



# CITY of NOVI CITY COUNCIL

**Agenda Item G**  
**February 8, 2016**

**SUBJECT:** Acceptance of a warranty deed from The Asbury Park Condominium Association and Asbury Park Development, LLC for the dedication of the master planned 60-foot right-of-way along 11 Mile Road as part of the Asbury Park Subdivision.

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

**CITY MANAGER APPROVAL:** *[Signature]*

**BACKGROUND INFORMATION:**

The Asbury Park Condominium Association, as the entity in control of the common elements of the condominium, and Asbury Park Development, LLC, the developer, have requested acceptance of the warranty deed conveying the master planned 60-foot right-of-way for 11 Mile Road along the frontage of the development. Asbury Park is located west of Taft Road on the north side of 11 Mile Road (see attached map). The condominium association and developer are offering the donation of the master planned right-of-way for 11 Mile Road as part of the approved site plan.

The enclosed warranty deed has been favorably reviewed by the City Attorney (Beth Saarela's January 6, 2016 letter, attached) and is recommended for approval.

**RECOMMENDED ACTION:** Acceptance of a warranty deed from The Asbury Park Condominium Association and Asbury Park Development, LLC for the dedication of the master planned 60-foot right-of-way along 11 Mile Road as part of the Asbury Park Subdivision.

	1	2	Y	N
Mayor Gatt				
Mayor Pro Tem Staudt				
Council Member Burke				
Council Member Casey				

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

# Asbury Park

## Right-of-Way Dedication

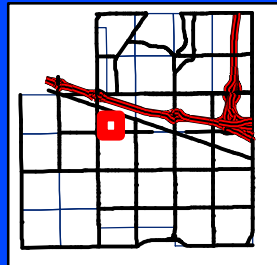


Map Author: A. Wayne  
 Date: 1/29/2016  
 Project:  
 Version #:

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](http://cityofnovi.org)



1 inch = 300 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.johnsonrosati.com

January 6, 2016

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

**Re: Asbury Park SP01-82  
Review for Acceptance – Utilities and Right-of-Way**

Dear Mr. Hayes:

We have received and reviewed, and enclosed please find, the following documents for the Asbury Park Site Condominium Development:

- Sanitary Sewer System Easement
- Water System Easement
- Title Commitment
- Bill of Sale for utilities
- Maintenance and Guarantee Bond (Paving)
- Warranty Deed (Eleven Mile Road)
- Warranty Deed (interior Roads)
- Bill of Sale (Paving)

We have the following comments relating to the above-named documents:

**Water System and Sanitary Sewer System Easements**

Asbury Park Development, LLC and the Asbury Park Homeowners Association seek to convey the water and sanitary sewer system facilities serving Asbury Park Site Condominium Development. We have reviewed and approve the format and language of the above Water and Sanitary Sewer System Easements and corresponding Bill of Sale. The exhibits have been reviewed and approved by the City's Engineering Division. A waiver of the Maintenance and Guarantee Bond for utilities was granted by City Council on December 7, 2015.

The Water System and Sanitary Sewer System Easements may be accepted by Affidavit of the City Engineer. The Bills of Sale, Maintenance and Guarantee Bond and Title Insurance Policy should remain in the City's file.

### **Warranty Deeds**

The Warranty Deeds for 60-foot Right-of-Way along Eleven Mile Road and the internal condominium roads is in the City's standard format. There is no existing mortgage on the property therefore no discharge is required. The legal descriptions have been reviewed and approved by the City's Engineering Division. The Warranty Deeds are acceptable for the purpose provided and should be placed on an upcoming City Council Agenda for acceptance. Once accepted, both original deeds should be forwarded to the Oakland County Register of Deeds for recording.

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

EMK  
Enclosures

- C: Maryanne Cornelius, Clerk (w/Original Enclosures)
- Charles Boulard, Community Development Director (w/Enclosures)
- Barb McBeth, Deputy Community Development Director (w/Enclosures)
- Sheila Weber, Treasurer's Office (w/Enclosures)
- Kristin Pace, Treasurer's Office (w/Enclosures)
- Adam Wayne, Construction Engineer (w/Enclosures)
- Aaron Staup, Construction Engineering Coordinator (w/Enclosures)
- Sarah Marchioni, Building Permit Coordinator (w/Enclosures)
- Sue Troutman, City Clerk's Office (w/Enclosures)
- Mark Paulson and Claudio Rossi, Mirage Development (w/Enclosures)
- Mark Adams, Esquire (w/Enclosures)
- Lawrence Swistak, Esquire (w/Enclosures)
- Thomas R. Schultz, Esquire (w/Enclosures)

**WARRANTY DEED**  
**Asbury Park Subdivision – 11 Mile Rd. Right of Way**

KNOW ALL MEN BY THESE PRESENTS, that Asbury Park Development, LLC, a Michigan limited liability company, whose address is 45380 W. Ten Mile Road, Novi, MI 48375, and the Asbury Park Homeowners Association, Inc., a Michigan non-profit corporation, whose address is 26223 Mandalay Circle, Novi, MI 48374 (collectively "Grantor"), convey and warrant to City of Novi, a Michigan Municipal Corporation, whose address is 45175 Ten Mile Road, Novi, Michigan 48375, the following described premises situated in the City of Novi for right-of-way purposes, County of Oakland, State of Michigan, to wit:

See attached Exhibit "A" attached hereto and made a part hereof.

