



500 West Big Beaver
Troy, MI 48084
troymi.gov



CITY COUNCIL AGENDA ITEM

Date: June 18, 2024

To: Troy City Council

From: Robert Bruner, Acting City Manager
Lori Grigg Bluhm, City Attorney
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 Authorization to Make an Unconditioned Offer to Purchase Property, Rochester Road, Barclay to Trinway, Project No. 02.206.5, Parcel #119 & #120, Sidwell #88-20-10-427-064 and #88-20-10-427-044, and a Request to Institute Court Action if Necessary

History

The plans for the federally funded Rochester Road (Barclay to Trinway) project require the acquisition of right of way, a permanent utility easement and temporary permit from Glenn David and Michell Potts, owners of the properties identified by Sidwell #88-20-10-427-047 and #88-20-427-044. The Engineering department hired an independent appraiser, who has valued the right of way and needed property rights at \$53,552.00. The property owner was given a written purchase offer for this amount.

Discussions with the property owners have not resulted in an agreement thus far. As with any federally funded road project, there are tight time frames. Staff is requesting these authorizations to ensure the project can be kept on schedule. In the event that an agreement cannot be reached it may be necessary to acquire the property rights by exercising our power of eminent domain.

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 the amount of \$53,552.00 is a justifiable compensation amount for the needed right of way, permanent easements and temporary permit.

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

City staff recommends that City Council authorize an unconditioned offer and cumulative compensation in the amount of \$53,552.00 for needed right of way, permanent easements and temporary permit, plus closing costs not to exceed \$10,000.

Staff also requests that City Council authorize the City Attorney to institute a condemnation lawsuit if necessary and to expend any needed funds to acquire the right of way. In order to proceed with the process of condemnation, City Council will need to pass a resolution that declares that the eminent domain or condemnation action is for the Rochester Road Improvement project (Barclay to Trinway), which is a public purpose, and within the scope of the City's powers.

Proposed resolutions are attached for your consideration.

CITY OF TROY
AGREEMENT TO PURCHASE REALTY
FOR PUBLIC PURPOSES

The CITY OF TROY, a Michigan municipal corporation (the "Buyer"), agrees to purchase from Glenn D. Potts and Michelle M. Potts, 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 Forty-Two Thousand, Seven Hundred, Fifty-Two and 00/100 dollars (\$42,752) 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 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.
9. 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 _____ day of _____, A.D. 2024.

In presence of:

CITY OF TROY, a Michigan municipal corporation (BUYER)

*Patricia A. Petitto
Right of Way Consultant

SELLERS:

*Glenn D. Potts

*Michelle M. Potts

RIGHT OF WAY ACQUISITION AND UTILITY EASEMENT

EXHIBIT "A"

PARCEL 119

PARENT PROPERTY DESCRIPTION

PARCEL ID: 20-10-427-064

PART OF THE EAST ½ OF THE SOUTHEAST ¼ OF SECTION 10, T2N, R11E, CITY OF TROY, OAKLAND COUNTY, MICHIGAN, BEGINNING AT THE SOUTHEAST CORNER OF LOT 42 OF "SYLVANWOOD GARDENS SUBDIVISION", AS RECORDED IN LIBER 13 OF PLATS, PAGE 48, OAKLAND COUNTY RECORDS; THENCE N88°59'00"E 17.00 FEET; THENCE S01°17'00"E 136.75 FEET; THENCE S88°59'00"W 379.40 FEET; THENCE N01°22'57"W 136.40 FEET; THENCE N88°53'44"E 220.83 FEET; THENCE N88°58'39"E 141.80 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: BEGINNING AT THE SOUTHEAST CORNER OF LOT 42 OF "SYLVANWOOD GARDENS SUBDIVISION", PART OF THE SOUTHEAST ¼ OF SECTION 10, T2N, R11E, TROY TOWNSHIP (NOW CITY OF TROY), OAKLAND COUNTY, MICHIGAN, AS RECORDED IN LIBER 13 OF PLATS, PAGE 48, OAKLAND COUNTY RECORDS; THENCE N88°59'00"E 17.00 FEET; THENCE S01°17'00"E 136.75 FEET; THENCE S88°59'00"W 379.40 FEET; THENCE N01°22'57"W 136.40 FEET; THENCE N88°53'44"E 220.83 FEET; THENCE N88°58'39"E 141.80 FEET TO THE POINT OF BEGINNING.

SAID ACQUISITION CONTAINS 4,376 SQUARE FEET, OR 0.100 ACRES, MORE OR LESS.

DESCRIPTION OF UTILITY EASEMENT

THE WEST 15.00 FEET OF THE EAST 47.00 FEET OF THE FOLLOWING DESCRIBED PROPERTY: BEGINNING AT THE SOUTHEAST CORNER OF LOT 42 OF "SYLVANWOOD GARDENS SUBDIVISION", PART OF THE SOUTHEAST ¼ OF SECTION 10, T2N, R11E, TROY TOWNSHIP (NOW CITY OF TROY), OAKLAND COUNTY, MICHIGAN, AS RECORDED IN LIBER 13 OF PLATS, PAGE 48, OAKLAND COUNTY RECORDS; THENCE N88°59'00"E 17.00 FEET; THENCE S01°17'00"E 136.75 FEET; THENCE S88°59'00"W 379.40 FEET; THENCE N01°22'57"W 136.40 FEET; THENCE N88°53'44"E 220.83 FEET; THENCE N88°58'39"E 141.80 FEET TO THE POINT OF BEGINNING.

SAID EASEMENT CONTAINS 2,051 SQUARE FEET, OR 0.047 ACRES, MORE OR LESS.

