



CITY of NOVI CITY COUNCIL

Agenda Item **P**
August 10, 2009

SUBJECT: Acceptance of warranty deed for Wixom Road right-of-way dedication from Toll MI II Limited Partnership as part of Phase 3D of the Island Lake of Novi Residential Unit Development.

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

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

BACKGROUND INFORMATION:

Toll MI II Limited Partnership is proposing the dedication of additional right-of-way for Wixom Road along the frontage of their development. The right-of-way dedication is the only remaining component for the final acceptance of phase 3D of the Island Lake of Novi Residential Unit Development. The streets within the development are proposed to remain private and the water mains and sanitary sewers have been reviewed, approved and accepted through the established administrative process. The warranty deed requires consideration by the City Council.

The attached warranty deed has been reviewed and approved by the Engineering Division and the City Attorney's office (see Beth Kudla's July 14, 2009 letter, attached).

RECOMMENDED ACTION: Acceptance of warranty deed for Wixom Road right-of-way dedication from Toll MI II Limited Partnership as part of Phase 3D of the Island Lake of Novi Residential Unit Development.

	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				

July 14, 2009

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

Elizabeth M. Kudla
Direct: 248-539-2846
bludln@secretswardle.com

Rob Hayes, Public Services Director
CITY OF NOVI
45175 West Ten Mile Road
Novi, Michigan 48375-3024

**Re: Island Lake of Novi – Phase 3D
Utilities Review for Acceptance
Dedication of Wixom Road Right-of-Way
Our File No. 660124.NOVI**

Dear Mr. Hayes:

We have received and reviewed, and enclosed please find, the following documents regarding the Phase 3D of the Island Lake of Novi Residential Unit Development:

1. Water System Easement
2. Bill of Sale – Water System
3. Sanitary Sewer System Easement
4. Bill of Sale – Sanitary Sewer
5. Warranty Deed (Wixom Road Right-of-Way)
6. Commitment for Title Insurance

We have the following comments relating to the above-named documents:

Toll MI II Limited Partnership seeks to convey the water and sanitary sewer system facilities, as well as corresponding easements for operation, maintenance and repair of the water main and sanitary systems located within the Island Lake South Harbor Condominium. Our office has reviewed and approves the format and language of the Water and Sanitary Sewer System Easements. Engineering has reviewed and approved the legal descriptions. As such, we recommend acceptance of the Easements and Bill of Sale.

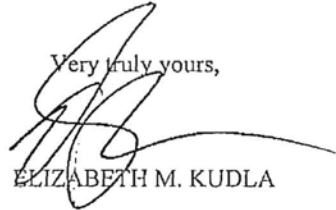
It is our understanding that the Developer is requesting a waiver of the Maintenance and Guarantee Bond requirement for the water and sanitary sewer system facilities since the facilities have been functioning properly since 2003.

We have also reviewed and approve the enclosed Warranty Deed for Wixom Road right-of-way. The legal description has been revised and approved by the Engineering.

Based on all of the above, the Water and Sanitary Sewer System Easements may be accepted by *Affidavit of the City Engineer*. The Warranty Deed for Wixom Road right-of-way may be placed on an upcoming City Council Agenda for acceptance. Once accepted by the City, the Water and Sanitary Sewer System Easements and the Warranty Deed should be recorded with Oakland County Register of Deeds. The Developer's Attorney has requested to record the documents due to timing issues relating to the Master Deed for the project. We will work with him to ensure proper recording and that the recorded originals are returned to the City Clerk's file. The Bill of Sale and title work should be maintained in the City Clerk's File.

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

Very truly yours,



ELIZABETH M. KUDLA

EMK

Enclosures

- C: Maryanne Cornelius, Clerk (w/ Enclosures)
- Marina Neumaier, Assistant Finance Director (w/Enclosures)
- Charles Boulard, Building Official (w/Enclosures)
- Barb McBeth, Deputy Community Development Director (w/Enclosures)
- Aaron Staup, Construction Engineering Coordinator (w/Enclosures)
- Taylor Reynolds and Byron Hanson, Spalding DeDecker (w/Enclosures)
- Sarah Marchioni, Building Permit Coordinator (w/Enclosures)
- Sue Troutman, City Clerk's Office (w/Enclosures)
- Scott I. Mirkes, Esquire (w/Enclosures)
- Thomas R. Schultz, Esquire (w/Enclosures)

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, that that Toll MI II Limited Partnership ("Developer"), whose address is 43155 Main Street, Suite 305, Novi, Michigan 48375 conveys and warrants to the 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" (5 sheets) attached hereto and made a part hereof.

