



**CITY of NOVI CITY COUNCIL**

**Agenda Item N**  
**July 7, 2014**

**SUBJECT:** Acceptance of a pathway easement from FEDNOVI, LLC, as a donation, for construction of a portion of the pathway along the east side of Meadowbrook Road between Grand River Avenue and I-96 (parcel 22-13-351-002), conditioned upon grantor providing letter of authority or other documentation satisfactory to the City Attorney confirming proper execution of the easement.

**SUBMITTING DEPARTMENT:** Department of Public Services, Engineering Division *BC*

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

**BACKGROUND INFORMATION:**

The 2014 Pathway Construction program includes construction of pathway segments along the east side of Meadowbrook Road between Grand River Avenue and I-96 and along the south side of 13 Mile Road between Novi Road and Holmes Road. The project design requires four permanent pathway easements and six temporary construction permits to facilitate the construction of the pathway. Engineering staff have made contact with all of the property owners and requested donation of the easements to decrease project costs. To date, two of the permanent easements and five of the temporary easements have been acquired through donation and the remaining two permanent easements are presented on this agenda for consideration.

FEDNOVI, LLC owns the property on which FedEx is located and has offered to donate a pathway easement along the western frontage of the property along Meadowbrook Road. The pathway easement was prepared by Engineering staff and was reviewed and approved by the City Attorney (see attached letter from Beth Saarela dated June 27, 2014).

The award of the 2014 Pathway Construction project appears elsewhere on this agenda and construction is anticipated to be completed by this fall.

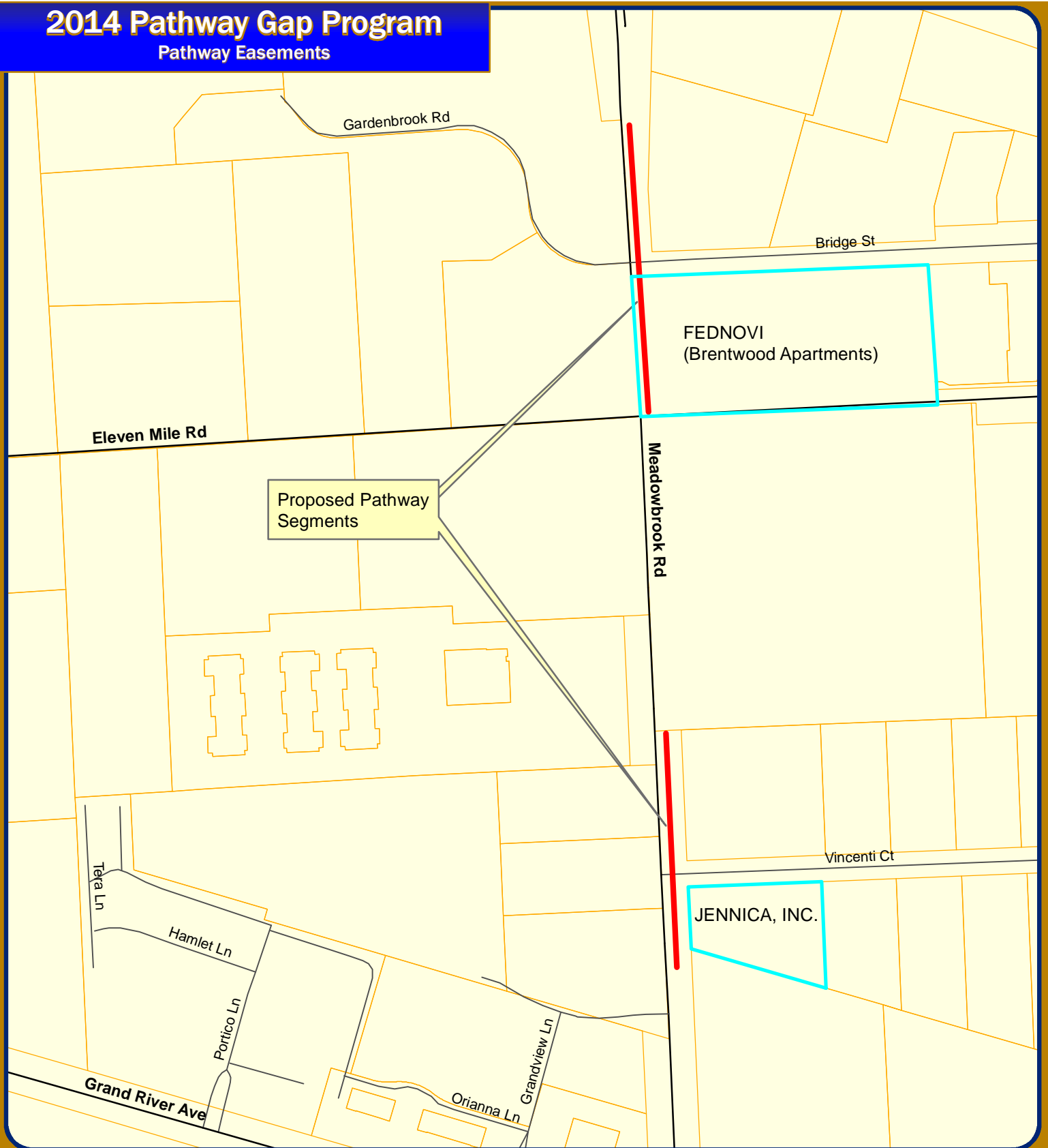
**RECOMMENDED ACTION:** Acceptance of a pathway easement from FEDNOVI, LLC, as a donation, for construction of a portion of the pathway along the east side of Meadowbrook Road between Grand River Avenue and I-96 (parcel 22-13-351-002).

