



CITY of NOVI CITY COUNCIL

Agenda Item P
July 31, 2017

SUBJECT:

Acceptance of a streambank maintenance easement for a property along Bishop Creek as part of the streambank restoration project (Parcel 50-22-25-126-032).

SUBMITTING DEPARTMENT: Department of Public Services, Engineering Division GDM

CITY MANAGER APPROVAL: 

BACKGROUND INFORMATION:

The Bishop Creek and Ingersol Creek streambank project involves the restoration and stabilization of multiple locations along Bishop Creek south of Ten Mile and along Ingersol Creek between Bishop Creek and Meadowbrook Road where streambank erosion has occurred. The 2013 Stormwater Master Plan identified these areas needing repair. This project will include the acquisition of an estimated fourteen easements needed to complete the work behind the houses along the creek. Enclosed is one proposed easement for streambank maintenance. The easement consists of a twenty-foot-wide easement that overlaps the existing private easement.

Spalding DeDecker, the City's engineering consultant, is assisting with the design and construction engineering services and the easement acquisitions for this project.

This project is expected to be completed in the late fall 2017.

The proposed easement has been favorably reviewed by the City Attorney (Beth Saarela's July 5, 2017) and is recommended for approval.

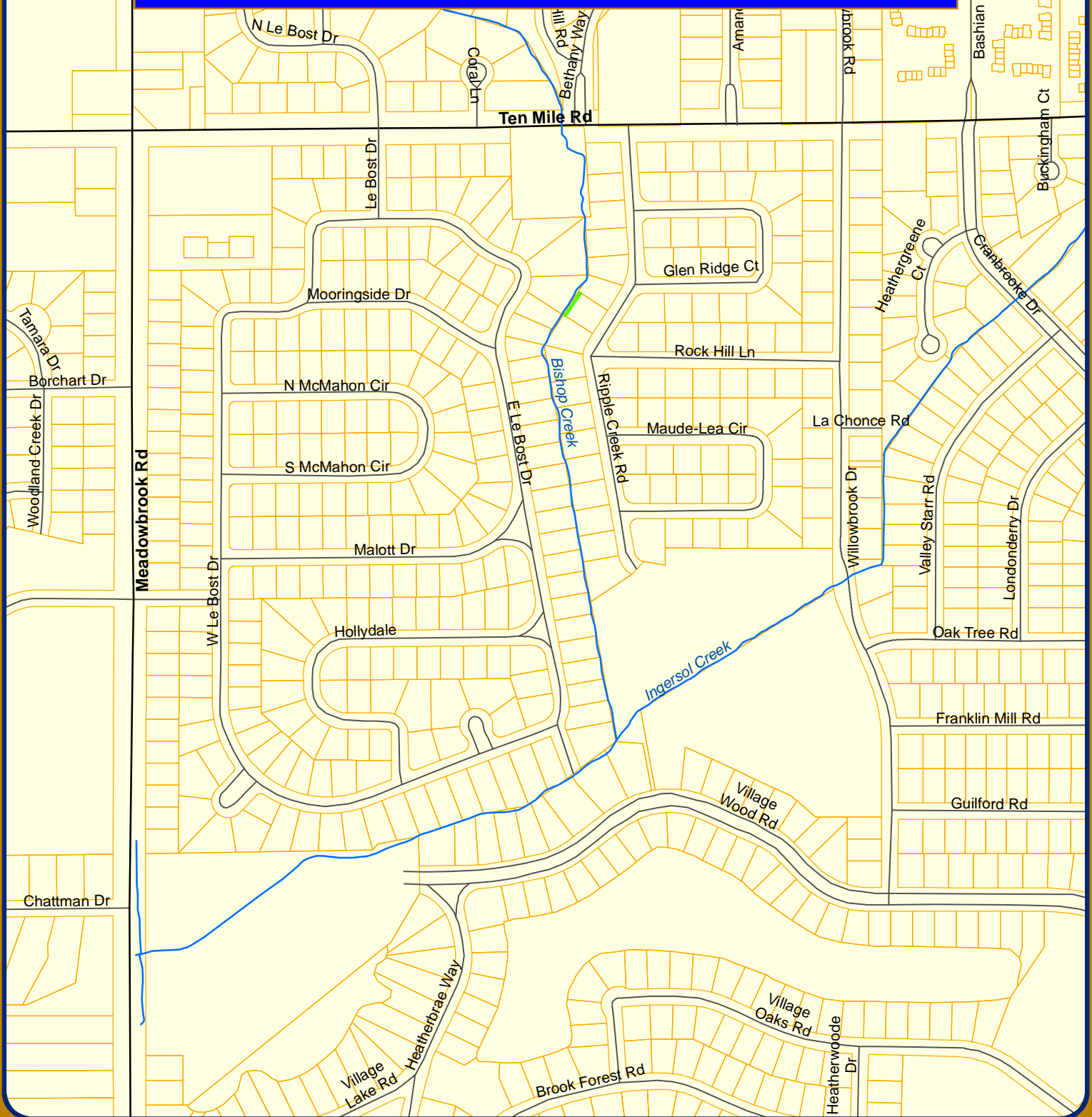
RECOMMENDED ACTION:

Acceptance of a streambank maintenance easement for a property along Bishop Creek as part of the streambank restoration project (Parcel 50-22-25-126-032).

