



CITY of NOVI CITY COUNCIL

**Agenda Item C
February 6, 2012**

SUBJECT: Acceptance of a sidewalk easement from Westmarket Financial, LLC, as part of the Comerica Bank site located at 47440 Grand River Avenue in the Westmarket Square development at the northwest corner of Beck Road and Grand River Avenue (parcel 22-17-226-022).

SUBMITTING DEPARTMENT: Department of Public Services, Engineering Division *BTL*

CITY MANAGER APPROVAL: *[Signature]*

BACKGROUND INFORMATION:

As part of the approved site plan, a sidewalk was constructed along the west side of Beck Road across the frontage of the Comerica Bank development located at 47440 Grand River Avenue (as shown on the attached location map). This segment of the sidewalk was planned and constructed outside of the right-of-way to avoid existing facilities and to improve the safety of the pathway. Therefore, Westmarket Financial, LLC, has prepared a sidewalk easement for the portion of the sidewalk that was constructed outside of the existing right-of-way for Beck Road and requests acceptance by the City.

The enclosed easement has been favorably reviewed by Engineering staff as well as the City Attorney (Beth Kudla's February 27, 2009 letter, attached) and is recommended for approval.

RECOMMENDED ACTION: Acceptance of a sidewalk easement from Westmarket Financial, LLC, as part of the Comerica Bank site located at 47440 Grand River Avenue in the Westmarket Square development at the northwest corner of Beck Road and Grand River Avenue (parcel 22-17-226-022).

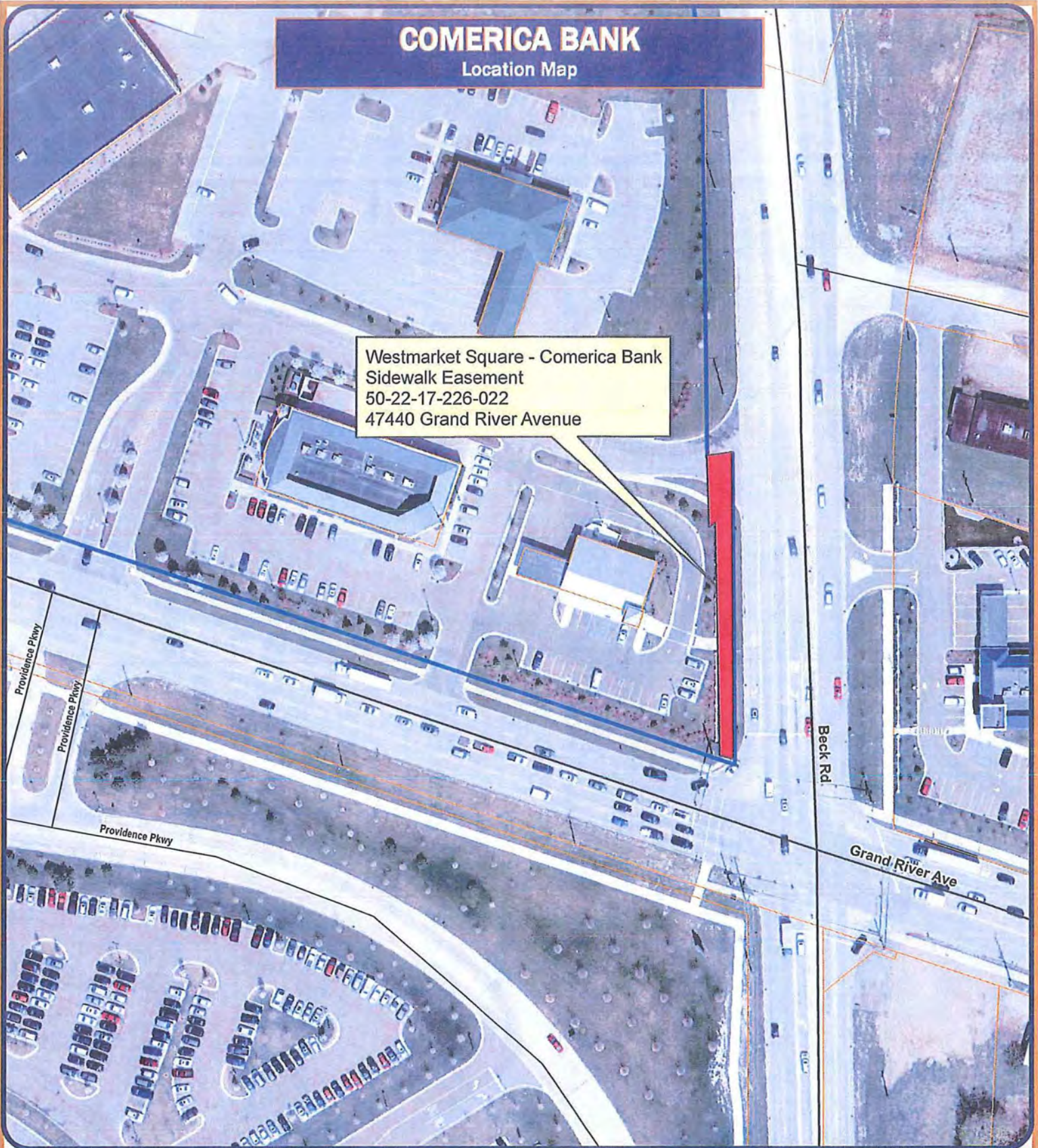
	1	2	Y	N
Mayor Gatt				
Mayor Pro Tem Staudt				
Council Member Casey				
Council Member Fischer				

