



# CITY of NOVI CITY COUNCIL

[www.cityofnovi.org](http://www.cityofnovi.org)

Agenda Item 1  
January 22, 2007

**SUBJECT:** Approval of Affidavit for Interest in Real Property to revise the exhibit recorded with the Pump Station Easement for the Country Place Sanitary Sewer Pump Station (parcel 50-22-35-400-005)

**SUBMITTING DEPARTMENT:** Engineering *RAT*

**CITY MANAGER APPROVAL:** *[Signature]*

EXPENDITURE REQUIRED	N/A
AMOUNT BUDGETED	N/A
APPROPRIATION REQUIRED	N/A
LINE ITEM NUMBER	N/A

### BACKGROUND INFORMATION:

The City Council approved acceptance of a pump station easement from SMJ Marketing, developer of Normandy Hills at the August 14, 2006 City Council meeting. The easement was subsequently recorded with the Oakland County Register of Deeds. Upon further review, it was determined that one length in the easement's legal description contained an error. In working with the City Attorney, it was determined that the Affidavit for Interest in Real Property is the proper method to revising an exhibit that has already been recorded. The document was prepared by the City Attorney and has been signed by the Grantor, SMJ Marketing, Inc.

**RECOMMENDED ACTION:** Approval of Affidavit for Interest in Real Property to revise the exhibit recorded with the Pump Station Easement for the Country Place Sanitary Sewer Pump Station (parcel 50-22-35-400-005)

	1	2	Y	N
Mayor Landry				
Mayor Pro Tem Capello				
Council Member Gatt				
Council Member Margolis				

	1	2	Y	N
Council Member Mutch				
Council Member Nagy				
Council Member Paul				

RECEIVED BY  
ENGINEERING DIVISION  
JAN 09 2007  
CITY OF NOVI

January 4, 2007

30903 Northwestern Highway  
P.O. Box 3040  
Farmington Hills, MI 48333-3040  
Tel: 248-851-9500  
Fax: 248-851-2158  
www.secretwardle.com

Brian Coburn, Civil Engineer  
CITY OF NOVI  
45175 West Ten Mile Road  
Novi, Michigan 48375-3024

Elizabeth M. Kudla  
Direct: 248-539-2846  
bkudla@secretwardle.com

Re: **Affidavit of Interest in Real Property**  
**Country Place Pump Station**  
Our File No. 55142 NOV

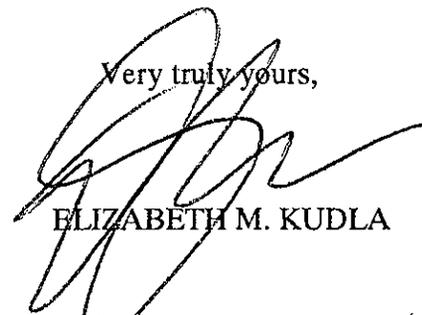
Dear Mr. Coburn:

Pursuant to our discussion regarding an error that was recently discovered in the recorded Easement for the Country Place Pump Station, I have prepared an Affidavit replacing the page containing the error. In that regard, enclosed please find a proposed Affidavit of Interest in Real Property. The Affidavit is in the alternative to a revised Easement document because Oakland County has recently stopped accepting revised easements to be recorded in place of existing documents without a full termination of the existing easement.

Both the City and the property owner should execute the enclosed document. Once approved by City Council and signed, the City Clerk's Office should record the Affidavit in its usual manner.

