



# CITY of NOVI CITY COUNCIL

**Agenda Item K  
December 21, 2015**

**SUBJECT:** Acceptance of a water system easement and a pathway easement from Highpoint Group, LLC, as a donation, for the 14 Mile Road Pathway and Water Main project located at 41295 W 14 Mile Road (parcel 22-01-100-002).

**SUBMITTING DEPARTMENT:** Department of Public Services, Engineering Division *BTC RJA*

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

**BACKGROUND INFORMATION:**

The construction award for the 14 Mile Road Pathway and Water Main project (Haverhill to Maples) was awarded on November 23, 2015. Engineering staff worked with Highpoint Group, LLC earlier this summer to acquire easements to facilitate construction of the pathway and water main across the frontage of 41295 W 14 Mile Road.

The property owner has agreed to donate a water system easement and a pathway easement to the City.

The easements have been reviewed and approved by the City Attorney (see Beth Saarela's letter, attached).

Construction of the project will commence this fall with construction of the water main. Once the water main construction is complete this spring, the construction of the pathway will begin. Completion is anticipated in summer of 2016.

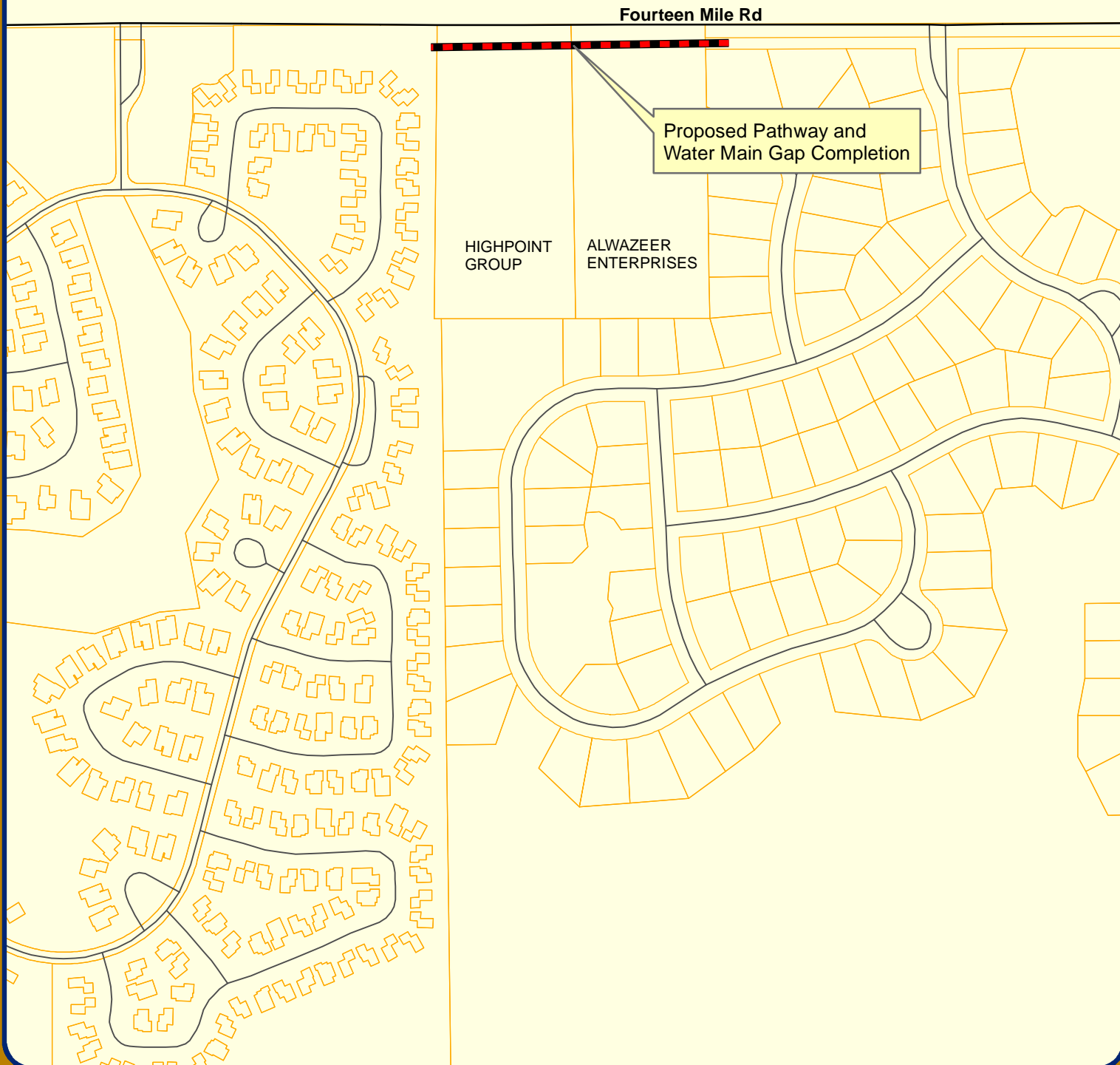
**RECOMMENDED ACTION:** Acceptance of a water system easement and a pathway easement from Highpoint Group, LLC, as a donation, for the 14 Mile Road Pathway and Water Main project located at 41295 W 14 Mile Road (parcel 22-01-100-002).

