



CITY of NOVI CITY COUNCIL

Agenda Item L
April 13, 2015

SUBJECT: Approval of (1) a Resolution Concerning Acquisition and Approving Declaration of Necessity and Taking and authorization of Offer to Purchase; (2) a Declaration of Taking; and, (3) an Agreement of Sale and Offer to Purchase Easements over Real Property in the amount of \$64,100 for highway easements and temporary grading permits on two parcels (22-16-151-010 and 22-16-151-012) for the relocation of the existing pathway and utility poles along the south side of Grand River for the widening of Grand River as part of the Eastbound Grand River Dual Left Turn at Beck Road project.

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

CITY MANAGER APPROVAL: *[Signature]*

EXPENDITURE REQUIRED	\$ 64,100
AMOUNT BUDGETED	\$125,000
LINE ITEM NUMBER	204-204.00-863.511

BACKGROUND INFORMATION:

The Grand River Dual Left Turn project is nearing the end of the design phase, and involves the addition of a second eastbound left turn on Grand River at Beck Road (see attached location map). Three permanent easements and five temporary easements have been identified to facilitate future construction and maintenance of this pathway.

Staff has contacted Joanne Ward, owner of the two vacant parcels at the southeast corner of Grand River and Beck Road for which we are requesting easements required to construct the project. Since then, an appraisal has been completed for the property to determine the value of the easements being requested. Based on that appraisal, the value of the two permanent easements and two temporary easements has been determined to be \$64,100. If this offer is accepted the easements can be signed and subsequently recorded. If the offer is not accepted, the City will begin proceedings to acquire the easements through eminent domain.

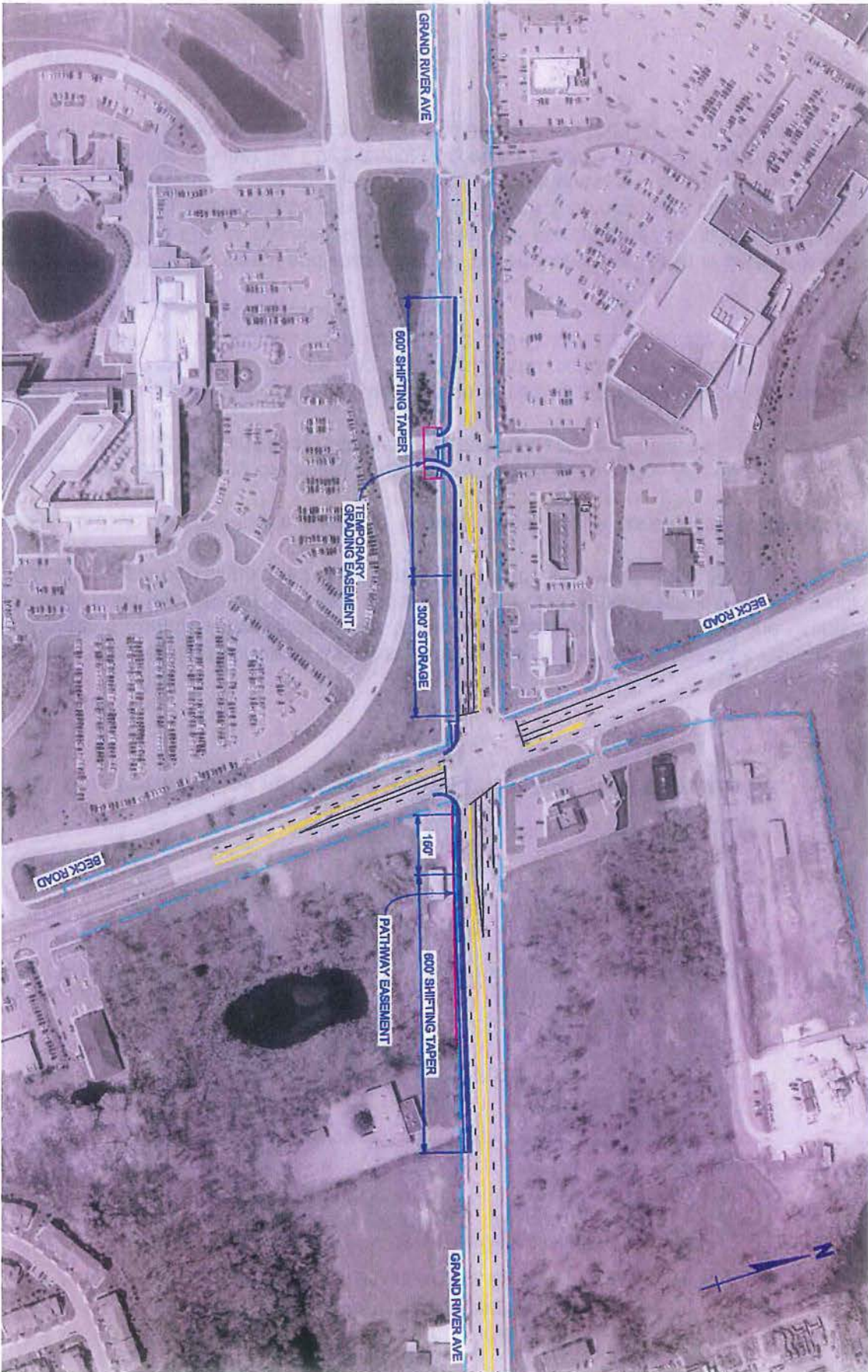
The attached resolution is being requested in the event that the easements are not obtained within the next several weeks. If the property owner accepts the offer and the easements are acquired prior to initiating eminent domain proceedings, the Resolution and Declaration of Taking will no longer be necessary. The attached documents were drafted by the City Attorney's office.

The project requires easements from four property owners and the contract will be administered by the Michigan Department of Transportation. This project will be ready for construction this summer, and will be complete by this fall.

