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CITY of NOVI CITY COUNCIL

Agenda Item I
October 22, 2018

SUBJECT: Acceptance of a sidewalk easement along the west side of Novi Road for the Emerson Park (PRO) project (parcels: 50-22-22-400-019, 50-22-22-400-006, 50-22-22-400-007, and 50-22-22-400-020).

SUBMITTING DEPARTMENT: Department of Public Works, Engineering Division

CITY MANAGER APPROVAL: 

BACKGROUND INFORMATION:

The proposed sidewalk easement for the Emerson Park (PRO) project conveys a public pathway along Novi Road.

The Emerson Park (PRO) project includes the construction of a 120 unit attached multi-family subdivision on approximately 24 acres. A new roadway with a single curb cut onto Novi Road will provide site access. The aforementioned easement crosses perpendicular the proposed future entryway.

The proposed easement has been favorably reviewed by the City Attorney (Beth Saarela, September 12, 2018) and is recommended for approval.

RECOMMENDED ACTION: Acceptance of a sidewalk easement along the west side of Novi Road for the Emerson Park (PRO) project (parcels: 50-22-22-400-019, 50-22-22-400-006, 50-22-22-400-007, and 50-22-22-400-020).

Emerson Park Pathway Easement Acceptance

Location Map



Map Author: Joseph Akers
Date: October 8, 2018
Project: Emerson Park Pathway Easement
Version #: 1

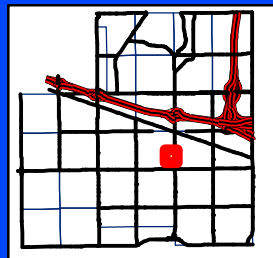
Amended By:
Date:
Department:

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.



Pathway
Easement Limits



City of Novi

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

Feet
0 40 80 160 240

1 inch = 210 feet



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ROSATI | SCHULTZ
JOPPICH | AMTSBUECHLER

September 12, 2018

Jeffrey Herczeg, Director of Public Works
City of Novi
45175 Ten Mile Road
Novi, MI 48375-3024

**Re: Emerson Park JSP 17-0010
Acceptance Documents**

Dear Mr. Herczeg:

We have received and reviewed the following documents for Emerson Park and have the following comments:

- Sanitary Sewer System Easement (***Approved***)
- Water System Easement (***Approved***)
- Bill of Sale - Water (***Approved***)
- Bill of Sale – Sanitary Sewer (***Approved***)
- Pathway Easement (***Approved***)
- Maintenance Bond (***Approved***)
- Title Search

Water System and Sanitary Sewer Easements

Pulte Homes of Michigan, LLC, seeks to convey the Water System and Sanitary Sewer Easements and corresponding Bill of Sale for water main and sanitary sewer facilities serving the Emerson Park residential site condominium development, to the City. We have reviewed and approve the format and language of the above Water and Sanitary Sewer System Easements, corresponding Bill of Sale. The easements are consistent with the title commitment provided. The exhibits have been reviewed and approved by the City's Consulting Engineer.

The Maintenance and Guarantee Bond is in the City's standard format and is in place to guarantee the materials and workmanship of the water and sanitary sewer system facilities for two years from the date of acceptance.

Pathway Easement

The Pathway Easement prepared for the proposed pathway along Novi Road appears to be in order. The exhibits have been reviewed and approved by the City's Consulting Engineer.

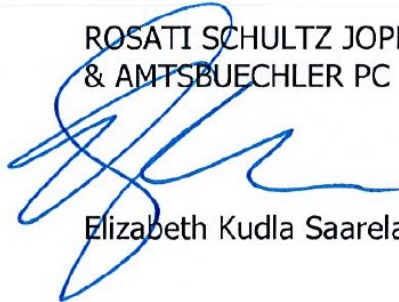
Jeffrey Herczeg, Director of Public Works
City of Novi
September 12, 2018
Page 2

The Pathway Easement should be placed on an upcoming City Council Agenda for acceptance and recorded in the usual manner. The Water and Sanitary Sewer Easements, once accepted by Affidavit of the City Engineer should be recorded with the Oakland County Register of Deeds in the usual manner. The Bills of Sale and Title Searches should be retained in the City's file.

