



**CITY OF NOVI CITY COUNCIL**  
**MARCH 18, 2024**

**SUBJECT:** Approval to grant a 10-foot wide easement to the DTE Energy Company for the Jessica's Splash Pad at Bosco Fields project located near the southwest corner of 11 Mile and Beck Roads at 25802 Beck Road or parcels 22-20-200-011 and 22-20-200-022 and authorize the City Manager to sign the document.

**SUBMITTING DEPARTMENT:** Department of Public Works, Engineering Division  
Department of Parks, Recreation & Cultural Services

**BACKGROUND INFORMATION:**

A splash pad, in honor of former FOX 2 Meteorologist Jessica Starr-Rose, is currently being constructed at the Bosco Fields Park. A new building with a 20' x 20' mechanical room will house the controls for the splash pad, along with restrooms and changing areas. The building, along with the proposed site lighting, will require power. DTE Energy identified an existing source of electricity via a transformer and pad located near one of the standing buildings formerly belonging to the Novi Community Schools.

Therefore, in order to provide electrical service to the splash pad, the DTE Energy Company requires an easement from the City in and through the property between the existing building and the new splash pad building (see attached Location Map).

**RECOMMENDED ACTION:** Approval to grant a 10-foot wide easement to the DTE Energy Company for the Jessica's Splash Pad at Bosco Field project located near the southwest corner of 11 Mile and Beck Roads at 25802 Beck Road or parcels 22-20-200-011 and 22-20-200-022 and authorize the City Manager to sign the document.

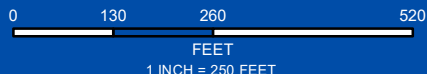
# BOSCO FIELDS SPLASH PAD LOCATION MAP

## Proposed Splash Pad Location

	Parking		Water Main
	Seasonal Restrooms		Sanitary Main
	Splash Pad		Sanitary Manhole
	Gravel Path		Right of Way
			Tax Parcels



**CITY OF NOVI**  
 PARKS, RECREATION & CULTURAL SERVICES  
 NOVI CITY HALL  
 45175 W. TEN MILE ROAD  
 NOVI, MI 48375  
 (248) 347-0400  
 CITYOFNOVI.ORG  
 MAP AUTHOR: K. BLOUGH



**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.



DTE Energy – SW Region  
Electric Distribution Operations  
Engineering, Planning & Design  
8001 Haggerty Road  
Belleville, MI 48111

**Date:** March 14, 2024

City of Novi  
Attn: Victor Cardenas – City Manager  
45175 Ten Mile Road  
Novi, Michigan 48375

**Re:** DTE Electric Underground Easement Agreement – City of Novi Splash Pad

**Work Order Number(s):** 69394194 – 69394206

**Location:** 47481 West Eleven Mile Road, Novi, Michigan 48374

**Parcel Tax Identification Number(s):** 50-22-20-200-011

Dear Victor Cardenas,

DTE Energy has received a request for new service, adjacent to and/or on your property. To process this request, DTE Energy will need permission from you to extend our facilities on, in, or across your parcel(s) of land. A sketch drafted by your Service Planner is included. This sketch indicates the area of the overhead and/or underground equipment.

Instructions: **Please download and scale documents to 100% prior to printing**, not doing this may resize the documents, rendering them unacceptable. Please do not alter these documents, if there are any changes or corrections to be made, please contact me. This Easement Agreement(s) must be physically signed and dated by the Owner, POA, Officer of the company, Member or Authorized/Managing Agent – proof of such will need to be provided if requested. The Signatory’s legal name must be used – no nicknames or abbreviations. Signature(s) of the authorized person(s) must be witnessed in-person by a Notary and be in **blue ink** (requirement). At your earliest convenience please return the original executed easement document to DTE Energy, Attn: Kyra Froelich, PO Box 1290, Novi, MI 48376-1290. **Please do not send the Agreement back via certified mail – it may be returned to you.** If you would prefer to send the Easement Agreement back via expedited mail, please reference the email that contains this Agreement.