RECOMMENDED ACTION: Approval of (1) a Resolution Concerning Acquisition and Approving Declaration of Necessity and Taking and authorization of Offer to Purchase; (2) a Declaration of Taking; and, (3) an Agreement of Sale and Offer to Purchase Easements over Real Property in the amount of \$64,100 for permanent pathway easements and temporary grading permits on two Ward parcels (50-22-16-151-010 and 50-22-16-151-012) for the purpose of constructing a pedestrian safety path on the west side of Novi Road between Nine Mile and Ten Mile.

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

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



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FOOT (FT)

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GRAND RIVER AVENUE/BECK ROAD INTERSECTION
EAST BOUND GRAND RIVER DUAL LEFT TURN CONCEPT



URS
Surface Transportation
Grand Rapids, Southfield, Ann Arbor, MI

FILE:	DATE	REVISION
AUTH:		

Grand River Avenue - Dual Left Turn Lane Project

Ward Parcel Easements

Location Map



Map Author: Croy
 Date: 2/26/15
 Project: Ward Easements
 Version #: v1.0

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.



1 inch = 160 feet



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@jrsjlaw.com

www.johnsonrosati.com

March 31, 2015

Benjamin Croy, Civil Engineer
City of Novi
Public Services
Field Services Complex
26300 Lee BeGole Drive
Novi, MI 48375

Re: **Grand River Dual Left Turn Lane at Beck Road**
Parcels 50-22-16-151-010 and 50-22-16-151-012

Dear Mr. Croy:

In connection with the City's plan to make improvements to the intersection of Grand River and Beck Road by constructing a second eastbound turn lane on Grand River approaching Beck Road, which requires the widening of Grand River and the relocation of the existing pathway and utility poles along the frontage of 47277 Grand River Avenue and 26900 Beck Road, enclosed please find the following documents:

1. Resolution Concerning the Acquisition of Property and Approving Declaration of Necessity and Taking
2. Declaration of Taking
3. Offer and Agreement to Purchase

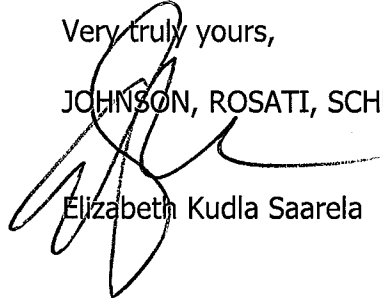
Counsel representing Joanne Ward, the owner of the two adjacent parcels, has confirmed that Ms. Ward does not wish to donate a Highway Easement and Temporary Grading Permit over the property, which is currently vacant. The City has obtained an appraisal of the value of the easements based on the value of the property before and after the taking of the easements. According to the appraiser – Terzo & Bologna, the value for the two easements crossing the frontage of both parcels combined is \$64,100. We have prepared the enclosed documents in anticipation of sending Ms. Ward a good faith offer in the amount of Sixty-Four Thousand One Hundred dollars for a permanent Highway Easement and Temporary Grading Easement crossing the frontage of both parcels for the purpose of relocating the existing sidewalk and utility poles.

In the event that Ms. Ward agrees to accept the good faith offer amount, we will forward the appropriate form of Highway Easement and Temporary Grading Permit to her attorney for review and execution.

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.

A handwritten signature in black ink, appearing to read 'Elizabeth Kudla Saarela', is written over the typed name. The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Elizabeth Kudla Saarela

EKS

Maryanne Cornelius, Clerk

Sue Troutman, Clerk's Office

Brian Coburn, Engineering Manager

Rob Hayes, Public Services Director

Thomas R. Schultz, Esq.

**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 April 13, 2015, 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 of a second eastbound turn lane on Grand River approaching Beck Road, requiring the widening of Grand River and the relocation of the existing pathway and utility poles along the frontage of 47277 Grand River Avenue and 26900 Beck Road in the City of Novi, Oakland County, State of Michigan, to-wit:

PARCEL DESCRIPTION (22-16-151-010)

PART OF SECTION 16, TOWN 01 NORTH, RANGE 08 EAST, CITY OF NOVI, OAKLAND COUNTY, MICHIGAN, BEING PART OF THE WEST 1/2 OF THE NORTHWEST 1/4 OF SAID SECTION 16, BEGINNING AT A POINT DISTANT NORTH 00 DEGREES 36 MINUTES 00 SECONDS EAST, 882.59 FEET AND SOUTH 70 DEGREES 48 MINUTES 40 SECONDS EAST, 159.92 FEET FROM THE WEST 1/4 CORNER, THENCE SOUTH 70 DEGREES 48 MINUTES 40 SECONDS EAST 217.82 FEET, THENCE SOUTH 00 DEGREES 33 MINUTES 14 SECONDS WEST 297.32 FEET; THENCE NORTH 71 DEGREES 48 MINUTES 40 SECONDS WEST 234.02 FEET, THENCE NORTH 03 DEGREES 33 MINUTES 40 SECONDS EAST 292.5 FEET TO THE POINT OF BEGINNING.

More commonly known as 47277 Grand River Avenue

HIGHWAY EASEMENT LEGAL DESCRIPTION

PART OF THE NORTHWEST 1/4 OF SECTION 16, TOWN 01 NORTH, RANGE 08 EAST, CITY OF NOVI, OAKLAND COUNTY, MICHIGAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A PORTION OF THE PARENT PARCEL LYING NORTH OF THE LINES DESCRIBED BELOW:

COMMENCING AT THE WEST 1/4 OF SAID SECTION 16; THENCE NORTH 02°31'26" WEST 776.94 FEET ALONG THE WEST LINE OF SAID SECTION 16; THENCE NORTH 71°18'13" EAST 157.40 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 73°56'56" EAST 69.36 FEET; THENCE SOUTH 74°54'48" EAST 148.20 FEET TO THE POINT OF ENDING.

CONTAINING 1988 SQUARE FEET OR 0.05 ACRES OF LAND, MORE OR LESS.

TEMPORARY GRADING EASEMENT LEGAL DESCRIPTION

THE NORTH 14.5 FEET OF THE PARENT PARCEL EXCEPT THE HIGHWAY EASEMENT DESCRIBED ABOVE.

