



500 West Big Beaver
Troy, MI 48084
troymi.gov



CITY COUNCIL AGENDA ITEM

Date: March 7, 2024

To: Mark F. Miller, City Manager

From: Robert J. Bruner, Deputy City Manager
Megan E. Schubert, Assistant City Manager
Robert Maleszyk, Chief Financial Officer
Dee Anne Irby, Controller
G. Scott Finlay, City Engineer
Larysa Figol, Sr. Right-of-Way Representative

Subject: Request for Approval of a Purchase Agreement and Acceptance of Permanent Easement, Rochester Road, Barclay to Trinway, Project No. 02.206.5, Sidwell #88-20-10-476-072, Aleemullah Khan and Ameena Khan

History

In connection with the proposed improvements to Rochester Road, from Barclay to Trinway, Aleemullah Khan and Ameena Khan, owners of the property identified by Sidwell #88-20-10-476-072 signed an conditional Agreement to Purchase Realty for Public Purposes. The purchase agreement is subject to City Council approval. The compensation amount for needed right-of-way is \$66,700.00.

The property owners also granted a Permanent Easement for Public Utilities and Public Service Facilities. The compensation amount is \$11,400.00.

The property is an improved residential parcel zoned R-1C, One Family Residential. It is located in the southeast $\frac{1}{4}$ of Section 10, at the north corner of Creston of Rochester roads.

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 cumulative amount of \$78,100 is justifiable for the permanent easement and purchase of right-of-way. Eighty percent of this cost will be reimbursed from Federal funds. The City of Troy share is available in the 2024 Capital Projects Fund, Account #401.449.202.989.022065-Public Works Construction Rochester from Barclay to Trinway.

Recommendation

Staff recommends that City Council approve the Agreement to Purchase Realty for Public Purposes in the amount of \$66,700.00, and closing costs not exceed \$8,000. Staff also recommends that City Council accept the permanent easement with a compensation amount of \$11,400.00.