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining and subject to easements and restrictions of record and the rights of the public and government agencies in the portions of the premises now used as part of Wixom Road, for the sum of One and no/100-----Dollars (\$1.00).

Developer makes this conveyance of roads and road rights of way and the land and pavement contained therein pursuant to authority reserved to it in Article VII of the Master Deed of Island Lake South Harbor recorded at Liber 32001, Pages 821 through 898, both inclusive, Oakland County Records. The aforesaid Master Deed pertains to Island Lake South Harbor, a condominium development identified as Oakland County Condominium Subdivision Plan No. 1602.

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 20th day May, 2009.

Signed:

Toll MI II Limited Partnership, a Michigan limited partnership

By: Toll MI GP Corp., a Michigan corporation, General Partner

By: [Signature]
William Bye
Its: Division Vice President

STATE OF MICHIGAN)
) SS
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this 20th day of May, 2009, by William Bye, Division Vice President of Toll MI GP Corp., a Michigan corporation, the General Partner of Toll MI II Limited Partnership, a Michigan limited partnership, on behalf of the limited partnership.

[Signature]
Notary Public MARILEE S. STEINHILBER
OAKLAND County, Michigan
My Commission Expires: 12.23.2011
Acting in Oakland County

Revised by: George W. Day, Esq.
Jackler Gould, P.C.
121 West Long Lake Road, Suite 200
Bloomfield Hills, MI 48304

When Recorded Return to: Elizabeth M. Kudla, Esq. 30903 Northwestern Highway Farmington Hills, MI 48334	Send Subsequent Tax Bills to: City of Novi 45175 West Ten Mile Road Novi, MI 48375	Drafted by: Elizabeth M. Kudla 30903 Northwestern Highway Farmington Hills, MI 48334
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Tax Parcel No. _____

Job No. _____ Recording Fee _____ Transfer Tax : Exempt per MCLA 207.505(a)
and MCLA 207.526

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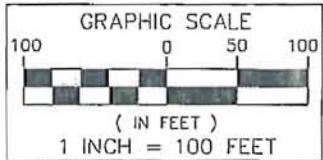
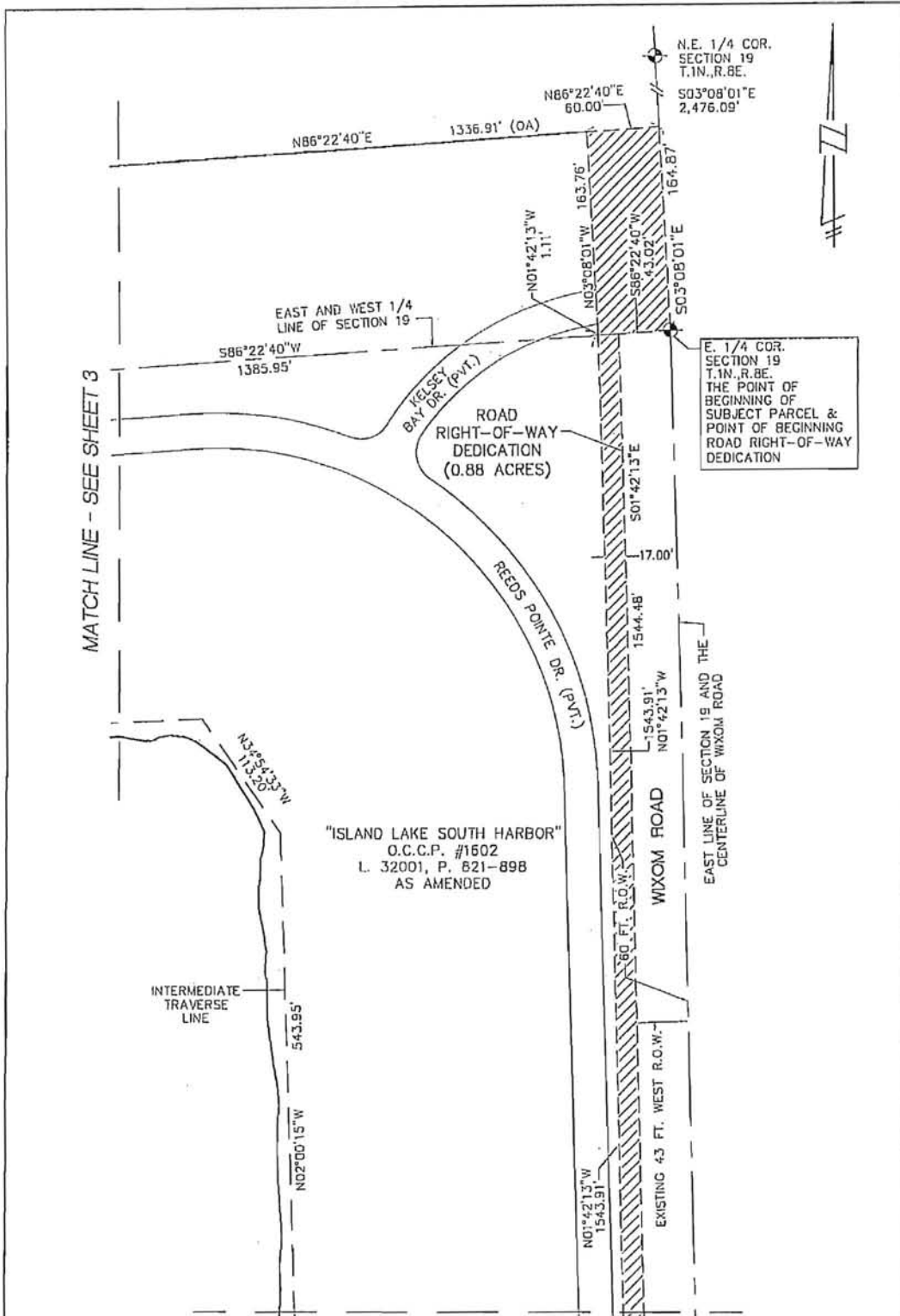
EXHIBIT A