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

Very truly yours,



ELIZABETH M. KUDLA

EMK

Enclosure

C: Maryanne Cornelius, Clerk (w/o Enclosure)  
Thomas R. Schultz, Esquire (w/o Enclosure)

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## AFFIDAVIT OF INTEREST IN REAL PROPERTY

This Affidavit of Interest in Real Property ("Affidavit") is executed this \_\_\_ day of January \_\_, 2007 by **SMJ Marketing, Inc**, a Michigan corporation, whose address is 28023 Larson Lane, Farmington Hills, Michigan 48331, ("Grantor"), and the **City of Novi, a Michigan municipal corporation**, whose address is 45175 West Ten Mile Road, Novi, Michigan 48375 ("Grantee") under a certain Sanitary Sewer Pump Station Easement dated July 26, 2006 and recorded September 9, 2006 at Liber 38071, Page 373, Oakland County Records ("Easement"), in accordance with MCLA 565.451a.

1. The Legal Description of the Grantor's Property to which the Easement pertains is correctly described in the Easement and a duplicate copy is attached hereto as Exhibit A Property Description.

2. The Legal Description of the area of the Easement described on Exhibit B thereof, Permanent Easement Description (such Exhibit hereby recorded at Liber 38071, Pages 376-377), was incorrect. The correct Legal Description of the area of the Easement is attached hereto and made a part hereof by reference as **Revised Exhibit B** Permanent Easement Description.

3. For all purposes, as of the effective date of the Easement, the description of the Easement area is revised to the **Revised Exhibit B**.

4. Except as revised by this Affidavit, the Easement shall remain in full force and effect.

The undersigned has executed this Affidavit as of the day and year first above written.

**GRANTOR:**

SMJ MARKETING, INC., a Michigan corporation

By:   
Jeffrey James  
Its: President

**GRANTEE:**

CITY OF NOVI , a Michigan municipal corporation

By: \_\_\_\_\_  
David Landry  
Its: Mayor

By: \_\_\_\_\_  
Maryanne Cornelius  
Its: Clerk

STATE OF MICHIGAN     )  
  ) SS  
COUNTY OF OAKLAND    )

The foregoing instrument was acknowledged before me this \_\_\_ day of January, 2007, by Jeffrey James, President of SMJ Marketing, Inc., a Michigan corporation.

NATALIE LATTINEN  
NOTARY PUBLIC, STATE OF MI  
COUNTY OF OAKLAND  
MY COMMISSION EXPIRES Dec 14, 2012  
ACTING IN COUNTY OF OAKLAND

  
\_\_\_\_\_  
, Notary Public  
Oakland County, Michigan  
My Commission Expires: 12/14/2012  
Acting in Oakland County, Michigan



# EASEMENT

## Exhibit A

PARCEL NO.: 50-22-35-400-005

PROPERTY OWNER: SMJ MARKETING, INC.  
41750 EIGHT MILE ROAD  
NOVI, MI 48375

PROPERTY DESCRIPTION:

THE WEST 195.15 FEET OF THE EAST 990 FEET OF THE SOUTH 1115.32 FEET OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 35, TOWN 1 NORTH, RANGE 8 EAST, CITY OF NOVI, OAKLAND COUNTY, MICHIGAN, EXCEPT THE SOUTH 60 FEET OF THE LAND CONVEYED TO THE BOARD OF COUNTY ROAD COMMISSIONERS IN LIBER 4136, PAGE 555, OAKLAND COUNTY RECORDS.

EXHIBIT A  
COUNTRY PLACE PUMP STATION

5/10/05

 <b>fitch</b> 50 years engineers scientists architects constructors	<b>City of Novi</b> Oakland County, Michigan		PROJECT NO. G6202CD
	Easement Parcel No. 50-22-35-400-005		FIGURE NO. <b>1 of 1</b>

# EASEMENT

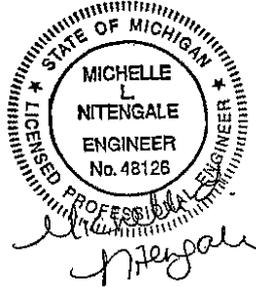
## Revised Exhibit B Page 1

### PERMANENT EASEMENT DESCRIPTION:

A PERMANENT EASEMENT FOR SANITARY SEWER DESCRIBED AS:

