



CITY of NOVI CITY COUNCIL

Agenda Item H
April 27, 2009

SUBJECT: Approval of the Storm Drainage Facility Maintenance Easement Agreement for the Corrigan Warehouse Addition site, located on parcel no. 22-15-301-007 at the north side of Grand River Avenue, just east of Taft Road.

SUBMITTING DEPARTMENT: Department of Public Services, Engineering Division *RJL BTC*

CITY MANAGER APPROVAL: *[Signature]*

BACKGROUND INFORMATION:

Corrigan Worldwide, LLC has requested approval of the Storm Drainage Facility Maintenance Easement Agreement for the Corrigan Warehouse Addition, located at the north-side of Grand River Avenue, just east of Taft Road, in Section 15. The agreement has been favorably reviewed by the City Attorney (Beth Kudla's April 6, 2009 letter, attached) and is recommended for approval.

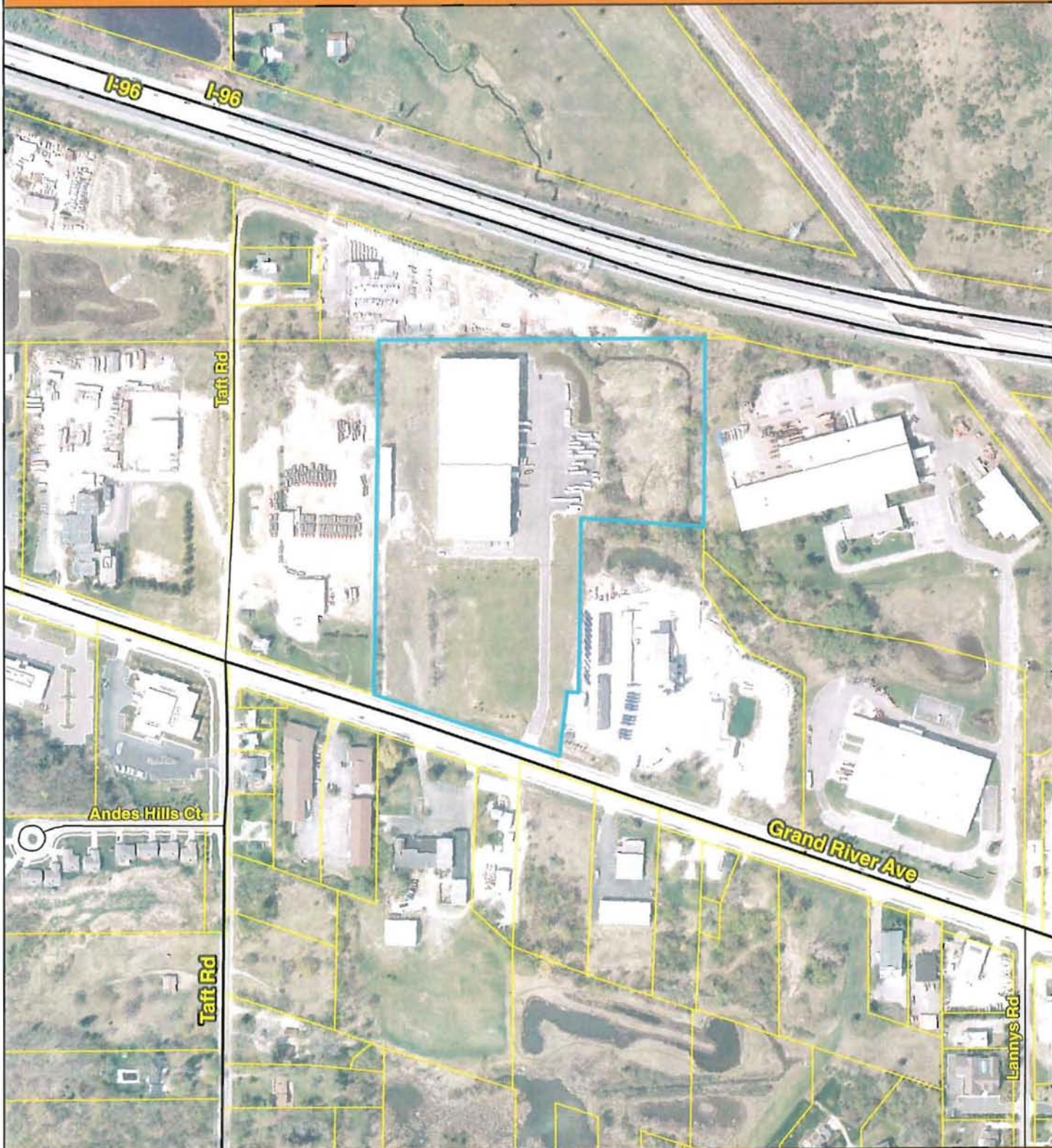
RECOMMENDED ACTION: Approval of the Storm Drainage Facility Maintenance Easement Agreement for the Corrigan Warehouse Addition site, located on parcel no. 22-15-301-007 at the north side of Grand River Avenue, just east of Taft Road.

