



**CITY of NOVI CITY COUNCIL**

**Agenda Item F  
May 18, 2015**

**SUBJECT:** Acceptance of a pathway easement as a donation from Nanry Family Limited Partnership along the north side of Grand River Avenue, west of Seeley Road for construction of the 2015 Pathway Construction project (parcel 22-24-100-055).

**SUBMITTING DEPARTMENT:** Department of Public Services, Engineering Division *BTC RA*

**CITY MANAGER APPROVAL:** *[Signature]*

**BACKGROUND INFORMATION:**

The 2015 Pathway Construction program includes construction of pathways along the south side of Grand River Avenue between Meadowbrook Road and Haggerty Road, along the east side of Novi Road between Nick Lidstrom Drive and Ten Mile Road, and along the north side of Ten Mile Road near the CSX Railroad. The project design requires four permanent pathway easements and five 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. To date, three of the permanent easements are on this agenda for consideration and four of the temporary permits have been obtained.

One of the property owners, Nanry Family Limited Partnership, which owns the property at the northeast corner of Seeley Road and Grand River Avenue, has offered to donate a pathway easement along the north side of Grand River Avenue to facilitate the project.

The pathway easement was prepared by Engineering staff and was reviewed and approved by the City Attorney (see attached letter from Beth Saarela). The design of the 2015 Pathway Construction project is nearing completion. It is anticipated that construction will commence in mid-summer 2015, once all of the required easements have been obtained.

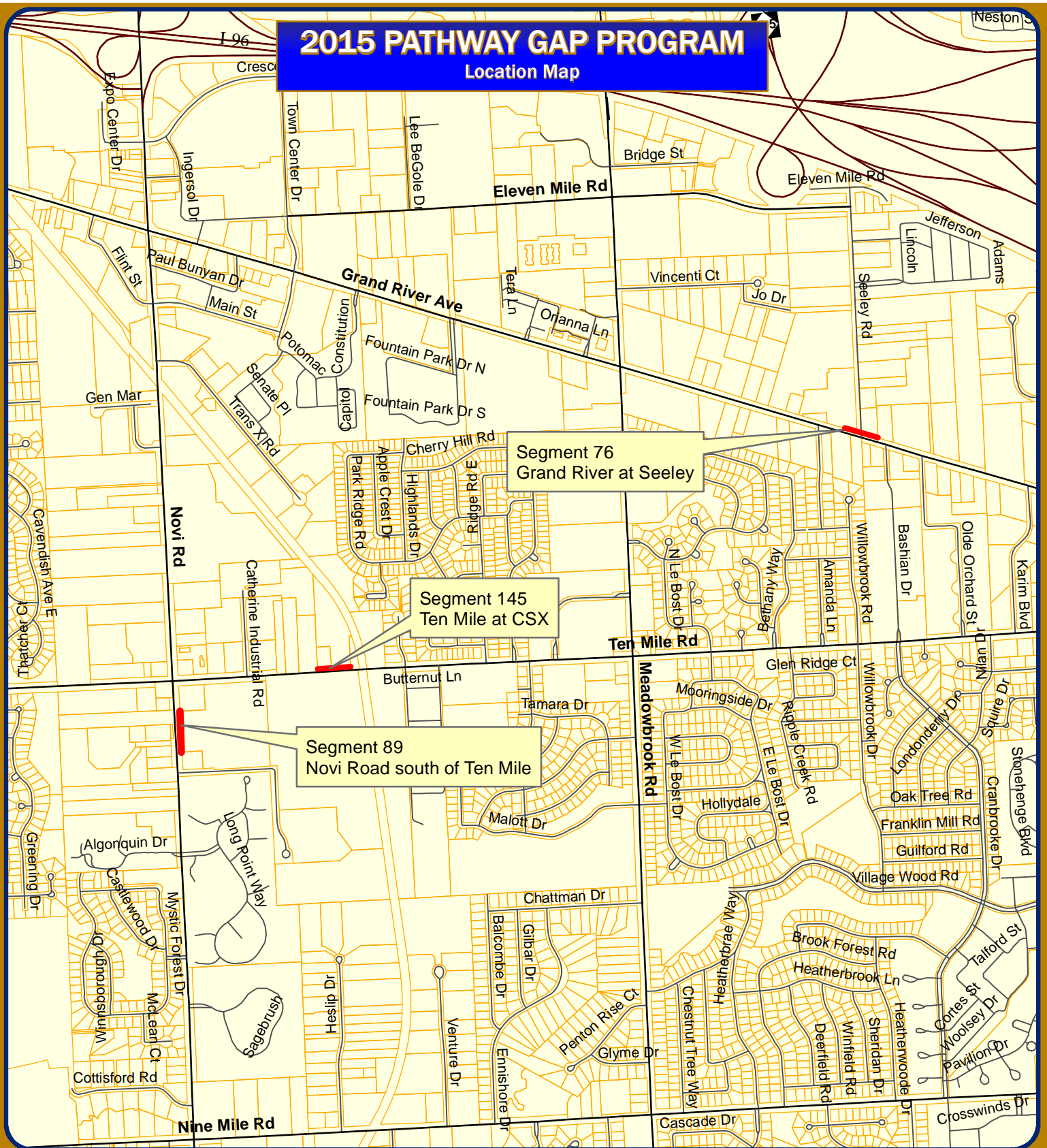
**RECOMMENDED ACTION:** Acceptance of a pathway easement as a donation from Nanry Family Limited Partnership along the north side of Grand River Avenue, west of Seeley Road for construction of the 2015 Pathway Construction project (parcel 22-24-100-055).

