



CITY OF NOVI CITY COUNCIL
FEBRUARY 6, 2023

SUBJECT: Acceptance of two sidewalk easements and one highway easement associated with the Wixom Road Rehabilitation project in the amount of \$3,265.85.

SUBMITTING DEPARTMENT: Department of Public Works, Engineering Division

EXPENDITURE REQUIRED	\$ 1,140.79 Parcel 50-22-19-400-010 \$ 1,523.06 Parcel 50-22-19-478-020 \$ 602.00 Parcel 50-22-17-300-019 \$ 3,265.85 Total
AMOUNT BUDGETED	\$ 309,385.00
APPROPRIATION REQUIRED	\$ 0
LINE ITEM NUMBER	202-202.00-865.214

BACKGROUND INFORMATION:

The Wixom Road Rehabilitation project will consist of milling and resurfacing the asphalt pavement between 10 Mile Road and the northern City limits, about 790 feet south of Grand River Avenue. The center left-turn lane will be extended between Drakes Bay Dr/Acorn Trl and Kelsey Bay Dr/Delmont Dr. Sidewalk gaps will be filled in and ADA improvements will be made to the existing sidewalks. The City's engineering consultant, OHM Advisors, prepared design plans for the project, which identified five parcels requiring easements to replace sidewalk, replace curb and gutter or add sidewalk connections. Two remaining easements are pending execution.

Location	Property Owner	Parcel ID
Vacant, Wixom Rd/10 Mile Rd	Lestlyde Limited Partnership	50-22-19-400-010
Vacant, Wixom Rd/Stonebrook	Monopoly Investments, LLC	50-22-17-300-019
Vacant, Wixom Rd/Drakes Bay Dr	Island Lake Orchards HOA	50-22-19-478-020

The City Attorney reviewed the signed easement favorably (Beth Saarela, January 27, 2023). Rehabilitation of Wixom Road is expected to begin in the summer of 2023.

RECOMMENDED ACTION: Acceptance of two sidewalk easements and one highway easement associated with the Wixom Road rehabilitation project in the amount of \$3,265.85.

Wixom Road Easements

Parcels 50-22-19-400-010 & 50-22-19-478-020

Location Map



Map Author: Runkel
 Date: 1/27/23
 Project: Wixom Rd Rehab
 Version #: 1.0

Legend

- Right of Way - Novi Edits
- Approximate Easement Area

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 Works
 26300 Lee BeGole Drive
 Novi, MI 48375
cityofnovi.org



Wixom Road Easements

Parcel 50-22-17-300-019

Location Map



Map Author: Runkel
Date: 1/27/23
Project: Wixom Rd Rehab
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.

Legend

 Right of Way - Novi Edits

 Approximate Easement Area



City of Novi

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



1 inch = 45 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

January 26, 2023

Rebecca Runkel, Project Engineer
City of Novi
Field Services Complex
26300 Lee BeGole Drive
Novi, MI 48375

RE: Wixom Road Rehabilitation – Project Easements
Parcels: 22-20-400-010, 22-17-300-019, 22-19-478-020

Dear Ms. Runkel:

We have received and reviewed the following easements that the City has acquired for the Wixom Road Rehabilitation Project:

- Highway Easement – Parcel 22-20-400-010 (\$1,140.79)
- Sidewalk Easement – Parcel 22-19-478-020 (\$602.00)
- Sidewalk Easement – Parcel 22-17-300-019 (\$1,523.06)

The City obtained a Market Study providing the range of valuations of the easement areas. The property owners have agreed to accept the valuations as determined by the Market Study prepared by RS Thomas & Associates, dated November 1, 2022, as just compensation.

The easements may be placed on an upcoming City Council Agenda for acceptance. Once accepted, the easement should be recorded by the City Clerk's Office with the Oakland County Register of Deeds in the usual manner. It is our understanding that the City's Engineering Division has the original easements for recording.

