



cityofnovi.org

# CITY of NOVI CITY COUNCIL

**Agenda Item E**  
**February 23, 2015**

**SUBJECT:** Acceptance of warranty deeds from each of the individual property owners in Evergreen Estates for the master planned 43-foot right-of-way along the north side of Nine Mile Road as part of the Evergreen Estates development.

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

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

**BACKGROUND INFORMATION:**

The individual residents of Evergreen Estates are requesting acceptance of the warranty deed conveying the master planned 43-foot right-of-way for north side of Nine Mile Road along the frontage of the development. Because there is no Homeowners Association established for this site condominium development at this time, a warranty deed executed by each of the property owners having interest has been executed. There are seven parcels and six property owners (one owner has two parcels).

Evergreen Estates is located on Nine Mile Road east of Napier Road (see attached map). The residents are offering the donation of the master planned right-of-way for Nine Mile Road as part of the approved site plan.

The enclosed warranty deeds have been favorably reviewed by the City Attorney (Beth Saarela's April 23, 2012 letter, attached) and are recommended for approval.

**RECOMMENDED ACTION:** Acceptance of warranty deeds from each of the individual property owners in Evergreen Estates for the master planned 43-foot right-of-way along the north side of Nine Mile Road as part of the Evergreen Estates development.

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

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

# Evergreen Estates Right-of-Way Dedication



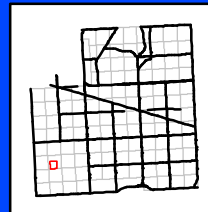
Proposed ROW

Map Author: A. Wayne  
Date: February 13, 2015  
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 = 167 feet

# JOHNSON | ROSATI | SCHULTZ | JOPPICH

A Professional Corporation

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

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Elizabeth Kudla Saarela  
esaarela@jrslaw.com

April 23, 2012

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

**Re: Evergreen Estates, SP04-42C  
Utilities Review for Acceptance  
Our File No. 660089**

Dear Mr. Hayes:

We have received and reviewed, and enclosed please find, the following documents for the Evergreen Estates Site Condominium:

1. One (1) Water System Easement (Units 1 – 7)
2. Five (5) Sanitary Sewer System Easements (Units 1 -7)
3. Bill of Sale
4. Title Commitment
5. Five (5) Warranty Deeds for Nine Mile ROW (Units 1-7)
6. Warranty Deed for Interior Roads (Units 1, 2, 3 ,4, 5, and 7)
7. Warranty Deed for Interior Roads (Unit 6)
8. Declaration of Easement and Restrictive Covenant (Driveway for Units 6 & 7)

Because a Condominium Association has not yet been formed, and the Developer no longer owns any units within the Condominium, the individual unit owners within the Evergreen Estates Residential Site Condominium seek to convey the water and sanitary sewer system easements to the City of Novi for public use and maintenance. We prepared the enclosed Water and Sanitary Sewer System Easements for this purpose. The Sanitary Sewer and Water System Easements have been properly executed by the individual unit owners within the condominium and each one's lenders, when applicable. As such, we recommend acceptance of the Water and Sanitary Sewer System Easements and the corresponding Bill of Sale from the developer for the water and sanitary sewer improvements.

Likewise, we have prepared the warranty deeds for the acceptance of public road right-of-way for the interior roads to the condominium and the adjacent Nine Mile Road Right-of-Way. The warranty deeds have been properly executed by each Unit owner.

Finally, the Developer has provided the enclosed Declaration of Easement and Restrictive Covenant for shared access over the private driveway serving Units 6 and 7. The Developer reserved the right to grant this easement within the Master Deed for the Condominium without the requirement for approval by all unit owners or the Association. The Declaration of Restrictive Covenant is acceptable in the format provided.

It is our understanding the Developer may seek a waiver of the requirement to post a Maintenance and Guarantee Bond for roads and/or utilities within the Condominium. Section 1-12 of the City of Novi Code provides for City Council to consider a waiver of ordinance requirements provided that the applicant can show all of the following:

Sec. 1-12. - General appeal.

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- (c) A variance may be granted by the city council from regulatory provisions of this Code when all of the following conditions are satisfied:
  - (1) A literal application of the substantive requirement would result in exceptional, practical difficulty to the applicant;
  - (2) The alternative proposed by the applicant will be adequate for the intended use and shall not substantially deviate from the performance that would be obtained by strict enforcement of the standards; and
  - (3) The granting of the variance will not be detrimental to the public health, safety or welfare, nor injurious to adjoining or neighboring property, nor contrary to the overall purpose and goals of the chapter or article containing the regulation in question.

