



**CITY OF NOVI CITY COUNCIL
FEBRUARY 27, 2023**

SUBJECT: Approval to Accept Jurisdiction from the Road Commission for Oakland County over the portion of 12 Mile Road as Identified in the Agreement Transferring Jurisdiction and Authorize the Execution of the Agreement Per MCL 247.852

SUBMITTING DEPARTMENT: Department of Public Works

BACKGROUND INFORMATION:

Attached is a resolution authorizing the acceptance and dedication of the south side of 12 Mile Road located east of Wixom Road in Novi (see map). This 0.36 miles of roadway would be accepted from the Road Commission of Oakland County. This acceptance follows the improvements to the roadway completed by RCOC over the past couple of years, including changes to the drainage and the mill and overlay.

Since 12 Mile is a border road between the city of Wixom and Novi, the county must release its jurisdiction to both communities. Local control also provides better service and long term capital planning. Wixom has accepted this segment into their ACT 51 inventory and has agreed to maintain the road accordingly. A maintenance agreement between Wixom and Novi will be forthcoming on a future City Council agenda. The new agreement will be similar to the 2007 agreement (attached) for the eastern section of 12 Mile from Napier to Grand River under Novi's jurisdiction.

This jurisdictional acceptance will allow for equitable share in ACT 51 revenues and ongoing maintenance costs between the divided 12 Mile Road segments and better align with each communities borders. The related acceptance documents have been reviewed by the City Attorney and are in a form so as to permit acceptance by City Council.

RECOMMENDED ACTION: Accept Jurisdiction from the Road Commission for Oakland County over the portion of 12 Mile Road as Identified in the Agreement Transferring Jurisdiction and Authorize the Execution of the Agreement Per MCL 247.852

CITY OF NOVI

COUNTY OF OAKLAND, MICHIGAN

**RESOLUTION IN SUPPORT OF ACCEPTING JURISDICTION
OF A PORTION OF 12 MILE ROAD**

Minutes of a Meeting of the City Council of the City of Novi, County of Oakland, Michigan, held in the City Hall of said City on February 27, 2023, at 7 o'clock P.M. Prevailing Eastern Time.

PRESENT: Councilmembers _____

ABSENT: Councilmembers _____

The following preamble and Resolution were offered by Councilmember _____ and supported by Councilmember _____.

RECITALS

WHEREAS, the Road Commission for Oakland County (RCOC) currently has jurisdiction over a stretch of 12 Mile Road from Grand River Avenue east ending in a cul-de-sac near I-96—more specifically the south side of that stretch of road (the north side having previously been accepted by the City of Wixom); and

WHEREAS, the Road Commission for Oakland County wishes to transfer jurisdiction of that portion of 12 Mile Road per MCL 247.852 and pursuant to the terms of the agreement between the City and RCOC; and

WHEREAS, the City Council of the City of Novi has determined that the transfer is in the best interests of the citizens of the City of Novi, as it will allow for equitable share in ACT 51 revenues and ongoing maintenance costs between the divided 12 Mile Road segments and better align with each communities borders; and

WHEREAS, the City of Novi hereby consents to the transfer of jurisdiction to it, and also approves the terms and conditions of the accompanying agreement with RCOC;

NOW, THEREFORE, BE IT RESOLVED that the City of Novi hereby accepts jurisdiction from the Road Commission for Oakland County over that portion of 12 Mile Road as identified in the incorporated agreement and authorizes the execution by the Mayor of the written agreement evidencing the same per MCL 247.852.

AYES:

NAYS:

RESOLUTION DECLARED ADOPTED.

Cortney Hanson, City Clerk

CERTIFICATION

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Council of the City of Novi, County of Oakland, and State of Michigan, at a regular meeting held this 27 day of February, 2023, and that public notice of said meeting was given pursuant to and in full compliance with Act No. 267, Public Acts of Michigan, 1976, and that the minutes of said meeting have been kept and made available to the public as required by said Act.

