



CITY OF NOVI CITY COUNCIL
APRIL 12, 2021

SUBJECT: Acceptance of a Warranty Deed to dedicate 60 feet of half-width right-of-way along the north side of West Road as part of the 46860 West Road commercial development (parcel 50-22-04-326-006).

SUBMITTING DEPARTMENT: Department of Public Works, Engineering Division

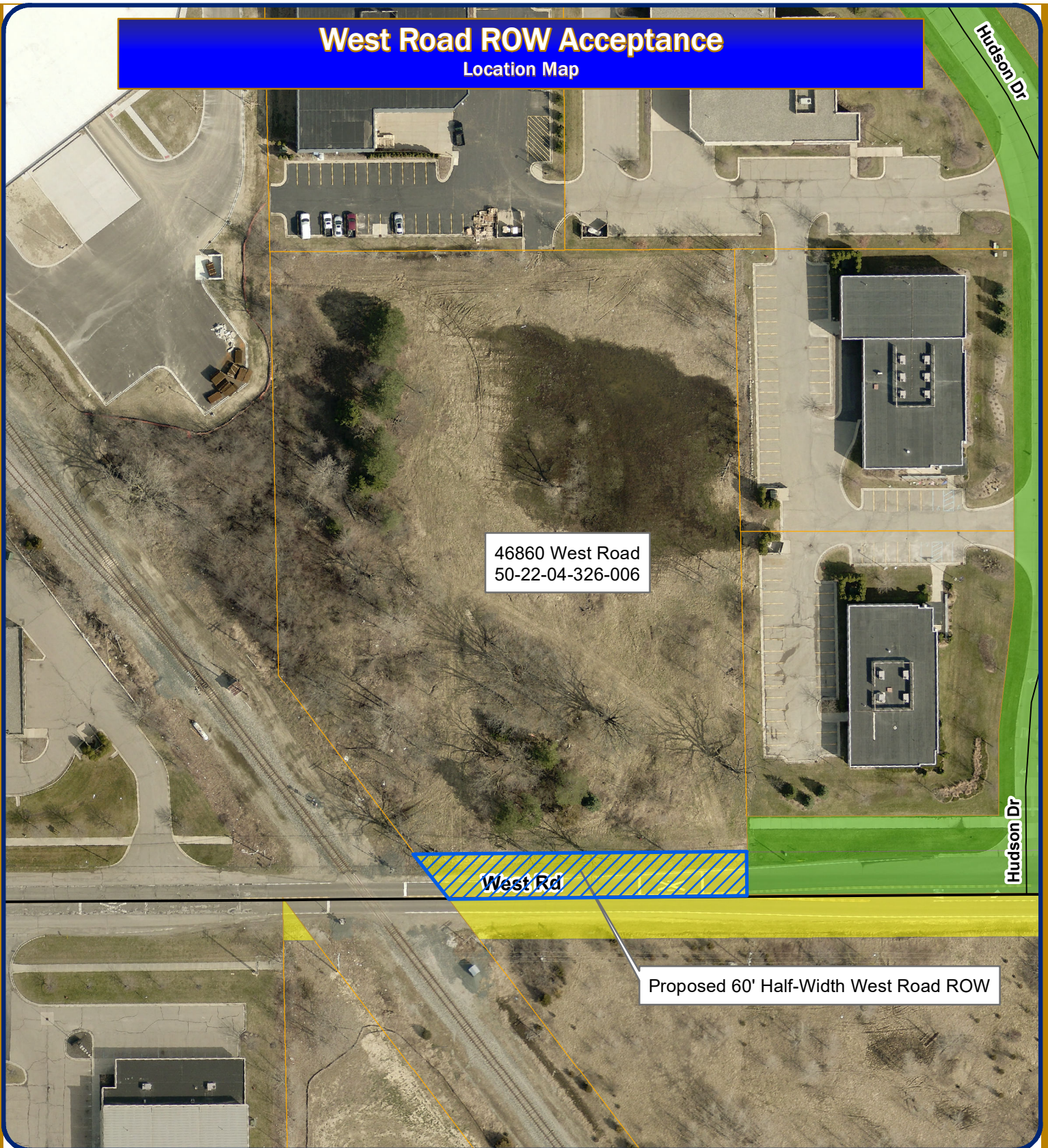
BACKGROUND INFORMATION: 46860 West Road, LLC is requesting the acceptance of a Warranty Deed conveying 60 feet of proposed half-width right-of-way along the north side of the West Road frontage. The proposed right-of-way dedication will bring this segment of West Road to its full, master planned right-of-way width.

