

CITY of NOVI CITY COUNCIL

Agenda Item J
May 3, 2010

SUBJECT: Approval to grant a temporary construction easement to the Road Commission for Oakland County for the construction of the Novi Road Link project (Ten Mile Road to Main Street) on parcel 22-22-400-027, a vacant parcel on Novi Road.

SUBMITTING DEPARTMENT: Department of Public Services, Engineering Division

CITY MANAGER APPROVAL: *[Signature]*

BACKGROUND INFORMATION:

The Road Commission for Oakland County (RCOC) is working on the final details of the construction plans for the Novi Road Link project which includes the widening of Novi Road to five lanes between Ten Mile Road and Main Street along with a bridge over the CSX railroad. The attached information provides more detail about the size and location of the requested temporary construction easement, which includes approximately 0.2 acres along a 10 foot wide area adjacent to Novi Road and a 30 foot by 150 foot area at the northeast corner of the parcel. The temporary construction easement is needed for grading associated with the relocation of Gen-Mar Drive, which is required to facilitate the construction of the new bridge.

RCOC is finalizing the right-of-way agreement with CSX railroad and working to finalize the remaining easements required before bidding the project for construction. The current schedule includes an August 2010 bid letting with construction of the temporary roads, water main and utilities to being in September 2010. The bridge work and road construction would begin in spring 2011 with a final completion at the end of 2011.

RECOMMENDED ACTION: Approval to grant a temporary construction easement to the Road Commission for Oakland County for the construction of the Novi Road Link project (Ten Mile Road to Main Street) on parcel 22-22-400-027, a vacant parcel on Novi Road.

	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				



April 26, 2010

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P.O. Box 3040
Farmington Hills, MI 48333-3040
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www.secretwardle.com

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

Brian Coburn, Senior Civil Engineer
Public Services – DPW Garage
26300 Delwal Drive
Novi, MI 48375

**Re: RCOE Temporary Easement
Novi Road Right-of-Way
Our File No. 55142.NOV**

Dear Mr. Coburn:

We have received and reviewed the proposed Temporary Easement that the Board of County Road Commissioners has requested over City right-of-way along Novi Road. Though the terms of the Temporary Easement are generally acceptable, we recommend that the County require that the City be added as an additional insured to its contractor's general liability policy for the project. Jeff Jones of the County has agreed to this request.

If you have any questions regarding the above, please call me.

Very truly yours,



Elizabeth M. Kudla

EMK

Enclosure

C: Maryanne Cornelius, City Clerk (w/Enclosure)
Rob Hayes, DPS Director (w/Enclosure)
Ben Croy, Civil Engineer (w/Enclosure)
Thomas R. Schultz, Esquire (w/Enclosure)

C:\N\Portb\Nmanage\BKUDLAM416374_1.DOC

TEMPORARY EASEMENT

KNOW ALL PERSONS that the **City of Novi** ("Grantor"), a municipal corporation, whose address is **45175 West Ten Mile Road, Novi, MI 48375**, hereby grants to the **BOARD OF COUNTY ROAD COMMISSIONERS OF THE COUNTY OF OAKLAND** ("Board"), State of Michigan, a public body corporate, located at 31001 Lahser Road, Beverly Hills, Michigan 48025, an easement for a temporary period of time ("Temporary Easement") in the construction of **Novi Road** ("Project"), being Project Number **41531**, at the following described premises ("Property") situated in the City of **Novi**, County of **Oakland**, State of Michigan.

Commonly known as: **vacant**
(Part of) Tax Parcel No.: **22-22-400-027**

**SEE PARCEL DRAWING, ATTACHED AS EXHIBIT "A," AND
DESCRIPTION ATTACHED AS EXHIBIT "B"
WHICH IS INCORPORATED BY REFERENCE HEREIN**

This Temporary Easement is conveyed for the sum of \$1.00 (one dollar) and shall expire at the completion of the Project. The purpose of this Temporary Easement is to grant to the Board the right to move workers, equipment, and materials on, over, and through the Property and to store equipment, material, and excavated matter on the Property. This Temporary Easement includes, but is not limited to, the consent of the Grantor to the removal of any trees, shrubs, and/or vegetation, to grading, to the temporary occupancy of the Property by public utilities, and to other matters which, in the sole discretion of the Board, may be necessary in connection with the Project. Grantor waives further notice of such actions.

