



CITY of NOVI CITY COUNCIL

**Agenda Item K
January 8, 2018**

SUBJECT: Acceptance of a sidewalk easement for parcel 50-22-03-101-006 as part of the Pontiac Trail Sidewalk project.

SUBMITTING DEPARTMENT: Department of Public Services, Engineering Division

CITY MANAGER APPROVAL: *PA*

BACKGROUND INFORMATION:

The Pontiac Trail Sidewalk project (Segment 9) requires the acquisition of several easements prior to construction. The segment was ranked 2nd in the 2014 update of the Annual Non-Motorized Prioritization list and is certainly a much needed improvement for the residents and businesses in that area.

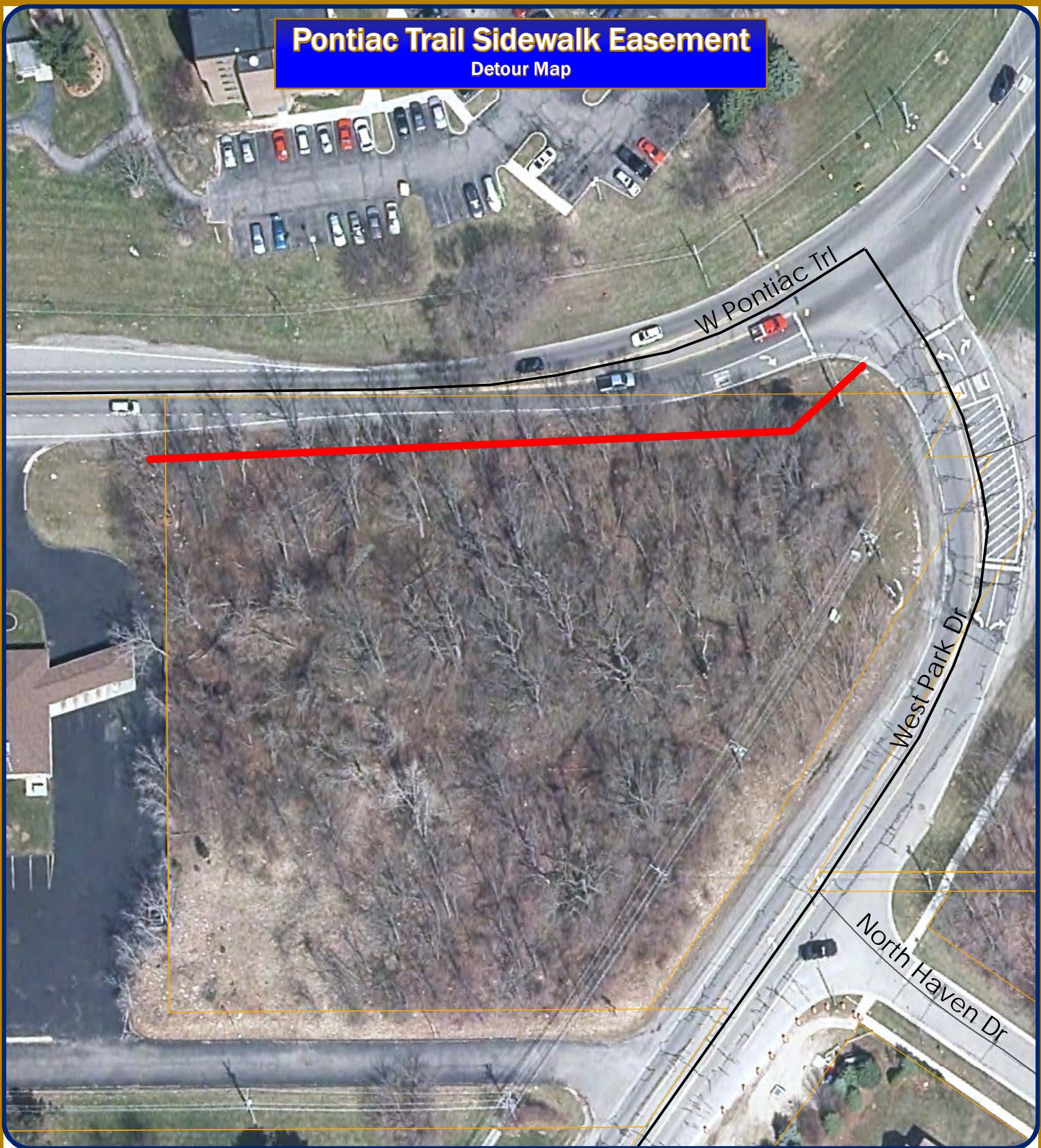
The construction of the Pontiac Trail sidewalk from Beck Road to West Park Drive is scheduled to occur in summer 2018.

