

CITY of NOVI CITY COUNCIL

**Agenda Item E
November 26, 2018**



SUBJECT: Acceptance of a sidewalk easement from Stellar Hospitality Novi, LLC, for the Homewood Suites project located on the east side of Town Center Drive (parcel 50-22-14-376-018).

SUBMITTING DEPARTMENT: Department of Public Works, Engineering Division

CITY MANAGER APPROVAL: 

BACKGROUND INFORMATION:

The Homewood Suites project is a 69,543 square foot, five-story hotel located near the northeast corner of Town Center Drive and 11 Mile Road. The proposed sidewalk easement is located along the easterly frontage of Town Center Drive and conveys a 6' wide public sidewalk to the City for public use and maintenance.

The proposed easement has been favorably reviewed by the City Attorney (Beth Saarela, October 29, 2018) and the Engineering Division and is recommended for approval.

RECOMMENDED ACTION: Acceptance of a sidewalk easement from Stellar Hospitality Novi, LLC, for the Homewood Suites project located on the east side of Town Center Drive (parcel 50-22-14-376-018).

Homewood Suites Sidewalk Easement Location Map



Town Center Dr

Homewood Suites
50-22-14-376-018
26150 Town Center

Eleven Mile Rd

Map Author: Joseph Akers
Date: October 30, 2018
Project: Homewood Suites
Version #: 1

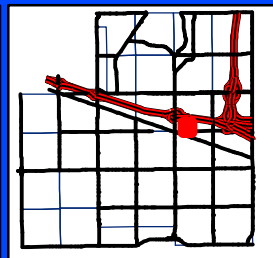
Amended By:
Date:
Department:

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.



Proposed
Sidewalk Easement



City of Novi

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



1 inch = 156 feet



ELIZABETH KUDLA SAARELA
esaarela@rsjalaw.com

2755 Executive Drive, Suite 250
Farmington Hills, Michigan 48331
P 248.489.4100 | F 248.489.1726
rsjalaw.com



ROSATI | SCHULTZ
JOPPICH | AMTSBUECHLER

October 29, 2018

Jeffrey Herczeg, Director of Public Works
City of Novi
Field Services Complex
26300 Lee BeGoleDrive
Novi, MI 48375

**Re: Homewood Suites, JSP14-31
Acceptance Documents**

Dear Mr. Herczeg:

We have received and reviewed the following documents for Homewood Suites and have the following comments:

1. Water System Easement (**Approved**)
2. Sanitary Sewer Manhole Access Easement (**Approved**)
3. Bill of Sale for Water Main (**Approved**)
4. Sidewalk Easement (**Approved**)
5. Title Commitment

Water and Sanitary Sewer System Easements

Stellar Hospitality Novi, LLC, seeks to convey the Water System Easement and Sanitary Sewer Manhole Access Easement serving the Homewood Suites development, to the City. We have reviewed and approve the format and language of the above Water and Sanitary Sewer Manhole Access Easements and corresponding Bill of Sale for water main. The easements are consistent with the title commitment provided. The exhibits have been reviewed and approved by the City's Consulting Engineer.

The Maintenance and Guarantee Bond is in the City's standard format and is in place to guarantee the materials and workmanship of the water system facilities for two years from the date of acceptance.

Sidewalk Easement

The Sidewalk Easement is in the City's standard format and is acceptable. The Exhibits have been reviewed and approved by the City's Consulting Engineer.

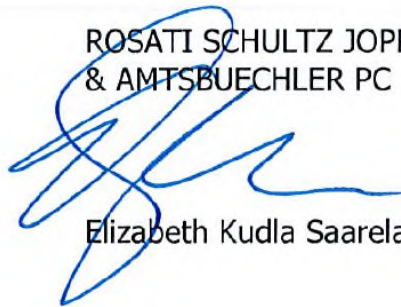
Jeffrey Herczeg, Director of Public Works
City of Novi
October 29, 2018
Page 2

Once accepted pursuant to Affidavit of the City Engineer, the Water and Sanitary Sewer System Easements should be recorded with the Oakland County Register of Deeds in the usual manner. The Bill of Sale and Title Search should be retained in the City's file. The Sidewalk Easement should be placed on an upcoming City Council Agenda for acceptance. Once accepted, it should be recorded with the Register of Deeds in the usual manner.

