



CITY of NOVI CITY COUNCIL

**Agenda Item B
February 25, 2013**

SUBJECT: Acceptance of a pathway easement as a donation from Orchard Hills Baptist Church for the property located at 23455 Novi Road in conjunction with the Novi Road Pathway Project (parcel 22-27-276-012).

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

CITY MANAGER APPROVAL: *[Signature]*

BACKGROUND INFORMATION:

The Novi Road Pathway is currently in design and includes the construction of three pathway segments to fill gaps along the west side of Novi Road between Nine Mile and Ten Mile (see attached location map). Four permanent easements and four temporary easements have been identified to facilitate future construction and maintenance of this pathway.

Orchard Hills Baptist Church has offered to donate an 8-foot wide pathway easement and a variable width temporary grading permit along the frontage of its property located at 23455 Novi Road as part of the proposed pathway project along the west side of Novi Road between Nine Mile Road and Ten Mile Road. The pathway easement will be sent to Oakland County to be recorded. The temporary grading permit will not be recorded and will expire upon completion of the project.

There are four easements (from three property owners) required for the project, of which three are still in various stages of the acquisition process. It is anticipated that the project would be ready for construction in summer 2013.

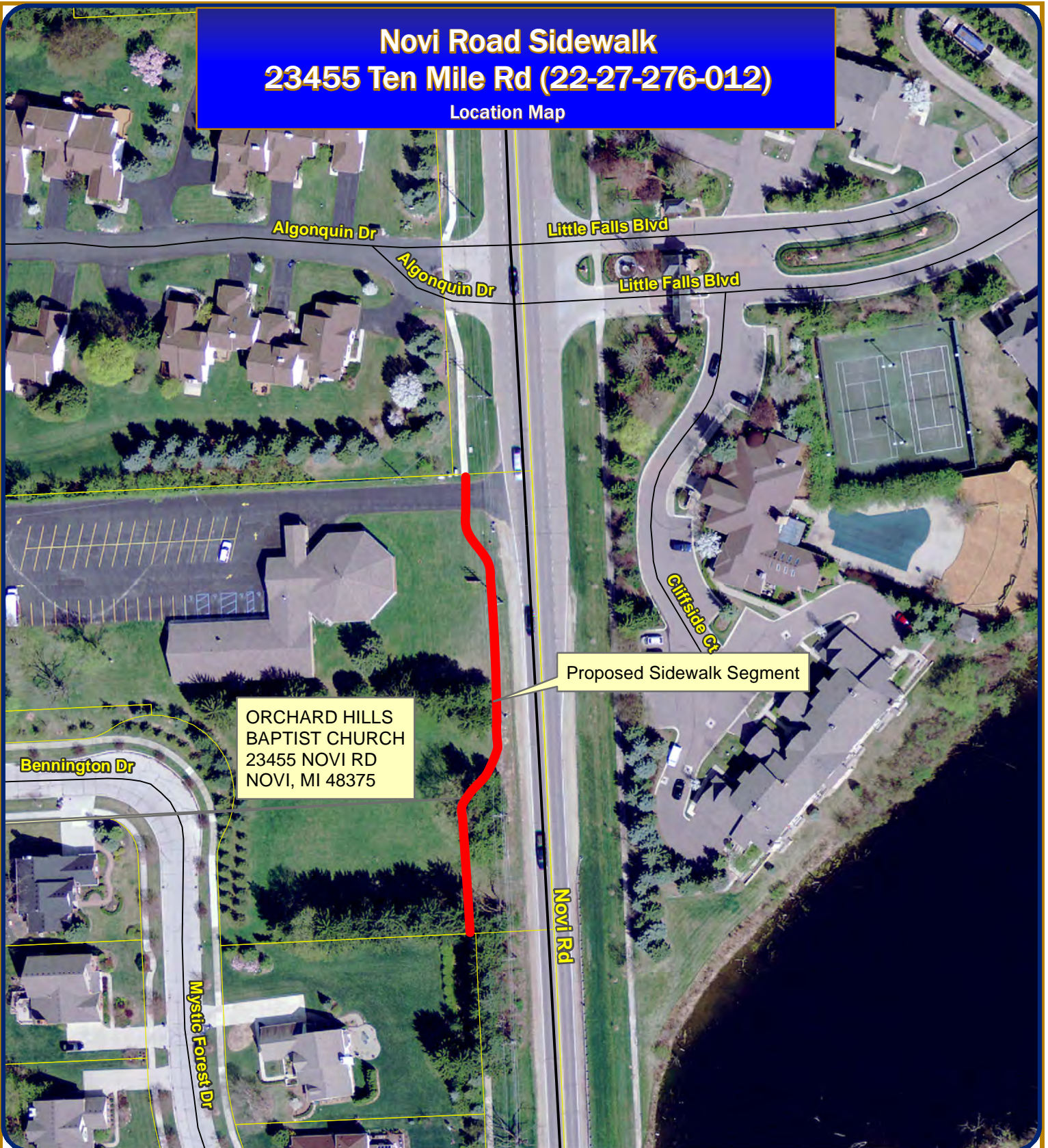
RECOMMENDED ACTION: Acceptance of a pathway easement as a donation from Orchard Hills Baptist Church for the property located at 23455 Novi Road in conjunction with the Novi Road Pathway Project (parcel 22-27-276-012).

