



CITY of NOVI CITY COUNCIL

Agenda Item F
May 7, 2018

SUBJECT: Acceptance of an Easement and Temporary Grading Permit for Streambank Maintenance for parcel 50-22-25-132-006 as part of the Ingersol Creek Streambank Stabilization Project.

SUBMITTING DEPARTMENT: Department of Public Services, Engineering Division

CITY MANAGER APPROVAL: 

BACKGROUND INFORMATION:

The Ingersol Creek Streambank Stabilization Project requires the acquisition of several easements prior to earth disturbance. The easement permits the City to restore streambank with grading and rip-rap as well as vegetated mechanically stabilized earth, in accordance with MDEQ requirements and project specifications.

The restoration of the Ingersol Creek from Ten Mile Road to Willowbrook Road is scheduled to occur in the late summer of 2018.

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

RECOMMENDED ACTION: Acceptance of an Easement and Temporary Grading Permit for Streambank Maintenance for parcel 50-22-25-132-006 as part of the Ingersol Creek Streambank Stabilization Project.

Ingersol Creek Streambank Stabilization




Project Limits

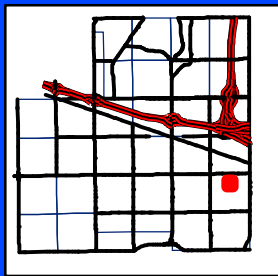


Map Author: Joseph Akers
 Date: April 18, 2018
 Project: Ingersol Creek Streambank Stabilization
 Version #: 1

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.

-  Ingersol Creek
-  Project Area
-  Permanent Easement



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



1 inch = 111 feet





JOHNSON ROSATI SCHULTZ JOPPICH PC

27555 Executive Drive Suite 250 ~ Farmington Hills, Michigan 48331
Phone: 248.489.4100 | Fax: 248.489.1726

Elizabeth Kudla Saarela
esaarela@jrsjlaw.com

www.jrsjlaw.com

April 18, 2018

Joseph Akers, Staff Civil Engineer
CITY OF NOVI
City of Novi
45175 Ten Mile Road
Novi, MI 48375-3024

**Re: *Bishop Creek and Ingersol Creek Streambank Restoration
Easement for Streambank Maintenance
Lender Consent – 23672 Willowbrook***

Dear Mr. Akers:

We have reviewed and approve the enclosed Easement for Streambank Maintenance with Lender Consent page for execution by the Property Owner and the Property Owner's lender, Chase Bank. It is our understanding that the Easement is being donated to the City by the Property Owner and that compensation will not be paid.

The purpose of the Easement is to allow the City to enter on to the property to repair and stabilize the existing streambank of the Ingersol Creek, which runs through the Property Owner's rear yard, to prevent erosion. The City will continue to maintain the stabilizing improvements subsequent to installation.

The Consent page covers the same area as the Easement and will be attached to the Easement for recording with Oakland County Records.

Please note, we have also added a signature page for the City, in accordance with Item Number 6 of the letter from Chase Bank, dated March 8, 2018.

Joseph Akers, Staff Civil Engineer
April 18, 2018
Page 2

The original Easement for Streambank Maintenance should be placed on an upcoming City Council Agenda for acceptance. Once approved and executed by the City, you should provide a copy of the Easement to JPMorgan Chase, along with a copy of this letter, and the documentation requested in their letter dated March 18, 2018. The City Clerk's Office should retain the original Easement in its file until JPMorgan Chase processes the lender consent and returns an original executed Consent to the City.

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: Cortney Hanson, Clerk (w/Original Enclosures)
Aaron Staup, Construction Engineer (w/Enclosures)
George Melistas, Senior Engineering Manager (w/Enclosures)
Taylor Reynolds, Spalding DeDecker (w/Enclosures)
Sue Troutman, City Clerk's Office (w/Enclosures)
Thomas R. Schultz, Esquire (w/Enclosures)

CITY OF NOVI
CITY CLERK'S OFFICE
2018 APR 11 A 11:21

EASEMENT FOR STREAMBANK MAINTENANCE

THIS EASEMENT made this 4th day of APRIL, 2018, by Ann L. Orrin and Jongwan Kim, wife and husband, whose address is 23672 Willowbrook, Novi MI 48375; and Douglas S. Orrin and Mary C. Orrin, husband and wife whose address is 23672 Willowbrook, Novi MI 48375, (hereinafter referred to as "Grantors"), being owners of the property described in the attached and incorporated, Exhibit A, (hereinafter referred to as the "Property").

