



# CITY of NOVI CITY COUNCIL

**Agenda Item J**  
**November 13, 2017**

**SUBJECT:** Approval of (1) a Resolution Concerning Acquisition and Approving Declaration of Necessity and Taking and authorization of Offer to Purchase; (2) a Declaration of Taking; and, (3) an Agreement of Sale and Offer to Purchase Easements over Real Property in the amount of \$31,098.93 for sidewalk easements, temporary grading permits and storm sewer easements on two parcels (50-22-04-100-010 and 50-22-04-100-034) for the construction of new sidewalk along the south side of Pontiac Trail between Beck Road and West Park Drive.

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

**CITY MANAGER APPROVAL:** 

<b>EXPENDITURE REQUIRED</b>	<b>\$ 31,098.93</b>
<b>AMOUNT BUDGETED</b>	<b>\$ 1,004,307.00</b>
<b>LINE ITEM NUMBER</b>	<b>204-204.00-974.446</b>

**BACKGROUND INFORMATION:** The Pontiac Trail Sidewalk project (Segment 9) requires the acquisition of several easements prior to construction. The segment was ranked 2<sup>nd</sup> in the 2014 update of the Annual Non-Motorized Prioritization list and is certainly a much needed improvement for the residents and businesses in that area.

During the design process, two permanent easements, two temporary easements and one storm sewer easement were identified from Occidental Development, LTD (50-22-04-100-010 & 50-22-04-100-034). The enclosed Request for Donation was sent to the property owner requesting a donation of the permanent sidewalk easements, storm sewer easement and the temporary grading permits. The letter informed the property owner that they are entitled to just compensation for the fair market value of the requested easements.

To formalize the valuation in the form of an offer, staff has worked with the City Attorney to prepare an Agreement of Sale and Offer to Purchase Easements over Real Property. The City Attorney has also prepared a Resolution Concerning the Acquisition of Property and Approving Declaration of Necessity and Taking and a Declaration of Taking to allow the City to begin proceedings to acquire the easements through eminent domain in case the City is unable to acquire the easements for the amounts stated in the offer letter.

The construction of the Pontiac Trail sidewalk from Beck Road to West Park Drive is scheduled to occur in 2018.

**RECOMMENDED ACTION:** Approval of (1) a Resolution Concerning Acquisition and Approving Declaration of Necessity and Taking and authorization of Offer to Purchase; (2) a Declaration of Taking; and, (3) an Agreement of Sale and Offer to Purchase Easements over Real Property in the amount of \$31,098.93 for sidewalk easements, temporary grading permits and storm sewer easements on two parcels (50-22-04-100-010, 50-22-04-100-034) for the construction of new sidewalk along the south side of Pontiac Trail between Beck Road and West Park Drive.

# Pontiac Trail Sidewalk Easement

Location Map

Pontiac Trail

Occidental Development  
50-22-04-100-010  
50-22-04-100-034


Map Author: J. Mathias  
Date: 11/01/17

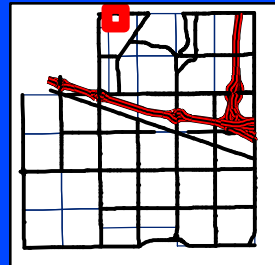
Amended By:  
Date:  
Department:

#### 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

 Proposed Sidewalk



City of Novi

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

0 62.5 125 250 375  
Feet

1 inch = 300 feet





September 1, 2017

Mr. Robert Schrader  
c/o Edward Rose & Sons  
38525 Woodward Ave.  
PO Box 2011  
Bloomfield Hills, MI 48303-2011

**CITY COUNCIL**

**Mayor**  
Bob Gatt

**Mayor Pro Tem**  
Dave Staudt

Andrew Mutch

Wayne Wrobel

Laura Marie Casey

Gwen Markham

Brian Burke

**City Manager**  
Peter E. Auger

**Engineering Senior Manager**  
George D. Melistas

**Field Operations Senior Manager**  
Matt Wiktorowski

**Fleet Asset Manager**  
Michael Rhatigan

**Water & Sewer Senior Manager**  
Ben Croy, P.E.

Re: Proposed Pontiac Trail Sidewalk Project  
Sidewalk Easements – Request for Donation

Mr. Schrader:

As you are aware, the City is planning to construct a pathway along the south side of Pontiac Trail, between Beck Road and West Park Drive. The proposed pathway is planned to cross two parcels owned by Occidental Development and one parcel owned by Oakland Development. The project will require permanent easements for the sidewalk and storm sewer and temporary easements during the construction phase. The proposed easement language and tentative plan for the sidewalk are enclosed for your review.

The City is asking that the easements be donated in an effort to minimize costs for the project. A property owner may choose to donate all or a portion of his or her property that is needed for a project.

The fair market value for the easements was determined based on the value of the property per square foot on the basis of assessment records and related information. We then multiplied that by the area of the proposed easement (per federal guidelines). MDOT and Federal guidelines require that the valuation of temporary easements be set at 10% of that value, and that permanent easements be set at 50% of that value. The valuation for easements over all of the parcels is estimated to be a total of \$31,339.32 (see attached Valuation Statements for each individual parcel). **This is not a good faith offer, but an estimated valuation of the requested donation.**

If you are satisfied with the enclosed easement documents and valuation statement and choose to donate the easements, please return one signed, notarized copy of each document for approval by our City Council and subsequent recording with the Register of Deeds. If you choose not to donate the easements for the project, please contact me by September 15th to discuss the next steps in the easement acquisition process.

Thank you for your cooperation in moving this project forward and please contact me at 248-735-5648 with any questions.

Sincerely,

  
Joey Mathias  
Graduate Engineer

Enclosures

cc: George Melistas; Engineering Senior Manager  
Beth Saarela; Johnson, Rosati, Shultz & Joppich

**Department of Public Services**  
Field Services Complex  
26300 Lee BeGole Dr.  
Novi, Michigan 48375  
248.735.5640  
248.735.5659 fax

cityofnovi.org

# VALUATION STATEMENT

## Easements

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Property Owner(s): Occidental Development, LTD

31170 Wellington Dr  
Novi, Michigan 48377

Address: 31170 Wellington Dr  
Novi, Michigan 48377  
50-22-04-100-010

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Area to be acquired:	<u>221 SF (Perm), 520 SF (Temp)</u>	
Price per square foot	<u>\$ 2.30</u>	
Total	<u>\$ N/A</u>	Fee (Permanent)
	x 50% <u>\$ 254.15</u>	Sidewalk Easement (Permanent)
	x 10% <u>\$ 119.60</u>	Grading Permit (Temporary)
Just Compensation	<u>\$ 373.75</u>	

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### ADDITIONAL INFORMATION:

#### Valuations Disclaimer

The information and material presented in the valuation statement are provided to you for informational purposes. Neither the City of Novi nor any of its affiliates makes any representation or warranty or guarantee as to the completeness, accuracy, timeliness or suitability of any information contained within any part of the statement nor that it is free from error. The City of Novi does not accept any liability for any loss or damage (including, without limitation, loss of profit), which may arise directly or indirectly from use of or reliance on such information. Whilst the information provided has been obtained from sources believed to be reliable (2017 Valuation of Land), neither the City of Novi nor any of its affiliates attests to its accuracy or completeness.

**SIDEWALK EASEMENT**

KNOW ALL MEN BY THESE PRESENTS, that OCCIDENTAL DEVELOPMENT, LTD., a Michigan limited partnership, whose address is 31170 WELLINGTON DRIVE, NOVI, MI 48377, 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 2, 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)

{Signature begins on following page}

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.

IN WITNESS WHEREOF, the undersigned Grantor has affixed \_\_\_\_\_ signature this \_\_\_\_\_ day of \_\_\_\_\_ A.D., 20\_\_\_\_.

Signed by:

Occidental Development, LTD., a Michigan Limited Partnership

By: \_\_\_\_\_  
Its: \_\_\_\_\_

STATE OF MICHIGAN     )  
  ) SS  
COUNTY OF \_\_\_\_\_ )

On this \_\_\_\_\_ day of \_\_\_\_\_, A.D., 20\_\_\_\_, before me, personally appeared the above named \_\_\_\_\_, the \_\_\_\_\_ of Occidental Development, LTD., a Michigan Limited Partnership, to me known to be the person described in and who executed the foregoing instrument and acknowledged that they executed the same as \_\_\_\_\_ free act and deed.

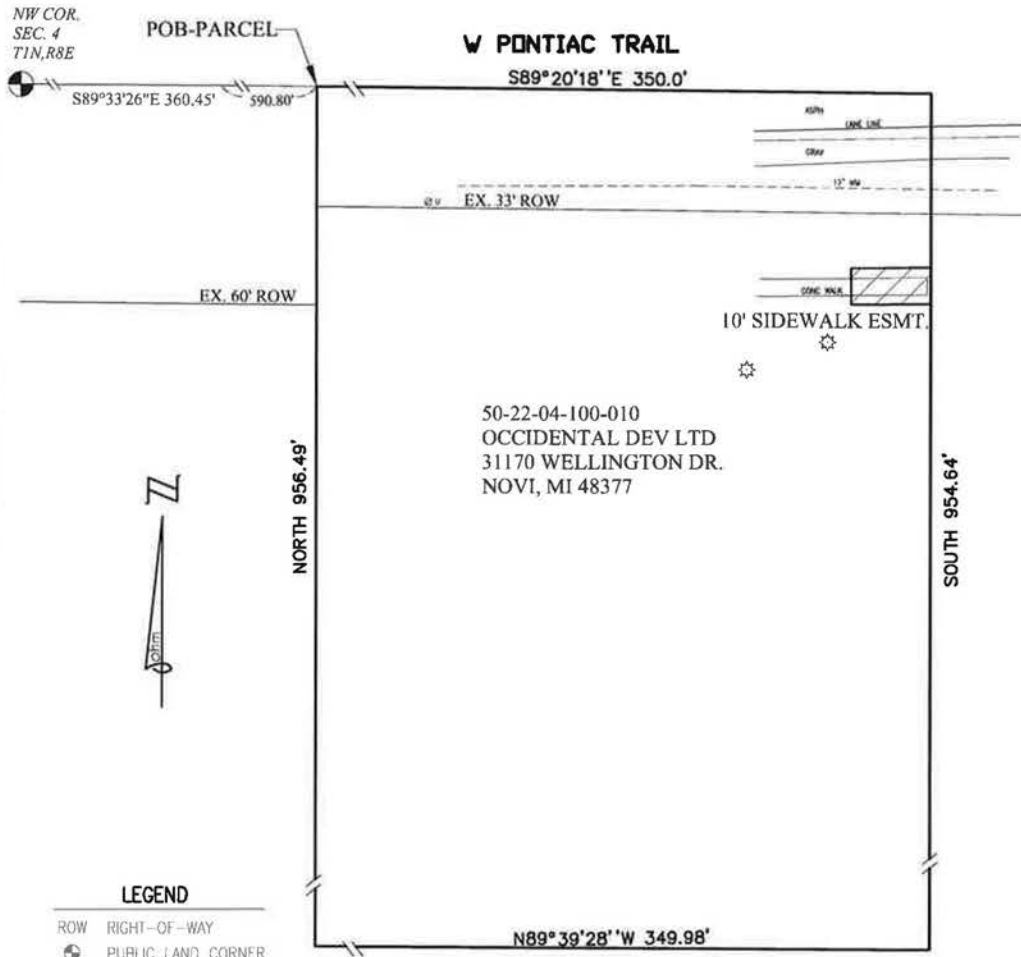
\_\_\_\_\_  
Notary Public  
\_\_\_\_\_ County, Michigan  
My Commission Expire

Drafted by:  
Sameer Hamad  
OHM Advisors  
34000 Plymouth Road  
Livonia, MI 48150

When recorded return to:  
City of Novi  
City Clerk  
45175 W. Ten Mile Road  
Novi, MI 48375

# PROPERTY SKETCH AND DESCRIPTION

Exhibit "A"



**LEGEND**

- ROW RIGHT-OF-WAY
- PUBLIC LAND CORNER
- POB POINT OF BEGINNING
- SIDEWALK EASEMENT



SCALE: 1" = 40'

**PARCEL DESCRIPTION (50-22-04-100-010)**

(Per Oakland County Tax Rolls)

A parcel of land being a part of the NW 1/4 of the Section 4, Town 1 North, Range 8 East, City of Novi, Oakland County, Michigan, more particularly described as follows:

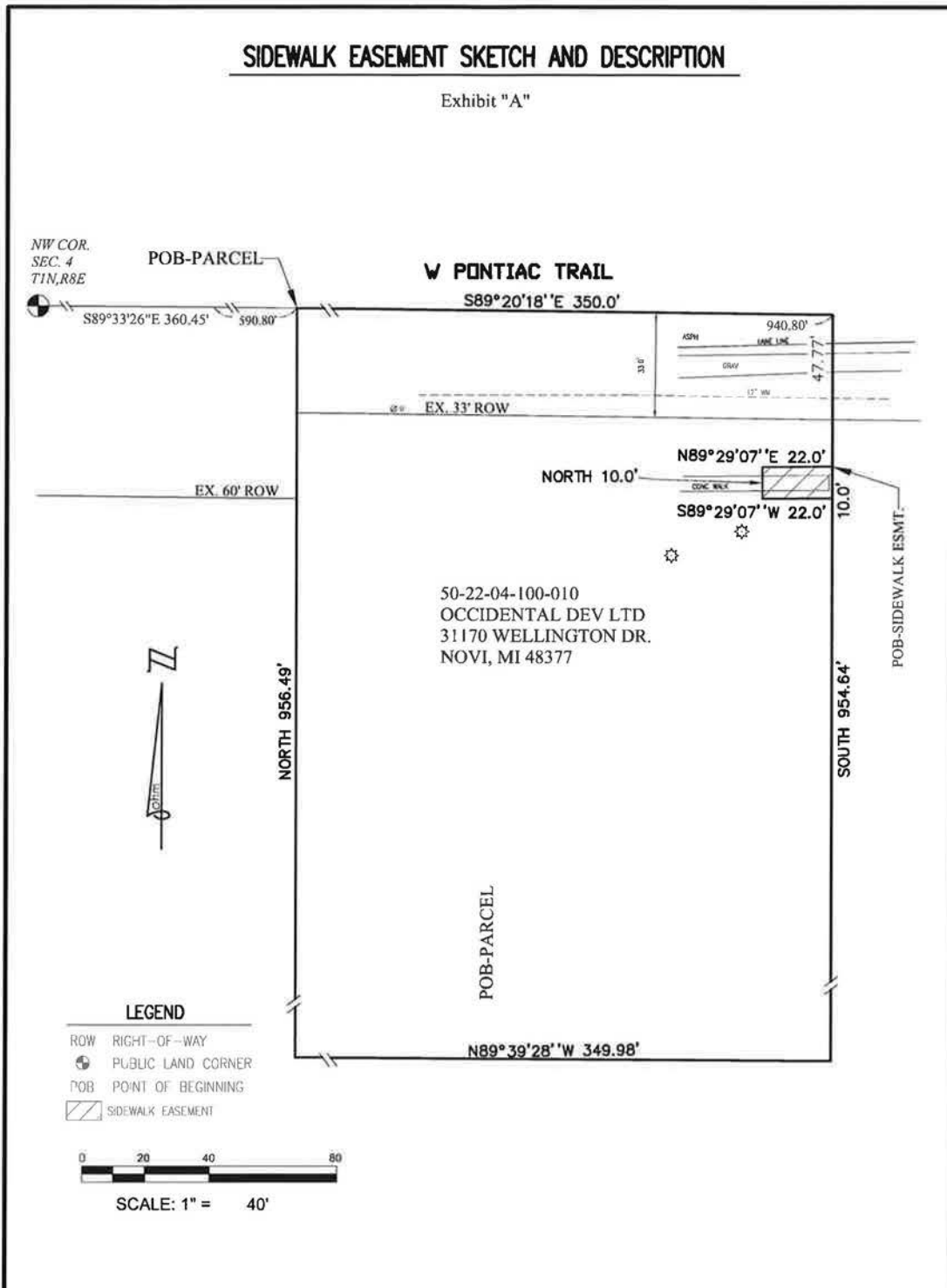
Beginning at point distant S 89°33'26" E 360.45 feet and S 89°20'18" E 590.80 feet from the NW corner of said Section 4; thence S 89°20'18" E 350.0 feet; thence South 954.64 feet; thence N 89°39'28" W 349.98 feet; thence North 956.49 feet to the Point of Beginning. Subject to all easements and restrictions of record, if any.

