

CITY of NOVI CITY COUNCIL

**Agenda Item F
November 22, 2010**

SUBJECT: Acceptance of a warranty deed and sidewalk easement from Providence Hospital and Medical Centers, Inc. for the dedication of additional right-of-way and sidewalk along Beck Road as part of the Providence Hospital Expansion project located at 47601 Grand River Avenue (parcel 22-17-400-035).

SUBMITTING DEPARTMENT: Department of Public Services, Engineering Division *(B1C)*

CITY MANAGER APPROVAL: *[Signature]*

R4

BACKGROUND INFORMATION:

Providence Hospital and Medical Centers, Inc. is requesting acceptance of a Warranty Deed conveying the master planned sixty (60) feet of right-of-way and a sidewalk easement (variable width) for Beck Road along the frontage of the Providence Hospital site. Providence Hospital is located on the southwest corner of Grand River Avenue and Beck Road at 47601 Grand River Avenue (parcel 22-17-400-035).

The enclosed Warranty Deed has been favorably reviewed by the City Attorney (Beth Kudla's November 5, 2010 letter, attached) and is recommended for approval.

RECOMMENDED ACTION: Acceptance of a warranty deed and sidewalk easement from Providence Hospital and Medical Centers, Inc. for the dedication of additional right-of-way and sidewalk along Beck Road as part of the Providence Hospital Expansion project located at 47601 Grand River Avenue (parcel 22-17-400-035).

	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				



November 5, 2010

30903 Northwestern Highway
P.O. Box 3040
Farmington Hills, MI 48333-3040
Tel: 248-851-9500
Fax: 248-851-2138
www.secretswardle.com

Elizabeth M. Kudla
Direct: 248-839-2846
hkudla@secretswardle.com

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

**Re: Providence Park Hospital, SP05-44
Providence Park Parkway, SP04-48
Utilities Review for Acceptance
Our File No. 660077.NOVI**

Dear Mr. Hayes:

We have received and reviewed, and enclosed please find, the following documents for Providence Park Hospital, located in Section 17 of the City:

- Sanitary Sewer Easements (2)
- Water System Easements (2)
- Bill of Sale
- Sidewalk Easement
- Warranty Deed (Beck Road ROW)
- Warranty Deed (Grand River ROW)
- Title Commitments (Dated July 18, 2008)
- Maintenance and Guarantee Bond (Parkway Utilities)
- Maintenance and Guarantee Bond (Hospital Utilities)

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

Providence Hospital and Medical Centers, Inc., seek to convey water and sanitary sewer system facilities, as well as corresponding easements for operation, maintenance and repair of the water and sewer facilities upon the subject property in Section 17 of the City, to the City of Novi. Our office has reviewed and approves the format and language of the Water and Sanitary Sewer System Easements. Subject to approval of the exhibits by the City's Consulting Engineer, we recommend acceptance of the Easements and the corresponding Bill of Sale.

The Maintenance and Guarantee Bonds for utilities are in the City's standard form and are acceptable subject to the approval of the amount by the City's Consulting Engineer.

COUNSELORS AT LAW

Rob Hayes, Public Services Director
November 5, 2010
Page 2

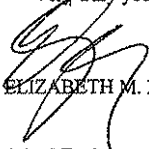
Right-of-way for the Beck Road and Grand River frontages of the development have been provided by Warranty Deed. We approve the format and content of the Warranty Deeds subject to approval of the exhibits by the City's Consulting Engineer. Once, approved by the Consulting Engineer, the Warranty Deeds may be placed on an upcoming City Council Agenda for acceptance.

A Sidewalk Easement has been provided for a portion of sidewalk along Beck Road that the Beck Road and Grand River intersection. We approve the format and content of the Sidewalk Easement, subject to the approval of the exhibits by the City's Consulting Engineer. The Sidewalk Easement may be placed on an upcoming City Council Agenda for acceptance.

The Water and Sanitary Sewer System Easements may be accepted by *Affidavit of the City Engineer*. Once accepted, the Water and Sanitary Sewer System Easements, as well as the Warranty Deed and Sidewalk Easement should be recorded with the Oakland County Register of Deeds. We have enclosed all originals (except Maintenance and Guarantee Bonds) to the City Clerk's Office. The Bill of Sale, Maintenance and Guarantee Bond, and title work should be maintained in the City Clerk's File.

