SUBJECT:

Acceptance of a sidewalk easement as a donation from MI Developments (America) Inc. as part of the approved site plan for Magna on Haggerty Road, south of Lewis Drive (parcel 22-12-200-026).

SUBMITTING DEPARTMENT: Department of Public Services, Engineering Division GDM

CITY MANAGER APPROVAL: GDM

BACKGROUND INFORMATION:

In 2003, Magna agreed to provide a Sidewalk Easement to the City in accordance with the approved site plan. The site is located on Haggerty Road south of Lewis Drive (see attached map). Magna has installed the sidewalk in accordance with the original approved site plan and the site inspections have been completed.

The sidewalk easement has been favorably reviewed by the City Attorney (Elizabeth Kudla’s May 6, 2009 letter) and is recommended for approval.

RECOMMENDED ACTION:

Acceptance of a sidewalk easement as a donation from MI Developments (America) Inc. as part of the approved site plan for Magna on Haggerty Road, south of Lewis Drive (parcel 22-12-200-026).
May 6, 2009

Benjamin Croy, Civil Engineer
City of Novi
Public Services – Engineering Operations Division
26300 Delval Drive
Novi, Michigan 48375

Re: Magna
Easement for Sidewalk “Jog” on Haggerty Road
Our File No. 55142.NOV

Dear Mr. Croy:

We are enclosing a Sidewalk Easement provided over a portion of the Magna site located on Haggerty Road. In 2003, Magna agreed to provide a Sidewalk Easement to the City in accordance with the approved site plan in the event that they were unable to obtain a site plan amendment to revise the existing storm outflow structures to allow the sidewalk to be constructed in a straight-line. A copy of the “Letter of Understanding” executed by Magna has also been enclosed.

We have since determined that Magna has installed the sidewalk in accordance with the original approved site plan. It is our understanding that all site inspections have been completed and all guarantees for incomplete site work have been released, including the bond referenced in the “Letter of Understanding.”

We prepared the Sidewalk Easement in the City’s standard format. Subject to Engineering’s approval of the legal description, we recommend placement of the Sidewalk Easement on an upcoming City Council Agenda for approval.

We are forwarding the original Sidewalk Easement to the City Clerk’s Office for recording upon acceptance by City Council.

If you have any questions regarding the above, please call me.

Very truly yours,

EMK
Enclosures

cc: Maryanne Cornelius, City Clerk (w/ Original Enclosures)
    Steve Rumple, Community Development Director (w/Enclosures)
    Rob Hayes, DPS Director (w/Enclosures)
    Sue Troutman, City Clerk’s Office (w/Enclosures)
    Thomas R. Schultz, Esquire (w/Enclosures)
NOW ALL MEN BY THESE PRESENTS, that MI Developments (America) Inc., a Delaware Corporation, whose address is 455 Magna Drive, Aurora, Ontario, Canada, L4G7A9, for and in consideration of One ($1.00) Dollar, receipt and sufficiency of which is hereby acknowledged, hereby grants and conveys to the City of Novi, a Michigan Municipal Corporation, whose address is 45175 West Ten Mile Road, Novi, Michigan 48375, being exempt pursuant to MCLA 207.505(a), and MCLA 207.526 (a) a permanent easement for a public walkway over across and through property located in Section 12, T.1N., R.8E., City of Novi, Oakland County, State of Michigan, more particularly described as follows:

{See attached and incorporated Exhibit A – Property Description Exhibit}

The permanent easement for the public walkway is more particularly described as follows:

{See attached and incorporated Exhibit B – Sidewalk Easement Area}

Grantee may enter upon sufficient land adjacent to said easement for the purpose of exercising the rights and privileges granted herein.

Grantee may install, repair, replace, improve, modify and maintain the easement area as shown in the attached and incorporated Exhibit B.

Grantor agrees not to build or to convey to others permission to build any structures or improvements on, over, across, in, through, or under the above-described easement.

This instrument shall run with the land first described above and shall be binding upon and inure to the benefit of the Grantor, Grantee, and their respective heirs, representatives, successors and assigns.

This easement shall allow public pedestrian and non-motorized traffic and shall permit maintenance, repair and replacement of the paving in the easement area.

Exempt pursuant to MCLA 207.505(a) and MCLA 207.526(a)
This instrument shall be binding and inure to the benefit of the parties hereto, their heirs, representatives, successors and assigns.

Dated this 20th day of February, 2009

Signed by:

GRANTOR

MI DEVELOPMENTS (AMERICA) INC., a Delaware Corporation

By: Donald Cameron
Chief Operating Officer

PROVINCE OF ONTARIO)
REGION OF YORK)

The foregoing instrument was acknowledged before me this 20th day of February, 2009, by _______________, a ____________ on behalf of the company.

