



CITY of NOVI CITY COUNCIL

Agenda Item N
June 18, 2012

SUBJECT: Acceptance of a warranty deed from Toll MI II Limited Partnership for the dedication of a 60 foot right-of-way along the east side of Napier Road as part of the Island Lake of Novi Subdivision – Phase 6 and approval to execute a Quit Claim Deed conveying the dedicated 60 foot right-of-way to the Road Commission for Oakland County (the agency having jurisdiction for Napier Road).

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

CITY MANAGER APPROVAL: *[Signature]*

BACKGROUND INFORMATION:

Toll MI II Limited Partnership is the developer of Island Lake of Novi Phase 6 located along Napier Road in Section 18 (see attached location map). The developer is requesting acceptance of a Warranty Deed conveying the master planned 60 feet of right-of-way for Napier Road, along the frontage of the Island Lake of Novi Subdivision – Phase 6 development, as contemplated on the approved site plan.

Napier Road is under the jurisdiction of the Road Commission for Oakland County, therefore upon acceptance of the right-of-way from Toll MI II Ltd., 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 the City Attorney (Beth Saarela's May 30, 2012 letter, attached) and is recommended for approval. The enclosed Quit Claim Deed has been prepared by the City Attorney and is also recommended for approval.

RECOMMENDED ACTION: Acceptance of a warranty deed from Toll MI II Limited Partnership for the dedication of 60 feet of right-of-way along Napier Road as part of the Island Lake of Novi Subdivision – Phase 6 and approval to execute a Quit Claim Deed conveying the dedicated 60 foot right-of-way to Oakland County.

	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				

ISLAND LAKE OF NOVI - PHASE 6

NAPIER ROAD WARRANTY DEED

NOVI MEADOWS MOBILE HOME PARK

ISLAND LAKE OF NOVI - PHASE 6

Proposed 60 foot ROW



Map Author: Aaron J. Staup
 Date: May 30, 2012
 Project: Napier Road Warranty Deed
 Version #: 1

Island Lake of Novi - Phase 6
 Napier Road Warranty Deed
 Proposed 60' ROW Dedication

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

- 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



1 inch = 318 feet

JOHNSON | ROSATI | SCHULTZ | JOPPICH

A Professional Corporation

34405 W. Twelve Mile Road Suite 200 ~ Farmington Hills, Michigan 48331-5627
Phone: 248.489.4100 / Fax: 248.489.1726
www.johnsonrosati.com

Elizabeth Kudla Saarela
esaarela@jrsjlaw.com

May 30, 2012

Rob Hayes, Director of Public Services
Field Services Complex
26300 Lee Begole Drive
Novi, Michigan 48375

**Re: Island Lake Phase 6
Napier Road ROW Dedication**

Dear Mr. Hayes:

We have received and reviewed the following documents for the conveyance of the Napier Road Right-of-Way adjacent to Phase 6 of the Island Lake Residential Unit Development:

1. Warranty Deed
2. Commitment for Title Insurance

Subject to the approval of the amount of the legal description of the right-of-way by Engineering, the above documents appear to be in order for acceptance. Because Napier Road is a County Road, the City should accept then convey the right-of-way to the Road Commission for Oakland County. We have prepared the enclosed Quit Claim Deed for this purpose.

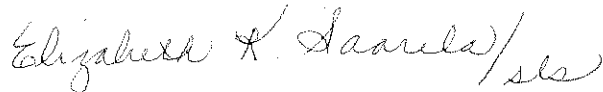
At the time of acceptance by City Council, City Council should also approve the conveyance of the right-of-way to the Road Commission by Quit Claim Deed. Once approved and executed, the original Quit Claim Deed may be returned to our attention for follow-up with the Road Commission.

The original Warranty Deed was forwarded with previous correspondence dated May 9, 2012. Please feel free to contact me with any questions or concerns in regard to this matter.

Rob Hayes, Director of Public Services
May 30, 2012
Page 2

Very truly yours,

JOHNSON, ROSATI, SCHULTZ & JOPPICH, P.C.

A handwritten signature in cursive script that reads "Elizabeth K. Saarela/sls".