COMMENCING AT THE SOUTHEAST CORNER OF SECTION 35, TOWN 1 NORTH, RANGE 8 EAST, CITY OF NOVI, OAKLAND COUNTY, MICHIGAN; THENCE ALONG THE SOUTH LINE OF SAID SECTION SOUTH 87 DEGREES 47 MINUTES 25 SECONDS WEST 990.0 FEET; THENCE ALONG THE WEST LINE OF THE EAST 990 FEET OF SAID SECTION NORTH 02 DEGREES 24 MINUTES 01 SECONDS WEST 682.9 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG THE WEST LINE OF THE EAST 990 FEET OF SAID SECTION NORTH 02 DEGREES 24 MINUTES 01 SECONDS WEST 48.6 FEET; THENCE SOUTH 48 DEGREES 25 MINUTES 06 SECONDS EAST 16.2 FEET; THENCE PARALLEL WITH THE SOUTH LINE OF SAID SECTION NORTH 87 DEGREES 47 MINUTES 25 SECONDS EAST 5.0 FEET; THENCE PARALLEL WITH THE WEST LINE OF THE EAST 990 FEET OF SAID SECTION SOUTH 02 DEGREES 24 MINUTES 01 SECONDS EAST 37.4 FEET; THENCE PARALLEL WITH THE SOUTH LINE OF SAID SECTION SOUTH 87 DEGREES 47 MINUTES 25 SECONDS WEST 16.7 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

SAID PERMANENT EASEMENT CONTAINS 689 SQUARE FEET, MORE OR LESS.



**EXHIBIT B**  
**COUNTRY PLACE PUMP STATION**

12/20/06

 <b>fitch</b> engineers scientists architects constructors	<b>City of Novi</b> Oakland County, Michigan	Easement Parcel No. 50-22-35-400-005	PROJECT NO. G6202CD
			FIGURE NO. <b>1 of 2</b>

