



CITY of NOVI CITY COUNCIL

**Agenda Item L
September 14, 2015**

SUBJECT: Approval of (1) a Resolution Concerning Acquisition and Approving Declaration of Necessity and Taking and authorization of Offer to Purchase; (2) a Declaration of Taking; and (3) an Agreement of Sale and Offer to Purchase Easements over Real Property in the amount of \$10,451 for a pathway easement and a water main easement along with necessary temporary grading permits on parcel 22-01-100-003 for the construction of a pathway and a water main as part of the 14 Mile Pathway and Water Main Gap project; and approval of a budget resolution for an additional appropriation of \$269,000 for the pathway portion of the project.

SUBMITTING DEPARTMENT: Department of Public Services *BTC* *RJA*

CITY MANAGER APPROVAL: *[Signature]*

EXPENDITURE REQUIRED	\$ 4,653 (Pathway and Temporary Easement) \$ 5,798 (Water Main Easement) \$ 10,451 TOTAL
AMOUNT BUDGETED	\$ 0 (14 Mile Pathway) \$ 140,000 (Water Main Extension)
APPROPRIATION REQUIRED	\$ 269,000 from Municipal Street Fund Balance
LINE ITEM NUMBER	204-204.00-974.453 (14 Mile Pathway) 592-592.00-974.099 (Water Main Extension)

BACKGROUND INFORMATION:

This project involves the construction of a 6-foot wide pathway and a 12-inch water main along the south side of 14 Mile Road between the Haverhill Farm subdivision and the Maples of Novi development to complete the gaps that currently exist for each. Easements from three property owners are required for the completion of this project. To date, two of the property owners have donated the easements required on their parcels. Staff has had ongoing discussions with the owners of the remaining property, Alwazeer Enterprises. Alwazeer has indicated they wish to cooperate and are in favor of the project, but we have not been able to acquire the easements after several months of discussions. In the event that the easements are not forthcoming, staff plans to have the attached documents ready for the acquisition of the easements through the eminent domain process.

This project was added to the FY15-16 budget at the May 11, 2015 City Council meeting. The motion directed staff to prepare a budget amendment for consideration once an estimate of costs has been determined (see attached excerpt of May 11, 2015 minutes). Staff has worked with the consultant to prepare a project cost estimate for the pathway project in the amount of \$269,000, which includes easement acquisition costs, engineering and construction. A budget resolution has been prepared to appropriate these funds to the FY15-16 budget for construction and engineering related to this project.

The design of this project is nearing completion, with construction anticipated to commence late in the 2015 construction season.

RECOMMENDED ACTION: Approval of (1) a Resolution Concerning Acquisition and Approving Declaration of Necessity and Taking and authorization of Offer to Purchase; (2) a Declaration of Taking; and (3) an Agreement of Sale and Offer to Purchase Easements over Real Property in the amount of \$10,451 for a pathway easement and a water main easement along with necessary temporary grading permits on parcel 22-01-100-003 for the construction of a pathway and a water main as part of the 14 Mile Pathway and Water Main Gap project; and approval of a budget resolution for an additional appropriation of \$269,000 for the pathway portion of the project.

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

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

RESOLUTION

NOW, THEREFORE BE IT RESOLVED that the following
Budget Amendment for Sidewalk Seg# 129 14 Mile Path - Haverhill
Maples Project is authorized:

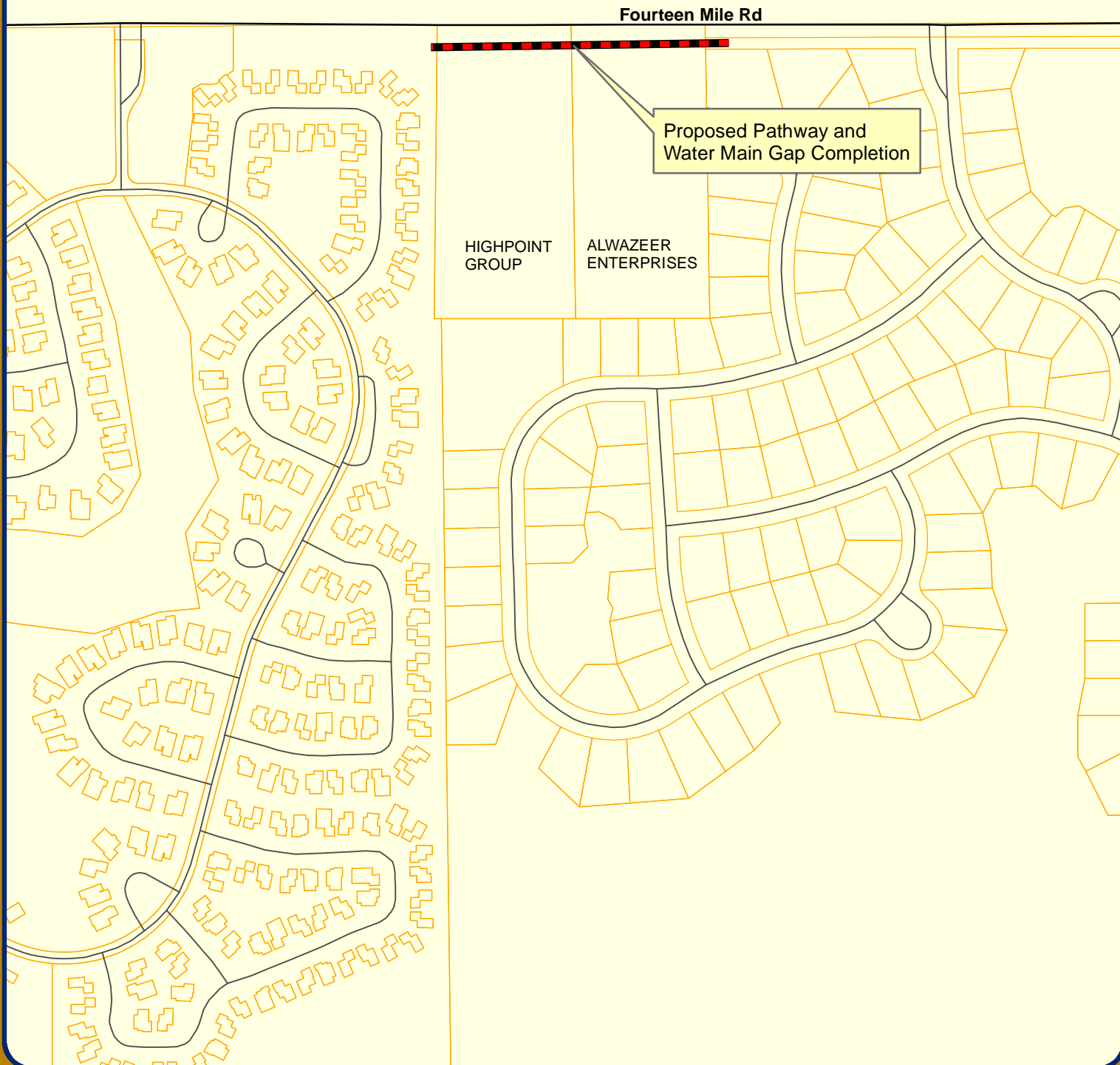
	INCREASE (DECREASE)
MUNICIPAL STREET FUND	
APPROPRIATIONS	
Capital Outlay	269,000
TOTAL APPROPRIATIONS	<u>\$ 269,000</u>
Net Increase (Decrease) to Fund Balance	<u>\$ (269,000)</u>

I hereby certify that the foregoing is a true and complete copy of a
resolution adopted by the City Council of the City of Novi
at a regular meeting held on September 14, 2015

Maryanne Cornelius
City Clerk

14 Mile Pathway and Water Main

Location Map



Map Author: Croy
Date: 9/8/15
Project: 14 Mile Water Main
Version #: v2.0

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 = 333 feet



City of Novi

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

2. Sidewalks in Haverhill Farms – Mayor Gatt spoke about the decisions he has made on Council. Residents from Haverhill Farms have made him aware of sidewalks that are not complete in that area. He personally experienced the dangerous walk ways that the residents were concerned about. The possibility of development to add sidewalks has passed and hopes to have the cost of the sidewalks added to the 2015-16 Budget.

