



**CITY of NOVI CITY COUNCIL**

**Agenda Item G  
March 10, 2014**

**SUBJECT:** Acceptance of a pathway easement as a donation from Columbus Corporate Office Centre, LLC for the property located at 39450 12 Mile Road for a pathway that was relocated by the Consumers Energy Vault Construction project (parcel 22-12-400-018).

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

**CITY MANAGER APPROVAL:** *[Signature]*

**BACKGROUND INFORMATION:**

Consumers Energy was issued a City right-of-way permit in 2013 to reconstruct a natural gas utility valve vault in the right-of-way at the northwest corner of 12 Mile Road and Haggerty Road adjacent to the Columbus Corporate Office Centre. Consumers Energy also made improvements to the storm drainage in the area to better protect the new vault from surface water runoff. The improvements necessitated the relocation of a small segment of the existing pathway that was previously located inside the existing right-of-way onto the adjacent property by Consumers Energy. Consumers Energy worked with the property owner to provide the attached pathway easement for continued public use of the sidewalk as contemplated on the approved site plan for the Columbus Corporate Office Center.

The attached pathway easement granted by the property owner, Columbus Corporate Center, LLC, has been reviewed by staff and the City Attorney and is recommended for acceptance (see attached letter from Beth Saarela dated July 3, 2013).

**RECOMMENDED ACTION:** Acceptance of a pathway easement as a donation from Columbus Corporate Office Centre, LLC for the property located at 39450 12 Mile Road for a pathway that was relocated by the Consumers Energy Vault Construction project (parcel 22-12-400-018).

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

	1	2	Y	N
Council Member Markham				
Council Member Nutch				
Council Member Wrobel				

# Pathway Easement Location Map



Map Author: Brian Coburn  
 Date: 2/28/14  
 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.

**Map Legend**

**Right of Way**

- Dedicated
- Prescriptive
- Private

**City of Novi**

Engineering Division  
 Department of Public Services  
 26300 Lee BeGole Drive  
 Novi, MI 48375  
[cityofnovi.org](http://cityofnovi.org)

Feet

0 25 50 100 150

1 inch = 141 feet



JOHNSON ROSATI SCHULTZ JOPPICH PC

34405 W. Twelve Mile Road, Suite 200 ~ Farmington Hills, Michigan 48331-5627  
Phone: 248.489.4100 | Fax: 248.489.1726

Elizabeth Kudla Saarela  
esaarela@jrsjlaw.com

www.johnsonrosati.com

July 3, 2013

Rob Hayes, Public Services Director  
CITY OF NOVI  
Department of Public Services  
Field Services Complex  
26300 Lee BeGole Drive  
Novi, MI 48375

**Re: Consumers Energy – 12 Mile & Haggerty Vault Replacement  
Pathway Easement**

Dear Mr. Hayes:

We have received and reviewed, and enclosed please find, the Pathway Easement required with respect to the Consumer's Energy 12 Mile and Haggerty Vault Replacement Project. All issues set forth within our May 9, 2013 and May 31, 2013 review reports have been satisfactorily addressed.

Subject to approval of the legal description by the City's Consulting Engineer, the Pathway Easement may be placed on an upcoming City Council for acceptance. Once accepted, the Pathway Easement should be recorded with Oakland County Records in the usual manner.

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/ Enclosures)

Rob Hayes, Public Services Director

July 3, 2013

Page 2

Charles Boulard, Community Development Director (w/Enclosures)  
Barb McBeth, Deputy Community Development Director (w/Enclosures)  
Aaron Staup, Construction Engineering Coordinator (w/Enclosures)  
Matthew Preisz, Construction Technician (w/Enclosures)  
Sarah Marchioni, Building Permit Coordinator (w/Enclosures)  
Brittany Allen and Ted Meadows, Spalding DeDecker (w/Enclosures)  
Sue Troutman, City Clerk's Office (w/Enclosures)  
Sean Anderson, Consumers Energy (w/Enclosures)  
Thomas R. Schultz, Esquire (w/Enclosures)



