



CITY of NOVI CITY COUNCIL

**Agenda Item J
June 22, 2015**

SUBJECT: Acceptance of a pathway easement and sidewalk easement as a donation from Toll MI II Limited Partnership for The Preserve at Island Lake (Phase 8) located at the northeast corner of Ten Mile Road and Napier Road per the amended residential unit development plan.

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

CITY MANAGER APPROVAL: *[Signature]*

BACKGROUND INFORMATION:

The developer of The Preserve at Island Lake, Toll MI II Limited Partnership, is requesting acceptance of a pathway easement and a sidewalk easement as required by the amended residential unit development plan. The pathway easement and pathway provided by the developer allows pedestrian circulation along Ten Mile Road and Napier Road. The sidewalk easement and sidewalk provided by the developer connects the pathway constructed as part of Phase 8 to the existing pathway to the north on Napier Road (see attached map). The Preserve at Island Lake is located at the northeast corner of Ten Mile Road and Napier Road in Section 18 of the City of Novi.

The enclosed pathway easement and sidewalk easement have been favorably reviewed by the City Attorney (Beth Saarela's March 19, 2015 letter, attached) and are recommended for approval.

RECOMMENDED ACTION: Acceptance of a pathway easement and a sidewalk easement as a donation from Toll MI II Limited Partnership for The Preserve at Island Lake (Phase 8) located at the northeast corner of Ten Mile Road and Napier Road as part of their approved Site Plan.

	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				

The Preserve of Island Lake (Phase 8)

Pathway and Sidewalk Easement Location Map

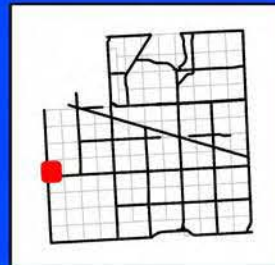
Proposed Pathway and Sidewalk Easements

Map Author: A. Wayne
Date: June 10, 2015
Project:
Version #:

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.



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

0 40 80 160 240
Feet

1 inch = 204 feet



January 28, 2015

Tom Gizoni, P.E.
Alpine Engineering, Inc.
46892 West Road
Suite 109
Novi, MI 48377

Re: Island Lake Phase 8 - Acceptance Documents Review
Novi # JSP13-0069
SDA Job No. NV14-217
APPROVED

Dear Mr. Gizoni:

We have reviewed the Acceptance Document Package received by our office on August 8, 2014 against the Final Site Plan (Stamping Set) approved on January 6, 2015. We offer the following comments:

Final Acceptance Documents:

The following items must be provided prior to the issuance of a Temporary Certificate of Occupancy.

1. On-Site Water System Easement – (unexecuted: exhibit dated 07-17-2014) - Exhibits Approved.
2. On-Site Sanitary Sewer Easement – (unexecuted: exhibit dated 07-17-2014) - Exhibits Approved.
3. Off-Site Storm Drainage Facility / Maintenance Easement Agreement - (unexecuted: exhibits dated 07-17-2014) – Exhibits A, C, & D Approved.
4. Pathway Construction Easement – (unexecuted: exhibit dated 03-07-2014) – Exhibits Approved.
5. Pathway Easement – (unexecuted: exhibit dated 03-07-2014) – Exhibits Approved.
6. Sidewalk Easement – (unexecuted: exhibit dated 07-17-2014) – Exhibits Approved.
7. Warranty Deed for 10 Mile Road Right-of-Way – (SUPPLIED; exhibits dated 12-23-2014) – Exhibits Approved.
8. Bills of Sale: Sanitary Sewer System and Water Supply System – SUPPLIED – Approved.
9. Full Unconditional Waivers of Lien from contractors installing public utilities – SUPPLIED – Approved.
10. Sworn Statement from contractors installing public utilities - SUPPLIED – Approved.
11. Maintenance and Guarantee Bond – (in the amount of \$177,005.00) – SUPPLIED- Approved.
12. Bills of Sale conveying the Proposed Boardwalks – SUPPLIED – Approved.
13. Full Unconditional Waivers of Lien from contractors installing streets – SUPPLIED – Approved.

14. Sworn Statement from contractors installing streets - SUPPLIED – Approved.
15. As-Built Engineering Plans are being prepared by Spalding DeDecker Associates, Inc.

Unless otherwise stated above, the documents as submitted were found to be acceptable by our office pending review by the City Attorney. Legal review will not occur until a current title policy is submitted to the City. For those documents which require revisions, please forward those revised documents to the City for further review and approval.

The City Attorney's Office will retain the original documents in their files until such time as they are approved and ready (notarized and executed properly) for the Mayor's signature.

It should be noted that the Plan Review Center Report dated July 10, 2014 contains all documentation requirements necessary prior to construction and occupancy of the facility.

If you have any questions regarding this matter, please contact this office at your convenience.

Sincerely,

SPALDING DeDECKER ASSOCIATES, INC.



Brittany Allen, E.I.T.
Engineer

cc: Brian Coburn, Plan Review Center (via E-mail)
Maryanne Cornelius, City Clerk (via E-mail)
Beth Saarela, Johnson Rosati, Schultz, Joppich PC (via E-mail)
Sarah Marchioni, Building Department (via E-mail)
Barb McBeth, City Planning Director (via E-mail)
Ted Meadows, Spalding DeDecker Associates (via E-mail)
Adam Wayne, City Construction Engineer (via E-mail)
Taylor Reynolds, Spalding DeDecker Associates (via E-mail)
Sheila Weber, Treasurer's Office (via E-mail)
Craig A. Kantola, Alpine Engineering, Inc. (via E-mail)



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

March 19, 2015

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

**Re: The Preserve at Island Lake of Novi – SP13-0069
Review for Acceptance – Utilities and Right-of-Way**

Dear Mr. Hayes:

We have received and reviewed, and enclosed please find, the following documents for The Preserve at Island Lake of Novi Site Condominium:

- Sanitary Sewer System Easement
- Water System Easement
- Title Commitment
- Bill of Sale
- Maintenance and Guarantee Bond (Utilities)
- On-Site Pathway Easement
- Off-Site Sidewalk Easement with Title Search
- Warranty Deed (Twelve Mile Road - Revised Description)

We have the following comments relating to the above-named documents:

Water System and Sanitary Sewer System Easements

Toll MI II, Limited Partnership seeks to convey the water and sanitary sewer system facilities serving The Preserve at Island Lake of Novi Site Condominium Development. We have reviewed and approve the format and language of the above Water and Sanitary Sewer System Easements and corresponding Bill of Sale. The exhibits have been reviewed and approved by the City's Engineering Division.

