



**CITY of NOVI CITY COUNCIL**

**Agenda Item D  
August 8, 2011**

**SUBJECT:** Acceptance of a warranty deed from The Soave Corporation for the dedication of approximately 10 additional feet of right-of-way along Grand River Avenue for the Pinebrook Professional Plaza site, located at 25000 Joseph Drive (parcels 22-24-332-001 through -004) and approval to execute a Quit Claim Deed conveying the dedicated 10 feet of additional Grand River Avenue right-of-way to Oakland County.

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

**CITY MANAGER APPROVAL:** *RTH*

**BACKGROUND INFORMATION:**

The Soave Corporation is requesting acceptance of a Warranty Deed conveying an additional ten (10) feet of right-of-way for Grand River Avenue, along the frontage of the Pinebrook Professional Plaza site. Pinebrook Professional Plaza is located on the southeast corner of Grand River Avenue and Joseph Drive at 25000 Joseph Drive (parcel 22-24-332-001 through -004). The dedication of right-of-way was proposed on the approved site plan for this development.

Grand River Avenue 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 staff and the City Attorney (Beth Kudla's August 25, 2009 letter, attached) and is recommended for approval. The enclosed Quit Claim Deed for conveying the right-of-way to the County has been prepared by the City Attorney and is also recommended for approval.

**RECOMMENDED ACTION:** Acceptance of a warranty deed from The Soave Corporation for the dedication of approximately 10 additional feet of right-of-way along Grand River Avenue for the Pinebrook Professional Plaza site, located at 25000 Joseph Drive (parcel 22-24-332-001 through -004) and approval to execute a Quit Claim Deed conveying the dedicated 10 feet of additional Grand River Avenue right-of-way to Oakland County.

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

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

# Location Map

## Pinebrook Professional Plaza



Map Author: Brian Coburn  
Date: 7/29/11  
Project:  
Version #:

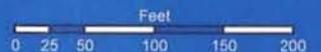
### MAP INTERPRETATION NOTICE

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

Engineering Division  
Department of Public Services  
26300 Delwal Drive  
Novi, MI 48375  
cityofnovi.org



1 inch = 136 feet



August 25, 2009

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

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

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

**Re: Pinebrook Professional Plaza, SP05-21  
Utilities Review for Acceptance  
Our File No. 660143.NOVI**

Dear Mr. Hayes:

We have received and reviewed, and enclosed please find, the following documents for the Pinebrook Professional Plaza located in Section 24 of the City:

1. Water System Easement
2. Water System Easement (Off-Site)
3. Bill of Sale (Water System Facilities)
4. Warranty Deed (Grand River)
5. Title Policies (Units 1 and 2) (Units 3 and 4)
6. Maintenance and Guarantee Bond – Roads and Utilities

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

The Soave Corp., seeks to convey water system facilities, as well as corresponding easements for operation, maintenance and repair of the water and sewer facilities upon the subject property in Section 24 of the City, to the City of Novi. Our office has reviewed and approves the format and language of the Water 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.

An off-site Water System Easement has also been provided over the adjacent Beech Tree Office Building.

The Maintenance and Guarantee Bonds for paving and utilities are in the City's standard form and the amount has been approved by the City's Consulting Engineer.

Right-of-way for the Grand River Avenue 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

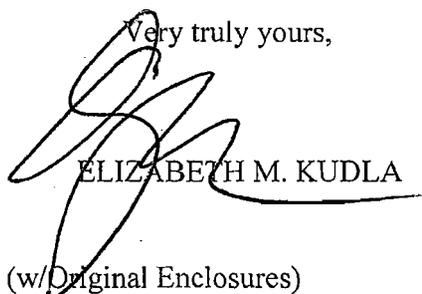
Rob Hayes, Public Services Director  
August 25, 2009  
Page 2

Warranty Deed may be placed on an upcoming City Council Agenda for acceptance.

