



500 West Big Beaver
Troy, MI 48084
troymi.gov



CITY COUNCIL AGENDA ITEM

Date: November 6, 2024

To: Frank Nastasi, City Manager

From: Robert J. Bruner, Deputy City Manger
Robert Maleszyk, Chief Financial Officer
Kyle Vieth, Controller
G. Scott Finlay, City Engineer
Larysa Figol, Sr. Right-of-Way Representative

Subject: Request for Acceptance of a Permanent Easement, Rochester Road, Barclay to Trinway, Project No. 02.206.5, Sidwell #88-20-11-351-012, 1379 Comstock Street, LLC

History

In connection with the proposed improvements to Rochester Road from Barclay to Trinway, 1379 Comstock Street, LLC, owners of the property identified by Sidwell #88-20-11-351-012, granted to the City of Troy a permanent easement for Public Utilities and Public Service Facilities. The compensation amount is \$13,058.00.

The property is zoned R-1C, One Family Residential. Currently the property operates as a day care facility, an allowable use in R-1C zoning.

Financial

An appraisal report was prepared by Andrew Boettcher, a State of Michigan Certified Real Estate Appraiser. The report was reviewed by Kimberly Harper, Deputy City Assessor and a State of Michigan Licensed Appraiser. Staff believes the amount of \$13,058.00 is a justifiable compensation amount. Eighty percent of this cost will be reimbursed from Federal funds.

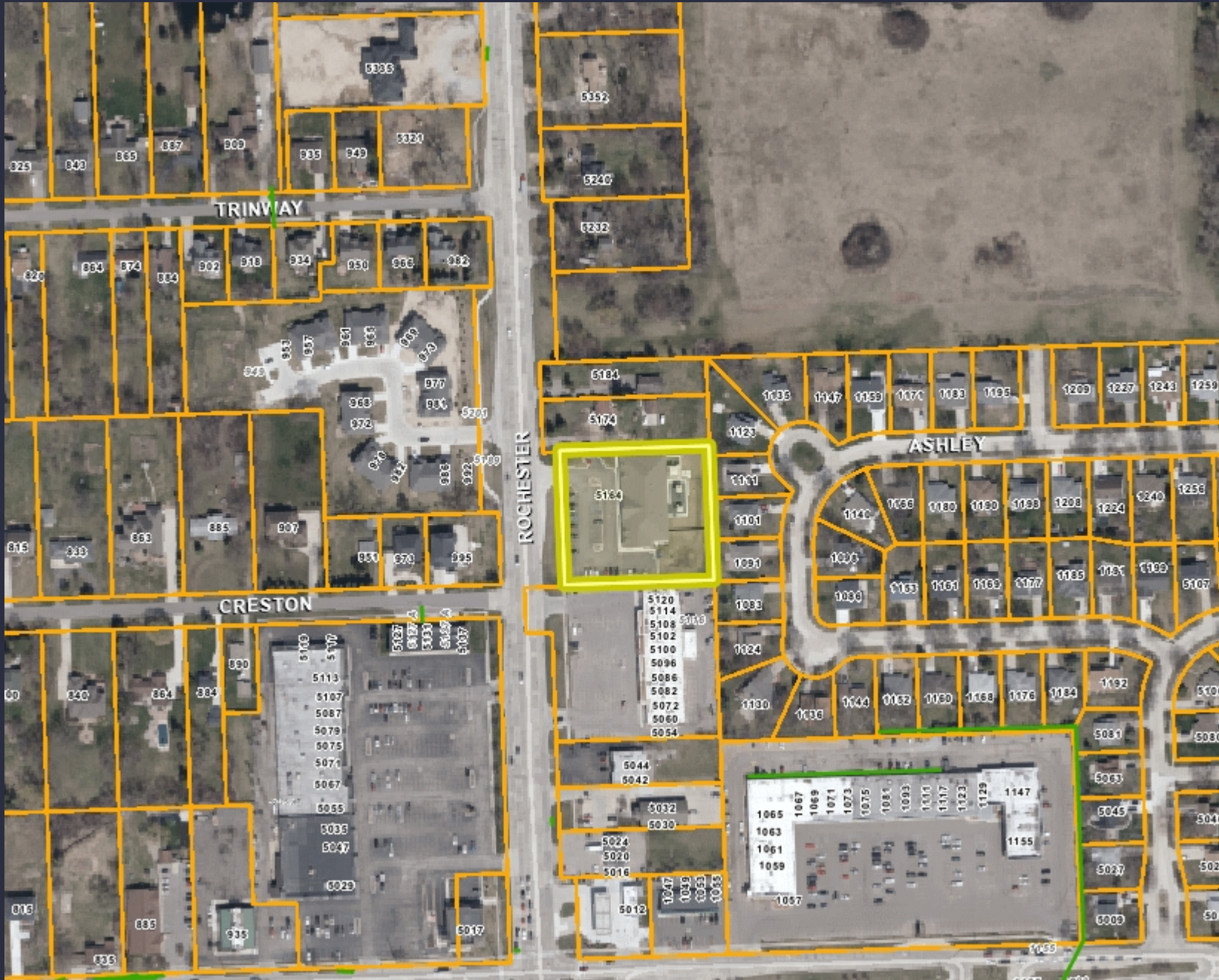
The City of Troy share is available in the 2024 Capital Projects Fund, Project Code 2022CG0002, Account #401.449.202.989.022065-Public Works Construction Rochester from Barclay to Trinway.