Rob Hayes, Public Services Director

March 19, 2015

Page 2

The Maintenance and Guarantee Bond posted for utilities is in the City's standard amount for a surety bond. The amount has been approved by the City's Consulting Engineer. The Bond is in place to guarantee the materials and workmanship of the water and sanitary sewer facilities for two years from the date of acceptance.

The Water System and Sanitary Sewer System Easements may be accepted by Affidavit of the City Engineer. The Bills of Sale, Maintenance and Guarantee Bond and Title Insurance Policy should remain in the City's file.

Sidewalk and Pathway Easements

The Sidewalk Easement provides a public easement for sidewalk through the general common element open space of the Condominium along Ten Mile and Napier Roads. A Bill of Sale has also been provided in connection with the Sidewalk Easement conveying the paving and boardwalk areas to the City for public use and maintenance. The exhibits have been reviewed and approved by the City's Engineering Division. Both documents are acceptable for the purposes provided.

The Pathway Easement is for a pathway connecting The Preserve sidewalk to a pathway through the open space within the Island Lake Orchards Condominium, which eventually connects to the sidewalk within the Napier Road Right-of-Way, north of The Preserve. The exhibits have been reviewed and approved by the City's Engineering Division. The Sidewalk Easement is acceptable for the purposes provided.

Once the pathway/sidewalks have been installed and inspected, both easements may be placed on an upcoming City Council Agenda for acceptance. Once accepted and executed by the City, they should be recorded with the Oakland County Register of Deeds.

Warranty Deeds

The Warranty Deed for 60-foot Right-of-Way along Ten Mile Road is in the City's standard format. There is no existing mortgage on the property therefore no discharge is required. The legal description has been reviewed and approved by the City's Engineering Division. The Warranty Deed is acceptable for the purpose provided and should be placed on an upcoming City Council Agenda for acceptance. It should be noted that the Developer has already recorded the Warranty Deed with the County and no further action is required in that regard.

Termination of Bill of Sale

Please note we are enclosing two documents titled, "Termination of Bill of Sale," ***for your signature and recording by the City Clerk's Office***. The legal descriptions attached to both recorded documents were inaccurate to the extent that they were too broad and could be interpreted to include more improvements than the City generally accepts as public. Additionally, the City does not generally record a Bill of Sale.

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

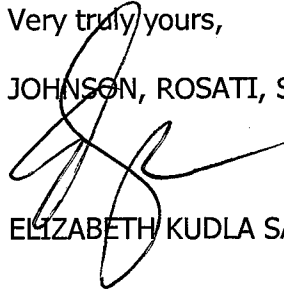
Rob Hayes, Public Services Director

March 19, 2015

Page 3

Very truly yours,

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



ELIZABETH KUDLA SAARELA

EMK

Enclosures

C: Maryanne Cornelius, Clerk (w/Original Enclosures)
Charles Boulard, Community Development Director (w/Enclosures)
Barb McBeth, Deputy Community Development Director (w/Enclosures)
Sheila Weber, Treasurer's Office (w/Enclosures)
Kristin Pace, Treasurer's Office (w/Enclosures)
Adam Wayne, Construction Engineer (w/Enclosures)
Aaron Staup, Construction Engineering Coordinator (w/Enclosures)
Sarah Marchioni, Building Permit Coordinator (w/Enclosures)
Sue Troutman, City Clerk's Office (w/Enclosures)
John Poe, Toll Bros., Inc. (w/Enclosures)
A'Jene Maxwell, Esquire (w/Enclosures)
Thomas R. Schultz, Esquire (w/Enclosures)

PATHWAY EASEMENT

ISLAND LAKE ORCHARDS ASSOCIATION, a Michigan nonprofit corporation, whose address is 143 Cady Centre #205, Northville, Michigan 48167, and **ISLAND LAKE OF NOVI COMMUNITY ASSOCIATION**, a Michigan nonprofit corporation, whose address is 50444 Drakes Bay Drive, Novi, Michigan 48374 (collectively, "Grantor"), for and in consideration of One (\$1.00) Dollar, receipt and sufficiency of which is hereby acknowledged, hereby, jointly and severally, grant and convey to the **CITY OF NOVI**, a Michigan municipal corporation, whose address is 45175 West Ten Mile Road, Novi, Michigan 48375 ("Grantee"), being exempt pursuant to MCLA 207.505(a), and MCLA 207.526, (a) a permanent easement for a public non-vehicular pathway over across and through property located in Section 20 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 non-vehicular pathway is more particularly described as follows:

See attached and incorporated Exhibit B – Path Easement

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

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

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

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


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

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

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

LEGAL DESCRIPTION (ISLAND LAKE ORCHARDS CONDOMINIUM):

