



CITY of NOVI CITY COUNCIL

**Agenda Item N
July 12, 2010**

SUBJECT: Approval to grant a highway easement and grading license for the Novi Cemetery parcel (Parcel ID No. 22-22-226-004) to the Road Commission for Oakland County in order to relocate a water main and allow the widening of Novi Road as part of the upcoming Novi Road Link project between Ten Mile Road and Main Street.

SUBMITTING DEPARTMENT: Department of Public Services *Ratt*

CITY MANAGER APPROVAL: *[Signature]*

BACKGROUND INFORMATION: The Road Commission for Oakland County has requested that the City of Novi grant a highway easement for a portion of the City-owned Novi Cemetery (Parcel ID No. 22-22-226-004 as shown on the attached map) to facilitate the relocation of a major water main, which will allow the widening of Novi Road to five lanes and the construction of a bridge over the CSX Transportation railroad tracks. The easement covers 1,942 square feet along the southern third of the parcel's frontage, and varies in width from 5 to 14 feet as shown on Sheet 1 of 3 of Exhibit A (attached). Work within the easement will not interfere with gravesites or site amenities, except that four deciduous trees at the southern end of the easement will need to be removed to facilitate water main relocation.

RCOC has also requested that the City provide a License to Grade to allow the reconstruction and paving of two of the cemetery's three driveways (the southernmost drive does not get used and will be abandoned).

The attached Highway Easement and License to Grade documents have been favorably reviewed by the City Attorney (Tom Schultz's July 2, 2010 letter, attached).

Funds have officially been obligated for this project, and bids will be opened by MDOT (the agency responsible for administering contracts involving federal funds) on August 6, 2010.

RECOMMENDED ACTION: Approval to grant a highway easement and grading license for the Novi Cemetery parcel (Parcel ID No. 22-22-226-004) to the Road Commission for Oakland County in order to relocate a water main and allow the widening of Novi Road as part of the upcoming Novi Road Link project between Ten Mile Road and Main Street.

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

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



July 1, 2010

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

THOMAS R. SCHULTZ
Direct: 248-539-2847
tschultz@secretwardle.com

Rob Hayes, Director of Public Services
City of Novi
Public Services – DPW Garage
26300 Delwal Drive
Novi, MI 48375

Re: *RCOC Novi Road Cemetery Easements and Grading Permit*
Our File No. 55142 NOV

Dear Mr. Hayes:

At your request, we reviewed the draft easement and grading permit proposed by RCOC for the Novi Road improvements in front of the City-owned cemetery south of Grand River Avenue. We made some minor suggestions, which I understand RCOC has accepted. Assuming the documents are in the form attached, we see no legal impediment to the City signing the proposed easement and permit.

If you have any questions, please call me.

Very truly yours,

A handwritten signature in black ink, appearing to read "Thomas R. Schultz", with a flourish at the end.

Thomas R. Schultz

TRS/jec
Enclosure

cc: Clay Pearson, City Manager
Maryanne Cornelius, City Clerk

1451826

City of Novi

Novi Road Link Project - Cemetery Easement & Grading Licenses



Driveway Grading License

Driveway Grading License

Highway Easement

Novi Rd

Trans-X Rd



HIGHWAY EASEMENT

KNOW ALL PERSONS that the **City of Novi ("Grantor")**, a Michigan municipal corporation, whose address is 45175 West Ten Mile Road, Novi, MI 48375, hereby grants to the **BOARD OF COUNTY ROAD COMMISSIONERS OF THE COUNTY OF OAKLAND ("Board")**, State of Michigan, a public body corporate, located at 31001 Lahser Road, Beverly Hills, Michigan 48025, an easement for all public highway purposes ("Highway Easement") and to construct, operate, maintain, repair, and replace roadways, bridges, railroad grade separation facilities, utilities, and other infrastructure improvements in, over, under, upon, and through the following described premises ("Property") situated in the City of Novi, County of Oakland, State of Michigan.

Commonly known as: **City of Novi Cemetery**
(Part of) Tax Parcel No: **22-22-226-004**

**SEE PARCEL DRAWING, ATTACHED AS EXHIBIT "A," AND
LEGAL DESCRIPTION, ATTACHED AS EXHIBIT "B,"
BOTH OF WHICH ARE INCORPORATED BY REFERENCE HEREIN**

This Highway Easement includes the consent of the Grantor to the removal of any trees, shrubs, and vegetation, to grading, to the occupancy of the Property by public utilities, and to other matters necessary in connection with the construction, operation, maintenance, repair, and replacement of roadways, bridges, railroad grade separation facilities, utilities, and other infrastructure improvements in, over, under, upon, and through the Property.

