# NOV cityofnovi.org

## CITY of NOVI CITY COUNCIL

Agenda Item L March 9, 2015

**SUBJECT:** Approval of resolutions authorizing termination of an existing water main easement (recorded at Liber 8674, Page 433, Oakland County Records) at the request of PI's Property Management, LLC, as part of the redevelopment of Genji Japanese Steakhouse located at 27155 S. Karevich Drive (parcels 22-15-200-108 & 22-15-200-107) and acceptance of a new water main easement in the actual location of the water main on the site.

SUBMITTING DEPARTMENT: Department of Public Services, Engineering Division

CITY MANAGER APPROVAL:

## BACKGROUND INFORMATION:

During the redevelopment of Genji Japanese Steakhouse, the City subsequently discovered that the water main installed by the previous developer was not constructed in accordance with the previous site plan and was located outside of the recorded easement. The current owner PI's Property Management, LLC, has granted the enclosed easement consistent with the actual location of the water main. As such, the City has offered to terminate and vacate the existing easement over water main. This easement was recorded at Liber 8674, Page 433, Oakland County Records in 1984 as part of the original development.

The enclosed resolution for authorizing termination of the existing water main easement for the location in which the utility was previously thought to be located has been prepared for City Council consideration and is recommended for approval. The proposed easement has been favorably reviewed by the City Attorney (Beth Saarela's letter, attached) and is recommended for approval.

**RECOMMENDED ACTION:** Approval of resolutions authorizing termination of an existing water main easement (recorded at Liber 8674, Page 433, Oakland County Records) at the request of PI's Property Management, LLC, as part of the redevelopment of Genji Japanese Steakhouse located at 27155 S. Karevich Drive (parcels 22-15-200-108 & 22-15-200-107) and acceptance of a new water main easement in the actual location of the water main on the site.

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Map Author: A. Wayne Date: February 25, 2015 Project:

Amended By: Date: Department:

## 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 meent, 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 1370 as amended. Please contact the City Gis Manager to





## **City of Novi**

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







#### JOHNSON ROSATI SCHULTZ JOPPICH PC

34405 W. Twelve Mile Road, Suite 200 ~ Farmington Hills, Michigan 48331-5627 Phone: 248.489.4100 | Fax: 248.489.1726

Elizabeth Kudla Saarela esaarela@jrsjlaw.com

www.johnsonrosati.com

January 8, 2013

Rob Hayes, Public Services Director CITY OF NOVI Department of Public Services Field Services Complex 26300 Lee BeGole Drive Novi, MI 48375

Re: Genji Japanese Steakhouse – SP10-47

**Utilities Review for Acceptance** 

Dear Mr. Hayes:

We have received and reviewed, and enclosed please find, the following documents for the Genji Japanese Steakhouse:

- 1. Water System Easement
- 2. Bill of Sale for Water System
- 3. Resolution of the City Council Authorizing Termination of Water Main Easement

We have the following comments relating to the above-named documents:

The predecessor to the current owner of the Genji Japanese Steakhouse Property, Ford Motor Dealership Facilities Company (Ford), granted the City a water main easement dated May 3, 1984, recorded on May 22, 1984 at Liber 8674, Page 433, Oakland County Records. Subsequently, the City discovered that the actual water main was not constructed in accordance with site plan and was outside of the Easement. The current owner PI's Property Management, L.L.C., has granted the enclosed easement consistent with the actual location of the water main. As such, the City has offered to terminate and vacate the existing easement over water main improvements that have been properly disconnected from the City's public water supply system and abandoned.

Rob Hayes, Public Services Director January 8, 2013 Page 2

The appropriate City engineering staff have investigated the need to maintain the Easement for the benefit of the City's public water system, for the benefit of the Property, and/or for the benefit of surrounding properties and have determined it is not necessary to maintain the Easement. We have prepared the enclosed Resolution of the City Council Authorizing Termination of Water Main Easement for placement on an upcoming Agenda for approval.

We have also reviewed and approve the new Water System Easement and Bill of Sale and have confirmed that title is consistent with the last deed of record. The current lender of record, Chemical Bank, has consented to the Water System Easement.

Subject to engineering approval and upon acceptance by Affidavit of the City Engineer the new Water System Easement should be recorded with the Oakland County Register of Deeds. The Bill of Sale should remain in the City's file. The original documents were provided to the City by the Applicant.

