



CITY OF NOVI CITY COUNCIL
MARCH 24, 2025

SUBJECT: Consideration to approve a Resolution to vacate a portion of Gen Mar Drive north of Ten Mile Road and west of Novi Road, and consideration to approve the Act 51 Resolution to decertify/vacate a portion of Gen Mar Drive, removing 0.292 miles of roadway from the City's public street system.

SUBMITTING DEPARTMENT: Department of Public Works, Engineering Division

KEY HIGHLIGHTS:

- A dead end was created following construction of the bridge over the railroad.
- The City would like to exclude this segment of Gen Mar Drive from future maintenance.
- Conveying this ROW to the adjoining parcel to the north would maintain appropriate access for that parcel.
- An Act 51 resolution is required to remove this portion of the street from the City's public street system and for purposes of Act 51 funding.

BACKGROUND INFORMATION:

Scores Livonia LLC has requested that the City vacate and convey that portion of Gen Mar Drive that is south of its Parcel 22-22-276-003 (north of the bridge on Novi Road crossing the CSX railroad). The 2012 construction of the Novi Road bridge over the railroad created a dead-end on Gen Mar, which was then rerouted further south on Novi Road. The subject portion of Gen Mar Drive is not necessary for the purpose of providing access to any other parcel on Gen Mar Drive. Parcel 22-22-276-017, which is on the south side of the area proposed for vacation, has access to its parcel from its west and south sides along the remaining portion of Gen Mar Drive.

DPW sees no public benefit to continuing to maintain that portion of Gen Mar Drive south of 22-22-276-003. The City will retain a utility easement over the vacated ROW as shown in the attached Resolution for the City's water main and other public utilities. Since the public street was not designed as a part of a plat, but was conveyed to the City by a deed, the vacated land does not automatically go to the adjacent property owner.

Additionally, the enclosed Act 51 resolution satisfies the Michigan Department of Transportation requirement for removing 0.292 miles of roadway from Act 51 funding. The City Council has been asked to consider the draft resolutions to vacate the above-described portion of Gen Mar Drive.