<b>PROPERTY SKETCH AND DESCRIPTION</b>		TOTAL SHEETS <b>3</b> OF 4
PART OF THE NW 1/4 OF SECTION 4 T.1N., R.8E., CITY OF NOVI, OAKLAND COUNTY, MICH. <b>PARCEL ID #50-22-04-100-010</b>		
DATE 05-10-17	CLIENT CITY OF NOVI	
34000 Plymouth Road   Livonia, MI 48150   P (734) 522-6711   F (734) 522-6427   WWW.OHM-ADVISORS.COM		OHM

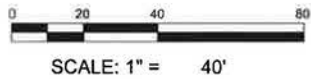
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# SIDEWALK EASEMENT SKETCH AND DESCRIPTION

Exhibit "A"



- LEGEND**
- ROW RIGHT-OF-WAY
  - ⊕ PUBLIC LAND CORNER
  - ⊙ POB POINT OF BEGINNING
  - ▨ SIDEWALK EASEMENT



**SIDEWALK EASEMENT**

A 10 foot wide sidewalk easement being a part of the NW 1/4 of the Section 4, Town 1 North, Range 8 East, City of Novi, Oakland County, Michigan, more particularly described as follows:

Beginning at point distant S 89°33'26" E 360.45 feet and S 89°20'18" E 940.80 feet and South 47.77 feet from the NW corner of said Section 4; thence continuing South 10.0 feet along the East line of said parent parcel; thence S 89°29'07" W 22.0 feet; thence North 10.0 feet; thence N 89°29'07" E 22.0 feet to the Point of Beginning.

Contains 220 square feet or 0.005 acres of land, more or less. Subject to all easements and restrictions of record, if any.

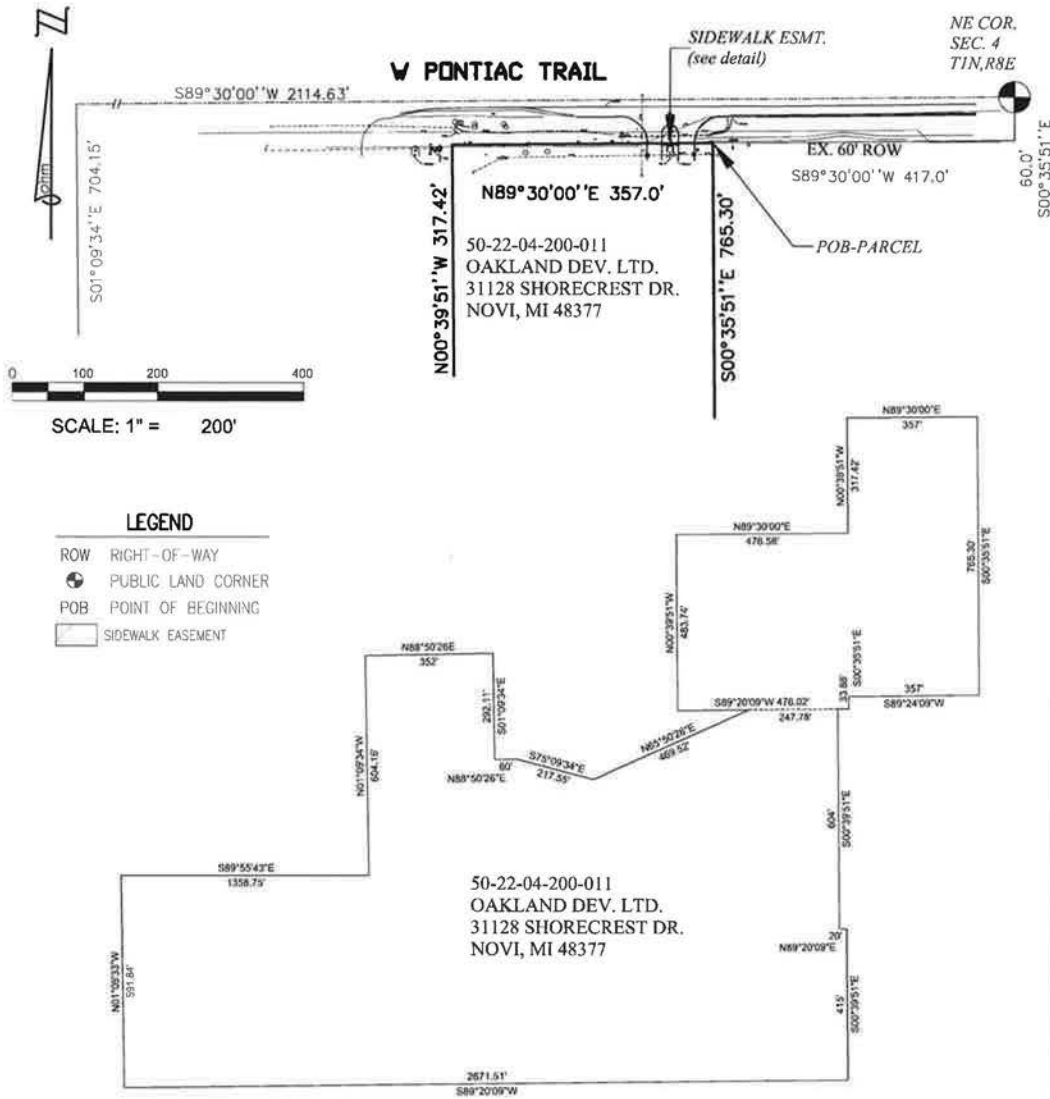
<b>PROPERTY SKETCH AND DESCRIPTION</b> PART OF THE NW 1/4 OF SECTION 4 T.1N., R.8E., CITY OF NOVI, OAKLAND COUNTY, MICH. <b>PARCEL ID 50-22-04-100-010</b>			SCALE 1" = 40' SHEET <b>4</b> OF 4
DATE 05-10-17	CITY CITY OF NOVI	JOB NO. 0163-15-0100	
34000 Plymouth Road   Livonia, MI 48150   P (734) 522-6711   F (734) 522-6427   WWW.OHM-ADVISORS.COM			

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# PROPERTY SKETCH AND DESCRIPTION

Exhibit "A"



**PARCEL DESCRIPTION (50-22-04-200-011)**

(Per Oakland County Tax Rolls)

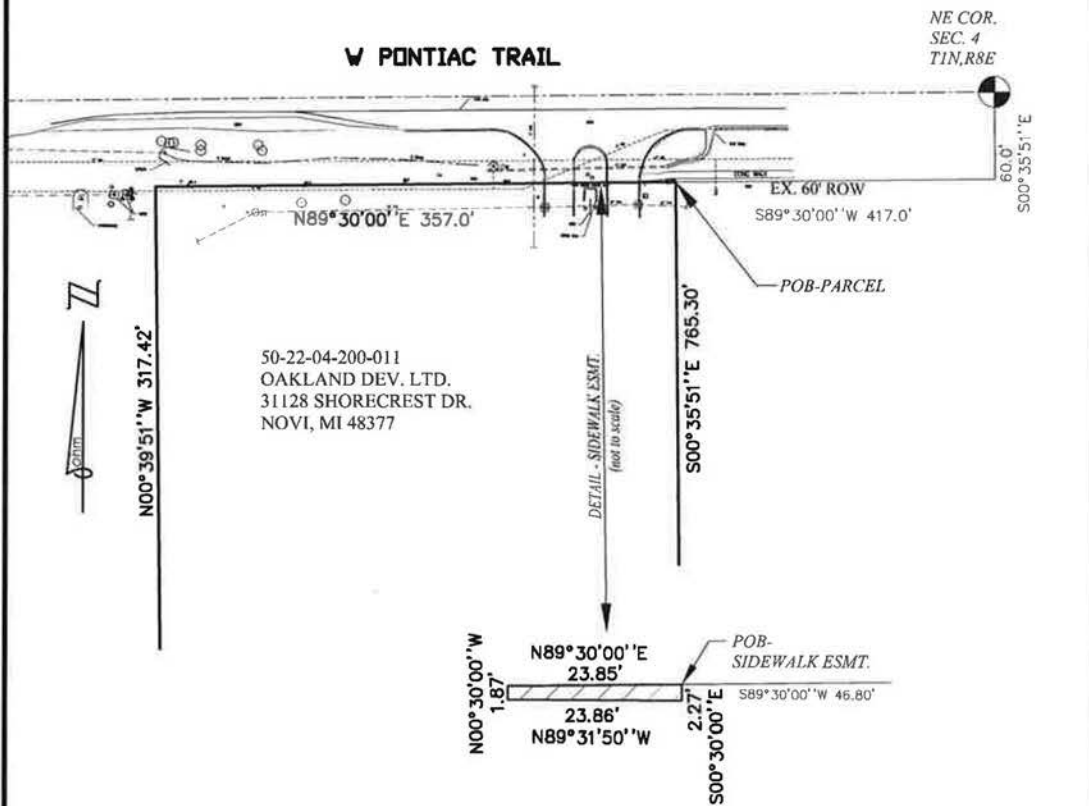
A parcel of land being a part of the N 1/2 of the Section 4, Town 1 North, Range 8 East, City of Novi, Oakland County, Michigan, more particularly described as follows:

Beginning at point distant S 00°35'51" E 60.0 feet & S 89°30'00" W 471.0 feet from the NE corner of said Section 4; thence S 00°35'51" E 765.30 feet; thence S 89°24'09" W 357.0 feet; thence S 00°35'51" E 33.88 feet; thence S 89°20'09" W 476.02 feet; thence N 00°39'51" W 483.74 feet; thence N 89°30'00" E 476.58 feet; thence N 00°39'51" W 317.42 feet; thence N 89°30'00" E 357.0 feet to the Point of Beginning, also beginning a point distant S 89°30'00" W 2114.63 feet & S 01°09'34" E 704.15 feet from the NE corner of said Section 4; thence N 88°50'26" E 352.0 feet; thence S 01°09'34" E 292.11 feet; thence N 88°50'26" E 60.0 feet; thence S 75°09'34" E 217.55 feet; thence N 65°50'26" E 469.52 feet; thence N 89°20'09" E 247.78 feet; thence S 00°39'51" E 604.0 feet; thence N 89°20'09" E 20.0 feet; thence S 00°39'51" E 415.0 feet; thence S 89°20'09" W 2671.51 feet; thence N 01°05'33" W 591.84 feet; thence S 89°55'43" E 1358.75 feet; thence N 01°09'34" W 604.15 feet to the Point of Beginning. Subject to all easements and restrictions of record, if any.

<b>PROPERTY SKETCH AND DESCRIPTION</b>			SCALE 1" = 200'
PART OF THE N 1/2 OF SECTION 4 T.1N., R.8E., CITY OF NOVI, OAKLAND COUNTY, MICH. PARCEL ID #50-22-04-200-011			SHEET <b>3</b> OF 4
DATE 05-09-17	DRAWN BY CITY OF NOVI	JOB NO. 0163-15-0100	
34000 Plymouth Road   Livonia, MI 48150   P (734) 522-6711   F (734) 522-6427   WWW.OHM-ADVISORS.COM			
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# SIDEWALK EASEMENT SKETCH AND DESCRIPTION

Exhibit "B"

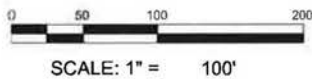


### SIDEWALK EASEMENT

A parcel of land being a part of the N 1/2 of the Section 4, Town 1 North, Range 8 East, City of Novi, Oakland County, Michigan, more particularly described as follows:

Beginning at point distant S 00°35'51" E 60.0 feet & S 89°30'00" W 417.0 feet to a point and continuing S 89°30'00" W 46.80 feet along the South right of way line of West Pontiac Trail from the NE corner of said Section 4; thence S 00°30'00" E 2.27 feet; thence N 89°31'50" W 23.86 feet; thence N 00°30'00" W 1.87 feet; thence N 89°30'00" E 23.82 feet along said South line of West Pontiac Trail to the Point of Beginning

Contains 49 square feet of land, more or less. Subject to all easements and restrictions of record, if any.



### LEGEND

- ROW RIGHT-OF-WAY
- PUBLIC LAND CORNER
- POB POINT OF BEGINNING
- SIDEWALK EASEMENT

**SIDEWALK EASEMENT SKETCH AND DESCRIPTION**  
 PART OF THE N 1/2 OF SECTION 4  
 T.1N., R.8E., CITY OF NOVI, OAKLAND COUNTY, MICH.  
 PARCEL ID #50-22-04-200-011

SCALE  
 H: 1"=100'  
 SHEET  
 4  
 OF 4

DATE: 05-09-17 CLIENT: CITY OF NOVI JOB #: 0163-15-0100  
 34000 Plymouth Road | Livonia, MI 48150 | P (734) 522-8711 | F (734) 522-6427 | WWW.OHM-ADVISORS.COM



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**AGREEMENT OF SALE**  
**OFFER TO PURCHASE REAL PROPERTY**

1. The City of Novi, a Michigan municipal corporation (hereinafter "City"), hereby offers and agrees to purchase easements over real property within the City of Novi, described as:

**PARCEL DESCRIPTION (50-22-04-100-010)**  
(Per Oakland County Tax Rolls)

A parcel of land being a part of the NW 1/4 of the Section 4, Town 1 North, Range 8 East, City of Novi, Oakland County, Michigan, more particularly described as follows:

Beginning at point distant S 89°33'26" E 360.45 feet and S 89°20'18" E 590.80 feet from the NW corner of said Section 4; thence S 89°20'18" E 350.0 feet; thence South 954.64 feet; thence N 89°39'28" W 349.98 feet; thence North 956.49 feet to the Point of Beginning. Subject to all easements and restrictions of record, if any.

**SIDEWALK EASEMENT**

A 10 foot wide sidewalk easement being a part of the NW 1/4 of the Section 4, Town 1 North, Range 8 East, City of Novi, Oakland County, Michigan, more particularly described as follows:

Beginning at point distant S 89°33'26" E 360.45 feet and S 89°20'18" E 940.80 feet and South 47.77 feet from the NW corner of said Section 4; thence continuing South 10.0 feet along the East line of said parent parcel; thence S 89°29'07" W 22.0 feet; thence North 10.0 feet; thence N 89°29'07" E 22.0 feet to the Point of Beginning.

Contains 220 square feet or 0.005 acres of land, more or less. Subject to all easements and restrictions of record, if any.

