



CITY of NOVI CITY COUNCIL

Agenda Item D
November 13, 2017

SUBJECT: Acceptance of a sidewalk easement for 45265 Gateway Road as part of the Pontiac Trail Sidewalk project (Parcel 50-22-03-101-006).

SUBMITTING DEPARTMENT: Department of Public Services, Engineering Division

CITY MANAGER APPROVAL: 

BACKGROUND INFORMATION:

The Pontiac Trail Sidewalk project (Segment 9) requires the acquisition of several easements prior to construction. The segment was ranked 2nd 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.

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

The proposed easement has been favorably reviewed by the City Attorney (Beth Saarela's November 3, 2017 letter) and is recommended for approval.

RECOMMENDED ACTION: Acceptance of a sidewalk easement for 45265 Gateway Road as part of the Pontiac Trail Sidewalk project (Parcel 50-22-03-101-006).

Pontiac Trail Sidewalk Easement

Location Map

Pontiac Trail

Westgate VI
50-22-03-101-006


Map Author: Joseph Akers
Date: 11/01/17

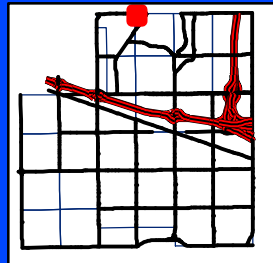
Amended By:
Date:
Department:

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 37.5 75 150 225
Feet

1 inch = 184 feet





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.jrsjlaw.com

November 3, 2017

George D. Melistas, Engineering Senior Manager
CITY OF NOVI
City of Novi
45175 Ten Mile Road
Novi, MI 48375-3024

Re: *Pontiac Trail Pathway – Westgate VI*

Dear Mr. Melistas:

We have received and reviewed the proposed Sidewalk Easement for the Pontiac Trail Pathway Project:

- Westgate VI – 22-03-101-006 – 45265 Gateway Road

The above permanent easement was donated by the property owner with respect to the City's project. The Easement appears to be properly executed and consistent with the title search for the subject property.

It should be noted that, although compensation was not paid, the property owner's lender required the payment of a processing fee in the amount of \$1,500 for processing its review for consent to the Sidewalk Easement. In order for the lender to process the requested consent, an easement, signed by both parties, is required to be submitted to the lender. In that regard, once accepted by City Council, a copy of the signed easement should be returned to the property owner for processing through the lender.

Once received from Engineering, we will forward the original Sidewalk Easement to the City's Clerk's Office. The original Sidewalk Easement should be retained in the City's file until the "consent" page is signed and returned to the City for attachment to the easement and recording.

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

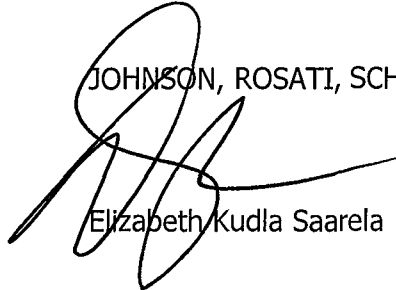
George Melistas, Engineering Senior Manager

November 3, 2017

Page 2

Very truly yours,

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

A handwritten signature in black ink, appearing to read 'Elizabeth Kudla Saarela', is written over the printed name. The signature is stylized with large loops and a long horizontal stroke extending to the right.

Elizabeth Kudla Saarela

EKS

Enclosures

C: Cortney Hanson, Clerk
Aaron Staup, Construction Engineer
Joey Mathias, Graduate Engineer
Joseph Akers, Staff Civil Engineer
Thomas R. Schultz, Esquire

SIDEWALK EASEMENT

KNOW ALL MEN BY THESE PRESENTS, that WBR WESTGATE LLC, a Michigan limited liability company, whose address is 45265 GATEWAY ROAD, NOVI, MI 48377, and RRR WESTGATE LLC, a Michigan limited liability company, whose address is 45265 GATEWAY ROAD, NOVI, MI 48377, as tenants-in-common with an equal undivided interest, 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}

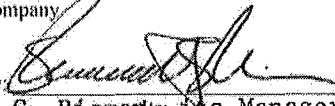
This instrument shall run with the land first described above and shall be binding upon and inure to the benefit of the Grantor, Grantee, and their respective heirs, representatives, successors and assigns.

