



CITY of NOVI CITY COUNCIL

**Agenda Item K
August 10, 2009**

SUBJECT: Acceptance of a fiber optic easement granted by Novi Community School District allowing the installation of a fiber optic cable across Novi High School's parking lot to connect the Civic Center to the new Novi Public Library.

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

CITY MANAGER APPROVAL: *[Signature]*

R.H.

BACKGROUND INFORMATION:

The City has worked cooperatively with the Novi Community School District to obtain the attached Fiber Optic Easement across the north parking lot at Novi High School. The easement will facilitate the installation of a fiber optic cable to connect the Civic Center to the new Novi Public Library for shared data and communications between the two buildings.

The easement was prepared by the City Attorney's office and the Engineering Division and was approved by the Novi Board of Education at their July 9, 2009 meeting.

RECOMMENDED ACTION: Acceptance of a fiber optic easement granted by Novi Community School District allowing the installation of a fiber optic cable across Novi High School's parking lot to connect the Civic Center to the new Novi Public Library.

	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				



August 3, 2008

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

Thomas R. Schultz
Direct: 248-539-2849
tschultz@secretwardle.com

Mr. Brian Coburn
Senior Civil Engineer
City of Novi
45175 West Ten Mile Road
Novi, MI 48375-3024

Re: *Fiber Optic Easement—Novi Schools/City of Novi*
Our File No. 55142 NOV

Dear Mr. Coburn:

Attached is the final version of the fiber optic easement that will allow the placement of fiber optic lines between the Novi Civic Center and the new Novi Public Library. The fiber optic lines cross property owned by the Novi Community School District. Specifically, the easement allows the City to bore underneath the existing parking area between the two properties for purposes of installing the line. The attached version of the easement was approved by the Novi School Board in July.

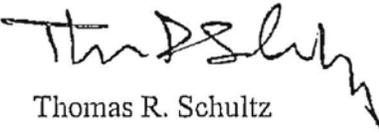
Note that the easement requires the City to restore any property damaged during the installation, which must occur "while regularly scheduled school instruction is not in session." Note also, that, while the easement is not limited in duration, the School District's promise is to refrain from using the easement area for any purpose inconsistent with the fiber optic lines for a period of five years. After the expiration of that five-year period, the School District could use the easement area for whatever purposes it desires to, which may necessitate the City having to relocate the fiber optic line to a mutually agreed upon location at the City's cost.

Although some of the foregoing limits the use of the easement area, our office has no objection to the terms and conditions contained in the easement.

Brian Coburn, Senior Civil Engineer
August 3, 2009
Page 2

If you have any questions regarding the above, please do not hesitate to call.

Very truly yours,



Thomas R. Schultz

TRS/jes
Enclosure

cc: Clay Pearson, City Manager
Maryanne Cornelius, City Clerk
Julie Farkas, Library Director
Rob Hayes, City Engineer

1274837



NOVI COMMUNITY SCHOOL DISTRICT
Educational Services Building
25345 Taft Road – Novi, Michigan 48374
Telephone: 248-449-1209
Fax: 248-449-1219

Gail Credit
 Assistant Superintendent of Business and Operations

July 10, 2009

Mr. Clay J. Pearson
 City Manager
 City of Novi
 45175 W. Ten Mile Road
 Novi, MI 48375

Re: Fiber Optic Easement

Dear Clay:

Enclosed is an executed copy of the Fiber Optic Easement for installing cable below the Novi High School Ten Mile parking lot, which was approved by our Board of Education on July 9, 2009. We have retained a second, executed copy for our files.

Do not hesitate to contact me if you have any questions.

Sincerely,

Gail Credit

Enc.

Handwritten notes:
 7/13/09
 orig. incl.
 ec: Rob P
 Rob H
 TRS
 Julie F

Handwritten note:
 Success!
 The
 [Signature]

FIBER OPTIC EASEMENT

KNOW ALL MEN BY THESE PRESENTS, that the Novi Community School District, a Michigan general powers school district, whose address is 25345 Taft Road, Novi Michigan 48374, 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 from transfer tax pursuant to MCLA 207.505(a), and MCLA 207.526, a 20-foot wide easement for the purpose of installing by boring, repairing, replacing, and maintaining a fiber optic line(s), and all necessary appurtenances thereto, connecting the Novi Civic Center and the new Novi Public Library building under the following described premises:

[See attached Exhibit A, "Parcel Description"]

Tax Identification Number: 22-27-100-007

Such easement being depicted on the attached Exhibit A and described more fully as "Optic Cable Easement Description" thereon.

Grantee may also enter upon sufficient land adjacent to said optic cable easement for the purpose of exercising the rights and privileges granted herein. Grantee shall not have the right to use the surface area within the easement area, except as is necessary to install, repair, replace, improve, modify, and maintain the optic cable within the easement area. Installation of the optic cable must: (a) be by boring or any other method approved by the Grantor to minimize damage to the existing parking lot and/or other structures, and (b) occur while regularly scheduled school instruction is not in session.

