



CITY of NOVI CITY COUNCIL

**Agenda Item J
July 2, 2012**

SUBJECT: Acceptance of a sidewalk easement from Richard Atto for the vacant property located at the northwest corner of Meadowbrook Road and Cherry Hill Road in conjunction with the 2012 Pathways project as a donation from the property owner (parcel 22-23-251-019).

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

CITY MANAGER APPROVAL: *[Signature]*

BACKGROUND INFORMATION:

The 2012 Pathway Gap Program was funded for design in fiscal year 11-12 and is funded for construction in fiscal year 12-13. The project would include the construction of 8-foot wide pathways to fill the gaps along the west side of Taft Road between Eleven Mile Road and Grand River Avenue, and along the west side of Meadowbrook Road between Cherry Hill and Grand River Avenue.

As part of the design phase, Engineering staff have been working with the property owners within the project limits since September 2011 to acquire the necessary easements to permit the construction of the pathways.

Richard Atto has offered to donate a 10-foot wide sidewalk easement along the frontage of the vacant parcel on Meadowbrook Road.

There are four easements required for the project, of which three are on this agenda for consideration. It is anticipated that the project will be constructed in 2012 following the acquisition of the final easement, which will be considered on a future City Council agenda.

RECOMMENDED ACTION: Acceptance of a sidewalk easement from Richard Atto for the vacant property located at the northwest corner of Meadowbrook Road and Cherry Hill Road in conjunction with the 2012 Pathways project as a donation from the property owner (parcel 22-23-251-019).

	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				

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

June 25, 2012

Benjamin Croy, Civil Engineer
City of Novi
Public Services
Field Services Complex
26300 Lee BeGole Drive
Novi, MI 48375

Re: **2012 Pathway Gap Program**
Permanent Sidewalk Easement and Temporary Grading Permit
Parcel 50-22-23-251-019 – Richard Atto Property

Dear Mr. Croy:

We have received and reviewed a copy of the enclosed executed Sidewalk Easement and corresponding Temporary Grading Permit donated by Richard Atto over Parcel 50-22-23-251-019. The property is not subject to any mortgages or other encumbrances requiring any additional party to consent to the Sidewalk Easement. The Sidewalk Easement is in the City's standard Sidewalk Easement format and is acceptable for recording with Oakland County Records. The Temporary Grading Permit need not be recorded and should be maintained in the City's file.

Please feel free to contact me with any questions or concerns in regard to this matter.

Very truly yours,

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



Elizabeth Kudla Saarela

EKS
Maryanne Cornelius, Clerk
Rob Hayes, Public Services Director
Thomas R. Schultz, Esq.

SIDEWALK EASEMENT

NOW ALL MEN BY THESE PRESENTS, that the Richard Atto, a MARRIED man, whose address is 2150 Franklin Rd, Ste B, Bloomfield Hills, Michigan, 48302 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 non-motorized pathway 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:

Parcel No. 50-22-23-251-019

{See attached and incorporated Exhibit A}

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

{See attached and incorporated Exhibit A}

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

Grantee may, construct, install, repair, replace, improve, modify and maintain a non-motorized sidewalk in the easement area as shown in the attached and incorporated Exhibit A.

Construction activities required for the construction of an 8-foot wide non-motorized pathway, may also include, but is not limited to the removal of trees in accordance with the approved plans.

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.

All portions of the Premises damaged or disturbed by Grantee's exercise of temporary easement rights, shall be reasonably restored by Grantee to the condition that existed prior to the damage or disturbance.

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 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 18TH day of JUNE, 2012.

Signed by:


Richard Atto

STATE OF MICHIGAN)
) SS
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this 18 day of June, 2012, by Richard Atto, a MARRIED man.


