



**CITY OF NOVI CITY COUNCIL  
MARCH 22, 2021**

**SUBJECT:** Acceptance of a sidewalk easement from Elias and Rebecca Saad for construction of a sidewalk along the north side of Ten Mile Road between Dinser Drive and Woodham Road (parcel 50-22-20-376-005) in the amount of \$10,300.00.

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

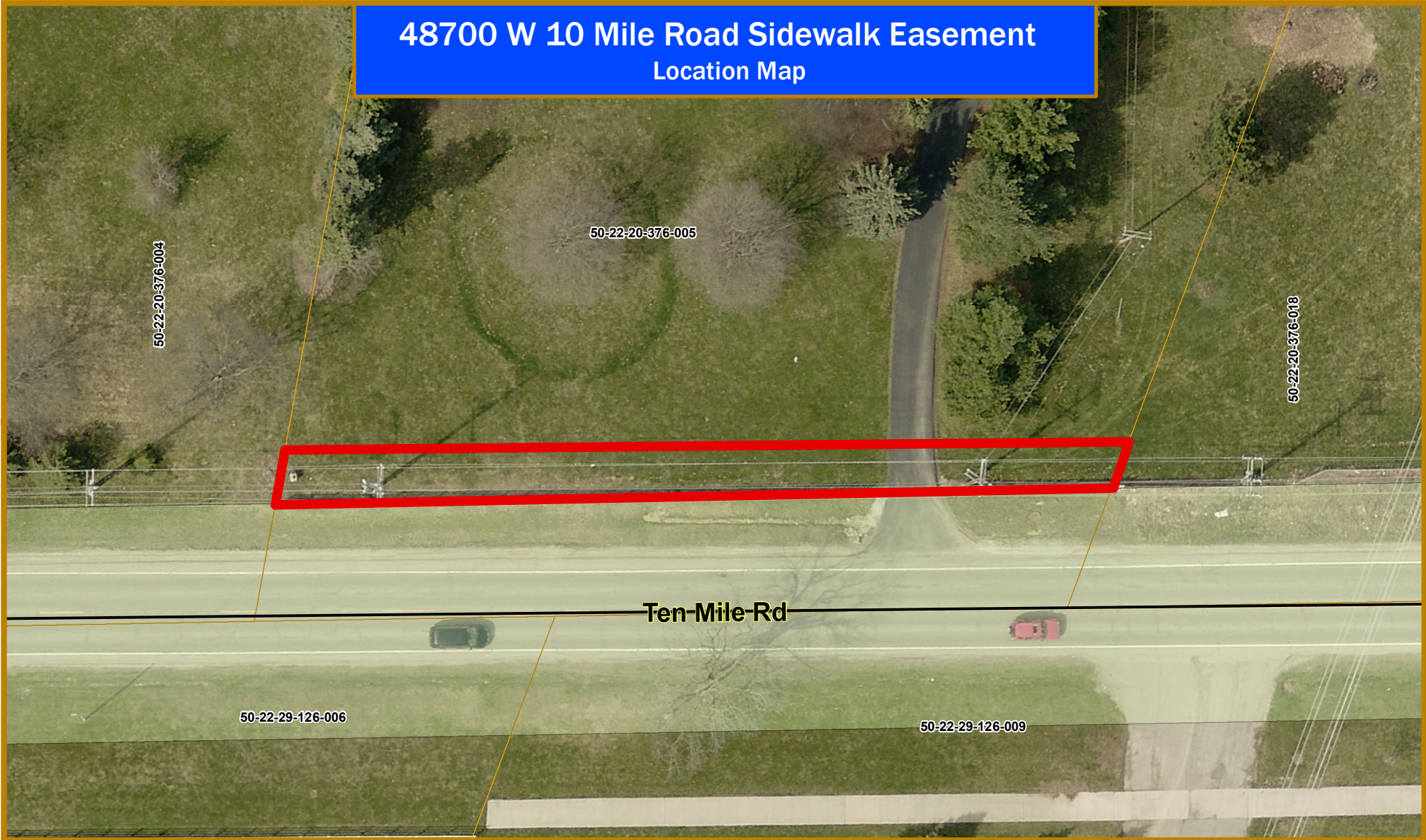
<b>EXPENDITURE REQUIRED</b>	<b>\$ 10,300.00</b>
<b>AMOUNT BUDGETED</b>	<b>\$ 516,623.00</b>
<b>APPROPRIATION REQUIRED</b>	<b>\$ 0</b>
<b>LINE ITEM NUMBER</b>	<b>204-204.00-974.482</b>