DESCRIPTION OF REGRADING AND TEMPORARY CONSTRUCTION PERMIT

THE WEST 20.00 FEET OF THE EAST 67.00 FEET OF THE SOUTH 30.00 FEET OF THE FOLLOWING DESCRIBED PROPERTY: BEGINNING AT THE SOUTHEAST CORNER OF LOT 42 OF "SYLVANWOOD GARDENS SUBDIVISION" PART OF THE SOUTHEAST ¼ OF SECTION 10, T2N, R11E, TROY TOWNSHIP (NOW CITY OF TROY), OAKLAND COUNTY, MICHIGAN, AS RECORDED IN LIBER 13 OF PLATS, PAGE 48, OAKLAND COUNTY RECORDS; THENCE N88°59'00"E 17.00 FEET; THENCE S01°17'00"E 136.75 FEET; THENCE S88°59'00"W 379.40 FEET; THENCE N01°22'57"W 136.40 FEET; THENCE N88°53'44"E 220.83 FEET; THENCE N88°58'39"E 141.80 FEET TO THE POINT OF BEGINNING.

SAID PERMIT CONTAINS 600 SQUARE FEET, OR 0.014 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 11/07/22		PHONE: (248) 454-6300 FAX (1st. Floor): (248) 454-6312 FAX (2nd. Floor): (248) 454-6359 WEB SITE: www.hrcengr.com	1	OF 2

11/7/2022 3:55 PM

V:\201607\20160715\F\Property\Easements\20160715_Parcel 119.dwg

Piggott, Robert

RIGHT OF WAY ACQUISITION AND UTILITY EASEMENT

EXHIBIT "A"

PARCEL 120

PARENT PROPERTY DESCRIPTION

PARCEL ID: 20-10-427-044

LOT 42 OF "SYLVANWOOD GARDENS SUBDIVISION", PART OF THE SOUTHEAST QUARTER OF SECTION 10, T.2N., R.11E., CITY OF TROY, OAKLAND COUNTY, MICHIGAN, AS RECORDED IN LIBER 13 OF PLATS, PAGE 48, OAKLAND COUNTY RECORDS.

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

CONTAINS 8,272.76 SQUARE FEET, MORE OR LESS.

RIGHT OF WAY ACQUISITION DESCRIPTION

THE EAST 15.00 FEET OF LOT 42 OF "SYLVANWOOD GARDENS SUBDIVISION", PART OF THE SOUTHEAST QUARTER OF SECTION 10, T.2N., R.11E., CITY OF TROY, OAKLAND COUNTY, MICHIGAN, AS RECORDED IN LIBER 13 OF PLATS, PAGE 48, OAKLAND COUNTY RECORDS.

SAID ACQUISITION CONTAINS 863 SQUARE FEET, OR 0.020 ACRES, MORE OR LESS.

UTILITY EASEMENT DESCRIPTION

THE WEST 15.00 FEET OF THE EAST 30.00 FEET OF LOT 42 OF "SYLVANWOOD GARDENS SUBDIVISION", PART OF THE SOUTHEAST QUARTER OF SECTION 10, T.2N., R.11E., CITY OF TROY, OAKLAND COUNTY, MICHIGAN, AS RECORDED IN LIBER 13 OF PLATS, PAGE 48, OAKLAND COUNTY RECORDS.

SAID EASEMENT CONTAINS 867 SQUARE FEET, OR 0.020 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 11/07/22		PHONE: (248) 454-6300 FAX (1st. Floor): (248) 454-6312 FAX (2nd. Floor): (248) 454-6359 WEB SITE: www.hrcengr.com	1	OF 2

RIGHT OF WAY ACQUISITION AND UTILITY EASEMENT

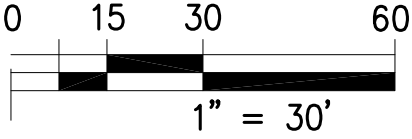
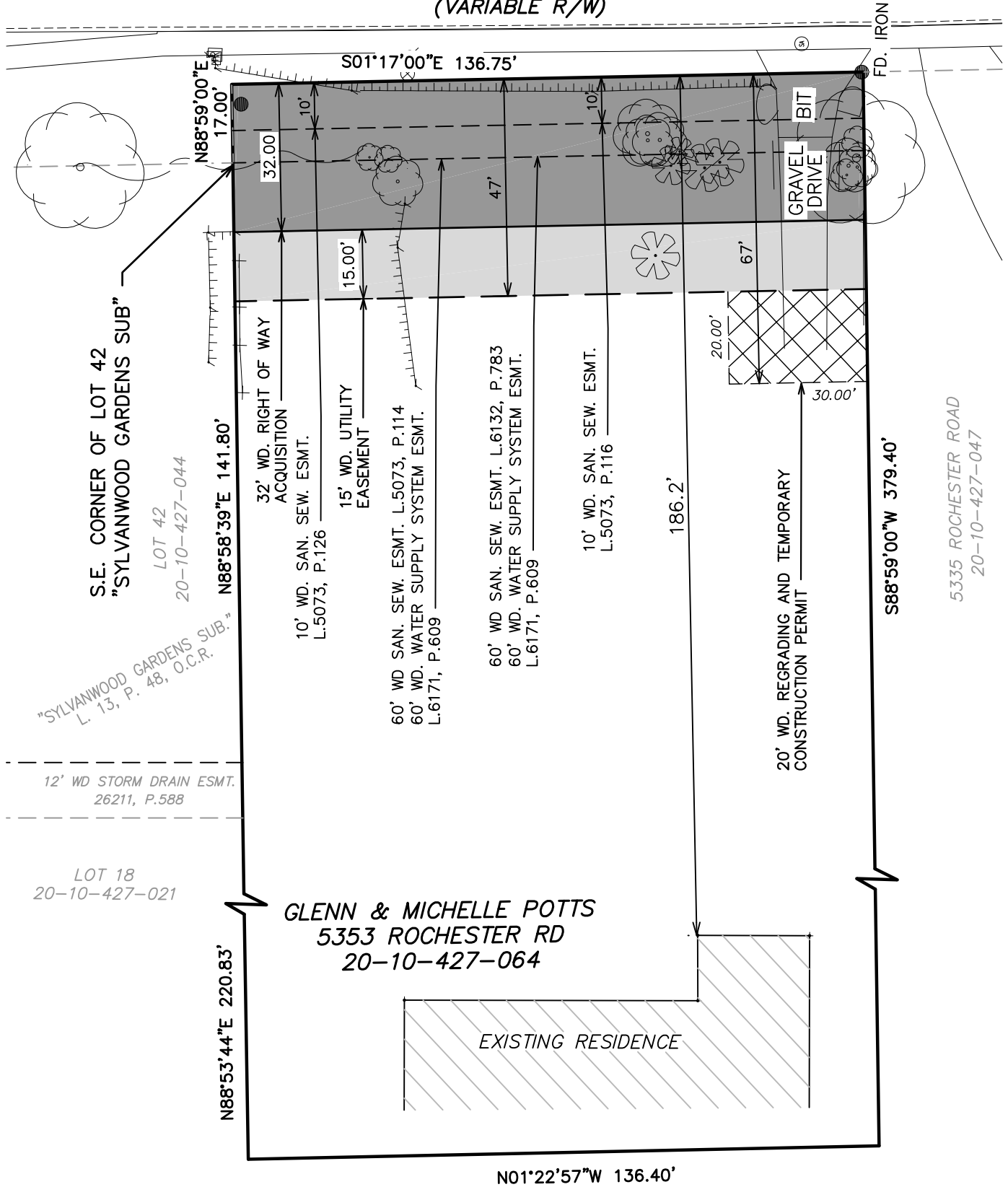
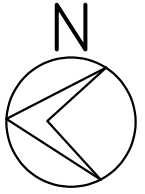


