



**CITY of NOVI CITY COUNCIL**

**Agenda Item K  
January 25, 2016**

**SUBJECT:** Acceptance of three highway easements as a donation from Novi Town Center Investors, LLC, along the both sides of Town Center Drive (parcels 22-14-376-009, 22-14-126-014, and 22-14-351-063).

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

**CITY MANAGER APPROVAL:** *[Signature]*

**BACKGROUND INFORMATION:**

Staff has worked with the Novi Town Center to acquire highway easements outside of the existing right-of-way for Town Center Drive that would make the existing sidewalks public. When the Town Center streets were constructed in the 1990s, the dedicated public right-of-way included only the road, but excluded the sidewalks. Once accepted and recorded, the sidewalks will be located in a highway easement, which serves a function very similar to public right-of-way.

The highway easements were prepared by Engineering staff and were reviewed and approved by the City Attorney (see attached letter from Beth Saarela).

**RECOMMENDED ACTION:** Acceptance of three highway easements as a donation from Novi Town Center Investors, LLC, along the both sides of Town Center Drive (parcels 22-14-376-009, 22-14-126-014, and 22-14-351-063).

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

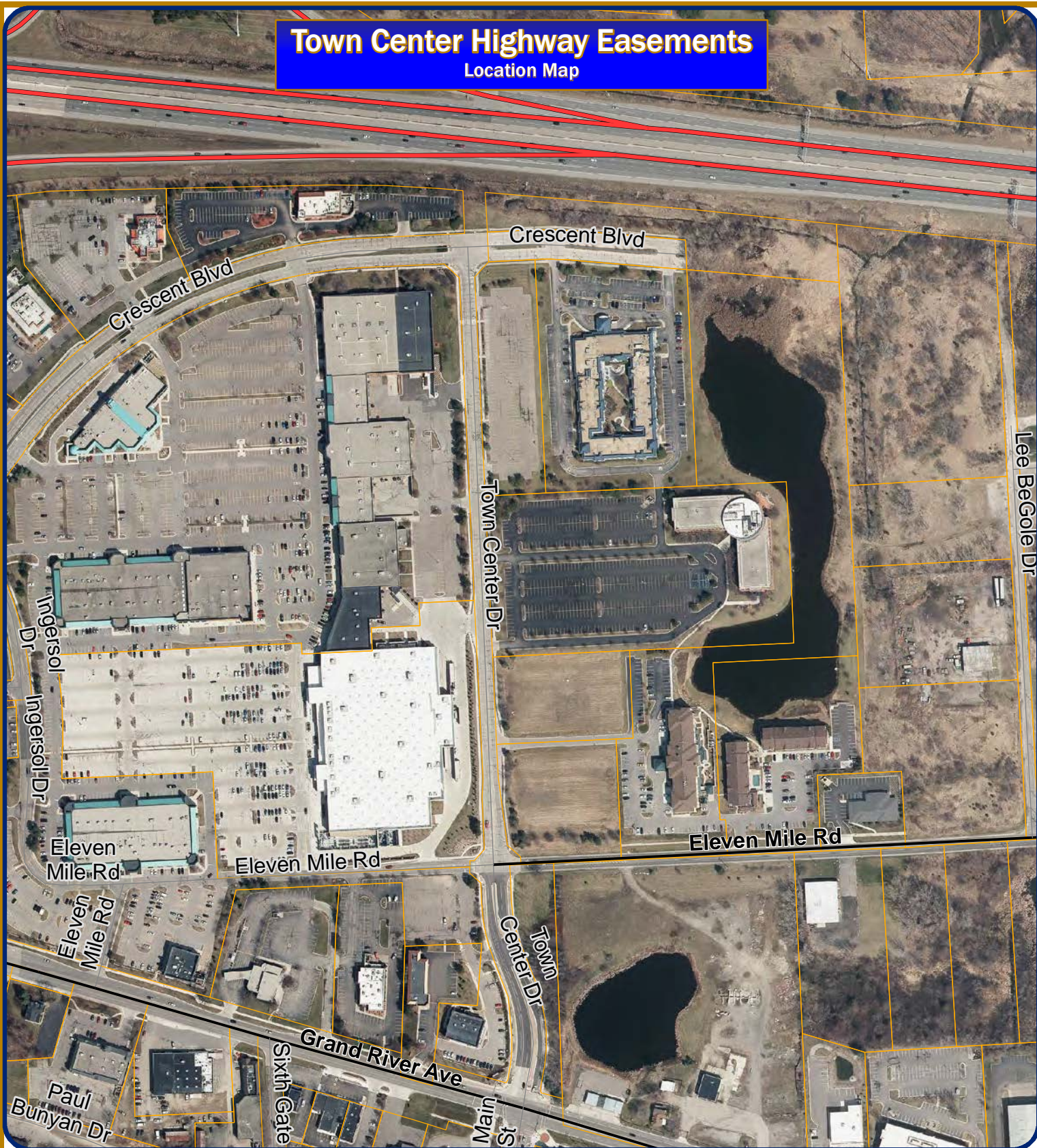
	1	2	Y	N
Council Member Markham				
Council Member Mutch				
Council Member Wrobel				

# Detail Showing Proposed Easement Location



# Town Center Highway Easements

## Location Map

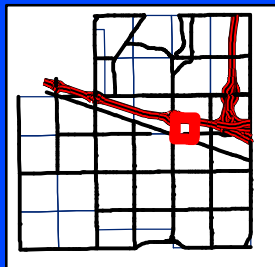


Map Author: Coburn  
Date: 1/14/16  
Project:  
Version #:

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

0 70 140 280 420  
Feet

1 inch = 341 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@jrsjlaw.com

www.johnsonrosati.com

January 11, 2016

Rob Hayes, Public Services Director  
CITY OF NOVI  
45175 Ten Mile Road  
Novi, Michigan 48375

**Re:** Town Center Drive Reconstruction Project – Highway Easements  
***Novi Town Center Investors***

Dear Mr. Hayes:

We have received and reviewed the following documents provided by Novi Town Center Investors for the Town Center Drive Reconstruction Project:

- Highway Easement (Parcel 22-14-376-009)
- Highway Easement (Parcel 22-14-176-014)
- Highway Easement (Parcel 22-15-351-063)

The format and content of the Highway Easements and Pathway Easement are in the City's standard format and are acceptable.

