



CITY of NOVI CITY COUNCIL

Agenda Item K
August 24, 2015

SUBJECT: Acceptance of a pathway easement as a donation from Providence Hospital and Medical Centers, Inc., as part of the Rose Senior Living site located south of Grand River Avenue and west of Beck Road (parcel 22-17-400-040) to accommodate the future extension of the ITC Trail from the Medilodge property to Beck Road.

SUBMITTING DEPARTMENT: Department of Public Services, Engineering Division *BTC RFA*

CITY MANAGER APPROVAL: *[Signature]*

BACKGROUND INFORMATION:

The developer of Rose Senior Living, Edward Rose and Sons (on behalf of Providence Hospital and Medical Centers, Inc.), is requesting acceptance of a pathway easement to satisfy one of the conditions of their approved site plan. Rose Senior Living is located in Providence Park, south of Grand River Avenue and west of Beck Road in Section 17 of the City of Novi (see attached map). The pathway easement (Phase 3B of the ITC Corridor Regional Trail) connects the existing pathway (Phase 3A) of the ITC Corridor Regional Trail to Beck Road.

The enclosed pathway easement has been favorably reviewed by the City Attorney (Beth Saarela's July 31, 2015 letter, attached) and is recommended for approval.

The final design of the new pathway alignment will commence upon acceptance of this easement and approval of the additional engineering fee that is being considered elsewhere on this agenda. Staff will work with Providence and Edward Rose to coordinate construction with the construction of the site to limit the amount of restoration by both the site contractor and the pathway contractor. Once this coordination occurs, we will provide an update on the potential construction schedule.

RECOMMENDED ACTION: Acceptance of a pathway easement from Providence Hospital and Medical Centers, Inc., as part of the Rose Senior Living site located south of Grand River Avenue and west of Beck Road (parcel 22-17-400-040) to accommodate the future extension of the ITC Trail from the Medilodge property to Beck Road.

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

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

Location Map

Rose Senior Living



Proposed 20' Pathway Easement

Rose Senior Living

Eleven Mile Rd

Beck Rd

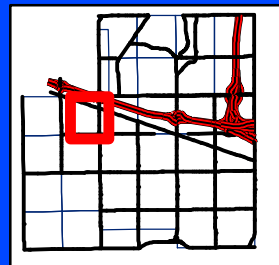
Abbey Dr

Map Author: A. Wayne
Date: August 14, 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