EXHIBIT "B"

PARCEL 119

ROCHESTER ROAD
(VARIABLE R/W)



LEGEND:

TOTAL PROPERTY = 51,863 SQ. FT.
 RIGHT OF WAY ACQUISITION = 4,376 SQ. FT.
 REMAINDER = 47,487 SQ. FT.
 UTILITY EASEMENT = 2,051 SQ. FT.
 REGRADING/TEMPORARY EASEMENT = 600 SQ. FT.

- RIGHT OF WAY ACQUISITION
- UTILITY EASEMENT
- REGRADING AND TEMPORARY CONSTRUCTION PERMIT

JOB NO. 20160715
DATE 11/07/22



555 HULET DRIVE
 BLOOMFIELD HILLS, MICH.
 P.O. BOX 824
 48303 - 0824
 PHONE: (248) 454-6300
 FAX (1st. Floor): (248) 454-6312
 FAX (2nd. Floor): (248) 454-6359
 WEB SITE: www.hrcengr.com

SHEET NO. 2 OF 2

RIGHT OF WAY ACQUISITION AND UTILITY EASEMENT

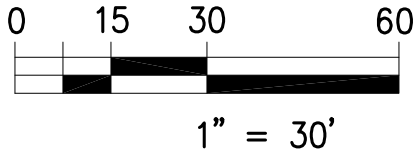
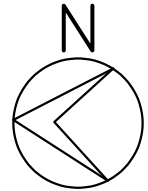
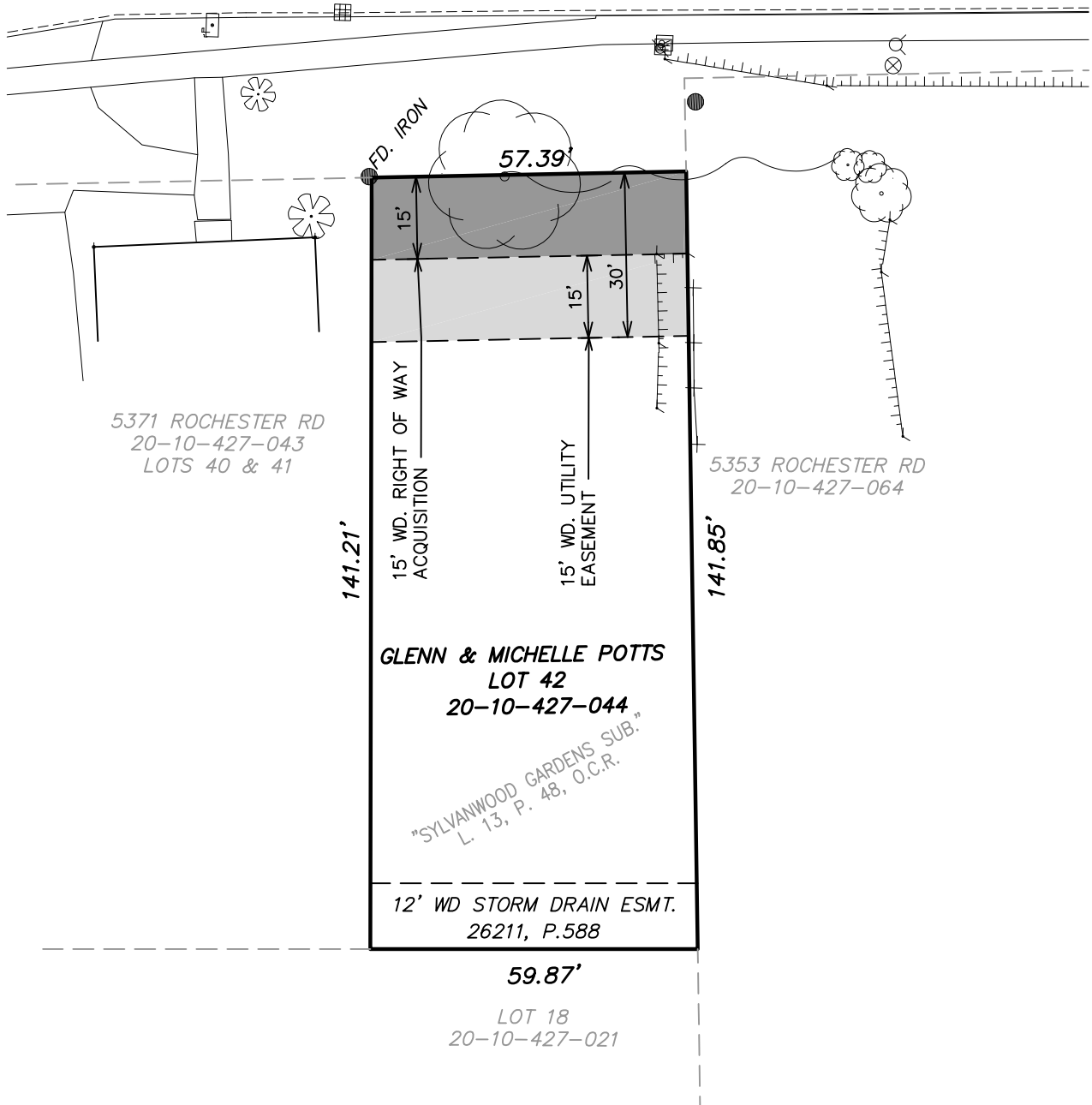


