



**CITY of NOVI CITY COUNCIL**

**Agenda Item L  
February 6, 2012**

**SUBJECT:** Acceptance of a sidewalk easement from City Center Plaza Limited Partnership, as part of the City Center Plaza Phases 3 and 4 located at 43443 and 43535 Grand River Avenue near the southwest corner of Novi Road and Grand River Avenue (parcel 22-22-227-029).

**SUBMITTING DEPARTMENT:** Department of Public Services, Engineering Division *Rox BIC*

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

**BACKGROUND INFORMATION:**

As part of the approved site plan, a sidewalk was constructed along the south side of Grand River Avenue across the frontage for City Center Plaza Phase 3 and 4 located at 43443 and 43535 Grand River Avenue (as shown on the attached location map). As part of the site plan review process, this segment of the sidewalk was planned and constructed outside of the right-of-way to avoid existing facilities and to improve the safety of the pathway. Therefore, City Center Plaza Limited Partnership has prepared a sidewalk easement for the portion of the constructed sidewalk that is located outside of the existing right-of-way for Grand River Avenue and requests acceptance by the City.

The enclosed easement has been favorably reviewed by Engineering staff as well as the City Attorney (Beth Kudla's April 13, 2009 letter, attached) and is recommended for approval. The utilities and associated easements for this site were previously accepted administratively.

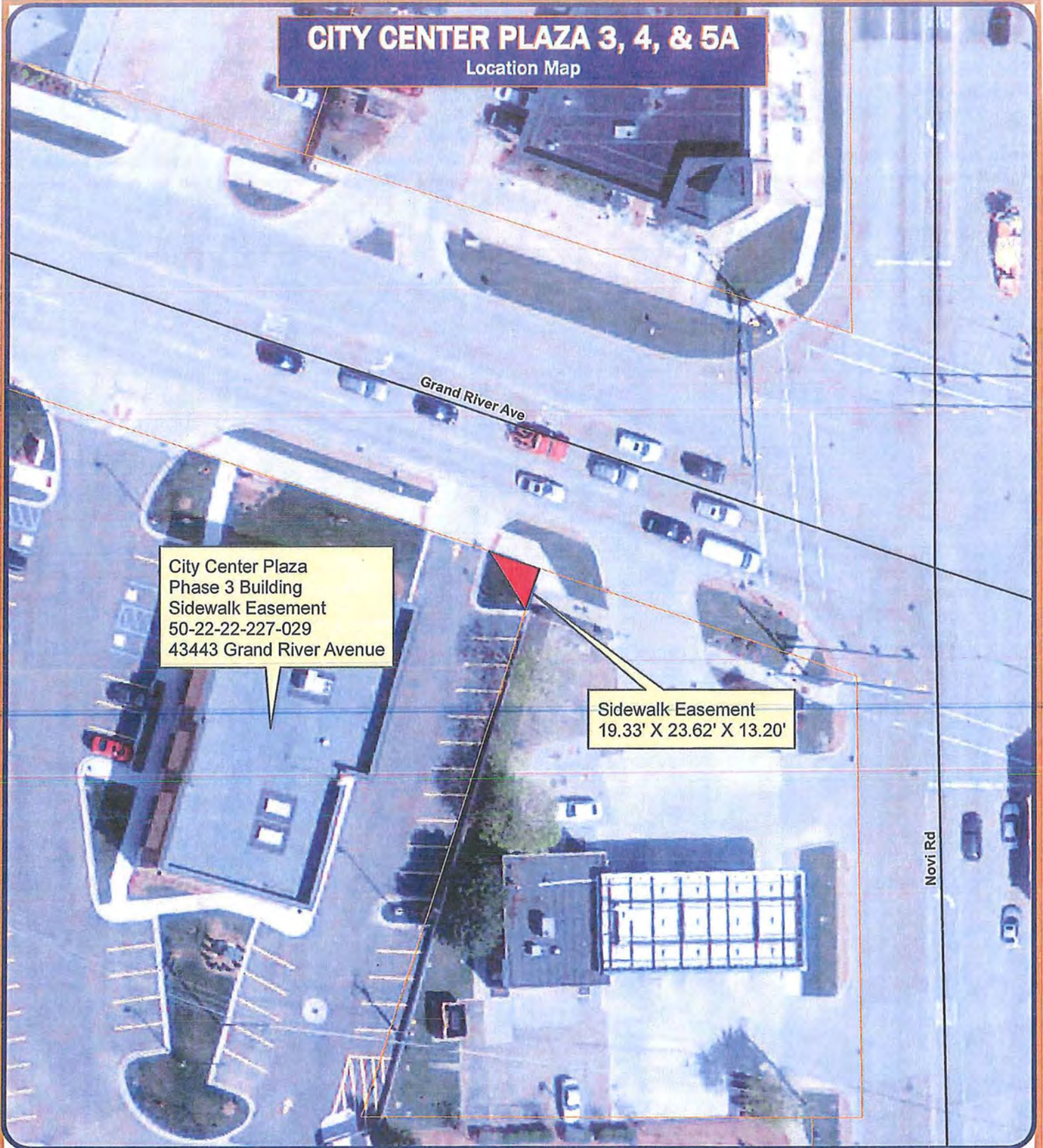
**RECOMMENDED ACTION:** Acceptance of a sidewalk easement from City Center Plaza Limited Partnership, as part of the City Center Plaza Phases 3 and 4 located at 43443 and 43535 Grand River Avenue near the southwest corner of Novi Road and Grand River Avenue (parcel 22-22-227-029).

