



CITY of NOVI CITY COUNCIL

Agenda Item C
July 13, 2015

SUBJECT: Approval of two resolutions authorizing termination of portions of an existing water main easement (recorded at Liber 40666, Page 297 Oakland County Records) and an existing sanitary sewer easement (recorded at Liber 40754, Page 543 Oakland County Records) at the request BCP Novi, LLC., as part of the American Tire Distributors site located at 25250 Regency Drive (parcel 22-24-276-023).

SUBMITTING DEPARTMENT: Department of Public Services, Engineering Division *BTC RFA*

CITY MANAGER APPROVAL: *[Signature]*

BACKGROUND INFORMATION:

BCP Novi, LLC., the developer for the American Tire Distributors warehouse located at 25250 Regency Drive (parcel 22-24-276-023), has requested the termination of portions of the on-site water main easement and sanitary sewer easement. The utilities previously located in these areas have been relocated and placed in new easement areas. As such, the applicant has requested that the City terminate and vacate the existing water main and sanitary easements. The existing easements were recorded at Liber 40666, Page 297 (water main) and Liber 40754, Page 543 (sanitary sewer) with the Oakland County Register of Deeds.

The enclosed resolutions for authorizing the termination of a portion of the existing water main easement and sanitary sewer easement in which the utilities were abandoned have been prepared for consideration.

RECOMMENDED ACTION: Approval of two resolutions authorizing termination of portions of an existing water main easement (recorded at Liber 40666, Page 297 Oakland County Records) and an existing sanitary sewer easement (recorded at Liber 40754, Page 543 Oakland County Records) at the request BCP Novi, LLC., as part of the American Tire Distributors site located at 25250 Regency Drive (parcel 22-24-276-023).

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

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

Location Map

American Tire Distributors

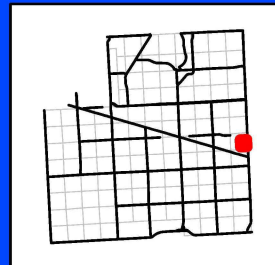


Map Author: A. Wayne
Date: June 29, 2015
Project:
Version #:

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 332 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

Feet
0 25 50 100 150

1 inch = 138 feet





JOHNSON ROSATI SCHULTZ JOPPICH PC

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Elizabeth Kudla Saarela
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June 22, 2015

Rob Hayes, Public Services Director
CITY OF NOVI
45175 Ten Mile Road
Novi, Michigan 48375

**Re: American Tire – JSP14-0023
Review for Acceptance – Utilities**

Dear Mr. Hayes:

We have received and reviewed, and enclosed please find, the following documents for the American Tire Development:

- Sanitary Sewer System Easement – **Approved**
- Water System Easement – **Approved**
- Sanitary Sewer System Easement (Off-Site) - **Approved**
- Water Main Easement (Off-Site)- **Approved**
- Bill of Sale – Water – **Approved**
- Bill of Sale – Sanitary Sewer – **Approved**
- Resolution of the City Council Authorizing Termination of Sanitary Sewer Easement – **Approved**
- Resolution of the City Council Authorizing Termination of Sanitary Sewer Easement – **Approved**
- Maintenance and Guarantee Bond - **Approved**
- Title Commitments (On-Site and Off-Site)
- Cross Access Easement - **Approved**

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

Water System and Sanitary Sewer System Easements

The American Tire site, currently owned by BCP Novi, LLC includes a partial relocation of the existing Water and Sanitary Sewer System Easements previously recorded in connection with the Regency Centre Development at Liber 40754, Page 543, and Liber 40666, Page 297, Oakland County Records. The property owner has provided, and we have reviewed and approve the format of the enclosed Resolutions terminating portions of the existing Water and Sanitary Sewer System Easements. The relocation is necessary on the basis of the location of the newly constructed building requiring adjustment of the water and sewer locations. *The Resolutions may be placed on an upcoming City Council Agenda for approval.*

In connection with the termination of portion of the existing easements, additional Sanitary Sewer and Water System Easements have been provided over newly created Units 2 and 8 within the Regency Centre Development. The on-site Water and Sanitary Sewer Easements have been executed by BCP Novi, LLC, and its lenders with respect to Unit 2 of Regency Centre. The off-site Water and Sanitary Sewer System Easements have been executed by Regency Vacant Land, LLC, and its lenders, with respect to the portions of the easement extending into Unit 8 of the Regency Centre Development. We have reviewed and approve the format and language of the above Water and Sanitary Sewer System Easements and corresponding Bill of Sale. The exhibits have been reviewed and approved by the City's Consulting Engineer.