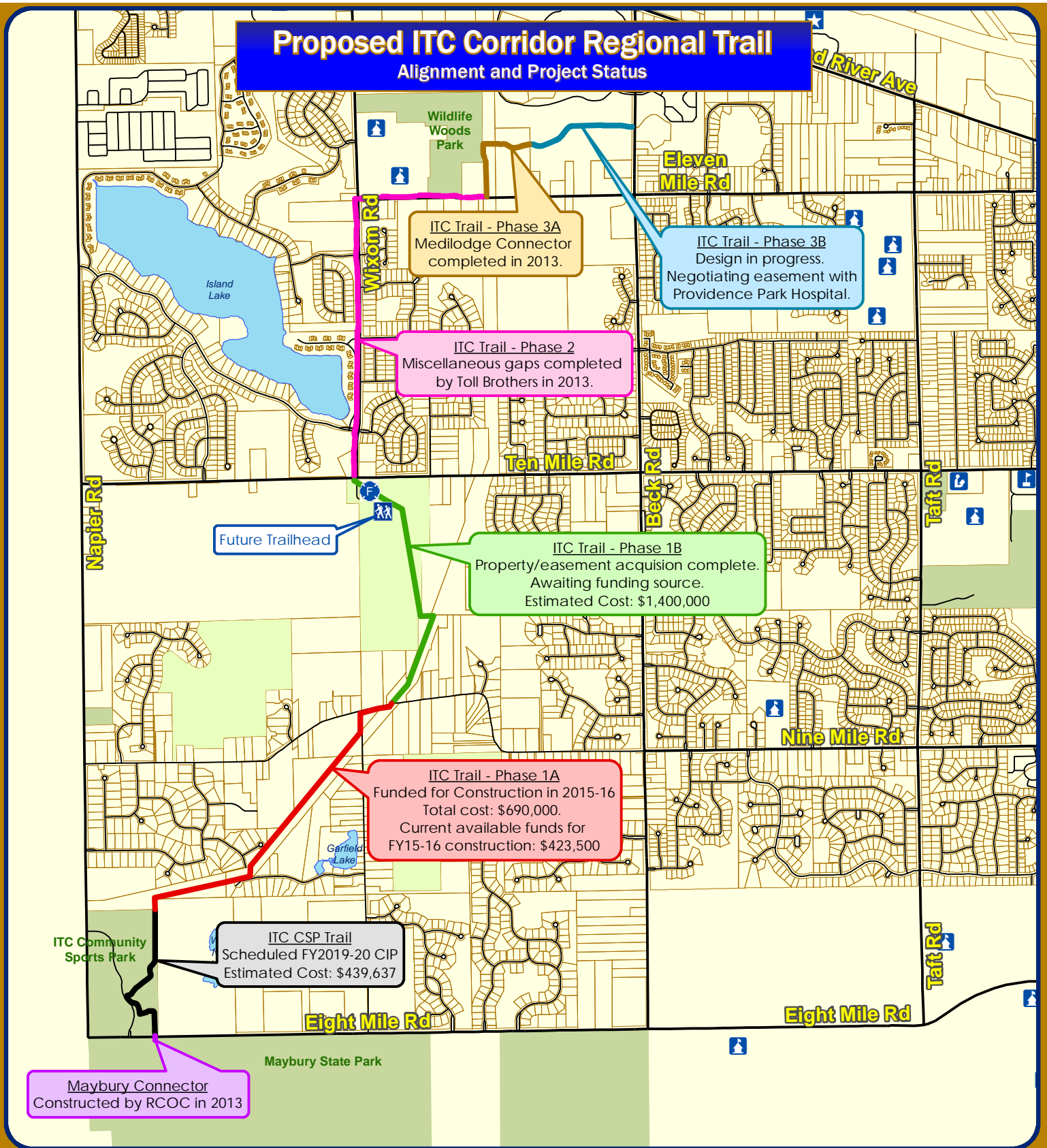


1 inch = 669 feet



Proposed ITC Corridor Regional Trail

Alignment and Project Status



Map Author: M. D. McCreadie Jr
Date: 10/29/13
Project: Proposed ITC Corridor Regional Trail
Version #: 8

Map Revisions: Keri Blough
Date: June 22, 2015
Department: IT

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.

Map Legend

- Maybury State Park Connector
- Community Sports Park Trail
- ITC Corridor Regional Trail - Phase 1A
- ITC Corridor Regional Trail - Phase 1B
- ITC Corridor Regional Trail - Phase 2
- ITC Corridor Regional Trail - Phase 3A
- ITC Corridor Regional Trail - Phase 3B



City of Novi

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





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.johnsonrosati.com

July 31, 2015

Rob Hayes, Public Services Director
CITY OF NOVI
45175 Ten Mile Road
Novi, Michigan 48375

**Re: Rose Senior Living at Providence Park JSP13-0081
*Review for Acceptance – Utility Easements***

Dear Mr. Hayes:

We have received and reviewed the following documents for the Rose Senior Living Property:

- Sanitary Sewer System Access Easement
- Water Main Easement
- Commitment for Title Insurance
- Cross Access Easement
- Pathway Easement

It should be noted that the property owner of the easement property, Providence Hospital and Medical Centers, has requested that the above easements be conveyed to the City and recorded prior to completion and acceptance of the improvements within the easements in order to avoid the need for multiple signatures to the documents based on a proposed change in the property descriptions because of the land division required for the development. Therefore, the easements are being dedicated *prior to the land division* and prior to construction of the utilities. Any change in location of the facilities resulting during construction of the project may require the easements to be amended prior to acceptance of the utility facilities.

Water System Easement and Sanitary Sewer System Access Easement

The Water and Sanitary Sewer System Access Easements are generally in the City's standard format for water and sanitary sewer system easements with minor exceptions to the language which we have reviewed and approved. We note that a substantive change to the Sanitary Sewer Access Easement allows the property owner to request a relocation of the access easement and such request to be considered by the Public Services Director on the basis that

there will be no public utility facilities within the easement area and any request would pertain only to relocation of private sewer facilities.

Subject to the approval of the exhibits by the City's consulting engineer, the Water System Easement and Sanitary Sewer System Access Easement appear to be in order.

Cross Access Easement

The Cross Access Easement provided for the purpose of creating cross access between the Providence Hospital Property and the Senior Living Center Property is satisfactory for the purpose provided subject to approval of the attached exhibits by the City's Consulting Engineer.