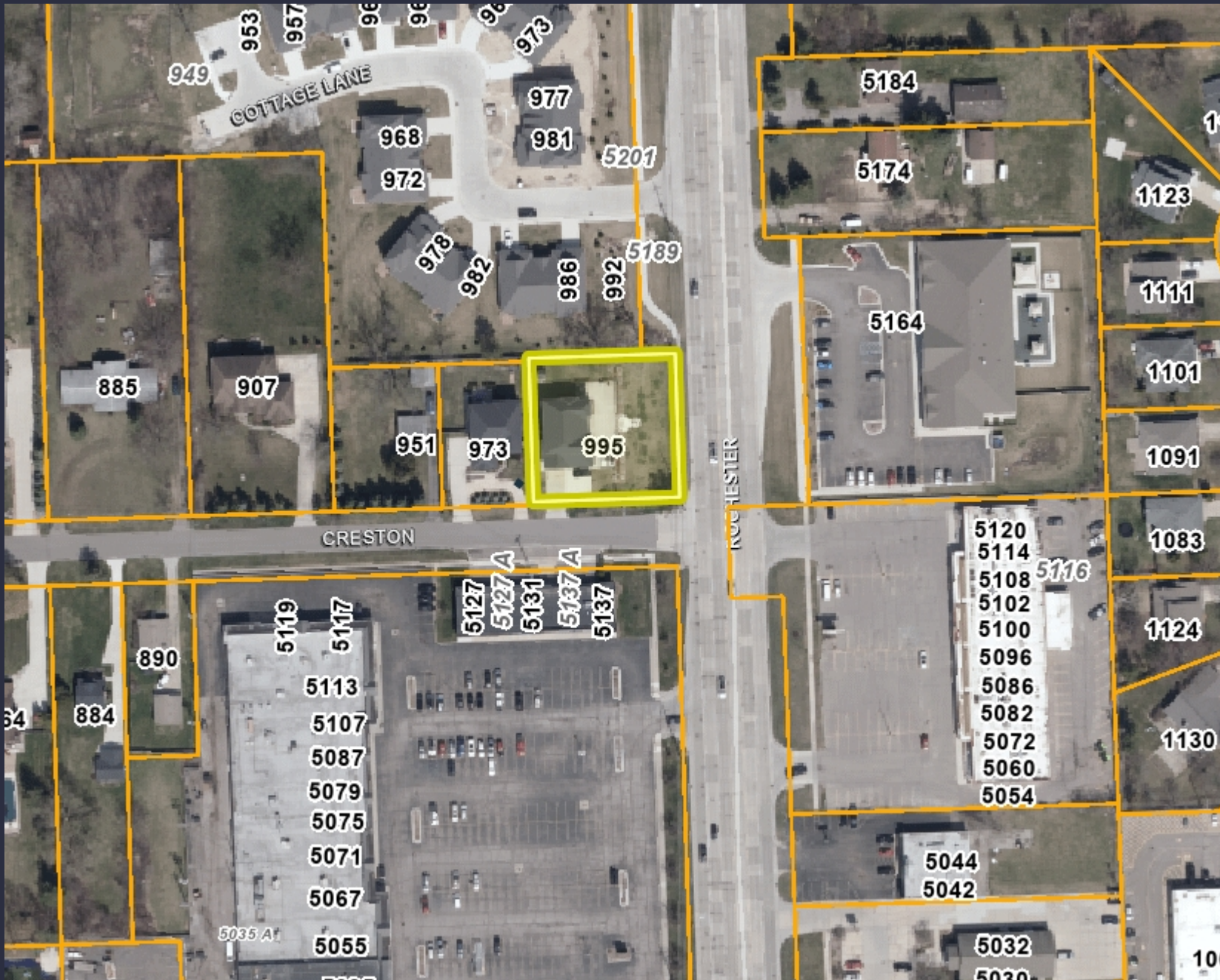
Legal Review

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



GIS Online

Legend:



Notes:
 Khan, Aleemullah & Ameena
 88-20-10-476-072
 Purchase Agreement &
 Permanent Easement

Map Scale: 1=178
 Created: March 8, 2024



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.

CITY OF TROY
AGREEMENT TO PURCHASE REALTY
FOR PUBLIC PURPOSES

The CITY OF TROY, a Michigan municipal corporation (the "Buyer"), agrees to purchase from Aleemullah Khan and Ameena Khan, husband and wife (the "Sellers"), the following described premises (the "Property"):

SEE DESCRIPTIONS OF RIGHT OF WAY ACQUISITION ON ATTACHED EXHIBITS "A" AND "B"

for a public project within the City of Troy and to pay the sum of Sixty-Six Thousand, Seven Hundred and 00/100 dollars (\$66,700) under the following terms and conditions:

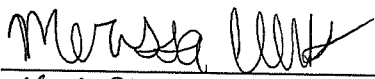
1. Seller shall assist Buyer in obtaining all releases necessary to remove all encumbrances from the property so as to vest a marketable title in Buyer.
2. Seller shall pay all taxes, prorated to the date of closing, including all special assessments, now due or which may become a lien on the property prior to the conveyance.
3. Seller shall deliver the Warranty Deed upon payment of the purchase money by check drawn upon the account of the City of Troy.
4. Buyer shall, at its own expense, provide title insurance information, and the Seller shall disclose any encumbrances against the property.
5. This Agreement is binding upon the parties and closing shall occur within ninety (90) days of the date that all liens have been released and encumbrances have been extinguished to the satisfaction of the Buyer, unless extended by agreement of the parties in writing. It is further understood and agreed that this period of time is for the preparation and authorization of purchase money.
6. Buyer shall notify the Seller immediately of any deficiencies encumbering marketable title, and Seller shall then proceed to remove the deficiencies. If the Seller fails to remove the deficiencies in marketable title to Buyer's approval, the Buyer shall have the option of proceeding under the terms of this Agreement to take title in a deficient condition or to render the Agreement null and void, and any deposit tendered to the Seller shall be returned immediately to the Buyer upon demand.
7. The City of Troy's sum paid for the property being acquired represents the property being free of all environmental contamination. Although the City of Troy will not withhold or place in escrow any portion of this sum, the City reserves its rights to bring Federal and/or State and/or local cost recovery actions against the present owners and any other potentially responsible parties, arising out of a release of hazardous substances at the property.
8. Seller acknowledges that this offer to purchase is subject to final approval by Troy City Council.
9. Seller grants to Buyer temporary possession and use of the property commencing on this date and continuing to the date of closing in order that the Buyer may proceed with the public project.
10. Additional conditions, if any:

SELLER HEREBY ACKNOWLEDGES THAT NO PROMISES WERE MADE EXCEPT AS CONTAINED IN THIS AGREEMENT.