Please feel free to contact me if you have any questions or concerns.

Sincerely,

*Kyra Froelich*

Right of Way Facilitator  
DTE Energy - Electric Distribution  
Engineering, Planning & Design – SW Region  
[kyra.froelich@dteenergy.com](mailto:kyra.froelich@dteenergy.com) | Cell: 734-308-3499

**DTE Electric Company Underground Easement (Right of Way) No. 69394194 – 69394206**

On \_\_\_\_\_, 2024, for the consideration of system betterment, Grantor grants to Grantee a permanent, non-exclusive underground easement ("Right of Way") in, on, and across a part of Grantor's Land called the "Right of Way Area".

"Grantor" is: City of Novi, a Michigan Municipal Corporation, whose address is 45175 Ten Mile Road, Novi, Michigan 48375

"Grantee" is: DTE Electric Company, a Michigan corporation, whose address is One Energy Plaza Drive, Detroit, Michigan 48226

"Grantor's Land" is in part of the Northeast ¼ of Section 20, Town 1 North, Range 8 East, City of Novi, County of Oakland, and State of Michigan, and is described as follows:

THE PARCEL AND EASEMENT LEGAL DESCRIPTIONS ARE MORE PARTICULARLY DESCRIBED ON EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF.

Parcel Tax Identification Number(s): 50-22-20-200-011

More commonly known as: 47481 West Eleven Mile Road, Novi, Michigan 48374

The "Right of Way Area" is a ten (10') foot wide easement on part of Grantor's Land. The centerline of the Right of Way Area shall be established in the as-built location of the centerline of Grantee's facilities, and shall be installed on Grantor's Land in the approximate location described as follows:

THE EASEMENT DRAWING IS MORE PARTICULARLY DESCRIBED ON EXHIBIT "B" ATTACHED HERETO AND MADE A PART HEREOF.

1. **Purpose:** The purpose of this Right of Way is to construct, reconstruct, modify, add to, repair, replace, inspect, operate, and maintain underground utility line facilities, which may consist of poles, guys, anchors, wires, manholes, conduits, pipes, cables, transformers, and accessories.

2. **Access:** Grantee has the right of pedestrian and vehicular ingress and egress to and from the Right of Way Area over and across Grantor's Land.

3. **Buildings or other Permanent Structures:** No buildings or other permanent structures or improvements may be constructed or placed in the Right of Way Area without Grantee's prior, written consent. Grantor agrees, at its own expense, to remove any improvement that interferes with the safe and reliable operation, maintenance, and repair of Grantee's facilities upon the written demand of Grantee. If Grantor fails to comply with such demand, Grantor agrees that Grantee may remove any such improvement and bill Grantor for the cost thereof, which cost Grantor shall pay within thirty (30) days after demand therefor.

4. **Excavation:** Pursuant to 2013 Public Act 174, MISS DIG (1-800-482-7171 or 811 in some areas) must be called before any excavation in the Right of Way Area may proceed.

5. **Trees, Bushes, Branches, Roots, Structures and Fences:** Grantee may trim, cut down, remove, or otherwise control any trees, bushes, branches, and roots growing or that could grow or fall in the Right of Way Area and remove any structures, improvements, fences, buildings, or landscaping in the Right of Way Area that Grantee believes could interfere with the safe and reliable construction, operation, maintenance, and repair of Grantee's facilities. No landscaping, trees, plant life, structures, improvements, or fences may be planted, grown, or installed within 8 feet of the front door, or within 2 feet of the other sides, of transformers or switching cabinet enclosures, and Grantee shall not be responsible for any damage to, or removal of, landscaping, trees, plant life, structures, improvements and/or fences located in such areas.