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, for the sum of One and no/100-----Dollars (\$1.00), subject to easements and building and use restrictions, if any, the lien of taxes not yet due and payable, and zoning ordinances.

THE PROPERTY CONVEYED BY THIS DEED MAY BE LOCATED WITHIN THE VICINITY OF FARM LAND OR A FARM OPERATION. GENERALLY ACCEPTED AGRICULTURAL AND MANAGEMENT PRACTICES WHICH MAY GENERATE NOISE, DUST, ODORS, AND OTHER ASSOCIATED CONDITIONS MAY BE USED AND ARE PROTECTED BY THE MICHIGAN RIGHT TO FARM ACT.

Grantor grants to Grantee the right to make zero (0) divisions under Section 108 of the Land Division Act, Act No. 288 of the Public Acts of 1967, MCL 560.108, as amended.

Dated this 17th day of December, 2015.

GRANTOR:

Asbury Park Development, LLC  
a Michigan limited liability company

By: 

Its:

MANAGER  
Claudio Rossi

{SIGNATURES CONTINUE ON FOLLOWING PAGE}

STATE OF MICHIGAN )  
 ) ss.  
COUNTY OF OAKLAND)

On this 17<sup>th</sup> day of December, 2015 before me, personally appeared the above named Claudio Rossi, the Manager of Asbury Park Development, LLC, and 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.

ANGELA PAWLOWSKI  
NOTARY PUBLIC, STATE OF MI  
COUNTY OF OAKLAND  
MY COMMISSION EXPIRES Oct 8, 2017  
ACTING IN COUNTY OF Oakland

Angela Pawlowski  
Notary Public  
Acting in Oakland County, MI  
My commission expires October 2017

GRANTOR:

**Asbury Park Homeowners Association, Inc.**  
a Michigan non-profit corporation

By: Patrick Torossian  
Its: APHOA PRESIDENT.  
Patrick Torossian

STATE OF MICHIGAN )  
 ) ss.  
COUNTY OF OAKLAND)

On this 17<sup>th</sup> day of December, 2015 before me, personally appeared the above named Patrick Torossian, the HOA President of Asbury Park Homeowners Association, Inc., 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.

**SARAH MARCHIONI**  
Notary Public, Oakland County, MI  
Acting in the County of Oakland  
My Commission Expires Nov. 10, 2016

Sarah Marchioni  
Notary Public  
Acting in Oakland County, MI

My commission expires 11/10/16

When Recorded Return to: Maryanne Cornelius, Clerk City of Novi 45175 Ten Mile Road Novi, MI 48375-3024	Send Subsequent Tax Bills to: City of Novi 45175 Ten Mile Road Novi, Michigan 48375	Drafted by: Elizabeth K. Saarela 27555 Executive Drive, Suite 250 Farmington Hills, Michigan 48331
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Job No. \_\_\_\_\_ Recording Fee \_\_\_\_\_ Transfer Tax \$0

**EXHIBIT A**

**Legal Description for 11 Mile Rd. Right of Way**

**WARNER, CANTRELL & PADMOS, INC.**

CIVIL ENGINEERS & LAND SURVEYORS

27300 Haggerty Road, Suite F2

Farmington Hills, MI 48331

Phone: (248) 848-1666

Fax: (248) 848-9896

**EXHIBIT "A"**

**PROPOSED 60.00 FT. RIGHT OF WAY DEDICATION 11 MILE ROAD  
ASBURY PARK CONDOMINIUM**

PART OF THE SOUTHWEST 1/4 OF SECTION 16, T.1N., R.8E., CITY OF NOVI, OAKLAND COUNTY, MICHIGAN, BEING DESCRIBED AS BEGINNING AT A POINT ON THE SOUTH LINE OF SAID SECTION 16 AND THE CENTERLINE OF ELEVEN MILE ROAD (66.00 FEET WIDE), N.87°35'21"E., 982.00' FROM THE SOUTHWEST CORNER OF SECTION 16; THENCE N.01°18'40"W, 60.00'; THENCE N.87°35'21"E., 580.83'; THENCE S.01°47'47"E., 60.00' TO A POINT ON THE SOUTH LINE OF SAID SECTION 16; THENCE S.87°35'21"W., 581.34' ALONG SAID SOUTH LINE OF SECTION 16 TO THE POINT OF BEGINNING.

