



CITY of NOVI CITY COUNCIL

**Agenda Item E
October 8, 2012**

SUBJECT: Approval to grant a permanent 27-foot wide highway easement to the Road Commission for Oakland County along the Napier Road and Eight Mile Road frontages of ITC Community Sports Park (parcel 22-31-300-002) to create the master planned 60-foot wide half right-of-way on this parcel.

SUBMITTING DEPARTMENT: Department of Public Services, Engineering Division ^{RPH} *BTC*

CITY MANAGER APPROVAL: *[Signature]*

BACKGROUND INFORMATION:

The Road Commission for Oakland County is requesting that the City of Novi donate a highway easement along Eight Mile Road and Napier Road at ITC Community Sports Park to create the master planned 60-foot wide half right-of-way. The Eight Mile Road easements are required to facilitate the work that is scheduled to repave Eight Mile Road in 2013. RCOC is requesting the Napier Road easements at the same time to facilitate any future work on Napier Road.

The attached map shows that the location of the proposed highway easement relative to the park. The attached site plan for ITC Community Sports Park shows the master planned 60 foot wide half right-of-way that is being requested and the design proposed the dedication of the right-of-way; therefore the operations of the park would not be affected by granting this easement.

The documents have been reviewed and are recommended for approval by Engineering and the City Attorney (see attached letter from Beth Saarela dated September 26, 2012).

RECOMMENDED ACTION: Approval to grant a permanent 27-foot wide highway easement to the Road Commission for Oakland County along the Napier Road and Eight Mile Road frontages of ITC Community Sports Park (parcel 22-31-300-002) to create the master planned 60-foot wide half right-of-way on this parcel.

	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				

Proposed Highway Easement

ITC Community Sports Park

Napier Rd

Approximate Location
of Highway Easement

Eight Mile Rd

Map Author: Brian Coburn
Date: 9/26/12
Project:
Version #:

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

Engineering Division
Department of Public Services
26300 Lee BeGole Drive
Novi, MI 48375
cityofnovi.org

Feet
0 70 140 280 420 560

1 inch = 333 feet



JOHNSON ROSATI SCHULTZ JOPPICH PC

34405 W. Twelve Mile Road, Suite 200 ~ Farmington Hills, Michigan 48331-5627
Phone: 248.489.4100 | Fax: 248.489.1726

Elizabeth Kudla Saarela
esaarela@jrslaw.com

www.johnsonrosati.com

September 26, 2012

Brian Coburn, Engineering Manager
CITY OF NOVI
Department of Public Services
Field Services Complex
26300 Lee BeGole Drive
Novi, MI 48375

Re: **RCOC Highway Easement – 8 Mile and Napier Road**

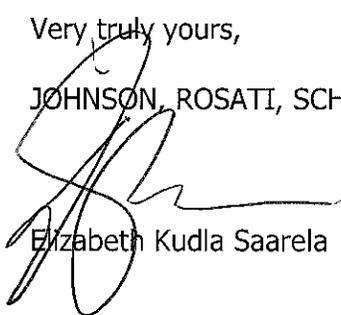
Dear Mr. Coburn:

We have received and reviewed the Highway Easement form prepared by the Road Commission for Oakland County (RCOC) for the purpose of conveyance by the City of a 27-foot wide Highway Easement over the Right-of-Way for 8 Mile and Napier Roads adjacent to ITC Community Sports Park. The Highway Easement form includes standard terms for a highway easement. On the basis that the City owns fee title to the subject property, and subject to engineering approval of the legal description prepared by the RCOC, we see no legal impediment to the City conveying the Highway Easement to the RCOC, and the matter may be placed on an upcoming City Council Agenda for approval.

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

Very truly yours,

JOHNSON, ROSATI, SCHULTZ & JOPPICH, P.C.



Elizabeth Kudla Saarela

EKS/sls

C: Maryanne Cornelius, Clerk
Rob Hayes, DPS Director
Sue Troutman, City Clerk's Office
Thomas R. Schultz, Esquire

HIGHWAY EASEMENT

KNOW ALL PERSONS that **CITY OF NOVI** ("Grantor(s)"), a Michigan municipal corporation, whose address is **45175 West 10 Mile Road, Novi, Michigan 48375**, hereby grant(s) to the **BOARD OF COUNTY ROAD COMMISSIONERS OF THE COUNTY OF OAKLAND** ("Board"), State of Michigan, a public body corporate, located at 31001 Lahser Road, Beverly Hills, Michigan 48025, an easement for all public highway purposes ("Highway Easement") and to construct, operate, maintain, repair, and/or replace roadways, utilities, and other infrastructure improvements in, over, under, upon, and through the following described premises ("Property") situated in the **City of Novi**, County of Oakland, State of Michigan.

