



# CITY of NOVI CITY COUNCIL

**Agenda Item C**  
**May 12, 2014**

**SUBJECT:** Acceptance of a pathway easement as a donation from Manchester 13 Mile Road, LLC, along the south side of 13 Mile Road west of Holmes Road for construction of the 2014 Pathway Program (parcel 22-11-200-018).

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

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

**BACKGROUND INFORMATION:**

The 2014 Pathway Construction program includes construction of pathways along the south side of 13 Mile Road between Novi Road and Holmes Road and along the east side of Meadowbrook Road between Grand River Avenue and I-96. The project design requires four permanent pathway easements and six 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.

One of the property owners, Manchester 13 Mile Road, LLC, has offered to donate a pathway easement along the property frontage on the south side of 13 Mile Road west of Holmes Road.

The pathway easement was prepared by Engineering staff and was reviewed and approved by the City Attorney (see attached letter from Beth Saarela dated May 2, 2014).

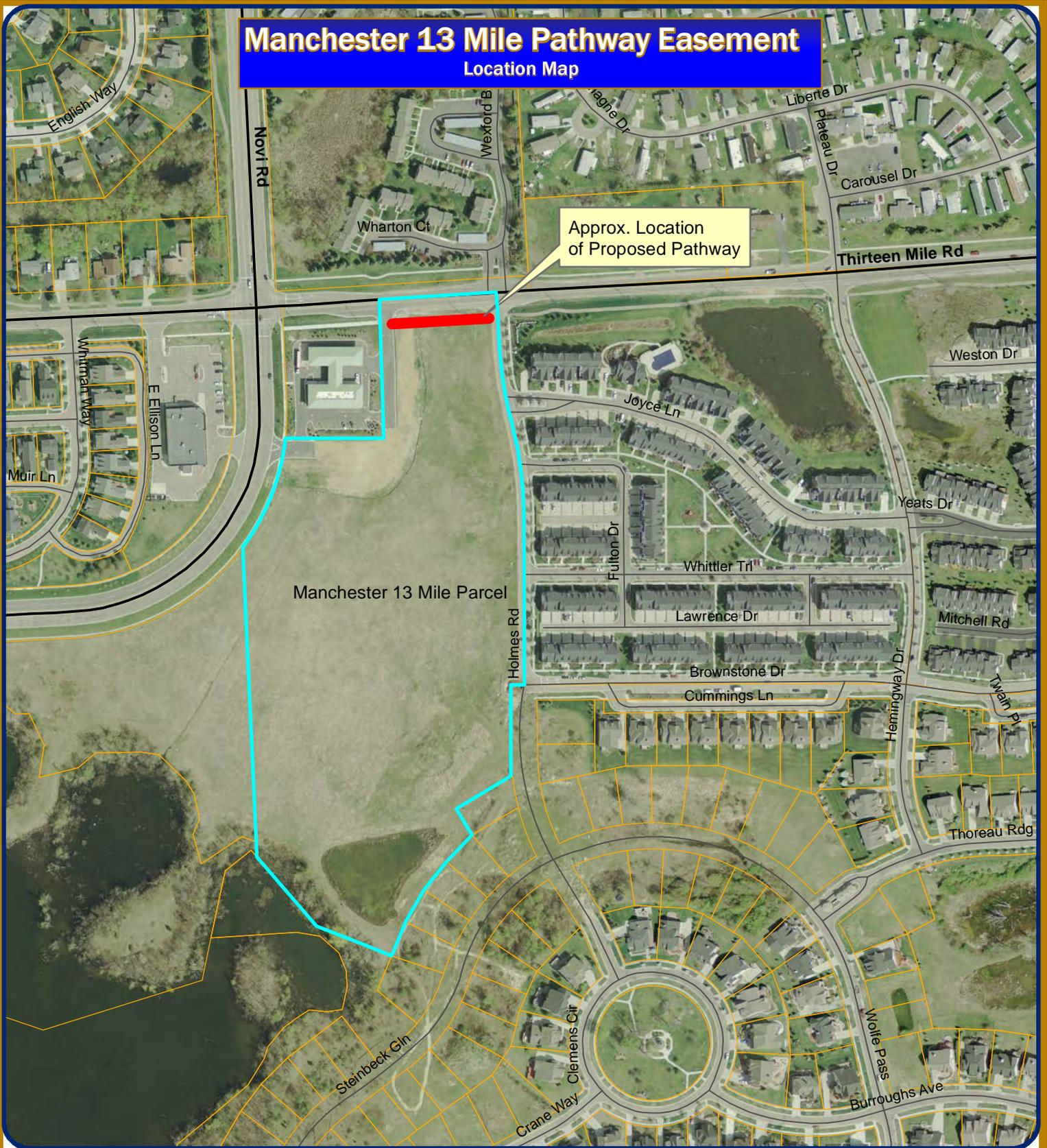
The design of the 2014 Pathway Construction project is nearing completion. It is anticipated that construction will commence in mid-summer 2014, once all of the required easements have been obtained.

