SUBJECT: Approval of (1) a Resolution Concerning the Acquisition of Property and Approving Declaration of Necessity and Taking and, (2) a Declaration of Taking for easements with fair market value in the amount of $18,726.83 for sidewalk easements and temporary grading permits on parcel 50-22-22-400-009 for the construction of a boardwalk along the north side of 10 Mile Road east of Churchill Boulevard, and amend the budget.

SUBMITTING DEPARTMENT: Department of Public Works, Engineering Division

CITY MANAGER APPROVAL:

<table>
<thead>
<tr>
<th>EXPENDITURE REQUIRED</th>
<th>$18,726.83</th>
</tr>
</thead>
<tbody>
<tr>
<td>AMOUNT BUDGETED</td>
<td>$0</td>
</tr>
<tr>
<td>APPROPRIATION REQUIRED</td>
<td>$18,727</td>
</tr>
<tr>
<td>LINE ITEM NUMBER</td>
<td>204-204.00-862.049</td>
</tr>
</tbody>
</table>

BACKGROUND INFORMATION:

PulteGroup, a developer in the City, has proposed constructing a boardwalk on the north side of 10 Mile Road, just east of Churchill Boulevard as part of their development approval for the Emerson Park development project. This boardwalk would connect into the existing boardwalk to the west and continue eastward in order to complete the pathway segment on the north side of 10 Mile Road from Taft Road to Novi Road. The filling in of this existing gap would now provide a continuous, non-motorized path from Haggerty Road to approximately 2000 feet west of Beck Road.

A permanent easement and temporary easement are required for construction of the boardwalk at the property (parcel 50-22-22-400-009). To formalize the valuation in the form of an offer, staff has worked with the City Attorney to prepare a Resolution Concerning the Acquisition of Property and Approving Declaration of Necessity and Taking. A Declaration of Taking would allow the City to begin proceedings to acquire the easements through eminent domain if the City is unable to acquire the easements.

The 10 Mile Road boardwalk is scheduled to be constructed in the summer of 2018.

RECOMMENDED ACTION: Approval of (1) a Resolution Concerning the Acquisition of Property and Approving Declaration of Necessity and Taking and, (2) a Declaration of Taking for easements with fair market value in the amount of $18,726.83 for sidewalk easements and temporary grading permits on parcel 50-22-22-400-009 for the construction of a boardwalk along the north side of 10 Mile Road east of Churchill Boulevard, and amend the budget.
RESOLUTION

NOW, THEREFORE BE IT RESOLVED that the following Budget Amendment for the Ten Mile Boardwalk Acquisition, Declaration, and Taking is authorized:

<table>
<thead>
<tr>
<th>Municipal Street Fund</th>
</tr>
</thead>
<tbody>
<tr>
<td>EXPENDITURES</td>
</tr>
<tr>
<td>Capital Outlay</td>
</tr>
<tr>
<td>TOTAL EXPENDITURES</td>
</tr>
<tr>
<td>Net Increase (Decrease) to Fund Balance</td>
</tr>
</tbody>
</table>

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Council of the City of Novi at a regular meeting held on Monday, August 13, 2018.

______________________________
Cortney Hanson
City Clerk
RESOLUTION CONCERNING THE ACQUISITION OF PROPERTY AND APPROVING DECLARATION OF NECESSITY AND TAKING

City of Novi
County of Oakland, Michigan

Minutes of a _________________ Meeting of the City Council of the City of Novi, County of Oakland, Michigan, held in the City Hall in said City on ____________, 2018, at 7:00 o'clock P.M. Prevailing Eastern Time.

PRESENT:  Councilmembers ___________________________________________________________

_________________________________________________________________

ABSENT:  Councilmembers ___________________________________________________________

_________________________________________________________________

The following preamble and Resolution were offered by Councilmember ____________
___________ and supported by Councilmember ________________________________________.