Subject to either the posting of a Maintenance and Guarantee Bond as required by ordinance, or, alternatively to the grant of a waiver pursuant to Section 1-12 of the City of Novi Code. the Water and Sanitary Sewer System Easements may be accepted by Affidavit of the City Engineer.

Likewise, subject to the posting or waiver of a Maintenance and Guarantee Bond for road paving, if applicable, the interior road right-of-way and the adjacent Nine Mile Road Right-of-Way may be accepted pursuant to the warranty deeds provided.

Rob Hayes, Public Services Director

April 23, 2012

Page 3

Upon acceptance by Affidavit of the City Engineer, the Water and Sanitary Sewer System Easements should be recorded with the Oakland County Register of Deeds. The Bill of Sale, Maintenance and Guarantee Bond, if applicable, and Title Commitment should remain in the City's file.

Once the interior roads and Nine Mile Road Right-of-Way have been accepted by Resolution of City Council, the Warranty Deeds should be recorded with the Oakland County Register of Deeds.

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)  
Marina Neumaier, Assistant Finance Director (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)  
Sarah Marchioni, Building Permit Coordinator (w/Enclosures)  
David Beschke, Landscape Architect (w/Enclosures)  
Crystal Sapp and Ted Meadows, Spalding DeDecker (w/Enclosures)  
Sue Troutman, City Clerk's Office (w/Enclosures)  
Manish Mathur (w/Enclosures)  
Jim Witkowski (w/Enclosures)  
Thomas R. Schultz, Esquire (w/Enclosures)



Wayne County, Michigan  
My Commission Expires:

EDMOND A. SWAD JR.  
NOTARY PUBLIC, STATE OF MI  
COUNTY OF OAKLAND  
MY COMMISSION EXPIRES Jun 29, 2016  
ACTING IN COUNTY OF Wayne

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 30903 Northwestern Highway Farmington Hills, Michigan 48334
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Part of Tax Parcel No. 22-30-451-000

Job No. \_\_\_\_\_ Recording Fee \_\_\_\_\_ Transfer Tax \_\_\_\_\_

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EXHIBIT A

Legal Description for Nine Mile Road right-of-way within "Evergreen Estates", Novi, Michigan.

Part of the West  $\frac{1}{2}$  of the Southeast  $\frac{1}{4}$  of Section 30, Town 1 North, Range 8 East, City of Novi, Oakland County, Michigan. Being more particularly described as Commencing at the South  $\frac{1}{4}$  corner of said Section 30, thence North  $84^{\circ}58'51''$  East, 768.86 feet along the South line of Section 30 and North  $54^{\circ}40'24''$  East 56.09 feet along the centerline of Nine Mile Road to the Point of Beginning. Thence North  $02^{\circ}58'16''$  West 50.90 feet; thence North  $54^{\circ}40'24''$  East 551.18 feet along the Northerly 43.00 foot right-of-way line of Nine Mile Road, thence continuing along said right-of-way line North  $48^{\circ}01'20''$  East 43.85 feet; thence South  $02^{\circ}58'16''$  East 55.34 feet to the centerline of Nine Mile Road. Thence South  $48^{\circ}01'20''$  West 11.52 feet along the centerline of Nine Mile Road, thence South  $54^{\circ}40'24''$  West 580.90 feet along the centerline of Nine Mile Road to the Point of Beginning. Containing 25,531 square feet.



**WARRANTY DEED**

KNOW ALL MEN BY THESE PRESENTS, that Manish Karan Mathur, whose address is 50465 Eagles Nest, Northville, Michigan 48168 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.

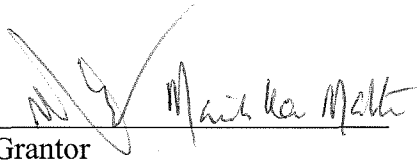
Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, for the sum of One and no/100-----Dollars (\$1.00).

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   07   day of November, 2011

Signed by

Manish Karan Mathur

  
\_\_\_\_\_  
Grantor

STATE OF MICHIGAN     )  
                                  ) SS  
COUNTY OF Wayne    )

The foregoing instrument was acknowledged before me this   7th   day of November, 2011, by Manish Karan Mathur, a married man.

