



# CITY of NOVI CITY COUNCIL

**Agenda Item L**  
**July 11, 2011**

**SUBJECT:** Acceptance of a highway easement from Joseph S. Trudeau Jr. for the property located at 42900 Ten Mile Road in conjunction with the Ten Mile Pathway project as a donation by the property owner (parcel 50-22-23-376-006).

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

**CITY MANAGER APPROVAL:** *[Handwritten signature]* *RJA*

*BC*

**BACKGROUND INFORMATION:**

Mr. Trudeau has offered to donate a 27-foot wide highway easement along the frontage of his property located at 42900 Ten Mile Road as part of the proposed pathway along the north side of Ten Mile Road between Catherine Industrial and the CSX railroad. This easement will extend north from the existing 33-foot prescriptive right-of-way along the property's frontage. The highway easement is the width of the master planned right-of-way and will allow the City to construct and maintain the pathway as well as any future utilities or roadway improvements.

There are five easements (from four property owners) required for the project, of which four are still in various stages of negotiation. Additionally, the need to site a concrete batch plant for the Novi Road Link Project on one of the parcels along the proposed pathway route would interfere with pathway construction this year (no other sites were available in close proximity to the Link project site). It is anticipated that the project will be constructed in spring 2012 following the acquisition of all easements and the removal of the concrete batch plant.

**RECOMMENDED ACTION:** Acceptance of a highway easement from Joseph S. Trudeau Jr. for the property located at 42900 Ten Mile Road in conjunction with the Ten Mile Pathway project as a donation by the property owner (parcel 50-22-23-376-006).