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

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

# CITY CENTER PLAZA 3, 4, & 5A

Location Map



City Center Plaza  
Phase 3 Building  
Sidewalk Easement  
50-22-22-227-029  
43443 Grand River Avenue

Sidewalk Easement  
19.33' X 23.62' X 13.20'

Map Author: Aaron J. Staup  
Date: January 24, 2012  
Project: City Center Plaza 3, 4, & 5A  
Version #: 1

### Sidewalk Easement

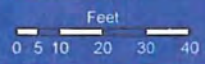
**MAP INTERPRETATION NOTICE**  
Map information depicted is not intended to replace or substitute for any official or primary source. This map was intended to meet National Map Accuracy Standards and use the most recent accurate sources available to the people of the City of Novi. Boundary measurements 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
- Major Streets
- Minor Streets
- Novi Tax Parcel BSA
- Novi 2010 Aerial Photograph
- 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



1 inch = 44 feet

April 13, 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  
ekudla@secretwardle.com

Rob Hayes, Director of Public Services/City Engineer  
City of Novi  
45175 West Ten Mile Road  
Novi, Michigan 48375

**Re: City Center Plaza, Phases 3, 4 and 5A  
Acceptance of Utilities  
Our File No. 660134.NOVI  
SP06-37**

Dear Mr. Hayes:

We have received and reviewed, and enclosed please find copies of the following documents regarding City Center Plaza, Phases 3, 4, and 5A:

1. Water System Easement
2. Sanitary Sewer System Easement
3. Sanitary Sewer System Easement
4. Bill of Sale for sanitary sewer facilities
5. Bill of Sale for sanitary sewer facilities
6. Bill of Sale for water main facilities
7. Commitment for Title Insurance
8. Title Search Report
9. Maintenance and Guarantee Bond
10. Sidewalk Easement

The Developer of City Center Plaza, Phases 3, 4, and 5A, seeks to convey the water main and sanitary sewer facilities located within the Development. Documents 1 through 10, above, have been reviewed by our office as to the format, language, and content. The format, language and content of the documents are in order subject to the City Consulting Engineer's review and approval of all of the legal descriptions with respect to the utilities being dedicated within the Condominium. The Maintenance and Guarantee Bonds for the utilities is the City's standard Bond form and the City's Consulting Engineer has approved the amount of the bond.


Based on the documents provided, we recommend acceptance of the streets and utilities, as noted above, by the City.

The Sidewalk Easement for pedestrian and non-motorized travel is the City Standard Easement form and is acceptable. The City's Consulting Engineer has reviewed and approved the attached exhibits. This easement should be placed on an upcoming City Council Consent Agenda for acceptance.

Once acceptance has been completed by issuance of an Affidavit of Acceptance, the original Water and Sanitary Sewer Easements should be recorded with the Oakland County Register of Deeds. The original Bills of Sale, title work and Maintenance and Guarantee Bond should be maintained in the City'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/Original Enclosures)  
Clay Pearson, City Manager (w/Enclosures)  
Marina Neumaier, Assistant Finance Director (w/Enclosures)  
Aaron Staup, Construction Engineering Coordinator (w/Enclosures)  
Taylor Reynolds, Spalding DeDecker (w/Enclosures)  
Sarah Marchioni, Building Department (w/Enclosures)  
Ron Neuchterlein, Superior Diversified Services (w/Enclosures)  
George Keros, City Center Plaza Limited Partnership (w/Enclosures)  
Thomas R. Schulz, Esquire (w/Enclosures)

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**SIDEWALK EASEMENT**

NOW ALL MEN BY THESE PRESENTS, that CITY CENTER PLAZA LIMITED PARTNERSHIP, whose address is 200 Renaissance center, Suite 3145, Detroit, Mi 48243 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 22, 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)

Dated this the 20<sup>th</sup> day of June, 2008

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

IN WITNESS WHEREOF, the undersigned Grantor has affixed \_\_\_\_\_ signature this day of 23rd July, 2008.

