



CITY of NOVI CITY COUNCIL

Agenda Item N
July 28, 2008

SUBJECT: Acceptance of an easement granted by JFK Investment Company, LLC, in conjunction with the Eleven Mile Road/Meadowbrook Road Intersection Improvement project (parcel 22-23-226-036).

SUBMITTING DEPARTMENT: Engineering *RH*

CITY MANAGER APPROVAL: *[Signature]*

BACKGROUND INFORMATION:

The Engineering Department has been working with JFK Investments to secure an easement for the installation of a traffic signal and associated improvements to include grading and sidewalk installation at the intersection of Eleven Mile Road and Meadowbrook Road. JFK Investments is donating the enclosed easement to facilitate completion of the project.

The enclosed documents have been reviewed and approved by the Engineering Department and the City Attorney's office. (All of the comments in Kudla's June 3, 2008 letter have been addressed).

The construction award for the project is located elsewhere on this agenda for consideration.

RECOMMENDED ACTION: Acceptance of an easement granted by JFK Investment Company, LLC, in conjunction with the Eleven Mile Road/Meadowbrook Road Intersection Improvement project (parcel 22-23-226-036).

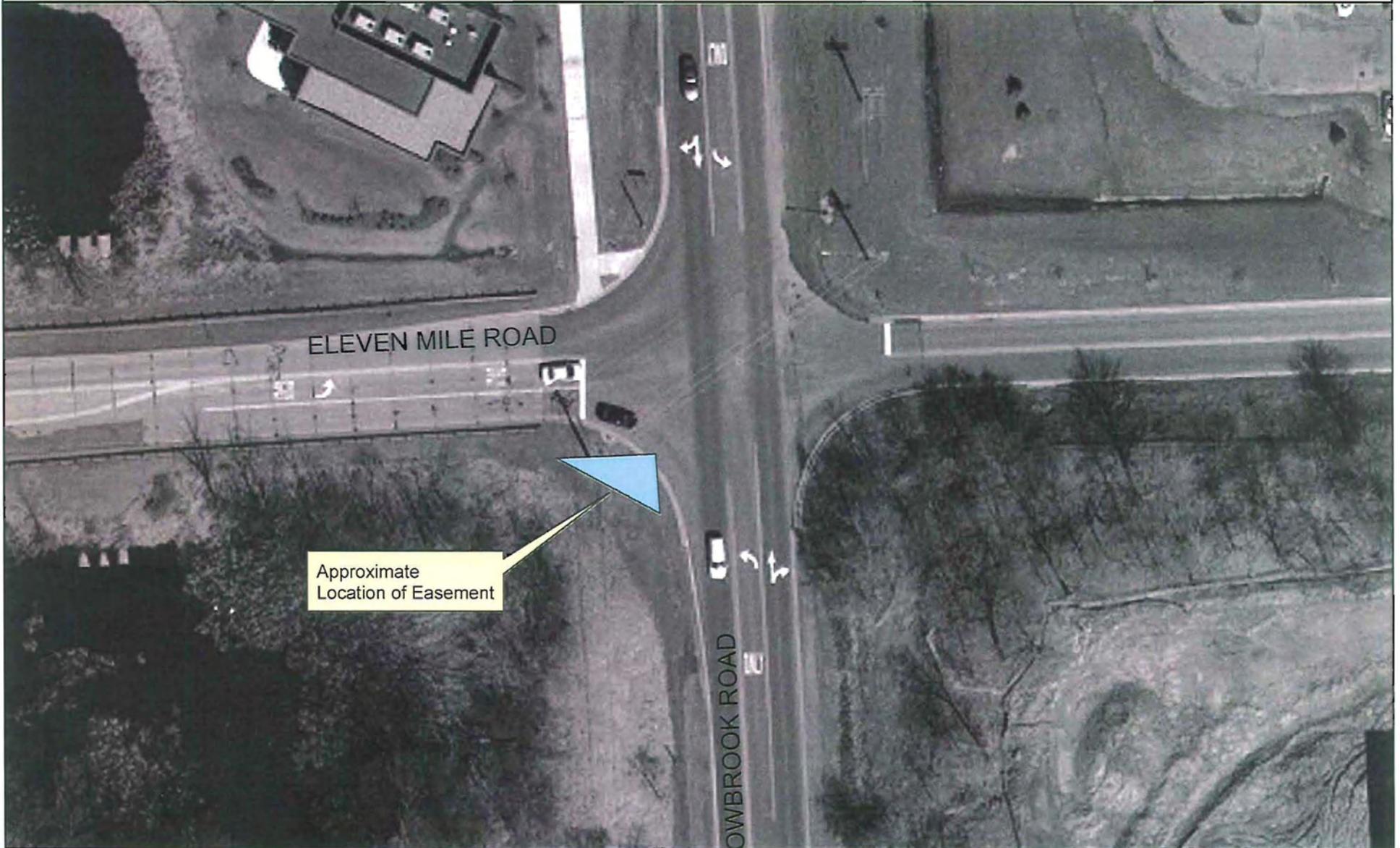
	1	2	Y	N
Mayor Landry				
Mayor Pro Tem Capello				
Council Member Crawford				
Council Member Gatt				