CM 15-05-65 Moved by Staudt, seconded by Wrobel; CARRIED UNANIMOUSLY:

To approve adding segment 129, the Haverhill segment of the Sidewalk Prioritization Plan to the 2015-16 budget with a budget amendment when an estimate of costs have been determined.

Member Wrobel said this project was not initially included in the budget, but he also feels safety comes over financial concerns. The sidewalk will be expensive due to the topographical nature of the area. It will be worth it to spend the money to prevent any possible incidents due to the lack of a sidewalk.

Member Mutch said all the work they put into adding sidewalks to the City are about how they help residents personally. He thought it was brave for residents to speak about how this sidewalk would help them and improve that part of the City. He supports this and would like to see it move forward.

Member Markham supports amending the budget. She is a member of the Novi Walkable Committee and members of the Haverhill Subdivision came to them a few months ago with the segment in mind. She is glad to see there is more support for it. It connects to the regional trails, but also the residents of Haverhill were persistent and consistent to express their needs. She commends the group and challenges the community with any issues that they think is important.

Member Poupard applauded the community for coming together on issues of safety. She would like to commend the Mayor for his leadership on moving this forward while working with the City staff to make happen.

Member Casey thanked the younger residents for sharing their fears and concerns about the area. She asked about the conversation of water main work that was projected in that area. She hoped the work would help the topographical features that may be smoothed out or eliminated.

Mr. Hayes said, unfortunately, the alignment of the pathway is going to be a distance to the south of where the water main work will be. They would like to fit it in the right of way, but they do not have the right of way. He said that will be part of the cost. The cost estimate will include the purchase of the right of ways of the two parcels.

Mayor Pro Tem Staudt said the proposal regarding the water main had some engineering for the sidewalk and asked why they would have done engineering if it was so far away.

Mr. Hayes said he didn't recall the sidewalk as being part of the scope of the water main.

Mayor Pro Tem Staudt said that it was and asked if he saw a value in being able to do both sidewalk segments simultaneously and if it would provide any cost reduction to the project.

Mr. Hayes said yes, if they could sequence the projects, it would be ideal but the challenge they are faced with was the ROW acquisition. It is a lengthy process, so the right of way process would have to be expedited or delay the water main project.

Mayor Pro Tem Staudt said he is looking for it to be expedited.

Roll call vote on CM 15-05-65

**Yeas: Poupard, Wrobel, Gatt, Staudt, Casey,
Markham, Mutch**

Nays: None

CONSENT AGENDA REMOVALS FOR COUNCIL ACTION – None

ADJOURNMENT – There being no further business to come before Council, the meeting was adjourned at 7:52 P.M.

Robert J. Gatt, Mayor

Maryanne Cornelius, City Clerk

Transcribed by Jane Keller

Date approved: May 18, 2015

**RESOLUTION CONCERNING THE ACQUISITION
OF PROPERTY AND APPROVING DECLARATION OF NECESSITY AND TAKING**

City of Novi
County of Oakland, Michigan

Minutes of a _____ Meeting of the City Council of the City of Novi,
County of Oakland, Michigan, held in the City Hall in said City on _____2015, at
7:00 o'clock P.M. Prevailing Eastern Time.

PRESENT: Councilmembers _____

ABSENT: Councilmembers _____

The following preamble and Resolution were offered by Councilmember

_____ and supported by Councilmember _____.

WHEREAS, present conditions in the City of Novi, Oakland County, Michigan,
necessitate the construction of a pathway and water main along 14 Mile Road adjacent
to 41121 W. 14 Mile Road in the City of Novi, Oakland County, State of Michigan, to-
wit:

PARCEL DESCRIPTION (50-22-01-100-003):

PART OF THE NORTHWEST 1/4 OF SECTION 1, TOWN 1 NORTH, RANGE
8 EAST, DESCRIBED AS: BEGINNING AT A POINT ON THE NORTH
SECTION LINE DISTANCE EAST 964.10 FEET FROM THE NORTHWEST
SECTION CORNER; THENCE CONTINUING EAST 315.10 FEET; THENCE
SOUTH 00 DEGREES 43 MINUTES 00 SECONDS WEST, 691.26 FEET;

THENCE WEST 315.10 FEET; THENCE NORTH 00 DEGREES 43 MINUTES 00 SECONDS EAST, 691.26 FEET TO THE POINT OF BEGINNING

PERMANENT WATERMAIN EASEMENT

THE EASEMENT SHALL BE A PERMANENT EASEMENT FOR CONSTRUCTION, INSTALLATION, REPAIR, MAINTENANCE AND REPLACEMENT OF PUBLIC WATERMAIN DESCRIBED AS:

THE SOUTHERLY 20 FEET OF THE NORTHERLY 53 FEET OF THE ABOVE DESCRIBED PARCEL, 6,302 SQ FT.

PERMANENT PATHWAY EASEMENT

THE EASEMENT SHALL BE A PERMANENT EASEMENT FOR CONSTRUCTION, INSTALLATION, REPAIR, MAINTENANCE AND REPLACEMENT OF PUBLIC PATHWAY DESCRIBED AS:

THE SOUTHERLY 24 FEET OF THE NORTHERLY 60 FEET OF THE EASTERLY 64 FEET AND THE SOUTHERLY 8 FEET OF THE NORTHERLY 60 FEET OF THE WESTERLY 251.10 FEET OF THE ABOVE DESCRIBED PARCEL, 3,545 SQ FT.

TEMPORARY GRADING PERMIT

THE EASEMENT SHALL BE A TEMPORARY GRADING EASEMENT FOR THE INSTALLATION OF PUBLIC PATHWAY DESCRIBED AS:

THE SOUTHERLY 30 FEET OF THE NORTHERLY 90 FEET OF THE ABOVE DESCRIBED PARCEL, 9,453 SQ FT.

WHEREAS, plans for the improvements are on file with the City Clerk's Office; and

WHEREAS, it has been determined that said improvements are necessary for the use and benefit of the public; and

WHEREAS, in order to construct said improvements, it is necessary that the City acquire a permanent Pathway Easement, permanent Water Main Easement and a Temporary Grading Permit to the above-described real estate.

WHEREAS, the City has caused a valuation of the subject property to be prepared by its City Assessor or the basis of assessment records and related information;

WHEREAS, valuation of the easements over the subject property is Ten Thousand Four Hundred and Fifty-One (\$10,451.00) Dollars.