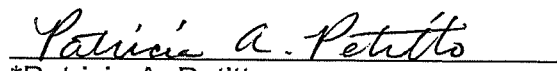
IN WITNESS WHEREOF, the undersigned hereunto affixed their signatures this
4TH day of MARCH, A.D. 2024.

In presence of:

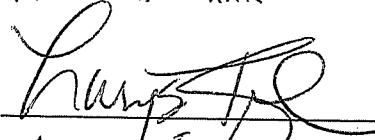
CITY OF TROY, a Michigan municipal corporation (BUYER)



MERISSA CLARK



*Patricia A. Petitto
Right of Way Consultant

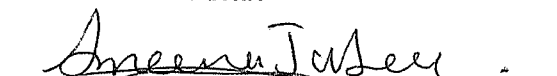


LARISA FIGUE

SELLERS:



*Aleemullah Khan



*Ameena Khan

RIGHT OF WAY ACQUISITION AND UTILITY EASEMENT

EXHIBIT "A"

PARCEL 112

PARENT PROPERTY DESCRIPTION

PARCEL ID: 20-10-476-072

PART OF SOUTHEAST 1/4 OF SECTION 10, T.2N., R.11E., CITY OF TROY, OAKLAND COUNTY, MICHIGAN:
THE EAST 145 FEET OF LOT 6 EXCEPT THE EAST 10 FEET THEREOF IN "CRYSTAL SPRINGS SUB" (LIBER 28, PAGE 23)
DESCRIBED AS BEGINNING AT A POINT DISTANT WEST 10.00 FEET FROM THE SOUTHEAST CORNER OF SAID LOT 6;
THENCE WEST 135.00 FEET; THENCE NORTH 132.00 FEET; THENCE EAST 135.00 FEET; THENCE SOUTH 132.00 FEET
TO THE POINT OF BEGINNING.

SUBJECT TO RESERVATIONS, RESTRICTIONS AND EASEMENTS OF RECORD, IF ANY.

DESCRIPTION OF RIGHT OF WAY ACQUISITION


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TO THE POINT OF BEGINNING.

SAID ACQUISITION CONTAINS 4224.0 SQUARE FEET, OR 0.10 ACRES, MORE OR LESS.

DESCRIPTION OF UTILITY EASEMENT

THE WEST 15.00 FEET OF THE EAST 47.00 FEET OF THE FOLLOWING DESCRIBED PROPERTY:
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SAID EASEMENT CONTAINS 1980 SQUARE FEET, OR 0.05 ACRES, MORE OR LESS.

JOB NO. 20160715	 HUBBELL, ROTH & CLARK, INC CONSULTING ENGINEERS SINCE 1915	555 HULET DRIVE BLOOMFIELD HILLS, MICH.	P.O. BOX 824 48303 - 0824	SHEET NO.
DATE 12/13/22		PHONE: (248) 454-6300 FAX (1st. Floor): (248) 454-6312 FAX (2nd. Floor): (248) 454-6359 WEB SITE: www.hrcenr.com	1	OF 2

