



# CITY of NOVI CITY COUNCIL

Agenda Item C  
January 9, 2012

**SUBJECT:** Acceptance of a sidewalk easement from Cabot North Technology Centre, LLC as part of the Cabot North Technology Centre development located at 28970 Cabot Drive, located at the northeast corner of Cabot Drive and Lewis Drive (parcel 22-12-200-047).

**SUBMITTING DEPARTMENT:** Department of Public Services, Engineering Division *Ry* *BTL*

**CITY MANAGER APPROVAL:** 

**BACKGROUND INFORMATION:** 

A sidewalk was constructed along Cabot Drive as part of the approved site plan for the Cabot North Technology Center. A portion of the sidewalk was planned and constructed outside of the right-of-way. Therefore, Cabot North Technology Centre, LLC, requests acceptance of a sidewalk easement for the Cabot North Technology Centre site, located at 28970 Cabot Drive (Haggerty Corridor Corporate Park). The enclosed easement has been favorably reviewed by Engineering staff and the City Attorney (Beth Kudla's May 13, 2005 letter, attached) and is recommended for approval.

**RECOMMENDED ACTION:** Acceptance of a sidewalk easement from Cabot North Technology Centre, LLC as part of the Cabot North Technology Centre development located at 28970 Cabot Drive, located at the northeast corner of Cabot Drive and Lewis Drive (parcel 22-12-200-047).

	1	2	Y	N
Mayor Gaff				
Mayor Pro Tem Staudt				
Council Member Casey				
Council Member Fischer				

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

# Cabot North Tech. Centre

## Location Map



Sidewalk Easement  
 Cabot North Technology Centre  
 28970 Cabot Drive  
 22-12-200-047

Lewis Dr

Cabot Dr

Map Author: Aaron J. Staup  
 Date: December 19, 2011  
 Project: Cabot North Technology Centre  
 Version #: 1

### Sidewalk Easement

#### 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.

### Map Legend

- Road Classification  Novi Tax Parcel BSA
- Major Streets  Novi 2010 Aerial Photograph
- Minor Streets  RGB
- Red: Band\_1
- Green: Band\_2
- Blue: Band\_3
- City of Novi Boundary



## City of Novi

Engineering Division  
 Department of Public Services  
 26300 Delwal Drive  
 Novi, MI 48375  
[cityofnovi.org](http://cityofnovi.org)



1 inch = 116 feet



May 13, 2005

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: Cabot North Technology Centre  
Dedication and Acceptance of Utilities  
Our File No: 660005. NOV1**

Dear Mr. Hayes:

We have received and reviewed the following documents relating to the Cabot North Technology Centre:

1. Water Main Easement
2. Sanitary Sewer Easement
3. Bill of Sale
4. Commitment for Title Insurance dated May 10, 2005
5. Maintenance & Guarantee Bond
6. Sidewalk Easement
7. Consent Letter from Detroit Edison

**Conveyance Documents**

The property owner of the Cabot North Technology Centre seeks to convey the sanitary sewer and water system facilities and corresponding easements to operate, maintain, repair and replace the facilities over, upon and through the subject property in Section 12 of the City, to the City of Novi. Engineering has reviewed and approved all legal descriptions for the Water Main Easement, Sanitary Sewer Easement and Bill of Sale. Engineering has also approved the amount of the Maintenance and Guarantee Bond. The Bond provided is for the purpose of guaranteeing workmanship and material with respect to the water main and sanitary sewer facilities for two years from the date of formal acceptance. It is also our understanding that Engineering has reviewed all waivers of lien and contractor's sworn statements relating to the water and sanitary sewer system facilities and finds them adequate. Based on our review of the documents provided, we recommend acceptance of the sanitary sewer and water system improvements and corresponding easements in regard to the Cabot North Technology Centre.

