



CITY of NOVI CITY COUNCIL

**Agenda Item F
February 8, 2010**

SUBJECT: Acceptance of a warranty deed from Heritage Office Park, LLC and the Apex Company, LLC for the dedication of 60 feet of right-of-way along Novi Road as part of the Heritage Office Complex development located at 23623 and 23587 Novi Road (parcel 22-27-280-001) and approval to execute a Quit Claim Deed conveying the dedicated 60 foot right-of-way to Oakland County.

SUBMITTING DEPARTMENT: Department of Public Services, Engineering Division *BTL*

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

BACKGROUND INFORMATION:

Heritage Office Park, LLC and the Apex Company, LLC are requesting acceptance of a Warranty Deed conveying the master planned sixty (60) feet of right-of-way for Novi Road, along the frontage of the Heritage Office Complex site. Heritage Office Complex is located on the west-side of Novi Road, between Nine Mile Road and Ten Mile Road at 23623 and 23587 Novi Road (parcel 22-27-280-001).

Novi Road is under the jurisdiction of the Road Commission for Oakland County, therefore upon acceptance of the right-of-way from the property owner, the City should execute the enclosed Quit Claim Deed to convey the right-of-way to Oakland County.

The enclosed Warranty Deed has been favorably reviewed by the City Attorney (Beth Kudla's October 14, 2009 letter, attached) and is recommended for approval. The enclosed Quit Claim Deed has been prepared by the City Attorney (Beth Kudla's January 18, 2010 letter, attached) and is also recommended for approval.

RECOMMENDED ACTION: Acceptance of a warranty deed from Heritage Office Park, LLC and the Apex Company, LLC for the dedication of 60 feet of right-of-way along Novi Road as part of the Heritage Office Complex development located at 23623 and 23587 Novi Road (parcel 22-27-280-001) and approval to execute a Quit Claim Deed conveying the dedicated 60 foot right-of-way to Oakland County.

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

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



October 14, 2009

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

Elizabeth M. Kudla
Direct: 248-539-2846
bkudla@secretwardle.com

Rob Hayes, Public Services Director
CITY OF NOVI
45175 West Ten Mile Road
Novi, Michigan 48375-3024

**Re: Heritage Office Complex, SP06-62
Utilities Review for Acceptance
Our File No. 660129.NOVI**

Dear Mr. Hayes:

We have received and reviewed, and enclosed please find, the following documents for the Heritage Office Complex located in Section 27 of the City:

1. Water System Easement
2. Sanitary Sewer System Easement
3. Bill of Sale (Water and Sanitary Sewer System Facilities)
4. Warranty Deed (Novi Road)
5. Title Policy
6. Maintenance and Guarantee Bond Letters of Credit

We have the following comments relating to the above-named documents:

The Heritage Office Park, LLC, and Apex Company, L.L.C., seek to convey water and sanitary sewer system facilities, as well as corresponding easements for operation, maintenance and repair of the water and sewer facilities upon the subject property in Section 27 of the City, to the City of Novi. Our office has reviewed and approves the format and language of the Water and Sanitary Sewer System Easements. The City's Consulting Engineer has reviewed and approved the legal descriptions. As such, we recommend acceptance of the Easements and the corresponding Bill of Sale.

We have received and reviewed the letters of credit underlying the Maintenance and Guarantee Bonds for utilities. Subject to the property owners providing a signed Maintenance Bond form (signed by both owners), and upon confirmation that the amount has been approved by the City's Consulting Engineer, we have no objection to the submittal of the Maintenance Bond in the proposed format.

Right-of-way for the Novi Road frontage of the development has been provided by Warranty Deed. The City's Consulting Engineer has reviewed and approved of the legal descriptions attached to the Warranty Deed. The Warranty Deed may be placed on an upcoming City Council Agenda for acceptance.

The Water and Sanitary Sewer System Easements may be accepted by *Affidavit of the City Engineer*. Once accepted, the Water and Sanitary Sewer System Easements, as well as the Warranty Deed should be recorded with the Oakland County Register of Deeds. We have enclosed all originals to the City Clerk's Office. The Bill of Sale and title work should be maintained in the City Clerk's File. We will forward a copy of the Maintenance Bond form upon its receipt by the Treasurer's Office early next week. We have no objection to release of the Temporary Certificate of Occupancy based on the submittal of the Maintenance Bond Letter of Credit enclosed.

