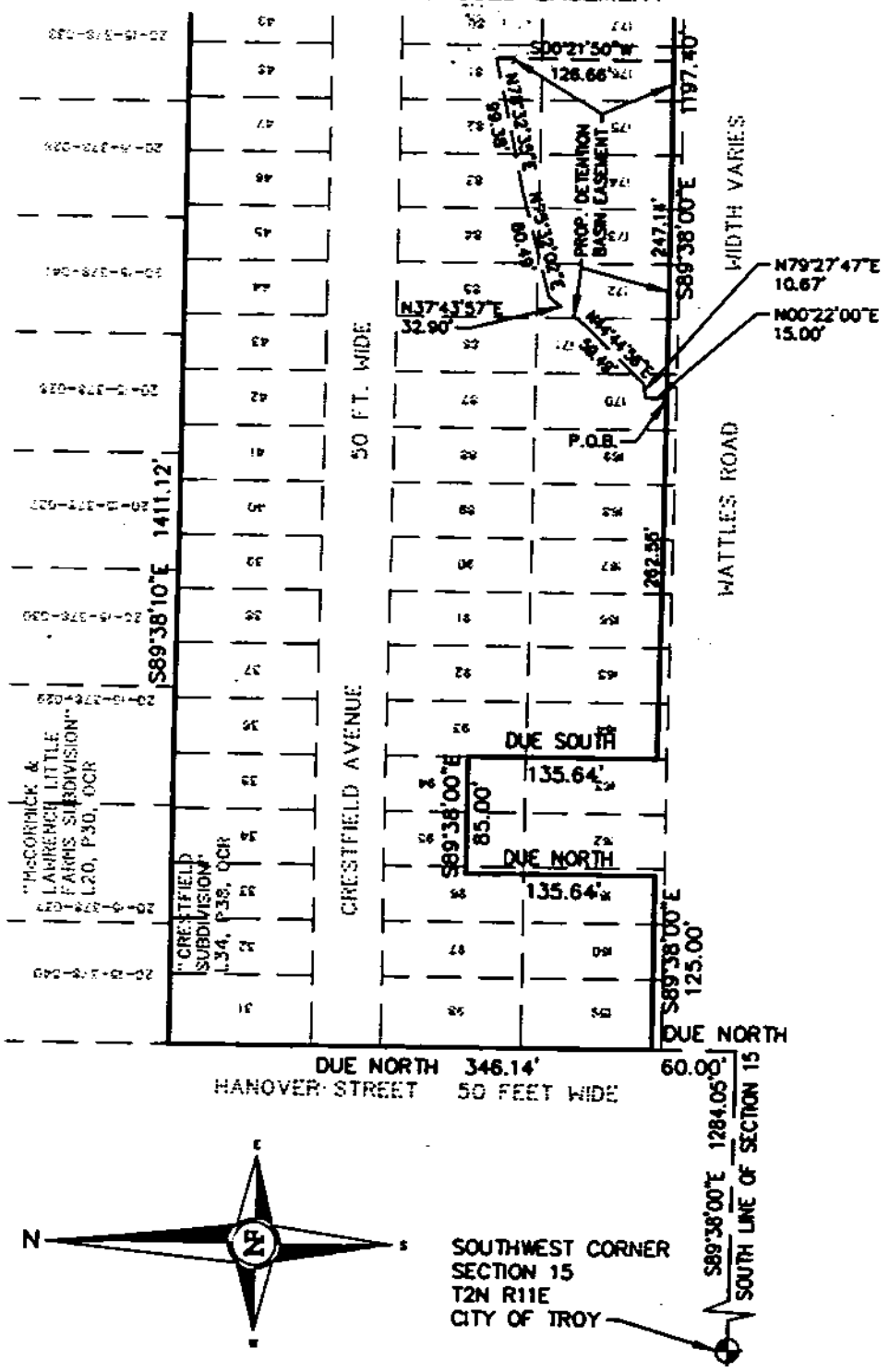


Exhibit A - Page 2 of 3

PROPOSED EASEMENT



NOWAK & FRAUS

Consulting Engineers • Land Surveyors • Land Planners

46777 Woodward Avenue
Pontiac, Michigan 48342

Tel. (248) 332-7931
Fax. (248) 332-8257

SCALE	DATE	DRAWN	JOB No.	SHEET
1" = 100'	04-27-04	R. LaDUKE	9-C311	2 of 3

DESCRIPTIONS

LEGAL DESCRIPTION – Crestwood Condominium

A parcel of land described as lots 31–93 inclusive, part of lots 94–96 inclusive, lots 97 and 98, part of lots 159–161 inclusive, and part of lots 164–192 inclusive, of the Crestfield Subdivision, being part of the S.W. 1/4 of Section 15, T.2N., R.11E., also part of the S.E. 1/4 of Section 15, T.2N., R.11E., City of Troy, Oakland County, Michigan, all being more particularly described as commencing at the S.W. corner Section 15; thence S 89°38'00" E. 1284.05 feet along the South line of said Section 15; thence Due North, 60.00 feet to the Point of Beginning; thence Due North, 346.14 feet along the West line of Lots 159, 98, and 31 of "Crestfield Subdivision", as recorded in Liber 34, Page 38, Oakland County Records, also, the east line of Hanover Street (50 feet wide) to a point on the South line of "McCormick & Lawrence Little Farms Subdivision", as recorded in Liber 20, Page 30, Oakland County Records, said point also being the N.W. corner of said Lot 31, of "Crestfield Subdivision"; thence S 89°38'10" E, 1411.12 feet along the North line of said "Crestfield Subdivision" and the South line of said "McCormick & Lawrence Little Farms Subdivision" to a point on the North and South 1/4 line of said Section 15; thence S 89°38'15" E, 132.00 feet to a point on the South line of "Cypress Gardens Subdivision" as recorded in Liber 126, Page 7, Oakland County Records; thence S 00°34'40" W, 346.20 feet to a point on the North line of Wattles Road (width varies); thence N 89°38'15" W, 132.22 feet along the North line of said Wattles Road; thence N 89°38'00" W, 1197.40 feet along the North line of said Wattles Road to a point on the East line of Lot 163 of said "Crestfield Subdivision"; thence Due North, 135.64 feet along the East line of Lots 163 and 94 of said "Crestfield Subdivision"; thence N 89°38'00" W, 85.00 feet; thence Due South, 135.64 feet to a point on the North line of said Wattles Road; thence N 89°38'00" W, 125.00 feet along the North line of said Wattles Road to the Point of Beginning. Contains 11.985 acres or 522,050 square feet and subject to easements & restrictions of record.

LEGAL DESCRIPTION – Proposed Detention Basin Easement

Part of the Southwest 1/4 of Section 15, T.2N., R.11E., City of Troy, Oakland County, Michigan, being described as follows:
Commencing at the S.W. corner Section 15; thence S 89°38'00" E. 1284.05 feet along the South Line of said Section 15; thence Due North, 60.00 feet to a point on the North line of Wattles Road (width varies); thence S 89°38'00" E. 125.00 feet along the North line of said Wattles Road; thence Due North, 135.64 feet; thence S 89°38'00" E. 85.00 feet to a point on the East line of Lot 94 of said "Crestfield Subdivision", as recorded in Liber 34, Page 38, Oakland County Records; thence Due South, 135.64 feet along the East line of Lots 94 and 163 of said "Crestfield Subdivision" to a point on the North line of said Wattles Road; thence S 89°38'00" E. 262.55 feet along the North line of said Wattles Road to the Point of Beginning; thence N 00°22'00" E. 15.00 feet; thence N 79°27'47" E, 10.67 feet; thence N 44°44'56" E, 59.49 feet; thence N 37°43'57" E, 32.90 feet; thence N 75°32'02" E, 80.49 feet; thence N 78°32'35" E, 99.38 feet; thence S 00°21'50" W, 126.66 feet to a point on the North Right-of-Way line of Wattles Road (width varies); thence N 89°38'00" W, 247.14 feet along the North line of said Wattles Road to the Point of Beginning. Contains 0.5053 acres or 22,009 square feet.

NF NOWAK & FRAUS
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46777 Woodward Avenue
Pontiac, Michigan 48342
Tel. (248) 332-7931
Fax. (248) 332-8257

SCALE	DATE	DRAWN	JOB No.	SHEET
No Scale	04-27-04	R. LaDUKE	9-C311	3 of 3

DECLARATION OF NON-ACCESS GREENBELT EASEMENTS

Sidwell #88-20-15-379-051 & #88-20-15-451-035

On this 26TH day of MAY, 2004, RWT BUILDING, LLC, a Michigan Limited Liability Company, Declarant, having its principal office at 2065 Livernois, Troy, Michigan 48083-1737 makes this Declaration of Easement for the benefit of THE CITY OF TROY, a Michigan municipal corporation, with an address of 500 W. Big Beaver Road, Troy, MI 48084, and for the benefit of the property owners in the Crestwood Condominium as described below.

Consideration. No monetary consideration will be provided to Declarant for this easement, therefore the conveyance is exempt from transfer tax pursuant to MCL 207.505(a) and 257.526(a).

Affected Property. Declarant owns the property in the Crestwood Condominium, Sidwell Numbers 88-20-15-379-051 and 88-20-15-451-035 that is described in the attached Exhibit A, and declares these easements that affect a portion of said property.

Declaration of Easements. Declarant hereby declares, grants, conveys, and establishes non-access greenbelt easements A and B that are shown and fully described in the attached Exhibit A. The area within said easements shall be landscaped in accordance with the CITY OF TROY ordinances and the approved landscaping plan. Curb cuts that would allow access to a road or thoroughfare shall not be made within said easements.

Binding Effect. This instrument shall be binding upon and inure to the benefit of the CITY OF TROY and the property owners in Crestwood Condominium, their heirs, representatives, successors and assigns and the covenants contained herein shall run with the land.

IN WITNESS WHEREOF, the undersigned hereunder affixed his signature this 26TH day of MAY, 2004.

Witnesses:

_____

_____

RWT BUILDING, L.L.C. a Michigan Limited Liability Company

By _____ (L.S.)
Murray D. Deagle

It's: MEMBER

STATE OF MICHIGAN)
COUNTY OF OAKLAND)

Murray D. Deagle, MEMBER of RWT BUILDING, L.L.C., acknowledged the foregoing instrument before me this 26TH day of MAY, 2004 on behalf of RWT BUILDING, L.L.C., a Michigan Limited Liability Company.

Patricia A. Petitto
PATRICIA A. PETITTO
Notary Public, OAKLAND County, MI

My Commission Expires 12-31-04

AFTER RECORDING SEND TO:
CITY OF TROY
500 W. Big Beaver Road
Troy, MI 48084

PREPARED BY:
Allan T. Motzny (P37580)
Assistant City Attorney for Troy
500 West Big Beaver Road
Troy, MI 48084

Exhibit A-Page 1 of 3

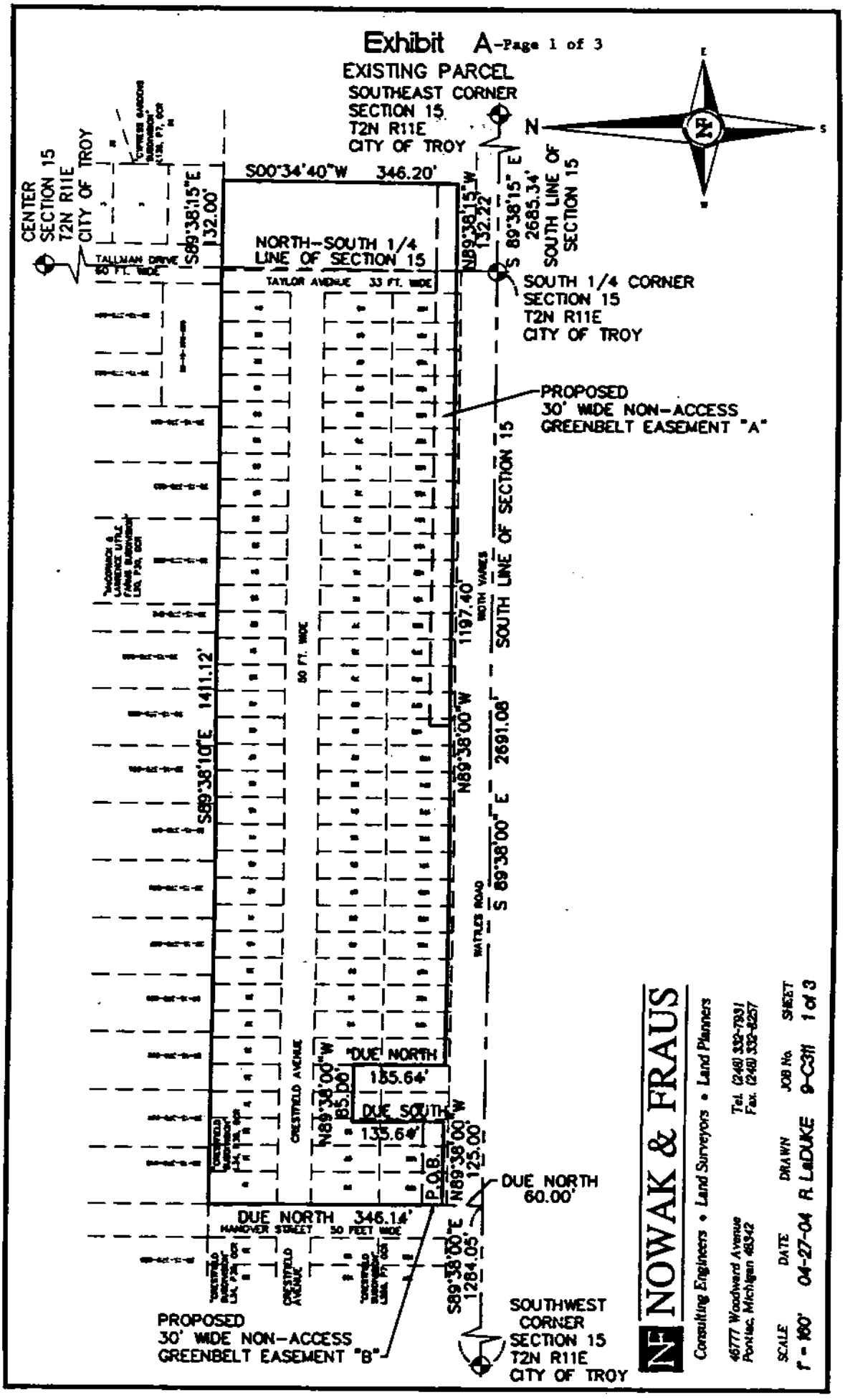
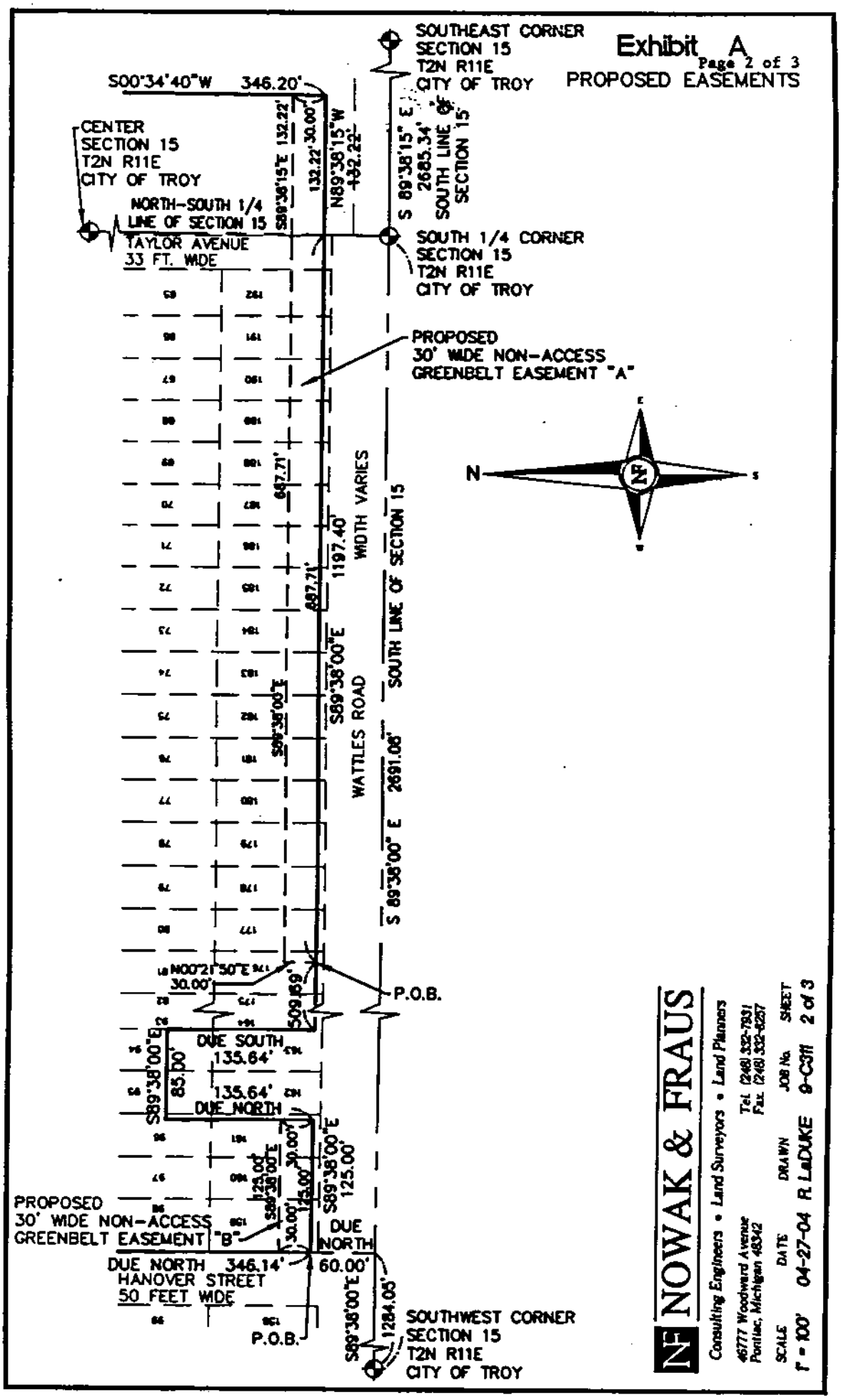


Exhibit A

Page 2 of 3

PROPOSED EASEMENTS



NOWAK & FRAUS

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SCALE	DATE	DRAWN	JOB No.	SHEET
1" = 100'	04-27-04	R. LaDUKE	9-C311	2 of 3

DESCRIPTIONS

LEGAL DESCRIPTION – Crestwood Condominium

A parcel of land described as lots 31–93 inclusive, part of lots 94–96 inclusive, lots 97 and 98, part of lots 159–161 inclusive, and part of lots 164–192 inclusive, of the Crestfield Subdivision, being part of the S.W. 1/4 of Section 15, T.2N., R.11E., also part of the S.E. 1/4 of Section 15, T.2N., R.11E., City of Troy, Oakland County, Michigan, all being more particularly described as commencing at the S.W. corner Section 15; thence S 89°38'00" E, 1284.05 feet along the South line of said Section 15; thence Due North, 60.00 feet to the Point of Beginning; thence Due North, 346.14 feet along the West line of Lots 159, 98, and 31 of "Crestfield Subdivision", as recorded in Liber 34, Page 38, Oakland County Records, also, the east line of Hanover Street (50 feet wide) to a point on the South line of "McCormick & Lawrence Little Farms Subdivision", as recorded in Liber 20, Page 30, Oakland County Records, said point also being the N.W. corner of said Lot 31, of "Crestfield Subdivision"; thence S 89°38'10" E, 1411.12 feet along the North line of said "Crestfield Subdivision" and the South line of said "McCormick & Lawrence Little Farms Subdivision" to a point on the North and South 1/4 line of said Section 15; thence S 89°38'15" E, 132.00 feet to a point on the South line of "Cypress Gardens Subdivision" as recorded in Liber 126, Page 7, Oakland County Records; thence S 00°34'40" W, 346.20 feet to a point on the North line of Wattles Road (width varies); thence N 89°38'15" W, 132.22 feet along the North line of said Wattles Road; thence N 89°38'00" W, 1197.40 feet along the North line of said Wattles Road to a point on the East line of Lot 163 of said "Crestfield Subdivision"; thence Due North, 135.64 feet along the East line of Lots 163 and 94 of said "Crestfield Subdivision"; thence N 89°38'00" W, 85.00 feet; thence Due South, 135.64 feet to a point on the North line of said Wattles Road; thence N 89°38'00" W, 125.00 feet along the North line of said Wattles Road to the Point of Beginning. Contains 11.985 acres or 522,050 square feet and subject to easements & restrictions of record.

LEGAL DESCRIPTION – Proposed 30' Wide Non-Access Greenbelt Easement "A"

Part of the Southwest 1/4 and Southeast 1/4 of Section 15, T.2N., R.11E., City of Troy, Oakland County, Michigan, being described as follows:
Commencing at the S.W. corner Section 15; thence S 89°38'00" E, 1284.05 feet along the South Line of said Section 15; thence Due North, 60.00 feet to a point on the North line of Wattles Road (width varies); thence S 89°38'00" E, 125.00 feet along the North line of said Wattles Road; thence Due North, 135.64 feet; thence S 89°38'00"E, 85.00 feet to a point on the East line of Lot 94 of said "Crestfield Subdivision", as recorded in Liber 34, Page 38, Oakland County Records; thence Due South, 135.64 feet along the East line of Lots 94 and 163 of said "Crestfield Subdivision" to a point on the North line of said Wattles Road; thence S 89°38'00" E, 509.69 feet along the North line of said Wattles Road to the Point of Beginning; thence N 00°21'50" E, 30.00 feet; thence S 89°38'00" E, 687.71 feet; thence S 89°38'15" E, 132.22 feet; thence S 00°34'40" W, 30.00 feet to a point on the North line of said Wattles Road; thence N 89°38'15" W, 132.22 feet along the North line of said Wattles Road; thence N 89°38'00" W, 687.71 feet along the North line of said Wattles Road to the Point of Beginning. Contains 0.5647 acres or 24,598 square feet.

LEGAL DESCRIPTION – Proposed 30' Wide Non-Access Greenbelt Easement "B"

Part of the Southwest 1/4 of Section 15, T.2N., R.11E., City of Troy, Oakland County, Michigan, being described as follows:
Commencing at the S.W. corner Section 15; thence S 89°38'00" E, 1284.05 feet along the South Line of said Section 15; thence Due North, 60.00 feet to the Point of Beginning; thence Due North, 30.00 feet along the West line of Lot 159 of "Crestfield Subdivision", as recorded in Liber 34, Page 38, Oakland County Records, also, the east line of Hanover Street (50 feet wide); thence S 89°38'00" E, 125.00 feet; thence Due South, 30.00 feet to a point on the North line of Wattles Road (width varies); thence N 89°38'00" W, 125.00 feet along the North line of said Wattles Road to the Point of Beginning. Contains 0.0861 acres or 3,750 square feet.

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46777 Woodward Avenue
Pontiac, Michigan 48342
Tel. (248) 332-7931
Fax. (248) 332-8257

SCALE	DATE	DRAWN	JOB No.	SHEET
No Scale	04-27-04	R. LaDUKE	9-C311	3 of 3

May 26, 2004

TO: John Szerlag, City Manager

FROM: Steven J. Vandette, Acting Assistant City Manager/Services
Doug Smith, Real Estate and Development Director
Patricia A. Petitto, Senior Right of Way Representative

SUBJECT: AGENDA ITEM - Request for Acceptance of Permanent Easement for Water Main
Sidwell #88-20-26-200-084
Project No. 03.937.3 - Automation Alley Tech Center

In connection with the development of the Automation Alley site in the Northeast ¼ of Section 26, the Real Estate and Development Department has acquired a permanent easement for water main from Automation Alley, Inc. The consideration on the document is $1.00.

Management recommends that City Council accept the attached easement.

PERMANENT EASEMENT

Sidwell # 88-20-26-200-084
Project #
Resolution #
Automation Alley, Inc., a Michigan 501(c) (6) organization, Grantor, whose address is 1200 North Telegraph Road, Pontiac, MI 48341 for and in consideration of the sum of: One and no/100 Dollars ($1.00) paid by the CITY OF TROY, a Michigan Municipal Corporation, Grantee, whose address is 500 West Big Beaver Road, Troy, Michigan, grants to the Grantee the right to construct, operate, maintain, repair and/or replace water main, 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 his signature(s) this 24 day of May A.D. 20 04.

In presence of:
WITNESS

Doreen Pagel

AUTOMATION ALLEY, INC., a Michigan 501(c) (6) organization

By _____ (L.S.)
Kenneth Rogers
Executive Director

STATE OF MICHIGAN)
COUNTY OF OAKLAND)

The foregoing instrument as acknowledged before me this 24th day of May, 20 04, by Kenneth Rogers, Executive Director of Automation Alley, Inc., Oakland, a Michigan 501 (C) (6) Corporation, on behalf of the corporation.

Lee Ann Ciecko

LEE ANN CIECKO
Notary Public Oakland County, Michigan
My Commission Expires December 16, 2004

Notary Public, Oakland County, Michigan
My Commission Expires 12/16/04

(Corporations)

Prepared by:

Patricia A. Petitto
500 West Big Beaver
Troy, Michigan 48084

Return to:

City Clerk, City of Troy
500 West Big Beaver Road
Troy, Michigan 48084

EXHIBIT "A"

LEGAL DESCRIPTION–PARCEL 5

Part of the Northeast ¼ of Section 26, T.2N., R.11E., City of Troy, Oakland County, Michigan, being more particularly described as:

Commencing at the Northeast corner of said Section 26; thence S. 89° 42' 00" W., 720.60 feet along the North line of said Section 26; and S. 00° 29' 22" E., 102.00 feet to a point on the Southerly line of Big Beaver Road (204 feet wide); and S. 89° 42' 00" W., 922.05 feet along said Southerly line of Big Beaver Road to a point on the Westerly line of Bellingham Road (60.00 feet wide); and the following four (4) courses along the Westerly line of Bellingham Road; (1) S. 00° 36' 00" E., 559.88 feet; 2) 245.87 feet along an arc of a curve to the right (radius 245.00 feet, central angle 57° 30' 00", chord bears S. 28° 09' 00" W., 235.68 feet); 3) S. 56° 54' 00" W., 88.18 feet; 4) 257.91 feet along an arc of a curve to the left (radius 305.00 feet, central angle 48° 27' 00", chord bears S. 32° 40' 29" W., 250.30 feet) from the N.E. Corner of Said Section 26 to the point of beginning; thence the following two (2) courses along said Westerly line of Bellingham Road (1) 48.17 feet along an arc of a curve to the left (radius 305.00 feet, central angle 09° 02' 58", chord bears S. 03° 55' 30" W., 48.12 feet; (2) S. 00° 36' 00" E., 172.16 feet; thence S. 89° 24' 00" W., 395.00 feet; thence N. 00° 36' 00" W., 220.13 feet; thence N. 89° 24' 00" E., 398.80 feet to the point of beginning. Containing 87,013 square feet or 2.00 acres.

20 FT. WD. WATER MAIN EASEMENT

Part of the Northeast ¼ of Section 26, T.2N., R.11E., City of Troy, Oakland County, Michigan, the centerline of which being more particularly described as:

Commencing at the Northeast corner of said Section 26; thence S. 89° 42' 00" W., 720.60 feet along the North line of said Section 26; and S. 00° 29' 22" E., 102.00 feet to a point on the Southerly line of Big Beaver Road (204 feet wide); and S. 89° 42' 00" W., 922.05 feet along said Southerly line of Big Beaver Road to a point on the Westerly line of Bellingham Road (60.00 feet wide); and the following four (4) courses along the Westerly line of Bellingham Road; (1) S. 00° 36' 00" E., 559.88 feet; 2) 245.87 feet along an arc of a curve to the right (radius 245.00 feet, central angle 57° 30' 00", chord bears S. 28° 09' 00" W., 235.68 feet); 3) S. 56° 54' 00" W., 88.18 feet; 4) 306.08 feet along an arc a curve to the left (radius 305.00 feet, central angle 57° 29' 58", chord bears S. 28° 09' 00" W., 293.40 feet); and S.00°36'00"E., 162.16 feet from the N.E. corner of said Section 26 to the point of beginning; Thence S.89°24'00"W., 318.12 feet; S.64°34'00"W., 22.88 feet to the point of ending at the south property line of parcel 5.

LINE	BEARING	DISTANCE
L1	S 89°42'00" W	720.60'
L2	S 00°29'22" E	102.00'
L3	S 89°42'00" W	922.05'
L4	S 00°36'00" E	559.88'
L5	S 56°54'00" W	88.18'
L6	N 89°24'00" E	398.80'
L7	S 00°36'00" E	172.16'
L8	S 89°24'00" W	395.00'
L9	N 00°36'00" W	220.13'

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	245.00'	245.87'	235.68'	S 28°09'00" W	57°30'00"
C2	305.00'	257.91'	250.30'	S 32°40'29" W	48°27'00"
C3	305.00'	48.17'	48.12'	S 03°55'30" W	09°02'58"

ISSUED FOR:	REV'D BY:	ISSUED FOR:	REV'D BY:
ISSUED FOR:	REV'D BY:	ISSUED FOR:	REV'D BY:

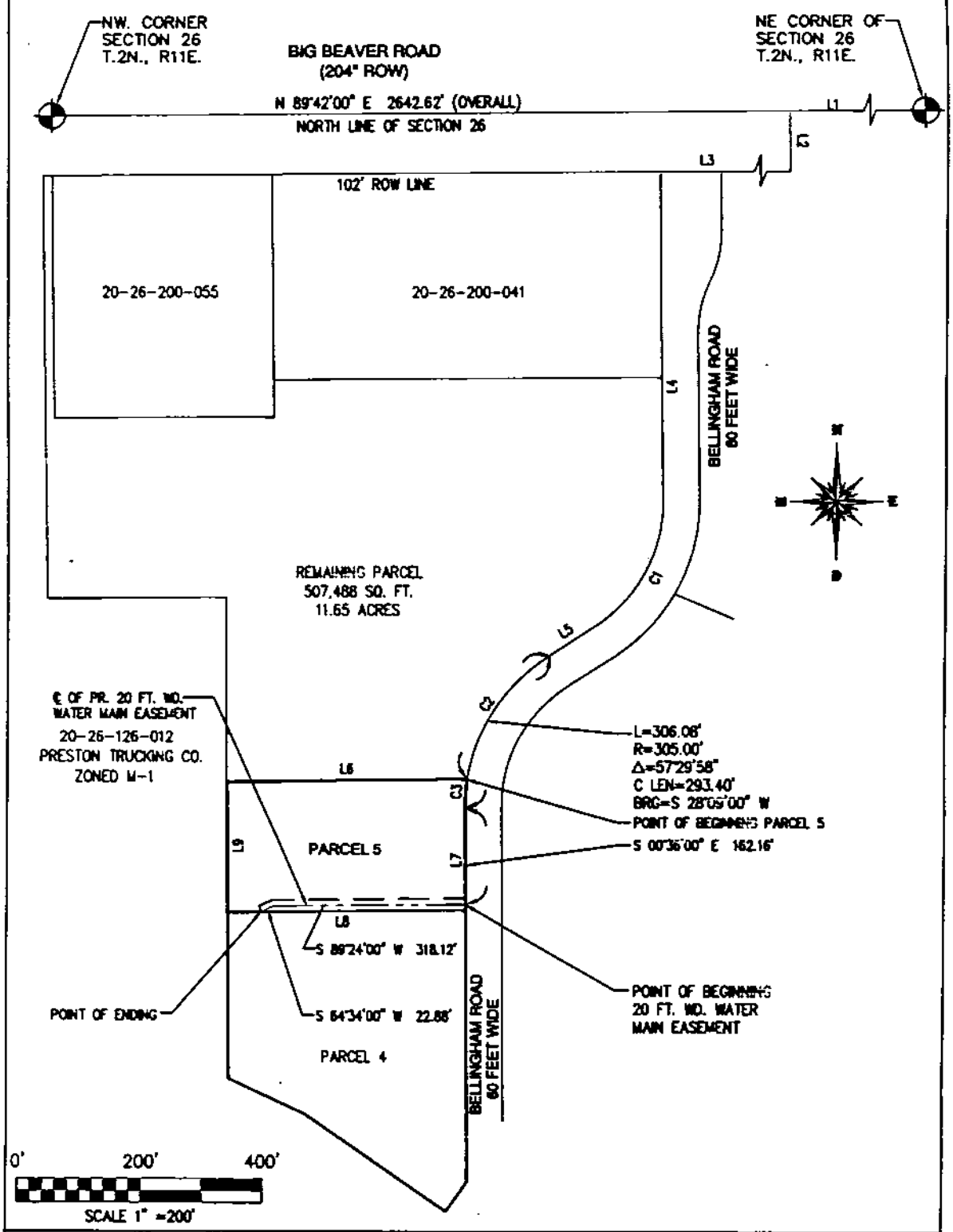
STATE OF MICHIGAN
ALBERT P. MICKALICH
ENGINEER
No. 36979
LICENSED PROFESSIONAL ENGINEER

MICKALICH and ASSOCIATES, INC.
CIVIL ENGINEERING SURVEYING PLANNING
2359 AVON INDUSTRIAL DR, ROCHESTER HILLS, MI. 48309
INTERNET:WWW.MICKALICH.COM PHONE: (248) 852-1900 FAX: (248) 852-1070

DRAWN BY JH JOB No. 03222
DATE 10/31/03 SHEET No. 2 OF 2 SCALE 1"=200'

DESCRIPTION
WATER MAIN EASEMENT
AUTOMATION ALLEY TECHNICAL CENTER

EXHIBIT "A"



ISSUED FOR:	REV'D BY:	ISSUED FOR:	REV'D BY:
ISSUED FOR:	REV'D BY:	ISSUED FOR:	REV'D BY:

STATE OF MICHIGAN
ALBERT P. MICKALICH
ENGINEER
No. 36979
LICENSED PROFESSIONAL ENGINEER

MICKALICH and ASSOCIATES, INC.
CIVIL ENGINEERING SURVEYING PLANNING
2359 AVON INDUSTRIAL DR, ROCHESTER HILLS, MI 48309
INTERNET:WWW.MICKALICH.COM PHONE: (248) 852-1900 FAX: (248) 852-1070

DRAWN BY JH JOB No. 03222
DATE 10/31/03 SHEET No. 1 OF 2 SCALE 1"=200'

DESCRIPTION
WATER MAIN EASEMENT
AUTOMATION ALLEY TECHNICAL CENTER

May 28, 2004

TO: John Szerlag, City Manager

FROM: Steven Vandette, Acting Assistant City Manager/Services
William Huotari, Acting City Engineer wgh

SUBJECT: Agenda Item - Private Agreement for Booth Road Extension
Property Splits - Project No. 03.949.3

The Engineering Department has reviewed and approved plans for this project, which includes sanitary sewer, storm sewer, detention, water main, sidewalks, soil erosion and paving.

The Owner has provided a letter of credit for escrow and cash fees in the amount of the estimated cost of public improvements, as required.

Approval is recommended.

cc: Tonni Bartholomew, City Clerk (Original Agreement)
James Nash, Financial Services Director
Carol Anderson, Director of Parks and Recreation
Mark Miller, Planning Director
Nino Licari, City Assessor
Timothy Richnak, Director of Public Works
William Jawlik, Inspector Supervisor.
Milano Building Co.

Prepared by: G. Scott Finlay, P.E.
Civil Engineer

Enclosed Private Agreement, Detailed Summary, Sketch and Suggested Resolution

G:\Projects\Projects - 2002\02.922.3 - Crestwood Site Condominium\Private Agreement Cover Letter.doc

CONTRACT FOR INSTALLATION OF MUNICIPAL IMPROVEMENTS
(PRIVATE AGREEMENT)

PROJECT NO. 03.949.3	PROJECT LOCATION: NE 1/4 Sec. 3
RESOLUTION NO.	DATE OF COUNCIL APPROVAL:

KNOW ALL MEN BY THESE PRESENT; That the City of Troy, a Michigan Municipal Corporation of the County of Oakland, State of Michigan, hereinafter referred to as "City" and ~~Avermill Development LLC~~ MILANO BUILDING CO. INC. whose address is **47858 Van Dyke, Suite 410, Shelby Twp., MI** and whose telephone number is **586-726-1231** hereinafter referred to as "Owners".

WITNESSETH, FIRST: That the City agrees to allow the installation of **Sanitary sewer, storm sewer, water main, detention, paving and soil erosion** in accordance with plans prepared by **Apex Engineering Group Inc.** whose address is **47745 Van Dyke Ave., Shelby Twp., MI 48317** and whose telephone number is **586-739-5200** and approved prior to construction by the City specifications of the City shall be complied with for this construction.

SECOND: That the Owners agree to contribute the approximate contract price of **$ 151,724.00**. This amount will be transmitted to the City Clerk for installation of said improvements in the form of (check one):

Cash	☐
Certificate of Deposit	☐
Irrevocable Bank Letter of Credit	☐
Check	☐
Performance Bond & 10% Cash	☐

Said funds shall be placed on deposit with the City upon the execution of this contract and shall be disbursed to the owner by the City only upon presentation of duly executed waivers of lien and sworn statements satisfactory to the City, and after final inspection and approval by the Engineering Department for the City. In addition, the owners agree to deposit and contribute **$30,424.00** cash fee per the attached **Detailed Summary of Required Escrow Deposits Cash Deposits and Cash Fees.**

CONTRACT FOR INSTALLATION OF MUNICIPAL IMPROVEMENTS

(PRIVATE AGREEMENT)

PROJECT NO. 03.949.3	PROJECT LOCATION: NE 1/4 Sec. 3
RESOLUTION NO.	DATE OF COUNCIL APPROVAL:

THIRD: The owners may contract for construction of said improvement or may have the City advertise for bids. In the even the Owners select their own contractor, such contractor shall be subject to prior written approval by the City and completed contract documents shall be submitted to the City.

Owners agree to arrange for a pre-construction meeting with the City Engineer and the contractor prior to start of work. All municipal improvements must be completely staked in the field under the direct supervision of a registered civil engineer or registered land surveyor, according to the approved plans.

FOURTH: Owners hereby acknowledge the benefit to their property conferred by the construction of the aforementioned and agree and consent to pay the total sum of **$182,148.00** for the construction of said public utilities in lieu of the establishments of any special district by the City. Further, owners acknowledge that the benefit to their property conferred by the improvement is equal to, or in excess of, the aforementioned amount.

FIFTH: Owners agree that if, for any reason, the total cost of completion of such improvement shall exceed the sum deposited with the City in accordance with Paragraph SECOND hereof, that Owners will immediately remit such additional amount to the City upon request and City will disburse such additional amount in accordance with Paragraph SECOND hereof. In the event the total cost of completion shall be less than the sum deposited with City in accordance with Paragraph SECOND hereof, City will reimburse to the Owners the excess funds remaining after disbursement of funds.

SIXTH: Owners agree to indemnify and save harmless City, their agents and employees, from and against all loss or expense (including costs and attorneys' fees) by reason of liability imposed by law upon the City, its agents and employees for damages because of bodily injury, including death, at any time resulting therefrom sustained by any person or persons or on account of damage to property, including work, provided such injury to persons or damage to property is due or claimed to be due to negligence of the Owner, his contractor, or subcontractors, employees or agents, Owner further agrees to obtain and convey to the City all necessary easements for such public utilities as required by the City Engineer.

CONTRACT FOR INSTALLATION OF MUNICIPAL IMPROVEMENTS
(PRIVATE AGREEMENT)

PROJECT NO. 03.949.3	PROJECT LOCATION: NE 1/4 Sec. 3
RESOLUTION NO.	DATE OF COUNCIL APPROVAL:

IN WITNESS WHEREOF, the parties hereto have caused this agreement to be executed in duplicate on this 26th day of May, 2004.

OWNERS

By:

FRANCO C. MANCINI

Please Print or Type

Please Print or Type

CITY OF TROY

By:

Louise E. Schilling, Mayor

Tonni Bartholomew, City Clerk

STATE OF MICHIGAN, COUNTY OF OAKLAND

On this 26th day of May, A.D.2004, before me personally appeared Franco C. Mancini known by me to be the same person(s) who executed this instrument and who acknowledged this to be his/her/their free act and deed.

Barbara A Holmes

NOTARY PUBLIC, Oakland County, Michigan

BARBARA A. HOLMES
Notary Public, Oakland County
My Commission Expires December

My commission expires: Dec 16, 2004

Detailed Summary of Required Escrow Deposits, Cash Fees & Deposits
Boothe Extension
4 Units - Section 3

ESCROW DEPOSITS:

Sanitary Sewers	$27,150
Water Mains	$21,920
Storm Sewers	$30,841
Rear Yard Drains	$9,360
Pavement - CONCRETE	$45,445
Grading	$5,000
Detention Basin	$2,500
Soil Erosion Control Measures	$378
Monuments and Lot Corner Irons	$130
Sidewalks - ON SITE	$3,000
Deposit for the Repair of Damage to Existing Public Streets Used for Access	$6,000
TOTAL ESCROW DEPOSITS:	**$151,724**

CASH FEES (NON-REFUNDABLE):

Water Main Testing and Chlorination	$650
Street Name and Traffic Signs	$267
Maintenance of Detention Basin	$3,000
Soil Erosion and Sedimentation Control Permits	$379
Testing Services	$2,276
Engineering Review and Inspection	$11,789
TOTAL CASH FEES (NON-REFUNDABLE):	**$18,362**

CASH DEPOSITS (REFUNDABLE):

Sidewalk Closures	$162
Deposit for Maintenance & Cleaning of Ex. Public Streets Used for Access	$2,000
Landscape Deposit	$3,850
Punchlist & Restoration Deposit	$6,050
TOTAL CASH DEPOSITS (REFUNDABLE):	**$12,062**

Stormwater detention for this development will be provided by: A new detention basin onsite

Engineer: Apex Engineering Group

Developer: Franco Mancini

LEGEND

- EXISTING GRADE
- EXISTING ASPHALT PAVEMENT
- EXISTING CONCRETE PAVEMENT
- EXISTING GRAVEL
- PROPOSED CONCRETE ROADWAY PAVEMENT
- PROPOSED CONCRETE CURBING & SIDEWALK
- EXISTING TREES TO REMAIN
- EXISTING TREES TO BE REMOVED

SITE CRITERIA

- EXISTING PARCEL SUMMARY:
  - PARCEL ID#: 88-20-03-401-003
  - EXISTING ADDRESS: 16398 NORTON
  - EXISTING ZONING: R-1B
  - ADJACENT ZONINGS: R-1B
  - GROSS AREA OF SITE: 1.985 ACRES
  - EXISTING USE: ONE SINGLE FAMILY RESIDENCE
  - PROPOSED USE: SINGLE FAMILY PARCEL DIVISIONS
- PARCEL DIVISION SUMMARY:
  - NUMBER OF PROPOSED PARCEL DIVISIONS: 4
  - MINIMUM LOT SIZE REQUIRED: 15,000 S.F.
  - MINIMUM LOT SIZE PROVIDED: 15,000 S.F.
  - MINIMUM LOT WIDTH REQUIRED: 100'
  - MINIMUM LOT WIDTH PROVIDED: 107.77'
- BUILDING SETBACK SUMMARY:
  - FRONT: 40'
  - REAR: 45'
  - SIDE: 10' MIN., 25' TOTAL
- UTILITY SUMMARY:
  - WATER MAIN: MUNICIPAL
  - SANITARY SEWER: MUNICIPAL
  - STORM SEWER: ON-SITE DETENTION WITH RESTRICTED OUTLET TO EXISTING DITCH.

LEGAL DESCRIPTION, TOTAL PARCEL

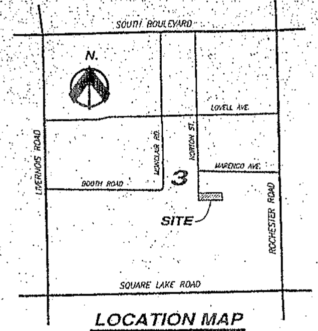
A PARCEL OF LAND IN THE SOUTHEAST 1/4 OF SECTION 3, T.2N., R.11E., CITY OF TROY, OAKLAND COUNTY, MICHIGAN AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE EAST 1/4 CORNER OF SAID SECTION 3; THENCE N.89°39'08"W. ALONG THE EAST-WEST 1/4 LINE OF SAID SECTION 3, 1306.66 FT. TO THE POINT OF BEGINNING; THENCE S.00°31'30"E., 161.70 FT. TO A POINT ON THE NORTH LINE OF "GOLF ESTATES" A SUBDIVISION AS RECORDED IN LIBER 58 OF PLATS, PAGE 23, OAKLAND COUNTY RECORDS; THENCE N.89°36'33"W. ALONG THE NORTH LINE OF SAID "GOLF ESTATES", 533.97 FT.; THENCE N.01°37'20"W., 161.38 FT. TO A POINT ON THE SOUTH LINE OF "BASSETT & SMITH FLOWING SPRING ACRES" A SUBDIVISION AS RECORDED IN LIBER 37 OF PLATS, PAGE 9, OAKLAND COUNTY RECORDS; THENCE S.89°39'08"E., 537.05 FT. TO THE SOUTHEAST CORNER OF SAID "BASSETT & SMITH FLOWING SPRING ACRES" TO THE POINT OF BEGINNING, CONTAINING 1.985 ACRES OF LAND. SUBJECT TO ANY EASEMENTS, RESTRICTION AND/OR RIGHT-OF-WAYS, IF ANY.

BENCHMARKS

1. P.K. NAIL IN EAST FACE OF TWIN 16" OAK TREE LOCATED NEAR THE NORTHEAST PROPERTY CORNER. ELEV. = 715.20 U.S.G.S.
2. ARROW ON HYDRANT LOCATED 55 FT. NORTH OF NORTHWEST PROPERTY CORNER. ELEV. = 717.68 U.S.G.S.

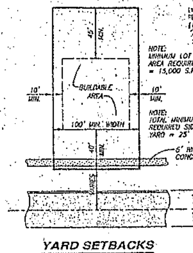
NOTES

1. SURVEY, PROPERTY DESCRIPTION, AND TOPOGRAPHY INFORMATION SHOWN IS AS PROVIDED BY REICHERT SURVEYING INC., JOB NO. 03-152, DATED 10-26-03.
2. THE DEVELOPER SHALL COMPLY WITH ALL APPLICABLE CODES AND ORDINANCES OF THE CITY OF TROY, THE COUNTY OF OAKLAND, AND THE STATE OF MICHIGAN.
3. STREET SIGNS SHALL BE INSTALLED IN ACCORDANCE WITH THE REQUIREMENTS OF THE ENGINEERING DEPARTMENT OF THE CITY OF TROY.
4. UTILITY EASEMENTS SHALL BE PROVIDED TO THE SATISFACTION OF THE CITY OF TROY ENGINEERING DEPARTMENT.
5. EXISTING TREES SHOWN TO BE REMOVED ARE DUE TO UTILITY AND PAVING COSNTRUCTION PURPOSES. ADDITIONAL TREES MAY NEED TO BE REMOVED AS INDIVIDUAL HOMES ARE CONSTRUCTED.



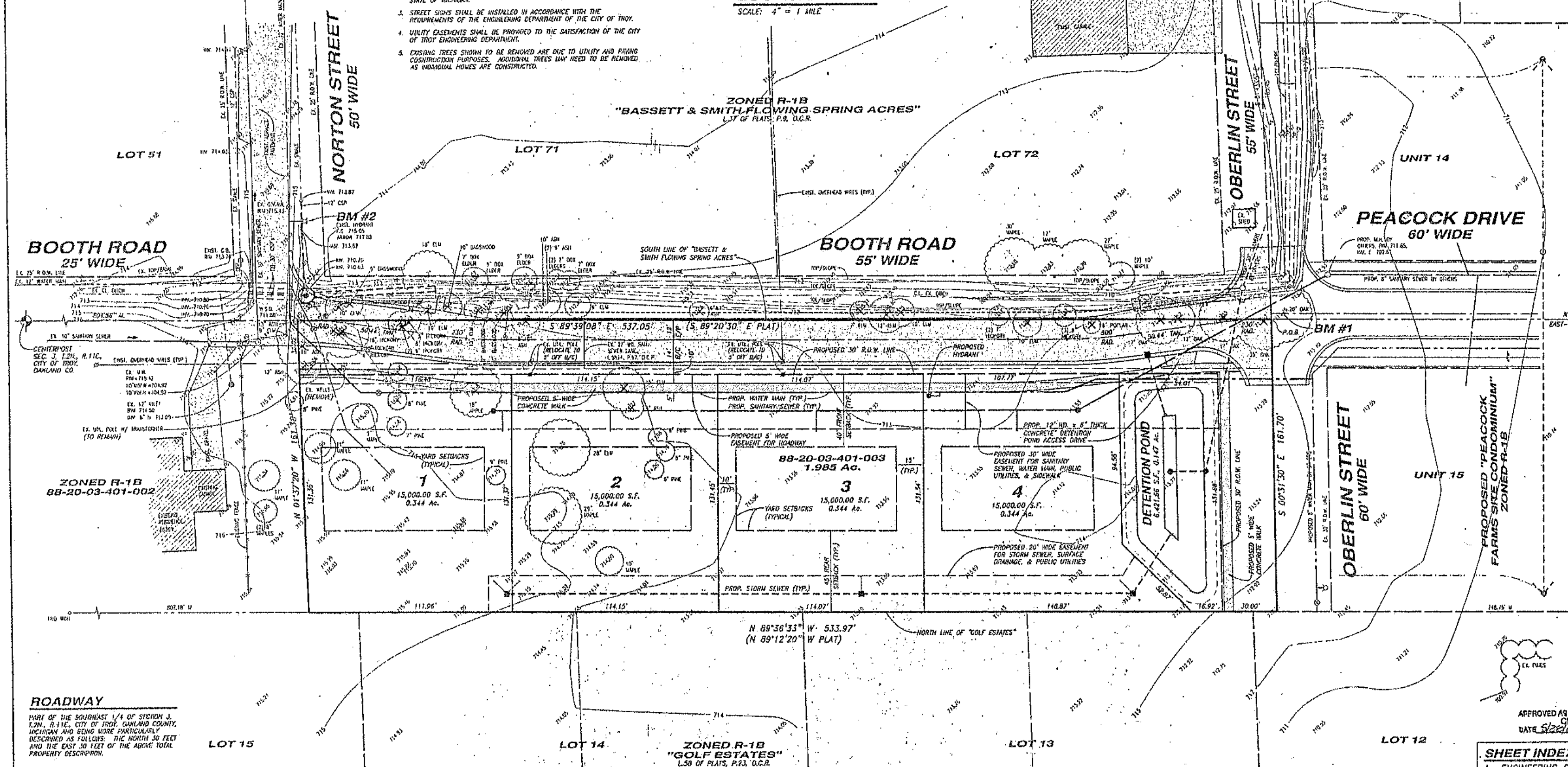
LOCATION MAP

SCALE: 4" = 1 MILE



YARD SETBACKS

(NO SCALE)



CONTRACTOR'S NOTE

The locations of existing underground utilities are shown in an approximate way only. The contractor shall determine the exact location of all existing utilities before commencing work. He agrees to be fully responsible for any and all damages which might be occasioned by his failure to exactly locate and preserve any and all underground utilities.

3 WORKING DAYS
BEFORE YOU DIG
CALL MISS DIG
1-800-482-7171
(TOLL FREE) for the location of underground utilities

ROADWAY

PART OF THE SOUTHEAST 1/4 OF SECTION 3, T.2N., R.11E., CITY OF TROY, OAKLAND COUNTY, MICHIGAN AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: THE NORTH 30 FEET AND THE EAST 30 FEET OF THE ABOVE TOTAL PROPERTY DESCRIPTION.

LOT 15 LOT 14 ZONED R-1B "GOLF ESTATES" L.58 OF PLATS, P.23, O.C.R. LOT 13 LOT 12

APPROVED AS NOTED
CITY OF TROY
DATE 5/28/04 CITY ENGINEER

SHEET INDEX

1. ENGINEERING COVER SHEET.
2. SANITARY SEWER, WATER MAIN, & PAVING PLAN.
3. STORM SEWER & DRAINANGE PLAN.
4. GRADING, SOIL EROSION & SEDIMENTATION CONTROL PLAN.
5. PROFILES, NOTES & DETAILS.

SUPPLEMENTAL:
STANDARD CITY DETAIL SHEETS.

PARCEL 1

A PARCEL OF LAND IN THE SOUTHEAST 1/4 OF SECTION 3, T.2N., R.11E., CITY OF TROY, OAKLAND COUNTY, MICHIGAN AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE EAST 1/4 CORNER OF SAID SECTION 3; THENCE N.89°39'08"W. ALONG THE EAST-WEST 1/4 LINE OF SAID SECTION 3, 1306.66 FT.; THENCE S.00°31'30"E., 161.70 FT. TO A POINT ON THE NORTH LINE OF "GOLF ESTATES" A SUBDIVISION AS RECORDED IN LIBER 58 OF PLATS, PAGE 23, OAKLAND COUNTY RECORDS; THENCE N.89°36'33"W. ALONG THE NORTH LINE OF SAID "GOLF ESTATES", 422.01 FT. TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID LINE N.89°36'33"W., 111.96 FEET; THENCE N.01°37'20"W., 131.38 FT.; THENCE S.89°39'08"E., 116.48 FT.; THENCE S.00°20'52"W., 131.37 FT. TO THE POINT OF BEGINNING AND CONTAINING 15,000 S.F. (0.344 ACRE).
SUBJECT TO ANY EASEMENTS, RESTRICTION AND/OR RIGHT-OF-WAYS, IF ANY.

PARCEL 2

A PARCEL OF LAND IN THE SOUTHEAST 1/4 OF SECTION 3, T.2N., R.11E., CITY OF TROY, OAKLAND COUNTY, MICHIGAN AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE EAST 1/4 CORNER OF SAID SECTION 3; THENCE N.89°39'08"W. ALONG THE EAST-WEST 1/4 LINE OF SAID SECTION 3, 1388.66 FT.; THENCE S.00°31'30"E., 161.70 FT. TO A POINT ON THE NORTH LINE OF "GOLF ESTATES" A SUBDIVISION AS RECORDED IN LIBER 58 OF PLATS, PAGE 23, OAKLAND COUNTY RECORDS; THENCE N.89°36'33"W. ALONG THE NORTH LINE OF SAID "GOLF ESTATES", 307.86 FT. TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID LINE N.89°36'33"W., 114.15 FEET; THENCE N.00°20'52"E., 131.37 FT.; THENCE S.89°39'08"E., 114.15 FT.; THENCE S.00°20'52"W., 131.45 FT. TO THE POINT OF BEGINNING AND CONTAINING 15,000 S.F. (0.344 ACRE).
SUBJECT TO ANY EASEMENTS, RESTRICTION AND/OR RIGHT-OF-WAYS, IF ANY.

PARCEL 3

A PARCEL OF LAND IN THE SOUTHEAST 1/4 OF SECTION 3, T.2N., R.11E., CITY OF TROY, OAKLAND COUNTY, MICHIGAN AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE EAST 1/4 CORNER OF SAID SECTION 3; THENCE N.89°39'08"W. ALONG THE EAST-WEST 1/4 LINE OF SAID SECTION 3, 1388.66 FT.; THENCE S.00°31'30"E., 161.70 FT. TO A POINT ON THE NORTH LINE OF "GOLF ESTATES" A SUBDIVISION AS RECORDED IN LIBER 58 OF PLATS, PAGE 23, OAKLAND COUNTY RECORDS; THENCE N.89°36'33"W. ALONG THE NORTH LINE OF SAID "GOLF ESTATES", 193.79 FT. TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID LINE N.89°36'33"W., 114.07 FEET; THENCE N.00°20'52"E., 131.45 FT.; THENCE S.89°39'08"E., 114.07 FT.; THENCE S.00°20'52"W., 131.54 FT. TO THE POINT OF BEGINNING AND CONTAINING 15,000 S.F. (0.344 ACRE).
SUBJECT TO ANY EASEMENTS, RESTRICTION AND/OR RIGHT-OF-WAYS, IF ANY.

PARCEL 4

A PARCEL OF LAND IN THE SOUTHEAST 1/4 OF SECTION 3, T.2N., R.11E., CITY OF TROY, OAKLAND COUNTY, MICHIGAN AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE EAST 1/4 CORNER OF SAID SECTION 3; THENCE N.89°39'08"W. ALONG THE EAST-WEST 1/4 LINE OF SAID SECTION 3, 1388.66 FT.; THENCE S.00°31'30"E., 161.70 FT. TO A POINT ON THE NORTH LINE OF "GOLF ESTATES" A SUBDIVISION AS RECORDED IN LIBER 58 OF PLATS, PAGE 23, OAKLAND COUNTY RECORDS; THENCE N.89°36'33"W. ALONG THE NORTH LINE OF SAID "GOLF ESTATES", 46.92 FT. TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID LINE N.89°36'33"W., 146.87 FEET; THENCE N.00°20'52"E., 131.54 FT.; THENCE S.89°39'08"E., 107.77 FT.; THENCE S.00°31'30"E., 94.55 FT.; THENCE S.45°04'02"E., 52.87 FT. TO THE POINT OF BEGINNING AND CONTAINING 15,000 S.F. (0.344 ACRE).
SUBJECT TO ANY EASEMENTS, RESTRICTION AND/OR RIGHT-OF-WAYS, IF ANY.

DETENTION POND

A PARCEL OF LAND IN THE SOUTHEAST 1/4 OF SECTION 3, T.2N., R.11E., CITY OF TROY, OAKLAND COUNTY, MICHIGAN AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE EAST 1/4 CORNER OF SAID SECTION 3; THENCE N.89°39'08"W. ALONG THE EAST-WEST 1/4 LINE OF SAID SECTION 3, 1388.66 FT.; THENCE S.00°31'30"E., 161.70 FT. TO A POINT ON THE NORTH LINE OF "GOLF ESTATES" A SUBDIVISION AS RECORDED IN LIBER 58 OF PLATS, PAGE 23, OAKLAND COUNTY RECORDS; THENCE N.89°36'33"W. ALONG THE NORTH LINE OF SAID "GOLF ESTATES", 30.00 FT. TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID LINE N.89°36'33"W., 16.92 FEET; THENCE N.45°04'02"W., 52.87 FT.; THENCE N.00°31'30"W., 94.55 FT.; THENCE S.89°39'08"E., 54.01 FT.; THENCE S.00°31'30"E., 131.68 FT. TO THE POINT OF BEGINNING AND CONTAINING 6,421.66 S.F. (0.147 ACRE).
SUBJECT TO ANY EASEMENTS, RESTRICTION AND/OR RIGHT-OF-WAYS, IF ANY.

APEX
ENGINEERING GROUP INC.
CIVIL ENGINEERING & LAND PLANNING CONSULTANTS
47745 VAN DYKE AVENUE
SHELBY TOWNSHIP, MI 48317
PHONE: 586-739-5200
FAX: 586-254-5314

PROJECT: BOOTH ROAD PARCEL SPLITS
PT. OF THE S.E. 1/4 OF SEC. 3, T.2N., R.11E., CITY OF TROY, OAKLAND CO., MICHIGAN

CLIENT: MR. FRANCO C. MANCINI, ABBOTSFORD DEV. CO., 47858 VAN DYKE AVE., STE. 410, SHELBY TWP., MI 48317, (586) 726-1231

JOB NO.: 03-010
DATE: 12/11/03
DRAWN BY: N.P.R.
CHECKED BY: W.E.M.

ENGINEERING COVER SHEET

SHEET 1 OF 5

TROY PROJECT #03.949.3

June 1, 2004

TO: John Szerlag, City Manager

FROM: Steven J. Vandette, Acting Assistant City Manager/Services
William Huotari, Acting City Engineer

SUBJECT: Standard Purchasing Resolution 1: Award to Low Bidder
Contract 04-2 – Maple Road Water Main Replacement Coolidge to Crooks

RECOMMENDATION

It is recommended that City Council award a contract for Maple Road Water Main Replacement Coolidge to Crooks to Aielli Construction Co., Inc., 36609 Groesbeck Hwy., Clinton Township, MI 48035 for their low bid of $887,741.10 contingent upon submission of proper proposal and bid documents, including insurance certificates, bonds and all specified requirements.

In addition, we are requesting authorization to approve additional work, if needed, not to exceed 10% of the original project cost.

PROJECT INFORMATION

Bids were received and publicly read on May 25, 2004. The low bidder was the Aielli Construction Co., as can be seen in the attached bid tabulation summary. The project will include the installation of a 12" water main on the south side of Maple Road from Coolidge to Crooks. All contract work, including final restoration and cleanup, is scheduled for completion by October 30, 2004.

FUNDING

Funds for this work are included in the 2003/04 Water Fund, account number 555.7972.015015. The budgeted amount includes funds for construction, inspection and contingencies.

13 - Bids Sent / 4 - Bids Rec'd

Prepared by: G. Scott Finlay, Civil Engineer
G:\Contracts\Contracts - 2004\04-2 - Maple Rd. Water Main Replacement\Corespondence\Bid Award.doc

Bid Tabulation Summary

Contract ID: 04-2
Description: Maple road water main replacement Coolidge to Crooks

Project Number: 01.501.5
Project Type: Miscellaneous
Control Section:
Location: City of Troy
Description:

Fed/State #:
Fed Item:

Rank	Vendor	Total Bid	% Over Low	% Over Est.
0	ENGINEER'S ESTIMATE	$995,379.00	112.1249%	100.0000%
1	Aielli Constructtion Company	$887,741.10	100.0000%	89.1862%
2	Giannetti Contracting Corp	$982,124.61	110.6319%	98.6684%
3	Trolsen Excavating Co.	$1,092,749.00	123.0932%	109.7822%
4	Tony Anthony, Inc.	$1,271,637.00	143.2441%	127.7541%

May 7, 2004

TO: John Szerlag, City Manager

FROM: Steve Vandette, Acting Assistant City Manager/Services
Jeanette Bennett, Purchasing Director
Carol Anderson, Parks and Recreation Director

SUBJECT: **Agenda Item** – Standard Purchasing Resolution 2: Bid Award - Lowest Bidder Meeting Specifications – Hair and Body Shampoo

RECOMMENDATION

On April 14, 2004, bids were opened for a one-year contract to furnish hair and body shampoo with an option to renew for one additional year. City management recommends an award be made to the lowest acceptable bidder, Lobaido Cleaning Supply of Macomb, MI for the Duraview line of hair and body shampoo, for an estimated annual cost of $10,004.00, at unit prices contained in the attached bid tabulation to expire April 30, 2005.

SUMMARY

The Parks and Recreation Department utilizes hair and body soap in the Community Center locker rooms. As mandated by state health codes for swimming facilities, soap dispensers are mounted in each of the 40 shower stalls in the locker rooms. Hair and body shampoo will be ordered throughout the year on an as needed basis.

BIDS NOT MEETING SPECIFICATIONS

Two vendors, HP Products and Arnold Sales, Inc. submitted bids for alternate products, which do not meet the general specifications for utilizing the current dispensing system. Although the bid price is lower than the cost for the Duraview product, when the labor cost is added to replace the dispensers, the total expenditure is higher than the cost for the Duraview product. HP and Arnold require the replacement of the existing dispensers. Labor costs to remove dispensers, repair holes in tile, and mount new dispensers is estimated at $1084.20. When added to the Arnold bid, the total expenditure is estimated to be $ 10,040.16 making it higher than Duraview. The estimated cost for HP is $10,087.95.

Additional problems include: 1) Additional holes in the tile wall to mount different dispensing units would be required compromising the integrity of the wall. 2) The units are more difficult to keep clean because more surface area is black. Soap marks would need to be removed more frequently, which would require extra labor costs; 3) It is more difficult to determine how much soap is left because the viewing window on the box of soap is smaller resulting in wasted product.

BUDGET

Funds are available for these purchases in the Troy Parks and Recreation Budget for Operating Supplies, Account #755.7740.010.

88 Vendors Notified via MITN System
17 Bid Responses Rec'd
2 Bids did not meet specifications
1 No Bid: (1) Company does not handle product specified.

Prepared by: Kraig Schmottlach, Community Center Facility Manager

Opening Date -- 4-14-04
Date Prepared -- 5/6/04

CITY OF TROY
BID TABULATION
HAIR & BODY SHAMPOO

EST. QTY	DESCRIPTION	* LOBAIDO CLEANING SUPPLY UNIT PRICE PER CASE	HP Products UNIT PRICE PER CASE	Lower Huron Supply UNIT PRICE PER CASE	Supply Den Inc UNIT PRICE PER CASE
PROPOSAL: ***HAIR & BODY SHAMPOO FOR THE COMMUNITY CENTER LOCKER ROOMS***					
	Duraview Hair & Body Shampoo		6/CS		
100 CS	2000 ml Cartridges (4 per Case) (8000ml)	**$ 30.65**	$ 39.35	33.44	$ 35.00
			3.5 LITER 4/CS		
270 CS	4500 ml Cartridges (2 per Case) (9000ml)	**$ 25.70**	$ 43.35	28.04	$ 32.50
	Replacement Dispensers	NO Charge	NO Charge	NO Charge	NO Charge
	Ouoting on:	DURAVIEW	ESTESOL	DURAVIEW	DURAVIEW
	Manufactured by:	KUTOL	STOCKHAUSEN	KUTOL	KUTOL
	ESTIMATED TOTAL COST--	* **$ 10,004.00**	$ 10,179.35	$ 10,914.80	$ 12,275.00
	MINIMUM SHIPMENT:				
	($Amount) or # of Cases	10	50	$ 100.00	NO MINIMUM
	Days before receipt	2-3	4-5	2	NEXT DAY
	CONTACT: Hrs of Operation	7am-5pm	8am-5pm	8am - 5pm	7:30-5:00
	Phone #	(586) 212-0201	(800) 382-5326	(734) 721-3601	(586) 939-0747
	TERMS:	NET 30	NET 30 DAYS	NET 30 DAYS	NET 30
	WARRANTY:	100% SATISFACTION	BLANK	BLANK	ALL PRODUCTS GUARANTEED
	DELIVERY:	48 HOURS	4-5 DAYS	OUR TRUCK	NEXT DAY N/C
	EXCEPTIONS:	BLANK	LISTED IN BID	BLANK	NONE
	ACKNOWLEDGEMENT: Completed Y / N	YES	YES	YES	YES

NO BIDS:
Supply Pro

PROPOSAL - Furnish One (1) Year Requirements of Hair & Body Shampoo with an Option to Renew for One Additional Year

ATTEST:
Aileen Bittner
Kraig Schmottlach
Linda Bockstanz

*** DENOTES LOWEST ACCEPTABLE BIDDER**

Jeanette Bennett
Purchasing Director

G:/Hair & Body Shampoo ITB-COT 04-16

Opening Date -- 4-14-04
Date Prepared -- 5/6/04

EST. QTY	VENDOR NAME: / DESCRIPTION	Ecolab Inc	Zep Mfg Co	Grainger Industrial Supply	Stallings-Julien Sales & Service
		UNIT PRICE PER CASE	UNIT PRICE PER CASE	UNIT PRICE PER CASE	UNIT PRICE PER CASE
PROPOSAL: ***HAIR & BODY SHAMPOO FOR THE COMMUNITY CENTER LOCKER ROOMS***					
	Duraview Hair & Body Shampoo	10/950ml CS	(1000ml) 6/cs	2000ml 2/cs	
100 CS	2000 ml Cartridges (4 per Case) (8000ml)	$ 48.48	$ 38.56	$ 30.29	$ 68.00
270 CS	4500 ml Cartridges (2 per Case) (9000ml)	$ 48.48	$ 38.56	BLANK	$ 66.00
	Replacement Dispensers	NO Charge	NO Charge	NO Charge	NO Charge
	Ouoting on:	EPICARE	MELON BODY SHAMPOO	FMX LUXURY FOAM	DURAVIEW
	Manufactured by:	ECOLAB	ZEP	GOJO	DURAVIEW
	ESTIMATED TOTAL COST--	$ 16,483.20	$ 20,745.28	$ 24,474.32	$ 24,620.00
	MINIMUM SHIPMENT: ($Amount) or # of Cases	2 CASES	$ 100.00	- 0 -	10 CS EA SIZE
	Days before receipt	5-7 DAYS ARO	2-5 DAYS	1-2 DAYS	3-10
	CONTACT: Hrs of Operation	24 HOURS	8am-4:30pm	7:30am-5pm	9-5pm M-F
	Phone #	(800) 332-6522	(734) 525-0800	(248) 585-4100	(313) 345-6442
	TERMS:	NET 30 DAYS	NET 30	NET 30	N 30
	WARRANTY:	12 MONTHS	SATISFACTION GUARANTEED	LIFETIME DISPENSERS	MANUFACTURERS
	DELIVERY:	5-7 DAYS ARO	2-5 DAYS	1-2 DAYS ARO	3-10 DAYS
	EXCEPTIONS:	BLANK	BLANK	LISTED IN BID	NONE
	ACKNOWLEDGEMENT: Completed Y / N	YES	YES	YES	YES

Opening Date -- 4-14-04
Date Prepared -- 5/6/04

EST. QTY	VENDOR NAME: / DESCRIPTION	ChemLine	Audio Visual Equipment & Supply	Lower Huron Supply (Alternate #1)	Supply Den Inc (Alternate #1)
		UNIT PRICE PER CASE	UNIT PRICE PER CASE	UNIT PRICE PER CASE	UNIT PRICE PER CASE
PROPOSAL: ***HAIR & BODY SHAMPOO FOR THE COMMUNITY CENTER LOCKER ROOMS***					
	Duraview Hair & Body Shampoo				(6) 1000ml
100 CS	2000 ml Cartridges (4 per Case) (8000ml)	$ 72.98	$ 64.00	BLANK	$ 36.61
				2 LTR CARTRIDGE	
270 CS	4500 ml Cartridges (2 per Case) (9000ml)	$ 64.88	$ 72.00	$ 34.99	BLANK
	Replacement Dispensers	NO Charge	NO Charge	NO Charge	NO Charge
	Ouoting on:	DURAVIEW	DURAVIEW	FOAM FRESH	EZ FOAMING
	Manufactured by:	KUTOL	BLANK	GOJO	KUTOL
	ESTIMATED TOTAL COST--	$ 24,815.60	$ 25,840.00	N/A	N/A
	MINIMUM SHIPMENT:				
	($Amount) or # of Cases	NO MINIMUM	$ 200.00	$ 100.00	NONE
	Days before receipt	7-14	2	2 DAYS	NEXT DAY
	CONTACT: Hrs of Operation	8am - 5pm	8am-5pm	8am - 5pm	7:30-5pm
	Phone #	(248) 377-4277	(800) 296-5446	(734) 721-3601	(586) 939-0747
	TERMS:	30 DAYS	NET 30	NET 30 DAYS	
	WARRANTY:	FREE REPLACEMENT OF DEFECTIVE PRODUCTS	PER MANUFACTURER	BLANK	
	DELIVERY:	7-14 DAYS	2 DAYS ARO	OUR TRUCK	
	EXCEPTIONS:	SEPARATE BID	BLANK	BLANK	
		FOR SBS ALTERNATE			
		PRODUCTS.			
	ACKNOWLEDGEMENT: Completed Y / N	YES	YES	YES	

Opening Date -- 4-14-04
Date Prepared -- 5/6/04

EST. QTY	VENDOR NAME: / DESCRIPTION	Chem Line Inc (Alternate #2) UNIT PRICE PER CASE	Chem Line Inc (Alternate #1) UNIT PRICE PER CASE	Broner Glove & Safety UNIT PRICE PER CASE	
PROPOSAL: ***HAIR & BODY SHAMPOO FOR THE COMMUNITY CENTER LOCKER ROOMS***					
	Duraview Hair & Body Shampoo			6/cs	
100 CS	2000 ml Cartridges (4 per Case) (8000ml)	BLANK	BLANK	$ 47.32	
		1 Litre 8/cs	1 Litre 8/cs		
270 CS	4500 ml Cartridges (2 per Case) (9000ml)	$ 37.85	$ 40.05	N/A	
	Replacement Dispensers	NO Charge	NO Charge	NO Charge	
	Ouoting on:	AQUARESS	AERO BLUE	ESTESOL	
	Manufactured by:	SBS - GEL	SBS - FOAM	STOCKHAUSEN	
	ESTIMATED TOTAL COST--	N/A	N/A	N/A	
	MINIMUM SHIPMENT: ($Amount) or # of Cases	NO MINIMUM	NO MINIMUM	1 CASE	
	Days before receipt	7-14	7-14	2 DAYS	
	CONTACT: Hrs of Operation	8am-5pm	8am-5pm	7:30 - 5:30	
	Phone #	(248) 377-4277	(248) 377-4277	(800) 521-1318	
	TERMS:			NET 30	
	WARRANTY:			N/A	
	DELIVERY:			UPS	
	EXCEPTIONS:			BLANK	
	ACKNOWLEDGEMENT: Completed Y / N			YES	

Opening Date -- 4-14-04
Date Prepared -- 5/6/04

EST. QTY	DESCRIPTION		HP Products DMS (Alternate #1) UNIT PRICE PER CASE	Arnold Sales Inc DMS UNIT PRICE PER CASE	UNIT PRICE PER CASE	UNIT PRICE PER CASE
PROPOSAL: ***HAIR & BODY SHAMPOO FOR THE COMMUNITY CENTER LOCKER ROOMS***						
	Duraview Hair & Body Shampoo					
100 CS	2000 ml Cartridges (4 per Case) (8000ml)		DMS ($26.25)	DMS ($27.06)		
			5000ml	5000ml		
270 CS	4500 ml Cartridges (2 per Case) (9000ml)		DMS ($26.25)	DMS ($25.72)		
	Replacement Dispensers		NO Charge	NO Charge		
	Ouoting on:		SHOWER UP	PRO LINK		
	Manufactured by:		GOJO	PRO LINK		
	ESTIMATED TOTAL COST--		($9,003.75)	($8,955.96)		
	MINIMUM SHIPMENT:					
	($Amount) or # of Cases		- 0 -	NONE		
	Days before receipt		1-3 DAYS	1 WEEK		
	CONTACT:	Hrs of Operation	8am-5pm	9am-5pm		
		Phone #	(800) 382-5326	(800) 734-8133		
	TERMS:		NET 30	30 DAYS		
	WARRANTY:		BLANK	BLANK		
	DELIVERY:		1-3 DAYS	1 WEEK		
	EXCEPTIONS:		LISTED IN BID	QUOTING PRO LINK AS ALTERNATIVE		
	ACKNOWLEDGEMENT: Completed Y / N		YES	YES		

DMS:
Vendors did not meet general specifications for product dispensing, which would utilize existing wall units.

Downloading History for ITB-COT 04-16 Soap

The report below shows all fax and e-mail vendors that matched this document when it was originally issued. It also shows all vendors that have downloaded or ordered the document and any subsequent amendments as of **5/7/2004.**

Document Title:	Hair & Body Shampoo for the Community Center Lockers Rooms
Date Issued:	3/16/2004
Close Date:	4/14/2004

Click on the table headings for "Account Number" or "Company name" to re-sort this report by that column. You may also click on any vendor account number to view their account information.