Rob Hayes, City Engineer  
May 13, 2005  
Page 2

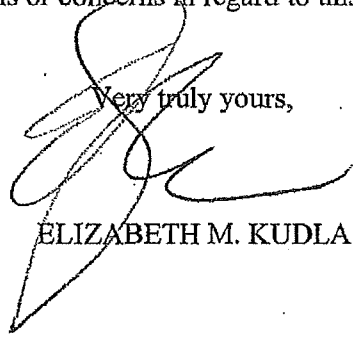
The property owner has also provided a Sidewalk Easement for the purpose of permitting public pedestrian and non-motorized traffic over the sidewalk serving the Cabot North Property. Engineering has approved the Exhibit containing the location of the Sidewalk Easement. The document provided is sufficient for the purpose stated.

Our review of the Commitment for Title Insurance indicates that all parties with ownership interest in the subject property have provided necessary conveyance documents to complete a dedication of the subject easements and facilities to the City.

All original documents are in the City's possession. Once approved and accepted by the City, the original Water Main Easement, Sanitary Sewer Easement, Bill of Sale, and Sidewalk Easement should be forwarded, by the City Clerk's Office, to the Oakland County Register of Deeds for recording.

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

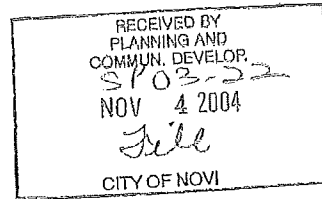
Very truly yours,



ELIZABETH M. KUDLA

EMK  
Enclosures

- C: Maryanne Cornelius, Clerk (w/Enclosures)  
Marina Neumaier, Ass't. Director of Finance (w/o Enclosures)  
Aaron Staup, Construction Engineering Coordinator (w/Enclosures)  
Sarah Marchioni, Building Department (w/Enclosures)  
Julie Chalmers, Northern Equities (w/o Enclosures)  
Thomas R. Schultz, Esquire (w/o Enclosures)



SIDEWALK EASEMENT

KNOW ALL MEN BY THESE PRESENTS, that Cabot North Technology Centre, L.L.C., whose address is 39000 Country Club Drive, Farmington Hills, Michigan 48331, 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, who 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 the property described as follows:

See attached Exhibit "A".

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

See attached Exhibit "B".

Grantee may enter upon sufficient land adjacent to said easement for the purpose of exercising the rights and privileges granted herein.

Grantee shall 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 finding upon and inure to the benefit of the Grantor, Grantee, and their respective heirs, representatives, successors and assigns.


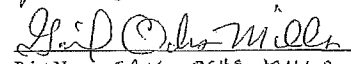
This easement shall allow public pedestrian and non-motorized traffic and shall permit maintenance, repair and replacement of the paving in the easement area.

Exempt pursuant to MCLA 207.505(a)  
And MCLA 207.526(a)

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

Cabot North Technology Centre, LLC  
By: Haggerty Corridor Partners, LLC,  
Its: Sole Partner

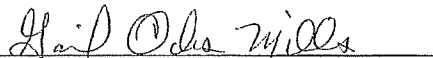
  
\_\_\_\_\_  
David E. Stewart, Vice President of  
FG 38 Corporation  
Its: Managing Member

  
\_\_\_\_\_  
Print Name: Julie Chalmers  
  
\_\_\_\_\_  
Print Name: GAIL OCHS MILLS

STATE OF MICHIGAN )  
 )\_ SS  
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this 26 day of July, 2004 by David E. Stewart, Vice President of FG 38, Managing Member of Haggerty Corridor Partners, LLC, Sole Partner of Cabot North Technology Centre, LLC.