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

Very truly yours,

ROSATI SCHULTZ JOPPICH
& AMTSBUECHLER PC



Elizabeth Kudla Saarela

EKS

Enclosures

C: Cortney Hanson, Clerk (w/Enclosures-Originals)
Charles Boulard, Community Development Director (w/Enclosures)
Barb McBeth, City Planner (w/Enclosures)
Sri Komaragiri, Planner (w/Enclosures)
Lindsay Bell, Planner (w/Enclosures)
Hannah Smith, Planning Assistant (w/Enclosures)
Angie Sosnowski, Community Development Bond Coordinator (w/Enclosures)
George Melistas, Senior Engineering Manager (w/Enclosures)
Darcy Rechtien, Construction Engineer (w/Enclosures)
Sarah Marchioni, Community Development Building Project Coordinator (w/Enclosures)
Michael Freckelton, Taylor Reynolds & Ted Meadows, Spalding DeDecker (w/Enclosures)
Sue Troutman, City Clerk's Office (w/Enclosures)
Thomas R. Schultz, Esquire (w/Enclosures)

SIDEWALK EASEMENT

NOW ALL MEN BY THESE PRESENTS, that Stellar Hospitality Novi, LLC, whose address is 32825 Northwestern Highway, Farmington Hills, Michigan 48334, 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 14, 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)

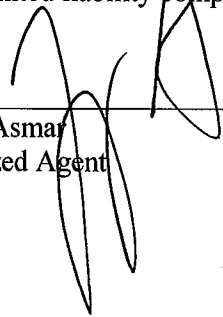
This instrument shall be binding and inure to the benefit of the parties hereto, their heirs, representatives, successors and assigns.

Dated this 26th day of December, 2017.

{Signature begins on following page}

Signed by:

Stellar Hospitality Novi, LLC, a
Michigan limited liability company



By: Jimmy Asmar
Its: Authorized Agent

STATE OF MICHIGAN)
) SS
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this 26th day of December, 2017, by jimmy Asmar, the authorized agent of Stellar Hospitality Novi, LLC, a Michigan limited liability company, on behalf of the company.

Christine Moore
Notary Public **Christine Moore**
St. Clair County, Michigan
Acting in Oakland County, Michigan
My Commission Expires: **7/16/2021**

Drafted by:

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

438616_1.DOC

Cortney Hanson, Clerk
City of Novi
45175 W. Ten Mile Rd.
Novi, MI 48375

Exhibit A
Legal Description

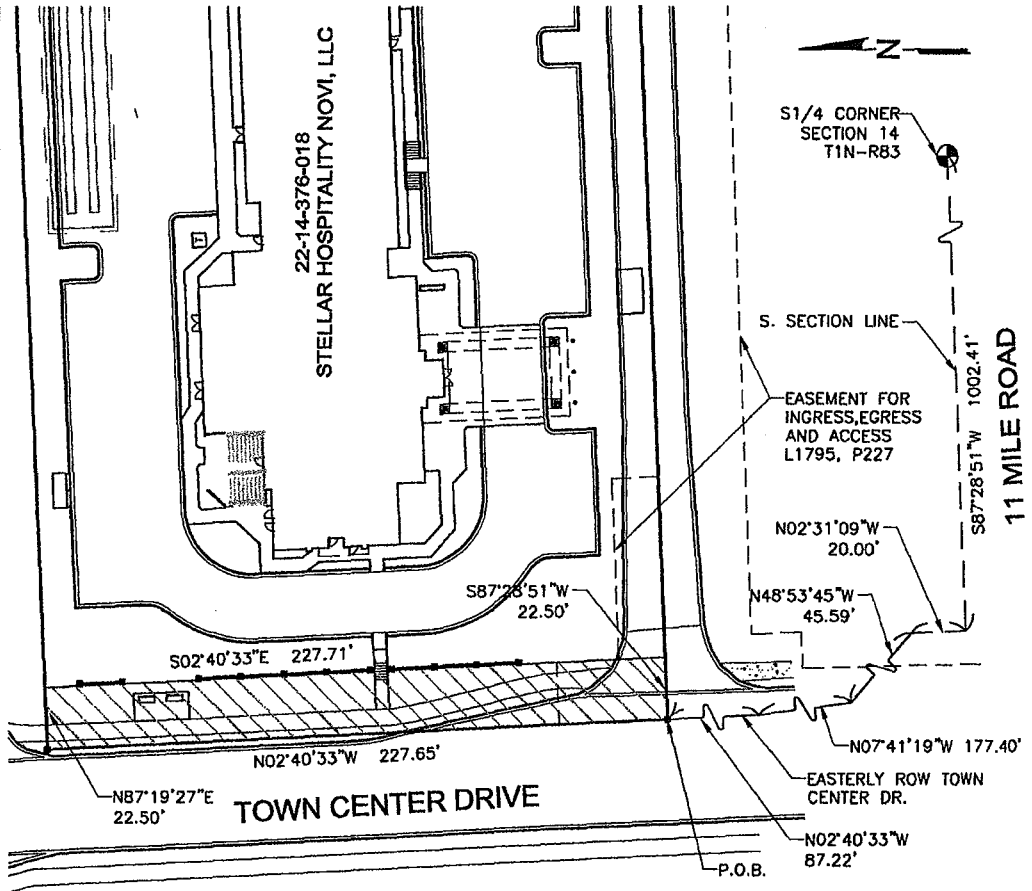
Land situated in the City of Novi, County of Oakland, State of Michigan, described as follows:

A part of the Southwest 1/4 of Section 14, Town 1 North, Range 8 East, City of Novi, Oakland County, Michigan; being more particularly described as: Commencing at the South 1/4 corner of said Section 14; thence South 87 degrees 28 minutes 51 seconds West, 1002.41 feet along the South line of said Section 14 and the centerline of Eleven Mile Road; thence North 02 degrees 31 minutes 09 seconds West, 20.00 feet; thence North 48 degrees 53 minutes 45 seconds West, 45.59 feet; thence North 07 degrees 41 minutes 19 seconds West, 177.40 feet along the Easterly right-of-way of Town Center Drive; thence North 02 degrees 40 minutes 33 seconds West, 87.22 feet to the Point of Beginning; thence North 02 degrees 40 minutes 33 seconds West, 227.65 feet along the Easterly right-of-way of Town Center Drive; thence North 87 degrees 19 minutes 27 seconds East, 356.60 feet; thence South 02 degrees 31 minutes 09 seconds East, 228.62 feet; thence South 87 degrees 28 minutes 51 seconds West, 355.98 feet to the Point of Beginning.

Tax Item No. 22-14-376-018

Tax Parcel Number: 22-14-376-018

EXHIBIT B



SIDEWALK EASEMENT

A SIDEWALK EASEMENT BEING DESCRIBED AS COMMENCING AT THE SOUTH 1/4 CORNER OF SECTION 14; THENCE SOUTH 87 DEGREES 28 MINUTES 51 SECONDS WEST, 1002.41 FEET ALONG THE SOUTH LINE OF SAID SECTION 14 AND THE CENTERLINE OF ELEVEN MILE ROAD; THENCE NORTH 02 DEGREES 31 MINUTES 09 SECONDS WEST, 20.00 FEET; THENCE NORTH 48 DEGREES 53 MINUTES 45 SECONDS WEST, 45.59 FEET; THENCE NORTH 07 DEGREES 41 MINUTES 19 SECONDS WEST, 177.40 FEET ALONG THE EASTERLY RIGHT-OF-WAY OF TOWN CENTER DRIVE; THENCE NORTH 02 DEGREES 40 MINUTES 33 SECONDS WEST, 87.22 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 02 DEGREES 40 MINUTES 33 SECONDS WEST, 227.65 FEET; THENCE NORTH 87 DEGREES 19 MINUTES 27 SECONDS EAST, 22.50 FEET; THENCE SOUTH 02 DEGREES 40 MINUTES 33 SECONDS EAST, 227.71 FEET; THENCE SOUTH 87 DEGREES 28 MINUTES 51 SECONDS WEST, 22.50 FEET RETURNING TO THE POINT OF BEGINNING.



