



CITY of NOVI CITY COUNCIL

**Agenda Item D
March 11, 2013**

SUBJECT: Approval of a quit claim deed for parcel 22-24-100-008 to dedicate a 60-foot right-of-way along Jo Drive and adoption of Act 51 New Street Resolution accepting Jo Drive as a public street adding 0.11 miles of roadway to the City's street system.

SUBMITTING DEPARTMENT: Department of Public Services, Engineering Division *KIA* *BTC*

CITY MANAGER APPROVAL: *[Signature]*

BACKGROUND INFORMATION:

Engineering staff have recently completed an audit of the City of Novi street system to determine streets that lack dedicated public right-of-way, and to identify any streets that have been actively maintained by the City of Novi but have not been formally dedicated as public streets. Formal dedication and certification of a street as public under Public Act 51 of 1951 is required to receive gas and weight tax revenue for street maintenance from the State of Michigan. Therefore, every road that is maintained by the City of Novi should be formally accepted and certified to maximize the distribution of gas and weight tax revenue to the City. The attached memo provides additional background regarding the review of existing streets by the Engineering Division.

In order to add the portions of Jo Drive located on City property to the Act 51 funding map, the right-of-way must be dedicated to the public and City Council must pass a resolution formally accepting the street as public. Jo Drive was constructed in the early 1980s. The road has been actively maintained by the City of Novi.

Engineering staff worked with the City Attorney and one of the City's engineering consultants (Spalding DeDecker Associates) to develop a quit claim deed to dedicate a portion of the existing city owned property as public right-of-way. The attached resolution along with the approval of the quit claim deed to dedicate the land as public rights-of-way satisfies the Michigan Department of Transportation requirement for adding 0.11 miles of roadway to Act 51 funding.

RECOMMENDED ACTION: Approval of a quit claim deed for parcel 22-24-100-008 to dedicate a 60-foot right-of-way along Jo Drive and adoption of Act 51 New Street Resolution accepting Jo Drive as a public street adding 0.11 miles of roadway to the City's street system.

	1	2	Y	N
Mayor Gaff				
Mayor Pro Tem Staudt				
Council Member Casey				
Council Member Fischer				

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

CITY OF NOVI

COUNTY OF OAKLAND, MICHIGAN

NEW STREET ACCEPTANCE RESOLUTION

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 March 11, 2013, 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 _____.

WHEREAS ; the City's Act 51 Program Manager is requesting formal acceptance of a portion of Jo Drive and,

WHEREAS ; that said street is located within a City right-of-way and is under the control of the City of Novi; and,

WHEREAS ; that said street has been open to the public since approximately 1982.

NOW THEREFORE, IT IS THEREFORE RESOLVED that the Mayor and Novi City Council hereby accept Jo Drive and direct such to be included in the City's public street system.

AYES:

NAYS:

RESOLUTION DECLARED ADOPTED.

Maryanne Cornelius, 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 _____ day of _____, 2013, 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.

Maryanne Cornelius, City Clerk
City of Novi

QUIT CLAIM DEED

KNOW ALL PERSONS that the City of Novi, a Michigan Municipal Corporation, whose address is 45175 W. Ten Mile Road, Novi Michigan, 48375, Quit Claims to the City of Novi, a Michigan Municipal Corporation, whose address is 45175 W. Ten Mile Road, Novi Michigan, 48375, for public right-of-way purposes, the following described premises situated in the City of Novi, County of Oakland, State of Michigan, to-wit:

Jo Drive ROW Parcel as depicted on the attached and incorporated Property Description Exhibit, described more particularly as follows:

Legal Description "Jo Drive ROW Parcel" (Parent Parcel 50-22-24-100-008)