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

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

Novi Road Sidewalk 23455 Ten Mile Rd (22-27-276-012)

Location Map



ORCHARD HILLS
BAPTIST CHURCH
23455 NOVI RD
NOVI, MI 48375

Proposed Sidewalk Segment

Map Author: Croy
Date: 2/14/13
Project: Novi Road Sidewalk
Version #: v3.1

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.



1 inch = 100 feet



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



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@jrsjlaw.com

www.johnsonrosati.com

February 5, 2013

Benjamin Croy, Civil Engineer
City of Novi
Public Services
Field Services Complex
26300 Lee BeGole Drive
Novi, MI 48375

Re: **Novi Road Sidewalk – Nine Mile to Ten Mile
Permanent Pathway Easement and Temporary Grading Permit
Parcel 50-22-27-276-012 – Orchard Hills Baptist Church**

Dear Mr. Croy:

We have received and reviewed a copy of the enclosed executed Pathway Easement and corresponding Temporary Grading Permit donated by Orchard Hills Baptist Church over Parcel 50-22-22-276-012. The property is not subject to any mortgages or other encumbrances requiring any additional party to consent to the Pathway Easement. The Pathway Easement is in the City's standard Pathway Easement format and is acceptable for recording with Oakland County Records. The Temporary Grading Permit need not be recorded and 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,

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

Elizabeth Kudla Saarela

EKS
Maryanne Cornelius, Clerk
Rob Hayes, Public Services Director
Thomas R. Schultz, Esq.

PATHWAY EASEMENT

NOW ALL MEN BY THESE PRESENTS, that Orchard Hills Baptist Church, a Michigan Ecclesiastical Corporation, whose address is 23455 Novi Road, Northville, Michigan 48375 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 non-motorized pathway over across and through property located in Section 27, T.1N., R.8E., City of Novi, Oakland County, State of Michigan, more particularly described as follows:

Parcel No. 50-22-27-276-012

{See attached and incorporated Exhibit A}

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

{See attached and incorporated Exhibit A}

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

Grantee may, construct, install, repair, replace, improve, modify and maintain a non-motorized pathway in the easement area as shown in the attached and incorporated Exhibit A.

Construction activities required for the construction of a non-motorized pathway, consisting of a 6-foot wide concrete pathway.

