



CITY of NOVI CITY COUNCIL

Agenda Item D
January 9, 2012

SUBJECT: Approval of Amendment to Easement from Heslop Properties, Inc. for an existing utility easement granted to the City and recorded in L. 10602, P. 574 through 576, Oakland County Records, to revise the location of the easement description to reflect the actual location of the water main on the property located at 22790 Heslip Drive (parcel 22-26-327-011).

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

CITY MANAGER APPROVAL: *[Signature]*

BACKGROUND INFORMATION: *[Signature]*

Engineering staff has been working with the attorney for Heslop Properties, Inc., the current owner of the property located at 22790 Heslip Drive (parcel 22-26-327-011) to revise an existing utility easement granted to the City in 1988 for the public water main and sanitary sewer that were constructed on the site. The property owner is marketing the site for sale and in the course of conducting research determined that a portion of the water main was abandoned and relocated in the early 1990s in order to construct a building addition in the same location. The existing water main easement was not amended at that time and now shows a water main easement in the same location as the building addition, while the relocated water main is not located in any easement (see attached map).

The attached Amendment to Easement would revise the legal description for the water main portion of the easement to reflect the actual as-constructed location of the water main on the property and remove the portion of the water main easement for the previously abandoned water main under the building addition.

The amendment along with associated legal descriptions and exhibits have been reviewed and approved by Engineering staff and the City Attorney's office (see attached December 28, 2011 letter from Beth Kudla Saarela).

RECOMMENDED ACTION: Approval of Amendment to Easement from Heslop Properties, Inc. for an existing utility easement granted to the City and recorded in L. 10602, P. 574 through 576, Oakland County Records, to revise the location of the easement description to reflect the actual location of the water main on the property located at 22790 Heslip Drive (parcel 22-26-327-011).

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

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

SECRET
SW
WARDLE

December 28, 2011

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

Elizabeth Kudla Saarela
Direct: 248-539-2846
bsaarela@secretwardle.com

Brian Coburn, Engineering Manager
Public Services – DPW Garage
26300 Delwal Drive
Novi, MI 48375

**Re: Heslop Properties, Inc. – 22790 Heslip Drive
Amendment to Easement
Our File No. 55142.NOV**

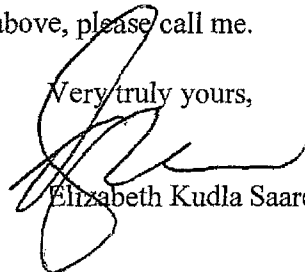
Dear Mr. Coburn:

The current property owner of 22790 Heslip Drive has requested to amend an existing Easement for water main located on the subject proper for the purpose of eliminating the easement from encroaching in the location of the existing building in order to complete its sale of the property. The Amendment to Easement amends the location of the water main easement area only for the purpose of consistency with the water main that was relocated on the property in the early 1990's. We have received and reviewed, and enclosed please find the proposed Amendment to Easement. Except for the location of the water main easement area, all other terms of the original Easement dated May 10, 1988 will remain the same. The terms of the Amendment to Easement are satisfactory for this purpose. It is our understanding that the City's Engineering Division has approved the attached exhibits showing the relocated water main easement area. The Amendment to Easement may be placed on City Council's next available Consent Agenda for approval.

The closing on the sale of the property will be completed following the approval and execution of the enclosed Amendment to Easement by the City. Once executed, the property owner will arrange to obtain the original Amendment to Easement from the City Clerk's Office. The original will be recorded by the property owner in connection with the closing of the sale of the property. The recorded Amendment to Easement will be returned to the City for its files.

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

Very truly yours,



Elizabeth Kudla Saarela

EKS

Enclosure

C: Maryanne Cornelius, City Clerk (w/Enclosure)
Rob Hayes, DPS Director (w/Enclosure)
Jane Elias, Esquire (w/Enclosure)
Thomas R. Schultz, Esquire (w/Enclosure)

AMENDMENT TO EASEMENT

THIS AMENDMENT TO EASEMENT ("Amendment") is made and executed this ____ day of January, 2012, by City of Novi, a Michigan Municipal Corporation, whose address is 45175 West Ten Mile Road, Novi, Michigan 48375 ("Grantee") and Heslop Properties, Inc., whose address is 3173 Heather Road, Ann Arbor, MI 48108 (the "Grantor").