The enclosed letter from City Attorney (Beth Saarela, February 26, 2021) provides the Warranty Deed prepared for this dedication. This document has been reviewed and approved by the City Attorney and City's Engineering Consultant, Spalding DeDecker (February 5, 2021), and is recommended for acceptance.

RECOMMENDED ACTION: Acceptance of a Warranty Deed to dedicate 60 feet of half-width right-of-way along the north side of West Road as part of the 46860 West Road commercial development (parcel 50-22-04-326-006).

West Road ROW Acceptance

Location Map



46860 West Road
50-22-04-326-006

West Rd

Proposed 60' Half-Width West Road ROW

Map Author: Victor Boron
Date: 01/15/2021
Project: Haggerty Road ROW Acceptance
Version: 1.0

Amended By:
Date:
Department:

MAP INTERPRETATION NOTICE

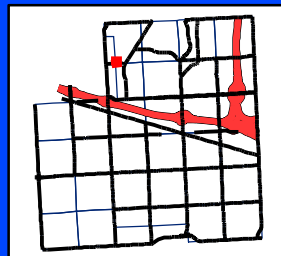
Map information depicted is not intended to replace or substitute for any official or primary source. This map was intended to meet National Map Accuracy Standards and use the most recent, accurate sources available to the people of the City of Novi. Boundary measurements and area calculations are approximate and should not be construed as survey measurements performed by a licensed Michigan Surveyor as defined in Michigan Public Act 332 of 1970 as amended. Please contact the City GIS Manager to confirm source and accuracy information related to this map.

Map Legend

- Major Roads
- Minor Roads
- Subject Parcel

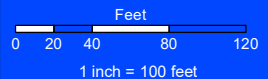
Right of Way

- Dedicated
- Prescriptive
- Private



City of Novi

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



ELIZABETH KUDLA SAARELA
esaarela@rsjalaw.com

27555 Executive Drive, Suite 250
Farmington Hills, Michigan 48331
P 248.489.4100 | F 248.489.1726
www.rsjalaw.com



ROSATI | SCHULTZ
JOPPICH | AMTSBUECHLER

February 26, 2021

Jeffrey Herczeg, Director of Public Works
City of Novi
45175 Ten Mile Road
Novi, MI 48375-3024

**Re: 46860 West Road JSP 17-0035
Acceptance Documents**

Dear Mr. Herczeg:

We have received and reviewed the following on-site acceptance documents for the 46860 West Road Development, and have the following comments:

- Water System Easement (**Approved**)
- Sanitary Sewer System Easement (**Approved**)
- Bill of Sale – Water and Sanitary Sewer (**Approved**)
- Warranty Deed - ROW (**Approved**)
- Title Commitment

Water and Sanitary Sewer System Easements

46860 West Road, LLC, seeks to convey the on-site Water System and Sanitary Sewer System Easements and corresponding Bill of Sale for water and sanitary sewer system improvements to the City. The Water and Sanitary Sewer System Easements are in the City's standard format and are acceptable as provided. The Easements are consistent with the Title Commitment provided and the exhibits have been reviewed and approved by the City's Consulting Engineer.

The Water and Sanitary Sewer System Easements once accepted by Affidavit of the City Engineer should be recorded with the Oakland County Register of Deeds in the usual manner. The title search and Bill of Sale should be retained in the City's file.

Warranty Deed – West Road ROW

The Warranty Deed provided conveys the West Road ROW adjacent to the development to the City. The Warranty Deed is consistent with the title search provided and has been executed in accordance with the Resolution of the Members of the entity that owns the Development and appears to be acceptable. The legal descriptions of the right-of-way area being dedicated have been reviewed and approved by the City's Consulting Engineer. A Partial Discharge of the

Construction Mortgage has been provided with respect to the portion of the mortgage over the dedicated right-of-way. The Warranty Deed may be placed on an upcoming City Council Agenda for acceptance. Once accepted, it should be recorded with the Oakland County Register of Deeds in the usual manner. Please feel free to contact me with any questions or concerns in regard to this matter.