CONTAINING 1165 SQUARE FEET OR 0.03 ACRES OF LAND, MORE OR LESS.

BASIS OF BEARING STATEMENT

BEARING FOR THE PROPOSED EASEMENTS WERE BASED UPON GEODETIC OBSERVATIONS ON THE WEST LINE OF SECTION 16, TOWN 01 NORTH, RANGE 08 EAST.

PARCEL DESCRIPTION 22-16-151-012

PARENT PARCEL LEGAL DESCRIPTION LIBER 13821, PAGE 739

PART OF THE NORTHWEST 1/4 OF SECTION 16, TOWN 01 NORTH, RANGE 08 EAST, CITY OF NOVI, OAKLAND COUNTY, MICHIGAN, DESCRIBED AS COMMENCING AT THE WEST 1/4 CORNER OF SAID SECTION; THENCE N 00°36'00" EAST ALONG THE WEST LINE OF SAID SECTION, 585.34 FEET TO THE POINT OF BEGINNING; THENCE N 00°36'00" EAST ALONG SAID WEST LINE, 297.25 FEET TO THE SOUTHERLY RIGHT-OF-WAY LINE OF GRAND RIVER AVENUE (100' WIDE); THENCE S 70°48'40" EAST ALONG SAID RIGHT OF WAY LINE, 159.92 FEET; THENCE S 03°33'40" WEST 292.55 FEET; THENCE N 70°48'40" WEST 143.98 FEET TO THE POINT OF BEGINNING, CONTAINING 0.983 ACRES AND ALSO SUBJECT TO ANY EASEMENTS OF RECORD.

AND

LIBER 13821, PAGE 740

PART OF THE NORTHWEST 1/4 OF SECTION 16, TOWN 01 NORTH, RANGE 08 EAST, CITY OF NOVI, OAKLAND COUNTY, MICHIGAN, DESCRIBED AS BEGINNING AT THE WEST 1/4 CORNER OF SAID SECTION; THENCE NORTH 00°36'00" EAST ALONG THE WEST LINE OF SAID SECTION, 585.34 FEET; THENCE SOUTH 70°48'40" EAST 578.00 FEET; THENCE SOUTH 00°33'14" WEST 395.77 FEET TO THE EAST & WEST 1/4 LINE OF SAID SECTION; THENCE NORTH 89°57'22" WEST ALONG SAID LINE, 548.19 FEET TO THE POINT OF BEGINNING, CONTAINING 6.170 ACRES AND ALSO SUBJECT TO ANY EASEMENTS OF RECORD.

AND

LIBER 13821, PAGE 741

PART OF THE NORTHWEST 1/4 OF SECTION 16, TOWN 01 NORTH, RANGE 08 EAST, CITY OF NOVI, OAKLAND COUNTY, MICHIGAN, DESCRIBED AS COMMENCING AT THE WEST 1/4 CORNER OF SAID SECTION; THENCE N 00°36'00" EAST ALONG THE WEST LINE OF SAID SECTION, 585.34 FEET, THENCE SOUTH 70°48'40" EAST 378.00 FEET TO THE POINT OF BEGINNING THENCE NORTH 00°33'14" EAST 297.32 FEET TO THE SOUTHERLY RIGHT-OF-WAY LINE OF GRAND RIVER AVENUE (100' WIDE); THENCE SOUTH 70°48'40" EAST ALONG SAID RIGHT-OF-WAY LINE, 200.00 FEET; THENCE SOUTH 00°33'14" WEST 297.32 FEET; THENCE NORTH 70°48'40" WEST 200.00 FEET TO THE POINT OF BEGINNING, CONTAINING 1.293 ACRES AND ALSO SUBJECT TO ANY EASEMENTS OF RECORD.

EXCEPT

TITLE IN FEE SIMPLE, INCLUDING ALL STRUCTURES, TREES AND OTHER IMPROVEMENTS TO: THAT PART OF TRACT "A" WHICH LIES WITHIN A PARCEL DESCRIBED AS: COMMENCING AT THE WEST 114 CORNER OF SECTION 16, TOWN 1 NORTH, RANGE 8 EAST, CITY OF NOVI, OAKLAND COUNTY, MICHIGAN; THENCE NORTH 2°31'28" WEST, 575.99 FEET ALONG THE WEST LINE OF SAID SECTION 16 TO THE POINT OF CURVATURE OF A 16,400.00 FOOT RADIUS CURVE TO THE LEFT; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE 242.29 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE NORTH 3°22'26" WEST, 6.83 FEET TO THE POINT OF BEGINNING; THENCE NORTH 48°29'36" EAST, 57.73 FEET; THENCE SOUTH 73°57'56" EAST, 19.50 FEET; THENCE NORTH 16°02'04" EAST, 60.50 FEET TO A POINT ON THE EXISTING CENTERLINE OF GRAND RIVER AVENUE; THENCE NORTH 73°57'56" WEST, 88.96 FEET; THENCE SOUTH 3°22'16" EAST, 115.79 FEET TO THE POINT OF BEGINNING.

THE LAND DESCRIBED ABOVE IN FEE CONTAIN 1,757 SQUARE FEET, MORE OR LESS, OF WHICH 1,366 SQUARE FEET, MORE OR LESS, IS SUBJECT TO AN EXISTING RIGHT OF WAY EASEMENT.

More commonly known as 47277 Grand River, Novi, MI 48374

HIGHWAY EASEMENT LEGAL DESCRIPTION

PART OF THE NORTHWEST 1/4 OF SECTION 16, TOWN 01 NORTH, RANGE 08 EAST, CITY OF NOVI, OAKLAND COUNTY, MICHIGAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A PORTION OF THE PARENT PARCEL LYING NORTH OF THE LINES DESCRIBED BELOW:

COMMENCING AT THE WEST 1/4 OF SAID SECTION 16; THENCE NORTH 02.31'26" WEST 776.94 FEET ALONG THE WEST LINE OF SAID SECTION 16; THENCE NORTH 28.21'23" EAST 64.30 FEET TO THE POINT OF BEGINNING (A); THENCE NORTH 74.31'44" EAST 52.15 FEET; THENCE SOUTH 73.56'56" EAST 70.91 FEET TO THE POINT OF ENDING (A).