This Highway Easement runs with the land and shall bind the Grantor and the Grantor's heirs, representatives, successors, and assigns. This Highway Easement contains the entire understanding of the Grantor and the Board, and there are no other verbal promises between the Grantor and the Board except as shown herein.

WHEREFORE, upon approval by the Board, the undersigned Grantor hereby creates, confirms, and conveys the Highway Easement described herein for the sum of \$1.00 (one and 0/100 dollars).

City of Novi, a Michigan municipal corporation

By: _____
David B. Landry
Mayor

STATE OF MICHIGAN }
 }SS.
COUNTY OF OAKLAND }

On this ____ day of _____, 20____, _____ executed the foregoing document before me and, being duly sworn, stated that he/she is the Mayor of the **City of Novi**, a Michigan municipal corporation, and that he/she executed the foregoing document on behalf of the **City of Novi** with its full authority and as its free act and deed.

Notary Public

Oakland County, Michigan

My commission expires: _____

Acting In the County of: _____

Drafted by: Daniel G. Fredendall
Orchard, Hiltz & McCliment, Inc.

34000 Plymouth Road
Livonia, MI 48150

When recorded return to: **PATRICIA Z. WIERZBICKI, Clerk's Office (OAK04)**
THE BOARD OF COUNTY ROAD COMMISSIONERS OF THE COUNTY OF OAKLAND
31001 LAHSER ROAD, BEVERLY HILLS, MI 48025

Project: **Novi Road 10 Mile to Grand River** Project No.: **41531** Parcel No.: **NV-16**

(Part of) Tax Parcel No: **22-22-226-004**

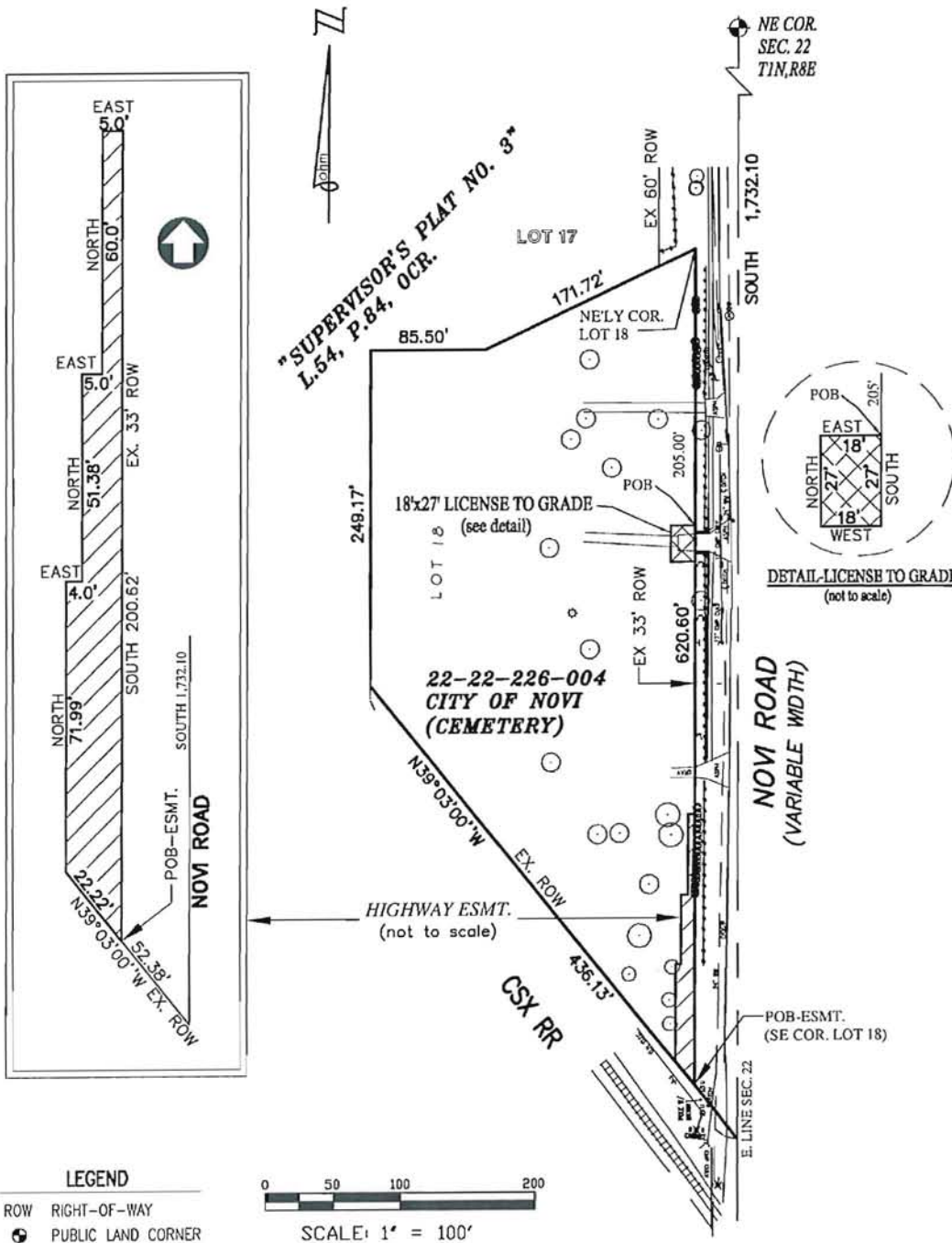
Recording Fee _____ Revenue Stamps _____

