



CITY of NOVI CITY COUNCIL

**Agenda Item L
December 21, 2015**

SUBJECT: Acceptance of a warranty deed from Alwazeer Enterprises, LLC for the dedication of the master planned 60 feet of right-of-way along 14 Mile Road for the 14 Mile Road Pathway and Water Main project located at 41121 W 14 Mile Road (parcel 22-01-100-003).

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

CITY MANAGER APPROVAL: *[Signature]*

BACKGROUND INFORMATION:

The construction award for the 14 Mile Road Pathway and Water Main project (Haverhill to Maples) was awarded on November 23, 2015. Staff has been working with Alwazeer Enterprises, LLC for several months to acquire an easement to facilitate construction of the pathway and water main across the frontage of 41121 14 Mile Road.

On September 14, 2015, City Council approved a Resolution Concerning Acquisition and Approving Declaration of Necessity and Taking and an offer to purchase the easement from this property owner, thereby starting the process of eminent domain. In the weeks following that approval, Engineering staff continued to work with the property owner and was able to acquire a warranty deed for the master planned right-of-way at the previously approved amount of \$10,451.

The warranty deed has been reviewed and approved by the City Attorney (see Beth Saarela's letter, attached).

Construction of the project will commence this fall with construction of the water main. Once the water main construction is complete this spring, the construction of the pathway will begin. Completion is anticipated in summer of 2016.

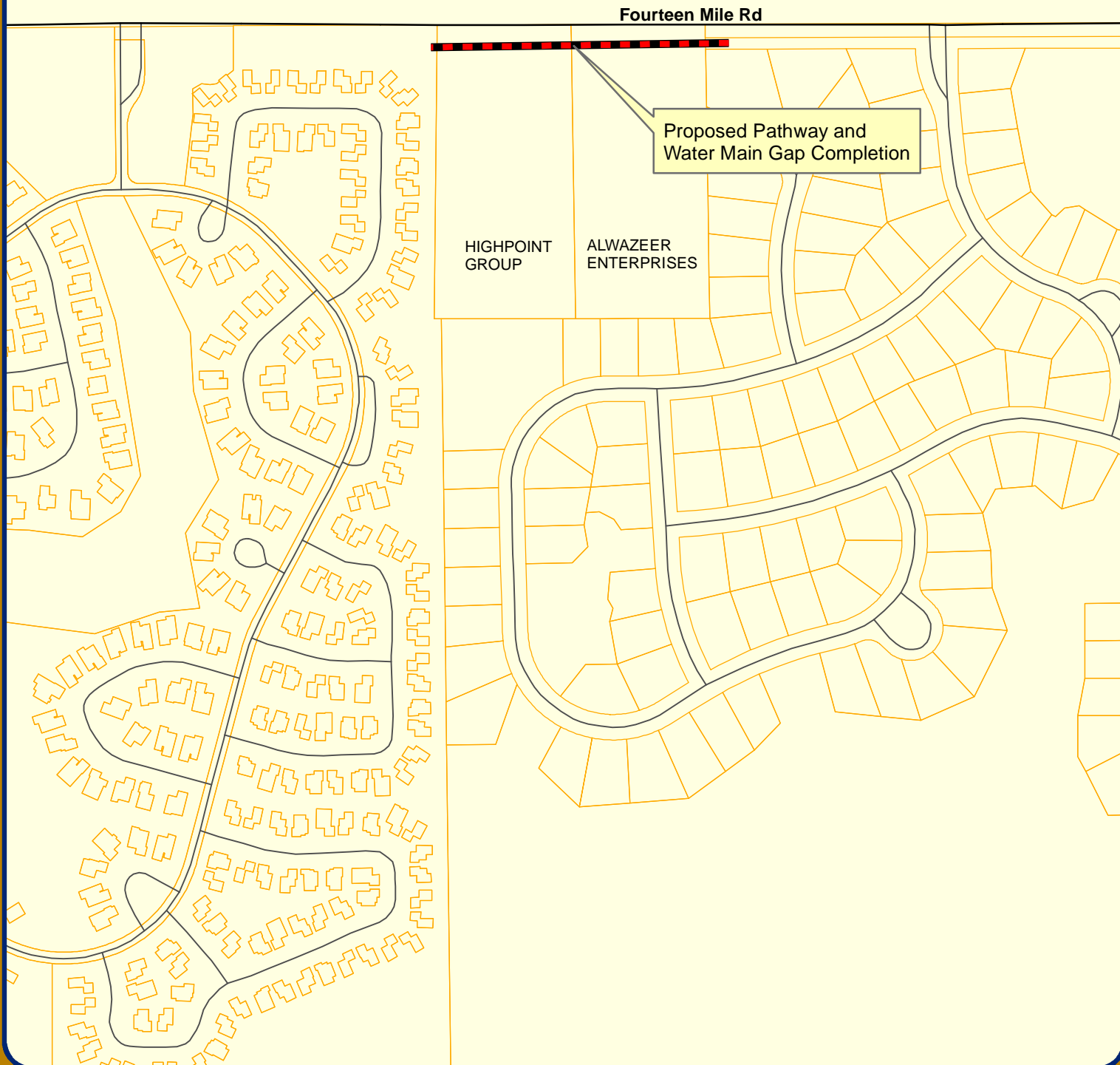
RECOMMENDED ACTION: Acceptance of a warranty deed from Alwazeer Enterprises, LLC for the dedication of the master planned 60 feet of right-of-way along 14 Mile Road for the 14 Mile Road Pathway and Water Main project located at 41121 W 14 Mile Road (parcel 22-01-100-003).