Grantors, in consideration of One (\$1.00) Dollar, receipt and sufficiency of which is hereby acknowledged, does reserve and grant, on behalf of itself, its heirs, successors, assigns and transferees, a private, non-exclusive, perpetual easement for purposes repair and/or reconstruction and on-going preservation and maintenance of the streambank over, upon, across, in, and through, the Property, which easement is described and depicted, as stated in the attached and incorporated Exhibit A (hereinafter referred to as the "Easement Area") to the City of Novi, a Michigan municipal corporation, whose address is 45175 Ten Mile, Novi, Michigan 48375, (hereinafter referred to as "Grantee").

This easement is for the benefit of the Property and all heirs, successors, assigns and transferees of the Property and the City of Novi (hereinafter referred to as "Grantees").

The Grantors shall maintain the Easement Area, so at all times, it continues to function as intended. The Grantors shall be responsible for the removal of trees, branches and other obstructions from the Easement Area. The Grantors, shall be prohibited from altering or placing anything in the Easement Area which shall obstruct or impede, damage or interfere with the Stabilization Improvements. Grantors agree not to build or to convey to others permission to build any structures or improvements on, over, across, in, through, or under the above-described Easement Area, or to develop or allow the development of the Easement Area in any manner which removes, damages, impedes or obstructs the Stabilization Improvements without prior written approval from the City, or, alternatively, as part of an approved site plan, the Grantors may construct and/or install surface improvements to the property, which improvements do not interfere with use, operation, and maintenance, of the Easement Area.

The City, and its agents and employees shall be permitted to enter upon the Easement Area and sufficient land adjacent to said Easement Area for the purpose of exercising the rights and privileges granted herein.

This 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.

Douglas S. Orrin

Douglas S. Orrin

Mary C. Orrin

Mary C. Orrin

STATE OF MICHIGAN)
)SS
COUNTY OF OAKLAND)

On this 3rd day of April, A.D., 2019, before me,
personally appeared the above named Douglas S. Orrin and Mary C. Orrin, 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.

Theresa S. Zakerski

Notary Public, County, MI

My commission expires

THERESA S. ZAKERSKI
NOTARY PUBLIC, STATE OF MI
COUNTY OF WASHTENAW
MY COMMISSION EXPIRES Apr 6, 2019
ACTING IN COUNTY OF Wayne

CITY OF NOVI
A Municipal Corporation

By:
Its:

STATE OF MICHIGAN)
) ss.
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me on this ____ day of _____ 201__, by, _____, on behalf of the City of Novi, a Municipal Corporation.