Grantee shall repair and restore any property damaged by Grantee's use, including installation, maintenance and/or repair, of the easement area. To the fullest extent allowed by law, Grantee shall indemnify and hold harmless Grantor and its officers, employees, and agents from any claims, losses, liability and damages arising out of Grantee's use of the easement area.

Notwithstanding anything else to the contrary herein, for a period of five (5) years from the date of this easement ("Initial Five-Year Period"), Grantor shall not use the easement area for any purpose which is materially inconsistent with the rights granted to Grantee herein. Upon expiration of the Initial Five-Year Period, if the Grantor desires to use the easement area, Grantee shall have the right and option of relocating the easement area and optic cable therein to a reasonably comparable area within the same general vicinity mutually agreed to by the parties

in writing. The Grantee shall bear the costs of relocation. Should Grantor ever desire to make improvements to its property during the Initial Five-Year Period that would impact the easement area, Grantee agrees to reasonably cooperate with any proposed modification hereto.

This instrument shall be binding and inure to the benefit of the parties hereto, their heirs, representatives, successors and assigns.

Dated this 9 day of July, 2009.

NOVI COMMUNITY SCHOOL DISTRICT, a
Michigan general powers school district, acting by
and through its Board of Education

Ann Glubzinski
By: Ann Glubzinski
Its: President

Katie Raeon
By: Katie Raeon
Its: Secretary

STATE OF MICHIGAN)
) ss
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this 9 day of July, 2009, by Ann Glubzinski and Katie Raeon, the President and Secretary, respectively, of the Board of Education of the Novi Community School District.

Suzanne M. Bushart
), Notary Public
Livingston County, Michigan
Acting in Oakland County
My Commission Expires:

DRAFTED BY:
Kristin Bricker Kolb, Esq.
30903 Northwestern Highway
Farmington Hills, MI 48334

SUZANNE M. BUSHART
Notary Public, State of Michigan
County of Livingston
My Commission Expires Nov. 30, 2012
Acting In The County Of Oakland

WHEN SIGNED RETURN TO:
Maryanne Cornelius, Clerk
City of Novi
45175 W Ten Mile Road
Novi, MI 48375

1224230.2

OPTIC CABLE EASEMENT DESCRIPTION

Exhibit "A"

PARCEL DESCRIPTION (50-22-27-100-007)

A parcel of land being part of the NW 1/4 of Section 27, town 1 North, range 8 East, City of Novi, County of Oakland, Michigan, described as follows:

Beginning at the NW corner of said Section 27; thence S 00°26'40" W 1820.00 feet; thence N 89°45'40" E 1678.00 feet; thence N 00°26'40" E 1820.00 feet; thence S 89°45'40" W 500.00 feet; thence S 00°26'40" W 450.00 feet; thence S 89°45'40" W 678.00 feet; thence N 00°26'40" E 450.00 feet; thence S 89°45'40" W 500.00 feet to the Point of Beginning, EXCEPT that part beginning at the NW corner of said Section 27; thence N 89°45'40" E 500.00 feet; thence S 00°26'40" W 450.00 feet; thence S 89°45'40" W 30.12 feet; thence S 00°26'40" W 321.85 feet; thence S 89°45'40" W 166.84 feet; thence N 00°26'40" E 301.74 feet; thence S 89°45'40" W 303.04 feet; thence N 00°26'40" E 470.10 feet to the Point of Beginning. Subject to all easements and restrictions of record, if any.

OPTIC CABLE EASEMENT DESCRIPTION

A 20 foot easement for optic cable being part of the NW 1/4 of Section 27, Town 1 North, Range 8 East, City of Novi, County of Oakland, Michigan. The easement is 10 feet on each side of the following described centerline:

Commencing at the NW corner of said Section 27; thence N 89°45'40" E 500.00 feet; thence S 00°26'40" W 450.00 feet; thence N 89°45'40" E 678.00 feet; thence N 00°26'40" E 126.43 feet along the East line of Parcel (50-22-27-100-003) to a point on the centerline of said easement also being the Point of Beginning; thence S 88°56'37" E 499.99 feet along the centerline of said easement to a point on the East line of Parcel (50-22-27-100-007) also being the Point of Ending. The side lines of said easement shall be extended or shortened to meet the existing parcel lines. Contains 10,000 square feet or 0.230 acres of land. Subject to all easements and restrictions of record, if any.

