



**CITY of NOVI CITY COUNCIL**

**Agenda Item M  
December 19, 2011**

**SUBJECT:** Acceptance of a sidewalk easement from the Nancy Lannom Trust for the Basilian Fathers Residence development located at the northwest corner of Taft and Eleven Mile Roads in Section 16 (parcel 22-16-077).

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

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

**BACKGROUND INFORMATION:**

The Basilian Fathers residence was developed under a planned rezoning overlay which offered the completion of pathway gaps at the northwest corner of Taft Road and Eleven Mile Road as one of the public benefits. The pathway gaps were constructed as part of the site plan for the Basilian Fathers residence project along the frontage of Eleven Mile Road and Taft Road on property owned by the Nancy Lannom Trust.

The Nancy Lannom Trust has provided easements for the new pathways to the City of Novi along both frontages of the property along Taft Road and Eleven Mile Road (45488 Eleven Mile Road, parcel 22-16-451-077). The enclosed easement has been favorably reviewed by the City Attorney (Beth Kudla's August 12, 2009 letter, attached) and is recommended for approval.

**RECOMMENDED ACTION:** Acceptance of a sidewalk easement from the Nancy Lannom Trust for the Basilian Fathers Residence development located at the northwest corner of Taft and Eleven Mile Roads in Section 16 (parcel 22-16-451-077).

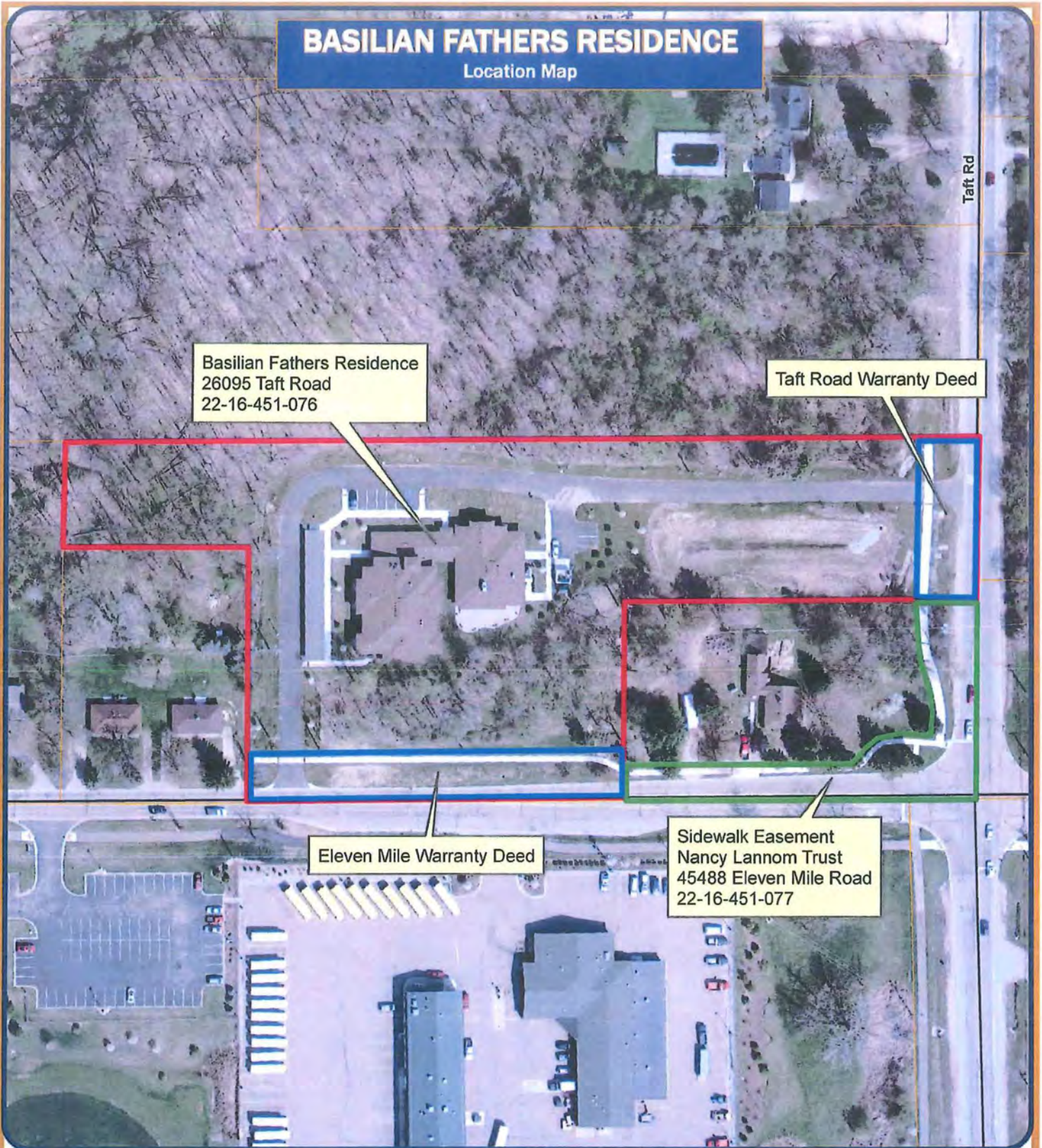
	1	2	Y	N
Mayor Gatt				
Mayor Pro Tem Staudt				
Council Member Casey				
Council Member Fischer				

