



**CITY of NOVI CITY COUNCIL**

**Agenda Item G  
February 18, 2014**

**SUBJECT:** Acceptance of a warranty deed from Sun Valley, Ltd for the dedication of approximately 21 additional feet of right-of-way along the north side of Fountain Walk Drive for the 12 Mile Crossing at Fountain Walk project, located south of 12 Mile Road and west of Novi Road (parcel 50-22-15-200-110).

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

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

**BACKGROUND INFORMATION:**

The original site plan for Twelve Mile Crossing (formerly known as Fountain Walk) contemplated dedication of the right-of-way for Fountain Walk Drive along the south property line, parallel to I-96. The master planned right-of-way width for Fountain Walk Drive is 70 feet. The roadway is located within a 49-foot wide highway easement granted by ITC that was accepted by City Council on June 7, 2010. Staff has been working with the new developer of the Twelve Mile Crossing development to facilitate dedication of the remaining 21 feet of right-of-way. Sun Valley, Ltd. is requesting acceptance of a warranty deed conveying the remaining right-of-way for Fountain Walk Drive.

The enclosed Warranty Deed has been favorably reviewed by staff and the City Attorney (Beth Saarela's February 4, 2014 letter, attached) and is recommending approval.

Fountain Walk Drive was formally accepted as a public street for Act 51 funding on December 20, 2010.

**RECOMMENDED ACTION:** Acceptance of a warranty deed from Sun Valley, Ltd for the dedication of approximately 21 additional feet of right-of-way along the north side of Fountain Walk Drive for the 12 Mile Crossing at Fountain Walk project, located south of 12 Mile Road and west of Novi Road (parcel 50-22-15-200-110).

	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 Mutch				
Council Member Wrobel				

