

cityofnovi.org

CITY of NOVI CITY COUNCIL

Agenda Item ^P
November 10, 2008

SUBJECT: Approval to grant an easement to The Detroit Edison Company for the use of city property at Ella Mae Power Park (Parcel ID No. 50-22-27-100-005).

SUBMITTING DEPARTMENT: Parks, Recreation, & Forestry

CITY MANAGER APPROVAL: *plow for ESTP*

BACKGROUND INFORMATION:

The Detroit Edison Company (DTE) is proposing to extend a utility easement at Ella Mae Power Park. This 10-foot wide easement is located northwest of the existing concession facility, and allows for the relocation of service cable, concrete mounting pad and transformer servicing park softball complex and pedestrian lighting. The easement extension is in compliance from a legal perspective and was routed to all relevant departments; no objections were noted.

RECOMMENDED ACTION: Approval to grant an easement to The Detroit Edison Company for the use of city property at Ella Mae Power Park (Parcel ID No. 50-22-27-100-005).

	1	2	Y	N
Mayor Landry				
Mayor Pro Tem Capello				
Council Member Crawford				
Council Member Gatt				

	1	2	Y	N
Council Member Margolis				
Council Member Mutch				
Council Member Staudt				

October 31, 2008

30903 Northwestern Highway
P.O. Box 3040
Farmington Hills, MI 48333-3040
Tel: 248-851-9500
Fax: 248-851-2158
www.secretwardle.com

Matt Wiktorowski, Superintendent of Parks
City of Novi
26300 Delwal
Novi, MI 48375

KRISTIN BRICKER KOLB
Direct: 248-539-2837
kkolb@secretwardle.com

**Re: Easement Agreement with DTE at Ella Mae Power Park
Our File No. 55142 NOV**

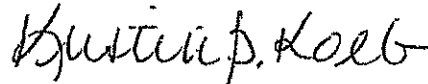
Dear Mr. Wiktorowski:

Pursuant to your request, we have reviewed the proposed "Detroit Edison Underground Easement (Right of Way) No. 28791895-28791951" between the City of Novi and DTE. As we understand it, the easement is necessary due to the relocation of some electrical facilities necessitated by the Power Park lighting renovation project.

The easement document is a standard, boilerplate document typical for this situation. In general, it contains no objectionable language. We do note that the City would be prohibited from installing any "buildings or other permanent structures" in the easement (right-of-way) area. DTE is reserving to itself the right to "trim, cut down, remove or otherwise control" any trees or other vegetation that might interfere with the easement or their electrical facilities, and the City may not plant any trees or vegetation within eight (8) feet of the front door of the transformer, or two (2) feet of the sides of the transformers or switching cabinet enclosures.

Subject to the verification of the proposed legal description by the City's engineers, we see no legal impediment to proceeding with approval and execution of this easement document. Should you have additional questions, please feel free to contact me.

Very truly yours,



Kristin Bricker Kolb

KBK:jw

C: Clay J. Pearson, City Manager
Maryanne Cornelius, City Clerk
Randy Auler, Director, Parks, Recreation and Forestry
Thomas R. Schultz, Esq.

1150703_1

The Detroit Edison Company
Southwest Region Planning and Design
8001 Haggerty Road
Belleville, MI 48111-1601

DTE Energy



October 24, 2008

Mr. Clay J. Pearson
City Manager
City of Novi
45175 W. Ten Mile Rd.
Novi, Michigan 48375

Subject: City of Novi Easement

Dear Mr. Pearson:

Enclosed is the Right-of-Way agreement for the property located in Novi, Michigan.

Please have the document executed, notarized and returned in the enclosed, self-addressed envelope as soon as possible. All printing on the Right-of-Way document must be made with ***black ink*** to comply with recording requirements. Please print the job package on letter size paper and do not deviate the size. This will cause the document not to be recordable at the Oakland County Register of Deeds.

Failure to complete this step in the process in a timely manner will delay your project.

Thank you for your assistance in this matter. If you have any questions, please feel free to contact me at (734) 397-4083 or campians@dteenergy.com.