Commonly known as: **51000 Eight Mile**
(Part of) Tax Parcel No. **22-31-300-002**

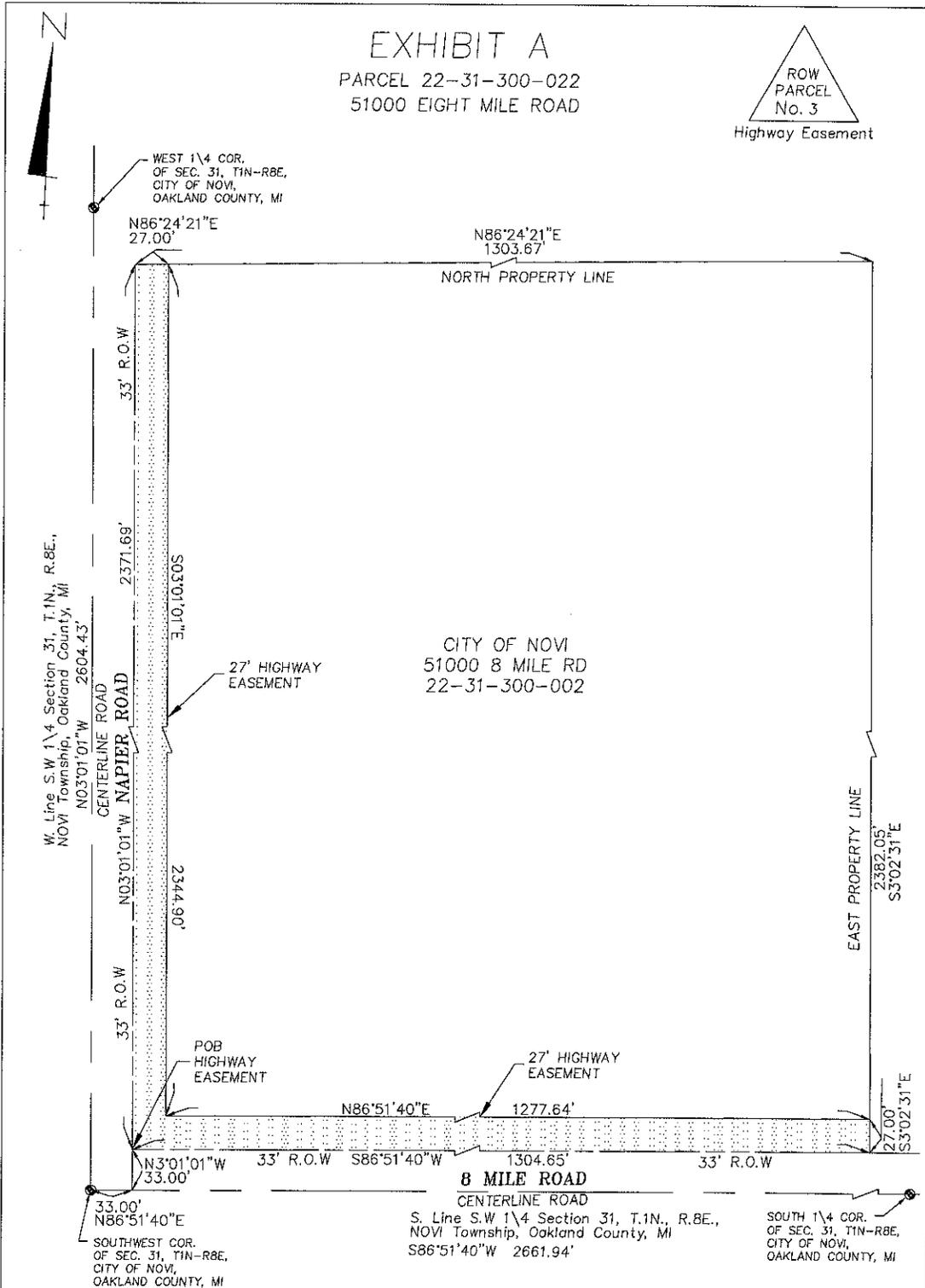
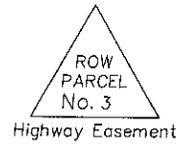
**SEE PARCEL DRAWING, ATTACHED AS EXHIBIT "A," AND
LEGAL DESCRIPTION, ATTACHED AS EXHIBIT "B,"
BOTH OF WHICH ARE INCORPORATED BY REFERENCE HEREIN**

This Highway Easement includes, but is not limited to, the consent of the Grantor(s) to the removal of any trees, shrubs, and/or vegetation, to grading, to the occupancy of the Property by public utilities, and to other matters which, in the sole discretion of the Board, may be necessary in connection with all public highway purposes and the construction, operation, maintenance, repair, and/or replacement of roadways, utilities, and other infrastructure improvements in, over, under, upon, and through the Property. Grantor(s) waive(s) further notice of such actions.