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, Community Development Director (w/Enclosures)
Barb McBeth, Deputy Community Development Director (w/Enclosures)
Aaron Staup, Construction Engineering Coordinator (w/Enclosures)
Taylor Reynolds, Spalding DeDecker (w/Enclosures)
Sarah Marchioni, Building Permit Coordinator (w/Enclosures)
Sue Troutman, City Clerk's Office (w/Enclosures)
Andrew Dick, Esquire (w/Enclosures)
Thomas R. Schultz, Esquire (w/Enclosures)

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SIDEWALK EASEMENT

NOW ALL MEN BY THESE PRESENTS, that Providence Hospital and Medical Centers, Inc., a Michigan non-profit corporation, whose address is 16001 W. Nine Mile Road, Southfield, Michigan 48075, 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 West 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 walkway over across and through property located in Section 17, T1N, R3E, City of Novi, Oakland County, State of Michigan, more particularly described as follows:

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 install, repair, replace, improve, modify and maintain the easement area as shown in the attached and incorporated Exhibit B.

Grantor agrees not to build or to convey to others permission to build any structures or improvements on, over, across, in, through, or under the above-described easement.

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 pedestrian and non-motorized traffic and shall permit maintenance, repair and replacement of the paving in the easement area.

Exempt pursuant to MCLA 207.505(a) and MCLA 207.526(a)

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

Dated this 4th day of August, 2008

Signed by:

Providence Hospital and Medical Centers, Inc.,
a Michigan non-profit corporation

By: [Signature]
Its: President

JANET CRAVER
NOTARY PUBLIC, STATE OF MI
COUNTY OF OAKLAND
MY COMMISSION EXPIRES Aug 29, 2012
NOTING IN COUNTY OF Oakland

STATE OF MICHIGAN)
COUNTY OF Oakland) SS

The foregoing instrument was acknowledged before me this 4th day of August, 2008 by Robert Casalone, the President, Providence Hospital & Medical Centers, a Michigan non-profit Corporation, on behalf of the company.

[Signature]
Notary Public
Oakland County, Michigan
My Commission Expires: 8-29-12

Drafted by:
Elizabeth M. Kudla
30903 Northwestern Hwy
Farmington Hills, MI 48334

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

SIDEWALK EASEMENT

Providence Parkway Ring Road

20030652
05-22-08
07-29-08

EXHIBIT "A"

DESCRIPTION OF PROPERTY (PROVIDENCE HOSPITAL)

Part of the Northeast ¼ and Southeast ¼ of Section 17, Town 1 North, Range 8 East, City of Novi, Oakland County, Michigan, described as:

Commencing at the East ¼ corner of said Section 17; thence South 87 degrees 17 minutes 07 seconds West 43.01 feet along the East-West ¼ line to the west right of way line of Beck Road (variable right of way) and the POINT OF BEGINNING; thence South 01 degrees 21 minutes 47 seconds East 531.99 feet along said right of way line; thence North 88 degrees 38 minutes 13 seconds East 43.00 feet to the East line of said Section 17 and centerline of said Beck Road; thence South 01 degrees 21 minutes 47 seconds East 1438.81 feet along said East line and centerline; thence South 87 degrees 20 minutes 58 seconds West 1326.12 feet; thence South 01 degrees 53 minutes 29 seconds East 368.99 feet; thence South 87 degrees 21 minutes 00 seconds West 280.07 feet; thence South 01 degrees 53 minutes 15 seconds East 298.00 feet to the South line of said Section 17 and centerline of Eleven Mile Road (33 foot right of way); thence South 87 degrees 21 minutes 00 seconds West 199.89 feet along said South line and centerline; thence North 02 degrees 09 minutes 22 seconds West 484.00 feet; thence South 87 degrees 21 minutes 00 seconds West 180.00 feet; thence North 02 degrees 09 minutes 22 seconds West 834.05 feet; thence South 87 degrees 19 minutes 01 seconds West 666.08 feet to the North-South ¼ line of said Section 17; thence North 02 degrees 25 minutes 16 seconds West 1317.63 feet along said North-South ¼ line to the center of said Section 17; thence North 02 degrees 46 minutes 41 seconds West 1816.04 feet to the southerly right-of-way line of Grand River Avenue (120 feet wide); thence along said southerly right of way line the following three (3) courses: (1) South 73 degrees 26 minutes 47 seconds East 1593.03 feet, (2) South 72 degrees 01 minutes 36 seconds East 605.22 feet, and (3) South 73 degrees 27 minutes 18 seconds East 600.00 feet to the west right of way line of said Beck Road; thence along said west right of way line the following three (3) courses: (1) South 02 degrees 00 minutes 50 seconds East 210.90 feet, (2) North 87 degrees 59 minutes 10 seconds East 5.00 feet, and (3) South 02 degrees 00 minutes 50 seconds East 667.73 feet to the East-West ¼ line of said Section 17; thence North 87 degrees 17 minutes 07 seconds East 16.99 feet along said ¼ line to the POINT OF BEGINNING.