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

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

14 Mile Pathway and Water Main

Location Map



Map Author: Croy
Date: 9/8/15
Project: 14 Mile Water Main
Version #: v2.0

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



Feet
0 70 140 280 420

1 inch = 333 feet



City of Novi

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



JOHNSON ROSATI SCHULTZ JOPPICH PC

27555 Executive Drive Suite 250 ~ Farmington Hills, Michigan 48331
Phone: 248.489.4100 | Fax: 248.489.1726

Elizabeth Kudla Saarela
esaarela@jrsjlaw.com

www.johnsonrosati.com

December 14, 2015

Benjamin Croy, Water and Sewer Senior Manager
City of Novi
Public Services
Field Services Complex
26300 Lee BeGole Drive
Novi, MI 48375

Re: **14 Mile Pathway and Water Main**
Parcel 50-22-01-100-003

Dear Mr. Croy:

In connection with the City's plan to make improvements, including but not limited to a pathway and water main installation, we have reviewed following document relating to 41121 W. 14 Mile:

- Warranty Deed for Right-of-Way

As you know, City Council previously approved the following documents authorizing the City to purchase a Water System Easement and Pathway Easement over the subject property:

1. Resolution Concerning the Acquisition of Property and Approving Declaration of Necessity and Taking
2. Declaration of Taking
3. Offer and Agreement to Purchase

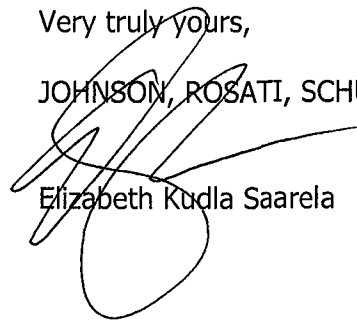
At the property owner's request, the City is, instead, obtaining a Warranty Deed for right-of-way instead of separate Water System and Pathway Easements. The City will pay the same amount of just compensation for the Warranty Deed as City Council authorized for the separate easements. The Warranty Deed is being provided at this time to eliminate the need for the property owner to execute deed for right-of-way when the property is developed.

The attached Warranty Deed appears to be in order and is consistent with the title work obtained for the project. The Warranty Deed may be placed on an upcoming City Council Agenda for acceptance. Once approved by City Council, it 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.

A handwritten signature in black ink, appearing to read 'Elizabeth Kudla Saarela', written over the typed name.

Elizabeth Kudla Saarela

EKS

Maryanne Cornelius, Clerk
Sue Troutman, Clerk's Office
Brian Coburn, Engineering Manager
Rob Hayes, Public Services Director
Thomas R. Schultz, Esq.

