SUBJECT: Acceptance of a sidewalk easement for the Haggerty Corridor Corporate Park Phase 2 development project.

SUBMITTING DEPARTMENT: Department of Public Works, Engineering Division

CITY MANAGER APPROVAL: 

BACKGROUND INFORMATION:

The proposed sidewalk easement for the Haggerty Corridor Corporate Park Phase 2 development project conveys a public pathway easement over nature trail areas.

The City Attorney noted that the Sidewalk Easement was executed and submitted to the City in 2008; however, a lender consent was not provided at that time so the Easement has not been formally accepted by City Council. The mortgage on the subject parcel was discharged in 2015, so a lender consent is no longer required.

The proposed easement has been favorably reviewed by the City Attorney (Beth Saarela, September 10, 2018) and is recommended for approval.

RECOMMENDED ACTION: Acceptance of a sidewalk easement for the Haggerty Corridor Corporate Park Phase 2 development project.
Map Author: Joseph Akers
Date: September 11, 2018
Project: Haggerty Corporate Park Easement
Version #: 1

Amended By:
Date:
Department:

Map information depicted is not intended to replace or substitute for any official or primary source. The 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 or 196 of 1985. 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 Biegole Drive
Novi, MI 48375
cityofnovi.org

MAP INTERPRETATION NOTICE

1 inch = 476 feet

Proposed Nature Trail Easement
September 10, 2018

Jeffrey Herczeg, Director of Public Works
City of Novi
45175 Ten Mile Road
Novi, MI 48375-3024

RE: Haggerty Corridor Corporate Park Phase 2 – SP 06-41
Acceptance Documents

Dear Mr. Herczeg:

We have received and reviewed the following documents for Haggerty Corridor Corporate Park, Phase 2 and have the following comments:

1. Sidewalk Easement (Nature Trails) (Parcel 22-09-400-019) (Approved)
2. Title Search

Sidewalk Easement

The Sidewalk Easement conveys a public pathway easement over nature trail areas within Haggerty Corridor Corporate Park to the City. The Sidewalk Easement is acceptable for this purpose. The City’s Consulting Engineer has reviewed and approved the attached legal description. We note that the Sidewalk Easement was executed and submitted to the City in 2008; however, a lender consent was not provided at that time so the Easement has not been formally accepted by City Council. The mortgage on the subject parcel was discharged in 2015, so a lender consent is no longer required.

The enclosed Sidewalk Easement may be placed on an upcoming City Council Agenda for acceptance and recorded with the Oakland County Register of Deeds in the usual manner.

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/Enclosures-Originals to Follow)
   Charles Boulard, Community Development Director (w/Enclosures)
   Barb McBeth, City Planner (w/Enclosures)
   Sri Komaragiri, Planner (w/Enclosures)
   Lindsay Bell, Planner (w/Enclosures)
   Hannah Smith, Planning Assistant (w/Enclosures)
   Angie Sosnowski, Community Development Bond Coordinator (w/Enclosures)
   George Melistas, Senior Engineering Manager (w/Enclosures)
   Darcy Rechtien, Construction Engineer (w/Enclosures)
   Rebecca Runkel, Engineering Technician (w/Enclosures)
   Sarah Marchioni, Community Development Building Project Coordinator (w/Enclosures)
   Michael Freckelton, Taylor Reynolds & Ted Meadows, Spalding DeDecker (w/Enclosures)
   Sue Troutman, City Clerk’s Office (w/Enclosures)
   Thomas R. Schultz, Esquire (w/Enclosures)
SIDEWALK EASEMENT

KNOW ALL MEN BY THESE PRESENTS, that HCP Land LLC, a Michigan limited liability company whose address is 39000 Country Club Drive, Farmington Hills, Michigan 48331, 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, who 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 the property described as follows:

See attached Exhibit “A”.

The permanent easement for the public walkway is more particularly described as follows:

See attached Exhibit “B”.

Grantee may enter upon sufficient land adjacent to said easement for the purpose of exercising the rights and privileges granted herein.

Grantee shall 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 finding 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.

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

This instrument shall be finding and inure to the benefit of the parties hereto, their heirs, representatives, successors and assigns.