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

Rebecca Runkel, Project Engineer
City of Novi
January 26, 2023
Page 2

Very truly yours,

ROSATI SCHULTZ JOPPICH
& AMTSBUECHLER PC



Elizabeth Kudla Saarela

EKS

Enclosures

C: Cortney Hanson, Clerk (w/ Enclosure)
Ben Croy, City Engineer (w/Enclosure)
Thomas R. Schultz, Esquire (w/Enclosure)

SIDEWALK EASEMENT

RP

NOW ALL MEN BY THESE PRESENTS, that Monopoly Investments, LLC, a Michigan limited liability company, whose address is 31485 Groesbeck Hwy Suite A, Fraser, MI 48026, for and in consideration of Six-hundred and two dollars (\$602.00), 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 33, T.1N., R.8E., City of Novi, Oakland County, State of Michigan, more particularly described as follows:

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

Parcel No. 50-22-17-300-019

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

{See attached and incorporated Exhibit A – Sidewalk Easement}

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 A.

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.

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

Dated this 10th day of January, 2023.

{Signature begins on following page}

Signed by:

Monopoly Investments, LLC, a Michigan limited liability company

Raymond Modad

By: Raymond Modad

STATE OF MICHIGAN)
) SS
COUNTY OF Macomb)

The foregoing instrument was acknowledged before me this 10th day of January, 2023, by Raymond Modad the Member of Monopoly Investments, LLC, a Michigan limited liability company on its behalf.

Julia Fecarotta

Notary Public
Macomb County, Michigan

My Commission Expires: June 10, 2023

Drafted by:
Rebecca Runkel
Project Engineer
26300 Lee BeGole Dr
Novi, MI 48375

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

JULIA A. FECAROTTA
NOTARY PUBLIC, STATE OF MI
COUNTY OF MACOMB
MY COMMISSION EXPIRES Jun 10, 2023
ACTING IN COUNTY OF macomb

EXHIBIT "B"
WIXOM ROAD REHABILITATION
JN 209477
Tax ID: 50-22-17-300-019
Parcel 02

PARENT PARCEL DESCRIPTION

A parcel of land situated in the NW 1/4 of SW 1/4 of Section 17, Town 1 North, Range 8 East, City of Novi, Oakland County, Michigan, described as follows:

Commencing at the W 1/4 corner of said Section 17; thence S 00°19'14" E 119.02 feet to the Point of Beginning; thence S 89°34'38" E 475.20 feet; thence N 00°19'14" W 275.02 feet; thence S 89°34'38" E 294.77 feet; thence S 00°19'49" E 156.0 feet; thence S 00°19'14" E 510.0 feet; thence N 89°34'38" W 770.0 feet; thence N 00°19'14" W 390.98 feet to the Point of Beginning.

SIDEWALK EASEMENT DESCRIPTION

A parcel of land situated in the SW 1/4 of Section 17, Town 1 North, Range 8 East, City of Novi, Oakland County, Michigan, described as follows:

Commencing at the W 1/4 corner of said Section 17; thence S 00°19'14" E 119.02 feet to a point; thence continuing S 00°19'14" E 390.98 feet; thence S 89°34'38" E 33.01 feet to the Point of Beginning; thence N 00°19'14" W 49.79 feet along the East right-of-way line of Wixom Road; thence S 11°00'08" E 50.79 feet; thence N 89°34'38" W 9.42 feet along the South line of said parent parcel to the Point of Beginning.

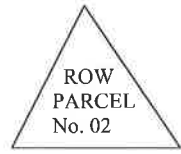
Containing 234 square feet, more or less.

