



**CITY OF NOVI CITY COUNCIL
NOVEMBER 23, 2020**

SUBJECT: Acceptance of a sidewalk easement from LeMarbe Holdings, LLC along the south side of Grand River Avenue between Wixom Road and Beck Road for the Hadley's Towing property (parcel 50-22-17-101-006).

SUBMITTING DEPARTMENT: Department of Public Works, Engineering Division

BACKGROUND INFORMATION: The Engineering Division requests the acceptance of the sidewalk easement for the portion of sidewalk proposed outside the Grand River Avenue right-of-way that matches an existing sidewalk.

This portion of sidewalk is being constructed as part of the approved site plan for Hadley's Towing. The location on private property is due to the alignment of the existing sidewalk, to be matched across the existing driveway.

The enclosed easement has been favorably reviewed by the City Attorney (Beth Saarela, September 30, 2020) and the City Engineering consultant (Spalding DeDecker, September 9, 2020). The sidewalk easement is recommended for acceptance.

RECOMMENDED ACTION: Acceptance of a sidewalk easement from LeMarbe Holdings, LLC along the south side of Grand River Avenue between Wixom Road and Beck Road for the Hadley's Towing property (parcel 50-22-17-101-006).

Hadley's Towing Sidewalk Easement

Location Map

Twelve Mile Rd

Grand River Ave

Sidewalk Easement

Hadley's Towing
50-22-17-101-006

Map Author: Victor Boron
Date: 11/09/2020
Project: Hadley's Towing Sidewalk Easement
Version: 1.0

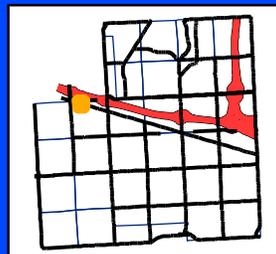
Amended By:
Date:
Department:

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 332 of 1970 as amended. Please contact the City GIS Manager to confirm source and accuracy information related to this map.

Legend

- Right of Way
- Dedicated
- Highway Easement
- Prescriptive
- Private



City of Novi

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

0 30 60 120 180
Feet
1 inch = 140 feet



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

September 30, 2020

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

**RE: Hadley's Towing JSP 20-0023
Sidewalk Easement**

Dear Mr. Herczeg:

We have received and reviewed the Sidewalk Easement for the Hadley's Towing Development. The Sidewalk Easement provided is in the City's standard format and is consistent with the title search for the property. 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.

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

Very truly yours,

ROSATI SCHULTZ JOPPICH
& AMTSBUECHLER PC

A handwritten signature in black ink, appearing to read 'Elizabeth Kudla Saarela', is written over the typed name. The signature is fluid and cursive.

Elizabeth Kudla Saarela

EKS
Enclosures

Jeffrey Herczeg, Director of Public Works
City of Novi
September 30, 2020
Page 2

C: Cortney Hanson, Clerk (w/Original Enclosure)
Charles Boulard, Community Development Director (w/Enclosure)
Barb McBeth, City Planner (w/Enclosure)
Lindsay Bell, Planner (w/Enclosure)
Christian Carroll, Planner (w/Enclosure)
Madeleine Kopko, Planning Assistant (w/Enclosure)
Angie Sosnowski, Community Development Bond Coordinator (w/Enclosure)
Kate Richardson, Plan Review Engineer (w/Enclosure)
Ben Croy, City Engineer (w/Enclosure)
Victor Boron, Civil Engineer (w/Enclosure)
Rebecca Runkel, Staff Engineer (w/Enclosure)
Sarah Marchioni, Community Development Building Project Coordinator (w/Enclosure)
Michael Freckelton/Taylor Reynolds/Ted Meadows, Spalding DeDecker (w/Enclosure)
Sue Troutman, City Clerk's Office (w/Enclosure)
Kipp LeMarbe, LeMarbe Holdings (w/Enclosure)
Thomas R. Schultz, Esquire (w/Enclosure)

SIDEWALK EASEMENT

NOW ALL MEN BY THESE PRESENTS, that LeMarbe Holdings, LLC., whose address is 24826 Hathaway Street, Farmington Hills, Michigan, 48336, 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 17, 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 Exhibit B – 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 28th day of August, 2020.

{Signature begins on following page}

Signed by:

LeMarbe Holdings, LLC., a Michigan Limited Liability Company

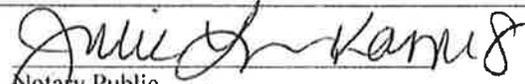


By: Kipp LeMarbe, its Managing Member

STATE OF MICHIGAN)
) SS
COUNTY OF Oakland)

The foregoing instrument was acknowledged before me this 28th day of August, 2022 by Kipp LeMarbe, Managing Member of LeMarbe Holdings, LLC.

