



## CITY of NOVI CITY COUNCIL

**Agenda Item L**  
**January 22, 2018**

**SUBJECT:** Acceptance of a sidewalk easement from Bolingbrooke Singh, LLC, as part of the Bolingbrooke site condominium development located west of Old Novi Road and Novi Road, north of Twelve ½ Mile Road (parcel 50-22-10-280-008).

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

**CITY MANAGER APPROVAL:**

**BACKGROUND INFORMATION:** \

The developer of Bolingbrooke site condominium development, Bolingbrooke Singh, LLC, is requesting the acceptance of a sidewalk easement to satisfy one of the conditions in the site plan approval process. As part of the approved site plan, the developer included an unobstructed concrete sidewalk along Twelve ½ Mile Road. The sidewalk extends outside of the proposed Twelve ½ Mile Road public right-of-way at the intersection with Novi Road. The remainder of the proposed sidewalk west and north of the easement limits will be constructed within the proposed Twelve ½ Mile Road and Old Novi Road public rights-of-way and the existing Novi Road public right-of-way.

The enclosed sidewalk easement has been favorably reviewed by the City Attorney (Beth Saarela, January 4, 2018) and the City Engineering consultant (Spalding DeDecker, December 21, 2017), and is recommended for approval.

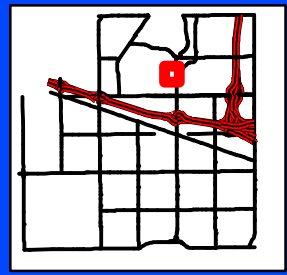
**RECOMMENDED ACTION:** Acceptance of a sidewalk easement from Bolingbrooke Singh, LLC, as part of the Bolingbrooke site condominium development located west of Old Novi Road, north of Twelve ½ Mile Road (parcel 50-22-10-280-008).

**Bolingbrooke**  
Sidewalk Easement Location Map



Map Author: Theresa Bridges  
Date: January 9, 2018  
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

Feet  
0 50 100 200 300  
1 inch = 251 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

January 4, 2018

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

**Re: *Bolingbroke Condominium JSP 17-34*  
Acceptance Documents**

Dear Mr. Herczeg:

We have received and reviewed the following documents for the Bolingbroke Condominium:

- Water System Easement (***Approved***)
- Bill of Sale – Water and Sanitary Sewer System (***Approved***)
- Sanitary Sewer Easement (***Approved***)
- Sidewalk Easement (***Approved***)
- Warranty Deed for 12 ½ Mile ROW (***Approved***)
- Warranty Deed for Old Novi Road ROW (***Approved***)
- Maintenance and Guarantee Bond (***Approved***)
- Title Search

**Water System and Sanitary Sewer Easement**

Bolingbroke Singh, LLC, seeks to convey the Water System and Sanitary Sewer Easements and corresponding Bill of Sale for water main and sanitary sewer facilities serving the Bolingbroke residential site condominium development, to the City. We have reviewed and approve the format and language of the above Water and Sanitary Sewer System Easements, corresponding Bill of Sale. The easements are consistent with the title commitment provided. The exhibits have been reviewed and approved by the City's Consulting Engineer.

The Maintenance and Guarantee Bond is in the City's standard format and is in place to guarantee the materials and workmanship of the water and sanitary sewer system facilities for two years from the date of acceptance.

**Sidewalk Easement**

The Sidewalk Easement is in the City's standard format and is acceptable. The exhibits have been reviewed and approved by the City's Consulting Engineer.

**Warranty Deeds**

The Warranty Deeds for Old Novi Road and 12 ½ Mile Road right-of-way appear to be in order. The exhibits have been reviewed and approved by the City's Consulting Engineer.

Once accepted pursuant to Affidavit of the City Engineer, the Water and Sanitary Sewer System Easements should be recorded with the Oakland County Register of Deeds in the usual manner.

The Warranty Deeds and Sidewalk Easement should be placed on an upcoming City Council Agenda for acceptance. Once accepted, they should be recorded with the Oakland County Register of Deeds in the usual manner. The Bill of Sale and Title Search should be retained in the City's file.

