



CITY of NOVI CITY COUNCIL

Agenda Item 5
April 10, 2017

SUBJECT: Approval of First Amendment to Open Space Preservation Easement from Toll MI II Limited Partnership for amendment to open space preservation areas as part of The Preserves at Island Lake Phase 8, JSP 13-69, located at the northeast corner of Ten Mile Road and Napier Road in Section 19 of the City.

SUBMITTING DEPARTMENT: Community Development Department – Planning *Bauby*

CITY MANAGER APPROVAL: *OK*

BACKGROUND INFORMATION:

The applicant has developed The Preserve at Island Lake, a 45-unit residential development and Phase 8 of the larger Island Lake development on 48.95 acres of land located at the northeast corner of Ten Mile Road and Napier Road. An Open Space Preservation Easement was originally accepted by City Council on September 15, 2014 and recorded with Oakland County on November 25, 2014.

The Road Commission for Oakland County has proposed a roundabout to improve traffic flow and circulation at the intersection of Ten Mile Road and Napier Road. Part of the work will take place within the existing Open Space Preservation Easement that was established in 2014. The packet includes two recorded highway easements and a temporary construction easement in relation to the proposed Napier Road Paving Project.

The existing Open Space Preservation Easement, Exhibit A, totals 20.4 acres or 45.3% of the 48.95 acre site. The amendment would remove 4,440 square feet and 830 square feet as shown in Exhibit B "Highway Easement" for a total of 5,270 square feet (or 0.5%) from the existing Open Space Preservation Easement.

Exhibit C shows a Construction Easement, which will temporarily impact 6,045 square feet of the existing Open Space Preservation Easement during construction. Once this area is restored on completion of the road work, it will remain subject to the Open Space Preservation Easement.

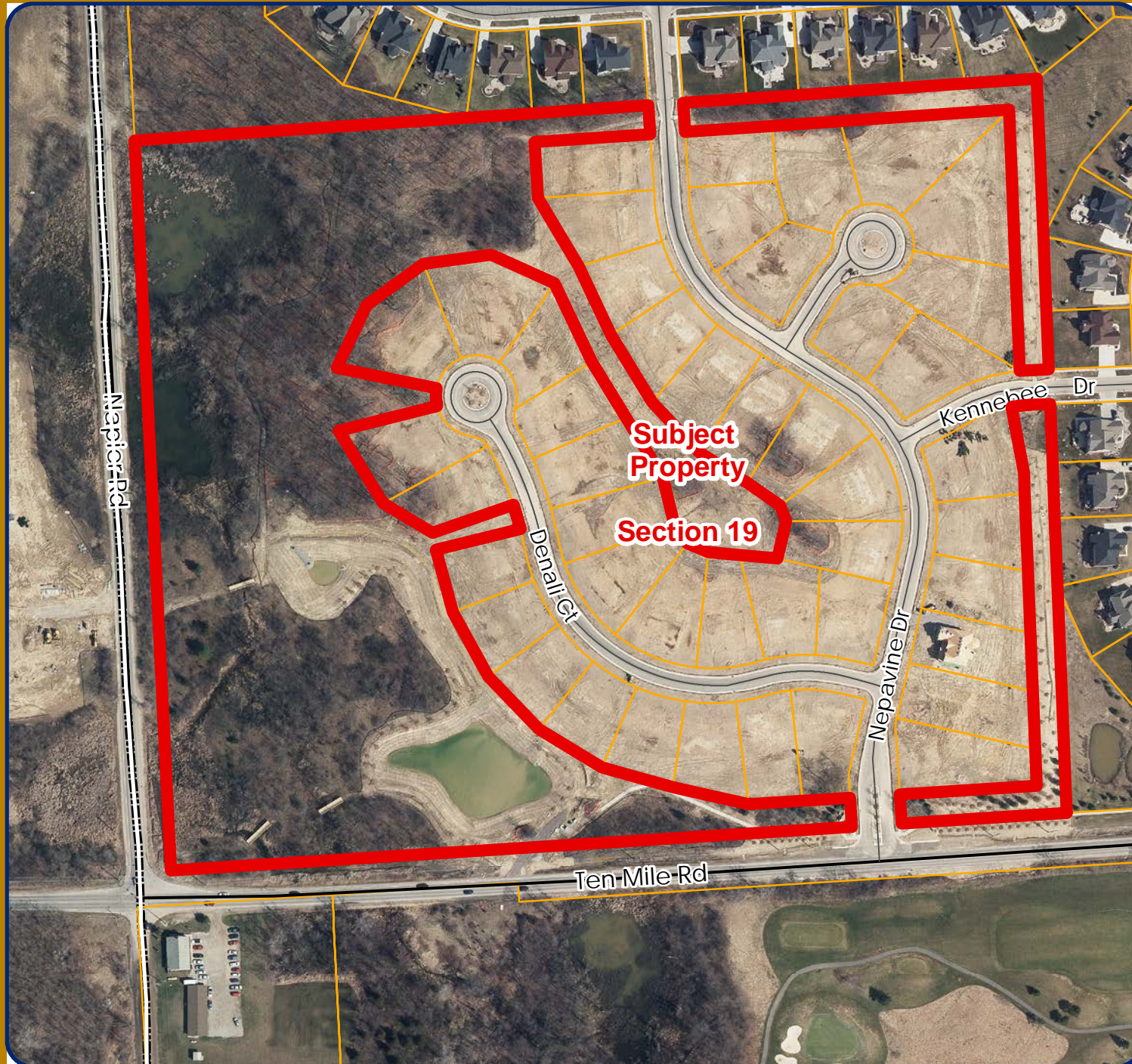
The City Attorney's Office has reviewed the proposed easements and has indicated that the documents are in a form ready for approval by the City Council.

RECOMMENDED ACTION: Approval of First Amendment to Open Space Preservation Easement from Toll MI II Limited Partnership for amendment to open space preservation areas as part of The Preserves at Island Lake Phase 8, JSP 13-69, located at the northeast corner of Ten Mile Road and Napier Road in Section 19 of the City.

