



**CITY OF NOVI CITY COUNCIL  
NOVEMBER 23, 2020**

**SUBJECT:** Approval of a Declaration of Emergency Access Easement by the Novi Partnership Limited granted to the City of Novi located within Parcel No. 50-22-26-326-012 or 22783 Heslip Drive (Novex One property) for the purpose of ingress and egress to emergency service providers.

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

**BACKGROUND INFORMATION:** Per the International Fire Code (2015) 503.1.2, some developments may require an additional access when one fire apparatus access road, based on the potential for impairment by vehicle congestion, condition of terrain, climate conditions, or other factors, could limit access. The secondary access road currently serving the City of Novi Ice Arena/Dog Park and the Heslip Drive commercial buildings (to the south) is not compliant with the Fire Code due to its steepness, uneven grade, and narrowness. Therefore, it was agreed by both City and Heslip Drive parties to construct a new connection/access point between both properties, which is relatively flat and more of a direct route (map included).

This Declaration of Easement is considered a reciprocal easement. The first part of this reciprocal easement (City of Novi granting an easement to Novi Partnership Limited) was previously approved by City Council at the November 9, 2020 meeting.

This easement is granting approval of ingress/egress across and through the 22783 Heslip Drive property. Both easements are not for public use, but are granted for police and fire protection, ambulances, rescue services, and emergency services. Upon completion of the construction of this access drive, the contractor will be installing a standard break-away gate.

**RECOMMENDED ACTION:** Approval of a Declaration of Emergency Access Easement by the Novi Partnership Limited granted to the City of Novi located within Parcel No. 50-22-26-326-012 or 22783 Heslip Drive (Novex One property) for the purpose of ingress and egress to emergency service providers.

# Fire Access Route



City of Novi Integrated Solutions Team

#### 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.



1 inch = 188 feet



Map Print Date:  
10/27/2020



### City of Novi

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

ELIZABETH KUDLA SAARELA  
esaarela@rsjalaw.com

27555 Executive Drive, Suite 250  
Farmington Hills, Michigan 48331  
P 248.489.4100 | F 248.489.1726  
www.rsjalaw.com



ROSATI | SCHULTZ  
JOPPICH | AMTSBUECHLER

November 2, 2020

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

**Re: Heslip Drive/Ice Arena  
Off-Site Emergency Access Easement**

Dear Mr. Herczeg:

As you are aware, the City is constructing an emergency access connection between the Novi Ice Arena Property and the industrial property to the south located at 22783 Heslip Drive. We have prepared the enclosed Declaration of Easement for Emergency Access Only, which has been executed by the property owner to the south. The City's Consulting Engineer has prepared the attached exhibits. The Emergency Access Easement is generally, in the City's standard format subject to maintaining the same curb cut, the access may be relocated, as needed by the property owner in connection with any future redevelopment of the property. Additionally, the City will maintain the gated access and paving to ensure continued secondary access to the Novi Ice Arena. The Emergency Access Easement should be placed on an upcoming City Council Agenda for acceptance and recorded with the Oakland County Register of Deeds in the usual manner.

The City is granting a reciprocal access easement, a copy of which is enclosed, which will provide emergency service providers a route over the Novi Ice Arena Property to access 22783 Heslip Drive in the event of an emergency. The enclosed Declaration of Emergency Access Only, over the Novi Ice Area, will be on City Council's upcoming City Council Agenda for approval and execution. Once executed by the City, it should be recorded with the Oakland County Register of Deeds in the usual manner.

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

Jeffrey Herczeg, Director of Public Works  
City of Novi  
November 2, 2020  
Page 2

Very truly yours,

ROSATI SCHULTZ JOPPICH  
& AMTSBUECHLER PC



Elizabeth Kudla Saarela

EKS

Enclosures

- C: Cortney Hanson, Clerk (w/Original Enclosures)
- Aaron Staup, Construction (w/Enclosures)
- Ben Croy, City Engineer (w/Enclosures)
- Arie Liebovitz, IVON Partners, LLC (w/Enclosures)
- Mark Rubenfire, Esq (w/Enclosures)
- Thomas R. Schultz, Esquire (w/Enclosures)



**DECLARATION OF EASEMENT FOR EMERGENCY ACCESS ONLY**

THIS DECLARATION OF EASEMENT made this 30<sup>TH</sup> day of OCTOBER, 2020, by Novi Partners Limited Partnership, a Michigan limited partnership, whose address is 29355 Northwestern Hwy, Ste. 301, Southfield, MI 48034, (hereinafter referred to as "Declarant"), being title holder of the property described in the attached and incorporated, Exhibit A, (referred to as the "Parcel A").

