



500 West Big Beaver
Troy, MI 48084
troymi.gov



CITY COUNCIL AGENDA ITEM

Date: April 30, 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 #88-20-10-476-065, Amer and Fatima Naseem

History

In connection with the proposed improvements to Rochester Road, from Barclay to Trinway, Amer and Fatima Naseem, owners of the property identified by Sidwell #88-20-10-476-065, signed a 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 \$101,830.00.

The property owners also granted a Permanent Easement for Public Utilities and Public Service Facilities. The compensation amount is \$9,200.00.

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 south corner of Trinway and Rochester roads.

Financial

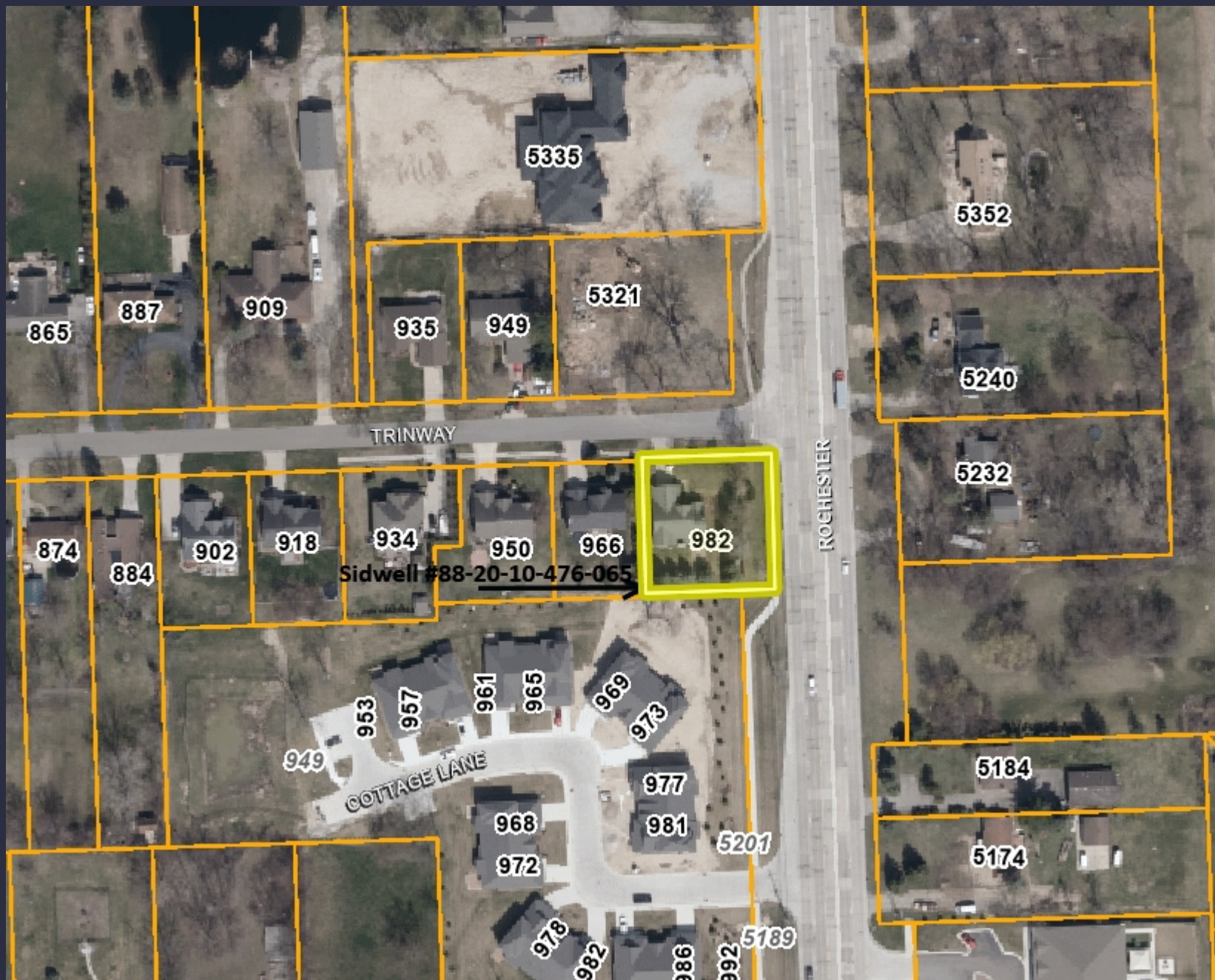
An appraisal report was prepared by Andrew Boettcher, a State of Michigan Certified Real Estate Appraiser. The report was reviewed by Kimberly Harper, Deputy City Assessor and a State of Michigan Licensed Appraiser. Staff believes the cumulative amount of \$111,030.00 is justifiable for the permanent 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 \$101,830.00, and closing costs not exceed \$10,000. Staff also recommends that City Council accept the permanent easement with a compensation amount of \$9,200.00.

