



CITY of NOVI CITY COUNCIL

Agenda Item H
June 3, 2019

SUBJECT: Approval of a resolution authorizing the termination of an existing sanitary sewer easement (recorded in Liber 22132, Page 163, Oakland County Records), which was replaced by a revised sanitary sewer easement (recorded in Liber 40820, Page 72, Oakland County Records) in 2009. Said easement is part of the Adams North Development located on Parcel #22-01-200-049 in Haggerty Corridor Corporate Park.

SUBMITTING DEPARTMENT: Department of Public Works, Engineering Division

CITY MANAGER APPROVAL: 

BACKGROUND INFORMATION:

In 2002, the Section 1 and 12 sanitary sewer was constructed through land now developed as the Haggerty Corridor Corporate Park, located north of Thirteen Mile Road, west of Haggerty Road. The property owner worked with the City and provided easements to facilitate the design and construction of the sanitary sewer as it now exists along MacKenzie Drive, Cabot Drive, and within easements recorded in 2009 through developed parcels south of MacKenzie Drive.

The original easements between Thirteen Mile and MacKenzie Drive were terminated in October 2015 at the request of the developer at the time of the Magna Seating project. The developer now requests that the City terminate this unnecessary sewer easement to unencumber the property (parcel 22-01-200-049) and allow for the next development within the Haggerty Corridor Corporate Park at Adams North.

The attached resolution was drafted by the City Attorney and is recommended for approval (Beth Saarela, May 22, 2019).

RECOMMENDED ACTION: Approval of a resolution authorizing the termination of an existing sanitary sewer easement (recorded in Liber 22132, Page 163, Oakland County Records), which was replaced by a revised sanitary sewer easement (recorded in Liber 40820, Page 72, Oakland County Records) in 2009. Said easement is part of the Adams North Development located on Parcel #22-01-200-049 in Haggerty Corridor Corporate Park.

Haggerty Corridor Corporate Park Adams North

Location Map

Parcel 22-01-200-049

Cabot Drive

MacKenzie Drive

Haggerty Road

Thirteen Mile Road

Map Author: D. Rechten
Date: 05/24/2019
Project:
Version #:

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 Works
26300 Lee BeGole Drive
Novi, MI 48375
cityofnovi.org

Feet
0 115 230 460 690

1 inch = 549 feet



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esaarela@rsjalaw.com

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Farmington Hills, Michigan 48331
P 248.489.4100 | F 248.489.1726
www.rsjalaw.com



ROSATI | SCHULTZ
JOPPICH | AMTSBUECHLER

May 22, 2019

Darcy Rechten, Construction Engineer
City of Novi
Department of Public Works
Field Services Complex
26300 Lee BeGole Drive
Novi, MI 48375

Re: Adams North JSP 19-05
Resolution Terminating Sanitary Sewer Easement

Dear Ms. Rechten:

Northern Equities has requested the termination of an existing Sanitary Sewer Easement, over and through its property located along Haggerty Road, a portion of which is currently part of the Adams North Development. The sanitary sewer which was originally constructed within the easement has been relocated in connection with adjacent developments and is no longer in the easement area. Engineering has confirmed that there is no need for the City to retain the Sanitary Sewer Easement for the purpose of operating and maintaining a sanitary sewer, now or in the future. In that regard, we have prepared the enclosed Resolution of the City Council Authorizing Termination of Sanitary Sewer Easement for the purpose of terminating the Sanitary Sewer Easement dated August 31, 2000 and recorded December 19, 2000, and recorded at Liber 22132, Pages 163 and 164.

Once approved by City Council, the Resolution Terminating the existing Sanitary Sewer Easement should be recorded with the Oakland County Register of Deeds in the usual manner.

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

Very truly yours,

ROSATI SCHULTZ JOPPICH
& AMTSBUECHLER PC

A handwritten signature in blue ink, appearing to read 'Elizabeth Kudla Saarela', is written over a light blue horizontal line.

Elizabeth Kudla Saarela

Darcy Rechten, Construction Engineer
City of Novi
May 22, 2019
Page 2

EKS
Enclosure

C: Cortney Hanson, Clerk (w/Enclosure)
Charles Boulard, Community Development Director (w/Enclosure)
Barb McBeth, City Planner (w/Enclosure)
Sri Komaragiri, Planner (w/Enclosure)
Lindsay Bell, Planner (w/Enclosure)
Hannah Smith, Planning Assistant (w/Enclosure)
Angie Sosnowski, Community Development Bond Coordinator (w/Enclosure)
George Melistas, Senior Engineering Manager (w/Enclosure)
Sarah Marchioni, Community Development Building Project Coordinator (w/Enclosure)
Michael Freckelton, Taylor Reynolds & Ted Meadows, Spalding DeDecker (w/Enclosure)
Sue Troutman, City Clerk's Office (w/Enclosure)
Julie Barnard, Northern Equities (w/Enclosure)
Thomas R. Schultz, Esquire (w/Enclosure)