WHEREAS, the City has determined that it is in the best interests of the City to offer to purchase the easements over the subject property from the owners of such property, and to take such other actions as are deemed necessary to acquire the subject property for the purposes of constructing the improvements;

NOW, THEREFORE, BE IT RESOLVED, by the authority vested in the City of Novi by law, that it is hereby declared and determined that it is necessary to construct a pathway and a water main along the frontage of 41121 W 14 Mile Road, in, over, upon, and through the above-described property within the City of Novi in accordance with the plans prepared by the City, and that said improvements are necessary for the use and benefit of the public; and

BE IT FURTHER RESOLVED, that the Mayor of the City is hereby authorized to execute, on behalf of the City, a good faith Offer to Purchase, a copy of which is attached hereto as Exhibit A, calling for the payment of Ten Thousand Four Hundred and Fifty-One (\$10,451.00) Dollars for a permanent Pathway Easement, a Temporary Grading Permit, and a permanent Water Main Easement over the subject property. The above amounts have been established as just compensation for the acquisition of the property, based upon a valuation of the property and the desire to complete the sale short of litigation.

BE IT FURTHER RESOLVED, that after the execution of the good faith Offer to Purchase by the Mayor, the good faith Offer to Purchase shall be submitted to the owners of the property;

BE IT FURTHER RESOLVED, that in the event the Sellers fail to accept the good faith Offer to Purchase within seven (7) days of the date of delivery, the City Manager is hereby authorized to execute the Declaration of Taking, which is attached hereto;

BE IT FURTHER RESOLVED, that in the event the offer is not accepted as set forth above, the Mayor, City Clerk, and City Attorney are authorized to take all actions required to obtain a permanent Pathway Easement, a Temporary Grading Permit and permanent Water Main Easement in the subject property by eminent domain.

BE IT FURTHER RESOLVED, that in the event the offer is not accepted as set forth above, and the Declaration is executed, the City finance officer is authorized and directed to place an amount equal to the amount contained in the good faith offer that was made to the property owners (\$10,451.00) into a separate account and to hold such money on deposit as the estimated amount of just compensation to be paid in connection with the eminent domain proceedings.

BE IT FURTHER RESOLVED, that all resolutions and part of resolutions insofar as they conflict with the provisions of this Resolution be and the same hereby are rescinded.

AYES: Councilmembers _____

NAYES: Councilmembers _____

RESOLUTION DECLARED ADOPTED.

MARYANNE CORNELIUS, CITY CLERK

CERTIFICATION

I hereby certify that the foregoing is a true and complete copy of a Resolution adopted by the City Council of the City of Novi at _____ meeting held this _____ day of _____, 2015.

MARYANNE CORNELIUS, CITY CLERK

DECLARATION OF TAKING

A Resolution of Necessity having been adopted by the City of Novi setting forth that present conditions necessitate the construction of a non-motorized pathway/sidewalk and installation of a water main along the south side of 14 Mile Road (the "Improvements") in the City of Novi, Oakland County, Michigan, in the interest of the public health, safety, and welfare, and that it is necessary to acquire easements over certain property within the City of Novi for said Improvements, and that a good faith written offer to purchase said property has heretofore been made.

NOW, THEREFORE, by virtue of the authority vested in the City of Novi, by Act 279 of the Public Acts of 1909, as amended, and/or Act 149 of the Public Acts of 1911, as amended, or other applicable statutes, and in accordance with the provisions of Act 87 of the Public Acts of 1980, as amended, it is now declared and determined that the real property hereinafter described shall be taken for the purpose of constructing a non-motorized pathway/sidewalk and a water main along the south side of 14 Mile Road, in accordance with prepared plans showing said Improvements which are on file with the City Clerk's Office.

A statement of the estate of interest in the property being taken; a description of the property to be acquired, sufficient for its identification; the name of each known owner of said

property; the name of each known person, other than the owner, having an interest in said property; a statement of the sum of money estimated by the City of Novi as just compensation for the property being acquired; and a statement whether the City of Novi reserves or waives its rights to bring federal or state cost recovery actions against the present owner of the property are as follows:

1. Statement of the Estate of Interest Being Taken and Description of the Property:

PARCEL DESCRIPTION (50-22-01-100-003):
41121 W 14 MILE ROAD

SITUATED IN THE CITY OF NOVI, OAKLAND COUNTY, MICHIGAN, DESCRIBED AS:

PART OF THE NORTHWEST 1/4 OF SECTION 1, TOWN 1 NORTH, RANGE 8 EAST, DESCRIBED AS: BEGINNING AT A POINT ON THE NORTH SECTION LINE DISTANCE EAST 964.10 FEET FROM THE NORTHWEST SECTION CORNER; THENCE CONTINUING EAST 315.10 FEET; THENCE SOUTH 00 DEGREES 43 MINUTES 00 SECONDS WEST, 691.26 FEET; THENCE WEST 315.10 FEET; THENCE NORTH 00 DEGREES 43 MINUTES 00 SECONDS EAST, 691.26 FEET TO THE POINT OF BEGINNING.

A) A permanent Pathway/Sidewalk Easement in certain real estate described as follows:

PATHWAY EASEMENT LEGAL DESCRIPTION:

THE EASEMENT SHALL BE A PERMANENT EASEMENT FOR CONSTRUCTION, INSTALLATION, REPAIR, MAINTENANCE AND REPLACEMENT OF PUBLIC PATHWAY DESCRIBED AS:

THE SOUTHERLY 24 FEET OF THE NORTHERLY 60 FEET OF THE EASTERLY 64 FEET AND THE SOUTHERLY 8 FEET OF THE NORTHERLY 60 FEET OF THE WESTERLY 251.10 FEET OF THE ABOVE DESCRIBED PARCEL, 3,545 SQ FT.

B) A Permanent Water Main Easement described as follows:

WATERMAIN EASEMENT LEGAL DESCRIPTION:

THE EASEMENT SHALL BE A PERMANENT EASEMENT FOR CONSTRUCTION, INSTALLATION, REPAIR, MAINTENANCE AND REPLACEMENT OF PUBLIC WATERMAIN DESCRIBED AS:

THE SOUTHERLY 20 FEET OF THE NORTHERLY 53 FEET OF THE ABOVE DESCRIBED PARCEL, 6,302 SQ FT.

C) A Temporary Grading Permit over certain real estate described as follows:

TEMPORARY GRADING PERMIT LEGAL DESCRIPTION:

THE EASEMENT SHALL BE A TEMPORARY GRADING EASEMENT FOR THE INSTALLATION OF PUBLIC PATHWAY DESCRIBED AS:

THE SOUTHERLY 30 FEET OF THE NORTHERLY 90 FEET OF THE ABOVE DESCRIBED PARCEL, 9,453 SQ FT.

- 2. Name of Property Owner: Alwazeer Enterprises, LLC
- 3. Names of each person, other than the Owners, having a potential interest in the property: None
- 4. Estimated Just Compensation: \$10,451.00
- 5. The City of Novi reserves its rights to bring federal or state cost recovery actions against the present owner of the property.

_____ CITY OF NOVI

_____ By: _____
Peter E. Auger, City Manager

Dated: _____, 2015

STATE OF MICHIGAN)
) ss.
COUNTY OF OAKLAND)

The foregoing Declaration of Taking was acknowledged before me this ____ day of _____, 2015, by Peter E. Auger as the City Manager on behalf of the City of Novi.

