



**CITY OF NOVI CITY COUNCIL  
AUGUST 31, 2020**

**SUBJECT:** Approval of (1) a resolution concerning the acquisition of property and approving declaration of necessity and taking and, (2) a declaration of taking for easements with fair market value in the amount of \$21,478.50 for a sidewalk easement on parcel 50-22-23-226-033 for the construction of a sidewalk on the west side of Meadowbrook Road, south of Eleven Mile Road.

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

<b>EXPENDITURE REQUIRED</b>	<b>\$ 21,478.50</b>
<b>AMOUNT BUDGETED</b>	<b>\$ 1,488,070.00 (FY 2019-20 Budget Rollover)</b>
<b>APPROPRIATION REQUIRED</b>	<b>\$ 0</b>
<b>LINE ITEM NUMBER</b>	<b>204-204.00-974.478</b>

**BACKGROUND INFORMATION:** The City of Novi will be constructing a sidewalk on the west side of Meadowbrook Road, south of Eleven Mile Road, in combination with a streambank stabilization project along Bishop Creek. Completion of the project will provide a continuous sidewalk on the west side of Meadowbrook Road from Eleven Mile Road to Eight Mile Road.

A permanent sidewalk easement is required for construction of the sidewalk at the property (parcel 50-22-23-226-033). To formalize the valuation in the form of an offer, staff has worked with the City Attorney to prepare a Resolution Concerning the Acquisition of Property and Approving Declaration of Necessity and Taking. A Declaration of Taking would allow the City to begin proceedings to acquire the easement through eminent domain if the City is unable to acquire the easement. The sidewalk was scheduled to be constructed in 2020, but has been delayed by easement acquisition. Sidewalk construction is now expected to occur in Spring 2021.

**RECOMMENDED ACTION:** Approval of (1) a resolution concerning the acquisition of property and approving declaration of necessity and taking and, (2) a declaration

of taking for easements with fair market value in the amount of \$21,478.50 for a sidewalk easement on parcel 50-22-23-226-033 for the construction of a sidewalk on the west side of Meadowbrook Road, south of Eleven Mile Road.

# 25775 Meadowbrook Road Sidewalk Easement Location Map

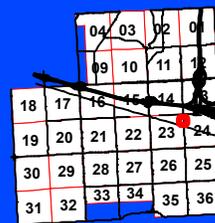


Map Author: Rebecca Runkel  
Date: 8/19/20  
Project: Bishop Creek Streambank and Sidewalk  
Version #: 1.0

#### 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 152 of 1970 as amended. Please contact the City GIS Manager to confirm source and accuracy information related to this map.

 Easement Area



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

0 12.5 25 50 75  
Feet

1 inch = 73 feet



## **DECLARATION OF TAKING**

A Resolution of Necessity having been adopted by the City of Novi setting forth that present conditions necessitate to construct a sidewalk along the west side of Meadowbrook Road north of Eleven Mile. The sidewalk is proposed to be an 8-foot wide concrete sidewalk and will cross the frontage of 25775 Meadowbrook Road, Parcel No. 22-23-226-033 (the "Improvements"), in the City of Novi, Oakland County, Michigan, in the interest of the public health, safety, and welfare, and that it is necessary to acquire a permanent Sidewalk Easement over the property within the City of Novi for said Improvements, and that a good faith written offer to purchase said property will be made.

NOW, THEREFORE, by virtue of the authority vested in the City of Novi, by Act 279 of the Public Acts of 1909, as amended, and/or Act 149 of the Public Acts of 1911, as amended, or other applicable statutes, and in accordance with the provisions of Act 87 of Public Acts of 1980, as amended, it is now declared and determined that the easement property hereinafter described shall be taken for the purpose of constructing a sidewalk, in accordance with prepared plans showing said Improvements which are on file with the City Clerk's Office.

A statement of the estate of interest in the property being taken; a description of the property to be acquired, sufficient for its identification; the name of each known owner of said property; the name of each known person, other than the owner, having an interest in said property; a statement of the sum of money estimated by the City of Novi as just compensation for the property being acquired; and a statement whether the City of Novi reserves or waives its

rights to bring federal or state cost recovery actions against the present owner of the property are as follows:

1. Statement of the Estate of Interest Being Taken and Description of the Property.

**PARCEL DESCRIPTION (50-22-23-226-033)**

Parcel of land situated in the NE 1/4 of Section 23, Town 1 North, Range 8 East, City of Novi, Oakland County, Michigan, more particularly described as follows:

Beginning at a point on the East line of said Section 23, also being the centerline of Meadowbrook Road, distant S 00°22'43" W 798.55 feet from the NE corner of said Section 23, and proceeding thence along the East line of said Section 23, also being the centerline of Meadowbrook Road, S 00°22'43" W 165.0 feet; thence N 89°37'17" W 367.0 feet; thence N 00°22'43" E 165.0 feet; thence S 89°37'17" E 367.0 feet to the Point of Beginning. Subject to all easements and restrictions of record, if any.