Part of Tax ID No. 50-22-17-300-019
WIXOM ROAD

Dated: November 29, 2022
SH

EXHIBIT A
PARCEL 50-22-17-300-019
WIXOM ROAD

***BEARINGS BASED ON
 LEGAL DESCRIPTION #50-22-17-300-019,
 PER OAKLAND COUNTY TAX ROLLS

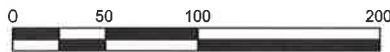


SIDEWALK EASEMENT

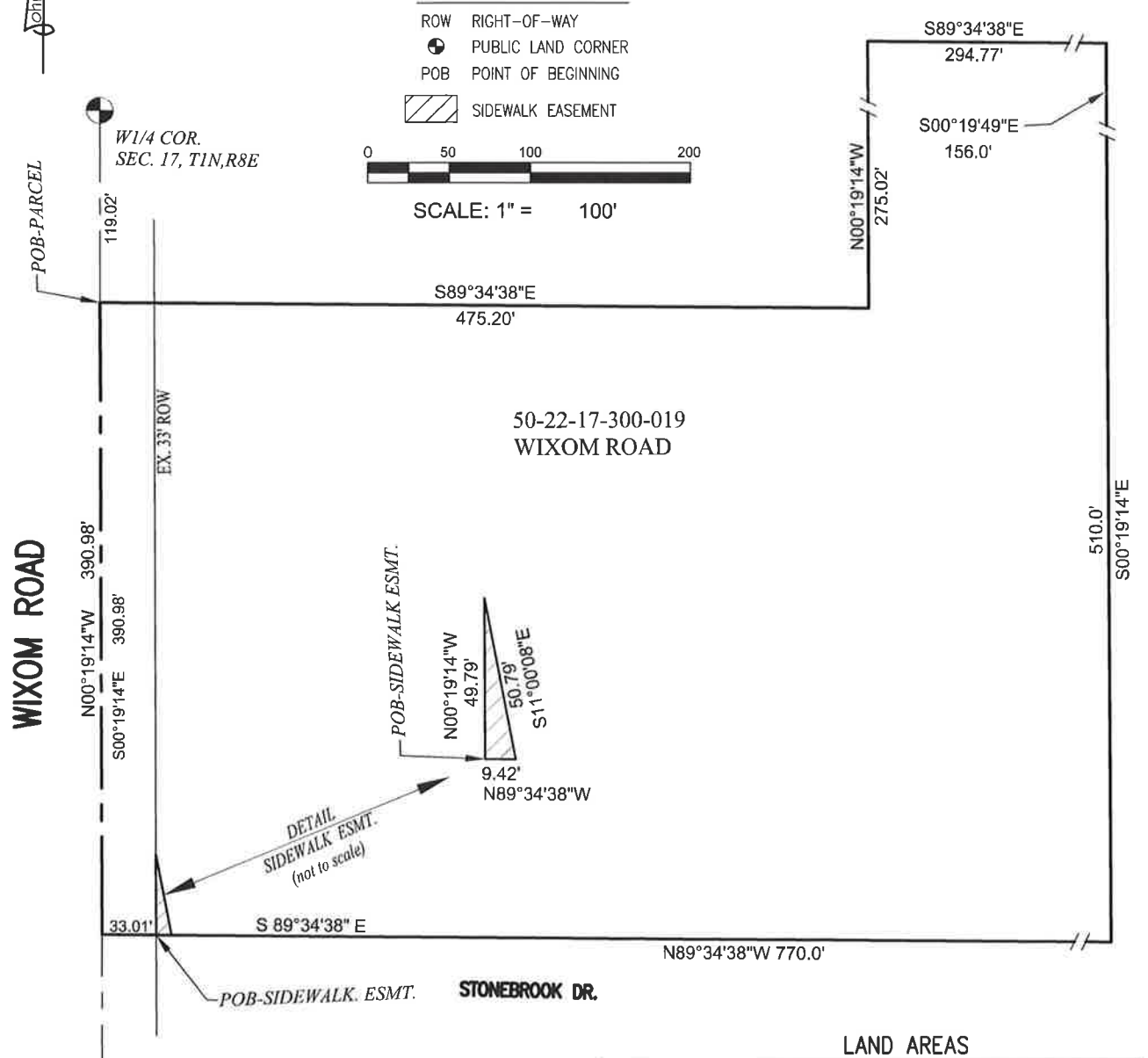


LEGEND

- ROW RIGHT-OF-WAY
- PUBLIC LAND CORNER
- POB POINT OF BEGINNING
- SIDEWALK EASEMENT



SCALE: 1" = 100'