Acct #	Company Name	Service	Date Obtained Document	Date Obtained Amendments
15458	A & S Associates d/b/a Jani - King	E-mail	3/16/2004	
11680	A-1 Business Products	E-mail		
13440	Advance Glove & Safety Co., Inc.	E-mail		
12133	Allied Building Service Company of Detroit, Inc.	E-mail		
13234	ALYKO Enterprises LLC	Free	4/1/2004	
16602	AMERICAN INSTITUTIONAL SUPPLY	Free	3/24/2004	
10489	American Solutions for Business, Inc.	E-mail		
10632	Ampro Inc.	E-mail		
13995	APAC PAPER & PACKAGING CORP.	Fax		
12040	Argus Supply Company	E-mail		
13096	Arnold Sales	Free	4/6/2004	
10497	ATD-AMERICAN CO	E-mail	3/16/2004	
11493	Audio Visual Equipment & Supplies, Inc.	E-mail	3/16/2004	
11456	B & R Sales and Service Inc.	Fax		
11464	Bell & Sons Distributors	E-mail	3/18/2004	
14948	Biloxi Paper Company	Free	3/23/2004	
12834	BOSTWICK-BRAUN CO.	Free	3/31/2004	
10831	BRIGHTON CLEANING SUPPLIES	E-mail	3/18/2004	
14039	Broner Glove & Safety	E-mail	4/9/2004	
11393	Capital Consultants, Inc.	Free	4/1/2004	

10151	Central Michigan Paper	E-mail		
10415	Chem-Line, Inc.	E-mail	3/17/2004	
16258	Chemico Systems	E-mail	3/16/2004	
15768	Clark Products	Free	4/8/2004	
16193	Cleanex Janitorial	E-mail		
12406	cleaning connection inc	E-mail		
11438	Colgate Palmolive	E-mail		
11863	Colman Wolf Sanitary Supply	E-mail	3/16/2004	
13269	Commercial CCI	E-mail		
13183	Corporate Express	E-mail		
10228	Courtesy Sanitary Supply	E-mail	4/5/2004	
13830	DataMail Services Inc.	Free	3/26/2004	
12411	Davis-Stevens Foods Inc.	E-mail		
10115	Ecolab Inc.	Free	3/16/2004	
15474	FASTSIGNS of Dearborn	E-mail		
16320	Geisler Company	E-mail	4/13/2004	
13824	Giant Janitorial Service, Inc	Fax		
11861	Grainger Industrial Supply	E-mail	4/12/2004	
13972	Hercules & Hercules Inc.	E-mail	3/17/2004	
11766	HES STALLINGS-JULIEN SALES & SERVICE	E-mail	4/13/2004	
14309	HP Products	Free	4/7/2004	
10459	Industrial Cleaning Supply Co.	E-mail	3/16/2004	
14773	Integrated Supply Management, Inc.	E-mail		
12159	James Glove & Supply Company Inc.	E-mail	4/5/2004	
10296	jansan supply	Free	4/11/2004	
14939	Jeannie Parent Inc	Free	3/17/2004	
10365	JEM Industries Inc.	E-mail	3/29/2004	
10508	LOWER HURON CHEMICAL & SUPPLY	E-mail	4/13/2004	
14525	Maro Enterprises LLC	E-mail	4/1/2004	
13143	maurer's	E-mail	3/22/2004	
12956	McCaffrey's Office Products, Inc.	E-mail		
13084	MER-WIL INDUSTRIES	E-mail		
13429	Multi-Source	E-mail		
15276	Nichols	E-mail	4/9/2004	
11936	Northside True Value Hardware	Fax		
13376	O'Mara Products, Inc.	E-mail		
10791	OFFICE DEPOT	E-mail		
10192	Oliver Supply Company	Fax		
10250	ourgolf.com	Free	3/29/2004	
11553	Paragon Cleaning &Restoration Services Inc.	E-mail		
13022	Peter E. Johnson and Associates, Inc	Fax		

11668	Plant Pros, A Division ofAbsorbents Midwest, Inc.	E-mail		
15346	Porta John Systems, Inc.	Free	3/23/2004	
14265	Professional Sanitary Supply	E-mail	3/30/2004	
14883	Pyramid School Products	E-mail		
15189	Regina's All-Star Apparel & Accessories	E-mail	3/27/2004	
13955	Saber Commercial Cleaning and Supply	E-mail		
16496	Securitas Inc	Free	3/17/2004	
12726	Security Options	E-mail	3/22/2004	
11216	Seneca Medical inc.	E-mail	3/16/2004	
11001	Sheldon Supply Company	E-mail		
12675	SledgeHammer Const. Inc.	E-mail		
13730	SMART Management Group, LLC	E-mail		
12123	Source One Distribution LLC	E-mail		
16450	SourceMaster	E-mail		
16127	STERLING CLEANING SERVICES, INC.	E-mail	3/18/2004	
13967	Strong Tool	E-mail		
10162	SupplyDen Inc.	E-mail	4/13/2004	
11614	SupplyPro	E-mail	3/16/2004	
10279	Sure Products, Inc	E-mail		
12352	T and T Enterprise Corporation	Free	4/7/2004	
14843	The GED Examination & Adult Education Center	E-mail	3/16/2004	
12027	The Office Connection, Inc.	E-mail		
15310	Tiffany's Building Services, Inc.	E-mail	4/5/2004	
15544	UNIQUE PACKAGING	E-mail	3/29/2004	
16707	VETERANS SUPPLY & DIST	Free	3/30/2004	
12154	Village Distributors	E-mail	3/16/2004	
12367	Zep Manufacturing Company	E-mail	3/30/2004	

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May 18, 2004

TO: John Szerlag, City Manager

FROM: Steven Vandette, Acting Assistant City Manager/Services SV
William Huotari, Acting City Engineer WJH

SUBJECT: Agenda Item - Private Agreement for Crestwood Site Condominiums
Project No. 02.922.3

The Engineering Department has reviewed and approved plans for this project, which includes sanitary sewer, storm sewer, detention, water main, sidewalks, soil erosion and paving.

The Owner has provided a letter of credit for escrow and cash fees in the amount of the estimated cost of public improvements, as required.

Approval is recommended.

cc: Tonni Bartholomew, City Clerk (Original Agreement)
James Nash, Financial Services Director
Carol Anderson, Director of Parks and Recreation
Mark Miller, Planning Director
Nino Licari, City Assessor
Timothy Richnak, Director of Public Works
William Jawlik, Inspector Supervisor.
RWT Building, L.L.C.

Prepared by: G. Scott Finlay, P.E.
Civil Engineer

Enclosed Private Agreement, Detailed Summary, Sketch and Suggested Resolution

G:\Projects\Projects - 2002\02.922.3 - Crestwood Site Condominium\Private Agreement Cover Letter.doc

CONTRACT FOR INSTALLATION OF MUNICIPAL IMPROVEMENTS (PRIVATE AGREEMENT)

PROJECT NO. 02.922.3	PROJECT LOCATION: SW 1/4 Sec. 15
RESOLUTION NO.	DATE OF COUNCIL APPROVAL:

KNOW ALL MEN BY THESE PRESENT; That the City of Troy, a Michigan Municipal Corporation of the County of Oakland, State of Michigan, hereinafter referred to as "City" and **R W T Building L.L.C.** whose address is **2065 Livernois, Troy, MI 48083** and whose telephone number is **248-273-6000** hereinafter referred to as "Owners".

WITNESSETH, FIRST: That the City agrees to allow the installation of **Sanitary Sewer, Water Main, Storm Sewer, Detention, Road Paving, Sidewalks, Landscaping and Soil Erosion Controls** in accordance with plans prepared by **Nowak & Fraus** whose address is **46777 Woodward Ave., Pontiac, MI 48099** and whose telephone number is **248-332-7931**, and approved prior to construction by the City specifications of the City shall be complied with for this construction.

SECOND: That the Owners agree to contribute the approximate contract price of **$438,619.00**. This amount will be transmitted to the City Clerk for installation of said improvements in the form of (check one):

Cash	☐
Certificate of Deposit	☐
Irrevocable Bank Letter of Credit	☒
Check	☐
Performance Bond & 10i Cash	☐

Said funds shall be placed on deposit with the City upon the execution of this contract and shall be disbursed to the owner by the City only upon presentation of duly executed waivers of lien and sworn statements satisfactory to the City, and after final inspection and approval by the Engineering Department for the City. In addition, the owners agree to deposit and contribute **$84,829.00** cash fee per the attached **Detailed Summary of Required Escrow Deposits Cash Deposits and Cash Fees.**

CONTRACT FOR INSTALLATION OF MUNICIPAL IMPROVEMENTS

(PRIVATE AGREEMENT)

PROJECT NO.	02.922.3	PROJECT LOCATION:	SW ¼ Sec. 15
RESOLUTION NO.		DATE OF COUNCIL APPROVAL:	

THIRD: The owners may contract for construction of said improvement or may have the City advertise for bids. In the even the Owners select their own contractor, such contractor shall be subject to prior written approval by the City and completed contract documents shall be submitted to the City.

Owners agree to arrange for a pre-construction meeting with the City Engineer and the contractor prior to start of work. All municipal improvements must be completely staked in the field under the direct supervision of a registered civil engineer or registered land surveyor, according to the approved plans.

FOURTH: Owners hereby acknowledge the benefit to their property conferred by the construction of the aforementioned and agree and consent to pay the total sum of $ 523,448.00 for the construction of said public utilities in lieu of the establishments of any special district by the City. Further, owners acknowledge that the benefit to their property conferred by the improvement is equal to, or in excess of, the aforementioned amount.

FIFTH: Owners agree that if, for any reason, the total cost of completion of such improvement shall exceed the sum deposited with the City in accordance with Paragraph SECOND hereof, that Owners will immediately remit such additional amount to the City upon request and City will disburse such additional amount in accordance with Paragraph SECOND hereof. In the event the total cost of completion shall be less than the sum deposited with City in accordance with Paragraph SECOND hereof, City will reimburse to the Owners the excess funds remaining after disbursement of funds.

SIXTH: Owners agree to indemnify and save harmless City, their agents and employees, from and against all loss or expense (including costs and attorneys' fees) by reason of liability imposed by law upon the City, its agents and employees for damages because of bodily injury, including death, at any time resulting therefrom sustained by any person or persons or on account of damage to property, including work, provided such injury to persons or damage to property is due or claimed to be due to negligence of the Owner, his contractor, or subcontractors, employees or agents, Owner further agrees to obtain and convey to the City all necessary easements for such public utilities as required by the City Engineer.

CONTRACT FOR INSTALLATION OF MUNICIPAL IMPROVEMENTS
(PRIVATE AGREEMENT)

PROJECT NO.	02.922.3	PROJECT LOCATION:	SW 1/4 Sec. 15
RESOLUTION NO.		DATE OF COUNCIL APPROVAL:	

IN WITNESS WHEREOF, the parties hereto have caused this agreement to be executed in duplicate on this 12 day of MAY, 20 04.

OWNERS

By:

Terry M Ross, member

Please Print or Type RWT Building LLC

RWT Building LLC

Terry M Ross, member

Please Print or Type

CITY OF TROY

By:

Louise E. Schilling, Mayor

Tonni Bartholomew, City Clerk

STATE OF MICHIGAN, COUNTY OF OAKLAND

On this 12th day of MAY, A.D.20 04, before me personally appeared TERRY M. ROSS known by me to be the same person(s) who executed this instrument and who acknowledged this to be his/her/their free act and deed.

Barbara Mickel

NOTARY PUBLIC, Oakland County, Michigan

BARBARA MICKEL
NOTARY PUBLIC OAKLAND CO., MI
MY COMMISSION EXPIRES May 1, 2005

My commission expires: May 1, 2005

Detailed Summary of Required Escrow Deposits, Cash Fees & Deposits
Crestwood Site Condominiums - Project No. 02.922.3
23 Units - Section 15

ESCROW DEPOSITS

Sanitary Sewers	$50,894
Water Mains	$47,176
Storm Sewers	$100,000
Rear Yard Drains	$29,000
Pavement - CONCRETE	$113,252
Grading	$30,000
Detention Basin	$11,500
Soil Erosion Control Measures	$1,131
Monuments and Lot Corner Irons	$880
Temporary Access Road	$2,500
Sidewalks - ON SITE	$4,710
Sidewalks - OFF SITE	$28,776
Deposit for the Repair of Damage to Existing Public Streets Used for Access	$13,800
Wetland/Floodplain/Sturgis Drain - Protection & Clean-Up	$5,000
TOTAL ESCROW DEPOSITS (REFUNDABLE):	**$438,619**

CASH FEES (NON-REFUNDABLE):

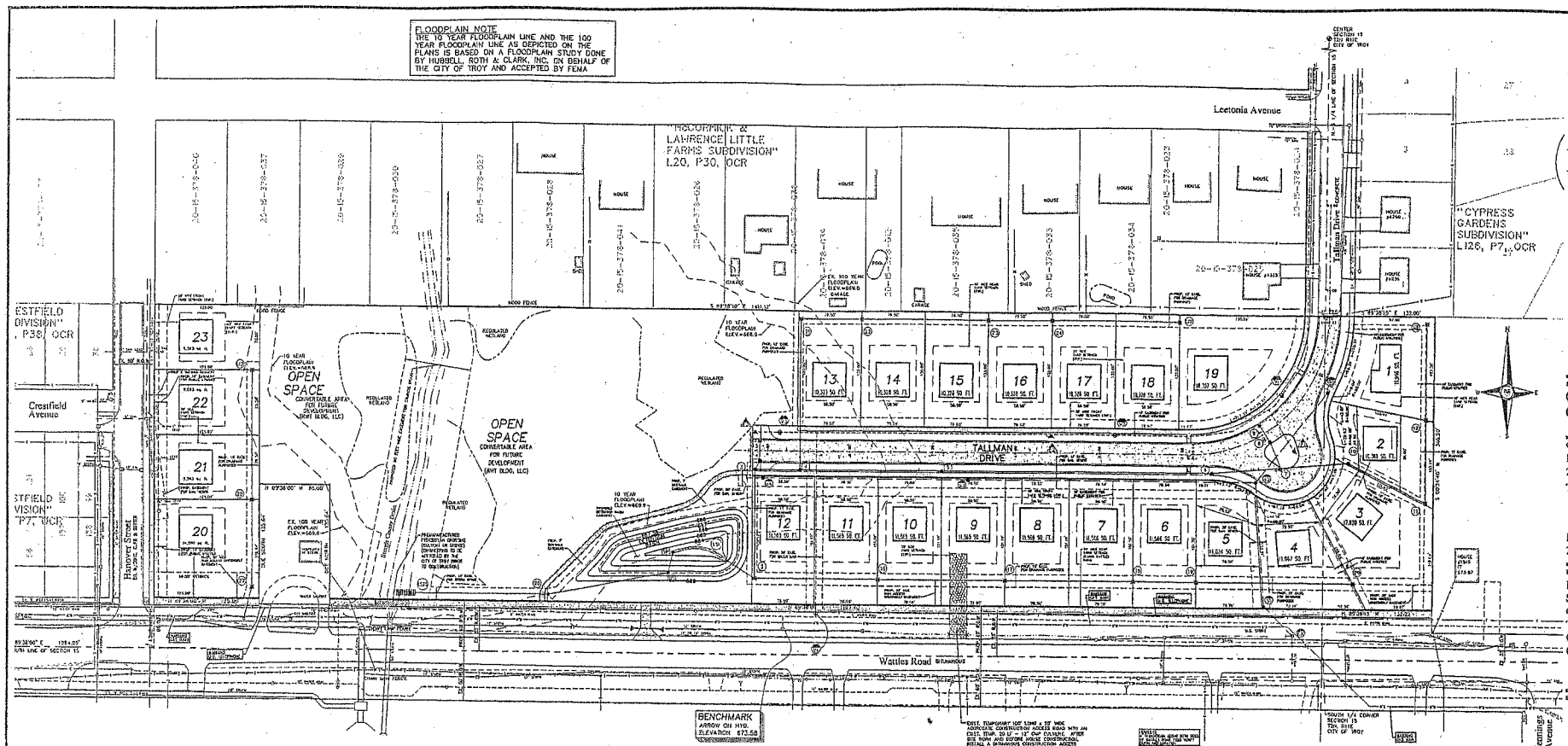
Water Main Testing and Chlorination	$650
Street Name and Traffic Signs	$493
Maintenance of Detention Basin	$3,652
Testing Services	$6,579
Engineering Review and Inspection	$31,230
TOTAL CASH FEES (NON-REFUNDABLE):	**$42,604**

CASH DEPOSITS (REFUNDABLE):

Sidewalk Closures	$810
Deposit for Maintenance & Cleaning of Ex. Public Streets Used for Access	$4,600
Landscape Deposit	$26,936
Punchlist & Restoration Deposit	$9,879
TOTAL CASH DEPOSITS (REFUNDABLE):	**$42,225**

Stormwater detention will be provided by a new detention basin on site.
Engineer: Nowak & Fraus
Developer: RWT Building, L.L.C.

FLOODPLAIN NOTE
THE 10 YEAR FLOODPLAIN LINE AND THE 100 YEAR FLOODPLAIN LINE AS DEPICTED ON THE PLANS IS BASED ON A FLOODPLAIN STUDY DONE BY HUBBELL, ROTH & CLARK, INC. ON BEHALF OF THE CITY OF TROY AND ACCEPTED BY FEMA



NOWAK & FRAUS

Consulting Engineers
Land Surveyors
Land Planners

46777 Woodward Avenue
Pontiac, Michigan 48342
Tel. (248) 332-7931
Fax. (248) 332-8257

PROJECT
Crestwood Site Condominium

CLIENT
RWT BLDG, LLC.
2065 Livernois Road
Troy, MI

Murray Deagle
248-273-6000

PROJECT LOCATION
Part of the Crestfield Subdivision in the SW 1/4 of section 15
T.2 North, R.11 East
City of Troy,
Oakland County, Michigan

SEAL
STATE OF MICHIGAN
ROBERT E. LaDUKE
ENGINEER
NO. 37731
LICENSED PROFESSIONAL ENGINEER

DATE/ REVISION

04-28-04 Revised per City
04-06-04 Revised per City
03-23-04 Revised per City
01-15-04 Revised Layout per Client
08-22-03 Revised per AHBG
08-11-03 Revised per City, OCDC
04-24-03 Revised per Client
03-24-03 Revised per City of Troy
11-13-02 Issued for Agency Approval

SHEET
SITE/GENERAL PLAN

DRAWN BY: RBL
DESIGNED BY: RBL
APPROVED BY: JJH
DATE: 11-13-02
SCALE: 1"=60'
NF JOB NO. 9-C311
SHEET NO. C-3

GENERAL PROJECT NOTES

1. All of the work specified in the contract document shall be done in accordance with the City of Troy and the Oakland County Drain Commissioner's standards, specifications and details.

2. The location of all utilities shown on the plans is taken from the best available data. The City of Troy will not be responsible for any deviation or variations from the locations shown.

3. Pursuant to Act 53 of the PA of 1974, as a condition of this contract, notice shall be given to MISS DIG for any underground work to be performed in accordance with this contract. The contractor shall notify MISS DIG a minimum of 72 hours prior to any excavation or grading at (800) 482-7171.

4. The City of Troy is an authorized public agency under the Soil Erosion and Sedimentation Control Program - Public Act 347. A permit will be required for this project. Soil erosion and sedimentation control measures as required by the City Engineer and as shown on the plans shall be installed and maintained for the duration of the project.

5. The contractor shall obtain, pay for and comply with all permits necessary from public agencies including but not limited to the City of Troy and the Oakland County Drain Commissioner.

6. All pavement, driveways, shoulders, landscaping, trees, mailbox, etc., damaged during construction shall be restored to the contractor to equal or better condition than prior to construction.

7. All contractors are responsible for locating that proper inspection has been arranged and scheduled with the owner and other governmental agencies.

8. All contractors are responsible to repair and visit the site to determine the conditions above ground and below ground prior to bidding into any contracts with the owner for work of any kind.

9. All contractors are responsible to determine what dust controlled and agree that these plans represent an estimate of site conditions and quantities along with a good faith representation of required materials.

10. The contractor must obtain a permit from the City of Troy for any work within the Wattles Road right-of-way.

11. The contractor must secure a City of Troy sidewalk and approach permit and manage for inspection before work is begun.

12. All improvements must be inspected and approved prior to the issuance of a final certificate of occupancy. Call the City of Troy for a work inspection.

NOTES:

1. THIS SITE CONDOMINIUM IS FOR SINGLE FAMILY RESIDENTIAL USE.

2. ALL LOTS MEET THE MINIMUM AREA REQUIREMENT OF 9,450 SQUARE FEET AND THE MINIMUM FRONTAGE AT THE BUILDING LINE OF 70.50 FEET IN ACCORDANCE WITH THE CITY OF TROY ZONING ORDINANCE. THE LOT AVERAGING CONCEPT HAS BEEN USED AND THE AVERAGE LOT SIZE EXCEEDS 10,500 SQUARE FEET.

3. THE FRONT YARD SETBACK IS 30 FEET, THE SIDE YARD SETBACK IS 20 FEET TOTAL. THE REAR YARD SETBACK IS 40 FEET, UNLESS OTHERWISE NOTED.

4. LAYOUT AND DIMENSIONS ARE TENTATIVE AND SUBJECT TO MODIFICATION UPON CALCULATION OF THE EXHIBIT "B" DRAWINGS.

5. ALL LOTS SHALL BE SERVED WITH PUBLIC SANITARY SEWERS AND PUBLIC WATER MAINS. ALL INTERIOR STREETS SHALL BE CONCRETE PAVEMENT WITH INTEGRAL CURB & GUTTER. STORM DRAINAGE WILL BE CHANNELED THROUGHOUT THE SITE CONDOMINIUM.

6. THE DEVELOPER SHALL COMPLY WITH ALL APPLICABLE CODES AND ORDINANCES OF THE CITY OF TROY, OAKLAND COUNTY AND THE STATE OF MICHIGAN.

7. A PERMIT HAS BEEN OBTAINED FROM THE MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY, GEOLOGICAL AND LAND MANAGEMENT DIVISION (PERMIT #06-63-0003-P) FOR THE STORM DRAIN AND THE WETLANDS.

8. PRIOR TO CONSTRUCTION, A SOIL EROSION CONTROL PERMIT SHALL BE OBTAINED FROM THE CITY OF TROY ENGINEERING DEPARTMENT.

9. PRIOR TO CONSTRUCTION, A NPDES PERMIT SHALL BE OBTAINED FROM THE MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY.

10. NO DIRECT VEHICULAR INGRESS OR EGRESS SHALL BE ALLOWED FROM WATTLES ROAD TO ANY LOTS.

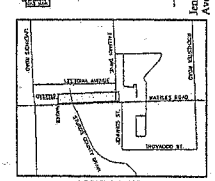
11. STREET SIGNS SHALL BE INSTALLED BY THE CITY OF TROY.

12. SIDEWALK SHALL BE INSTALLED ALONG WATTLES ROAD AS WELL AS THROUGHOUT THE CONDOMINIUM.

13. UTILITY EASEMENTS SHALL BE PROVIDED TO THE SATISFACTION OF THE CITY OF TROY ENGINEERING DEPARTMENT.

14. AT THE TIME OF DEVELOPMENT, TREES ON SITE WILL ONLY BE REMOVED IN THOSE AREAS NECESSARY FOR SITE GRADING, INSTALLATION OF UTILITIES AND WITHIN BUILDING ENVELOPES.

15. A 100 YEAR FLOODPLAIN ZONE AS DEPICTED ON THE PLANS IS BASED ON A FLOODPLAIN STUDY DONE BY HUBBELL, ROTH & CLARK, INC. ON BEHALF OF THE CITY OF TROY AND ACCEPTED BY FEMA. IT IS UNDERSTOOD BY THE DEVELOPER THAT NO BASEMENTS MAY BE CONSTRUCTED WITHIN THE EXISTING 100 YEAR FLOODPLAIN. THIS PERTAINS TO HOUSES THAT WILL BE CONSTRUCTED ON LOTS 11, 12, 13 AND 14.



LOCATION MAP
N.T.S.

LEGEND

MANHOLE	EXISTING SANITARY SEWER
HYDRANT	SAN. CLEAN OUT
GATE VALVE	EXISTING WATER MAIN
MANHOLE CATCH BASIN	EXISTING STORM SEWER
	EX. R. Y. CATCH BASIN
	EXISTING GAS MAIN
	EXISTING UNDERGROUND ELECTRIC
UTILITY POLE	EXISTING UNDERGROUND TELEPHONE
	EXISTING OVERHEAD LINES
	LIGHT POLE
MAN HOLE	SIGN
MANHOLE GATE VALVE	PR. SANITARY SEWER
FIRE HYDRANT C.B. MANHOLE	PR. WATER MAIN
	PR. STORM SEWER
	PR. R. Y. CATCH BASIN
	SAND BACKFILL (USE DENSITY)

3 WORKING DAYS BEFORE YOU DIG CALL MISS DIG 1-800-482-7171 (TOLL FREE)

May 24, 2004

To: John Szerlag, City Manager

From: Jeanette Bennett, Purchasing Director
William Nelson, Fire Chief

Subject: **Agenda Item -** Standard Purchasing Resolution 11: Rejection Of Bid – Air Compressor Repair And Maintenance

RECOMMENDATION

On May 18, 2004, one bid was received on a three-year contract for air compressor repair and maintenance with an option to renew for two additional years. City management recommends that the sole bid be rejected, as the cost was significantly more than expected.

Compression Systems was the only bidder at $8,986.00 per year for routine maintenance. This represents an increase of 68% over the contract from three years ago. A second component of the bid is for repair services. The hourly rate for regular time was quoted 17% higher than under the last contract. Costs for repairs could escalate four fold, since the vendor indicated their typical crew size was four, when our last contractor utilized only one man.

BACKGROUND

March 16, 2001, was the last time bids were taken for these services. At that time we received three bids, Coon DeVisser, Mortz Brothers, and Air Source One. Coon DeVisser was the successful bidder, but since then has gone out of business. Mortz Brothers no longer does work on high-pressure air systems, however the person within that business who did the high-pressure air is the owner of Compression Systems, our only bidder. Air Source One states they received our bid proposal, however, they were unable to complete the bid due to other workload issues. They indicated if we re-bid the contract, they would bid.

The only other known contractor in the area is Air Technologies. They had every intention to bid on the item, however they recorded the day of the bid opening wrong, and missed the bid deadline. They would bid if we re-post the item.

REBID

At least two other vendors have expressed an interest in the contract if we re-bid. In order to ascertain a fair and competitive market price, City management recommends re-bidding the contract.

34 Vendors Notified on the MITN System
1 Bid Response Rec'd

Prepared by: Richard Sinclair, Assistant Fire Chief

	VENDOR NAME:	**Compression Systems, Inc**		
PROPOSAL: Air Compressor maintenance and repair for the Troy Fire Department				
QTY	**DESCRIPTION**	**COST PER VISIT**		
ITEM #1- Bi-Annual Maintenance Cost		**- RECOMMEND REJECTION -**		
5 ea	American Bristol - Bauer 3.5 cfm block, stationary, 5000 psi	$ 352.00		
1 ea	Eagle, Hamworthy 22 cfm block, trailer mounted, 6000 psi	$ 680.00		
1 ea	Mako K-15, Bauer 16 cfm block, trailer mounted, 4500 psi	$ 474.00		
1 ea	Bauer H13V, 6000 psi, Securus P-2 Filtration System	$ 474.00		
1 ea	Bauer H25B 20hp, 6000 psi, Securus P-5 Filtration System	$ 631.00		
1 ea	Bauer 3.5 cfm block, Bauer Securus P-2 Filtration System	$ 474.00		
	BAUER PARTS: In Stock - Y or N	YES		
	Dollar Amt Stocked	$ 15,000.00		
	TOTAL PARTS INVENTORY:			
	In Stock Inventory Value	$ 30,000.00		
	Sub-Total -	**$ 8,986.00**		
ITEM #2 - Repair Service		**- RECOMMEND REJECTION -**		
	Estimated Hours Per Year - 40			
	Regular Time	$ 76.00		
	Overtime	$ 114.00		
	Holiday Time	$ 152.00		
	Crew Size	4		
	Travel Time	$50 Truck Charge per Visit / No Travel Time		
ESTIMATED GRAND TOTAL: (per Year)		**$ 21,146.00**		
	REPAIR PARTS:			
	Discount of %	10%		
	Parts Price List (Y or N)	BLANK		
	Dated			
	Markup or Markdown	+ 16%		
	Alternate Parts Pricing			
	SITE INSPECTION:			
	Visited site - Y or N	YES		
	Date	2002		
	INSURANCE: Can meet	XX		
	Cannot Meet			

VENDOR NAME:	**Compression Systems, Inc**		
CONTACT INFORMATION:			
Hrs of Operations	7AM - 5PM		
Phone	(517) 548-1950		
TECHNICIANS TRAINING:			
Attached: Y or N	YES		
Marked	BLANK		
YEARS IN BUSINESS	4		
TERMS:	NET 30 DAYS		
WARRANTY:	60 DAYS		
DELIVERY DATE(S)	BLANK		
EXCEPTIONS:	BLANK		
ACKNOWLEDGEMENT:			
Completed - Y or N	YES		

Proposal - Three Year Requirements of Air Compressor Maintenance and Repair for the Troy Fire Department with an Option to Renew for an Additional Two-Year Period

RECOMMEND REJECTION

ATTEST:

Rick Sinclair
Charlene McComb
Linda Bockstanz

Jeanette Bennett
Purchasing Director

Michigan Inter-governmental Trade Network
MITN

Downloading History for ITB-COT 04-24Compressor

The report below shows all fax and e-mail vendors that matched this document when it was originally issued. It also shows all vendors that have downloaded or ordered the document and any subsequent amendments as of **5/21/2004.**

Document Title:	Air Compressor Manitenance & Repair for City of Troy Fire Dept
Date Issued:	4/27/2004
Close Date:	5/18/2004

Click on the table headings for "Account Number" or "Company name" to re-sort this report by that column. You may also click on any vendor account number to view their account information.

Acct #	Company Name	Service	Date Obtained Document	Date Obtained Amendments
17063	3-D Service Michigan, Ltd.	E-mail	4/27/2004	
17251	Air Technologies, Inc/Ohio Transmission Corp	Free	5/18/2004	
11257	Allied, Inc.	E-mail		
12040	Argus Supply Company	E-mail		
15248	Associated Design & Services, Inc.	E-mail	4/29/2004	
16866	BPI	Free	5/4/2004	
12836	Burke Equipment Co	E-mail	4/29/2004	
11397	Central Air Compressor	E-mail	5/4/2004	
11040	Cloverdale Equipment Company	E-mail		
17273	Compression Systems, Inc.	E-mail	5/10/2004	
17244	Compressor Eng'g Corp.	Free	4/29/2004	
13576	DAC TECHNOLOGIES INC.	Free	5/15/2004	
10707	Detroit Diamond Drilling Inc.	E-mail		
11363	Detroit Electric Motor Works, Inc.	E-mail		
12851	Engineered Comfort Systems, Inc.	E-mail	4/30/2004	
16368	Fluid Dynamics	Free	4/28/2004	
16592	KTS and Company, Inc	Free	5/11/2004	
12302	MECHANICAL COMFORT, INC.	E-mail		
12144	Mechanical Sheet Metal Co.	E-mail		
11630	Mercer Equipment Rentals	E-mail	5/13/2004	

12604	Michigan Mechanical Services Inc	E-mail		
17389	Performance Environmental Services, Inc	E-mail	5/5/2004	
16390	Perma-Tech of Detroit	E-mail	5/5/2004	
15415	Process Control Services	E-mail		
11361	Quickie Carpet Cleaning	Free	4/28/2004	
12531	Rohr gasoline equipment inc.	E-mail		
16152	SealSource, Inc.	E-mail		
12294	Siemens Building Technologies, Inc.	E-mail		
13730	SMART Management Group, LLC	E-mail		
15317	Spiritech , Inc.	E-mail	5/3/2004	
12630	Thermal Engineering Corporation	E-mail		
17039	TMI-Champco Compressors Inc	E-mail	4/30/2004	
12714	WEST SHORE FIRE INC.	Fax	5/12/2004	
15858	York Electric Motors, INC.	E-mail		

Return to Main Menu Return to Report Menu

May 28, 2004

TO: John Szerlag, City Manager

FROM: Steven J. Vandette, Acting Assistant City Manager/Services
Doug Smith, Real Estate & Development Director
William Huotari, Acting City Engineer
Mark F. Miller, Planning Director

SUBJECT: EXTENSION OF PRELIMINARY PLAT-TENTATIVE APPROVAL – Oak Forest Subdivision West side of John R Road, South of Square Lake Road – Section 11

RECOMMENDATION

The current Tentative Preliminary Plat Approval expires on June 16, 2004. City Council granted Tentative Approval of the Preliminary Plat of the current proposed subdivision on June 16, 2003. Previous extensions for this proposal were granted by City Council on July 8, 2002 and again on July 23, 2003. City Council originally granted Tentative Preliminary Plat Approval for Oak Forest Subdivision on July 23, 2001.

The Tentative Preliminary Plat as now submitted for this proposed 24 lot subdivision meets applicable Ordinance requirements. A one-year extension of this Tentative Preliminary Plat is recommended by City Management.

BACKGROUND

The proposed subdivision consists of a 10.2 acre site, extending west ¼ mile from John R Road. This proposed subdivision consists of 24 lots developed in accordance with the lot-averaging provisions applicable to the subject R-1C zoning district. The street pattern involves a single street access from John R Road, located directly opposite Highbury Drive in the Stoneridge Subdivision. A stub-street is proposed extending south to the present Holm Street right-of-way within the Eyster's John R Farms Subdivision. A stub-street is also proposed to extend to the north, in order to provide for potential additional residential development in that area. The proprietor's engineer provided a potential street and lot layout for that area.

Storm water detention is proposed to be provided in an off-site location abutting immediately to the west, between the proposed subdivision site and the Fetterley Drain. The location and configuration of this parcel is indicated on an additional sheet attached to the proposed subdivision plat. It is intended that this basin site will ultimately serve this proposed subdivision, along with potential additional development in the area to the west. It is further intended that this basin will ultimately be conveyed to the City for maintenance.

Under the Wattles Square, Inc. cover letter of April 24, 2001, the proprietors have submitted the Wetlands Assessment Report from the Michigan Department of Environmental Quality (MDEQ). A June 11, 2001 J & L Consulting Services report from Dr. Eugene Jaworski, the City's Interim Environmental Consultant, outlined a separate wetland assessment for the subject property. The proposed plat shows wetlands preservation and mitigation areas at three locations and wetlands mitigation within the detention basin site to the west. Although staff would prefer consolidation of regulated wetlands and wetlands mitigation areas into subdivision open spaces, the wetlands permit authority continues to be the responsibility of the MDEQ.

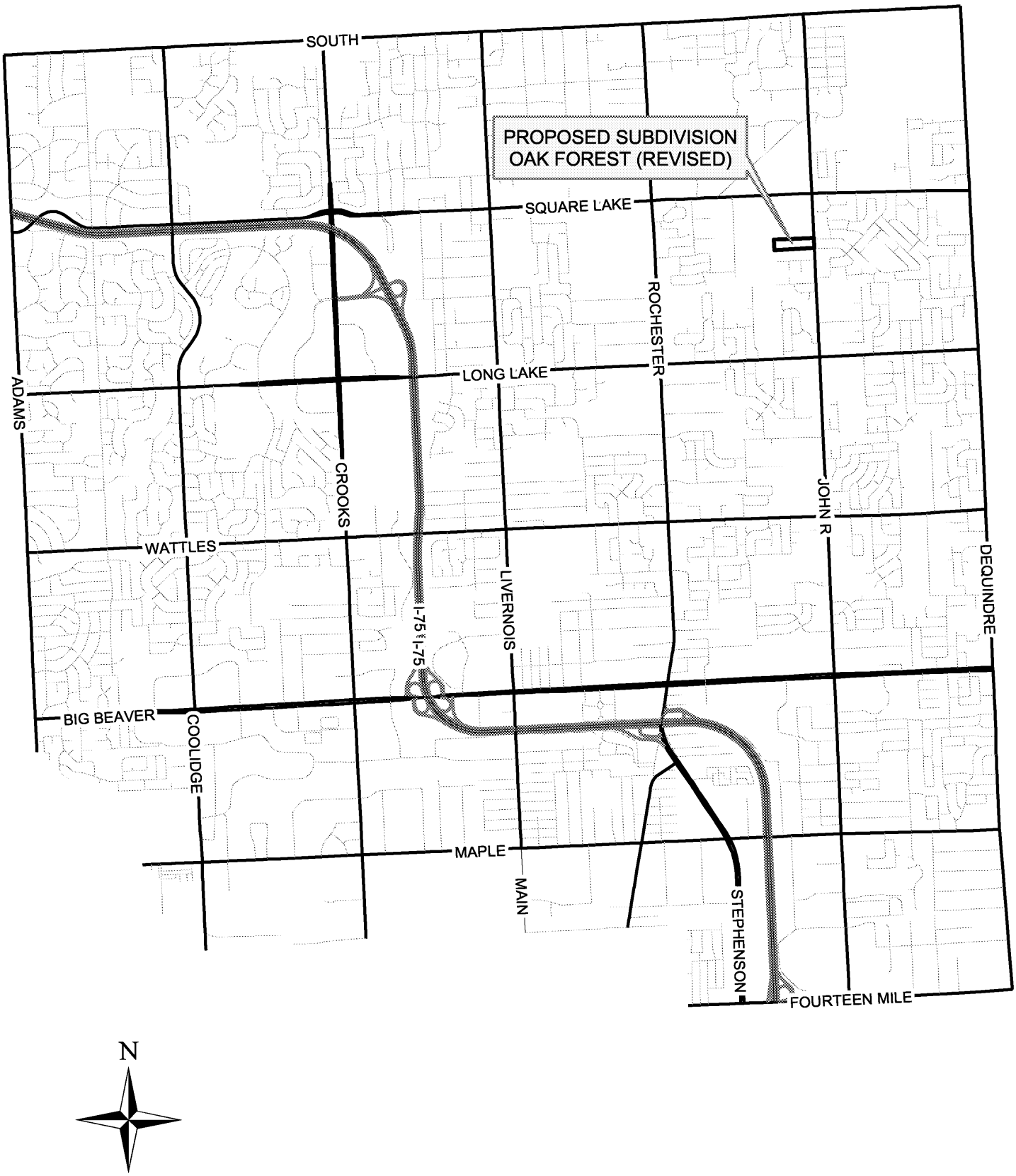
Attachments:

1. Maps
2. Wattles Square, Inc. Letter

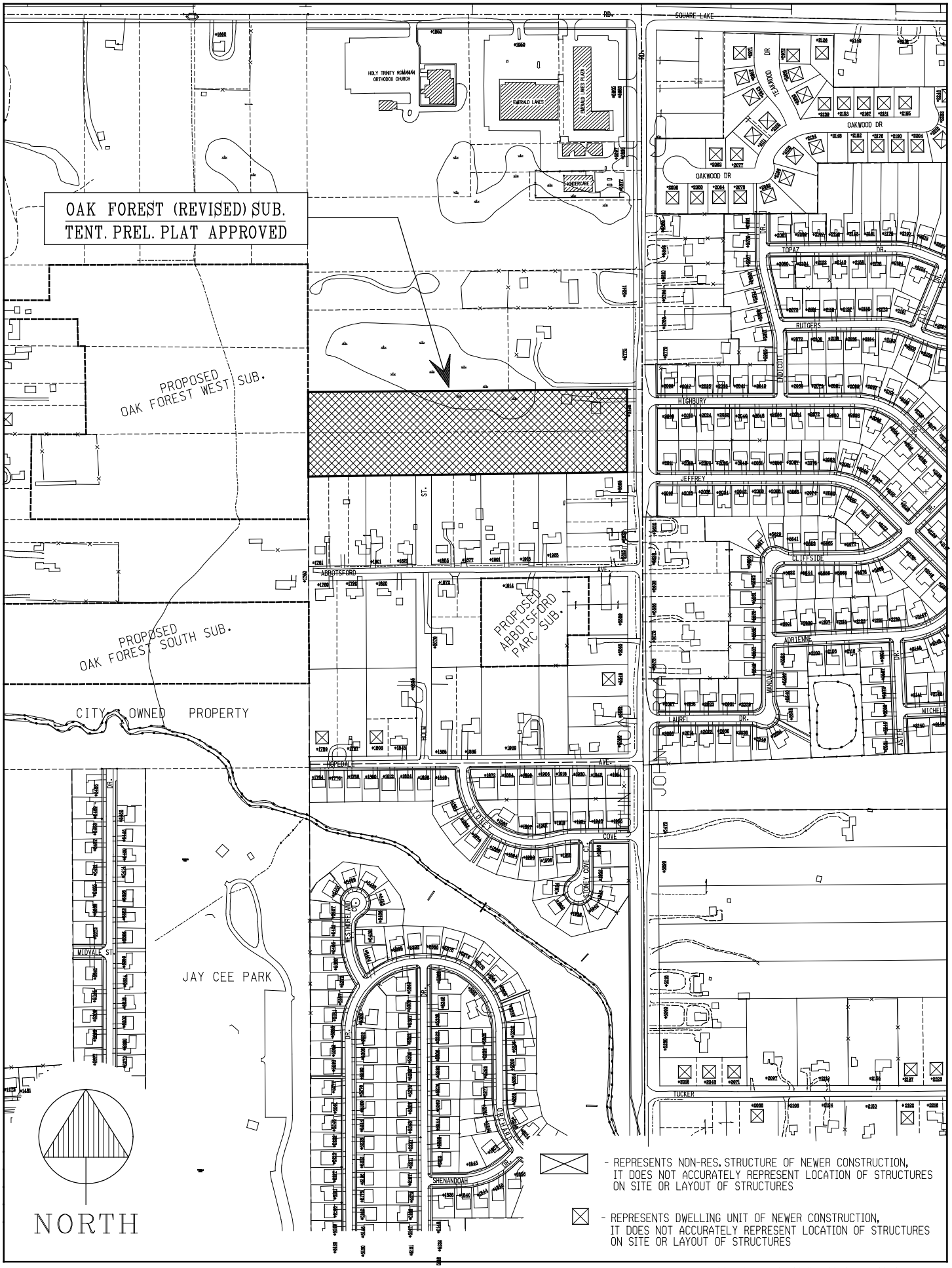
cc: Petitioner
File/ Oak Forest Subdivision

G:\SUBDIVISIONS & SITE CONDOS\Oak Forest Sub Sec. 11\Oak Forest Sub ext cc memo 05 28 04.doc

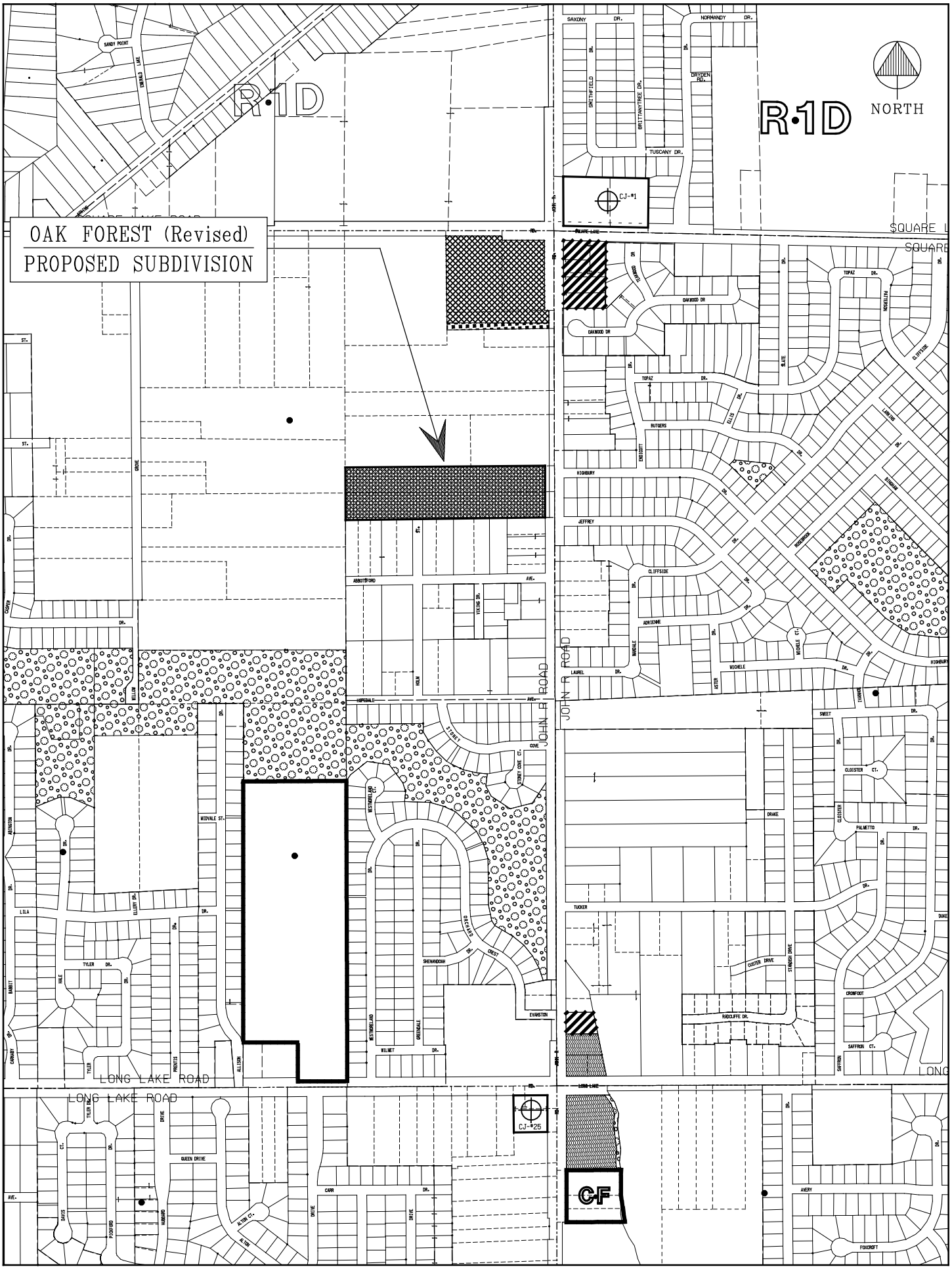
CITY OF TROY



PREPARED BY CITY OF TROY PLANNING DEPT.



OAK FOREST SUB. (REVISED) / SEC. 11 / 06-20-02


OAK FOREST (Revised)
PROPOSED SUBDIVISION
R-1D
R-1D
NORTH
SANDY POINT
SAXONY DR.
NORMANDY DR.
SMITHFIELD DR.
BRITTANYTREE DR.
DRYDEN RD.
TUSCANY DR.
CJ-#1
SQUARE LAKE
OAKWOOD DR
TOPAZ DR.
MOSELLIN
CLIFFSIDE
BUTGERS
DRUSOTT
HIGHBURY
JEFFREY
ROSEBROOK
CLIFFSIDE
ADRIENNE
MICHELE
LAUREL DR.
ASTER
ABBOTSFORD AVE.
VIKING DR.
HOLM
HOPEDALE AVE.
JOHN R ROAD
STONEY
COVE
STONEY COVE CT.
WESTMORELAND
RICHARD
CREST
SHENANDOAH DR.
EVANSTON
WILLMET DR.
GREENDALE
MIDVALE ST.
ELLIOT DR.
LILA
TYLER DR.
HAIE
ALLISON
PRIDITS
CARNAUT
BARRITT
ARLINGTON
GROVE
CLAYTON
ST.
SHEET
CLOISTER CT.
PALMETTO DR.
DRAKE
TUCKER
CHESTER DRIVE
STANDISH DRIVE
RADCLIFFE DR.
CRONFOOT
SAFFRON CT.
SAFFRON
LONG LAKE ROAD
LONG LAKE ROAD
TYLER BLVD.
QUEEN DRIVE
CJ-#25
CARR DR.
DRIVE
DAVIS
FOXCROFT
HUBBARD
ALTON CT.
ALTON
AVERY
FOXCROFT
CF

PROPOSED SUBDIVISION
OAK FOREST (REVISED)
S OF SQUARE LAKE & W OF JOHN R
SEC. 11
PROPOSED SUBDIVISION
OAK FOREST (REVISED)
ENDICOTT DRIVE
RUTGERS DRIVE
JOHN R. ROAD
JEFFREY DRIVE
JOHN R. ROAD
ABBOTSFORD AVENUE
HOLM STREET
MANDEL DRIVE
ADRIENNE DRIVE
N
0 200 400 600 Feet

RECEIVED
CITY OF TROY
2004 MAY 13 AM 10: 11

WATTLES SQUARE, INC.
5877 LIVERNOIS ROAD, SUITE 103
TROY, MI 48098
Phone (248)828-1726
Fax (248)828-3573

May 13, 2004

Mark Miller
Planning Department
City of Troy
500 W. Big Beaver
Troy, MI 48084

Re: Tentative Preliminary Plat, Oak Forest Subdivision

Dear Mr. Miller:

The Tentative Approval of the Preliminary Plat for Oak Forest Subdivision will expire on June 16, 2004. We hereby request an extension of the approval. Accompanying this letter are 26 copies of the plat for review.

If you have any questions please contact me at (248)828-1726, ext. 206.

Sincerely,

Dale E. Garrett

Encl.

May 17, 2004

TO: John Szerlag, City Manager

FROM: Steven J. Vandette, Acting Assistant City Manager/Services
Doug Smith, Real Estate and Development Director
Dennis C. Stephens, Right of Way Representative

SUBJECT: AGENDA ITEM - Request for Unconditioned Offers – Purchase of Right of Way to the 60 foot line for Water Main Replacement Livernois Section 3 Water Main Replacement - Project #01.509.5

In order to proceed with the proposed water main replacement on Livernois Road north of Square Lake Road in Section 3, on schedule, it is necessary for Council to take action to approve unconditioned offers to purchase and court action, if necessary, in order to obtain the attached needed right-of-way to the 60 foot line.

The appraised values for each parcel were prepared by Andrew Reed, a state Certified General Appraiser and reviewed by Kimberly A. Harper, Deputy Assessor. Below is a list of the owners, with the appraised values.

OWNER	PIN #	INTEREST NEEDED	APPRAISED VALUE
Toma/Gennari	20-03-301-018	Fee to 60' line	$ 4,400.00
Van Zoeren	20-03-301-017	Fee to 60' line	$25,500.00

The dollars for all right of way acquisitions and associated costs are part of the approved right of way costs for this project.

It is therefore requested that City Council approve the unconditioned offers, as outlined, in the amounts of the appraisals plus closing costs. It is also requested that City Council authorize the City Attorney to take whatever action is necessary and to expend the needed funds to acquire this right of way.

APPRAISAL REVIEW REPORT

633B (12/88)

APPRAISER	APPRAISER
ANDREW M. REED	
ESTIMATED MARKET VALUE BEFORE $	ESTIMATED MARKET VALUE BEFORE $
ESTIMATED MARKET VALUE AFTER $	ESTIMATED MARKET VALUE AFTER $
ESTIMATED COMPENSATION $ 4,400	ESTIMATED COMPENSATION $

RIGHT OF WAY AREAS REQUIRED

LAND	IMPROVEMENTS
810 SQ. FT. R-1B @ $4.50 SQ FT.	TREES & SHRUBS - $1500
LESS 20% FOR SIDEWALK EASEMENT	
= $2,900	

REVIEWER'S RECOMMENDED COMPENSATION (ROW ONLY) $

FIXTURES (MACHINERY, EQUIPMENT, ETC.) ☐ LV ☐ HV

VALUE IN PLACE	DETACH & REATTACH	RETENTION VALUE
$	$	$

•• IF FIXTURES ARE PROPERTY OTHER THAN FEE OWNER, INDICATE ON REVERSE SIDE ••

REVIEW SUMMARY

COMPENSATION (ROW ONLY) $	COMPENSATION (ROW ONLY) $
FIXTURES D & R $	FIXTURES VIP $
RECOMMENDED COMPENSATION $ 4,400	RECOMMENDED COMPENSATION $

I certify that the above recommendations are based on a personal inspection of the property and comparable market data, and a careful review of the appraisals thereon and I have to the best of my ability and knowledge determined that this compensation does not include payment for any non-compensable items as provided for by Michigan law (items compensable under Michigan law but not under Federal law are itemized); that I have no direct or indirect present or contemplated future or personal interest in any such property or in any benefit from the acquisition of such property appraised; that this determination has been reached independently based on appraisals and other factual data without collaboration or direction with intent to defraud the Michigan Department of Transportation, **Federal Highway Administration, or City of Troy. It is understood that this review is in connection with a Federal Aid Project.**

DATE INSPECTED:

REVIEWED BY	TITLE	DATE
Kimberly Hart	Deputy Assessor	3/3/04

APPROVALS

APPROVED BY	TITLE	DATE
APPROVED BY	TITLE	DATE
APPROVED BY	TITLE	DATE

REMAINDER	VALUE	ECONOMIC
1.		☐ YES ☐ NO
2.		☐ YES ☐ NO

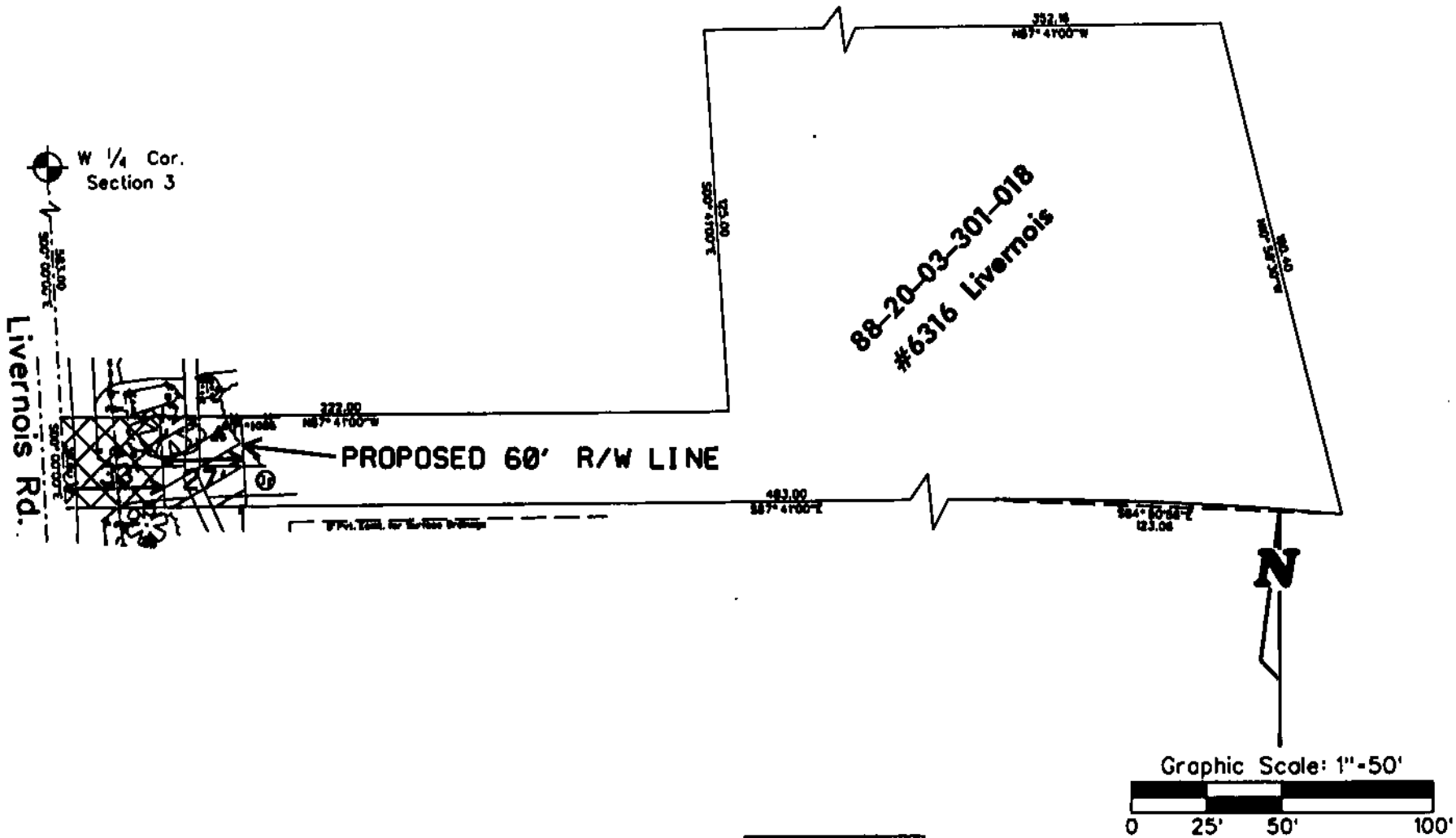
DISTRICT REAL ESTATE AGENT'S RECOMMENDED ACTION AND AUTHORITY FOR ACQUISITION OF REMAINDERS.

$

☐ IMPROVED ☐ VACANT TOTAL RECOMMENDED COMPENSATION $

SIGNATURE — DISTRICT REAL ESTATE AGENT		DATE
CONTROL SECTION	PARCEL	NAME
3-301-018		GENNARI / TOMA
JOB NO.	FED. ITEM NO.	FED. PROJ. NO.

G:\Surveying\GEORGE\Property Drawings\88-20-03-301-018.dgn
11/24/03
03:49:36 PM



Graphic Scale: 1"=50'

0 25' 50' 100'

EXISTING STATUATORY
33' RIGHT OF WAY
A=990 SQ. FT.

PROPOSED 27'
RIGHT OF WAY
ACQUISITION
A=810 SQ. FT.

CITY OF TROY
OAKLAND COUNTY, MICHIGAN

Proposed Right of Way Acquisition Sketch

SCALE	DRAWN BY	CHECKED	FILE
HOR. 1"=50'	NAME GJB III	NAME	See Above
VER.	DATE 11/24/03	DATE	VER.

DATE REV.

DOCUMENT PREPARED BY
George J. Bollard III
CITY SURVEYOR

CONTRACT No.

STEVEN J. VANDETTE
CITY ENGINEER

SHEET No. JOB No.

EXHIBIT "A"

Section 3, Part of the SW ¼
Parcel: 88-20-03-301-018
Address: 6316 Livernois Rd.

Description of Parent Parcel:

Part of the Southwest ¼ of Section 3, Town 2 North, Range 11 East, City of Troy, Oakland County, Michigan. Beginning at a point distant South 583 feet from the West ¼ Corner; thence South 87 degrees 41 minutes 00 seconds East 483 feet; thence along a curve to the right, having a radius of 1244.33 feet, chord bears South 84 degrees 50 minutes 56 seconds East 123.06 feet, and a distance of 123.12 feet; North 10 degrees 58 minutes 30 seconds West 160.40 feet thence North 87 degrees 41 minutes 00 seconds West 352.16 feet; thence South 00 degrees 41 minutes 00 seconds East 125 feet; thence North 87 degrees 41 minutes 00 seconds West 222 feet; thence South 30 feet to the Point of Beginning. Containing 1.47 acres. The west 33 feet of which is currently being used for roadway purposes.

Description R/W Acquisition:

Part of the Southwest ¼ of Section 3, Town 2 North, Range 11 East, City of Troy, Oakland County, Michigan. The West 60.00 feet of the following described parcel being 60.00 feet east of and perpendicular to the west line of said section 3. The west 33 feet of which is currently being used for roadway purposes:
Part of the Southwest ¼ of Section 3, Town 2 North, Range 11 East, City of Troy, Oakland County, Michigan. Beginning at a point distant South 583 feet from the West ¼ Corner; thence South 87 degrees 41 minutes 00 seconds East 483 feet; thence along a curve to the right, having a radius of 1244.33 feet, chord bears South 84 degrees 50 minutes 56 seconds East 123.06 feet, and a distance of 123.12 feet; North 10 degrees 58 minutes 30 seconds West 160.40 feet thence North 87 degrees 41 minutes 00 seconds West 352.16 feet; thence South 00 degrees 41 minutes 00 seconds East 125 feet; thence North 87 degrees 41 minutes 00 seconds West 222 feet; thence South 30 feet to the Point of Beginning. Containing 810 Square Feet or 0.019 acres.

File: H:\Descriptions\Property Descriptions\88-20-03-301-018

APPRAISAL REVIEW REPORT

6338 (12/88)

APPRAISER	APPRAISER
ANDREW M. REED	
ESTIMATED MARKET VALUE BEFORE $	ESTIMATED MARKET VALUE BEFORE $
ESTIMATED MARKET VALUE AFTER $	ESTIMATED MARKET VALUE AFTER $
ESTIMATED COMPENSATION $25,000	ESTIMATED COMPENSATION $

RIGHT OF WAY AREAS REQUIRED

LAND	IMPROVEMENTS
3,375 SQ FT. - R-1B @ $4.50/SQ. FT.	DAMAGES TO REMAINDER - $6500
LESS 20% FOR SIDEWALK EASEMENT	TREES & SHRUBS - $6,300
= $12,200	

REVIEWER'S RECOMMENDED COMPENSATION (ROW ONLY) $

FIXTURES (MACHINERY, EQUIPMENT, ETC.) ☐ LV ☐ HV

VALUE IN PLACE	DETACH & REATTACH	RETENTION VALUE
$	$	$

•• IF FIXTURES ARE PROPERTY OTHER THAN FEE OWNER, INDICATE ON REVERSE SIDE ••

REVIEW SUMMARY

COMPENSATION (ROW ONLY)	$	COMPENSATION (ROW ONLY)	$
FIXTURES D & R	$	FIXTURES VIP	$
RECOMMENDED COMPENSATION	$25,000	RECOMMENDED COMPENSATION	$

I certify that the above recommendations are based on a personal inspection of the property and comparable market data, and a careful review of the appraisals thereon and I have to the best of my ability and knowledge determined that this compensation does not include payment for any non-compensable items as provided for by Michigan law (items compensable under Michigan law but not under Federal law are itemized): that I have no direct or indirect present or contemplated future or personal interest in any such property or in any benefit from the acquisition of such property appraised: that this determination has been reached independently based on appraisals and other factual data without collaboration or direction with intent to defraud the Michigan Department of Transportation, **Federal Highway Administration, or City of Troy. It is understood that this review is in connection with a Federal Aid Project.**

DATE INSPECTED:

REVIEWED BY	TITLE	DATE
Timothy J. Harp	Deputy Assessor	3/3/04

APPROVALS

APPROVED BY	TITLE	DATE
APPROVED BY	TITLE	DATE
APPROVED BY	TITLE	DATE

REMAINDER	VALUE	ECONOMIC
1.		☐ YES ☐ NO
2.		☐ YES ☐ NO

DISTRICT REAL ESTATE AGENT'S RECOMMENDED ACTION AND AUTHORITY FOR ACQUISITION OF REMAINDERS.

$

☐ IMPROVED ☐ VACANT TOTAL RECOMMENDED COMPENSATION $

SIGNATURE — DISTRICT REAL ESTATE AGENT		DATE
CONTROL SECTION	PARCEL	NAME
3-301-017		VAN ZOEREN
JOB NO.	FED. ITEM NO.	FED. PROJ. NO.

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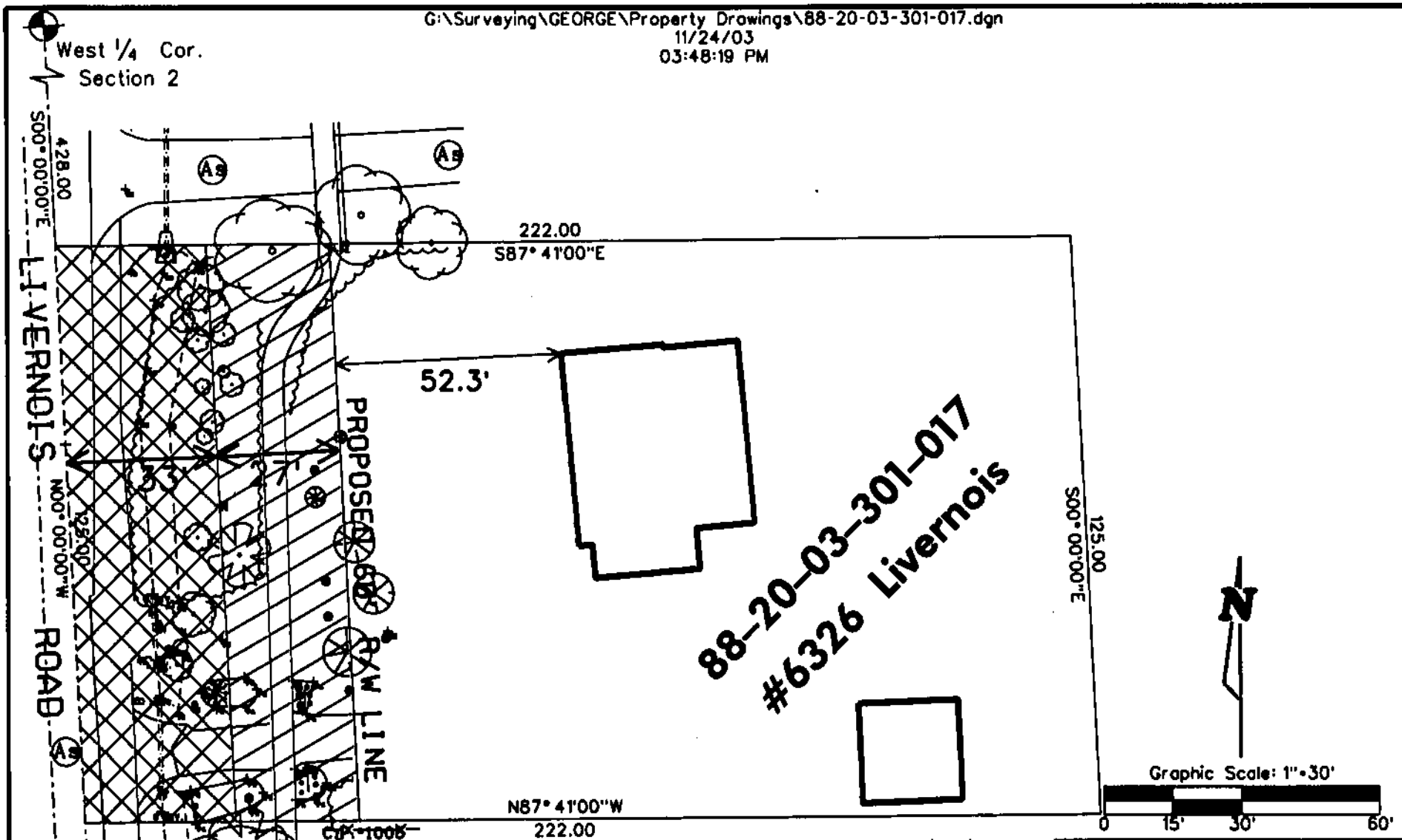


CITY OF TROY
OAKLAND COUNTY, MICHIGAN

Proposed Right of Way Acquisition Sketch

SCALE	DRAWN BY	CHECKED	FILE
HOR. 1"=30'	NAME GJB III	NAME	See Above
VER.	DATE 11/24/03	DATE	VIEW #

DOCUMENT PREPARED BY
George J. Ballard III
CITY SURVEYOR

DATE | REV.

CONTRACT No.

STEVEN J. VANDETTE
CITY ENGINEER

SHEET No. | JOB No.

EXHIBIT "A"

Section 3, Part of the SW ¼
Parcel: 88-20-03-301-017
Address: 6326 Livernois Rd.

Description of Parent Parcel:

Part of the Southwest ¼ of Section 3, Town 2 North, Range 11 East, City of Troy, Oakland County, Michigan. Beginning at a point distant South 428 feet from the West ¼ Corner; thence South 87 degrees 41 minutes 00 seconds East 222 feet; thence South 125 feet, thence North 87 degrees 41 minutes 00 seconds West 222 feet; thence North 125 feet to the Point of Beginning. Containing 0.64 acres. The west 33 feet of which is currently being used for roadway purposes.

Description of R/W Acquisition:

Part of the Southwest ¼ of Section 3, Town 2 North, Range 11 East, City of Troy, Oakland County, Michigan. The West 60.00 feet of the following described parcel being 60.00 feet east of and perpendicular to the west line of said section 3,of which the West 33.00 feet is being used for roadway purposes: Beginning at a point distant South 428 feet from the West ¼ Corner; thence South 87 degrees 41 minutes 00 seconds East 222 feet; thence South 125 feet, thence North 87 degrees 41 minutes 00 seconds West 222 feet; thence North 125 feet to the Point of Beginning. Containing 3,375 Square Feet or 0.077 Acres.

May 17, 2004

TO John Szerlag, City Manager

FROM: Steven J. Vandette, Acting Assistant City Manager/Services
Doug Smith, Real Estate and Development Director
Dennis C. Stephens, Right of Way Representative

SUBJECT: AGENDA ITEM - Request for Unconditioned Offers – Purchase of Right of Way to the 60 foot line for sidewalk
Rochester Road section 2 Sidewalk Gap

In order to proceed with the proposed sidewalk gap construction on Rochester Road north of Square Lake Road in Section 2, it is necessary for Council to take action to approve unconditioned offers to purchase and court action, if necessary, in order to obtain the needed Right of Way to the 60 foot line.

The appraised values for each parcel were prepared by Andrew Reed, a state Certified General Appraiser and reviewed by Kimberly A. Harper, Deputy Assessor. Timothy Richnak, Public Works Director prepared the Tree and Shrub Evaluation. Below is a list of the owners, with the appraised values.

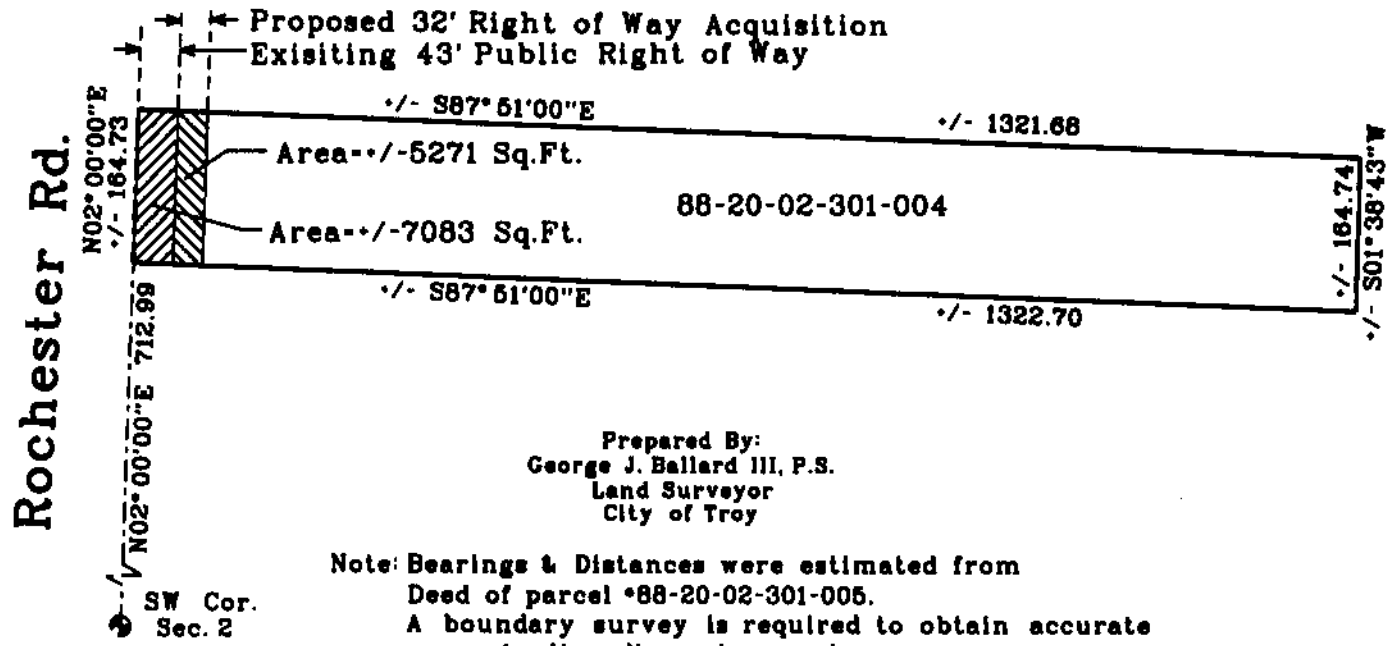
OWNER	PIN #	INTEREST NEEDED	APPRAISED VALUE
Stewart	20-02-301-004	Fee to 60' line	$26,619.59
Switlicki	20-03-301-005,006,007	Fee to 60' line	$75,227.61

The dollars for all right of way acquisitions and associated costs are part of the approved right of way costs for this project.

It is therefore requested that City Council approve the unconditioned offers, as outlined, in the amounts of the appraisals plus closing costs. It is also requested that City Council authorize the City Attorney to take whatever action is necessary and to expend the needed funds to acquire this right of way.

Right of Way Acquisition Sketch

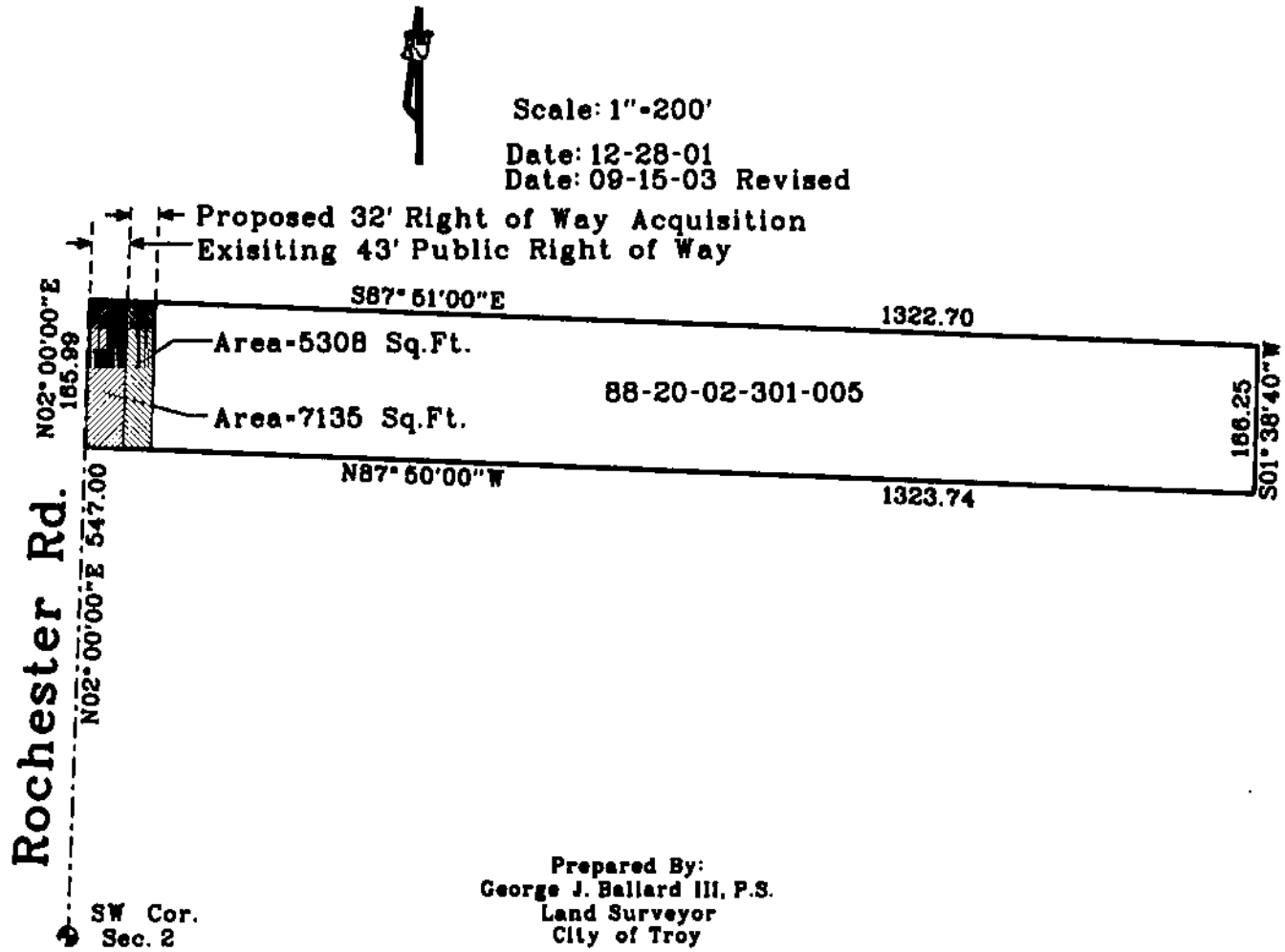
Scale: 1"=200'
Date: 12-28-01
Date: 09-12-03 Revised



Prepared By:
George J. Ballard III, P.S.
Land Surveyor
City of Troy

Note: Bearings & Distances were estimated from Deed of parcel #88-20-02-301-005.
A boundary survey is required to obtain accurate property line dimensions and areas.