GALINA POPKOV  
NOTARY PUBLIC, STATE OF MI  
COUNTY OF OAKLAND  
MY COMMISSION EXPIRES Feb 25, 2018  
ACTING IN COUNTY OF *Wayne*

*Galina Popkov*  
Notary Public  
*Wayne* County, Michigan  
My Commission Expires: *2-25-2018*

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 30903 Northwestern Highway Farmington Hills, Michigan 48334
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Part of Tax Parcel No. \_\_\_\_\_

Job No. \_\_\_\_\_ Recording Fee \_\_\_\_\_ Transfer Tax \_\_\_\_\_

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## EXHIBIT A

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Part of the West  $\frac{1}{2}$  of the Southeast  $\frac{1}{4}$  of Section 30, Town 1 North, Range 8 East, City of Novi, Oakland County, Michigan. Being more particularly described as Commencing at the South  $\frac{1}{4}$  corner of said Section 30, thence North  $84^{\circ}58'51''$  East, 768.86 feet along the South line of Section 30 and North  $54^{\circ}40'24''$  East 56.09 feet along the centerline of Nine Mile Road to the Point of Beginning. Thence North  $02^{\circ}58'16''$  West 50.90 feet; thence North  $54^{\circ}40'24''$  East 551.18 feet along the Northerly 43.00 foot right-of-way line of Nine Mile Road, thence continuing along said right-of-way line North  $48^{\circ}01'20''$  East 43.85 feet; thence South  $02^{\circ}58'16''$  East 55.34 feet to the centerline of Nine Mile Road. Thence South  $48^{\circ}01'20''$  West 11.52 feet along the centerline of Nine Mile Road, thence South  $54^{\circ}40'24''$  West 580.90 feet along the centerline of Nine Mile Road to the Point of Beginning. Containing 25,531 square feet.

**WARRANTY DEED**

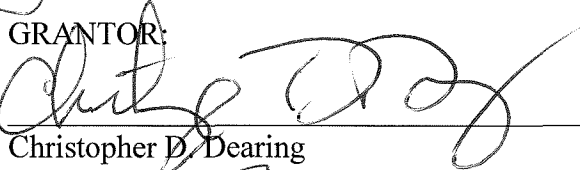

KNOW ALL MEN BY THESE PRESENTS, that Christopher D. Dearing and Karen J. Dearing, husband and wife, whose address is 2235 Mill Road, Novi, Michigan 48375 conveys and warrants to City of Novi, a Michigan Municipal Corporation, whose address is 45175 West Ten Mile Road, Novi, Michigan 48375, the following 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).

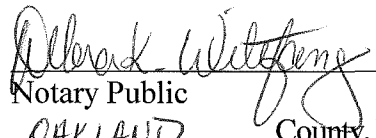
THE PROPERTY CONVEYED BY THIS DEED MAY BE LOCATED WITHIN THE VICINITY OF FARM LAND OR A FARM OPERATION. GENERALLY ACCEPTED AGRICULTURAL AND MANAGEMENT PRACTICES WHICH MAY GENERATE NOISE, DUST, ODORS, AND OTHER ASSOCIATED CONDITIONS MAY BE USED AND ARE PROTECTED BY THE MICHIGAN RIGHT TO FARM ACT.

Dated this 3rd day of February, 2015.

GRANTOR:  
  
\_\_\_\_\_  
Christopher D. Dearing  
  
\_\_\_\_\_  
Karen J. Dearing

STATE OF MICHIGAN     )  
  ) SS  
COUNTY OF OAKLAND )

On this 3rd day of February, 2015 before me, personally appeared the above named Christopher D. Dearing and Karen J. Dearing, husband and wife to me known to be the person described in and who executed the foregoing instrument and acknowledged that they executed the same as \_\_\_\_\_ free act and deed.

  
\_\_\_\_\_  
Notary Public  
OAKLAND County, Michigan  
My Commission Expires:

DEBRA K WILTFANG  
NOTARY PUBLIC, STATE OF MI  
COUNTY OF OAKLAND  
MY COMMISSION EXPIRES Feb 14, 2019  
ACTING IN COUNTY OF OAKLAND

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 2755 Executive Drive, Suite 250 Farmington Hills, Michigan 48331
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Part of Tax Parcel No. \_\_\_\_\_

Job No. \_\_\_\_\_ Recording Fee \_\_\_\_\_ Transfer Tax \_\_\_\_\_

669884v3

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**WARRANTY DEED**

KNOW ALL MEN BY THESE PRESENTS, that Pragati Mathur, whose address is 50465 Eagles Nest, Northville, Michigan 48168 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 7th day of November, 2011

Signed by

Pragati Mathur

Pragati Mathur  
Grantor

STATE OF MICHIGAN     )  
  ) SS  
COUNTY OF MICHIGAN )

The foregoing instrument was acknowledged before me this 7th day of November, 2011, by Pragati Mathur, a married woman.

