



**CITY OF NOVI CITY COUNCIL  
OCTOBER 26, 2020**

**SUBJECT:** Acceptance of a sidewalk easement from Ethel and Laura Everett for construction of a sidewalk along the north side of Ten Mile Road between Dinser Drive and Woodham Road (parcel 50-22-20-376-004) in the amount of \$21,900.00.

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

<b>EXPENDITURE REQUIRED</b>	<b>\$ 21,900.00</b>
<b>AMOUNT BUDGETED</b>	<b>\$ 322,722.00</b>
<b>APPROPRIATION REQUIRED</b>	<b>\$ 0</b>
<b>LINE ITEM NUMBER</b>	<b>204-204.00-974.482</b>

**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 four (4) easements are acquired.

The City Attorney reviewed the signed easement favorably (Beth Saarela, October 16, 2020).

**RECOMMENDED ACTION:** Acceptance of a sidewalk easement from Ethel and Laura Everett for construction of a sidewalk along the north side of Ten Mile Road between Dinser Drive and Woodham Road (parcel 50-22-20-376-004) in the amount of \$21,900.00.

# 48750 W 10 Mile Road Sidewalk Easement Location Map



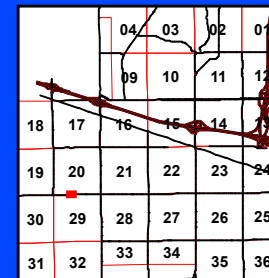
Map Author: Rebecca Runkel  
Date: 10/13/2020  
Project: Segment 51 Sidewalk  
Version #:

### 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.

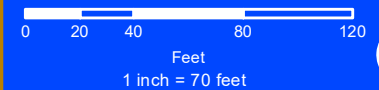


Easement Location



## 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  
P 248.489.4100 | F 248.489.1726  
www.rsjalaw.com



ROSATI | SCHULTZ  
JOPPICH | AMTSBUECHLER

October 16, 2020

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

**RE: Segment 51 Sidewalk – 48750 Ten Mile  
Sidewalk Easement**

Dear Mr. Herczeg:

We have received and reviewed the Sidewalk Easement for 48750 Ten Mile in connection with the Segment 51 Sidewalk Construction Project. The Sidewalk Easement provided is in the City's standard format and is consistent with the title search for the property.

The City obtained an appraisal for the value of the easement area. The appraisal based on recent property sales in the area of the easement indicates that the easement is valued at \$21,900. It is our understanding that the Property Owners have agreed to accept just compensation in the amount of the appraised value.

The Sidewalk Easement may be placed on an upcoming City Council Agenda for acceptance. 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 that the City's Engineering Division has the original Sidewalk Easement for recording.

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 a light blue horizontal line.

Elizabeth Kudla Saarela

Jeffrey Herczeg, Director of Public Works  
City of Novi  
October 16, 2020  
Page 2

EKS  
Enclosures

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

## SIDEWALK EASEMENT

NOW ALL MEN BY THESE PRESENTS, ETHEL M. EVERETT and LAURA M. EVERETT, (joint tenants with rights of survivorship), whose address is 48750 W 10 Mile Road, Novi, MI 48374, for and in consideration of Twenty-One Thousand Nine Hundred (\$21,900.00) Dollars, 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- 22-20-376-004

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 29 day of September, 2020.

**GRANTOR**

Ethel M. Everett  
By: ETHEL M. EVERETT

Laura M. Everett  
By: LAURA M. EVERETT

STATE OF MICHIGAN        )  
  ) SS  
COUNTY OF OAKLAND    )

The foregoing instrument was acknowledged before me this 29 day of September, 2020 ETHEL M. EVERETT and LAURA M. EVERETT, (joint tenants with rights of survivorship).

