



500 West Big Beaver
Troy, MI 48084
troymi.gov



CITY COUNCIL AGENDA ITEM

Date: June 18, 2024

To: Robert J. Bruner, Acting City Manager

From: 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 Permanent Utility Easement, Rochester Road, Barclay to Trinway, Project No. 02.206.5, Parcel #86, Sidwell #88-20-11-301-016, Vicki L. Brown

History

In connection with the proposed improvements to Rochester Road from Barclay to Trinway, Vicki L. Brown owner of the property identified by Sidwell #88-20-11-301-016 signed a conditional Agreement to Purchase Realty for Public Purposes. City staff negotiated a compensation amount of \$17,300.00.

The property owner also granted a Permanent Easement for Public Utilities and Public Service Facilities. The compensation amount is \$10,603.00.

The property is an improved residential parcel zoned R-1C, One Family Residential. It is located in the southwest ¼ of Section 11, north of Long Lake Road on the east side of Rochester Road .

Financial

An appraisal report was prepared by Andrew Boettcher, a State of Michigan Certified Real Estate Appraiser and reviewed by Kimberly Harper, Deputy City Assessor and a State of Michigan Licensed Appraiser. Staff believes that a cumulative compensation amount of \$27,903.00 is justifiable for the needed right of way and permanent easement. 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 approve the Agreement to Purchase Realty for Public Purposes in the amount of \$17,300.00, and closing costs not exceed \$8,000.

Staff also recommends that City Council accept the permanent easement with a compensation amount of \$10,603.00.


Legal Review

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



GIS Online

Legend:

 Tax Parcel



Notes:

Sidwell #88-20-11-301-016
Brown, Vicki L.
RR, Parcel #86

Map Scale: 1=712

Created: June 18, 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 Vicki L. Brown, survivor of herself and her deceased husband Michael A. Brown, whose death certificate is attached (the "Seller"), 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 ~~Sixteen~~ ^{SEVENTEEN} Thousand, Three Hundred, and 00/100 dollars (~~\$16,300~~ ^{\$17,300}) under the following terms and conditions: PAP ~~WB~~

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
17TH day of JUNE, 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:

Vicki L. Brown
*Vicki L. Brown

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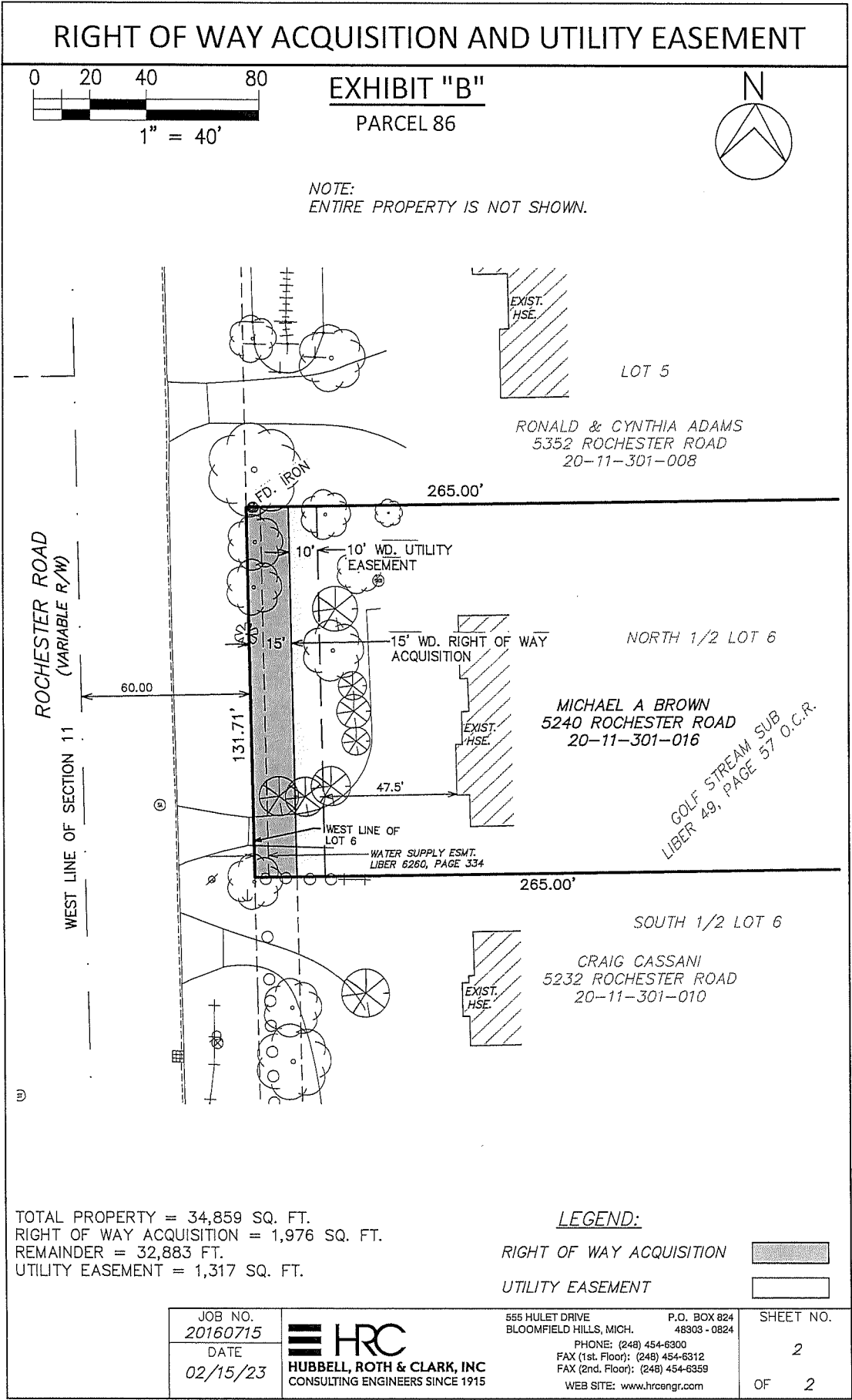
Piggott, Robert