Said parcel contains 198.15 acres, more or less.

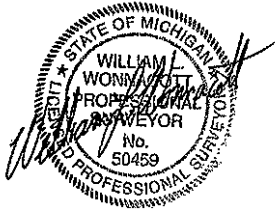
EXHIBIT "B"

DESCRIPTION OF SIDEWALK EASEMENT

Part of the Northeast ¼ and Southeast ¼ of Section 17, Town 1 North, Range 8 East, City of Novi, Oakland County, Michigan, described as:

Commencing at the East ¼ corner of said Section 17; thence South 87 degrees 17 minutes 07 seconds West 60.00 feet along the East-West ¼ line to the west right of way line of Beck Road; thence North 02 degrees 00 minutes 50 seconds West 515.55 feet along said right of way line to the POINT OF BEGINNING; thence North 13 degrees 17 minutes 07 seconds West 86.81 feet; thence 41.12 feet along a curve to the right, said curve having a radius of 209.00 feet, a central angle of 11 degrees 16 minutes 18 seconds, and a chord bearing North 07 degrees 38 minutes 58 seconds West 41.05 feet; thence North 02 degrees 00 minutes 50 seconds West 166.01 feet; thence North 04 degrees 18 minutes 32 seconds West 49.84 feet; thence North 02 degrees 00 minutes 50 seconds West 27.32 feet to the southerly right of way line of Grand River Avenue; thence South 73 degrees 27 minutes 17 seconds East 18.98 feet along said right of way line to the west right of way line of Beck Road; thence along the west right of way line the following three (3) courses: (1) South 02 degrees 00 minutes 50 seconds East 210.90 feet, (2) North 87 degrees 59 minutes 10 seconds East 5.00 feet, and (3) South 02 degrees 00 minutes 50 seconds East 152.18 feet to the POINT OF BEGINNING.

Said easement contains 5,596 square feet or 0.13 acres, more or less.