Signed by:

HCP Land LLC, a Michigan limited liability company,
By: Haggerty Corridor Partners LLC, a Michigan limited liability company, its sole member
By: FG 38 Corporation, a Michigan corporation, its manager

Matthew S. Sosin
STATE OF MICHIGAN )
COUNTY OF OAKLAND )

The foregoing instrument was acknowledged before me this 14th day of May, 2008, by Matthew S Sosin, Manager, FG 38 Corporation, Sole Member, Haggerty Corridor Partners LLC, a Michigan limited liability company, HCP Land LLC, a Michigan limited liability company.

Julie A. Chalmers
Northern Equities Group
39000 Country Club Drive
Fainnigton Hills, MI 48331

When recorded, return to:
Elizabeth M. Kudla, Esq
Secrest Wardle
30903 Northwestern Hwy.
PO Box 3040
Farmington Hills, MI 48333-3040

Drafted by:
Julie A. Chalmers
Northern Equities Group
39000 Country Club Drive
Farmington Hills, MI 48331

Notary Public
Oakland County, Michigan

My Commission Expires: 11/17/10
OVERALL PROPERTY DESCRIPTION

A PARCEL OF LAND WHICH IS PART OF THE EAST 1/2 OF SECTION 1, T.I.M., R.B.C., CITY OF NOVI, OAKLAND COUNTY, MICHIGAN, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