Notary Public
Acting in Oakland County, Michigan
My Commission Expires: _____

Prepared By and When Recorded, Return To:

Elizabeth K. Saarela
Johnson Rosati Schultz & Joppich, P.C.
27555 Executive Drive, Suite 250
Farmington Hills, Michigan 48331-5627

AGREEMENT OF SALE
OFFER TO PURCHASE REAL PROPERTY

1. The City of Novi, a Michigan municipal corporation (hereinafter "City"), hereby offers and agrees to purchase a permanent Pathway Easement, a permanent Water Main Easement, and a Temporary Grading Permut over real property within the City of Novi, described as:

PARCEL DESCRIPTION (50-22-01-100-003):

PART OF THE NORTHWEST 1/4 OF SECTION 1, TOWN 1 NORTH, RANGE 8 EAST, DESCRIBED AS: BEGINNING AT A POINT ON THE NORTH SECTION LINE DISTANCE EAST 964.10 FEET FROM THE NORTHWEST SECTION CORNER; THENCE CONTINUING EAST 315.10 FEET; THENCE SOUTH 00 DEGREES 43 MINUTES 00 SECONDS WEST, 691.26 FEET; THENCE WEST 315.10 FEET; THENCE NORTH 00 DEGREES 43 MINUTES 00 SECONDS EAST, 691.26 FEET TO THE POINT OF BEGINNING.

PERMANENT WATER MAIN EASEMENT

THE EASEMENT SHALL BE A PERMANENT EASEMENT FOR CONSTRUCTION, INSTALLATION, REPAIR, MAINTENANCE AND REPLACEMENT OF PUBLIC WATERMAIN DESCRIBED AS:

THE SOUTHERLY 20 FEET OF THE NORTHERLY 53 FEET OF THE ABOVE DESCRIBED PARCEL, 6,302 SQ FT.

PERMANENT PATHWAY EASEMENT

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THE SOUTHERLY 24 FEET OF THE NORTHERLY 60 FEET OF THE EASTERLY 64 FEET AND THE SOUTHERLY 8 FEET OF THE NORTHERLY 60 FEET OF THE WESTERLY 251.10 FEET OF THE ABOVE DESCRIBED PARCEL, 3,545 SQ FT.

TEMPORARY GRADING PERMIT

TEMPORARY GRADING EASEMENT

THE EASEMENT SHALL BE A TEMPORARY GRADING EASEMENT FOR THE INSTALLATION OF PUBLIC PATHWAY DESCRIBED AS:

THE SOUTHERLY 30 FEET OF THE NORTHERLY 90 FEET OF THE ABOVE DESCRIBED PARCEL, 9,453 SQ FT.

and to pay therefore the sum of Ten Thousand Four Hundred and Fifty-One (\$10,451.00) Dollars, subject to the existing building and use restrictions, easements, and zoning ordinances, if any, upon the following conditions:

- (i) Delivery of the Water Main Easement above
- (ii) Delivery of the Pathway Easement above
- (iii) Delivery of the Temporary Grading Permit above

2. Upon Seller's acceptance of this Offer to Purchase, as evidence of title, the City agrees to obtain a commitment for the title insurance with policy pursuant thereto to be issued insuring the City. The City will pay the cost of the title insurance policy premium.

3. If this offer is accepted by the Seller and if title can be conveyed in the condition required hereunder, the City agrees to complete the sale within fifteen (15) days after the receipt of the commitment for title insurance.

4. If objection to the title is made, based on a written opinion of the City Attorney that the title is not in the condition required for the performance hereunder, the Sellers shall have thirty (30) days from the date they are notified in writing of the

particular defects claimed, to fulfill the requirements in the commitment for title insurance or to remedy the title defects set forth in the City Attorney's opinion. If the Seller is able to comply with such requirements or remedy such defects within the time specified, as evidenced by written notification, revised commitment or endorsement to commitment, the City agrees to complete the sale within twenty (20) days of receipt thereof. If the Seller is unable to furnish satisfactory title within the time specified, the City will commence condemnation proceedings to acquire the Property.

5. The Seller shall deliver and the City shall accept possession of said Property upon the date of closing.

6. It is understood that the Property is being acquired in connection with the construction of a pathway and water main along 14 Mile Road over, across, upon and through the above-described premises on New Court in the City of Novi, Michigan.

7. The City shall pay the cost of recording the permanent Pathway and Water Main Easements and the cost of all Michigan Real Estate Transfer Tax.

8. The City reserves its right to bring Federal or State cost recovery actions against the present owners of the Property arising out of a release of hazardous substances at the Property.

9. The covenants herein shall bind and inure to the benefit of the executors, administrators, successors, and assigns of the respective parties.

10. If this Offer to Purchase is not accepted by Seller within Seven (7) days from the date of its mailing to Seller, this Offer to Purchase shall be considered withdrawn and of no further force and effect.

11. This Offer to Purchase may be executed in one or more counterparts as one Agreement and shall be binding upon the City and the hereafter named Seller when executed by the City of Novi and all of the hereafter named Seller.

The closing of this sale shall take place at the City of Novi offices located at 45175 West Ten Mile Road, Novi, Michigan.

WITNESSES:

PURCHASER:

CITY OF NOVI, a Michigan
municipal corporation

By: ROBERT J. GATT
Its: Mayor

By: MARYANNE CORNELIUS
Its: City Clerk

Dated: _____, 2015

To the Above Named Purchaser:

The foregoing offer is hereby accepted and the Seller agrees to sell the Property upon the terms stated:

By the execution of this instrument, the Seller acknowledges the receipt of a copy of this Agreement.

IN THE PRESENCE OF:

SELLER:
ALWAZEER ENTERPRISES, LLC

By: _____

PURCHASER'S RECEIPT OF ACCEPTED OFFER

The Purchaser hereby acknowledges receipt of the Seller's signed acceptance of the foregoing Offer to Purchase.

CITY OF NOVI, a Michigan
municipal corporation, Purchaser

BY: _____

Its: _____

Dated: _____, 2015

WATER SYSTEM EASEMENT

KNOW ALL MEN BY THESE PRESENTS, that Alwazeer Enterprises, LLC, a Michigan limited liability company, whose address is 31700 W 13 Mile Rd Ste 203, Farmington Hills, Michigan 48334, (hereinafter referred to as "Grantor"), being title holder to the following described parcel of land, to-wit:

[See attached and incorporated Exhibit A]

Tax Identification Number: 50-22-01-100-003

for and in consideration of One (\$1.00) Dollar, receipt and sufficiency of which is hereby acknowledged, does hereby grant and convey to the City of Novi, a Michigan municipal corporation, whose address is 45175 W. Ten Mile, Novi, Michigan 48375, (hereinafter referred to as "Grantee"), a non-exclusive perpetual easement for a water main, over, upon, across, in, through, and under the following described real property, to-wit:

[See attached and incorporated Exhibit A]

And to enter upon sufficient land adjacent to said water main easement for the purpose of exercising the rights and privileges granted herein.

Grantee may install, repair, replace, improve, modify and maintain water main lines, and all necessary appurtenances thereto, within the easement herein granted.

All portions of the Property damaged or disturbed by Grantee's exercise of easement rights, shall be reasonably restored by Grantee to the condition that existed prior to the damage or disturbance.

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 water main in the easement areas shown on the attached and incorporated Exhibit A.

CONSENT TO EASEMENT

As the holder of a mortgagee interest in and to the property referenced in the Water System Easement, dated _____, 20__, attached hereto and incorporated as Exhibit A, whereby the Alwazeer Enterprises, LLC grants and conveys said easement to the City of Novi, the undersigned hereby evidences its consent to the grant, conveyance, existence and recordation of said easement, which easement is hereby acknowledged and agreed to be superior to the interest of the undersigned and shall bind the undersigned and the heirs, successors and assigns of the undersigned.

IN WITNESS WHEREOF the undersigned has caused its signature to be placed on the ____ day of _____, 20__.