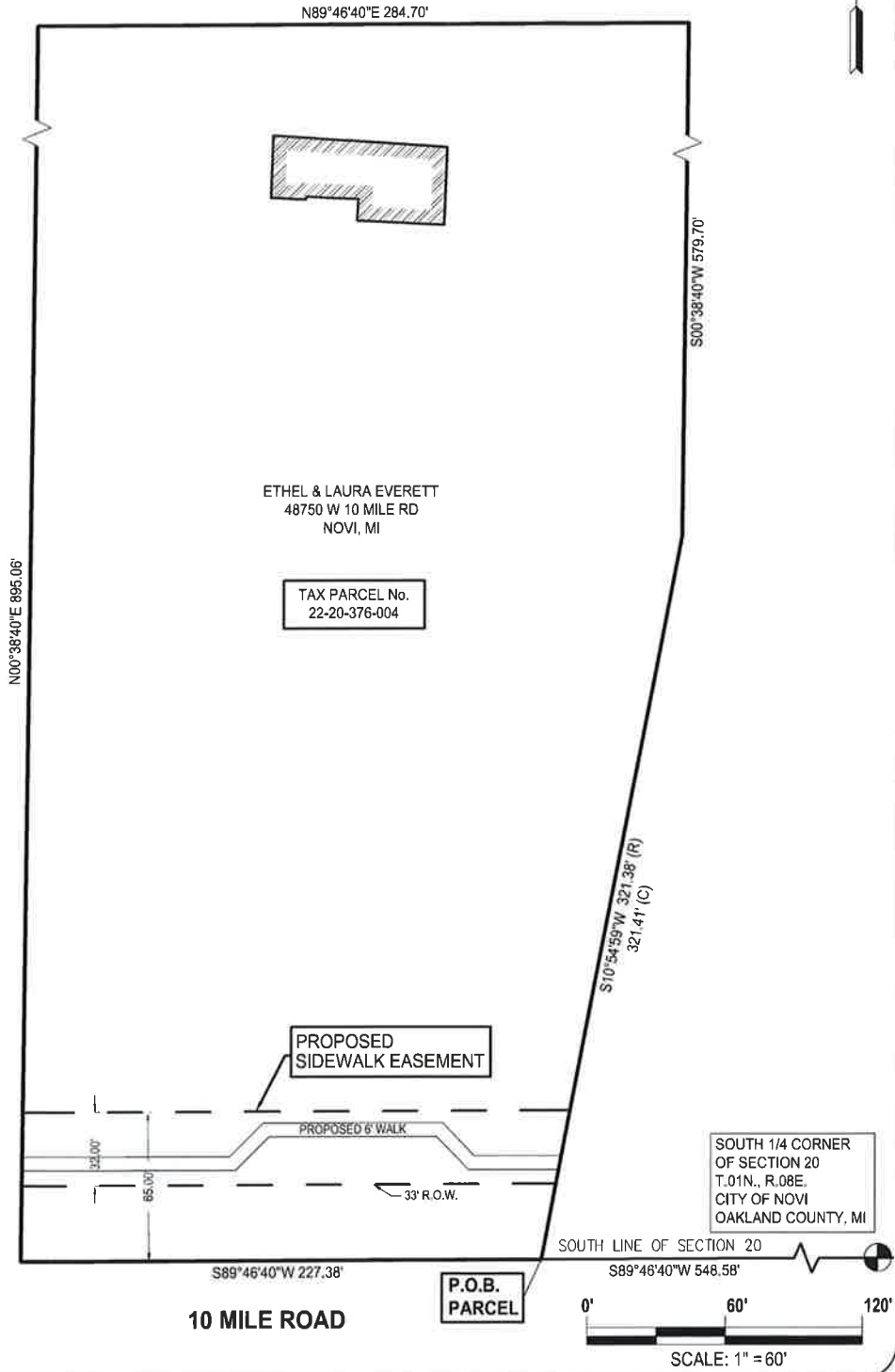
**SARAH MIRACLE**  
NOTARY PUBLIC - STATE OF MICHIGAN  
COUNTY OF LIVINGSTON  
My Commission Expires Dec. 08, 2024  
Acting in the County of Oakland

Sarah Miracle  
Notary Public  
Livingston County, Michigan  
My Commission Expires: Dec. 08, 2024

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'



Plotted: Jul 13, 2020, 10:17 AM by user: 793 - Saved: 7/13/2020 by user: 793  
 J:\NW\Design\NV19006-Ten Mile Sidewalk\DWG\NV19006EASE.dwg



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

DRAWN: N.POOLE	DATE: 07-13-20
CHECKED: K.SIROIS	DATE: 07-13-20
MANAGER: M.DEDECKER	SCALE: 1" = 60'
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. 22-20-376-004  
SOURCE: ATA TITLE FILE NO: 63-19679646-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 EAST 1/2 OF THE SOUTHWEST 1/4, BEGINNING AT A POINT DISTANCE SOUTH 89 DEGREES 46 MINUTES 40 SECONDS WEST 548.58 FEET FROM THE SOUTH 1/4 CORNER; THENCE SOUTH 89 DEGREES 46 MINUTES 40 SECONDS WEST 227.38 FEET; THENCE NORTH 00 DEGREES 38 MINUTES 40 SECONDS EAST 895.06 FEET; THENCE NORTH 89 DEGREES 46 MINUTES 40 SECONDS EAST 284.70 FEET; THENCE SOUTH 00 DEGREES 38 MINUTES 40 SECONDS WEST 579.70 FEET; THENCE SOUTH 10 DEGREES 54 MINUTES 59 SECONDS WEST 321.38 FEET TO THE POINT OF BEGINNING.