**TEMPORARY GRADING EASEMENT (50-22-04-100-010)**

A temporary grading easement being a part of the NW 1/4 of the Section 4, Town 1 North, Range 8 East, City of Novi, Oakland County, Michigan, more particularly described as follows:

Beginning at point distant S 89°33'26" E 360.45 feet and S 89°20'18" E 940.80 feet and South 33.0 feet from the NW corner of said Section 4; thence continuing South 30.0 feet; thence S 89°29'07" W 25.0 feet; thence North 30.0 feet; thence N 89°29'07" E 25.0 feet to the Point of Beginning.

Subject to all easements and restrictions of record, if any.

and to pay therefore the sum of Three Hundred and Seventy-Three Dollars and 75/100 (\$373.75), subject to the existing building and use restrictions, easements, and zoning ordinances, if any, upon the following conditions:

- (i) Delivery of a permanent Sidewalk Easement
- (ii) Delivery of a Temporary Grading Easement

2. Upon Seller's acceptance of this Offer to Purchase, as evidence of title, the City agrees to obtain a commitment for the title insurance with policy pursuant thereto to be issued insuring the City. The City will pay the cost of the title insurance policy premium.

3. If this offer is accepted by the Seller and if title can be conveyed in the condition required hereunder, the City agrees to complete the sale within fifteen (15) days after the receipt of the commitment for title insurance.

4. If objection to the title is made, based on a written opinion of the City Attorney that the title is not in the condition required for the performance hereunder, the Sellers shall have thirty (30) days from the date they are notified in writing of the particular defects claimed, to fulfill the requirements in the commitment for title

insurance or to remedy the title defects set forth in the City Attorney's opinion. If the Seller is able to comply with such requirements or remedy such defects within the time specified, as evidenced by written notification, revised commitment or endorsement to commitment, the City agrees to complete the sale within twenty (20) days of receipt thereof. If the Seller is unable to furnish satisfactory title within the time specified, the City will commence condemnation proceedings to acquire the Property.

5. The Seller shall deliver and the City shall accept possession of said Property upon the date of closing.

6. It is understood that the Property is being acquired in connection with the construction of a sidewalk along the south side of Pontiac Trail between Beck Road and West Park Drive along the frontage of 31170 Wellington Drive in the City of Novi, Michigan.

7. The City shall pay the cost of recording the Sidewalk Easement and the cost of all Michigan Real Estate Transfer Tax.

8. The City reserves its right to bring Federal or State cost recovery actions against the present owners of the Property arising out of a release of hazardous substances at the Property.

9. The covenants herein shall bind and inure to the benefit of the executors, administrators, successors, and assigns of the respective parties.

10. If this Offer to Purchase is not accepted by Seller within Fourteen (14) days from the date of its mailing to Seller, this Offer to Purchase shall be considered withdrawn and of no further force and effect.

11. This Offer to Purchase may be executed in one or more counterparts as one Agreement and shall be binding upon the City and the hereafter named Seller when executed by the City of Novi and all of the hereafter named Seller.

The closing of this sale shall take place at the City of Novi offices located at 45175 Ten Mile Road, Novi, Michigan.

WITNESSES:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Dated: \_\_\_\_\_, 2017

PURCHASER:

CITY OF NOVI, a Michigan  
municipal corporation

\_\_\_\_\_  
By: ROBERT J. GATT  
Its: Mayor

\_\_\_\_\_  
By: CORTNEY HANSON  
Its: City Clerk

To the Above Named Purchaser:

The foregoing offer is hereby accepted and the Seller agrees to sell the Property upon the terms stated:

By the execution of this instrument, the Seller acknowledges the receipt of a copy of this Agreement.

IN THE PRESENCE OF:

OCCIDENTAL DEVELOPMENT, LTD

\_\_\_\_\_

\_\_\_\_\_

By:

**PURCHASER'S RECEIPT OF ACCEPTED OFFER**

The Purchaser hereby acknowledges receipt of the Seller's signed acceptance of the foregoing Offer to Purchase.

CITY OF NOVI, a Michigan  
municipal corporation, Purchaser

BY: \_\_\_\_\_

Its: \_\_\_\_\_

Dated: \_\_\_\_\_, 2017

**RESOLUTION CONCERNING THE ACQUISITION  
OF PROPERTY AND APPROVING DECLARATION OF NECESSITY AND TAKING**

City of Novi  
County of Oakland, Michigan

Minutes of a \_\_\_\_\_ Meeting of the City Council of the City of Novi, County of Oakland, Michigan, held in the City Hall in said City on \_\_\_\_\_, 2017, at 7:00 o'clock P.M. Prevailing Eastern Time.

PRESENT: Councilmembers \_\_\_\_\_  
\_\_\_\_\_

ABSENT: Councilmembers \_\_\_\_\_  
\_\_\_\_\_

The following preamble and Resolution were offered by Councilmember \_\_\_\_\_ and supported by Councilmember \_\_\_\_\_.

WHEREAS, present conditions in the City of Novi, Oakland County, Michigan, necessitate the construction of a sidewalk along the south side of Pontiac Trail between Beck Road and West Park Drive along the frontage of 31170 Wellington Drive in the City of Novi, Oakland County, State of Michigan, to-wit:

**PARCEL DESCRIPTION (50-22-04-100-010)**

(Per Oakland County Tax Rolls)

A parcel of land being a part of the NW 1/4 of the Section 4, Town 1 North, Range 8 East, City of Novi, Oakland County, Michigan, more particularly described as follows:

Beginning at point distant S 89°33'26" E 360.45 feet and S 89°20'18" E 590.80 feet from the NW corner of said Section 4; thence S 89°20'18" E 350.0 feet; thence South 954.64 feet; thence N 89°39'28" W 349.98 feet; thence North 956.49 feet to the Point of Beginning. Subject to all easements and restrictions of record, if any.

**SIDEWALK EASEMENT**

A 10 foot wide sidewalk easement being a part of the NW 1/4 of the Section 4, Town 1



North, Range 8 East, City of Novi, Oakland County, Michigan, more particularly described as follows:

Beginning at point distant S 89°33'26" E 360.45 feet and S 89°20'18" E 940.80 feet and South 47.77 feet from the NW corner of said Section 4; thence continuing South 10.0 feet along the East line of said parent parcel; thence S 89°29'07" W 22.0 feet; thence North 10.0 feet; thence N 89°29'07" E 22.0 feet to the Point of Beginning.

Contains 220 square feet or 0.005 acres of land, more or less. Subject to all easements and restrictions of record, if any.

**TEMPORARY GRADING EASEMENT (50-22-04-100-010)**

A temporary grading easement being a part of the NW 1/4 of the Section 4, Town 1 North, Range 8 East, City of Novi, Oakland County, Michigan, more particularly described as follows:

Beginning at point distant S 89°33'26" E 360.45 feet and S 89°20'18" E 940.80 feet and South 33.0 feet from the NW corner of said Section 4; thence continuing South 30.0 feet; thence S 89°29'07" W 25.0 feet; thence North 30.0 feet; thence N 89°29'07" E 25.0 feet to the Point of Beginning.

Subject to all easements and restrictions of record, if any.

WHEREAS, plans for the improvements are on file with the City Clerk's Office; and

WHEREAS, it has been determined that said improvements are necessary for the use and benefit of the public; and

WHEREAS, in order to construct said improvements, it is necessary that the City acquire a permanent Sidewalk Easement and Temporary Grading Easement to the above-described real estate.

WHEREAS, the City has caused a valuation of the subject property to be prepared;

WHEREAS, value of the easements over the subject property is Three Hundred and Seventy-Three Dollars and 75/100 (\$373.75).

WHEREAS, the City has determined that it is in the best interests of the City to offer to purchase the easements over the subject property from the owner of such property, and to

take such other actions as are deemed necessary to acquire the subject property for the purposes of constructing the improvements;

NOW, THEREFORE, BE IT RESOLVED, by the authority vested in the City of Novi by law, that it is hereby declared and determined that it is necessary to construct a sidewalk along the south side of Pontiac Trail between Beck Road and West Park Drive along the frontage of 31170 Wellington Drive on, over, upon, and through the above-described property within the City of Novi in accordance with the plans prepared by the City, and that said improvements are necessary for the use and benefit of the public; and

BE IT FURTHER RESOLVED, that the Mayor of the City is hereby authorized to execute, on behalf of the City, a good faith Offer to Purchase, a copy of which is attached hereto as Exhibit A, calling for the payment of Three Hundred and Seventy-Three Dollars and 75/100 (\$373.75) for a permanent Sidewalk Easement and Temporary Grading Easement over the subject property. The above amounts have been established as just compensation for the acquisition of the property, based upon a valuation of the property and the desire to complete the sale short of litigation.

BE IT FURTHER RESOLVED, that after the execution of the good faith Offer to Purchase by the Mayor, the good faith Offer to Purchase shall be submitted to the owners of the property;

BE IT FURTHER RESOLVED, that in the event the Sellers fail to accept the good faith Offer to Purchase within fourteen (14) days of the date of delivery, the City Manager is hereby authorized to execute the Declaration of Taking, which is attached hereto;

BE IT FURTHER RESOLVED, that in the event the offer is not accepted as set forth above, the Mayor, City Clerk, and City Attorney are authorized to take all actions required to

obtain a permanent Sidewalk Easement and Temporary Grading Permit in the subject property by eminent domain.

BE IT FURTHER RESOLVED, that in the event the offer is not accepted as set forth above, and the Declaration is executed, the City finance officer is authorized and directed to place an amount equal to the amount contained in the good faith offer that was made to the property owners (\$373.75) into a separate account and to hold such money on deposit as the estimated amount of just compensation to be paid in connection with the eminent domain proceedings.

BE IT FURTHER RESOLVED, that all resolutions and part of resolutions insofar as they conflict with the provisions of this Resolution be and the same hereby are rescinded.

AYES: Councilmembers \_\_\_\_\_  
\_\_\_\_\_

NAYES: Councilmembers \_\_\_\_\_  
\_\_\_\_\_

RESOLUTION DECLARED ADOPTED.

\_\_\_\_\_  
CORTNEY HANSON, CITY CLERK

**CERTIFICATION**

I hereby certify that the foregoing is a true and complete copy of a Resolution adopted by the City Council of the City of Novi at \_\_\_\_\_ meeting held this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
CORTNEY HANSON, CITY CLERK

## **DECLARATION OF TAKING**

A Resolution of Necessity having been adopted by the City of Novi setting forth that present conditions necessitate the construction of a sidewalk with related storm sewer improvements along the south side of Pontiac Trail between Beck Road and West Park Drive along the frontage of 31170 Wellington Drive (the "Improvements") in the City of Novi, Oakland County, Michigan, in the interest of the public health, safety, and welfare, and that it is necessary to acquire a permanent Sidewalk Easement and Temporary Grading Easement over the property within the City of Novi for said Improvements, and that a good faith written offer to purchase said property will be made.

NOW, THEREFORE, by virtue of the authority vested in the City of Novi, by Act 279 of the Public Acts of 1909, as amended, and/or Act 149 of the Public Acts of 1911, as amended, or other applicable statutes, and in accordance with the provisions of Act 87 of Public Acts of 1980, as amended, it is now declared and determined that the easement property hereinafter described shall be taken for the purpose of constructing a sidewalk, in accordance with prepared plans showing said Improvements which are on file with the City Clerk's Office.

A statement of the estate of interest in the property being taken; a description of the property to be acquired, sufficient for its identification; the name of each known owner of said property; the name of each known person, other than the owner, having an interest in said property; a statement of the sum of money estimated by the City of Novi as just compensation for the property being acquired; and a statement whether the City of Novi reserves or waives its

rights to bring federal or state cost recovery actions against the present owner of the property are as follows:

1. Statement of the Estate of Interest Being Taken and Description of the Property.

**PARCEL DESCRIPTION (50-22-04-100-010)**

(Per Oakland County Tax Rolls)

A parcel of land being a part of the NW 1/4 of the Section 4, Town 1 North, Range 8 East, City of Novi, Oakland County, Michigan, more particularly described as follows:

Beginning at point distant S 89°33'26" E 360.45 feet and S 89°20'18" E 590.80 feet from the NW corner of said Section 4; thence S 89°20'18" E 350.0 feet; thence South 954.64 feet; thence N 89°39'28" W 349.98 feet; thence North 956.49 feet to the Point of Beginning. Subject to all easements and restrictions of record, if any.

**SIDEWALK EASEMENT**

A 10 foot wide sidewalk easement being a part of the NW 1/4 of the Section 4, Town 1 North, Range 8 East, City of Novi, Oakland County, Michigan, more particularly described as follows:

Beginning at point distant S 89°33'26" E 360.45 feet and S 89°20'18" E 940.80 feet and South 47.77 feet from the NW corner of said Section 4; thence continuing South 10.0 feet along the East line of said parent parcel; thence S 89°29'07" W 22.0 feet; thence North 10.0 feet; thence N 89°29'07" E 22.0 feet to the Point of Beginning.

Contains 220 square feet or 0.005 acres of land, more or less. Subject to all easements and restrictions of record, if any.

**TEMPORARY GRADING EASEMENT (50-22-04-100-010)**

A temporary grading easement being a part of the NW 1/4 of the Section 4, Town 1 North, Range 8 East, City of Novi, Oakland County, Michigan, more particularly described as follows:

Beginning at point distant S 89°33'26" E 360.45 feet and S 89°20'18" E 940.80 feet and South 33.0 feet from the NW corner of said Section 4; thence continuing South 30.0 feet; thence S 89°29'07" W 25.0 feet; thence North 30.0 feet; thence N 89°29'07" E 25.0 feet to the Point of Beginning.

Subject to all easements and restrictions of record, if any.

2. Names of Property Owner: Occidental Development, LTD., a Michigan limited partnership
3. Names of each person, other than the Owners, having a potential interest in the property: Massachusetts Mutual Life Insurance Company, Michigan Bell Telephone, Ameritech, City of Novi, Consumers Power, Pointe Park Condominiums Association
4. Value of Easements based on valuation of the Property from Assessing Records:
 

Permanent Sidewalk Easement:	\$ 254.15
Temporary Grading Easement:	\$ 119.60
5. The City of Novi reserves its rights to bring Federal or State cost recovery actions against the present owner of the property.

\_\_\_\_\_  
 \_\_\_\_\_

**CITY OF NOVI**

BY: \_\_\_\_\_  
 Peter Auger  
 City Manager

Dated: \_\_\_\_\_, 2017  
 STATE OF MICHIGAN        )  
   ) ss.  
 COUNTY OF OAKLAND        )

The foregoing Declaration of Taking was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2017, by Peter Auger, as the City Manager, on behalf of the City of Novi.

\_\_\_\_\_  
 Notary Public  
 Acting in Oakland County, Michigan  
 My Commission Expires: \_\_\_\_\_

Prepared by and when recorded return to:  
 Elizabeth K. Saarela (P 60265)  
 27555 Executive Drive, Suite 250  
 Farmington Hills, MI 48331  
 Phone: (248) 489-4100  
 Tax Identification No: \_\_\_\_\_



**SIDEWALK EASEMENT**

KNOW ALL MEN BY THESE PRESENTS, that OCCIDENTAL DEVELOPMENT, LTD., a Michigan limited partnership, whose address is 31185 WELLINGTON DRIVE, NOVI, MI 48377, 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 2, 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)

{Signature begins on following page}



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.