LOCATION MAP

JSP 13-69: The Preserve at Island Lake (Phase 8)

Context Map



LEGEND
Sections

 **City of Novi**
Community Development Department
Civic Center
45175 W Ten Mile Road
Novi, MI 48375
www.cityofnovi.org

Map Author: Kirsten Mellem
Date: 03/31/2017
Project: JSP13-69 The Preserve at Island Lake (Phase 8)
Version #: 1



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 of Novi GIS Manager to confirm source and accuracy information related to this map.

ATTORNEY LETTER



JOHNSON ROSATI SCHULTZ JOPPICH PC

27555 Executive Drive, Suite 250 ~ Farmington Hills, Michigan 48331
Phone: 248.489.4100 | Fax: 248.489.1726

Elizabeth Kudla Saarela
esaarela@jrsjlaw.com

www.jrsjlaw.com

March 23, 2017

Barb McBeth, City Planner
City of Novi
45175 Ten Mile Road
Novi, MI 48375-3024

**RE: Ten and Napier Roundabout – The Preserve at Island Lake
First Amendment to Open Space Preservation Easement**

Dear Ms. McBeth:

The Road Commission for Oakland County has acquired a Highway Easement and Temporary Construction Easement at the intersection of Ten Mile and Napier Road within the General Common Elements of the Preserve at Island Lake Site Condominium for the construction of the Ten Mile and Napier Road Roundabout. A portion of the construction will be completed within the Open Space Preservation Easement Area within the Preserve at Island Lake. In connection with the Project, the City's Department of Public Services has requested that the existing Open Space Preservation Easement be amended to exclude the Highway Easement Area from the Open Space Preservation Easement. The Temporary Construction Easement Area will remain subject to the Open Space Preservation Easement once restored upon completion of the Roundabout.

In connection with that request, we have prepared, and Toll Brothers and The Preserve at Island Lake Association have executed, the enclosed First Amendment to Open Space Preservation Easement. The enclosed First Amendment to Open Space Preservation Easement should be placed on the next available City Council Agenda for approval and recording with Oakland County Records in the usual manner in order to keep the Roundabout Construction schedule moving forward.

Should you have any questions or concerns relating to the issues set forth above, please feel free to contact me in that regard.

Sincerely,

JOHNSON, ROSATI, SCHULTZ & JOPPICH, P.C.

Elizabeth K. Saarela

Barb McBeth, City Planner

March 23, 2017

Page 2

EKS

Enclosures

C: Cortney Hanson, Clerk (w/Original Enclosures)
Victor Cardenas, Assistant City Manager (w/Enclosures)
Charles Boulard, Community Development Director (w/Enclosures)
Sri Komaragiri, Planner (w/Enclosures)
Kirsten Mellem, Planner (w/Enclosures)
George Melistas, Engineering Senior Manager (w/Enclosures)
Rick Meader, Landscape Architect (w/Enclosures)
Angie Pawlowski, Community Development Bond Coordinator (w/Enclosures)
Theresa Bridges, Construction Engineer (w/Enclosures)
Darcy Rechten, Engineering Technician (w/Enclosures)
Sarah Marchioni, Community Development Building Project Coordinator (w/Enclosures)
Brittany Allen, Taylor Reynolds, and Ted Meadows, Spalding DeDecker (w/Enclosures)
Pete Hill, ECT (w/Enclosures)
Sue Troutman, City Clerk's Office (w/Enclosures)
Alex Rucinski, RCOC (w/Enclosures)
Mike Noles and Lee Pietersen, Toll Brothers (w/Enclosures)
Kenneth Clarkson, Esquire (w/Enclosures)
Thomas R. Schultz, Esquire (w/Enclosures)

FIRST AMENDMENT TO OPEN SPACE PRESERVATION EASEMENT

FIRST AMENDMENT TO OPEN SPACE PRESERVATION EASEMENT

THIS FIRST AMENDMENT TO OPEN SPACE PRESERVATION EASEMENT made this ____ day of _____, 2017, by and between Toll MI II Limited Partnership, a Michigan limited partnership ("Toll"), whose address is 28004 Center Oaks Ct., Suite 200, Wixom, Michigan 48393, and its successor or assign, The Preserve at Island Lake Association, a Michigan non-profit corporation ("Association"), whose address is c/o the Kramer-Triad Management Group 1100 Victors Way Ste. 50, Ann Arbor, Michigan 48108 (collectively "Grantor") and the City of Novi, a Michigan municipal corporation, whose address is 45175 Ten Mile Road, Novi, Michigan 48375 (hereinafter the "Grantee").

RECITATIONS:

A. Grantor and Grantee entered into the Open Space Preservation Easement, dated September 15, 2014 and recorded on November 25, 2014, at Liber 47632, Page 684, Oakland County Records (the "Open Space Preservation Easement"), preserving open space within The Preserve at Island Lake, Oakland County Condominium Subdivision Plan No. 2084, created pursuant to the Master Deed recorded at Liber 47334, Page 1, Oakland County Records ("Master Deed").

B. Toll, as Developer, reserved the right under the Master Deed to amend and enter into easements, including without limit, the Open Space Preservation Easement, on behalf of itself and the Association.

C. The open space areas (the "Easement Areas") set forth in the Conservation Easement, which are more particularly described on Exhibit A attached hereto and made a part hereof, include, without limitation, open space at the northeast corner of Ten Mile and Napier Roads.

D. The Road Commission for Oakland County ("RCOC") and the City of Novi, propose to construct a roundabout at the intersection of Ten Mile and Napier Roads to improve traffic flow and circulation in the area. Construction of the roundabout requires the creation of a Highway Easement and Temporary Easement for the construction of roadway improvements within a portion of the Easement Areas. The Highway Easement is described in the attached and incorporated Exhibit B. The Temporary Easement is described in the attached and incorporated Exhibit C.

E. Grantor and Grantee hereby seek to amend the Open Space preservation Easement to exclude that portion of the Easement Areas included within the Highway Easement.