The permission stated in this Temporary Easement shall begin on the date the Project begins and shall end on the date the Project is completed. The work described above shall be constructed and/or restored, as may be applicable in the sole discretion of the Board, in a workmanlike manner and in accordance with applicable state and county standards. Upon completion of the work described above, the Board and its agents shall have no further or ongoing responsibilities in relation to the work described.

This Temporary Easement runs with the land and shall bind the Grantor and the Grantor's heirs, representatives, successors, and assigns. This Temporary Easement contains the entire understanding of the Grantor and the Board, and there are no other verbal promises between the Grantor and the Board except as shown herein.

WHEREFORE, upon approval by the Board, the undersigned Grantor hereby creates, confirms, and conveys the Temporary Easement described herein.

City of Novi, a Michigan municipal corporation

By: _____

Its:

COUNTY OF OAKLAND)
) SS
STATE OF MICHIGAN)

On this _____ day of _____ 2010, _____ executed the foregoing document before me and, being duly sworn, stated that he/she is the _____ of the **City of Novi, a Michigan municipal corporation**, and that he/she executed the foregoing document on behalf of the **City of Novi** with its full authority and as its free act and deed.

Notary Public

My commission expires: _____
Oakland County, Michigan
Acting in the County of _____

Drafted by:
Jeffrey L. Jones
2420 Pontiac Lake Road
Waterford, MI 48328

When recorded return to: **PATRICIA Z. WIERZBICKI, CLERK'S OFFICE (OAK04)**
THE BOARD OF COUNTY ROAD COMMISSIONERS OF THE COUNTY OF OAKLAND
31001 LAHSER ROAD, BEVERLY HILLS, MI 48025

Project: **Novi Road** Project No.: **41531** Parcel No.: **NV-09**

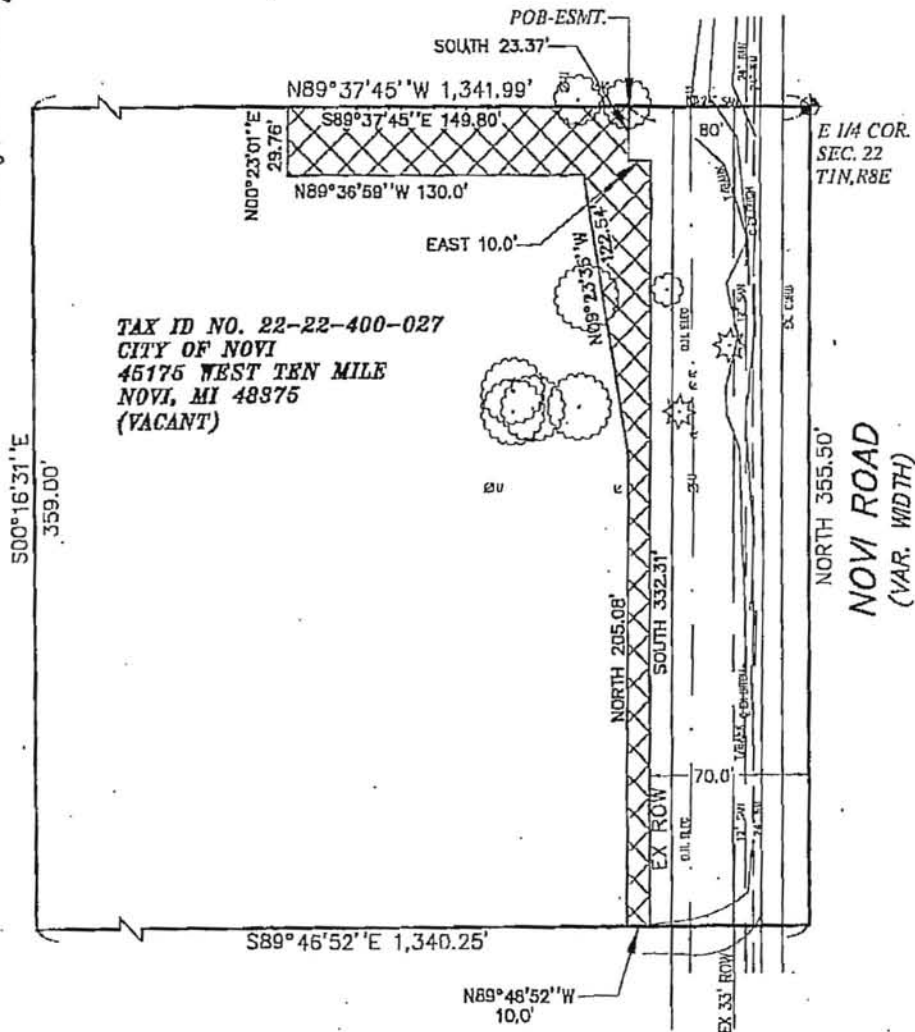
(Part of) Tax Parcel No.: **22-22-400-027**