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

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



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

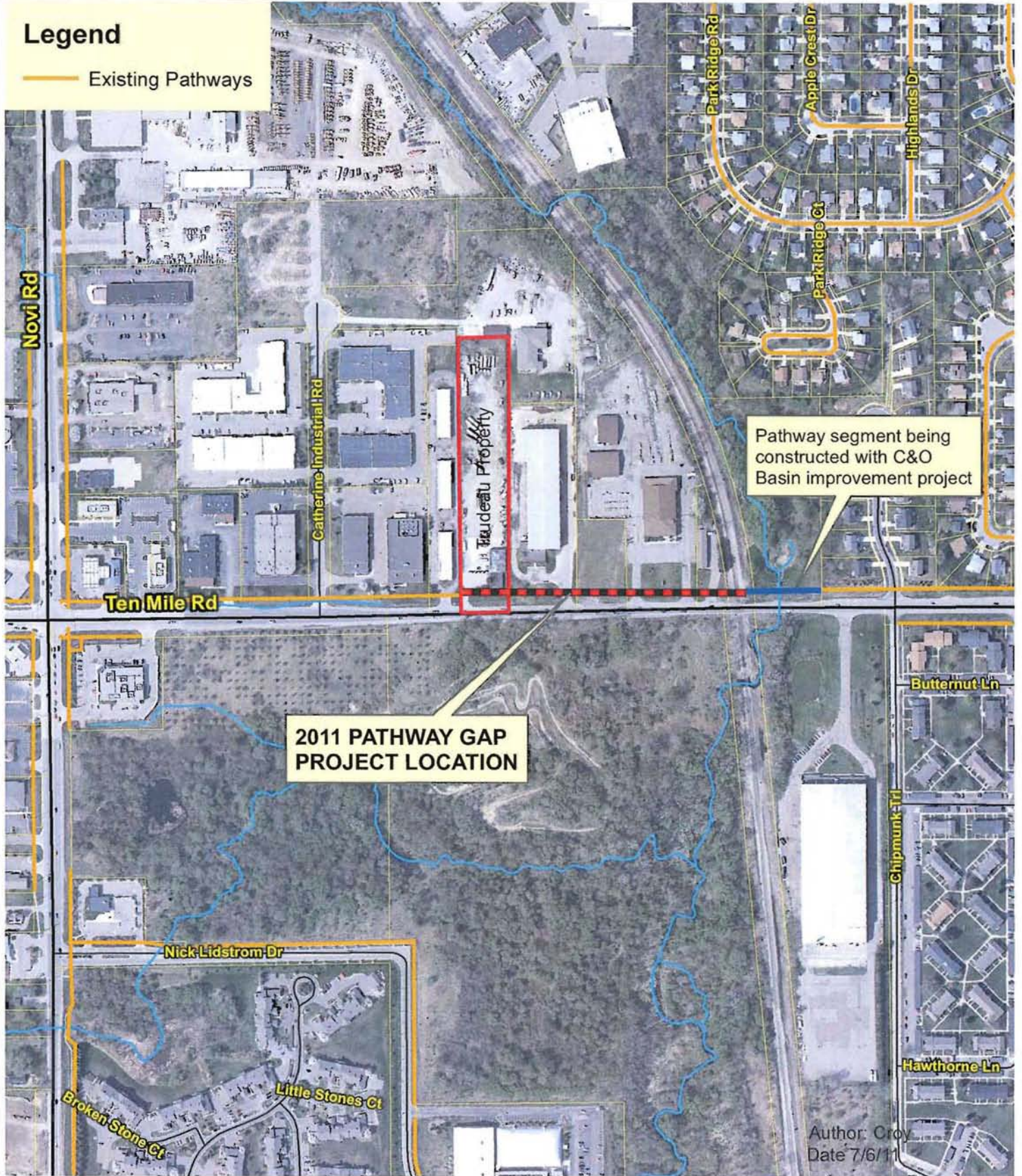


0 175 350  
Feet

## 2011 PATHWAY GAP PROGRAM

### Legend

— Existing Pathways



Pathway segment being constructed with C&O Basin improvement project

2011 PATHWAY GAP PROJECT LOCATION

Author: Croy  
Date 7/6/11



**HIGHWAY EASEMENT**

**KNOW ALL PERSONS** that Joseph S. Trudeau Jr. Living Trust, dated April 20, 1989, as first restated on August 15, 2007, second amended on October 16, 2007, and third amended on April 21, 2008 as evidenced by Certificate of Trust recorded 7/08/08 at Liber 40439, Page 830, Oakland County Records (“Grantor”), whose address is 8301 Mallard Xing, Brighton, MI, for and in consideration of One (\$1.00) Dollars, paid to Grantor by the City of Novi, a Michigan Municipal Corporation, (“Grantee”), whose address is 45175 West Ten Mile Road, Novi, Michigan 48375, does hereby grant to the Grantee, a permanent easement for all public highway purposes (“Highway Easement”) and to construct, operate, maintain, repair, and/or replace roadways, utilities, sidewalk, and other infrastructure improvements in, over, under, upon, and through a portion of the following described premises (“Property”) situated in the City of Novi, County of Oakland, State of Michigan as such Highway Easement is more particularly described, drawn and depicted on the attached Exhibit A.

Commonly known as: 42900 Ten Mile Road, Novi, MI      Tax Parcel No.: 50-22-23-376-006

The Highway Easement consists of a 27-foot easement described as follows:

**SEE HIGHWAY EASEMENT DRAWING, ATTACHED AS EXHIBIT “A,” AND**

The 27-foot Highway Easement combined with the 33-foot Existing Right-of-Way depicted in the attached Exhibit A constitutes 60-foot wide Right-of-Way as shown in Exhibit A.

This Highway Easement includes, but is not limited to, the consent of the Grantor, within the Highway Easement area, to the removal of any trees, shrubs, and/or vegetation, to grading, to the occupancy of the Property by public utilities, and to other matters which, in the sole discretion of the Grantee, may be necessary in connection with all public highway purposes and the construction, operation, maintenance, repair, and/or replacement of roadways, utilities, and other infrastructure improvements in, over, under, upon, and through the Highway Easement. Grantor waives further notice of such actions.

The premises so disturbed by reason of the exercise of any of the foregoing powers shall be restored at Grantee’s sole cost and expense to substantially the condition that existed prior to construction by the Grantee, its agents, employees or contractors.

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

IN WITNESS WHEREOF, the undersigned hereunto affixed <sup>HS</sup> ~~their~~ signatures this 27 day of JUNE, 2011.

GRANTOR

Joseph S. Trudeau Jr. Living Trust, dated April 20, 1989, as first restated on August 15, 2007, second amended on October 16, 2007, and third amended on April 21, 2008 as evidenced by Certificate of Trust recorded 7/08/08 at Liber 40439, Page 830, Oakland County Records

BY: Joseph S. Trudeau Jr.  
JOSEPH S. TRUDEAU, JR., TRUSTEE

STATE OF MICHIGAN )  
 ) SS.  
COUNTY OF Oakland )

The foregoing consent to easement was acknowledged before me this 27 day of June, 2011, by Joseph S. Trudeau Jr. the Trustee of Joseph S. Trudeau Jr. Living Trust.

