



# CITY of NOVI CITY COUNCIL

**Agenda Item D  
March 14, 2016**

**SUBJECT:** Acceptance of a water system easement as a donation from 46850 Magellan, LLC, for the on-site water main constructed at 46850 Magellan Drive as part of the Magellan Commerce Center development (22-09-176-003).

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

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

**BACKGROUND INFORMATION:**

Magellan Commerce Center was constructed in 2002 and included the construction of on-site water main. The ordinance requires that all water mains serving more than one building or connected to a fire hydrant be dedicated to the City as public. The water main constructed with Magellan Commerce Center should have been dedicated and contained within an easement but was not. Staff has worked with the property owner to facilitate preparation of the water main easement for consideration of acceptance.

The easement was prepared by the City and was reviewed and approved by the City Attorney (see attached letter from Beth Saarela).

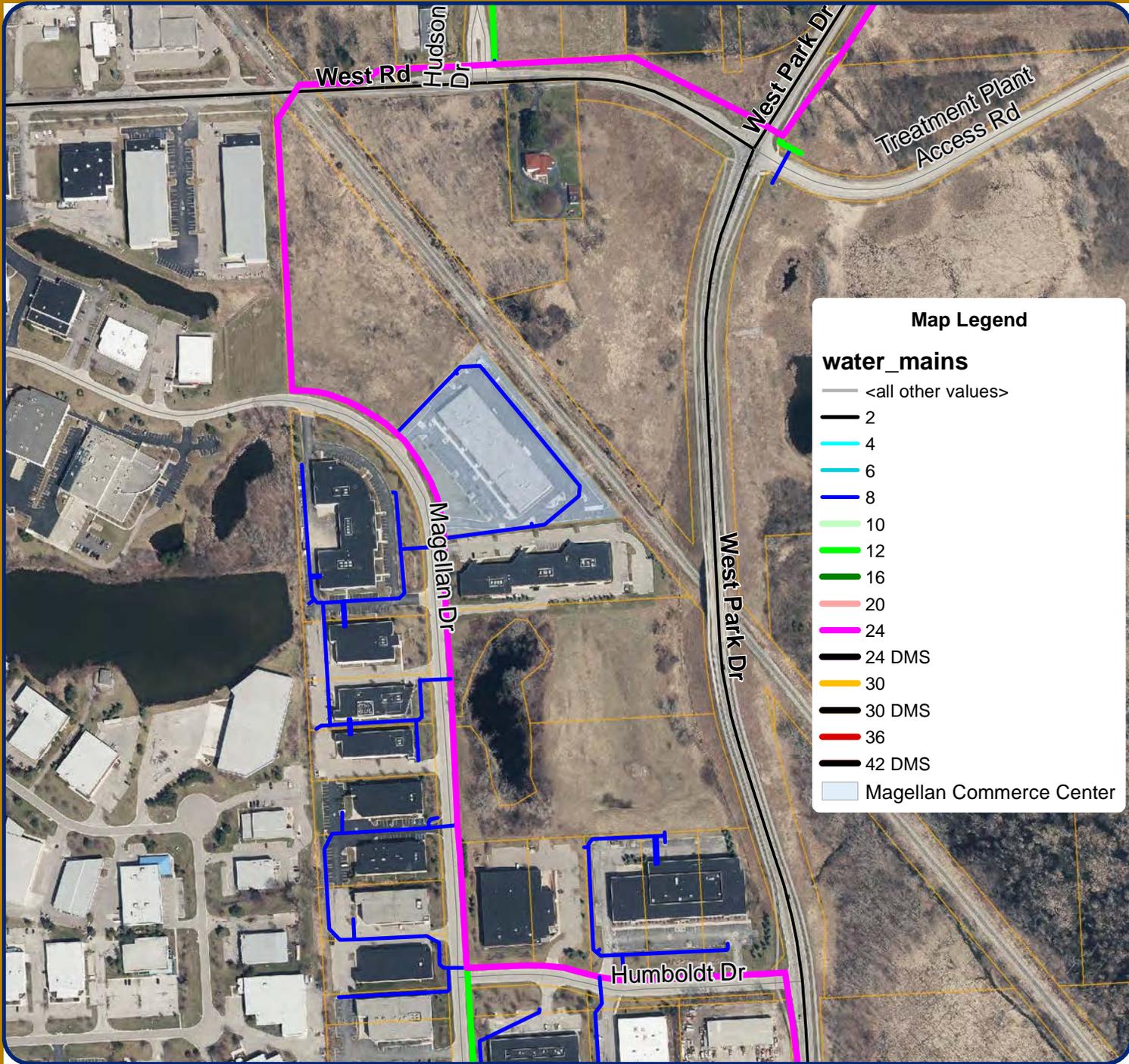
**RECOMMENDED ACTION:** Acceptance of a water system easement as a donation from 46850 Magellan, LLC, for the on-site water main constructed at 46850 Magellan Drive as part of the Magellan Commerce Center development (22-09-176-003).