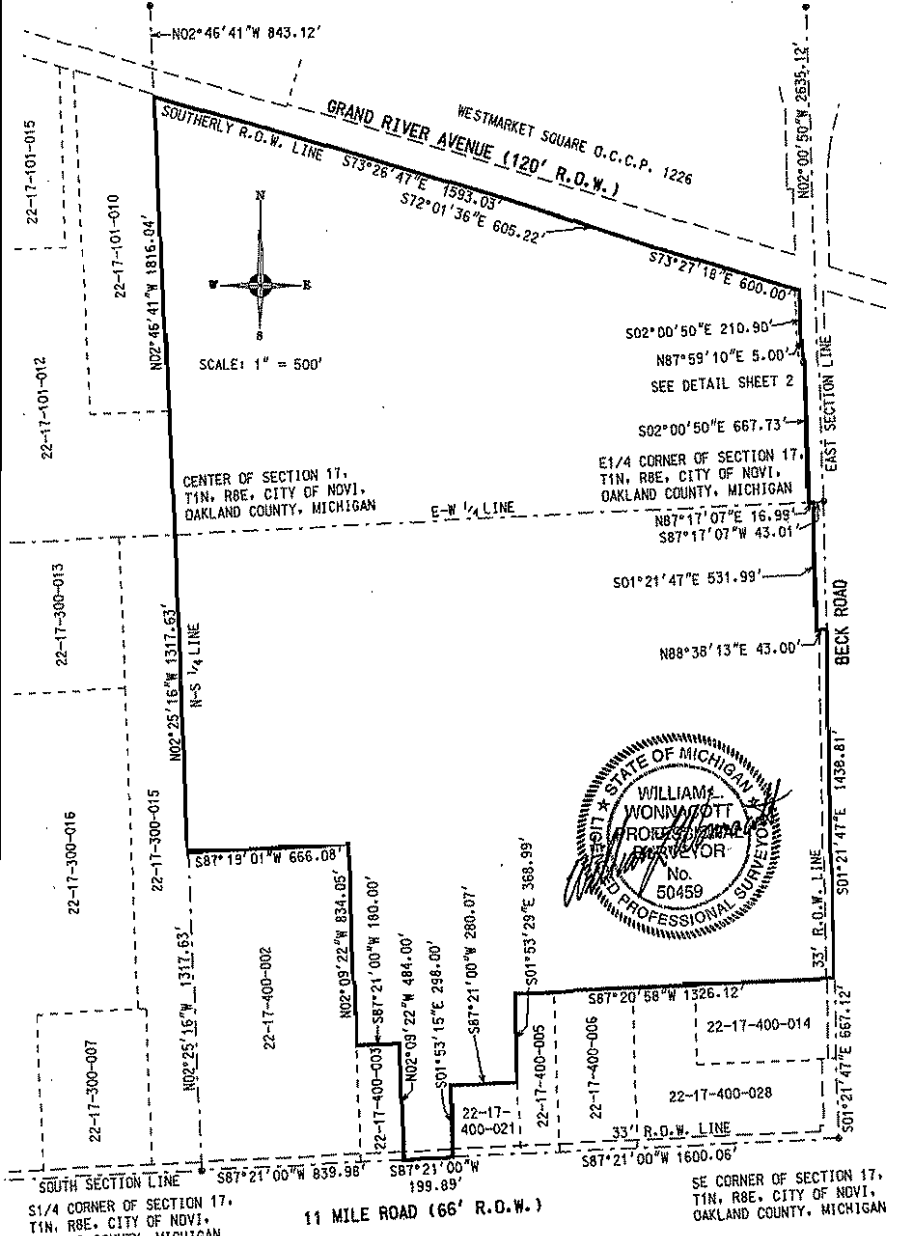
SIDEWALK EASEMENT

EXHIBIT "A"

N 1/4 CORNER OF SECTION 17,
T1N, R8E, CITY OF NOVI,
OAKLAND COUNTY, MICHIGAN

NE CORNER OF SECTION 17,
T1N, R8E, CITY OF NOVI,
OAKLAND COUNTY, MICHIGAN

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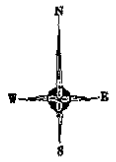
11 MILE ROAD (66' R.O.W.)

PROVIDENCE PARKWAY RING ROAD

JOB NO. 20030652	HUBBELL, ROTH & CLARK, INC. CONSULTING ENGINEERS 555 HULET DRIVE BLOOMFIELD HILLS, MICH.	P.O. BOX 824 48303-0824	SHEET NO. 1 OF 3
DATE 05-21-08			

SIDEWALK EASEMENT

EXHIBIT "A"



SCALE: 1" = 100'

