



**CITY OF NOVI CITY COUNCIL
DECEMBER 21, 2020**

SUBJECT: Acceptance of a sidewalk easement from Biotech Holding & Real Estate, LLC, for construction of a sidewalk along the west side of Meadowbrook Road between Gateway Village and Eleven Mile Road (parcel 50-22-23-226-033) in the amount of \$21,478.50.

SUBMITTING DEPARTMENT: Department of Public Works, Engineering Division

EXPENDITURE REQUIRED	\$ 21,478.50
AMOUNT BUDGETED	\$ 349,636.00
APPROPRIATION REQUIRED	\$ 0
LINE ITEM NUMBER	400-204.00-974.469

BACKGROUND INFORMATION: The City is obtaining sidewalk easements along the west side of Meadowbrook Road, between Gateway Village and 11 Mile Road, in order to construct an eight-foot concrete sidewalk as part of the Bishop Creek Streambank Stabilization and Segment 70 Sidewalk project. Construction of this segment will provide a continuous sidewalk connection on the west side of Meadowbrook Road from 8 Mile Road to 11 Mile Road. Construction of this segment is expected to occur in the summer of 2021.

Biotech Holding & Real Estate, LLC, the property owner of parcel 50-22-23-226-033, has accepted the City's good faith offer for the easement in the amount of \$21,478.50. The City Attorney reviewed the signed easement favorably (Beth Saarela, December 2, 2020).

RECOMMENDED ACTION: Acceptance of a sidewalk easement from Biotech Holding & Real Estate, LLC, for construction of a sidewalk along the west side of Meadowbrook Road between Gateway Village and Eleven Mile Road (parcel 50-22-23-226-033) in the amount of \$21,478.50.

25775 Meadowbrook Road Sidewalk Easement Location Map

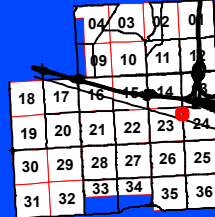


Map Author: Rebecca Runkel
Date: 8/19/20
Project: Bishop Creek Streambank and Sidewalk
Version #: 1.0

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 152 of 1970 as amended. Please contact the City GIS Manager to confirm source and accuracy information related to this map.

 Easement Area



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



1 inch = 73 feet



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ROSATI | SCHULTZ
JOPPICH | AMTSBUECHLER

December 2, 2020

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

**RE: *Bishop Creek Streambank Stabilization – 25775 Meadowbrook Road*
Sidewalk Easement**

Dear Mr. Herczeg:

We have received and reviewed the Sidewalk Easement for the 25775 Meadowbrook Road in connection with the Bishop Creek Streambank Stabilization Project. The Sidewalk Easement provided is in the City's standard format and is consistent with the title search for the property.

The City provided the property owner a good faith offer for the easement in the amount of \$21,478.50 based on the value for the easement area demonstrated by assessing records. The Property Owner has agreed to accept just compensation in the amount of the estimated value. The City also filed a Complaint to acquire the Sidewalk Easement, which has now been dismissed since receiving the property owner's response accepting the good faith offer.

The 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 that the City's Engineering Division has the original Sidewalk Easement for recording.

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

Jeffrey Herczeg, Director of Public Works
City of Novi
December 2, 2020
Page 2

Very truly yours,

ROSATI SCHULTZ JOPPICH
& AMTSBUECHLER PC



Elizabeth Kudla Saarela

EKS

Enclosure

- C: Cortney Hanson, Clerk (w/Enclosure)
- Ben Croy, City Engineer (w/Enclosure)
- Rebecca Runkel, Staff Engineer (w/Enclosure)
- Thomas R. Schultz, Esquire (w/Enclosure)

SIDEWALK EASEMENT

NOW ALL MEN BY THESE PRESENTS, that Biotech Holding & Real Estate, LLC, a Michigan limited liability company, whose address is 18993 FLORISSANT DR, NORTHVILLE, MI, for and in consideration of Twenty-One Thousand Four Hundred and Seventy-Eight and 50/100 (\$21,478.50) 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 16, T.1N., R.8E., City of Novi, Oakland County, State of Michigan, more particularly described as follows:

Parcel No. 50-22-23-226-033

{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 sidewalk in the easement area as shown in the attached and incorporated Exhibit A.