WHEREAS, present conditions in the City of Novi, Oakland County, Michigan, necessitate the construction of a boardwalk and pathway segment along Ten Mile Road along the frontage of Parcel No. 22-22-400-009 (the “Improvements”) in order to connect the existing sidewalk and pathways along Ten Mile from the east to the west of the Property, in the City of Novi, Oakland County, State of Michigan, to-wit:

PARCEL DESCRIPTION (50-22-22-400-009)
(Per Oakland County Tax Rolls)

DESCRIPTION OF PARCEL 22-22-400-009 (PER WARRANTY DEED RECORDED IN LIBER 17913, PAGE 501, OAKLAND COUNTY TAX RECORDS)

PART OF THE EAST 1/2 OF THE SOUTHEAST 1/4 OF SECTION 22, TOWN 1 NORTH, RANGE 8 EAST, NOVI TOWNSHIP, OAKLAND COUNTY, MICHIGAN AND BEING MORE PARTICULARLY DESCRIBED AS BEGINNING AT A POINT IN THE SOUTH LINE OF SECTION 22, SOUTH 89 DEGREES 30 MINUTES 30 SECONDS WEST 950.30 FEET FROM THE SOUTHEAST CORNER OF SECTION 22 AND RUNNING THENCE SOUTH 89 DEGREES 30 MINUTES 30 SECONDS WEST ALONG
SOUTH LINE OF SECTION 22, 378.95 FEET, THENCE NORTH 00 DEGREES 16 MINUTES 31 SECONDS WEST 921.75 FEET; THENCE SOUTH 89 DEGREES 44 MINUTES 50 SECONDS EAST 383.38 FEET; THENCE SOUTH 916.80 FEET TO THE PLACE OF BEGINNING.

SIDEWALK EASEMENT

DESCRIPTION OF A 12 FOOT WIDE BOARDWALK EASEMENT LOCATED THE SOUTHEAST 1/4 OF SECTION 22, TOWN 1 NORTH, RANGE 8 EAST, CITY OF NOVI, OAKLAND COUNTY, MICHIGAN COMMENCING AT THE SOUTHEAST CORNER OF SECTION 22, TOWN 1 NORTH, RANGE 8 EAST, CITY OF NOVI, OAKLAND COUNTY, MICHIGAN; THENCE S89°30'30"W 950.30 FEET ALONG THE SOUTH LINE OF SAID SECTION 22; THENCE N00°00'00"E 50.81 FEET FOR A PLACE OF BEGINNING; THENCE S89°19'16"W 15.26 FEET; THENCE N66°17' 44"W 72.88 FEET; THENCE S89°18' 49"W 85.58 FEET; THENCE S85°45'23"W 184.95 FEET; THENCE S89°19'16"W 68.39 FEET; THENCE N00°16'31 "W 12.00 FEET; THENCE N89°19'16"E 67.93 FEET; THENCE N85°45'23"E 184.95 FEET; THENCE N89°19'16"E 88.54 FEET; THENCE S66°17' 44"E 27.88 FEET; THENCE N89°19'16"E 12.81 FEET; THENCE S00°00'00"E 12.00 FEET TO THE PLACE OF BEGINNING, CONTAINING 0.1015 ACRES ( 4,585 SQUARE FEET) OF LAND, MORE OR LESS.

TEMPORARY GRADING EASEMENT

DESCRIPTION OF A 50 FOOT WIDE TEMPORARY CONSTRUCTION EASEMENT LOCATED THE SOUTHEAST 1/4 OF SECTION 22, TOWN 1 NORTH, RANGE 8 EAST, CITY OF NOVI, OAKLAND COUNTY, MICHIGAN COMMENCING AT THE SOUTHEAST CORNER OF SECTION 22, TOWN 1 NORTH, RANGE 8 EAST, CITY OF NOVI, OAKLAND COUNTY, MICHIGAN; THENCE S89°30'30"W 950.30 FEET ALONG THE SOUTH LINE OF SAID SECTION 22; THENCE N00°00'00"W 33.00 FEET FOR A PLACE OF BEGINNING; THENCE S89°30'30"W 379.12 FEET ALONG THE NORTH RIGHT OF WAY LINE OF 10 MILE ROAD (VARIABLE WIDTH); THENCE N00°16'31 "W 50.00 FEET; THENCE N89°30'30"E 379.36 FEET; THENCE S00°00'00"E 50.00 FEET TO THE PLACE OF BEGINNING, CONTAINING 0.43 ACRES ( 18,960 SQUARE FEET) OF LAND, MORE OR LESS.

