



CITY OF NOVI CITY COUNCIL
APRIL 26, 2021

SUBJECT: Acceptance of a Warranty Deed to dedicate an additional 13 feet of right-of-way along the east side of Seeley Road as part of the Novi Tech Center Units 6 & 7 development (parcel 50-22-24-251-027).

SUBMITTING DEPARTMENT: Department of Public Works, Engineering Division

BACKGROUND INFORMATION: Ericar Land Holding Company, LLC is requesting the acceptance of a Warranty Deed conveying 13 feet of additional right-of-way along the east side of the Seeley Road. The proposed right-of-way dedication will bring this segment of Seeley Road to its full master planned half-width right-of-way of 43 feet.

The enclosed letter from City Attorney (Beth Saarela, June 19, 2020) provides the Warranty Deed prepared for this dedication. This document has been reviewed and approved by the City Attorney and City's Engineering Consultant, Spalding DeDecker (June 19, 2020), and is recommended for acceptance.

RECOMMENDED ACTION: Acceptance of a Warranty Deed to dedicate an additional 13 feet of right-of-way along the east side of Seeley Road as part of the Novi Tech Center Units 6 & 7 development (parcel 50-22-24-251-027).

Novi Tech Center Units 6 & 7 ROW Acceptance

Location Map



Map Author: Kate Richardson
 Date: 03/31/2021
 Project: Novi Tech Center 6 & 7 ROW Acceptance
 Version: 1.0

Amended By:
 Date:
 Department:

MAP INTERPRETATION NOTICE

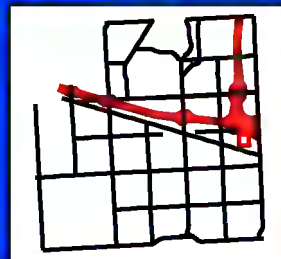
Map information depicted is not intended to replace or substitute for any official or primary source. This map was intended to meet National Map Accuracy Standards and use the most recent, accurate sources available to the people of the City of Novi. Boundary measurements and area calculations are approximate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

Map Legend

- Major Roads
- Minor Roads
- Subject Parcel

Right of Way

- Dedicated
- Prescriptive
- Private



City of Novi

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



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

June 19, 2020

Jeffrey Herczeg, Director of Public Works
City of Novi
45175 Ten Mile Road
Novi, MI 48375-3024

**Re: Novi Tech 6 & 7 JSP 17-86
On-Site Acceptance Documents**

Dear Mr. Herczeg:

We have received and reviewed the following on-site documents serving the Novi Tech 6 & 7 Development, and have the following comments:

- Water System Easement (**Approved**)
- Sanitary Sewer System Easement (**Approved**)
- Sanitary Sewer Manhole Access Easement (**Approved with Exhibit to be Replaced**)
- Bill of Sale for Water and Sanitary Sewer (**Approved**)
- Warranty Deed – ROW (**Approved**)
- Partial Discharge of Mortgage (**Approved**)
- Partial Discharge of Assignment of Rents (**Approved**)
- Title Search

Water and Sanitary Sewer System Easements

Ericar Land Holding Company, LLC seeks to convey the on-site Water System Easement, Sanitary Sewer System Easement, and Sanitary Sewer Manhole Access Easement. We have reviewed and approve the format and language of the above Water and Sanitary Sewer System Easements, as well as the corresponding Bill of Sale for water and sanitary sewer improvements. The Easements are consistent with the title commitment provided. The exhibits have been reviewed and approved by the City's Consulting Engineer.

The Water and Sanitary Sewer System Easements once accepted by Affidavit of the City Engineer should be recorded with the Oakland County Register of Deeds in the usual manner. The title search and Bill of Sale should be retained in the City's file.