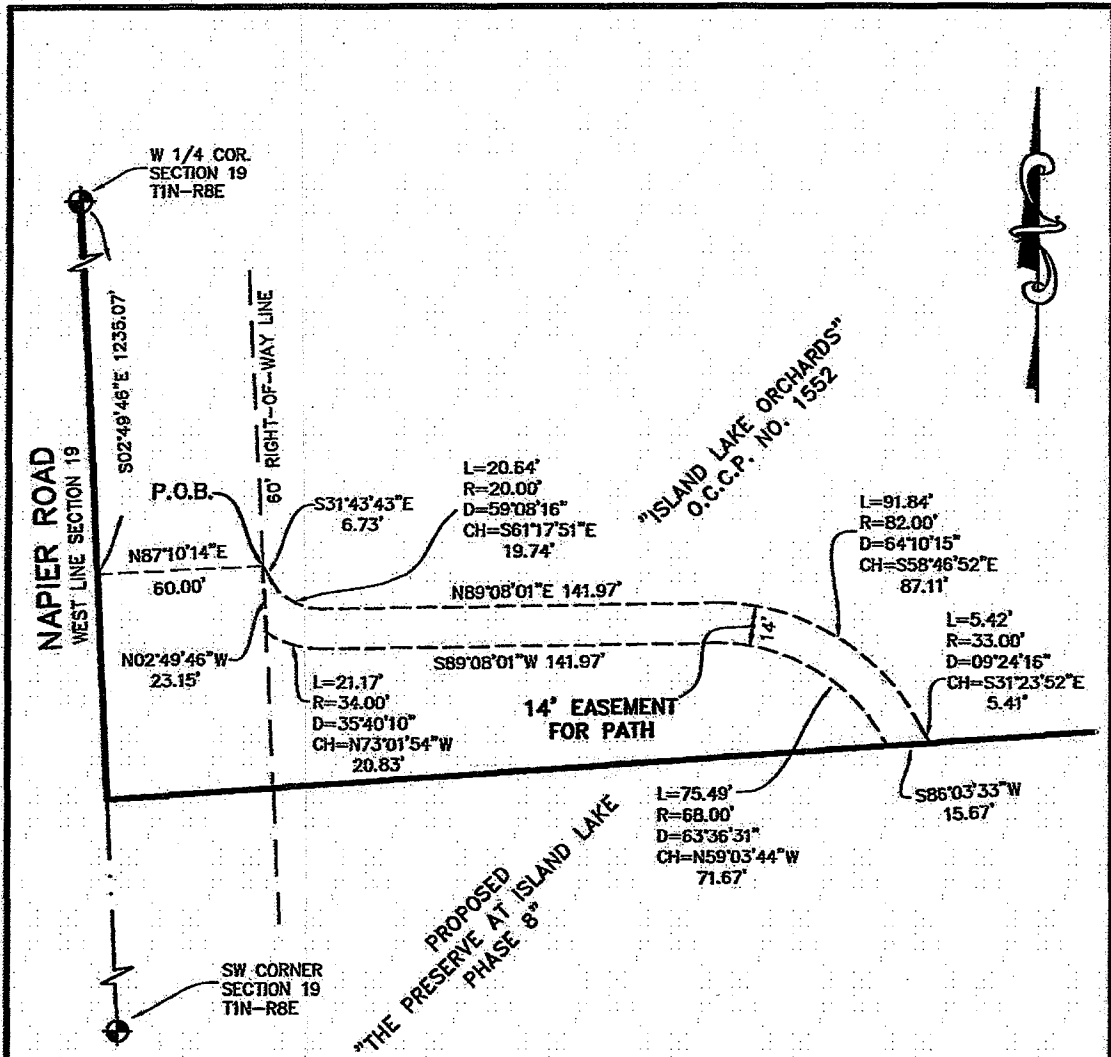
ISLAND LAKE ORCHARDS, KNOWN AS OAKLAND COUNTY CONDOMINIUM SUBDIVISION PLAN NO. 1552, LOCATED IN THE CITY OF NOVI, OAKLAND COUNTY, MICHIGAN ACCORDING TO THE MASTER DEED THEREOF, RECORDED IN LIBER 30468, PAGES 611 THROUGH 689, BOTH INCLUSIVE, OAKLAND COUNTY RECORDS, AS AMENDED BY THE FIRST AMENDMENT TO MASTER DEED THEREOF, RECORDED IN LIBER 31833, PAGES 132 THROUGH 150, BOTH INCLUSIVE, OAKLAND COUNTY RECORDS, AS AMENDED BY THE SECOND AMENDMENT TO MASTER DEED THEREOF, RECORDED IN LIBER 34444, PAGES 64 THROUGH 87, BOTH INCLUSIVE, OAKLAND COUNTY RECORDS, AS AMENDED BY THE THIRD AMENDMENT TO MASTER DEED THEREOF, RECORDED IN LIBER 36379, PAGES 520 THROUGH 543, BOTH INCLUSIVE, OAKLAND COUNTY RECORDS, AND AS AMENDED BY THE FOURTH AMENDMENT TO MASTER DEED THEREOF, RECORDED IN LIBER 38053, PAGES 20 THROUGH 45, BOTH INCLUSIVE, OAKLAND COUNTY RECORDS.



ALPINE
ENGINEERING, INC.
CIVIL ENGINEERS & LAND SURVEYORS

46892 WEST ROAD
SUITE 109
NOVI, MICHIGAN 48377
(248) 926-3701 (BUS)
(248) 926-3765 (FAX)

CLIENT:	TOLL BROTHERS INC.	DATE:	03-07-14
EXHIBIT A		DRAWN BY:	JDH
		CHECKED BY:	GLM
PRESERVE AT ISLAND LAKE PH. 8 SECTION: 19 TOWNSHIP: 1N RANGE: 8E CITY OF NOVI OAKLAND COUNTY MICHIGAN		0 25 50	
		FBK:	1 / 13-260
		CHK:	
		SCALE: HORIZ 1"=50 FT. VERT 1"=0 FT.	



PATH EASEMENT:

PART OF THE SOUTHWEST 1/4 OF SECTION 19, TIN-R8E, CITY OF NOV, OAKLAND COUNTY, MICHIGAN DESCRIBED AS: COMMENCING AT THE WEST 1/4 CORNER OF SAID SECTION 19; THENCE S02°49'46"E 1235.07 FEET ALONG THE CENTERLINE OF NAPIER ROAD AND THE WEST LINE OF SAID SECTION 19; THENCE N87°10'14"E 60.00 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF SAID NAPIER ROAD FOR A POINT OF BEGINNING; THENCE S31°43'43"E 6.73 FEET; THENCE 20.64 FEET ALONG A CURVE TO THE LEFT, WITH A RADIUS OF 20.00 FEET, A CENTRAL ANGLE OF 59°08'16", AND A CHORD WHICH BEARS S61°17'51"E 19.74 FEET; THENCE N89°08'01"E 141.97 FEET; THENCE 91.84 FEET ALONG A CURVE TO THE RIGHT, WITH A RADIUS OF 82.00 FEET, A CENTRAL ANGLE OF 64°10'15", AND A CHORD WHICH BEARS S58°46'52"E 87.11 FEET; THENCE 5.42 FEET ALONG A CURVE TO THE LEFT, WITH A RADIUS OF 33.00 FEET, A CENTRAL ANGLE OF 09°24'16", AND A CHORD WHICH BEARS S31°23'52"E 5.41 FEET; THENCE S86°03'33"W 15.67 FEET; THENCE 75.49 FEET ALONG A CURVE TO THE LEFT, WITH A RADIUS OF 68.00 FEET, A CENTRAL ANGLE OF 63°36'31", AND A CHORD WHICH BEARS N59°03'44"W 71.67 FEET; THENCE S89°08'01"W 141.97 FEET; THENCE 21.17 FEET ALONG A CURVE TO THE RIGHT, WITH A RADIUS OF 34.00 FEET, A CENTRAL ANGLE OF 35°40'10", AND A CHORD WHICH BEARS N73°01'54"W 20.83 FEET; THENCE N02°49'46"W 23.15 FEET ALONG THE EAST RIGHT-OF-WAY LINE OF SAID NAPIER ROAD TO THE POINT OF BEGINNING.