July 24, 2006
Job No. 02-076
Island Lake Phase 3D

ROAD RIGHT-OF-WAY DEDICATION (WIXOM ROAD EXPANSION) LEGAL DESCRIPTION

A Road Right-of-Way Dedication, being a part of "Island Lake South Harbor", Oakland County Condominium Plan No. 1602, Master Deed recorded in Liber 32001, Pages 821 through 898, as amended, Oakland County Records, being a part of the Northeast 1/4 and the Southeast 1/4 of Section 19, Town 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 19 for the POINT OF BEGINNING; thence the following (5) courses along the boundary of said "Island Lake South Harbor" (1) South $86^{\circ}22'40''$ West, 43.02 feet, along the East and West 1/4 Line of Section 19, to the existing Westerly 43' wide ~ 1/2 right-of-way of Wixom Road, and (2) South $01^{\circ}42'13''$ East, 1544.48 feet, along the existing Westerly 43' wide 1/2 right-of-way of said Wixom Road, and (3) 74.16 feet along a curve to the right, said curve having a radius of 607.00 feet, a central angle of $06^{\circ}59'59''$, and a chord bearing and distance of South $01^{\circ}47'47''$ West, 74.11 feet, along the existing Westerly 43' wide 1/2 right-of-way of said Wixom Road, and (4) South $05^{\circ}17'47''$ West, 67.42 feet, along the existing Westerly 43' wide 1/2 right-of-way of said Wixom Road, to the Northerly right-of-way of proposed Drakes Bay Drive (86' wide right-of-way), and (5) North $84^{\circ}38'04''$ West, 17.00 feet, along the Northerly right-of-way of said proposed Drakes Bay Drive; thence North $05^{\circ}17'47''$ East, 67.40 feet; thence 72.08 feet along a curve to the left, said curve having a radius of 590.00 feet, a central angle of $06^{\circ}59'59''$, and a chord bearing and distance of North $01^{\circ}47'47''$ East, 72.03 feet; thence North $01^{\circ}42'13''$ West, 1543.91 feet, to a point on the East and West 1/4 Line of Section 19; thence continuing North $01^{\circ}42'13''$ West, 1.11 feet; thence North $03^{\circ}08'01''$ West, 163.76 feet, to the Northerly boundary of said "Island Lake South Harbor"; thence North $86^{\circ}22'40''$ East, 60.00 feet, along the Northerly boundary of said "Island Lake South Harbor", to the East line of said Section 19 and the centerline of said Wixom Road; thence South $03^{\circ}08'01''$ East, 164.87 feet, along the East line of said Section 19 and the centerline of said Wixom Road, to the POINT OF BEGINNING. All of the above containing 0.88 acres.

See attached drawing (Sheets 1 through 4) that is included in this Exhibit A.