**SIDEWALK EASEMENT**

A variable width easement for sidewalk being part of land situated in the NE 1/4 of Section 23, Town 1 North, Range 8 East, City of Novi, Oakland County, Michigan, more particularly described as follows:

Commencing at the NE 1/4 corner of said Section 23; thence S 00°22'43" W 798.55 feet along the East line of said Section 23 and the centerline of Meadowbrook Road to a point; thence continuing S 00°22'43" W 165.0 feet; thence N 89°37'17" W 33.0 feet along the South line of said parent parcel to a point on the West right of way line of Meadowbrook Road, also being the Point of Beginning; thence; thence N 89°37'17" W 5.36 feet along the South line of said parent parcel; thence N 00°23'55" E 54.72 feet; thence N 00°33'23" E 55.54 feet; thence N 21°35'12" W 10.91 feet; thence N 28°15'26" W 12.98 feet; thence N 17°16'32" W 10.78 feet; thence N 02°08'10" W 11.0 feet; thence S 76°37'45" E 5.0 feet; thence S 59°23'44" E 5.98 feet; thence S 03°24'22" E 4.91 feet; thence S 17°16'32" E 7.89 feet; thence S 37°18'36" E 10.59 feet; thence S 00°22'43" W 128.10 feet along the West right of way line of Meadowbrook Road to the Point of Beginning.

Contains 999 square feet or 0.023 acres of land, more or less. Subject to all easements and restrictions of record, if any.

Subject to all easements and restrictions of record, if any.

2. Names of Property Owner: Biotech Holding & Real Estate, LLC, a Michigan limited liability company

3. Names of each person, other than the Owners, having a potential interest in the property: RTN Holdings, LLC, Novi Enterprises, LLC, Oakland County Water Resource Commissioner- Bassett Drainage District, City of Novi, Grand Meadowbrook Dev Co., Marque Corporate Center Business Condominium Association, Jado IV, L.L.C., The Detroit Edison Company
  
4. Value of Easements based on Valuation of the Property from assessing records:  
 Permanent Sidewalk Easement: \$21,478.50
  
5. The City of Novi reserves its rights to bring Federal or State cost recovery actions against the present owner of the property.

\_\_\_\_\_  
 \_\_\_\_\_

**CITY OF NOVI**

BY: \_\_\_\_\_  
 Peter Auger  
 City Manager

Dated: \_\_\_\_\_, 2020

STATE OF MICHIGAN        )  
   ) ss.  
 COUNTY OF OAKLAND        )

The foregoing Declaration of Taking was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2020, by Peter Auger, as the City Manager, on behalf of the City of Novi.

\_\_\_\_\_  
 Notary Public  
 Acting in Oakland County, Michigan  
 My Commission Expires: \_\_\_\_\_

Prepared by and when recorded return to:  
Elizabeth K. Saarela (P 60265)  
27555 Executive Drive, Suite 250  
Farmington Hills, MI 48331  
Phone: (248) 489-4100  
Tax Identification No: 22-23-226-033

**RESOLUTION CONCERNING THE ACQUISITION  
OF PROPERTY AND APPROVING DECLARATION OF NECESSITY AND TAKING**

City of Novi  
County of Oakland, Michigan

Minutes of a \_\_\_\_\_ Meeting of the City Council of the City of Novi, County of Oakland, Michigan, held in the City Hall in said City on \_\_\_\_\_, 2020, at 7:00 o'clock P.M. Prevailing Eastern Time.

PRESENT: Councilmembers \_\_\_\_\_  
\_\_\_\_\_

ABSENT: Councilmembers \_\_\_\_\_  
\_\_\_\_\_

The following preamble and Resolution were offered by Councilmember \_\_\_\_\_ and supported by Councilmember \_\_\_\_\_.

WHEREAS, present conditions in the City of Novi, Oakland County, Michigan, necessitate to construct a sidewalk along the west side of Meadowbrook Road north of Eleven Mile. The sidewalk is proposed to be an 8-foot wide concrete sidewalk and will cross the frontage of 25775 Meadowbrook Road, in the City of Novi, Oakland County, State of Michigan, to-wit:

**PARCEL DESCRIPTION (50-22-23-226-033)**

Parcel of land situated in the NE 1/4 of Section 23, Town 1 North, Range 8 East, City of Novi, Oakland County, Michigan, more particularly described as follows:

Beginning at a point on the East line of said Section 23, also being the centerline of Meadowbrook Road, distant S 00°22'43" W 798.55 feet from the NE corner of said Section 23, and proceeding thence along the East line of said Section 23, also being the centerline of Meadowbrook Road, S 00°22'43" W 165.0 feet; thence N 89°37'17" W 367.0 feet; thence N 00°22'43" E 165.0 feet; thence S 89°37'17" E 367.0 feet to the Point of Beginning. Subject to all easements and restrictions of record, if any.