Notary Public
Wayne County, Michigan
My Commission Expires: 1-10-2015

LISA DE MICO
NOTARY PUBLIC, STATE OF MI
COUNTY OF WAYNE
MY COMMISSION EXPIRES Jan 10, 2015
ACTING IN COUNTY OF OAKLAND

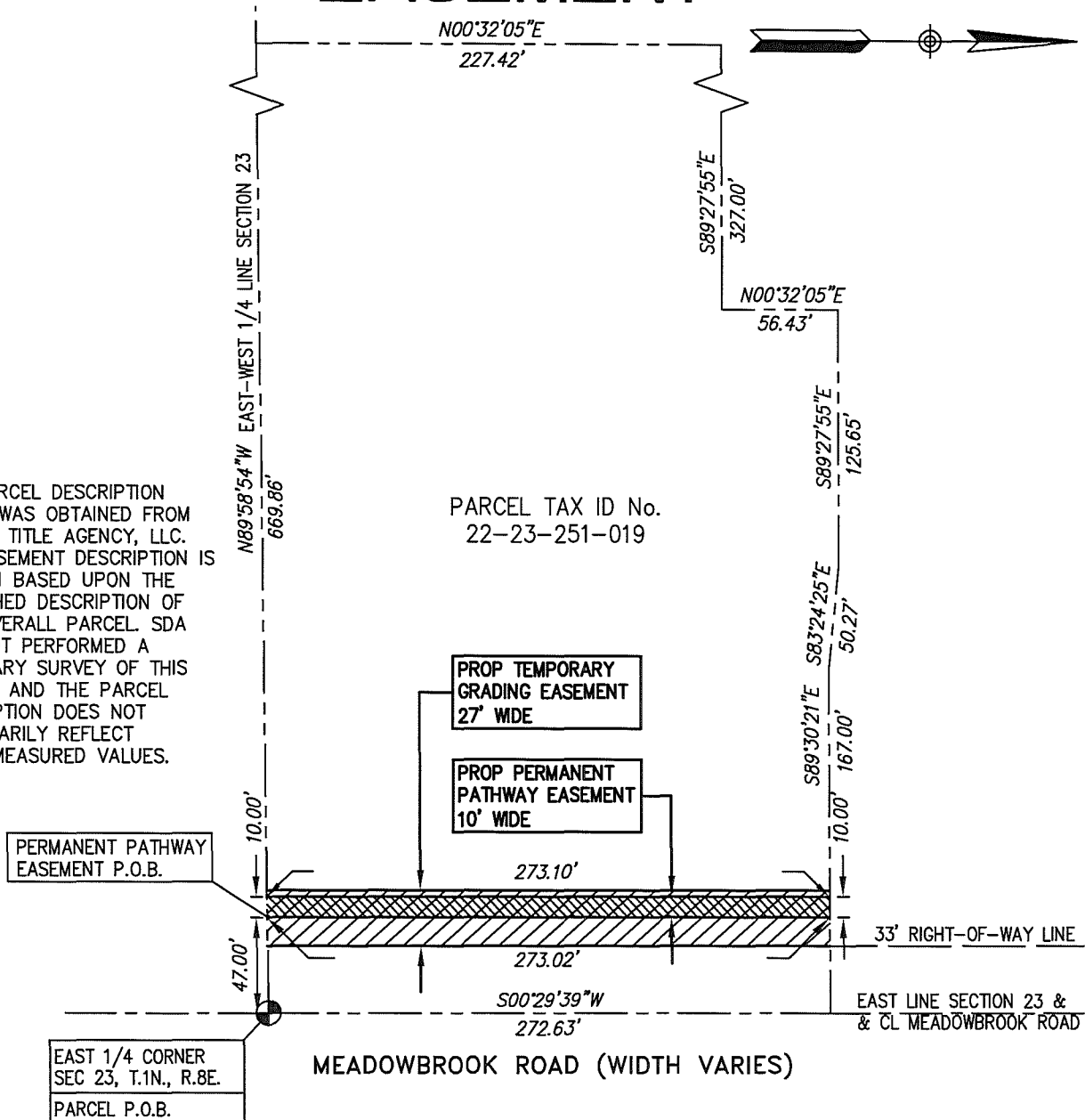
Drafted by:
Benjamin Croy, PE
City of Novi
45175 W Ten Mile Road
Novi, MI 48375

When recorded return to:
City of Novi
City Clerk
45175 W. Ten Mile Road.
Novi, MI 48375

438616_1.DOC

EASEMENT

NOTE:
THE PARCEL DESCRIPTION ABOVE WAS OBTAINED FROM SEAVER TITLE AGENCY, LLC. THE EASEMENT DESCRIPTION IS WRITTEN BASED UPON THE FURNISHED DESCRIPTION OF THIS OVERALL PARCEL. SDA HAS NOT PERFORMED A BOUNDARY SURVEY OF THIS PARCEL AND THE PARCEL DESCRIPTION DOES NOT NECESSARILY REFLECT FIELD-MEASURED VALUES.



