

# CITY of NOVI CITY COUNCIL

Agenda Item **F**  
 October 6, 2008

**SUBJECT:** Acceptance of Brookhaven Condominium Subdivision street and adoption of Act 51 New Street Resolution accepting Myrtle Drive as public, adding 576 linear feet or 0.11 miles of roadway to the City's street system.

**SUBMITTING DEPARTMENT:** Engineering *RJA*

**CITY MANAGER APPROVAL:** *[Signature]*

**BACKGROUND INFORMATION:**

The Brookhaven Condominium Association has dedicated the single street (Myrtle Drive) within this development and requested to the City of Novi that it be made public. Myrtle Drive has been constructed in accordance with City Standards, and according to the Attorneys and consulting engineers, the infrastructure and related acceptance documents are in a form so as to permit acceptance by Council (September 23, 2008 letter from Beth Kudla, and April 9, 2007 Stantec letter, attached).

A requirement for inclusion in Act 51 certification is the submittal of a formal Resolution confirming Council acceptance of specific streets listing the length of each. The attached Resolution satisfies the Michigan Department of Transportation requirement for adding 576 linear feet or 0.11 miles of roadway to Act 51 funding.

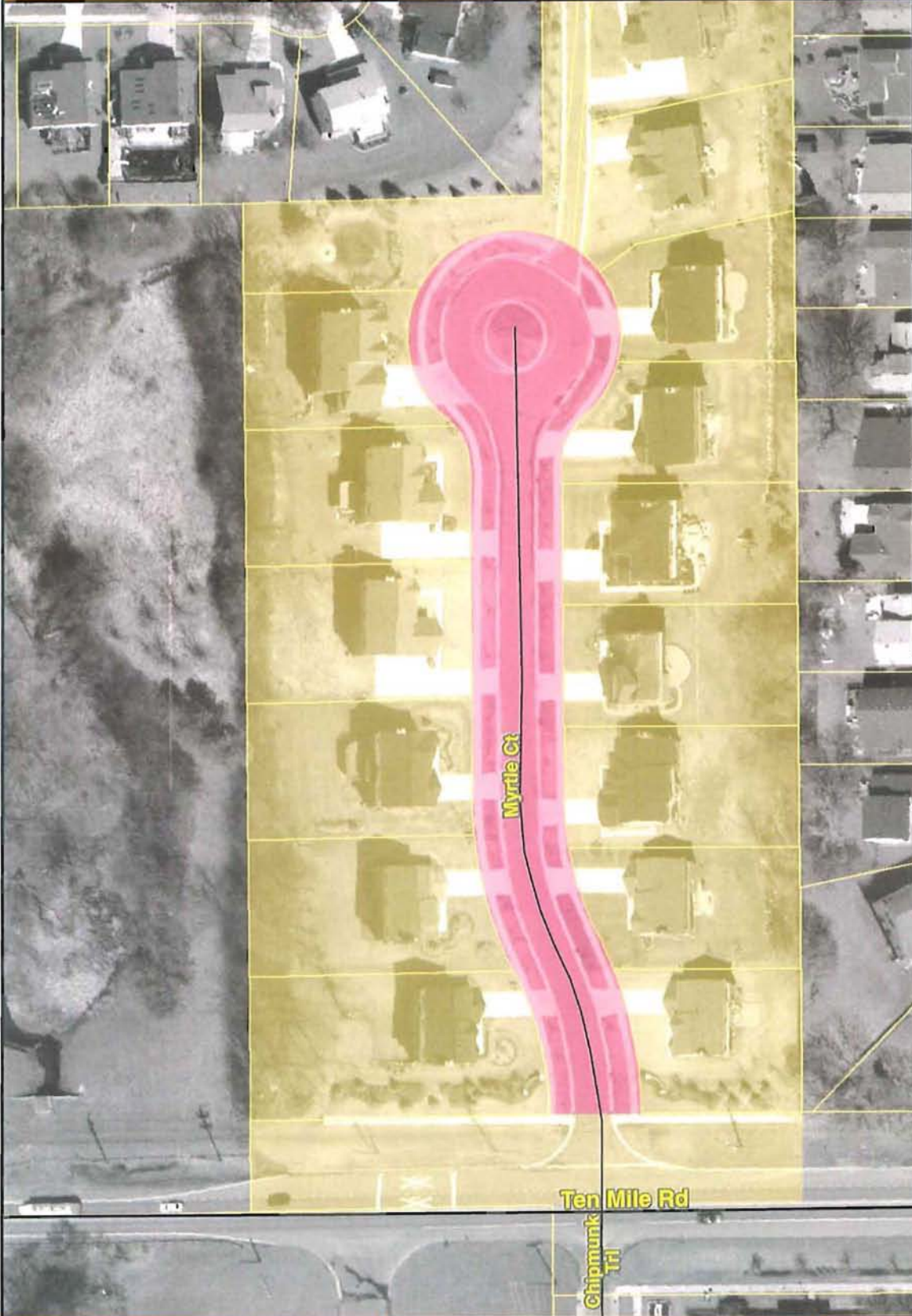
**RECOMMENDED ACTION:** Acceptance of Brookhaven Condominium Subdivision street and adoption of Act 51 New Street Resolution accepting Myrtle Drive as public, adding 576 linear feet or 0.11 miles of roadway to the City's street system.