	1	2	Y	N
Mayor Landry				
Mayor Pro Tem Gatt				
Council Member Burke				
Council Member Crawford				

	1	2	Y	N
Council Member Margolis				
Council Member Mutch				
Council Member Staudt				

Location Map

Corrigan Warehouse Addition



CITY OF NOVI
 ENGINEERING DIVISION
 45175 W TEN MILE RD
 NOVI, MI 48375-3024
 (248) 347-0454
 MAP AUTHOR: Brian Coburn, PE



1 INCH = 370 FEET

MAP PRINT DATE: 4/29/09

MAP INTERPRETATION NOTICE

Map information depicted is not intended to replace or substitute for any official or primary source. The map was intended to meet National Map Accuracy Standards and use the most recent, accurate sources available to the people of the City of Novi. Boundaries, measurements and area calculations are approximate and should not be construed as survey measurements performed by a licensed Michigan Surveyor as defined in Michigan Public Act 132 of 1970 as amended. Please contact the City GIS Manager to confirm source and accuracy information related to this map.

April 6, 2009

30903 Northwestern Highway
P.O. Box 3040
Farmington Hills, MI 48333-3040
Tel: 248-851-9500
Fax: 248-851-2158
www.secretwardle.com

Rob Hayes, Public Services Director
CITY OF NOVI
45175 West Ten Mile Road
Novi, Michigan 48375-3024

**Re: Corrigan Warehouse Addition, SP08-15
Storm Drainage Facility Maintenance Easement Agreement
Our File No. 660163.NOVI**

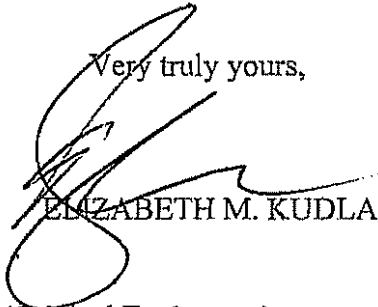
Elizabeth M. Kudin
Direct: 248-539-2846
bkudla@secretwardle.com

Dear Mr. Hayes:

We have received and reviewed, and enclosed please find, the Storm Drainage Facility Maintenance Easement Agreement for the Corrigan Warehouse Addition. Subject to approval of the Exhibits by the City's Consulting Engineer, the Agreement appears to be in order and may be placed on an upcoming City Council Agenda for approval. Once approved and executed by the City, the Agreement should be recorded with Oakland County Records by the City Clerk's Office.

Please feel free to contact me with any questions or concerns in regard to this matter.