IN WITNESS WHEREOF, the undersigned Grantor has affixed \_\_\_\_\_ signature this \_\_\_\_\_ day of \_\_\_\_\_ A.D., 20\_\_.

Signed by:

Occidental Development, LTD., a Michigan Limited Partnership

By: \_\_\_\_\_  
\_\_\_\_\_ Its: \_\_\_\_\_

STATE OF MICHIGAN        )  
  ) SS  
COUNTY OF \_\_\_\_\_ )

On this \_\_\_\_\_ day of \_\_\_\_\_, A.D., 20\_\_, before me, personally appeared the above named \_\_\_\_\_, the \_\_\_\_\_ of Occidental Development, LTD., a Michigan Limited Partnership, to me known to be the person described in and who executed the foregoing instrument and acknowledged that they executed the same as \_\_\_\_\_ free act and deed.

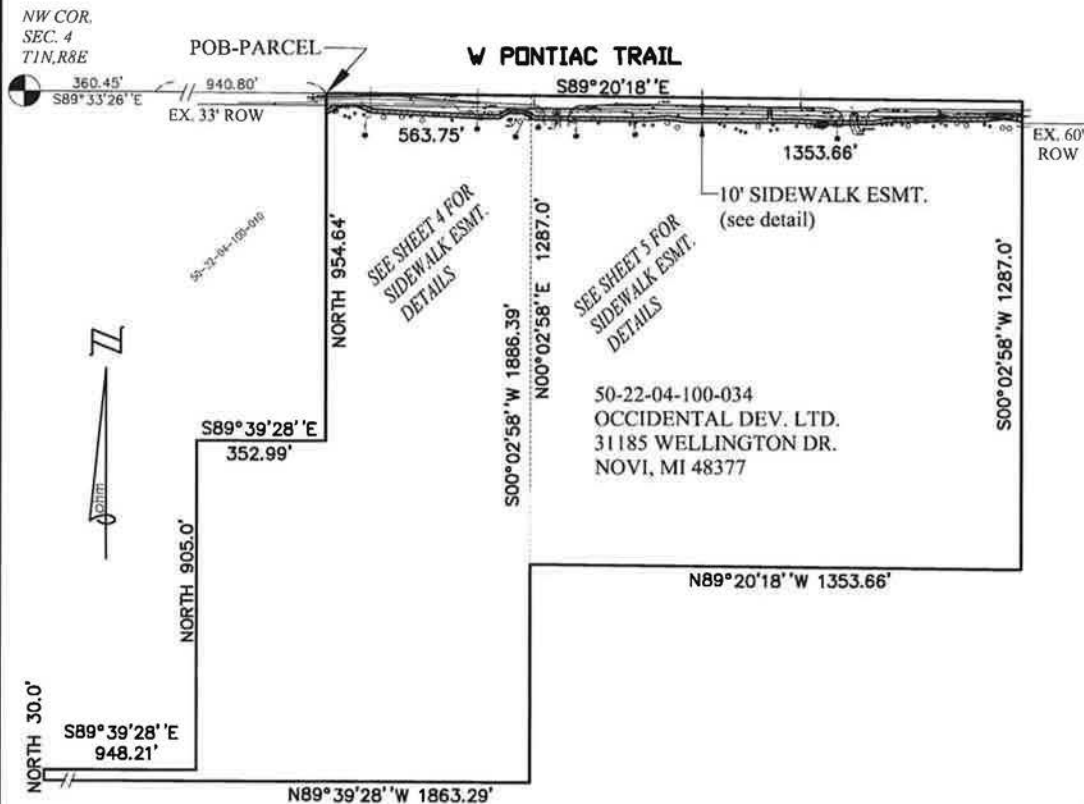
\_\_\_\_\_  
Notary Public  
\_\_\_\_\_ County, Michigan  
My Commission Expire

Drafted by:  
Sameer Hamad  
OHM Advisors  
34000 Plymouth Road  
Livonia, MI 48150

When recorded return to:  
City of Novi  
City Clerk  
45175 W. Ten Mile Road  
Novi, MI 48375

# PROPERTY SKETCH AND DESCRIPTION

Exhibit "A"



**PARCEL DESCRIPTION (50-22-04-100-034)**

(Per Oakland County Tax Rolls)

A parcel of land being a part of the NW 1/4 of the Section 4, Town 1 North, Range 8 East, City of Novi, Oakland County, Michigan, more particularly as follows:

Beginning at point distant S 89°33'26" E 360.45 feet & S 89°20'18" E 940.80 feet from the NW corner of said Section 4; thence S 89°20'18" E 563.75 feet; thence S 00°02'58" W 1886.39 feet; thence N 89°39'28" W 1863.29 feet; thence North 30.0 feet; thence S 89°39'28" E 948.21 feet; thence North 905.0 feet; thence S 89°39'28" E 352.99 feet; thence N 954.64 feet to the Point of Beginning, ALSO that part of the N 1/2 of said Section 4, beginning at point distant S 89°33'26" E 360.45 feet & S 89°20'18" E 1504.55 feet (recorded as N 89°30'00" E 1869.12 feet) from the NW corner of said Section 4; thence S 89°20'18" E (recorded as N 89°30'00" E) 1353.66 feet; thence S 00°02'58" W (recorded as S 00°30'00" E) 1287.0 feet; thence N 89°20'18" W (recorded as S 89°30'00" W) 1353.66 feet; thence N 00°02'58" E (recorded N 00°30'00" W) 1287.0 feet to the Point of Beginning. Subject to all easements and restrictions of record, if any.



SCALE: 1" = 400'

**LEGEND**

- ROW RIGHT-OF-WAY
- PUBLIC LAND CORNER
- POB POINT OF BEGINNING
- SIDEWALK EASEMENT

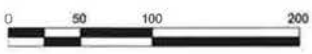
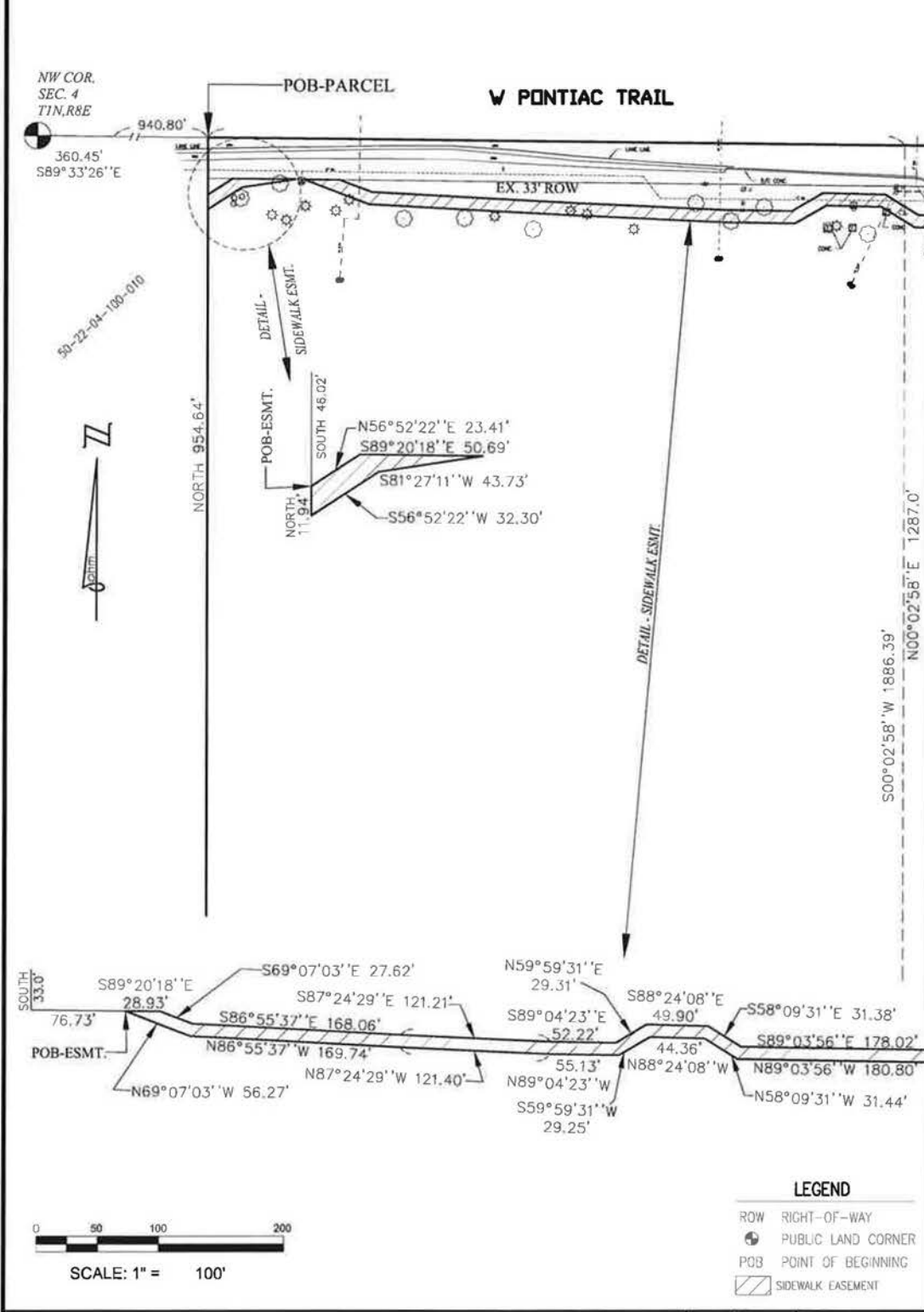
<b>PROPERTY SKETCH AND DESCRIPTION</b> PART OF THE NW 1/4 OF SECTION 4 T.1N., R.8E., CITY OF NOVI, OAKLAND COUNTY, MICH. PARCEL ID #50-22-04-100-034		SHEET <b>3</b> OF 8
DATE: 05-09-17	DRAWN BY: CITY OF NOVI	JOB #: 0163-15-0100
34000 Plymouth Road   Livonia, MI 48150   P (734) 522-6711   F (734) 522-6427   WWW.OHM-ADVISORS.COM		



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# SIDEWALK EASEMENT SKETCH AND DESCRIPTION

Exhibit "B"



SCALE: 1" = 100'

### LEGEND

- ROW RIGHT-OF-WAY
- PUBLIC LAND CORNER
- POB POINT OF BEGINNING
- SIDEWALK EASEMENT

<b>SIDEWALK EASEMENT SKETCH AND DESCRIPTION</b> PART OF THE NW 1/4 OF SECTION 4 T.1N., R.8E., CITY OF NOVI, OAKLAND COUNTY, MICH. PARCEL ID 50-22-04-100-034		SCALE 1"=100' SHEET 4 OF 5
DATE 05-09-17	CITY OF NOVI	0163-15-0100
34000 Plymouth Road   Livonia, MI 48150   P (734) 522-6711   F (734) 522-6427   WWW.OHM-ADVISORS.COM		



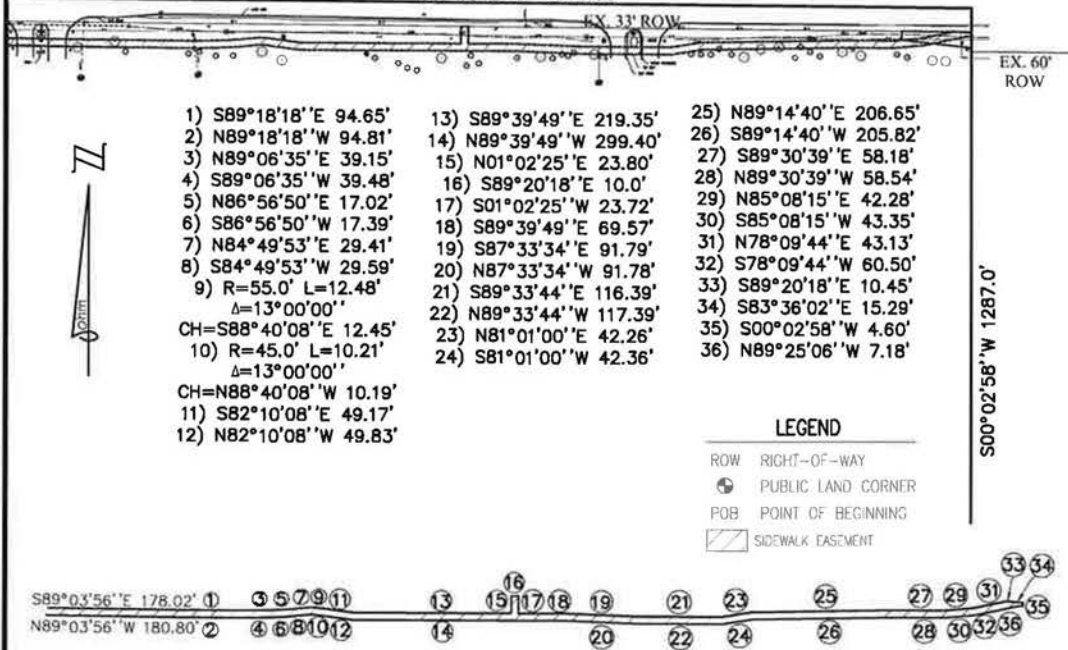
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# SIDEWALK EASEMENT SKETCH AND DESCRIPTION

Exhibit "B"

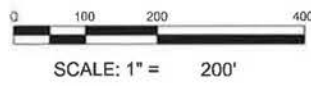
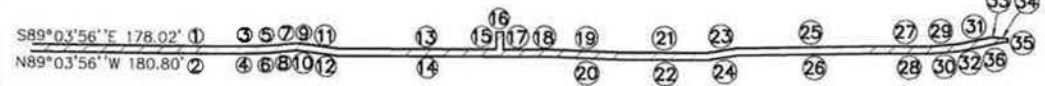
## W PONTIAC TRAIL

S89°20'18"E 1353.66'



- |                                     |                         |                         |
|-------------------------------------|-------------------------|-------------------------|
| 1) S89°18'18"E 94.65'               | 13) S89°39'49"E 219.35' | 25) N89°14'40"E 206.65' |
| 2) N89°18'18"W 94.81'               | 14) N89°39'49"W 299.40' | 26) S89°14'40"W 205.82' |
| 3) N89°06'35"E 39.15'               | 15) N01°02'25"E 23.80'  | 27) S89°30'39"E 58.18'  |
| 4) S89°06'35"W 39.48'               | 16) S89°20'18"E 10.0'   | 28) N89°30'39"W 58.54'  |
| 5) N86°56'50"E 17.02'               | 17) S01°02'25"W 23.72'  | 29) N85°08'15"E 42.28'  |
| 6) S86°56'50"W 17.39'               | 18) S89°39'49"E 69.57'  | 30) S85°08'15"W 43.35'  |
| 7) N84°49'53"E 29.41'               | 19) S87°33'34"E 91.79'  | 31) N78°09'44"E 43.13'  |
| 8) S84°49'53"W 29.59'               | 20) N87°33'34"W 91.78'  | 32) S78°09'44"W 60.50'  |
| 9) R=55.0' L=12.48'<br>Δ=13°00'00"  | 21) S89°33'44"E 116.39' | 33) S89°20'18"E 10.45'  |
| CH=S88°40'08"E 12.45'               | 22) N89°33'44"W 117.39' | 34) S83°36'02"E 15.29'  |
| 10) R=45.0' L=10.21'<br>Δ=13°00'00" | 23) N81°01'00"E 42.26'  | 35) S00°02'58"W 4.60'   |
| CH=N88°40'08"W 10.19'               | 24) S81°01'00"W 42.36'  | 36) N89°25'06"W 7.18'   |
| 11) S82°10'08"E 49.17'              |                         |                         |
| 12) N82°10'08"W 49.83'              |                         |                         |