## 32' WIDE SIDEWALK EASEMENT

A 32 FOOT WIDE SIDEWALK EASEMENT BEING LOCATED IN THE SOUTHWEST 1/4 OF SECTION 20, TOWN 1 NORTH, RANGE 8 EAST, CITY OF NOVI, OAKLAND COUNTY, MICHIGAN, MORE PARTICULARLY DESCRIBED AS THE NORTH 32 FEET OF THE SOUTH 65 FEET OF THE FOLLOWING DESCRIBED PARCEL:

BEGINNING AT A POINT DISTANCE SOUTH 89 DEGREES 46 MINUTES 40 SECONDS WEST 548.58 FEET FROM THE SOUTH 1/4 CORNER; THENCE SOUTH 89 DEGREES 46 MINUTES 40 SECONDS WEST 227.38 FEET; THENCE NORTH 00 DEGREES 38 MINUTES 40 SECONDS EAST 895.06 FEET; THENCE NORTH 89 DEGREES 46 MINUTES 40 SECONDS EAST 284.70 FEET; THENCE SOUTH 00 DEGREES 38 MINUTES 40 SECONDS WEST 579.70 FEET; THENCE SOUTH 10 DEGREES 54 MINUTES 59 SECONDS WEST 321.38 FEET TO THE POINT OF BEGINNING.

Plotted: Jul 13, 2020, 10:17 AM by user: 793 -- Saved: 7/13/2020 by user: 793  
J:\NV\Design\NV19006--Ten Mile Sidewalk\DWG\NV19006EASE.dwg



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

DRAWN: N.POOLE	DATE: 07-13-20
CHECKED: K.SIROIS	DATE: 07-13-20
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





**Commonly Known As:** 48750 W. 10 Mile, Novi, MI 48850

## TITLE SEARCH

Date: October 28, 2019

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:**

Ethel M. Everett, and Laura M. Everett, as joint tenants with rights of survivorship

1. Mortgage in the original amount of \$100,000.00, and the terms, conditions and provisions contained therein, executed by Laura M. Everett to Ethel M. Everett dated April 8, 2003 and recorded April 8, 2003 in Liber 28727, Page 626, Oakland County Records.
2. 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.
3. PAYMENT OF TAXES: Tax Parcel No.: 22-20-376-004

2019 City Taxes in the amount of \$5,682.75 are Paid, said amount includes \$85.30 for Trash

2018 County Taxes in the amount of \$1,196.15 are Paid, said amount includes \$82.74 for Trash

Special Assessments: None

- 2019 State Equalized Value: \$241,450.00
- 2019 Taxable Value: \$180,600.00

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

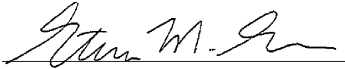
NOTE: If the subject property is connected to public/community water or sewer, furnish a copy of the current bill showing that all charges have been paid to date or the Owner's Policy to be issued will include an exception on Schedule B for water and sewer charges which became a lien prior to the date of policy.

[Copies of Documents](#)

COUNTERSIGNED:  
**ATA National Title Group, LLC**

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

## TITLE SEARCH - CONTINUED



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 20, part of the East 1/2 of the Southwest 1/4, beginning at a point distance South 89 degrees 46 minutes 40 seconds West 548.58 feet from the South 1/4 corner; thence South 89 degrees 46 minutes 40 seconds West 227.38 feet; thence North 00 degrees 38 minutes 40 seconds East 895.06 feet; thence North 89 degrees 46 minutes 40 seconds East 284.70 feet; thence South 00 degrees 38 minutes 40 seconds West 579.70 feet; thence South 10 degrees 54 minutes 59 seconds West 321.38 feet to the point of beginning.**

**Parcel Identification No.: 22-20-376-004**