**BACKGROUND INFORMATION:** The City has been acquiring sidewalk easements along the north side of Ten Mile Road between Dinser Drive and Woodham Road as part of the Segment 51 sidewalk project. Segment 51 was given priority by the Walkable Novi Committee because it will provide direct access to the ITC Corridor Trail from Ten Mile Road, and it will complete the sidewalk connection on the north side of Ten Mile Road from Wixom Road to Meadowbrook Road.

The City Attorney reviewed the signed easement favorably (Beth Saarela, March 4, 2021). Construction of the segment is expected to occur this spring.

**RECOMMENDED ACTION:** Acceptance of a sidewalk easement from Elias and Rebecca Saad for construction of a sidewalk along the north side of Ten Mile Road between Dinser Drive and Woodham Road (parcel 50-22-20-376-005) in the amount of \$10,300.00.

# 48700 W 10 Mile Road Sidewalk Easement Location Map



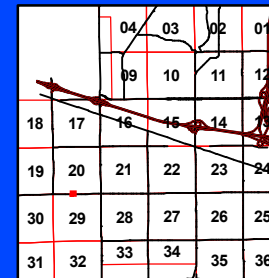
Map Author: Humna Anjum  
Date: 12/22/2020  
Project: Segment 51 Sidewalk  
Version #:

### 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.



Easement Location



## City of Novi

Engineering Division  
Department of Public Works  
26300 Lee BeGole Drive  
Novi, MI 48375  
cityofnovi.org



Feet  
1 inch = 38 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

March 4, 2021

Jeffrey Herczeg, Director of Public Works  
City of Novi  
Field Services Complex  
26300 Lee BeGole Drive  
Novi, MI 48375

**RE: Segment 51 Sidewalk – 48700 Ten Mile  
Sidewalk Easement**

Dear Mr. Herczeg:

We have received and reviewed the Sidewalk Easement for the 48700 Ten Mile in connection with the Segment 51 Sidewalk Construction Project. The Sidewalk Easement provided is in the City's standard format and is consistent with the title search for the property.

The City obtained an appraisal for the value of the easement area. The easement property was appraised at \$10,300 based on recent property sales in the area. The property owner has agreed to accept the appraised value of the Sidewalk Easement.

The Sidewalk Easement may be placed on an upcoming City Council Agenda for acceptance. Once accepted, the Lender Consent Pages should be attached after the signature page. The Sidewalk Easement should be recorded by the City Clerk's Office with the Oakland County Register of Deeds in the usual manner. It is our understanding that the City's Engineering Division has the original Sidewalk Easement for recording.

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

Very truly yours,

ROSATI SCHULTZ JOPPICH  
& AMTSBUECHLER PC

A handwritten signature in blue ink, appearing to read 'Elizabeth Kudla Saarela', is written over a light blue horizontal line.

