J-4c Standard Purchasing Resolutions:

c) Standard Purchasing Resolution 8: Best Value Award – Sale of Real Estate – Southeast Corner of South Boulevard and Adams Road, Section 6, Old Stone School, Sidwell #88-20-06-101-001, and Request to Amend an Agreement By and Between Finn and Mary Bergishagen and the City of Troy

There was a consensus of City Council to request representative(s) of The Bharatiya Temple address questions from City Council. Mr. Ravindra Khattree, Chairman of the Board of Trustees for The Bharatiya Temple, addressed City Council to answer their questions.

Resolution #2019-03-033
Moved by Henderson
Seconded by Baker

RESOLVED, That a contract to sell a surplus real estate parcel located at the Southeast Corner of Adams Road and South Boulevard, Section 6, also known as the Old Stone School and identified with #88-20-06-101-001, is hereby **AWARDED** to the highest sole responsive bidder, *The Bharatiya Temple of Troy, MI*, for $149,108.00, as listed on the attached bid tabulation opened February 21, 2019, a copy of which shall be **ATTACHED** to the original Minutes of the meeting.

BE IT FURTHER RESOLVED, That the Mayor and City Clerk are **AUTHORIZED** to execute an Amendment to an Agreement by and Between Finn and Mary Louise Bergishagen and the City of Troy for the Donation of an Historical Structure and Real Property.

BE IT FURTHER RESOLVED, That the Engineering Department is **AUTHORIZED** to expend necessary funds for title insurance, closing and recording costs.

BE IT FURTHER RESOLVED, That the Mayor and City Clerk are **AUTHORIZED** to execute a Warranty Deed on behalf of the City of Troy to be delivered at closing.

BE IT FINALLY RESOLVED, That the City Clerk is **DIRECTED TO RECORD** said Warranty Deed, including all attachments, at the Oakland County Register of Deeds, a copy of which shall be **ATTACHED** to and made part of the original Minutes of this meeting.

Opening Date -- 2/21/2019
Date Prepared --

CITY OF TROY
BID TABULATION
SALE of PROPERTY - OLD STONE SCHOOL
(SECTION 6)

PROPOSAL: Sale of Real Estate located at 3995 West South Boulevard commonly identified as the *"Old Stone School"*.

PURCHASER'S NAME:		**The Bhatatiya Temple Troy, MI**	Pomeroy Management, Inc. Troy, MI
REAL ESTATE SALE DESCRIPTION Tax ID# 20-06-101-001			
Property at 3995 West South Boulevard commonly identified as the "Old Stone School". **Minimum Bid $100,000.00**	Offer:	$149,108.00	"Non-responsive"
	Check #	1814720	2013050384
	(10% of offer)	$14,910.80	$10,000.00
SIGNATURE PAGE:	Attached	Yes	No
TERMS:		As stated	"Non-responsive"
EMAIL ADDRESS:		sbraomd@gmail.com	
FORMS: (4)	Attached	Yes	No
EXCEPTIONS:		None	Provided a letter stating desire to negotiate an easement or some other right to a corner of the property sufficient to allow construction in order to maintain a monument sign for Pomeroy Living.
ACKNOWLEDGEMENT:	Y or N	Yes	No

BOLDFACE TYPE DENOTES HIGHEST TOTAL ACCEPTABLE OFFER.

ATTEST:
Larysa Figol
Susan Riesterer
Kristine Kallek

MaryBeth Murz,
Purchasing Manager

G:/ITB-COT 19-13 Property Sale -Old Stone School

CITY OF TROY **ITB-COT 19-13**
REAL ESTATE SALE

The undersigned proposes to purchase the property described below in accordance with the Terms and Conditions of the Sale that are to be considered an integral part of this proposal at the following price:

PURCHASER NAME(S): THE BHARATIYA TEMPLE, TROY, MI (Tax ID: 23-7437912)

LEGAL DESCRIPTION OF PROPERTY TO BE SOLD:
Part of the Northwest Fraction ¼ of Section 6, Town 2 North, Range 11 East, City of Troy, Oakland County, Michigan. The West 165.00 feet of the North 264.00 feet of the said Northwest Fraction ¼, except the West 60.00 feet and North 60.00 feet. Containing 0.49 acres, more or less, and being subject to all easements of record.

** The City of Troy will reserve a 10 foot wide permanent water main easement described as:
Part of the Northwest Fraction ¼ of Section 6, Town 2 North, range 11 East, City of Troy, Oakland County, Michigan. The East 10.00 feet of the West 70.00 feet of the North 264.00 feet of the said Northwest Fraction ¼, except the North 60 feet. Containing 2,040 square feet more or less.

TAX I. D. #20-06-101-001
3995 West South Boulevard
Commonly identified as the "Old Stone School"

Property is located in a Historic District under Chapter 13 of the City Code of Ordinances, and any construction, alteration, movement, or demolition of any building or structure or resource on the property may require approval in accordance with Chapter 13. This property is on the list of Michigan State Historic Sites and subject to Local Historic Districts Act 169 of 1970, MCL 399.201 *et seq.*, and subject to established rehabilitation guidelines, reviews and permitting, if any.

IMPROVEMENTS: A historic stone structure. Building is approximately 831 square feet with a living room, kitchen and dining area.

