



CITY of NOVI CITY COUNCIL

Agenda Item F
February 22, 2010

SUBJECT: Acceptance of a warranty deed from Flagstar Bank, FSB for the dedication of 60 feet of right-of-way along Novi Road and Ten Mile Road for the Flagstar Bank site, located at 24235 Novi Road (parcel 22-22-400-014) and approval to execute a Quit Claim Deed conveying the dedicated 60 foot right-of-way to Oakland County.

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

CITY MANAGER APPROVAL: *[Signature]* *2/14*

BACKGROUND INFORMATION:

Flagstar Bank, FSB is requesting acceptance of a Warranty Deed conveying the master planned sixty (60) feet of right-of-way for Novi Road and Ten Mile Road, along the frontage of the Flagstar Bank site. Flagstar Bank is located on the northwest corner of Novi Road and Ten Mile Road at 24235 Novi Road (parcel 22-22-400-014).

Novi Road and Ten Mile Road are both under the jurisdiction of the Road Commission for Oakland County, therefore upon acceptance of the right-of-way from the property owner, the City should execute the enclosed Quit Claim Deed to convey the right-of-way to Oakland County.

The enclosed Warranty Deed has been favorably reviewed by the City Attorney (Beth Kudla's June 19, 2009 letter, attached) and is recommended for approval. The enclosed Quit Claim Deed and processes for conveying to the County has been prepared by the City Attorney (Beth Kudla's January 18, 2010 letter, attached) and is also recommended for approval.

RECOMMENDED ACTION: Acceptance of a warranty deed from Flagstar Bank, FSB for the dedication of 60 feet of right-of-way along Novi Road and Ten Mile Road for the Flagstar Bank site, located at 24235 Novi Road (parcel 22-22-400-014) and approval to execute a Quit Claim Deed conveying the dedicated 60 foot right-of-way to Oakland County.

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

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

MAP INTERPRETATION NOTICE

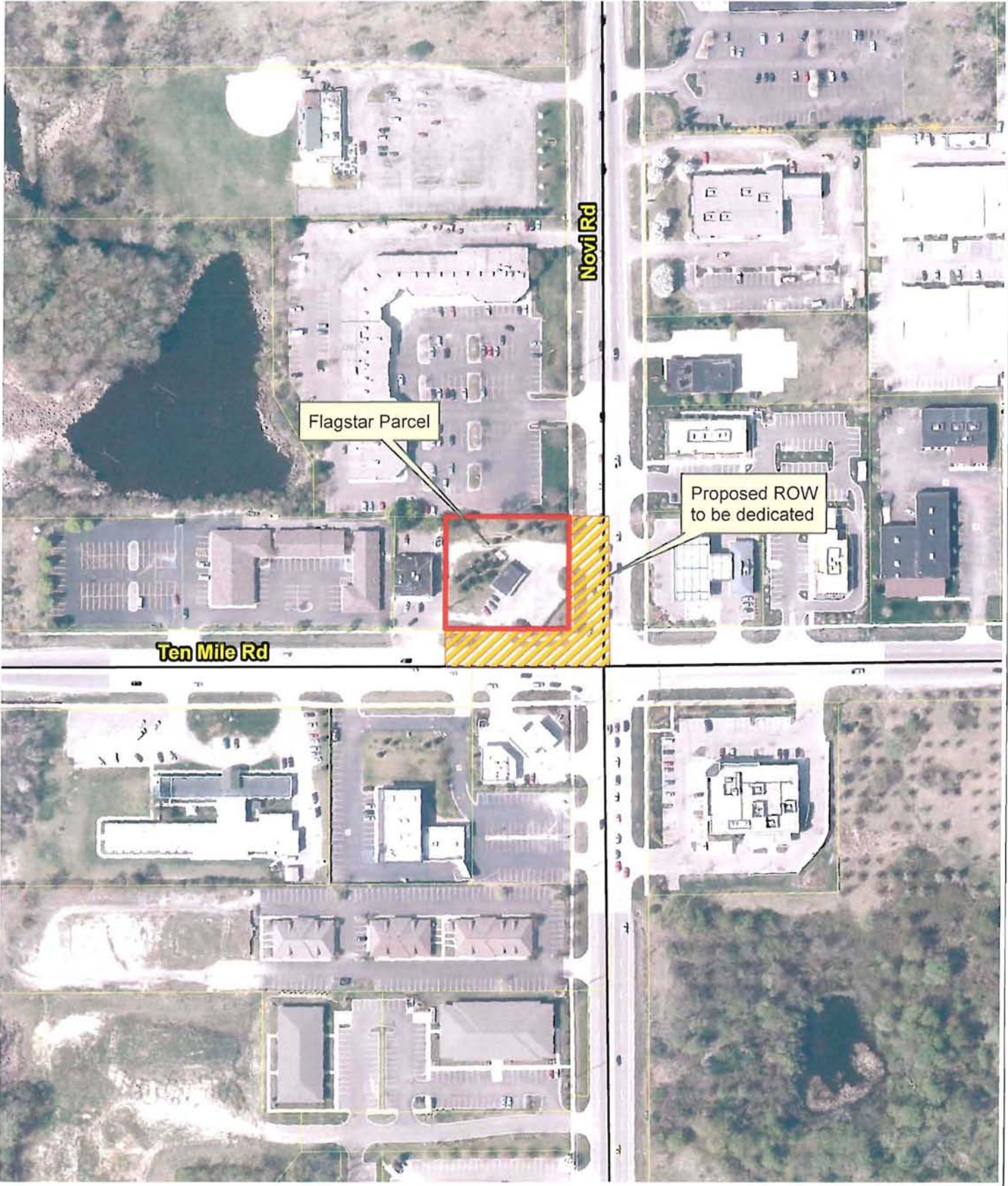
Map information depicted is not intended to replace or substitute for any official or primary source. This map was intended to meet National Map Accuracy Standards and use the most recent, accurate sources available to the people of the City of Novi. Boundary measurements and area calculations are approximate 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 30 60 120 180 240
Feet