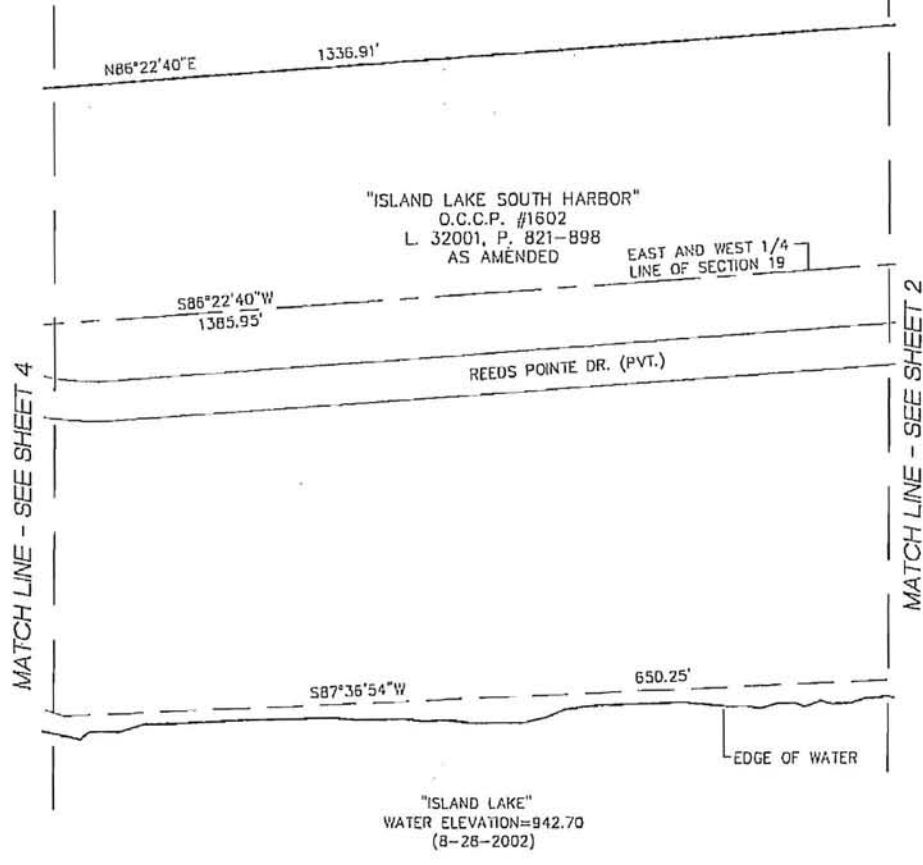
ROAD RIGHT OF WAY DEDICATION

AH **ATWELL-HICKS**
 Engineering • Surveying • Planning
 Environmental • Water/Wastewater

40399 GRAND RIVER AVENUE, SUITE 110 NOV, MI 48375-2123
 (248) 522-8300

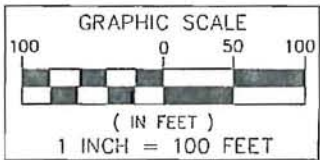
ISLAND LAKE SOUTH HARBOR
 (PHASE 3D)
 SECTION 19, T.1N., R.8E.,
 CITY OF NOV
 OAKLAND COUNTY, MICHIGAN