ZONING INCLUDING BUILDING AND USE RESTRICTIONS: R-1A One Family Residential

FRONTAGE & ACCESS: 105+/- feet on the south side of West South Blvd. and 204+/- feet on the east side of Adams Road.

UTILITIES: Water only, NO sanitary sewer available

ENVIRONMENTAL CONCERNS: None known

MINIMUM BID: $ 100,000.00

I hereby offer $ 149,108.00 **for the parcel described above,** subject to the terms and conditions set forth in this bid proposal including all provisions of the section entitled ***Instructions, Terms, and Conditions.*** Enclosed with the bid proposal document is **a bid surety in the form of a cashiers check, certified check, or money order, payable to the City of Troy in the amount of $** 14,910.80 **, which represents ten percent (10%) of my offer**. The balance of the bid will be made available within sixty (60) days of receiving written acceptance notice. I understand that if I am not the successful purchaser my bid deposit will be returned to me within the timeframes indicated on page 2 of 3; Instructions to Bidders.

PURCHASER NAME(S)`: THE BHARATIYA TEMPLE, TROY, MI (Tax id: 23-7437912)

SIGNATURE PAGE

PRICES: Prices shall remain firm for 60 days or award of sale; whichever comes first, except for the successful bidder(s) whose prices shall remain firm through closing of the sale.

AUTHORIZED SIGNATURE(S): _____
AUTHORIZED SIGNATURE(S): _____
(All parties submitting this bid must sign above)

NOTE:
The undersigned has checked carefully the bid figures and understands that he/she shall be responsible for any error or omission in this bid offer and is in receipt of all addendum as issued.

PURCHASER NAME(S): THE BHARATIYA TEMPLE (Tax ID: 23-7437912)
ADDRESS: 6850 N. ADAMS CITY: TROY STATE: MI ZIP: 48098
PHONE: (248) 879-2552 FAX NUMBER: (248) 879-2094
AUTHORIZED SIGNATURE: _____
TERMS: **As Stated** CHECK INCLUDED: $14,910.80
Email: SBRAOMD@GMAIL.COM, DBILLORE@GMAIL.COM

EXCEPTIONS:

Any exceptions, substitutions, deviations, etc. from the City specifications and this proposal must be stated below. The reason(s) for the exception, substitution, deviation, etc., are an integral part of this bid offer.

_____
_____
_____

ACKNOWLEDGEMENT:

I, Ravindra Khattree, certify that I have read the ***Instructions, Terms, and Conditions*** (3 pages) and that the sale documents contained herein were obtained directly from the City's Purchasing Department or MITN website, www.mitn.info and is an official copy of the Authorized Version.

AUTHORIZED SIGNATURE: _____

U.S. FUNDS:

All prices quoted are to be in U. S. Currency.

Legal Status of Bidder:

The Bidder shall fill out the appropriate form and strike out the other two:

A **corporation** duly organized and doing business under the laws of the State of Michigan for whom DR. RAVINDRA KHATTREE, bearing the office title of CHAIR, BOARD OF TRUSTEES, whose signature is affixed to this proposal, is duly authorized to execute contracts.

A **partnership**, all members of which, with addresses, is:

AN **INDIVIDUAL**, WHOSE SIGNATURE IS AFFIXED TO THE PROPOSAL:

CITY OF TROY
OAKLAND COUNTY, MICHIGAN
NON-COLLUSION AFFIDAVIT

TO WHOM IT MAY CONCERN:

DR. RAVINDRA KHATTREE, being duly sworn deposed, says that he/she
(Print Full Name)

is CHAIR, BOARD OF TRUSTEES, THE BHARATIYA TEMPLE. The party making the foregoing proposal or bid,
(State Official Capacity in Firm)

that such bid is genuine and not collusion or sham; that said bidder has not colluded, conspired, connived, or agree, directly or indirectly, with any bidder or person, to put in a sham bid or to refrain from bidding and has not in any manner directly or indirectly sought by agreement or collusion, or communication or conference, with any person to fix the bid price or affiant or any other bidder, or to fix any overhead, profit, or cost element of said bid price, or that of any other bidder, or to secure the advantage against the City of Troy or any person interested in the proposed contract; and that all statements contained in said proposal or bid are true.

SIGNATURE OF PERSON SUBMITTING BID

NOTARY'S SIGNATURE

Subscribed and sworn to before me this 19th day of February, 2019 in and for Oakland County.

My commission expires:

May 25th 2025

DINESH C BILLORE
Notary Public - State of Michigan
County of Oakland
My Commission Expires May 23, 2025
Acting in the County of Oakland

CERTIFICATION REGARDING
DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS

The prospective participant certifies, to the best of its knowledge and belief, that it and its principals:

1. Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in transactions under any non-procurement programs by any federal, state or local agency.

2. Have not, within the three year period preceding, had one or more public transactions (federal, state, or local) terminated for cause or default; and

3. Are not presently indicted or otherwise criminally or civilly charged by a government entity (federal, state, or local) and have not, within the three year period preceding the proposal, been convicted of or had a civil judgment rendered against it:

   a. For the commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public transaction (federal, state, or local), or a procurement contract under such a public transaction;

   b. For the violation of federal, or state antitrust statutes, including those proscribing price fixing between competitors, the allocation of customers between competitors, or bid rigging; or

   c. For the commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property.