Right of Way Acquisition Sketch

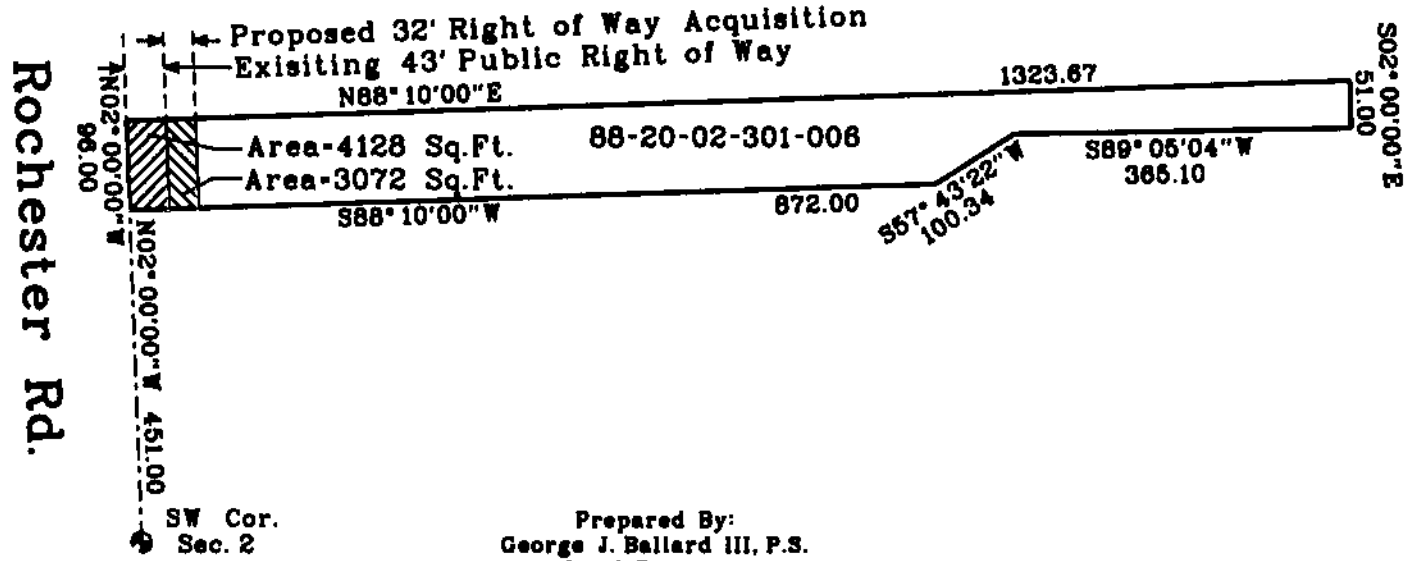


Prepared By:
George J. Ballard III, P.S.
Land Surveyor
City of Troy

Right of Way Acquisition Sketch

Scale: 1" = 200'

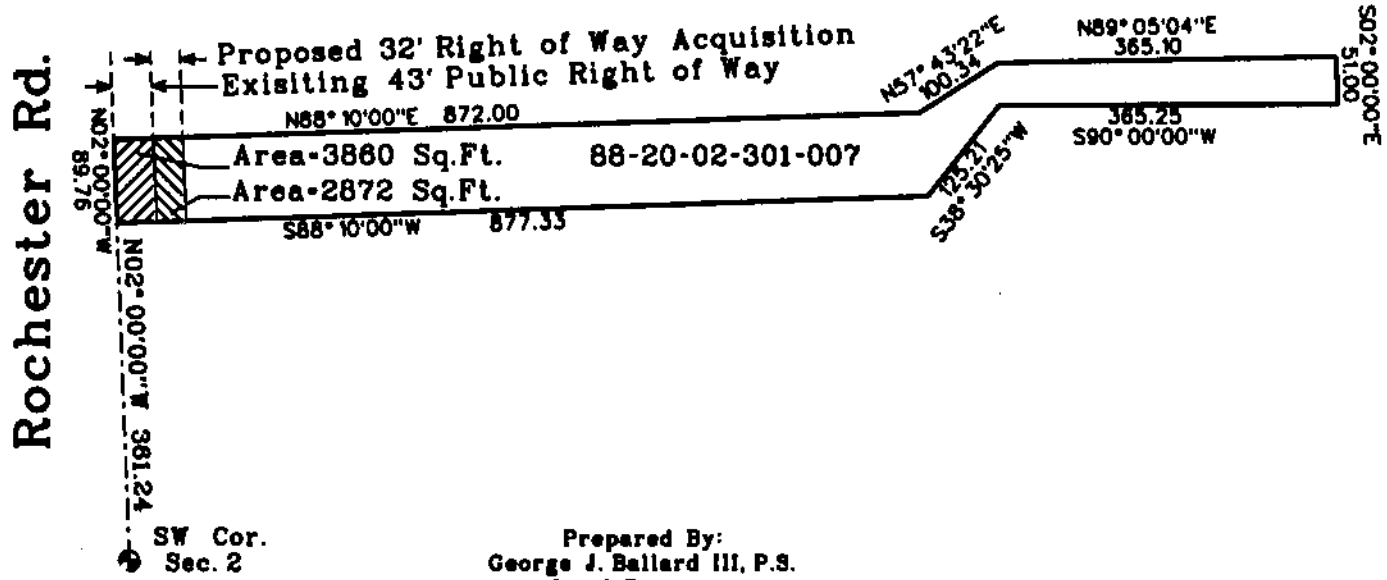
Date: 12-28-01
Date: 09-15-03 Revised



Prepared By:
George J. Ballard III, P.S.
Land Surveyor
City of Troy

Right of Way Acquisition Sketch

Scale: 1"=200'
Date: 12-28-01
Date: 09-15-03 Revised



Prepared By:
George J. Ballard III, P.S.
Land Surveyor
City of Troy

EXHIBIT "A"

Section 2, Part of the SW 1/4
Parcel: 88-20-02-301-004
Owner: Jay Stewart
Address: 6130 Rochester Rd.

Description of Parent Parcel:

Part of the West ½ of the Southwest ¼ of Section 2, Town 2 North, Range 11 East, City of Troy, Oakland County, Michigan. The North 5 acres of the South 26 acres of the West ½ of the Southwest ¼ of said section 2, of which the West 43 feet is in Road Way.

Description of R/W Acquisition:

The West 75.00 feet of the following described parcel, of which the West 43 feet is in Road Way

Part of the West ½ of the Southwest ¼ of Section 2, Town 2 North, Range 11 East, City of Troy, Oakland County, Michigan. The North 5 acres of the South 26 acres of the West ½ of the Southwest ¼ of said section 2. Containing an estimated 5,271 Square Feet or 0.121 Acres more or less.

File: H:\Descriptions\Property Descriptions\88-20-02-301-004

EXHIBIT "A"

Section 2, Part of the SW 1/4
Parcel: 88-20-02-301-005
Owner: Michael & Glenna Switlicki
Address: 6110 Rochester Rd.

Description of Parent Parcel:

Part of the West ½ of the Southwest ¼ of Section 2, Town 2 North, Range 11 East, City of Troy, Oakland County, Michigan. The South 5 acres of the North 10 acres of the South 26 acres of the West ½ of the Southwest ¼ of said section 2, more fully described as commencing at the Southwest corner of said section 2; thence North 02 degrees 00 minutes 00 seconds East, along the west line of said section 2, 547.00 feet to the Point of Beginning; thence continuing North 02 degrees 00 minutes 00 seconds East, along said west line, 165.99 feet; thence South 87 degrees 51 minutes 00 seconds East, 1322.70 feet to the East line of the West ½ of the Southwest ¼ of said section 2; thence South 01 degrees 38 minutes 40 seconds West, along the said east line, 166.25 feet; thence North 87 degrees 50 minutes West, 1323.74 feet to the Point of Beginning. The West 43 feet of which is in Road Way.

Description of R/W Acquisition:

Part of the West ½ of the Southwest ¼ of Section 2, Town 2 North, Range 11 East, City of Troy, Oakland County, Michigan. Commencing at the Southwest corner of said section 2; thence North 02 degrees 00 minutes 00 seconds East, along the west line of said section 2, 547.00 feet to the Point of Beginning; thence continuing North 02 degrees 00 minutes 00 seconds East, along said west line, 165.99 feet; thence South 87 degrees 51 minutes 00 seconds East, 75.00 feet; thence South 02 degrees 00 minutes 00 seconds West 165.88 feet; thence North 87 degrees 50 minutes West, 75.00 feet to the Point of Beginning. Containing 5,308 Square Feet or 0.122 Acres more or less. The West 43 feet of which is in Road Way.

EXHIBIT "A"

Section 2, Part of the SW 1/4
Parcel: 88-20-02-301-006
Owner: Michael & Glenna Switlicki
Address: Vacant

Description of Parent Parcel:

Part of the Southwest ¼ of the Southwest ¼ of Section 2, Town 2 North, Range 11 East, City of Troy, Oakland County, Michigan. Beginning at a point distant North 02 degrees 00 minutes 00 seconds West 451.00 feet from the Southwest Section Corner; thence North 02 degrees 00 minutes 00 seconds West 96.00 feet; thence North 88 degrees 10 minutes 00 seconds East 1323.67 feet; thence South 02 degrees 00 minutes 00 seconds East 51.00 feet; thence South 89 degrees 05 minutes 04 seconds West 365.10 feet; thence South 57 degrees 43 minutes 22 seconds West 100.34 feet; thence South 88 degrees 10 minutes 00 seconds West 872.00 feet to the Point of Beginning. Containing 2.5 Acres. The West 43 feet of which is in Road Way.

Description of R/W Acquisition:

Part of the Southwest ¼ of the Southwest ¼ of Section 2, Town 2 North, Range 11 East, City of Troy, Oakland County, Michigan. Beginning at a point distant North 02 degrees 00 minutes 00 seconds West 451.00 feet from the Southwest Section Corner; thence North 02 degrees 00 minutes 00 seconds West 96.00 feet; thence North 88 degrees 10 minutes 00 seconds East 75.00 feet; thence South 02 degrees 00 minutes 00 seconds East 96.00 feet; thence South 88 degrees 10 minutes 00 seconds West 75.00 feet to the Point of Beginning. Containing 3,072 Square Feet or 0.071 Acres more or less. The West 43 feet of which is in Road Way.

EXHIBIT "A"

Section 2, Part of the SW 1/4
Parcel: 88-20-02-301-007
Owner: Michael & Glenna Switlicki
Address: 6060 Rochester Rd.

Description of Parent Parcel:

Part of the Southwest ¼ of the Southwest ¼ of Section 2, Town 2 North, Range 11 East, City of Troy, Oakland County, Michigan. Beginning at a point distant North 02 degrees 00 minutes 00 seconds West 361.24 feet from the Southwest Section Corner; thence North 02 degrees 00 minutes 00 seconds West 89.76 feet; thence North 88 degrees 10 minutes 00 seconds East 872.00 feet; thence North 57 degrees 43 minutes 22 seconds East 100.34 feet; thence North 89 degrees 05 minutes 04 seconds East 365.10 feet; thence South 02 degrees 00 minutes 00 seconds East 51.00 feet; thence West 365.25 feet; thence South 38 degrees 30 minutes 25 seconds West 125.21 feet; thence South 88 degrees 10 minutes 00 seconds West 877.33 feet to the Point of Beginning, of which the West 43 feet is in Road Way.

Description of R/W Acquisition:

Part of the Southwest ¼ of the Southwest ¼ of Section 2, Town 2 North, Range 11 East, City of Troy, Oakland County, Michigan. Beginning at a point distant North 02 degrees 00 minutes 00 seconds West 361.24 feet from the Southwest Section Corner; thence North 02 degrees 00 minutes 00 seconds West 89.76 feet; thence North 88 degrees 10 minutes 00 seconds East 75.00 feet; thence South 02 degrees 00 minutes 00 seconds East 89.76 feet; thence South 88 degrees 10 minutes 00 seconds West 75.00 feet to the Point of Beginning. Containing 2,872 Square Feet or 0.066 Acres more or less, of which the West 43 feet is in Road Way.

APPRAISAL REVIEW REPORT

633B (12/88)

APPRAISER	APPRAISER
ANDREW M. REED	
ESTIMATED MARKET VALUE BEFORE $	ESTIMATED MARKET VALUE BEFORE $
ESTIMATED MARKET VALUE AFTER $	ESTIMATED MARKET VALUE AFTER $
ESTIMATED COMPENSATION $	ESTIMATED COMPENSATION $

RIGHT OF WAY AREAS REQUIRED

LAND	IMPROVEMENTS
R-1D - SEE HIGHEST & BEST USE	
-005 - 5,308 SQ FT @ $6.50/SQ FT.	
-006 - 3,072 SQ FT	
-007 - 2,872 SQ FT. TOTAL 11,252 SQ FT	

REVIEWER'S RECOMMENDED COMPENSATION (ROW ONLY) $

FIXTURES (MACHINERY, EQUIPMENT, ETC.) ☐ LV ☐ HV

VALUE IN PLACE	DETACH & REATTACH	RETENTION VALUE
$	$	$

•• IF FIXTURES ARE PROPERTY OTHER THAN FEE OWNER, INDICATE ON REVERSE SIDE ••

REVIEW SUMMARY

COMPENSATION (ROW ONLY)	$	COMPENSATION (ROW ONLY)	$
FIXTURES D & R	$	FIXTURES VIP	$
RECOMMENDED COMPENSATION	$ 73,000	RECOMMENDED COMPENSATION	$

I certify that the above recommendations are based on a personal inspection of the property and comparable market data, and a careful review of the appraisals thereon and I have to the best of my ability and knowledge determined that this compensation does not include payment for any non-compensable items as provided for by Michigan law (items compensable under Michigan law but not under Federal law are itemized): that I have no direct or indirect present or contemplated future or personal interest in any such property or in any benefit from the acquisition of such property appraised: that this determination has been reached independently based on appraisals and other factual data without collaboration or direction with intent to defraud the Michigan Department of Transportation, Federal Highway Administration, or City of Troy. It is understood that this review is in connection with a Federal Aid Project.

DATE INSPECTED:

REVIEWED BY	TITLE	DATE
Kimberly A. Harper	Deputy Assessor	2/18/04

APPROVALS

APPROVED BY	TITLE	DATE
APPROVED BY	TITLE	DATE
APPROVED BY	TITLE	DATE

REMAINDER	VALUE	ECONOMIC
1.		☐ YES ☐ NO
2.		☐ YES ☐ NO

DISTRICT REAL ESTATE AGENT'S RECOMMENDED ACTION AND AUTHORITY FOR ACQUISITION OF REMAINDERS.

$

☐ IMPROVED ☐ VACANT TOTAL RECOMMENDED COMPENSATION $

SIGNATURE — DISTRICT REAL ESTATE AGENT		DATE
CONTROL SECTION	PARCEL	NAME
2-301-005, -006 & -007		SWITLICKI
JOB NO.	FED. ITEM NO.	FED. PROJ. NO.

City of Troy

Public Works Department

Memo

Date: February 27, 2004

To: Pat Petitto, Senior Right of Way Representative

From: Timothy Richnak, Public Works Director

Re: Tree & Shrub Evaluation for 6110 Rochester Road

On February 25, 2004 I visited the location indicated above and evaluated the plant materials described below.

Quantity	Botanical Name	Common Name	Size	Total Value
1	Lonicera species	Honeysuckle		
1	Prunus species	Cherry	2.5" DBH	$62.23
1	Ligustrum amurense	Private	8'	$72.00
2	Prunus species	Cherry	10'	$420.00
1	Amelancher canadensis	Serviceberry	8'	$168.00
1	Amelancher canadensis	Serviceberry	8'	$151.20
1	Amelancher canadensis	Serviceberry	6'	$88.20
1	Euonymus fortunei	Euonymus	4.5' Diameter	$54.00
1	Euonymus fortunei	Euonymus	4' Diameter	$38.40
2	Pinus mugo	Mugo Pine	8'	$101.60
1*	Cornus species	Common Dogwood	3.5' tall 4' by 6' mass growth	$0.00
1	Prunus species	Cherry	Multistem 2", 2.5" DBH	$100.02
1	Pinus nigra	Austrian Pine	10.5	$971.96
			Grand Total	$2,227.61

* Common Dogwood is an invasive species and has no value in landscaped planting.

APPRAISAL REVIEW REPORT

6338 (12/88)

APPRAISER	APPRAISER
ANDREW M. REED	
ESTIMATED MARKET VALUE BEFORE $	ESTIMATED MARKET VALUE BEFORE $
ESTIMATED MARKET VALUE AFTER $	ESTIMATED MARKET VALUE AFTER $
ESTIMATED COMPENSATION $	ESTIMATED COMPENSATION $

RIGHT OF WAY AREAS REQUIRED

LAND	IMPROVEMENTS
5,271 SQ FT R-1D @ $6.50	
SEE HIGHEST & BEST USE	

REVIEWER'S RECOMMENDED COMPENSATION (ROW ONLY) $

FIXTURES (MACHINERY, EQUIPMENT, ETC.) ☐ LV ☐ HV

VALUE IN PLACE	DETACH & REATTACH	RETENTION VALUE
$	$	$

•• IF FIXTURES ARE PROPERTY OTHER THAN FEE OWNER, INDICATE ON REVERSE SIDE ••

REVIEW SUMMARY

COMPENSATION (ROW ONLY)	$	COMPENSATION (ROW ONLY)	$
FIXTURES D & R	$	FIXTURES VIP	$
RECOMMENDED COMPENSATION	$ 34,000	RECOMMENDED COMPENSATION	$

I certify that the above recommendations are based on a personal inspection of the property and comparable market data, and a careful review of the appraisals thereon and I have to the best of my ability and knowledge determined that this compensation does not include payment for any non-compensable items as provided for by Michigan law (items compensable under Michigan law but not under Federal law are itemized); that I have no direct or indirect present or contemplated future or personal interest in any such property or in any benefit from the acquisition of such property appraised; that this determination has been reached independently based on appraisals and other factual data without collaboration or direction with intent to defraud the Michigan Department of Transportation, Federal Highway Administration, or City of Troy. It is understood that this review is in connection with a Federal Aid Project.

DATE INSPECTED:

REVIEWED BY	TITLE	DATE
Kimberly A Harr	Deputy Assessor	2/18/04

APPROVALS

APPROVED BY	TITLE	DATE
APPROVED BY	TITLE	DATE
APPROVED BY	TITLE	DATE

REMAINDER	VALUE	ECONOMIC
1.		☐ YES ☐ NO
2.		☐ YES ☐ NO

DISTRICT REAL ESTATE AGENT'S RECOMMENDED ACTION AND AUTHORITY FOR ACQUISITION OF REMAINDERS.

$

☐ IMPROVED ☐ VACANT TOTAL RECOMMENDED COMPENSATION $

SIGNATURE — DISTRICT REAL ESTATE AGENT		DATE
CONTROL SECTION	PARCEL	NAME
2-301-004		STEWART
JOB NO.	FED. ITEM NO.	FED. PROJ. NO.

City of Troy

Public Works Department

Memo

Date: February 27, 2004

To: Pat Petitto, Senior Right of Way Representative

From: Timothy Richnak, Public Works Director

Re: Tree & Shrub Evaluation for 6130 Rochester

On February 25, 2004 I visited the location indicated above and evaluated the plant materials described below.

Quantity	Botanical Name	Common Name	Size	Total Value
1	Lonicera species	Honeysuckle	6'	$54.00
1	Prunus species	Cherry	7.5'	$141.75
1	Liriodendron tulipifera	Tuliptree	4.5 DBH	$197.57
1	Liriodendron tulipifera	Tuliptree	3.5 DBH	$123.48
1	Crataegus species	Hawthorn	1.5 DBH	$15.88
1	Ulmus species	Elm	9.5DBH	$626.22
1	Ulmus species	Elm	10.5DBH	$767.34
1	Malus species	Apple	Multistem 5", 6" DBH	$423.35
1	Taxus species	Yew	6' Diameter	$108.00
1	Taxus species	Yew	9' Diameter	$162.00
			Grand Total	$2,619.59

May 28, 2004

TO: John Szerlag, City Manager

FROM: Steven J. Vandette, Acting Assistant City Manager/Services
Douglas J. Smith, Real Estate & Development Director
Patricia A. Petitto, Senior Right of Way Representative

SUBJECT: AGENDA ITEM - REQUEST FOR AUTHORIZATION TO ENTER INTO CONTRACT FOR PROFESSIONAL REAL ESTATE APPRAISAL SERVICES FOR BIG BEAVER IMPROVEMENT PROJECT, ROCHESTER TO DEQUINDRE

In accordance with previously established policies and procedures for hiring contract fee appraisers for appraisal work preceding acquisition in connection with a public improvement project, we requested proposals from several real estate appraisers. The proposals have been reviewed and we are requesting authorization to enter into a contract for real estate appraisals for the following project:

> Big Beaver Improvement Project, Rochester to Dequindre,
> 17 parcels on the south side of Big Beaver, immediately west of Dequindre

The lowest acceptable bidder was R.S. Thomas and Associates. They have agreed to complete all of the appraisals for $11,450 and within 30 days of authorization to proceed.

In order that we may proceed in a timely manner with the needed right-of-way acquisition for this project, we are requesting approval to enter into an appraisal contract as indicated above. This money would come from the Capital Outlay Major Road Construction 2004-2005 Budget.

.

Att.

R.S. Thomas & Associates, Inc. / Harold Blake Co
ESTABLISHED 1980 ESTABLISHED 1915
REAL ESTATE APPRAISERS AND VALUATION CONSULTANTS
23366 FARMINGTON ROAD SUITE 100
FARMINGTON, MICHIGAN 48336
TEL. 248-474-1408 / FAX 248-474-1493

RAYMOND S. THOMAS, ASA, SR/WA
1927-1990

NORMAN G. THOMAS, ASA, SR/WA
CERTIFIED GENERAL APPRAISER
ANDREW BOETTCHER
LICENSED APPRAISER

HAROLD R. BLAKE 1892 - 1942
JOHN J. MELCHER, SR. 1895 - 1976

JOHN J. MELCHER, JR.
LICENSED APPRAISER

May 17, 2004

Patricia A. Pettito, SR/WA
City of Troy Real Estate & Development Dept
500 W. Big Beaver Road
Troy, MI 48084

Re: Big Beaver Improvement Project
Rochester to Dequindre
Control Section STU 63459
Job #49878
Parcel #1-#17
Federal Item #HH 2855
Federal Project #STP 0163 (039)
Troy Project #01.105.5

Dear Ms. Petitto:

The following itemizes the individual fees for each of the 17 parcels pertaining to the captioned proposal. These fees assume all parcels will be awarded as one contract. If parcels are added or deleted from the assignment, I would ask that we be able to adjust our proposal accordingly. We understand there will be 13 full acquisitions pertaining to single family residences, two partial acquisitions requiring a before and after narrative appraisal report, and two partial acquisitions involving commercial properties requesting a value of the part taken analysis.

Parcel	Address	Type of Acquisition	Fee
1	2955 Sparta	Total Take	$450.00
2	2956 Sparta	Total Take	$450.00
3	2895 Clayton	Before & After	$1,600.00
4	2903 Thames	Total Take	$450.00
5	2815 Thames	Total Take	$450.00
6	2827 Thames	Total Take	$450.00
7	2839 Thames	Total Take	$450.00
8	2851 Thames	Total Take	$450.00
9	2863 Thames	Total Take	$450.00
10	2907 Thames	Total Take	$450.00
11	2919 Thames	Total Take	$450.00
12	2931 Thames	Total Take	$450.00
13	2943 Thames	Total Take	$450.00
14	2955 Thames	Total Take	$450.00
15	2882 Downey	Before & After	$1,600.00
16	2966 East Big Beaver	Value of the Part Taken	$1,200.00
17	2988 East Big Beaver	Value of the Part Taken	$1,200.00
		TOTAL:	$11,450.00

We understand five copies of the reports are required within 30 days of authorization to proceed.

Respectfully,

R.S. Thomas & Associates, Inc. / *Harold Blake Co.*

Norman G. Thomas, ASA, SR/WA
President

bid-city of troy big beaver project

City of Troy
Real Estate & Development Department
Troy, Michigan
633S (5/89)

PLEASE RETURN PROPOSAL BY THURSDAY, MAY 27, 2004

APPRAISAL ASSIGNMENT PROPOSAL AND FEE ESTIMATE

This information required by Act 286 of 1964 to purchase land.
Each page must be completed in ink (or typed) and dated and signed by the appraiser.

UPDATE	CONTRACT NO.	DATED
( ) Yes ( ) No	**BIG BEAVER IMPROVEMENT PROJECT, ROCHESTER TO DEQUINDRE**	

OWNER OF RECORD	OCCUPANT
LIST WILL BE PROVIDED	

ADDRESS	PHONE	ADDRESS	PHONE
SEE ATTACHED			

TYPE OF PROPERTY	LOCATION
RESIDENTIAL & COMMERCIAL	**South Side of Big Beaver Road Between John R and Dequindre**

TYPE OF ACQUISITION	IMPROVEMENT IN AREA TO BE ACQUIRED	PREPARED BY	DATE
Fee	(X) Yes ( ) No	**Patricia A. Petitto**	**4/27/04**

APPRAISAL PROBLEM - State any special studies to be furnished by the Department, cost fixtures, etc.

SEE ATTACHED
DETAILED REPORTS FOR 13 – FULL ACQUISITIONS
DETAILED "BEFORE & AFTER" REPORTS FOR 2 – PARTIAL ACQUISITIONS TO 102' LINE
VALUE OF THE PART TAKEN REPORTS FOR 2 – PARTIAL ACQUISITIONS TO 102' LINE

The Appraiser submitting this estimate has reviewed the Appraisal Problem and agrees to sign a City of Troy Appraisal Contract for the estimated total fee of $ 11,450.00 , plus $130.00 per hour, not to exceed 60 % of the original appraisal cost for any required updates, plus $130.00 per hour plus reasonable expenses for testifying at trial, if necessary.

PLEASE ATTACH INDIVIDUAL PARCEL PROPOSALS. IT IS OUR INTENT TO AWARD ONE CONTRACT FOR ALL 17 PARCELS, BUT WE PREFER THE INDIVIDUAL PARCEL PROPOSALS IN CASE UPDATES ARE NECESSARY – ALL 17 PARCEL APPRAISALS TO BE DELIVERED IN 30 DAYS FROM DATE OF AUTHORIZATION – ALL APPRAISALS TO BE PREPARED TO STATE LAWS AND FEDERAL GUIDELINES FOR FHWA ACQUISITION

The above is not to be construed as a competitive bid. Its purpose is to support and document the fees paid for personal services by the City of Troy Real Estate & Development Department. The information contained herein is confidential between the appraiser and the City of Troy and will not be disclosed to other fee appraisers by either party for competitive purposes.

If more than one appraisal is included in this proposal, the acceptance of an estimate for any one appraisal is contingent upon approval of the total estimate. The appraiser agrees to negotiate a revised fee if parcel(s) are deleted.

The undersigned deposes and says that as the responsible appraiser submitting this proposal he has not directly entered into any agreements, participated in any collusion or otherwise taken any action in restraint of submitting an independent estimate of fees for this assignment.

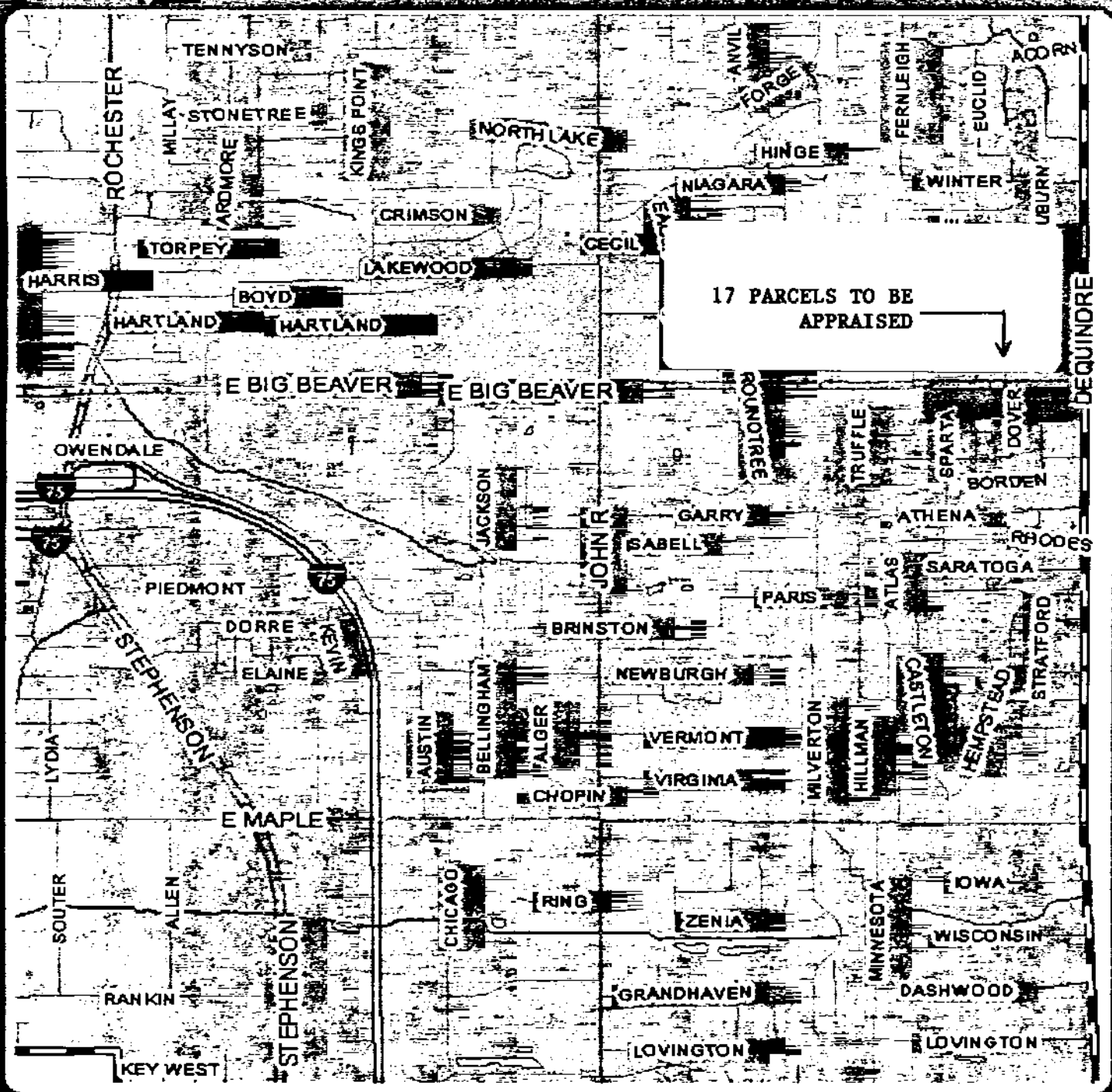
I agree to properly appraise the parcel(s) in this proposal in accordance with plans and title furnished by the Department and furnish five (5) copies of each report that comply with appraisal requirements (Form 633) and to deliver said appraisals by **30 DAYS FROM AUTHORIZATION.**

APPRAISER'S SIGNATURE	WITNESS	Date / DATE
Norman G. Thomas, ASA, SR/WA	John J. Melcher, Jr.	MAY 18 2004 / May 18, 2004

CONTROL SECTION	PARCEL	JOB NO.
STU 63459	**#1 - #17 (SEE ATTACHED)** TROY PROJECT NO. 01.105.5	**49878**
FEDERAL ITEM NO. **HH 2855**	FEDERAL PROJECT NO. **STP 0163 (039)**	PAGE 1 OF 3

City of Troy

Geographical Information Systems Online



Note: The information provided by this application has been compiled from recorded deeds, plats, tax maps, surveys, and other public records and data. It is not a legally recorded map survey. Users of this data are hereby notified that the source information represented should be consulted for verification.

May 26, 2004

To: John Szerlag, City Manager

From: John M. Lamerato, Assistant City Manager- Finance and Administration
Steven J. Vandette, Acting Assistant City Manager- Services
Jeanette Bennett, Purchasing Director
Carol K. Anderson, Director of Parks and Recreation

Subject: **Agenda Item** - Bid Waiver –
Purchase of Seventy-Five (75) Golf Cars From Club Car, Inc. For Sanctuary Lake Golf Course

RECOMMENDATION

Staff is requesting a waiver of the formal bid process for the purchase of seventy-five (75) 2004 Club Car Precedent 48 volt IQ electric golf cars from Club Car, Inc. for Sanctuary Lake Golf Course. The total purchase price is $251,250.00 or $3,350.00 each.

BACKGROUND

In 2001, it was determined that Club Car, Inc. was the golf car supplier who met the long term needs of the City with their DSEIQ electric golf car. Over the last two golf seasons, we have concluded that the Club Car golf car has provided us with a lower operating cost by requiring less man-hours for general daily maintenance as well as a lower incidence of downtime. In 2001, 438 hours were dedicated for golf car maintenance by pro shop staff. In 2002, the position was eliminated, saving over $3,700.00 a year in pay for the position.

The 2002 purchase price including a bi-weekly maintenance contract for the 65 DSEIQ cars for Sylvan Glen Golf Course was $2,850.00 per car. From 2002 to 2004 there has been a 3.5 % increase per year on the price of a DSEIQ electric golf car. If purchased today, the same car would cost $3,160.00. In the golf car market today, a golf car can range in price from $3,100.00 per car up to $3,700.00 depending on the manufacturer of the car and accessories added to the car.

For 2004, Club Car has enhanced the car further with the introduction of their Precedent IQ golf car. This new car has many additional safety and maintenance features, which will become even more significant at Sanctuary Lake given the design, severity of the terrain, and the expected number of carts used each day at the facility. While there are many features that no other manufacturers can offer, some of the most important features include: the 48 volt IQ system that allows the owner to control the speed, braking, and

BACKGROUND – continued –

performance of the car; the 360 degree bumper which protects the entire car from any impact; and the lighter weight of the vehicle which improves handling, climbing, accelerating, braking, and reduces turf compaction. These features along with several others that are exclusive to Club Car are listed in the attached matrix.

With the purchase of the Club Car Precedent golf car, the City of Troy will be able to provide all patrons with the safest golf car available, while allowing us to reduce maintenance costs, and incidents of down-time even more effectively than is currently being done with the DSEIQ model. By standardizing the manufacturer of the cars at both facilities, it will allow staff to become familiar with one brand of car, making daily maintenance more efficient. In addition, the standardization of the cars at both facilities makes scheduling major repairs and servicing of cars easier by requiring only one contact to service both sites.

SIMILARITY TO OAKLAND COUNTY PURCHASE

To ensure we received excellent pricing for these golf cars, we obtained information from other entities to establish if similar equipment had been purchased by any other entity. As a result of a formal bid process, Oakland County purchased 25 Precedent Electric Club Cars in February 2004 at a price of $3,325.00. The car models are identical to those the City recommends for purchase, minus such options as windshields, logos, and number decals.

BUDGET

Funds are available in the 2003-04 and 2004-05 Sanctuary Lake operating and capital budgets.

Prepared by: Jake Pilat, Director of Golf Operations

Feature	Description	Benefit
Powered Shield**	Rugged housing that provides complete inside and outside for the power plant/batteries.	Prevents unnecessary wear/ damage to batteries and cables.
Ergo Seat**	Non-corrosive bonded seat	Will not rot, wrinkle, or create slippery surface.
360 Degree Bumpers**	Bumper that wraps around entire vehicle	Greatly reduces scratch and mark damage and results in less cost and downtime from possible damage to body of vehicle.
Alumi Core Chassis**	Inside of chassis is aluminum, an automotive style frame. Outside of chassis consists of two sections of fiber-reinforced composite, bonded together to create a single solid structure.	Frame weighs less, giving double the torsional rigidity. Also rust and corrosion proof.
IQDM Handheld Diagnostic Tool*	Lets the owner know exactly how each car is performing.	Keeps entire fleet operating at peak capacity and profitability.
4- Battery 48 Volt Power Plant**	48 Volts requires fewer amps to product power for vehicle	More efficient, less cost to maintain, and fewer terminals to service, extended battery life and fewer batteries to replace.
Integrated Design**	With 40% fewer parts and components, the cars integrity has been increased and improved.	Less maintenance and greater reliability.
Front Suspension*	Bearings are sealed and maintenance free, and suspension has only two simple lubrication points.	Less maintenance.
Pedal Group and Brake Cable**	Preset, sealed and adjustment free	Less maintenance and consistent braking performance.
Lighter Weight**	With 40% fewer parts the vehicle has become lighter	Improves handling, climbing, accelerating and even braking. Also reduces turf compaction.

Raised Hip Restraint**	The hip restraint on the sides of both the driver and passenger seats have been raised 1/3 higher then the DSEIQ model.	Provides higher hip restraint on both driver and passenger sides of car, minimizing any chance of riders falling out of car.
Inboard Canopy Handhold **	Handrail attached to roof of car was moved from outside to inside to assist riders in getting in and out of car	Ensures that passenger's outside arm is kept within the confines of the golf car and affords the passenger greater security around tighter turns and hill applications, as well as aiding in regress and egress of the vehicle.
Programmable Motor Braking*	Braking application directed through the IQ system, allowing the owner to preset the braking system	Slows down the vehicle on severe down slopes, ensuring customer safety on hilly and uneven terrains.

*Denotes feature exclusive to Club Car
**Denotes feature exclusive to the Club Car Precedent

June 3, 2004

TO: The Honorable Mayor and City Council Members

FROM: John Szerlag, City Manager

SUBJECT: Proposed I-75/Crooks/Long Lake Interchange Improvement Project; Right-of-Way Agreement with Michigan Department of Transportation (MDOT); and Request to Obtain Independent Fee Appraisers

After the presentation at the May 10th Council meeting on the above referenced issue, Mayor and Council requested that more information be submitted for the June 7th, 2004 meeting. In addition to complying with the request, it's also important to restate the salient elements contained in this matter. Let's begin:

I. ACTIONS BY CITY COUNCIL AND SUBSEQUENT RESULTS:

Through its zoning authority, Council created an urban employment center in the Northfield Hills area. In tandem with this vision was also establishing a transportation network to support it.

Commercial development ensued and we currently have approximately 20,000 employees going to work in that area. In 2004, real and personal property tax dollars generated from the employment center will be $14.7 million Dollars, of which $2.9 million will be channeled to the City of Troy's General Fund as a revenue source.

In terms of establishing a transportation network to support the creation of urban employment center, work already performed includes a widening of Crooks Road, and Long Lake, and the paving of Tower and Corporate Drives. Some right-of-way was donated by property owners, and certain projects carried a special assessment as well.

The proposed interchange improvements are the last component needed to complete the transportation network for this area.

II. RIGHT-OF-WAY ACQUISITIONS/PRELIMINARY ENGINEERING

About 86% of the requisite right-of-way needed to construct this project is acquired, and City expenditures to date are $2.9 million. In addition, the Michigan Department of Transportation (MDOT) has expended approximately two and a half million dollars on preliminary engineering.

With reference to project scope, MDOT developed drawings indicating the physical location of the ramps. These drawings are attached and will be explained in further detail by Acting Assistant City Manager Steve Vandette and Traffic Engineer John Abraham.

III. CURRENT STATUS

During peak traffic times the Crooks Road interchange is over capacity. On an average workday the intersection of Crooks and the I-75 ramps carry over 60,000 vehicles which causes traffic back-ups. The I-75 ramps alone at this interchange process 36,500 vehicles on an average workday, and this volume is greater than any interchange in the Grand Rapids central business district.

IV. PROJECT IMPACTS

From a traffic management perspective, the most important impacts of this project are:

1) Congestion is reduced; and
2) Traffic crashes are reduced

At the May 10th presentation, and with subsequent communications from interested parties, other concerns were raised. When assembled, these questions/concerns occupied about eleven pages. And in order to address these issues in a cohesive fashion without being redundant, I asked staff to categorize these issues into three main arenas:

A. Problem Solving

This is the most objective or measurable arena and pertains to defining the problem, analyzing the problem, generating a solution(s), which is based on objective criteria, and then implementing the solution. Of course, implementation is underpinned by economics.

B. Ancillary Arena

This arena is also objective in nature, but the outcome is such that it has no substantial impact on the preferred solution in the problem solving arena, which again, is based on objective criteria. As example, the noise impact generated from this project having a range of −2 decibels to +3 decibels is such that the solution of an interchange improvement as proposed should not be modified.

C. Subjective Arena

This arena consists primarily of an interpretation and/or misrepresentation of facts to support a predetermined position, and/or baseless insults against people with a different perspective. As little time as possible should be spent in this arena.

Within the context of the above three arenas are intervening variables. These variables need to be individually analyzed and then a determination needs to be made as to whether it affects the desired outcome in the problem solving arena, is ancillary to the primary definition of the problem, or is subjective. In hopes of clarifying this, let me give two examples:

i. The noise analysis performed with the result of the proposed project having a decibel range of −2db to +3db was determined to be ancillary to the solution of an enhanced interchange. However, if that range were to be something like 20 db, the noise variable would have been enough to modify the proposed solution, ie. additional sound attenuators.

ii. In the 1980's MDOT required a Square Lake connector in order to receive a grant for the interchange improvement project. This connector would have eliminated between 45 and 50 homes on Houghton Street. City Council determined that this intervening variable was of such magnitude that they delayed the project. Almost 15 years later the City and MDOT mutually agreed that a functional interchange improvement could still be achieved without the Square Lake connector. Therefore, no structures will be removed as a result of this project.

Traffic Engineer John Abraham, Real Estate and Development Director Doug Smith, Acting Assistant City Manager Steve Vandette, and Police Chief Charles Craft stand ready to delve into whatever detail you wish relative to their attached responses.

V. CITY MANAGEMENT ADVOCACY

In our professional organization, the City Manager and his staff are advocates of Council policy; and these policies are articulated by resolutions advanced by the governing body. All resolutions by City Council are in support of this project. This includes separate actions to purchase right of way, rezone property, and fund traffic studies. As a point of information, traffic congestion is identified as the number one concern of Troy residents according to the Market Measurement Survey performed in February of 2000 (also attached).

VI. NEXT STEPS (TO BE DETERMINED BY CITY COUNCIL)

Mayor and Council have the following choices:

1. Finish acquiring the Right of Way for this project ie. White Chapel (51,550 sq. ft.), Gale Company, (700 Tower bldg., 97,000 sq. ft.), other smaller miscellaneous easements and right of way all totaling just under 4 acres. This will involve executing a right of way agreement with MDOT, and giving authority to City Management to hire an appraiser to determine the value of these properties. Resolutions A and B in the agenda explanation provide this authority. Once right of way is purchased, the City and MDOT can pursue federal funding to construct the project. Once funds become available, a construction agreement between the City of Troy and MDOT would need to be executed.

2. Delay the Project.

3. Abandon the Project.

Should you wish to delve further into this matter, attached you will find the following:

1. Drawings of the proposed interchange improvement project.
2. Answers to questions raised at the May 10, 2004 Council Meeting as well as other communications received subsequent to that time.
3. Memorandum from City Attorney Lori Bluhm relative to development of Carlson Park and Glens Subdivision vis-à-vis proposed interchange improvement.
4. Report from Real Estate and Development Director Doug Smith relative to points of contact with White Chapel Cemetery.
5. Memorandum from Police Chief Charles Craft regarding criminal activity related to Freeway entrance/exit ramps.
6. Portion of Market Measurement Survey related to resident concerns.

In addition, you will also find attached a proposed right-of-way agreement with MDOT for the I-75/Crooks/Long Lake project (*Resolution A)*; and a request to obtain independent fee appraisers for this project (*Resolution B)*.

c: John Abraham, Traffic Engineer
Lori Bluhm, City Attorney
Charles Craft, Chief of Police
Laura Fitzpatrick, Assistant to the City Manager
John Lamerato, Assistant City Manager/Finance
Nino Licari, City Assessor
Hugh McNichol, Transportation Planner, MDOT
Doug Smith, Real Estate and Development Director
Cindy Stewart, Community Affairs Director
Steve Vandette, Acting Assistant City Manager/Services

SPECIAL
EARLY PRELIMINARY ENGINEERING

DIR
Control Section 63174
Federal Project #IM 9963(050)
Federal Item #KK 0856
Job Number 49565
Contract 92-0930

THIS AGREEMENT is made and entered into this date of _____, by and between the MICHIGAN DEPARTMENT OF TRANSPORTATION, hereinafter referred to as the "DEPARTMENT"; and the CITY OF TROY, a Michigan municipal corporation, hereinafter referred to as the "CITY"; for the purpose of fixing the rights and responsibilities of the parties in agreeing to the early preliminary engineering study necessary for the following improvements in the CITY, hereinafter referred to as the "PROJECT":

> Early preliminary engineering study and preliminary engineering of the reconstruction of the existing Highway I-75/Crooks Road Connector interchange and the construction of a new interchange at Highway I-75 and Long Lake Road; together with the necessary connector disrtibutor network to join these two interchanges together.

WITNESSETH:

WHEREAS, Highway I-75 and the Crooks Road Connector are both state trunkline highways under the jurisdiction of the DEPARTMENT; and

WHEREAS, the CITY has requested a study of the proposed highway improvement to facilitate traffic movements within the CITY; and

WHEREAS, 1951 PA 51, Section 18d(1), as amended, MCL 247.668, authorizes the DEPARTMENT to enter into contracts with other governmental units for improvements of state trunkline highways; and

WHEREAS, the proposed improvement, if constructed, would require the acquisition of additional right-of-way; and

WHEREAS, the parties hereto have reached an understanding with each other regarding the performance of the PROJECT work and desire to set forth this understanding in the form of a written agreement.

NOW, THEREFORE, in consideration of the premises and of the mutual undertakings of the parties and in conformity with applicable law, it is agreed:

1. The parties shall undertake and complete the PROJECT in accordance with this contract. The term "PROJECT COST", as herein used, is hereby defined as the cost of the early preliminary engineering study and preliminary engineering necessary for the proposed improvement as determined by the DEPARTMENT.

2. The PROJECT COST shall be met in part by agencies of the Federal Government. The balance of the PROJECT COST shall be charged to and paid by the DEPARTMENT.

3. As a condition precedent to the performance of the PROJECT by the DEPARTMENT, the CITY hereby covenants and agrees to:

A. Acquire, at no cost to the DEPARTMENT, any and all additional right-of-way required for the construction of the improvement anticipated by the PROJECT in the following locations:

(1) Any and all additional right-of-way required to construct the Long Lake Road interchange.

(2) Any and all right-of-way required to reconstruct the Crooks Road Connector interchange.

(3) Any and all additional right-of-way to construct the collector/distributor roads joining the Long Lake Road and Crooks Road Connector interchanges together.

B. The parties hereby covenant and agree that the cost of acquisition of the additional right-of-way also includes the liability for and all costs associated with the remediation and clean up of any environmental degradation discovered at any time within the limits of said acquisition, which cost, obligation and liability the CITY assumes and undertakes, for the purposes of this agreement.

C. All properties acquired by the CITY in connection with the above shall be acquired in the name of the CITY.

4. All of the PROJECT work shall be done by the DEPARTMENT at no cost to the CITY.

5. Any and all additional right-of-way required for the PROJECT shall be as determined by right-of-way plans to be prepared by the DEPARTMENT and approved by the Federal Highway Administration.

6. In connection with the performance of PROJECT work under this contract the parties hereto (hereinafter in Appendix "A" referred to as the "contractor") agree to comply with the State of Michigan provisions for "Prohibition of Discrimination in State Contracts", as set forth in Appendix "A", attached hereto and made a part hereof. The parties further covenant that they will comply with the Civil Rights Acts of 1964, being P.L. 88-352, 78 Stat. 241, as amended, being Title 42 U.S.C. Sections 1971, 1975a-1975d and 2000a - 2000h-6 and the Regulations of the Department of Transportation (49 C.F.R. Part 21) issued pursuant to said Act, including Appendix "B" attached hereto and made a part hereof, and will require similar covenants on the part of contractor or subcontractor employed in the performance of this contract.

7. This contract shall become binding on the parties hereto and of full force and effect upon the signing thereof by the duly authorized officials for the CITY and for the DEPARTMENT, and upon the adoption of a resolution approving said agreement and authorizing the signatures thereto of the respective officials of the CITY, a certified copy of which resolution shall be attached to this contract.

IN WITNESS WHEREOF, the parties hereto have caused this contract to be executed the day and year first above written.

CITY OF TROY

By_____
Title:

By_____
Title:

MICHIGAN DEPARTMENT
OF TRANSPORTATION

By_____
Department Director MDOT

June 1, 2004

RECEIVED
JUN 0 2 2004
CITY OF TROY
CITY MANAGER'S OFFICE

TO: John Szerlag, City Manager

FROM: Steven J. Vandette, Acting Assistant City Manager/Services
Douglas J. Smith, Real Estate & Development Director
Patricia A. Petitto, Senior Right of Way Representative

SUBJECT: AGENDA ITEM – REQUEST FOR APPROVAL TO RETAIN THE PROFESSIONAL SERVICES OF INDEPENDENT FEE APPRAISER(S) TO APPRAISE PROPERTY FOR THE I-75/CROOKS/LONG LAKE INTERCHANGE IMPROVEMENTS

After reviewing preliminary plans for the above referenced project it is estimated that we will need to acquire fee simple right-of-way from 5 parcels and grading permits from 9 parcels for this project. The State's design engineers should be delivering legal descriptions in the near future and as soon as this information is received we would like to begin the appraisal process.

In order to expedite this work, it is requested that City council approve the awarding of an appraisal contract(s) and payment(s) in an amount not to exceed $40,000 for appraisals pertaining to the acquisition of property for the I-75/Crooks/Long Lake Interchange Improvements, under the following conditions:

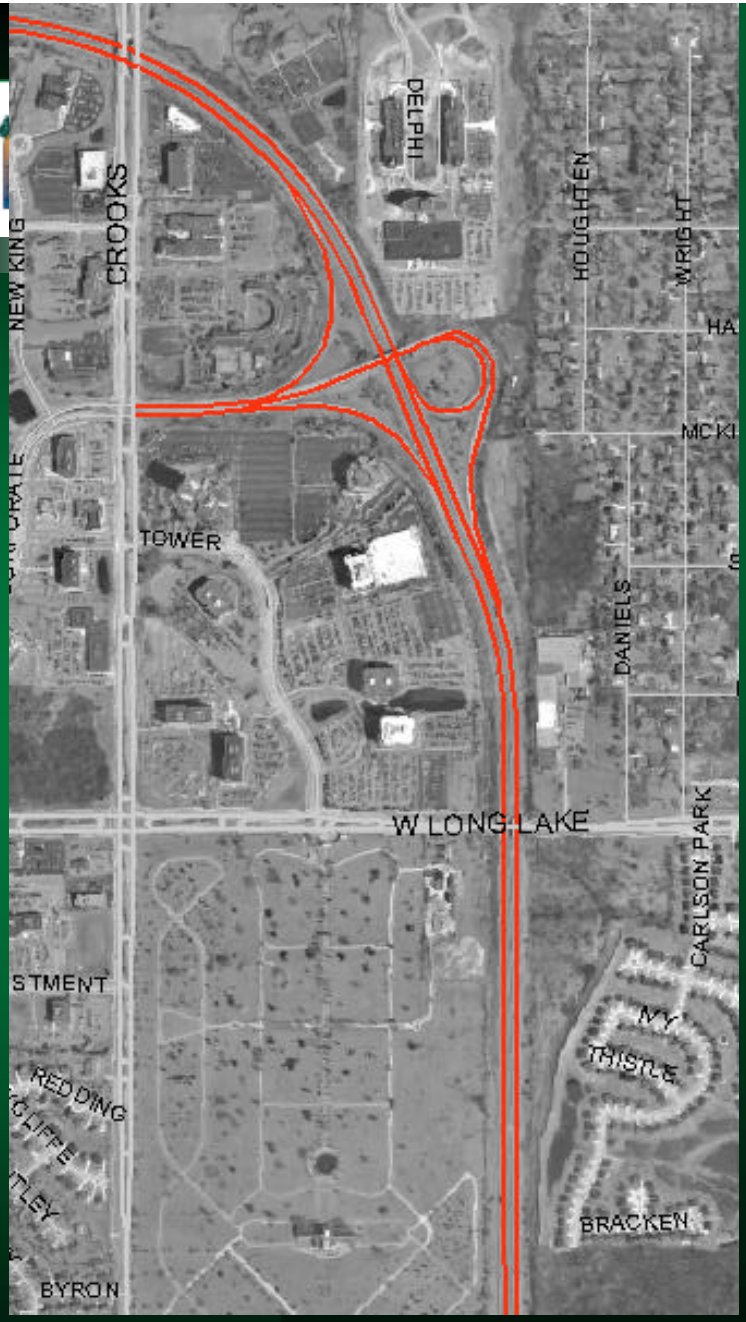
1. The State Certified Appraiser(s) awarded the contract(s) will be approved by the Troy Appraisal Selection Committee and the State of Michigan.
2. The appraiser(s) must guarantee the work product meets all state and federal guidelines and can be delivered to the City of Troy within 60-90 days of authorization to proceed. Also, the appraisal report fees must be determined fair and reasonable by the Real Estate & Development Department, the City's Review Appraiser and the City Attorney.

The money will come from the 2004/2005 Major Roads account.

Reviewed as to Form and Legality: *Lori Grigg Bluhm, City Attorney* 6/2/04 *Date*

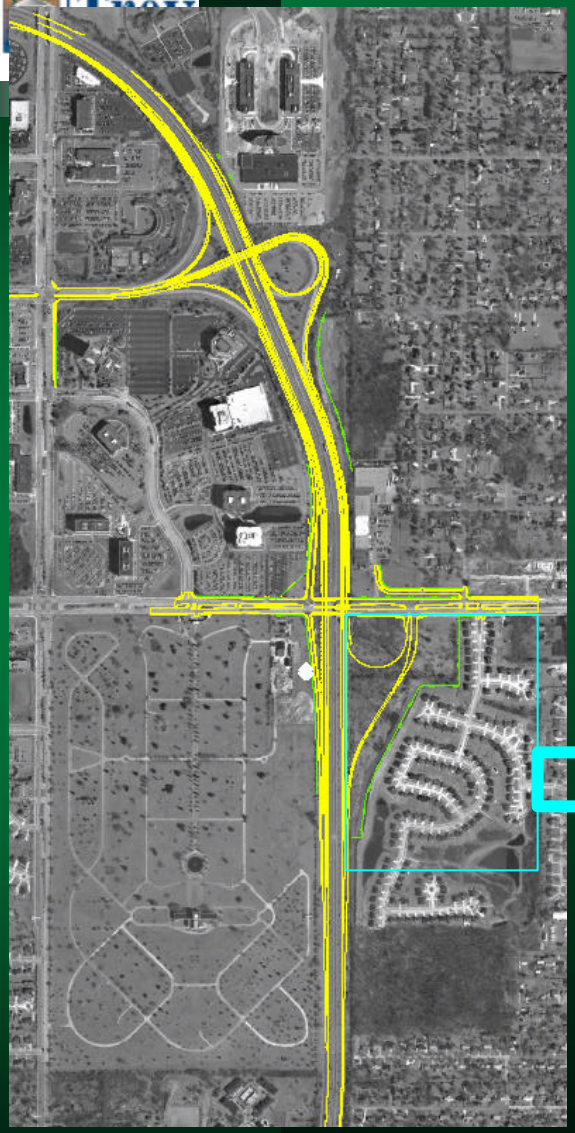
SIDWELL #	OWNER	FEE RIGHT-OF-WAY	GRADING
16-100-001	White Chapel	51,550 SQUARE FEET	34,848 SQUARE FEET
9-179-001	Barclay		8,973 SQUARE FEET
9-128-007	Delphi*	5,735 SQUARE FEET	8,077 SQUARE FEET
9-301-003	NBD	15,720 SQUARE FEET	11,320 SQUARE FEET
9-301-009	Felcor		337 SQUARE FEET
9-301-014	Gale & Wentworth		13,930 SQUARE FEET
9-301-015	Gale & Wentworth	5,612 SQUARE FEET	15,974 SQUARE FEET
9-301-012	Gale & Wentworth	91,637 SQUARE FEET	22,651.20 SQUARE FEET
9-451-018	Kamax		3,640 SQUARE FEET
9-452-015	McSwain	2,220 SQUARE FEET	3,700 SQUARE FEET
*Part of Consent Judgment (no appraisals needed)			
TOTAL		172,474 SQUARE FEET	123,450.20 SQUARE FEET

I-75 Crooks / Long Lake Interchange Improvement

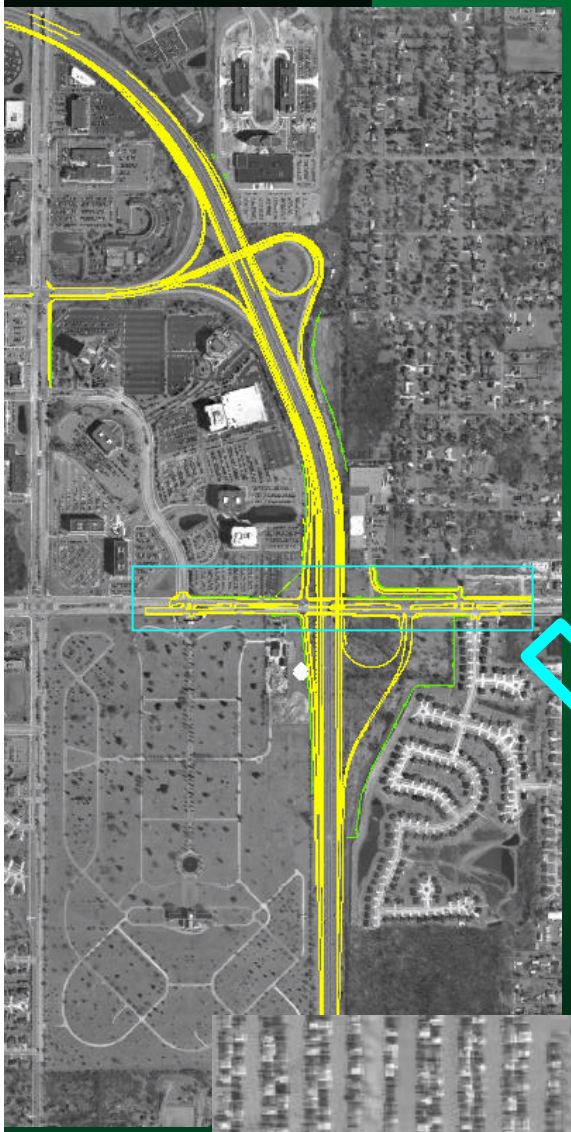


Existing Interchange

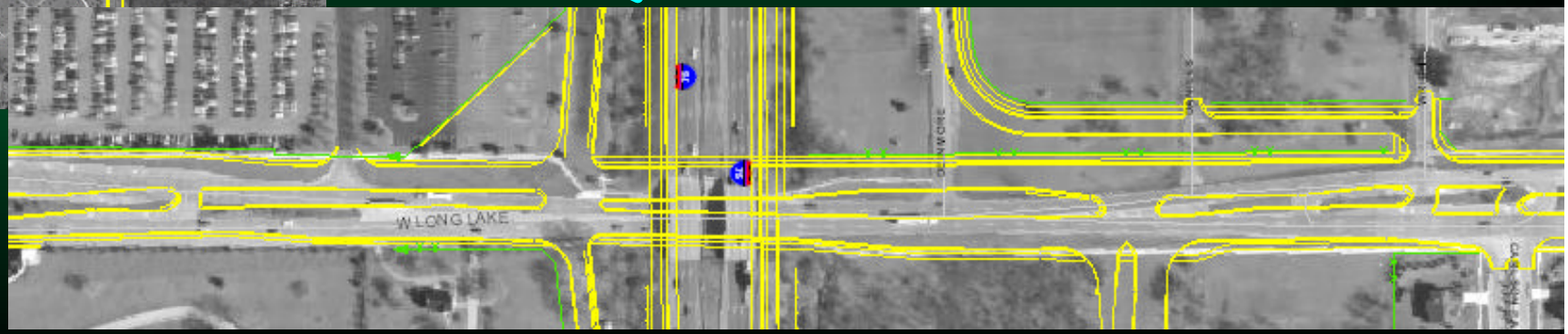
Improved Interchange



W LONG LAKE
CARLSON PARK
~370 Feet
CANDACE
FALLING BROOK
~ 200 Feet
NY
THISTLE
WALDEN
HOGSWOOD
75

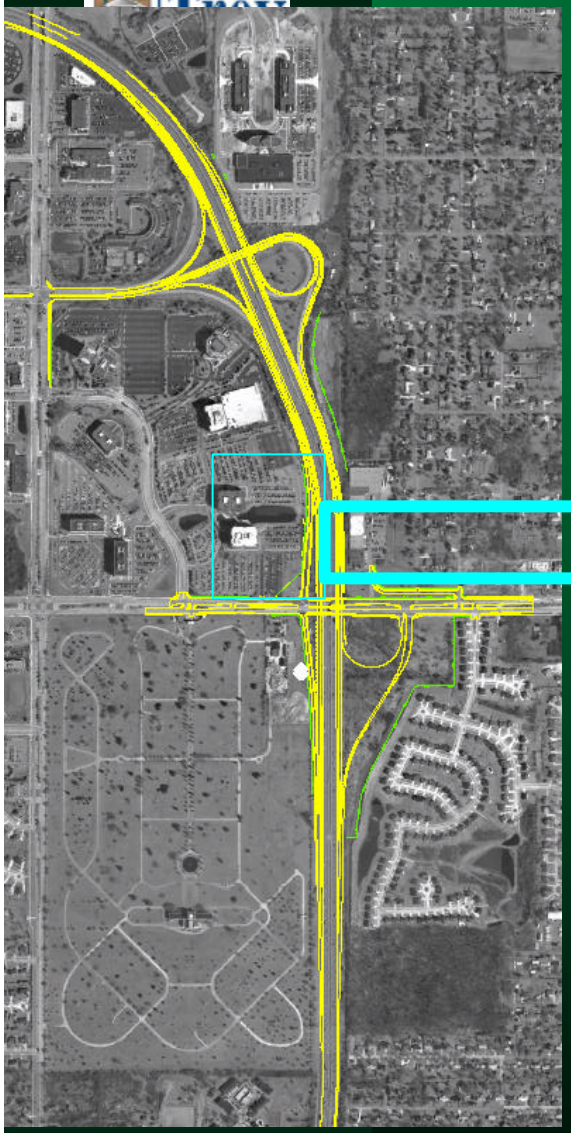


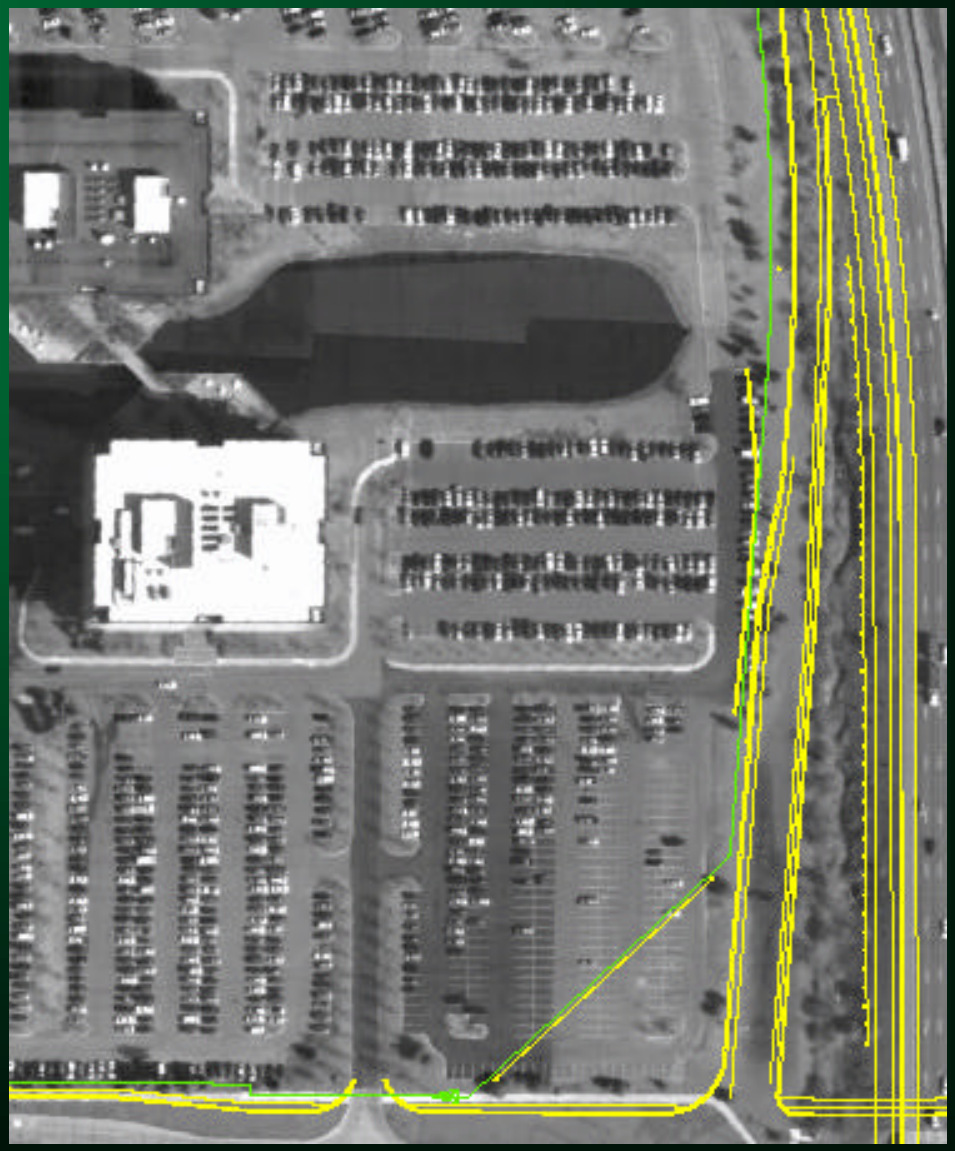
- Direct Left turn access to Carlson Park
- Roadway widening towards north to Minimal impact on Cemetery

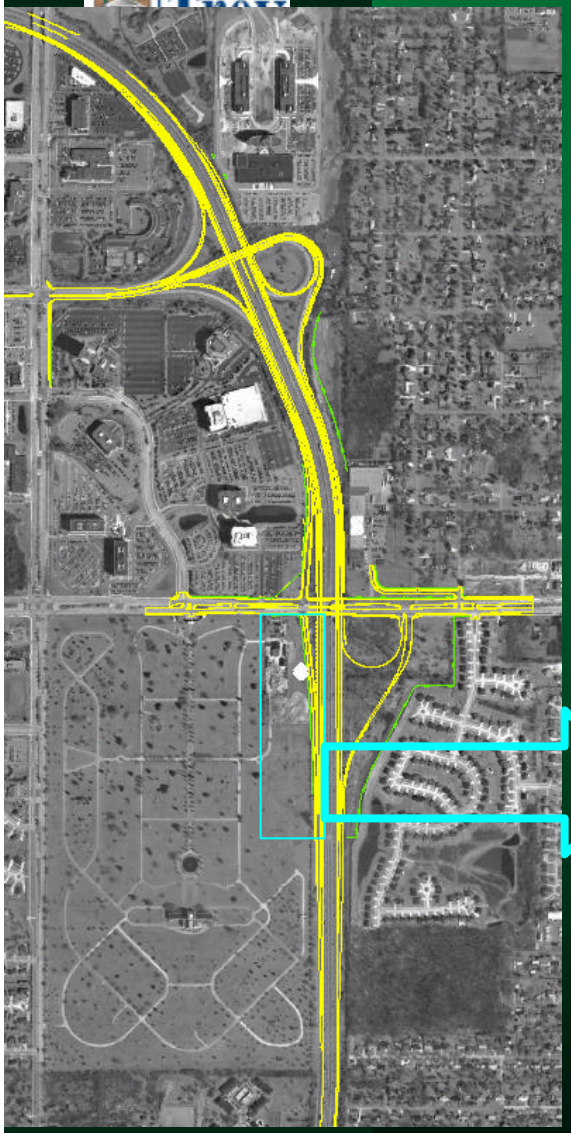


City of Troy

HAB
HOUGHTEN
MCKINLEY
DANIELS
75







New
Mausoleum

Questions?
STEVENS

I-75 Crooks Long Lake Interchange
Responses to Questions from May 10, 2004 Study Meeting

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Primary Questions

1. ***Where are the traffic studies showing the need for the interchange? Where is the demonstrated need for this interchange?***

   a. As presented at the Council study session on May 10, the origin of this project dates to the 1970s. The City's Master Plan from that time included an improved interchange to adequately serve traffic generated by future developments in this area as it developed in accordance with the zoning master plan.
   b. The "Northfield Hills Thoroughfare Plan" addressed the need for the interchange by concluding in the late 1970s, *"If all developments go in as planned, by 1983 the capacity of ramp connections will be exceeded, necessitating Interchange Improvements"*. The Master Zoning plan was intended to create a high intensive commercial node in the Northfield Hills area for a balanced tax base. As development occurred, other road components of the Northfield Hills Thoroughfare Plan were implemented using special assessment of the area's non-residential developments to pay for the widening of Crooks, Long Lake, paving of Corporate, Investment and Tower Drives.
   c. A City study in 1986 (City Council Resolution #86-132) concluded that (the need for) interchange improvement is imminent; the interchange is over capacity. The study also identified eight (8) conceptual plans for the interchange improvement.
   d. City commissioned a "CORSIM" (Corridor Simulation) traffic study in 2000 to help demonstrate to the Michigan Department of Transportation (MDOT) that the Square Lake connector component of the interchange improvement plan, as selected by MDOT, is not needed from a traffic standpoint. This connector would have eliminated 40-50 existing homes on Houghten Street. This study also showed that the current Crooks Road interchange operates over capacity.
   e. In 2004 the CORSIM model was updated with current traffic data and discussed at the study session of May 10, 2004. This study also shows that the interchange operates over capacity in 2004 and with projected 2025 traffic volumes, traffic delays will get worse in the future.

2. ***Who did the traffic projections for 2025. How was that done? Did it take into account office vacancies in the area?***

   Traffic projections for projects of this nature begin with the SEMCOG (Southeast Michigan Council of Governments – the metropolitan planning agency for the region) regional model. This model contains all major roads in the seven county SEMCOG area. The roadway information includes width of the roads, the speed limits on the roads, the numbers of traffic signals and their timing sequences.

   The model is also loaded with census data. Several Census tracts are combined to create a Traffic Analysis Zone (TAZ). Each TAZ in the model fits within the boundaries of part of the roadway network. **(Example: the area bounded by Long Lake Road,**

Crooks Road, South Boulevard, and Rochester Road is one TAZ in the SEMCOG Model.) The model also uses both census data and survey data to create an Origin/Destination table. That table indicates what certain percentage of people who live within a specific TAZ (the origins) work in all the other TAZ's (the destinations) This table also includes an estimate of the number of people who both live and work in that single TAZ. The census and the survey data also include information that allows us to estimate the percentage of people within each TAZ that work day, afternoon, and midnight shifts, information about school starting and ending times. The model includes information about the percentage of people within each TAZ that drive, carpool, use transit, walk, or bicycle to work. The model also includes zoning information from all the communities in the SEMCOG region. In addition, all of the major employment centers, like auto factories, regional malls, and major office complexes are specifically located with in the TAZ's**. (Example: The Northfield Hills Office Complex will be the destination for 85% of the work destinations in the TAZ outlined above.)**

(*Note: The model therefore does consider the travel pattern in the area that may not be just Freeway travel but also travel from suburb to suburb using local roads)*

The model then estimates the total traffic on each link of the system for an average day. In addition, since most of our congestion problems occur during the morning or evening rush hour, the model is also run for those specific time periods. The model can estimate traffic on the system at any hour of the day. There are a few behavioral assumptions that are also built into the model. The first assumption is that all persons in the model area have perfect knowledge of the roadway system. The second assumption is that all commuters will always choose the shortest path in terms of travel time between their home and office. The third assumption is that as a road reaches capacity, the travel time increases causing some drivers to use other roads. After the model is run, the output is compared to actual traffic counts on the roadways. If the model's prediction does not closely match the observed traffic, then adjustments are made to the model to make it more closely replicate the real world. This adjusting process is called calibration. Once the model is calibrated we are ready to project future traffic.

The first step in projecting future traffic is to load in projected changes in population. These changes are based on US Census projections. In addition, SEMCOG makes changes according to zoning and master plans for the various communities in the area. SEMCOG surveys the communities to estimate either build out conditions, or a percentage of build out based on each community's growth plans / zoning master plans. SEMCOG also make changes to the road network in accordance with the region's long-range plan. If the projection is for 10 years, then all planned road improvements in the first 10 years of the long range plan are included….if it's a 20 year projection, then 20 years worth of improvements are made to the roadway network. **(Example: The future road network for this project assumed that I-75 was 4 lanes in each**

direction and that Crooks Road is a 4 lane boulevard (two lanes in each direction) from Square Lake Road north to M-59.)

For a project like the proposed improvement to the I75/Crooks/Long Lake Road interchange, we do a projection with and without the improvement in order to estimate the changes the project will make on the surrounding area. The future traffic in the model is compared to the model's projections for current traffic and a growth rate is established for each link in the system. Then those growth rates are applied to the actual observed traffic on each link in the system to give us the traffic projections that are used for the actual evaluations.

The SEMCOG regional model undergoes a major revision every 10 years when new census data becomes available, and a minor revision every 5 years based on US Census Bureau estimates. The road network in the model is adjusted every year to reflect actual road construction, and the future road network is adjusted whenever road projects are added or subtracted from SEMCOG's long and short-range transportation plan. The model is also adjusted to reflect both real and planned changes in the regional transit program.

In short, since current traffic was used as the base, and there is a 20% vacancy rate in the area, then yes, the future traffic also represents some degree of vacancy in the Northfield Hills area, but probably less than 20%.

3. ***Why is the projected increase in traffic based only on businesses in the area?***

It isn't. As described above, projected future traffic is based both on expected changes in population, housing, and businesses.

4. ***Why is there a 10-45% increase projected in traffic though there is very little land available for business development in the area?***

As explained earlier, future traffic is not just related to business developments in the immediate area of the developments. For example, Wattles Road has always been predominantly a 2-lane roadway of residential character, but traffic volumes on Wattles shows 20-35% increase over the past 20 years. (Please see the answer to the first question above for more details on how traffic projections are made.)

5. ***What parameters went into the simulation model?***

Traffic Volume Parameters:

- peak hour traffic, turn volumes, turn percentages, origin-destination patterns, etc.
- Vehicle compositions (trucks/cars/buses/occupancy etc)

Roadway Geometry Parameters:

- Number of lanes, lane, turn bays, underpass/overpass, grade, sources of traffic, lane widths, median widths, etc.

