



CITY of NOVI CITY COUNCIL

**Agenda Item H
January 11, 2016**

SUBJECT: Acceptance of a pathway easement as a donation from Kris Krstovski, along the north side of Eleven Mile Road east of Taft Road for a pathway constructed as part of a new single family home at 44780 Eleven Mile Road (parcel 22-15-351-040).

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

CITY MANAGER APPROVAL: *[Signature]*

BACKGROUND INFORMATION:

Kris Krstovski is constructing a new single family residence at 44780 Eleven Mile Road (east of Taft Road). The ordinance requires the construction of a sidewalk along the frontage of the parcel as a condition of the building permit. (The applicant previously requested a variance from this requirement in October 2014, but later withdrew the request and has constructed the required sidewalk.) The ordinance also requires the dedication of a pathway easement over the sidewalk, which is being presented at this time for acceptance.

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

RECOMMENDED ACTION: Acceptance of a pathway easement as a donation from Kris Krstovski, along the north side of Eleven Mile Road east of Taft Road for a pathway constructed as part of a new single family home at 44780 Eleven Mile Road (parcel 22-15-351-040).

	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				

44780 11 Mile Road

Location Map

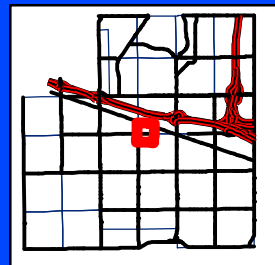


Map Author: Brian Coburn
Date: 9/24/14
Project:
Version #:

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

Feet
0 62.5 125 250 375

1 inch = 304 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@jrslaw.com

www.johnsonrosati.com

November 20, 2015

Brian Coburn, Engineering Manager
City of Novi
Public Services
Field Services Complex
26300 Lee BeGole Drive
Novi, MI 48375

Re: **Krstovski Property**
Permanent Pathway Easement
Parcel 50-22-15-351-040

Dear Mr. Coburn:

We have received and reviewed the enclosed Sidewalk Easement provided with respect to the construction of the sidewalk across the frontage of the property located at 44780 11 Mile as required in connection with the construction of a new single-family residence at that location. A title search for the property was not provided. Although we cannot render a conclusive opinion as to the ownership of the property without reviewing the entire chain of title for the property on record with the County, it appears that based on the last deed of record with Oakland County (available online), the Sidewalk Easement is acceptable for execution by Mr. Krstovski, and is not subject to any mortgage requiring consent. The City's standard Sidewalk Easement format has been proposed and is also acceptable.

The original Sidewalk Easement may be placed on an upcoming City Council Agenda for acceptance.

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

Sue Troutman, Clerk's Office

Rob Hayes, Public Services Director

Thomas R. Schultz, Esq.

SIDEWALK EASEMENT

NOW ALL MEN BY THESE PRESENTS, that Kris Krstovski, a married man, whose address is 44780 Eleven Mile Road, Novi, MI 48375, 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 15 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.

Dated this 30th day of December, 2015

{Signature begins on following page}

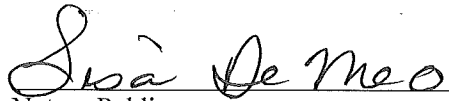
Signed by:


Kris Kristovski

STATE OF MICHIGAN)
) SS
COUNTY OF Oakland)

The foregoing instrument was acknowledged before me this 30 day of December,
2015 by