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

Very truly yours,



ELIZABETH M. KUDLA

EMK

Enclosures

C: Maryanne Cornelius, Clerk (w/Original Enclosures)
Marina Neumaier, Assistant Finance Director (w/Enclosures)
Charles Boulard, Community Development Director (w/Enclosures)
Barb McBeth, Deputy Community Development Director (w/Enclosures)
Aaron Staup, Construction Engineering Coordinator (w/Enclosures)
Taylor Reynolds and Byron Hanson, Spalding DeDecker (w/Enclosures)
Sarah Marchioni, Building Permit Coordinator (w/Enclosures)
Sheila Weber, Senior Customer Service Representative (w/Enclosures)
Sue Troutman, City Clerk's Office (w/Enclosures)
Mark Mahajan, Fairway Engineering (w/Enclosures)
Thomas R. Schultz, Esquire (w/Enclosures)

OK

WARRANTY DEED


KNOW ALL MEN BY THESE PRESENTS, that HERITAGE OFFICE COMPLEX LLC, a Michigan limited liability company, whose address is 101 N. Big Beaver Road, 10th Floor, Troy, Michigan 48084, and APEX COMPANY, LLC, a Michigan limited liability company, whose address is 21580 Novi Road, Novi, Michigan 48375, collectively convey and warrant to the CITY OF NOVI, a Michigan municipal corporation, whose address is 45175 W. Ten Mile Road, Novi, Michigan 48375, the following described premises situated in the City of Novi, County of Oakland and State of Michigan, to-wit:

Part of the Northeast 1/4 of Section 27, T1N-R8E, City of Novi, Oakland County, Michigan, more particularly described as follows: Commencing at the East 1/4 Corner of said Section 27; thence along the East line of said Section 27 and the centerline of Novi Road (60 foot wide 1/2 Right of Way), N 00°06'48" W, 851.40 feet to the Point of Beginning of a proposed 60 foot wide Right of Way dedication; thence along the North line of "ARROWON PINES CONDOMINIUM" as recorded in Oakland County Condominium Subdivision Plan No. 771, S89°59'26"W, 60.00 feet; thence N00°06'48"W, 296.03 feet; thence N89°59'26"E, 60.00 feet; thence S00°06'48"E, 296.03 feet to the Point of Beginning, (as set forth on the attached survey),

for the consideration of \$1.00, subject to liens for real property taxes which are not yet due and payable, and has caused this instrument to be executed by their duly authorized Members. The grantor grants to the grantee the right to make zero (-0-) divisions under section 108 of the land division act, Act No. 288 of the Public Acts of 1967. This property may be located within the vicinity of farmland or a farm operation. Generally accepted agricultural and management practices which may generate noise, dust, odors, and other associated conditions may be used and are protected by the Michigan right to farm act. This transaction is exempt from transfer tax under MSA 7.456 (5a) and MSA 7.456 (26a).


Dated this 3rd day of March, 2008.

HERITAGE OFFICE COMPLEX LLC

By: 
Arvind Gulati, Member

STATE OF MICHIGAN, COUNTY OF OAKLAND

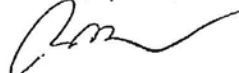
The foregoing document was acknowledged before me this 3 day of March, 2008, by Arvind Gulati, Member, on behalf of Heritage Office Complex LLC, a Michigan limited liability company, by authority of its Operating Agreement.



, Notary Public
County, Michigan
Acting in Oakland County
My commission expires:

WALTER C. STONBAUGH
Notary Public, Wayne County, MI
Acting in Oakland Co., MI
My Commission Expires 07/29/2008


APEX COMPANY, LLC

By: 

Robert M. Rybicki, Member

STATE OF MICHIGAN, COUNTY OF ~~OAKLAND~~ ^{WASHTENAW}

The foregoing document was acknowledged before me this 5th day of March, 2008, by Robert M. Rybicki, Member, on behalf of Apex Company, LLC, a Michigan limited liability company, by authority of its Operating Agreement.