	1	2	Y	N
Mayor Landry				
Mayor Pro Tem Capello				
Council Member Crawford				
Council Member Gatt				


	1	2	Y	N
Council Member Margolis				
Council Member Mutch				
Council Member Staudt				

# BROOKHAVEN CONDOMINIUM


Acceptance of Streets & Right-of-Ways  
City of Novi Engineering Division



**Legend**



Streets  
 — Major  
 — Minor  
 Proposed ROW Acceptance  
 Brookhaven Condominium  
 Tax Parcel Boundaries



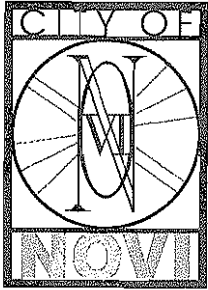
**Street & ROW Acceptance Details**  
 576 Linear Feet of Streets on Myrtle Court  
 & 60-Foot Right-of-Way

**CITY OF NOVI**  
 ENGINEERING DIVISION  
 45175 W. TEN MILE ROAD  
 NOVI, MI 48375-3024  
 (248) 347-0454  
 MAP AUTHOR: Christopher Blough,  
 City GIS Manager



**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.

09/29/2008



**CITY OF NOVI**

**NEW STREET ACCEPTANCE RESOLUTION**

**BROOKHAVEN CONDOMINIUM**

**CITY COUNCIL**

**Mayor**  
David B. Landry

**Mayor Pro Tem**  
Kim Capello

Bob Gatt

Terry K. Margolis

Andrew Mutch

Kathy Crawford

Dave Staudt

**City Manager**  
Clay J. Pearson

**City Clerk**  
Maryanne Cornelius

**WHEREAS,** the Brookhaven Condominium Association has requested the acceptance of Myrtle Drive by the Novi City Council; and,

**WHEREAS,** said street within Brookhaven condominium subdivision is now located within rights-of-way under the control of the City of Novi, has been constructed to City standards, and is open to the public; and,

**WHEREAS,** Myrtle Drive is 576 linear feet adding a total of 0.11 miles of roadway surface to Novi's public street system.

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Novi City Council hereby accept Myrtle Drive and direct such be included in the City's public street system.

**CERTIFICATION**

I, Maryanne Cornelius, duly appointed City Clerk of the City of Novi, do 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 a Regular meeting held this 6th day of October, 2008.

