



CITY of NOVI CITY COUNCIL

**Agenda Item F
March 24, 2014**

SUBJECT: Acceptance of a pathway easement as a donation from Jeffrey and Jennifer Van Nortwick for the property located at 46300 Eleven Mile Road for a new pathway to be constructed by the property owner in conjunction with a new residential home (parcel 22-15-451-012).

SUBMITTING DEPARTMENT: Department of Public Services, Engineering Division *BTC*

CITY MANAGER APPROVAL: *[Signature]*

BACKGROUND INFORMATION:

The property owner of 46300 Eleven Mile Road is constructing a new residential home on an existing parcel. The construction of the new home requires the construction of the pedestrian safety path along the 11 Mile frontage of the parcel. The property owner has included the pedestrian safety path on the approved site plan. The proposed pathway connects to the existing pathway constructed with the Asbury Park development (located one foot south of the 60-foot right-of-way line) and continues the pathway diagonally across the frontage to the master planned right-of-way width of 43 feet. Since the pathway is located outside of the existing 33 foot right-of-way, the property owner has prepared a pathway easement for acceptance by the City.

The pathway easement has been reviewed by staff and the City Attorney (see attached letter from Beth Saarela dated March 14, 2014) and is recommended for approval. The easement is being donated to the City.

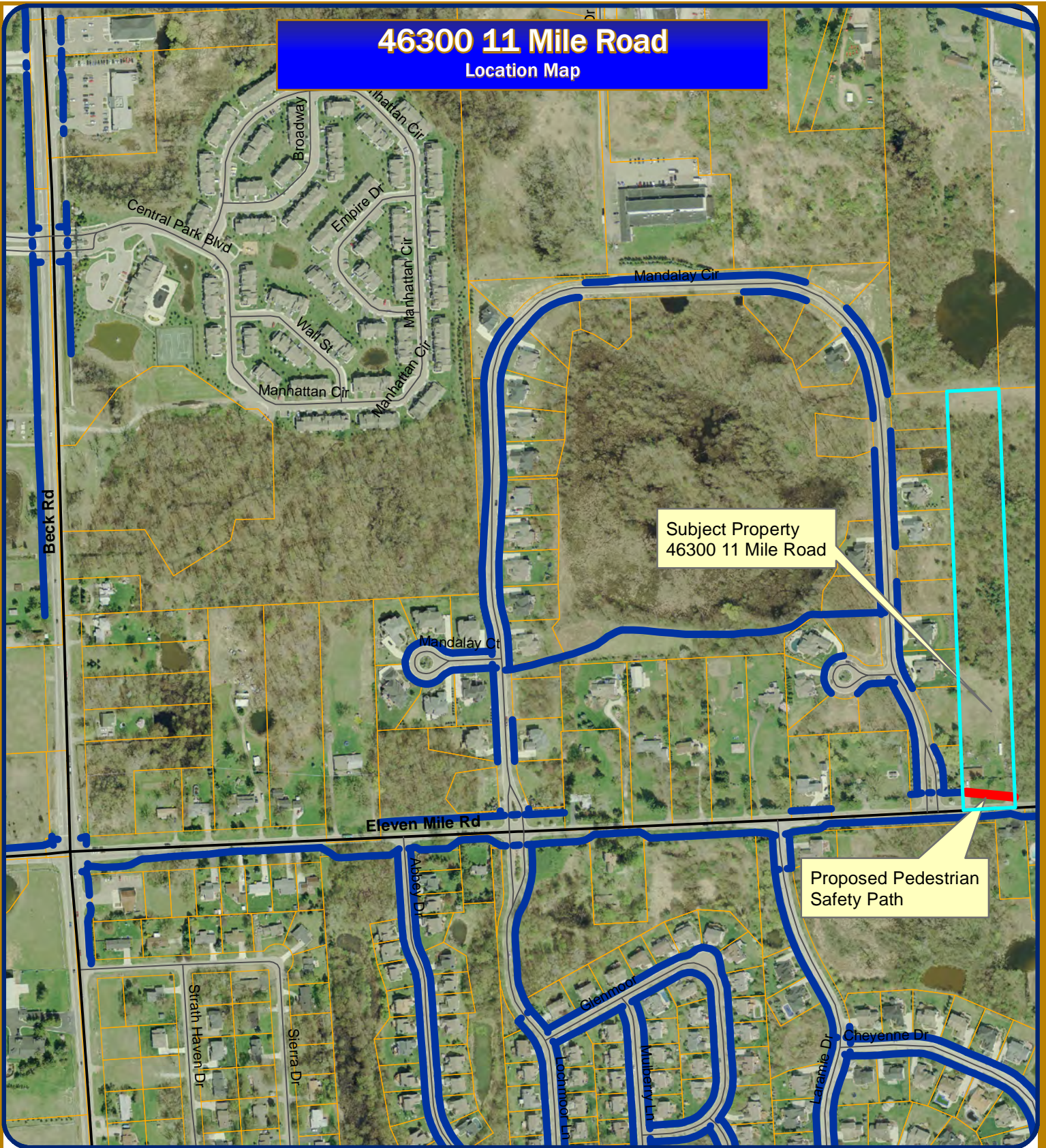
RECOMMENDED ACTION: Acceptance of a pathway easement as a donation from Jeffrey and Jennifer Van Nortwick for the property located at 46300 Eleven Mile Road for a new pathway to be constructed by the property owner in conjunction with a new residential home (parcel 22-15-451-012).