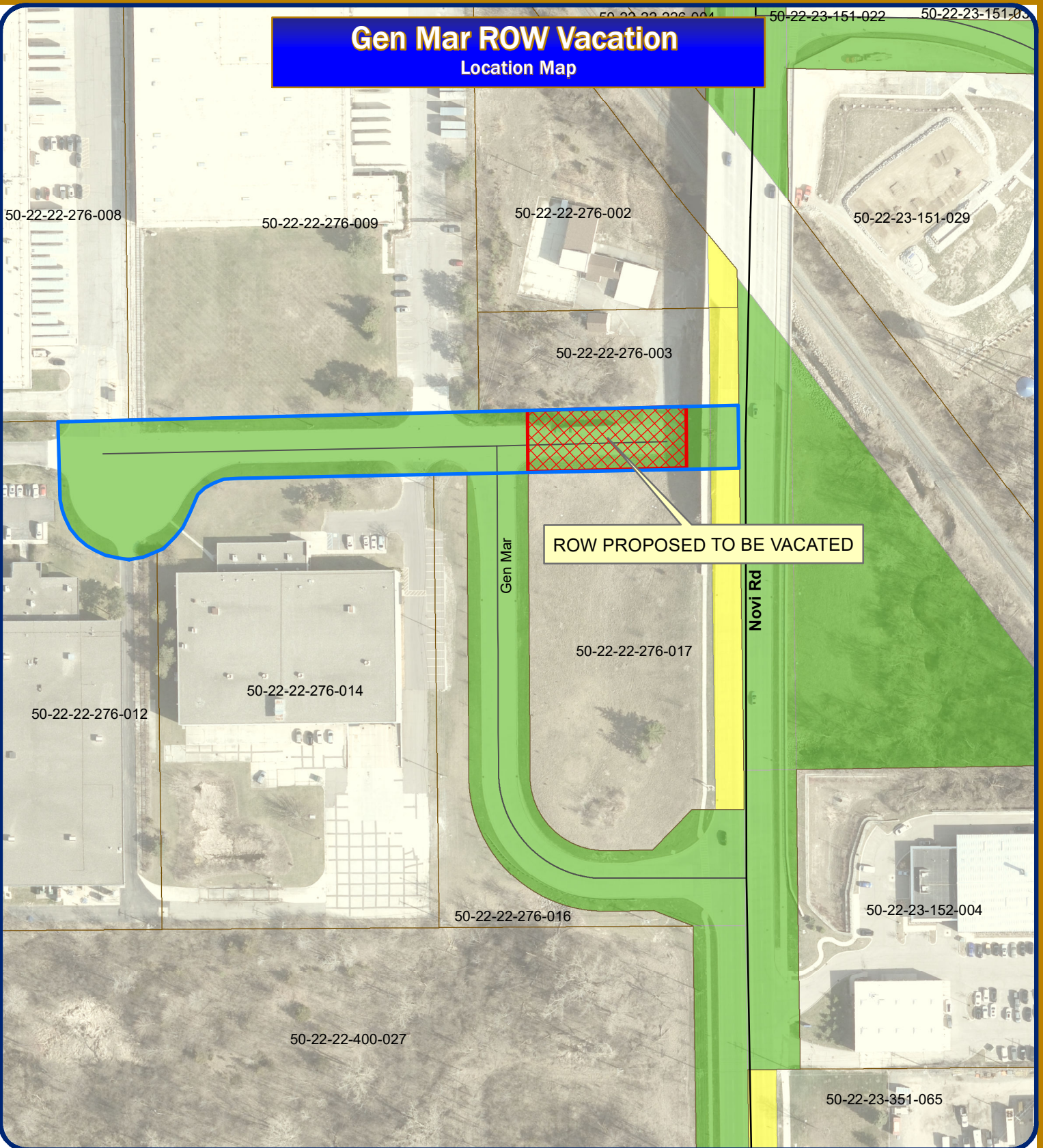
Procedure for Street Vacation

Section 7.6 of the City Code provides the procedure for vacating public streets:

- (a) Action to Vacate Public Places. Action to vacate, discontinue or abolish any highway, street land, alley or other public place, or part thereof, shall be by resolution. After the introduction of such a resolution and before its final adoption, the Council shall hold a public hearing thereon and shall publish notice of such hearing at least one week prior thereto.

RECOMMENDED ACTION: Approval of a Resolution to vacate a portion of Gen Mar Drive north of Ten Mile Road and west of Novi Road, and approval of the Act 51 decertification/vacation of a portion of Gen Mar Drive, removing 0.292 miles of roadway from the City's public street system.

Gen Mar ROW Vacation Location Map



Map Author: Croy
Date: Jan 2025
Project: Gen Mar ROW
Version #: v1.4

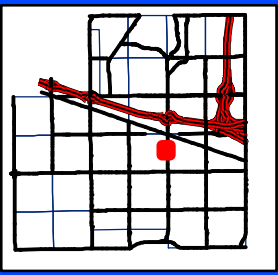
MAP INTERPRETATION NOTICE

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

- Dedicated
- Prescriptive
- Private



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



1 inch = 150 feet



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ROSATI | SCHULTZ
JOPPICH | AMTSBUECHLER

March 14, 2025

Ben Croy, City Engineer
City of Novi
Department of Public Works
Field Services Complex
26300 Lee BeGole Drive
Novi, MI 48375

Re: Gen Mar Drive Vacation

Dear Mr. Croy:

Attached please find the following documents required to vacate a portion of Gen Mar Drive:

1. Resolution Vacating a Portion of a Public Street Known as Gen-Mar Drive in the City of Novi
2. Resolution for Decertification/Vacation of Right-of-Way
3. Quit Claim Deed

Procedure to Vacate Public Right-of-Way

The property owner to the north of the portion of Gen Mar Drive that is the subject of the attached Resolutions has requested that the City vacate and convey that portion of Gen Mar Drive that is south of its Parcel 22-22-276-003. The City's Engineering Division has confirmed that portion of Gen Mar Drive is not necessary for the purpose of providing access to any other parcel on Gen Mar Drive.

Section 7.6 of the Charter sets forth the required process for vacation of a street or alley:

(a) Action to Vacate Public Places. Action to vacate, discontinue or abolish any highway, street, lane, alley, or other public place, or part thereof, shall be by resolution. After the introduction of such resolution and before its final adoption, the Council shall hold a public hearing thereon and shall publish notice of such hearing at least one week prior thereto.