CONTAINING 1500 SQUARE FEET OR 0.03 ACRES OF LAND, MORE OR LESS.

AND

COMMENCING AT THE WEST 1/4 OF SAID SECTION 16; THENCE NORTH 02.31'26" WEST 776.94 FEET ALONG THE WEST LINE OF SAID SECTION 16; THENCE SOUTH 88.54'14" EAST 358.76 FEET TO THE POINT OF BEGINNING (B); THENCE SOUTH 74.54'48" EAST 198.88 FEET TO THE POINT OF ENDING (B).

CONTAINING 1149 SQUARE FEET OR 0.03 ACRES OF LAND MORE OR LESS.

TEMPORARY GRADING EASEMENT

PART OF THE NORTHWEST 1/4 OF SECTION 16, TOWN 01 NORTH, RANGE 08 EAST, CITY OF NOVI, OAKLAND COUNTY, MICHIGAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A PORTION OF THE PARENT PARCEL LYING NORTH OF THE LINES DESCRIBED BELOW:

COMMENCING AT THE WEST 1/4 OF SAID SECTION 16; THENCE NORTH 02.31'31" WEST 776.94 FEET ALONG THE WEST LINE OF SAID SECTION 16; THENCE NORTH 43.07'58" EAST 46.14 FEET TO THE POINT OF BEGINNING (C); THENCE NORTH 87.28'32" EAST 30 FEET; THENCE NORTH 02'31'26" WEST 25.38 FEET; THENCE NORTH 75.09'46" EAST 21.05 FEET; THENCE SOUTH 74.02'55" EAST 70.89 FEET TO THE POINT OF ENDING (C). EXCEPT FOR THE HIGHWAY EASEMENT PREVIOUSLY DESCRIBED.

CONTAINING 1206 SQUARE FEET OR 0.03 ACRES OF LAND, MORE OR LESS AND

COMMENCING AT THE WEST 1/4 OF SAID SECTION 16; THENCE NORTH 02.31'31" WEST 776.94 FEET ALONG THE WEST LINE OF SAID SECTION 16; THENCE SOUTH 87.48'03" EAST 359.27 FEET TO THE POINT OF BEGINNING (D); THENCE SOUTH 74.02'55" EAST 199.87 FEET TO THE POINT OF ENDING (D). EXCEPT FOR THE HIGHWAY EASEMENT PREVIOUSLY DESCRIBED.

CONTAINING 1613 SQUARE FEET OR 0.04 ACRES OF LAND, MORE OR LESS.

BASIS OF BEARING STATEMENT

BEARING FOR THE PROPOSED EASEMENTS WERE BASED UPON GEODETIC OBSERVATIONS ON THE WEST LINE OF SECTION 16, TOWN 01 NORTH, RANGE 08 EAST.

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 Highway Easement and Temporary Construction Easement to the above-described real estate.

WHEREAS, the City has caused an appraisal of the subject property to be prepared;

WHEREAS, value of the easements over the subject property is Sixty-Four Thousand One Hundred Dollars (\$64,100.00).

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 a second eastbound turn lane on Grand River approaching Beck Road, requiring the widening of Grand River and the relocation of the existing pathway and utility poles along the frontage of 47277 Grand River Avenue and 26900 Beck Road in, 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 Sixty-Four Thousand One Hundred Dollars (\$64,100.00) for a permanent Highway Easement and Temporary Construction Easement over the subject property. The above amounts have been established as just compensation for the acquisition of the property, based upon an appraisal 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 seven (7) 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 (\$64,100.00) 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.

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 at _____ meeting held this _____ day of _____, 2015.

MARYANNE CORNELIUS, CITY CLERK

DECLARATION OF TAKING

A Resolution of Necessity having been adopted by the City of Novi setting forth that present conditions necessitate the construction of a second eastbound turn lane on Grand River approaching Beck Road requiring the widening of Grand River and relocation of the existing pathway and utility poles along the frontage of two adjacent parcels under the same ownership consisting of 47277 Grand River Avenue and 26900 Beck Road (the "Improvements") in the City of Novi, Oakland County, Michigan, in the interest of the public health, safety, and welfare, and that it is necessary to acquire a permanent Highway Easement and Temporary Construction Easement over the property within the City of Novi for said Improvements, and that a good faith written offer to purchase said property has heretofore been made.

NOW, THEREFORE, by virtue of the authority vested in the City of Novi, by Act 279 of the Public Acts of 1909, as amended, and/or Act 149 of the Public Acts of 1911, as amended, or other applicable statutes, and in accordance with the provisions of Act 87 of Public Acts of 1980, as amended, it is now declared and determined that the real property hereinafter described shall be taken for the purpose of relocation of an existing pathway and utility poles in connection with the construction of a second eastbound turn lane on Grand River approaching Beck Road, in accordance with prepared plans showing said Improvements which are on file with the City Clerk's Office.

A statement of the estate of interest in the property being taken; a description of the property to be acquired, sufficient for its identification; the name of each known owner of said

property; the name of each known person, other than the owner, having an interest in said property; a statement of the sum of money estimated by the City of Novi as just compensation for the property being acquired; and a statement whether the City of Novi reserves or waives its rights to bring federal or state cost recovery actions against the present owner of the property are as follows:

1. Statement of the Estate of Interest Being Taken and Description of the Property.

PARCEL DESCRIPTION (22-16-151-010)

PART OF SECTION 16, TOWN 01 NORTH, RANGE 08 EAST, CITY OF NOVI, OAKLAND COUNTY, MICHIGAN, BEING PART OF THE WEST 1/2 OF THE NORTHWEST 1/4 OF SAID SECTION 16, BEGINNING AT A POINT DISTANT NORTH 00 DEGREES 36 MINUTES 00 SECONDS EAST, 882.59 FEET AND SOUTH 70 DEGREES 48 MINUTES 40 SECONDS EAST, 159.92 FEET FROM THE WEST 1/4 CORNER, THENCE SOUTH 70 DEGREES 48 MINUTES 40 SECONDS EAST 217.82 FEET, THENCE SOUTH 00 DEGREES 33 MINUTES 14 SECONDS WEST 297.32 FEET; THENCE NORTH 71 DEGREES 48 MINUTES 40 SECONDS WEST 234.02 FEET, THENCE NORTH 03 DEGREES 33 MINUTES 40 SECONDS EAST 292.5 FEET TO THE POINT OF BEGINNING.