Elizabeth Kudla Saarela

Jeffrey Herczeg, Director of Public Works  
City of Novi  
March 4, 2021  
Page 2

EKS  
Enclosures

C: Cortney Hanson, Clerk (w/Enclosure)  
Ben Croy, City Engineer (w/Enclosure)  
Rebecca Runkel, Staff Engineer (w/Enclosure)  
Thomas R. Schultz, Esquire (w/Enclosure)

### SIDEWALK EASEMENT

NOW ALL MEN BY THESE PRESENTS, ELLIAS SAAD and REBECCA J. SAAD, (husband and wife), whose address is 48700 W 10 Mile Road, Novi, MI 48374, for and in consideration of Ten Thousand Three Hundred (\$10,300.00) Dollars, 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 Ten Mile Road, Novi, Michigan 48375, a permanent easement for a public non-motorized pathway over across and through property located in Section 20, City of Novi, Oakland County, State of Michigan, more particularly described as follows:

{See attached and incorporated Exhibit A}

Parcel No. 50-22-20-376-005

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, construct, install, repair, replace, improve, modify and maintain a non-motorized sidewalk in 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 permanent structures on, over, across, in, through, or under the above-described Easement Area, except that, subject to Grantee's approval as part of an approved site plan, the Grantor may construct and/or install surface improvements to the property, including paved driveways, parking and/or walkways; landscaping; utilities and/or similar improvements, which improvements do not interfere with use, operation, maintenance, repair and replacement of the sidewalk in the Easement Areas shown on the attached and incorporated Exhibit B.

All portions of the Premises damaged or disturbed by Grantee's exercise of temporary easement rights, shall be reasonably restored by Grantee to the condition that existed prior to the damage or disturbance.

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 non-motorized traffic and shall permit maintenance, repair and replacement of the paving in the Easement Area.

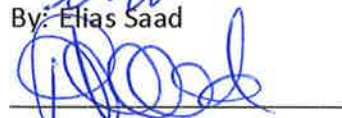
This instrument shall be binding and inure to the benefit of the parties hereto, their heirs, representatives, successors and assigns.

Dated this 5 day of NOVEMBER, 2020.

GRANTOR



By: Elias Saad



By: Rebecca J. Saad

STATE OF MICHIGAN )  
 ) SS  
COUNTY OF OAKLAND )

The foregoing instrument was acknowledged before me this 5<sup>th</sup> day of November, 2020 by Elias Saad and Rebecca J. Saad, husband and wife.

  
Notary Public Karen M Caroffino  
Oakland County, Michigan  
My Commission Expires: 11/11/2026