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

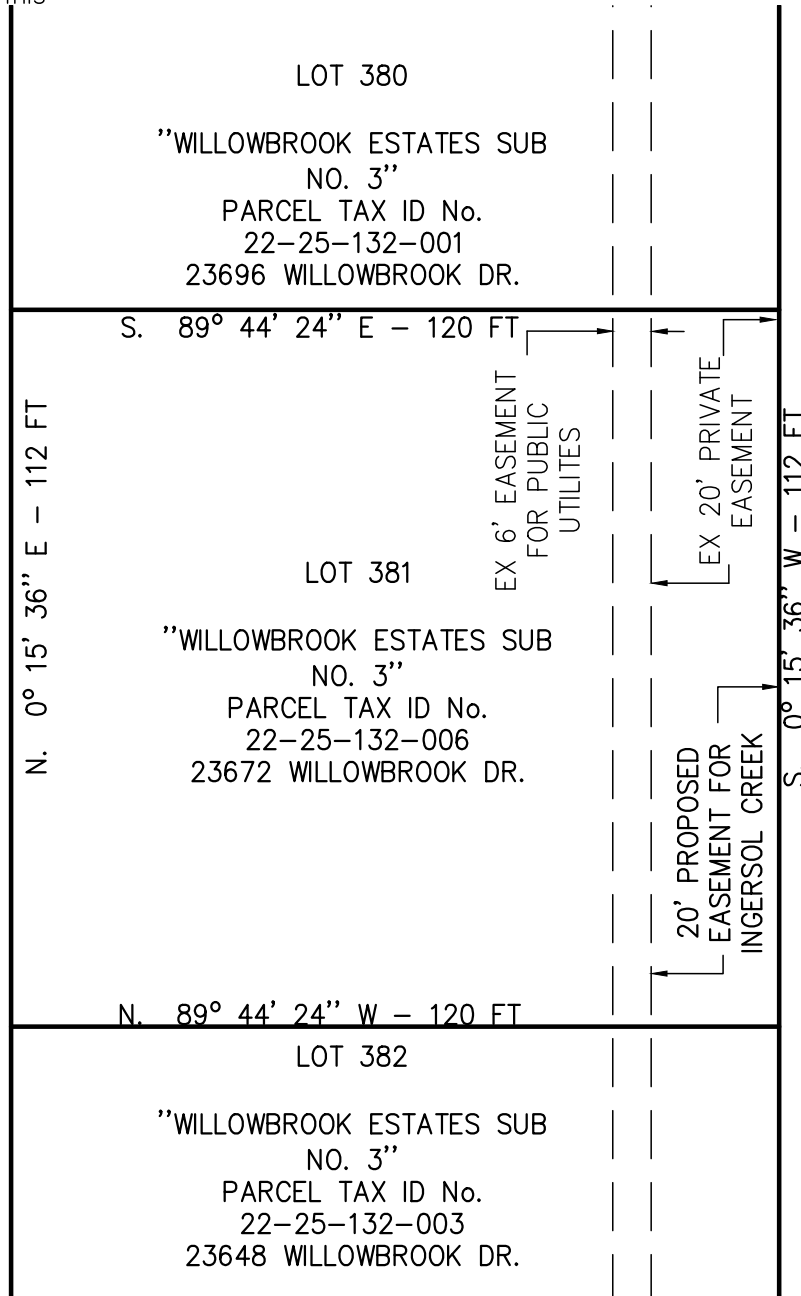
THIS INSTRUMENT DRAFTED BY:
ELIZABETH K. SAARELA
JOHNSON, ROSATI, SCHULTZ & JOPPICH
27555 EXECUTIVE DRIVE, SUITE 250
FARMINGTON HILLS, MI 48331

WHEN RECORDED, RETURN COPY TO:
CORTNEY HANSON, CLERK
CITY OF NOVI
45175 TEN MILE RD
NOVI, MI 48334

EXHIBIT A - EASEMENT FOR INGERSOL CREEK

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.

WILLOWBROOK DR. 60 FT WD

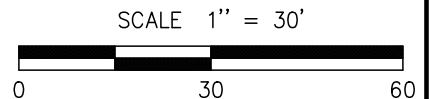


PROPERTY DESCRIPTION

LOT 381 OF "WILLOWBROOK ESTATES SUBDIVISION No. 3" OF PART OF WEST 1/2 SECTION 25, TOWN 1 NORTH, RANGE 8 EAST, NOVI TOWNSHIP (NOW CITY OF NOVI), OAKLAND COUNTY, MICHIGAN. AS RECORDED IN LIBER 83, PAGE 24 AND 25.

EASEMENT FOR INGERSOL CREEK

A 20 FOOT WIDE EASEMENT FOR INGERSOL CREEK BEING DESCRIBED AS THE EASTERLY 20 FEET OF LOT 381 OF "WILLOWBROOK ESTATES SUBDIVISION No. 3" OF PART OF WEST 1/2 SECTION 25, TOWN 1 NORTH, RANGE 8 EAST, NOVI TOWNSHIP (NOW CITY OF NOVI), OAKLAND COUNTY, MICHIGAN. AS RECORDED IN LIBER 83, PAGE 24 AND 25.



Plotted: Dec 6, 2017, 8:42 AM by user: 984 - Saved: 12/6/2017 by user: 984
J:\NV\Design\NV17017-Ingersol Creek\DWG\NV17017EAS_INGERSOL.dwg



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

DRAWN: S. ISENBERG	DATE: 12-06-17
CHECKED: D. RICHMOND	DATE: 12-06-17
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