The proposed easement, conveyed to the City for \$1 (one dollar) has been favorably reviewed by the City Attorney (Beth Saarela's December 15, 2017 letter) and is recommended for approval.

RECOMMENDED ACTION: Acceptance of a sidewalk easement for parcel 50-22-03-101-006 as part of the Pontiac Trail Sidewalk project.

Pontiac Trail Sidewalk Easement

Detour Map



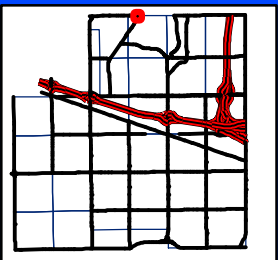
Map Author: Joseph Akers
 Date: December 18, 2017
 Project: Pontiac Trail Segment 9
 Version #: 1

Amended By:
 Date:
 Department:

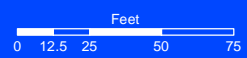
MAP INTERPRETATION NOTICE

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.

Proposed Sidewalk



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



1 inch = 67 feet





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.jrsjlaw.com

December 15, 2017

Jeffrey Herczeg, Director of Public Services
CITY OF NOVI
City of Novi
45175 Ten Mile Road
Novi, MI 48375-3024

**Re: Pontiac Trail Pathway – Novi Property Investment, LLC
Parcel No. 22-03-101-008**

Dear Mr. Herczeg:

We have received and reviewed the proposed Sidewalk Easement for the Pontiac Trail Pathway Project:

- Novi Property Investment, LLC – Vacant Parcel on Pontiac Trail

The above permanent Easement was donated by the property owner with respect to the City's project. The Easement appears to be properly executed and consistent with the title search for the subject property. There are no current mortgages on the property requiring a lender to consent to the Easement.

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

Very truly yours,

JOHNSON, ROSATI, SCHULTZ & JOPPICH, P.C.

Elizabeth Kudla Saarela

EKS
Enclosures

C: Cortney Hanson, Clerk (w/Original Enclosures)
Joseph Akers, Staff Civil Engineer (w/Enclosures)
Kyle Selter, OHM (w/Enclosures)
Thomas R. Schultz, Esquire (w/Enclosures)

SIDEWALK EASEMENT

KNOW ALL MEN BY THESE PRESENTS, that NOVI PROPERTY INVESTMENT, LLC, a Michigan limited liability company, whose address is 13201 WARREN AVE., SUITE 1, DEARBORN, MI 48126, 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 2, 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.

The setback for development purposes will be measured from the future right of way line and will not be impacted by this grant of sidewalk easement.

Exempt pursuant to MCLA 207.505(a)
And MCLA 207.526(a)

{Signature begins on following page}

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.

IN WITNESS WHEREOF, the undersigned Grantor has affixed his signature this 05 day of December A.D., 2017

Signed by: ERIC ALZAROU

Novi Property Investment, LLC, a Michigan limited liability company

By Eric Alzaroui
Its: Manager

STATE OF MICHIGAN)
) SS
COUNTY OF WAYNE)

On this 5th day of December, A.D., 2017, before me, personally appeared the above named ERIC ALZAROU, the _____ of Novi Property Investment, LLC, a Michigan limited liability company, to me known to be the person described in and who executed the foregoing instrument and acknowledged that they executed the same as _____ free act and deed.

