

CITY of NOVI CITY COUNCIL

**Agenda Item Q
September 28, 2009**

SUBJECT: Approval of a Storm Drainage Facility Maintenance Easement Agreement from Basilian Fathers of Milford, for the Basilian Fathers Residence located at 26095 Taft Road on the north side of Eleven Mile Road west of Taft Road in Section 16 (parcel 22-16-451-076).

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

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

BACKGROUND INFORMATION:

The Basilian Fathers of Milford has requested approval of the Storm Drainage Facility Maintenance Easement Agreement for the Basilian Fathers Residence site, located at 26095 Taft Road (on the north side of Eleven Mile Road west of Taft Road), Section 16 of the City of Novi. The enclosed Agreement has been favorably reviewed by the City Attorney (Beth Kudla's August 12, 2009 letter, attached) and is recommended for approval.

RECOMMENDED ACTION: Approval of a Storm Drainage Facility Maintenance Easement Agreement from Basilian Father's of Milford for the Basilian Father's Residence located at 26095 Taft Road on the north side of Eleven Mile Road west of Taft Road in Section 16 (parcel 22-16-451-076).

	1	2	Y	N
Mayor Landry				
Mayor Pro Tem Gatt				
Council Member Burke				
Council Member Crawford				

	1	2	Y	N
Council Member Margolis				
Council Member Mutch				
Council Member Staudt				



August 12, 2009

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

Rob Hayes, Public Services Director
CITY OF NOVI
45175 West Ten Mile Road
Novi, Michigan 48375-3024

Elizabeth M. Kudla
Direct: 248-539-2846
bkudla@secrestwardle.com

**Re: Basilian Fathers of Milford, SP07-59
Storm Drainage Facility Maintenance Easement Agreement
Our File No. 660145.NOVI**

Dear Mr. Hayes:

We have received and reviewed, and enclosed please find, the Storm Drainage Facility Maintenance Easement Agreement for the Basilian Fathers Residence in Section 16 of the City. Subject to the approval of the Exhibits by the City's Consulting Engineer, the Agreement appears to be in order and may be placed on an upcoming City Council Agenda for approval. Once approved and executed by the City, the Agreement should be recorded with Oakland County Records by the City Clerk's Office.

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

Very truly yours,

ELIZABETH M. KUDLA

EMK

Enclosure

- C: Maryanne Cornelius, Clerk (w/ Original Enclosure)
- Marina Neumaier, Assistant Finance Director (w/Enclosure)
- Charles Boulard, Building Official (w/Enclosure)
- Barb McBeth, Deputy Community Development Director (w/Enclosure)
- Aaron Staup, Construction Engineering Coordinator (w/Enclosure)
- Taylor Reynolds and Byron Hanson, Spalding DeDecker (w/Enclosure)
- Sarah Marchioni, Building Permit Coordinator (w/Enclosure)
- Sue Troutman, City Clerk's Office (w/Enclosure)
- Rick Hofsess and Andy Wozniak, Ziemet Wozniak & Associates (w/Enclosure)
- Thomas R. Schultz, Esquire (w/Enclosure)

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**STORM DRAINAGE FACILITY
MAINTENANCE EASEMENT AGREEMENT**

THIS EASEMENT AGREEMENT is made this 11th day of AUGUST, 2009, by and between BASILIAN FATHERS OF MILFORD, A MICHIGAN NON-PROFIT CORPORATION, whose address is 28724 FIVE MILE RD., LIVONIA, MICHIGAN 48154 (hereinafter the "Owner"), and the City of Novi, its successors, assigns, or transferees, whose address is 45175 W. Ten Mile Road, Novi, MI 48375 (hereinafter the "City").

RECITATIONS:

A. Owner is the owner and developer of a certain parcel of land situated in Section 16 of the City of Novi, Oakland County, Michigan, described on the attached and incorporated Exhibit A (the "Property"). Owner has received final site plan approval for construction of a BASILIAN RESIDENCE development on the Property.

B. The BASILIAN RESIDENCE Development, shall contain certain storm drainage, detention and/or retention facilities, including but not limited to, a detention/sedimentation basin, for the collection, conveyance, storage, treatment and/or discharge of storm water from the Property in accordance with all approved plans, and all applicable ordinances, laws and regulations.