Elizabeth Kudla Saarela

EKS

Enclosures

C: Maryanne Cornelius, Clerk (w/Enclosures)
Sue Troutman, City Clerk's Office (w/Enclosures)
Marina Neumaier, Assistant Finance Director (w/Enclosures)
Charles Boulard, Community Development Director (w/Enclosures)
Barb McBeth, Deputy Community Development Director (w/Enclosures)
Sarah Marchioni, Building Permits Coordinator (w/Enclosures)
Brian Coburn, Engineering Manager (w/Enclosures)
Aaron Staup, Construction Engineering Coordinator (w/Enclosures)
Sheila Weber and Kristin Pace, Treasurer's Office (w/Enclosures)
Scott I. Mirkes, Esquire (w/Enclosures)
Thomas R. Schultz, Esquire (w/Enclosures)

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, that that Toll MI II Limited Partnership ("Developer"), whose address is 46670 Six Mile Road, Northville, Michigan 48168 conveys and warrants to the City of Novi, a Michigan municipal corporation, whose address is 45175 West Ten Mile Road, Novi, Michigan 48375, the following described premises situated in the City of Novi, County of Oakland, State of Michigan, to wit:

See attached Exhibit "A" (2 sheets) attached hereto and made a part hereof.

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining and subject to easements and restrictions of record, for the sum of One and no/100-----Dollars (\$1.00).

Developer makes this conveyance of roads and road rights of way and the land and pavement contained therein pursuant to authority reserved to it in Article VII, Section (b) of the Master Deed of Island Lake North Bay recorded at Liber 24741, Pages 326 through 406, both inclusive, Oakland County Records, as amended by a certain First Amendment to Master Deed recorded at Liber 34143, Pages 689 and 690, Oakland County Records and a Second Amendment to Master Deed recorded at Liber 39603, Pages 82 through 96, both inclusive, Oakland County Records. The aforesaid Master Deed pertains to Island Lake North Bay, a condominium development identified as Oakland County Condominium Subdivision Plan No. 1413.

THE PROPERTY CONVEYED BY THIS DEED MAY BE LOCATED WITHIN THE VICINITY OF FARM LAND OR A FARM OPERATION. GENERALLY ACCEPTED AGRICULTURAL AND MANAGEMENT PRACTICES WHICH MAY GENERATE NOISE, DUST, ODORS, AND OTHER ASSOCIATED CONDITIONS MAY BE USED AND ARE PROTECTED BY THE MICHIGAN RIGHT TO FARM ACT.

Dated this 16th day of March, 2012

Signed:

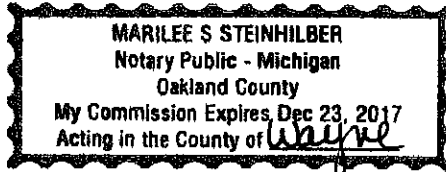
Toll MI II Limited Partnership, a Michigan limited partnership

By: Toll MI GP Corp., a Michigan corporation
Its: General Partner

By: 
Michael Noles
Its: Land Development Vice President

STATE OF MICHIGAN)
) SS
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this 16th day of March, 2012, by Michael Noles, the Land Development Vice President of Toll MI GP Corp., a Michigan corporation, the General Partner of Toll MI II Limited Partnership, a Michigan limited partnership, on behalf of the limited partnership.



Marilee S Steinhilber
Notary Public
Oakland County, Michigan
Acting in Wayne County
My Commission Expires: Dec. 23, 2017

Drafted by: Scott I. Mirkes, Esq. Jackier Gould, P.C. 121 W. Long Lake Road, Suite 200 Bloomfield Hills, MI 48304	When Recorded Return To: City of Novi 45175 West Ten Mile Road Novi, MI 48375	Send Subsequent Tax Bills to: City of Novi 45175 West Ten Mile Road Novi, MI 48375
--	--	---

