



**CITY OF NOVI CITY COUNCIL  
AUGUST 30, 2021**

**SUBJECT:** Approval to pay an additional \$11,970 to Haggerty Project, LLC, the owner of 21333 Haggerty, for an extension of a temporary grading easement associated with sidewalk construction.

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

<b>EXPENDITURE REQUIRED</b>	<b>\$ 11,970.00</b>
<b>AMOUNT BUDGETED</b>	<b>\$ 228,075.00 (FY 2020-21 Budget Rollover)</b>
<b>APPROPRIATION REQUIRED</b>	<b>\$ 0</b>
<b>LINE ITEM NUMBER</b>	<b>204-204.00-974.478</b>

**BACKGROUND INFORMATION:**

The City obtained a permanent sidewalk easement and a temporary grading easement from the owner of 21333 Haggerty Road (parcel 22-36-400-019), Haggerty Project, LLC, in November 2019 for the construction of a sidewalk on the west side of Haggerty Road between Eight Mile Road and Nine Mile Road. As approved by City Council on November 25, 2019, the City paid Haggerty Project, LLC \$23,000 for the easement. The temporary grading easement was needed to grade outside of the permanent easement area for the construction of a retaining wall required to provide an ADA compliant sidewalk. The temporary grading easement terminated on January 20, 2021, one year after the easement was signed.

In December 2020, the City's consultant, OHM Advisors, requested an extension of the temporary grading easement from Haggerty Project, LLC due to underground cables that conflicted with the construction of the retaining wall. Haggerty Project, LLC verbally granted an extension of the temporary grading easement through May 2021. OHM Advisors and the contractor, Merlo Construction, contacted the owners of the underground cables (DTE Energy and Comcast Corporation) to request relocation of the cables after Miss DIG identified the owners of the cables. DTE Energy relocated their

cable in early April 2021. The relocation of the Comcast cable is in progress and is expected to be complete by the end of August.

The property owner is now requesting compensation for the easement extension due to the delay in completing construction of the retaining wall. The City Attorney has reviewed the request and provided a response in favor of the requested amount of \$11,970 (Beth Saarela, August 12, 2021).

**RECOMMENDED ACTION:** Approval to pay an additional \$11,970 to Haggerty Project, LLC, the owner of 21333 Haggerty, for an extension of a temporary grading easement associated with sidewalk construction.




# 21333 Haggerty Road Location Map



Map Author: Rebecca Runkel  
Date: 8-16-21  
Project: 21333 Haggerty  
Version #: 1.0

**MAP INTERPRETATION NOTICE**

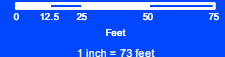
Map information depicted is not intended to replace or substitute for any official or primary source. This map was intended to meet National Map Accuracy Standards and use the most recent, accurate sources available to the people of the City of Novi. Boundary measurements and area calculations are approximate 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.

-  Sidewalk Location
-  Permanent Sidewalk Easement
-  Temporary Sidewalk Easement

				04	03	02	01
				09	10	11	12
18	17	16	15	14	13		
19	20	21	22	23	24		
30	29	28	27	26	25		
31	32	33	34	35	36		



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



RECEIVED  
OAKLAND COUNTY  
REGISTER OF DEEDS

2020 FEB 28 AM 10:48

CITY OF NOVI CITY CLERK'S OFFICE  
CITY OF NOVI CITY CLERK'S OFFICE  
2020 MAY 14 A 11:14  
2020 MAR -7 A 10:42

82684  
LIBER 54127 PAGE 870  
\$26.00 MISC RECORDING  
\$4.00 REMONUMENTATION  
\$206.40 TRANSFER TX COMBINED  
04/24/2020 01:20:40 P.M. RECEIPT# 59441  
PAID RECORDED - OAKLAND COUNTY  
LISA BROWN, CLERK/REGISTER OF DEEDS

**SIDEWALK EASEMENT**

KNOW ALL MEN BY THESE PRESENTS, that, HAGGERTY PROJECT, LLC, a Michigan limited liability company, whose address is 37000 Grand River, Ste 360, Farmington Hills, MI 48355, hereinafter referred to as ("Grantor"), being title holder to the following described parcel of land, to wit:

Description of Parcel:

**See Exhibit "A"**

Tax Identification Number: 50-22-36-400-019

for and in consideration of Twenty-Three Thousand and Nine-Hundred and Forty (\$23,940.00) Dollars, receipt of which is hereby acknowledged, does hereby grant and convey to the City of Novi, a Michigan Municipal Corporation, whose address is 45175 Ten Mile Road, Novi, MI 48375, (hereinafter referred to as "Grantee"), a permanent sidewalk easement, over, upon, across, in, through, and under the following described real property to wit:

**See Exhibit "A"**

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 A, and to enter upon sufficient land adjacent to said sidewalk easement as reasonably necessary for the purpose of exercising the rights and privileges granted herein.