Declarant, in consideration of One (\$1.00) Dollar, receipt and sufficiency of which is hereby acknowledged, does reserve and grant, on behalf of itself, it heirs, successors, assigns and transferees, a private, non-exclusive, perpetual easement for purposes of gated emergency access only, over, upon, across, in, through the existing or any future driveway on Parcel A (the "Emergency Ingress Egress Drive"), and a curb cut shown in the location, as described and depicted, as stated in the attached and incorporated Exhibit C (hereinafter referred to as the "Curb Cut"). Together, the Emergency Ingress Egress Drive and the Curb Cut shall be known as the "Easement Areas."

The Easement Areas are for the benefit of the Property and the property which is described in the attached and incorporated Exhibit B (hereinafter referred to "Parcel B") and all heirs, successors, assigns and transferees of the Property and Parcel B (hereinafter referred to as "Grantee Parcel"). Said Easement Areas shall be for purposes of ingress and egress to provide, without limitation, fire and police protection, ambulances and rescue services and emergency services to the premises. The Easement Areas will not be used for general public access or site circulation purposes. The foregoing easement shall in no way be construed as a dedication of any roadways to the public. Declarant shall be permitted, in its discretion, to relocate the Emergency Ingress Egress Drive on Parcel A as needed in accordance with a proposed site plan for Parcel A, subject to maintaining the Curb Cut.

This Declaration of Easement does not grant or convey to the City or any member of the general public, any right of ownership, possession, or use of the easement area, except as set forth herein..

The owner of Grantee Parcel B shall maintain the paving and access gate so it continues to function as intended.

A handwritten signature in black ink, appearing to be a stylized name, located in the bottom right corner of the document.



# ACCESS EASEMENT SKETCH

Exhibit "C"

W1/4 COR.  
SEC. 26  
T1N,R8E



N89°20'02"E 1517.12'  
1314.42'  
(PER PLAT)



N00°02'48"W 550.32'

## PART OF 19

50-22-26-326-012  
NOVI PARTNERS LTD  
22783 HESLIP DR.  
NOVI, MI 48375

50-22-26-101-018  
CITY OF NOVI

POB-20' ACCESS  
EASEMENT

N89°20'02"E 20.0'

E-W1/4 LINE SEC. 26

244.01'

N00°02'48"W  
15.40'

S00°02'48"E  
15.40'

S89°20'02"W 20.0'

S00°02'48"E 500.0'

PT. OF LOT 19  
50-22-26-326-013  
22827 HESLIP DR.

"NOVEX-ONE SUBDIVISION"  
(LIBER 137, PAGES 38-40)

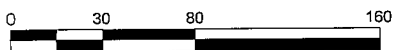
N89°20'02"E  
32.0'

S57°02'50"E 140.0'

S29°34'35"E  
30.44'

S89°57'12"W 280.0'

N57°02'50"W 127.0'



## ACCESS EASEMENT DESCRIPTION

Exhibit "C"

### PARCEL DESCRIPTION (50-22-26-326-012)

(Per Oakland County Tax Rolls)

A parcel of land being a part of the SW 1/4 of the Section 26, Town 1 North, Range 8 East, City of Novi, Oakland County, Michigan, described as follows:

Part of Lot 19, "NOVEX-ONE SUBDIVISION", as recorded in Liber 137 of Plats, Pages 38-40, Oakland County Records, more particularly described as follows:

Beginning at the NW corner of said Lot 19; thence N 89°20'02" E 244.01 feet; thence S 00°02'48" E 500.0 feet; thence N 89°20'02" E 32.0 feet; thence S 57°02'50" E 140.0 feet; thence S 29°34'35" E 30.44 feet to N'ly line of Heslip Drive; thence SW'ly 29.85 feet along said N'ly line of Heslip Drive; thence N 57°02'50" W 127.20 feet; thence S 89°57'12" W 280.0 feet; thence N 00°02'48" W 550.32 feet to the Point of Beginning. Subject to all easements and restrictions of record, if any.