---

Maryanne Cornelius  
City Clerk

September 23, 2008

30903 Northwestern Highway  
P.O. Box 3040  
Farmington Hills, MI 48333-3040  
Tel: 248-851-9500  
Fax: 248-851-2158  
www.secretwardle.com

Elizabeth M. Kudla  
Direct: 248-539-2846  
bkudla@secretwardle.com

Rob Hayes, City Engineer  
CITY OF NOVI  
45175 West Ten Mile Road  
Novi, Michigan 48375-3024

**Re: Brookhaven Condominium  
Street Acceptance  
Our File No. 55142.NOV**

Dear Mr. Hayes:

The Brookhaven Condominium Association has requested the City to complete acceptance of Myrtle Court within the Brookhaven Condominium Subdivision. In that regard, we have received and reviewed the following executed documents:

1. Warranty Deed
2. Bill of Sale (Street Paving)
3. Resolution of Brookhaven Condominium Association

Article III, Section 13 of the Master Deed establishing the Brookhaven Condominium, Oakland County Condominium Subdivision Plan No. 1531, recorded at Liber 29080, Page 720, Oakland County Records, provides the authority for the Condominium Association to complete dedication of utilities and rights-of-way *once all units have been sold by the Developer*. Because all units have been sold, the Association may take action to dedicate the streets in accordance with procedures set forth in the Master Deed.

In that regard, we prepared the above named documents for execution by the Condominium Association. The exhibits were prepared by Stantec at the City's request. The documents have been properly executed and may be forwarded to City Council to complete the acceptance process.

Once acceptance has been completed, the Association must file an Amendment to the Brookhaven Master Deed removing Myrtle Court from the Condominium General Common Elements. We have prepared a draft Amendment, however, a revised Replat of the Condominium must be provided for attachment prior to recording.

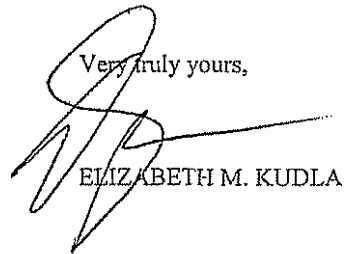
It is our understanding that the Association has requested a waiver of a Maintenance and Guarantee Bond for paving based on the age and condition of the improvements.

Because acceptance of streets is involved, and waivers of bond requirements are being requested, City Council approval is required. We are forwarding the original executed documents to the City Clerk's Office for proper processing upon City Council approval.

Finally, it should be noted that water and sanitary sewer utilities within the Condominium must also be dedicated and accepted. However, it is our understanding that the Association will be providing the necessary documentation for utilities at a later time based on the need for preparation of additional legal descriptions.

Should you have any questions or concerns in regard to this matter, please feel free to contact me.

Very truly yours,



ELIZABETH M. KUDLA

EMK

Enclosures

cc: Maryanne Cornelius, Clerk (w/Original Enclosures)  
Clay Pearson, City Manager (w/Enclosures)  
Marina Neumaier, Assistant Director of Finance (w/Enclosures)  
Aaron Staup, Construction Engineering Coordinator (w/Enclosures)  
Cindy Uglow, Neighborhood Services Coordinator (w/Enclosures)  
Jim Oegema, Brookhaven Condominium Association (w/Enclosures)  
Thomas R. Schultz, Esquire (w/Enclosures)

RESOLUTION AUTHORIZING DEDICATION OF MYRTLE COURT AS  
A PUBLIC ROAD

RECITATIONS:

Myrtle Court within the Brookhaven Condominium was established as a general common element of the Condominium pursuant the Master Deed for Brookhaven Condominium which was recorded May 8, 2003 with the Oakland County Register of Deeds and was assigned the Condominium Subdivision Plan No. 1531 and was recorded at Liber 29080, Pages 806 through 875, inclusive.

The Development and Sales Period as defined in Article III, Section 13 of the Master Deed, has ended because the Developer of the Condominium no longer owns any unit which it offers for sale.

Once the Development and Sales Period has ended the Master Deed authorizes the Brookhaven Condominium Association ("Association") to dedicate public road rights-of-way to the appropriate local authority for public use and maintenance.

The Association desires to dedicate Myrtle Court and its associated road right-of-way to the City of Novi for public use and maintenance.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

The Membership of the Association acting through its Board of Directors, pursuant to Article X, Section 5 of the Master Deed for the Brookhaven Condominium, and in accordance with Section 33 of the Michigan Condominium Act, being MCL 559.133, hereby authorizes the Association President and the Association Secretary to execute all documents necessary to complete dedication of Myrtle Court and its associated road right-of-way to the City of Novi, by contracting out the land constituting Myrtle Court from the Condominium, and conveying it to the City of Novi by Warranty Deed.

