



CITY OF NOVI CITY COUNCIL
SEPTEMBER 25, 2023

SUBJECT: Acceptance of a Conservation Easement being offered as a part of JSP 22-37 Catholic Central North Campus, for property in Section 18, located west of Wixom Road, and south of Grand River Avenue.

SUBMITTING DEPARTMENT: Community Development, Planning

BACKGROUND INFORMATION:

The applicant received site plan approval of a 4-level parking structure (702 spaces), a hospitality/concession building, an athletic field for practices and competitions, and a new track stadium on Catholic Central's North Campus. The Planning Commission approved the Preliminary Site Plan, Woodland Permit, and revised Special Land Use on January 11, 2023. Final administrative approval is pending.

The applicant is offering a Conservation Easement for the purpose of protecting woodland replacement trees. The subject area shall be perpetually preserved and maintained in its natural and undeveloped condition, unless authorized by permit from the City, and, if applicable, the Michigan Department of Environment, Great Lakes & Energy. The proposed conservation area is approximately ± 0.29 acres.

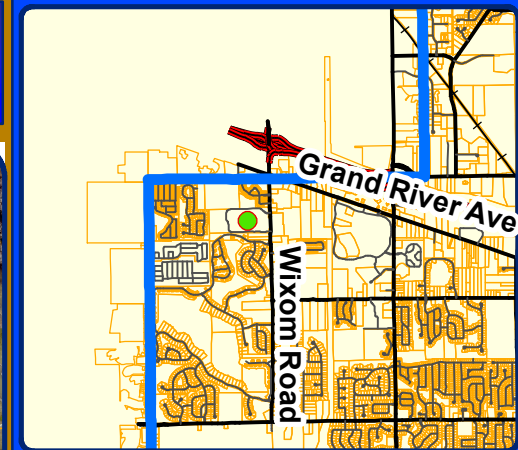
The easement has been reviewed by the City's professional staff and consultants. The easement is in a form acceptable to the City Attorney's office for acceptance by the City Council.

RECOMMENDED ACTION: Acceptance of a Conservation Easement being offered as a part of JSP 22-37 Catholic Central North Campus, for property in Section 18, located west of Wixom Road, and south of Grand River Avenue.


MAP
**Location Map with
Conservation Easement Areas**

Catholic Central North Conservation Easement

LOCATION



LEGEND

 Easement Area

Right of Way

-  Dedicated
-  Highway Easement
-  Prescriptive
-  Private

City of Novi

Dept. of Community Development
City Hall / Civic Center
45175 W Ten Mile Rd
Novi, MI 48375
cityofnovi.org

Map Author: Heather Zeigler
Date: 9/11/2023
Project: TOWNES OF MAIN STREET
Version #: 1

0 75 150 300 450
Feet

1 inch = 347 feet



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.

EXECUTED CONSERVATION EASEMENT

WOODLAND CONSERVATION EASEMENT

THIS CONSERVATION EASEMENT made this _____ day of _____, 20____, by and between The Catholic Central High School of Detroit, a Michigan nonprofit corporation, (aka Catholic Central High School, or Catholic Central High School of Detroit, Inc.), whose address is 27225 Wixom Road, Novi, Michigan 48374 (hereinafter the "Grantor"), and the City of Novi, and its successors or assigns, whose address is 45175 Ten Mile Road, Novi, Michigan 48375 (hereinafter the "Grantee").

RECITATIONS:

A. Grantor owns a certain parcel of land situated in Section 18 of the City of Novi, Oakland County, Michigan, described in Exhibit A, attached hereto and made a part hereof (the "Property"). Grantor has received final site plan approval for construction of a building addition to the existing school, subject to provision of an appropriate easement to permanently protect the woodland replacement trees located thereon from destruction or disturbance. Grantor desires to grant such an easement in order to protect the area. Tax Identification Number: 22-18-200-026

B. The Conservation Easement Area (the "Easement Area") situated on the Property are more particularly described on Exhibit B, attached hereto and made a part hereof, the second page of which contains a drawing depicting the protected area.