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EXHIBIT B		DRAWN BY:	JDH
		CHECKED BY:	GLM
PRESERVE AT ISLAND LAKE PH. 8		0 25 50	
		FBC:	1/1
		CHP:	13-260
SECTION: 19 TOWNSHIP: 1N RANGE: 8E		SCALE: HOR: 1"=50 FEET VER: 1"=0 FEET	
CITY OF NOV OAKLAND COUNTY MICHIGAN			

PATHWAY EASEMENT

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See attached and incorporated Exhibit A - Property Description Exhibit

The permanent easement for the public non-vehicular pathway is more particularly described as follows:

See attached and incorporated Exhibit B – Path Easement

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

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

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

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

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

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

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

IN WITNESS WHEREOF, the undersigned Grantor has affixed _____ signature this day of _____, 2014.

GRANTOR:

ISLAND LAKE ORCHARDS ASSOCIATION, a Michigan nonprofit corporation

By: Janet Schumann
Name: Janet Schumann
Its: President HOA

and

ISLAND LAKE OF NOVI COMMUNITY ASSOCIATION, a Michigan nonprofit corporation

By: Jason Minock
Name: Jason Minock
Its: President

STATE OF MICHIGAN)
COUNTY OF Oakland) ss.

On this 7 day of April, 2014, before me, personally appeared the above named Janet Schumann the President of ISLAND LAKE ORCHARDS ASSOCIATION, a Michigan nonprofit corporation, on behalf of said corporation, to me known to be the person described in and who executed the foregoing instrument and acknowledged that they executed the same as his free act and deed.

ANITA KOHLER
Notary Public, State of Michigan
County of Wayne
My Commission Expires May 07, 2017
Acting in the County of Oakland

[Signature]
Notary Public, Wayne County
Acting in Oakland County, MI
My commission expires: 05/07/2017

STATE OF MICHIGAN)
COUNTY OF Oakland) ss.

On this 24th day of March, 2014, before me, personally appeared the above named JASON MINOCK, the PRESIDENT of ISLAND LAKE OF NOVI COMMUNITY ASSOCIATION, a Michigan nonprofit corporation, on behalf of said corporation, to me known to be the person described in and who executed the foregoing instrument and acknowledged that they executed the same as his free act and deed.

MARILEE S STEINHILBER
Notary Public - Michigan
Oakland County
My Commission Expires Dec 23, 2017
Acting in the County of Oakland

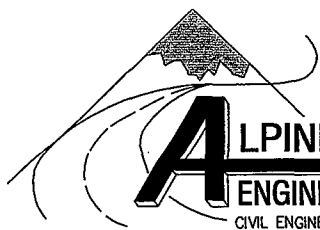
[Signature]
Notary Public, MARILEE S STEINHILBER
Acting in Oakland County, MI
My commission expires: 12-23-2017

Drafted by:
Elizabeth K. Saarela
27555 Executive Drive, Suite 250
Farmington Hills, MI 48331

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

LEGAL DESCRIPTION (ISLAND LAKE ORCHARDS CONDOMINIUM):

ISLAND LAKE ORCHARDS, KNOWN AS OAKLAND COUNTY CONDOMINIUM SUBDIVISION PLAN NO. 1552, LOCATED IN THE CITY OF NOVI, OAKLAND COUNTY, MICHIGAN ACCORDING TO THE MASTER DEED THEREOF, RECORDED IN LIBER 30468, PAGES 611 THROUGH 689, BOTH INCLUSIVE, OAKLAND COUNTY RECORDS, AS AMENDED BY THE FIRST AMENDMENT TO MASTER DEED THEREOF, RECORDED IN LIBER 31833, PAGES 132 THROUGH 150, BOTH INCLUSIVE, OAKLAND COUNTY RECORDS, AS AMENDED BY THE SECOND AMENDMENT TO MASTER DEED THEREOF, RECORDED IN LIBER 34444, PAGES 64 THROUGH 87, BOTH INCLUSIVE, OAKLAND COUNTY RECORDS, AS AMENDED BY THE THIRD AMENDMENT TO MASTER DEED THEREOF, RECORDED IN LIBER 36379, PAGES 520 THROUGH 543, BOTH INCLUSIVE, OAKLAND COUNTY RECORDS, AND AS AMENDED BY THE FOURTH AMENDMENT TO MASTER DEED THEREOF, RECORDED IN LIBER 38053, PAGES 20 THROUGH 45, BOTH INCLUSIVE, OAKLAND COUNTY RECORDS.



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CLIENT: TOLL BROTHERS INC.	DATE: 03-07-14
EXHIBIT A	DRAWN BY: JDH
PRESERVE AT ISLAND LAKE PH. 8 SECTION: 19 TOWNSHIP: 1N RANGE: 8E CITY OF NOVI OAKLAND COUNTY MICHIGAN	CHECKED BY: GLM
	0 25 50
	FBK: 1 / 1
	CHF: 13-260
	SCALE HOR 1"=50 FT. VER 1"=0 FT.

NAPIER ROAD
WEST LINE SECTION 19

W 1/4 COR.
SECTION 19
T1N-R8E

S02°49'46"E 1235.07'

P.O.B.

N87°10'14"E

60.00'

N02°49'46"W
23.15'

60' RIGHT-OF-WAY LINE

S31°43'43"E
6.73'

L=20.64'
R=20.00'
D=59°08'16"
CH=S61°17'51"E
19.74'

"ISLAND LAKE ORCHARDS"
O.C.C.P. NO. 1552

L=91.84'
R=82.00'
D=64°10'15"
CH=S58°46'52"E
87.11'

N89°08'01"E 141.97'

S89°08'01"W 141.97'

**14' EASEMENT
FOR PATH**

L=21.17'
R=34.00'
D=35°40'10"
CH=N73°01'54"W
20.83'

L=5.42'
R=33.00'
D=09°24'16"
CH=S31°23'52"E
5.41'

L=75.49'
R=68.00'
D=63°36'31"
CH=N59°03'44"W
71.67'

S86°03'33"W
15.67'

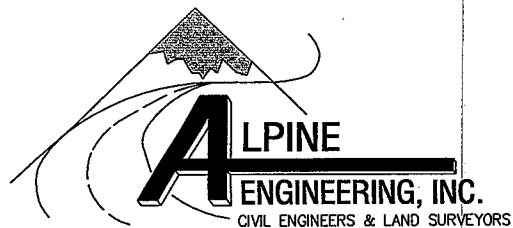
SW CORNER
SECTION 19
T1N-R8E

"THE PRESERVE AT ISLAND LAKE
PHASE 8"



PATH EASEMENT:

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CLIENT: TOLL BROTHERS INC.	DATE: 3-07-14
EXHIBIT B	DRAWN BY: JDH
	CHECKED BY: GLM
PRESERVE AT ISLAND LAKE PH. 8	0 25 50
	FBK: 1 / 1
SECTION: 19 TOWNSHIP: 1N RANGE: 8E CITY OF NOVI OAKLAND COUNTY MICHIGAN	CH: 13-260
SCALE HOR 1"=50 FT. VER 1"=0 FT.	