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

C: Cortney Hanson, Clerk (w/Enclosures-Originals)  
Charles Boulard, Community Development Director (w/Enclosures)  
Barb McBeth, City Planner (w/Enclosures)  
Sri Komaragiri, Planner (w/Enclosures)  
Hannah Smith, Planning Assistant (w/Enclosures)  
Angie Pawlowski, Community Development Bond Coordinator (w/Enclosures)  
George Melistas, Senior Engineering Manager (w/Enclosures)  
Theresa Bridges, Construction Engineer (w/Enclosures)  
Sarah Marchioni, Community Development Building Project Coordinator (w/Enclosures)  
Taylor Reynolds, and Ted Meadows, Spalding DeDecker (w/Enclosures)  
Sue Troutman, City Clerk's Office (w/Enclosures)  
Avtar Grewal, Singh Development (w/Enclosures)  
Mike Kahm, Singh Development (w/Enclosures)  
Thomas R. Schultz, Esquire (w/Enclosures)

**SIDEWALK EASEMENT**

NOW ALL MEN BY THESE PRESENTS, that Bolingbrooke Singh, LLC, whose address is 7125 Orchard Lake Road, Suite 200, West Bloomfield, MI 48322, for and in consideration of One (\$1.00) Dollar, 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 walkway over across and through property located in Section 10 and 11, T.1N., R.8E., City of Novi, Oakland County, State of Michigan, more particularly described as follows:

{See attached and incorporated Exhibit A – Property Description Exhibit}

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

{See attached and incorporated Exhibits B and C– Sidewalk Easement Area}

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

Grantee may install, repair, replace, improve, modify and maintain 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 structures or improvements on, over, across, in, through, or under the above-described easement.

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

Exempt pursuant to MCLA 207.505(a)  
And MCLA 207.526(a)

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

Dated this 11<sup>th</sup> day of DECEMBER, 2017

{Signature begins on following page}

Signed by:

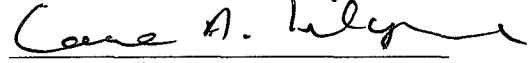
Bolingbrooke Singh, LLC  
a Michigan limited liability  
company



By: Avtar S. Grewal  
Its: Manager

STATE OF MICHIGAN     )  
                                  ) SS  
COUNTY OF OAKLAND

The foregoing instrument was acknowledged before me this 11<sup>th</sup> day of DECEMBER, 2017, by Avtar S. Grewal, Manager of Bolingbrooke Singh, LLC, to me known to be the person described in and who executed the foregoing instrument and acknowledged that they executed the same as his free act and deed.



Notary Public LAWRENCE A. KILGORE  
OAKLAND County, Michigan  
My Commission Expires: 12-20-22

Drafted by:

Elizabeth K. Saarela  
27555 Executive Drive, Suite 250  
Farmington Hills, MI 48331

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

438616\_1.DOC

LAWRENCE A. KILGORE  
NOTARY PUBLIC, STATE OF MI  
COUNTY OF OAKLAND  
MY COMMISSION EXPIRES Dec 20, 2022  
ACTING IN COUNTY OF OAKLAND

## EXHIBIT A

BOLINGBROOKE

LEGAL DESCRIPTION  
SUBJECT PROPERTY

Combined Tax Id. 22-10-280-004, -005, 008 and parcel A

A part of the Northeast 1/4 of Section 10 and Northwest 1/4 of Section 11, Town 1 North, Range 8 East, City of Novi, Oakland County, Michigan; being more particularly described as commencing at the East 1/4 Corner of said Section 10; thence North 89°01'34" West, 59.99 feet, along the East and West 1/4 line of said Section 10 and the centerline of 12 1/2 Mile Road, to the POINT OF BEGINNING, thence continuing North 89°01'34" West, 1068.47 feet, along the East and West 1/4 line of said Section 10 and the centerline of 12 1/2 Mile Road, (said point being South 89°01'34" East, 1577.90 feet, from the Center of said Section 10); thence North 00°36'29" East, 386.51 feet; thence North 89°01'34" West, 225.40 feet; thence North 00°36'29" East, 323.02 feet; thence South 89°04'50" East, 1346.32 feet, to the East line of said Section 10 and the centerline of Old Novi Road, (said point being Due South, 1922.70 feet, from the Northeast Corner of said Section 10); thence Due South, 325.64 feet, along the East line of said Section 10 to the Westerly line of Novi Road (relocated); thence 67.60 feet along a curve to the left, said curve having a radius of 281.73 feet, a central angle of 13°44'54" and a chord bearing and distance of South 44°59'58" East, 67.44 feet, along the Westerly right-of-way of Old Novi Road (relocated); thence 358.08 feet along a curve to the left, said curve having a radius of 635.00 feet, a central angle of 32°18'36" and a chord bearing and distance of South 17°44'24" West, 353.36 feet, along the Westerly right-of-way of Novi Road (relocated), to the POINT OF BEGINNING. All of the above containing 19.850 Acres. All of the above being subject to easements, restrictions and right-of-ways of record. All of the above being subject to the right of the public in 12 1/2 Mile Road and Old Novi Road.