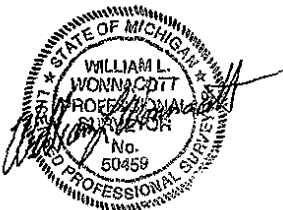
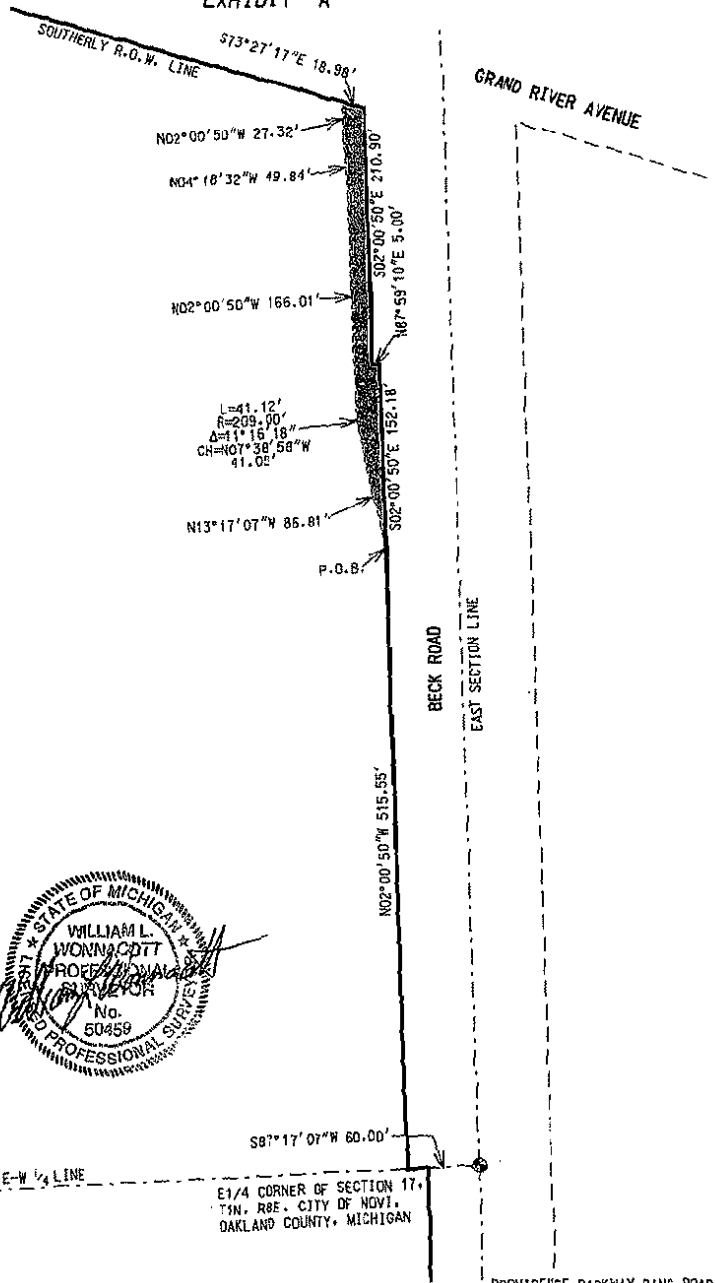
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PER: TEL: 1-313-486-0000

DATE: 08-08-08

DESIGN FILE: 08-08-008

DRAWN BY: [Signature]



08-08-08 REVISED
07-29-08 REVISED

JOB NO. 20030652	HUBBELL, ROTH & CLARK, INC.	SHEET NO.
DATE 05-21-08	CONSULTING ENGINEERS 555 MULET DRIVE BLOOMFIELD HILLS, MICH. P.O. BOX 824 48303-0824	2
		OF 3

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WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, that Providence Hospital and Medical Centers, Inc., a Michigan no-profit corporation, whose address is 16001 W. Nine Mile Road, Southfield, Michigan 48075 conveys and warrants to City of Novi, a Michigan Municipal Corporation, whose address is 45175 West Ten Mile Road, Novi, Michigan 48375, the following described premises situated in the City of Novi, County of Oakland, State of Michigan, to wit:

See attached Exhibit "B" 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 PROPERTY 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 4th day of August, 2008.

Signed by:

Providence Hospital and Medical Centers, Inc.,
a Michigan non-profit corporation

By: T. T. Th...
Its President

STATE OF MICHIGAN)
) SS
COUNTY OF Oakland)

The foregoing instrument was acknowledged before me this 4th day of August, 2008 by Robert Casalou, the President of Providence Hospital and Medical Centers, Inc., a Michigan non-profit corporation.

JANET CRAVER
NOTARY PUBLIC, STATE OF MI
COUNTY OF Oakland
MY COMMISSION EXPIRES Aug 28, 2012
ACTING IN COUNTY OF Oakland

Janet Craver
Notary Public
Oakland County, Michigan
My Commission Expires: 8-29-12

When Recorded Return to: Maryanne Cornelius, Clerk City of Novi 45175 West Ten Mile Road Novi, MI 48375-3024	Send Subsequent Tax Bills to: City of Novi 45175 West Ten Mile Road Novi, Michigan 48375	Drafted by: Elizabeth M. Kudja 30903 Northwestern Highway Farmington Hills, Michigan 48334
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Part of Tax Parcel No. _____

