



**CITY of NOVI CITY COUNCIL**

**Agenda Item E  
March 14, 2016**

**SUBJECT:** Acceptance of a sidewalk easement from Novi Crescent 2, LLC, as part of the Novi Crescent, Phase 2 development located at 26425 Novi Road (parcel 22-15-476-048).

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

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

**BACKGROUND INFORMATION:**

The developer of the second phase of Novi Crescent is requesting acceptance of a sidewalk easement to satisfy one of the conditions in the site plan approval. As part of the approved site plan, the developer included an unobstructed concrete sidewalk adjacent to the patio area along the development's frontage on Novi Road. The sidewalk was proposed and constructed outside of the master planned 60 foot right-of-way due to the existing width of Novi Road.

The enclosed pathway easement has been favorably reviewed by the City Attorney (Beth Saarela's November 5, 2015 letter, attached) and is recommended for approval.

**RECOMMENDED ACTION:** Acceptance of a sidewalk easement from Novi Crescent, LLC, as part of the Novi Crescent, Phase 2 development located at 26425 Novi Road (parcel 22-15-476-048).

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

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

# Novi Crescent Phase 2

## Sidewalk Easement Location Map



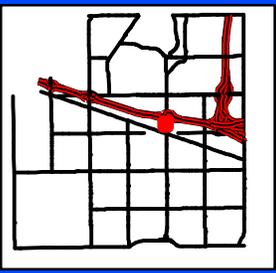
**Proposed Sidewalk Easement**

Map Author: Theresa Bridges  
 Date: March 1, 2016  
 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





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Elizabeth Kudla Saarela  
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November 5, 2015

Rob Hayes, Public Services Director  
City of Novi, Department of Public Services  
Field Services Complex  
26300 Lee BeGole Drive  
Novi, MI 48375

**Re:           Novi Crescent, Phase 2 – JSP 14-0033  
              Review for Acceptance**

Dear Mr. Hayes:

We have received and reviewed the following final executed documents for Novi Crescent, Phase 2:

- Sanitary Sewer Access Easement – **Approved**
- Water System Easement – **Approved**
- Sidewalk Easement – **Approved**
- Bill of Sale (Water System) - **Approved**
- First Amendment to Reciprocal Easement and Operation Agreement (Cross Access Easement) – **Approved**
- Maintenance and Guarantee Bond – **Approved**
- Title Commitment

**Water System and Sanitary Sewer Access Easement**

Novi Crescent 2, LLC, seeks to convey a sanitary sewer monitoring manhole easement and the water system facilities and corresponding easement serving Phase 2 of the Novi Crescent Development. We have reviewed and approve the format and language of the above Water System Easement and corresponding Bill of Sale and the Sanitary Sewer Access Easement. The exhibits have been reviewed and approved by the City's Consulting Engineer.

The Maintenance and Guarantee Bond posted for the water system is in the City's standard form for a surety bond. The amount has been approved by the City's Consulting Engineer. The Bond is in place to guarantee the materials and workmanship of the water facilities for two years from the date of acceptance.

**Sidewalk Easement**

We have reviewed and approve the format and language of the Sidewalk Easement for the Novi Road frontage. The exhibits have been reviewed and approved by the City's Consulting Engineer.

**First Amendment to Reciprocal Easement and Operation Agreement (Cross Access Easement )**

The First Amendment to Reciprocal Easement and Operation Agreement amends the existing Cross Access Easement for the project that was recorded on April 7, 2015 for the purpose of requiring prior approval of the City before modifying or terminating the Cross Access Easement between Novi Crescent, Phases 1 and 2. The First Amendment is acceptable as provided. The exhibits of the original Reciprocal Easement and Operation Agreement showing the cross access easement area have been reviewed and approved by the City's Consulting Engineer.

The First Amendment to Reciprocal Easement and Operation Agreement is a private easement and may recorded without formal acceptance by the City. Once accepted pursuant to Affidavit of the City Engineer, the Water System Easement and Sanitary Sewer Access Easement should be recorded with the Oakland County Register of Deeds in the usual manner. The Sidewalk Easement requires acceptance by City Council prior to recording with Oakland County Records. The Bill of Sale, Title Commitment, and Maintenance Bond should be retained in the City's file.