Very truly yours,



ELIZABETH M. KUDLA

EMK

Enclosures

C: Maryanne Cornelius, Clerk (w/Original Enclosures)
Marina Neumaier, Assistant Finance Director (w/Enclosures)
Charles Boulard, Building Official (w/Enclosures)
Barb McBeth, Deputy Community Development Director (w/Enclosures)
Aaron Staup, Construction Engineering Coordinator (w/Enclosures)
Taylor Reynolds and Byron Hanson, Spalding DeDecker (w/Enclosures)
Sarah Marchioni, Building Permit Coordinator (w/Enclosures)
Michael P. Corrigan, mcorrigan@corriganmoving.com (w/Enclosures)
Kent Burzynski, Kent@Schonsheck.com (w/Enclosures)
Thomas R. Schultz, Esquire (w/Enclosures)

C:\N\Portb\imange\BKUDLA\1220813_1.DOC

**STORM DRAINAGE FACILITY
MAINTENANCE EASEMENT AGREEMENT**

THIS EASEMENT AGREEMENT is made this 9th day of FEBRUARY 2009, by and between Corrigan Worldwide, Inc., a Michigan Corporation, whose address is 45200 Grand River Ave., Novi, MI 48375 (hereinafter the "Owner"), and the City of Novi, its successors, assigns, or transferees, whose address is 45175 W. Ten Mile Road, Novi, MI 48375 (hereinafter the "City").

RECITATIONS:

A. Owner is the owner and developer of a certain parcel of land situated in Section 15 of the City of Novi, Oakland County, Michigan, described on the attached and incorporated **Exhibit A** (the "Property"). Owner has received final site plan approval for construction of a Industrial development on the Property.

B. The Industrial Development, shall contain certain storm drainage, detention and/or retention facilities, including but not limited to, a detention/sedimentation basin, for the collection, conveyance, storage, treatment and/or discharge of storm water from the Property in accordance with all approved plans, and all applicable ordinances, laws and regulations.

NOW, THEREFORE, the Owner hereby covenants and agrees that the Owner shall, at its own expense, perpetually preserve, maintain, and repair all storm drainage, detention and retention facilities, including all wetlands which are part of the system, to insure that the same continue to function as intended. The Owner shall establish a regular and systematic program of maintenance (the "Schedule of Maintenance") for such facilities and areas to insure that the physical condition and intended function of such areas and facilities shall be preserved and maintained. The Schedule of Maintenance and the annual estimated costs for maintenance and repairs for the first three (3) years are described in the attached Exhibit B.

In the event that the Owner shall at any time fail to carry out the responsibilities specified within this agreement, and/or in the event of a failure to preserve and/or maintain the storm water drainage, detention and retention facilities in reasonable order and condition, the City may serve written notice upon the Owner setting forth the deficiencies in maintenance and/or preservation along with a demand that the deficiencies be cured within a stated reasonable time period, and the date, time and place for a hearing before the City for the purpose of allowing Owner an opportunity to be heard as to why the City should not proceed with the correction of the deficiency or obligation which has not been undertaken or properly fulfilled. At any such hearing, the time for curing and the hearing itself may be extended and/or continued to a date certain. If, following such hearing, the person conducting the hearing shall determine that the obligation has not been fulfilled or failure corrected within the time specified in the notice, as determined by the City in its reasonable discretion, the City shall thereupon have the power and authority, but not the obligation, to enter upon the Property, or cause its agents or contractors to enter the Property through the Ingress/Egress Easement Area as described and depicted in **Exhibit C** and perform such obligation or take such corrective measures as reasonably found by the City to be appropriate or necessary with respect to the detention/sedimentation basin within the Detention/Sedimentation Basin Easement Area described and depicted in **Exhibit D**, for the purposes described above. The cost and expense of making and financing such actions by the City, including notices by the City and reasonable legal fees incurred by the City, plus an administrative fee in an amount equivalent to twenty-five (25%) percent of the total of all such costs and expenses incurred, shall be paid by Owner within thirty (30) days of a billing to the Owner. All unpaid amounts may be placed on the delinquent tax roll of the City as to the Property, and shall accrue interest and penalties, and shall be collected as, and shall be deemed delinquent real property taxes, according to the laws made and provided for the collection of delinquent real property taxes. In the discretion of the City, such costs and expenses may be collected by suit initiated against the Owner, and, in such event, the Owner shall pay all court costs and reasonable attorney fees incurred by the City in connection with such suit.

The parties hereto make this Agreement on behalf of themselves, their heirs, successors, assigns and transferees, and hereby warrant that they have the authority and capacity to execute this Agreement and bind the property as described in the terms and conditions of this agreement.