NOW, THEREFORE, the Owner hereby covenants and agrees that the Owner shall, at its own expense, perpetually preserve, maintain, and repair all storm drainage, detention and retention facilities, including all wetlands which are part of the system, to insure that the same continue to function as intended. The Owner shall establish a regular and systematic program of maintenance (the "Schedule of Maintenance") for such facilities and areas to insure that the physical condition and intended function of such areas and facilities shall be preserved and maintained. The Schedule of Maintenance and the annual estimated costs for maintenance and repairs for the first three (3) years are described in the attached Exhibit B.

[Provide site specific storm water facility maintenance information per Section 12-244 of the Storm Water Management Ordinance. Attach an Exhibit B with description and/or tables providing an explanation of maintenance activities and a budget for maintenance and inspection for the first three years of operation. This section must contain the following statement, "The Owner and/or Association shall maintain a log of all inspection and maintenance activities and make the log available to City personnel as needed."] *This paragraph is explanatory and should be removed before submission of the agreement.

Notary Public
Oakland County, Michigan
My Commission Expires: _____

Drafted by:
Elizabeth M. Kudla
30903 Northwestern Highway
P.O. Box 3040
Farmington Hills, MI 48333-3040

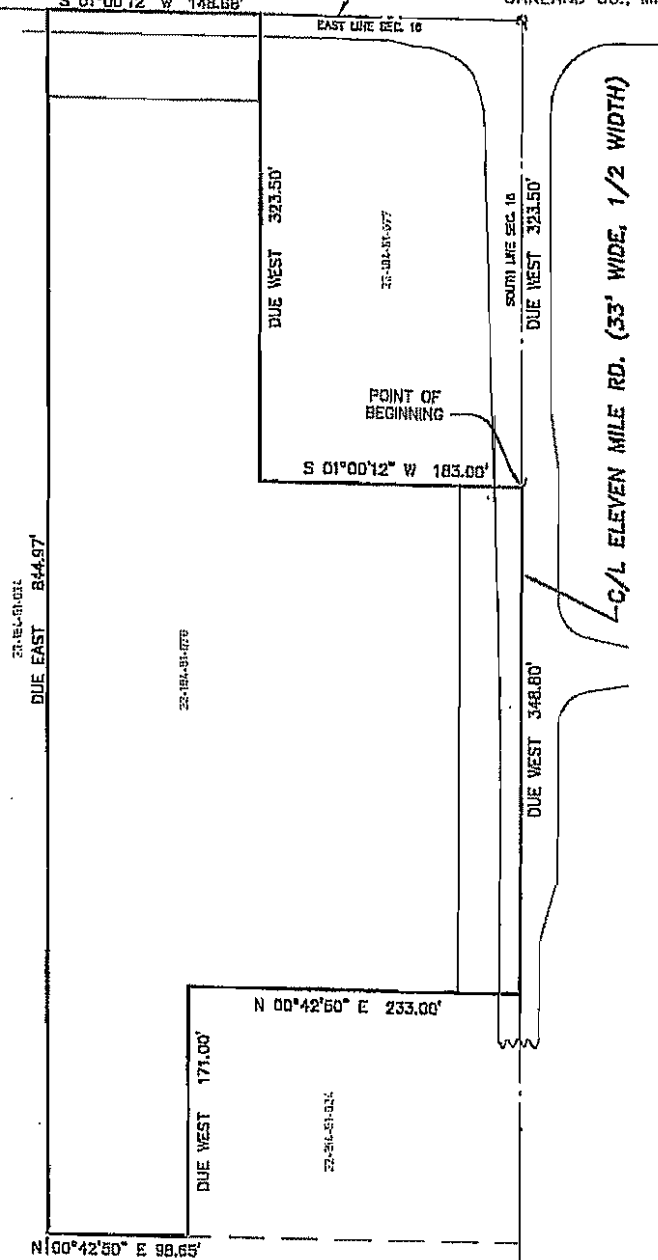
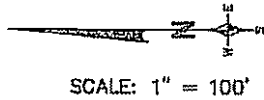
And when recorded return to:
Maryanne Cornelius, City Clerk
City of Novi
45175 W. Ten Mile Rd
Novi, MI 48375

602691v1

EXHIBIT A

S.E. CORNER
SECTION 16
T. 2 N., R. 8 E.
CITY OF NOVI
OAKLAND CO., MI.