**RECOMMENDED ACTION:** Acceptance of a pathway easement as a donation from Manchester 13 Mile Road, LLC, along the south side of 13 Mile Road west of Holmes Road for construction of the 2014 Pathway Program (parcel 22-11-200-018).

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

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

# Manchester 13 Mile Pathway Easement Location Map



Approx. Location  
of Proposed Pathway

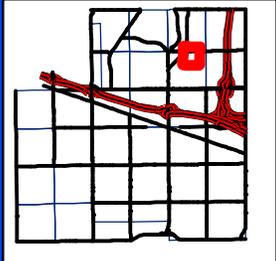
Manchester 13 Mile Parcel

Map Author: Brian Coburn  
Date: 5/5/2014  
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



1 inch = 297 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.johnsonrosati.com

May 2, 2014

Benjamin Croy, Civil Engineer  
City of Novi  
Public Services  
Field Services Complex  
26300 Lee BeGole Drive  
Novi, MI 48375

Re: **2014 Pathways**  
**Permanent Pathway Easement**  
***Parcel 50-22-11-200-018 – Manchester 13 Mile Road, LLC***

Dear Mr. Croy:

We have received and reviewed a copy of the enclosed executed Pathway Easement donated by Manchester 13 Mile Road, LLC over Parcel 50-22-11-200-018. The property is not subject to any mortgages or other encumbrances requiring any additional party to consent to the Pathway Easement. The Pathway Easement is in the City's standard Pathway Easement format and is acceptable for recording with Oakland County Records.

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

EKS  
Maryanne Cornelius, Clerk  
Rob Hayes, Public Services Director  
Thomas R. Schultz, Esq.

**PATHWAY EASEMENT**

NOW ALL MEN BY THESE PRESENTS, that Manchester 13 Mile Road, LLC, a Michigan limited liability company, whose address is 40680 Garfield Road, Suite 1A, Clinton Township, MI 48038, 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. 50-22-11-200-018

{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 an 8-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.

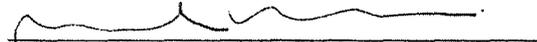
This easement shall allow public non-motorized traffic and shall permit maintenance, repair and replacement of the paving in the easement area.

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

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

**GRANTOR**

Manchester 13 Mile Road, LLC, a Michigan limited liability company

  
By: MICHAEL FURNARI Its: MEMBER

STATE OF MICHIGAN )  
 ) SS  
COUNTY OF OAKLAND )

