



**CITY of NOVI CITY COUNCIL**

**Agenda Item E  
November 9, 2009**

**SUBJECT:** Acceptance of a Sidewalk Easement along the right-of-way of Orchard Hills Place Drive from Flagstar Bank, FSB as part of the Flagstar Bank development, located at 39900 Eight Mile Road, (Parcel #22-36-477-016) in Section 36.

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

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

**BACKGROUND INFORMATION:**

Flagstar Bank, FSB is proposing the dedication of a Sidewalk Easement along the right-of-way of Orchard Hills Place Drive adjacent to the Flagstar Bank development. The Sidewalk Easement requires consideration by the City Council.

The attached Sidewalk Easement has been reviewed and approved by the Engineering Division and the City Attorney's office (see Beth Kudla's October 14, 2008 letter, attached).

**RECOMMENDED ACTION:** Acceptance of a Sidewalk Easement along the right-of-way of Orchard Hills Place Drive from Flagstar Bank, FSB as part of the Flagstar Bank development, located at 39900 Eight Mile Road, (Parcel #22-36-477-016) in Section 36.

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

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

October 14, 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  
bkudln@secretwardle.com

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

Re: **Flagstar Bank (Eight Mile), SP05-36**  
**Acceptance Documents**  
**Our File No. 660094 NOVI**

Dear Mr. Hayes:

We have received and reviewed, and enclosed please find, the following documents regarding the Flagstar Bank Property:

1. Sidewalk Easement 
2. Storm Drainage Facility Maintenance Agreement

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

We have confirmed that no utility easement conveyances are required with respect to this site.

We approve the Storm Drainage Facility Maintenance Easement Agreement in the enclosed format. It is our understanding Engineering has reviewed and approved the attached Exhibits.

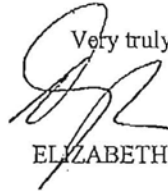
The Sidewalk Easement is acceptable in form and content, and it is our understanding the Exhibits attached have been approved by the City.

The Storm Drainage Facility Maintenance Easement Agreement and Sidewalk Easement should be placed on an upcoming City Council Agenda for approval and subsequently executed by the City and recorded with the Oakland County Register of Deeds.

Rob Hayes, City Engineer  
October 14, 2008  
Page 2

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/Original Enclosures)  
Marina Neumaier, Assistant Finance Director (w/Enclosures)  
Charles Boulard, Building Official (w/Enclosures)  
Barb McBeth, Deputy Community Dev Director (w/Enclosures)  
Aaron Staup, Construction Engineering Coor. (w/Enclosures)  
Dave Bluhm/Byron Hanson, Spalding DeDecker (w/Enclosures)  
Sarah Marchioni, Building Department (w/Enclosures)  
Kevin Monahan, The Monahan, Co. (w/Enclosures)  
Thomas R. Schultz, Esquire (w/Enclosures)

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SIDEWALK EASEMENT

NOW ALL MEN BY THESE PRESENTS, that Flagstar Bank, FSB, whose address is 5151 Corporate Drive, Troy, Michigan 48098, 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 36, 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 16<sup>th</sup> day of August, 2006

{Signature begins on following page}

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Signed by:

Flagstar Bank, F.S.B. Federally ~~Chartered~~ <sup>CHARTERED</sup>  
Michigan SAVINGS BANK

  
By: Dennis Miller  
Assistant Vice President

STATE OF MICHIGAN )  
 ) SS  
COUNTY OF Oakland )

The foregoing instrument was acknowledged before me this 16<sup>th</sup> day of August, 2006 by  
~~Carol L. Reeser~~ Dennis Miller, Assistant  
VICE president of Flagstar Bank, on its Behalf

Carol L. Reeser  
Notary Public  
Oakland County, Michigan  
My Commission Expires: August 11, 2012

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

Return To:  
Maryanne Cornelius, Clerk  
City of Novi  
45175 West Ten Mile Road  
Novi, MI 48375-3024

**CAROL REESER**  
NOTARY PUBLIC, MACOMB COUNTY, MICHIGAN  
My Commission Expires August 11, 2012  
Acting in Macomb County

Notary Public  
Oakland County, Michigan  
My Commission Expires: \_\_\_\_\_

Drafted by:  
Elizabeth M. Kudla  
30903 Northwestern Highway  
P.O. Box 3040  
Farmington Hills, MI 48333-3040

And when recorded return to:  
Maryanne Cornelius, City Clerk  
City of Novi  
45175 W. Ten Mile Rd  
Novi, MI 48375