## EXHIBIT B

BOLINGBROOKE

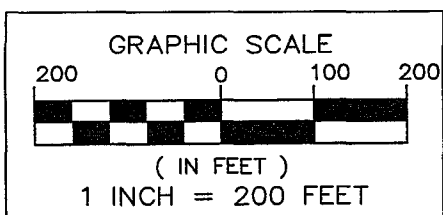
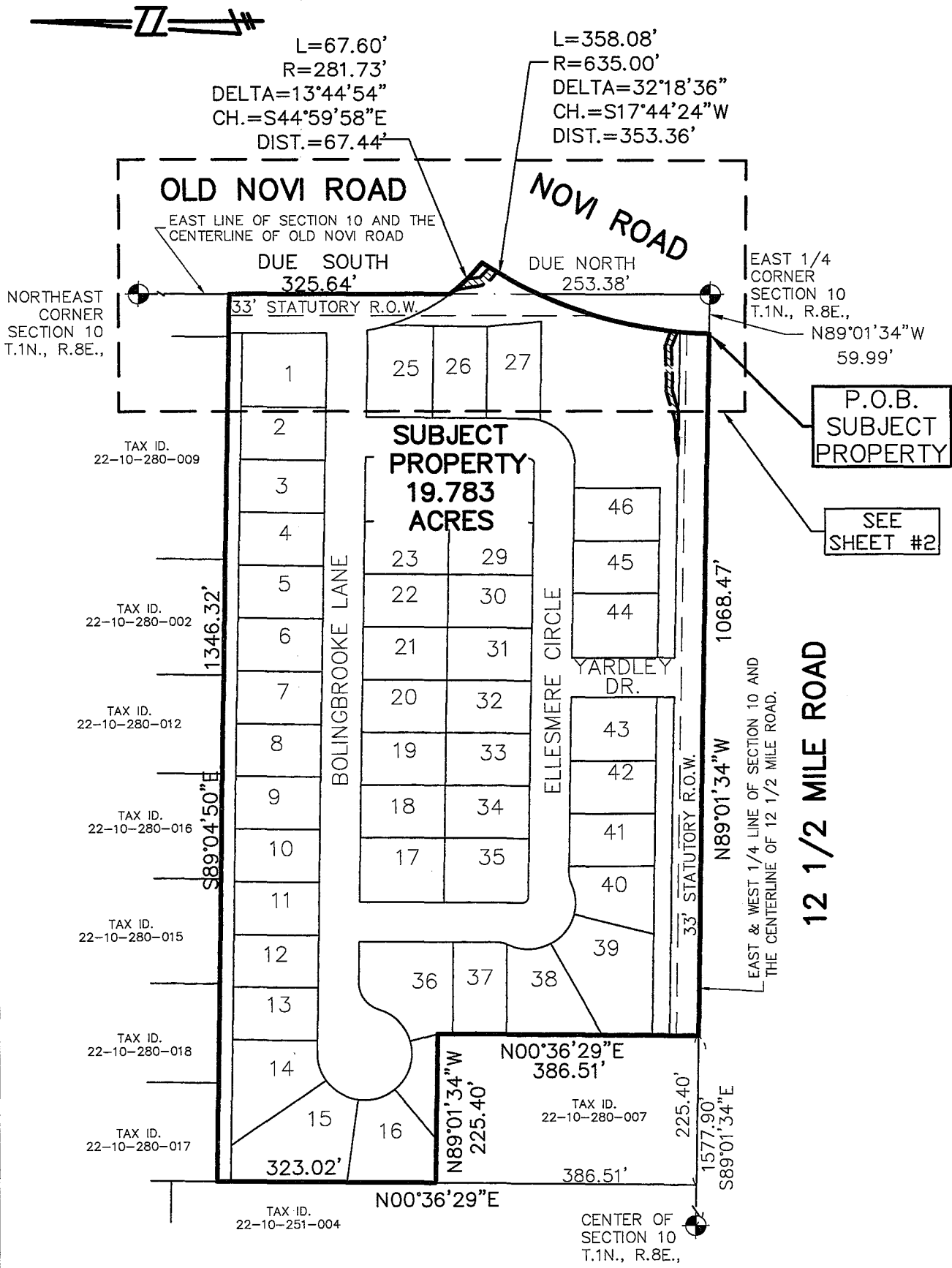
### LEGAL DESCRIPTION SIDEWALK EASEMENT