More commonly known as 47277 Grand River Avenue

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CONTAINING 1988 SQUARE FEET OR 0.05 ACRES OF LAND, MORE OR LESS.

TEMPORARY GRADING EASEMENT LEGAL DESCRIPTION

THE NORTH 14.5 FEET OF THE PARENT PARCEL EXCEPT THE HIGHWAY EASEMENT DESCRIBED ABOVE.

CONTAINING 1165 SQUARE FEET OR 0.03 ACRES OF LAND MORE OR LESS.

BASIS OF BEARING STATEMENT

BEARING FOR THE PROPOSED EASEMENTS WERE BASED UPON GEODETIC OBSERVATIONS ON THE WEST LINE OF SECTION 16, TOWN 01 NORTH, RANGE 08 EAST.

PARCEL DESCRIPTION 22-16-151-012

PARENT PARCEL LEGAL DESCRIPTION LIBER 13821, PAGE 739.

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AND

LIBER 13821, PAGE 740.

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AND

LIBER 13821, PAGE 741.

PART OF THE NORTHWEST 1/4 OF SECTION 16, TOWN 01 NORTH, RANGE 08 EAST, CITY OF NOVI, OAKLAND COUNTY, MICHIGAN, DESCRIBED AS COMMENCING AT THE WEST 1/4 CORNER OF SAID SECTION; THENCE N 00°36'00" EAST ALONG THE WEST LINE OF SAID SECTION, 585.34 FEET, THENCE SOUTH 70°48'40" EAST 378.00 FEET TO THE POINT OF BEGINNING THENCE NORTH 00°33'14" EAST 297.32 FEET TO THE SOUTHERLY RIGHT-OF-WAY LINE OF GRAND RIVER AVENUE (100' WIDE); THENCE SOUTH 70°48'40" EAST ALONG SAID RIGHT-OF-WAY LINE, 200.00 FEET; THENCE SOUTH 00°33'14" WEST 297.32 FEET; THENCE NORTH 70°48'40" WEST 200.00 FEET TO THE POINT OF BEGINNING, CONTAINING 1.293 ACRES AND ALSO SUBJECT TO ANY EASEMENTS OF RECORD.

EXCEPT

TITLE IN FEE SIMPLE, INCLUDING ALL STRUCTURES, TREES AND OTHER IMPROVEMENTS TO: THAT PART OF TRACT "A" WHICH LIES WITHIN A PARCEL DESCRIBED AS: COMMENCING AT THE WEST 114 CORNER OF SECTION 16, TOWN 1 NORTH, RANGE 8 EAST, CITY OF NOVI, OAKLAND COUNTY, MICHIGAN; THENCE NORTH 2°31'28" WEST, 575.99 FEET ALONG THE WEST LINE OF SAID SECTION 16 TO THE POINT OF CURVATURE OF A 16,400.00 FOOT RADIUS CURVE TO THE LEFT; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE 242.29 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE NORTH 3°22'26" WEST, 6.83 FEET TO THE POINT OF BEGINNING; THENCE NORTH 48°29'36" EAST, 57.73 FEET; THENCE SOUTH 73°57'56" EAST, 19.50 FEET; THENCE NORTH 16°02'04" EAST, 60.50 FEET TO A POINT ON THE EXISTING CENTERLINE OF GRAND RIVER AVENUE; THENCE NORTH 73°57'56" WEST, 88.96 FEET; THENCE SOUTH 3°22'16" EAST, 115.79 FEET TO THE POINT OF BEGINNING.

THE LAND DESCRIBED ABOVE IN FEE CONTAIN 1,757 SQUARE FEET, MORE OR LESS, OF WHICH 1,366 SQUARE FEET, MORE OR LESS, IS SUBJECT TO AN EXISTING RIGHT OF WAY EASEMENT.

More commonly known as 47277 Grand River, Novi, MI 48374

HIGHWAY EASEMENT LEGAL DESCRIPTION

PART OF THE NORTHWEST 1/4 OF SECTION 16, TOWN 01 NORTH, RANGE 08 EAST, CITY OF NOVI, OAKLAND COUNTY, MICHIGAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A PORTION OF THE PARENT PARCEL LYING NORTH OF THE LINES DESCRIBED BELOW:

COMMENCING AT THE WEST 1/4 OF SAID SECTION 16; THENCE NORTH 02.31'26" WEST 776.94 FEET ALONG THE WEST LINE OF SAID SECTION 16; THENCE NORTH 28.21'23" EAST 64.30 FEET TO THE POINT OF BEGINNING (A); THENCE NORTH 74.31'44" EAST 52.15 FEET; THENCE SOUTH 73.56'56" EAST 70.91 FEET TO THE POINT OF ENDING (A).

CONTAINING 1500 SQUARE FEET OR 0.03 ACRES OF LAND MORE OR LESS

AND

COMMENCING AT THE WEST 1/4 OF SAID SECTION 16; THENCE NORTH 02.31'26" WEST 776.94 FEET ALONG THE WEST LINE OF SAID SECTION 16; THENCE SOUTH 88.54'14" EAST 358.76 FEET TO THE POINT OF BEGINNING (B); THENCE SOUTH 74.54'48" EAST 198.88 FEET TO THE POINT OF ENDING (B).