RECITALS

RECITAL A: Grantor owns property in the City of Novi, which property is described in the attached and incorporated Exhibit A (the "Property"), more commonly known as: 22790 Heslip Drive Novi, MI 48375, Tax Parcel # 22-26-327-011.

RECITAL B: Grantor's predecessors in interest conveyed an Easement over, upon, across, in, through and under the Property, for purposes of operating, maintaining, repairing and/or replacing a water main/sanitary sewer across the lands described in such Easement, which Easement is dated May 10, 1988, and recorded on September 22, 1988, in Liber 10602, Pages 574 through 576; Oakland County Records (the "Existing Easement") as shown in the attached and incorporated Exhibit B; and

RECITAL C: The watermain ("Watermain") was relocated in 1990 when the building on the Property was extended over a portion of the original Watermain. Grantor and Grantee now seek to revise the location of the Watermain Easement to correspond to the relocated Watermain. Therefore, the legal description of the Watermain Easement shall be revised, as set forth herein, to relocate the Watermain Easement area so that it is not under the building and it corresponds with the actual location of the Watermain. The Grantor and Grantee intend by this Amendment to amend the legal description of the Watermain Easement accordingly.

NOW, THEREFORE, upon the recording of this Amendment in the office of the Oakland County Register of Deeds, said Existing Easement shall be amended as follows:

1. The Existing Easement shall be amended, and Grantor hereby grants an amended easement (the "Amended Easement") that shall consist of the Amended Easement described in the attached and incorporated Exhibit C subject to the terms of the existing 20 foot wide water main easement set forth on Exhibit A of the original Easement recorded in Liber 10602, Pages 574 through 576.
2. The easement no longer required is described on the attached and incorporated Exhibit D (the "Abandoned Easement") and is hereby vacated by Grantee pursuant to Resolution of City Council dated January 9, 2012.
3. In all respects, other than as hereinabove indicated, the Existing Easement is hereby ratified, confirmed and redeclared.

EXHIBIT A
LEGAL DESCRIPTION

Land in the City of Novi, Oakland County, Michigan, described as follows:

A parcel of land being a part of Lot 20 of Novex-One, a Subdivision of part of the Southwest 1/4 of Section 26, Town 1 North, Range 8 East, City of Novi, Oakland County, Michigan, described as follows: Commencing at the West 1/4 corner of Section 26, Town 1 North, Range 8 East, City of Novi, Oakland County, Michigan, and proceeding thence North 89 degrees 20 minutes 02 seconds East 1802.44 feet along the East-West 1/4 line of said Section to the point of beginning (said point of beginning being located North 89 degrees 20 minutes 02 seconds East 51.00 feet from the Northwest corner of Lot 20 of Novex-One as recorded in Liber 137, Pages 38 and 39, Oakland County Records, Oakland County, Michigan) and proceeding thence North 89 degrees 20 minutes 02 seconds East 561.27 feet along the East-West 1/4 line and North line of Lot 20 to the East line of said Lot; thence South 05 degrees 35 minutes 40 seconds East 520.00 feet to the South line of said Lot 20; thence along said lot line South 89 degrees 57 minutes 12 seconds West 410.00 feet and South 59 degrees 54 minutes 26 seconds West 231.70 feet to the Northerly right of way line of Heslip Drive; thence 62.79 feet along a curve to the left having a radius of 60.00 feet passing through a central angle of 59 degrees 57 minutes 22 seconds with a long chord bearing North 60 degrees 04 minutes 22 seconds West 59.96 feet; thence North 27 degrees 26 minutes 37 seconds East 110.48 feet; thence North 00 degrees 02 minutes 48 seconds West 499.55 feet to the point of beginning.

