



**CITY of NOVI CITY COUNCIL**

**Agenda Item 1  
May 18, 2009**

**SUBJECT:** Acceptance of an easement granted by Ten Haggerty, LLC, in conjunction with the 2009 Pathway Gap project (parcels 22-24-476-033 and 034 located at 39500 Ten Mile Road).

**SUBMITTING DEPARTMENT:** Department of Public Services/Engineering Division *RTH*

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

**BACKGROUND INFORMATION:**

The Engineering Division has secured an easement from Ten Haggerty, LLC, located on the north side of Ten Mile Road, west of Haggerty Road, for the installation of a pathway across the frontage of the property. Ten Haggerty, LLC is donating the enclosed easement to facilitate completion of the project. The enclosed documents have been reviewed and approved by the Engineering Division and the City Attorney's office.

The pathway project is currently out for bids and is anticipated for consideration of award by City Council on an upcoming agenda.

**RECOMMENDED ACTION:** Acceptance of an easement granted by Ten Haggerty, LLC, in conjunction with the 2009 Pathway Gap project (parcels 22-24-476-033 and 034 located at 39500 Ten Mile Road).

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

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

May 11, 2009

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

Brian Coburn, Senior Civil Engineer  
Engineering Operations Division  
City of Novi  
Public Services  
26300 Delwal Drive  
Novi, MI 48375

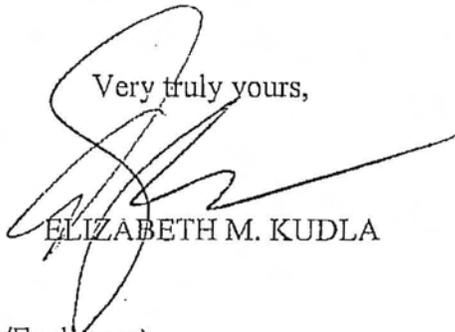
**Re: 2009 Pathways Project  
Ten Haggerty, LLC Sidewalk Easement  
Our File No. 55142 NOV**

Dear Mr. Coburn:

We have received and reviewed the executed Sidewalk Easement for a public walkway over property owned by Ten Haggerty, LLC along Ten Mile Road in Section 24 of the City. The Sidewalk Easement is the City's standard format and has been properly executed by the property owner. We note no other interests in the property that require the consent of any other party to grant a valid easement. Based on our review of the executed Sidewalk Easement and the title documents of record at the County, we can recommend acceptance of the Sidewalk Easement by the City in its current form.

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

Very truly yours,



ELIZABETH M. KUDLA

EMK

Enclosure

C: Maryanne Cornelius, Clerk (w/Enclosure)  
Thomas R. Schultz, Esquire (w/Enclosure)

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**SIDEWALK EASEMENT**

NOW ALL MEN BY THESE PRESENTS, that Ten Haggerty, LLC, a Michigan Limited Liability Company, whose address is 34946 E. Island View Drive, Harrison Township, Michigan, 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 24, T.1N., R.8E., City of Novi, Oakland County, State of Michigan, more particularly described as follows:

See attached Exhibits A and B

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

See attached Exhibits A and B

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 Easement Exhibit.

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 24 day of APRIL, 2009.

Signed by: \_\_\_\_\_  
Ten Haggerty, LLC, a  
Michigan Limited Liability Company

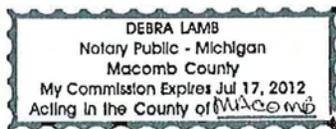
Ronald Fecteau  
Authorized Signature

RONALD FECTEAU - OWNER  
Printed Name and Title

STATE OF MICHIGAN )  
                                  ) SS  
COUNTY OF MACOMB )

