



**CITY OF NOVI CITY COUNCIL**  
**APRIL 3, 2023**

**SUBJECT:** Acceptance of a sidewalk easement associated with the Innova Apartments project, JSP 19-0024, in the amount of \$12,855.12.

**SUBMITTING DEPARTMENT:** Department of Public Works, Engineering Division

<b>EXPENDITURE REQUIRED</b>	<b>\$ 12,855.12</b>
<b>AMOUNT BUDGETED</b>	<b>\$ 12,856.00</b>
<b>APPROPRIATION REQUIRED</b>	<b>\$ 0</b>
<b>LINE ITEM NUMBER</b>	<b>204-446.00-805.000</b>

**BACKGROUND INFORMATION:**

The Innova Apartment development on Haggerty Road between 12 Mile Rd and 13 Mile Rd began construction in 2022. The Planned Rezoning Overlay (PRO) Agreement for the project requires the developer to be responsible for the design and construction of two off-site sidewalk gaps on the west side of Haggerty Rd, to complete the sidewalk between 12 Mile Rd and 13 Mile Rd. The two off-site sidewalk gaps total approximately 600-feet in length and span three parcels. Per the PRO Agreement, the City is responsible for securing any needed easements for sidewalk gaps. Two remaining easements are pending execution.

<b>Location</b>	<b>Property Owner</b>	<b>Parcel ID</b>
Vacant, Haggerty Rd	Haggerty Corridor Partners	50-22-12-400-035

The City Attorney reviewed the signed easement favorably (Beth Saarela, March 22, 2023). Construction of the sidewalk gaps is expected to occur this summer.

**RECOMMENDED ACTION:** Acceptance of one sidewalk easement associated with the Innova Apartments project, JSP 19-0024, in the amount of \$12,855.12.

# Innova Apartments Off-Site Sidewalk Easement

Parcel 50-22-12-400-035



## Location Map



Map Author: Runkel  
Date: 3-17-23  
Project: Innova Apartments  
Version #: 1.1

**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

-  Right of Way - Novi Edits
-  Sidewalk Easement Location



### City of Novi

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



0 55 110 220 330  
Feet  
1 inch = 270 feet

ELIZABETH KUDLA SAARELA  
esaarela@rsjalaw.com

27555 Executive Drive, Suite 250  
Farmington Hills, Michigan 48331  
P 248.489.4100 | F 248.489.1726  
www.rsjalaw.com



ROSATI | SCHULTZ  
JOPPICH | AMTSBUECHLER

March 22, 2023

Rebecca Runkel, Project Engineer  
City of Novi  
Field Services Complex  
26300 Lee BeGole Drive  
Novi, MI 48375

**RE: Innova Project Sidewalk Gaps – Sidewalk Easement:  
Parcel: 22-12-400-035**

Dear Ms. Runkel:

We have received and reviewed the following easement that the City has acquired for the Innova Sidewalk Gaps Project:

- Sidewalk Easement – Parcel 22-12-400-035 (\$12,855.12)

In accordance with the PRO Agreement for the Innova/Novalplex Apartment Development, the City has acquired this off-site easements for 1 of the 3 sidewalk gaps for the sidewalk that the Developer must construct outside the Project. The property owner has agreed to accept the valuations as determined by the City based on assessing records as just compensation for the easement.

The easement may be placed on an upcoming City Council Agenda for acceptance. Once accepted, the easement should be recorded by the City Clerk's Office with the Oakland County Register of Deeds in the usual manner. It is our understanding that the City's Engineering Division has the original easement for recording.

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

Rebecca Runkel, Project Engineer  
City of Novi  
March 22, 2023  
Page 2

Very truly yours,

ROSATI SCHULTZ JOPPICH  
& AMTSBUECHLER PC



Elizabeth Kudla Saarela

EKS

Enclosures

C: Cortney Hanson, Clerk (w/ Enclosure)  
Ben Croy, City Engineer (w/Enclosure)  
Thomas R. Schultz, Esquire (w/Enclosure)

### **SIDEWALK EASEMENT**

NOW ALL MEN BY THESE PRESENTS, Haggerty Corridor Partners, LLC, a Michigan limited liability company, whose address is 39000 Country Club Dr., Farmington Hills, MI 48331, for and in consideration of Twelve-thousand Eight-hundred Fifty-five Dollars and Twelve Cents (\$12,855.12) 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 Ten Mile Road, Novi, Michigan 48375, a permanent easement for a public non-motorized pathway over across and through property located in Section 12, City of Novi, Oakland County, State of Michigan, more particularly described as follows:

{See attached and incorporated Exhibit A}

Parcel No. 22-12-400-035

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

{See attached and incorporated Exhibit B}

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 B.