	1	2	Y	N
Mayor Gatt				
Mayor Pro Tem Staudt				
Council Member Burke				
Council Member Casey				

	1	2	Y	N
Council Member Markham				
Council Member Mutch				
Council Member Wrobel				

# 14 Mile Pathway and Water Main

## Location Map



Map Author: Croy  
Date: 9/8/15  
Project: 14 Mile Water Main  
Version #: v2.0

#### 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.



Feet  
0 70 140 280 420

1 inch = 333 feet



**City of Novi**

Engineering Division  
Department of Public Services  
26300 Lee BeGole Drive  
Novi, MI 48375  
cityofnovi.org



JOHNSON ROSATI SCHULTZ JOPPICH PC

27555 Executive Drive Suite 250 ~ Farmington Hills, Michigan 48331  
Phone: 248.489.4100 | Fax: 248.489.1726

Elizabeth Kudla Saarela  
esaarela@jrslaw.com

www.johnsonrosati.com

December 17, 2015

Benjamin Croy, Water and Sewer Senior Manager  
City of Novi  
Public Services  
Field Services Complex  
26300 Lee BeGole Drive  
Novi, MI 48375

**Re: 14 Mile Pathway and Water Main**  
***Parcel 50-22-01-100-002***

Dear Mr. Croy:

We have reviewed the following enclosed documents in connection with the City's plan to make improvements, including but not limited to a pathway and water main installation, along the frontage of 41295 W. 14 Mile:

- Pathway Easement
- Water System Easement
- Discharge of Mortgage
- Temporary Construction Easement

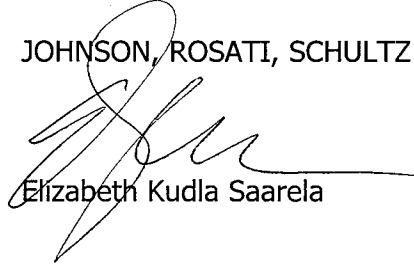
The Property Owner has donated the easements in order to assist the City with completion of the Project. We have reviewed title to confirm no changes have occurred since the title search was issued in June, 2015. The enclosed easements appear to be in order. The Pathway Easement should be placed on an upcoming City Council Agenda for acceptance. The Water System Easement may be accepted by Affidavit of the City Engineer. The Once approved by City Council, all documents, except the Temporary Construction Easement—which should be retained in the City's file, should be recorded with Oakland County Records in the usual manner. The Clerk's Office has the original documents in its file.

Benjamin Croy, Water and Sewer Senior Manager  
City of Novi  
December 17, 2015  
Page 2

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

Very truly yours,

JOHNSON, ROSATI, SCHULTZ & JOPPICH, P.C.



Elizabeth Kudla Saarela

EKS

C: Maryanne Cornelius, Clerk  
Sue Troutman, Clerk's Office  
Brian Coburn, Engineering Manager  
Rob Hayes, Public Services Director  
Thomas R. Schultz, Esq.

