



**CITY OF NOVI CITY COUNCIL
AUGUST 31, 2020**

SUBJECT: Acceptance of a sidewalk easement from Mead and Mary Brodrick for construction of a sidewalk along the north side of Ten Mile Road between Dinser Drive and Woodham Road (parcel 50-22-20-401-059) in the amount of \$23,069.91.

SUBMITTING DEPARTMENT: Department of Public Works, Engineering Division

EXPENDITURE REQUIRED	\$ 23,069.91
AMOUNT BUDGETED	\$ 309,970.00
APPROPRIATION REQUIRED	\$ 0
LINE ITEM NUMBER	204-204.00-974.482

BACKGROUND INFORMATION: The City is acquiring sidewalk easements along the north side of Ten Mile Road between Dinser Drive and Woodham Road as part of the Segment 51 sidewalk project. Segment 51 was given priority by the Walkable Novi Committee because it will provide direct access to the ITC Corridor Trail from Ten Mile Road, and it will complete the sidewalk connection on the north side of Ten Mile Road from Wixom Road to Meadowbrook Road. Construction will begin when the remaining five (5) easements are acquired.

The City Attorney reviewed the signed easement favorably (Beth Saarela, August 18, 2020).

RECOMMENDED ACTION: Acceptance of a sidewalk easement from Mead and Mary Brodrick for construction of a sidewalk along the north side of Ten Mile Road between Dinser Drive and Woodham Road (parcel 50-22-20-401-059) in the amount of \$23,069.91.

48190 W 10 Mile Road Sidewalk Easement Location Map



Map Author: Rebecca Runkel
Date: 7/2/2020
Project: Segment 51 Sidewalk
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 132 of 1970 as amended. Please contact the City GIS Manager to confirm source and accuracy information related to this map.



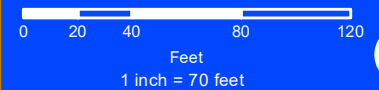
Easement Location

			04	03	02	01
			09	10	11	12
18	17	16	15	14		
19	20	21	22	23	24	
30	29	28	27	26	25	
31	32	33	34	35	36	



City of Novi

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



ELIZABETH KUDLA SAARELA
esaarela@rsjalaw.com

27555 Executive Drive, Suite 250
Farmington Hills, Michigan 48331
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ROSATI | SCHULTZ
JOPPICH | AMTSBUECHLER

August 18, 2020

Jeffrey Herczeg, Director of Public Works
City of Novi
Field Services Complex
26300 Lee BeGole Drive
Novi, MI 48375

RE: 2019 Sidewalks and Pathways – 48190 Ten Mile

Dear Mr. Herczeg:

We have received and reviewed the enclosed Sidewalk Easement for the proposed section of sidewalk to be constructed along Ten Mile Road. The Sidewalk Easement and corresponding Lender Consent is consistent with the Title Search provided by Seaver Title. The property owner has requested the payment of the estimated just compensation in the amount of \$23,069.91, which is based on assessing records, rather than donating the easement. The enclosed Sidewalk Easement may be placed on an upcoming City Council Agenda for acceptance along with a request to approve the payment of the estimated just compensation. Once accepted, the Sidewalk 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 the City is in possession of the original documents.

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

Very truly yours,

ROSATI SCHULTZ JOPPICH
& AMTSBUECHLER PC

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

Elizabeth Kudla Saarela

EKS

Enclosures

C: Cortney Hanson, Clerk (w/Enclosures)
Rebecca Runkel, Staff Engineer (w/Enclosures)
Sue Troutman, Executive Secretary (w/Enclosures)
Thomas R. Schultz, Esquire (w/Enclosures)

CONSENT TO EASEMENT

As the holder of a mortgagee interest in and to the property referenced in the Sidewalk Easement, dated July 10, 2020, as shown in the Exhibit A attached hereto and incorporated herein, whereby, Mead A. Brodrick and Mary K. Brodrick grant and convey said easement to the City of Novi, the undersigned hereby evidences its consent to the grant, conveyance, existence and recordation of said easement, which easement is hereby acknowledged and agreed to be superior to the interest of the undersigned and shall bind the undersigned and the heirs, successors and assigns of the undersigned.

Nothing contained within this Agreement shall operate to alter, change, or modify the terms, provisions, or conditions of the Mortgage, or to release or affect the validity or priority of the lien, security interest and other rights of the Lender arising under or by virtue of the Mortgage. The lien, security interest and other rights of the lender to the mortgaged property by virtue of the Mortgage shall not be affected in any manner by the execution of this Agreement other than to subordinate the lien created by the Mortgage to the easement such that in the event Lender forecloses its lien, the easement shall not be extinguished.
MIN number 10007450000435962-4

IN WITNESSS WHEREOF the undersigned has caused its signature to be placed on 30th day of July, 2020.

MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., (MERS), AS NOMINEE FOR UNION HOME MORTGAGE CORP., BENEFICIARY OF THE SECURITY INSTRUMENT, ITS SUCCESSORS AND/OR ASSIGNS

By: [Signature]
Kyle Pfetzer
Vice President
Fifth Third Bank

State of Ohio
County of Hamilton

The foregoing Consent to Easement was acknowledged before me this 30th day of July, 2020, by Kyle Pfetzer, the VP Of Fifth Third Bank., on its behalf.



LA JOYCE S. DAVIS
Notary Public, State of Ohio
My Commission Expires
March 18, 2023
Recorded in Hamilton County

[Signature]
Notary Public
Acting in Hamilton County, OH
My commission expires: 3/18/2023

SIDEWALK EASEMENT

NOW ALL MEN BY THESE PRESENTS, Mead A. Brodrick and Mary K. Brodrick, husband and wife, whose address is 48190 W 10 Mile Road, Novi, MI 48374, for and in consideration of Twenty Three Thousand Sixty Nine Dollars and Ninety One Cents (\$23,069.91), 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 20, City of Novi, Oakland County, State of Michigan, more particularly described as follows:

{See attached and incorporated Exhibit A}

Parcel No. 50-22-20-401-059

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 10 day of JULY, 2020.

GRANTOR

Mead A. Brodrick

By: Mead A. Brodrick

Mary K. Brodrick

By: Mary K. Brodrick

STATE OF MICHIGAN)
) SS
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this 10th day of July, 2020, by Mead A. Brodrick and Mary K. Brodrick, husband and wife



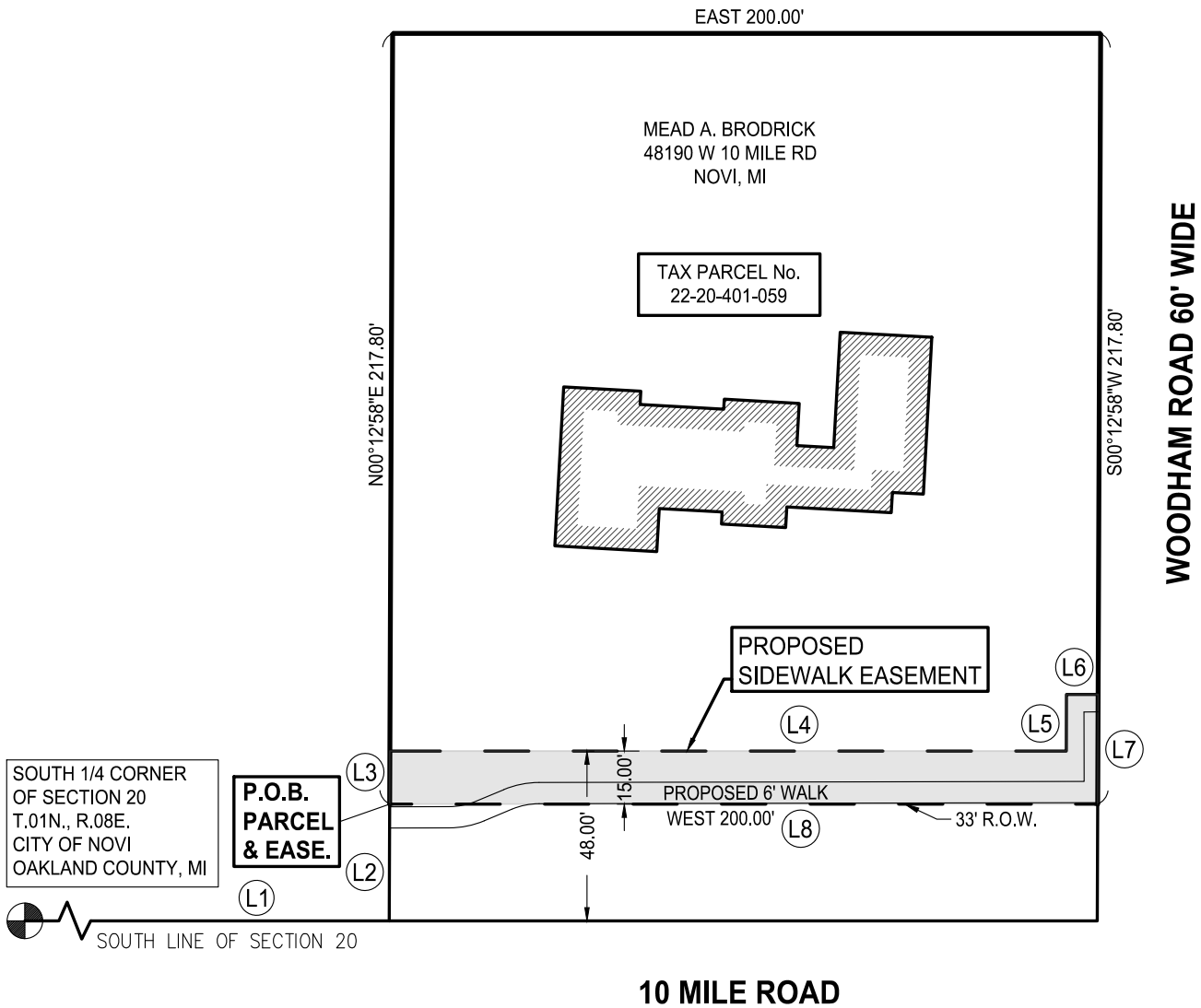
Kathleen J. Erickson
Notary Public
oakland County, Michigan
My Commission Expires:
March 18, 2022

