



**CITY OF NOVI CITY COUNCIL**  
**OCTOBER 26, 2020**

**SUBJECT:** Acceptance of a sidewalk easement and approval of a proposed counter-offer of just compensation from Larry and Faye Feindt for construction of a sidewalk along the north side of Ten Mile Road between Dinser Drive and Woodham Road (parcel 50-22-20-376-019) in the amount of \$20,000.00.

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

<b>EXPENDITURE REQUIRED</b>	<b>\$ 20,000.00</b>
<b>AMOUNT BUDGETED</b>	<b>\$ 322,722.00</b>
<b>APPROPRIATION REQUIRED</b>	<b>\$ 0</b>
<b>LINE ITEM NUMBER</b>	<b>204-204.00-974.482</b>

**BACKGROUND INFORMATION:** The City has been working with property owners to acquire sidewalk easements along the north side of Ten Mile Road between Dinser Drive and Woodham Road as part of the Segment 51 sidewalk project. The property owners at 48800 W Ten Mile Road, Larry and Faye Feindt, are opposed to the sidewalk, but they have proposed a counter-offer of just compensation to settle on the easement for the sum of \$20,000.00.

The easement property was originally valued at \$19,176.30 based on the City's Assessing values. The Feindts were offered this amount but requested an appraisal of the property. The easement property was appraised at \$13,500 based on recent property sales in the area. The Feindts rejected the appraised value and countered with \$20,000. The Engineering Division and City Attorney (Beth Saarela, 10/19/20) recommend settling with the property owners based on the counter-offerer being generally consistent with the Assessing valuation of the property.

**RECOMMENDED ACTION:** Acceptance of a sidewalk easement and approval of a proposed counter-offer of just compensation from Larry and Faye Feindt for construction of a sidewalk along the north side of Ten Mile Road between Dinser Drive and Woodham Road (parcel 50-22-20-376-019) in the amount of \$20,000.00.

# 48800 W 10 Mile Road Sidewalk Easement Location Map



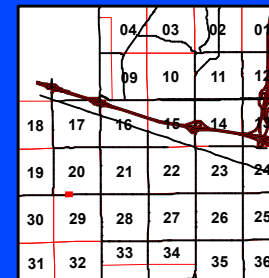
Map Author: Rebecca Runkel  
Date: 10/13/2020  
Project: Segment 51 Sidewalk  
Version #:

### 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.

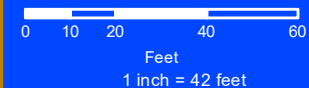


Easement Location



## City of Novi

Engineering Division  
Department of Public Works  
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

October 19, 2020

Jeffrey Herczeg, Director of Public Works  
City of Novi  
Field Services Complex  
26300 Lee BeGole Drive  
Novi, MI 48375

**RE: Segment 51 Sidewalk – 48800 Ten Mile  
Sidewalk Easement**

Dear Mr. Herczeg:

We have received and reviewed the Sidewalk Easement for the 48800 Ten Mile in connection with the Segment 51 Sidewalk Construction Project. The Sidewalk Easement provided is in the City's standard format and is consistent with the title search for the property.

The City obtained an appraisal for the value of the easement area. The easement property was appraised at \$13,500 based on recent property sales in the area. The easement property was originally valued at \$19,176.30 based on the City's Assessing values. The property owner rejected the appraised value and has provided a counteroffer requesting just compensation in the amount of \$20,000. The proposed settlement appears to be a reasonable proposal based on values set forth in Assessing records.

The Sidewalk Easement may be placed on an upcoming City Council Agenda for acceptance. Once accepted, the Sidewalk Easement should be recorded by the City Clerk's Office with the Oakland County Register of Deeds in the usual manner. It is our understanding that the City's Engineering Division has the original Sidewalk Easement for recording.

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  
October 19, 2020  
Page 2

Very truly yours,

ROSATI SCHULTZ JOPPICH  
& AMTSBUECHLER PC



Elizabeth Kudla Saarela

EKS

Enclosures

- C: Cortney Hanson, Clerk (w/ Enclosure)
- Ben Croy, City Engineer (w/Enclosure)
- Rebecca Runkel, Staff Engineer (w/Enclosure)
- Thomas R. Schultz, Esquire (w/Enclosure)

## SIDEWALK EASEMENT

NOW ALL MEN BY THESE PRESENTS, Lawrence R. Feindt and Faye A. Feindt, husband and wife, whose address is 48800 W. 10 Mile, Novi, MI 48375, for and in consideration of Twenty Thousand (\$20,000.00) 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 Ten Mile Road, Novi, Michigan 48375, a permanent easement for a public non-motorized pathway over across and through property located in Section 20, City of Novi, Oakland County, State of Michigan, more particularly described as follows:

{See attached and incorporated Exhibit A}

Parcel No. 50-22-20-376-019

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, but any area which sustains damages or disturbances from such activities must be reasonably restored by Grantee to the condition that existed prior to the damage or disturbance.