**RESOLUTION OF THE CITY COUNCIL AUTHORIZING
TERMINATION OF SANITARY SEWER EASEMENT**

RECITATIONS UNDERLYING THIS RESOLUTION:

The easement for operating, constructing, maintaining and repairing a sanitary sewer granted to the City of Novi (the "City") whose address is 45175 Ten Mile Road, Novi, Michigan 48375, over Property described in Exhibit A, which easement is located in Section 1 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 owner of the property described in the attached and incorporated Exhibit A, upon which the Easement is located (the "Property"), granted an easement dated August 31, 2000, recorded on December 19, 2000 at Liber 22132, Pages 163 through 164, Oakland County Records, for a public sanitary sewer. The sanitary sewer located within the Easement has been relocated in connection with development of the site. As such, the City has offered to terminate and vacate the Easement. 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 sanitary sewer 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 shown on Exhibit B and hereby agree to terminate it.

NOW, THEREFORE, IT IS RESOLVED AS FOLLOWS:

1. The Sanitary Sewer System Easement described in the attached and incorporated Exhibit B, located in Section 1 of the City, described in the Easement which is recorded at Liber 22132, Pages 163 through 164, Oakland County Records, for operating, constructing, maintaining and repairing a sanitary sewer, be terminated as shown.

EXHIBIT A

LEGAL DESCRIPTION

(Per Old Republic National Title Insurance Company, Commitment No. 5-667290, Rev. 1, Effective Date: April 04, 2019)

Part of the East 1/2 of Section 1, Town 1 North, Range 8 East, described as: Commencing at the Southeast corner of said Section 1;

thence along the East line of said Section 1 the following three courses:

1. N02°30'06"W, 632.02 feet;
2. N02°30'06"W, 1992.61 feet;
3. and N02°30'31"W, 232.23 feet;

thence S87°29'29"W, 60.00 feet to the West line of Haggerty Road (120 feet wide); thence N38°03'06"W, 25.39 feet; thence N58°01'38"W, 187.59 feet; thence S87°29'39"W, 535.74 feet to the POINT OF BEGINNING;

thence S02°30'21"E, 377.51 feet to the North line of Mackenzie Road (60 feet wide);

thence along said North line the following four courses:

1. 181.48 feet along the arc of a curve to the right, having a radius of 420.00 feet, a central angle of 24°45'27" and a chord bearing N74°19'13"W, 180.07 feet;
2. N61°56'30"W, 159.14 feet;
3. 212.60 feet along the arc of a curve to the left, having a radius of 480.00 feet, a central angle of 25°22'38" and a chord bearing N74°37'49"W, 210.87 feet;
4. and N87°19'07"W, 207.14 feet to the East line of Cabot Drive (60 feet wide);

thence along said East line 26.44 feet along the arc of a non-tangent curve to the right, having a radius of 420.00 feet, a central angle of 03°36'22", and a chord bearing N08°34'48"E, 26.43 feet to the North line of said Cabot Drive; thence along said North line N81°15'14"W, 11.59 feet; thence N02°57'07"W, 53.46 feet; thence 351.10 feet along the arc of a curve to the right, having a radius of 420.00 feet, a central angle of 47°53'50", and a chord bearing N20°59'48"E, 340.97 feet; thence N44°56'42"E, 99.19 feet; thence S61°49'28"E, 576.30 feet; thence S61°07'41"E, 20.00 feet to the POINT OF BEGINNING.

LIBER 22132 PAGE 163
\$9.00 MISC RECORDING
\$2.00 REINDEMENTATION
12/19/2000 03:19:05 P.M. RECEIPT# 86035
PAID RECORDED - OAKLAND COUNTY
G. WILLIAM CABBELL, CLERK/REGISTRAR OF DEEDS

7655714

LIBER PAGE
\$1.00 TRANSFER TX COMBINED
\$1.00
TRANSFER TX COMBINED
12/19/2000 03:19:09 P.M. RECEIPT# 86035
PAID RECORDED - OAKLAND COUNTY

SANITARY EASEMENT

KNOW ALL MEN BY THESE PRESENTS, that Haggerty Corridor Partners, L.L.C. whose address is 3900 Country Club Drive, Farmington Hills, Michigan 48331 hereby conveys to City of Novi, a Michigan Municipal Corporation, whose address is 45175 West Ten Mile Road, Novi, Michigan 48375, an easement for constructing, operating, maintaining and/or repairing a sanitary sewer system in, over, upon and through the following described premises situated in the City of Novi, Oakland County, State of Michigan, to wit:

A strip of land 30 feet wide being part of the NE 1/4 of Section 1, T.1N., R.8E., City of Novi, Oakland County, Michigan, the centerline of said strip beginning at a point on the E-W 1/4 line located distant S86°37'25"W 1007.63 feet from the E 1/4 corner of said Section 1; thence N02°55'30"W 1277.38 feet to the point of ending located distant S86°48'52"W 1016.93 feet from the NE corner of said Section 1. Containing 0.88 acres.
**S86°37'25" 3100.23 feet*

SEE EXHIBIT 'A' ATTACHED HERETO AND MADE A PART HEREOF. *fb* *pt 22-01-200-033*

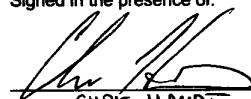
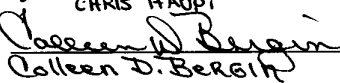
For the sum of \$1.00 (One and no/100 _____ Dollars)

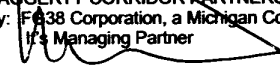
As further consideration for the granting of this easement, the City of Novi shall indemnify and save harmless, the Grantor, from and against any and all detriments, damages, losses, claims, suits, costs or other expenses which the Grantor may suffer, sustain, or be subject to caused either wholly or in part, directly or indirectly, by reason of the use of the above premises pursuant to the rights granted herein.