GRANTOR:

CITY CENTER PLAZA LIMITED PARTNERSHIP  
a Michigan Limited Partnership

By: George S. Keros  
George S. Keros  
Its: Managing Partner

STATE OF MICHIGAN )  
                                  )SS  
COUNTY OF OAKLAND )

On this 23 day of July, 2008 before me, personally appeared the above named George S. Keros the Managing Partner of City Center Plaza L.P. to me known to be the person described in and who executed the foregoing instrument and acknowledged that they executed the same as free act and deed.

Carla Baird  
Notary Public,  
Macomb County, MI  
My commission expires: \_\_\_\_\_

THIS INSTRUMENT DRAFTED BY:

Elizabeth M. Kudla, Esq.  
30903 Northwestern Highway  
Farmington Hills, MI 48334

**Notary Public**  
**Carla Baird**  
**In the County of Macomb**  
**My Commission Expires**  
**August 12, 2012**

AND WHEN RECORDED RETURN TO:

Maryanne Cornelius, Clerk  
City of Novi  
45175 W. Ten Mile Rd.  
Novi, MI 48375

CONSENT TO EASEMENT

As the holder of a mortgagee interest in and to the property referenced in the Sidewalk Easement, dated June 20, 2008, attached hereto and incorporated as Exhibit A, whereby City Center Plaza Limited Partnership grants and conveys said easement to the City of Novi, the undersigned hereby evidences its consent to the grant, conveyance, existence and recordation of said easement, which easement is hereby acknowledged and agreed to be superior to the interest of the undersigned and shall bind the undersigned and the heirs, successors and assigns of the undersigned.

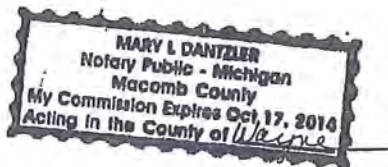
IN WITNESS WHEREOF the undersigned has caused its signature to be placed on the 21<sup>st</sup> day of July, 2008.

Comerica Bank, a  
Texas Bank Association

By: [Signature]  
Kevin Kuder  
Its: Vice President

STATE OF MICHIGAN )  
                                  ) SS.  
COUNTY OF OAKLAND )

The foregoing Consent to Easement was acknowledged before me this 21<sup>st</sup> day of July, 2008, by Kevin Kuder, the Vice President of Comerica Bank, a Michigan.



[Signature]  
Notary Public  
                                  County, MI  
My commission expires: \_\_\_\_\_

## EXHIBIT A

### SUBJECT PARCEL

Parcel Combination Tax I.D. No.'s 22-22-227-002; 22-22-227-003, 22-22-227-004, 22-22-227-026 and 22-22-227-028