Subject to all easements and restrictions of record, if any.

WHEREAS, plans for the improvements are on file with the City Clerk's Office; and

WHEREAS, it has been determined that said improvements are necessary for the use and benefit of the public; and
WHEREAS, in order to construct said improvements, it is necessary that the City acquire a permanent Sidewalk Easement and Temporary Construction Easement to the above-described real estate.

WHEREAS, the City has caused a valuation of the subject property to be prepared;

WHEREAS, value of the easements over the subject property is Eighteen Thousand Seven Hundred and Twenty-Six and 83/100 Dollars ($18,726.83).

WHEREAS, the City has determined that it is in the best interests of the City to offer to purchase the easements over the subject property from the owner of such property, and to take such other actions as are deemed necessary to acquire the subject property for the purposes of constructing the improvements;

NOW, THEREFORE, BE IT RESOLVED, by the authority vested in the City of Novi by law, that it is hereby declared and determined that it is necessary to construct a boardwalk and pathway segment along Ten Mile Road along the frontage of Parcel No. 22-22-400-009 (the “Improvements”) in order to connect the existing sidewalk and pathways along Ten Mile from the east to the west of the Property, on, over, upon, and through the above-described property within the City of Novi in accordance with the plans prepared by the City, and that said improvements are necessary for the use and benefit of the public; and

BE IT FURTHER RESOLVED, that the Mayor of the City is hereby authorized to execute, on behalf of the City, a good faith Offer to Purchase, a copy of which is attached hereto as Exhibit A, calling for the payment of Eighteen Thousand Seven Hundred and Twenty-Six and 83/100 Dollars ($18,726.83) for a permanent Sidewalk Easement and Temporary Construction Easement over the subject property. The above amounts have been established as just compensation for the acquisition of the property, based upon a valuation of the property and the desire to complete the sale short of litigation.
BE IT FURTHER RESOLVED, that after the execution of the good faith Offer to Purchase by the Mayor, the good faith Offer to Purchase shall be submitted to the owners of the property;

BE IT FURTHER RESOLVED, that in the event the Sellers fail to accept the good faith Offer to Purchase within fourteen (14) days of the date of delivery, the City Manager is hereby authorized to execute the Declaration of Taking, which is attached hereto;

BE IT FURTHER RESOLVED, that in the event the offer is not accepted as set forth above, the Mayor, City Clerk, and City Attorney are authorized to take all actions required to obtain a permanent Sidewalk Easement and Temporary Grading Permit in the subject property by eminent domain.

BE IT FURTHER RESOLVED, that in the event the offer is not accepted as set forth above, and the Declaration is executed, the City finance officer is authorized and directed to place an amount equal to the amount contained in the good faith offer that was made to the property owners ($18,726.83) into a separate account and to hold such money on deposit as the estimated amount of just compensation to be paid in connection with the eminent domain proceedings.

BE IT FURTHER RESOLVED, that all resolutions and part of resolutions insofar as they conflict with the provisions of this Resolution be and the same hereby are rescinded.

AYES: Councilmembers ________________________________________________

______________________________________________

NAYES: Councilmembers ________________________________________________

______________________________________________

RESOLUTION DECLARED ADOPTED.

_________________________________________

CORTNEY HANSON, CITY CLERK
CERTIFICATION

I hereby certify that the foregoing is a true and complete copy of a Resolution adopted by the City Council of the City of Novi at _________________________ meeting held this ______ day of ________________________, 2018.

_____________________________________
CORTNEY HANSON, CITY CLERK
DECLARATION OF TAKING

A Resolution of Necessity having been adopted by the City of Novi setting forth that present conditions necessitate the construction of a boardwalk and pathway segment along Ten Mile Road along the frontage of Parcel No. 22-22-400-009 (the “Improvements”) in order to connect the existing sidewalk and pathways along Ten Mile from the east to the west of the Property, in the City of Novi, Oakland County, Michigan, in the interest of the public health, safety, and welfare, and that it is necessary to acquire a permanent Pathway Easement and Temporary Construction Easement over the property within the City of Novi for said Improvements, and that a good faith written offer to purchase said property will be made.