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00), in hand paid, the receipt and adequacy of which are hereby acknowledged, Grantor hereby reserves, conveys and grants the following Conservation Easement, which shall be binding upon the Grantor, and the City, and their respective heirs, successors, assigns and/or transferees and shall be for the benefit of the City, all Grantors and purchasers of the property and their respective heirs, successors, assigns and/or transferees. This Conservation Easement is dedicated pursuant to subpart 11 of part 21 of the Natural Resources and Environmental Protection Act being MCL 324.2140, *et seq.*, upon the terms and conditions set forth herein as follows:

1. The purpose of this Conservation Easement is to protect the woodland replacement trees as shown on the attached and incorporated Exhibit B. The subject areas shall be perpetually preserved and maintained, in their natural and undeveloped condition, unless authorized by permit

from the City, and, if applicable, the Michigan Department of Environment, Great Lakes & Energy and the appropriate federal agency.

2. Except for and subject to the activities which have been expressly authorized by permit, there shall be no disturbance of woodland replacement trees and/or vegetation within the Easement Area, including altering the topography of; placing fill material in; dredging, removing or excavating soil, minerals, or trees, and from constructing or placing any structures on; draining surface water from; or plowing, tilling, cultivating, or otherwise altering or developing, and/or constructing, operating, maintaining any use or development in the Easement Area.

3. No grass or other vegetation shall be planted in the Easement Areas after the date of this Conservation Easement with the exception of plantings approved, in advance, by the City in accordance with all applicable laws and ordinances.

4. This Conservation Easement does not grant or convey to Grantee, or any member of the general public, any right of ownership, possession, or use of the Easement Area, except that, upon reasonable written notice to Grantor, Grantee and its authorized employees and agents (collectively, "Grantee's Representatives") may enter upon and inspect the Easement Area to determine whether the Easement Area is being maintained in compliance with the terms of the Conservation Easement.

5. In the event that the Grantor shall at any time fail to carry out the responsibilities specified within this document, and/or in the event of a failure to preserve, replace and/or maintain the remaining woodland areas, and woodland replacement trees in reasonable order and condition, in accordance with the final approved site plan for the Property, the City may serve written notice upon the Grantor setting forth the deficiencies in maintenance and/or preservation. Notice shall also set forth a demand that the deficiencies be cured within a stated reasonable time period, and the date, time and place of the hearing before the City Council, or such other . Council, body or official delegated by the City Council, for the purpose of allowing the Grantor to be heard as to why the City should not proceed with the maintenance and/or preservation which has not been undertaken. At the hearing, the time for curing the deficiencies and the hearing itself may be extended and/or continued to a date certain. If, following the hearing, the City Council, or other body or official, designated to conduct the hearing, shall determine that maintenance and/or preservation have not been undertaken within the time specified in the notice, the City shall thereupon have the power and authority, but not obligation to enter upon the property, or cause its agents or contractors to enter upon the property and perform such maintenance and/or preservation as reasonably found by the City to be appropriate. The cost and expense of making and financing such maintenance and/or preservation including the cost of notices by the City and reasonable legal fees incurred by the City, plus an administrative fee in the amount of 25% of the total of all costs and expenses incurred, shall be paid by the Grantor, and such amount shall constitute a lien as to the Property. The City may require the payment of such monies prior to the commencement of work. If such costs and expenses have not been paid within 30 days of a billing to the Grantor, all unpaid amounts may be placed on the delinquent tax roll of the City, pro rata, as to each lot, and shall accrue interest and penalties, and shall be collected as, and shall be deemed delinquent real property taxes, according to the laws made and provided for the collection of delinquent real property taxes. In the discretion of the City, such costs and expenses may be

collected by suit initiated against the Grantor, and, in such event, the Grantor shall pay all court costs and reasonable attorney fees incurred by the City in connection with such suit.

6. Within 90 days after the Conservation Easement shall have been recorded, Grantor at its sole expense, shall place such signs, defining the boundaries of the Easement Area and, describing its protected purpose, as indicated herein.

7. This Conservation Easement has been made and given for a consideration of a value less than One Hundred Dollars (\$100.00), and, accordingly, is (i) exempt from the State Transfer Tax, pursuant to MSA 7.456(26)(2) and (ii) exempt from the County Transfer Tax, pursuant to MSA 7.456(5)(a).