### PATHWAY EASEMENT

NOW ALL MEN BY THESE PRESENTS, that Columbus Corporate Office Centre, LLC, a Michigan Limited Liability Company; By: FG 38 Corporation, a Michigan Corporation, as Manager, whose address is 39000 Country Club Drive, Farmington, MI 48331 for and in consideration of One (\$1.00) 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 12, T1N, R8E, City of Novi, Oakland County, State of Michigan, more particularly described as follows:

Part of the Southeast 1/4 of Section 12, T1N, R8E, described as: Beginning at the Southeast section corner; thence North 89°54'00" West 716.42 feet; thence North 00°08'00" East 709.50 feet; thence South 89°54'00" East 715.08 feet; thence South 709.50 feet to the beginning. Except therefrom: Beginning at the Southeast section corner; thence North 358 feet; thence West 43 feet; thence South 285 feet; thence South 44°57'30" West 42.46 feet; thence South 89°55'00" West 261.06 feet; thence South 00°05'00" East 43 feet; thence North 89°55'00" East 334 feet to the beginning. Also except: Beginning at a point distant South 86°55'36" West 334 feet from the Southeast section corner; thence South 86°55'36" West 382.42 feet; thence North 03°02'24" West 79.37 feet; thence North 86°04'18" East 557.29 feet; thence North 40°59'30" East 142.08 feet; thence North 03°10'24" West 519.73 feet; thence North 86°55'36" East 61.25 feet; thence South 03°10'24" East 351.72 feet; thence South 86°55'36" West 41.86 feet; thence South 02°59'24" East 284.79 feet; thence South 41°58'06" West 42.46 feet; thence South 86°55'36" West 262.31 feet; thence South 03°04'24" East 43 feet to the place of beginning.

Parcel No. 50-22-12-400-018

The permanent easement for the public walkway is more particularly described as follows:

An area of land located in the Southeast ¼ of Section 12, Township 1 North, Range 8 East, City of Novi, Oakland County, State of Michigan, being more particularly described as:

Commencing at the Southeast Corner of said Section 12, thence South 86° 55' 13" West along the South line of said Section, 142.03 feet; thence North 03° 04' 47" West, perpendicular to said South line, 105.37 feet to the POINT of BEGINNING; thence North 53° 26' 26" West 3.90 feet; thence 77.00 feet along a curve to the right, said curve having a delta angle of 18° 39' 14", a radius of 236.51 feet, and a chord length of 76.66 feet bearing North 41° 06' 32" East; thence South 44° 19' 42" East 3.74 feet; thence South 40° 59' 30" West 76.06 feet to the POINT of BEGINNING. Containing 0.01 acres.

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

Construction activities required for the construction of a non-motorized pathway, consisting of a 6-foot wide concrete pathway.

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 pathway in the easement areas shown on the attached and incorporated Exhibit A.

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.

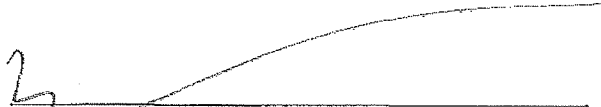
This easement shall allow public non-motorized traffic and shall permit maintenance, repair and replacement of the paving in the easement area.

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

Dated this 20th day of MAY, 2013.

**GRANTOR**

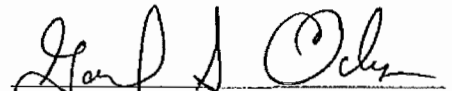
Columbus Corporate Office Centre, LLC, a  
Michigan Limited Liability Company  
By: FG 38 Corporation, a Michigan  
Corporation, as Manager

  
By: Matthew S. Sosin  
Its: Vice President

STATE OF MICHIGAN )  
 ) SS  
COUNTY OF OAKLAND )

The foregoing instrument was acknowledged before me this 20<sup>TH</sup> day of MAY, 2013 by Matthew S. Sosin, Vice President of FG 38 Corporation, a Michigan Corporation, as Manager, on behalf of Columbus Corporate Office Centre, LLC, a Michigan Limited Liability Company.