A PARCEL OF LAND LOCATED IN THE NORTHWEST ¼ OF SECTION 24, T. 1 N., R. 8 E., CITY OF NOVI, OAKLAND COUNTY, MICHIGAN, IS DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF LOT 7 OF "VINCENTI INDUSTRIAL PARK" (RECORDED IN LIBER 157 OF PLATS, PAGES 31 AND 32, OAKLAND COUNTY RECORDS), THENCE ALONG AN EXTENSION OF THE EASTERLY LINE OF SAID "VINCENTI INDUSTRIAL PARK", S00°22'40"E (RECORDED AS S02°07'12"E) 61.68 FEET; THENCE ALONG A LINE PARALLEL WITH AND 60 FEET SOUTH OF THE SOUTHERLY LINE OF SAID "VINCENTI INDUSTRIAL PARK", N76°58'58"W 600.11 FEET; THENCE ALONG THE BOUNDARY OF SAID "VINCENTI INDUSTRIAL PARK" THE FOLLOWING TWO COURSES: (1) THENCE N18°36'20"E (RECORDED AS N16°51'48"E) 60.29 FEET AND (2) THENCE S76°58'58"E (RECORDED AS S78°43'30"E) 579.95 FEET TO THE POINT OF BEGINNING. CONTAINING 0.8128 ACRES.

If this parcel is unplatted, the following applies: The grantor grants to the grantee the right to make **0 divisions** under section 108 of the land division act, Act No. 288 of the Public Acts of 1967, as amended. This property may be located within the vicinity of farmland 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.

Exempt from county and state taxation pursuant to MCL 207.505(a) and MCL 207.526(a).

WHEREFORE, upon approval by the City Council, the undersigned Grantor hereby creates, confirms, and conveys the Quit Claim Deed described herein for the sum of \$1.00.

{Signatures Begin on Following Page}

Dated this _____ day of _____ 2013.

GRANTOR:

City of Novi

Robert J. Gatt, Mayor

Maryanne Cornelius, Clerk

COUNTY OF OAKLAND)
) SS
STATE OF MICHIGAN)

On this _____ day of _____ 2013, Robert J. Gatt, and Maryanne Cornelius, executed the foregoing document before me and, being duly sworn, stated that he/she is the Mayor of the City of Novi with its full authority and as its free act and deed.

Notary Public

My commission expires: _____
Oakland County, Michigan
Acting in the County of _____

Drafted by:

Elizabeth K. Saarela
34405 W. Twelve Mile Road, Suite 200
Farmington Hills, MI 48331-5627

When recorded return to:

Maryanne Cornelius, Clerk
City of Novi
45175 Ten Mile Road
Novi, MI 48375

(Part of) Tax Parcel No.: 50-22-24-100-008

Recording Fee _____ Revenue Stamps _____

PARENT PARCEL DESCRIPTION

PARENT PARCEL
22-24-100-008

A PARCEL OF LAND LOCATED IN THE NORTHWEST $\frac{1}{4}$ OF SECTION 24, T. 1 N., R. 8 E., CITY OF NOVI, OAKLAND COUNTY, MICHIGAN, IS DESCRIBED AS FOLLOWS: COMMENCING AT THE CENTER OF SAID SECTION 24, THENCE ALONG THE NORTH-SOUTH $\frac{1}{4}$ SECTION LINE AND THE CENTERLINE OF SEELEY ROAD, N00°22'40"W 1233.18 FEET; THENCE S89°36'50"W 43.00 FEET TO THE POINT OF BEGINNING; THENCE S89°36'50"W 700.00 FEET; THENCE N00°22'40"W 1.68 FEET; THENCE N76°58'58"W 579.95 FEET; THENCE S18°36'20"W 60.29 FEET; THENCE S76°58'58"E 600.13 FEET; THENCE N89°36'50"E 700.02 FEET; THENCE N00°24'55"W 60.02 FEET TO THE POINT OF BEGINNING. CONTAINING 1.78 AC.

NOTE: THIS DESCRIPTION IS BASED ON OAKLAND COUNTY TAX RECORDS.