Cortney Hanson, City Clerk
City of Novi

12 Mile Road at Grand River Avenue





CITY of NOVI CITY COUNCIL

Agenda Item 3
January 22, 2007

SUBJECT: Consideration of 1) an agreement and resolution transferring jurisdiction, control and maintenance of a portion of Twelve Mile Road from the City of Wixom to the City of Novi adding 3,870 linear feet or 0.73 miles to the City's Act 51 street inventory; and, 2) a winter maintenance agreement for a separate portion of Twelve Mile Road that is to remain within Wixom's jurisdiction.

SUBMITTING DEPARTMENT: Engineering 

CITY MANAGER APPROVAL:

BACKGROUND INFORMATION:

The consent judgment the City entered into with Paragon Properties Company calls for the developer of Knightsbridge Gate, Grand/Sakwa/Jacobson Novi, LLC, to pave the approximate 379-foot portion of the development's Twelve Mile Road frontage, including approaches and an entrance off of Twelve Mile Road. Grand/Sakwa could not secure a right-of-way permit from the City of Wixom for paving this portion of Twelve Mile Road because Wixom insisted that additional areas of and along Twelve Mile be paved as well (Rick Helwig's December 27, 2004 letter is attached for reference). Wixom retains sole jurisdiction over this portion of the road, and to date, Grand/Sakwa's Twelve Mile Road paving has not been completed.

Since 2005, Wixom and Novi have been discussing the potential transfer of jurisdiction to Novi to not only facilitate construction of Knightsbridge Gate's Twelve Mile Road entrance, but also to allow Novi to control and maintain a road that benefits Novi much more than Wixom. Of the 3,870 feet of road proposed to be added to Novi's jurisdiction, a length of 778 feet is already paved from Napier Road across much of Knightsbridge Gate's frontage. (This segment of asphalt pavement is in good condition overall). In addition, the remaining 567 feet of Knightsbridge Gate's frontage and another length of 2,525 feet are unpaved along the east-west section line (see attached map depicting paved/unpaved portions of Twelve Mile Road). Because it is entirely within Wixom city limits, the approximate 518-foot north/south leg of Twelve Mile would not be part of this jurisdictional transfer; however, Novi would assume its winter maintenance responsibilities, as described below.

A jurisdiction transfer agreement has been negotiated between Wixom and Novi that is now ready to be considered by City Council. The agreement calls for jurisdiction, control and maintenance responsibilities to be transferred to Novi, given that Novi: 1) requires future developments fronting Twelve Mile to conduct a hydraulic analysis to assure that stormwater run-off toward Wixom does not exceed the agricultural rate; and, 2) makes good faith efforts to have future developments pave and make other improvements to Twelve Mile Road (Tom Schultz's December 10, 2007 letter is attached, along with a map showing Twelve Mile right-of-way to be transferred to Novi). A hydraulic analysis is a normal step taken in the engineering process for a site, and it would be a major item reviewed by the Plan Review Center's civil engineer.

The City of Wixom approved the agreement and adopted an authorizing resolution at its January 8, 2007 City Council meeting. The attached agreement spells-out the terms and conditions of the transfer, and a resolution for formally accepting the transfer is also attached.

Novi will derive several benefits from this transfer, to include: having a secondary/emergency entrance for Knightsbridge Gate's; gaining control of the level, type and frequency of the road's

maintenance; and, controlling the road's use as future developments are proposed and constructed.

Also under consideration is a recently negotiated winter maintenance agreement for the north/south leg of Twelve Mile Road. Although Wixom would retain legal jurisdiction of this stretch, operationally it makes more sense for the City of Novi to provide winter maintenance over the entire length of Twelve Mile Road between Napier Road and Grand River Avenue including the north/south leg. As Mr. Schultz indicates in his letter and as elaborated in the winter maintenance agreement, Wixom will reimburse Novi for the cost of winter maintenance for this stretch at a pre-determined rate, but Wixom would continue to provide routine maintenance of the north/south leg (i.e., grading, crack/joint sealing, sweeping, etc.). This winter maintenance arrangement would be similar to one that currently exists for Beck Road near Pontiac Trail. The City of Wixom plows and salts the ¼-mile stretch of Beck and the City reimburses Wixom for winter maintenance costs incurred.