CONTAINING 1149 SQUARE FEET OR 0.03 ACRES OF LAND MORE OR LESS

TEMPORARY GRADING EASEMENT

PART OF THE NORTHWEST 1/4 OF SECTION 16, TOWN 01 NORTH, RANGE 08 EAST, CITY OF NOVI, OAKLAND COUNTY, MICHIGAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A PORTION OF THE PARENT PARCEL LYING NORTH OF THE LINES DESCRIBED BELOW:

COMMENCING AT THE WEST 1/4 OF SAID SECTION 16; THENCE NORTH 02.31'31" WEST 776.94 FEET ALONG THE WEST LINE OF SAID SECTION 16; THENCE NORTH 43.07'58" EAST 46.14 FEET TO THE POINT OF BEGINNING (C); THENCE NORTH 87.28'32" EAST 30 FEET; THENCE NORTH 02'31'26" WEST 25.38 FEET; THENCE NORTH 75.09'46" EAST 21.05 FEET; THENCE SOUTH 74.02'55" EAST 70.89 FEET TO THE POINT OF ENDING (C). EXCEPT FOR THE HIGHWAY EASEMENT PREVIOUSLY DESCRIBED.

CONTAINING 1206 SQUARE FEET OR 0.03 ACRES OF LAND MORE OR LESS AND

COMMENCING AT THE WEST 1/4 OF SAID SECTION 16; THENCE NORTH 02.31'31" WEST 776.94 FEET ALONG THE WEST LINE OF SAID SECTION 16; THENCE SOUTH 87.48'03" EAST 359.27 FEET TO THE POINT OF BEGINNING (D); THENCE SOUTH 74.02'55" EAST 199.87 FEET TO THE POINT OF ENDING (D). EXCEPT FOR THE HIGHWAY EASEMENT PREVIOUSLY DESCRIBED

CONTAINING 1613 SQUARE FEET OR 0.04 ACRES OF LAND MORE OR LESS

BASIS OF BEARING STATEMENT

BEARING FOR THE PROPOSED EASEMENTS WERE BASED UPON GEODETIC OBSERVATIONS ON THE WEST LINE OF SECTION 16, TOWN 01 NORTH, RANGE 08 EAST.

- 2. Names of Property Owner: Joanne Ward.
- 3. Names of each person, other than the Owners, having a potential interest in the property: None.
- 4. Value of Easements based on Appraisal of Property Before and After the Taking:
 - Permanent Highway Easements: \$ 63,000.00
 - Temporary Construction Easements: \$ 1,100.00
- 5. The City of Novi reserves it rights to bring Federal or State cost recovery actions against the present owner of the property.

CITY OF NOVI

BY: _____
Peter Auger
City Manager

Dated: _____, 2015

STATE OF MICHIGAN)
) ss.
COUNTY OF OAKLAND)

The foregoing Declaration of Taking was acknowledged before me this ____ day of _____, 2015, by Peter Auger, as the City Manager, on behalf of the City of Novi.

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

Prepared by and when recorded return to:
Elizabeth K. Saarela (P 60265)
27555 Executive Drive, Suite 250
Farmington Hills, MI 48331
Phone: (248) 489-4100
Tax Identification No: _____

AGREEMENT OF SALE
OFFER TO PURCHASE REAL PROPERTY

1. The City of Novi, a Michigan municipal corporation (hereinafter "City"), hereby offers and agrees to purchase a permanent Highway Easement and Temporary Construction Easement over real property within the City of Novi, described as:

PARCEL DESCRIPTION (22-16-151-010)

PART OF SECTION 16, TOWN 01 NORTH, RANGE 08 EAST, CITY OF NOVI, OAKLAND COUNTY, MICHIGAN, BEING PART OF THE WEST 1/2 OF THE NORTHWEST 1/4 OF SAID SECTION 16, BEGINNING AT A POINT DISTANT NORTH 00 DEGREES 36 MINUTES 00 SECONDS EAST, 882.59 FEET AND SOUTH 70 DEGREES 48 MINUTES 40 SECONDS EAST, 159.92 FEET FROM THE WEST 1/4 CORNER, THENCE SOUTH 70 DEGREES 48 MINUTES 40 SECONDS EAST 217.82 FEET, THENCE SOUTH 00 DEGREES 33 MINUTES 14 SECONDS WEST 297.32 FEET; THENCE NORTH 71 DEGREES 48 MINUTES 40 SECONDS WEST 234.02 FEET, THENCE NORTH 03 DEGREES 33 MINUTES 40 SECONDS EAST 292.5 FEET TO THE POINT OF BEGINNING.

More commonly known as 47277 Grand River Avenue

HIGHWAY EASEMENT LEGAL DESCRIPTION

PART OF THE NORTHWEST 1/4 OF SECTION 16, TOWN 01 NORTH, RANGE 08 EAST, CITY OF NOVI, OAKLAND COUNTY, MICHIGAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A PORTION OF THE PARENT PARCEL LYING NORTH OF THE LINES DESCRIBED BELOW:

COMMENCING AT THE WEST 1/4 OF SAID SECTION 16; THENCE NORTH 02°31'26" WEST 776.94 FEET ALONG THE WEST LINE OF SAID SECTION 16; THENCE NORTH 71°18'13" EAST 157.40 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 73°56'56" EAST 69.36 FEET; THENCE SOUTH 74°54'48" EAST 148.20 FEET TO THE POINT OF ENDING.

CONTAINING 1988 SQUARE FEET OR 0.05 ACRES OF LAND, MORE OR LESS.

TEMPORARY GRADING EASEMENT LEGAL DESCRIPTION

THE NORTH 14.5 FEET OF THE PARENT PARCEL EXCEPT THE HIGHWAY EASEMENT DESCRIBED ABOVE.

CONTAINING 1165 SQUARE FEET OR 0.03 ACRES OF LAND, MORE OR LESS.

BASIS OF BEARING STATEMENT

BEARING FOR THE PROPOSED EASEMENTS WERE BASED UPON GEODETIC OBSERVATIONS ON THE WEST LINE OF SECTION 16, TOWN 01 NORTH, RANGE 08 EAST.