SIDEWALK EASEMENT

NOW ALL MEN BY THESE PRESENTS, that **TOLL MI II LIMITED PARTNERSHIP**, a Michigan limited partnership, whose address is 28004 Center Oaks Ct., Suite 200, Wixom, Michigan 48393, 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 20 T.1N., R.8E., City of Novi, Oakland County, State of Michigan, more particularly described as follows:

See attached and incorporated Exhibit A - Property Description Exhibit

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

See attached and incorporated Exhibit B - Sidewalk Easement Area

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

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

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

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

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

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

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

IN WITNESS WHEREOF, the undersigned Grantor has affixed 12th signature this day of February, 2015.

GRANTOR:

TOLL MI II LIMITED PARTNERSHIP,
a Michigan limited partnership

By: Toll MI GP Corp., a Michigan
corporation
Its: General Partner

By: [Signature]
Michael T. Noles
Its: Senior Vice President

STATE OF MICHIGAN)
) ss.
COUNTY OF OAKLAND)

On this 12th day of February, 2015, before me, personally appeared the above named Michael T. Noles, the Senior Vice President of Toll MI GP Corp., a Michigan corporation, the general partner of Toll MI II Limited Partnership, a Michigan limited partnership, on behalf of said 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 his free act and deed.

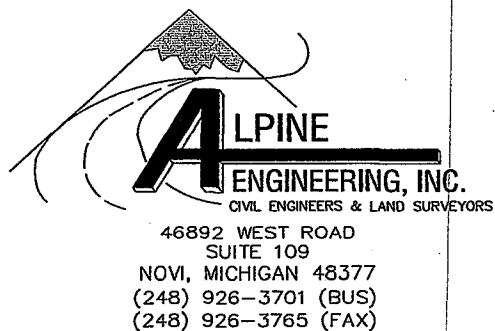
[Signature]
Marilee S. Pietersen
Notary Public, Oakland County, MI
Acting in Oakland County, MI
My commission expires: Dec. 23, 2017

Drafted by:
Elizabeth K. Saarela
27555 Executive Drive, Suite 250
Farmington Hills, MI 48331

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

LEGAL DESCRIPTION OF THE PRESERVE AT ISLAND LAKE

A PART OF THE SOUTHWEST 1/4 OF SECTION 19, TOWN 1 NORTH, RANGE 8 EAST, CITY OF NOVI, OAKLAND COUNTY, MICHIGAN; BEING MORE PARTICULARLY DESCRIBED AS COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 19, FOR A POINT OF BEGINNING; THENCE NORTH 02°49'46" WEST, 1318.44 FEET, (SAID POINT BEING SOUTH 02°49'46" EAST, 1315.42 FEET FROM THE WEST 1/4 CORNER OF SAID SECTION 19), ALONG THE WEST LINE OF SAID SECTION 19 AND THE CENTERLINE OF NAPIER ROAD, TO THE SOUTHWEST CORNER OF "ISLAND LAKE ORCHARDS", OAKLAND COUNTY CONDOMINIUM PLAN NO. 1552, MASTER DEED RECORDED IN LIBER 30468, PAGES 611 THROUGH 689, OAKLAND COUNTY RECORDS, AS AMENDED; THENCE NORTH 86°03'33" EAST, 1618.18 FEET, ALONG A SOUTHERLY LINE OF SAID "ISLAND LAKE ORCHARDS"; THENCE SOUTH 02°20'47" EAST, 1326.96 FEET, ALONG A WESTERLY LINE OF SAID "ISLAND LAKE ORCHARDS", TO THE SOUTH LINE OF SAID SECTION 19 AND THE CENTERLINE OF TEN MILE ROAD, (SAID POINT BEING SOUTH 86°21'12" WEST, 1023.50 FEET FROM THE SOUTH 1/4 CORNER OF SAID SECTION 19); THENCE SOUTH 86°21'12" WEST, 1606.86 FEET, ALONG THE SOUTH LINE OF SAID SECTION 19 AND THE CENTERLINE OF SAID TEN MILE ROAD, TO THE POINT OF BEGINNING. ALL OF THE ABOVE CONTAINING 48.953 ACRES. ALL OF THE ABOVE BEING SUBJECT TO THE RIGHTS OF THE PUBLIC IN NAPIER ROAD AND TEN MILE ROAD. ALL OF THE ABOVE BEING SUBJECT TO EASEMENTS RESTRICTIONS AND RIGHT-OF-WAYS OF RECORD.



CLIENT:	TOLL BROTHERS INC.		DATE:	7-17-14
EXHIBIT A			DRAWN BY:	CAK
			CHECKED BY:	GLM
THE PRESERVE AT ISLAND LAKE SECTION: 19 TOWNSHIP: 1 N. RANGE: 8 E. CITY OF NOVI OAKLAND COUNTY MICHIGAN				
			FBK: -	1 / 1
CHF: -	SCALE HOR 1"= X FT. VER 1"= - FT.			

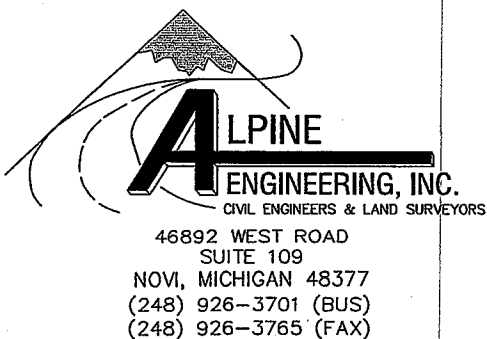
PATHWAY EASEMENT "A":