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

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

# 2014 Pathway Gap Program

## Pathway Easements



Map Author: Croy  
Date: 6/24/14  
Project: 2014 Pathway Gap Program  
Version #: v1.0

### 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.



1 inch = 300 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@jrsjlaw.com

www.johnsonrosati.com

June 27, 2014

Benjamin Croy, Civil Engineer  
City of Novi  
Public Services  
Field Services Complex  
26300 Lee BeGole Drive  
Novi, MI 48375

Re: **2014 Pathway Gap (FEDNOVI, LLC)**  
**Permanent Pathway Easement**  
***Parcel 50-22-13-351-002***

Dear Mr. Croy:

We have received and reviewed a copy of the enclosed executed Pathway Easement and Temporary Grading Permit executed by the Claude A. Titche Trust on behalf of FEDNOVI, LLC over Parcel 50-22-13-351-002. FEDNOVI, LLC appears to have multiple members (owners). We have requested that FEDNOVI provide documentation indicating which member or members are authorized to make conveyances of real property pursuant to the LLC's operating agreement. Subject to receipt of a letter of authority, a copy of the applicable operating agreement provision, or other proof showing which member or members may legally make property transactions, the Pathway Easement is in the City's standard Pathway Easement format and is acceptable.

In the interest of time, we can recommend approval of the format and content of the easement subject to receipt of the information requested above. Upon receipt of the information, it may be necessary to make minor modifications to the signature block to clarify the relationship of the executing entity to the property owner, FEDNOVI, LLC. Acceptance of the Pathway Easement should be conditioned upon receipt of such proof acceptable to the City attorney.

The original Pathway Easement should be retained by either the City Clerk's Office or the Engineering Division until the ownership issue is resolved. Upon resolution, we will forward the additional proof with further direction with respect to recording the Pathway Easement.

We note that the approved exhibit describing the easement area has not been attached by the property owner and should be attached by the Engineering Division prior to acceptance.

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

Maryanne Cornelius, Clerk

Sue Troutman, Clerk's Office

Rob Hayes, Public Services Director

Thomas R. Schultz, Esq.

**PATHWAY EASEMENT**

NOW ALL MEN BY THESE PRESENTS, that FEDNOVI, LLC, a Michigan limited liability company, Successor by Conversion to Brentwood Apartments, a Michigan Partnership, whose address is 252 Pearl St NW #7B, Grand Rapids, MI 49503, 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 27, T.1N., R.8E., City of Novi, Oakland County, State of Michigan, more particularly described as follows:

Parcel No. 50-22-13-351-002

{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 10-foot wide, asphalt 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.

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 non-motorized traffic and shall permit maintenance, repair and replacement of the paving in the easement area. Grantee shall be responsible for maintaining the easement area and the pathway improvements thereon in safe and serviceable condition, including snow removal, at Grantee's sole cost and expense.