Pathway Easement

The Pathway Easement provided is in the City's standard Pathway Easement format and, subject to approval of the exhibits by the City's Consulting Engineer, may be placed on an upcoming City Council Agenda for acceptance.

Because the recording of the above Easements must be completed in conjunction with the timing of the land division required for the Senior Living Development, the property owner's representative will contact us at the time the easements should be forwarded to the Oakland County Register of Deeds for recording and we will notify the City Clerk's Office to record the documents. It should be noted that the Pathway Easement approval requires placement on a City Council Agenda before the Land Division is completed.

Once the proposed public improvements have been completed within the easement areas, the property owner will be required to provide the requisite Bills of Sale for the improvements and corresponding Maintenance and Guarantee Bond prior to formal acceptance of the utilities themselves.

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

EKS

Enclosures

C: Maryanne Cornelius, Clerk (w/Enclosures)
Charles Boulard, Community Development Director (w/Enclosures)
Barb McBeth, Deputy Community Development Director (w/Enclosures)

Rob Hayes, Public Services Director

July 31, 2015

Page 3

Sri Komaragiri, Planner (w/Enclosures)

Sheila Weber, Treasurer's Office (w/Enclosures)

Kristin Pace, Treasurer's Office (w/Enclosures)

Aaron Staup, Construction Engineering Coordinator (w/Enclosures)

Adam Wayne, Construction Engineer (w/Enclosures)

Sarah Marchioni, Building Permit Coordinator (w/Enclosures)

Brittany Allen and Ted Meadows, Spalding DeDecker(w/Enclosures)

Sue Troutman, City Clerk's Office (w/Enclosures)

Brittany Allen and Ted Meadows, Spalding DeDecker

Nathan Anderson, Edward Rose & Sons

Thomas R. Schultz, Esquire (w/Enclosures)

PATHWAY EASEMENT

NOW ALL MEN BY THESE PRESENTS, that **Providence Hospital and Medical Centers, Inc.**, a Michigan nonprofit corporation, whose address is 47601 Grand River Ave., Novi, Michigan 48374, for and in consideration of One (\$1.00) Dollars, 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 non-motorized pathway over across and through property located in Section 17, T.1N., R.8E., City of Novi, Oakland County, State of Michigan, more particularly described as follows:

{See attached and incorporated Exhibit A}

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

{See attached and incorporated Exhibit B}

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

Grantee may, construct, install, repair, replace, improve, modify and maintain a non-motorized pathway in the easement area as shown in the attached and incorporated Exhibit B.

Construction activities required for the construction of a non-motorized pathway, consisting of a 10 foot wide asphalt pathway.

Grantor agrees not to build or to convey to others permission to build any permanent structures on, over, across, in, through, or under the above-described easement, except that, subject to Grantee's approval as part of an approved site plan, the Grantor may construct and/or install surface improvements to the property, including paved driveways, parking and/or walkways; landscaping; utilities and/or similar improvements, which improvements do not interfere with use, operation, maintenance, repair and replacement of the pathway in the easement areas shown on the attached and incorporated Exhibit B.

All portions of the Premises damaged or disturbed by Grantee's exercise of temporary 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.

This easement shall allow public non-motorized traffic and shall permit maintenance, repair and replacement of the paving in the easement area.

This instrument shall be binding and inure to the benefit of the parties hereto, their heirs, representatives, successors and assigns.

Dated this 28 day of July, 2015.

GRANTOR

Providence Hospital and Medical Centers, Inc.
a Michigan nonprofit corporation



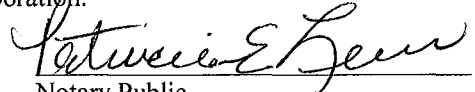
By: Peter Karadjoff

Its: President, Providence Park

STATE OF MICHIGAN)
) SS
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this 28 day of July, 2015, by Peter Karadjoff, the President, Providence Park of Providence Hospital and Medical Centers, Inc., a Michigan nonprofit corporation.