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

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 Area, 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 sidewalk 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 \_\_\_\_\_ day of \_\_\_\_\_, 2020.

**GRANTOR**

\_\_\_\_\_  
By: Lawrence R. Feindt

\_\_\_\_\_  
By: Faye A. Feindt

STATE OF MICHIGAN        )  
  ) SS  
COUNTY OF OAKLAND     )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_, by Lawrence R. Feindt and Faye A. Feindt, husband and wife

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

Drafted by:  
  
Elizabeth Kudla Saarela  
27555 Executive Drive, Suite 250  
Farmington Hills, MI 48331

When recorded return to:  
Cortney Hanson, Clerk  
City of Novi  
45175 Ten Mile  
Novi, MI 48375

**CONSENT TO EASEMENT**

As the holder of a mortgagee interest in and to the property referenced in the Sidewalk Easement, dated \_\_\_\_\_, 20\_\_, as shown in the Exhibit A attached hereto and incorporated herein, whereby Lawrence R. Feindt and Faye A. Feindt, husband and wife, grant and convey 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 \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

**CHARLEVOIX STATE BANK, a Michigan Corporation**

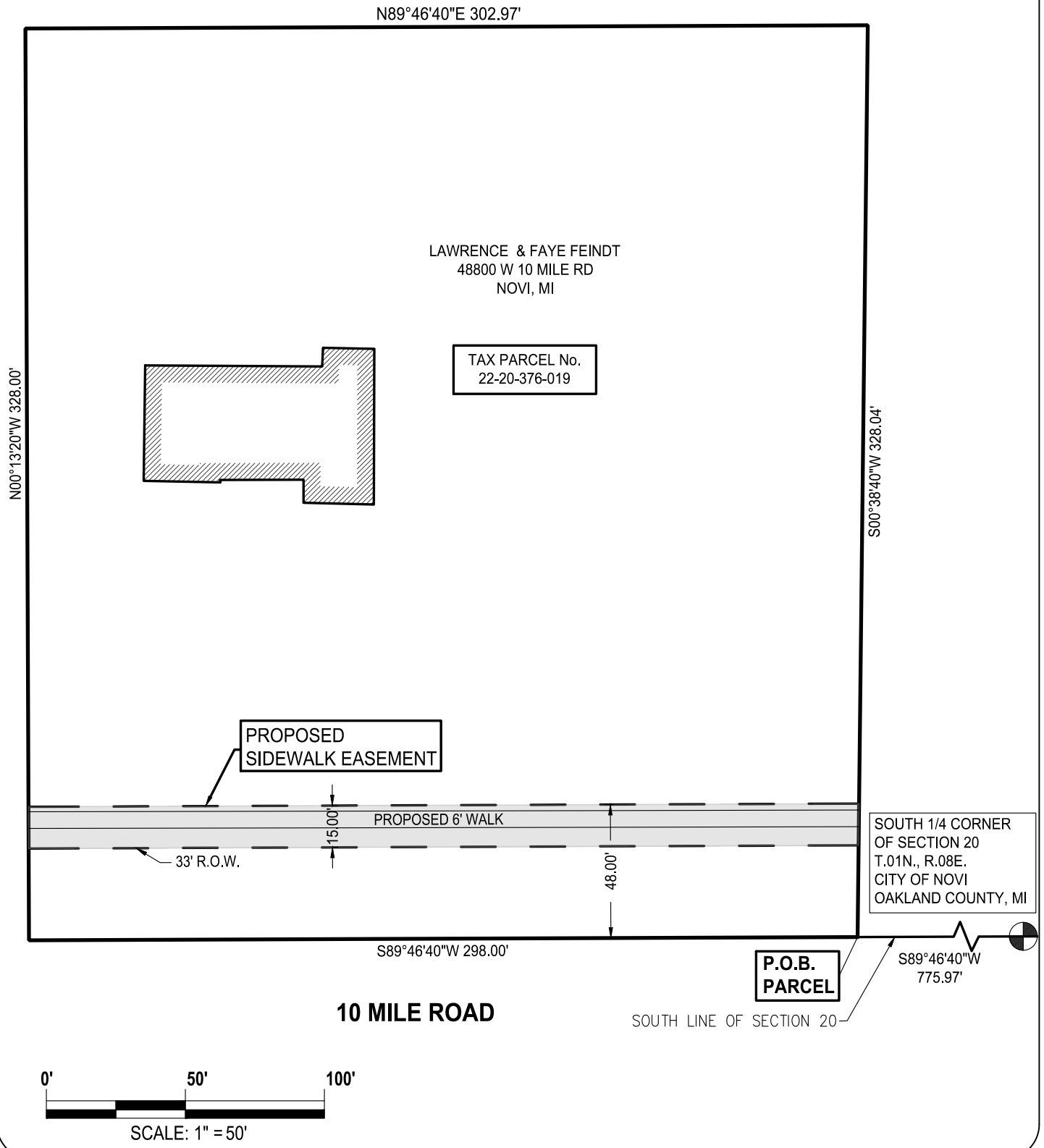
By: \_\_\_\_\_

STATE OF MICHIGAN    )  
  ) ss.  
COUNTY OF OAKLAND )

The foregoing Consent to Easement was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, by \_\_\_\_\_, the \_\_\_\_\_ of Charlevoix State Bank, on its behalf.