Tax Parcel No. _____

Job No: _____ Recording Fee _____

Transfer Tax : Exempt per MCLA 207.505(a) and MCLA 207.526

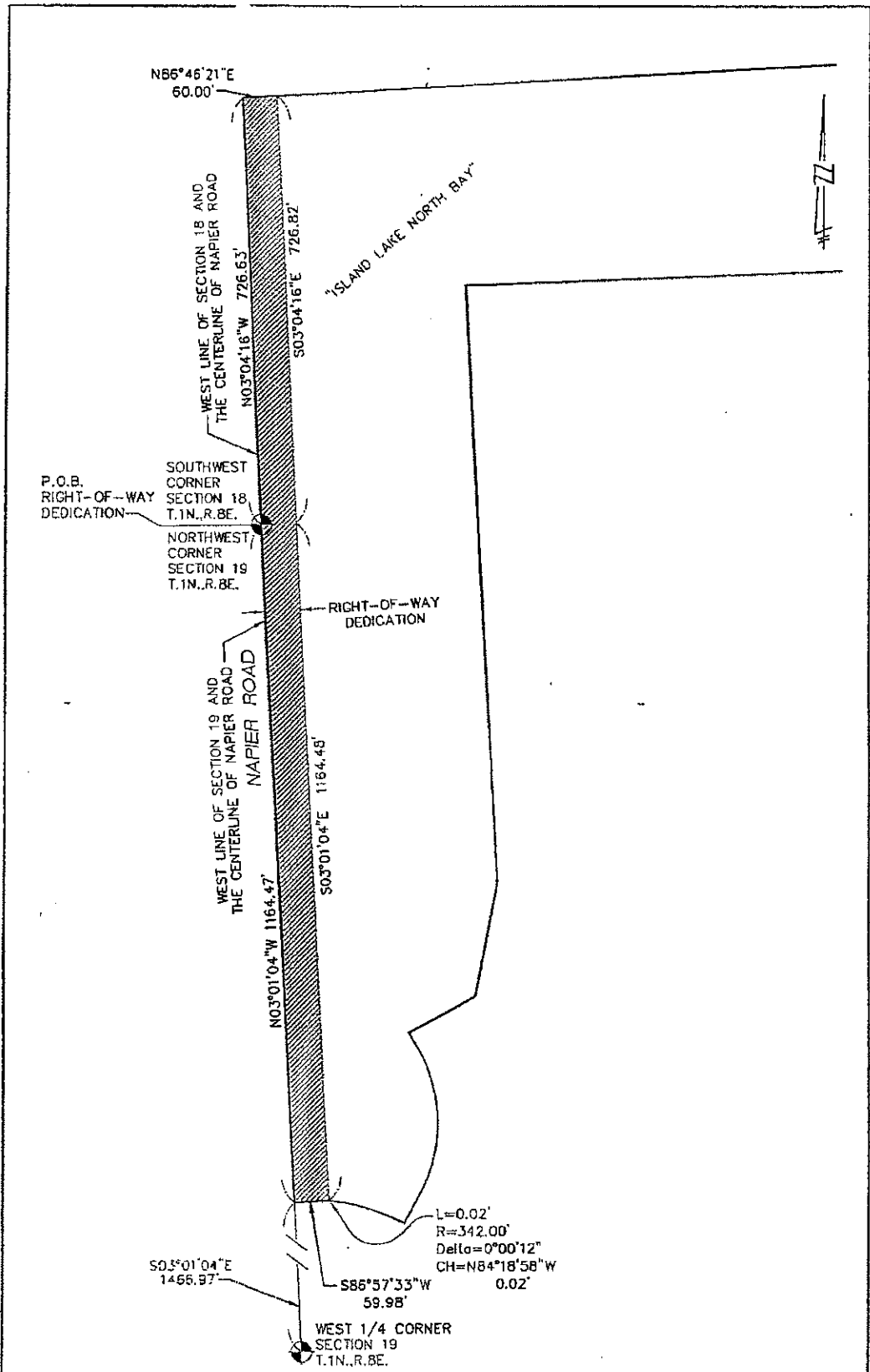
J:\2351\7.9\00149690.DOC

EXHIBIT "A"

