



CITY of NOVI CITY COUNCIL

Agenda Item L
July 9, 2018

SUBJECT: Acceptance of a Storm Sewer Easement for parcel 50-22-25-203-008 as part of the Ingersol Creek Rehabilitation and Storm Sewer Replacement project.

SUBMITTING DEPARTMENT: Department of Public Works, Engineering Division

CITY MANAGER APPROVAL: 

BACKGROUND INFORMATION:

The Ingersol Creek Rehabilitation and Storm Sewer Replacement project requires the acquisition of several easements prior to earth disturbance. The easement permits the City to restore streambank with grading, rip-rap, and mechanically stabilized vegetated earth in accordance with MDEQ requirements and project specifications.

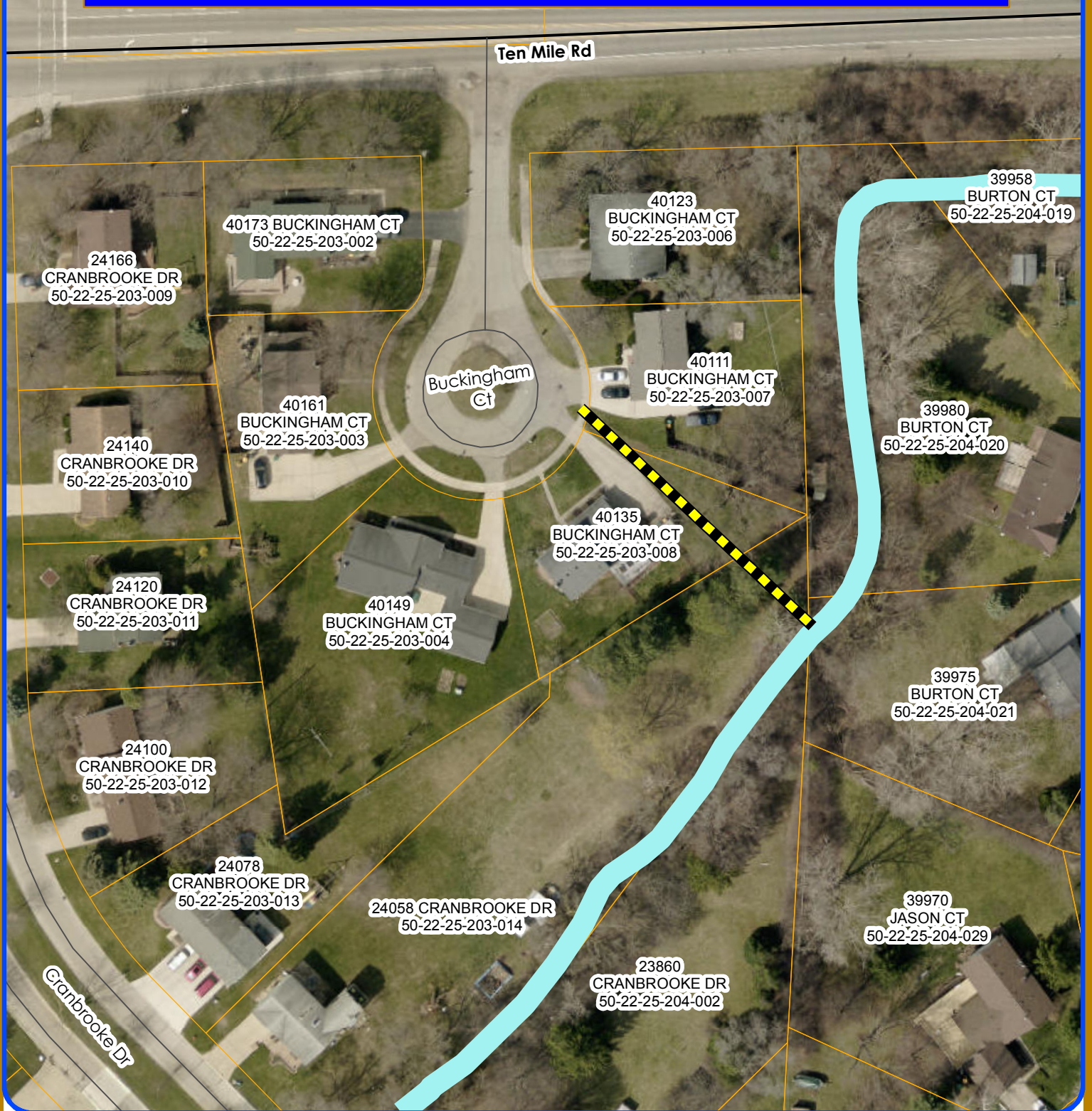
The restoration of the Ingersol Creek from 10 Mile Road to Willowbrook Road is scheduled to occur in the fall of 2018.