F. Grantor and Grantee also seek to provide a temporary permit to impact the open space area pursuant to the Temporary Easement. The Temporary Easement Area will be restored in connection with the construction of the roundabout and will remain subject to the Open Space Preservation Easement in perpetuity.

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00), in hand paid, the receipt and adequacy of which are hereby acknowledged, Grantor and Grantee hereby amend the Open Space Preservation Easement as follows:

1. The Highway Easement Area described in the attached and incorporated Exhibit B, is hereby excluded from the Easement Areas described in the attached and incorporated Exhibit A.
2. Grantor and Grantee hereby permit temporary work to be completed in accordance with the Temporary Easement attached as Exhibit C. Work in the Temporary Easement area and this corresponding permission will terminate upon completion of construction of the roundabout.
3. The remaining terms of the Open Space Preservation Easement remain unchanged.
4. This First Amendment to Open Space Preservation Easement has been made and given for a consideration of a value less than One Hundred (\$ 100.00) Dollars, and, accordingly, is (i) exempt from the State Transfer Tax, pursuant to MSA 7.456(26)(2) and (ii) exempt from the County Transfer Tax, pursuant to MSA 7.456(5)(a).

SIGNATURES ON FOLLOWING PAGES

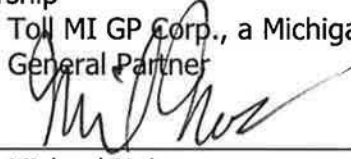
In Witness Where the undersigned execute this FIRST AMENDMENT TO OPEN SPACE PRESERVATION EASEMENT this 14th day of March, 2017.

GRANTOR:

Toll MI II Limited Partnership, a Michigan limited partnership

By: Toll MI GP Corp., a Michigan corporation

Its: General Partner

By:  _____

Michael Noles

Its: Senior Vice President

STATE OF MICHIGAN)
) ss.
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this 14th day of March 2017, by Michael Noles, as the Senior Vice President of Toll MI GP Corp., general partner, on behalf of Toll MI II Limited Partnership.

 _____

Notary Public, Marilee S. Pietersen

Oakland County- Michigan / Acting in Oakland County

My Commission Expires: Dec. 23, 2017

The Preserve at Island Lake Association, a Michigan non-profit corporation

By: Toll MI II Limited Partnership, a Michigan limited partnership, Developer

By: Toll MI GP Corp., a Michigan corporation

Its: General Partner

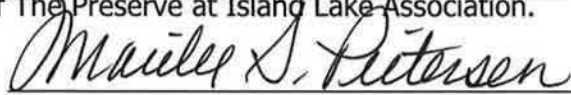
By:  _____

Michael Noles

Its: Senior Vice President

STATE OF MICHIGAN)
) ss.
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this 14th day of March 2017, by Michael Noles, as the Senior Vice President of Toll MI GP Corp., general partner, on behalf of Toll MI II Limited Partnership, Developer, on behalf of The Preserve at Island Lake Association.

 _____

Notary Public, Marilee S. Pietersen

Oakland County- Michigan / Acting in Oakland County

My Commission Expires: Dec. 23, 2017

GRANTEE

CITY OF NOVI
A Municipal Corporation

By: _____

Its:

STATE OF MICHIGAN)
) ss.
COUNTY OF OAKLAND)

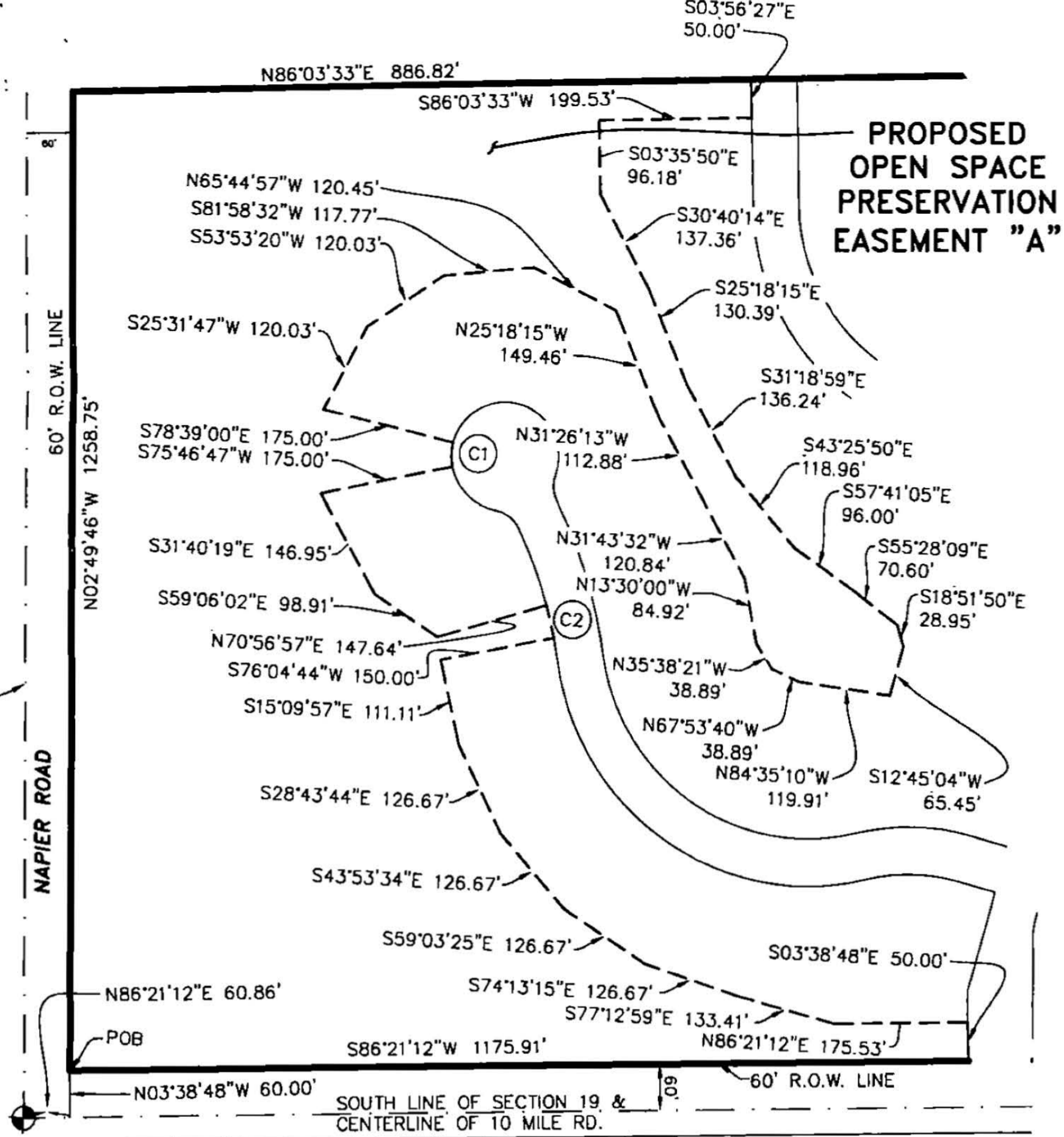
The foregoing instrument was acknowledged before me this ____ day of _____, 20__, by _____, on behalf of the City of Novi, a Municipal Corporation.