EXHIBIT "B" PARCEL 120



ROCHESTER ROAD
(VARIABLE R/W)



LEGEND:

RIGHT OF WAY ACQUISITION

UTILITY EASEMENT

JOB NO. 20160715 DATE 11/07/22	HUBBELL, ROTH & CLARK, INC CONSULTING ENGINEERS SINCE 1915	555 HULET DRIVE BLOOMFIELD HILLS, MICH. P.O. BOX 824 48303 - 0824 PHONE: (248) 454-6300 FAX (1st. Floor): (248) 454-6312 FAX (2nd. Floor): (248) 454-6359 WEB SITE: www.hrcengr.com	SHEET NO. 2 OF 2
---	--	---	------------------------

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

Sidwell #88-20-10-427-064 & #88-20-10-427-044
Resolution #

Glenn D. Potts and Michelle M. Potts, husband and wife, whose address is 5353 Rochester Road, Troy, MI 48085 for and in consideration of the sum of: Ten Thousand, Three Hundred, and 00/100 Dollar (\$10,300) 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 _____ signature(s)
this _____ day of _____, 2023.

* **Glenn D. Potts** (L.S.)

* **Michelle M. Potts** (L.S.)

STATE OF MICHIGAN)
COUNTY OF _____)

The foregoing instrument was acknowledged before me this _____ day of _____, 2023,
by Glenn D. Potts and Michelle M. Potts, husband and wife.

*
Notary Public, _____ County, Michigan
My Commission Expires _____
Acting in _____ 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

RIGHT OF WAY ACQUISITION AND UTILITY EASEMENT

EXHIBIT "A"

PARCEL 119

PARENT PROPERTY DESCRIPTION

PARCEL ID: 20-10-427-064

PART OF THE EAST ½ OF THE SOUTHEAST ¼ OF SECTION 10, T2N, R11E, CITY OF TROY, OAKLAND COUNTY, MICHIGAN, BEGINNING AT THE SOUTHEAST CORNER OF LOT 42 OF "SYLVANWOOD GARDENS SUBDIVISION", AS RECORDED IN LIBER 13 OF PLATS, PAGE 48, OAKLAND COUNTY RECORDS; THENCE N88°59'00"E 17.00 FEET; THENCE S01°17'00"E 136.75 FEET; THENCE S88°59'00"W 379.40 FEET; THENCE N01°22'57"W 136.40 FEET; THENCE N88°53'44"E 220.83 FEET; THENCE N88°58'39"E 141.80 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: BEGINNING AT THE SOUTHEAST CORNER OF LOT 42 OF "SYLVANWOOD GARDENS SUBDIVISION", PART OF THE SOUTHEAST ¼ OF SECTION 10, T2N, R11E, TROY TOWNSHIP (NOW CITY OF TROY), OAKLAND COUNTY, MICHIGAN, AS RECORDED IN LIBER 13 OF PLATS, PAGE 48, OAKLAND COUNTY RECORDS; THENCE N88°59'00"E 17.00 FEET; THENCE S01°17'00"E 136.75 FEET; THENCE S88°59'00"W 379.40 FEET; THENCE N01°22'57"W 136.40 FEET; THENCE N88°53'44"E 220.83 FEET; THENCE N88°58'39"E 141.80 FEET TO THE POINT OF BEGINNING.

SAID ACQUISITION CONTAINS 4,376 SQUARE FEET, OR 0.100 ACRES, MORE OR LESS.

DESCRIPTION OF UTILITY EASEMENT

THE WEST 15.00 FEET OF THE EAST 47.00 FEET OF THE FOLLOWING DESCRIBED PROPERTY: BEGINNING AT THE SOUTHEAST CORNER OF LOT 42 OF "SYLVANWOOD GARDENS SUBDIVISION", PART OF THE SOUTHEAST ¼ OF SECTION 10, T2N, R11E, TROY TOWNSHIP (NOW CITY OF TROY), OAKLAND COUNTY, MICHIGAN, AS RECORDED IN LIBER 13 OF PLATS, PAGE 48, OAKLAND COUNTY RECORDS; THENCE N88°59'00"E 17.00 FEET; THENCE S01°17'00"E 136.75 FEET; THENCE S88°59'00"W 379.40 FEET; THENCE N01°22'57"W 136.40 FEET; THENCE N88°53'44"E 220.83 FEET; THENCE N88°58'39"E 141.80 FEET TO THE POINT OF BEGINNING.

SAID EASEMENT CONTAINS 2,051 SQUARE FEET, OR 0.047 ACRES, MORE OR LESS.

DESCRIPTION OF REGRADING AND TEMPORARY CONSTRUCTION PERMIT

THE WEST 20.00 FEET OF THE EAST 67.00 FEET OF THE SOUTH 30.00 FEET OF THE FOLLOWING DESCRIBED PROPERTY: BEGINNING AT THE SOUTHEAST CORNER OF LOT 42 OF "SYLVANWOOD GARDENS SUBDIVISION" PART OF THE SOUTHEAST ¼ OF SECTION 10, T2N, R11E, TROY TOWNSHIP (NOW CITY OF TROY), OAKLAND COUNTY, MICHIGAN, AS RECORDED IN LIBER 13 OF PLATS, PAGE 48, OAKLAND COUNTY RECORDS; THENCE N88°59'00"E 17.00 FEET; THENCE S01°17'00"E 136.75 FEET; THENCE S88°59'00"W 379.40 FEET; THENCE N01°22'57"W 136.40 FEET; THENCE N88°53'44"E 220.83 FEET; THENCE N88°58'39"E 141.80 FEET TO THE POINT OF BEGINNING.