All concerns regarding title to the property identified in our May 12, 2015 review report have been satisfactorily addressed in accordance with the Engineering Division's review of the mortgages of record and applicable lot combinations of record. The Highway Easements may be placed on an upcoming City Council Agenda for acceptance. The original documents are in the Engineering Divisions file and should be provided to the City Clerk's Office for recording 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

Rob Hayes, Public Services Director  
January 11, 2016  
Page 2

EKS  
Enclosures

C: Maryanne Cornelius, Clerk  
Ben Croy, Civil Engineer  
Matthew C. Quinn, Esquire  
Thomas R. Schultz, Esquire

## HIGHWAY EASEMENT

**KNOW ALL PERSONS** that Novi Town Center Investors LLC (“Grantor”), whose address is 2515 McKinney Ave., Suite 800, Dallas, TX 75201, for and in consideration of One (\$1.00) Dollar, paid to Grantor by the City of Novi, a Michigan Municipal Corporation, (“Grantee”), whose address is 45175 West Ten Mile Road, Novi, Michigan 48375, does hereby grant to the Grantee, a permanent easement for all public highway purposes (“Highway Easement”) and to construct, operate, maintain, repair, and/or replace roadways, utilities, sidewalk, and other infrastructure improvements in, over, under, upon, and through a portion of the following described premises (“Property”) situated in the City of Novi, County of Oakland, State of Michigan as such Highway Easement is more particularly described, drawn and depicted on the attached Exhibit A.

Commonly known as: 26045 Town Center Drive, Novi, MI Tax Parcel No.: 50-22-14-351-063

The Highway Easement consists of a 12-foot easement described as follows:

### **SEE HIGHWAY EASEMENT DRAWING, ATTACHED AS EXHIBIT “A,” AND**

This Highway Easement includes, but is not limited to, the consent of the Grantor, within the Highway Easement area, to the removal of any trees, shrubs, and/or vegetation, to grading, to the occupancy of the Property by public utilities, and to other matters which, in the sole discretion of the Grantee, may be necessary in connection with all public highway purposes and the construction, operation, maintenance, repair, and/or replacement of roadways, utilities, and other infrastructure improvements in, over, under, upon, and through the Highway Easement. Grantor waives further notice of such actions.

The premises so disturbed by reason of the exercise of any of the foregoing powers shall be restored at Grantee’s sole cost and expense to substantially the condition that existed prior to construction by the Grantee, its agents, employees or contractors.

This Highway Easement runs with the land and shall bind the Grantor and the Grantor’s heirs, representatives, successors, and assigns. This Highway Easement contains the entire understanding of the Grantor and the Grantee, and there are no other verbal promises between the Grantor and the Grantee except as shown herein.

IN WITNESS WHEREOF, the undersigned hereunto affixed their signatures this 23<sup>rd</sup> day of March, 2015.

GRANTOR:  
Novi Town Center Investors LLC,  
A Delaware limited liability company

By: TPI REIT Operating Partnership LP,  
A Delaware limited partnership  
Its: Sole Member

By: TPI REIT Operating Partnership GP LLC,  
A Delaware limited partnership  
Its: General Partner

[Signature] (MCQ)  
By: Richard Zalatoris  
Its: Director

STATE OF TEXAS     )  
                              )SS  
COUNTY OF DALLAS)

The foregoing instrument was acknowledged before me this 23<sup>rd</sup> day of March, 2015, by Novi Town Center Investors LLC, a Delaware limited liability company By: TPI REIT Operating Partnership LP, a Delaware limited partnership, Its: Sole Member by: TPI REIT Operating Partnership GP LLC, a Delaware limited partnership, Its: General Partner, by Richard Zalatoris, Its: Director.



[Signature]  
Notary Public  
Dallas County, Texas  
My commission expires: June 27, 2017  
Acting in Dallas County

Parcel 50-22-14-351-063

Drafted by:  
Elizabeth Saarela, Esq.  
27555 Executive Drive, Suite 250  
Farmington Hills, MI 48331