Notary Public
Acting in Oakland County, Michigan
My Commission Expires: _____

Drafted By:
Elizabeth K. Saarela, Esquire
Johnson, Rosati, Schultz & Joppich, P.C.
27555 Executive Drive, Suite 250
Farmington Hills, Michigan 48331-5627

After Recording, Return to:
Cortney Hanson, Clerk
City of Novi
45175 10 Mile Road
Novi, Michigan 48375

EXHIBIT A
OPEN SPACE PRESERVATION
EASEMENT AREAS



SOUTHWEST CORNER
SECTION 19
T.1N., R.8E.

CURVE TABLE			
CURVE	LENGTH	RADIUS	CHORD
C1	31.24'	70.00'	S01°26'06"E 30.98'
C2	42.82'	590.00'	S16°00'02"E 42.81'

OPEN SPACE PRESERVATION EASEMENT "A":

COMMENCING AT THE SOUTHWEST CORNER OF SECTION 19, TOWN 1 NORTH, RANGE 8 EAST, CITY OF NOVI, OAKLAND COUNTY, MICHIGAN; THENCE N86°21'12"E 60.86 FEET ALONG THE SOUTH LINE OF SAID SECTION 19 AND THE CENTERLINE OF TEN MILE ROAD; THENCE N03°38'48"W 60.00 FEET TO A POINT OF BEGINNING; THENCE N02°49'46"W 1258.75 FEET; THENCE N86°03'33"E 886.82 FEET; THENCE S03°56'27"E 50.00 FEET; THENCE S86°03'33"W 199.53 FEET; THENCE S03°35'50"E 96.18 FEET; THENCE S30°40'14"E 137.36 FEET; THENCE S25°18'15"E 130.39 FEET; THENCE S31°18'59"E 136.24 FEET; THENCE S43°25'50"E 118.96 FEET; THENCE S57°41'05"E 96.00 FEET; THENCE S55°28'09"E 70.60 FEET; THENCE S18°51'50"E 28.95 FEET; THENCE S12°45'04"W 65.45 FEET; THENCE N84°35'10"W 119.91 FEET; THENCE N67°53'40"W 38.89 FEET; THENCE N35°38'21"W 38.89 FEET; THENCE N13°30'00"W 84.92 FEET; THENCE N31°43'32"W 120.84 FEET; THENCE N25°18'15"W 149.46 FEET; THENCE N65°44'57"W 120.45 FEET; THENCE S81°58'32"W 117.77 FEET; THENCE S53°53'20"W 120.03 FEET; THENCE S25°31'47"W 120.03 FEET; THENCE S78°39'00"E 175.00 FEET; THENCE 31.24 FEET ALONG A CIRCULAR CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 70.00 FEET AND A CHORD WHICH BEARS S01°26'06"E 30.98 FEET; THENCE S75°46'47"W 175.00 FEET; THENCE S31°40'19"E 146.95 FEET; THENCE S59°06'02"E 98.91 FEET; THENCE N70°56'57"E 147.64 FEET; THENCE 42.82 FEET ALONG A CIRCULAR CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 590.00 FEET AND A CHORD WHICH BEARS S16°00'02"E 42.81 FEET; THENCE S76°04'44"W 150.00 FEET; THENCE S15°09'57"E 111.11 FEET; THENCE S28°43'44"E 126.67 FEET; THENCE S43°53'34"E 126.67 FEET; THENCE S59°03'25"E 126.67 FEET; THENCE S74°13'15"E 126.67 FEET; THENCE S77°12'59"E 133.41 FEET; THENCE N86°21'12"E 175.53 FEET; THENCE S03°38'48"E 50.00 FEET; THENCE S86°21'12"W 1175.91 FEET TO THE POINT OF BEGINNING.

02-19-300-008pt GCE

ALPINE
ENGINEERING, INC.
CIVIL ENGINEERS & LAND SURVEYORS
46892 WEST ROAD
SUITE 109
NOVI, MICHIGAN 48377

CLIENT: TOLL MI II LIMITED PARTNERSHIP	DATE: 7-31-14
EXHIBIT B	DRAWN BY: CAK
	CHECKED BY: GLM
THE PRESERVE AT ISLAND LAKE SECTION: 19 TOWNSHIP: 1 N. RANGE: 8 E. CITY OF NOVI	0 100 200
	FBK: - CHF: -

1/3
13-260

EXHIBIT B
HIGHWAY EASEMENT AREA

2017-03-09 12:24

43737
LIBER 50454 PAGE 140
\$26.00 MISC RECORDING
44.00 RENOVATIONATION
03/09/2017 12:56:57 P.M. RECEIPT# 28260
PAID RECORDED - OAKLAND COUNTY
LISA BROWN, CLERK/REGISTER OF DEEDS

HIGHWAY EASEMENT

KNOW ALL PERSONS that **The Preserve at Island Lake ("Grantor(s))**, whose address is 28004 Center Oaks Court, Suite 200, Wixom, MI. 48393, hereby grants to the **BOARD OF COUNTY ROAD COMMISSIONERS OF THE COUNTY OF OAKLAND ("Board")**, State of Michigan, a public body corporate, located at 31001 Lahser Road, Beverly Hills, Michigan 48025, an easement for all public highway purposes ("Highway Easement") and to construct, operate, maintain, repair, and/or replace roadways, utilities, and other infrastructure improvements in, over, under, upon, and through the following described premises ("Property") situated in the City of Novi, County of Oakland, State of Michigan.

