



500 West Big Beaver  
Troy, MI 48084  
troymi.gov



## CITY COUNCIL AGENDA ITEM

Date: July 27, 2022

To: Mark F. Miller, City Manager

From: Robert J. Bruner, Assistant City Manager  
William J. Huotari, City Engineer  
Larysa Figol, Sr. Right-of-Way Representative

Subject: Request for Acceptance of a Permanent Public Utility Easement, Rochester Road Improvement Project, Barclay to Trinway, Project No. 02.206.5, Parcel #117, Catalpa Tree Properties, LLC

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### **History**

In connection with the proposed improvements to Rochester Road, from Barclay to Trinway, the City of Troy received a Permanent Public Utility Easement from Catalpa Tree Properties, LLC, owner of the property having Sidwell #88-20-10-427-061. This parcel is located in southeast ¼ of Section 10, at the north corner of Trinway and Rochester roads.

### **Financial**

An appraisal report was prepared by Michael Kurschat, a State Certified Real Estate Appraiser and reviewed by Andrew Boettcher, a State Certified Real Estate Appraiser. Staff believes that \$4,300 is a justifiable amount for the acquisition of the permanent easement. Eighty percent of this cost will be reimbursed from Federal funds.

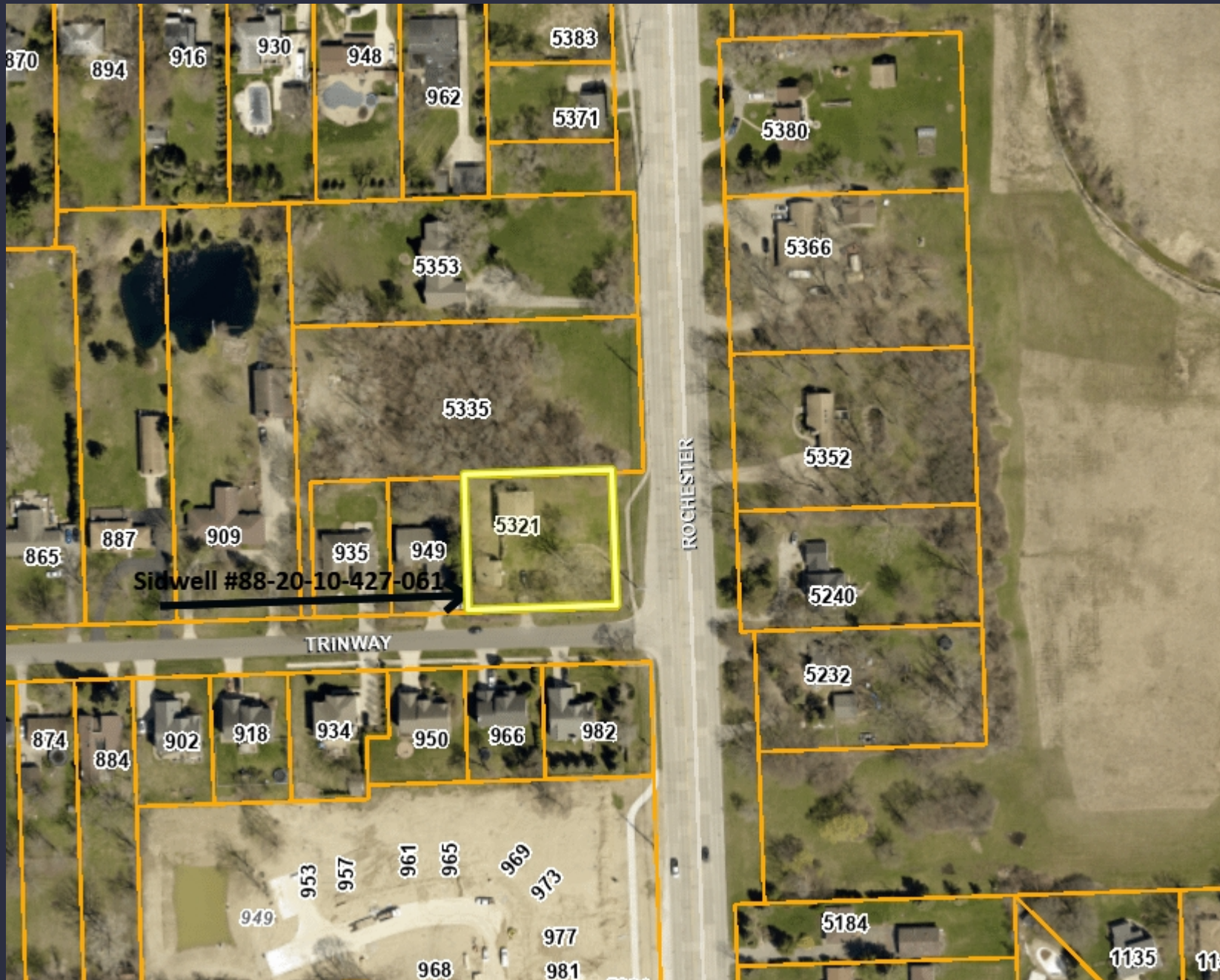
### **Recommendation**

City Management recommends that City Council accept the permanent easement consistent with our policy of accepting easements for improvement purposes, and authorizes the compensation amount of \$4,300, plus closing and recording costs.