PARCEL DESCRIPTION 22-16-151-012

PARENT PARCEL LEGAL DESCRIPTION LIBER 13821, PAGE 739.

PART OF THE NORTHWEST 1/4 OF SECTION 16, TOWN 01 NORTH, RANGE 08 EAST, CITY OF NOVI, OAKLAND COUNTY, MICHIGAN, DESCRIBED AS COMMENCING AT THE WEST 1/4 CORNER OF SAID SECTION; THENCE N 00°36'00" EAST ALONG THE WEST LINE OF SAID SECTION, 585.34 FEET TO THE POINT OF BEGINNING; THENCE N 00°36'00" EAST ALONG SAID WEST LINE, 297.25 FEET TO THE SOUTHERLY RIGHT-OF-WAY LINE OF GRAND RIVER AVENUE (100' WIDE); THENCE S 70°48'40" EAST ALONG SAID RIGHT OF WAY LINE, 159.92 FEET; THENCE S 03°33'40" WEST 292.55 FEET; THENCE N 70°48'40" WEST 143.98 FEET TO THE POINT OF BEGINNING, CONTAINING 0.983 ACRES AND ALSO SUBJECT TO ANY EASEMENTS OF RECORD.

AND

LIBER 13821, PAGE 740.

PART OF THE NORTHWEST 1/4 OF SECTION 16, TOWN 01 NORTH, RANGE 08 EAST, CITY OF NOVI, OAKLAND COUNTY, MICHIGAN, DESCRIBED AS BEGINNING AT THE WEST 1/4 CORNER OF SAID SECTION; THENCE NORTH 00°36'00" EAST ALONG THE WEST LINE OF SAID SECTION, 585.34 FEET; THENCE SOUTH 70°48'40" EAST 578.00 FEET; THENCE SOUTH 00°33'14" WEST 395.77 FEET TO THE EAST & WEST 1/4 LINE OF SAID SECTION; THENCE NORTH 89°57'22" WEST ALONG SAID LINE, 548.19 FEET TO THE POINT OF BEGINNING, CONTAINING 6.170 ACRES AND ALSO SUBJECT TO ANY EASEMENTS OF RECORD.

AND

LIBER 13821, PAGE 741.

PART OF THE NORTHWEST 1/4 OF SECTION 16, TOWN 01 NORTH, RANGE 08 EAST, CITY OF NOVI, OAKLAND COUNTY, MICHIGAN, DESCRIBED AS COMMENCING AT THE WEST 1/4

CORNER OF SAID SECTION;THENCE N 00°36'00" EAST ALONG THE WEST LINE OF SAID SECTION, 585.34 FEET, THENCE SOUTH 70°48'40" EAST 378.00 FEET TO THE POINT OF BEGINNING THENCE NORTH 00°33'14" EAST 297.32 FEET TO THE SOUTHERLY RIGHT-OF-WAY LINE OF GRAND RIVER AVENUE (100' WIDE);THENCE SOUTH 70°48'40" EAST ALONG SAID RIGHT-OF-WAY LINE, 200.00 FEET; THENCE SOUTH 00°33'14" WEST 297.32 FEET; THENCE NORTH 70°48'40" WEST 200.00 FEET TO THE POINT OF BEGINNING, CONTAINING 1.293 ACRES AND ALSO SUBJECT TO ANY EASEMENTS OF RECORD.

EXCEPT

TITLE IN FEE SIMPLE, INCLUDING ALL STRUCTURES, TREES AND OTHER IMPROVEMENTS TO: THAT PART OF TRACT "A" WHICH LIES WITHIN A PARCEL DESCRIBED AS: COMMENCING AT THE WEST 114 CORNER OF SECTION 16, TOWN 1 NORTH, RANGE 8 EAST, CITY OF NOVI, OAKLAND COUNTY, MICHIGAN; THENCE NORTH 2°31'28" WEST, 575.99 FEET ALONG THE WEST LINE OF SAID SECTION 16 TO THE POINT OF CURVATURE OF A 16,400.00 FOOT RADIUS CURVE TO THE LEFT; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE 242.29 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE NORTH 3°22'26" WEST, 6.83 FEET TO THE POINT OF BEGINNING; THENCE NORTH 48°29'36" EAST, 57.73 FEET; THENCE SOUTH 73°57'56" EAST, 19.50 FEET; THENCE NORTH 16°02'04" EAST, 60.50 FEET TO A POINT ON THE EXISTING CENTERLINE OF GRAND RIVER AVENUE; THENCE NORTH 73°57'56" WEST, 88.96 FEET; THENCE SOUTH 3°22'16" EAST, 115.79 FEET TO THE POINT OF BEGINNING.

THE LAND DESCRIBED ABOVE IN FEE CONTAIN 1,757 SQUARE FEET, MORE OR LESS, OF WHICH 1,366 SQUARE FEET, MORE OR LESS, IS SUBJECT TO AN EXISTING RIGHT OF WAY EASEMENT.

More commonly known as 47277 Grand River, Novi, MI 48374

HIGHWAY EASEMENT LEGAL DESCRIPTION

PART OF THE NORTHWEST 1/4 OF SECTION 16, TOWN 01 NORTH, RANGE 08 EAST, CITY OF NOVI, OAKLAND COUNTY, MICHIGAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A PORTION OF THE PARENT PARCEL LYING NORTH OF THE LINES DESCRIBED BELOW:

COMMENCING AT THE WEST 1/4 OF SAID SECTION 16; THENCE NORTH 02.31'26" WEST 776.94 FEET ALONG THE WEST LINE OF SAID SECTION 16; THENCE NORTH 28.21'23" EAST 64.30 FEET TO THE POINT OF BEGINNING (A); THENCE NORTH 74.31'44" EAST 52.15 FEET; THENCE SOUTH 73.56'56" EAST 70.91 FEET TO THE POINT OF ENDING (A).

CONTAINING 1500 SQUARE FEET OR 0.03 ACRES OF LAND, MORE OR LESS.