LISA DE MEO
NOTARY PUBLIC, STATE OF MI
COUNTY OF WAYNE
MY COMMISSION EXPIRES Jan 10, 2022
ACTING IN COUNTY OF Oakland


Notary Public
WAYNE County, Michigan
My Commission Expires: 1-10-2022

Drafted by:
Brian Coburn
City of Novi
45175 W. Ten Mile Road
Novi, MI 48375

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

EXHIBIT A

PROPERTY DESCRIPTION

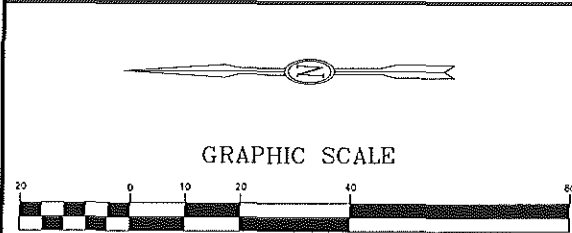
A parcel of land situated in the City of Novi, County of Oakland, State of Michigan, more particularly described as part of Lot 11 of Assessor's Plat No. 1 according to the plat thereof recorded in Liber 219 of Plats, Page 34 of Oakland County Records, beginning at a point distant S. 02° 37' 04" E., 133.24 feet from the northwest lot corner; thence S. 02°37'04" E., 337.73 feet; thence N. 87°37'28" E., 120.05 feet; thence N. 02°36'52" W., 282.50 feet; thence West 25 feet, thence N. 41°12'00" W., 30.40 feet; thence N. 74°03'21" W., 39.54 feet; thence N. 51°47'34"W., 29.09 feet; thence S. 84°45'14" W., 16.66 feet to the point of beginning.

Parcel Number 50-22-15-351-040

EXHIBIT B

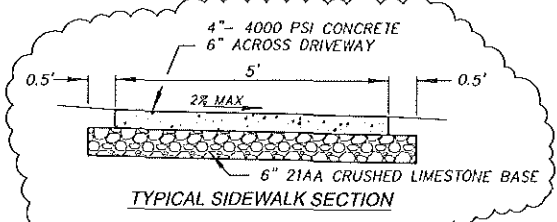
EASEMENT DESCRIPTION

A parcel of land situated in the City of Novi, County of Oakland, State of Michigan, more particularly described as part of Lot 11 of Assessor's Plat No. 1 according to the plat thereof recorded in Liber 219 of Plats, Page 34 of Oakland County Records, beginning at a point distant S. 02° 37' 04" E., 427.97 feet from the northwest lot corner; thence N. 87°37'28" E, 120.05 feet; thence S. 02°36'52" E, 7.00 feet; thence S. 87 °37'28"W., 120.05 feet; thence N.02°37'04" W., 7.00 feet to the point of beginning.



- LEGEND**
- EXISTING SPOT GRADES
 - PROPOSED GRADES
 - TOP OF WALL, BOTTOM WALL
 - DIRECTION OF SURFACE DRAINAGE
 - TREES TO BE REMOVED
 - EXIST. TREE TO REMAIN
 - PROPOSED LANDSCAPE WALL
 - EDGE OF BRUSH
 - PROPOSED CONTOURS

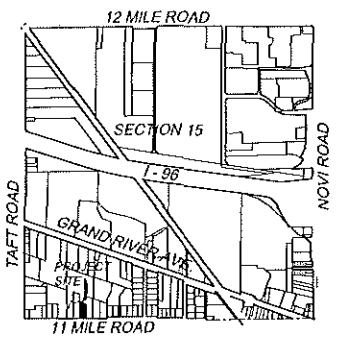
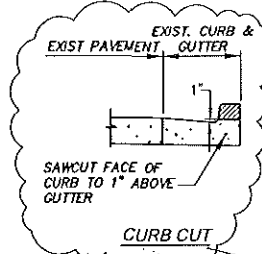
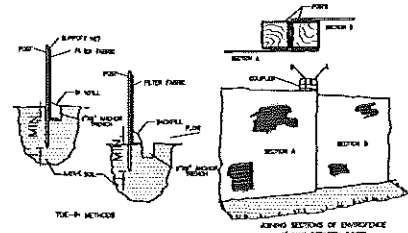
- NOTES:**
1. WATER SERVICE LEAD MATERIAL SHALL BE 1" TYPE-K COPPER OR HDPE SDR-9. SANITARY SEWER LEAD MATERIAL SHALL BE 6" SDR 23.5. SUMP DISCHARGE SHALL BE 4" SCH 40.
 2. SITE DOES NOT LIE WITHIN A FEDERALLY ESTABLISHED FLOODPLAIN PER COMMUNITY PANEL 206175, MAP NO. 26125C0626F EFFECTIVE DATE SEPTEMBER 29, 2006.
 3. GRADES FOR LOTS 10 & 12 ARE AS BUILT.
 4. INSTALL SILT FENCE ALONG PERIMETER OF SITE.
 5. MAXIMUM SLOPES ON SITE SHALL BE 1 ON 4 (25%).
 6. DRIVEWAY APPROACH SHALL BE 6" THICK CONCRETE.
 7. RIGHT-OF-WAY AND EASEMENT ENCROACHMENTS REQUIRE A LICENSE AGREEMENT.