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

COMERICA BANK

Location Map

Westmarket Square - Comerica Bank
 Sidewalk Easement
 50-22-17-226-022
 47440 Grand River Avenue



Map Author: Aaron J. Staup
 Date: January 18, 2012
 Project: Westmarket Square - Comerica Bank
 Version #: 1

Sidewalk Easement

MAP INTERPRETATION NOTICE

Map information depicted is not intended to replace or substitute for any official or primary source. This 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. Boundary 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.

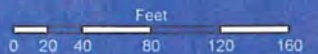
Map Legend

- Road Classification
 - Major Streets
 - Minor Streets
- Novi Tax Parcel BSA
- Novi 2010 Aerial Photograph
- RGB
 - Red: Band_1
 - Green: Band_2
 - Blue: Band_3
- City of Novi Boundary



City of Novi

Engineering Division
 Department of Public Services
 26300 Delwal Drive
 Novi, MI 48375
 cityofnovi.org



1 inch = 112 feet

February 27, 2009

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

Elizabeth M. Kudla
Direct: 248-539-2846
bkudln@secretwardle.com

Rob Hayes, City Engineer
CITY OF NOVI
45175 West Ten Mile Road
Novi, Michigan 48375-3024

**Re: Comerica Bank –Westmarket Square SP07-57
Utilities Review for Acceptance
Our File No. 660170.NOV1**

Dear Mr. Hayes:

We have received and reviewed, and enclosed please find, the following document regarding the Comerica Bank at Westmarket Square:

- Sidewalk Easement

Westmarket Financial, L.L.C., seeks to convey a Sidewalk Easement to the City over a portion of its property in Section 17 of the City to the City of Novi. Our office has reviewed and approves the format and language of the Sidewalk Easement. We have also confirmed the last deed of record and that all mortgagees holding an interest in the subject property have approved the Easement. It is our understanding that the City's consulting engineer has approved the exhibits.

The Sidewalk Easement may be placed on the an upcoming City Council Consent Agenda for acceptance. Once we receive the original Sidewalk Easement, we will forward it to 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 / ses
ELIZABETH M. KUDLA

EMK

Enclosures

C: Maryanne Cornelius, Clerk (w/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)
Mike Hamame, Jonna Companies (w/Enclosure)
Thomas R. Schultz, Esquire (w/Enclosures)