LAND AREAS

PARENT PARCEL = 8.771 ACRES (382,088 SQ. FEET)
 PROPOSED SIDEWALK EASEMENT = 0.005 ACRES (234 SQ. FEET)

WIXOM ROAD REHABILITATION
 PARCEL # 50-22-17-300-019
 SECTION 17, T.1N., R.8E., CITY OF NOVI,
 OAKLAND COUNTY, MICHIGAN

DATE
 11-29-2022
 SHEET
1
 OF 1



CLIENT:
CITY OF NOVI

WOOD PROJECT #
 209477

OHM JOB #
 0163-22-0010

34000 Plymouth Road | Livonia, MI 48150 | P (734) 522-6711 | F (734) 522-6427 | WWW.OHM-ADVISORS.COM

HIGHWAY EASEMENT

KNOW ALL PERSONS that Lestlyde Limited Partnership, a Michigan Limited Partnership (“Grantor”), whose address is 8800 Dix Hwy, Detroit, Michigan 48209, for and in consideration of One-Thousand One-Hundred and Forty Dollars and Seventy-Nine Cents (\$1,140.79), paid to Grantor by the City of Novi, a Michigan Municipal Corporation, (“Grantee”), whose address is 45175 Ten Mile Road, Novi, Michigan 48375, does hereby grant to the Grantee, a permanent easement for all public highway purposes (“Highway Easement”) and to construct, operate, maintain, repair, and/or replace roadways, utilities, sidewalk, and other infrastructure improvements in, over, under, upon, and through a portion of the following described premises (“Property”) situated in the City of Novi, County of Oakland, State of Michigan as such Highway Easement is more particularly described, drawn and depicted on the attached Exhibit A.

Tax Parcel No.: 50-22-20-400-010

The Highway Easement consists of a variable width easement described as follows:

SEE HIGHWAY EASEMENT DRAWING, ATTACHED AS EXHIBIT “A,”

This Highway Easement includes, but is not limited to, the consent of the Grantor, within the Highway Easement area, to the removal of any trees, shrubs, and/or vegetation, to grading, to the occupancy of the Property by public utilities, and to other matters which, in the sole discretion of the Grantee, may be necessary in connection with all public highway purposes and the construction, operation, maintenance, repair, and/or replacement of roadways, utilities, and other infrastructure improvements in, over, under, upon, and through the Highway Easement. Grantor waives further notice of such actions.

The premises so disturbed by reason of the exercise of any of the foregoing powers shall be restored at Grantee’s sole cost and expense to substantially the condition that existed prior to construction by the Grantee, its agents, employees or contractors.

This Highway Easement runs with the land and shall bind the Grantor and the Grantor’s heirs, representatives, successors, and assigns. This Highway Easement contains the entire understanding of the Grantor and the Grantee, and there are no other verbal promises between the Grantor and the Grantee except as shown herein.

IN WITNESS WHEREOF, the undersigned hereunto affixed their signatures this 4th day of JANUARY, 2023.

GRANTOR

Lestlyde Limited Partnership, a Michigan limited partnership

BY: *L. Steven Weiner*
L. Steven Weiner

STATE OF MICHIGAN)
) SS.
COUNTY OF WAYNE)

The foregoing consent to easement was acknowledged before me this 4th day of JANUARY, 2023, by L. Steven Weiner, the Vice President of Lestlyde Limited Partnership, a Michigan limited partnership, on its behalf.

