



# CITY of NOVI CITY COUNCIL

**Agenda Item F**  
**November 14, 2016**

**SUBJECT:** Acceptance of a warranty deed from Toll MI II Limited Partnership for the dedication of the 60-foot half master planned right-of-way of Ten Mile Road along the Ten Mile Road frontage of Island Lake Orchards (Phase 5C) and approval to execute a Quit Claim Deed conveying the dedicated Ten Mile Road right-of-way to the Road Commission for Oakland County.

**SUBMITTING DEPARTMENT:** Department of Public Services, Engineering Division GDM

**CITY MANAGER APPROVAL:** 

**BACKGROUND INFORMATION:**

The developer for Island Lake Orchards (Phase 5C), Toll MI II Limited Partnership, is requesting acceptance of the warranty deed conveying the master planned 60-foot half right-of-way for Ten Mile Road along the frontage of the development. The developer is offering the donation of the master planned half right-of-way for Ten Mile Road as part of the approved site plans.

The above deed for the right-of-way will be dedicated to the Road Commission for Oakland County since they have jurisdiction over Ten Mile Road.

The enclosed letter by the City Attorney Beth Saarela, dated October 7, 2016 provides additional information and the Quit Claim Deed she prepared.

**RECOMMENDED ACTION:** Acceptance of a warranty deed from Toll MI II Limited Partnership for the dedication of the 60-foot half master planned right-of-way of Ten Mile Road along the Ten Mile Road frontage of Island Lake Orchards (Phase 5C) and approval to execute a Quit Claim Deed conveying the dedicated Ten Mile Road right-of-way to the Road Commission for Oakland County.

	1	2	Y	N
Mayor Gatt				
Mayor Pro Tem Staudt				
Council Member Burke				
Council Member Casey				

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



# Island Lake Phase 5C Location Map

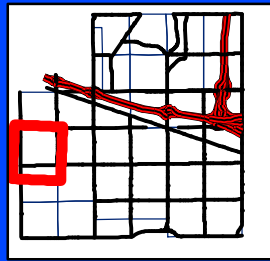


Map Author: Rasha Majzoub  
Date: 10/20/2016

Amended By:  
Date:  
Department:

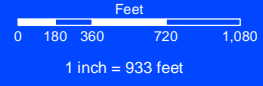
**MAP INTERPRETATION NOTICE**

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







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@jrslaw.com

www.jrslaw.com

October 7, 2016

Rob Hayes, Public Services Director  
City of Novi, Department of Public Services  
Field Services Complex  
26300 Lee BeGole Drive  
Novi, MI 48375

**Re: Quit Claim Deeds to Road Commission  
*Ten Mile and Napier***

Dear Mr. Hayes:

City Council previously accepted deeds from the Developer and/or Association of the Island Lake of Novi Development for the Ten Mile and Novi Road right-of-way, as follows:

1. Ten Mile Road at Napier (Island Lake Phase 8) Accepted April 13, 2015
2. Napier Road (Island Lake Phase 8) Accepted September 12, 2016
3. Napier Road (Island Lake Phase 5B) Accepted September 12, 2016

Additionally, the Developer has provided the Warranty Deed for **Ten Mile adjacent to Island Lake Phase 5C**, which should be placed on an upcoming City Council Agenda for acceptance. It has already been recorded at Liber 49262, Page 367, Oakland County Records.

Each of the above deeds for right-of-way should be assigned to the Board of County Road Commissioners for on-going operation, maintenance repair and replacement. We have prepared the following enclosed Quit Claim Deeds for this purpose:

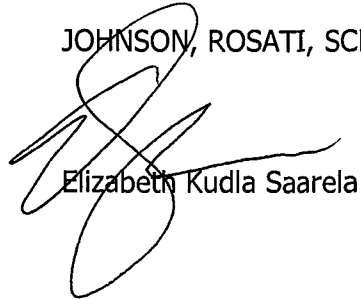
- Ten Mile Road at Napier (Island Lake Phase 8)
- Napier Road (Island Lake Phase 8)
- Napier Road (Island Lake Phase 5B)
- Ten Mile (Island Lake Phase 5C)

Once approved by City Council and executed, the original Quit Claim Deeds should be returned to my attention and I will forward them to counsel for the Board of County Road Commissioners.