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

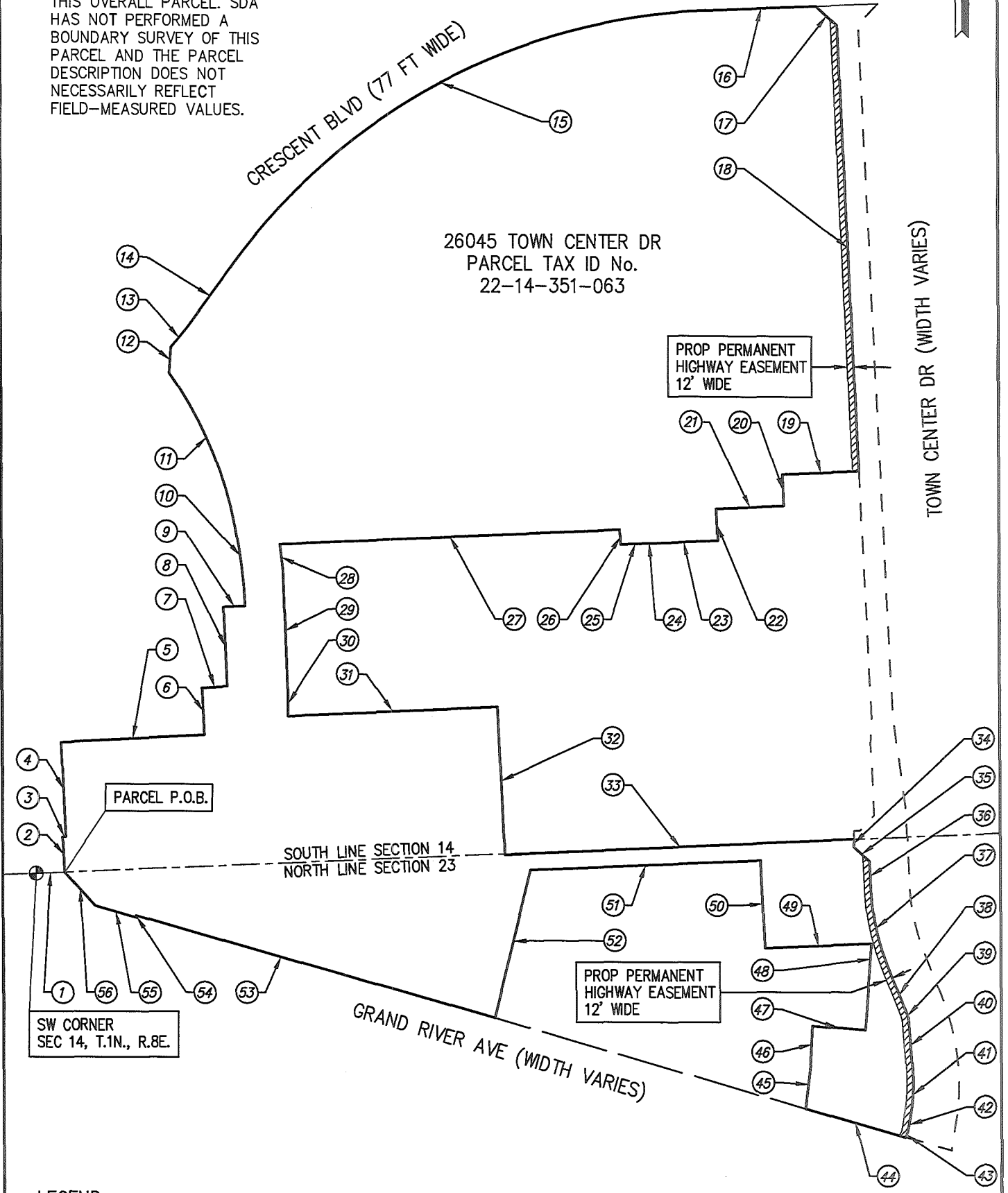
RECORDING FEE \_\_\_\_\_

REVENUE STAMPS \_\_\_\_\_

EXHIBIT A

HIGHWAY EASEMENT

NOTE:  
 THE PARCEL DESCRIPTION SHOWN WAS OBTAINED FROM THE CITY OF NOVI ASSESSOR. THE EASEMENT DESCRIPTION IS WRITTEN BASED UPON THE FURNISHED DESCRIPTION OF THIS OVERALL PARCEL. SDA HAS NOT PERFORMED A BOUNDARY SURVEY OF THIS PARCEL AND THE PARCEL DESCRIPTION DOES NOT NECESSARILY REFLECT FIELD-MEASURED VALUES.



LEGEND

① PROPERTY BOUNDARY LINE IDENTIFICATION TAG (SEE SHEET 2 OF 2 FOR BOUNDARY LINE CALL OUTS)

SEE SHEET 2 OF 2 FOR:  
 \*BOUNDARY LINE CALL OUTS  
 \*LEGAL DESCRIPTION OF PARCEL  
 \*PROPOSED HIGHWAY EASEMENT DESCRIPTION



**SPALDING DeDECKER ASSOCIATES, INC.**  
 ENGINEERS SURVEYORS  
 905 SOUTH BLVD. EAST  
 ROCHESTER HILLS, MI 48307  
 PH: (248) 844-5400 FAX: (248) 844-5404  
 www.spaldingdedecker.com

DRAWN: J. ROBERTS	DATE: 07/29/14
CHECKED: T. LINDOW	DATE: 10/03/14
MANAGER: C. GREGORY	SCALE: 1" = 250'
JOB No. NV13008	SHEET: 1 OF 2
SECTION 14/23 TOWN 1 NORTH RANGE 8 EAST	
CITY OF NOVI OAKLAND COUNTY, MI	