This instrument shall be binding and inure to the benefit of the parties hereto, their heirs, representatives, successors and assigns.

Dated this 18<sup>th</sup> day of JUNE, 2014.

**GRANTOR**

FEDNOVI, LLC., a Michigan limited liability company, Successor by Conversion to Brentwood Apartments, a Michigan Partnership

Claude A. Titcher III PARTNER  
By: Its:  
CLAUDE A TITCHER III  
TRUSTEE, CLAUDE A. TITCHER JR  
TRUST

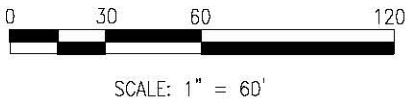
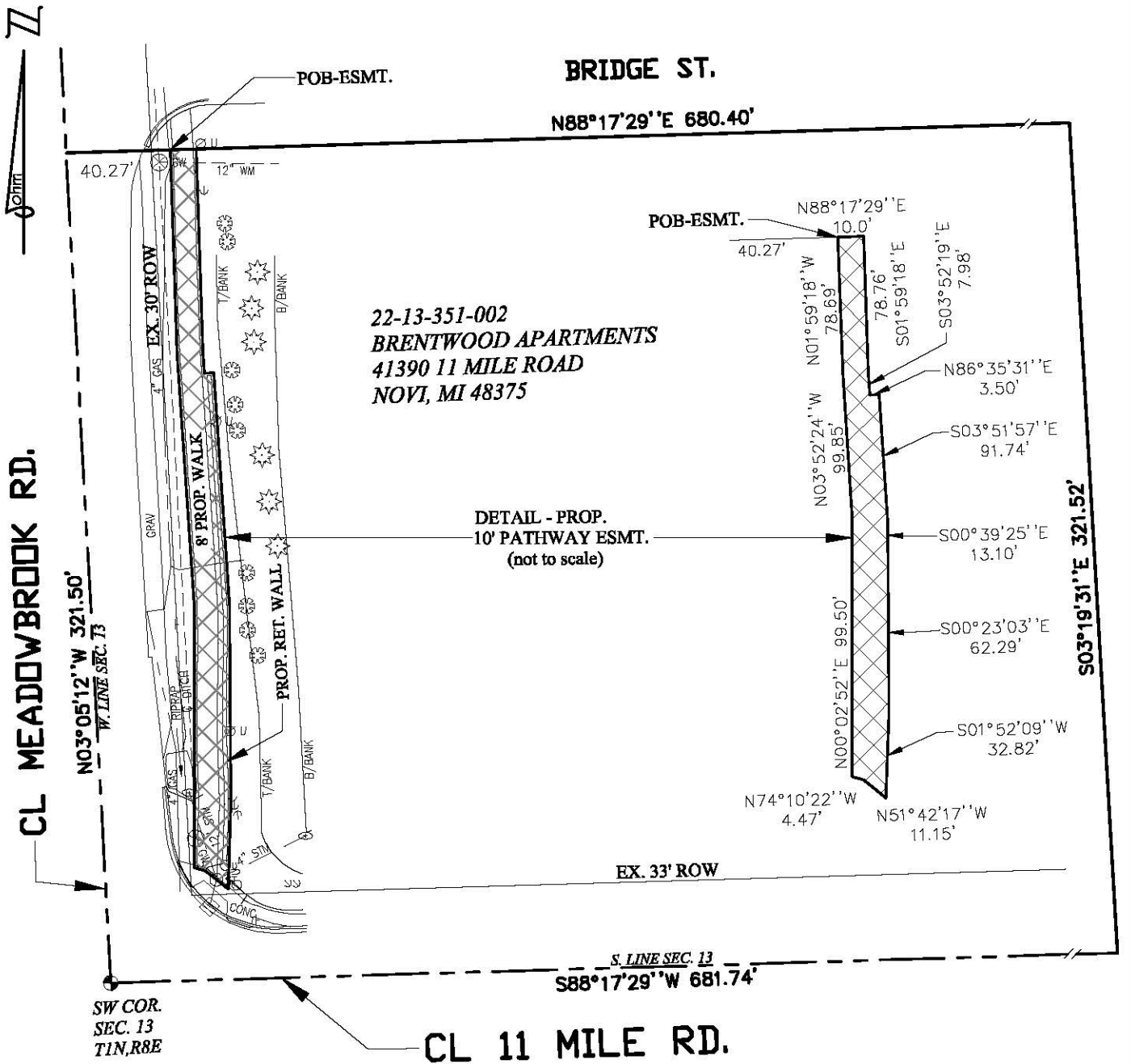
STATE OF MICHIGAN        )  
  ) SS  
COUNTY OF OAKLAND    )

