



CITY of NOVI CITY COUNCIL

Agenda Item E
September 17, 2018

SUBJECT: Acceptance of a sidewalk easement for the Haggerty Corridor Corporate Park Phase 2 development project.

SUBMITTING DEPARTMENT: Department of Public Works, Engineering Division

CITY MANAGER APPROVAL: *[Signature]*

BACKGROUND INFORMATION:

The proposed sidewalk easement for the Haggerty Corridor Corporate Park Phase 2 development project conveys a public pathway easement over nature trail areas.

The City Attorney noted that the Sidewalk Easement was executed and submitted to the City in 2008; however, a lender consent was not provided at that time so the Easement has not been formally accepted by City Council. The mortgage on the subject parcel was discharged in 2015, so a lender consent is no longer required.

The proposed easement has been favorably reviewed by the City Attorney (Beth Saarela, September 10, 2018) and is recommended for approval.

RECOMMENDED ACTION: Acceptance of a sidewalk easement for the Haggerty Corridor Corporate Park Phase 2 development project.

Haggerty Corridor Corporate Park Phase 2 Pathway Easement

Location Map

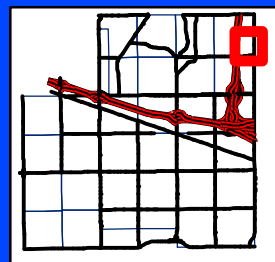
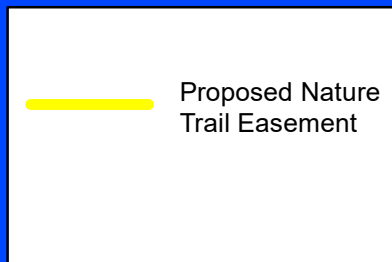


Map Author: Joseph Akers
 Date: September 11, 2018
 Project: Haggerty Corporate Park Easement
 Version #: 1

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 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.



City of Novi

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



1 inch = 476 feet





September 10, 2018

Jeffrey Herczeg, Director of Public Works
City of Novi
45175 Ten Mile Road
Novi, MI 48375-3024

**RE: Haggerty Corridor Corporate Park Phase 2 – SP 06-41
Acceptance Documents**

Dear Mr. Herczeg:

We have received and reviewed the following documents for Haggerty Corridor Corporate Park, Phase 2 and have the following comments:

1. Sidewalk Easement (Nature Trails) (Parcel 22-09-400-019) **(Approved)**
2. Title Search

Sidewalk Easement

The Sidewalk Easement conveys a public pathway easement over nature trail areas within Haggerty Corridor Corporate Park to the City. The Sidewalk Easement is acceptable for this purpose. The City's Consulting Engineer has reviewed and approved the attached legal description. We note that the Sidewalk Easement was executed and submitted to the City in 2008; however, a lender consent was not provided at that time so the Easement has not been formally accepted by City Council. The mortgage on the subject parcel was discharged in 2015, so a lender consent is no longer required.

The enclosed Sidewalk Easement may be placed on an upcoming City Council Agenda for acceptance and 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,

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



Elizabeth Kudla Saarela

EKS

Enclosures

- C: Cortney Hanson, Clerk (w/Enclosures-Originals to Follow)
Charles Boulard, Community Development Director (w/Enclosures)
Barb McBeth, City Planner (w/Enclosures)
Sri Komaragiri, Planner (w/Enclosures)
Lindsay Bell, Planner (w/Enclosures)
Hannah Smith, Planning Assistant (w/Enclosures)
Angie Sosnowski, Community Development Bond Coordinator (w/Enclosures)
George Melistas, Senior Engineering Manager (w/Enclosures)
Darcy Rechten, Construction Engineer (w/Enclosures)
Rebecca Runkel, Engineering Technician (w/Enclosures)
Sarah Marchioni, Community Development Building Project Coordinator (w/Enclosures)
Michael Freckelton, Taylor Reynolds & Ted Meadows, Spalding DeDecker (w/Enclosures)
Sue Troutman, City Clerk's Office (w/Enclosures)
Thomas R. Schultz, Esquire (w/Enclosures)

SIDEWALK EASEMENT

KNOW ALL MEN BY THESE PRESENTS, that HCP Land LLC, a Michigan limited liability company whose address is 39000 Country Club Drive, Farmington Hills, Michigan 48331, 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, who 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 walkway over, across, and through the property described as follows:

See attached Exhibit "A".