(b) Action Requiring Affirmative Vote of Five (5) Members of Council. The following action shall require the affirmative vote of five members of the Council for the effectiveness thereof:

(1) Vacating, discontinuing or abolishing any highway, street, lane, alley or other public place or part thereof:

If City Council decides to vacate the right-of-way after holding a public hearing, the Resolution Vacating a Portion of a Public Street Known as Gen-Mar Drive in the City of Novi should be signed and recorded with the Oakland County Register of Deeds. The Resolution for Decertification/Vacation of Right-of-Way should be filed with MDOT. Once vacated, the City may quit claim the vacated right-of-way to the applicant, subject to the retained utility easement described in the attached Quit Claim Deed and Resolution. The Quit Claim Deed may also be recorded with the Register of Deeds in the usual manner.

If you have any questions regarding the above, please do not hesitate to contact me.

Very truly yours,

ROSATI SCHULTZ JOPPICH
& AMTSBUECHLER PC



Elizabeth Kudla Saarela

Enclosure

C: Cortney Hanson, Clerk (w/Enclosure)
Jeffrey Herczeg, Director of Public Works (w/Enclosure)
Rebecca Runkel, Project Engineer (w/Enclosure)
Thomas R. Schultz, Esquire (w/Enclosure)

QUIT CLAIM DEED

KNOW ALL PERSONS that, for \$1.00, the City of Novi, a Michigan Municipal Corporation, whose address is 45175 Ten Mile Road, Novi Michigan, 48375, ("Grantor"), Quit Claim(s) to Scores Livonia LLC, a Michigan limited liability company, whose address is 22643 Foxmoor Dr., Novi, MI 48374, the following described premises situated in the City of Novi, County of Oakland, State of Michigan, to-wit:

LEGAL DESCRIPTION, ATTACHED AS "EXHIBIT A," INCORPORATED BY REFERENCE HEREIN

Reserving a Utility Easement, described as:

Commencing at a point distant N0°23'56"E 523.76 feet from the E ¼ corner of Section 22, T.1N., R.8E., City of Novi, Oakland County, Michigan, thence S89°56'53"W 60.00 feet to the west right of way line for Novi Road to the point of beginning, thence S89°56'53"W 181.86 feet along the north line of parcel 22-22-276-017, thence N0°45'22"E 70.00 feet to the south line of parcel 22-22-276-003, thence N89°56'56"E 181.42 feet along the south line of parcel 22-22-276-003 to the west right of way line for Novi Road, thence S0°23'56"W 70.00 feet along the west right of way line for Novi Road to the point of beginning and containing 0.292 acres of land more or less.

Grantor reserves a nonexclusive perpetual easement for public utilities, to install, repair, replace, improve, modify and maintain the public utility, and all necessary appurtenances thereto, within the easement herein granted over, upon, across, in, through, and under the above described real property and to enter upon sufficient land adjacent to said public utility easement for the purpose of exercising the rights and privileges granted herein.

Grantor agrees not to build or to convey to others permission to build any permanent structures on, over, across, in, through, or under the above-described easement, except that, subject to Grantee's approval as part of an approved site plan, the Grantor may construct and/or install surface improvements to the property, including paved driveways, parking and/or walkways; landscaping; utilities and/or similar improvements, which improvements do not interfere with use, operation, maintenance, repair and replacement of the all utilities in the easement area described above.

If this parcel is unplatted, the following applies: The grantor grants to the grantee the right to make 0 divisions under section 108 of the land division act, Act No. 288 of the Public Acts of 1967, as amended. This property may be located within the vicinity of farmland or a farm operation. Generally accepted agricultural and management practices which may generate noise, dust, odors and other associated conditions may be used and are protected by the Michigan right to farm act.

Exempt from county and state taxation pursuant to MCL 207.505(a) and MCL 207.526(a).

WHEREFORE, upon approval by the City of Novi, City Council, the undersigned Grantor hereby creates, confirms, and conveys the Quit Claim Deed described herein for the sum of \$1.00.

Dated this _____ day of _____ 2025.

