



**CITY OF NOVI CITY COUNCIL**  
**JULY 27, 2020**

**SUBJECT:** Approval of a resolution of the City Council authorizing termination of a portion of the Public Utility Easement, for the Lakeview Development located between 2214 Old Novi Road and 2206 Old Novi Road (parcels 50-22-10-232-010 and 50-22-10-230-006).

**SUBMITTING DEPARTMENT:** Department of Public Works, Engineering Division

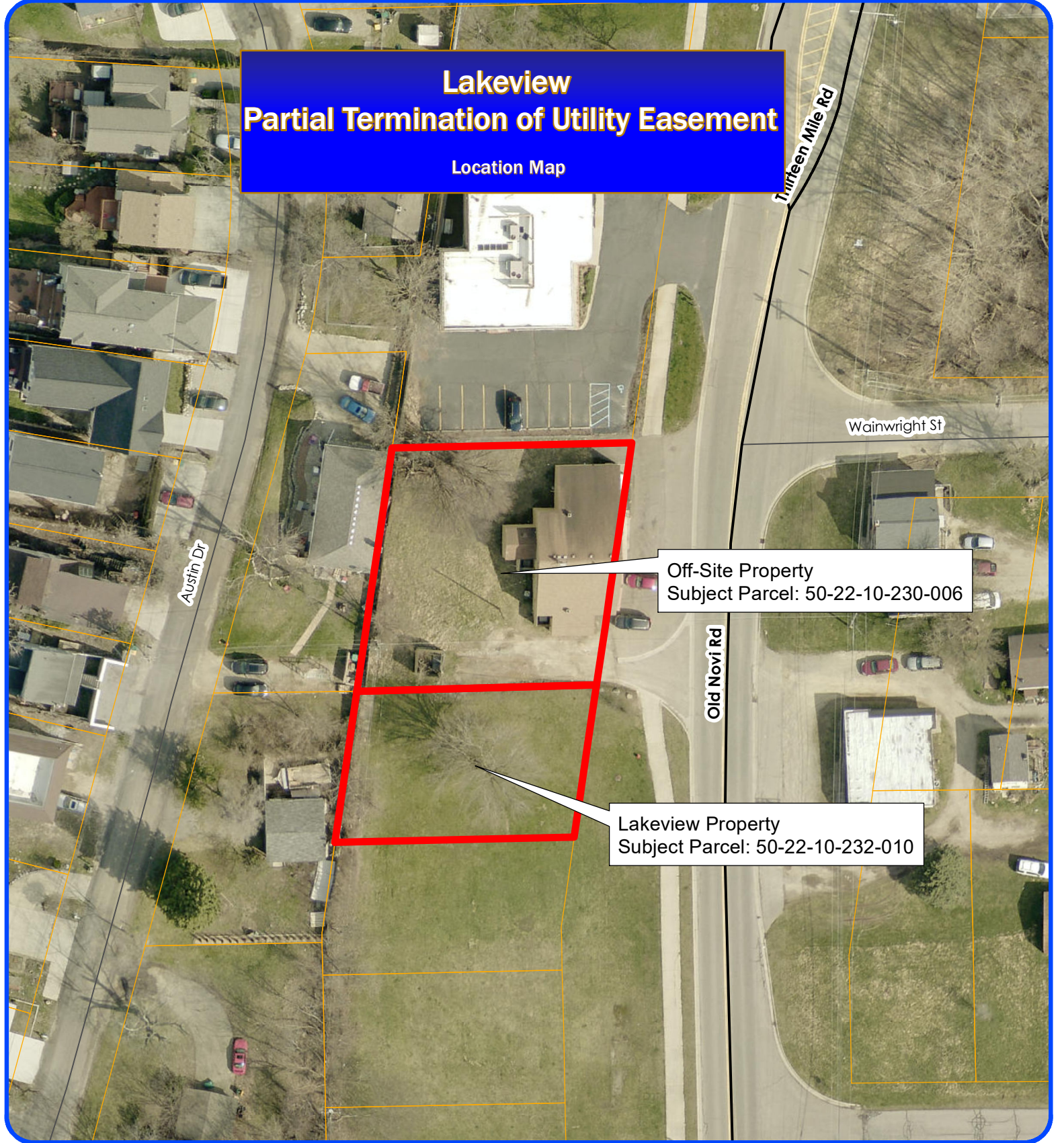
**BACKGROUND INFORMATION:** The residential development Lakeview has been approved, and to accommodate the new single-family homes, 12 feet of the 50-foot-wide Utility Easement in the previously-vacated Erma Street must be terminated. Thirty-eight feet of the remaining utility easement shall be retained for public water main and sanitary sewer. The enclosed exhibits have been reviewed by Spalding DeDecker (November 7, 2019).

