



CITY of NOVI CITY COUNCIL

Agenda Item G
April 9, 2018

SUBJECT: Acceptance of an Easement and Temporary Grading Permit for Streambank Maintenance for parcel 50-22-25-132-003 as part of the Ingersol Creek Streambank Stabilization project.

SUBMITTING DEPARTMENT: Department of Public Services, Engineering Division

CITY MANAGER APPROVAL: 

BACKGROUND INFORMATION:

The Ingersol Creek Streambank Stabilization project requires the acquisition of several easements prior to earth disturbance. The easement permits the City to restore the streambank by grading, utilizing stone (rip-rap), and installing vegetated stabilized earth, in accordance with MDEQ requirements and project specifications.

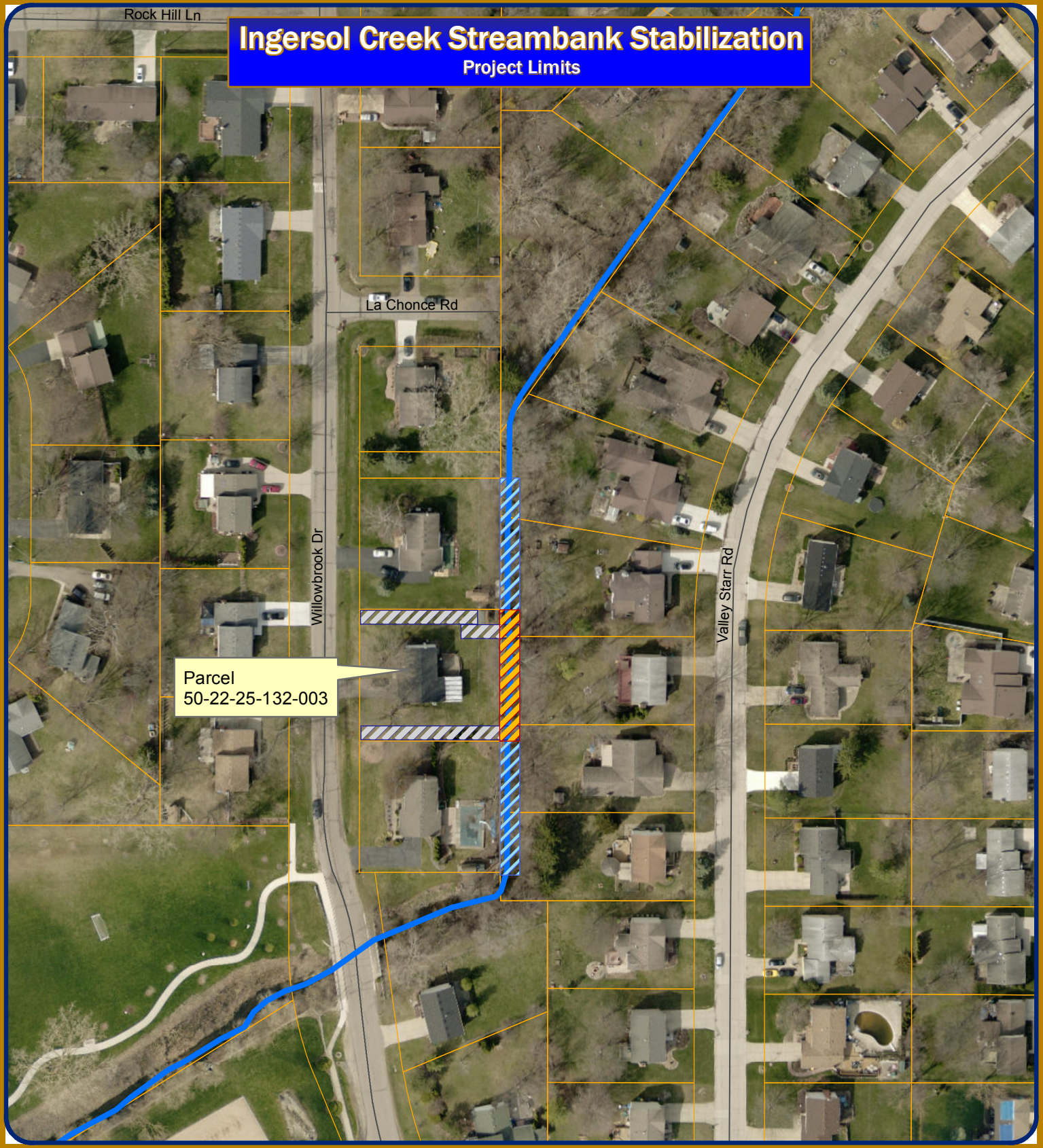
The restoration of the Ingersol Creek from 10 Mile Road to Willowbrook Road is scheduled to occur in the late summer of 2018.