COUNSELORS AT LAW

C:\N\Portbl\mange\BKUDLAN\203234_1.DOC

SIDEWALK EASEMENT

NOW ALL MEN BY THESE PRESENTS, that Westmarket Financial, LLC, whose address is 39523 Woodward Ave Ste 150, Bloomfield Hills, MI 48304 for and in consideration of One (\$1.00) Dollar, receipt and sufficiency of which is hereby acknowledged, hereby grants and conveys to the City of Novi, a Michigan Municipal Corporation, whose address is 45175 West Ten Mile Road, Novi, Michigan 48375, being exempt pursuant to MCLA 207.505(a), and MCLA 207.526 (a) a permanent easement for a public walkway over across and through property located in Section 17, T.1N., R.8E., City of Novi, Oakland County, State of Michigan, more particularly described as follows:

{See attached and incorporated Exhibit A -- Property Description Exhibit}

The permanent easement for the public walkway is more particularly described as follows:

{See attached and incorporated Exhibit B -- Sidewalk Easement Area}

Grantee may enter upon sufficient land adjacent to said easement for the purpose of exercising the rights and privileges granted herein.

Grantee may install, repair, replace, improve, modify and maintain the easement area as shown in the attached and incorporated Exhibit B.

Grantor agrees not to build or to convey to others permission to build any structures or improvements on, over, across, in, through, or under the above-described easement.

This instrument shall run with the land first described above and shall be binding upon and inure to the benefit of the Grantor, Grantee, and their respective heirs, representatives, successors and assigns.

This easement shall allow public pedestrian and non-motorized traffic and shall permit maintenance, repair and replacement of the paving in the easement area.

Exempt pursuant to MCLA 207.505(a) and MCLA 207.526(a)

This instrument shall be binding and inure to the benefit of the parties hereto, their heirs, representatives, successors and assigns.

Dated this 19th day of February, 2009

Signed by:

WESTMARKET FINANCIAL

Michigan L.L.C.

Frank Donna
By: Frank Donna

STATE OF MICHIGAN)
) SS
COUNTY OF Oakland)

The foregoing instrument was acknowledged before me this 19th day of February, 2009, by Frank Donna, the Manager, of Westmarket Financial, LLC, on behalf of the company.

Lava Francis
Notary Public
Macomb County, Michigan
My Commission Expires: May 22, 2013

LAVA FRANCIS
Notary Public, State of Michigan
County of Macomb
My Commission Expires May 22, 2013
Acting in the County of Oakland

Drafted by:
Elizabeth M. Kudla
30903 Northwestern Hwy
Farmington Hills, MI 48334

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

SIDEWALK EASEMENT

TITLE - 11-10-08 REVISED EASEMENT SIZE
 JOB NO. - 20080217
 DATE - 05-11-00
 DESIGN FILE - 11-10-08 REVISED EASEMENT SIZE
 CHECK FILE - 11-10-08 REVISED EASEMENT SIZE
 GUIDE FILE - 11-10-08 REVISED EASEMENT SIZE
 PER TITLE - 11-10-08 REVISED EASEMENT SIZE