Recording Fee _____ Revenue Stamps _____

TEMPORARY CONSTRUCTION EASEMENT SKETCH

Exhibit "A"

PARCEL NV 09



TAX ID NO. 22-22-400-027
 CITY OF NOVI
 45175 WEST TEN MILE
 NOVI, MI 48375
 (VACANT)

PARCEL IS SUBJECT TO:
 - DETROIT EDISON CO. (LINE PERMIT), L3133, P.23-24, OCR.



SCALE: 1" = 60'

LEGEND

- ROW RIGHT-OF-WAY
- ⊙ PUBLIC LAND CORNER
- POB POINT OF BEGINNING
- ▨ TEMPORARY EASEMENT

LEGEND

- PARENT PARCEL = 10.988 ACRES (479,054 SQ. FEET)
- TEMPORARY EASEMENT = 0.208 ACRES (8,994 SQ. FEET)

RCOC 41531

**NOVI ROAD
 TEMPORARY EASEMENT**

PART OF THE SE 1/4 OF SECTION 22
 T. 1 N., R. 8 E., CITY OF NOVI, OAKLAND COUNTY
 TAX ID NO.: 22-22-400-027

CLIENT: ROAD COMMISSION FOR OAKLAND COUNTY



34000 Plymouth Road | Livonia, MI 48150
 p (734) 522-6711 | f (734) 522-6427

Advancing Communities
 Engineering Advisors

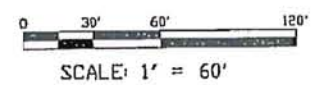
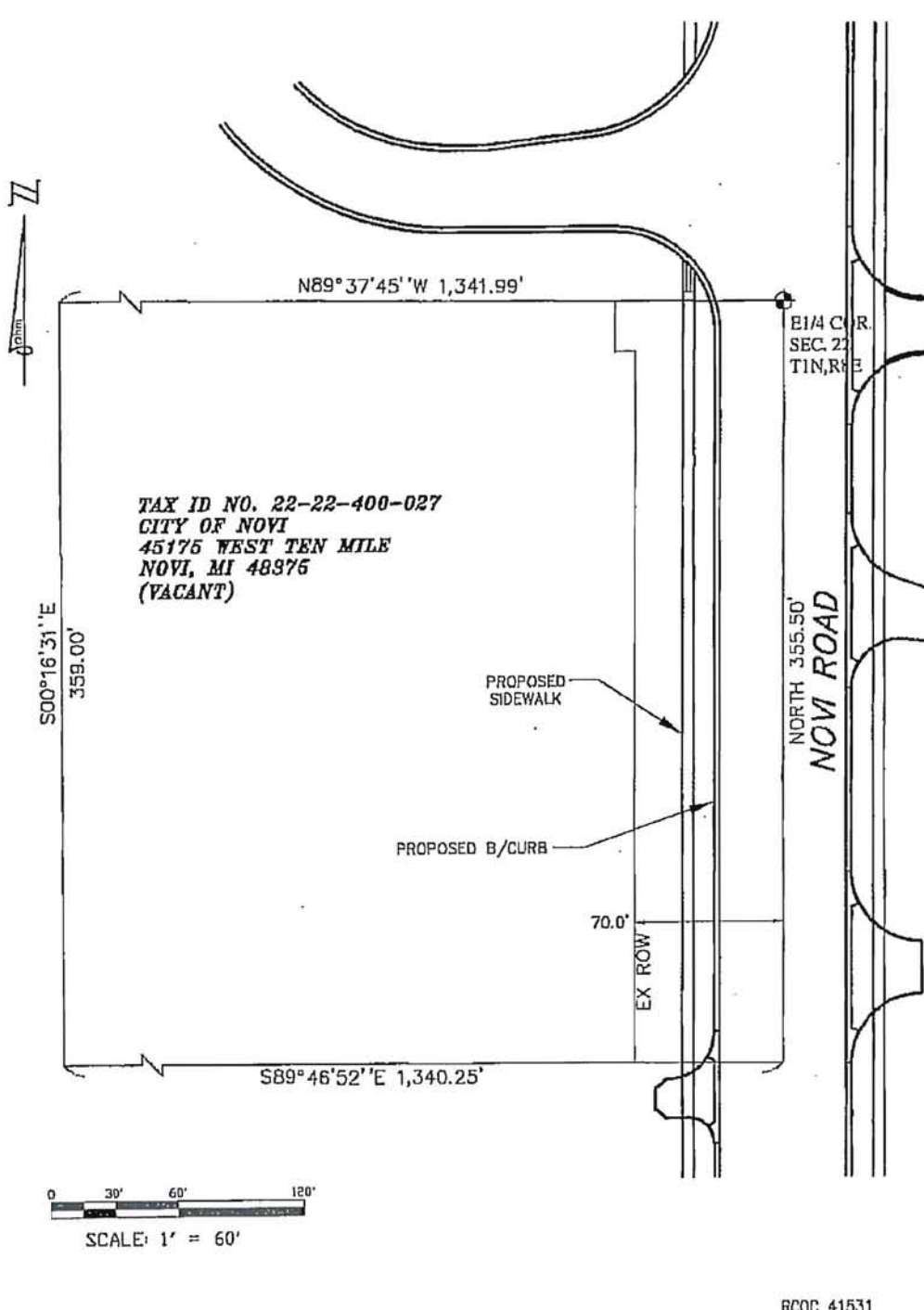
DATE: 04-16-10	SHEET: 1 OF 3	JOB NO. 170-02-3043
DRAWN BY: SH		
DWG: T-ESMT-NV09		