# EASEMENT

Revised Exhibit B  
Page 2

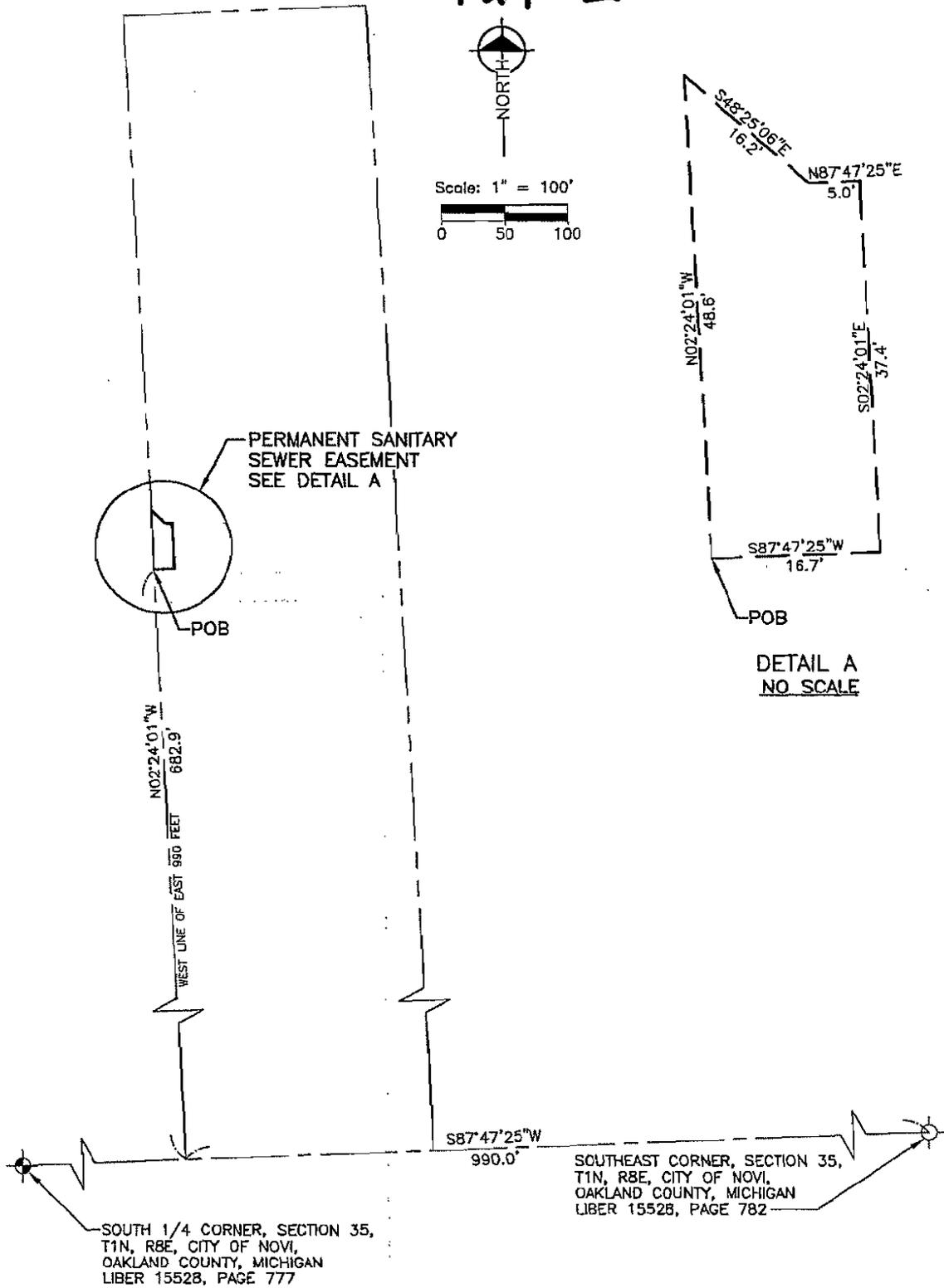


EXHIBIT B  
COUNTRY PLACE PUMP STATION

12/20/06



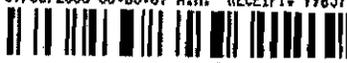
**City of Novi**  
Oakland County, Michigan

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**Easement**  
Parcel No. 50-22-35-400-005

PROJECT NO.  
G6202CD  
FIGURE NO.

**2 of 2**

218972  
LIBER 38071 PAGE 373  
\$25.00 MISC RECORDING  
\$4.00 REMONUMENTATION  
09/06/2006 08:35:09 A.M. RECEIPT# 99657  




PAID RECORDED - OAKLAND COUNTY  
RUTH JOHNSON, CLERK/REGISTER OF DEEDS

**SANITARY SEWER PUMP STATION EASEMENT**

KNOW ALL MEN BY THESE PRESENTS, that SMJ Marketing, Inc., a Michigan corporation, whose address is 28023 Larson Lane, Farmington Hills, MI 48331, (hereinafter referred to as "Grantor"), being title holder to the following described parcel of land, to-wit (the "Property"):

{See attached and incorporated Exhibit A}

Tax Identification Number: ~~(50)~~22-35-400-005

for and in consideration of One Dollar (\$1.00), receipt and sufficiency of which is hereby acknowledged, does hereby grant and convey to the City of Novi, a Michigan municipal corporation, whose address is 45175 W. Ten Mile, Novi, Michigan 48375, (hereinafter referred to as "Grantee"), a non-exclusive perpetual easement for a sanitary sewer pump station and related facilities and appurtenances thereto (the "Pump Station"), over, upon, across, in, through, and under the following described real property to-wit:

{See attached and incorporated Exhibit B}

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

Grantee may install, repair, replace, improve, modify and maintain a sanitary sewer pump station and related sewer lines, and all necessary appurtenances thereto, at its sole cost and expense, within the easement herein granted.