I understand that a false statement on this certification may be grounds for the rejection of this proposal or the termination of the award. In addition, the general grant of this authority exists within the City's Charter, Chapter 12, Section 12.2- Contracts.

[X] ***I am able to certify to the above statements.***

THE BHARATIYA TEMPLE, TROY, MI (Tax ID: 23-7437912)

Name of Agency/Company/Firm *(Please Print)*

DR. RAVINDRA KHATTREE, CHAIR, BOARD OF TRUSTEES

Name and title of authorized representative *(Please Print)*

Signature of authorized representative

Date 02/18/2019

[ ] ***I am unable to certify to the above statements. Attached is my explanation.***

TROY
MICHIGAN

VENDOR CERTIFICATION THAT IT IS NOT AN "IRAN LINKED BUSINESS"

Pursuant to Michigan law, (the Iran Economic Sanctions Act, 2012 PA 517, MCL 129.311 et seq.), before accepting any bid or proposal, or entering into any contract for goods or services with any prospective Vendor, the Vendor must first certify that it is not an "IRAN LINKED BUSINESS", as defined by law.

Vendor	
Legal Name	THE BHARATIYA TEMPLE
Street Address	6850 N. ADAMS ROAD
City	TROY
State, Zip	MI, 48098
Corporate I.D. Number/State	800805618, Michigan
Taxpayer I.D. #	23-7437912

The undersigned, with: 1.)full knowledge of all of Vendors business activities, 2.)full knowledge of the requirements and possible penalties under the law MCL 129.311 et seq. and 3.) the full and complete authority to make this certification on behalf of the Vendor, by his/her signature below, certifies that: the Vendor is NOT an "IRAN LINKED BUSINESS" as require by MCL 129.311 et seq., and as such that Vendor is legally eligible to submit a bid and be considered for a possible contract to supply goods and/or services to the City of Troy.

Signature of Vendor's Authorized Agent: _____

Printed Name of Vendor's Authorized Agent: DR. RAVINDRA KHATTREE

Witness Signature: _____

Printed Name of Witness: BHIMSEN S. RAO

Proposer's Sworn and Notarized Familial Disclosure
(to be provided by the Proposer)

The undersigned, the owner or authorized officer of THE BHARATIYA TEMPLE (the "Proposer"), pursuant to the familial disclosure requirement provided in the Request for Proposal, hereby represent and warrant, except as provided below, that no familial relationships exist between the owner(s) or any employees of

_____ and any member of the City of Troy City Council or City of Troy management.

List any Familial Relationships:

BIDDER:

DR. RAVINDRA KHATTREE (on behalf of The Bharatiya Temple, Troy, MI)

By:

_____

Its:

_____

STATE OF MICHIGAN)

)ss.

COUNTY OF Oakland)

This instrument was acknowledged before me on the 19th day of February 2019, by

Dr. Ravindra Khattree, Chair, BOT, The Bharatiya Temple, Troy, MI

Dinesh C Billore

DINESH C BILLORE
Notary Public - State of Michigan
County of Oakland
My Commission Expires May 23, 2025
Acting in the County of Oakland

500 West Big Beaver
Troy, MI 48084
troymi.gov

CITY COUNCIL AGENDA ITEM

Date: February 21, 2019

To: Mark F. Miller, City Manager

From: MaryBeth Murz, Purchasing Manager
William Huotari, City Engineer
Kurt Bovensiep, Public Works Director
Larysa Figol, Sr. Right of Way Representative

Subject: Standard Purchasing Resolution 8: Best Value Award - Sale of Real Estate – Southeast Corner of South Boulevard and Adams Road, Section 6, Old Stone School, Sidwell #88-20-06-101-001 and Request to Amend an Agreement By and Between Finn and Mary Bergishagen and the City of Troy

History

The City of Troy received a request to purchase the Old Stone School located in Section 6 at the corner of Adams Road and South Boulevard. The property is located in a historic district under Chapter 13 of the City Code of Ordinances.

Built in 1857, the stone school, operated as a school for 75 years. The property currently has three structures; the school building, a well and outhouse. In the early 1930's the property came into private hands and converted to a residence. The interior was divided into 3 rooms (living, dining, and kitchen).
An addition was added to the back for bedrooms, a mud/laundry room and bathroom. Later a garage and adjoining apartment/carriage house were built. These later structures were demolished because of their uninhabitable condition and they did not meet City building codes. The additions were not historic in nature and did not contribute to the historic significance of the Old Stone School.

The School sits on a parcel roughly .49 acres in size (105' x 204'). The property is zoned R-1A, One Family Residential. The south end of the property shares a pond and wetlands with the abutting property. The property has access to City water but no sanitary sewer.

In 2008 the property was donated to the City of Troy by the family of the last owner with the hope of conserving the historic nature of the property. The property came with the condition that it be used for public use. Staff have since met with the original donors of the property and received an amended agreement signed by the donors that the property now be used for "any lawful purpose". City Council is asked to agree to this change as well. (Agreement attached)

Since 2008 the property has sat idle. Periodically, the City has received inquiries to purchase the property but serious offers dwindled away when prospective purchasers were notified of the historic nature and preservation and restoration requirements of the property.

