



CITY of NOVI CITY COUNCIL

**Agenda Item E
June 16, 2014**

SUBJECT: Acceptance of a warranty deed from Pulte Land Company, LLC for the master planned 60-foot right-of-way along the west side of Wixom Road (Parcel 22-18-200-003 and parcel 22-18-200-025) and the master planned 43-foot right-of-way along the south side of Twelve Mile Road (Parcel 20-18-200-002) as part of the Berkshire Pointe residential development.

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

CITY MANAGER APPROVAL: *[Signature]*

BACKGROUND INFORMATION:

The developer of Berkshire Pointe, Pulte Land Company, LLC, is requesting acceptance of warranty deeds conveying the master planned right-of-way along Wixom Road and 12 Mile Road along the frontage of the site. Berkshire Pointe will be located on Wixom Road south of Grand River Avenue and also have frontage on 12 Mile Road (see attached map). The developer is offering the donation of the master planned right-of-way for Wixom Road and Twelve Mile Road as part of the approved site plan.

The enclosed warranty deeds have been favorably reviewed by the City Attorney (Beth Saarela's June 9, 2014 letter, attached) and is recommended for approval.

RECOMMENDED ACTION: Acceptance of a warranty deed as a donation from Pulte Land Company, LLC for the master planned 60-foot right-of-way along the west side of Wixom Road (Parcel 22-18-200-003 and parcel 22-18-200-025) and the master planned 43-foot right-of-way along the south side of Twelve Mile Road (Parcel 20-18-200-002).

	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				

Berkshire Pointe Location Map

Proposed ROW Dedication

Grand River Ave

Twelve Mile Rd

50-22-18-200-002

50-22-18-200-025

Proposed ROW Dedication

Wixom Rd

50-22-18-200-003

Catholic Central School DR

Map Author: A. Wayne
Date: May 23, 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.



City of Novi

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



1 inch = 201 feet



JOHNSON ROSATI SCHULTZ JOPPICH PC

27555 Executive Drive Suite 250 ~ Farmington Hills, Michigan 48331
Phone: 248.489.4100 | Fax: 248.489.1726

Elizabeth Kudla Saarela
esaarela@jrslaw.com

www.johnsonrosati.com

June 9, 2014

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

**Re: Berkshire Pointe
ROW Acceptance- (Wixom Road)**

Dear Mr. Hayes:

We have received and reviewed, and enclosed please find the following documents for acceptance:

1. Warranty Deed for Wixom Road Right-of-Way
2. Warranty Deed for 12 Mile
3. Commitment for Title Insurance

The Developer of the Berkshire Pointe Condominium seeks to dedicate required exterior Right-of-Way along Wixom and Twelve Mile Roads to the City. Once the existing Right-of-Way is accepted, the Master Deed for Berkshire Pointe will be amended so that the Right-of-Way is not shown as a general common element of the Condominium. At the time Right-of-Way improvements are completed, the Developer will submit a separate Bill of Sale and Maintenance and Guarantee Bond for acceptance of the new paving and curb improvements.

Subject to approval of the legal description of the Wixom Road and Twelve Mile Right-of-Way by the City's Engineering Division, the Warranty Deeds may be placed on an upcoming City Council Agenda for acceptance. Once accepted, the Warranty Deeds should be recorded with the Register of Deeds in the usual manner. Once recorded, the City will provide copies to the Developer in order to initiate the Master Deed Amendment process.

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

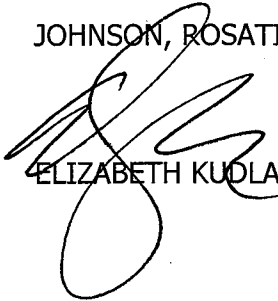
Rob Hayes, Public Services Director

June 9, 2014

Page 2

Very truly yours,

JOHNSON, ROSATI, SCHULTZ & JOPPICH, P.C.



ELIZABETH KUDLA SAARELA

EMK

Enclosures

C: Maryanne Cornelius, Clerk (w/Original Enclosures)
Sue Troutman, Clerk's Office (w/Enclosures)
Charles Boulard, Community Development Director (w/Enclosures)
Barb McBeth, Deputy Community Development Director (w/Enclosures)
Sheila Weber, Treasurer's Office (w/Enclosures)
Kristin Pace, Treasurer's Office (w/Enclosures)
Aaron Staup, Construction Engineering Coordinator (w/Enclosures)
Adam Wayne, Staff Engineer (w/Enclosures)
Sarah Marchioni, Building Permit Coordinator (w/Enclosures)
David Beschke, Landscape Architect (w/Enclosures)
Sue Troutman, City Clerk's Office (w/Enclosures)
Andrew Wozniak, Zeimet Wozniak (w/Enclosures)
Sandra Sorini-Elser, Esquire (w/Enclosures)
Thomas R. Schultz, Esquire (w/Enclosures)

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, that Pulte Land Company, LLC, a Michigan limited liability company, 100 Bloomfield Parkway, Suite 140, Bloomfield Hills, Michigan 48304 conveys and warrants to City of Novi, a Michigan Municipal Corporation, whose address is 45175 West Ten Mile Road, Novi, Michigan 48375, the following described premises situated in the City of Novi, County of Oakland, State of Michigan, to wit:

See attached Exhibit "A" attached hereto and made a part hereof.