### LEGAL DESCRIPTION

Part of Lots 9, 10, 11, 12, 14, 15, 16 and 17 of "Supervisor's Plat No. 3", as recorded in Liber 54 of Plats, on Page 84, Oakland County Records, and Lots 1, 2, 3, 4 and 5 of "Railroad Subdivision", as recorded in Liber 92 of Plats, on Pages 16, 17 and 18, Oakland County Records; being a part of the Northeast 1/4 of Section 22 and the Southeast 1/4 of Section 15, Town 1 North, Range 8 East, City of Novi, Oakland County, Michigan; being more particularly described as commencing at the Northeast Corner of said Section 22; thence Due South, 138.97 feet, along the East line of said Section 22 and the centerline of Novi Road, to the Southerly right-of-way of Grand River Avenue (50.00 feet 1/2 right-of-way); thence North 70°38'08" West, 34.98 feet, along the Southerly right-of-way of said Grand River Avenue, to the Westerly right-of-way of said Novi Road (33.00 feet 1/2 right-of-way); thence Due South, 149.89 feet, along the Westerly right-of-way of said Novi Road, to the Northeast corner of Lot 14 of said "Supervisor's Plat No. 3"; thence South 88°49'04" West, 17.00 feet, along the North line of Lot 14 of said "Supervisor's Plat No. 3", to a point on the Westerly right-of-way of said Novi Road (50.00 feet 1/2 right-of-way) and the Point of Beginning; thence Due South, 399.66 feet, along the Westerly right-of-way of said Novi Road, to a point on the Southerly line of Lot 16 of said "Supervisor's Plat No. 3"; thence Due West, 10.00 feet, along the Southerly line of said Lot 16 of said "Supervisor's Plat No. 3", to the Northeast corner of Lot 3 of said "Railroad Subdivision" and a point on the Westerly right-of-way of said Novi Road (60.00 feet 1/2 right-of-way); thence Due South, 218.71 feet, along the Westerly right-of-way of said Novi Road, to the Southeast corner of Lot 5 of said "Railroad Subdivision" and the Northeasterly right-of-way of Flint Street; thence 125.91 feet along a curve to the right, said curve having a radius of 119.90 feet, a central angle of 60°10'07", and a chord bearing and distance of North 59°54'56" West, 120.20 feet, along the Northeasterly right-of-way of said Flint Street; thence North 01°43'38" East, 28.66 feet, along the Northeasterly right-of-way of said Flint Street, to the Northwest corner of said Lot 5 of said "Railroad Subdivision"; thence North 29°49'53" West, 741.38 feet, along the Northeasterly right-of-way of said Flint Street, to the Northwest corner of Lot 1 of said "Railroad Subdivision"; thence South 70°38'08" East, 6.00 feet, along the Northerly line of said Lot 1 of said "Railroad Subdivision" and the Southerly line of Lot 17 of said "Supervisor's Plat No. 3"; thence North 17°57'33" East, 199.99 feet, to a point on the Southerly right-of-way of said Grand River Avenue; thence South 70°38'08" East, 342.50 feet, along the Southerly right-of-way of said Grand River Avenue and the Northerly line of said Lot 17 of said "Supervisor's Plat No. 3" and the Northerly line of Lot 9, Lot 10, Lot 11 and Lot 12 of said "Supervisor's Plat No. 3", to the Northeast corner of said Lot 12 of said "Supervisor's Plat No. 3", thence South 18°13'06" West, 201.67 feet, along the Easterly line of said Lot 12 of said "Supervisor's Plat No. 3", to the Southeast corner of said Lot 12 of said "Supervisor's Plat No. 3"; thence North 88°49'04" East, 154.58 feet, along the Northerly line of said Lot 14 of said "Supervisor's Plat No. 3", to the Point of Beginning. All of the above containing 5.262 Acres. All of the above being subject to easements, restrictions and right-of-ways of record.