Recommendation

Staff recommends that City Council accept the permanent easement with a compensation amount of \$13,058.00 and to approve closing and recording costs not to exceed \$8,000.00.

Legal Review

This item was submitted to the City Attorney for review pursuant to City Charter Section 3.17.



Notes:

#88-20-11-351-012
 1379 Comstock Street, LLC
 RR #02.206.5, Permanent
 Easement



**PERMANENT EASEMENT
FOR PUBLIC UTILITIES &
PUBLIC SERVICE FACILITIES**

Sidwell #88-20-11-351-012
Resolution #

1379 Comstock Street, LLC, a Michigan Limited Liability Company, whose address is 6355 E. Paris SE, Caledonia, MI 49316 for and in consideration of the sum of: Thirteen Thousand, Fifty-Eight and 00/100 Dollar (\$13,058) 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 access, construct, reconstruct, modify, operate, maintain, repair, upgrade, improve, inspect, enlarge or remove and/or replace **public utilities and public service facilities**, said easement for land situated in the City of Troy, Oakland County, Michigan described as:

SEE UTILITY EASEMENT DESCRIPTIONS ON EXHIBITS "A" AND "B" ATTACHED HERETO
AND BY REFERENCE MADE A PART HEREOF

and to enter upon sufficient land adjacent to said improvement(s) for the purpose of the construction, operation, maintenance, repair, grading 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.

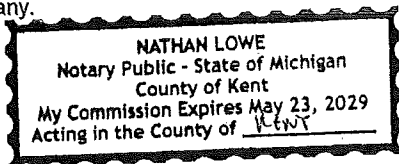
IN WITNESS WHEREOF, the undersigned hereunto affixed 1 signature(s)
this 1st day of November, 2024.

1379 COMSTOCK STREET, LLC, a Michigan
Limited Liability Company

Greg Kerkstra (L.S.)
* Greg Kerkstra, Managing Member

STATE OF MICHIGAN)
COUNTY OF KENT)

The foregoing instrument was acknowledged before me this 1st day of November, 2024,
by Greg Kerstra, Managing Member of 1379 Comstock Street, LLC, a Michigan Limited Liability
Company.