6. **Restoration:** If Grantee's agents, employees, contractors, subcontractors, vehicles, or equipment damage Grantor's Land while entering Grantor's Land for the purposes stated in this Right of Way, then Grantee will restore Grantor's Land as nearly as is reasonably practicable to the condition in which it existed prior to such damage. Restoration with respect to paved surfaces shall consist of asphalt cold patching of the damaged portion of any asphalted surfaces when the weather conditions suggest such use and the cement patching of the damaged portion of any cemented surfaces. Grantee shall have no liability, however, for the restoration or cost of any improvements located within the Right of Way Area, including, but not limited to, parking islands, gutters, fences or landscaping such as trees, bushes, or flowers (but not a simple lawn which, if damaged, will be patched and re-seeded by Grantee) that are damaged by Grantee in the course of constructing, reconstructing, modifying, adding to, repairing, replacing, operating or maintaining its facilities as described in paragraph 1 above.

7. **Successors:** This Right of Way runs with the land and binds and benefits Grantor's and Grantee's successors and assigns.

8. **Exemptions:** This Right of Way is exempt from transfer tax pursuant to MCL 207.505(a) and MCL 207.526(a).

9. **Governing Law:** This Right of Way shall be governed by the laws of the State of Michigan.

Grantor: City of Novi, a Michigan Municipal Corporation

By: \_\_\_\_\_

Victor Cardenas (sign as written)

Title: City Manager

Acknowledged before me in Oakland County, Michigan, on \_\_\_\_\_, 2024, by Victor Cardenas, the City Manager of the City of Novi.

Notary's  
Stamp \_\_\_\_\_

Notary's  
Signature \_\_\_\_\_

Acting in Oakland County, Michigan

**Drafted by and when recorded, return to:** Kyra Froelich, DTE Energy, 8001 Haggerty Road, RM 104, Belleville, MI 48111

***PLEASE USE BLUE INK ONLY***

# EXHIBIT "A"

## OVERALL LEGAL DESCRIPTION - PARCEL TAX ID NUMBER: 50-22-20-200-011

A parcel of land being a part of the NE 1/4 of Section 20, Town 1 North, Range 8 East, City of Novi, Oakland County, Michigan, more particularly described as follows:

Beginning at a point distant S 00°42'51" E 816.85 feet from the NE corner of said Section 20; thence S 00°42'51" E 500.25 feet; thence N 89°48'20" W 1316.33 feet; thence S 44°45'21" W 31.58 feet; thence S 00°40'59" E 1310.74 feet; thence S 89°30'13" W 1339.39 feet; thence N 00°07'34" E 1340.66 feet; thence N 89°49'21" E 990.26 feet; thence N 00°05'37" E 132.07 feet; thence N 89°49'21" E 330.18 feet; thence N 00°03'40" E 890.78 feet; thence S 89°57'54" E 150.00 feet; thence N 00°03'40" E 290.40 feet; thence S 89°57'54" E 1036.01 feet; thence South 78.00 feet; thence S 38°27'30" W 104.67 feet; thence S 52°57'08" W 50.00 feet; thence S 81°58'24" W 227.54 feet; thence S 00°42'51" E 600.89 feet; thence N 89°17'10" E 468.04 feet to the Point of Beginning.


## DTE ELECTRIC EASEMENT DESCRIPTION

### 10' DTE EASEMENT: A PART OF PARCEL TAX ID NUMBER: 50-22-20-200-011

A 10 foot DTE Electric Company easement being a part of the NE 1/4 of Section 20, Town 1 North, Range 8 East, City of Novi, Oakland County, Michigan. The easement is 5 feet on each side of the following described centerline:

Commencing at the NE corner of said Section 20; thence S 03°54'37" E 768.35 feet along the East line of said Section 20; thence S 86°05'24" W 468.03 feet to a point on the centerline of said easement, also being the Point of Beginning; thence along said centerline easement the following eight (8) courses: 1) 95.86 feet along a curve to the right, radius 129.17 feet, delta 42°31'07", chord bears N 16°30'53" W 93.67 feet, 2) N 00°15'33" W 48.66 feet, 3) N 06°03'20" W 138.59 feet, 4) 34.26 feet along a curve to the left, radius 22.00 feet, delta 89°14'05", chord bears N 41°36'19" W 30.90 feet, 5) S 87°07'27" W 109.23 feet, 6) N 87°20'31" W 65.27 feet, 7) 55.60 feet along a curve to the right, radius 114.10 feet, delta 27°55'16", chord bears N 63°52'41" W 55.05 feet and 8) N 09°27'50" E 6.63 feet to the Point of Ending.