GRANTOR:
THE CITY OF NOVI, a Michigan municipal corporation

Justin Fischer, Mayor

Cortney Hanson, Clerk

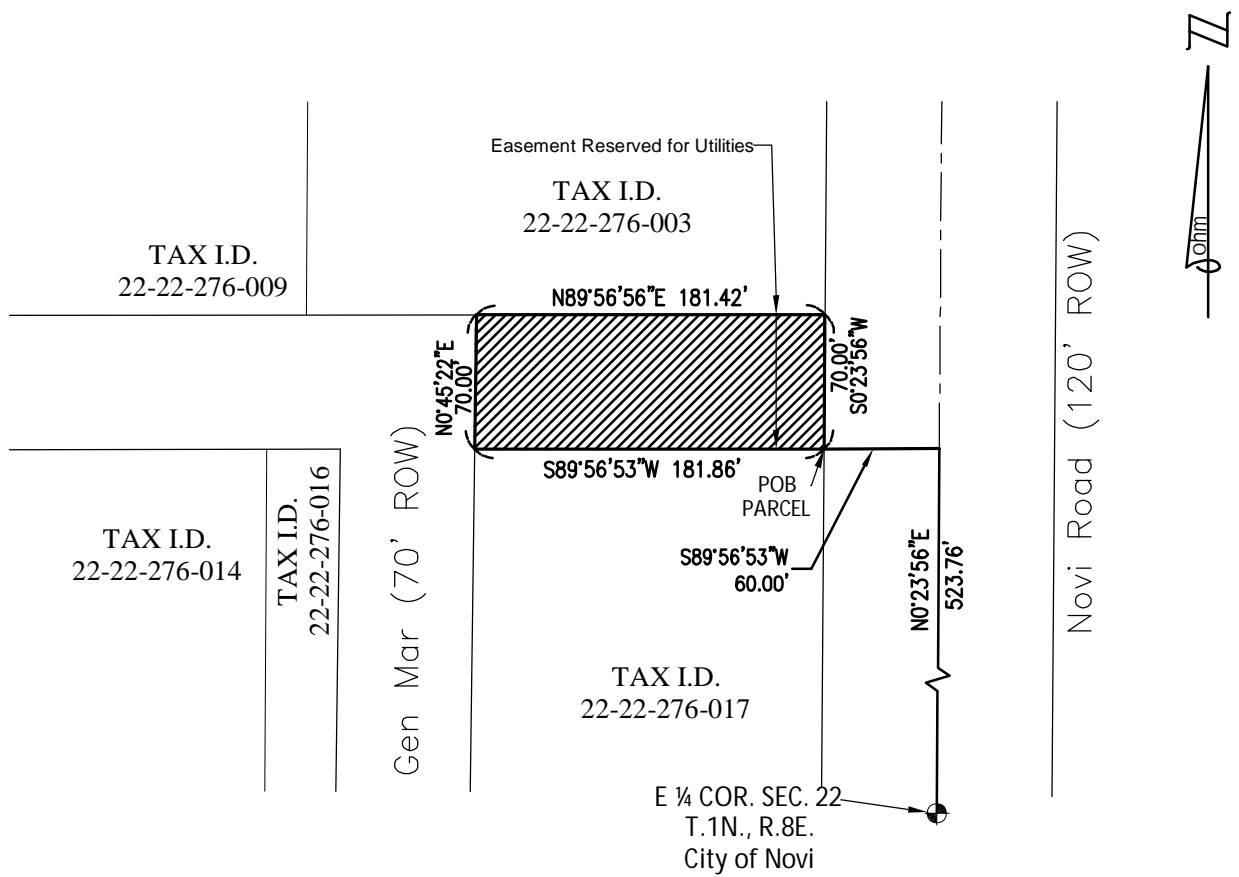
COUNTY OF OAKLAND)
) ss.
STATE OF MICHIGAN)

On this _____ day of _____ 2025, Justin Fischer, Mayor, and Cortney Hanson, Clerk, executed the foregoing document before me and, being duly sworn, on behalf of the City of Novi with its full authority and as its free act and deed.