The proposed easement has been favorably reviewed by the City Attorney (Beth Saarela, June 18, 2018) and is recommended for approval.

RECOMMENDED ACTION: Acceptance of a Storm Sewer Easement for parcel 50-22-25-203-008 as part of the Ingersol Creek Rehabilitation and Storm Sewer Replacement project.

Ingersol Creek Rehabilitation and Storm Sewer Replacement

Location Map



Map Author: Joseph Akers
 Date: July 9, 2018
 Project: Ingersol Creek Rehab and Storm Sewer
 Version #: 1

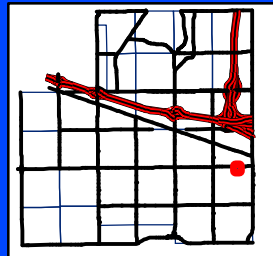
Amended By:
 Date:
 Department:

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
 Storm Sewer
 Easement



City of Novi

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



1 inch = 75 feet



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June 18, 2018

Jeffrey Herczeg, Director of Public Services
City of Novi
45175 Ten Mile Road
Novi, MI 48375-3024

**Re: *Bishop Creek and Ingersol Creek Streambank Restoration
Storm Sewer Easement***

Dear Mr. Herczeg:

We have received and reviewed, and enclosed please find the following original Storm Sewer Easement for the Bishop Creek and Ingersol Creek Streambank Restoration Project:

- Nagle – 40135 Buckingham Ct.

The Easement permits the City to construct and maintain storm sewer improvements relating to the streambank restoration in accordance with the Project specifications. The above permanent easement was donated by the property owner with respect to the City's project. The Easement appears to be properly executed and consistent with the last deed of recorded for the subject property.

The enclosed Easement should be placed on an upcoming City Council Agenda for acceptance. Once accepted, it should be recorded by the City Clerk's Office with the Oakland County Register of Deeds in the usual manner. A lender Consent has been requested and will be attached prior to recording.

Please feel free to contact me with any questions or concerns in regard to this matter.

Very truly yours,

JOHNSON ROSATI SCHULTZ JOPPICH



Elizabeth K. Saarela

EKS
Enclosure

Jeffrey Herczeg, Director of Public Services
City of Novi
June 18, 2018
Page 2

C: Cortney Hanson, Clerk (w/Original Enclosure)
Aaron Staup, Construction Engineer (w/Enclosure)
Joseph Akers, Staff Civil Engineer (w/Enclosure)
Taylor Reynolds, Spalding DeDecker (w/Enclosure)
Sue Troutman, City Clerk's Office (w/Enclosure)
Thomas R. Schultz, Esquire (w/Enclosure)

STORM SEWER EASEMENT

KNOW ALL MEN BY THESE PRESENTS, that Paul A. Nagle and Elizabeth A. Nagle, husband and wife, whose address is 40135 Buckingham Ct., Novi MI 48375 (hereinafter referred to as "Grantor"), being title holder to the following described parcel of land, to-wit:

[Insert Description of Parcel or See attached and incorporated Exhibit A]

Tax Identification Number: 22-25-203-008

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 Ten Mile, Novi, Michigan 48375, (hereinafter referred to as "Grantee"), a non-exclusive perpetual easement for a storm sewer pipe or culvert, 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 storm sewer easement for the purpose of exercising the rights and privileges granted herein.

Grantee may install, repair, replace, improve, modify and maintain storm sewer 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 storm sewer in the easement areas shown on the attached and incorporated Exhibit B.