The Maintenance and Guarantee Bond posted for utilities is in the City's standard amount for a surety bond. The amount has been approved by the City's Consulting Engineer. The Bond is in place to guarantee the materials and workmanship of the water and sanitary sewer facilities for two years from the date of acceptance.

The Water System and Sanitary Sewer System Easements may be accepted by Affidavit of the City Engineer. The Bills of Sale, Maintenance and Guarantee Bond and Title Insurance Policy should remain in the City's file.

Cross Access, Ingress/Egress, and Emergency Access Easements

As a result of the division of former Unit 2 of the Regency Centre Condominium, creating new Units 8 and 2, various access easements were required to ensure that newly created Unit 8 still has access to a public road (Regency Drive) for both general circulation for invitees of the property owners and for emergency service providers and other governmental services. The documents provided area as follows:

- Cross Access Easement Agreement – Unit 2 for Unit 8 access to and from Regency Drive
- Emergency Access Easement – Unit 2 for emergency and governmental services
- Emergency Access Easement – Unit 8 for emergency and governmental services

The access easements are satisfactory for the purposes provided and the exhibits have been reviewed and approved by the City's consulting engineer. The access easements may be recorded with Oakland County Records without any further action by the City Council.

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

EMK

Enclosures

C: Maryanne Cornelius, Clerk (w/Original 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)
Adam Wayne, Construction Engineer (w/Enclosures)
Aaron Staup, Construction Engineering Coordinator (w/Enclosures)
Sarah Marchioni, Building Permit Coordinator (w/Enclosures)
Sue Troutman, City Clerk's Office (w/Enclosures)
Brittany Allen, Taylor Reynolds and Ted Meadows, Spalding DeDecker (w/Enclosures)
Jamie Generous (jamie@bccgp.com) (w/Enclosures)
Paul Lewsley (pjlewsley@ameritech.net) (w/Enclosures)
Chuck Nichols, Esquire (cnichols@nicholslawpa.com) (w/Enclosures)
Thomas R. Schultz, Esquire (w/Enclosures)

**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 West Ten Mile Road, Novi, Michigan 48375, which easement is located in Section 24 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".