Flagstar Bank Location Map



Flagstar Parcel

Proposed ROW to be dedicated

Ten Mile Rd

Novi Rd

June 19, 2009

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

Elizabeth M. Kudla
Direct: 248-539-2846
hkudla@secretwardle.com

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

Re: **Flagstar Bank, SP06-59**
Utilities Review for Acceptance
Our File No. 660127.NOVI

Dear Mr. Hayes:

We have received and reviewed, and enclosed please find, the following documents regarding Flagstar Bank, located at the intersection of Ten Mile & Novi Road.

1. Sanitary Sewer System Easement (Monitoring Manhole)
2. Title Policy
3. Warranty Deed (Ten Mile & Novi Road Right of Way) _____

We have the following comments relating to the above-named documents:

Flagstar Bank seeks to convey a sanitary sewer system easement for a monitoring manhole upon the subject property in Section 22 of the City, to the City of Novi. Our office has reviewed and approves the format and language of the Sanitary Sewer System Easement. The City's consulting engineer has reviewed and approved the legal description. As such, we recommend acceptance of the easement. No corresponding improvements are being conveyed.

The Warranty Deed provided is sufficient to convey the Ten Mile and Novi Road right-of-way adjacent to the bank to the City for public use and maintenance. The exhibits have been reviewed and approved by the City's consulting engineer. We recommend approval of this document.

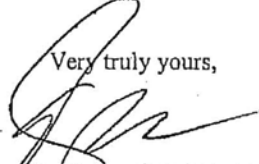
The sanitary sewer easement may be accepted by *Affidavit of the City Engineer*, and the original Sanitary Sewer System Easement should be recorded by the City Clerk's Office with the Register of Deeds. The Warranty Deed containing additional right-of-way, may be placed on an upcoming City Council

Rob Hayes, Public Services Director
June 19, 2009
Page 2

agenda for acceptance. Once approved, unless it is being conveyed to the County, it should also be recorded with Oakland County Records.

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

Very truly yours,



ELIZABETH M. KUDLA

EMK
Enclosures

C: Maryanne Cornelius, Clerk (w/Original Enclosures)
Marina Neumaier, Assistant Finance Director (w/Enclosures)
Charles Boulard, Building Official (w/Enclosures)
Barb McBeth, Deputy Community Development Director (w/Enclosures)
Aaron Staup, Construction Engineering Coordinator (w/Enclosures)
Taylor Reynolds and Byron Hanson, Spalding DeDecker (w/Enclosures)
Sarah Marchioni, Building Permit Coordinator (w/Enclosures)
Sue Troutman, City Clerk's Office (w/Enclosures)
Dennis Miller, Flagstar Bank (w/enclosures)
Thomas R. Schultz, Esquire (w/Enclosures)

C:\Nrp\Portbl\imange\BKUDLA\1229818_1.DOC

January 18, 2010

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

Aaron Staup, Engineering Coordinator
CITY OF NOVI
45175 West Ten Mile Road
Novi, Michigan 48375-3024

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

**Re: Flagstar Bank, SP06-59
Novi Road Right-of-Way
Our File No. 660127 NOV1**

Dear Mr. Staup:

We previously reviewed and approved the Warranty Deed conveying the 60-foot Novi Road right-of-way adjacent to Flagstar Bank at the Novi Road and Ten Mile intersection, to the City. A copy of the Warranty Deed is enclosed. Because Novi Road is a county road, the City should accept the right-of-way from Flagstar Bank and then convey it to Oakland County by quit claim deed. We have prepared the enclosed Quit Claim Deed from the City to the County for this purpose.