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



# BASILIAN FATHERS RESIDENCE

Location Map



Basilian Fathers Residence  
26095 Taft Road  
22-16-451-076

Taft Road Warranty Deed

Eleven Mile Warranty Deed

Sidewalk Easement  
Nancy Lannom Trust  
45488 Eleven Mile Road  
22-16-451-077

Map Author: Aaron J. Slaup  
Date: December 7, 2011  
Project: Basilian Fathers Residence  
Version #: 1

Sidewalk Easement  
Taft Road Warranty Deed  
Eleven Mile Road Warranty Deed

**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 for custom source and accuracy information related to this map.

**Map Legend**

- Road Classification
  - Major Streets
  - Minor Streets
- Novi Tax Parcel BSA
- Novi 2010 Aerial Photograph
- RGB
  - Red: Band\_1
  - Green: Band\_2
  - Blue: Band\_3
- City of Novi Boundary



**City of Novi**

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







August 12, 2009

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

**Re: Basilian Fathers Residence, SP07-59  
Utilities Review for Acceptance  
Our File No. 660145.NOV1**

Dear Mr. Hayes:

We have received and reviewed, and enclosed please find, the following documents regarding the Basilian Fathers Residence located in Section 16 of the City:

1. Water System Easement
2. Sanitary Sewer System Easement
3. Bill of Sale (Water and Sewer Facilities)
4. Sidewalk Easement (Off-Site)
5. Warranty Deed (11 Mile ROW)
6. Warranty Deed (Taft Road ROW)
7. Title Policy
8. Maintenance and Guarantee Bond

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

The Basilian Fathers of Milford 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 16 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.

The Maintenance and Guarantee Bond is in the City's standard form and the amount has been approved by the City's Consulting Engineer.

Right-of-way for the 11 Mile and Taft Road frontage of the Basilian Fathers of Milford property has been provided by Warranty Deed. Additionally, a Sidewalk Easement has been provided over the parcel at the northwest corner of Taft and 11 Mile Roads which is owned by the Nancy Lannom Trust. We have

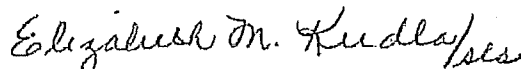
Rob Hayes, Public Services Director  
August 12, 2009  
Page 2

confirmed that the last deed of record for the corner parcel is a deed to the Nancy Lannom Trust. Subject to the City Consulting Engineer's review and approval of the legal descriptions attached to the Warranty Deeds and Sidewalk Easement we approve the format and content of the documents. The Warranty Deeds and Sidewalk Easement should 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 Sidewalk Easement and Warranty Deeds should be recorded with the Oakland County Register of Deeds. We will forward all originals to the City Clerk's Office upon receipt. The Bill of Sale, Maintenance and Guarantee Bond, and title work 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/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)  
Rick Hofsess and Andy Wozniak, Ziemet Wozniak & Associates  
(w/Enclosures)  
Thomas R. Schultz, Esquire (w/Enclosures)