Invalidation of any of these covenants or conditions by Judgment or Court Order shall in no way affect the validity of any other provision which shall remain in full force and effect.

This agreement shall run with the land and be binding upon all owners, their agents, heirs, successors, assigns and transferees.

IN WITNESS WHEREOF, Owner has executed this Agreement as of the day and year first above set forth.

OWNER
CORRIGAN WORLDWIDE INC, a
MICHIGAN CORPORATION
Michael P Corrigan
By: _____
Its: Executive Vice President.

STATE OF MICHIGAN)
) SS
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this 9th day of February, 2009,
by Corrigan Worldwide Inc, as the Executive Vice President of Corrigan Worldwide Inc
Mike P. Corrigan

KATIE LYNN BALLARD
Notary Public, State of Michigan
County of Oakland
My Commission Expires 06-11-2013
Acting in the county of Oakland

Katie Lynn Ballard
Notary Public: Katie Lynn Ballard
Oakland County, Michigan
My Commission Expires: 06/11/2013

CITY OF NOVI
A Municipal Corporation

By:
Its:

STATE OF MICHIGAN)
) SS
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me on this _____ day of
200, by, _____, on behalf of the City of Novi, a Municipal
Corporation.

Notary Public
Oakland County, Michigan
My Commission Expires: _____

Drafted by:
Elizabeth M. Kudla
30903 Northwestern Highway
P.O. Box 3040
Farmington Hills, MI 48333-3040

And when recorded return to:
Maryanne Cornelius, City Clerk
City of Novi
45175 W. Ten Mile Rd
Novi, MI 48375

602691v1

EXHIBIT A

PARCEL DESCRIPTION

Part of the West 1/2 of the Southwest 1/4 of Section 15, T1N-R8E, City of Novi, Oakland County, Michigan, described as follows: **BEGINNING** at a point on the East-West 1/4 line of Section 15, T1N-R8E, City of Novi, Oakland County Michigan, distant S89°12'40"E, 408.40 feet from the West 1/4 corner of said Section 15 and proceeding thence S89°12'40"E, 919.54 feet along said East-West 1/4 line; thence S01°15'31"W, 530.58 feet; thence N84°42'39"W, 346.52 feet; thence S01°40'51"W, 488.55 feet; thence N85°29'19"W, 32.93 feet; thence S07°44'53"W, 233.27 feet to a point on the centerline of Grand River Avenue; thence N70°24'16"W, 545.46 feet along the said centerline of Grand River Avenue; thence N01°37'40"E, 1045.35 feet to the point of beginning. Containing 18.97 acres of land, and subject to easements of record.

TAX ID # 50-22-15-301-007




LIVINGSTON ENGINEERING
 CIVIL ENGINEERING SURVEYING PLANNING

3300 S. OLD U.S. 23, BRIGHTON, MICHIGAN 48114

INTERNET: WWW.LIVINGSTONENG.COM PHONE: (810) 225-7100 FAX: (810) 225-7899



CLIENT: Corrigan Moving		DATE: 06-10-08	
DESCRIPTION PART OF THE W 1/2 OF THE SW 1/4 OF SEC. 15 T1N-R8E, CITY OF NOVI OAKLAND COUNTY, MICHIGAN	SCALE 1"=200'	JOB No. 08113	CREW
	SHEET No. 1 of 1	DRAWN MAH/DSB	CHECK <i>llp</i>
	FILE: G:\08113 Schonsheck Corrigan Novi\dwg\survey\08113 storm water maintenance.dwg		

EXHIBIT B

(1 OF 2)