	1	2	Y	N
Mayor Gatt				
Mayor Pro Tem Staudt				
Council Member Casey				
Council Member Fischer				

	1	2	Y	N
Council Member Markham				
Council Member Mutch				
Council Member Wrobel				

46300 11 Mile Road

Location Map



Subject Property
46300 11 Mile Road

Proposed Pedestrian
Safety Path

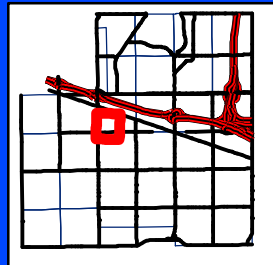
Map Author: Brian Coburn
Date: 3/17/2014
Project:
Version #:

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
Sidewalks Existing
— Existing Pathways



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

Feet
0 85 170 340 510

1 inch = 413 feet





JOHNSON ROSATI SCHULTZ JOPPICH PC

34405 W. Twelve Mile Road, Suite 200 ~ Farmington Hills, Michigan 48331-5627
Phone: 248.489.4100 | Fax: 248.489.1726

Elizabeth Kudla Saarela
esaarela@jrsjlaw.com

www.johnsonrosati.com

March 14, 2014

Rob Hayes, Public Services Director
CITY OF NOVI
Department of Public Services
Field Services Complex
26300 Lee BeGole Drive
Novi, MI 48375

Re: 46300 Eleven Mile – Sidewalk Easement (VanNortwick)

Dear Mr. Hayes:

We have received and reviewed, and enclosed please find, the Sidewalk Easement and title commitment for the sidewalk required to be constructed in connection with the construction of the above residential construction. The Sidewalk Easement is in the City's standard format and subject to approval of the attached legal description by the City's Engineering Division, may be placed on an upcoming City Council agenda for acceptance. Once accepted, the Sidewalk Easement should be recorded with the County 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

EMK
Enclosures

C: Maryanne Cornelius, Clerk (w/Original Enclosures)
Charles Boulard, Community Development Director (w/Enclosures)
Barb McBeth, Deputy Community Development Director (w/Enclosures)
Brian Coburn, Engineering Manager (w/Enclosures)

Rob Hayes, Public Services Director
March 14, 2014
Page 2

Adam Wayne, Staff Engineer (w/Enclosures)
Sarah Marchioni, Building Permit Coordinator (w/Enclosures)
Sue Troutman, City Clerk's Office (w/Enclosures)
Thomas R. Schultz, Esquire (w/Enclosures)

RECEIVED

FEB 10 2014

CITY OF NOVI
COMMUNITY DEVELOPMENT

SIDEWALK EASEMENT

NOW ALL MEN BY THESE PRESENTS, that Jeffrey Van Nortwick and Jennifer Van Nortwick, husband and wife, whose address is 46300 Eleven Mile Road, Novi, Michigan 48374 ("Grantors"), 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, ("Grantees") a permanent easement for a public non-motorized pathway over across and through property located in Section 16, T.1N., R.8E., City of Novi, Oakland County, State of Michigan, more particularly described as follows:

Parcel No. 50-22-15-451-012

{See attached and incorporated Exhibit A}

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

{See attached and incorporated Exhibit A}

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 A.