PATRICIA E. LEWIS
Notary Public, State of Michigan
County of Livingston
My Commission Expires Jun. 06, 2020
Acting in the County of


Notary Public
Oakland County, Michigan
My Commission Expires:

CONSENT TO EASEMENT

As the holder of a ground lessee's interest in and to the property referenced in the Pathway Access Easement, dated July 20th 2015, attached hereto and incorporated as Exhibits A and B, whereby Providence Hospital and Medical Centers, Inc. grants and conveys said easement to the City of Novi, the undersigned hereby evidences its consent to the grant, conveyance, existence and recordation of said easement, which easement is hereby acknowledged and agreed to be superior to the interest of the undersigned and shall bind the undersigned and the heirs, successors and assigns of the undersigned.

IN WITNESS WHEREOF the undersigned has caused its signature to be placed on the 21th day of July, 2015.

Providence Park Senior Living, LLC

By: [Signature]
(Print Name: Warren Rose)
Its: Manager

STATE OF MICHIGAN)
) SS.
COUNTY OF OAKLAND)

The foregoing Consent to Easement was acknowledged before me this 29 day of July, 2015, by Warren Rose, the Manager of Providence Park Senior Living, LLC, a Michigan limited liability company.

DAWNE E. SCHULTZ
NOTARY PUBLIC, STATE OF MI
COUNTY OF OAKLAND
MY COMMISSION EXPIRES Jun 26, 2016
ACTING IN COUNTY OF OAKLAND

[Signature]
Notary Public
OAKLAND County, MI
My commission expires: June 26, 2016

Drafted by:
Elizabeth Kudla Saarela
Johnson, Rosati, Schultz & Joppich
34405 W. Twelve Mile Road, Suite 200
Farmington Hills, MI 48331-5627

When recorded return to:
Maryanne Cornelius, Clerk
City of Novi
45175 W. Ten Mile
Novi, MI 48375

EXHIBIT A

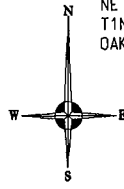
The Property

SKETCH OF DESCRIPTION

EXHIBIT A

N 1/4 CORNER OF SECTION 17,
T1N, R8E, CITY OF NOVI,
OAKLAND COUNTY, MICHIGAN

NE CORNER OF SECTION 17,
T1N, R8E, CITY OF NOVI,
OAKLAND COUNTY, MICHIGAN



SCALE: 1" = 500'