Warranty Deed – Existing Seeley Road ROW

The Warranty Deed provided conveys the existing Seeley Road ROW adjacent to the development. The Warranty Deed is consistent with the title search provided. A Partial Discharge of Mortgage and Partial Discharge of Assignments of Rents has been provided over the ROW area. The Warranty Deed has been executed and appears to be acceptable. The legal descriptions of the right-of-way area being dedicated have been reviewed and approved by the City's Consulting Engineer. The Warranty Deed may be placed on an upcoming City Council Agenda for acceptance. Once accepted, it should be recorded with the Oakland County Register of Deeds, along with the Partial Discharge of Mortgage and Partial Discharge of Assignment of Rents in the usual manner.

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

EKS

Enclosures

- C: Cortney Hanson, Clerk (w/Original Enclosures)
Charles Boulard, Community Development Director (w/Enclosures)
Barb McBeth, City 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)
Kate Richardson, Plan Review Engineer (w/Enclosures)
Victor Boron, Civil Engineer (w/Enclosures)
Rebecca Runkel, Staff Engineer (w/Enclosures)
Michael Freckelton, Taylor Reynolds & Ted Meadows, Spalding DeDecker (w/Enclosures)
Sue Troutman, City Clerk's Office (w/Enclosures)
Ian Armstrong, Lakeshore Contracting (w/Enclosures)
Thomas R. Schultz, Esquire (w/Enclosures)

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, that **ERICAR LAND HOLDING COMPANY, LLC**, a Michigan limited liability company ("Grantor"), whose address is 39475 13 Mile Road, Suite 203, Novi, Michigan 48377, 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 A** attached hereto and made a part hereof for public right-of-way purposes.

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, for the sum of One and 00/100 Dollars (\$1.00), subject to easements, building and use restrictions and other matters of record.

This deed is exempt from transfer taxes by virtue of M.C.L.A. Section 207.505(a) and M.C.L.A. Section 207.526(a).

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 13 day of May, 2020.

[Signatures on following page]

IN WITNESS WHEREOF, Grantor has executed this Warranty Deed as of the day and year first above set forth.

GRANTOR:

**ERICAR LAND HOLDING COMPANY,
LLC, a Michigan limited liability company**

By: *Jaimey Roth*
Name: Jaimey Roth
Its: / Manager

STATE OF MICHIGAN)
)ss
COUNTY OF Oakland)

The foregoing instrument was executed before me, the undersigned Notary Public, this 13 day of May, 2020, by Jaimey Roth, who acknowledged himself to be the Manager of Ericar Land Holding Company, LLC, a Michigan limited liability company, on behalf of said limited liability company.

CYNTHIA D. ROSENTHAL
Notary Public, State of Michigan
County of Oakland
My Commission Expires 06-23-2022
Acting in the County of Oakland

Cynthia D Rosenthal, Notary Public
State of Michigan, County of Oakland
My Commission Expires: 6-23-2022
Acting in the County of Oakland

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, MI 48375	Drafted by: Ryan L. Warsh, Esq. Dykema Gossett PLLC 39577 Woodward Ave., Suite 300 Bloomfield Hills, MI 48304
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Part of Tax Parcel No. 22-24-251-027