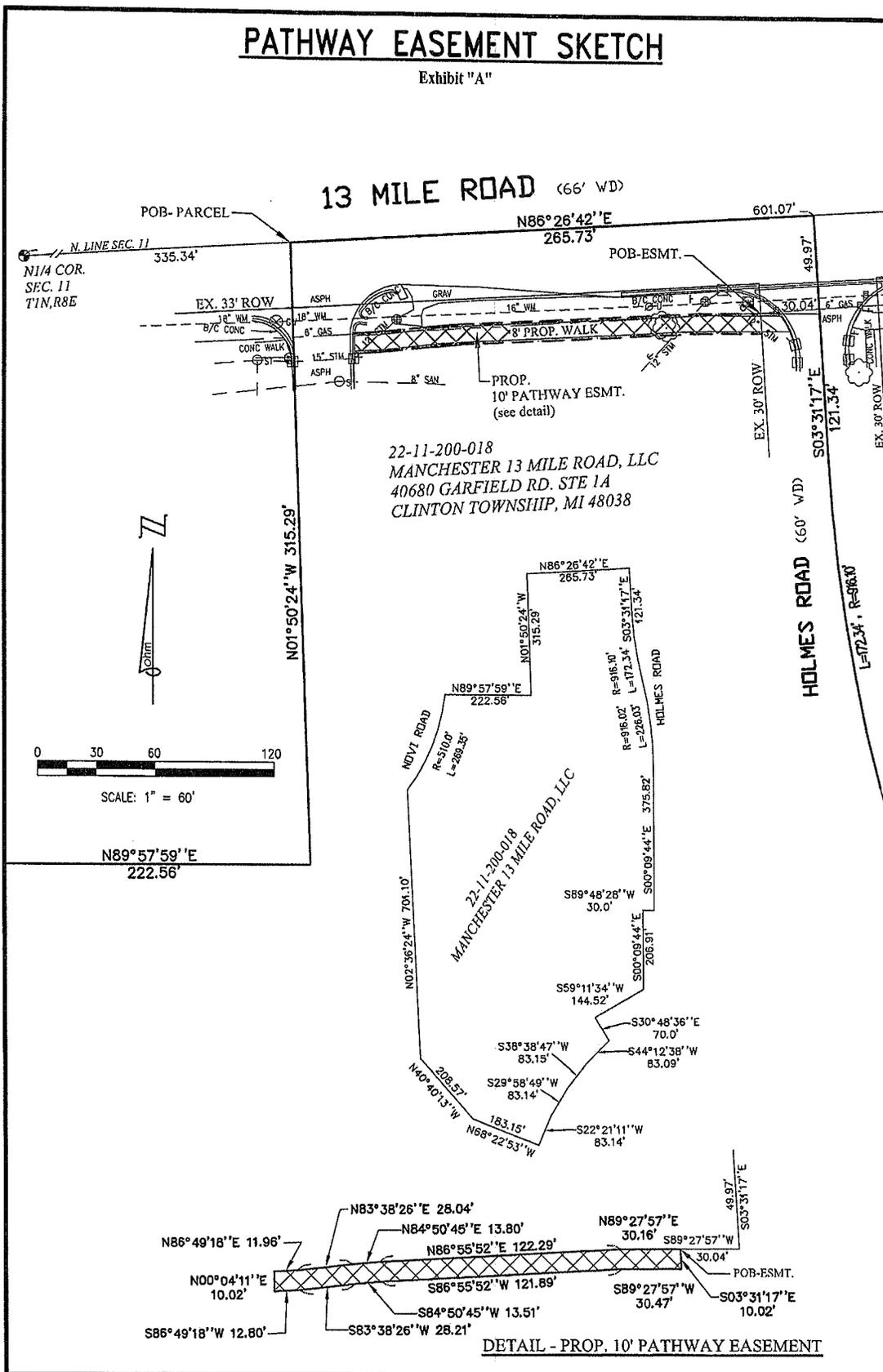
The foregoing instrument was acknowledged before me this 9th day of April, 2014, by Michael Furnari, the Member of Manchester 13 Mile Road, LLC, a Michigan limited liability company.