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

Very truly yours,

ROSATI SCHULTZ JOPPICH
& AMTSBUECHLER PC



Elizabeth Kudla Saarela

EKS

Enclosures

C: Cortney Hanson, Clerk (w/Original Enclosures)
Charles Boulard, Community Development Director (w/Enclosures)
Barb McBeth, City Planner (w/Enclosures)
Sri Komaragiri, Planner (w/Enclosures)
Lindsay Bell, Planner (w/Enclosures)
Hannah Smith, Planning Assistant (w/Enclosures)
Sarah Marchioni, Community Development Building Project Coordinator (w/Enclosures)
Angie Sosnowski, Community Development Bond Coordinator (w/Enclosures)
Darcy Rechtien, Construction Engineer (w/Enclosures)
Rebecca Runkel, Engineering Technician (w/Enclosures)
George Melistas, Senior Engineering Manager (w/Enclosures)
Joseph Akers, Staff Civil Engineer (w/Enclosures)
Michael Freckelton, Taylor Reynolds & Ted Meadows, Spalding DeDecker (w/Enclosures)
Paul Schyck, Pulte Homes of Michigan (w/Enclosures)
Gregory J. Gamalski, Esquire (w/Enclosures)
Sue Troutman, City Clerk's Office (w/Enclosures)
Thomas R. Schultz, Esquire (w/Enclosures)

PATHWAY EASEMENT

NOW ALL MEN BY THESE PRESENTS, that Pulte Homes of Michigan LLC, a Michigan Limited Liability Company, whose address is 100 Bloomfield Hills Parkway, Suite 150, Bloomfield Hills, Michigan 48304, 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, being exempt pursuant to MCLA 207.505(a), and MCLA 207.526 (a) a permanent easement for a public walkway over across and through property located in Section 22, T.1N., R.8 E., City of Novi, Oakland County, State of Michigan, more particularly described as follows:

{See attached and incorporated Exhibit A – Grantor’s Property Legal Description}

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

{See attached and incorporated Exhibit B – Pathway Easement Area}

Grantee may enter upon sufficient land adjacent to said easement for the purpose of exercising the rights and privileges granted herein.

Grantee may install, repair, replace, improve, modify and maintain the easement area as shown in the attached and incorporated Exhibit B.

Grantee shall be responsible for all costs associated with maintenance, repair and replacement of the public non-motorized pathway improvements. Grantee shall repair and restore any damage to the Grantor’s property or the pathway arising from Grantee’s activities.

Grantor agrees not to build or to convey to others permission to build any structures or improvements on, over, across, in, through, or under the above-described easement.

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 pedestrian and non-motorized traffic and shall permit maintenance, repair and replacement of the pavement in the easement area.

Exempt pursuant to MCLA 207.505(a) and MCLA 207.526(a)