Job No. _____ Recording Fee _____ Transfer Tax _____

BECK ROAD RIGHT OF WAY DEDICATION

Providence Park Ring Road

20030652
Right of way dedication
05-22-08
07-29-08
08-08-08

EXHIBIT "A"

DESCRIPTION OF PROPERTY (PROVIDENCE HOSPITAL)

Part of the Northeast ¼ and Southeast ¼ of Section 17, Town 1 North, Range 8 East, City of Novi, Oakland County, Michigan, described as:

Commencing at the East ¼ corner of said Section 17; thence South 87 degrees 17 minutes 07 seconds West 43.01 feet along the East-West ¼ line to the west right of way line of Beck Road (variable right of way) and the POINT OF BEGINNING; thence South 01 degrees 21 minutes 47 seconds East 531.99 feet along said right of way line; thence North 88 degrees 38 minutes 13 seconds East 43.00 feet to the East line of said Section 17 and centerline of said Beck Road; thence South 01 degrees 21 minutes 47 seconds East 1438.81 feet along said East line and centerline; thence South 87 degrees 20 minutes 58 seconds West 1326.12 feet; thence South 01 degrees 53 minutes 29 seconds East 348.99 feet; thence South 87 degrees 21 minutes 00 seconds West 280.07 feet; thence South 01 degrees 53 minutes 15 seconds East 298.00 feet to the South line of said Section 17 and centerline of Eleven Mile Road (33 foot right of way); thence South 87 degrees 21 minutes 00 seconds West 199.89 feet along said South line and centerline; thence North 02 degrees 09 minutes 22 seconds West 484.00 feet; thence South 87 degrees 21 minutes 00 seconds West 180.00 feet; thence North 02 degrees 09 minutes 22 seconds West 834.05 feet; thence South 87 degrees 19 minutes 01 seconds West 666.08 feet to the North-South ¼ line of said Section 17; thence North 02 degrees 25 minutes 16 seconds West 1317.63 feet along said North-South ¼ line to the center of said Section 17; thence North 02 degrees 46 minutes 41 seconds West 1816.04 feet to the southerly right-of-way line of Grand River Avenue (120 feet wide); thence along said southerly right of way line the following three (3) courses: (1) South 73 degrees 26 minutes 47 seconds East 1593.03 feet, (2) South 72 degrees 01 minutes 36 seconds East 605.22 feet, and (3) South 73 degrees 27 minutes 18 seconds East 600.00 feet to the west right of way line of said Beck Road; thence along said west right of way line the following three (3) courses: (1) South 02 degrees 00 minutes 50 seconds East 210.90 feet, (2) North 87 degrees 59 minutes 10 seconds East 5.00 feet, and (3) South 02 degrees 00 minutes 50 seconds East 667.73 feet to the East-West ¼ line of said Section 17; thence North 87 degrees 17 minutes 07 seconds East 16.99 feet along said ¼ line to the POINT OF BEGINNING.

Said parcel contains 198.15 acres, more or less.

EXHIBIT "B"

DESCRIPTION OF RIGHT OF WAY DEDICATION (BECK ROAD)

Part of the Northeast ¼ and Southeast ¼ of Section 17, Town 1 North, Range 8 East, City of Novi, Oakland County, Michigan, described as:

Commencing at the East ¼ corner of said Section 17; thence South 87 degrees 17 minutes 07 seconds West 43.01 feet to the POINT OF BEGINNING; thence South 01 degrees 21 minutes 47 seconds East 531.99 feet; thence North 88 degrees 38 minutes 13 seconds East 43.00 feet; thence South 01 degrees 21 minutes 47 seconds East 1438.81 feet; thence South 87 degrees 20 minutes 58 seconds West 60.00 feet; thence North 01 degrees 21 minutes 47 seconds West 1971.74 feet; thence North 87 degrees 17 minutes 07 seconds East 16.99 feet to the POINT OF BEGINNING. Said right of way contains 95,385 square feet or 2.19 acres, more or less.



