



**CITY OF NOVI CITY COUNCIL
DECEMBER 21, 2020**

SUBJECT: Acceptance of a declaration of access easement by the City of Novi granted to the City of Novi located within Lakeshore Park parcel 50-22-03-455-009 for the purpose of pathway access.

SUBMITTING DEPARTMENT: Department of Public Works, Engineering Division

BACKGROUND INFORMATION: The declaration of access easement is requested for use of the off-site adjacent park pathway in the event that the Lakeshore Park parcel is ever sold. The Declaration ensures that the pathway and access to the pathway would not be impacted if the property ever changed ownership. The easement can be amended in the future if necessary.

The enclosed letter from City Attorney (Beth Saarela, November 15, 2019) provides the declaration of access easement prepared for this dedication. This document has been reviewed and approved by the City Attorney and Engineering Division and is recommended for acceptance.

RECOMMENDED ACTION: Acceptance of a declaration of access easement by the City of Novi granted to the City of Novi located within Lakeshore Park parcel 50-22-03-455-009 for the purpose of pathway access.

Lakeshore Park

Location Map



Lakeshore Park
Path Easement Location
Parcel 50-22-03-455-009

Lakeshore Park
Parcel 50-22-03-455-007

Lakeshore Park
Parcel 50-22-03-457-001

Map Author: Kate Richardson
Date: 12/08/2020
Project: Lakeshore Park
Version: 1.0

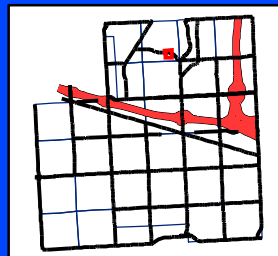
Amended By:
Date:
Department:

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.

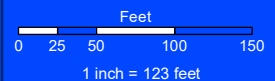
Legend

- Major Roads
- Minor Roads
- Subject Parcel



City of Novi

Engineering Division
Department of Public Works
26300 Lee BeGole Drive
Novi, MI 48375
cityofnovi.org



ELIZABETH KUDLA SAARELA
esaarela@rsjalaw.com

27555 Executive Drive, Suite 250
Farmington Hills, Michigan 48331
P 248.489.4100 | F 248.489.1726
www.rsjalaw.com



ROSATI | SCHULTZ
JOPPICH | AMTSBUECHLER

November 15, 2019

Kate Richardson, EIT | Plan Review Engineer
City of Novi
Department of Public Works
Field Services Complex
26300 Lee BeGole Drive
Novi, MI 48375

Re: *Lakeshore Park – Declaration of Access Easement*

Dear Ms. Richardson:

We have received and reviewed the draft Declaration of Access Easement that you have prepared to preserve a permanent pathway easement over Lakeshore Park Parcel 22-03-455-009 for use by off-site adjacent property in the event that the City property is ever sold. We have no objection to the format or content of the Declaration. Although the park property is less likely to be resold for development than other property located in more commercial locations, the Declaration ensures that the pathway would not be impacted in the event of a change in ownership. We note that you may want to create the same type of easement for cross access over parcel 22-03-457-001 for use by 22-03-455-009.

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

Very truly yours,

ROSATI SCHULTZ JOPPICH
& AMTSBUECHLER PC

A handwritten signature in blue ink, appearing to read 'Elizabeth Kudla Saarela', is written over a horizontal line. The signature is fluid and cursive.

Elizabeth Kudla Saarela

C: Cortney Hanson, Clerk
Sri Komaragiri, Planner
Keri Blough, Geospatial Application Services Manager
Sue Troutman, City Clerk's Office
Thomas R. Schultz, Esquire

DECLARATION OF ACCESS EASEMENT

THIS EASEMENT made this ____ day of _____, 20__, by the City of Novi (hereinafter referred to as "Declarant"), being title holder and developer of the property described in the attached and incorporated, Exhibit A, (hereinafter referred to as the "Property").

Declarant owns Parcel 22-03-455-009 and Parcel 22-03-457-001 as described on the attached and incorporated Exhibit A.

Declarant, for the benefit of Parcel 22-03-457-001 seeks to grant a permanent access easement over Parcel 22-03-455-009, to allow the use of the bike path in accordance with final site plan approval for Parcel 22-03-457-001.