The foregoing instrument was acknowledged before me this 24 day of APRIL, 2009

by RONALD FECTEAU



Debra Lamb  
Signature - Notary Public

MACOMB County, Michigan

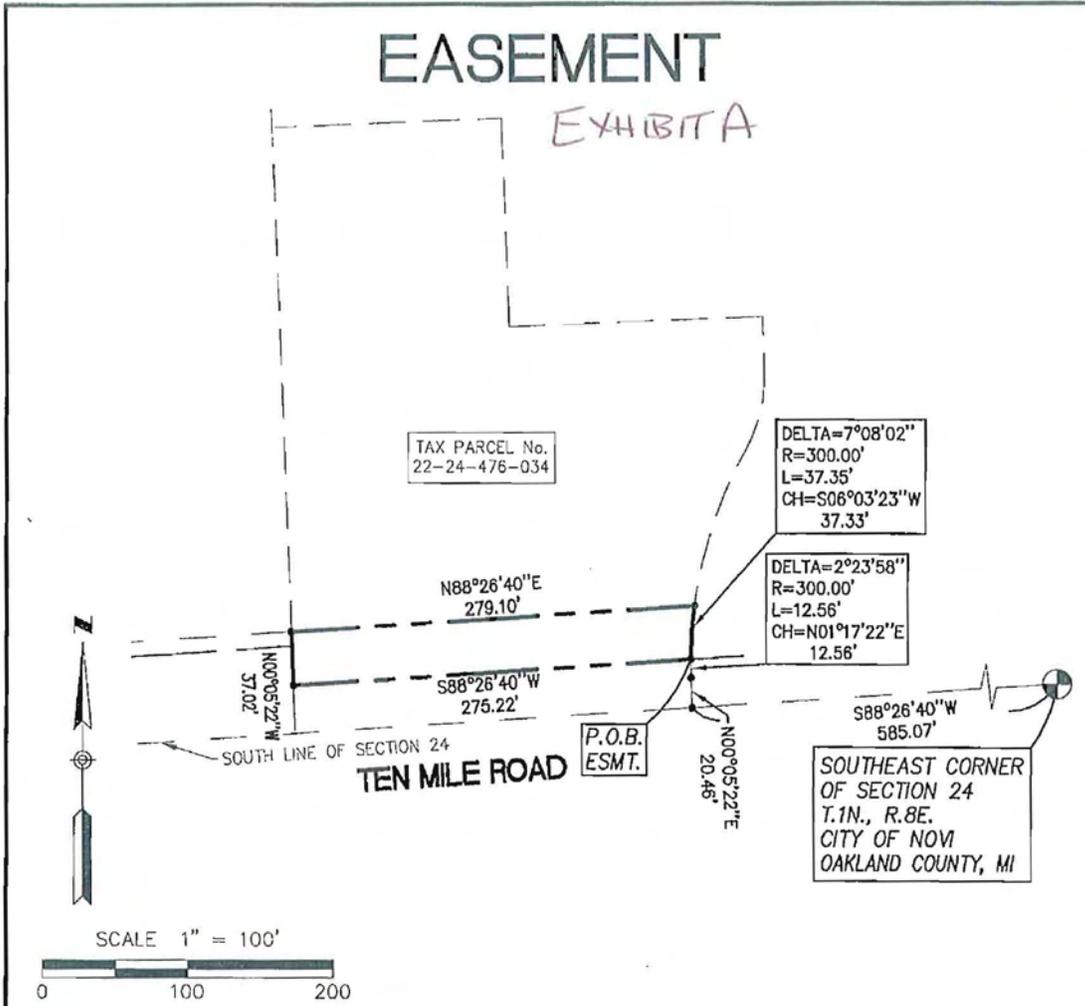
My Commission Expires: 7-17-2012

Drafted by:  
Spalding DeDecker Associates, Inc.  
905 South Blvd East  
Rochester Hills, MI 48307

When recorded return to:  
City of Novi  
City Clerk  
45175 W. Ten Mile Road  
Novi, MI 48375