# HIGHWAY EASEMENT

**BOUNDARY LINE CALLOUTS**

- |   |   |
|---|---|
| <p>① N 87-28-51 E, 54 FT</p> <p>② N 02-40-33 W, 66.98 FT</p> <p>③ N 87-29-51 E, 6 FT</p> <p>④ N 02-40-33 W, 177.73 FT</p> <p>⑤ N 86-52-49 E, 269.99 FT</p> <p>⑥ N 02-40-33 W, 87.91 FT</p> <p>⑦ N 86-04-47 E, 48.02 FT</p> <p>⑧ N 02-40-33 W, 149.32 FT</p> <p>⑨ N 87-19-27 E, 41.14 FT</p> <p>⑩ RAD 1020 FT, DIST OF 188.48 FT<br/>CHORD BEARS N 08-12-39 W 188.21 FT</p> <p>⑪ RAD 720 FT, DIST OF 276.93 FT<br/>CHORD BEARS N 24-31-23 W 275.22 FT</p> <p>⑫ N 04-00-03 E, 48.39 FT</p> <p>⑬ RAD 330.50 FT, DIST OF 45.61 FT<br/>CHORD BEARS N 39-41-02 E, 45.57 FT</p> <p>⑭ N 35-49-27 E, 151.76 FT</p> <p>⑮ RAD 1161.50 FT, DIST OF 1044.01 FT<br/>CHORD BEARS N 61-34-27 E 1009.22 FT</p> <p>⑯ N 87-19-27 E, 206.26 FT</p> <p>⑰ S 47-40-33 E, 53.74 FT</p> <p>⑱ S 02-40-33 E, 840.01 FT</p> <p>⑲ S 87-19-27 W, 144.46 FT</p> <p>⑳ S 02-40-33 E, 59.26 FT</p> <p>㉑ S 87-19-27 W, 127.45 FT</p> <p>㉒ S 02-40-33 E, 60 FT</p> <p>㉓ S 87-19-26 W, 129.02 FT</p> <p>㉔ N 02-40-33 W, 0.67 FT</p> <p>㉕ S 87-19-27 W, 53.77 FT</p> <p>㉖ N 02-40-33 W, 27.99 FT</p> <p>㉗ S 87-19-27 W, 638.49 FT</p> <p>㉘ S 06-45-56 E, 48.17 FT</p> | <p>㉙ RAD 1123.90 FT, DIST OF 227.70 FT<br/>CHORD BEARS S 02-10-42 E, 227.31 FT</p> <p>㉚ S 00-10-03 W, 48.21 FT</p> <p>㉛ N 87-19-27 E, 392.75 FT</p> <p>㉜ S 02-40-33 E, 278.98 FT</p> <p>㉝ N 87-19-27 E, 656.59 FT</p> <p>㉞ S 02-22-58 W, 15.40 FT</p> <p>㉟ S 47-40-33 E, 39.60 FT</p> <p>㊱ S 02-40-33 E, 56.50 FT</p> <p>㊲ RAD 435.50 FT, DIST OF 141.96 FT<br/>CHORD BEARS S 12-00-50 E 141.33 FT</p> <p>㊳ S 21-21-06 E, 100 FT</p> <p>㊴ S 20-34-27 E, 9.89 FT</p> <p>㊵ S 04-33-29 E, 101.48 FT</p> <p>㊶ RAD 353.50 FT, DIST OF 84.17 FT<br/>CHORD BEARS S 03-10-45 W 83.97 FT</p> <p>㊷ S 10-00-00 W, 30.36 FT</p> <p>㊸ S 27-11-06 W, 9.05 FT</p> <p>㊹ N 74-16-33 W, 195.56 FT</p> <p>㊺ N 06-47-48 E, 87.34 FT</p> <p>㊻ N 02-46-49 E, 68.75 FT</p> <p>㊼ S 85-52-56 E, 99.91 FT</p> <p>㊽ N 04-06-34 E, 163.28 FT</p> <p>㊾ S 87-28-51 W, 200 FT</p> <p>㊿ N 02-40-33 W, 166.35 FT</p> <p>1 S 87-28-51 W, 432.79 FT</p> <p>2 S 13-38-41 W, 287.42 FT</p> <p>3 N 74-00-17 W, 698.96 FT</p> <p>4 S 03-08-50 E, 3.88 FT</p> <p>5 N 74-02-07 W, 79.81 FT</p> <p>6 N 42-20-47 W, 85.57 FT</p> |
|---|---|

LEGAL DESCRIPTION OF PARCEL  
 TAX PARCEL No. 22-14-351-063  
 (PER CITY OF NOVI ASSESSOR, CURRENT AS OF 7-22-14)