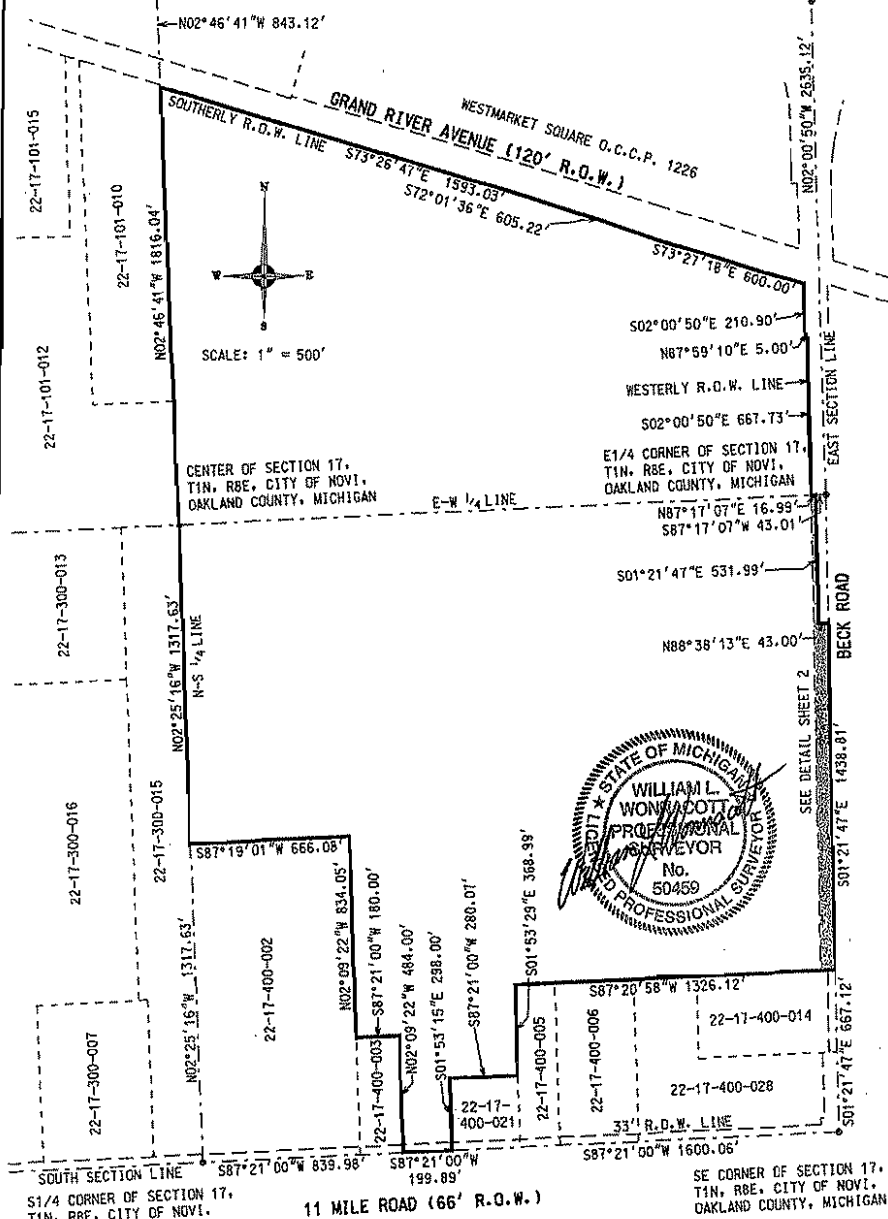
RIGHT OF WAY DEDICATION

EXHIBIT "A"