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

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

# Location Map

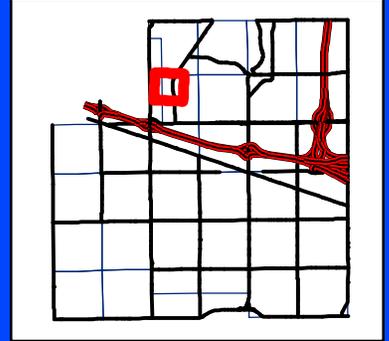
## Magellan Commerce Center



**Map Legend**

**water\_mains**

- <all other values>
- 2
- 4
- 6
- 8
- 10
- 12
- 16
- 20
- 24
- 24 DMS
- 30
- 30 DMS
- 36
- 42 DMS
- Magellan Commerce Center



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

Map Author: Coburn  
 Date: 3/7/16  
 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.



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

March 7, 2016

Rob Hayes, Public Services Director  
CITY OF NOVI  
Department of Public Services  
Field Services Complex  
26300 Lee BeGole Drive  
Novi, MI 48375

**Re: Magellan Commerce Center – Water System Easement  
Review for Acceptance**

Dear Mr. Hayes:

We have received and reviewed, and enclosed please find, the following documents for Magellan Commerce Center:

- Water System Easement – ***Approved***

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

**Water System Easement**

46850 Magellan, LLC has agreed to convey a Water System Easement over the Magellan Commerce Center parcel to the City to allow for public operation, use and maintenance of a previously constructed water main. The Water System Easement should have been conveyed during development of the site in 2002, but was not provided by the original owner. The need for the easement was identified in connection with proposed construction on an adjacent parcel that required a connection to the existing water main. The easement is being conveyed by a subsequent owner of the Magellan Commerce Center site. As a result, standard "acceptance" documents such as a Maintenance and Guarantee Bond and Bill of Sale will not be required. The format and content of the Water System Easement is acceptable for this purpose. The City's Engineering Division has reviewed and approved the Easement exhibits. We have reviewed title to the parcel with Oakland County Records. In an effort to expedite the conveyance of the easement in connection with the adjacent development, we reviewed current title with Oakland County records. Title as shown in the Water System Easement is consistent

Rob Hayes, Public Services Director  
March 7, 2016  
Page 2

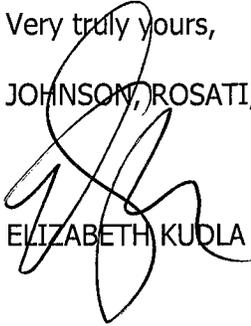
with the most recent warranty deed recorded on the property. The mortgagee of record has consented to the conveyance of the easement.

Upon acceptance of the Water System Easement, it should be recorded with Oakland County Records in the usual manner by the City Clerk's Office.