AYES:  
NAYS:  
ABSTENTIONS:  
ABSENT:

CERTIFICATION

It is hereby certified that the foregoing Resolution is a true and accurate copy of the Resolution adopted by the Board of Directors of the Brookhaven Condominium Association at a meeting duly called and held on the     th day of     , 2008, *approved by* pursuant to a written ballot as permitted by the Association Bylaws.

Brookhaven Condominium Association,

BY:      *Rochelle Huss* <sup>(President)</sup> *9/4/08*



WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, that **Brookhaven Condominium Association, Inc**, a Michigan Nonprofit Corporation (the "Association"), whose registered address is 24482 Myrtle Ct., Novi, MI 48375 conveys and warrants to 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, for the sum of One and no/100-----Dollars (\$1.00).

The Association conveys and warrants this right-of-way pursuant to the authority established in it within Article X, Section 5 of the Master Deed for Brookhaven Condominium which was recorded May 8, 2003 with the Oakland County Register of Deeds and was assigned the Condominium Subdivision Plan No. 1531 and was recorded at Liber 29080, Pages 806 through 875, inclusive.

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 8<sup>th</sup> day of September, 2008

Signed by:

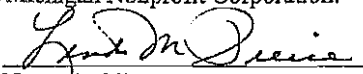
**Brookhaven Condominium Association,  
Inc**, a Michigan Nonprofit Corporation

    *Rochelle J. Russ*      
By: \_\_\_\_\_, Its President

    *K. Sudhakar*      
By: \_\_\_\_\_, Its Secretary

STATE OF MICHIGAN )  
 ) SS  
COUNTY OF OAKLAND )

The foregoing instrument was acknowledged before me this 8<sup>th</sup> day of SEPTEMBER, 2008, by ROCHELLE RUSS, the President and K. SUDHAKAR the Secretary of Brookhaven Condominium Association, Inc, a Michigan Nonprofit Corporation.

  
Notary Public

LINDA M. PIERCE \_\_\_\_\_ County, Michigan  
Notary Public, State of Michigan Commission Expires: \_\_\_\_\_  
County of Oakland  
My Commission Expires Jan. 13, 2012  
Acting in the County of OAKLAND