OPTIC CABLE EASEMENT

PART OF THE NW 1/4 OF SECTION 27
T1N, R8E, CITY OF NOVI, OAKLAND COUNTY
PARCEL 50-22-27-100-007

CLIENT: CITY OF NOVI



34000 Plymouth Road | Livonia, MI 48150
p (734) 522-8711 | f (734) 522-6427

Advancing Communities
Engineering Advisors

DATE: 04-30-09
DRAWN BY: SH
DWG: 302-036

SHEET

5 OF 5

JOB NO.

0163-09-0030

OPTIC CABLE EASEMENT SKETCH

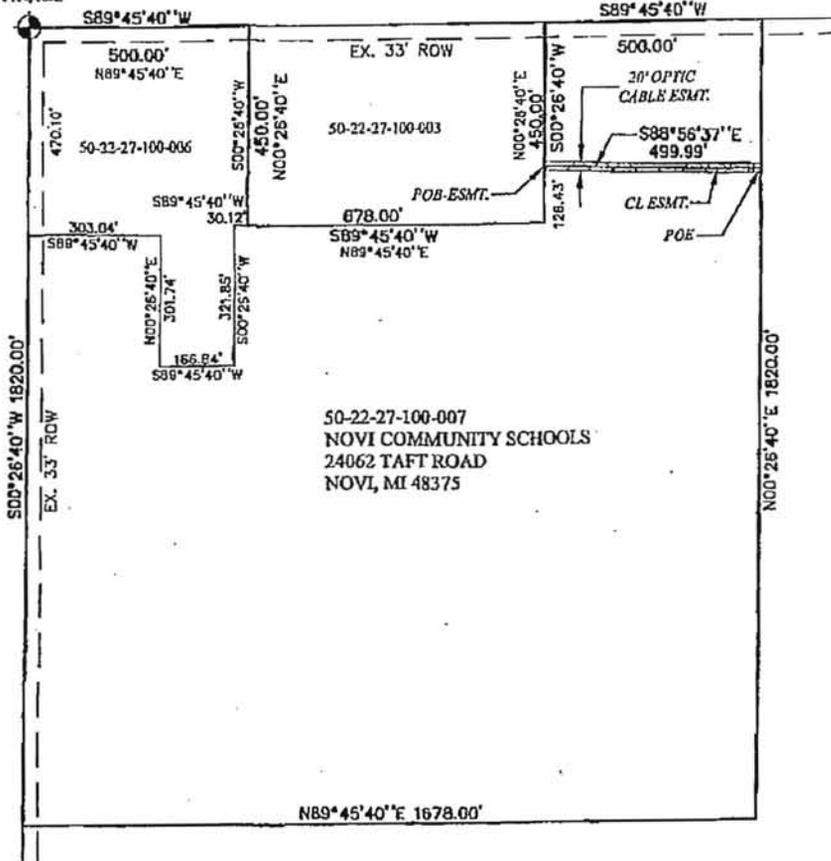
Exhibit "A"



NW COR.
SEC. 27
T1N, R8E

TEN MILE ROAD (93' WD.)

TAFT ROAD (93' WD.)



LEGEND

- ROW RIGHT-OF-WAY
- ⊙ PUBLIC LAND CORNER
- POB POINT OF BEGINNING
- POE POINT OF ENDING
- ⊠ OPTIC CABLE EASEMENT

OPTIC CABLE EASEMENT

PART OF THE NW 1/4 OF SECTION 27
T1N, R8E, CITY OF NOVI, OAKLAND COUNTY
PARCEL 50-22-27-100-007

CLIENT: CITY OF NOVI



34000 Plymouth Road | Livonia, MI 48150
p (734) 522-6711 | f (734) 522-6427

DATE: 04-30-09
DRAWN BY: SH
DWC: 302-035

SHEET
3 OF 5

JOB NO.
0163-09-0030

NOVI BOARD OF EDUCATION
Regular Meeting – July 9, 2009
Educational Services Building
25345 Taft Rd., Novi, MI
7:00 p.m.

I. CALL TO ORDER/WELCOME/ROLL CALL

II. PLEDGE OF ALLEGIANCE

III. CORRESPONDENCE ~ Mrs. Raeon, Secretary

IV. COMMENTS FROM THE AUDIENCE

V. REPORTS TO THE BOARD

A. Novi Public Library 1

VI. CONSENT ITEMS 2

A. Approval of Minutes 3

B. Oakland Schools Parent Advisory Committee Representative Report C9001 4

C. Board of Education Meeting Dates Report C9002 5

D. Naming of Bank Depositories Report C9003 6

E. Memberships 2009-10: Michigan Assoc. of School Boards, National School Boards Association, Metro Detroit Bureau of School Studies, Inc. Report C9004 7

F. Michigan High School Athletic Association Membership Report C9005 8

G. Support Organizations Report C9006 9

H. Resolution Calling the Annual School Election Report C9007 10

VII. ACTION ITEMS

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B. Naming of School District Attorney(s) Report A9002 12

