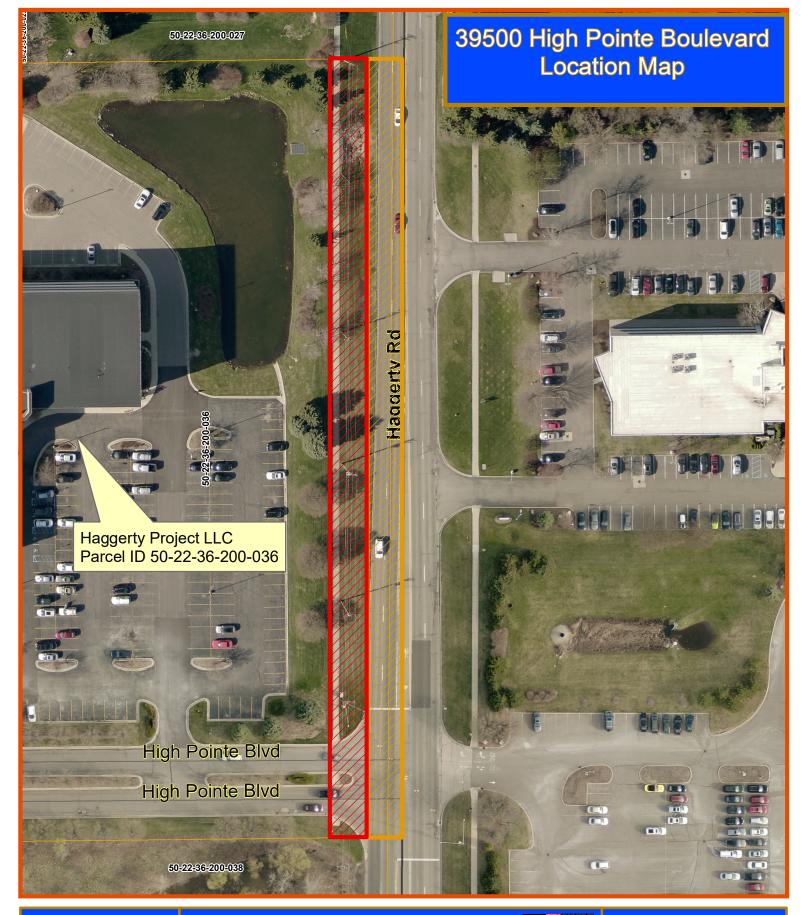
# CITY OF NOVI CITY COUNCIL JANUARY 7, 2020



**SUBJECT:** Approval of a Warranty Deed from 39500 High Pointe, LLC for the dedication of an additional 27 feet of right-of-way along the west side of Haggerty Road along the frontage of 39500 High Pointe Boulevard (parcel 50-22-36-200-036).

### **SUBMITTING DEPARTMENT:** Department of Public Works, Engineering Division

- **BACKGROUND INFORMATION:** The City is requesting the acceptance of a Warranty Deed conveying an additional 27 feet of right-of-way along the west side of Haggerty Road along the frontage of 39500 High Pointe Boulevard, from 39500 High Pointe, LLC. The right-of-way dedication will increase the right-of-way half-width from 33 feet to 60 feet, as described in the June 1998 approved site plan for 39500 High Pointe. The discrepancy in right-of-way was identified during the pursuit of a sidewalk easement for planned ADA upgrades to the property's sidewalk, which is part of the 2019 Pathways and ADA Improvements project.
- **RECOMMENDED ACTION:** Approval of a Warranty Deed from 39500 High Pointe, LLC for the dedication of an additional 27 feet of right-of-way along the west side of Haggerty Road along the frontage of 39500 High Pointe Boulevard (parcel 50-22-36-200-036).



Map Author: Rebecca Runkel Date:12-18-19 Project: 2019 Pathways Version #: 1.0

> MAP INTERPRETATION NOTICE p 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. Bound any measurements and area calculations are approximate and should not be construed as survey measurements performed by a locensid 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.



Existing Right-of-Way

Proposed Additional Right-of-Way







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ELIZABETH KUDLA SAARELA esaarela@rsjalaw.com

27555 Executive Drive, Suite 250 Farmington Hills, Michigan 48331 P 248.489.4100 | F 248.489.1726 www.rsjalaw.com



ROSATI | SCHULTZ JOPPICH | AMTSBUECHLER

December 18, 2019

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

## RE: 2019 Sidewalks and Pathways – 39500 High Pointe Boulevard

Dear Mr. Herczeg:

We have received and reviewed the enclosed Warranty Deed and Partial Discharge of Mortgage conveying the Haggerty Road right-of-way to the City for public use and maintenance. The proposed section of sidewalk to be constructed across Haggerty Road, is within the proposed dedicated right-of-way. We note that the entire right-of-way was proposed public when originally constructed in connection with the development of the property, but inspections and conveyance were not completed at that time as contemplated. As such, the dedication is being completed in connection with the City's request for right-of-way needed to construct the sidewalk. The Warranty Deed provided is consistent with the title search for the property. A Partial Discharge of Mortgage has been provided by the property owner's lender. The Warranty Deed and Partial Discharge of Mortgage should be recorded by the City Clerk's Office with the Oakland County Register of Deeds in the usual manner. It is our understanding the City is in possession of the original documents.

