



# CITY of NOVI CITY COUNCIL

**Agenda Item N**  
**February 25, 2019**

**SUBJECT:** Approval to purchase a temporary construction easement from E&R Novi, LLC, (parcel 50-22-15-476-031) for the proposed extension of the Crescent Boulevard Northwest Ring Road in the amount of \$30,000.

**SUBMITTING DEPARTMENT:** Department of Public Works, Engineering Division

**CITY MANAGER APPROVAL:** *FA*

<b>EXPENDITURE REQUIRED</b>	<b>\$ 30,000.00</b>
<b>AMOUNT BUDGETED</b>	<b>\$ 118,820</b>
<b>APPROPRIATION REQUIRED</b>	<b>\$ 0</b>
<b>LINE ITEM NUMBER</b>	<b>202-202.00-865.260</b>

## **BACKGROUND INFORMATION:**

The extension of the Crescent Boulevard Northwest Ring Road is included in the City's Master Plan around the intersection of Novi Road and Grand River Avenue to improve motorist safety, relieve traffic congestion and provide access to vacant land that does not have frontage on either Grand River Avenue or Novi Road. Crescent Boulevard includes a 1,050 foot long, four-lane boulevard connecting Novi Road and Grand River Avenue in the northwest quadrant of the intersection and a 650 foot long industrial spur road.

During the design process, several easements were identified as a requirement to complete the project and all except for one easement has been acquired. This remaining easement is owned by E&R Novi, LLC (parcel 50-22-15-476-031). E&R Novi, LLC has agreed to dedicate the temporary construction easement to the City for the amount of \$30,000. Note that this is an extension of a prior easement that expired in 2005.

The proposed agreement to purchase the temporary construction easement has been reviewed and is recommended for approval by Engineering Staff and the City Attorney. Crescent Boulevard is expected to start construction in April 2019.

**RECOMMENDED ACTION:** Approval to purchase a temporary construction easement from E&R Novi, LLC, (parcel 50-22-15-476-031) for the proposed extension of the Crescent Boulevard Northwest Ring Road in the amount of \$30,000, the final terms and conditions of which may be subject to minor adjustment with the approval of the City Manager and City Attorney's office.

# Crescent Boulevard Extension - Temporary Construction Easement

## Location Map



E&R Novi, LLC  
 50-22-15-476-031  
 Proposed Temporary  
 Construction Easement

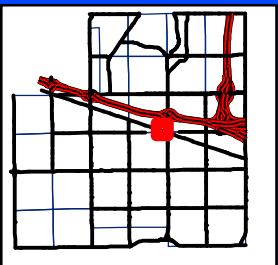
Map Author: Joseph Akers  
 Date: February 12, 2019  
 Project: Crescent Boulevard Extension  
 Version: 1

Amended By:  
 Date:  
 Department:

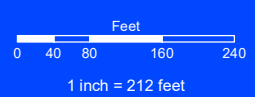
**MAP INTERPRETATION NOTICE**

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 Temporary Construction Easement**



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



**RENEWAL OF TEMPORARY ACCESS AND CONSTRUCTION EASEMENT  
RING ROAD PROJECT**

For and in consideration of Thirty Thousand Dollars (\$30,000.00), E&R Novi, LLC ("Grantor"), whose address is 22211 Telegraph Road, Southfield, MI 48034, the owner of property described as Parcel No. 22-15-476-031 ("Premises"), grants to the City of Novi ("Grantee"), whose address is 45175 Ten Mile Road, Novi, MI 48375, and its contractor (or subcontractors) a temporary construction easement ("Easement") to access, to move men and equipment on and through, to remove trees and other vegetation and to grade and alter the land as necessary, and to store materials and excavated earth, in, over, upon and through the particular areas of the Premises shown and described in Exhibit A and referred to as "Area F" on the attached Exhibit B.

This Easement relates to Grantee's Ring Road construction project, being Job # \_\_\_\_\_, and renews the previously-expired temporary construction easement contained in the Order Vesting Title and Possession dated July 9, 1998 and recorded at Liber 18891 Page 665 of the Oakland County Records. The term of this Easement is two years, and shall run from March 1, 2019 through and including February 28, 2021.