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

Enclosures

- C: Maryanne Cornelius, Clerk (w/Original Enclosures)  
Charles Boulard, Community Development Director (w/Enclosures)  
Barb McBeth, Deputy Community Development Director (w/Enclosures)  
Sheila Weber, Treasurer's Office (w/Enclosures)  
Kristin Pace, Treasurer's Office (w/Enclosures)  
Aaron Staup, Construction Engineering Coordinator (w/Enclosures)  
Sarah Marchioni, Building Permit Coordinator (w/Enclosures)  
Brittany Allen and Ted Meadows, Spalding DeDecker (w/Enclosures)  
Sue Troutman, City Clerk's Office (w/Enclosures)  
Nikki Jeffries and Cliff Dovitz, Versa Development (w/Enclosures)  
Thomas R. Schultz, Esquire (w/Enclosures)

### SIDEWALK EASEMENT

THIS SIDEWALK EASEMENT (Easement") is made this 2nd day of Oct 2015 by Novi Crescent 2, LLC, a Michigan limited liability company, whose address is 25900 West Eleven Mile Road, Suite 250, Southfield, Michigan 48034, (hereinafter referred to as "Grantor"), being title holder to the parcel of land described in the attached Exhibit A (the "Property").

Grantor, 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 W. Ten Mile, Novi, Michigan 48375, (hereinafter referred to as "Grantee"), a permanent easement for a public non-motorized pathway over across and through the real property described in the attached Exhibit B (the "Easement Area"), subject to the terms and conditions in this Easement, for the purpose of exercising the rights and privileges granted in this Easement and for performing the obligations of Grantee provided in this Easement.

Grantee may install, repair, replace, improve, modify and maintain a non-motorized sidewalk in the Easement Area, at Grantee's expense, subject to: (i) any applicable warranty period in the Maintenance and Guarantee Bond related to the development of the Property; and (ii) Grantee being the cause of any necessary repairs, it being understood and agreed that Grantor, and not Grantee, shall be responsible for any repairs arising from damage caused by Grantor.

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 Easement Area, except that, subject to Grantee's reasonable approval as part of an approved site plan, 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 the use, operation, maintenance, repair and replacement of the sanitary sewer system in the Easement Area.

By acceptance of this Easement, Grantee agrees that it will, within a reasonable time, return the surface of the Easement Area to the condition which existed prior to any entry upon the Easement Area by or on behalf of Grantee.

This instrument shall run with the land described in the attached Exhibit A and shall be binding upon and inure to the benefit of the Grantor, Grantee, and their respective heirs, representatives, successors and assigns.

This instrument is exempt from documentary stamps under MCL 207.505, Section 5(a) as amended, and MCL 207.526 Section 6 (a), as amended, because the value of the consideration above set forth above is less than \$100.00.

***(signatures are on next page)***





**EXHIBIT A**

(PARCEL IDENTIFICATION NUMBER 22-15-476-048)

LAND LOCATED IN TOWN 1 NORTH, RANGE 8 EAST, PART OF THE SOUTHEAST 1/4 OF SECTION 15, ALSO PART OF LOT 1 OF "SUPERVISOR'S PLAT NO. 4" LIBER 54A, PAGE 83 OF PLATS, ALL DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE WESTERLY LINE OF NOVI ROAD DISTANT S.02°07'02"E., 1317.38 FEET AND S.87°22'58"W., 60.00 FEET FROM THE EAST 1/4 CORNER OF SAID SECTION 15; THENCE S.02°07'02"E., 165.09 FEET; THENCE S.87°51'58"W., 351.51 FEET; THENCE N.02°14'52"W., 162.13 FEET; THENCE N.87°22'58"E., 4.91 FEET; THENCE N.02°17'32"W., 100.00 FEET; THENCE N.87°22'58"E., 233.28 FEET TO THE SOUTHERLY LINE OF I-96; THENCE S.51°28'13"E., 150.26 FEET TO THE WESTERLY LINE OF NOVI ROAD; THENCE S.02°07'02"E., 1.13 FEET TO THE POINT OF BEGINNING.