Dania Elzaroui
Notary Public
WAYNE County, Michigan
My Commission Expire 9/17/2023

Drafted by:
Sameer Hamad
OHM Advisors
34000 Plymouth Road
Livonia, MI 48150

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

DANIA ELZAROU
NOTARY PUBLIC, STATE OF MI
COUNTY OF WAYNE
MY COMMISSION EXPIRES Sep 17, 2023
ACTING IN COUNTY OF WAYNE

PROPERTY SKETCH AND DESCRIPTION

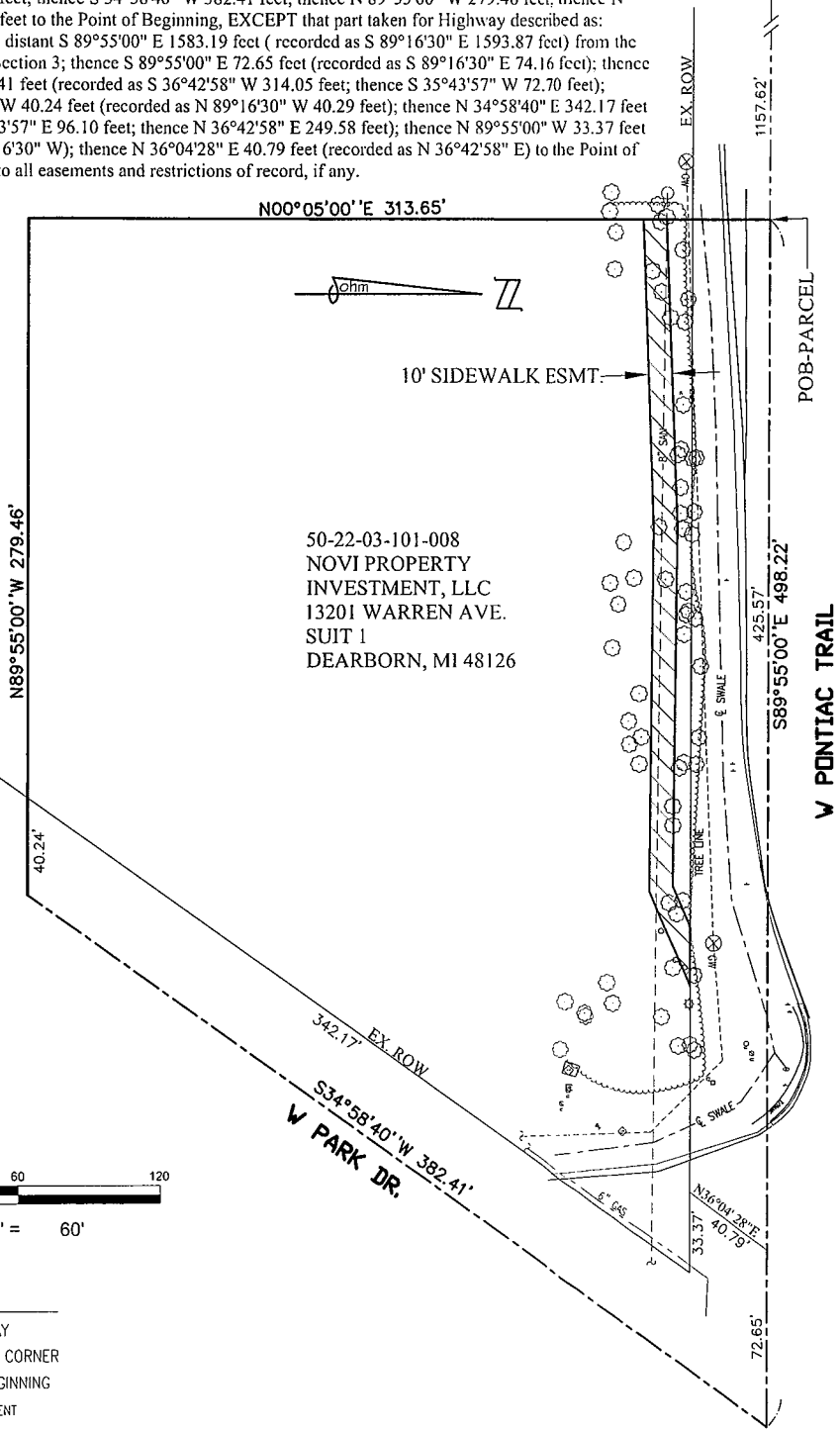
Exhibit "A"