	1	2	Y	N
Council Member Margolis				
Council Member Mutch				
Council Member Staudt				

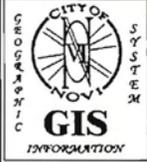
Existing Intersection Layout

Meadowbrook Road and Eleven Mile Road

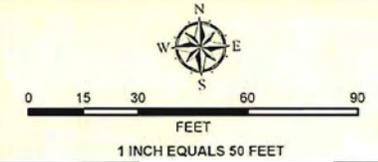
Map Publication Date: November 19, 2007



Approximate
Location of Easement



CITY OF NOVI
 ENTER DEPT NAME HERE
 ENTER DEPARTMENT INFO HERE
 NOVI CITY HALL/CIVIC CENTER
 45175 W. TEN MILE ROAD
 NOVI, MI 48375-3024
 (248) ENTER PHONE NUMBER
 WWW.CITYOFNOVI.ORG
 MAP AUTHOR: Brian Coburn, PE



MAP SOURCES OF INFORMATION
 Describe your sources of map information here

MAP INTERPRETATION DISCLAIMER
 This map is neither a legally recorded map nor a survey and is not intended to be used as one. This map is a compilation of records, information, and data located in various city, county, state, and federal offices and other sources regarding the area shown, and is to be used for reference purposes only. The City of Novi makes no warranty, express or implied, that the Geographic Information Systems (GIS) Data used to prepare this map are error free, and the City of Novi does not represent that the GIS Data can be used for navigational, tracking, or any other purpose requiring exacting measurement of distance or direction or precision in the depiction of geographic features. Official records should be used as a primary information source for verification of the information provided on these pages.

EASEMENT

KNOW ALL MEN BY THESE PRESENTS: that JFK Investment Company L.L.C., a Michigan limited liability company, whose address is 43252 Woodward Avenue, Suite 210, Bloomfield Hills, Michigan 48302, party of the first part, for and in consideration of the sum of One Dollar (\$1.00) paid to it by the City of Novi, a Michigan Municipal Corporation, whose address is 45175 W. Ten Mile Road, Novi, Michigan 48375, party of the second part, does hereby grant to the said party of the second part of the right to construct, operate, maintain, repair and/or replace a public sidewalk and a traffic signal across and through the following described land located in the City of Novi, Oakland County, Michigan, to wit:

See Attached Legal Description (Exhibit A), Parcel 50-22-23-226-036

And to enter upon said land for the construction, operation, maintenance and repair and/or replacement thereof

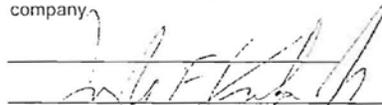
The premises so disturbed by reason of the exercise of any of the foregoing powers shall be reasonably restored to its original condition by the party of the second part.

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

IN WITNESS WHEREOF, the undersigned parties have executed this agreement this 2 day of July, 2008.