1446997

HIGHWAY EASEMENT ACQUISITION SKETCH

Exhibit "A"

PARCEL NV 16



LAND AREAS	
PARENT PARCEL	= 2.342 ACRES (102,000 SQ. FEET)
HIGHWAY EASEMENT ACQUISITION	= 0.045 ACRES (1,942 SQ. FEET)

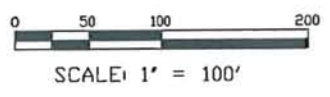
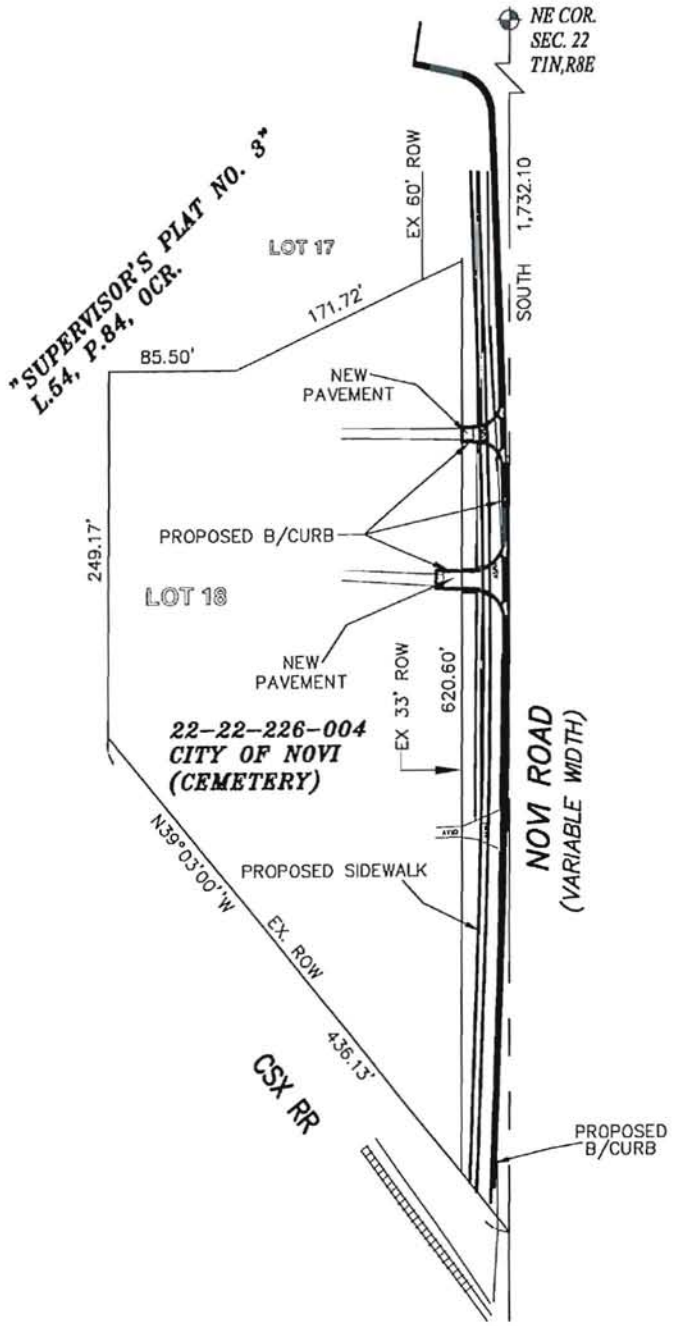
REVISED 06-21-10 RCOC 41531