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

Signed by:

Grantor:

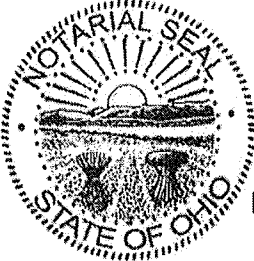
WBR Westgate LLC, a Michigan Limited Liability Company

By: 

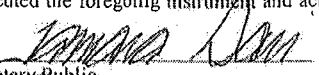
Robert G. Risman, its Manager

Ohio
STATE OF ~~MICHIGAN~~)
 Cuyahoga)SS
COUNTY OF _____)

On this 15th day of August, A.D., 2017, before me, personally appeared the above named Robert G. Risman, the Manager of WBR Westgate LLC, a Michigan limited liability company, 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.



TAMARA SARI
NOTARY PUBLIC
STATE OF OHIO
Recorded in
Lake County
My Comm. Exp. 8/9/2020


Notary Public
8/9/2020 County, Michigan
My Commission Expires

Grantor:

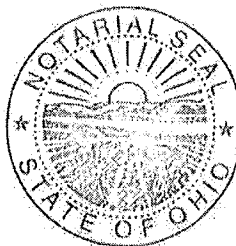
RRR Westgate LLC, a Michigan Limited Liability Company

By: X *Kathy J. Risman*
Kathy J. Risman, Its: Manager

STATE OF MICHIGAN OHIO)
) SS *jmw*
COUNTY OF CUYAHOGA)

On this 17th day of August, A.D., 2017, before me, personally appeared the above named Kathy J. Risman, the Manager of RRR Westgate LLC, a Michigan limited liability company, to me known to be the person described in and who executed the foregoing instrument and acknowledged that they executed the same as her free act and deed.

X *Jeannine M. Visage*
Notary Public Ohio
Lake County, Michigan
My Commission Expires 3-25-2018 *jmw*



JEANNINE M. VISAGE
Notary Public, State of Ohio
My Commission Expires
March 25, 2018
(Recorded in Lake County)

Grantee:

City of Novi, a Michigan Municipal Corporation

By: _____
Its: _____

STATE OF MICHIGAN)
) SS
COUNTY OF _____)

On this _____ day of _____, A.D., 20____, before me, personally appeared the above named _____, the _____ of City of Novi, a Michigan Municipal Corporation, 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.