### ACCESS EASEMENT

A 20 foot access easement being a part of the SW 1/4 of the Section 26, Town 1 North, Range 8 East, City of Novi, Oakland County, Michigan, more particularly described as follows:

Commencing at the West 1/4 corner of said Section 26; thence N 89°20'02" E 1517.12 feet along the E-W 1/4 line of said Section 26, also being the North line of Lot 19, "NOVEX-ONE SUBDIVISION", as recorded in Liber 137 of Plats, Pages 38-40, Oakland County Records, to the Point of Beginning; thence continuing along said line N 89°20'02" E 20.0 feet; thence S 00°02'48" E 15.40 feet; thence S 89°20'02" W 20.0 feet; thence N 00°02'48" W 15.40 feet to the Point of Beginning.

Contains 308 square feet or 0.007 acres of land, more or less. Subject to all easements and restrictions of record, if any.



**DECLARATION OF EASEMENT FOR EMERGENCY ACCESS ONLY**

THIS DECLARATION OF EASEMENT made this \_\_\_\_day of \_\_\_\_\_, 2020, by the City of Novi, a Michigan municipal corporation, whose address is 45175 Ten Mile Rd., Novi, Michigan 48375, (hereinafter referred to as "Declarant"), being title holder of the property described in the attached and incorporated, Exhibit A, (referred to as the "Parcel B").

Declarant, in consideration of One (\$1.00) Dollar, receipt and sufficiency of which is hereby acknowledged, does reserve and grant, on behalf of itself, it heirs, successors, assigns and transferees, a private, non-exclusive, perpetual easement for purposes of gated emergency access only, over, upon, across, in, through the driveway on Parcel B (the "Property), as described and depicted, as stated in the attached and incorporated Exhibit C (hereinafter referred to as the "Easement Area").

This Easement is for the benefit of the Property and the property which is described in the attached and incorporated Exhibit B (hereinafter referred to "Parcel A") and all heirs, successors, assigns and transferees of the Property and Parcel A (hereinafter referred to as "Grantee Parcel"). Said easement shall be for purposes of ingress and egress to provide, without limitation, fire and police protection, ambulances and rescue services and emergency services to the premises. The Easement will not be used for general public access or site circulation purposes. The foregoing easement shall in no way be construed as a dedication of any roadways to the public.

This Emergency Access Easement does not grant or convey to the City or any member of the general public, any right of ownership, possession, or use of the easement area, except as set forth herein..

The owner of Grantee Parcel B shall maintain the paving and access gate so it continues to function as intended.

Grantees shall be permitted to enter upon the Easement Area for the purpose of exercising the rights and privileges granted herein.

This instrument shall run with the land first described above and shall be binding upon and inure to the benefit of the Declarant, Grantee, and their respective heirs, representatives, successors and assigns.

IN WITNESS WHEREOF, the undersigned Declarant has affixed \_\_\_\_\_ signature this \_\_\_\_\_ day of \_\_\_\_\_ A.D., 2020.

DECLARANT:

**City of Novi**, a Michigan municipal corporation

By: \_\_\_\_\_  
Robert J. Gatt  
Its: Mayor

STATE OF MICHIGAN            )  
  ) ss.  
COUNTY OF OAKLAND        )

On this \_\_\_\_\_ day of \_\_\_\_\_, A.D., 2020, before me, personally appeared the above named Robert J. Gatt, the Mayor and Cortney Hanson, the Clerk of the City of Novi, 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  
Acting in Oakland County, Michigan  
My commission expires: \_\_\_\_\_

THIS INSTRUMENT DRAFTED BY:  
Elizabeth K. Saarela  
27555 Executive Drive, Suite 250  
Farmington Hills, MI 48331  
Tax Identification Number: \_\_\_\_\_

WHEN RECORDED, RETURN COPY TO:  
Cortney Hanson, Clerk  
City of Novi  
45175 Ten Mile Road  
Novi, MI 48334