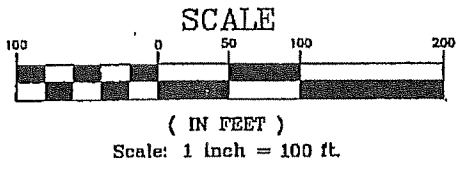
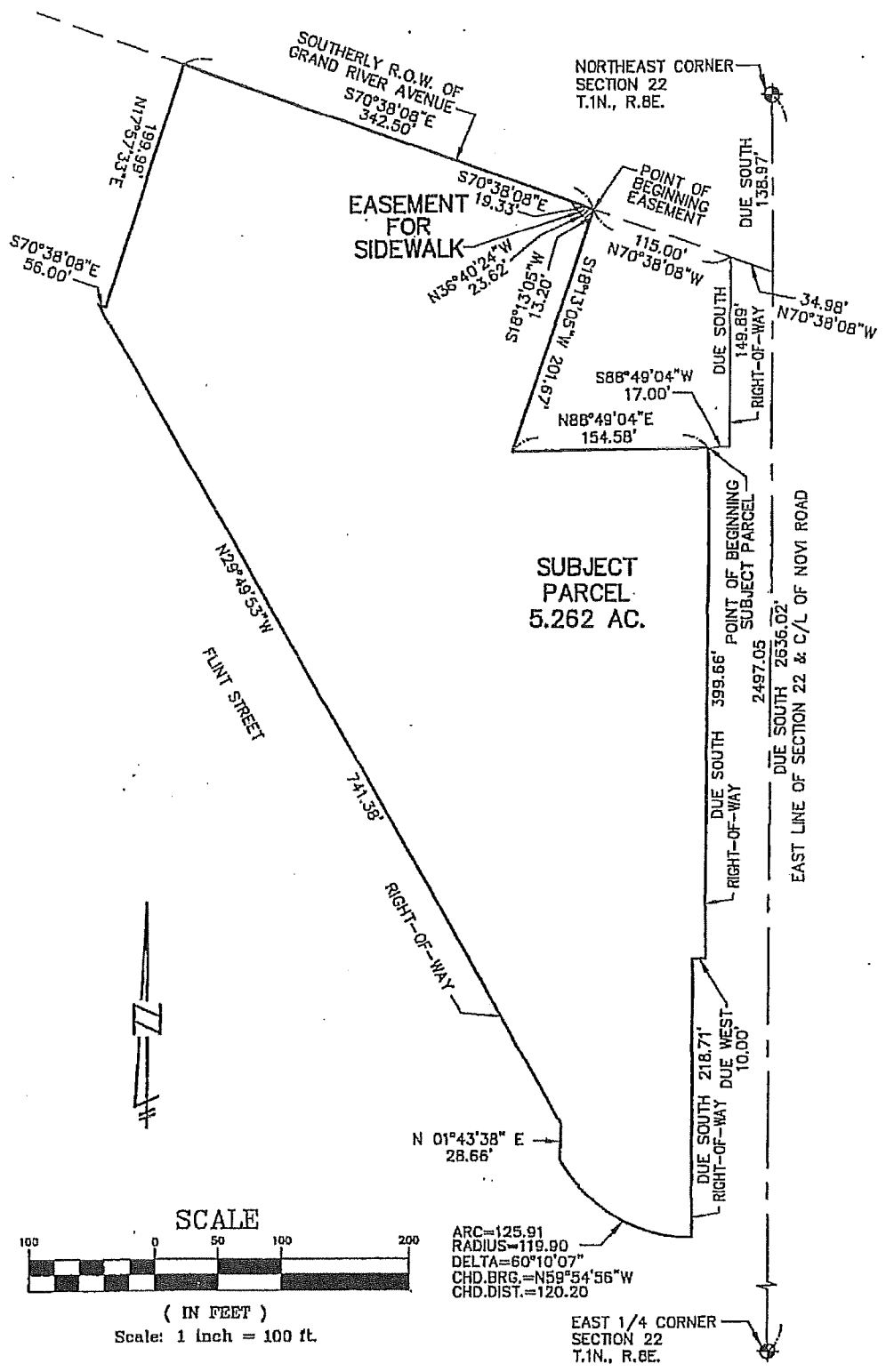


**EXHIBIT B**  
**(PAGE 1 OF 2)**

**LEGAL DESCRIPTION:**  
**EASEMENT FOR SIDEWALK**

An easement for sidewalk being a part of Lot 12 of "Supervisor's Plat No. 3", as recorded in Liber 54 of Plats, on Page 84, Oakland County Records; being a part of the Northeast 1/4 of Section 22, Town 1 North, Range 8 East, City of Novi, Oakland County, Michigan; more particularly described as commencing at the Northeast Corner of said Section 22; thence Due South, 138.97 feet, along the East line of said Section 22 and the centerline of Novi Road, to the Southerly right-of-way of Grand River Avenue (50 ft. 1/2 right-of-way); thence North 70°38'08" West, 34.98 feet, along the Southerly right-of-way of said Grand River Avenue, to the Westerly right-of-way of said Novi Road (33 ft. 1/2 right-of-way); thence North 70°38'08" West, 115.00 feet, along the Southerly right-of-way of said Grand River Avenue, to the Northeast corner of said Lot 12 and to the POINT OF BEGINNING; thence South 18°13'05" West, 13.20 feet, along the Easterly line of said Lot 12; thence North 36°40'24" West, 23.62 feet, to the Southerly right-of-way of said Grand River Avenue; thence South 70°38'08" East, 19.33 feet, along the Southerly right-of-way of said Grand River Avenue to the POINT OF BEGINNING.

**EXHIBIT B  
(PAGE 2 OF 2)**



ARC=125.91  
 RADIUS=119.90  
 DELTA=60°10'07"  
 CHD.BRG.=N59°54'56"W  
 CHD.DIST.=120.20

EASEMENT FOR SIDEWALK

**ATWELL-HICKS**  
 Engineering • Surveying • Planning  
 Environmental • Water/Wastewater  
 40359 GRAND RIVER AVENUE, SUITE 110, NOVI, MI 48375-2123  
 (248) 922-1100

**CITY CENTER PLAZA**  
 SECTION 22, T.1N., R.8E.,  
 CITY OF NOV  
 OAKLAND COUNTY, MICHIGAN

SCALE:	1" = 100'
DATE:	01-12-2007
JOB NO.:	04-049
DWG FILE:	04-049EE
DRAWN BY:	KAL
CHECK:	KAL, BL
SHEET:	1 OF 1