Very truly yours,

ROSATI SCHULTZ JOPPICH
& AMTSBUECHLER PC



Elizabeth Kudla Saarela

EKS
Enclosures

C: Cortney Hanson, Clerk (w/Original Enclosures)
Charles Boulard, Community Development Director (w/Enclosures)
Barb McBeth, City Planner (w/Enclosures)
Lindsay Bell, Planner (w/Enclosures)
Christian Carroll, Planner (w/Enclosures)
Madeleine Kopko Daniels, Planning Assistant (w/Enclosures)
Sarah Marchioni, Community Development Building Project Coordinator (w/Enclosures)
Angie Sosnowski, Community Development Bond Coordinator (w/Enclosures)
Ben Croy, City Engineer (w/Enclosures)
Kate Richardson, Plan Review Engineer (w/Enclosures)
Victor Boron, Civil Engineer (w/Enclosures)
Rebecca Runkel, Staff Engineer (w/Enclosures)
Michael Freckelton, Taylor Reynolds & Ted Meadows, Spalding DeDecker (w/Enclosures)
Duncan P. Ogilvie, Esquire (w/Enclosures)
Thomas R. Schultz, Esquire (w/Enclosures)

WARRANTY DEED

46860 West Road, LLC, a Michigan limited liability company, whose address is 50370 Dennis Ct., Wixom, Michigan 48393, conveys and warrants to the **City of Novi**, a Michigan municipal corporation, whose address is 45175 W. Ten Mile, Novi, Michigan 48375, the following described property situated in the City of Novi, County of Oakland, State of Michigan ("**Property**"), to wit:

See Exhibit A and B

For public Road Right-of-Way purposes only and subject to building and use restrictions, easements and all other matters of record, zoning ordinances and the lien of real estate taxes not yet due and payable.

For the sum of Ten (\$10.00) Dollars (Exempt from Real Estate Transfer Taxes pursuant to MCL 207.505 (a) and MCL 207.526 (a))

Dated: October ___31___, 2019

46860 West Road, LLC,
a Michigan limited liability company,

By: 

Jerome J. Nell, Trustee, under the Jerome J. Nell Revocable Trust Agreement, dated July 10, 2008, as amended

Its: Member

MSB, LLC
a Michigan limited liability company

By: 

William Clark, Manager

Its: Member

By: 

Daniel Allor II, Trustee under the Daniel C. Allor II Living Trust, dated August 19, 1997

Its: Member

[Notarization is contained on the following page]

STATE OF MICHIGAN)
) SS
COUNTY OF OAKLAND)

On this 31st day of October, 2019, before me, personally appeared Jerome J. Nell, Trustee, under the Jerome J. Nell Revocable Trust Agreement, dated July 10, 2008, as amended, to me known to be the person described in and who executed the foregoing instrument and acknowledged that they executed the same as his free act and deed

Uuli Madi
Notary Public,
Acting in Oakland County, MI
My commission expires 8/15/2024

STATE OF MICHIGAN)
) SS
COUNTY OF OAKLAND)

On this 31st day of October, 2019, before me, personally appeared William Clark, Manager of MSB, LLC, a Michigan limited liability company, as amended, to me known to be the person described in and who executed the foregoing instrument and acknowledged that they executed the same as his free act and deed

Uuli Madi
Notary Public,
Acting in Oakland County, MI

STATE OF MICHIGAN)
) SS
COUNTY OF OAKLAND)

On this 31st day of October, 2019, before me, personally appeared Daniel Allor II, Trustee under the Daniel C. Allor II Living Trust, dated August 19, to me known to be the person described in and who executed the foregoing instrument and acknowledged that they executed the same as his free act and deed

