



# CITY of NOVI CITY COUNCIL

**Agenda Item G**  
**May 18, 2015**

**SUBJECT:** Acceptance of a two pathway easements as a donation from Novi Ten, LLC, along the north side of Ten Mile Road east of Novi Road for construction of the 2015 Pathway Program project (parcel 22-23-376-013 and parcel 22-23-376-014).

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

**CITY MANAGER APPROVAL:** *[Signature]*

**BACKGROUND INFORMATION:**

The 2015 Pathway Construction program includes construction of pathways along the south side of Grand River Avenue between Meadowbrook Road and Haggerty Road, along the east side of Novi Road between Nick Lidstrom Drive and Ten Mile Road, and along the north side of Ten Mile Road near the CSX Railroad. The project design requires three permanent pathway easements and three temporary construction permits to facilitate the construction of the pathway. Engineering staff have made contact with all of the property owners and requested donation of the easements to decrease project costs. Three of the permanent easements are on this agenda for consideration and staff has obtained four of the temporary permits.

One of the property owners, Novi Ten, LLC, which owns the property on the north side of Ten Mile Road, just west of the CSX railroad (the former Timberlane Hardware property), has offered to donate a pathway easement along the north side of Ten Mile Road to facilitate the project.

The pathway easement was prepared by Engineering staff and was reviewed and approved by the City Attorney (see attached letter from Beth Saarela). The design of the 2015 Pathway Construction project is nearing completion.

The easements on these two properties will facilitate the completion of segment 145, and provide a continuous pathway along the north side of Ten Mile Road between Haggerty Road and Novi Road. It is anticipated that construction will commence in mid-summer 2015 once all of the required easements have been obtained.

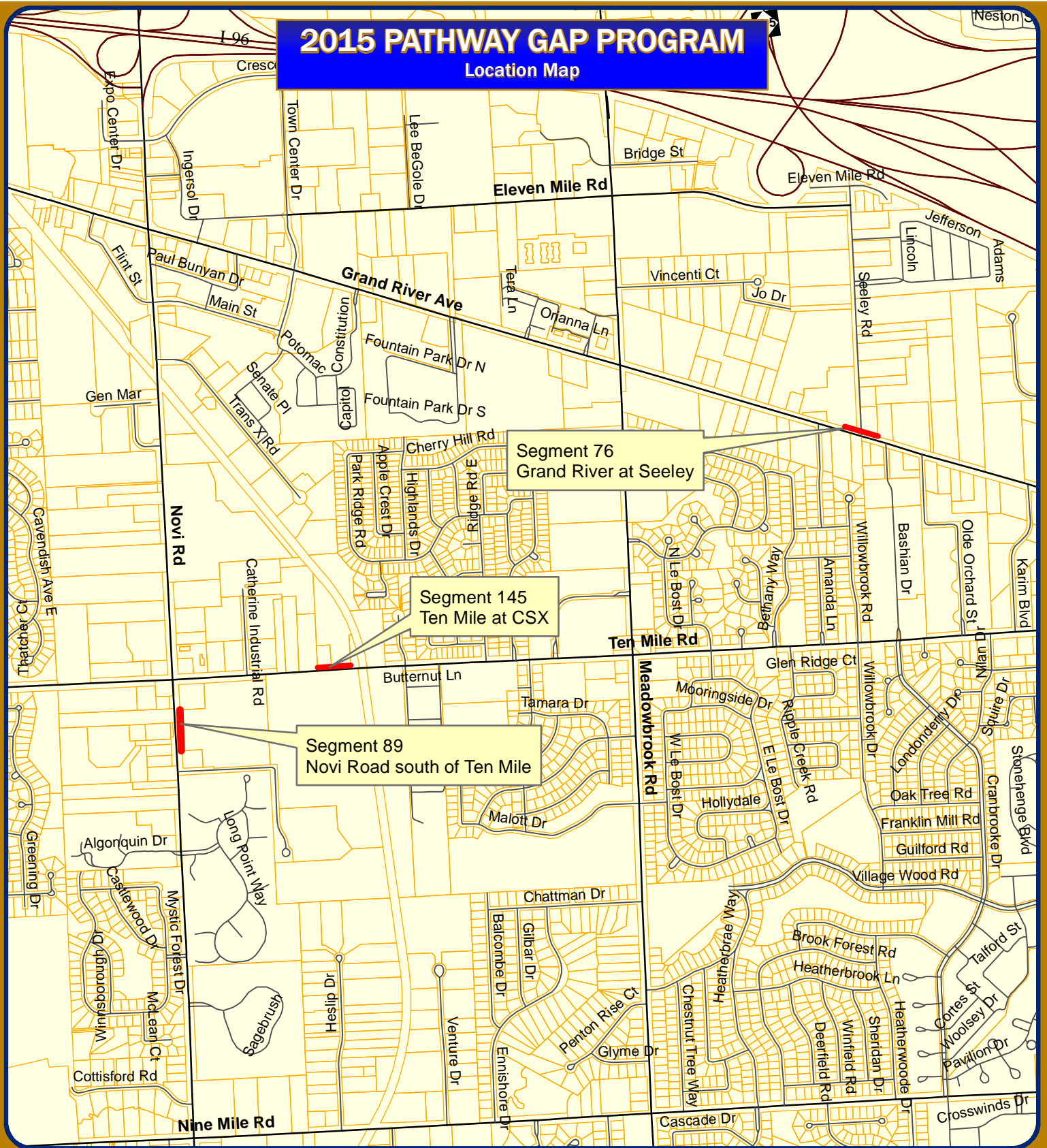
**RECOMMENDED ACTION:** Acceptance of a two pathway easements as a donation from Novi Ten, LLC, along the north side of Ten Mile Road east of Novi Road for construction of the 2015 Pathway Program project (parcel 22-23-376-013 and parcel 22-23-376-014).