SIDEWALK EASEMENT

NOW ALL MEN BY THESE PRESENTS, that Nancy Lannon Trust, whose address is 45488 Eleven Mile Road, Novi, Michigan, 48374, for and in consideration of One (\$1.00) Dollar, receipt and sufficiency of which is hereby acknowledged, hereby grants and conveys to the City of Novi, a Michigan Municipal Corporation, whose address is 45175 West Ten Mile Road, Novi, Michigan 48375, being exempt pursuant to MCLA 207.505(a), and MCLA 207.526 (a) a permanent easement for a public walkway over across and through property located in Section 16, T.1N., R.8E., City of Novi, Oakland County, State of Michigan, more particularly described as follows:

{See attached and incorporated Exhibit A – Property Description Exhibit}

The permanent easement for the public walkway is more particularly described as follows:

{See attached and incorporated Exhibit B – Sidewalk Easement Area}

Grantee may enter upon sufficient land adjacent to said easement for the purpose of exercising the rights and privileges granted herein.

Grantee may install, repair, replace, improve, modify and maintain the easement area as shown in the attached and incorporated Exhibit B.

Grantor agrees not to build or to convey to others permission to build any structures or improvements on, over, across, in, through, or under the above-described easement.

This instrument shall run with the land first described above and shall be binding upon and inure to the benefit of the Grantor, Grantee, and their respective heirs, representatives, successors and assigns.

This easement shall allow public pedestrian and non-motorized traffic and shall permit maintenance, repair and replacement of the paving in the easement area.

Exempt pursuant to MCLA 207.505(a) and MCLA 207.526(a)

This instrument shall be binding and inure to the benefit of the parties hereto, their heirs, representatives, successors and assigns.

Dated this 12<sup>th</sup> day of June, 2009.

*[Handwritten signature]*

Signed by: Nancy Lannom Trust

By: \_\_\_\_\_ Trustee

STATE OF MICHIGAN )  
                                  ) SS  
COUNTY OF Oakland )

The foregoing instrument was acknowledged before me this 12<sup>th</sup> day of June, 2009, by Nancy Lannom, a Trustee of the Nancy Lannom Trust.

*[Handwritten signature]*

Notary Public  
Oakland County, Michigan  
My Commission Expires: December 31, 2011



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

When recorded return to:  
Maryanne Cornelius, Clerk  
City of Novi  
45175 W Ten Mile Rd  
Novi, MI 48375

EXHIBIT "A"

22-16-451-077 PARCEL LEGAL DESCRIPTION  
(PER OAKLAND COUNTY TAX RECORDS)

A PARCEL OF LAND IN THE SOUTHEAST 1/4 OF SECTION 16,  
T. 1 N., R. 8 E., CITY OF NOVI, OAKLAND COUNTY MICHIGAN DESCRIBED AS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 16; THENCE DUE  
WEST 323.50 FEET ALONG THE SOUTH LINE OF SAID SECTION 16; THENCE  
THENCE N. 01°00'12" E. 183.00 FEET; THENCE EAST 323.50 FEET; THENCE S.  
01°00'12" E. 183.00 FEET TO THE POINT OF BEGINNING, CONTAINING 1.36  
ACRES MORE OR LESS AND BEING SUBJECT TO EASEMENTS AND  
RESTRICTIONS OF RECORD.