ALSO INCLUDING A PART OF THE SOUTHEAST 1/4 OF SECTION 16, T.1N., R.8E., CITY OF NOVI, OAKLAND COUNTY, MICHIGAN, BEING DESCRIBED AS BEGINNING AT THE SOUTH 1/4 CORNER OF SAID SECTION 16 AND PROCEEDING THENCE N.01°41'39"W., 60.00'; THENCE N.87°49'54"E, 165.00'; THENCE S.01°41'39"E., 60.00' TO A POINT ON THE SOUTH LINE OF SAID SECTION 16; THENCE S.87°49'54"W., 165.00' ALONG SAID SOUTH LINE OF SECTION 16 TO THE POINT OF BEGINNING. CONTAINING 44,765 SQUARE FEET OR 1.028 ACRES OF LAND.



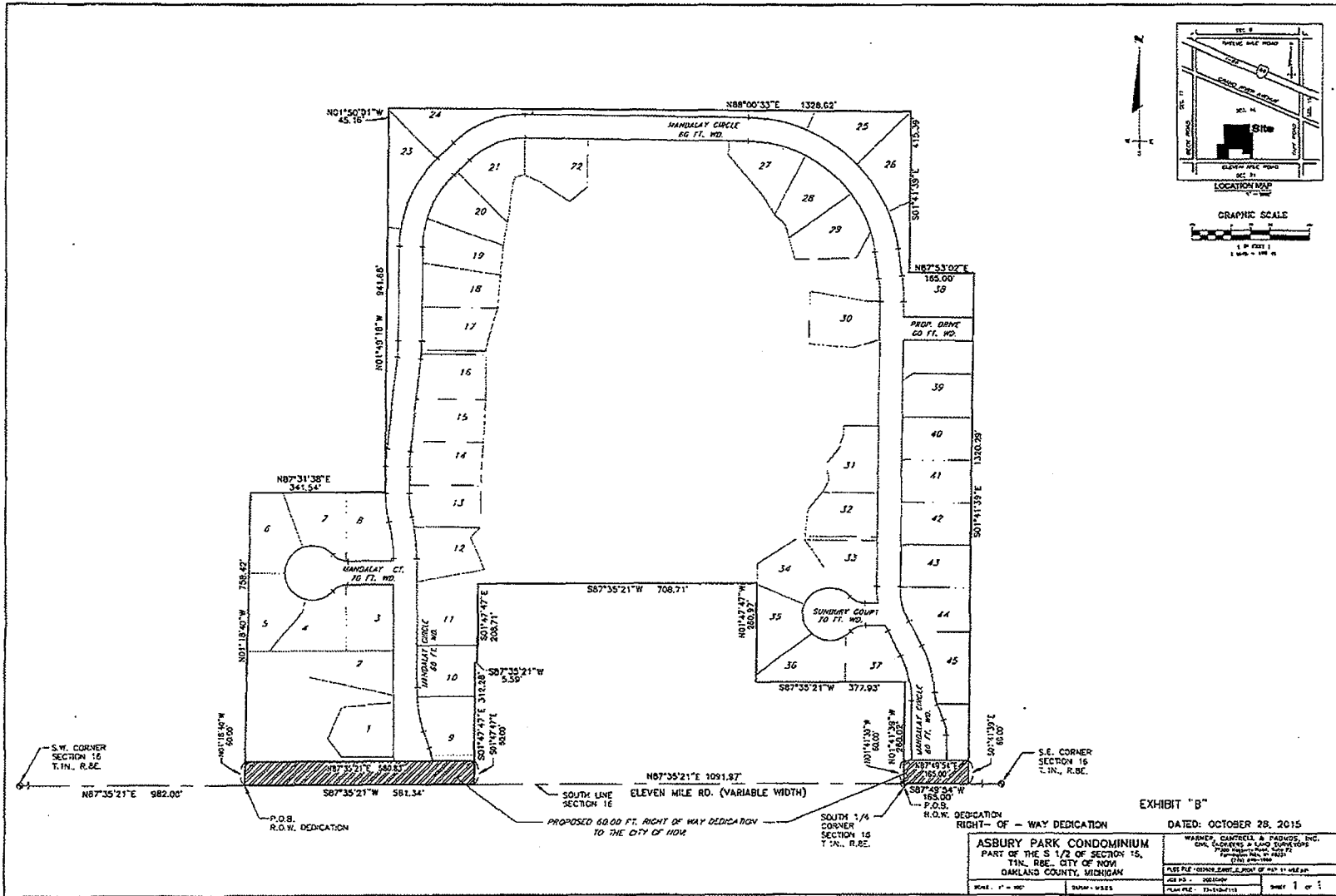


EXHIBIT "B"

DATED: OCTOBER 28, 2015

ASBURY PARK CONDOMINIUM  
 PART OF THE S 1/2 OF SECTION 15,  
 T.1N., R.8E., CITY OF NOVI  
 OAKLAND COUNTY, MICHIGAN

WARNER, CANTRELL & FRINGS, INC.  
 CIVIL ENGINEERS & LAND SURVEYORS  
 7700 W. BROADVIEW AVE., SUITE 100  
 TROY, MI 48068  
 (313) 486-1100

SCALE: 1" = 100'

SHEET 1 OF 1