PARCEL DESCRIPTION (50-22-03-101-008)
(Per Oakland County Tax Rolls)

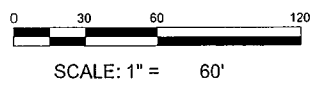
A parcel of land being a part of the NW 1/4 of the Section 3, Town 1 North, Range 8 East, City of Novi, Oakland County, Michigan, more particularly described as follows:

Beginning at point distant S 89°55'00" E 1157.62 feet from the NW corner of said Section 3; thence S 89°55'00" E 498.22 feet; thence S 34°58'40" W 382.41 feet; thence N 89°55'00" W 279.46 feet; thence N 00°05'00" E 313.65 feet to the Point of Beginning, EXCEPT that part taken for Highway described as: Beginning at a point distant S 89°55'00" E 1583.19 feet (recorded as S 89°16'30" E 1593.87 feet) from the NW corner of said Section 3; thence S 89°55'00" E 72.65 feet (recorded as S 89°16'30" E 74.16 feet); thence S 34°58'40" W 382.41 feet (recorded as S 36°42'58" W 314.05 feet; thence S 35°43'57" W 72.70 feet); thence N 89°55'00" W 40.24 feet (recorded as N 89°16'30" W 40.29 feet); thence N 34°58'40" E 342.17 feet (recorded as N 35°43'57" E 96.10 feet; thence N 36°42'58" E 249.58 feet); thence N 89°55'00" W 33.37 feet (recorded as N 89°16'30" W); thence N 36°04'28" E 40.79 feet (recorded as N 36°42'58" E) to the Point of Beginning. Subject to all easements and restrictions of record, if any.

N1/4 COR.
SEC. 3
T1N, R8E



50-22-03-101-008
NOVI PROPERTY
INVESTMENT, LLC
13201 WARREN AVE.
SUITE 1
DEARBORN, MI 48126



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

PROPERTY SKETCH AND DESCRIPTION PART OF THE NW 1/4 OF SECTION 3 T.1N., R.8E., CITY OF NOVI, OAKLAND COUNTY, MICH. PARCEL ID #50-22-03-101-008		SCALE H. 1"=60' SHEET 3 OF 4	
DATE: 05-01-17	CITY OF NOVI	0163-15-0100	
34000 Plymouth Road Livonia, MI 48150 P (734) 522-6711 F (734) 522-6427 WWW.OHM-ADVISORS.COM			
COPYRIGHT 2015 OHM ALL DRAWINGS AND ANY MATERIALS APPEARING HEREIN CONSTITUTE THE ORIGINAL AND UNPUBLISHED WORK OF OHM AND THE SAME MAY NOT BE REPRODUCED, DISTRIBUTED OR DECORATED WITHOUT PRIOR WRITTEN CONSENT OF OHM			