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 KUOLA SAARELA

EMK  
Enclosures

C: Maryanne Cornelius, Clerk (w/Enclosures)  
Brian Coburn, Engineering Manager (w/Enclosures)  
Ben Croy, Water & Sewer Senior Manager (w/Enclosures)  
Thomas R. Schultz, Esquire (w/Enclosures)

## WATER SYSTEM EASEMENT

KNOW ALL MEN BY THESE PRESENTS, that 46850 Magellan LLC, a Michigan limited liability company, whose address is 450 West Fourth Street, Royal Oak, MI 48067, (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: 50-22-09-176-003

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 water main, over, upon, across, in, through, and under the following described real property, to-wit:

*[See attached and incorporated Exhibit A]*

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

Grantee may install, repair, replace, improve, modify and maintain water main 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 water main in the easement areas shown on the attached and incorporated Exhibit A.

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 9 signature this day of December, 2015.

GRANTOR:

46850 Magellan LLC, a Michigan limited liability company

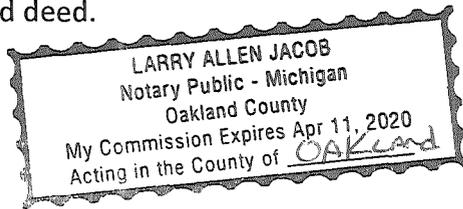
By: [Signature] Manager  
BRAD KINTWORTH Its:

STATE OF MICHIGAN )

) ss.

COUNTY OF OAKLAND )

On this 9 day of December, 2015, before me, personally appeared the above named BRAD KINTWORTH, the MANAGER of 46850 Magellan, LLC, 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.



[Signature]  
Notary Public,  
Acting in OAKLAND County, MI  
My commission expires: 4/11/2020

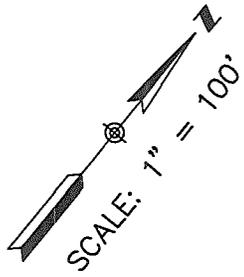
THIS INSTRUMENT DRAFTED BY:  
Elizabeth K. Saarela, Esquire  
JOHNSON ROSATI SCHULTZ & JOPPICH, P.C.  
27555 Executive Drive, Suite 250  
Farmington Hills, Michigan 48331

AND WHEN RECORDED RETURN TO:  
Maryanne Cornelius, Clerk  
45175 Ten Mile  
Novi, Michigan 48375