EXHIBIT A
DESCRIPTION OF PROPERTY

RIGHT-OF-WAY DEDICATION

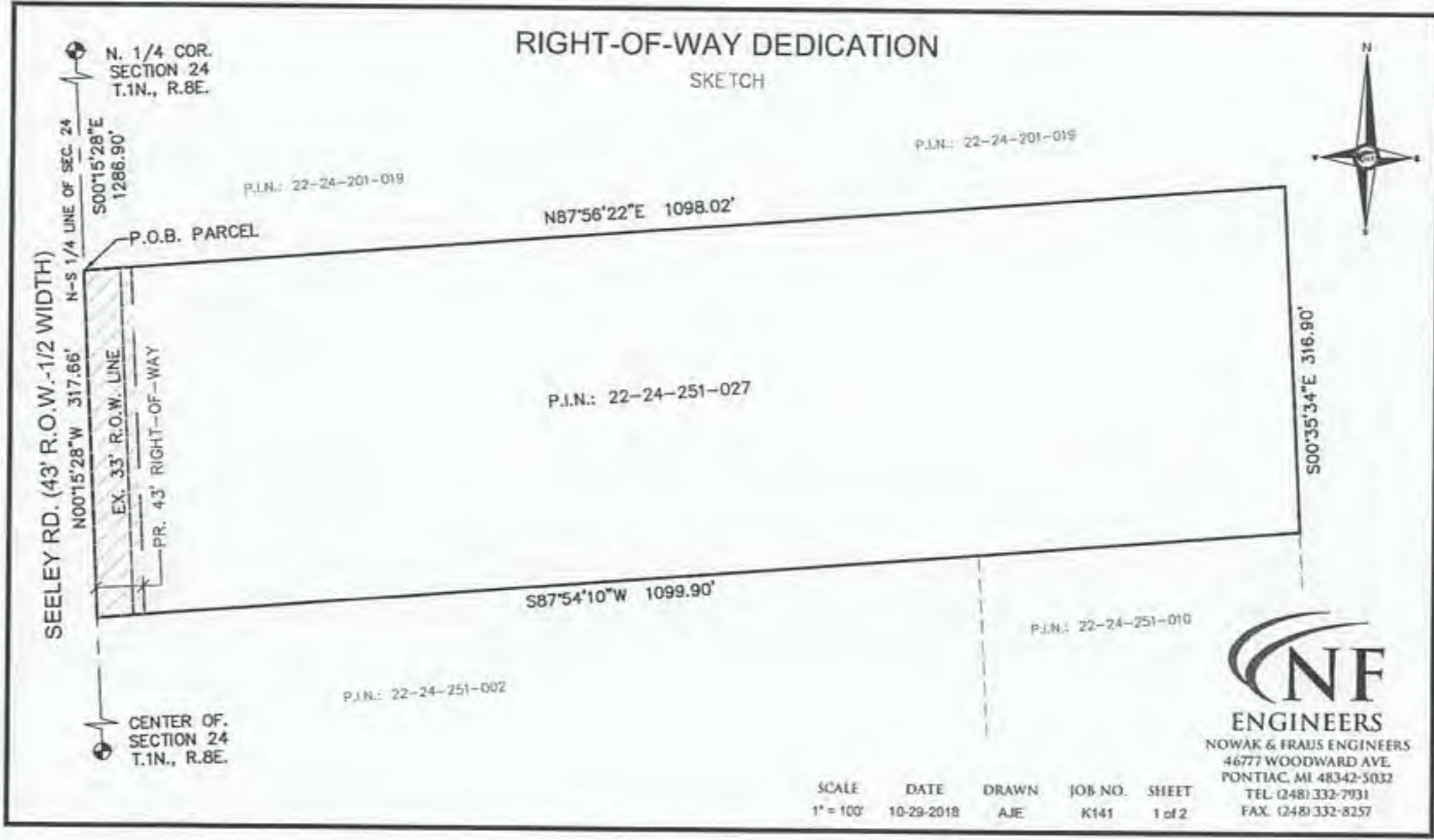
THE WEST 43 FEET OF THE FOLLOWING DESCRIBED PARCEL:

PART OF THE NORTHEAST 1/4 OF SECTION 24, TOWN 1 NORTH, RANGE 8 EAST, CITY OF NOVI, OAKLAND COUNTY, MICHIGAN, BEING MORE PARTICULARLY DESCRIBED AS: BEGINNING AT A POINT DISTANT SOUTH 00 DEGREES 15 MINUTES 28 SECONDS EAST, 1286.90 FEET FROM THE NORTH 1/4 CORNER OF SAID SECTION 24; THENCE NORTH 87 DEGREES 56 MINUTES 22 SECONDS EAST, 1098.02 FEET; THENCE SOUTH 00 DEGREES 35 MINUTES 34 SECONDS EAST, 316.90 FEET; THENCE SOUTH 87 DEGREES 54 MINUTES 10 SECONDS WEST, 1099.90 FEET; THENCE NORTH 00 DEGREES 15 MINUTES 28 SECONDS WEST, 317.66 FEET TO THE POINT OF BEGINNING; AS DEPICTED ON **EXHIBIT B.**