Commonly known as: **Napier Road**
(Part of) Tax Parcel No.: 22-19-300-008

**SEE PARCEL DRAWING, ATTACHED AS EXHIBIT "A," AND
LEGAL DESCRIPTION, ATTACHED AS EXHIBIT "B,"
BOTH OF WHICH ARE INCORPORATED BY REFERENCE HEREIN**

(Lp)

This Highway Easement includes, but is not limited to, the consent of the Grantor to the removal of any trees, shrubs, and/or vegetation, to grading, to the occupancy of the Property by public utilities, and to other matters which, in the sole discretion of the Board, may be necessary in connection with all public highway purposes and the construction, operation, maintenance, repair, and/or replacement of roadways, utilities, and other infrastructure improvements in, over, under, upon, and through the Property. Grantor waives further notice of such actions.

This Highway Easement runs with the land and shall bind the Grantor and the Grantor's heirs, representatives, successors, and assigns. This Highway Easement contains the entire understanding of the Grantor and the Board, and there are no other verbal promises between the Grantor and the Board except as shown herein.

WHEREFORE, upon approval by the Board, the undersigned Grantor hereby creates, confirms, and conveys the Highway Easement described herein for the sum of **\$3,201.00 (Three Thousand Two Hundred and One Dollars and No Cents)**.

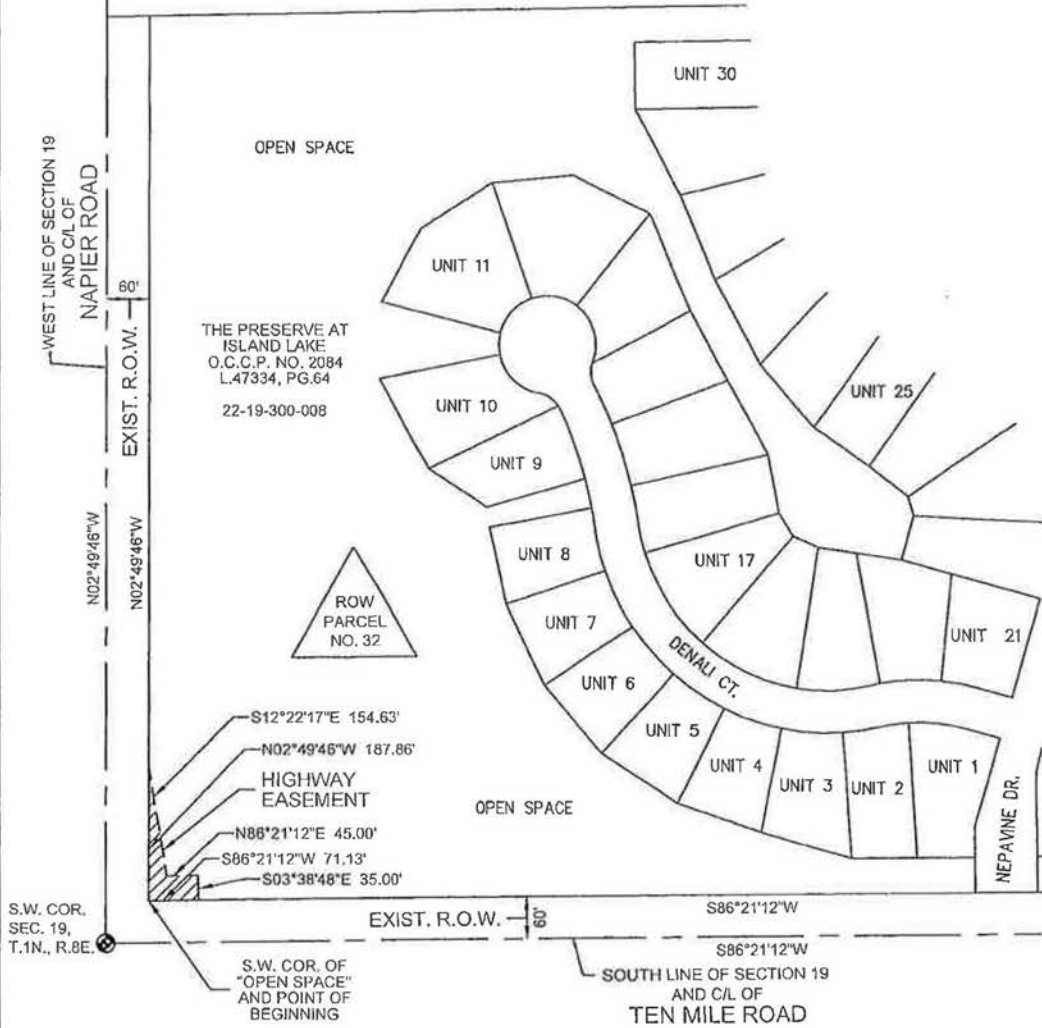
CP-118



EXHIBIT A
 PARCEL 22-19-300-008
 THE PRESERVE AT ISLAND LAKE



1" = 200'



LAND AREAS	
PARCEL	= 787,440 SFT
EXISTING R.O.W.	= 0 SFT
HIGHWAY EASEMENT	= 4,440 SFT
HIGHWAY EASEMENT (TOTAL R.O.W.)	= 4,440 SFT

HIGHWAY EASEMENT -

BEARINGS BASED ON THE MASTER DEED FOR THE PRESERVE AT ISLAND LAKE CONDOMINIUM, O.C.C.P. NO. 2084, MASTER DEED RECORDED IN LIBER 47334, PAGE 64, AS AMENDED, OAKLAND COUNTY RECORDS.