The proposed easement has been favorably reviewed by the City Attorney (Beth Saarela, March 14, 2018) and is recommended for approval.

RECOMMENDED ACTION: Acceptance of an Easement and Temporary Grading Permit for Streambank Maintenance for parcel 50-22-25-132-003 as part of the Ingersol Creek Streambank Stabilization project.

Ingersol Creek Streambank Stabilization

Project Limits



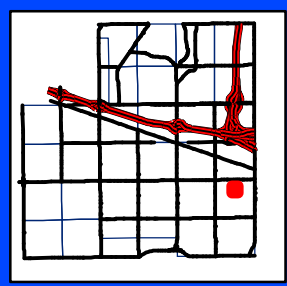
Parcel
50-22-25-132-003

Map Author: Joseph Akers
 Date: March 27, 2018
 Project: Ingersol Creek Streambank Stabilization
 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.

- Ingersol Creek
- Project Area
- Temporary Grading Permit
- Permanent Easement



City of Novi

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

Feet

0 20 40 80 120

1 inch = 111 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.jrsjlaw.com

March 14, 2018

Jeffrey Herczeg, Director of Public Services
CITY OF NOVI
City of Novi
45175 Ten Mile Road
Novi, MI 48375-3024

**Re: *Bishop Creek and Ingersol Creek Streambank Restoration
Easement for Streambank Maintenance***

Dear Mr. Herczeg:

We have received and reviewed, and enclosed please find the following original Easement and Temporary Grading Permit for Streambank Maintenance for the Bishop Creek and Ingersol Creek Streambank Restoration Project:

- Beshears – Parcel 22-25-132-003

The easement permits the City to restore streambank with grading and rip-rap, as well as vegetated mechanically stabilized earth, in accordance with the Project specifications. The above permanent easement and Temporary Grading Permit were donated by the property owner with respect to the City's project. The Easement appears to be properly executed and consistent with the last deed of recorded for the subject property. We note that a lender consent was not required because there are no public utilities within the easement.

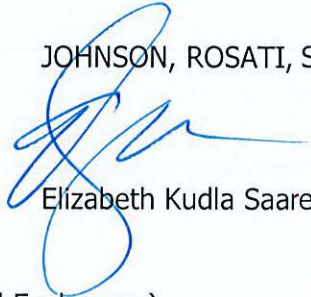
The enclosed easement should be placed on an upcoming City Council Agenda for acceptance. Once accepted, it should be recorded by the City Clerk's Office with the Oakland County Register of Deeds in the usual manner.

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

Jeffrey Herczeg, Director of Public Services
March 14, 2018
Page 2

Very truly yours,

JOHNSON, ROSATI, SCHULTZ & JOPPICH, P.C.



Elizabeth Kudla Saarela

EKS
Enclosures

C: Cortney Hanson, Clerk (w/Original Enclosures)
Aaron Staup, Construction Engineer (w/Enclosures)
Joseph Akers, Staff Civil Engineer (w/Enclosures)
Taylor Reynolds, Spalding DeDecker (w/Enclosures)
Sue Troutman, City Clerk's Office (w/Enclosures)
Thomas R. Schultz, Esquire (w/Enclosures)

EASEMENT FOR STREAMBANK MAINTENANCE

THIS EASEMENT made this 6 day of March, 2018, by Alpha Beshears, a married man, whose address is 23648 Willowbrook, Novi MI 48375 (hereinafter referred to as "Grantor"), being owners of the property described in the attached and incorporated, Exhibit A, (hereinafter referred to as the "Property").

Grantor, in consideration of One (\$1.00) Dollar, receipt and sufficiency of which is hereby acknowledged, does reserve and grant, on behalf of itself, its heirs, successors, assigns and transferees, a private, non-exclusive, perpetual easement for purposes repair and/or reconstruction and on-going preservation and maintenance of the streambank over, upon, across, in, and through, the Property, which easement is described and depicted, as stated in the attached and incorporated Exhibit A (hereinafter referred to as the "Easement Area") to the City of Novi, a Michigan municipal corporation, whose address is 45175 Ten Mile, Novi, Michigan 48375, (hereinafter referred to as "Grantee").