602691v1

## Exhibit A

### PROPERTY DESCRIPTION

#### LEGAL DESCRIPTION - PROPERTY

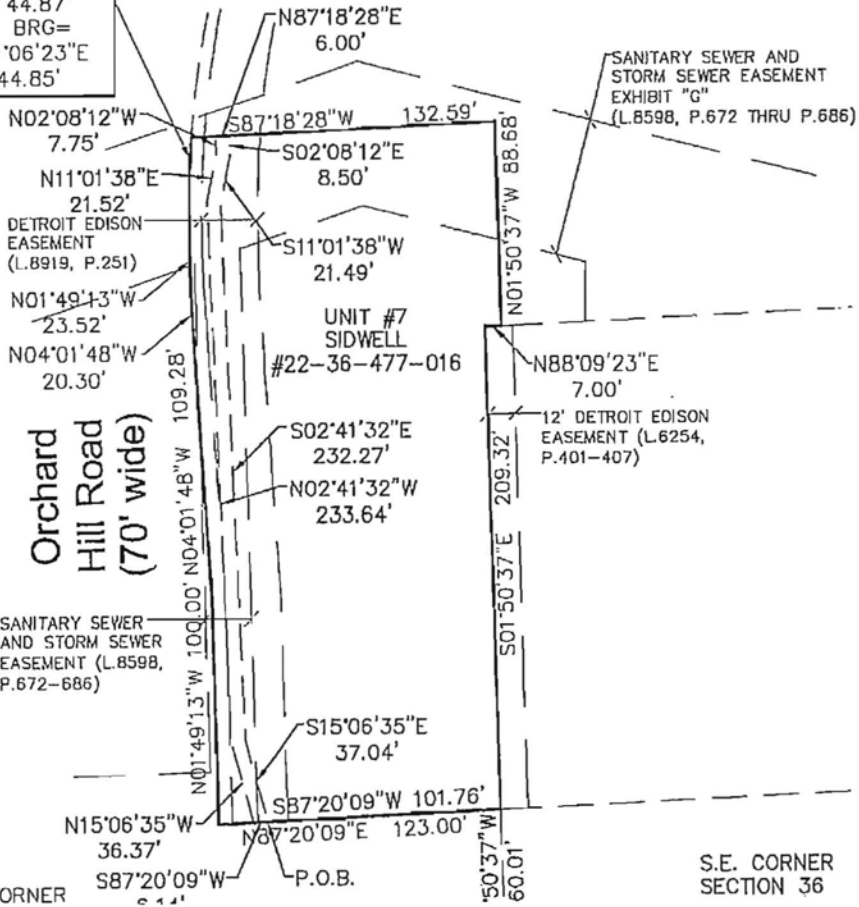
UNIT 7 OF REPLAT NO. 9, OAKLAND COUNTY CONDOMINIUM SUBDIVISION  
PLAN NO. 434, EXHIBIT B TO THE MASTER DEED OF ORCHARD HILL PLACE,  
CITY OF NOVI, OAKLAND COUNTY, MICHIGAN, AS RECORDED IN LIBER 12327,  
PAGE 359-365, O.C.R. CONTAINING 37,867 SQUARE FEET OR 0.87 ACRES.  
SIDWELL #22-36-477-016

# Exhibit B

6' WIDE PUBLIC SIDEWALK EASEMENT



$\Delta = 05'51'09''$   
 $R = 439.30'$   
 $T = 22.46'$   
 $L = 44.87'$   
 CHD. BRG=  
 $N 01'06'23''E$   
 $C = 44.85'$





## Exhibit B

### 6' WIDE PUBLIC SIDEWALK EASEMENT

#### LEGAL DESCRIPTION - 6' WIDE PUBLIC SIDEWALK EASEMENT

A SIX (6.00') FOOT WIDE SIDEWALK EASEMENT OVER THE ABOVE DESCRIBED PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED AS BEGINNING A POINT DISTANT S.87°20'09"W., 1230.07 FEET AND N.01°50'37"W., 60.01 FEET AND S.87°20'09"W., 101.76 FEET FROM THE SE. CORNER OF SECTION 36, T1N., R. 8E., CITY OF NOVI, OAKLAND COUNTY, MICHIGAN; THENCE S.87°20'09"W., 6.14 FEET; THENCE N.15°06'35"W., 36.37 FEET; THENCE N.02°41'32"W., 233.64 FEET; THENCE N.11°01'38"E., 21.52 FEET; THENCE N.02°08'12"W., 7.75 FEET; THENCE N.87°18'28"E., 6.00 FEET; THENCE S.02°08'12"E., 8.50 FEET; THENCE S.11°01'38"W., 21.49 FEET; THENCE S.02°41'32"E., 232.27 FEET; THENCE S.15°06'35"E., 37.04 FEET TO THE POINT OF ENDING.

**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



## Flagstar Bank Location