RIGHT OF WAY ACQUISITION AND UTILITY EASEMENT			
EXHIBIT "A"			
PARCEL 86			
DESCRIPTION TAKEN FROM OAKLAND COUNTY RECORDS.			
PARENT PROPERTY DESCRIPTION			
PARCEL ID: 20-11-301-016			
PART OF SOUTHWEST 1/4 OF SECTION 11, T.2N., R.11E., CITY OF TROY, OAKLAND COUNTY, MICHIGAN DESCRIBED AS THE WEST 265 FEET OF THE NORTH HALF OF LOT 6 IN "GOLF STREAM SUB", AS RECORDED IN LIBER 49, PAGE 57, OAKLAND COUNTY RECORDS.			
SUBJECT TO RESERVATIONS, RESTRICTIONS AND EASEMENTS OF RECORD, IF ANY.			
DESCRIPTION OF RIGHT OF WAY ACQUISITION			
THE WEST 15.00 FEET OF THE FOLLOWING DESCRIBED PROPERTY:			
PART OF SOUTHWEST 1/4 OF SECTION 11, T.2N., R.11E., CITY OF TROY, OAKLAND COUNTY, MICHIGAN DESCRIBED AS THE WEST 265 FEET OF THE NORTH HALF OF LOT 6 IN "GOLF STREAM SUB", AS RECORDED IN LIBER 49, PAGE 57, OAKLAND COUNTY RECORDS.			
CONTAINS 1,976 SQUARE FEET.			
DESCRIPTION OF UTILITY EASEMENT			
THE EAST 10.00 FEET OF THE WEST 25.00 FEET OF THE FOLLOWING DESCRIBED PROPERTY:			
PART OF SOUTHWEST 1/4 OF SECTION 11, T.2N., R.11E., CITY OF TROY, OAKLAND COUNTY, MICHIGAN DESCRIBED AS THE WEST 265 FEET OF THE NORTH HALF OF LOT 6 IN "GOLF STREAM SUB", AS RECORDED IN LIBER 49, PAGE 57, OAKLAND COUNTY RECORDS.			
CONTAINS 1,317 SQUARE FEET.			
JOB NO. 20160715 DATE 02/15/23	 HUBBELL, ROTH & CLARK, INC CONSULTING ENGINEERS SINCE 1915	555 HULET DRIVE BLOOMFIELD HILLS, MICH. P.O. BOX 824 48308 - 0824 PHONE: (248) 454-6300 FAX (1st. Floor): (248) 454-6312 FAX (2nd. Floor): (248) 454-6359 WEB SITE: www.hrcengr.com	SHEET NO. 1 OF 2

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Piggott, Robert



PERMANENT EASEMENT
FOR PUBLIC UTILITIES &
PUBLIC SERVICE FACILITIES

Sidwell #88-20-11-301-016
Resolution #

Vicki L. Brown, survivor of herself and her deceased husband Michael A. Brown, whose death certificate is attached, and whose address is 5240 Rochester Road, Troy, MI 48085 for and in consideration of the sum of: Ten Thousand, Six Hundred, Three and 00/100 Dollar (\$10,603) 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.

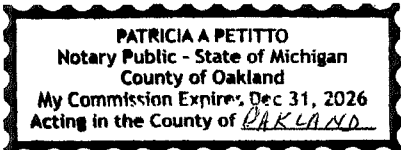
This instrument shall be binding upon and inure to the benefit of the parties hereto, their heirs, representatives, successors and assigns and the covenants contained herein shall run with the land.

IN WITNESS WHEREOF, the undersigned hereunto affixed HER signature(s)
this 17TH day of JUNE, 2024.

Vicki L. Brown (L.S.)
* Vicki L. Brown

STATE OF MICHIGAN)
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this 17TH day of JUNE, 2024, by Vicki L. Brown, survivor of herself and her deceased husband Michael A. Brown, whose death certificate is attached.



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

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Piggott, Robert

RIGHT OF WAY ACQUISITION AND UTILITY EASEMENT

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DATE 02/15/23				1 OF 2

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Piggott, Robert

