



CITY OF NOVI CITY COUNCIL
JANUARY 27, 2020

SUBJECT: Approval of (1) a resolution Concerning the Acquisition of Property and Approving Declaration of Necessity and Taking and, (2) a Declaration of Taking for easements with fair market value in the amount of \$20,102.28 for a sidewalk easement and a temporary grading permit on parcel 50-22-36-200-003 for the construction of a sidewalk on the west side of Haggerty Road, south of Nine Mile Road.

SUBMITTING DEPARTMENT: Department of Public Works, Engineering Division

EXPENDITURE REQUIRED	\$ 20,102.28
AMOUNT BUDGETED	\$ 1,488,070.00
APPROPRIATION REQUIRED	\$ 0
LINE ITEM NUMBER	204-204.00-974.478

BACKGROUND INFORMATION: The City of Novi will be constructing a sidewalk on the west side of Haggerty Road, south of Nine Mile Road, as part of the 2019 Pathways and ADA Improvements project. Completion of the project will provide a continuous sidewalk from Eight Mile Road to Nine Mile Road.

A permanent sidewalk easement and temporary grading permit are required for construction of the sidewalk at the property (parcel 50-22-36-200-003). To formalize the valuation in the form of an offer, staff has worked with the City Attorney to prepare a resolution Concerning the Acquisition of Property and Approving Declaration of Necessity and Taking. A Declaration of Taking would allow the City to begin proceedings to acquire the easements through eminent domain if the City is unable to acquire the easements. The sidewalk is scheduled to be constructed in 2020.

RECOMMENDED ACTION: Approval of (1) a resolution Concerning the Acquisition of Property and Approving Declaration of Necessity and Taking and, (2) a Declaration of Taking for easements with fair market value in the amount of \$20,102.28 for a sidewalk easement and a temporary grading permit on parcel 50-22-36-200-003 for the construction of a sidewalk on the west side of Haggerty Road, south of Nine Mile Road.

**RESOLUTION CONCERNING THE ACQUISITION
OF PROPERTY AND APPROVING DECLARATION OF NECESSITY AND TAKING**

City of Novi
County of Oakland, Michigan

Minutes of a _____ Meeting of the City Council of the City of Novi, County of Oakland, Michigan, held in the City Hall in said City on _____, 2020, at 7:00 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, present conditions in the City of Novi, Oakland County, Michigan, necessitate the construction or upgrading of a sidewalk along the west side of Haggerty Road between Eight and Nine Mile along the frontage of 22279 Haggerty Road, in the City of Novi, Oakland County, State of Michigan, to-wit:

PARCEL DESCRIPTION (50-22-36-200-003)

(Per Oakland County Tax Rolls)

PARCEL DESCRIPTION (50-22-36-200-003)

Parcel of land situated in the NE 1/4 of Section 36, Town 1 North, Range 8 East, City of Novi, Oakland County, Michigan, more particularly described as follows:

Commencing at the NE corner of said Section 36; thence South 305.75 feet to the Point of Beginning; thence South 333.35 feet; thence S 89°00'00" W 303.0 feet; thence North 333.35 feet; thence N 89°00'00" E 303.0 feet to the Point of Beginning. Subject to all easements and restrictions of record, if any.

SIDEWALK EASEMENT (50-22-36-200-003)

A 10 foot wide easement for sidewalk being of land situated in the NE 1/4 of Section 36, Town 1 North, Range 8 East, City of Novi, Oakland County, Michigan, more particularly described as follows:

Commencing at the NE corner of said Section 36; thence South 305.75 feet along the East line of said Section 36; thence S 89°00'00" W 38.86 feet along the North line of said parent parcel to the Point of Beginning; thence S 00°39'17" E 301.0 feet; thence S 16°05'35" W 14.76 feet; thence S 30°42'15" W 18.98 feet; thence S 08° 15'44" W 2.08 feet; thence S 89°00'00" W 10.13 feet along the South line of said parent parcel; thence N 08°15'44" E 5.69 feet; thence N 30°42'15" E 19.68 feet; thence N 16°05'35" E 12.01 feet; thence N 00°39'17" W 299.46 feet; thence N 89°00'00" E 10.0 feet along the North line of said parent parcel to the Point of Beginning.