N 1/4 CORNER OF SECTION 17,
T1N, R8E, CITY OF NOVI,
OAKLAND COUNTY, MICHIGAN

NE CORNER OF SECTION 17,
T1N, R8E, CITY OF NOVI,
OAKLAND COUNTY, MICHIGAN

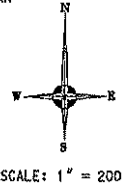
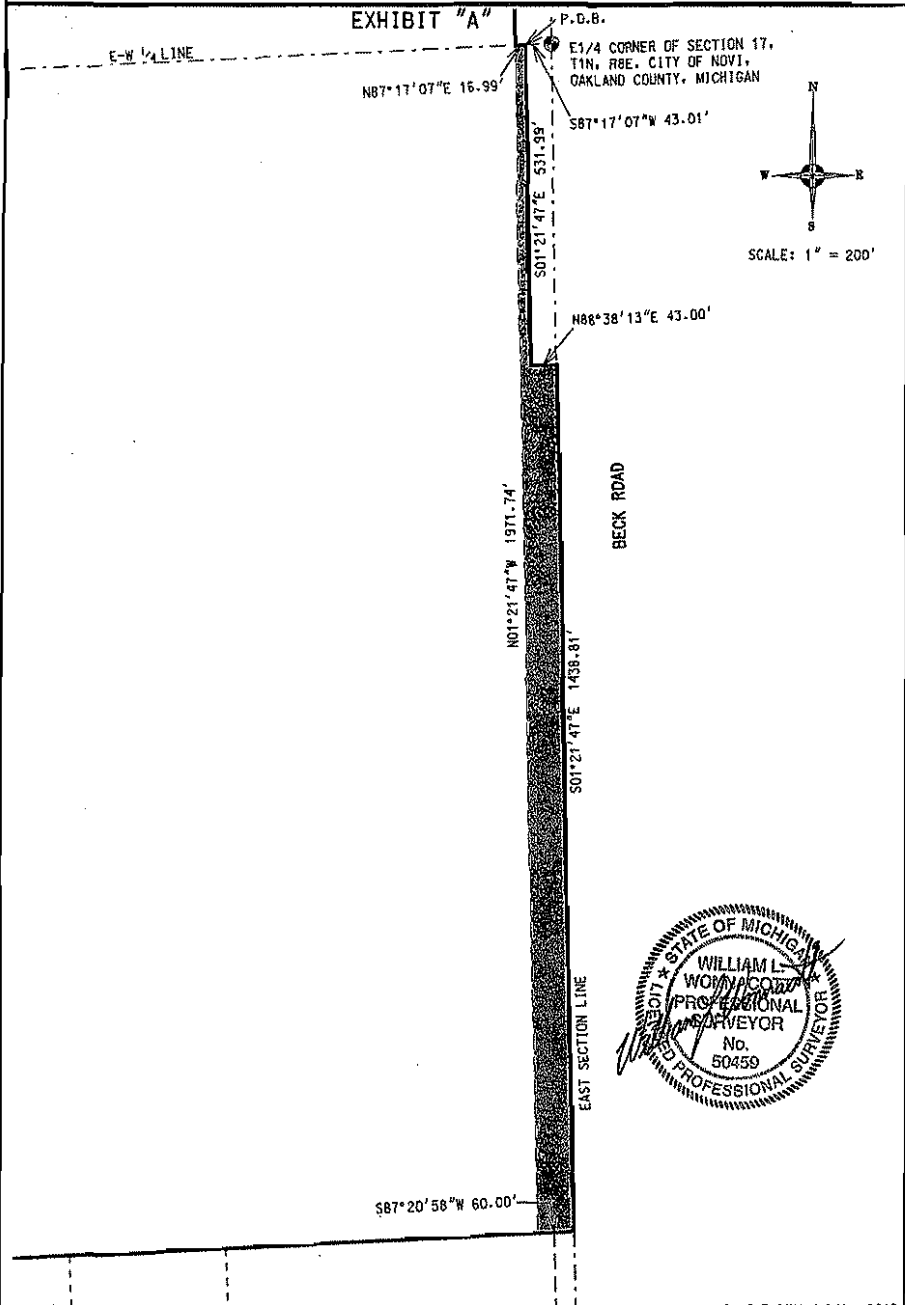
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 TIME: 08-46-2008 10:22



JOB NO. 20030652		HUBBELL, ROTH & CLARK, INC. CONSULTING ENGINEERS		SHEET NO. 1	
DATE 05-21-08		555 HULET DRIVE BLOOMFIELD HILLS, MICH.		P.O. BOX 824 48303-0824	
08-08-08 REVISED 07-29-08 REVISED				OF 3	

RIGHT OF WAY DEDICATION

USER NAME: dhubert
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 TIME: 08-05-2008 10:23



08-08-08 REVISED
 07-23-08 REVISED

JOB NO. 20030652	HUBBELL, ROTH & CLARK, INC. CONSULTING ENGINEERS 555 HULET DRIVE BLOOMFIELD HILLS, MICH.	SHEET NO. 2
DATE 05-21-08		P.O. BOX 824 48303-0824 OF 3