Uuli Madi
Notary Public,
Acting in Oakland County, MI

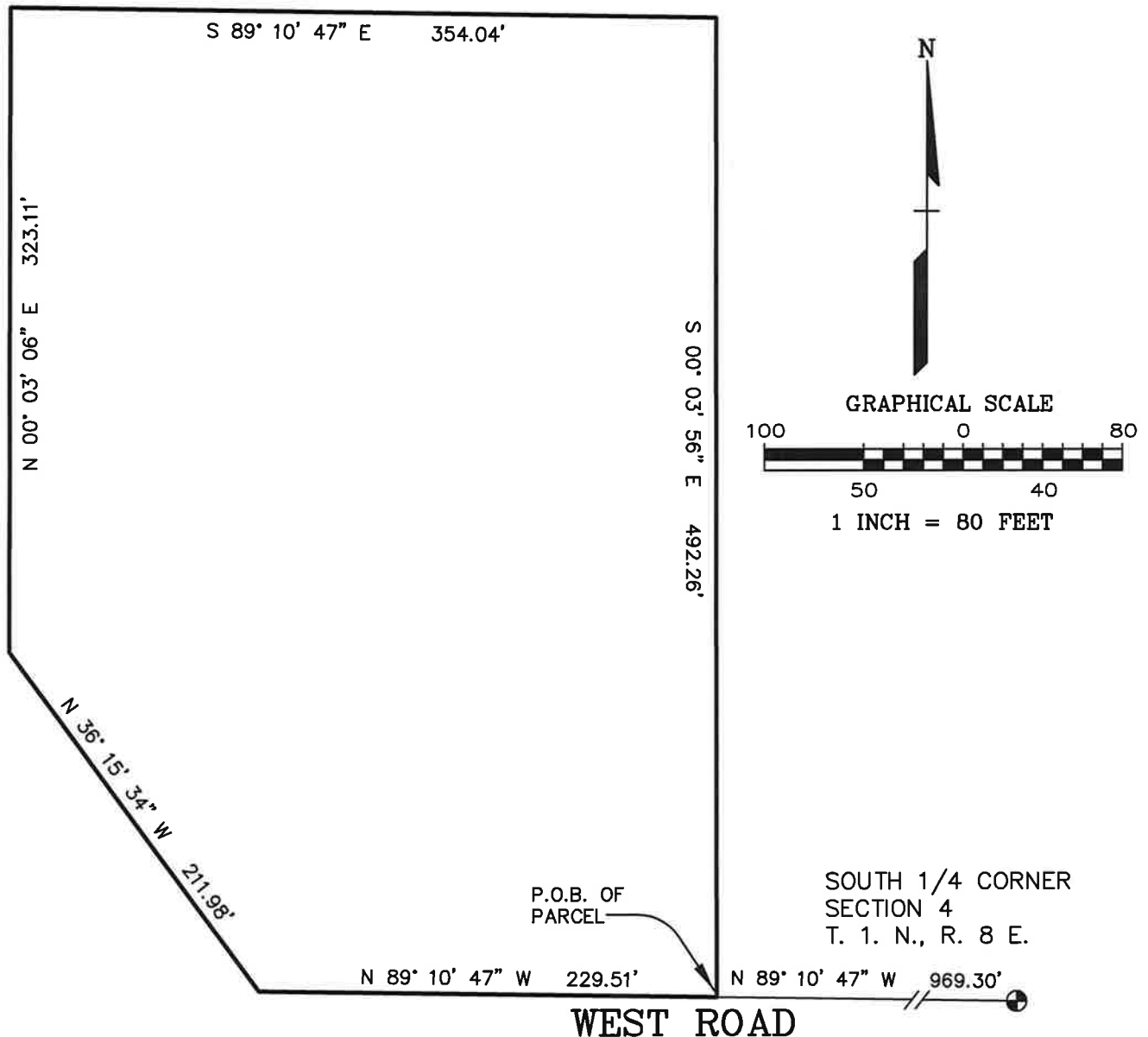
THIS INSTRUMENT DRAFTED BY:
TO:
Duncan P. Ogilvie, Esq.
Seyburn, Kahn P.C.
2000 Town Center, Suite 1500
Southfield, Michigan 48075

AND WHEN RECORDED RETURN

Cortney Hanson, Clerk
45175 Ten Mile
Novi, Michigan 48375

60' RIGHT-OF-WAY EASEMENT EXHIBIT A

PROPERTY DESCRIPTION
SIDWELL # : 22-04-326-006
46860 WEST ROAD - NOVI, MI 48377-1724



LEGAL DESCRIPTION

PART OF THE SOUTHWEST 1/4 OF SECTION 4, T. 1 N., R. 8 E., CITY OF NOVI, OAKLAND COUNTY, MICHIGAN, DESCRIBED AS:

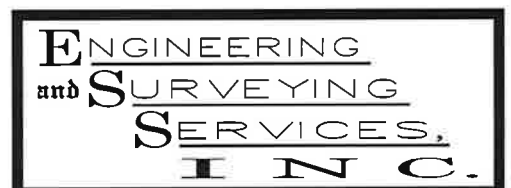
COMMENCING AT THE SOUTH 1/4 CORNER OF SAID SECTION 4; THENCE ALONG THE SOUTH LINE OF SAID SECTION 4, N 89° 10' 47" W 969.30' TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG THE SAID SOUTH LINE OF SECTION 4, N 89° 10' 47" W 229.51' TO A POINT ON THE NORTHEASTERLY RIGHT OF WAY LINE OF CSX RAILROAD (100' WIDE); THENCE ALONG THE SAID NORTHEASTERLY RIGHT OF WAY LINE OF CSX RAILROAD, N 36° 15' 34" W 211.98' TO A POINT ON THE WIXOM-NOVI LINE; THENCE ALONG THE SAID WIXOM-NOVI LINE, N 00° 03' 06" E 323.11' TO THE SOUTHWEST CORNER OF UNIT 7 OF "BECK NORTH CORPORATE PARK" SUBDIVISION; THENCE ALONG THE SAID SUBDIVISION LINE, S 89° 10' 47" E 354.04' TO THE NORTHWEST CORNER OF UNIT 4 OF SAID SUBDIVISION; THENCE ALONG THE SAID SUBDIVISION LINE, S 00° 03' 56" E 492.26' TO THE POINT OF BEGINNING. CONTAINING 3.762 ACRES AND SUBJECT TO ALL MATTERS AND EASEMENTS OF RECORD.

Engineering and Surveying Services, Inc.

7741 Schaefer Road
Dearborn, Michigan 48126
Tel: (313) 945 5890
Fax: (313) 945 5891

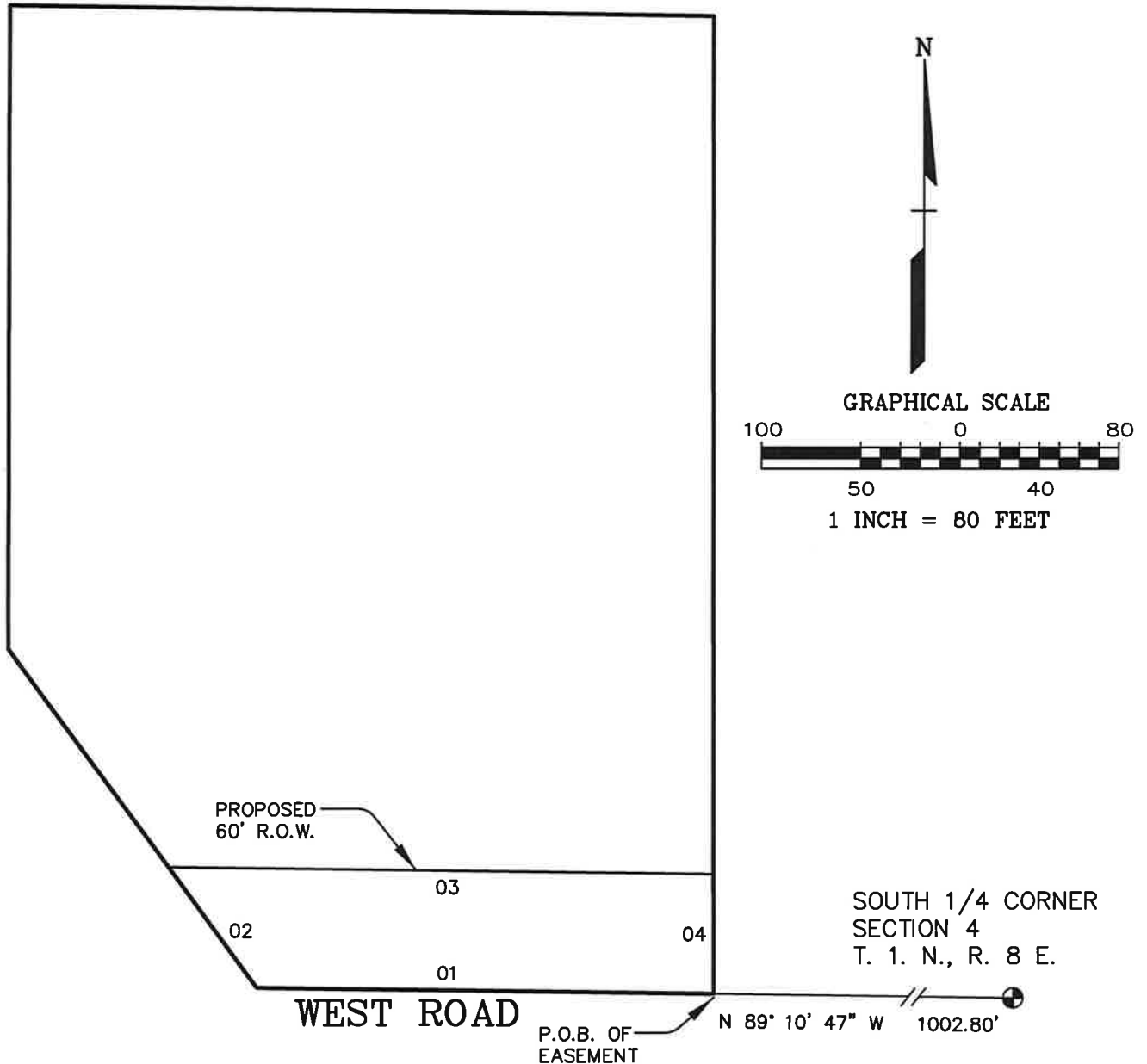
JOB No. 17001
DATE: 10-28-2019
SCALE : 1" = 80'
SHEET 1 OF 2