This Highway Easement runs with the land and shall bind the Grantor(s) and the Grantor(s)'s heirs, representatives, successors, and assigns. This Highway Easement contains the entire understanding of the Grantor(s) and the Board, and there are no other verbal promises between the Grantor(s) and the Board except as shown herein.

EXHIBIT A

PARCEL 22-31-300-022
51000 EIGHT MILE ROAD



TOTAL LAND AREA	=	71.1601	AC.
R\W AREA	=	-	S.F.
HIGHWAY EASE. AREA	=	99079	S.F.
HIGHWAY EASE. INCLUDING R\W	=	-	S.F.

EASEMENT	-	
HIGHWAY EASEMENT	-	
TEMPORARY EASEMENT	-	

BEARINGS BASED ON GRID BEARING--
NAD83(1994) SPC MI SOUTH ZONE

ROAD COMMISSION
for **OAKLAND COUNTY**
RIGHT OF WAY DIVISION
PHONE: 877-858-4804 WEB: WWW.RCOCWEB.ORG

PROJECT ROAD
PARCEL 22-31-300-002
SECTION 31, T.1N., R.8E.,
NOVI TOWNSHIP,
OAKLAND COUNTY, MICHIGAN

SCALE:	1" = 100'
DATE:	6-19-2012
PROJECT NUMBER:	50651
DRAWN BY:	RRH
SHEET:	1 OF 1

EXHIBIT "B"

Eight Mile Road
Project No. 50651
Parcel 3

Highway Easement Description

Part of the Southwest ¼ Section 31, Town 1 North, Range 8 East, City of Novi, Oakland County, Michigan, Described as Beginning at a point located distance N86°51'40"E 33.00 feet; along the South line of Section 31 and N03°01'01"W, 33.00 feet from the Southwest corner of Section 31, said point being on the North Right-of-Way Line of 8 Mile Road and **Point of Beginning of Highway Easement Description**, Thence continuing N03°01'01"W, 2371.69 feet along the Easterly Right-of-Way line of Napier Road to a point on the North Property Line; Thence along North Property line N86°24'21"E, 27.00 feet; Thence S03°01'01"E, 2344.90 feet; Thence N86°51'40"E, 1277.64 feet to a point on East Property Line; Thence along East Property Line S03°02'31"E, 27.00 feet to a point on North Right-of Way Line of 8 Mile Road; Thence continuing along the North Right-of Way Line of 8 Mile Road S86°51'40"W, 1304.65 feet to the **POINT OF BEGINNING**.

Part of Tax Parcel No. 22-31-300-002
Commonly known as 51000 8 Mile Road

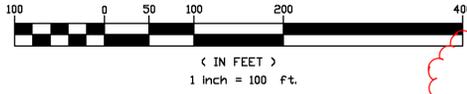
Dated: June 19,2012
RRH.