Grantee may install, repair, replace and maintain and all necessary appurtenances thereto, within the easement herein granted. Grantor shall have no liability and shall not be required to maintain or replace the sidewalk pavement within the easement area.

Grantor agrees not to build or to convey to others permission to build any permanent structures on the above described easement. Grantor reserves the right to use the easement area in a manner which does not unreasonably interfere with the non-motorized sidewalk use of the same.

The premises so disturbed by reason of the exercise of any of the Grantee's powers, rights and privileges herein, shall be reasonably restored to its prior condition by Grantee within a reasonable time.

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

Also a Temporary Grading Easement being part of the above described parcel of land. The temporary grading easement to terminate on the date the contractor completes the above project (not to exceed one (1) year from the date hereof).

OK - AB

REAL ESTATE  
TRANSFER TAX  
\$188.00 ST  
1258999  
STATE OF MICHIGAN  
OAKLAND COUNTY  
4/24/2020  
59441

RECEIVED  
OAKLAND COUNTY  
REGISTER OF DEEDS

2020 APR 20 PM 1:54

4P  
CS

IN WITNESS WHEREOF, the undersigned Grantors have affixed their signatures this 20<sup>th</sup> day of JANUARY A.D., 2020.

HAGGERTY PROJECT, LLC

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

THOMAS DUKE  
Printed Name & Title OWNER + MEMBER

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

Printed Name & Title

STATE OF MICHIGAN )  
                                  )SS  
COUNTY OF Oakland

On this 20<sup>th</sup> day of January, A.D., 2020, before me, a Notary Public in and for said County, appeared Thomas Duke and \_\_\_\_\_, and to me known personally known, who, being by me duly sworn, did each for himself say that they are respectively the owner and the member of Haggerty Project, LLC, the corporation named in and which executed the within instrument and, that the seal affixed to said instrument was signed and sealed in behalf of said corporation by authority of its board of directors; and acknowledged said instrument the free act and deed of said corporation.

