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CITY of NOVI CITY COUNCIL

Agenda Item C
August 11, 2008

SUBJECT: Acceptance of a sidewalk easement granted by MHBC-Novı Properties, LLC, in conjunction with the Orchard Hill Place reconstruction project (parcel 22-36-477-011).

SUBMITTING DEPARTMENT: Engineering

CITY MANAGER APPROVAL: 

BACKGROUND INFORMATION:

The Engineering Department has been working with Michigan Heritage Bank to secure an easement for the installation of a pathway along the frontage of its property at the southeast corner of Orchard Hill Place and Haggerty Road. The construction of the pathway will fill the final gap in the pathway along the south and east side of Orchard Hill Place. Michigan Heritage Bank 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. (Beth Kudla's July 28, 2008 letter is attached).

The construction contract for this project was awarded by City Council on July 7, 2008 and construction of the overall project is expected to begin in mid-August.

RECOMMENDED ACTION: Acceptance of a sidewalk easement granted by MHBC-Novı Properties, LLC, in conjunction with the Orchard Hill Place reconstruction project (parcel 22-36-477-011).

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

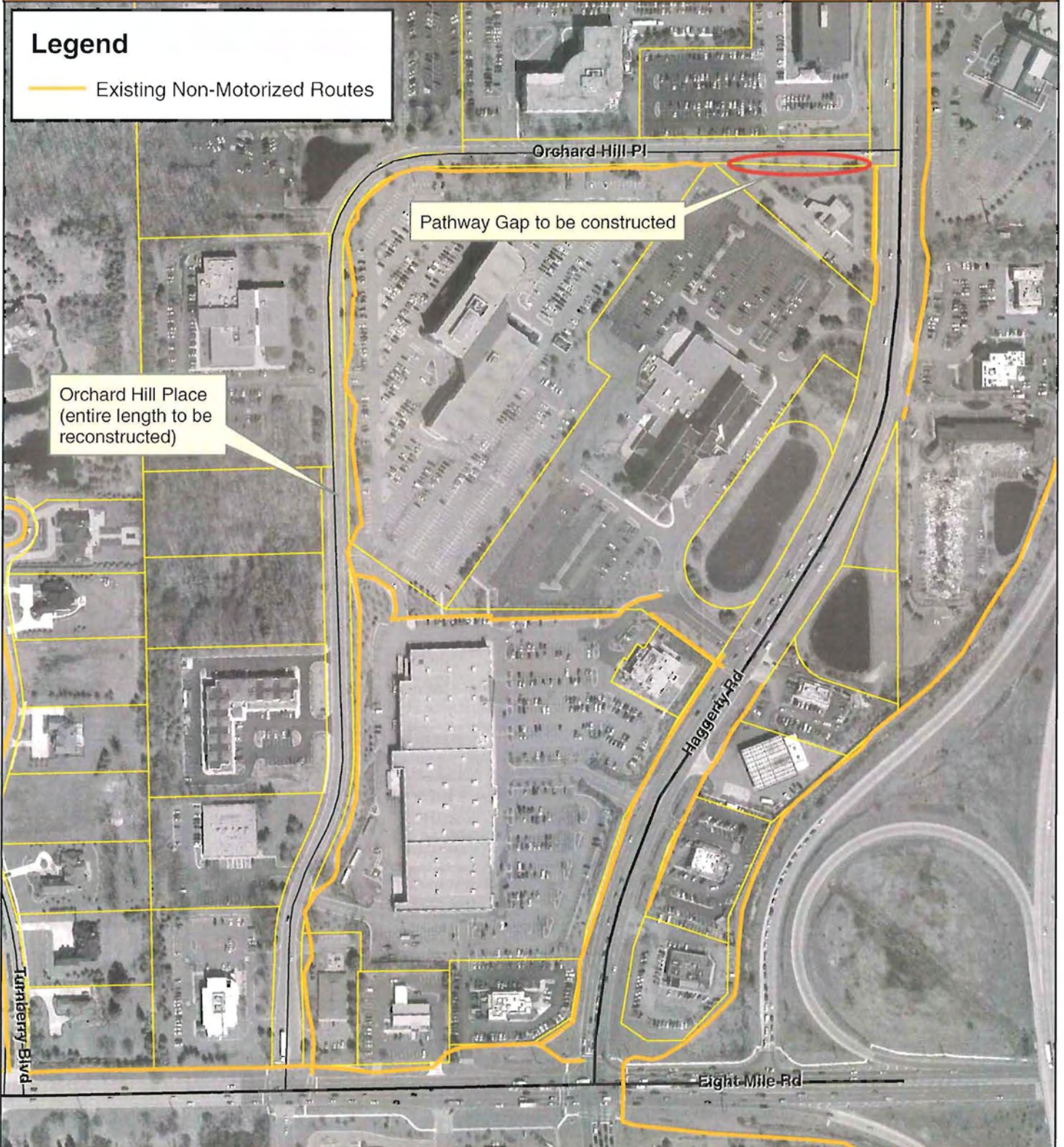
	1	2	Y	N
Council Member Margolis				
Council Member Mutch				
Council Member Staudt				