Exhibit A

PARCEL B

T1N, R8E, SEC 26 PART OF NW 1/4 BEG AT PT DIST N 86-27-27 E 1061.55 FT & S 02-47-25 E 1043.98 FT FROM NW SEC COR, TH N 86-27-27 E 80.24 FT, TH S 02-47-33 E 652.58 FT, TH ALG CURVE TO LEFT, RAD 250 FT, CHORD BEARS S 19-18-40 E 141.97 FT, DIST OF 143.95 FT, TH ALG CURVE TO RIGHT, RAD 280 FT, CHORD BEARS S 20-25-19 E 148.55 FT, DIST OF 150.35 FT, TH ALG CURVE TO LEFT, RAD 34 FT, CHORD BEARS S 30-16-27 E 29.02 FT, DIST OF 29.98 FT, TH ALG CURVE TO RIGHT, RAD 76 FT, CHORD BEARS S 29-17-48 E 67.20 FT, DIST OF 69.61 FT, TH S 03-03-33 E 110.72 FT, TH N 86-56-27 E 535.80 FT, TH N 49-06-05 E 188.17 FT, TH N 86-56-27 E 355.33 FT, TH S 07-58-33 E 588.64 FT, TH S 86-56-27 W 1301.95 FT, TH N 02-47-25 W 1598.25 FT TO BEG EXC THAT PART TAKEN FOR ARENA DRIVE 15.16 A10-13-97 FR 003 1-16-98 CORR

Exhibit B

PARCEL A

T1N, R8E, SEC 26 NOVEX-ONE PART OF LOT 19 BEG AT NW LOT COR, TH N 89-20-02 E 244.01 FT, TH S 00-02-48 E 500.00 FT, TH N 89-20-02 E 32.00 FT, TH S 57-02-50 E 140.00 FT, TH S 29-34-35 E 30.44 FT TO NLY LINE OF HESLIP DR, TH SWLY 29.85 FT ALG NLY LINE OF HESLIP DR, TH N 57-02-50 W 127.20 FT, TH S 89-57-12 W 280.00 FT, TH N 00-02-48 W 550.32 FT TO BEG