Staff reviewed the merits of retaining ownership and the significant financial commitment necessary to restore this piece of history. The Facilities Condition Assessment report commissioned by the City estimated a cost of $330,000 to repair and renovate the property. This amount did not take into account the historic nature of the property. Additional costs such as ADA compliance, and bringing in a sanitary sewer (the closest sewer connection is approximately 1,900 feet on Adams and 1,200 feet on South Blvd), paved parking and adequate external lighting could escalate the costs well over $400,000.

If the City were to commit to the work, then physical limitations such as inadequate parking for public access would have to be addressed. The lot size does not accommodate for more than a couple parking spots.

To start the property sale process Staff followed guidelines set by City Council in Resolution #2007-01-028 (attached). Staff engaged appraisal services of a Michigan Certified General Real Estate Appraiser from the firm of R.S. Thomas & Associates, Inc./Harold Blake Co.. The appraisal determined a market value of $100,000.

At their January 10, 2019 meeting, the Parks and Recreation Advisory Committee found no use in this parcel for park purposes.

Given the unique historic nature of this property staff did not request site plans or architectural renderings as the existing historic structures must be preserved and any building materials or building quality will be established when working with the Troy Historic Commission and the State Historic Preservation office.

The one responsive bidder, The Bharatiya Temple included a letter committing themselves to the preservation of the property with the intent of showcasing it on the 200th anniversary of Oakland County which comes in 2020. (Letter attached)

The following restrictions will be made part of any warranty deed conveying ownership:

> *The property is located in a Historic District under Chapter 13 of the City of Troy Code of Ordinances. Any construction, alteration, movement or demolition of any building or structure or resource on the property requires approval in accordance with Chapter 13.*
>
> *This property is on the list of Michigan State Historic Sites and subject to Local Historic Districts Act 169 of 1970, MCL 399.201 et seq., and subject to established rehabilitation guidelines, reviews and permitting.*

Purchasing

- On February 21, 2019, a bid opening was conducted as required by City Charter and Code for the sale of the property at the Southeast Corner of South Boulevard and Adams Road, Section 6; referred to as the Old Stone School.
- (108) prospective buyers were notified of the bid opportunity on the Michigan Inter-governmental Trade Network (MITN) website; www.mitn.info.
- Additionally, staff took numerous calls and answered questions of prospective buyers.
- Notice of the property sale was published in the Troy-Somerset Gazette and a sign was erected on the property advertising the sale. All parties who made previous personal inquiries to the Engineering Department staff were contacted with sale details.
- Staff held an open house on the afternoon of Friday February 15, 2019, for anyone expressing an interest in the purchase of this property.

- Two (2) bid responses were received. Below is a detailed vendor summary:

Companies notified via MITN	646
Troy Companies notified via MITN	32
Troy Companies notified - Active email Notification	28
Troy Companies notified - Active non-paying	4
Companies that viewed the bid	31
Troy Companies that viewed the bid	3

MITN *provides a resourceful online platform to streamline the procurement process, reduce costs, and make it easier and more transparent for vendors to do business with the City of Troy.*
Active MITN members with a current membership and paying annual dues receive automatic electronic notification which allows instant access to Bids, RFPS and Quote opportunities with the City.
Active MITN *non-paying* members are responsible to monitor and check the MITN website for opportunities to do business with the City.
Inactive MITN member status can occur when a company does not renew their account upon expiration. Inactive members cannot be notified of solicitations or access any bid information.

- Also note that the City reserves the right to award the bid to the highest responsible purchaser meeting specifications, or in whatever manner is deemed to be in the City's best interest; to reject the highest bid that has major deviations from the specifications, to accept a lower bid that has only minor deviations.

Financial

- The sole responsive bid received was from *The Bharatiya Temple of Troy, MI* for $149,108.00.
- There were no exceptions included in the purchase of the property.
- Monies received from the sale of this property have no restrictions for use and will be returned to the General Fund.

Recommendation

City management recommends awarding the sale of the property to the sole responsive bidder; *The Bharatiya Temple of Troy, MI* for the bid amount of $149,108.00, and authorize expenditures for title work, closing and recording costs.