Sincerely yours,

A handwritten signature in cursive script that reads "Susan M. Campian".

Susan M. Campian
Right-of-Way Facilitator
Western Wayne Service Center

Enclosures

Detroit Edison Underground Easement (Right of Way) No. 28791895-28791951

On _____, 2008, for the consideration of system betterment, Grantor grants to Grantee a permanent underground easement ("Right of Way") in, on and across a part of Grantor's Land called the "Right of Way Area."

"Grantor" is:

City of Novi, a municipal corporation, with an address at 45175 West Ten Mile Road, Novi, Michigan 48375

"Grantee" is:

The Detroit Edison Company, a Michigan corporation, 2000 Second Avenue, Detroit, Michigan 48226

"Grantor's Land" is in the Northwest 1/4, Section 27, Town 1 North, Range 8 East, City of Novi, County of Oakland, State of Michigan, described as:

A parcel of land in and being a part of the Northwest 1/4 Section 27, Town 1 North, Range 8 East, City of Novi, County of Oakland, State of Michigan, being more particularly described on "Exhibit A" attached hereto and made a part hereof.

Tax Identification Number: 50-22-27-100-005

More commonly known as: 45175 Ten Mile Road, Michigan 48375

The "Right of Way Area" is a part of Grantor's Land and is described as:

As shown on the Right-of-Way drawing No. 28791895-28791951, dated 10-20-2008, attached hereto and made a part hereof. The Right-of-Way easement is Ten (10') feet wide as shown on the attached sketch, incorporated herein and made a part hereof. The easement centerline may vary if field construction problems arise. Therefore, for the as-installed easement centerline, call Miss Dig at (1-800-482-7171 or 811).

1. **Purpose:** The purpose of this Right of Way is to construct, reconstruct, modify, add to, operate and maintain underground utility line facilities consisting of poles, guys, anchors, wires, manholes, conduits, pipes, cables, transformers and accessories.
2. **Access:** Grantee has the right of access to and from the Right of Way Area.
3. **Buildings or other Permanent Structures:** No buildings or other permanent structures are allowed in the Right of Way Area without Grantee's prior written consent.
4. **Excavation:** Under 1974 Public Act 53, you must call MISS DIG at (1-800-482-7171 or 811) before excavating in the Right of Way Area.
5. **Trees, Bushes, Branches, Roots, Structures and Fences:** Grantee may trim, cut down, remove or otherwise control any trees, bushes, branches and roots in the Right of Way Area (or that could grow into the Right of Way Area) and remove structures and fences in The Right of Way Area that Grantee believes could interfere with the safe and reliable construction, operation and maintenance of Grantee's facilities. No trees, plant life, structures and fences can be planted, grown or installed within 8 feet of the front door and within 2 feet of the other sides of transformers and switching cabinet enclosures. Grantee will not be responsible to Grantor for damages to or removal of trees, plant life, structures and fences placed in front of transformer doors.
6. **Restoration:** If Grantee's employees, contractors, vehicles or equipment damage Grantor's Land while entering Grantor's Land for the purposes stated in this Right of Way, then Grantee will restore Grantor's Land as nearly as can be to its original condition.
7. **Successors:** This Right of Way runs with the land and binds and benefits Grantor's and Grantee's successors and assigns.

The remainder of this page is intentionally left blank

8. Exemptions: Exempt under MCL 207.505(a) and MCL 207.526(a).

Grantor(s): City of Novi,
a municipal corporation

By: _____

Printed: David B. Landry

Its: Mayor

By: _____

Printed: Maryanne Cornelius

Its: City Clerk

Acknowledged before me, and acting in _____ County, Michigan, on _____, 2008,
by David B. Landry, the Mayor and Maryanne Cornelius, the City Clerk for the City of Novi, a municipal corporation, on behalf
of the municipal corporation.