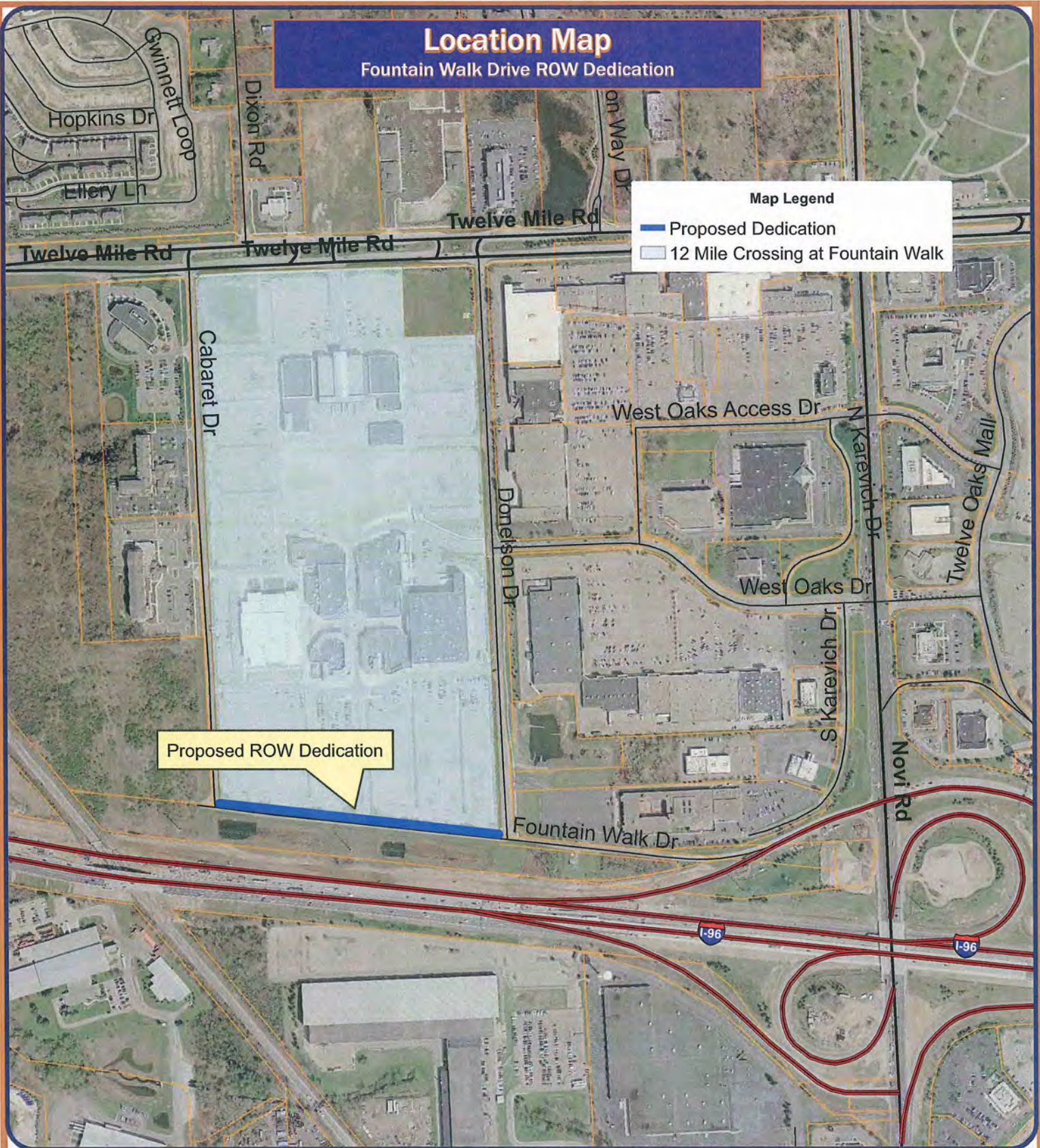


# Location Map

## Fountain Walk Drive ROW Dedication

### Map Legend

- Proposed Dedication
- 12 Mile Crossing at Fountain Walk



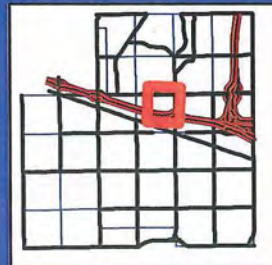
Proposed ROW Dedication

Map Author: Coburn  
 Date: 2/6/2014  
 Project:  
 Version #:

Amended By:  
 Date:  
 Department:

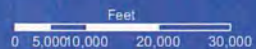
**MAP INTERPRETATION NOTICE**

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



## City of Novi

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



1 inch = 26,604 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

February 4, 2014

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

**Re: *Fountain Walk Drive - ROW***

Dear Mr. Hayes:

We have received and reviewed, and enclosed please find, copies of the Warranty Deed and title commitment for the conveyance of Fountain Walk Drive to the City for public use and maintenance. The conveyance of the right-of-way is not being made in connection with a current development project. The right-of-way dedication has been outstanding for approximately ten years due to the foreclosure of the property. The current owner, Sun Valley, Ltd., has provided the necessary Warranty Deed to convey Fountain Walk Drive Road Right-of-Way. Because the roadway has been in place for at least ten years, a Maintenance Bond for the paving is not required. The Warranty Deed may be placed on an upcoming City Council agenda for acceptance. Once accepted, they should be recorded with the County 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

Rob Hayes, Public Services Director

February 4, 2014

Page 2

- C: Maryanne Cornelius, Clerk (w/ Enclosures)
- Charles Boulard, Community Development Director (w/Enclosures)
- Barb McBeth, Deputy Community Development Director (w/Enclosures)
- Brian Coburn, Engineering Manager (w/Enclosures)
- Sarah Marchioni, Building Permit Coordinator (w/Enclosures)
- Sue Troutman, City Clerk's Office (w/Enclosures)
- Thomas R. Schultz, Esquire (w/Enclosures)

**WARRANTY DEED**

KNOW ALL MEN BY THESE PRESENTS, that **SUN VALLEY, LTD.**, a Texas limited partnership ("Grantor"), whose address is 70 N.E. Loop 410, Suite 185, San Antonio, Texas 7826 conveys and warrants to City of Novi, a Michigan Municipal Corporation ("Grantee"), whose address is 45175 West Ten Mile Road, Novi, Michigan 48375, all of Grantor's interest in the following described right of way easement situated in the City of Novi, County of Oakland, State of Michigan, to wit:

See attached Exhibit "A pages 1 and 2" 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 One and No/100 -----Dollars (\$1.00).

