



**CITY OF NOVI CITY COUNCIL  
NOVEMBER 20, 2023**

**SUBJECT:** Acceptance of a highway easement and temporary grading easement for completion of sidewalk at 39415 Ten Mile Road in the amount of \$30,000.

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

<b>EXPENDITURE REQUIRED</b>	<b>\$ 28,500.00 Highway Easement</b> <b>\$ <u>1,500.00</u> Temporary Grading Easement</b> <b>\$ 30,000.00 Total</b>
<b>AMOUNT BUDGETED</b>	<b>\$ 30,000.00</b>
<b>APPROPRIATION REQUIRED</b>	<b>\$ 0</b>
<b>LINE ITEM NUMBER</b>	<b>204-446.00-974.475</b>

**BACKGROUND INFORMATION:**

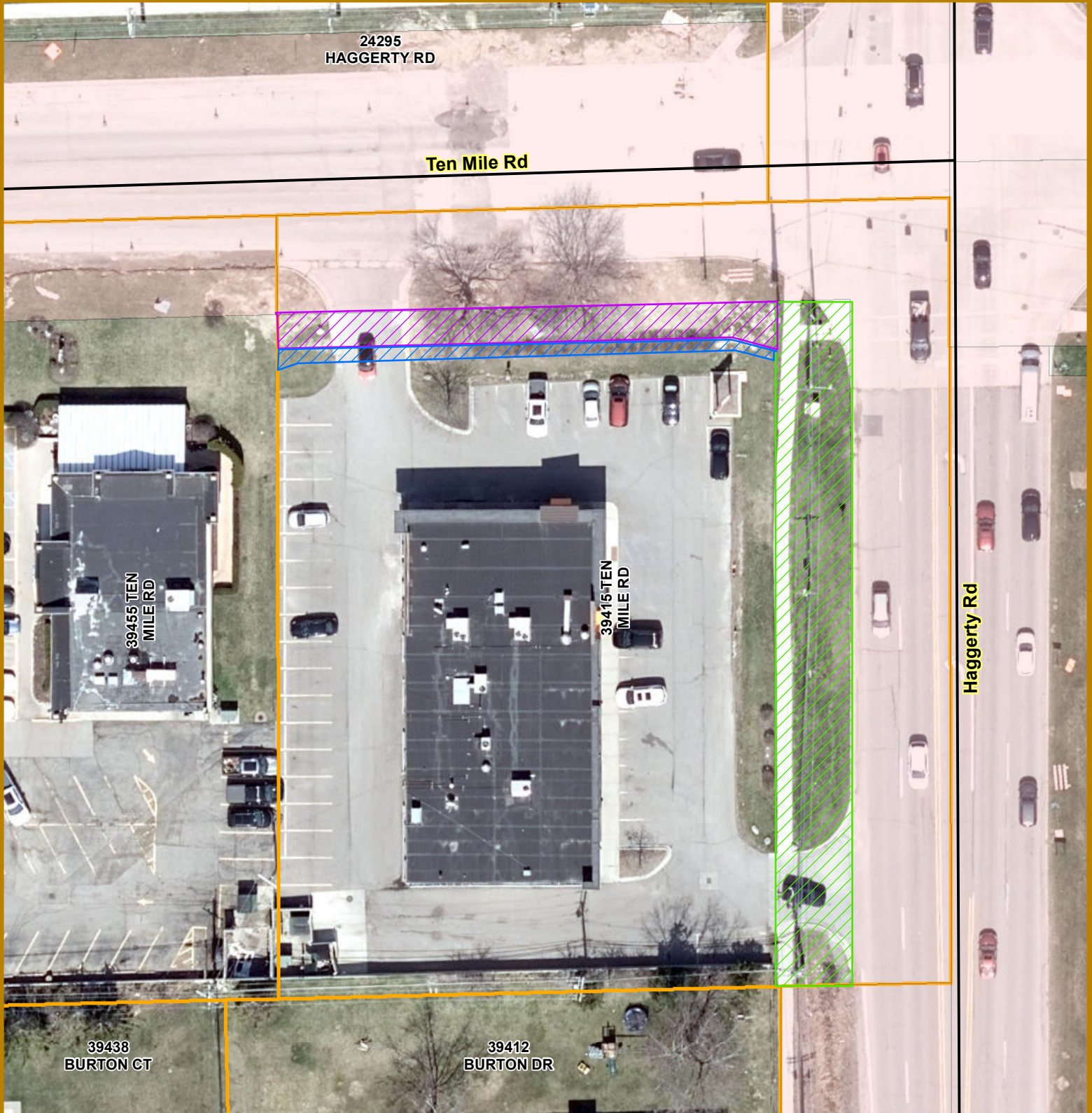
The Road Commission of Oakland County (RCOC) recently completed a 10 Mile Road Rehabilitation and Widening project between Meadowbrook Road and Haggerty Road. Part of the project involved filling in sidewalk gaps along 10 Mile Road, which required the acquisition of easements from property owners where there was insufficient right-of-way to construct sidewalk. One of the parcels requiring an easement is at the southwest corner of 10 Mile Road and Haggerty Road, parcel 50-22-25-226-011. The RCOC was unable to come to an agreement with the property owner prior to the deadline for federal funding obligation so the sidewalk segment was dropped from the project. Due to the high priority of completing sidewalk along the 10 Mile Road corridor, City staff recommend accepting the highway easement and temporary grading easement for the value requested by the property owner of \$30,000.

