

**CITY OF FERNDALE
REQUEST FOR COUNCIL ACTION**

FROM: Robert J. Bruner, Jr., City Manager

SUBJECT: Consideration of Amendment to American Legion Hall Purchase Agreement

SUMMARY & BACKGROUND:

Attached is a possible addendum for the purchase agreement concerning 1741 Livernois changing the survey requirements. As proposed, it would require the Seller to have an ALTA survey of both 1741 Livernois and the City's fire station property at 1635 Livernois and the property at 1651 Livernois, with the City providing the Seller a credit for ½ of the cost payable at the closing.

ATTACHMENTS: Proposed addendum

COUNCIL AGENDA DATE: December 22, 2008

CITY ATTORNEY REVIEW: PDC 12-18-08

RECOMMENDED ACTION:

Moved by , seconded by , to approve the addendum supplementing the Agreement of Sale effective December 8, 2008 between Ferndale American Legion Memorial Home Association and the City of Ferndale for the land and premises situated at 1741 Livernois.

ADDENDUM TO AGREEMENT OF SALE

This Addendum supplements the Agreement of Sale effective December 8, 2008 between Ferndale American Legion Memorial Home Association (“Seller”) and the City of Ferndale (“Purchaser”) of the land and premises situated in the City of Ferndale, County of Oakland, State of Michigan, commonly known as 1741 Livernois, Ferndale, Michigan (“Subject Property”). The terms used in this Addendum have the same meaning as in the Agreement of Sale unless otherwise specifically provided.

1. Survey. Seller in the Agreement of Sale agreed to obtain and provide to Purchaser and the title company, within thirty (30) days of Purchaser’s receipt of the executed Agreement of Sale, an ALTA Survey of the Subject Property showing all the easements, encroachments and structures on the Subject Property; The Purchaser owns property adjacent to the Subject Property at 1635 Livernois and 1651 Livernois and has determined it is in the best interest of the Purchaser to have an ALTA Survey of the Subject Property and the adjacent property at 1635 Livernois and 1651 Livernois for consideration regarding utilization of its property inventory (which shall include upon closing the Subject Property). Accordingly, the parties agree that an ALTA Survey shall be obtained by Seller of the Subject Property being 1741 Livernois, City of Ferndale, County of Oakland, State of Michigan, along with the Purchaser’s existing property at 1635 Livernois and 1651 Livernois, City of Ferndale, County of Oakland, State of Michigan and the costs of such survey shall be borne equally between Seller and Purchaser with the Seller receiving a credit for one-half of the survey cost, which the Purchaser shall pay to Seller at closing.

2. Terms. All other terms, conditions and obligations of the parties as set forth in the Agreement of Sale effective December 8, 2008 shall remain in full force and effect.

3. Amendments. This Addendum to Agreement of Sale, along with the Agreement of Sale effective December 8, 2008 may only be amended by a written document signed by each of the parties to this Agreement.

Purchaser: City of Ferndale

By: _____

Craig S. Covey

Its: Mayor

Dated: _____

J. Cherilynn Tallman, City Clerk

Seller: Ferndale American Legion Memorial Home Association.

By _____

Frank Flores

Its: _____

Dated: _____

Address: _____