REV. 8/25/2016



RIGHT OF WAY DIVISION
 PHONE: 977-858-4804 WEB: WWW.RCCOWEB.ORG

NAPIER ROAD
 PARCEL 22-19-300-008
 SECTION 19, T.1N., R.8E.,
 CITY OF NOVI,
 OAKLAND COUNTY, MICHIGAN

DATE:	7/26/2016
PROJECT NUMBER:	52111
DRAWN BY:	KAL
CHECKED BY:	
SHEET:	1 OF 1

EXHIBIT "B"

Napier Road
Project No. 52111
Parcel 32

Parent Parcel Description

Part of the Southwest 1/4 of Section 19, Town 1 North, Range 8 East, City of Novi, Oakland County, Michigan, described as Open Space in The Preserve at Island Lake condominium, Oakland County Condominium Plan Number 2084, the Master Deed thereof recorded in Liber 47334, Page 64, as amended, Oakland County Records.

22-19-300-008 GCE

Highway Easement

Part of the Southwest 1/4 of Section 19, Town 1 North, Range 8 East, City of Novi, Oakland County, Michigan, described as a part of "Open Space" in The Preserve at Island Lake condominium, Oakland County Condominium Plan Number 2084, the Master Deed thereof recorded in Liber 47334, Page 64, as amended, Oakland County Records, and being more particularly described as commencing at the Southwest Corner of said "Open Space" as the POINT OF BEGINNING; thence North 02°49'46" West, 187.86 feet along the Easterly right-of-way line of Napier Road (60' 1/2 right-of-way) and the Westerly line of said "Open Space"; thence South 12°22'17" East, 154.63 feet; thence North 86°21'12" East, 45.00 feet, along a line that is 35 feet North of and parallel to the Northerly right-of-way line of Ten Mile Road (60' 1/2 right-of-way); thence South 03°38'48" East, 35.00 feet, to the Northerly right-of-way line of said Ten Mile Road and to the Southerly line of said "Open Space"; thence South 86°21'12" West, 71.13 feet, along the Northerly right-of-way line of said Ten Mile Road and along the Southerly line of said "Open Space", to the Point of Beginning.

PT 22-19-300-008 GCE

Commonly known as
The Preserve at Island Lake condominium
22-19-300-008

Rev: August 25, 2016

2017/03/09 - 9 12:23

43736
LIBER 50454 PAGE 136
\$26.00 MISC RECORDING
\$4.00 REMONUMENTATION
03/09/2017 12:56:57 P.M. RECEIPT# 28260
PAID RECORDED - OAKLAND COUNTY
LISA BROWN, CLERK/REGISTER OF DEEDS

HIGHWAY EASEMENT

KNOW ALL PERSONS that The Preserve at Island Lake ("Grantor(s)", whose address is 28004 Center Oaks Court, Suite 200, Wixom, MI. 48393, hereby grants to the **BOARD OF COUNTY ROAD COMMISSIONERS OF THE COUNTY OF OAKLAND ("Board")**, State of Michigan, a public body corporate, located at 31001 Lahser Road, Beverly Hills, Michigan 48025, an easement for all public highway purposes ("Highway Easement") and to construct, operate, maintain, repair, and/or replace roadways, utilities, and other infrastructure improvements in, over, under, upon, and through the following described premises ("Property") situated in the City of Novi, County of Oakland, State of Michigan.

Commonly known as: **Napier Road**
(Part of) Tax Parcel No.: 22-19-300-008

**SEE PARCEL DRAWING, ATTACHED AS EXHIBIT "A," AND
LEGAL DESCRIPTION, ATTACHED AS EXHIBIT "B,"
BOTH OF WHICH ARE INCORPORATED BY REFERENCE HEREIN**

(40)

This Highway Easement includes, but is not limited to, the consent of the Grantor to the removal of any trees, shrubs, and/or vegetation, to grading, to the occupancy of the Property by public utilities, and to other matters which, in the sole discretion of the Board, may be necessary in connection with all public highway purposes and the construction, operation, maintenance, repair, and/or replacement of roadways, utilities, and other infrastructure improvements in, over, under, upon, and through the Property. Grantor waives further notice of such actions.

This Highway Easement runs with the land and shall bind the Grantor and the Grantor's heirs, representatives, successors, and assigns. This Highway Easement contains the entire understanding of the Grantor and the Board, and there are no other verbal promises between the Grantor and the Board except as shown herein.

WHEREFORE, upon approval by the Board, the undersigned Grantor hereby creates, confirms, and conveys the Highway Easement described herein for the sum of **\$598.00 (Five Hundred Ninety Eight Dollars and No Cents)**.