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

Very truly yours,

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



Elizabeth Kudla Saarela

EKS

- C: Cortney Hanson, Clerk (w/Original Enclosures)  
Charles Boulard, Community Development Director (w/Enclosures)  
Barb McBeth, City Planner (w/Enclosures)  
Angie Pawlowski, Community Development Bond Coordinator (w/Enclosures)  
Aaron Staup, Construction Engineer (w/Enclosures)  
Theresa Bridges, Construction Engineer (w/Enclosures)  
Adam Wayne, Civil Engineer (w/Enclosures)  
Sarah Marchioni, Community Development Building Project Coordinator (w/Enclosures)  
Sue Troutman, City Clerk's Office (w/Enclosures)  
Thomas R. Schultz, Esquire (w/Enclosures)

**OAKLAND COUNTY TREASURERS CERTIFICATE**  
This is to certify that there are no delinquent property taxes as of this date owed to our office on this property. No representation is made as to the status of any taxes, tax liens or titles owed to any other entities.

**APR 13 2016**

55.40  
~~5.00~~ po

**ANDREW E. MEISNER, County Treasurer**  
Sec. 135, Act 208, 1893 as amended

LIBER 49262 PAGE 367  
\$16.00 DEED - COMBINED  
\$4.00 REMONUMENTATION  
\$.00 TRANSFER TX COMBINED  
04/14/2016 01:54:00 PM RECEIPT# 40614  
PAID RECORDED - Oakland County, MI  
Lisa Brown, Clerk/Register of Deeds

**STATE OF MICHIGAN**



**REAL ESTATE TRANSFER TAX**

OAKLAND  
04/14/2016  
40614

\$.00 CO  
\$.00 ST  
001050033



2015 **NOT EXAMINED**

**WARRANTY DEED**

KNOW ALL MEN BY THESE PRESENTS, that that Toll MI II Limited Partnership ("Developer"), whose address is 46670 Six Mile Road, Northville, Michigan 48168 conveys and warrants to the 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.

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining and subject to easements and restrictions of record, for the sum of One and no/100 Dollars (\$1.00).

Developer makes this conveyance of roads and road rights of way and the land and pavement contained therein pursuant to authority reserved to it in Article VIII, Section 3 of the Master Deed of Island Lake Orchards at Liber 30468, Pages 611 through 689, both inclusive, Oakland County Records, as amended by the First Amendment to Master Deed thereof recorded at Liber 31833, Pages 132 through 150, both inclusive, Oakland County Records; the Second Amendment to Master Deed thereof recorded at Liber 34444, Pages 64 through 87, both inclusive, Oakland County Records; the Third Amendment to Master Deed thereof recorded at Liber 36379, Pages 520 through 543, both inclusive, Oakland County Records; and the Fourth Amendment to Master Deed thereof recorded at Liber 38053, Pages 20 through 45, both inclusive, Oakland County Records. The aforesaid Master Deed and amendments thereto pertain to Island Lake Orchards, a condominium development identified as Oakland County Condominium Subdivision Plan No. 1552.

*3P  
Coke*

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 15th day of May, 2012

Signed:

Toll MI II Limited Partnership, a Michigan limited partnership

By: Toll MI GP Corp., a Michigan corporation, General Partner


By: *Michael Noles*  
Michael Noles

Its: Land Development VP

RECEIVED  
OAKLAND COUNTY  
REGISTER OF DEEDS  
2016 APR 11 AM 10:41

STATE OF MICHIGAN     )  
                                   ) SS  
 COUNTY OF WAYNE        )

The foregoing instrument was acknowledged before me this 15<sup>th</sup> day of May, 2012, by Michael Noles, the Land Development Vice President of Toll MI GP Corp., a Michigan corporation, the General Partner of Toll MI II Limited Partnership, a Michigan limited partnership, on behalf of the limited partnership.