REMAINDER PARCEL DESCRIPTION

REMAINDER PARCEL
22-24-100-008

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NOTE: THIS DESCRIPTION IS BASED ON OAKLAND COUNTY TAX RECORDS.

R.O.W. PARCEL DESCRIPTION

JO DRIVE
22-24-100-008

A PARCEL OF LAND LOCATED IN THE NORTHWEST $\frac{1}{4}$ OF SECTION 24, T. 1 N., R. 8 E., CITY OF NOVI, OAKLAND COUNTY, MICHIGAN, IS DESCRIBED AS FOLLOWS:
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NOTE: THIS DESCRIPTION IS BASED ON OAKLAND COUNTY TAX RECORDS.

Spalding DeDecker
Associates, Inc.



SPALDING DeDECKER
ASSOCIATES, INC.
ENGINEERS SURVEYORS
905 SOUTH BLVD. EAST
ROCHESTER HILLS, MI 48307
PH: (248) 844-5400 FAX: (248) 844-5404
www.sda-eng.com

DRAWN: J.LOVELL

DATE: 12-21-12

CHECKED: P.O'ROURKE

DATE: 12-21-12

MANAGER: M.DeDECKER

SCALE: 1" = 200'

JOB No. NV12006

SHEET: 2 OF 2

SECTION 24 TOWN 1 NORTH RANGE 8 EAST

CITY OF NOVI

OAKLAND COUNTY, MI

MEMORANDUM



TO: ROB HAYES, P.E; DIRECTOR OF PUBLIC SERVICES/CITY ENGINEER
FROM: BRIAN COBURN, P.E.; ENGINEERING MANAGER *BTC*
SUBJECT: ACT 51 RESOLUTIONS/ACCEPTANCES FOR EXISTING STREETS
DATE: MARCH 1, 2013

Engineering staff has worked with the City Assessor to identify several City streets that lack a dedicated public right-of-way, but instead exist on parcels that are owned by the City. There is a difference between city-owned property and public right-of-way in that right-of-way is dedicated for public uses, whereas city-owned property is more restrictive in its use. Rights-of-way are intended for use not only by the City, but also for franchise utilities to facilitate the installation of equipment and cables (through the licensing and permitting process) and other uses by the public. The streets listed in this memo have been in service, used by the public and maintained by the City for several years.

There are two categories of streets that are located outside of public right-of-way: 1) those located on parcels that were deeded to the City and should have been converted to right-of-way at some point in the past, and 2) those located on larger parcels that should be split to provide a public right-of-way. For the first category, the parcels have been deeded to the City and wholly contain the necessary or planned right-of-way for the street. These parcels simply need to be converted from City owned property to public right-of-way. The following list identifies the parcels to be dedicated as right-of-way along with the recording information from when the parcel was deeded to the City.

Table 1. Parcels to be converted to right-of-way.

ROW Parcel	Road	Parcel Deeded to City		
		Liber	Page	Date Recorded
22-25-176-016	Willowbrook (near Village Oaks School)	8629	807	3/29/1984
22-24-476-018	Karim Blvd	10502	460	7/19/1988
22-24-276-021	Regency	40722	374	11/18/2008
22-23-426-016	Manor Park	8548	219	12/14/1983
22-22-276-010	Gen Mar (existing portion)	10834	118	5/23/1989
22-17-400-029	Beck (NW corner of 11 Mile)	19780	692	4/5/1999
22-04-100-022	Beck (south of Pontiac Trl)	8484	17	9/29/1983
22-02-400-009	Novi Road (13 Mile to 1/2 mile north)	13296	176	1/27/1993
22-15-200-089	Fountain Walk Drive	12882	419	10/23/1991
22-15-200-098	N. Karevich Drive	9592	770	10/15/1986
22-15-200-091	West Oaks Drive	9703	892	1/5/1987
22-14-451-023	Lee BeGole Drive	8566	66	1/6/1984
		10873	100	4/24/1989
		8566	63	1/6/1984

The second category of streets are those located on parcels that have been deeded to the City, but require that the parcel be split to provide a public right-of-way separate from the larger city-owned parcel. These are listed below and identified in the attached maps.