  
Notary Public  
Macomb County, Michigan  
My Commission Expires: 11-19-2018

ROSALIA LOMEDICO  
NOTARY PUBLIC, STATE OF MI  
COUNTY OF MACOMB  
MY COMMISSION EXPIRES Nov 19, 2018  
ACTING IN COUNTY OF Oakland

# PATHWAY EASEMENT SKETCH

Exhibit "A"



## PATHWAY EASEMENT

PART OF THE NE 1/4 OF SECTION 11  
 T. 1 N., R. 8 E., CITY OF NOVI, OAKLAND COUNTY  
 TAX ID NO.: 22-11-200-018



34000 Plymouth Road | Livonia, MI 48150  
 p (734) 522-6711 | f (734) 522-6427

Advancing Communities

CLIENT:

CITY OF NOVI

DATE: 01-17-14  
 DRAWN BY: SH  
 DWG: 11-200-018

SHEET  
 1 OF 2

JOB NO.  
 0163-13-0050

# PATHWAY EASEMENT DESCRIPTION

Exhibit "A"

## PARCEL DESCRIPTION (22-11-200-018):

(PER OAKLAND COUNTY TAX ROLLS)

Part of the NE 1/4 of Section 11, Town 1 North, Range 8 East, City of Novi, Oakland County, Michigan, described as follows:

Beginning at a point distant N 86°26'42" E 335.34 feet from the N 1/4 corner of said Section 11; thence N 86°26'42" E 265.73 feet; thence S 03°31'17" E 121.34 feet; thence along a curve to the left, radius of 916.10 feet, chord bears S 08°54'39" E 172.09 feet, a distance of 172.34 feet; thence along a curve to the right, radius of 916.02 feet, chord bears S 07°13'52" E 225.46 feet, a distance of 226.03 feet; thence S 00°09'44" E 375.82 feet; thence S 89°48'28" W 30.0 feet; thence S 00°09'44" E 206.91 feet; thence S 59°11'34" W 144.52 feet; thence S 30°48'36" E 70.0 feet; thence S 44°12'38" W 83.09 feet; thence S 38°38'47" W 83.15 feet; thence S 29°58'49" W 83.14 feet; thence S 22°21'11" W 83.14 feet; thence N 68°22'53" W 183.15 feet; thence N 40°40'13" W 208.57 feet; thence N 02°36'24" W 701.10 feet; thence along a curve to the left, radius of 510.0 feet, chord bears N 21°30'14" E 266.23 feet, distance of 269.35 feet; thence N 89°57'59" E 222.56 feet; thence N 01°50'24" W 315.29 feet to the Point of Beginning.

## PATHWAY EASEMENT DESCRIPTION:

A 10 foot wide pathway easement situated in the Part of the NE 1/4 of Section 11, Town 1 North, Range 8 East, City of Novi, Oakland County, Michigan, described as follows:

Commencing at the N 1/4 corner of said Section 11; thence N 86°26'42" E 601.07 feet; thence S 03°31'17" E 49.97 feet; thence S 89°27'57" W 30.04 feet to a point on the West right of way line of Holmes Road (60 ft. wide) also being the Point of Beginning; thence S 03°31'17" E 10.02 feet along said West line of Holmes Road; thence S 89°27'57" W 30.47 feet; thence S 86°55'52" W 121.89 feet; thence S 84°50'45" W 13.51 feet; thence S 83°38'26" W 28.21 feet; thence S 86°49'18" W 12.80 feet; thence N 00°04'11" E 10.02 feet along an existing back of curb; thence N 86°49'18" E 11.96 feet; thence N 83°38'26" E 28.04 feet; thence N 84°50'45" E 13.80 feet; thence N 86°55'52" E 122.29 feet; thence N 89°27'57" E 30.16 feet to the Point of Beginning.

Contains 2,067 square feet or 0.047 acres of land. Subject to all easements and restrictions of record, if any.

## PATHWAY EASEMENT

PART OF THE NE 1/4 OF SECTION 11  
T. 1 N., R. 8 E., CITY OF NOVI, OAKLAND COUNTY  
TAX ID NO.: 22-11-200-018



34000 Plymouth Road | Livonia, MI 48150  
p (734) 522-6711 | f (734) 522-6427

Advancing Communities

DATE: 01-17-14  
DRAWN BY: SH  
DWG: 11-200-018

SHEET  
2 OF 2

JOB NO.  
0163-13-0050

CLIENT: CITY OF NOVI