Grantor agrees not to build or to convey to others permission to build any permanent structures on, over, across, in, through, or under the above-described easement, except that, subject to Grantee's approval as part of an approved site plan, the Grantor may construct and/or install surface improvements to the property, including paved driveways, parking and/or walkways; landscaping; utilities and/or similar improvements, which improvements do not interfere with use, operation, maintenance, repair and replacement of the pathway in the easement areas shown on the attached and incorporated Exhibit A.

All portions of the Premises damaged or disturbed by Grantee's exercise of temporary easement rights, shall be reasonably restored by Grantee to the condition that existed prior to the damage or disturbance.

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

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

Dated this 1st day of February, 2013.

GRANTOR

Orchard Hills Baptist Church, a Michigan Ecclesiastical Corporation

DALE MYERS TRUSTEE
By: DALE MYERS Its:

STATE OF MICHIGAN)
) SS
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this 1 day of February, 2013, by DALE MYERS, the Trustee of Orchard Hills Baptist Church, a Michigan Ecclesiastical Corporation.

Lisa De MEO
Notary Public
Wayne County, Michigan
My Commission Expires: 1-30-2015

LISA DE MEO
NOTARY PUBLIC, STATE OF MI
COUNTY OF WAYNE
MY COMMISSION EXPIRES Jan 30, 2016
ACTING IN COUNTY OF Oakland

Drafted by:
Beth Saarela
Johnson, Rosati, Schultz & Joppich
34405 W. Twelve Mile
Farmington Hills, MI 48331

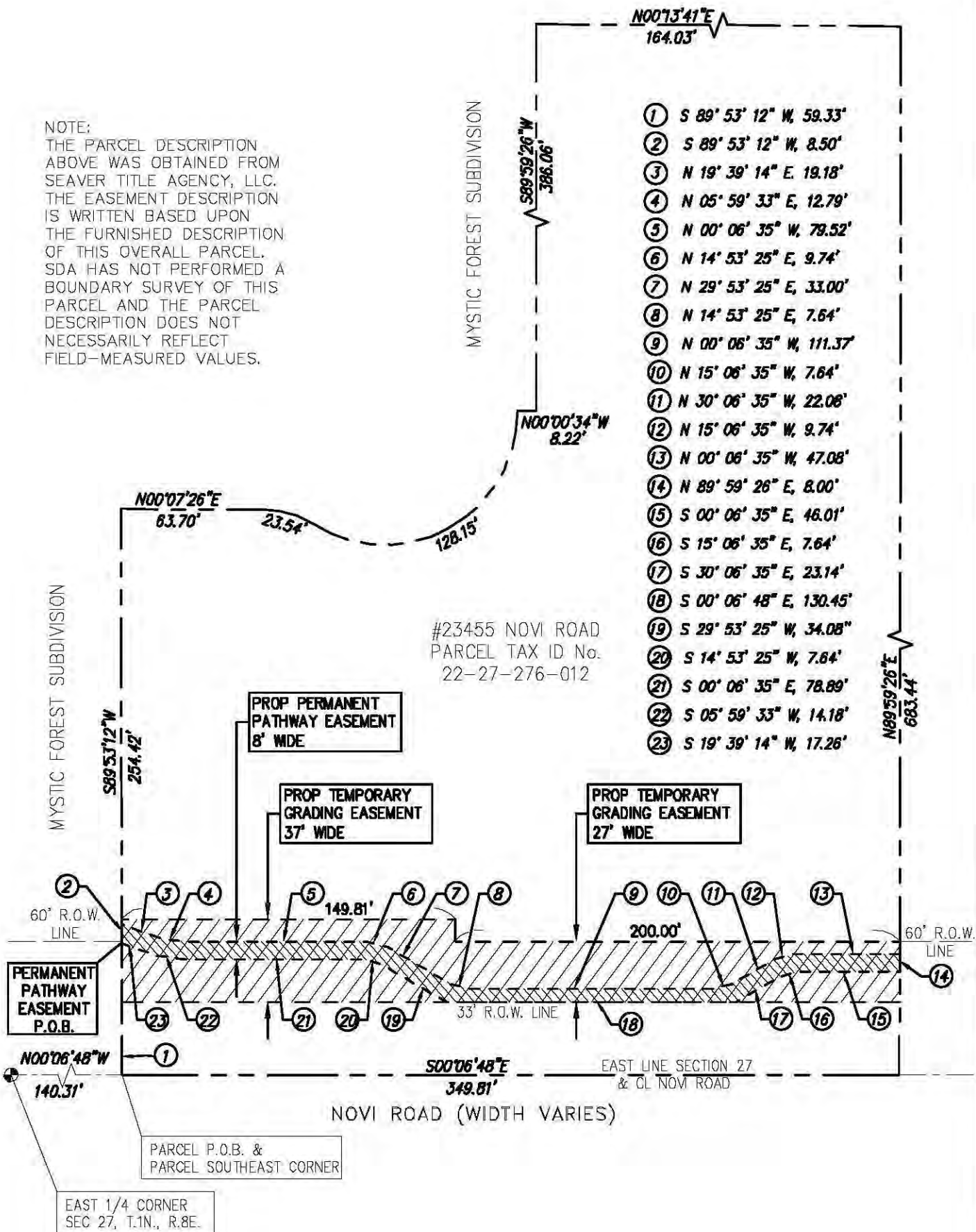
When recorded return to:
Maryanne Cornelius
City of Novi
City Clerk
45175 W. Ten Mile Road.
Novi, MI 48375

