



# CITY of NOVI CITY COUNCIL

[www.cityofnovi.org](http://www.cityofnovi.org)

**Agenda Item C**  
**June 4, 2007**

**SUBJECT:** Approval of resolution vacating City interests, including any highway or right-of-way interests, in property located at the intersection of West Lake Drive and South Lake Court.

**SUBMITTING DEPARTMENT:** City Attorney

**CITY MANAGER APPROVAL:** 

### BACKGROUND INFORMATION:

City Council determined at its April 16, 2007 meeting to hold a public hearing regarding the vacation of the City's interests in property described as part of a public highway, located at the intersection of West Lake Drive and South Lake Court. Information provided at that meeting is attached. A public hearing was held on May 14, 2007. No objections were heard. The attached resolution would accomplish the vacation as noticed for hearing.

**RECOMMENDED ACTION:** Approval of resolution vacating City interests, including any highway or right-of-way interests, in property located at the intersection of West Lake Drive and South Lake Court.

	1	2	Y	N
Mayor Landry				
Mayor Pro Tem Capello				
Council Member Gatt				
Council Member Margolis				

	1	2	Y	N
Council Member Mutch				
Council Member Nagy				
Council Member Paul				

CITY OF NOVI  
OAKLAND COUNTY, MICHIGAN

**RESOLUTION VACATING CITY'S INTEREST IN  
PROPERTY LOCATED IN THE CITY OF NOVI**

Minutes of a \_\_\_\_\_ meeting of the City Council of the City Council of the City of  
Novi, County of Oakland, Michigan, held in the City Hall in said City on \_\_\_\_\_,  
at \_\_\_\_\_ o'clock P.M. Daylight Savings Time.

PRESENT: Councilmembers \_\_\_\_\_  
\_\_\_\_\_

ABSENT: Councilmembers \_\_\_\_\_  
\_\_\_\_\_

The following preamble and Resolution were offered by Councilmember \_\_\_\_\_  
\_\_\_\_\_ and supported by Councilmember \_\_\_\_\_.

**WHEREAS**, a request has been received by the City Council seeking the vacation,  
discontinuance, or abolition of any City interest in a portion of property located within the City  
of Novi, currently part of Sidwell No. 22-03-155-019 and legally described on the attached and  
incorporated Exhibit A and depicted on the attached and incorporated Exhibit B; and

**WHEREAS**, the property at issue is located at the intersection of West Lake Drive and  
South Lake Court; and

**WHEREAS**, the request for vacation asserts that the City interest in the portion of the  
property sought to be vacated has never been used for public road purposes, that the City has  
vacated a portion of South Lake Court in the same area; and

**WHEREAS**, following an initial investigation by City officials and consultants, the City Council scheduled and conducted a public hearing on May 14, 2007, to consider the owner's request; and

**WHEREAS**, The City Council makes the following findings and conclusions based upon and in light of the City's investigation and the public hearing:

1. The City Council of the City of Novi has jurisdiction to vacate its interests, if any, in the property located within Sidwell No. 22-03-155-019, which is not a platted street dedicated for public use that is within 25 meters of a lake or the general course of a stream.
2. The City Engineering Department and other appropriate city consultants have investigated the need to maintain a public road for traffic purposes and for access to any public utilities located within the public road right of way. The City Engineering Department and other consultants have determined it is not necessary to maintain this portion of West Lake Drive/South Lake Court as public road right of way; provided, however, that an easement to access the public utilities and for the continued use of the property actually improved with a portion of the South Lake Court turnaround area shall be reserved provide access to the City.
3. No objections to the vacation have been made, either in writing or at the public hearing.

**NOW, THEREFORE, IT IS HEREBY RESOLVED** by the Novi City Council that:

(1) The request for vacation of any City interest in the portion of the property located within Sidwell No. 22-03-155-019 is granted, and that portion of the property as described on the attached and incorporated Exhibit A and depicted on the attached and incorporated Exhibit B shall be, and is hereby, vacated.

(2) Such vacation is granted subject to the reservation of easements for public utility purposes. The reserved public utility easement shall be over the entire area described on the attached and incorporated Exhibit A and depicted on the attached and incorporated Exhibit B. The easement shall be a non-exclusive perpetual easement. The City and its representatives may also enter upon sufficient land adjacent to said utility easement for the purpose of exercising the rights and privileges granted herein. The City may install, repair, replace, improve, modify and maintain utility lines and all necessary appurtenances thereto, within the easement herein granted. Petitioner 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 the City's approval as part of an approved site plan, the Petitioner 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 water main in the easement areas described above.

The reserved easement shall run with the land first described above and shall be binding upon and inure to the benefit of the Petitioner and the City, and their respective heirs, representatives, successors and assigns.

(3) Such vacation is granted subject to the City being delivered, by the Owner of 2117 West Lake Drive, Sidwell No. 22-03-155-018 and 22-03-155-019, a quit claim deed for the area in which existing roadway improvements for South Lake Court now exist, which such area is described in the attached Exhibit C, and shown on Exhibit B.

(4) Within thirty days of the approval of the minutes of the meeting at which this Resolution is adopted, the City shall record this Resolution with the Oakland County Register of Deeds.

(5) The vacation of the City's interest in the described portion of the public road shall be effective on the day following the recording of this Resolution with the Oakland County Register of Deeds.

AYES:

NAYS:

ABSTENTIONS:

STATE OF MICHIGAN    )  
  ) ss.  
COUNTY OF OAKLAND )

I, MARYANNE CORNELIUS, the duly-qualified Clerk of the City of Novi, Oakland County, Michigan, do hereby certify that the foregoing is a true and complete copy of a Resolution adopted by the City Council of the City of Novi at a duly-called meeting held on the \_\_\_\_ day of \_\_\_\_\_, 2007, the original of which is on file in my office.

IN WITNESS WHEREOF, I have hereunto affixed my official signature this \_\_\_\_ day of \_\_\_\_\_, 2007.

\_\_\_\_\_  
MARYANNE CORNELIUS  
Clerk, City of Novi

**EXHIBIT A**

[Legal Description of Area to be Vacated]

A parcel of land, part of the West 1/2 of the Northwest 1/4 of Section 3, T.1N., R.8E., City of Novi, Oakland County, Michigan, being more particularly described as follows: Beginning at a point located S13°43'35"W, 71.73 feet along the easterly line of West Lake Drive (formerly Bentley Avenue, 30 feet wide) and S15°01'04"W 75.52 feet from the southwest corner of Lot #1 Bentley Subdivision, as recorded in Liber 10 Page 3, Oakland County Records; thence S57°23'25"E 192.22 feet parallel with the northerly line of South Lake Court to the water's edge of Walled Lake, thence and S06°08'51"W 36.86 feet along the water's edge to the center line of South lake Court extended easterly,; thence continuing along the extension of said center line N57°23'25"W 120.24 feet; thence N33°20'56"W 33.59 feet; thence N50°24'38" W 31.60 feet; thence N34°20'05"W 26.96 feet to the easterly right of way line of West lake Drive; thence continuing along said line N15°01'04"E 5.16 feet point of beginning. Containing 5302 square feet.

[Legal Description of Entire Sidwell No. 22-03-155-019]

A parcel of land, part of the West ½ of the Northwest ¼ of Section 3, T.1N, R.8E., City of Novi, Oakland County, Michigan, being more particularly described as follows: Beginning at a point located S13°43'35"W, 71.73 feet along the easterly line of West Lake Drive (formerly Bentley Avenue, 30 feet wide) and S15°01'04"W 75.52 feet from the southwest corner of Lot #1 Bentley Subdivision, as recorded in Liber 10 Page 3, Oakland County Records; thence S57°23'25"E 192.22 feet parallel with the northerly line of South Lake Court to the water's edge of Walled Lake, thence S06°08'51"W 36.86 feet along the water's edge to the center line of South Lake Court extended easterly, thence along the extension of said center line N57°23'25"W 198.18 feet; to the easterly Right Of Way line of West Lake Drive; thence along said line N15°01'04"E 34.62 feet to the point of beginning. Containing 6442 square feet.