AND

COMMENCING AT THE WEST 1/4 OF SAID SECTION 16; THENCE NORTH 02.31'26" WEST 776.94 FEET ALONG THE WEST LINE OF SAID SECTION 16; THENCE SOUTH 88.54'14" EAST 358.76 FEET TO THE POINT OF BEGINNING (B); THENCE SOUTH 74.54'48" EAST 198.88 FEET TO THE POINT OF ENDING (B).

CONTAINING 1149 SQUARE FEET OR 0.03 ACRES OF LAND, MORE OR LESS.

TEMPORARY GRADING EASEMENT

PART OF THE NORTHWEST 1/4 OF SECTION 16, TOWN 01 NORTH, RANGE 08 EAST, CITY OF NOVI, OAKLAND COUNTY, MICHIGAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A PORTION OF THE PARENT PARCEL LYING NORTH OF THE LINES DESCRIBED BELOW:

COMMENCING AT THE WEST 1/4 OF SAID SECTION 16; THENCE NORTH 02.31'31" WEST 776.94 FEET ALONG THE WEST LINE OF SAID SECTION 16; THENCE NORTH 43.07'58" EAST 46.14 FEET TO THE POINT OF BEGINNING (C); THENCE NORTH 87.28'32" EAST 30 FEET; THENCE NORTH 02'31'26" WEST 25.38 FEET; THENCE NORTH 75.09'46" EAST 21.05 FEET; THENCE SOUTH 74.02'55" EAST 70.89 FEET TO THE POINT OF ENDING (C). EXCEPT FOR THE HIGHWAY EASEMENT PREVIOUSLY DESCRIBED.

CONTAINING 1206 SQUARE FEET OR 0.03 ACRES OF LAND, MORE OR LESS, AND

COMMENCING AT THE WEST 1/4 OF SAID SECTION 16; THENCE NORTH 02.31'31" WEST 776.94 FEET ALONG THE WEST LINE OF SAID SECTION 16; THENCE SOUTH 87.48'03" EAST 359.27 FEET TO THE POINT OF BEGINNING (D); THENCE SOUTH 74.02'55" EAST 199.87 FEET TO THE POINT OF ENDING (D). EXCEPT FOR THE HIGHWAY EASEMENT PREVIOUSLY DESCRIBED

CONTAINING 1613 SQUARE FEET OR 0.04 ACRES OF LAND MORE OR LESS

BASIS OF BEARING STATEMENT

BEARING FOR THE PROPOSED EASEMENTS WERE BASED UPON GEODETIC OBSERVATIONS ON THE WEST LINE OF SECTION 16, TOWN 01 NORTH, RANGE 08 EAST.

and to pay therefore the sum of Sixty Four Thousand One Hundred Dollars (\$64,100.00), subject to the existing building and use restrictions, easements, and zoning ordinances, if any, upon the following conditions:

- (i) Delivery of the Highway Easement above
- (ii) Delivery of the Temporary Construction Easement above

2. Upon Seller's acceptance of this Offer to Purchase, as evidence of title, the City agrees to obtain a commitment for the title insurance with policy pursuant thereto to be issued insuring the City. The City will pay the cost of the title insurance policy premium.

3. If this offer is accepted by the Seller and if title can be conveyed in the condition required hereunder, the City agrees to complete the sale within fifteen (15) days after the receipt of the commitment for title insurance.

4. If objection to the title is made, based on a written opinion of the City Attorney that the title is not in the condition required for the performance hereunder, the Sellers shall have thirty (30) days from the date they are notified in writing of the particular defects claimed, to fulfill the requirements in the commitment for title insurance or to remedy the title defects set forth in the City Attorney's opinion. If the Seller is able to comply with such requirements or remedy such defects within the time specified, as evidenced by written notification, revised commitment or endorsement to commitment, the City agrees to complete the sale within twenty (20) days of receipt thereof. If the Seller is unable to furnish satisfactory title within the time specified, the City will commence condemnation proceedings to acquire the Property.

5. The Seller shall deliver and the City shall accept possession of said Property upon the date of closing.

6. It is understood that the Property is being acquired in connection with the construction of a second eastbound turn lane on Grand River approaching Beck Road requiring the widening of Grand River and relocation of the existing pathway and utility poles along the frontage of the 47277 Grand River Avenue and 26900 Beck Road Property over, across, upon and through the above-described premises on New Court in the City of Novi, Michigan.

7. The City shall pay the cost of recording the permanent Highway Easement and the cost of all Michigan Real Estate Transfer Tax.

8. The City reserves its right to bring Federal or State cost recovery actions against the present owners of the Property arising out of a release of hazardous substances at the Property.

9. The covenants herein shall bind and inure to the benefit of the executors, administrators, successors, and assigns of the respective parties.

10. If this Offer to Purchase is not accepted by Seller within seven (7) days from the date of its mailing to Seller, this Offer to Purchase shall be considered withdrawn and of no further force and effect.

11. This Offer to Purchase may be executed in one or more counterparts as one Agreement and shall be binding upon the City and the hereafter named Seller when executed by the City of Novi and all of the hereafter named Seller.

The closing of this sale shall take place at the City of Novi offices located at 45175 Ten Mile Road, Novi, Michigan.

WITNESSES:

PURCHASER:

CITY OF NOVI, a Michigan
municipal corporation

By: ROBERT J. GATT
Its: Mayor

By: MARYANNE CORNELIUS
Its: City Clerk

Dated: _____, 2015

To the Above Named Purchaser:

The foregoing offer is hereby accepted and the Seller agrees to sell the Property upon the terms stated:

By the execution of this instrument, the Seller acknowledges the receipt of a copy of this Agreement.

IN THE PRESENCE OF:

SELLER:
JOANNE WARD

By: _____

PURCHASER'S RECEIPT OF ACCEPTED OFFER

The Purchaser hereby acknowledges receipt of the Seller's signed acceptance of the foregoing Offer to Purchase.

CITY OF NOVI, a Michigan
municipal corporation, Purchaser

BY: _____

Its: _____

Dated: _____, 2015