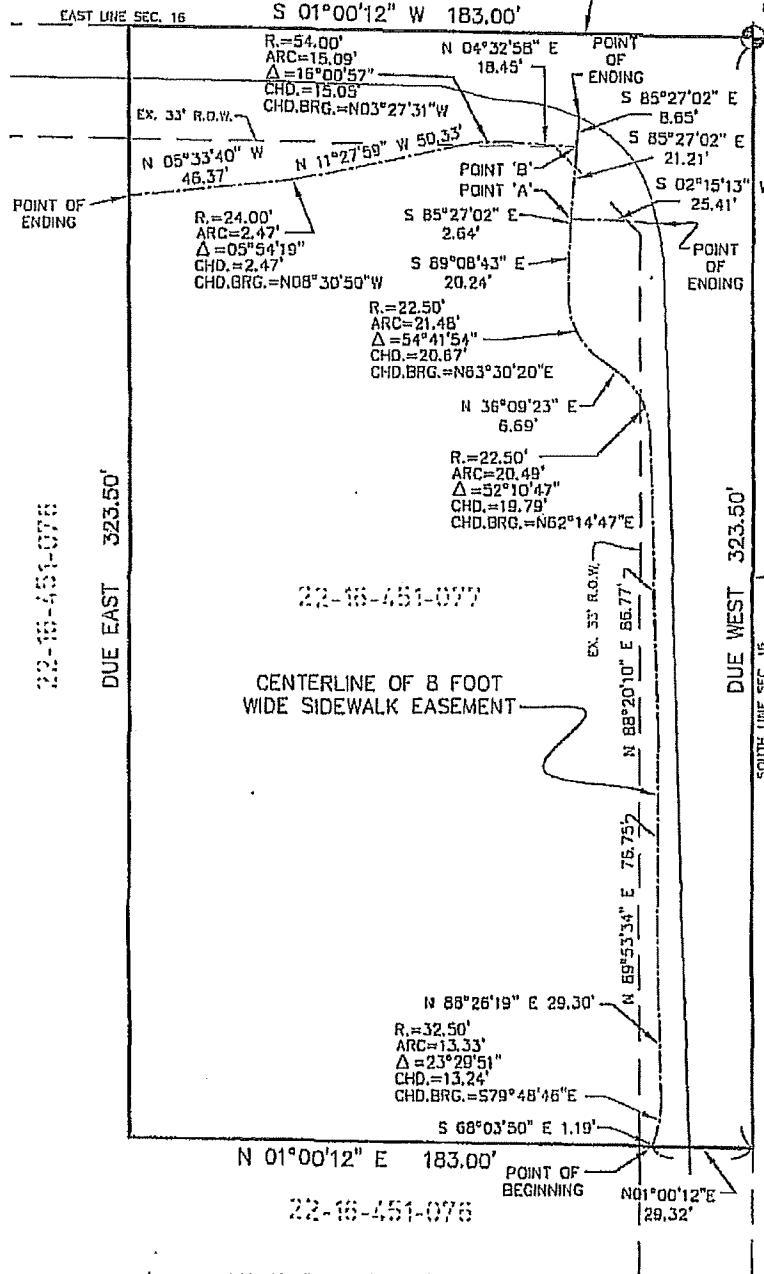
EXHIBIT "B"



SCALE: 1" = 40'

S.E. CORNER  
SECTION 16  
T. 1 N., R. 8 E.  
CITY OF NOVI  
OAKLAND CO., MI.  
FD REMON DISC  
#24598 IN MON BOX

☉ TAFT ROAD  
(33' WIDE 1/2 WIDTH)



22-16-451-076

DUE EAST 323.50'

22-16-451-077

CENTERLINE OF 8 FOOT WIDE SIDEWALK EASEMENT

EX. 33' R.O.W. N 88°20'10" E 86.77'

DUE WEST 323.50'

SOUTH LINE SEC. 16

☉ ELEVEN MILE RD.  
(33' WIDE 1/2 WIDTH)

SEE SHEET 2/2 FOR LEGAL DESCRIPTION.

REVISIONS			SIDEWALK EASEMENT 22-16-451-077 PARCEL CITY OF NOVI MICHIGAN	DATE	SCALE HOR: 1" = 40'
ITEM	DATE	BY		5-8-09	FED 0000 110
UPDATE	7/1/09	SRB		DESIGNED BY	JOB NO. 07142
				DRAWN BY	SHEET NO. 1/2
				PTG	

**ZEMET WOZNAK**  
& ASSOCIATES  
Civil Engineers & Land Surveyors  
40024 GRAND RIVER AVE, SUITE 100  
NOVI, MICHIGAN 48375  
P: (248) 442-1101 F: (248) 442-1211 www.zemetwoznak.com

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HP:\projects\07142\dwg\07142 BDY.dwg, SIDEWALK ESMT 1, 7/1/2009 8:52:39 AM, SBIBSzczyk



EXHIBIT "B"