The foregoing instrument was acknowledged before me this 18 day of June, 2014, by Claude A Titcher III the Trustee / Partner of FEDNOVI, LLC, a Michigan limited liability company, Successor by Conversion to Brentwood Apartments, a Michigan Partnership, on its behalf.

Deborah Vandu Naalt  
Notary Public  
Kent County, Michigan  
My Commission Expires: Dec 30, 2019

# PATHWAY EASEMENT SKETCH

Exhibit "A"



- LEGEND**
- ROW RIGHT OF WAY
  - ⊙ PUBLIC LAND CORNER
  - POB POINT OF BEGINNING
  - ▨ PATHWAY EASEMENT

## PATHWAY EASEMENT

PART OF THE SW 1/4 OF SECTION 13  
 T. 1 N., R. 8 E., CITY OF NOVI, OAKLAND COUNTY  
 TAX ID NO.: 22-13-351-002

CLIENT: CITY OF NOVI



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

Advancing Communities

DATE: 01-28-14  
 DRAWN BY: SH  
 DWG: 13-351-002

SHEET  
 1 OF 2

JOB NO.  
 0163-13-0050

# PATHWAY EASEMENT DESCRIPTION

Exhibit "A"

## PARCEL DESCRIPTION (22-13-351-002):

The South 5 acres of the West 1/2 of the SW 1/4 of Section 13, Town 1 North, Range 8 East, City of Novi, Oakland County, Michigan, more particularly described as follows:  
Beginning at the SW corner of said Section 13, also being the intersection of the centerline of Meadowbrook Road with the centerline of 11 Mile Road and proceeding thence along the West line of said Section 13, also being the centerline of Meadowbrook Road, N 03°05'12" W 321.50 feet; thence N 88°17'29" E 680.40 feet; thence S 03°19'31" E 321.52 feet; thence along the South line of said Section 13, also being the centerline of 11 Mile Road, S 88°17'29" W 681.74 feet to the Point of Beginning.

## PATHWAY EASEMENT DESCRIPTION:

A 10 foot wide pathway easement situated in the Part of the SW 1/4 of Section 13, Town 1 North, Range 8 East, City of Novi, Oakland County, Michigan, described as follows:  
Commencing at the SW corner of said Section 13; thence N 03°05'12" W 321.50 feet along the centerline of Meadowbrook Road and the West line of said Section 13; thence N 88°17'29" E 40.27 feet to the Point of Beginning; thence continuing N 88°17'29" E 10.0 feet along the North line of said parent parcel; thence S 01°59'18" E 78.76 feet; thence S 03°52'19" E 7.98 feet; thence N 86°35'31" E 3.50 feet; thence S 03°51'57" E 91.74 feet; thence S 00°39'25" E 13.10 feet; thence S 00°23'03" E 62.29 feet; thence S 01°52'09" W 32.82 feet; thence N 51°42'17" W 11.15 feet; thence N 74°10'22" W 4.47 feet; thence N 00°02'52" E 99.50 feet; thence N 03°52'24" W 99.85 feet; thence N 01°59'18" W 78.69 feet to the Point of Beginning.  
Contains 3,525 square feet or 0.081 acres of land. Subject to all easements and restrictions of record, if any.

## PATHWAY EASEMENT

PART OF THE SW 1/4 OF SECTION 13  
T. 1 N., R. 8 E., CITY OF NOVI, OAKLAND COUNTY  
TAX ID NO.: 22-13-351-002

CLIENT:

CITY OF NOVI



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

Advancing Communities

DATE: 01-28-14  
DRAWN BY: SH  
DWG: 13-351-002

SHEET

2 OF 2

JOB NO.

0163-13-0050