



CITY of NOVI CITY COUNCIL

Agenda Item 1
November 13, 2012

SUBJECT: Approval of three quit claim deeds for parcel 22-30-200-004 (located at the southwest corner of Ten Mile Road and Wixom Road, adjacent to Fire Station No. 4) to dedicate the master planned right-of-way along Ten Mile Road and Wixom Road as follows: 1) Approval of Quit Claim Deed to the Road Commission for Oakland County to dedicate the master planned 60-foot wide right-of-way for Ten Mile Road, 2) Approval of a Quit Claim Deed to the City of Novi to dedicate the master planned 86-foot wide right-of-way for Wixom Road south of Ten Mile Road, and 3) Approval of a Quit Claim Deed to the City of Novi for the resultant 1.375 acres located west of Wixom Road; AND acceptance of Wixom Road (south of Ten Mile Road) and adoption of Act 51 New Street Resolution accepting Wixom Road as a public street adding 0.07 miles of roadway to the City's street system.

SUBMITTING DEPARTMENT: Department of Public Services, Engineering Division ^{RTH} *BTL*

CITY MANAGER APPROVAL: *[Signature]*

BACKGROUND INFORMATION:

The City of Novi acquired a 2.51 acre parcel of land in 2001 for the purpose of constructing the access road for Fire Station 4. In order to provide access to Fire Station 4, which was constructed around the same time, Wixom Road was extended approximately 300 feet south of Ten Mile Road. This extension acts as a public road and should be formally accepted under Act 51 to be eligible to receive maintenance funding. In order to add this section of Wixom Road to the Act 51 funding map, the right-of-way must be dedicated to the public and City Council must pass a resolution formally accepting the street as public. Wixom Road south of Ten Mile Road was opened with Fire Station 4 in early 2003.

Engineering staff have worked with the City Attorney and one of the City's engineering consultants (URS) to develop three quit claim deeds to essentially divide the 2.31 acre parcel into three pieces as shown on the attached map. The first parcel, "Parcel A," is the master planned 60-foot wide right-of-way for the southern half of Ten Mile Road and is recommended for dedication to the Road Commission for Oakland County, which has jurisdiction over Ten Mile Road. The next parcel, "Parcel B," is the master planned 86-foot wide part of Wixom Road adjacent to Fire Station 4 and is recommended for dedication to the City as a public right-of-way. The final parcel, "Parcel C," is the remaining 1.375 acres which remains City property.

The attached resolution along with the approval of the quit claim deeds to dedicate the land as public rights-of-way satisfies the Michigan Department of Transportation requirement for adding 0.07 miles of roadway to Act 51 funding.

RECOMMENDED ACTION: Approval of three quit claim deeds for parcel 22-30-200-004 (located at the southwest corner of Ten Mile Road and Wixom Road, adjacent to Fire Station No. 4) to dedicate the master planned right-of-way along Ten Mile Road and Wixom Road as follows: 1) Approval of Quit Claim Deed to the Road Commission for Oakland County to dedicate the master planned 60-foot wide right-of-way for Ten Mile Road, 2) Approval of a Quit Claim Deed to the City of Novi to dedicate the master planned 86-foot wide right-of-way for Wixom Road south of Ten Mile Road, and 3) Approval of a Quit Claim Deed to the City of Novi for the resultant 1.375 acres located west of Wixom Road; AND acceptance of Wixom Road (south of Ten Mile Road) and adoption of Act 51 New Street Resolution accepting Wixom Road as a public street adding 0.07 miles of roadway to the City's street system.

| | 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 | | | | |

CITY OF NOVI

COUNTY OF OAKLAND, MICHIGAN

NEW STREET ACCEPTANCE RESOLUTION

Minutes of a Meeting of the City Council of the City of Novi, County of Oakland, Michigan, held in the City Hall of said City on November 13, 2012, at 7 o'clock P.M. Prevailing Eastern Time.

PRESENT: Councilmembers_____

ABSENT: Councilmembers_____

The following preamble and Resolution were offered by Councilmember _____ and supported by Councilmember _____.

WHEREAS ; the City's Act 51 Program Manager is requesting formal acceptance of Wixom Road (south of Ten Mile Road) and,

WHEREAS ; that said street is located within a City right-of-way and is under the control of the City of Novi; and,

WHEREAS ; that said street has been open to the public since April 2003.

