



CITY of NOVI CITY COUNCIL

Agenda Item I
July 31, 2017

SUBJECT:

Acceptance of a sidewalk easement as a donation from MI Developments (America) Inc. as part of the approved site plan for Magna on Haggerty Road, south of Lewis Drive (parcel 22-12-200-026).

SUBMITTING DEPARTMENT: Department of Public Services, Engineering Division GDM

CITY MANAGER APPROVAL: 

BACKGROUND INFORMATION:

In 2003, Magna agreed to provide a Sidewalk Easement to the City in accordance with the approved site plan. The site is located on Haggerty Road south of Lewis Drive (see attached map). Magna has installed the sidewalk in accordance with the original approved site plan and the site inspections have been completed.

The sidewalk easement has been favorably reviewed by the City Attorney (Elizabeth Kudla's May 6, 2009 letter) and is recommended for approval.

RECOMMENDED ACTION:

Acceptance of a sidewalk easement as a donation from MI Developments (America) Inc. as part of the approved site plan for Magna on Haggerty Road, south of Lewis Drive (parcel 22-12-200-026).

Magna Sidewalk Easement

Location Map

Lewis Dr

Proposed Sidewalk Easement Area

Haggerty Rd

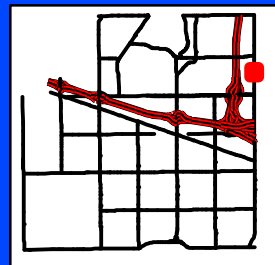


Map Author: Charles Anthony
Date: July 11, 2017
Project:
Version #:

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 30 60 120 180

1 inch = 153 feet



May 6, 2009

CITY OF NOVI
CITY CLERK'S OFFICE

2009 MAY -7 PM 2:00

30903 Northwestern Highway
P.O. Box 3040
Farmington Hills, MI 48333-3040
Tel: 248-851-9500
Fax: 248-851-2158
www.secrestwardle.com

Benjamin Croy, Civil Engineer
City of Novi
Public Services – Engineering Operations Division
26300 Delwal Drive
Novi, Michigan 48375

**Re: Magna
Easement for Sidewalk “Jog” on Haggerty Road
Our File No. 55142.NOV**

Elizabeth M. Kudla
Direct: 248-539-2846
bkudla@secrestwardle.com

Dear Mr. Croy:

We are enclosing a Sidewalk Easement provided over a portion of the Magna site located on Haggerty Road. In 2003, Magna agreed to provide a Sidewalk Easement to the City in accordance with the approved site plan in the event that they were unable to obtain a site plan amendment to revise the existing storm out-flow structures to allow the sidewalk to be constructed in a straight-line. A copy of the “Letter of Understanding” executed by Magna has also been enclosed.


We have since determined that Magna has installed the sidewalk in accordance with the original approved site plan. It is our understanding that all site inspections have been completed and all guarantees for incomplete site work have been released, including the bond referenced in the “Letter of Understanding.”

We prepared the Sidewalk Easement in the City’s standard format. Subject to Engineering’s approval of the legal description, we recommend placement of the Sidewalk Easement on an upcoming City Council Agenda for approval.

We are forwarding the original Sidewalk Easement to the City Clerk’s Office for recording upon acceptance by City Council.

If you have any questions regarding the above, please call me.

Very truly yours,


Elizabeth M. Kudla

EMK

Enclosures

cc: Maryanne Cornelius, City Clerk (w/ Original Enclosures)
Steve Rumble, Community Development Director (w/Enclosures)
Rob Hayes, DPS Director (w/Enclosures)
Sue Troutman, City Clerk’s Office (w/Enclosures)
Thomas R. Schultz, Esquire (w/Enclosures)

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SIDEWALK EASEMENT

NOW ALL MEN BY THESE PRESENTS, that **MI Developments (America) Inc.**, a Delaware Corporation, whose address is 455 Magna Drive, Aurora, Ontario, Canada, L4G7A9, 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 12, 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)

Exhibit A – Property Description Exhibit

Situated in the City of Novi, Oakland County, Michigan, described as:

Part of the East 1/2 of Section 12, Town 1 North, Range 8 East, City of Novi, Oakland County, Michigan, described as: commencing at the East 1/4 corner of said Section 12: thence North 02 degrees 34 minutes 57 seconds West. 779.25 feet along the East line at said Section 12, also being the centerline of Haggerty Road to the point of beginning: thence along the East line of Section 12. North 02 degrees 34 minutes 57 seconds West. 198.51 feet: thence South 85 degrees 29 minutes 34 seconds West. 225.69 feet; thence North 49 degrees 30 minutes 26 seconds west. 15.56 feet: thence South 85 degrees 29 minutes 34 seconds West 1138.06 feet: thence South 02 degrees 38 minutes 47 seconds East 961 64 feet: thence North 86 degrees 37 minutes 22 seconds East 1010 48 feet; thence North 03 degrees 21 minutes 00 seconds West. 784.36 feet: thence North 87 degrees 25 minutes 03 seconds East, 373.41 feet to the point of beginning.

Stantec Consulting Michigan Inc.
3959 Research Park Drive
Ann Arbor MI 48108-2216
Tel: (734) 761-1010 Fax: (734) 761-1200

stantec.com



Stantec

June 12, 2009
File: 2075113000

City of Novi Engineering Division
45175 West Ten Mile Road
Novi, Michigan 48375

Attention: Mr. Aaron Staup

Dear Mr. Staup:

**Reference: Magna Interior Systems
SP# 00-07
Site Work Final Approval**

Please be advised that the public site utilities, grading, and paving for the above referenced project have been completed in accordance with the approved construction plans under the observation of Stantec. At this time, we recommend that the Incomplete Site Work/Utilities Financial Guarantee can be released.

Please note that we have not addressed any items related to landscaping, woodlands or wetlands because we assume that the appropriate City staff or consultants will address these issues.

If you have any questions, please do not hesitate to contact us.

Sincerely,

STANTEC CONSULTING MICHIGAN INC.

Dean Trella
Construction Services
Tel: (734) 214-1829
Fax: (734) 761-1200
dean.trella@stantec.com

- c. Marina Neumaier, City of Novi (via e-mail)
- Sarah Marchioni, City of Novi (via e-mail)
- Sheila Weber, City of Novi (via e-mail)
- Mario Pecile, MI Developments Inc. (via e-mail)
- George Tsakoff, Stantec (via e-mail)