PARCEL TAX ID No.
22-23-251-019

**FURNISHED LEGAL DESCRIPTION OF PARCEL
SEAVER TITLE AGENCY, LLC
COMMITMENT NO. 63-11184658-SCM**

DATED: SEPTEMBER 23, 2011

SITUATED IN THE CITY OF NOVI, OAKLAND COUNTY, MICHIGAN, DESCRIBED AS:

PART OF THE NORTHEAST 1/4, SECTION 23, TOWN 1 NORTH, RANGE 8 EAST, CITY OF NOVI, OAKLAND COUNTY, MICHIGAN, MORE PARTICULARLY DESCRIBED AS: COMMENCING AT THE EAST 1/4 CORNER OF SAID SECTION 23 FOR A POINT OF BEGINNING: THENCE NORTH 89 DEGREES 58 MINUTES 54 SECONDS WEST 669.86 FEET ALONG THE EAST AND WEST 1/4 LINE OF SAID SECTION 23 AND THE NORTHERLY LINE OF MEADOWBROOK GLENS SUBDIVISION NO. 3, AS RECORDED IN LIBER 145 OF PLATS, PAGES 1, 2, 3 AND 4, OAKLAND COUNTY RECORDS; THENCE NORTH 00 DEGREES 32 MINUTES 05 SECONDS EAST, 227.42 FEET; THENCE SOUTH 89 DEGREES 27 MINUTES 55 SECONDS EAST, 327.00 FEET; THENCE NORTH 00 DEGREES 32 MINUTES 05 SECONDS EAST, 56.43 FEET; THENCE SOUTH 89 DEGREES 27 MINUTES 55 SECONDS EAST, 125.65 FEET; THENCE SOUTH 83 DEGREES 24 MINUTES 25 SECONDS EAST, 50.27 FEET; THENCE SOUTH 89 DEGREES 30 MINUTES 21 SECONDS EAST, 167.00 FEET TO THE EAST LINE OF SAID SECTION 23 AND THE CENTERLINE OF MEADOWBROOK ROAD; THENCE SOUTH 00 DEGREES 29 MINUTES 39 SECONDS WEST, 272.63 FEET, ALONG THE EAST LINE OF SAID SECTION 23 AND THE CENTERLINE OF SAID MEADOWBROOK ROAD TO THE POINT OF BEGINNING.

PARCEL IDENTIFICATION NO. 22-23-251-019

PERMANENT EASEMENT

THE EASEMENT SHALL BE A PERMANENT EASEMENT FOR CONSTRUCTION, INSTALLATION, REPAIR, MAINTENANCE AND REPLACEMENT OF PUBLIC PATHWAY DESCRIBED AS:

COMMENCING AT THE SOUTHEAST CORNER OF THE ABOVE DESCRIBED PARCEL; THENCE NORTH 89 DEGREES 58 MINUTES 54 SECONDS WEST 47.00 FEET ALONG THE SOUTH LINE OF THE ABOVE DESCRIBED PARCEL TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG THE SOUTH LINE OF THE ABOVE DESCRIBED PARCEL NORTH 89 DEGREES 58 MINUTES 54 SECONDS WEST 10.00 FEET; THENCE NORTH 00 DEGREES 29 MINUTES 39 SECONDS EAST 273.10 FEET TO A POINT ON THE NORTH LINE OF THE ABOVE DESCRIBED PARCEL; THENCE ALONG THE NORTH LINE OF THE ABOVE DESCRIBED PARCEL SOUTH 89 DEGREES 30 MINUTES 21 SECONDS EAST 10.00 FEET; THENCE SOUTH 00 DEGREES 29 MINUTES 39 SECONDS WEST 273.02 FEET TO THE POINT OF BEGINNING, 2,731 SQ. FT.

TEMPORARY EASEMENT

ALSO, THE TEMPORARY GRADING EASEMENT FOR THE INSTALLATION OF THE PUBLIC PATHWAY DESCRIBED AS:
THE WESTERLY 27 FEET OF THE EASTERLY 60 FEET OF THE ABOVE DESCRIBED PARCEL.

Spalding DeDecker
Associates, Inc.