SAID PERMIT CONTAINS 600 SQUARE FEET, OR 0.014 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 11/07/22		PHONE: (248) 454-6300 FAX (1st. Floor): (248) 454-6312 FAX (2nd. Floor): (248) 454-6359 WEB SITE: www.hrcengr.com	1	OF 2

11/7/2022 3:55 PM

V:\201607\20160715\F\Property\Easements\20160715_Parcel 119.dwg

Piggott, Robert

RIGHT OF WAY ACQUISITION AND UTILITY EASEMENT

EXHIBIT "A"

PARCEL 120

PARENT PROPERTY DESCRIPTION

PARCEL ID: 20-10-427-044

LOT 42 OF "SYLVANWOOD GARDENS SUBDIVISION", PART OF THE SOUTHEAST QUARTER OF SECTION 10, T.2N., R.11E., CITY OF TROY, OAKLAND COUNTY, MICHIGAN, AS RECORDED IN LIBER 13 OF PLATS, PAGE 48, OAKLAND COUNTY RECORDS.

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

CONTAINS 8,272.76 SQUARE FEET, MORE OR LESS.

RIGHT OF WAY ACQUISITION DESCRIPTION

THE EAST 15.00 FEET OF LOT 42 OF "SYLVANWOOD GARDENS SUBDIVISION", PART OF THE SOUTHEAST QUARTER OF SECTION 10, T.2N., R.11E., CITY OF TROY, OAKLAND COUNTY, MICHIGAN, AS RECORDED IN LIBER 13 OF PLATS, PAGE 48, OAKLAND COUNTY RECORDS.

SAID ACQUISITION CONTAINS 863 SQUARE FEET, OR 0.020 ACRES, MORE OR LESS.

UTILITY EASEMENT DESCRIPTION

THE WEST 15.00 FEET OF THE EAST 30.00 FEET OF LOT 42 OF "SYLVANWOOD GARDENS SUBDIVISION", PART OF THE SOUTHEAST QUARTER OF SECTION 10, T.2N., R.11E., CITY OF TROY, OAKLAND COUNTY, MICHIGAN, AS RECORDED IN LIBER 13 OF PLATS, PAGE 48, OAKLAND COUNTY RECORDS.

SAID EASEMENT CONTAINS 867 SQUARE FEET, OR 0.020 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 11/07/22		PHONE: (248) 454-6300 FAX (1st. Floor): (248) 454-6312 FAX (2nd. Floor): (248) 454-6359 WEB SITE: www.hrcengr.com	1	
				OF 2

RIGHT OF WAY ACQUISITION AND UTILITY EASEMENT

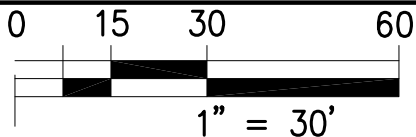
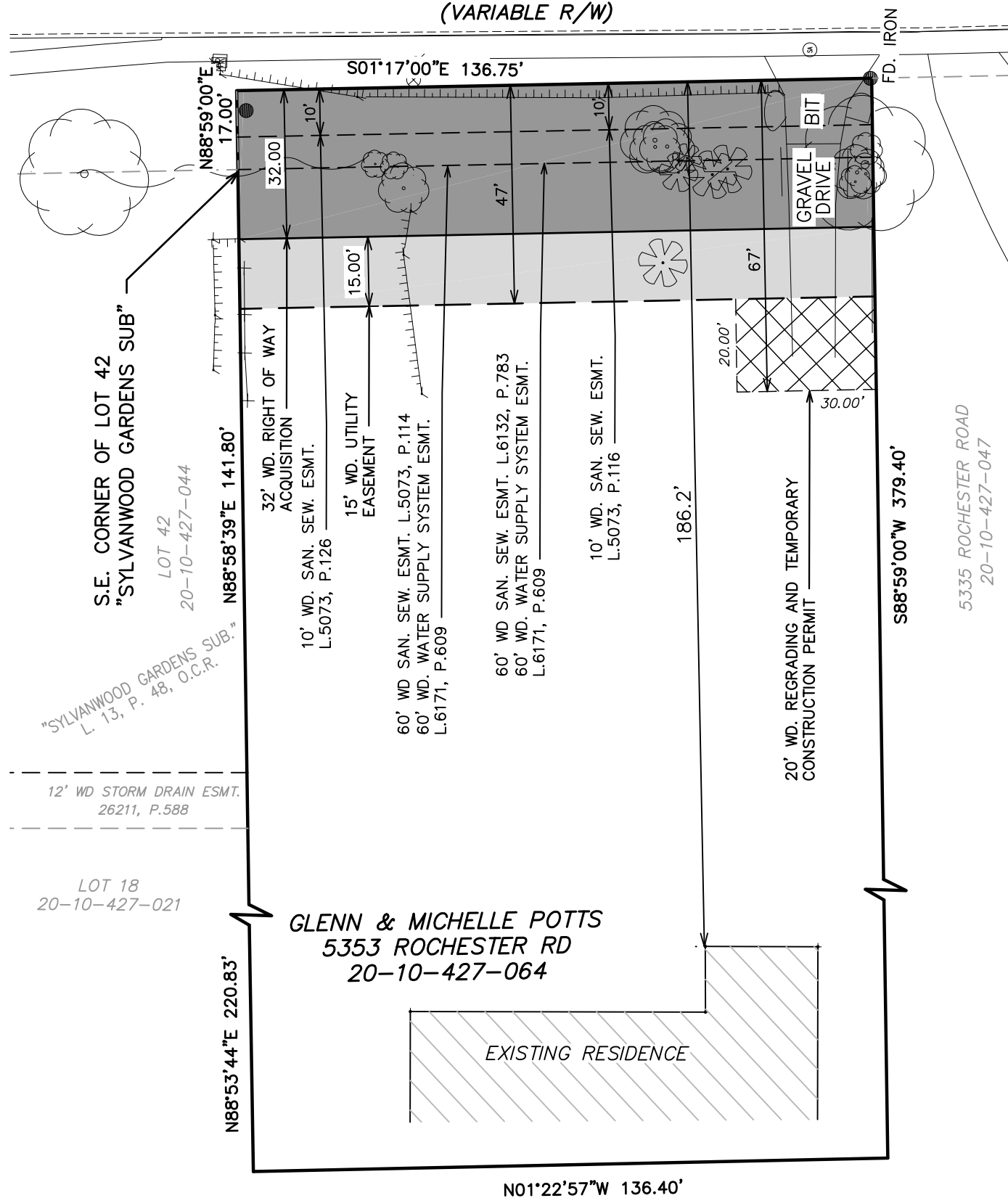


EXHIBIT "B"

PARCEL 119

ROCHESTER ROAD
(VARIABLE R/W)



S.E. CORNER OF LOT 42
"SYLVANWOOD GARDENS SUB"
LOT 42
20-10-427-044

"SYLVANWOOD GARDENS SUB."
L. 13, P. 48, O.C.R.