**WATER SYSTEM EASEMENT**

KNOW ALL MEN BY THESE PRESENTS, that Highpoint Group, LLC, a Michigan limited liability company, whose address is 22375 Haggerty Road, Novi, Michigan 48375, (hereinafter referred to as "Grantor"), being title holder to the following described parcel of land, to-wit:

*[See attached and incorporated Exhibit A]*

Tax Identification Number: 50-22-01-100-002

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 A]*

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

Grantee may install, repair, replace, improve, modify and maintain water main lines, and all necessary appurtenances thereto, within the easement herein granted.

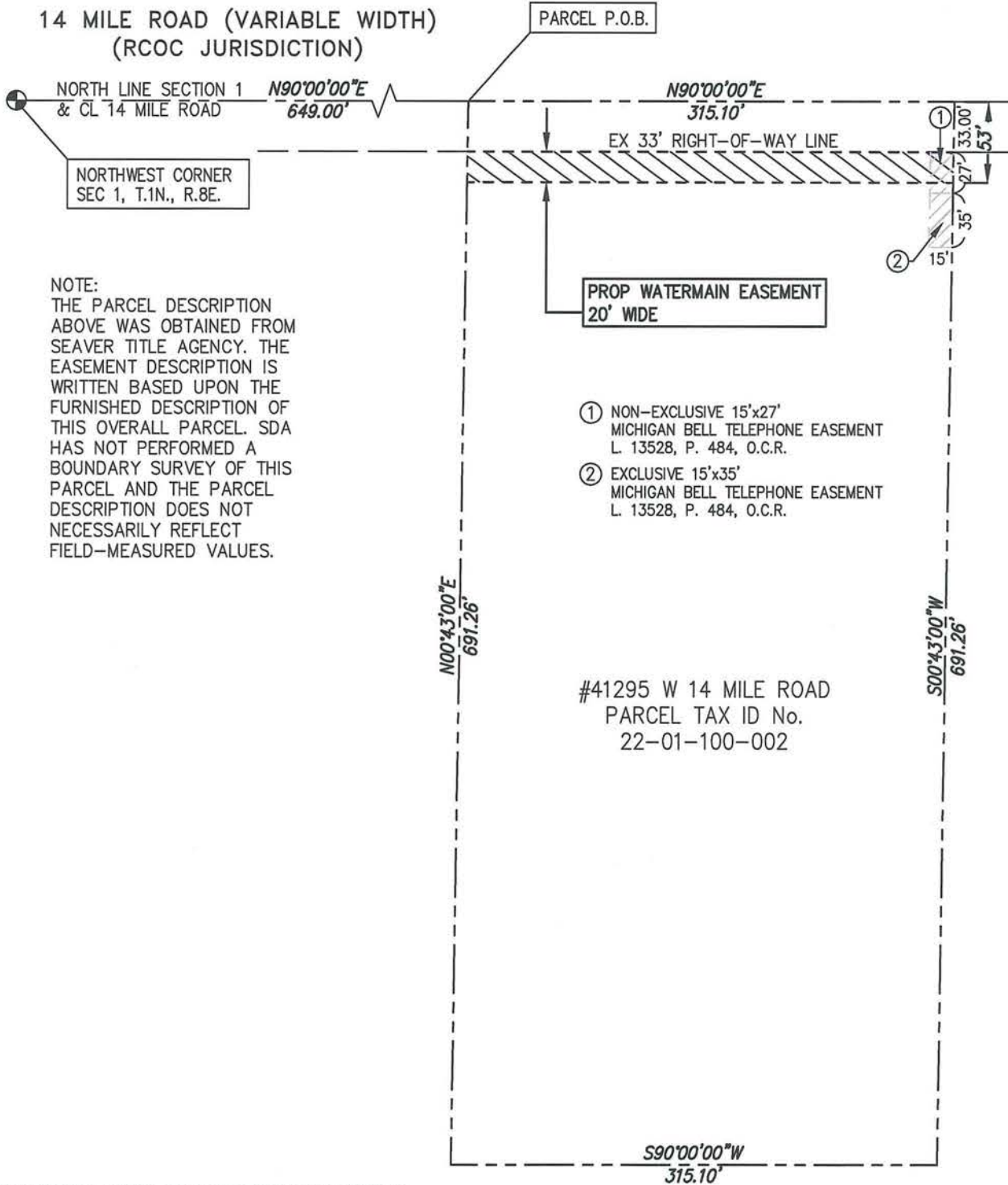
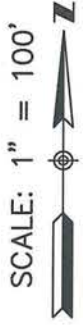
All portions of the Property damaged or disturbed by Grantee's exercise of easement rights, shall be reasonably restored by Grantee to the condition that existed prior to the damage or disturbance.

