



CITY of NOVI CITY COUNCIL

Agenda Item H November 13, 2017

SUBJECT: Approval of (1) a Resolution Concerning Acquisition and Approving Declaration of Necessity and Taking and authorization of Offer to Purchase; (2) a Declaration of Taking; and, (3) an Agreement of Sale and Offer to Purchase Easements over Real Property in the amount of \$19,616.10 for sidewalk easements and temporary grading permits on parcel (50-22-03-101-010) for the construction of new sidewalk along the south side of Pontiac Trail between Beck Road and West Park Drive.

SUBMITTING DEPARTMENT: Department of Public Services, Engineering Division

CITY MANAGER APPROVAL: 

EXPENDITURE REQUIRED	\$ 19,616.10
AMOUNT BUDGETED	\$ 1,004,307.00
LINE ITEM NUMBER	204-204.00-974.446

BACKGROUND INFORMATION:

The Pontiac Trail Sidewalk project (Segment 9) requires the acquisition of several easements prior to construction. The segment was ranked 2nd in the 2014 update of the Annual Non-Motorized Prioritization list and is certainly a much needed improvement for the residents and businesses in that area.

During the design process, one permanent easement and one temporary easement were identified from Lindsey Properties, LLC (parcel 50-22-03-101-010). The enclosed Request for Donation was sent to the property owner requesting a donation of the permanent sidewalk easement and the temporary grading permit. The letter informed the property owner that they are entitled to just compensation for the fair market value of the requested easements.

To formalize the valuation in the form of an offer, staff has worked with the City Attorney to prepare an *Agreement of Sale and Offer to Purchase Easements over Real Property*. The City Attorney has also prepared a *Resolution Concerning the Acquisition of Property and Approving Declaration of Necessity and Taking and Declaration of Taking* to allow the City to begin proceedings to acquire the easements through eminent domain in case the City is unable to acquire the easements for the amounts stated in the offer letter.

The construction of the Pontiac Trail sidewalk from Beck Road to West Park Drive is scheduled to occur in 2018.

RECOMMENDED ACTION: Approval of (1) a Resolution Concerning Acquisition and Approving Declaration of Necessity and Taking and authorization of Offer to Purchase; (2) a Declaration of Taking; and, (3) an Agreement of Sale and Offer to Purchase Easements over Real Property in the amount of \$19,616.10 for sidewalk easements and temporary

grading permits on parcel (50-22-03-101-010) for the construction of new sidewalk along the south side of Pontiac Trail between Beck Road and West Park Drive.

Pontiac Trail Sidewalk Easement

Location Map




Map Author: J. Mathias
Date: 11/01/17

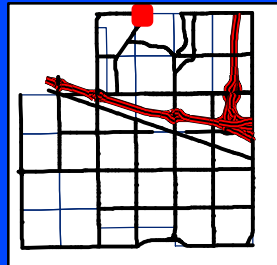
Amended By:
Date:
Department:

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.

Legend

 Proposed Sidewalk



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

Feet
0 40 80 160 240

1 inch = 195 feet





September 1, 2017

Mr. Masoud (Mike) Yono
c/o M&T Management, LLC
PO Box 252451
Bloomfield, MI 48325

Re: Proposed Pontiac Trail Sidewalk Project
Sidewalk Easements – Request for Donation

CITY COUNCIL

Mayor
Bob Gatt

Mayor Pro Tem
Dave Staudt

Andrew Mutch

Wayne Wrobel

Laura Marie Casey

Gwen Markham

Brian Burke

City Manager
Peter E. Auger

Engineering Senior Manager
George D. Melistas

Field Operations Senior Manager
Matt Wiktorowski

Fleet Asset Manager
Michael Rhatigan

Water & Sewer Senior Manager
Ben Croy, P.E.

Mr. Yono:

As you are aware, the City is planning to construct a pathway along the south side of Pontiac Trail, between Beck Road and West Park Drive. The proposed pathway is planned to cross a parcel owned by Lindsey Properties. The project will require a permanent easement for the sidewalk and a temporary easement during the construction phase.

The City is asking that the easements be donated in an effort to minimize costs for the project. A property owner may choose to donate all or a portion of his or her property that is needed for a project.

The fair market value for the easements was determined based on the value of the property per square foot on the basis of assessment records and related information. We then multiplied that by the area of the proposed easements (per federal guidelines). MDOT and Federal guidelines require that the valuation of temporary easements be set at 10% of that value, and that permanent easements be set at 50% of that value. The valuation for easements over all of the parcels is estimated to be a total of \$19,616.10 (see attached Valuation Statement). **This is not a good faith offer, but an estimated valuation of the requested donation.**

If you are satisfied with the enclosed easement documents and valuation statement and choose to donate the easements, please return one signed, notarized copy of each document for approval by our City Council and subsequent recording with the Register of Deeds. If you choose not to donate the easements for the project, please contact me by September 15th to discuss the next steps in the easement acquisition process.