_____, a
Michigan _____

By: _____

(Print Name:

Its: _____

STATE OF MICHIGAN)

) ss.


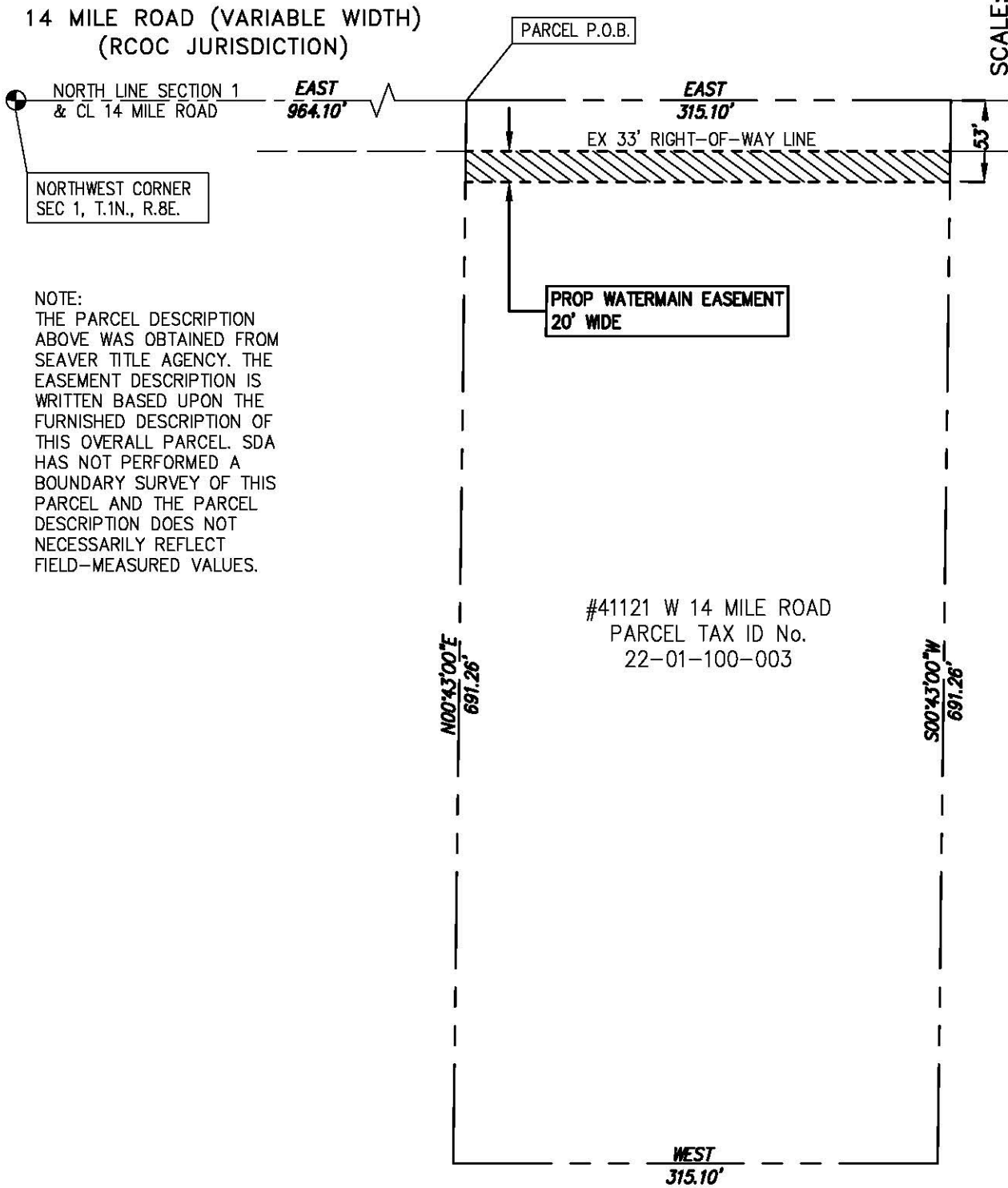
COUNTY OF OAKLAND)

The foregoing Consent to Easement was acknowledged before me this ____ day of _____, 20__, by _____, the _____ of _____, a Michigan _____.

Notary Public
Acting in _____ County, MI
My commission expires: _____

EASEMENT

SCALE: 1" = 100'

NOTE:
 THE PARCEL DESCRIPTION ABOVE WAS OBTAINED FROM SEAVER TITLE AGENCY. THE EASEMENT DESCRIPTION IS WRITTEN BASED UPON THE FURNISHED DESCRIPTION OF THIS OVERALL PARCEL. SDA HAS NOT PERFORMED A BOUNDARY SURVEY OF THIS PARCEL AND THE PARCEL DESCRIPTION DOES NOT NECESSARILY REFLECT FIELD-MEASURED VALUES.

#41121 W 14 MILE ROAD
 PARCEL TAX ID No.
 22-01-100-003

**FURNISHED LEGAL DESCRIPTION OF PARCEL
 SEAVER TITLE AGENCY
 FILE NO. 63-15431156-SSP
 DATED: JULY 20, 2015**

PART OF THE NORTHWEST 1/4 OF SECTION 1, TOWN 1 NORTH, RANGE 8 EAST, DESCRIBED AS: BEGINNING AT A POINT ON THE NORTH SECTION LINE DISTANCE EAST 964.10 FEET FROM THE NORTHWEST SECTION CORNER; THENCE CONTINUING EAST 315.10 FEET; THENCE SOUTH 00 DEGREES 43 MINUTES 00 SECONDS WEST, 691.26 FEET; THENCE WEST 315.10 FEET; THENCE NORTH 00 DEGREES 43 MINUTES 00 SECONDS EAST, 691.26 FEET TO THE POINT OF BEGINNING.

PERMANENT EASEMENT

THE EASEMENT SHALL BE A PERMANENT EASEMENT FOR CONSTRUCTION, INSTALLATION, REPAIR, MAINTENANCE AND REPLACEMENT OF PUBLIC WATERMAIN DESCRIBED AS:
 THE SOUTHERLY 20 FEET OF THE NORTHERLY 53 FEET OF THE ABOVE DESCRIBED PARCEL, 6,302 SQ FT.



905 South Blvd. East Phone: (248) 844-5400
 Rochester Hills, MI 48307 Fax: (248) 844-5404
 www.sda-eng.com

DRAWN: J.SERBINSKI	DATE: 07-21-15
CHECKED: T.LINDOW	DATE: 07-31-15
MANAGER: D.RICHMOND	SCALE: 1" = 50'
JOB No. NV15-003	SHEET: 1 OF 1
SECTION 1 TOWN 1 NORTH RANGE 8 EAST	
CITY OF NOVI	OAKLAND COUNTY, MI

PATHWAY EASEMENT

NOW ALL MEN BY THESE PRESENTS, that Alwazeer Enterprises, LLC, a Michigan limited liability company, whose address is 31700 W 13 Mile Rd Ste 203, Farmington Hills, MI, 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 1, T.1N., R.8E., City of Novi, Oakland County, State of Michigan, more particularly described as follows:

Parcel No. 50-22-01-100-003

{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 a 6-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:
Alwazeer Enterprises, LLC, a Michigan limited liability company

STATE OF MICHIGAN)

) SS

COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this _____ day of _____, 20__, by _____ the _____ of Alwazeer Enterprises, LLC, a Michigan limited liability company, on its behalf.