C/L TAFT RD. (33' WIDE, 1/2 WIDTH)
S 01°00'12" W 148.68'



LEGAL DESCRIPTION

A PARCEL OF LAND LOCATED IN PART OF THE SOUTHEAST 1/4 OF SECTION 16, T. 1 N., R. 8 E., CITY OF NOVI, OAKLAND COUNTY MICHIGAN BEING MORE PARTICULARLY DESCRIBED AS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 16 AND PROCEEDING ALONG THE SOUTH LINE OF SECTION 16, SAID LINE ALSO BEING THE CENTERLINE OF ELEVEN MILE ROAD (33 FEET WIDE, 1/2 WIDTH) DUE WEST 323.50 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID SOUTH LINE AND CENTERLINE DUE WEST 348.80 FEET; THENCE N. 00°42'50" E. 233.00 FEET; THENCE DUE WEST 171.00 FEET; THENCE N. 00°42'50" E. 98.65 FEET; THENCE DUE EAST 844.97 FEET TO A POINT ON THE EAST LINE OF SAID SECTION 16, ALSO BEING THE CENTERLINE OF TAFT ROAD (33 FEET WIDE, 1/2 WIDTH); THENCE ALONG SAID SECTION LINE AND CENTERLINE S. 01°00'12" W. 148.68 FEET; THENCE DUE WEST 323.50 FEET; THENCE S. 01°00'12" W. 183.00 FEET TO THE POINT OF BEGINNING. CONTAINING 4.15 ACRES MORE OR LESS AND BEING SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.

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REVISIONS		
ITEM	DATE	BY

PROPERTY DESCRIPTION
BASILIAN RESIDENCE
CITY OF NOVI MICHIGAN

ZEMET WOZNAK & ASSOCIATES
Civil Engineers & Land Surveyors
48024 GRAND RIVER AVE., SUITE 100
NOVI, MICHIGAN 48175
P: (248) 413-1101 F: (248) 442-1241 www.zemetwoznak.com

DATE	SCALE
9-8-08	HOR: 1" = 100'
DESIGNED BY	FIELD BOOK NO.
PTG	
DRAWN BY	JOB NO.
PTG	07142
	SHEET NO.
	1/1

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EXHIBIT "B"

MAINTENANCE ACTIVITIES AND SCHEDULE FOR THE STORMWATER MANAGEMENT AND EROSION CONTROL FACILITIES

TASKS:	COMPONENTS:							SCHEDULE:	
	Storm Sewer System	Catch Basin Sumps	Catch Basin and Inlet Casings	Outflow Control Structures	Rip-Rap	Storm Detention Basin	Vortentry VS 50		Budget
Inspect for sediment accumulation	X	X	X	X		X	X	\$1,000	Weekly prior to turnover
Removal of sediment accumulation	X	X	X	X		X	X	\$4,000	Quarterly after turnover
Inspect for floatables and debris	X	X	X	X		X	X	\$500	As needed* & prior to turnover
Cleaning of floatables and debris	X	X	X	X		X	X	\$2,000	Quarterly
Inspection for erosion				X	X	X		\$1,000	Quarterly and at turnover
Re-establish permanent vegetation on eroded slopes			X	X		X		\$500	Weekly
Replacement of gravel jackets				X				\$500	As needed and prior to turnover
Mowing						X		\$1,000	As needed
Inspect structural elements of facilities	X	X	X	X	X	X	X	\$500	0 to 2 times per year
Make adjustments repairs and or replacements as determined by pre-turnover inspection	X	X	X	X	X	X	X	\$1,000	Annually and at turnover