SCALE:	1" = 100'
DATE:	05-11-2006
JOB NO.:	02-076
OWG FILE:	02-076EE
DRAWN BY:	SM
CHECK:	KAL
SHEET:	2 OF 4



MATCH LINE - SEE SHEET 4

MATCH LINE - SEE SHEET 2



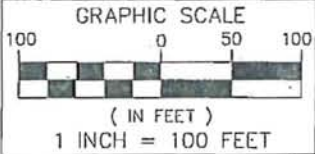
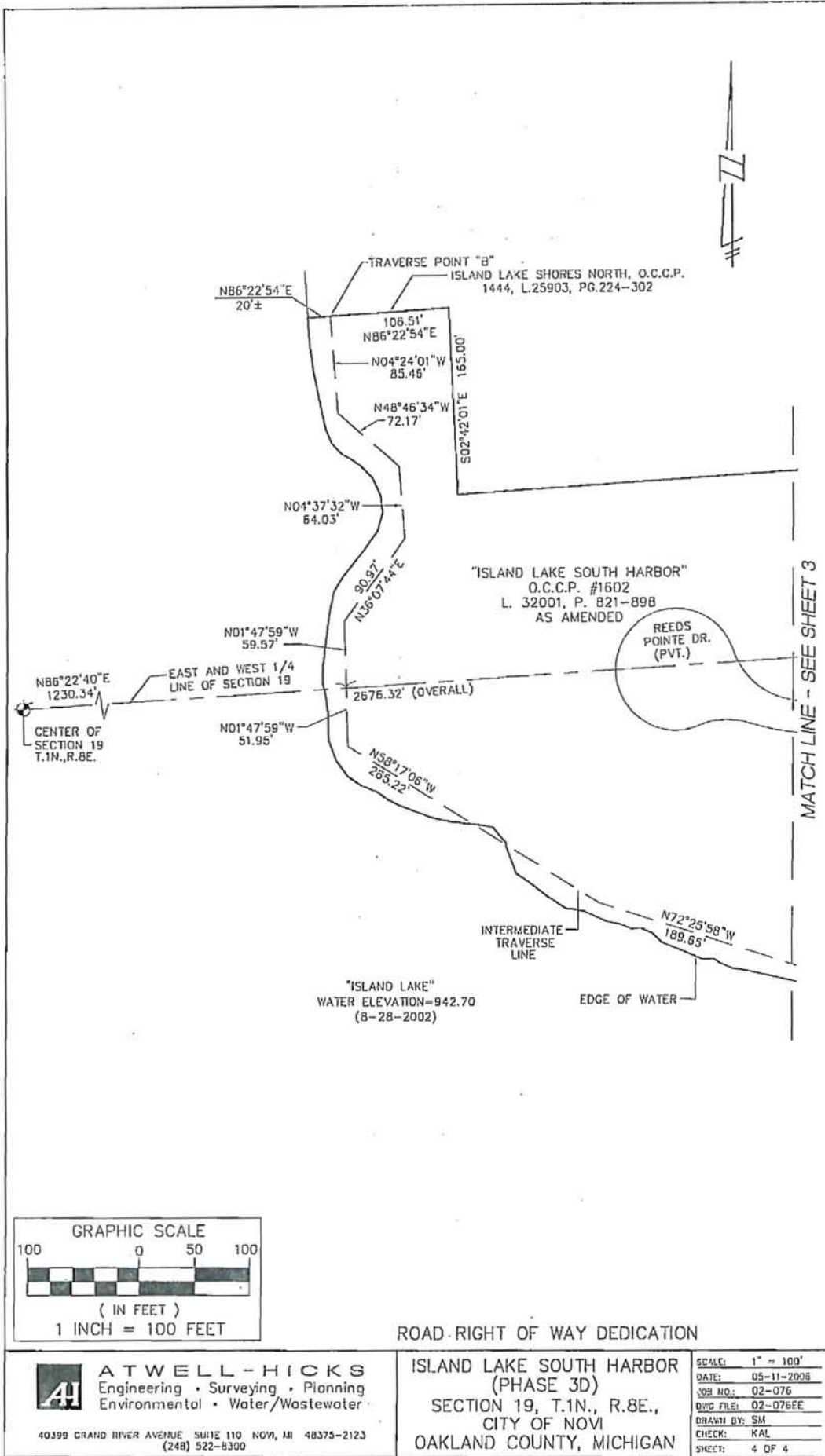
ROAD RIGHT OF WAY DEDICATION

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40399 GRAND RIVER AVENUE, SUITE 110, NOVI, MI 48375-2123
 (248) 572-8300

ISLAND LAKE SOUTH HARBOR
 (PHASE 3D)
 SECTION 19, T.1N., R.8E.,
 CITY OF NOVI
 OAKLAND COUNTY, MICHIGAN

SCALE: 1" = 100'
 DATE: 05-11-2006
 JOB NO.: 02-076
 DWG FILE: 02-076EE
 DRAWN BY: SJH
 CHECK: KAL
 SHEET: 3 OF 4



ROAD RIGHT OF WAY DEDICATION

AH **ATWELL-HICKS**
Engineering • Surveying • Planning
Environmental • Water/Wastewater

40399 GRAND RIVER AVENUE SUITE 110 NOV, MI 48375-2123
(248) 522-8300

ISLAND LAKE SOUTH HARBOR
(PHASE 3D)
SECTION 19, T.1N., R.8E.,
CITY OF NOV
OAKLAND COUNTY, MICHIGAN

SCALE:	1" = 100'
DATE:	05-11-2008
JOB NO.:	02-076
DWG. FILE:	02-076EE
DRAWN BY:	SM
CHECK:	KAL
SHEET:	4 OF 4

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.

City Of Novi



Island Lake Phase 3D Location Map