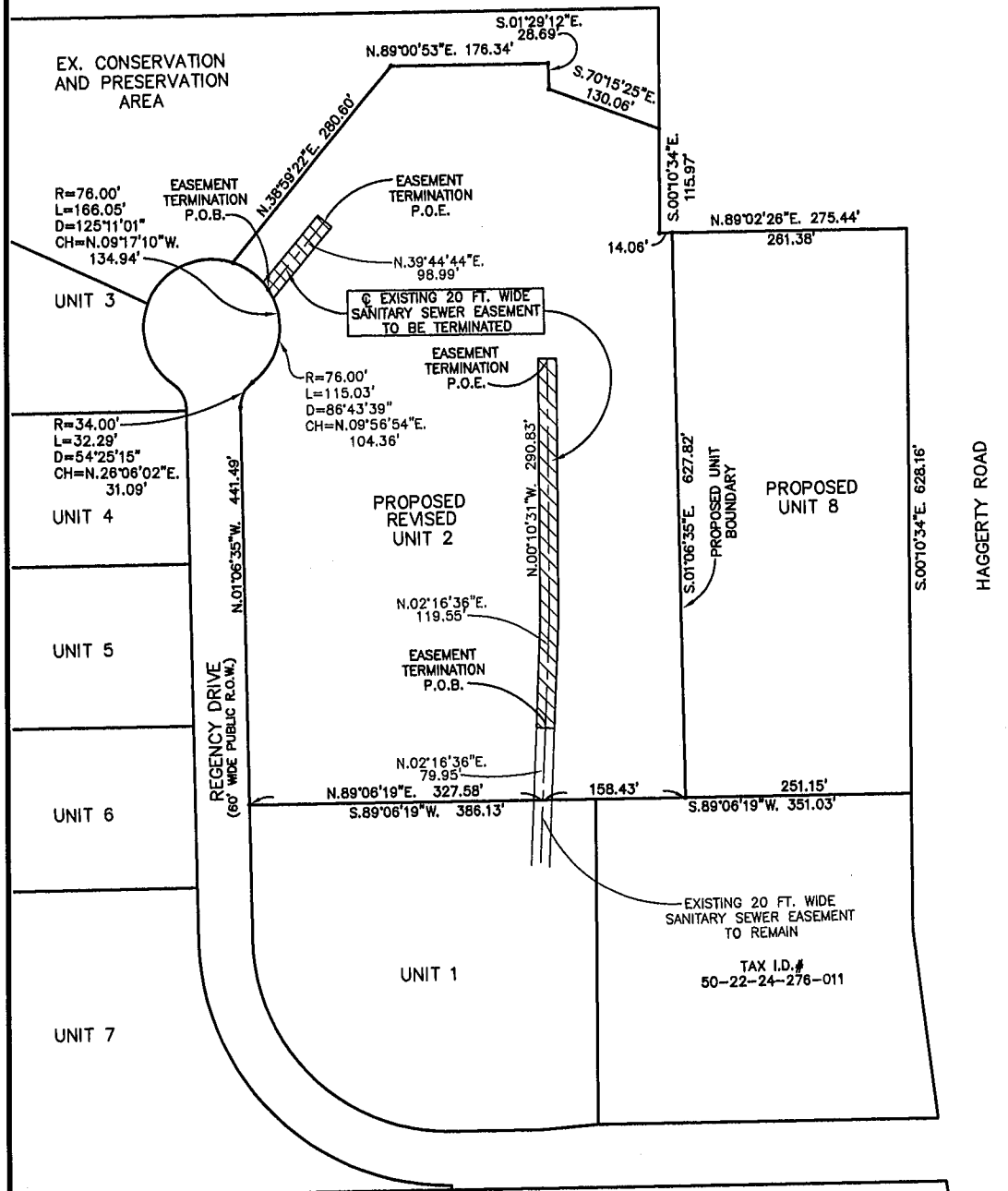
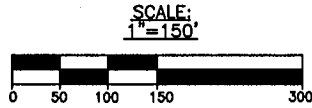
The owner of the property described in the attached and incorporated Exhibit A, upon which the Easement is located (the "Property"), granted an easement dated July 24, 2008, recorded on December 5, 2008 at Liber 40754, Pages 543 through 550, Oakland County Records, for a public sanitary sewer. Portions of the existing sanitary sewer have been abandoned pursuant to development of the site. A new sanitary sewer has been constructed to serve the subject property. The abandoned sanitary sewer is no longer required to be maintained as a public sanitary sewer easement. As such, the City has offered to terminate and vacate portions of the existing 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 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 portions of Sanitary Sewer Easement in the location shown on Exhibit B, and hereby agree to terminate them.

NOW, THEREFORE, IT IS RESOLVED AS FOLLOWS:

- I. Those portions of the sanitary sewer easement described in the attached and incorporated Exhibit B, located in Section 24 of the City, described in the Easement which is recorded at Liber 40754, Pages 543 through 550, Oakland County

EASEMENT TERMINATION SKETCH



<p>PREPARED FOR:</p> <p>BC CONSTRUCTION GROUP 8700 N. SECOND ST., SUITE 201 BRIGHTON, MICHIGAN 48116 PHONE: 810/986-9757</p>	JOB NO.	1411		EASEMENT TERMINATION SKETCH
	SCALE	1" = 150'		<p>ENVIRONMENTAL ENGINEERS, INC. 18620 WEST TEN MILE ROAD SOUTHFIELD, MICHIGAN 48075 PHONE: 248/424-9510</p>
	DATE	06/02/15		
	REVISION			
	SHEET	1	OF	

EASEMENT TERMINATION SKETCH

EXHIBIT "A"

PROPERTY DESCRIPTION

PROPOSED REVISED UNIT 2 OF "REGENCY CENTRE", OAKLAND COUNTY CONDOMINIUM SUBDIVISION PLAN #1360, BEING PART OF THE NORTHEAST 1/4 OF SECTION 24, T1N-R8E, CITY OF NOVI, OAKLAND COUNTY, MICHIGAN AS RECORDED IN L. 23384, P. 048, O.C.R. WITH FIFTH AMENDMENT TO THE MASTER DEED RECORDED IN L. 47360, P. 588, O.C.R.