NOW, THEREFORE, by virtue of the authority vested in the City of Novi, by Act 279 of the Public Acts of 1909, as amended, and/or Act 149 of the Public Acts of 1911, as amended, or other applicable statutes, and in accordance with the provisions of Act 87 of Public Acts of 1980, as amended, it is now declared and determined that the easement property hereinafter described shall be taken for the purpose of constructing a boardwalk and pathway connection, in accordance with prepared plans showing said Improvements which are on file with the City Clerk’s Office.

A statement of the estate of interest in the property being taken; a description of the property to be acquired, sufficient for its identification; the name of each known owner of said property; the name of each known person, other than the owner, having an interest in said property; a statement of the sum of money estimated by the City of Novi as just compensation
for the property being acquired; and a statement whether the City of Novi reserves or waives its rights to bring federal or state cost recovery actions against the present owner of the property are as follows:

1. Statement of the Estate of Interest Being Taken and Description of the Property.

**PARCEL DESCRIPTION (50-22-22-400-009)**
*(Per Oakland County Tax Rolls)*

DESCRIPTION OF PARCEL 22-22-400-009 (PER WARRANTY DEED RECORDED IN LIBER 17913, PAGE 501, OAKLAND COUNTY TAX RECORDS)

PART OF THE EAST 1/2 OF THE SOUTHEAST 1/4 OF SECTION 22, TOWN 1 NORTH, RANGE 8 EAST, NOVI TOWNSHIP, OAKLAND COUNTY, MICHIGAN AND BEING MORE PARTICULARLY DESCRIBED AS BEGINNING AT A POINT IN THE SOUTH LINE OF SECTION 22, SOUTH 89 DEGREES 30 MINUTES 30 SECONDS WEST 950.30 FEET FROM THE SOUTHEAST CORNER OF SECTION 22 AND RUNNING THENCE SOUTH 89 DEGREES 30 MINUTES 30 SECONDS WEST ALONG SOUTH LINE OF SECTION 22, 378.95 FEET, THENCE NORTH 00 DEGREES 16 MINUTES 31 SECONDS WEST 921.75 FEET; THENCE SOUTH 89 DEGREES 44 MINUTES 50 SECONDS EAST 383.38 FEET; THENCE SOUTH 916.80 FEET TO THE PLACE OF BEGINNING.

**SIDEWALK EASEMENT**

DESCRIPTION OF A 12 FOOT WIDE BOARDWALK EASEMENT LOCATED THE SOUTHEAST 1/4 OF SECTION 22, TOWN 1 NORTH, RANGE 8 EAST, CITY OF NOVI, OAKLAND COUNTY, MICHIGAN COMMENCING AT THE SOUTHEAST CORNER OF SECTION 22, TOWN 1 NORTH, RANGE 8 EAST, CITY OF NOVI, OAKLAND COUNTY, MICHIGAN; THENCE S89°30'30"W 950.30 FEET ALONG THE SOUTH LINE OF SAID SECTION 22; THENCE N00°00'00"E 50.81 FEET FOR A PLACE OF BEGINNING; THENCE S89°19'16"W 15.26 FEET; THENCE N66°17'44"W 27.88 FEET; THENCE S89°18'49"W 85.58 FEET; THENCE S85°45'23"W 184.95 FEET; THENCE S89°19'16"W 68.39 FEET; THENCE N00°16'31"W 12.00 FEET; THENCE N89°19'16"E 67.93 FEET; THENCE N85°45'23"E 184.95 FEET; THENCE N89°18'49"E 88.54 FEET; THENCE S66°17'44"E 27.88 FEET; THENCE N89°19'16"E 12.81 FEET; THENCE S00°00'00"E 12.00 FEET TO THE PLACE OF BEGINNING, CONTAINING 0.1015 ACRES (4,585 SQUARE FEET) OF LAND, MORE OR LESS.