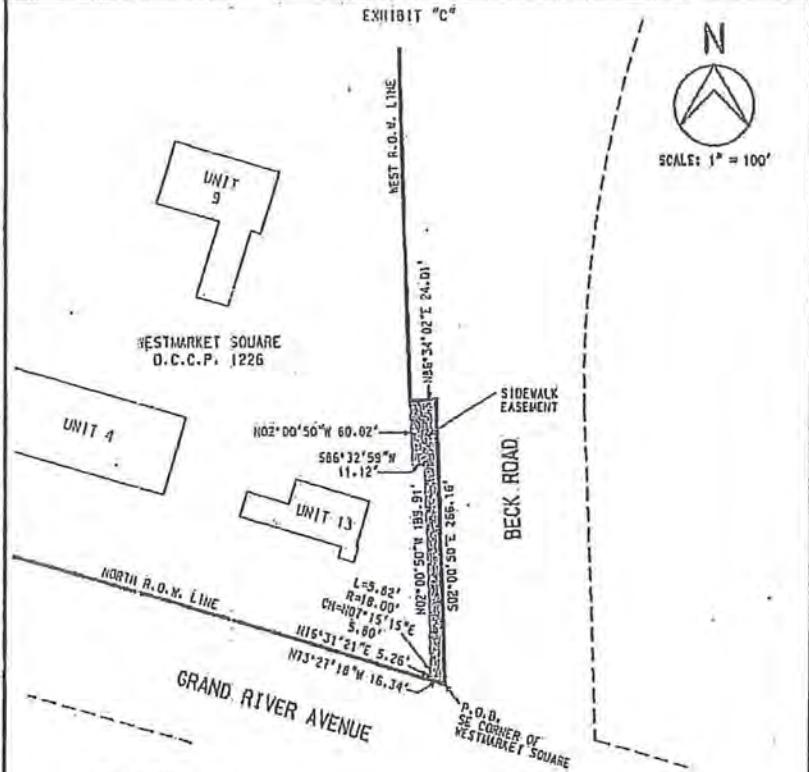


EXHIBIT "A"
DESCRIPTION OF PROPERTY.

"Westmarket Square", Oakland County Condominium Plan No. 1226, a condominium subdivision of the Northeast 1/4 of Section 17, Town 1 North, Range 8 East, City of Novi, Oakland County, Michigan.

EXHIBIT "B"
DESCRIPTION OF SIDEWALK EASEMENT

A sidewalk easement lying in the Northeast 1/4 of Section 17, Town 1 North, Range 8 East, City of Novi, Oakland County, Michigan described as BEG(IND) at the Southeast corner of "Westmarket Square", Oakland County Condominium Plan No. 1226 thence North 73 degrees 27 minutes 18 seconds West 15.34 feet along the north right of way line of Grand River Avenue thence North 15 degrees 31 minutes 21 seconds East 5.26 feet; thence along a curve to the left 5.82 feet, said curve having a radius of 18.00 feet, and a chord bearing North 07 degrees 15 minutes 15 seconds East 5.80 feet; thence North 02 degrees 00 minutes 50 seconds West 189.91 feet; thence South 02 degrees 00 minutes 50 seconds West 11.12 feet; thence North 02 degrees 00 minutes 50 seconds West 60.02 feet to the west right of way line of Beck Road; thence along said right of way the following two (2) courses: (1) North 06 degrees 34 minutes 02 seconds East 24.01 feet, and (2) South 02 degrees 00 minutes 50 seconds East 266.16 feet to the POINT OF BEGINNING. Said easement contains 4,079 square feet or 0.09 acres, more or less.

JOB NO. 20080217	HUBBELL, ROTH & CLARK, INC. CONSULTING ENGINEERS	SHEET NO. 1
DATE 05-11-00	555 HULET DRIVE BLOOMFIELD HILLS, MICH. P.O. BOX 824 48303-0824	OF 1

11-10-08 REVISED EASEMENT SIZE

CONSENT TO EASEMENT

As the holder of a mortgage interest (Liber 40549, Page 141) in and to the property referenced in the Sidewalk Easement, dated February 19 2009, attached hereto and incorporated as Exhibit A, whereby Westmarket Financial, L.L.C grants and conveys said easement to the City of Novi, the undersigned hereby evidences its consent to the grant, conveyance, existence and recordation of said easement, which easement is hereby acknowledged and agreed to be superior to the interest of the undersigned and shall bind the undersigned and the heirs, successors and assigns of the undersigned.

IN WITNESS WHEREOF the undersigned has caused its signature to be placed on the 27th day of February, 2009.

Comerica Bank, a Texas
Banking Association,

By: [Signature]
Its: Susan K. Zecherich

STATE OF MICHIGAN)
) ss.
COUNTY OF OAKLAND)

The foregoing Consent to Easement was acknowledged before me this 27th day of February, 2009, by Susan K. Zecherich, the Vice President of Comerica Bank, a Michigan Texas Banking Association.

CARLY HURMASFL
Notary Public - Michigan
Wayne County
My Commission Expires May 9, 2011
Acting in the County of Wayne

[Signature]
Notary Public Carly Hurmasfl
Wayne County, MI
My commission expires: 11-9-11