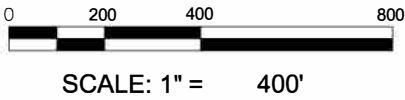
Contains 5,540 square feet or 0.127 acres of land, more or less. Subject to all easements and restrictions of record, if any.

<b>DTE EASEMENT</b> PART OF THE NE 1/4 OF SECTION 20 T.1N., R.8E., CITY OF NOVI, OAKLAND COUNTY, MICHIGAN <b>PARCEL ID# 50-22-20-200-011</b>		SCALE H: 1"=80'	
		SHEET <b>3</b> OF 3	
DATE: 02-01-2024	CLIENT: CITY OF NOVI	JOB# 0163-22-0030	
34000 Plymouth Road   Livonia, MI 48150   P (734) 522-6711   F (734) 522-6427   WWW.OHM-ADVISORS.COM			
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# EXHIBIT "B"

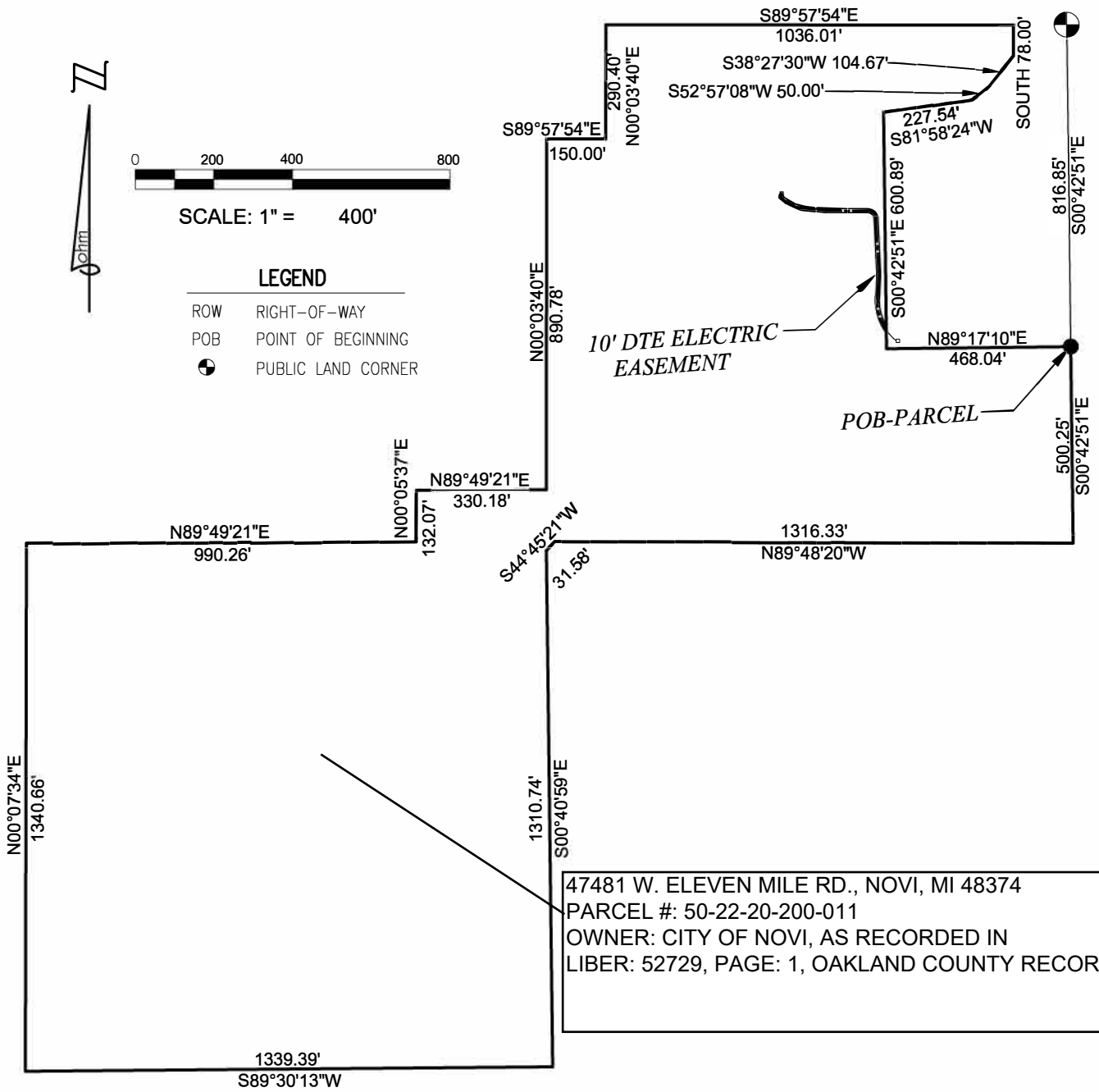
## OVERALL PARCEL SKETCH

NE 1/4  
SEC. 20  
T1N,R8E



### LEGEND

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



47481 W. ELEVEN MILE RD., NOVI, MI 48374  
 PARCEL #: 50-22-20-200-011  
 OWNER: CITY OF NOVI, AS RECORDED IN  
 LIBER: 52729, PAGE: 1, OAKLAND COUNTY RECORDS

### GENERAL SURVEY NOTES:

1. BEARINGS ARE BASED ON THE MICHIGAN STATE PLANE COORDINATE SYSTEM NAD83 (NSRS2011) (MI SPC 2113).
2. SUBSURFACE UTILITIES NOT LOCATED FOR THIS SURVEY MAY EXIST. IT IS THE RESPONSIBILITY OF THE OWNER OF THE RESPECTIVE UTILITY TO ACCURATELY LOCATE SUCH UTILITIES.
3. EASEMENTS OR RESTRICTIONS OF RECORD NOT DEPICTED ON THIS DRAWING MAY EXIST.