THE EASEMENT 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.

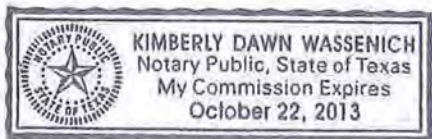
Dated this 9th day of July, 2013.

SUN VALLEY, LTD., a Texas limited partnership  
By: Spigel Properties, Inc., general partner

By: [Signature]  
STANLEY SPIGEL, President

STATE OF TEXAS            )  
  ) SS  
COUNTY OF BEXAR        )

The foregoing instrument was acknowledged before me this 9th day of July, 2013, by STANLEY SPIGEL, President of Spigel Properties, Inc., general partner of SUN VALLEY, LTD., a Texas limited partnership, in the capacity as therein stated.



[Signature]  
Notary Public, In and For the State of Texas

My Commission Expires:

**EXHIBIT A - pg. 1**

A PARCEL OF LAND LOCATED IN THE NORTH 1/2 OF SECTION 15, T.1 N., R.8. E., CITY OF NOVI, OAKLAND COUNTY, MICHIGAN, IS DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 15, THENCE ALONG THE NORTH SECTION LINE (ALSO BEING THE CENTERLINE OF TWELVE MILE ROAD), S88°00'40"W (RECORDED AS S88°35'38"W) 1690.26 FEET; THENCE S02°28'36"E (RECORDED AS S01°53'38"E) 2542.44 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING S02°28'36"E 21.23 FEET; THENCE N84°04'48"W 1000.87 FEET ALONG THE SOUTH LINE OF THE OVERALL PARCEL; THENCE N82°00'48W 232.85 FEET ALONG THE SOUTH LINE OF THE OVERALL PARCEL; THENCE N02°27'20"W 21.35 FEET ALONG THE WEST LINE OF THE OVERALL PARCEL; THENCE S82°00'48"E 236.34 FEET; THENCE S84°04'48"E 997.39 FEET TO POINT OF BEGINING. CONTAINING 0.5948 ACRES OF LAND.

# EXHIBIT A

**NORTHEAST CORNER OF SECTION 15**  
T.1N., R.8E.  
CITY OF NOVI  
OAKLAND COUNTY, MI  
L.C.R.C. L.22404, P.576  
FOUND MON. BOX. W/ BRASS CAP

**NORTH 1/4 CORNER OF SECTION 15**  
T.1N., R.8E.  
CITY OF NOVI  
OAKLAND COUNTY, MI  
L.C.R.C. L.16850, P.425  
FOUND MON. BOX. W/ BRASS CAP

**NORTHWEST CORNER OF SECTION 15**  
T.1N., R.8E.  
CITY OF NOVI  
OAKLAND COUNTY, MI  
L.C.R.C. L.16982, P.810

NOTE: NORTH EDGE OF EXISTING PAVEMENT (BACK OF CURB) IS APPROXIMATELY LOCATED ON THE NORTHERLY LINE OF TAX ID No. 22-15-200-088

TAX PARCEL No. 22-15-200-100

OWNER: HHT DEVCO, L.L.C.