JULIE LYNN KARNES
Notary Public, State of Michigan
County of Oakland
My Commission Expires 07-03-2025
Acting in the County of Oakland

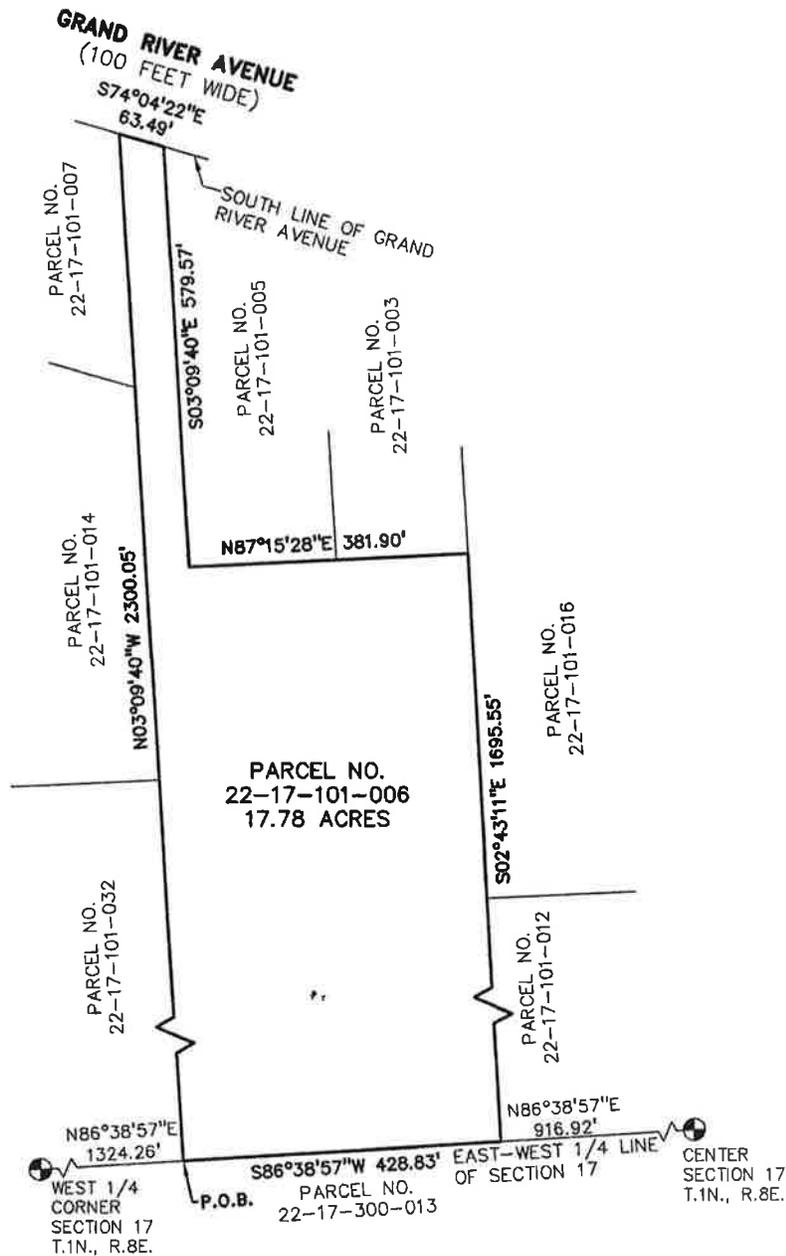

Notary Public
Oakland County, Michigan
My Commission Expires: 7/3/2025

Drafted by:

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

438616_1.DOC

EXHIBIT A



LEGAL DESCRIPTION - PARCEL NO. 22-17-101-006 (BY OTHERS)

PART OF THE NORTHWEST 1/4 OF SECTION 17, T.1N., R.8E., CITY OF NOVI, OAKLAND COUNTY, MICHIGAN DESCRIBED AS BEGINNING AT A POINT ON THE EAST-WEST 1/4 LINE OF SAID SECTION 17, SAID POINT BEING N86°38'57"E, 1324.26 FEET FROM THE WEST 1/4 CORNER OF SAID SECTION 17; THENCE N03°09'40"W, 2300.05 FEET TO THE SOUTH LINE OF GRAND RIVER AVENUE; THENCE S74°04'22"E ALONG SAID SOUTH LINE, 63.49 FEET; THENCE S03°09'40"E, 579.57 FEET; THENCE N87°15'28"E, 381.90 FEET; THENCE S02°43'11"E, 1695.55 FEET TO A POINT ON THE EAST-WEST 1/4 LINE OF SAID SECTION 17; THENCE S86°38'57"W ALONG SAID EAST-WEST 1/4 LINE, 428.83 FEET TO THE POINT OF BEGINNING. CONTAINING 17.78 ACRES AND SUBJECT TO EASEMENTS AND RIGHT-OF-WAYS OF RECORD.