[Legal Description of Area to be Retained]

A parcel of land, part of the West 1/2 of the Northwest 1/4 of Section 3, T.1N., R.8E., City of Novi, Oakland County, Michigan, being more particularly described as follows: Beginning at a point located S13°43'35"W, 71.73 feet along the easterly line of West Lake Drive (formerly Bentley Avenue, 30 feet wide) and S15°01'04"W 80.68 feet from the southwest corner of Lot #1 Bentley Subdivision, as recorded in Liber 10 Page 3, Oakland County Records; thence S15°01'04"W 29.46 feet along the easterly line of West Park Drive to the most southeasterly corner of Bentley Subdivision; thence S57°23'25"E 77.94 feet along the centerline of South Lake Court extended easterly; thence N33°20'56"W 33.59 feet; thence N50°24'38"W 31.60 feet; thence N34°20'05"W 26.96 feet to the point of beginning. Containing 1140 square feet.

**EXHIBIT B**

[Drawing attached]

**EXHIBIT C**

[Description of Quit Claim Area]

A parcel of land, part of the West 1/2 of the Northwest 1/4 of Section 3, T.1N., R.8E., City of Novi, Oakland County, Michigan, being more particularly described as follows: Beginning at a point located S13°43'35"W, 71.73 feet along the easterly line of West Lake Drive (formerly Bentley Avenue, 30 feet wide) and S15°01'04"W 80.68 feet from the southwest corner of Lot #1 Bentley Subdivision, as recorded in Liber 10 Page 3, Oakland County Records; thence S15°01'04"W 29.46 feet along the easterly line of West Park Drive to the most southeasterly corner of Bentley Subdivision; thence S57°23'25"E 77.94 feet along the centerline of South Lake Court extended easterly; thence N33°20'56"W 33.59 feet; thence N50°24'38"W 31.60 feet; thence N34°20'05"W 26.96 feet to the point of beginning. Containing 1140 square feet.

April 9, 2007

30903 Northwestern Highway  
P.O. Box 3040  
Farmington Hills, MI 48333-  
3040  
Tel: 248-851-9500  
Fax: 248-851-2158  
www.secretwardle.com

Clay J. Pearson, City Manager  
City of Novi  
45175 W. Ten Mile Road  
Novi, MI 48375

Thomas R. Schultz  
Direct: 248-539-2847  
tschultz@secretwardle.com

Re: *Vacation of Public Interest in Property  
Rosenthal parcel, No. 22-03-155-019*

Dear Mr. Pearson:

You have asked our office to address the process for vacating the City's interests in certain property that has been identified on various deeds or other documents over the years as part of a "highway" near the intersection of what is now West Lake Drive and South Lake Court. We have previously sent you and the City Council correspondence regarding this matter, and are now bringing forward a resolution to vacate the City's interests in this area for Council's consideration. As you are aware, there is currently a portion of a home located in the area at issue.

Section 2.2 of the City Charter, entitled "General Powers," adopts on behalf of the City of Novi all of the general powers granted to cities under the Home Rule Cities Act (HRCA), MCL 117.1 *et seq*:

*Unless otherwise provided or limited in this charter, the City and its officers shall possess and be vested with any and all powers, privileges and immunities, expressed or implied, which cities and their officers are, or hereafter may be, permitted to exercise or to provide for in their charters under the constitution and statutes of the State of Michigan, including all powers, privileges, and immunities granted to cities and their officers by Act No. 279 of the Public Acts of 1909 [MCL 117.1, et seq, MSA 5.2071, et seq], as amended, and including all powers, privileges and immunities which cities are or may be permitted to provide in their charters by said Act No. 279 of the Public Acts of 1909 [MCL 117.1, et seq, MSA 5.2071, et seq], as amended, as fully and completely as though the powers, privileges and immunities were specifically enumerated in and provided for in this charter, and in no case shall any enumeration of particular*



powers, privileges or immunities to be held to be exclusive. (Emphasis added.)

In §2.3(b) of the Novi City Charter, the City reserved to itself the right to provide for:

The establishment and *vacation* of streets, alleys, public ways and other public places . . . . .  
(emphasis added).

This provision closely tracks the language of MCL 117.4(h)(1)—part of the HRCA—which has been interpreted to vest a City Council with the power to vacate roads. See Cady v Oliver Farm Equipment Co., 259 Mich 161; 242 NW 875 (1932).

Section 7.6 of the Charter then states the required process for vacation of a street or alley:

- (a) ***Action to Vacate Public Places.*** Action to vacate, discontinue or abolish any highway, street, lane, alley, or other public place, or part thereof, shall be by resolution. After the introduction of such resolution and before its final adoption, the Council shall hold a public hearing thereon and shall publish notice of such hearing at least one week prior thereto.
- (b) ***Action Requiring Affirmative Vote of Five (5) Members of Council.*** The following action shall require the affirmative vote of *five members* of the Council for the effectiveness thereof:
  - (1) Vacating, discontinuing or abolishing any highway, street, lane, alley or other public place or part thereof:

At your request, and based upon the foregoing language, we have prepared a proposed resolution setting a public hearing on the issue. If Council determines to proceed with the vacation after the public hearing, a second resolution accomplishing the vacation (a draft of that is also attached) would be considered by the Council at a separate meeting. We have included a requirement for notice to be mailed directly to adjacent parcels; this is not required in the Charter or by statute, but is fairly typical to include in this kind of situation.


Clay J. Pearson, City Manager  
April 9, 2007  
Page 3

Note also that the legal description of the area to be vacated has been supplied by the requesting party. The City Engineer has indicated that it does appear to describe the area at issue.

Finally, if Council determines to proceed with the vacation of the area, it will be vacating only *a portion* of the area previously identified as a highway. There are road improvements that currently exist on some of the described "highway" area; those are intended to remain, and the area retained will not be vacated. In fact, the property owner has indicated that he will be providing the City with a quit claim deed to the retained area, which is a condition of the vacation as proposed. That deed would be provided at the time of the Council's action on the vacation at its second consideration of the matter.

If you have any questions regarding the above, please do not hesitate to call.