Except for the flow of storm water through the easement area, this Easement does not grant or convey to any member of the general public, any right of ownership, possession or use of the Easement Area.

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.

IN WITNESS WHEREOF, the undersigned Grantor has affixed THEIR signature of this day of JUNE 1, 2018.

GRANTOR:

Paul A. Nagle
Paul A. Nagle

Elizabeth A. Nagle
Elizabeth A. Nagle

STATE OF MICHIGAN)
)SS
COUNTY OF OAKLAND)

On this 1st day of JUNE, A.D., 2018, before me, personally appeared the above named Paul A. Nagle and Elizabeth A. Nagle, husband and wife, to me known to be the person described in and who executed the foregoing instrument and acknowledged that they executed the same as THEIR free act and deed.

Marilyn S. Troutman
Notary Public,

Acting in Oakland County, MI
My commission expires: OCT. 13 2024

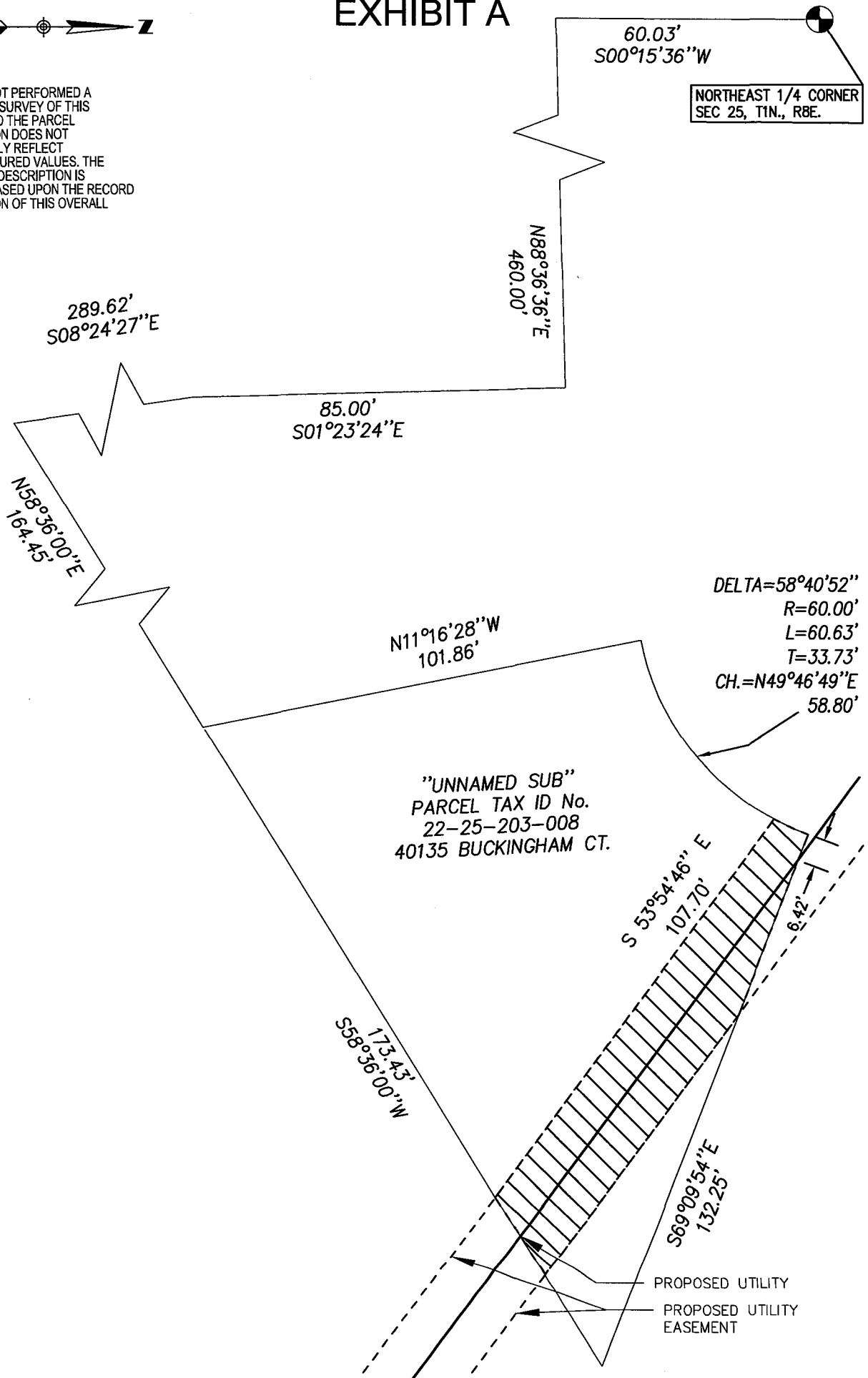
MARILYN S. TROUTMAN
NOTARY PUBLIC, STATE OF MI
COUNTY OF OAKLAND
MY COMMISSION EXPIRES Oct 13, 2024
ACTING IN COUNTY OF OAKLAND