Signal Timing Parameters:

- Cycle length, signal design, sensor details, right turn on red etc.

The simulation model shown at the May 10 study session is a much simpler model than the Transportation Planning model that was described earlier. Both the existing and expected future roadway networks are entered, with and without the proposed improvement. All of the traffic signals are entered along with their timing schemes. Current observed traffic is entered and projected future traffic is entered. At each intersection, the percentage of drivers that turn right or left is entered from actual observations. It is assumed that those percentages will not change in the future unless some change in the network would cause a change in those turning patterns. **(Example: Northbound Crooks Road at Long Lake Road- the same percentage of vehicles will turn left (westbound) at Long Lake Road under all the scenarios. The percentage of through traffic and right turning traffic will be unchanged without this project and will change with this project. Through movements decreasing and right turn increasing by the number of vehicles that desire to go south on I-75).**

As the part of calibrating the simulation model, existing condition simulation is validated in the field to find if the simulation is replicating what is out in the field. The model was developed by Hubbell, Roth and Clark for the City and was an update to the 2000 simulation model that they developed earlier.

6. ***How was the fuel savings calculated? Did it take into account new technology, high mileage vehicles like fuel cell cars?***

The fuel savings are calculated in two ways. First the model calculates the total distances traveled with and without the proposed improvement. An average fuel economy number is used to estimate the total fuel consumed in traveling those distances. Secondly, the model calculates the total numbers of seconds that each vehicle is stopped at traffic signals with and without the improvement. A national fleet average fuel consumption number is used to estimate the amount of fuel burned during these delay periods. The savings in reduced miles driven is added to the savings from reduced delay time to give an estimate of fuel savings. This is done with both current and future traffic. Since it is impossible to predict when, and to what degree new technologies are introduced, they are not included in the model. However, if the fuel savings are reported as a percentage savings, and not as total gallons saved, then the savings become more technology neutral

It should be noted that the comparison of fuel consumption is made between the two scenarios:

a. Projected traffic loaded to the roadway network assuming the interchange will not be built

b. The same traffic loaded to the roadway network with the interchange in place.

Given that the same traffic is used for both scenarios, the effect of new technologies and high mileage vehicles does not change anything. The percentage of these high efficiency vehicles in both scenarios will be the same.

7. How is the pollution impact calculated?

Pollution impacts are calculated in a manner similar to fuel savings. The variables for pollution impacts are distances traveled, average vehicle speed, and total delay time. Pollution for each individual vehicle is calculated as it traverses the model and they are summed up for all the vehicles during the modeled period. As with fuel savings, if the pollution improvement is reported as a percentage, it is more likely to be technology neutral.

8. Why not improve only the Crooks interchange and leave out Long Lake?

The Crooks Road interchange was built in 1963 to accommodate traffic patterns generated by just one major traffic generator near the interchange. In the 60s Chrysler was planning to build their World Headquarters on Crooks immediately west of the interchange. The interchange design that was chosen at the time is what's known as a "trumpet" interchange. This design works well for ramps that funnel traffic to a single destination point (Chrysler World Headquarters), but cannot efficiently handle the traffic patterns that exist today. Since the World Headquarters was never built in Troy (Chrysler stayed in Hamtramck), all of the traffic from the interchange is funneled to Crooks Road where some traffic continues westbound but significant traffic volumes turn left and right onto Crooks. Therefore, today we see long delays and backups on the Crooks Road ramps during morning and evening peak hours. Over the years, a number of road improvements have been made to the ramps and at the intersection of Crooks and I-75 in an effort to correct those problems. These changes alone are not capable of resolving the kind of congestion problems that exist today or in the 2025 design year.

9. Why is there a push for this interchange (Long Lake) when there is an underused exit (Crooks) only 1/2 mile north?

The present proposal is NOT to add another interchange to I-75 at Long Lake; it is designed to enhance the interchange at Crooks. The existing Crooks Road interchange was not designed to handle the type of traffic movements we have today, particularly the turning movements. The interchange project will include Collector-Distributor (C-D) roads such that traffic bound for this area will branch off separate from mainstream I-75 and exit at either Long Lake or Crooks. Traffic from Crooks and Long Lake bound for I-75 will also use these C-D roads and enter I-75 at one point. The number of accesses to I-75 will be the same as what we have today. For example, northbound traffic bound for this area will get off I-75 and drive on the C-D road in

advance of Long Lake Road; traffic bound for Long Lake will branch off of the C-D road and go towards Long Lake while Crooks Road traffic will continue on the C-D road and branch off of the C-D road to access Crooks Road. Similarly, traffic intending to go onto I-75 from Long Lake or from Crooks will first use a ramp to meet the C-D road and finally the C-D road carrying Crooks and Long Lake motorists will merge onto I-75. With this enhancement, the Crooks Road interchange that services this area will be improved to a more efficient and complete interchange. Again, it will still function as one interchange with a system of C-D roads to make it more efficient.

The existing interchange does appear to be underused during non-peak periods. This is true on many major roads and interchanges. These roadways are built in such a way that there is a balance between handling traffic during the peak periods and off peak periods. Excess capacity during non-peak periods is a common condition in urbanized areas. The existing interchange is operating beyond its capacity during the morning and afternoon peak periods and has been for many years.

10. How will this project benefit Troy residents?

Major benefits of this project are reduced congestion and reduced number of traffic crashes in this area. Delay at the area intersections will be reduced, that means less congestion for the residents and other motorists. Also, less congestion means less cut through traffic in residential areas. Furthermore, less congestion means fewer crashes in the area.

This project is one of the last components that will complete long range road planning in this area, therefore, will provide complete infrastructure for the Northfield office area. The Northfield office provides a significant tax base to the City. This employment center has been planned for 30 years and contributes significantly to the very low tax rate that property owners within Troy enjoy.

During existing peak hours, traffic backs up into through lanes of I-75 and slows down mainstream I-75 traffic. When this occurs, a percentage of motorists seeing backups / slowdowns on the through lanes of I-75 will opt to take an earlier exit and use major roadways to get to work, loading our major roads. This may also at times result in some motorists using residential roads to get to their destinations in the Northfield Hills area. As a result of this interchange improvement, traffic will move smoother on the C-D road and the ramps. With no ramp backups, I-75 will flow better, eliminating the need for motorists to take any alternate routes to get to the Northfield Hills area. Therefore, though the primary benefit is to reduce congestion in this area, there will be many secondary benefits to the City's overall transportation network.

Additionally, it will expedite the comings and goings of not just the people who work in Troy (and do not live here), it will expedite the comings and goings of the people who do live here, yet work somewhere else. This will help many Troy residents who either work here, do business in the area, visit their doctor, go to the health club, eat dinner,

shop in the retail development, have children or activities at the high school, have guests and/or relatives at the hotels, etc. In general, any improvement in safety and traffic flow is a tremendous benefit to the community.

Also, the benefits of reduced fuel consumption and air pollution were all presented at the May 10th study meeting.

11. Who is driving this proposal?

The Michigan Department of Transportation (MDOT) is responding to a request from the City of Troy. The City has been working with MDOT on this project, per City Council direction.

12. Why not construct service drives instead of C-D roads?

The proposed interchange will have Collector-Distributor roads (C-D Roads) that essentially function as service roads, except without direct access from major roads, side streets and drive approaches. The C-D roads have a primary function similar to that of the expressway and have limited access points. The C-D roads proposed also serve a very important function since they "collect" traffic from both Crooks and Long Lake bound for I-75 and merges them to mainstream I-75; they also "distribute" traffic that exits from mainstream I-75 and lead them to Crooks or Long Lake Roads. The result is the majority of vehicle weaving movements takes place on the C-D roads, rather than on main line I-75, thereby increasing traffic efficiency on I-75.

13. Why not use the grass median area instead of adding C-D roads along the outside of the existing lanes?

The median area is reserved for the future widening of I-75 from 3 lanes to 4 lanes. When constructed, the median ditch would be filled in and a barrier wall constructed between northbound and southbound I-75 to allow for the 4th lane in each direction.

14. How are the Long Lake interchanges being designed?

There are proposed on ramps and off ramps for both northbound and southbound I-75 from the C-D roads. The design of the ramps has been reviewed by MDOT, the City and the Federal Highway Administration (FHWA) for compliance with their standards and specifications. The current configurations minimize impacts to neighboring property while still moving traffic safely and efficiently.

15. What is the impact of Long Lake traffic with new stoplights and Michigan U-Turns?

The majority of the project area along Long Lake Road is already a boulevard. Boulevard cross-sections are safer, more efficient and can move larger volumes of traffic than a comparable five-lane road. New traffic signals at the ramps will help manage traffic and facilitate better traffic flow. In addition, traffic signals, when placed where warranted, help provide gaps in traffic for vehicles to enter Long Lake Road. A boulevard cross-section also is easier and much safer for a motorist to make a left turn, as they must go right, with traffic, and then enter a median turn lane and complete their U-turn to go left. This is a considerably safer movement than attempting to cross through traffic to make a traditional left turn.

16. How will the Glens subdivision entrance be impacted?

Currently, westbound traffic to the Glens and Carlson Park must pass the subdivision entrance and then use the crossover west of the entrance and make a u-turn through the median to travel eastbound to the subdivision entrance. Eastbound traffic uses the right turn lane to access the subdivision.

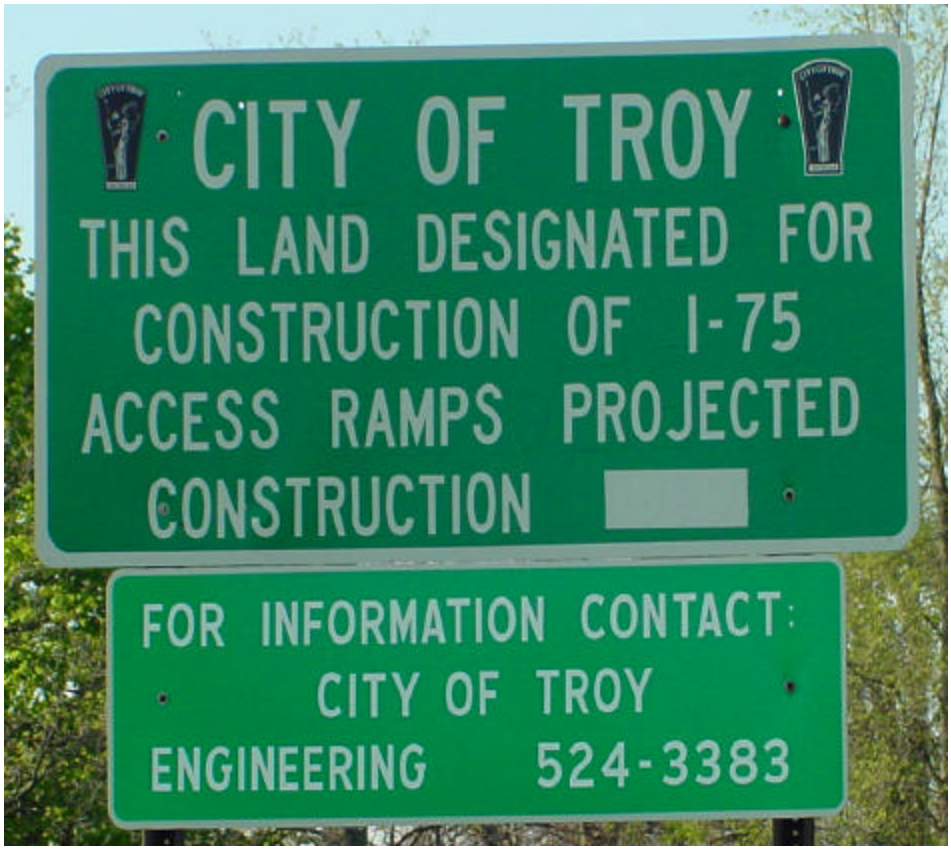
The proposed improvements to Long Lake Road would retain the boulevard cross section on Long Lake Road with some modifications at the entrance. The existing crossovers would be shifted to the west and a dedicated crossover for direct left turns (for westbound traffic) into the subdivision would be constructed. Eastbound traffic would still use a right turn lane to access the subdivision. There may be an increase in traffic, however, since Long Lake has been widened to the section called for by the master thoroughfare plan, traffic volume increases related to the interchange improvement can be effectively handled.

17. How will the Glens / Carlson Park subdivisions be avoided as becoming the short-cut thoroughfare to go south on Livernois?

Cut through traffic in residential subdivisions occurs when major roads are congested and a motorist believes they can get to their destination faster by using another route. In order to get from Long Lake Road to Livernois through the Glens/Carlson Park subdivision a motorist would have to take the following public streets: Carlson Park to Falling Brook to Plaid to Heatherbrook to MacLynn to Bonniebrook to Duncan and finally access Livernois. The City cannot prohibit motorists from using public roads in the City. With the improvements to Long Lake Road as part of the project and also improvements already made to the east, traffic is not anticipated to create major backups, which may cause cut through traffic. The route through the subdivisions follows a long and winding route with many starts and stops, which does not appear to save any time for a motorist who desires to travel south on Livernois.

18. When we moved into the subdivision (Glens) – we moved there because it is calm and quiet and beautiful?

When The Glens subdivision was built, I-75 existed on the western border of the development beyond the large 20 foot high berm and fence. The City purchased property from the subdivision developer for the specific purpose of constructing an interchange at the southeast corner of Long Lake and I-75. This future interchange area was prominently delineated on the subdivision plat and engineering plans for the subdivision development. In addition, the City placed a sign on the south side of Long Lake near I-75 stating that the property was reserved for a future interchange project. The interchange will not cause the removal of the berm (the City paid for a part of the cost of this berm to provide a physical barrier between the subdivision and future ramps) or fence along the western border of the development. No additional property is needed along the subdivision for the proposed improvements.



19. Has the wording on the sign on Long Lake changed since it was installed in the early 1990s?

No. The sign is the original sign that was installed in 1992 with the exception that the projected construction date was covered up, previously it read "1999".

20. What is the impact of the project on Long Lake east of Livernois.

Hubbell Roth and Clark, Inc., Consulting Engineers, modeled and simulated traffic for this area based on traffic numbers obtained from SEMCOG and MDOT. The following

table shows the traffic volumes on Long Lake just east of Livernois Road, for various time periods. It can be seen from the table that the future traffic volume on Long Lake, east of Livernois Road, reduces with the interchange.

Long Lake Traffic Volumes
East of Livernois Road

Time Period	AM Peak	PM Peak
Existing 2000	2198	2794
Future 2025 With out Interchange	3700	5300
Future 2025 With Interchange	2390	4790

21. Why are alternate commuting options not considered by the City?

The City has been working with major employers to encourage flex-time, compressed work weeks and other commuting options such as carpools / vanpools over the past several years. These options fall under the broad umbrella of "Transportation Demand Management (TDM) Strategies". The City of Troy is developing a Request for Proposal (RFP) to hire a consultant to do a TDM study to develop a plan of action to further promote these traffic reducing methods. It has been shown that these strategies may reduce peak hour traffic, however, it may not reduce it enough to eliminate capacity improvements such as this interchange improvement. The interchange improvement was justified even with 1986 traffic volumes and today we have 50-100% increase in traffic on the area roadways.

22. What were the noise impacts at specific locations identified in the noise study?

Please see Appendix A for the details of the noise measurements and future projected noise.

23. How much money will Troy have to put forth for this project?

Right-of-way (ROW) costs to date are $ 2,906,000 which represents 86% of the ROW required for this project (Appendix C presents the details of the ROW acquisitions). Around 3.96 acres of ROW needs to be acquired in the future to complete the City's responsibility for all right-of-way costs associated with the project. The physical construction is to be funded by MDOT and is currently estimated at $40,000,000. The City is responsible for 12.5% of this or $5,000,000 based on Act 51 as a local match (similar to the local match for any other major road construction project). MDOT has also agreed to allow the use of a soft-match for our 12.5%. This soft-match allows the City to count right-of-way expenditures towards the 12.5% construction match. In

addition, the City will be responsible for items considered as non-participating, such as retaining walls and drainage above and beyond what is required for the project. These costs are not known at this time, but can be assumed to reduce the City's overall financial responsibility towards the right-of-way phase.

24. What is the financial impact on the City budget if the interchange is not constructed?

Currently the City of Troy enjoys a balanced tax base. The balance between residential and commercial properties allows the tax burden to be shared equally between businesses and residents. The result of this broad, balanced tax base is one of the lowest tax rates in Oakland County. This balance has been achieved by careful strategic planning over the years. The I-75 Long Lake Interchange project is the final project in a series of strategic transportation planning initiatives for that section of the City. Abandonment of this project would run counter to previous strategic planning decisions. And abandonment may jeopardize this balanced tax base by making Troy less appealing to businesses, particularly in the Northfield Hills area. As a result, more of the tax burden could be shifted away from business properties and onto residential properties.

The City of Troy engages in a practice of matching funds with the State. This practice has been followed with the I-75 Long Lake Interchange Project. Another budgetary implication of abandoning this project is that the City's credibility with the State will be damaged. This will negatively impact our chances at securing such funds for projects in the future.

25. What is the economic impact (for this year and future years) of proceeding with the project?

The I-75 Long Lake Interchange project sustains Troy an attractive place to both live and work by enhancing traffic management. This contributes to balancing the tax burdens evenly between residential and business properties. This balance allows Troy to enjoy a low tax rate.

26. What is the funding source for this project?

There exists a dedicated millage in the City's budget for capital projects. All road projects are funded by this fund.

27. Will there be a tax increase or special millage to cover the cost of the I-75 Long Lake Interchange project?

No, a tax increase is not anticipated to support this project. Funds will be budgeted as part of the Capital Projects Program.

28. If it was such a good idea, why has it taken so long?

This project was funded and would have been built in the late 1980s. However, at that time, the MDOT approved design required a Square Lake connector in order to go forward with the grant for the interchange improvement. This connector to Square Lake would have eliminated between 45 and 50 homes on Houghton Street. City Council determined that this intervening variable was of such magnitude that they delayed the project until MDOT agreed to eliminate the Square Lake connector. In 2001, about 14 years later, MDOT agreed to eliminate the connector.

29. How can you allocate money for something that supposedly has not been decided?

City Council did not approve the interchange project at the May 10, 2004 meeting. Rather, they approved the 2004-05 budget, which contained $2,000,000 for the acquisition of right-of-way for the interchange project. This $2,000,000 cannot be spent without specific approval by City Council. Any item included in the budget of $10,000 or more must be approved by City Council prior to expenditure. If City Council decides not to move forward with the project, these funds could be moved to other areas of the budget. City management will be recommending to City Council to approve a right-of-way agreement with MDOT, which would commit the funds to the project if approved.

30. Have you excluded public desires in the planning of this project?

This project has been part of the City's plan for the past 30 years. It has been discussed at open meetings.

Additionally, traffic management is a common concern voiced by residents.
In the last Market Measurement Residential Survey (February 2000), traffic was identified as a "dominant concern among residents." It was identified by the largest percentage as the City of Troy's "Primary Area for Improvement." Of fourteen City services, traffic had the lowest satisfaction rate (35%).

31. Will Long Lake become like Big Beaver because people will use these exits and Long Lake runs between Orchard Lake and Van Dyke?

The City's Master Thoroughfare Plan calls for Long Lake Road to be a Major Thoroughfare. Long Lake Road is significantly developed within Troy in accordance with the Master Land Use plan which sets zoning parameters along this corridor. The City has completed improvements along Long Lake Road from Coolidge Road on the west to Dequindre on the east. The Long Lake Road corridor outside of Troy has also been substantially developed. We would not expect to see significant traffic pattern changes outside the area specifically influenced by the proposed interchange project. Long Lake Road is currently a primary arterial and will remain a primary east-west route regardless of whether the interchange improvements are completed or not.

32. What will happen when all our main roads are 8 lanes wide? Why does Troy Management want to make Troy one huge thoroughfare?

Currently there are **no** plans to widen any of our major roads to 8 lanes. All of the capacity widening projects follow the City's Master Thoroughfare Plan. Consistent with City policy, Square Lake Road and Wattles Road will remain as predominantly 2 lane roads. Big Beaver, Maple, Long Lake are designated east-west major thoroughfares and they predominantly have at least 2 lanes in each direction to carry higher traffic volumes. Troy has been fortunate to apply for and receive state and federal grants so that our major thoroughfares could be reasonably improved to meet the needs of traffic in the City. Traffic congestion is the #1 concern of residents in the City and we are diligently working to pursue state and federal funds to implement projects for more efficient and safer traffic in the City. Troy management is an advocate of City Council policies and all of the projects that we implement reflect the City's overall direction that is set by the City's policy makers.

33. The percentage increase in traffic is based on growth of businesses, how much are businesses really going to grow?

Growth of businesses is only one component of the increase in traffic. The procedure for projecting traffic has been explained in an earlier response in this packet.

Today the vacancy rate stands at over 20%. The Troy market in the long run still remains a very competitive office environment and this is evidenced by the recent up turn in leasing activity such as TG North America and Rock Financial. This 20% plus employment rate is even greater when sub lease space that is being paid for, but is dark is considered and the available space within lease property where companies aren't fully utilizing it. It is reasonable to estimate that there are at least 19,000 employees in this area today. This is complemented by a large amount of vendor, supplier and customer traffic and the traffic generated by Lifetime Fitness, which boasts nearly 9,000 members. When one estimates what this area would be at full employment including the two vacant properties, one of 23 acres and one of just over two acres, the total employment in this area could easily exceed 25,000 employees. Thus, this area could experience nearly a 30% increase in traffic volume when fully built out and occupied. Even assuming reasonable vacancy rates, a full build out would still increase employees by 25% and the other complementary traffic that comes along with it.

34. Will any local roads be permanently closed as a part of the interchange project?

No. However, Deinmore and Daniels streets will be connected just north of Long Lake, similar to a service drive, with one access point at Wright street at Long Lake road. During the actual construction phase, there may be times that some of the local roads may need to be closed temporarily to facilitate construction. Access to existing

properties would be maintained, as required, by using part-width construction or alternating closures of these streets during construction.

Ancillary Questions

1. ***Why was an economic impact study not done for a project of this magnitude? How much more capacity can the Northfield Hills area maintain, was there an economic impact study done on this?***

   Traditional cost/benefit analyses are rarely done on highway projects due to the complexities of measuring tangible benefits and assigning a dollar figure to the benefits.

   First – The Department of Transportation receives no direct benefits from any improvement. In fact, to the extent that delay is decreased and there are fuel savings, the Department receives an additional cost in the form of reduced revenues (most of the road building funds come from gas tax revenues). If the department were to operate as a business – like many people advocate, it would be in our best interests not to expand any road.

   The second challenge with trying to do a cost benefit analysis on a public good like a road project, is that many of the benefits, and some of the costs, are non-market goods. If this road project produces a 10% reduction in air pollutants – what is the value of the cleaner air to the residents in the area? …. And over how big of an area is that reduction detectable? Is a reduction in particulates more valuable than a reduction in carbon monoxide? Are greenhouse gasses more or less valuable than those that contribute to acid rain? Is a 3-decibel noise increase at the cemetery more damaging than a 3-decibel increase in a subdivision?

   This project may or may not have a local economic impact. Will this project help to reduce the vacancy rate in the Northfield Hills area? Will this project attract additional businesses to this area? If so, from where? As a State agency, if those new tenants and new businesses come from elsewhere in the state, then there is no net benefit. By the same token, if not doing the improvement only causes some of the existing tenants to relocate elsewhere in the state of Michigan, then there is no net cost to the department or the state of not doing the project.

   As shown in the CORSIM analysis, there are tangible benefits in terms of travel time, fuel consumption etc. Dollar figures in terms of benefits may be derived from these numbers. For example, the net time savings during the afternoon peak hour for the area is estimated to be around 1031 hours in terms of vehicle-hours. Assuming all vehicles have one occupant only, that translates to 1031 hours that are freed up for more productive work / free time for other activities. Even if the value of an hour of a person's time is averaged out at around $10/hour, just the afternoon peak one hour cost savings will add up to $10 x 1031 = $10,310. For a typical day the evening rush hour

may extend over 2 hours, resulting in time savings worth $ 20,620. If we were to compute time savings for an entire day and then go onto compute it for an entire year, it would add up to millions of dollars every year. Again, this is just an example to show that if an economic analysis were to be done, empirical numbers may support the benefit of the project.

Crash reduction is another place where it is difficult to adequately cost out the saving from a road improvement. Estimates were that this project would result in approximately 35 fewer crashes per year, projected over 20 years, around 700 crashes would be saved, the savings in terms of lives, injuries and associated societal costs are not easily measurable.

2. ***I just want you to understand that from 1989 to 2003 no one from the City consulted with White Chapel about this project, and in 2003 White Chapel asked the City what was going on!***

   Attached (Appendix B) lists all contacts that were made with White Chapel including meetings dating back to 1986 and in 2003. As one example, there were a number of efforts in 2003 to contact White Chapel including conversations between Mr. Smith and both Mr. Krall and Dave Berry from Berry & Reynolds (White Chapel's attorney at that time). At a number of those contacts Mr. Berry indicated that the cemetery was unwilling to meet with the City until final right-of-way lines were available.

   The proposed MDOT draft in September 2003 identified that the plans impacted the fence and it was immediately redesigned with the full knowledge of White Chapel to move the entire road north and not impact White Chapel from the main entrance to east of the caretaker's house. The January 10, 2004 letter from Doug Smith to Mr. Krall confirmed that there would be no existing graves that would need to be moved.

3. ***Couldn't we use the money to fund other services, such as teachers, police, roads, etc.?***

   The $2 million budgeted to fund the right-of-way comes from the Capital Projects Funds. The funds could be used for other capital projects as they are in the Capital Fund. In addition, Council has the authority to modify the budget, which could include a transfer from Capital fund to General fund.

   The money could not be used for teachers as funds for teachers fall under the school district, a separate governmental entity.

4. ***How many high tech jobs have Automation Alley and real estate companies bought to us?***

   Real estate companies are involved in almost every land transaction in this City. In terms of Automation Alley and high technology jobs, Automation Alley, Oakland County

and the State of Michigan through its Michigan Economic Development Corporation have been instrumental in working as partners with the local unit in attracting and retaining most of the companies that we have been involved with. Examples in the last few years are HTC Global, Axel Tech, Altair Engineering, INA (Sheffler Group), NBS. Most recently, and in both cases, for Rock Financial and TG North America, the County and Automation Alley were instrumental in helping attract these companies. Also, Automation Alley choosing Troy as its headquarters, will be a major component of retaining and attracting high technology companies in Troy. Certainly having the Technology Center, which is part of the SmartZone and is a product of Automation Alley's leadership, is going to help the City in supporting company growth locally and attracting companies because of the resource it represents.

5. ***Is it possible that too many office buildings were built and that is why there are vacancies?***

   Southfield and Troy represent 50% of the office market outside of downtown Detroit; therefore, whenever there is a recession Troy will experience significant vacancies as we have over the past 2 years. As trends of this past 4-month period have shown, as a recession ends, Troy will continue to be a very competitive office market.

6. ***What effect will this have on funeral processions?***

   The most significant traffic will be during the morning and evening rush hours. Since funerals are not generally conducted during these hours, the impacts on funeral processions should be minimal. With the addition of ramps on Long Lake Road, there will be more efficient access to and from the Cemetery.

7. ***How did White Chapel ever get site plan approval for a mausoleum on the land the (state or whoever) would be taking for this interchange project?***

   At the time that White Chapel was requesting site plan approval and building permits, the City did not have possession of the right-of-way and therefore could not legally prohibit White Chapel from proceeding. However, in written communications to White Chapel the City requested they move the mausoleum back from the expected right-of-way. White Chapel had copies of the preliminary interchange plans and the City indicated that if they did not set back from the expected right-of-way there would be problems with setbacks and that the City would have to apply for variances.

Subjective Questions

A few comments received in this area were insults and we did not respond to them.

APPENDIX A: Noise Levels (SOURCE: CH2MHILL / MDOT)

Noise Receiver Location	Existing Noise Level	No-Build Noise Level	Build Noise Level	Difference Build/No Build
1	71	72	72	0
2	64	65	66	+1
3	72	73	74	+1
4	66	67	66	-1
5	66	67	67	0
6	69	70	---	**
7	71	72	73	+1
8	63	64	65	+1
9	75	76	76	0
10	75	75	76	+1
11	68	69	72	+3
12	73	73	75	+2
14	65	65	67	+2
15	65	65	67	+2
16	67	67	68	+1
17	61	62	61	-1
18	64	65	65	0
19	61	62	62	0
20	66	67	65	-2
21	61	61	62	+1
22	70	70	72	+2
23	66	67	65	-2

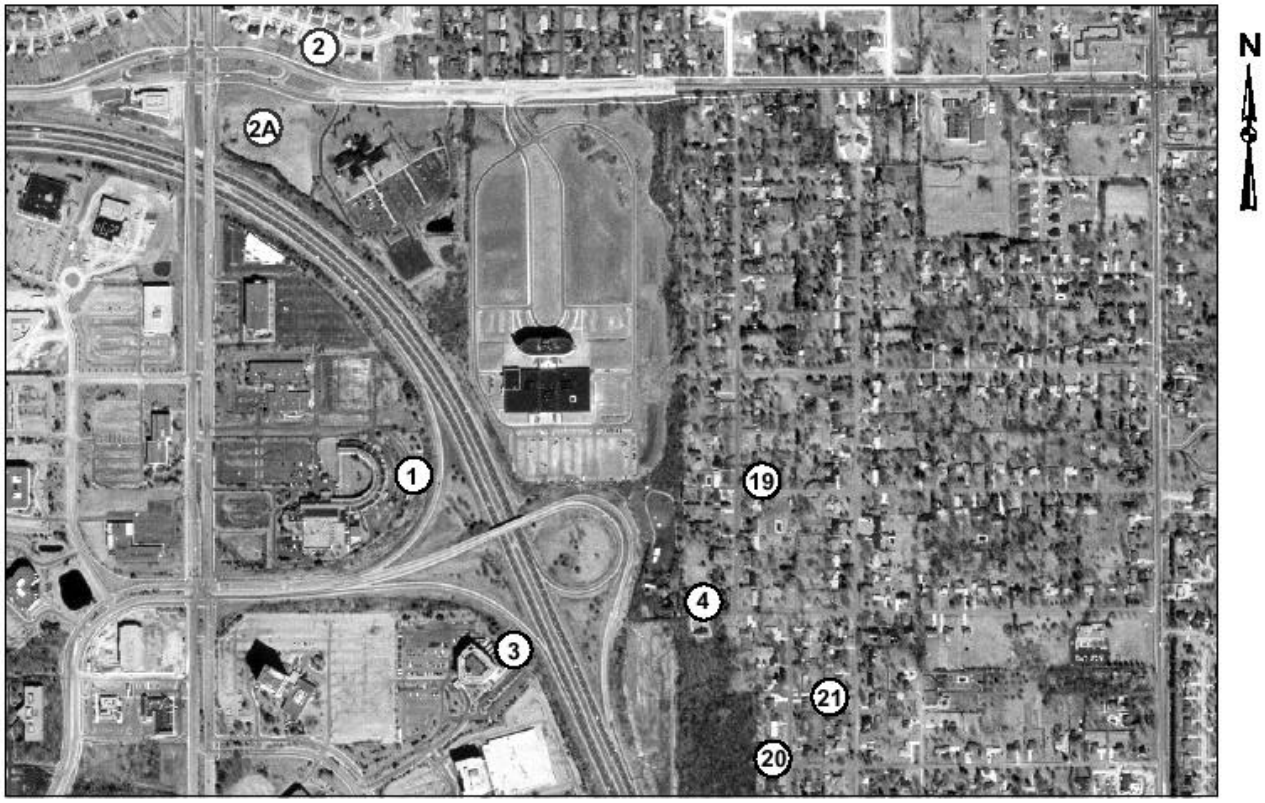
** This location would coincide with the proposed future northbound Long Lake Road off ramp.

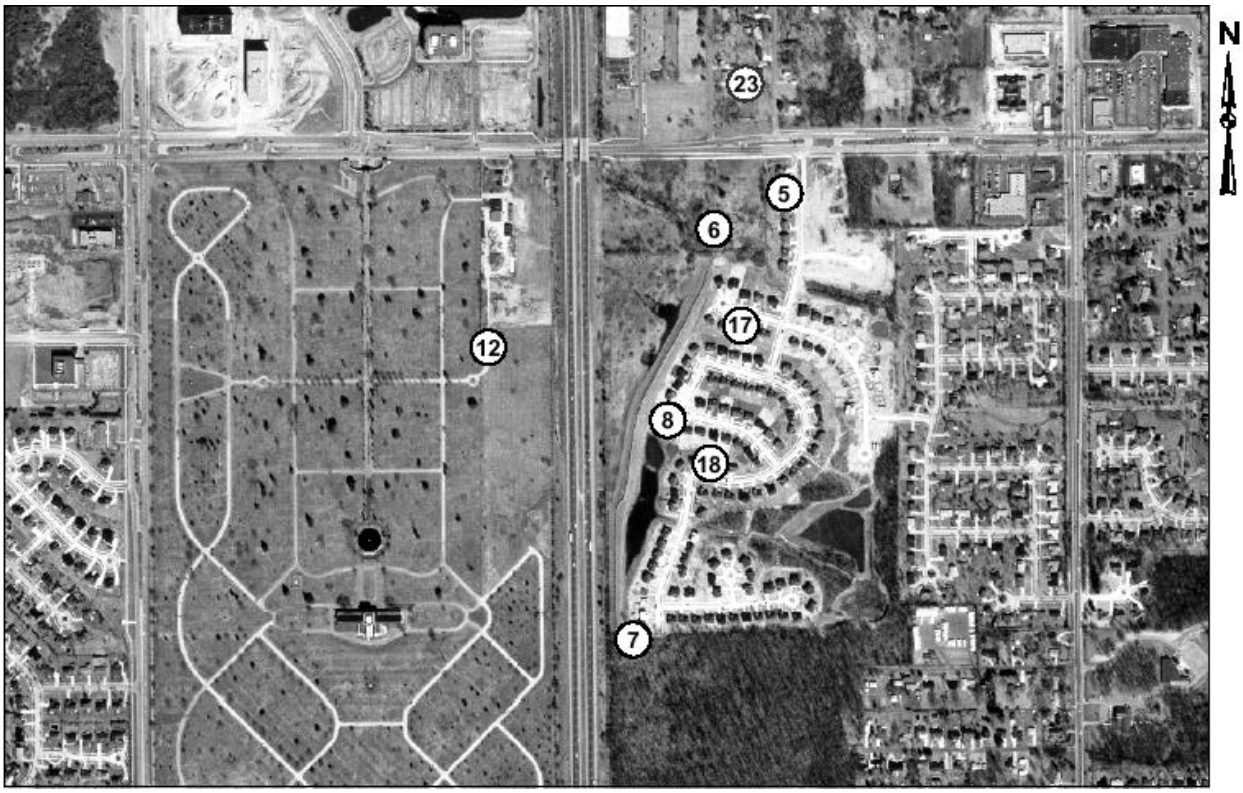
All measurements in decibels

Noise level Measurement locations are presented in the next page

Traffic noise levels were evaluated using the FHWA Traffic Noise Model (TNM) version 2.0 computer program. TNM is the latest analytical method developed for highway traffic noise prediction. The model is based upon reference energy emission levels for automobiles, medium trucks (2 axles), heavy trucks (3 or more axles), buses and motorcycles, with consideration given to vehicle volume, speed, roadway configuration, distance to the receiver, atmospheric conditions, and the acoustical characteristics of the site.

RECEIVER LOCATIONS

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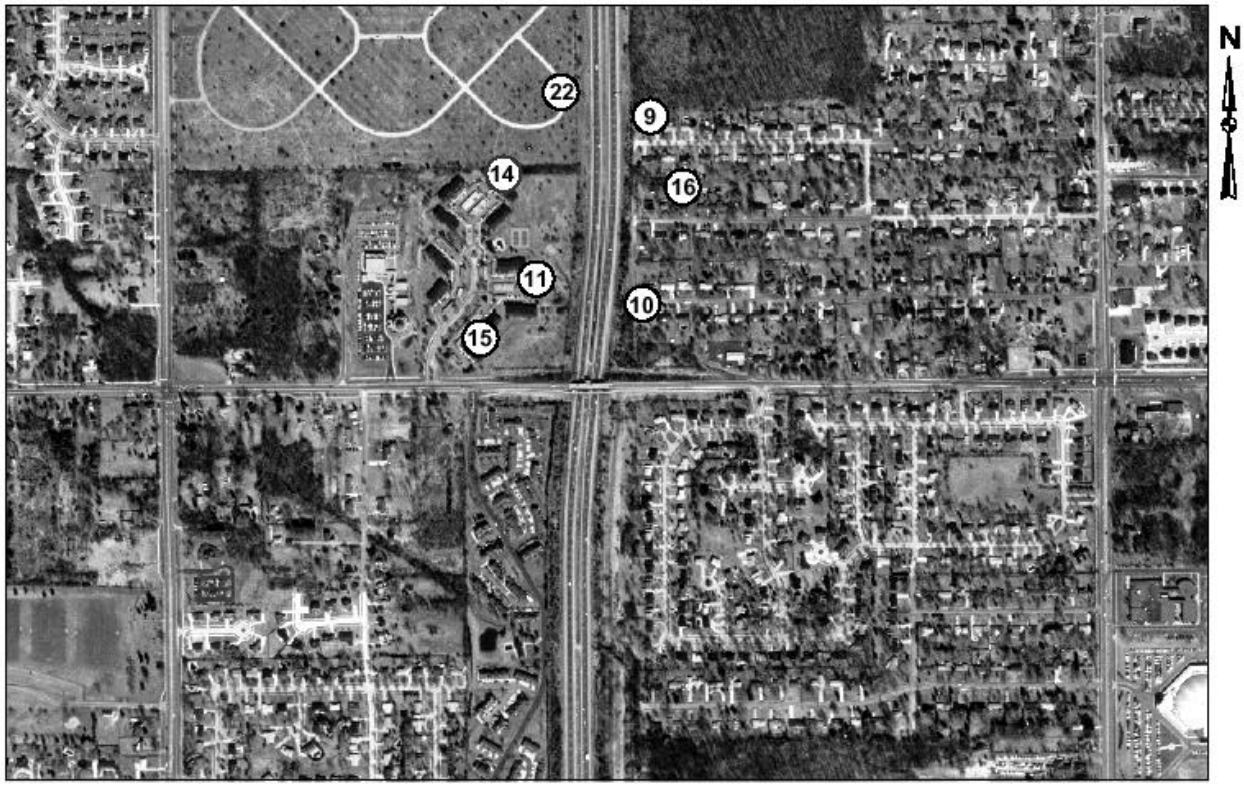
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APPENDIX B: INDEX OF CONTACTS WITH WHITE CHAPEL

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APPENDIX C
I-75/CROOKS/LONG LAKE - RIGHT-OF-WAY ACQUIRED AS OF 5/4/04

PARCEL	ACREAGE	YEAR ACQUIRED	COMPENSATION
Robertson Brothers Development	14.08 Acres	1996/1997	$900,000
Delphi	.63 Acres	2000	First Amended Consent Judgment
Ahmadayya Movement in Islam	6.67 Acres	2002	$1,357,000
Turowski-Long Lake, L.L.C.	2.55 Acres	2001	$649,000
TOTAL	23.93Acres		$2,906,000

The City of Troy has acquired 86% of the fee right-of-way required for this project or 23.93 acres out of a total of 27.75 acres. Property previously acquired by MDOT is not included in these numbers.

****This also does not include the 1992 acquisition of property for the Long Lake Phase I project, East of I-75 to East of Falmouth. An additional 5 acres of property was acquired at a cost of $820,000 to enable the construction of a four lane landscaped boulevard consistent with the area west of I-75 and in anticipation of the future I-75/Crooks/Long Lake Interchange Improvements. The acreage and costs are over and above what would have been required for the construction of a 5-lane cross section.***

REMAINING ESTIMATED FEE RIGHT-OF-WAY ACQUISITION AREAS

OWNER	SQUARE FEET OF FEE RIGHT-OF-WAY
White Chapel	51,550
Gale Company	97,249
Other	23,675
TOTAL	**172,474 or 3.96 Acres**

Miscellaneous Re-grading and Temporary Construction Permits will also be required.

G:\John's Documents\I-75 Crooks-Long LAke questions for council.doc

City of Troy

TO: Mayor and Members of Troy City Council
FROM: Lori Grigg Bluhm, City Attorney LGB
DATE: June 2, 2004
SUBJECT: Property Adjacent to Carlson Park- I-75 Ramp Improvement Project

---

In 1995, the City of Troy acquired 14 acres of property from Robertson Brothers for the I-75 future exit ramp. This was prior to the construction of the residential developments now known as The Glens at Carlson Park and Carlson Park. The Residential Purchase Agreement for each of the approximately 160 homes in The Glens at Carlson Park and Carlson Park explicitly referenced the future exit ramp immediately to the west of the subdivisions. In Paragraph 23, Public Area, it states:

> By closing on the purchase of a lot in the Subdivision, each Lot Owner acknowledges the existence of the easement and the planned future installation and construction of the exit ramp from I-75 and related facilities. Purchaser acknowledges and agrees that Purchaser shall have no basis for asserting, and covenants that he shall not assert, any claim or cause of action against Builder, the City of Troy or any other public authority as a result of the construction and use of the exit ramp nor the use of the easement area for any purpose consistent with the terms of the easement, all of which claims or causes of action are hereby knowingly and voluntarily waived by Purchaser.

According to paragraph 27, the agreement is binding upon the purchasers and their successors or assigns.

In addition, the Declaration of Covenants, Conditions, Restrictions, Easements and Liens for each subdivision, which is recorded with the Oakland County Register of Deeds, also expressly references the construction of a future exit ramp off northbound I-75 (Section 7.3).

If you have any questions concerning the above, please let me know.

June 2, 2004

TO: John Szerlag, City Manager

FROM: Steven J. Vandette, Acting Assistant City Manager/Services
Douglas J. Smith, Real Estate & Development Director
Patricia A. Petitto, Senior Right of Way Representative

SUBJECT: Points of Contact with White Chapel Cemetery

Attached is a list of City employee contacts with White Chapel representatives. This list includes contacts back to 1986. Also attached is backup material relating to these contacts.

RIGHT-OF-WAY ACQUISITION

I-75/CROOKS/LONG LAKE
RIGHT-OF-WAY ACQUIRED AS OF 5/4/04

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May 21, 1986

TO: Richard F. Beaubien, Transportation Engineer

FROM: Patricia A. Petitto, Right of Way Representative

SUBJECT: Meeting With Representatives From White Chapel Memorial Association

On May 20, 1986, Alicia Worthley and I met with representatives from White Chapel Memorial Association regarding the Northfield Hills Corporate Center Project. They were shown a sketch of the proposed ramp area and expressed the following concerns:

1. They are worried about accidents at their entrance drives and possible lawsuits pertaining to those accidents. The plans for Long Lake Road do not show a boulevard in front of the entrances for the house and maintenance buildings. It is very difficult for vehicles to make a turn at this location now and it will be more difficult when the project is completed. They would prefer to have a boulevard and turnaround in this area. It would also help this problem and funeral traffic if there could be a light for eastbound traffic in front of the main cemetery entrance.

2. Mr. Bemis does not want to move so he is glad that we no longer want to take his house, but he would prefer that the ramp area begin further east so that he could keep his front yard and circular drive. They would like to see a plan showing where the actual pavement will be and a fence if there is going to be one.

3. If they can acquire additional property south of the cemetery, will the City allow them to build maintenance buildings in R-1B zoning?

4. Mr. Bemis wondered if we were aware of a 170 foot well at the northeast corner of the property. He also thought there was an old survey that indicates that the Crooks/Long Lake intersection is actually 13 feet south of the section line. I have advised Tony Perez about the well and he will have the survey crew locate it to see if it will be within the proposed right-of-way. Tony said that the intersection is about 3 feet south of the section line.

Respectfully,

Patricia A. Petitto

Patricia A. Petitto
Right of Way Representative

PAP:ct

cc: Alicia T. Worthley, Sr. Right of Way Representative

Douglas J Smith
From: Mark S Stimac
Sent: Friday, May 28, 2004 8:46 AM
To: Douglas J Smith
Subject: FW: Old Plans for White Chapel

-----Original Message-----
From: Mark S Stimac
Sent: Tuesday, May 25, 2004 8:57 AM
To: Douglas J Smith; Lori G Bluhm; Mark F Miller
Cc: Steven J Vandette
Subject: Old Plans for White Chapel

Attached is the site plan that was submitted in February of 2003 for new mausoleums and maintenance buildings at White Chapel. This plan shows a different layout to the building than currently under construction. The permit was denied because they showed a 0' setback to the existing ROW line of I-75. There was never an application filed for a variance before the BZA.

621 W LONG LAKE.pdf

Integrated Design Solutions
888 W. Big Beaver, Ste. 200
Troy, MI 48084
tel 248.823.2100
fax 248.823.2200
www.ids-troy.com

February 22, 2003-

RECEIVED
FEB 21 2003
BUILDING DEPARTMENT

Mr. Mark Stimac
Plan Analyst
City Of Troy
Building Department
500 W. Big Beaver
Troy, MI 48084

Project Name: White Chapel Memorial Cemetery
New Mausoleum and Maintenance Facility

IDS Project No.: 02244-1000

Dear Mr. Stimac:

We are submitting two sets of preliminary Schematic plans for the construction of a new mausoleum and maintenance facility that we propose to construct on the east property line of the Cemetery. Both structures are vital to the continued operation of the cemetery and prevent continued hardship currently suffered. The plan is to construct the needed portion of the new mausoleum first, which requires a minor dimensional variance, and then to construct the new maintenance facility which does not require a variance to construct.

Please submit this request and these drawings for the variance.

Sincerely,

INTEGRATED DESIGN SOLUTIONS, LLC

Donald T. Root

Donald T. Root, AIA
Project Administrator

cc: D. Krall, WCMC
File

F:\2002\02244\1000\Corr\Ltr001.doc

City of Troy

500 West Big Beaver
Troy, Michigan 48084
Fax: (248) 524-0851
www.ci.troy.mi.us

Area code (248)

Assessing
524-3311

Bldg. Inspections
524-3344

Bldg. Operations
524-3368

City Clerk
524-3316

City Manager
524-3330

Community Affairs
524-1147

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Library
524-3545

Parks & Recreation
524-3484

Planning
524-3364

Police-Administration
524-3443

Public Works
524-3370

Purchasing
524-3338

Real Estate & Development
524-3498

Treasurer
524-3334

General Information
524-3300

February 27, 2003

Donald Root, AIA
Integrated Design Solutions
888 W. Big Beaver, Suite 200
Troy, MI 48084

Dear Mr. Root

We are in receipt of your application for a Building Permit to construct a new mausoleum and maintenance facility at the White Chapel Memorial Cemetery at 601 W. Long Lake.

This application does not meet the requirements set forth in the Zoning Ordinance for the following reasons:

The plans submitted show the construction of the new buildings right at the east property line along the I-75 expressway. Section 10.60.03 of the Troy ordinance requires a 50 foot setback from a major thoroughfare.

Therefore, unless you revise your plans to comply, we will be unable to issue this permit. However, if you so desire, you may make application to the Board of Zoning Appeals for relief of the requirements. Applications to the Board of Zoning Appeals must be submitted in duplicate with the established filing fee to the Building Department. This must be submitted at least two full weeks before the scheduled meeting date. The date for regular meetings is the third Tuesday of the month.

If you have any questions regarding the above, please feel free to contact me.

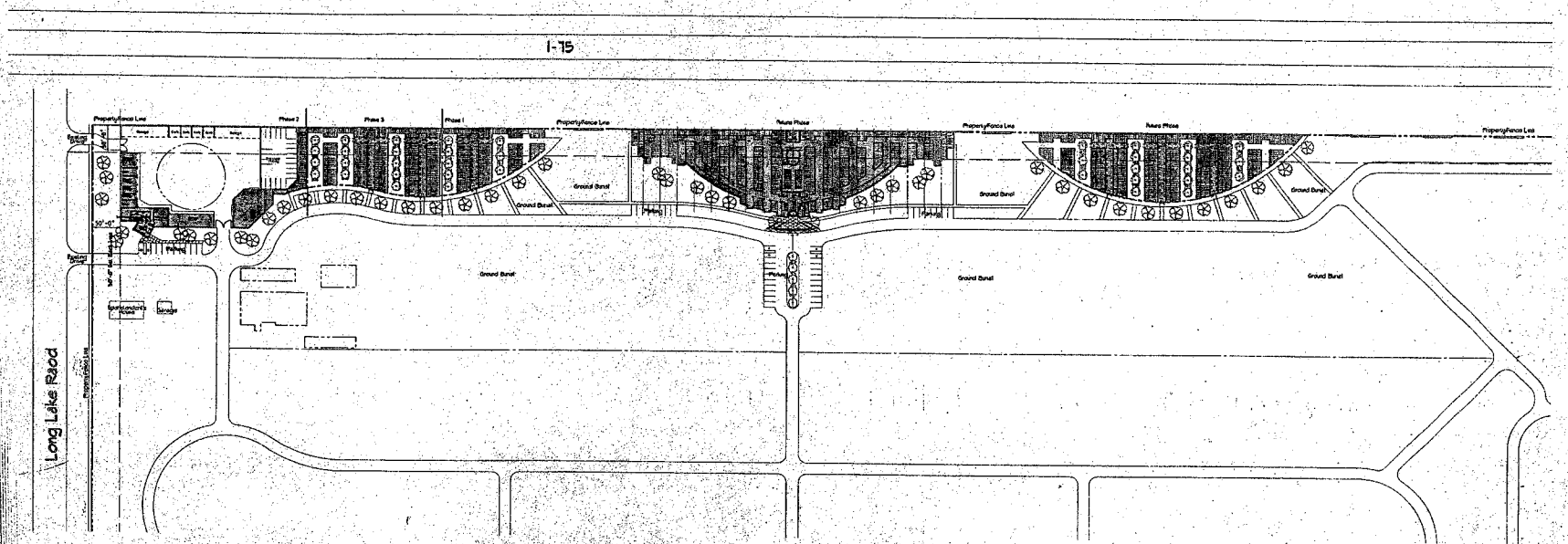
Sincerely,

Mark Stimac, R.A., C.B.O.
Director of Building & Zoning

MS/pp

Elevation of Entire Complex

Scale 60' - 0" x 1"



Site Plan

Scale 30' - 0" x 1"

Integrated Design Solutions, LLC
Architecture, Engineering, Interiors & Technology

888 West Big Beaver, Suite 200, Troy, MI 48084
tel 246.823.2100 - fax 246.823.2200
www.ids-troy.com

Project Title

White Chapel Memorial Cemetery

Mausoleum & Mainten. Bldg

Troy, Michigan

Key Plan

Project Administrator: D. Root	Seal:
Project Designer: D. Root	
Project Architect / Engineer: X	
Drawn By: D. Root	
Q.M. Review: X	
Approved: X	Signature:
Drawing Scale: 80' - 0" = 1"	Date:

Issue Date:	Issued for:
1/31/03	Variance Request
X	X
X	X

© 2003 Integrated Design Solutions, LLC

IDS Drawing Title

RECEIVED
FEB 3 1 2003
BUILDING DEPARTMENT

Site Plan
Elevation of Complex

Reference Finish Floor Elevation: 100'-0"

IDS Project Number: 02244-1010

Drawing Number: A.1

August 7, 2003

TO: The Planning Commission

FROM: Mark F. Miller, Planning Director
Brent Savidant, Principal Planner
Ronald Figlan, Planner
Paula Preston Bratto, Planner

SUBJECT: PRELIMINARY SITE PLAN REVIEW (SP 898) – Mausoleum addition at White Chapel Cemetery, south of Long Lake Road, east of Crooks and west of I-75, section 16 – R-1B.

GENERAL INFORMATION

Name of Owner / Applicant:
David Krall of White Chapel Memorial Cemetery.

Location of Subject Property:
The property is located on the south side of Long Lake Road, between Crooks and I-75, in section 16.

Size of Subject Parcel:
The parcel is approximately 205 acres in size.

Proposed Use of Subject Parcel:
The applicant is proposing to construct a mausoleum within the existing cemetery. In addition, the applicant is proposing to add a new equipment building, vehicle storage shed and provide an asphalt surface in the maintenance area.

Note that this project is within an area identified as an entrance ramp proposed for I-75. Sufficient right-of-way acquisition will be necessary in the future.

Current Zoning Classification:
The property is zoned R-1B One Family Residential.

Current Use of Adjacent Parcels:
North: Office/research.

South: Single family residential, St. Nicholas Greek Orthodox Church and Three Oaks Condominiums.

East: I-75.

#6

West: Single family residential, office and daycare.

Zoning Classification of Adjacent Parcels:
North: R-C Research Center.

South: C-F Community Facilities, R-1B One Family Residential and Consent Judgment.

East: CR-1 One Family Residential (Cluster) and R-1B One Family Residential.

West: O-1 Office Building and R-1B One Family Residential.

Future Land Use Designation:
The property is designated on the Future Land Use Plan as Public and Quasi-Public (Cemetery).

ANALYSIS

Compliance with area and bulk requirements:
Lot Area: 15,000 square feet.

Lot Width: 100 feet.

Height: 2-½ stories or 25 feet.

Setbacks: Front: 40 feet.
Side (least): 10 feet.
Side (total): 25 feet.
Rear: 45 feet.

The applicant meets the area and bulk requirements of the R-1B District.

Off-Street Parking and Loading Requirements:
There is no standard in the Zoning Ordinance for cemeteries, nor is there a use with similar characteristics with a corresponding parking standard. The applicant is proposing an 11-space parking area near the mausoleum. Additional parking would be accommodated along the interior drives, which is typical of most cemeteries.

Vehicular and Non-motorized Access:
Access to the mausoleum is provided by a two-way entry drive on Long Lake Road.

Storm Water Detention:
The applicant is proposing to provide a detention area to the east of the proposed parking lot.

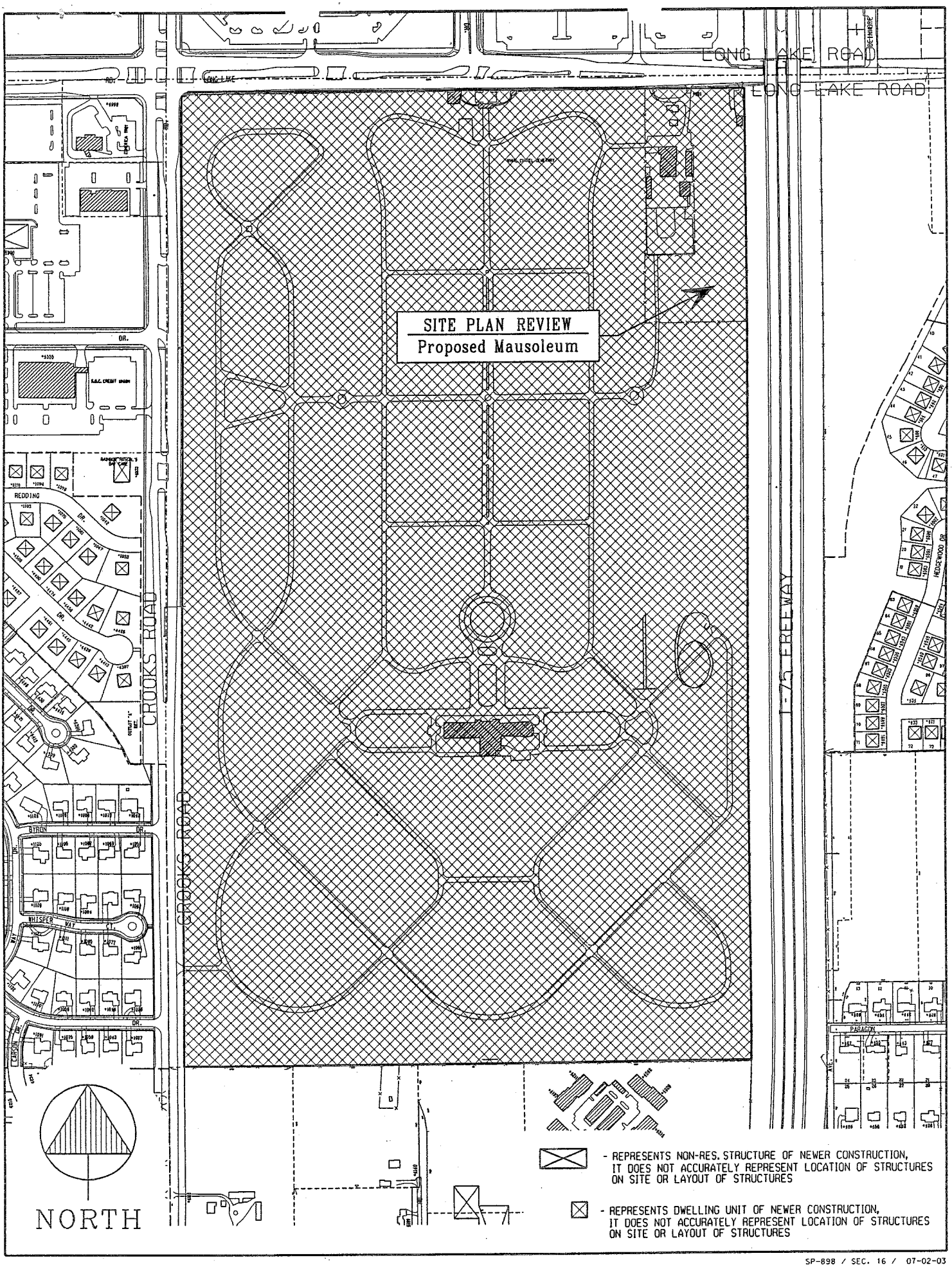
Natural Features and Floodplains:
The Natural Features Map indicates there are no significant natural features located on the property.

PLANNING DEPARTMENT RECOMMENDATION

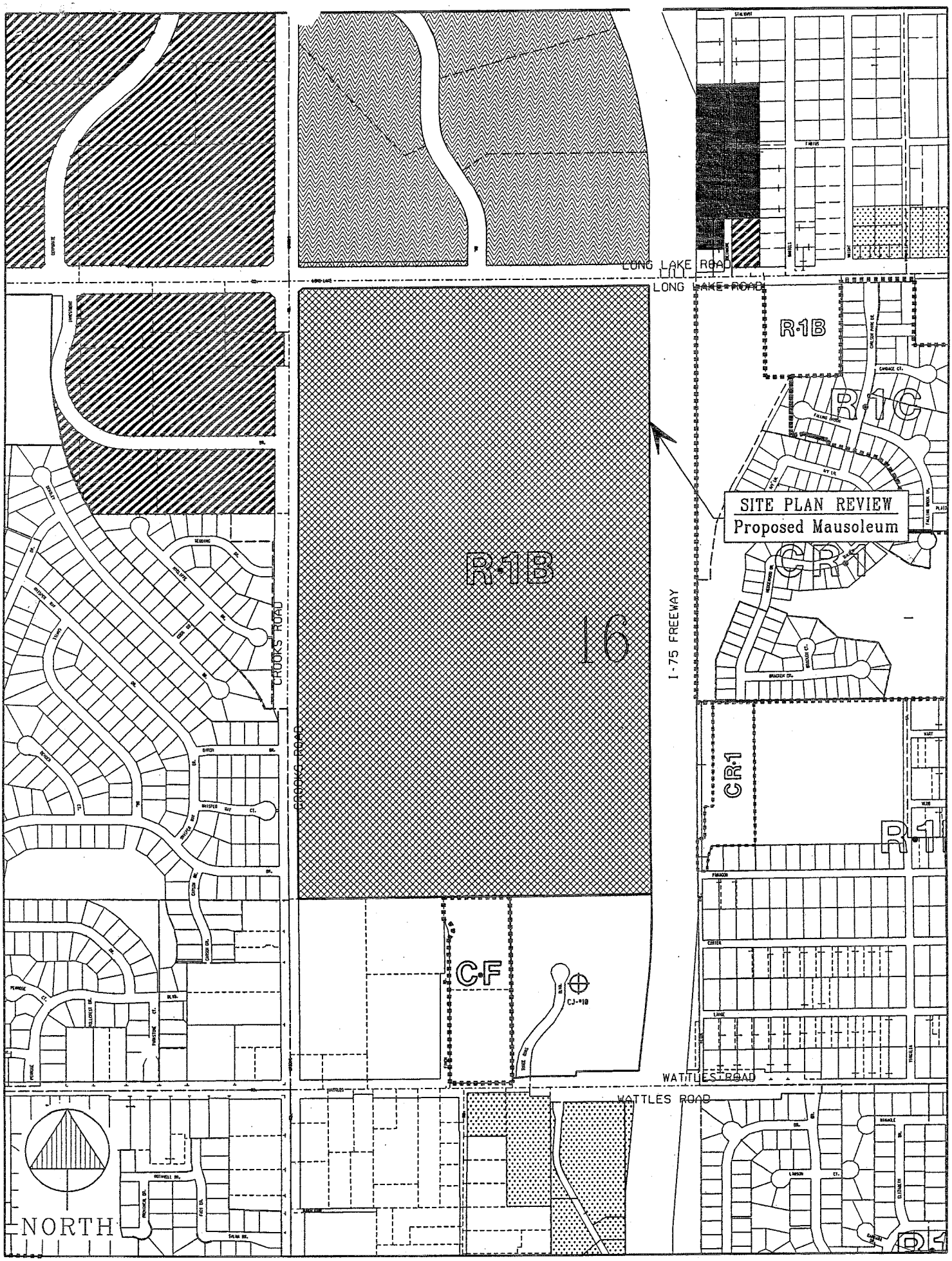
The Planning Department recommends approval of the site plan as submitted.

cc: Applicant
File/ SP 898

G:\SITE PLANS\SP 898 White Chapel Cemetery\White Chapel Cemetery Report.doc



SP-898 / SEC. 16 / 07-02-03


SITE PLAN REVIEW
Proposed Mausoleum
LONG LAKE ROAD
LONG LAKE ROAD
CROOKS ROAD
CROOKS ROAD
I-75 FREEWAY
WATTLES ROAD
WATTLES ROAD
R-1B
R-1C
CR-1
R-1B
16
CR-1
R-1
C-F
CJ-10
NORTH

August 11, 2003

DOCUMENTATION FOR WHITE CHAPEL CEMETARY/I-75 CROOKS & LONG LAKE INTERCHANGE PROJECT

I talked with Dave Krall at 1:50 p.m. on Monday, August 11, 2003, and indicated we had the final drawings regarding the interchange on the southwest quadrant, and I wanted to meet with him and any other appropriate people to discuss the City's acquisition of this property. I indicated that he may have seen the recent articles in the newspaper that had this project on and off again, but it was clearly one of the projects that were saved from some of the more recent cutbacks and we were proceeding.

He asked if we had considered perhaps putting all of the interchange on the northwest quadrant, and I indicated there was already part of this that was being located on the northwest quadrant and ultimately it was a federal and MDOT decision regarding the scope of what goes on each quadrant. I indicated there was a minimum amount of exit and entrance ramps needed for the project and that I was confident that MDOT had been very cogniscent of the City's concerns to reduce the impact as much as possible, still allowing for the maximum improvement to the Crooks Road interchange. I indicated that just as on their property, there was only an on-ramp and off-ramp at the northwest corner.

He asked if this was supported by both the management and Council and I indicated that both parties were supportive of this interchange and approved the necessary steps up until now. He indicated he was too busy this week to meet, but would try for next week. I said I would be happy to accommodate his calendar, and he indicated he would get back to me, and also that other people would be attending the meeting.

Douglas J Smith

From: William J Huotari
Sent: Thursday, August 28, 2003 10:48 AM
To: Chris Burnell (E-mail)
Cc: Douglas J Smith; Patricia A Petitto; Lori G Bluhm
Subject: I75/Crooks/Long Lake

Chris, we met with White Chapel today and a request was made for the following information:

1. Environmental Assessment for the project

2. Drainage Study

Can you forward copies of these documents to me and I will send them out to the cemetery's attorney.

Let me know if you have questions.

Bill

William J. Huotari, P.E.
Deputy City Engineer
City of Troy - Engineering Dept.
500 West Big Beaver
Troy, MI 48084
248.524.3387
248.524.1838 fax
huotariwj@ci.troy.mi.us

John Szerlag

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524-3498

Treasurer
524-3334

General Information
524-3300

January 9, 2004

David Krall
White Chapel Cemetery
621 W Long Lake
Troy, MI 48098

Dear Mr. Krall,

As we discussed in our phone conversations and meetings, particularly the latest in August and September of 2003, the I-75/Crooks Road project is moving forward with both state and federal approval. City staff and MDOT appreciated the opportunity to work with you as the initial preliminary drawings for the interchange were made. Our meeting on September 23rd was most instructive for us, as you raised a number of issues that concerned the cemetery. Paramount to these issues ~~were~~ was the concern that the preliminary drawings identified impacting the cemetery along the south side of Long Lake, intruding into the cemetery proper, and in fact requiring the removal of a number of gravesites. In addition, limiting the impact on the northeast corner of the cemetery was desirable, both for the current storage of trees and the future desire by the White Chapel to build mausoleums along the eastern boundary of the cemetery bordering I-75.

Following that meeting, city staff worked diligently with MDOT and they were able to redesign the interchange. Attached are the latest drafts. Let me emphasize these are not final, but the latest drafts that are in response to the issues that the cemetery raised.

Most importantly, they have been able to redesign Long Lake Road by shifting the entire road to the north. This design displays no impact on the northern cemetery edge between the entrance to White Chapel and the actual start of the ramp that is very tight to I-75. I am very pleased that MDOT was able

to redesign this in a way that greatly mitigated the impact on the northeast corner in terms of the slip ramp and eliminated the long tail by replacing right-of-way with an easement.

In talking with MDOT, we hope to finalize this design and the necessary federal approvals in the next few weeks and will then be meeting with you again to discuss the acquisition of the limited amount of right-of-way along the cemetery's eastern boundary. The project is on schedule and with acquisition of property on the west side of I-75 for this project; it will move things along in an expeditious fashion.

Again, we appreciate the conversations we have had with the cemetery and have hopefully understood the multiple issues that were raised, and have been able to address most of those issues through the redesign phase.

I included for your files a letter to our former City Manager, Frank Gerstenecker from Robert Kirkbright in 1996 that recognizes how long we've been working at this project, which references the initial agreements that were made in 1993.

Again, I would emphasize that what we have enclosed are preliminary final designs by MDOT, but in the interest of working together we have provided these to you at the earliest possible date. While MDOT is finalizing these drawings, we believe these drawings will be close to what the final design work will conclude, but we caution there may still be some changes as they look at final design and hydrology. As soon as we have the final drawings we will set up a meeting with you.

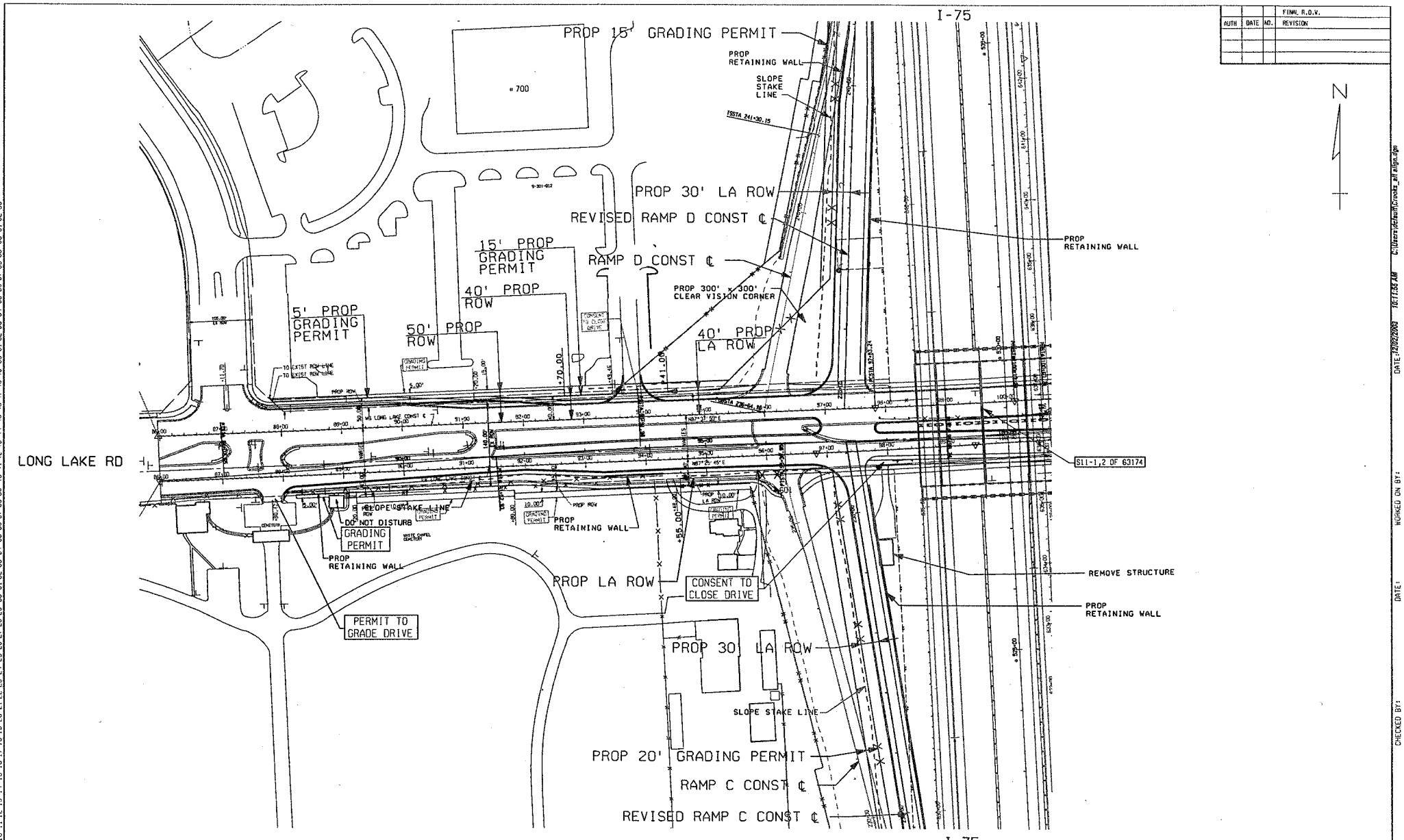
We are aware that you are interested in expanding the cemetery to the east and hopefully this improved interchange, which will help traffic patterns in the entire area, will not intrude on those plans.

Sincerely,

Doug Smith

Doug Smith

Enc.



AUTH	DATE	NO.	FINAL R.O.W. REVISION

CH2MHILL

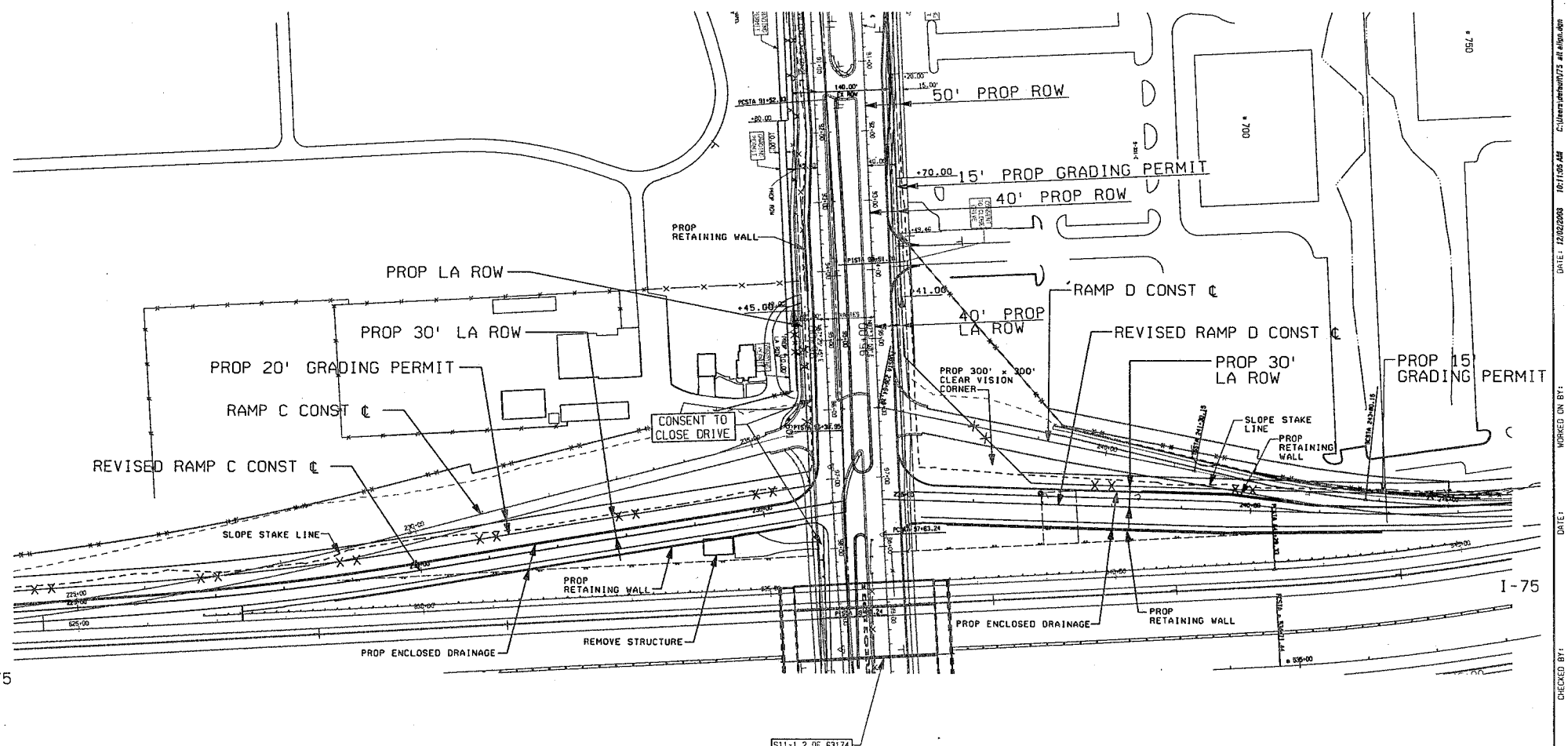
MDOT Michigan Department of Transportation

ATTACHMENT 2 - LONG LAKE ROAD CONCEPT

DATE	SCALE	CONT. SEC.	JOB NO.	DESIGN UNIT	SHEET NO. R.O.W	SHEET NO. CONST.
	1" = 70'					

FILE NAME: CHECKED BY: DATE: WORKED ON BY: DATE: 12/02/2003 10:11:58 AM C:\Users\default\Crooks_alt align.dgn

AUTH	DATE	NO.	FINAL R.O.W. REVISION



CH2MHILL	MDOT Michigan Department of Transportation	ATTACHMENT 1 - RAMP C & RAMP D CONCEPT					
		DATE	SCALE 1" = 70'	CONT. SEC.	JOB NO.	DESIGN UNIT	SHEET NO. R.O.W / CONST.

FILE NAME: CHECKED BY: DATE: WORKED ON BY: DATE: 12/02/2003 10:11:05 AM C:\Users\ehsmith\73 alt align.dgn

1. **Southbound I-75 ramp design at Long Lake Road: (see Attachment 1)**
Current design: As part of base plan development , a spread diamond ramp configuration (Ramps C and D) was proposed in the western quadrants of the I-75/Long Lake Road interchange. This allows for maximum ramp terminal intersection spacing along the cross-road, adequate sight of the signal heads from under the proposed I-75/Long Lake Road structure, and the utilization of a primarily open ditch design in the western quadrants. This design was agreed upon by project stakeholders in the 1990's and during design kick-off in 2002. However, significant ROW is required from abutting property owners with this layout. The White Chapel Cemetery caretaker facility and maintenance structures in the SW quadrant and parking spaces in the office lots in the NW quadrant are impacted.