Notary Public
County, Michigan
My Commission Expires: ____________

Drafted by:
Elizabeth M. Kudla
30903 Northwestern Hwy
Farmington Hills, MI 48334

When recorded return to:
Maryanne Cornelius, Clerk
City of Novi
45175 W. Ten Mile Rd
Novi, MI 48375
Situated in the City of Novi, Oakland County, Michigan, described as:

Part of the East 1/2 of Section 12, Town 1 North, Range 8 East, City of Novi, Oakland County, Michigan, described as: commencing at the East 1/4 corner of said Section 12: thence North 02 degrees 34 minutes 57 seconds West. 779.25 feet along the East line at said Section 12, also being the centerline of Haggerty Road to the point of beginning: thence along the East line of Section 12. North 02 degrees 34 minutes 57 seconds West. 198.51 feet: thence South 85 degrees 29 minutes 34 seconds West. 225.69 feet; thence North 49 degrees 15 minutes 56 seconds East. 1010.48 feet; thence North 87 degrees 25 minutes 03 seconds East, 373.41 feet to the point of beginning.
Exhibit B - Sidewalk Easement Area

LEGAL DESCRIPTION - OVERALL PARCEL:

Port of the East 1/2 of Section 12, Township 1 North, Range 8 East, City of Novi, Oakland County, Michigan, being more particularly described as:

Beginning at the East 1/4 Corner of said Section 12; thence N 02°34'57" W, 977.77 feet along the east line of said Section 12, also being the centerline of Haggerty Road; thence S 85°29'34" W, 225.69 feet; thence N 49°30'26" W, 15.56 feet; thence S 85°29'34" W, 1138.06 feet; thence S 02°38'47" E, 961.64 feet; thence N 86°37'22" E, 1373.43 feet to the Point of Beginning, containing 30.70 acres of land, more or less, and subject to easements and restrictions of record, if any.

LEGAL DESCRIPTION - SIDEWALK EASEMENT:

Port of the East 1/2 of Section 12, Township 1 North, Range 8 East, City of Novi, Oakland County, Michigan, being more particularly described as:

Commencing at the East 1/4 Corner of said Section 12; thence S 86°37'22" W, 60.03 feet to the proposed east line of Haggerty Road (90' half-width); thence along said east line, N 02°34'57" W, 674.53 feet to a point 5.00 feet southwest of, measured at a right angle to, the westerly edge of an existing sidewalk and the Point of Beginning;

thence along a line parallel to and 5.00 feet westerly of said existing sidewalk, N 31°37'53" W, 47.51 feet; thence along a line parallel to and 5.00 feet westerly of said existing sidewalk, N 02°34'57" W, 67.09 feet; thence along a line parallel to and 5.00 feet westerly of said existing sidewalk, N 26°53'57" E, 46.88 feet to the aforementioned proposed east line of Haggerty Road; thence along said east line, S 02°34'57" E, 149.44 feet to the Point of Beginning.

LEGEND

SECTION CORNER RECORD

GRAPHIC SCALE
1" = 100'

PROFESSIONAL ENGINEERING ASSOCIATES

MI DEVELOPMENTS INC.
455 Magna Drive
Aurora, Ontario, L4G 7A9

SCALE: 1" = 100'

DATE: 2-5-09

JOB No: 2009014

DWG. No: 1 of 1

SCALE: 1" = 100'

DATE: 2-5-09

JOB No: 2009014

DWG. No: 1 of 1
June 12, 2009
File: 2075113000

City of Novi Engineering Division
45175 West Ten Mile Road
Novi, Michigan 48375

Attention: Mr. Aaron Staup

Dear Mr. Staup:

Reference: Magna Interior Systems
SP# 00-07
Site Work Final Approval

Please be advised that the public site utilities, grading, and paving for the above referenced project have been completed in accordance with the approved construction plans under the observation of Stantec. At this time, we recommend that the Incomplete Site Work/Utilities Financial Guarantee can be released.

Please note that we have not addressed any items related to landscaping, woodlands or wetlands because we assume that the appropriate City staff or consultants will address these issues.

If you have any questions, please do not hesitate to contact us.

Sincerely,

STANTEC CONSULTING MICHIGAN INC.

Dean Trella
Construction Services
Tel: (734) 214-1829
Fax: (734) 761-1200
dean.trella@stantec.com

c. Marina Neumaier, City of Novi (via e-mail)
Sarah Marchioni, City of Novi (via e-mail)
Sheila Weber, City of Novi (via e-mail)
Mario Pecile, MI Developments Inc. (via e-mail)
George Tsakoff, Stantec (via e-mail)