51147 W. Pontiac Trail
Wixom, MI 48393
Phone: (248) 668-0700
Fax: (248) 668-0701

CLIENT:

HADLEY'S TOWING

PARCEL NO. 22-17-101-006

PARCEL NO. 22-17-101-006
SECTION: 17 TOWNSHIP: 1 N. RANGE: 8 E.
CITY OF NOVI
OAKLAND COUNTY
MICHIGAN

DATE: 8-1-2018

DRAWN BY: RMS

CHECKED BY: JMF

0 100 200

FBK: ---

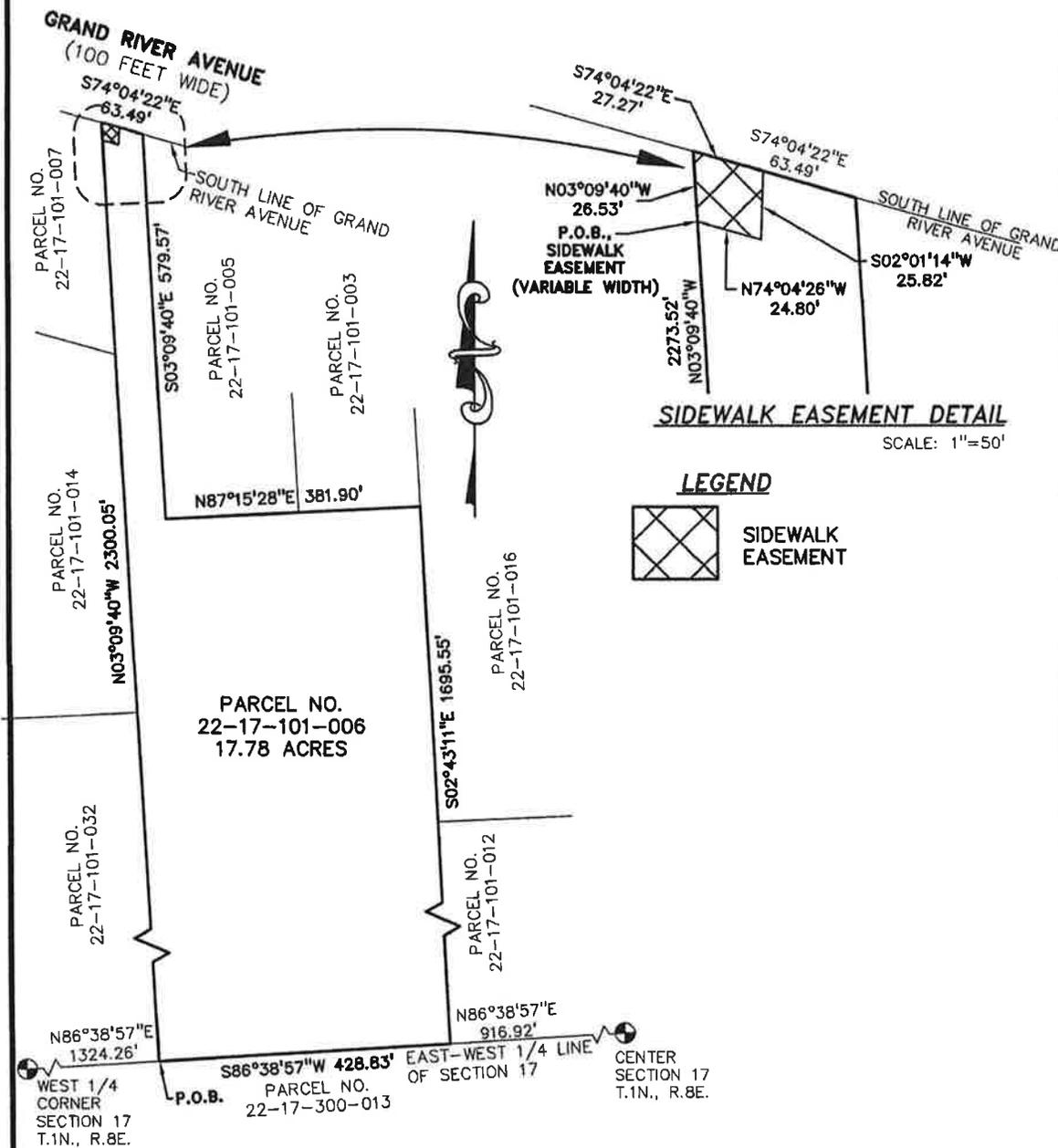
CHF: ---

SCALE HOR 1"= 200 FT.
VER 1"= --- FT.