Proposed design alternative: To lessen ROW impacts, the alignments for Ramps C and D will be redesigned to a tight-diamond layout, with the ramp terminals moved easterly towards mainline I-75. Impacts to the White Chapel Cemetery property and the office parking lots will be significantly reduced with this modification. The alternative location of the Ramps C and D terminals was determined by reviewing available intersection sight distance, the distance between signalized intersections on the cross-road, and potential queuing lengths based on projected year 2025 peak hour traffic volumes. Movement of the terminals any further east can impact capacity and operations at the future signalized ramp intersections, due to potential turn lane spillover into the through traffic lanes on Long Lake Road. Significant grade differentials with minimal lateral clearance, created by the ramp realignments, will necessitate the use of barrier and/or retaining walls between the ramp proper and the southbound collector-distributor roadway. In addition, low level signal heads may be needed for traffic on westbound (WB) Long Lake Road approaching the ramp terminal intersection in order to see the traffic signal. The proposed ramp footprints in the SW quadrant have been further reduced by enclosing the drainage along the outside of the ramp proper. This negates the requirements for a ditch design, thereby minimizing ROW impacts and impacts to the White Chapel Cemetery maintenance facilities. In the NW quadrant, fewer parking spaces are impacted, and the driveway into the EDS parking lots can remain (see #4 below for further discussion on this issue). The turn lane storage lengths, sign allocations, proposed wall height and placement, and intersection radii design will be refined during preliminary design.

2. **Long Lake Road (see Attachment 2):** East and west of I-75, Long Lake Road is a multilane, raised median boulevard design with the cross-section tapering to a 5 lane flush median design under the I-75 structure. It is in the long range plan of the Road Commission of Oakland County to have a continuous boulevard design along the corridor. The White Chapel Cemetery property fronts eastbound Long Lake Road. There is a large decorative fence along the property and grave sites immediately adjacent to the fence line.

Current design: This design utilizes a continuous width median , a straight alignment throughout the limits of the project, and directly connects the boulevard sections on either side of the freeway. The design creates significant ROW and aesthetic impacts to the White Chapel cemetery property in the SW quadrant. The existing fence line has to be removed, grave relocated, and fee ROW with grading permits required.
Proposed design alternative: The EB Long Lake roadway will be relocated northerly, by curving the alignment, in order to minimize ROW impacts to the White Chapel Cemetery property. This change results in a variable width, narrow median design throughout the interchange area. The realignment of the EB Long Lake roadway negates the need for ROW and grading permits in this area. This alternative will not impact the fence or the existing grave sites along Long Lake Road. The narrow median has no impacts to the turning movements at the terminals since direct lefts are proposed at the interchange ramps,.

3. **Design of the turn lane fronting the White Chapel Cemetery (see Attachment 2)**: EB Long Lake Road to Ramp C traffic movement,: Two driveways currently service the White Chapel maintenance and caretaker facilities on EB Long Lake Road from Sta. 92+00 RT to Sta. 97+00 RT . The current design and this design alternative propose to close the eastern drive while retaining access to the western drive.

Current design: The alignment of Long Lake Road creates significant ROW and aesthetic impacts to the White Chapel cemetery property in the SW quadrant. The additional cross-sectional width for the proposed right turn lane onto Ramp C increases the ROW requirements. The existing fence line will be removed, grave sites will have to be relocated, and fee ROW with grading permits will be required.

Proposed design alternative: The northerly realignment of the EB Long Lake Road has alleviated the ROW requirements in this area. A right turn lane will be constructed for the ramp turning movement without necessitating fee ROW purchase, fence removal, or grave site relocation. We propose converting the existing to limited access ROW between the west driveway and the interchange entrance ramp. Along this turn lane, either side slope grading or a low retaining wall (2-3 feet high) can be utilized to tie into existing ground without impacting the existing fence line. Field measurements and further design efforts will be necessary to verify this option. Feasibility of this design will require the proposed 5-6 foot sidewalk be located immediately adjacent to the turn lane with no green space. Another design option for the turn lane is to shorten the proposed storage and associated taper, ending these prior to the western drive. This option will eliminate the potential need for a low retaining wall in the driveway area. However, traffic making the turning movements for the west drive will then have to slow in the through lane to complete the maneuver.

4. **Design of the driveway fronting the office developments north side of Long Lake Road, Sta. 93+80 LT (Attachment 2)**: A westbound (WB) right-in/right-out configuration exists at this driveway location. A limited access clear vision corner has been proposed for Ramp D.

Current design: The limited access clear vision corner extends through this driveway and necessitates its closing.

Proposed design alternative: With the Ramp D terminal and associated clear vision corner relocated easterly, access and current operations at this driveway can be maintained. Limited access ROW is proposed along WB Long Lake Road up to this driveway. Several options are available to facilitate turning movement design: right-turn lane design, right-turn taper design, and/or channelization of the driveway throat. ROW needs along this area of WB Long Lake Road remain the same as stated above.

Eccentric

SUNDAY
July 20, 2003

I-75/Crooks Road work back on

BY JEFF COUNTS
STAFF WRITER

Improvements to I-75 at Crooks Road put back on the drawing boards by Gov. Jennifer Granholm will help workers and residents in Troy get to and from work on time.

"It's going to increase the efficiency of the drive time," said Michael DePoli, chairman of the board of the Troy Chamber of Commerce.

"It's going to benefit a lot of people," he said, adding that a lot of drivers get off of I-75 at Big Beaver or Crooks Road and that another exit is needed.

The Troy project was among 17 that were recently reinstated by Gov. Jennifer Granholm.

"The project at I-75 and Crooks has been restored," said Robert Morosi, a spokesman for the Michigan Department of Transportation.

He said the project, which had no dollar estimate at the time, was restored because it will enhance the economic viability of the Troy area.

Granholm announced that the transportation department will resume work on 17 capacity improvement projects that were held up as part of the Preserve First Initiative. The initiative was aimed at fixing existing roads before new projects were tackled.

The change in road policy was based on declining state taxes due to a sagging economy.

In making the announcement, Granholm said the change in priorities was made after recommendations from legislative leaders and residents.

"The road projects I am recommending will help create at least 6,000 direct construction-related jobs and thousands of indirect jobs. After discussions with the Legislature and the Michigan Transportation Commission, and input from local communities, we were able to craft a fiscally responsible plan that preserves our current transportation system first while moving forward on expansion projects vital to our state's economy," said Granholm.

"Making sure that Michigan has a strong transportation system is a key component to ensuring that we continue to be a magnet state for new business growth. These projects also will help eliminate traffic congestion in our communities" she said.

It's expected that the projects will cost a total of $250 million, with funding to come from the issuance of up to $200 million in bonds.

Morosi said the Troy project was reinstated to ease congestion. The work will include the rebuilding of the interchange and ramps to better distribute traffic onto Long Lake Road.

Although the project was reinstated, he said there isn't a timeline for the work to start.

File D+T - LL Ramp Section 16

TRANSPORTATION COMMISSION
BARTON W. LA BELLE
RICHARD T. WHITE
ROBERT M. ANDREWS
JACK L. GINGRASS
JOHN C. KENNEDY
IRVING J. RUBIN
LH 0-0 (9/94)

STATE OF MICHIGAN

JOHN ENGLER, GOVERNOR

DEPARTMENT OF TRANSPORTATION

TRANSPORTATION BUILDING, 425 WEST OTTAWA POST OFFICE BOX 30050, LANSING, MICHIGAN 48909
PHONE: (517) 373-2090 FAX NO.: (517) 373-0167 TDD/TTY - MICHIGAN RELAY CENTER (800) 649-3777

PATRICK M. NOWAK, DIRECTOR

RECEIVED
JAN 19 1996
CITY OF TROY
CITY MANAGER'S OFFICE

January 17, 1996

Szerlag

Mr. Frank Gerstenecker, Manager
City of Troy
500 West Big Beaver Road
Troy, Michigan 48084

Dear Mr. Gerstenecker:

Recently, the Attorney General's office ruled that right-of-way provided by the City of Troy for the I-75/Crooks Road project may be used as part of the city's statutory match (12.5 percent) for this project under the Act 51 formula. The department, based on this opinion, has decided to accept city-provided right-of-way as statutory match for this project. This applies to the I-75/Crooks Road project only and is intended to be a demonstration of the viability of this type of cooperative funding technique.

The department has also pledged to work with the city on an application to the Federal Highway Administration for a waiver under the Flexible Funding Option within the Intermodal Surface Transportation Efficiency Act (ISTEA). This waiver, if approved, would allow any right-of-way provided by the city for this project to be used as the required matching funds for the federal participation. As you are aware, right-of- way provided by local units of government typically cannot be used as matching funds for federal highway funding. I have enclosed examples of the documentation that was used in the past as part of a flexible funding application to the Federal Highway Administration. I will be happy to meet at your convenience to discuss the respective roles of the city and the department in this effort.

Please bear in mind that all right-of-way required for this interchange project must be supplied by the city in accordance with the agreement between the city and MDOT prepared in August 1993. In addition, the department's analysis and the study provided by the Metro Transportation Group for the City of Troy in 1988 indicate that the inclusion of a connector to Square Lake Road improves the operations of both the interchange and the local road network. Therefore, it continues to be the department's position that this feature must be included in any improvement to this interchange.

I want to assure you that the department is willing to work with you and your staff to develop geometrics for this interchange that will enable us to move forward with this improvement. If I can be of any further assistance on this or any other transportation issue, please feel free to contact me at (517) 373-9560.

Sincerely,

Robert M. Kirkbride

Robert M. Kirkbride, Manager
Project Planning Division
Bureau of Transportation Planning

PRINTED ON RECYCLED PAPER

(Smith) & Vandette to respond.

White MEMORIAL CEMETERY Chapel

offices 901 WILSHIRE DRIVE SUITE 205/TROY, MI 48084 (248) 362-7693 *cemetery* 621 WEST LONG LAKE ROAD/TROY, MI 48098 (248) 362-7670
FAX (248) 244-9622

March 3, 2004

Szerlag to review response 1st
MR 3/05/04

RECEIVED
MAR 05 2004
CITY OF TROY
ITY MANAGER'S OFFICE

Mayor Matt Pryor
Troy City Hall
500 W. Big Beaver
Troy, MI 48084

Dear Mayor Pryor:

The City of Troy and the State of Michigan are proposing to construct a costly new I-75 interchange at Long Lake Road in Troy. As part of this proposal, City of Troy and Michigan Department of Transportation (M-DOT) officials would construct an entrance lane and entrance ramp onto Southbound I-75 at Long Lake Road on several acres of White Chapel's property. We wanted to express to you, in writing, our deep concern and opposition to this potential development.

White Chapel Memorial Cemetery is a historic cemetery serving all faiths and beliefs since 1925. Throughout its history, White Chapel has watched the City of Troy develop from a quiet peaceful rural township into a vibrant fast paced business city. While the rest of the City continues to be transformed and developed, all the while losing more of its natural beauty, White Chapel has been dedicated to preserving the aesthetics, tranquility, and peacefulness of its park-like cemetery, now and in the future, both for loved ones laid to rest at White Chapel and the families and friends who come to visit. White Chapel has been called by a Troy official one of the "jewels" of the City. However, this jewel is being threatened by the possible I-75 interchange at Long Lake Road.

White Chapel opposes the proposed entrance lane and ramp at I-75 and Long Lake Road on White Chapel's property for several reasons:

1. **The proposed on-ramp to I-75 on White Chapel Cemetery property is an unthinkable invasion of sacred ground.** A cemetery is equivalent to a place of worship – it is hallowed ground to those whose loved ones rest there. No one would dream of taking church property for a road project and that same respect should be given to a historic cemetery serving all faiths and beliefs since 1925. While alternative proposals are being considered, the current design plan includes a demand to dig up and move numerous graves. We must protect the sanctity of our cemetery.

2. **It would significantly, if not completely, interfere with White Chapel's ability to maintain the level of service families have come to expect now and in the future.** The current proposed plan would call for taking much of White Chapel's current and future maintenance area, including White Chapel's only maintenance entrances.

3. **It would significantly shorten the life span of the Cemetery.** The proposed plan would appropriate cemetery property which is currently being developed by White Chapel for new mausoleum and outdoor crypt complexes and outdoor burial spaces. By confiscating this land, the City and State officials will shorten the life of the cemetery, forcing future generations of Troy and surrounding residents to travel further to lay their loved ones to rest.

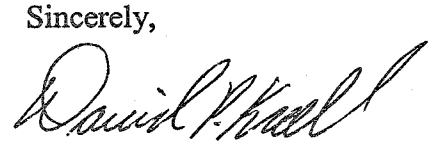
4. **It will raise noise levels in White Chapel Cemetery to unacceptable levels, destroying the calm ambiance which White Chapel has worked hard to protect for many years.** Traffic entering I-75 adjacent to White Chapel will increase noise levels dramatically because accelerating vehicles make much more noise than those traveling at a steady speed. This will destroy our peaceful and dignified atmosphere that so many people value. It will be particularly disturbing to families of the many military veterans buried here. White Chapel is home to various memorials honoring the valor and sacrifice of those men and women who gave their lives in the service of our country during World War I, World War II, Korea, Vietnam and the Gulf War. There is also a special memorial for Prisoners Of War and for those Missing In Action. This project will diminish the solemnity of our cemetery for veterans and their families especially at a time when war continues to take more American lives.

5. **There is no demonstrated need for the proposed I-75 interchange at Long Lake Road.** The existing interchange at Crooks Road is only one-half mile north of Long Lake Road. This project would increase traffic congestion on Long Lake Road near Troy High School and the entrance to White Chapel. It would lead to more traffic accidents, disrupt traffic flow into and out of the school and cemetery, and interfere with the dignity of funeral processions. Funds are lacking for many necessary road projects in Oakland County, and it makes no sense to divert scarce financial resources to a project which is not needed and which will create more harm than good.

6. **Land acquisition costs for this project could result in a tax increase for residents of the City of Troy.** The City could be forced to issue a bond of as much as $15 million to finance its share of this project. City documents indicate that a tax increase may be necessary to repay the debt from the bond.

It is White Chapel's sincerest hopes that the City Council will consider our concerns and opposition to the proposed interchange. Please consider supporting our position that the City of Troy and State officials should completely abandon this proposed I-75 interchange at Long Lake Road or redesign their plans to completely avoid taking White Chapel's property. Please contact me at the address above or by telephone at (248) 362-7693 if you wish to discuss this matter further.

Sincerely,



David P. Krall
President & C.E.O.
White Chapel Memorial Association

my original

City of Troy

500 West Big Beaver
Troy, Michigan 48084
Fax: (248) 524-0851
www.ci.troy.mi.us

March 8, 2004

Area code (248)

Assessing
524-3311

Bldg. Inspections
524-3344

Bldg. Operations
524-3368

City Clerk
524-3316

City Manager
524-3330

Community Affairs
524-1147

Engineering
524-3383

Finance
524-3411

Fire-Administration
524-3419

Human Resources
524-3339

Information Technology
619-7279

Law
524-3320

Library
524-3545

Parks & Recreation
524-3484

Planning
524-3364

Police-Administration
524-3443

Public Works
524-3370

Purchasing
524-3338

Real Estate & Development
524-3498

Treasurer
524-3334

General Information
524-3300

David Krall
White Chapel Cemetery
621 W Long Lake
Troy, MI 48098

Dear Mr. Krall,

I have had an opportunity to review your letter to Mayor Pryor and similar letters to a number of residents and other families and friends connected with White Chapel Memorial Cemetery. While I respect your right to an opinion on the necessity of the I-75 interchange at Long Lake Road, I am troubled by these letters because they in no way reflect the effort that has been made by City staff and MDOT to address legitimate concerns that White Chapel cemetery has raised during this process. Allow me to address your specific points:

1. *"The proposed on ramp on I-75 on White Chapel cemetery property is an unthinkable invasion of sacred ground".* You've indicated in this first item that *"while alternative proposals are being considered, the current design plan includes a demand to dig up and move numerous graves"* and in fact you have given a number of nearly 700 graves to be moved which I find to be unsubstantiated in any discussions. And as you are fully aware, in Mr. Smith's January 9, 2004 letter to you, the design work that resulted from the September meetings was in fact successful in pulling the design of the road entirely off of any potential gravesites. This means that <u>no</u> occupied gravesites will be moved. Further, with White Chapel management aware of the project boundaries, we trust that they will not place any gravesites within these boundaries

With reference to your statements about churches, attached is a list that shows church properties that all have been impacted by road projects in the City of Troy; and this is a long, but not exhaustive list.

2. *"It would significantly, if not completely interfere with White Chapel's ability to maintain the level of service families have come to expect now and in the future".* I do not understand how the acquisition of merely one acre of property would so dramatically impact the level of service that the cemetery can provide to its customers.

3. *"It would significantly threaten or shorten the life span of the cemetery".* I respectfully disagree that somehow taking one acre adjacent and parallel to the expressway is going to shorten the life of the cemetery.

4. *"It will raise noise levels in White Chapel cemetery to unacceptable levels".* With all due respect again, the cemetery sits next to I-75, one of the busiest interstates in Michigan and the noise level of providing an on ramp will have a negligible effect in terms of that traffic noise volume.

5. *"There is no demonstrated need for the proposed I-75 interchange of Long Lake".* This interchange was first proposed in the mid 1980's as an expansion of the Crooks Road interchange, which had only one access point to Crooks Road. Normally a major interchange would have east/west and north/south traffic flowing into it to make it efficient in accessing the expressway. This proposed Long Lake I-75 ramp system is designed to increase the efficiency of the Crooks Road interchange. This project today will have a positive impact on the 25,000 employees that work in the Northfield Park area and positively impact traffic management around the cemetery. Ultimately this interchange project and the widening of Crooks Road from South Boulevard to M-59 should have some impact on a number of local roads by reducing traffic volumes.

6. *"Land acquisition for this project would result in a tax increase for residents in the City of Troy".* Never has this been a consideration or a proposal by the City. The proposal has and always will be to use the capital expenditures on an annual basis for either the support of this project or to pay bond issues, but certainly not a new tax increase on the residents of the City of Troy for this project.

If you had returned Mr. Smith's call from last week, you would have also learned that in finalizing the documents, MDOT has talked with the Federal Highway Administration and concluded that they may keep the maintenance driveway opened if it were "in only" and further might consider use of the driveway if the traffic volume were low enough.

Unfortunately, based on these letters and this campaign, and by raising issues that have already been resolved or are premature until a final dimensioned drawing is provided by MDOT leads me to believe that you have no intention to discuss in good faith the acquisition of property for the I-75/Long Lake interchange project.

Please return Mr. Smith's call so we may draw a successful conclusion to this matter.

Sincerely,

John Szerlag
City Manager

PROPERTY ACQUIRED FROM CHURCHS IN TROY

3/8/04

Evanswood Church of God, 2601 East Square Lake Road

Christ Church Cranbrook, Section 2 vacant property on Square Lake i

Troy Church of the Nazarene, 6840 Crooks Road

Faith Apostolic Church of Troy, 6710 Crooks Road

First United Methodist Church, 6363 Livernois

Augustine Evangelical Lutheran Church, 5475 Livernois

St. Elizabeth Ann Seton, 280 East Square Lake Road

Glen Oaks Church of the Christian and Missionary Alliance, 5700 Rochester Road

Baptist Temple of Troy, 5600 Rochester Road

Bethel Baptist Church, 1975 East Long Lake Road

Korean United Methodist Church, 42693 Dequindre

St. Anastasia Catholic Church, 4571 John R

Christian Apostolic Church, 400 East Long Lake

Emerson Church, 4230 Livernois

The Ahmadiyya Movement in Islam, Inc., Section 16 vacant land on the south side of Long Lake Road

United Methodist Union of Greater Detroit, 4050 Coolidge

Reorganized Church of Jesus Christ of Latter Day Saints, 3830 Crooks

St. Petka Serbian Orthodox Church, 3496 Livernois

Zion Evangelistic Temple, 3668 Livernois

Troy Baptist Church, 3193 Rochester Road

Christian Apostolic Church, Section 22 north side of Big eaver

St. Joseph Catholic Caldean Parish, 2442 East Big Beaver

First Baptist Church of Troy, 2601 John R

Seventh Day Adventist Church, 2775 Crooks Road

Central Woodward Christian Church, 3955 West Big Beaver Road

(Smith) & Vandette to respond.

White MEMORIAL CEMETERY Chapel

offices 901 WILSHIRE DRIVE SUITE 205/TROY, MI 48084 (248) 362-7693 *cemetery* 621 WEST LONG LAKE ROAD/TROY, MI 48098 (248) 362-7670
FAX (248) 244-9622

March 3, 2004

Szerlag to review response 1st
MR 3/05/04

RECEIVED
MAR 0 5 2004
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ITY MANAGER'S OFFICE

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Troy City Hall
500 W. Big Beaver
Troy, MI 48084

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5. **There is no demonstrated need for the proposed I-75 interchange at Long Lake Road.** The existing interchange at Crooks Road is only one-half mile north of Long Lake Road. This project would increase traffic congestion on Long Lake Road near Troy High School and the entrance to White Chapel. It would lead to more traffic accidents, disrupt traffic flow into and out of the school and cemetery, and interfere with the dignity of funeral processions. Funds are lacking for many necessary road projects in Oakland County, and it makes no sense to divert scarce financial resources to a project which is not needed and which will create more harm than good.

6. **Land acquisition costs for this project could result in a tax increase for residents of the City of Troy.** The City could be forced to issue a bond of as much as $15 million to finance its share of this project. City documents indicate that a tax increase may be necessary to repay the debt from the bond.

It is White Chapel's sincerest hopes that the City Council will consider our concerns and opposition to the proposed interchange. Please consider supporting our position that the City of Troy and State officials should completely abandon this proposed I-75 interchange at Long Lake Road or redesign their plans to completely avoid taking White Chapel's property. Please contact me at the address above or by telephone at (248) 362-7693 if you wish to discuss this matter further.

Sincerely,

David P. Krall
President & C.E.O.
White Chapel Memorial Association

Douglas J Smith
From: William J Huotari
Sent: Monday, March 08, 2004 1:30 PM
To: Douglas J Smith; Steven J Vandette; John K Abraham; Neall Schroeder
Subject: I75/Crooks/Long Lake - Driveway in RTL at Ramp to I75

Chris Burnell called and said that MDOT and FHWA discussed keeping the drive within the proposed RTL, to the ramp, open. FHWA agreed that it could remain open if it were IN ONLY. I'm not sure what impact this would have on the cemetery site, as I do not know what type of traffic is using this driveway.

Chris asked if we had any counts of traffic entering/exiting the cemetery site and specifically this driveway. If the volumes were low enough, they may make for further discussion with FHWA. I told Chris that I did not believe that we would have any, but that I would check with John A.

Bill

White Chapel MEMORIAL CEMETERY

offices 901 WILSHIRE DRIVE SUITE 205/TROY, MI 48084 (248) 362-7693 *cemetery* 621 WEST LONG LAKE ROAD/TROY, MI 48098 (248) 362-7670
FAX (248) 244-9622

March 11, 2004

RECEIVED
MAR 12 2004
CITY OF TROY
CITY MANAGER'S OFFICE

John Szerlag
City Manager
City of Troy
500 West Big Beaver Road
Troy, Michigan 48084

Dear Mr. Szerlag:

I received today your correspondence dated March 8, 2004 which presents the City's perspective on certain points made in my recent correspondence to Mayor Pryor and others concerning White Chapel Memorial Cemetery. I regret your concern with my letters because my statements are accurate. The proposed interchange at I-75 and Long Lake Road will dramatically undermine the beauty, tranquility and peacefulness of the cemetery, significantly interfere with our ability to maintain the level of service families have come to expect and shorten the cemetery's life span. Allow me to respond to your comments. Obviously, my remarks are not meant to present every point which is responsive to your concerns.

1. You first highlight my statement: "The proposed on-ramp to I-75 on White Chapel Cemetery property is an unthinkable invasion of sacred ground . . . While alternative proposals are being considered, the current design plan includes a demand to dig up and move numerous graves." You indicate that I have given a number of nearly 700 graves to be moved which you claim to be unsubstantiated in any discussions. You also claim that I am aware that no occupied gravesites will be moved. Finally, you state that "with White Chapel management aware of the project boundaries, we trust that they will not place any gravesites within these boundaries."

<u>Response</u>

On Thursday, August 28, 2003, I met with Doug Smith (Director of Real Estate and Development) for the City of Troy and others. At that session, Mr. Smith indicated that MDOT had provided the City with final preliminary drawings of the proposed right-of-way over White Chapel's property for the project. This plan would require the use of 4.8 acres of White Chapel's property. I told Mr. Smith at that session that this plan would require the removal of graves. Mr. Smith then asked for an opportunity for City representatives to come onto White Chapel property to survey and stake the proposed right-of-way. In a spirit of cooperation, I allowed those tasks to be performed.

earth interments
mausoleum entombments
cremations
columbaria

On Thursday, September 4, 2003, I met with Mr. Smith, Neal Schroeder (the City's Chief Engineer) and George Ballard (the City's Surveyor) to review the survey and staking of our property. At that time, it was glaringly evident that the proposed current design plan required removal of several rows of occupied burial spaces. In response to this alarming and disturbing fact, Doug Smith stated, among other things, that the City would seek to have MDOT redesign the proposed plans **which would take a few weeks.**

I heard nothing further from the City of Troy until Doug Smith sent me a letter dated January 9, 2004. In that correspondence, Mr. Smith indicated that the City and MDOT have been able to redesign the project. Unfortunately, Mr. Smith qualified his remarks in several ways:

- "Attached are the latest drafts. Let me emphasize these are not final, but the latest drafts that are in response to the issues that the cemetery raised."

- "Again, I would emphasize that what we have enclosed are preliminary final designs by MDOT, but in the interest of working together we have provided these to you at the earliest possible date. While MDOT is finalizing these drawings, we believe these drawings will be close to what the final design work will conclude, but we caution there may still be some changes as they look at final design and hydrology."

It was clear from Mr. Smith's January correspondence that no revised plan had as yet been approved. In fact, the attachment provided by Mr. Smith with his January correspondence specified that the **current** design calls for the relocation of graves. However, in his letter, Mr. Smith noted that the design alternative would be finalized with necessary federal approvals in the next few weeks. Unfortunately, no such approvals have as yet been secured.

When I said in my letter to Mayor Pryor and others that "while alternative proposals are being considered, the current design plan includes a demand to dig up and move numerous graves," I was being fair, accurate and truthful. Despite promises dating back to last September, the current official plan still calls for disrupting graves. Please also note that my reference in interviews to the number of graves affected being 672 is simply an empirically verifiable fact. That number represents the number of occupied gravesites which would be disrupted by the current design plan. In fact, the statement attributed to you about the status of the design in the March 10th edition of The Daily Oakland Press is inaccurate and misleading. Indeed, the Oakland Press reported your comment that a later revision of the official design which was

quickly changed would have taken the first line of graves, about 30-40. That information is false, misleading and untrue.

In your correspondence you state "that no occupied gravesites will be moved." With all due respect, I will be far more comfortable on this issue when an appropriate new design alternative is approved. In truth, I was promised a new design by Doug Smith within a few weeks of our September 4, 2003 meeting which did not occur. I was advised by Mr. Smith that a fully approved design alternative would be presented in a few weeks in January of 2004 which has still not occurred. Please forgive me if I am skeptical of your latest assurances. Nevertheless, I will treat your statement in your March 8th correspondence as an unequivocal promise that no matter what design plan is ultimately approved, no gravesites will be moved under any circumstances.

While your promise not to move graves is appreciated and important, the fundamental problem still remains that no land should be taken from White Chapel. In addition, White Chapel will continue to use and develop its land in appropriate ways which best serve the needs of the cemetery.

2. You next reference my statement that the proposed interchange "would significantly, if not completely, interfere with White Chapel's ability to maintain the level of service families have come to expect now and in the future." You indicate that you "do not understand how the acquisition of merely one acre of property would so dramatically impact the level of service that the cemetery can provide to its customers."

Response

As noted above, it is still not clear precisely how much of White Chapel's property the City will attempt to acquire. At this point, there is no approved plan which calls for the acquisition of one (1) acre of property. However, accepting your representation as true for purposes of this correspondence only, I will assume that one (1) acre of cemetery land is involved. If so, such a taking would still have a serious negative impact on White Chapel's ability to provide appropriate service to its families who have loved ones buried with us.

- It would deny the full use of White Chapel's maintenance entrance in which all maintenance vehicles, maintenance employees, suppliers and semi-trucks enter and exit the cemetery to service, maintain and operate the cemetery.

- It would deny White Chapel the use of the only parking lot it has for its maintenance employees.

- It would effectively make the superintendent's house uninhabitable due to its close proximity to the proposed on-ramp.

- It would deny White Chapel's plan to relocate its existing maintenance facilities to the far northeast corner of the cemetery's property in order to open up more available space for outdoor crypts and outdoor burial sites.

- It would deny White Chapel the ability to be efficient and flexible in its ability to maintain and service the entire cemetery.

3. In your third point, you reference my comment that the proposed plan "would significantly shorten the life span of the cemetery." On the same assumption as noted above that one (1) acre of cemetery property would be impacted, I note the following:

Response

- White Chapel already has received preliminary site plan approval from the City of Troy Planning Commission for construction of a mausoleum and outdoor crypts on the site of the proposed I-75 on-ramp. The plans for the mausoleum and crypt projects have been in place for years; it would be unfair for the City to make an about-face at this late date. This project is essential to meet the future needs of those who depend on White Chapel. Blocking this expansion will shorten the life span of the cemetery and force area residents to travel farther away to lay their loved ones to rest.

4. In your fourth point, you take issue with our concern that the project "will raise noise levels in White Chapel Cemetery to unacceptable levels, destroying the clam ambiance which White Chapel has worked hard to protect for many years." You state that the cemetery already sits next to busy I-75, and "the noise level of providing an on-ramp will have a negligible effect in terms of that traffic noise volume."

Response

With all due respect, I am aware that White Chapel is located next to I-75. Indeed, White Chapel had to surrender considerable acreage of its land along the cemetery's eastern border to

the government when the interstate was first constructed. However, the plan to acquire more cemetery property for an on-ramp will make an already difficult noise situation intolerable.

- Traffic entering I-75 adjacent to White Chapel will increase noise levels dramatically because accelerating vehicles make much more noise than those traveling at a steady speed. This will destroy our peaceful and dignified atmosphere that so many people value. It will be particularly disturbing to families of the many military veterans buried here. White Chapel is home to various memorials honoring the valor and sacrifice of those men and women who gave their lives in the service of our country during World War I, World War II, Korea, Vietnam and the Gulf War. There is also a special memorial for Prisoners Of War and for those Missing In Action. This project will diminish the solemnity of our cemetery for veterans and their families especially at a time when war continues to take more American lives.

5. In your fifth point, you dispute our claim that "there is no demonstrated need for the proposed I-75 interchange at Long Lake Road." you state that the proposed ramp system "is designed to increase the efficiency of the Crooks Road interchange."

Response

- Since I have worked at White Chapel for many years, I can say from first hand experience that the traffic flow of the current Crooks Road interchange does not pose a problem for business people and residents in the area.

- While I appreciate your argument that the proposed I-75 interchange at Long Lake Road would help traffic management, I respectfully disagree. I listened to one (1) of your traffic "experts" acknowledge that the supporting traffic studies for this project was no more than "garbage in, garbage out." In my opinion, the proposed interchange will have a severely negative effect on White Chapel and the adjacent local communities by greatly increasing traffic, noise and crime.

6. You also highlight my purported statement that "land acquisition costs for this project would result in a tax increase for residents in the City of Troy." It was of interest to me that you represented my statement as being **would** result in a tax increase which I did not write and have not said. I merely stated that land acquisition costs **could** result in a tax increase. In any event, you then emphasize that there has never been a consideration or a proposal by the City to increase taxes on the residents of the City for this project.

I refer to your memo dated August 8, 2003 to the Honorable Mayor and City Council Members providing an update on the proposed I-75/Crooks/Long Lake Road Interchange Project which is attached. In your memo, you state that this project is contingent upon the City of Troy providing right-of-way. You further note:

> "Estimates are vague at this time, but we're most likely looking at property acquisition costs between $12 and $16 million for this project. As such, the City of Troy would have to float a bond, most likely an MTF (Michigan Transportation Fund) bond, to fund a portion of this right-of-way.
>
> Attached is a fax from our financial advisor which indicates that our MTF bonding capacity is such that we could issue a bond in the amount of $15,500,000 and use our Act 51 revenues to pay the proceeds. However, we currently use more than our existing Act 51 allocation for road projects. **Thus in order to maintain our same level of service we would need to have a tax increase of up to 0.25 mils to achieve our same service level.** And I'll be needing direction from you on this matter sometime soon.

Conclusion

You end your correspondence by stating that if I had returned Mr. Smith's call from last week, I would have also learned of additional discussions between MDOT and the Federal Highway Administration. Mr. Smith left me a voicemail message on Thursday, March 4, 2004. I returned that call on Monday, March 8th and left a message for Mr. Smith to call me. We then spoke on Tuesday, March 9, 2004. In that conversation, Mr. Smith said nothing about the points referenced in your letter. On the contrary, he threatened White Chapel with a lawsuit to be filed by the City of Troy. Our discussion was brief.

I do not appreciate the reference in your letter to my lack of "good faith." The threat of filing frivolous litigation by a City official against a valued corporate citizen of 79 years who is merely questioning the wisdom of an ill conceived proposed action by that governmental entity is the height of arrogance. Let us remind you, White Chapel gave property for the construction of I-75. White Chapel also gave property to the City of Troy at no cost for the improvement of Long Lake and Crooks Road. Nevertheless, please be assured that White Chapel will always deal with the City in good faith.

I care deeply about the City of Troy. However, as the President and Chief Executive Officer of White Chapel, I also care deeply about the thousands of families who have loved ones buried at our cemetery. I have a responsibility to protect this sacred ground, and I will not shirk from that duty. I am convinced that the proposed interchange will do far more harm than good.

Thank you for your kind attention.

Very truly yours,

David P. Krall
President and Chief Executive Officer
White Chapel Memorial Association

cc: Mayor Matt Pryor
Mayor Pro Tem David A. Lambert
Councilwoman Robin E. Beltramini
Councilwoman Cristina Broomfield
Councilman David Eisenbacher
Councilman Martin Howrylak
Councilwoman Jeanne M. Stine

City of Troy

CITY MANAGER'S OFFICE
500 W. Big Beaver Rd.
Troy, MI 48084
Phone: (248) 524-3330
Fax: (248) 524-0851

Fax and/or Email Cover Sheet

TO:	The Honorable Mayor and City Council Members
FROM:	John Szerlag, City Manager
DATE:	August 8, 2003
SUBJECT:	Update on Proposed I-75/Crooks/Long Lake Interchange Project

You may have heard that the State of Michigan is planning on proceeding with the above-referenced project which will be contingent upon the City of Troy providing right-of-way. Estimates are vague at this time, but we're most likely looking at property acquisition costs between $12 and $16 million for this project. As such, the City of Troy would have to float a bond, most likely an MTF (Michigan Transportation Fund) bond, to fund a portion of this right-of-way.

Attached is a fax from our financial advisor which indicates that our MTF bonding capacity is such that we could issue a bond in the amount of $15,500,000 and use our Act 51 revenues to pay the proceeds. However, we currently use more than our existing Act 51 allocation for road projects. Thus in order to maintain our same level of service we would need to have a tax increase of up to 0.25 mils to achieve our same service level. And I'll be needing direction from you on this matter sometime soon.

I'll have more information for you as things develop.

As always, please feel free to call should you have any questions.

c: Lori Bluhm, Bill Huotari, John Lamerato, Pat Petitto, Neall Schroeder, Gary Shripka, Doug Smith, Steve Vandette

PLUNKETT
COONEY

38505 Woodward
Suite 2000
Bloomfield Hills, MI 48304

(248) 901-4000
Fax (248) 901-4040
www.plunkettcooney.com

MAR 12 2004 PM 3:04

March 12, 2004

HAND DELIVERED

Lori Grigg Bluhm, Esq.
Troy City Attorney
500 West Big Beaver Road
Troy, Michigan 48084

Re: White Chapel Memorial Cemetery

Dear Ms. Bluhm:

As you know, our firm represents White Chapel Memorial Cemetery. On Tuesday, March 9, 2004, you contacted our office and noted that the City might commence litigation against the cemetery based upon statements made that the proposed I-75/Crooks Road interchange would require the removal of graves.

In our discussion, I emphasized that all statements made by White Chapel on this issue have been accurate. You indicated that the City would provide unequivocal written assurances to White Chapel that no gravesites would be moved. I acknowledge receipt of correspondence directed to me and my colleague from Doug Smith (Troy's Real Estate and Development Director) dated March 9, 2003 (obviously the year was in error) in which it is stated in pertinent part "we would under no circumstances impact existing gravesites." Further, we have been provided with a copy of a letter from City Manager John Szerlag to David Krall who is the President and Chief Executive Officer of White Chapel who also stated, among other things, "that no occupied gravesites will be moved."

White Chapel will treat these statements as an unambiguous promise that in no way would the proposed I-75/Crooks Road interchange require the removal of existing gravesites. Enclosed is a facsimile copy of Mr. Krall's response to Mr. Szerlag's letter which was sent on March 11, 2004. In that communication, Mr. Krall expressly indicates that he will treat Mr. Szerlag's representation in his "March 8th correspondence as an unequivocal promise that no matter what design plan is ultimately approved, no gravesites will be moved under any circumstances."

I trust that we have finally placed the issue of gravesite removal behind us. Based upon these assurances, White Chapel has changed its message on WJR radio to delete any references to the possible removal of gravesites. Further, White Chapel representatives have been and will continue to acknowledge that Troy officials have assured them that no graves will be moved.

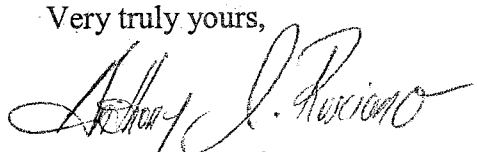
Unfortunately, the resolution of this specific issue does not address the larger problem of acquiring any White Chapel property. As Mr. Krall noted in his correspondence to Mr. Szerlag,

"[w]hile your promise not to move graves is appreciated and important, the fundamental problem still remains that no land should be taken from White Chapel."

I also hope that the City does not decide to initiate any legal action at this time against White Chapel. However, if legal action is authorized, please contact me before any judicial proceedings are commenced and we can explore ways to reason together. Naturally, if any judicial involvement is sought, please contact me directly as White Chapel's attorney.

Thank you for your kind attention and cooperation.

Very truly yours,



Anthony J. Rusciano
Direct Dial (248) 901-4038
arusciano@plunkettcooney.com

AJR/kms
enclosure

Blmfield.15962.25803.542274-1

cc: John Szerlag

PLUNKETT
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38505 Woodward
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Bloomfield Hills, MI 48304

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www.plunkettcooney.com

April 2, 2004

Lori Grigg Bluhm, Esq.
Troy City Attorney
500 West Big Beaver Road
Troy, Michigan 48084

RECEIVED
APR 05 2004
CITY OF TROY
CITY MANAGER'S OFFICE

Re: White Chapel Memorial Cemetery

Dear Ms. Bluhm:

I was contacted this afternoon by a representative of our client White Chapel Memorial Cemetery who advised that some type of counting device has been placed across certain maintenance driveways of the cemetery. As I understand it, there are two (2) counting devices. One is hooked by a chain to the White Chapel iron fence, and the other is hooked around White Chapel's mailbox. These devices and the attached cords impact White Chapel's far west driveway and center driveway.

I do not know who was responsible for taking this unauthorized action. Nevertheless, I am writing to you with a copy to Doug Smith (Real Estate and Development Director) to learn if either of you can provide any information.

I know that Mr. Smith wrote to me on March 9, 2004 (the actual letter was incorrectly dated 2003) in which he stated in pertinent part:

> ". . . that MDOT, working with the Federal Highway Administration (FHA) had actually okayed the use of the eastern driveway as a maintenance road for 'in only' traffic. Furthermore FHA invited us to submit information regarding the volume of traffic that uses that maintenance drive to consider whether or not to allow two-way traffic on that maintenance drive."

Based upon Mr. Smith's written comments, I am assuming that the City of Troy decided to place certain counting devices to gather information to provide to the FHA. If I am incorrect in that assumption, please let me know as soon as possible, and accept my apology for writing this letter. Naturally, if you know who took this action, please advise. However, assuming the City is the responsible entity, please note that White Chapel does not consent to the use of its property for purposes of these counters without the prior written authorization of the President and Chief Executive Officer of White Chapel. In addition, we emphasize the following concerns:

- Nobody from the City contacted anyone at White Chapel or my office to indicate that any counting devices were going to be placed on White Chapel driveways. They simply appeared today without warning.

- The use of White Chapel's fence and mailbox to hook the counting devices constitutes a trespass on White Chapel property.

- The counting cords themselves could pose a hazard to pedestrians in the area.

If the City did take this action, White Chapel requires additional information in writing as soon as possible:

1. Why are these counters being used and for how long does the City intend to use them?

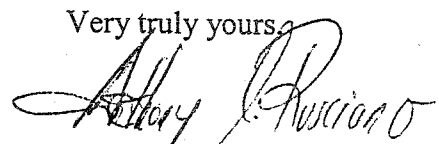
2. Has the City of Troy entered White Chapel property on other occasions without securing the permission of White Chapel to do so? If so, please provide details.

3. Does the City of Troy have any plans to enter upon White Chapel property in the future without receiving the advance permission of White Chapel to do so? If so, what are those plans?

White Chapel will not be unreasonable. Although White Chapel strongly opposes the construction of the proposed I-75/Crooks Road-Long Lake Road interchange and strongly opposes the taking of any White Chapel property as a part of that project, our client will continue to do its best to act in good faith in its dealings with the City. However, White Chapel does not consent to any entry on its property or use of its property by the City for purposes of evaluating or developing the proposed interchange project without the prior written consent of White Chapel.

Thank you for your kind attention and cooperation.

Very truly yours,



Anthony J. Rusciano
Direct Dial (248) 901-4038
arusciano@plunkettcooney.com

AJR/kms
cc: Mr. Doug Smith
Real Estate and Development Director

Mayor Matt Pryor
Mayor Pro Tem David A. Lambert
Councilwoman Robin E. Beltramini
Councilwoman Christina Broomfield
Councilman David Eisenbacher
Councilman Martin Howrylak
Councilwoman Jeanne M. Stine

Blmfield.15962.25803.542274-2

June 1, 2004

TO: John Szerlag, City Manager

FROM: Charles T. Craft, Chief of Police

SUBJECT: Criminal Activity Related to Freeway Entrance/Exit Ramps

On May 5, 2004, in response to your inquiry, I provided you with a memorandum indicating that the police department could not locate any information establishing a link between the crime and the construction of a freeway entrance/exit ramp. Subsequently, a citizen cited a study that indicates there is a correlation between highway entrances/exits and home invasions (residential burglary). I have reviewed available information regarding that study, as well as a Department of Justice study on home invasions, and statistical information regarding home invasions occurring in Troy.

The study cited by the citizen, the Greenwich Study of Residential Security, focused only on home invasions that occurred in Greenwich, Connecticut. The study was funded by the alarm industry, and set out to determine if burglars choose their targets based on rational considerations. The researchers concluded that eleven variables impacted the likelihood of a home being broken into. Amongst those factors was proximity to a highway entrance/exit. Specifically, homes in Greenwich that were within 1/3 of a mile to highway entrance/exit had an increased likelihood of burglary. The study also determined that expensive homes, which they classified as anything over $900,000 in value, that were detached from other residences, located close to a major highway, and that did not employ deterrents (alarms, locks, frequent occupancy, etc.), were more likely to burglarized than were less expensive homes, which they classified as $150,000 - $300,000 in value, meeting the same criteria. I determined that the average 2002 selling price of a home in Greenwich was $1.8 million and that four major highways leading to New York City pass through Greenwich.

The articles I read regarding this study referred to "highway" entrance/exits and proximity to major highways. I attempted to contact the authors of the study in order clarify if "highway" meant a limited access roadway, such as I-75, or some other form of a roadway. They have not returned my calls or emails. Clearly, there are significant demographic differences between Troy and Greenwich. Without clarification I cannot state this study has universal application.

A similar Department of Justice (DOJ) study examined the issue of home invasion. The DOJ determined that single - family homes located at or near major thoroughfares might be more susceptible to burglary. The other variables impacting the likelihood of a home being broken into were very similar to those cited in the Greenwich study. Those variables included preventive/deterrent measures employed (alarms, deadbolts, etc),

occupancy (how often someone is home), type of street the home is located on (cul-de-sac, main road, mixed use street), location on the street (corner, mid-block, near a park), the structure of the home, and the presence of a dog. The study also stated that the information provided is generalized and should be reviewed within the context of the local experience.

With that in mind I reviewed the 2003 occurrences of home invasion within 1/3 and 1/2 of a mile of an I-75 entrance/exit. That review indicated the following:

- 6.4% (9) of the total home invasions occurring in 2003 (190 in total) were located within 1/3 of a mile of one of the five I-75 entrance/exit ramps located in Troy. Of those home invasions, one occurred at a single-family residence, the other 8 occurred within apartment complexes.
- 12.9% (18) of the total number of home invasions occurred with a 1/2-mile radius of an I-75 entrance/exit. Of those, three occurred at single-family homes, while the remaining 15 occurred at apartment complexes.

Based on my experience and training, I agree with many of the conclusions reached in the Greenwich and DOJ studies. Specifically, burglars do utilize some rationale in selecting targets. The process may be more instinctual than thought out, however, there is reason behind their decisions. I also agree that the use of deterrent devices (locks, alarms, lights, light timers, etc.), how often the home is occupied, and stopping mail/newspaper delivery while the resident is away, impact the likelihood of being burglarized.

However, my experience and our statistics do not support the assumption that proximity to a freeway entrance/exit increases the chances that a single - family home located in Troy will be burglarized. Therefore, given our local situation, I do not believe the study supports the position that construction of a freeway ramp will lead to an increase in crime.

7. Market Measurement recommends that the issues outlined below be viewed as particularly important topics for City of Troy communication activities, primarily to make residents aware of activities and action plans in-place to respond to these issues (i.e., to create more favorable "perceptions" about these popular areas of concern):

   - Traffic (dominant concern among residents)
   - Safety and security in the City of Troy (issue characterized by the greatest variance in ratings when comparing those "very favorable", vs. less than "very favorable" toward the City of Troy, on an overall basis)
   - Good schools (to further reinforce highly favorable sentiment expressed toward this evaluation criterion, especially among younger residents)
   - Road maintenance (received the lowest ratings in the aided evaluation and may also be related to negative sentiment expressed toward traffic)
   - Snow removal (also a lower rated issue in the aided evaluation).

8. *Troy Today* should be viewed as a highly popular publication, with almost half of all residents reading "all" of "most", with this proportion increasing to three-quarters when including those who read at least "some".

9. Although some opportunities for improvement may exist, virtually all readers of *Troy Today* provide at least a "somewhat favorable" rating for this publication.

10. Among all City of Troy residents, more than one-in-four has watched a City Council meeting on local cable TV and almost half are at least aware that City Council meetings are broadcast on local cable TV. Might this serve as support for maintaining the policy of broadcasting City Council meetings?

3. Probably to no one's surprise, the most popular concern/or criticism, associated with the City of Troy is traffic congestion. More than one-in-three City of Troy residents (36%) identified this topic, on an unaided basis. This compares with the next most popular mention [which also might be related to traffic concerns], which is "fast growth" (10%). It is also encouraging to note that almost a third (31%) specifically indicated that they have "no concerns" about the City of Troy. Beyond these individual mentions, most criticisms/concerns are directed at what could be considered City-controlled topics, such as taxes, responsiveness of public officials, road maintenance, snow removal, garbage pick-up, etc.

Table 2-3

4. In an aided evaluation, at least three-quarters of all City of Troy residents indicate that they are "very satisfied" with police (83%), the fire department (83%) and community EMS (79%). Nearly three-quarters (72%) indicate that they are very satisfied with waste removal. By comparison, only slightly more than half are "very satisfied" with snow removal (58%) and road maintenance (51%). By comparison, virtually all residents are at least "somewhat satisfied" with these issues, suggesting no serious problems, or unmet needs.

Table 2-4

5. Those less than "very favorable" in their overall rating of the City of Troy also provide measurably lower satisfaction ratings for police, snow removal and road maintenance.

Table 2-5

May 6, 2004

TO: The Honorable Mayor and City Council Members

FROM: John Szerlag, City Manager

SUBJECT: Proposed I-75/ Crooks/ Long Lake Road Interchange Improvement

We are still developing the power point presentation for the above referenced issue. However, I wish to include the following in advance of this study item:

1. Memorandum from City Attorney Lori Bluhm indicating legal implications of abandoning the I-75/Crooks/Long Lake Road Project.

2. Memorandum from Police Chief Charles Craft relative to effects of freeway entrance/exit ramps on crime rates.

3. Executive Summary along with complete report of the traffic simulation analysis conducted by Hubbell, Roth & Clark Inc.

For your convenience, also included is my memo of April 29, 2004 sent to you last week regarding this topic.

As always, please feel free to contact us should you have any questions.

TO: Mayor and Members of Troy City Council
FROM: Lori Grigg Bluhm, City Attorney LGB
DATE: May 6, 2004
SUBJECT: Legal Implications of Abandoning I-75/Crooks/Long Lake Road

---

As articulated by City Management, the I-75/ Crooks Road/ Long Lake Road project has a long history, dating back to 1971. Throughout this period, many actions have been taken in furtherance of the interchange project. These actions include an amendment to the Master Land Use Plan, acquisition of property, execution of contracts, and efforts in economic redevelopment.

On numerous occasions, the Troy City Council voted to approve actions that were an integral part of the overall traffic reduction plan for the northwest section of the City. This public support for the entire project, and more specifically the I-75/ Crooks Road/ Long Lake Road interchange project, served as an incentive for businesses to locate in that area. Many business entities acted in reliance on the timely completion of the interchange project, which was projected to manage the increasing volume of traffic.

A sudden abandonment of this project, especially where there has been repeated justification for the interchange, could lead to lawsuits by entities that perceive a negative impact on business expectations.

In the event that City Council wishes to discuss potential legal implications in more detail, I have provided a privileged and confidential memorandum, which can be an appropriate topic for closed session discussion.

If you have additional questions, please let me know.

May 5, 2004

TO: John Szerlag, City Manager

FROM: Charles T. Craft, Chief of Police

SUBJECT: Effects of Freeway Entrance/Exit Ramps on the Crime Rate

Per your direction, I have researched the effect the construction of a freeway entrance/exit ramp has on the crime rate in the surrounding area.

I am personally unaware of any research and statistical data concerning this subject. I conducted an Internet search and was unable to find anything addressing freeway entrances/exits and crime.

I assigned Officer Jeff Stacey, who serves as a crime prevention specialist, to research the matter. He contacted the National Criminal Justice Reference Service, the Federal Highway Administration, and the Michigan Department of Transportation; all advised him that they have no data that concerns crime rates in relationship to freeway access.

The question posed indicates a belief that access to an area from a freeway or onto a freeway from a surface street will result in an increase in crime. My experience, and knowledge of crime in Troy, does not support this belief.

Please advise if you require additional information.

May 4, 2004

To: Chief Craft
From: P.O. Stacey
Re: Effects of crime in areas where there are expressway ramps/highway access.

Chief,

Per your request, I have attempted to locate information and or data concerning this matter, and I have been unable to find anyone that has information based on that criteria.

With the assistance of Officer J. Reynolds, on 4-29-04, we made contact with the National Institute of Justice, and asked them. On 5-3-04, I got a response from Ken Molter, of the National Criminal Justice Reference Service, 800-851-3420. He stated, "We don't have any data that indicates highway access has any effects on crime rates definitively". He further states that no national studies have been undertaken using those criteria. He stated the only related report he was able to locate was an article from 1990 titled transient crowding and crime. It basically stated that the more strangers in an area, the more crime, "except for murder, assault and rape". He stated that he could furnish a copy of that article for $10, I did not ask for, or purchase a copy.

For possible information on this matter Molter suggested that I contact the Federal Highway Administration, at 202-366-0660. I called them and they did not have any information on this matter and referred me to Michigan Department of Transportation, MDOT, at 517-373-2090. On 5-3-04, I called MDOT and was told that they have no information concerning crime rates, but did say that there is information to support that areas with good highway access are safer with respect to vehicular traffic and traffic accidents.

I also asked our own Research and Technology Administrator, Wendell Moore, if he could furnish me with any local data on this matter. Wendell stated that there is no city data for crime rates as they compare with highway access. He further stated that using that criteria, he attempted to locate such information on intranet websites, and was unable to. It is with regret, that I am unable to locate and furnish you with any data supporting or refuting the impact on crime rates as they relate to highway access. If you require more from me on this matter, please let me no.

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HRC

HUBBELL, ROTH & CLARK, INC.

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Robert F. DeFrain
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May 5, 2004

City of Troy
500 West Big Beaver Road
Troy, Michigan 48084

Attention: Dr. John Abraham, Deputy City Engineer/Traffic Engineer

Re: Traffic Model at I-75/Long Lake Road – Executive Summary HRC Job No. 20040293.02

Dear Dr. Abraham:

With this letter we are transmitting the CORSIM model simulation for the roadway network in the area bordered by Square Lake Road, Livernois Road, Long Lake Road and Crooks Road. The defined area includes the I-75/Crooks Road interchange. These models include the latest geometric modifications suggested by MDOT. We have also prepared a comparison of existing and future geometry under future year 2025 traffic conditions.

The model showed that there is significant difference between having and not having the interchange. With the interchange improvements in place average speed on the system increases and the vehicle-hours of travel are reduced. Specifically, with the interchange the average speed of the network will increase by 64% in the AM peak and by 97% in the PM peak. The vehicle hours of travel will decline by 20% for the AM peak and 36% for the PM peak.

Additional analysis showed that the Level of Service (LOS) along Long Lake Road, within the study area, is improved with the interchange in place. This improvement in operations is a result of a redistribution of traffic after access to I-75 is modified. Future PM peak hour volume on Long Lake west of I-75 is 5,650 without the interchange and 4,340 with the interchange.

Conclusions:

- There will be significant increase in traffic volume within the study area by year 2025.
- The existing interchange operation currently has unacceptable LOS during some hours of the day, and the existing roadway network cannot handle the year 2025 traffic.
- The proposed interchange will significantly improve the operating conditions of the study area because it redistributes the traffic by providing improved access to I-75 which will reduce air pollution and fuel consumption.

Very truly yours,

HUBBELL, ROTH & CLARK, INC.

Richard F. Beaubien

Richard F. Beaubien, P.E., P.T.O.E.
Associate/Transportation Director

PN/jjb
pc: City of Troy; Steve Vandette
HRC; G. Knapp, W. Alix, File

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I-75-CROOKS/LONG LAKE
TRAFFIC SIMULATION ANALYSES FOR 2025

APRIL 2004

HRC

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Bloomfield Hills, MI 48303-0824

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Joel E. Bowdan
Jesse B. VanDeCreek
Robert F. DeFrain
Marshall J. Grazioli

April 12, 2004

City of Troy
500 West Big Beaver Road
Troy, Michigan 48084

Attention: Dr. John Abraham, Deputy City Engineer/Traffic Engineer

Re: Traffic Model at I-75/Long Lake Road
TSIS Simulation Results

Dear Dr. Abraham:

With this letter we are transmitting the CORSIM model simulation results for the roadway network in the area bordered by Square Lake Road, Livernois Road, Long Lake Road and Crooks Road. The defined area includes the I-75/Crooks Road interchange. These models include the latest geometric modifications suggested by MDOT. We are also providing a comparison of existing and future geometry under future year 2025 traffic conditions.

Background
HRC performed a similar study of this area for future year 2020 and submitted a report in April 2000. MDOT has changed the geometry of the proposed interchange near Long Lake since then, necessitating the revision of the CORSIM models. Attached exhibit shows the MDOT proposed geometry.

2025 Traffic Volumes
CH2MHill did a study of this area for MDOT and submitted a report in October 2002. This study forecasted volumes for the year 2025 for the build and no build options. However, the study area considered did not include Square Lake Road. HRC developed forecasts of the volumes on Square Lake Road and at intersections within the study area using CH2MHill information for 2025. HRC then used these 2025 volumes in the CORSIM models.

HRC Traffic Volume Projections
The traffic analysis prepared by CH2MHill (dated February 25, 2002, revised October 14, 2002) was reviewed and used as a base for the projection of traffic to the design year 2025 for the intersections of Square Lake/Crooks and Square Lake/Livernois. The CH2MHill analysis was also used to estimate volumes at Square Lake/Delphi, Tower/Crooks and Tower/Long Lake. Traffic volumes from HRC's April 2000 traffic analysis for the build year 2020 were projected to 2025 by distributing traffic from the CH2MHill information. Turning volumes, that were not directly affected by intersections included in the CH2MHill analysis, were projected to 2025 by using the average factor applied the study area. The attached exhibits show the volume information.

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Suggested Improvements
It is important to note that our April 2000 study recommended some improvements on the surface roads along with the proposed interchange. The specific improvements were as follows:

I-75 Ramps/Crooks/Corporate Drive (existing and future geometry can be seen in the attached exhibits)

- Additional northbound right-turn lane
- Additional westbound right-turn lane
- Additional westbound through lane
- Additional eastbound left-turn lane

Crooks/Square Lake

- Adding a southbound right turn lane

Livernois

- Widening to five lanes, from Long Lake to Square Lake

This study assumes that the above mentioned improvements are in place for the year 2025 along with the proposed interchange geometry.

CORSIM Analyses
HRC modified the earlier version CORSIM models to include year 2025 volumes and the proposed geometry. The following table shows the Measures of Effectiveness from these revised models:

CORSIM Results for the Year 2025 Models

Measures of Effectiveness	Without Proposed Interchange*		With Proposed Interchange	
	AM Peak	PM Peak	AM Peak	PM Peak
Average Speed (mph)	17.15	10.93	28.43	21.51
Vehicle Hours of Travel (VHT)	1778.53	2896.56	1418.83	1864.89

* includes 5 lane geometry on Livernois

It can be seen from the above table that there is significant difference between having and not having the interchange. With the interchange improvements in place average speed on the system increases and the vehicle-hours of travel are reduced. Specifically, with the interchange the average speed of the network will increase by 64% in the AM peak and by 97% in the PM peak. The vehicle hours of travel will decline by 20% for the AM peak and 36% for the PM peak.

ACCUSIM Analyses
ACCUSIM is the post-processor and model validation software for the CORSIM. This software was used to reveal the levels of service (LOS) at each individual intersection and segment within the study area. The following table presents the LOS information for key intersections within the study area:

Intersection Level of Service Comparison
I-75/Crooks/Long Lake Area

Intersection	2000 Volumes on Existing Geometry		2025 Volumes Without Proposed Interchange *		2025 Volumes With Proposed Interchange	
	AM Peak	PM Peak	AM Peak	PM Peak	AM Peak	PM Peak
Crooks and Square Lake	B	B	C	D	B	C
Crooks and I-75 Ramps	E	D	E	F	C	C
Crooks and Long Lake	B	B	C	C	B	B
Long Lake and I-75 On Ramp	-	-	-	-	B	B
Long Lake and I-75 Off Ramp	-	-	-	-	C	B
Long Lake and Livernois	D	B	D	F	B	B
Livernois and Square Lake	B	F	F	F	C	F

*** includes 5 lane geometry on Livernois**

It can be seen from the above table overall LOS for the study area is much better with the new interchange and proposed improvements. Please see the attached ACCUSIM exhibits.

The ACCUSIM exhibits show that the LOS along Long Lake Road, within the study area, is improved with the interchange in place. This improvement in operations is a result of a redistribution of traffic after access to I-75 is modified. Future PM peak hour volume on Long Lake west of I-75 is 5,650 without the interchange and 4,340 with the interchange.

Summary

1. There will be significant increase in traffic volume within the study area by year 2025.
2. The existing roadway network cannot handle the year 2025 traffic.
3. The proposed interchange will significantly improve the operating conditions of the study area because it redistributes the traffic by providing improved access to I-75.

Very truly yours,

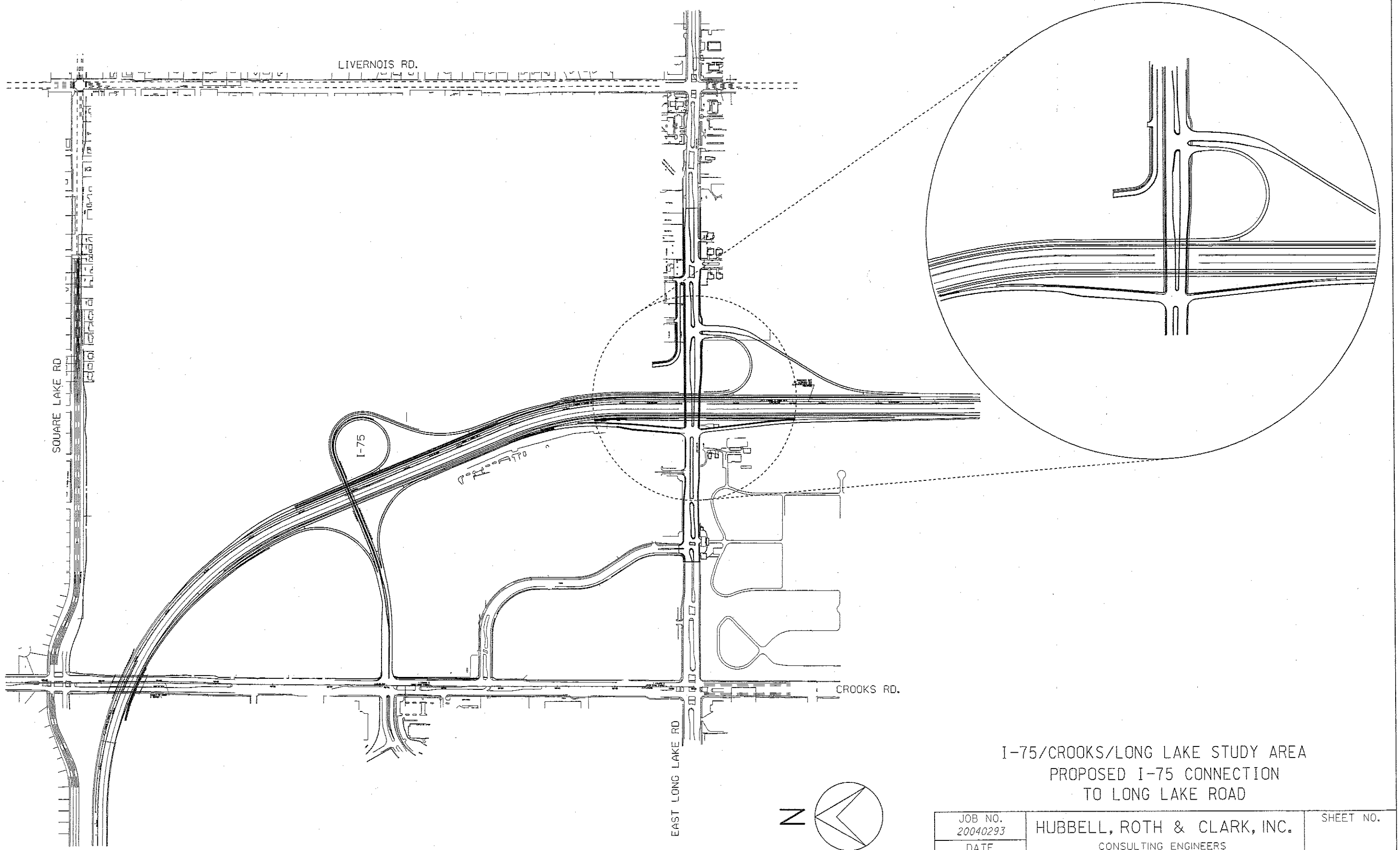
HUBBELL, ROTH & CLARK, INC.

Richard F. Beaubien

Richard F. Beaubien, P.E., P.T.O.E.
Associate/Transportation Director

PN/jjb/scb
pc: City of Troy; Steve Vandette
HRC; G. Knapp, W. Alix, File

Proposed MDOT Geometry



I-75/CROOKS/LONG LAKE STUDY AREA
PROPOSED I-75 CONNECTION
TO LONG LAKE ROAD

JOB NO. 20040293	HUBBELL, ROTH & CLARK, INC.	SHEET NO.
DATE APRIL 2004	CONSULTING ENGINEERS 555 HULET DRIVE P.O. BOX 824 BLOOMFIELD HILLS, MICH. 48303-0824	OF

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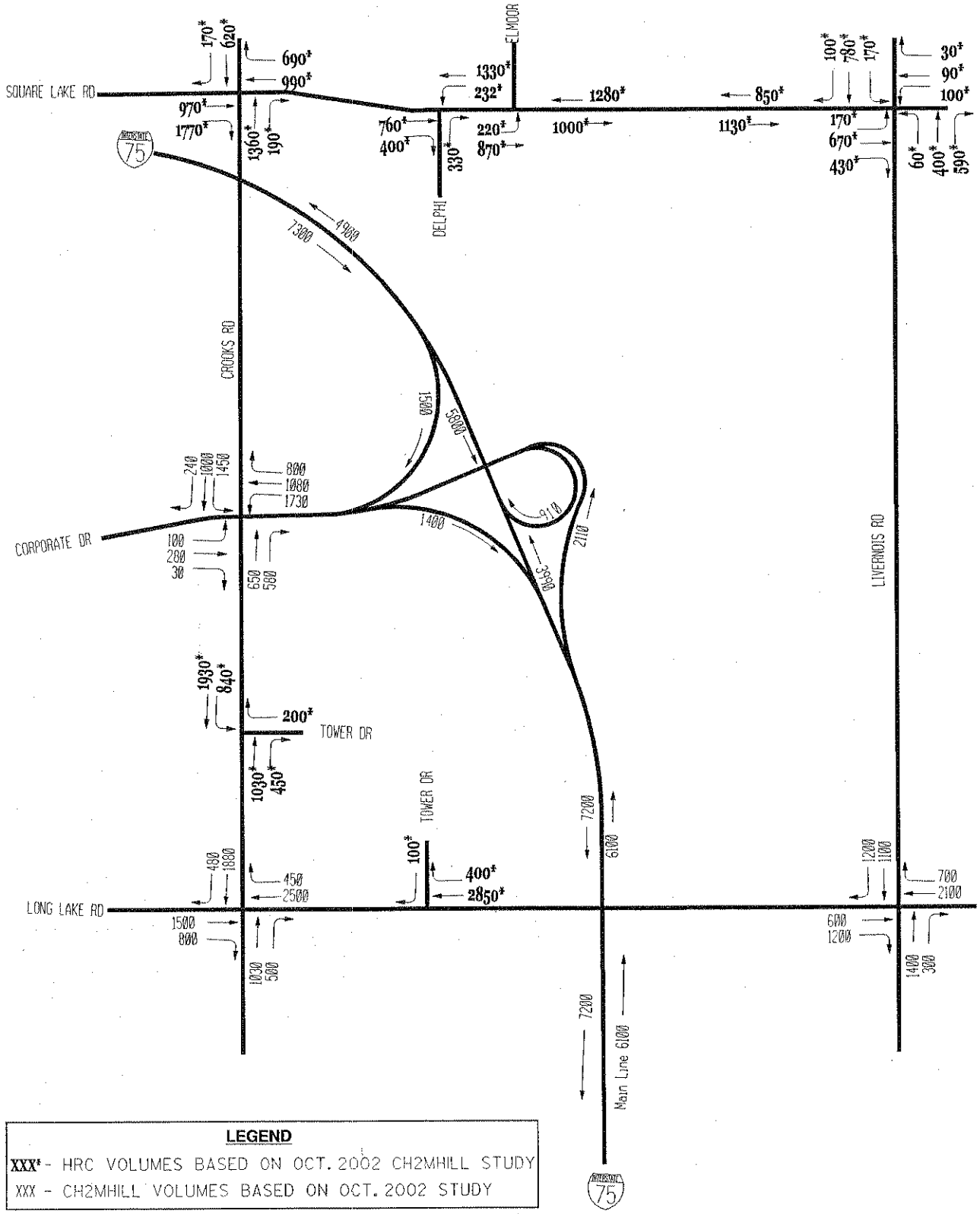
Projected Traffic Volumes



LEGEND

XXX* - HRC VOLUMES BASED ON OCT. 2002 CH2MHILL STUDY

XXX - CH2MHILL VOLUMES BASED ON OCT. 2002 STUDY

N

NOT TO SCALE

NO BUILD – AM PEAK
YEAR 2025 TREFFIC

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20040293	CONSULTING ENGINEERS	
DATE	555 HULET DRIVE, BLOOMFIELD HILLS, MICH. — P.O. BOX 824, 48303-0824	OF
APRIL 2004		

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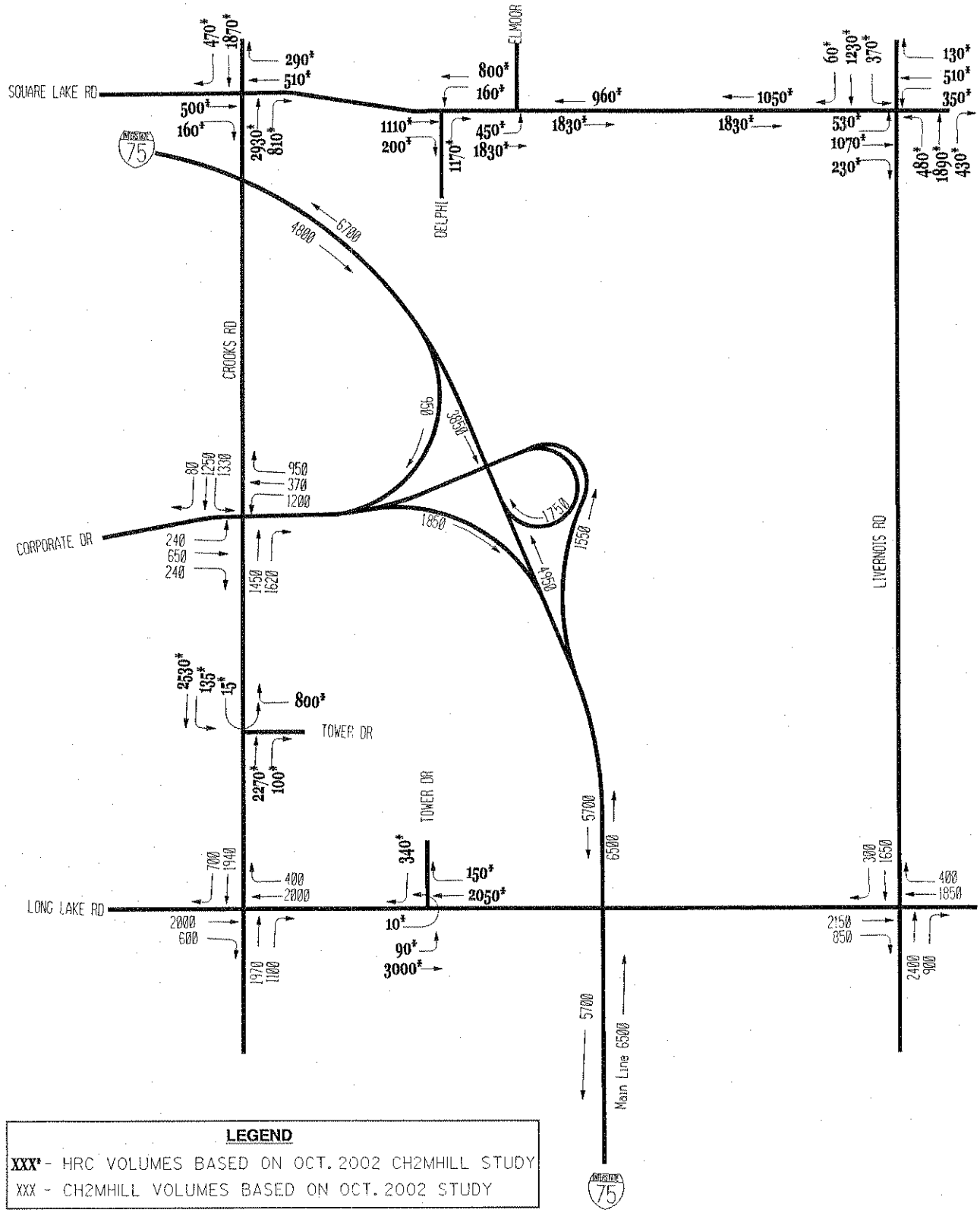

LEGEND

XXX* - HRC VOLUMES BASED ON OCT. 2002 CH2MHILL STUDY

XXX - CH2MHILL VOLUMES BASED ON OCT. 2002 STUDY

N

NOT TO SCALE

NO BUILD - PM PEAK
YEAR 2025 TREFFIC

JOB NO. 20040293	HUBBELL, ROTH & CLARK, INC.	SHEET NO.
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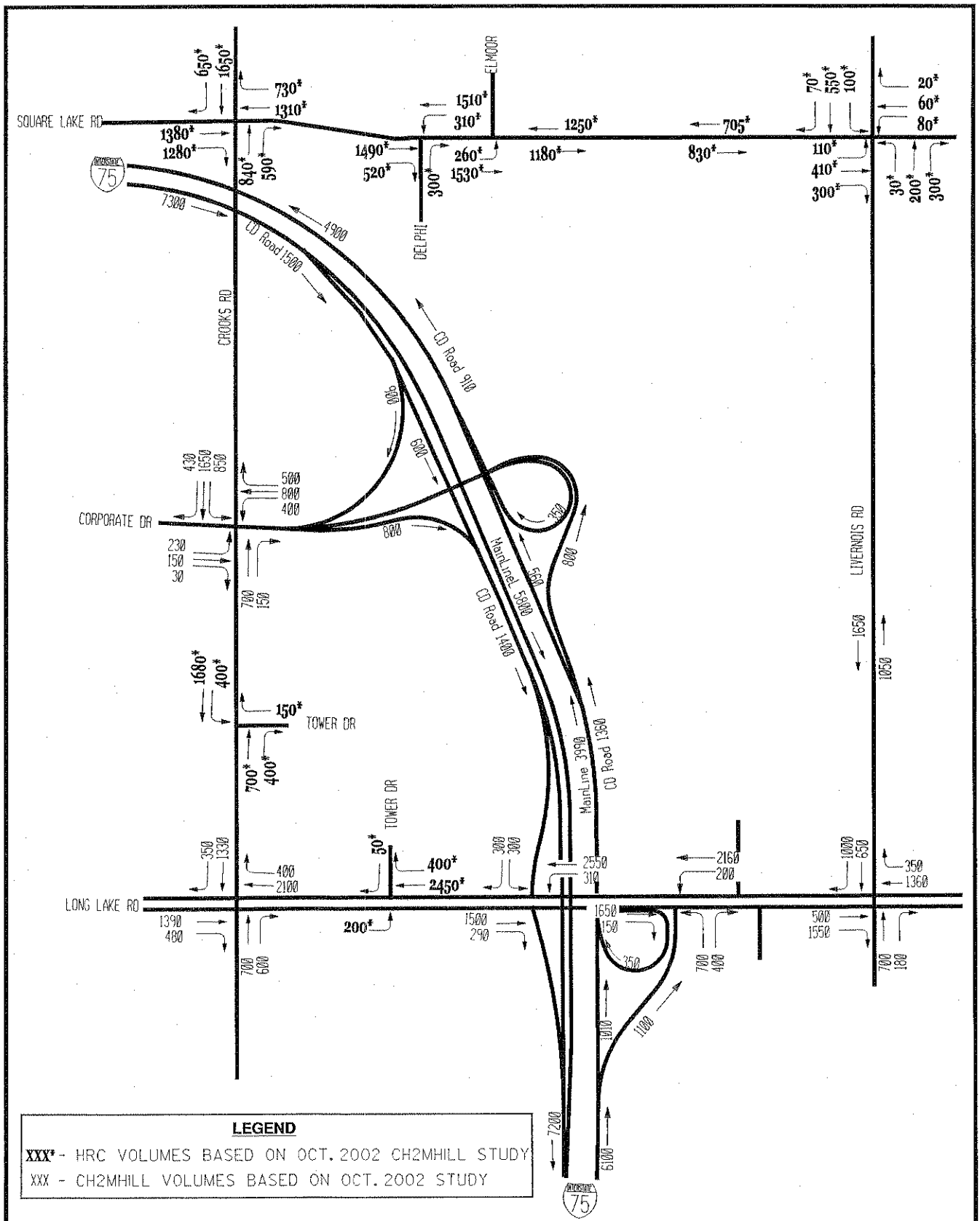