Very truly yours,

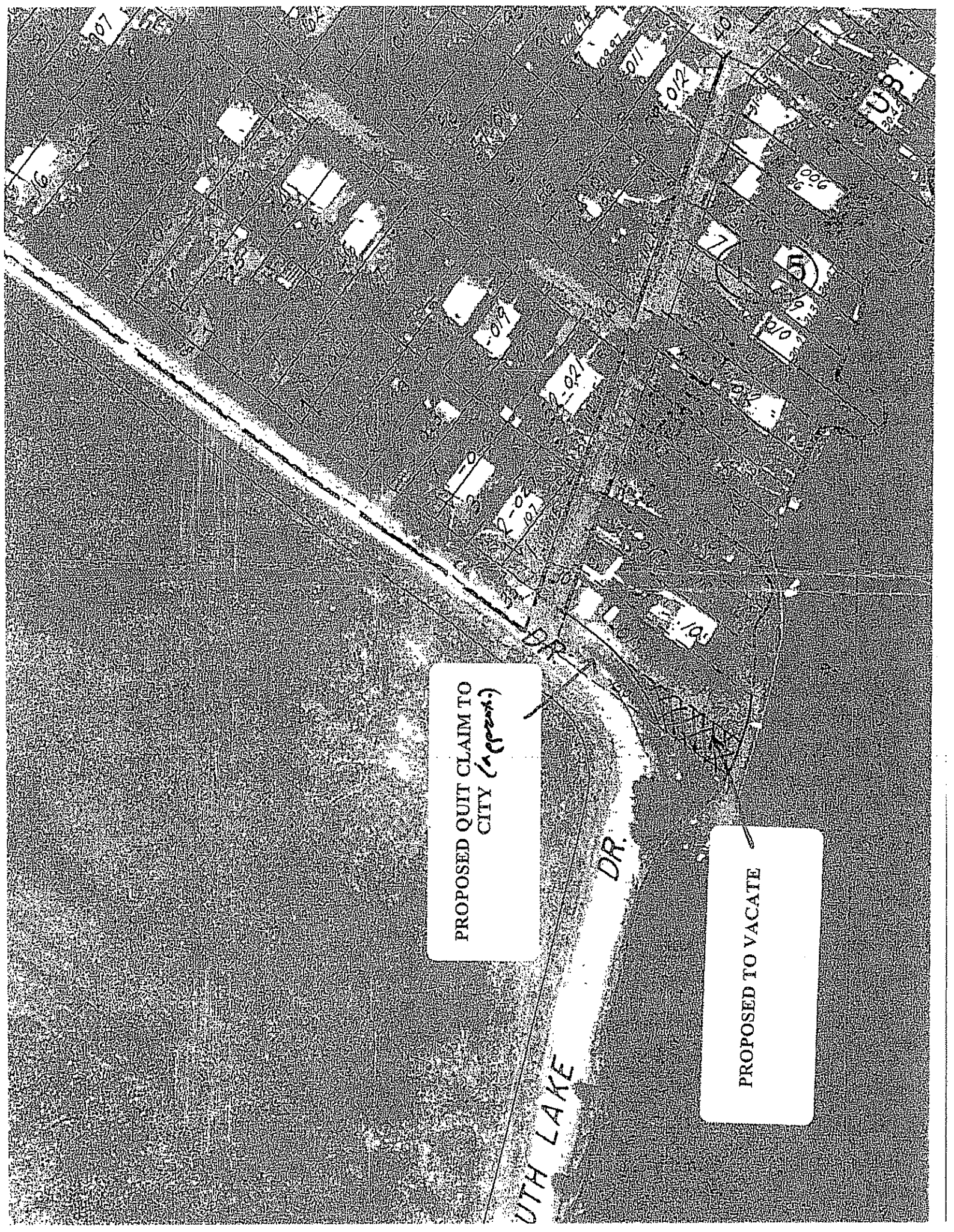


Thomas R. Schultz

TRS/jes

cc: Pam Antil, Assistant City Manager  
Rob Hayes, City Engineer  
Benny McCusker, DPW Director  
Glenn Lemmon, City Assessor  
Maryanne Cornelius, City Clerk

925236



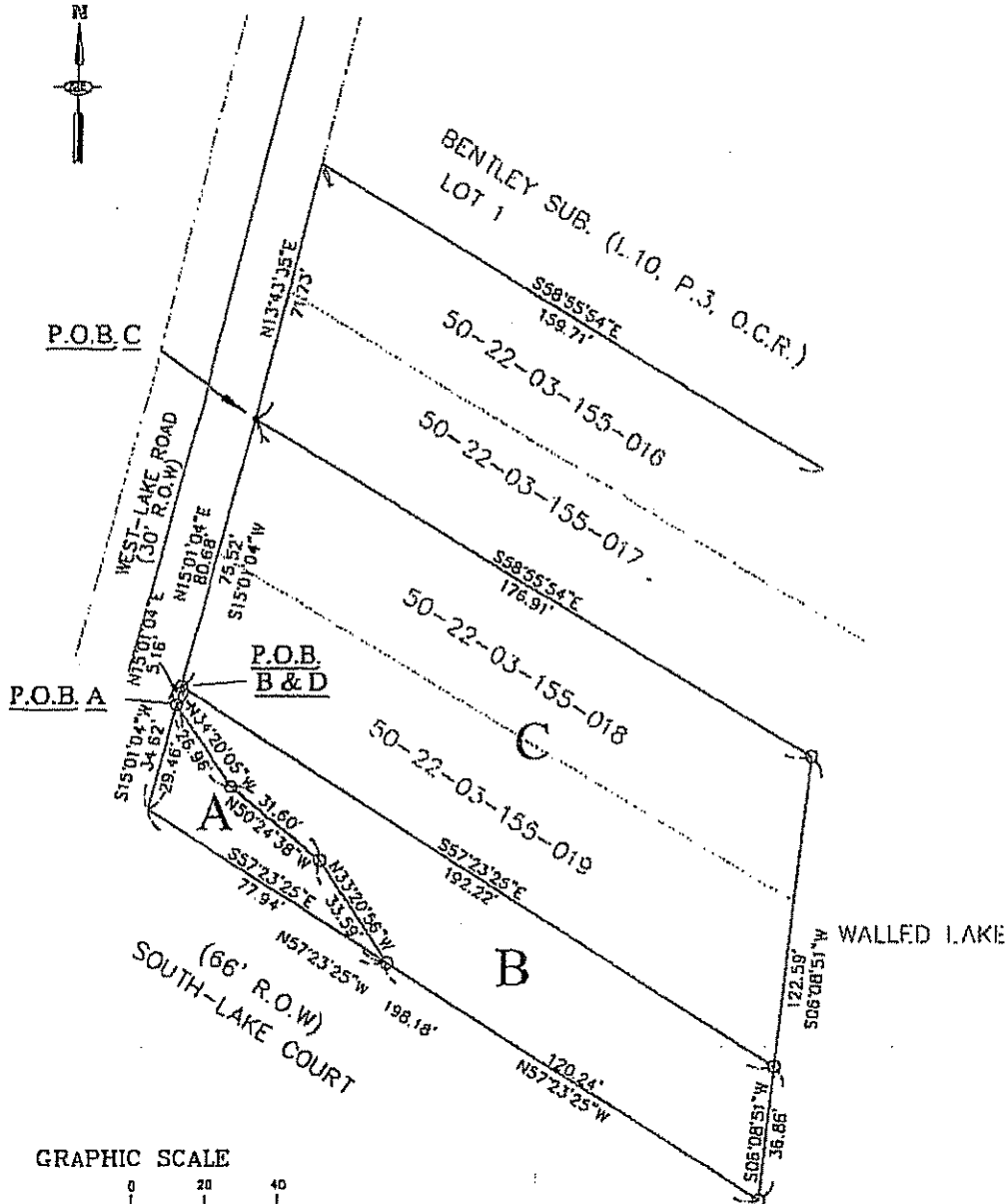
PROPOSED QUIT CLAIM TO  
CITY (agent)

PROPOSED TO VACATE

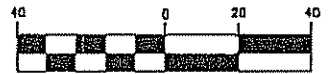
SOUTH LAKE  
DR.

# EXHIBIT'S A, B, C & D.

PAGE 1 OF 2



### GRAPHIC SCALE



( IN FEET )

1 inch = 40 ft

NOTE: EXHIBIT D = A & B COMBINED

### OWNER

JAN ROSENTHAL  
2117 WEST LAKE ROAD  
NOVI, MICHIGAN 48377

### LEGEND

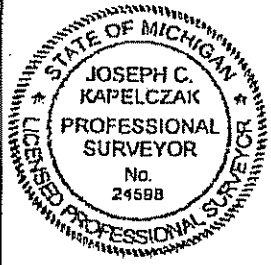
- FOUND IRON
- ⊙ FOUND CONC. MONUMENT
- SET CAPPED IRON #24598

BY JOHN JAC & ASSOCIATES, INC.