Thank you for your cooperation in moving this project forward please contact me at 248-735-5648 with any questions.

Sincerely,


Joey Mathias
Graduate Engineer

Enclosures

cc: George Melistas; Engineering Senior Manager
Beth Saarela; Johnson, Rosati, Shultz & Joppich

Department of Public Services
Field Services Complex
26300 Lee BeGole Dr.
Novi, Michigan 48375
248.735.5640
248.735.5659 fax

cityofnovi.org

SIDEWALK EASEMENT

KNOW ALL MEN BY THESE PRESENTS, that LINDSEY PROPERTIES, L.L.C., a Michigan limited liability company, whose address is 45003 W PONTIAC TRAIL, NOVI, MI 48377, 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 2, 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)

{Signature begins on following page}

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.

IN WITNESS WHEREOF, the undersigned Grantor has affixed _____ signature this _____ day of _____ A.D., 20____.

Signed by:

Lindsey Properties, L.L.C., a Michigan Limited Liability Company

By: _____
Its: _____

STATE OF MICHIGAN)
) SS
COUNTY OF _____)

On this _____ day of _____, A.D., 20____, before me, personally appeared the above named _____, the _____ of Lindsey Properties, L.L.C., a Michigan limited liability company, to me known to be the person described in and who executed the foregoing instrument and acknowledged that they executed the same as _____ free act and deed.

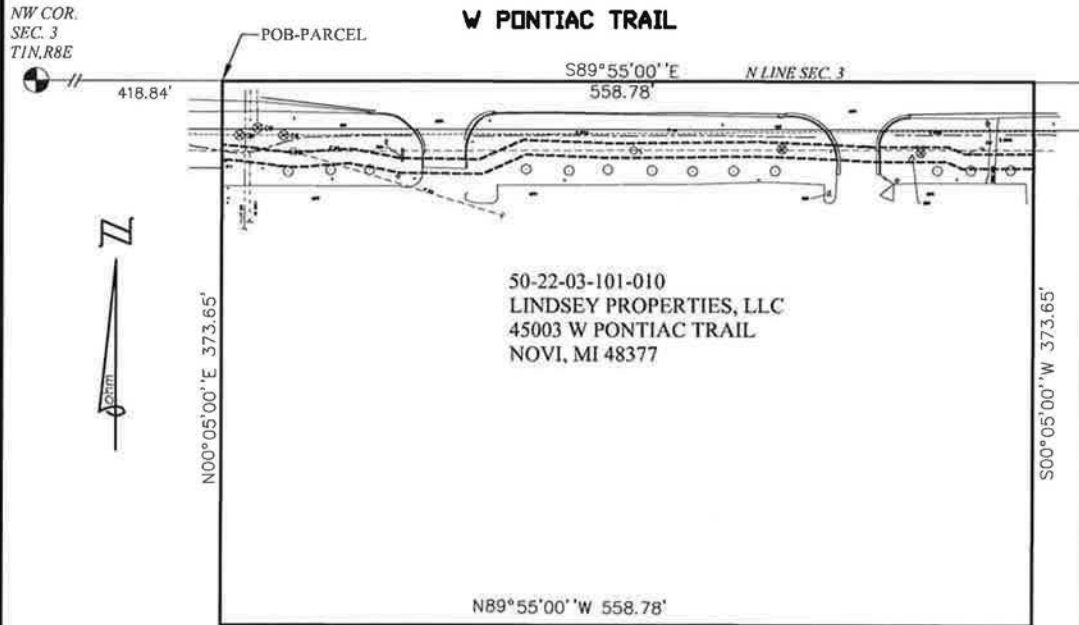
Notary Public
_____ County, Michigan
My Commission Expire

Drafted by:
Sameer Hamad
OHM Advisors
34000 Plymouth Road
Livonia, MI 48150

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

PROPERTY SKETCH AND DESCRIPTION

Exhibit "A"



PARCEL DESCRIPTION (50-22-03-101-010)
(Per Oakland County Tax Rolls)

A parcel of land being a part of the NW 1/4 of the Section 3, Town 1 North, Range 8 East, City of Novi, Oakland County, Michigan, more particularly described as follows:

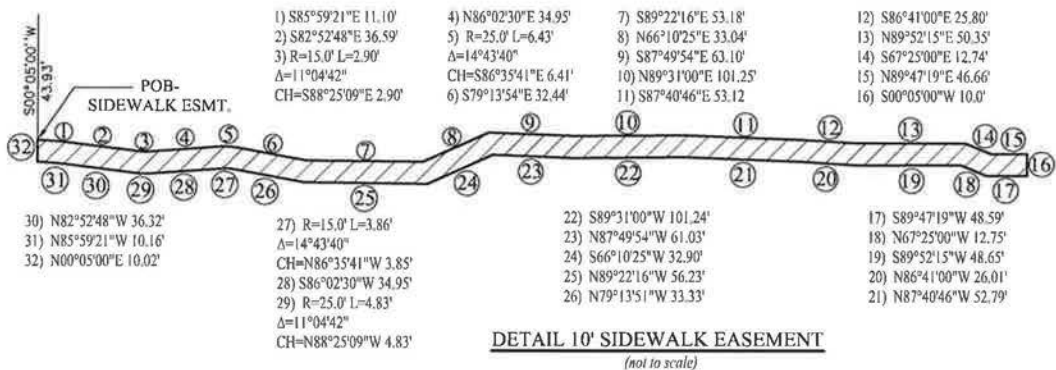
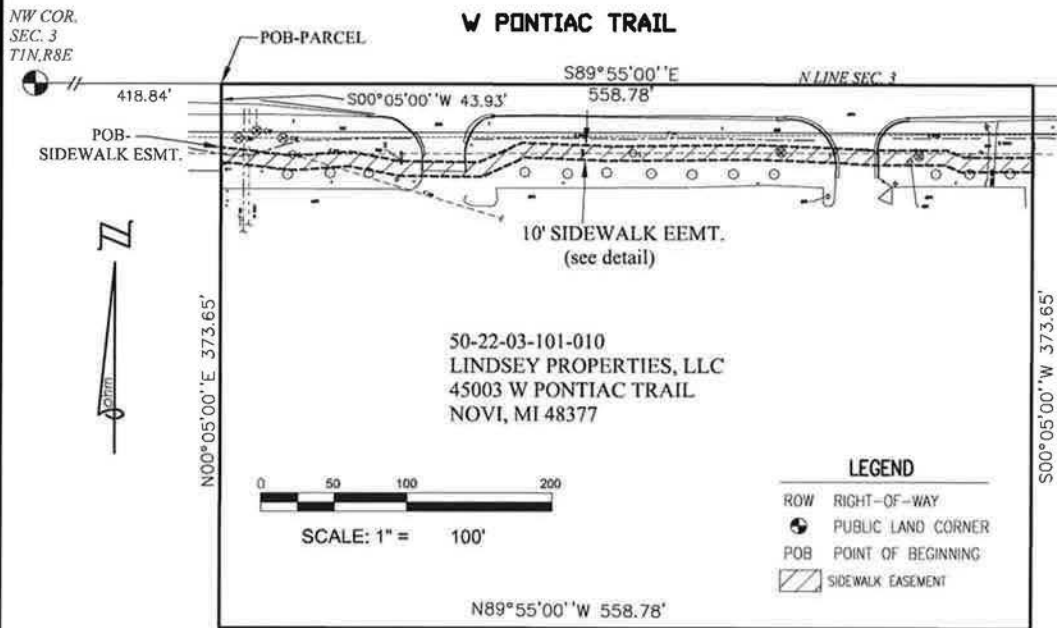
Beginning at a point distant S 89°55'00" E 418.84 feet from the NW corner of said Section 3; thence S 89°55'00" E 558.78 feet along the North line of said Section 3; thence S 00°05'00" W 373.65 feet; thence N 89°55'00" W 558.78 feet; thence N 00°05'00" E 373.65 feet to the Point of Beginning. Subject to all easements and restrictions of record, if any.

PROPERTY SKETCH AND DESCRIPTION		DATE 05-16-17	JOB # 0163-15-0100	SHEET 3 OF 4
PART OF THE NW 1/4 OF SECTION 3 T.1N., R.8E., CITY OF NOVI, OAKLAND COUNTY, MICH. PARCEL ID 50-22-03-101-010		CITY OF NOVI		
34000 Plymouth Road Livonia, MI 48150 P (734) 522-6711 F (734) 522-6427 WWW.OHM-ADVISORS.COM				
<small>COPYRIGHT 2017 OHM. ALL DRAWINGS AND WRITTEN MATERIALS APPEARING HEREON CONSTITUTE THE ORIGINAL AND UNPUBLISHED WORK OF OHM AND THE SAME MAY NOT BE DUPLICATED, DISTRIBUTED, OR DISCLOSED WITHOUT PRIOR WRITTEN CONSENT OF OHM.</small>				



SIDEWALK EASEMENT SKETCH AND DESCRIPTION

Exhibit "B"