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.

LIZABETH/KUDLA SAARELA

**EMK** 

**Enclosures** 

C: Mar

Maryanne Cornelius, Clerk (w/ Enclosures)

Charles Boulard, Community Development Director (w/Enclosures)

Barb McBeth, Deputy Community Development Director (w/Enclosures)

Sheila Weber, Treasurer's Office (w/Enclosures)

Kristin Pace, Treasurer's Office (w/Enclosures)

Aaron Staup, Construction Engineering Coordinator (w/Enclosures)

Sarah Marchioni, Building Permit Coordinator (w/Enclosures)

David Beschke, Landscape Architect (w/Enclosures)

Crystal Sapp and Ted Meadows, Spalding DeDecker (w/Enclosures)

Sue Troutman, City Clerk's Office (w/Enclosures)

Jeff Budday, Studio B Consulting & Design LLC (w/Enclosures)

Thomas R. Schultz, Esquire (w/Enclosures)

## RESOLUTION OF THE CITY COUNCIL AUTHORIZING TERMINATION OF WATER MAIN EASEMENT

## RECITATIONS UNDERLYING THIS RESOLUTION:

The easement for operating, constructing, maintaining and repairing a water main granted to the City of Novi (the "City") whose address is 45175 West Ten Mile Road, Novi, Michigan 48375, which easement is located in Section 15 of the City of Novi, as described on the attached and incorporated Exhibit B is the subject matter of this Resolution, and shall be referred to herein as the "Easement".

The predecessor to the current owner of the property described in the attached and incorporated Exhibit A, upon which the Easement is located (the "Property"), Ford Motor Dealership Facilities Company ("Previous Owner"), granted an easement dated May 3, 1984, recorded on May 22, 1984 at Liber 8674, Page 433, Oakland County Records, for a public water main. Subsequently, the City discovered that the water main was not constructed in accordance with the site plan and was outside the Easement area. A new easement for the actual location of the water main will now be granted by the current owner, PI's Property Management, L.L.C., a Michigan limited liability company, whose address is 135 N. Saginaw, Midland, Michigan, 48640 (the "Current Owner") for the existing water main facilities in accordance with City ordinance requirements. As such, the City has offered to terminate and vacate the existing easement which is inaccurate as to the location of the existing water main. Any costs associated with terminating the easement shall be the Owner's expense.

The appropriate City Officials have investigated the need to maintain the Easement for the benefit of the City's public water system, for the benefit of the Property, and/or for the benefit of surrounding properties. The City Officials have determined it is not necessary to maintain the Easement in the location shown on Exhibit B, and hereby agree to terminate it.

NOW, THEREFORE, IT IS RESOLVED AS FOLLOWS:

I.	That the following water main easement described in the attached and
	incorporated Exhibit B, located in Section 15 of the City, described in the
	Easement which is recorded at Liber 8674, Pages 433 through 435, Oakland
	County Records, for operating, constructing, maintaining and repairing a water
	main, be terminated:

{See attached and incorporated Exhibit B}

2. This Resolution shall be recorded with the Oakland County Register of Deeds evidencing the termination called for herein.

AYES: NAYES: ABSTENTIONS:	
Resolution declared adopted.	
STATE OF MICHIGAN	
COUNTY OF OAKLAND	) ss. )
,	ne foregoing is a true and correct copy of a Resolution adopted by of Novi at the regular meeting held on
	MARYANNE CORNELIUS, CITY CLERK

Drafted by: Elizabeth Saarela Johnson, Rosati, Schultz & Joppich 34405 W. Twelve Mile Road, Suite 200 Farmington Hills, MI 48331-5627 (248) 489-4100

When recorded return to: Maryanne Cornelius, Clerk City of Novi 45175 W. Ten Mile Rd. Novi, MI 48375 MAY

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3 use 8674 vs. 433

EASENERT

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KNOW ALL MEN BY THESE PRESENTS, that FORD MOTOR DEALERSHIP FACILITIES COMPANY, WHOSE ADDRESS IS 300 REMAISSANCE CENTER, P.O. BOX 43336, DETROIT, MICHIGAN hereinafter called the Grantor, for and in consideration of the sum of (\$10)

received from the City of Movi, a Hichigan Panicipal Corporation, hereinafter called the City, whose address is 45225 West Ten Hile Road, Movi, Hichigan 48050, does hereby grant easement(s) to the City for constructing, operating, maintaining, repairing and/or replacing a watermain across and through the following described land situated in Section 15, T.IM., R.BE., City of Movi, Oakland County, Michigan, to-wit:

A permanent exement being more particularly described as follows:

Beginning at a point located K01°49'18'W 495.19 feet along the east line of Section 15 (nominal centerline of Hovi Road) and S88°06'22'W 141.03 feet and S02°03'32'W 57.14 feet and S88°06'22'W 43.63 feet from the east 1/4 corner of Section 15; thence S04°15'23'W 12.07 feet; thence S88°06'22'W 327.56 feet; thence S01°53'38'E 101.00 feet; thence M88°06'22'E 5.00 feet; thence S01°53'38'E 12.00 feet; thence S88°06'22'W 17.00 feet; thence K01°53'38'W 113.00 feet; thence S88°06'22'W 155.00 feet; thence K01°53'38'W 12.00 feet; thence K88°06'22'E 496.86 feet to the point of beginning.

SEE EXHIBIT 'A' ATTACHED HERETO AND MADE A PART HEREOF,
Said easement being over and across the following described parcel:

22 12:47

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Land in the City of Kovi, County of Oakland, State of Hichigan, being part of the northeast 1/4 of Section 15, T.1H., R.8E., being more particularly 'described as follows:

Seginning at a point located M01°49'18"W 495.19 feet along the east line of Section 15 (nominal centerline of Movi Road) and S38°06'22"W 182,43 feet from the E 1/6 corner of Section 16; thence S04°15'23'W 122.59 feet; thence \$20°35'37'W 146.57 feet; thence \$39°41'56"W 30.84 feet; thence \$71°16'40"W 180,00 feet; thence \$88°06'22"W 933.31 feet; thence M01°53'38"W 217,00 feet; thence #88°06'22"E 1191.45 feet to the point of beginning.

22-15-260-040

gr.)

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## 1408674 MX 434

'TO HAVE AND TO MOID the premises as before described, with the appurtensaces, to the Grantee, its successors and assigns, Forever.

Appurtensaces, to the Grantee, its successors and assigns, Forever.

IN WITEES WHEREOF, Grantor has caused this Research to be signed in it name by William L. CARLIN and sealed with its corporate seal on the day and year stated in the commencement of this Essenber.

IN THE PERSENCE OF

FORD HOTOR DEALERSEIF FACILITIES COMPANY

FRANCIS V. ROURKE

1

William L. Carlin

Durgar J. Jol -

Its Vice President

STATE OF HIGHIGAN)

COUNTY OF WAYES

388.

On this 300 day of MAY, 1984 before me personally appeared William I. CARLIE, to me personally known who, being by me duly aworn, vice President did say that Whe is a casteleant correctly of FORD MOTOR DEALERSHIP YACILIYIES COMPANY, the corporation named in and which executed the within instrument and that the seal affixed to sold instrument is the corporate test of said corporation, and that said instrument was signed and sealed in behalf of eaid corporation by authority of its board of directors to be the free act and deed of said corporation.

Protect Public Country & Rockey Public Countries on Expires Sect. 9, 18th Active in Marine Co.