EXHIBIT A

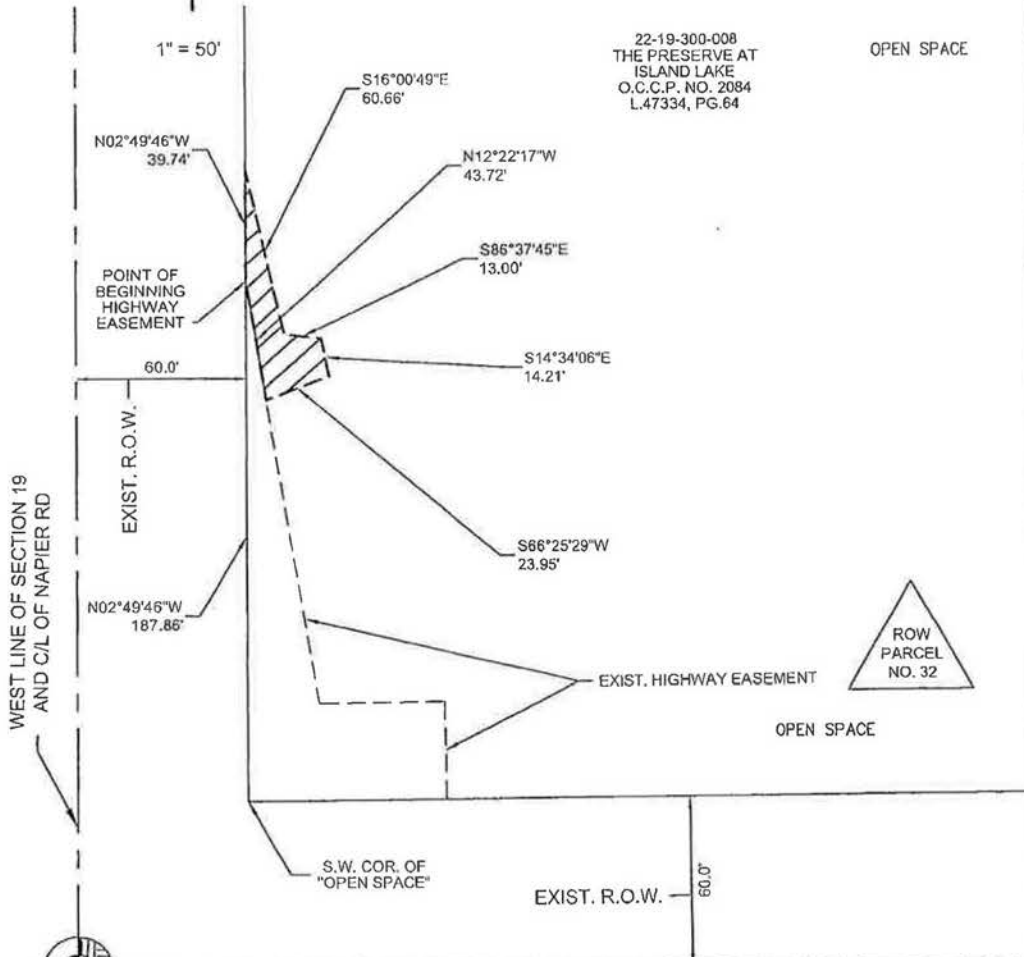
PARCEL 32 22-19-300-008
THE PRESERVE AT ISLAND LAKE



1" = 50'

22-19-300-008
THE PRESERVE AT
ISLAND LAKE
O.C.C.P. NO. 2084
L.47334, PG.64

OPEN SPACE



OPEN SPACE



S.W.
COR.
SEC. 19,
T.1N.,
R.8E.

LAND AREAS	
PARCEL	= 787,440 SFT
HIGHWAY EASEMENT	= 830 SFT

HIGHWAY EASEMENT -

BEARINGS BASED ON THE MASTER DEED FOR THE PRESERVE AT ISLAND LAKE CONDOMINIUM, O.C.C.P. NO. 2084, MASTER DEED RECORDED IN LIBER 47334, PAGE 64, AS AMENDED, OAKLAND COUNTY RECORDS.

ROAD COMMISSION
for OAKLAND COUNTY
RIGHT OF WAY DIVISION
PHONE: 877-858-4864 WEB: WWW.RCOCWEB.ORG

NAPIER ROAD
PARCEL 32 22-19-300-008
SECTION 19, T.1N., R.8E.,
CITY OF NOVI,
OAKLAND COUNTY, MICHIGAN

DATE:	1/25/2017
PROJECT NUMBER:	52111
DRAWN BY:	AR
CHECKED BY:	
SHEET:	1 OF 1

EXHIBIT "B"

Napier Road
Project No. 52111
Parcel 32

Parent Parcel Description

Part of the Southwest 1/4 of Section 19, Town 1 North, Range 8 East, City of Novi, Oakland County, Michigan, described as Open Space in The Preserve at Island Lake condominium, Oakland County Condominium Plan Number 2084, the Master Deed thereof recorded in Liber 47334, Page 64, as amended, Oakland County Records.

22-19-300-008 GCE

Highway Easement

Part of the Southwest 1/4 of Section 19, Town 1 North, Range 8 East, City of Novi, Oakland County, Michigan, described as a part of "Open Space" in The Preserve at Island Lake condominium, Oakland County Condominium Plan Number 2084, the Master Deed thereof recorded in Liber 47334, Page 64, as amended, Oakland County Records, and being more particularly described as commencing at the Southwest Corner of said "Open Space"; thence North $02^{\circ}49'46''$ West, 187.86 feet, along the Easterly right-of-way line of Napier Road (60' 1/2 right-of-way) and the Westerly line of said "Open Space", to the POINT OF BEGINNING; thence North $02^{\circ}49'46''$ West, 39.74 feet, along the Easterly right-of-way line of said Napier Road and the Westerly line of said "Open Space"; thence South $16^{\circ}00'49''$ East, 60.66 feet; thence South $86^{\circ}37'45''$ East, 13.00 feet; thence South $14^{\circ}34'06''$ East, 14.21 feet; thence South $66^{\circ}25'29''$ East, 23.95 feet; thence North $12^{\circ}22'17''$ West, 43.72 feet, to the Point of Beginning. (GCE)
* West

Commonly known as
The Preserve at Island Lake condominium
P 22-19-300-008

January 24, 2017

EXHIBIT C
TEMPORARY EASEMENT

TEMPORARY EASEMENT

KNOW ALL PERSONS that The Preserve at Island Lake ("Grantor(s)", whose address is **28004 Center Oaks Court, Suite 200, Wixom, MI. 48393** hereby grant(s) to the **BOARD OF COUNTY ROAD COMMISSIONERS OF THE COUNTY OF OAKLAND** ("Board"), State of Michigan, a public body corporate, located at 31001 Lahser Road, Beverly Hills, Michigan 48025, an easement for a temporary period of time ("Temporary Easement") in the construction of **Napier Road Paving Project** ("Project"), being Project Number **52111**, at the following described premises ("Property") situated in the **City of Novi**, County of Oakland, State of Michigan.