A Sidewalk Easement located in a part of the Northeast 1/4 of Section 10, Town 1 North, Range 8 East, City of Novi, Oakland County, Michigan; being more particularly described as commencing at the East 1/4 Corner of said Section 10; thence North 89°01'34" West, 59.99 feet, along the East and West 1/4 line of said Section 10 and the centerline of 12 1/2 Mile Road; thence 46.77 feet along a curve to the right, said curve having a radius of 635.00 feet, a central angle of 4°13'13" and a chord bearing and distance of North 03°41'42" East, 46.76 feet, for a POINT OF BEGINNING "A"; thence North 68°27'30" West, 25.43 feet; thence South 88°28'03" West, 66.81 feet; thence South 73°55'28" West, 33.15 feet; thence North 89°01'34" West, 66.57 feet; thence North 82°03'55" East, 25.45 feet; thence South 87°52'42" East, 22.14 feet; thence North 73°55'28" East, 51.57 feet; thence North 88°26'50" East, 69.52 feet; thence South 70°47'04" East, 24.97 feet, for a reference POINT "B"; thence 10.20 feet along a curve to the left, said curve having a radius of 635.00 feet, a central angle of 00°55'14" and a chord bearing and distance of South 06°15'56" West, 10.20 feet, to the POINT OF BEGINNING "A".

And also, commencing at said reference POINT "B"; thence 275.81 feet along a curve to the right, said curve having a radius of 635.00 feet, a central angle of 24°53'10" and a chord bearing and distance of North 19°10'08" East, 273.65 feet, for a POINT OF BEGINNING "C"; thence 44.40 feet along a curve to the right, said curve having a radius of 37.28 feet, a central angle of 68°14'16" and a chord bearing and distance of North 33°09'32" West, 41.82 feet; thence North 11°21'19" West, 27.44 feet; thence 25.08 feet along a curve to the left, said curve having a radius of 281.73 feet, a central angle of 05°06'02" and a chord bearing and distance of South 42°31'20" East, 25.07 feet; thence South 07°52'00" East, 19.62 feet; thence South 47°23'05" East, 20.43 feet; thence 12.01 feet along a curve to the left, said curve having a radius of 635.00 feet, a central angle of 01°05'00" and a chord bearing and distance of South 32°09'13" West, 12.01 feet, to the POINT OF BEGINNING "C". All of the above containing 0.049 Acres