SIDEWALK EASEMENT LEGAL DESCRIPTION

A CENTERLINE DESCRIPTION OF A SIDEWALK EASEMENT LOCATED IN PART OF THE SOUTHEAST 1/4 OF SECTION 16, T. 1 N., R. 8 E., CITY OF NOVI, OAKLAND COUNTY MICHIGAN BEING MORE PARTICULARLY DESCRIBED AS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 16 AND PROCEEDING ALONG THE SOUTH LINE OF SECTION 16, SAID LINE ALSO BEING THE CENTERLINE OF ELEVEN MILE ROAD (33 FEET WIDE, 1/2 WIDTH) DUE WEST 323.50 FEET; THENCE N. 01°00'12" E. 29.32 FEET TO THE POINT OF BEGINNING; THENCE S. 68°03'50" E. 1.19 FEET; THENCE 13.33 FEET ALONG AN ARC OF A CURVE TO THE LEFT, RADIUS 32.50 FEET, CENTRAL ANGLE 23°29'51" AND A CHORD THAT BEARS S. 79°48'46" E. 13.24 FEET; THENCE N. 88°26'19" E. 29.30 FEET; THENCE N. 89°53'34" E. 76.75 FEET; THENCE N. 88°20'10" E. 86.77 FEET; THENCE 20.49 FEET ALONG AN A ARC OF A CURVE TO THE LEFT, RADIUS 22.50 FEET, CENTRAL ANGLE 52°10'47" AND A CHORD THAT BEARS N. 62°14'47" E. 19.79 FEET; THENCE N. 36°09'23" E. 6.69 FEET; THENCE 21.48 FEET ALONG AN ARC OF A CURVE TO THE RIGHT, RADIUS 22.50 FEET, CENTRAL ANGLE 54°41'54" AND A CHORD THAT BEARS N. 63°30'20" E. 20.67 FEET; THENCE S. 89°08'43" E. 20.24 FEET; THENCE S. 85°27'02" E. 2.64 FEET TO POINT 'A'; THENCE S. 02°15'13" W. 25.41 FEET TO A POINT OF ENDING; THENCE FROM SAID POINT 'A' S. 85°27'02" E. 21.21 FEET TO POINT 'B'; THENCE S. 85°27'02" E. 8.65 FEET TO A POINT OF ENDING; THENCE FROM SAID POINT 'B' N. 04°32'58" E. 18.45 FEET; THENCE 15.09 FEET ALONG AN A ARC OF A CURVE TO THE LEFT, RADIUS 54.00 FEET, CENTRAL ANGLE 16°00'57" AND A CHORD THAT BEARS N. 03°27'31" W. 15.05 FEET; THENCE N. 11°27'59" W. 50.33 FEET; THENCE 2.47 FEET ALONG AN A ARC OF A CURVE TO THE RIGHT, RADIUS 24.00 FEET, CENTRAL ANGLE 05°54'19" AND A CHORD THAT BEARS N. 08°30'50" W. 2.47 FEET; THENCE N. 05°33'40" W. 46.37 FEET TO THE POINT OF ENDING.

H:\Project\107142\107142 BDY.dwg, SIDEWALK ES:IT 2, 7/1/2009 05:52:38 AM, SBK:sczjyk

<b>REVISIONS</b> <table border="1"> <thead> <tr> <th>ITEM</th> <th>DATE</th> <th>BY</th> </tr> </thead> <tbody> <tr> <td>UPDATE</td> <td>7/1/09</td> <td>SPB</td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>			ITEM	DATE	BY	UPDATE	7/1/09	SPB																									<b>SIDEWALK EASEMENT</b> <b>22-16-451-077 PARCEL</b> CITY OF NOVI MICHIGAN		DATE 5-8-09	SCALE 1" = 1'
ITEM	DATE	BY																																		
UPDATE	7/1/09	SPB																																		
DESIGNED BY DRAWN BY PTG			<b>ZEMET WOZNAK</b> & ASSOCIATES Civil Engineers & Land Surveyors 40024 GRAND RIVER AVE, SUITE 100 NOVI, MICHIGAN 48375 P: (248) 442-1101 F: (248) 442-1241 www.zemetwozniak.com		JOB NO. 07142	SHEET NO. 2/2																														
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OAKLAND COUNTY TREASURERS CERTIFICATE  
I HEREBY CERTIFY that there are no TAX LIENS or TITLES held by the state or any individual against the within description and all TAXES on same are paid for five years previous to the date of this instrument as appears by the records in the office except as stated.