Manor Park Dr

Bishop Creek/Ingersol Creek Streambank Stabilization

Location Map



Map Author: J. Mathias
 Date: 7/24/17
 Project: Bishop/Ingersol Streambank
 Version #: v1.0

Map Legend

- 20' Proposed Easement
- Waterways



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.



JOHNSON ROSATI SCHULTZ JOPPICH PC

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Phone: 248.489.4100 | Fax: 248.489.1726

Elizabeth Kudla Saarela
esaarela@jrsjlaw.com

www.jrsjlaw.com

July 5, 2017

George D. Melistas, Engineering Senior Manager
CITY OF NOVI
City of Novi
45175 Ten Mile Road
Novi, MI 48375-3024

**Re: *Bishop Creek and Ingersol Creek Streambank Restoration
Easements for Streambank Maintenance***

Dear Mr. Melistas:

We have received and reviewed, and enclosed please find the following Easement for Streambank Maintenance for the Bishop Creek and Ingersol Creek Streambank Restoration Project as acquired through Spalding DeDecker on the City's behalf with the assistance of First ROW:

- Wrathell Parcel 22-25-126-032

The above easement was donated by the property owner with respect to the City's project. The Easement appears to be properly executed and consistent with the title search documents attached. Please note that the property owner has acknowledged a name change within the easement document.

Please place the above easement on an upcoming City Council agenda for acceptance. Once accepted, the original should be recorded with the Oakland County Register of Deeds by the City Clerk's Office in the usual manner.

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

George Melistas, Engineering Senior Manager

July 5, 2017

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EKS

Enclosures

C: Cortney Hanson, Clerk (w/Original Enclosures)
Aaron Staup, Construction Engineer (w/Enclosures)
Joey Mathias, Graduate Engineer (w/Enclosures)
Taylor Reynolds, Spalding DeDecker (w/Enclosures)
Margaret Stekettee, First ROW (w/Enclosures)
Thomas R. Schultz, Esquire (w/Enclosures)

EASEMENT FOR STREAMBANK MAINTENANCE

THIS EASEMENT made this 14th day of June, 2017, by Stefan Lennstrand, f/k/a Stefan U. Wrathell, a single man, whose address is 23927 Ripple Creek Road, Novi, MI. 48375, (hereinafter referred to as "Grantor"), being title holder and developer of the property described in the attached and incorporated, Exhibit A, (hereinafter referred to as the "Property").

Grantor, in consideration of One (\$1.00) Dollar, receipt and sufficiency of which is hereby acknowledged, does reserve and grant, on behalf of itself, it heirs, successors, assigns and transferees, a private, non-exclusive, perpetual easement for purposes reconstruction and on-going preservation and maintenance of the streambank over, upon, across, in, and through, the Property, which easement is described and depicted, as stated in the attached and incorporated Exhibit A (hereinafter referred to as the "Easement Area") to the City of Novi, a Michigan municipal corporation, whose address is 45175 Ten Mile, Novi, Michigan 48375, (hereinafter referred to as "Grantee").

As a result of the reconstruction of the streambank for the purpose of stabilizing it and preventing further erosion, the City installed streambank stabilization measures including but not limited to Vegetative Mechanically Stabilized Earth, Vegetative Rip-Rap, Live Staking/Joint Planting, Live Crib Walls, and Log Vanes (the "Stabilization Improvements"), which the City will maintain and repair, from time-to-time, as needed.

This easement is for the benefit of the Property and all heirs, successors, assigns and transferees of the Property and the City of Novi (hereinafter referred to as "Grantees").