The enclosed resolution has been reviewed by staff and the City Attorney (Elizabeth Saarela, November 7, 2019), and is recommended for approval.

**RECOMMENDED ACTION:** Approval of a resolution of the City Council authorizing termination of a portion of the Public Utility and Drainage Easement, for the Lakeview Development located between 2214 Old Novi Road and 2206 Old Novi Road (parcels 50-22-10-232-010 and 50-22-10-230-006).

# Lakeview Partial Termination of Utility Easement

## Location Map



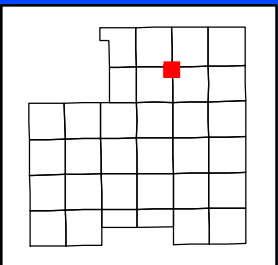
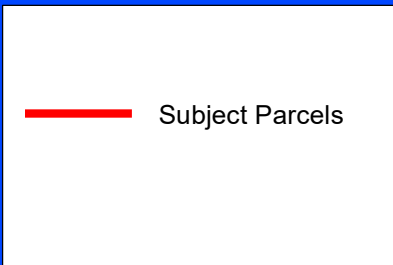
Off-Site Property  
Subject Parcel: 50-22-10-230-006

Lakeview Property  
Subject Parcel: 50-22-10-232-010

Map Author: Kate Richardson  
Date: July 14, 2020  
Project: Lakeview  
Version: 1

Amended By:  
Date:  
Department:

**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**

Engineering Division  
Department of Public Works  
26300 Lee BeGole Drive  
Novi, MI 48375  
[cityofnovi.org](http://cityofnovi.org)

Feet

0 10 20 40 60

1 inch = 54 feet

ELIZABETH KUDLA SAARELA  
esaarela@rsjalaw.com

27555 Executive Drive, Suite 250  
Farmington Hills, Michigan 48331  
P 248.489.4100 | F 248.489.1726  
www.rsjalaw.com



ROSATI | SCHULTZ  
JOPPICH | AMTSBUECHLER

November 7, 2019

Kate Richardson, Plan Review Engineer  
City of Novi  
Department of Public Works  
Field Services Complex  
26300 Lee BeGole Drive  
Novi, MI 48375

**Re: Lakeview JSP 18-0016  
Acceptance Documents**

Dear Ms. Richardson:

We have received and reviewed the following documents for Lakeview and have the following comments:

- Water System Easement (***Format Approved***)
- Storm Drainage Facility Maintenance Easement Agreement (***Format Approved***)
- Easement Termination Exhibits (***Resolution Enclosed***)
- Title Policy

### **Water and Sanitary Sewer System Access Easements**

1. The format and content of the Water System Easement is in the City's standard format and is acceptable subject to approval of the exhibits.

### **Storm Drainage Facility Maintenance Easement Agreement**

2. The Storm Drainage Facility Maintenance Easement Agreement is in the City's standard format and appears to be acceptable as provided subject to review and approval of the attached Exhibits.

### **Easement Termination Exhibit**

3. We have prepared the enclosed Termination of Easement in connection with Paragraph 3.n of the PRO Agreement for the Development, which states:

Developer shall provide a 20-foot wide water main easement and 10-foot wide storm sewer easement to replace the 50-foot wide utility easement currently

located within the previously-vacated Erma Street. The City will vacate the utility easement being replaced before the commencement of the Development.

All documents, revisions and additional documents should be submitted the City's Community Development Department.

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

Very truly yours,

ROSATI SCHULTZ JOPPICH  
& AMTSBUECHLER PC



Elizabeth Kudla Saarela

- C: Cortney Hanson, Clerk (w/ Enclosures)  
Charles Boulard, Community Development Director (w/Enclosures)  
Barb McBeth, City Planner (w/Enclosures)  
Sri Komaragiri, Planner (w/Enclosures)  
Lindsay Bell, Planner (w/Enclosures)  
Madeleine Kopko, Planning Assistant (w/Enclosures)  
Sarah Marchioni, Community Development Building Project Coordinator (w/Enclosures)  
Angie Sosnowski, Community Development Bond Coordinator (w/Enclosures)  
Ben Croy, City Engineer (w/Enclosures)  
Rebecca Runkel, Staff Engineer (w/Enclosures)  
Victor Boron, Civil Engineer (w/Enclosures)  
Michael Freckelton, Taylor Reynolds & Ted Meadows, Spalding DeDecker (w/Enclosures)  
Sue Troutman, City Clerk's Office (w/Enclosures)  
Tim Loughrin, Robertson Lakeview, LLC (w/Enclosures)  
Thomas R. Schultz, Esquire (w/Enclosures)

**RESOLUTION OF THE CITY COUNCIL AUTHORIZING  
TERMINATION OF UTILITY EASEMENT**

***RECITATIONS UNDERLYING THIS RESOLUTION:***

The City vacated the portion of Erma Street within the Shawood Walled Lake Heights Subdivision on June 5, 2000, reserving an easement for utilities, as set forth within the Resolution, recorded at Liber 21678, Page 261, Oakland County Records (the "Utility Easement").