# EASEMENT

EXHIBIT A



## PROPERTY DESCRIPTION (BASED ON OAKLAND CO. TAX RECORDS) TAX ID. NO. 22-24-476-034

LAND LOCATED IN THE SOUTHEAST 1/4 OF SECTION 24, T. 1 N., R. 8 E., CITY OF NOVI, OAKLAND COUNTY, MICHIGAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 24, THENCE ALONG THE SOUTH SECTION LINE, S88°26'40"W 585.07 FEET, TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID SOUTH SECTION LINE, S88°26'40"W 274.95 FEET; THENCE N00°05'22"E 416.20 FEET; THENCE S89°54'38"E 158.03 FEET; THENCE S00°05'22"W 141.93 FEET; THENCE S89°54'38"E 174.76 FEET; THENCE S00°05'22"W 38.55 FEET; THENCE 54.50 FEET ALONG A TANGENT CURVE TO THE RIGHT (HAVING A CENTRAL ANGLE OF 31°13'34", A RADIUS OF 100.00 FEET AND A CHORD BEARING S15°42'09"W 53.83 FEET); THENCE 163.50 FEET ALONG A REVERSE CURVE TO THE LEFT (HAVING A CENTRAL ANGLE OF 31°13'34", A RADIUS OF 300.00 FEET AND A CHORD BEARING S15°42'09"W 161.48 FEET); THENCE S15°05'22"W 20.46 FEET TO THE POINT OF BEGINNING. CONTAINING 2.385 ACRES.

## PERMANENT EASEMENT DESCRIPTION

AN EASEMENT FOR SIDEWALK DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF SECTION 24, T. 1 N., R. 8 E., CITY OF NOVI, OAKLAND COUNTY, MICHIGAN, THENCE ALONG THE SOUTH SECTION LINE, S88°26'40"W 585.07 FEET; THENCE N00°05'22"E 20.46 FEET; THENCE 12.56 FEET ALONG A TANGENT CURVE TO THE RIGHT (HAVING A CENTRAL ANGLE OF 02°23'58", A RADIUS OF 300.00 FEET AND A CHORD BEARING N01°17'22"E 12.56 FEET) TO THE POINT OF BEGINNING; THENCE ALONG A LINE 33 FEET NORTH OF AND PARALLEL TO THE SOUTH SECTION LINE, S88°26'40"W 275.22 FEET; THENCE N00°05'22"E 37.02 FEET; THENCE N88°26'40"E 279.10 FEET; THENCE 37.35 FEET ALONG A NON-TANGENT CURVE TO THE LEFT (HAVING A CENTRAL ANGLE OF 07°08'02"), A RADIUS OF 300.00 FEET AND A CHORD BEARING S06°03'23"W 37.33 FEET TO THE POINT OF BEGINNING. CONTAINING 0.2351 ACRES.

Spalding DeDecker  
Associates, Inc.



**SPALDING DeDECKER  
ASSOCIATES, INC.**

ENGINEERS SURVEYORS

905 SOUTH BLVD. EAST  
ROCHESTER HILLS, MI 48307

PH: (248) 844-5400 FAX: (248) 844-5404

www.sda-eng.com

DRAWN: S.BROWN

DATE: 12-18-08

CHECKED: P.O'Rourke

DATE: 12-18-08

MANAGER: M.DeDECKER

SCALE: 1" = 100'