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

Very truly yours,

ROSATI SCHULTZ JOPPICH & AMTSBUECHLER PC eth Kudla Saarela zliza

EKS

Enclosures

C: Cortney Hanson, Clerk (w/Enclosures) Rebecca Runkel, Staff Engineer (w/Enclosures) Sue Troutman, Executive Secretary (w/Enclosures) Thomas R. Schultz, Esquire (w/Enclosures)

#### WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, that 39500 HIGH POINTE, LLC, a Michigan limited liability company, whose address is 39500 High Pointe Blvd., Suite 250 Novi, MI 48375, conveys and warrants to City of Novi, a Michigan Municipal Corporation, whose address is 45175 Ten Mile Road, Novi, Michigan 48375, the following described premises situated in the City of Novi, County of Oakland, State of Michigan, for public road right-of-way purposes only, to wit:

See attached Exhibit "A and B" attached hereto and made a part hereof.

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, for the sum of <u>One and no/100-----Dollars</u> (\$1.00).

THE PROPERTY CONVEYED BY THIS DEED MAY BE LOCATED WITHIN THE VICINITY OF FARM LAND 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.

Dated this 8th day of November, 2019.

GRANTOR:

By: Manager

39500 HIGH POINTE, LLC, a Michigan limited

STATE OF Michigan) () SS COUNTY OF Oaldand)

On this <u>8th</u> day of <u>November</u>, 2019 before me, personally appeared the above named <u>Scoff J Maycus</u>, the <u>Manager</u> of <u>39500 High Pointe LLC</u>, and to me known to be the person described in and who executed the foregoing instrument and acknowledged that they executed the same as <u>his</u> free act and deed.

In Walk motana)

Notary Public Acting in Oakland County, MI My commission expires <u>1.- 3- 2025</u> CONSTANCE M WALBY Notary Public - State of Michigan County of Macomb My Commission Expires Nov 3, 2025 Acting in the County of Oakland

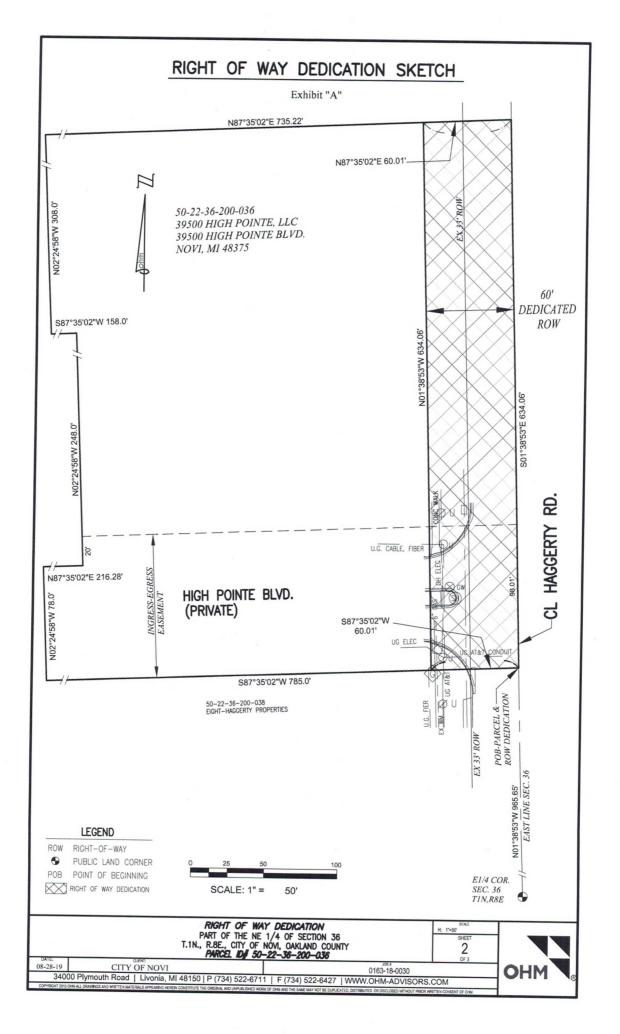
When Recorded Return to: Cortney Hanson, Clerk City of Novi 45175 Ten Mile Road Novi, MI 48375-3024

Send Subsequent Tax Bills to: City of Novi 45175 Ten Mile Road Novi, Michigan 48375 Drafted by: Elizabeth K. Saarela 27555 Executive Drive, Suite 250 Farmington Hills, Michigan 48331

Part of Parcel No. 50-22-36-200-036

Job No.