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YEAR 2025 TREFFIC

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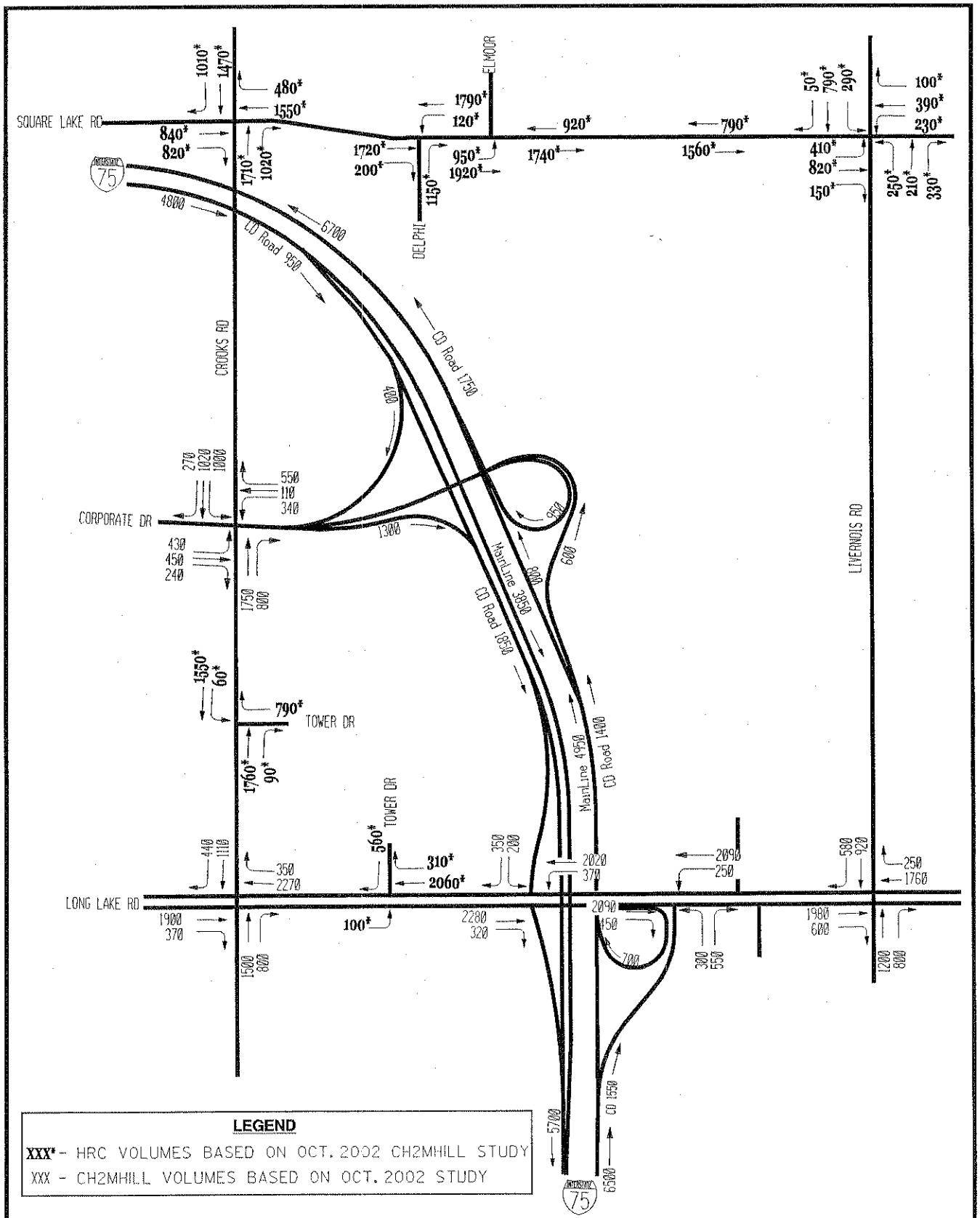

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BUILD – PM PEAK
YEAR 2025 TREFFIC

JOB NO.	HUBBELL, ROTH & CLARK, INC.	SHEET NO.
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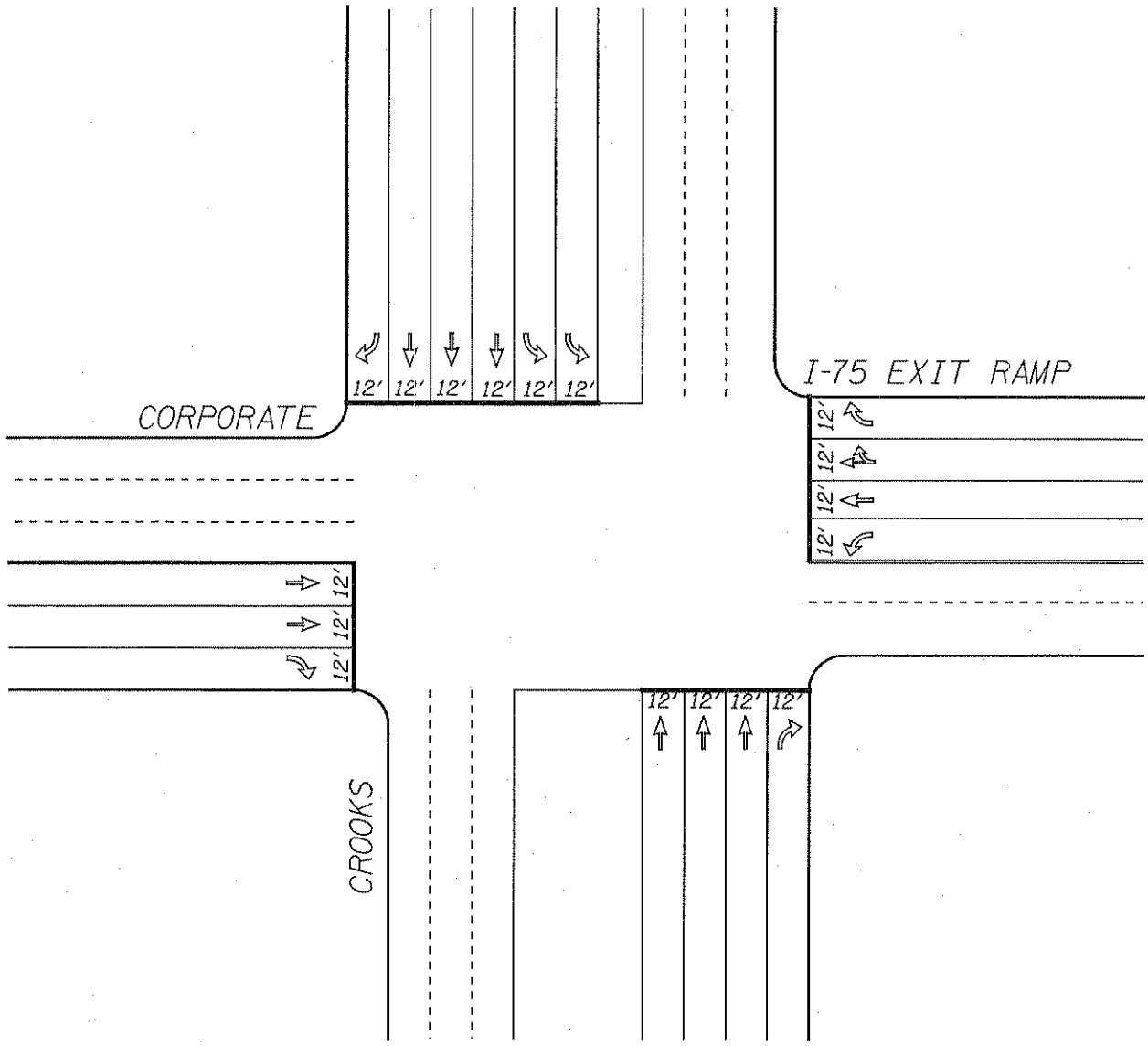
Existing and Proposed Geometry
At
Corporate Dr./Crooks/I-75 Ramps

INTERSECTION OF I-75/CORPORATE & CROOKS (EXISTING LANE GEOMETRY)



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SCALE: 1" = 50'

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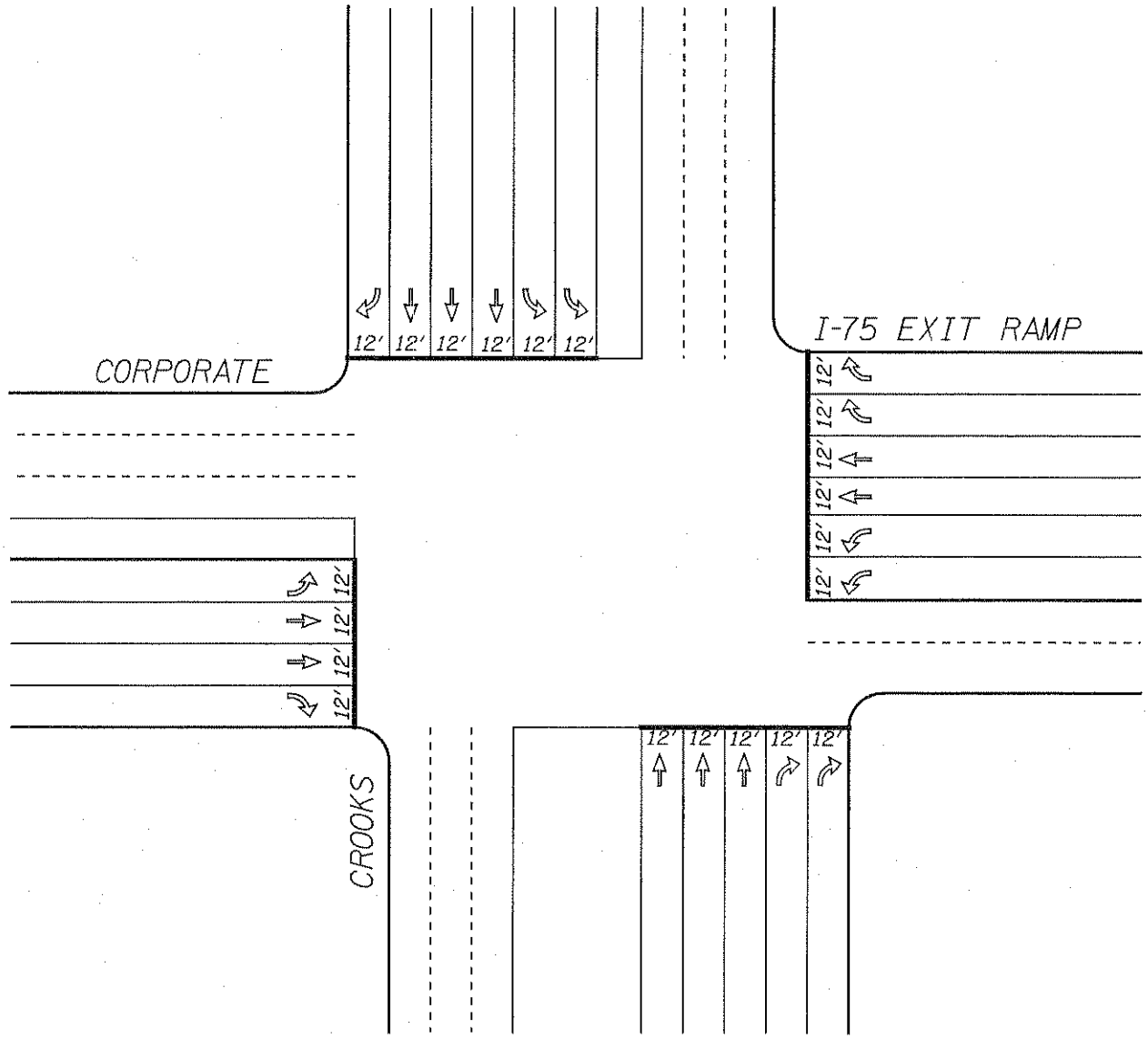
INTERSECTION OF I-75/CORPORATE & CROOKS (FUTURE PROPOSED LANE GEOMETRY)



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SCALE: 1" = 50'

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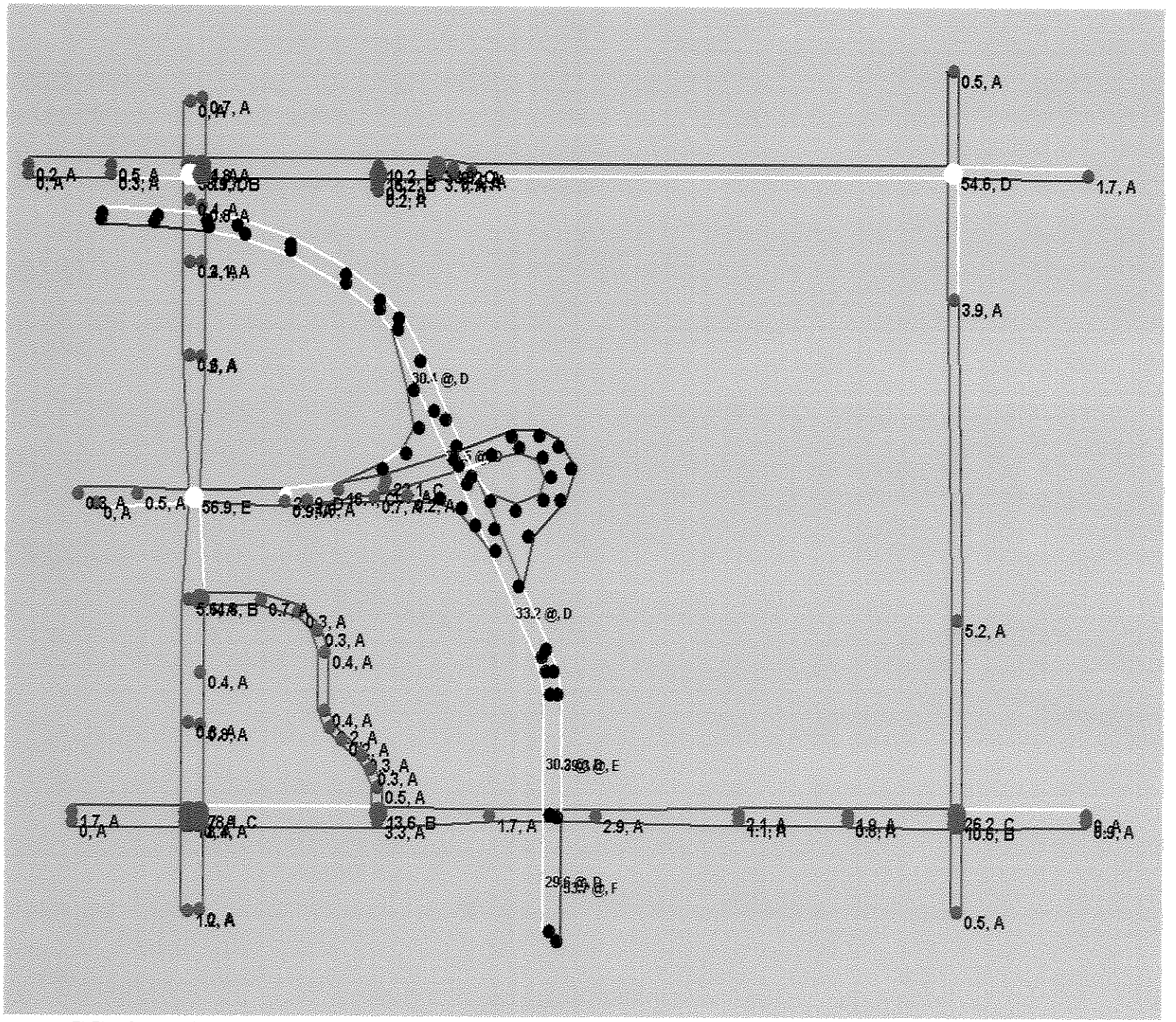
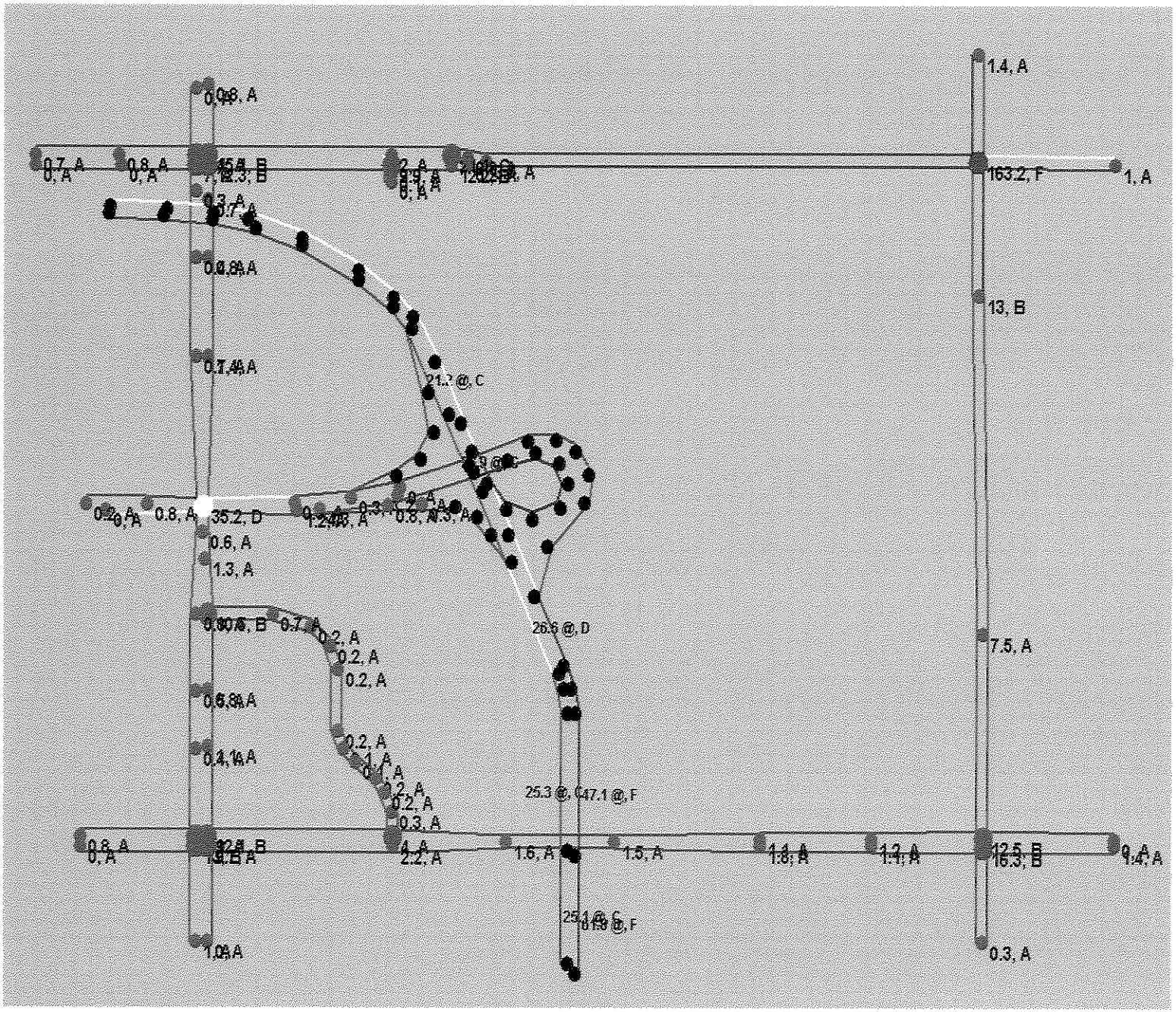
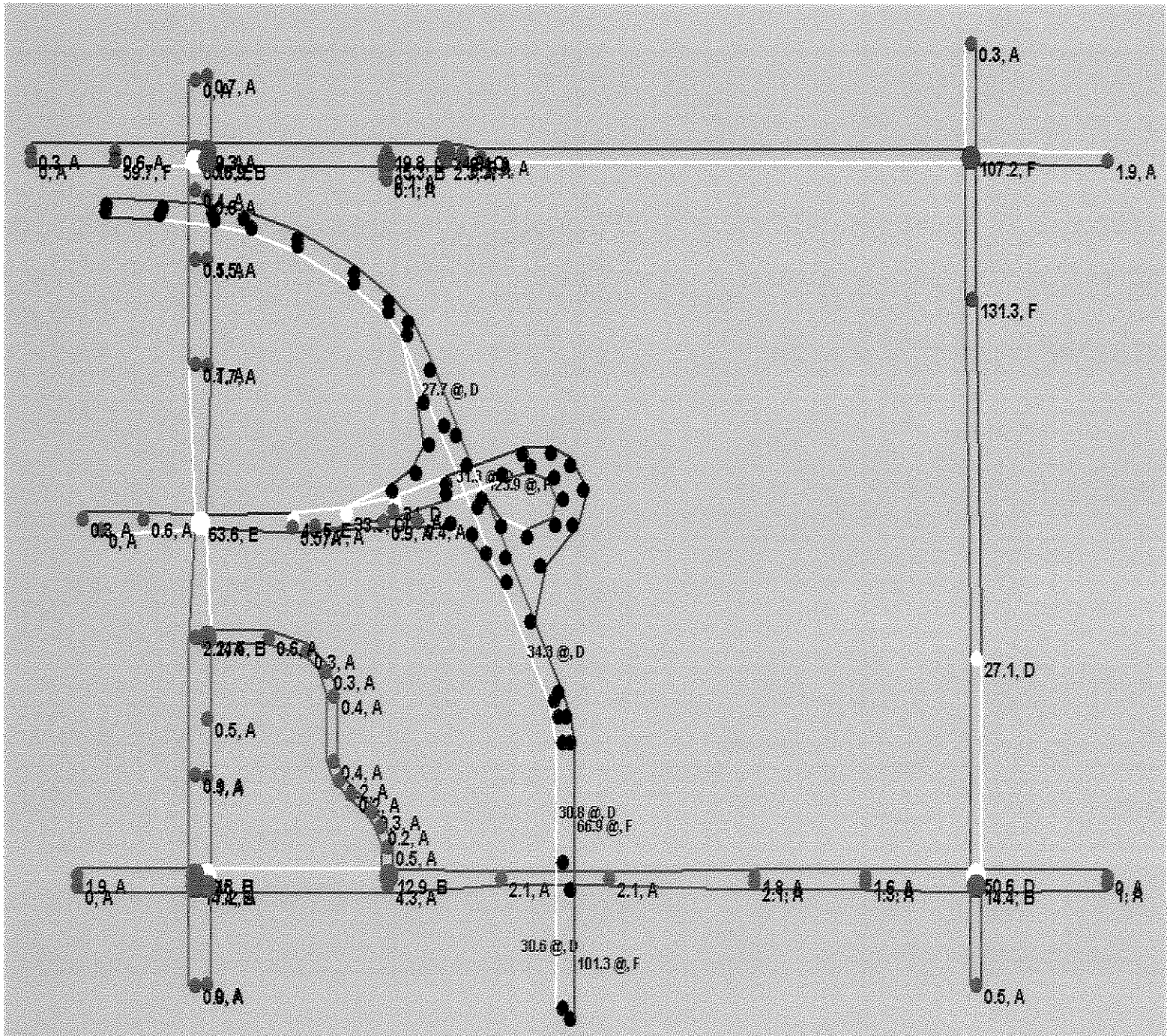
ACCUSIM Outputs



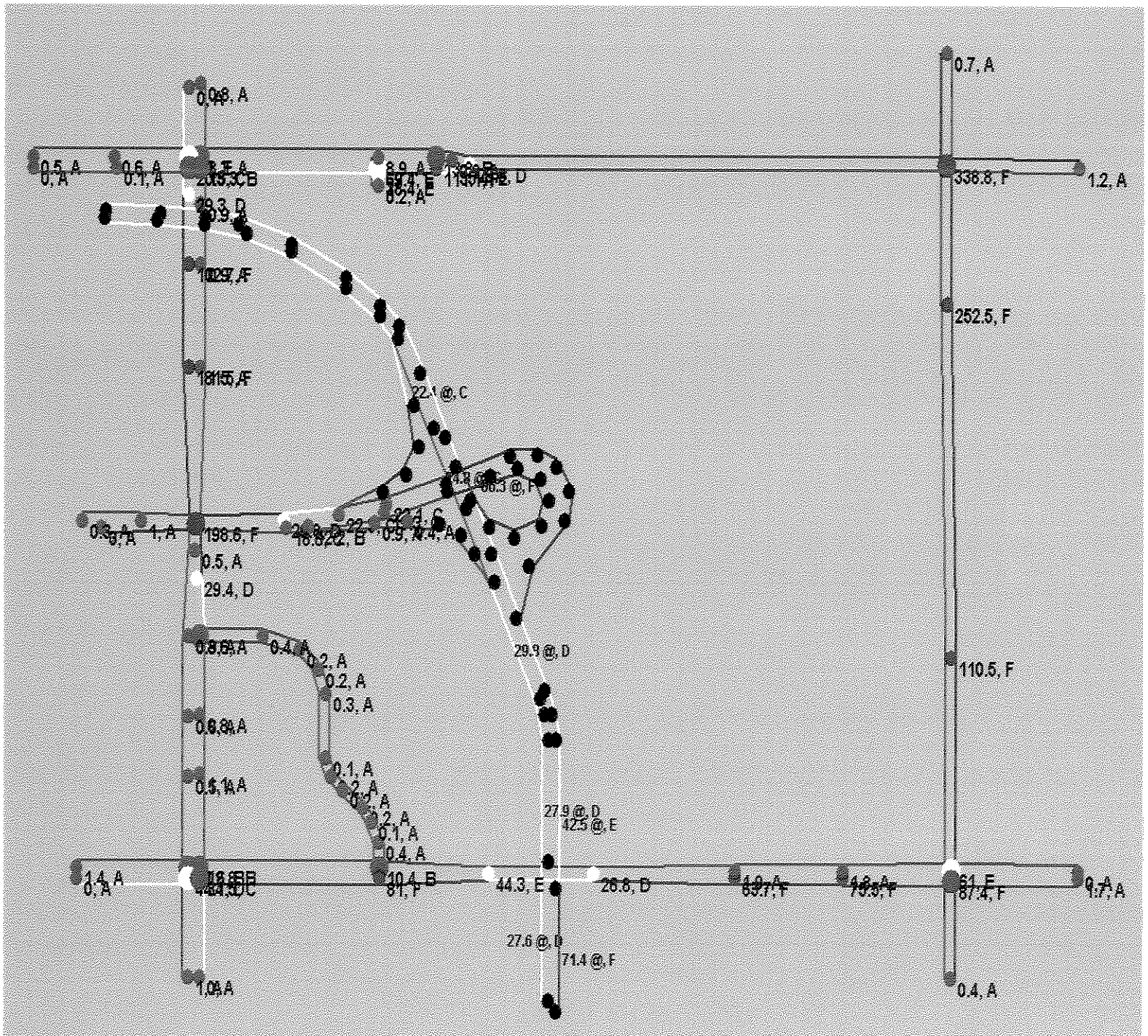
ACCUSIM Output for Existing 2000 AM Peak Traffic Volumes on Existing Lane Geometry



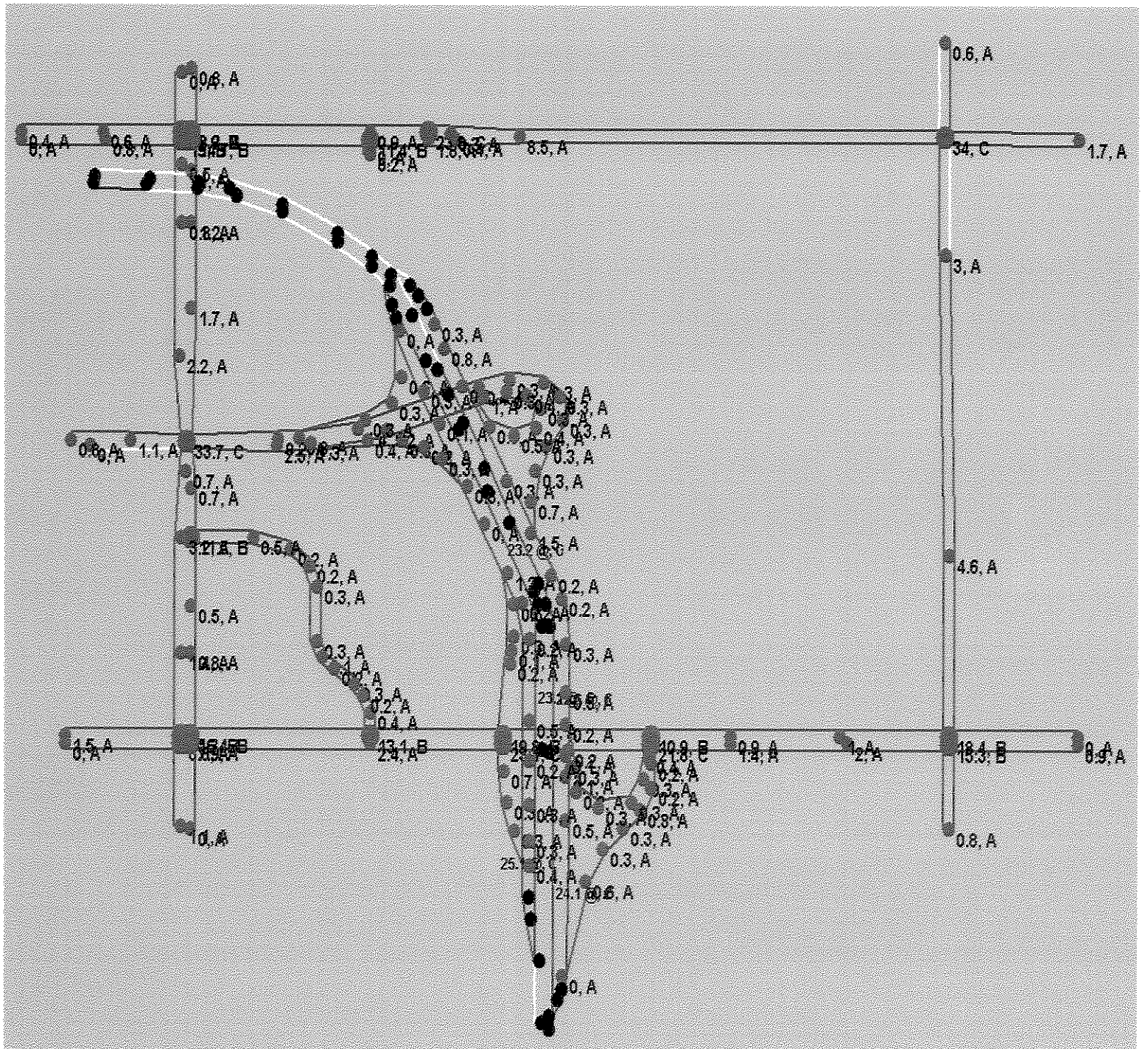
ACCUSIM Output for Existing 2000 PM Peak Traffic Volumes on Existing Lane Geometry



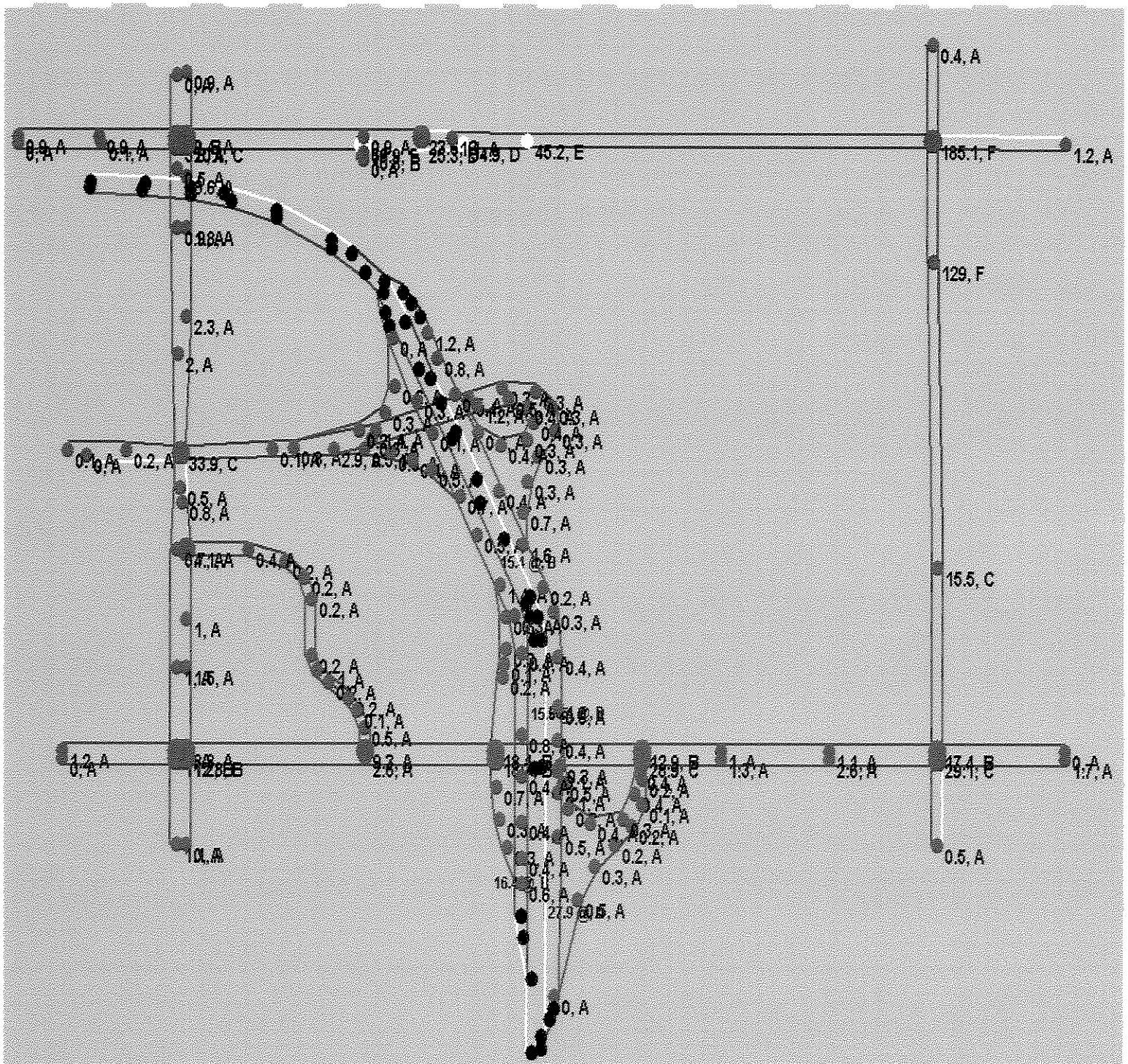
ACCUSIM Output for Future 2025 AM Peak Traffic Volumes on Existing Lane Geometry



ACCUSIM Output for Future 2025 PM Peak Traffic Volumes on Existing Lane Geometry



ACCUSIM Output for Future 2025 AM Peak Traffic Volumes on Proposed Lane Geometry



ACCUSIM Output for Future 2025 PM Peak Traffic Volumes on Proposed Lane Geometry

April 29, 2004

TO: The Honorable Mayor and City Council Members

FROM: John Szerlag, City Manager

SUBJECT: Proposed I-75/Long Lake/Crooks Road Interchange Enhancement Project

Enhanced I-75 interchange facilities have been part of the City's master plan since 1971. In 1987 Troy City Council advanced a resolution stating that development of a plan to expand interchange facilities in the I-75/Crooks Road area in order to serve existing and future traffic volumes has been assigned a high priority by both the City Council and the Planning Commission of the City of Troy. This resolution also indicated that the most appropriate conceptual plan to expand interchange facilities in the I-75/Crooks Road area, consistent with the intentions of Troy's master land use plan and master thoroughfare plan, should include new ramps to and from I-75 at Long Lake Road, and a collector/distributor road system adjacent to the I-75 mainline lanes between Long Lake Road and the existing Crooks Road ramp, but no connector road between the Crooks Road/I-75 interchange and Square Lake Road.

Council's vision in this regard has been carried out to the point where preliminary engineering is just about complete, development occurred assuming this improvement, easements have been dedicated for the project, and most right-of-way has been acquired. Estimated expenditures by the City of Troy for this project are close to $3 million for right-of-way acquisition, and this cost does not include added frontage purchased along Long Lake Road for this proposed project. Additionally, Federal funding of approximately $2.5 million was spent on preliminary engineering.

Because of some recent concerns expressed relative to White Chapel Cemetery, noise levels, crime, and traffic management issues, City Council wishes to reexamine justification for this proposed project. And as with all policy matters, I'll provide you with an analysis, forecast, and impact of all possible outcomes relative to this proposed project; and this will include at least the following:

A. HISTORICAL PERSPECTIVE

Define problem/challenge and what has been done to date.

1) Summary letter from previous City Planner Larry Keisling

2) Points of public contact relative to this project (to be provided)

B. PUBLIC INTERESTS/CONCERNS

1) Affected property owners in terms of purchasing right-of-way
2) Affected property owners in terms of environmental concerns including:

- Noise
  - White Chapel Cemetery
  - Residential areas
- Drainage
- Traffic volume

3) Other concerns regarding:

- Traffic safety/accidents
- Crime

C. TRANSPORTATION NETWORK SIMULATION ANALYSIS

1) Volume impact on freeway and Long Lake, Square Lake
2) Trip time
3) Deletion of Square Lake connector
4) Average speeds
5) Level of service

D. ECONOMICS

1) Relationship of interchange enhancement to economic development

   - Input from businesses, Oakland County, Senator Shirley Johnson, Representative John Pappageorge

2) Current policy of leveraging local dollars to State/Federal grants

   - This project
   - Past 5 years
   - Future projects

3) Costs involved in project

   - Preliminary engineering
   - Right-of-way
   - Construction

The table below delineates project elements and the impact on these elements under two options:

1) The enhancement project is completed
2) The enhancement project is abandoned

IMPACT	WITH PROPOSED PROJECT	WITHOUT PROPOSED PROJECT
Traffic Management	Improved traffic operations	Unacceptable levels of congestion
Major Road Traffic Volumes	Redistribution of increased traffic, reduced overall congestion	Congested areas may get more congested
Average Vehicle Speed (From simulation analysis)	AM Peak: 28.43 MPH PM Peak: 21.51 MPH	AM Peak: 17.15 MPH PM Peak: 10.93 MPH

Travel Time	Reduced	Increases with traffic over time
Access	Improved accessibility	No change
Air Pollution	Lower	Higher, more idling vehicles
Fuel Consumption	Lower	Higher
Traffic Crashes	Lowered, crashes related to I-75 and ramp backups will be lower	Patterns will continue
Level of service at Intersections	Generally improved, particularly ramps at Crooks road, all others at acceptable levels of service	Unacceptable levels of service on ramps at Crooks Road, reduced levels elsewhere
Noise levels	Study report forthcoming	Same
Environmental	Wetlands created, improved surface water quality	Status Quo
Drainage	Improved drainage systems, reduced peak flow, improved water quality, improved surface water	Status Quo
Crime	Report forthcoming	Status Quo
Economic Development	Enhances Business Retention and Attraction	Undermines long term commitments and expectations of tenants and property owners

My intention is to have a presentation to you on this matter as a study session item for the May 10, 2004 Council meeting.

As always, please call me should you have any questions or if you wish to add other elements to this project justification list.

January 24, 2000

TO: John Szerlag, City Manager
Gary Shripka, Assistant City Manager

FROM: Laurence G. Keisling, Planning Director

SUBJECT: Historical Summary of I-75/Long Lake Interchange Proposals

Improved I-75 Interchange facilities in the Long Lake Road area have been a part of the City's Master Plan since the time of the comprehensive update of that plan in 1971. At that time, Chrysler Realty was undertaking development of the 400 acre series of properties now referred to as the Northfield Hills Corporate Center, and was making residential land available in the additional 1,200 acre series of properties which they owned in the adjacent area.

After completing partial development of the Northfield Commercial and Office Area in the 1970's, Chrysler Realty decided to leave the diversified real estate business. A substantial portion of their commercial and office property was then sold to the Bellemead Development Corporation, who subsequently established Bellemead of Michigan, Inc., in order to carry out their development in this area.

In 1982, Bellemead presented their proposals for office and research development in this area, including the approximate 90 acre site at the northeast corner of Long Lake and Crooks which had previously been planned and zoned for regional shopping center purposes. Their Preliminary Environmental Impact Statement once again recognized the need for greatly improved road facilities in this area, including the provision of I-75 Interchange facilities serving Long Lake Road. Subsequent technical studies, including a detailed traffic study by the Chicago-based transportation consultants, the "Metro Group", further detailed the road improvements necessary for the proper ultimate functioning of the Northfield Hills Corporate Center. Key among these recommendations was the provision of improved I-75 Interchange facilities in the Crooks/Long Lake area.

Following determination of the extent of need for road improvements in the Northfield Corporate Center area, a unique public-private effort ensued to meet those needs, including the establishment of a group known as "CORE", the Coalition On Road Enhancement. Although that group was also interested in road improvements elsewhere in the City, its primary focus was the Northfield area. The result of the efforts in the Northfield area was the implementation of a massive road improvement program carried out primarily through a Special Assessment project, wherein over 9 million dollars of the project costs of over 12 million dollars were borne by area property owners.

In addition to the Special Assessment project in the Northfield area, additional projects were proposed, involving Federal, State, County, and City funds, for the construction of Crooks Road bridge facilities over I-75 and the reconstruction of Square Lake Road in the Crooks Road intersection area.

In late 1988, grant applications were developed for Transportation Economic Development Funds, for improvements to the Long Lake/Crooks Road Interchange, and improvements to the Crooks Road bridges over I-75, and were submitted to the Michigan Department of Transportation in January of 1989. In April of 1989, as indicated in the enclosed memorandum from City Manager Frank Gerstenecker to the City Council and the attached correspondence, the Michigan Transportation Commission announced the award of grants totaling approximately 9.9 million dollars for the indicated projects.

In the succeeding years, work proceeded on the Crooks Road bridges and on the reconstruction of the Crooks-Square Lake intersection. The substantial road improvements in the Northfield Corporate Center area, including the boulevarding of Crooks and Long Lake Roads, and other major and secondary thoroughfare improvements, had previously been completed. The extent of these improvements made the Northfield Hills area truly unique, in the sense that all but one portion of the extensive necessary road improvements had been completed in preparation for the completion of private development in this area, and thus, to a "degree in advance of need". The one missing portion or "missing link" in the necessary transportation system in this area was the I-75 Interchange improvements.

Following authorization of the Transportation Economic Development Fund Grants, efforts proceeded to bring about the necessary I-75 Interchange improvements. For a variety of reasons, including changes in proposed geometrics on the part of MDOT, and policy changes as to the potential for interchange improvements before expanding the I-75 roadway, also on the part of MDOT, the interchange improvement project did not proceed and the City of Troy lost the previously-committed grant funds,

In the intervening 10 year period since the authorization of the TED Grant Funds, partly as a result of revised interchange geometrics prepared by MDOT, the question of the implementation of ramp access to and from Square Lake Road has been raised on a number of occasions. The City of Troy has consistently opposed such a connection. Our Master Thoroughfare Plan, and road improvements which have proceeded in pursuance of that plan, have clearly indicated that it is our intention to emphasize and improve the traffic-carrying capacity of Big Beaver Road and Long Lake Road as east-west thoroughfares and to de-emphasize the scale and impact of Wattles and Square Lake Roads. Although they are Section Line Roads, Wattles and Square Lake clearly function as "residential collectors". This direction has been most dramatically demonstrated by the construction of the substantial boulevarded cross-section for Long Lake Road through the Northfield Corporate Center area, and the more recently completed boulevard cross-section construction for Long Lake Road through the Livernois and Rochester intersection areas. Conversely, the recent reconstruction of Square Lake Road in the area west of Livernois to a cross-section including one lane each way and a center left turn lane clearly indicates the community's intention to retain Square Lake as a relatively "low-key" roadway facility.

Finally, from 1998 to the present, Troy has been experiencing what all those involved generally agree to be our best office market situation ever!! Our ability to respond to this demand has been met, in great measure, by the over 90 acres of office and research land which has been sold during this period by Bellemead and developed by others. At this point in time, office and research building construction is in place or under construction on every site within the approximate 400 acre Northfield Hills Corporate Center area, with the exception of the 23 acre Kelly Services parcel at the northwest corner of Long Lake and Crooks. (The enclosed planimetric map indicates the present and pending development in this area.) It is now clear, and it will be even more clear when construction and occupancy are complete in this area, that the period of "road construction in advance of need" is over, and that all of the projected road improvements in this area will be essential in order to adequately serve the substantial corporate development in this area, and the community-at-large. Construction of the "missing link" in this system, the I-75/Crooks/Long Lake Interchange improvements, must therefore be completed as soon as possible.

/eh
copies: Neall Schroeder, City Engineer
Douglas Smith, Real Estate and Development Director
Nino Licari, City Assessor

I-75 Crooks / Long Lake Interchange Improvement Project

City Council Study Session

May 10, 2004

Presentation Outline

- Introduction / Executive Summary
- Historical Perspective
- Traffic Management and CORSIM network simulation
- Economic Development
- Community Costs

Executive Summary

- The Vision – 1971
  - Included in the Master Plan
- Northfield Hills Thoroughfare plan was developed in the mid-80s
  - Widening of Crooks, Long Lake, paving of Tower and Corporate – completed in late 1980s
    - Area property owners donated right of way
    - Most area property owners were special assessed for project costs
  - MDOT reconstructed bridge on I-75 at Crooks
  - City requested improvements at the I-75 Crooks interchange

- Conceptual Design & City Council adoption/approval of project - 1987

Resolution #87-1327; Plan Alternatives..I-75/Crooks Road.. ….Development of a plan to expand interchange facilities in the I-75 / Crooks road has been assigned a high priority by both the City Council and the Planning Commission…

…most appropriate conceptual plan ..should include new ramps to and from I-75 at Long Lake Road, and a collector distributor road system adjacent to I-75 mainline lanes ….

- Consistent with the direction from Council, City has been acquiring right-of-way
  - The City has acquired 86% of the fee right-of-way ($2.9 Million)
  - 23.93 acres out of a total of 27.75 acres
- Preliminary Engineering Design – 2003
  - $2.5 Million (MDOT)
- City's practice of leveraging local dollars for State/Federal funds
  - 1999-2007 City has/will leverage $20.8 Million to receive $74.1 Million in Federal/State Funds

Impacts

CORSIM Analysis – Developed by Federal Highway Administration, US Department of Transportation

IMPACT	WITH PROPOSED PROJECT	WITHOUT PROPOSED PROJECT
Traffic Management	Improved traffic operations	Over capacity at ramps
Major Road Traffic Volumes	Redistribution of traffic, reduced overall congestion	Increased Congestion
Average Vehicle Speed	AM Peak: 28 MPH PM Peak: 21 MPH	AM Peak: 17 MPH PM Peak: 11 MPH
Travel Time	Reduced Up to 36% in the area	Increases

Impacts

CORSIM Analysis – Developed by Federal Highway Administration, US Department of Transportation

IMPACT	WITH PROPOSED PROJECT	WITHOUT PROPOSED PROJECT
Access	Improved accessibility	Deteriorates
Air Pollution	Lower (up to 24% lower)	Higher, more idling vehicles
Fuel Consumption	Lower (up to 17%)	Higher
Traffic Crashes (Source: Traffic Improvement Association of Oakland County)	Lowered, particularly crashes related to I-75 and ramp backups	Patterns will continue
Level of service at Intersections	Generally improved, particularly ramps at Crooks road, all others at acceptable levels of service	Unacceptable levels of service on ramps at Crooks Road, reduced levels elsewhere

Impacts

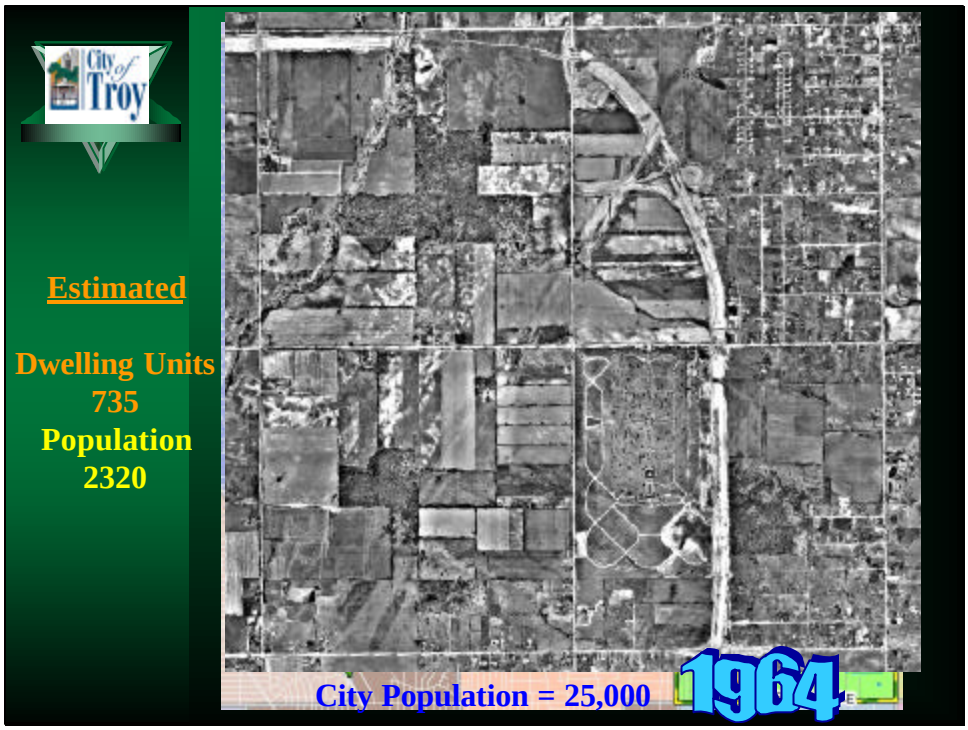
IMPACT	WITH PROPOSED PROJECT	WITHOUT PROPOSED PROJECT
Noise levels	MDOT Study shows changes barely perceptible (-2 dB to +3dB)	Same
Environmental	Wetlands created, improved surface water quality	Status Quo
Drainage	Improved drainage systems, reduced peak flow, improved surface water quality	Status Quo
Crime	No known correlation	Unknown

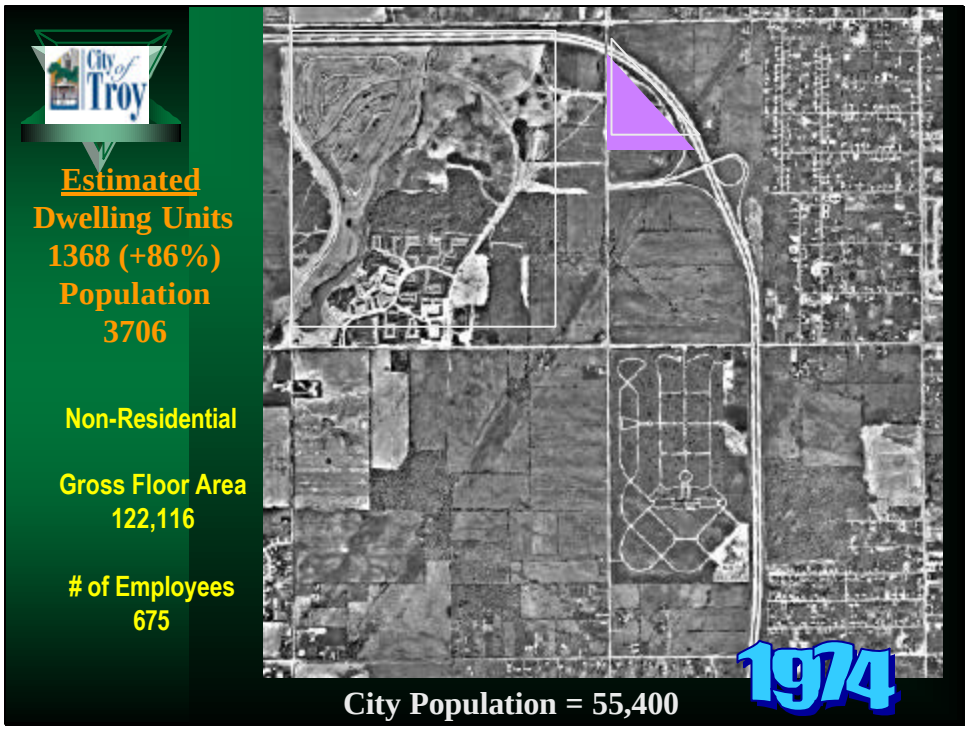
Community Impact

- Impact of Withdrawal
  - Financial costs
    - $3.7 Million spent (ROW)
    - $2.5 Million (PE)
    - Potential Additional costs for City
  - Legal implications
  - Credibility (with residents, businesses, State & other levels of government, etc.)
    - For future ROW acquisitions
    - For state and federal road funding

Historical Perspective

- Designed and started construction in early 1960s
  - City population – around 19,000
- Mainly to accommodate the "move" of Chrysler Headquarters from Highland Park
  - Chrysler Realty owned majority of land in the Northfield Hills area
- A "trumpet" design was chosen
  - Works best when there are no major turning volumes
  - Assumption that majority of traffic will go across Crooks to the major development
- Interchange construction complete in the mid-1960s
- Chrysler decided to stay back in Highland Park for 20 more years due to economic conditions


Estimated
Dwelling Units
735
Population
2320
City Population = 25,000
1964


Estimated
Dwelling Units
1368 (+86%)
Population
3706
Non-Residential
Gross Floor Area
122,116
# of Employees
675
City Population = 55,400
1974

MASTER PLAN FOR THOROUGHFARES
CITY OF TROY
MICHIGAN

- Instead of having a major headquarters, now the development pattern was different
  - More turning volume than expected at Crooks Road
- The City's 1970s Thoroughfare Plan recognized this and
- Determined that the "trumpet" design will not be able to handle 1983 (projected year) traffic volumes

REID, COOL & MICHALSKI
Traffic Engineering Consultants

Estimated
Dwelling Units
1702 (+24%)
Population
4776

Non-Residential

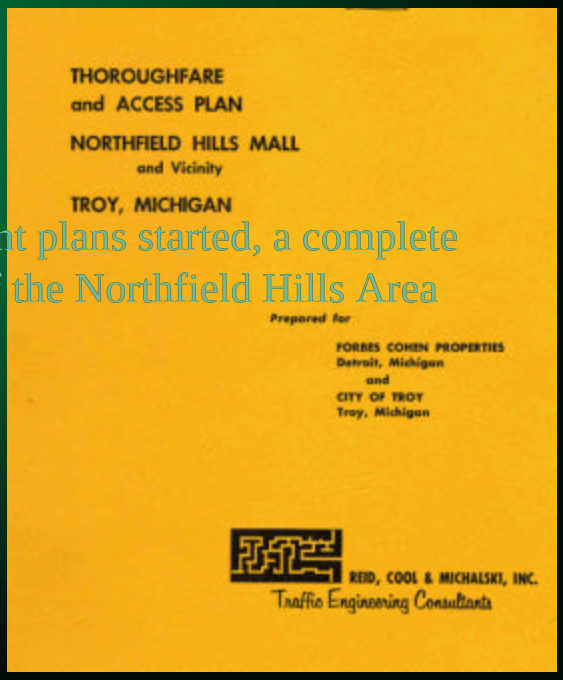
Gross Floor Area
955,069 (+682%)

# of Employees
3712

City Population = 70,900

1980

- As development plans started, a complete traffic study of the Northfield Hills Area was performed


THOROUGHFARE
and ACCESS PLAN

NORTHFIELD HILLS MALL
and Vicinity

TROY, MICHIGAN

Prepared for

FORBES COHEN PROPERTIES
Detroit, Michigan
and
CITY OF TROY
Troy, Michigan

REID, COOL & MICHALSKI, INC.
Traffic Engineering Consultants

The Northfield Hills Plan

- Conclusions:
  - The Northfield Hills area arterials will not be able to handle traffic generated by proposed developments
  - If all developments go in as planned, by 1983 the capacity of ramp connections will be exceeded - necessitating Interchange Improvements
  - Called for widening of Crooks, Long Lake and improved interchange in the area, completing and widening Corporate, Tower and Investment Drives

Tuesday, April 26, 1994 Royal Oak, Mich. THE DAILY TRIBUNE

Troy, business unite in road plan

OAK. THURSDAY, JUNE 12, 1986

City, property owners share costs on Northfield Hills projects

A proposal to spend $13.7 million on improvements for the Northfield Hills Corporate Center and the funds to buy all or some of the $4.2 million right-of-way expenses was approved at the Troy City Council meeting last Monday.

"In order to enlarge several of the clubs in the Northfield area, the city will have to remove right-of-way ownership of land from some 17 different groups.

"While originally Troy Mayor Richard Doyle had hoped all of the land would be donated, it appears that not all companies are willing to do so.

"If all of the groups donate that land, the city will pay nothing. But if one is unwilling to donate, the City has agreed to pay each group a fixed rate based on the amount of land they own.

"While the city will be paying for $13.7 million of the project, the rest of the costs will be covered by the businesses, billed according to the number of acres they own in the Northfield Center area.

"This is the first time in Michigan anything like this (expense split between city and business) has ever happened," said City Attorney Peter Letzmann. "It will take the business burden off resident taxpayers and place it on those who are generating the traffic, both of which are private drives.

SEVERAL NORTHFIELD Hills business representatives said they think it is unfair for them to be billed by the number of acres they own because some of the improvements are not adjacent to their property.

"My company fully supports the widening of Crooks and Long Lake, but we oppose having to pay the costs of Tower and Corporate improvements on Corporate as Tower. However, Ken Strobel, a vice president for Bellemead, a company that owns more than half the acreage in the project, disagreed.

"Anyone who's traveled in Troy in the past year knows the current road situation," said Strobel. "If the improvements do not go through, that part of the community will be a real mess as development continues."

Added Councilman Peter Fletcher, ...

STUDY TO EXPLORE ROADS IN NORTHFIELD HILLS AREA

The Daily Tribune

50th Year TUESDAY, JUNE 10, 1986 ROYAL OAK, MICHIGAN ★★★ $1.40 Week/25 Cents

Troy approves $13.7 million road plan

By Lesa Doll
Staff Writer

The Troy City Council Monday unanimously approved a $13.7 million road improvement project in the 200-acre Northfield Hills corporate center, launching the largest special assessment effort in the city's history.

The plans include the expansion of Crooks and Long Lake roads as well as the construction of Corporate Drive and extension of Tower Drive to link the thoroughfares to the west and east.

Sidewalks, street lighting and landscaping are also planned to give the area a "park-like" setting.

"The costs will be shared by the center's corporate tenants and by the city. Construction may begin as early as this summer.

Councilman Alan Liebrecht said the plan offers hope for one of the city's growing high-traffic areas and is "the right step to take." Other corporate developments are also planned or under construction within the center, which now houses Bellemead, Lanco Industries, Enrollo, the Beaton Corp and the NHD financial tower.

The city's share of the project is $2.5 million; other costs are spread among the corporations within the center according to acreage. More than $500,000 will be credited to firms which have contributed to improvements within the center in the past.

Several firms Monday criticized the assessment plans, however, stating that not all improvements would be enjoyed equally by all tenants.

Terry Wilson, vice president of communications for Enrollo Corporation, said his firm should not share costs for Corporate and Tower drives since their property is located two lar north of the drives fr daily business use.

Enrollo owns two parcels of land within the center, totaling more than 30 acres.

Representatives from the Northfield Hilton Hotel and Northfield Plaza I and I also said they opposed the assessment methods but generally favored the improvements.

Bellemead Vice President Ken Strobel, however, told the Council he was "in favor of the entire project." Bellemead owns 200 acres of land within the center.

Components of the Northfield Hills Plan

Presented at the Public Hearing of April 28, 1986

- **Tower Drive – Paving and Street Lights**
- **Corporate Drive – Paving**
- **Long Lake – Widening**
- **Crooks – Widening**
- **South Corporate Drive (Investment Dr)-Paving**
- **On and Off Ramps from Long Lake to I-75 – Awaiting MDOT Approval**

This Proactive Road Building Project..

- $ 13.7 Million total Cost
  - $ 4.2 Million Right-of-way costs all dedicated by property owners
  - $ 2.8 Million – City share (bonds)
  - $ 6.7 Million Special assessed to area property owners (Biltmore, Ex-Cell-O, Kelly Services, NBD, Bellemead etc.)
- City Council commissioned a study to develop conceptual interchange improvement plans
  - *Resolution #86-1321 : CONTRACT FOR ENGINEERING SERVICES, EXPANSION OF I-75 INTERCHANGE CAPACITY, NORTHFIELD HILLS AREA SPECIAL ASSESSMENT DISTRICT*

1986-88 City Commissioned Study..

- Summary of Capacity Analyses

Intersection	Results	Comments
Long Lake / Crooks Road	AM- Over Capacity PM – Near Capacity	
Corporate / I-75 Ramps / Crooks	AM – Over Capacity PM – Over Capacity	Heavy Volumes Accessing I-75
Square Lake / Crooks	AM – Under Capacity PM - Under Capacity	

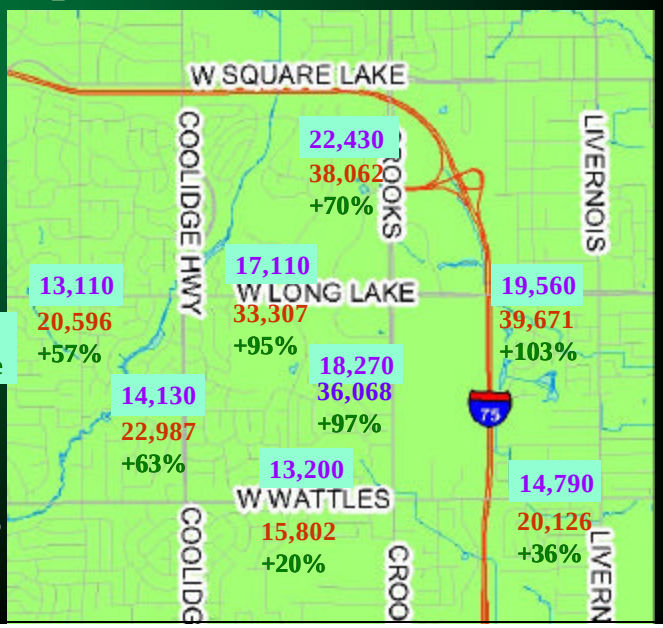
- Interchange improvement imminent to provide a higher level of traffic service in the Northfield Hills area

Sample Traffic Volumes

13110 -1987 Volume
Vehicles per day –both directions

20596 – 2002 Volume
+57% - Percent Change

** Projected increase in traffic from 2002 traffic volumes to year 2025 range between 10% and 47%



1986-88 Traffic Study

Conceptual Design

- Eight Alternative designs were developed
- City requested MDOT to consider the conceptual design alternatives
- MDOT Recommended:
  - System of Collector – Distributor roads
  - Additional ramps on Long Lake Road
  - A ramp connector to Square Lake
  - Some improvements to the existing Crooks Road ramps

TEDF Funds Allocated for Interchange Improvement Project (date)

- One of the first projects in the state to get Economic Development Funds
- Total Project $18.9 million
  - $ 9.9 Million State Funds
  - $ 6.8 Million City Match
  - $ 2.2 Million Federal Funds
- MDOT completed - Replace and widen Crooks Road Bridge over I-75
  - Total Cost: $ 2.5 million

Estimated
Dwelling Units
2401 (+41%)
Population
6654

Non-Residential

Gross Floor Area
3,488,674 (+265%)

# of Employees
14,211

City Population = 81,800

1990

1990s- The Square Lake Connector

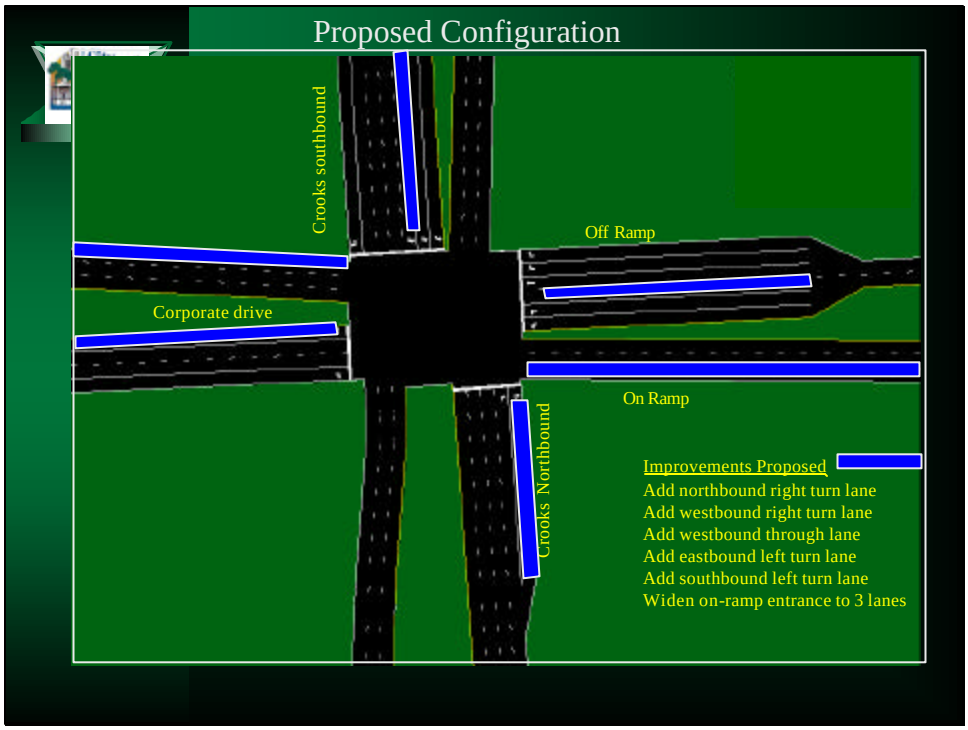
- Final Conceptual Design showed a connector going to Square Lake Road
- City had objections due to inconsistencies with Master Thoroughfare Plan (Resolution #87-1327)
  - So that Square Lake can more appropriately serve as a residential collector
  - Increased traffic on Square Lake will be in conflict with the Master Plan
  - Adversely impact adjacent residential area (condemnation of 40-50 residences on Houghten)
  - Connector would compel City to improve Square Lake, whereas Crooks and Long Lake have been improved for the purpose of accommodating this traffic

The 1990s

- The interchange improvement project was delayed due to the Square Lake connector issue
- City continued to acquire right-of-way for the future improved interchange
- 1992: MDOT added two turn lanes from I-75 to the Crooks Ramps to facilitate traffic flow (City Council approved this improvement: Resolution #91-446)
- 1998 – City Council and Management met with MDOT director to request to proceed with the project without the Square Lake connector

The 1990s

- 1999-2000 - City commissioned HRC to perform a traffic analysis of the area (Resolution #2000-122-E-19)
  - City staff met with MDOT several times
  - Justified the deletion of Square Lake connector with some additional improvements in the area


Proposed Configuration
Crooks southbound
Off Ramp
Corporate drive
On Ramp
Crooks Northbound
Improvements Proposed
Add northbound right turn lane
Add westbound right turn lane
Add westbound through lane
Add eastbound left turn lane
Add southbound left turn lane
Widen on-ramp entrance to 3 lanes

Crooks Road
Square Lake Road
Intersection of Crooks and Square Lake
Additional southbound right turn lane (it is now a shared 'through and right lane')

Estimated
Dwelling Units
3096 (+29%)
Population
8388

Non-Residential

Gross Floor Area
5,383,575 (+54%)

# of Employees
22,459

City Population = 83,000

2000

2000

- MDOT submitted an application and received approval for early preliminary engineering for this project and received
  - $240,000 in 2001
  - $2,250,000 in 2002
- Consultant CH2M Hill under contract with MDOT for Preliminary Engineering

Preliminary Engineering

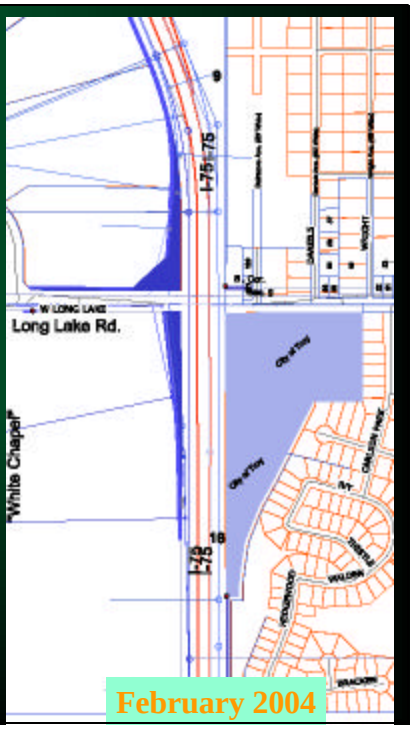
- Phase I
  - Development of preliminary plans and right-of-way plans
  - City and MDOT to develop agreement for right-of-way acquisition prior to start of Phase II
- Phase II
  - Preparation of final plans and specifications
  - Expected completion: end of 2005

Preliminary Engineering
Progress

- August 2001 – Scope Verification Meeting
- December 2001 – Technical Advisory Meeting
- February 04, 2002 – consultant presented 4 design alternatives and a combination of 2 alternatives were selected for further consideration
- Fall 2003 - MDOT presented preliminary ROW plans
- September 2003: City reviewed plans and worked with MDOT to further reduce required ROW
- February 2004: MDOT came back with revised plans that showed reduction in required ROW

ROW REQUIRED

September 2003



February 2004

Troy Eccentric, June 30, 2003

I-75/Crooks Road work back on

Improvements to I-75 at Crooks Road put back on the drawing boards by Gov. Jennifer Granholm will help workers and residents in Troy get to and from work on time.

"It's going to increase the efficiency of the drive time," said Michael DePoli, chairman of the board of the Troy Chamber of Commerce.

"It's going to benefit a lot of people," he said, adding that a lot of drivers get off of I-75 at Big Beaver or Crooks Road and that another exit is needed.

The Troy project was among 17 that were recently reinstated by Gov. Jennifer Granholm.

"The project at I-75 and Crooks has been restored," said Robert Morosi, a

He said the project, which had no dollar estimate at the time, was restored because it will enhance the economic viability of the Troy area.

"Making sure that Michigan has a strong transportation system is a key component to ensuring that we continue to be a magnet state for new business growth. These projects also will help eliminate traffic congestion in our communities" she said.

It's expected that the projects will

Next Steps..

- ROW Contract execution between Troy and MDOT
- Spring - Fall 2004: Final right of way plans completed and transmitted to City of Troy for ROW acquisition
  - Prepare legal descriptions
  - Hire appraisers / get appraisals
  - Make good faith offers
  - Property acquisition

Estimated
Dwelling Units
3120
Population
8388

Non-Residential

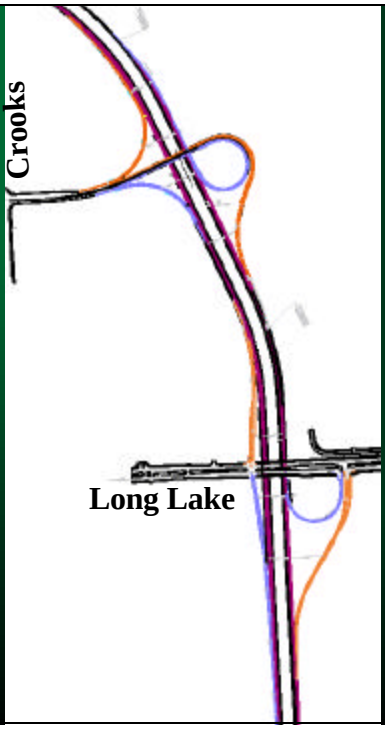
Gross Floor Area
5,634,297 (+5%)

# of Employees
23,588

City Population = 85,000

2002

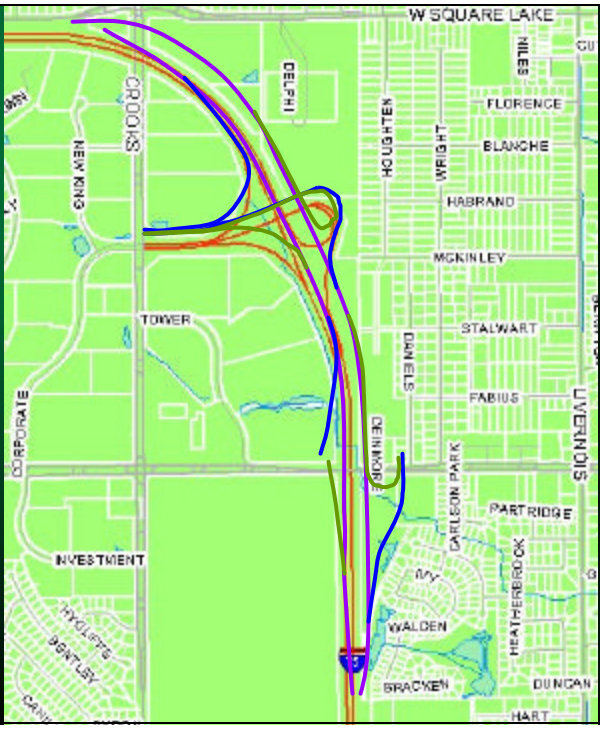
Conceptual Design



Conceptual Design

Not To Scale

Number of accesses to I-75 = 2



CORRIDOR SIMULATION (CORSIM)

Network modeled includes the square mile bound by Crooks, Long Lake, Livernois and Square Lake

CORSIM – Software developed for the United States Department of Transportation , Federal Highway Administration by the Oakridge National Lab. Widely used all over the country for traffic simulation studies

CORSIM Simulation Analysis

Comparing 2025 Traffic with and without interchange improvements

Measures of Effectiveness	Without Proposed Interchange*		With Proposed Interchange	
	AM Peak	PM Peak	AM Peak	PM Peak
Average Speed (mph)	17.15	10.93	28.43	21.51
Vehicle Hours of Travel (VHT)	1778.53	2896.56	1418.83 (20% lower)	1864.89 (36% lower)

* includes 5 lane geometry on Livernois

Level of Service

- Provides a measure of performance of the current roadway system
- In terms of the average stopped delay per vehicle for a 15-min. analysis period

LEVEL OF SERVICE	Stopped Delay per Vehicle (Seconds)
A	≤10
B	>10 to ≤20
C	>20 to ≤35
D	>35 to ≤55
E	>55 to ≤80
F	>80

Level of Service

Intersection	2025 Volumes Without Proposed Interchange *		2025 Volumes With Proposed Interchange	
	AM Peak	PM Peak	AM Peak	PM Peak
Crooks and Square Lake	C	D	B	C
Crooks and I-75 Ramps	E	F	C	C
Crooks and Long Lake	C	C	B	B
Long Lake and I-75 On Ramp	-	-	B	B
Long Lake and I-75 Off Ramp	-	-	C	B
Long Lake and Livernois	D	F	B	B

Other Impacts

Arterial Network

Air Pollution

Air Pollution Sources	Without Proposed Interchange		With Proposed Interchange	
	AM Peak	PM Peak	AM Peak	PM Peak
Hydrocarbons Grams/mile	47.68	44.85	36.35 (24% reduction)	36.17 (19% reduction)
Nitrous Oxides Grams/mile	92.37	88.14	83.14 (10 % reduction)	82.95 (6 % reduction)
Carbon Oxides Grams/mile	693.68	659.65	573.26 (17 % reduction)	579.36 (12% reduction)

Fuel Consumption

	Without Proposed Interchange		With Proposed Interchange	
	AM Peak	PM Peak	AM Peak	PM Peak
Fuel Consumption Gallons	1372	2106	1285 (6 % reduction)	1757 (17% reduction)

Traffic Crash Analysis

Source: Traffic Improvement Association of Oakland County

Traffic Crash Reductions Estimated

LOCATIONS	EXISTING (2001- 2003)	BUILD	NO BUILD
Ramps	19	32	35
I-75 (Crooks to Wattles)	148	349	349
Square Lake and Crooks	25	37	44
Crooks (Sq. Lk. to Long Lk.)	56	74	85
Long Lk. (Crooks to Livernois)	55	99	122
Long Lake and Crooks	47	87	91
TOTALS:	350	685	719

Existing traffic crash trends (2001-2003) were extrapolated for 2025 using projected traffic volumes

Note: Traffic congestion is a major contributor to traffic crashes, including severe injury-producing crashes, such as lane changes/stopping and starting.