GAIL OCHS MILLS  
NOTARY PUBLIC WAYNE CO., MI  
MY COMMISSION EXPIRES Sep 30, 2007  
ACTING IN OAKLAND COUNTY, MI

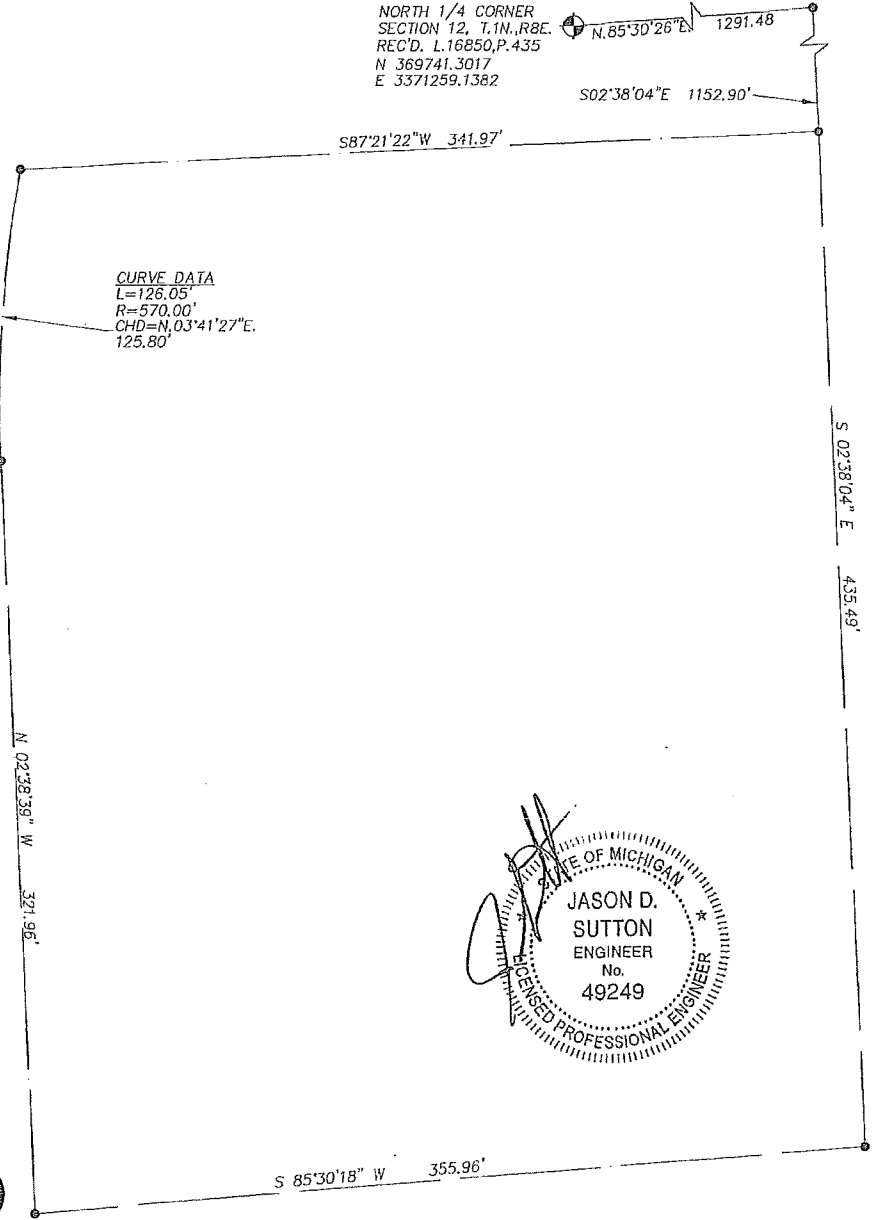
  
Notary Public  
Oakland County, Michigan  
My Commission Expires: \_\_\_\_\_

THIS INSTRUMENT DRAFTED BY AND  
WHEN RECORDED, RETURN COPY TO:  
Elizabeth M. Kudla, Esq.  
30903 Northwestern Highway  
Farmington Hills, MI 48334

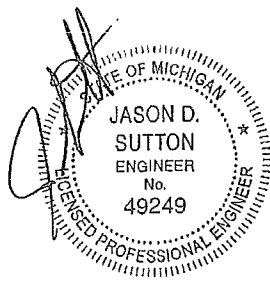
A R Decker & Associates  
 Consulting Engineers  
 Civil - Structural  
 920 East Long Lake Road  
 Troy, Michigan 48085  
 Telephone (248) 528-3779  
 Facsimile (248) 528-3548