NOVI ROAD HIGHWAY EASEMENT ACQUISITION		 34000 Plymouth Road Livonia, MI 48150 p (734) 522-6711 f (734) 522-6427 Advancing Communities Engineering Advisors
PART OF THE NE 1/4 OF SECTION 22 T. 1 N., R. 8 E., CITY OF NOVI, OAKLAND COUNTY TAX ID NO.: 22-22-226-004		
CLIENT: ROAD COMMISSION FOR OAKLAND COUNTY	DATE: 1-21-05	SHEET: 1 OF 3
	DRAWN BY: SH	JOB NO. 476-00-0140
	DWG: 22-226-004	


PROPOSED DRIVEWAY GRADING SKETCH

Exhibit "A"

PARCEL NV 16



RCOC 41531

<p>NOVI ROAD PROPOSED DRIVEWAY GRADING</p>		 <p>34000 Plymouth Road Livonia, MI 48150 p (734) 522-6711 f (734) 522-6427</p> <p>Advancing Communities Engineering Advisors</p>	
<p>PART OF THE NE 1/4 OF SECTION 22 T. 1 N., R. 8 E., CITY OF NOVI, OAKLAND COUNTY TAX ID NO.: 22-22-226-004</p>			
<p>CLIENT: ROAD COMMISSION FOR OAKLAND COUNTY</p>	<p>DATE: 6-21-10 DRAWN BY: SH DWG: 22-226-004</p>	<p>SHEET 2 OF 3</p>	<p>JOB NO. 476-00-0140</p>

EASEMENT DESCRIPTION

Exhibit "B"

PARCEL 

PARCEL DESCRIPTION

Parent Parcel

A parcel of land in part of the Northeast 1/4 of Section 22, T. 1 N., R. 8 E., City of Novi, Oakland County, Michigan being more particularly described as;

Lot 18 of "Supervisor's Plat NO. 3", as recorded in Liber 54 of Plats, Page 84, Oakland County Records, Oakland County, Michigan.

Contains 2.342 acres or 102,000 square feet, of land. Subject to easements and restrictions of record, if any .

Highway Easement

A parcel of land being part of the Northeast 1/4 of Section 22 T. 1 N., R. 8 E., City of Novi, Oakland County, Michigan being more particularly described as;

Commencing at the NE corner of said Section 22; thence South 1732.10 feet along the East line of said Section 22; thence N 39°03'00" W 52.38 feet along the Northerly right of way of Railroad to the SE corner of Lot 18 of "Supervisor's Plat NO. 3", as recorded in Liber 54 of Plats, Page 84, Oakland County Records, also being the Point of Beginning; thence continuing along said right of way N 39°03'00" W 22.22 feet; thence North 71.99 feet; thence East 4.0 feet; thence North 51.38 feet; thence East 5.0 feet; thence North 60.0 feet; thence East 5.0 feet to a point on the existing right of way of Novi Road; thence along said right of way South 200.62 feet to the Point of Beginning.

Contains 0.045 acres or 1,942 square feet, of land. Subject to easements and restrictions of record, if any.

License To Grade

A parcel of land being part of the Northeast 1/4 of Section 22 T. 1 N., R. 8 E., City of Novi, Oakland County, Michigan being more particularly described as;

Commencing at the Northeasterly corner of Lot 18 of "Supervisor's Plat NO. 3", as recorded in Liber 54 of Plats, Page 84, Oakland County Records; thence South 205.0 feet to the Point of Beginning; thence continuing South 27.0 feet; thence West 18.0 feet; thence North 27.0 feet; thence East 18.0 feet to the Point of Beginning. Contains 0.011 acres or 486 square feet, of land. Subject to easements and restrictions of record, if any.