\_\_\_\_\_  
Notary Public  
Acting in Oakland County, MI  
My commission expires: \_\_\_\_\_

# SIDEWALK EASEMENT EXHIBIT 'A'



905 South Blvd. East Phone: (248) 844-5400  
 Rochester Hills, MI 48307 Fax: (248) 844-5440  
[www.sda-eng.com](http://www.sda-eng.com)

DRAWN: N.POOLE	DATE: 05-20-20
CHECKED: K.SIROIS	DATE: 05-20-20
MANAGER: M.DEDECKER	SCALE: 1" = 50'
JOB No. NV19006	SHEET: 1 OF 2
SECTION 20 TOWN 01 NORTH RANGE 08 EAST	
CITY OF NOVI	OAKLAND COUNTY, MI

Plotted: Jun 3, 2020, 3:50 PM by user: 793 - Saved: 6/3/2020 by user: 793  
 J:\NV\Design\NV19006-Ten Mile Sidewalk\DWG\NV19006EASE.dwg



# SIDEWALK EASEMENT EXHIBIT 'B'

## LEGAL DESCRIPTION

TAX PARCEL ID NO. 22-20-376-019  
SOURCE: ATA TITLE FILE NO: 63-19679630-SSP

A PARCEL OF LAND DESCRIBED AS FOLLOWS: CITY OF NOVI, COUNTY OF OAKLAND, STATE OF MICHIGAN TOWN 1 NORTH, RANGE 8 EAST, SECTION 20, PART OF THE SOUTHWEST 1/4, BEGINNING AT A POINT DISTANCE SOUTH 89 DEGREES 46 MINUTES 40 SECONDS WEST 775.97 FEET FROM THE SOUTH 1/4 CORNER; THENCE SOUTH 89 DEGREES 46 MINUTES 40 SECONDS WEST 298 FEET; THENCE NORTH 00 DEGREES 13 MINUTES 20 SECONDS WEST 328 FEET; THENCE NORTH 89 DEGREES 46 MINUTES 40 SECONDS EAST 302.97 FEET; THENCE SOUTH 00 DEGREES 38 MINUTES 40 SECONDS WEST 328.04 FEET TO THE POINT OF BEGINNING.

## 15' WIDE SIDEWALK EASEMENT

A 15 FOOT WIDE SIDEWALK EASEMENT BEING LOCATED IN THE SOUTHWEST 1/4 OF SECTION 20, TOWN 1 NORTH, RANGE 8 EAST, CITY OF NOVI, OAKLAND COUNTY, MICHIGAN, MORE PARTICULARILY DESCRIBED AS THE NORTH 15 FEET OF THE SOUTH 48 FEET OF THE FOLLOWING DESCRIBED PARCEL:

BEGINNING AT A POINT DISTANCE SOUTH 89 DEGREES 46 MINUTES 40 SECONDS WEST 775.97 FEET FROM THE SOUTH 1/4 CORNER; THENCE SOUTH 89 DEGREES 46 MINUTES 40 SECONDS WEST 298 FEET; THENCE NORTH 00 DEGREES 13 MINUTES 20 SECONDS WEST 328 FEET; THENCE NORTH 89 DEGREES 46 MINUTES 40 SECONDS EAST 302.97 FEET; THENCE SOUTH 00 DEGREES 38 MINUTES 40 SECONDS WEST 328.04 FEET TO THE POINT OF BEGINNING.