8. Grantor shall state, acknowledge and/or disclose the existence of this Conservation Easement as of the day and year first above set forth.

GRANTOR


The Catholic Central High School of Detroit,
a Michigan nonprofit corporation



By: Edward Turek
Its: President

STATE OF MICHIGAN)
) ss.
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this 10th day of AUGUST, 2023, by EDWARD TUREK, as the PRESIDENT of The Catholic Central High School of Detroit, a Michigan nonprofit corporation, on its behalf.



Notary Public
Acting in OAKLAND County
My Commission Expires: 10-15-28

Tax Identification Number: 22-18-200-026

MICHAEL D. WILSON
NOTARY PUBLIC, STATE OF MI
COUNTY OF OAKLAND
MY COMMISSION EXPIRES Oct 15, 2028
ACTING IN COUNTY OF OAKLAND

GRANTEE

CITY OF NOVI
A Municipal Corporation

By: _____

Its:

STATE OF MICHIGAN)
) ss.
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this _____ day of _____, 20____,
by _____, on behalf of the City of Novi, a Municipal Corporation.

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

Tax Identification Number: 22-18-200-026

Drafted By:
Elizabeth K. Saarela, Esquire
Johnson, Rosati, Schultz & Joppich, P.C.
27555 Executive Drive, Suite 250
Farmington Hills, Michigan 48331

After Recording, Return to:
Cortney Hanson, Clerk
City of Novi
45175 Ten Mile Road
Novi, Michigan 48375

EXHIBIT 'A'

PARCEL 22-18-200-026 LEGAL DESCRIPTION:

PART OF THE NORTH 1/2 OF SECTION 18, T. 1 N., R. 8 E., CITY OF NOVI, OAKLAND COUNTY, MICHIGAN, BEING MORE PARTICULARLY DESCRIBED AS:

BEGINNING AT THE NORTH 1/4 CORNER OF SECTION 18 AND PROCEEDING ALONG THE NORTH LINE OF SAID SECTION 18, SAID LINE ALSO BEING THE CENTERLINE OF 12 MILE ROAD (33 FEET WIDE, 1/2 WIDTH) S. 88°55'17" E. 1316.65 FEET; THENCE S. 00°44'12" E. 1306.18 FEET; THENCE N. 89°31'51" W. 1492.48 FEET; THENCE N. 00°15'03" W. 1320.00 FEET; THENCE ALONG THE NORTH LINE OF SAID SECTION 18, SAID LINE ALSO BEING THE CENTERLINE OF 12 MILE ROAD (33 FEET WIDE, 1/2 WIDTH) S. 89°31'51" E. 165.00 FEET TO SAID NORTH 1/4 CORNER OF SECTION 18 AND POINT OF BEGINNING CONTAINING 44.84 ACRES MORE OR LESS BEING SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD AND THE RIGHTS OF THE PUBLIC OR ANY GOVERNMENTAL AGENCY OVER 12 MILE ROAD.

BASIS OF BEARING FOR THE PROPERTY DESCRIPTION IS THE NORTH-SOUTH 1/4 LINE, SEC. 28 S. 00°15'03" E.

REVISIONS			OVERALL LEGAL DESCRIPTION		DATE	SCALE	
ITEM	DATE	BY	CATHOLIC CENTRAL HIGH SCHOOL		8-15-22	HOR: 1" =	
			CITY OF NOVI OAKLAND COUNTY MICHIGAN			FIELD BOOK NO.	
			Z E I M E T W O Z N I A K		DESIGNED BY	JOB NO.	© COPYRIGHT 2022
			& ASSOCIATES			19120.1	
			Civil Engineers & Land Surveyors		DRAWN BY	SHEET NO.	
			55800 GRAND RIVER AVE, SUITE 100		PTG	1/1	
			NEW HUDSON, MICHIGAN 48165				
			P: (248) 437-5099 F: (248) 437-5222 www.zeimetwozniak.com				

EXHIBIT 'B'