# EXHIBIT C



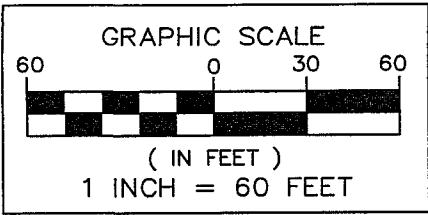
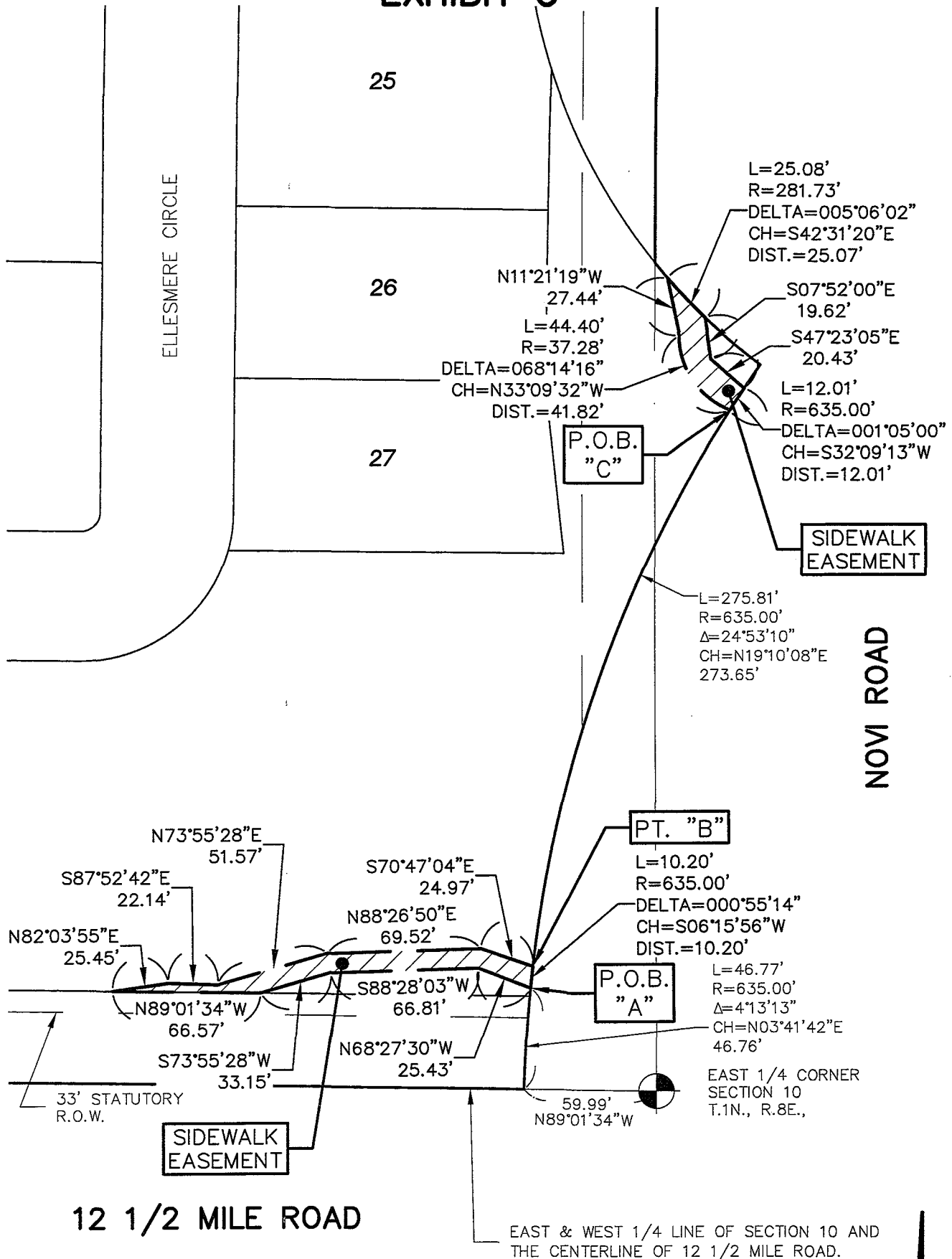
OVERALL SUBJECT PARCEL EXHIBIT AND SHEET INDEX  
 SIDEWALK EASEMENT

**SEIBER, KEAST ENGINEERING, L.L.C.**  
 CONSULTING ENGINEERS  
 100 MAINCENTRE • SUITE 10 • NORTHVILLE, MICHIGAN • 48167  
 PHONE: 248.308.3331 EMAIL: info@seiberkeast.com

**BOLINGBROOKE**  
 SECTION 10, TOWN 1 NORTH,  
 RANGE 8 EAST, CITY OF NOVI,  
 OAKLAND COUNTY, MICHIGAN

SCALE: 1" = 200'  
 DATE: 08-29-2017  
 JOB NO.: 01-016  
 DWG FILE: 01-016ESMT-SW  
 DRAWN BY: AT  
 CHECK: PK  
 SHEET: 1 OF 2