EXHIBIT 'A'

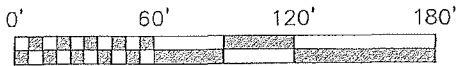
NORTH 1/4 CORNER  
 SECTION 12, T.1N., R.8E.  
 REC'D. L.16850, P.435  
 N 369741.3017  
 E 3371259.1382



CURVE DATA  
 L=126.05'  
 R=570.00'  
 CHD=N.03°41'27\"/>



SCALE: 1" = 60'



LEGAL DESCRIPTION:

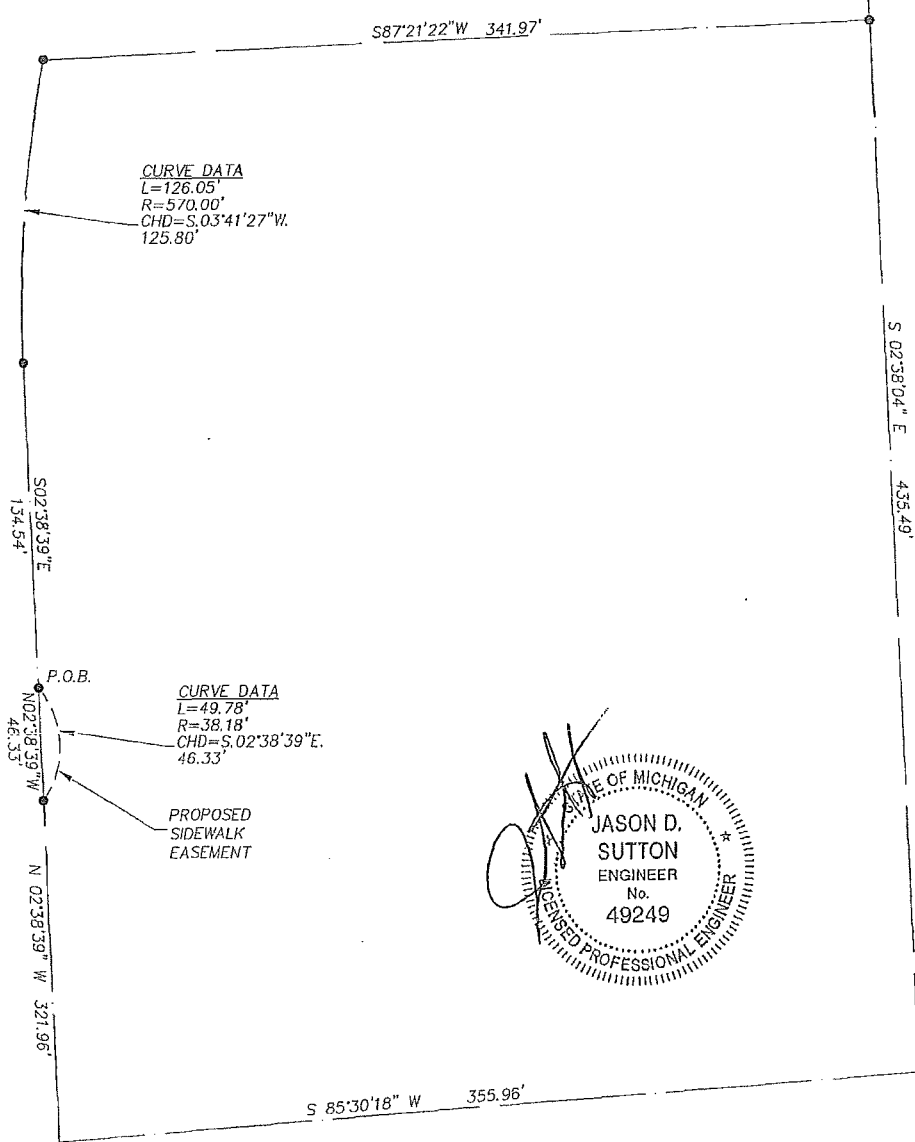
A PARCEL OF LAND BEING PART OF THE NORTHEAST 1/4 OF SECTION 12, TOWN 1 NORTH, RANGE 8 EAST, CITY OF NOVI, OAKLAND COUNTY, MICHIGAN, DESCRIBED AS BEGINNING AT THE NORTH 1/4 CORNER OF SECTION 12; THENCE N.85°30'26"E., 1291.48 FEET ALONG THE NORTH 1/4 LINE, ALSO BEING THE CENTERLINE LINE OF 13 MILE ROAD; THENCE S.02°38'04"E., 1152.90 FEET TO THE POINT OF BEGINNING; THENCE S.02°38'04"E., 435.49 FEET; THENCE S.85°30'18"W., 355.96 FEET; THENCE N.02°38'39"W., 321.96 FEET; THENCE 126.05 FEET ALONG A CURVE TO THE RIGHT, RADIUS 570.00 FEET AND CHORD BEARS N.03°41'27"E., 125.80 FEET; THENCE N.87°21'22"E., 341.97 FEET TO THE POINT OF BEGINNING. CONTAINING 3.591 ACRES MORE OR LESS AND SUBJECT TO ANY AND ALL EASEMENTS AND RESTRICTIONS OF RECORD.

