



**CITY OF NOVI CITY COUNCIL
JANUARY 27, 2020**

SUBJECT: Acceptance of a sidewalk easement from Kenneth Kardasz for construction of a sidewalk along the west side of Wixom Road between Eleven Mile Road and Grand River Avenue (parcel 22-18-200-012) in the amount of \$804.25.

SUBMITTING DEPARTMENT: Department of Public Works, Engineering Division

EXPENDITURE REQUIRED	\$804.25
AMOUNT BUDGETED	\$1,488,070
APPROPRIATION REQUIRED	\$ 0
LINE ITEM NUMBER	204-204.00-974.478

BACKGROUND INFORMATION: The 2019 Pathway project includes construction of sidewalk segments and ADA improvements on Haggerty Road, Wixom Road, Beck Road, and Grand River Avenue. The project requires eleven permanent sidewalk easements and/or temporary grading easements. OHM Advisors and Engineering staff have made contact with all of the property owners and requested donation of the easements to minimize project costs. Six of the permanent and temporary easements have been acquired through donation, and the remaining easements are still pending negotiations.

The owner of 26871 Wixom Road negotiated with the City for an amount of \$804.25. This amount values the property at \$0.65 per square foot at a 100% easement value.

The City Attorney reviewed the signed easement favorably (Beth Saarela, January 10, 2020).

RECOMMENDED ACTION: Acceptance of a sidewalk easement from Kenneth Kardasz for construction of a sidewalk along the west side of Wixom Road between Eleven Mile Road and Grand River Avenue (parcel 22-18-200-012) in the amount of \$804.25.

26871 Wixom Rd (50-22-18-200-012) Location Map




Map Author: Rebecca Runkel
 Date: 10-16-19
 Project:
 Version #: 1.0

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.


Map Legend

Right of Way - Novi Edits


Proposed Sidewalk



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



1 inch = 109 feet



ELIZABETH KUDLA SAARELA
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ROSATI | SCHULTZ
JOPPICH | AMTSBUECHLER

January 10, 2020

Jeffrey Herczeg, Director of Public Works
City of Novi
Field Services Complex
26300 Lee BeGole Drive
Novi, MI 48375

RE: 2019 Sidewalks and Pathways – 28671 Wixom Road

Dear Mr. Herczeg:

We have received and reviewed the enclosed Sidewalk Easement for the proposed section of sidewalk to be constructed along Wixom Road. The Sidewalk Easement is consistent with the Title Search provided by Seaver Title. The enclosed Sidewalk Easement may be placed on an upcoming City Council Agenda for acceptance. Once accepted, the Sidewalk Easement should be recorded by the City Clerk's Office with the Oakland County Register of Deeds in the usual manner. It is our understanding the City is in possession of the original documents.

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

Very truly yours,

ROSATI SCHULTZ JOPPICH
& AMTSBUECHLER PC

Elizabeth Kudla Saarela

EKS
Enclosure

C: Cortney Hanson, Clerk (w/Enclosure)
Rebecca Runkel, Staff Engineer (w/Enclosure)
Sue Troutman, Executive Secretary (w/Enclosure)
Thomas R. Schultz, Esquire (w/Enclosure)

SIDEWALK EASEMENT

KNOW ALL MEN BY THESE PRESENTS, that KENNETH GERARD KARDASZ, (a single man), whose address is 26871 Wixom Road, Novi, MI 48375, (hereinafter referred to as "Grantor"), being title holder to the following described parcel of land, to wit:

See "Parcel Legal Description" of "Exhibit A"

Tax Identification Number: 50-22-18-200-012

for and in consideration of Eight Hundred Four Dollars and Twenty Five Cents (\$804.25), receipt of which is hereby acknowledged, does hereby grant and convey to the City of Novi, a Michigan Municipal Corporation, whose address is 45175 Ten Mile Road, Novi, MI 48375, (hereinafter referred to as "Grantee"), a permanent sidewalk easement, over, upon, across, in, through, and under the following described real property to wit

See "Easement Description" of "Exhibit A"

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

Grantee may install, repair, replace and maintain 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 the above described easement.

The premises so disturbed by reason of the exercise of any of the foregoing powers, rights and privileges, shall be reasonably restored to its prior condition by Grantee.

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

Also a Temporary Grading Easement being part of the above described parcel of land. The temporary grading easement to terminate on the date the contractor completes the above project (not to exceed one (1) year).

IN WITNESS WHEREOF, the undersigned Grantors have affixed their signatures this 6 day of JANUARY A.D., 2020.

KENNETH GERARD KARDASZ

By: *Kenneth Gerard Kardasz*

Signature

KENNETH GERARD KARDASZ GRANTOR

Printed Name & Title

By: _____

Signature

Printed Name & Title

STATE OF MICHIGAN)

COUNTY OF OAKLAND)SS

On this 6 day of JANUARY, A.D., 2020 before me, a Notary Public in and for said County, appeared _____ and _____, and to me known personally known, who, being by me duly sworn, did each for himself say that they are respectively the OWNER and the 26871 WILSON RD of _____, the corporation named in and which executed the within instrument and, that the seal affixed to said instrument was signed and sealed in behalf of said corporation by authority of its board of directors; and acknowledged said instrument the free act and deed of said corporation.