**SIDEWALK EASEMENT**

A variable width easement for sidewalk being part of land situated in the NE 1/4 of Section 23, Town 1 North, Range 8 East, City of Novi, Oakland County, Michigan, more particularly described as follows:

Commencing at the NE 1/4 corner of said Section 23; thence S 00°22'43" W 798.55 feet along the East line of said Section 23 and the centerline of Meadowbrook Road to a point; thence continuing S 00°22'43" W 165.0 feet; thence N 89°37'17" W 33.0 feet along the South line of said parent parcel to a point on the West right of way line of Meadowbrook Road, also being the Point of Beginning; thence; thence N 89°37'17" W 5.36 feet along the South line of said parent parcel; thence N 00°23'55" E 54.72 feet; thence N 00°33'23" E 55.54 feet; thence N 21°35'12" W 10.91 feet; thence N 28°15'26" W 12.98 feet; thence N 17°16'32" W 10.78 feet; thence N 02°08'10" W 11.0 feet; thence S 76°37'45" E 5.0 feet; thence S 59°23'44" E 5.98 feet; thence S 03°24'22" E 4.91 feet; thence S 17°16'32" E 7.89 feet; thence S 37°18'36" E 10.59 feet; thence S 00°22'43" W 128.10 feet along the West right of way line of Meadowbrook Road to the Point of Beginning.

Contains 999 square feet or 0.023 acres of land, more or less. Subject to all easements and restrictions of record, if any.

WHEREAS, plans for the Improvements are on file with the City Clerk's Office;

WHEREAS, it has been determined that said improvements are necessary for the use and benefit of the public; and

WHEREAS, in order to construct said improvements, it is necessary that the City acquire a permanent Sidewalk Easement over the above-described real estate.

WHEREAS, the City has caused a valuation of the subject property to be prepared;

WHEREAS, value of the easements over the subject property is Twenty-One Thousand Four Hundred and Seventy-Eight and 50/100 of (\$21,478.50).

WHEREAS, the City has determined that it is in the best interests of the City to offer to purchase the easement over the subject property from the owner of such property, and to take such other actions as are deemed necessary to acquire the subject property for the purposes of constructing the improvements;

NOW, THEREFORE, BE IT RESOLVED, by the authority vested in the City of Novi by law, that it is hereby declared and determined that it is necessary to construct or upgrade a sidewalk along the west side of Meadowbrook Road north of Eleven Mile along the frontage of 25775

Meadowbrook Road on, over, upon, and through the above-described property within the City of Novi in accordance with the plans prepared by the City, and that said improvements are necessary for the use and benefit of the public; and

BE IT FURTHER RESOLVED, that the Mayor of the City is hereby authorized to execute, on behalf of the City, a good faith Offer to Purchase, a copy of which is attached hereto as Exhibit A, calling for the payment of Twenty-One Thousand Four Hundred and Seventy-Eight and 50/100 of (\$21,478.50) for a permanent Sidewalk Easement over the subject property. The above amounts have been estimated as just compensation for the acquisition of the property, based upon a valuation of the property and the desire to complete the sale short of litigation.

BE IT FURTHER RESOLVED, that after the execution of the good faith Offer to Purchase by the Mayor, the good faith Offer to Purchase shall be submitted to the owners of the property;

BE IT FURTHER RESOLVED, that in the event the Sellers fail to accept the good faith Offer to Purchase within fourteen (14) days of the date of delivery, the City Manager is hereby authorized to execute the Declaration of Taking, which is attached hereto;

BE IT FURTHER RESOLVED, that in the event the offer is not accepted as set forth above, the Mayor, City Clerk, and City Attorney are authorized to take all actions required to obtain a permanent Sidewalk Easement over the subject property by eminent domain.

BE IT FURTHER RESOLVED, that in the event the offer is not accepted as set forth above, and the Declaration is executed, the City finance officer is authorized and directed to place an amount equal to the amount contained in the good faith offer that was made to the property owners Twenty-One Thousand Four Hundred and Seventy-Eight and 50/100 of (\$21,478.50) into a separate account and to hold such money on deposit as the estimated amount of just compensation to be paid in connection with the eminent domain proceedings.

BE IT FURTHER RESOLVED, that all resolutions and part of resolutions insofar as they conflict with the provisions of this Resolution be and the same hereby are rescinded.

AYES: Councilmembers \_\_\_\_\_  
\_\_\_\_\_

NAYES: Councilmembers \_\_\_\_\_  
\_\_\_\_\_

RESOLUTION DECLARED ADOPTED.

\_\_\_\_\_  
CORTNEY HANSON, CITY CLERK

**CERTIFICATION**

I hereby certify that the foregoing is a true and complete copy of a Resolution adopted by the City Council of the City of Novi at \_\_\_\_\_ meeting held this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
CORTNEY HANSON, CITY CLERK