(Tina Nardico Grayshaw)  
Notary Public, \_\_\_\_\_  
County, MI

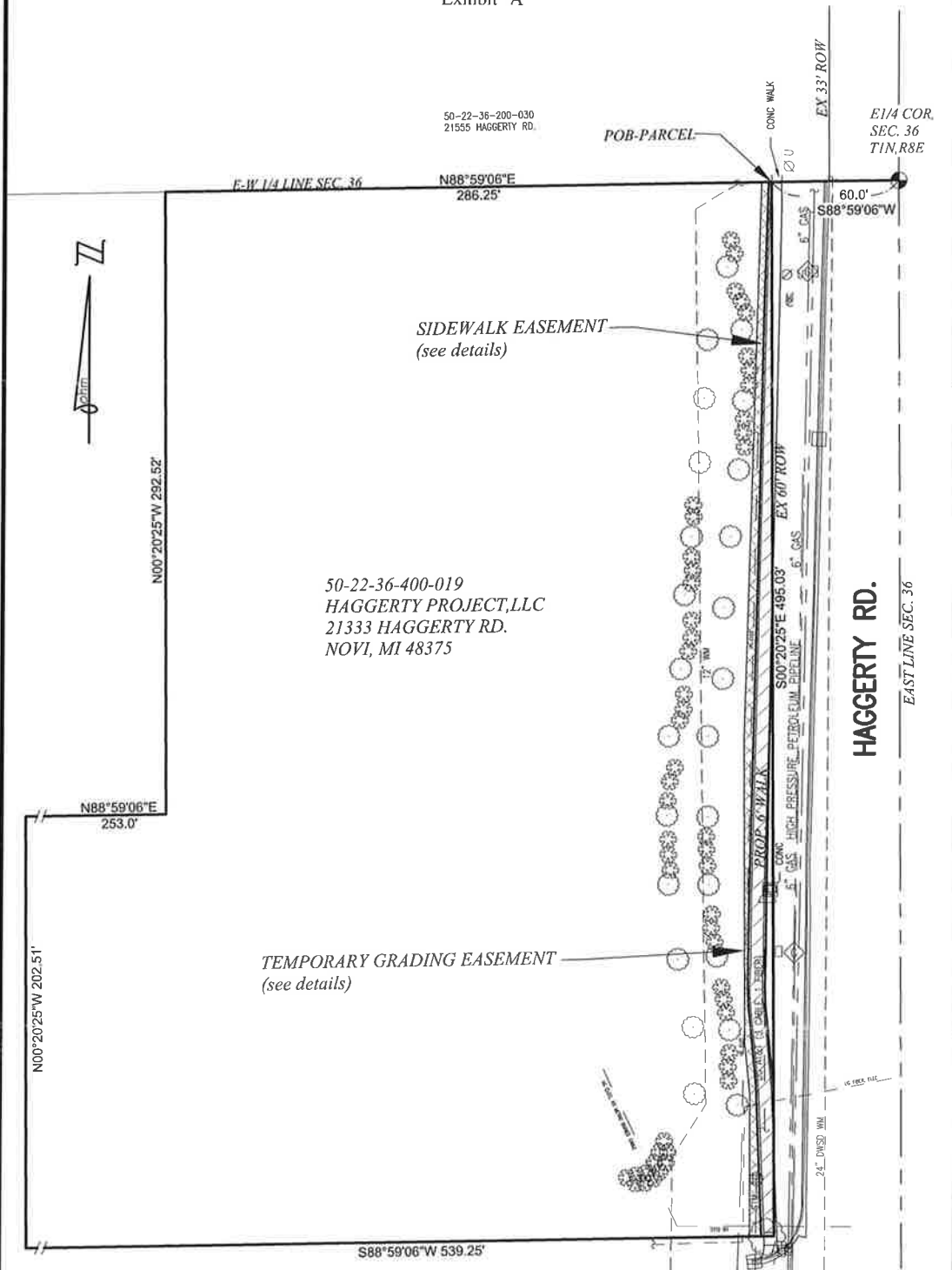
My commission expires \_\_\_\_\_  
**TINA NARDICO GRAYSHAW**  
Notary Public, State of Michigan  
County of Oakland  
My Commission Expires **06-07-2021**  
Acting in the County of \_\_\_\_\_

This instrument drafted by:  
Sameer Hamad  
34000 Plymouth Road  
Livonia, MI 48150

WHEN SIGNED RETURN TO:  
City Clerk's Office  
City of Novi  
45175 Ten Mile Road  
Novi, MI 48375

# SIDEWALK EASEMENT SKETCH

Exhibit "A"



50-22-36-400-019  
 HAGGERTY PROJECT, LLC  
 21333 HAGGERTY RD.  
 NOVI, MI 48375

### LEGEND

- ROW RIGHT-OF-WAY
- ⊙ PUBLIC LAND CORNER
- POB POINT OF BEGINNING
- ▨ SIDEWALK EASEMENT
- ▩ TEMPORARY GRADING EASEMENT

ORCHARD HILL PI



SCALE: 1" = 60'

<b>SIDEWALK EASEMENT</b> PART OF THE SE1/4 OF SECTION 36 T.1N., R.8E., CITY OF NOVI, OAKLAND COUNTY PARCEL ID# 50-22-36-400-019		SCALE: 1" = 60' SHEET: <b>3</b> OF 5	
DATE: 08-29-19	CITY OF NOVI	PROJECT: 0163-18-0030	
34000 Plymouth Road   Livonia, MI 48150   P (734) 522-6711   F (734) 522-6427   WWW.OHM-ADVISORS.COM			
COPYRIGHT 2019 OHM ALL DRAWINGS AND WRITTEN MATERIALS APPEARING HEREIN CONSTITUTE THE ORIGINAL AND UNPUBLISHED WORK OF OHM AND THE SAME MAY NOT BE REPRODUCED, COPIED, DISTRIBUTED OR DISCLOSED WITHOUT PRIOR WRITTEN CONSENT OF OHM			