Notary Public

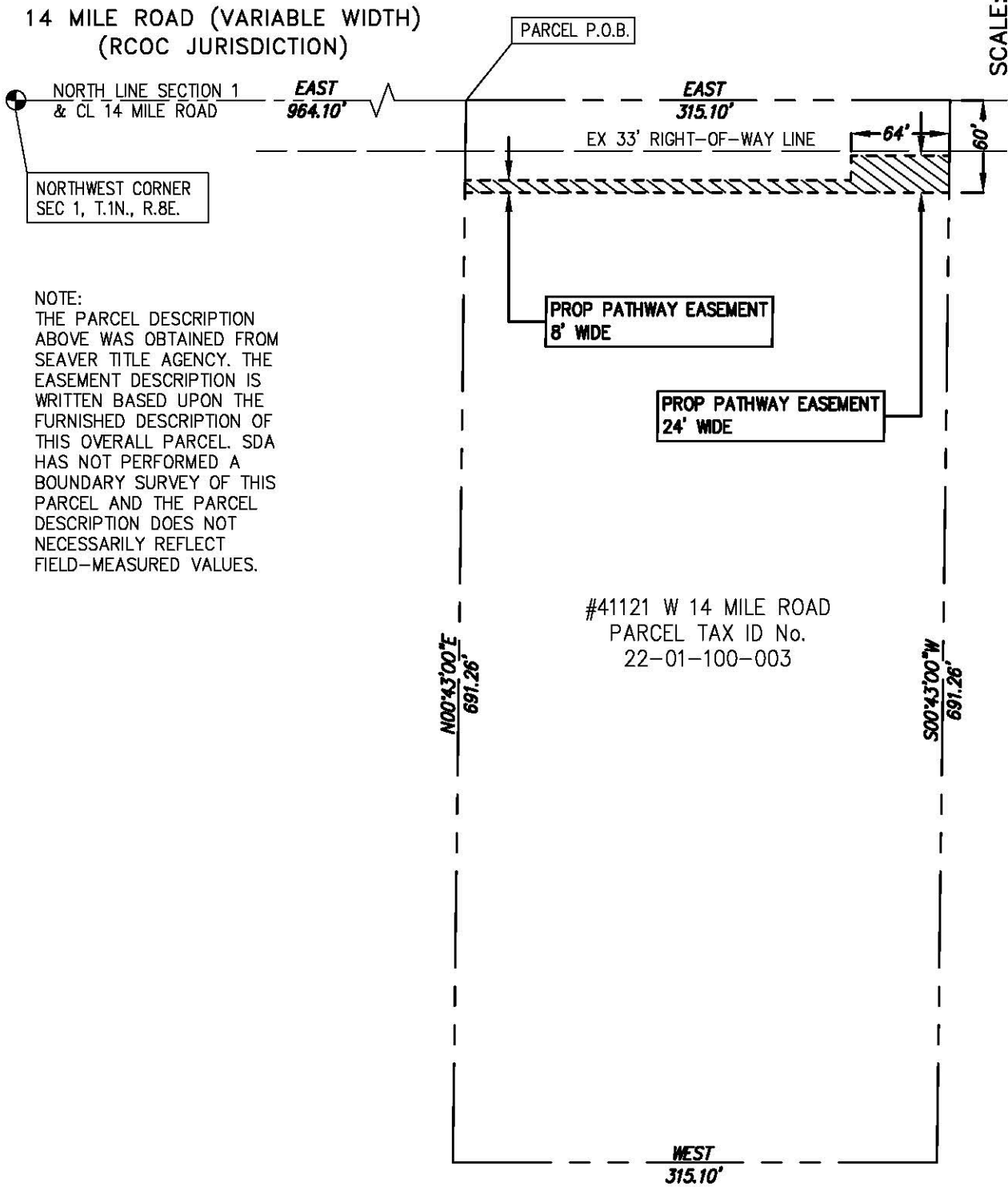
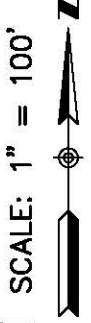
_____ County, Michigan

My Commission Expires:

Drafted by:
Beth Saarela
Johnson, Rosati, Schultz & Joppich
34405 W. Twelve Mile
Farmington Hills, MI 48331

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

EASEMENT



NOTE:
 THE PARCEL DESCRIPTION ABOVE WAS OBTAINED FROM SEAVER TITLE AGENCY. THE EASEMENT DESCRIPTION IS WRITTEN BASED UPON THE FURNISHED DESCRIPTION OF THIS OVERALL PARCEL. SDA HAS NOT PERFORMED A BOUNDARY SURVEY OF THIS PARCEL AND THE PARCEL DESCRIPTION DOES NOT NECESSARILY REFLECT FIELD-MEASURED VALUES.

#41121 W 14 MILE ROAD
 PARCEL TAX ID No.
 22-01-100-003

FURNISHED LEGAL DESCRIPTION OF PARCEL
SEAVER TITLE AGENCY
FILE NO. 63-15431156-SSP
DATED: JULY 20, 2015

PART OF THE NORTHWEST 1/4 OF SECTION 1, TOWN 1 NORTH, RANGE 8 EAST, DESCRIBED AS: BEGINNING AT A POINT ON THE NORTH SECTION LINE DISTANCE EAST 964.10 FEET FROM THE NORTHWEST SECTION CORNER; THENCE CONTINUING EAST 315.10 FEET; THENCE SOUTH 00 DEGREES 43 MINUTES 00 SECONDS WEST, 691.26 FEET; THENCE WEST 315.10 FEET; THENCE NORTH 00 DEGREES 43 MINUTES 00 SECONDS EAST, 691.26 FEET TO THE POINT OF BEGINNING.

PERMANENT EASEMENT

THE EASEMENT SHALL BE A PERMANENT EASEMENT FOR CONSTRUCTION, INSTALLATION, REPAIR, MAINTENANCE AND REPLACEMENT OF PUBLIC PATHWAY DESCRIBED AS:
 THE SOUTHERLY 24 FEET OF THE NORTHERLY 60 FEET OF THE EASTERLY 64 FEET AND THE SOUTHERLY 8 FEET OF THE NORTHERLY 60 FEET OF THE WESTERLY 251.10 FEET OF THE ABOVE DESCRIBED PARCEL, 3,545 SQ FT.



905 South Blvd. East Phone: (248) 844-5400
 Rochester Hills, MI 48307 Fax: (248) 844-5404
 www.sda-eng.com

DRAWN: J.SERBINSKI	DATE: 07-21-15
CHECKED: T.LINDOW	DATE: 07-31-15
MANAGER: D.RICHMOND	SCALE: 1" = 50'
JOB No. NV15-003	SHEET: 1 OF 1
SECTION 1 TOWN 1 NORTH RANGE 8 EAST	
CITY OF NOVI	OAKLAND COUNTY, MI

TEMPORARY GRADING PERMIT

I, _____, as _____ of Alwazeer Enterprises, LLC, a Michigan limited liability company, as the Owner of the property described as 41121 Fourteen Mile (Parcel No. 50-22-01-100-003) in Novi, MI grant the City of Novi and its contractor (or subcontractors) permission to access, move men and equipment on and through, the right to store materials and excavated earth, remove vegetation and alter the underlying land in, over, upon and through the property described above in the particular areas shown in Exhibit A, attached.

The work will include:

Grading and related construction activities required for the construction of a 6-foot wide concrete non-motorized pathway and water main along 14 Mile. The specific work may include grading, tree removals, modifications to driveway approaches, and related construction activities required for the proposed pathway and water main work in accordance with approved plans. All work is contained in the set of construction plans entitled "14 Mile Water Main Extension and Pathway" by Spalding DeDecker.