**TEMPORARY GRADING EASEMENT**
DESCRIPTION OF A 50 FOOT WIDE TEMPORARY CONSTRUCTION EASEMENT LOCATED THE SOUTHEAST 1/4 OF SECTION 22, TOWN 1 NORTH, RANGE 8 EAST, CITY OF NOVI, OAKLAND COUNTY, MICHIGAN COMMENCING AT THE SOUTHEAST CORNER OF SECTION 22, TOWN 1 NORTH, RANGE 8 EAST, CITY OF NOVI, OAKLAND COUNTY, MICHIGAN; THENCE S89°30'30"W 950.30 FEET ALONG THE SOUTH LINE OF SAID SECTION 22; THENCE N00°00'00"W 33.00 FEET FOR A PLACE OF BEGINNING; THENCE S89°30'30"W 379.12 FEET ALONG THE NORTH RIGHT OF WAY LINE OF 10 MILE ROAD (VARIABLE WIDTH); THENCE N00°16'31"W 50.00 FEET; THENCE N89°30'30"E 379.36 FEET; THENCE S00°00'00"E 50.00 FEET TO THE PLACE OF BEGINNING, CONTAINING 0.43 ACRES (18,960 SQUARE FEET) OF LAND, MORE OR LESS.

Subject to all easements and restrictions of record, if any.

2. Names of Property Owner: JAMCO, LLC

3. Names of each person, other than the Owners, having a potential interest in the property: City of Novi

4. Value of Easements based on Valuation of the Property from assessing records:
   - Permanent Pathway Easement: $10,249.79
   - Temporary Construction Easements: $8,477.04

5. The City of Novi reserves it rights to bring Federal or State cost recovery actions against the present owner of the property.

CITY OF NOVI

__________________________________________

BY: _______________________________
    Peter Auger
    City Manager

Dated: ________________________, 2018

STATE OF MICHIGAN )

) ss.

COUNTY OF OAKLAND )

The foregoing Declaration of Taking was acknowledged before me this ____ day of
______________, 2018, by Peter Auger, as the City Manager, on behalf of the City of Novi.

Notary Public
Acting in Oakland County, Michigan
My Commission Expires: ________________
NOW ALL MEN BY THESE PRESENTS, that Jamco, L.L.C., a Michigan limited liability company, whose address is 631 Natalie Lane, Northville, MI 48167, for and in consideration of Ten Thousand Two Hundred and Forty-Nine and 79/100 ($10,249.79) Dollars, 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 Ten Mile Road, Novi, Michigan 48375, a permanent easement for a public non-motorized pathway over across and through property located in Section 22, T.1N., R.8E., City of Novi, Oakland County, State of Michigan, more particularly described as follows:

**Parcel No. 50-22-22-400-009**

DESCRIPTION OF PARCEL 22-22-400-009 (PER WARRANTY DEED RECORDED IN LIBER 17913, PAGE 501, OAKLAND COUNTY TAX RECORDS)

PART OF THE EAST 1/2 OF THE SOUTHEAST 1/4 OF SECTION 22, TOWN 1 NORTH, RANGE 8 EAST, NOVI TOWNSHIP, OAKLAND COUNTY, MICHIGAN AND BEING MORE PARTICULARLY DESCRIBED AS BEGINNING AT A POINT IN THE SOUTH LINE OF SECTION 22, SOUTH 89 DEGREES 30 MINUTES 30 SECONDS WEST 950.30 FEET FROM THE SOUTHEAST CORNER OF SECTION 22 AND RUNNING THENCE SOUTH 89 DEGREES 30 MINUTES 30 SECONDS WEST ALONG SOUTH LINE OF SECTION 22, 378.95 FEET, THENCE NORTH 00 DEGREES 16 MINUTES 31 SECONDS WEST 50.81 FEET FOR A PLACE OF BEGINNING; THENCE S89°19'16"W 15.26 FEET; THENCE N66°17'44"W 27.88 FEET; THENCE S89°18'49"W 85.58 FEET; THENCE S85°45'23"W 184.95 FEET; THENCE S89°19'16"W 68.39 FEET; THENCE N00°00'00"E 12.00 FEET; THENCE S85°45'23"E 184.95 FEET; THENCE S85°45'23"E 68.39 FEET; THENCE N00°00'00"E 12.00 FEET TO THE PLACE OF BEGINNING, CONTAINING 0.1015 ACRES (4,585 SQUARE FEET) OF LAND, MORE OR LESS.
Grantee may enter upon sufficient land adjacent to said easement for the purpose of exercising the rights and privileges granted herein.