The City Attorney reviewed the signed easement favorably (Beth Saarela, January 27, 2023). Construction of the sidewalk would occur in spring 2024 under an existing construction contract.

**RECOMMENDED ACTION:** Acceptance of a highway easement and temporary grading easement for completion of sidewalk at 39415 Ten Mile Road in the amount of \$30,000.

# 39415 Ten Mile Road Easements



## Location Map






Map Author: Runkel  
 Date: 10-30-23  
 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
-  Tax Parcels

-  Existing Easement
-  Proposed Highway Easement
-  Proposed Temporary Grading Easement



**City of Novi**

Engineering Division  
 Department of Public Works  
 26300 Lee BeGole Drive  
 Novi, MI 48375  
[cityofnovi.org](http://cityofnovi.org)



1 inch = 45 feet

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Farmington Hills, Michigan 48331  
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ROSATI | SCHULTZ  
JOPPICH | AMTSBUECHLER

November 1, 2023

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

**RE: Ten Mile Sidewalk Project – Highway Easement and Temporary Grading Easement -Parcel: 22-25-226-011 – 39415 Ten Mile**

Dear Ms. Runkel:

We have received and reviewed the following easements that the City has acquired for construction of sidewalk along Ten Mile Road:

- Highway Easement – Parcel 22-25-226-011 (\$28,500.00)
- Temporary Grading Easement – Parcel 22-25-226-011 (\$1,500.00)

RCOC was unable to acquire this easements in connection with its Ten Mile Road Rehabilitation Project because the Property owner was not willing to accept the appraised value provided by RCOC and requested attorneys' fees in addition to the value of the easements. The City proposes to construct the sidewalk at this time and the property owner and City staff have negotiated an offer initially based on, but exceeding, the RCOC appraisal, based on the high priority of the project.

The Highway Easement is in the RCOC standard Highway Easement format and in addition to sidewalk construction, it allows road construction and utility installation with in the easement area. The Temporary Grading Easement is also a standard form Temporary Grading Easement, and is acceptable for the purposes provided. The easements may be placed on an upcoming City Council Agenda for acceptance. Once accepted, the easements 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 easement for recording. The Highway Easement may be assigned to RCOC, as needed, for road right-of-way improvement.

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

Rebecca Runkel, Project Engineer  
City of Novi  
November 1, 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)



**HIGHWAY EASEMENT**

**KNOW ALL PERSONS** that the William V. Licari Trust under trust agreement dated August 18, 1986, (“Grantor(s)”), whose address is 5430 Inverrary Lane, Commerce Township, MI 48382, for and in consideration of Twenty-eight thousand and five-hundred dollars (\$28,500), 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.: 50-22-25-226-011

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 13 day of October, 2023.