All portions of the Premises damaged or disturbed by Novi's exercise of temporary easement rights shall be reasonably restored by Novi to the condition that existed prior to the damage or disturbance.

I understand this only grants permission to the Contractor to perform work directly relating to the listed project and upon completion of required grading operations the property will be fully restored.

Alwazeer Enterprises, LLC

Owner (signature)

Date

Contact Mailing Address

City, State, Zip

Phone Number

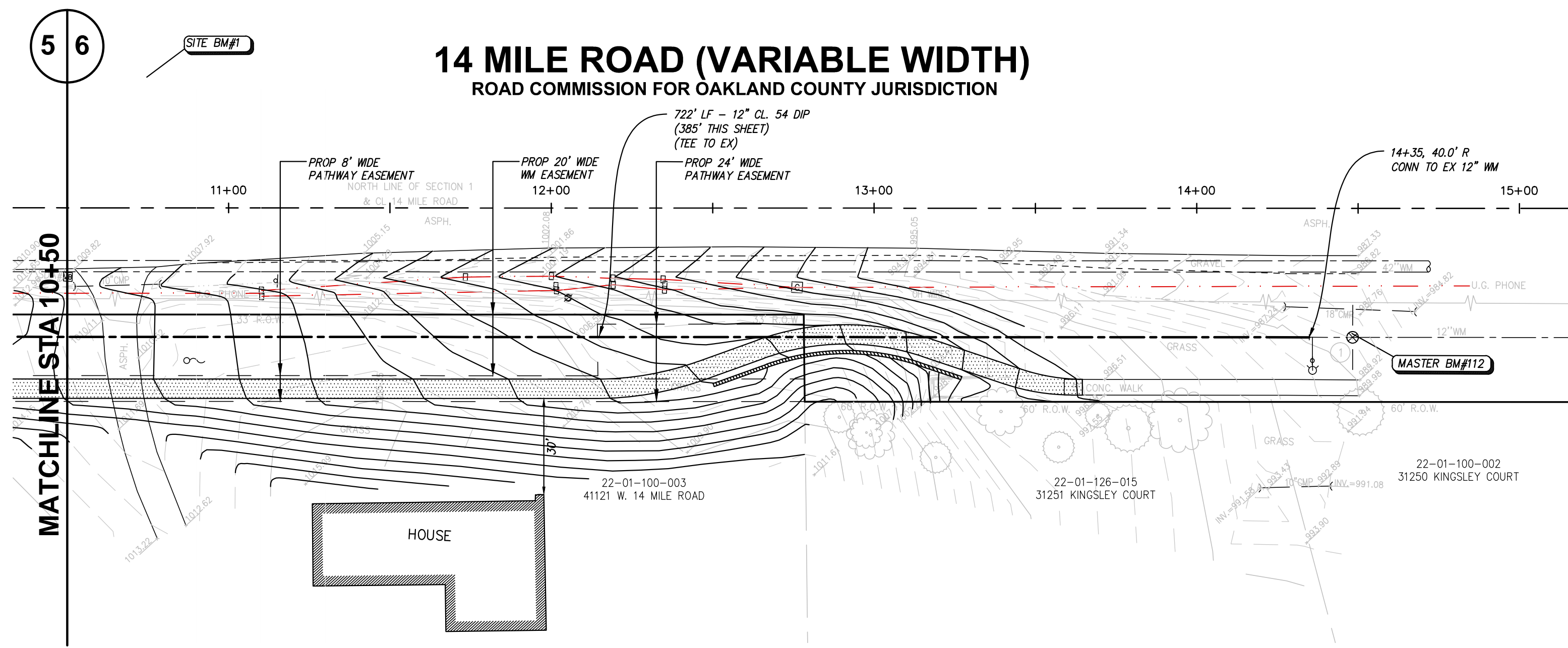
Email Address

STATE OF MICHIGAN)
) SS
COUNTY OF OAKLAND)

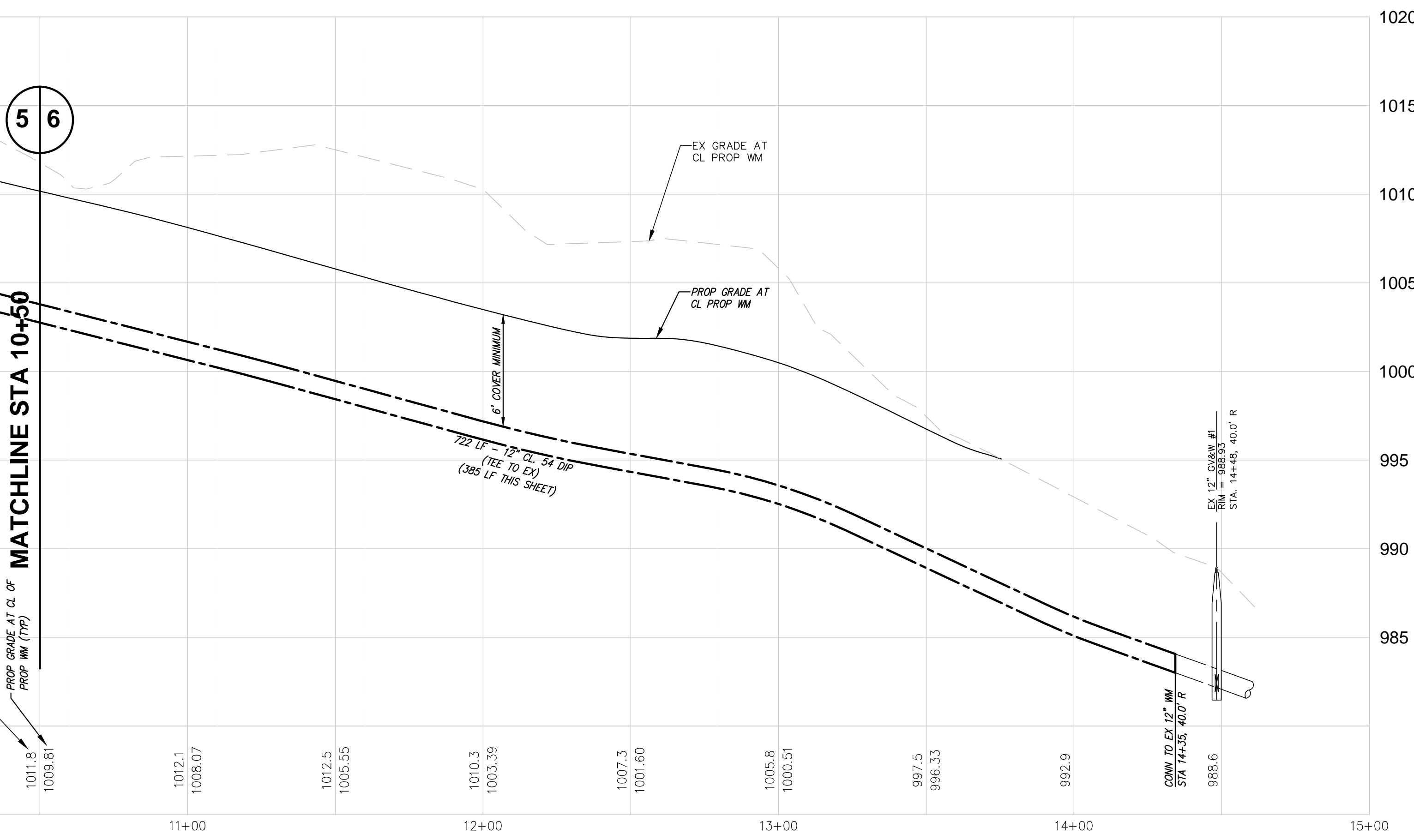
The foregoing instrument was acknowledged before me this _____ day of _____, 20____, by _____, the _____ of Alwazeer Enterprises, LLC, a Michigan limited liability company.