*Barbara Agius*  
Notary Public *BARBARA AGIUS*

County, Michigan

My Commission Expires:

BARBARA AGIUS  
NOTARY PUBLIC, STATE OF MI

COUNTY OF WAYNE

MY COMMISSION EXPIRES Feb 28, 2017  
ACTING IN COUNTY OF *WAYNE*

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 30903 Northwestern Highway Farmington Hills, Michigan 48334
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Part of Tax Parcel No. \_\_\_\_\_

Job No. \_\_\_\_\_ Recording Fee \_\_\_\_\_ Transfer Tax \_\_\_\_\_



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**WARRANTY DEED**

KNOW ALL MEN BY THESE PRESENTS, that Raj Roychoudhury and Canopy Roychoudhury, husband and wife, whose address is 4880 Wye Oak, Bloomfield Hills, MI 48301 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.

IN WITNESS WHEREOF, the undersigned Grantor has affixed her signature this day of February 14, 2012

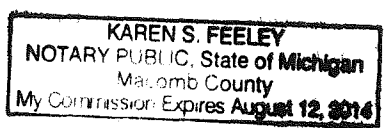
GRANTOR:

Raj Roychoudhury  
Raj Roychoudhury  
Canopy Roychoudhury  
Canopy Roychoudhury

STATE OF MICHIGAN        )  
  )SS  
COUNTY OF OAKLAND     )

On this 14 day of February, 2012 before me, personally appeared the above named Raj Roychoudhury and Canopy Roychoudhury, husband and wife to me known to be the person described in and who executed the foregoing instrument and acknowledged that they executed the same as their free act and deed.

Karen S. Feeley  
Notary Public,  
Macomb County, MI  
My commission expires: 8/12/2014



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 30903 Northwestern Highway Farmington Hills, Michigan 48334
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Part of Tax Parcel No. \_\_\_\_\_

Job No. \_\_\_\_\_ Recording Fee \_\_\_\_\_ Transfer Tax \_\_\_\_\_

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**WARRANTY DEED**

KNOW ALL MEN BY THESE PRESENTS, that **Partha Chakravarti and Sangeeta Chakravarti, husband and wife**, whose address is 29 Calabash Court, Rockville, MD 20850 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.

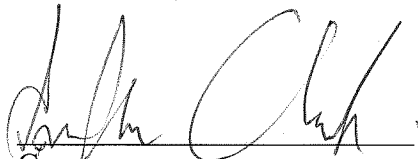
Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, for the sum of One and no/100----- Dollars (\$1.00).

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 4<sup>th</sup> day of November, 2011

Signed by

Partha Chakravarti

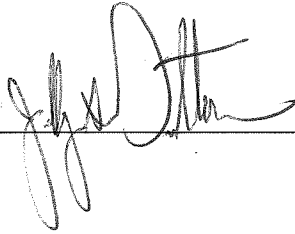
  
Grantor

Sangeeta Chakravarti

  
Grantor

STATE OF MICHIGAN )  
COUNTY OF Oakland ) SS

The foregoing instrument was acknowledged before me this 4<sup>th</sup> day of November, 2011,  
by ~~Manish, Karan Mathur~~, a married man.

Partha Chakravorty  
  
Michigan

JEFFREY S. DUTTON  
NOTARY PUBLIC - MICHIGAN  
WAYNE COUNTY Oakland  
ACTING IN THE COUNTY OF Oakland  
MY COMMISSION EXPIRES 10/20/2015

Notary Public  
Wayne County,  
My Commission Expires: 10/20/2015

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 30903 Northwestern Highway Farmington Hills, Michigan 48334
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Part of Tax Parcel No. \_\_\_\_\_  
Job No. \_\_\_\_\_ Recording Fee \_\_\_\_\_ Transfer Tax \_\_\_\_\_

## EXHIBIT A

Legal Description for Nine Mile Road right-of-way within "Evergreen Estates", Novi, Michigan.

Part of the West  $\frac{1}{2}$  of the Southeast  $\frac{1}{4}$  of Section 30, Town 1 North, Range 8 East, City of Novi, Oakland County, Michigan. Being more particularly described as Commencing at the South  $\frac{1}{4}$  corner of said Section 30, thence North  $84^{\circ}58'51''$  East, 768.86 feet along the South line of Section 30 and North  $54^{\circ}40'24''$  East 56.09 feet along the centerline of Nine Mile Road to the Point of Beginning. Thence North  $02^{\circ}58'16''$  West 50.90 feet; thence North  $54^{\circ}40'24''$  East 551.18 feet along the Northerly 43.00 foot right-of-way line of Nine Mile Road, thence continuing along said right-of-way line North  $48^{\circ}01'20''$  East 43.85 feet; thence South  $02^{\circ}58'16''$  East 55.34 feet to the centerline of Nine Mile Road. Thence South  $48^{\circ}01'20''$  West 11.52 feet along the centerline of Nine Mile Road, thence South  $54^{\circ}40'24''$  West 580.90 feet along the centerline of Nine Mile Road to the Point of Beginning. Containing 25,531 square feet.