NOW THEREFORE, Declarant, does hereby reserve and grant, on behalf of itself, it heirs, successors, assigns and transferees, a private, non-exclusive, perpetual easement for purposes of bike path usage over, upon, across, in, through the Parcel 22-03-455-009, which easement is described and depicted, as stated in the attached and incorporated Exhibit A.

This easement is for the benefit of Parcel 22-03-457-001, and all heirs, successors, assigns and transferees of the Declarant.

The Declarant shall maintain the Easement Area, so at all times, it continues to function as intended. Declarant 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 Area, or to develop or allow the development of the Easement Area, unless such improvement is part of an approved site plan. Declarant may construct and/or install surface improvements to the property, which improvements do not interfere with use, operation, and maintenance, of the Easement Area.

Successor owners of Parcel 22-03-457-001 shall be permitted to enter upon the Easement Area and sufficient land adjacent to said Easement Area for the purpose of exercising the rights and privileges granted herein.

This Easement does not grant or convey to Grantee, or any member of the general public, any right of ownership, possession or use of the Easement Area.

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

IN WITNESS WHEREOF, the undersigned Declarant has affixed _____ signature this day of _____ A.D., 20__.

DECLARANT:

By: _____
Bob Gatt, Mayor

By: _____
Cortney Hanson, City Clerk

STATE OF MICHIGAN)
) ss.
COUNTY OF OAKLAND)

On this _____ day of _____, A.D., 20__, before me, personally appeared the above named Bob Gatt and Courtney Hanson, to me known to be the person described in and who executed the foregoing instrument and acknowledged that they executed the same as their free act and deed.

Notary Public
Acting in _____ County, MI
My commission expires: _____

<p>THIS INSTRUMENT DRAFTED BY: ELIZABETH M. KUDLA JOHNSON, ROSATI, SCHULTZ & JOPPICH, P.C. 27555 EXECUTIVE DRIVE, SUITE 250 FARMINGTON HILLS, MI 48331</p> <p>Tax Identification Number: _____</p>	<p>WHEN RECORDED, RETURN COPY TO: CORTNEY HANSON, CLERK CITY OF NOVI 45175 TEN MILE RD NOVI, MI 48334</p>
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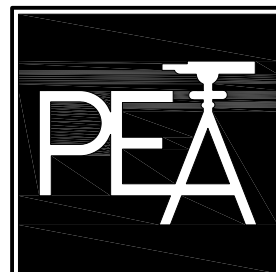
EXHIBIT A
SKETCH OF EASEMENT

LEGAL DESCRIPTION – Subject Parcel Tax ID: 22-03-455-009
(Per Survey Oakland)
T1N, R8E, SEC 3 IDLEMERE PARK E 1/2 OF LOT 125 & ALL OF LOT 126

LEGAL DESCRIPTION – Access Easement
(Per PEA Inc.)

A 15-foot wide easement for public access in a part of Idlemere Park, Section 3, Town 1 North, Range 8 East, City of Novi, Oakland County, Michigan with a centerline described as follows:

COMMENCING at the Northeast Corner of the Subject Parcel; thence N86°15'33"W, 23.79 feet to the **POINT OF BEGINNING**;
thence 17.26 feet along a non-tangent curve to the right, having a radius of 30.00 feet, a central angle of 32°58'12", and chord bearing S28°19'02"E, 17.03 feet; thence 24.55 feet along a reverse curve to the left, having a radius of 20.32 feet, a central angle of 69°13'03", and chord bearing S46°45'06"E, 23.08 feet to the **POINT OF ENDING**.



PEA, Inc.