A 14 FOOT WIDE EASEMENT FOR PATHWAY, BEING 7 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE: COMMENCING AT THE WEST 1/4 CORNER OF SECTION 19, TOWN 1 NORTH, RANGE 8 EAST, CITY OF NOVI, OAKLAND COUNTY, MICHIGAN; THENCE S02°49'46"E 1315.42 FEET ALONG THE WEST LINE OF SAID SECTION 19 AND THE CENTERLINE OF NAPIER ROAD; THENCE N86°03'33"E 288.78 FEET TO A POINT OF BEGINNING; THENCE 41.36 FEET ALONG A CIRCULAR CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 40.00 FEET, AND A CHORD WHICH BEARS S59°36'12"E 39.54 FEET; THENCE S89°13'22"E 27.62 FEET; THENCE 109.99 FEET ALONG A CIRCULAR CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 64.00 FEET, AND A CHORD WHICH BEARS S39°59'13"E 96.95 FEET; THENCE S09°14'56"W 154.74 FEET; THENCE 58.86 FEET ALONG A CIRCULAR CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 54.00 FEET, AND A CHORD WHICH BEARS S40°28'29"W 55.99 FEET; THENCE S71°42'01"W 49.17 FEET; THENCE 32.91 FEET ALONG A CIRCULAR CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 50.00 FEET, AND A CHORD WHICH BEARS S52°50'44"W 32.32 FEET; THENCE S33°59'27"W 40.43 FEET; THENCE 100.69 FEET ALONG A CIRCULAR CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 90.00 FEET, AND A CHORD WHICH BEARS S01°56'23"W 95.52 FEET; THENCE S30°06'40"E 41.73 FEET; THENCE 28.38 FEET ALONG A CIRCULAR CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 54.00 FEET, AND A CHORD WHICH BEARS S15°03'20"E 28.05 FEET; THENCE S00°00'00"W 233.18 FEET; THENCE 38.01 FEET ALONG A CIRCULAR CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 30.00 FEET, AND A CHORD WHICH BEARS S36°17'37"W 35.52 FEET; THENCE S72°35'15"W 133.95 FEET; THENCE 43.26 FEET ALONG A CIRCULAR CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 50.00 FEET, AND A CHORD WHICH BEARS S47°48'00"W 41.93 FEET; TO A POINT OF ENDING.

PATHWAY EASEMENT "B":

COMMENCING AT THE SOUTHWEST CORNER OF SECTION 19, TOWN 1 NORTH, RANGE 8 EAST, CITY OF NOVI, OAKLAND COUNTY, MICHIGAN; THENCE N86°21'12"E 156.46 FEET ALONG THE SOUTH LINE OF SAID SECTION 19 AND THE CENTERLINE OF TEN MILE ROAD; THENCE N03°38'48"W 60.00 FEET TO A POINT OF BEGINNING; THENCE 8.39 FEET ALONG A CIRCULAR CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 37.00 FEET, AND A CHORD WHICH BEARS N52°55'57"E 8.38 FEET; THENCE N46°26'02"E 98.25 FEET; THENCE 29.73 FEET ALONG A CIRCULAR CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 43.00 FEET, AND A CHORD WHICH BEARS N66°14'22"E 29.14 FEET; THENCE N86°02'42"E 46.74 FEET; THENCE 17.99 FEET ALONG A CIRCULAR CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 37.00 FEET, AND A CHORD WHICH BEARS N72°07'03"E 17.81 FEET; THENCE N58°11'23"E 38.27 FEET; THENCE 32.21 FEET ALONG A CIRCULAR CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 53.00 FEET, AND A CHORD WHICH BEARS N75°35'56"E 31.71 FEET; THENCE S86°59'32"E 68.85 FEET; THENCE 40.79 FEET ALONG A CIRCULAR CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 50.00 FEET, AND A CHORD WHICH BEARS S63°37'26"E 39.66 FEET; THENCE S40°15'20"E 38.69 FEET; THENCE S38°57'35"E 21.64 FEET; THENCE 50.95 FEET ALONG A CIRCULAR CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 80.00 FEET, AND A CHORD WHICH BEARS S57°12'21"E 50.10 FEET TO POINT "A", A POINT OF ENDING;

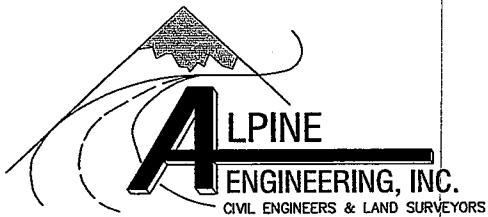
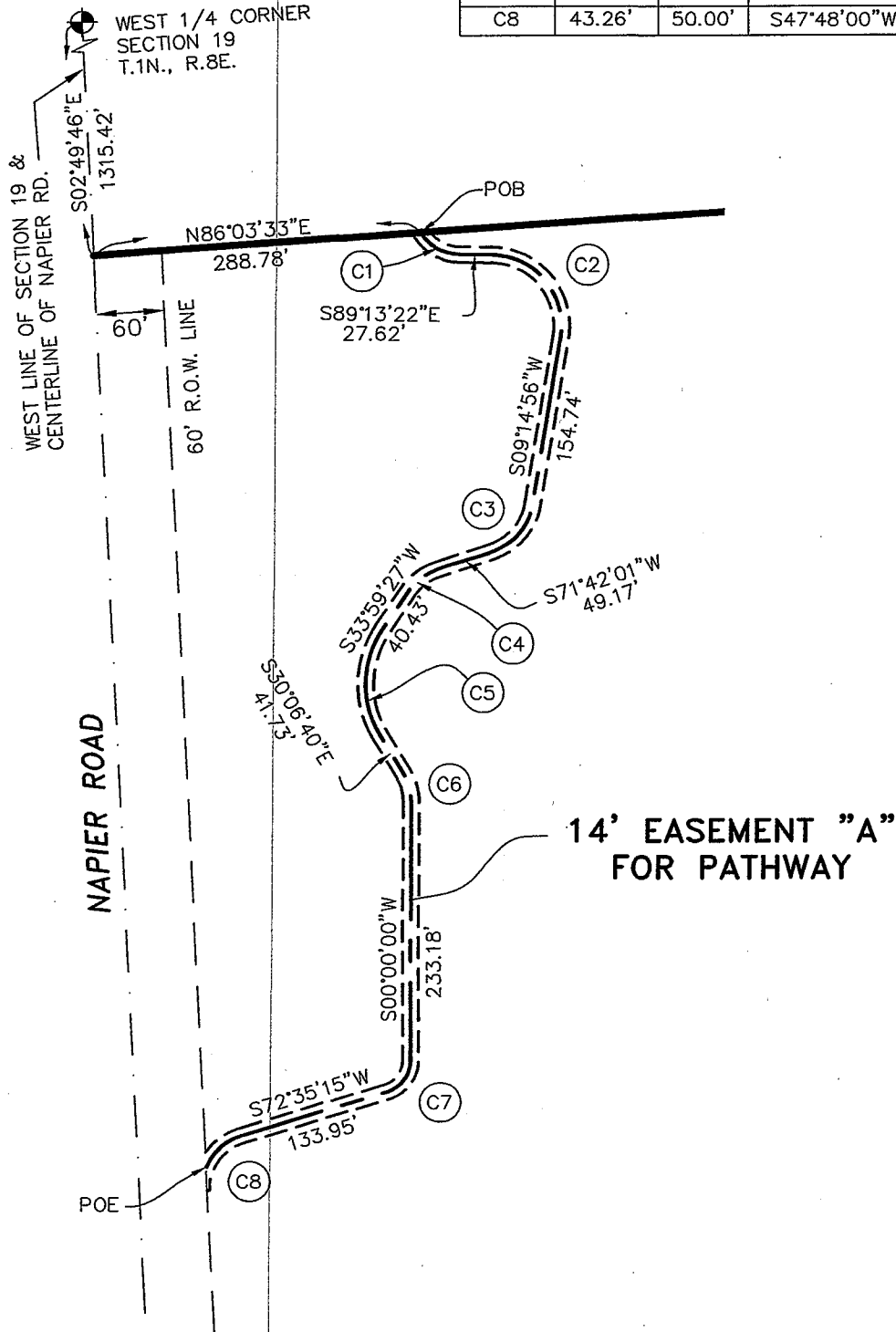
THENCE COMMENCING AT AFOREMENTIONED POINT "A" N86°21'12"E 139.07 FEET; TO POINT "B", A POINT OF BEGINNING; THENCE 24.19 FEET ALONG A CIRCULAR CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 92.00 FEET, AND A CHORD WHICH BEARS N61°51'47"E 24.12 FEET; THENCE N54°19'48"E 132.36 FEET; THENCE 77.10 FEET ALONG A CIRCULAR CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 75.00 FEET, AND A CHORD WHICH BEARS N83°46'51"E 73.75 FEET; THENCE S66°46'05"E 157.68 FEET; THENCE 35.65 FEET ALONG A CIRCULAR CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 150.00 FEET, AND A CHORD WHICH BEARS S73°34'36"E 35.57 FEET TO A POINT OF ENDING.