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

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

# 2015 PATHWAY GAP PROGRAM

## Location Map



Segment 76  
Grand River at Seeley

Segment 145  
Ten Mile at CSX

Segment 89  
Novi Road south of Ten Mile

Map Author: Croy  
Date: 6/16/14  
Project: 2015 Pathways  
Version #: v1.0

**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.



Feet

0 305 610 1,220 1,830

1 inch = 1,500 feet

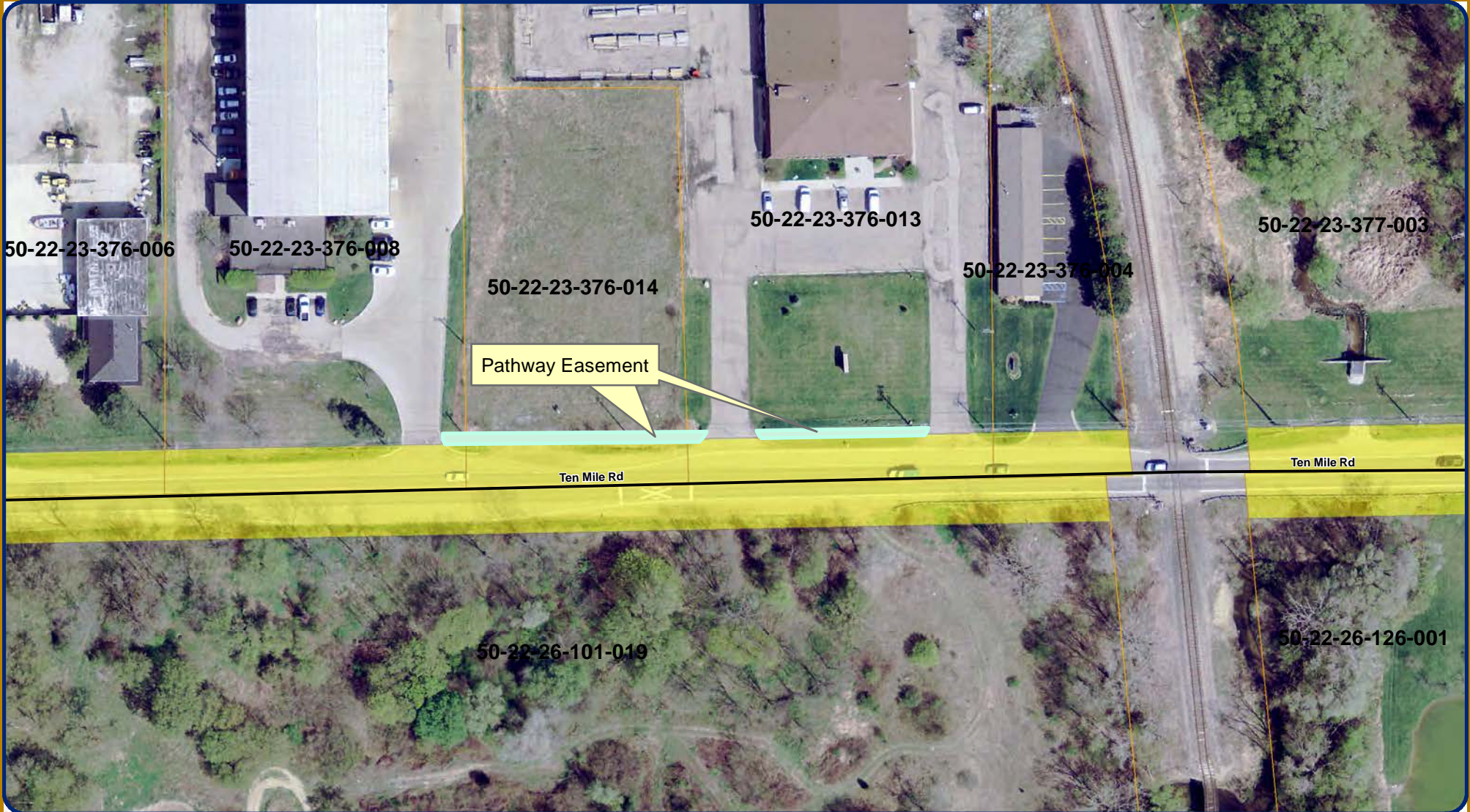


**City of Novi**

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

# Novi Ten Pathway Easement

50-22-23-376-014 & 013



Map Author: PK  
 Date: 5/11/15  
 Project: Novi Ten Pathway Easement  
 Version #: 1

Amended By:  
 Date:  
 Department:

**MAP INTERPRETATION NOTICE**

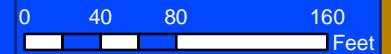
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**Legend**

- Easement
- Right of Way
- Dedicated
- Prescriptive
- Private



City of Novi  
 Department Division  
 Department Name  
 45175 W Ten Mile Rd  
 Novi, MI 48375  
 cityofnovi.org





JOHNSON ROSATI SCHULTZ JOPPICH PC

27555 Executive Drive Suite 250 ~ Farmington Hills, Michigan 48331  
Phone: 248.489.4100 | Fax: 248.489.1726

Elizabeth Kudla Saarela  
esaarela@jrsjlaw.com

www.johnsonrosati.com

May 12, 2015

Brian Coburn, Engineering Manager  
CITY OF NOVI  
Department of Public Services  
Field Services Complex  
26300 Lee BeGole Drive  
Novi, MI 48375

**Re: 2015 Pathway Project – Novi Ten, LLC**  
Parcels 22-23-376-013 and 22-23-376-014

Dear Mr. Coburn:

We have received and reviewed the following documents provided by Novi Ten, LLC for the construction of public pathway across the frontage of 42780 W. Ten Mile Road in connection with the 2015 Pathways Project:

1. Pathway Easement (Parcel 22-23-376-013)
2. Pathway Easement (Parcel 22-23-376-014)

The format and content of the Pathway Easements are in the City's standard format and are acceptable and consistent with title searches provided with respect to the property subject to the notation regarding the name of the owner entity. The Pathway Easements may be placed on an upcoming City Council Agenda for acceptance. Once accepted, the Pathway Easements should be recorded with the Oakland County Register of Deeds in the usual manner.

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

Very truly yours,

JOHNSON, ROSATI, SCHULTZ & JOPPICH, P.C.



Elizabeth Kudla Saarela

Brian Coburn, Engineering Manager  
May 12, 2015  
Page 2

EKS

Enclosures

C: Maryanne Cornelius, Clerk  
Ben Croy, Civil Engineer  
Thomas R. Schultz, Esquire

**PATHWAY EASEMENT**

NOW ALL MEN BY THESE PRESENTS, that Novi Ten, LLC,\* a Michigan limited liability company , whose address is 2245 Keith Road, West Bloomfield, Michigan 48324, 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 non-motorized pathway over across and through property located in Section 27, T.1N., R.8E., City of Novi, Oakland County, State of Michigan, more particularly described as follows:

Parcel No. 50-22-23-376-013

{See attached and incorporated Exhibit A}

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

{See attached and incorporated Exhibit A}

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

Grantee may, construct, install, repair, replace, improve, modify and maintain a non-motorized pathway in the easement area as shown in the attached and incorporated Exhibit A.

Construction activities required for the construction of a non-motorized pathway, consisting of a 5-foot wide concrete pathway.