Notary Public
Acting in Oakland County, Michigan
My commission expires: _____

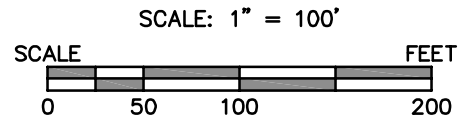
EXHIBIT A

EXHIBIT A SKETCH AND DESCRIPTION



LEGEND

ROW	RIGHT-OF-WAY
POB	POINT OF BEGINNING
Utility Easement	



PARCEL DESCRIPTION:

A parcel of land, being a part of the NE ¼ of Section 22, T.1N., R.8E., City of Novi, Oakland County, Michigan, being described as follows:

Commencing at a point distant N0°23'56"E 523.76 feet from the E ¼ corner of Section 22, T.1N., R.8E., City of Novi, Oakland County, Michigan, thence S89°56'53"W 60.00 feet to the west right of way line for Novi Road to the point of beginning, thence S89°56'53"W 181.86 feet along the north line of parcel 22-22-276-017, thence N0°45'22"E 70.00 feet to the south line of parcel 22-22-276-003, thence N89°56'56"E 181.42 feet along the south line of parcel 22-22-276-003 to the west right of way line for Novi Road, thence S0°23'56"W 70.00 feet along the west right of way line for Novi Road to the point of beginning and containing 0.292 acres of land more or less.

UTILITY EASEMENT DESCRIPTION:

The entire parcel described above is subject to a utility easement containing 0.292 acres of land more or less.

SKETCH AND DESCRIPTION		SCALE H: 1"=100'
A PARCEL OF LAND SITUATED IN THE NE 1/4 OF SECTION 22 T.1N., R.8E., NOVI TOWNSHIP, OAKLAND COUNTY, MICHIGAN		SHEET 1 OF 1
DATE: 02-06-2025	CLIENT: CITY OF NOVI	JOB # 0163-24-0011
34000 Plymouth Road Livonia, MI 48150 P (734) 522-6711 F (734) 522-6427 WWW.OHM-ADVISORS.COM		
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CITY OF NOVI

OAKLAND COUNTY, MICHIGAN

RESOLUTION VACATING A PORTION OF A PUBLIC STREET
KNOWN AS GEN-MAR DRIVE
IN THE CITY OF NOVI

At a meeting of the City Council of the City of Novi, Oakland County, Michigan, held on March __, 2025, at the City Hall, 45175 Ten Mile Road, Novi, Michigan 48375.

WHEREAS, the Novi City Council held a public hearing on _____, 2025, to consider and hear objections to the proposed vacation of a portion of a public road known as Gen-Mar Drive with the City of Novi, County of Oakland, State of Michigan, and legally described as:

A parcel of land, being a part of the NE 1/4 of Section 22, T.1N., R.8E., City of Novi, Oakland County, Michigan, being described as follows:

Commencing at a point distant NO°23'56"E 523.76 feet from the EIA corner of Section 22, T.1N., R.8E., City of Novi, Oakland County, Michigan, thence S89°56'53"W 60.00 feet to the west right of way line for Novi Road to the point of beginning, thence S89°56'53"W 181.86 feet along the north line of parcel 22-22-276-017, thence NO°45'22"E 70.00 feet to the south line of parcel 22-22-276-003, thence N89°56'56"E 181.42 feet along the south line of parcel 22-22-276-003 to the west right of way line for Novi Road, thence S0°23'56"W 70.00 feet along the west right of way line for Novi Road to the point of beginning and containing 0.292 acres of land more or less.

WHEREAS, the portion of Gen-Mar Drive is not within a platted subdivision, but is owned by the City in fee simple title, and the City Council has the jurisdiction and authority to vacate such portion of road; and

WHEREAS, the Novi City Council is satisfied that the described portion of such road may be vacated without any adverse effects on the public health, safety, and/or welfare, subject to the reservation of an easement under the vacated road for utilities;

NOW, THEREFORE, IT IS HEREBY RESOLVED by the Novi City Council that:

1. The portion of that certain road known as Gen-Mar Drive located in the City of Novi, County of Oakland, State of Michigan, and legally described as follows:

Commencing at a point distant N0°23'56"E 523.76 feet from the E ¼ corner of Section 22, T.1N., R.8E., City of Novi, Oakland County, Michigan, thence S89°56'53"W 60.00 feet to the west right of way line for Novi Road to the point of beginning, thence S89°56'53"W 181.86 feet along the north line of parcel 22-22-276-017, thence N0°45'22"E 70.00 feet to the south line of parcel 22-22-276-003, thence N89°56'56"E 181.42 feet along the south line of parcel 22-22-276-003 to the west right of way line for Novi Road, thence S0°23'56"W 70.00 feet along the west right of way line for Novi Road to the point of beginning and containing 0.292 acres of land more or less.

shall be and hereby is vacated.