EASEMENT

EXHIBIT A



NOTE:
THE PARCEL DESCRIPTION ABOVE WAS OBTAINED FROM SEAVER TITLE AGENCY, LLC. THE EASEMENT DESCRIPTION IS WRITTEN BASED UPON THE FURNISHED DESCRIPTION OF THIS OVERALL PARCEL. SDA HAS NOT PERFORMED A BOUNDARY SURVEY OF THIS PARCEL AND THE PARCEL DESCRIPTION DOES NOT NECESSARILY REFLECT FIELD-MEASURED VALUES.



SEE SHEET 2 OF 2 FOR LEGAL DESCRIPTION OF PARCEL, PERMANENT EASEMENT DESCRIPTION AND TEMPORARY EASEMENT DESCRIPTION

Spalding DeDecker Associates, Inc.



SPALDING DeDECKER ASSOCIATES, INC.
ENGINEERS SURVEYORS

905 SOUTH BLVD. EAST
ROCHESTER HILLS, MI 48307
PH: (248) 844-5400 FAX: (248) 844-5404
www.spaldingdedecker.com

DRAWN: T. LINDOW	DATE: 01-04-13
CHECKED: M. SEDKI	DATE: 01-04-13
MANAGER: M. SEDKI	SCALE: 1" = 60'
JOB No. NV12-004	SHEET: 1 OF 2
SECTION 27 TOWN 1 NORTH RANGE 8 EAST	
CITY OF NOVI OAKLAND COUNTY, MI	