Nathan Lowe
*
Notary Public, Kent County, Michigan
My Commission Expires MM 23, 2029
Acting in Kent County, Michigan

Prepared by: Patricia Petitto, SRWA, RW-RAC
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

UTILITY EASEMENT

EXHIBIT "A"
PARCEL 81

DESCRIPTION TAKEN FROM OAKLAND COUNTY RECORDS.

PARENT PROPERTY DESCRIPTION

PARCEL ID: 20-11-351-012

PROPERTY LOCATED IN THE CITY OF TROY, COUNTY OF OAKLAND, STATE OF MICHIGAN

PART OF THE SOUTHWEST 1/4 OF SECTION 11, TOWN 2 NORTH, RANGE 11 EAST; BEGINNING AT A POINT DISTANT NORTH 00 DEGREES 17 MINUTES 00 SECONDS WEST, 660 FEET FROM THE SOUTHWEST SECTION CORNER; THENCE NORTH 00 DEGREES 17 MINUTES 00 SECONDS WEST 330 FEET; THENCE EAST 350 FEET; THENCE SOUTH 00 DEGREES 17 MINUTES 00 SECONDS EAST 330.00 FEET; THENCE WEST 350.00 FEET TO THE POINT OF BEGINNING, . EXCEPT THE SOUTH 83.70 FEET THEREOF; ALSO EXCEPTING THE WEST 75 FEET TAKEN FOR ROCHESTER ROAD. SUBJECT TO RESERVATIONS, RESTRICTIONS AND EASEMENTS OF RECORD, IF ANY.

DESCRIPTION OF UTILITY EASEMENT

THE WEST 10.00 FEET OF THE FOLLOWING DESCRIBED PROPERTY:

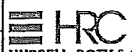
PROPERTY LOCATED IN THE CITY OF TROY, COUNTY OF OAKLAND, STATE OF MICHIGAN

PART OF THE SOUTHWEST 1/4 OF SECTION 11, TOWN 2 NORTH, RANGE 11 EAST; BEGINNING AT A POINT DISTANT NORTH 00 DEGREES 17 MINUTES 00 SECONDS WEST, 660 FEET FROM THE SOUTHWEST SECTION CORNER; THENCE NORTH 00 DEGREES 17 MINUTES 00 SECONDS WEST 330 FEET; THENCE EAST 350 FEET; THENCE SOUTH 00 DEGREES 17 MINUTES 00 SECONDS EAST 330.00 FEET; THENCE WEST 350.00 FEET TO THE POINT OF BEGINNING, . EXCEPT THE SOUTH 83.70 FEET THEREOF; ALSO EXCEPTING THE WEST 75 FEET TAKEN FOR ROCHESTER ROAD. EASEMENT CONTAINS 2,463 SQUARE FEET.

6/5/2023 9:55 AM

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Piggott, Robert

JOB NO. 20160715	 HUBBELL, ROTH & CLARK, INC CONSULTING ENGINEERS SINCE 1915	555 HULEY DRIVE BLOOMFIELD HILLS, MICH. P.O. BOX 824 48303 - 0824	SHEET NO.
DATE 06/01/23		PHONE: (248) 454-6300 FAX (1st Floor): (248) 454-6312 FAX (2nd Floor): (248) 454-6359 WEB SITE: www.hrcengr.com	1 OF 2

6/1/2023 10:10 AM

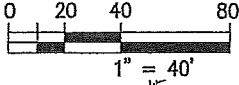
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Piggott, Robert