CITY OF NOVI
GENERAL NOTES

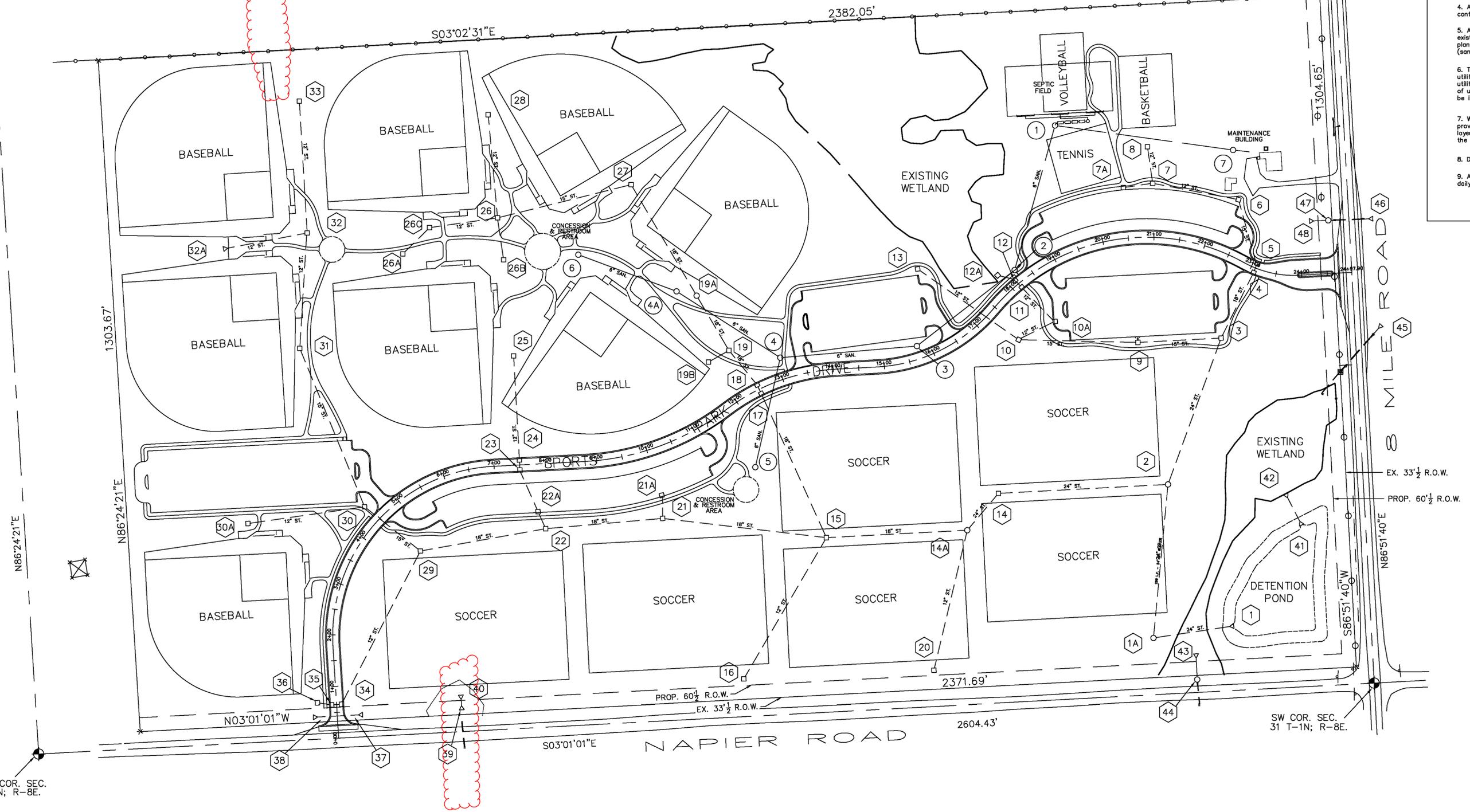
1. Notify the City of Novi consulting engineers, JCK & Associates at 348-2680, a minimum of 48 hours prior to the start of construction.
2. All construction must conform to the current standards and specifications adopted by the City of Novi.
3. Call MISS DIG (800-482-7171) a minimum of 72 hours prior to the start of construction.
4. All soil erosion and siltation must be controlled and contained on-site.
5. All excavation under or within 3 feet of any pavement, existing or proposed, or where sand backfill is called for on the plan, shall be backfilled and compacted with granular material (sand) MDOT Class II to 95 percent maximum unit density.
6. The contractor is responsible for all damage to existing utilities and facilities. The contractor shall expose existing utilities at the proposed utility crossings prior to the start of underground construction. Any conflicts with utilities shall be immediately reported to the project engineer.
7. Where two utilities cross including sanitary sewer leads, provide porous Grade "B" backfill material compacted in 6 inch layers to the underside of the higher utility or as specified on the detail sheet.
8. Dust control shall be maintained at all times.
9. Any mud tracked onto the existing roads shall be removed daily.



GRAPHIC SCALE



S. 1/4 COR. SEC.
31 T-1N; R-8E.



W. 1/4 COR. SEC.
31 T-1N; R-8E.

COMPOSITE PLAN

REVISIONS	
NO.	DATE
1. STM SEWER ADDED	08-13-95
2. PATHS REVISED	08-20-95
3. REV. PER J.C.K.	08-07-95
4. SEPTIC FIELD SIZE INCREASED	4-3-96



NOVI COMMUNITY
SPORTS PARK
SECTION 31 CITY OF NOVI
OAKLAND COUNTY, MICHIGAN

SCALE: 1" = 100'
DATE: MAY 1995
JOB NO.: 94-089
DWG FILE: NCP-CM
DRAWN BY: WSR
CHECK: CS
SHEET: 2

SEIBER, KEAST &
ASSOCIATES, INC.
CONSULTING ENGINEERS

MILLETICS AND
ASSOCIATES
LAND SURVEYORS
40000 GRAND RIVER AVENUE SUITE 110 NOVI, MI 48375-2133
(810) 473-7880