Notary Public
_____ County, Michigan
My Commission Expires:

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



- MARSH STA. 10+60.2, 24.4' R
- 10" DIA C.M.P. AND CULVERT, STA. 10+52.4, 24.4' R
- 10" DIA C.M.P. AND CULVERT, STA. 10+78.6, 23.7' R
- FLAG POLE, STA. 10+87.1, 47.4' R
- UG PHONE MARKER FLAG ATT, STA. 11+10.1, 26.6' R
- SIGN POST SPEED, STA. 11+14.6, 22.6' R
- 24" WALNUT TREE (SOFT CROWN), STA. 11+18.2, 64.5' R
- 48" WILLOW TREE (25 FT CROWN), STA. 11+62.3, 56.8' R
- UG PHONE MARKER FLAG ATT, STA. 11+73.4, 21.4' R
- UG PHONE MARKER FLAG ATT, STA. 12+40.0, 21.1' R
- UG PHONE MARKER FLAG ATT, STA. 12+69.3, 26.1' R
- UG PHONE MARKER FLAG ATT, STA. 12+70.4, 25.5' R
- UG PHONE MARKER FLAG ATT, STA. 12+80.4, 25.5' R
- UG PHONE MARKER FLAG ATT, STA. 12+80.5, 27.9' R
- 32" CHERRY TREE (10 FT CROWN), STA. 12+81.2, 29.8' R
- UG PHONE MARKER FLAG ATT, STA. 12+91.2, 29.8' R
- UG PHONE MARKER FLAG ATT, STA. 12+91.1, 21.8' R
- UG PHONE MARKER FLAG ATT, STA. 12+91.1, 21.8' R
- 12" OAK TREE (20 FT CROWN), STA. 12+92.2, 22.3' R
- 12" OAK TREE (20 FT CROWN), STA. 12+93.3, 28.9' R
- UG PHONE MARKER FLAG ATT, STA. 12+94.6, 21.1' R
- UG PHONE MARKER FLAG ATT, STA. 12+94.6, 21.1' R
- UG PHONE MARKER FLAG ATT, STA. 12+95.2, 23.7' R
- 12" ASH TREE (15 FT CROWN), STA. 12+99.8, 28.4' R
- CABLE TV FEDESTAL AMERITECH 20X4, STA. 12+76.2, 24.6' R
- 15" PINE TREE (10 FT SPREAD), STA. 12+69.3, 26.1' R
- 15" PINE TREE (10 FT SPREAD), STA. 12+70.4, 25.5' R
- 8" APPLE TREE (10 FT CROWN), STA. 12+87.7, 62.6' R
- 12" OAK TREE (15 FT CROWN), STA. 12+88.6, 40.3' R
- 12" OAK TREE (15 FT CROWN), STA. 12+91.6, 40.4' R
- 8" PINE TREE (10 FT SPREAD), STA. 13+19.2, 71.7' R
- 8" ASH TREE (15 FT CROWN), STA. 13+39.4, 63.0' R
- 8" PINE TREE (10 FT SPREAD), STA. 13+57.2, 74.1' R
- 8" PINE TREE (8 FT SPREAD), STA. 13+69.3, 64.7' R
- 8" PINE TREE (15 FT SPREAD), STA. 13+78.8, 68.7' R
- 10" MAPLE TREE (20 FT CROWN), STA. 13+84.8, 65.7' R
- 18" DIA C.M.P. AND CULVERT, STA. 14+27.5, 30.5' R
- WATER VALVE BOX, STA. 14+35.9, 47.7' R
- WATER MAIN (STR. W.), STA. 14+48.3, 45.0' R
- 10" PINE TREE (15 FT SPREAD), STA. 14+50.8, 63.1' R
- 18" DIA C.M.P. AND CULVERT, STA. 14+67.6, 32.0' R



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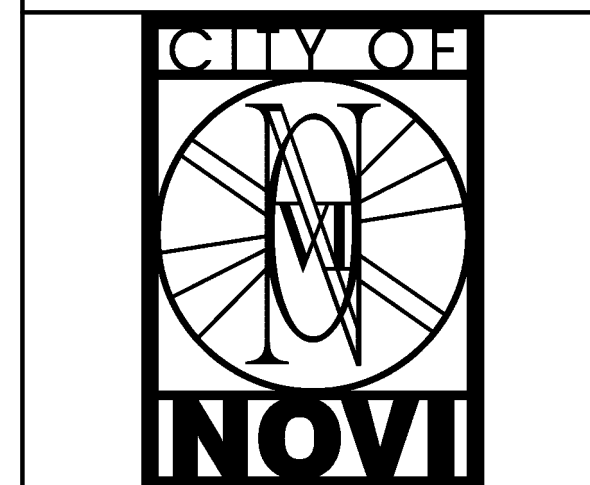
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 Fax: (248) 844-5404

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 Fax: (313) 967-4707

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CITY OF NOVI
14 MILE ROAD
WATER MAIN EXTENSION
AND PATHWAY

WATER MAIN
 PLAN AND PROFILE
 STA. 10+50 TO STA. 15+00

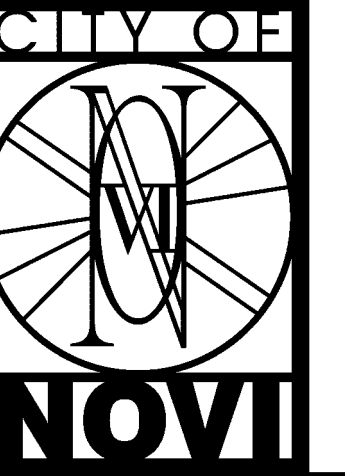
SECTION 1
 TOWN 1 NORTH RANGE 8 EAST
 CITY OF NOVI
 OAKLAND COUNTY

NO.	DATE	REVISION

DRAFTER J. SERBINSKI	DATE 06-30-15
DESIGNER T. LINDOW	DATE 06-30-15
CHECKED	DATE
PROJECT MANAGER D. RICHMOND	BID PLAN DATE
DEPARTMENT MANAGER APPROVAL	DATE

VERIFY SCALES
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JOB NO. NV15-003	DRAWING NO. NV15003WPR
SCALE: HORIZ: 1" = 30' VERT: 1" = 5'	SHEET NO. 6



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**CITY OF NOVI
14 MILE ROAD
WATER MAIN EXTENSION
AND PATHWAY**

PATHWAY
PLAN AND PROFILE
STA. 10+50 TO STA. 15+00

SECTION 1 PRIVATE CLAIM
TOWN 1 NORTH RANGE 8 EAST
CITY OF NOVI
OAKLAND COUNTY

NO.	DATE	REVISION

DRAFTER J. SERBINSKI	DATE 04-21-15
DESIGNER T. LINDOW	DATE 04-21-15
CHECKED	DATE
PROJECT MANAGER D. RICHMOND	BID PLAN DATE
DEPARTMENT MANAGER APPROVAL	DATE

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JOB NO. NV15-003	DRAWING NO. NV15003GRP
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