# GIS Online

Legend:



Notes:

#88-20-10-427-061  
Public Utility Easement  
Rochester Project #02.206.5

Map Scale: 1=212  
Created: July 28, 2022



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.

**PERMANENT EASEMENT  
FOR PUBLIC UTILITIES**

Sidwell #88-20-10-427-061 (part of)  
Project #02.206.5

**CATALPA TREE PROPERTIES, LLC**, a Michigan limited liability company, Grantor(s), whose address is 4442 Jordyn Court, Lapeer, MI 48446, for and in consideration of the sum of: Four Thousand Three Hundred and no/100 Dollars (\$4,300.00) paid by the **CITY OF TROY**, a Michigan municipal corporation, Grantee, whose address is 500 West Big Beaver Road, Troy, MI, 48084 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**, said easement for land situated in the City of Troy, Oakland County, Michigan described as:

SEE EXHIBIT "A" AND "B" ATTACHED HERETO AND BY REFERENCE MADE A PART OF

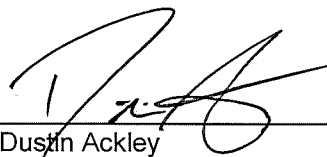
and to enter upon sufficient land adjacent to said improvement(s) for the purpose of the construction, operation, maintenance, repair and/or replacement thereof.

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 1 signature(s) this 27<sup>th</sup> day of July A.D. 2022.

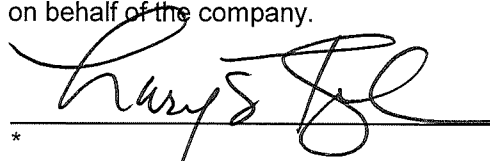
CATALPA TREE PROPERTIES, LLC  
a Michigan limited liability company

By  (L.S.)  
\*Dustin Ackley  
Its: Member

STATE OF MICHIGAN       )  
COUNTY OF OAKLAND    )

The foregoing instrument was acknowledged before me this 27 day of July, 2022, by Dustin Ackley, Member of Catalpa Tree Properties, LLC, a Michigan limited liability company, on behalf of the company.

LARYSA FIGOL  
Notary Public, State of Michigan  
County of Oakland  
My Commission Expires 03-02-2024  
Acting in the County of ~~●~~akland

  
\*  
Notary Public, \_\_\_\_\_ County, Michigan  
My Commission Expires \_\_\_\_\_  
Acting in \_\_\_\_\_ County, Michigan

Prepared by: Larisa Figol, SR/WA  
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

EXHIBIT 'A'

**DESCRIPTION OF PROPERTY (TAKEN FROM RECORD 20-10-427-061)**

Part of the East ½ of the Southeast ½ of Section 10, T2N, R11E, City of Troy, Oakland County, Michigan, described as: beginning at a point distant East 817.92 feet from the Southeast corner of Lot 88 of "Crystal Spring Subdivision No. 1" part of the Southeast ¼ of Section 10, T2N, R11E, Oakland County, Michigan, as recorded in Liber 29 of Plats, Page 32, Oakland County Records; thence N00°12'00"W 147.00 feet; thence East 163.08 feet to the West right of way line of Rochester Road; thence along said line S00°12'00"E 147.00 feet; thence West 163.08 feet to the Point Of Beginning.

Subject to reservations, restrictions, and easements of record, if any.

Also known Sidwell No. 20-10-427-061.

**DESCRIPTION OF UTILITY EASEMENT**

The East 15.00 feet of the following described property: Beginning at a point distant East 817.92 feet from the Southeast corner of Lot 88 of "Crystal Spring Subdivision No. 1" part of the Southeast ¼ of Section 11, T2N, R11E, Oakland County, Michigan, as recorded in Liber 29 of Plats, Page 32, Oakland County Records; thence N00°12'00"W 147.00 feet; thence East 163.08 feet to the West right of way line of Rochester Road; thence along said line S00°12'00"E 147.00 feet; thence West 163.08 feet to the Point Of Beginning.

Said easement contains 2,205 square feet, or 0.051 acres, more or less.