Impact on Troy High?

Very minimal

- The improvements will "redistribute" trips in the Long Lake / Crooks / Square Lake / Livernois area making it more efficient.
- Existing traffic patterns in front of Troy High can be expected to continue
- Very minimal increase may be expected - if any

Traffic Volume Comparisons

Build and No Build Scenarios

- Crooks Road: reduction up to 25%
- Crooks Road ramps – reduction up to 53%
- Long Lake Road
  - One segment shows increase of 12% (no detriment to Level of Service – adequate capacity proactively provided)
  - Reductions seen in some sections up to 12%
- Square Lake Road - reduction up to 5%

Noise Analysis

- MDOT performed a complete noise analysis
- Ambient noise level measurements were taken at 12 locations both east and west of I-75
- Noise levels were projected to 2025 noise levels with and without the improvement
- Changes in noise levels were between –2 decibel to +3 decibel (3 decibel change is barely perceptible to the human ear)
- MDOT criterion states "noise impact" occurs if predicted noise levels are 10 decibels over ambient noise levels" report concludes '*..changes in noise levels are well below the MDOT definition of "substantial" increase'*

Noise Monitoring Locations

1 Hilton Hotel on Crooks Rd.

2 A Vacant lot in field of grass. SE quadrant of Crooks Rd. and Square Lake Intersection

3 Embassy Suites, SE parking lot in grassy area

4 Residence, 467 Mckiney St.

5 Residence, 4945 Carlson Park Dr.

6 SE quadrant of I-75/Crooks Rd. Interchange

7 Residence, 4491 Hedgewood Dr.

8 Residence, 413 Thistle Ln.

9 Residence, 466 Paragon Dr.

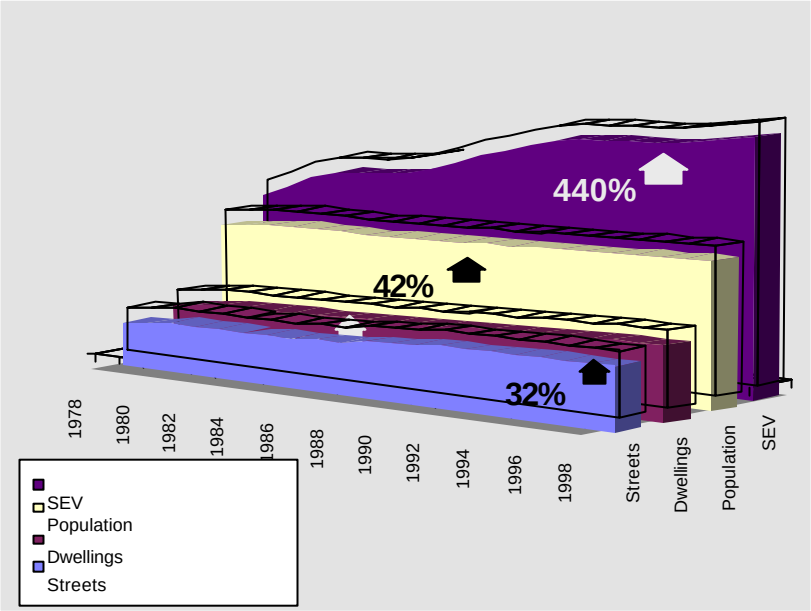
10 Residence, 460 Lange Dr.

11 Three Oaks Apartment Complex

12 White Chapel Cemetery

Impact on Crime..

- No correlation determined



Northfield Hills Area
Assessed Value=$ 355,330,870
Market Value=$ 710,661,740
5700

ECONOMIC DEVELOPMENT

- Northfield Corporate Center Impact
  - Retention efforts
  - Attraction efforts
- This interchange will impact an area that has:
  - market value of $710 million (taxable value 300 million)
  - generates over $13,800,000 real property taxes (2004)
- 48 corporate buildings (5,646,000 sq. ft.)
  - over 200 companies
  - 25,000 employees
- 23 acres of vacant land

ROW Purchased / Reserved for the project

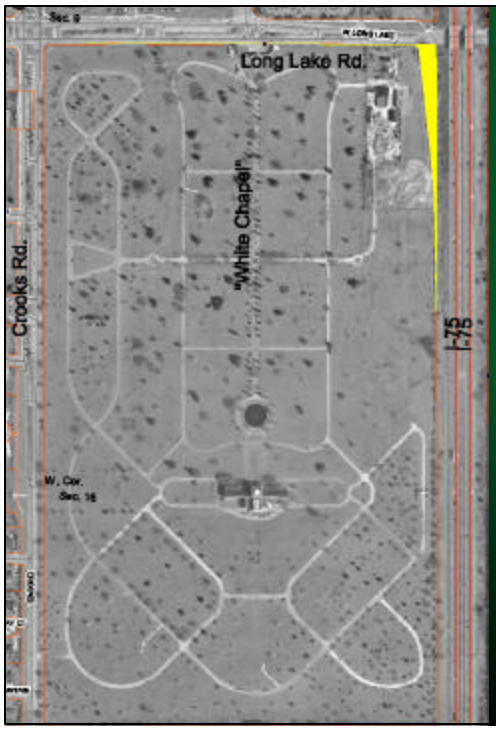
PARCEL	ACREAGE	YEAR ACQUIRED	COMPENSATION
Robertson Brothers Development	14.08 Acres	1989	$900,000
Delphi	.63 Acres	2000	First Amended Consent Judgment
Ahmadayya Movement in Islam	6.67 Acres	2002	$1,357,000
Turowski-Long Lake, L.L.C.	2.55 Acres	2001	$649,000
TOTAL	23.93Acres		$2,906,000

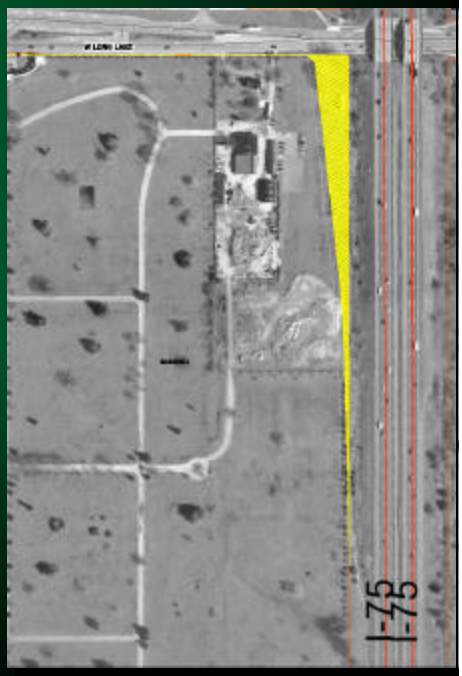
This does not include the 1992 acquisition of property for the Long Lake Phase I project, East of I-75 to East of Falmouth at a cost of $820,000 for a four lane landscaped boulevard in anticipation of the future I-75/Crooks/Long Lake Interchange Improvements

Remaining Estimated Fee Right-of-way Acquisition Areas

OWNER	SQUARE FEET OF FEE RIGHT-OF-WAY
White Chapel	51,550
Gale & Wentworth	97,249
Other	23,675
TOTAL	**172,474 or 3.96 Acres**

The City of Troy has acquired 86% of the fee right-of-way required for this project or 23.93 acres out of a total of 27.75 acres





Some Points of Public Contact

#86-1321; Contract for Traffic Engineering Services, Expansion of I-75 Interchange Capacity in the Northfield Hills Area Special Assessment District ..

#87-1327; Plan Alternatives..I-75/Crooks Road..
….Development of a plan to expand interchange facilities in the I-75 / Crooks road has been assigned a high priority by both the City Council and the Planning Commission…
…most appropriate conceptual plan ..should include new ramps to and from I-75 at Long Lake Road, and a collector distributor road system adjacent to I-75 mainline lanes ….

#94-981; ROW Agreement
68.6 acre parcel on the east side of I-75 and south of Long Lake Road…to acquire rights-of-way for an interchange at I-75 and Long Lake Roads….

Some Points of Public Contact

11/26/99; Study Session: One of the 3 topics was "I-75/Crooks Interchange Report" – Richard Beaubien -- HRC

11/21/99	Report/Comm	Letter from Senator Bullard Regarding Support of Long Lake/Crooks
		Park & Ride locations in Troy Today. Seek RFP's from transportation consultants to conduc t a study of Troy's transportation needs.
11/26/99	Study Session	One of the 3 topics was "I-75/Crooks Interchange Report" – Richard Beaubien, Transportation Director of HRC, explained their alternative roadway networks in the area of the Square Lake/Crooks/I-75 corridor to
		Details: cost not to exceed $17,000

#2000-48; Approval of Proposal from HRC, Inc. for Additional Services Relative to I-75/Long Lake Interchange Improvements
Details: cost not to exceed $17,000

Points of Public Contact

#2001-01-021; Request for Approval to Retain the Professional Services of Independent Fee Appraiser(s) to Appraise Property for Future Long Lake/I-75 Ramps. Details: amount not to exceed $35,000

7/9/01 | Resolution | #2001-07-342; Approval of Purchase Agreement – Turowski-Long

#2001-07-342; Approval of Purchase Agreement – Turowski-Long Lake, L.L.C. …Acquisition of property for the proposed I-75/Long Lake Interchange for $649,000 plus closing costs

Council Re: I-75, Crooks, and Long Lake Roads Interchange Project

10/15/01: Report and Communications: Memo from City Management to City Council Re: I-75, Crooks, and Long Lake Roads Interchange Project Scope Verification Meeting

3/18/02 | Resolution | #2002-03-174; Approval of Purchase Agreement – The Ahmadiyya

#2002-03-174; Approval of Purchase Agreement – The Ahmadiyya Movement in Islam, Inc. …Acquisition of property for the proposed I-75/Long Lake Interchange for $1,357,000 plus closing costs

Lake Interchange Project (Noted and Filed)

Sign on Long Lake Road installed early 1990s

Community Impact

- Impact of Withdrawal
  - Financial costs
    - $3.7 Million spent (ROW)
    - $2.5 Million (PE)
    - Potential Additional costs for City
  - Legal implications
  - Credibility (with residents, businesses, State & other levels of government, etc.)
    - For future ROW acquisitions
    - For state and federal road funding

Questions ??

May 28, 2004

TO: John Szerlag, City Manager

FROM: Steven J. Vandette, Acting Assistant City Manager/Services
Douglas J. Smith, Real Estate & Development Director
William J. Huotari, Acting City Engineer
Mark F. Miller, Planning Director

SUBJECT: ANNOUNCEMENT OF PUBLIC HEARING (JUNE 21, 2004) STREET VACATION APPLICATION (SV-185) – South 149.26 feet of Beach Road, south of Hampton Lane, within Wendover Woods Subdivision No. 2, Section 19

RECOMMENDATION

The Planning Commission held a public hearing on this item on May 11, 2004. The Planning Commission recommended approval of the street vacation request. City Management concurs with the Planning Commission and recommends approval of the street vacation request.

GENERAL INFORMATION

Name of applicant(s):
Toby and Julie Buechner.

Location of property owned by applicant(s):
The applicant owns lot 53 of Wendover Woods Subdivision No. 2. The property is located on the south side of Hampton Lane, abutting the Beach Road to the west.

History of Right of Way:
The right-of-way is within Wendover Woods Subdivision No. 2, which was platted in 1961. A portion of the right-of-way is paved and functions as the applicant's driveway. The property to the south is completely built out as a residential neighborhood so there is no need to maintain the property as a right-of-way.

Length and width of right-of-way:
The right-of-way is 143.26 feet long by 43 feet wide. The entire section of right-of-way is located within Wendover Woods Subdivision No. 2. The ownership of the entire portion of right-of-way will revert to the applicant. A portion of the right-of-way is paved and presently functions as the applicant's driveway.

ANALYSIS

Reason for street vacation (as stated on the Street/Alley Vacation Application):
The application states the following: "I would like to put up a home addition that gets close to but not on this easement".

Future Land Use Designation:
The property is designated on the Future Land Use Plan as Low Density Residential.

Need for future easements:
There is a 12-foot wide utility easement that runs along the south end of lots 53 through 55. Since this easement can be accessed from Caswell Road, there is no need for future easements within this portion of the Beach Road right-of-way.

COMMENTS FROM INTERNAL REVIEW

Engineering:
Approve vacating to the Hampton 80' ROW. No reservation of easements required.

Assessing:
No objections. The 43' section of Beach would all go to lot 53 of Wendover Woods Sub #2, absent specific Council action to the contrary. When a public road is vacated between two different platted subdivisions, the original subdivision has claim to the entirety, absent Council's specific direction to the contrary. Assessing recommends that all of the vacant roadway be attached to lot 53.

Attachments:
1. Maps
2. Planning Commission Minutes

cc: Applicant
File/ SV 185

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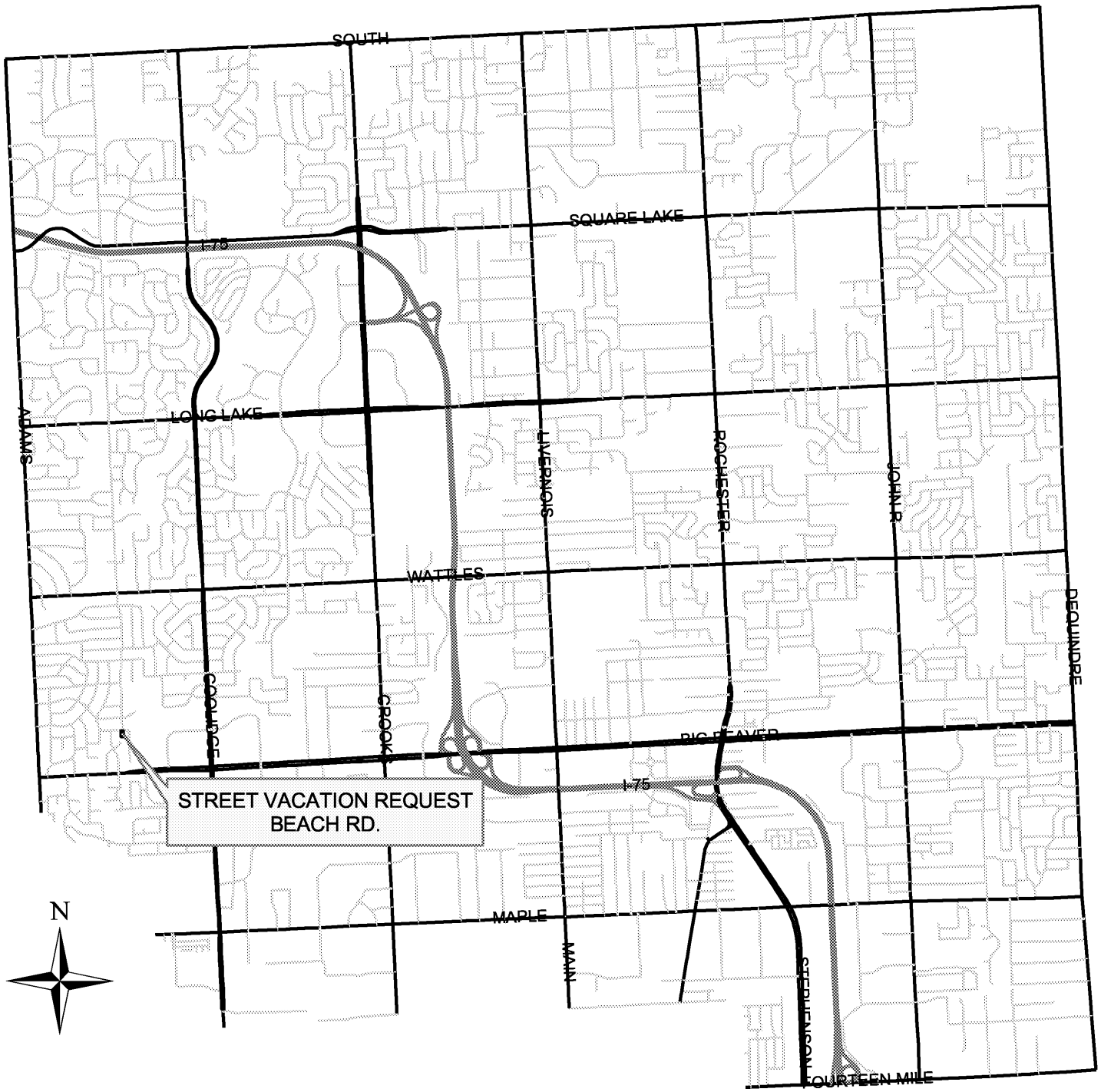
CITY OF TROY



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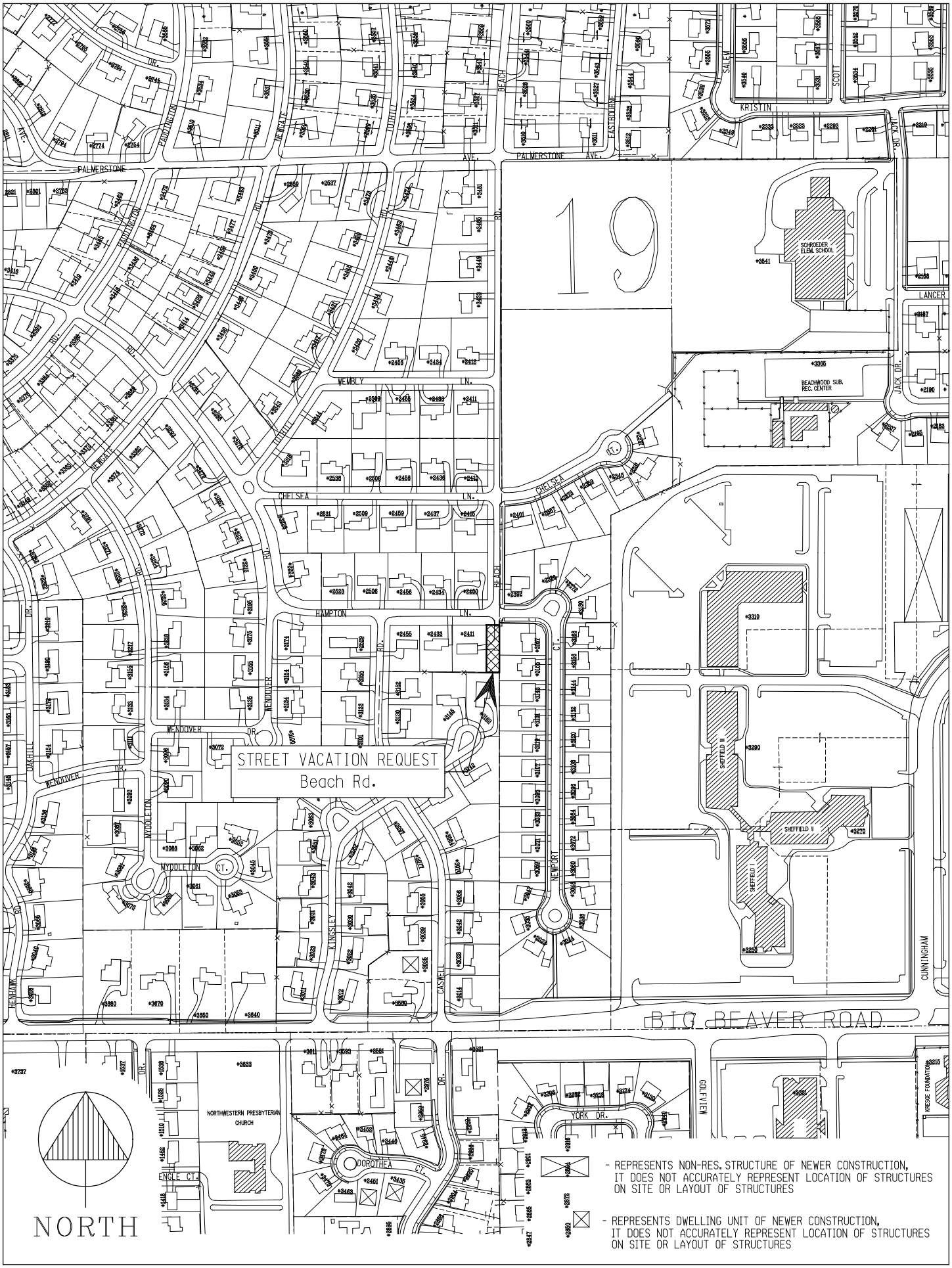
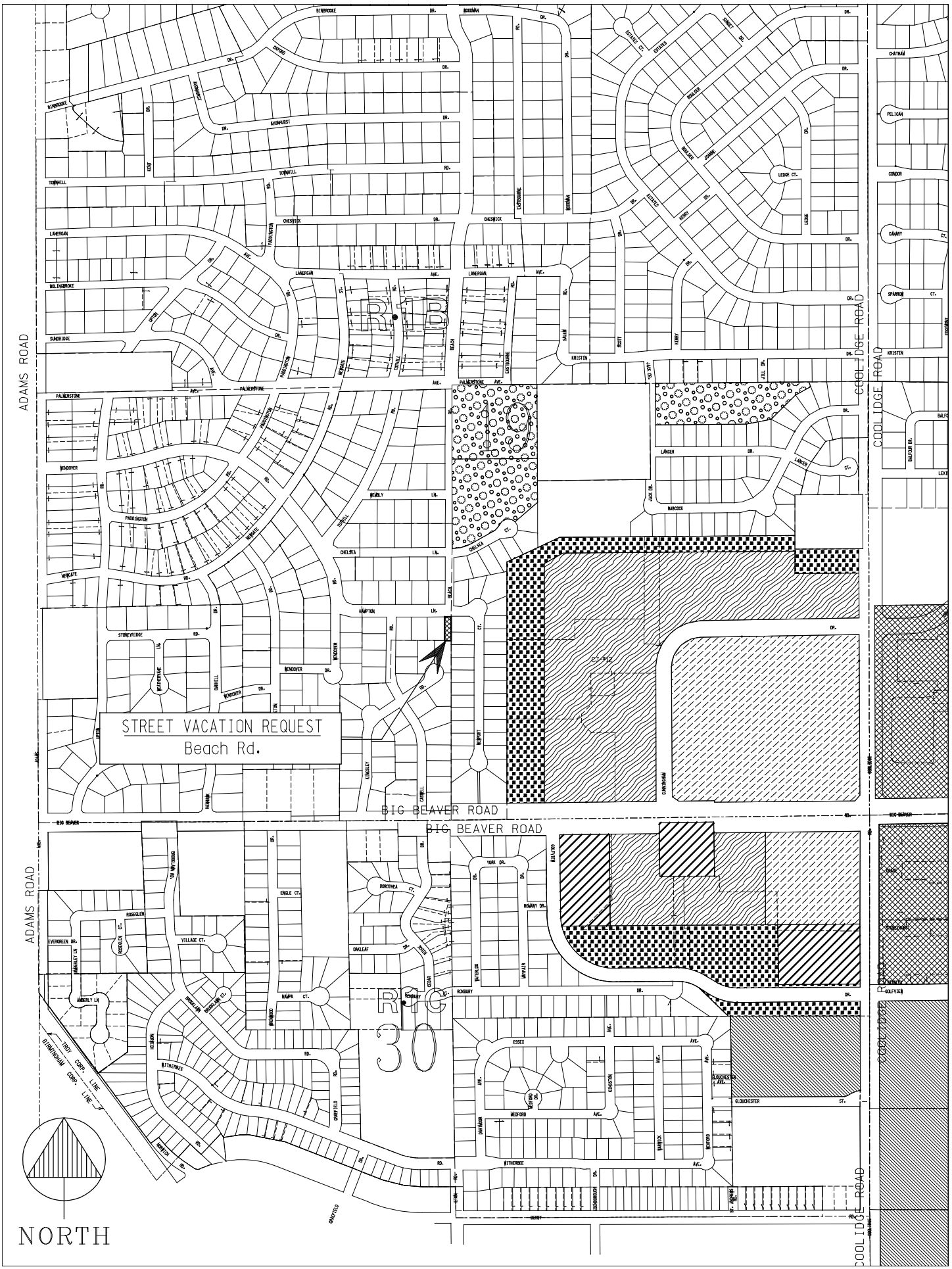


- REPRESENTS NON-RES. STRUCTURE OF NEWER CONSTRUCTION, IT DOES NOT ACCURATELY REPRESENT LOCATION OF STRUCTURES ON SITE OR LAYOUT OF STRUCTURES

- REPRESENTS DWELLING UNIT OF NEWER CONSTRUCTION, IT DOES NOT ACCURATELY REPRESENT LOCATION OF STRUCTURES ON SITE OR LAYOUT OF STRUCTURES

SV-185 / SEC. 19 / 04-16-04


STREET VACATION REQUEST
Beach Rd.
ADAMS ROAD
COOLIDGE ROAD
BIG BEAVER ROAD
BIG BEAVER
R1B
R1C
30
C1-912
NORTH

STREET VACATION REQUEST
S 149.26 FT. OF BEACH RD. S OF HAMPTON
SEC. 19 (SV-185)
CHELSEA
BEACH
HAMPTON
WENDOVER
CASWELL
STREET VACATION REQUEST
BEACH ROAD
NEWPORT CT
KINGSLEY
N
0
100
200
Feet

STREET VACATION REQUEST

7. PUBLIC HEARING – STREET VACATION REQUEST (SV-185) – South 149.26 Ft. (dead end) of Beach Road, abutting Lot 53 of Wendover Woods No. 2 Subdivision, North of Big Beaver, West of Coolidge, Section 19 – R-1B

Mr. Miller presented a summary of the Planning Department report for the proposed street vacation. Mr. Miller reported that it is the recommendation of the Planning Department to approve the street vacation request as submitted.

The petitioner, Toby Buechner of 2411 Hampton, Troy, was present.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Resolution # PC-2004-05-058

Moved by: Wright
Seconded by: Vleck

RESOLVED, that the Planning Commission hereby recommends to the City Council that the street vacation request, as submitted, for the Beach Road right-of-way, located within the Wendover Woods No. 2 Subdivision, abutting lot 53, being approximately 149.26 feet in length and 43 feet in width, in Section 19, be approved.

Yes: All present (7)
No: None
Absent: Chamberlain, Littman

MOTION CARRIED

May 28, 2004

TO: John Szerlag, City Manager

FROM: Douglas J. Smith, Real Estate & Development Director
Mark F. Miller, Planning Director

SUBJECT: ANNOUNCEMENT OF PUBLIC HEARING - REZONING APPLICATION (JUNE 21, 2004) – West side of Dequindre, South of Big Beaver, Section 25 – B-1 to B-2 or B-3 (Z-#694).

RECOMMENDATION

The existing building located on the subject property has a rear yard setback of 26.9 feet. Since the required rear yard setback for the existing B-1 district is only 20 feet, the building conforms to the rear yard setback requirement. If the property was rezoned to B-2, the rear yard setback requirement is 75 feet when the parcel abuts a residential zoning district. If zoned B-3, the rear yard setback requirement is 30 feet. Therefore, rezoning the parcel to either B-2 or B-3 will have the effect of creating a non-conforming structure on the subject parcel.

The application is consistent with the Future Land Use Plan. The B-2 district has a primary correlation, while the B-3 classification has a secondary correlation with the Community Service Area classification in the Future Land Use Plan. Rezoning the site to either B-2 or B-3 will create a non-conforming structure related to the rear yard setback; however, the non-conformance will be less for B-3 than B-2. It is important to note that the existing B-1 zoning classification complies with the rear yard setback and Future Land Use Plan.

The Planning Commission considered this item at a public hearing on April 13, 2004. The item was tabled to the April 27, 2004 Special/Study Session for further study. The Planning Commission made its recommendation at the May 11, 2004 Regular Meeting, which was also a public hearing. The issue of parking was discussed with the petitioner during each meeting. The Planning Commission recognized that rezoning the property to B-2 or B-3 and using the existing building for the proposed fraternal organization would create a significant shortage of parking spaces on the property. This would have a negative impact on safety for pedestrians and vehicles in the area.

The Planning Commission recommended denial of the proposed rezoning at the May 11, 2004 meeting.

City Management recognizes that the proposed B-2 and B-3 zoning districts are consistent with the Future Land Use Plan. However, the existing B-1 zoning district is also consistent with the Future Land Use Plan. The B-2 and B-3 zoning classifications are intended for relatively large parcels that would accommodate the district's setback and parking requirements. The subject parcel is only 28,250 square feet in area. Given the parcel's small size, rezoning the parcel to B-2 or B-3 zoning would create significant parking deficiencies on the property, therefore impacting safety in the area. City Management concurs with the Planning Commission and recommends denial of the application.

GENERAL INFORMATION

Name of Owner / Applicant:
The owner of the property is Hazim Matti. The applicant is Michael Kozlowski of Caeruleum Environmental Design.

Location of Subject Property:
The property is located on the west side of Dequindre, south of Big Beaver, in Section 25.

Size of Subject Parcel:
The parcel is approximately 28,250 square feet or 0.65 acres in area.

Current Use of Subject Property:
The property is currently used as an Asian food market.

Current Zoning Classification:
B-1 General Business.

Proposed Zoning of Subject Parcel:
B-2 Community Business or B-3 General Business.

Proposed Uses and Buildings on Subject Parcel:
The applicant is proposing to redevelop the building as a Knights of Columbus meeting hall.

Current Use of Adjacent Parcels:
North: Vacant Blockbuster Video.

South: McDonald's Restaurant.

East: Lowe's Home Improvement Warehouse (City of Sterling Heights).

West: Single Family Residential.

Zoning Classification of Adjacent Parcels:
North: B-1 Local Business.

South: B-2 Community Business.

East: C-2 Planned Comparison Business (City of Sterling Heights).

West: R-1E One Family Residential.

ANALYSIS

Range of Uses Permitted in Proposed B-2 and B-3 Zoning Districts and Potential Build-out Scenario:
The attached "Schedule of Uses" shows the development potential of the property if it were to be rezoned to either B-2 or B-3.

Vehicular and Non-motorized Access:
The parcel fronts on Dequindre Road.

Potential Storm Water and Utility Issues:
The applicant is proposing to re-use the existing building. The applicant will therefore utilize the existing utilities.

Natural Features and Floodplains:
The Natural Features Map indicates there are no significant natural features located on the property.

Compliance with Future Land Use Plan:
The parcel is classified on the Future Land Use Plan as Community Service Area. The Community Service Area has a Primary Correlation with the B-2 Zoning District and a Secondary Correlation with the B-1, B-3 and O-1 Zoning Districts. The existing B-1 classification and the proposed B-3 classification are therefore consistent with the Future Land Use Plan; however, the B-2 classification is relatively more consistent.

Attachments:
1. Schedule of Uses
2. Maps
3. Planning Commission Meeting Minutes
   (April 13, 2004, April 27, 2004, May 11, 2004)

cc: Applicant
File (Z-694)

G:\REZONING REQUESTS\Z-694 KNIGHTS OF COLUMBUS SEC 25\Announcement of CC PH Knights of Columbus Rezoning 05 28 04.doc

USE	B-1	B-2	B-3	H-S

SCHEDULE OF USES
COMMERCIAL, OFFICE AND INDUSTRIAL USES

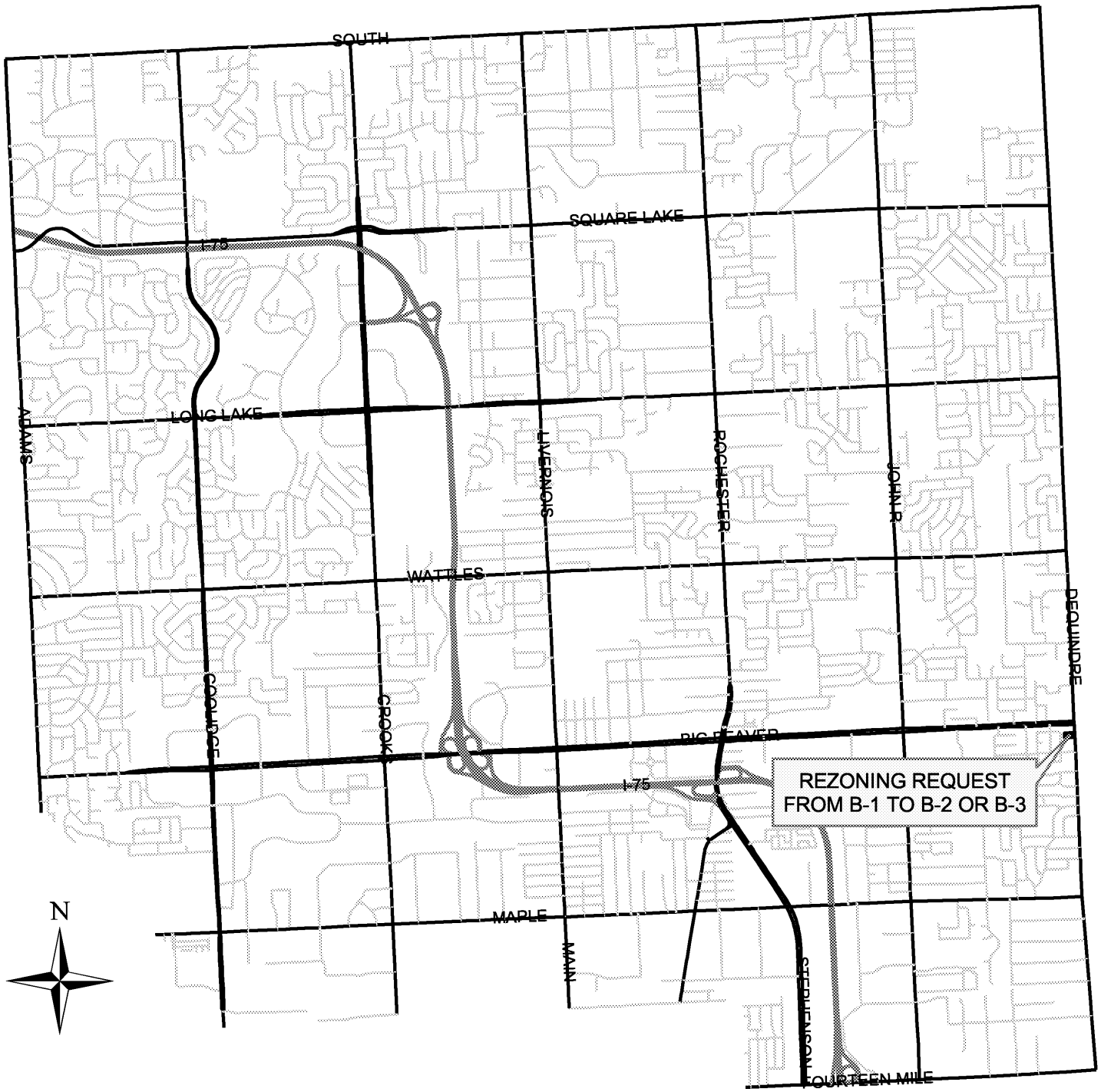
KEY: P=Uses Permitted by Right; **SC**= Uses Permitted Subject to Special Conditions; **SU**= Uses Permitted Subject to Special Use Approval

Local retail businesses which supply commodities on the premises, for persons residing in adjacent residential areas,	**P**	**P**	**P**	
Specialty shops.	**P**	**P**	**P**	
Personal service establishments which perform services on the premises.	**P**	**P**	**P**	
Dry cleaning establishments, or pick-up stations, dealing directly with the consumer.	**P**	**P**	**P**	
Business establishments which perform services on the premises.	**P**	**P**	**P**	
Professional services including the following: medical clinics, (out-patient only) and offices of doctors, dentists, osteopaths and similar or allied professions.	**P**	**P**	**P**	
Post office and similar governmental office buildings, serving persons living in the adjacent residential area.	**P**	**P**	**P**	
Accessory structures and uses customarily incidental to other permitted uses in the zoning district.	**P**	**P**	**P**	**P**
City and school district buildings, public utility buildings, telephone exchange buildings, electric transformer stations and substations, gas regulator stations, and water and sewage pumping stations, without storage yards	**SC**	**P**	**P**	
Nursery schools, day nurseries and child care centers (not including dormitories).	**SC**	**P**	**P**	
Incidental customer seating as an accessory to food sales establishments.	**SC**	**P**	**P**	
Any retail business whose principal activity is the sale of merchandise in an enclosed building.		**P**	**P**	

USE	B-1	B-2	B-3	H-S
Any service establishment of a showroom or workshop nature, of an electrician, decorator, dressmaker, tailor, baker, painter, upholsterer; or an establishment doing radio or home appliance repair, photographic studios and reproduction and similar service establishments that require a retail adjunct.		**P**	**P**	
Private clubs, fraternal organization, and lodge halls.		**P**	**P**	
Restaurants, or other places serving food or beverages, except those having the character of a drive-in or open front store.		**P**	**P**	
Theaters, assembly halls, concert halls or similar places of assembly, when conducted completely within enclosed buildings.		**P**	**P**	
Business schools and colleges or private schools operated for profit, not including nursery schools.		**P**	**P**	
Drive-up windows or service facilities, as accessory to principal uses, apart from restaurants.		**SC**	**SC**	**SC**
Outside seating areas, of twenty (20) seats or less, for restaurants or other food service establishments.		**SC**	**SC**	**SC**
Drive-up windows or service facilities, as an accessory to restaurants.		**SU**	**SC**	**SC**
Bowling alley, billiard hall, indoor archery range, indoor skating, rinks, indoor tennis courts, athletic or health clubs, or similar forms of indoor commercial recreation.		**SU**	**SC**	
Open-air business uses when developed as uses subordinate to primary uses and structures.		**SU**	**SC**	
Facilities within a retail establishment for installation, in vehicles, of items sold at retail at that location.		**SU**	**P**	
Mortuary establishments.			**P**	
Bus or transit passenger stations, taxicab offices and dispatching centers, and emergency vehicle or ambulance facilities.			**P**	**P**
Parking garages and off-street parking areas.			**P**	**P**
Sales, showrooms, and incidental repair of recreational vehicles.			**P**	**P**
New and used car salesroom, showroom, or office.			**P**	**P**

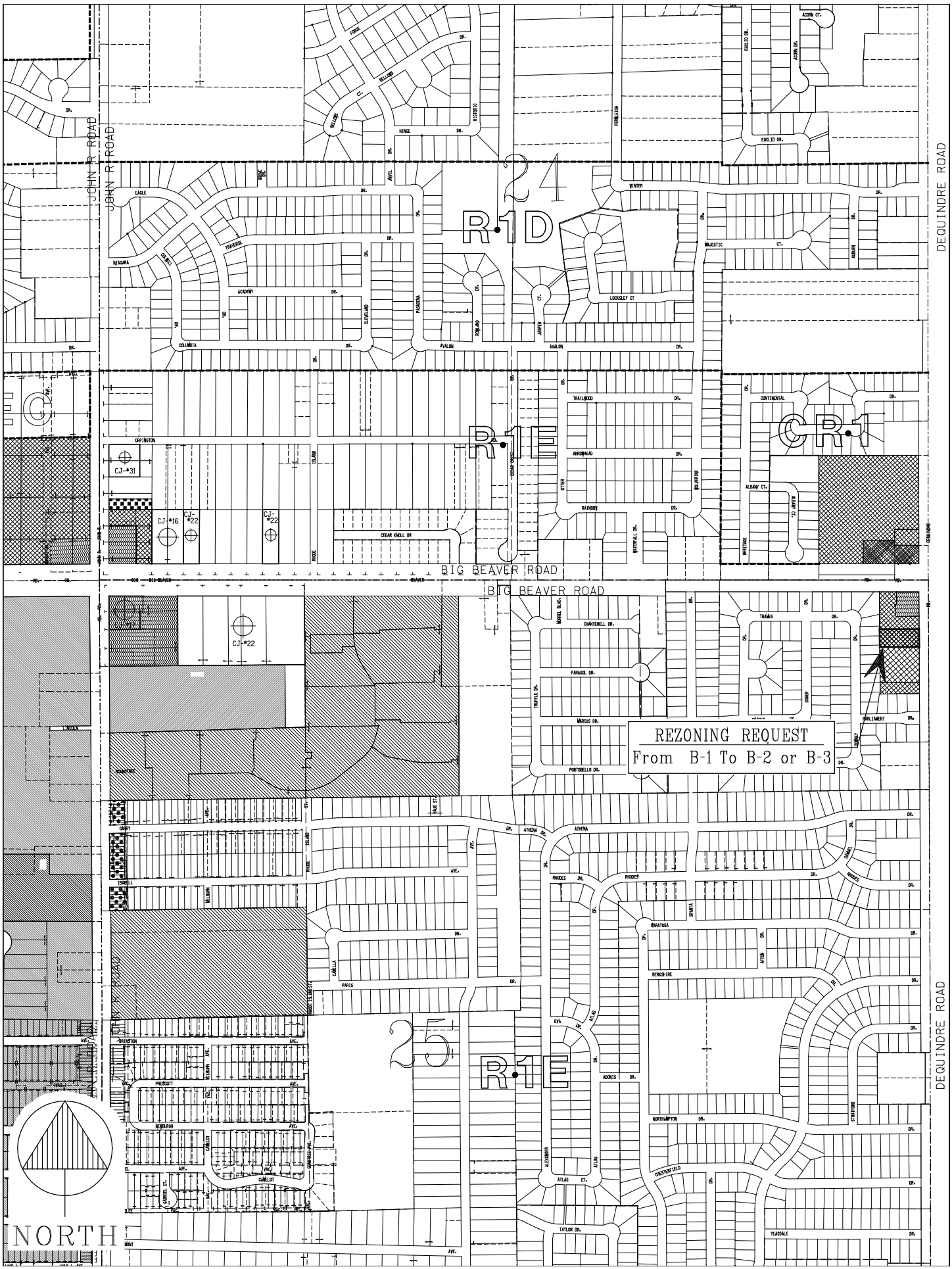
USE	B-1	B-2	B-3	H-S
Governmental offices, public utility offices, exchanges, transformer stations, pump stations and service yards but not including outdoor storage.			**P**	
Outside seating areas, in excess of twenty (20) seats, for restaurants or other food service establishments.		**SU**	**SU**	**SU**
Outdoor sales space for exclusive sale or lease of new or second-hand automobiles, trucks, mobile homes, trailers, or recreational vehicles.			**SU**	**SU**
Motel or hotel.			**SU**	**SU**
Veterinary hospitals or clinics.			**SU**	
Commercial kennels.			**SU**	
Automobile repair garages, provided all activities are conducted within a completely enclosed building.			**SU**	**SU**
Retail establishments to service the needs of the highway traveler.				**P**
Banks, savings and loan associations, and credit unions which may consist solely of drive-up facilities.				**P**
Public utility buildings and sub-stations.				**P**
Automobile service stations for the sale of engine fuels, oil, and minor accessories only.				**SU**
Auto washes where engine fuels are sold as a significant part of the operation.				**SU**
Auto washes, not including the sale of engine fuels, when the entire operation is completely enclosed within a building or structure.				**SU**
Uses, other than those specified in the zoning ordinance, wherein drive-up service facilities are the sole use of the property.				**SU**
Business in the character of a drive-in restaurant, or so-called open front store.				**SU**

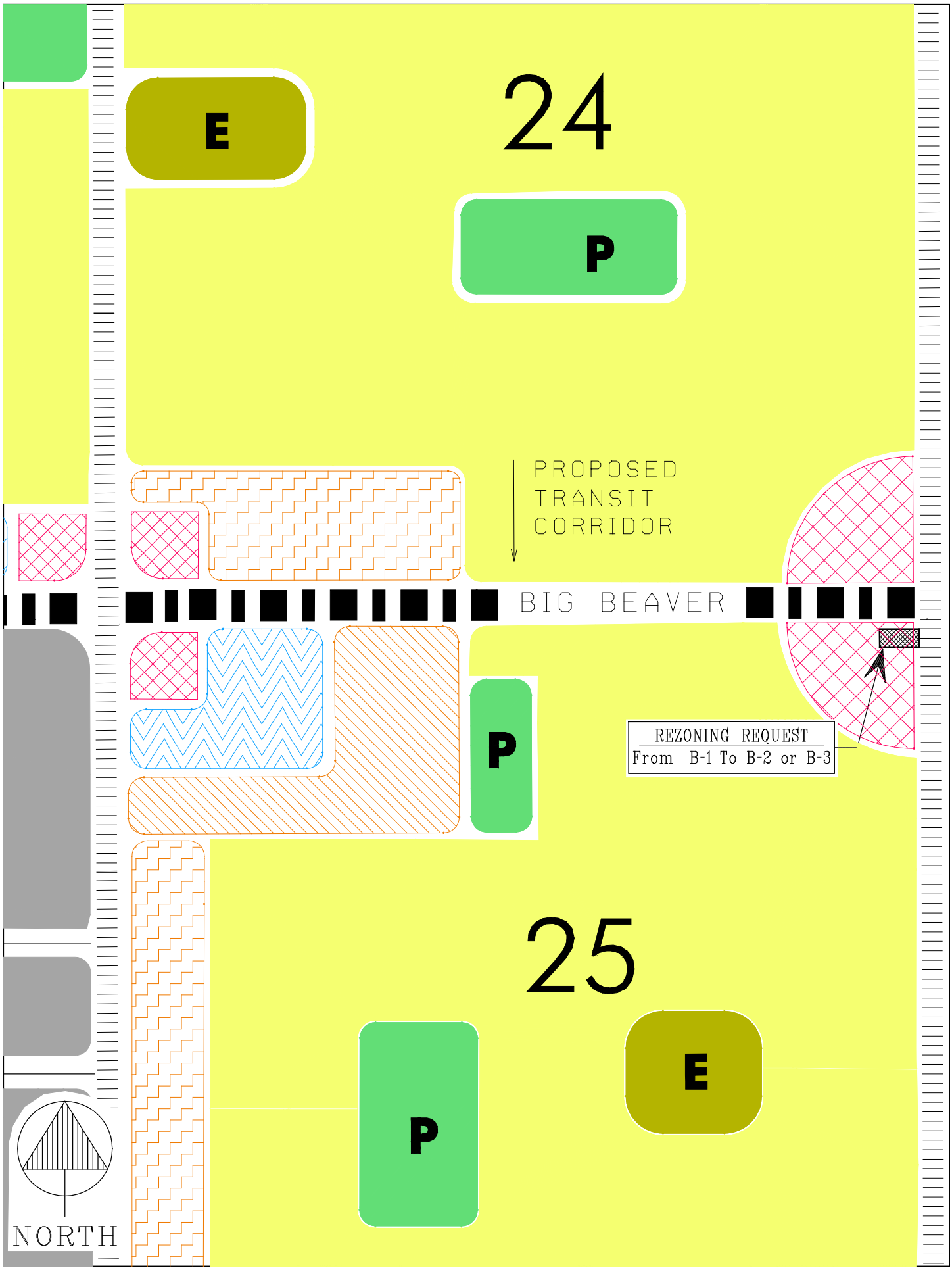
CITY OF TROY



PREPARED BY CITY OF TROY PLANNING DEPT.

Z-694 / SEC. 25 / 03-22-04


REZONING REQUEST
From B-1 To B-2 or B-3
R-1D
R-1E
CR-1
24
25
BIG BEAVER ROAD
JOHN R ROAD
DEQUINDRE ROAD
NORTH



...\Z-694 KNIGHTS OF COLUMBUS.dgn 6/2/2004 10:54:05 AM

REZONING REQUEST
FROM B-1 TO B-2 OR B-3
PROPOSED KNIGHTS OF COLUMBUS
36949 DEQUINDRE (fmr ASIA MART)
W SIDE DEQUINDRE, S OF BIG BEAVER
SEC. 25 (Z-694)
REZONING REQUEST
FROM B-1 TO B-2 OR B-3
OTTER
RAINBOW
WOLVERINE
WATERFALL
HERITAGE
ALBANY CT
E BIG BEAVER
E BIG BEAVER
THAMES
MOREL
CHANTERELL
PARASOL
TRUFFLE
MARCUS
PORTOBELLO
SPARTA
CLAYTON CT
CLAYTON
DOVER
DOWNEY
PARLIAMENT
BORDEN
DEQUINDRE
N
0 100 200 400 Feet

7. PUBLIC HEARING – PROPOSED REZONING (Z-694) – Proposed Knights of Columbus Hall (in existing building), West side of Dequindre, South of Big Beaver, Section 25 – From B-1 to B-2

Mr. Miller presented a summary of the Planning Department report for the proposed rezoning. Mr. Miller stated that should the property be rezoned, the petitioner would be required to get Special Use approval from the Planning Commission to change the use to make improvements to the nonconforming structure. Variances from the Board of Zoning Appeals may be required prior to applying for site plan approval. He reported that during site plan approval, all site nonconformities would be addressed. Mr. Miller reported that the Planning Department recommends approval of the rezoning application.

There was a brief discussion with respect to correspondence received from St. Joseph Catholic Chaldean Church. The church would allow the use of its parking facility as additional parking for the operation of the proposed Knights of Columbus. Mr. Miller noted that the distance between the two facilities would not be a walkable distance.

Mr. Chamberlain questioned setback requirements for B-3 zoning and asked what the down side would be, if any, should the property be rezoned to B-3.

Mr. Miller responded that B-3 zoning would allow the proposed use. He said the down side of rezoning the parcel to B-3 would be that more intensive uses would be permitted, which could potentially create a domino effect where all of the southwest corner would convert to B-3 zoning.

A discussion followed with respect to the impact of B-2 and B-3 zoning on the proposed site. It was the consensus of the Commission to review the matter further at a future study meeting.

The petitioner, Mike Kozlowski of Caeruleum Environmental Design, 5603 S. Telegraph, Dearborn Heights, was present. Mr. Kozlowski said he trusts the Commission's insight relating to the required variances from the Board of Zoning Appeals, and indicated he would pursue the B-3 rezoning should the Commission make that recommendation.

PUBLIC HEARING OPENED

No one was present to speak.

Resolution # PC-2004-04-045
Moved by: Chamberlain
Seconded by: Vleck

RESOLVED, That the Planning Commission hereby tables proposed Rezoning Request Z-694, located on the west side of Dequindre and south of Big Beaver, within Section 25, being 0.65 acres in size, to the April 27, 2004 Special/Study Meeting for the review of whether the proposal should be rezoned to B-2 or B-3, or remain as B-1 zoning.

Yes: All present (9)
No: None

MOTION CARRIED

Chair Waller announced the Public Hearing would remain open.

5. PROPOSED REZONING (Z-694) – Proposed Knights of Columbus Hall (in existing building), West side of Dequindre, South of Big Beaver, Section 25 – From B-1 to B-2 or B-3

Mr. Miller presented a summary of the April 13, 2004 Regular Meeting discussion on the proposed rezoning. Mr. Miller reviewed the more intensive special uses that would be allowed should the site be rezoned to B-3 and reported that B-3 zoning would reduce the non-conformance of the rear yard setbacks. Mr. Miller said that the City has advertised the Public Hearing as a rezoning request from B-1 to either B-2 or B-3 zoning.

The petitioner, Mike Kozlowski of Caeruleum Environmental Design, 5603 S. Telegraph, Dearborn Heights, was present. Mr. Kozlowski said the ultimate goal is to convert the building for use as a fraternal hall which is permissible in either B-2 or B-3 zoning. Mr. Kozlowski said he is prepared to seek variances from the Board of Zoning Appeals for reasons that are not related to the zoning classification.

Mr. Miller asked the petitioner if a parking variance might be necessary should the proposed use go forward.

Mr. Kozlowski responded in the affirmative. He said that parking would not be adequate for special events and consideration is being given to providing valet service to an off-site location.

Mr. Miller said it is good general knowledge to know what might be created from a proposed use. The Planning Department must confirm that a proposed zoning district is in compliance with future land use and is compatible with the surrounding area.

TABLED ITEM

4. PUBLIC HEARING – PROPOSED REZONING (Z-694) – Proposed Knights of Columbus Hall (in existing building), West Side of Dequindre, South of Big Beaver, Section 25 – From B-1 to B-2 or B-3

Mr. Miller presented a summary of the Planning Department report for the proposed rezoning. Mr. Miller reported that it is the recommendation of the Planning Department to approve the rezoning application to either the B-2 or B-3 zoning classification. Mr. Miller stated that the required rear yard setbacks for both the B-2 or B-3 zoning districts would create a non-conforming structure. He noted the B-3 zoning would create a substantially lesser non-conformity than B-2 zoning.

There was discussion on the setback requirements, the intent of the B-2 zoning district in relation to the setback requirements, the required variance from the Board of Zoning Appeals, the proposed zoning classification correlation with the Future Land Use Plan, and the permitted uses in the B-1, B-2 and B-3 districts.

Mr. Motzny said that should the proposed rezoning be approved, the non-conformity becomes legal, but noted that an expansion on the non-conforming structure would not be permitted without approval from the Board of Zoning Appeals.

The petitioner, Mike Kozlowski of Caeruleum Environmental Design, 5603 S. Telegraph, Dearborn Heights, was present. Mr. Kozlowski said the hurdles of the development proposal are recognized, and noted that parking is the most significant one. Mr. Kozlowski said factors to consider are (1) the self-limiting nature of the size of the parcel and building; (2) the more intensive parking requirements for special uses in the B-2 and B-3 zoning districts; and (3) self-limiting characteristics of special uses. Mr. Kozlowski said he is prepared to go forward with the necessary variances, and noted his zoning classification preference would be B-3 because the variance requirement would be less.

PUBLIC HEARING OPENED

Mark Michail, Attorney, of 4064 Cypress, Troy, was present to represent the owner of Blockbuster, located directly north of the proposed rezoning at 2966 E. Big Beaver. Mr. Michail voiced strong opposition to the proposed rezoning. The reasons cited for the opposition are (1) potential parking concerns, (2) the zoning change of the current use and (3) the intensity of the proposed zoning use. He said the Blockbuster parcel is the most convenient location for potential users of the Knights of Columbus facility to park their vehicles and walk to the hall. Mr. Michail said the Blockbuster site is currently vacant and is limited in its prospective uses because of its B-1 zoning classification. He asked why the Blockbuster parcel could not be rezoned to B-2 or B-3.

PUBLIC HEARING CLOSED

Mr. Miller clarified the Schedule of Notes in the zoning ordinance as relates to the requested B-3 zoning district.

Mr. Vleck said he has no specific problem with the proposed use. He believes the B-3 zoning classification would set a precedent for future rezoning requests, and stated he does not agree with the B-2 zoning classification because of the big setback it would create.

Mr. Khan agreed that approval of the B-3 zoning classification would set a precedent for future rezoning requests. He thinks the potential uses that are permissible in the B-3 zoning classification would not be suitable to the area.

Resolution # PC-2004-05-055
Moved by: Vleck
Seconded by: Strat

RESOLVED, that we deny the approval of this request.

Discussion on the motion on the floor.

Ms. Drake-Batts asked what the future plan is for the subject parcel and the parcel to the north. She also questioned if a previous rezoning request was received for the parcel to the north.

Mr. Miller said the entire corner is designated Community Service Area on the Future Land Use Plan. He stated that the primary zoning district correlation is B-2 and the secondary zoning district correlation is B-3, and noted that both the B-2 and B-3 zoning classifications are consistent with the Future Land Use Plan. Mr. Miller said the intent of the B-2 zoning classification is to allow planned shopping centers and stated that this specific area would not meet that intent. Mr. Miller said he would research whether a rezoning request was previously submitted for the parcel to the north. Mr. Miller confirmed that the Blockbuster parcel is zoned B-1 and the parcel directly on the corner is zoned B-3 [currently an oil change facility].

Mr. Koslowski said that the size of the property [2/3 of an acre] would not likely accommodate typical B-3 uses. Mr. Koslowski said he has been completely open about the proposal plans, and respectfully requested the Commission to not deny the rezoning request since both proposed zoning classifications are consistent with the Future Land Use Plan.

Vote on the motion on the floor.

Yes: Khan, Schultz, Strat, Vleck
No: Drake-Batts, Waller, Wright
Absent: Chamberlain, Littman

MOTION CARRIED

Mr. Vleck said he is not against rezoning the parcel to B-2, but he has concerns with the variance that is required for conformity of the building. He said that approval of the rezoning request would set a precedent for future rezoning applications. Mr. Vleck suggested consideration be given to a zoning ordinance text amendment that would specifically address setbacks within the B-2 zoning district.

Mr. Strat suggested that a system of layered zones could be a solution and should be considered for future planning.

Chair Waller stated that Mr. Strat recently returned from the annual conference of the American Planning Association in Washington, D.C., and will be sharing ideas from the conference with the Commission in the very near future. Chair Waller said the Commission would review the suggestions from Messrs. Vleck and Strat.

Mr. Miller said it is important to recognize that the B-1 zoning classification also has a secondary correlation to the area and it is also consistent.

LIBRARY BOARD MINUTES - FINAL MARCH 11, 2004

A Regular Meeting of the Troy Library Board was held Thursday, March 11, 2004 at the Office of the Library Director. Joanne Allen, Chairman, called the meeting to order at 7:30 P.M.

ROLL CALL PRESENT: Joanne Allen
Lynne Gregory
Brian Griffen
Nancy Wheeler
Audre Zembrzuski
Brian Stoutenburg, Library Director

The Pledge of Allegiance to the Flag was given.

Resolution #LB-2004-03-001
Moved by Gregory
Seconded by Zembrzuski

RESOLVED, That Steve Zhang's absence be excused.
Yes: 5—Allen, Gregory, Griffen, Wheeler, Zembrzuski
No: 0

MOTION CARRIED

Resolution #LB-2004-03-002
Moved by Wheeler
Seconded by Gregory

RESOLVED, That the Minutes of February 12, 2004 be approved as revised.
Yes: 5—Allen, Gregory, Griffen, Wheeler, Zembrzuski
No: 0

MOTION CARRIED

Reviewed Agenda entries

Resolution #LB-2004-03-003
Moved by Wheeler
Seconded by Zembrzuski

RESOLVED, That the Agenda be approved.
Yes: 5—Allen, Gregory, Griffen, Wheeler, Zembrzuski
No: 0

MOTION CARRIED

REGULAR BUSINESS
Reviewed the initial management meeting concerning the Library's 2004-05 budget request. The original request was reduced by $33,647, but in areas that will not directly affect our delivery of quality service. We have not heard yet about whether or not fine and fee rates would be increased.

REPORTS & COMMUNICATIONS
Board Member comments.
Griffen asked about date due cards and pockets when books are received through Interlibrary Loan. Griffen pointed out that the contact telephone number for the ESL program was incorrectly printed in Troy Today. Wheeler commented on the generous donation of the Troy Garden Club. It was decided that those Board Members who wished to carpool to the SLC Trustees Meeting should meet at the library 30 minutes prior to the start of the meeting. It was decided to cancel the April Board Meeting due to scheduling conflicts and to move the next meeting to May 6, 2004.

SLC Report.
Gregory reported that the annual plan for Sirsi improvements listed 5 top priorities. The SLC Board approved the purchase of The Fish Philosophy training package. The SLC Board approved staff to pursue the acquisition of Envisionware, a product to manage computers and print stations. The Job Posting for the Administrative Assistant vacancy is being written.

Friends of the Library.
Allen reported that three Friends of the Library Board positions are open and asked Library Board Members to feel free to suggest individuals to be considered. They will be elected at the annual meeting in May.

Gifts. One gift totaling $300.00 was received.

Informational Items. March TPL Calendar

Contacts and Correspondence.
16 written comments from the public were reviewed.

Public Participation. There was no public participation.

The Library Board meeting adjourned at 8:30 P.M.

Joanne Allen
Chair

Brian Stoutenburg
Recording Secretary

TROY HISTORIC DISTRICT COMMISSION MINUTES – DRAFT MARCH 17, 2004

A Regular Meeting of the Troy Historic District Commission was not held Tuesday, March 17, 2004 at City Hall because they lacked a quorum.

The next regular meeting will be held Tuesday, Tuesday, April 20, 2004 at 7:30 p.m. at City Hall.

W. Dean Blythe
Chairman

Loraine Campbell
Recording Secretary

Advisory Committee for Senior Citizens

A Regular meeting of the Advisory Committee for Senior Citizens was held on Thursday, April 1 2004 at the Troy Community Center. Chairman David Ogg called the meeting to order at 10 AM.

Present: David Ogg, Chairman
Ed Forst, Vice-Chairman
Bill Weisgerber, Member
Marie Hoag, Member
JoAnn Thompson, Member
Jo Rhoads – Member
Merrill Dixon, Member
Carla Vaughan, Staff

Absent: Jane Crowe, Steven Banch

Visitors: Mary Kerwin, David Eisenbacher

Approval of Minutes

Resolution # SC-2004-4-001
Moved by Jo Rhoads
Seconded by Marie Hoag

RESOLVED, That the Minutes of March 4, 2004 be approved as submitted.

Yes: 7
No: 0

MOTION CARRIED

Addition of Volunteer Banquet item to agenda

Resolution # SC-2004-4-002
Moved by Bill Weisgerber
Seconded by Merrill Dixon

RESOLVED, That an item about the Volunteer Banquet be added under new business.

Yes: 7
No: 0

MOTION CARRIED

Visitor Comments

Mary Kerwin reminded committee members about the upcoming school board election and announced some upcoming school performances.

David Eisenbacher announced that he just wanted to visit a meeting.

Old Business

None

New Business

Election of Officers

Resolution #SC-2004-4-003
Moved by ~~David Ogg~~ **Jo Rhoads**
Seconded by ~~Ed Forst~~ **Bill Weisgerber**

RESOLVED That JoAnn Thompson was elected as Chair.

Yes: 7
No: 0
Abs: 1 (for Chair vote only)

Resolution #SC-2004-4-004
Moved by Marie Hoag
Seconded by Ed Forst

RESOLVED That Bill Weisgerber was elected as Vice Chair, and Jo Rhoads was appointed as OLHSA representative.

Yes: 8
No: 0

MOTION CARRIED

Nomination of a Representative to the Park Board

Resolution #SC-2004-4-004 **5**
Moved by David Ogg
Seconded by Ed Forst

RESOLVED That Merrill Dixon be recommended for reappointment to the Park Board.

Yes: 7
No: 0

MOTION CARRIED

Volunteer Banquet: Bill Weisgerber suggested that the committee speak at the volunteer banquet about the things that they have accomplished. There was a consensus that the

banquet be strictly for fun. Carla suggested an article for the newsletter or that members speak at a regular lunch.

Reports

Park Board: Merrill Dixon reported that the Park Board met jointly with the City Council on March 29 to discuss use of park space, and a cricket field in particular.

Medi-Go: Jo Rhoads reported that she will have ridership numbers next month. JoAnn Thompson reported that she recently spoke with two new riders who were extremely pleased with the service. David Ogg will let the City Council know that their support of Medi-Go is appreciated.

Lunch Attendance: There were 1168 meals served on 20 days at the Community Center in February. The average donation was $1.90. 1917 homebound meals were delivered.

Senior Program Report: Carla reported that registration is now complete for the golf leagues. There are 72 players in the Wednesday league and 64 players on the Monday league. The Area Agency on Aging chose the Troy program to photograph for their annual report because of "the abundance of opportunities to photograph active seniors." Free massage is back thanks to students from the Blue Heron Massage academy and will be offered on Monday, April 12. A discussion was held about the newsletter being available at Oakland Park Towers but not Bethany Villa and that this needs to be considered since there will soon be a charge to mail the letter. It was suggested that the newsletters be available at Bethany Villa also if someone there can come up with a place to put them. Volunteers should pick the newsletters up for both places and agree to monitor the number needed.

OLHSA: JoAnn Thompson reported that they had a speaker from Able Zone – a company in Troy that sells low-vision products.

Suggestion Box: Carla reported that there was one suggestion that there be more benches outside the exercise room for people waiting for class to start. She is waiting for a call back to discuss the issue.

Member Comments

David Ogg updated the Committee on Larry and Pauline Jose.

David Ogg reported that we will need a new volunteer to take brochures to the Library since Ed Forst is resigning from the committee.

JoAnn would like the AEDs to be mounted in plain sight, even if they are kept behind the counter is case a staff person is not immediately available. She would also like it posted in the building that they are available and their location. Carla reported that Community Center staff is trained on the use of AEDs.

Bill Weisgeber handed out information he had received via email about how to recognize a stroke and he would like this information passed on to the seniors. Carla will do this if she can find the source of the information and it is from a reputable organization.

JoAnn noted that there is confusion about the different school and city election sites.

The meeting was adjourned at 11:55 a.m.

Respectfully submitted,

JoAnn Thompson, Chair

Carla Vaughan, Secretary

A Regular Meeting of the Troy Advisory Committee for Persons with Disabilities was held Wednesday, April 7, 2004, at the lower level conference room at City Hall. Leonard Bertin called the Meeting to order at 7:08 P.M.

Present:	L Bertin, member	C. Buchanan, member
	A. Done, member	K. Gauri, member
	T. House, member	N. Johnson, member
	P. Manetta, member	D. Pietron, member
	M. Pritzlaff, alternate	G. Yau, Student
Present:	M. Grusnick, staff	
	K. Jearls, staff	
Absent:	S. Burt, member	D. Kuschinsky, member
	J. Shah, alternate	

ITEM B – APPROVAL OF MINUTES OF MEETING OF March 4, 2004
House made a motion for correction to the minutes regarding the dates of City Council meetings scheduled in March for 3/5 and 3/15. Supported by Gauri. All voted in favor.

ITEM C – VISITORS, DELEGATIONS AND GENERAL PUBLIC

ITEM D – NEW BUSINESS
Gauri recommended reviewing member attendance records every six months to make a distinction between excused and unexcused absences. It was decided that if a member cannot attend any future meeting, they should notify another member or Mitch Grusnick of their absence and a brief reason. Attendance record reviews will be scheduled at the May and November meetings. Gauri made a motion, seconded by Buchanan. All were in favor. Discussion was held regarding City Council's review of Jayshree's attendance records.

The Committee will send a congratulatory note to the new Mayor and incumbents returning.

Grusnick will check into "Project Civic Access' (ensures that compliance is followed with the American Disability Act), for City owned buildings.

ITEM E – REGULAR BUSINESS
Delegation of member responsibilities for 2004 Ability Expo:

1. Letter writing to groups and individuals to notify of the change in hours and asphalt location – Gauri.
2. Updated mailing list – Manetta.

3. Call Cindy Stewart about Troy Today, etc. for ads and booth application – House.
4. Discuss with cable station about running ads in July – Done.
5. In May, contact special ed classes in Troy and surrounding communities to invite participation – Done.

Discussion was held regarding booth fees; should they be refunded to non-profit participants? If fee is not returned, should it be used for raffle, scholarships, special needs for district schools? House will contact school district to discuss needs.
The set-up will be from 12 p.m. to 1p.m. and will run until 7:30 p.m., 9/16/04. The previous 27 spaces have been increased to 35. April 27 is the next Troy Daze meeting.

Bertin will attend the 4/12 Council meeting and Burt will attend 4/19. Pritzlaff will attend on 5/3.

ITEM F – OLD BUSINESS
Pritzlaff will contact Escanaba for an update on permit discounts given for ADA compliance housing.

ITEM G – INFORMATIONAL ITEMS
Bertin shared 3 copies of HAVA training.
Johnson shared literature from Great Lakes ADA.
Ida Edmond called Bertin regarding the millage for playground improvements. If passed, they will contact the committee in September for suggestions on beneficial improvements for usage of children with varying abilities.

ITEM H – ADJOURN
Pietron made a motion to adjourn at 8:40, Gauri seconded.

Leonard Bertin, Chair

Kathy Jearls, Recording Secretary

A meeting of the **Troy Youth Council (TYC)** was held on Wednesday, April 28, 2004 at 7:00 PM at City Hall in the Lower Level Conference Room, 500 West Big Beaver Road. Maniesh Joshi called the meeting to order at 7:04 p.m.

MEMBERS PRESENT:	Emily Burns
	Juliana D'Amico
	Monika Govindaraj (Arrived 7:25 P.M.)
	Catherine Herzog
	Maniesh Joshi
	Andrew Kalinowski
	Christina Krokosky
	Manessa Shaw
MEMBERS ABSENT:	Chris Cheng (excused)
	Min Chong (excused)
	Eric Gregory (excused)
	Matthew Michrina (excused)
	YuJing Wang
ALSO PRESENT:	Laura Fitzpatrick, Assistant to the City Manager

1. **Roll Call**
2. **Approval of Minutes**

Resolution # TY-2004-04- 008
Moved by Kalinowski
Seconded by Krokosky

RESOLVED, That the minutes of 3/24/04 be approved.

Yes: All - 7
No: None
Absent: 6 - Cheng, Chong, Govindaraj, Gregory, Michrina, Wang
MOTION CARRIED

3. **Attendance Report:** Noted and Filed
   This meeting: 5 present, 5 absent – 4 gave prior notification.

Two more members are in violation of the attendance policy and as such will not be able to renew their seats on the TYC. These members do not appear to be interested in and/or have time to attend meetings. There are at least five student applicants wishing to serve on the TYC.

Resolution # TY-2004-04- 009
Moved by Krokosky
Seconded by Joshi

WHEREAS, That other youth be afforded the opportunity to serve on the Troy Youth Council (TYC).

RESOLVED, That TYC hereby requests that Members Cheng and Michrina be contacted calling for their resignation from the TYC due to their lack of attendance at monthly meetings.

Yes: All - 8
No: None
Absent: 5 - Cheng, Chong, Govindaraj, Gregory, Michrina, Wang

MOTION CARRIED

4. Guests:

Dana Calhoun, Civil Engineer, Public Works Department
Jennifer Lawson, Environmental Specialist, Engineering Department
Topic: What the City Does to Protect the Environment & What You Can Do

5. Guest:

Keith Maas, Hockey Director, Troy Sports Center
Topic: Soliciting Input re: Troy Sports Center Services

6. Motion to Excuse Absent Members Who Have Provided Advance Notification

Resolution # TY-2004-04-010
Moved by Shaw
Seconded by Herzog

RESOLVED, That Cheng, Chong, Gregory, and Michrina shall be excused.

Yes: All - 8
No: None
Absent: 5 - Cheng, Chong, Govindaraj, Gregory, Michrina, Wang

MOTION CARRIED

7. Summer Meeting Schedule

Resolution # TY-2004-04-11
RESOLVED, That the June and July meetings of the Troy Youth Council be cancelled for summer recess

Yes: All - 8
No: None
Absent: 5 - Cheng, Chong, Gregory, Michrina, Wang

MOTION CARRIED

8. **Membership:**

TYC Resignations: Letter/postcard sent
Summary of Applicants and Plans for Appointments

Resolution # TY-2004-04-012
Moved by Kalinowski
Seconded by Shaw

RESOLVED, That the TYC shall pursue younger applicants so that the entire membership will not turn over in August 2005.

Yes: All - 8
No: None
Absent: 5 - Cheng, Chong, Gregory, Michrina, Wang
MOTION CARRIED

9. Youth Council Comments

There is interest in event planning. Fitzpatrick recommends *promotion* of existing City events. Such promotion of pre-existing events is more in line with the TYC's role as both an advisory board and ambassadors of the City. Fitzpatrick will investigate event planning. Will invite Community Affairs department to speak on the topic at a future meeting.

10. Miscellaneous Announcements:

- *Next Meeting:* Reminder Next Meeting: WED MAY 26th 7:00 P.M.@ ***CITY HALL***
- TYC Members and the City to make efforts to encourage applicants to apply to the TYC by 5/14. Applicants will be invited to the 5/26/04 TYC meeting.

11. PUBLIC COMMENT

The meeting adjourned at 8:28 P.M.

_____
Maniesh Joshi, Co-chair

_____
Laura Fitzpatrick, Assistant to the City Manager

The Special/Study Meeting of the Troy City Planning Commission was called to order by Chair Waller at 7:30 p.m. on May 4, 2004, in the Council Board Room of the Troy City Hall.

1. ROLL CALL

Present:
Lynn Drake-Batts
Fazal Khan
Lawrence Littman
Robert Schultz
Thomas Strat (arrived 7:40 p.m.)
Mark J. Vleck
David T. Waller

Absent:
Gary Chamberlain
Wayne Wright

Also Present:
Mark F. Miller, Planning Director
Brent Savidant, Principal Planner
Allan Motzny, Assistant City Attorney
Kathy Czarnecki, Recording Secretary

Resolution # PC-2004-05-049 *(Refer to Resolution # PC-2004-05-050 on page 2)*
Moved by: Schultz
Seconded by: Littman

RESOLVED, That Members Chamberlain, Strat and Wright be excused from attendance at this meeting.

Yes: Drake-Batts, Khan, Littman, Schultz, Vleck, Waller
No: None
Absent: Chamberlain, Strat, Wright

MOTION CARRIED

2. PUBLIC COMMENTS

There was no one present who wished to speak.

3. PLANNING AND ZONING REPORT

Mr. Miller reported that final site plan approval for Rochester Commons PUD, located on the north side of Big Beaver Road, east of Rochester Road, will be submitted to City Council for review and approval at their May 24, 2004 Regular Meeting.

4. BOARD OF ZONING APPEALS (BZA) REPORT

The next BZA meeting is May 18, 2004.

5. DOWNTOWN DEVELOPMENT AUTHORITY (DDA) REPORT

Mr. Miller reported the Request for Qualifications (RFQ) for the Big Beaver Corridor Study was mailed to 15 firms and placed on the American Planning Association website. The website initiated approximately 40 responses from firms who wished to have the RFQ mailed to them.

The Planning Department will provide a copy of the RFQ to the Planning Commission Members via e-mail.

(Mr. Strat arrived at 7:40 p.m.)

Resolution # PC-2004-05-050
Moved by: Schultz
Seconded by: Vleck

RESOLVED, That Member Strat be un-excused from attendance at this meeting.

Yes: All present (7)
No: None
Absent: Chamberlain, Wright

MOTION CARRIED

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6. CIVIC CENTER PRIORITY TASK FORCE (CCPTF) REPORT

Chair Waller announced that Mr. Schultz would represent the Planning Commission on the Civic Center Priority Task Force.

Resolution # PC-2004-05-051
Moved by: Vleck
Seconded by: Strat

RESOLVED, That Robert Schultz be appointed to represent the Planning Commission on the Civic Center Priority Task Force.