When Recorded Return to: Maryanne Cornelius, Clerk City of Novi 45175 West Ten Mile Road Novi, MI 48375-3024	Send Subsequent Tax Bills to: City of Novi 45175 West Ten Mile Road Novi, Michigan 48375	Drafted by: Elizabeth M. Kudla 30903 Northwestern Highway Farmington Hills, Michigan 48334
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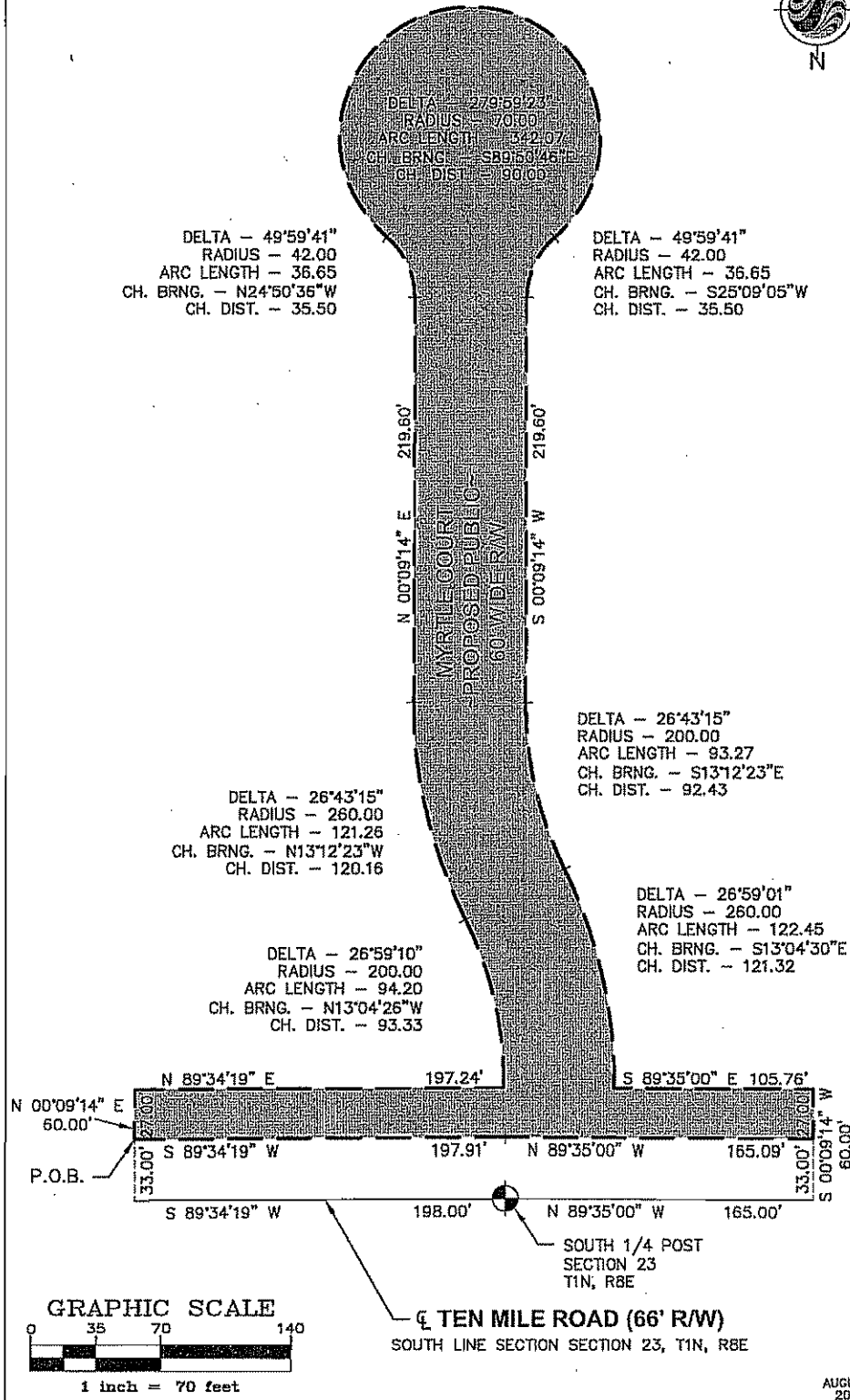
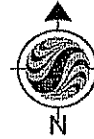
Part of Tax Parcel No. \_\_\_\_\_

Job No. \_\_\_\_\_ Recording Fee \_\_\_\_\_ Transfer Tax \_\_\_\_\_

C:\N:\Portbl\lmanage\BKUDLA\1107770\_1.DOC



RIGHT OF WAY SKETCH



AUGUST, 2008  
 2075020480



Stantec

Stantec Consulting Michigan Inc.  
 3959 Research Park Drive  
 Ann Arbor MI U.S.A.  
 48108-2216  
 Tel. 734.761.1010  
 Fax. 734.761.1200  
 www.stantec.com

Client/Project  
 CITY OF NOVI  
 RIGHT OF WAY  
 SKETCH

Figure No.  
 1 OF 2

Title  
 BROOKHAVEN SITE  
 CONDOMINIUM

A PARCEL OF LAND IN THE CITY OF NOVI, OAKLAND COUNTY, MICHIGAN, DESCRIBED AS FOLLOWS:

A PARCEL OF LAND FOR PURPOSES OF PUBLIC RIGHT OF WAY IN THE SOUTH 1/2 OF SECTION 23, TOWN 1 NORTH, RANGE 8 EAST, CITY OF NOVI, OAKLAND COUNTY, MICHIGAN, AND MORE SPECIFICALLY DESCRIBED AS COMMENCING AT THE SOUTH 1/4 POST OF SAID SECTION 23; THENCE S89°34'19"W 198.00 FEET ALONG THE SOUTH LINE OF SAID SECTION 23 AND THE CENTERLINE OF TEN MILE ROAD; THENCE N00°09'14"E 33.00 FEET TO THE NORTH LINE OF TEN MILE ROAD FOR THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE CONTINUING N00°09'14"E 27.00 FEET; THENCE N89°34'19"E 197.24 FEET PARALLEL WITH THE SOUTH LINE OF SAID SECTION 23; THENCE NORTHWESTERLY 94.20 FEET IN THE ARC OF A NON-TANGENTIAL 200.00-FOOT RADIUS CURVE TO THE LEFT, DELTA ANGLE 26°59'10", CHORD BEARING N13°04'26"W 93.33 FEET; THENCE NORTHWESTERLY 121.26 FEET IN THE ARC OF A 260.00-FOOT RADIUS CURVE TO THE RIGHT, DELTA ANGLE 26°43'15", CHORD BEARING N13°12'23"W 120.16 FEET; THENCE N00°09'14"E 219.60 FEET PARALLEL WITH THE NORTH AND SOUTH 1/4 LINE OF SAID SECTION 23; THENCE NORTHWESTERLY 36.65 FEET IN THE ARC OF A 42.00-FOOT RADIUS CURVE TO THE LEFT, DELTA ANGLE 49°59'41", CHORD BEARING N24°50'37"W 35.50 FEET; THENCE EASTERLY 342.07 FEET IN THE ARC OF A 70.00-FOOT RADIUS CURVE TO THE RIGHT, DELTA ANGLE 279°59'23", CHORD BEARING S89°50'46"W 90.00 FEET; THENCE SOUTHWESTERLY 36.65 FEET IN THE ARC OF A 42.00-FOOT RADIUS CURVE TO THE LEFT, DELTA ANGLE 49°59'41", CHORD BEARING S29°05'09"W 35.50 FEET; THENCE S00°09'14"W 219.60 FEET PARALLEL WITH THE NORTH AND SOUTH 1/4 LINE OF SAID SECTION 23; THENCE SOUTHEASTERLY 93.27 FEET IN THE ARC OF A 200.00-FOOT RADIUS CURVE TO THE LEFT, DELTA ANGLE 26°43'15", CHORD BEARING S13°12'23"E 92.43 FEET; THENCE SOUTHEASTERLY 122.45 FEET IN THE ARC OF A 260.00-FOOT RADIUS CURVE TO THE RIGHT, DELTA ANGLE 26°59'01", CHORD BEARING S13°04'30"W 121.32 FEET; THENCE S89°35'00"E 105.76 FEET; THENCE S00°09'14"W 27.00 FEET TO THE NORTH LINE OF TEN MILE ROAD; THENCE N89°35'00"W 165.09 FEET ALONG THE NORTH LINE OF TEN MILE ROAD; THENCE S89°34'19"W 197.91 ALONG THE NORTH LINE OF TEN MILE ROAD TO THE POINT OF BEGINNING.

CONTAINING 1.21 ACRES OF LAND, MORE OR LESS. SUBJECT TO EASEMENTS, RESTRICTIONS AND OTHER PERTINENT INSTRUMENTS.

AUGUST, 2008  
2075020400



**Stantec**

Stantec Consulting Michigan Inc.

3959 Research Park Drive

Ann Arbor MI U.S.A.

48108-2216

Tel. 734.761.1010

Fax. 734.761.1200

www.stantec.com

Client/Project

CITY OF NOVI

RIGHT OF WAY

SKETCH

Figure No.

2 OF 2

Title

BROOKHAVEN SITE  
CONDOMINIUM

**BILL OF SALE**

KNOW ALL MEN BY THESE PRESENTS, that that BROOKHAVEN CONDOMINIUM ASSOCIATION, INC., a Michigan Nonprofit Corporation, whose registered address is 24482 Myrtle Ct., Novi, MI 48375, for the sum of \$1.00 One Dollar, the receipt and sufficiency of which is hereby acknowledged, does hereby grant, bargain, sell and convey to the CITY OF NOVI, 45175 West Ten Mile Road, Novi, Michigan 48375, the street paving according to the easements and/or public rights-of-way therefore established described as follows:

{See the Attached and Incorporated Exhibit A}

The Association conveys and warrants this street paving pursuant to the authority established in it within Article X, Section 5 of the Master Deed for Brookhaven Condominium which was recorded May 8, 2003 with the Oakland County Register of Deeds and was assigned the Condominium Subdivision Plan No. 1531 and was recorded at Liber 29080, Pages 806 through 875, inclusive.