# SKETCH OF EASEMENT

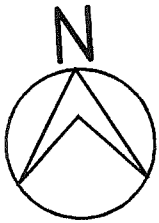
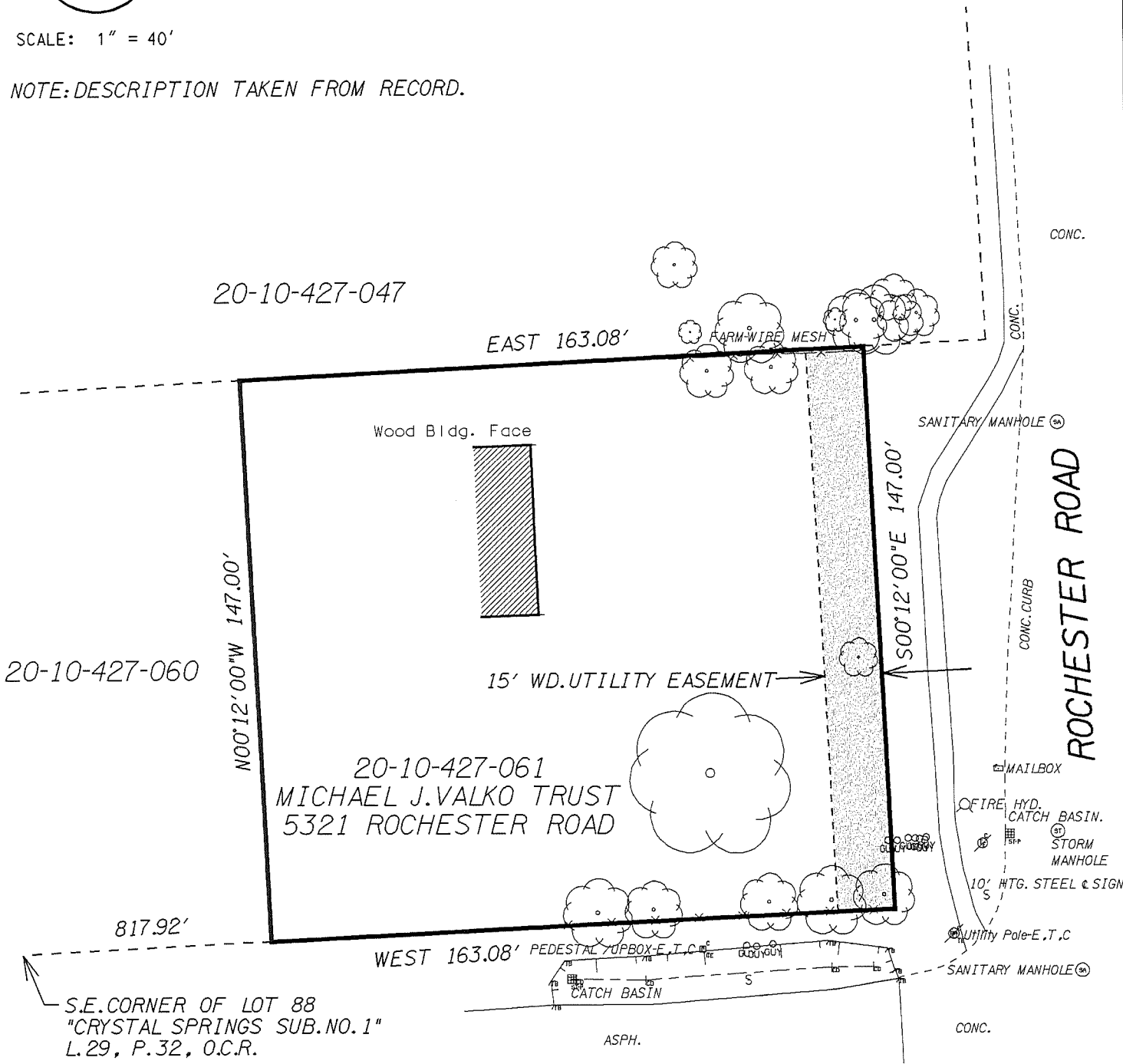


EXHIBIT 'B'  
PARCEL 117

CHICAGO TITLE COMMITMENT NO.63-572094

SCALE: 1" = 40'

NOTE: DESCRIPTION TAKEN FROM RECORD.



20-10-427-061  
MICHAEL J. VALKO TRUST  
UTILITY EASEMENT = 2,205 S.F.

UTILITY EASEMENT =

JOB NO. 20020175	HUBBELL, ROTH & CLARK, INC. CONSULTING ENGINEERS 555 HULET DRIVE BLOOMFIELD HILLS, MICH. P.O. BOX 824 48303-0824	SHEET NO. 2 OF 2
DATE 12-01-10		