EXHIBIT A  
 PARCEL 22-25-226-011  
 39415 TEN MILE ROAD

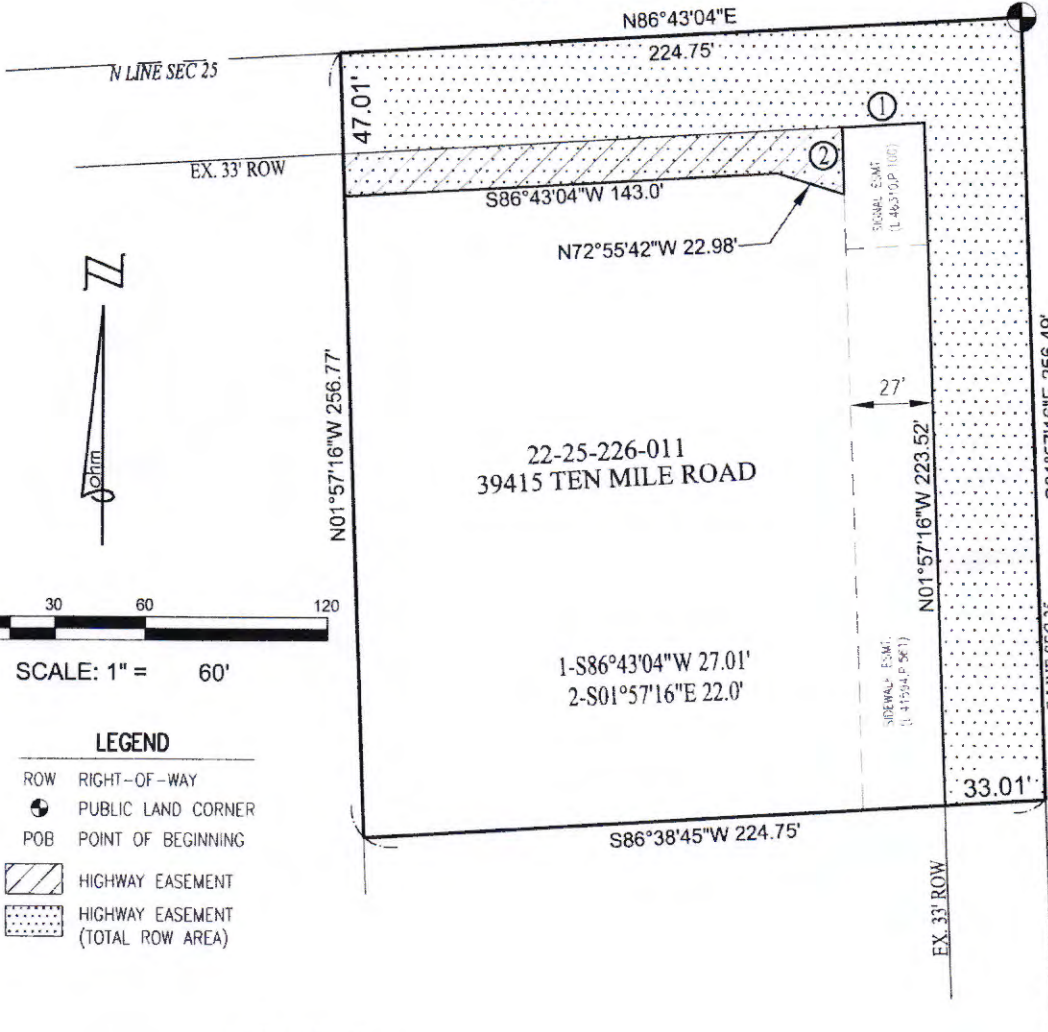


HIGHWAY EASEMENT

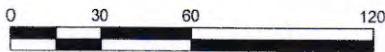
NE COR.  
 SEC. 25  
 T1N,R8E  
 (POB-PARCEL &  
 HWY ESMT.)

10 MILE ROAD

HAGGERTY ROAD



N



SCALE: 1" = 60'

LEGEND

- ROW RIGHT-OF-WAY
- ⊙ PUBLIC LAND CORNER
- POB POINT OF BEGINNING
- HIGHWAY EASEMENT
- HIGHWAY EASEMENT (TOTAL ROW AREA)

LAND AREAS

PARENT PARCEL	= 1.324 ACRES (57,660 SQ. FEET)
EXISTING ROW	= 0.340 ACRES (14,792 SQ. FEET)
PROPOSED HIGHWAY EASEMENT	= 0.055 ACRES (2,393 SQ. FEET)
HIGHWAY EASEMENT (TOTAL ROW)	= 0.395 ACRES (17,185 SQ. FEET)