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, for the sum of One and no/100-----Dollars (\$1.00).

THE PROPERTY CONVEYED BY THIS DEED MAY BE LOCATED WITHIN THE VICINITY OF FARM LAND OR A FARM OPERATION. GENERALLY ACCEPTED AGRICULTURAL AND MANAGEMENT PRACTICES WHICH MAY GENERATE NOISE, DUST, ODORS, AND OTHER ASSOCIATED CONDITIONS MAY BE USED AND ARE PROTECTED BY THE MICHIGAN RIGHT TO FARM ACT.

Dated this 4th day of June, 2014.

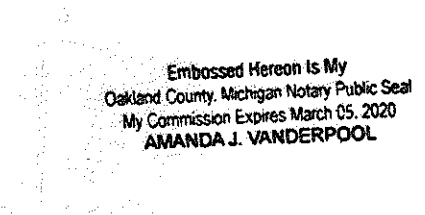
Signed by:

Pulte Land Company, LLC, a Michigan limited liability company,

By: [Signature]
Its

STATE OF MICHIGAN)
) SS
COUNTY OF Oakland)

The foregoing instrument was acknowledged before me this 4th day of June, 2014, by Kevin Christofferson, the Authorized Agent of Pulte Land Company, LLC, a Michigan limited liability company.



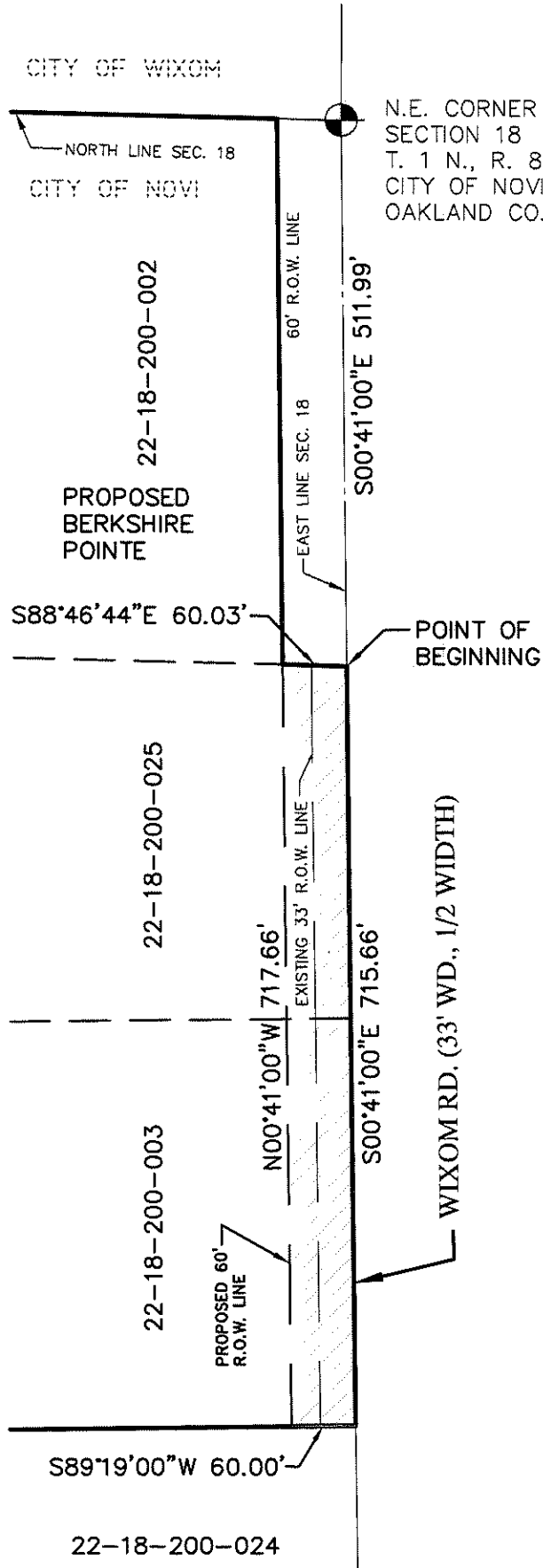
Amanda J. Vanderpool
Notary Public Amanda J. Vanderpool
Oakland County, Michigan
My Commission Expires: March 5, 2020