In accordance with the Planned Rezoning Overlay Agreement for the Lakeview PRO, recorded at Liber \_\_\_ Page \_\_\_\_\_ Oakland County Records, the City agreed to vacate a portion of the Utility Easement to allow for development within the Utility Easement Area.

The appropriate City Officials have investigated the need to maintain the portion of the Utility Easement described in Exhibit A for the benefit of the public water system and/or sanitary sewer system, for the benefit of the Property, and/or for the benefit of surrounding properties, and has determined it is not necessary to maintain the portion of the Utility Easement attached as Exhibit B, and hereby agree to terminate it.

***NOW, THEREFORE, IT IS RESOLVED AS FOLLOWS:***

- I. That the portion of the Utility Easement described in the attached and incorporated Exhibit A, be terminated as shown. The remainder of the Utility Easement will remain in effect.
- II. This Resolution shall be recorded with the Oakland County Register of Deeds evidencing the termination called for herein upon recording of the replacement Water System Easement.

**AYES:**

**NAYES:**

**ABSTENTIONS:**

Resolution declared adopted.

STATE OF MICHIGAN     )  
  ) ss.  
COUNTY OF OAKLAND    )

I hereby certify that the foregoing is a true and correct copy of a Resolution adopted by the City Council of the City of Novi at the regular meeting held on \_\_\_\_\_, 2019.

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CORTNEY HANSON, CITY CLERK

Drafted by:  
Elizabeth Saarela  
Rosati, Schultz, Joppich & Amtsbeuchler  
27555 Executive Drive, Suite 250  
Farmington Hills, MI 48331  
(248) 489-4100

When recorded return to:  
Cortney Hanson, Clerk  
City of Novi  
45175 Ten Mile Rd.  
Novi, MI 48375

EXHIBIT A  
VACATED PORTION OF UTILITY EASEMENT

# EXHIBIT A

## EASEMENT VACATION

### LEGAL DESCRIPTION - PARCEL A

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LAND SITUATED IN THE COUNTY OF OAKLAND, STATE OF MICHIGAN, IS DESCRIBED AS FOLLOWS:

PART OF LOTS 33 THROUGH 36 AND ALL OF LOTS 19 THROUGH 32 AND ALL OF LOTS 37 THROUGH 46 AND 1/2 OF VACATED ERMA STREET ADJACENT TO LOT 19, ALL INCLUSIVE, OF SHAWOOD WALLED LAKE HEIGHTS SUBDIVISION, PART OF THE NORTHEAST 1/4 OF SECTION 10, TOWN 1 NORTH, RANGE 8 EAST, CITY OF NOVI, OAKLAND COUNTY, MICHIGAN, ACCORDING TO THE PLAT THEREOF AS RECORDED IN LIBER 46 OF PLATS, PAGE 48, OAKLAND COUNTY RECORDS, ALSO BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 46, ALSO BEING A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF OLD NOVI ROAD (120' WIDE); THENCE S.89°57'30"W. 100.00 FEET TO THE SOUTHWEST CORNER OF SAID LOT 46; THENCE N.00°00'00"W. 200.00 FEET TO THE NORTHWEST CORNER OF SAID LOT 37; THENCE N.89°57'30"E. 23.93 FEET; THENCE N. 00°02'19"W., 80.00 FEET; THENCE S.89°57'30"W. 23.88 FEET TO THE SOUTHWEST CORNER OF SAID LOT 32; THENCE N.00°00'00"W. 203.95 FEET; THENCE N.09°23'48"E. 102.01 FEET TO A POINT ON THE CENTERLINE OF VACATED ERMA STREET (50' WIDE); THENCE N.89°42'23"E. 100.00 FEET ALONG SAID CENTERLINE OF VACATED ERMA STREET TO A POINT ON THE WESTERLY RIGHT-OF-WAY OF SAID OLD NOVI ROAD; THENCE THE FOLLOWING TWO (2) COURSES ALONG SAID WESTERLY RIGHT-OF-WAY LINE: 1) S.09°23'48"W. 102.01 FEET AND 2) S.00°00'00"E. 484.39 FEET TO THE POINT OF BEGINNING.