2. The City hereby reserved the following Utility Easement:

Commencing at a point distant N0°23'56"E 523.76 feet from the E ¼ corner of Section 22, T.1N., R.8E., City of Novi, Oakland County, Michigan, thence S89°56'53"W 60.00 feet to the west right of way line for Novi Road to the point of beginning, thence S89°56'53"W 181.86 feet along the north line of parcel 22-22-276-017, thence N0°45'22"E 70.00 feet to the south line of parcel 22-22-276-003, thence N89°56'56"E 181.42 feet along the south line of parcel 22-22-276-003 to the west right of way line for Novi Road, thence S0°23'56"W 70.00 feet along the west right of way line for Novi Road to the point of beginning and containing 0.292 acres of land more or less.

A nonexclusive perpetual easement for public utilities, to install, repair, replace, improve, modify and maintain the public utility, and all necessary appurtenances thereto, within the easement herein granted. over, upon, across, in, through, and under the above described real property and to enter upon sufficient land adjacent to said public utility easement for the purpose of exercising the rights and privileges granted herein.

3. The City Clerk shall record a certified copy of this Resolution with the Oakland County Register of Deeds, and shall file a copy of this Resolution with the office of the Michigan State Treasurer.

4. The vacation shall be effective on the date this Resolution is recorded with the Oakland County Register of Deeds, and upon the vacation of the portion of such road becoming effective, the portion of such road shall be removed from the street plan map and any other official maps or street plans for the City of Novi.

STATE OF MICHIGAN)

COUNTY OF OAKLAND)
)ss.

I, CORTNEY HANSON, the duly-qualified Clerk of the City of Novi, Oakland County, Michigan, do hereby certify that the foregoing is an a true and complete copy of a Resolution adopted by the City Council of the City of Novi with at least five (5) affirmative votes, at a duly-called meeting held on _____, 2025, a copy of which is on file in my office.

CORTNEY HANSON
Clerk, City of Novi

This Resolution was signed and acknowledged before me on _____, 2025 by CORTNEY HANSON, the duly-authorized Clerk for the City of Novi, a Michigan municipal corporation.

Notary Public, Oakland County, Michigan
My Commission Expires:_____

Recording Fee: \$____.00

Not Subject to Transfer Taxes: MCL 207.502 and MCL 207.523

PREPARED BY
THOMAS R. SCHULTZ (P42111)
ROSATI, SCHULTZ, JOPPICH
& AMTSBUECHLER
27555 EXECUTIVE DRIVE
STE 250
FARMINGTON HILLS, MI 48331

UPON RECORDING RETURN TO:
CORTNEY HANSON, CITY CLERK
45175 Ten Mile
Novi, MI 48375

CITY OF NOVI
COUNTY OF OAKLAND, MICHIGAN

RESOLUTION

DECERTIFICATION/VACATION OF RIGHT-OF-WAY

A portion of Gen Mar Drive

Minutes of a Meeting of the City Council of the City of Novi, County of Oakland, Michigan, held in the City Hall of said City on March 24, 2025, at 7:00 o'clock P.M. Prevailing Eastern Time.

PRESENT: Councilmembers _____

ABSENT: Councilmembers _____

The following preamble and Resolution were offered by Councilmember _____ and supported by Councilmember _____.

WHEREAS; the City's Act 51 Program Manager is requesting formal decertification/vacate a portion of Gen Mar Drive and,

WHEREAS; that a total decertification/vacation length of .03 miles of roadway shall be removed from the City's public street system, in the location set forth in the attached Exhibit A.

NOW THEREFORE, IT IS THEREFORE RESOLVED that the Mayor and Novi City Council hereby decertify/vacate a portion of right-of-way on Gen Mar Drive and direct such to be removed from the City's public street system.

AYES:

NAYS:

RESOLUTION DECLARED ADOPTED.

Cortney Hanson, City Clerk

CERTIFICATION

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Council of the City of Novi, County of Oakland, and State of Michigan, at a regular meeting held this 24th day of March, 2025 and that public notice of said meeting was given pursuant to and in full compliance with Act No. 267, Public Acts of Michigan, 1976, and that the minutes of said meeting have been kept and made available to the public as required by said Act.

Cortney Hanson, City Clerk
City of Novi