March 9, 2012
Job. No. 01-064/02-034

ISLAND LAKE NORTH BAY PHASE 6
LEGAL DESCRIPTION OF ROAD RIGHT OF WAY DEDICATION

A Road Right-of-Way Dedication being a part of "Island Lake North Bay" O.C.C.P. No. 1413, master deed recorded in Liber 24741, Pages 389 through 406, as amended, Oakland County Records; being described as a part of the Southwest 1/4 of Section 18 and the Northwest 1/4 of Section 19, Town 1 North, Range 8 East, City of Novi, Oakland County Michigan; being more particularly described as BEGINNING at the Southwest Corner of said Section 18 and the Northwest Corner of said Section 19; thence N03°04'16"W 726.63 feet along the West line of said Section 18 and the centerline of Napier Road; thence N86°46'21"E 60.00 feet; thence S03°04'16"E 726.82 feet; thence S03°01'04"E 1164.48 feet; thence 0.02 feet along the arc of a 342.00 foot radius non-tangential circular curve to the left, with a central angle of 00°00'12", having a chord which bears N84°18'58"W 0.02 feet; thence S86°57'33"W 59.98 feet; thence N03°01'04"W 1164.47 feet along the West line of said Section 19 and the centerline of Napier Road to the Place of Beginning, All of the above containing 2.60 acres of land, more or less.



ROAD RIGHT-OF-WAY DEDICATION



ATWELL
 SURVEYING & ENGINEERING
 28500 GRANDVIEW AVENUE
 GRANDVIEW, MICHIGAN 48831

ISLAND LAKE PHASE 6
 SECTION 19, T.1N., R.8E.,
 CITY OF NOV
 OAKLAND COUNTY, MICHIGAN

SCALE:	1" = 200'
DATE:	2-28-2012
JOB NO.:	01-054
DWG FILE:	01-064EE-NAP
DRAWN BY:	BAL
CHECKED:	--
SHEET:	1 OF 1

QUIT CLAIM DEED

KNOW ALL PERSONS that the City of Novi, a Michigan Municipal Corporation, whose address is 45175 W. Ten Mile Road, Novi Michigan, 48375, Quit Claims 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, the following described premises situated in the City of Novi, County of Oakland, State of Michigan, to-wit:

**SEE PARCEL DRAWING, ATTACHED AS EXHIBIT "A," AND
LEGAL DESCRIPTION, ATTACHED AS EXHIBIT "B,"
BOTH OF WHICH ARE INCORPORATED BY REFERENCE HEREIN**

If this parcel is unplatted, the following applies: The grantor grants to the grantee the right to make **0 divisions** under section 108 of the land division act, Act No. 288 of the Public Acts of 1967, as amended. This property may be located within the vicinity of farmland or a farm operation. Generally accepted agricultural and management practices which may generate noise, dust, odors and other associated conditions may be used and are protected by the Michigan right to farm act.

Exempt from county and state taxation pursuant to MCL 207.505(a) and MCL 207.526(a).

WHEREFORE, upon approval by the City Council, the undersigned Grantor hereby creates, confirms, and conveys the Quit Claim Deed described herein for the sum of \$1.00.

Dated this _____ day of _____ 2012.

GRANTOR:

The City of Novi

Robert J. Gatt, Mayor

Maryanne Cornelius, Clerk

COUNTY OF OAKLAND)
) SS
STATE OF MICHIGAN)

On this _____ day of _____ 2012, Robert J. Gatt, executed the foregoing document before me and, being duly sworn, stated that he/she is the Mayor 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 _____

COUNTY OF OAKLAND)
) SS
STATE OF MICHIGAN)

On this _____ day of _____ 2012, Maryanne Cornelius, executed the foregoing document before me and, being duly sworn, stated that he/she is the Clerk 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:

Elizabeth K. Saarela
34405 W. Twelve Mile Road, Suite 200
Farmington Hills, MI 48331-5627

When recorded return to:

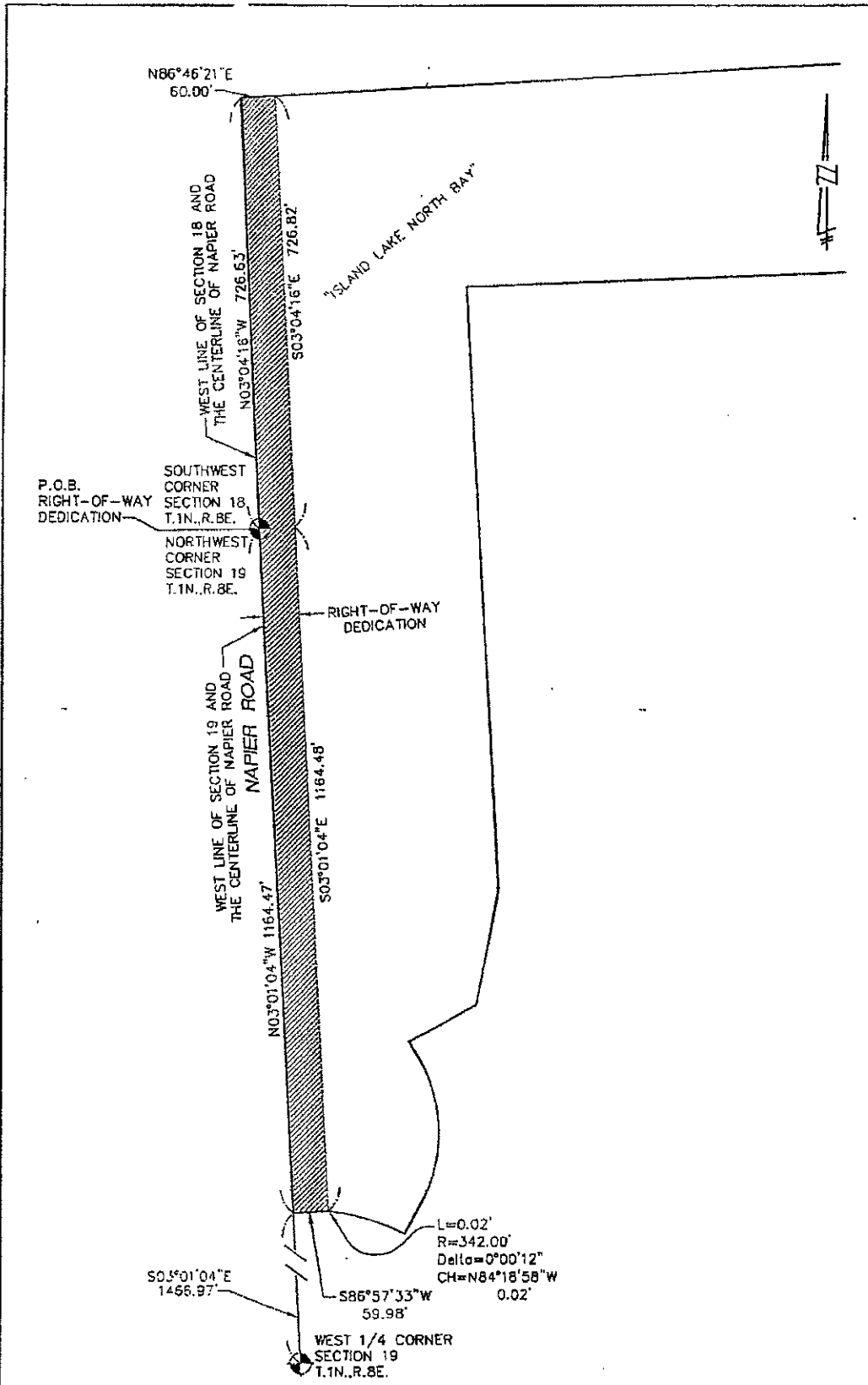
Project: _____ Project No.: _____ Parcel No.: _____
(Part of) Tax Parcel No.: _____
Recording Fee _____ Revenue Stamps _____

EXHIBIT "A"

March 9, 2012
Job. No. 01-064/02-034

ISLAND LAKE NORTH BAY PHASE 6
LEGAL DESCRIPTION OF ROAD RIGHT OF WAY DEDICATION

A Road Right-of-Way Dedication being a part of "Island Lake North Bay" O.C.C.P. No. 1413, master deed recorded in Liber 24741, Pages 389 through 406, as amended, Oakland County Records; being described as a part of the Southwest 1/4 of Section 18 and the Northwest 1/4 of Section 19, Town 1 North, Range 8 East, City of Novi, Oakland County Michigan; being more particularly described as BEGINNING at the Southwest Corner of said Section 18 and the Northwest Corner of said Section 19; thence N03°04'16"W 726.63 feet along the West line of said Section 18 and the centerline of Napier Road; thence N86°46'21"E 60.00 feet; thence S03°04'16"E 726.82 feet; thence S03°01'04"E 1164.48 feet; thence 0.02 feet along the arc of a 342.00 foot radius non-tangential circular curve to the left, with a central angle of 00°00'12", having a chord which bears N84°18'58"W 0.02 feet; thence S86°57'33"W 59.98 feet; thence N03°01'04"W 1164.47 feet along the West line of said Section 19 and the centerline of Napier Road to the Place of Beginning, All of the above containing 2.60 acres of land, more or less.