This easement is for the benefit of the Property and all heirs, successors, assigns and transferees of the Property and the City of Novi (hereinafter referred to as "Grantees").

The Grantor shall maintain the Easement Area, so at all times, it continues to function as intended. The Grantor shall be responsible for the removal of trees, branches and other obstructions from the Easement Area. The Grantor, shall be prohibited from altering or placing anything in the Easement Area which shall obstruct or impede, damage or interfere with the Stabilization Improvements. 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 Area, or to develop or allow the development of the Easement Area in any manner which removes, damages, impedes or obstructs the Stabilization Improvements without prior written approval from the City, or, alternatively, as part of an approved site plan, the Grantor may construct and/or install surface improvements to the property, which improvements do not interfere with use, operation, and maintenance, of the Easement Area.

The City, and its agents and employees shall be permitted to enter upon the Easement Area and sufficient land adjacent to said Easement Area for the purpose of exercising the rights and privileges granted herein.

This Easement does not grant or convey to Grantee, or any member of the general public, any right of ownership, possession or use of the Easement Area.

All portions of the Property damaged or disturbed by Grantee's exercise of easement rights, shall be reasonably restored by Grantee to the condition that existed prior to the damage or disturbance.

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.

IN WITNESS WHEREOF, the undersigned Grantor has affixed _____ signature this day of

_____ A.D., 20__.

GRANTOR:

Alpha Beshears
Alpha Beshears

STATE OF MICHIGAN)
)SS
COUNTY OF OAKLAND)

On this 6th day of March, A.D., 2018 before me, personally appeared the above named Alpha Beshears, a married person, 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.



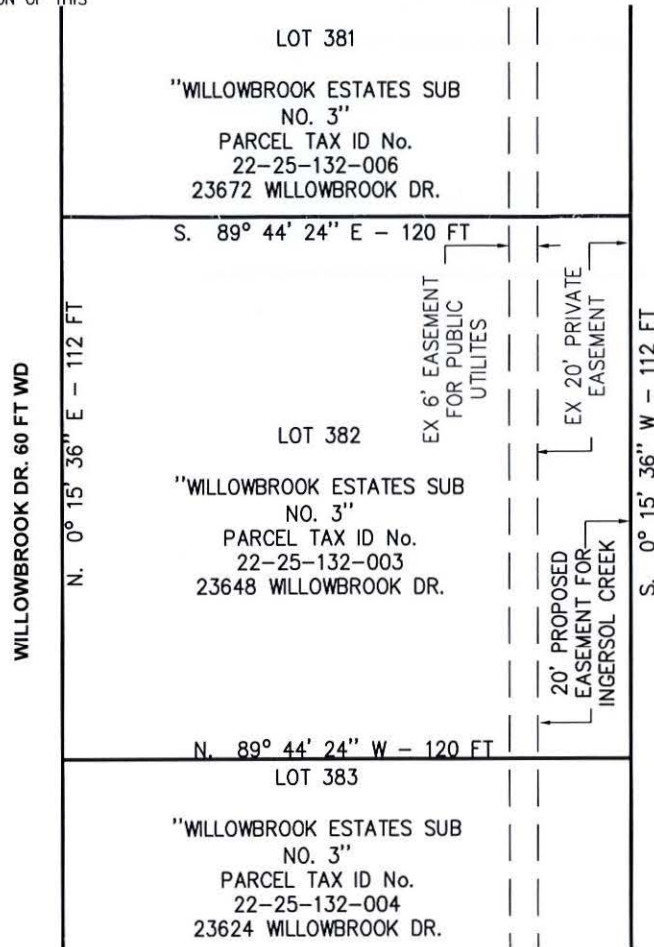
Katie M Rizzo
Notary Public, Oakland County, MI
My commission expires Nov, 2020

THIS INSTRUMENT DRAFTED BY:
ELIZABETH K. SAARELA
JOHNSON, ROSATI, SCHULTZ & JOPPICH
27555 EXECUTIVE DRIVE, SUITE 250
FARMINGTON HILLS, MI 48331

WHEN RECORDED, RETURN COPY TO:
CORTNEY HANSON, CLERK
CITY OF NOVI
45175 TEN MILE RD
NOVI, MI 48334

EXHIBIT A - EASEMENT FOR INGERSOL CREEK

NOTE:
SDA HAS NOT PERFORMED A
BOUNDARY SURVEY OF THIS
PARCEL AND THE PARCEL
DESCRIPTION DOES NOT
NECESSARILY REFLECT
FIELD-MEASURED VALUES. THE
EASEMENT DESCRIPTION IS
WRITTEN BASED UPON THE
RECORD DESCRIPTION OF THIS
OVERALL PARCEL.