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 A.





# EASEMENT



NOTE:  
 THE PARCEL DESCRIPTION ABOVE WAS OBTAINED FROM SEAVER TITLE AGENCY. THE EASEMENT DESCRIPTION IS WRITTEN BASED UPON THE FURNISHED DESCRIPTION OF THIS OVERALL PARCEL. SDA HAS NOT PERFORMED A BOUNDARY SURVEY OF THIS PARCEL AND THE PARCEL DESCRIPTION DOES NOT NECESSARILY REFLECT FIELD-MEASURED VALUES.


- ① NON-EXCLUSIVE 15'x27' MICHIGAN BELL TELEPHONE EASEMENT L. 13528, P. 484, O.C.R.
- ② EXCLUSIVE 15'x35' MICHIGAN BELL TELEPHONE EASEMENT L. 13528, P. 484, O.C.R.

#41295 W 14 MILE ROAD  
 PARCEL TAX ID No.  
 22-01-100-002

**FURNISHED LEGAL DESCRIPTION OF PARCEL**  
**SEAVER TITLE AGENCY**  
**FILE NO. 63-15431154-SSP**  
**DATED: JULY 20, 2015**

PART OF THE NORTHWEST FRACTIONAL 1/4 OF SECTION 1, TOWN 1 NORTH, RANGE 8 EAST, CITY OF NOVI, OAKLAND COUNTY, MICHIGAN, MORE PARTICULARLY DESCRIBED AS: COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 1; THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS EAST 649.00 FEET ALONG THE NORTH LINE OF SAID SECTION 1 TO THE POINT OF BEGINNING; THENCE PROCEEDING NORTH 90 DEGREES 00 MINUTES 00 SECONDS EAST 315.10 FEET ALONG THE NORTH LINE OF SAID SECTION 1 TO A POINT; THENCE SOUTH 00 DEGREES 43 MINUTES 00 SECONDS WEST 691.26 FEET TO A POINT; THENCE SOUTH 90 DEGREES 00 MINUTES 00 SECONDS WEST 315.10 FEET TO A POINT; THENCE NORTH 00 DEGREES 43 MINUTES 00 SECONDS EAST, 691.26 FEET TO THE POINT OF BEGINNING.

**PERMANENT EASEMENT**  
 THE EASEMENT SHALL BE A PERMANENT EASEMENT FOR CONSTRUCTION, INSTALLATION, REPAIR, MAINTENANCE AND REPLACEMENT OF PUBLIC WATERMAIN DESCRIBED AS:  
 THE SOUTHERLY 20 FEET OF THE NORTHERLY 53 FEET OF THE ABOVE DESCRIBED PARCEL, 6,302 SQ FT.

 <b>SPALDING DeDECKER</b> Engineers   Surveyors 905 South Blvd. East Rochester Hills, MI 48307 Phone: (248) 844-5400 Fax: (248) 844-5404 www.sda-eng.com	DRAWN: J.SERBINSKI	DATE: 07-21-15
	CHECKED: T.LINDOW	DATE: 08-06-15
	MANAGER: D.RICHMOND	SCALE: 1" = 100'
	JOB No. NV15-003	SHEET: 1 OF 1
	SECTION 1 TOWN 1 NORTH RANGE 8 EAST	
CITY OF NOVI OAKLAND COUNTY, MI		

Plotted: Aug 6, 2015, 3:15 PM by user: 602 - Saved: 8/6/2015 by user: 602  
 j:\NV\Design\NV15003-14 Mile Water Main Extension\DWG\NV15003EAS.dwg

**PATHWAY EASEMENT**

NOW ALL MEN BY THESE PRESENTS, that Highpoint Group, LLC, a Michigan limited liability company, whose address is 22375 Haggerty Road, Novi, MI, 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 non-motorized pathway over across and through property located in Section 1, T.1N., R.8E., City of Novi, Oakland County, State of Michigan, more particularly described as follows:

Parcel No. 50-22-01-100-002

{See attached and incorporated Exhibit A}

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

{See attached and incorporated Exhibit A}

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

Grantee may, construct, install, repair, replace, improve, modify and maintain a non-motorized pathway in the easement area as shown in the attached and incorporated Exhibit A.