**EXHIBIT A
GRANTOR'S PROPERTY**

**LAND LOCATED IN THE SOUTHEAST 1/4 OF SECTION 22, TOWN 1 NORTH, RANGE 8 EAST,
CITY OF NOVI, OAKLAND COUNTY, MICHIGAN.**

COMMENCING AT THE EAST 1/4 CORNER OF SECTION 22, T1 N, R8E, THENCE SOUTH 03 DEGREES 09 MINUTES 04 SECONDS EAST 615.00 FEET (SOUTH 615.00 FEET, RECORDED) ALONG THE EAST LINE OF SAID SECTION 22 TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 03 DEGREES 09 MINUTES 04 SECONDS EAST 778.99 FEET ALONG THE EAST LINE OF SAID SECTION 22; THENCE SOUTH 86 DEGREES 43 MINUTES 01 SECONDS WEST 1335.22 FEET (NORTH 89 DEGREES 52 MINUTES 05 SECONDS EAST 1335.22 FEET, RECORDED) TO A POINT ON THE EAST LINE OF "CHURCHILL CROSSING SUBDIVISION NO. 2" AS RECORDED IN LIBER 287, PAGES 26-33, CITY OF NOVI, OAKLAND COUNTY, MICHIGAN; THENCE NORTH 03 DEGREES 25 MINUTES 33 SECONDS WEST 785.70 FEET (SOUTH 01 DEGREES 28 MINUTES 07 SECONDS EAST, RECORDED) ALONG SAID EAST LINE OF "CHURCHILL CROSSING SUBDIVISION NO. 2"; THENCE NORTH 87 DEGREES 00 MINUTES 14 SECONDS EAST 1338.99 FEET (NORTH 89 DEGREES 50 MINUTES 42 SECONDS WEST, RECORDED) TO THE POINT OF BEGINNING, CONTAINING 24.00 ACRES MORE OR LESS. SUBJECT TO EASEMENTS, RESTRICTIONS, AND RIGHTS-OF-WAY OF RECORD.



Tax Parcel Numbers: 22-22-400-019; 22-22-400-006; 22-22-400-007; 22-22-400-020.