SIDEWALK EASEMENT

A 10 foot sidewalk easement being a part of the NW 1/4 of the Section 3, Town 1 North, Range 8 East, City of Novi, Oakland County, Michigan, more particularly described as follows:
Beginning at a point distant S 89°55'00" E 418.84 feet and S 00°05'00" W 43.93 feet from the NW corner of said Section 3; thence S 85°59'21" E 11.10 feet; thence S 82°52'48" E 36.59 feet; thence 2.90 feet along a curve to the left having a radius of 15.0 feet, delta 11°04'42", chord bears S 88°25'09" E 2.90 feet; N 86°02'30" E 34.95 feet; thence 6.43 feet along a curve to the right having a radius of 25.0 feet, delta 14°43'40", chord bears S 86°35'41" E 6.41 feet; thence S 79°13'51" E 32.44 feet; thence S 89°22'16" E 53.18 feet; thence N 66°10'25" E 33.04 feet; thence S 87°49'54" E 63.10 feet; thence N 89°31'00" E 101.25 feet; thence S 87°40'46" E 53.12 feet; thence S 86°41'00" E 25.80 feet; thence N 89°52'15" E 50.35 feet; thence S 67°25'00" E 12.74 feet; thence N 89°47'19" E 46.66 feet; thence S 00°05'00" W 10.0 feet along the East line of said parent parcel; thence S 89°47'19" W 48.59 feet; thence N 67°25'00" W 12.75 feet; thence S 89°52'15" W 48.65 feet; thence N 86°41'00" W 26.01 feet; thence N 87°40'46" W 52.79 feet; thence S 89°31'00" W 101.24 feet; thence N 87°49'54" W 61.03 feet; thence S 66°10'25" W 32.90 feet; thence N 89°22'16" W 56.23 feet; thence N 79°13'51" W 33.33 feet; thence 3.86 feet along a curve to the left having a radius of 15.0 feet, delta 14°43'40", chord bears N 86°35'41" W 3.85 feet; thence S 86°02'30" W 34.95 feet; thence 4.83 feet along a curve to the right having a radius of 25.0 feet, delta 11°04'42", chord bears N 88°25'09" W 4.83 feet; thence N 82°52'48" W 36.32 feet; thence N 85°59'21" W 10.16 feet; thence N 00°05'00" E 10.02 feet to the Point of Beginning.
Contains 5,636 square feet or 0.129 acres of land, more or less. Subject to all easements and restrictions of record, if any.

SIDEWALK EASEMENT SKETCH AND DESCRIPTION		SCALE 1" = 100'
PART OF THE NW 1/4 OF SECTION 3 T.1N., R.8E., CITY OF NOVI, OAKLAND COUNTY, MICH. PARCEL ID #50-22-03-101-010		SHEET 4 OF 4
DATE 05-16-17	DRAWN BY CITY OF NOVI	JOB # 0183-15-0100
34000 Plymouth Road Livonia, MI 48150 P (734) 522-6711 F (734) 522-6427 WWW.OHM-ADVISORS.COM		
OHM		

TEMPORARY GRADING PERMIT

I, _____, as the Owner of the properties described as 45003 W Pontiac Trail, Novi, MI 48377 (parcel 50-22-03-101-010) grant the City of Novi and its contractor (or subcontractors) permission to access, move men and equipment on and through, the right to store materials and excavated earth, remove vegetation and alter the underlying land in, over, upon and through the properties described above in the particular areas shown in Exhibit A, attached.

The work will include:

Construction activities related to the construction of a sidewalk along the south side of Pontiac Trail from an existing sidewalk connection point east of Beck Road through the intersection at West Park Drive. The specific work may include grading, tree removals, modifications to driveway approaches, and related construction activities required for the proposed sidewalk work in accordance with the approved plans. All work is contained in the set of construction plans entitled "Pontiac Trail Sidewalk" by OHM Advisors.

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

I understand this only grants permission to the Contractor to perform work directly relating to the listed project and upon completion of required grading operations the property will be fully restored.

The Temporary Grading Permit shall start as of the date the contractor commences work on the above project and shall terminate on the date that the contractor completes the above project (not to exceed one year).

By:

Date

Contact Mailing Address

City, State, Zip

Phone Number

Fax Number

STATE OF MICHIGAN)
)SS
COUNTY OF _____)

The foregoing instrument was acknowledged before me this _____ day of _____, 20__, by _____, the Owner of 45003 W Pontiac Trail, Novi, MI 48377.

Notary Public

County, Michigan
My Commission Expires:

Drafted by:
Kyle Selter
OHM Advisors
34000 Plymouth Road
Livonia, MI 48150

When recorded return to:
Cortney Hanson, City Clerk
City of Novi
45175 Ten Mile Road
Novi, Michigan 48375

VALUATION STATEMENT

Easements

Property Owner(s): Lindsey Properties
45077 W. Pontiac Trail
Novi, Michigan 48377

Address: 45077 W. Pontiac Trail
Novi, Michigan 48377
50-22-03-101-010

Area to be acquired:	<u>5,637 SF (Perm), 10,582 SF (Temp)</u>	
Price per square foot	<u>\$ 5.06</u>	
Total	<u>\$ N/A</u>	Fee (Permanent)
	x 50% <u>\$ 14,261.61</u>	Sidewalk Easement (Permanent)
	x 10% <u>\$ 5,354.49</u>	Grading Permit (Temporary)
Just Compensation	<u>\$ 19,616.10</u>	

ADDITIONAL INFORMATION:

Valuations Disclaimer

The information and material presented in the valuation statement are provided to you for informational purposes. Neither the City of Novi nor any of its affiliates makes any representation or warranty or guarantee as to the completeness, accuracy, timeliness or suitability of any information contained within any part of the statement nor that it is free from error. The City of Novi does not accept any liability for any loss or damage (including, without limitation, loss of profit), which may arise directly or indirectly from use of or reliance on such information. Whilst the information provided has been obtained from sources believed to be reliable (2017 Valuation of Land), neither the City of Novi nor any of its affiliates attests to its accuracy or completeness.