T1N, R8E, SEC 14 & 23 PART OF SW 1/4 OF SEC 14 & PART OF NW 1/4 OF SEC 23 BEG AT PT DIST N 87-28-51 E 54 FT FROM SW COR OF SD SEC 14, TH N 02-40-33 W 66.98 FT, TH N 87-29-51 E 6 FT, TH N 02-40-33 W 177.73 FT, TH N 86-52-49 E 269.99 FT, TH N 02-40-33 W 87.91 FT, TH N 86-04-47 E 48.02 FT, TH N 02-40-33 W 149.32 FT, TH N 87-19-27 E 41.14 FT, TH ALG CURVE TO LEFT, RAD 1020 FT, CHORD BEARS N 08-12-39 W 188.21 FT, DIST OF 188.48 FT, TH ALG CURVE TO LEFT, RAD 720 FT, CHORD BEARS N 24-31-23 W 275.22 FT, DIST OF 276.93 FT, TH N 04-00-03 E 48.39 FT, TH ALONG CURVE TO LEFT, RAD 330.50 FT, CHORD BEARS N 39-41-02 E 45.57 FT, DIST OF 45.61 FT, TH N 35-49-27 E 151.76 FT, TH ALG CURVE TO RIGHT, RAD 1161.50 FT, CHORD BEARS N 61-34-27 E 1009.22 FT, DIST OF 1044.01 FT, TH N 87-19-27 E 206.26 FT, TH S 47-40-33 E 53.74 FT, TH S 02-40-33 E 840.01 FT, TH S 87-19-27 W 144.46 FT, TH S 02-40-33 E 59.26 FT, TH S 87-19-27 W 127.45 FT, TH S 02-40-33 E 60 FT, TH S 87-19-26 W 129.02 FT, TH N 02-40-33 W 0.67 FT, TH S 87-19-27 W 53.77 FT, TH N 02-40-33 W 27.99 FT, TH S 87-19-27 W 638.49 FT, TH S 06-45-56 E 48.17 FT, TH ALONG CURVE TO RIGHT, RAD 1123.90 FT, CHORD BEARS S 02-10-42 E 227.31 FT, DIST OF 227.70 FT, TH S 00-10-03 W 48.21 FT, TH N 87-19-27 E 392.75 FT, TH S 02-40-33 E 278.98 FT, TH N 87-19-27 E 656.59 FT, TH S 02-22-58 W 15.40 FT, TH S 47-40-33 E 39.60 FT, TH S 02-40-33 E 56.50 FT, TH ALG CURVE TO LEFT, RAD 435.50 FT, CHORD BEARS S 12-00-50 E 141.33 FT, DIST OF 141.96 FT, TH S 21-21-06 E 100 FT, TH S 20-34-27 E 9.89 FT, TH S 04-33-29 E 101.48 FT, TH ALG CURVE TO RIGHT, RAD 353.50 FT, CHORD BEARS S 03-10-45 W 83.97 FT, DIST OF 84.17 FT, TH S 10-00-00 W 30.36 FT, TH S 27-11-06 W 9.05 FT, TH N 74-16-33 W 195.56 FT, TH N 06-47-48 E 87.34 FT, TH N 02-46-49 E 68.75 FT, TH S 85-52-56 E 99.91 FT, TH N 04-06-34 E 163.28 FT, TH S 87-28-51 W 200 FT, TH N 02-40-33 W 166.35 FT, TH S 87-28-51 W 432.79 FT, TH S 13-38-41 W 287.42 FT, TH N 74-00-17 W 698.96 FT, TH S 03-08-50 E 3.88 FT, TH N 74-02-07 W 79.81 FT, TH N 42-20-47 W 85.57 FT TO BEG 34.97 AC

**PROPOSED TOWN CENTER DRIVE HIGHWAY EASEMENT**

THE EASEMENT SHALL BE A PERMANENT HIGHWAY EASEMENT TO CONSTRUCT, OPERATE, MAINTAIN, REPAIR, AND/OR REPLACE ROADWAYS, UTILITIES, SIDEWALKS, AND OTHER INFRASTRUCTURE IMPROVEMENTS IN, OVER, UNDER, UPON, AND THROUGH THE PROPERTY DESCRIBED AS: THE EASTERLY 12 FEET OF THE ABOVE DESCRIBED PARCEL, BEING ADJACENT TO THE WESTERLY RIGHT-OF-WAY OF TOWN CENTER DRIVE AS DEDICATED. CONTAINS 0.33 AC.

Spalding DeDecker  
 Associates, Inc.



**SPALDING DeDECKER**  
**ASSOCIATES, INC.**  
 ENGINEERS SURVEYORS

905 SOUTH BLVD. EAST  
 ROCHESTER HILLS, MI 48307  
 PH: (248) 844-5400 FAX: (248) 844-5404  
 www.spaldingdedecker.com

DRAWN: J. ROBERTS	DATE: 07/29/14
CHECKED: T. LINDOW	DATE: 10/03/14
MANAGER: C. GREGORY	SCALE: 1" = 250'
JOB No. NV13008	SHEET: 2 OF 2
SECTION 14/23 TOWN 1 NORTH RANGE 8 EAST	
CITY OF NOVI OAKLAND COUNTY, MI	

## HIGHWAY EASEMENT

**KNOW ALL PERSONS** that Novi Town Center Investors LLC (“Grantor”), whose address is 2515 McKinney Ave., Suite 800, Dallas, TX 75201, for and in consideration of One (\$1.00) Dollar, paid to Grantor by the City of Novi, a Michigan Municipal Corporation, (“Grantee”), whose address is 45175 West Ten Mile Road, Novi, Michigan 48375, does hereby grant to the Grantee, a permanent easement for all public highway purposes (“Highway Easement”) and to construct, operate, maintain, repair, and/or replace roadways, utilities, sidewalk, and other infrastructure improvements in, over, under, upon, and through a portion of the following described premises (“Property”) situated in the City of Novi, County of Oakland, State of Michigan as such Highway Easement is more particularly described, drawn and depicted on the attached Exhibit A.

Commonly known as: Tax Parcel No.: 50-22-14-376-009

The Highway Easement consists of a 12-foot easement described as follows:

### **SEE HIGHWAY EASEMENT DRAWING, ATTACHED AS EXHIBIT “A,” AND**

This Highway Easement includes, but is not limited to, the consent of the Grantor, within the Highway Easement area, to the removal of any trees, shrubs, and/or vegetation, to grading, to the occupancy of the Property by public utilities, and to other matters which, in the sole discretion of the Grantee, may be necessary in connection with all public highway purposes and the construction, operation, maintenance, repair, and/or replacement of roadways, utilities, and other infrastructure improvements in, over, under, upon, and through the Highway Easement. Grantor waives further notice of such actions.

The premises so disturbed by reason of the exercise of any of the foregoing powers shall be restored at Grantee’s sole cost and expense to substantially the condition that existed prior to construction by the Grantee, its agents, employees or contractors.