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 pathway in the easement areas shown on the attached and incorporated Exhibit A.

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

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

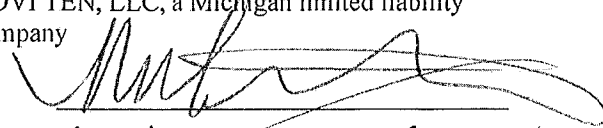
\* AKA NOV110, LLC

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

Dated this 16 day of APRIL, 2015.

**GRANTOR**

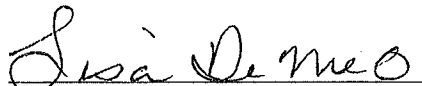
\* NOVI TEN, LLC, a Michigan limited liability company

  
Mark Garmo, Member

STATE OF MICHIGAN     )  
  ) SS  
COUNTY OF OAKLAND    )

The foregoing instrument was acknowledged before me this 16 day of April, 2015, by MARK GARMO the OWNER of Novi Ten, LLC, a Michigan limited liability company, on its behalf.

LISA DE MEO  
NOTARY PUBLIC, STATE OF MI  
COUNTY OF WAYNE  
MY COMMISSION EXPIRES Jan 10, 2022  
ACTING IN COUNTY OF Oakland

  
Notary Public  
Wayne County, Michigan  
My Commission Expires: 1-10-2022

Drafted by:  
Beth Saarela  
Johnson, Rosati, Schultz & Joppich  
34405 W. Twelve Mile  
Farmington Hills, MI 48331

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

**PARENT PARCEL DESCRIPTION:**

T1N, R8E, SEC 23 PART OF SW 1/4 BEG AT PT DIST S 86°27'28" W 593.62 FT FROM S 1/4 COR,  
 TH S 86°27'28" W 220.22 FT, TH N 04°03'05" W 287.11 FT, TH S 87°05'08" W 154.78 FT,  
 TH N 02°54'52" W 836.88 FT, TH S 39°44'12" E 69.96 FT, TH SELY ALG CONCAVE CURVE CHORD  
 BEARS S 31°31'03" E 762.77 FT, DIST OF 768.22 FT, TH S 70°51'48" W 27.50 FT, TH S 02°54'52" E 388.17 FT  
 TO BEG 5.45 ACRES

**PROPERTY OWNER:**

NOVI TEN, LLC.  
 2245 KEITH ROAD  
 WEST BLOOMFIELD, MI 48324

**PROPERTY ADDRESS:**

42780 TEN MILE ROAD  
 NOVI, MI 48375

**TAX ID:**

50-22-23-376-013

**PATHWAY EASEMENT LEGAL DESCRIPTION:**

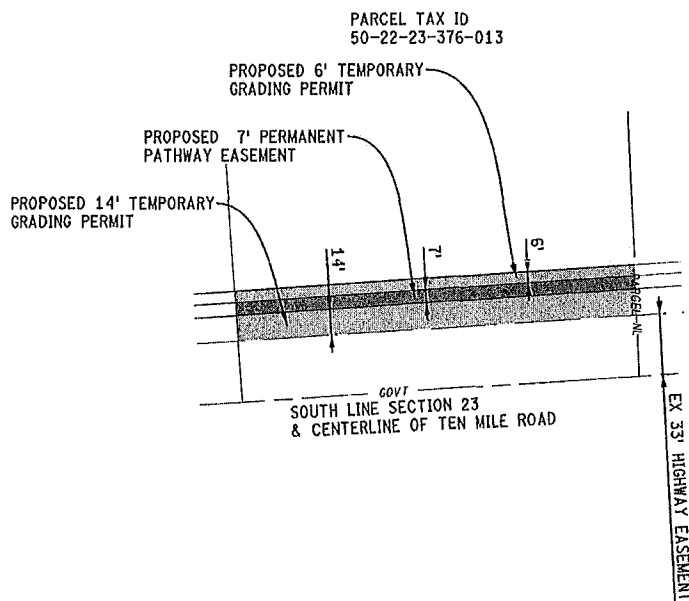
THE NORTHERLY 7 FEET OF THE SOUTHERLY 54 FEET OF THE ABOVE DESCRIBED PARENT PARCEL.  
 CONTAINS 1548.7 SFT (0.036 ACRES), MORE OR LESS.

**NORTHERLY GRADING PERMIT LEGAL DESCRIPTION:**

THE NORTHERLY 6 FEET OF THE SOUTHERLY 60 FEET OF THE ABOVE DESCRIBED PARENT PARCEL.  
 CONTAINS 1328.2 SFT (0.030 ACRES), MORE OR LESS.