Construction activities required for the construction of a non-motorized pathway, consisting of a 6-foot wide concrete pathway.

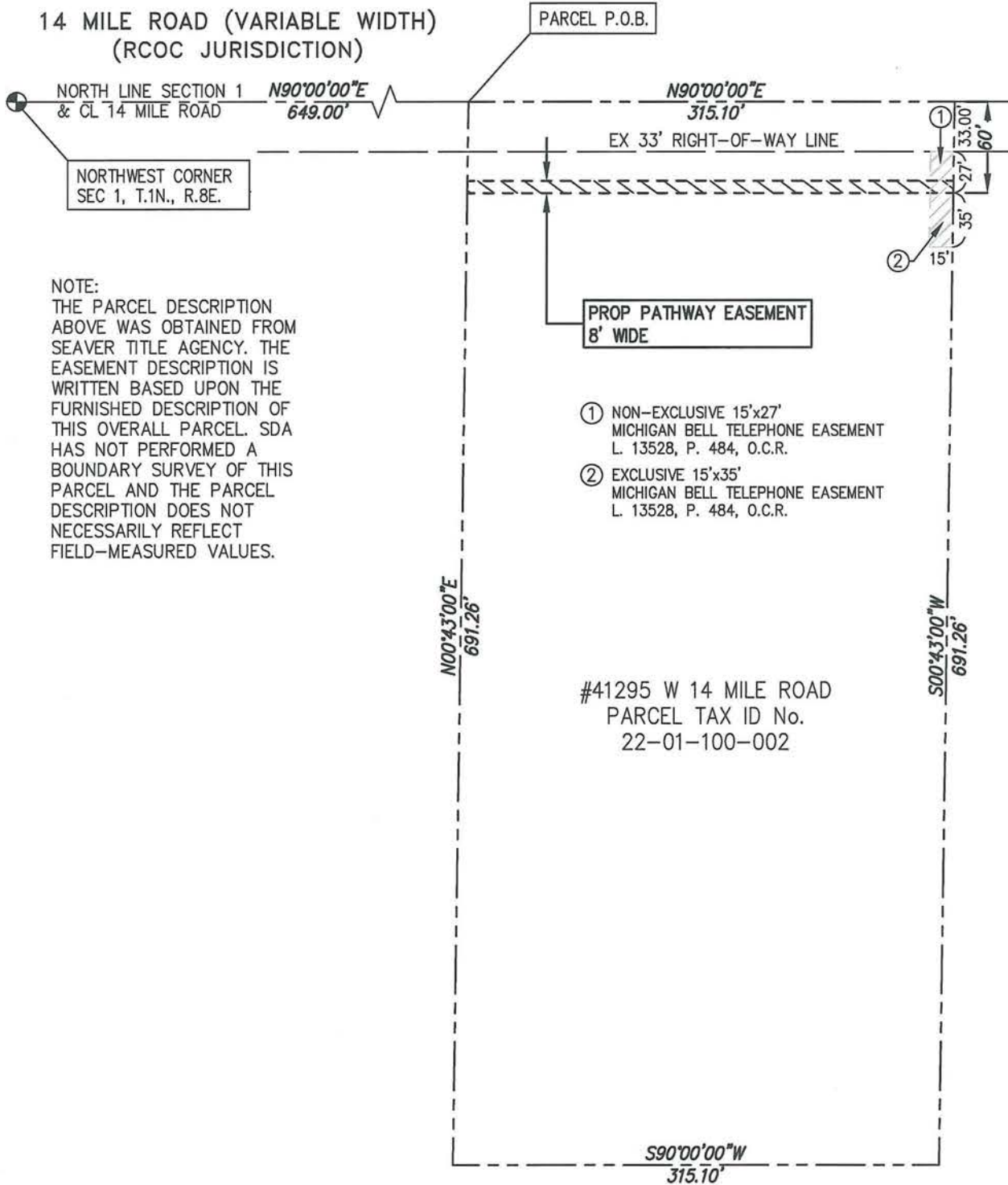
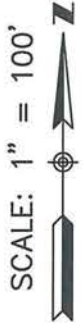
Grantor agrees not to build or to convey to others permission to build any permanent structures on, over, across, in, through, or under the above-described easement, except that, subject to Grantee's approval as part of an approved site plan, the Grantor may construct and/or install surface improvements 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 pathway in the easement areas shown on the attached and incorporated Exhibit A.