Permanent Maintenance Tasks and Schedule: Corrigan Moving Systems and Record Storage - City of Novi									
Tasks	Components								Schedule
	Streets	Storm Sewer System	Catch Basin Sumps	Catch Basin Inlet Casings	Ditches & Swales	Outflow Control Structures	Rip-Rap	Filtration Basins	
Inspect for sediment accumulation		X	X		X	X		X	Annually
Removal of sediment accumulation		X	X		X	X		X	Every 2 years as needed
Inspection of floatables & debris				X	X	X		X	Annually
Cleaning of floatables and debris				X	X	X		X	Annually
Inspection for erosion					X	X		X	Annually
Re-establish permanent vegetation on eroded slopes					X			X	As needed
Replacement of stone						X			Every 3-5 years as needed
Clean Streets	X								Semi-annually
Mowing					X			X	0-2 times/year
Inspect storm water system components during wet weather and compare to as-built plans		X	X		X	X	X	X	Annually
Make adjustment or replacements as determined by annual wet weather inspection.		X	X		X	X	X	X	As Needed

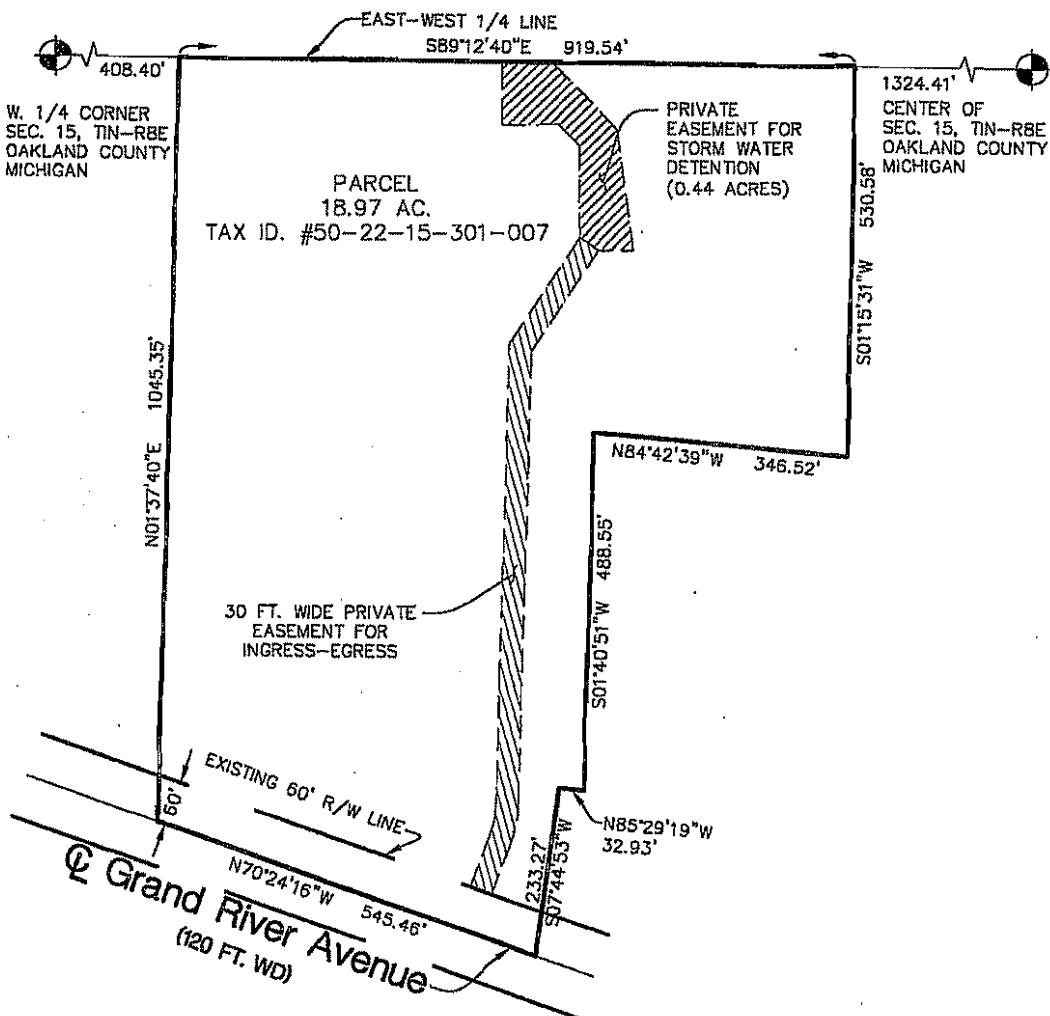
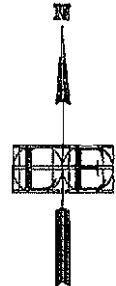
*** Note: The Owner and/or Association shall maintain a log of all inspection and maintenance activities and make the log available to City personnel as needed.

