

CITY of NOVI CITY COUNCIL

Agenda Item C **September 12, 2016**

SUBJECT: Acceptance of a pathway easement as a donation from K&S Investment Group, Inc. along the east side of Beck Road south of Pontiac Trail to allow for construction of a pathway segment as part of the 2016 Pathways Program (Parcel 22-04-100-012).

SUBMITTING DEPARTMENT: Department of Public Services, Engineering Division

CITY MANAGER APPROVAL:

BACKGROUND INFORMATION:

The owner of K&S Plaza, K&S Investment Group, Inc., is requesting acceptance of a pathway easement for the construction of a 200 foot, 6-foot wide concrete pathway along the east side of Beck Road south of Pontiac Trail (Segment 10) as part of the 2016 Pathways Program (see attached map). This project will be completed in spring 2017.

The enclosed pathway easement has been favorably reviewed by the City Attorney (Beth Sagrela's September 2, 2016 letter, attached) and is recommended for approval.

RECOMMENDED ACTION:

Acceptance of a pathway easement as a donation from K&S Investment Group, Inc. along the east side of Beck Road south of Pontiac Trail to allow for construction of a pathway segment as part of the 2016 Pathways Program (Parcel 22-04-100-012).

	1	2	Υ	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				



Date: 9/17/15
Project:
Version #:

Amended By: Date:

MAP INTERPRETATION NOTICE

in principles of the property of the property





1 inch = 263 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

September 2, 2016

Adam Wayne, Civil Engineer CITY OF NOVI Department of Public Services Field Services Complex 26300 Lee BeGole Drive Novi, MI 48375

> Re: 2016 Pathways – Pathway Easement and Temporary Construction Easement – K & S Investment Group

Dear Mr. Wayne:

We have received and reviewed the enclosed executed original Pathway Easement and Temporary Construction Easement over parcel 22-04-100-012, owned by K & S Investment Group. The Property is more commonly known as 30900 Beck Road. The Pathway Easement and Temporary Construction Easement were donated by the property owner for the purpose of constructing an 8-foot wide pathway. The Pathway Easement and Temporary Construction Easement are properly executed and should be placed on an upcoming City Council Agenda for acceptance. Once accepted, the Pathway Easement should be recorded with the Oakland County Register of Deeds in the usual manner.

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

Very truly yours,

JOHNSØN, ROSATI, SCHULTZ & JOPPICH, P.C.

Ælizabeth Kudla Saarela

EKS

C: Cortney Hanson, Clerk (w/Original Enclosures)
Rob Hayes, DPS Director (w/Enclosures)
Sue Troutman, Clerk's Office (w/Enclosures)
Thomas R. Schultz, Esquire

PATHWAY EASEMENT

NOW ALL MEN BY THESE PRESENTS, that K & S Investment Group, a Michigan corporation, whose address is 1800 W 14 Mile Rd Ste. C, Royal Oak, MI 48073, 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 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 4, T.1N., R.8E., City of Novi, Oakland County, State of Michigan, more particularly described as follows:

Parcel No. 50-22-04-100-012

{See attached and incorporated Exhibit A}

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

{See attached and incorporated Exhibit B}

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 B.

Construction activities required for the construction of a non-motorized pathway, consisting of an 8-foot wide 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 B.

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.

successors and assigns.	
Dated this 12 Hday of August	, 20 <i>16</i> .
·	GRANTOR
	K & S INVESTMENT GROUP, a Michigan corporation,
	By: mar Ajhvi Its: Ex: UP
STATE OF MICHIGAN)) SS COUNTY OF OAKLAND)	
The foregoing instrument was acknowledged befor 20 16, by MAV Aj MII, the Envestment Group, a Michigan corporation, on its be	of K & S
investment Group, a Michigan corporation, on its c	Notary Public OAK AND County, Michigan My Commission Expires: 1/10/16
	SARAH MARCHIONI Notary Public, Oakland County, MI Acting in the County of Oakland My Commission Expires Nov. 10, 2016

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

EXHIBIT A

FURNISHED LEGAL DESCRIPTION OF PARCEL SEAVER TITLE AGENCY FILE No. 63-16468745-SCM, DATED MARCH 22, 2016

PARCEL TAX ID No. 22-04-100-012

PARCEL TAX ID NO. 22-04-100-012

LAND IN THE NORTHWEST 1/4 OF SECTION 4, TOWN 1 NORTH, RANGE 8 EAST, NOVI TOWNSHIP, OAKLAND COUNTY, MICHIGAN (NOW CITY OF NOVI), MORE PARTICULARLY DESCRIBED AS BEGINNING AT POINT ON THE WEST LINE OF SECTION 4, ALSO BEING THE CENTERLINE OF BECK ROAD, A DISTANCE DUE SOUTH 960.42