In witness whereof, the undersigned has executed these presents this 8th day of September, 2008.

**Brookhaven Condominium Association,  
Inc.**, a Michigan Nonprofit Corporation

Rochelle Russ

By: \_\_\_\_\_, Its President

K. Sudhakar

By: \_\_\_\_\_, Its Secretary

STATE OF MICHIGAN     )  
  ) SS  
COUNTY OF OAKLAND    )

The foregoing instrument was acknowledged before me this 8th day of SEPTEMBER, 2008 by ROCHELLE RUS, the President and K. SUDHAKAR, the Secretary of Brookhaven Condominium Association, Inc, a Michigan Nonprofit Corporation.

Linda M. Pierce  
Notary Public

\_\_\_\_\_  
County, Michigan  
My Commission Expires:

C:\N\Portbl\mmanage\BKUDLA\1107772\_1.DOC

LINDA M. PIERCE  
Notary Public, State of Michigan  
County of Oakland  
My Commission Expires Jan. 13, 2012  
Acting In the County of OAKLAND

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Client/Project

CITY OF NOVI

RIGHT OF WAY

SKETCH

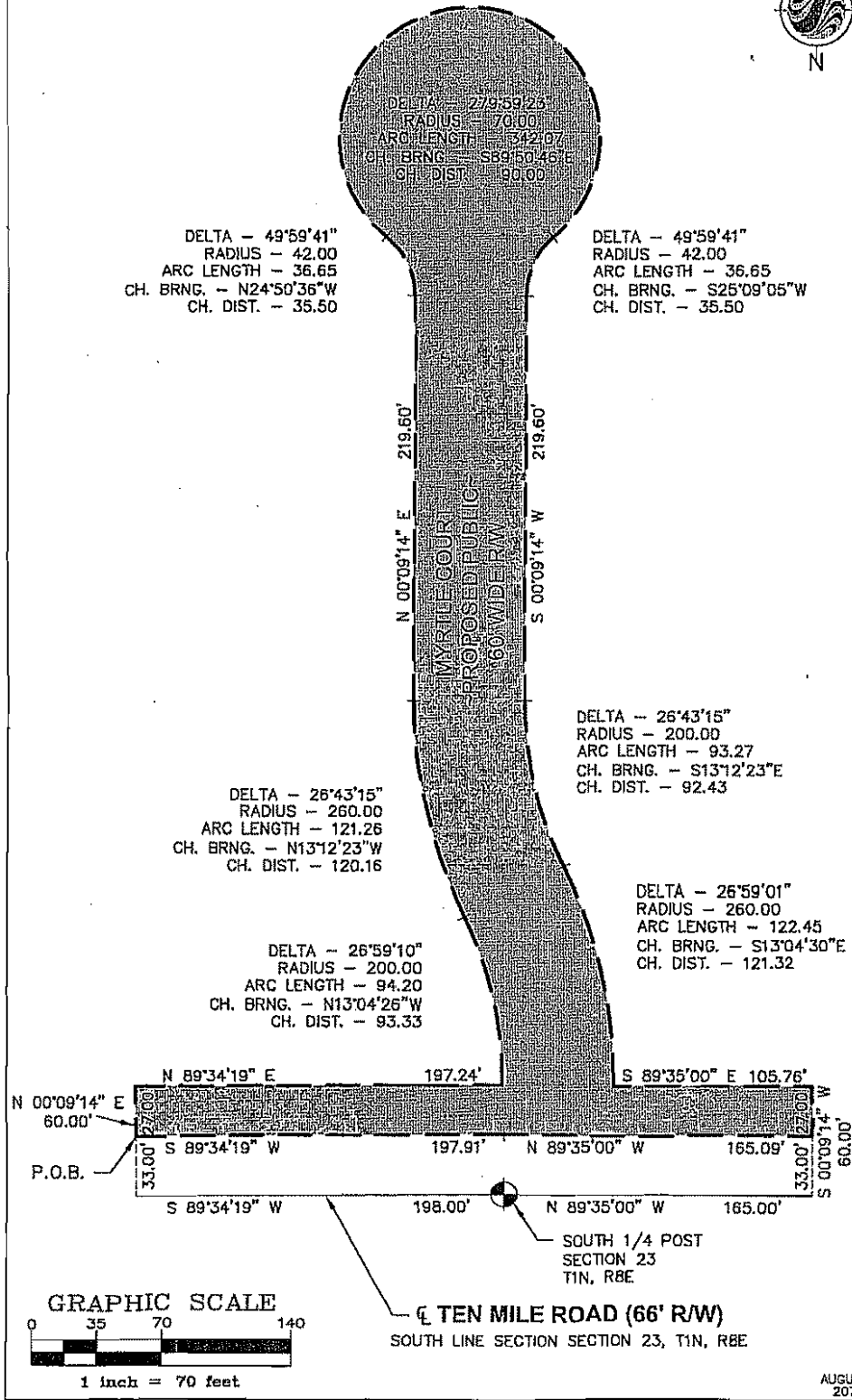
Figure No.