Notary's
Stamp _____
(Notary's name, county, and date commission expires)

Notary's
Signature _____

Prepared by and Return to: Susan M. Campian, The Detroit Edison Company, 8001 S. Haggerty Road, Belleville, MI 48111-1601

EXHIBIT A

Property Information and Legal Description

Property Address

45175 Ten Mile Road
Novi, Michigan 48375

Tax Identification Number

50-22-27-100-005

Legal Description

Parcels of land located in Northwest 1/4 quarter of Section 27, Town 1 North, Range 8 East, City of Novi, County of Oakland, State of Michigan. Being more particularly described as follows:

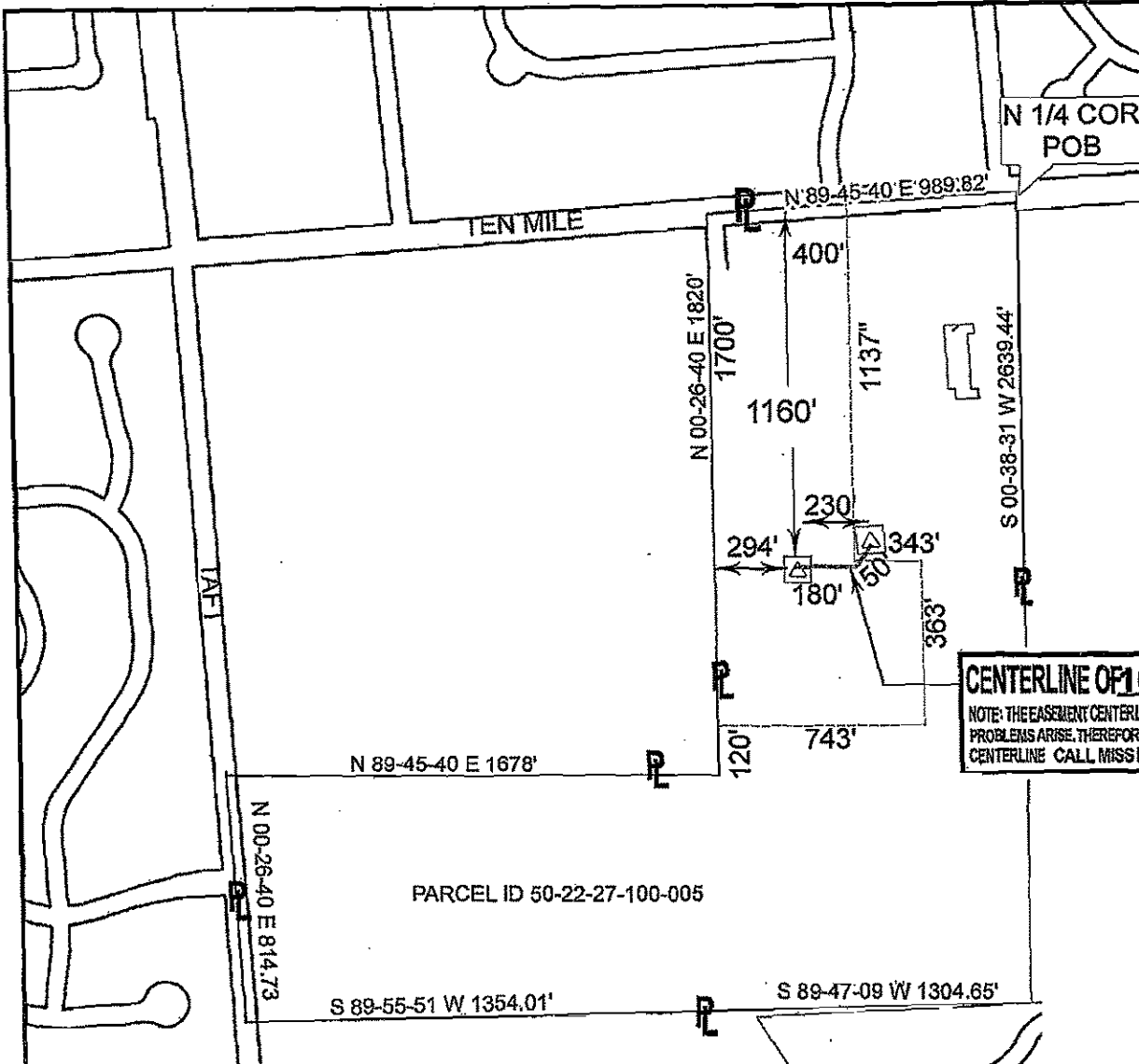
Beginning at the Northwest corner of Section 27, T1N, R 8 E, and proceeding thence along the North line of Section 27 also being the centerline of Ten Mile Road, North 89 degrees 45 minutes 40 seconds East 1678.00 feet to the **Point of Beginning**; thence South 00 degrees 26 minutes 40 seconds West 1700.00 feet; thence North 89 degrees 45 minutes 40 seconds East 743.00 feet; thence North 00 degrees 26 minutes 40 seconds East 563.00 feet; thence South 89 degrees 45 minutes 40 seconds West 343.00 feet; thence North 00 degrees 26 minutes 40 seconds East, 1137.00 feet to the centerline of Ten Mile Road; thence South 89 degrees 45 minutes 40 seconds West, 400.00 feet to the **Point of Beginning**.