The Water System Easements may be accepted by *Affidavit of the City Engineer*. Once accepted, the Water 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, Maintenance and Guarantee Bond, title work, and Resolution of Condominium Co-Owners should be maintained in the City Clerk's File.

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, Building Official (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)  
Sue Troutman, City Clerk's Office (w/Enclosures)  
Rino Soave, Soave Corp. (w/Enclosures)  
Thomas R. Schultz, Esquire (w/Enclosures)

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**BILL OF SALE**

KNOW ALL MEN BY THESE PRESENTS, that the Soave Corporation, a Michigan corporation, whose address is 37785 Pembroke, Livonia, Michigan 48152, for the sum of \$1.00 One Dollar, the receipt and sufficiency of which is hereby acknowledged, does hereby grant, bargain, sell and convey to the CITY OF NOVI, whose address is 45175 w. Ten Mile Road, Novi, Michigan 48375, all of the pipes, valves, joints and appurtenances attached to or installed in the ground as part of the water supply system according to the easements and/or public rights-of-way therefore established described as follows:

(See the Attached and Incorporated Exhibit A)

In witness whereof, the undersigned has executed these presents this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Signed by

SOAVE CORPORATION, a Michigan corporation

\_\_\_\_\_  
By: Rino Soave, Its President

STATE OF MICHIGAN     )  
                                  ) SS  
COUNTY OF \_\_\_\_\_ )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, by \_\_\_\_\_, on behalf of \_\_\_\_\_, a \_\_\_\_\_ corporation.

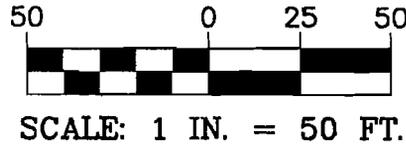
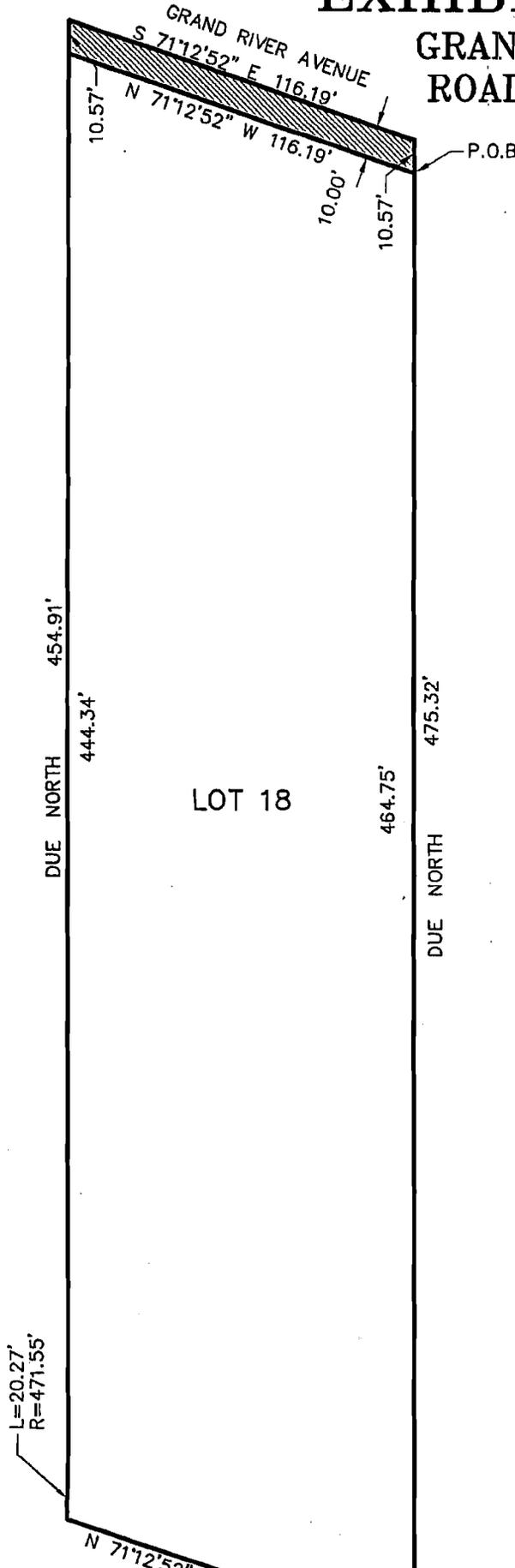
\_\_\_\_\_  
Notary Public  
\_\_\_\_\_ County, Michigan  
My Commission Expires:

Drafted by and when recorded return to:  
Elizabeth M. Kudla  
30903 Northwestern Highway  
Farmington Hills, MI 48334



# EXHIBIT "B"

## GRAND RIVER AVENUE ROAD RIGHT OF WAY



### RIGHT-OF-WAY DESCRIPTION

PART OF THE SOUTHEAST 1/4 OF SECTION 24, TOWN 1 NORTH, RANGE 8 EAST, CITY OF NOVI, OAKLAND COUNTY, MICHIGAN MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
 COMMENCING AT THE SOUTH 1/4 CORNER OF SECTION 24, THENCE DUE NORTH 1810.33 FEET; THENCE N 71°12'52" W 368.76 FEET; THENCE DUE NORTH 494.75 FEET TO THE POINT OF BEGINNING; THENCE N 71°12'52" W 116.19 FEET; THENCE DUE NORTH 10.57 FEET; THENCE S 71°12'52" E 116.19 FEET; THENCE DUE SOUTH 10.57 FEET TO THE POINT OF BEGINNING.

**RESOLUTION AUTHORIZING DEDICATION OF WATER SYSTEM EASEMENT  
AND GRAND RIVER AVENUE RIGHT-OF-WAY**

RECITATIONS:

The Master Deed for Pinebrook Professional Plaza Condominium (the "Master Deed"), was recorded on March 25, 2008 with the Oakland County Register of Deeds and was assigned the Condominium Subdivision Plan No. 1974 and was recorded at Liber 40137, Pages 694 through 744, inclusive.

Article VI, Section 3 of the Master Deed authorizes the Condominium Administrator, (the "Administrator") to dedicate easements and public road rights-of-way to the appropriate local authority for public use and maintenance subject to the unanimous vote of all Co-Owners of the Condominium:

**Section 3. Grant of Easements by Administrator.** The Administrator by unanimous vote of all Co-Owners, shall be empowered and obligated to grant such easements, licenses, rights of entry and rights of way, under and across the Common Elements for Utility Purposes, access purposes and other lawful purposes as may be necessary for the benefit of the Condominium subject, however, to the approval of Developer during the Sales Period.

The Administrator desires to dedicate the following easements and public road right-of-way to the City of Novi for public use and maintenance:

1. Water System Easement dated September 18, 2008
2. Warranty Deed dated September 22, 2008
3. Storm Drainage Facility Maintenance Easement Agreement dated September 18, 2008

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

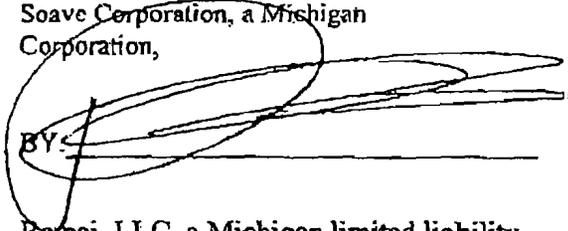
The undersigned Co-Owners of the Condominium, acting pursuant to Article VI, Section 3 of the Master Deed for Pinebrook Professional Plaza, and in accordance with Section 33 of the Michigan Condominium Act, being MCL 559.133, hereby unanimously authorize the Administrator to deliver all documents necessary to complete dedication of the Water System, public road right-of-way, and storm water access to the City of Novi.