This Highway Easement runs with the land and shall bind the Grantor and the Grantor’s heirs, representatives, successors, and assigns. This Highway Easement contains the entire understanding of the Grantor and the Grantee, and there are no other verbal promises between the Grantor and the Grantee except as shown herein.

IN WITNESS WHEREOF, the undersigned hereunto affixed their signatures this 23 day of March, 2015.

GRANTOR:  
Novi Town Center Investors LLC,  
A Delaware limited liability company

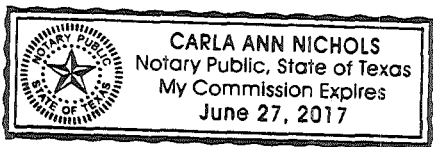
By: TPI REIT Operating Partnership LP,  
A Delaware limited partnership  
Its: Sole Member

By: TPI REIT Operating Partnership GP LLC,  
A Delaware limited partnership  
Its: General Partner

[Signature] (MCQ)  
By: Richard Zalatoris  
Its: Director

STATE OF TEXAS )  
                          )SS  
COUNTY OF DALLAS)

The foregoing instrument was acknowledged before me this 23<sup>rd</sup> day of March 2015, by Novi Town Center Investors LLC, a Delaware limited liability company By: TPI REIT Operating Partnership LP, a Delaware limited partnership, Its: Sole Member by: TPI REIT Operating Partnership GP LLC, a Delaware limited partnership, Its: General Partner, by Richard Zalatoris, Its: Director.



[Signature]  
Notary Public  
Dallas County, Texas  
My commission expires: June 27, 2017  
Acting in Dallas County

Parcel 50-22-14-376-009

Drafted by:  
Elizabeth Saarela, Esq.  
27555 Executive Drive, Suite 250  
Farmington Hills, MI 48331

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

RECORDING FEE \_\_\_\_\_

REVENUE STAMPS \_\_\_\_\_

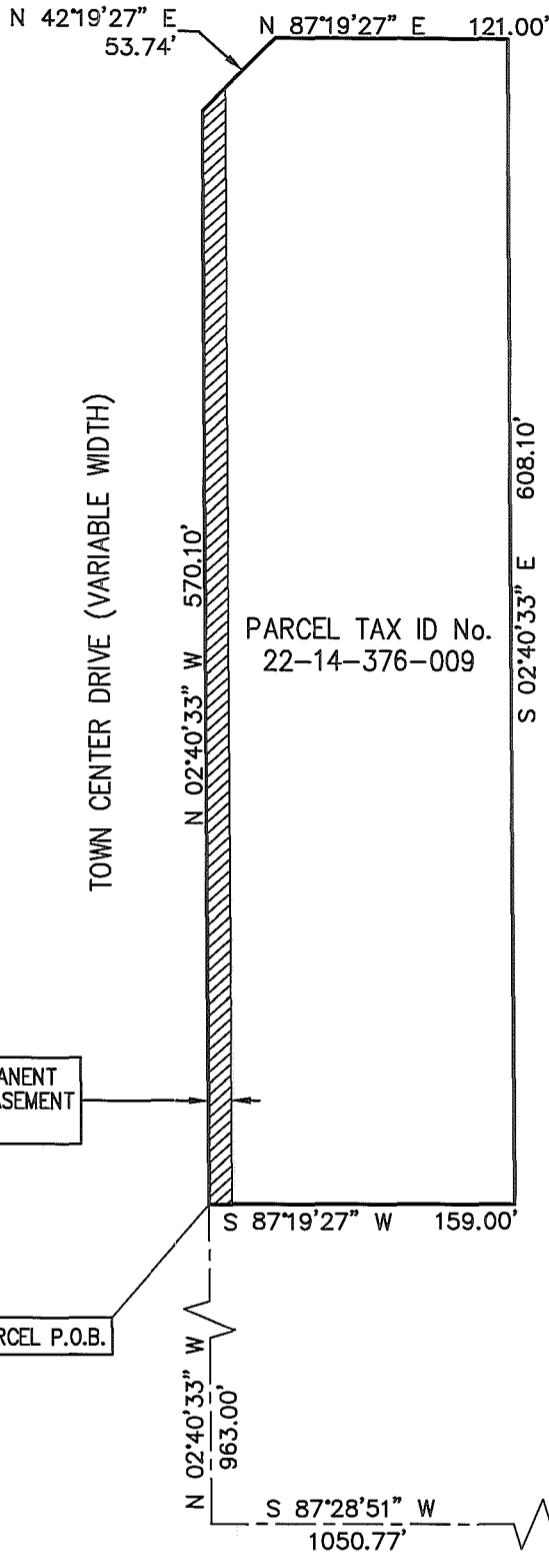
EXHIBIT A

HIGHWAY EASEMENT

CRESCENT BLVD (77 FT WIDE)



NOTE:  
 THE PARCEL DESCRIPTION SHOWN WAS OBTAINED FROM THE CITY OF NOVI ASSESSOR. THE EASEMENT DESCRIPTION IS WRITTEN BASED UPON THE FURNISHED DESCRIPTION OF THIS OVERALL PARCEL. SDA HAS NOT PERFORMED A BOUNDARY SURVEY OF THIS PARCEL AND THE PARCEL DESCRIPTION DOES NOT NECESSARILY REFLECT FIELD-MEASURED VALUES.



PROP PERMANENT  
 HIGHWAY EASEMENT  
 12' WIDE

PARCEL P.O.B.

SOUTH 1/4 CORNER  
 SEC 14, T.1N., R.8E.