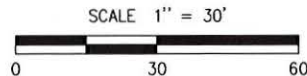


PROPERTY DESCRIPTION

LOT 382 OF "WILLOWBROOK ESTATES SUBDIVISION No. 3" OF PART OF WEST 1/2 SECTION 25, TOWN 1 NORTH, RANGE 8 EAST, NOVI TOWNSHIP (NOW CITY OF NOVI), OAKLAND COUNTY, MICHIGAN. AS RECORDED IN LIBER 83, PAGE 24 AND 25.

EASEMENT FOR INGERSOL CREEK

A 20 FOOT WIDE EASEMENT FOR INGERSOL CREEK BEING DESCRIBED AS THE EASTERLY 20 FEET OF LOT 382 OF "WILLOWBROOK ESTATES SUBDIVISION No. 3" OF PART OF WEST 1/2 SECTION 25, TOWN 1 NORTH, RANGE 8 EAST, NOVI TOWNSHIP (NOW CITY OF NOVI), OAKLAND COUNTY, MICHIGAN. AS RECORDED IN LIBER 83, PAGE 24 AND 25.



Plotted: Dec. 6, 2017, 8:42 AM by user: 984 - Saved: 12/6/2017 by user: 984
J:\Design\NV17017-ingersol Creek\DWG\NV17017EAS INGERSOL.dwg

SPALDING DeDECKER
Engineers | Surveyors
905 South Blvd. East Phone: (248) 844-5400
Rochester Hills, MI 48307 Fax: (248) 844-5404
www.sda-eng.com

| | |
|--|--------------------|
| DRAWN: S. ISENBERG | DATE: 12-06-17 |
| CHECKED: D. RICHMOND | DATE: 12-06-17 |
| MANAGER: D. RICHMOND | SCALE: 1" = 30' |
| JOB No. NV17017 | SHEET: 1 OF 1 |
| SECTION 25 TOWN 01 NORTH RANGE 08 EAST | |
| CITY OF NOVI | OAKLAND COUNTY, MI |

TEMPORARY GRADING EASEMENT

In consideration of \$1.00, receipt and adequacy of which is hereby acknowledged, I, Alpha Beshears, the owner of the property described as:

Lot 382, Willowbrook Estates Subdivision No. 3, according to the Pat thereof, as recorded at Liber 83 of Plats, Pages 24-25, Oakland County Records.

described as 23648 Willowbrook, Novi, Michigan 48375 (Parcel No. 50-22-25-132-003) grant the City of Novi and its contractor (or subcontractors) permission to access, move men and equipment on and through, the right to store materials and excavated earth, remove vegetation, grade and alter the underlying land in, over, upon and through the property described above in the particular areas shown in Exhibit A, attached.

The work will include:

Grading and related construction activities required for the access and stabilization of the adjacent streambank area, including but not limited to equipment access and temporary material storage in accordance with the approved plans. All work is contained in the set of construction plans entitled "Ingersol Creek Streambank Stabilization" by Spalding DeDecker Associates, Inc.

All portions of the Premises damaged or disturbed by Novi's exercise of temporary easement rights, shall be reasonably restored by Novi to the condition that existed prior to the damage or disturbance;

I understand this only grants permission to the Contractor to perform work directly relating to the listed project and upon completion of required grading operations the property will be fully restored.

[Handwritten Signature]
Owner (signature)
1395 East Lake Rd Novi 48377
Contact Mailing Address
248-505-0403
Phone Number

3-3-18
Date
Novi, Michigan 48377
City, State, Zip
248-262-1687
Fax Number

STATE OF MICHIGAN)
) SS
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this 6th day of March, 2018, by Brent Beshears.