City Attorney's Review as to Form and Legality

LGrigg Bluhm

Lori Grigg Bluhm, City Attorney

3/12/2019

Date

GIS Online

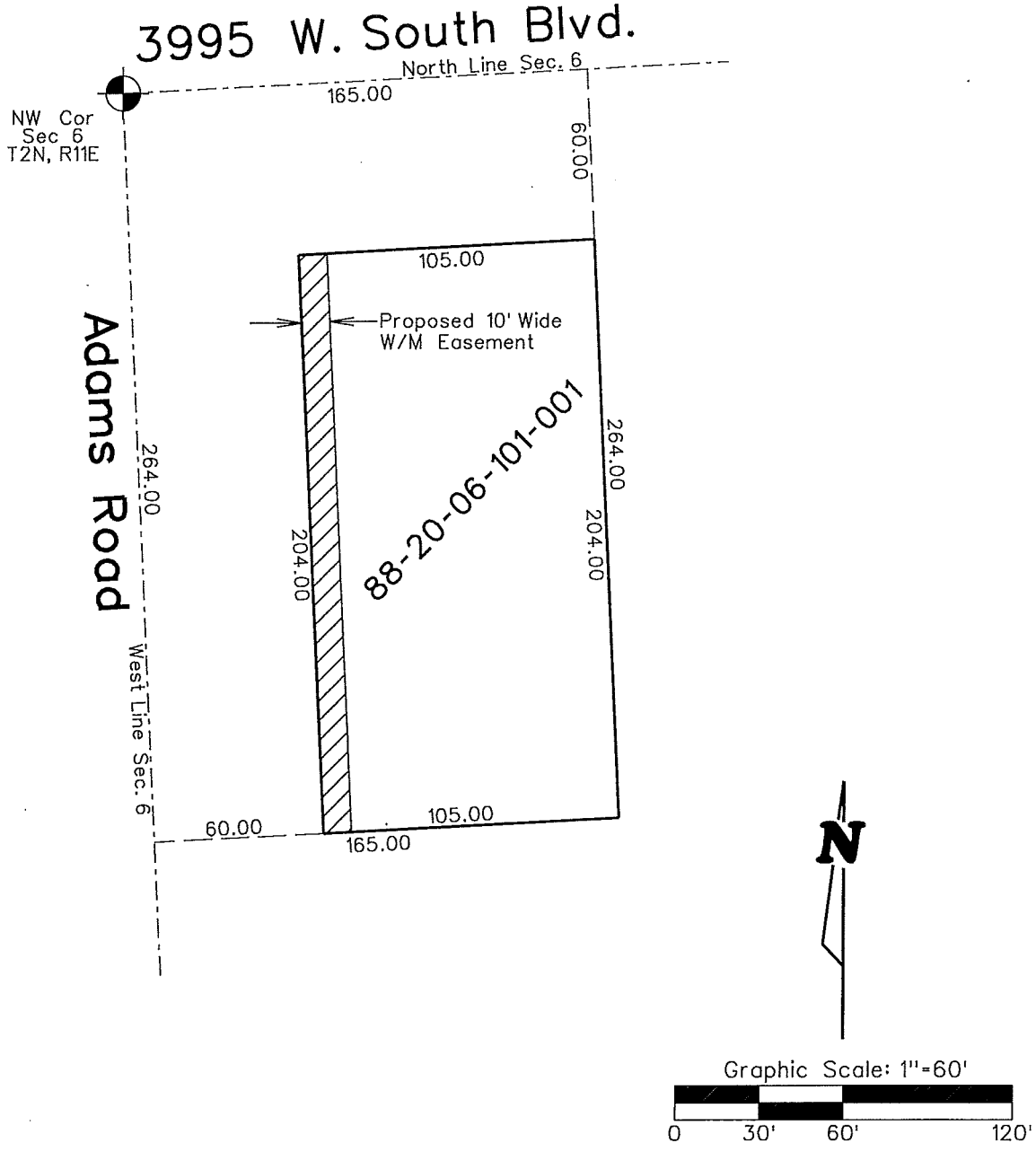
Legend:

Notes:

Old Stone School
3995 W South Blvd.
#88-20-06-101-001

Map Scale: 1=93
Created: March 7, 2019

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

OAKLAND COUNTY, MICHIGAN

Exhibit of #3995 W. South Blvd. #88-20-06-101-001

FILE: 88-20-06-101-001.DGN					
SCALE	DRAWN BY	NAME GJBIII	DATE 09-24-18		
HOR. 1"=60'	CHECKED BY	NAME LF	DATE 09-24-18		
VER. 1"=X'		SHEET NO.	JOB NO.		
WILLIAM J. HUOTARI, P.E.		1OF1	N/A		
CITY ENGINEER					

DATE	REV.	CONTRACT NO.
		N/A

Document Prepared By
George J. Ballard III, P.S.
Land Surveyor

Vote on Resolution to Amend Disposal/Sale of Excess Property as Amended

Resolution #2007-01-028
Moved by Stine
Seconded by Lambert

WHEREAS, The City Council of the City of Troy endeavors to attain the highest and best land use, effective growth control measures and to enhance the health, safety and welfare of the community; and

WHEREAS, Chapter 12 of the Troy City Charter requires that..."in all sales or purchases in excess of $10,000, (a) the sales or purchases shall be approved by the City Council, (b) sealed bids shall be obtained, except where the City Council shall determine that an emergency exists or that the public interest will be best served without obtaining sealed bids...";

THEREFORE, BE IT RESOLVED, That the City Council of the City of Troy **MAY DETERMINE** that the public interest will best be served without obtaining sealed bids for the sale of remnant parcels which remain after required right-of-way or excess property is taken when a purchase agreement is offered to the City of Troy by a prospective buyer which:

1. Has submitted evidence of ownership or control of an assembly of adjoining land of sufficient size so as to achieve what is believed to be the best possible development as determined by the City Council after review and recommendation from the City Manager.

2. Has submitted a conceptual site plan, which has been drawn to sufficient detail to indicate any and all features such as setbacks, parking and access, storm water detention and building height, which are governed by codes of the City of Troy.

3. Is accompanied by a petition for rezoning, if necessary, in compliance with the Master Land Use Plan of the City of Troy as being the most appropriate land use.

4. Commits the prospective buyer to a purchase price of at least a value established by an appraiser named by the Real Estate and Development Department of the City of Troy.