Grantor agrees not to build or to convey to others permission to build any permanent structures on, over, across, in, through, or under the above-described Easement Area, except that, subject to Grantee's approval as part of an approved site plan, the Grantor may construct and/or install surface improvements to the property, including paved driveways, parking and/or walkways; landscaping; utilities and/or similar improvements, which improvements do not interfere with use, operation, maintenance, repair and replacement of the sidewalk in the Easement Areas shown on the attached and incorporated Exhibit B.

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.

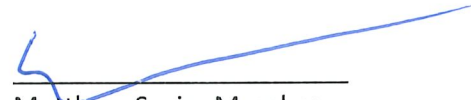
This instrument shall run with the land first described above and shall be binding upon and inure to the benefit of the Grantor, Grantee, and their respective heirs, representatives, successors and assigns.

This easement shall allow public non-motorized traffic and shall permit maintenance, repair and replacement of the paving in the Easement Area.

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

Dated this 13<sup>th</sup> day of March, 2023.

**GRANTOR**  
**Haggerty Corridor Partners, LLC, a**  
Michigan limited liability company

  
Matthew Sosin, Member

STATE OF MICHIGAN        )  
  ) SS  
COUNTY OF OAKLAND     )

The foregoing instrument was acknowledged before me this 13<sup>th</sup> day of March, 2023, by Neil Sosin, Member of Haggerty Corridor Partners, LLC, a Michigan limited liability company, on its behalf.

JULIE A. BARNARD  
NOTARY PUBLIC, STATE OF MI  
COUNTY OF OAKLAND  
MY COMMISSION EXPIRES Nov 17, 2023  
ACTING IN COUNTY OF Oakland

  
Notary Public  
Oakland County, Michigan  
My Commission Expires:

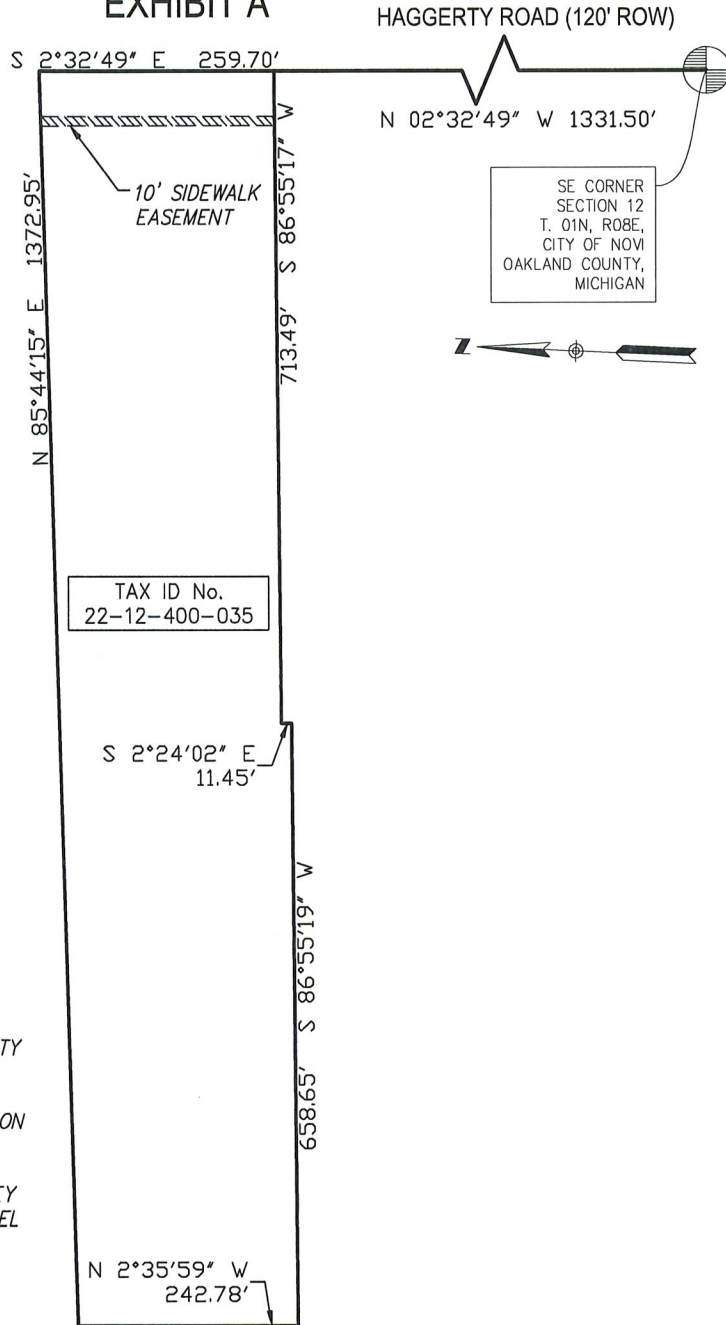
Drafted by:

Elizabeth Kudla Saarela  
27555 Executive Drive, Suite 250  
Farmington Hills, MI 48331

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

# PARCEL 22-12-400-035 SIDEWALK EASEMENT

## EXHIBIT A



NOTE:  
 THE PARCEL DESCRIPTION WAS PROVIDED FROM OAKLAND COUNTY RECORDS. THE EASEMENT DESCRIPTION IS WRITTEN BASED UPON THE FURNISHED DESCRIPTION OF THIS OVERALL PARCEL. SPALDING DeDECKER HAS NOT PERFORMED A BOUNDARY SURVEY OF THIS PARCEL AND THE PARCEL DESCRIPTION DOES NOT NECESSARILY REFLECT FIELD MEASURED VALUES.

### DESCRIPTION ACROSS PARCEL 22-12-400-035

PART OF THE EAST  $\frac{1}{2}$  OF SECTION 12, TOWN 1 NORTH, RANGE 8 EAST, CITY OF NOVI, OAKLAND COUNTY, MICHIGAN, DESCRIBED AS: COMMENCING AT THE SOUTHEAST SECTION CORNER OF SECTION 23; THENCE N02°32'49"W 1331.50 FT TO THE POINT OF BEGINNING; THENCE S86°55'17"W 713.49 FT; THENCE S02°24'02"E 11.45 FT; THENCE S86°55'19"W 658.65 FT; THENCE N02°35'59"W 242.78 FT; THENCE N85°44'15"E 1372.95 FT; THENCE S02°32'49"E 259.70 FT TO THE POINT OF BEGINNING, CONTAINING 7.91 ACRES OF LAND MORE OR LESS.