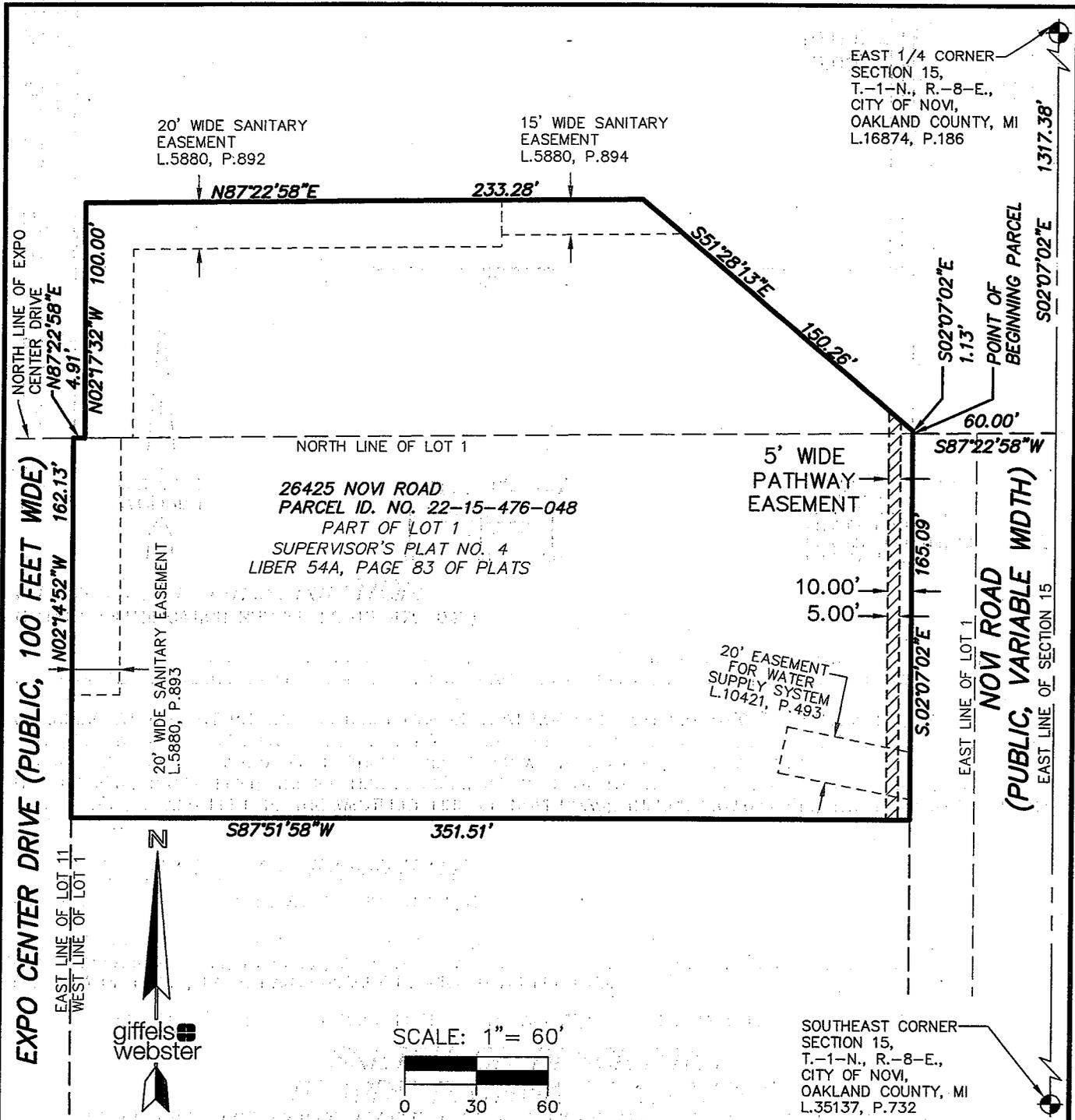
**EXHIBIT B**

(A PART OF PARCEL IDENTIFICATION NUMBER 22-15-476-048)

A WATER MAIN EASEMENT MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PART OF THE SOUTHEAST 1/4 OF SECTION 15, T.-1-N., R.-8-E., CITY OF NOVI, OAKLAND COUNTY, MICHIGAN, ALSO BEING A PART OF LOT 1 OF "SUPERVISOR'S PLAT NO. 4" LIBER 54A, PAGE 83 OF PLATS, OAKLAND COUNTY RECORDS.