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

See attached Exhibit "B".

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

Grantee shall repair, replace, improve, modify and maintain the easement area as shown in the attached and incorporated Exhibit B.

Grantor agrees not to build or to convey to others permission to build any structures or improvements on, over, across, in, through, or under the above-described easement.

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

This easement shall allow public pedestrian and non-motorized traffic and shall permit maintenance, repair and replacement of the paving in the easement area.

Exempt pursuant to MCLA 207.505(a)
And MCLA 207.526(a)

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

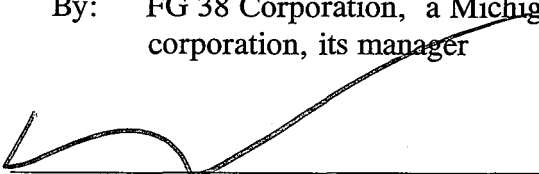
Signed by:

HCP Land LLC, a Michigan limited liability company,

By: Haggerty Corridor Partners LLC, a Michigan limited liability company, its sole member

By: FG 38 Corporation, a Michigan corporation, its manager

By:


Matthew S. Sosin

STATE OF MICHIGAN)
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this 16th day of May, 2008, by Matthew S Sosin, Manager, FG 38 Corporation, Sole Member, Haggerty Corridor Partners LLC, a Michigan limited liability company, HCP Land LLC, a Michigan limited liability company.

JULIE A. CHALMERS
NOTARY PUBLIC, STATE OF MI
COUNTY OF OAKLAND
MY COMMISSION EXPIRES Nov 17, 2010
ACTING IN COUNTY OF Oakland

Julie A. Chalmers
Notary Public
Oakland County, Michigan

My Commission Expires: 11-17-10

Drafted by:

Julie A. Chalmers
Northern Equities Group
39000 Country Club Drive
Farmington Hills, MI 48331

When recorded, return to:

Elizabeth M. Kudla, Esq
Secret Wardle
30903 Northwestern Hwy.
PO Box 3040
Farmington Hills, MI 48333-3040

A R Decker & Associates
Consulting Engineers
Civil — Structural
920 East Long Lake Road
Troy, Michigan 48085
Telephone (248) 528-3779
Facsimile (248) 528-3548
DRAFTER: JASON SUTTON, P.E.

EXHIBIT 'A'
LEGAL DESCRIPTION

DATE: 5/5/08

OVERALL PROPERTY DESCRIPTION OF ENTIRE PARCEL:

A PARCEL OF LAND WHICH IS PART OF THE EAST 1/2 OF SECTION 1, T.1N., R.8E., CITY OF NOVI, OAKLAND COUNTY, MICHIGAN, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT THE SOUTHEAST CORNER OF SECTION 1, THENCE N.02°30'06"W., 632.02 FEET (RECORDED AS N.02°30'04"W., 632.02 FEET) ALONG THE EAST LINE OF SECTION 1 AND THE CENTERLINE OF HAGGERTY ROAD TO THE POINT OF BEGINNING; THENCE S.85°30'21"W., 33.33 FEET TO A POINT ON THE 33 FT. RIGHT OF WAY LINE OF HAGGERTY ROAD; THENCE S.85°30'21"W., 242.42 FEET (RECORDED AS 242.73 FEET); THENCE N.02°02'32"W., 467.58 FEET; THENCE S.87°57'28"W., 162.89 FEET; THENCE S.13°30'29"W., 174.90 FEET; THENCE S.41°04'28"W., 75.81 FEET; THENCE S.87°29'56"W., 312.43 FEET; THENCE S.44°08'59"W., 370.52 FEET; THENCE ALONG A CURVE TO THE RIGHT AN ARC DISTANCE OF 165.24 FEET, HAVING A RADIUS OF 455.00 FEET, A DELTA OF 20°48'26", AND A LONG CHORD THAT BEARS S.04°00'45"E., 164.33 FEET; THENCE ALONG A CURVE TO THE LEFT AN ARC DISTANCE OF 173.17 FEET, HAVING A RADIUS OF 570.00 FEET, A DELTA OF 17°24'24", AND A LONG CHORD THAT BEARS S.02°18'44"E., 172.50 FEET; THENCE S.11°00'55"E., 189.03 FEET TO THE NORTH RIGHT OF WAY LINE OF THIRTEEN MILE ROAD; THENCE ALONG THE NORTH RIGHT OF WAY OF SAID THIRTEEN MILE ROAD, S.77°54'36"W., 117.25 FEET TO A POINT; THENCE ALONG A CURVE TO THE RIGHT AN ARC DISTANCE OF 176.08 FEET (176.06 FT. RECORDED) ALONG THE NORTH ROW LINE OF THIRTEEN MILE ROAD, HAVING A RADIUS OF 5639.58 FEET, A DELTA OF 1°47'20" AND LONG CHORD THAT BEARS S.78°55'26"W., 176.08 FEET (RECORDED AS S.78°58'23"W., 176.05 FEET); THENCE ALONG THE INTERNATIONAL TRANSMISSION COMPANY BOUNDARY LINE FOR THE FOLLOWING THREE COURSES: 1. N.02°54'28"W., 708.68 FEET (RECORDED AS N.02°54'56"W., 708.37 FEET); THENCE 2. S.85°15'02"W., 90.05 FEET (RECORDED AS S.85°15'34"W., 90.04 FEET); THENCE 3. S.02°54'28"E., 716.54 FEET (RECORDED AS S.02°54'56"E., 716.25 FEET) TO A POINT ON A CURVE ON THE NORTH RIGHT OF WAY LINE OF THIRTEEN MILE ROAD; THENCE ALONG A CURVE TO THE RIGHT AN ARC DISTANCE OF 496.04 FEET (RECORDED AS 495.89 FEET), HAVING A RADIUS OF 5639.58 FEET, A DELTA OF 5°02'22" (RECORDED AS 5°02'17") AND A LONG CHORD THAT BEARS S.83°15'33"W., 495.88 FEET (RECORDED AS S.83°14'22"W., 495.73 FEET); THENCE N.04°27'15"W., 15.08 FEET (RECORDED AS N.04°14'30"W., 15.00 FEET) TO A POINT ON A CURVE; THENCE ALONG A CURVE TO THE RIGHT AN ARC DISTANCE OF 173.35 FEET (RECORDED AS 173.70 FEET), ALONG THE NORTH LINE OF THIRTEEN MILE ROAD, HAVING A RADIUS OF 5624.58 FEET, A DELTA OF 1°45'57" (RECORDED AS 1°46'10") AND A LONG CHORD THAT BEARS S.86°44'01"W., 173.34 FEET (RECORDED AS S.86°38'35"W., 173.70 FEET); THENCE S.87°17'58"W., 163.56 FEET (RECORDED AS S.87°31'40"W., 163.06 FEET) ALONG THE NORTH RIGHT OF WAY LINE OF THIRTEEN MILE ROAD TO ITS INTERSECTION WITH THE EAST RIGHT OF WAY LINE OF M - 5 FREEWAY; THENCE ALONG THE EAST RIGHT OF WAY LINE OF M - 5 FREEWAY THE FOLLOWING FIVE COURSES: 1. N.02°26'23"W., 516.95 FEET (RECORDED AS N.02°27'44"W., 516.46 FEET); THENCE 2. S.87°39'29"W., 49.67 FEET (RECORDED AS S.87°32'16"W., 50.00 FEET); THENCE 3. N.02°28'25"W., 710.54 FEET (RECORDED AS N.02°27'44"W., 710.15 FEET) TO A POINT OF CURVE: 4. THENCE ALONG A CURVE TO THE RIGHT AN ARC DISTANCE OF 1453.12 FEET (RECORDED AS 1453.54 FEET), HAVING A RADIUS OF 11320.16 FEET, A DELTA OF 7°21'17" (RECORDED AS 7°21'25") AND A LONG CHORD THAT BEARS N.01°13'05"E., 1452.12 FEET (RECORDED AS N.01°12'59"E., 1452.54 FEET); THENCE 5. N.04°53'47"E., 1198.27 FEET (RECORDED AS N.04°53'47"E., 1198.00 FEET); THENCE N.86°48'52"E., 2037.15 FEET (RECORDED AS 2037.14 FEET) TO THE WEST RIGHT OF WAY LINE OF HAGGERTY ROAD, BEING 60 FEET WEST OF THE EAST LINE OF SAID SECTION 1; THENCE S.02°30'29"E., ALONG THE 60.00 FOOT RIGHT OF WAY LINE OF HAGGERTY ROAD 636.92 FEET (RECORDED AS S.02°30'22"E., 637.15 FEET); THENCE N.86°43'14"E., 60.01 FEET (RECORDED AS N.86°43'09"E. 60.01 FEET) TO A POINT IN THE CENTERLINE OF HAGGERTY ROAD AND ON THE EAST LINE OF SAID SECTION 1; THENCE S.02°30'29"E. ON THE CENTERLINE OF HAGGERTY ROAD AND EAST LINE OF SECTION 1, 637.50 FEET (RECORDED AS S.02°30'22"E., 637.11 FEET) TO THE EAST 1/4 CORNER OF SAID SECTION 1, AS RECORDED ON L.C.R.C. LIBER 16850, PAGE 438 O.C.R.; THENCE S.02°30'06"E., 1992.26 FEET (RECORDED AS S.02°30'04"E. 1992.59 FEET) ALONG THE EAST LINE OF SAID SECTION 1 AND THE CENTERLINE OF HAGGERTY ROAD TO THE POINT OF BEGINNING. CONTAINING 179.00 ACRES (TOTAL) AND 176.99 ACRES (NET).