Grantee may, construct, install, repair, replace, improve, modify and maintain a non-motorized sidewalk in 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 permanent structures on, over, across, in, through, or under the above-described Easement Area, except that, subject to Grantee’s approval as part of an approved site plan, the Grantor may construct and/or install surface improvements to the property, including paved driveways, parking and/or walkways; landscaping; utilities and/or similar improvements, which improvements do not interfere with use, operation, maintenance, repair and replacement of the sidewalk in the Easement Areas shown on the attached and incorporated Exhibit A.

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

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 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 _________ day of _________________________, 2017.

{Signatures Begin on Following Page}

GRANTOR

JAMCO, LLC, a Michigan limited liability company,

By:
STATE OF MICHIGAN )
 ) SS
COUNTY OF OAKLAND )

The foregoing instrument was acknowledged before me this _______ day of __________, 20__, by ___________________ the __________________ of JAMCO, LLC, a Michigan limited liability company, on its behalf ______________________________________________________________________

____________________________________________________________________________

____________________________________________________________
________________________
Notary Public

_________ County, Michigan
My Commission Expires:

Drafted by:

Elizabeth Kudla Saarela
27555 Executive Drive, Suite 250
Farmington Hills, MI 48331

When recorded return to:
Cortney Hanson, Clerk
City of Novi
45175 Ten Mile
Novi, MI 48375
DESCRIPTION OF PARCEL 22-22-400-009 (PER WARRANTY DEED RECORDED IN LIBER 17913, PAGE 501, OAKLAND COUNTY TAX RECORDS)

PART OF THE EAST 1/2 OF THE SOUTHEAST 1/4 OF SECTION 22, TOWN 1 NORTH, RANGE 8 EAST, NOVI TOWNSHIP, OAKLAND COUNTY, MICHIGAN AND BEING MORE PARTICULARLY DESCRIBED AS BEGINNING AT A POINT IN THE SOUTH LINE OF SECTION 22, SOUTH 89 DEGREES 30 MINUTES 30 SECONDS WEST 950.30 FEET FROM THE SOUTHEAST CORNER OF SECTION 22 AND RUNNING THENCE SOUTH 89 DEGREES 30 MINUTES 30 SECONDS WEST ALONG SOUTH LINE OF SAID SECTION 22, 378.95 FEET, THENCE NORTH 00 DEGREES 16 MINUTES 31 SECONDS WEST 921.75 FEET; THENCE SOUTH 89 DEGREES 44 MINUTES 50 SECONDS EAST 383.38 FEET; THENCE SOUTH 916.80 FEET TO THE PLACE OF BEGINNING.

DESCRIPTION OF A 12 FOOT WIDE BOARDWALK EASEMENT LOCATED THE SOUTHEAST 1/4 OF SECTION 22, TOWN 1 NORTH, RANGE 8 EAST, CITY OF NOVI, OAKLAND COUNTY, MICHIGAN

COMMENCING AT THE SOUTHEAST CORNER OF SECTION 22, TOWN 1 NORTH, RANGE 8 EAST, CITY OF NOVI, OAKLAND COUNTY, MICHIGAN; THENCE S89°30'30"W 950.30 FEET ALONG THE SOUTH LINE OF SAID SECTION 22; THENCE N89°30'00"E 50.81 FEET FOR A PLACE OF BEGINNING, THENCE S89°19'16"W 15.26 FEET; THENCE N66°17'44"W 27.88 FEET; THENCE S89°18'49"W 85.58 FEET; THENCE S85°45'23"W 184.95 FEET; THENCE S89°19'16"W 68.39 FEET; THENCE N00°16'31"W 12.00 FEET; THENCE N89°19'16"E 12.00 FEET; THENCE S00°00'00"E 68.39 FEET; THENCE S00°00'00"E 12.00 FEET TO THE PLACE OF BEGINNING, CONTAINING 0.1015 ACRES (4,585 SQUARE FEET) OF LAND, MORE OR LESS.
TEMPORARY GRADING PERMIT

I, _____________________________________, as ________________________________ of JAMCO, LLC, a Michigan limited liability company, as the Owner of the property described as Vacant, Novi Road, MI 48375 (parcel 50-22-22-400-009) 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 the construction of a boardwalk and pathway segment along Ten Mile Road along the frontage of Parcel No. 22-22-400-009 (the “Improvements”) in order to connect the existing sidewalk and pathways along Ten Mile from the east to the west of the Property. 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 "Emerson Park – Ten Mile Sidewalk" by Atwell, LLC.