LEGEND

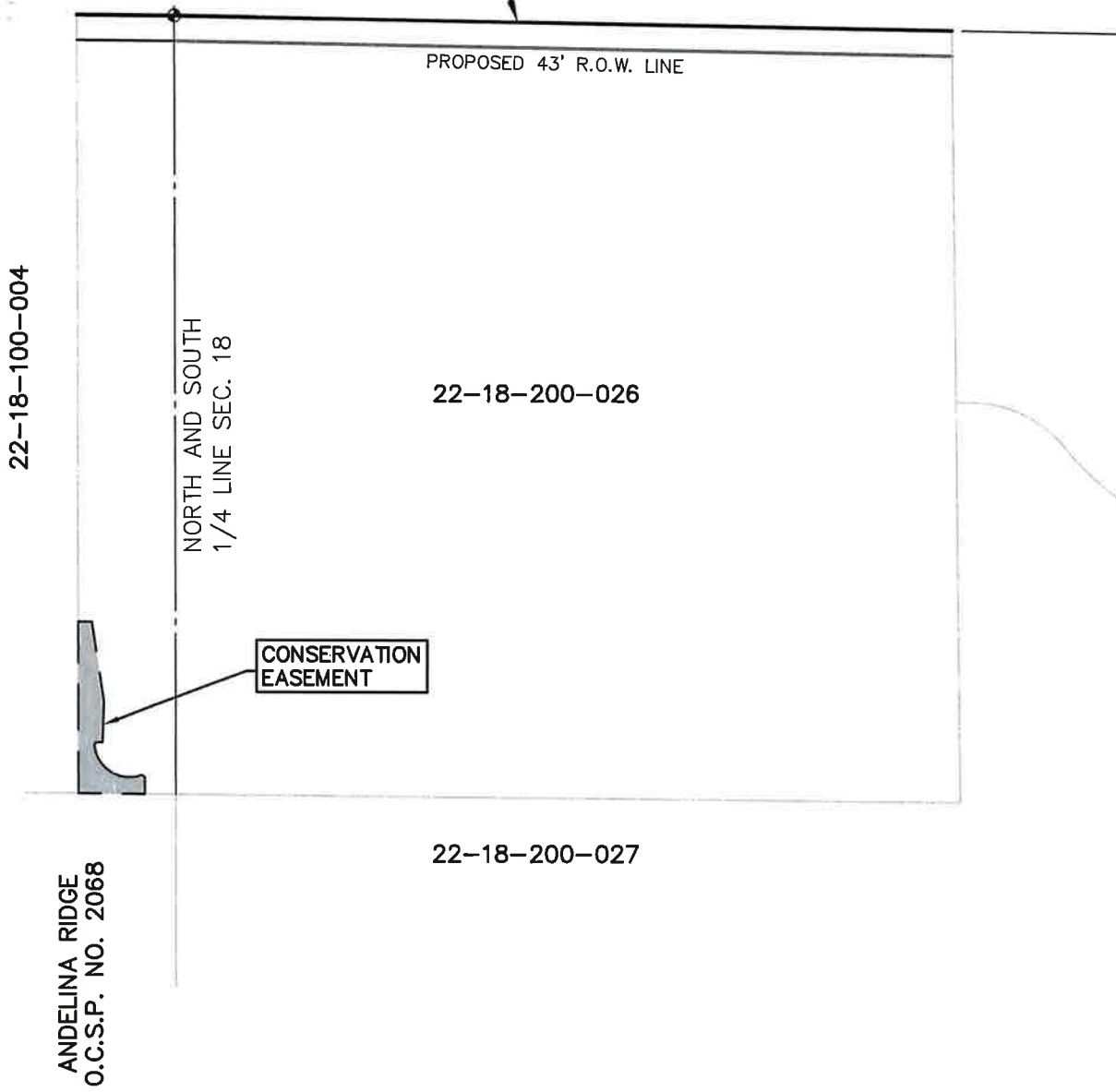
- EASEMENTS
- P.O.C. POINT OF COMMENCING
- ⊕ SECTION CORNER



SCALE: 1" = 300'

P.O.C.
N. 1/4 CORNER
SECTION 18
T. 1 N., R. 8 E.
CITY OF NOVI
OAKLAND CO., MI.