All portions of the Premises damaged or disturbed by Grantee's exercise of temporary easement rights, shall be reasonably restored by Grantee to the condition that existed prior to the damage or disturbance.





# EASEMENT



FURNISHED LEGAL DESCRIPTION OF PARCEL  
SEAVER TITLE AGENCY  
FILE NO. 63-15431154-SSP  
DATED: JULY 20, 2015

PART OF THE NORTHWEST FRACTIONAL 1/4 OF SECTION 1, TOWN 1 NORTH, RANGE 8 EAST, CITY OF NOVI, OAKLAND COUNTY, MICHIGAN, MORE PARTICULARLY DESCRIBED AS: COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 1; THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS EAST 649.00 FEET ALONG THE NORTH LINE OF SAID SECTION 1 TO THE POINT OF BEGINNING; THENCE PROCEEDING NORTH 90 DEGREES 00 MINUTES 00 SECONDS EAST 315.10 FEET ALONG THE NORTH LINE OF SAID SECTION 1 TO A POINT; THENCE SOUTH 00 DEGREES 43 MINUTES 00 SECONDS WEST 691.26 FEET TO A POINT; THENCE SOUTH 90 DEGREES 00 MINUTES 00 SECONDS WEST 315.10 FEET TO A POINT; THENCE NORTH 00 DEGREES 43 MINUTES 00 SECONDS EAST, 691.26 FEET TO THE POINT OF BEGINNING.

**PERMANENT EASEMENT**  
THE EASEMENT SHALL BE A PERMANENT EASEMENT FOR CONSTRUCTION, INSTALLATION, REPAIR, MAINTENANCE AND REPLACEMENT OF PUBLIC PATHWAY DESCRIBED AS:  
THE SOUTHERLY 8 FEET OF THE NORTHERLY 60 FEET OF THE ABOVE DESCRIBED PARCEL, 2,521 SQ FT.



905 South Blvd. East Phone: (248) 844-5400  
Rochester Hills, MI 48307 Fax: (248) 844-5404  
www.sda-eng.com

DRAWN: J.SERBINSKI	DATE: 07-21-15
CHECKED: T.LINDOW	DATE: 08-06-15
MANAGER: D.RICHMOND	SCALE: 1" = 100'
JOB No. NV15-003	SHEET: 1 OF 1
SECTION 1 TOWN 1 NORTH RANGE 8 EAST	
CITY OF NOVI OAKLAND COUNTY, MI	



TEMPORARY GRADING PERMIT

I, Mildred Cummings, as Owner of Highpoint Group, LLC, a Michigan limited liability company, as the owner of the property described as 41295 Fourteen Mile Road (Parcel No. 50-22-01-100-002) in Novi, Michigan, grant the City of Novi and its contractor (or subcontractors) permission to access, move men and equipment on and through, the right to store materials and excavated earth, remove vegetation and alter the underlying land in, over, upon and through the property described above in the particular areas shown in Exhibit A, attached.

The work will include:

Grading and related construction activities required for the construction of a 6-foot wide concrete non-motorized pathway and water main along 14 Mile. The specific work may include grading, tree removals, modifications to driveway approaches, and related construction activities required for the proposed pathway and water main work in accordance with approved plans. All work is contained in the set of construction plans entitled "14 Mile Water Main Extension and Pathway" by Spalding DeDecker.