GALE S. OCHS  
NOTARY PUBLIC, STATE OF MI  
COUNTY OF WAYNE  
MY COMMISSION EXPIRES SEP 30, 2018  
ACTING IN COUNTY OF OAKLAND

  
Notary Public  
WAYNE County, Michigan  
Acting in OAKLAND County, MI  
My Commission Expires: 9/30/13

Drafted by:  
Debra Dennis 4/23/13  
Revised by: Debra Dennis 5/15/13  
Consumers Energy Company  
One Energy Plaza  
Jackson, Michigan 49201

When recorded return to:  
Maryanne Cornelius  
City of Novi  
City Clerk  
45175 W. Ten Mile Rd.  
Novi, MI 48375

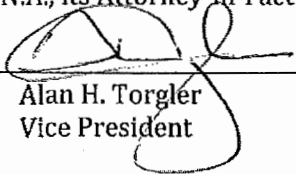
**CONSENT TO EASEMENT**

As the holder of a mortgage interest in and to the property referenced in the Pathway Easement, dated May 20, 2013 attached hereto and incorporated as Exhibit A, whereby Columbus Corporate Office Centre, LLC grants and conveys said easement to the City of Novi, the undersigned hereby evidences its consent to the grant, conveyance, existence and recordation of said easement, which easement is hereby acknowledged and agreed to be superior to the interest and of the undersigned and shall bind the undersigned and the heirs, successors and assigns of the undersigned.

IN WITNESS WHEREOF the undersigned has caused its signature to be placed on the 18<sup>th</sup> day of June, 2013.

WELLS FARGO BANK, N.A., AS TRUSTEE FOR THE REGISTERED HOLDERS OF J.P. MORGAN CHASE COMMERCIAL MORTGAGE SECURITIES TRUST 2007-CIBC20, COMMERCIAL MORTGAGE PASS-THROUGH CERTIFICATE, SERIES 2007-CIBC20

By: Midland Loan Services, a division of PNC Bank, N.A., its Attorney-in-Fact

By:   
Alan H. Torgler  
Vice President


STATE OF KANSAS            )  
  ) ss.  
COUNTY OF JOHNSON    )

On this 18<sup>th</sup> day of June, 2013, before me, a Notary Public in and for the State of Kansas, personally appeared Alan Torgler, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person who executed this instrument, on oath stated that he was authorized to execute the instrument, and acknowledged that he is the Vice President of Midland Loan Services, a division of PNC Bank, National Association, to be the free and voluntary act and deed of said company for the uses and purposes mentioned in the instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year first above written.