The acquisition of the property rights conveyed herein is an exercise of the City of Novi's eminent domain authority by purchase in lieu of condemnation.

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


Dated this 31st day of AUGUST, 2000.

Signed in the presence of:

CHRIS HAUPT

Colleen D. BERGIN

HAGGERTY CORRIDOR PARTNERS, L.L.C.
By: 
Neil J. Sosin
Its: President

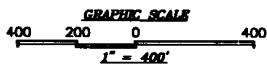
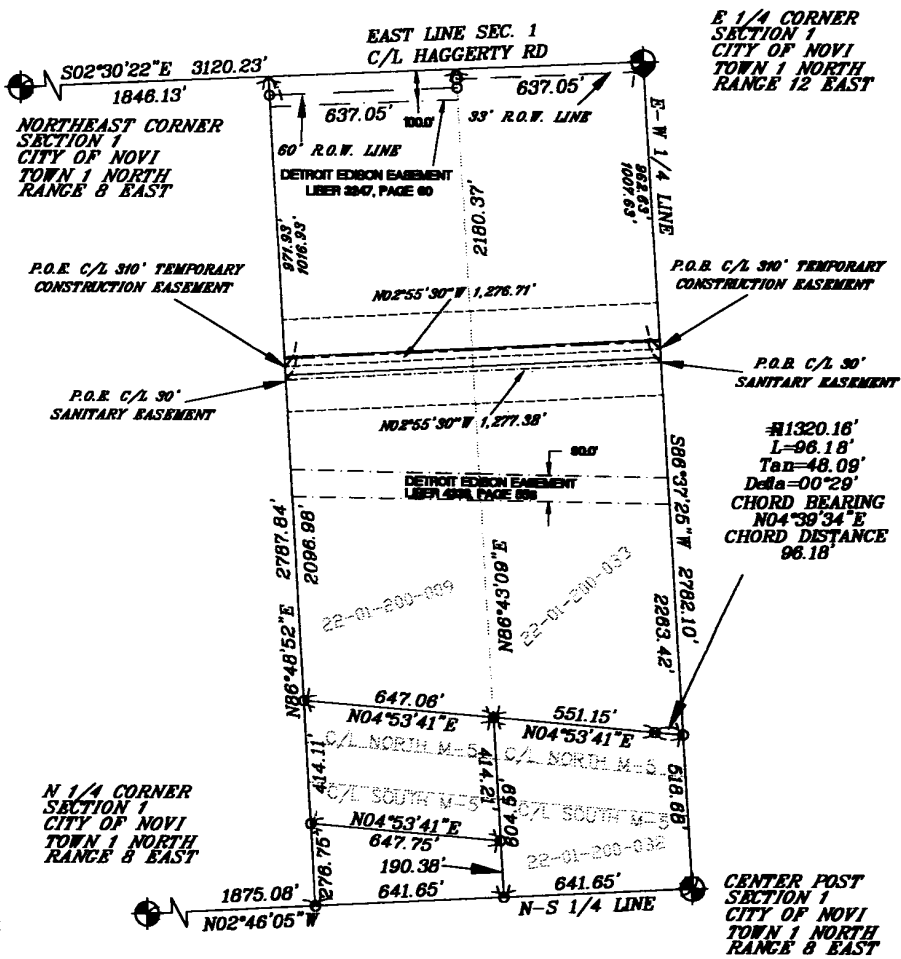
STATE OF MICHIGAN)
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this 31st day of AUGUST, 2000, by Neil J. Sosin, President of EG38 Corporation, a Michigan Corporation, Managing Partner of Haggerty Corridor Partners, L.L.C.


GAIL OCHS MILLS Notary Public
OAKLAND County, Michigan
My Commission Expires: 9/30/2003

Drafted by and return to:
Gary E. Bowman
JCK & Associates, Inc.
P.O. Box 759
Novi, Michigan 48376

EXHIBIT "A"



JCK & ASSOCIATES, INC. CONSULTING ENGINEERS NOVI, MICH. PER. NO. (248) 548-8880				
SEC. 1&12 SANITARY SEWER PERMANENT & CONSTRUCTION EASEMENTS				
22-01-200-033 22-01-200-009				
Drawn	JMK	Date	8/12/00	Scale
Designed		Checked	JF, GH	1" = 400'
Job No.	II-0282		Sheet No.	