**SOUTHERLY GRADING PERMIT LEGAL DESCRIPTION:**

THE NORTHERLY 14 FEET OF THE SOUTHERLY 47 FEET OF THE ABOVE DESCRIBED PARENT PARCEL.  
 CONTAINS 3094.4 SFT (0.071 ACRES), MORE OR LESS.



**PATHWAY EASEMENT & GRADING PERMIT**

DESIGNED BY:



Surface Transportation  
 Grand Rapids - Southfield -  
 Traverse City



**PARCEL 50-22-23-376-013**

DRAWN BY:	CHECKED BY:	DATE	SCALE	SHEET NUMBER	PROJECT NUMBER
TRW	LND	02/26/15	1"=100'	1 OF 1	12944641



**PATHWAY EASEMENT**

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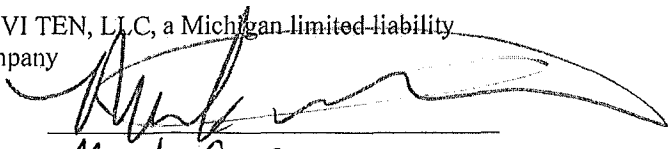
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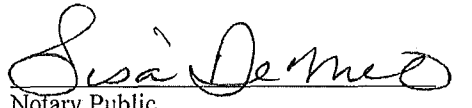
\* NOVI TEN, LLC, a Michigan limited-liability company

  
Mark Garmo, member

STATE OF MICHIGAN     )  
  ) SS  
COUNTY OF OAKLAND     )

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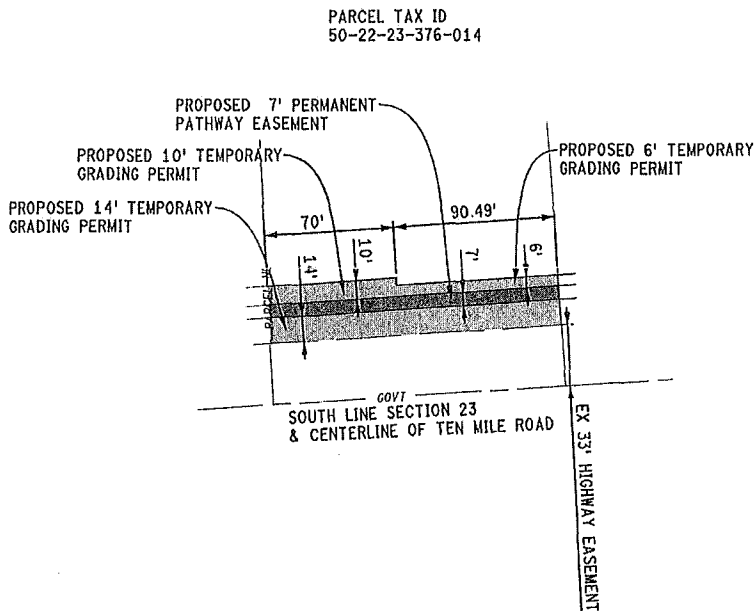
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 CONTAINS 1116.3 SFT (0.026 ACRES), MORE OR LESS.

**NORTHERLY GRADING PERMIT LEGAL DESCRIPTION:**

THE NORTHERLY 10 FEET OF THE SOUTHERLY 64 FEET OF THE WESTERLY 70 FEET AND THE  
 NORTHERLY 6 FEET OF THE SOUTHERLY 60 FEET OF THE EASTERLY 90.49 FEET OF THE ABOVE  
 DESCRIBED PARENT PARCEL. CONTAINS 1236.1 SFT (0.028 ACRES), MORE OR LESS.

**SOUTHERLY GRADING PERMIT LEGAL DESCRIPTION:**

THE NORTHERLY 14 FEET OF THE SOUTHERLY 47 FEET OF THE ABOVE  
 DESCRIBED PARENT PARCEL. CONTAINS 2235.5 SFT (0.051 ACRES), MORE OR LESS.



**PATHWAY EASEMENT & GRADING PERMIT**

DESIGNED BY:



Surface Transportation  
 Grand Rapids, Southfield,  
 Traverse City



**PARCEL 50-22-23-376-014**

DRAWN BY:	CHECKED BY:	DATE	SCALE	SHEET NUMBER	PROJECT NUMBER
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