Kate M. Rizzo
Notary Public
Oakland County, Michigan
My Commission Expires: NOV. 24, 2020

Drafted by:
Elizabeth K. Saarela
Johnson, Rosati, Schultz & Joppich, P.C.
27555 Executive Drive, Suite 250
Farmington Hills, MI 48331-5627

Lot 382



20 foot Wide Temporary Access Easement

20 foot Wide Permanent Ingersol Creek Easement

Avoid Existing Shed

20 foot Wide Temporary Access Easement

- 2 Foot Contours
- 5 Foot Contours
- FEMA Base Flood Elevations
- FEMA Cross Sections
- 100 yr - FEMA Floodplain
- 100 yr (detailed) - FEMA Floodplain
- 500 yr - FEMA Floodplain
- FLOODWAY - FEMA Floodplain

Disclaimer: The information provided herewith has been compiled from recorded deeds, plats, tax maps, surveys and other public records. It is not a legally recorded map or survey and is not intended to be used as one. Users should consult the information sources mentioned above when questions arise. FEMA Floodplain data may not always be present on the map.

OAKLAND COUNTY MICHIGAN
Economic Development & Community Affairs
L. Brooks Patterson
Oakland County Executive

Date Created: 12/5/2017

NORTH
1 inch = 50 feet

Commonly Known As: 23648 Willowbrook Dr., Novi, MI 48375

TITLE SEARCH

Date: December 14, 2017

The land referred to in this search is situated in the City of Novi, County of Oakland, State of Michigan, as follows:

Lot 382, Willowbrook Estates Subdivision No. 3, according to the plat thereof as recorded in Liber 83, Pages 24 and 25 of Plats, Oakland County Records.

Last grantee of record:

Alpha Beshears

1. Mortgage in the original amount of \$198,000.00, and the terms, conditions and provisions contained therein, executed by David A. Mueller and Michelle Mueller, husband and wife to Mortgage Electronic Registration Systems Inc., as nominee for Tranex Financial, Inc. dated July 12, 2003 and recorded October 1, 2003 in Liber 30968, Page 16, Oakland County Records.
2. Mortgage in the original amount of \$209,950.00, and the terms, conditions and provisions contained therein, executed by The Mueller Trust dated July 7, 2003, by David Mueller and Michelle M. Mueller, Trustees, husband and wife to Mortgage Electronic Registration Systems Inc., as nominee for Tranex Financial, Inc. dated March 4, 2004 and recorded April 15, 2004 in Liber 32809, Page 729, Oakland County Records.
3. Easements over subject property as shown on the recorded plat.
4. Covenants, conditions and restrictions and other provisions but omitting restrictions, if any, based on race, color, religion, sex, handicap, familial status or national origin as contained in instrument recorded in Liber 3479, Page 7 and amended in Liber 3581, Page 217, Oakland County Records.

5. **PAYMENT OF TAXES:** Tax Parcel No.: 22-25-132-003

2017 County Taxes in the amount of \$1,719.98 are Paid, this amount includes Trash in the amount of \$81.12.

2017 City Taxes in the amount of \$4,631.61 are Paid, this amount includes Trash in the amount of \$81.12.

Special Assessments: None

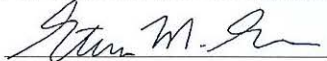
- 2017 State Equalized Value: \$125,800.00
- 2017 Taxable Value: \$117,900.00

The amounts shown as due do not include collection fees, penalties or interest.

ATA National Title Group, LLC
36800 Gratiot Avenue
Clinton Township, MI 48035
Ph:(586) 463-7200 Fax:(586) 463-6114