AYES: 5  
 NAYS: 0  
 ABSTENTIONS: 0  
 ABSENT: 0

**CERTIFICATION**

It is hereby certified that the foregoing Resolution is a true and accurate copy of the Resolution adopted unanimously by the Co-Owners of Pinebrook Professional Plaza on the 24<sup>th</sup> day of August, 2009.

Soave Corporation, a Michigan Corporation,

BY: 

Remaj, LLC, a Michigan limited liability company

BY: 

Robert Champs DDS

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July 11, 2011

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

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

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

**Re: Pinebrook Professional Plaza – SP05-21  
Grand River Avenue Right-of-Way  
Our File No. 660143 NOVI**

Dear Mr. Staup:

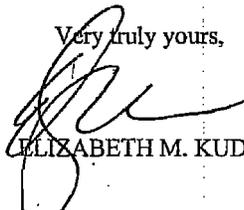
We previously reviewed and approved the Warranty Deed conveying the additional 10 feet of Grand River Avenue right-of-way adjacent to the Pinebrook Professional Plaza to the City. A copy of the Warranty Deed is enclosed. Because Grand River is a county road, the City should accept the right-of-way from 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 Grand River Avenue 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, August 25, 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 Board of County Road Commissioners. 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

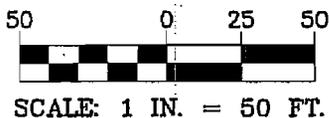
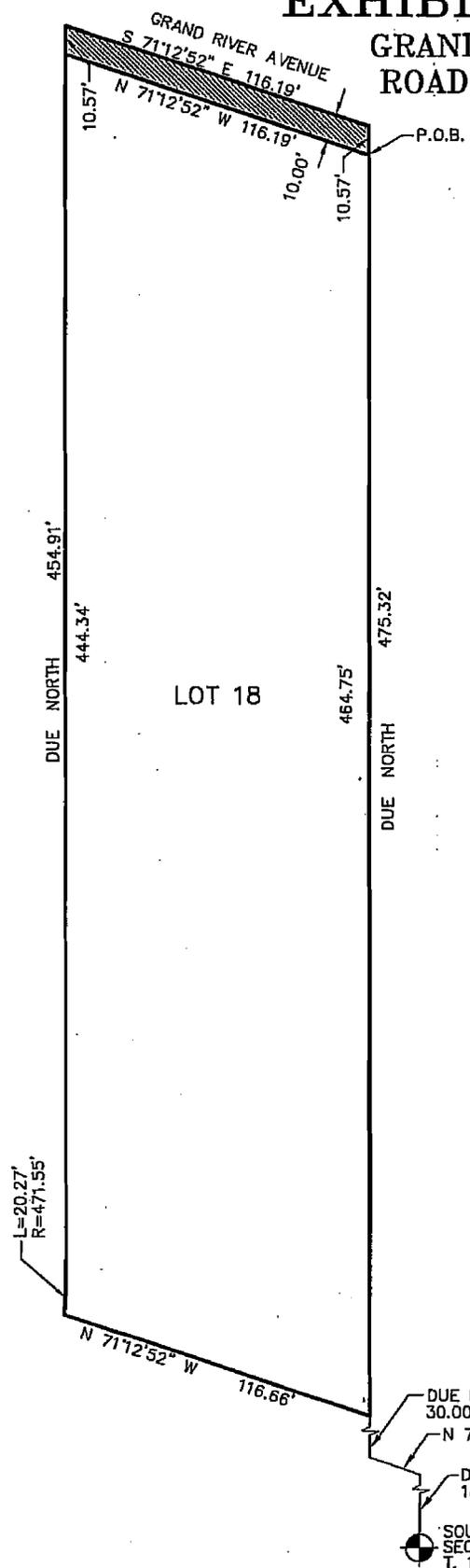
Enclosures

C: Maryanne Cornelius, Clerk (w/Enclosures)  
Sue Troutman, City Clerk's Office (w/Enclosures)  
Rob Hayes, Public Services Director (w/Enclosures)  
Thomas R. Schultz, Esquire (w/Enclosures)