Upon City Council's acceptance of the Novi Road right-of-way, the City should record the original Warranty Deed from Flagstar Bank to the City with the Oakland County Register of Deeds. The original Warranty Deed was provided to the City Clerk's Office with our letter dated, June 19, 2009.

At the time of acceptance of the right-of-way, City Council may also approve conveyance of the Quit Claim Deed conveying the Novi Road right-of-way from the City to the County. Once approved and executed by the City, the original Quit Claim Deed should be returned to my attention and I will follow-up with the Right-of-Way Department at the Road Commission to complete the County's acceptance of the Quit Claim Deed.

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

Very truly yours,



ELIZABETH M. KUDLA

EMK

Enclosures

C: Maryanne Cornelius, Clerk (w/Enclosures)
Rob Hayes, Public Services Director (w/Enclosures)
Thomas R. Schultz, Esquire (w/Enclosures)

COUNSELORS AT LAW

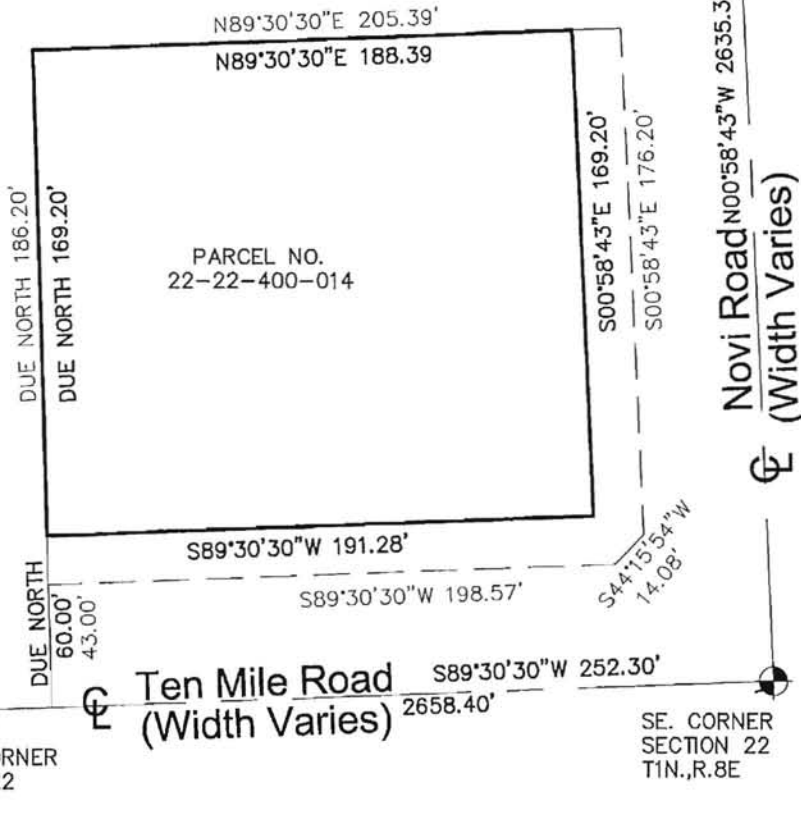
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Exhibit A

60' R.O.W. DEDICATION



E. 1/4 CORNER
SECTION 22
T1N.,R.8E



PARCEL NO.
22-22-400-014

Novi Road N00°58'43\"W 2635.35'
(Width Varies)

Ten Mile Road
(Width Varies)

S. 1/4 CORNER
SECTION 22
T1N.,R.8E

SE. CORNER
SECTION 22
T1N.,R.8E

NF NOWAK & FRAUS

Consulting Engineers • Land Surveyors • Land Planners

1310 N. Stephenson Highway
Royal Oak, Michigan 48067-1508

Tel. (248) 399-0886
Fax. (248) 399-0805

PREPARED FOR:
FLAGSTAR BANK, FSB
CITY OF NOVI

SCALE 1" = 50'
REVISED 02/03/10
DRAWN D. McConkey
JOB No. C705-01
SHEET 1 of 2

Exhibit A
LEGAL DESCRIPTION

LEGAL DESCRIPTION - R.O.W. DEDICATION

THE EAST 17.00 FEET AND THE SOUTH 17.00 FEET OF THE FOLLOWING DESCRIBED PARCEL OF LAND;