Legal Review

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



Notes:

88-20-10-476-065
Naseem, Amer & Fatima
RR Project #02.206.5



CITY OF TROY
AGREEMENT TO PURCHASE REALTY
FOR PUBLIC PURPOSES

The CITY OF TROY, a Michigan municipal corporation (the "Buyer"), agrees to purchase from Amer Naseem and Fatima Naseem, 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 One Hundred, One Thousand, Eight Hundred, Thirty and 00/100 dollars (\$101,830) 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 6TH day of April, A.D. 2024.

In presence of:

CITY OF TROY, a Michigan municipal corporation (BUYER)

Patricia A. Petitto
*Patricia A. Petitto
Right of Way Consultant

SELLERS:

Amer Naseem
*Amer Naseem

Fatima Naseem
*Fatima Naseem

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Piggott, Robert

RIGHT OF WAY ACQUISITION AND UTILITY EASEMENT

EXHIBIT "A"
PARCEL 116

PARENT PROPERTY DESCRIPTION

PARCEL ID: 20-10-476-065


PART OF SOUTHEAST 1/4 OF SECTION 10, T.2N., R.11E., CITY OF TROY, OAKLAND COUNTY, MICHIGAN:
PART OF LOTS 86 AND 87 OF "CRYSTAL SPRINGS SUB No. 1" (LIBER 29, PAGE 32) DESCRIBED AS BEGINNING AT A POINT DISTANT WEST 10.00 FEET FROM THE NORTHEAST CORNER OF SAID LOT 87; THENCE S00°18'49"E 125.00 FEET; THENCE WEST 119.50 FEET; THENCE N00°18'49"W 125.00 FEET; THENCE EAST 119.50 FEET TO THE POINT OF BEGINNING.
SUBJECT TO RESERVATIONS, RESTRICTIONS AND EASEMENTS OF RECORD, IF ANY.

DESCRIPTION OF RIGHT OF WAY ACQUISITION

THE EAST 32.00 FEET OF THE FOLLOWING DESCRIBED PROPERTY: PART OF SOUTHEAST 1/4 OF SECTION 10, T.2N., R.11E., CITY OF TROY, OAKLAND COUNTY, MICHIGAN:
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SAID ACQUISITION CONTAINS 4000.0 SQUARE FEET, OR 0.09 ACRES, MORE OR LESS.

DESCRIPTION OF UTILITY EASEMENT

THE WEST 15.00 FEET OF THE EAST 47.00 FEET OF THE FOLLOWING DESCRIBED PROPERTY: PART OF SOUTHEAST 1/4 OF SECTION 10, T.2N., R.11E., CITY OF TROY, OAKLAND COUNTY, MICHIGAN:
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SAID EASEMENT CONTAINS 1875.0 SQUARE FEET, OR 0.04 ACRES, MORE OR LESS.

JOB NO. 20160715	 HUBBELL, ROTH & CLARK, INC CONSULTING ENGINEERS SINCE 1915	555 HULET DRIVE BLOOMFIELD HILLS, MICH. PHONE: (248) 454-6300 FAX (1st. Floor): (248) 454-6312 FAX (2nd. Floor): (248) 454-6359 WEB SITE: www.hrcengr.com	P.O. BOX 824 48303 - 0824	SHEET NO. 1 OF 2
DATE 11/10/22				