**RESOLUTION CONCERNING THE ACQUISITION
OF PROPERTY AND APPROVING DECLARATION OF NECESSITY AND TAKING**

City of Novi
County of Oakland, Michigan

Minutes of a _____ Meeting of the City Council of the City of Novi, County of Oakland, Michigan, held in the City Hall in said City on _____, 2017, at 7:00 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, present conditions in the City of Novi, Oakland County, Michigan, necessitate the construction of a sidewalk along the south side of Pontiac Trail between Beck Road and West Park Drive along the frontage of 45077 Pontiac Trail in the City of Novi, Oakland County, State of Michigan, to-wit:

PARCEL DESCRIPTION (50-22-03-101-010)

(Per Oakland County Tax Rolls)

A parcel of land being a part of the NW 1/4 of the Section 3, Town 1 North, Range 8 East, City of Novi, Oakland County, Michigan, more particularly described as follows:

Beginning at a point distant S 89°55'00" E 977.62 feet from the NW corner of said Section 3; thence S 89°55'00" E 180.0 feet along the North line of said Section 3; thence S 00°05'00" W 313.65 feet; thence S 89°55'00" E 279.46 feet; thence S 34°58'40" W 73.15 feet; thence N 89°55'00" W 417.61 feet; thence N 00°05'00" E 373.65 feet to the Point of Beginning. Except the East 33 feet taken for highway. Subject to all easements and restrictions of record, if any.

SIDEWALK EASEMENT

A 10 foot sidewalk easement being a part of the NW 1/4 of the Section 3, Town 1 North, Range 8 East, City of Novi, Oakland County, Michigan, more particularly described as follows:

Beginning at a point distant S 89°55'00" E 977.62 feet and S 00°05'00" W 49.55 feet from the NW corner of said Section 3; thence N 89°47'19" E 14.16 feet; thence N 85°03'50" E 53.86 feet; thence S 89°22'07" E 72.36 feet; thence N 87°53'25" E 39.85 feet; thence S 00°05'00" W 10.0 feet along the East line of said parent parcel; thence S 87°53'25" W 39.71 feet; thence N 89°22'07" W 72.11 feet; thence S 85°03'50" W 53.79 feet; thence S 89°47'19" W 14.63 feet; thence N 00°05'00" E 10.0 feet along the West line of said parent parcel to the Point of Beginning.

Contains 1,801 square feet or 0.041 acres of land, more or less. Subject to all easements and restrictions of record, if any.

TEMPORARY GRADING EASEMENT (50-22-03-101-010)

A temporary grading easement being a part of the NW 1/4 of the Section 3, Town 1 North, Range 8 East, City of Novi, Oakland County, Michigan, more particularly described as follows:

Beginning at a point distant S 89°55'00" E 418.84 feet and S 00°05'00" W 33.0 feet from the NW corner of said Section 3; thence S 89°55'00" E 558.78 feet; thence S 00°05'00" W 33.75 feet; thence S 71°27'29" W 24.69 feet; thence S 89°58'21" W 16.15 feet; thence N 04°07'12" E 9.19 feet; thence N 85°52'48" W 10.99 feet; thence N 67°25'00" W 10.94 feet; thence N 89°03'14" W 229.37 feet; thence N 87°26'17" W 51.72 feet; thence S 70°23'13" W 41.83 feet; thence N 89°28'38" W 56.71 feet; thence N 86°00'43" W 73.75 feet; thence N 83°32'58" W 48.42 feet; thence N 00°05'00" E 25.12 feet to the Point of Beginning.

Subject to all easements and restrictions of record, if any.

WHEREAS, plans for the improvements are on file with the City Clerk's Office; and

WHEREAS, it has been determined that said improvements are necessary for the use and benefit of the public; and

WHEREAS, in order to construct said improvements, it is necessary that the City acquire a permanent Sidewalk Easement and Temporary Grading Easement to the above-described real estate.

WHEREAS, the City has caused a valuation of the subject property to be prepared;

WHEREAS, value of the easements over the subject property is Nineteen Thousand Six Hundred and Sixteen and 10/100 (\$19,616.10).