1 OF 2

16-206

EXHIBIT B



VARIABLE WIDTH SIDEWALK EASEMENT DESCRIPTION:

A VARIABLE WIDTH SIDEWALK EASEMENT BEING PART OF THE NORTHWEST 1/4 OF SECTION 17, T.1N., R.8E., CITY OF NOVI, OAKLAND COUNTY, MICHIGAN, DESCRIBED AS COMMENCING AT THE WEST 1/4 CORNER OF SAID SECTION 17; THENCE N86°38'57\"E, 1324.26 FEET; THENCE N03°09'40\"W, 2273.52 FEET TO THE **POINT OF BEGINNING**; THENCE CONTINUING N03°09'40\"W, 26.53 FEET TO THE SOUTH LINE OF GRAND RIVER AVENUE; THENCE S74°04'22\"E ALONG SAID SOUTH LINE, 27.27 FEET; THENCE S02°01'14\"W, 25.82 FEET; THENCE N74°04'26\"W, 24.80 FEET TO THE **POINT OF BEGINNING**.



GREENTECH
ENGINEERING, INC.

CIVIL ENGINEERS & LAND SURVEYORS

51147 W. Pontiac Trail
Wixom, MI 48393
Phone: (248) 668-0700
Fax: (248) 668-0701

CLIENT:

HADLEY'S TOWING

SIDEWALK EASEMENT

PARCEL NO. 22-17-101-006
SECTION: 17 TOWNSHIP: 1 N. RANGE: 8 E.
CITY OF NOVI
OAKLAND COUNTY
MICHIGAN

DATE: 8-1-2018

DRAWN BY: RMS

CHECKED BY: JMF

0 100 200

FBK: --

CHF: --

SCALE HOR 1"=200 FT.
VER 1"=50 FT.

2 OF 2

16-206

September 9, 2020

Jeff Herczeg
City of Novi
26300 Lee BeGole Drive
Novi, Michigan 48375

Re: Hadley's Towing - Acceptance Documents Review
Novi # JSP16-0033
SDA Job No. NV17-225
FINAL DOCUMENTS APPROVED

Dear Mr. Herczeg:

We have reviewed the Acceptance Document Package received by our office on September 8, 2020 against the Final Site Plan (Stamping Set) approved on May 31, 2018 and our field records. We offer the following comments:

Final Acceptance Documents

The easement descriptions have been reviewed against the as-built plans. 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. Storm Drainage Facility / Maintenance Easement Agreement
Executed August 28, 2020
Exhibits A, B, C, & D Approved
2. Storm Sewer Easement
Unexecuted, exhibit dated 4/26/18
Exhibits Approved
3. Cross Access Easement
(Previously submitted)
Executed 4/4/18: exhibit dated 1/15/18
Exhibits Approved
4. Ingress/Egress Easement
(Previously submitted)
Executed 4/16/18: exhibit dated 4/10/18
Exhibits Approved
5. Sidewalk Easement
Executed August 28, 2020
Exhibits Approved

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.

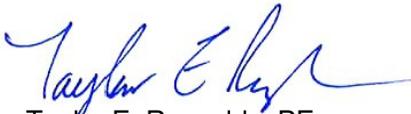
It should be noted that the Plan Review Center Report dated April 12, 2018 contains all documentation requirements necessary prior to construction and occupancy of the facility.

Note all revisions and submittals to address the comments in the review should be submitted directly to the City of Novi Community Development Department.

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

Sincerely,

SPALDING DEDECKER



Taylor E. Reynolds, PE
Project Coordinator

Cc (via Email): Victor Boron, City of Novi
 Michael Freckelton, Spalding DeDecker
 Courtney Hanson, City of Novi
 Madeleine Kopko, City of Novi
 Sarah Marchioni, City of Novi
 Ted Meadows, Spalding DeDecker
 Kate Richardson, City of Novi
 Beth Saarela, Rosati, Schultz, Joppich, Amtsbuechler
 Angie Sosnowski, City of Novi