SUBJECT TO ALL EASEMENTS AND RESTRICTIONS AND RIGHTS OF WAY OF RECORD INCLUDING THE FOLLOWING EASEMENTS, WHICH ARE CALLED OUT IN TITLEWORK SUPPLIED BY CLIENT, COMMITMENT NUMBER 5-584199:

5. EASEMENT FOR DETROIT EDISON COMPANY AS RECORDED IN LIBER 3247, PAGE 58, LIBER 3247 PAGE 59 AND IN LIBER 3247 PAGE 60.
6. EASEMENT FOR DETROIT EDISON COMPANY AS RECORDED IN LIBER 4327, PAGE 587 WHICH HAS BEEN AMENDED BY AFFIDAVIT RECORDED IN LIBER 4338, PAGE 558; ALSO IN LIBER 4327, PAGE 588 WHICH HAS BEEN AMENDED BY AFFIDAVIT RECORDED IN LIBER 4338, PAGE 556, AND IN LIBER 4341, PAGE 374 WHICH HAS BEEN AMENDED BY AFFIDAVIT RECORDED IN LIBER 4353, PAGE 253 AND NOW HELD BY INTERNATIONAL TRANSMISSION COMPANY AND THE DETROIT EDISON COMPANY.
7. EASEMENT FOR DETROIT EDISON AS RECORDED IN LIBER 4504, PAGE 595.
8. EASEMENT FOR GRADING IN HIGHWAY PURPOSES AS RECORDED IN LIBER 4854, PAGE 427 AND IN LIBER 8119, PAGE 654.
9. EASEMENT FOR ROAD DRAINAGE AS RECORDED IN LIBER 4862, PAGE 282.
13. SANITARY SEWER EASEMENT AS RECORDED IN LIBER 22132, PAGE 163; ALSO IN LIBER 22132, PAGE 169; ALSO IN LIBER 22132, PAGE 171 AND ALSO IN LIBER 22132, PAGE 173.
14. RIGHT OF WAY FOR THE SEELEY DRAIN DRAINAGE DISTRICT AS RECORDED IN LIBER 39481, PAGE 258.

A R Decker & Associates
Consulting Engineers
Civil — Structural
920 East Long Lake Road
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Facsimile (248) 528-3548
DRAFTER: JASON SUTTON, P.E.

EXHIBIT 'B' (PAGE 1 OF 2)

PROPOSED NATURE
TRAIL EASEMENT

DATE: 5/5/08

PROPOSED NATURE TRAIL EASEMENT:

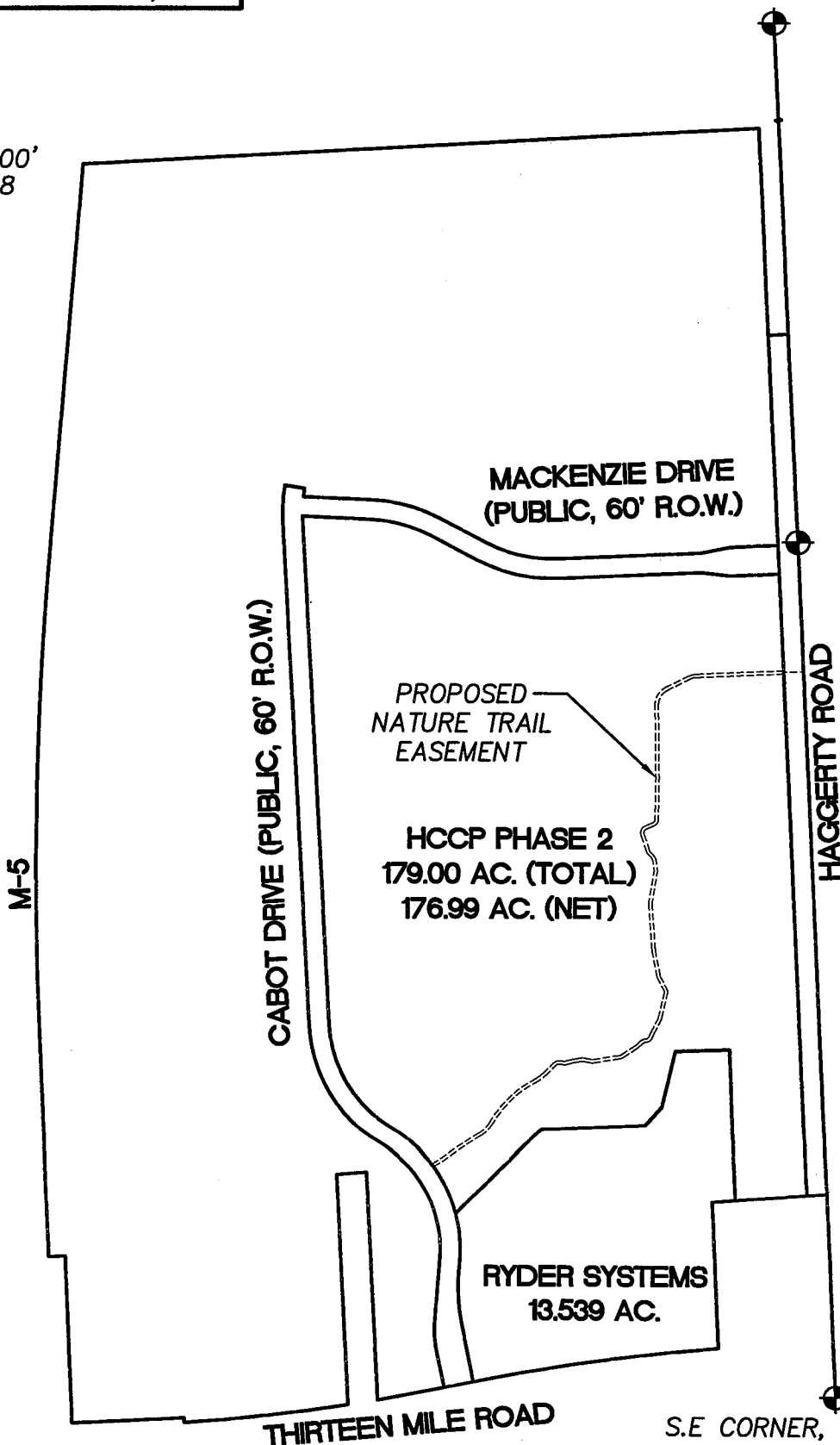
A PARCEL OF LAND, PART OF THE EAST 1\2 OF SECTION 1, T1N., R8E., CITY OF NOVI, OAKLAND COUNTY, MICHIGAN; WHOSE CENTERLINE IS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT LOCATED N02°30'06"W, 2230.09 FEET ALONG THE EAST LINE OF SECTION 1 AND S87°29'54"W, 60.00 FEET TO THE POINT OF BEGINNING FROM THE SOUTHEAST CORNER OF SECTION 1; THENCE S87°29'39"W, 260.90 FEET; THENCE 23.06 FEET ALONG A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 54.00 FEET AND A CHORD BEARING S75°15'40"W, 22.88 FEET; THENCE S63°01'42"W, 77.58 FEET; THENCE 60.60 FEET ALONG A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 54.00 FEET AND A CHORD BEARING S30°52'51"W, 57.47 FEET; THENCE S01°15'59"E, 96.28 FEET; THENCE 120.44 FEET ALONG A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 2996.00 FEET AND A CHORD BEARING S00°06'53"E, 120.43 FEET; THENCE S01°02'13"W, 129.67 FEET; THENCE 15.76 FEET ALONG A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 14.00 FEET AND A CHORD BEARING S33°17'24"W, 14.94 FEET; THENCE S65°32'36"W, 28.55 FEET; THENCE 22.50 FEET ALONG A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 15.50 FEET AND A CHORD BEARING S23°57'27"W, 20.58 FEET; THENCE S17°37'42"E, 58.28 FEET; THENCE S45°41'23"E, 15.63 FEET; THENCE 15.84 FEET ALONG A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 24.00 FEET AND A CHORD BEARING S26°47'03"E, 15.55 FEET; THENCE S07°52'43"E, 32.66 FEET; THENCE S09°41'11"W, 98.74 FEET; THENCE S03°51'03"E, 144.21 FEET; THENCE S11°00'37"E, 82.85 FEET; THENCE S26°34'41"E, 50.97 FEET; THENCE S13°10'54"W, 84.24 FEET; THENCE 3.47 FEET ALONG A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 14.00 FEET AND A CHORD BEARING S20°17'21"W, 3.46 FEET; THENCE S27°23'48"W, 42.23 FEET; THENCE S23°53'26"W, 21.41 FEET; THENCE 11.83 FEET ALONG A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 10.50 FEET AND A CHORD BEARING S56°09'31"W, 11.21 FEET; THENCE S88°25'36"W, 3.64 FEET; THENCE 12.28 FEET ALONG A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 15.50 FEET AND A