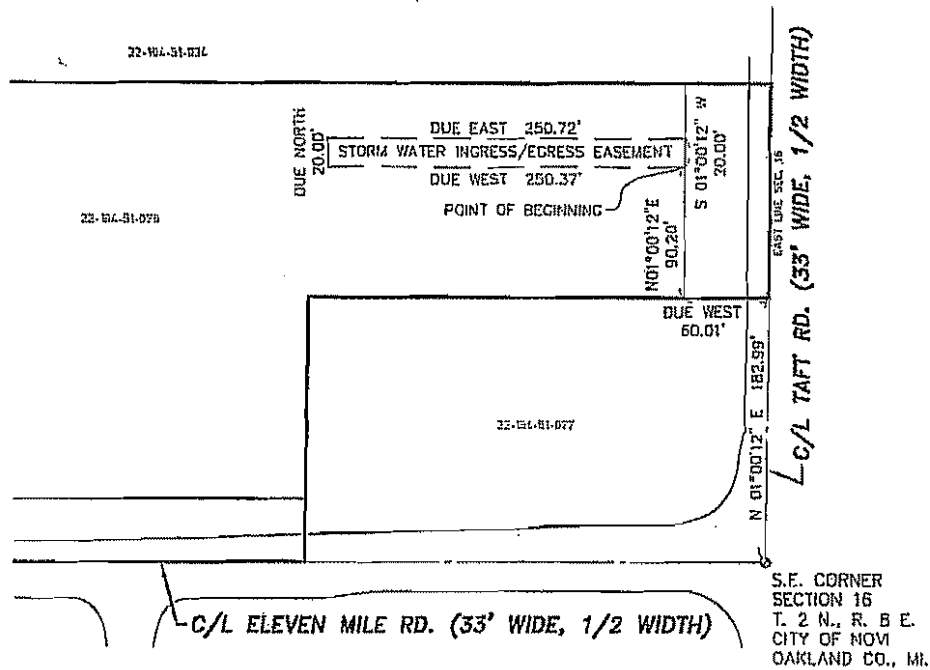
* "As needed" means when sediment has accumulated to a maximum of one foot depth in structures and to within 6" of the permanent water elevation in the detention basins.

The owner and/or Association shall maintain a log of all inspection and maintenance activities and make the log available to City personnel as needed.

EXHIBIT C



SCALE: 1" = 100'



S.E. CORNER
SECTION 16
T. 2 N., R. 8 E.
CITY OF NOVI
OAKLAND CO., MI.

DESCRIPTION OF STORM WATER INGRESS/EGRESS EASEMENT

A DESCRIPTION OF A 20 FOOT WIDE STORM WATER INGRESS/EGRESS EASEMENT LOCATED IN PART OF THE SOUTHEAST 1/4 OF SECTION 16, T. 1 N., R. 8 E., CITY OF NOVI, OAKLAND COUNTY MICHIGAN BEING MORE PARTICULARLY DESCRIBED AS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 16 AND PROCEEDING ALONG THE EAST LINE OF SECTION 16, SAID LINE ALSO BEING THE CENTERLINE OF TAFT ROAD (33 FEET WIDE, 1/2 WIDTH) N. 01°00'12" E. 182.99 FEET; THENCE DUE WEST 60.01 FEET TO A POINT ON THE PROPOSED WEST RIGHT-OF-WAY LINE OF TAFT ROAD; THENCE N. 01°00'12" E. 90.20 FEET ALONG SAID PROPOSED RIGHT-OF-WAY LINE TO THE POINT OF BEGINNING OF SAID EASEMENT; THENCE DUE WEST 250.37 FEET; THENCE DUE NORTH 20.00 FEET; THENCE DUE EAST 250.72 FEET TO A POINT ON SAID PROPOSED RIGHT-OF-WAY LINE; THENCE ALONG SAID LINE S. 01°00'12" W. 20.00 FEET TO THE POINT OF BEGINNING.

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REVISIONS			INGRESS/EGRESS EASEMENT BASILIAN RESIDENCE		DATE	SCALE	
ITEM	DATE	BY	CITY OF NOVI MICHIGAN		9-8-08	1" = 100'	
					DESIGNED BY	JOB NO.	
						07142	
					DRAWN BY	SHEET NO.	
					PTG	1/1	