EXHIBIT "B"

PUBLIC SANITARY SEWER EASEMENT TERMINATION DESCRIPTION


AN EXISTING 20 FOOT WIDE EASEMENT FOR PUBLIC SANITARY SEWER TO BE TERMINATED WHOSE CENTERLINE IS DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF PROPOSED REVISED UNIT 2 OF "REGENCY CENTRE", OAKLAND COUNTY CONDOMINIUM SUBDIVISION PLAN #1360, BEING PART OF THE NORTHEAST 1/4 OF SECTION 24, T1N-R8E, CITY OF NOVI, OAKLAND COUNTY, MICHIGAN AS RECORDED IN L. 23384, P. 048, O.C.R. WITH FIFTH AMENDMENT TO THE MASTER DEED RECORDED IN L. 47360, P. 588, O.C.R.; THENCE N.01°06'35"W. 441.49 FEET; THENCE 32.29 FEET ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 34.00 FEET, A CENTRAL ANGLE OF 54°25'15" AND A CHORD BEARING N.26°06'02"E. 31.09 FEET; THENCE 115.03 FEET ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 76.00 FEET, A CENTRAL ANGLE OF 86°43'39" AND A CHORD BEARING OF N.09°56'54"E. 104.36 FEET TO THE POINT OF BEGINNING OF SAID SANITARY SEWER EASEMENT TERMINATION; THENCE N.39°44'44"E. 98.99 FEET TO THE POINT OF ENDING OF SAID SANITARY SEWER EASEMENT TERMINATION.

PUBLIC SANITARY SEWER EASEMENT TERMINATION DESCRIPTION

AN EXISTING 20 FOOT WIDE EASEMENT FOR PUBLIC SANITARY SEWER TO BE TERMINATED WHOSE CENTERLINE IS DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF PROPOSED REVISED UNIT 2 OF "REGENCY CENTRE", OAKLAND COUNTY CONDOMINIUM SUBDIVISION PLAN #1360, BEING PART OF THE NORTHEAST 1/4 OF SECTION 24, T1N-R8E, CITY OF NOVI, OAKLAND COUNTY, MICHIGAN AS RECORDED IN L. 23384, P. 048, O.C.R. WITH FIFTH AMENDMENT TO THE MASTER DEED RECORDED IN L. 47360, P. 588, O.C.R.; THENCE N.89°06'19"E. 327.58 FEET; THENCE N.02°16'36"E. 79.95 FEET TO THE POINT OF BEGINNING OF SAID SANITARY SEWER EASEMENT TERMINATION; THENCE CONTINUING N.02°16'36"E. 119.55 FEET; THENCE N.00°10'31"W. 290.83 FEET TO THE POINT OF ENDING OF SAID SANITARY SEWER EASEMENT TERMINATION.

<p><u>PREPARED FOR:</u></p> <p>BC CONSTRUCTION GROUP 8700 N. SECOND ST., SUITE 201 BRIGHTON, MICHIGAN 48116 PHONE: 810/986-9757</p>	<p>JOB NO.</p> <p>1411</p>	<p>EASEMENT TERMINATION SKETCH</p>
	<p>SCALE</p>	 <p>ENVIRONMENTAL ENGINEERS, INC. 18620 WEST TEN MILE ROAD SOUTHFIELD, MICHIGAN 48075 PHONE: 248/424-9510</p>
	<p>DATE 06/02/15</p>	
	<p>REVISION</p>	
	<p>SHEET 2 OF 2</p>	