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Piggott, Robert

RIGHT OF WAY ACQUISITION AND UTILITY EASEMENT

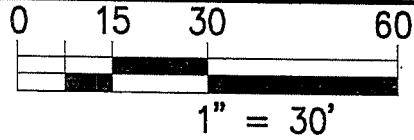
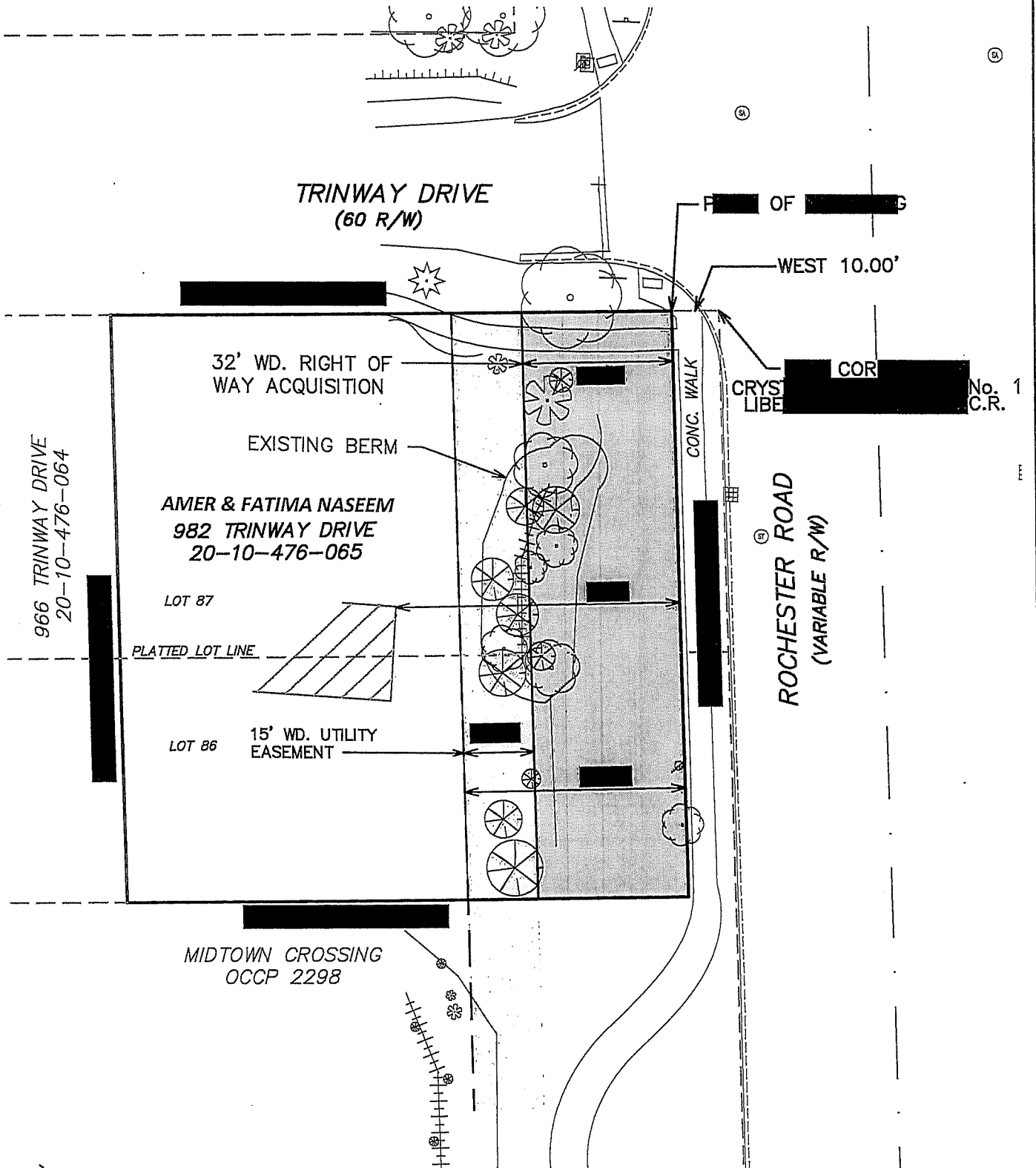
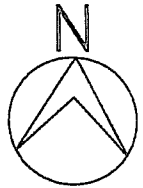


EXHIBIT "B"

PARCEL 116



TOTAL PROPERTY = 14,937.5 SQ. FT.
RIGHT OF WAY ACQUISITION = 4000 SQ. FT.
REMAINDER = 10,937.5 SQ. FT.
UTILITY EASEMENT = 1875 SQ. FT.

LEGEND:

RIGHT OF WAY ACQUISITION



UTILITY EASEMENT



JOB NO.
20160715
DATE
11/10/22

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

555 HULET DRIVE
BLOOMFIELD HILLS, MICH.
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48303 - 0824
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WEB SITE: www.hrcengr.com

SHEET NO.
2
OF 2

APPROVED

AS NOTED:

CITY OF TROY LAND SURVEYOR

DATE: 12/13/2022

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

Sidwell #88-20-10-476-065
Resolution #

Amer Naseem and Fatima Naseem, husband and wife, whose address is 982 Trinway Drive, Troy, MI 48085 for and in consideration of the sum of: Nine Thousand, Two Hundred, and 00/100 Dollar (\$9,200) 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.

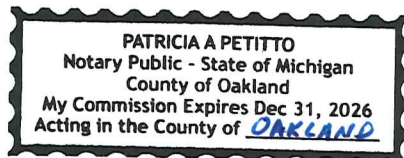
IN WITNESS WHEREOF, the undersigned hereunto affixed THEIR signature(s)
this 6TH day of APRIL, 2024.