EASEMENT

FURNISHED LEGAL DESCRIPTION OF PARCEL

SEAVER TITLE AGENCY, LLC

COMMITMENT NO. 63-12271209-BLM

DATED: SEPTEMBER 7, 2012

PART OF THE NORTHEAST 1/4 OF SECTION 27, TOWN 1 NORTH, RANGE 8 EAST, CITY OF NOVI, OAKLAND COUNTY, MICHIGAN, MORE PARTICULARLY DESCRIBED AS COMMENCING AT THE EAST 1/4 CORNER OF SAID SECTION 27; THENCE NORTH 00 DEGREES 06 MINUTES 48 SECONDS WEST ALONG THE EAST LINE OF SAID SECTION 27 AND THE CENTERLINE OF NOVI ROAD 140.31 FEET TO THE POINT OF BEGINNING OF THE PARCEL TO BE DESCRIBED; THENCE ALONG MYSTIC FOREST SUBDIVISION, AS RECORDED IN LIBER 230, PAGES 1 THROUGH 9 OF PLATS, INCLUSIVE, OAKLAND COUNTY RECORDS THE FOLLOWING SEVEN (7) COURSES; 1) SOUTH 89 DEGREES 53 MINUTES 12 SECONDS WEST, 254.42 FEET; 2) NORTH 00 DEGREES 07 MINUTES 26 SECONDS EAST, 63.70 FEET; 3) ALONG A CURVE NORTHEASTERLY ON AN ARC TO THE RIGHT, HAVING A LENGTH OF 23.54 FEET, A RADIUS OF 42.00 FEET, A CENTRAL ANGLE OF 32 DEGREES 06 MINUTES 27 SECONDS; AND A CHORD BEARING AND DISTANCE OF NORTH 16 DEGREES 10 MINUTES 40 SECONDS EAST, 23.33 FEET; 4) ALONG A CURVE NORTHWESTERLY ON AN ARC TO THE LEFT, HAVING A LENGTH OF 128.15 FEET, A RADIUS OF 60.00 FEET, A CENTRAL ANGLE OF 122 DEGREES 22 MINUTES 37 SECONDS, AND A CHORD BEARING AND DISTANCE OF NORTH 28 DEGREES 57 MINUTES 25 SECONDS WEST, 105.15 FEET; 5) NORTH 00 DEGREES 00 MINUTES 34 SECONDS WEST, 8.22 FEET; 6) SOUTH 89 DEGREES 59 MINUTES 26 SECONDS WEST 386.06 FEET; 7) NORTH 00 DEGREES 13 MINUTES 41 SECONDS EAST, 164.03 FEET; THENCE NORTH 89 DEGREES 59 MINUTES 26 SECONDS EAST, 683.44 FEET TO THE EAST LINE OF SAID SECTION 27 AND THE CENTERLINE OF SAID NOVI ROAD; THENCE SOUTH 00 DEGREES 06 MINUTES 48 SECONDS EAST, 349.81 FEET ALONG THE EAST LINE OF SAID SECTION 27 AND THE CENTERLINE OF NOVI ROAD TO THE POINT OF BEGINNING.

PERMANENT EASEMENT

THE EASEMENT SHALL BE A PERMANENT EASEMENT FOR CONSTRUCTION, INSTALLATION, REPAIR, MAINTENANCE AND REPLACEMENT OF PUBLIC PATHWAY DESCRIBED AS:

COMMENCING AT THE SOUTHEAST CORNER OF THE ABOVE DESCRIBED PARCEL, BEING ON THE EAST LINE OF SECTION 27 AND THE CENTERLINE OF NOVI ROAD, THENCE ALONG THE SOUTH LINE OF THE ABOVE DESCRIBED PARCEL SOUTH 89° 53' 12" WEST, 59.33 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG THE SOUTH LINE OF THE ABOVE DESCRIBED PARCEL SOUTH 89° 53' 12" WEST, 8.50 FEET; THENCE NORTH 19° 39' 14" EAST, 19.18 FEET; THENCE NORTH 05° 59' 33" EAST, 12.79 FEET; THENCE NORTH 00° 06' 35" WEST, 79.52 FEET; THENCE NORTH 14° 53' 25" EAST, 9.74 FEET; THENCE NORTH 29° 53' 25" EAST, 33.00 FEET; THENCE NORTH 14° 53' 25" EAST, 7.64 FEET; THENCE NORTH 00° 06' 35" WEST, 111.37 FEET; THENCE NORTH 15° 06' 35" WEST, 7.64 FEET; THENCE NORTH 30° 06' 35" WEST, 22.08 FEET; THENCE NORTH 15° 06' 35" WEST, 9.74 FEET; THENCE NORTH 00° 06' 35" WEST, 47.08 FEET TO A POINT ON THE NORTH LINE OF THE ABOVE DESCRIBED PARCEL; THENCE ALONG THE NORTH LINE OF THE ABOVE DESCRIBED PARCEL NORTH 89° 59' 26" EAST, 8.00 FEET; THENCE SOUTH 00° 06' 35" EAST, 46.01 FEET; THENCE SOUTH 15° 06' 35" EAST, 7.64 FEET; THENCE SOUTH 30° 06' 35" EAST, 23.14 FEET TO A POINT ON THE WESTERLY 33 FOOT RIGHT-OF-WAY LINE OF NOVI ROAD; THENCE ALONG THE WESTERLY 33 FOOT RIGHT-OF-WAY LINE OF NOVI ROAD SOUTH 00° 06' 48" EAST, 130.45 FEET; THENCE SOUTH 29° 53' 25" WEST, 34.08 FEET; THENCE SOUTH 14° 53' 25" WEST, 7.64 FEET; THENCE SOUTH 00° 06' 35" EAST, 78.89 FEET; THENCE SOUTH 05° 59' 33" WEST, 14.18 FEET; THENCE SOUTH 19° 39' 14" WEST, 17.26 FEET TO THE POINT OF ENDING ON THE SOUTH LINE OF THE ABOVE DESCRIBED PARCEL. (2,638 SQ. FT.)