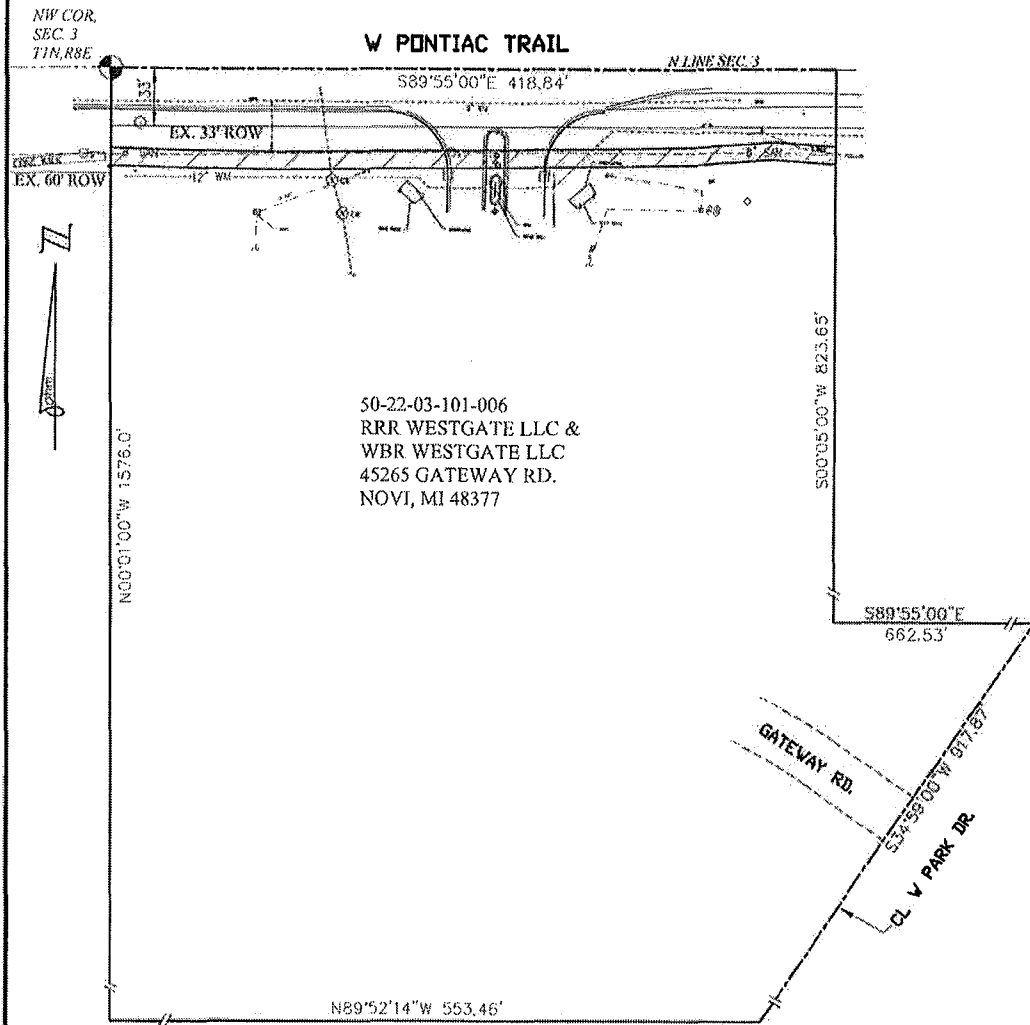
Notary Public
_____ County, Michigan
My Commission Expires _____

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

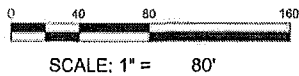
When recorded return to:
City of Novi
City Clerk
45175 W. Ten Mile Road
Novi, MI 48375

PROPERTY SKETCH AND DESCRIPTION

Exhibit "A"



50-22-03-101-006
 RRR WESTGATE LLC &
 WBR WESTGATE LLC
 45265 GATEWAY RD.
 NOVI, MI 48377



LEGEND

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

PARCEL DESCRIPTION (50-22-03-101-006)

(Per Title Commitment No. 17531018, issued by: ATA National Title Group)

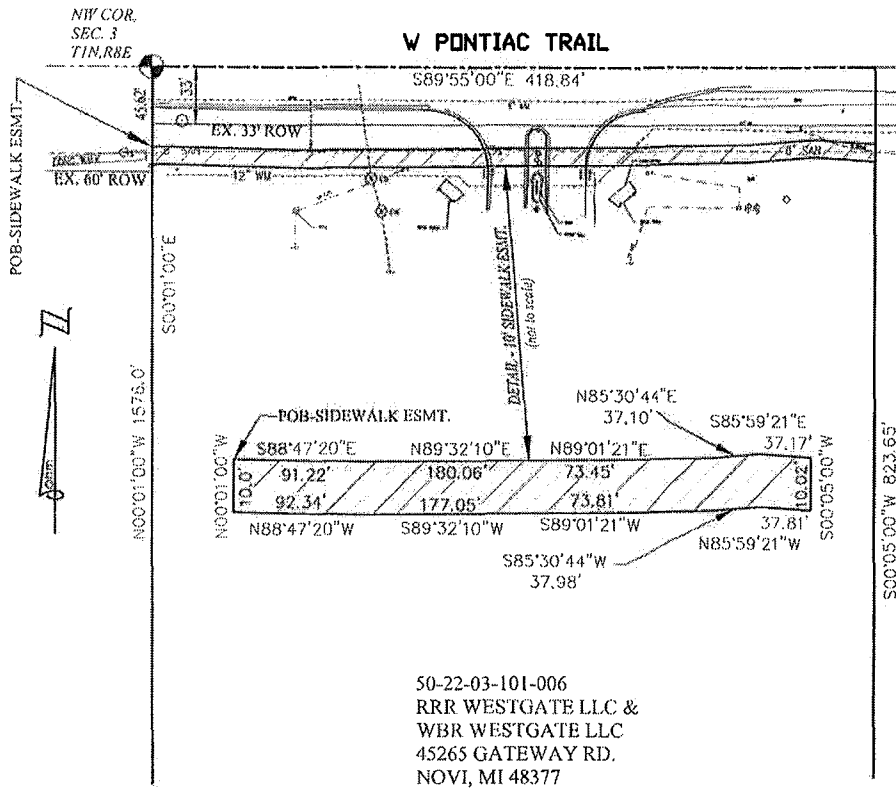
A parcel of land being a part of the NW 1/4 of the Section 3, Town 1 North, Range 8 East, City of Novi, Oakland County, Michigan, more particularly described as follows:

Beginning at the NW corner of said Section 3; thence S 89°55'00" E 418.84 feet along the North line of said Section 3; thence S 00°05'00" W 823.65 feet; thence S 89°55'00" E 662.53 feet to the centerline of West Park Drive; thence S 34°59'00" W 917.87 feet along said centerline; thence N 89°52'14" W 553.46 feet; thence N 00°01'00" W 1576.0 feet to the Point of Beginning. Excepting that part taking Gateway Road. Subject to all easements and restrictions of record, if any.

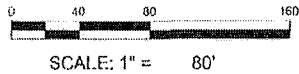
PROPERTY SKETCH AND DESCRIPTION PART OF THE NW 1/4 OF SECTION 3 T.1N., R.8E., CITY OF NOVI, OAKLAND COUNTY, MICH. PARCEL ID #50-22-03-101-006			SCALE 1" = 80' SHEET 5 OF 6
DATE 05-25-17	CITY OF NOVI	JOB # 0163-15-0100	
34000 Plymouth Road Livonia, MI 48150 P (734) 522-6711 F (734) 522-6427 WWW.OHM-ADVISORS.COM			

SIDEWALK EASEMENT SKETCH AND DESCRIPTION

Exhibit "B"



50-22-03-101-006
 RRR WESTGATE LLC &
 WBR WESTGATE LLC
 45265 GATEWAY RD.
 NOVI, MI 48377



LEGEND

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

SIDEWALK EASEMENT

A 10 foot sidewalk easement being a part of the NW 1/4 of the Section 3, Town 1 North, Range 8 East, City of Novi, Oakland County, Michigan, more particularly described as follows:

Beginning at point distant S 00°01'00" E 45.62 feet from the NW corner of said Section 3; thence S 88°47'20" E 91.22 feet; thence N 89°32'10" E 180.06 feet; thence N 89°01'21" E 73.45 feet; thence N 85°30'44" E 37.10 feet; thence S 85°59'21" E 37.17 feet; thence S 00°05'00" W 10.02 feet along the East line of said parent parcel; thence N 85°59'21" W 37.81 feet; thence S 85°30'44" W 37.98 feet; thence S 89°01'21" W 73.81 feet; thence S 89°32'10" W 177.05 feet; thence N 88°47'20" W 92.34 feet; thence N 00°01'00" W 10.0 feet along the West line of said parent parcel to the Point of Beginning.

Contains 4,193 square feet or 0.096 acres of land, more or less. Subject to all easements and restrictions of record, if any.

SIDEWALK EASEMENT SKETCH AND DESCRIPTION PART OF THE NW 1/4 OF SECTION 3 T.1N., R.8E., CITY OF NOVI, OAKLAND COUNTY, MICH. PARCEL ID #50-22-03-101-008			DATE 05-25-17	SHEET 6 OF 6
CITY OF NOVI		0163-15-0100		
34000 Plymouth Road Livonia, MI 48150 P (734) 522-8711 F (734) 522-6427 WWW.OHM-ADVISORS.COM				