# SIDEWALK EASEMENT DESCRIPTION

Exhibit "A"

## PARCEL DESCRIPTION (50-22-36-400-019)

Parcel of land situated in the SE 1/4 of Section 36, Town 1 North, Range 8 East, City of Novi, Oakland County, Michigan, more particularly described as follows:

Commencing at the East 1/4 corner of said Section 36; thence along the E-W 1/4 line of said Section 36, S 88°59'06" W 60.0 feet to the Point of Beginning; thence S 00°20'25" E 495.03 feet along the Westerly line of Haggerty Road (120 feet wide); thence S 88°59'06" W 539.25 feet; thence N 00°20'25" W 202.51 feet; thence N 88°59'06" E 253.0 feet; thence N 00°20'25" W 292.52 feet; thence N 88°59'06" E 286.25 feet along said E-W 1/4 line to the Point of Beginning. Subject to all easements and restrictions of record, if any.

## SIDEWALK EASEMENT

A variable width easement for sidewalk being of land situated in the SE 1/4 of Section 36, Town 1 North, Range 8 East, City of Novi, Oakland County, Michigan, more particularly described as follows:

Commencing at the East 1/4 corner of said Section 36; thence along the E-W 1/4 line of said Section 36, S 88°59'06" W 60.0 feet to the Point of Beginning; thence S 00°20'25" E 192.70 feet along the Westerly line of Haggerty Road (120 feet wide); thence S 00°57'08" W 142.91 feet; thence S 00°09'27" W 25.0 feet; thence S 01°34'04" W 17.24 feet; thence S 02°24'50" E 8.57 feet; thence S 05°34'38" E 40.59 feet; thence S 00°20'25" E 68.26 feet along said Westerly line of Haggerty Road; thence S 88°59'06" W 6.0 feet along the South line of said parcel; thence N 02°08'30" W 70.55 feet; thence N 05°37'11" W 37.72 feet; thence N 02°26'14" W 9.01 feet; thence N 00°46'56" E 42.68 feet; thence N 01°19'50" E 150.0 feet; thence N 01°10'31" E 125.01 feet; thence N 01°40'45" E 60.49 feet; thence N 88°59'06" E 1.37 feet along the E-W 1/4 line of said Section 36 and the North line of said parcel to the Point of Beginning.

Contains 3,150 square feet or 0.072 acres of land, more or less. Subject to all easements and restrictions of record, if any.

pt. 22-36-400-019

## TEMPORARY GRADING EASEMENT

A parcel of land situated in the SE 1/4 of Section 36, Town 1 North, Range 8 East, City of Novi, Oakland County, Michigan, more particularly described as follows:

Commencing at the East 1/4 corner of said Section 36; thence along the E-W 1/4 line of said Section 36, S 88°59'06" W 61.37 feet to the Point of Beginning; thence continuing S 88°59'06" W 3.26 feet; thence S 01°34'24" W 261.77 feet; thence S 00°18'56" E 142.84 feet; thence S 05°49'30" E 24.91 feet; thence S 00°04'06" W 65.87 feet; thence N 88°59'06" E 5.52 feet; thence N 02°08'30" W 70.55 feet; thence N 05°37'11" W 37.72 feet; thence N 02°26'14" W 9.01 feet; thence N 00°46'56" E 42.68 feet; thence N 01°19'50" E 150.0 feet; thence N 01°10'31" E 125.01 feet; thence N 01°40'45" E 60.49 feet to the Point of Beginning.

Contains 1,700 square feet or 0.039 acres of land, more or less. Subject to all easements and restrictions of record, if any.

pt. 22-36-400-019

<b>SIDEWALK EASEMENT</b>		SCALE 1" = 40'
PART OF THE SE 1/4 OF SECTION 36		SHEET 5
T.1N., R.8E., CITY OF NOVI, OAKLAND COUNTY		OF 5
<b>PARCEL ID# 50-22-36-400-019</b>		
DATE: 08-29-19	SUBJECT: CITY OF NOVI	JOB #: 0163-18-0030
34000 Plymouth Road   Livonia, MI 48150   P (734) 522-6711   F (734) 522-6427   WWW.OHM-ADVISORS.COM		
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