Tax Item No. 22-26-327-011

EXHIBIT B

LIBER 10602 PG 574

88147498

EASEMENT

KNOW ALL MEN BY THESE PRESENTS, that Ronald B. Heslop and Barbara J. Heslop, his wife, whose address is 23790 Heslip Drive, Novi, Michigan 48050, hereinafter called the "Grantors", for and in consideration of the sum of One (\$1.00) Dollar received from the City of Novi, a Michigan municipal corporation, hereinafter called "the City", whose address is 45225 W. Ten Mile Road, Novi, Michigan 48050, do hereby grant (a) two (2) permanent easements to the City for operating, maintaining, repairing and/or replacing a water main/sanitary sewer/storm sewer across and through the lands herein described; and (b) two (2) temporary easements to the City and its designees for the construction of the water main/sanitary sewer/storm sewer lines across and through the lands herein described. The permanent easements are more particularly described as lands in the City of Novi, Oakland County, Michigan, and are specified as a "20 foot wide watermain easement" and a "20 foot wide sanitary sewer easement" on Exhibit A attached hereto and incorporated herein by reference. The temporary easements shall be for a term of two (2) years from the date hereof and shall include the water main easement and sanitary sewer easement designated on Exhibit A and shall extend 20 feet east of the water main easement and sanitary sewer easement designed on Exhibit A; provided, however, that in using the temporary easements the City and its designees shall indemnify and save Grantors harmless from any material disruption in the business operations of Grantors on the premises described on Exhibit B which may result, and shall at no cost or expense to Grantors repair all damage caused to the lands and improvements, if any, lying in the temporary easements and otherwise restore the said lands and improvements to their prior condition upon completion of construction.

Said easements are over and across that parcel held in fee simple by Grantors situated in the City of Novi, Oakland County, Michigan, and more particularly described on Exhibit B attached hereto and incorporated herein by reference.

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

IN WITNESS WHEREOF, the undersigned have affixed their signatures this 10th day of May, 1988.

0001 SEP 22 '88 02:46PM
4578 NISC 9.00

In Presence Of:

Lawrence A. Tower
Lawrence A. Tower

Ronald B. Heslop
Ronald B. Heslop

① Frank J. Elias
Frank J. Elias

Barbara J. Heslop
Barbara J. Heslop

STATE OF MICHIGAN)
COUNTY OF OAKLAND)

On this 10th day of May, 1988, before me, a Notary Public in and for said County, appeared Ronald B. Heslop and Barbara J. Heslop, his wife, to me known to be the persons described in and who executed the foregoing instrument and acknowledged the execution thereof to be their free act and deed.

Lawrence A. Tower
Lawrence A. Tower, Notary Public
Oakland County, Michigan
My commission expires: 11-19-91

Drafted by:
Lawrence A. Tower, Esq.
6735 Telegraph Road, #250
Birmingham, Michigan 48010

When recorded, return to:
City Clerk, City of Novi
45225 W. Ten Mile Road
Novi, Michigan 48050

LIBER 10602 PG 575

EXHIBIT "A"

DESCRIPTION - 20 FOOT WIDE SANITARY SEWER EASEMENT

A 20 foot wide parcel of land having a centerline described as follows: Commencing at the Southwest corner of Lot 20 of "NOVEX-ONE" a subdivision of part of the Southwest 1/4 of Section 26, T1N, R8E, City of Novi, Oakland County, Michigan as recorded in Liber 137 of Plats, Pages 38, 39 and 40 Oakland County Records; thence along the Northerly right-of-way line of Heslip Drive Northwesterly 47.91 feet along the arc of a 60.00 foot radius circular curve to the left through a central angle of 44°45'05" having a chord which bears N52°50'15"W 46.65 feet to the POINT OF BEGINNING; thence N56°51'05"E 463.06 feet to the POINT OF TERMINATION.