C/L 12 MILE RD.
(33' WD., 1/2 WIDTH)



22-18-200-026

REVISIONS		
ITEM	DATE	BY
REVISE EASEMENT	8-7-23	PTG

CONSERVATION EASEMENT
CATHOLIC CENTRAL HIGH SCHOOL
 CITY OF NOVI OAKLAND COUNTY MICHIGAN

Z E I M E T W O Z N I A K
 & ASSOCIATES
 Civil Engineers & Land Surveyors
 55800 GRAND RIVER AVE, SUITE 100
 NEW HUDSON, MICHIGAN 48165
 P: (248) 437-5099 F: (248) 437-5222 www.zeimetwozniak.com

DATE	6-23-23	SCALE	HOR: 1" = 300'
DESIGNED BY	JGO	FIELD BOOK NO.	785
DRAWN BY	JGO	JOB NO.	19120.3
		SHEET NO.	1/3

© COPYRIGHT 2023

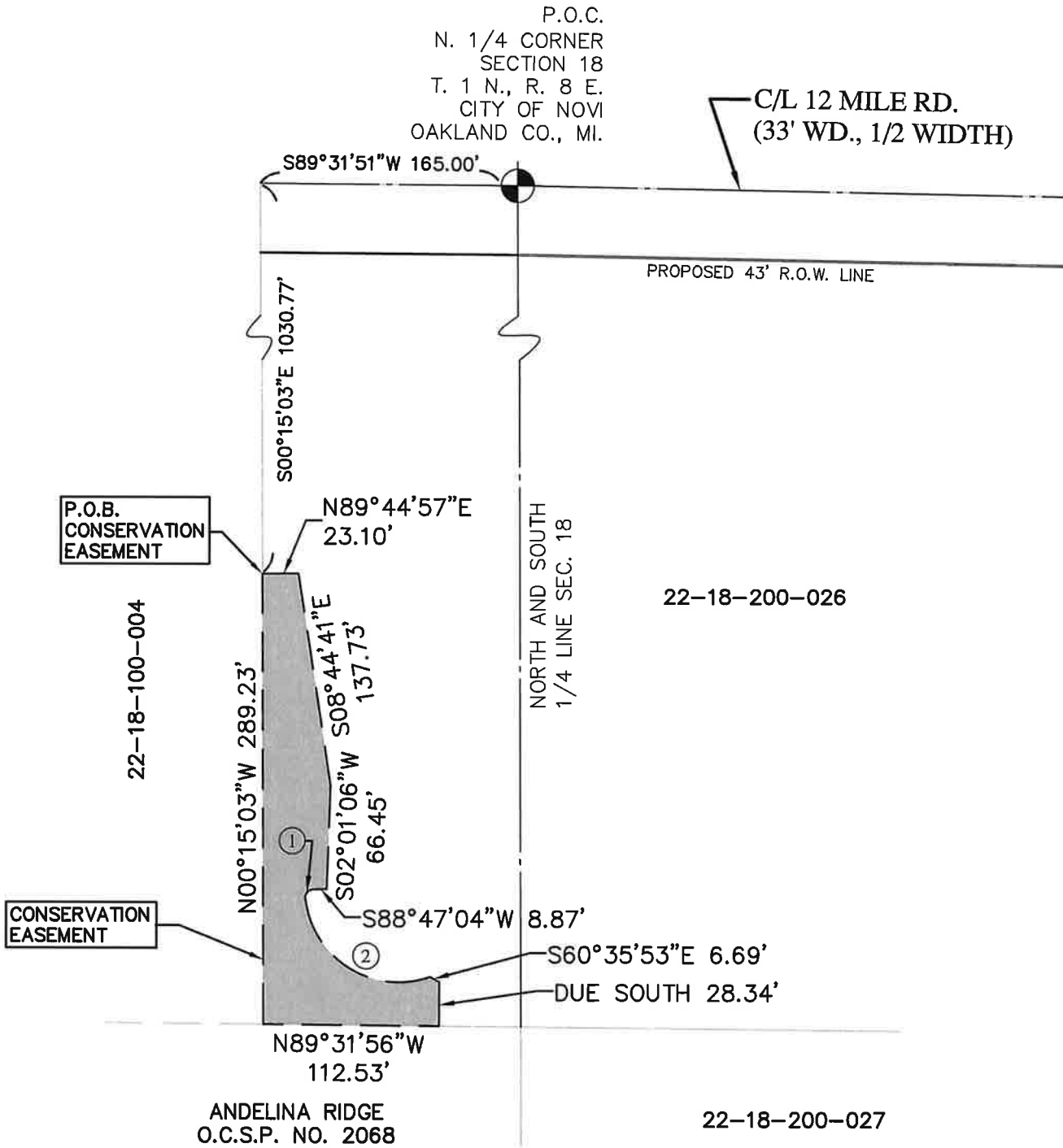
EXHIBIT 'B'