	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				

# 2015 PATHWAY GAP PROGRAM

## Location Map



Segment 76  
Grand River at Seeley

Segment 145  
Ten Mile at CSX

Segment 89  
Novi Road south of Ten Mile

Map Author: Croy  
Date: 6/16/14  
Project: 2015 Pathways  
Version #: v1.0

**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.



Feet

0 305 610 1,220 1,830

1 inch = 1,500 feet



**City of Novi**

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

# Nanry Pathway Easement

50-22-24-100-055



Map Author: PK  
 Date: 5/11/15  
 Project: Nanry Pathway Easement  
 Version #: 1

Amended By:  
 Date:  
 Department:

**MAP INTERPRETATION NOTICE**

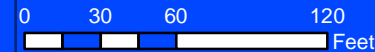
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**Legend**

- Easement
- Right of Way**
- Dedicated
- Prescriptive
- Private



City of Novi  
 Department Division  
 Department Name  
 45175 W Ten Mile Rd  
 Novi, MI 48375  
 cityofnovi.org





JOHNSON ROSATI SCHULTZ JOPPICH PC

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Phone: 248.489.4100 | Fax: 248.489.1726

Elizabeth Kudla Saarela  
esaarela@jrsjlaw.com

www.johnsonrosati.com

May 12, 2015

Brian Coburn, Engineering Manager  
CITY OF NOVI  
Department of Public Services  
Field Services Complex  
26300 Lee BeGole Drive  
Novi, MI 48375

**Re: 2015 Pathway Project – Nanry Family Limited Partnership**  
Parcel 22-24-100-055

Dear Mr. Coburn:

We have received and reviewed the following documents provided by the Nanry Family Limited Partnership for its commercial property located on Grand River near Seely Road:

- Pathway Easement (Parcel 22-24-100-055)

The format and content of the Pathway Easement is in the City's standard format and is acceptable and is consistent with title search provided with respect to the property. The owner has confirmed that the mortgage on the parcel issued by the Novi Economic Development Corporation has been paid and is no longer active. The Pathway Easement may be placed on an upcoming City Council Agenda for acceptance. Once accepted, the Pathway Easement should be recorded with the Oakland County 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,

JOHNSON, ROSATI, SCHULTZ & JOPPICH, P.C.



Elizabeth Kudla Saarela

Brian Coburn, Engineering Manager  
May 12, 2015  
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EKS

Enclosures

C: Maryanne Cornelius, Clerk  
Ben Croy, Civil Engineer  
Thomas R. Schultz, Esquire

### PATHWAY EASEMENT

NOW ALL MEN BY THESE PRESENTS, that Nanry Family Limited Partnership, a Michigan limited partnership, whose address is 1 Towne Square, 12<sup>th</sup> Floor, Southfield, Michigan 48076, 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. 50-22-24-100-055

{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 29 day of April, 2015.