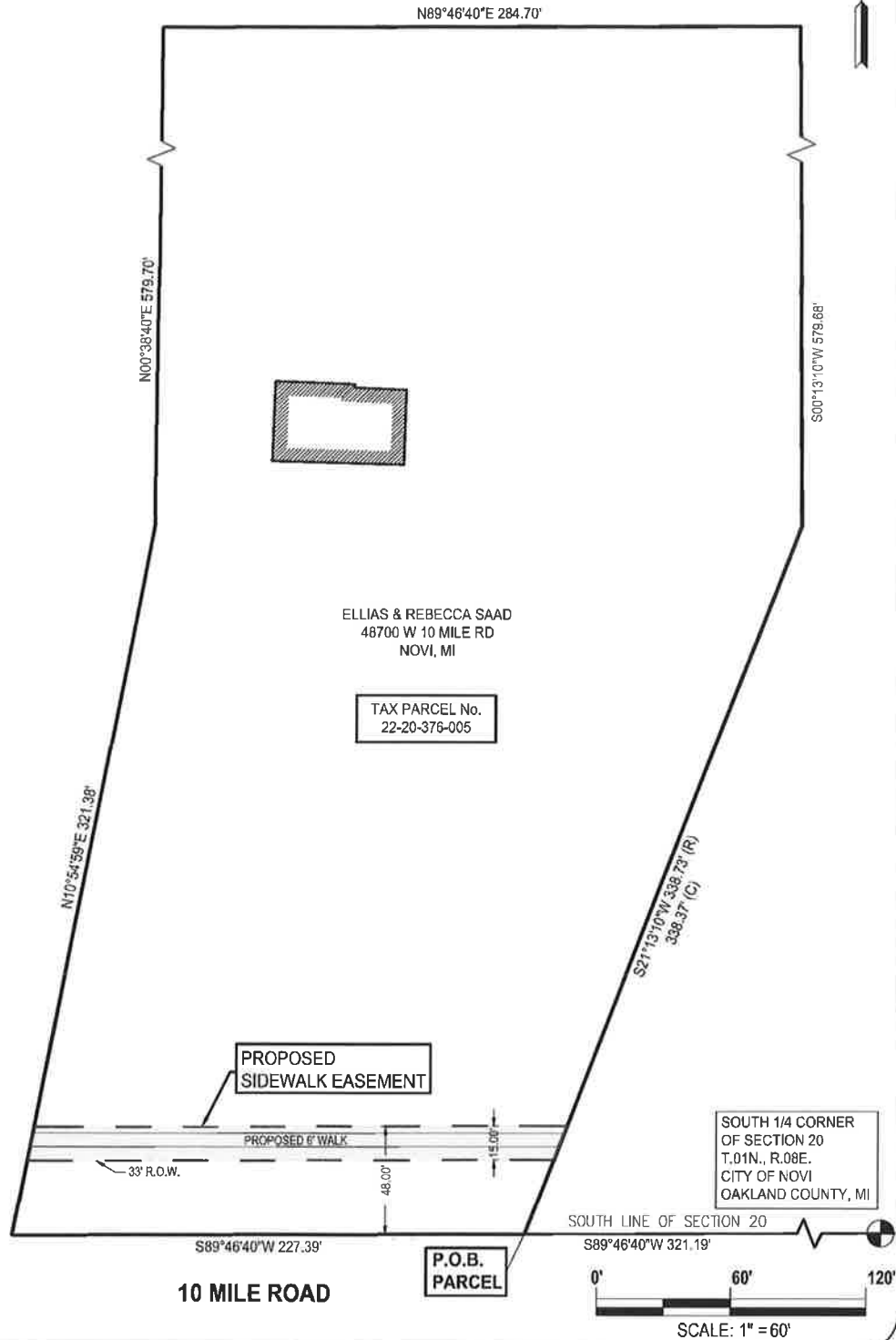
Drafted by:

Elizabeth Kudla Saarela  
27555 Executive Drive, Suite 250  
Farmington Hills, MI 48331

When recorded return to:

Cortney Hanson, Clerk  
City of Novi  
45175 Ten Mile  
Novi, MI 48375

# SIDEWALK EASEMENT EXHIBIT 'A'



ELLIAS & REBECCA SAAD  
48700 W 10 MILE RD  
NOVI, MI

TAX PARCEL No.  
22-20-376-005

Plotted: Jun 3, 2020, 3:51 PM by user: 793 - Saved: 6/3/2020 by user: 793  
J:\NV\Design\NV19006-Ten Mile Sidewalk\DWG\NV19006EASE.dwg



SPALDING DEDECKER

Engineers | Surveyors

905 South Blvd. East Phone: (248) 844-5400  
Rochester Hills, MI 48307 Fax: (248) 844-5440  
[www.sda-eng.com](http://www.sda-eng.com)

DRAWN: N.POOLE	DATE: 02-28-20
CHECKED: K.SIROIS	DATE: 02-28-20
MANAGER: M.DEDECKER	SCALE: 1" = 60'
JOB No. NV19006	SHEET: 1 OF 2
SECTION 20 TOWN 01 NORTH RANGE 08 EAST	
CITY OF NOVI	OAKLAND COUNTY, MI