WHEREAS, the City has determined that it is in the best interests of the City to offer to purchase the easements over the subject property from the owner of such property, and to take such other actions as are deemed necessary to acquire the subject property for the purposes of constructing the improvements;

NOW, THEREFORE, BE IT RESOLVED, by the authority vested in the City of Novi by law, that it is hereby declared and determined that it is necessary to construct a sidewalk along the south side of Pontiac Trail between Beck Road and West Park Drive along the frontage of 45077 Pontiac Trail on, over, upon, and through the above-described property within the City of Novi in accordance with the plans prepared by the City, and that said improvements are necessary for the use and benefit of the public; and

BE IT FURTHER RESOLVED, that the Mayor of the City is hereby authorized to execute, on behalf of the City, a good faith Offer to Purchase, a copy of which is attached hereto as Exhibit A, calling for the payment of Nineteen Thousand Six Hundred and Sixteen and 10/100 (\$19,616.10) for a permanent Sidewalk Easement and Temporary Grading Easement over the subject property. The above amounts have been established as just compensation for the acquisition of the property, based upon a valuation of the property and the desire to complete the sale short of litigation.

BE IT FURTHER RESOLVED, that after the execution of the good faith Offer to Purchase by the Mayor, the good faith Offer to Purchase shall be submitted to the owners of the property;

BE IT FURTHER RESOLVED, that in the event the Sellers fail to accept the good faith Offer to Purchase within fourteen (14) days of the date of delivery, the City Manager is hereby authorized to execute the Declaration of Taking, which is attached hereto;

BE IT FURTHER RESOLVED, that in the event the offer is not accepted as set forth above, the Mayor, City Clerk, and City Attorney are authorized to take all actions required to obtain a permanent Sidewalk Easement and Temporary Grading Permit in the subject property by eminent domain.

BE IT FURTHER RESOLVED, that in the event the offer is not accepted as set forth above, and the Declaration is executed, the City finance officer is authorized and directed to place an amount equal to the amount contained in the good faith offer that was made to the property owners Nineteen Thousand Six Hundred and Sixteen and 10/100 (\$19,616.10) into a separate account and to hold such money on deposit as the estimated amount of just compensation to be paid in connection with the eminent domain proceedings.

BE IT FURTHER RESOLVED, that all resolutions and part of resolutions insofar as they conflict with the provisions of this Resolution be and the same hereby are rescinded.

AYES: Councilmembers _____

NAYES: Councilmembers _____

RESOLUTION DECLARED ADOPTED.

CORTNEY HANSON, 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 at _____ meeting held this _____ day of _____, 2017.

CORTNEY HANSON, CITY CLERK

DECLARATION OF TAKING

A Resolution of Necessity having been adopted by the City of Novi setting forth that present conditions necessitate the construction of a sidewalk with related storm sewer improvements along the south side of Pontiac Trail between Beck Road and West Park Drive along the frontage of 45077 Pontiac Trail (the "Improvements") in the City of Novi, Oakland County, Michigan, in the interest of the public health, safety, and welfare, and that it is necessary to acquire a permanent Sidewalk Easement and Temporary Grading Easement over the property within the City of Novi for said Improvements, and that a good faith written offer to purchase said property will be made.

NOW, THEREFORE, by virtue of the authority vested in the City of Novi, by Act 279 of the Public Acts of 1909, as amended, and/or Act 149 of the Public Acts of 1911, as amended, or other applicable statutes, and in accordance with the provisions of Act 87 of Public Acts of 1980, as amended, it is now declared and determined that the easement property hereinafter described shall be taken for the purpose of constructing a sidewalk, in accordance with prepared plans showing said Improvements which are on file with the City Clerk's Office.

A statement of the estate of interest in the property being taken; a description of the property to be acquired, sufficient for its identification; the name of each known owner of said property; the name of each known person, other than the owner, having an interest in said property; a statement of the sum of money estimated by the City of Novi as just compensation for the property being acquired; and a statement whether the City of Novi reserves or waives its

rights to bring federal or state cost recovery actions against the present owner of the property are as follows:

1. Statement of the Estate of Interest Being Taken and Description of the Property.

PARCEL DESCRIPTION (50-22-03-101-010)

(Per Oakland County Tax Rolls)

A parcel of land being a part of the NW 1/4 of the Section 3, Town 1 North, Range 8 East, City of Novi, Oakland County, Michigan, more particularly described as follows:

Beginning at a point distant S 89°55'00" E 977.62 feet from the NW corner of said Section 3; thence S 89°55'00" E 180.0 feet along the North line of said Section 3; thence S 00°05'00" W 313.65 feet; thence S 89°55'00" E 279.46 feet; thence S 34°58'40" W 73.15 feet; thence N 89°55'00" W 417.61 feet; thence N 00°05'00" E 373.65 feet to the Point of Beginning. Except the East 33 feet taken for highway. Subject to all easements and restrictions of record, if any.