### DTE EASEMENT

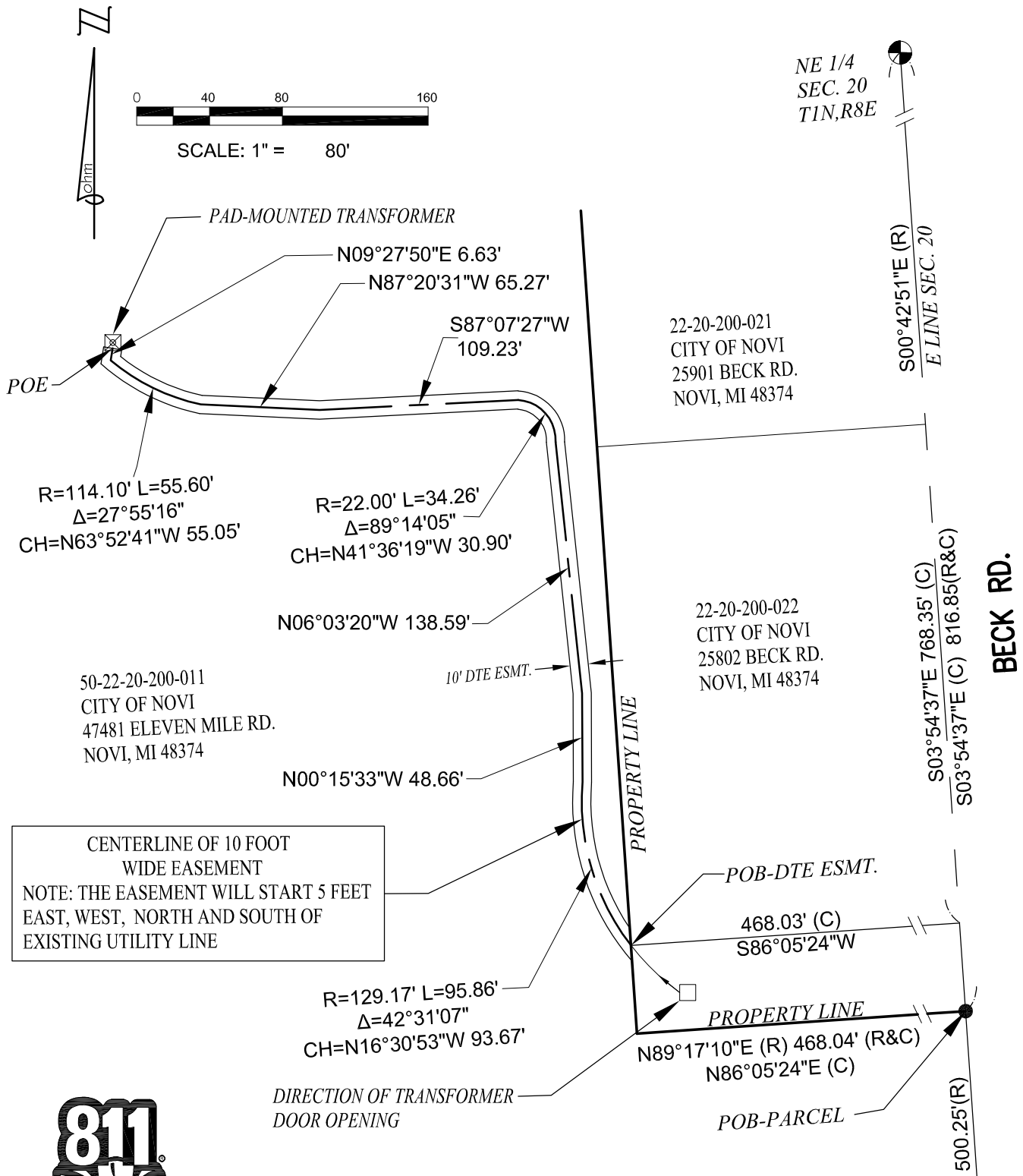
PART OF THE NE 1/4 OF SECTION 20  
 T.1N., R.8E., CITY OF NOVI, OAKLAND COUNTY, MICHIGAN  
**PARCEL ID# 50-22-20-200-011**

SCALE  
 H: 1"=400'  
 SHEET  
**1**  
 OF 3



# EXHIBIT "B" continued

## DTE ELECTRIC EASEMENT SKETCH



CENTERLINE OF 10 FOOT WIDE EASEMENT  
 NOTE: THE EASEMENT WILL START 5 FEET EAST, WEST, NORTH AND SOUTH OF EXISTING UTILITY LINE



Know what's below.  
 Call before you dig.

### LEGEND

- ROW RIGHT-OF-WAY
- R RECORD
- C COMPUTED
- POB POINT OF BEGINNING
- POE POINT OF ENDING
- PUBLIC LAND CORNER
- POWER POLE
- STEEL ROD SET
- STEEL ROD/PIPE FOUND
- OVERHEAD WIRES

### DTE ELECTRIC UNDERGROUND EQUIPMENT LEGEND:

- SET NEW POLE
- CABLE POLE/RISER
- POSITION OF SWEEP UP CABLE POLE
- BURIED PRIMARY CABLE (ALL VOLTAGES)
- BURIED SECONDARY CABLE
- SINGLE DUCT OCCUPIED
- DOUBLE DUCT 1-OCCUPIED
- SINGLE DUCT-TO BLIND END FOR FUTURE USE
- PAD-MOUNTED TRANSFORMER
- DIRECTION OF TRANSFORMER DOOR OPENING
- GUARD POST
- PRIMARY SWITCH CABINET
- SEPARABLE CONNECTION CABINET

<b>DTE EASEMENT</b> PART OF THE NE 1/4 OF SECTION 20 T.1N., R.8E., CITY OF NOVI, OAKLAND COUNTY, MICHIGAN <b>PARCEL ID# 50-22-200-011</b>		SCALE H: 1"=80' SHEET <b>2</b> OF 3	
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