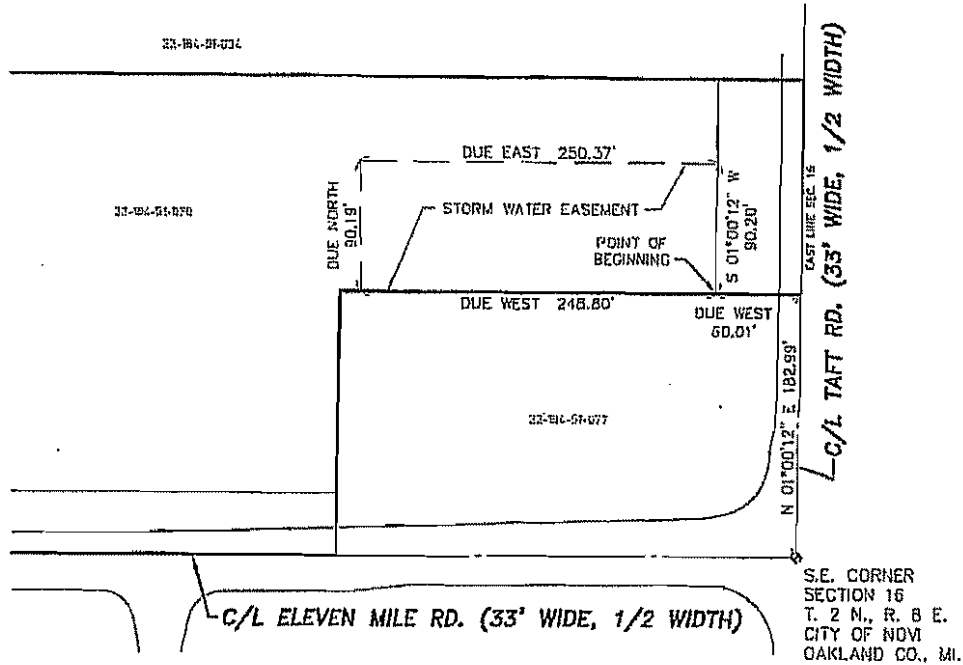
ZEMET WOZNAK
& ASSOCIATES
Civil Engineers & Land Surveyors
48024 GRAND RIVER AVE, SUITE 100
NOVI, MICHIGAN 48375
P: (248) 442-1101 F: (248) 442-1201 www.zemetwoznak.com

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EXHIBIT D



SCALE: 1" = 100'



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DESCRIPTION OF STORM WATER EASEMENT

A DESCRIPTION OF A STORM WATER EASEMENT LOCATED IN PART OF THE SOUTHEAST 1/4 OF SECTION 16, T. 1 N., R. 8 E., CITY OF NOVI, OAKLAND COUNTY MICHIGAN BEING MORE PARTICULARLY DESCRIBED AS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 16 AND PROCEEDING ALONG THE EAST LINE OF SECTION 16, SAID LINE ALSO BEING THE CENTERLINE OF TAFT ROAD (33 FEET WIDE, 1/2 WIDTH) N. 01°00'12" E, 182.99 FEET; THENCE DUE WEST 60.01 FEET TO A POINT ON THE PROPOSED WEST RIGHT-OF-WAY LINE OF TAFT ROAD AND THE POINT OF BEGINNING OF SAID EASEMENT; THENCE DUE WEST 248.80 FEET; THENCE DUE NORTH 90.19 FEET; THENCE DUE EAST 250.37 FEET TO A POINT ON SAID PROPOSED RIGHT-OF-WAY LINE; THENCE ALONG SAID LINE S. 01°00'12"W, 90.20 FEET TO THE POINT OF BEGINNING.

REVISIONS			INGRESS/EGRESS EASEMENT BASILIAN RESIDENCE	DATE 9-8-08	SCALE HDM: 1" = 100' FIELD BOOK NO.		
ITEM	DATE	BY			DESIGNED BY	JOB NO. 07142	
			CITY OF NOVI	MICHIGAN			
			ZEMET WOZNAK & ASSOCIATES Civil Engineers & Land Surveyors 40024 GRAND RIVER AVE, SUITE 109 NOVI, MICHIGAN 48375 P: (248) 442-1101 F: (248) 442-1241 www.zemetwozniak.com		DRAWN BY PTG	SHEET NO. 1/1	© COPYRIGHT 2008

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.

City Of Novi



0 100 200 400 600 800
Feet

Basillian Fathers Location Map

