

cityofnovi.org

# CITY of NOVI CITY COUNCIL

**Agenda Item J**  
**August 25, 2008**

**SUBJECT:** Acceptance of an Amendment to Water System Easement from LaSalle Bank for consideration in conjunction with the Pontiac Trail Water Main Extension Project (Parcel ID No. 22-03-101-011; LaSalle Bank donated easement.)

**SUBMITTING DEPARTMENT:** Engineering *BH*

**CITY MANAGER APPROVAL:** *Ch*

**BACKGROUND INFORMATION:**

LaSalle Bank donated a water main easement to facilitate the Pontiac Trail Water Main Extension project. The original easement was accepted by City Council on March 19, 2007 and was recorded with the Oakland County Register of Deeds. Since that time, the water main alignment has been redesigned to meet the requirements of other properties in the area that were granting easements. The revised easement description is closer to Pontiac Trail and includes a smaller area than that original easement.

The attached Amendment to Water System Easement only revises the location of the water main easement (see Beth Kudla's August 11, 2008 letter, attached).

The Pontiac Trail Water Main project will extend water along Pontiac Trail to connect the water main at West Park Drive with water main at Beck North Phase II. The project will provide Novi water to the Novi residents that are currently being served with water from the cities of Wixom and Walled Lake. The construction of the project was awarded to D&M contracting, Inc. on July 7, 2008. Construction will begin in August 2008.

**RECOMMENDED ACTION:** Acceptance of an Amendment to Water System Easement from LaSalle Bank for consideration in conjunction with the Pontiac Trail Water Main Extension Project (Parcel ID No. 22-03-101-011; LaSalle Bank donated easement.)

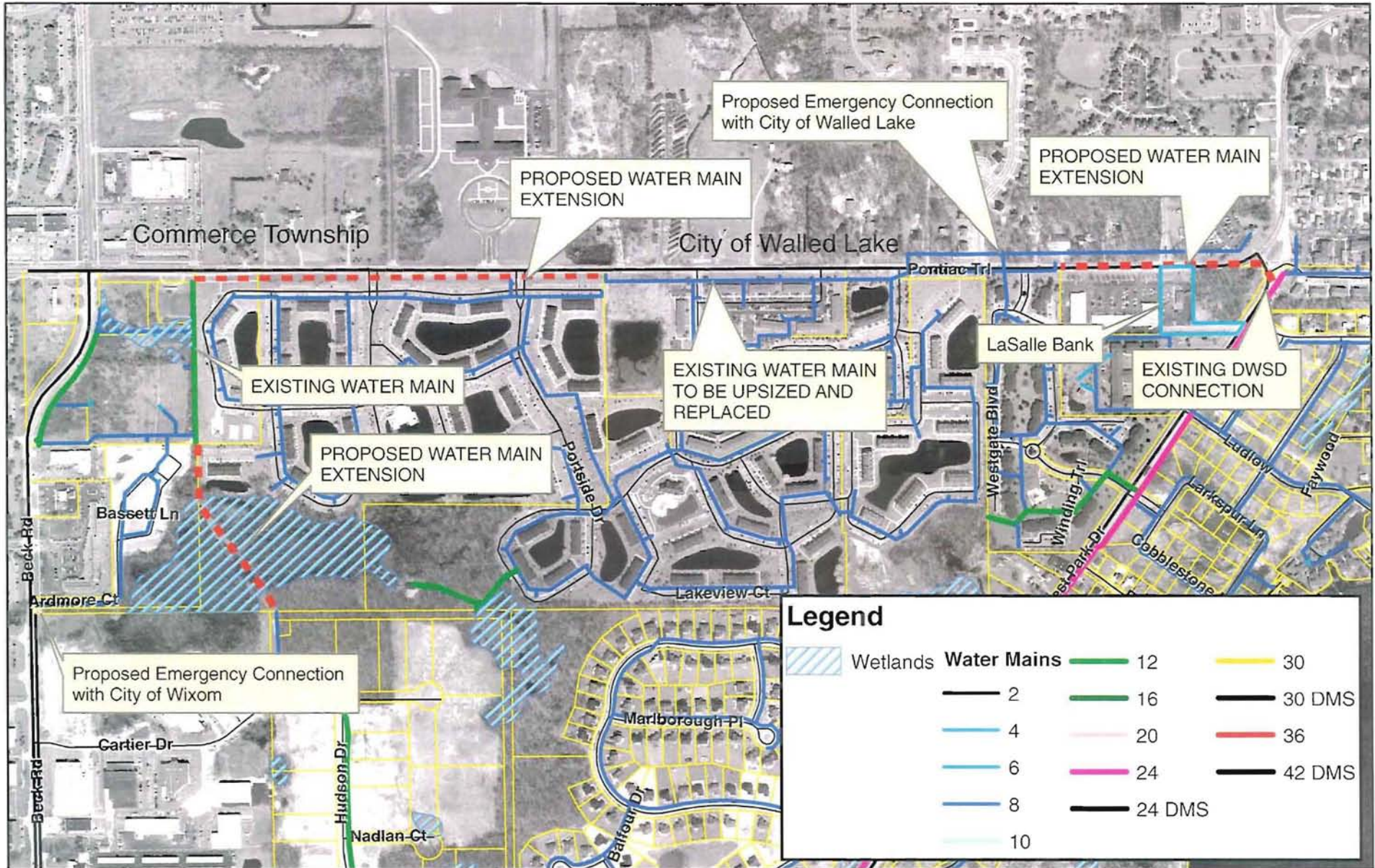
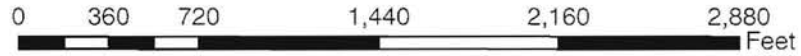
	1	2	Y	N
Mayor Landry				
Mayor Pro Tem Capello				
Council Member Crawford				
Council Member Gatt				