The attached December 5, 2007 memorandum from DPW reveals that the cost to maintain Twelve Mile Road in its current state would be nominal. DPW also reports that if the City chooses to chip-seal the road's unpaved surface as a *temporary* improvement, the approximate cost would be \$48,000. DPW estimates that improvements to roadside ditches and culverts would cost approximately \$27,000.

Regarding *permanent* Twelve Mile Road improvements, the 567-foot portion of Knightsbridge Gate's frontage would be paved either by Grand-Sakwa or the City (area shaded pink on the attached map). If the developer opts-out of making these improvements, the City could administer a separate construction contract for remaining right-of-way paving work using Grand-Sakwa's posted financial guarantee (a letter of credit in the amount of \$369,000) as a funding source. The estimated cost of this improvement is \$80,000, including engineering.

As part of its concept plan for the proposed planned rezoning overlay for the St. Catherine's School/Nicoleena Estates development, Lakeside Oakland Development has offered to pave the remaining portions of Twelve Mile Road, including the unpaved portion of Wixom's north/south leg. Because the residential phase of the development may not be initiated for quite some time, paving this part of Twelve Mile may be delayed, but it is anticipated that paving the frontage abutting the school phase would be done concurrent with initial site work. The cost estimate to improve this portion of Twelve Mile Road (areas shaded orange on the attached map) is \$385,000, including engineering.

RECOMMENDED ACTION: Approval of an agreement and resolution transferring jurisdiction, control and maintenance of a portion of Twelve Mile Road from the City of Wixom to the City of Novi adding 3,870 linear feet or 0.73 miles to the City's Act 51 street inventory; and, 2) a winter maintenance agreement for a separate portion of Twelve Mile Road that is to remain within Wixom's jurisdiction.

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

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



Proposed Transfer of Jurisdiction Along Twelve Mile Road Between the City of Novi & City of Wixom: Existing and Proposed Pavement