REVISED 06-21-10

RCOC 41531

NOVI ROAD HIGHWAY EASEMENT ACQUISITION & LICENSE TO GRADE

PART OF THE NE 1/4 OF SECTION 22
T. 1 N., R. 8 E., CITY OF NOVI, OAKLAND COUNTY
TAX ID NO.: 22-22-226-004



34000 Plymouth Road | Livonia, MI 48150
p (734) 522-6711 | f (734) 522-6427

Advancing Communities

CLIENT: ROAD COMMISSION FOR OAKLAND COUNTY

DATE: 1-21-05
DRAWN BY: SH
DWG: 22-226-004

SHEET
3 OF 3

JOB NO.
476-00-0140

ROAD COMMISSION FOR OAKLAND COUNTY

LICENSE TO GRADE

Project Name: Novi Road Improvement Project No.: 41531 Parcel No.: NV-16

Commonly known as: City of Novi Cemetery (Part of) Tax Parcel No.: 22-22-226-004

Name of Property Owner: City of Novi
Address of Property Owner: 45175 West Ten Mile Road
Novi, MI 48375

In consideration of the road improvements to **Novi Road** ("Project"), Project No. **41531** at the premises above, being Section 22, T1N, R8E, in the City of Novi, according to the plans and specifications on file with the **BOARD OF COUNTY ROAD COMMISSIONERS OF THE COUNTY OF OAKLAND** ("Board"), State of Michigan, located at 31001 Lahser Road, Beverly Hills, Michigan 48025, the undersigned hereby gives permission to the Board to perform the following services in the area indicated in the parcel drawing, attached as Exhibit "A", which is incorporated by reference herein.

Driveway Grading: Reconstruction of drive on premises,
As shown on attached Exhibit A, parcel drawings and further described on Exhibit B.

Grading: Grading of non-drive area,
As shown on attached Exhibit A, parcel drawings and further described on Exhibit B.

WOOD DISPOSAL (CHOOSE ONE):

Please remove and place adjacent to, but outside, the construction area. The undersigned will receive the tree(s) (cut into 10 to 12 foot lengths) minus the stump(s); OR

The undersigned does not want the wood

Other:

The purpose of this document is to permit the construction of the road according to the plans at the Board. **This License does not transfer an interest in your property to the Board or any of its agents; it does not require recording with the Oakland County Register of Deeds; and it does not cause a change in your property boundary lines.** This License includes the consent of the Grantor to the removal of any trees, shrubs, and/or vegetation, to grading, to the temporary occupancy of the above-described area by public utilities, and to other matters necessary in connection with the Project.

The License contains the entire understanding of the Grantor and the Board, and there are no other verbal promises between the Grantor and the Board except as shown herein.

IN WITNESS HEREOF, upon approval of the Board, the undersigned hereby agree(s) to the terms and provisions herein as of this _____ day of _____, 2010.

CITY OF NOVI, a Michigan municipal corporation

By: _____
David B. Landry
Mayor

STATE OF MICHIGAN }
}SS.

COUNTY OF OAKLAND }

On this ____ day of _____, 20____, _____ executed the foregoing document before me and, being duly sworn, stated that he/she is the Mayor of the City of Novi, a Michigan municipal corporation, and that he/she executed the foregoing document on behalf of the City of Novi with its full authority and as its free act and deed.