CONCERNING AT THE SOUTHEAST CORNER OF SECTION 1, THENCE N.02°30'08"W., 632.02 FEET (RECORDED AS N.02°30'04"W., 632.02 FEET) ALONG THE EAST LINE OF SECTION 1 AND THE CENTERLINE OF HAGGERTY ROAD TO THE POINT OF BEGINNING; THENCE S.85°30'21"W., 33.33 FEET TO A POINT ON THE 33 FT. RIGHT OF WAY LINE OF HAGGERTY ROAD; THENCE S.85°30'21"W., 242.42 FEET (RECORDED AS 242.73 FEET); THENCE N.02°30'08"W., 247.58 FEET; THENCE S.87°50'28"W., 162.89 FEET; THENCE S.13°30'29"W., 174.80 FEET; THENCE S.41°04'28"W., 75.81 FEET; THENCE S.87°29'56"W., 312.43 FEET; THENCE S.44°59'59"W., 370.52 FEET; THENCE ALONG A CURVE TO THE RIGHT AN ARC DISTANCE OF 165.24 FEET, HAVING A RADIUS OF 455.00 FEET, A DELTA OF 20°48'26"., AND A LONG CHORD THAT BEARS S.87°29'56"W., 176.05 FEET; THENCE ALONG THE CENTERLINE OF HAGGERTY ROAD, S.85°30'21"W., 117.25 FEET TO A POINT; THENCE ALONG A CURVE TO THE RIGHT AN ARC DISTANCE OF 176.08 FEET (176.08 FT. RECORDED) ALONG THE NORTH ROW LINE OF THIRTEEN MILE ROAD, HAVING A RADIUS OF 5639.56 FEET, A DELTA OF 1°46'10"., AND A LONG CHORD THAT BEARS S.87°39'29"W., 49.67 FEET (RECORDED AS S.87°32'16"W., 49.67 FEET) TO A POINT ON THE EAST LINE OF THIRTEEN MILE ROAD, S.83°14'22"W., 495.73 FEET (RECORDED AS S.83°14'22"W., 495.73 FEET) TO THE EAST 1/4 CORNER OF SAID SECTION 1, AS RECORDED ON L.C.R.C. LIBER 16850, PAGE 438 O.C.R.; THENCE S.02°30'22"E., 1992.26 FEET (RECORDED AS S.02°30'22"E., 1992.59 FEET) ALONG THE EAST LINE OF SAID SECTION 1 AND THE CENTERLINE OF HAGGERTY ROAD TO THE POINT OF BEGINNING, CONTAINING 179.00 ACRES (TOTAL) AND 176.99 ACRES (NET).
PROPOSED NATURE TRAIL EASEMENT:
A PARCEL OF LAND, PART OF THE EAST 1/2 OF SECTION 1, T1N., R8E., CITY OF NOVI, OAKLAND COUNTY, MICHIGAN, WHOSE CENTERLINE IS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT LOCATED NO2°30'06"W, 2230.09 FEET ALONG THE EAST LINE OF SECTION 1 AND S87°29'54"W, 60.00 FEET TO THE POINT OF BEGINNING FROM THE SOUTHEAST CORNER OF SECTION 1; THENCE S87°29'39"W, 260.90 FEET; THENCE 23.06 FEET ALONG A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 54.00 FEET AND A CHORD BEARING S75°15'40"W, 22.88 FEET; THENCE S63°01'42"W, 77.58 FEET; THENCE 60.60 FEET ALONG A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 54.00 FEET AND A CHORD BEARING S30°52'51"W, 57.47 FEET; THENCE S01°15'59"E, 96.28 FEET; THENCE 120.44 FEET ALONG A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 2996.00 FEET AND A CHORD BEARING S00°06'55"E, 120.43 FEET; THENCE S01°2'13"W, 129.67 FEET; THENCE 15.76 FEET ALONG A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 14.00 FEET AND A CHORD BEARING S33°17'24"W, 14.94 FEET; THENCE S65°32'36"E, 28.55 FEET; THENCE 22.50 FEET ALONG A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 15.50 FEET AND A CHORD BEARING S23°57'27"W, 20.58 FEET; THENCE S45°41'23"E, 15.63 FEET; THENCE 15.84 FEET ALONG A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 24.00 FEET AND A CHORD BEARING S26°47'03"E, 15.55 FEET; THENCE S07°52'43"E, 32.66 FEET; THENCE S09°41'11"W, 98.74 FEET; THENCE S03°51'03"E, 144.21 FEET; THENCE S11°00'37"E, 82.85 FEET; THENCE S26°34'41"E, 50.97 FEET; THENCE S13°10'54"W, 84.24 FEET; THENCE S3°47'14"W, 98.74 FEET; THENCE S05°24'38"E, 120.43 FEET; THENCE S01°2'13"W, 129.67 FEET; THENCE S01°2'13"W, 129.67 FEET; THENCE 15.76 FEET ALONG A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 15.50 FEET AND A CHORD BEARING S65°44'22"W, 11.96 FEET; THENCE 23.16 FEET ALONG A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 102.50 FEET AND A CHORD BEARING S49°31'33"W, 23.11 FEET; THENCE S55°59'58"W, 52.09 FEET; THENCE 6.76 FEET ALONG A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 15.50 FEET AND A CHORD BEARING S68°29'36"W, 6.71 FEET; THENCE S80°59'13"W, 81.30 FEET; THENCE S80°59'13"W, 81.30 FEET; THENCE S5°20'00"E, 15.00 FEET; THENCE S5°20'00"E, 15.00 FEET; THENCE S5°20'00"E, 15.00 FEET; THENCE 57°24'27"W, 26.35 FEET; THENCE 26.35 FEET ALONG A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 7.50 FEET AND A CHORD BEARING N89°55'59"W, 2.64 FEET; THENCE S2°9'55"W, 29.73 FEET; THENCE 9.25 FEET ALONG A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 97.50 FEET AND A CHORD BEARING S77°12'25"W, 9.25 FEET; THENCE S74°29'22"W, 12.98 FEET; THENCE 2.13 FEET ALONG A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 5.50 FEET AND A CHORD BEARING S85°33'45"W, 2.11 FEET; THENCE N83°21'51"W, 16.90 FEET; THENCE 11.19 FEET ALONG A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 10.50 FEET AND A CHORD BEARING S70°59'38"W, 10.82 FEET; THENCE S45°21'06"W, 47.17 FEET; THENCE 30.77 FEET ALONG A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 105.00 FEET AND A CHORD BEARING S53°32'59"W, 30.66 FEET; THENCE 196.04 FEET ALONG A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 345.00 FEET AND A CHORD BEARING S45°42'11"W, 193.41 FEET; THENCE 46.83 FEET ALONG A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 104.00 FEET AND A CHORD BEARING S42°19'29"W, 46.44 FEET; THENCE S55°13'30"W, 174.05 FEET TO THE POINT OF ENDING. SUBJECT TO ANY AND ALL EASEMENTS OR RESTRICTIONS OF RECORD.
EXHIBIT 'B' (PAGE 2 OF 2)

PROPOSED NATURE TRAIL EASEMENT

MACKENZIE DRIVE
(PUBLIC, 60' R.O.W.)

PROPOSED
NATURE TRAIL
EASEMENT

HCCP PHASE 2
179.00 AC. (TOTAL)
176.99 AC. (NET)

RYDER SYSTEMS
13.539 AC.

S.E CORNER, SECTION 1,
CITY OF NOVI
TOWN 1 NORTH,
RANGE 8 EAST
L.16850, P.439