905 South Blvd. East  
Rochester Hills, MI 48307

Phone: (248) 844-5400  
Fax: (248) 844-5440

[www.sda-eng.com](http://www.sda-eng.com)

DRAWN: N.POOLE	DATE: 05-20-20
CHECKED: K.SIROIS	DATE: 05-20-20
MANAGER: M.DEDECKER	SCALE: NTS
JOB No. NV19006	SHEET: 2 OF 2
SECTION 20 TOWN 01 NORTH RANGE 08 EAST	
CITY OF NOVI	OAKLAND COUNTY, MI

**City of Novi**  
**Permanent Sidewalk Easement**  
**Novi, MI 48375**



RENDERING EXTRACTED VIA Oakland County Property Gateway

**OWNER OF RECORD:** Lawrence R. Feindt and Faye A. Feindt,  
48800 W. 10 Mile Rd.  
Novi, MI 48374

**PROPERTY LOCATION:** 48800 W. 10 Mile Rd.  
N. Side of 10 Mile Rd./W. of Beck Rd.  
Novi, MI 48374

**SIDWELL #:** 22-20-376-019

**INTEREST APPRAISED:** Permanent Sidewalk Easement

**CLIENT:** City of Novi  
c/o Elizabeth Kudla Saarela  
Attorney-at-Law  
**Rosati Schultz Joppich & Amtsbuechler, PC**  
27555 Executive Drive, Suite 250  
Farmington Hills, MI 48331

**DATE OF VALUATION:** August 3, 2020

**DATE OF REPORT:** August 18, 2020

**APPRAISED BY:** **R.S. Thomas & Associates, Inc. / *Harold Blake Co***  
*Andrew Boettcher*  
33580 Five Mile Road  
Livonia, MI 48154  
(734)422-5353  
[www.rsthbc-appraisers.com](http://www.rsthbc-appraisers.com)

August 18, 2020

Elizabeth Kudla Saarela  
Attorney-at-Law  
**Rosati Schultz Joppich & Amtsbuechler, PC**  
27555 Executive Drive, Suite 250  
Farmington Hills, MI 48331  
Email: [esaarela@rsjalaw.com](mailto:esaarela@rsjalaw.com)

Re: Appraisal of Real Property - Partial Acquisition  
Sidewalk Easement  
Single Family Residentially Improved  
48800 W. 10 Mile Rd.  
Novi, MI 48374  
Property ID#: 22-20-376-019

Dear Ms. Saarela:

Pursuant to your request, we have appraised the value of the partial acquisition pertaining to the captioned parcel of real estate. It is our understanding this appraisal is to be used for a determination of compensation relative to the partial acquisition for pathway purposes over a portion of 48800 W. 10 Mile Road in Novi, Michigan.

Based on the highest and best use of the subject property as of the date of value, and representative of typical market participants, the appraisers have utilized the sales comparison approach to value. The cost approach and income approach have been considered within the scope of the assignment, however, found not applicable. We are unaware of any wetland studies or environmental studies regarding the property. We have made an extraordinary assumption of the property free and clear of environmental hazards for the value conclusion. The purpose of this appraisal is to present our professional opinion of the market value of the area acquired for a permanent sidewalk easement including any damages to subject as a result of this acquisition.

33580 FIVE MILE ROAD, LIVONIA, MI 48154

This is established with the date of inspection by the appraiser on August 3, 2020 representing the date of value. The function of the report is to utilize the results for possible purchase of the defined portion of property. The appraisal assignment is not based on a requested minimum valuation or a specific valuation. The intended use is for the private use of the client to assist in the purchase of the defined portion of property. The report is not intended nor can be utilized for any other use including but not limited to tax appeal or lending.

The intended user of this report is identified as the Client only, and any authorized representatives of the Client. No other user is intended or authorized. All data and analyses reported herein are subject to the statement of limiting conditions and assumptions included in this report. Based on the information and analysis provided on the following pages, the market value for just compensation regarding the part taken as of August 3, 2020 is:

**Land Acquired in Permanent Easement:   \$13,500**

We have no interest in the property and our fee is in no way contingent upon the value reported herein. We have not performed services as an appraiser regarding the property that is the subject of this report within the three-year period immediately preceding acceptance of this assignment. Our analyses, opinions, and conclusions were developed and this report is intended to conform to the Uniform Standards of Professional Appraisal Practice of the Appraisal Foundation. Appraisers are required to be licensed/certified and are regulated by the Department of Licensing and Regulatory Affairs, Post Office Box 30018, Lansing Michigan 48909.

Respectfully submitted,

R.S. Thomas & Associates, Inc. / *Harold Blake Co.*



Andrew Boettcher

◆ Michigan Certified General Real Estate Appraiser - Permanent I.D. #1201003946

# VALUATION STATEMENT

Updated June 2020

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Property Owner(s): Lawrence & Faye Feindt

Address: 48800 W 10 Mile Rd  
Novi, MI 48374

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Area to be acquired (permanent):	<u>4,470</u>	square feet
Price per square foot	x \$ <u>4.29</u>	
Total	\$ <u>\$19,176.30</u>	Fee (Permanent)
	x 100% \$ <u>\$19,176.30</u>	Easement (Permanent)
Just Compensation	\$ <u>\$19,176.30</u>	

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ADDITIONAL INFORMATION:

Sidewalk gap infill construction.

PROJECT Segment 51 Sidewalk	PARCEL 50-22-20-376-019	NAME Lawrence & Faye Feindt
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