LEGAL DESCRIPTION PARCEL 22-15-351-040

PART OF LOT 11 OF "ASSESSOR'S PLAT NO. 1" PART OF THE SOUTHWEST 1/4 OF SECTION 15, T. 1N., R. 8E., CITY OF NOVI, OAKLAND COUNTY, MICHIGAN AS RECORDED IN LIBER 219, OF PLATS, PAGES 34-36, OAKLAND COUNTY RECORDS DESCRIBED AS BEGINNING AT A POINT DISTANT S 02°37'04" E, 133.24 FEET FROM THE NORTHWEST CORNER OF SAID LOT 11; THENCE S 02°37'04" E, 337.73 FEET; THENCE N 87°37'28" E, 120.05 FEET; THENCE N 02°36'52" W, 282.50 FEET; THENCE WEST 25.00 FEET; THENCE N 41°12'00" W, 30.40 FEET; THENCE N 74°03'21" W, 39.54 FEET; THENCE N 51°47'34" W, 29.09 FEET; THENCE S 84°45'14" W, 16.66 FEET TO THE POINT OF BEGINNING, CONTAINING 0.86 ACRES AND SUBJECT TO EASEMENTS AND RIGHT-OF-WAYS OF RECORD.

EXISTING ZONING: R-4 (ONE-FAMILY RESIDENTIAL DISTRICT)



APPLICANT:
KRIS KRSTOVSKI
24977 GLENDA ST.
NOVI, MI. 48375

Consulting Engineers - Land Surveyors
8615 Richardson Rd., Commerce Twp., MI. 48390
Phone (248) 363-2550 Fax (248) 363-1646

JCK Group, Inc.

Drawn: LAS
Designed: LAS
Checked: JCK

CITY OF NOVI

WOODLAND RECOMMENDED BY N/A Date _____

WETLAND RECOMMENDED BY N/A Date _____

ENGINEERING RECOMMENDED BY HKG Date 9/9/14

GRADING CERTIFICATE APPROVAL BY REGIONAL DETENTION BASIN HIGH WATER ELEV. 983.3

3 WORKING DAYS BEFORE YOU DIG CALL MISS DIG 1-800-482-7171

UTILITY WARNING

MANHOLES AND UTILITY LOCATIONS AS SHOWN ON THIS PLAN ARE THE PROPERTY OF THE CITY OF NOVI AND ARE NOT TO BE DISTURBED.

IF WORK IS TO BE DONE WITHIN 10 FEET OF ANY UTILITY, THE CONTRACTOR SHALL NOTIFY THE CITY OF NOVI AT LEAST 48 HOURS BEFORE THE WORK BEGINS.

THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION AND RELOCATION OF ALL UTILITIES LOCATED WITHIN THE PROJECT AREA.

NOVI BENCHMARK #1532

CITY OF NOVI BENCHMARK #1532

"X" ON NORTH RIM OF GATEWELL LOCATED 20' WEST OF DRIVE #44650 11 MILE ROAD & 31' NORTH OF THE CENTERLINE OF 11 MILE ROAD. ELEV. 929.99 NAVD88

PLOT PLAN

PARCEL 22-15-351-040
SECTION 15, T. 1N., R. 8E.
CITY OF NOVI

Scale: 1"=20'
Date: 7/23/14
Job No.: 10255
Sht. No.:

1 of 1

REVISED PER REVIEW 9/28/14
REVISED PER R.O.W. REVIEW 9/14/14
REVISED PER CITY 9/8/14

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