SIDEWALK EASEMENT

A 10 foot sidewalk easement being a part of the NW 1/4 of the Section 3, Town 1 North, Range 8 East, City of Novi, Oakland County, Michigan, more particularly described as follows:

Beginning at a point distant S 89°55'00" E 977.62 feet and S 00°05'00" W 49.55 feet from the NW corner of said Section 3; thence N 89°47'19" E 14.16 feet; thence N 85°03'50" E 53.86 feet; thence S 89°22'07" E 72.36 feet; thence N 87°53'25" E 39.85 feet; thence S 00°05'00" W 10.0 feet along the East line of said parent parcel; thence S 87°53'25" W 39.71 feet; thence N 89°22'07" W 72.11 feet; thence S 85°03'50" W 53.79 feet; thence S 89°47'19" W 14.63 feet; thence N 00°05'00" E 10.0 feet along the West line of said parent parcel to the Point of Beginning.

Contains 1,801 square feet or 0.041 acres of land, more or less. Subject to all easements and restrictions of record, if any.

TEMPORARY GRADING EASEMENT (50-22-03-101-010)

A temporary grading easement being a part of the NW 1/4 of the Section 3, Town 1 North, Range 8 East, City of Novi, Oakland County, Michigan, more particularly described as follows:

Beginning at a point distant S 89°55'00" E 418.84 feet and S 00°05'00" W 33.0 feet from the NW corner of said Section 3; thence S 89°55'00" E 558.78 feet; thence S 00°05'00" W 33.75 feet; thence S 71°27'29" W 24.69 feet; thence S 89°58'21" W 16.15 feet; thence N 04°07'12" E 9.19 feet; thence N 85°52'48" W 10.99 feet; thence N

Acting in Oakland County, Michigan
My Commission Expires: _____

Prepared by and when recorded return to:
Elizabeth K. Saarela (P 60265)
27555 Executive Drive, Suite 250
Farmington Hills, MI 48331
Phone: (248) 489-4100
Tax Identification No: _____

AGREEMENT OF SALE
OFFER TO PURCHASE REAL PROPERTY

1. The City of Novi, a Michigan municipal corporation (hereinafter "City"), hereby offers and agrees to purchase easements over real property within the City of Novi, described as:

PARCEL DESCRIPTION (50-22-03-101-010)

(Per Oakland County Tax Rolls)

A parcel of land being a part of the NW 1/4 of the Section 3, Town 1 North, Range 8 East, City of Novi, Oakland County, Michigan, more particularly described as follows:

Beginning at a point distant S 89°55'00" E 977.62 feet from the NW corner of said Section 3; thence S 89°55'00" E 180.0 feet along the North line of said Section 3; thence S 00°05'00" W 313.65 feet; thence S 89°55'00" E 279.46 feet; thence S 34°58'40" W 73.15 feet; thence N 89°55'00" W 417.61 feet; thence N 00°05'00" E 373.65 feet to the Point of Beginning. Except the East 33 feet taken for highway. Subject to all easements and restrictions of record, if any.

SIDEWALK EASEMENT

A 10 foot sidewalk easement being a part of the NW 1/4 of the Section 3, Town 1 North, Range 8 East, City of Novi, Oakland County, Michigan, more particularly described as follows:

Beginning at a point distant S 89°55'00" E 977.62 feet and S 00°05'00" W 49.55 feet from the NW corner of said Section 3; thence N 89°47'19" E 14.16 feet; thence N 85°03'50" E 53.86 feet; thence S 89°22'07" E 72.36 feet; thence N 87°53'25" E 39.85 feet; thence S 00°05'00" W 10.0 feet along the East line of said parent parcel; thence S 87°53'25" W 39.71 feet; thence N 89°22'07" W 72.11 feet; thence S 85°03'50" W 53.79 feet; thence S 89°47'19" W 14.63 feet; thence N 00°05'00" E 10.0 feet along the West line of said parent parcel to the Point of Beginning.

Contains 1,801 square feet or 0.041 acres of land, more or less. Subject to all

easements and restrictions of record, if any.

TEMPORARY GRADING EASEMENT (50-22-03-101-010)

A temporary grading easement being a part of the NW 1/4 of the Section 3, Town 1 North, Range 8 East, City of Novi, Oakland County, Michigan, more particularly described as follows:

Beginning at a point distant S 89°55'00" E 418.84 feet and S 00°05'00" W 33.0 feet from the NW corner of said Section 3; thence S 89°55'00" E 558.78 feet; thence S 00°05'00" W 33.75 feet; thence S 71°27'29" W 24.69 feet; thence S 89°58'21" W 16.15 feet; thence N 04°07'12" E 9.19 feet; thence N 85°52'48" W 10.99 feet; thence N 67°25'00" W 10.94 feet; thence N 89°03'14" W 229.37 feet; thence N 87°26'17" W 51.72 feet; thence S 70°23'13" W 41.83 feet; thence N 89°28'38" W 56.71 feet; thence N 86°00'43" W 73.75 feet; thence N 83°32'58" W 48.42 feet; thence N 00°05'00" E 25.12 feet to the Point of Beginning.