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



# PROJECT LOCATION

## PONTIAC TRAIL WATER MAIN EXTENSION



August 11, 2008

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, MI 48375-3024

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

**Re: Pontiac Trail Water Main  
Amendment to Water System Easement – LaSalle Bank  
Our File No. 55142 NOV**

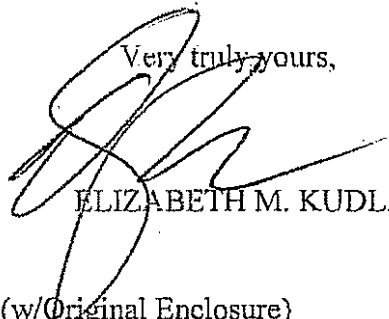
Dear Mr. Coburn:

Enclosed please find the original signed Amendment to Water System Easement over the LaSalle Bank Parcel. We note that the terms of the original Water System Easement document executed by LaSalle Bank, accepted by the City, and recorded at Liber 38993, Page 859 remain in full force and effect and that the original Water System Easement is only amended to replace the Easement Description Exhibit.

Once accepted by the City, the Amendment to Water System Easement should be 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,



ELIZABETH M. KUDLA

EMK

Enclosure

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

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**AMENDMENT TO  
WATER SYSTEM EASEMENT**

**THIS AMENDMENT TO WATER SYSTEM EASEMENT** ("Amendment") is made and executed this 7<sup>th</sup> day of August, 2008, by LaSalle Bank Midwest N.A., a National Banking Association, whose address is c/o Bank of America, N.A., TX1-944-09-05, United Fidelity Building, 1025 Elm Street, Dallas, Texas 75202-3113, Attn: Judy L. Wilkinson (the "Grantor").

WITNESSETH:

WHEREAS Grantor owns property in the City of Novi, which property is described in the attached and incorporated Property Description Exhibit (the "Property").

WHEREAS, Grantor conveyed a Water System Easement over, upon, across, in, through and under the Property to the City of Novi, a Michigan municipal corporation, whose address is 45175 West 10 Mile Road, Novi, MI 48375 (the "Grantee"), for purposes of installing, repairing, replacing, improving, modifying and maintaining the water main located therein, which Water System Easement is dated February 7, 2007, and was recorded on April 11, 2007, in Liber 38993, Pages 859 through 862, Oakland County Records (the "Easement"); and

WHEREAS, the legal description of the Easement has been revised to move the water system facilities and corresponding easement closer to the road, and Grantor intends by this Amendment to revise the legal description of the Easement;

NOW, THEREFORE, upon the recording of this Amendment in the office of the Oakland County Register of Deeds, said Easement shall be amended as follows:

1. The Permanent Easement Description Exhibit shall be replaced in full with the legal description and depiction attached hereto and incorporated as the Permanent Easement Description Exhibit.
2. In all respects, other than as hereinabove indicated, the original Water System Easement is hereby ratified, confirmed and redeclared.