NOW THEREFORE, IT IS THEREFORE RESOLVED that the Mayor and Novi City Council hereby accept Wixom Road (south of Ten Mile Road) and direct such to be included in the City's public street system.

AYES:

NAYS:

RESOLUTION DECLARED ADOPTED.

Maryanne Cornelius, City Clerk

CERTIFICATION

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Council of the City of Novi, County of Oakland, and State of Michigan, at a regular meeting held this ____ day of _____, 2012, and that public notice of said meeting was given pursuant to and in full compliance with Act No. 267, Public Acts of Michigan, 1976, and that the minutes of said meeting have been kept and made available to the public as required by said Act.

Maryanne Cornelius, City Clerk
City of Novi

Location Map

Parcel 22-30-200-004



Map Author: Brian Coburn
Date: 11/2/12
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 232 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 Lee BeGole Drive
Novi, MI 48375
cityofnovi.org



1 inch = 71 feet



JOHNSON ROSATI SCHULTZ JOPPICH PC

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

Elizabeth Kudla Saarela
esaarela@jrsjlaw.com

www.johnsonrosati.com

October 30, 2012

Brian Coburn, Engineering Manager
CITY OF NOVI
Department of Public Services
Field Services Complex
26300 Lee BeGole Drive
Novi, MI 48375

Re: **Greenways Development Phase 1 – Wixom Road and Ten Mile Right-of-Way**

Dear Mr. Coburn:

Enclosed please find the following Quit Claim Deeds that we have prepared at your request:

1. Quit Claim Deed to the Road Commission for Oakland County (RCOC) for Ten Mile Road Right-of-Way adjacent to Fire Station No.4
2. Quit Claim Deed to the City of Novi for Ten Mile Road Right-of-Way "for Right-of-Way Purposes" adjacent to Fire Station No.4
3. Quit Claim Deed to the City of Novi for parkland west of Wixom Road from Fire Station No. 4

As you know, the parent parcel was obtained by the City of Novi pursuant to eminent domain in 2001 to construct an access road to Fire Station No. 4. There was residual wetland area remaining after construction of the roadway. There are currently no deeds of record creating the City's ownership interest, only the Declaration of Taking. In order to clean up the transaction and get the County's portion of the right-of-way to RCOC for maintenance and repair, we have prepared the enclosed deeds. The enclosed deeds 1 and 2 create "right-of-way" use for the Ten Mile and Wixom Road portions of the property. Quit Claim Deed No. 3 reflects the fee title to the "City-owned" residual parkland property.

The Quit Claim Deeds should be placed on an upcoming City Council Agenda for conveyance to create the named interests. Once approved by City Council and executed, the City's deeds should be recorded with Oakland County Records. The Deed to RCOC should be forwarded to its Right-of-Way Department to complete the RCOC's normal acceptance process.

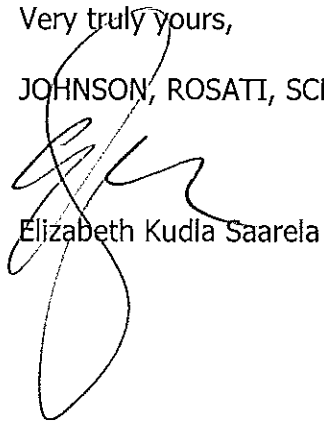
October 30, 2012

Page 2

If you have any questions regarding the above, please do not hesitate to contact me.

Very truly yours,

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

A handwritten signature in black ink, appearing to read 'Elizabeth Kudla Saarela', written over the typed name.

Elizabeth Kudla Saarela

EKS/sls

C: Maryanne Cornelius, Clerk
Rob Hayes, DPS Director
Sue Troutman, City Clerk's Office
Thomas R. Schultz, Esquire

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:

Parcel A as depicted on the attached and incorporated Property Description Exhibit, described more particularly as follows:

Legal Description Parcel "A" Ten Mile Road Right of Way Parent Parcel 50 22 30 200 004

A portion of the below described parent parcel in the NE ¼ of Section 30, Town 1 North , Range 8 East, City of Novi, Oakland County, Michigan, and more particularly described as:

Beginning at the NE corner of said Section 30; thence S 02° 54' 49" E, 60.00 feet along the east line of said Section 30; thence S 86° 24' 41" W, 230.58; thence N 02° 54' 49", W 60.00 feet to a point on the north line of said Section 30; thence N 86° 24' 41" E, 230.58 feet along the north line of said Section 30 to the point of beginning. Contains 0.315 Acres, more or less.