JOB No. RB08-014

SHEET: 1 OF 1

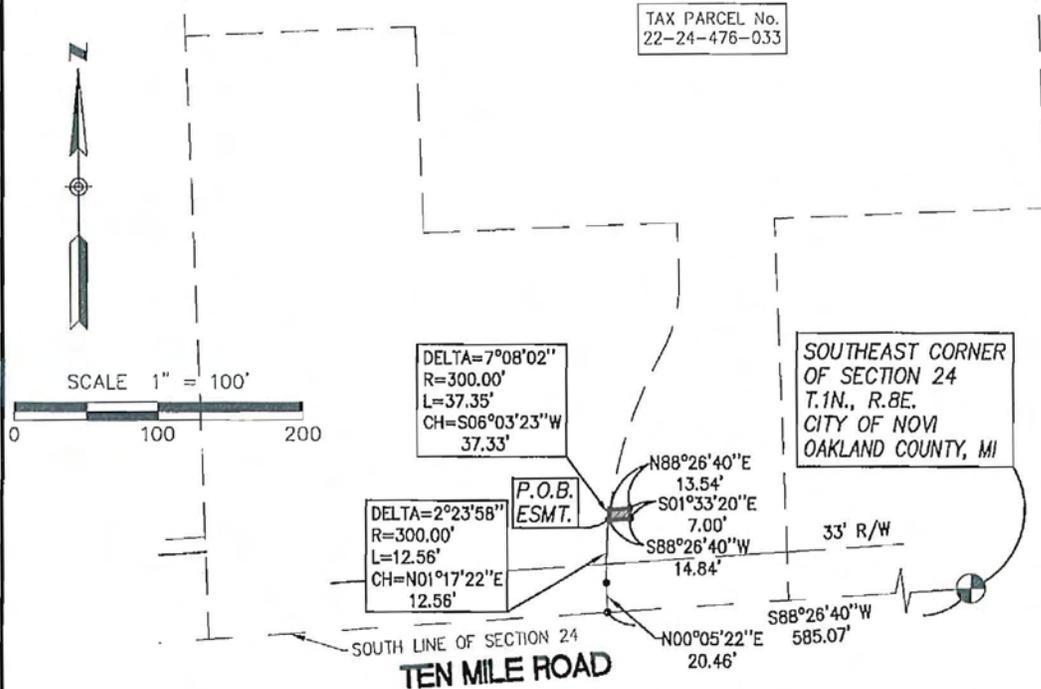
SECTION 24 TOWN 1 NORTH RANGE 8 EAST

CITY OF NOVI

OAKLAND COUNTY, MI

# EASEMENT

EXHIBIT B



TAX PARCEL No.  
22-24-476-033

SCALE 1" = 100'  
0 100 200

DELTA=7°08'02"  
R=300.00'  
L=37.35'  
CH=S06°03'23"W  
37.33'

SOUTHEAST CORNER  
OF SECTION 24  
T.1N., R.8E.  
CITY OF NOVI  
OAKLAND COUNTY, MI

P.O.B.  
ESMT.  
DELTA=2°23'58"  
R=300.00'  
L=12.56'  
CH=N01°17'22"E  
12.56'

N88°26'40"E  
13.54'  
S01°33'20"E  
7.00'  
S88°26'40"W  
14.84'

33' R/W

SOUTH LINE OF SECTION 24  
TEN MILE ROAD

S88°26'40"W  
585.07'  
N00°05'22"E  
20.46'

## PROPERTY DESCRIPTION (BASED ON OAKLAND CO. TAX RECORDS) TAX ID. NO. 22-24-476-033

LAND LOCATED IN THE SOUTHEAST 1/4 OF SECTION 24, T. 1N., R. 8 E., CITY OF NOVI, OAKLAND COUNTY, MICHIGAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 24, THENCE ALONG THE SOUTH SECTION LINE, S88°26'40"W 460.02 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID SOUTH SECTION LINE, S88°26'40"W 125.05 FEET; THENCE N00°05'22"E 20.46 FEET; THENCE 163.50 FEET ALONG A TANGENT CURVE TO THE RIGHT (HAVING A CENTRAL ANGLE OF 31°13'34", A RADIUS OF 300.00 FEET AND A CHORD BEARING N15°42'09"E 161.48 FEET); THENCE 54.50 FEET ALONG A REVERSE CURVE TO THE LEFT (HAVING A CENTRAL ANGLE OF 31°13'34", A RADIUS OF 100.00 FEET AND A CHORD BEARING N15°42'09"E 53.83 FEET); THENCE N00°05'22"E 38.55 FEET; THENCE N89°54'38"W 174.76 FEET; THENCE N00°05'22"E 141.93 FEET; THENCE N89°54'38"W 158.03 FEET; THENCE N00°05'22"E 155.53 FEET; THENCE N88°26'40"E 588.59 FEET; THENCE S00°05'22"W 304.40 FEET; THENCE S88°26'40"W 188.59 FEET; THENCE S00°05'22"W 267.33 FEET TO THE POINT OF BEGINNING. CONTAINING 4.18 ACRES.

## PERMANENT EASEMENT DESCRIPTION

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Spalding DeDecker  
Associates, Inc.