CLIENT: TOLL BROTHERS INC.		DATE: 7-17-14
EXHIBIT B		DRAWN BY: CAK
		CHECKED BY: GLM
THE PRESERVE AT ISLAND LAKE SECTION: 19 TOWNSHIP: 1 N. RANGE: 8 E. CITY OF NOVI OAKLAND COUNTY MICHIGAN		0 X X
		FBK: - CHF: -
		SCALE HOR 1"=X FT. VER 1"=- FT.



CURVE TABLE			
CURVE	LENGTH	RADIUS	CHORD
C1	41.36'	40.00'	S59°36'12"E 39.54'
C2	109.99'	64.00'	S39°59'13"E 96.95'
C3	58.86'	54.00'	S40°28'29"W 55.99'
C4	32.91'	50.00'	S52°50'44"W 32.32'
C5	100.69'	90.00'	S01°56'23"W 95.52'
C6	28.38'	54.00'	S15°03'20"E 28.05'
C7	38.01'	30.00'	S36°17'37"W 35.52'
C8	43.26'	50.00'	S47°48'00"W 41.93'



46892 WEST ROAD
SUITE 109
NOVI, MICHIGAN 48377
(248) 926-3701 (BUS)
(248) 926-3765 (FAX)

CLIENT: TOLL BROTHERS INC.	DATE: 7-17-14
EXHIBIT B	DRAWN BY: CAK
	CHECKED BY: GLM
THE PRESERVE AT ISLAND LAKE SECTION: 19 TOWNSHIP: 1 N. RANGE: 8 E. CITY OF NOVI OAKLAND COUNTY MICHIGAN	SCALE: HOR 1"=150 FT. VER 1"= -- FT.
	0 75 150
	FBK: - CHF: -

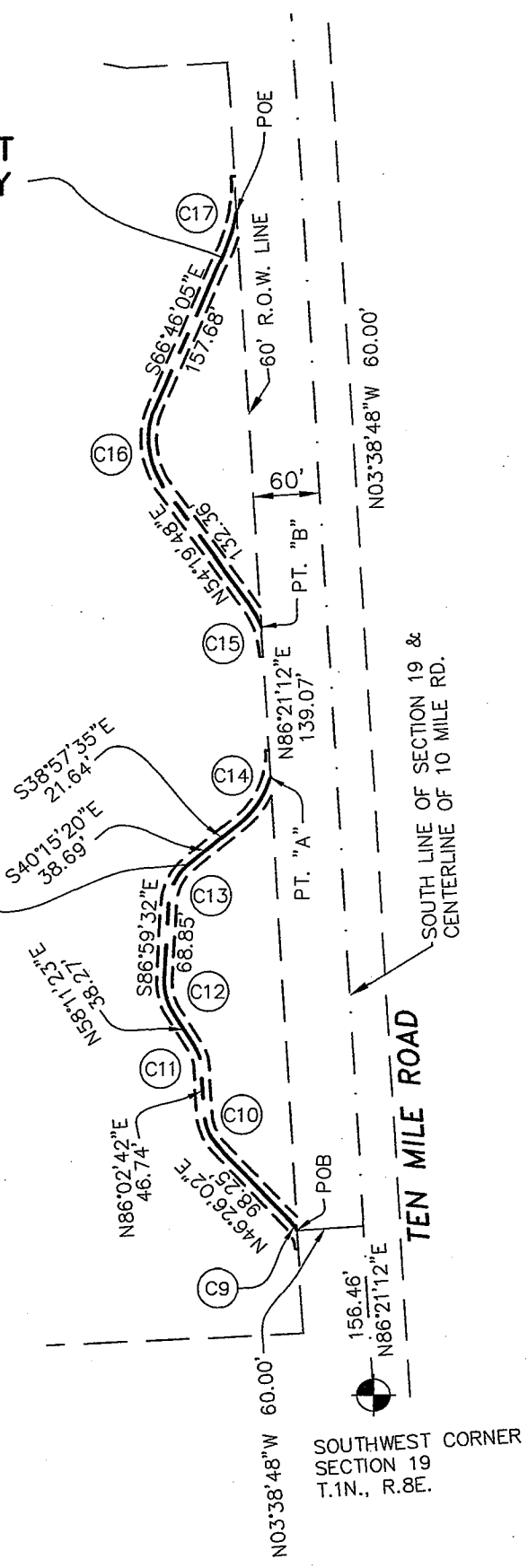
2/3 13-260



14' EASEMENT FOR PATHWAY

14' EASEMENT "B" FOR PATHWAY

CURVE TABLE			
CURVE	LENGTH	RADIUS	CHORD
C9	8.39'	37.00'	N52°55'57"E 8.38'
C10	29.73'	43.00'	N66°14'22"E 29.14'
C11	17.99'	37.00'	N72°07'03"E 17.81'
C12	32.21'	53.00'	N75°35'56"E 31.71'
C13	40.79'	50.00'	S63°37'26"E 39.66'
C14	50.95'	80.00'	S57°12'21"E 50.10'
C15	24.19'	92.00'	N61°51'47"E 24.12'
C16	77.10'	75.00'	N83°46'51"E 73.75'
C17	35.65'	150.00'	S73°34'36"E 35.57'