EXHIBIT B

(2 OF 2)

Maintenance Plan Budget: Corrigan Moving Systems and Record Storage - City of Novi	
Item	Budget Amount
Annual inspect for sediment accumulation	\$100.00
Removal of sediment accumulation every 2 years as needed	\$500.00
Inspection of floatables & debris annually & after major storms	\$100.00
Removal of floatables and debris annually & after major storms	\$150.00
Inspect system for erosion annually & after major storms	\$100.00
Re-establish permanent vegetation on eroded slopes as needed	\$150.00
Replacement of stone	\$100.00
Mowing 0-2 times per year	\$200.00
Inspect structural elements during wet weather and compare to as-built plan every 2 years	\$150.00
Make structural adjustments or replacements as determined by inspection, as needed	\$300.00
Have professional engineer carry out emergency inspections upon identification of severe problems.	\$250.00
Total Annual Budget	\$2,100.00

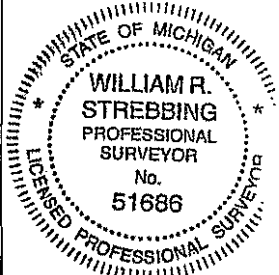
EXHIBIT C



- LEGEND**
- ⊙ SECTION CORNER
 - SET IRON ROD
 - FOUND MONUMENT
 - ⊗ FENCE
 - FOUND IRON ROD/PIPE
 - ⊙ SOIL BORING



LIVINGSTON ENGINEERING
 CIVIL ENGINEERING SURVEYING PLANNING
 3300 S. OLD U.S. 23, BRIGHTON, MICHIGAN 48114
 INTERNET: WWW.LIVINGSTONENG.COM PHONE: (810) 225-7100 FAX: (810) 225-7699



CLIENT	Corrigan Moving	0' 200' 400'	DATE	02-04-09
DESCRIPTION	PART OF THE W 1/2 OF THE SW 1/4 OF SEC. 15 T1N-R8E, CITY OF NOVI OAKLAND COUNTY, MICHIGAN	SCALE 1"=200'		
		JOB No.	08113	
		SHEET	No. 1 of 3	
		DRAWN	MAH	
		CHECK		

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EXHIBIT C

S89°12'40"E
408.40'

W. 1/4 CORNER
SEC. 15, T1N-R8E
OAKLAND COUNTY
MICHIGAN

PRIVATE EASEMENT FOR
STORM WATER DETENTION
(0.44 ACRES)

S56°23'08"E
30.00'

PARCEL
18.97 AC.
TAX ID. #50-22-15-301-007

S01°37'40"W
982.27'

30 FT. WIDE PRIVATE
EASEMENT FOR
INGRESS-EGRESS

630.64'

N33°36'32"E
170.88'

S33°36'52"W
162.27'

N01°39'29"E

S01°39'29"W

30'

ARC=44.02'
RAD=135.00'
Δ=18°41'00"
CHORD=N10°59'59"E
43.83'

N84°42'39"W 346.52'

S01°40'51"W 488.55'

N85°29'19"W
32.93'

ARC=53.80'
RAD=165.00'
Δ=18°41'00"
CHORD=S10°59'59"W
53.57'

EXISTING 60' R/W LINE

Grand River Avenue
(120 FT. WD)

N20°20'29"E
73.43'

S20°20'29"W
73.04'

233.27'

S07°44'53"W

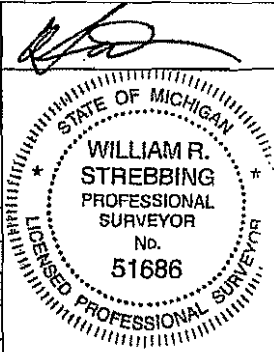
545.46'