COMMENCING AT THE EAST 1/4 CORNER OF SAID SECTION 15; THENCE S02°07'02"E, 1317.38 FEET ALONG THE EAST LINE OF SAID SECTION 15; THENCE S87°22'58"W, 60.00 FEET TO THE WESTERLY RIGHT OF WAY LINE OF NOVI ROAD (VARIABLE WIDTH) AND TO THE POINT OF BEGINNING; THENCE S02°07'02"E, 141.47 FEET ALONG SAID RIGHT OF WAY LINE OF NOVI ROAD; THENCE S75°04'52"W, 10.80 FEET; THENCE N14°55'08"W, 16.00 FEET; THENCE N38°02'37"E, 3.68 FEET; THENCE N02°07'02"W, 14.02 FEET; THENCE N47°07'02"W, 11.73 FEET; THENCE N02°07'02"W, 95.09 FEET; THENCE N51°28'13"W, 38.73 FEET; THENCE S87°52'58"W, 57.38 FEET; THENCE S79°30'59"W, 55.26 FEET; THENCE N10°29'01"W, 20.00 FEET; THENCE N79°30'59"E, 56.72 FEET; THENCE N87°52'58"E, 66.25 FEET TO A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF INTERSTATE 96 (VARIABLE WIDTH); THENCE S51°28'13"E, 55.34 FEET ALONG SAID RIGHT OF WAY LINE TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF SAID NOVI ROAD; THENCE S02°07'02"E, 1.13 FEET ALONG SAID RIGHT OF WAY LINE OF NOVI ROAD TO THE POINT OF BEGINNING.



**PROPERTY DESCRIPTION**

(PARCEL IDENTIFICATION NUMBER 22-15-476-048)

LAND LOCATED IN TOWN 1 NORTH, RANGE 8 EAST, PART OF THE SOUTHEAST 1/4 OF SECTION 15, ALSO PART OF LOT 1 OF "SUPERVISOR'S PLAT NO. 4" LIBER 54A, PAGE 83 OF PLATS, ALL DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE WESTERLY LINE OF NOVI ROAD DISTANT S.02'07'02"E., 1317.38 FEET AND S.87'22'58"W., 60.00 FEET FROM THE EAST 1/4 CORNER OF SAID SECTION 15; THENCE S.02'07'02"E., 165.09 FEET; THENCE S.87'51'58"W., 351.51 FEET; THENCE N.02'14'52"W., 162.13 FEET; THENCE N.87'22'58"E., 4.91 FEET; THENCE N.02'17'32"W., 100.00 FEET; THENCE N.87'22'58"E., 233.28 FEET TO THE SOUTHERLY LINE OF I-96; THENCE S.51'28'13"E., 150.26 FEET TO THE WESTERLY LINE OF NOVI ROAD; THENCE S.02'07'02"E., 1.13 FEET TO THE POINT OF BEGINNING.

**5' WIDE PATHWAY EASEMENT**

(A PART OF PARCEL IDENTIFICATION NUMBER 22-15-476-048)

A 5' WIDE PATHWAY EASEMENT BEING A PART OF THE SOUTHEAST 1/4 OF SECTION 15, T.-1-N., R.-8-E., CITY OF NOVI, OAKLAND COUNTY, MICHIGAN, ALSO BEING A PART OF LOT 1 OF "SUPERVISOR'S PLAT NO. 4" LIBER 54A, PAGE 83 OF PLATS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE WEST 5.00 FEET OF THE EAST 10.00 FEET OF THE ABOVE DESCRIBED PARCEL.

**SKETCH OF DESCRIPTION  
5' WIDE PATHWAY EASEMENT  
PART OF THE SOUTHEAST 1/4 OF SECTION 15, T.-01-N., R.-08-E.,  
CITY OF NOVI, OAKLAND COUNTY, MICHIGAN**

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(313) 962-4442

DATE:	09/22/14	CHECKED BY:	A.L.G.	DATE:	09/14	SCALE:	1" = 60'
DRAWN:	J.Z.B.					SHEET:	1 OF 1
DESIGN:						JOB No:	18192.20
SECTION:	15	T-01-N, R-08-E					

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