STORM SEWER AND SURFACE DRAINAGE EASEMENT

EXHIBIT A



NOTE:
SDA HAS NOT PERFORMED A BOUNDARY SURVEY OF THIS PARCEL AND THE PARCEL DESCRIPTION DOES NOT NECESSARILY REFLECT FIELD-MEASURED VALUES. THE EASEMENT DESCRIPTION IS WRITTEN BASED UPON THE RECORD DESCRIPTION OF THIS OVERALL PARCEL.



SPALDING DEDECKER
Engineers | Surveyors

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

DRAWN: S.SZELES	DATE: 03-12-18
CHECKED: D. RICHMOND	DATE: 03-12-18
MANAGER: D. RICHMOND	SCALE: 1" = 30'
JOB No. NV17017	SHEET: 1 OF 1
SECTION 25 TOWN 01 NORTH RANGE 08 EAST	
CITY OF NOVI	OAKLAND COUNTY, MI

STORM SEWER AND SURFACE DRAINAGE EASEMENT EXHIBIT A

PROPERTY DESCRIPTION

BEING PART OF THE NORTHEASTERN ¼ OF SECTION 25, TOWN 1, RANGE 8 EAST, C, BEING MORE PARTICULARLY DESCRIBED AS COMMENCING AT THE NORTH ¼ CORNER OF SAID SECTION 25, THENCE SOUTH 00°15'36" WEST, 60.03 FEET, THENCE NORTH 88°36'36" EAST, 460.00 FEET, THENCE SOUTH 01°23'24" EAST, 85.00 FEET, THENCE SOUTH 08°24'27" EAST, 289.62 FEET, THENCE NORTH 58°38'00" EAST, 164.45 FEET TO THE POINT OF BEGINNING (P.O.B.); THENCE NORTH 11°16'28" WEST, 101.86 FEET, THENCE 61.45 FEET ALONG RADIUS OF 60 FEET, CHORD SOUTH 49°46'49" EAST, 58.08 FEET, THENCE SOUTH 69°09'54" EAST, 132.25 FEET, THENCE SOUTH 58°36'00" WEST, 173.43 FEET TO THE POINT OF ENDING (P.O.E.).

EASEMENT FOR STORM SEWER AND SURFACE DRAINAGE

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

AN EASEMENT 20 FEET WIDE LYING 10 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED LINE: BEING PART OF THE NORTHEASTERN ¼ OF SECTION 25, TOWN 1, RANGE 8 EAST, CITY OF NOVI, OAKLAND COUNTY, MICHIGAN, MORE PARTICULARLY DESCRIBED AS COMMENCING AT THE NORTHEAST CORNER OF SAID PARCEL, THENCE SOUTH 69°09'54" EAST, 6.42 FEET TO THE POINT OF THE BEGINNING (P.O.B.); THENCE SOUTH 53°54'46" EAST, 107.70 FEET ALONG THE SOUTH TO THE POINT OF ENDING (P.O.E) WITH THE SIDE LINES OF THE DESCRIBED EASEMENT SHORTENED OR LENGTHENED TO TERMINATE AT THE PROPERTY LINES OF THE DESCRIBED PARCEL.

CONTAINING 2020 SQ. FT.



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