I, *Joseph C. Kapelczak*, Professional Surveyor No. 24598 hereby certify that I have surveyed the following described parcel of land in accordance with Act 132, P.A. 1970, that the ratio of closure is within the present acceptable limits:

**JCK**  
& associates, inc.  
45650 GRAND RIVER AVE.  
P.O. BOX 759  
NOVI, MI. 48376  
PHONE (248) 348-2680

EXHIBITS A, B, C, & D ROSENTHAL RESIDENCE 2117 WEST LAKE ROAD TAX ID. 50-22-03-155-018 & 50-22-03-155-019, CITY OF NOVI, OAKLAND COUNTY, MICHIGAN			
Date	Drawn	Checked	Job No.
4-05-07	VGR	JCK	09284



# EXHIBIT A, B, C. & D.

PAGE 2 OF 2

## Exhibit A That part used by the public as part of South Lake Court

A parcel of land, part of the West 1/2 of the Northwest 1/4 of Section 3, T.1N., R.8E., City of Novi, Oakland County, Michigan, being more particularly described as follows: Beginning at a point located S13°43'35"W, 71.73 feet along the easterly line of West Lake Drive (formerly Bentley Avenue, 30 feet wide) and S15°01'04"W 80.68 feet from the southwest corner of Lot #1 Bentley Subdivision, as recorded in Liber 10 Page 3, Oakland County Records; thence S15°01'04"W 29.46 feet along the easterly line of West Park Drive to the most southeasterly corner of Bentley Subdivision; thence S57°23'25"E 77.94 feet along the centerline of South Lake Court extended easterly; thence N33°20'56"W 33.59 feet; thence N50°24'38"W 31.60 feet; thence N34°20'05"W 26.96 feet to the point of beginning. Containing 1140 square feet.

## Exhibit B The unused portion of South Lake Court to be vacated.

A parcel of land, part of the West 1/2 of the Northwest 1/4 of Section 3, T.1N., R.8E., City of Novi, Oakland County, Michigan, being more particularly described as follows: Beginning at a point located S13°43'35"W, 71.73 feet along the easterly line of West Lake Drive (formerly Bentley Avenue, 30 feet wide) and S15°01'04"W 75.52 feet from the southwest corner of Lot #1 Bentley Subdivision, as recorded in Liber 10 Page 3, Oakland County Records; thence S57°23'25"E 192.22 feet parallel with the northerly line of South Lake Court to the water's edge of Walled Lake, thence S06°08'51"W 36.86 feet along the water's edge to the center line of South Lake Court extended easterly; thence continuing along the extension of said center line N57°23'25"W 120.24 feet; thence N33°20'56"W 33.59 feet; thence N50°24'38"W 31.60 feet; thence N34°20'05"W 26.96 feet to the easterly Right Of Way line of West Lake Drive; thence continuing along said line N15°01'04"E 5.16 feet to the point of beginning. Containing 5302 square feet.

## Exhibit C Combined 50-22-03-155-018 and 019 and Exhibit "B"

A parcel of land part of the West 1/2 of the Northwest 1/4 of Section 3, T.1N., R.8E., City of Novi, Oakland County, Michigan, being more particularly described as follows: Beginning at a point located S13°43'35"W, 71.73 feet along the easterly line of West Lake Drive (formerly Bentley Avenue, 30 feet wide) from the southwest corner of Lot #1 Bentley Subdivision, as recorded in Liber 10 Page 3, Oakland County Records; thence parallel with the south line of said Lot 1, S58°55'54"E 176.91 feet to the waters edge of Walled Lake; thence along the waters edge of Walled Lake S06°08'51"W 122.59 feet; thence N57°23'25"W 120.24 feet along the easterly extension of the centerline of South Lake Court; thence N33°20'56"W 33.59 feet; thence N50°24'38"W 31.60 feet; thence N34°20'05"W 26.96 feet to the easterly line of West Lake Drive; thence along said easterly line N15°01'04"E 80.68 feet to the point of beginning. Containing 19098 square feet.

## Exhibit D, Combined Exhibit A and B:

A parcel of land, part of the West 1/2 of the Northwest 1/4 of Section 3, T.1N., R.8E., City of Novi, Oakland County, Michigan, being more particularly described as follows: Beginning at a point located S13°43'35"W, 71.73 feet along the easterly line of West Lake Drive (formerly Bentley Avenue, 30 feet wide) and S15°01'04"W 75.52 feet from the southwest corner of Lot #1 Bentley Subdivision, as recorded in Liber 10 Page 3, Oakland County Records; thence S57°23'25"E 192.22 feet parallel with the northerly line of South Lake Court to the water's edge of Walled Lake, thence S06°08'51"W 36.86 feet along the water's edge to the center line of South Lake Court extended easterly; thence along the extension of said center line N57°23'25"W 198.18 feet; to the easterly Right Of Way line of West Lake Drive; thence along said line N15°01'04"E 34.62 feet to the point of beginning. Containing 6442 square feet.

### OWNER

JAN ROSENTHAL  
2117 WEST LAKE ROAD  
NOVI, MICHIGAN 48377

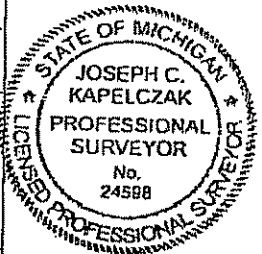
© 2004 J&A ASSOCIATES, P.C.

I, *Joseph C. Kapelczak*, Professional Surveyor No. 24598 hereby certify that I have surveyed the following described parcel of land in accordance with Act 132, P.A. 1976, that the ratio of closure is within the present acceptable limits:

**J&A**  
& associates, inc.  
45650 GRAND RIVER AVE.  
P.O. BOX 759  
NOVI, MI. 48376  
PHONE (248) 348-2680

EXHIBITS A, B, C, & D,  
ROSENTHAL RESIDENCE  
2117 WEST LAKE ROAD  
TAX ID. 50-22-03-155-018 &  
50-22-03-155-019, CITY OF NOVI,  
OAKLAND COUNTY, MICHIGAN

Date	Drawn	Checked	Job No.
4-05-07	VGR	JCK	09284



CITY OF NOVI

OAKLAND COUNTY, MICHIGAN

**RESOLUTION TO SET PUBLIC HEARING TO CONSIDER  
VACATING CITY'S INTEREST IN A PORTION OF PROPERTY  
LOCATED AT 2711 WEST LAKE DRIVE**

Minutes of a \_\_\_\_\_ meeting of the City Council of the City Council of the City of Novi, County of Oakland, Michigan, held in the City Hall in said City on \_\_\_\_\_, at \_\_\_\_\_ o'clock P.M. Daylight Savings Time.

PRESENT: Councilmembers \_\_\_\_\_  
\_\_\_\_\_

ABSENT: Councilmembers \_\_\_\_\_  
\_\_\_\_\_

The following preamble and Resolution were offered by Councilmember \_\_\_\_\_  
\_\_\_\_\_ and supported by Councilmember \_\_\_\_\_.