N70°24'16"W
30.00'

LEGEND ○ SECTION CORNER ○ SET IRON ROD ● FOUND MONUMENT
 ✂ FENCE ● FOUND IRON ROD/PIPE ● SOIL BORING



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




CLIENT Corrigan Moving	0' 100' 200'	DATE 02-04-09
DESCRIPTION PART OF THE W 1/2 OF THE SW 1/4 OF SEC. 15 T1N-R8E, CITY OF NOVI OAKLAND COUNTY, MICHIGAN	SCALE 1"=100'	REV.
	SHEET No 2 of 3	CREW
	DRAWN MAH/DSB	CHECK <i>WRS</i>

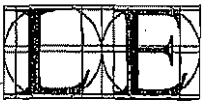
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EXHIBIT C

INGRESS--EGRESS EASEMENT DESCRIPTION

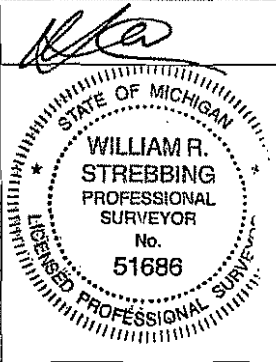
Part of the West 1/2 of the Southwest 1/4 of Section 15, T1N--R8E, City of Novi, Oakland County, Michigan, described as: Commencing at the West 1/4 corner of said Section 15; thence along the East--West 1/4 line of said Section, S89°12'40"E, 408.40 feet; thence S01°37'40"W, 982.27 feet; thence along the Northerly line of Grand River Avenue (120 feet wide), S70°24'16"E, 450.80 feet to the POINT OF BEGINNING of the Easement to be described; thence N20°20'29"E, 73.43 feet; thence along the arc of a curve to the left, 44.02 feet, said curve has a radius of 135.00 feet, a central angle of 18°41'00" and a long chord which bears N10°59'59"E, 43.83 feet; thence N01°39'29"E, 630.64 feet; thence N33°36'52"E, 170.85 feet; thence S56°23'08"E, 30.00 feet; thence S33°36'52"W, 162.27 feet; thence S01°39'29"W, 622.05 feet; thence along the arc of a curve to the right, 53.80 feet, said curve has a radius of 165.00 feet, a central angle of 18°41'00" and a long chord which bears S10°59'59"W, 53.57 feet; thence S20°20'29"W, 73.04 feet; thence along the Northerly line of said Grand River Avenue, N70°24'16"W, 30.00 feet to the Point of Beginning.