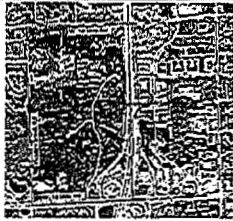
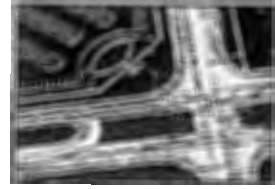
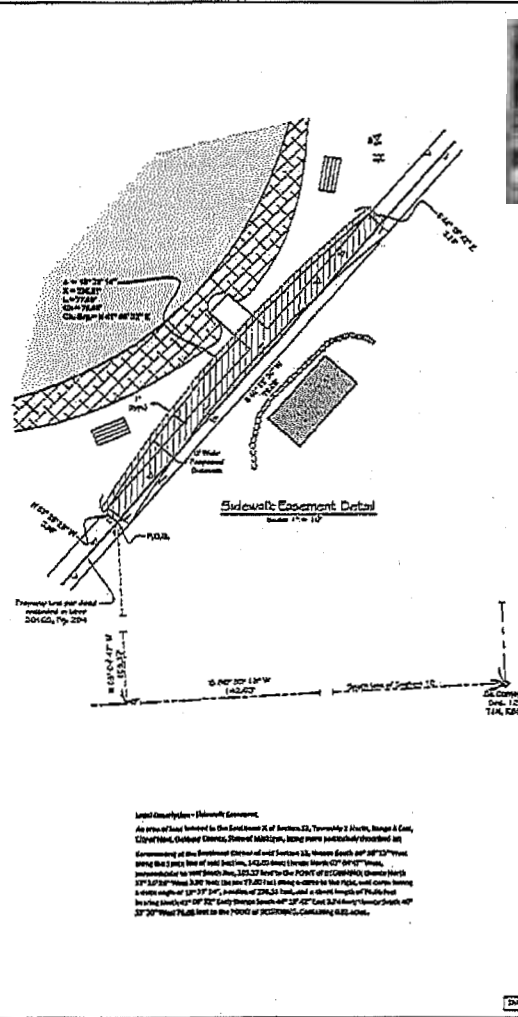
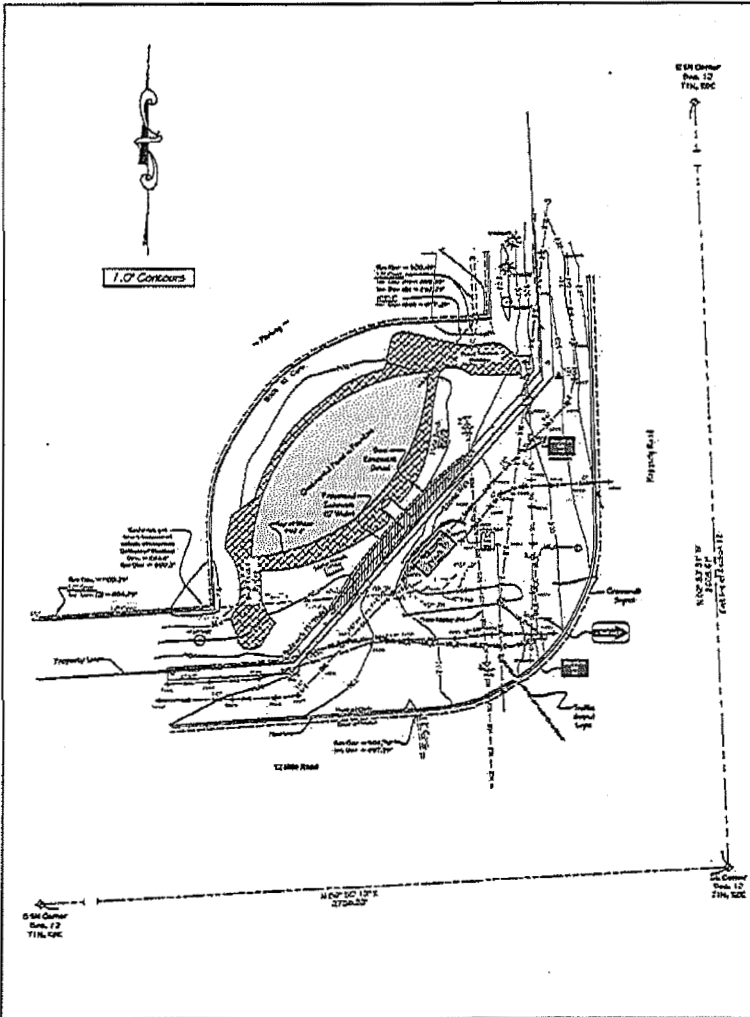
(seal)



  
\_\_\_\_\_  
(Print Name)  
Trishia L. Lake  
NOTARY PUBLIC in and for the State of Kansas.