LOT 18
20-10-427-021

GLENN & MICHELLE POTTS
5353 ROCHESTER RD
20-10-427-064

5335 ROCHESTER ROAD
20-10-427-047

LEGEND:

TOTAL PROPERTY = 51,863 SQ. FT.
 RIGHT OF WAY ACQUISITION = 4,376 SQ. FT.
 REMAINDER = 47,487 SQ. FT.
 UTILITY EASEMENT = 2,051 SQ. FT.
 REGRADING/TEMPORARY EASEMENT = 600 SQ. FT.

- RIGHT OF WAY ACQUISITION
- UTILITY EASEMENT
- REGRADING AND TEMPORARY CONSTRUCTION PERMIT

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 11/07/22		PHONE: (248) 454-6300 FAX (1st. Floor): (248) 454-6312 FAX (2nd. Floor): (248) 454-6359 WEB SITE: www.hrcengr.com	2	OF 2

RIGHT OF WAY ACQUISITION AND UTILITY EASEMENT

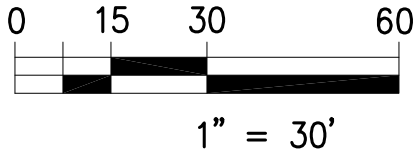
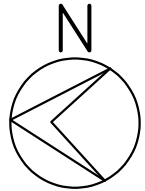
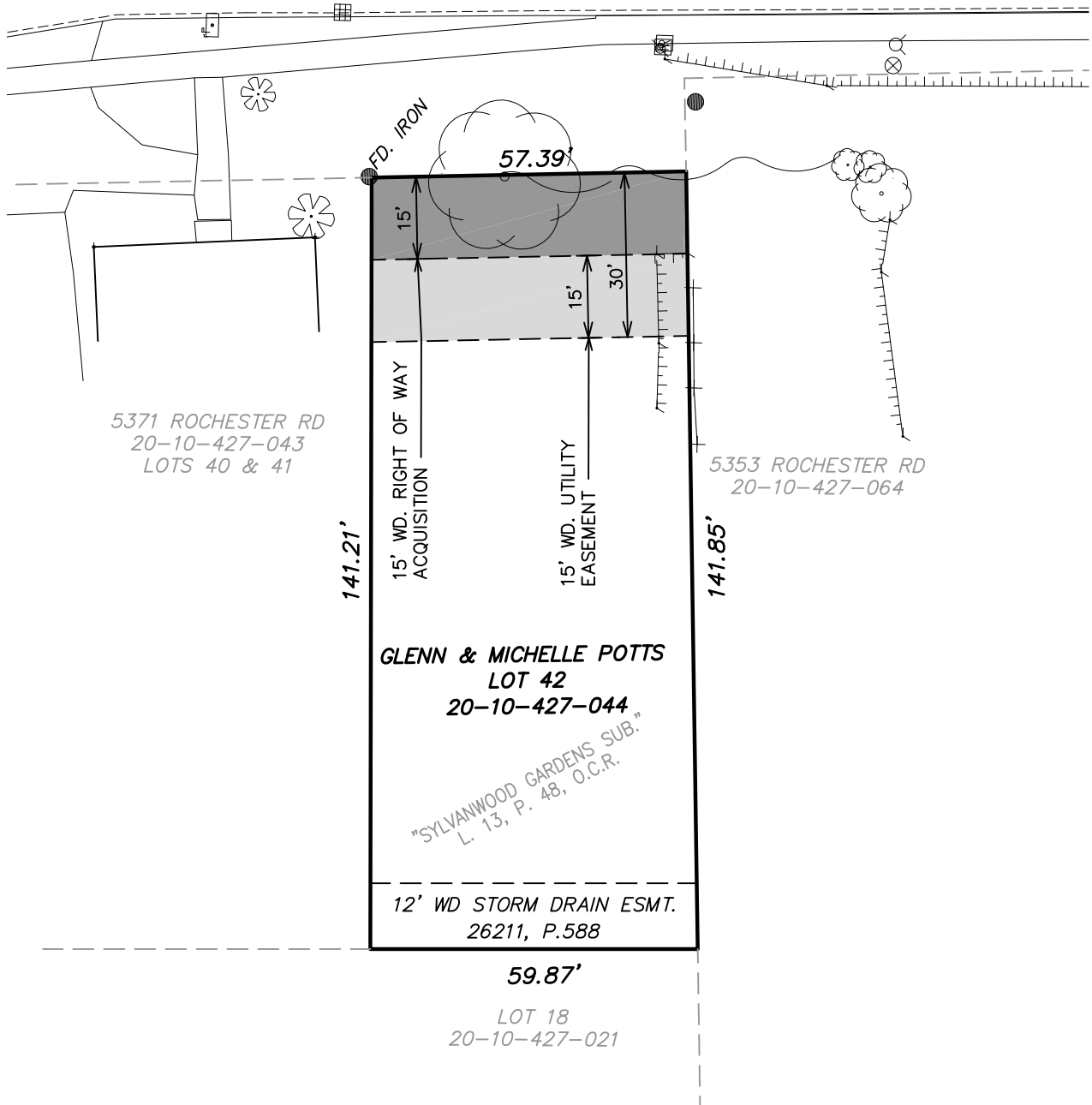