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SHEET: 1 OF 1

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CITY OF NOVI

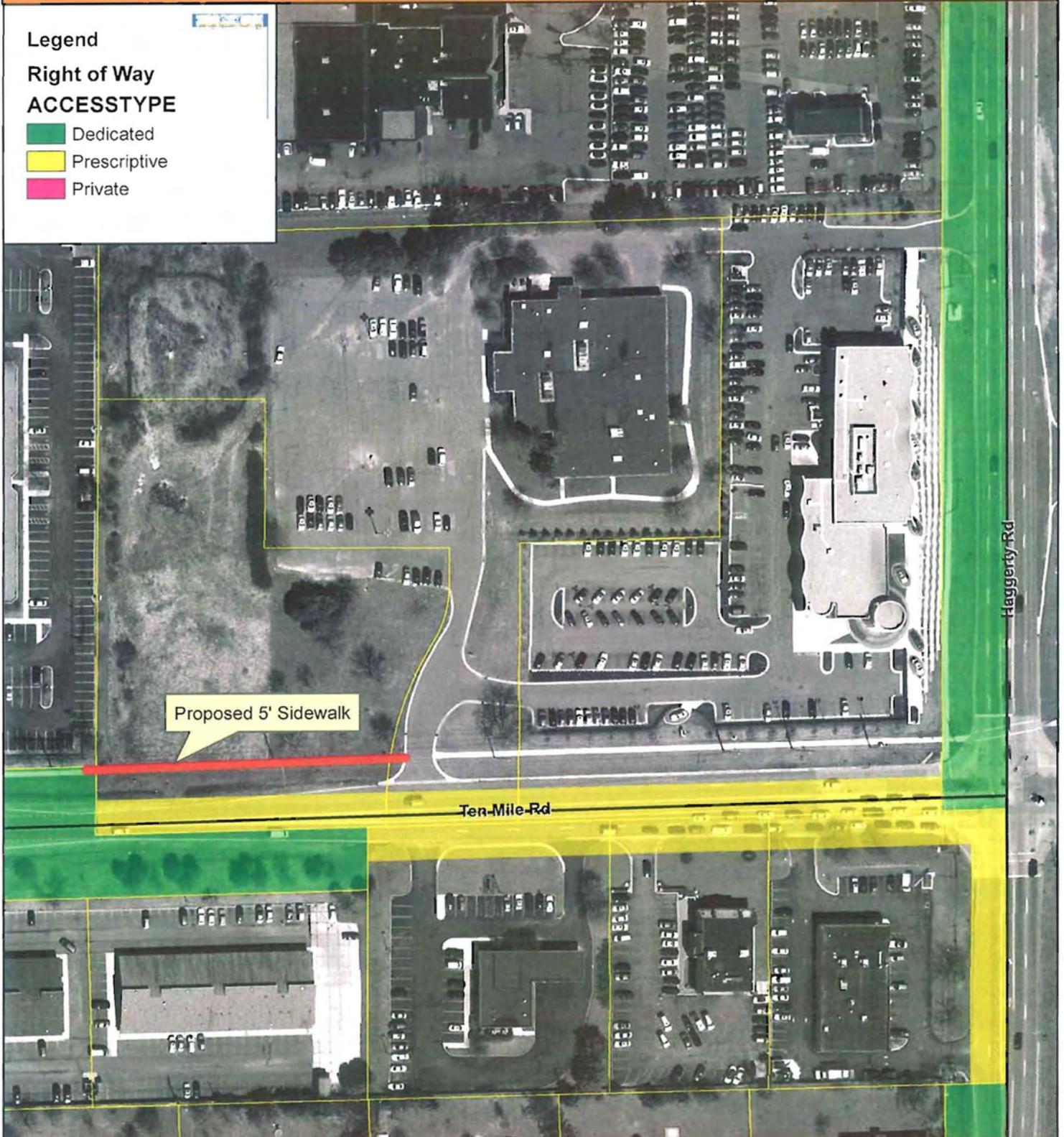
OAKLAND COUNTY, MI



# 2009 Pathway Program Project 2 Location Map

## Legend

- Right of Way  
ACCESSTYPE**
- Dedicated
  - Prescriptive
  - Private



Proposed 5' Sidewalk

Ten-Mile Rd

Haggerty Rd

**CITY OF NOVI**  
ENGINEERING DIVISION

45115 W. TEN MILE ROAD  
NOVI, MI 48375-3024  
(248) 347-0454

MAP AUTHOR: Brian Coburn, PE



1 INCH EQUALS 125 FEET

MAP PRINT DATE: 8/7/09

### 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.