



CITY of NOVI CITY COUNCIL

**Agenda Item D
May 12, 2014**

SUBJECT: Acceptance of a pathway easement as a donation from Gardan, LLC, along the east side of Meadowbrook Road north of Grand River Avenue for construction of the 2014 Pathway Program (parcel 22-24-100-051).

SUBMITTING DEPARTMENT: Department of Public Services, Engineering Division *TJB BTL*

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, Gardan, LLC, which owns the property on which Cadillac of Novi is located, has offered to donate a pathway easement at the northwest corner of the property along Meadowbrook 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 Gardan, LLC, along the east side of Meadowbrook Road north of Grand River Avenue for construction of the 2014 Pathway Program (parcel 22-24-100-051).

	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				

Gardan LLC Pathway Easement Location Map

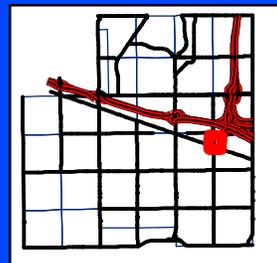


Map Author: Brian Coburn
 Date: 5/5/2014
 Project:
 Version #:

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 = 227 feet





JOHNSON ROSATI SCHULTZ JOPPICH PC

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Elizabeth Kudla Saarela
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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 50-22-24-100-051 – Cadillac of Novi

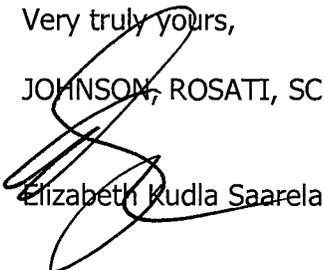
Dear Mr. Croy:

We have received and reviewed a copy of the enclosed executed Pathway Easement donated by Gardan, LLC over Parcel 50-22-24-100-051, the Cadillac of Novi Property. The lender holding a mortgage interest on the property has also executed the "consent" page. The Pathway Easement is in the City's standard Pathway Easement format (including a clarification that the City will maintain the boardwalk over Bishop Creek) 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 Gardan, L.L.C., a Michigan limited liability company , whose address is 28100 Telegraph, Southfield, Michigan 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. 50-22-24-100-051

{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 boardwalk, and a pedestrian bridge over Bishop Creek.

Grantee shall be responsible for all on-going repairs to the pedestrian bridge.

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 11 day of MARCH, 2014.

GRANTOR

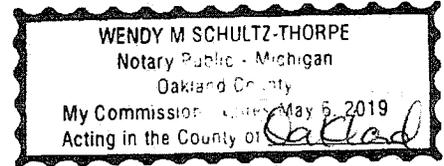
Gardan, L.L.C., a Michigan limited liability company

By: [Signature] Its: [Signature]

STATE OF MICHIGAN)
) SS
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this 11th day of March, 2014 by Gary Wood, the Agent of Gardan, L.L.C., a Michigan limited liability company.

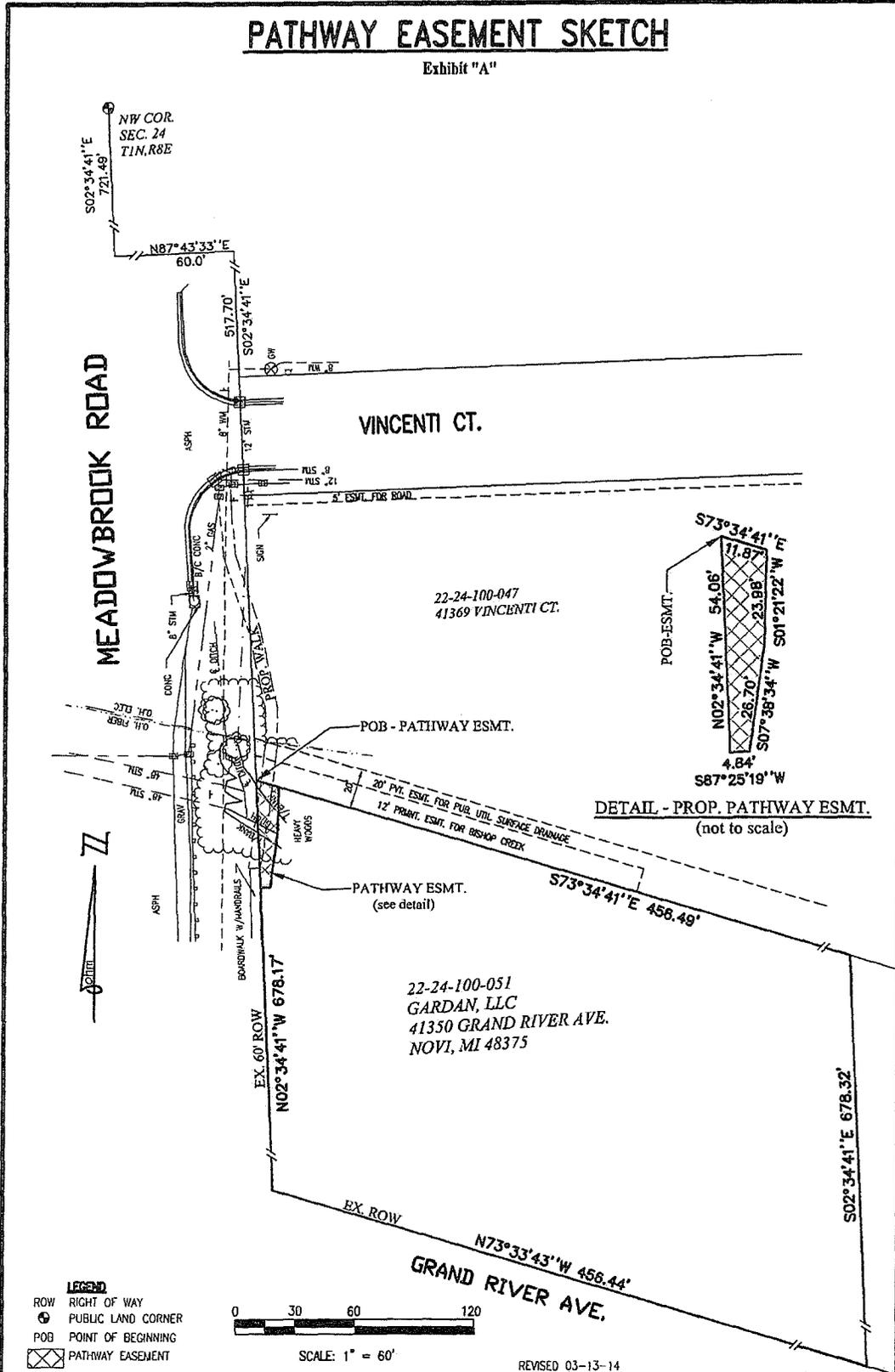
[Signature: Wendy M. Schultz-Thorpe]
Notary Public
Calhoun County, Michigan
My Commission Expires:



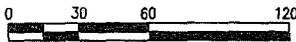
Drafted by:
Benjamin Croy, PE
City of Novi
45175 W Ten Mile Road
Novi, MI 48375

PATHWAY EASEMENT SKETCH

Exhibit "A"



- LEGEND**
- ROW RIGHT OF WAY
 - ⊕ PUBLIC LAND CORNER
 - POB POINT OF BEGINNING
 - ⊗ PATHWAY EASEMENT



SCALE: 1" = 60'

REVISED 03-13-14

PATHWAY EASEMENT

PART OF THE NW 1/4 OF SECTION 24
T. 1 N., R. 8 E., CITY OF NOVI, OAKLAND COUNTY
TAX ID NO.: 22-24-100-051

CLIENT: CITY OF NOVI



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

Advancing Communities

DATE: 01-22-14
DRAWN BY: SH
CHK: 24-100-051

SHEET

1 OF 2

JOB NO.

0163-13-0050

PATHWAY EASEMENT DESCRIPTION

Exhibit "A"

PARCEL DESCRIPTION (22-24-100-051):

(PER OAKLAND COUNTY TAX ROLLS)

Part of the NW 1/4 of Section 24, Town 1 North, Range 8 East, City of Novi, Oakland County, Michigan, described as follows:

Beginning at a point distant S 02°34'41" E 721.49 feet and N 87°43'33" E 60.0 feet and S 02°34'41" E 517.70 feet from the NW corner of said Section 24; thence S 73°34'41" E 456.49 feet; thence S 02°34'41" E 678.32 feet; thence N 73°33'43" W 456.44 feet along the Northerly right of way line of Grand River Avenuc; thence N 02°34'41" W 678.17 feet to the Point of Beginning.

PATHWAY EASEMENT DESCRIPTION:

A variable width pathway easement situated in the Part of the NW 1/4 of Section 24, Town 1 North, Range 8 East, City of Novi, Oakland County, Michigan, described as follows:

Beginning at a point distant S 02°34'41" E 721.49 feet and N 87°43'33" E 60.0 feet and S 02°34'41" E 517.70 feet from the NW corner of said Section 24; thence S 73°34'41" E 11.87 feet; thence S 01°21'22" W 23.98 feet; thence S 07°38'34" W 26.70 feet; thence S 87°25'19" W 4.84 feet; thence N 02°34'41" W 54.06 feet along the East right of way line of Meadowbrook Road to the Point of Beginning.

Contains 460 square feet or 0.011 acres of land. Subject to all easements and restrictions of record, if any.

REVISED 03-13-14

PATHWAY EASEMENT

PART OF THE NW 1/4 OF SECTION 24
T. 1 N., R. 8 E., CITY OF NOVI, OAKLAND COUNTY
TAX ID NO.: 22-24-100-051



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

Advancing Communities

CLIENT:

CITY OF NOVI

DATE: 01-22-14
DRAWN BY: SH
DWG: 24-100-051

SHEET
2 OF 2

JOB NO.

0163-13-0050