# EASEMENT

EXHIBIT A

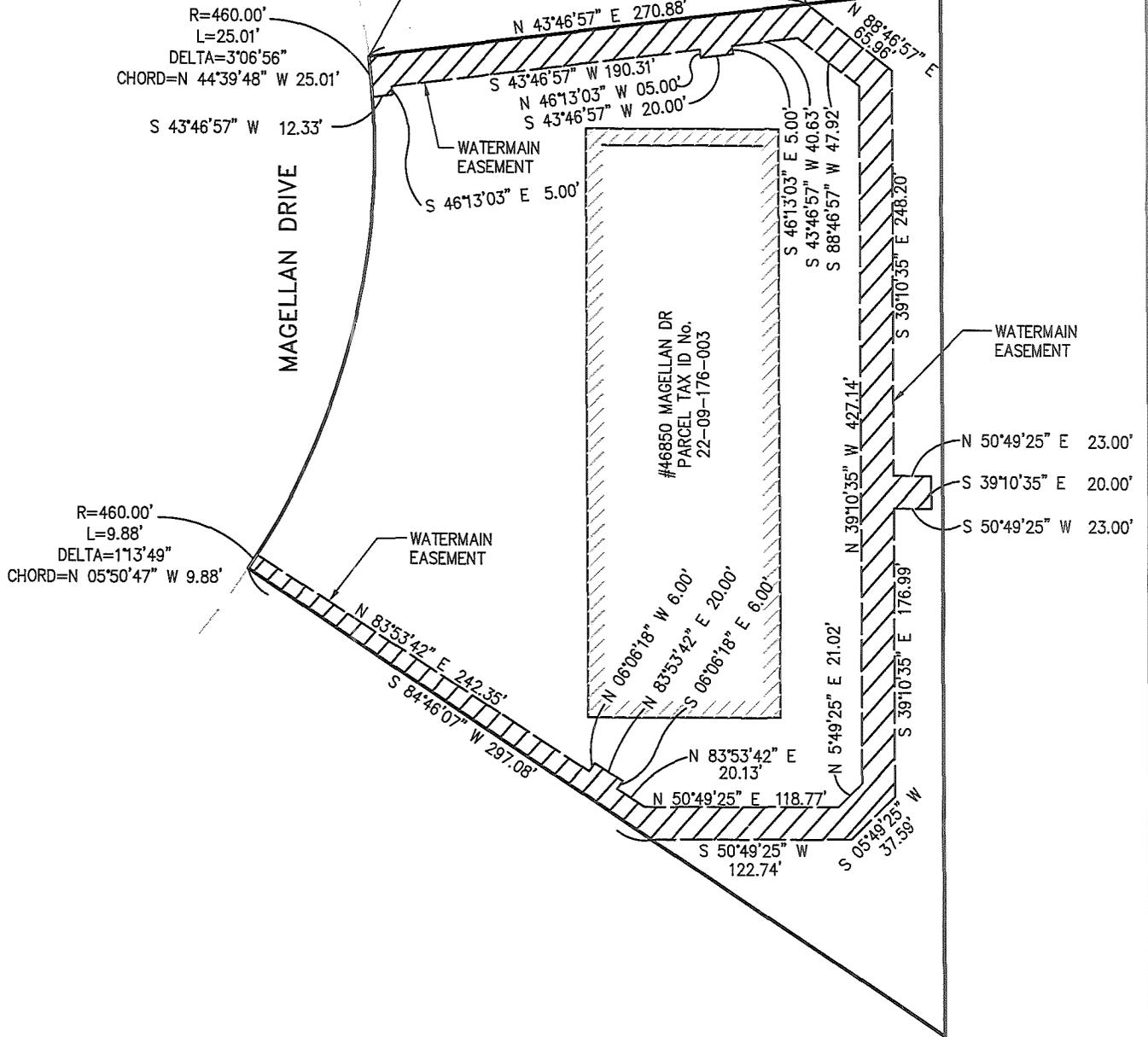


NORTHWEST CORNER  
SEC 9, T.1N., R.8E.

NORTH LINE SECTION 9  
& CL WEST ROAD

P.O.B. WATERMAIN  
EASEMENT

PARCEL P.O.B.



## PERMANENT EASEMENT

THE EASEMENT SHALL BE A PERMANENT EASEMENT FOR REPAIR, MAINTENANCE AND REPLACEMENT OF PUBLIC WATERMAIN DESCRIBED AS:

BEGINNING AT THE SOUTHWEST CORNER OF THE ABOVE DESCRIBED PARCEL, THENCE ALONG THE WESTERLY LINE OF THE ABOVE DESCRIBED PARCEL NORTH 43° 46' 57" EAST, 270.88 FEET; THENCE NORTH 88° 46' 57" EAST, 65.96 FEET; THENCE SOUTH 39° 10' 35" EAST, 248.20 FEET; THENCE NORTH 50° 49' 25" EAST, 23.00 FEET; THENCE SOUTH 39° 10' 35" EAST, 20.00 FEET; THENCE SOUTH 50° 49' 25" WEST, 23.00 FEET; THENCE SOUTH 39° 10' 35" EAST, 176.99 FEET; THENCE SOUTH 05° 49' 25" WEST, 37.59 FEET; THENCE SOUTH 50° 49' 25" WEST, 122.74 FEET TO A POINT ON THE EASTERLY LINE OF THE ABOVE DESCRIBED PARCEL; THENCE ALONG THE EASTERLY LINE OF THE ABOVE DESCRIBED PARCEL SOUTH 84° 46' 07" WEST, 297.08 FEET TO THE SOUTHWEST CORNER OF THE ABOVE DESCRIBED PARCEL; THENCE ALONG THE SOUTHERLY PROPERTY LINE OF THE ABOVE DESCRIBED PARCEL 9.88 FEET ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 460.00 FEET, CHORD BEARING NORTH 05° 50' 47" WEST, 9.88 FEET; THENCE NORTH 83° 53' 42" EAST, 242.35 FEET; THENCE NORTH 06° 06' 18" WEST, 6.00 FEET; THENCE NORTH 83° 53' 42" EAST, 20.00 FEET; THENCE SOUTH 06° 06' 18" EAST, 6.00 FEET; THENCE NORTH 83° 53' 42" EAST, 20.13 FEET; THENCE NORTH 50° 49' 25" EAST, 118.77 FEET; THENCE NORTH 05° 49' 25" EAST, 21.02 FEET; THENCE NORTH 39° 10' 35" WEST, 427.14 FEET; THENCE SOUTH 88° 46' 57" WEST, 47.92 FEET; THENCE SOUTH 43° 46' 57" WEST, 40.63 FEET; THENCE SOUTH 46° 13' 03" EAST, 5.00 FEET, THENCE SOUTH 43° 46' 57" WEST, 20.00 FEET; THENCE NORTH 46° 13' 03" WEST, 5.00 FEET; THENCE SOUTH 43° 46' 57" WEST, 190.31 FEET; THENCE SOUTH 46° 13' 03" EAST, 5.00 FEET; THENCE SOUTH 43° 46' 57" WEST, 12.33 FEET TO A POINT ON THE SOUTHERLY LINE OF THE ABOVE DESCRIBED PARCEL; THENCE ALONG THE SOUTHERLY LINE OF THE ABOVE DESCRIBED PARCEL 25.01 FEET ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 460.00 FEET, CHORD BEARING NORTH 44° 39' 48" WEST, 25.01 FEET TO THE POINT OF BEGINNING AT THE SOUTHWEST CORNER OF THE ABOVE DESCRIBED PARCEL. (22,443 SQ. FT.)