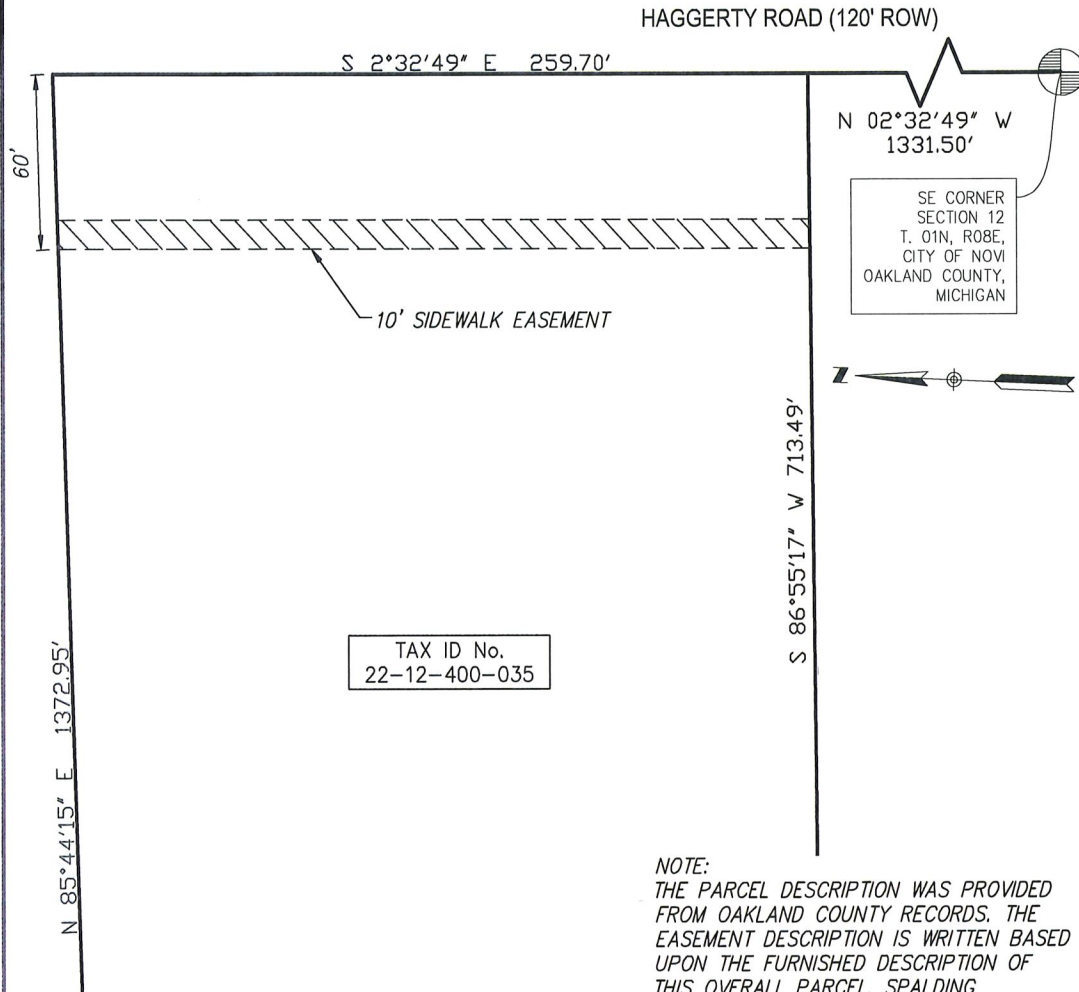
**SPALDING DeDECKER**  
 Engineers | Surveyors

905 South Blvd E Phone: (248) 844-5400  
 Rochester Hills, MI 48307 Fax: (248) 844-5440  
[www.sda-eng.com](http://www.sda-eng.com)

DRAWN: M.FRECKELTON	DATE: 12-21-22
CHECKED: 12-21-22	DATE: 12-21-22
MANAGER: T.REYNOLDS	SCALE: 1" = 160'
JOB No. NV21-210	SHEET: 1 OF 2
SECTION 12 TOWN 01N RANGE 08E	
CITY OF NOVI	OAKLAND COUNTY, MI

# PARCEL 22-12-400-035 SIDEWALK EASEMENT

## EXHIBIT B



TAX ID No.  
22-12-400-035

SE CORNER  
SECTION 12  
T. 01N, R08E,  
CITY OF NOVI  
OAKLAND COUNTY,  
MICHIGAN


*NOTE:  
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FROM OAKLAND COUNTY RECORDS. THE  
EASEMENT DESCRIPTION IS WRITTEN BASED  
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THIS OVERALL PARCEL. SPALDING  
DeDECKER HAS NOT PERFORMED A  
BOUNDARY SURVEY OF THIS PARCEL AND  
THE PARCEL DESCRIPTION DOES NOT  
NECESSARILY REFLECT FIELD MEASURED  
VALUES.*

### DESCRIPTION ACROSS PARCEL 22-12-400-035

PART OF THE EAST 1/2 OF SECTION 12, TOWN 1 NORTH, RANGE 8 EAST, CITY OF NOVI, OAKLAND COUNTY, MICHIGAN, DESCRIBED AS: COMMENCING AT THE SOUTHEAST SECTION CORNER OF SECTION 23; THENCE N02°32'49"W 1331.50 FT TO THE POINT OF BEGINNING; THENCE S86°55'17"W 713.49 FT; THENCE S02°24'02"E 11.45 FT; THENCE S86°55'19"W 658.65 FT; THENCE N02°35'59"W 242.78 FT; THENCE N85°44'15"E 1372.95 FT; THENCE S02°32'49"E 259.70 FT TO THE POINT OF BEGINNING, CONTAINING 7.91 ACRES OF LAND MORE OR LESS.