Subject to all easements and restrictions of record, if any.

and to pay therefore the sum of Nineteen Thousand Six Hundred and Sixteen and 10/100 (\$19,616.10), subject to the existing building and use restrictions, easements, and zoning ordinances, if any, upon the following conditions:

- (i) Delivery of a permanent Sidewalk Easement
- (ii) Delivery of a Temporary Grading Easement

2. Upon Seller's acceptance of this Offer to Purchase, as evidence of title, the City agrees to obtain a commitment for the title insurance with policy pursuant thereto to be issued insuring the City. The City will pay the cost of the title insurance policy premium.

3. If this offer is accepted by the Seller and if title can be conveyed in the condition required hereunder, the City agrees to complete the sale within fifteen (15) days after the receipt of the commitment for title insurance.

4. If objection to the title is made, based on a written opinion of the City Attorney that the title is not in the condition required for the performance hereunder,

the Sellers shall have thirty (30) days from the date they are notified in writing of the particular defects claimed, to fulfill the requirements in the commitment for title insurance or to remedy the title defects set forth in the City Attorney's opinion. If the Seller is able to comply with such requirements or remedy such defects within the time specified, as evidenced by written notification, revised commitment or endorsement to commitment, the City agrees to complete the sale within twenty (20) days of receipt thereof. If the Seller is unable to furnish satisfactory title within the time specified, the City will commence condemnation proceedings to acquire the Property.

5. The Seller shall deliver and the City shall accept possession of said Property upon the date of closing.

6. It is understood that the Property is being acquired in connection with the construction of a sidewalk along the south side of Pontiac Trail between Beck Road and West Park Drive along the frontage of 45077 Pontiac Trail in the City of Novi, Michigan.

7. The City shall pay the cost of recording the Sidewalk Easement and the cost of all Michigan Real Estate Transfer Tax.

8. The City reserves its right to bring Federal or State cost recovery actions against the present owners of the Property arising out of a release of hazardous substances at the Property.

9. The covenants herein shall bind and inure to the benefit of the executors, administrators, successors, and assigns of the respective parties.

10. If this Offer to Purchase is not accepted by Seller within Fourteen (14) days from the date of its mailing to Seller, this Offer to Purchase shall be considered withdrawn and of no further force and effect.

11. This Offer to Purchase may be executed in one or more counterparts as one Agreement and shall be binding upon the City and the hereafter named Seller when executed by the City of Novi and all of the hereafter named Seller.

The closing of this sale shall take place at the City of Novi offices located at 45175 Ten Mile Road, Novi, Michigan.

WITNESSES:

PURCHASER:

CITY OF NOVI, a Michigan
municipal corporation

By: ROBERT J. GATT
Its: Mayor

By: CORTNEY HANSON
Its: City Clerk

Dated: _____, 2017

To the Above Named Purchaser:

The foregoing offer is hereby accepted and the Seller agrees to sell the Property upon the terms stated:

By the execution of this instrument, the Seller acknowledges the receipt of a copy of this Agreement.

IN THE PRESENCE OF:

LINDSEY PROPERTIES, L.L.C.

By: _____

PURCHASER'S RECEIPT OF ACCEPTED OFFER

The Purchaser hereby acknowledges receipt of the Seller's signed acceptance of the foregoing Offer to Purchase.

CITY OF NOVI, a Michigan
municipal corporation, Purchaser

BY: _____

Its: _____

Dated: _____, 2017

WOOD DISPOSAL LICENSE

FOR PERMIT APPLICATION NUMBER _____

Regarding property ("Property") commonly known as: Lindsey Properties, LLC

(Part of) Tax Parcel No. 50-22-03-101-010

Section 4, T1N, R8E, Oakland County Michigan

Name(s) of property owner(s) (the "Owner"): Lindsey Properties, LLC

Address of Owner: 45003 Pontiac Trail
Novi, Mi 48377

The undersigned Owner understands that the proposed construction of a Pathway by the Road Commission for Oakland County permit applicant City of Novi ("Permit Applicant") or its agents will necessitate the removal of certain trees and stumps within the road right-of-way on the South side of West Pontiac Trail.

The undersigned Owner:

Wants to receive the wood resulting from the Permit Applicant or its agent's removal of trees that are on or adjacent to the Property, and the Owner understands that the wood will be cut into 10 to 12 foot lengths. **By checking this box, the Owner hereby gives permission to the Permit Applicant to enter the Property in order to place the wood on the Property.**

Does not want to receive the wood resulting from the Permit Applicant's removal of trees that are on or adjacent to the Property.

This License does *not* transfer an interest in your property to the Permit Applicant or any of its agents; it does *not* need to be recorded with the Oakland County Register of Deeds; and it does *not* cause a change in your property boundary lines.

This License contains the entire understanding between the Owner, the Permit Applicant, and the Road Commission for Oakland County. There are no other verbal promises between the parties except as shown herein.

IN WITNESS HEREOF, the undersigned hereby agree(s) to the terms and provisions herein as of this ____ day of _____, 2017.

WITNESS:

Signed by:

Signature

Signature

Print Name

Print Name

Signature

Print Name