LEGAL DESCRIPTION OF PARCEL

TAX PARCEL No. 22-14-376-009  
 (PER CITY OF NOVI ASSESSOR, CURRENT AS OF 6-28-14)

T1N, R8E, SEC 14 PART OF SW 1/4 BEG AT PT DIST S 87-28-51 W 1050.77 FT & N 02-40-33 W 963 FT FROM S 1/4 COR, TH N 02-40-33 W 570.10 FT, TH N 42-19-27 E 53.74 FT, TH N 87-19-27 E 121 FT, TH S 02-40-33 E 608.10 FT, TH S 87-19-27 W 159 FT TO BEG 2.20 AC

PROPOSED TOWN CENTER DRIVE HIGHWAY EASEMENT

THE EASEMENT SHALL BE A PERMANENT HIGHWAY EASEMENT TO CONSTRUCT, OPERATE, MAINTAIN, REPAIR, AND/OR REPLACE ROADWAYS, UTILITIES, SIDEWALKS, AND OTHER INFRASTRUCTURE IMPROVEMENTS IN, OVER, UNDER, UPON, AND THROUGH THE PROPERTY DESCRIBED AS: THE WESTERLY 12 FEET OF THE ABOVE DESCRIBED PARCEL, BEING ADJACENT TO THE EASTERLY RIGHT-OF-WAY OF TOWN CENTER DRIVE AS DEDICATED. CONTAINS 0.13 AC.

Spalding DeDecker  
 Associates, Inc.



**SPALDING DeDECKER**  
**ASSOCIATES, INC.**  
 ENGINEERS SURVEYORS

905 SOUTH BLVD. EAST  
 ROCHESTER HILLS, MI 48307  
 PH: (248) 844-5400 FAX: (248) 844-5404  
 www.spaldingdedecker.com

DRAWN: J. ROBERTS

DATE: 07/29/14

CHECKED: T. LINDOW

DATE: 10/02/14

MANAGER: C. GREGORY

SCALE: 1" = 100'

JOB No. NV13008

SHEET: 1 OF 1

SECTION 14 TOWN 1 NORTH RANGE 8 EAST

CITY OF NOVI

OAKLAND COUNTY, MI

## HIGHWAY EASEMENT

**KNOW ALL PERSONS** that Novi Town Center Investors LLC (“Grantor”), whose address is 2515 McKinney Ave., Suite 800, Dallas, TX 75201 for and in consideration of One (\$1.00) Dollar, paid to Grantor by the City of Novi, a Michigan Municipal Corporation, (“Grantee”), whose address is 45175 West Ten Mile Road, Novi, Michigan 48375, does hereby grant to the Grantee, a permanent easement for all public highway purposes (“Highway Easement”) and to construct, operate, maintain, repair, and/or replace roadways, utilities, sidewalk, and other infrastructure improvements in, over, under, upon, and through a portion of the following described premises (“Property”) situated in the City of Novi, County of Oakland, State of Michigan as such Highway Easement is more particularly described, drawn and depicted on the attached Exhibit A.

Commonly known as: Tax Parcel No.: 50-22-14-126-014

The Highway Easement consists of a 12-foot easement described as follows:

### **SEE HIGHWAY EASEMENT DRAWING, ATTACHED AS EXHIBIT “A,” AND**

This Highway Easement includes, but is not limited to, the consent of the Grantor, within the Highway Easement area, to the removal of any trees, shrubs, and/or vegetation, to grading, to the occupancy of the Property by public utilities, and to other matters which, in the sole discretion of the Grantee, may be necessary in connection with all public highway purposes and the construction, operation, maintenance, repair, and/or replacement of roadways, utilities, and other infrastructure improvements in, over, under, upon, and through the Highway Easement. Grantor waives further notice of such actions.

