



CITY of NOVI CITY COUNCIL

**Agenda Item 1
April 13, 2015**

SUBJECT: Acceptance of a warranty deed from Toll MI II Limited Partnership for the dedication of an additional 60 feet of right-of-way along Ten Mile Road for The Preserve at Island Lake (Phase 8) project located at the northeast corner of Ten Mile Road and Napier Road.

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

CITY MANAGER APPROVAL: *[Signature]*

BACKGROUND INFORMATION:

The developer of The Preserve at Island Lake (Phase 8), Toll MI II Limited Partnership, is requesting acceptance of the warranty deed conveying the master planned right-of-way for Ten Mile Road along the frontage of the site. The Preserve at Island Lake (Phase 8) is located on Ten Mile Road east of Napier Road (see attached map). The developer is offering the donation of the master planned right-of-way for Ten Mile Road as part of the approved site plan.

The enclosed warranty deed has been favorably reviewed by the City Attorney (Beth Saarela's March 19, 2015 letter, attached) and is recommended for approval.

RECOMMENDED ACTION: Acceptance of a warranty deed from Toll MI II Limited Partnership for the dedication of an additional 60 feet of right-of-way along Ten Mile Road for The Preserve at Island Lake (Phase 8) project located at the northeast corner of Ten Mile Road and Napier Road.

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

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

The Preserve of Island Lake of Novi

Right-of-Way Dedication

Napier Rd

Nepavine Dr

Kennebee Dr

Denali Ct

Proposed ROW

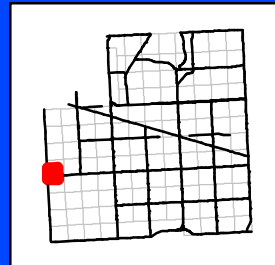
Ten Mile Rd

Map Author: A. Wayne
 Date: April 1, 2015
 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



1 inch = 212 feet



OAKLAND COUNTY TREASURERS CERTIFICATE
I HEREBY CERTIFY that there are no TAX LIENS or TITLES
held by the state or any individual against the within description
and all TAXES on same are paid for five years previous to the
date of this instrument as appears by the records in the office
except as stated.

DEC 23 2014

ANDREW E. MEISNER, County Treasurer
Sec. 135, Act 206, 1893 as amended

LOU

244533
LIBER 47714 PAGE 877
\$16.00 DEED - COMBINED
\$4.00 RENOVATION
12/23/2014 03:25:49 P.M. RECEIPT# 129764
PAID RECORDED - OAKLAND COUNTY
LISA BROWN, CLERK/REGISTER OF DEEDS

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, that **TOLL MI II LIMITED PARTNERSHIP**, a Michigan limited partnership, whose address is 28004 Center Oaks Ct., Suite 200, Wixom, Michigan 48393 conveys and warrants to **CITY OF NOVI**, a Michigan Municipal Corporation, whose address is 45175 West Ten Mile Road, Novi, Michigan 48375, the following described premises situated in the City of Novi, 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).

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.

Dated this 19th day of December, 2014.

[signature page follows]

3P
R
E

1 Cert

2014 DEC 23 PM 3:28
OAKLAND COUNTY REGISTER OF DEEDS

OK - LG

[signature page to warranty deed]

Signed by:

TOLL MI II LIMITED PARTNERSHIP, a Michigan limited partnership

By: Toll MI GP Corp., a Michigan corporation General Partner

By: *[Signature]*

Name: MICHAEL NOLES

Its: SENIOR VICE PRESIDENT

STATE OF MICHIGAN)

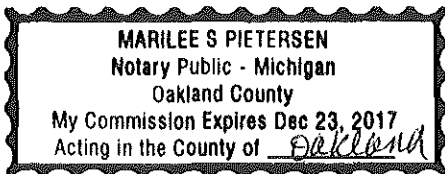
COUNTY OF Oakland)^{SS}

The foregoing instrument was acknowledged before me this 19th day of December, 2014, by Michael Noles Sr. V.P. of Toll MI GP Corp., a Michigan corporation, the General Partner of Toll MI II Limited Partnership, a Michigan limited partnership, on behalf of the limited partnership.