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, except that subject to Grantee's written approval or as part of an approved site plan.

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.

**O.K. - MH**

IN WITNESS WHEREOF, the undersigned Grantor has affixed <sup>his</sup> 26<sup>th</sup> signature this \_\_\_\_\_ day of July, 2006

GRANTOR:

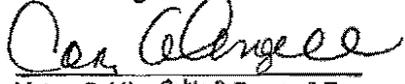
SMJ MARKETING, INC.,  
a Michigan corporation

By:   
Jeffrey James  
As: President

STATE OF MICHIGAN )  
                                  ) SS  
COUNTY OF OAKLAND )

On this 26<sup>th</sup> day of July, 2006, before me, personally appeared the above named Jeffrey James, the President of SMJ Marketing, Inc., to me known to be the person described in and who executed the foregoing instrument and acknowledged that he executed the same as his free act and deed.

CARI A. ANGELL  
Notary Public, State of Michigan  
County of Oakland  
My Commission Expires Mar. 30, 2008  
Acting in the County of Oakland

  
Notary Public, Oakland County, MI  
My commission expires

THIS INSTRUMENT DRAFTED BY AND  
WHEN RECORDED, RETURN COPY TO:

When Recorded, Return To:  
Maryanne Cornelius, City Clerk  
City of Novi  
45175 W. 10 Mile Road  
Novi, MI 48375

LIBER 38071 PG 375

# EASEMENT

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NOVI, MI 48375

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EXHIBIT A  
COUNTRY PLACE PUMP STATION

5/10/06

 engineers scientists architects constructors	<b>City of Novi</b> Oakland County, Michigan		PROJECT NO G6202CD
	Easement Parcel No. 50-22-35-400-005		FIGURE NO <b>1 of 1</b>

LIBER 38071 28376

# EASEMENT

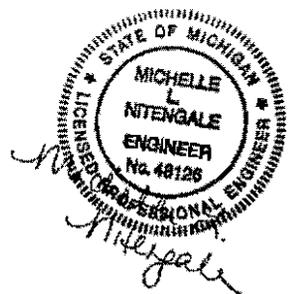
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← charged to 682.9

SAID PERMANENT EASEMENT CONTAINS 689 SQUARE FEET, MORE OR LESS.



**EXHIBIT B**  
**COUNTRY PLACE PUMP STATION**

5/10/06

 engineers scientists architects constructors	<b>City of Novi</b> Oakland County, Michigan	PROJECT NO. G6202CD
	Easement Parcel No. 50-22-35-400-005	FIGURE NO. <b>1 of 2</b>