Nancy A. Pear, Notary Public
Washtenaw County, Michigan
Acting in ~~Oakland~~ ^{Washtenaw} County
My commission expires: 6/30/11

This instrument prepared by:
Karl R. Frankena
Conlin, McKenney & Philbrick, P.C.
350 S. Main Street, Suite 400
Ann Arbor, Michigan 48104-2131
(734) 761-9000

When recorded return to:
Novi City Clerk
Novi City Hall
45175 W. Ten Mile Road
Novi, Michigan 48375

Recording fee: \$20.00

Transfer Tax: \$ -0-

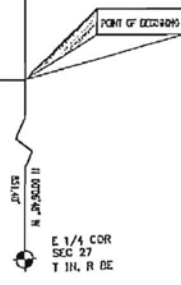
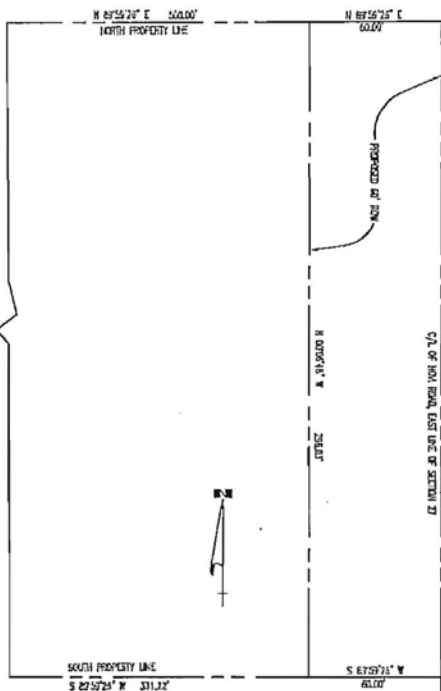
Tax Certificate: \$1.00

Tax Code #: Part of 22-27-200-014, -040 and -041

H:\KRP\HERITAGE OFFICE COMPLEX\WD TO CITY OF NOVI 2.08-2.WPD



LOCATION MAP
NOT TO SCALE



Description of Proposed 60' Right of Way Dedication

Part of the Northeast 1/4 of Section 27, T11N-R2E, City of Novi, Oakland County, Michigan, more particularly described as follows: Commencing at the East 1/4 Corner of said Section 27; thence along the East line of said Section 27 and the centerline of Novi Road (60 foot wide 1/2 Right of Way), N0°06'48"W, 851.40 feet to the Point of Beginning of a proposed 60 foot wide Right of Way dedication; thence along the North line of "ARCHON PINES CONDOMINIUM" as recorded in Oakland County Condominium Subdivision Plan No. 771, S89°59'26"W, 61.00 feet; thence N00°06'48"W, 296.03 feet; thence N89°59'26"E, 60.00 feet; thence S00°06'48"E, 296.03 feet to the Point of Beginning.

Bearing Reference

Bearings were established from the recorded plot of "MYSTIC FOREST" and previously recorded deeds.



FAIRWAY ENGINEERING LLC
23989 NOVI ROAD, SUITE 140
NOVI, MI 48375
(248) 214-5813
FAX (248) 380-0201

NOVI ROAD R.O.W.
HERITAGE OFFICE COMPLEX
CITY OF NOVI, OAKLAND COUNTY, MICHIGAN

GRAPH: NOV	DATE: 10/10/07
REGION: NOV	SCALE: 1" = 50'
SECTION: 27	SHEET: 1 OF 1
T-1-R-R-2-E	NOV, F007501

January 18, 2010

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

Aaron Staup, Engineering Coordinator
CITY OF NOVI
45175 West Ten Mile Road
Novi, Michigan 48375-3024

**Re: Heritage Office Complex, SP06-62
Novi Road Right-of-Way
Our File No. 660129 NOV1**

Elizabeth M. Kudla
Direct: 248-539-2846
bkudla@secrestwardle.com

Dear Mr. Staup:

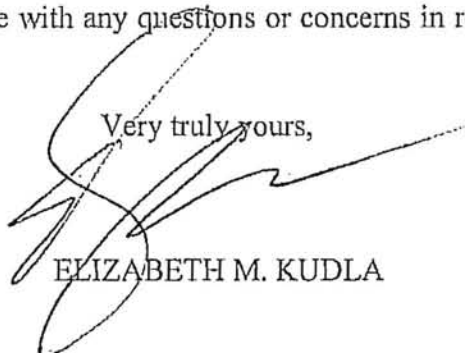
We previously reviewed and approved the Warranty Deed conveying the 60-foot Novi Road right-of-way adjacent to the Heritage Office Complex to the City. A copy of the Warranty Deed is enclosed. Because Novi Road is a county road, the City should accept the right-of-way from the Developer of the project and then convey it to Oakland County by quit claim deed. We have prepared the enclosed Quit Claim Deed from the City to the County for this purpose.

Upon City Council's acceptance of the Novi Road right-of-way, the City should record the original Warranty Deed from the Developer to the City with the Oakland County Register of Deeds. The original Warranty Deed was provided to the City Clerk's Office with our letter dated, October 14, 2009.

At the time of acceptance of the right-of-way, City Council may also approve conveyance of the Quit Claim Deed conveying the Novi Road right-of-way from the City to the County. Once approved and executed by the City, the original Quit Claim Deed should be returned to my attention and I will follow-up with the Right-of-Way Department at the Road Commission to complete the County's acceptance of the Quit Claim Deed.

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

Very truly yours,



ELIZABETH M. KUDLA

EMK

Enclosures

C: Maryanne Cornelius, Clerk (w/Enclosures)
Rob Hayes, Public Services Director (w/Enclosures)
Thomas R. Schultz, Esquire (w/Enclosures)