LISA DEMEO  
NOTARY PUBLIC, STATE OF MI  
COUNTY OF WAYNE  
MY COMMISSION EXPIRES Jan 10, 2015  
ACTING IN COUNTY OF Oakland

Lisa Demeo  
Notary Public  
Wayne County, ~~Wayne~~  
My Commission Expires: 1-10-2015

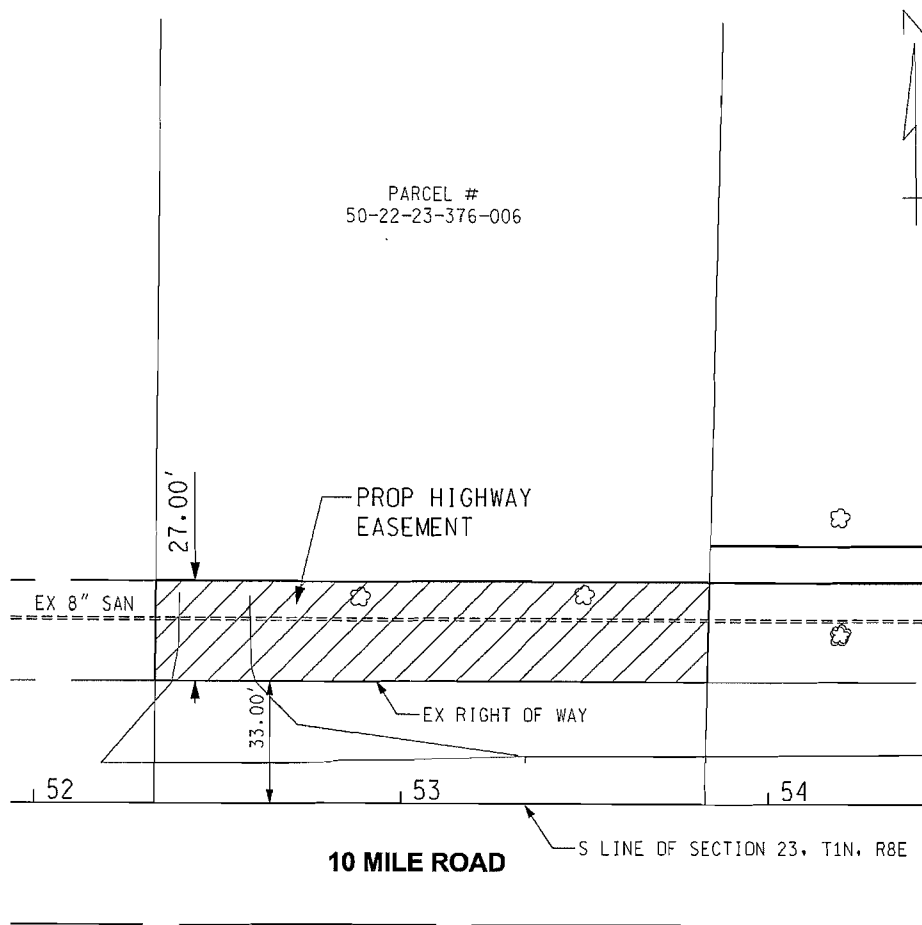
Parcel No.

Drafted by:  
Elizabeth M. Kudla, Esq.  
30903 Northwestern Highway  
Farmington Hills, MI 48334

When recorded return to:

Maryanne Cornelius, Clerk  
City of Novi  
45175 W. Ten Mile Rd.  
Novi, MI 48375

RECORDING FEE \_\_\_\_\_ REVENUE STAMPS \_\_\_\_\_



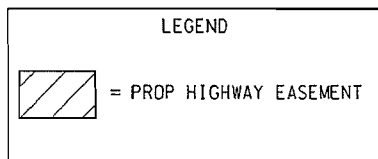
**PARENT PARCEL DESCRIPTION:**  
 T1N, R8E, SEC 23 W 150 FT OF S 870.20 FT OF E 1/2 OF SW 1/4 3 A

**PROPERTY OWNER:**  
 JOSEPH S. TRUDEAU JR. TRUST  
 8301 MALLARD XING  
 BRIGHTON, MI 48116-8402

**PROPERTY ADDRESS:**  
 42900 TEN MILE ROAD  
 NOVI, MI 48375

**TAX ID:**  
 50-22-23-376-006

**HIGHWAY EASEMENT LEGAL DESCRIPTION:**  
 THE NORTHERLY 27 FEET OF THE SOUTHERLY 60 FEET OF THE ABOVE DESCRIBED PARENT PARCEL.  
 CONTAINS 0.093 ACRES, MORE OR LESS.



**EXHIBIT A**



**HIGHWAY EASEMENT PARCEL 50-22-23-376-006**

DRAWN BY: JB	CHECKED BY: LND	DATE 04/04/11	SCALE 1" = 40'	PROJECT NUMBER 12942755
-----------------	--------------------	------------------	-------------------	----------------------------

**HIGHWAY EASEMENT**

DESIGNED BY:

**URS**  
 Surface Transportation  
 Grand Rapids, Southfield,  
 Traverse City