LEGEND  SECTION CORNER  SET IRON ROD  FOUND MONUMENT
 FENCE  FOUND IRON ROD/PIPE  SOIL BORING



LIVINGSTON ENGINEERING
 CIVIL ENGINEERING SURVEYING PLANNING

3300 S. OLD U.S. 23, BRIGHTON, MICHIGAN 48114
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
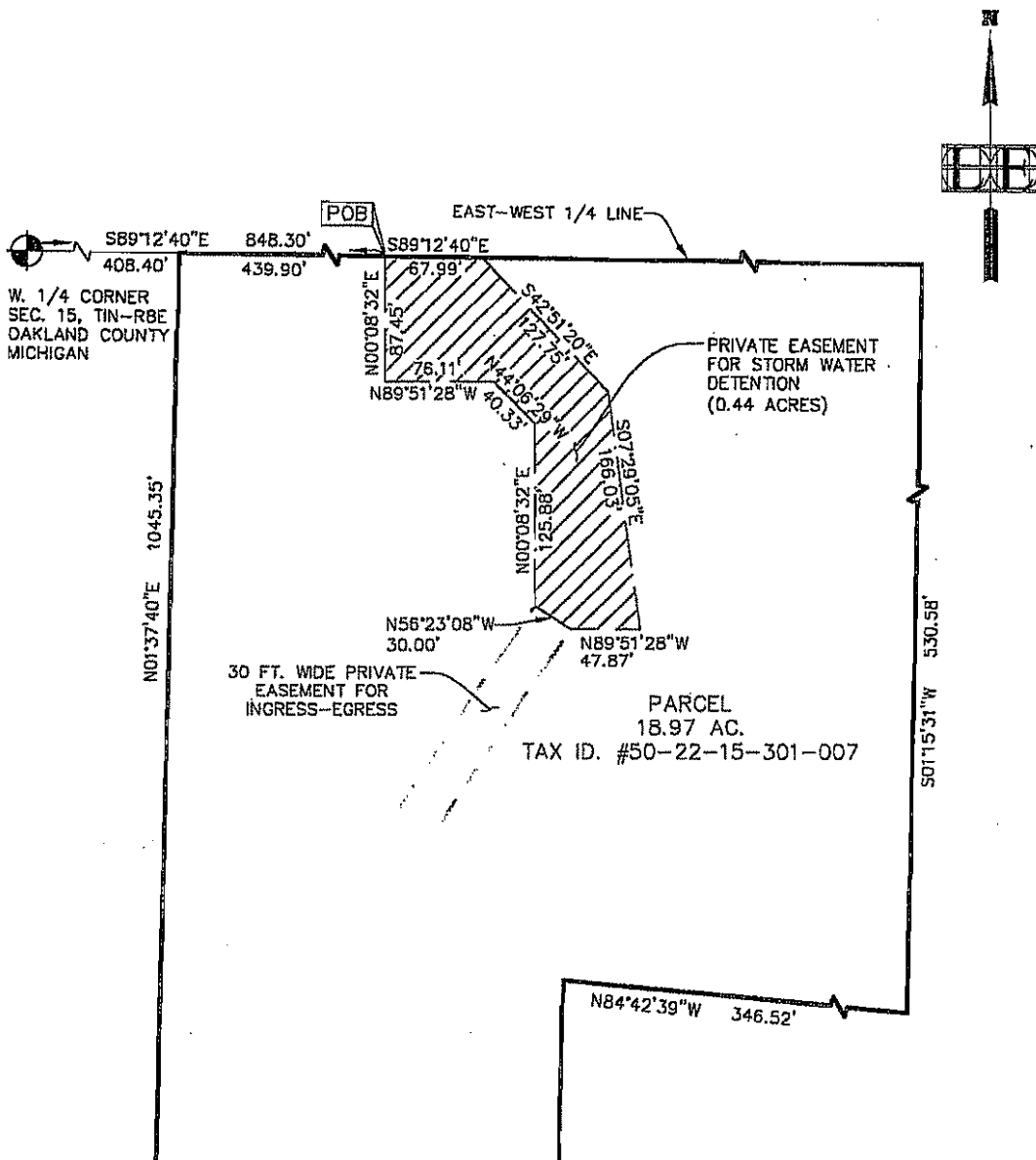
CLIENT Corrigan Moving		DATE 02-04-09	
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	SHEET No. 3 of 3	DRAWN MAH/DSB	CREW
	FILE: G:\08113 Schonscheck Corrigan Novi\dwg\survey\08113 storm water maintenance.dwg	CHECK 	

EXHIBIT D



STORM WATER DETENTION/SEDIMENTATION EASEMENT DESCRIPTION

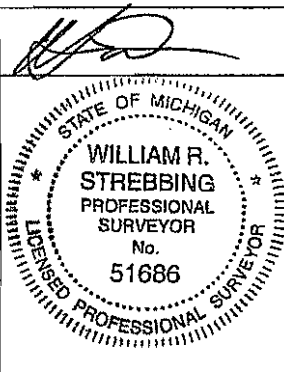
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LEGEND

- SECTION CORNER
- SET IRON ROD
- FOUND MONUMENT
- FENCE
- FOUND IRON ROD/PIPE
- SOIL BORING



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CLIENT Corrigan Moving	0' 100' 200'	DATE 06-10-08
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	JOB No. 08113	CREW
	SHEET No. 1 of 1	DRAWN MAH/DSB
		CHECKED <i>[Signature]</i>

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