**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 24 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".

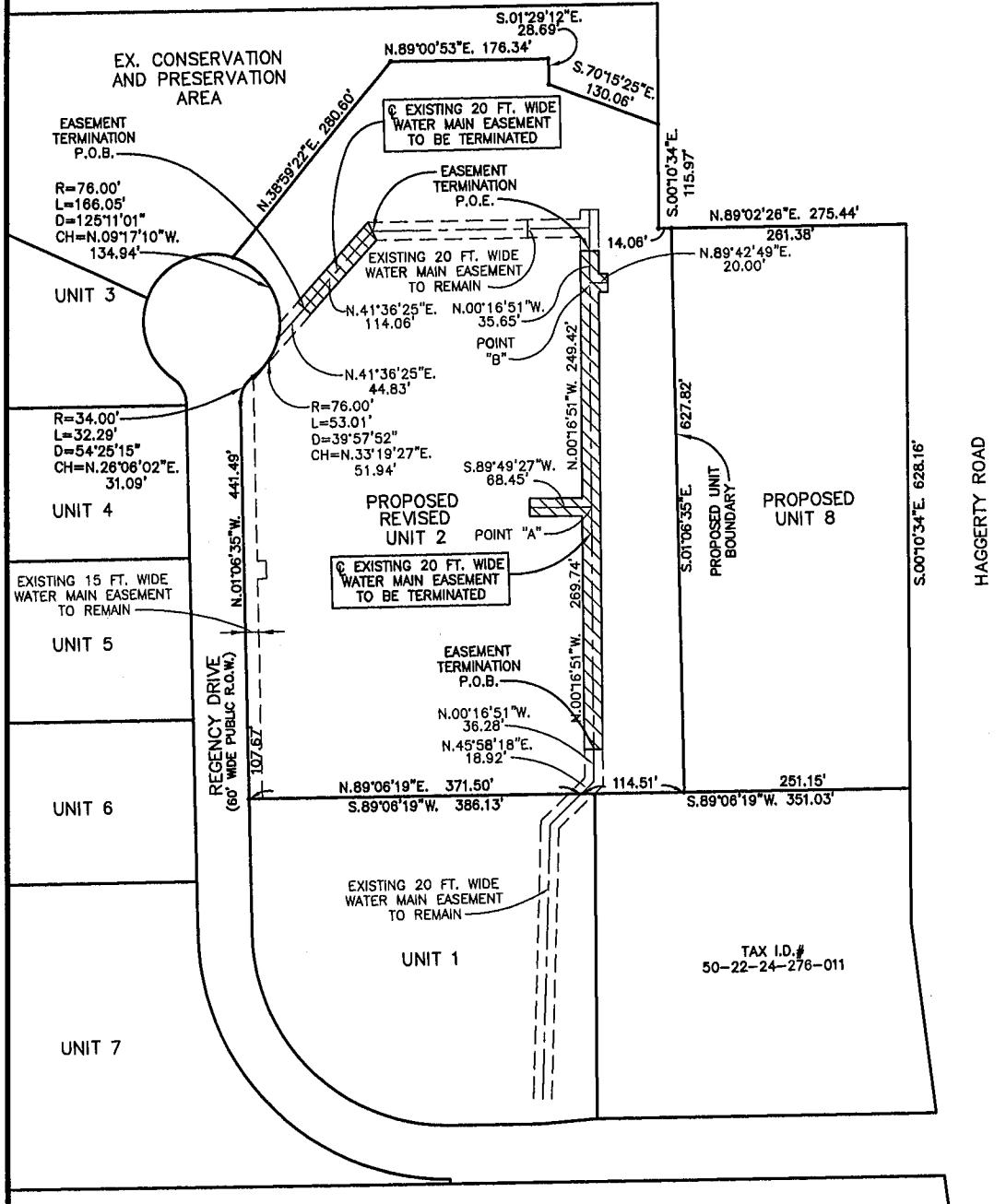
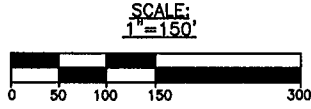
The owner of the property described in the attached and incorporated Exhibit A, upon which the Easement is located (the "Property"), granted an easement dated July 24, 2008, recorded on October 20, 2008 at Liber 40666, Pages 297 through 304, Oakland County Records, for a public water main. Portions of the existing water main have been abandoned pursuant to development of the site. A new water main has been constructed to serve the subject property. The abandoned water main is no longer required to be maintained as a public water main easement. As such, the City has offered to terminate and vacate portions of the existing 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 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 portions of Water Main Easement in the location shown on Exhibit B, and hereby agree to terminate them.

NOW, THEREFORE, IT IS RESOLVED AS FOLLOWS:

- I. Those portions of the water main easement described in the attached and incorporated Exhibit B, located in Section 24 of the City, described in the Easement which is recorded at Liber 40666, Pages 297 through 304, Oakland County

EASEMENT TERMINATION SKETCH



PREPARED FOR: BC CONSTRUCTION GROUP 8700 N. SECOND ST., SUITE 201 BRIGHTON, MICHIGAN 48116 PHONE: 810/986-9757	JOB NO.	EASEMENT TERMINATION SKETCH
	1411	
	SCALE 1" = 150'	
	DATE 06/02/15	
	REVISION	
	SHEET 1 OF 2	ENVIRONMENTAL ENGINEERS, INC. 18620 WEST TEN MILE ROAD SOUTHFIELD, MICHIGAN 48075 PHONE: 248/424-9510

EASEMENT TERMINATION SKETCH

EXHIBIT "A"

PROPERTY DESCRIPTION

PROPOSED REVISED UNIT 2 OF "REGENCY CENTRE", OAKLAND COUNTY CONDOMINIUM SUBDIVISION PLAN #1360, BEING PART OF THE NORTHEAST 1/4 OF SECTION 24, T1N-R8E, CITY OF NOVI, OAKLAND COUNTY, MICHIGAN AS RECORDED IN L. 23384, P. 048, O.C.R. WITH FIFTH AMENDMENT TO THE MASTER DEED RECORDED IN L. 47360, P. 588, O.C.R.