**GRANTOR**


Nanry Family Limited Partnership, a Michigan limited partnership



STATE OF MICHIGAN )  
 ) SS  
COUNTY OF OAKLAND )

The foregoing instrument was acknowledged before me this 29 day of April, 2015, by Michael Nanry the Partner of Nanry Family Limited Partnership, a Michigan limited partnership, on its behalf.

LISA DE MEO  
NOTARY PUBLIC, STATE OF MI  
COUNTY OF WAYNE  
MY COMMISSION EXPIRES Jan 10, 2022  
ACTING IN COUNTY OF Oakland

  
Notary Public  
Wayne County, Michigan  
My Commission Expires: 1-10-2022

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

**PARENT PARCEL DESCRIPTION**

T1N, R8E, SEC 24 PART OF NW 1/4, ALSO PART OF SW 1/4 BEG AT PT DIST S 00-22-14 E 241.95 FT & N 71-23-40 W 45.47 FT FROM CENTER OF SEC, TH N 71-23-40 W 359.71 FT, TH N 00-23-20 E 121.97 FT, TH S 89-12-08 W 278 FT, TH S 00-40-47 W 24.70 FT TO NLY R/W OF GRAND RIV AVE, TH N 71-23-40 W 45.51 FT, TH N 18-42-15 E 219.46 FT, TH N 00-22-14 W 75.56 FT, TH N 89-37-46 E 273.31 FT, TH N 00-22-14 W 190 FT, TH N 89-37-46 E 25 FT, TH N 00-22-14 W 40 FT, TH N 89-37-46 E 290 FT TO WLY R/W OF SEELY RD, TH S 00-22-14 E 739.93 FT TO BEG 6.88 A4/11/86 FR 050

**PROPERTY ADDRESS**

40400 40500 Grand River Avenue  
Novi, MI 48375

**PROPERTY OWNER:**

Nanry Family LP Assoc.  
1 Towne Square, 12th Floor  
Southfield, MI 48076

**TAX ID:**

50-22-24-100-055

**PROPOSED PATHWAY EASEMENT LEGAL DESCRIPTION:**

A triangular shaped portion of the above described Parent Parcel in Section 24, Town 1 North, Range 8 East, City of Novi, Oakland County, Michigan described as: Commencing at the Center of said Section 24; thence South 00 degrees 22 minutes 14 seconds East, 241.95 Feet; thence North 71 degrees 23 minutes 40 seconds West, 45.47 feet, to the Point of Beginning, said point being on the northerly right of way line of Grand River Avenue, said point also being the southeast corner of Grantor's parcel; thence North 71 degrees 23 minutes 40 seconds west along the southerly line of Grantor's parcel, 34.33 feet; thence N 88 degrees 23 minutes 52 seconds East, 32.47 feet to a point on the east line of Grantor's parcel and the west right of way line of Seeley Road; thence South 00 degrees 22 minutes 14 seconds East, 10.60 feet along the east line of Grantor's parcel to the Point of Beginning. Contains 172 Sft (0.004 Acres), more or less.

**PROPOSED GRADING PERMIT**

The westerly 180 feet of the southeasterly 14 feet of the above described Parent Parcel, excepting for the triangular shaped Pathway Easement described above in the southeastern corner of the Parent Parcel. Contains 2309 Sft (0.053 Acres), more or less.

**PATHWAY EASEMENT & GRADING PERMIT**

DESIGNED BY:

**URS**

Surface Transportation  
Grand Rapids - Southfield -  
Traverse City



**PARCEL 50-22-24-100-055**

DRAWN BY:	CHECKED BY:	DATE	SCALE	SHEET NUMBER	PROJECT NUMBER
TRW	LND	02/26/15	1" = NA	1 OF 2	12944641





**PATHWAY EASEMENT & GRADING PERMIT**

DESIGNED BY:

**URS**

Surface Transportation  
Grand Rapids . Southfield .  
Traverse City



**PARCEL 50-22-24-100-055**

DRAWN BY: TRW	CHECKED BY: LND	DATE 02/26/15	SCALE 1"=100'	SHEET NUMBER 2 OF 2	PROJECT NUMBER 12944641
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