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, that Alwazeer Enterprises, LLC, a Michigan Limited Liability Company, whose address is 31700 W 13 Mile Rd, Ste 203, Farmington Hills, Michigan 48334 conveys and warrants to City of Novi, a Michigan Municipal Corporation, whose address is 45175 West Ten Mile Road, Novi, Michigan 48375, the following described premises situated in the City of Novi, County of Oakland, State of Michigan, to wit:

See attached Exhibit "A" 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 Ten Thousand Four Hundred and Fifty-One, and no/100--Dollars (\$10,451.00).

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 7th day of DECEMBER, 2015.

Signed by:

Alwazeer Enterprises, LLC,
a Michigan Limited Liability Company

By: [Signature]
Its Owner

STATE OF MICHIGAN)
) SS
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this 7th day of DECEMBER, 2015, by SABAH HANNA, the OWNER of ALWAZEER ENTERPRISES a Michigan limited liability company.

MARILYN S. TROUTMAN
NOTARY PUBLIC, STATE OF MI
COUNTY OF WAYNE
MY COMMISSION EXPIRES Oct 13, 2017
ACTING IN COUNTY OF OAKLAND

[Signature]
Notary Public
WAYNE County, Michigan
My Commission Expires: OCT. 13, 2017
ACTING IN OAKLAND COUNTY

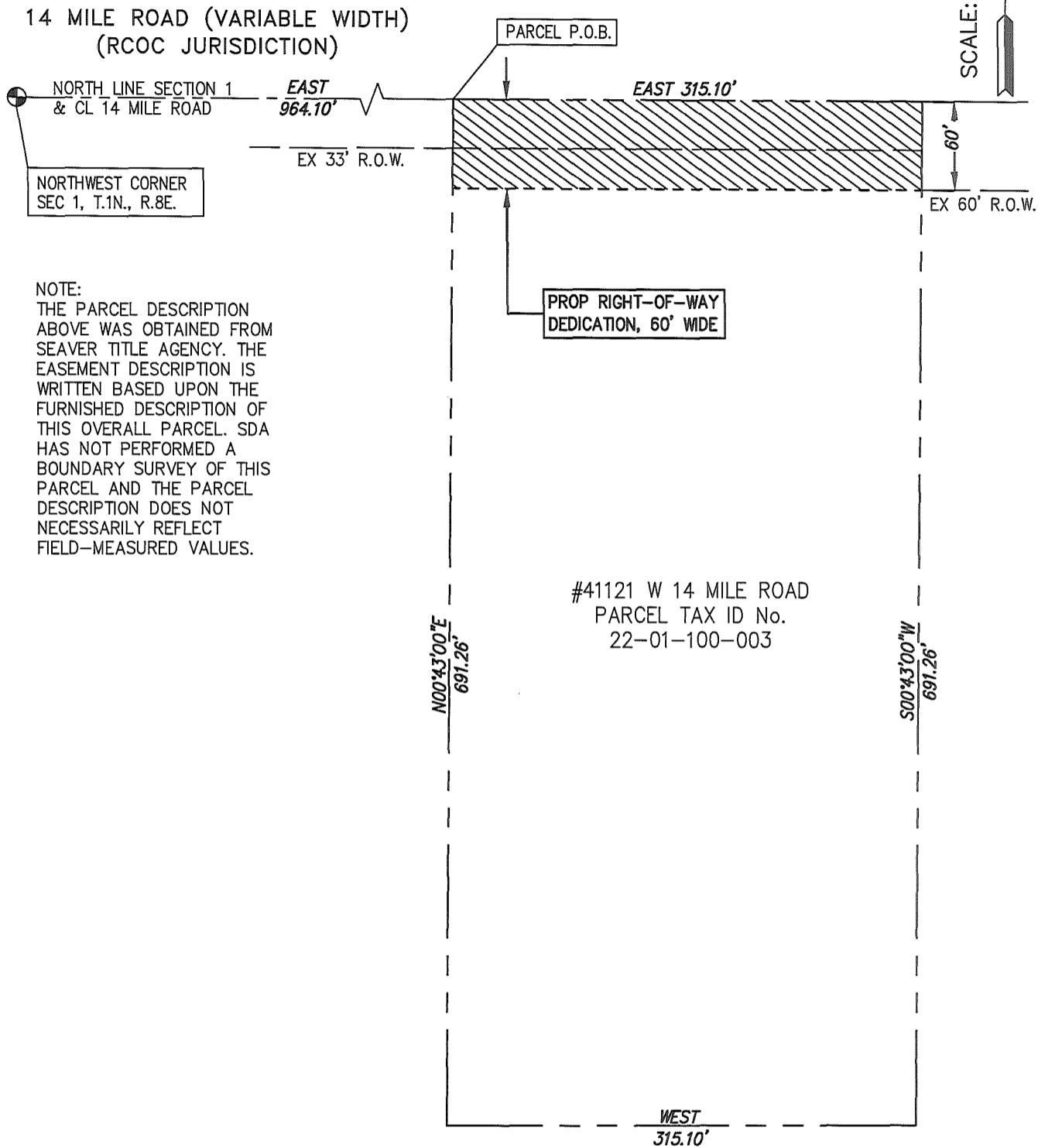
When Recorded Return to: Maryanne Cornelius, Clerk City of Novi 45175 West Ten Mile Road Novi, MI 48375-3024	Send Subsequent Tax Bills to: City of Novi 45175 West Ten Mile Road Novi, Michigan 48375	Drafted by: Elizabeth Saarela 27555 Executive Drive, Suite 250 Farmington Hills, Michigan 48331
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Part of Tax Parcel No. 50-22-01-100-003