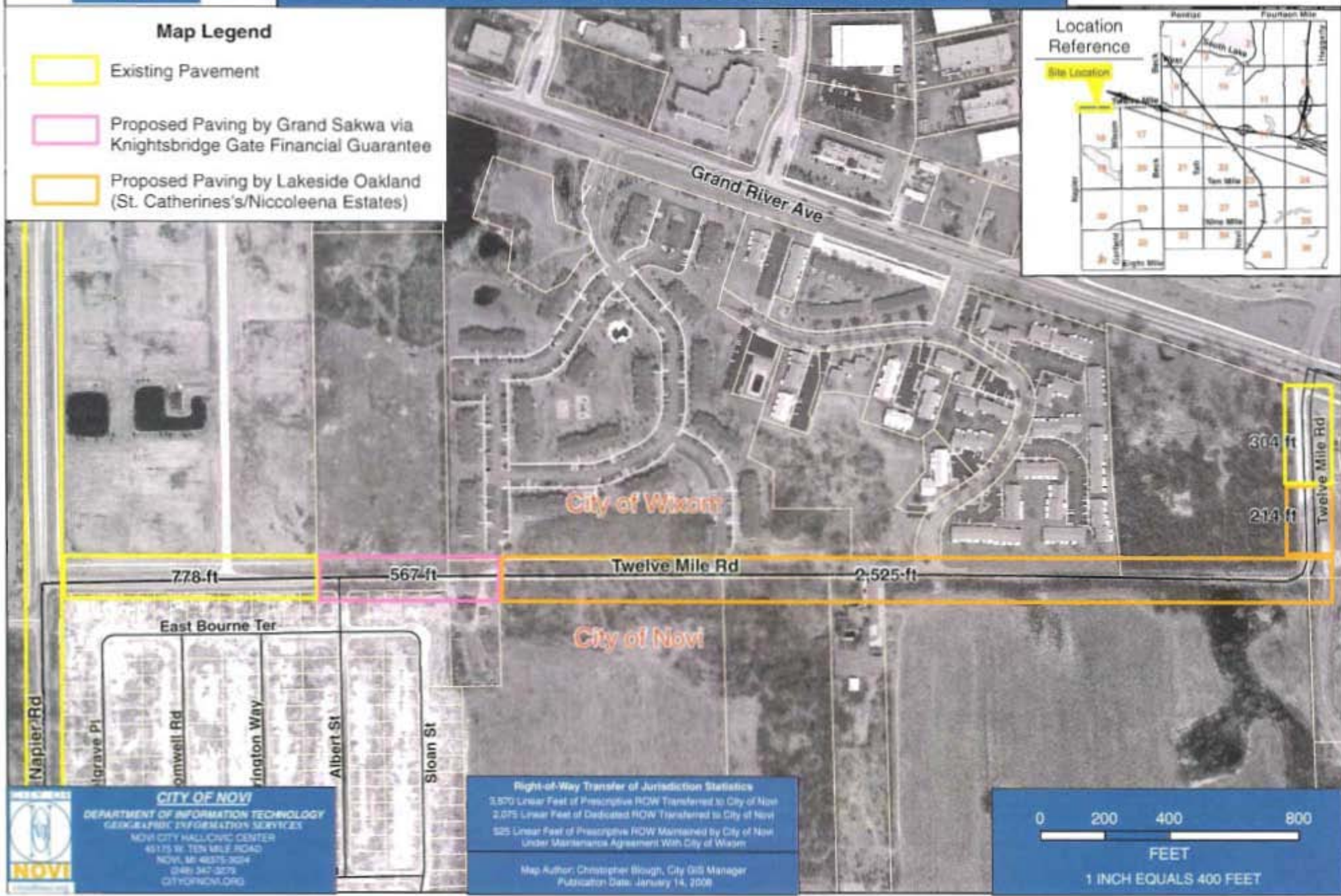


Twelve Mile Road Between Napier Rd & Grand River Avenue 2006 Aerial Photo & ROW Access Type Designations (Oakland County)

Map Legend

-  Existing Pavement
-  Proposed Paving by Grand Sakwa via Knightsbridge Gate Financial Guarantee
-  Proposed Paving by Lakeside Oakland (St. Catherine's's/Niccoleena Estates)

Location Reference



CITY OF NOVI
 DEPARTMENT OF INFORMATION TECHNOLOGY
 GEOGRAPHIC INFORMATION SERVICES
 NOV CITY HALL/CIVIC CENTER
 45175 W. TWELVE MILE ROAD
 NOVI, MI 48275-3024
 (248) 347-3279
 CITY@NOVI.ORG

Right-of-Way Transfer of Jurisdiction Statistics
 3,570 Linear Feet of Prescriptive ROW Transferred to City of Novi
 2,075 Linear Feet of Dedicated ROW Transferred to City of Novi
 325 Linear Feet of Prescriptive ROW Maintained by City of Novi Under Maintenance Agreement With City of Wixom

Map Author: Christopher Blough, City GIS Manager
 Publication Date: January 14, 2008






Proposed Transfer of Jurisdiction Along Twelve Mile Road Between the City of Novi & City of Wixom


Twelve Mile Road Between Napier Rd & Grand River Avenue
2006 Aerial Photo & ROW Access Type Designations (Oakland County)



Map Legend

PROPOSED TRANSFER OF JURISDICTION

 City of Novi

 City of Wixom

TYPE OF ROW ACCESS

 Dedicated ROW

 Prescriptive ROW

Location Reference

Site Location



Access Point to Twelve Mile Rd to be Completed

City of Wixom

City of Novi

CITY OF NOVI
DEPARTMENT OF INFORMATION TECHNOLOGY
GEOGRAPHIC INFORMATION SERVICES
NOVI CITY HALL CIVIC CENTER
48125 W. TEN MILE ROAD
NOVI, MI 48235-8024
(248) 347-3279
CITY OF NOVI.ORG