Construction activities required for the construction of an 8-foot wide non-motorized pathway, may also include, but is not limited to the removal of trees in accordance with the approved plans.

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.

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.

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

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

Dated this 24 day of November, 2020.

Signed by:

Biotech Holding & Real Estate, LLC, a Michigan limited liability company

By: Giovanni K. Kholish
Its: PARTNER

STATE OF MICHIGAN)
) SS
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this 24 day of November, 2020, by Giovanni K. Kholish the PARTNER of Biotech Holding & Real Estate, LLC, a Michigan limited liability company, on its behalf.

[Signature]
Notary Public
Oakland County, Michigan
My Commission Expires:

Drafted by:

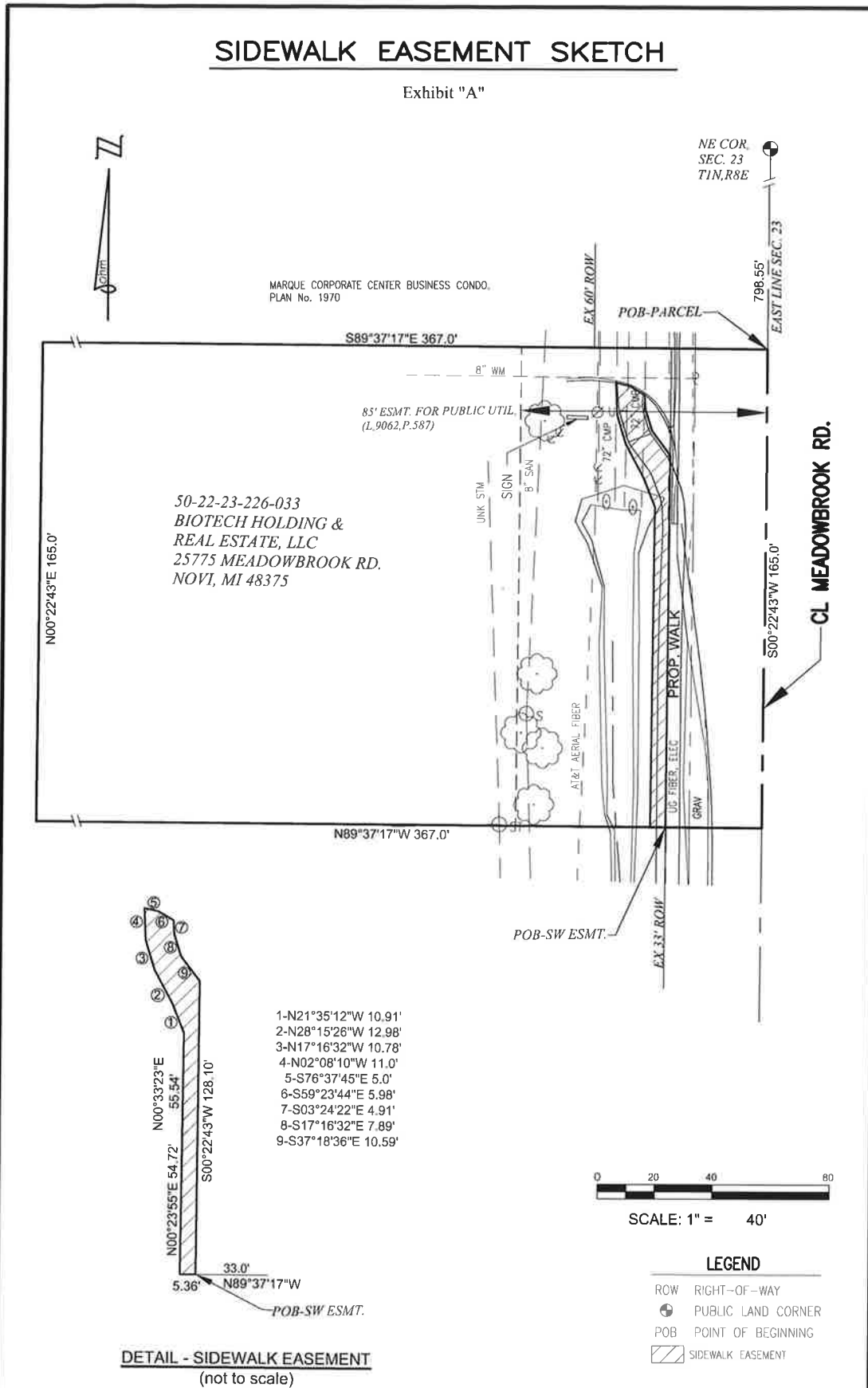
Benjamin Croy, PE
City of Novi
45175 W Ten Mile Road
Novi, MI 48375