Signed By:

JFK Investment Company, L.L.C.,
a Michigan limited liability
company



By: JOSEPH F. KOSIK JR.

Its: MANAGER

NOTE: Please print name under signature

STATE OF MICHIGAN)

ss

COUNTY OF OAKLAND)

On this 2 day of July, A.D., 2008, before me, a Notary Public in and for said County, personally appeared Joseph F. Kosik Jr., to me known to be the same person described

in and who executed the within instrument, who then acknowledged the same to be his free act and deed.

This instrument drafted by:
JFK Investment Company L.L.C
Joseph F. Kosik, Jr.
43252 Woodward Avenue, Suite 210
Bloomfield Hills, MI 48302


Notary Public County, Michigan

When recorded, return to:

Maryanne Cornelius, Clerk
City of Novi
45175 W. Ten Mile Road
Novi, MI 48375

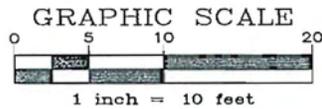
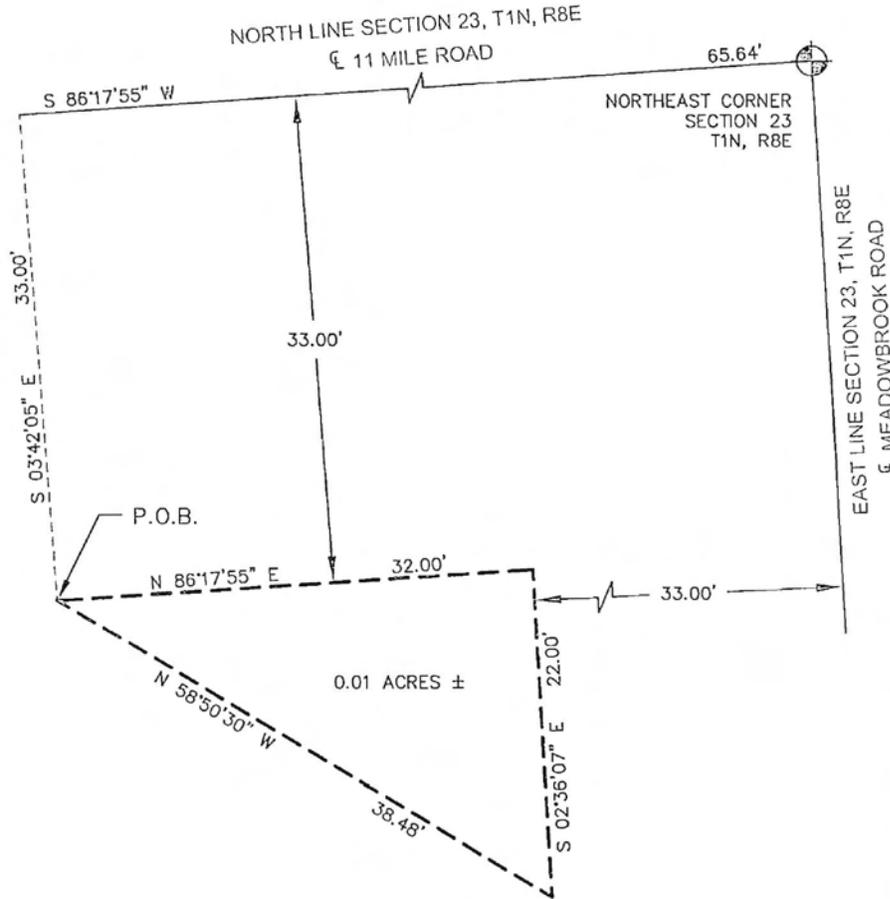
ANN GONZALES
Notary Public, State of Michigan
County of Oakland
My Commission Expires Oct. 28, 2008
Acting in the County of Oakland

EXHIBIT A

Parcel Description

Part of the Northeast ¼ of Section 23, Town 01 North, Range 08 East, City of Novi, Oakland County, Michigan, described as: Beginning at a the Northeast corner of Section 23, Town 01 North, Range 08 East, and proceeding thence South 00 degrees 22 minutes 43 seconds West, 453.43 feet; thence North 89 degrees 37 minutes 10 seconds West, 451.72 feet; thence North 00 degrees 22 minutes 50 seconds East, 39.00 feet; thence North 89 degrees 37 minutes 10 seconds West, 210.00 feet; thence North 00 degrees 22 minutes 50 seconds East, 401.71 feet; thence North 89 degrees 16 minutes 44 seconds East, 661.84 feet to the point of beginning.