Yes: All present (7)
No: None
Absent: Chamberlain, Wright

MOTION CARRIED

7. POTENTIAL ORDINANCE REVISION DISCUSSION – Group Day Care Homes in R-1 Districts

The potential ordinance revision relating to group day care homes and the Planning Commission discussion at its April 27, 2004 Special/Study Meeting were reviewed by Chair Waller and Mr. Miller.

Mr. Savidant briefly reviewed regulations of family day care homes and group day care homes in selected southeast Michigan communities.

Sharon Schafer of 5593 Mandale, Troy, was present.

Kim Duford, 3141 McClure, Troy, was present. Ms. Duford, President of the Oakland County Child Care Association (OCCCA), said she represents 400 children in day care homes licensed by the State of Michigan. Ms. Duford said she would like to see the City ordinance brought up-to-date from its inception in 1968/1970. Ms. Duford indicated that during her years with the OCCCA, there have been no home day care incidences relating to City regulations.

Chair Waller opened the floor for discussion. Information was shared on the following:

- Definitions of family day care and group day care
- Requirement(s) for the number of caregiver(s)
- Differences between city and township regulations
- State licensing and regulations
- State home inspections
- Traffic and parking concerns
- Restrictions (i.e., designated drop-off and pick-up times)
- Public education of day care in homes
- Accreditation from the National Association for Family Child Care
- Food program
- Hours of operation

Chair Waller asked Mses. Schafer and Duford to provide a written summary of tonight's discussion to the Planning Department as a reference for future discussion on the matter.

Mr. Schultz voiced concern with respect to legalizing boarding houses in which children would be boarded for more than a 24-hour period.

Chair Waller distributed copies of *Child Care Today*, a publication of the Oakland County Child Care Council provided by Ms. Schafer.

There was a brief discussion on the status of Ms. Schafer's notice of violation. Ms. Schafer said the Building Department indicated the notice of violation would be held in abeyance as long as she was diligently pursuing a change in the ordinance.

Mr. Motzny reported the Commission could pass a resolution to request an abeyance of the notice of violation, but noted the Building Department would not be obligated to honor the resolution.

Resolution # PC-2004-05-052
Moved by: Shultz
Seconded by: Khan

RESOLVED, That the Planning Commission request from the Building Department a written confirmation that, based upon the Planning Commission's attempts to move forward with zoning ordinance changes, the notice of violation for the day care home located at 5593 Mandale Drive be held in abeyance, as was communicated to the homeowner.

Discussion on the motion.

Mr. Strat suggested that Ms. Schafer provide a written communication to the Building Department, with a copy to the Planning Department, detailing her interpretation of the Building Department's pending action.

Vote on the motion.

Yes: All present (7)
No: None
Absent: Chamberlain, Wright

MOTION CARRIED

8. SIDEWALKS – STANDARDS, APPROVALS AND WAIVERS

Mr. Savidant reviewed the requirements for right-of-way and non right-of-way sidewalks and the map that shows all sidewalk waivers granted by the Traffic Committee since 1999.

There was discussion on the following topics:

- Terminology of sidewalk; bike path; safety path; and non-motorized trail
- City Engineer's authority to modify sidewalk width
- Origination of Traffic Committee's authority to waive sidewalks
- 8-foot versus 10-foot width of sidewalks on major thoroughfares
- City development projects with 5-foot wide sidewalks
- Concrete versus asphalt sidewalks
- Adult cycling on sidewalks
- Non-motorized trails
- Established trails and sidewalks of surrounding communities
- Trail system connectivity with surrounding areas
- American Association of State Highway and Transportation Officials (AASHTO) standards

Chair Waller stated the matter would be discussed further at a future study session.

9. DISCUSSION ON ETHICS / ETHICAL CONSIDERATIONS

Messrs. Miller, Savidant and Motzny gave a brief presentation on Planning Commissioner ethics. The specific intent of the presentation is to determine whether the Planning Commission wishes to address and establish rules relating to conflicts of interest in the Planning Commission By-Laws.

Hypothetical conflicts of interest were discussed.

10. ZONING ORDINANCE TEXT AMENDMENT (ZOTA #202) – Article 28.30.02 Outside Storage of Commercial and Recreational Vehicles in Self Storage Facilities

11. ZONING ORDINANCE TEXT AMENDMENT (ZOTA #204) – Article 28.00.00 Outside Storage of Commercial and Recreational Vehicles in Required Off Street Parking in the M-1 District

Mr. Miller stated that the draft ordinance language for the proposed ZOTA #202 has not changed from previous Planning Commission meeting discussions. Planning Department research determined that approximately 500 off-street parking spaces in the M-1 district could be created for the potential storage of commercial and recreational vehicles. Mr. Miller reported that written invitations were mailed last week to owners of mini-warehouse storage sites asking for their input on the matter at tonight's meeting. Mr. Miller indicated the invitation would remain open.

Mr. Miller stated that after much discussion on ZOTA #204, it is the concurrence of the Planning Department, Planning Commission and City Management that parking lots and landbanked areas are not viable options for providing outdoor storage of commercial and recreational vehicles in the M-1 zoning district. Therefore, the Planning Department has not provided any proposed language to that regard.

Cindy Rhinehart of Secure Storage Systems (D&M Investments), 1485 Maple Way Drive, was present. Ms. Rhinehart said she receives phone calls daily from potential customers who would like to store their recreational vehicles, trailers, and pop-up campers on site. She indicated there is a definite market for recreational vehicle storage. Ms. Rhinehart said the proposed ordinance change would provide Secure Storage Systems with 51 parking spaces, and noted they would choose not to use the additional spaces for storage of recreational vehicles. Ms. Rhinehart said Secure Storage Systems prefers not to store recreational vehicles or large trucks on site because they take up a lot of space and would remain parked for more than a 24-hour period. Ms. Rhinehart said small business owners (i.e., plumbers, landscapers) are permitted to park on site because their trucks are smaller in size and are moved on a daily basis. Ms. Rhinehart stated there is no additional charge above the storage unit rental fee to the small business owner to park vehicles on a short-term basis. Ms. Rhinehart said most of the commercial business vehicles are parked outside and the rental units are used to store supplies and equipment, but she noted that some vehicles are small enough to be stored inside the units. Ms. Rhinehart stated that the charge for storage is the same for commercial and residential customers.

Mr. Savidant asked Ms. Rhinehart if she thought 6 parking spaces would provide adequate parking, noting that the ordinance change, if adopted, would require only 6 spaces for Secure Storage Systems.

Ms. Rhinehart replied in the affirmative.

A brief discussion followed with respect to safety concerns of storing vehicles inside a storage rental unit and the lack of outdoor storage facilities in the City of Troy.

Chair Waller said departmental review of the proposed language would be sought prior to scheduling a public hearing and going forward to City Council.

12. REVIEW OF MAY 11, 2004 REGULAR MEETING

Items briefly discussed were:

- *Zoning Ordinance Text Amendment (ZOTA #200)* – Article 34.70.00 One Family Cluster Option

  Mr. Schultz said he would move to postpone this item at the next meeting in the absence of the Planning Consultant's report and City Attorney's review and approval.

- *Special Use Request (SU-324)* – Proposed Dog Day Care / Commercial Kennel, BARK! LLC, North side of Industrial Row, East of Coolidge, Section 32 – M-1

  Mr. Savidant reviewed the modifications to the Special Use request (i.e., hours of operation, outdoor play area, fencing on the east side).

13. PUBLIC COMMENT

There was no one present who wished to speak.

GOOD OF THE ORDER

Mr. Miller said he looks forward to Mr. Strat's comments on his attendance at the American Planning Association Annual Conference in Washington, D.C.

Mr. Vleck referenced the Woodside Bible PUD project and suggested that consideration be given to the requirement of additional setbacks for future PUD projects.

Chair Waller said it might be helpful to review elevations and side views that would show the height and distance perspective of future PUD developments in relation to neighbors.

Mr. Motzny announced the City Attorney's Office is celebrating National Law Day on May 12, 2004. Dr. Robert A. Sedler is scheduled to speak on the historical significance of the *Brown v. Board of Education* civil rights case at 2:00 p.m. in the City Council Chambers. He invited everyone to attend.

Chair Waller addressed the following: (1) Oakland County Planners' Gathering presentation by the U.S. Green Building Council on June 4, 2004; (2) *A Green Day in Troy* presentation to be held at Walsh College on Thursday, June 24, 2004; (3) *Detroit News* article regarding proposed mosque in Rochester Hills and its review process.

Mr. Vleck said he would like to get feedback from the City Council on Planning Commission work items.

Mr. Strat said the APA Annual Conference was a great experience and he would provide a report in the future on three presentations he found most beneficial.

Mr. Schultz said he is still waiting for the Planning Department to provide a current status of approved developments.

Chair Waller said he would work with the Planning Department on a project spreadsheet.

Mr. Strat asked if there is an expiration date on a preliminary site plan approval.

Mr. Miller replied that a preliminary site plan approval is valid for one year. He clarified that it is permissible for the project to go forward should the developer be in the process of getting final site plan approval. If the project has been abandoned, the preliminary site plan approval expires after one year.

ADJOURN

The Special/Study Meeting of the Planning Commission was adjourned at 9:55 p.m.

Respectfully submitted,

_____

David T. Waller, Chair

_____

Kathy L. Czarnecki, Recording Secretary

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Advisory Committee for Senior Citizens

A Regular meeting of the Advisory Committee for Senior Citizens was held on Thursday, May 6 2004 at the Troy Community Center. Chair JoAnn Thompson called the meeting to order at 10 AM.

Present:
JoAnn Thompson, Chair
Bill Weisgerber, Vice-Chair
Merrill Dixon, Member
Marie Hoag, Member
Jane Crowe, Member
David Ogg, Member
Jo Rhoads – Member
Steven Banch - Member
Carla Vaughan, Staff

Absent: None

Visitors: Mary Kerwin, Carol Pochodylo

Approval of Minutes

Resolution # SC-2004-5-001
Moved by Merrill Dixon
Seconded by Jo Rhoads

RESOLVED, That the Minutes of April 1, 2004 be approved as amended.

Yes: 8
No: 0

MOTION CARRIED

Visitor Comments

Mary Kerwin announced upcoming forums on the bond issue and the Troy High boosters' raffle.

Old Business

The Committee viewed a tape on how to use an AED and discussed their use at the Community Center.

New Business

None

Reports

Park Board: Merrill Dixon handed out copies of the proposed Parks and Recreation budget and reported that the Park Board reviewed the budget at their last meeting.

Medi-Go: Carla reported that Medi-Go reached a milestone of 10,000 rides in 2003 and they gave 830 rides in February 2004.

Lunch Attendance: No report

Senior Program Report: Carla reported that 144 people attended the volunteer banquet which included a visit by the Mayor. Troy has been selected to host a senior activity workshop in March 2005. This national workshop is a cooperative effort between the American Association for Active Lifestyles and Fitness (AAALF) and the National Senior Games Association (NSGA) and is funded by the Center for Disease Control. It is for people age 50 and older who are sedentary, but interested in becoming active. The workshop also includes a training session for professionals who work with seniors to learn effective and safe physical activity programming. 74 people received a free massage from Blue Heron Massage academy students on April 12, and they will be back in June. Senior Week is going well, and Jo-Anne Stein is doing a great job.

OLHSA: No report.

Suggestion Box: The committee received one email regarding senior rates at Sylvan Glen – specifically why other senior programs start at age 55 but seniors do not get a discount on golf until age 62. This email was also forwarded to Carol Anderson as requested by the sender.

Member Comments

Bill Weisgerber reported that there is lots of compost at the gardens. 54 gardeners returned, there are 16 new gardeners and eight vacant gardens including the two raised beds.

JoAnn Thompson offered to RSVP for everyone who was planning to attend the OLHSA volunteer appreciation banquet.

David Ogg announced that the Civic Center task force will meet again on May 12 to discuss development of the additional acres.

Bill Weisgerber asked that the Troy Daze Parade be added to the agenda next month.

Jane Crowe announced that this would be her last meeting.

The meeting was adjourned at 11:25 a.m.

Respectfully submitted,

JoAnn Thompson, Chair

Carla Vaughan, Secretary

The Regular Meeting of the Troy City Planning Commission was called to order by Chair Waller at 7:30 p.m. on May 11, 2004, in the Council Chambers of the Troy City Hall.

1. ROLL CALL

Present:
Lynn Drake-Batts
Fazal Khan
Robert Schultz
Thomas Strat
Mark J. Vleck
David T. Waller
Wayne Wright

Absent:
Gary Chamberlain
Lawrence Littman

Also Present:
Mark F. Miller, Planning Director
Allan Motzny, Assistant City Attorney
Kathy Czarnecki, Recording Secretary

Resolution # PC-2004-05-053
Moved by: Schultz
Seconded by: Strat

RESOLVED, That Members Chamberlain and Littman be excused from attendance at this meeting.

Yes: All present (7)
No: None
Absent: Chamberlain, Littman

MOTION CARRIED

2. MINUTES

Resolution # PC-2004-05-054
Moved by: Wright
Seconded by: Schultz

RESOLVED, To approve the April 27, 2004 Special/Study Meeting minutes as published.

Yes: Drake-Batts, Schultz, Strat, Waller, Wright
No: None
Abstain: Khan, Vleck
Absent: Chamberlain, Littman

MOTION CARRIED

3. PUBLIC COMMENTS

There was no one present who wished to speak.

Mr. Miller announced that the proposed Presidential Place Site Condominium development located on the west side of John R and north of Square Lake, directly south of Fire Station No. 5, was removed from tonight's agenda. The petitioner to date has not provided the Planning Department with sufficient information, including a wetlands determination and corrections to the application. Mr. Miller said notifications were mailed to residents abutting the subject property, but the residents were not notified that the item was removed from tonight's agenda. Mr. Miller apologized for any inconvenience this might have caused.

Chair Waller opened the floor for comment.

Valentina Shashlo of 6336 Atkins, Troy, requested assistance in locating the proposed site condominium project in relation to her property.

Mr. Miller provided Ms. Shashlo with a business card and said a member of the Planning Department would assist her during office hours.

TABLED ITEM

4. PUBLIC HEARING – PROPOSED REZONING (Z-694) – Proposed Knights of Columbus Hall (in existing building), West Side of Dequindre, South of Big Beaver, Section 25 – From B-1 to B-2 or B-3

Mr. Miller presented a summary of the Planning Department report for the proposed rezoning. Mr. Miller reported that it is the recommendation of the Planning Department to approve the rezoning application to either the B-2 or B-3 zoning classification. Mr. Miller stated that the required rear yard setbacks for both the B-2 or B-3 zoning districts would create a non-conforming structure. He noted the B-3 zoning would create a substantially lesser non-conformity than B-2 zoning.

There was discussion on the setback requirements, the intent of the B-2 zoning district in relation to the setback requirements, the required variance from the Board of Zoning Appeals, the proposed zoning classification correlation with the Future Land Use Plan, and the permitted uses in the B-1, B-2 and B-3 districts.

Mr. Motzny said that should the proposed rezoning be approved, the non-conformity becomes legal, but noted that an expansion on the non-conforming structure would not be permitted without approval from the Board of Zoning Appeals.

The petitioner, Mike Kozlowski of Caeruleum Environmental Design, 5603 S. Telegraph, Dearborn Heights, was present. Mr. Kozlowski said the hurdles of the development proposal are recognized, and noted that parking is the most significant

one. Mr. Kozlowski said factors to consider are (1) the self-limiting nature of the size of the parcel and building; (2) the more intensive parking requirements for special uses in the B-2 and B-3 zoning districts; and (3) self-limiting characteristics of special uses. Mr. Kozlowski said he is prepared to go forward with the necessary variances, and noted his zoning classification preference would be B-3 because the variance requirement would be less.

PUBLIC HEARING OPENED

Mark Michail, Attorney, of 4064 Cypress, Troy, was present to represent the owner of Blockbuster, located directly north of the proposed rezoning at 2966 E. Big Beaver. Mr. Michail voiced strong opposition to the proposed rezoning. The reasons cited for the opposition are (1) potential parking concerns, (2) the zoning change of the current use and (3) the intensity of the proposed zoning use. He said the Blockbuster parcel is the most convenient location for potential users of the Knights of Columbus facility to park their vehicles and walk to the hall. Mr. Michail said the Blockbuster site is currently vacant and is limited in its prospective uses because of its B-1 zoning classification. He asked why the Blockbuster parcel could not be rezoned to B-2 or B-3.

PUBLIC HEARING CLOSED

Mr. Miller clarified the Schedule of Notes in the zoning ordinance as relates to the requested B-3 zoning district.

Mr. Vleck said he has no specific problem with the proposed use. He believes the B-3 zoning classification would set a precedent for future rezoning requests, and stated he does not agree with the B-2 zoning classification because of the big setback it would create.

Mr. Khan agreed that approval of the B-3 zoning classification would set a precedent for future rezoning requests. He thinks the potential uses that are permissible in the B-3 zoning classification would not be suitable to the area.

Resolution # PC-2004-05-055
Moved by: Vleck
Seconded by: Strat

RESOLVED, that we deny the approval of this request.

Discussion on the motion on the floor.

Ms. Drake-Batts asked what the future plan is for the subject parcel and the parcel to the north. She also questioned if a previous rezoning request was received for the parcel to the north.

Mr. Miller said the entire corner is designated Community Service Area on the Future Land Use Plan. He stated that the primary zoning district correlation is B-2 and the secondary zoning district correlation is B-3, and noted that both the B-2 and B-3 zoning classifications are consistent with the Future Land Use Plan. Mr. Miller said the intent of the B-2 zoning classification is to allow planned shopping centers and stated that this specific area would not meet that intent. Mr. Miller said he would research whether a rezoning request was previously submitted for the parcel to the north. Mr. Miller confirmed that the Blockbuster parcel is zoned B-1 and the parcel directly on the corner is zoned B-3 [currently an oil change facility].

Mr. Koslowski said that the size of the property [2/3 of an acre] would not likely accommodate typical B-3 uses. Mr. Koslowski said he has been completely open about the proposal plans, and respectfully requested the Commission to not deny the rezoning request since both proposed zoning classifications are consistent with the Future Land Use Plan.

Vote on the motion on the floor.

Yes: Khan, Schultz, Strat, Vleck
No: Drake-Batts, Waller, Wright
Absent: Chamberlain, Littman

MOTION CARRIED

Mr. Vleck said he is not against rezoning the parcel to B-2, but he has concerns with the variance that is required for conformity of the building. He said that approval of the rezoning request would set a precedent for future rezoning applications. Mr. Vleck suggested consideration be given to a zoning ordinance text amendment that would specifically address setbacks within the B-2 zoning district.

Mr. Strat suggested that a system of layered zones could be a solution and should be considered for future planning.

Chair Waller stated that Mr. Strat recently returned from the annual conference of the American Planning Association in Washington, D.C., and will be sharing ideas from the conference with the Commission in the very near future. Chair Waller said the Commission would review the suggestions from Messrs. Vleck and Strat.

Mr. Miller said it is important to recognize that the B-1 zoning classification also has a secondary correlation to the area and it is also consistent.

SITE CONDOMINIUM SITE PLAN

5. SITE PLAN REVIEW – Proposed Stone Haven Woods East No. 2 Site Condominium, 4 units/lots proposed, South Side of Wattles, West of Crooks, Section 20 – R-1B

Chair Waller announced that at the request of the petitioner, item #5 has been removed from the agenda.

Resolution # PC-2004-05-056

Moved by: Wright
Seconded by: Schultz

RESOLVED, That the Preliminary Site Plan (Section 34.30.00 Unplatted One-Family Residential Development), as requested for Stone Haven Woods East No. 2 Site Condominium, including 4 units, located south of Wattles Road and west of Crooks Road, Section 20, within the R-1B zoning district be tabled to the June 8, 2004 Regular Meeting.

Yes: All present (7)
No: None
Absent: Chamberlain, Littman

MOTION CARRIED

SPECIAL USE APPROVAL

6. PUBLIC HEARING – SPECIAL USE REQUEST (SU 324) – Proposed Dog Day Care/Commercial Kennel, BARK! LLC, North side of Industrial Row, East of Coolidge, Section 32 – M-1

Chair Waller announced that at the request of the petitioner, item # 6 has been removed from the agenda.

Resolution # PC-2004-05-057

Moved by: Wright
Seconded by: Schultz

RESOLVED, that the Special Use Approval and Site Plan Approval, pursuant to Section 28.30.08 of the Zoning Ordinance, as requested for the proposed BARK! Commercial Kennel, located on the north side of Industrial Row, east of Coolidge, Section 32, within the M-1 Zoning District, be tabled to the June 8, 2004 Regular Meeting.

Yes: All present (7)
No: None
Absent: Chamberlain, Littman

MOTION CARRIED

STREET VACATION REQUEST

7. PUBLIC HEARING – STREET VACATION REQUEST (SV-185) – South 149.26 Ft. (dead end) of Beach Road, abutting Lot 53 of Wendover Woods No. 2 Subdivision, North of Big Beaver, West of Coolidge, Section 19 – R-1B

Mr. Miller presented a summary of the Planning Department report for the proposed street vacation. Mr. Miller reported that it is the recommendation of the Planning Department to approve the street vacation request as submitted.

The petitioner, Toby Buechner of 2411 Hampton, Troy, was present.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Resolution # PC-2004-05-058

Moved by: Wright
Seconded by: Vleck

RESOLVED, that the Planning Commission hereby recommends to the City Council that the street vacation request, as submitted, for the Beach Road right-of-way, located within the Wendover Woods No. 2 Subdivision, abutting lot 53, being approximately 149.26 feet in length and 43 feet in width, in Section 19, be approved.

Yes: All present (7)
No: None
Absent: Chamberlain, Littman

MOTION CARRIED

REZONING REQUEST

8. PUBLIC HEARING – PROPOSED REZONING (Z-695) – Proposed Becker Overflow Parking Area, South Side of Henrietta, East of Rochester Road, Section 27 – From R-1E to P-1

Mr. Miller presented a summary of the Planning Department report for the proposed rezoning. Mr. Miller reported that it is the recommendation of the Planning Department to approve the rezoning application.

Mr. Strat asked why consideration is not being given to rezoning the parcel to O-1. He said there is potential to having a parking area surrounded by light industrial or office buildings. Mr. Strat said it seems more appropriate to use the entire site.

Mr. Miller replied that the City is responding to the petitioner's request for a rezoning to the P-1 classification, and the Planning Department would review other alternative zoning classifications should they be submitted.

Mr. Vleck questioned the parking calculations in relation to the building size.

Discussion followed with respect to the parking calculations in relation to the existing building and the potential expansion of the existing building. Mr. Miller did not know if the existing building could be expanded, given the size of the lot.

Mr. Wright said the petitioner might be requesting a parking zoning classification instead of office because the property as a parking lot would most likely be assessed at a lower value.

Mr. Vleck said that residents are generally not in favor of office or parking developments adjacent to their residences. Mr. Vleck asked for details on the required screening to the residents.

Mr. Miller said the subject parcel is designated as non-center commercial on the Future Land Use Plan. He said the designation has a primary correlation with the B-3 zoning classification and a secondary correlation with the H-S zoning classification. Mr. Miller said there is no correlation to office zoning, but noted there is some office zoning in the area. Mr. Miller confirmed the west side of Rochester Road is zoned B-2.

Mr. Wright said if memory serves him correctly, the intent of the Master Plan for that area is to consolidate the individual pieces of property to one large piece that would accommodate a large commercial center, the same intent for the parcels on the west side of Rochester Road.

The petitioner, Eileen Youngerman of 35 W. Huron, Pontiac, was present. Ms. Youngerman, property manager for Arnold Becker, has worked for Mr. Becker for almost 17 years. She said that Mr. Becker is requesting the rezoning to provide off-

street parking as an attraction to prospective tenants. Ms. Youngerman stated the screening wall to the adjacent residential homes would be consistent with the previous wall and would provide the residents with more of a buffer from the office use.

PUBLIC HEARING OPENED

Nancy Haynes of 1046 Henrietta, Troy, was present. Ms. Haynes voiced objection to the rezoning because the parking lot would be right up against her living room and bedroom. She said the existing office building has been empty for almost two years, with the exception of the sale of Persian rugs for a short period of time. Ms. Haynes referenced the parking lot that connects with the American Transmission parking lot. She said today she counted 25 cars in various stages of decay that she is afraid will overflow into the proposed parking lot. Ms. Haynes objected to the lights, noise and overall nuisances from the existing restaurant and bar. She said the proposed parking lot is not necessary because the office building is not currently occupied.

Mr. Miller said the screening wall would be poured concrete at a height of 4.5 feet.

Chair Waller stated the zoning ordinance contains specific language relating to the shielding of lights from residential property, and informed Ms. Haynes to notify the Building Department with lighting concerns.

Mark Kozlow of 1058 Henrietta, Troy, was present. Mr. Kozlow voiced objection to the proposed rezoning because he would like to see a plan to cover the whole area, and he would like to maintain the fair market value of his home. Mr. Kozlow noted that the existing building has been vacant for approximately two years, and it appears that the petitioner has no plans for the use of the property. Mr. Kozlow said the previous business at this location did not require additional parking.

Jena Carrington of 1062 Henrietta, Troy, was present. Ms. Carrington, the only homeowner on Henrietta with children, moved specifically to the area so her children could attend Troy schools. Ms. Carrington emphasized that this is their home. Ms. Carrington voiced objection to the proposed rezoning. She said there is no reason to put in a parking lot for a building that has been sitting empty for two years. She said there is plenty of space for a business to come in and there is no need to add parking until there is a plan.

PUBLIC HEARING CLOSED

Discussion continued on the lot configuration, setback requirements for the building and screening wall, and parking requirements for the existing building and potential buildout of the existing building.

Mr. Vleck said he does not see P-1 zoning as a transition zone to residential. Mr. Vleck said that should the property be rezoned to P-1, there is a potential for building expansion and a more intense use.

Mr. Strat said he is not in favor of the proposed rezoning because the petitioner has not demonstrated a need or a plan for the rezoning.

Ms. Drake-Batts asked the petitioner why she is requesting the rezoning now. She asked if there is a prospective tenant or if there are plans for redevelopment.

Ms. Youngerman responded that one of the reasons the building is vacant is because they got caught up in the "S" curve of Rochester Road. She said Mr. Becker, who owned Corey Dinette, put the store in that location so the building would not remain vacant. Ms. Youngerman indicated the real estate agent is having difficulty getting a prospective commercial tenant (preferably office) because of the lack of parking adjoining the building. She pointed out that a prospective tenant goes elsewhere when he/she sees inadequate parking for a potential of 25 to 30 employees. Ms. Youngerman said it is proposed to provide a 20-foot greenbelt between the screening wall and the parking lot.

Mr. Khan said he does not think the proposed rezoning would be suitable with respect to the small lot size of the adjacent residential homes and the required screening wall. He said doing piecemeal rezoning of the parcels would not solve the matter.

Mr. Vleck said he is vehemently against rezoning both parcels because there would be no control of the parcels.

Mr. Wright agreed that the proposed rezoning is premature and he would like to see the parcels developed as one big area. Mr. Wright said that should the parcel be rezoned to P-1, the result would be a parking classification in the middle of other zoning classifications.

Mr. Miller reported the schematic site plan shows a 20-foot setback from the proposed parking area. Mr. Miller reminded the Commission that the Planning Department does not review schematic site plans at the time of rezoning submissions, and noted the City cannot require any conditions on schematic site plans. Mr. Miller stated that the schematic site plan was not included in the Commission's meeting packet.

Resolution # PC-2004-05---
Moved by: Wright
Seconded by: Drake-Batts

RESOLVED, that the Planning Commission hereby recommends to the City Council that the R-1E to P-1 (Z-695) rezoning request located on the south side of Henrietta and east of Rochester, within Section 27, being 0.25 acres in size, be denied, for the following reason:

1. Such rezoning is premature at this time.

Discussion on the motion.

Mr. Vleck asked that the motion be revised to read that the P-1 zoning's close proximity to the existing residential area is an inadequate buffer zone when compared to the residential.

Mr. Wright and Ms. Drake-Batts had no objection to the revision.

Resolution # PC-2004-05-059 (as amended)
Moved by: Wright
Seconded by: Drake-Batts

RESOLVED, that the Planning Commission hereby recommends to the City Council that the R-1E to P-1 (Z-695) rezoning request located on the south side of Henrietta and east of Rochester, within Section 27, being 0.25 acres in size, be denied, for the following reasons:

1. Such rezoning is premature at this time.

2. The P-1 zoning's close proximity to the existing residential area is an inadequate buffer zone when compared to the residential.

Vote on the motion as amended.

Yes: All present (7)
No: None
Absent: Chamberlain, Littman

MOTION CARRIED

GOOD OF THE ORDER

Mr. Motzny extended an invitation to everyone to celebrate National Law Day on May 12, 2004. Dr. Robert A. Sedler is scheduled to speak on the historical significance of the *Brown v. Board of Education* civil rights case at 2:00 p.m. in the City Council Chambers.

ADJOURN

The Regular Meeting of the Planning Commission was adjourned at 8:47 p.m.

Respectfully submitted,

_____
David T. Waller, Chair

_____
Kathy L. Czarnecki, Recording Secretary

The Regular Meeting of the Troy City Planning Commission was called to order by Chair Waller at 7:30 p.m. on May 11, 2004, in the Council Chambers of the Troy City Hall.

1. ROLL CALL

Present:
Lynn Drake-Batts
Fazal Khan
Robert Schultz
Thomas Strat
Mark J. Vleck
David T. Waller
Wayne Wright

Absent:
Gary Chamberlain
Lawrence Littman

Also Present:
Mark F. Miller, Planning Director
Allan Motzny, Assistant City Attorney
Kathy Czarnecki, Recording Secretary

Resolution # PC-2004-05-053
Moved by: Schultz
Seconded by: Strat

RESOLVED, That Members Chamberlain and Littman be excused from attendance at this meeting.

Yes: All present (7)
No: None
Absent: Chamberlain, Littman

MOTION CARRIED

2. MINUTES

Resolution # PC-2004-05-054
Moved by: Wright
Seconded by: Schultz

RESOLVED, To approve the April 27, 2004 Special/Study Meeting minutes as published.

Yes: Drake-Batts, Schultz, Strat, Waller, Wright
No: None
Abstain: Khan, Vleck
Absent: Chamberlain, Littman

MOTION CARRIED

3. PUBLIC COMMENTS

There was no one present who wished to speak.

Mr. Miller announced that the proposed Presidential Place Site Condominium development located on the west side of John R and north of Square Lake, directly south of Fire Station No. 5, was removed from tonight's agenda. The petitioner to date has not provided the Planning Department with sufficient information, including a wetlands determination and corrections to the application. Mr. Miller said notifications were mailed to residents abutting the subject property, but the residents were not notified that the item was removed from tonight's agenda. Mr. Miller apologized for any inconvenience this might have caused.

Chair Waller opened the floor for comment.

Valentina Shashlo of 6336 Atkins, Troy, requested assistance in locating the proposed site condominium project in relation to her property.

Mr. Miller provided Ms. Shashlo with a business card and said a member of the Planning Department would assist her during office hours.

TABLED ITEM

4. PUBLIC HEARING – PROPOSED REZONING (Z-694) – Proposed Knights of Columbus Hall (in existing building), West Side of Dequindre, South of Big Beaver, Section 25 – From B-1 to B-2 or B-3

Mr. Miller presented a summary of the Planning Department report for the proposed rezoning. Mr. Miller reported that it is the recommendation of the Planning Department to approve the rezoning application to either the B-2 or B-3 zoning classification. Mr. Miller stated that the required rear yard setbacks for both the B-2 or B-3 zoning districts would create a non-conforming structure. He noted the B-3 zoning would create a substantially lesser non-conformity than B-2 zoning.

There was discussion on the setback requirements, the intent of the B-2 zoning district in relation to the setback requirements, the required variance from the Board of Zoning Appeals, the proposed zoning classification correlation with the Future Land Use Plan, and the permitted uses in the B-1, B-2 and B-3 districts.

Mr. Motzny said that should the proposed rezoning be approved, the non-conformity becomes legal, but noted that an expansion on the non-conforming structure would not be permitted without approval from the Board of Zoning Appeals.

The petitioner, Mike Kozlowski of Caeruleum Environmental Design, 5603 S. Telegraph, Dearborn Heights, was present. Mr. Kozlowski said the hurdles of the development proposal are recognized, and noted that parking is the most significant

one. Mr. Kozlowski said factors to consider are (1) the self-limiting nature of the size of the parcel and building; (2) the more intensive parking requirements for special uses in the B-2 and B-3 zoning districts; and (3) self-limiting characteristics of special uses. Mr. Kozlowski said he is prepared to go forward with the necessary variances, and noted his zoning classification preference would be B-3 because the variance requirement would be less.

PUBLIC HEARING OPENED

Mark Michail, Attorney, of 4064 Cypress, Troy, was present to represent the owner of Blockbuster, located directly north of the proposed rezoning at 2966 E. Big Beaver. Mr. Michail voiced strong opposition to the proposed rezoning. The reasons cited for the opposition are (1) potential parking concerns, (2) the zoning change of the current use and (3) the intensity of the proposed zoning use. He said the Blockbuster parcel is the most convenient location for potential users of the Knights of Columbus facility to park their vehicles and walk to the hall. Mr. Michail said the Blockbuster site is currently vacant and is limited in its prospective uses because of its B-1 zoning classification. He asked why the Blockbuster parcel could not be rezoned to B-2 or B-3.

PUBLIC HEARING CLOSED

Mr. Miller clarified the Schedule of Notes in the zoning ordinance as relates to the requested B-3 zoning district.

Mr. Vleck said he has no specific problem with the proposed use. He believes the B-3 zoning classification would set a precedent for future rezoning requests, and stated he does not agree with the B-2 zoning classification because of the big setback it would create.

Mr. Khan agreed that approval of the B-3 zoning classification would set a precedent for future rezoning requests. He thinks the potential uses that are permissible in the B-3 zoning classification would not be suitable to the area.

Resolution # PC-2004-05-055
Moved by: Vleck
Seconded by: Strat

RESOLVED, that we deny the approval of this request.

Discussion on the motion on the floor.

Ms. Drake-Batts asked what the future plan is for the subject parcel and the parcel to the north. She also questioned if a previous rezoning request was received for the parcel to the north.

Mr. Miller said the entire corner is designated Community Service Area on the Future Land Use Plan. He stated that the primary zoning district correlation is B-2 and the secondary zoning district correlation is B-3, and noted that both the B-2 and B-3 zoning classifications are consistent with the Future Land Use Plan. Mr. Miller said the intent of the B-2 zoning classification is to allow planned shopping centers and stated that this specific area would not meet that intent. Mr. Miller said he would research whether a rezoning request was previously submitted for the parcel to the north. Mr. Miller confirmed that the Blockbuster parcel is zoned B-1 and the parcel directly on the corner is zoned B-3 [currently an oil change facility].

Mr. Koslowski said that the size of the property [2/3 of an acre] would not likely accommodate typical B-3 uses. Mr. Koslowski said he has been completely open about the proposal plans, and respectfully requested the Commission to not deny the rezoning request since both proposed zoning classifications are consistent with the Future Land Use Plan.

Vote on the motion on the floor.

Yes: Khan, Schultz, Strat, Vleck
No: Drake-Batts, Waller, Wright
Absent: Chamberlain, Littman

MOTION CARRIED

Mr. Vleck said he is not against rezoning the parcel to B-2, but he has concerns with the variance that is required for conformity of the building. He said that approval of the rezoning request would set a precedent for future rezoning applications. Mr. Vleck suggested consideration be given to a zoning ordinance text amendment that would specifically address setbacks within the B-2 zoning district.

Mr. Strat suggested that a system of layered zones could be a solution and should be considered for future planning.

Chair Waller stated that Mr. Strat recently returned from the annual conference of the American Planning Association in Washington, D.C., and will be sharing ideas from the conference with the Commission in the very near future. Chair Waller said the Commission would review the suggestions from Messrs. Vleck and Strat.

Mr. Miller said it is important to recognize that the B-1 zoning classification also has a secondary correlation to the area and it is also consistent.

SITE CONDOMINIUM SITE PLAN

5. SITE PLAN REVIEW – Proposed Stone Haven Woods East No. 2 Site Condominium, 4 units/lots proposed, South Side of Wattles, West of Crooks, Section 20 – R-1B

Chair Waller announced that at the request of the petitioner, item #5 has been removed from the agenda.

Resolution # PC-2004-05-056

Moved by: Wright
Seconded by: Schultz

RESOLVED, That the Preliminary Site Plan (Section 34.30.00 Unplatted One-Family Residential Development), as requested for Stone Haven Woods East No. 2 Site Condominium, including 4 units, located south of Wattles Road and west of Crooks Road, Section 20, within the R-1B zoning district be tabled to the June 8, 2004 Regular Meeting.

Yes: All present (7)
No: None
Absent: Chamberlain, Littman

MOTION CARRIED

SPECIAL USE APPROVAL

6. PUBLIC HEARING – SPECIAL USE REQUEST (SU 324) – Proposed Dog Day Care/Commercial Kennel, BARK! LLC, North side of Industrial Row, East of Coolidge, Section 32 – M-1

Chair Waller announced that at the request of the petitioner, item # 6 has been removed from the agenda.

Resolution # PC-2004-05-057

Moved by: Wright
Seconded by: Schultz

RESOLVED, that the Special Use Approval and Site Plan Approval, pursuant to Section 28.30.08 of the Zoning Ordinance, as requested for the proposed BARK! Commercial Kennel, located on the north side of Industrial Row, east of Coolidge, Section 32, within the M-1 Zoning District, be tabled to the June 8, 2004 Regular Meeting.

Yes: All present (7)
No: None
Absent: Chamberlain, Littman

MOTION CARRIED

STREET VACATION REQUEST

7. PUBLIC HEARING – STREET VACATION REQUEST (SV-185) – South 149.26 Ft. (dead end) of Beach Road, abutting Lot 53 of Wendover Woods No. 2 Subdivision, North of Big Beaver, West of Coolidge, Section 19 – R-1B

Mr. Miller presented a summary of the Planning Department report for the proposed street vacation. Mr. Miller reported that it is the recommendation of the Planning Department to approve the street vacation request as submitted.

The petitioner, Toby Buechner of 2411 Hampton, Troy, was present.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Resolution # PC-2004-05-058

Moved by: Wright
Seconded by: Vleck

RESOLVED, that the Planning Commission hereby recommends to the City Council that the street vacation request, as submitted, for the Beach Road right-of-way, located within the Wendover Woods No. 2 Subdivision, abutting lot 53, being approximately 149.26 feet in length and 43 feet in width, in Section 19, be approved.

Yes: All present (7)
No: None
Absent: Chamberlain, Littman

MOTION CARRIED

REZONING REQUEST

8. PUBLIC HEARING – PROPOSED REZONING (Z-695) – Proposed Becker Overflow Parking Area, South Side of Henrietta, East of Rochester Road, Section 27 – From R-1E to P-1

Mr. Miller presented a summary of the Planning Department report for the proposed rezoning. Mr. Miller reported that it is the recommendation of the Planning Department to approve the rezoning application.

Mr. Strat asked why consideration is not being given to rezoning the parcel to O-1. He said there is potential to having a parking area surrounded by light industrial or office buildings. Mr. Strat said it seems more appropriate to use the entire site.

Mr. Miller replied that the City is responding to the petitioner's request for a rezoning to the P-1 classification, and the Planning Department would review other alternative zoning classifications should they be submitted.

Mr. Vleck questioned the parking calculations in relation to the building size.

Discussion followed with respect to the parking calculations in relation to the existing building and the potential expansion of the existing building. Mr. Miller did not know if the existing building could be expanded, given the size of the lot.

Mr. Wright said the petitioner might be requesting a parking zoning classification instead of office because the property as a parking lot would most likely be assessed at a lower value.

Mr. Vleck said that residents are generally not in favor of office or parking developments adjacent to their residences. Mr. Vleck asked for details on the required screening to the residents.

Mr. Miller said the subject parcel is designated as non-center commercial on the Future Land Use Plan. He said the designation has a primary correlation with the B-3 zoning classification and a secondary correlation with the H-S zoning classification. Mr. Miller said there is no correlation to office zoning, but noted there is some office zoning in the area. Mr. Miller confirmed the west side of Rochester Road is zoned B-2.

Mr. Wright said if memory serves him correctly, the intent of the Master Plan for that area is to consolidate the individual pieces of property to one large piece that would accommodate a large commercial center, the same intent for the parcels on the west side of Rochester Road.

The petitioner, Eileen Youngerman of 35 W. Huron, Pontiac, was present. Ms. Youngerman, property manager for Arnold Becker, has worked for Mr. Becker for almost 17 years. She said that Mr. Becker is requesting the rezoning to provide off-

street parking as an attraction to prospective tenants. Ms. Youngerman stated the screening wall to the adjacent residential homes would be consistent with the previous wall and would provide the residents with more of a buffer from the office use.

PUBLIC HEARING OPENED

Nancy Haynes of 1046 Henrietta, Troy, was present. Ms. Haynes voiced objection to the rezoning because the parking lot would be right up against her living room and bedroom. She said the existing office building has been empty for almost two years, with the exception of the sale of Persian rugs for a short period of time. Ms. Haynes referenced the parking lot that connects with the American Transmission parking lot. She said today she counted 25 cars in various stages of decay that she is afraid will overflow into the proposed parking lot. Ms. Haynes objected to the lights, noise and overall nuisances from the existing restaurant and bar. She said the proposed parking lot is not necessary because the office building is not currently occupied.

Mr. Miller said the screening wall would be poured concrete at a height of 4.5 feet.

Chair Waller stated the zoning ordinance contains specific language relating to the shielding of lights from residential property, and informed Ms. Haynes to notify the Building Department with lighting concerns.

Mark Kozlow of 1058 Henrietta, Troy, was present. Mr. Kozlow voiced objection to the proposed rezoning because he would like to see a plan to cover the whole area, and he would like to maintain the fair market value of his home. Mr. Kozlow noted that the existing building has been vacant for approximately two years, and it appears that the petitioner has no plans for the use of the property. Mr. Kozlow said the previous business at this location did not require additional parking.

Jena Carrington of 1062 Henrietta, Troy, was present. Ms. Carrington, the only homeowner on Henrietta with children, moved specifically to the area so her children could attend Troy schools. Ms. Carrington emphasized that this is their home. Ms. Carrington voiced objection to the proposed rezoning. She said there is no reason to put in a parking lot for a building that has been sitting empty for two years. She said there is plenty of space for a business to come in and there is no need to add parking until there is a plan.

PUBLIC HEARING CLOSED

Discussion continued on the lot configuration, setback requirements for the building and screening wall, and parking requirements for the existing building and potential buildout of the existing building.

Mr. Vleck said he does not see P-1 zoning as a transition zone to residential. Mr. Vleck said that should the property be rezoned to P-1, there is a potential for building expansion and a more intense use.

Mr. Strat said he is not in favor of the proposed rezoning because the petitioner has not demonstrated a need or a plan for the rezoning.

Ms. Drake-Batts asked the petitioner why she is requesting the rezoning now. She asked if there is a prospective tenant or if there are plans for redevelopment.

Ms. Youngerman responded that one of the reasons the building is vacant is because they got caught up in the "S" curve of Rochester Road. She said Mr. Becker, who owned Corey Dinette, put the store in that location so the building would not remain vacant. Ms. Youngerman indicated the real estate agent is having difficulty getting a prospective commercial tenant (preferably office) because of the lack of parking adjoining the building. She pointed out that a prospective tenant goes elsewhere when he/she sees inadequate parking for a potential of 25 to 30 employees. Ms. Youngerman said it is proposed to provide a 20-foot greenbelt between the screening wall and the parking lot.

Mr. Khan said he does not think the proposed rezoning would be suitable with respect to the small lot size of the adjacent residential homes and the required screening wall. He said doing piecemeal rezoning of the parcels would not solve the matter.

Mr. Vleck said he is vehemently against rezoning both parcels because there would be no control of the parcels.

Mr. Wright agreed that the proposed rezoning is premature and he would like to see the parcels developed as one big area. Mr. Wright said that should the parcel be rezoned to P-1, the result would be a parking classification in the middle of other zoning classifications.

Mr. Miller reported the schematic site plan shows a 20-foot setback from the proposed parking area. Mr. Miller reminded the Commission that the Planning Department does not review schematic site plans at the time of rezoning submissions, and noted the City cannot require any conditions on schematic site plans. Mr. Miller stated that the schematic site plan was not included in the Commission's meeting packet.

Resolution # PC-2004-05---
Moved by: Wright
Seconded by: Drake-Batts

RESOLVED, that the Planning Commission hereby recommends to the City Council that the R-1E to P-1 (Z-695) rezoning request located on the south side of Henrietta and east of Rochester, within Section 27, being 0.25 acres in size, be denied, for the following reason:

1. Such rezoning is premature at this time.

Discussion on the motion.

Mr. Vleck asked that the motion be revised to read that the P-1 zoning's close proximity to the existing residential area is an inadequate buffer zone when compared to the residential.

Mr. Wright and Ms. Drake-Batts had no objection to the revision.

Resolution # PC-2004-05-059 (as amended)
Moved by: Wright
Seconded by: Drake-Batts

RESOLVED, that the Planning Commission hereby recommends to the City Council that the R-1E to P-1 (Z-695) rezoning request located on the south side of Henrietta and east of Rochester, within Section 27, being 0.25 acres in size, be denied, for the following reasons:

1. Such rezoning is premature at this time.

2. The P-1 zoning's close proximity to the existing residential area is an inadequate buffer zone when compared to the residential.

Vote on the motion as amended.

Yes: All present (7)
No: None
Absent: Chamberlain, Littman

MOTION CARRIED

GOOD OF THE ORDER

Mr. Motzny extended an invitation to everyone to celebrate National Law Day on May 12, 2004. Dr. Robert A. Sedler is scheduled to speak on the historical significance of the *Brown v. Board of Education* civil rights case at 2:00 p.m. in the City Council Chambers.

ADJOURN

The Regular Meeting of the Planning Commission was adjourned at 8:47 p.m.

Respectfully submitted,

_____
David T. Waller, Chair

_____
Kathy L. Czarnecki, Recording Secretary

A meeting of the Employees' Retirement System Board of Trustees was held on Wednesday, May 12, 2004, at Troy City Hall, 500 W. Big Beaver Rd., Troy, MI. The meeting was called to order at 12:13 p.m.

TRUSTEES PRESENT:	Mark Calice Thomas Houghton, Chair David A. Lambert John M. Lamerato William R. Need Steven A. Pallotta John Szerlag
ALSO PRESENT:	Laura Fitzpatrick
ABSENT:	Robert Crawford

MINUTES

Resolution # ER – 2004 – 05 - 020
Moved by Lamerato
Seconded by Szerlag

RESOLVED, That the minutes of the April 14, 2004 meeting be approved.

Yeas: All 6
Absent: Crawford

INVESTMENTS

Resolution # ER – 2004 – 05 - 021
Moved by Calice
Seconded by Pallotta

RESOLVED, That the Board make the following investments: 10,000 shares Independent Bancorp; 10,000 shares Health Care Reit; 10,000 shares Trex Co.; 10,000 shares Cendant; 10,000 shares Walgreen; 8,000 shares CVS and 5,000 shares of Quest Diagnostics.

Yeas: All 6
Absent: Crawford

EXCUSE ABSENT MEMBER

Resolution # ER – 2004 – 05 - 022
Moved by Lamerato
Seconded by Lambert

RESOLVED, That Robert Crawford be excused.

Yeas: All 6
Absent: Crawford

The next meeting is June 9, 2004 at 12:00 p.m. at City Hall, Conference Room C, 500 W Big Beaver, Troy, MI.

The meeting adjourned at 1:05 p.m.

JML/bt\Retirement Board\2004\05-12-04 Minutes_Draft.doc

A meeting of the **Troy Youth Council (TYC)** was held on Wednesday, May 26, 2004 at 7:00 PM at City Hall in the Lower Level Conference Room, 500 West Big Beaver Road. Andrew Kalinowski called the meeting to order at 7:04 p.m.

MEMBERS PRESENT:	Min Chong
	Eric Gregory
	Monika Govindaraj (Arrived 7:16 P.M.)
	Catherine Herzog
	Maniesh Joshi
	Andrew Kalinowski
	Manessa Shaw
	YuJing Wang
MEMBERS ABSENT:	Emily Burns (excused)
	Juliana D'Amico (excused)
	Christina Krokosky (excused)
ALSO PRESENT:	Laura Fitzpatrick, Assistant to the City Manager

1. **Roll Call**
2. **Approval of Minutes**

Resolution # TY-2004-05- 013
Moved by Chong
Seconded by Herzog

RESOLVED, That the minutes of 4/28/04 be approved.

Yes: All - 7
No: None
Absent: 4 – Burns, D'Amico, Govindaraj, Krokosky
MOTION CARRIED

3. **Attendance Report:** Noted and Filed
   This meeting: 8 present, 3 absent – all 3 gave advance notification of absence.

4. **Membership Update:** Per resolution at the April Meeting, TYC Members Cheng and Michrina were asked to resign due to inadequate attendance at meetings. Fitzpatrick sent them a letter to this effect and they did not respond. Therefore, they have resigned via non-response.

5. Guests - Applicants to the TYC

Alexandra Bozimowski	
Jennifer Cui	
Maxine D'Amico	Not in attendance due to family trip out of the country
Ramya Gopal	
Josh Hepner	
Rishi Joshi	
Jessica Kraft	Not in attendance due to family engagement
Anna Qiu	
Nicole Vitale	
Karen Wullaert	

The TYC interviewed the eight applicants in attendance. There are four vacant seats. Applications for all candidates were reviewed in advance of and at the meeting.
Applicants were dismissed and the TYC passed this resolution:

Resolution # TY-2004-05-14
Moved by Herzog
Seconded by Chong

RESOLVED, That Alexandra (Sasha) Bozimowski, Rishi Joshi, Jessica Kraft, and Nicole Vitale are recommended for appointment to fill the four vacant seats on the Troy Youth Council.

Yes: All - 8
No: None
Absent: 3 – Burns, D'Amico, Krokosky
MOTION CARRIED

6. Motion to Excuse Absent Members Who Have Provided Advance Notification

Resolution # TY-2004-05-015
Moved by Herzog
Seconded by Chong

RESOLVED, That Burns, D'Amico, and Krokosky shall be excused.

Yes: All - 8
No: None
Absent: 3 – Burns, D'Amico, Krokosky
MOTION CARRIED

7. Youth Council Comments

8. Miscellaneous Announcements:

- *Next Meeting:* Reminder Next Meeting: WED AUGUST 25th 7:00 P.M.@ ***CITY HALL***
  - Pizza and pop to be served to welcome new members and kick off the new school year
  - Troy Daze Festival Preparations
  - For September Agenda: Cindy Stewart to speak about Event Planning

9. PUBLIC COMMENT

The meeting adjourned at 8:14 P.M.

_____

Catherine Herzog, Co-chair

_____

Laura Fitzpatrick, Assistant to the City Manager

DATE: June 1, 2004
TO: John Szerlag, City Manager
FROM: Mark Stimac, Director of Building & Zoning
SUBJECT: Permits issued during the Month of May 2004

	NO.	VALUATION	PERMIT FEE
INDUSTRIAL			
Accessory Structure	1	$10,000.00	$434.00
Add/Alter	7	$404,500.00	$3,823.00
Sub Total	**8**	**$414,500.00**	**$4,257.00**
COMMERCIAL			
Tenant Completion	2	$77,580.00	$1,079.50
Add/Alter	36	$5,086,514.00	$36,506.00
Wreck	1	$0.00	$200.00
Sub Total	**39**	**$5,164,094.00**	**$37,785.50**
RESIDENTIAL			
New	12	$2,835,783.00	$32,492.10
Add/Alter	43	$1,208,836.00	$12,023.00
Garage/Acc. Structure	14	$120,214.00	$1,495.00
Pool/Spa/Hot Tub	8	$90,050.00	$1,130.00
Repair	2	$57,509.00	$605.00
Wreck	3	$7,000.00	$430.00
Fnd./Slab/Rat Wall	1	$1,000.00	$25.00
Fnd./Slab/Footing	2	$4,500.00	$145.00
Sub Total	**85**	**$4,324,892.00**	**$48,345.10**
TOWN HOUSE/CONDO			
New	6	$550,308.00	$4,448.50
Add/Alter	6	$14,850.00	$285.00
Sub Total	**12**	**$565,158.00**	**$4,733.50**
MULTIPLE			
Add/Alter	1	$8,000.00	$130.00
Sub Total	**1**	**$8,000.00**	**$130.00**
INSTITUTIONAL/HOSPITAL			
Add/Alter	2	$1,000,000.00	$6,097.00
Sub Total	**2**	**$1,000,000.00**	**$6,097.00**

MISCELLANEOUS			
Satellite/Antennas	1	$35,000.00	$376.00
Signs	60	$0.00	$6,620.00
Fences	28	$0.00	$440.00
Sub Total	**89**	**35000**	**$7,436.00**
TOTAL	**236**	**$11,511,644.00**	**$108,784.10**

PERMITS ISSUED DURING THE MONTH OF MAY 2004

	NO.	PERMIT FEE
Mul. Dwel. Insp.	6	$60.00
Cert. of Occupancy	58	$2,765.25
Plan Review	125	$6,030.00
Microfilm	49	$504.00
Building Permits	236	$108,784.10
Electrical Permits	215	$16,074.00
Heating Permits	136	$6,605.00
Air Cond. Permits	65	$2,644.00
Refrigeration Permits	1	$130.00
Plumbing Permits	134	$8,157.00
Storm Sewer Permits	20	$1,543.00
Sanitary Sewer Permits	24	$858.00
Sewer Taps	25	$5,364.00
TOTAL	**1094**	**$159,518.35**

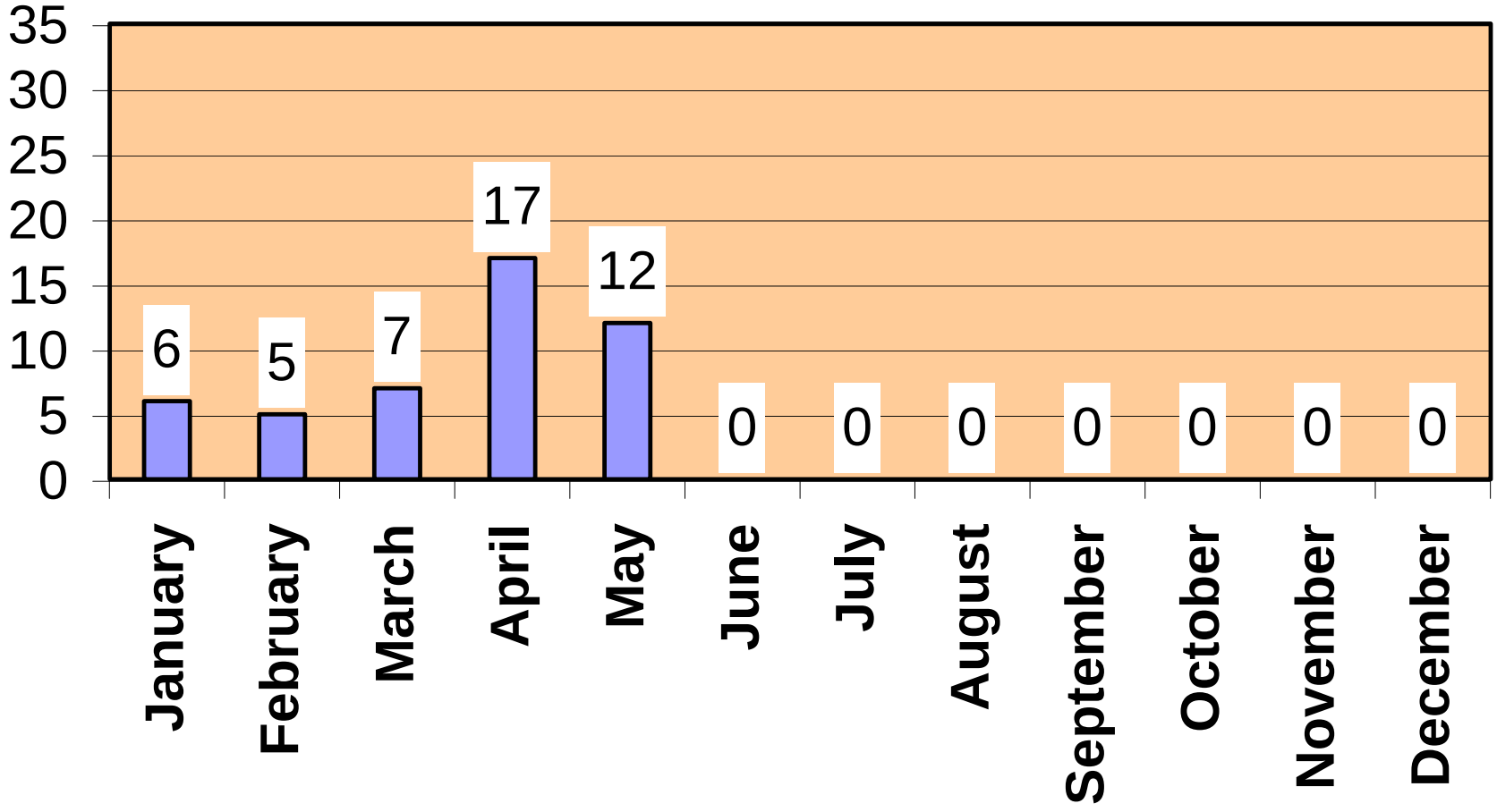
LICENSES & REGISTRATIONS ISSUED DURING MAY 2004

	NO.	LICENSE FEE
Mech. Contr.-Reg.	29	$145.00
Elec. Contr.-Reg.	39	$585.00
Master Plmb.-Reg.	51	$51.00
Sewer Inst.-Reg.	7	$350.00
Sign Inst. - Reg.	12	$120.00
E. Sign Contr-Reg.	4	$60.00
Fence Inst.-Reg.	6	$60.00
Bldg. Contr.-Reg.	17	$170.00
F.Alarm Contr.-Reg.	1	$15.00
TOTAL	**166**	**$1,556.00**

BUILDING PERMITS ISSUED

	BUILDING PERMITS 2003	PERMIT VALUATION 2003	BUILDING PERMITS 2004	PERMIT VALUATION 2004
JANUARY	83	$3,349,579.00	100	$5,235,481.00
FEBRUARY	98	$6,941,418.00	130	$21,354,496.00
MARCH	106	$10,102,093.00	159	$9,372,242.00
APRIL	150	$7,185,781.00	180	$14,158,227.00
MAY	269	$13,984,618.00	236	$11,511,644.00
JUNE	209	$20,116,880.00	0	$0.00
JULY	196	$17,222,754.00	0	$0.00
AUGUST	179	$7,971,188.00	0	$0.00
SEPTEMBER	181	$13,656,695.00	0	$0.00
OCTOBER	195	$11,302,769.00	0	$0.00
NOVEMBER	136	$5,897,752.00	0	$0.00
DECEMBER	182	$18,153,988.00	0	$0.00
TOTAL	**1984**	**$135,885,515.00**	**805**	**$61,632,090.00**

SINGLE FAMILY DWELLING PERMITS 2004



BRIEF BREAKDOWN OF NON-RESIDENTIAL BUILDING PERMITS ISSUED DURING THE MONTH OF MAY 2004

Type of Construction	Builder or Company	Address of Job	Valuation
Commercial, Add/Alter	ICON BUILDING II CO., INC	130 TOWN CENTER 101	250,000.00
Commercial, Add/Alter	ICON BUILDING II CO., INC	130 TOWN CENTER 102	125,000.00
Commercial, Add/Alter	ICON BUILDING II CO., INC	130 TOWN CENTER 201	200,000.00
Commercial, Add/Alter	ICON BUILDING II CO., INC	130 TOWN CENTER	200,000.00
Commercial, Add/Alter	SKANSKA USA DESIGN BUILD INC	44199 DEQUINDRE A.C.C.	886,000.00
Commercial, Add/Alter	SHAW CONSTRUCTION & MANAGEMENT	901 WILSHIRE 540	107,538.00
Commercial, Add/Alter	PWI CONSTRUCTION INC	2801 W BIG BEAVER J-216	320,000.00
Commercial, Add/Alter	DAVE DIESON	50 W BIG BEAVER 600	230,000.00
Commercial, Add/Alter	ANTHONY SOAVE	2600 W BIG BEAVER 5TH FL	562,500.00
Commercial, Add/Alter	ANTHONY SOAVE	2600 W BIG BEAVER 4TH FL	187,500.00
Commercial, Add/Alter	TURNER CONSTRUCTION	1850 RESEARCH	200,000.00
Commercial, Add/Alter	JCS CONSTRUCTION SERVICES	5225 CROOKS	360,000.00
Commercial, Add/Alter	PATRICK RYAN	888 W BIG BEAVER 600	200,000.00
Commercial, Add/Alter	PATRICK RYAN	888 W BIG BEAVER 500	200,000.00
Commercial, Add/Alter	TUFO ASSOC	1740 W BIG BEAVER	400,000.00
Total Commercial, Add/Alter			4,428,538.00
Industrial, Add/Alter	ROY A SELLIBINDER	1960 THUNDERBIRD	230,000.00
Total Industrial, Add/Alter			230,000.00
Inst./Hosp., Add/Alter	BEAUMONT SERVICES COMPANY LLC	44201 DEQUINDRE RADIOL	450,000.00
Inst./Hosp., Add/Alter	BEAUMONT SERVICES COMPANY	44199 DEQUINDRE RAD/ON	550,000.00
Total Inst./Hosp., Add/Alter			1,000,000.00

Records 19

Total Valuation: 5,658,538.00

J-03a

Troy Continuing Education
NILES CENTER

201 West Square Lake Road • Troy, Michigan 48098
(248) 823-5100 • Fax (248) 823-5133

May 19, 2004

Ms. Tonni Bartholomew
Troy City Clerk
500 West Big Beaver
Troy, MI 48084-5285

Dear Ms. Bartholomew

Re: Troy Continuing Education
Voter Registration Wednesday, April 21, 2004

The Responsible Citizen Committee wants to thank you and Cheryl for your presentation and registration of voters. It opened our eyes to all the services that your office offers. The students were very receptive as you can see from the survey that you sent us.

Please note that Andrea Kowalyk (counselor) will be contacting you in late August to set a date for the voting exhibition because I do not start until the middle of September. Our theme for September will be Patriotism.

I enjoyed meeting and talking with you and Cheryl. Hope to see you in September.

Sincerely

Joan Larson

Joan Larson
248.362.1789
akowalyk2@troy.k12.mi.us
jlarson2@troy.k12.mi.us

June 2004

June 2004

S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

July 2004

S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

Monday	Tuesday	Wednesday	Thursday	Friday	Sat/Sun
	June 1 7:00pm Ethnic Issues Advisory Board (Conference Room C) 7:30pm Planning - Study (Council Boardroom)	2 7:00pm Persons w/Dis (Conference Room Lower Level)	3 10:00am Senior Advisory (Community Center)	4	5 6
7 7:30pm City Council-Regular (Council Chambers) 7:30pm Tentative Study Session (Council Boardroom)	8 7:30pm Planning Commission - Reg (Council Chambers)	9 12:00pm Retirement System Board of Trustees (Conference Room C)	10 7:30pm Library Adv (Library Conference Room) 7:30pm Parks and Recreation Bd (Community Center)	11	12 13
14 Election - School	15 7:30pm BZA (Chambers) 7:30pm Historic District (Conference Room C) 7:30pm BOARD OF ZONING APPEALS (Council Chambers)	16 7:30am DDA Meeting (Conference Room Lower Level)	17	18	19 20
21 7:30pm City Council-Regular (Council Chambers) 7:30pm Study Session (Council Boardroom)	22 7:30pm Planning-Study (Council Boardroom) 7:30pm Historical Commission (Troy Museum) 7:30pm Troy Daze (Community Center)	23	24	25	26 27
28	29	30			

6/7 PH Comm. Veh. App. 3129 Alpine
6/21 Park Var. Req. 5991 Livernois
6/21 PH (SV-185) Beach & Hampton Ln. Sec.19
6/21 PH (Z-694) Deq. & Big Beaver Sec. 25

July 2004

July 2004

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August 2004

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Monday	Tuesday	Wednesday	Thursday	Friday	Sat/Sun
			July 1	2	3 4
5	6 7:00pm Ethnic Issues Advisory Board (Conference Room C) 7:30pm Planning - Study (Council Boardroom)	7 8:30am BUILDING CODE BOARD OF APPEALS (Conference Room LL) 7:00pm Persons w/Dis (Conference Room Lower Level)	8 7:30pm Library Adv (Library Conference Room) 7:30pm Parks and Recreation Bd (Community Center)	9	10 11
12 7:30pm City Council-Regular (Council Chambers) 7:30pm Tentative Study Session (Council Boardroom)	13 7:30pm Planning Commission - Reg (Council Chambers)	14 12:00pm Retirement System Board of Trustees (Conference Room C)	15 7:00pm Cable Adv (Conference Room C)	16	17 18
19 7:30pm City Council-Regular (Council Chambers) 7:30pm Study Session (Council Boardroom)	20 2:00pm Board of Review (Conference Room D) 7:30pm BZA (Chambers) 7:30pm Historic District (Conference Room C) 7:30pm BOARD OF ZONING APPEALS (Council C	21 7:30am DDA Meeting (Conference Room Lower Level)	22	23	24 25
26	27 7:30pm Planning-Study (Council Boardroom) 7:30pm Historical Commission (Troy Museum) 7:30pm Troy Daze (Community Center)	28	29	30	31

August 2004

August 2004

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September 2004

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Monday	Tuesday	Wednesday	Thursday	Friday	Sat/Sun
					August 1
2	3 Election - State Primary 7:30pm Planning - Study (Council Boardroom)	4 8:30am BUILDING CODE BOARD OF APPEALS (Conference Room L 7:00pm Persons w/Dis (Conference Room	5	6	7 8
9 7:30pm City Council-Regular (Council Chambers) 7:30pm Tentative Study Session (Council Boardroom)	10 7:30pm Planning Commission - Reg (Council Chambers)	11 12:00pm Retirement System Board of Trustees (Conference Room C)	12 7:30pm Library Adv (Library Conference Room) 7:30pm Parks and Recreation Bd (Community Center)	13	14 15
16	17 8:00am Historic District (Conference Room C) 7:30pm BZA (Chambers) 7:30pm BOARD OF ZONING APPEALS (Council C	18 7:30am DDA Meeting (Conference Room Lower Level)	19	20	21 22
23 7:30pm City Council-Regular (Council Chambers) 7:30pm Study Session (Council Boardroom)	24 7:30pm Planning-Study (Council Boardroom) 7:30pm Historical Commission (Troy Museum) 7:30pm Troy Daze	25 7:00pm Troy Youth (Conference Room Lower Level)	26	27	28 29
30	31				

May 20, 2004

TO: John Szerlag, City Manager

FROM: Charles T. Craft, Chief of Police
Gary Mayer, Police Captain

SUBJECT: Agenda Item - Liquor Law Compliance Testing

During the months of March and April of 2004, the police department's Directed Patrol Unit conducted liquor law compliance testing at 104 licensed liquor establishments. The tests utilized three underage Student Enforcement Aides. The results of the testing are as follows:

SDD/SDM Licensees – No violations

Class C Licensees – Three (3) violations

- Thunderbird Lanes – 400 W. Maple
- Ichibang – 1129 E. Long Lake Rd.
- Franco's Café – 3614 Rochester Rd.

Appropriate LCC and City of Troy ordinance violations for serving a minor were issued to each violator. All establishments passing the inspection will be notified and receive a certificate documenting their compliance.

As a follow up to the Show Cause hearings that were held for all 2003 liquor violations, please note that the following establishments have completed their required server training and/or installed optical scanning devices at their point of sale: National Coney Island, Chili's, Motor City Coney, Troy Party Store, LaShish, and Picano's. To date, there has been compliance with all of Council's directives. We continue to track the progress of the required server training for the remaining establishments, and will report any non-compliance to you.

Prepared by: Sgt. Tom Gordon, Services Section Administrator

TO: Mayor and Members of Troy City Council
FROM: Lori Grigg Bluhm, City Attorney
DATE: June 3, 2004
SUBJECT: Protest Petition Procedures

Enclosed please find my May 19, 2004 memo regarding re-zoning protest petitions. As indicated in the memorandum, the State Statute is pretty vague on the requirements for a valid protest petition. Unfortunately, there are no cases that discuss the provision of the law. The two Attorney General Opinions that have been previously discussed provide the only guidance in interpreting this State Statute. The City of Troy has not yet implemented a procedure or an ordinance codifying the State Statute. It is for this reason that we recommend an amendment to the zoning ordinance that explicitly sets forth the procedure for filing a valid protest petition. The Planning Department has already developed a form that can be used to alert City Administration when the provisions of MCL 125.584 may be applied to a re-zoning application.

It was stated at the May 24, 2004 City Council meeting that there were two attorneys and one judge who gave a verbal opinion to Mr. Husk that a letter of objection is the same as a protest petition. It is unknown whether these attorneys were provided with all of the specific factual developments in this particular case, such as the manner of presentation to the City, the lack of any identification or any notice that the document was intended as a protest petition, etc. However, it is not surprising that attorneys can disagree on a legal issue. I unsuccessfully attempted to obtain opinions from other municipal attorneys by posting an inquiry on the list serve of the Michigan Association of Municipal Attorneys and the Public Corporations list serve. I also discussed this case with Assistant Attorney General George Elworth, who is the Assistant in charge of Freedom of Information and Municipal Affairs. Mr. Elworth indicated that this is a provision that is rarely used, and therefore the legal references are sparse. He declined to speculate as to what a judge would do in this case, and stated that the Attorney General's office would not likely issue an opinion that would address the specific factual pattern of this case. Initially, he stated that he would give the benefit of the doubt to property owners, but his position changed upon the presentation of the specific facts of this particular case.

Prior to any redevelopment, the petitioners are required to obtain variances from the Board of Zoning Appeals (BZA). Since the reconsideration motions will occur prior to the BZA action, Council has a very unique opportunity where they can reconsider the rezoning prior to a vested interest in the redevelopment. If Council is inclined to accept Mr. Talia's faxed letter of objection as an official "protest petition," the City Clerk offers the following procedural guidance. First, the minutes of the May 10, 2004 City Council meeting should not be altered. Based on the information known at that time, the rezoning was approved at the May 10, 2004 City Council meeting.

It would be procedurally proper to reconsider the entire rezoning application by the passage of a substitute motion, such as the following:

> **WHEREAS, a letter of objection to the proposed rezoning application at the Northeast Corner of Maple and John R. Road, was received from Mr. Talia, who owns property to the north and east of the property subject to the rezoning petition; and**
>
> **WHEREAS, the Troy City Council desires to qualify this letter of objection as a protest petition within the meaning of MCL 125.584; and**
>
> **WHEREAS, MCL 125.584 requires a 2/3 affirmative vote to approve a rezoning application when a valid protest petition has been received; and**
>
> **WHEREAS, the Troy City Council declares that the letter of objection received from Mr. Talia meets the requirements and determines it to be a valid protest petition under MCL 125.584; and**
>
> **WHEREAS, Resolution #2004-05-291 did not receive a 2/3 affirmative vote;**
>
> **NOW THEREFORE, BE IT RESOLVED that the Troy City Council wishes to reconsider Resolution #2004-05-291 under the guidelines of MCL 125.584, valid protest petition procedures.**

For your convenience, Resolution #2004-05-291 is as follows:

> Moved by Beltramini
>
> Seconded by Stine
>
> *RESOLVED, That the B-3 to H-S rezoning request, located on the northeast corner of Maple Road and John R Road, Section 25, being 20,804 square feet in size, is hereby **GRANTED,** as recommended by City Management and the Planning Commission.*
>
> *BE IT FURTHER RESOLVED, That the granting of the B-3 to H-S rezoning request for Rezoning Application - Z-582, northeast corner of Maple Road and John R Road - Section 25, does not compel the Board of Zoning Appeals to take any action one way or the other.*
>
> *Yes :Broomfield, Eisenbacher, Howrylak, Beltramini*
>
> *No: Lambert, Stine, Schilling*
>
> ***MOTION CARRIED***

The Planning Department has already notified the petitioner of the requested reconsideration, and upon information and belief, the petitioner will be present at the June 7, 2004 meeting. If you have any questions concerning the above, please let me know.

TO: Mayor and Members of Troy City Council
FROM: Lori Grigg Bluhm, City Attorney
DATE: May 20, 2004
SUBJECT: Re-zoning protest petition

A public hearing for a requested rezoning was held at the May 10, 2004 City Council meeting. Property owner Majid Kesto requested re-zoning for the northeast corner of Maple Road and John R. Road, from a B-3 (general business) designation to a H-S (highway service) designation. The property is currently used as a gas station and is a legal non-conforming use.

Upon information and belief, the property owner of the adjacent properties, Victor Talia, received "legal" advice from a citizen, which was unfortunately incorrect. The citizen erroneously assumed that a "formal letter of objection" from Mr. Talia that was faxed to the Planning Department qualified as a "protest petition."

According to state statute, MCL 125.584, a protest petition can be filed with the City on a re-zoning matter. The statute states: "Upon presentation of a protest petition meeting the requirements of this subsection, an amendment to a zoning ordinance, which is the object of the petition, shall be passed only by a 2/3 vote of the legislative body… The protest petition shall be presented to the legislative body before final legislative action on the amendment and shall be signed by one of the following: (b) The owners of at least 20% of the area of land included within an area extending outward 100 feet from any point on the boundary of the land included in the proposed change. "

The citizen apparently communicated with a member of City Council on the Monday of the public hearing, and indicated that the rezoning would require a 2/3 vote for approval. The Council member then telephoned me, and I quickly researched the law and found the above referenced statute. I then inquired of the Planning Department whether a protest petition had been received, and was told that there was a letter of objection that was faxed to the Planning Department and was included in the City Council packet.

City Administration was never asked about the law or the proper procedures for filing a re-zoning "protest petition." Similarly, the protest petition process was not discussed at the Planning Commission hearing on the proposed re-zoning. Unfortunately, instead of consulting with an attorney or with City Administration, Mr. Talia relied on a citizen's interpretation of the law, which could be construed as the unauthorized practice of law, no matter how well intentioned. (MCL 600.916) It is Mr. Talia's good faith belief that his letter of objection qualified as a protest petition that has likely caused this matter to be on the May 24, 2004 City Council agenda for a possible reconsideration of the 4-3 vote in favor of re-zoning.

Re-zoning protest petitions are received fairly infrequently, and there is no specific City of Troy ordinance provision directly on point. Under the state statute, the protest petition must be presented to the legislative body before final action, and it must be signed by at least 20%

of the neighboring private property owners within 100 feet from all boundaries of the property that is subject to the rezoning petition. There have been two Attorney General opinions concerning protest petitions, and in absence of other case law provide the best guidance on the process. In the one opinion, OAG 1987, No. 6437, the Attorney General acknowledges: "there is no decision of a Michigan appellate court construing this statute." In that opinion, the Attorney General relied on a case from Oklahoma to render an opinion on the Berkley local ordinance that required an even larger percentage of approval when a protest petition was received. A more relevant opinion is from 1979, OAG 1979, No. 5535. In that opinion, the Attorney General stated that in absence of a contrary local ordinance, protest petitions under state statute should be filed with the City Clerk, especially since "protest petitions must be examined and certified in advance of final legislative action on zoning ordinance amendments…"

In order to prevent this situation from occurring in the future, it is recommended that a formal process be drafted, including the creation of a specific form explicitly identifying a document as a protest petition and outlining filing procedures and deadlines. This information could then be placed on the City's web site and made available in the Planning Department. Labeling of the document will alert the Planning Department of the requirement to verify the document as compliant with the statutory requirements, and will distinguish the official protest petitions from mere letters of objection, which are routinely received by the Planning Department.

If you have any questions concerning the above, please let me know.