**SPALDING DeDECKER
ASSOCIATES, INC.**
ENGINEERS SURVEYORS

905 SOUTH BLVD. EAST
ROCHESTER HILLS, MI 48307
PH: (248) 844-5400 FAX: (248) 844-5404
www.spaldingdedecker.com

DRAWN: T. LINDOW

DATE: 12-22-11

CHECKED: J. VAN TIFLIN

DATE: 01-30-12

MANAGER: J. VAN TIFLIN

SCALE: 1" = 80'

JOB No. NV11-004

SHEET: 1 OF 1

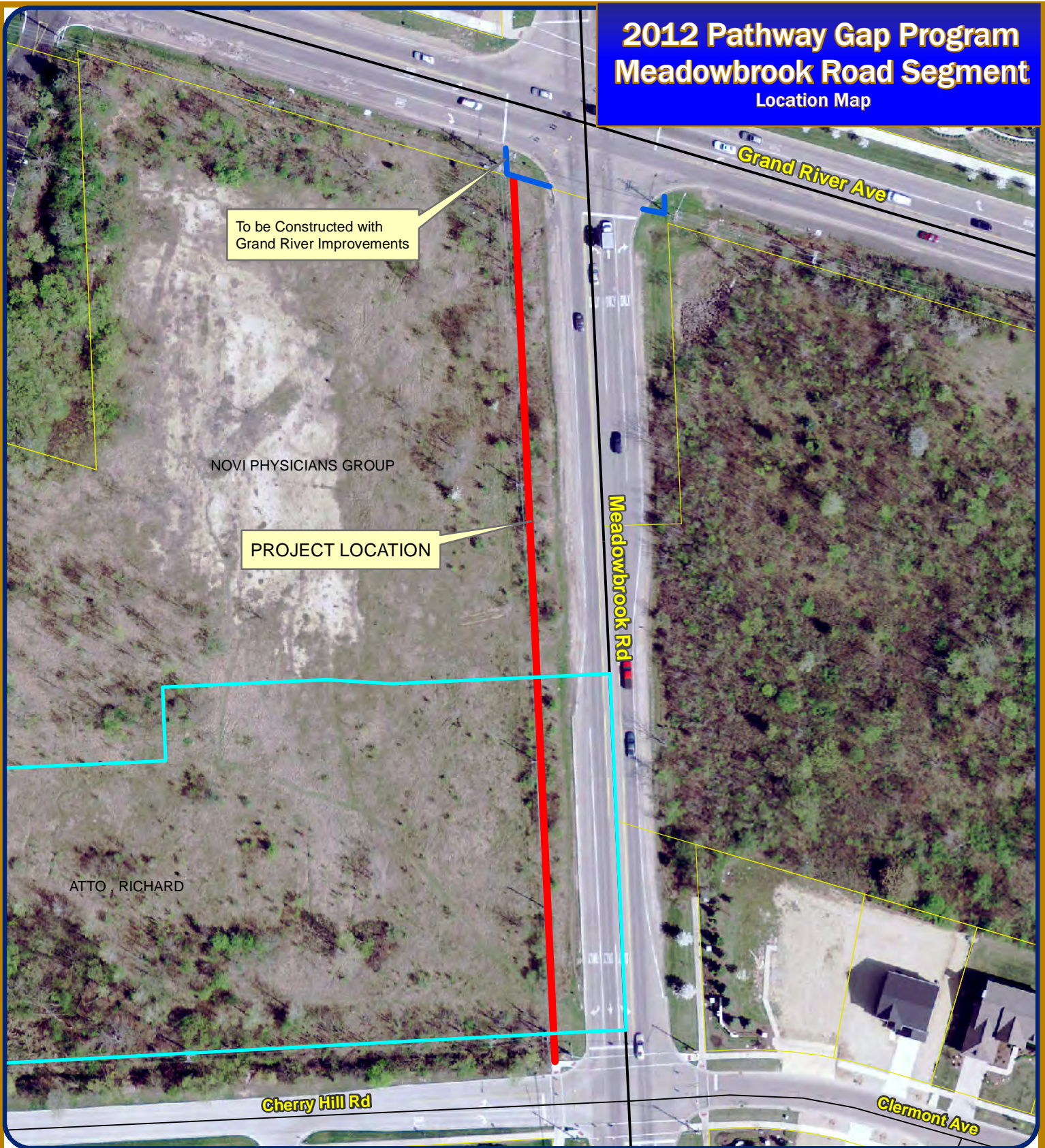
SECTION 23 TOWN 1 NORTH RANGE 8 EAST

CITY OF NOVI

OAKLAND COUNTY, MI

2012 Pathway Gap Program Meadowbrook Road Segment

Location Map



Map Author: Coburn
Date: 6/18/12
Project: 2012 Pathway Gap Program
Version #: v1.2



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

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.



1 inch = 100 feet