- LEGEND**
- ROW RIGHT-OF-WAY
  - PUBLIC LAND CORNER
  - POB POINT OF BEGINNING
  - ▨ SIDEWALK EASEMENT



### SIDEWALK EASEMENT

Parcels of land being a part of the NW 1/4 of the Section 4, Town 1 North, Range 8 East, City of Novi, Oakland County, Michigan, more particularly described as follows:

Beginning at point distant S 89°33'26" E 360.45 feet & S 89°20'18" E 940.80 feet & South 46.02 feet from the NW corner of said Section 4; thence N 56°52'22" E 23.41 feet; thence S 89°20'18" E 50.69 feet; thence S 81°27'11" W 43.73 feet; thence S 56°52'22" W 32.30 feet; thence North 11.94 feet to the Point of Beginning,

ALSO,  
Beginning at point distant S 89°33'26" E 360.45 feet & S 89°20'18" E 940.80 feet & South 33.0 feet & S 89°20'18" E 76.73 feet along the South right of way line of West Pontiac Trail from the NW corner of said Section 4; thence continuing along said South line S 89°20'18" E 28.93 feet; thence S 69°07'03" E 27.62 feet; thence S 86°55'37" E 168.06 feet; thence S 87°24'29" E 121.21 feet; thence S 89°04'23" E 52.22 feet; thence N 59°59'31" E 29.31 feet; thence S 88°24'08" E 49.90 feet; thence S 58°09'31" E 31.38 feet; thence S 89°03'56" E 178.02 feet; thence S 89°18'18" E 94.65 feet; thence N 89°06'35" E 39.15 feet; thence N 86°56'50" E 17.02 feet; thence N 84°49'53" E 29.41 feet; thence 12.48 feet along a curve to the right having a radius of 55.0 feet, delta 13°00'00", chord bears S 88°40'08" E 12.45 feet; thence S 82°10'08" E 49.17 feet; thence S 89°39'49" E 219.35 feet; thence N 01°02'25" E 23.80 feet; thence S 89°20'18" E 10.0 feet; thence S 01°02'25" W 23.72 feet; thence S 89°39'49" E 69.57 feet; thence S 87°33'34" E 91.79 feet; thence S 89°33'44" E 116.39 feet; thence N 81°01'00" E 42.26 feet; thence N 89°14'40" E 206.65 feet; thence S 89°30'39" E 58.18 feet; thence N 85°08'15" E 42.28 feet; thence N 78°09'44" E 43.13 feet; thence S 89°20'18" E 10.45 feet; thence S 83°36'02" E 15.29 feet; thence S 00°02'58" W 4.60 feet along the East line of said parent parcel; thence N 89°25'06" W 7.18 feet; thence S 78°09'44" W 60.50 feet; thence S 85°08'15" W 43.35 feet; thence N 89°30'39" W 58.54 feet; thence S 89°14'40" W 205.82 feet; thence S 81°01'00" W 42.36 feet; thence N 89°33'44" W 117.39 feet; thence N 87°33'34" W 91.78 feet; thence N 89°39'49" W 299.40 feet; thence N 82°10'08" W 49.83 feet; thence 10.21 feet along a curve to the left having a radius of 45.0 feet, delta 13°00'00", chord bears N 88°40'08" W 10.19 feet; thence S 84°49'53" W 29.59 feet; thence S 86°56'50" W 17.39 feet; thence S 89°06'35" W 39.48 feet; thence N 89°18'18" W 94.81 feet; thence N 89°03'56" W 180.80 feet; thence N 58°09'31" W 31.44 feet; thence N 88°24'08" W 44.36 feet; thence S 59°59'31" W 29.25 feet; thence N 89°04'23" W 55.13 feet; thence N 87°24'29" W 121.40 feet; thence N 86°55'37" W 169.74 feet; thence N 69°07'03" W 56.27 feet to the Point of Beginning.

All contains 19,003 square feet or 0.436 acres of land, more or less. Subject to all easements and restrictions of record, if any.

<b>SIDEWALK EASEMENT SKETCH AND DESCRIPTION</b>		SCALE 1"=200'
PART OF THE NW 1/4 OF SECTION 4 T.1N., R.8E., CITY OF NOVI, OAKLAND COUNTY, MICH. PARCEL ID #50-22-04-100-034		SHEET 5 OF 5
DATE 05-09-17	CITY CITY OF NOVI	JOB# 0163-15-0100
34000 Plymouth Road   Livonia, MI 48150   P (734) 522-6711   F (734) 522-6427   WWW.OHM-ADVISORS.COM		

**STORM SEWER EASEMENT**

KNOW ALL MEN BY THESE PRESENTS, that OCCIDENTAL DEVELOPMENT, LTD., a Michigan limited partnership, whose address is 31185 WELLINGTON DRIVE, NOVI, MI 48377, (hereinafter referred to as "Grantor"), being title holder to the following described parcel of land, to-wit:

*[See attached and incorporated Exhibit A]*

Tax Identification Number: 50-22-04-100-034

for and in consideration of One (\$1.00) Dollar, receipt and sufficiency of which is hereby acknowledged, does hereby grant and convey to the City of Novi, a Michigan municipal corporation, whose address is 45175 W. Ten Mile, Novi, Michigan 48375, (hereinafter referred to as "Grantee"), a non-exclusive perpetual easement for a storm sewer pipe or culvert, over, upon, across, in, through, and under the following described real property, to-wit:

*[See attached and incorporated Exhibit B]*

And to enter upon sufficient land adjacent to said storm sewer easement for the purpose of exercising the rights and privileges granted herein.

Grantee may install, repair, replace, improve, modify and maintain storm sewer lines, and all necessary appurtenances thereto, within the easement herein granted.

All portions of the Property damaged or disturbed by Grantee's exercise of easement rights, shall be reasonably restored by Grantee to the condition that existed prior to the damage or disturbance.

Grantor agrees not to build or to convey to others permission to build any permanent structures on, over, across, in, through, or under the above-described easement, except that, subject to Grantee's approval as part of an approved site plan, the Grantor may construct and/or install surface improvements to the property, including paved driveways, parking and/or walkways; landscaping; utilities and/or similar improvements, which improvements do not interfere with use, operation, maintenance, repair and replacement of the storm sewer in the easement areas shown on the attached and incorporated Exhibit B.

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.

IN WITNESS WHEREOF, the undersigned Grantor has affixed \_\_\_\_\_ signature(s) this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

GRANTOR:

Occidental Development, LTD., a Michigan Limited Partnership

By: \_\_\_\_\_

Its: \_\_\_\_\_

STATE OF MICHIGAN )  
 ) ss.  
COUNTY OF \_\_\_\_\_ )

On this \_\_\_\_\_ day of \_\_\_\_\_, A.D., 20\_\_, before me, personally appeared the above named \_\_\_\_\_, the \_\_\_\_\_ of Occidental Development, LTD., a Michigan Limited Partnership, to me known to be the person described in and who executed the foregoing instrument and acknowledged that they executed the same as \_\_\_\_\_ free act and deed.

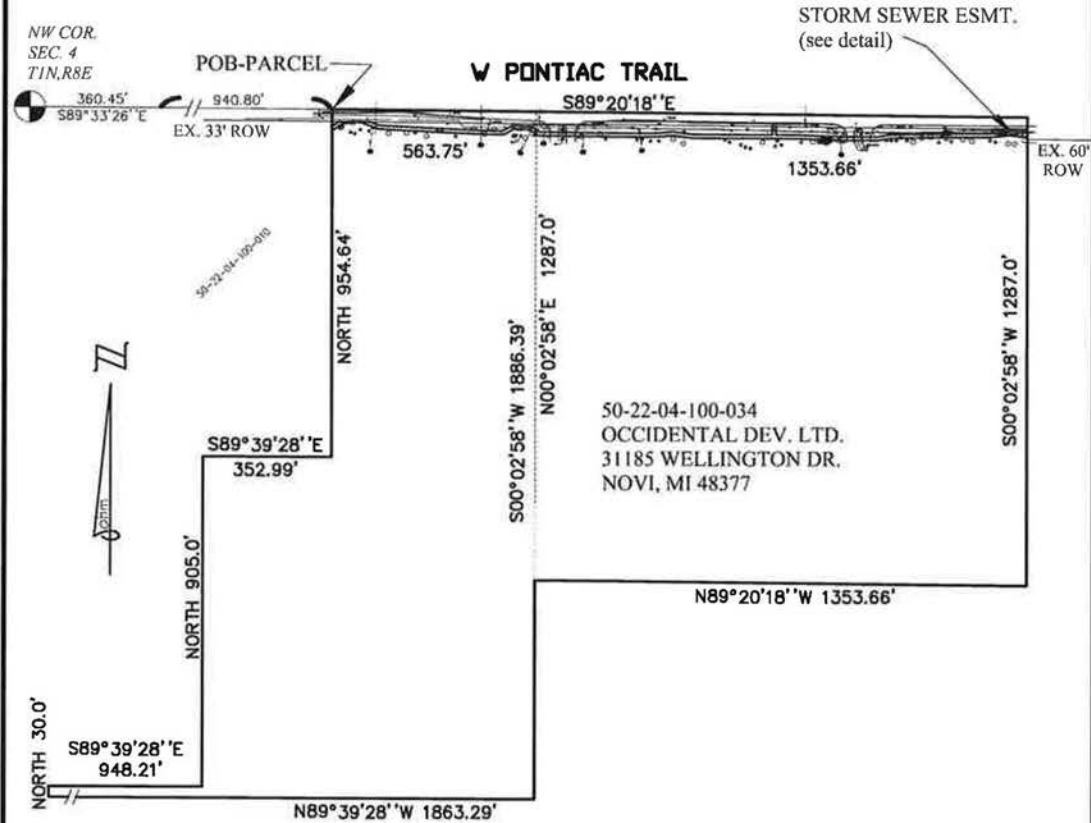
\_\_\_\_\_  
Notary Public,  
\_\_\_\_\_  
County, MI  
My commission expires: \_\_\_\_\_

THIS INSTRUMENT DRAFTED BY:  
Kyle Selter  
OHM Advisors  
34000 Plymouth Road  
Livonia, MI 48150

AND WHEN RECORDED RETURN TO:  
Cortney Hanson, City Clerk  
City of Novi  
45175 Ten Mile  
Novi, Michigan 48375

# PROPERTY SKETCH AND DESCRIPTION

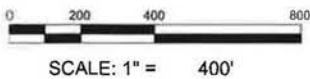
Exhibit "A"



**PARCEL DESCRIPTION (50-22-04-100-034)**  
(Per Oakland County Tax Rolls)

A parcel of land being a part of the NW 1/4 of the Section 4, Town 1 North, Range 8 East, City of Novi, Oakland County, Michigan, more particularly described as follows:

Beginning at point distant S 89°33'26" E 360.45 feet & S 89°20'18" E 940.80 feet from the NW corner of said Section 4; thence S 89°20'18" E 563.75 feet; thence S 00°02'58" W 1886.39 feet; thence N 89°39'28" W 1863.29 feet; thence North 30.0 feet; thence S 89°39'28" E 948.21 feet; thence North 905.0 feet; thence S 89°39'28" E 352.99 feet; thence N 954.64 feet to the Point of Beginning, ALSO that part of the N 1/2 of said Section 4, beginning at point distant S 89°33'26" E 360.45 feet & S 89°20'18" E 1504.55 feet (recorded as N 89°30'00" E 1869.12 feet) from the NW corner of said Section 4; thence S 89°20'18" E (recorded as N 89°30'00" E) 1353.66 feet; thence S 00°02'58" W (recorded as S 00°30'00" E) 1287.0 feet; thence N 89°20'18" W (recorded as S 89°30'00" W) 1353.66 feet; thence N 00°02'58" E (recorded as N 00°30'00" W) 1287.0 feet to the Point of Beginning. Subject to all easements and restrictions of record, if any.



**LEGEND**

- ROW RIGHT-OF-WAY
- PUBLIC LAND CORNER
- POB POINT OF BEGINNING

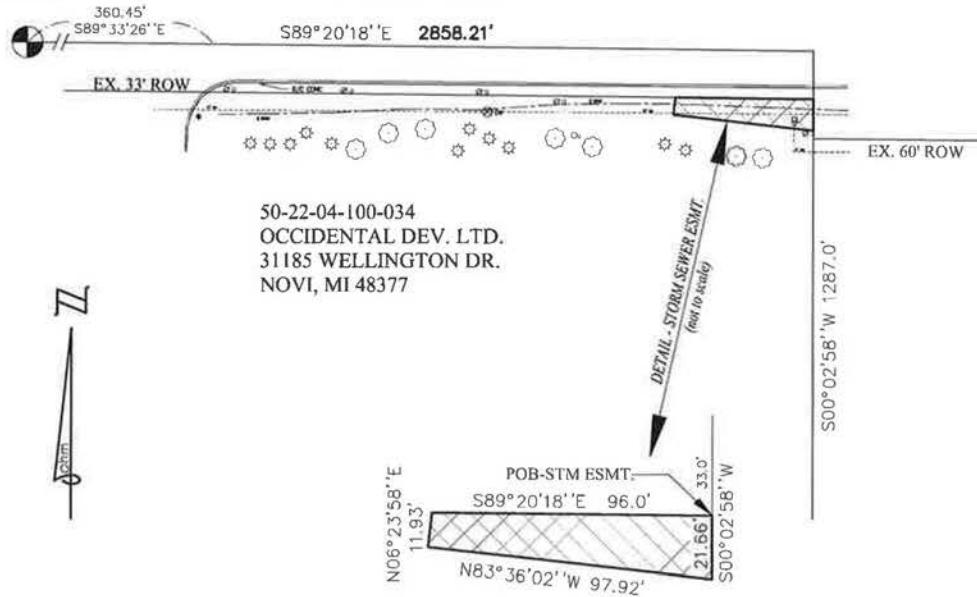
<b>PROPERTY SKETCH AND DESCRIPTION</b> PART OF THE NW 1/4 OF SECTION 4 T.1N., R.8E., CITY OF NOVI, OAKLAND COUNTY, MICH. PARCEL ID #50-22-04-100-034			SHEET <b>3</b> OF 4
DATE 05-09-17	CITY OF NOVI	JOB # 0163-15-0100	
34000 Plymouth Road   Livonia, MI 48150   P (734) 522-6711   F (734) 522-6427   WWW.OHM-ADVISORS.COM			

# STORM SEWER EASEMENT SKETCH AND DESCRIPTION

Exhibit "B"

NW COR.  
SEC. 4  
T1N,R8E

## W PONTIAC TRAIL



50-22-04-100-034  
OCCIDENTAL DEV. LTD.  
31185 WELLINGTON DR.  
NOVI, MI 48377

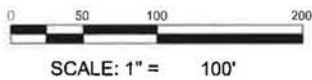


### STORM SEWER EASEMENT

A parcel of land being a part of the NW 1/4 of the Section 4, Town 1 North, Range 8 East, City of Novi, Oakland County, Michigan, more particularly described as follows:

Beginning at point distant S 89°33'26" E 360.45 feet & S 89°20'18" E 2858.21 feet & S 00°02'58" W 33.0 feet from the NW corner of said Section 4; thence continuing S 00°02'58" W 21.66 feet along the East line of said parent parcel; thence N 83°36'02" W 97.92 feet; thence N 06°23'58" E 11.93 feet; thence S 89°20'18" E 96.0 feet along the South right of way line of West Pontiac Trail to the Point of Beginning.