Recording Fee Transfer Tax



# RIGHT OF WAY DEDICATION DESCRIPTION

Exhibit "B"

#### PARCEL DESCRIPTION (50-22-36-200-036)

Parcel of land situated in the NE 1/4 of Section 36, Town 1 North, Range 8 East, City of Novi, Oakland County, Michigan, more particularly described as follows:

Commencing at the East 1/4 corner of said Section 36; thence N 01°38'53" W 965.65 feet along the East line of said Section 36 and the centerline of Haggerty Road to the Point of Beginning; thence S 87°35'02" W 785.0 feet; thence N 02°24'58" W 78.0 feet; thence N 87°35'02" E 216.28 feet; thence N 02°24'58" W 248.0 feet; thence S 87°35'02" W 158.0 feet; thence N 02°24'58" W 308.0 feet; thence N 87°35'02" E 735.22 feet; thence S 01°38'53" E 634.06 feet along the East line of said Section 36 and the centerline of Haggerty Road to the Point of Beginning. Subject to all easements and restrictions of record, if any.

#### **RIGHT OF WAY DEDICATION**

A 60 foot wide dedicated right of way being of land situated in the NE 1/4 of Section 36, Town 1 North, Range 8 East, City of Novi, Oakland County, Michigan, more particularly described as follows:

Commencing at the East 1/4 corner of said Section 36; thence N 01°38'53" W 965.65 feet along the East line of said Section 36 and the centerline of Haggerty Road to the Point of Beginning; thence S 87°35'02" W 60.01 feet along the South line of said parent parcel; thence N 01°38'53" W 634.06 feet; thence N 87°35'02" E 60.01 feet along the North line of said parent parcel; thence S 01°38'53" E 634.06 feet along the centerline of Haggerty Road to the Point of Beginning.

Contains 38,044 square feet or 0.873 acres (GROSS), 20,924 square feet or 0.480 acres (EX. ROAD EASEMENT), and 17,120 square feet or 0.393 acres (NET AFFECTED RIGHT OF WAY) of land. Subject to all easements and restrictions of record, if any.

PART OF THE NE	Y DEDICATION 1/4 OF SECTION 36 NOVI, OAKLAND COUNTY -22-36-200-036	H: 1°=50' SHEET 3 OF 3	
 CIENT: CITY OF NOVI 00 Plymouth Road   Livonia, MI 48150   P (734) 522-671			

### PARTIAL RELEASE OF MORTGAGE

KNOW ALL PERSONS BY THESE PRESENTS: That the lien of a certain Commercial Mortgage dated as of March 15, 2013 (the "Mortgage"), made by 39500 High Pointe, LLC, whose address is 39500 High Pointe Blvd., Novi, Michigan 48375, in favor of Old National Bank, successor by merger to United Bank and Trust, whose address is 2723 South State Street, Ste. 210, Ann Arbor, Michigan 48104 recorded on March 27, 2013 with the Oakland County Records at Liber 45569, Page 236, as amended, is released solely as to the land described on Exhibit A attached hereto, and not as to any other land encumbered by the Mortgage.

Effective: November <u>26</u>, 2019

Old National Bank

with By:

Print Name: Pamela Jones Sexton Its: Senior Vice President

STATE OF MICHIGAN ) COUNTY OF Wash lenaw )

) ss. )

Notary's

The foregoing instrument was acknowledged before me this 26 day of November, 2019, by Pamela Jones-Sexton, a Senior Vice President of Old National Bank, for and on behalf of the bank.

Notary's Stamp:

Jacob Kurowicki NOTARY PUBLIC Lenawee County, State of Michigan Expires April 6, 2024 Signature: Jel D~

Notary's Name: Jacob Kurowicki	
Notary public, State of Michigan, County	of <u>Lengree</u>
My commission Expires: April 6,20	
Acting in the County of: Was ntenew	

Drafted by and when recorded return to: Michael B. Peterman Bodman PLC 1901 St. Antoine Street 6<sup>th</sup> Floor at Ford Field Detroit, MI 48226

### EXHIBIT "A"

Property situated in the City of Novi in the County of Oakland in the State of Michigan, described as follows:

A 60 foot wide dedicated right of way being of land situated in the NE 1/4 of Section 36, Town 1 North, Range 8 East, City of Novi, Oakland County, Michigan, more particularly described as follows:

Commencing at the East 1/4 corner of said Section 36; thence N 01°38'53" W 965.65 feet along the East line of said Section 36 and the centerline of Haggerty Road to the Point of Beginning; thence S 87°35'02" W 60.01 feet along the South line of said parent parcel; thence N 01°38'53" W 634.06 feet; thence N 87°35'02" E 60.01 feet along the North line of said parent parcel; thence S 01°38'53" E 634.06 feet along the centerline of Haggerty Road to the Point of Beginning.

Parcel Identification No.: Part of 50-22-36-200-036