**WHEREAS**, a request has been received by the City Council seeking the vacation, discontinuance, or abolition of any City interest in a portion of property located at 2117 West lake Drive within the City of Novi, Sidwell No. 22-03-155-019 and legally described on the attached and incorporated Exhibit A and depicted on the attached and incorporated Exhibit B; and

**WHEREAS**, the property at issue is located at the intersection of West Lake Drive and South Lake Court; and

**WHEREAS**, the request for vacation asserts that the City interest in the portion of the property sought to be vacated has never been used for public road purposes, that the City has vacated a portion of South Lake Court or other highway in the same area; and

**WHEREAS**, the City Council has considered such request and has determined to proceed to further consideration of such action in accordance with the requirements of the applicable statutory, charter, and ordinance provisions, and pursuant to the terms of the attached proposed resolution;

**NOW, THEREFORE, IT IS HEREBY RESOLVED** by the Novi City Council:

1. That the City Council deems it advisable to consider the vacation, discontinuance, or abolition of its interests, if any, in an area of property located at 2117 West Lake Drive within the City of Novi, Sidwell No. 22-03-155-019 and legally described on the attached and incorporated Exhibit A and depicted on the attached and incorporated Exhibit B, within the City of Novi, County of Oakland, State of Michigan.
2. That the City Council will meet and hear objections, if there are any, to such vacation, discontinuance, or abolition on the 14th day of May 2007, at 7:00 p.m. at the City of Novi City Hall.
3. The City Clerk is hereby directed to publish notice of such meeting in the newspaper of general circulation in the City, not less than seven days before the time appointed for such meeting. The City Clerk shall also give notice by first class mail to the owners of all property abutting the portion of such platted public road that is legally described in paragraph 1, as shown upon the assessment rolls of the City.

AYES:  
NAYS:  
ABSTENTIONS:

STATE OF MICHIGAN     )  
  ) ss.  
COUNTY OF OAKLAND    )

I, MARYANNE CORNELIUS, the duly-qualified Clerk of the City of Novi, Oakland County, Michigan, do hereby certify that the foregoing is a true and complete copy of a Resolution adopted by the City Council of the City of Novi at a duly-called meeting held on the \_\_\_ day of \_\_\_\_\_, 2007, the original of which is on file in my office.

IN WITNESS WHEREOF, I have hereunto affixed my official signature this \_\_\_\_ day of \_\_\_\_\_, 2007.

---

MARYANNE CORNELIUS  
Clerk, City of Novi



## EXHIBIT A

### [Legal Description of Area to be Vacated]

A parcel of land, part of the West 1/2 of the Northwest 1/4 of Section 3, T.1N., R.8E., City of Novi, Oakland County, Michigan, being more particularly described as follows: Beginning at a point located S13°43'35"W, 71.73 feet along the easterly line of West Lake Drive (formerly Bentley Avenue, 30 feet wide) and S15°01'04"W 75.52 feet from the southwest corner of Lot #1 Bentley Subdivision, as recorded in Liber 10 Page 3, Oakland County Records; thence S57°23'25"E 192.22 feet parallel with the northerly line of South Lake Court to the water's edge of Walled Lake, thence and S06°08'51"W 36.86 feet along the water's edge to the center line of South lake Court extended easterly,; thence continuing along the extension of said center line N57°23'25"W 120.24 feet; thence N33°20'56"W 33.59 feet; thence N50°24'38" W 31.60 feet; thence N34°20'05"W 26.96 feet to the easterly right of way line of West lake Drive; thence continuing along said line N15°01'04"E 5.16 feet point of beginning. Containing 5302 square feet.

### [Legal Description of Entire Sidwell No. 22-03-155-019]

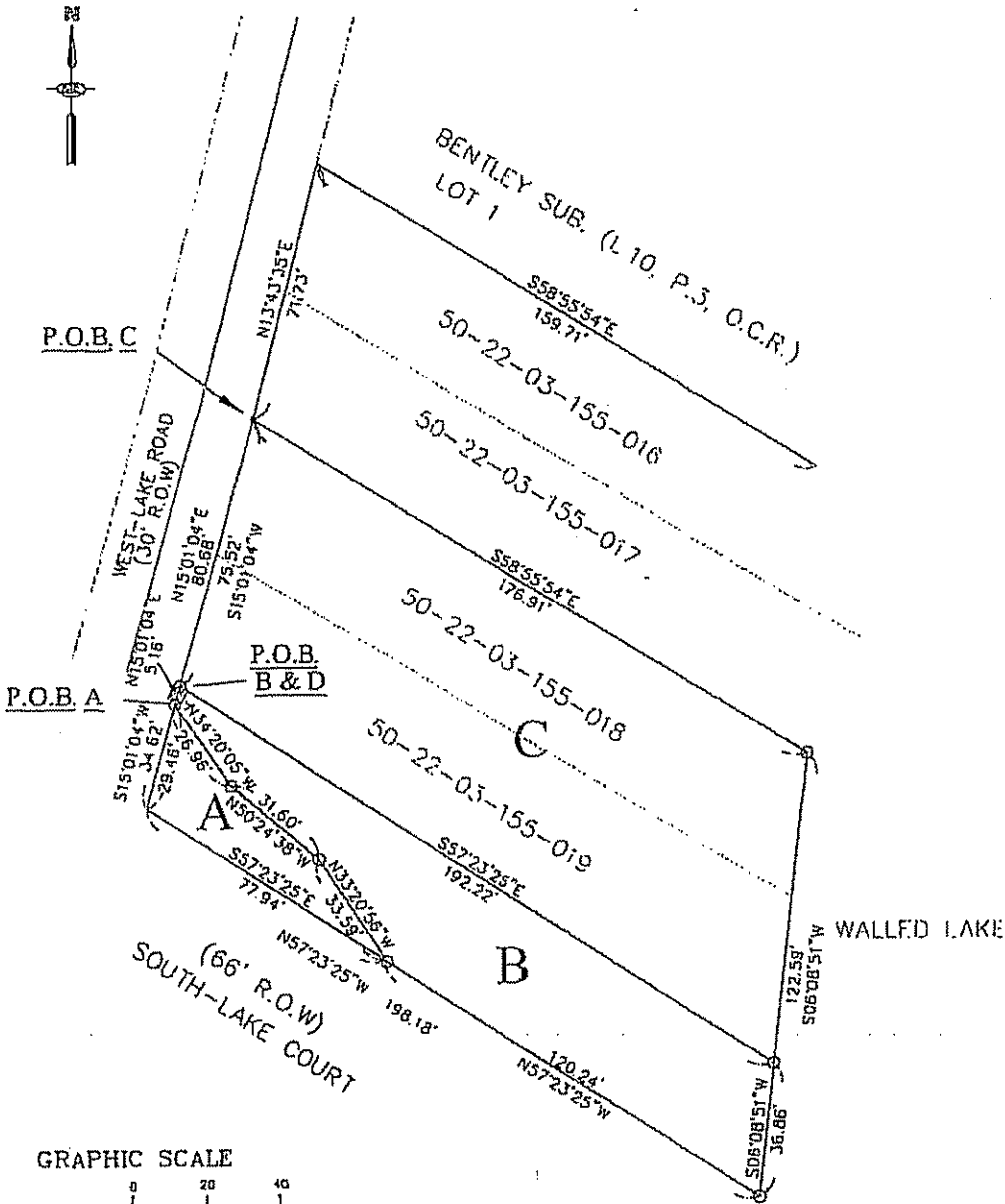
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### [Legal Description of Area to be Retained]

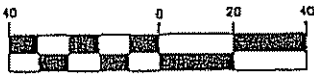
A parcel of land, part of the West 1/2 of the Northwest 1/4 of Section 3, T.1N., R.8E., City of Novi, Oakland County, Michigan, being more particularly described as follows: Beginning at a point located S13°43'35"W, 71.73 feet along the easterly line of West Lake Drive (formerly Bentley Avenue, 30 feet wide) and S15°01'04"W 80.68 feet from the southwest corner of Lot #1 Bentley Subdivision, as recorded in Liber 10 Page 3, Oakland County Records; thence S15°01'04"W 29.46 feet along the easterly line of West Park Drive to the most southeasterly corner of Bentley Subdivision; thence S57°23'25"E 77.94 feet along the centerline of South Lake Court extended easterly; thence N33°20'56"W 33.59 feet; thence N50°24'38"W 31.60 feet; thence N34°20'05"W 26.96 feet to the point of beginning. Containing 1140 square feet.