Contains 3,368 square feet or 0.077 acres of land, more or less. Subject to all easements and restrictions of record, if any.

TEMPORARY GRADING EASEMENT (50-22-36-200-003)

A parcel of land situated in the NE 1/4 of Section 36, Town 1 North, Range 8 East, City of Novi, Oakland County, Michigan, more particularly described as follows:

Commencing at the NE corner of said Section 36; thence South 305.75 feet along the East line of said Section 36; thence S 89°00'00" W 33.0 feet to the Point of Beginning; thence South 333.35 feet; thence S 89°00'00" W 16.50 feet; thence N 08°15'44" E 2.08 feet; thence N 30°42'15" E 18.98 feet; thence N 16°05'35" E 14.76 feet; thence N 00°39'17" W 301.0 feet; thence N 89°00'00" E 5.86 feet to the Point of Beginning.

Contains 1,525 square feet or 0.035 acres of land, more or less. Subject to all easements and restrictions of record, if any.

Subject to all easements and restrictions of record, if any.

WHEREAS, plans for the Improvements are on file with the City Clerk's Office; and

WHEREAS, it has been determined that said improvements are necessary for the use and benefit of the public; and

WHEREAS, in order to construct said improvements, it is necessary that the City acquire a permanent Sidewalk Easement and Temporary Grading Easement to the above-described real estate.

WHEREAS, the City has caused a valuation of the subject property to be prepared;

WHEREAS, value of the easements over the subject property is Twenty Thousand One Hundred and Two and 28/100 (\$20,102.28).

WHEREAS, the City has determined that it is in the best interests of the City to offer to purchase the easements over the subject property from the owner of such property, and to take such other actions as are deemed necessary to acquire the subject property for the purposes of constructing the improvements;

NOW, THEREFORE, BE IT RESOLVED, by the authority vested in the City of Novi by law, that it is hereby declared and determined that it is necessary to construct or upgrade a sidewalk along the west side of Haggerty Road between Eight and Nine Mile along the frontage of 22279 Haggerty Road on, over, upon, and through the above-described property within the City of Novi in accordance with the plans prepared by the City, and that said improvements are necessary for the use and benefit of the public; and

BE IT FURTHER RESOLVED, that the Mayor of the City is hereby authorized to execute, on behalf of the City, a good faith Offer to Purchase, a copy of which is attached hereto as Exhibit A, calling for the payment of Twenty Thousand One Hundred and Two and 28/100 (\$20,102.28) for a permanent Sidewalk Easement and Temporary Grading Easement over the subject property. The above amounts have been established as just compensation for the acquisition of the property, based upon a valuation of the property and the desire to complete the sale short of litigation.

BE IT FURTHER RESOLVED, that after the execution of the good faith Offer to Purchase by the Mayor, the good faith Offer to Purchase shall be submitted to the owners of the property;

BE IT FURTHER RESOLVED, that in the event the Sellers fail to accept the good faith Offer to Purchase within fourteen (14) days of the date of delivery, the City Manager is hereby authorized to execute the Declaration of Taking, which is attached hereto;

BE IT FURTHER RESOLVED, that in the event the offer is not accepted as set forth above, the Mayor, City Clerk, and City Attorney are authorized to take all actions required to obtain a permanent Sidewalk Easement and Temporary Grading Permit in the subject property by eminent domain.

BE IT FURTHER RESOLVED, that in the event the offer is not accepted as set forth above, and the Declaration is executed, the City finance officer is authorized and directed to place an amount equal to the amount contained in the good faith offer that was made to the property owners Twenty Thousand One Hundred and Two and 28/100 (\$20,102.28) into a separate account and to hold such money on deposit as the estimated amount of just compensation to be paid in connection with the eminent domain proceedings.

BE IT FURTHER RESOLVED, that all resolutions and part of resolutions insofar as they conflict with the provisions of this Resolution be and the same hereby are rescinded.

AYES: Councilmembers _____

NAYES: Councilmembers _____

RESOLUTION DECLARED ADOPTED.

CORTNEY HANSON, 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 at _____ meeting held this _____ day of _____, 2020.

CORTNEY HANSON, CITY CLERK