LEGEND

- EASEMENTS
- P.O.C POINT OF COMMENCING
- P.O.B POINT OF BEGINNING
- ⊙ SECTION CORNER



SCALE: 1" = 100'



CURVE DATA:

	LENGTH	RADIUS	CENTRAL ANGLE	CHORD BEARING	CHORD LENGTH
①	9.54'	5.30'	103°04'37"	S34°02'26"W	8.31'
②	107.35'	60.09'	102°21'41"	S58°26'11"E	93.63'

22-18-200-026

REVISIONS <table border="1"> <thead> <tr> <th>ITEM</th> <th>DATE</th> <th>BY</th> </tr> </thead> <tbody> <tr> <td>REVISE EASEMENT</td> <td>8-7-23</td> <td>PTG</td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>			ITEM	DATE	BY	REVISE EASEMENT	8-7-23	PTG																CONSERVATION EASEMENT CATHOLIC CENTRAL HIGH SCHOOL CITY OF NOVI OAKLAND COUNTY MICHIGAN		DATE	SCALE
			ITEM	DATE	BY																						
REVISE EASEMENT	8-7-23	PTG																									
6-23-23	HOR: 1" = 100'																										
ZEIMET WOZNAK & ASSOCIATES Civil Engineers & Land Surveyors 55800 GRAND RIVER AVE, SUITE 100 NEW HUDSON, MICHIGAN 48165 P: (248) 437-5099 F: (248) 437-5222 www.zeimetwozniak.com		DESIGNED BY	JOB NO.	© COPYRIGHT 2023																							
		JGO	19120.3																								
		DRAWN BY	SHEET NO.																								
		JGO	2/3																								

EXHIBIT 'B'

CONSERVATION EASEMENT LEGAL DESCRIPTION:

A DESCRIPTION OF A CONSERVATION EASEMENT LOCATED IN PART OF THE NORTHWEST 1/4 OF SECTION 18, TOWN 1 NORTH, RANGE 8 EAST, CITY OF NOVI, OAKLAND COUNTY, MICHIGAN, AND BEING MORE PARTICULARLY DESCRIBED AS:

COMMENCING AT THE NORTH 1/4 CORNER OF SAID SECTION 18; THENCE S. 89°31'51" W. 165.00 FEET ALONG THE NORTH LINE OF SAID SECTION 18, ALSO BEING THE CENTERLINE OF 12 MILE ROAD (33 FEET WIDE, 1/2 WIDTH); THENCE S. 00°15'03" E. 1030.77 FEET TO THE POINT OF BEGINNING OF SAID CONSERVATION EASEMENT; THENCE ALONG SAID EASEMENT N. 89°44'57" E. 23.10 FEET; THENCE S. 08°44'41" E. 137.73 FEET; THENCE S. 02°01'06" W. 66.45 FEET; THENCE S. 88°47'04" W. 8.87 FEET; THENCE 9.54 FEET ALONG THE ARC OF A CURVE TO THE LEFT, A RADIUS OF 5.30 FEET, A CENTRAL ANGLE OF 103°04'37", AND A CHORD THAT BEARS S. 34°02'26" W. 8.31 FEET; THENCE 107.35 FEET ALONG THE ARC OF A CURVE TO THE LEFT, A RADIUS OF 60.09 FEET, A CENTRAL ANGLE OF 102°21'41", AND A CHORD THAT BEARS S. 58°26'11" E. 93.63 FEET; THENCE S. 60°35'53" E. 6.69 FEET; THENCE DUE SOUTH 28.34 FEET TO A POINT ON THE NORTH LINE OF ANDELINA RIDGE, OAKLAND COUNTY SUBDIVISION PLAN NO. 2068; THENCE ALONG SAID LINE N. 89°31'56" W. 112.53 FEET; THENCE N. 00°15'03" W. 289.23 FEET TO THE POINT OF BEGINNING.