[Signature]

Notary Public, Oakland county, Michigan

My commission expires: Dec. 23, 2017



When Recorded Return to: Maryanne Cornelius, Clerk City of Novi 45175 West Ten Mile Road Novi, MI 48375-3024	Send Subsequent Tax Bills to: City of Novi 45175 West Ten Mile Road Novi, Michigan 48375	Drafted by: Elizabeth M. Kudla 30903 Northwestern Highway Farmington Hills, Michigan 48334
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Part of Tax Parcel No. 22-19-300-004

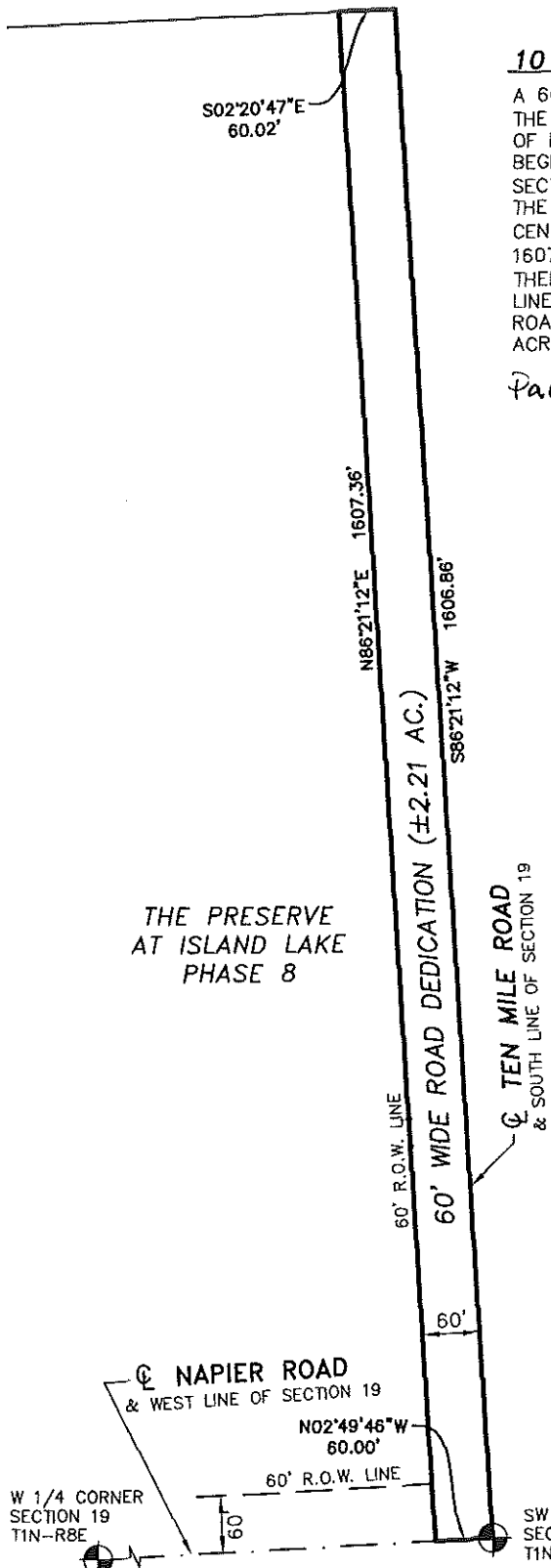
Job No. _____ Recording Fee _____ Transfer Tax _____

EXHIBIT A

10 MILE ROAD R.O.W. DEDICATION

A 60 FEET WIDE PARCEL OF LAND BEING PART OF THE SOUTHWEST 1/4 OF SECTION 19, T1N-R8E, CITY OF NOVI, OAKLAND COUNTY, MICHIGAN, DESCRIBED AS: BEGINNING AT THE SOUTHWEST CORNER OF SAID SECTION 19; THENCE N02°49'46"W 60.00 FEET ALONG THE WEST LINE OF SAID SECTION 19 AND THE CENTERLINE OF NAPIER ROAD; THENCE N86°21'12"E 1607.36 FEET; THENCE S02°20'47"E 60.02 FEET; THENCE S86°21'12"W 1606.86 FEET ALONG SAID SOUTH LINE OF SECTION 19 AND CENTERLINE OF SAID 10 MILE ROAD TO THE POINT OF BEGINNING, CONTAINING 2.21 ACRES OF LAND, MORE OR LESS.

Part of road, no sidewalk



THE PRESERVE AT ISLAND LAKE PHASE 8

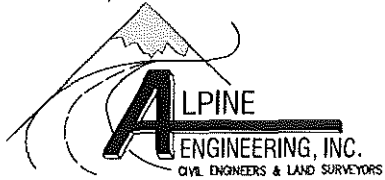
60' R.O.W. LINE
60' WIDE ROAD DEDICATION (±2.21 AC.)