CONTAINING: 56,560.62 SQ. FT. OR 1.30 ACRES

TAX ID NUMBER: 22-10-231-021, 22-10-231-006, 22-10-231-030, 22-10-231-032, 22-10-231-025, 22-10-231-026 AND 22-10-231-027

### LEGAL DESCRIPTION - EASEMENT VACATION

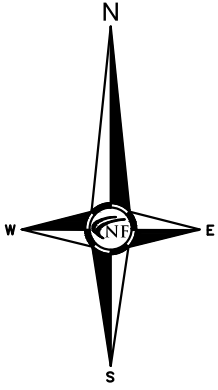
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PART OF AN EXISTING EAST AND WEST FIFTY (50) FOOT WIDE EASEMENT RESERVED FOR PUBLIC UTILITY AND DRAINAGE PURPOSES AS RECORDED IN LIBER 21678, PAGE 261, OAKLAND COUNTY RECORDS, DESCRIBED AS FOLLOWS: THE SOUTH TWELVE (12) FEET OF A VACATED ROADWAY PRESENTLY KNOWN AS ERMA STREET (50.0 FEET WIDE) LOCATED IN "SHAWOOD WALLED LAKE SUBDIVISION", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN LIBER 46 OF PLATS, PAGE 48, OAKLAND COUNTY RECORDS THAT LIES WEST OF A LINE DESCRIBED AS BEGINNING AT THE NORTHEAST CORNER OF LOT 19 OF SAID SUBDIVISION AND ENDING AT THE SOUTHEAST CORNER OF LOT 18 OF SAID SUBDIVISION AND EAST OF A LINE DESCRIBED AS BEGINNING AT THE NORTHWEST CORNER OF LOT 19 OF SAID SUBDIVISION AND ENDING AT THE SOUTHWEST CORNER OF LOT 18 OF SAID SUBDIVISION.