5. During the site plan review, site plan is accompanied by architectural renderings of all buildings along with a description of building materials to permit evaluation by building quality.

6. Is accompanied by a draft of proposed deed restrictions prepared by the City of Troy which will be imposed upon the purchaser of the City-owned property.

7. Nothing in this resolution relieves the Purchaser/Developer of their obligation to adhere to any and all City Ordinances and development standards.

BE IT FURTHER RESOLVED, That staff will **PROVIDE** an analysis of the zoning and **PRESENT** the remnant parcel(s) to the Parks and Recreation Advisory Committee to review for possible use as parks prior to Council action on the offer to purchase; and

BE IT FURTHER RESOLVED, That if it is most probable that a rezoning will be requested, that an appraisal based on that subsequent rezoning also be submitted; and

BE IT FINALLY RESOLVED, That the City Council **RETAINS** discretionary authority to determine the applicability of this policy.

Yes: All-7

AMENDMENT TO AN AGREEMENT BY AND BETWEEN FINN AND MARY LOUISE BERGISHAGEN AND THE CITY OF TROY FOR THE DONATION OF AN HISTORICAL STRUCTURE AND REAL PROPERTY

This Agreement is made this_____ day of_____, 2018 by and between Finn and Mary Louise Bergishagen, hereafter referred to as "BERGISHAGEN" whose address is 3341 Kernway, Bloomfield Hills, MI 48304 and the City of Troy, hereafter referred to as "TROY" a Michigan municipal corporation, the address of which is 500 W. Big Beaver Road, Troy, MI 48084.

RECITALS

1. TROY is the owner of a historical structure, known as the "Old Stone School" and other structures located at 3995 W. South Boulevard, along with the underlying real estate, situated in the City of Troy, Oakland County, Michigan, and legally described as:

   Part of the Northwest Fraction ¼ of Section 6, Town 2 North, Range 11 East, City of Troy, Oakland County, Michigan. The West 165.00 feet of the North 264.00 feet of the said Northwest Fraction 1/4, except the West 60.00 feet and North 60.00 feet. Containing 0.49 acres, more or less, and being subject all easements of record.

   Commonly known as 3995 W. South Boulevard
   Tax ID No. 88-20-06-101-001

2. BERGISHAGEN and TROY entered into an Agreement dated November 10, 2018, for the donation of the aforesaid historical structure and real property, which agreement was accepted by the Troy City Council, Resolution #2008-11-333. A copy of the Agreement is attached as Exhibit "A". A copy of the Resolution is attached as Exhibit B.

3. BERGISHAGEN and TROY desire to amend the Agreement on the terms and conditions set forth in this Agreement.

4. This Amendment is the first amendment to the Agreement.

IN CONSIDERATION OF THE PARTIES AGREEING TO AMEND THEIR OBLIGATIONS AND RESPONSIBILITIES IN THE EXISTING AGREEMENT, AND OTHER VALUABLE CONSIDERATION, THE RECEIPT AND SUFFICIENCY OF WHICH IS HEREBY ACKNOWLEDGED, THE PARTIES AGREE TO AMEND THE "AGREEMENT BY AND BETWEEN FINN AND MARY LOUISE BERGISHAGEN AND THE CITY OF TROY FOR THE DONATION OF AN HISTORICAL STRUCTURE AND REAL PROPERTY" DATED NOVEMBER 10, 2018 AS FOLLOWS:

Paragraph 2 of the Agreement that now reads:

"2. TROY agrees to hold and use the Subject Property for public purposes" is amended to read:

"2. TROY may hold and use the Subject Property for any lawful purpose."

NO OTHER CHANGE

Except as otherwise expressly provided in this Agreement, all of the terms and conditions of the original Agreement remain unchanged and are in full force and effect.

The Parties acknowledge that they have the authority to enter into this Agreement, and agree to be bound by its terms, as evidenced by their signatures below.

Dated this 6th day of November, 2018.

Finn Bergishagen

Finn Bergishagen

Mary Louise Bergishagen

Mary Louise Bergishagen

STATE OF MICHIGAN)
COUNTY OF Oakland)

The foregoing instrument was acknowledged before me this 6th day of November, 2018, by Finn Bergishagen and Mary Louise Bergishagen, his wife.

*

Notary Public, Oakland County, Michigan
Acting in Oakland County, Michigan
My Commission Expires 03-02-2024

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

CITY OF TROY
a Michigan municipal corporation

By _____
Dane M. Slater, Mayor

By _____
M. Aileen Dickson, City Clerk

STATE OF MICHIGAN)
COUNTY OFOAKLAND)

The foregoing instrument was acknowledged before me this _____ day of _____, 2018, by Dane M. Slater, Mayor, and M. Aileen Dickson, City Clerk of The City of Troy, a Michigan municipal corporation, on behalf of the municipal corporation.

EXHIBIT "A"

AGREEMENT BY AND BETWEEN FINN AND MARY LOUISE BERGISHAGEN AND THE CITY OF TROY FOR THE DONATION OF AN HISTORICAL STRUCTURE AND REAL PROPERTY

This agreement made this 10th day of November, 2008 by and between Finn Bergishagen and Mary Louise Bergishagen, his wife, hereafter referred to as "BERGISHAGEN", whose address is 2345 Lochaven, West Bloomfield, Michigan, 48324, and the City of Troy, hereafter referred to as "TROY", a Michigan municipal corporation, the address of which is 500 W. Big Beaver, Troy, Michigan, 48084.