When recorded return to:
Cortney Hanson
City of Novi
City Clerk
45175 Ten Mile Road.
Novi, MI 48375



SIDEWALK EASEMENT SKETCH

Exhibit "A"



DETAIL - SIDEWALK EASEMENT
(not to scale)

SIDEWALK EASEMENT		SCALE 1" = 40' SHEET 3 OF 4	
PART OF THE NE 1/4 OF SECTION 23 T.1N., R.8E., CITY OF NOVI, OAKLAND COUNTY PARCEL ID/ 50-22-23-226-033			
DATE: 08-14-19	CLIENT: CITY OF NOVI	JOB#: 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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SIDEWALK EASEMENT DESCRIPTION

Exhibit "A"

PARCEL DESCRIPTION (50-22-23-226-033)

Parcel of land situated in the NE 1/4 of Section 23, Town 1 North, Range 8 East, City of Novi, Oakland County, Michigan, more particularly described as follows:

Beginning at a point on the East line of said Section 23, also being the centerline of Meadowbrook Road, distant S 00°22'43" W 798.55 feet from the NE corner of said Section 23, and proceeding thence along the East line of said Section 23, also being the centerline of Meadowbrook Road, S 00°22'43" W 165.0 feet; thence N 89°37'17" W 367.0 feet; thence N 00°22'43" E 165.0 feet; thence S 89°37'17" E 367.0 feet to the Point of Beginning.
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 23, Town 1 North, Range 8 East, City of Novi, Oakland County, Michigan, more particularly described as follows:

Commencing at the NE 1/4 corner of said Section 23; thence S 00°22'43" W 798.55 feet along the East line of said Section 23 and the centerline of Meadowbrook Road to a point; thence continuing S 00°22'43" W 165.0 feet; thence N 89°37'17" W 33.0 feet along the South line of said parent parcel to a point on the West right of way line of Meadowbrook Road, also being the Point of Beginning; thence; thence N 89°37'17" W 5.36 feet along the South line of said parent parcel; thence N 00°23'55" E 54.72 feet; thence N 00°33'23" E 55.54 feet; thence N 21°35'12" W 10.91 feet; thence N 28°15'26" W 12.98 feet; thence N 17°16'32" W 10.78 feet; thence N 02°08'10" W 11.0 feet; thence S 76°37'45" E 5.0 feet; thence S 59°23'44" E 5.98 feet; thence S 03°24'22" E 4.91 feet; thence S 17°16'32" E 7.89 feet; thence S 37°18'36" E 10.59 feet; thence S 00°22'43" W 128.10 feet along the West right of way line of Meadowbrook Road to the Point of Beginning.

Contains 999 square feet or 0.023 acres of land, more or less. Subject to all easements and restrictions of record, if any.

SIDEWALK EASEMENT		SCALE
PART OF THE NE 1/4 OF SECTION 23		HC 17402
T.1N., R.8E., CITY OF NOVI, OAKLAND COUNTY		SHEET
PARCEL ID# 50-22-23-226-033		4
		OF 4
DATE: 08-14-19	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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