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).

OWNER

By: ________________________________ Date: ________________________________

Contact Mailing Address: ________________________________ City, State, Zip: ________________________________

Phone Number: ________________________________ Fax Number: ________________________________

STATE OF MICHIGAN )
) ss.
COUNTY OF OAKLAND )
The foregoing instrument was acknowledged before me this _____ day of ____________________________, 2018, by __________________________, the ____________________________ of Oakland Development, L.L.C., a Michigan limited partnership.

____________________________________________________
Notary Public
Acting in Oakland County, Michigan
My Commission Expires: ________________________________

Drafted by:

Elizabeth Kudla Saarela
27555 Executive Drive, Suite 250
Farmington Hills, MI 48331

When recorded return to:

Cortney Hanson, Clerk
City of Novi
45175 Ten Mile
Novi, MI 48375
TEMPORARY GRADING EASEMENT (50-22-04-200-011)

A temporary grading easement being a part of the N 1/2 of the Section 4, Town 1 North, Range 8 East, City of Novi, Oakland County, Michigan, more particularly described as follows:

Beginning at point distant S 00°35'51" E 60.0 feet & S 89°30'00" W 417.0 feet from the NE corner of said Section 4; thence S 00°35'51" E 8.0 feet; thence S 89°30'00" W 107.50 feet; thence N 00°35'51" W 8.0 feet; thence N 89°30'00" E 107.50 feet to the Point of Beginning

Subject to all easements and restrictions of record, if any.
DESCRIPTION OF PARCEL 22-22-400-009 (PER WARRANTY DEED RECORDED IN LIBER 17913, PAGE 501, OAKLAND COUNTY TAX RECORDS)

PART OF THE EAST 1/2 OF THE SOUTHEAST 1/4 OF SECTION 22, TOWN 1 NORTH, RANGE 8 EAST, NOVI TOWNSHIP, OAKLAND COUNTY, MICHIGAN AND BEING MORE PARTICULARLY DESCRIED AS BEGINNING AT A POINT IN THE SOUTH LINE OF SECTION 22, SOUTH 89 DEGREES 30 MINUTES 30 SECONDS WEST 950.30 FEET FROM THE SOUTHEAST CORNER OF SECTION 22 AND RUNNING THENCE SOUTH 89 DEGREES 30 MINUTES 30 SECONDS WEST ALONG SOUTH LINE OF SECTION 22, 378.95 FEET, THENCE NORTH 00 DEGREES 16 MINUTES 31 SECONDSWEST 921.75 FEET; THENCE SOUTH 89 DEGREES 44 MINUTES 50 SECONDS EAST 383.38 FEET; THENCE SOUTH 916.80 FEET TO THE PLACE OF BEGINNING.

DESCRIPTION OF A 50 FOOT WIDE TEMPORARY CONSTRUCTION EASEMENT LOCATED THE SOUTHEAST 1/4 OF SECTION 22, TOWN 1 NORTH, RANGE 8 EAST, CITY OF NOVI, OAKLAND COUNTY, MICHIGAN

COMMENCING AT THE SOUTHEAST CORNER OF SECTION 22, TOWN 1 NORTH, RANGE 8 EAST, CITY OF NOVI, OAKLAND COUNTY, MICHIGAN; THENCE S89°30'30"W 950.30 FEET ALONG THE SOUTH LINE OF SAID SECTION 22; THENCE N00°00'00"W 33.00 FEET FOR A PLACE OF BEGINNING; THENCE S89°30'30"W 379.12 FEET ALONG THE NORTH RIGHT OF WAY LINE OF 10 MILE ROAD (VARIABLE WIDTH); THENCE N00°16'31"W 50.00 FEET; THENCE N89°30'30"E 379.36 FEET; THENCE S00°00'00"E 50.00 FEET TO THE PLACE OF BEGINNING, CONTAINING 0.43 ACRES (18,960 SQUARE FEET) OF LAND, MORE OR LESS.