Grantee understands this Easement only grants permission to the Grantee (and its contractor and subcontractors) to perform work directly relating to the listed Project and upon expiration of this Easement the property shall be fully restored, at Grantee's sole cost and expense, as nearly as possible to the condition that existed prior to the damage or disturbance (with the exception that trees that are removed will not be replanted), and any area where the land has been altered or graded shall (a) be regraded so as to be compatible with the final roadway elevation, and (b) properly seeded in accordance with the plans for the project.

This Easement shall run with the land described above and shall be binding upon and inure to the benefit of the Grantor, Grantee, and their respective heirs, representatives, successors and assigns.

The compensation stated herein shall be paid within 30 days in the form of a check payable jointly to Grantor and its Counsel, Steinhardt, Pesick & Cohen, and shall be the full and final compensation to be paid for the Easement, and such amount shall be deemed to include all costs, interest, attorneys' fees, expert fees, or any other amounts to which Grantor might otherwise be or have been entitled, and neither Grantor nor any other party under Grantor's ownership or control shall be entitled to any other amount or payment for the easement interests described herein.

IN WITNESS WHEREOF, the undersigned Grantor has affixed \_\_\_\_\_ signature this day of \_\_\_\_\_, 20\_\_.

GRANTOR:

E&R Novi, LLC, a  
Michigan limited liability company

By: \_\_\_\_\_

Its:

STATE OF MICHIGAN        )  
  ) ss.  
COUNTY OF OAKLAND     )

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, before me, personally appeared the above named \_\_\_\_\_, the \_\_\_\_\_ of E&R Novi, LLC, to me known to be the person described in and who executed the foregoing instrument and acknowledged that they executed the same as \_\_\_\_\_ free act and deed.

\_\_\_\_\_  
Notary Public,  
Acting in Oakland County, MI  
My commission expires: \_\_\_\_\_

THIS INSTRUMENT DRAFTED BY:

Elizabeth K. Saarela, Esquire  
ROSATI SCHULTZ JOPPICH & AMTSBUECHLER, P.C.  
27555 Executive Drive, Suite 250  
Farmington Hills, Michigan 48331