Janis M. Denham
Notary Public, Wayne County, MI

My commission expires March 20, 2020

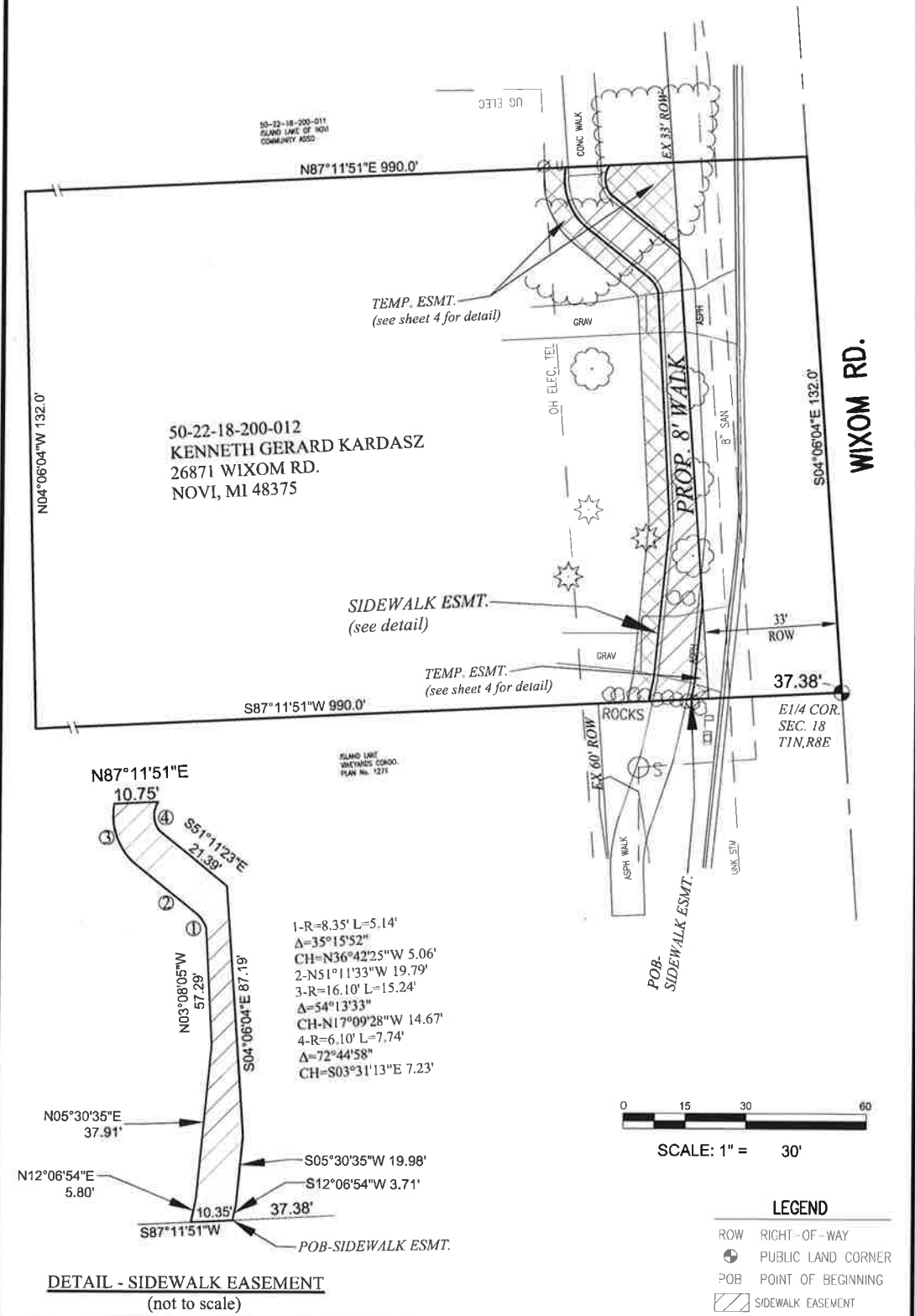
JANIS M. DENHAM
Notary Public, State of Michigan
County of Wayne
My Commission Expires Mar. 20, 2020
Acting in the County of OAKLAND

This instrument drafted by:
Sameer Hamad
34000 Plymouth Road
Livonia, MI 48150

WHEN SIGNED RETURN TO:
City Clerk's Office
City of Novi
45175 Ten Mile Road
Novi, MI 48375

SIDEWALK EASEMENT SKETCH

Exhibit "A"



DETAIL - SIDEWALK EASEMENT
(not to scale)

SIDEWALK EASEMENT			SCALE 1" = 30'
PART OF THE NE 1/4 OF SECTION 18 T.1N., R.8E., CITY OF NOVI, OAKLAND COUNTY PARCEL ID# 50-22-18-200-012			
DATE 10-22-19	CITY CITY OF NOVI	JOB# 0163-18-0030	SHEET 3 OF 5
34000 Plymouth Road Livonia, MI 48150 P (734) 522-6711 F (734) 522-6427 WWW.OHM-ADVISORS.COM			
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SIDEWALK EASEMENT DESCRIPTION

Exhibit "A"

PARCEL DESCRIPTION (50-22-18-200-012)

Parcel of land situated in the NE 1/4 of Section 18, Town 1 North, Range 8 East, City of Novi, Oakland County, Michigan, more particularly described as follows:

The South 132.0 feet of the East 990.0 feet of the NE 1/4 of said Section 18. Subject to all easements and restrictions of record, if any.