When Recorded Return to: Maryanne Cornelius, Clerk City of Novi 45175 West Ten Mile Road Novi, MI 48375-3024	Send Subsequent Tax Bills to: City of Novi 45175 West Ten Mile Road Novi, Michigan 48375	Drafted by: Elizabeth M. Kudla 27555 Executive Drive, Suite 250 Farmington Hills, Michigan 48331
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Part of Tax Parcel No. 22-18-200-003 & 22-18-200-025

Job No. _____ Recording Fee _____ Transfer Tax _____

EXHIBIT 'A'



SCALE: 1" = 150'

LEGAL DESCRIPTION

A DESCRIPTION OF A 60 FOOT WIDE RIGHT OF WAY AREA LOCATED IN THE NORTHEAST 1/4 OF SECTION 18, T. 1 N., R. 8 E., CITY OF NOVI, OAKLAND COUNTY, MICHIGAN, DESCRIBED AS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 18; THENCE S. 00°41'00" E. 511.99 FEET ALONG THE EAST LINE OF SAID SECTION TO THE POINT OF BEGINNING OF SAID AREA; THENCE CONTINUING ALONG SAID EAST LINE OF SAID SECTION S. 00°41'00" E. 715.66 FEET; THENCE S. 89°19'00" W. 60.00 FEET; THENCE N. 00°41'00" W. 717.66 FEET; THENCE S. 88°46'44" 60.03 FEET TO THE POINT OF BEGINNING.

REVISIONS			RIGHT OF WAY BERKSHIRE POINTE		DATE	SCALE
ITEM	DATE	BY	NOVI	MICHIGAN	2-27-14	HOR: 1" = 150'
			ZEIMET WOZNIAK & ASSOCIATES Civil Engineers & Land Surveyors 55800 GRAND RIVER AVE., SUITE 100 NEW HUDSON, MICHIGAN 48165 P: (248) 437-5099 F: (248) 437-5222 www.zeimetwozniak.com		DESIGNED BY	JOB NO.
					RH	13165
					DRAWN BY	SHEET NO.
					PTG	1/1

WARRANTY DEED

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See attached Exhibit "A" attached hereto and made a part hereof.

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, for the sum of One and no/100-----Dollars (\$1.00).

THE PROPERTY CONVEYED BY THIS DEED MAY BE LOCATED WITHIN THE VICINITY OF FARM LAND OR A FARM OPERATION. GENERALLY ACCEPTED AGRICULTURAL AND MANAGEMENT PRACTICES WHICH MAY GENERATE NOISE, DUST, ODORS, AND OTHER ASSOCIATED CONDITIONS MAY BE USED AND ARE PROTECTED BY THE MICHIGAN RIGHT TO FARM ACT.

Dated this 28th day of May, 2014.

Signed by:

Pulte Land Company, LLC, a Michigan limited liability company,

By: [Signature]
Its

Embossed Hereon is My
Oakland County, Michigan Notary Public Seal
My Commission Expires March 05, 2020
AMANDA J. VANDERPOOL

STATE OF MICHIGAN)
) SS
COUNTY OF Oakland)

The foregoing instrument was acknowledged before me this 28th day of May, 2014, by Kevin Christofferson, the Authorized Agent of Pulte Land Company, LLC, a Michigan limited liability company.

Amanda J. Vanderpool
Notary Public
Oakland County, Michigan
My Commission Expires:

When Recorded Return to: Maryanne Cornelius, Clerk City of Novi 45175 West Ten Mile Road Novi, MI 48375-3024	Send Subsequent Tax Bills to: City of Novi 45175 West Ten Mile Road Novi, Michigan 48375	Drafted by: Elizabeth M. Kudla 27555 Executive Drive, Suite 250 Farmington Hills, Michigan 48331
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Part of Tax Parcel No. 22-18-200-003 & 22-18-200-025