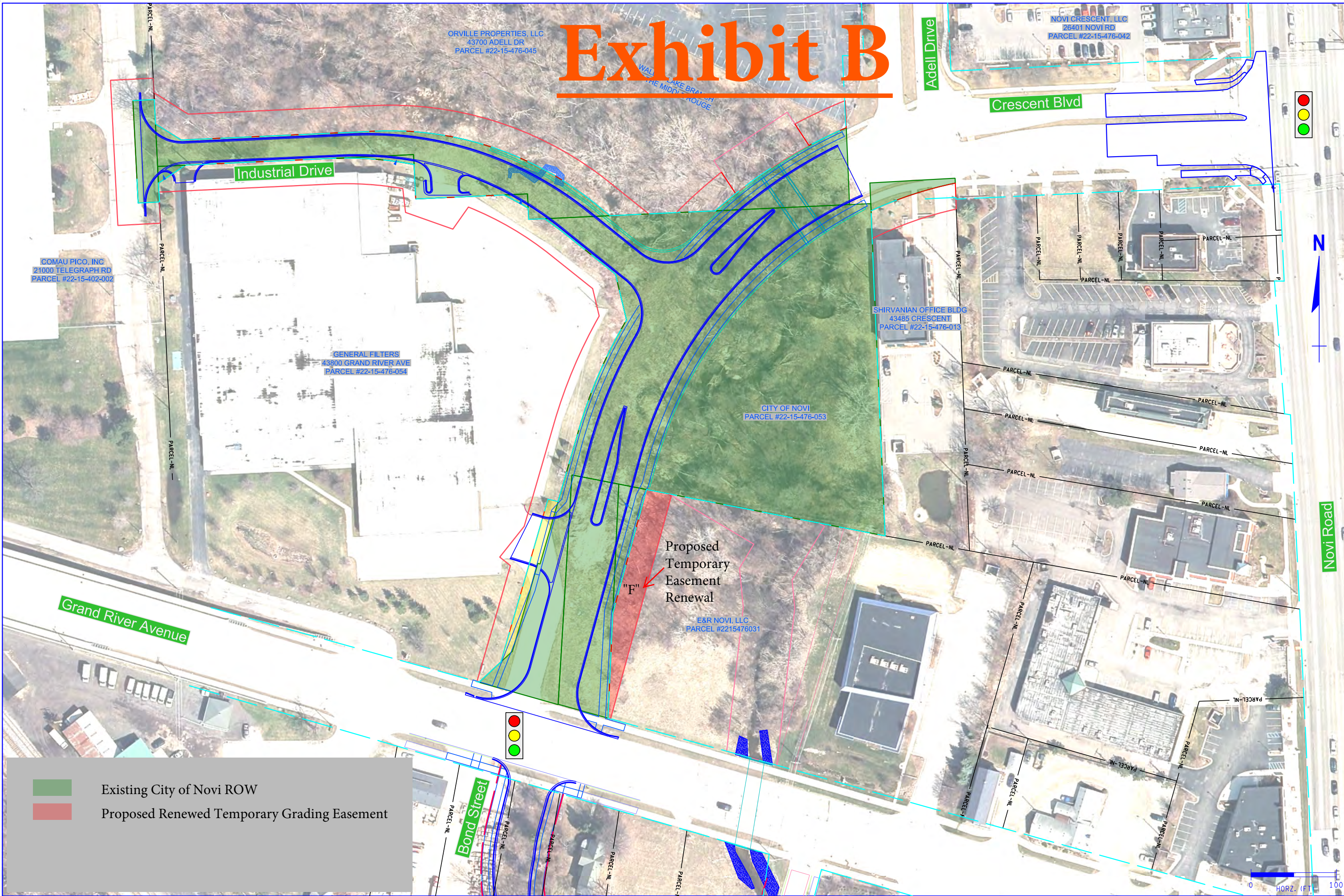
AND WHEN RECORDED RETURN TO:

Cortney Hanson, City Clerk  
CITY OF NOVI  
45175 Ten Mile  
Novi, Michigan 48375

## EXHIBIT A

Part of Lot 6 of "Supervisor's Plat No. 4", a subdivision of part of the SE 1/4 of Section 15, T.1N., R.8E., City of Novi, Oakland County, Michigan, as recorded in Liber 54A, Page 83, Oakland County Records, described as beginning at the southwest corner of Lot 6; thence N05°57'00"E, along the west line of said Lot 6, a distance of 123.62 feet; thence N18°31'54"E 150.65 feet to a point on the north line of said Lot 6; thence S76°40'30"E, along said north line, 30.12 feet; thence S18°31'54"W 274.04 feet to a point on the south line of said Lot 6; thence N71°19'00"W, along said south line, a distance of 3.07 feet to the point of beginning. Containing 0.150 acres, more or less.

# Exhibit B



ORVILLE PROPERTIES, LLC  
43700 ADELL DR  
PARCEL #22-15-476-045

COMAU PICO, INC  
21000 TELEGRAPH RD  
PARCEL #22-15-402-002

GENERAL FILTERS  
43800 GRAND RIVER AVE  
PARCEL #22-15-476-054

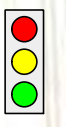
CITY OF NOVI  
PARCEL #22-15-476-053

SHIRVANIAN OFFICE BLDG  
43485 CRESCENT  
PARCEL #22-15-476-013

E&R NOVI, LLC  
PARCEL #2215476031

NOVI CRESCENT, LLC  
26401 NOVI RD  
PARCEL #22-15-476-042

- Existing City of Novi ROW
- Proposed Renewed Temporary Grading Easement



Novi Road

FILE:	DATE	REVISION



CITY OF NOVI - CRESCENT BLVD PHASE 2  
EXISTING EASEMENTS AND RIGHT OF WAY

JOB	41940
DATE	11/27/2018
SHEET	1

0 100 HORZ. (FT)