EXHIBIT "B" PARCEL 120



ROCHESTER ROAD
(VARIABLE R/W)



LEGEND:

RIGHT OF WAY ACQUISITION

UTILITY EASEMENT

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 11/07/22		PHONE: (248) 454-6300 FAX (1st. Floor): (248) 454-6312 FAX (2nd. Floor): (248) 454-6359 WEB SITE: www.hrcengr.com		2 OF 2

REGRAIDING AND TEMPORARY CONSTRUCTION PERMIT

Sidwell # 88-20-10-427-064 & #88-20-10-427-044
Project # 02.206.5
Parcel #119 & #120

Glenn D. Potts and Michelle M. Potts, husband and wife, Grantor(s), whose address is:5353 Rochester Road, Troy, MI 48085, for and in consideration of the sum of Five Hundred and no/100 Dollars (\$500.00) paid by the CITY OF TROY, a Michigan Municipal Corporation, hereinafter called the CITY, whose address is 500 West Big Beaver Road, Troy, Michigan, hereby grants to the CITY, during the construction of and for a period of six (6) Months after completion of Project #02.206.5, the right to move men, equipment, and materials on and through, and to store equipment, materials, and excavated matter on the following described property, located in the City of Troy, to-wit:

SEE DESCRIPTION OF REGRAIDING AND TEMPORARY CONSTRUCTION PERMIT ON ATTACHED EXHIBIT "A" AND EXHIBIT "B"

IN FURTHER CONSIDERATION, the premises so disturbed by reason of the exercise of any of the foregoing powers, shall be reasonably restored to its original condition by the City.

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

IN WITNESS WHEREOF, the undersigned hereunto affixed _____ signatures(s) this _____ day of _____, 2023.

*Glenn D. Potts

*Michelle M. Potts (L.S.)

STATE OF MICHIGAN
COUNTY OF OAKLAND

The foregoing instrument was acknowledged before me this _____ day of _____ 2023, by Glenn D. Potts and Michelle M. Potts, husband and wife.

Notary Public, _____, County, Michigan
Acting in _____ County, Michigan
My Commission Expires _____

Prepared by: Patricia A. Petitto
City of Troy
500 W. Big Beaver Road
Troy, MI 48084

Return to: City Clerk
City of Troy
500 West Big Beaver Road
Troy, MI 48084

4/25/2023 1:41 PM

V:\201607\20160715\F\Property\Easements\20160715_Parcel 119.dwg

Piggott, Robert

RIGHT OF WAY ACQUISITION AND UTILITY EASEMENT

EXHIBIT "A" PARCEL 119

PARENT PROPERTY DESCRIPTION

PARCEL ID: 20-10-427-064

PART OF THE EAST 1/2 OF THE SOUTHEAST 1/4 OF SECTION 10, T2N, R11E, CITY OF TROY, OAKLAND COUNTY, MICHIGAN, BEGINNING AT THE SOUTHEAST CORNER OF LOT 42 OF "SYLVANWOOD GARDENS SUBDIVISION", AS RECORDED IN LIBER 13 OF PLATS, PAGE 48, OAKLAND COUNTY RECORDS; THENCE N88°59'00"E 17.00 FEET; THENCE S01°17'00"E 136.75 FEET; THENCE S88°59'00"W 379.40 FEET; THENCE N01°22'57"W 136.40 FEET; THENCE N88°53'44"E 220.83 FEET; THENCE N88°58'39"E 141.80 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: BEGINNING AT THE SOUTHEAST CORNER OF LOT 42 OF "SYLVANWOOD GARDENS SUBDIVISION", PART OF THE SOUTHEAST 1/4 OF SECTION 10, T2N, R11E, TROY TOWNSHIP (NOW CITY OF TROY), OAKLAND COUNTY, MICHIGAN, AS RECORDED IN LIBER 13 OF PLATS, PAGE 48, OAKLAND COUNTY RECORDS; THENCE N88°59'00"E 17.00 FEET; THENCE S01°17'00"E 136.75 FEET; THENCE S88°59'00"W 379.40 FEET; THENCE N01°22'57"W 136.40 FEET; THENCE N88°53'44"E 220.83 FEET; THENCE N88°58'39"E 141.80 FEET TO THE POINT OF BEGINNING.

SAID ACQUISITION CONTAINS 4,376 SQUARE FEET, OR 0.100 ACRES, MORE OR LESS.

DESCRIPTION OF UTILITY EASEMENT

THE WEST 15.00 FEET OF THE EAST 47.00 FEET OF THE FOLLOWING DESCRIBED PROPERTY: BEGINNING AT THE SOUTHEAST CORNER OF LOT 42 OF "SYLVANWOOD GARDENS SUBDIVISION", PART OF THE SOUTHEAST 1/4 OF SECTION 10, T2N, R11E, TROY TOWNSHIP (NOW CITY OF TROY), OAKLAND COUNTY, MICHIGAN, AS RECORDED IN LIBER 13 OF PLATS, PAGE 48, OAKLAND COUNTY RECORDS; THENCE N88°59'00"E 17.00 FEET; THENCE S01°17'00"E 136.75 FEET; THENCE S88°59'00"W 379.40 FEET; THENCE N01°22'57"W 136.40 FEET; THENCE N88°53'44"E 220.83 FEET; THENCE N88°58'39"E 141.80 FEET TO THE POINT OF BEGINNING.

SAID EASEMENT CONTAINS 2,051 SQUARE FEET, OR 0.047 ACRES, MORE OR LESS.

DESCRIPTION OF REGRADING AND TEMPORARY CONSTRUCTION PERMIT

THE WEST 20.00 FEET OF THE EAST 67.00 FEET OF THE SOUTH 25.00 FEET OF THE FOLLOWING DESCRIBED PROPERTY: BEGINNING AT THE SOUTHEAST CORNER OF LOT 42 OF "SYLVANWOOD GARDENS SUBDIVISION" PART OF THE SOUTHEAST 1/4 OF SECTION 10, T2N, R11E, TROY TOWNSHIP (NOW CITY OF TROY), OAKLAND COUNTY, MICHIGAN, AS RECORDED IN LIBER 13 OF PLATS, PAGE 48, OAKLAND COUNTY RECORDS; THENCE N88°59'00"E 17.00 FEET; THENCE S01°17'00"E 136.75 FEET; THENCE S88°59'00"W 379.40 FEET; THENCE N01°22'57"W 136.40 FEET; THENCE N88°53'44"E 220.83 FEET; THENCE N88°58'39"E 141.80 FEET TO THE POINT OF BEGINNING.