Amer Naseem (L.S.)
* Amer Naseem

Fatima Naseem (L.S.)
* Fatima Naseem

STATE OF MICHIGAN)
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this 6TH day of APRIL, 2024,
by Amer Naseem and Fatima Naseem, husband and wife.



Patricia A. Petitto
* PATRICIA A. PETITTO
Notary Public, OAKLAND County, Michigan
My Commission Expires 12-31-2026
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

PLEASE SIGN IN BLUE INK AND PRINT OR TYPE NAMES IN BLACK INK UNDER SIGNATURES

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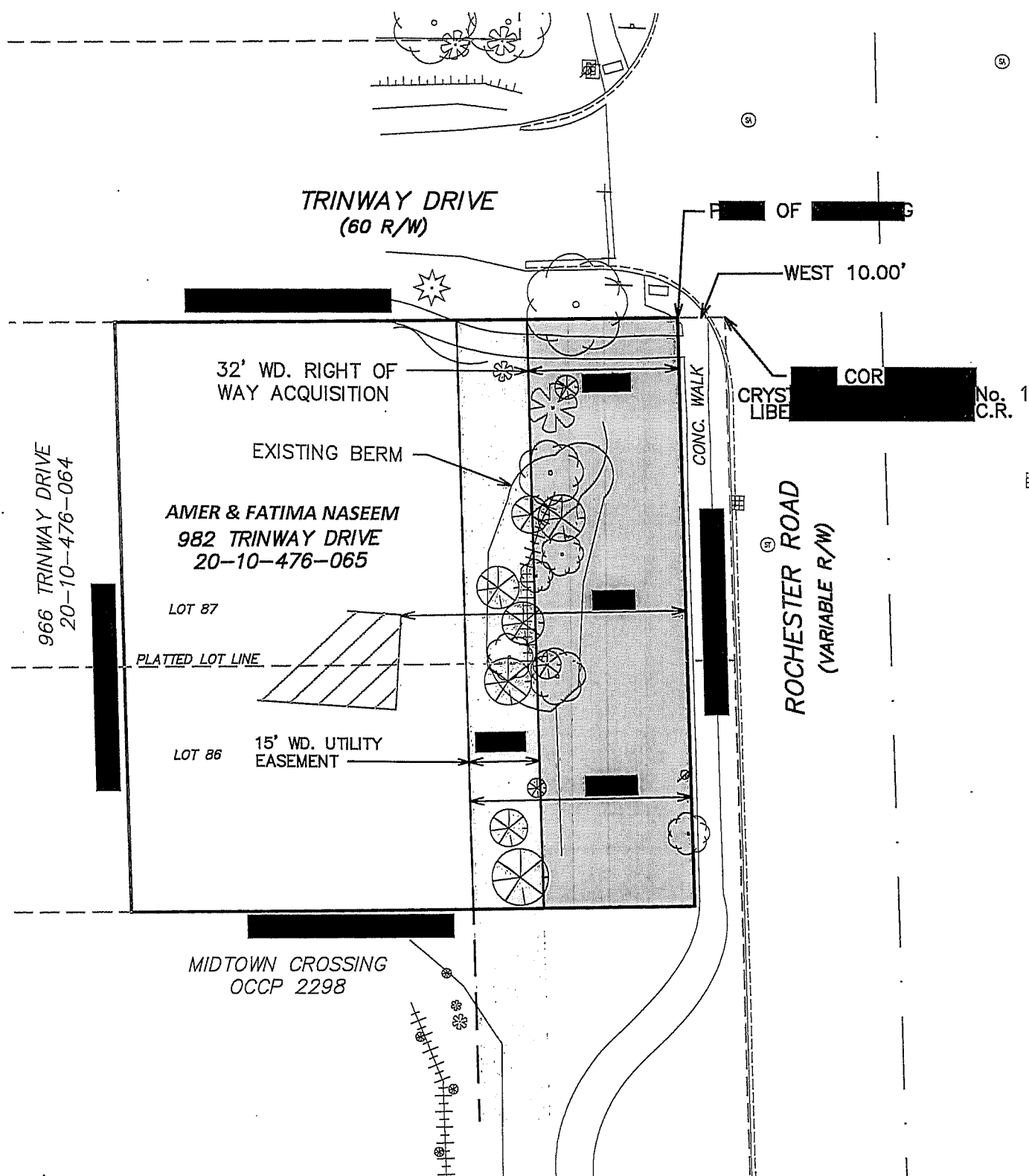
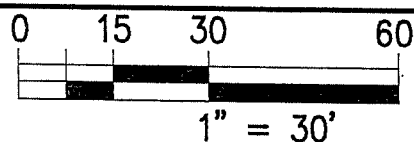
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APPROVED

AS NOTED:
CITY OF TROY LAND SURVEYOR
DATE: 12/13/2022