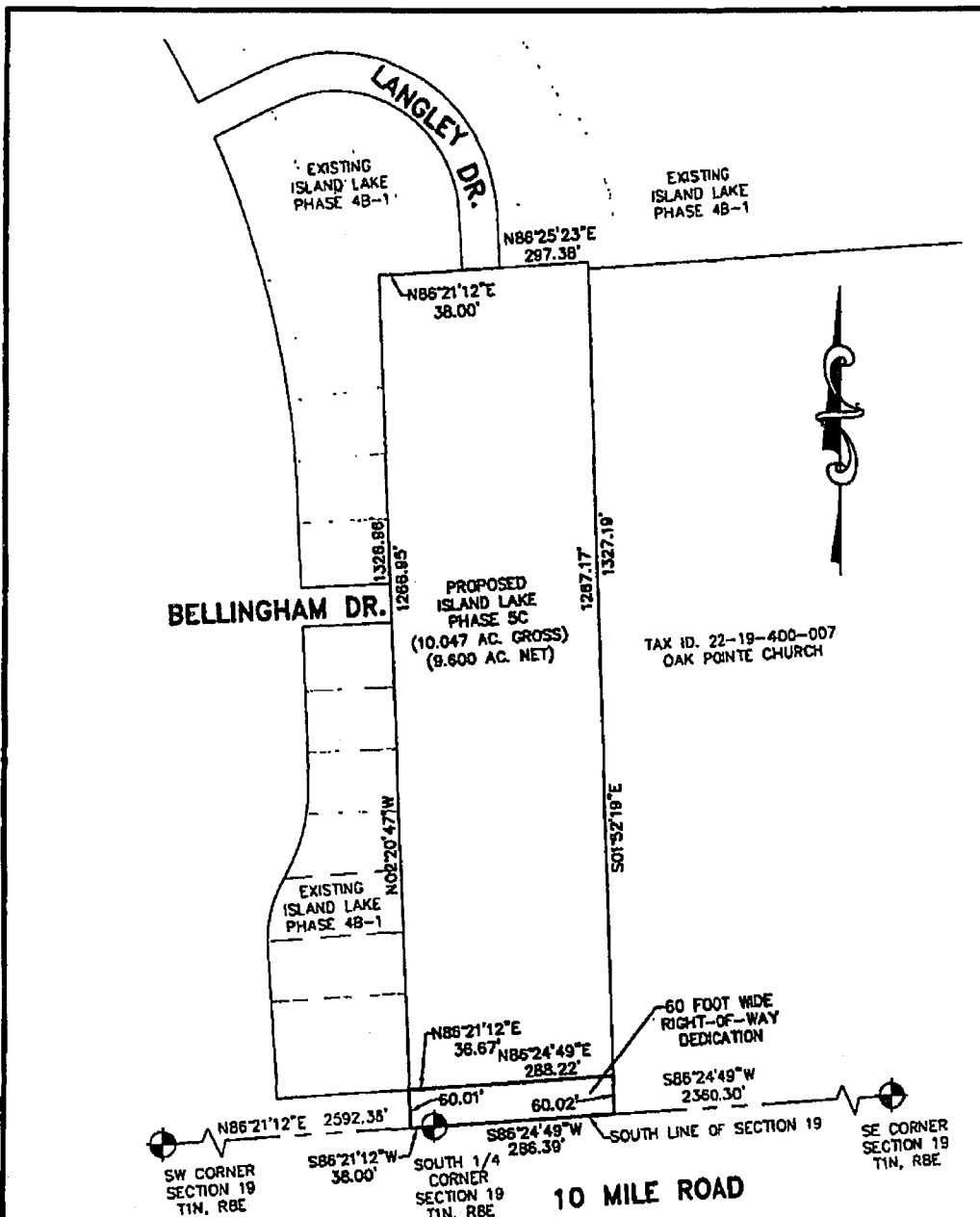
  
 Marilee S. Steinhilber, Notary Public  
 Oakland County, Michigan  
 My Commission Expires: 12-23-17  
 Acting in Wayne County

When Recorded Return to: City of Novi 45175 West Ten Mile Road Novi, MI 48375	Send Subsequent Tax Bills to: City of Novi 45175 West Ten Mile Road Novi, MI 48375	Drafted by: Scott I. Mirkes, Esq. Jackier Gould, P.C. 121 W. Long Lake Road, Ste 200, Bloomfield Hills, MI 48304
----------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------

Tax Parcel No. \_\_\_\_\_

Job No. \_\_\_\_\_ Recording Fee \_\_\_\_\_ Transfer Tax: Exempt per MCLA 207.505(a) and MCLA 207.526