# EXHIBITS A, B, C & D.

PAGE 1 OF 2



### GRAPHIC SCALE



( IN FEET )  
1 inch = 40 ft

**NOTE: EXHIBIT D = A & B COMBINED**

#### OWNER

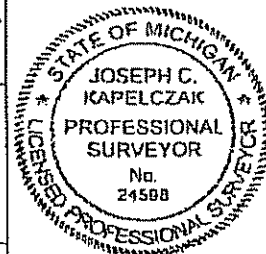
JAN ROSENTHAL  
2117 WEST LAKE ROAD  
NOVI, MICHIGAN 48377

#### LEGEND

- FOUND IRON
- ⊙ FOUND CONC. MONUMENT
- SET CAPPED IRON #24598

© 2007 J&A ASSOCIATES, PC

I, *Joseph C. Kapelczak*, Professional Surveyor No. 24598 hereby certify that I have surveyed the following described parcel of land in accordance with Act 132, P.A. 1970, that the ratio of closure is within the present acceptable limits:



**J&A**  
& associates, inc.  
45650 GRAND RIVER AVE.  
P.O. BOX 759  
NOVI, MI. 48376  
PHONE (248) 348-2680

EXHIBITS A, B, C, & D.  
ROSENTHAL RESIDENCE  
2117 WEST LAKE ROAD  
TAX ID. 50-22-03-155-018 &  
50-22-03-155-019, CITY OF NOVI,  
OAKLAND COUNTY, MICHIGAN

Date	Drawn	Checked	Job No.
4-05-07	VCR	JCK	09284

# EXHIBIT A, B, C & D.

PAGE 2 OF 2

Exhibit A That part used by the public as part of South Lake Court

A parcel of land, part of the West 1/2 of the Northwest 1/4 of Section 3, T.1N., R.8E., City of Novi, Oakland County, Michigan, being more particularly described as follows: Beginning at a point located S13°43'35"W, 71.73 feet along the easterly line of West Lake Drive (formerly Bentley Avenue, 30 feet wide) and S15°01'04"W 80.68 feet from the southwest corner of Lot #1 Bentley Subdivision, as recorded in Liber 10 Page 3, Oakland County Records; thence S15°01'04"W 29.46 feet along the easterly line of West Park Drive to the most southeasterly corner of Bentley Subdivision; thence S57°23'25"E 77.94 feet along the centerline of South Lake Court extended easterly; thence N33°20'56"W 33.59 feet; thence N50°24'38"W 31.60 feet; thence N34°20'05"W 26.96 feet to the point of beginning. Containing 1140 square feet.

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Exhibit C Combined 50-22-03-155-018 and 019 and Exhibit "B"

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Exhibit D, Combined Exhibit A and B:

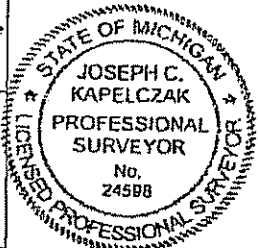
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**OWNER**

JAN ROSENTHAL  
2117 WEST LAKE ROAD  
NOVI, MICHIGAN 48377

© 2004 J&A ASSOCIATES, INC.

I, *Joseph C. Kapelczak*, Professional Surveyor No 24588 hereby certify that I have surveyed the following described parcel of land in accordance with Act 132, P.A. 1970, that the ratio of closure is within the present acceptable limits:



**J&A**  
& associates, inc.  
45660 GRAND RIVER AVE.  
P.O. BOX 759  
NOVI, MI. 48376  
PHONE (248) 348-2680

EXHIBITS A, B, C, & D,  
ROSENTHAL RESIDENCE  
2117 WEST LAKE ROAD  
TAX ID. 50-22-03-155-018 &  
50-22-03-155-019, CITY OF NOVI,  
OAKLAND COUNTY, MICHIGAN

Date	Drawn	Checked	Job No.
4-05-07	VCR	JCK	09284

**EXHIBIT B**

[Drawing attached]

[DRAFT]

CITY OF NOVI  
OAKLAND COUNTY, MICHIGAN

**RESOLUTION VACATING CITY'S INTEREST IN  
A PORTION OF 2117 WEST LAKE DRIVE IN THE CITY OF NOVI**

Minutes of a \_\_\_\_\_ meeting of the City Council of the City Council of the City of  
Novi, County of Oakland, Michigan, held in the City Hall in said City on \_\_\_\_\_,  
at \_\_\_\_\_ o'clock P.M. Daylight Savings Time.

PRESENT: Councilmembers \_\_\_\_\_

\_\_\_\_\_

ABSENT: Councilmembers \_\_\_\_\_

\_\_\_\_\_

The following preamble and Resolution were offered by Councilmember \_\_\_\_\_  
\_\_\_\_\_ and supported by Councilmember \_\_\_\_\_.

**WHEREAS**, a request has been received by the City Council seeking the vacation,  
discontinuance, or abolition of any City interest in a portion of property located at 2117 West  
lake Drive within the City of Novi, Sidwell No. 22-03-155-019 and legally described on the  
attached and incorporated Exhibit A and depicted on the attached and incorporated Exhibit B;  
and

**WHEREAS**, the property at issue is located at the intersection of West Lake Drive and  
South Lake Court; and

**WHEREAS**, the request for vacation asserts that the City interest in the portion of the property sought to be vacated has never been used for public road purposes, that the City has vacated a portion of South Lake Court in the same area; and

**WHEREAS**, following an initial investigation by City officials and consultants, the City Council scheduled and conducted a public hearing on May 14, 2007, to consider the owner's request; and

**WHEREAS**, The City Council makes the following findings and conclusions based upon and in light of the City's investigation and the public hearing:

1. The City Council of the City of Novi has jurisdiction to vacate its interests, if any, in the property located at 2117 West Lake Drive, which is not a platted street dedicated for public use that is within 25 meters of a lake or the general course of a stream.
2. The City Engineering Department and other appropriate city consultants have investigated the need to maintain a public road for traffic purposes and for access to any public utilities located within the public road right of way. The City Engineering Department and other consultants have determined it is not necessary to maintain this portion of West Lake Drive as public road right of way; provided, however, that an easement to access the public utilities and for the continued use of the property actually improved with a portion of the South lake Court turnaround area shall be reserved provide access to the City.
3. No objections to the vacation have been made, either in writing or at the public hearing.

**NOW, THEREFORE, IT IS HEREBY RESOLVED** by the Novi City Council that:

(1) The request for vacation of any City interest in the portion of the property located at 2117 West Lake Drive is granted, and that portion of the property as described on the attached and incorporated Exhibit A and depicted on the attached and incorporated Exhibit B shall be, and is hereby, vacated.

(2) Such vacation is granted subject to the reservation of easements for public utility purposes. The reserved public utility easement shall be over the entire area described on the attached and incorporated Exhibit A and depicted on the attached and incorporated Exhibit B. The easement shall be a non-exclusive perpetual easement. The City and its representatives may also enter upon sufficient land adjacent to said utility easement for the purpose of exercising the rights and privileges granted herein. The City may install, repair, replace, improve, modify and maintain utility lines and all necessary appurtenances thereto, within the easement herein granted. Petitioner 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 the City's approval as part of an approved site plan, the Petitioner 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 water main in the easement areas described above.