Beginning at the North 1/4 corner of Section 27, and proceeding South 00 degrees 38 minutes 31 seconds West 2639.44 feet to the center of Section 27; thence South 89 degrees 47 minutes 09 seconds West, 1304.65 feet; thence South 89 degrees 55 minutes 51 seconds West, 1354.01 feet to the West 1/4 corner of Section 27; thence North 00 degrees 26 minutes 40 seconds East, 814.73 feet; thence North 89 degrees 45 minutes 40 seconds East, 1678.00 feet; thence North 00 degrees 26 minutes 40 seconds East, 120.00 feet; thence North 89 degrees 45 minutes 40 seconds East, 743.00 feet; thence North 00 degrees 26 minutes 40 seconds East, 563.00 feet; thence South 89 degrees 45 minutes 40 seconds West, 343.00 feet; thence North 00 degrees 26 minutes 40 seconds East, 1137.00 feet to the North line of Section 27 also being the center line of Ten Mile Road; thence North 89 degrees 45 minutes 40 seconds East, 589.82 feet to the **Point of Beginning**. Except the Northerly and Westerly 33.00 feet used for roads.

NKA

Beginning at the North 1/4 corner, thence South 00 degrees 38 minutes 31 seconds West, 2639.44 feet, thence South 89 degrees 47 minute 09 seconds West, 1304.65 feet; thence South 89 degrees 55 minutes 51 seconds West, 1354.01 feet, thence North 00 degrees 26 minutes 40 seconds East, 814.73 feet; thence North 89 degrees 45 minutes 40 seconds East, 1678.00 feet; thence North 00 degrees 26 minutes 40 seconds East, 1820.00 feet; thence North 89 degrees 45 minutes 40 seconds East, 989.82 feet to the **Point of Beginning**. Containing 91.16 acres, 7-6-94 FR 001 & 002.

DEON JONES
 10-08-2008
 RW28791951
 NOVI
 OAKLAND COUNTY



CENTERLINE OF 10 FOOT WIDE EASEMENT
 NOTE: THE EASEMENT CENTERLINE MAY VARY IF FIELD CONSTRUCTION PROBLEMS ARISE. THEREFORE, FOR THE AS-INSTALLED EASEMENT CENTERLINE CALL MISS DIG 1-800-482-7171 OR 811

DTE Energy



Detroit Edison

Work Order # 28791895		Work Order Description 45175 W 10 MILE ROW			GIS-DSN 28791949		SRW 28791951		PH		PLC		
Service Center VVWSC		Circuit #1 DC 9512 TAHOE 13.2KV		Circuit #2		COH		COS 28791959		CUL 28791958		CUS	
Worksite City NOVI		Worksite Twp. OAKLAND											
Town T1N	Range 8E	Section 27	Clr NW 1/4	Planner's Name DEON JONES		Plot Date		CUE Request # 102177		Version 1		Scale NTS	Target Finish Date 10/20/2008