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, 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 A.

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 8th day of February, 2014.

GRANTORS



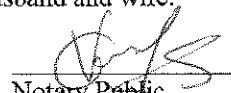
Jeffrey Van Nortwick



Jennifer Van Nortwick

STATE OF MICHIGAN)
) SS
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this 8th day of February, 2014, by Jeffrey Van Nortwick and Jennifer Van Nortwick, husband and wife.



Notary Public
OAKLAND County, Michigan
My Commission Expires: April 13, 2020

ENIDA METAJ
NOTARY PUBLIC, STATE OF MI
COUNTY OF OAKLAND
MY COMMISSION EXPIRES Apr 13, 2020
ACTING IN COUNTY OF OAKLAND

Consent

As the holder of a mortgagee interest in and to the property referenced in the Sidewalk Easement, dated 2-9, 2014 attached hereto, whereby Jeffrey Van Nortwick and Jennifer Van Nortwick 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.

IN WITNESS WHEREOF the undersigned has caused its signature to be placed on the 19th day of February, 2014.

RBS CITIZENS

By: Thomas H. Bedford
Its: SVP

STATE OF Virginia)
) SS.
COUNTY OF Hennico)

The foregoing Consent to Easement was acknowledged before me this 19th day of February, 2014, by Thomas H. Bedford the SVP of RBS Citizens, N.A., on its behalf.

REBECCA SNEAD BARNES
Notary Public
Commonwealth of Virginia
7508175
My Commission Expires Jan 31, 2015

Rebecca Snead Barnes
Notary Public
at large County, VA
My commission expires: Jan. 31, 2015

Drafted by:
Elizabeth K. Saarela
Johnson, Rosati, Schultz & Joppich
34405 W. Twelve Mile Road, Suite 200
Farmington Hills, MI 48331-5627

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

EXHIBIT 'A'

PROPERTY DESCRIPTION:

PART OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 16, TOWN 1-NORTH, RANGE 8-EAST, CITY OF NOVI, OAKLAND COUNTY, STATE OF MICHIGAN, MORE PARTICULARLY DESCRIBED AS:

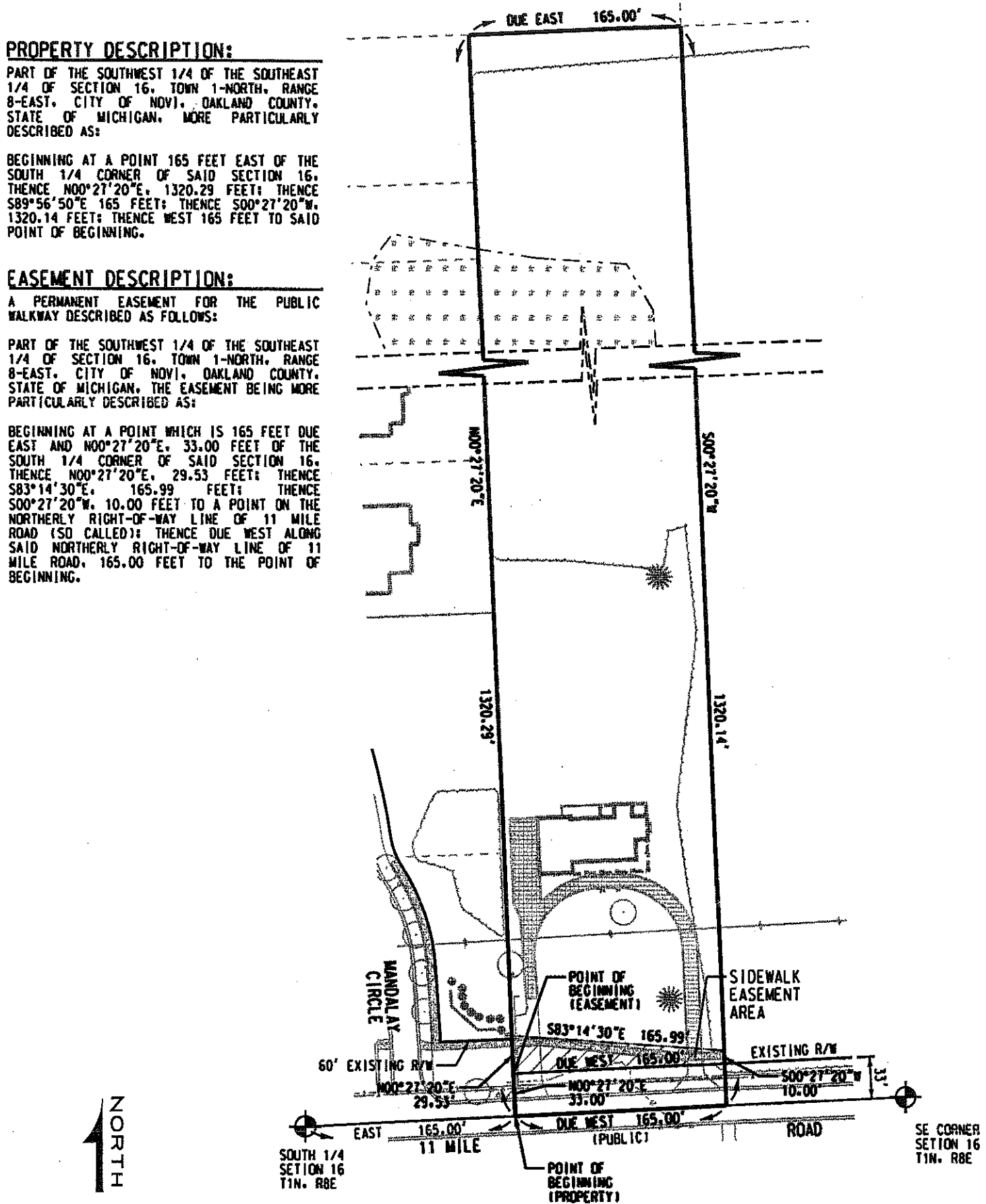
BEGINNING AT A POINT 165 FEET EAST OF THE SOUTH 1/4 CORNER OF SAID SECTION 16, THENCE $N00^{\circ}27'20''E$, 1320.29 FEET; THENCE $S89^{\circ}56'50''E$, 165 FEET; THENCE $S00^{\circ}27'20''W$, 1320.14 FEET; THENCE WEST 165 FEET TO SAID POINT OF BEGINNING.

EASEMENT DESCRIPTION:

A PERMANENT EASEMENT FOR THE PUBLIC WALKWAY DESCRIBED AS FOLLOWS:

PART OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 16, TOWN 1-NORTH, RANGE 8-EAST, CITY OF NOVI, OAKLAND COUNTY, STATE OF MICHIGAN, THE EASEMENT BEING MORE PARTICULARLY DESCRIBED AS:

BEGINNING AT A POINT WHICH IS 165 FEET DUE EAST AND $N00^{\circ}27'20''E$, 33.00 FEET OF THE SOUTH 1/4 CORNER OF SAID SECTION 16, THENCE $N00^{\circ}27'20''E$, 29.53 FEET; THENCE $S83^{\circ}14'30''E$, 165.99 FEET; THENCE $S00^{\circ}27'20''W$, 10.00 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF 11 MILE ROAD (SO CALLED); THENCE DUE WEST ALONG SAID NORTHERLY RIGHT-OF-WAY LINE OF 11 MILE ROAD, 165.00 FEET TO THE POINT OF BEGINNING.



PROJECT: SIDEWALK EASEMENT PLAN
 LOCATION: 46300 11 MILE ROAD NOVI, MI
 PARCEL ID: 50-22-16-451-012

JOB NO.: 130201
 SCALE: 1" = 100'
 DATE: 09-30-2013
 REVISION: -