# SIDEWALK EASEMENT EXHIBIT 'B'

## LEGAL DESCRIPTION

TAX PARCEL ID NO. 22-20-376-005  
SOURCE: ATA TITLE FILE NO: 63-19679655-SSP

A PARCEL OF LAND DESCRIBED AS FOLLOWS: CITY OF NOVI, COUNTY OF OAKLAND, STATE OF MICHIGAN TOWN 1 NORTH, RANGE 8 EAST, SECTION 20, PART OF THE EAST 1/2 OF THE SOUTHWEST 1/4, BEGINNING AT A POINT DISTANCE SOUTH 89 DEGREES 46 MINUTES 40 SECONDS WEST 321.19 FEET FROM THE SOUTH 1/4 CORNER; THENCE SOUTH 89 DEGREES 46 MINUTES 40 SECONDS WEST 227.39 FEET; THENCE NORTH 10 DEGREES 54 MINUTES 59 SECONDS EAST 321.38 FEET; THENCE NORTH 00 DEGREES 38 MINUTES 40 SECONDS EAST 579.70 FEET; THENCE NORTH 89 DEGREES 46 MINUTES 40 SECONDS EAST 284.70 FEET; THENCE SOUTH 00 DEGREES 13 MINUTES 10 SECONDS WEST 579.68 FEET; THENCE SOUTH 21 DEGREES 13 MINUTES 10 SECONDS WEST 338.73 FEET TO THE POINT OF BEGINNING.

## 15' SIDEWALK EASEMENT

A 15 FOOT WIDE SIDEWALK EASEMENT BEING LOCATED IN THE SOUTHWEST 1/4 OF SECTION 20, TOWN 1 NORTH, RANGE 8 EAST, CITY OF NOVI, OAKLAND COUNTY, MICHIGAN, MORE PARTICULARILY DESCRIBED AS THE NORTH 15 FEET OF THE SOUTH 48 FEET OF THE FOLLOWING DESCRIBED PARCEL:

BEGINNING AT A POINT DISTANCE SOUTH 89 DEGREES 46 MINUTES 40 SECONDS WEST 321.19 FEET FROM THE SOUTH 1/4 CORNER; THENCE SOUTH 89 DEGREES 46 MINUTES 40 SECONDS WEST 227.39 FEET; THENCE NORTH 10 DEGREES 54 MINUTES 59 SECONDS EAST 321.38 FEET; THENCE NORTH 00 DEGREES 38 MINUTES 40 SECONDS EAST 579.70 FEET; THENCE NORTH 89 DEGREES 46 MINUTES 40 SECONDS EAST 284.70 FEET; THENCE SOUTH 00 DEGREES 13 MINUTES 10 SECONDS WEST 579.68 FEET; THENCE SOUTH 21 DEGREES 13 MINUTES 10 SECONDS WEST 338.73 FEET TO THE POINT OF BEGINNING.

Plotted: Jun 3, 2020, 3:51 PM by user: 793 -- Saved: 6/3/2020 by user: 793  
J:\NV\Design\NV19006-Ten Mile Sidewalk\DWG\NV19006EASE.dwg



**SPALDING DeDECKER**  
Engineers | Surveyors

905 South Blvd. East  
Rochester Hills, MI 48307

Phone: (248) 844-5400  
Fax: (248) 844-5440

[www.sda-eng.com](http://www.sda-eng.com)

DRAWN: N.POOLE	DATE: 02-28-20
CHECKED: K.SIROIS	DATE: 02-28-20
MANAGER: M.DEDECKER	SCALE: NTS
JOB No. NV19006	SHEET: 2 OF 2
SECTION 20 TOWN 01 NORTH RANGE 08 EAST	
CITY OF NOVI	OAKLAND COUNTY, MI



**MORTGAGEE'S CONSENT TO EASEMENT**

CITIZENS ONE HOME LOANS #XXXXXXXX(PR) "SAAD" Lender ID:FH2 001/385976372 Oakland, Michigan  
MIN #: 1012018 2016101901 7 SIS #: 1-888-679-6377