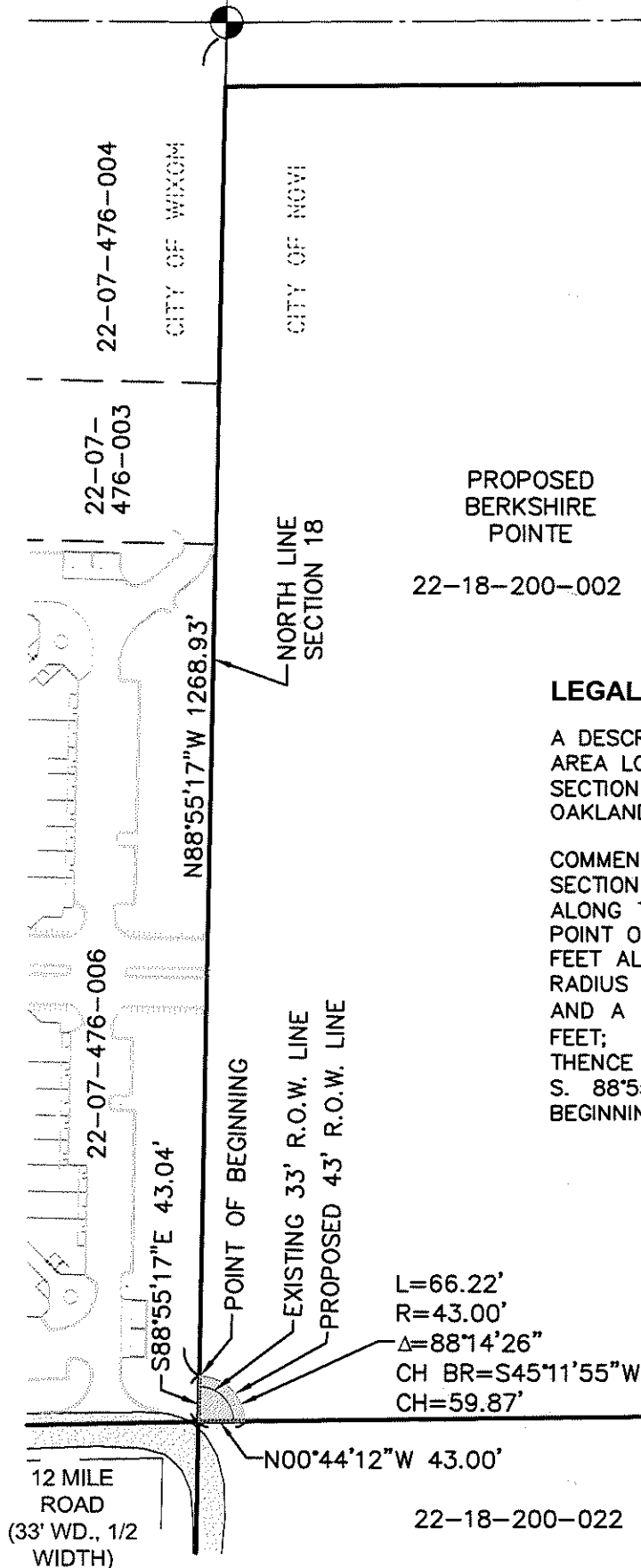
Job No. _____ Recording Fee _____ Transfer Tax _____

EXHIBIT 'A'

N.E. CORNER
SECTION 18
T. 1 N., R. 8 E.
CITY OF NOVI
OAKLAND CO., MI.



SCALE: 1" = 150'



PROPOSED
BERKSHIRE
POINTE

22-18-200-002

LEGAL DESCRIPTION

A DESCRIPTION OF A 43 FOOT WIDE RIGHT OF WAY AREA LOCATED IN THE NORTHEAST 1/4 OF SECTION 18, T. 1 N., R. 8 E., CITY OF NOVI, OAKLAND COUNTY, MICHIGAN, DESCRIBED AS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 18; THENCE N. 88°55'17" W. 1268.93 FEET ALONG THE NORTH LINE OF SAID SECTION TO THE POINT OF BEGINNING OF SAID AREA; THENCE 66.22 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, RADIUS 43.00 FEET, CENTRAL ANGLE 88°14'26" AND A CHORD THAT BEARS S. 45°11'55" W. 59.87 FEET; THENCE N. 00°44'12" W. 43.00 FEET; THENCE ALONG SAID NORTH LINE OF SAID SECTION S. 88°55'17" E. 43.04 FEET TO THE POINT OF BEGINNING.

L=66.22'
R=43.00'
Δ=88°14'26"
CH BR=S45°11'55"W
CH=59.87'

12 MILE ROAD
(33' WD., 1/2 WIDTH)

N00°44'12"W 43.00'

22-18-200-022

REVISIONS			RIGHT OF WAY BERKSHIRE POINTE		DATE	SCALE
ITEM	DATE	BY	NOVI	MICHIGAN	2-27-14	HOR: 1" = 150'
						FIELD BOOK NO.
					DESIGNED BY	JOB NO.
					RH	13165
					DRAWN BY	SHEET NO.
					PTG	1/1

Z E I M E T W O Z N I A K
& ASSOCIATES

Civil Engineers & Land Surveyors
55800 GRAND RIVER AVE., SUITE 100
NEW HUDSON, MICHIGAN 48165

P: (248) 437-5099 F: (248) 437-5222 www.zeimetwozniak.com