Table 2. Parcels that must be split to provide a dedicated right-of-way

Existing Parcel	Road
22-15-200-090	Donelson Drive
	West Oaks Drive
22-15-200-096	Novi Road (north of West Oaks)
	S. Karevich Drive
22-09-201-007	West Park Drive
	Treatment Plant Access Road
22-09-126-002	West Road
22-35-127-014	Ashbury Drive
22-35-176-017	
22-24-100-008	Jo Drive

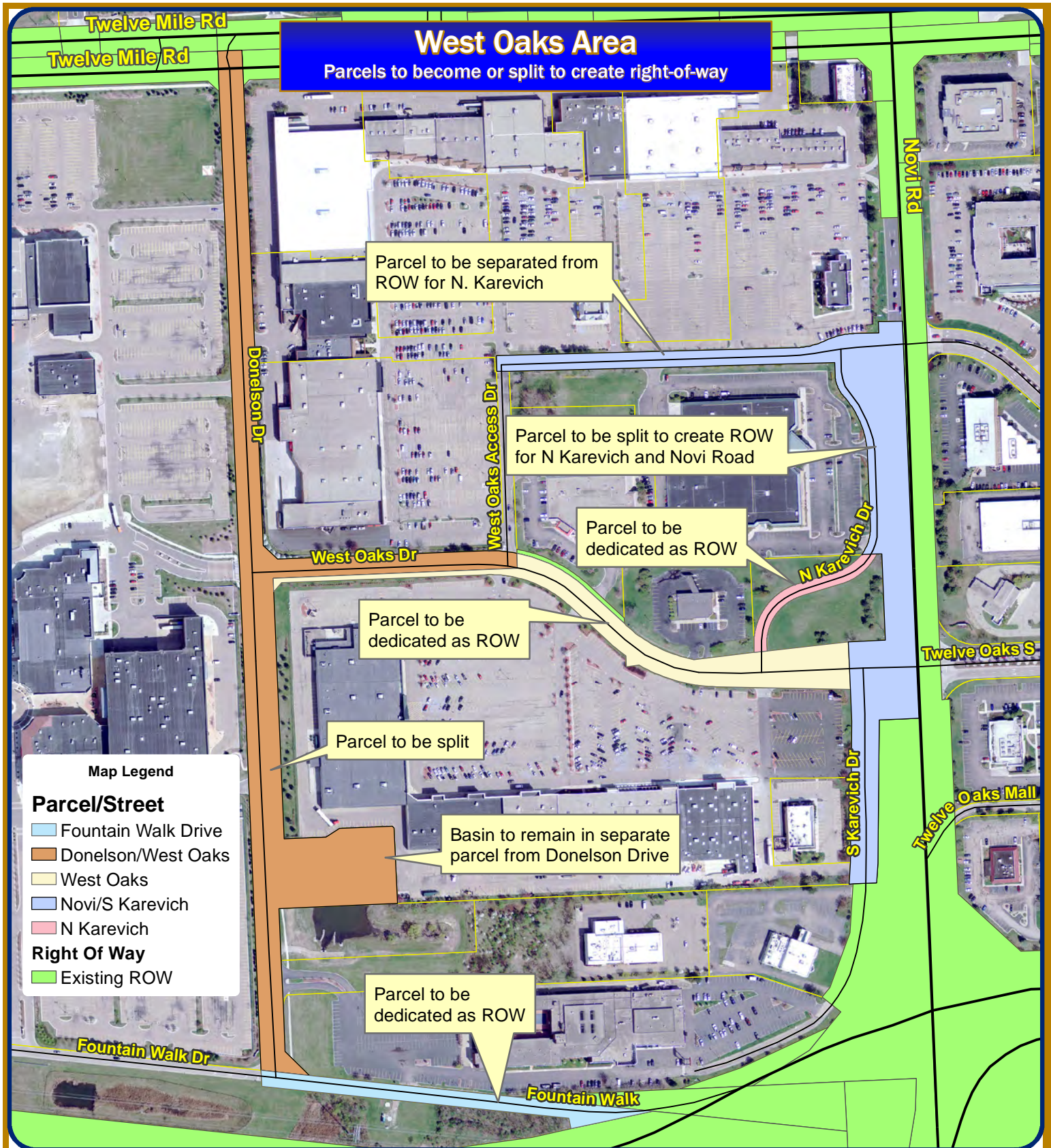
We worked with engineering consultant Spalding DeDecker Associates to provide the attached legal descriptions and exhibits for the proposed right-of-way and the resultant parcels. This provides the necessary information for the City Assessor to split the parcels. The legal descriptions and exhibits are attached.