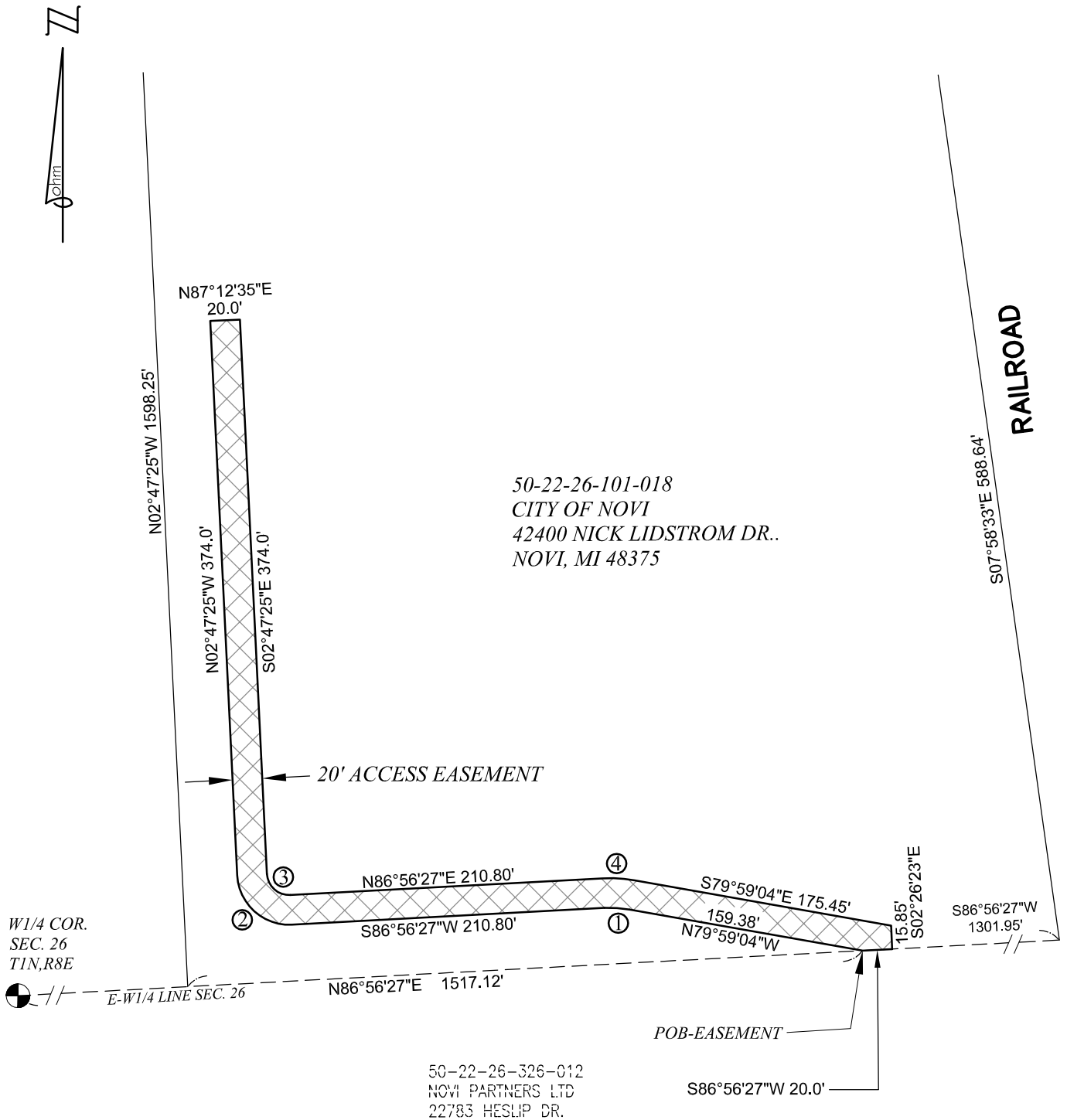
Parcel ID: 50-22-26-326-012

T1N, R8E, SEC 26 NOVEX-ONE PART OF LOTS 19 & 20 BEG AT PT DIST N 89-20-02 E 244.01 FT FROM NW COR OF LOT 19, TH N 89-20-02 E 244.01 FT, TH S 00-02-48 E 500 FT, TH S 27-26-37 W 110.48 FT TO NLY LINE OF HESLIP DR, TH WLY 29.85 FT ALG NLY LINE OF HESLIP DR, TH N 29-34-35 W 30.44 FT, TH N 57-02-50 W 140.00 FT, TH S 89-20-02 W 32.00 FT, TH N 00-02-48 W 500.00 FT TO BEG

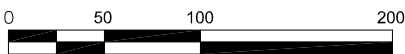
Parcel ID: 50-22-26-326-013

# ACCESS EASEMENT SKETCH

Exhibit "C"



- 1) R=75.0' L=17.12'  
Δ=13°04'35"  
CH=N86°31'19"W 17.08'
- 2) R=35.0' L=55.14'  
Δ=90°15'39"  
CH=N47°55'29"W 49.61'
- 3) R=15.0' L=23.63'  
Δ=90°15'11"  
CH=S47°55'29"E 21.26'
- 4) R=95.0' L=21.68'  
Δ=13°04'25"  
CH=S86°31'19"E 21.63'



SCALE: 1" = 100'

## LEGEND

- ROW RIGHT-OF-WAY
- POB POINT OF BEGINNING
- ⊙ PUBLIC LAND CORNER
- ▨ ACCESS EASEMENT

### ACCESS EASEMENT

PART OF THE NW 1/4 OF SECTION 26  
T.1N., R.8E., CITY OF NOVI, OAKLAND COUNTY, MICHIGAN  
**PARCEL ID# 50-22-26-101-018**

|                           |
|---------------------------|
| SCALE<br>H:1"=100'        |
| SHEET<br><b>1</b><br>OF 2 |



DATE: 10-26-2020 CLIENT: CITY OF NOVI JOB #: 0163-19-0030  
34000 Plymouth Road | Livonia, MI 48150 | P (734) 522-6711 | F (734) 522-6427 | WWW.OHM-ADVISORS.COM

# ACCESS EASEMENT DESCRIPTION

Exhibit "C"