All portions of the Premises damaged or disturbed by Novi's exercise of temporary easement rights, shall be reasonably restored by Novi to the condition that existed prior to the damage or disturbance;

I understand this only grants permission to the Contractor to perform work directly relating to the listed project and upon completion of required grading operations the property will be fully restored.

Highpoint Group, LLC

Mildred Cummings, manager

Mildred Cummings  
Owner (signature)

8-19-2015  
Date

2375 Haggerty Rd  
Contact Mailing Address

Norhville, Mi 48167  
City, State, Zip

248-349-3980  
Phone Number Martin Leavitt

mrc@cspecialist.com  
Email Address

STATE OF MICHIGAN     )  
  ) SS  
COUNTY OF OAKLAND    )

The foregoing instrument was acknowledged before me this 19 day of August, 2015, by Mildred Cummings the owner manager of Highpoint Group, LLC, a Michigan limited liability company.

DEBORAH S. AUBRY  
NOTARY PUBLIC, STATE OF MI  
COUNTY OF OAKLAND  
MY COMMISSION EXPIRES Feb 16, 2017  
ACTING IN COUNTY OF oakland

Deborah A Aubry  
Notary Public  
Oakland County, Michigan  
My Commission Expires: 2-16-2017

Drafted by:  
Benjamin Croy, PE  
City of Novi  
45175 W Ten Mile Road  
Novi, MI 48375

Discharge of Mortgage

That certain Mortgage executed by Audubon Ridge, L.L.C., a Michigan limited liability company to Michigan Heritage Bank, dated August 31, 2006 and recorded September 6, 2006 as Instrument No. 0219924 in Liber 38076, Page 792, Oakland County Records, as assigned to 2010-1 RAD/CADC Venture, LLC, a Delaware limited liability company, pursuant to that certain Assignment of Real Estate Mortgage recorded as Instrument No. 187370 in Liber 42475, Page 508, Oakland County Records, is hereby satisfied and discharged.

The discharged premises are situated in the City of Novi, Oakland County, Michigan and more particularly described as follows:

PART OF THE NORTHWEST FRACTIONAL ¼ OF SECTION 1, TOWN 1 NORTH, RANGE 8 EAST, CITY OF NOVI, OAKLAND COUNTY MICHIGAN, BEING MORE PARTICULARLY DESCRIBED AS: COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 1; THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS EAST 649.00 FEET ALONG THE NORTH LINE OF SAID SECTION 1 TO THE POINT OF BEGINNING; THENCE PROCEEDING NORTH 90 DEGREES 00 MINUTES 00 SECONDS EAST 315.00 FEET ALONG THE NORTH LINE OF SAID SECTION 1 TO A POINT; THENCE SOUTH 00 DEGREES 43 MINUTES 00 SECONDS WEST 691.26 FEET TO A POINT; THENCE SOUTH 90 DEGREES 00 MINUTES 00 SECONDS WEST 315.10 FEET TO A POINT; THENCE NORTH 00 DEGREES 43 MINUTES 00 SECONDS EAST 691.26 FEET TO THE POINT OF BEGINNING.

Executed as of this 19<sup>th</sup> day of August, 2015.

2010-1 RAD/CADC Venture, LLC  
By: MREC Funding, LLC, its manager  
By: Mariner Real Estate Management, LLC, its manager

By: Corey Walker  
Name: Corey Walker  
Title: Director of Asset Management

STATE OF KANSAS )  
COUNTY OF JOHNSON )

The foregoing instrument was acknowledged before me this 19<sup>th</sup> day of August, 2015 by Corey Walker in his capacity as Director of Asset Management of Mariner Real Estate Management, LLC, manager of MREC Funding, LLC, manager of 2010-1 RAD/CADC Venture, LLC, a Delaware limited liability company.



Jennifer Metz  
Notary Public  
Johnson County, State of: Kansas  
My commission expires: 8/30/18  
Acting in County of: Johnson

Drafted By and Return to: 2010-1 RAD/CADC Venture, LLC  
4601 College Boulevard, Suite 350  
Leawood, KS 66211