KNOW ALL MEN BY THESE PRESENTS that MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., AS MORTGAGEE, AS NOMINEE FOR ADVISORS CAPITAL, INC., ITS SUCCESSORS AND ASSIGNS whose address is P. O. BOX 2026, FLINT, MI 48501-2026 current holder of a certain Mortgage, whose parties, dates and recording information are below, does hereby acknowledge a Permanent Easement as depicted on that map entitled "Sidewalk Easement", and in consideration thereof, consent to the grant, conveyance, existence and recordation of said easement, with respect to, and only with respect to, that certain part of the property collateral for said mortgage to be superior to the interest of the undersigned, successors and assigns, specifically described below:

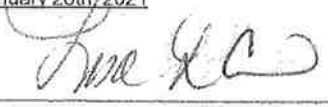
Original Mortgagor: ELLIAS SAAD AND REBECCA SAAD, HUSBAND AND WIFE  
Original Mortgagee: MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., AS MORTGAGEE, AS NOMINEE FOR ADVISORS CAPITAL, INC., ITS SUCCESSORS AND ASSIGNS  
Dated: 12/02/2016  
Date Recorded: 02/03/2017  
in Book/Reel/Liber: 50352 Page/Folio: 577 as Instrument No.: 0021270  
in the County of Oakland State of Michigan

Legal: See Exhibit "A" and "Exhibit B" Attached Hereto And By This Reference Made A Part Hereof

Assessor's/Tax ID No. A PORTION OF 22-20-376-005

IN WITNESS WHEREOF, MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., AS MORTGAGEE, AS NOMINEE FOR ADVISORS CAPITAL, INC., ITS SUCCESSORS AND ASSIGNS, by the officer duly authorized, has duly executed as a free act and deed the foregoing instrument.


MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., AS MORTGAGEE, AS NOMINEE FOR ADVISORS CAPITAL, INC., ITS SUCCESSORS AND ASSIGNS  
On January 26th 2021

By:   
LISA L. COLEMAN, Assistant Secretary

COMMONWEALTH OF Virginia  
COUNTY OF Henrico

On January 26th, 2021, before me, FELICIA F. GILES, a Notary Public in and for Henrico in the State of Virginia, personally appeared LISA L. COLEMAN, Assistant Secretary of MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., AS MORTGAGEE, AS NOMINEE FOR ADVISORS CAPITAL, INC., ITS SUCCESSORS AND ASSIGNS, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity, and that by his/her/their signature on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal,

  
FELICIA F. GILES  
Notary Expires: 10/31/2023 #315731

FELICIA F. GILES  
NOTARY PUBLIC  
COMMISSION NUMBER 315731  
COMMONWEALTH OF VIRGINIA  
MY COMMISSION EXPIRES 10/31/2023

(This area for notarial seal)

Prepared By: Matty Salazar, CITIZENS ONE HOME LOANS 10561 Telegraph Road, Glen Allen, VA 23059 (800) 234-6002  
When Recorded Return To: REBECCA RUNKEL, CITY OF NOVI 26300 LEE BEGOLE, NOVI, MI 48375

CONSENT TO EASEMENT

As the holder of a mortgagee interest in and to the property referenced in the Sidewalk Easement, dated February 2, 2021, as shown in the Exhibit A attached hereto and incorporated herein, whereas ELLIAS SAAD and REBECCA J. SAAD, (husband and wife, grant and convey said easement to the City of Novi, the undersigned hereby evidences its consent to the grant, conveyance, existence and recordation of said easement, which easement is hereby acknowledged and agreed to be superior to the interest of the undersigned and shall bind the undersigned and the heirs, successors and assigns of the undersigned.

IN WITNESS WHEREOF the undersigned has caused its signature to be placed on the 2nd day of February, 2021

PNC Bank

By: \_\_\_\_\_

Marcus McCarthy / Officer

Commonwealth of Pennsylvania) ) ss.  
County of Allegheny )

The foregoing Consent to Easement was acknowledged before me this 2nd day of February, 2021, by Marcus McCarthy, the Officer of PNC Bank, on its behalf.