J:\2351\700151385.DOC



60 FOOT WIDE RIGHT-OF-WAY DEDICATION:  
 BEGINNING AT THE SOUTH 1/4 CORNER OF SECTION 19, TOWN 1 NORTH, RANGE 8 EAST, CITY OF NOVI, OAKLAND COUNTY, MICHIGAN; THENCE S86°21'12"W 38.00 FEET ALONG THE SOUTH LINE OF SAID SECTION 19; THENCE N02°20'47"W 60.01 FEET; THENCE N86°21'12"E 36.67 FEET; THENCE N86°24'49"E 288.22 FEET; THENCE S01°52'19"E 60.02 FEET; THENCE S86°24'49"W 286.39 FEET ALONG THE SOUTH LINE OF SAID SECTION 19 TO THE POINT OF BEGINNING, BEING PART OF THE SOUTHEAST 1/4 AND THE SOUTHWEST 1/4 OF SAID SECTION 19.

*falls within:  
 Island Lake  
 Orchards  
 OCC # 1552*

**ALPINE ENGINEERING, INC.**  
 CIVIL ENGINEERS & LAND SURVEYORS  
 46892 WEST ROAD  
 SUITE 109  
 NOVI, MICHIGAN 48377  
 (248) 926-3701 (BUS)  
 (248) 926-3785 (FAX)

CLIENT:	TOLL BROTHERS	DATE:	3/07/2012
	<b>EXHIBIT "A"</b>	DRAWN BY:	JF
	<b>ISLAND LAKE PHASE 5C</b>	CHECKED BY:	GLM
SECTION: 19	TOWNSHIP: 1N	RANGE: 8E	0 100 200
	CITY OF NOVI	OAKLAND COUNTY	FBK: -
	MICHIGAN		CHP: -
			1
			SCALE HOR 1"=200 FT. VER 1"= 1 FT.

*22-19-316-000  
 ent*

**QUIT CLAIM DEED**  
**Right-of-Way**

**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 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, the following described premises situated in the City of Novi, County of Oakland, State of Michigan, for right-of-way purposes, to-wit:

**SEE PARCEL DRAWING, ATTACHED AS EXHIBIT  
INCORPORATED BY REFERENCE HEREIN**

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.



Dated this \_\_\_\_\_ day of \_\_\_\_\_ 2016.

GRANTOR:

The City of Novi

\_\_\_\_\_  
Robert J. Gatt, Mayor

\_\_\_\_\_  
Corney Hanson, Clerk

COUNTY OF OAKLAND    )  
                                  ) SS  
STATE OF MICHIGAN    )

On this \_\_\_\_\_ day of \_\_\_\_\_ 2016, Robert J. Gatt, 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 \_\_\_\_\_

COUNTY OF OAKLAND )  
 ) SS  
STATE OF MICHIGAN )

On this \_\_\_\_\_ day of \_\_\_\_\_ 2016, Cortney Hanson, executed the foregoing document before me and, being duly sworn, stated that he/she is the Clerk of the City of Novi with its full authority and as its free act and deed.