ROAD RIGHT-OF-WAY DEDICATION



ATWELL
 SURVEYING & ENGINEERING
 1000 S. NORTH AVENUE, SUITE 100
 OAKLAND, MICHIGAN 48860

ISLAND LAKE PHASE 6
 SECTION 19, T.1N., R.8E.,
 CITY OF NOV
 OAKLAND COUNTY, MICHIGAN

SCALE:	1" = 200'
DATE:	2-28-2012
JOB NO.:	01-064
DWG FILE:	01-064EE-NAP
DRAWN BY:	BAL
CHECKED:	--
SHEET:	1 OF 1



Policy (or Policies) issued pursuant to this Commitment is (are) underwritten by:

First American Title Insurance

Commitment No. N0024191

Revision No. Br: 001

SCHEDULE A

1. Commitment Date: **March 5, 2012 at 8:00 a.m.**

2. Policy or policies to be issued:

(a) Residential Title Insurance Policy
Proposed Insured:

Amount \$10,000.00

City of Novi

(b) ALTA Loan Policy Without Exceptions
Proposed Insured:

Amount \$ _____

3. Fee Simple interest in the land described in this Commitment is owned, at the Commitment Date, by:

Toll MI II Limited Partnership

4. The land referred to in this Commitment is described as follows:

See Exhibit C attached hereto and made a part hereof.

Commonly known as: ,

Issued by:

Westminster Title Agency, Inc.

39500 High Pointe Blvd., Suite 140

Novi, MI 48375

PHONE (248) 349-1630 • FAX (248) 349-6969

Agent For: First American Title Insurance

See Schedule B Attached
END OF SCHEDULE A

COMMIT

SCHEDULE B - SECTION I

REQUIREMENTS
N0024191

The following requirements must be met:

1. Record deed executed by Toll MI II Limited Partnership, to City of Novi.
2. You must tell us in writing the name of anyone not referred to in this commitment who will get an interest in the land or who will make a loan on the land. We may make additional requirements or exceptions.

THIS COMMITMENT IS VALID ONLY IF SCHEDULE A OF THE COMMITMENT IS ATTACHED HERETO
End of Schedule B - Section I

SCHEDULE B - SECTION II

EXCEPTIONS

N0024191

Any policy we issue will have the following exceptions unless they are taken care of to our satisfaction.

1. Any discrepancies or conflicts in boundary lines, any shortages in area, or any encroachment or overlapping of improvements.
2. Any facts, rights, interest or claims which are not shown by the public record but which could be ascertained by an accurate survey of the land or by making inquiry of persons in possession thereof.
3. Easements, liens or encumbrances or claims thereof, which are not shown by the public record.
4. Any lien or right to lien for services, labor or material imposed by law and not shown by the public record.
5. Taxes and assessments which become due and payable after the date of commitment, including taxes or assessments which may be added to the tax rolls or tax bill after the Date of Commitment as a result of the taxing authority disallowing or revising an allowance of a tax exempt status.
6. The dower or homestead rights if any, of the wife of any individual insured or of any individual shown herein to be party in interest..
6. Rights of co-owners in Island Lake North Bay Condominium in general common elements and limited common elements as set forth in Master Deed recorded in Liber 24741, Pages 326 through 406 inclusive, as amended, in associated condominium documents, and as described in Act 59 of the Public Acts of 1978, as amended, and all the terms and conditions, regulations, restrictions, easements and other matters set forth in the above described Master Deed, associated documents and statute.