Contains 1,624 square feet or 0.037 acres of land, more or less. Subject to all easements and restrictions of record, if any.



### LEGEND

- ROW RIGHT-OF-WAY
- PUBLIC LAND CORNER
- POB POINT OF BEGINNING
- STORM SEWER EASEMENT

### STORM SEWER EASEMENT SKETCH AND DESCRIPTION

PART OF THE NW 1/4 OF SECTION 4  
T.1N., R.8E., CITY OF NOVI, OAKLAND COUNTY, MICH.  
PARCEL ID #50-22-04-100-034

SCALE

1"=100'

SHEET

4

OF 4

DATE

05-09-17

DRAWN

CITY OF NOVI

JOB #

0163-15-0100

34000 Plymouth Road | Livonia, MI 48150 | P (734) 522-6711 | F (734) 522-6427 | WWW.OHM-ADVISORS.COM



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**TEMPORARY GRADING PERMIT**

I, \_\_\_\_\_, as \_\_\_\_\_ of Occidental Development, LTD., a Michigan limited partnership, as the Owner of the properties described as 31170 Wellington Dr., Novi, MI 48377 and 31185 Wellington Dr., Novi, MI 48377 (parcels 50-22-04-100-010 and 50-22-04-100-034) grant the City of Novi and its contractor (or subcontractors) permission to access, move men and equipment on and through, the right to store materials and excavated earth, remove vegetation and alter the underlying land in, over, upon and through the properties described above in the particular areas shown in Exhibit A, attached.

The work will include:

Construction activities related to the construction of a sidewalk along the south side of Pontiac Trail from an existing sidewalk connection point east of Beck Road through the intersection at West Park Drive. The specific work may include grading, tree removals, modifications to driveway approaches, and related construction activities required for the proposed sidewalk work in accordance with the approved plans. All work is contained in the set of construction plans entitled "Pontiac Trail Sidewalk" by OHM Advisors.

All portions of the Premises damaged or disturbed by Novi's exercise of temporary easement rights shall be reasonably restored by Novi to the condition that existed prior to the damage or disturbance.

I understand this only grants permission to the Contractor to perform work directly relating to the listed project and upon completion of required grading operations the property will be fully restored.

The Temporary Grading Permit shall start as of the date the contractor commences work on the above project and shall terminate on the date that the contractor completes the above project (not to exceed one year).

\_\_\_\_\_  
By:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Contact Mailing Address

\_\_\_\_\_  
City, State, Zip

\_\_\_\_\_  
Phone Number

\_\_\_\_\_  
Fax Number

STATE OF MICHIGAN     )  
  ) SS  
COUNTY OF \_\_\_\_\_ )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by \_\_\_\_\_, the \_\_\_\_\_ of Occidental Development, LTD., a Michigan limited partnership.

\_\_\_\_\_  
Notary Public  
\_\_\_\_\_ County, Michigan  
My Commission Expires:

Drafted by:  
Kyle Selter  
OHM Advisors  
34000 Plymouth Road  
Livonia, MI 48150

EXHIBIT A

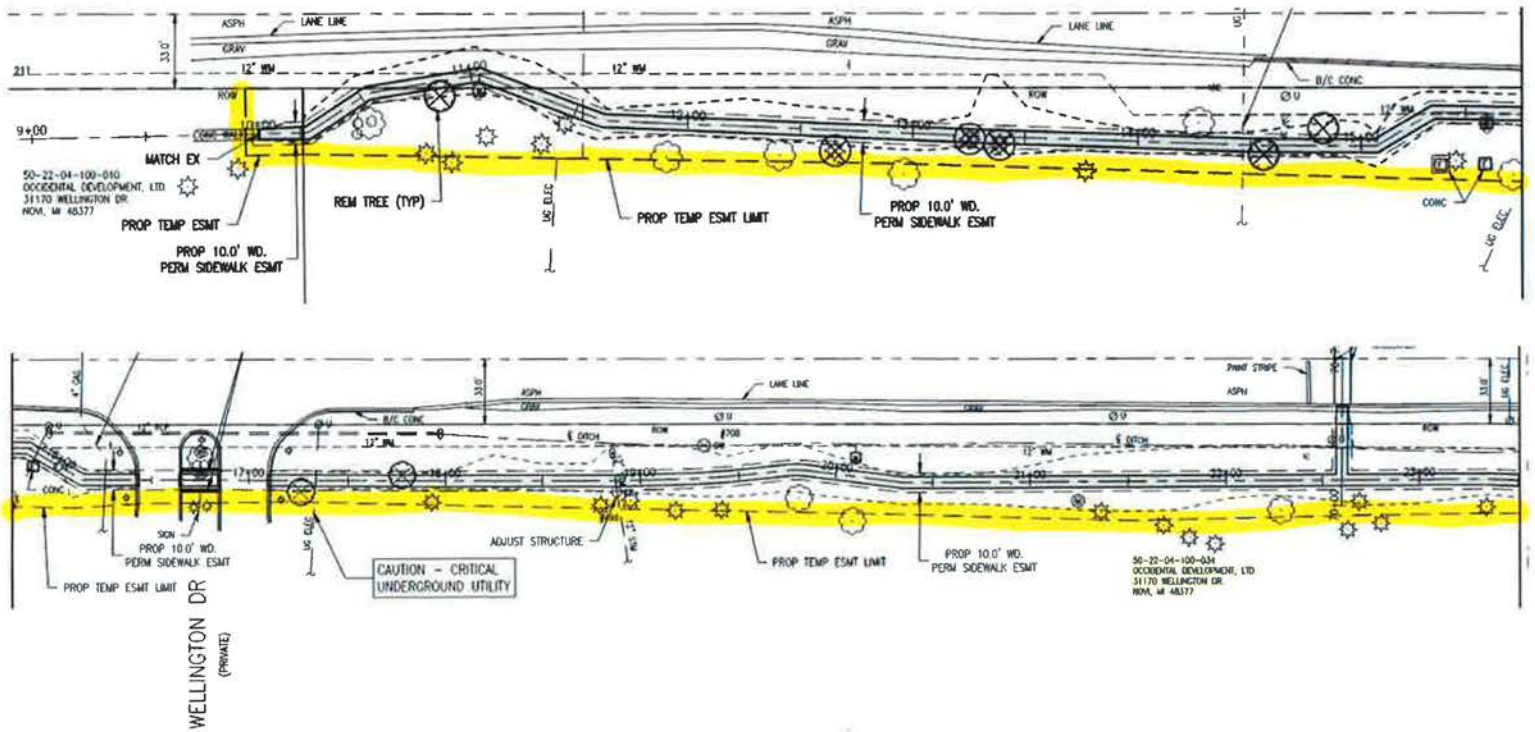
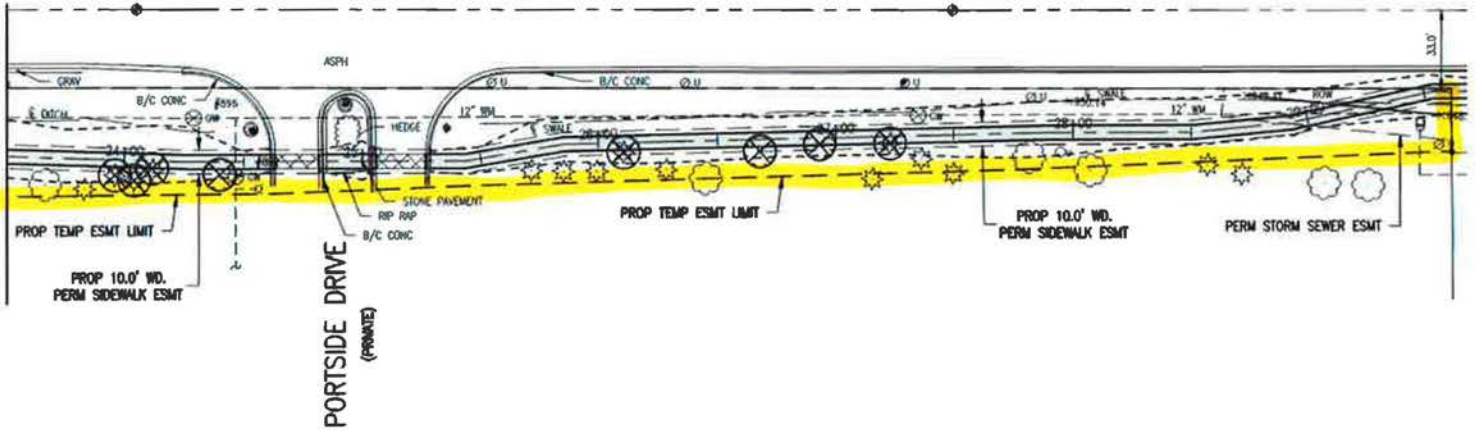


EXHIBIT A



**WOOD DISPOSAL LICENSE**

FOR PERMIT APPLICATION NUMBER \_\_\_\_\_

Regarding property ("Property") commonly known as: Occidental Development, LTD.

(Part of) Tax Parcel No. 50-22-04-100-034

Section 4, T 1 N, R 8 E, Oakland County Michigan

Name(s) of property owner(s) (the "Owner"): Occidental Development, LTD.

Address of Owner: 31185 Wellington Dr.

Novi, MI 48377

The undersigned Owner understands that the proposed construction of a sidewalk by the Road Commission for Oakland County permit applicant City of Novi ("Permit Applicant") or its agents will necessitate the removal of certain trees and stumps within the road right-of-way on the south side of Pontiac Trail Road.

The undersigned Owner:

Wants to receive the wood resulting from the Permit Applicant or its agent's removal of trees that are on or adjacent to the Property, and the Owner understands that the wood will be cut into 10 to 12 foot lengths. **By checking this box, the Owner hereby gives permission to the Permit Applicant to enter the Property in order to place the wood on the Property.**

Does not want to receive the wood resulting from the Permit Applicant's removal of trees that are on or adjacent to the Property.

**This License does *not* transfer an interest in your property to the Permit Applicant or any of its agents; it does *not* need to be recorded with the Oakland County Register of Deeds; and it does *not* cause a change in your property boundary lines.**

This License contains the entire understanding between the Owner, the Permit Applicant, and the Road Commission for Oakland County. There are no other verbal promises between the parties except as shown herein.

**IN WITNESS HEREOF**, the undersigned hereby agree(s) to the terms and provisions herein as of this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

**WITNESS:**

**Signed by:**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Signature Print Name

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Signature Print Name

# VALUATION STATEMENT

## Easements

---

Property Owner(s): Occidental Development, LTD

31185 Wellington Dr  
Novi, Michigan 48377

Address:

31185 Wellington Dr  
Novi, Michigan 48377  
50-22-04-100-034

---

Area to be acquired:	<u>19,065 SF (Perm), 56,652 SF (Temp), 1,610 SF (Storm)</u>		
Price per square foot	<u>\$ 1.92</u>		
Total	<u>\$ N/A</u>	Fee (Permanent)	
	x 50% <u>\$ 18,302.40</u>	Sidewalk Easement (Permanent)	
	x 10% <u>\$ 10,877.18</u>	Grading Permit (Temporary)	
	x 50% <u>\$ 1,545.60</u>	Storm Sewer Easement (Permanent)	
Just Compensation	<u>\$ 30,725.18</u>		

---

ADDITIONAL INFORMATION:

### Valuations Disclaimer

The information and material presented in the valuation statement are provided to you for informational purposes. Neither the City of Novi nor any of its affiliates makes any representation or warranty or guarantee as to the completeness, accuracy, timeliness or suitability of any information contained within any part of the statement nor that it is free from error. The City of Novi does not accept any liability for any loss or damage (including, without limitation, loss of profit), which may arise directly or indirectly from use of or reliance on such information. Whilst the information provided has been obtained from sources believed to be reliable (2017 Valuation of Land), neither the City of Novi nor any of its affiliates attests to its accuracy or completeness.

**RESOLUTION CONCERNING THE ACQUISITION  
OF PROPERTY AND APPROVING DECLARATION OF NECESSITY AND TAKING**

City of Novi  
County of Oakland, Michigan

Minutes of a \_\_\_\_\_ Meeting of the City Council of the City of Novi, County of Oakland, Michigan, held in the City Hall in said City on \_\_\_\_\_, 2017, at 7:00 o'clock P.M. Prevailing Eastern Time.

PRESENT: Councilmembers \_\_\_\_\_  
\_\_\_\_\_

ABSENT: Councilmembers \_\_\_\_\_  
\_\_\_\_\_

The following preamble and Resolution were offered by Councilmember \_\_\_\_\_ and supported by Councilmember \_\_\_\_\_.

WHEREAS, present conditions in the City of Novi, Oakland County, Michigan, necessitate the construction of a sidewalk with related storm sewer improvements along the south side of Pontiac Trail between Beck Road and West Park Drive along the frontage of 31185 Wellington Drive in the City of Novi, Oakland County, State of Michigan, to-wit:

**PARCEL DESCRIPTION (50-22-04-100-034)**  
**(Per Oakland County Tax Rolls)**

A parcel of land being a part of the NW 1/4 of the Section 4, Town 1 North, Range 8 East, City of Novi, Oakland County, Michigan, more particularly described as follows:

Beginning at point distant S 89°33'26" E 360.45 feet & S 89°20'18" E 940.80 feet from the NW corner of said Section 4; thence S 89°20'18" E 563.75 feet; thence S 00°02'58" W 1886.39 feet; thence N 89°39'28" W 1863.29 feet; thence North 30.0 feet; thence S 89°39'28" E 948.21 feet; thence North 905.0 feet; thence S 89°39'28" E 352.99 feet; thence N 954.64 feet to the Point of Beginning, ALSO that part of the N 1/2 of said Section 4, beginning at point distant S 89°33'26" E 360.45 feet & S 89°20'18" E 1504.55 feet (recorded as N 89°30'00" E 1869.12 feet) from the NW corner of said Section 4; thence S 89°20'18" E (recorded as N 89°30'00" E) 1353.66 feet; thence S 00°02'58" W (recorded as S 00°30'00" E) 1287.0 feet; thence N 89°20'18" W (recorded as S

89°30'00" W) 1353.66 feet; thence N 00°02'58" E (recorded N 00°30'00" W) 1287.0 feet to the Point of Beginning. Subject to all easements and restrictions of record, if any.

### **STORM SEWER EASEMENT**

A parcel of land being a part of the NW 1/4 of the Section 4, Town 1 North, Range 8 East, City of Novi, Oakland County, Michigan, more particularly described as follows:

Beginning at point distant S 89°33'26" E 360.45 feet & S 89°20'18" E 2858.21 feet & S 00°02'58" W 33.0 feet from the NW corner of said Section 4; thence continuing S 00°02'58" W 21.66 along the East line of said parent parcel; thence N 83°36'02" W 97.92 feet; thence N 06°23'58" E 11.93 feet; thence S 89°20'18" E 96.0 feet along the South right of way line of West Pontiac Trail to the Point of Beginning.

Contains 1,624 square feet or 0.037 acres of land, more or less. Subject to all easements and restrictions of record, if any.