DESCRIPTION - 20 FOOT WIDE WATERMAIN EASEMENT

A twenty (20) foot wide strip of land described as follows: Commencing at the Southerly corner of Lot 20, of "NOVEX-ONE" a subdivision of part of the Southwest 1/4 of Section 26, T1N, R8E, City of Novi, Oakland County, Michigan as recorded in Liber 137 of Plats, Pages 38, 39 and 40, Oakland County Records; thence N59°54'26"E 8.00 feet along the Southerly line of said Lot 20 to the POINT OF BEGINNING; thence Northwesterly 20.30 feet along the arc of a 60.00 foot radius circular curve to the left through a central angle of 17°06'15" having a chord which bears N38°38'40"W 20.22 feet; thence N59°54'26"E 232.08 feet; thence N89°57'12"E 99.49 feet; thence N00°02'48"W 474.59 feet; thence S89°57'12"W 10.00 feet; thence N00°02'48"W 20.00 feet; thence N89°20'02"E 30.00 feet along the North line of Lot 20; thence S00°02'48"E 330.91 feet; thence N89°57'12"E 48.83 feet; thence S00°02'48"E 20.00 feet; thence S89°57'12"W 48.83 feet; thence S00°02'48"E 94.00 feet; thence N89°57'12"E 30.00 feet; thence S00°02'48"E 20.00 feet; thence S89°57'12"W 30.00 feet; thence S00°02'48"E 50.00 feet; thence S89°57'12"W 114.12 feet along the South line of Lot 20; thence S59°54'26"W 233.70 feet continuing along said South line to the Point of Beginning. Being a part of Lot 20 of said "NOVEX-ONE" and containing 0.43 acres of land more or less.

Dated: May 10, 1988

Ronald B. Heslop
RONALD B. HESLOP

Barbara J. Heslop
BARBARA J. HESLOP

pt 22-26-327-011

EXHIBIT "B"

(1)

A parcel of land land being a part of Lot 20 of Novex-One
 anubdivision of part of the Southwest 1/4 of Section
 26, Town 1 North, Range 8 East, City of Novi, Oakland
 County Michigan, described as follows: Commencing
 at the West 1/4 corner of Section 26, Town 1 South,
 Range 8 East, City of Novi, Oakland County, Michigan,
 and proceeding thence North 89 degrees 20 minutes
 02 seconds East 1802.44 feet along the East-West 1/4
 line of said Section to the point of beginning(said
 point of beginning being located North 89 degrees
 20 minutes 02 seconds East 51.00 feet from the Northwest
 corner of Lot 20 of Novex-One as recorded in Liber
 137, Pages 38 and 39, Oakland County Records, Oakland
 County, Michigan) and proceeding thence North 89 degrees
 20 minutes 02 seconds East 561.27 feet along the East-West
 1/4 line and North line of Lot 20 to the East line
 of said Lot; thence South 05 degrees 35 minutes 40
 seconds East 520.00 feet to the South line of said
 Lot 20; thence along said Lot line South 89 degrees
 57 minutes 22 seconds West 410.00 feet and South 59
 degrees 54 minutes 26 seconds West 231.70 feet to
 the Northorly right of way line of Heslip Drive; thence
 62.79 feet along a curve to the left having a radius
 of 60.00 feet passing through a central angle of 59
 degrees 57 minutes 22 seconds With a long chord bearing
 North 60 degrees 04 minutes 22 seconds West 69.96
 feet; thence North 27 degrees 26 minutes 37 seconds
 East 110.48 feet; thence North 00 degrees 02 minutes
 48 seconds West 499.55 feet to the point of beginning.