PORTION OF PROPOSED FOUNTAIN WALK ON THIS PARCEL SEE DETAIL SHEET 2

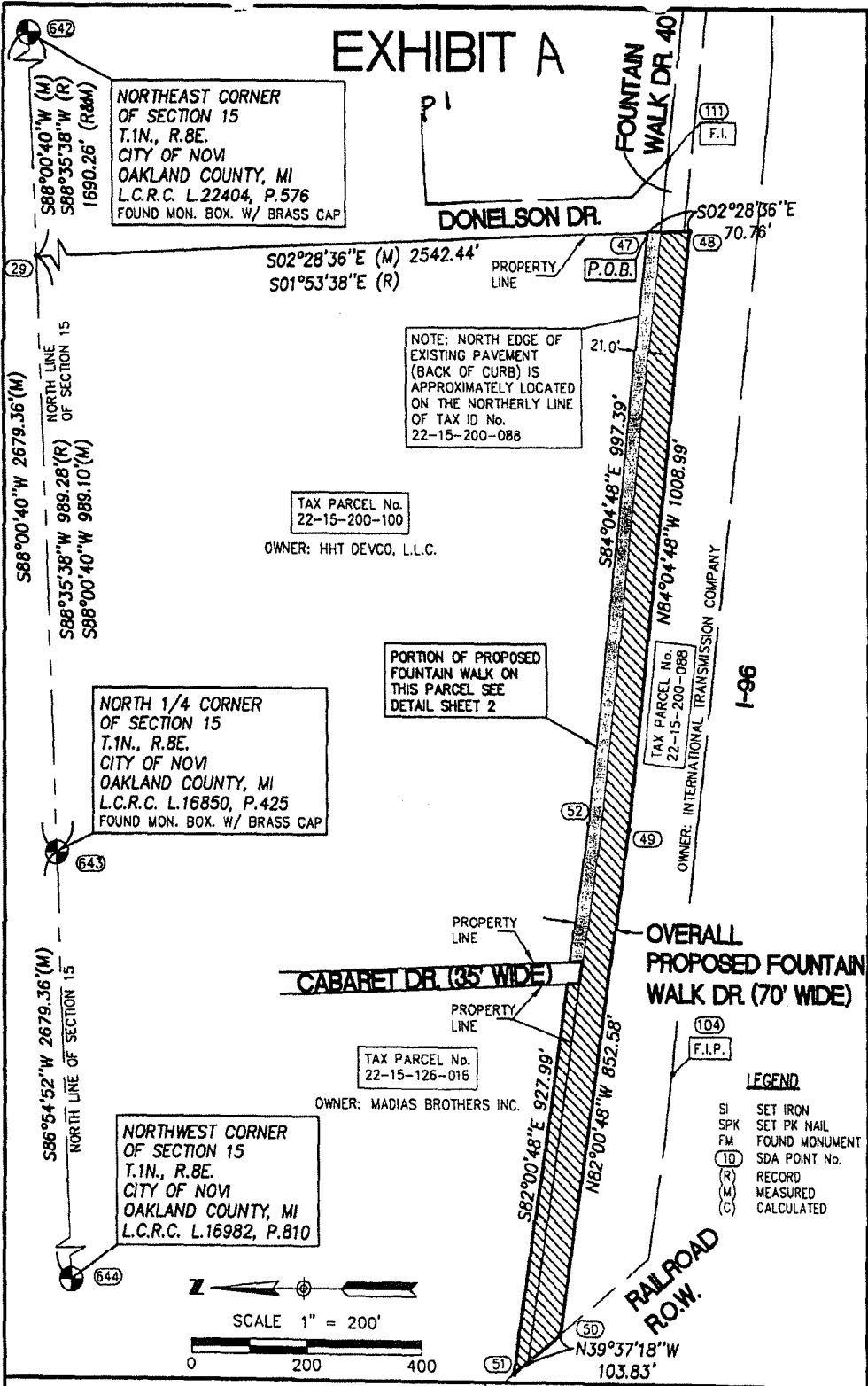
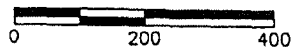
TAX PARCEL No. 22-15-126-016

OWNER: MADIAS BROTHERS INC.

### LEGEND

- SI SET IRON
- SPK SET PK NAIL
- FM FOUND MONUMENT
- (10) SDA POINT No.
- (R) RECORD
- (M) MEASURED
- (C) CALCULATED

SCALE 1" = 200'



Spalding DeDecker Associates, Inc.