Lynn Gullman
Notary Public Lynn Gullman
Wayne County, MI
My Commission Expires: 6/13/2028

Parcel No. 50-22-20-400-010

Drafted by:
Elizabeth Saarela, Esq.
27555 Executive Drive, Suite 250
Farmington Hills, MI 48331

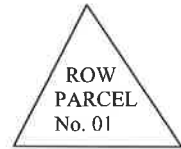
When recorded return to:

Cortney Hanson, Clerk
City of Novi
45175 Ten Mile Rd.
Novi, MI 48375

RECORDING FEE _____ REVENUE STAMPS _____

EXHIBIT A
PARCEL 50-22-19-400-010
WIXOM ROAD

***BEARINGS BASED ON
 LEGAL DESCRIPTION #50-22-19-400-010,
 PER OAKLAND COUNTY TAX ROLLS



HIGHWAY EASEMENT

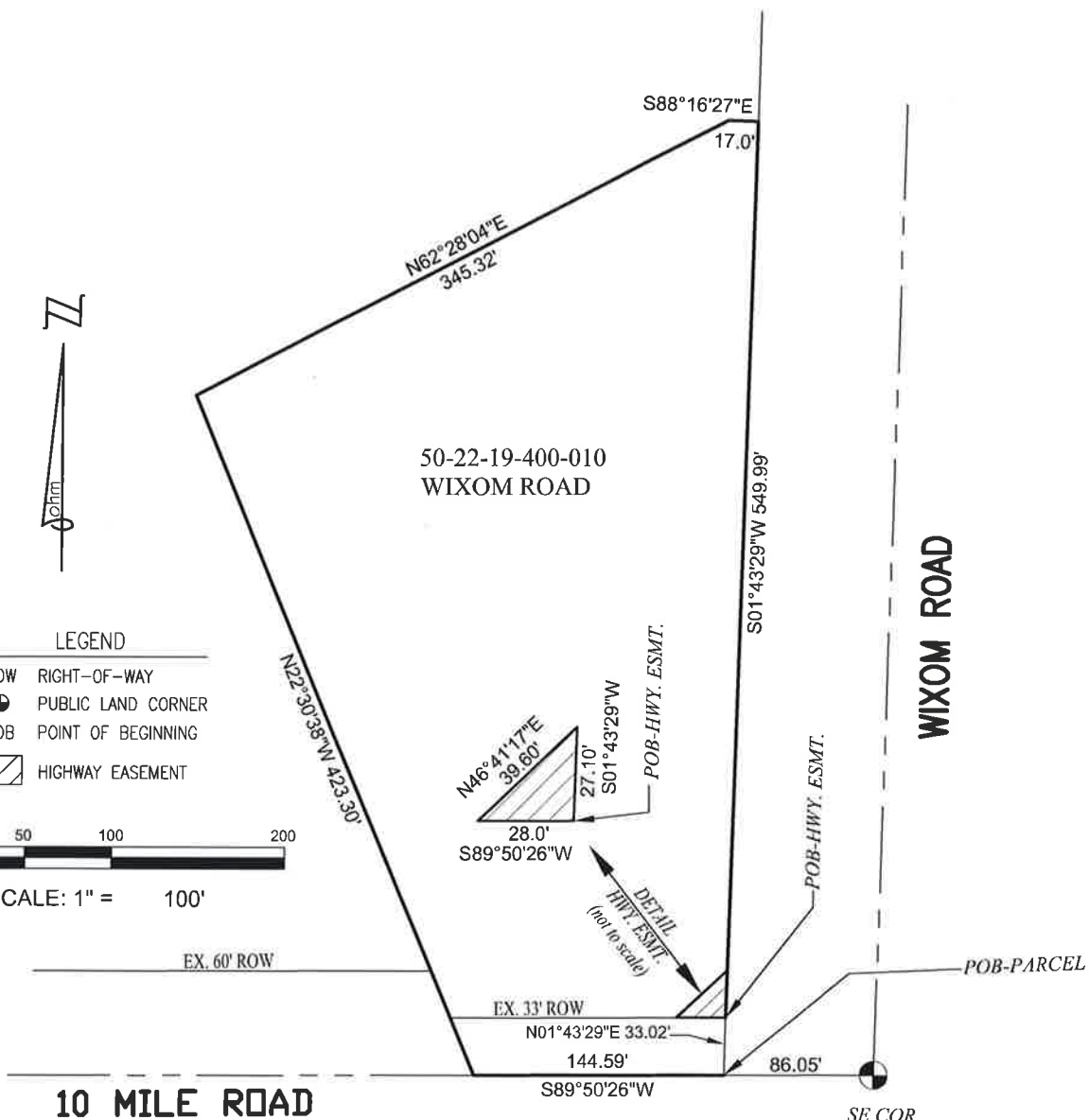


LEGEND

- ROW RIGHT-OF-WAY
- PUBLIC LAND CORNER
- POB POINT OF BEGINNING
- HIGHWAY EASEMENT



SCALE: 1" = 100'



10 MILE ROAD

LAND AREAS

PARENT PARCEL = 2.692 ACRES (117,263 SQ. FEET)
 PROPOSED HIGHWAY EASEMENT = 0.009 ACRES (379 SQ. FEET)

WIXOM ROAD REHABILITATION
 PARCEL # 50-22-19-400-010
 SECTION 19, T.1N., R.8E., CITY OF NOVI,
 OAKLAND COUNTY, MICHIGAN

DATE
 11-04-2022
 SHEET
1
 OF 1

CLIENT: CITY OF NOVI	NOVI PROJECT #: 209477	OHM JOB #: 0163-22-0010
34000 Plymouth Road Livonia, MI 48150 P (734) 522-6711 F (734) 522-6427 WWW.OHM-ADVISORS.COM		



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EXHIBIT "B"
WIXOM ROAD REHABILITATION
JN 209477
Tax ID: 50-22-19-400-010
Parcel 01

PARENT PARCEL DESCRIPTION

A parcel of land situated in the SE 1/4 of Section 19, Town 1 North, Range 8 East, City of Novi, Oakland County, Michigan, described as follows:

Commencing at the SE corner of said Section 19; thence S 89°50'26" W 86.05 feet to the Point of Beginning; thence S 89°50'26" W 144.59 feet; thence N 22°30'38" W 423.30 feet; thence N 62°28'04" E 345.32 feet; thence S 88°16'27" E 17.0 feet; thence S 01°43'29" W 549.99 feet to the Point of Beginning.