TITLE SEARCH - CONTINUED

COUNTERSIGNED:
ATA National Title Group, LLC



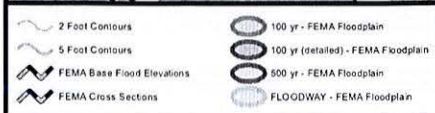
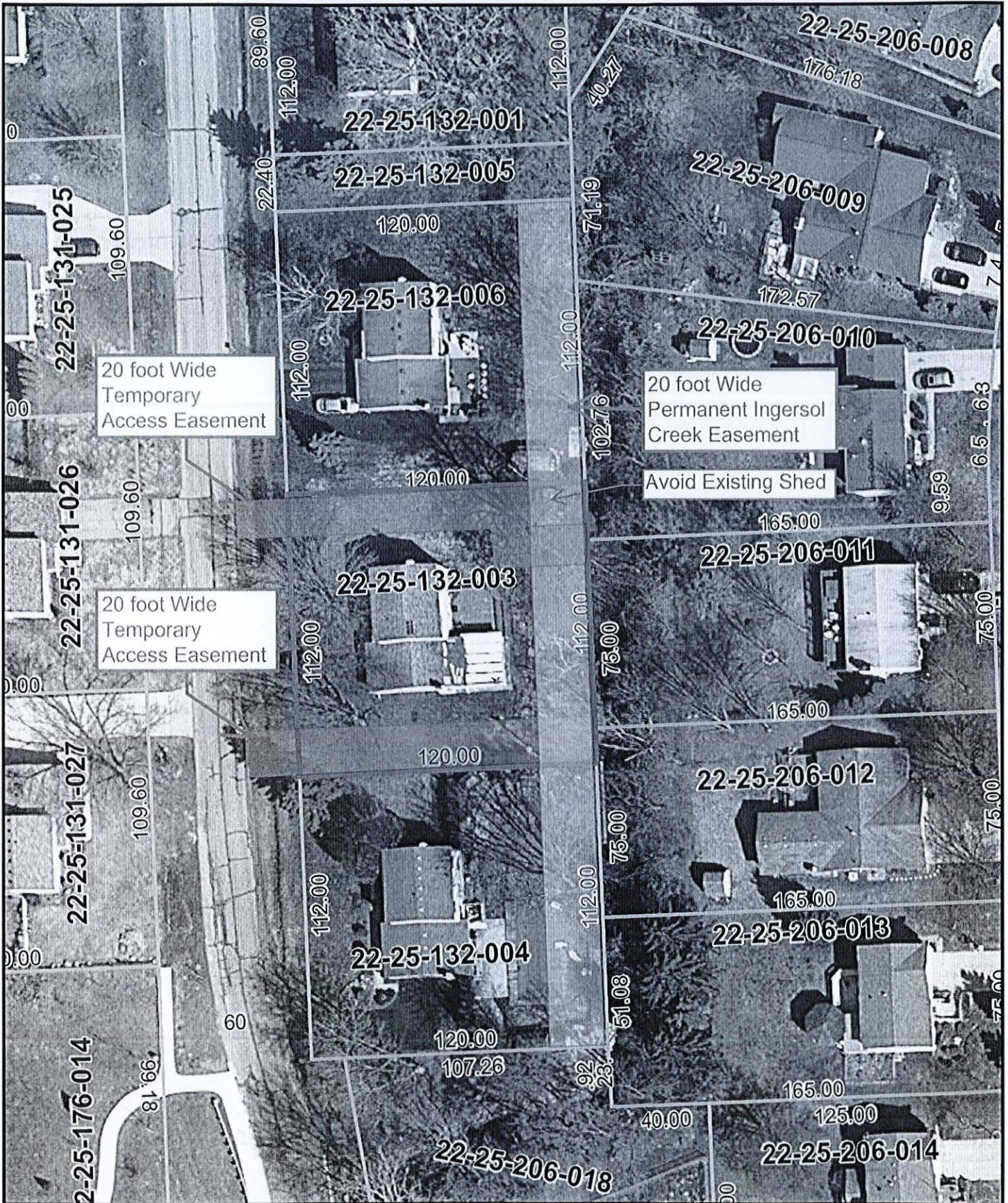
Steven M. Greco
AUTHORIZED SIGNATORY

Terms and Conditions

1. This document is a search only. It is neither an insurance product nor an opinion of law or title and should not be relied upon as such. In addition, it runs only to the named customer and should not be relied upon for any purpose by any person or entity other than the named customer and/or its duly appointed representatives and agents.
2. By receiving and using this product, the customer agrees that the liability of the Company, its subsidiaries and affiliates, for any direct or indirect loss shall be limited to either the amount of the loss or the amount paid for this search, whichever is less.

Ingersol - willowbrook

Lot 382



Disclaimer: The information provided herewith has been compiled from recorded deeds, plats, tax maps, surveys and other public records. It is not a legally recorded map or survey and is not intended to be used as one. Users should consult the information sources mentioned above when questions arise. FEMA Floodplain data may not always be present on the map.

OAKLAND COUNTY
 L. Brooks Patterson
 Oakland County Executive

Date Created: 12/5/2017

 NORTH
 1 inch = 50 feet