LOCATION MAP

Orchard Hill Place Reconstruction

Legend

— Existing Non-Motorized Routes



Orchard Hill Place
(entire length to be
reconstructed)

Pathway Gap to be constructed

CITY OF NOVI
ENGINEERING DIVISION
45175 W. TEN MILE ROAD
NOVI, MI 48375-3024
(248) 347-0454
MAP AUTHOR: BRIAN COBURN, P.E.



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.

July 28, 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. Kudla
Direct: 248-539-2846
bludla@secretwardle.com

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

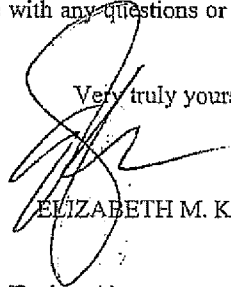
**Re: Orchard Hill Place Sidewalk Easement
Our File No. 55142 NOV**

Dear Mr. Coburn:

We have received and reviewed the executed Sidewalk Easement for a public walkway over property owned by MHBC-Novi Properties, LLC within the Orchard Hill Place Condominium. The Sidewalk Easement is the City's standard format and has been properly executed by the property owner. We note no other interests in the property that require the consent of any other party to grant a valid easement. Based on our review of the executed Sidewalk Easement and the Title Information Report issued by Seaver Title on May 31, 2008, we can recommend acceptance of the Sidewalk Easement by the City in its current form.

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/Enclosure)
Thomas R. Schultz, Esquire (w/Enclosure)

C:\N\Portbl\manago\BKUDLAM1105298_1.DOC

SIDEWALK EASEMENT

NOW ALL MEN BY THESE PRESENTS, that MHBC-Novl Properties, LLC, a Michigan limited liability company, whose address is 28300 Orchard Lake Road, Suite 200, Farmington, Michigan, 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, whose 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 property located in Section 36, T.1N., R.8E., City of Novi, Oakland County, State of Michigan, more particularly described as follows:

{See attached and incorporated Figure 1 of 1 -- Property Description}

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

{See attached and incorporated Figure 1 of 1 -- Permanent Easement Description}

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

Grantee may install, 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 binding 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 binding and inure to the benefit of the parties hereto, their heirs, representatives, successors and assigns.

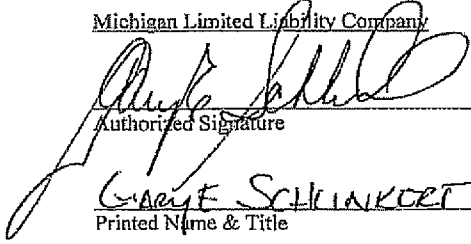
Dated this 18 day of July, 2008.

{Signature begins on following page}

Signed by:


MHBC-Novi Properties, LLC, a

Michigan Limited Liability Company


Authorized Signature
GARY SCHLINKERT
Printed Name & Title

STATE OF MICHIGAN)
) SS
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this 18TH day of JULY, 2008, by
GARY SCHLINKERT