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Piggott, Robert

RIGHT OF WAY ACQUISITION AND UTILITY EASEMENT

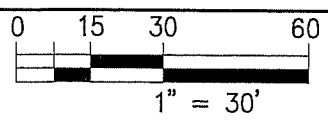
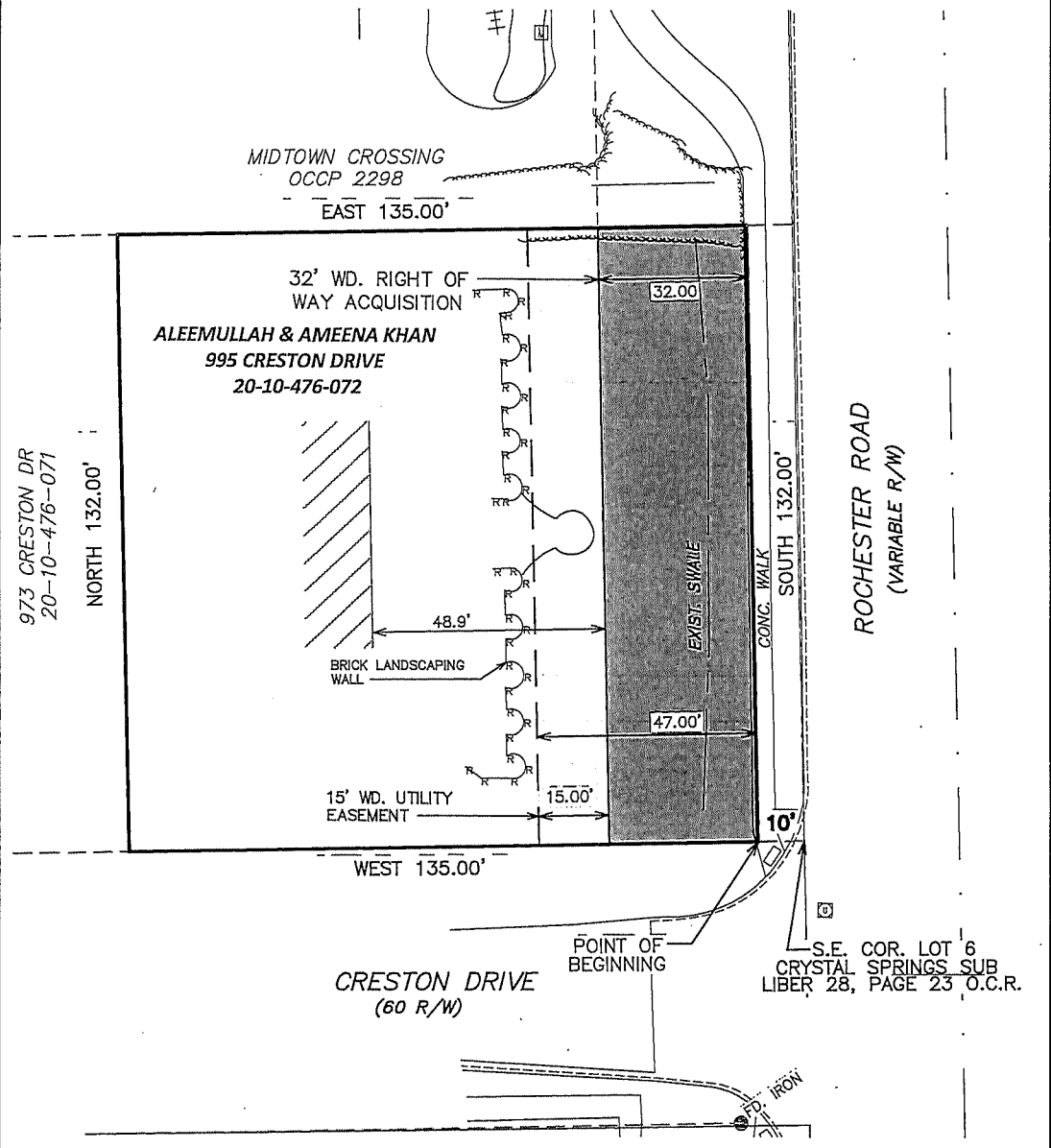
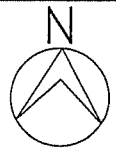



EXHIBIT "B" PARCEL 112



TOTAL PROPERTY = 17,820 SQ. FT.
 RIGHT OF WAY ACQUISITION = 4,224 SQ. FT.
 REMAINDER = 13,596 FT.
 UTILITY EASEMENT = 1,980 SQ. FT.

LEGEND:

RIGHT OF WAY ACQUISITION
 UTILITY EASEMENT

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

Sidwell #88-20-10-476-072
Resolution #

Aleemullah Khan and Ameena Khan, husband and wife, whose address is 995 Creston Drive, Troy, MI 48085 for and in consideration of the sum of: ~~Ten~~^{ELEVEN} Thousand, ~~Six~~^{SIX} Hundred, and 00/100 Dollar (\$10,600) 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:

(\$11,400)
PAP
3/14/24
AW


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

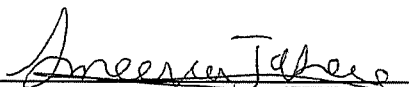
and to enter upon sufficient land adjacent to said improvement(s) for the purpose of the construction, operation, maintenance, repair, grading and/or replacement thereof.

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.

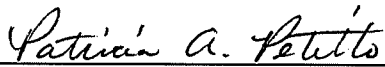
IN WITNESS WHEREOF, the undersigned hereunto affixed THEIR signature(s)
this 4TH day of MARCH, 2024.

 (L.S.)
* Aleemullah Khan

 (L.S.)
* Ameena Khan

STATE OF MICHIGAN)
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this 4TH day of MARCH, 2024, by Aleemullah Khan and Ameena Khan, husband and wife.