Of the streets listed in the tables above, staff identified three streets that are actively maintained by the City of Novi, but have not been certified under Act 51. The distribution of gas and weight tax revenue to Michigan cities is determined by the centerline length of roadways that have been formally accepted by City Council resolution. Therefore, every road that is maintained by the City of Novi should be formally accepted and certified to maximize the distribution of gas and weight tax revenue to the City. Staff determined that the following streets are actively maintained by the City of Novi, but were never certified under Act 51:

- Treatment Plant Access Road (from West Park Drive to the Walled Lake-Novı Wastewater Treatment Plant site)
- Ashbury Drive (adjacent to Rotary Park)
- Jo Drive (east of Vincenti Drive)

We will prepare Act 51 New Street Resolutions and quit claim deeds for the three streets identified above for consideration by City Council on a future agenda.

cc: Glenn Lemmon, City Assessor
 Charles Boulard, Community Development Director
 Matt Wiktorowski, Field Operations Senior Manager



Map Author: Brian Coburn
 Date: 3/1/13
 Project:
 Version #:
 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 Services
 26300 Lee BeGole Drive
 Novi, MI 48375
 cityofnovi.org

Feet
 0 65 130 260 390 520

1 inch = 328 feet

West Park and West Road Area

Parcels 22-09-201-007 and 22-09-126-002



Map Author: Brian Coburn
 Date: 3/1/13
 Project:
 Version #:

Amended By:
 Date:
 Department:

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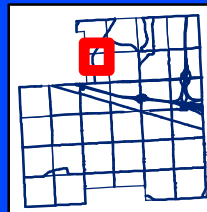
Map Legend

City Owned Parcel to be Split

- Parcel 22-09-126-002
- Parcel 22-09-201-007

Right Of Way

- Proposed ROW
- Existing Right-of-Way



City of Novi

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



1 inch = 564 feet

Proposed Ashbury Drive ROW

Parcels 22-35-127-014 and 22-35-176-017

Proposed ROW Dedication for Ashbury Drive

Proposed ROW Dedication for Ashbury Drive

ROTARY PARK



Map Author: Brian Coburn
Date: 3/1/13
Project:
Version #:

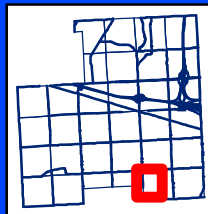
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Map Legend

- Proposed Ashbury ROW
- City Owned Parcels to be Split**
- Parcel 22-35-127-014
- Parcel 22-35-176-017
- Right Of Way**
- Existing ROW



City of Novi

Engineering Division
Department of Public Services
26300 Lee BeGole Drive
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1 inch = 568 feet

Jo Drive Right-of-Way

Parcel 22-24-100-008



Map Author: Brian Coburn
Date: 3/1/13
Project:
Version #:

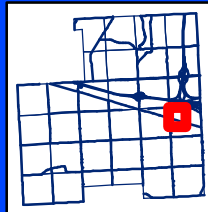
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Map Legend

- Proposed Jo Drive ROW
- 22-24-100-008
- Existing ROW



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1 inch = 380 feet