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

SIDEWALK EASEMENT EXHIBIT 'A'



SOUTH 1/4 CORNER
OF SECTION 20
T.01N., R.08E.
CITY OF NOVI
OAKLAND COUNTY, MI

**P.O.B.
PARCEL
& EASE.**

**PROPOSED
SIDEWALK EASEMENT**

PROPOSED 6' WALK
WEST 200.00'

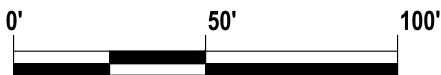
33' R.O.W.



SOUTH LINE OF SECTION 20

10 MILE ROAD

WOODHAM ROAD 60' WIDE



SCALE: 1" = 50'



905 South Blvd. East
Rochester Hills, MI 48307

Phone: (248) 844-5400
Fax: (248) 844-5440

www.sda-eng.com

DRAWN: N.POOLE	DATE: 05-20-20
CHECKED: K.SIROIS	DATE: 05-20-20
MANAGER: M.DEDECKER	SCALE: 1" = 50'
JOB No. NV19006	SHEET: 1 OF 2
SECTION 20 TOWN 01 NORTH RANGE 08 EAST	
CITY OF NOVI	OAKLAND COUNTY, MI

SIDEWALK EASEMENT EXHIBIT 'B'

LEGAL DESCRIPTION

TAX PARCEL ID NO. 22-20-401-059
SOURCE: ATA TITLE FILE NO: 63-19679664-SSP

A PARCEL OF LAND DESCRIBED AS FOLLOWS: CITY OF NOVI, COUNTY OF OAKLAND, STATE OF MICHIGAN TOWN 1 NORTH, RANGE 8 EAST, SECTION 20, PART OF THE SOUTHEAST 1/4, BEGINNING AT A POINT DISTANT NORTH 90 DEGREES 00 MINUTES 00 SECONDS EAST 270.00 FEET AND NORTH 00 DEGREES 12 MINUTES 58 SECONDS EAST 33 FEET FROM THE SOUTH 1/4 CORNER; THENCE NORTH 00 DEGREES 12 MINUTES 58 SECONDS EAST 217.80 FEET; THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS EAST 200.00 FEET; THENCE SOUTH 00 DEGREES 12 MINUTES 58 SECONDS WEST 217.80 FEET; THENCE SOUTH 90 DEGREES 00 MINUTES 00 SECONDS WEST 200 FEET TO THE POINT OF BEGINNING.

VARIABLE WIDTH SIDEWALK EASEMENT

A PERMANENT VARIABLE WIDTH SIDEWALK EASEMENT LOCATED IN AND BEING A PART OF THE SOUTHEAST 1/4 OF SECTION 20, TOWNSHIP 01 NORTH, RANGE 08 EAST, CITY OF NOVI, OAKLAND COUNTY, MICHIGAN. SAID PERMANENT SIDEWALK EASEMENT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH 1/4 CORNER OF SECTION 20, TOWNSHIP 01 NORTH, RANGE 08 EAST, CITY OF NOVI, OAKLAND COUNTY, MICHIGAN; THENCE DUE EAST 270.00 FEET ALONG THE SOUTH LINE OF SAID SECTION 20; THENCE N00°12'58"E 33.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING N00°12'58"E 15.00 FEET; THENCE N90°00'00"E 191.06 FEET; THENCE N00°12'58"E 16.00 FEET; THENCE N90°00'00"E 8.94 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF WOODHAM ROAD (60' WIDE); THENCE S00°12'58"W 31.00 FEET ALONG SAID WESTERLY LINE OF WOODHAM ROAD; THENCE S90°00'00"W 200.00 FEET TO THE POINT OF BEGINNING.

LINE TABLE

LINE NO.	BEARING	DISTANCE
L1	N90° 00' 00"E	270.00'
L2	N00° 12' 58"E	33.00'
L3	N00° 12' 58"E	15.00'
L4	N90° 00' 00"E	191.06'
L5	N00° 12' 58"E	16.00'
L6	N90° 00' 00"E	8.94'
L7	S00° 12' 58"W	31.00'
L8	N90° 00' 00"W	200.00'



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Fax: (248) 844-5440

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DRAWN: N.POOLE	DATE: 05-20-20
CHECKED: K.SIROIS	DATE: 05-20-20
MANAGER: M.DEDECKER	SCALE: NTS
JOB No. NV19006	SHEET: 2 OF 2
SECTION 20 TOWN 01 NORTH RANGE 08 EAST	
CITY OF NOVI	OAKLAND COUNTY, MI