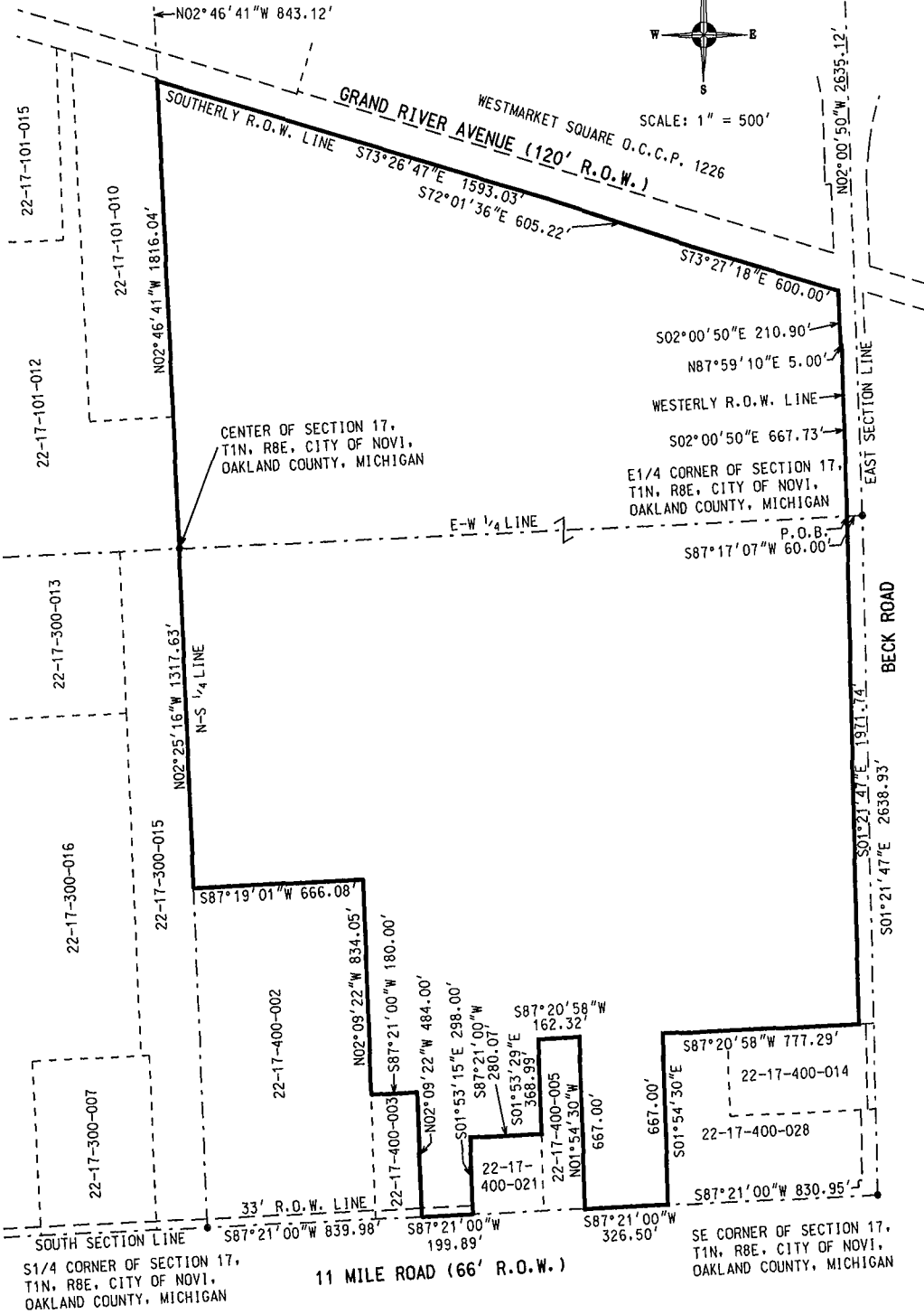
TIME - 27-JUN-2014 16:30

FEIN TEL - h:\mes\6\0\att\h\g\black\atb

QUEUE - \h\mes\6\0\att\h\g\black\atb TEL - 1:14:58 PM 6/27/2014 2:12

DESIGN FILE - W:\2013\06\20130648\FY13548_Hospital_Campus_Prop.dgn

USER NAME - dhebert



JOB NO. 20130648	HUBBELL, ROTH & CLARK, INC. CONSULTING ENGINEERS 555 HULET DRIVE BLOOMFIELD HILLS, MICH.	SHEET NO. 1
DATE 06-27-14		OF 2

DESCRIPTION OF PROVIDENCE PARK HOSPITAL CAMPUS PROPERTY

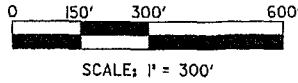
Part of the Northeast $\frac{1}{4}$ and Southeast $\frac{1}{4}$ of Section 17, Town 1 North, Range 8 East, City of Novi, Oakland County, Michigan, described as: Commencing at the East $\frac{1}{4}$ corner of said Section 17; thence South 87 degrees 17 minutes 07 seconds West 60.00 feet along the East-West $\frac{1}{4}$ line to the west right of way line of Beck Road (variable right of way) and the POINT OF BEGINNING; thence South 01 degrees 21 minutes 47 seconds East 1,971.74 feet along said right of way line; thence South 87 degrees 20 minutes 58 seconds West 777.29 feet; thence South 01 degrees 54 minutes 30 seconds East 667.00 feet to the South line of said Section 17 and centerline of Eleven Mile Road (33 foot right of way); thence South 87 degrees 21 minutes 00 seconds West 326.50 feet along said South line and centerline; thence North 01 degrees 54 minutes 30 seconds West 667.00 feet; thence South 87 degrees 20 minutes 58 seconds West 162.32 feet; thence South 01 degrees 53 minutes 29 seconds East 368.99 feet; thence South 87 degrees 21 minutes 00 seconds