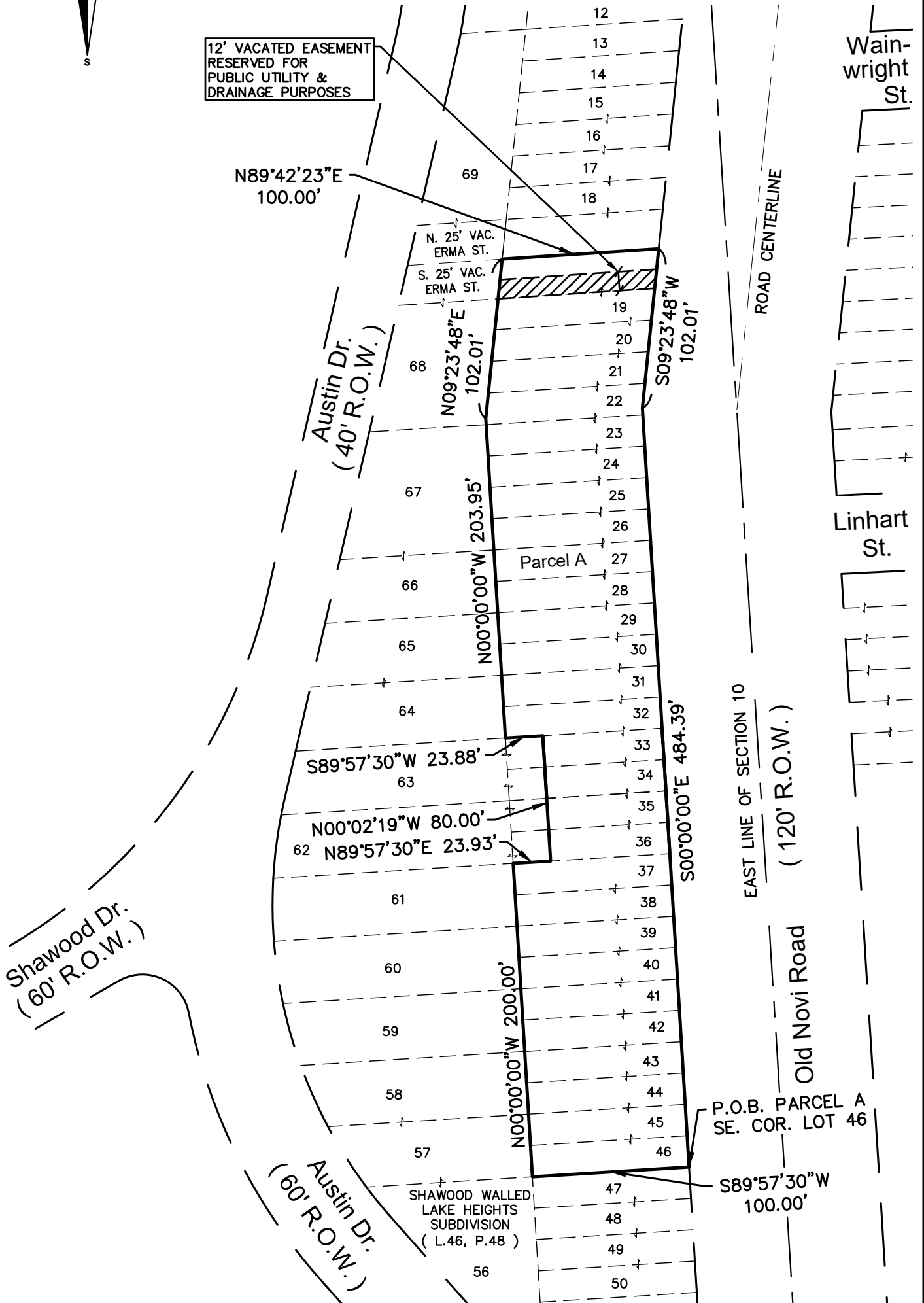


# EXHIBIT A

## EASEMENT VACATION



12' VACATED EASEMENT  
RESERVED FOR  
PUBLIC UTILITY &  
DRAINAGE PURPOSES



NOWAK & FRAUS ENGINEERS  
46777 WOODWARD AVE.  
PONTIAC, MI 48342-5032  
TEL. (248) 332-7931  
WWW.NOWAKFRAUS.COM

DATE	REVISED	SCALE	DRAWN	JOB NO.	SHEET
6-10-2019	7-15-2019	1" = 80'	M.C.	J955	2 of 2

November 7, 2019

Jeff Herczeg  
City of Novi  
26300 Lee BeGole Drive  
Novi, Michigan 48375

Re: Lakeview - Acceptance Documents Review  
Novi # JSP18-0016  
SDA Job No. NV19-215  
**REVISIONS REQUIRED**

Dear Mr. Herczeg:

We have reviewed the Acceptance Document Package received by our office on July 26, 2019 and November 7, 2019 against the Final Site Plan (Stamping Set) approved on September 6, 2019. We offer the following comments:

**Initial Acceptance Documents:**

- 1. On-Site Water System Easement**  
(unexecuted: exhibits dated 6-10-2019)  
Exhibits Approved
- 2. Erma Street Easement Vacation**  
(unexecuted: exhibits date 7-15-2019)  
Exhibits Approved
- 3. Storm Drainage Facility / Maintenance Easement Agreement**  
(unexecuted: exhibits dated 6-10-2019)  
Exhibits Approved

**Final Acceptance Documents**

Upon completion of construction, the above easement descriptions will be reviewed against the as-built plans. Any revisions will be required as necessary. Additionally, the following items must be provided prior to the issuance of a Temporary Certificate of Occupancy. All documents must be completed using black ink as the County will reject them otherwise.

- 4. Bills of Sale: Water Supply System**  
NOT SUPPLIED – **REQUIRED**
- 5. Full Unconditional Waivers of Lien from contractors installing public utilities**  
NOT SUPPLIED – **REQUIRED**
- 6. Sworn Statement signed by Developer**  
NOT SUPPLIED - **REQUIRED**

Unless otherwise stated above, the documents as submitted were found to be acceptable by our office pending review by the City Attorney. Legal review will not occur until a current title policy is submitted to the City. For those documents which require revisions, please forward those revised documents to the City for further review and approval.

The City Attorney's Office will retain the original documents in their files until such time as they are approved and ready (notarized and executed properly) for the Mayor's signature.

**It should be noted** that the Plan Review Center Report dated May 20, 2019 contains all documentation requirements necessary prior to construction and occupancy of the facility.

If you have any questions regarding this matter, please contact this office at your convenience.

Sincerely,

**SPALDING DEDECKER**



Taylor E. Reynolds, PE  
Senior Project Engineer

Cc (via Email):           Victor Boron, City of Novi  
                                  Michael Freckelton, Spalding DeDecker  
                                  Courtney Hanson, City of Novi  
                                  Madeleine Kopko, City of Novi  
                                  Sarah Marchioni, City of Novi  
                                  Ted Meadows, Spalding DeDecker  
                                  Kate Richardson, City of Novi  
                                  Beth Saarela, Rosati, Schultz, Joppich, Amtsbuechler  
                                  Angie Sosnowski, City of Novi