Commonly known as: **Napier Road (The Preserve at Island Lake)**
(Part of) Tax Parcel No.: 22-19-300-008

**SEE PARCEL DRAWING, ATTACHED AS EXHIBIT "A,"
WHICH IS INCORPORATED BY REFERENCE HEREIN**

This Temporary Easement is conveyed for the sum of **\$199.00 (One Hundred and Ninety Nine Dollars and No Cents)** and shall expire at the completion of the Project. The purpose of this Temporary Easement is to grant to the Board the right to move workers, equipment, and materials on, over, and through the Property and to store equipment, material, and excavated matter on the Property. This Temporary Easement includes, but is not limited to, the consent of the Grantor(s) to the removal of any trees, shrubs, and/or vegetation, to grading, to the temporary occupancy of the Property by public utilities, and to other matters which, in the sole discretion of the Board, may be necessary in connection with the Project. Grantor(s) waive(s) further notice of such actions.

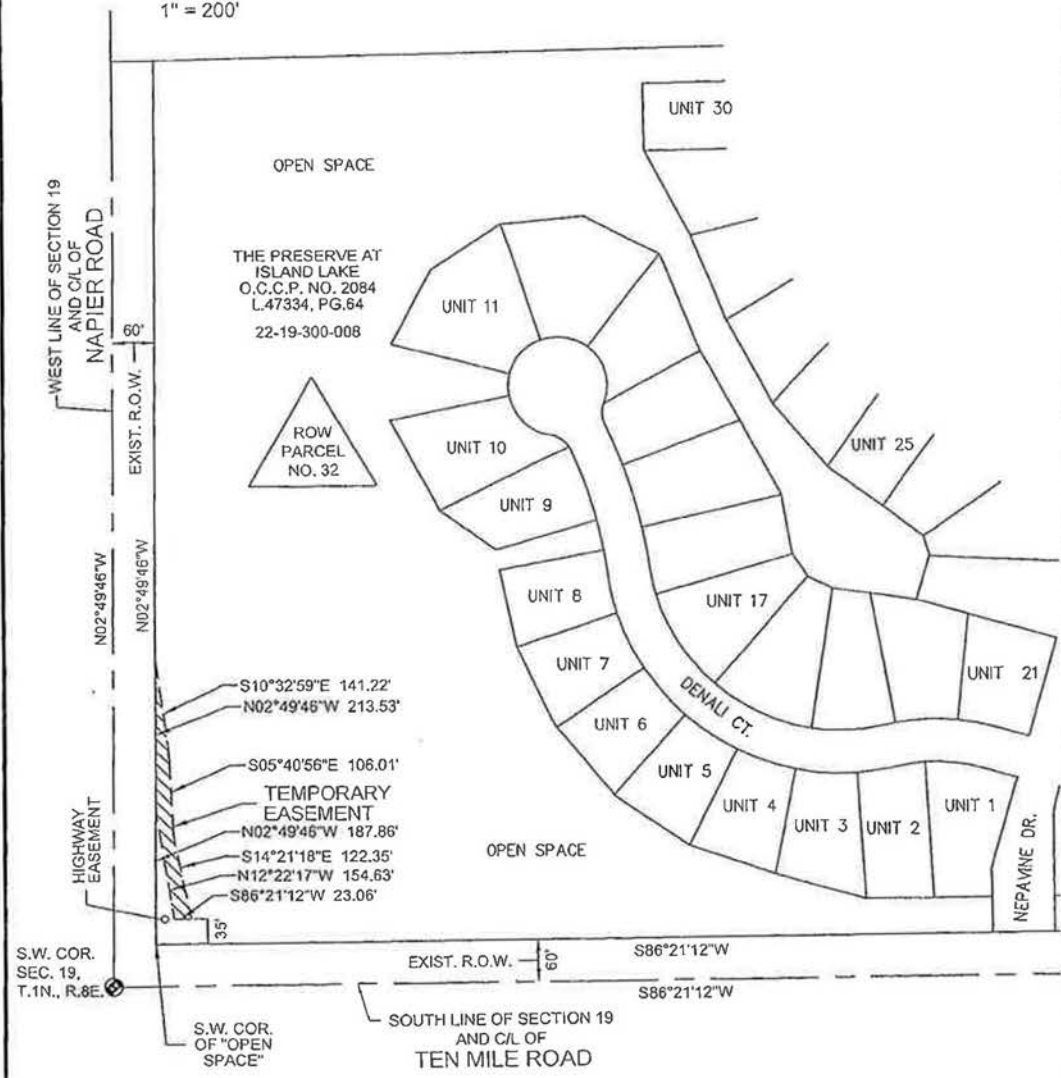
The permission stated in this Temporary Easement shall begin on the date the Project begins and shall end on the date the Project is completed. The work described above shall be constructed and/or restored, as may be applicable in the sole discretion of the Board, in a workmanlike manner and in accordance with applicable state and county standards. Upon completion of the work described above, the Board and its agents shall have no further or ongoing responsibilities in relation to the work described.

EXHIBIT A

PARCEL 22-19-300-008
THE PRESERVE AT ISLAND LAKE



1" = 200'



LAND AREAS	
PARCEL	= 787,440 SFT
TEMPORARY EASEMENT	= 6,045 SFT



BEARINGS BASED ON THE MASTER DEED FOR THE PRESERVE AT ISLAND LAKE CONDOMINIUM, O.C.C.P. NO. 2084, MASTER DEED RECORDED IN LIBER 47334, PAGE 64, AS AMENDED, OAKLAND COUNTY RECORDS.

REV. 8/25/2016

ROAD COMMISSION
for OAKLAND COUNTY
RIGHT OF WAY DIVISION
PHONE: 877-858-4884 WEB: WWW.RCOOWEB.ORG

NAPIER ROAD
PARCEL 22-19-300-008
SECTION 19, T.1N., R.8E.,
CITY OF NOVI,
OAKLAND COUNTY, MICHIGAN

DATE:	7/26/2016
PROJECT NUMBER:	52111
DRAWN BY:	KAL
CHECKED BY:	
SHEET:	1 OF 1