# EXHIBIT "B"

## GRAND RIVER AVENUE ROAD RIGHT OF WAY



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**ARPEE/DONNAN, INC.**  
LAND SURVEYING · ENGINEERING · MAPPING  
36937 SCHOOLCRAFT (734) 953-3335  
ANN ARBOR, MICHIGAN 48150 FAX (734) 953-3324

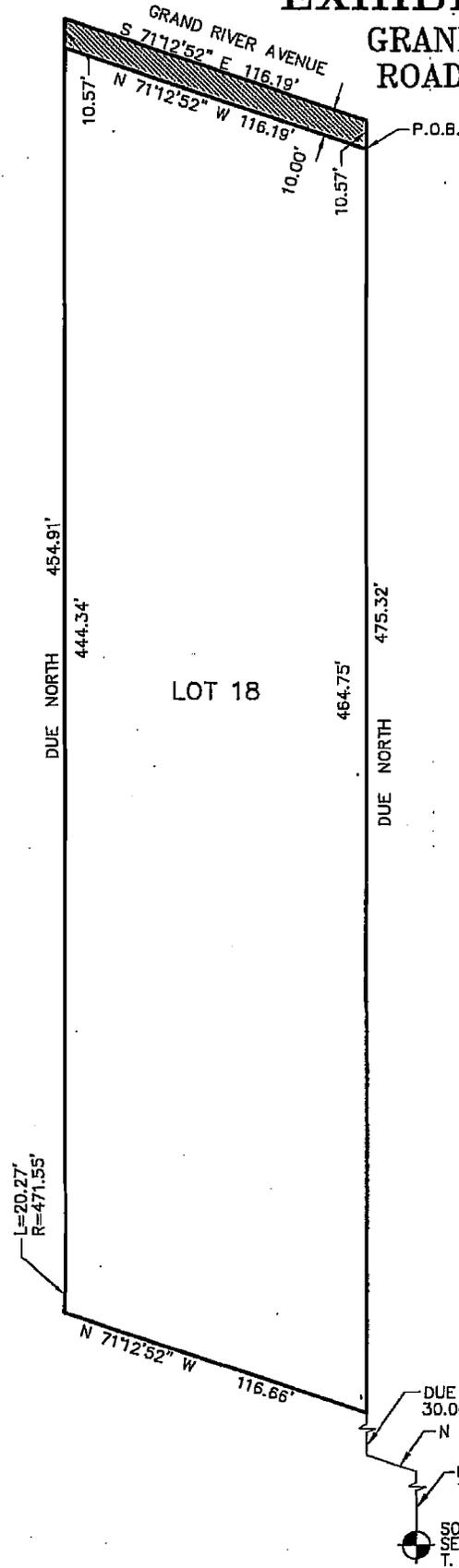
**EXHIBIT "B"**  
PINEBROOK PROFESSIONAL CENTER  
CITY OF NOVI, OAKLAND  
COUNTY, MICHIGAN

DATE: 07/31/08  
FB: DRAWN: CLM  
PROJ. NO: 04115  
SHEET 1 OF 1



# EXHIBIT "B"

## GRAND RIVER AVENUE ROAD RIGHT OF WAY



SCALE: 1 IN. = 50 FT.

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**ARPEE/DONNAN, INC.**  
 LAND SURVEYING · ENGINEERING · MAPPING  
 36937 SCHOOLCRAFT (734) 953-3335  
 ANN ARBOR, MICHIGAN 48150 FAX (734) 953-3324

**EXHIBIT "B"**  
 PINEBROOK PROFESSIONAL CENTER  
 CITY OF NOVI, OAKLAND  
 COUNTY, MICHIGAN

DATE: 07/31/08  
 FB: DRAWN: CLM  
 PROJ. NO: 04115  
 SHEET 1 OF 1