\*\*\*BEARINGS BASED ON  
 OAKLAND COUNTY TAX ROLLS

10 MILE ROAD REHABILITATION AND WIDENING PARCEL # 22-25-226-011 SECTION 25, T.1N., R.8E., CITY OF NOVI, OAKLAND COUNTY, MICHIGAN		DATE 11-09-2020	
		SHEET 1 OF 1	
CLIENT: ROAD COMMISSION FOR OAKLAND COUNTY	ROAD PROJECT # 55601	OHM JOB # 0170-20-0010	
34000 Plymouth Road   Livonia, MI 48150   P (734) 522-6711   F (734) 522-6427   WWW.OHM-ADVISORS.COM			

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EXHIBIT "B"  
10 Mile Road Rehabilitation and Widening  
Project No. 55601  
Tax ID: 22-25-226-011  
Parcel 74

PARENT PARCEL DESCRIPTION

A parcel of land situated in the NE 1/4 of Section 25, Town 1 North, Range 8 East, City of Novi, Oakland County, Michigan, described as follows:

Beginning at the NE corner of said Section 25; thence S 01°57'16" E 256.49 feet; thence S 86°38'45" W 224.75 feet; thence N 01°57'16" W 256.77 feet; thence N 86°43'04" E 224.75 feet to the Point of Beginning.

HIGHWAY EASEMENT DESCRIPTION

A parcel of land situated in the NE 1/4 of Section 25, Town 1 North, Range 8 East, City of Novi, Oakland County, Michigan, described as follows:

Beginning at the NE corner of said Section 25; thence S 01°57'16" E 256.49 feet along the East line of said Section 25; thence S 86°38'45" W 33.01 feet along the South line of said parent parcel; thence N 01°57'16" W 223.52 feet along the West right of way line of Haggerty Road; thence S 86°43'04" W 27.01 feet along the South right of way line of 10 mile Road; thence S 01°57'16" E 22.0 feet; thence N 72°55'42" W 22.98 feet; thence S 86°43'04" W 143.0 feet; thence N 01°57'16" W 47.01 feet along the West line of said parent parcel; thence N 86°43'04" E 224.75 feet along the North line of said Section 25 to the Point of Beginning.

Containing 17,185 square feet, more or less.

Part of Tax ID No. 22-25-226-011  
39415 TEN MILE ROAD

Dated: November 09, 2020  
SH



**TEMPORARY GRADING EASEMENT**

KNOW ALL MEN BY THESE PRESENTS, that the William V. Licari Trust under trust agreement dated August 18, 1986, whose address is 5430 Inverrary Lane, Commerce Township, MI 48382, 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: 50-22-25-226-011*

for and in consideration of One-thousand and Five-hundred dollars (\$1,500), 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 temporary grading easement, over, upon, across, in, through, and under the following described real property to wit:

**See Exhibit "A"**

and to enter upon sufficient land adjacent to said temporary grading easement to access, move men and equipment on and through, the right to store materials and excavated earth, remove vegetation and alter the underlying land in, over, upon and through the properties described above in the particular areas shown in Exhibit A, attached.

I understand this only grants permission to the Contractor to perform work directly relating to the listed project and upon completion of required grading operations the property will be fully restored.

Grantee may install, repair, replace and maintain lines and all necessary appurtenances thereto, within the easement herein granted.

Grantor agrees not to build or to convey to others permission to build any permanent structures on the above described easement.

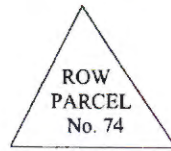
The premises so disturbed by reason of the exercise of any of the foregoing powers, rights and privileges, shall be reasonably restored to its prior condition by Grantee.

The permissive rights set forth herein shall start as of the date the contractor commences work on the above project and shall terminate on the date that the contractor completes the 10 Mile Road Rehabilitation and Widening Project, Meadowbrook Road to Haggerty Road, as set forth in plans dated April 15, 2022.