Francis V. Bulle Motary Public, Wayne County, HI

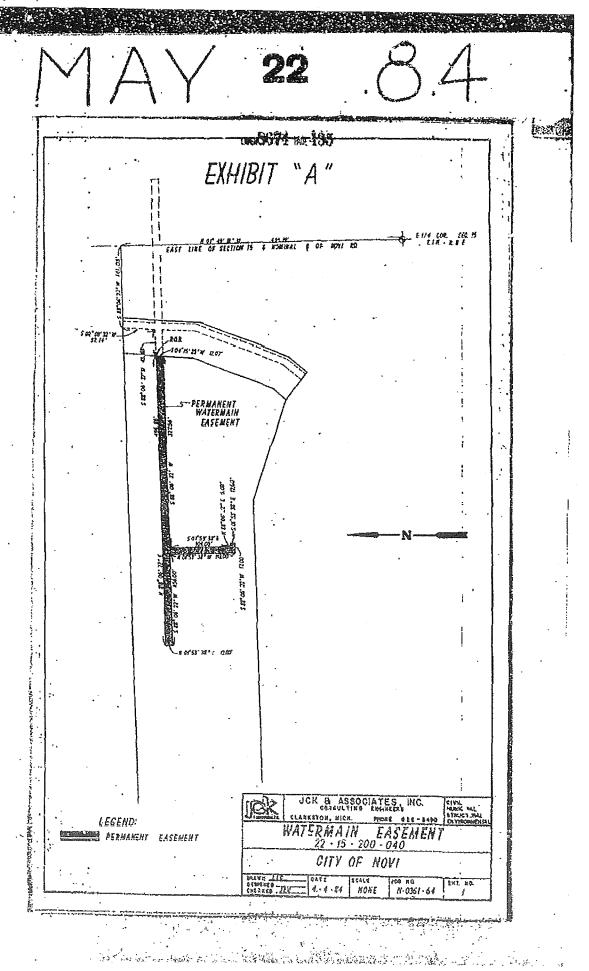
Commission Expires: 2-9-84

to other and a supplied in the state of the

FRANCIS V. ROURKE Notery Public, Oakland County, Mit My Committeen Expires Sept. 2, 1984 Author in Hoperal Cit.

This instrument was drafted by and return to: Lawrence L. Currin

JCK & ABBOOTATES, INC. 9215 Dixis Highway P.O. Rox 329 Charkston, HI 48016



## RECEIVED

DEC 28 2012

CITY OF NOVI COMMUNITY DEVELOPMENT

## **WATER SYSTEM EASEMENT**

KNOW ALL MEN BY THESE PRESENTS, that by and between PI's Property Management, L.L.C, a Michigan Limited Liability Company, whose address is 135 N. Saginaw, Midland, MI 48640 (hereinafter referred to as "Grantor"), being title holder to the following described parcel of land, to-wit:

[Insert Description of Parcel or See attached and Incorporated Exhibit AI]

Tax Identification Number: 22-15-200-108 & 22-15-200-107

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.

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.

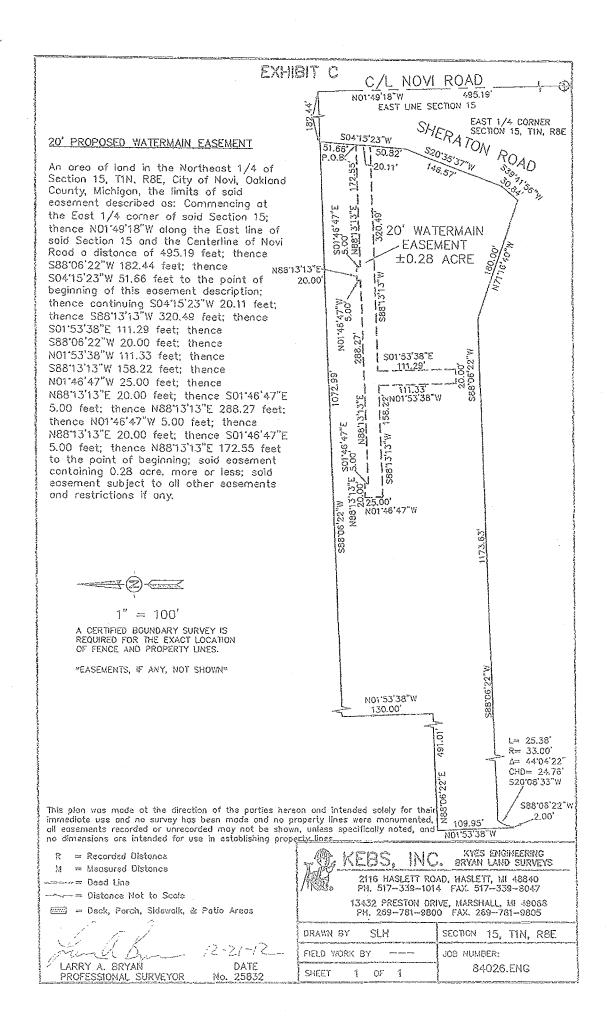
This instrument shall run with the land first described above and shall be binding upon and inure to the benefit of the Grantor, Grantee, and their respective heirs, representatives, successors and assigns.