Notary Public

Oakland County, Michigan

My commission expires: _____

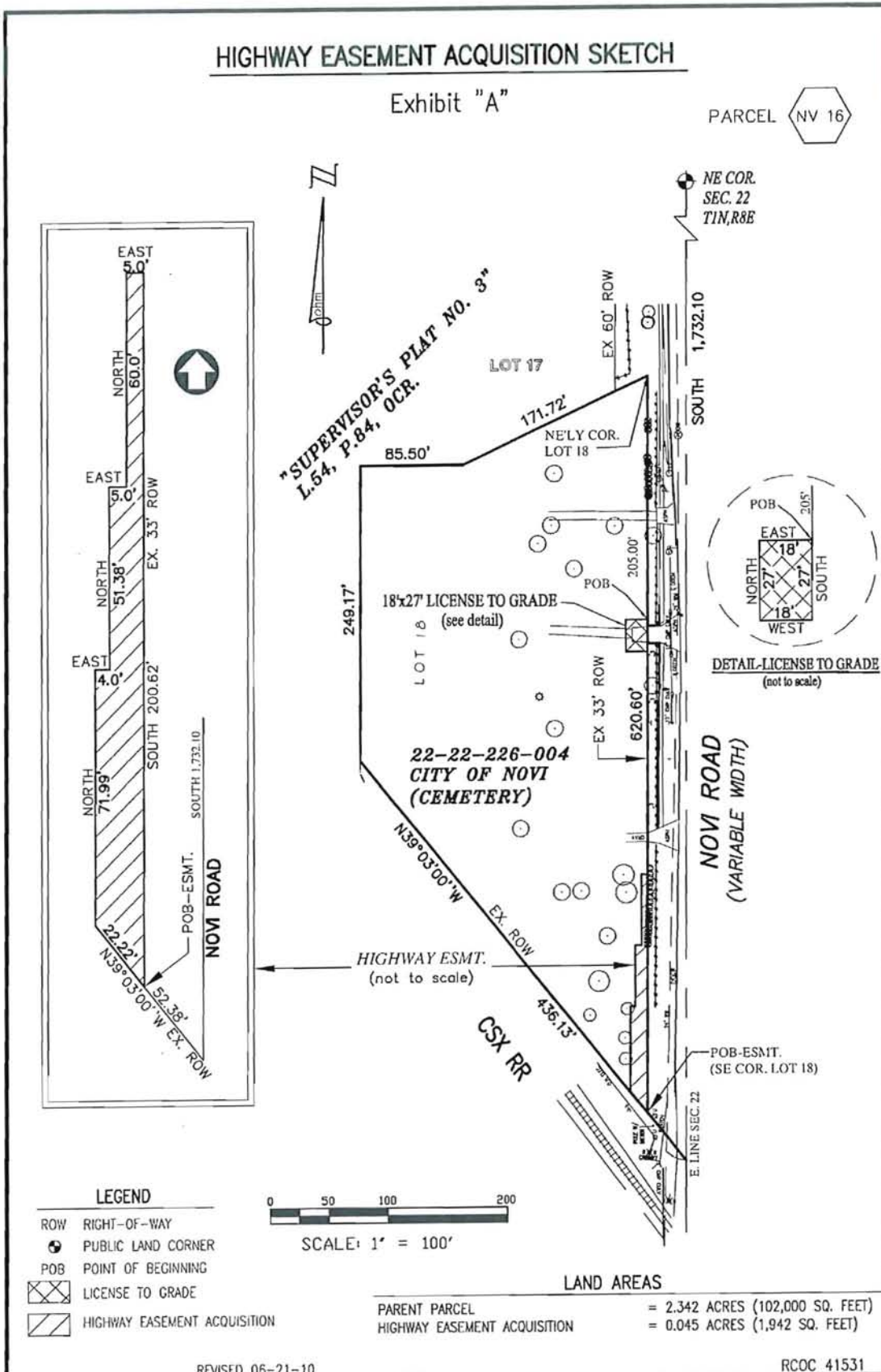
Acting in the County of: _____

1446996

HIGHWAY EASEMENT ACQUISITION SKETCH

Exhibit "A"

PARCEL NV 16



LEGEND

- ROW RIGHT-OF-WAY
- PUBLIC LAND CORNER
- POB POINT OF BEGINNING
- ⊗ LICENSE TO GRADE
- ▨ HIGHWAY EASEMENT ACQUISITION

LAND AREAS

PARENT PARCEL = 2.342 ACRES (102,000 SQ. FEET)
 HIGHWAY EASEMENT ACQUISITION = 0.045 ACRES (1,942 SQ. FEET)

REVISED 06-21-10

RCOC 41531

**NOVI ROAD
 HIGHWAY EASEMENT ACQUISITION**

PART OF THE NE 1/4 OF SECTION 22
 T. 1 N., R. 8 E., CITY OF NOVI, OAKLAND COUNTY
TAX ID NO.: 22-22-226-004

CLIENT: ROAD COMMISSION FOR OAKLAND COUNTY



34000 Plymouth Road | Livonia, MI 48150
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Advancing Communities
 Engineering Advisors