SIDEWALK EASEMENT

A variable width easement for sidewalk being part of land situated in the NE 1/4 of Section 18, Town 1 North, Range 8 East, City of Novi, Oakland County, Michigan, more particularly described as follows:

Beginning at a point S 87°11'51" W 37.38 feet from the East 1/4 corner of said Section 18; thence continuing S 87°11'51" W 10.35 feet along the South line of said parent parcel; thence N 12°06'54" E 5.80 feet; thence N 05°30'35" E 37.91 feet; thence N 03°08'05" W 57.29 feet; thence 5.14 feet along a curve to the left, radius 8.35 feet, delta 35°15'52", chord bears N 36°42'25" W 5.06 feet; thence N 51°11'33" W 19.79 feet; thence 15.24 feet along a curve to the right, radius 16.10 feet, delta 54°13'33", chord bears N 17°09'28" W 14.67 feet; thence N 87°11'51" E 10.75 feet along the North line of said parent parcel; thence 7.74 feet along a curve to the left, radius 6.10 feet, delta 72°44'58", chord bears S 03°31'13" E 7.23 feet; thence S 51°11'23" E 21.39 feet; thence S 04°06'04" E 87.19 feet along the West right of way line of Wixom Road; thence S 05°30'35" W 19.98 feet; thence S 12°06'54" W 3.71 feet to the Point of Beginning.

Contains 1,139 square feet or 0.026 acres of land, more or less. Subject to all easements and restrictions of record, if any.

TEMPORARY GRADING EASEMENT

Parcels of land situated in the NE 1/4 of Section 18, Town 1 North, Range 8 East, City of Novi, Oakland County, Michigan, more particularly described as follows:

Beginning at a point S 87°11'51" W 33.0 feet from the East 1/4 corner of said Section 18; thence continuing S 87°11'51" W 4.38 feet; thence N 12°06'54" E 3.71 feet; thence N 05°30'35" E 19.98 feet; thence S 04°06'04" E 23.36 feet to the Point of Beginning.

ALSO,

Beginning at a point S 87°11'51" W 47.73 feet from the East 1/4 corner of said Section 18; thence N 12°06'54" E 5.80 feet; thence N 05°30'35" E 37.91 feet; thence N 03°08'05" W 57.29 feet; thence 5.14 feet along a curve to the left, radius 8.35 feet, delta 35°15'52", chord bears N 36°42'25" W 5.06 feet; thence N 51°11'33" W 19.79 feet; thence 15.24 feet along a curve to the right, radius 16.10 feet, delta 54°13'33", chord bears N 17°09'28" W 14.67 feet; thence S 87°11'51" W 5.10 feet; thence 19.16 feet along a curve to the left, radius 21.10 feet, delta 52°02'42", chord bears S 19°07'30" E 18.51 feet; thence S 51°11'33" E 20.25 feet; thence 1.61 feet along a curve to the right, radius 3.35 feet, delta 27°33'24", chord bears S 42°07'26" E 1.60 feet; thence S 03°08'05" E 56.05 feet; thence S 05°30'35" W 37.24 feet; thence S 12°06'54" W 6.85 feet; thence N 87°11'51" E 5.17 feet to the Point of Beginning.

ALSO,

commencing at the East 1/4 corner of said Section 18; thence N 04°06'04" W 132.0 feet; thence S 87°11'51" W 33.0 feet to the Point of Beginning; thence S 04°06'04" E 21.44 feet; thence N 51°11'23" W 21.39 feet; thence 7.74 feet along a curve to the right, radius 6.10 feet, delta 72°44'58", chord bears N 03°31'13" W 7.23 feet; thence N 87°11'51" E 15.60 feet to the Point of Beginning.

All contains 983 square feet or 0.023 acres of land, more or less. Subject to all easements and restrictions of record, if any.

SIDEWALK EASEMENT PART OF THE NE 1/4 OF SECTION 18 T.1N., R.8E., CITY OF NOVI, OAKLAND COUNTY PARCEL ID# 50-22-18-200-012			SCALE
			1"=30'
			SHEET
			5
			OF 5
DATE	DRAWN	JOB#	
10-22-19	CITY OF NOVI	0163-18-0030	
34000 Plymouth Road Livonia, MI 48150 P (734) 522-6711 F (734) 522-6427 WWW.OHM-ADVISORS.COM			
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