Right-of-Way Transfer of Ownership Statistics
3,870 Linear Feet of Prescriptive ROW Transferred to City of Novi
2,075 Linear Feet of Dedicated ROW Transferred to City of Novi
410 Linear Feet of Prescriptive ROW Maintained by City of Novi Under Maintenance Agreement With City of Wixom

Map Author: Christopher Blough, City GIS Manager
Publication Date: December 6, 2007



**AGREEMENT TRANSFERRING JURISDICTION
OF A PORTION OF 12 MILE ROAD
IN THE CITY OF NOVI**

THIS AGREEMENT made and entered into this ____ day of _____ , 2022, by and between the City of Novi, County of Oakland, State of Michigan (hereinafter "the City") and the Board of County Road Commissioners of the County of Oakland, State of Michigan (hereinafter "the Board"), states as follows:

WHEREAS, 12 Mile Road from its intersection with Grand River Avenue, east approximately 0.36 mile, to that portion of the road that ends in a cul-de-sac, is within the limits of the City and is a county primary road under the jurisdiction and control of the Board; and

WHEREAS, the Board has offered to transfer jurisdiction of said road from the Board to the City; and

WHEREAS, 1969 PA 296, as amended; MCL 247.851, et seq., provides for the execution of a written agreement in reference to such transfer of jurisdiction; and

WHEREAS, by Resolution adopted _____, the Board did consent to the transfer of jurisdiction of the above-described road from the Board to the City; and in said Resolution, did authorize the execution of this written Agreement; and

WHEREAS, by Resolution adopted _____, the City did consent to the transfer of jurisdiction of the above-described road from the Board to the City; and in said Resolution, did authorize the execution of this written Agreement

NOW, THEREFORE, in consideration of the mutual covenants set forth herein, and in

compliance with the provisions of 1969 PA 296, it is mutually agreed by the parties hereto as follows:

1. That jurisdiction of the following described public road within the City of Novi is transferred from the Board to the City, effective _____, 2023.

The limits and general description of the road is:

12 Mile Road from its intersection with Grand River Avenue, east approximately 0.36 mile, to that portion of 12 Mile Road which ends in a cul-de-sac.

Where 12 Mile Road borders with the City of Wixom, approximately .05 miles east of Grand River Avenue, this transfer of jurisdiction refers only to that portion of the road within the City of Novi to the centerline of the road, as the City of Wixom has signed an agreement accepting a transfer of jurisdiction for that portion of the road within the City of Wixom.

This transfer of jurisdiction shall include all existing drainage easements and road rights of way, whether recorded or otherwise, secured in connection with the above-described road and all things now existing for highway purposes upon and along such road and appurtenant thereto.

2. The Board shall not be further required to improve, renovate, repair or reconstruct any portion of said roadway.
3. The Board shall remain responsible for maintenance of said road as described in Paragraph 1, above, until the transfer of jurisdiction becomes effective on the date set forth above.
4. Responsibility for design of the subject portions of road subsequent to the transfer of jurisdiction shall be as provided by law.

5. The City agrees that in the event it becomes necessary for the Board to temporarily close a portion of a county road in the vicinity of the roads herein transferred, for construction, improvement or repair pursuant to the provisions of 1917 PA 165, the Board may designate, with appropriate notice to the City, and approval by the City, some or all of the roads herein transferred as a detour route and erect suitable signing along said portions of road as required by the above-referenced statute. Said City approval will not be unreasonably withheld.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed on the date first above written.

**BOARD OF COUNTY ROAD
COMMISSIONERS FOR THE
COUNTY OF OAKLAND.**
A Public Body Corporate

BY: _____

ITS: _____

CITY OF NOVI,
A Municipal Corporation

BY: _____

ITS: _____