PREPARED BY:
IBRAHIM SEBLINI, P.E.



60' RIGHT-OF-WAY EASEMENT EXHIBIT B

EASEMENT DESCRIPTION
SIDWELL # : 22-04-326-006
46860 WEST ROAD - NOVI, MI 48377-1724



EASEMENT DESCRIPTION:

PART OF THE SOUTHWEST 1/4 OF SECTION 4, T. 1 N., R. 8 E., CITY OF NOVI, OAKLAND COUNTY, MICHIGAN, DESCRIBED AS:

COMMENCING AT THE SOUTH 1/4 CORNER OF SAID SECTION 4; THENCE ALONG THE SOUTH LINE OF SAID SECTION 4, N 89° 10' 47" W 1002.80' TO THE POINT OF BEGINNING; THENCE ALONG THE FOLLOWING FOUR (4) COURSES:

- | | |
|------------------------------|-----------------------------|
| 01 - N 89° 10' 47" W 229.51' | 02 - N 36° 15' 34" W 75.21' |
| 03 - S 89° 10' 47" E 273.92' | 04 - S 00° 03' 56" E 60.01' |

TO THE POINT OF BEGINNING.

Engineering and Surveying Services, Inc.

7741 Schaefer Road
Dearborn, Michigan 48126
Tel: (313) 945 5890
Fax: (313) 945 5891



JOB No. 17001
DATE: 10-28-2019
SCALE : 1" = 80'
SHEET 2 OF 2

PREPARED BY:
IBRAHIM SEBLINI, P.E.



ATA National Title Group, LLC
42651 Woodward Ave.
Bloomfield Hills, MI 48304
Ph:(248) 338-7135 Fax:(248) 338-3045

Revision No. 2

Record Search furnished to:

Seyburn Kahn
2000 Town Center, Suite 1500
Southfield, MI 48075
Duncan P. Ogilvie

File No. 63-18596141-SCM

TITLE INFORMATION REPORT

DESCRIPTION OF REAL ESTATE

Situated in the City of Novi, County of Oakland, State of Michigan, as follows:

The West 354 feet of the South 492.20 feet of that part of the East 1/2 of the Southwest 1/4 of Section 4, Town 1 North, Range 8 East, lying East of PMRR Right of Way.

EXCEPT the South 33 feet conveyed to the City of Novi by Warranty Deed Recorded in Liber 7764, Page 11, Oakland County Records.