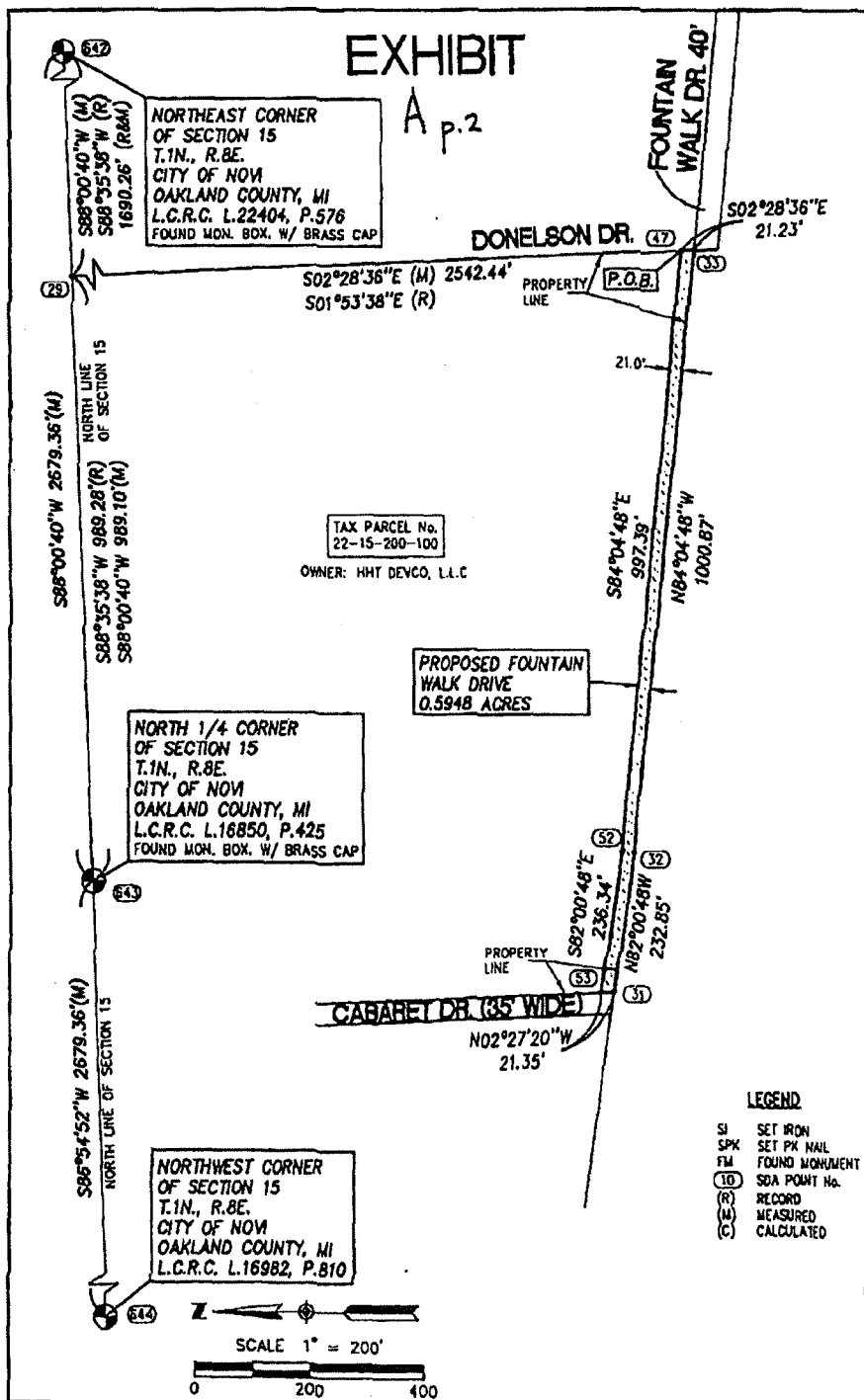


**SPALDING DeDECKER ASSOCIATES, INC.**  
ENGINEERS SURVEYORS  
905 SOUTH BLVD. EAST  
ROCHESTER HILLS, MI 48307  
PH: (248) 844-5400 FAX: (248) 844-5404  
www.sda-eng.com

DRAWN: S.CLARK	DATE: 02-19-10
CHECKED: P.O'ROURKE	DATE: 02-26-10
MANAGER: M.DEDECKER	SCALE: 1" = 200'
JOB No. NV09-008	SHEET: 1 OF 3
SECTION 15 TOWN 1 NORTH RANGE 8 EAST	
CITY OF NOVI	OAKLAND COUNTY, MI

# EXHIBIT

A p.2



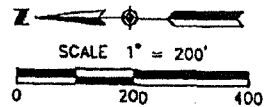
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- LEGEND**
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