



CITY of NOVI CITY COUNCIL

**Agenda Item Q
August 26, 2013**

SUBJECT: Approval of a corrected and revised Good Faith Offer in the amount of \$10,000 for two permanent pathway easements over parcels 22-27-200-010 and 22-27-200-012 to be allocated between the two parcels pursuant to the agreement of the parties for the purpose of constructing a pedestrian safety path on the west side of Novi Road between Nine Mile and Ten Mile.

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

CITY MANAGER APPROVAL: *[Signature]*

EXPENDITURE REQUIRED	\$ 10,000
AMOUNT BUDGETED	\$ 203,050
LINE ITEM NUMBER	204-204.00-974.431

BACKGROUND INFORMATION:

On August 12, 2013, City Council approved two resolutions amending the good faith offers to the owners of parcels 22-27-200-010 and 22-27-200-012. Though the total amount of just compensation will remain the same, the property owner has requested that the previously approved just compensation of \$10,000 be reallocated between the two parcels pursuant to a settlement agreement between the parties. The reallocation will not change the rights or obligations of the City with respect to the easements. See attached letter from City Attorney dated August 21, 2013.

RECOMMENDED ACTION: Approval of a corrected and revised Good Faith Offer in the amount of \$10,000 for two permanent pathway easements over parcels 22-27-200-010 and 22-27-200-012 to be allocated between the two parcels pursuant to the agreement of the parties for the purpose of constructing a pedestrian safety path on the west side of Novi Road between Nine Mile and Ten Mile.

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

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



JOHNSON ROSATI SCHULTZ JOPPICH PC

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August 21, 2013

Mr. Ben Croy, Civil Engineer
City of Novi
Engineering Division
26300 Delwal Drive
Novi, MI 48375

**RE: City of Novi v Dennis Appel and Gerald C. Nelson
Case No. 13-132608-CC
Parcel No. 50-22-27-200-010**

**City of Novi v Denis Appel, et al.
Case No. 13-132609-CC
Parcel No. 50-22-27-200-012**

Dear Mr. Croy:

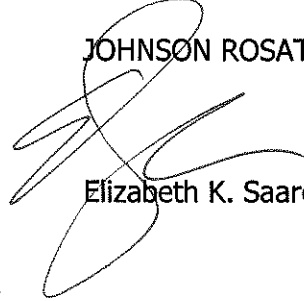
As you know, on August 12, 2013, City Council approved a counter-offer in the amount of \$10,000.00 to the City's good faith offers in the amount of \$1,632.00 (Parcel No. 50-22-27-200-012) and \$854.00 (Parcel No. 50-22-27-200-010) for two safety path easements and temporary grading permits over his property. The counter-offer was allocated to the two parcels in the same proportions as the original good faith offers. The property owner has requested that the amount of the counter-offer remain the same but be reapportioned between the two parcels in different amounts based on a settlement agreement between the parties. Except for a potential increase in transfer taxes (approximately \$25.00) resulting from the reallocation of amounts previously attributed to the grading permits, we see no disadvantage to the City in the reapportionment.

Mr. Ben Croy, Civil Engineer
August 21, 2013
Page 2

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 K. Saarela

EKS/sls

C: Maryanne Cornelius, City Clerk
Clay Pearson, City Manager
Victor Cardenas, Assistant City Manager
Brian Coburn, Engineering Manager
Rob Hayes, Public Services Director
Thomas R. Schultz, Esquire

Novi Road Pathway

23675 Ten Mile Rd (22-27-200-010 & -012)

Location Map



Map Author: Croy
 Date: 12/21/12
 Project: Novi Road Sidewalk
 Version #: v3.0

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.



1 inch = 100 feet



City of Novi
 Engineering Division
 Department of Public Services
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