LIBER: 40240 PAGE: 821

Apr 22 2008

0084946

LIBER: 40240 PAGE: 821  
\$13.00 DEED - COMBINED  
\$4.00 REMONUMENTATION  
\$2,796.00 TRANSFER TX COMBINED  
04/22/2008 04:41:23 P.M. RECEIPT# 0036677  
PAID - RECORDED - OAKLAND COUNTY  
RUTH JOHNSON, CLERK/REGISTER OF DEEDS

1.00 E-File

Sec. 135, Act 206, 1893 as amended  
PATRICK M. DOHANY, County Treasurer

STATE OF MICHIGAN

OAKLAND  
04/22/2008  
0036677



REAL ESTATE  
TRANSFER TAX

\$357.50 CO  
\$2,437.50 ST  
508547

★  
★  
★  
★  
★

WARRANTY DEED

(Page One of a Two Page Warranty Deed)

~~PR35668~~ PR35668

The Grantor, Karen Kurtz and David L. Kurtz, wife and husband, as to undivided 1/2 interest and Nancy Lannom, Trustee of The Nancy Lannom Inheritance Trust under Agreement dated November 1, 2006, as to an undivided 1/2 interest

Whose address is 501 Ravencrest, Westland, MI 48185

Conveys and warrants to Basllan Fathers of Milford

Whose address is 28724 Five Mile Rd., Livonia, MI 48154

The following described premises situated in the City of Novi, County of Oakland, and state of Michigan:

A parcel of land in the Southeast 1/4 of Section 16, Town 1 North, Range 8 East, City of Novi, Oakland County, Michigan, described as:

Commencing at the Southeast corner of said Section 16; thence Due West 323.50 feet along the South line of said Section 16; thence West 348.80 feet; thence North 00 degrees 42 minutes 50 seconds East 233.00 feet; thence West 171.00 feet; thence North 00 degrees 42 minutes 50 seconds East 98.68 feet (recorded 98.65 feet measured); thence East 844.97 feet; thence South 01 degrees 00 minutes 12 seconds West 148.68 feet; thence West 323.50 feet; thence South 01 degrees 00 minutes 12 seconds West 183.00 feet to the point of beginning.

The following information is for reference purposes only:

Tax Item No. 22-16-451-076

More commonly known as: 45488 Eleven Mile, Novi, Michigan, 48374

For the Sum of \$325,000.00

Three Hundred Twenty Five Thousand and 00/100 Dollars

D.L.K. K.M.  
Initials

(Page Two of a Two Page Warranty Deed)

And subject further to building and use restrictions, easements and zoning ordinances of record, if any

Dated: March 7, 2008

Signed in the presence of:

Signed:

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Karen Kurtz

\_\_\_\_\_  
Witness

\_\_\_\_\_  
David L. Kurtz

Nancy Lannom Inheritance Trust

BY: \_\_\_\_\_  
Nancy Lannom, Trustee

State of Michigan  
County of Wayne

The foregoing instrument was acknowledged before me this 7th day of March, 2008 by Karen Kurtz and David L. Kurtz, wife and husband, as to undivided 1/2 interest and Nancy Lannom, Trustee of The Nancy Lannom Inheritance Trust under Agreement dated November 1, 2006, as to an undivided 1/2 interest.

Dana Sevilla  
\_\_\_\_\_  
Notary Public,  
Wayne County,

DANA SEVILLA  
NOTARY PUBLIC, Wayne County, MI  
My Commission Expires 7/1/2013  
Acting in Wayne County

My Commission Expires: 7-1-2013  
Acting in Wayne County  
Drafted By: Karen Kurtz

501 Ravencrest, Westland, MI 48185

When recorded return to: Basilian Fathers of Milford  
~~45408 Eleven Mile, Novi, MI, 48574~~

PRET File No. PR35668

28724 Five Mile Rd. Livonia, MI  
48154