PIN: 22-24-251-027 (Part)

Vacant Land

EXHIBIT B



B-1

PARTIAL DISCHARGE OF ASSIGNMENT OF RENTS

The Assignments of Rents given by ERICAR LAND HOLDING COMPANY LLC, whose address is 39475 WEST THIRTEEN MILE RD STE 203 NOVI MI 48377, Mortgagor(s), to THE STATE BANK, whose address is 175 N LEROY ST PO BOX 725, FENTON MI 48430, Mortgagee, dated AUGUST 8, 2019, and recorded on SEPTEMBER 6, 2019, in the office of the Register of Deeds for OAKLAND County, Michigan, in LIBER 53219 PAGE 754 is hereby discharged and released only as to the real property described as:

SEE ATTACHED LEGAL DESCRIPTION.

Property Address Commonly Known As: V/L SEELY RD NOVI MI 48375
Property Tax ID: PART OF 22-24-251-027
Loan Number: 56178

The Assignments of Rents remains in full force and effect as to the real property described therein, with the exception of the above-described parcel.

Executed this 2nd day of June, 2020.
MORTGAGEE: The State Bank

By: Linda Gregory
Its: Vice President

STATE OF Michigan)
)ss
COUNTY OF Genesee)

On this 2nd day of June, 2020, before me appeared Linda Gregory, Vice President, the representative of The State Bank, Mortgagee, to me personally known, who being duly sworn, acknowledged authority from the corporation to execute this instrument on its behalf and further, acknowledged this instrument to be the free act of the corporation.

N. Green N.Green Notary Public
GENESEE County, Michigan
Acting in GENESEE County, Michigan
My Commission Expires: 08/22/2025

Drafted by: Nicole Green, The State Bank, PO Box 725, Fenton, MI 48430-0725
When recorded return to:
The State Bank, Post Close Dept, PO Box 725, Fenton, MI 48430-0725

EXHIBIT A

DESCRIPTION OF PROPERTY

RIGHT-OF-WAY DEDICATION

THE WEST 43 FEET OF THE FOLLOWING DESCRIBED PARCEL:

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PIN: 22-24-251-027 (Part)

Vacant Land

EXHIBIT A
DESCRIPTION OF PROPERTY

RIGHT-OF-WAY DEDICATION

THE WEST 43 FEET OF THE FOLLOWING DESCRIBED PARCEL:

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PIN: 22-24-251-027 (Part)

Vacant Land

June 19, 2020

Ben Croy
City of Novi
26300 Lee BeGole Drive
Novi, Michigan 48375

Re: Novi Tech Units 6 & 7 - Document Review
Novi # JSP17-0086
SDA Job No. NV18-226
FINAL DOCUMENTS EXHIBITS APPROVED

Dear Mr. Croy:

We have reviewed the Acceptance Document Package received by our office on June 19, 2020 against Final Site Plan dated January 16, 2019 and our as-constructed field records. We offer the following comments:

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.

1. Right-of-Way Warranty Deed – (unexecuted: exhibit dated 10/29/18) Legal Description Approved.
2. On-Site Sanitary Sewer Easement – (Executed May 13, 2020) Legal description approved.
3. On-Site Sanitary Sewer Manhole Access Easement – (Exhibits Dated 05-28-2020) Legal Description Approved.
4. Storm Drainage Facility / Maintenance Easement Agreement – (Executed May 13, 2020) Parcel Legal Description, Maintenance Schedule, and Cost Estimate Approved.
5. Water Main Easement – (Executed May 13, 2020) Legal Description Approved.
6. Bills of Sale: Sanitary Sewer System and Water Supply System – Exhibits approved
7. Full Unconditional Waivers of Lien from contractors installing public utilities – (Executed May 22, 2020) – Provided
8. Sworn Statement signed by Developer – (Executed May 22, 2020) – Provided

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 October 10th, 2018 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
Project Coordinator

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