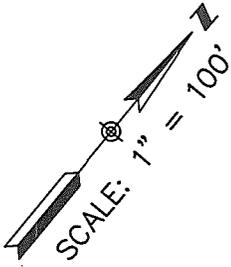


905 South Blvd. East Phone: (248) 844-5400  
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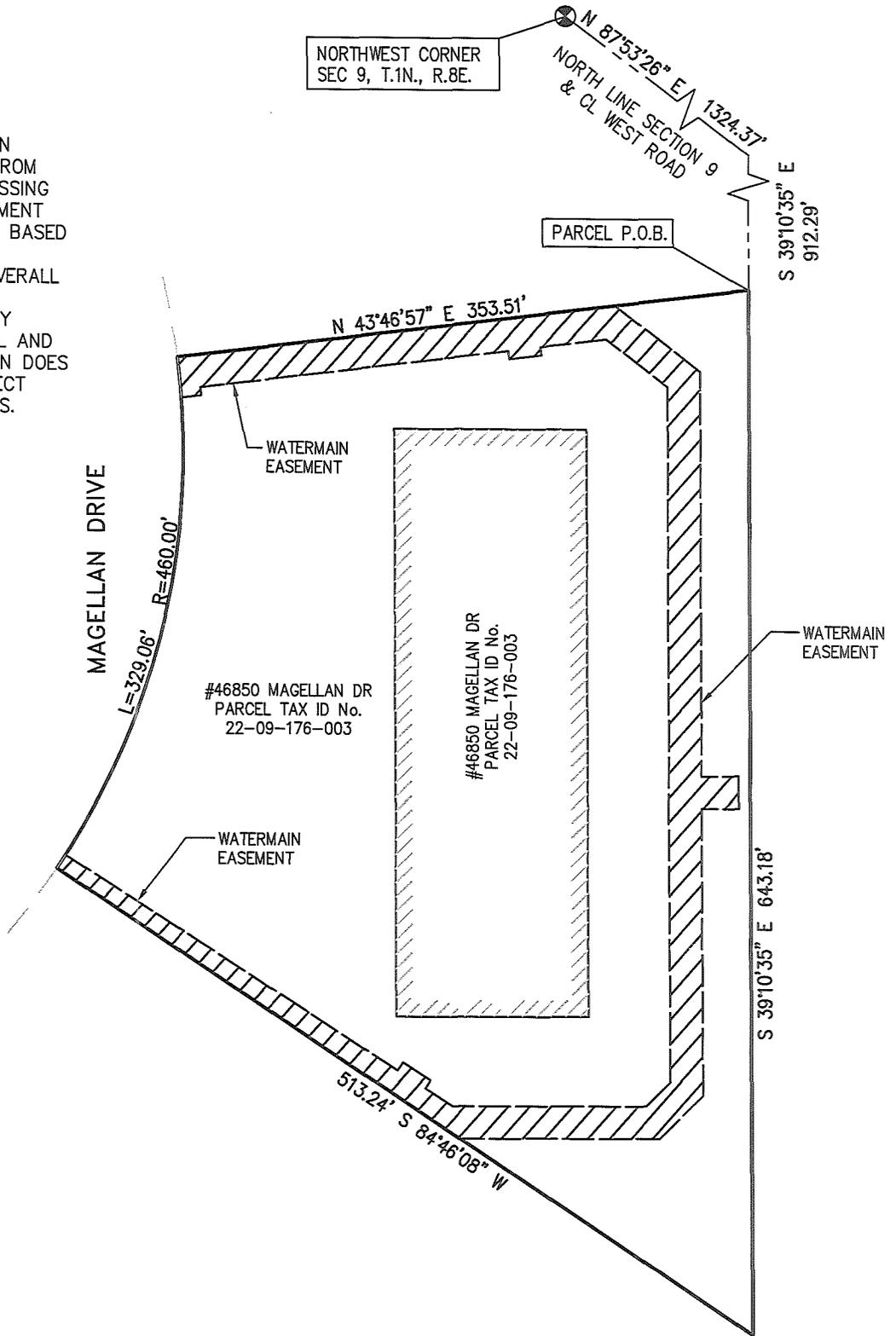
DRAWN: J.SERBINSKI	DATE: 11-13-15
CHECKED: T.LINDOW	DATE: 11-13-15
MANAGER: D.RICHMOND	SCALE: 1" = 100'
JOB No. NV15013	SHEET: 2 OF 2
SECTION 09 TOWN 01 NORTH RANGE 08 EAST	
CITY OF NOVI OAKLAND COUNTY, MI	

# EASEMENT

EXHIBIT A



NOTE:  
 THE PARCEL DESCRIPTION ABOVE WAS OBTAINED FROM THE CITY OF NOVI ASSESSING DEPARTMENT. THE EASEMENT DESCRIPTION IS WRITTEN BASED UPON THE FURNISHED DESCRIPTION OF THIS OVERALL PARCEL. SDA HAS NOT PERFORMED A BOUNDARY SURVEY OF THIS PARCEL AND THE PARCEL DESCRIPTION DOES NOT NECESSARILY REFLECT FIELD-MEASURED VALUES.



SEE SHEET 2 OF 2 FOR WATER MAIN EASEMENT AND DESCRIPTION

### FURNISHED LEGAL DESCRIPTION OF OVERALL PARCEL

PART OF THE NORTHWEST 1/4 OF SECTION 9, TOWN 1 NORTH, RANGE 8 EAST, DESCRIBED AS: BEGINNING AT A POINT DISTANT NORTH 87 DEGREES 53 MINUTES 26 SECONDS EAST, 1324.37 FEET AND SOUTH 39 DEGREES 10 MINUTES 35 SECONDS EAST 912.29 FEET FROM THE NORTHWEST SECTION CORNER; THENCE SOUTH 39 DEGREES 10 MINUTES 35 SECONDS EAST, 643.18 FEET; THENCE SOUTH 84 DEGREES 46 MINUTES 08 SECONDS WEST, 513.24 FEET; THENCE 329.06 FEET ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 460.00 FEET, CHORD BEARING NORTH 25 DEGREES 43 MINUTES 28 SECONDS WEST, 322.09 FEET; THENCE NORTH 43 DEGREES 46 MINUTES 57 SECONDS EAST, 353.51 FEET TO THE POINT OF BEGINNING.



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