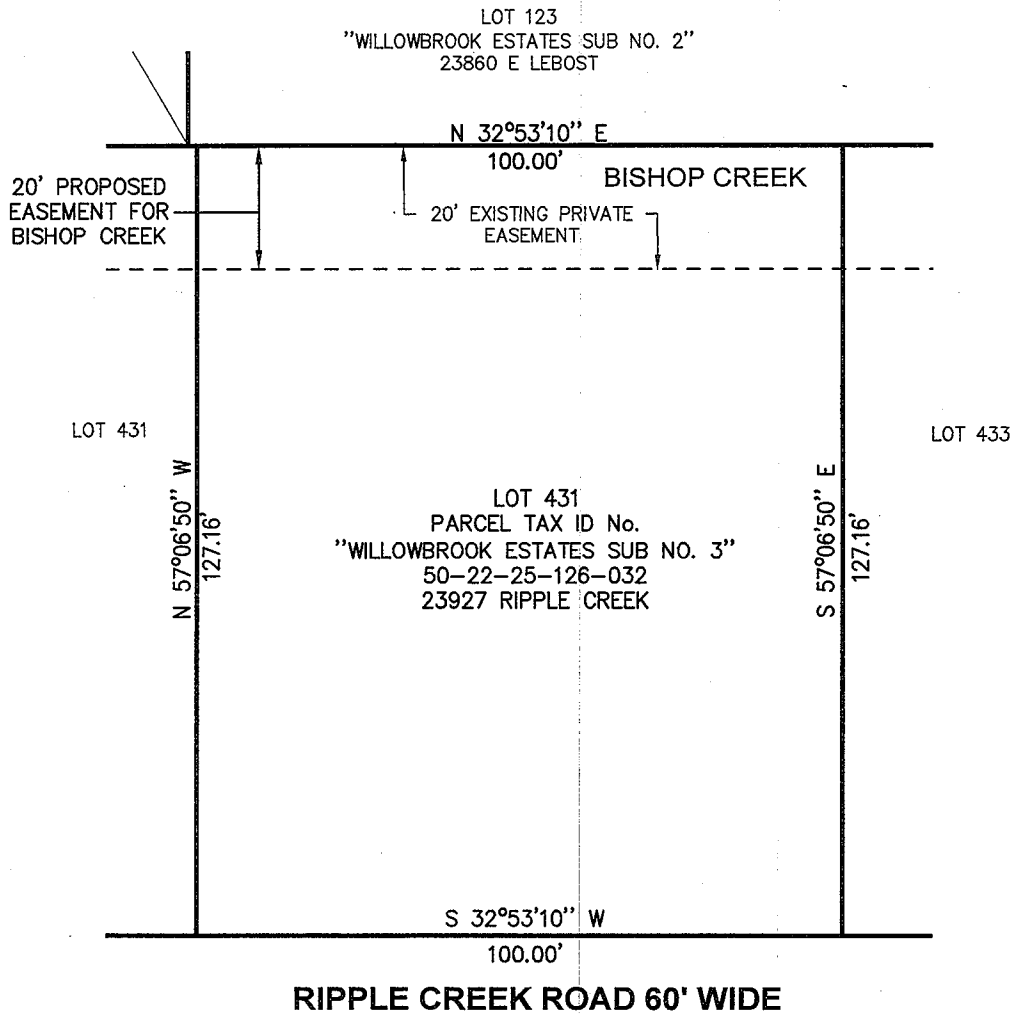
The Grantor shall maintain the Easement Area, so at all times, it continues to function as intended. The Grantor, shall be prohibited from altering or placing anything in the Easement Area which shall obstruct or impede, damage or interfere with the Stabilization Improvements. Grantor agrees not to build or to convey to others permission to build any structures or improvements on, over, across, in, through, or under the above-described Easement Area, or to develop or allow the development of the Easement Area in any manner which removes, damages, impedes or obstructs the Stabilization Improvements without prior written approval from the City, or, alternatively, as part of an approved site plan, the Grantor may construct and/or install surface improvements to the property, which improvements do not interfere with use, operation, and maintenance, of the Easement Area.

The City, and it agents and employees shall be permitted to enter upon the Easement Area and sufficient land adjacent to said Easement Area for the purpose of exercising the rights and privileges granted herein.

EASEMENT FOR BISHOP CREEK

Exhibit A

NOTE:
SDA HAS NOT PERFORMED A BOUNDARY SURVEY OF THIS PARCEL AND THE PARCEL DESCRIPTION DOES NOT NECESSARILY REFLECT FIELD-MEASURED VALUES. THE EASEMENT DESCRIPTION IS WRITTEN BASED UPON THE RECORD DESCRIPTION OF THIS OVERALL PARCEL.

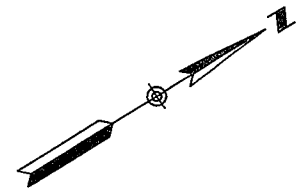


PROPERTY DESCRIPTION

LOT 431 OF "WILLOWBROOK ESTATES SUBDIVISION No. 3" OF PART OF WEST 1/2 OF SECTION 25, TOWN 2 NORTH, RANGE 8 EAST, NOVI TOWNSHIP (NOW CITY OF NOVI), OAKLAND COUNTY, MICHIGAN. AS RECORDED IN LIBER 37, PAGE 369.

EASEMENT FOR BISHOP CREEK

A 20 FOOT WIDE EASEMENT FOR BISHOP CREEK BEING DESCRIBED AS THE WESTERLY 20 FEET OF LOT 431 OF "WILLOWBROOK ESTATES SUBDIVISION No. 3" OF PART OF WEST 1/2 OF SECTION 25, TOWN 2 NORTH, RANGE 8 EAST, NOVI TOWNSHIP (NOW CITY OF NOVI), OAKLAND COUNTY, MICHIGAN. AS RECORDED IN LIBER 37, PAGE 369.



SCALE 1" = 30'



REVISED 03-07-17

SPALDING DEDECKER
Engineers | Surveyors

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Rochester Hills, MI 48307 Fax: (248) 844-5404
www.sda-eng.com

DRAWN: T. LINDOW	DATE: 09-14-15
CHECKED: D. RICHMOND	DATE: 09-14-15
MANAGER: D. RICHMOND	SCALE: 1" = 30'
JOB No. NV15002	SHEET: 1 OF 1
SECTION 25 TOWN 01 NORTH RANGE 08 EAST	
CITY OF NOVI OAKLAND COUNTY, MI	