2 OF 2

Title

BROOKHAVEN SITE  
CONDOMINIUM

# RIGHT OF WAY SKETCH



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Client/Project  
CITY OF NOVI  
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Figure No.  
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BROOKHAVEN SITE  
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Ann Arbor MI 48108-2216  
Tel: (734) 761-1010 Fax: (734) 761-1200  
stantec.com



**Stantec**

RECEIVED

APR 10 2007

TREASURER  
CITY OF NOVI

April 9, 2007  
File: 2075020400

City of Novi  
Building Department  
45175 West Ten Mile Road  
Novi, Michigan 48375

**Attention: Mr. Aaron Staup**

Dear Mr. Staup:

**Reference: Brookhaven Subdivision  
Site Work Final Inspection**

Please be advised that our field personnel visited the above referenced site on April 4, 2007 to verify completion of the public utilities, grading, and paving as shown on the approved construction plans for this project. As a result of the walkthrough, we have compiled a punchlist (attached) of any deficient and/or incomplete items on the site that need to be completed prior to final site acceptance. An estimate of the construction cost of each section of the punchlist is also included. The estimated cost of the attached items, including the City Multiplier of 2.0, is \$30,000.00. This amount can be used by the City to establish any necessary Financial Guarantees for the site.

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

**Stantec**

April 9, 2007  
Mr. Aaron Staup  
Page 2 of 2

Reference: Brookhaven Subdivision  
Site Work Final Inspection

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

Sincerely,

**STANTEC CONSULTING MICHIGAN INC.**



Ted Meadows  
Assistant Field Services Manager  
Tel: (734) 214-1820  
Fax: (734) 761-1200  
ted.meadows@stantec.com

Attachment: Punchlist

- c. Marina Neumaier, City of Novi
- Sarah Marchioni, City of Novi
- Sheila Weber, City of Novi ✓
- Benny McCusker, City of Novi
- Mike Fellows, Mozart Homes
- George Tsakoff, Stantec





Stantec

CITY OF NOVI  
BROOKHAVEN SUBDIVISION  
UTILITY, GRADING, AND PAVING PUNCHLIST  
Project No. 2075020400

April 4, 2007 Walkthrough

1. GENERAL ITEMS (TOTAL COST - \$15,000)

a. Detention Basin (COST - \$10,000)

- The top of bank elevations for the Detention Basin were not built per the approved plan. Provide the Detention Basin per the grading on the approved plan. Remove the sediment from the bottom of the basin and restabilize the basin. Remove and replace the stone surrounding the Overflow Structure.

- b. Revised as-builts must be submitted and accepted. An As-built Construction Plan letter was sent out June 20, 2006. Stantec has not received a response. Stantec does recognize the As-built Plans cannot be revised until the corrections to the Detention Basin have been completed. After the as-builts have been accepted, two black line sets must be provided to Stantec as well as a CD in the acceptable format for the City of Novi's GIS Department. (COST - \$5,000)