THIS COMMITMENT IS VALID ONLY IF SCHEDULE A OF THE COMMITMENT IS ATTACHED HERETO

End of Schedule B - Section II

Exhibit C

Property located in the City of Novi, Oakland County, State of Michigan:

EXHIBIT A

March 9, 2012
Island Lake of Novi-Phase 6
Job. No. 01-064/02-034

LEGAL DESCRIPTION

SUBJECT PARCEL

(Per Master Deed of "Island Lake North Bay", Oakland County Condominium Subdivision Plan No. 1413, as Recorded in Liber 24741, Page 326, Oakland County Records)

A parcel of land located in Section 18 and 19, Town 1 North, Range 8 East, City of Novi, Oakland County, Michigan, described as BEGINNING at a point being South 04°18'24" East 1977.54 feet and South 86°46'21" West 1213.39 feet from the center of said Section 18; proceeding thence South 03°13'39" East 154.47 feet; thence South 56°42'09" East 247.80 feet to a point of curvature, thence along a curve to the left with an arc length of 339.86 feet, radius of 530 feet, chord bearing of South 75°04'21" East, chord length of 334.06 feet to a point of tangency; thence North 86°33'26" East 58.06 feet; thence South 03°02'15" West 110.91 feet; thence South 48°32'33" West 134.27 feet; thence North 82°45'36" West 227.19 feet; thence North 64°13'07" West 161.39 feet; thence North 53°07'06" West 165.31 feet; thence North 86°35'49" West 134.38 feet; thence South 87°53'42" West 920.70 feet; thence South 03°09'37" East, 1024.91 feet; thence South 10°42'06" West 197.54 feet; thence South 61°26'50" West 130.44 feet; thence South 33°17'50" East 15.45 feet to a point of curvature; thence along a curve to the right with an arc length of 278.42 feet, radius of 260 feet, chord bearing of South 02°30'26" East, chord length of 265.30 feet to a point of tangency; thence South 28°10'11" West 54.59 feet to a point of curvature; thence along a curve to the left with an arc length of 134.21 feet, radius of 342.00 feet, chord bearing of North 73°04'20" West, chord length of 133.35 feet to a point of tangency; thence South 86°57'45" West 59.98 feet to a point on the centerline of Napier Road (120 feet as now established) also being the West line of said Sections 18 and 19; thence along said line North 03°00'52" West 1164.47 feet; thence North 03°04'35" West 726.63 feet; thence North 86°46'21" East 1457.49 feet to the Point of Beginning; said parcel having an area of 26.64 acres, except for the portion taken for road purposes and being subject to easements, restrictions and encumbrances of record and the rights of riparian owners in the lake identified on the Condominium Subdivision Plan as "Island Lake". The land included in the Condominium extends to and comprises a portion of the waters edge of Island Lake and any land created by reliction or accretion along the portion of the Island Lake shoreline located within the boundaries of the Condominium shall be included in the Condominium.

Parts of Tax Parcels 22-18-300-002 and 22-19-100-001.

EXHIBIT B

March 9, 2012
Job. No. 01-064/02-034

ISLAND LAKE NORTH BAY PHASE 6

LEGAL DESCRIPTION OF ROAD RIGHT OF WAY DEDICATION

A Road Right-of-Way Dedication being a part of "Island Lake North Bay" O.C.C.P. No. 1413, master deed recorded in Liber 24741, Pages 389 through 406, as amended, Oakland County Records; being described as a part of the Southwest 1/4 of Section 18 and the Northwest 1/4 of Section 19, Town 1 North, Range 8 East, City of Novi, Oakland County Michigan; being more particularly described as BEGINNING at the Southwest Corner of said Section 18 and the Northwest Corner of said Section 19; thence N03°04'16"W 726.63 feet along the West line of said Section 18 and the centerline of Napier Road; thence N86°46'21"E 60.00 feet; thence S03°04'16"E 726.82 feet; thence S03°01'04"E 1164.48 feet; thence 0.02 feet along the arc of a 342.00 foot radius non-tangential circular curve to the left, with a central angle of 00°00'12", having a chord which bears N84°18'58"W 0.02 feet; thence S86°57'33"W 59.98 feet; thence N03°01'04"W 1164.47 feet along the West line of said Section 19 and the centerline of Napier Road to the Place of Beginning, All of the above containing 2.60 acres of land, more or less.