West 280.07 feet; thence South 01 degrees 53 minutes 15 seconds East 298.00 feet to the South line of said Section 17 and centerline of Eleven Mile Road (33 foot right of way); thence South 87 degrees 21 minutes 00 seconds West 199.89 feet along said South line and centerline; thence North 02 degrees 09 minutes 22 seconds West 484.00 feet; thence South 87 degrees 21 minutes 00 seconds West 180.00 feet; thence North 02 degrees 09 minutes 22 seconds West 834.05 feet; thence South 87 degrees 19 minutes 01 seconds West 666.08 feet to the North-South $\frac{1}{4}$ line of said Section 17; thence North 02 degrees 25 minutes 16 seconds West 1317.63 feet along said North-South $\frac{1}{4}$ line to the center of said Section 17; thence North 02 degrees 46 minutes 41 seconds West 1816.04 feet to the southerly right-of-way line of Grand River Avenue (120 feet wide); thence along said southerly right of way line the following three (3) courses: (1) South 73 degrees 26 minutes 47 seconds East 1593.03 feet, (2) South 72 degrees 01 minutes 36 seconds East 605.22 feet, and (3) South 73 degrees 27 minutes 18 seconds East 600.00 feet to the west right of way line of said Beck Road; thence along said west right of way line the following three (3) courses: (1) South 02 degrees 00 minutes 50 seconds East 210.90 feet, (2) North 87 degrees 59 minutes 10 seconds East 5.00 feet, and (3) South 02 degrees 00 minutes 50 seconds East 667.73 feet to the East-West $\frac{1}{4}$ line of said Section 17 and the POINT OF BEGINNING.. Said description contains 200.965 acres, more or less.