ALPINE
ENGINEERING, INC.
CIVIL ENGINEERS & LAND SURVEYORS

46892 WEST ROAD
SUITE 109
NOVI, MICHIGAN 48377
(248) 926-3701 (BUS)
(248) 926-3765 (FAX)

CLIENT: TOLL BROTHERS INC.	DATE: 7-17-14
EXHIBIT B	DRAWN BY: CAK
	CHECKED BY: GLM
THE PRESERVE AT ISLAND LAKE SECTION: 19 TOWNSHIP: 1 N. RANGE: 8 E. CITY OF NOVI OAKLAND COUNTY MICHIGAN	 0 75 150
	FBK: — CHF: —
	3/3 <small>13-280</small>
SCALE HOR 1"=150 FT. VER 1"= - FT.	

LIBER 46740 PAGE 858

0014234

LIBER 46740 PAGE 858
\$10.00 DEED - COMBINED
\$4.00 REMONUMENTATION
\$6,450.00 TRANSFER TX COMBINED
01/27/2014 02:53:02 PM RECEIPT# 8599
PAID RECORDED - Oakland County, MI
Lisa Brown, Clerk/Register of Deeds

OAKLAND COUNTY TREASURERS CERTIFICATE
I HEREBY CERTIFY that there are no TAX LIENS or TITLES
held by the state or any individual against the within description
and all TAXES on same are paid for five years previous to the
date of this instrument as appears by the records in the office
of the Clerk/Register of Deeds.

000453

JAN 16 2014

1.00

ANDREW E. MEISNER, County Treasurer
Sec. 135, Act 206, 1893 as amended

STATE OF MICHIGAN REAL ESTATE TRANSFER TAX
OAKLAND 01/27/2014 8599 \$825.00 CO \$5,625.00 ST 000913532

WARRANTY DEED

Know all persons by these presents; that Hartford Equities, INC
whose address is 21 E Long Lake Road, Suite 100, Bloomfield Hills, MI 48304

Conveys and warrants(s) to, Toll MI II Limited Partnership, a Michigan limited partnership
whose address is 29665 William K Smith Dr., Suite B, New Hudson, MI 48615

the following described premises situated in the City of Novi, County of Oakland and State of Michigan, to-wit:

That part of the Southwest 1/4 of Section 19, Town 1 North, Range 8 East, Novi Township (now City of Novi),
Oakland County, Michigan described as: Beginning at the Southwest corner of said Section 19; thence North
00 degrees 37 minutes 08 seconds East (R), North 90 degrees 34 minutes 49 seconds East (M) 1318.44 (M & R)
feet along the West line of said Section; thence North 89 degrees 45 minutes 17 seconds East 1617.06 feet (R),
North 89 degrees 45 minutes 27 seconds East 1617.01 feet (M); thence South 01 degrees 01 minutes 31 seconds
West 1319.05 feet (M & R) to the South line of said Section; thence South 89 degrees 46 minutes 11 seconds
West (R) South 89 degrees 46 minutes 23 seconds West (M) 1606.86 feet (R) 1607.01 (M) feet along said South
Section line to the Point of Beginning.

For Tax Purposes Described As:

Part of the South 1/2 of Section 19, Town 1 North, Range 8 East, City of Novi, Oakland County, Michigan,
beginning at Southwest Section corner, thence North 00 degrees 37 minutes 05 seconds East 1318.44 feet;
thence North 89 degrees 45 minutes 17 seconds East 2641.41 feet; thence North 89 degrees 32 minutes 45
seconds East 330.29 feet, thence North 89 degrees 33 minutes 39 seconds East 997.88 feet, thence South 01
degrees 23 minutes 54 seconds West 1325.73 feet, thence South 89 degrees 49 minutes 31 seconds West 429.01
feet, thence North 00 degrees 10 minutes 29 seconds West 250 feet, thence South 89 degrees 49 minutes 31
seconds West 300 feet, thence South 00 degrees 10 minutes 29 seconds East 250 feet, thence South 89 degrees
49 minutes 31 seconds West 590 feet, thence South 89 degrees 46 minutes 11 seconds West 2632.39 feet to
beginning, except part of South 1/2 of Section beginning at South 1/4 corner, thence South 89 degrees 18
minutes 00 seconds West 1023.50 feet, thence North 00 degrees 33 minutes 20 seconds East 1326.96 feet,
thence North 89 degrees 18 minutes 00 seconds East 1023.50 feet, thence North 89 degrees 24 minutes 00
seconds East 1337.61 feet, thence South 00 degrees 58 minutes 49 seconds West 1327.19 feet, thence South 89
degrees 24 minutes 00 seconds West 437.78 feet, thence North 00 degrees 36 minutes 00 seconds West 250 feet,
thence South 89 degrees 24 minutes 00 seconds West 300 feet, thence South 00 degrees 36 minutes 00 seconds
East 250 feet, thence South 89 degrees 24 minutes 00 seconds West 590 feet to beginning.

JP
R
CS

Commonly known as: Vacant Ten Mile and Napier
Parcel I.D. Number: 22-19-300-004

For the full consideration of Seven Hundred Fifty Thousand and 00/100 (\$750,000.00)
Subject to existing building and use restrictions, easements, and zoning ordinances, if any.

Dated: December 20, 2013

* Now known as
Hartford Equities, LLC

Hartford Equities, INC

Arnold Y. Aronoff, President

State of Michigan
County of Oakland

The foregoing instrument was acknowledged before me on this 20th day of December, 2013, by Arnold Y.
Aronoff, President of Hartford Equities, INC.

Notary Public Heather A. Chavis
Washtenaw County, Michigan
Acting in Oakland County
My Commission Expires: 04/12/2020

Instrument drafted without opinion by: Walter Quillico, ESQ. 28470 W. 13 Mile Rd., STE 325 Farmington Hills, MI 48334	When recorded return to Toll MI II Limited Partnership, a Michigan limited partnership 29665 William K Smith Dr., Suite B New Hudson, MI 48615
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Recording Fee: \$20.00 State & County Tax: \$825.00 & \$5,625.00
\$6,450.00

OK-MH

TELE-48195