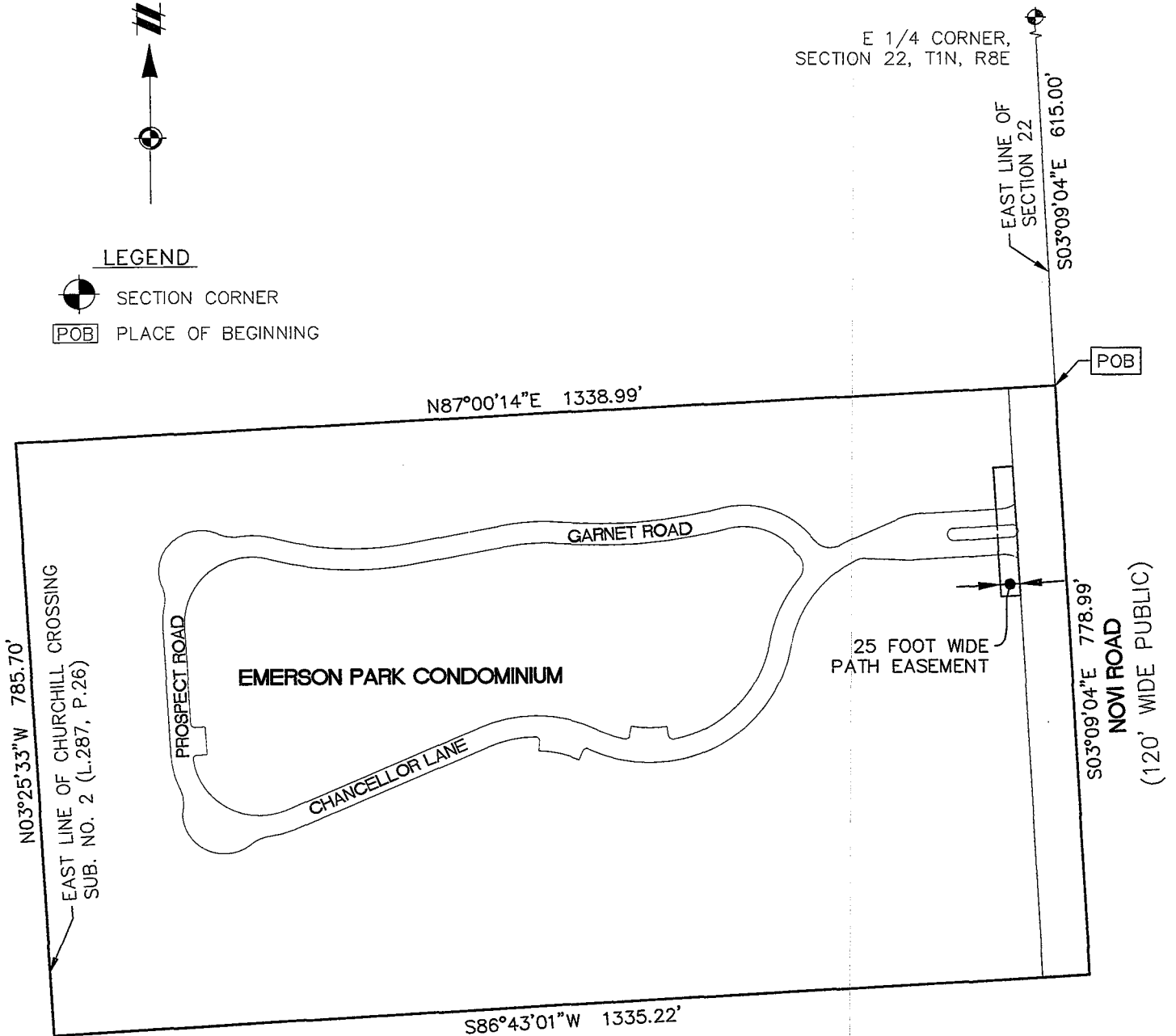
**EXHIBIT B
PATHWAY EASEMENT AREA**


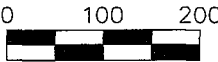
(see attached)