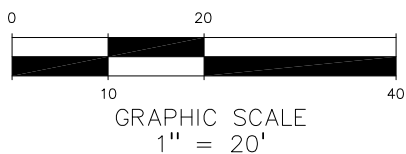
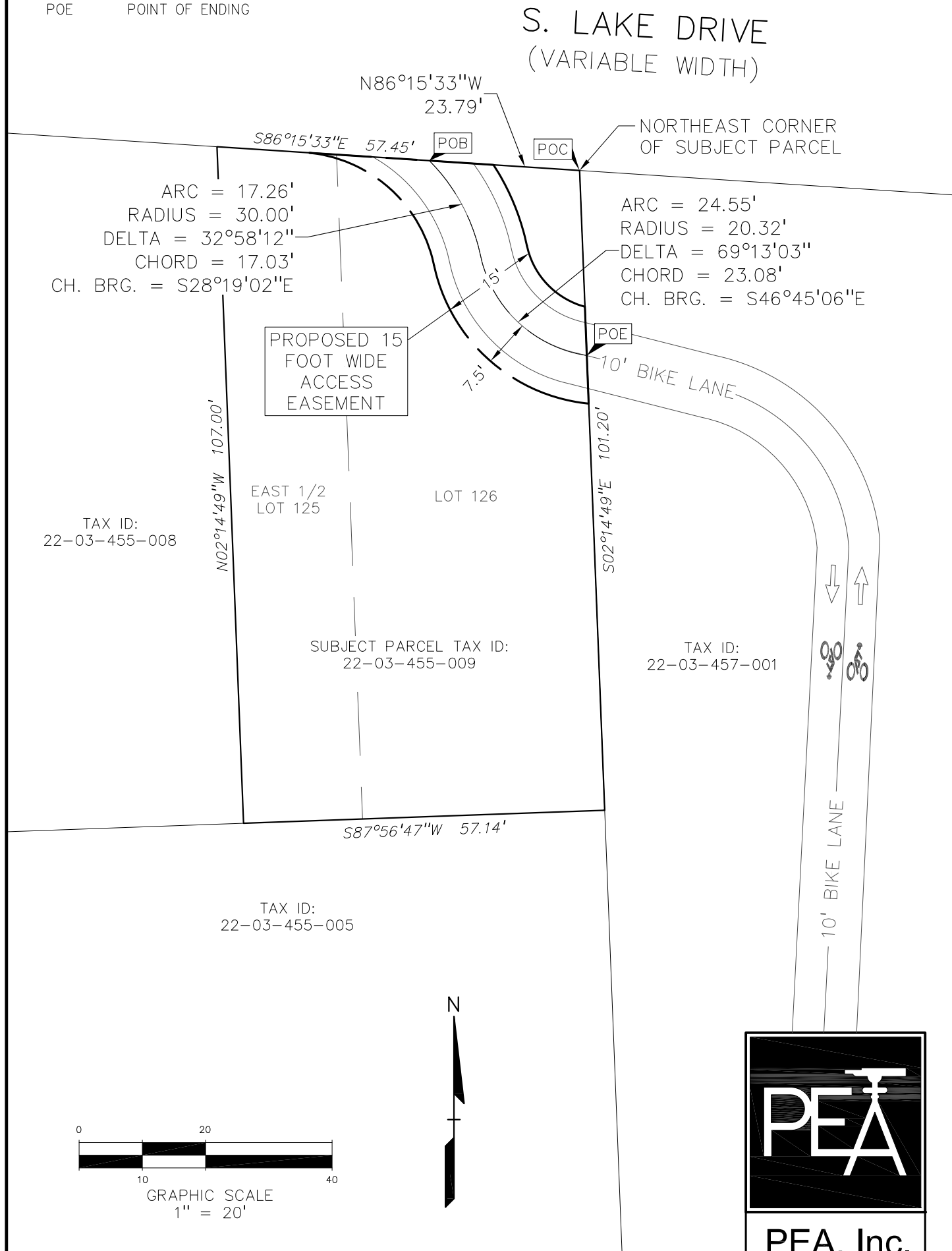
2430 Rochester Ct, Ste 100
Troy, MI 48063-1872
t: 248.689.9090
f: 248.689.1044
www.peainc.com

CLIENT: NSA ARCHITECTS, ENGINEERS, PLANNERS 23761 RESEARCH DRIVE NOVI, MICHIGAN, 48335	SCALE: 1" = 20'	JOB No: 16-308
	DATE: 9/4/19	DWG. No: 1 of 2

EXHIBIT A SKETCH OF EASEMENT

LEGEND

- POB POINT OF BEGINNING
- POC POINT OF COMMENCEMENT
- POE POINT OF ENDING



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