SIDEWALK EASEMENT SKETCH AND DESCRIPTION

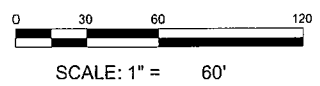
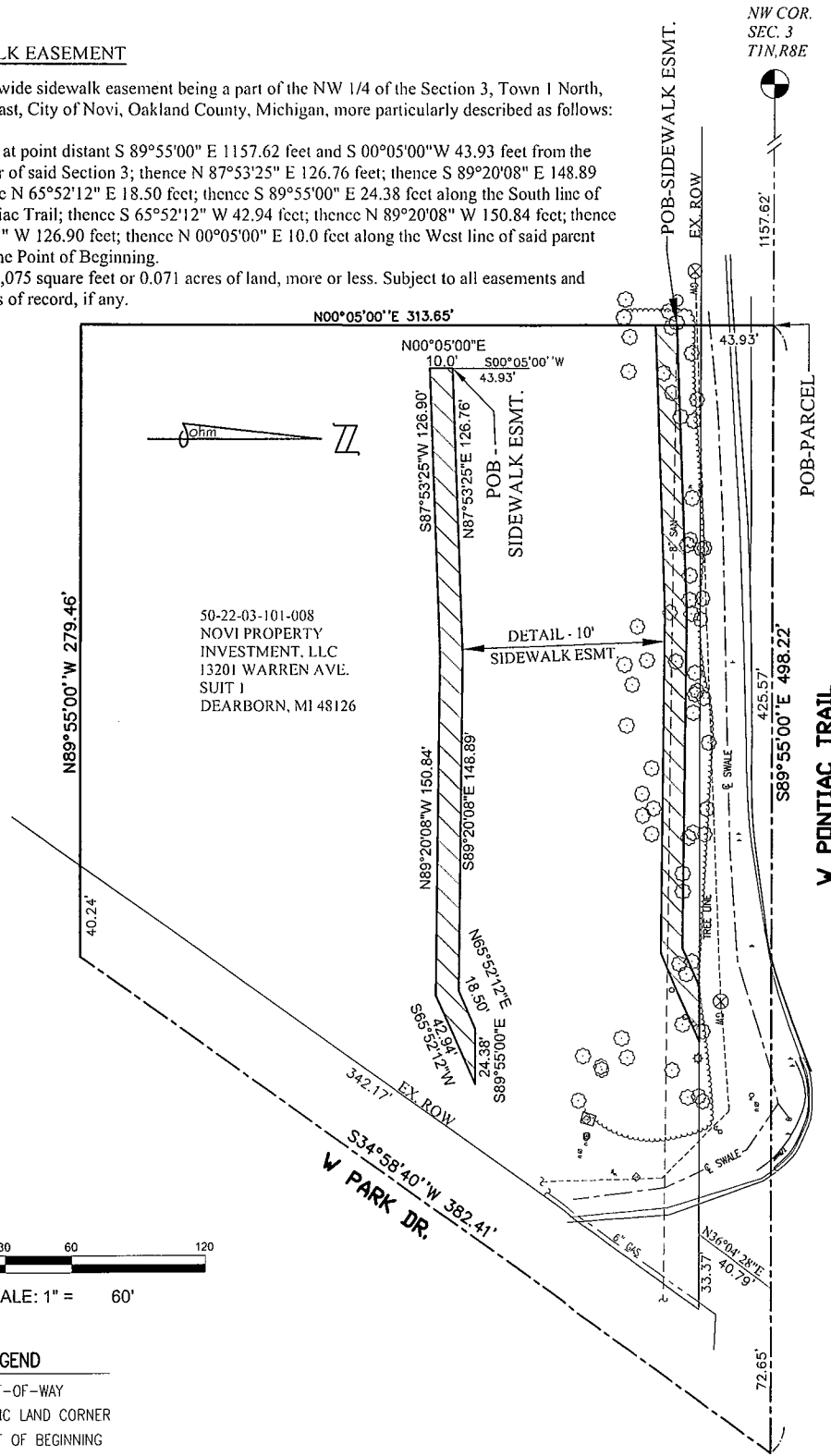
Exhibit "B"

SIDEWALK EASEMENT

A 10 foot wide sidewalk easement being a part of the NW 1/4 of the Section 3, Town 1 North, Range 8 East, City of Novi, Oakland County, Michigan, more particularly described as follows:

Beginning at point distant S 89°55'00" E 1157.62 feet and S 00°05'00" W 43.93 feet from the NW corner of said Section 3; thence N 87°53'25" E 126.76 feet; thence S 89°20'08" E 148.89 feet; thence N 65°52'12" E 18.50 feet; thence S 89°55'00" E 24.38 feet along the South line of West Pontiac Trail; thence S 65°52'12" W 42.94 feet; thence N 89°20'08" W 150.84 feet; thence S 87°53'25" W 126.90 feet; thence N 00°05'00" E 10.0 feet along the West line of said parent parcel to the Point of Beginning.

Contains 3,075 square feet or 0.071 acres of land, more or less. Subject to all easements and restrictions of record, if any.