My appointment expires: 8/14/2013





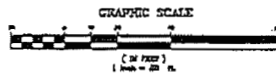
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**BASIS OF BEARING**  
 National Grid Plane Coordinate System  
 NAD 83 - NAD 83 1983  
 Referenced to the Local GRID

**BASIS OF ELEVATION**  
 NAVD 83 Datum Referenced  
 to the Local GRID

- LEGEND**
- - Station Center
  - △ - Survey Control Point
  - - Right-of-Way
  - ⊙ - Water Valve
  - ⊕ - Fire Hydrant
  - ⊞ - Power Pole
  - ⊟ - Manhole - Electric
  - - Catch Basin
  - ⊞ - Power Pole (as noted)
  - ⊕ - Fireman Catch Basin
  - ⊞ - Spot Elevation
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  - ⊞ - 738" Ch - (as noted)
  - ⊞ - 744" Ch - (as noted)
  - ⊞ - 750" Ch - (as noted)
  - ⊞ - 756" Ch - (as noted)
  - ⊞ - 762" Ch - (as noted)
  - ⊞ - 768" Ch - (as noted)
  - ⊞ - 774" Ch - (as noted)
  - ⊞ - 780" Ch - (as noted)
  - ⊞ - 786" Ch - (as noted)
  - ⊞ - 792" Ch - (as noted)
  - ⊞ - 798" Ch - (as noted)
  - ⊞ - 804" Ch - (as noted)
  - ⊞ - 810" Ch - (as noted)
  - ⊞ - 816" Ch - (as noted)
  - ⊞ - 822" Ch - (as noted)
  - ⊞ - 828" Ch - (as noted)
  - ⊞ - 834" Ch - (as noted)
  - ⊞ - 840" Ch - (as noted)
  - ⊞ - 846" Ch - (as noted)
  - ⊞ - 852" Ch - (as noted)
  - ⊞ - 858" Ch - (as noted)
  - ⊞ - 864" Ch - (as noted)
  - ⊞ - 870" Ch - (as noted)
  - ⊞ - 876" Ch - (as noted)
  - ⊞ - 882" Ch - (as noted)
  - ⊞ - 888" Ch - (as noted)
  - ⊞ - 894" Ch - (as noted)
  - ⊞ - 900" Ch - (as noted)
  - ⊞ - 906" Ch - (as noted)
  - ⊞ - 912" Ch - (as noted)
  - ⊞ - 918" Ch - (as noted)
  - ⊞ - 924" Ch - (as noted)
  - ⊞ - 930" Ch - (as noted)
  - ⊞ - 936" Ch - (as noted)
  - ⊞ - 942" Ch - (as noted)
  - ⊞ - 948" Ch - (as noted)
  - ⊞ - 954" Ch - (as noted)
  - ⊞ - 960" Ch - (as noted)
  - ⊞ - 966" Ch - (as noted)
  - ⊞ - 972" Ch - (as noted)
  - ⊞ - 978" Ch - (as noted)
  - ⊞ - 984" Ch - (as noted)
  - ⊞ - 990" Ch - (as noted)
  - ⊞ - 996" Ch - (as noted)
  - ⊞ - 1002" Ch - (as noted)

- Notes:**
- The 12" water pipe size is 12" (12" x 12" x 12") and is 12" (12" x 12" x 12") in diameter. The pipe has been set and placed in the ground as per the plan.
  - The 12" water pipe and 12" water pipe shall be installed with the 12" water pipe.
  - 12" water pipe may not be shown in the drawing. Please refer to the 12" water pipe drawing for details.



This drawing complies with the 12" water pipe.

12 Mile & Haggerty Valve Site



DATE: 11/16/2011	BY: J. H. HARRIS	SCALE: 1" = 200'	PROJECT: 3F-21006
CHECKED: 11/16/2011	BY: J. H. HARRIS	DATE: 11/16/2011	APP: J. H. HARRIS

NO.	DESCRIPTION	DATE	BY	APP.
1	Field Check P000	11/16/2011	J. H. HARRIS	J. H. HARRIS
2	NOTICE OF WORK	11/16/2011	J. H. HARRIS	J. H. HARRIS