EASEMENT SKETCH



SIDEWALK, GRADING AND TRAFFIC SIGNAL EASEMENT

A parcel of land, for Sidewalk, Grading and Traffic Signal dedication, in the Northeast 1/4 of Section 23, Town 1 North, Range 8 East, Novi Township, Oakland County, Michigan, being more specifically described as commencing at the Northeast corner of said Section 23; thence South 86°17'55" West 65.64 feet along the North line of said Section 23 and the centerline of Eleven Mile Road; thence South 03°42'05" East 33.00 feet to the southerly line of Eleven Mile Road and the POINT OF BEGINNING of this easement description; thence North 86°17'55" East 32.00 feet along the southerly line of Eleven Mile Road to the westerly line of Meadowbrook Road; thence South 02°36'07" East 22.00 feet along the westerly line of Meadowbrook Road; thence North 58°50'30" West 38.48 feet to the POINT OF BEGINNING.

JUNE, 2008
2075108700



Stantec Consulting Michigan Inc.
3959 Research Park Drive
Ann Arbor MI U.S.A.
48108-2216
Tel. 734.761.1010
Fax. 734.761.1200
www.stantec.com

Client/Project
CITY OF NOVI
ELEVEN MILE - MEADOWBROOK ROAD
INTERSECTION IMPROVEMENTS
Figure No.
1.0
Title
EASEMENT SKETCH

June 3, 2008

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

Elizabeth M. Kudln
Direct: 248-539-2846
lkudln@secretwardle.com

Mr. Brian Coburn, Civil Engineer
City of Novi
45175 West Ten Mile Road
Novi, MI 48375-3024

**RE: Eleven Mile and Meadowbrook Traffic Signal
Our File No. 55124 NOV**

Dear Mr. Coburn:

We have received and reviewed the proposed Easement for a construction, operation, maintenance and repair of a sidewalk provided by JFK Investment Company, LLC. Though the proposed language is somewhat different from the City's form Sidewalk Easement, the proposed language is also acceptable. Subject to Engineering's approval of any necessary exhibits, we approve the Easement with minor revisions.

We have made some non-substantive revisions to the Easement document as follows:

1. Identified the City as a "Michigan municipal corporation."
2. Identified the property owner as a "Michigan limited liability company."
3. Added the City Clerk as the "return to" address to be used by the Register of Deeds.
4. Removed the space for "witness" signatures as none are required under Michigan law.

We will also forward an electronic copy of the Easement for the property owner's convenience.

It is our understanding the City has not obtained a title policy for this easement. Though we have not studied the full chain of title and cannot make an absolute determination that the named property owner has clean title to the property, we have researched and obtained the last deed recorded at the County

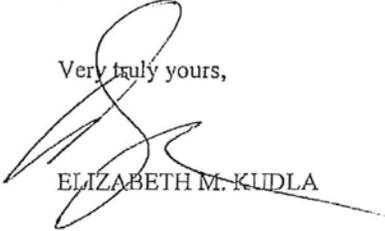
Brian Coburn, Civil Engineer
June 3, 2008
Page 2

with respect to the property since 1986. The last Deed of record, a copy of which is enclosed, was conveyed to the party named as grantor in the subject easement.

If the City wants greater certainty with respect to title, we would recommend obtaining a commitment for title insurance for the easement.

If you have any questions regarding the above, please do not hesitate to call.

Very truly yours,



ELIZABETH M. KUDLA

EMK

Enclosures

cc: Maryanne Cornelius, City Clerk (w/Enclosures)
Thomas R. Schultz, Esquire (w/Enclosures)

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