- LEGEND**
- ROW RIGHT-OF-WAY
 - ⊙ PUBLIC LAND CORNER
 - POB POINT OF BEGINNING
 - ▨ SIDEWALK EASEMENT

SIDEWALK EASEMENT SKETCH AND DESCRIPTION		SCALE 1"=60'
PART OF THE NW 1/4 OF SECTION 3 T.1N., R.8E., CITY OF NOVI, OAKLAND COUNTY, MICH. PARCEL ID #50-22-03-101-008		SHEET 4 OF 4
DATE: 05-01-17	CLIENT: CITY OF NOVI	JOB #: 0163-15-0100
34000 Plymouth Road Livonia, MI 48150 P (734) 522-6711 F (734) 522-6427 WWW.OHM-ADVISORS.COM		
<small>COPYRIGHT 2015 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 THE WRITTEN CONSENT OF OHM.</small>		

NW COR.
SEC. 3
T1N, R8E



1157.62'

43.93'

POB-PARCEL

DETAIL - 10'
SIDEWALK ESMT

425.57'

POB-SIDEWALK ESMT.

EX. ROW

W PONTIAC TRAIL

342.17' EX. ROW

72.65'

6" GAS

133600' SWITE
40.79'

TEMPORARY GRADING PERMIT

I, Eric Alzaroui, as manager of Novi Property Investment, LLC, a Michigan limited liability company, as the Owner of the property described as 13201 Warren Ave. Suite 1, Dearborn, MI 48126 (parcel 50-22-03-101-008) grant the City of Novi and its contractor (or subcontractors) permission 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.

The work will include:

Construction activities related to the construction of a sidewalk along the south side of Pontiac Trail from an existing sidewalk connection point east of Beck Road through the intersection at West Park Drive. The specific work may include grading, tree removals, modifications to driveway approaches, and related construction activities required for the proposed sidewalk work in accordance with the approved plans. All work is contained in the set of construction plans entitled "Pontiac Trail Sidewalk" by OHM Advisors.

All portions of the Premises damaged or disturbed by Novi's exercise of temporary easement rights shall be reasonably restored by Novi to the condition that existed prior to the damage or disturbance.

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.

The Temporary Grading Permit 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 above project (not to exceed one year).

By: [Signature]

Date 12-05-17

13201 W. Warren Ave
Contact Mailing Address ste 1

DEARBORN, MI 48126
City, State, Zip

313-999-9041
Phone Number

313-584-1042
Fax Number

STATE OF MICHIGAN)
) SS
COUNTY OF WAYNE)

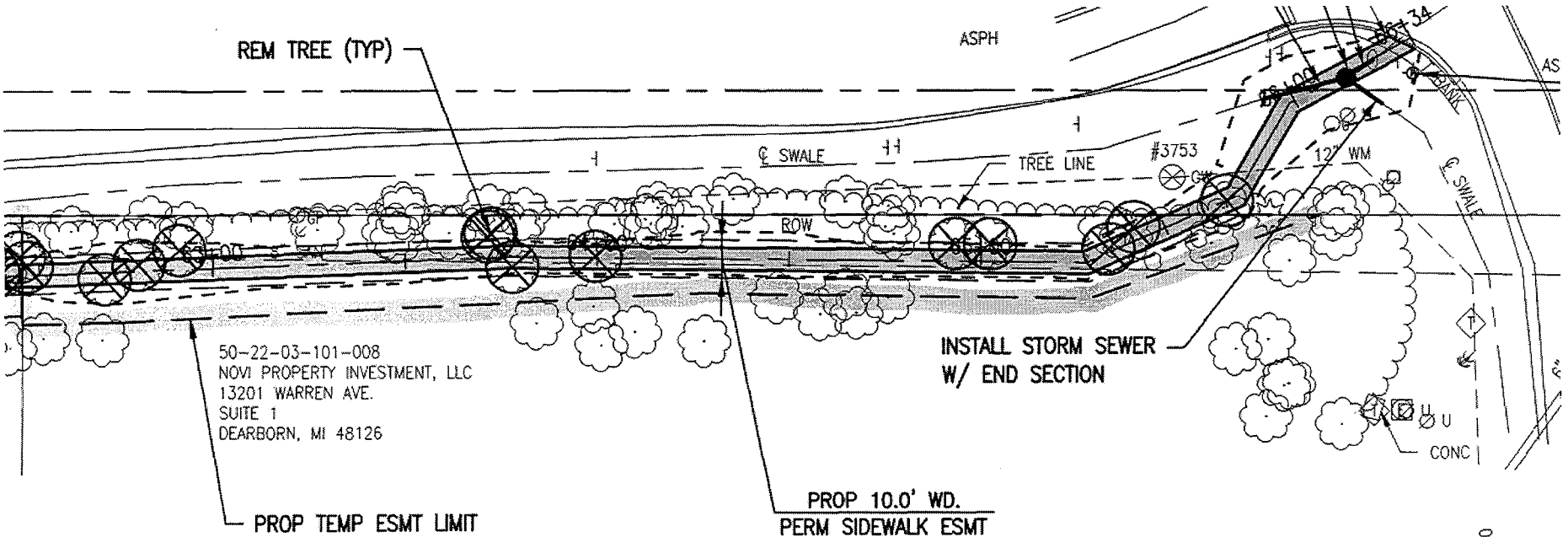
The foregoing instrument was acknowledged before me this 5th day of December, 2017 by Eric Alzaroui, the manager of Novi Property Investment, LLC, a Michigan limited liability company.