☉ TEN MILE ROAD & SOUTH LINE OF SECTION 19

☉ NAPIER ROAD & WEST LINE OF SECTION 19

W 1/4 CORNER SECTION 19 T1N-R8E

SW CORNER SECTION 19 T1N-R8E



ALPINE ENGINEERING, INC.
CIVIL ENGINEERS & LAND SURVEYORS
46892 WEST ROAD SUITE 109
NOVI, MICHIGAN 48377
(248) 926-3701 (BUS)
(248) 926-3765 (FAX)

CLIENT:	TOLL BROTHERS INC.	DATE:	12-23-14
R.O.W. DEDICATION		DRAWN BY:	JRV
THE PRESERVE AT ISLAND LAKE		CHECKED BY:	JDH
SECTION: 19	TOWNSHIP: 1 N.	RANGE: 8 E.	0 75 150
CITY OF NOVI		FBK: -	1/1
OAKLAND COUNTY		CHF: -	
MICHIGAN		SCALE HOR 1" = 150 FT. VER 1" = 1 FT.	

Return: 27777 Franklin Rd, suite 2500, Southfield, MI, 48034



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

March 19, 2015

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

**Re: The Preserve at Island Lake of Novi – SP13-0069
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 Preserve at Island Lake of Novi Site Condominium:

- Sanitary Sewer System Easement
- Water System Easement
- Title Commitment
- Bill of Sale
- Maintenance and Guarantee Bond (Utilities)
- On-Site Pathway Easement
- Off-Site Sidewalk Easement with Title Search
- Warranty Deed (Twelve Mile Road - Revised Description)

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

Water System and Sanitary Sewer System Easements

Toll MI II, Limited Partnership seeks to convey the water and sanitary sewer system facilities serving The Preserve at Island Lake of Novi 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.

Rob Hayes, Public Services Director

March 19, 2015

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The Maintenance and Guarantee Bond posted for utilities is in the City's standard amount for a surety bond. The amount has been approved by the City's Consulting Engineer. The Bond is in place to guarantee the materials and workmanship of the water and sanitary sewer facilities for two years from the date of acceptance.

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.

Sidewalk and Pathway Easements

The Sidewalk Easement provides a public easement for sidewalk through the general common element open space of the Condominium along Ten Mile and Napier Roads. A Bill of Sale has also been provided in connection with the Sidewalk Easement conveying the paving and boardwalk areas to the City for public use and maintenance. The exhibits have been reviewed and approved by the City's Engineering Division. Both documents are acceptable for the purposes provided.

The Pathway Easement is for a pathway connecting The Preserve sidewalk to a pathway through the open space within the Island Lake Orchards Condominium, which eventually connects to the sidewalk within the Napier Road Right-of-Way, north of The Preserve. The exhibits have been reviewed and approved by the City's Engineering Division. The Sidewalk Easement is acceptable for the purposes provided.

Once the pathway/sidewalks have been installed and inspected, both easements may be placed on an upcoming City Council Agenda for acceptance. Once accepted and executed by the City, they should be recorded with the Oakland County Register of Deeds.

Warranty Deeds

The Warranty Deed for 60-foot Right-of-Way along Ten Mile Road is in the City's standard format. There is no existing mortgage on the property therefore no discharge is required. The legal description has been reviewed and approved by the City's Engineering Division. The Warranty Deed is acceptable for the purpose provided and should be placed on an upcoming City Council Agenda for acceptance. It should be noted that the Developer has already recorded the Warranty Deed with the County and no further action is required in that regard.

Termination of Bill of Sale

Please note we are enclosing two documents titled, "Termination of Bill of Sale," ***for your signature and recording by the City Clerk's Office***. The legal descriptions attached to both recorded documents were inaccurate to the extent that they were too broad and could be interpreted to include more improvements than the City generally accepts as public. Additionally, the City does not generally record a Bill of Sale.

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

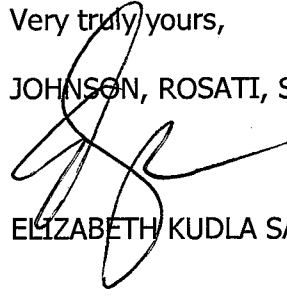
Rob Hayes, Public Services Director

March 19, 2015

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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)
John Poe, Toll Bros., Inc. (w/Enclosures)
A'Jene Maxwell, Esquire (w/Enclosures)
Thomas R. Schultz, Esquire (w/Enclosures)