\_\_\_\_\_  
Notary Public

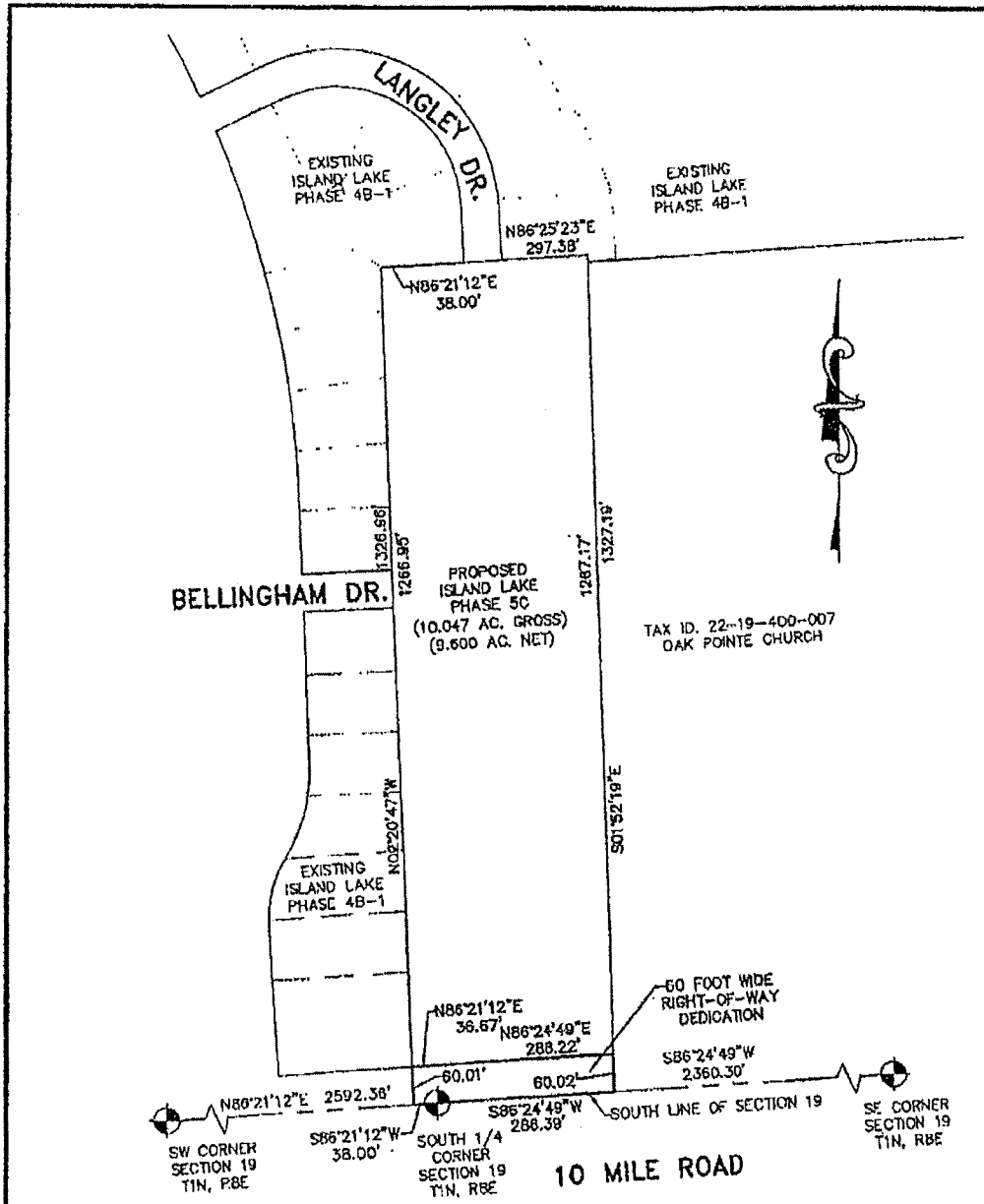
My commission expires: \_\_\_\_\_  
Oakland County, Michigan  
Acting in the County of \_\_\_\_\_

Drafted by:

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

When recorded return to:

Project: \_\_\_\_\_ Project No.: \_\_\_\_\_ Parcel No.: \_\_\_\_\_  
(Part of) Tax Parcel No.: \_\_\_\_\_  
Recording Fee \_\_\_\_\_ Revenue Stamps \_\_\_\_\_



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**ALPINE**  
ENGINEERING, INC.  
CIVIL ENGINEERS & LAND SURVEYORS

48892 WEST ROAD  
SUITE 109  
NOVI, MICHIGAN 48377  
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CLIENT:	TOLL BROTHERS	DATE:	3/07/2012
	<b>EXHIBIT "A"</b>	DRAWN BY:	JTF
	<b>ISLAND LAKE PHASE 5C</b>	CHECKED BY:	GLM
SECTION: 19	TOWNSHIP: 1N	RANGE: 8E	
	CITY OF NOVI		
	OAKLAND COUNTY		
	MICHIGAN		
		SCALE:	1" = 405'
			1" = 200 FT. VER 1" = FE

**QUIT CLAIM DEED**  
**Right-of-Way**

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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.