REVISIONS			CONSERVATION EASEMENT CATHOLIC CENTRAL HIGH SCHOOL CITY OF NOVI OAKLAND COUNTY MICHIGAN		DATE	SCALE HOR: 1" =
ITEM	DATE	BY			6-23-23	FIELD BOOK NO. 785
REVISE EASEMENT	8-7-23	PTG	 ZEIMET WOZNIAK & ASSOCIATES Civil Engineers & Land Surveyors 55800 GRAND RIVER AVE, SUITE 100 NEW HUDSON, MICHIGAN 48165 P: (248) 437-5099 F: (248) 437-5222 www.zeimetwozniak.com		DESIGNED BY	JOB NO. 19120.3
					DRAWN BY	SHEET NO.
					JGO	3/3

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ATTORNEYS APPROVAL LETTER

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

September 1, 2023

Barb McBeth, City Planner
City of Novi
45175 Ten Mile Road
Novi, MI 48375-3024

**RE: Catholic Central North Campus JSP 22-37
Conservation Easement - *Woodland Replacement Trees***

Dear Ms. McBeth:

We have received and reviewed the original Conservation Easement and Title Search for the Catholic Central North Campus Project. The Conservation Easement is for the purpose of preserving replacement trees on the property. The Conservation Easement is in the City's standard format and the exhibits have been reviewed and approved by the City's Consulting Engineer. The Conservation Easement may be placed on an upcoming City Council Agenda for approval and recording.

This review is subject to additional comments by City Engineering Division and Planner.

Should you have any questions or concerns relating to the issues set forth above, please feel free to contact me in that regard.

Very truly yours,

ROSATI SCHULTZ JOPPICH
& AMTSBUECHLER PC

A handwritten signature in blue ink, appearing to read 'Elizabeth Kudla Saarela', is written over a horizontal line.

Elizabeth Kudla Saarela

EKS

Enclosures

C: Cortney Hanson, Clerk
Charles Boulard, Community Development Director

Barb McBeth, City Planner
City of Novi
September 1, 2023
Page 2

Lindsay Bell, Planner
Ian Hogg, Planner
Heather Ziegler, Planner
James Hill, Planner
Diana Shanahan, Planning Assistant
Sarah Marchioni, Community Development Building Project Coordinator
Angie Sosnowski, Community Development Bond Coordinator
Ben Croy, City Engineer
Rebecca Runkel, Project Engineer
Adam Yako, Project Engineer
Humna Anjum, Project Engineer
Michael Freckelton, Taylor Reynolds & Ted Meadows, Spalding DeDecker
Michael Wilson, Catholic Central
Thomas R. Schultz, Esquire

ENGINEERING CONSULTANT'S APPROVAL LETTER

August 21, 2023

Barb McBeth, City Planner
City of Novi
45175 Ten Mile Road
Novi, Michigan 48375

Re: Catholic Central North Campus - Planning Document Review
Novi # JSP22-0037
SDA Job No. NV23-211
EXHIBITS APPROVED

Dear Ms. McBeth,

We have reviewed the following document(s) received by our office on August 11, 2023 against the current submitted plan set. We offer the following comments:

Submitted Documents:

1. Woodland Conservation Easement – (executed August 10, 2023, exhibit dated 08/07/2023)
Exhibits Approved

The exhibits do not require further revisions for review. The draft exhibits are approved and ready for execution and City Council acceptance.

Sincerely,

SPALDING DEDECKER



Mike Freckelton, PE
Project Engineer

Cc (via Email): Lindsay Bell, City of Novi
Diana Shanahan, City of Novi
Sarah Marchioni, City of Novi
Adam Yako, City of Novi
Taylor Reynolds, Spalding DeDecker
Ted Meadows, Spalding DeDecker
Humna Anjum, City of Novi
Beth Saarela, Rosati, Schultz, Joppich, Amtsbuechler