### **SIDEWALK EASEMENT**

Parcels of land being a part of the NW 1/4 of the Section 4, Town 1 North, Range 8 East, City of Novi, Oakland County, Michigan, more particularly described as follows:

Beginning at point distant S 89°33'26" E 360.45 feet & S 89°20'18" E 940.80 feet & South 46.02 feet from the NW corner of said Section 4; thence N 56°52'22" E 23.41 feet; thence S 89°20'18" E 50.69 feet; thence S 81°27'11" W 43.73 feet; thence S 56°52'22" W 32.30 feet; thence North 11.94 feet to the Point of Beginning,

ALSO,

Beginning at point distant S 89°33'26" E 360.45 feet & S 89°20'18" E 940.80 feet & South 33.0 feet & S 89°20'18" E 76.73 feet along the South right of way line of West Pontiac Trail from the NW corner of said Section 4; thence continuing along said South line S 89°20'18" E 28.93 feet; thence S 69°07'03" E 27.62 feet; thence S 86°55'37" E 168.06 feet; thence S 87°24'29" E 121.21 feet; thence S 89°04'23" E 52.22 feet; thence N 59°59'31" E 29.31 feet; thence S 88°24'08" E 49.90 feet; thence S 58°09'31" E 31.38 feet; thence S 89°03'56" E 178.02 feet; thence S 89°18'18" E 94.65 feet; thence N 89°06'35" E 39.15 feet; thence N 86°56'50" E 17.02 feet; thence n 84°49'53" E 29.41 feet; thence 12.48 feet along a curve to the right having a radius of 55.0 feet, delta 13°00'00", chord bears S 88°40'08" E 12.45 feet; thence S 82°10'08" E 49.17 feet; thence S 89°39'49" E 219.35 feet; thence N 01°02'25" E 23.80 feet; thence S 89°20'18" E 10.0 feet; thence S 01°02'25" W 23.72 feet; thence S 89°39'49" E 69.57 feet; thence S 87°33'34" E 91.79 feet; thence S 89°33'44" E 116.39 feet; thence N 81°01'00" E 42.26 feet; thence N 89°14'40" E 206.65 feet; thence S 89°30'39" E 58.18 feet; thence N 85°08'15" E 42.28 feet; thence N 78°09'44" E 43.13 feet; thence S 89°20'18" E 10.45 feet; thence S 83°36'02" E 15.29 feet; thence S 00°02'58" W 4.60 feet along the East line of said parent parcel; thence N 89°25'06" W 7.18 feet; thence S 78°09'44" W 60.50 feet; thence S 85°08'15" W 43.35 feet; thence N 89°30'39" W 58.54 feet; thence S 89°14'40" W 205.82 feet; thence S 81°01'00" W 42.36 feet; thence N 89°33'44" W

117.39 feet; thence N 87°33'34" W 91.78 feet; thence N 89°39'49" W 299.40 feet; thence N 82°10'08" W 49.83 feet; thence 10.21 feet along a curve to the left having a radius of 45.0 feet, delta 13°00'00", chord bears N 88°40'08" W 10.19 feet; thence S 84°49'53" W 29.59 feet; thence S 86°56'50" W 17.39 feet; thence S 89°06'35" W 39.48 feet; thence N 89°18'18" W 94.81 feet; thence N 89°03'56" W 180.80 feet; thence N 58°09'31" W 31.44 feet; thence N 88°24'08" W 44.36 feet; thence S 59°59'31" W 29.25 feet; thence N 89°04'23" W 55.13 feet; thence N 87°24'29" W 121.40 feet; thence N 86°55'37" W 169.74 feet; thence N 69°07'03" W 56.27 feet to the Point of Beginning. All contains 19,003 square feet or 0.436 acres of land, more or less. Subject to all easements and restrictions of record, if any.

**TEMPORARY GRADING EASEMENT (50-22-04-100-034)**

A temporary grading easement being a part of the NW 1/4 of the Section 4, Town 1 North, Range 8 East, City of Novi, Oakland County, Michigan, more particularly described as follows:

Beginning at point distant S 89°33'26" E 360.45 feet & S 89°20'18" E 940.80 feet & South 33.0 feet from the NW corner of said Section 4; thence S 89°20'18" E 1917.41 feet; thence S 00°02'58" W 26.37 feet; thence S 88°10'54" W 181.55 feet; thence S 88°56'26" W 231.40 feet; thence S 88°18'26" W 80.48 feet; thence N 89°59'15" W 187.98 feet; thence S 89°23'37" W 125.11 feet; thence N 87°45'28" W 116.10 feet; thence N 88°06'12" W 308.53 feet; thence N 89°53'53" W 81.07 feet; thence S 87°08'42" W 35.05 feet; thence N 87°47'46" W 93.75 feet; thence N 87°36'46" W 207.01 feet; thence N 88°22'38" W 270.06 feet; thence North 29.18 feet to the Point of Beginning.

Subject to all easements and restrictions of record, if any.

WHEREAS, plans for the improvements are on file with the City Clerk's Office; and

WHEREAS, it has been determined that said improvements are necessary for the use and benefit of the public; and

WHEREAS, in order to construct said improvements, it is necessary that the City acquire a permanent Sidewalk Easement, permanent Storm Sewer Easement and Temporary Construction Easement to the above-described real estate.

WHEREAS, the City has caused a valuation of the subject property to be prepared;

WHEREAS, value of the easements over the subject property is Thirty Thousand Seven Hundred and Twenty-Five Dollars (\$30,725.18).



WHEREAS, the City has determined that it is in the best interests of the City to offer to purchase the easements over the subject property from the owner of such property, and to take such other actions as are deemed necessary to acquire the subject property for the purposes of constructing the improvements;

NOW, THEREFORE, BE IT RESOLVED, by the authority vested in the City of Novi by law, that it is hereby declared and determined that it is necessary to construct a sidewalk with related storm sewer improvements along the south side of Pontiac Trail between Beck Road and West Park Drive along the frontage of 31185 Wellington Drive on, over, upon, and through the above-described property within the City of Novi in accordance with the plans prepared by the City, and that said improvements are necessary for the use and benefit of the public; and

BE IT FURTHER RESOLVED, that the Mayor of the City is hereby authorized to execute, on behalf of the City, a good faith Offer to Purchase, a copy of which is attached hereto as Exhibit A, calling for the payment of Thirty Thousand Seven Hundred and Twenty-Five Dollars (\$30,725.18) for a permanent Sidewalk Easement, permanent Storm Sewer Easement and Temporary Construction Easement over the subject property. The above amounts have been established as just compensation for the acquisition of the property, based upon a valuation of the property and the desire to complete the sale short of litigation.

BE IT FURTHER RESOLVED, that after the execution of the good faith Offer to Purchase by the Mayor, the good faith Offer to Purchase shall be submitted to the owners of the property;

BE IT FURTHER RESOLVED, that in the event the Sellers fail to accept the good faith Offer to Purchase within fourteen (14) days of the date of delivery, the City Manager is hereby authorized to execute the Declaration of Taking, which is attached hereto;

BE IT FURTHER RESOLVED, that in the event the offer is not accepted as set forth above, the Mayor, City Clerk, and City Attorney are authorized to take all actions required to obtain a permanent Sidewalk Easement, permanent Storm Sewer Easement and Temporary Grading Permit in the subject property by eminent domain.

BE IT FURTHER RESOLVED, that in the event the offer is not accepted as set forth above, and the Declaration is executed, the City finance officer is authorized and directed to place an amount equal to the amount contained in the good faith offer that was made to the property owners (\$30,725.18) into a separate account and to hold such money on deposit as the estimated amount of just compensation to be paid in connection with the eminent domain proceedings.

BE IT FURTHER RESOLVED, that all resolutions and part of resolutions insofar as they conflict with the provisions of this Resolution be and the same hereby are rescinded.

AYES: Councilmembers \_\_\_\_\_  
\_\_\_\_\_

NAYES: Councilmembers \_\_\_\_\_  
\_\_\_\_\_

RESOLUTION DECLARED ADOPTED.

\_\_\_\_\_  
CORTNEY HANSON, CITY CLERK

**CERTIFICATION**

I hereby certify that the foregoing is a true and complete copy of a Resolution adopted by the City Council of the City of Novi at \_\_\_\_\_ meeting held this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
CORTNEY HANSON, CITY CLERK

## **DECLARATION OF TAKING**

A Resolution of Necessity having been adopted by the City of Novi setting forth that present conditions necessitate the construction of a sidewalk with related storm sewer improvements along the south side of Pontiac Trail between Beck Road and West Park Drive along the frontage of 31185 Wellington Drive (the "Improvements") in the City of Novi, Oakland County, Michigan, in the interest of the public health, safety, and welfare, and that it is necessary to acquire a permanent Sidewalk Easement, permanent Storm Sewer Easement and Temporary Construction Easement over the property within the City of Novi for said Improvements, and that a good faith written offer to purchase said property will be made.

NOW, THEREFORE, by virtue of the authority vested in the City of Novi, by Act 279 of the Public Acts of 1909, as amended, and/or Act 149 of the Public Acts of 1911, as amended, or other applicable statutes, and in accordance with the provisions of Act 87 of Public Acts of 1980, as amended, it is now declared and determined that the easement property hereinafter described shall be taken for the purpose of constructing a sidewalk and related storm sewer, in accordance with prepared plans showing said Improvements which are on file with the City Clerk's Office.

A statement of the estate of interest in the property being taken; a description of the property to be acquired, sufficient for its identification; the name of each known owner of said property; the name of each known person, other than the owner, having an interest in said property; a statement of the sum of money estimated by the City of Novi as just compensation

for the property being acquired; and a statement whether the City of Novi reserves or waives its rights to bring federal or state cost recovery actions against the present owner of the property are as follows:

1. Statement of the Estate of Interest Being Taken and Description of the Property.

**PARCEL DESCRIPTION (50-22-04-100-034)**  
**(Per Oakland County Tax Rolls)**

A parcel of land being a part of the NW 1/4 of the Section 4, Town 1 North, Range 8 East, City of Novi, Oakland County, Michigan, more particularly described as follows:

Beginning at point distant S 89°33'26" E 360.45 feet & S 89°20'18" E 940.80 feet from the NW corner of said Section 4; thence S 89°20'18" E 563.75 feet; thence S 00°02'58" W 1886.39 feet; thence N 89°39'28" W 1863.29 feet; thence North 30.0 feet; thence S 89°39'28" E 948.21 feet; thence North 905.0 feet; thence S 89°39'28" E 352.99 feet; thence N 954.64 feet to the Point of Beginning, ALSO that part of the N 1/2 of said Section 4, beginning at point distant S 89°33'26" E 360.45 feet & S 89°20'18" E 1504.55 feet (recorded as N 89°30'00" E 1869.12 feet) from the NW corner of said Section 4; thence S 89°20'18" E (recorded as N 89°30'00" E) 1353.66 feet; thence S 00°02'58" W (recorded as S 00°30'00" E) 1287.0 feet; thence N 89°20'18" W (recorded as S 89°30'00" W) 1353.66 feet; thence N 00°02'58" E (recorded N 00°30'00" W) 1287.0 feet to the Point of Beginning. Subject to all easements and restrictions of record, if any.

**STORM SEWER EASEMENT**

A parcel of land being a part of the NW 1/4 of the Section 4, Town 1 North, Range 8 East, City of Novi, Oakland County, Michigan, more particularly described as follows:

Beginning at point distant S 89°33'26" E 360.45 feet & S 89°20'18" E 2858.21 feet & S 00°02'58" W 33.0 feet from the NW corner of said Section 4; thence continuing S 00°02'58" W 21.66 along the East line of said parent parcel; thence N 83°36'02" W 97.92 feet; thence N 06°23'58" E 11.93 feet; thence S 89°20'18" E 96.0 feet along the South right of way line of West Pontiac Trail to the Point of Beginning.

Contains 1,624 square feet or 0.037 acres of land, more or less. Subject to all easements and restrictions of record, if any.

**SIDEWALK EASEMENT**

Parcels of land being a part of the NW 1/4 of the Section 4, Town 1 North, Range 8 East, City of Novi, Oakland County, Michigan, more particularly described as follows:

Beginning at point distant S 89°33'26" E 360.45 feet & S 89°20'18" E 940.80 feet & South 46.02 feet from the NW corner of said Section 4; thence N 56°52'22" E 23.41

feet; thence S 89°20'18" E 50.69 feet; thence S 81°27'11" W 43.73 feet; thence S 56°52'22" W 32.30 feet; thence North 11.94 feet to the Point of Beginning,

ALSO,

Beginning at point distant S 89°33'26" E 360.45 feet & S 89°20'18" E 940.80 feet & South 33.0 feet & S 89°20'18" E 76.73 feet along the South right of way line of West Pontiac Trail from the NW corner of said Section 4; thence continuing along said South line S 89°20'18" E 28.93 feet; thence S 69°07'03" E 27.62 feet; thence S 86°55'37" E 168.06 feet; thence S 87°24'29" E 121.21 feet; thence S 89°04'23" E 52.22 feet; thence N 59°59'31" E 29.31 feet; thence S 88°24'08" E 49.90 feet; thence S 58°09'31" E 31.38 feet; thence S 89°03'56" E 178.02 feet; thence S 89°18'18" E 94.65 feet; thence N 89°06'35" E 39.15 feet; thence N 86°56'50" E 17.02 feet; thence n 84°49'53" E 29.41 feet; thence 12.48 feet along a curve to the right having a radius of 55.0 feet, delta 13°00'00", chord bears S 88°40'08" E 12.45 feet; thence S 82°10'08" E 49.17 feet; thence S 89°39'49" E 219.35 feet; thence N 01°02'25" E 23.80 feet; thence S 89°20'18" E 10.0 feet; thence S 01°02'25" W 23.72 feet; thence S 89°39'49" E 69.57 feet; thence S 87°33'34" E 91.79 feet; thence S 89°33'44" E 116.39 feet; thence N 81°01'00" E 42.26 feet; thence N 89°14'40" E 206.65 feet; thence S 89°30'39" E 58.18 feet; thence N 85°08'15" E 42.28 feet; thence N 78°09'44" E 43.13 feet; thence S 89°20'18" E 10.45 feet; thence S 83°36'02" E 15.29 feet; thence S 00°02'58" W 4.60 feet along the East line of said parent parcel; thence N 89°25'06" W 7.18 feet; thence S 78°09'44" W 60.50 feet; thence S 85°08'15" W 43.35 feet; thence N 89°30'39" W 58.54 feet; thence S 89°14'40" W 205.82 feet; thence S 81°01'00" W 42.36 feet; thence N 89°33'44" W 117.39 feet; thence N 87°33'34" W 91.78 feet; thence N 89°39'49" W 299.40 feet; thence N 82°10'08" W 49.83 feet; thence 10.21 feet along a curve to the left having a radius of 45.0 feet, delta 13°00'00", chord bears N 88°40'08" W 10.19 feet; thence S 84°49'53" W 29.59 feet; thence S 86°56'50" W 17.39 feet; thence S 89°06'35" W 39.48 feet; thence N 89°18'18" W 94.81 feet; thence N 89°03'56" W 180.80 feet; thence N 58°09'31" W 31.44 feet; thence N 88°24'08" W 44.36 feet; thence S 59°59'31" W 29.25 feet; thence N 89°04'23" W 55.13 feet; thence N 87°24'29" W 121.40 feet; thence N 86°55'37" W 169.74 feet; thence N 69°07'03" W 56.27 feet to the Point of Beginning.