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

ISLAND LAKE NORTH BAY  
O.C.C.P. #1413  
L.24741, P.326-406



ISLAND LAKE ORCHARDS  
O.C.C.P. #1552  
L.30468, P.611-689

**LEGAL DESCRIPTION FOR NAPIER ROAD RIGHT OF WAY DEDICATION:**

A 60 FOOT WIDE PARCEL OF LAND BEING PART OF THE NORTHWEST 1/4 & THE SOUTHWEST 1/4 OF SECTION 19, TOWN 1 NORTH, RANGE 8 EAST, CITY OF NOVI, OAKLAND COUNTY, MICHIGAN, DESCRIBED AS BEGINNING AT THE WEST 1/4 CORNER OF SAID SECTION 19; THENCE N03°01'04"W, 1466.97 FEET ALONG THE WEST LINE OF SAID SECTION 19 AND THE CENTER LINE OF NAPIER ROAD (120 FEET WIDE); THENCE N86°57'33"E, 59.98 FEET ALONG THE NORTH LINE OF ISLAND LAKE ORCHARDS O.C.C.P. #1552, L. 30468, PGS. 611-689 TO THE EAST RIGHT-OF-WAY LINE OF SAID NAPIER ROAD; THENCE ALONG SAID RIGHT-OF-WAY LINE, S03°01'04"E, 1466.34 FEET TO THE EAST & WEST 1/4 LINE OF SECTION 19; THENCE CONTINUING ALONG THE RIGHT-OF-WAY LINE OF NAPIER ROAD, S02°49'46"E, 1315.09 FEET; THENCE S86°03'33"W, 60.01 FEET ALONG THE SOUTH LINE OF ISLAND LAKE ORCHARDS O.C.C.P. #1552, L.30468, PGS. 611-689 TO THE WEST LINE OF SAID SECTION 19 AND THE CENTERLINE OF NAPIER ROAD; THENCE ALONG SAID SECTION LINE, N02°49'46"W, 1315.42 FEET TO THE POINT OF BEGINNING, CONTAINING 3.83 ACRES MORE OR LESS.

NAPIER ROAD

W 1/4 CORNER  
SECTION 19  
T.1N., R.8E.

ISLAND LAKE ORCHARDS  
O.C.C.P. #1552  
L.30468, P.611-689

EAST & WEST 1/4 LINE SECTION 19

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

THE PRESERVE AT ISLAND LAKE  
O.C.C.P. #2084  
L.47334, P.1-70

TEN MILE ROAD

**EXHIBIT**  
**RIGHT-OF-WAY DEDICATION**  
ISLAND LAKE ORCHARDS CONDOMINIUM, PART OF SECTION 19,  
TOWNSHIP 1 NORTH, RANGE 8 EAST, CITY OF NOVI, OAKLAND  
COUNTY, MICHIGAN.

<b>ESE</b>	Land Planning Engineering Land Surveying	28004 Center Oaks Court Suite 200 Livonia, Michigan 48393 TEL: (248) 305-4013 FAX: (248) 305-4001
	CIVIL ENGINEERS • LAND SURVEYORS • LANDSCAPE ARCHITECTS • LAND PLANNERS	
DESIGNED:	DRAWN: SRB	CHECKED: JF
SCALE: 1" = 300'	DATE: 12 AUG 2016	DWG. No.: 1938-NAPIER ROW

**QUIT CLAIM DEED**  
**Right-of-Way**

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COUNTY OF OAKLAND )  
 ) SS  
STATE OF MICHIGAN )

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\_\_\_\_\_  
Notary Public

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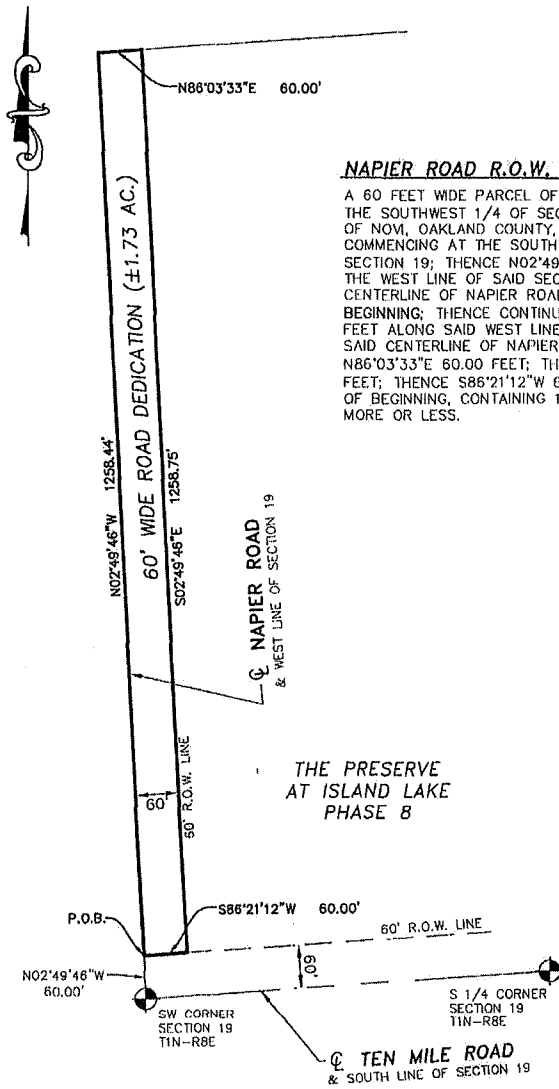
Drafted by:

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

When recorded return to:

Project: \_\_\_\_\_ Project No.: \_\_\_\_\_ Parcel No.: \_\_\_\_\_  
(Part of) Tax Parcel No.: \_\_\_\_\_  
Recording Fee \_\_\_\_\_ Revenue Stamps \_\_\_\_\_

**EXHIBIT A**



**NAPIER ROAD R.O.W. DEDICATION**

A 60 FEET WIDE PARCEL OF LAND BEING PART OF THE SOUTHWEST 1/4 OF SECTION 19, T1N-R8E, CITY OF NOVI, OAKLAND COUNTY, MICHIGAN, DESCRIBED AS: COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 19; THENCE N02°49'46\"/>

THE PRESERVE AT ISLAND LAKE  
PHASE B

**ALPINE**  
ENGINEERING, INC.  
CIVIL ENGINEERS & LAND SURVEYORS  
48892 WEST ROAD  
SUITE 109  
NOVI, MICHIGAN 48377  
(248) 926-3701 (BUS)  
(248) 926-3765 (FAX)

CLIENT: <b>TOLL BROTHERS INC.</b>	DATE: 4/17/15
<b>R.O.W. DEDICATION</b>	DRAWN BY: JRV
<b>THE PRESERVE AT ISLAND LAKE</b>	CHECKED BY: JDH
SECTION: 19 TOWNSHIP: 1 N. RANGE: 8 E.	0 75 150
CITY OF NOVI	FBK: -- 1 / 13-280
OAKLAND COUNTY	CHK: --
MICHIGAN	SCALE HOR 1"=150 FT. VER 1"= -- FT.



**QUIT CLAIM DEED**  
**Right-of-Way**

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Dated this \_\_\_\_\_ day of \_\_\_\_\_ 2016.

GRANTOR:

The City of Novi

\_\_\_\_\_  
Robert J. Gatt, Mayor

\_\_\_\_\_  
Corney Hanson, Clerk

COUNTY OF OAKLAND    )  
                                  ) SS  
STATE OF MICHIGAN    )

On this \_\_\_\_\_ day of \_\_\_\_\_ 2016, Robert J. Gatt, 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 \_\_\_\_\_

COUNTY OF OAKLAND )  
 ) SS  
STATE OF MICHIGAN )

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\_\_\_\_\_  
Notary Public

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

Drafted by:

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

When recorded return to:

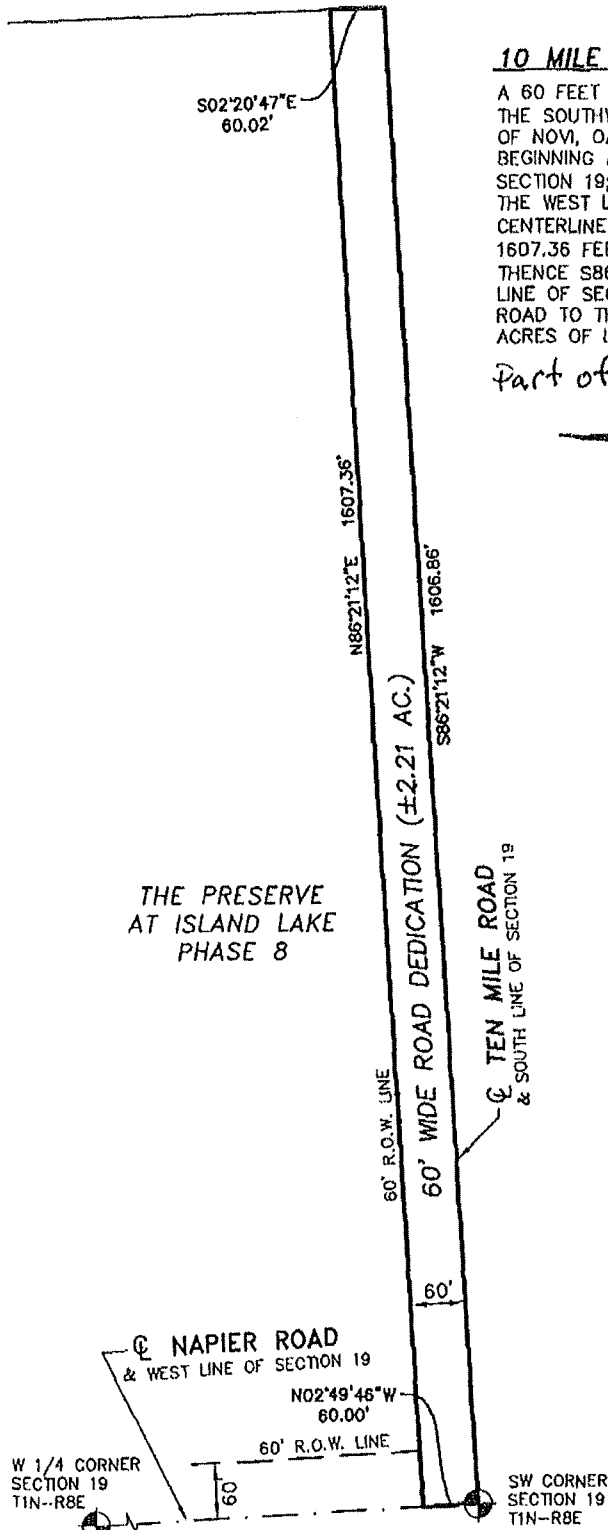
Project: \_\_\_\_\_ Project No.: \_\_\_\_\_ Parcel No.: \_\_\_\_\_  
(Part of) Tax Parcel No.: \_\_\_\_\_  
Recording Fee \_\_\_\_\_ Revenue Stamps \_\_\_\_\_

**EXHIBIT A**

**10 MILE ROAD R.O.W. DEDICATION**

A 60 FEET WIDE PARCEL OF LAND BEING PART OF THE SOUTHWEST 1/4 OF SECTION 19, T1N-R8E, CITY OF NOVI, OAKLAND COUNTY, MICHIGAN, DESCRIBED AS: BEGINNING AT THE SOUTHWEST CORNER OF SAID SECTION 19; THENCE N02°49'46"W 60.00 FEET ALONG THE WEST LINE OF SAID SECTION 19 AND THE CENTERLINE OF NAPIER ROAD; THENCE N86°21'12"E 1607.36 FEET; THENCE S02°20'47"E 60.02 FEET; THENCE S86°21'12"W 1606.86 FEET ALONG SAID SOUTH LINE OF SECTION AND CENTERLINE OF SAID 10 MILE ROAD TO THE POINT OF BEGINNING, CONTAINING 2.21 ACRES OF LAND, MORE OR LESS.

*Part of road, no sidewalk*



**ALPINE ENGINEERING, INC.**  
CIVIL ENGINEERS & LAND SURVEYORS  
46892 WEST ROAD  
SUITE 109  
NOVI, MICHIGAN 48377  
(248) 926-3701 (BUS)  
(248) 926-3765 (FAX)

CLIENT:	TOLL BROTHERS INC.	DATE:	12-23-14
	<b>R.O.W. DEDICATION</b>	DRAWN BY:	JRV
	<b>THE PRESERVE AT ISLAND LAKE</b>	CHECKED BY:	JDH
	SECTION: 19 TOWNSHIP: 1 N. RANGE: 8 E.		0 75 150
	CITY OF NOVI	FBK: -	1/1
	OAKLAND COUNTY	CHF: -	
	MICHIGAN	SCALE	HOR 1"=150 FT. VER 1"= - FT.

*Return: 2777 Franklin Rd, suite 2506, Southfield, MI, 48034*