\_\_\_\_\_  
Notary Public Lisa A Gratton

My commission expires: 9-23-2022

Commonwealth of Pennsylvania - Notary Seal  
Lisa A. Gratton, Notary Public  
Allegheny County  
My commission expires September 23, 2022  
Commission number 1061679  
Member, Pennsylvania Association of Notaries

**Commonly Known As:** 48700 W. 10 Mile, Novi, MI 48850

## TITLE SEARCH

Date: October 28, 2019

The land referred to in this search is situated in the City of Novi, County of Oakland, State of Michigan, as follows:

### **SEE EXHIBIT A**

#### **Last grantee of record:**

Ellias Saad and Rebecca J. Saad, husband and wife

1. Mortgage in the original amount of \$315,000.00, and the terms, conditions and provisions contained therein, executed by Ellias Saad and Rebecca Saad, husband and wife to MERS, Solely as nominee for Advisors Capital, Inc. dated December 2, 2016 and recorded February 3, 2017 in Liber 50352, Page 577, Oakland County Records.
2. Mortgage in the original amount of \$100,000.00, and the terms, conditions and provisions contained therein, executed by Ellias Saad and Rebecca J. Saad, Married to PNC Bank, National Association dated February 4, 2019 and recorded February 20, 2019 in Liber 52586, Page 874, Oakland County Records.
3. Rights of the public and of any governmental unit in any part of the land taken, used or deeded for a public or private street, drive, road or highway purpose.
4. PAYMENT OF TAXES: Tax Parcel No.: 22-20-376-005

2019 City Taxes in the amount of \$6,986.68 are Paid, said amount includes \$85.30 for Trash

2018 County Taxes in the amount of \$1,455.58 are Paid, said amount includes \$82.74 for Trash

Special Assessments: None

- 2019 State Equalized Value: \$253,400.00
- 2019 Taxable Value: \$222,670.00

The amounts shown as due do not include collection fees, penalties or interest.

NOTE: If the subject property is connected to public/community water or sewer, furnish a copy of the current bill showing that all charges have been paid to date or the Owner's Policy to be issued will include an exception on Schedule B for water and sewer charges which became a lien prior to the date of policy.

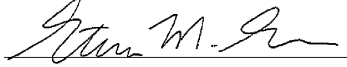
[Copies of Documents](#)

ATA National Title Group, LLC  
36800 Gratiot Avenue  
Clinton Township, MI 48035  
Ph:(586) 463-7200 Fax:(586) 463-6114

## TITLE SEARCH - CONTINUED

COUNTERSIGNED:

**ATA National Title Group, LLC**



Steven M. Greco

AUTHORIZED SIGNATORY

### **Terms and Conditions**

1. This document is a search only. It is neither an insurance product nor an opinion of law or title and should not be relied upon as such. In addition, it runs only to the named customer and should not be relied upon for any purpose by any person or entity other than the named customer and/or its duly appointed representatives and agents.
2. By receiving and using this product, the customer agrees that the liability of the Company, its subsidiaries and affiliates, for any direct or indirect loss shall be limited to either the amount of the loss or the amount paid for this search, whichever is less.

TITLE SEARCH - CONTINUED

**EXHIBIT "A"**

The land referred to in this search is described as follows: City of Novi, County of Oakland, State of Michigan

**Town 1 North, Range 8 East, Section 20, part of the East 1/2 of the Southwest 1/4, beginning at a point distance South 89 degrees 46 minutes 40 seconds West 321.19 feet from the South 1/4 corner; thence South 89 degrees 46 minutes 40 seconds West 227.39 feet; thence North 10 degrees 54 minutes 59 seconds East 321.38 feet; thence North 00 degrees 38 minutes 40 seconds East 579.70 feet; thence North 89 degrees 46 minutes 40 seconds East 284.70 feet; thence South 00 degrees 13 minutes 10 seconds West 579.68 feet; thence South 21 degrees 13 minutes 10 seconds West 338.73 feet to the point of beginning.**

**Parcel Identification No.: 22-20-376-005**