IN WITNESS WHEREOF, the undersigned G of <u>December</u> , 20 12.	rantor has affixed <u>his</u> signature this day 27th
	OWNER PI's Property Management, L.L.C., a Michigan limited liability company  By: Fu-Hai Pi Its: Manager & Member
STATE OF MICHIGAN ) STATE OF MICHIGAN ) MIDLAND ) ss. COUNTY OF ØAKLAND )	
On this <u>27th</u> day of <u>December</u> appeared the above named <u>Fu-Hai Pi</u> Pi's Property Management, <u>LLC</u> , to me knot executed the foregoing instrument and acknothis free act and deed.	own to be the person described in and who
	Michael Williams Notary Public, Midland County Acting in Midland County, MI My commission expires: 7-31-17
THIS INSTRUMENT DRAFTED BY: Elizabeth M. Kudla, Esquire JOHNSON ROSATI SCHULTZ & JOPPICH, P.C. 34405 W. Twelve Mile Road, Suite 200 Farmington Hills, Michigan 48331-5627	
AND WHEN RECORDED RETURN TO: Maryanne Cornellus, Clerk City of Novl	

Novi, MI 48375

## **CONSENT TO EASEMENT**

As the holder of a mortgagee interest in and to the property referenced in the Wasystem Easement, dated <a href="Dec. 27">Dec. 27</a> , 20 12 attached hereto and incorporated as Exhibit whereby <a href="Chemical Bank">Chemical Bank</a> grants and conveys said easement to the City of Novi, undersigned hereby evidences its consent to the grant, conveyance, existence and recordat of said easement, which easement is hereby acknowledged and agreed to be superior to interest of the undersigned and shall bind the undersigned and the heirs, successors assigns of the undersigned.		
IN WITNESS WHEREOF the undersigned h 21 <sup>th</sup> day of <u>December</u> , 20 <u>12</u> .	as caused its signature to be placed on the	
	Chemical Bank	
	By: Min O Whill	
	(Print Name: MKHAS WILLIAMS	
	Its: VICE PRESIDENT	
STATE OF MICHIGAN )  MIDLAND ) ss.  COUNTY OF <b>今</b> 森林森神声 )		
The foregoing Consent to Easement was ac <u>December</u> , 20 12 by <u>Michael Willia</u> of <u>Chemical Bank</u> , a Michigan	the Vice President	
Saginaw County	Notary Public Andrew J. Dominowski. Acting inMidlandCounty, MI	
	My commission expires: 12/09/17	



## BILL OF SALE

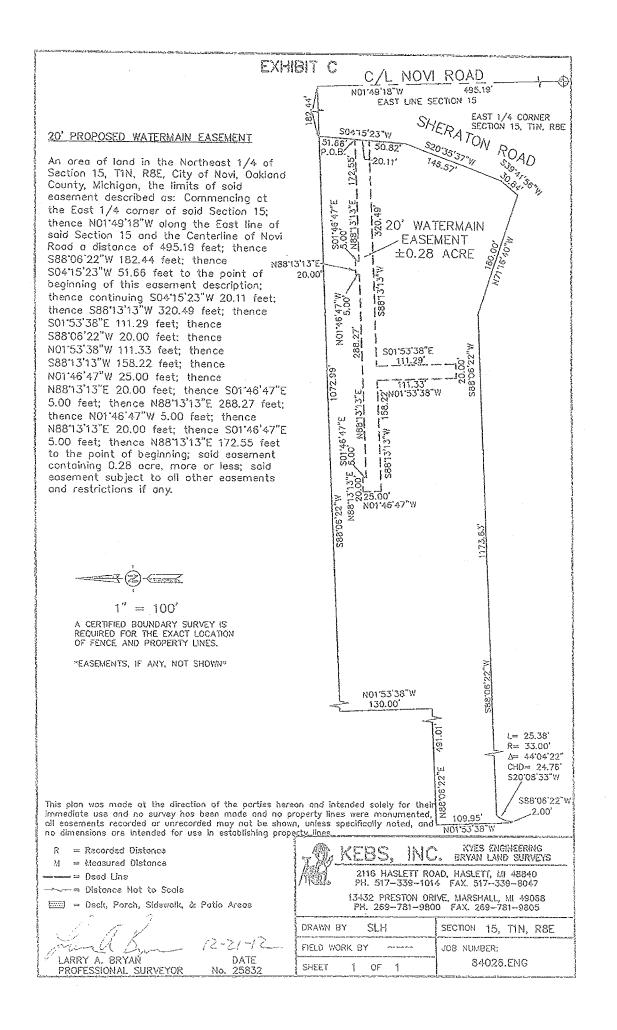
KNOW ALL MEN BY THESE PRESENTS, that PI's Property Management, L.L.C, a Michigan Limited Liability Company, whose address is 135 N. Saginaw, Midland, MI 48640, for the sum of \$1.00 One Dollar, the receipt and sufficiency of which is hereby acknowledged, does hereby grant, bargain, sell and convey the CITY OF NOVI, 45175 West Ten Mile Road, Novi, Michigan 48375, all of the pipes, valves, joints and appurtenances attached to or installed in the ground as a part of water supply system according to the easements and/or public rights-of-way therefore established described as follows:

## [See Attached Exhibit A]

In witness whereof, the undersigned has exe	ecuted these presents this _27th day of _December, 20_12
	Signed by
	OWNER
	PI's Property Management, L.L.C., a Michigan limited liability company
	nability company
	By: Fu-Hai Pi
	lts: Manager & Member
STATE OF MICHIGAN )	
STATE OF MICHIGAN )	By:
) SS	
COUNTY OF OAKLAND )	
The foregoing instrument was acknowled Fu-Hai Pi, the Manager & Membe	dged before me this <u>27th</u> day of <u>December</u> , 20 <u>12</u> by r of P1's Property Management, LLC a <u>Michigary before</u> on
behalf of said complayof. Limited Liab	ility Company
	Minf Willing
	Nothry Public Michael Williams <u>Midland</u> County, Michigan
	My Commission Expires: 7-31-17
Drafted by:	Return To:
Blizabeth K. Saarela	Maryanne Cornelius, Clerk
14405 W. Twelve Mile Road, Suite 200	45175 Ten Mile Road

Novi, MI 48375-3024

Farmington Hills, MI 48331-5627





## SPALDING DEDECKER ASSOCIATES, INC.

905 South Boulevard East • Rochester Hills • Michigan 48307 • Tel 248 844 5400 • Fax 248 844 5404

January 4, 2013

Mr. Henry Pi PIS Property Management 135 Saginaw Road Midland, MI 48640

Re:

Genji Japanese Steakhouse - Acceptance Documents Review

Novi # SP10-47

SDA Job No. NV12-201

APPROVED

Dear Mr. Pi:

We have reviewed the Acceptance Document Package received by our office against approved Final Site Plan (Stamping Set) received on January 24, 2012. We offer the following comments:

#### **Initial Acceptance Documents:**

- Storm Drainage Facility Maintenance Easement Agreement (unexecuted: exhibits dated 12/30/11) Exhibits A, B & C - APPROVED.
- Revised Water Main Easement (unexecuted: exhibit dated 12/27/12) APPROVED.

#### **Final Acceptance Documents**

Upon completion of construction, the above easement descriptions will be reviewed against the as-built plans. Any revisions will be required as necessary. Additionally, the following items must be provided prior to the issuance of a Temporary Certificate of Occupancy.

As-Built Engineering Plans are being prepared by Spalding DeDecker Associates, Inc.

Unless otherwise stated above, the documents as submitted were found to be acceptable by our office pending review by the City Attorney. For those documents which require revisions, please forward those revised documents to the City for further review and approval.

The City Attorney's Office will retain the original documents in their files until such time as they are approved and ready (notarized and executed properly) for the Mayor's signature.

It should be noted that the Plan Review Center Report dated December 22, 2011 contains all documentation requirements necessary prior to construction and occupancy of the facility.

If you have any questions regarding this matter, please contact this office at your convenience.

Sincerely,

SPALDING DeDECKER ASSOCIATES, INC.

Crystal Sapp, PE

Project Engineer

cc:

Brian Coburn, Plan Review Center (via E-mail)

Maryanne Cornelius, City Clerk (via E-mail)

Valentina Nuculaj, Planning Department (via E-mail)

Beth Saarela, Secrest Wardle (via E-mail)

Sarah Marchioni, Building Department (via E-mail) Barb McBeth, City Planning Director (via E-mail)

Ted Meadows, SDA Construction Engineering (via E-mail)

Aaron Staup, Construction Engineering Coordinator (via E-mail)

Sheila Weber, Treasurer's Office (via E-mail)

Gregory Petru, Kebs Inc.

Jeff Budday, Ron & Roman, LLC (via email)