### 10' SIDEWALK EASEMENT DESCRIPTION

THE WEST 10 FEET OF THE EAST 60 FEET OF THE ABOVE DESCRIBED PARCEL. CONTAINING 0.06 ACRES OF LAND MORE OR LESS.

 <p><b>SPALDING DeDECKER</b> Engineers   Surveyors</p> <p>905 South Blvd E Phone: (248) 844-5400 Rochester Hills, MI 48307 Fax: (248) 844-5440 www.sda-eng.com</p>	DRAWN: M.FRECKELTON	DATE: 12-21-22
	CHECKED: 12-21-22	DATE: 12-21-22
	MANAGER: T.REYNOLDS	SCALE: 1" = 50'
	JOB No. NV21-210	SHEET: 2 OF 2
	SECTION 12 TOWN 01N	RANGE 08E
CITY OF NOVI	OAKLAND COUNTY, MI	



**Commonly Known As:** Vacant, Novi, MI

## TITLE SEARCH

Date: July 19, 2022

The land referred to in this search is situated in the City of Novi, County of Oakland, State of Michigan, as follows:

### **SEE EXHIBIT A**

#### **Last grantee of record:**

Haggerty Corridor Partners Limited Partnership, a Michigan limited partnership

1. Notice of Claim Under the Marketable Record Title Act recorded in Liber 14579, Page 885, Oakland County Records.
2. Declaration and Agreement for Easements recorded in Liber 22003, Page 775, and re-recorded in Liber 22393, Page 280, Oakland County Records.
3. Covenants, conditions and restrictions and other provisions but omitting restrictions, if any, based on race, color, religion, sex, handicap, familial status or national origin as contained in instrument recorded in Liber 20461, Page 340, and in Liber 20651, Page 641, and amended in Liber 20765, Page 77, and amended in Liber 22997, Page 384, and amended in Liber 25649, Page 123, and amended in Liber 46655, Page 354, Oakland County Records.
4. Rights of the public and of any governmental unit in any part of the land taken, used or deeded for a public or private street, drive, road or highway purpose.
5. PAYMENT OF TAXES: Tax Parcel No.: 22-12-400-035

2022 Summer Taxes in the amount of \$5,133.51 are DUE

2021 Winter Taxes in the amount of \$1,767.06 are PAID

Special Assessments: NONE

- 2022 State Equalized Value: \$820,440.00
- 2022 Taxable Value: \$136,030.00

The amounts shown as due do not include collection fees, penalties or interest.

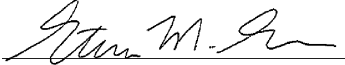
ATA National Title Group, LLC  
36800 Gratiot Avenue  
Clinton Township, MI 48035  
Ph:(586) 463-7200 Fax:(586) 463-6114

## TITLE SEARCH - CONTINUED

[Copies of Documents](#)

COUNTERSIGNED:

**ATA National Title Group, LLC**



Steven M. Greco

AUTHORIZED SIGNATORY

### Terms and Conditions

1. This document is a search only. It is neither an insurance product nor an opinion of law or title and should not be relied upon as such. In addition, it runs only to the named customer and should not be relied upon for any purpose by any person or entity other than the named customer and/or its duly appointed representatives and agents.
2. By receiving and using this product, the customer agrees that the liability of the Company, its subsidiaries and affiliates, for any direct or indirect loss shall be limited to either the amount of the loss or the amount paid for this search, whichever is less.

**TITLE SEARCH - CONTINUED**

**EXHIBIT "A"**

The land referred to in this search is described as follows: City of Novi, County of Oakland, State of Michigan

Town 1 North, Range 8 East, Section 12, part of East 1/2 of section beginning at point distant North 02 degrees 32 minutes 49 seconds West 1331.50 feet from Southeast section corner, thence South 86 degrees 55 minutes 17 seconds West 713.49 feet, thence South 02 degrees 24 minutes 02 seconds East 11.45 feet, thence South 86 degrees 55 minutes 19 seconds West 658.65 feet, thence North 02 degrees 35 minutes 59 seconds West 242.78 feet, thence North 85 degrees 44 minutes 15 seconds East 1372.95 feet, thence South 02 degrees 32 minutes 49 seconds East 259.70 feet to beginning.