HIGHWAY EASEMENT DESCRIPTION

A parcel of land situated in the SE 1/4 of Section 19, Town 1 North, Range 8 East, City of Novi, Oakland County, Michigan, described as follows:

Commencing at the SE corner of said Section 19; thence S 89°50'26" W 86.05 feet; thence N 01°43'29" E 33.02 feet to the Point of Beginning; thence S 89°50'26" W 28.0 feet along the North right-of-way line of 10 Mile Road; thence N 46°41'17" E 39.60 feet; thence S 01°43'29" W 27.10 feet along the West right-of-way line of Wixom Road to the Point of Beginning.

Containing 379 square feet, more or less.

Part of Tax ID No. 50-22-19-400-010
WIXOM ROAD

Dated: November 1, 2022
SH

SIDEWALK EASEMENT

NOW ALL MEN BY THESE PRESENTS, that Island Lake Orchards Association, a Michigan nonprofit corporation, whose address is 15755 Northline Road, Southgate, Michigan 48195 for and in consideration of One-Thousand Five-Hundred Twenty-Three Dollars and Six Cents (\$1,523.06), 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 MCL A 207.505(a), and MCL A 207.526 (a)~~ a permanent easement for a public walkway ^{over} across and through property located in Section 33, T.1N., R.8E., City of Novi, Oakland County, State of Michigan, more particularly described as follows:

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

Parcel No. 50-22-19-478-020

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

{See attached and incorporated Exhibit A – Sidewalk Easement}

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 A.