The reserved easement shall run with the land first described above and shall be binding upon and inure to the benefit of the Petitioner and the City, and their respective heirs, representatives, successors and assigns.

(3) Such vacation is granted subject to the City being delivered, by the Owner of 2117 West Lake Drive, Sidwell No. 22-03-155-018 and 22-03-155-019, a quit claim deed for the area in which existing roadway improvements for South Lake Court now exist, which such area is described in the attached Exhibit C, and shown on Exhibit B.

(4) Within thirty days of the approval of the minutes of the meeting at which this Resolution is adopted, the City shall record this Resolution with the Oakland County Register of Deeds.

(5) The vacation of the City's interest in the described portion of the public road shall be effective on the day following the recording of this Resolution with the Oakland County Register of Deeds.

AYES:  
NAYS:  
ABSTENTIONS:

STATE OF MICHIGAN     )  
  ) ss.  
COUNTY OF OAKLAND    )

I, MARYANNE CORNELIUS, the duly-qualified Clerk of the City of Novi, Oakland County, Michigan, do hereby certify that the foregoing is a true and complete copy of a Resolution adopted by the City Council of the City of Novi at a duly-called meeting held on the \_\_\_ day of \_\_\_\_\_, 2007, the original of which is on file in my office.

IN WITNESS WHEREOF, I have hereunto affixed my official signature this \_\_\_ day of \_\_\_\_\_, 2007.

\_\_\_\_\_  
MARYANNE CORNELIUS  
Clerk, City of Novi

**EXHIBIT A**

[Legal Description of Area to be Vacated]

A parcel of land, part of the West 1/2 of the Northwest 1/4 of Section 3, T.1N., R.8E., City of Novi, Oakland County, Michigan, being more particularly described as follows: Beginning at a point located S13°43'35"W, 71.73 feet along the easterly line of West Lake Drive (formerly Bentley Avenue, 30 feet wide) and S15°01'04"W 75.52 feet from the southwest corner of Lot #1 Bentley Subdivision, as recorded in Liber 10 Page 3, Oakland County Records; thence S57°23'25"E 192.22 feet parallel with the northerly line of South Lake Court to the water's edge of Walled Lake, thence and S06°08'51"W 36.86 feet along the water's edge to the center line of South lake Court extended easterly,; thence continuing along the extension of said center line N57°23'25"W 120.24 feet; thence N33°20'56"W 33.59 feet; thence N50°24'38" W 31.60 feet; thence N34°20'05"W 26.96 feet to the easterly right of way line of West lake Drive; thence continuing along said line N15°01'04"E 5.16 feet point of beginning. Containing 5302 square feet.

[Legal Description of Entire Sidwell No. 22-03-155-019]

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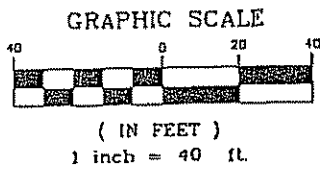
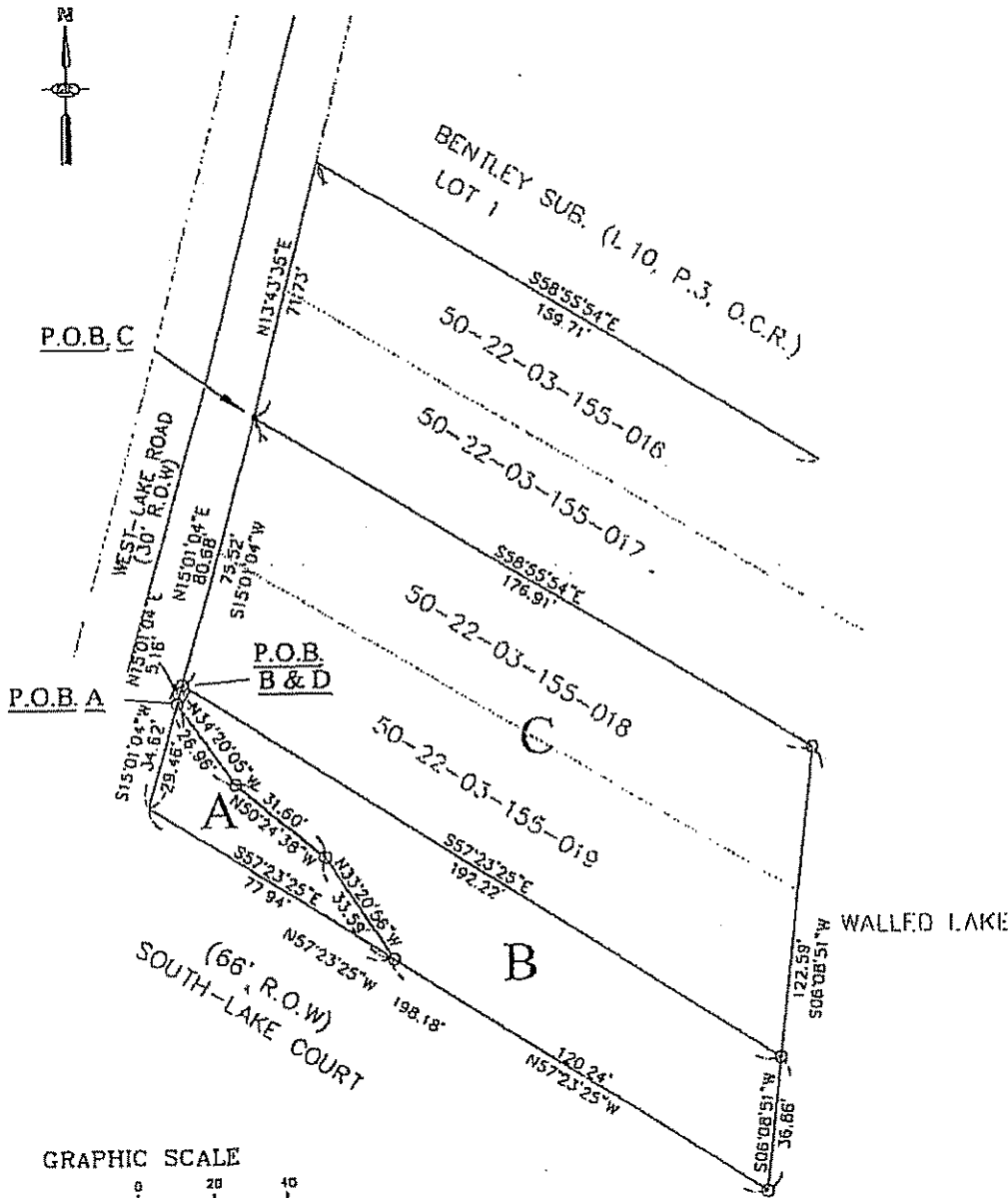


**EXHIBIT B**

[Drawing attached]

# EXHIBIT'S A, B, C & D.

PAGE 1 OF 2



NOTE: EXHIBIT D = A & B COMBINED

**OWNER**  
 JAN ROSENTHAL  
 2117 WEST LAKE ROAD  
 NOVI, MICHIGAN 48377

- LEGEND**
- FOUND IRON
  - ⊙ FOUND CONC. MONUMENT
  - SET CAPPED IRON #24598

I, *Joseph C. Kapelczak*, Professional Surveyor No. 24598 hereby certify that I have surveyed the following described parcel of land in accordance with Act 132, P.A. 1970, that the ratio of closure is within the present acceptable limits:

**J&K**  
 & associates, inc.  
 45650 GRAND RIVER AVE.  
 P.O. BOX 759  
 NOVI, MI 48376  
 PHONE (248) 348-2680

EXHIBITS A, B, C, & D  
 ROSENTHAL RESIDENCE  
 2117 WEST LAKE ROAD  
 TAX ID. 50-22-03-155-018 &  
 50-22-03-155-019, CITY OF NOVI,  
 OAKLAND COUNTY, MICHIGAN

Date	Drawn	Checked	Job No.
4-05-07	VGR	JCK	09284



# EXHIBIT A, B, C. & D.

Exhibit A That port used by the public as part of South Lake Court

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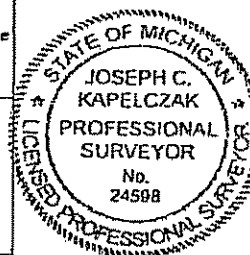
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**OWNER**

JAN ROSENTHAL  
2117 WEST LAKE ROAD  
NOVI, MICHIGAN 48377

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& associates, inc.  
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PHONE (248) 348-2680

EXHIBITS A, B, C, & D,  
ROSENTHAL RESIDENCE  
2117 WEST LAKE ROAD  
TAX ID. 50-22-03-155-018 &  
50-22-03-155-019, CITY OF NOVI,  
OAKLAND COUNTY, MICHIGAN

Date	Drawn	Checked	Job No.
4-05-07	VGR	JCK	09284

**EXHIBIT C**

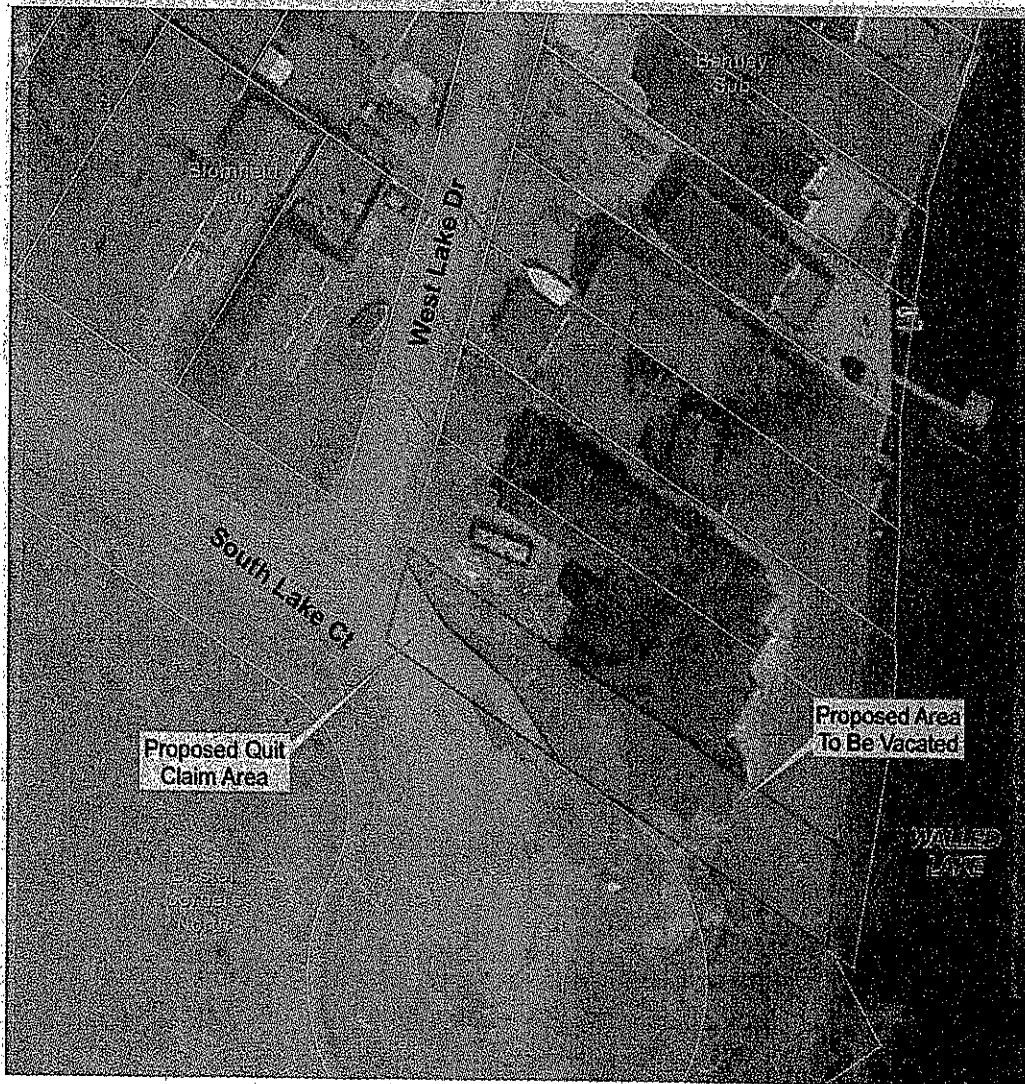
[Description of Quit Claim Area]

A parcel of land, part of the West 1/2 of the Northwest 1/4 of Section 3, T.1N., R.8E., City of Novi, Oakland County, Michigan, being more particularly described as follows: Beginning at a point located S13°43'35"W, 71.73 feet along the easterly line of West Lake Drive (formerly Bentley Avenue, 30 feet wide) and S15°01'04"W 80.68 feet from the southwest corner of Lot #1 Bentley Subdivision, as recorded in Liber 10 Page 3, Oakland County Records; thence S15°01'04"W 29.46 feet along the easterly line of West Park Drive to the most southeasterly corner of Bentley Subdivision; thence S57°23'25"E 77.94 feet along the centerline of South Lake Court extended easterly; thence N33°20'56"W 33.59 feet; thence N50°24'38"W 31.60 feet; thence N34°20'05"W 26.96 feet to the point of beginning. Containing 1140 square feet.

## NOTICE OF PUBLIC HEARING CITY OF NOVI

NOTICE IS HEREBY GIVEN that the Novi City Council will hold a Public Hearing regarding the possible vacation of the City's interests in a portion of property located at the intersection of West Lake Drive and South Lake Court, described as follows:

A parcel of land, part of the West 1/2 of the Northwest 1/4 of Section 3, T.1N., R.8E., City of Novi, Oakland County, Michigan, being more particularly described as follows: Beginning at a point located S13°43'35"W, 71.73 feet along the easterly line of West Lake Drive (formerly Bentley Avenue, 30 feet wide) and S15°01'04"W 75.52 feet from the southwest corner of Lot #1 Bentley Subdivision, as recorded in Liber 10 Page 3, Oakland County Records; thence S57°23'25"E 192.22 feet parallel with the northerly line of South Lake Court to the water's edge of Walled Lake, thence and S06°08'51"W 36.86 feet along the water's edge to the center line of South Lake Court extended easterly; thence continuing along the extension of said center line N57°23'25"W 120.24 feet; thence N33°20'56"W 33.59 feet; thence N50°24'38" W 31.60 feet; thence N34°20'05"W 26.96 feet to the easterly right of way line of West Lake Drive; thence continuing along said line N15°01'04"E 5.16 feet point of beginning. Containing 5302 square feet.



The Public Hearing will take place at the Novi Civic Center – Council Chambers, 45175 W. Ten Mile Road, Novi, Michigan, 48375, on Monday, May 14, 2007 at 7:00 p.m. All interested persons are invited to attend. Any written comments may be sent to the City Clerk's office at the above address. Questions regarding this matter may be directed to the City Clerk at 248-347-0456.

(5-3-07 NN 351807)

MARYANNE CORNELIUS, CMC  
NOVI CITY CLERK