RECITALS

1. BERGISHAGEN has expressed a willingness to donate to TROY an historical structure, known as the "Old Stone School" and other structures located at 3995 W. South Boulevard, along with the underlying real estate, (collectively referred to hereafter as "Subject Property") which real estate is situated in the City of Troy, Oakland County, Michigan, and legally described as:

   West 165 feet of north 264 feet of northwest fractional ¼ section 6, town 2 north, range 11 east; except part taken for highway described as: Beginning at northwest section corner; thence easterly 91 ft along section line; thence southwesterly to point in west section line distant of 91 feet southerly from beginning; thence northerly 91 ft along section line to beginning. .90 acres.

   Commonly known as 3995 W. South Boulevard.
   Tax I.D. No. (88)-20-06-101-001.

2. BERGISHAGEN is willing to convey title to the Subject Property to TROY by a warranty deed, subject to the terms as set forth in this Agreement.

3. TROY is willing to hold and use the subject property for public purposes.

IN CONSIDERATION OF THE MUTUAL COVENANTS SET FORTH HEREIN, IT IS MUTUALLY AGREED BY THE PARTIES AS FOLLOWS:

1. BERGISHAGEN agrees to give, convey and transfer to TROY all right, title, and interest in the Subject Property. Title shall be conveyed by warranty deed within 30 days after the last required signature is affixed to the Agreement, after being approved by both of the parties.

2. TROY agrees to hold and use the Subject Property for public purposes.

3. BERGISHAGEN and TROY stipulate the value of the Subject Property is $140,000, based on an independent appraisal.

4. As of the effective date of this Agreement, TROY agrees to assume responsibility for payment of all real estate taxes, future water and/or sewer charges, and other assessments for the Subject Property. Since the parties were negotiating as of the due date, TROY also agrees to assume responsibility for the payment of the 2008 summer taxes that are due and owing as well as any unpaid water and/or sewer bill and/or special assessment for the Subject Property.

5. TROY agrees to reimburse BERGISHAGEN for costs and reasonable expenses associated with obtaining the Subject Property not to exceed $9,950.00. The costs and expenses shall be paid by TROY within 90 days of closing.

6. TROY shall be responsible for all closing costs, including the costs for title work and all recording fees.

7. TROY acknowledges it has had an opportunity to inspect the Subject Property and agrees to accept it as is.

8. Immediately upon the execution of the warranty deed conveying title, BERGISHAGEN agrees to surrender possession of the Subject Property to TROY.

9. This Agreement shall be binding on the executors, personal representatives, administrators, heirs, successors and assigns of the parties.

10. A copy of the warranty deed conveying title of the subject property to Troy shall be recorded with the Oakland County Register of Deeds. BERGISHAGEN or TROY may also record this Agreement with the Oakland County Register of Deeds.

The parties acknowledge that they have the authority to enter into this Agreement, and agree to be bound by its terms, as evidenced by their signatures below.

WITNESSES:

Brian P. Murphy

Brian P. Murphy

Cheryl A Stewart

Cheryl A Stewart

Finn Bergishagen

Finn Bergishagen

Mary Louise Bergishagen

Mary Louise Bergishagen

Finn Bergishagen and Mary Louise Bergishagen, his wife, acknowledged the foregoing instrument before me on this 16 day of October, 2008.

Cheryl A Stewart

Notary Public

Oakland County, Michigan

My Commission Expires May 3, 2012

CHERYL A. STEWART
Notary Public, Oakland County, MI
My Commission Expires May 3, 2012
Acting in Oakland County

WITNESSES:

M Aileen Bittner
M. Aileen Bittner

Cheryl A Stewart
Cheryl A Stewart

CITY OF TROY, a Michigan
municipal corporation

By: Louise E. Schilling
Louise E. Schilling, Mayor

By: Tonni L. Bartholomew
Tonni Bartholomew, City Clerk

Louise E. Schilling, Mayor of the City of Troy, and Tonni L. Bartholomew, Troy City Clerk, acknowledged the foregoing instrument before me on this 10th day of November, 2008.

LAURA CAMPBELL
Notary Public, Oakland County, MI
My Commission Expires 9/25/2011
Acting in Oakland County

Laura Campbell
Notary Public
Oakland County, Michigan

My Commission Expires 09/25/2011

E-6 Donation of the Old Stone School Property to the City of Troy – Section 6, Sidwell #88-20-06-101-001

Resolution #2008-11-333
Moved by Beltramini
Seconded by Kerwin

RESOLVED, That Troy City Council hereby **APPROVES** the Agreement to donate the Old Stone School property by Finn and Mary Louise Bergishagen to the City of Troy, having Sidwell #88-20-06-101-001; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **AUTHORIZES** the Mayor and City Clerk to sign the Donation Agreement on behalf of the City of Troy; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **AUTHORIZES** the reimbursement of expenses to the donors as stated in the Agreement in an amount not to exceed $9,950.00; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **AUTHORIZES** the Real Estate and Development Department to expend the necessary closing costs to complete the transfer of ownership not to exceed $500.00; and