C. Schools of Choice Resolution Report A9003 13

 D. City of Novi Fiber Optic Easement Report A9004 14

E. Overnight Athletic Trip Renewals 2009-10 Report A9005 15

VIII. BOARD INFORMATION/DISCUSSION

A. Amendment to Bylaws of Michigan School Energy Cooperative Report ID9001 16

B. Bids: Parkview Foam Roof Restoration Report ID9002 17

IX. BOARD COMMUNICATION

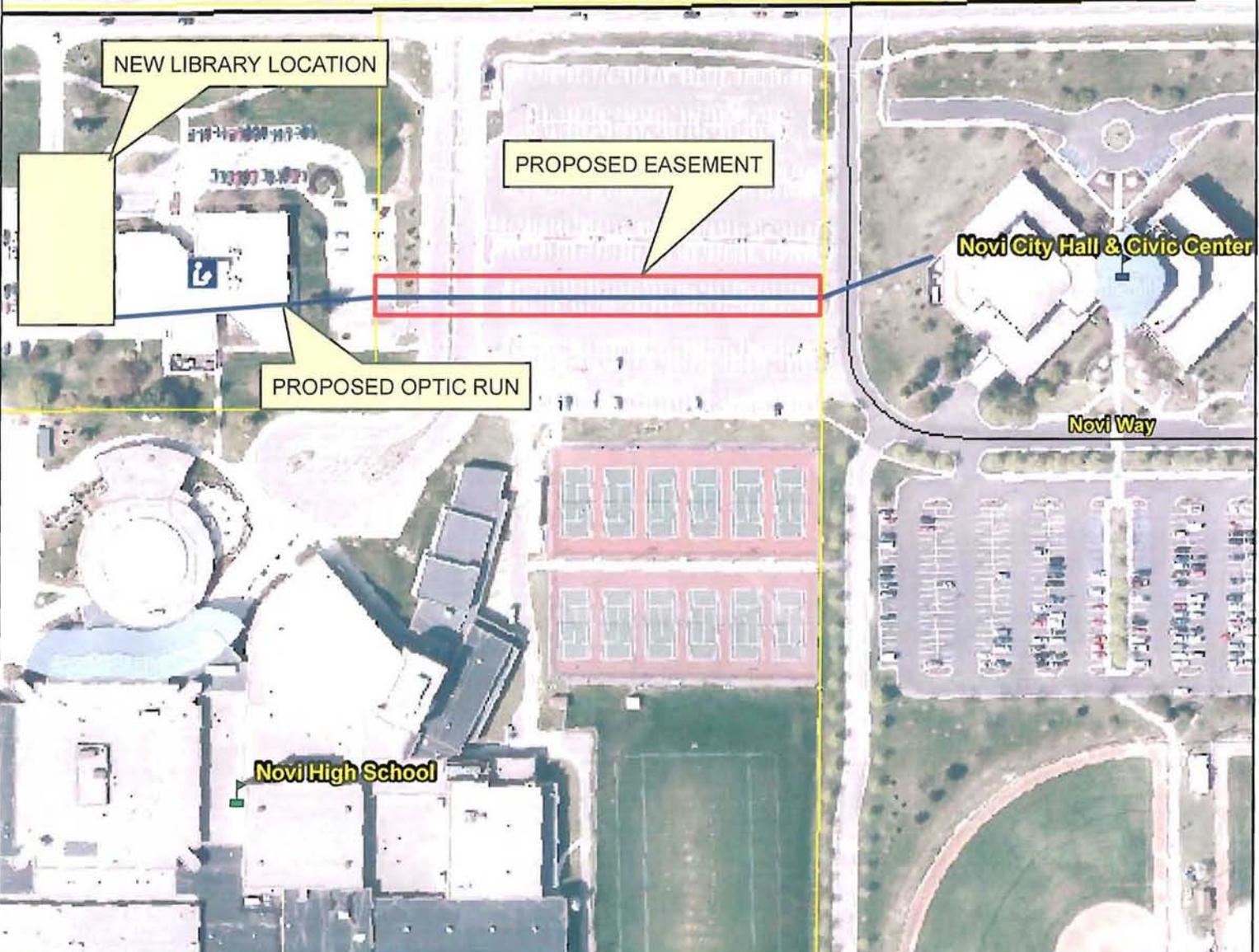
X. COMMENTS FROM THE AUDIENCE (Limited to Agenda Items)

XI. SUPERINTENDENT'S REPORT

XII. ADJOURNMENT

Fiber Optic Cable Easement

Novi High School



CITY OF NOVI

ENGINEERING DIVISION

45175 W. TEN MILE ROAD
NOVI, MI 48375-3024
(248) 735-5694

MAP AUTHOR: LINDON IVEZAJ, ENGINEER



0 100 200 400

FEET

1 INCH = 175 FEET

MAP PRINT DATE: date

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.