FEET FROM NORTHWEST CORNER OF SAID SECTION 4; THENCE SOUTH 89 DEGREES 39 MINUTES 28 SECONDS EAST 435.60 FEET; THENCE DUE SOUTH 200.00 FEET; THENCE NORTH 89 DEGREES 39 MINUTES 28 SECONDS WEST 435.80 FEET TO THE WEST LINE OF SECTION 4 AND THE CENTERLINE OF BECK ROAD; THENCE DUE NORTH 200.00 FEET ALONG THE WEST LINE OF SECTION 4 TO THE POINT OF BEGINNING.

SEE SHEET 2 OF 3 FOR PERMANENT EASEMENT SKETCH SEE SHEET 3 OF 3 FOR PERMANENT EASEMENT DESCRIPTION



SPALDING DEDECKER Engineers | Surveyors

905 South Blvd. East

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

DRAWN: A. WAMBOLD	DATE: 03-24-16		
CHECKED: T. LINDOW	DATE: 04-15-16		
MANAGER: C. GREGORY	SCALE: NONE		
JOB No. NV15-010C	SHEET: 1 OF 3		
SECTION 1 TOWN 01 NORTH RANGE 08 EAST			
CITY OF NOVI O	AKLAND COUNTY, MI		

602 user : 4/14/2016 by u dwg کر آو ک ₽₽ 10:13 2016, Apr 15, 3

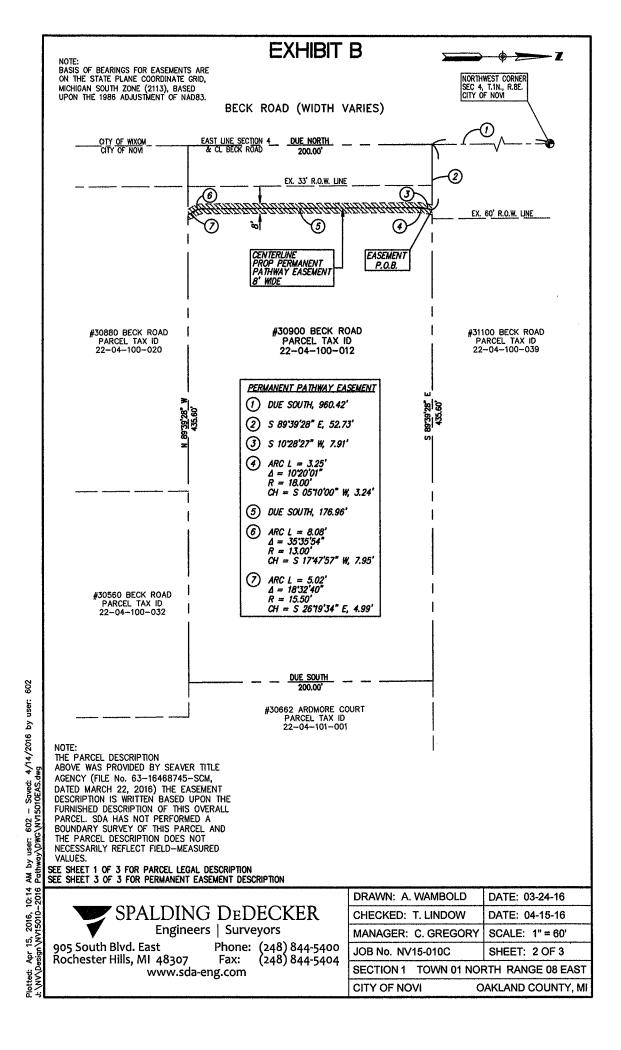


EXHIBIT B

PERMANENT EASEMENT DESCRIPTION

THE EASEMENT SHALL BE A PERMANENT EASEMENT FOR PUBLIC PATHWAY DESCRIBED AS:

AN EASEMENT 8 FEET WIDE LYING 4 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED LINE: BEING PART OF NORTHWEST 1/4 OF SECTION 4, TOWN 1 NORTH, RANGE 8 EAST, CITY OF NOVI, OAKLAND COUNTY, MICHIGAN, MORE PARTICULARLY DESCRIBED AS COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 4; THENCE DUE SOUTH 960.42 FEET ALONG THE WEST LINE OF SAID SECTION, ALSO BEING THE CENTERLINE OF BECK ROAD; THENCE SOUTH 89 DEGREES 39 MINUTES 28 SECONDS EAST 52.73 FEET ALONG THE NORTH LINE OF THE ABOVE DESCRIBED PARCEL TO THE POINT OF BEGINNING; THENCE SOUTH 10 DEGREES 28 MINUTES 27 SECONDS WEST 7.91 FEET; THENCE 3.25 FEET ALONG A 18.00 FOOT RADIUS CURVE TO THE LEFT, HAVING AN INCLUDED ANGLE OF 10 DEGREES 20 MINUTES 01 SECONDS, AND THE LONG CHORD OF WHICH MEASURES SOUTH 05 DEGREES 10 MINUTES 00 SECONDS WEST, 3.24 FEET; THENCE DUE SOUTH 176.96 FEET; THENCE 8.08 FEET ALONG A 13.00 FOOT RADIUS CURVE TO THE LEFT, HAVING AN INCLUDED ANGLE OF 35 DEGREES 35 MINUTES 54 SECONDS, AND THE LONG CHORD OF WHICH MEASURES SOUTH 17 DEGREES 47 MINUTES 57 SECONDS EAST, 7.95 FEET; THENCE 5.02 FEET ALONG A 15.50 FOOT RADIUS CURVE TO THE RIGHT, HAVING AN INCLUDED ANGLE OF 18 DEGREES 32 MINUTES 40 SECONDS, AND THE LONG CHORD OF WHICH MEASURES SOUTH 26 DEGREES 19 MINUTES 34 SECONDS EAST, 4.99 FEET TO THE POINT OF ENDING ON THE SOUTH LINE OF THE ABOVE DESCRIBED PARCEL WITH THE SIDE LINES OF THE DESCRIBED EASEMENT SHORTENED OR LENGTHENED TO TERMINATE AT THE PROPERTY LINES OF THE DESCRIBED PARCEL.

CONTAINING 1,607 SQ. FT.

SEE SHEET 1 OF 3 FOR PARCEL LEGAL DESCRIPTION SEE SHEET 2 OF 3 FOR PERMANENT EASEMENT SKETCH



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DRAWN: A. WAMBOLD DATE: 03-24-16
CHECKED: T. LINDOW DATE: 04-15-16
MANAGER: C. GREGORY SCALE: NONE
JOB No. NV15-010C SHEET: 3 OF 3
SECTION 1 TOWN 01 NORTH RANGE 08 EAST
CITY OF NOVI OAKLAND COUNTY, MI

Plotted: Apr 15, 2016, 10:16 AM by user: 602 — Saved: 4/15/2016 by user: 602 J:\NV\Design\NV15010-2016 Pothway\DW6\NV15010EAS.dwg

TEMPORARY GRADING PERMIT

No. 50-22-04-100-012) in Novi, Michigan, permission to access, move men and equipmen	the owner of the property described as 30900 Beck Road (Parce grant the City of Novi and its contractor (or subcontractors t on and through, the right to store materials and excavated earth d in, over, upon and through the property described above in the
and related construction activities required for	ction of a sidewalk along the Beck Road frontage of the property the proposed road improvements. All work is contained in the se and ADA Compliance Program" by Spalding DeDecker.
All portions of the Premises damaged or dist reasonably restored by Novi to the condition that	urbed by Novi's exercise of temporary easement rights shall be at existed prior to the damage or disturbance.
I understand this only grants permission to the and upon completion of required grading operat	Contractor to perform work directly relating to the listed projections the property will be fully restored.
.	
prac Ex: VP	8-12-16
Bymar Ajluni Its:	Date
Byman Ajluni Its: 1800 W.14 mile Rd., SterC	City, State, Zip
Contact Mailing Address	City, State, Zip