BE IT FINALLY RESOLVED, That Troy City Council hereby **DIRECTS** the City Clerk to record the Warranty Deed conveying title of the property to the City with the Oakland County Register of Deeds, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

Yes: Fleming, Howrylak, Kerwin, Beltramini, Broomfield, Eisenbacher
No: None
Absent: Schilling

MOTION CARRIED

THE BHARATIYA TEMPLE

OF METROPOLITAN DETROIT

Feb. 18, 2019

Troy City Council

Troy, MI

Dear Members of City Council:

Please find enclosed the auction bid from the Bharatiya Temple, for the property *ITB-COT 19 -13 Old Stone School, Parcel # 88-20-06-101-001.* We understand that it is located in a historic district and we fully appreciate the desire of City of Troy and the Troy Historic District to preserve the historic structure. We also understand that any purchase of this property will be in "as is' condition.

If our bid is selected, we are committed to preserving it and will showcase this property as well as our temple on the 200th anniversary of the Oakland County. Through these, we intend to perpetuate the heritage of all our countrymen by maintaining this property and our beautiful temple in good condition as long as we own them. Symbolically, these two structures, far apart in time by 125 years, yet in a common campus, will represent the diversity of this country that has evolved during last two centuries. With that in view, we will ensure that we work with Troy Historic District to plan appropriate repairs and renovations, so that we as well as the City of Troy both take pride for its presence and its history.

We, as temple, have always had a very special cordial relationship with the City for the past forty-four years and we feel privileged to be located in this great city. We look forward to continue and strengthen that association for centuries to come.

Sincerely,

Ravindra Khattree, PhD

Chair, Board of Trustees

6850 N. Adams Road • Troy, Michigan 48098
Phone 248.879.2552 • Fax 248.879.2094 • www.bharatiya-temple.org
A Non-Profit Ecclesiastical Corporation • Tax ID# 23-7437912

)pening Date -- 2/21/2019
)ate Prepared --

'TY OF TROY
BID TABULATION
SALE of PROPERTY - OLD STONE SCHOOL
(SECTION 6)

ITB-COT 19-13

ROPOSAL: Sale of Real Estate located at 3995 West South Boulevard commonly identified as the *"Old Stone School"*.

PURCHASER'S NAME:		**The Bhatatiya Temple Troy, MI**	Pomeroy Management, Inc. Troy, MI
REAL ESTATE SALE DESCRIPTION Tax ID# 20-06-101-001			
Property at 3995 West South Boulevard commonly identified as the "Old Stone School". **Minimum Bid $100,000.00**	Offer:	$149,108.00	"Non-responsive"
	Check #	1814720	2013050384
	(10% of offer)	$1,491.80	$10,000.00
SIGNATURE PAGE:	Attached	Yes	No
TERMS:		As stated	"Non-responsive"
EMAIL ADDRESS:		sbraomd@gmail.com	
FORMS: (4)	Attached	Yes	No
EXCEPTIONS:		None	Provided a letter stating desire to negotiate an easement or some other right to a corner of the property sufficient to allow construction in order to maintain a monument sign for Pomeroy Living.
ACKNOWLEDGEMENT:	Y or N	Yes	No

BOLDFACE TYPE DENOTES HIGHEST TOTAL ACCEPTABLE OFFER.

ATTEST:
Larysa Figol
Susan Riesterer
Kristine Kallek

MaryBeth Murz,
Purchasing Manager

STANDARD PURCHASING RESOLUTION 8: BEST VALUE AWARD - SALE OF REAL ESTATE – SOUTHEAST CORNER OF SOUTH BOULEVARD AND ADAMS ROAD, SECTION 6, OLD STONE SCHOOL, SIDWELL #88-20-06-101-001 AND REQUEST TO AMEND AN AGREEMENT BY AND BETWEEN FINN AND MARY BERGISHAGEN AND THE CITY OF TROY

Resolution #2019-02

RESOLVED, That a contract to sell surplus real estate parcel located at the Southeast Corner of Adams Road and South Boulevard, Section 6, also known as the Old Stone School and identified with #20-06-101-001, is hereby AWARDED to the highest sole responsive bidder, *The Bharatiya Temple of Troy, MI* for $149,108.00, as listed on the attached bid tabulation opened February 21, 2019, a copy of which shall be ATTACHED to the original Minutes of the meeting; and

BE IT FURTHER RESOLVED, That the Mayor and City Clerk are AUTHORIZED to EXECUTE an Amendment to an Agreement by and Between Finn and Mary Louise Bergishagen and the City of Troy for the Donation of an Historical Structure and Real Property; and

BE IT FURTHER RESOLVED, That the Engineering Department is AUTHORIZED TO EXPEND necessary funds for title insurance, closing and recording costs; and

BE IT FURTHER RESOLVED, That the Mayor and City Clerk are AUTHORIZED TO EXECUTE a Warranty Deed on behalf of the City of Troy to be delivered at closing; and

BE IT FINALLY RESLOVED, That the City Clerk is hereby DIRECTED TO RECORD said Warranty Deed, including all attachments, at the Oakland County Register of Deeds, a copy of which shall be ATTACHED to and made part of the original Minutes of this meeting.