LEGEND

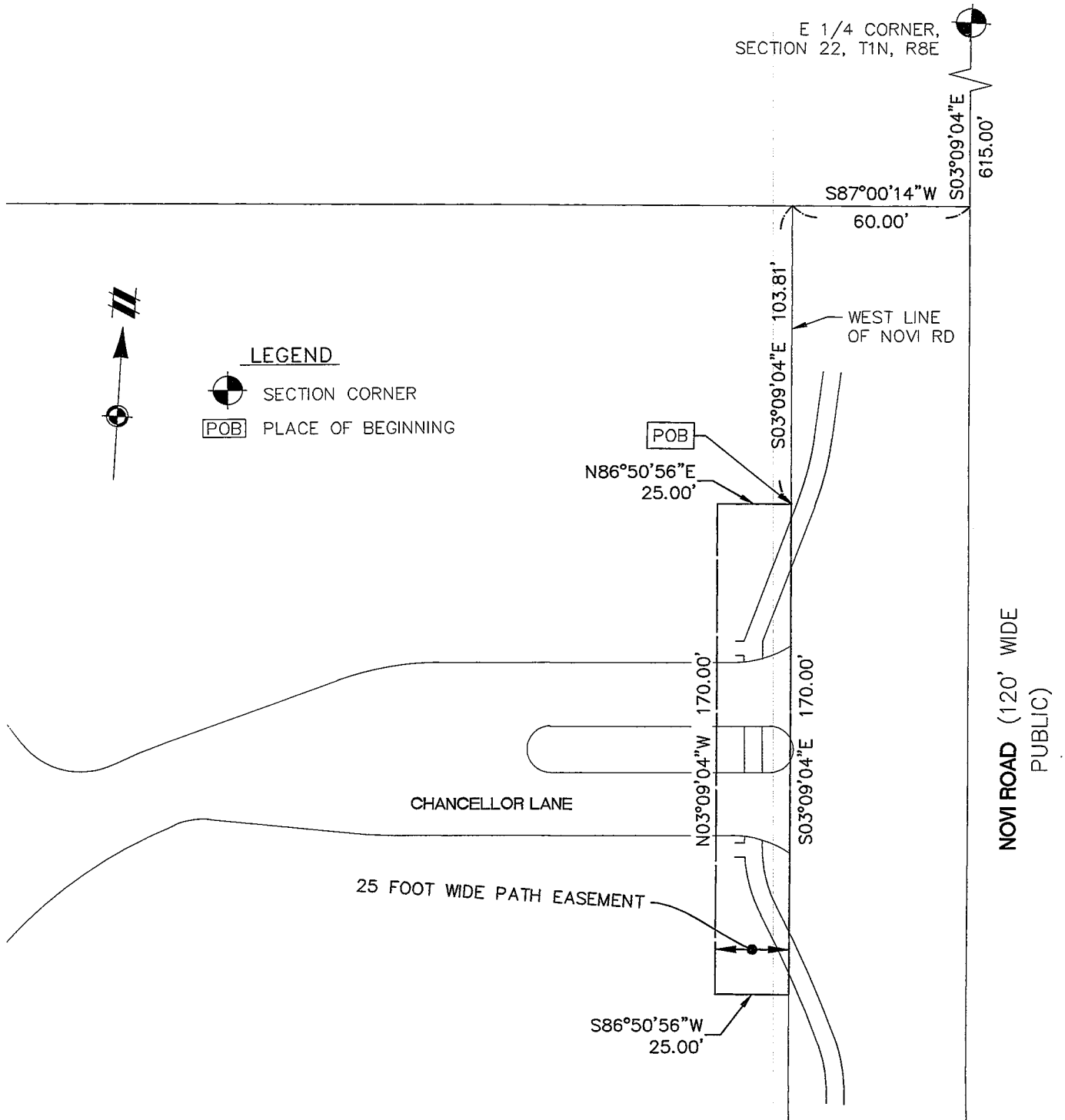
-  SECTION CORNER
-  PLACE OF BEGINNING



CLIENT PULTE HOMES OF MICHIGAN, LLC SKETCH & DESCRIPTION OF A 25 FOOT WIDE PATH EASEMENT LOCATED IN	JOB: 16002400 DR. SW	CAD 16002400EA-04 CH. LMD
	BOOK XX SHEET 1 OF 2	PG. XX DATE: 4-23-2018
	FILE CODE: EA-04 PATH	
	 ATWELL 866.850.4200 www.atwell-group.com <small>TWO TOWNE SQUARE, SUITE 700 SOUTHFIELD, MI 48076 248.447.2000</small>	
SECTION 22, TOWN 1 SOUTH, RANGE 8 EAST CITY OF NOVI OAKLAND COUNTY, MI	SCALE: 1 INCH = 200 FEET 	

DESCRIPTION OF A 25 FOOT WIDE PATH EASEMENT LOCATED IN THE SOUTHEAST 1/4 OF SECTION 22, TOWN 1 NORTH, RANGE 8 EAST, CITY OF NOVI, OAKLAND COUNTY, MICHIGAN

Commencing at the East 1/4 Corner of Section 22, T1N, R8E, City of Novi, Oakland County, Michigan; thence S03°09'04"E 615.00 feet along the East line of said Section 22; thence S87°00'14"W 60.00 feet; thence S03°09'04"E 103.81 feet along the West line of Novi Road (120' wide) for a **PLACE OF BEGINNING**; thence continuing S03°09'04"E 170.00 feet along the West line of said Novi Road; thence S86°50'56"W 25.00 feet; thence N03°09'04"W 170.00 feet; thence N86°50'56"E 25.00 feet to the Place of Beginning, being part of the Southeast 1/4 of said Section 22.



CLIENT PULTE HOMES OF MICHIGAN, LLC	JOB: 16002400	CAD 16002400EA-04
	DR. SW	CH. LMD
SKETCH & DESCRIPTION OF A 25 FOOT WIDE PATH EASEMENT LOCATED IN	BOOK XX	PG. XX
	SHEET 2 OF 2	DATE: 4-23-2018
SECTION 22 TOWN 03 SOUTH, RANGE 06 EAST CITY OF NOVI OAKLAND COUNTY, MI	FILE CODE: EA-04 PATH	
SCALE: 1 INCH = 50 FEET		
ATWELL 866.850.4200 www.atwell-group.com TWO TOWNE SQUARE, SUITE 700 SOUTHFIELD, MI 48076 248.447.2000		