Dated: August 7, 2008

[Signature and Notary appear on following page.]

Grantor:

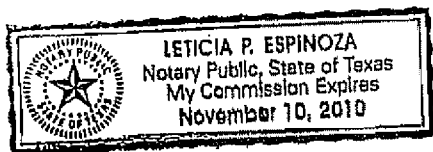
LASALLE BANK MIDWEST, NA, a National  
banking association

*Judy Wilkinson*

By: Judy Wilkinson  
Assistant Vice President

STATE OF TEXAS            )  
  ) SS  
COUNTY OF DALLAS        )

This Deed was acknowledged before me on this 7 day of August, 2008, by  
Judy Wilkinson, Assistant Vice President of LaSalle Bank Midwest N.A., on behalf of said  
company.



*Leticia P. Espinoza*

Notary Public  
Dallas County, Texas  
My Commission Expires: 11/10/2010

Drafted by and when recorded return to:

Elizabeth M. Kudla  
SECREST, WARDLE  
30903 Northwestern Highway  
Farmington Hills, MI 48334

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# EASEMENT

PARCEL NO.: 50-22-03-101-011


PROPERTY OWNER: MICHIGAN NATIONAL BANK  
32100 TELEGRAPH RD  
SUITE 100  
FRANKLIN, MI 48025

PROPERTY DESCRIPTION:

PART OF THE NORTHWEST FRACTIONAL 1/4 OF SECTION 3, TOWN 1 NORTH, RANGE 8 EAST, CITY OF NOVI, OAKLAND COUNTY, MICHIGAN, DESCRIBED AS: BEGINNING AT A POINT DISTANT SOUTH 89 DEGREES 55 MINUTES 00 SECONDS EAST 977.62 FEET FROM THE NORTHWEST SECTION CORNER; THENCE SOUTH 89 DEGREES 55 MINUTES 00 SECONDS EAST 180 FEET; THENCE SOUTH 00 DEGREES 05 MINUTES 00 SECONDS WEST 313.65 FEET; THENCE SOUTH 89 DEGREES 55 MINUTES 00 SECONDS EAST 279.46 FEET; THENCE SOUTH 34 DEGREES 58 MINUTES 40 SECONDS WEST 73.15 FEET; THENCE NORTH 89 DEGREES 55 MINUTES 00 SECONDS WEST 417.61 FEET; THENCE NORTH 00 DEGREES 05 MINUTES 00 SECONDS EAST 373.65 FEET TO THE POINT OF BEGINNING, EXCEPT THE EAST 33 FEET TAKEN FOR HIGHWAY PURPOSES.

EXHIBIT A  
PONTIAC TRAIL WATERMAIN

10/24/06

 <b>fitch</b> 50 YEARS engineers scientists architects constructors	<b>City of Novi</b> Oakland County, Michigan	PROJECT NO. GD8201CD
	Easement Parcel No. 50-22-03-101-011	FIGURE NO. <b>1 of 1</b>

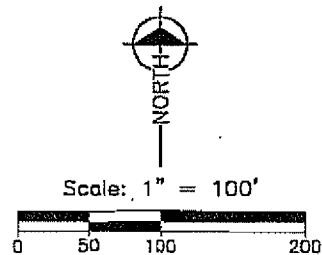
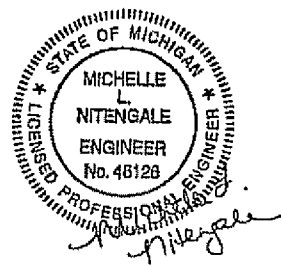
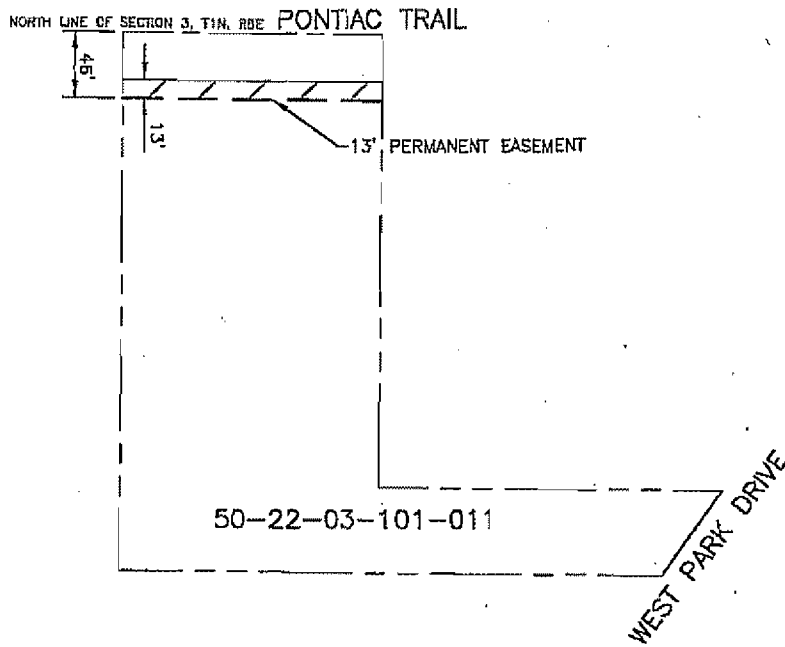
# EASEMENT