A R Decker & Associates  
 Consulting Engineers  
 Civil - Structural  
 920 East Long Lake Road  
 Troy, Michigan 48085  
 Telephone (248) 528-3779  
 Facsimile (248) 528-3548

EXHIBIT 'B'

EX. CABOT DRIVE  
 60.00' R.O.W.

NORTH 1/4 CORNER  
 SECTION 12, T.1N., R.8E.  
 REC'D. L.16850, P.435  
 N 369741.3017  
 E 3371259.1382

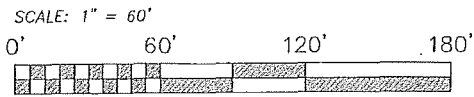


CURVE DATA  
 L=126.05'  
 R=570.00'  
 CHD=S.03°41'27"W.  
 125.80'

CURVE DATA  
 L=49.78'  
 R=38.18'  
 CHD=S.02°38'39"E.  
 46.33'

PROPOSED  
 SIDEWALK  
 EASEMENT

JASON D. SUTTON  
 ENGINEER  
 No. 49249  
 LICENSED PROFESSIONAL ENGINEER  
 STATE OF MICHIGAN



**SIDEWALK EASEMENT:**  
 A SECTION OF LAND BEING PART OF THE NORTHEAST 1/4 OF SECTION 12, TOWN 1 NORTH, RANGE 8 EAST, CITY OF NOVI, OAKLAND COUNTY, MICHIGAN, DESCRIBED AS BEGINNING AT THE NORTH 1/4 CORNER OF SECTION 12; THENCE N.85°30'26"E., 1291.48 FEET ALONG THE NORTH 1/4 LINE, ALSO BEING THE CENTERLINE LINE OF 13 MILE ROAD; THENCE S.02°38'04"E., 1152.90 FEET; THENCE S.87°21'22"W., 341.97 FEET; THENCE 126.05 FEET ALONG A CURVE TO THE LEFT, RADIUS 570.00 FEET AND A CHORD BEARING S.03°41'27"W., 125.80 FEET; THENCE S.02°38'39"E., 134.54 FEET TO THE POINT OF BEGINNING; THENCE 49.78 FEET ALONG A CURVE TO THE RIGHT, RADIUS 38.18 FEET AND A CHORD BEARING S.02°38'39"E., 46.33 FEET N.02°38'39"W., 46.33 FEET TO THE POINT OF ENDING. SUBJECT TO ANY AND ALL EASEMENTS OR RESTRICTIONS OF RECORD.