PART OF THE SOUTHEAST 1/4 OF SECTION 22, T.1N.,R.8E, CITY OF NOVI, OAKLAND COUNTY, MICHIGAN AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF SECTION 22, T.1N.,R.8E, CITY OF NOVI, OAKLAND COUNTY, MICHIGAN AND RUNNING THENCE S89°30'30"W, ALONG THE SOUTH LINE OF SAID SECTION 22, A DISTANCE OF 252.30 FEET TO A POINT; THENCE NORTH, A DISTANCE OF 43.00 FEET TO A POINT ON THE NORTH LINE OF TEN MILE ROAD (WITH VARIES), SAID POINT BEING THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN BEING DESCRIBED; PROCEEDING THENCE FROM SAID POINT OF BEGINNING NORTH, A DISTANCE OF 186.20 FEET TO A POINT; THENCE N89°30'30"E A MEASURED DISTANCE OF 205.39 FEET (DESCRIBED 209.30 FEET) TO A POINT ON THE WEST LINE OF NOVI ROAD (WIDTH VARIES); THENCE S00°58'43"E, ALONG THE WEST LINE OF SAID NOVI ROAD, SAID LINE BEING 43.00 FEET WEST OF, AS MEASURED AT RIGHT ANGLES TO AND PARALLEL WITH THE EAST LINE OF SAID SECTION 22, A DISTANCE OF 176.20 FEET TO A POINT; THENCE S44°15'54"W, ALONG A STREET LINE CONNECTING THE WEST LINE OF SAID NOVI ROAD WITH THE NORTH LINE OF SAID TEN MILE ROAD, A MEASURED DISTANCE OF 14.08 FEET (DESCRIBED 14.20 FEET) TO A POINT ON THE NORTH LINE OF SAID TEN MILE ROAD; THENCE S89°30'30"W, ALONG THE NORTH LINE OF SAID TEN MILE ROAD, SAID LINE BEING 43.00 FEET NORTH OF, AS MEASURED AS RIGHT ANGLES TO AND PARALLEL WITH THE SOUTH LINE OF SAID SECTION 22, A MEASURED DISTANCE OF 198.57 FEET (DESCRIBED 199.30 FEET) TO THE POINT OF BEGINNING. CONTAINING 38,488 SQUARE FEET OR 0.884 ACRES, MORE OR LESS, OF LAND AREA. THE ABOVE DESCRIBED PARCEL OF LAND IS SUBJECT TO AN EASEMENT FOR WATER MAIN PURPOSES AS RECORDED IN LIBER 6849 OF DEEDS ON PAGE 869, OAKLAND COUNTY RECORDS AND A POLE LINE PERMIT AS RECORDED IN LIBER 3433 OF DEEDS ON PAGE 17, OAKLAND COUNTY RECORDS.

PARCEL IDENTIFICATION NUMBER 22-22-400-014

NF NOWAK & FRAUS

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Royal Oak, Michigan 48067-1508

Tel. (248) 399-0886
Fax. (248) 399-0805

PREPARED FOR:
FLAGSTAR BANK, FSB
CITY OF NOV

SCALE	REVISED	DRAWN	JOB No.	SHEET
1" = 50'	02/03/10	D. McConkey	C705-01	2 of 2

<p>When Recorded Return To:</p> <p>Maryanne Cornelius, Clerk City of Novi 45175 W. Ten Mile Road Novi, Michigan 48175</p>	<p>Send Subsequent Tax Bills To:</p> <p>Maryanne Cornelius, Clerk City of Novi 45175 W. Ten Mile Road Novi, Michigan 48175</p>	<p>Drafted By:</p> <p>Elizabeth M. Kudla, Esq. Secrest Wardle 30903 Northwestern Highway Farmington Hills, MI 48334</p>
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Tax Parcel # _____
Recording Fee: _____

*Type or Print Names Under Signature

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Exhibit A

60' R.O.W. DEDICATION



E. 1/4 CORNER
SECTION 22
T1N.,R.8E



PARCEL NO.
22-22-400-014

Ten Mile Road
(Width Varies)

Novi Road
(Width Varies)

S. 1/4 CORNER
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1" = 50' 02/03/10 D. McConkey C705-01 2 of 2

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CONTAINING 32,118 SQUARE FEET OR 0.74 ACRES, MORE OR LESS, OF LAND AREA. THE ABOVE DESCRIBED PARCEL OF LAND IS SUBJECT TO AN EASEMENT FOR WATER MAIN PURPOSES AS RECORDED IN LIBER 6849 OF DEEDS ON PAGE 869, OAKLAND COUNTY RECORDS AND A POLE LINE PERMIT AS RECORDED IN LIBER 3433 OF DEEDS ON PAGE 17, OAKLAND COUNTY RECORDS.

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SCALE DATE DRAWN JOB No. SHEET
1" = 50' 07/02/07 D. McConkey C705-01 2 of 2