# EASEMENT



Scale: 1" = 100'  
0 50 100

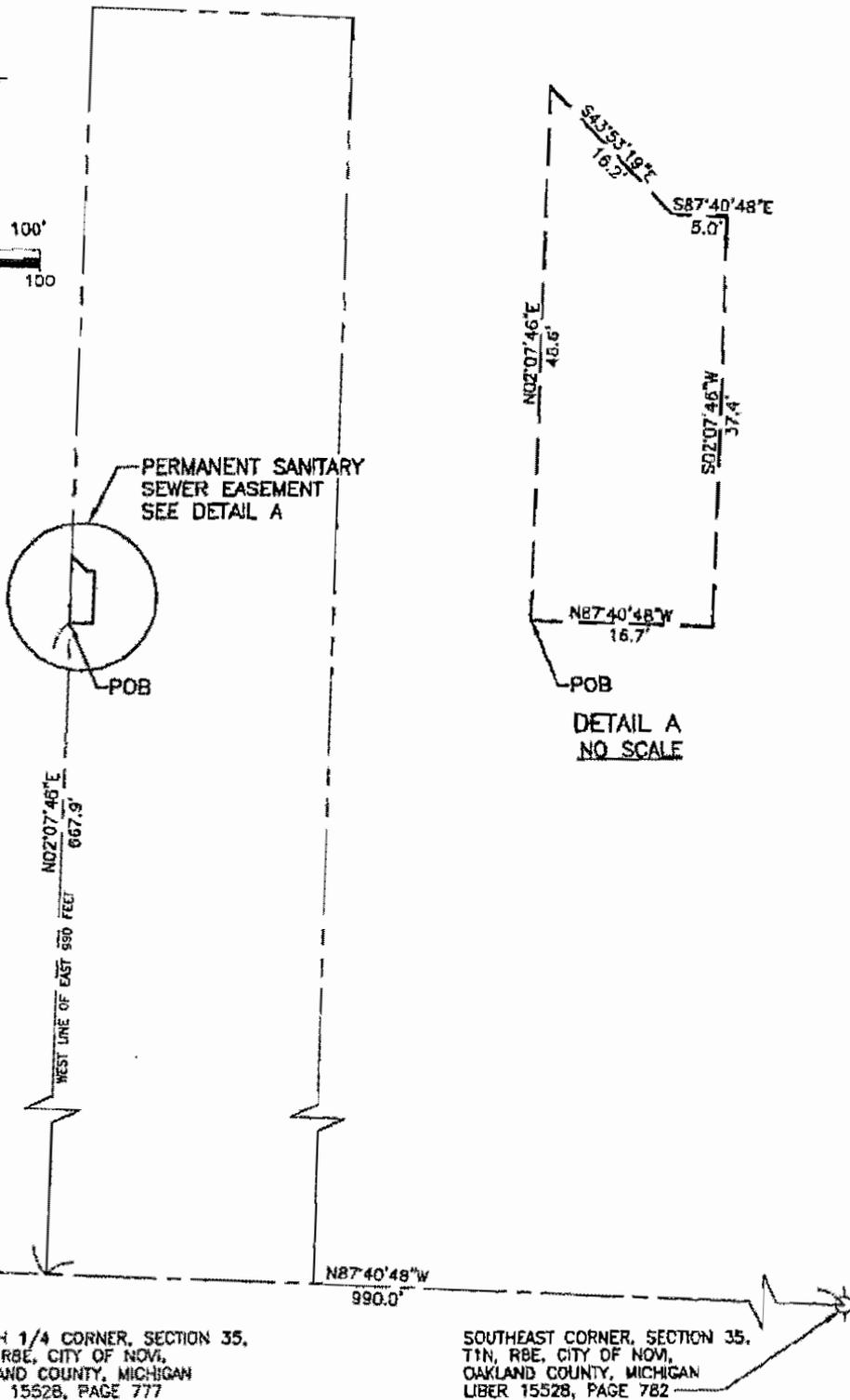
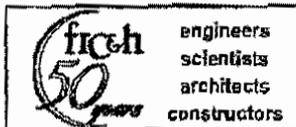


EXHIBIT B  
COUNTRY PLACE PUMP STATION

5/10/06



City of Novi  
Oakland County, Michigan  
Easement  
Parcel No. 50-22-35-400-005

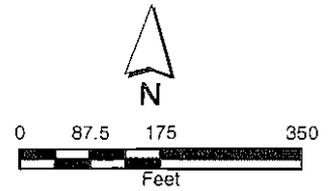
PROJECT NO  
G620ZCD  
FIGURE NO.

2 of 2





# Country Place Pump Station Location Map



## Legend

- LIFT STATION
- Manhole
- End Cap
- Future Connection
- 1.5" FM
- 2.0" FM
- 3.0" FM
- 4.0" FM
- 6.0"
- 6.0" FM
- 8.0"
- 8.0" FM
- 10.0"
- 10.0" FM
- 12.0"
- 12.0" FM
- 15.0"
- 18.0"
- 18.0" FM
- 21.0"
- 27.0"
- 30.0"
- 36.0"
- 42.0"
- ABND
- Normandy\_Hills