**EXHIBIT A**  
**PARCEL 22-25-226-011**  
**39415 TEN MILE ROAD**

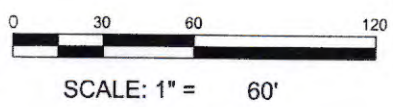
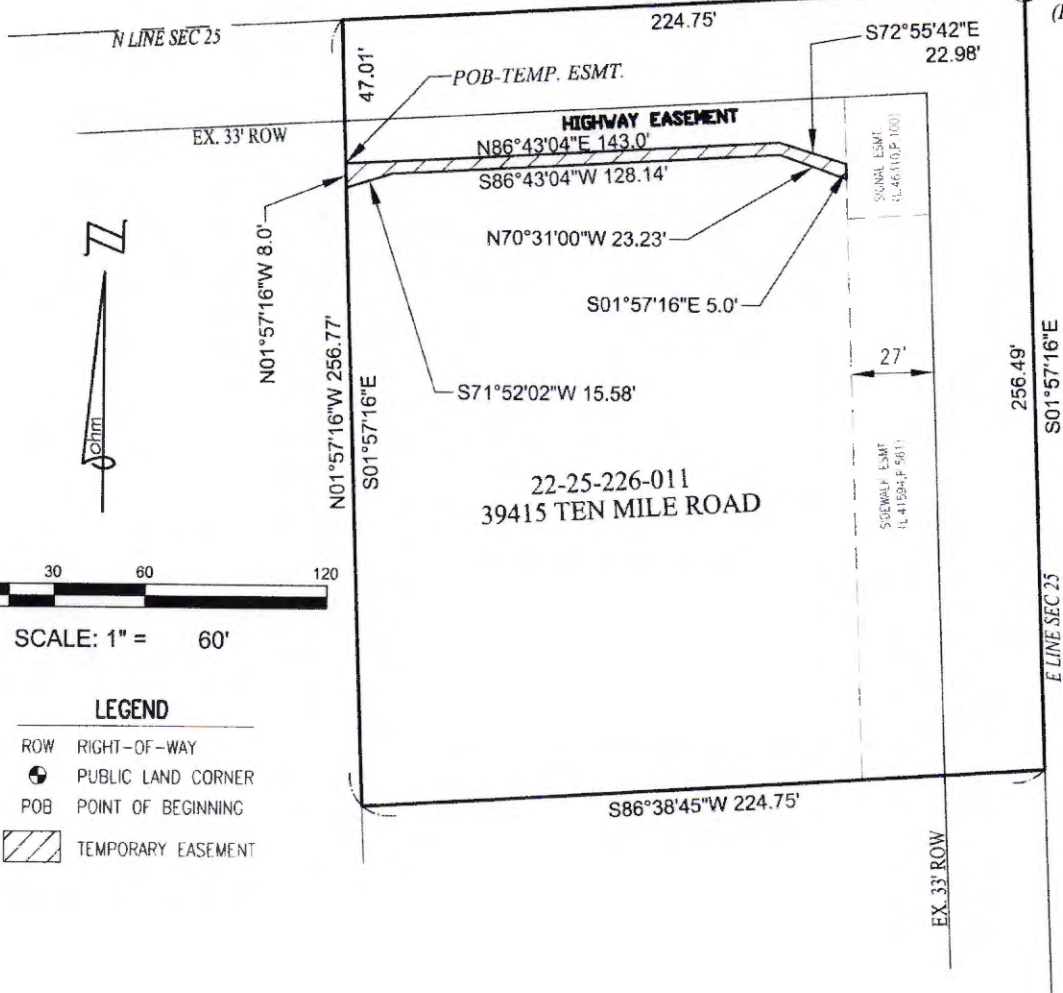


TEMPORARY EASEMENT

**10 MILE ROAD**

N86°43'04"E (S86°43'04"W)

NE COR.  
 SEC. 25  
 T1N, R8E  
 (POB-PARCEL)



**LEGEND**

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

**LAND AREAS**

PARENT PARCEL = 1.324 ACRES (57,660 SQ. FEET)  
 TEMPORARY EASEMENT = 0.016 ACRES (700 SQ. FEET)

\*\*\*BEARINGS BASED ON  
 OAKLAND COUNTY TAX ROLLS

10 MILE ROAD REHABILITATION AND WIDENING  
 PARCEL # 22-25-226-011  
 SECTION 25, T.1N., R.8E., CITY OF NOVI,  
 OAKLAND COUNTY, MICHIGAN

DATE  
 11-09-2020  
 SHEET  
 1  
 OF 1



CLIENT: **ROAD COMMISSION FOR OAKLAND COUNTY**      ROAD PROJECT # **55601**      OHM JOB # **0170-20-0010**  
 34000 Plymouth Road | Livonia, MI 48150 | P (734) 522-6711 | F (734) 522-6427 | WWW.OHM-ADVISORS.COM

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