# EXHIBIT C



## SIDWALK EASEMENT



**SEIBER, KEAST ENGINEERING, L.L.C.**

CONSULTING ENGINEERS

100 MAINCENTRE • SUITE 10 • NORTHVILLE, MICHIGAN • 48167  
 PHONE: 248.308.3331 EMAIL: info@seiberkeast.com

**BOLINGBROOKE**

SECTION 10, TOWN 1 NORTH, RANGE 8 EAST, CITY OF NOVI, OAKLAND COUNTY, MICHIGAN

SCALE:	1" = 60'
DATE:	08-29-2017
JOB NO.:	01-016
DWG FILE:	01-016ESMT-SW
DRAWN BY:	AT
CHECK:	PK
SHEET:	2 OF 2

December 21, 2017

Avtar S. Grewal  
Singh Development, LLC  
7125 Orchard Lake Road Suite 200  
West Bloomfield, MI 48322

Re: Bolingbrooke - Acceptance Documents Review  
Novi # 14-0052  
SDA Job No. NV17-235  
**FINAL DOCUMENTS REQUIRED**

Dear Mr. Grewal:

We have reviewed the Acceptance Document Package received by our office on December 18, 2017 against the Final Site Plan (Stamping Set) approved on September 8, 2017 and against as-built field records. We offer the following comments:

**Final Acceptance Documents**

The following items must be provided prior to the issuance of a Temporary Certificate of Occupancy. All documents must be completed using black ink as the County will reject them otherwise.

1. **Water System Easement** – (executed: 12/11/2017) Exhibits Approved.
2. **Water System Easement in Future ROW** – (executed: exhibit dated 12/11/2017) Exhibits Approved. This documentation was included along with item #1.
3. **Sanitary Sewer Easement** – (executed: 12/11/2017) Exhibits Approved.
4. **Sanitary Sewer Easement in Future ROW** – (executed: 12/11/2017) Exhibits Approved. This documentation was included along with item #3.
5. **Storm Drainage Facility / Maintenance Easement Agreement** – (executed: 12/11/2017) Exhibits Approved.
6. **Warranty Deed for 12 ½ Mile Road Right-of-Way** – (executed: 12/11/2017) Exhibits Approved.
7. **Warranty Deed for Old Novi Road Right-of-Way** – (executed: 12/11/2017) Exhibits Approved
8. **Warranty Deed for Interior Streets Right-of-Way** – 60' Wide (**unexecuted**: exhibit dated 2/6/2017) Exhibits Approved.
9. **Sidewalk Easement for sidewalk outside of proposed ROW** - (executed: 12/11/2017) Exhibits Approved.
10. **Bills of Sale: Sanitary Sewer System and Water Supply System** – SUPPLIED - executed 12-11-2017

**11. Full Unconditional Waivers of Lien from contractors installing public utilities – NOT SUPPLIED – REQUIRED.**

**12. Sworn Statement signed by the developer - NOT SUPPLIED - REQUIRED**

Unless otherwise stated above, the documents as submitted were found to be acceptable by our office pending review by the City Attorney. Legal review will not occur until a current title policy is submitted to the City. For those documents which require revisions, please forward those revised documents to the City for further review and approval.


The City Attorney's Office will retain the original documents in their files until such time as they are approved and ready (notarized and executed properly) for the Mayor's signature.

**It should be noted** that the Plan Review Center Report dated August 3, 2017 contains all documentation requirements necessary prior to construction and occupancy of the facility.

If you have any questions regarding this matter, please contact this office at your convenience.

Sincerely,

**SPALDING DEDECKER**

  
Taylor E. Reynolds, PE  
Senior Project Engineer

Cc (via Email): Theresa Bridges, City Construction Engineer  
Cortney Hanson, City Clerk  
Sarah Marchioni, City Building Project Coordinator  
Ted Meadows, Spalding DeDecker  
George Melistas, City Engineering Senior Manager  
Angie Pawlowski, City Community Development Bond Coordinator  
Darcy Rechtien, City Construction Engineer  
Beth Saarela, Johnson Rosati, Schultz, Joppich PC  
Patrick Keast, Seiber Keast Engineering