EXHIBIT "B"

PUBLIC WATER MAIN EASEMENT TERMINATION DESCRIPTION


AN EXISTING 20 FOOT WIDE EASEMENT FOR PUBLIC WATER MAIN TO BE TERMINATED WHOSE CENTERLINE IS DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF PROPOSED REVISED UNIT 2 OF "REGENCY CENTRE", OAKLAND COUNTY CONDOMINIUM SUBDIVISION PLAN #1360, BEING PART OF THE NORTHEAST 1/4 OF SECTION 24, T1N-R8E, CITY OF NOVI, OAKLAND COUNTY, MICHIGAN AS RECORDED IN L. 23384, P. 048, O.C.R. WITH FIFTH AMENDMENT TO THE MASTER DEED RECORDED IN L. 47360, P. 588, O.C.R.; THENCE N.01°06'35"W. 441.49 FEET; THENCE 32.29 FEET ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 34.00 FEET, A CENTRAL ANGLE OF 54°25'15" AND A CHORD BEARING N.26°06'02"E. 31.09 FEET; THENCE 53.01 FEET ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 76.00 FEET, A CENTRAL ANGLE OF 39°57'52" AND A CHORD BEARING OF N.33°19'27"E. 51.94 FEET; THENCE N.41°36'25"E. 44.83 FEET TO THE POINT OF BEGINNING OF SAID WATER MAIN EASEMENT TERMINATION; THENCE CONTINUING N.41°36'25"E. 114.06 FEET TO THE POINT OF ENDING OF SAID WATER MAIN EASEMENT TERMINATION.

PUBLIC WATER MAIN EASEMENT TERMINATION DESCRIPTION

AN EXISTING 20 FOOT WIDE EASEMENT FOR PUBLIC WATER MAIN TO BE TERMINATED WHOSE CENTERLINE IS DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF PROPOSED REVISED UNIT 2 OF "REGENCY CENTRE", OAKLAND COUNTY CONDOMINIUM SUBDIVISION PLAN #1360, BEING PART OF THE NORTHEAST 1/4 OF SECTION 24, T1N-R8E, CITY OF NOVI, OAKLAND COUNTY, MICHIGAN AS RECORDED IN L. 23384, P. 048, O.C.R. WITH FIFTH AMENDMENT TO THE MASTER DEED RECORDED IN L. 47360, P. 588, O.C.R.; THENCE N.89°06'19"E. 371.50 FEET; THENCE N.45°58'18"E. 18.92 FEET; THENCE N.00°16'51"W. 36.28 FEET TO THE POINT OF BEGINNING OF SAID WATER MAIN EASEMENT TERMINATION; THENCE N.00°16'51"W. 269.74 FEET TO A POINT "A"; THENCE CONTINUING N.00°16'51"W. 249.42 FEET TO A POINT "B"; THENCE CONTINUING N.00°16'51"W. 35.65 FEET TO THE POINT OF ENDING OF SAID WATER MAIN EASEMENT TERMINATION. ALSO BEGINNING AT POINT "A" AS DESCRIBED ABOVE; THENCE S.89°49'27"W. 68.45 FEET TO THE POINT OF ENDING OF SAID WATER MAIN EASEMENT TERMINATION. ALSO BEGINNING AT POINT "B" AS DESCRIBED ABOVE; THENCE N.89°42'49"E. 20.00 FEET TO THE POINT OF ENDING OF SAID WATER MAIN EASEMENT TERMINATION.

<p>PREPARED FOR:</p> <p>BC CONSTRUCTION GROUP 8700 N. SECOND ST., SUITE 201 BRIGHTON, MICHIGAN 48116 PHONE: 810/986-9757</p>	<p>JOB NO.</p> <p>1411</p>	<p>EASEMENT TERMINATION SKETCH</p>
	<p>SCALE</p>	 <p>ENVIRONMENTAL ENGINEERS, INC. 18620 WEST TEN MILE ROAD SOUTHFIELD, MICHIGAN 48075 PHONE: 248/424-9510</p>
	<p>DATE 06/02/15</p>	
	<p>REVISION</p>	
	<p>SHEET 2 OF 2</p>	