SAID PERMIT CONTAINS 500 SQUARE FEET, OR 0.012 ACRES, MORE OR LESS.

REV. 04/25/23	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 11/07/22		PHONE: (248) 454-6300 FAX (1st. Floor): (248) 454-6312 FAX (2nd. Floor): (248) 454-6359 WEB SITE: www.hrcngr.com	1	

OF 2

4/25/2023 1:41 PM

V:\201607\20160715\F\Property\Easements\20160715_Parcel 119.dwg

Piggott, Robert

RIGHT OF WAY ACQUISITION AND UTILITY EASEMENT

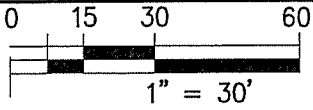
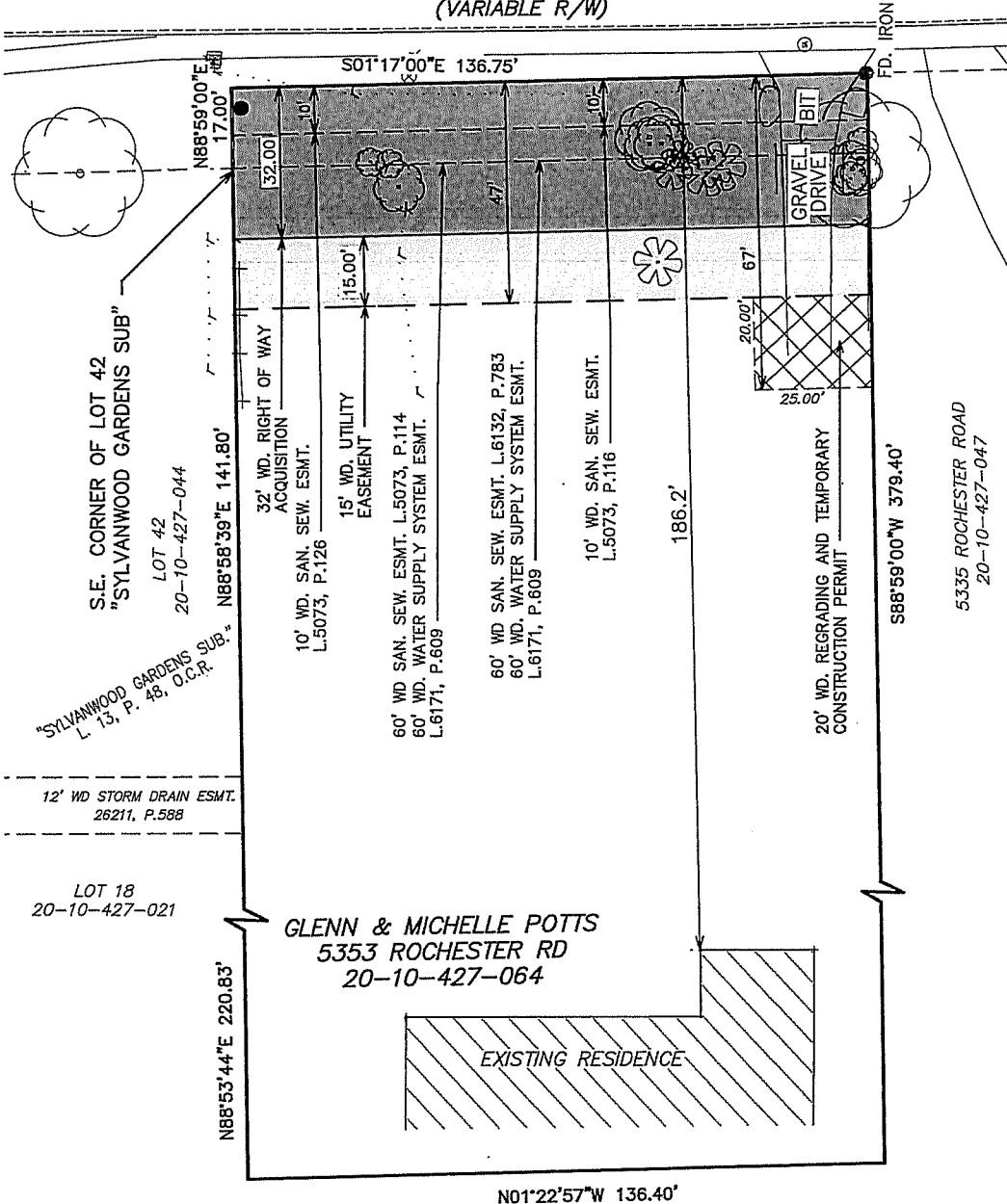


EXHIBIT "B"

PARCEL 119

ROCHESTER ROAD
(VARIABLE R/W)



TOTAL PROPERTY = 51,863 SQ. FT.
 RIGHT OF WAY ACQUISITION = 4,376 SQ. FT.
 REMAINDER = 47,487 SQ. FT.
 UTILITY EASEMENT = 2,051 SQ. FT.
 REGRADING/TEMPORARY EASEMENT = 500 SQ. FT.

LEGEND:

- RIGHT OF WAY ACQUISITION
- UTILITY EASEMENT
- REGRADING AND TEMPORARY CONSTRUCTION PERMIT

REV. 04/25/23

JOB NO.
20160715
DATE
11/07/22

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

555 HULET DRIVE
 BLOOMFIELD HILLS, MICH. P.O. BOX 824
 48303 - 0824
 PHONE: (248) 454-6300
 FAX (1st. Floor): (248) 454-6312
 FAX (2nd. Floor): (248) 454-6359
 WEB SITE: www.hrcengr.com

SHEET NO.
2
OF 2