Signature - Notary Public

OAKLAND County, Michigan

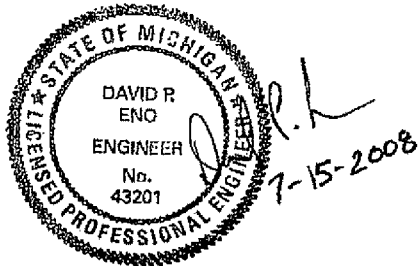
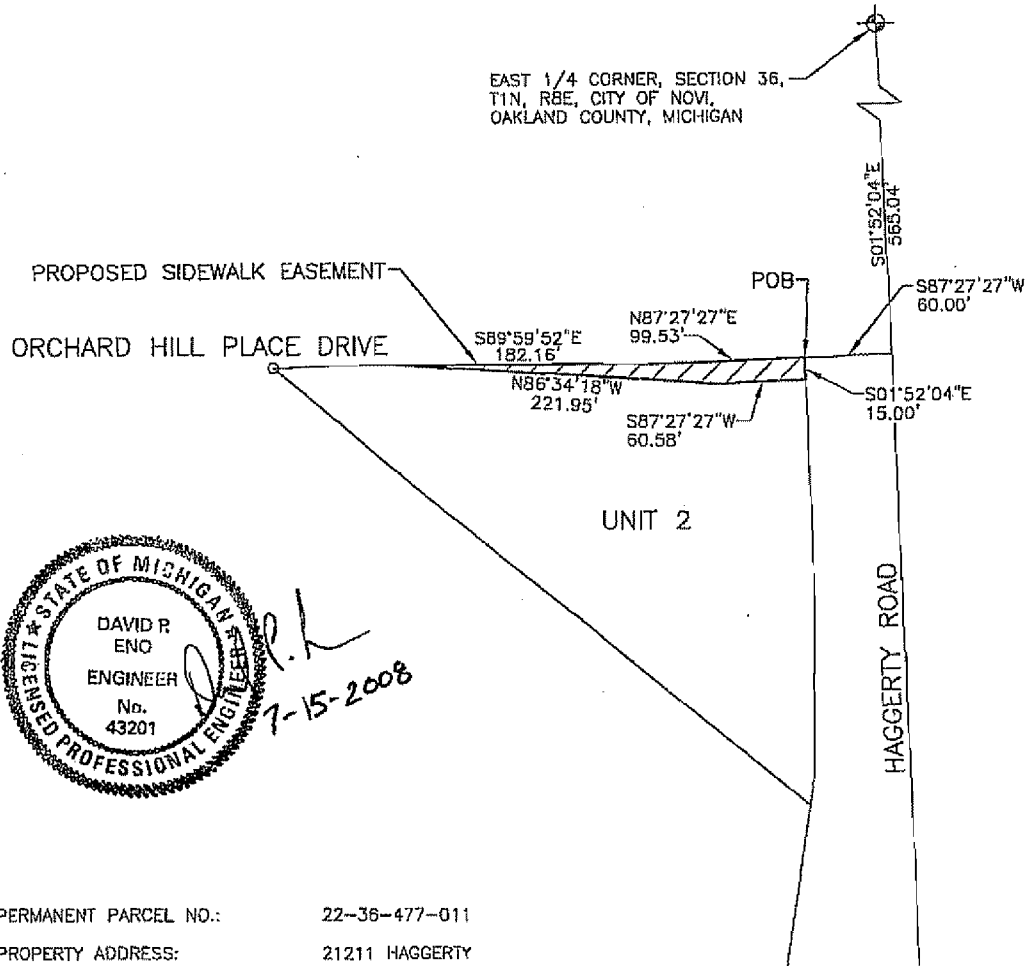
My Commission Expires: _____

KAREN A. PRYMAK
NOTARY PUBLIC, STATE OF MI
COUNTY OF WAYNE
MY COMMISSION EXPIRES Aug 18, 2013
ACTING IN COUNTY OF OAKLAND, MI

Drafted by:
Fishbeck, Thompson, Carr & Huber, Inc.
39255 Country Club Drive, Suite B-25
Farmington Hills, MI 48331

When recorded return to:
City of Novi
City Clerk
45175 W. Ten Mile Road.
Novi, MI 48375

SIDEWALK EASEMENT



PERMANENT PARCEL NO.: 22-36-477-011
 PROPERTY ADDRESS: 21211 HAGGERTY
 PROPERTY DESCRIPTION:

UNIT 2, ORCHARD HILL PLACE CONDOMINIUM, ACCORDING TO MASTER DEED RECORDED IN LIBER 9231, PAGE 252, OAKLAND COUNTY RECORDS, FIRST AMENDMENT TO MASTER DEED RECORDED IN LIBER 9485, PAGE 621, OAKLAND COUNTY RECORDS, SECOND AMENDMENT TO MASTER DEED RECORDED IN LIBER 10007, PAGE 739, OAKLAND COUNTY RECORDS, THIRD AMENDMENT TO MASTER DEED RECORDED IN LIBER 10128, PAGE 198, OAKLAND COUNTY RECORDS, FOURTH AMENDMENT TO MASTER DEED RECORDED IN LIBER 10263, PAGE 888, OAKLAND COUNTY RECORDS, FIFTH AMENDMENT TO MASTER DEED RECORDED IN LIBER 10909, PAGE 294, OAKLAND COUNTY RECORDS, SIXTH AMENDMENT TO MASTER DEED RECORDED IN LIBER 11393, PAGE 275, OAKLAND COUNTY RECORDS, SEVENTH AMENDMENT TO MASTER DEED RECORDED IN LIBER 11654, PAGE 735, OAKLAND COUNTY RECORDS, EIGHTH AMENDMENT TO MASTER DEED RECORDED IN LIBER 12234, PAGE 351, OAKLAND COUNTY RECORDS, NINTH AMENDMENT TO MASTER DEED RECORDED IN LIBER 12327, PAGE 360, OAKLAND COUNTY RECORDS, AND TENTH AMENDMENT TO MASTER DEED RECORDED IN LIBER 16743, PAGE 602, OAKLAND COUNTY RECORDS, AND DESIGNATED AS OAKLAND COUNTY CONDOMINIUM SUBDIVISION PLAN NO. 434, TOGETHER WITH RIGHTS IN COMMON ELEMENTS AND LIMITED COMMON ELEMENTS, AS SET FORTH IN THE ABOVE MASTER DEED (AND AMENDMENTS THERETO) AND AS DESCRIBED IN ACT 59 OF THE PUBLIC ACTS OF 1978, AS AMENDED.

PERMANENT EASEMENT DESCRIPTION:

AN EASEMENT FOR SIDEWALK DESCRIBED AS: ALL THAT PART OF THE SOUTHEAST 1/4 OF SECTION 36, TOWN 1 NORTH, RANGE B EAST, CITY OF NOVI, OAKLAND COUNTY, MICHIGAN DESCRIBED AS COMMENCING AT THE EAST 1/4 CORNER OF SAID SECTION 36; THENCE ALONG THE EAST LINE OF SAID SECTION, SOUTH 01°52'04" EAST 565.04 FEET; THENCE SOUTH 87°27'27" WEST 60.00 FEET TO THE POINT OF BEGINNING ON THE WEST RIGHT-OF-WAY LINE OF HAGGERTY ROAD AND THE SOUTH RIGHT-OF-WAY LINE OF ORCHARD HILL PLACE DRIVE; THENCE ALONG THE WEST RIGHT-OF-WAY LINE OF HAGGERTY ROAD, SOUTH 01°52'04" EAST 15.00 FEET; THENCE SOUTH 87°27'27" WEST 60.58 FEET; THENCE NORTH 86°34'18" WEST 221.95 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF ORCHARD HILL PLACE DRIVE; THENCE ALONG SAID SOUTH RIGHT-OF-WAY LINE, SOUTH 89°59'52" EAST 182.16 FEET; THENCE CONTINUING ALONG SAID SOUTH RIGHT-OF-WAY LINE, NORTH 87°27'27" EAST 99.53 FEET TO THE PLACE OF BEGINNING. SAID PERMANENT EASEMENT CONTAINS 2409 SQUARE FEET, MORE OR LESS.

<p style="font-size: small; margin: 0;">engineers scientists architects constructors</p>	<p>City of Novi Oakland County, Michigan</p> <p>Sidewalk Easement Orchard Hill Place Drive</p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="font-size: x-small;">PROJECT NO.</td> <td style="text-align: center;">G080219CD</td> </tr> <tr> <td style="font-size: x-small;">FIGURE NO.</td> <td style="text-align: center;">1 of 1</td> </tr> <tr> <td style="font-size: x-small;">DATE</td> <td style="text-align: center;">06/19/08</td> </tr> </table>	PROJECT NO.	G080219CD	FIGURE NO.	1 of 1	DATE	06/19/08
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FIGURE NO.	1 of 1							
DATE	06/19/08							
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