## PARCEL DESCRIPTION (50-22-26-101-018) (Per Oakland County Tax Rolls)

A parcel of land being a part of the NW 1/4 of the Section 26, Town 1 North, Range 8 East, City of Novi, Oakland County, Michigan, described as follows:

Beginning at point distant N 86°27'27" E 1061.55 feet & S 02°47'25" E 1043.98 feet from NW corner of said Section 26; thence N 86°27'27" E 80.24 feet; thence S 02°47'33" E 652.58 feet; thence along a curve to left, radius 250 feet, chord bears S 19°18'40" E 141.97 feet, dist of 143.95 feet; thence along curve to right, radius 280 feet, chord bears S 20°25'19" E 148.55 feet, dist of 150.35 feet; thence along curve to left, radius 34 feet, chord bears S 30°16'27" E 29.02 feet, dist of 29.98 feet; thence along curve to right, radius 76 feet, chord bears S 29°17'48" E 67.20 feet, dist of 69.61 feet; thence S 03°03'33" E 110.72 feet; thence N 86°56'27" E 535.80 feet; thence N 49°06'05" E 188.17 feet; thence N 86°56'27" E 355.33 feet; thence S 07°58'33" E 588.64 feet; thence S 86°56'27" W 1301.95 feet; thence N 02°47'25" W 1598.25 feet to the Point of Beginning. Except that part taken for Nick Lidstrom Drive. Subject to all easements and restrictions of record, if any.

## ACCESS EASEMENT

A 20 foot access easement being a part of the NW 1/4 of the Section 26, Town 1 North, Range 8 East, City of Novi, Oakland County, Michigan, more particularly described as follows:

Commencing at the West 1/4 corner of said Section 26; thence N 86°56'27" E 1517.12 feet along the E-W 1/4 line of said Section 26 to the Point of Beginning; thence N 79°59'04" W 159.38 feet; thence 17.12 feet along a curve to the left having a radius of 75.0 feet, delta 13°04'35", chord bears N 86°31'19" W 17.08 feet; thence S 86°56'27" W 210.80 feet; thence 55.14 feet along a curve to the right having a radius of 35.0 feet, delta 90°15'39", chord bears N 47°55'29" W 49.61 feet; thence N 02°47'25" W 374.0 feet; thence N 87°12'35" E 20.0 feet; thence S 02°47'25" E 374.0 feet; thence 23.63 feet along a curve to the left having a radius of 15.0 feet, delta 90°15'11", chord bears S 47°55'29" E 21.26 feet; thence N 86°56'27" E 210.80 feet; thence 21.68 feet along a curve to the right having a radius of 95.0 feet, delta 13°04'25", chord bears S 86°31'19" E 21.63 feet; thence S 79°59'04" E 175.45 feet; thence S 02°26'23" E 15.85 feet; thence S 86°56'27" W 20.0 feet along the E-W 1/4 line of said Section 26 to the Point of Beginning.

Contains 16,378 square feet or 0.376 acres of land, more or less. Subject to all easements and restrictions of record, if any.

|   |                         |                           |
|---|-------------------------|---------------------------|
| <b>ACCESS EASEMENT</b><br>PART OF THE NW 1/4 OF SECTION 26<br>T.1N., R.8E., CITY OF NOVI, OAKLAND COUNTY, MICHIGAN<br><b>PARCEL ID# 50-22-26-101-018</b>  |                         | SCALE<br>H:1"=100'        |
|   |                         | SHEET<br><b>2</b><br>OF 2 |
| DATE:<br>10-26-2020   | CLIENT:<br>CITY OF NOVI | JOB #<br>0163-19-0030     |
| 34000 Plymouth Road   Livonia, MI 48150   P (734) 522-6711   F (734) 522-6427   WWW.OHM-ADVISORS.COM  |                         |                           |
| COPYRIGHT 2020 OHM ALL DRAWINGS AND WRITTEN MATERIALS APPEARING HEREIN CONSTITUTE THE ORIGINAL AND UNPUBLISHED WORK OF OHM AND THE SAME MAY NOT BE DUPLICATED, DISTRIBUTED, OR DISCLOSED WITHOUT PRIOR WRITTEN CONSENT OF OHM |                         |                           |