PROPOSED DRIVEWAY GRADING SKETCH

Exhibit "A"

PARCEL

NV 09



RCOC 41531

**NOVI ROAD
PROPOSED DRIVEWAY GRADING**

PART OF THE SE 1/4 OF SECTION 22
T. 1 N., R. B E., CITY OF NOVI, OAKLAND COUNTY
TAX ID NO.: 22-22-400-027

CLIENT: ROAD COMMISSION FOR OAKLAND COUNTY



34000 Plymouth Road | Livonia, MI 48150
p (734) 522-6711 | f (734) 522-6427

Advancing Communities
Engineering Advisors

DATE: 04-16-10
DRAWN BY: SH
DWC: T-ESMT-MWDS


SHEET
2 OF 3

JOB NO.
170-02-3043

TEMPORARY CONSTRUCTION EASEMENT DESCRIPTION

Exhibit "B"

PARCEL DESCRIPTION

PARCEL 

Parent Parcel

A parcel of land in part of the Southeast 1/4 of Section 22, T. 1 N., R. 8 E., City of Novi, Oakland County, Michigan being more particularly described as;


Beginning at the East 1/4 corner; thence N 89°37'45" W 1,341.99 feet; thence S 00°16'31" E 359.00 feet; thence S 89°46'52" E 1,340.25 feet; thence North 355.50 feet to the Point of Beginning.
Contains 10.998 acres (479,054 square feet) of land. Subject to easements and restrictions of record, if any.

Temporary Construction Easement

A parcel of land in part of the East 1/2 of the Southeast 1/4 of Section 22, T. 1 N., R. 8 E., City of Novi, Oakland County, Michigan being more particularly described as;

Commencing at the East 1/4 corner; thence N 89°37'45" W 80.0 feet to a point on the West right of way line of Novi Road (variable width) also being the Point of Beginning; thence along said West line the following three (3) courses: 1) South 23.37 feet, 2) East 10.0 feet, 3) South 332.31 feet to a point on the South line of said parcel; thence along said South line N 89°46'52" W 10.0 feet; thence North 205.08 feet; thence N 09°23'35" W 122.54 feet; thence N 89°36'59" W 130.0 feet; thence N 00°23'01" E 29.76 feet to a point on the North line of said parcel; thence along said North line S 89°37'45" E 149.80 feet to the Point of Beginning.
Contains 0.206 acres (8,994 square feet) of land. Subject to easements and restrictions of record, if any.

RCOC 41531

NOVI ROAD TEMPORARY EASEMENT		 34000 Plymouth Road Livonia, MI 48150 P (734) 522-8711 F (734) 522-8427 <i>Advancing Communities™</i>	
PART OF SE 1/4 OF SECTION 22, T 1 N, R 8 E, CITY OF NOVI, OAKLAND COUNTY, MICHIGAN			
TAX ID NO.: 22-22-400-027	DATE: 04-16-10	SHEET	OHM PROJECT NO.
CLIENT: ROAD COMMISSION FOR OAKLAND COUNTY	DRAWN BY: S11	3 OF 3	170-02-3043
	DWG: NV-9		

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



Temporary Easement Location Map