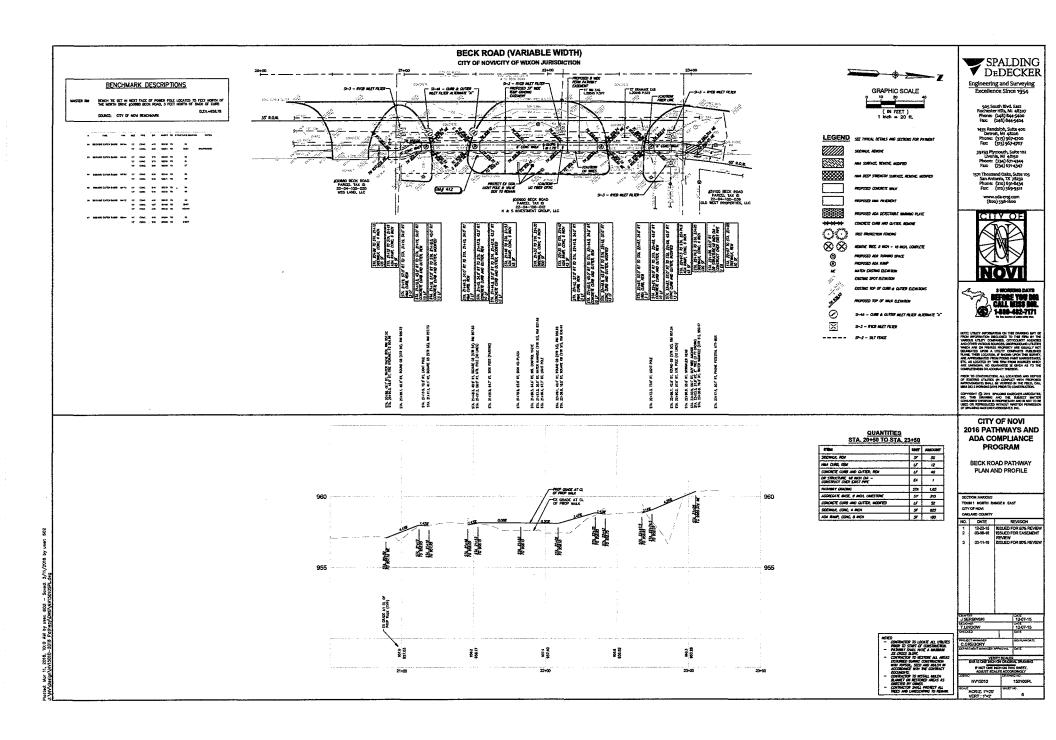
marailuni Qyahoo. com

Email Address

Drafted by: Adam Wayne City of Novi 45175 W Ten Mile Road Novi, MI 48375

248-288-3636

Phone Number





Seaver Title Agency 42651 Woodward Ave. Bloomfield Hills, MI 48304 Ph:(248) 338-7135 Fax:(248) 338-3045

Record Search furnished to:

City of Novi Dept. of Public Services 26300 Lee BeGole Dr. Novi, MI 48375 Adam Wayne File No. 63-16468745-SCM

TITLE INFORMATION REPORT

DESCRIPTION OF REAL ESTATE

Situated in the City of Novi, County of Oakland, State of Michigan, as follows:

Land in the Northwest 1/4 of Section 4, Town 1 North, Range 8 East, Novi Township, Oakland County, Michigan (now City of Novi), more particularly described as beginning at a point on the West line of Section 4, also being the Centerline of Beck Road, a distance due South 960.42 feet from the Northwest corner of said Section 4; thence South 89 degrees 39 minutes 28 seconds East 435.60 feet; thence due South 200.00 feet; thence North 89 degrees 39 minutes 28 seconds West 435.60 feet to the West line of Section 4 and the centerline of Beck Road; thence due North 200.00 feet along the West line of Section 4 to the point of beginning.

Re: 30900 Beck Rd. Tax Item No. 22-04-100-012

Owner(s): K & S Investment Group, Inc., a Michigan Corporation

- Easement granted to Michigan Bell Telephone Company recorded in Liber 7722, Page 221; Liber 7722, Page 222; and in Liber 7722, Page 223, Oakland County Records.
- Easement for drainage purposes vested in City of Wixom by instrument recorded in Liber 20545, Page 572, Oakland County Records.
- 3. Rights of the public and of any governmental unit in any part of the land taken, used or deeded for a public or private street, drive, road or highway purpose.
- Easement for water main purposes vested in City of Wixom by instrument recorded in Liber 20545, Page 577, Oakland County Records.
- 5. Emergency Ingress and Egress Easement recorded in Liber 24965, Page 23, Oakland County Records.

6. PAYMENT OF TAXES:

Tax Parcel No.: 22-04-100-012

2015 July Taxes in the amount of \$20,259.91 are Paid

2015 December Taxes in the amount of \$316.32 are Paid

Special Assessments: None

The amounts shown as due do not include collection fees, penalties or interest.

COUNTERSIGNED: SEAVER TITLE AGENCY

Elie Kaplan

AUTHORIZED SIGNATORY

This information compiled as of an effective date of March 22, 2016 at 8:00 A.M.

Tuesday, April 05, 2016

Examined By: Eliezer Kaplan

Terms and Conditions

- This document is a search only. It is neither an insurance product nor an opinion of law or title and should not be relied
 upon as such. In addition, it runs only to the named customer and should not be relied upon for any purpose by any
 person or entity other than the named customer and/or its duly appointed representatives and agents.
- 2. By receiving and using this product, the customer agrees that the liability of the Company, its subsidiaries and affiliates, for any direct or indirect loss shall be limited to either the amount of the loss or the amount paid for this search, whichever is less.