**PERMANENT EASEMENT DESCRIPTION:**

A PERMANENT EASEMENT FOR WATERMAIN DESCRIBED AS:

THE SOUTH 13 FEET OF THE NORTH 46 FEET OF SUBJECT PARCEL, PARALLEL WITH THE NORTH SECTION LINE OF SECTION 3, TOWN 1 NORTH, RANGE 8 EAST, CITY OF NOVI, OAKLAND COUNTY, MICHIGAN.


SAID PERMANENT EASEMENT CONTAINS 0.05 ACRES, MORE OR LESS.

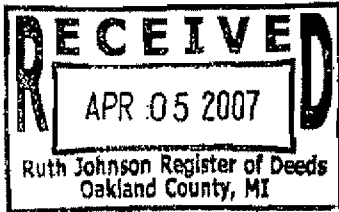


**EXHIBIT B**  
**PONTIAC TRAIL WATERMAIN**

10/24/06

	engineers scientists architects constructors	<b>City of Novi</b> Oakland County, Michigan  Easement Parcel No. 50-22-03-101-011	PROJECT NO. G06201CD  FIGURE NO. <b>1 of 1</b>
	Copyright 2005 All Rights Reserved		Retford, Thompson, Cox & Weber, Inc.

83299  
LIBER 38993 PAGE 859  
\$19.00 MISC RECORDING  
\$4.00 REMONUMENTATION  
04/11/2007 02:26:04 P.M. RECEIPT# 38073  




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

WATER SYSTEM EASEMENT

KNOW ALL MEN BY THESE PRESENTS, that LaSalle Bank Midwest N.A., a national banking association, whose address is 2600 Big Beaver Road, Troy, Michigan 48071, (hereinafter referred to as "Grantor"), being title holder to the following described parcel of land, to-wit:

*[See attached and incorporated Exhibit]*

Tax Identification Number: (50)22-03-101-011

for and in consideration of One (\$1.00) Dollar, 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 water main, over, upon, across, in, through, and under the following described real property to-wit:

*[See attached and incorporated Exhibit]*

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

4P  
R  
E

Grantee may install, repair, replace, improve, modify and maintain water main lines, and all necessary appurtenances thereto, 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 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 water main in the easement areas shown on the attached and incorporated Exhibit B.

Grantee's use of the Easement and any facilities or improvements, temporary or permanent, constructed thereon by Grantee shall interfere with the use of or the ingress to or egress from Grantor's property by Grantor and its invitees. To the extent permitted by law,

O.K. - MH





# EASEMENT

PARCEL NO.: 50-22-03-101-011

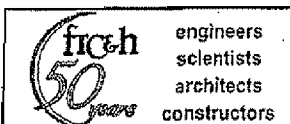
PROPERTY OWNER: MICHIGAN NATIONAL BANK  
32100 TELEGRAPH RD  
SUITE 100  
FRANKLIN, MI 48025

PROPERTY DESCRIPTION:

PART OF THE NORTHWEST FRACTIONAL 1/4 OF SECTION 3, TOWN 1 NORTH, RANGE 8 EAST, CITY OF NOVI, OAKLAND COUNTY, MICHIGAN, DESCRIBED AS: BEGINNING AT A POINT DISTANT SOUTH 89 DEGREES 55 MINUTES 00 SECONDS EAST 977.62 FEET FROM THE NORTHWEST SECTION CORNER; THENCE SOUTH 89 DEGREES 55 MINUTES 00 SECONDS EAST 180 FEET; THENCE SOUTH 00 DEGREES 05 MINUTES 00 SECONDS WEST 313.85 FEET; THENCE SOUTH 89 DEGREES 55 MINUTES 00 SECONDS EAST 279.46 FEET; THENCE SOUTH 34 DEGREES 58 MINUTES 40 SECONDS WEST 73.15 FEET; THENCE NORTH 89 DEGREES 55 MINUTES 00 SECONDS WEST 417.61 FEET; THENCE NORTH 00 DEGREES 05 MINUTES 00 SECONDS EAST 373.65 FEET TO THE POINT OF BEGINNING, EXCEPT THE EAST 33 FEET TAKEN FOR HIGHWAY PURPOSES.

EXHIBIT A  
PONTIAC TRAIL WATERMAIN

7/22/06



**City of Novi**  
Oakland County, Michigan  
**Easement**  
Parcel No. 50-22-03-101-011


PROJECT NO.  
G06201CD  
FIGURE NO.  
**1 of 1**

# EASEMENT

**PERMANENT EASEMENT DESCRIPTION:**

A PERMANENT EASEMENT FOR WATERMAIN DESCRIBED AS:

THE SOUTH 20 FEET OF THE NORTH 72 FEET OF SUBJECT PARCEL, PARALLEL WITH THE NORTH SECTION LINE OF SECTION 3, TOWN 1 NORTH, RANGE 8 EAST, CITY OF NOVI, OAKLAND COUNTY, MICHIGAN.

SAID PERMANENT EASEMENT CONTAINS 0.08 ACRES, MORE OR LESS.

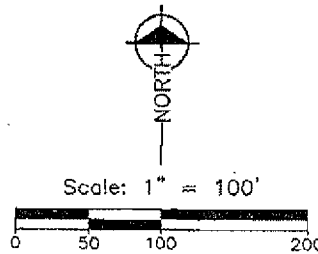
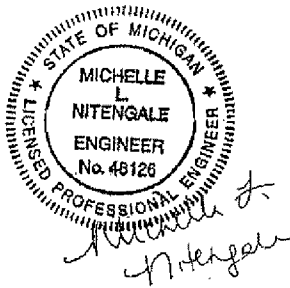
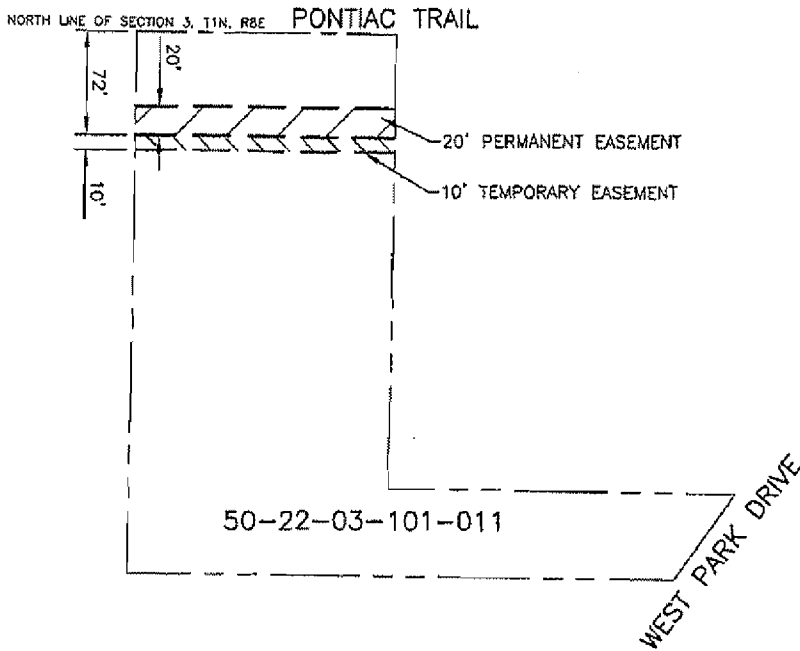
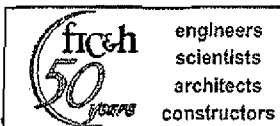


EXHIBIT B  
PONTIAC TRAIL WATERMAIN

7/22/06



**City of Novi**  
Oakland County, Michigan

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Easement  
Parcel No. 50-22-03-101-011


PROJECT NO.  
G06201CD

FIGURE NO.  
**1 of 1**