Bud Design & Engineering Services, Inc.
 10775 S. Saginaw St. Suite B
 Grand Blanc, MI 48439
 (PH) 810.695.0793
 (FAX) 810.695.0569
 www.buddesign.com

HOMWOOD SUITES

TOWN CENTER DRIVE

SIDEWALK EASEMENT

CITY OF NOVI, OAKLAND COUNTY, MICHIGAN

CLIENT: STELLAR HOSP. NOVI

SCALE
1"=50'

SHEET
2 OF 2

PROJECT NO.
BD-14-235

DATE
05/31/17
DRN
ACA
CHD
ACA

April 2, 2018

Theresa Bridges, Construction Engineer
City of Novi
26300 Lee BeGole Drive
Novi, Michigan 48375

Re: Homewood Suites - Acceptance Documents Review
Novi # JSP14-0031
SDA Job No. NV15-231
ACCEPTANCE DOCUMENTS APPROVED AS NOTED

Dear Ms. Bridges:

We have reviewed the Acceptance Document Package received by our office on March 28, 2018 against the Final Site Plan (Stamping Set) approved on August 20, 2015 and against as-built field records. We offer the following comments:

Final Acceptance Documents:

The following items must be provided prior to the issuance of a Temporary Certificate of Occupancy. All documents must be completed using black ink as the County will reject them otherwise.

1. On-Site Water System Easement – (Executed January 16, 2018; Exhibit dated 09-29-17) – Exhibit Approved
2. On-Site Sanitary Sewer Monitoring Manhole Access Easement – (executed January 16, 2018; exhibit dated 05-31-17) – Exhibits Approved.
3. Storm Drainage Facility / Maintenance Easement Agreement – (Executed December 26, 2017; Exhibits A and B dated 05-31-17, Exhibit C dated 9/29/17) – Exhibits Approved.
4. Sidewalk Easement – (Executed January 16, 2018; Exhibit dated 05-31-17) – Exhibits Approved.
5. **Bills of Sale: Sanitary Sewer System and Water Supply System** – PROVIDED – The bills of sale should include the on-site sanitary sewer and water main exhibits.
6. Full Unconditional Waivers of Lien from contractors installing public utilities – PROVIDED
7. Sworn Statement signed by Developer - PROVIDED

Unless otherwise stated above, the documents as submitted were found to be acceptable by our office pending review by the City Attorney. Legal review will not occur until a current title policy is submitted to the City. For those documents which require revisions, please forward those revised documents to the City for further review and approval.

The City Attorney's Office will retain the original documents in their files until such time as they are approved and ready (notarized and executed properly) for the Mayor's signature.

It should be noted that the Plan Review Center Report dated July 1, 2015 contains all documentation requirements necessary prior to construction and occupancy of the facility.

If you have any questions regarding this matter, please contact this office at your convenience.

Sincerely,

SPALDING DEDECKER



Mike Freckelton, EIT
Engineer

Cc (via Email): George Melistas, City Engineering Senior Manager
 Cortney Hanson, City Clerk
 Beth Saarela, Johnson Rosati, Schultz, Joppich PC
 Sarah Marchioni, City Building Project Coordinator
 Ted Meadows, Spalding DeDecker
 Taylor Reynolds, Spalding DeDecker
 Darcy Rechtien, City Construction Engineer
 Angie Pawlowski, City Community Development Bond Coordinator
 Hannah Smith, City Planning Assistant