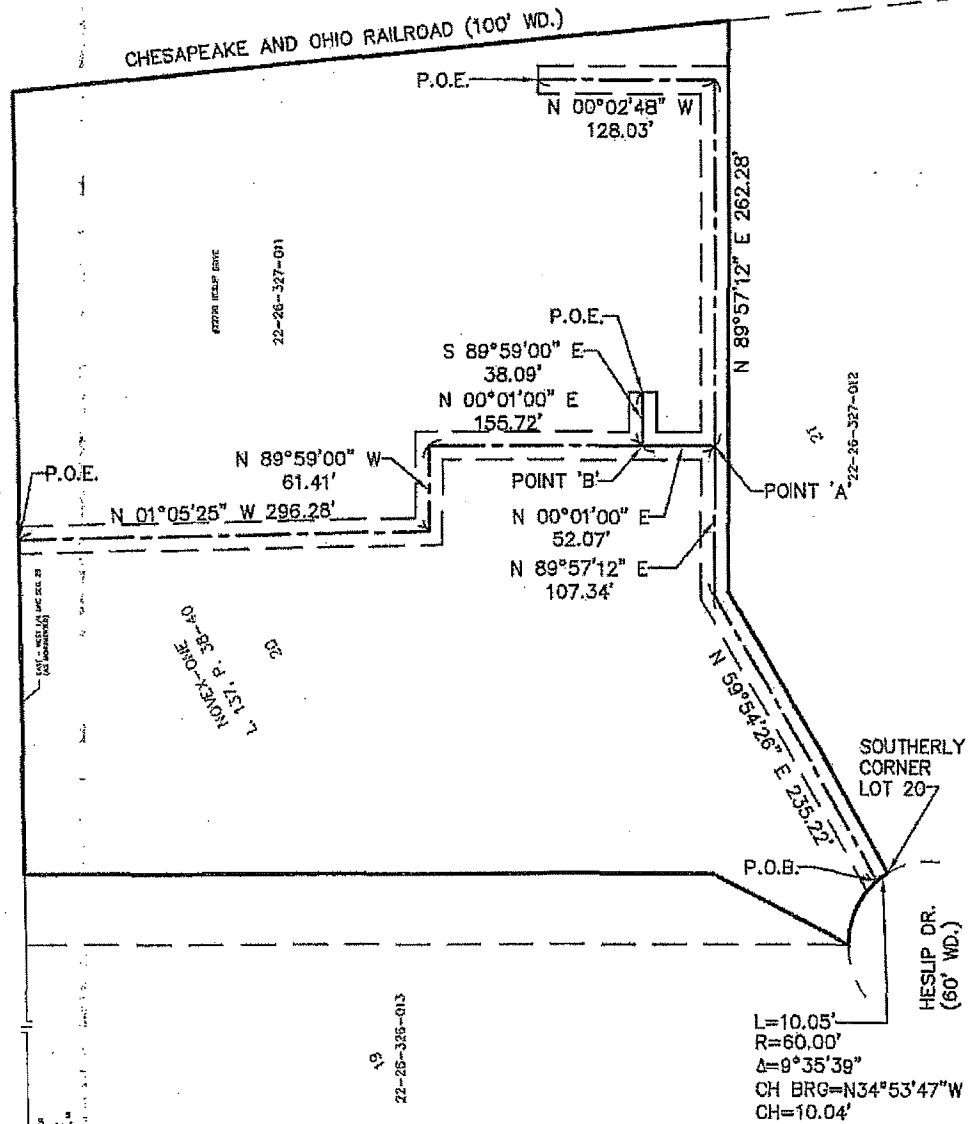
137038

Dated: May 10, 1988

Ronald B. Heslop
 RONALD B. HESLOP

Barbara J. Heslop
 BARBARA J. HESLOP

EXHIBIT C



WATERMAIN EASEMENT

THE CENTERLINE DESCRIPTION OF A TWENTY (20) FOOT WIDE WATERMAIN EASEMENT ACROSS PART OF LOT 20, OF NOVEX-ONE, ACCORDING TO THE PLAT THEREOF AS RECORDED IN LIBER 137 OF PLATS, PAGES 38, 39, AND 40, OAKLAND COUNTY RECORDS AND LOCATED IN THE WEST 1/4 OF SECTION 26, TOWN 1 NORTH, RANGE 8 EAST, CITY OF NOVI, MICHIGAN MORE PARTICULARLY DESCRIBED AS:

COMMENCING AT THE SOUTHERLY CORNER OF SAID LOT 20 AND PROCEEDING 10.05 FEET ALONG THE ARC OF A CURVE TO THE LEFT, RADIUS 60.00 FEET, CENTRAL ANGLE 09°35'39", AND A CHORD THAT BEARS N. 34°53'47" W. 10.04 FEET TO THE POINT OF BEGINNING OF SAID WATERMAIN EASEMENT CENTERLINE; THENCE N. 59°54'26" E. 235.22 FEET; THENCE N. 89°57'12" E. 107.34 FEET TO A POINT 'A'; THENCE N. 00°01'00" E. 52.07 FEET TO A POINT 'B'; THENCE S. 89°59'00" E. 38.09 FEET TO A POINT OF ENDING; THENCE FROM SAID POINT 'B' N. 00°01'00" E. 155.72 FEET; THENCE N. 89°59'00" W. 61.41 FEET; THENCE N. 01°05'25" W. 296.28 FEET TO A POINT OF ENDING; THENCE FROM SAID POINT 'A' N. 89°57'12" E. 262.28 FEET; THENCE N. 00°02'48" W. 128.03 FEET TO A POINT OF ENDING.

H:\Projects\11161\dwg\11161\TOPO.dwg, Wm esrpt, 12/15/2011 8:44:11 AM, SBilaszyk

REVISIONS			WATERMAIN EASEMENT 22790 HESLIP DRIVE NOVI, MICHIGAN		DATE	SCALE
ITEM	DATE	BY			12/15/11	HON: 1" = 100'
			ZEMET WOZNAK & ASSOCIATES Civil Engineers & Land Surveyors 55800 GRAND RIVER AVE, SUITE 100 NEW HUDSON, MICHIGAN 48165 P: (248) 437-5099 F: (248) 437-5222 www.zemetwoznak.com		DESIGNED BY	JOB NO.
					RAH	11161
					DRAWN BY	SHEET NO.
					SRB	1

© COPYRIGHT 2009

LIBER 10602 PG 575

DESCRIPTION - 20 FOOT WIDE WATERMAIN EASEMENT

A twenty (20) foot wide strip of land described as follows: Commencing at the Southerly corner of Lot 20, of "NOVEX-ONE" a subdivision of part of the Southwest 1/4 of Section 26, T1N, R8E, City of Novi, Oakland County, Michigan as recorded in Liber 137 of Plats, Pages 38, 39 and 40, Oakland County Records; thence N59°54'26"E 8.00 feet along the Southerly line of said Lot 20 to the POINT OF BEGINNING; thence Northwesterly 20.30 feet along the arc of a 60.00 foot radius circular curve to the left through a central angle of 17°06'15" having a chord which bears N38°38'40"W 20.22 feet; thence N59°54'26"E 232.08 feet; thence N89°57'12"E 99.49 feet; thence N00°02'48"W 474.59 feet; thence S89°57'12"W 10.00 feet; thence N00°02'48"W 20.00 feet; thence N89°20'02"E 30.00 feet along the North line of Lot 20; thence S00°02'48"E 330.91 feet; thence N89°57'12"E 48.83 feet; thence S00°02'48"E 20.00 feet; thence S89°57'12"W 48.83 feet; thence S00°02'48"E 94.00 feet; thence N89°57'12"E 30.00 feet; thence S00°02'48"E 20.00 feet; thence S89°57'12"W 30.00 feet; thence S00°02'48"E 50.00 feet; thence S89°57'12"W 114.12 feet along the South line of Lot 20; thence S59°54'26"W 233.70 feet continuing along said South line to the Point of Beginning. Being a part of Lot 20 of said "NOVEX-ONE" and containing 0.43 acres of land more or less.

Dated: May 10, 1988

Ronald B. Heslop
RONALD B. HESLOP

Barbara J. Heslop
BARBARA J. HESLOP

pt 22-26-327-011

Location Map

22790 Heslip Drive



Map Author: Brian Coburn
Date: 12/21/11
Project:
Version #

MAP INTERPRETATION NOTICE

Map information depicted is not intended to replace or substitute for any official or primary source. The 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.

Legend

water_mains	10	30
<all other values>	12	30 DMS
2	16	36
4	20	42 DMS
6	24	
8	24 DMS	



City of Novi

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

Feet
0 105 210 420 630 840

1 inch = 509 feet

Water Main Easement Amendment

22790 Heslip Drive



Map Author: Brian Coburn
Date: 12/21/11
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.

Map Legend

- Easement to be Maintained
- Easement to be Abandoned
- New Easement



City of Novi

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

Feet
0 40 80 160 240 320

1 inch = 200 feet