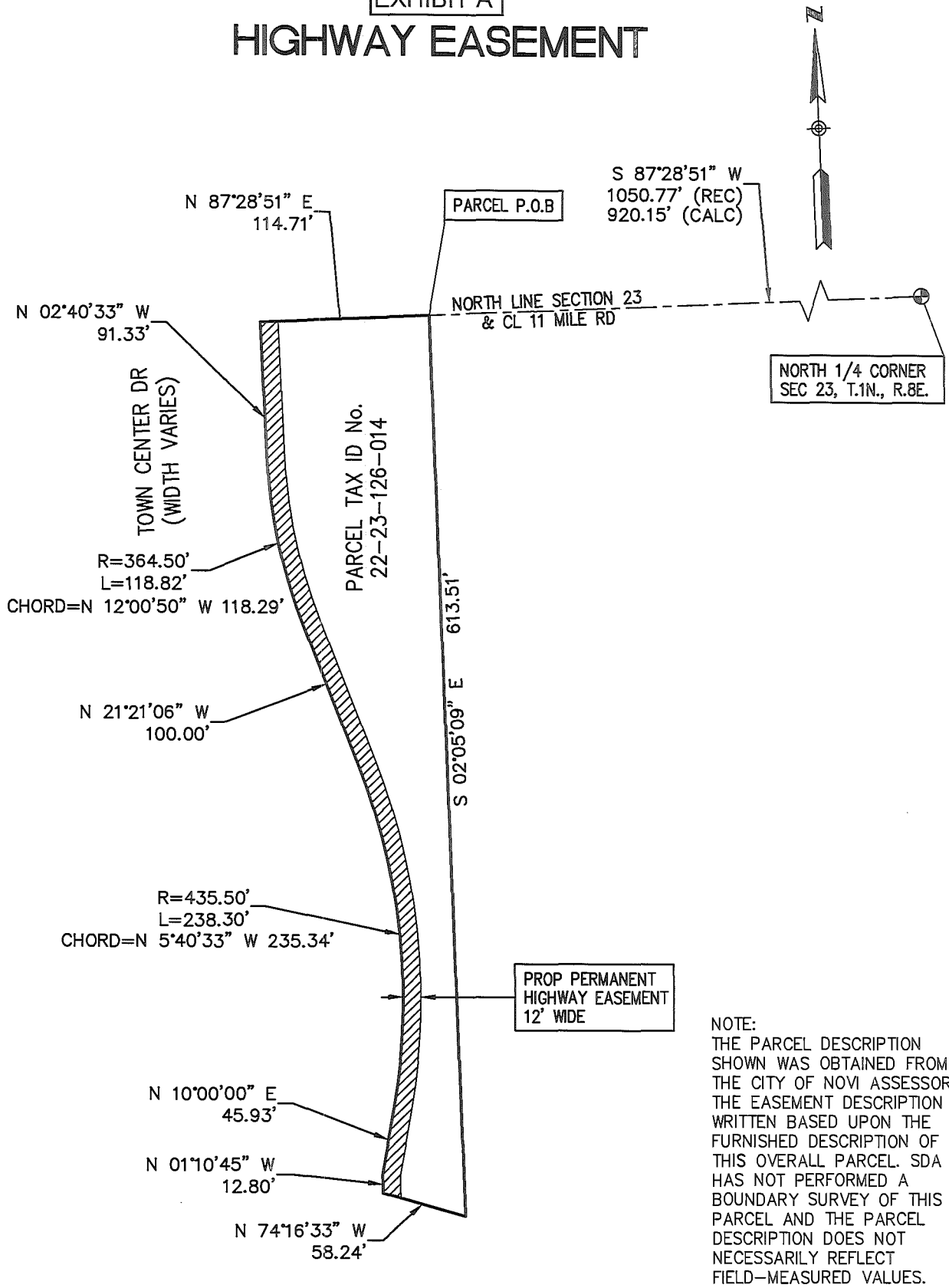
The premises so disturbed by reason of the exercise of any of the foregoing powers shall be restored at Grantee’s sole cost and expense to substantially the condition that existed prior to construction by the Grantee, its agents, employees or contractors.

This Highway Easement runs with the land and shall bind the Grantor and the Grantor’s heirs, representatives, successors, and assigns. This Highway Easement contains the entire understanding of the Grantor and the Grantee, and there are no other verbal promises between the Grantor and the Grantee except as shown herein.



EXHIBIT A

HIGHWAY EASEMENT



NOTE:  
 THE PARCEL DESCRIPTION SHOWN WAS OBTAINED FROM THE CITY OF NOVI ASSESSOR. THE EASEMENT DESCRIPTION IS WRITTEN BASED UPON THE FURNISHED DESCRIPTION OF THIS OVERALL PARCEL. SDA HAS NOT PERFORMED A BOUNDARY SURVEY OF THIS PARCEL AND THE PARCEL DESCRIPTION DOES NOT NECESSARILY REFLECT FIELD-MEASURED VALUES.

**LEGAL DESCRIPTION OF PARCEL**  
 TAX PARCEL No. 22-23-126-014  
 (PER CITY OF NOVI ASSESSOR, CURRENT AS OF 6-28-14)  
 T1N, R8E, SEC 23 PART OF NW 1/4 BEG AT PT DIST S 87-28-51 W 1050.77 FT FROM N 1/4 COR, TH S 02-05-09 E 613.51 FT, TH N 74-16-33 W 58.24 FT, TH N 01-10-45 W 12.80 FT, TH N 10-00-00 E 45.93 FT, TH ALG CURVE TO LEFT, RAD 435.50 FT, CHORD BEARS N 05-40-33 W 235.34 FT, DIST OF 238.30 FT, TH N 21-21-06 W 100 FT, TH ALG CURVE TO RIGHT, RAD 364.50 FT, CHORD BEARS N 12-00-50 W 118.29 FT, DIST OF 118.81 FT, TH N 02-40-33 W 91.33 FT, TH N 87-28-51 E 114.71 FT TO BEG 1.00 AC

**PROPOSED TOWN CENTER DRIVE HIGHWAY EASEMENT**  
 THE EASEMENT SHALL BE A PERMANENT HIGHWAY EASEMENT TO CONSTRUCT, OPERATE, MAINTAIN, REPAIR, AND/OR REPLACE ROADWAYS, UTILITIES, SIDEWALKS, AND OTHER INFRASTRUCTURE IMPROVEMENTS IN, OVER, UNDER, UPON, AND THROUGH THE PROPERTY DESCRIBED AS: THE WESTERLY 12 FEET OF THE ABOVE DESCRIBED PARCEL, BEING ADJACENT TO THE EASTERLY RIGHT-OF-WAY OF TOWN CENTER DRIVE AS DEDICATED. CONTAINS 0.14 AC.

	<b>SPALDING DeDECKER ASSOCIATES, INC.</b> ENGINEERS SURVEYORS 905 SOUTH BLVD. EAST ROCHESTER HILLS, MI 48307 PH: (248) 844-5400 FAX: (248) 844-5404 www.spaldingdedecker.com	DRAWN: J. ROBERTS	DATE: 07/29/14
		CHECKED: T. LINDOW	DATE: 10/02/14
		MANAGER: C. GREGORY	SCALE: 1" = 100'
		JOB No. NV13008	SHEET: 1 OF 1
		SECTION 23 TOWN 1 NORTH RANGE 8 EAST	
		CITY OF NOVI OAKLAND COUNTY, MI	