Re: 46860 West Road, Novi, MI 48377
Tax Item No. 22-04-326-006

Owner(s): 46860 West Road, LLC, a Michigan limited liability company

1. Loss or damage sustained as a result of the failure to have the tax assessed legal description reassessed to accurately describe the land insured herein. Specifically, the tax legal description includes the South 33 feet conveyed to the City of Novi by Warranty Deed recorded in Liber 7764, Page 11, Oakland County Records.
2. Notice of Commencement recorded October 19, 2018, in Liber 52286, Page 70, Oakland County Records.
3. Construction Mortgage executed by 46860 West Road, LLC, a Michigan limited liability company, to Northstar Bank, dated November 26, 2018, recorded December 13, 2018, in Liber 52435, Page 854, Oakland County Records.
4. Assignment of Leases and Rents executed by 46860 West Road, LLC, a Michigan limited liability company, to Northstar Bank, dated December 3, 2018, recorded December 13, 2018, in Liber 52435, Page 867, Oakland County Records.
5. Intentionally deleted.
6. Water Main Easement granted to City of Novi recorded in Liber 20010, Page 711, Oakland County Records.
7. DTE Electric Company Overhead Easement recorded in Liber 51402, Page 830, Oakland County Records.
8. Wetland Conservation Easement recorded in Liber 52515, Page 657, Oakland County Records.
9. Woodland Conservation Easement recorded in Liber 52515, Page 663, Oakland County Records.
10. PAYMENT OF TAXES: (PART OF) Tax Parcel No.: 22-04-326-006

2020 July Taxes in the amount of \$42,832.75 are Paid

2020 December Taxes in the amount of \$772.36 are Paid

Special Assessments: None

Note: The subject property is assessed as to more land.

The amounts shown as due do not include collection fees, penalties or interest.

COUNTERSIGNED:
ATA NATIONAL TITLE GROUP, LLC

Jennifer A. Goulah
AUTHORIZED SIGNATORY

This information compiled as of an effective date of January 12, 2021 at 8:00 A.M.

Wednesday, January 27, 2021

Examined By: Jennifer Goulah

Terms and Conditions

1. This document is a search only. It is neither an insurance product nor an opinion of law or title and should not be relied upon as such. In addition, it runs only to the named customer and should not be relied upon for any purpose by any person or entity other than the named customer and/or its duly appointed representatives and agents.
2. By receiving and using this product, the customer agrees that the liability of the Company, its subsidiaries and affiliates, for any direct or indirect loss shall be limited to either the amount of the loss or the amount paid for this search, whichever is less.

February 5, 2021

Jeff Herczeg
City of Novi
26300 Lee BeGole Drive
Novi, Michigan 48375

Re: 46860 West Road - Acceptance Documents Review
Novi # JSP17-0035
SDA Job No. NV18-209
EXHIBITS APPROVED

Dear Mr. Herczeg:

We have reviewed the Final Acceptance Document Package received by our office on January 19, 2021 against the Final Site Plan (Stamping Set) approved on August 9, 2018 and our as-built field records. We offer the following comments:

Final Acceptance Documents:

The following items must be provided prior to the issuance of a Temporary Certificate of Occupancy. All documents must be completed using blue/black ink as the County will reject them otherwise.

1. Water System Easement
(executed 11/10/2020)
Exhibits Approved.
2. Sanitary Sewer Easement
(executed 11/10/2020)
Exhibits Approved.
3. Storm Drainage Facility / Maintenance Easement Agreement
(executed October 31, 2019)
Exhibits A, B, C Approved.
4. Warranty Deed for Right-of-Way Dedication
(executed 01/14/2021)
Exhibits Approved.
5. Bills of Sale: Sanitary Sewer System and Water Supply System
(executed 11/6/2020)
Exhibits Approved.
6. Full Unconditional Waivers of Lien from contractors installing public utilities
Supplied – Approved.
7. Sworn Statement signed by Developer
Supplied – Approved.

Unless otherwise stated above, the documents as submitted were found to be acceptable by our office pending review by the City Attorney. Legal review will not occur until a current title policy is submitted to the City. For those documents which require revisions, please forward those revised documents to the City for further review and approval.

The City Attorney's Office will retain the original documents in their files until such time as they are approved and ready (notarized and executed properly) for the Mayor's signature.

It should be noted that the Plan Review Center Report dated April 27, 2018 contains all documentation requirements necessary prior to construction and occupancy of the facility.

If you have any questions regarding this matter, please contact this office at your convenience.

Sincerely,

SPALDING DEDECKER



Mike Freckelton, EIT
Engineer

Cc (via Email): Victor Boron, City of Novi
 Taylor Reynolds, Spalding DeDecker
 Courtney Hanson, City of Novi
 Madeleine Kopko, City of Novi
 Sarah Marchioni, City of Novi
 Ted Meadows, Spalding DeDecker
 Kate Richardson, City of Novi
 Beth Saarela, Rosati, Schultz, Joppich, Amtsbuechler
 Angie Sosnowski, City of Novi