[Signature]
Notary Public
WAYNE County, Michigan
My Commission Expires: 9/17/2023

Drafted by:
Kyle Selter
OHM Advisors
34000 Plymouth Road
Livonia, MI 48150

DANIA ELZAROU
NOTARY PUBLIC, STATE OF MI
COUNTY OF WAYNE
MY COMMISSION EXPIRES Sep 17, 2023
ACTING IN COUNTY OF WAYNE

EXHIBIT A



50-22-03-101-008
NOVI PROPERTY INVESTMENT, LLC
13201 WARREN AVE.
SUITE 1
DEARBORN, MI 48126

INSTALL STORM SEWER
W/ END SECTION

PROP TEMP ESMT LIMIT

PROP 10.0' WD.
PERM SIDEWALK ESMT

965.20

WOOD DISPOSAL LICENSE

FOR PERMIT APPLICATION NUMBER _____

Regarding property ("Property") commonly known as: Novi Property Investment, LLC

(Part of) Tax Parcel No. 50-22-03-101-008

Section 4, T1N, R8E, Oakland County Michigan

Name(s) of property owner(s) (the "Owner"): Novi Property Investment, LLC

Address of Owner: 13201 Warren Ave. Suite 1

Dearborn, MI 48126

The undersigned Owner understands that the proposed construction of a Pathway by the Road Commission for Oakland County permit applicant _____ City of Novi ("Permit Applicant") or its agents will necessitate the removal of certain trees and stumps within the road right-of-way on the South side of West Pontiac Trail.

The undersigned Owner:

Wants to receive the wood resulting from the Permit Applicant or its agent's removal of trees that are on or adjacent to the Property, and the Owner understands that the wood will be cut into 10 to 12 foot lengths. **By checking this box, the Owner hereby gives permission to the Permit Applicant to enter the Property in order to place the wood on the Property.**

Does not want to receive the wood resulting from the Permit Applicant's removal of trees that are on or adjacent to the Property.

This License does *not* transfer an interest in your property to the Permit Applicant or any of its agents; it does *not* need to be recorded with the Oakland County Register of Deeds; and it does *not* cause a change in your property boundary lines.

This License contains the entire understanding between the Owner, the Permit Applicant, and the Road Commission for Oakland County. There are no other verbal promises between the parties except as shown herein.

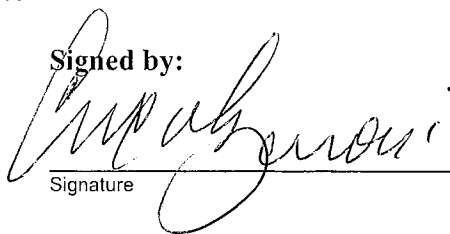
IN WITNESS HEREOF, the undersigned hereby agree(s) to the terms and provisions herein as of this 09 day of December, 2017.

WITNESS:

Signature

Print Name

Signed by:

 _____
Signature

Eric Alzaroui

Print Name

Signature

Print Name