*
Notary Public, OAKLAND County, Michigan
My Commission Expires DECEMBER 31, 2026
Acting in OAKLAND County, Michigan

Prepared by: Patricia Petitto, SR/WA, 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

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Piggott, Robert

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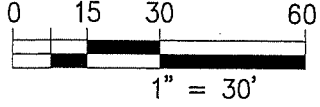
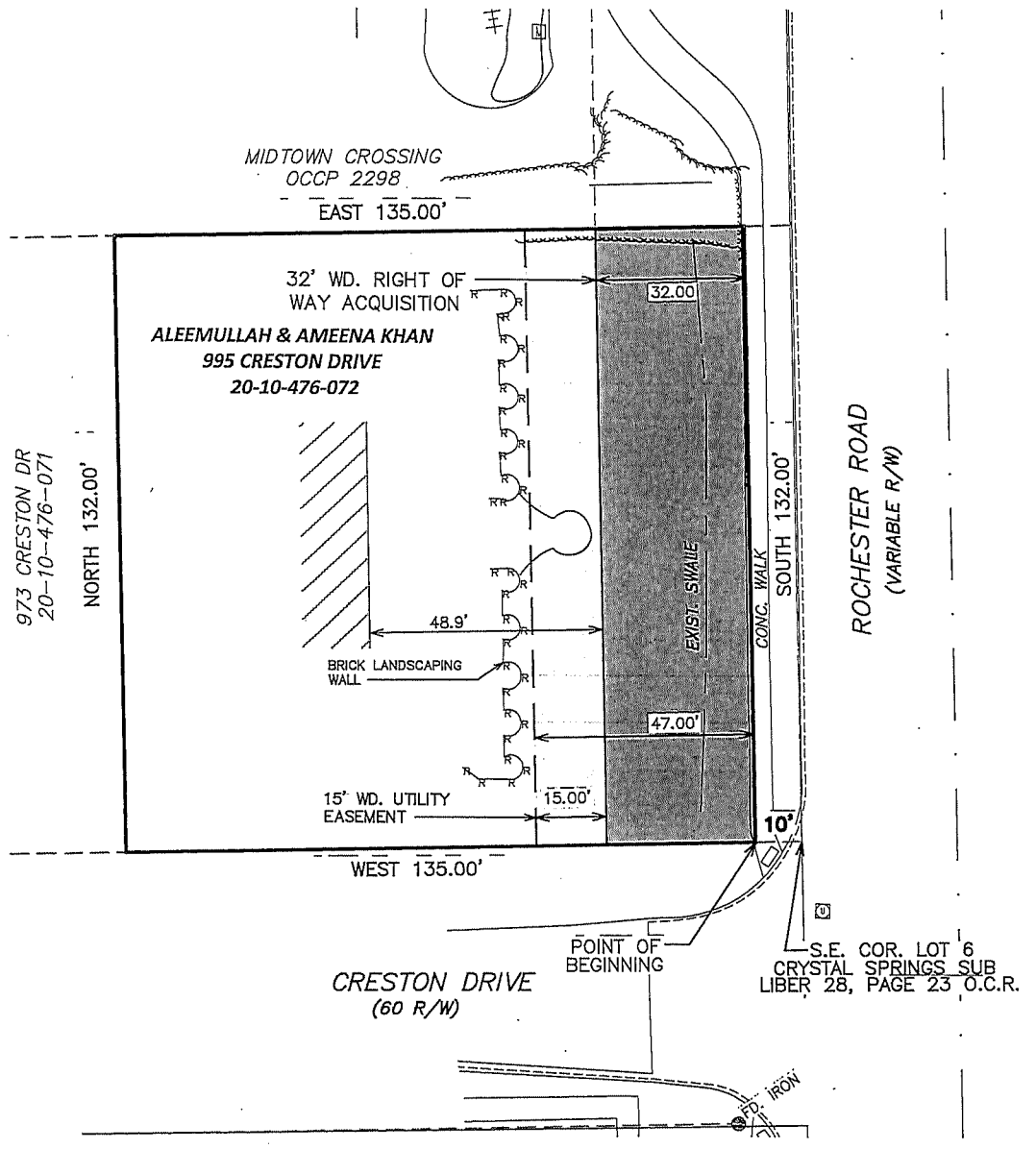
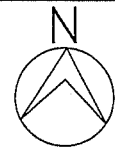


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