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.

{Signatures Begin on Following Page}

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 _____

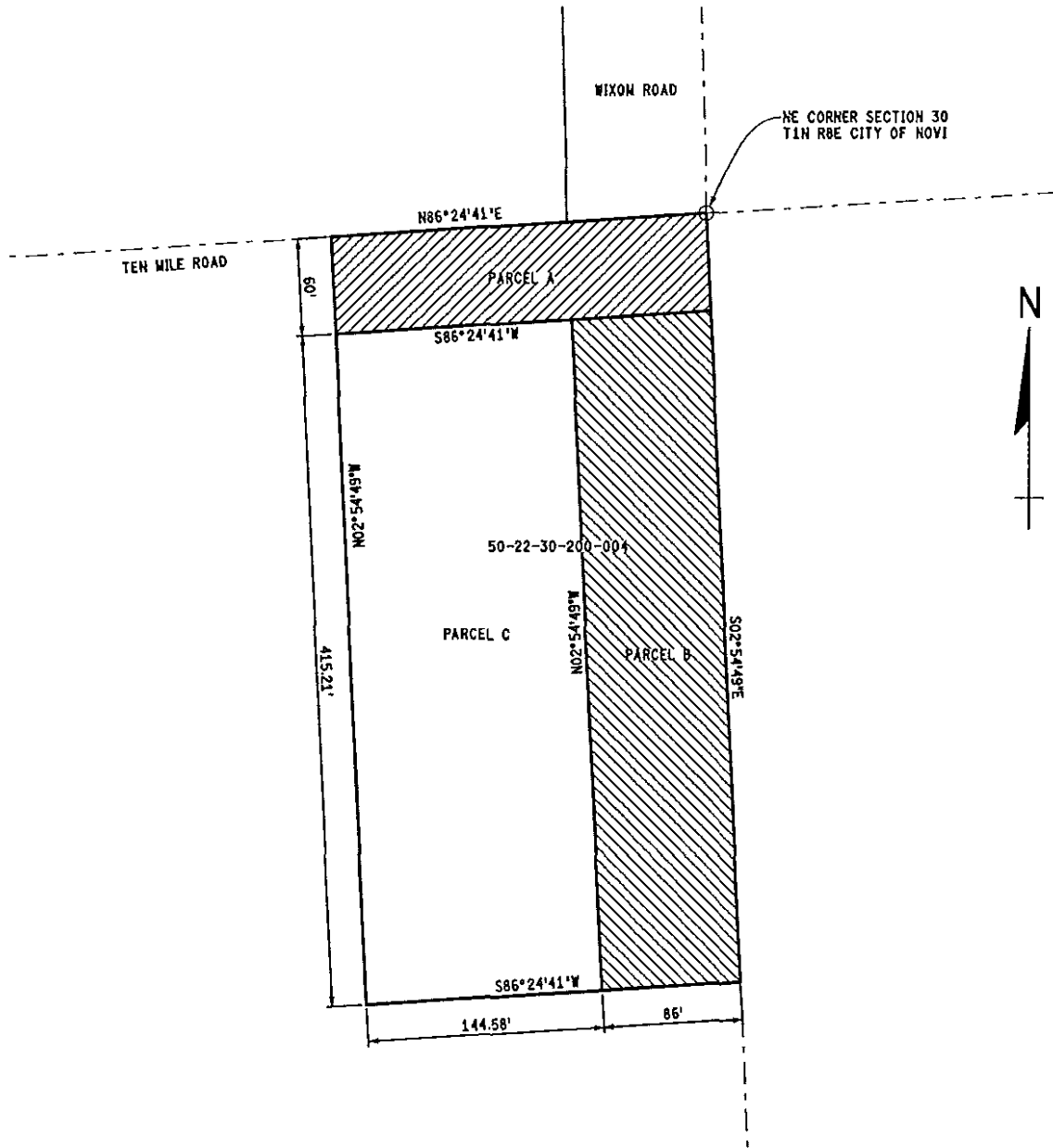
Drafted by:

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 _____

PARCEL SKETCH
 PARCEL ID 50-22-30-200-004



CLIENT
 CITY OF NOVI

Thomas W. Roberts
 THOMAS W. ROBERTS
 REGISTERED LAND SURVEYOR NO. 58193

PARCEL ID
 50-22-30-200-004

URS
 Surface Transportation
 Grand Rapids . Southfield .
 Traverse City

LEGEND
 SEC. COR \oplus SECTION LINE - - - - -

GREENWAYS
 DEVELOPMENT
 PHASE 1

SCALE: 1"=100'

DATE: 09-27-2012
 JOB NO. 12943793

PAGE 2 OF 2

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 City of Novi, a Michigan Municipal Corporation, whose address is 45175 W. Ten Mile Road, Novi Michigan, 48375, for public right-of-way purposes, the following described premises situated in the City of Novi, County of Oakland, State of Michigan, to-wit:

Parcel B as depicted on the attached and incorporated Property Description Exhibit, described more particularly as follows:

Legal Description Parcel "B" Wixom Road Right of Way Parent Parcel 50 22 30 200 004

A portion of the below described parent parcel in the NE ¼ of Section 30, Town 1 North , Range 8 East, City of Novi, Oakland County, Michigan, and more particularly described as:

Commencing at the NE ¼ of said Section 30; thence S 02° 54' 49" E, 60.00 feet along the east line of said Section 30 to a Point of Beginning; thence S 02° 54' 49" E, 415.21 feet along the east line of said Section 30; thence S 86° 24' 41" W, 86.00 feet; thence N 02° 54' 49" W, 415.21 feet; thence N 86° 24' 41" E, 86.00 feet to the Point of Beginning. Contains 0.820 Acres, more or less.

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.

{Signatures Begin on Following Page}

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, and Maryanne Cornelius, 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 _____

Drafted by:

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

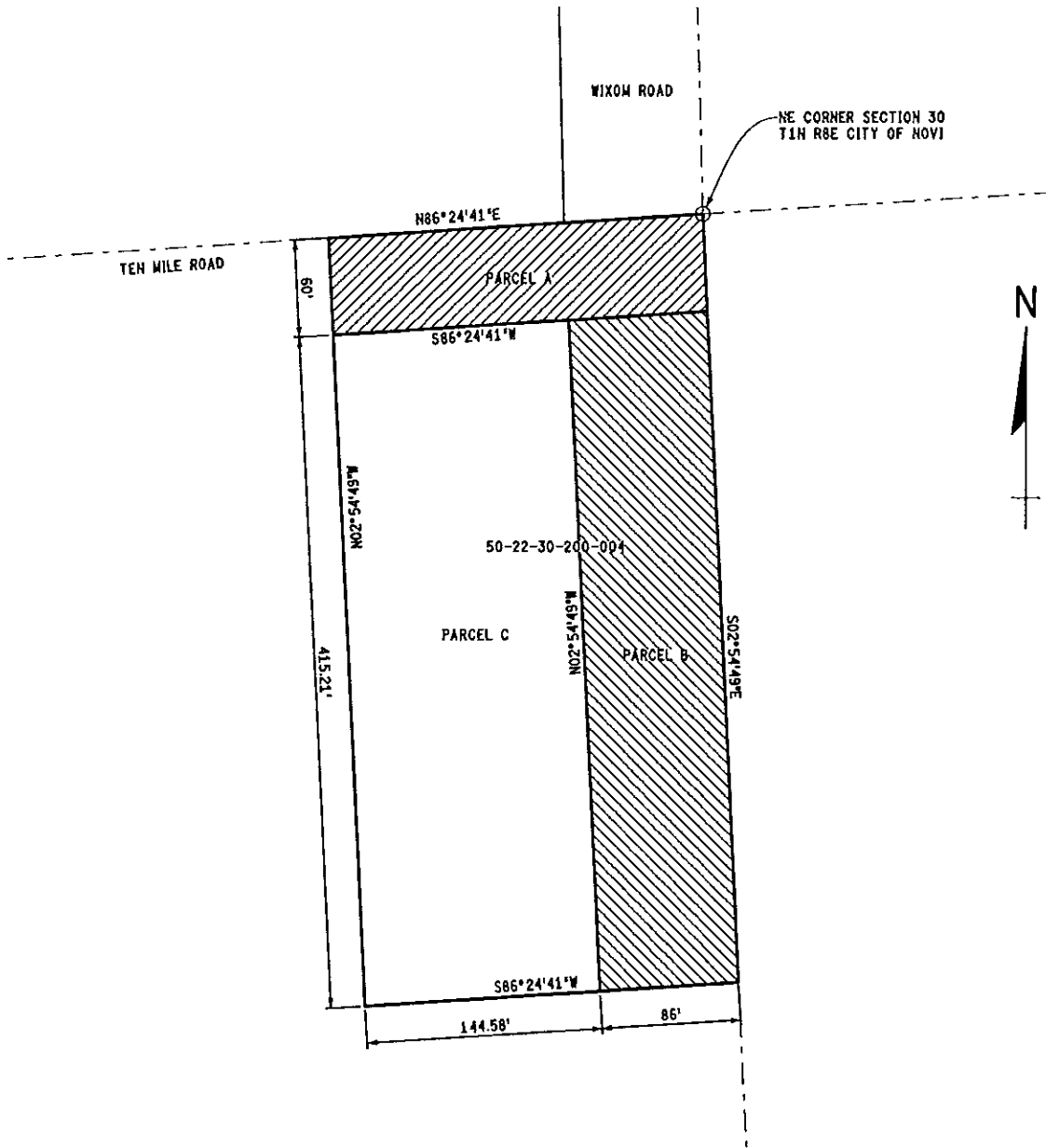
When recorded return to:

Maryanne Cornelius, Clerk
City of Novi
45175 Ten Mile Road
Novi, MI 48375

(Part of) Tax Parcel No.: 50-22-30-200-004

Recording Fee _____ Revenue Stamps _____

PARCEL SKETCH
 PARCEL ID 50-22-30-200-004



CLIENT
 CITY OF NOVI

Thomas W. Roberts
 THOMAS W. ROBERTS
 REGISTERED LAND SURVEYOR NO. 58193

PARCEL ID
 50-22-30-200-004

URS
 Surface Transportation
 Grand Rapids . Southfield .
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LEGEND
 SEC. COR \oplus SECTION LINE - - - - -

GREENWAYS
 DEVELOPMENT
 PHASE 1

SCALE: 1"=100'

DATE: 09-27-2012
 JOB NO. 12943793

PAGE 2 OF 2

QUIT CLAIM DEED

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Parcel C as depicted on the attached and incorporated Property Description Exhibit, described more particularly as follows:

Legal Description Parcel "C" Remainder Parent Parcel 50 22 30 200 004

A portion of the below described parent parcel in the NE ¼ of Section 30, Town 1 North , Range 8 East, City of Novi, Oakland County, Michigan, and more particularly described as:

Commencing at the NE ¼ of said Section 30; thence S 02° 54' 49" E, 60.00 feet along the east line of said Section 30; thence S 86° 24' 41" W, 86.00 feet to a Point of Beginning; thence S 02° 54' 49" E, 415.21 feet; thence S 86° 24' 41" W, 144.58 feet; thence N 02° 54' 49" W, 415.21 feet; thence N 86° 24' 41" E, 144.58 feet to the Point of Beginning. Contains 1.375 Acres, more or less.

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.

{Signatures Begin on Following Page}

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, and Maryanne Cornelius, 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 _____

Drafted by:

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

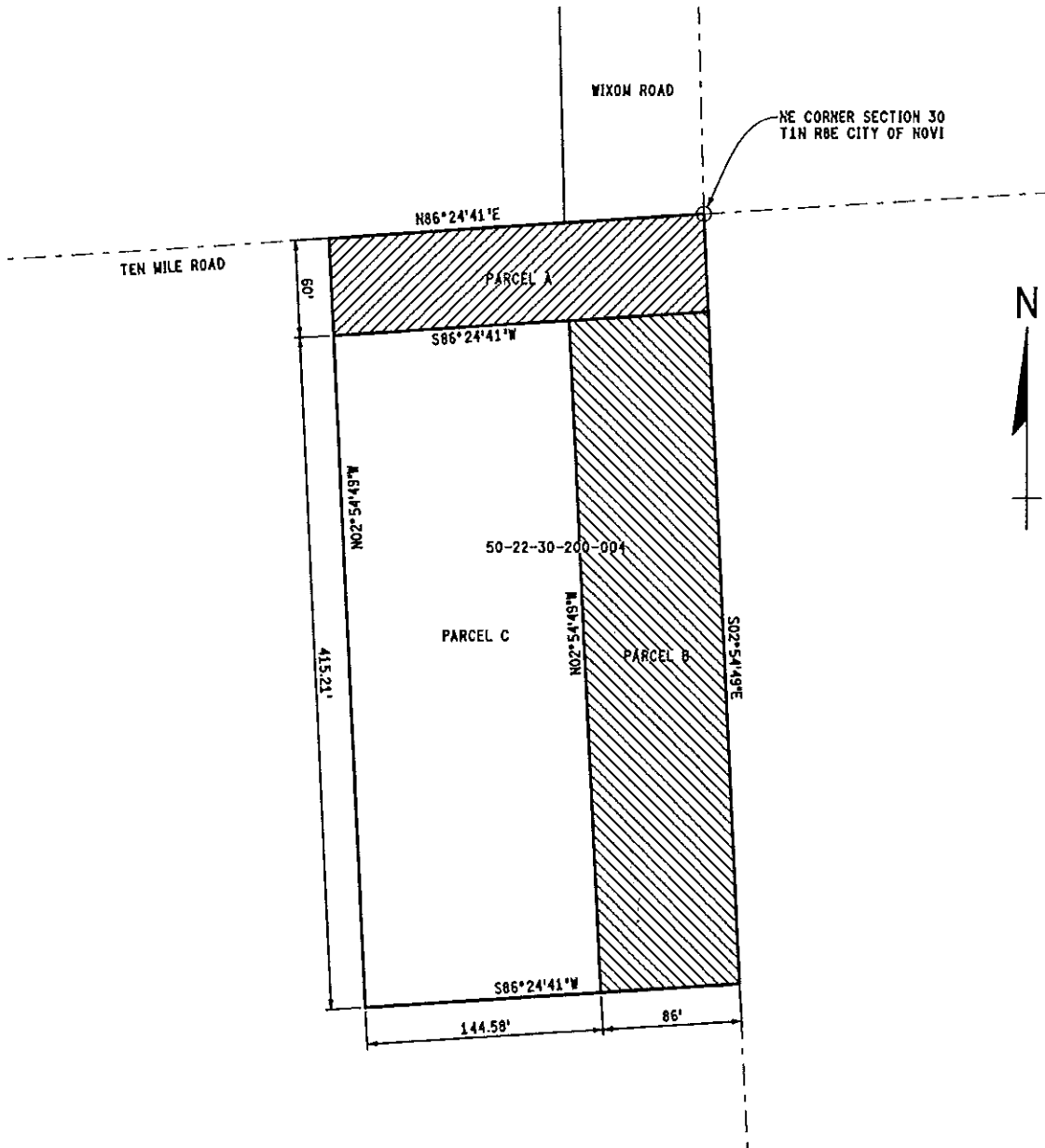
When recorded return to:

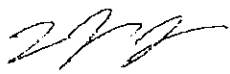

Maryanne Cornelius, Clerk
City of Novi
45175 Ten Mile Road
Novi, MI 48375

(Part of) Tax Parcel No.: 50-22-30-200-004

Recording Fee _____ Revenue Stamps _____

PARCEL SKETCH
 PARCEL ID 50-22-30-200-004



| | | |
|---|--|--|
| CLIENT CITY OF NOVI |  THOMAS W. ROBERTS REGISTERED LAND SURVEYOR NO. 58193 | PARCEL ID 50-22-30-200-004 |
|  Surface Transportation Grand Rapids . Southfield . Traverse City | LEGEND SEC. COR \oplus SECTION LINE - - - - - SCALE: 1"=100' DATE: 09-27-2012 JOB NO. 12943793 | GREENWAYS DEVELOPMENT PHASE 1 PAGE 2 OF 2 |