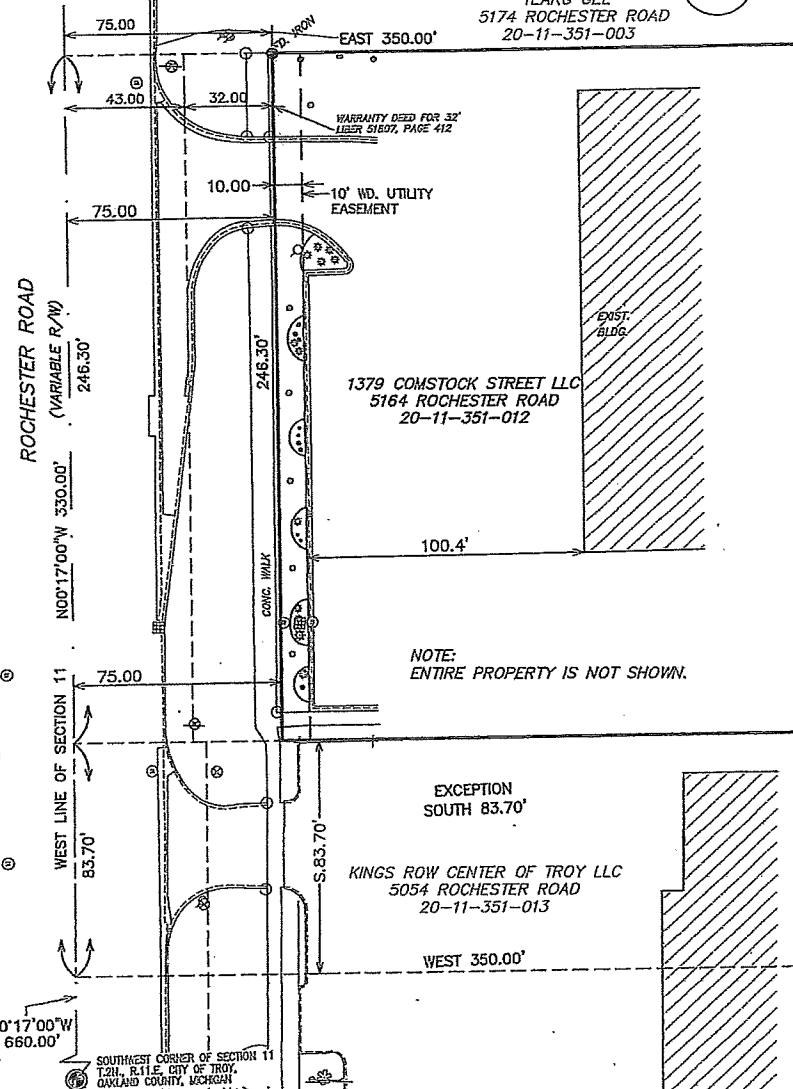
UTILITY EASEMENT

EXHIBIT "B"

PARCEL 81



TEARG GEE
5174 ROCHESTER ROAD
20-11-351-003



EAST 350.00'

WARRANTY DEED FOR 32' LIEBOWITZ, PAGE 412

10' WD. UTILITY EASEMENT

ROCHESTER ROAD
(VARIABLE R/W)

246.30'

CONC. WALK

1379 COMSTOCK STREET LLC
5164 ROCHESTER ROAD
20-11-351-012

NOTE:
ENTIRE PROPERTY IS NOT SHOWN.

EXCEPTION SOUTH 83.70'

KINGS ROW CENTER OF TROY LLC
5054 ROCHESTER ROAD
20-11-351-013

WEST 350.00'

SOUTHWEST CORNER OF SECTION 11
T21, R.1E, CITY OF TROY,
OXFORD COUNTY, MICHIGAN

TOTAL PROPERTY = 67,731 SQ. FT.+-
UTILITY EASEMENT = 2,463 SQ. FT.

LEGEND:

UTILITY EASEMENT

SHEET NO.

JOB NO.
20160715
DATE
06/01/23

HRC
HUBBELL, ROTH & CLARK, INC
CONSULTING ENGINEERS SINCE 1915

556 HULET DRIVE
BLOOMFIELD HILLS, MICH.
P.O. BOX 824
48303 - 0324
PHONE: (248) 454-6300
FAX (1st Floor): (248) 454-6312
FAX (2nd Floor): (248) 454-6359
WEB SITE: www.hrceng.com

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