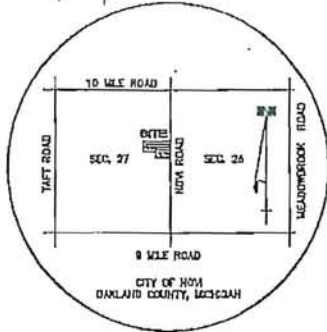
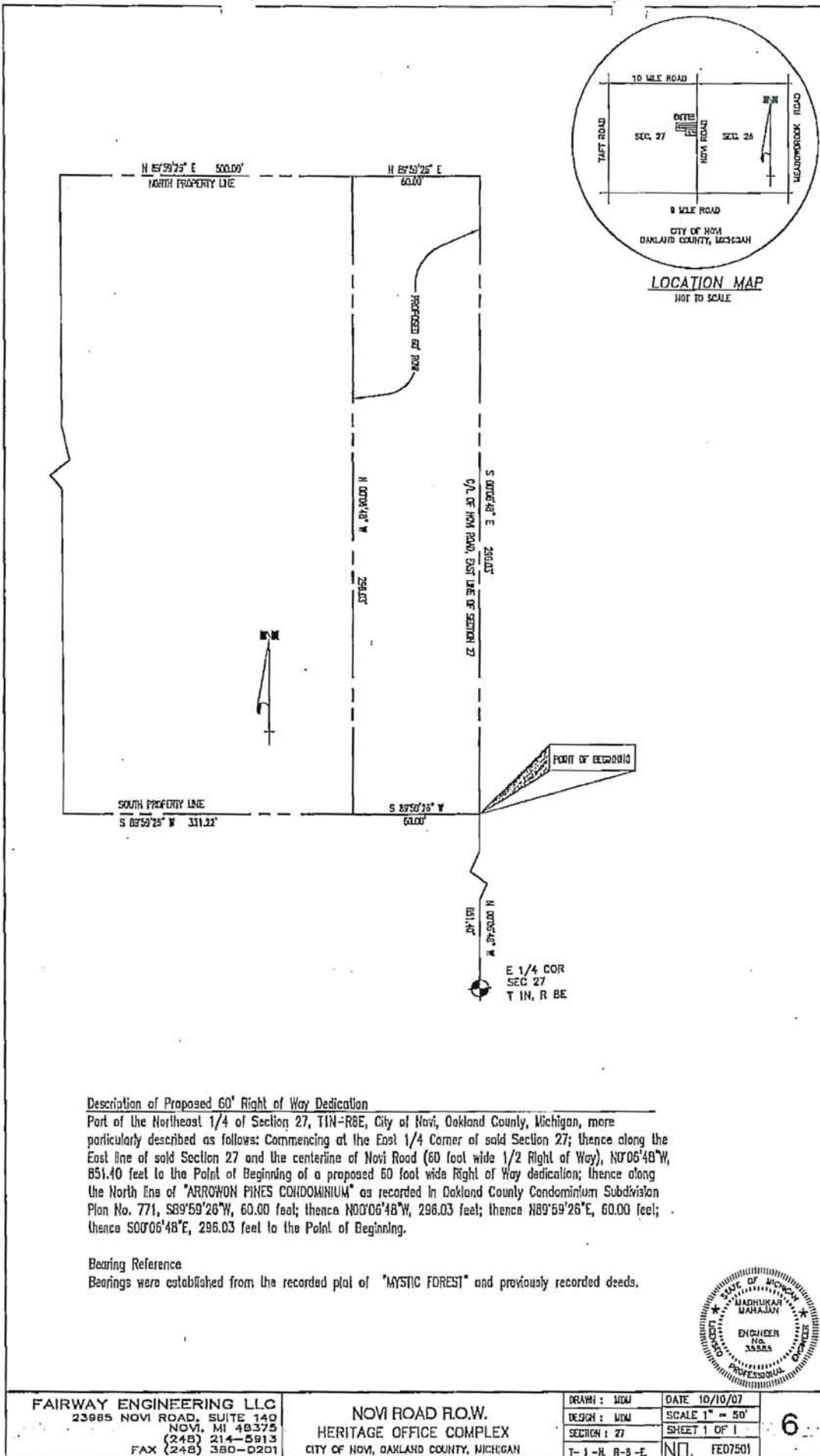
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<p>When Recorded Return To:</p> <p>Maryanne Cornelius, Clerk City of Novi 45175 W. Ten Mile Road Novi, Michigan 48175</p>	<p>Send Subsequent Tax Bills To:</p> <p>Maryanne Cornelius, Clerk City of Novi 45175 W. Ten Mile Road Novi, Michigan 48175</p>	<p>Drafted By:</p> <p>Elizabeth M. Kudla, Esq. Secret Wardle 30903 Northwestern Highway Farmington Hills, MI 48334</p>
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Tax Parcel # _____
Recording Fee: _____

*Type or Print Names Under Signature

C:\Nrp\Portbl\imanager\BKUDLA\1361443_1.DOC



LOCATION MAP
NOT TO SCALE

Description of Proposed 60' Right of Way Dedication
 Part of the Northeast 1/4 of Section 27, TIN-R8E, City of Novi, Oakland County, Michigan, more particularly described as follows: Commencing at the East 1/4 Corner of said Section 27; thence along the East line of said Section 27 and the centerline of Novi Road (60 foot wide 1/2 Right of Way), N0°06'48"W, 851.40 feet to the Point of Beginning of a proposed 60 foot wide Right of Way dedication; thence along the North line of "ARROWON PINES CONDOMINIUM" as recorded in Oakland County Condominium Subdivision Plan No. 771, S89°59'26"W, 60.00 feet; thence N00°06'48"W, 296.03 feet; thence N89°59'26"E, 60.00 feet; thence S00°06'48"E, 296.03 feet to the Point of Beginning.

Bearing Reference
 Bearings were established from the recorded plat of "MYSTIC FOREST" and previously recorded deeds.



FAIRWAY ENGINEERING LLC 23985 NOVI ROAD, SUITE 140 NOVI, MI 48375 (248) 214-5913 FAX (248) 350-0201	NOVI ROAD R.O.W. HERITAGE OFFICE COMPLEX CITY OF NOVI, OAKLAND COUNTY, MICHIGAN		DRAWN : MDW DESIGN : MDW SECTION : 27 T-1-H R-S-E	DATE 10/10/07 SCALE 1" = 50' SHEET 1 OF 1 NO. FED7501	6	

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



Heritage Office Location Map