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.

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

Dated this 6th day of January, 2023.

{Signature begins on following page}


Signed by:

ISLAND LAKE ORCHARDS ASSOCIATION, a
Michigan nonprofit corporation


By: Lora Wright

STATE OF MICHIGAN)
) SS
COUNTY OF WAYNE)

The foregoing instrument was acknowledged before me this 6TH day of January, 2023 by
Lora Wright the Managing Agent of the Island Lake Orchards Association, a
Michigan nonprofit corporation _____, on its behalf.


Notary Public
Wayne County, Michigan
My Commission Expires: Aug. 14, 2025

Drafted by:
Rebecca Runkel
Project Engineer
26300 Lee BeGole Dr
Novi, MI 48375

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

438616_1.DOC

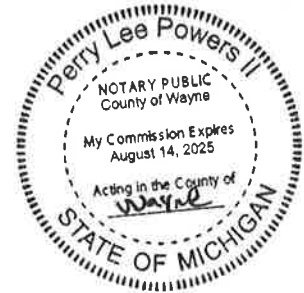
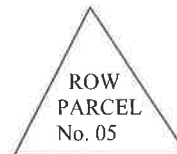
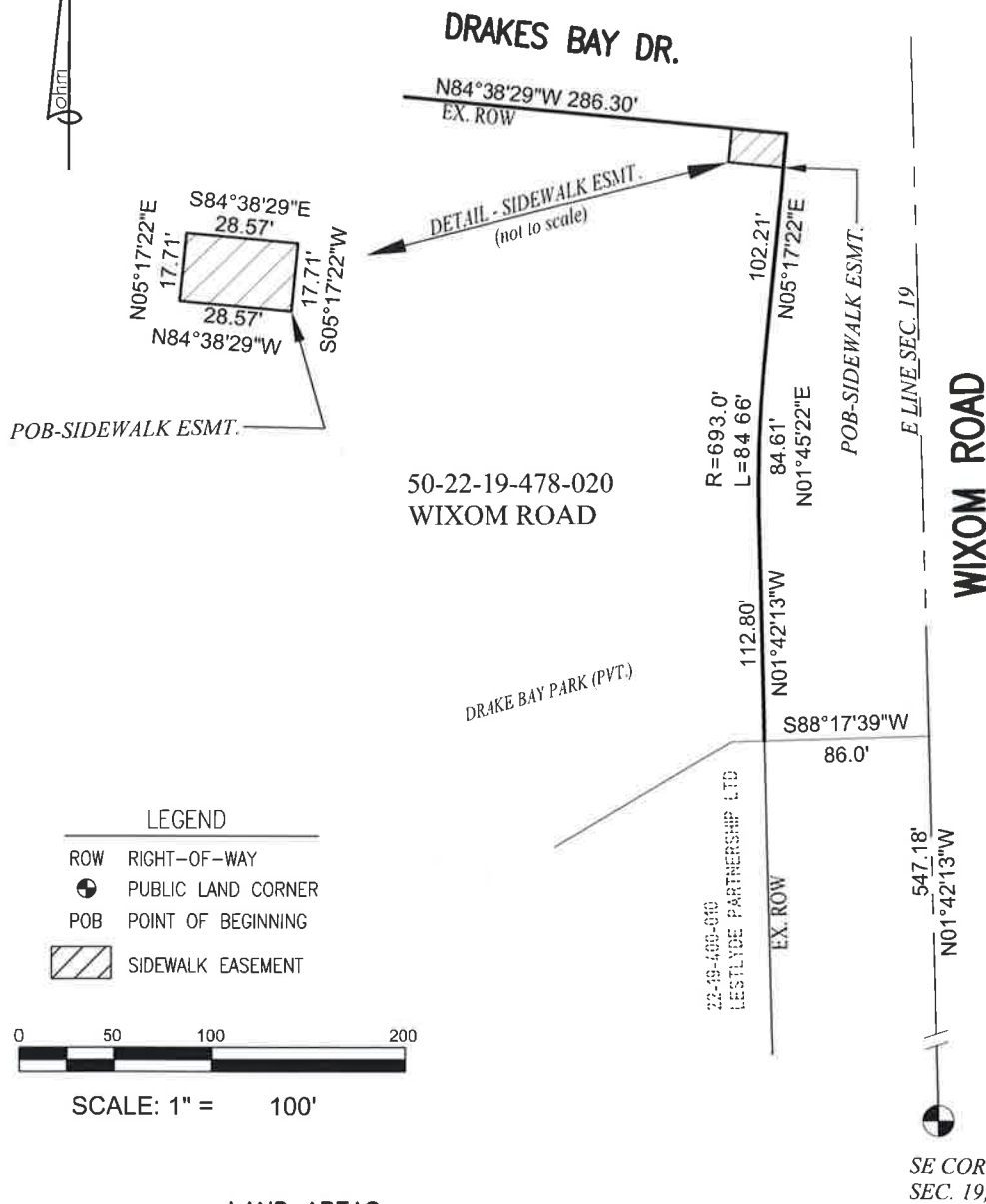