DATE: 1-21-05
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SHEET
1 OF 3

JOB NO.
476-00-0140

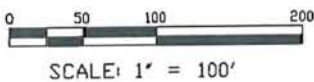
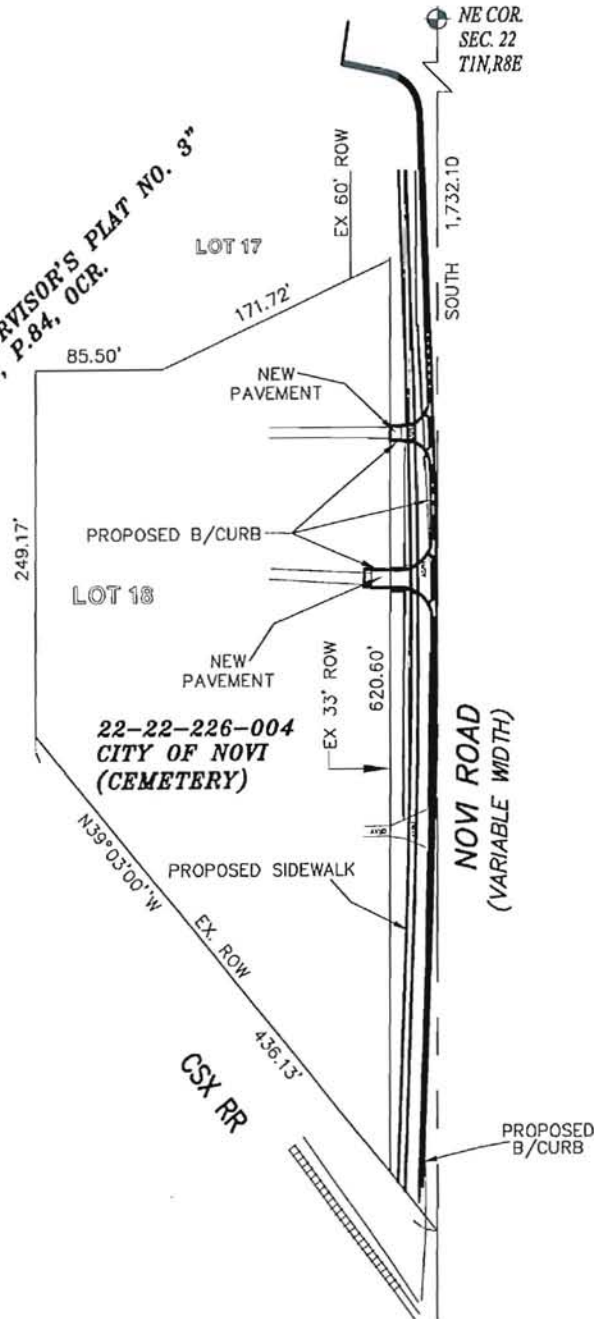
PROPOSED DRIVEWAY GRADING SKETCH

Exhibit "A"

PARCEL



"SUPERVISOR'S PLAT NO. 3"
L.54, P.84, O.C.R.



RCOC 41531

NOVI ROAD PROPOSED DRIVEWAY GRADING

PART OF THE NE 1/4 OF SECTION 22
T. 1 N., R. 8 E., CITY OF NOVI, OAKLAND COUNTY
TAX ID NO.: 22-22-226-004

CLIENT: ROAD COMMISSION FOR OAKLAND COUNTY



34000 Plymouth Road | Livonia, MI 48150
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Advancing Communities
Engineering Advisors

DATE: 6-21-10
DRAWN BY: SH
DWG: 22-226-004

SHEET
2 OF 3

JOB NO.
476-00-0140

EASEMENT DESCRIPTION

Exhibit "B"



PARCEL DESCRIPTION

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REVISED 06-21-10

RCOC 41531

**NOVI ROAD
HIGHWAY EASEMENT ACQUISITION &
LICENSE TO GRADE**

PART OF THE NE 1/4 OF SECTION 22
T. 1 N., R. 8 E., CITY OF NOVI, OAKLAND COUNTY
TAX ID NO.: 22-22-226-004

CLIENT: ROAD COMMISSION FOR OAKLAND COUNTY



34000 Plymouth Road | Livonia, MI 48150
p (734) 522-6711 | f (734) 522-6427

Advancing Communities

DATE: 1-21-05
DRAWN BY: SH
DWG: 22-226-004

SHEET
3 OF 3

JOB NO.
476-00-0140