CHORD BEARING S65°44'22"W, 11.96 FEET; THENCE 23.16 FEET ALONG A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 102.50 FEET AND A CHORD BEARING S49°31'33"W, 23.11 FEET; THENCE S55°59'58"W, 52.09 FEET; THENCE 6.76 FEET ALONG A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 15.50 FEET AND A CHORD BEARING S68°29'36"W, 6.71 FEET; THENCE S80°59'13"W, 81.30 FEET; THENCE 5.20 FEET ALONG A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 15.50 FEET AND A CHORD BEARING N89°24'07"W, 5.18 FEET; THENCE N79°47'27"W, 26.35 FEET; THENCE 2.66 FEET ALONG A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 7.50 FEET AND A CHORD BEARING N89°55'59"W, 2.64 FEET; THENCE S79°55'28"W, 29.73 FEET; THENCE 9.25 FEET ALONG A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 97.50 FEET AND A CHORD BEARING S77°12'25"W, 9.25 FEET; THENCE S74°29'22"W, 12.98 FEET; THENCE 2.13 FEET ALONG A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 5.50 FEET AND A CHORD BEARING S85°33'45"W, 2.11 FEET; THENCE N83°21'51"W, 16.90 FEET; THENCE 11.19 FEET ALONG A CURVE TO THE LEFT SAID CURVE HAVING A RADIUS OF 12.50 FEET AND A CHORD BEARING S70°59'38"W, 10.82 FEET; THENCE S45°21'06"W, 47.17 FEET; THENCE 30.77 FEET ALONG A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 106.00 FEET AND A CHORD BEARING S53°39'59"W, 30.66 FEET; THENCE 196.04 FEET ALONG A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 345.00 FEET AND A CHORD BEARING S45°42'11"W, 193.41 FEET; THENCE 46.83 FEET ALONG A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 104.00 FEET AND A CHORD BEARING S42°19'29"W, 46.44 FEET; THENCE S55°13'30"W, 174.05 FEET TO THE POINT OF ENDING. SUBJECT TO ANY AND ALL EASEMENTS OR RESTRICTIONS OF RECORD.

A R Decker & Associates
Consulting Engineers
Civil — Structural
920 East Long Lake Road
Troy, Michigan 48085
Telephone (248) 528-3779
Facsimile (248) 528-3548
DRAFTER: JASON SUTTON, P.E.

EXHIBIT 'B' (PAGE 2 OF 2)
PROPOSED NATURE
TRAIL EASEMENT



SCALE: 1" = 500'
DATE: 5/5/08



S.E. CORNER, SECTION 1,
CITY OF NOVI
TOWN 1 NORTH,
RANGE 8 EAST
L.16850, P.439