EXHIBIT A
PARCEL 50-22-19-478-020
WIXOM ROAD

***BEARINGS BASED ON
 ISLAND LAKE ORCHARDS CONDOMINIUM PLAN No. 1552,
 as recorded in Liber 30468, Page 611, Oakland County Records.



SIDEWALK EASEMENT



LAND AREAS

PROPOSED SIDEWALK EASEMENT = 0.012 ACRES (506 SQ. FEET)

WIXOM ROAD REHABILITATION PARCEL # 50-22-19-478-020 SECTION 19, T.1N., R.8E., CITY OF NOVI, OAKLAND COUNTY, MICHIGAN		DATE 11-29-2022 SHEET 1 OF 1
CLIENT: CITY OF NOVI	MDT PROJECT # 209477	OHM JOB # 0163-22-0010
34000 Plymouth Road Livonia, MI 48150 P (734) 522-6711 F (734) 522-6427 WWW.OHM-ADVISORS.COM		



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EXHIBIT "B"
WIXOM ROAD REHABILITATION
JN 209477
Tax ID: 50-22-19-478-020
Parcel 05

PARENT PARCEL DESCRIPTION

A parcel of land situated in the S 1/2 of Section 19, Town 1 North, Range 8 East, City of Novi, Oakland County, Michigan, described as follows:

Drakes Bay Park, ISLAND LAKE ORCHARDS CONDOMINIUM PLAN No. 1552, as recorded in Liber 30468, Page 611, Oakland County Records.

SIDEWALK EASEMENT DESCRIPTION

A parcel of land situated in the SE 1/4 of Section 19, Town 1 North, Range 8 East, City of Novi, Oakland County, Michigan, described as follows:

Commencing at the SE corner of said Section 19; thence N 01°42'13" W 547.18 feet along the East line of said Section 19; thence S 88°17'39" W 86.0 feet to a point on the West right-of-way line of Wixom Road; thence along said West line the three following courses: N 01°42'13" W 112.80 feet, 84.66 feet along a curve to the right, Radius 693.0 feet, delta 07°00'00", chord bears N 01°45'22" E 84.61 feet, N 05°17'22" E 102.21 feet to the Point of Beginning; thence N 84°38'29" W 28.57 feet; thence N 05°17'22" E 17.71 feet to a point on the South right-of-way line of Drakes Bay Drive; thence along said South line S 84°38'29" E 28.57 feet; thence S 05°17'22" W 17.71 feet along the West right-of-way line of Wixom Road to the Point of Beginning.

Containing 506 square feet, more or less.

Part of Tax ID No. 50-22-19-478-020
WIXOM ROAD

Dated: November 29, 2022
SH