All contains 19,003 square feet or 0.436 acres of land, more or less. Subject to all easements and restrictions of record, if any.

### **TEMPORARY GRADING EASEMENT**

A temporary grading easement being a part of the NW 1/4 of the Section 4, Town 1 North, Range 8 East, City of Novi, Oakland County, Michigan, more particularly described as follows:

Beginning at point distant S 89°33'26" E 360.45 feet & S 89°20'18" E 940.80 feet & South 33.0 feet from the NW corner of said Section 4; thence S 89°20'18" E 1917.41 feet; thence S 00°02'58" W 26.37 feet; thence S 88°10'54" W 181.55 feet; thence S 88°56'26" W 231.40 feet; thence S 88°18'26" W 80.48 feet; thence N 89°59'15" W 187.98 feet; thence S 89°23'37" W 125.11 feet; thence N 87°45'28" W 116.10 feet; thence N 88°06'12" W 308.53 feet; thence N 89°53'53" W 81.07 feet; thence S 87°08'42" W 35.05 feet; thence N 87°47'46" W 93.75 feet; thence N 87°36'46" W 207.01 feet; thence N 88°22'38" W 270.06 feet; thence North 29.18 feet to the Point of Beginning.

Subject to all easements and restrictions of record, if any.

- 2. Names of Property Owner: Occidental Development, LTD., a Michigan limited partnership
- 3. Names of each person, other than the Owners, having a potential interest in the property: Massachusetts Mutual Life Insurance Company, Michigan Bell Telephone, Ameritech, City of Novi, Consumers Power, Pointe Park Condominiums Association
- 4. Value of Easements based on Valuation of the Property from assessing records:
  - Permanent Sidewalk Easement: \$ 18,302.40
  - Permanent Storm Sewer Easement \$ 10,877.18
  - Temporary Construction Easements: \$ 1,545.60
- 5. The City of Novi reserves it rights to bring Federal or State cost recovery actions against the present owner of the property.

\_\_\_\_\_  
 \_\_\_\_\_

**CITY OF NOVI**

BY: \_\_\_\_\_  
 Peter Auger  
 City Manager

Dated: \_\_\_\_\_, 2017  
 STATE OF MICHIGAN        )  
   ) ss.  
 COUNTY OF OAKLAND        )

The foregoing Declaration of Taking was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2017, by Peter Auger, as the City Manager, on behalf of the City of Novi.

\_\_\_\_\_  
 Notary Public  
 Acting in Oakland County, Michigan  
 My Commission Expires: \_\_\_\_\_

Prepared by and when recorded return to:  
Elizabeth K. Saarela (P 60265)  
27555 Executive Drive, Suite 250  
Farmington Hills, MI 48331  
Phone: (248) 489-4100  
Tax Identification No: (50-22-04-100-034)

**AGREEMENT OF SALE**  
**OFFER TO PURCHASE REAL PROPERTY**

1. The City of Novi, a Michigan municipal corporation (hereinafter "City"), hereby offers and agrees to purchase easements over real property within the City of Novi, described as:

**PARCEL DESCRIPTION (50-22-04-100-034)**  
**(Per Oakland County Tax Rolls)**

A parcel of land being a part of the NW 1/4 of the Section 4, Town 1 North, Range 8 East, City of Novi, Oakland County, Michigan, more particularly described as follows:

Beginning at point distant S 89°33'26" E 360.45 feet & S 89°20'18" E 940.80 feet from the NW corner of said Section 4; thence S 89°20'18" E 563.75 feet; thence S 00°02'58" W 1886.39 feet; thence N 89°39'28" W 1863.29 feet; thence North 30.0 feet; thence S 89°39'28" E 948.21 feet; thence North 905.0 feet; thence S 89°39'28" E 352.99 feet; thence N 954.64 feet to the Point of Beginning, ALSO that part of the N 1/2 of said Section 4, beginning at point distant S 89°33'26" E 360.45 feet & S 89°20'18" E 1504.55 feet (recorded as N 89°30'00" E 1869.12 feet) from the NW corner of said Section 4; thence S 89°20'18" E (recorded as N 89°30'00" E) 1353.66 feet; thence S 00°02'58" W (recorded as S 00°30'00" E) 1287.0 feet; thence N 89°20'18" W (recorded as S 89°30'00" W) 1353.66 feet; thence N 00°02'58" E (recorded N 00°30'00" W) 1287.0 feet to the Point of Beginning. Subject to all easements and restrictions of record, if any.

**STORM SEWER EASEMENT**

A parcel of land being a part of the NW 1/4 of the Section 4, Town 1 North, Range 8 East, City of Novi, Oakland County, Michigan, more particularly described as follows:

Beginning at point distant S 89°33'26" E 360.45 feet & S 89°20'18" E 2858.21 feet & S 00°02'58" W 33.0 feet from the NW corner of said Section 4; thence continuing S 00°02'58" W 21.66 along the East line of said parent parcel; thence N 83°36'02" W 97.92 feet; thence N 06°23'58" E 11.93 feet; thence S 89°20'18" E 96.0 feet along the



South right of way line of West Pontiac Trail to the Point of Beginning.

Contains 1,624 square feet or 0.037 acres of land, more or less. Subject to all easements and restrictions of record, if any.

### **SIDEWALK EASEMENT**

Parcels of land being a part of the NW 1/4 of the Section 4, Town 1 North, Range 8 East, City of Novi, Oakland County, Michigan, more particularly described as follows:

Beginning at point distant S 89°33'26" E 360.45 feet & S 89°20'18" E 940.80 feet & South 46.02 feet from the NW corner of said Section 4; thence N 56°52'22" E 23.41 feet; thence S 89°20'18" E 50.69 feet; thence S 81°27'11" W 43.73 feet; thence S 56°52'22" W 32.30 feet; thence North 11.94 feet to the Point of Beginning,

ALSO,

Beginning at point distant S 89°33'26" E 360.45 feet & S 89°20'18" E 940.80 feet & South 33.0 feet & S 89°20'18" E 76.73 feet along the South right of way line of West Pontiac Trail from the NW corner of said Section 4; thence continuing along said South line S 89°20'18" E 28.93 feet; thence S 69°07'03" E 27.62 feet; thence S 86°55'37" E 168.06 feet; thence S 87°24'29" E 121.21 feet; thence S 89°04'23" E 52.22 feet; thence N 59°59'31" E 29.31 feet; thence S 88°24'08" E 49.90 feet; thence S 58°09'31" E 31.38 feet; thence S 89°03'56" E 178.02 feet; thence S 89°18'18" E 94.65 feet; thence N 89°06'35" E 39.15 feet; thence N 86°56'50" E 17.02 feet; thence n 84°49'53" E 29.41 feet; thence 12.48 feet along a curve to the right having a radius of 55.0 feet, delta 13°00'00", chord bears S 88°40'08" E 12.45 feet; thence S 82°10'08" E 49.17 feet; thence S 89°39'49" E 219.35 feet; thence N 01°02'25" E 23.80 feet; thence S 89°20'18" E 10.0 feet; thence S 01°02'25" W 23.72 feet; thence S 89°39'49" E 69.57 feet; thence S 87°33'34" E 91.79 feet; thence S 89°33'44" E 116.39 feet; thence N 81°01'00" E 42.26 feet; thence N 89°14'40" E 206.65 feet; thence S 89°30'39" E 58.18 feet; thence N 85°08'15" E 42.28 feet; thence N 78°09'44" E 43.13 feet; thence S 89°20'18" E 10.45 feet; thence S 83°36'02" E 15.29 feet; thence S 00°02'58" W 4.60 feet along the East line of said parent parcel; thence N 89°25'06" W 7.18 feet; thence S 78°09'44" W 60.50 feet; thence S 85°08'15" W 43.35 feet; thence N 89°30'39" W 58.54 feet; thence S 89°14'40" W 205.82 feet; thence S 81°01'00" W 42.36 feet; thence N 89°33'44" W 117.39 feet; thence N 87°33'34" W 91.78 feet; thence N 89°39'49" W 299.40 feet; thence N 82°10'08" W 49.83 feet; thence 10.21 feet along a curve to the left having a radius of 45.0 feet, delta 13°00'00", chord bears N 88°40'08" W 10.19 feet; thence S 84°49'53" W 29.59 feet; thence S 86°56'50" W 17.39 feet; thence S 89°06'35" W 39.48 feet; thence N 89°18'18" W 94.81 feet; thence N 89°03'56" W 180.80 feet; thence N 58°09'31" W 31.44 feet; thence N 88°24'08" W 44.36 feet; thence S 59°59'31" W 29.25 feet; thence N 89°04'23" W 55.13 feet; thence N 87°24'29" W 121.40 feet; thence N 86°55'37" W 169.74 feet; thence N 69°07'03" W 56.27 feet to the Point of Beginning.

All contains 19,003 square feet or 0.436 acres of land, more or less. Subject to all easements and restrictions of record, if any.

**TEMPORARY GRADING EASEMENT (50-22-04-100-034)**

A temporary grading easement being a part of the NW 1/4 of the Section 4, Town 1 North, Range 8 East, City of Novi, Oakland County, Michigan, more particularly described as follows:

Beginning at point distant S 89°33'26" E 360.45 feet & S 89°20'18" E 940.80 feet & South 33.0 feet from the NW corner of said Section 4; thence S 89°20'18" E 1917.41 feet; thence S 00°02'58" W 26.37 feet; thence S 88°10'54" W 181.55 feet; thence S 88°56'26" W 231.40 feet; thence S 88°18'26" W 80.48 feet; thence N 89°59'15" W 187.98 feet; thence S 89°23'37" W 125.11 feet; thence N 87°45'28" W 116.10 feet; thence N 88°06'12" W 308.53 feet; thence N 89°53'53" W 81.07 feet; thence S 87°08'42" W 35.05 feet; thence N 87°47'46" W 93.75 feet; thence N 87°36'46" W 207.01 feet; thence N 88°22'38" W 270.06 feet; thence North 29.18 feet to the Point of Beginning.

Subject to all easements and restrictions of record, if any.

and to pay therefore the sum of Thirty Thousand Seven Hundred Twenty-Five (\$30,725.18) Dollars, subject to the existing building and use restrictions, easements, and zoning ordinances, if any, upon the following conditions:

- (i) Delivery of a permanent Sidewalk Easement
- (ii) Delivery of a permanent Storm Sewer Easement
- (iii) Delivery of a Temporary Construction Easement

2. Upon Seller's acceptance of this Offer to Purchase, as evidence of title, the City agrees to obtain a commitment for the title insurance with policy pursuant thereto to be issued insuring the City. The City will pay the cost of the title insurance policy premium.

3. If this offer is accepted by the Seller and if title can be conveyed in the condition required hereunder, the City agrees to complete the sale within fifteen (15) days after the receipt of the commitment for title insurance.

4. If objection to the title is made, based on a written opinion of the City Attorney that the title is not in the condition required for the performance hereunder, the Sellers shall have thirty (30) days from the date they are notified in writing of the particular defects claimed, to fulfill the requirements in the commitment for title insurance or to remedy the title defects set forth in the City Attorney's opinion. If the Seller is able to comply with such requirements or remedy such defects within the time specified, as evidenced by written notification, revised commitment or endorsement to commitment, the City agrees to complete the sale within twenty (20) days of receipt thereof. If the Seller is unable to furnish satisfactory title within the time specified, the City will commence condemnation proceedings to acquire the Property.

5. The Seller shall deliver and the City shall accept possession of said Property upon the date of closing.

6. It is understood that the Property is being acquired in connection with the construction of a sidewalk with related storm sewer improvements along the south side of Pontiac Trail between Beck Road and West Park Drive along the frontage of 31185 Wellington Drive in the City of Novi, Michigan.

7. The City shall pay the cost of recording the Sidewalk and Storm Sewer Easements and the cost of all Michigan Real Estate Transfer Tax.

8. The City reserves its right to bring Federal or State cost recovery actions against the present owners of the Property arising out of a release of hazardous substances at the Property.

9. The covenants herein shall bind and inure to the benefit of the executors, administrators, successors, and assigns of the respective parties.

10. If this Offer to Purchase is not accepted by Seller within Fourteen (14) days from the date of its mailing to Seller, this Offer to Purchase shall be considered withdrawn and of no further force and effect.

11. This Offer to Purchase may be executed in one or more counterparts as one Agreement and shall be binding upon the City and the hereafter named Seller when executed by the City of Novi and all of the hereafter named Seller.

The closing of this sale shall take place at the City of Novi offices located at 45175 Ten Mile Road, Novi, Michigan.

WITNESSES:

\_\_\_\_\_  
  
\_\_\_\_\_  
  
\_\_\_\_\_

PURCHASER:

CITY OF NOVI, a Michigan  
municipal corporation

\_\_\_\_\_  
By: ROBERT J. GATT  
Its: Mayor

\_\_\_\_\_  
By: CORTNEY HANSON  
Its: City Clerk

Dated: \_\_\_\_\_, 2017

To the Above Named Purchaser:

The foregoing offer is hereby accepted and the Seller agrees to sell the Property upon the terms stated:

By the execution of this instrument, the Seller acknowledges the receipt of a copy of this Agreement.

IN THE PRESENCE OF:

OCCIDENTAL DEVELOPMENT, LTD

\_\_\_\_\_

\_\_\_\_\_

By:

**PURCHASER'S RECEIPT OF ACCEPTED OFFER**

The Purchaser hereby acknowledges receipt of the Seller's signed acceptance of the foregoing Offer to Purchase.

CITY OF NOVI, a Michigan  
municipal corporation, Purchaser

BY: \_\_\_\_\_

Its: \_\_\_\_\_

Dated: \_\_\_\_\_, 2017

**WOOD DISPOSAL LICENSE**

FOR PERMIT APPLICATION NUMBER \_\_\_\_\_

Regarding property ("Property") commonly known as: Occidental Development, LTD.

(Part of) Tax Parcel No. 50-22-04-100-034

Section 4, T 1 N, R 8 E, Oakland County Michigan

Name(s) of property owner(s) (the "Owner"): Occidental Development, LTD.

Address of Owner: 31185 Wellington Dr.  
Novi, MI 48377

The undersigned Owner understands that the proposed construction of a sidewalk by the Road Commission for Oakland County permit applicant City of Novi ("Permit Applicant") or its agents will necessitate the removal of certain trees and stumps within the road right-of-way on the south side of Pontiac Trail Road.

The undersigned Owner:

Wants to receive the wood resulting from the Permit Applicant or its agent's removal of trees that are on or adjacent to the Property, and the Owner understands that the wood will be cut into 10 to 12 foot lengths. **By checking this box, the Owner hereby gives permission to the Permit Applicant to enter the Property in order to place the wood on the Property.**

Does not want to receive the wood resulting from the Permit Applicant's removal of trees that are on or adjacent to the Property.

**This License does *not* transfer an interest in your property to the Permit Applicant or any of its agents; it does *not* need to be recorded with the Oakland County Register of Deeds; and it does *not* cause a change in your property boundary lines.**

This License contains the entire understanding between the Owner, the Permit Applicant, and the Road Commission for Oakland County. There are no other verbal promises between the parties except as shown herein.

**IN WITNESS HEREOF**, the undersigned hereby agree(s) to the terms and provisions herein as of this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

**WITNESS:**

**Signed by:**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Signature

Print Name

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Signature

Print Name