Job No. _____ Recording Fee _____ Transfer Tax _____

EXHIBIT A

SCALE: 1" = 100'



NOTE:
 THE PARCEL DESCRIPTION ABOVE WAS OBTAINED FROM SEAVER TITLE AGENCY. THE EASEMENT DESCRIPTION IS WRITTEN BASED UPON THE FURNISHED DESCRIPTION OF THIS OVERALL PARCEL. SDA HAS NOT PERFORMED A BOUNDARY SURVEY OF THIS PARCEL AND THE PARCEL DESCRIPTION DOES NOT NECESSARILY REFLECT FIELD-MEASURED VALUES.

#41121 W 14 MILE ROAD
 PARCEL TAX ID No.
 22-01-100-003

FURNISHED LEGAL DESCRIPTION OF OVERALL PARCEL

SEAVER TITLE AGENCY
FILE NO. 63-15431156-SSP
DATED: JULY 20, 2015

PART OF THE NORTHWEST 1/4 OF SECTION 1, TOWN 1 NORTH, RANGE 8 EAST, DESCRIBED AS: BEGINNING AT A POINT ON THE NORTH SECTION LINE DISTANCE EAST 964.10 FEET FROM THE NORTHWEST SECTION CORNER; THENCE CONTINUING EAST 315.10 FEET; THENCE SOUTH 00 DEGREES 43 MINUTES 00 SECONDS WEST, 691.26 FEET; THENCE WEST 315.10 FEET; THENCE NORTH 00 DEGREES 43 MINUTES 00 SECONDS EAST, 691.26 FEET TO THE POINT OF BEGINNING.

RIGHT-OF-WAY LEGAL DESCRIPTION

A PERMANENT DEDICATION FOR PUBLIC RIGHT-OF-WAY DESCRIBED AS:
 THE NORTHERLY 60 FEET OF THE ABOVE DESCRIBED PARCEL, 18,906 SQ FT.



905 South Blvd. East Phone: (248) 844-5400
 Rochester Hills, MI 48307 Fax: (248) 844-5404
 www.sda-eng.com

DRAWN: J.SERBINSKI	DATE: 09-23-15
CHECKED: T.LINDOW	DATE: 09-23-15
MANAGER: D.RICHMOND	SCALE: 1" = 100'
JOB No. NV15-003	SHEET: 1 OF 1
SECTION 1 TOWN 1 NORTH RANGE 8 EAST	
CITY OF NOVI OAKLAND COUNTY, MI	