EXHIBIT B

The Easement Area

PATHWAY EASEMENT

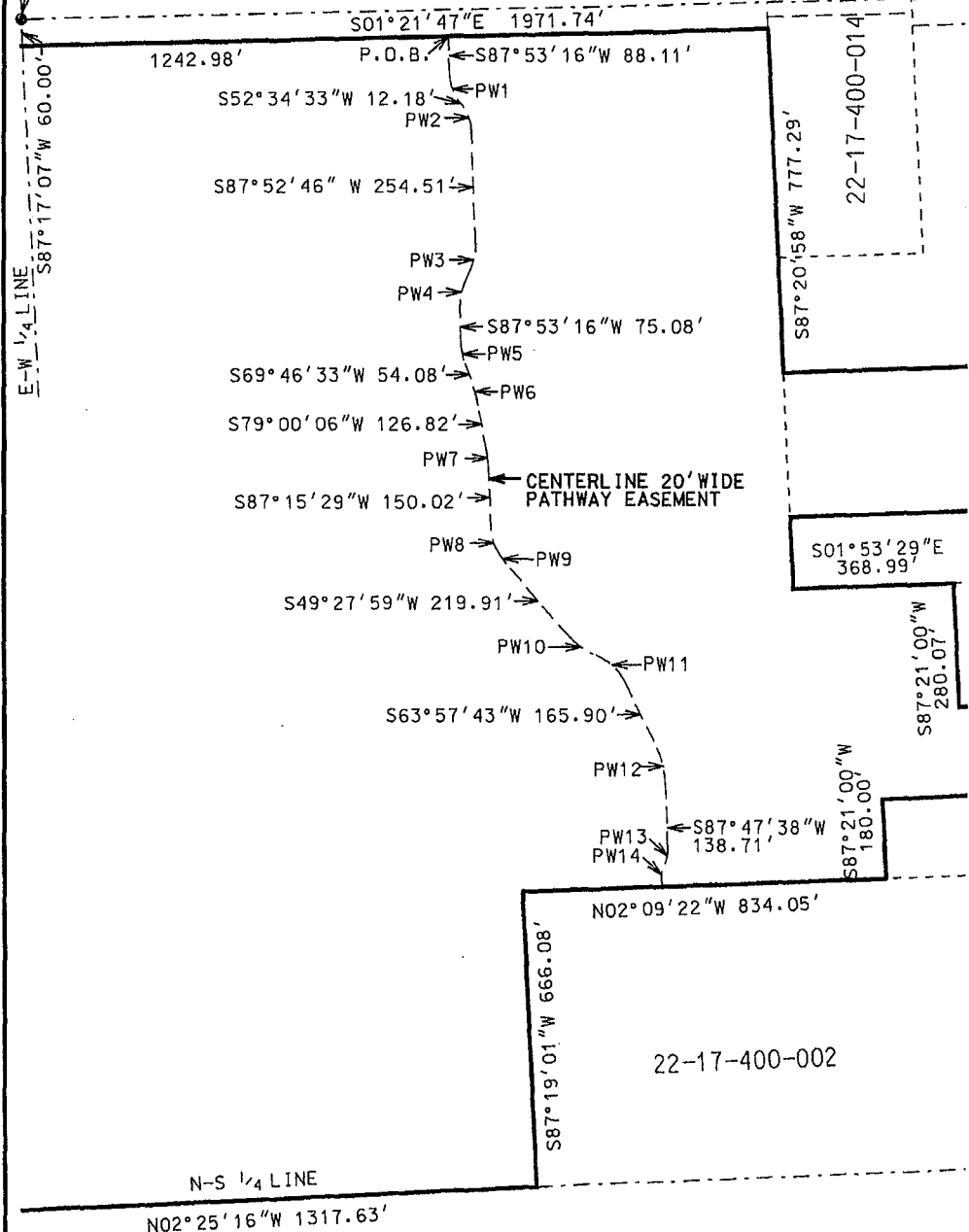
EXHIBIT B



E 1/4 CORNER OF SECTION 17,
T1N, R8E, CITY OF NOVI,
OAKLAND COUNTY, MICHIGAN

BECK ROAD

USER NAME = dbeart
 DESIGN FILE = V:\201306\20130648\CV\13548_pathway_asmt_002.dgn
 QUEUE = \\mapdata\survey\lapp\l_cadd\ TBL - TMS\876\66\Nrczab02.dwg
 PEN TBL = \\mapdata\survey\lapp\l_cadd\p
 TIME = 21-APR-2015 10:04



REV. 03-25-15
 FOR REVIEW 03-13-15
 REV. 06-27-14

JOB NO. 20130648
DATE 04-21-14

HUBBELL, ROTH & CLARK, INC.
 CONSULTING ENGINEERS
 555 HULET DRIVE
 BLOOMFIELD HILLS, MICH.

P.O. BOX 824
 48303-0824

SHEET NO. 1
OF 3

PATHWAY EASEMENT

TIME -21-APR-2015 10:06

PEW TBL-H:\msd\p\stiffing\black.pb

00EUE -\v\msd\Survey_Legal\CADD TBL-F:\MSD\p\stiffing\black.pb

DESIGN FILE - \v\20130620130648\CV136-48_pathway_easmt_R02.dgn

USER NAME - dlabert

CURVE DATA:

PW1 L = 63.88' R = 100.00' Δ = 36° 36' 01" CH = S70° 52' 34"W 62.80'	PW8 L = 56.57' R = 105.00' Δ = 30° 52' 12" CH = S71° 49' 23"W 55.89'
PW2 L = 61.62' R = 100.00' Δ = 35° 18' 12" CH = S70° 13' 39"W 60.65'	PW9 L = 27.18' R = 225.00' Δ = 06° 55' 18" CH = S52° 55' 38"W 27.16'
PW3 L = 75.03' R = 140.00' Δ = 30° 42' 26" CH = N76° 46' 02"W 74.14'	PW10 L = 66.20' R = 125.00' Δ = 30° 20' 38" CH = S34° 17' 40"W 65.43'
PW4 L = 80.37' R = 150.00' Δ = 30° 41' 55" CH = N76° 45' 47"W 79.41'	PW11 L = 96.82' R = 125.00' Δ = 44° 22' 48" CH = S41° 46' 24"W 94.42'
PW5 L = 47.42' R = 150.00' Δ = 18° 06' 43" CH = S78° 49' 54"W 47.22'	PW12 L = 91.51' R = 220.00' Δ = 23° 49' 55" CH = S75° 52' 40"W 90.85'
PW6 L = 24.15' R = 150.00' Δ = 09° 13' 34" CH = S74° 23' 19"W 24.13'	PW13 L = 35.97' R = 65.00' Δ = 31° 42' 12" CH = N76° 21' 16"W 35.51'
PW7 L = 29.54' R = 205.00' Δ = 08° 15' 23" CH = S83° 07' 48"W 29.51'	PW14 L = 55.25' R = 65.00' Δ = 48° 41' 59" CH = N84° 51' 10"W 53.60'

REV. 03-25-15

JOB NO. 20130648	HUBBELL, ROTH & CLARK, INC. CONSULTING ENGINEERS 555 HULET DRIVE BLOOMFIELD HILLS, MICH.	SHEET NO.
DATE 06-27-14		2 OF 3

P.O. BOX 824
48303-0824

DESCRIPTION OF PATHWAY EASEMENT

A 20.00 foot wide Pathway Easement lying 10.00 feet each side of a line described as:

Commencing at the East ¼ corner of said Section 17; thence South 87 Degrees 17 Minutes 07 Seconds West 60.00 feet along the East-West ¼ line to the west right of way line of Beck Road (variable right of way) and South 01 Degrees 21 Minutes 47 Seconds East 1,242.98 feet along said right of way line to the Point of Beginning; thence South 87 Degrees 53 Minutes 16 Seconds West a distance of 88.11 feet; thence along an arc 63.88 feet to the left, having a radius of 100.00 feet, a central angle of 36 Degrees 36 Minutes 01 and a chord bearing South 70 Degrees 52 Minutes 34 Seconds West for a distance of 62.80 feet; thence South 52 Degrees 34 Minutes 33 Seconds West a distance of 12.18 feet; thence along an arc 61.62 feet to the right, having a radius of 100.00 feet, a central angle of 35 Degrees 18 Minutes 12 Seconds and a chord bearing South 70 Degrees 13 Minutes 39 Seconds West for a distance of 60.65 feet; thence South 87 Degrees 52 Minutes 46 Seconds West a distance of 254.51 feet; thence along a curve to the right 75.03 feet, said curve having a radius of 140.00 feet, a central angle 30 Degrees 42 Minutes 26 Seconds and a chord bearing North 76 Degrees 46 Minutes 02 Seconds West 74.14 feet; thence along a curve to the left 80.37 feet, said curve having a radius of 150.00 feet, a central angle of 30 Degrees 41 Minutes 55 Seconds and a chord bearing North 76 Degrees 45 Minutes 47 Seconds West 79.41 feet; thence South 87 Degrees 53 Minutes 16 Seconds West 75.08 feet; thence along a curve to the left 47.42 feet, said curve having a radius of 150.00 feet, a central angle of 18 Degrees 06 Minutes 43 Seconds and a chord bearing South 78 Degrees 49 Minutes 54 Seconds West 47.22 feet; thence South 69 Degrees 46 Minutes 33 Seconds West 54.08 feet; thence along a curve to the right 24.15 feet, said curve having a radius of 150.00 feet, a central angle of 09 Degrees 13 Minutes 34 Seconds and a chord bearing South 74 Degrees 23 Minutes 19 Seconds West 24.13 feet; thence South 79 Degrees 00 Minutes 06 Seconds West 126.82 feet; thence along an arc 29.54 feet to the right, having a radius of 205.00 feet, a central angle of 08 Degrees 15 Minutes 23 Seconds and a chord bearing South 83 Degrees 07 Minutes 48 Seconds West for a distance of 29.51 feet; thence South 87 Degrees 15 Minutes 29 Seconds West a distance of 150.02 feet; thence along an arc 56.57 feet to the left, having a radius of 105.00 feet, a central angle of 30 Degrees 52 Minutes 12 Seconds and a chord bearing South 71 Degrees 49 Minutes 23 Seconds West for a distance of 55.89 feet; thence along an arc 27.18 feet to the left, having a radius of 225.00 feet, a central angle of 06 Degrees 55 Minutes 18 Seconds and a chord bearing South 52 Degrees 55 Minutes 38 Seconds West for a distance of 27.16 feet; thence South 49 Degrees 27 Minutes 59 Seconds West a distance of 219.91 feet; thence along an arc 66.20 feet to the left, having a radius of 125.00 feet, a central angle of 30 Degrees 20 Minutes 38 Seconds and a chord bearing South 34 Degrees 17 Minutes 40 Seconds West for a distance of 65.43 feet; thence along a curve to the right 96.82 feet; said curve having a radius of 125.00 feet, a central angle of 44 Degrees 22 Minutes 48 Seconds and a chord bearing South 41 Degrees 46 Minutes 24 Seconds West 94.42 feet, thence South 63 Degrees 57 Minutes 43 Seconds West 165.90 feet; thence along a curve to the right 91.51 feet, said curve having a radius of 220.00 feet, a central angle of 23 Degrees 49 Minutes 55 Seconds and a chord bearing South 75 Degrees 5 2 Minutes 40 Seconds West 90.85 feet; thence South 87 Degrees 47 Minutes 38 Seconds West 138.71 feet; thence along a curve to the right 35.97 feet to the right, said curve having radius of 65.00 feet, a central angle of 31 Degrees 42 Minutes 12 Seconds and a chord bearing North 76 Degrees 21 Minutes 16 Seconds West 35.51 feet; thence along a curve to the left 55.25 feet, said curve having a radius of 65.00 feet, a central angle of 48 Degrees 41 Minutes 59 Seconds and a chord bearing North 84 Degrees 51 Minutes 10 Seconds West 53.60 feet to the Point of Ending. Said easement contains 41,937 square feet, or 0.963 acre, more or less.