TEMPORARY EASEMENT

ALSO, THE TEMPORARY GRADING EASEMENT FOR THE INSTALLATION OF THE PUBLIC PATHWAY DESCRIBED AS: THE WESTERLY 27 FEET OF THE EASTERLY 60 FEET OF THE NORTHERLY 200 FEET AND THE WESTERLY 37 FEET OF THE EASTERLY 70 FEET OF THE SOUTHERLY 149.81 FEET OF THE ABOVE DESCRIBED PARCEL. (10,948 SQ. FT.) (8,310 SQ. FT. EXCLUSIVE OF THE PERMANENT EASEMENT)

Spalding DeDecker
Associates, Inc.



**SPALDING DeDECKER
ASSOCIATES, INC.**
ENGINEERS SURVEYORS

905 SOUTH BLVD. EAST
ROCHESTER HILLS, MI 48307
PH: (248) 844-5400 FAX: (248) 844-5404
www.spaldingdedecker.com

DRAWN: T. LINDOW

DATE: 01-04-13

CHECKED: M. SEDKI

DATE: 01-04-13

MANAGER: M. SEDKI

SCALE: NONE

JOB No. NV12-004

SHEET: 2 OF 2

SECTION 27 TOWN 1 NORTH RANGE 8 EAST

CITY OF NOVI

OAKLAND COUNTY, MI

TEMPORARY GRADING PERMIT

I, D. DALE MYERS JR, the TRUSTEE of the property as
(print name)

described as 23455 Novi Road, Novi, Michigan (Parcel No. 50-22-27-276-012) grant the City of Novi and its contractor (or subcontractors) permission to access, move men and equipment on and through, the right to store materials and excavated earth, remove vegetation and alter the underlying land in, over, upon and through the property described above in the particular areas shown in Exhibit A, attached.

The work will include:

Grading, tree removal and related construction activities required for the construction of a non-motorized pathway in accordance with approved plans. All work is contained in the set of construction plans entitled "Novi Road Pathway, 9 Mile to 10 Mile and 2013 ADA Compliance Program" by Spalding DeDecker Associates.

All portions of the Premises damaged or disturbed by Novi's exercise of temporary easement rights, shall be reasonably restored by Novi to the condition that existed prior to the damage or disturbance;

I understand this only grants permission to the Contractor to perform work directly relating to the listed project and upon completion of required grading operations the property will be fully restored.

D. Dale Myers Jr
Owner (signature)

1 FEB 2013
Date

24633 DINSER DRIVE
Contact Mailing Address

NOVI, MI 48374-2730
City, State, Zip

248-349-6317
Phone Number

Fax Number

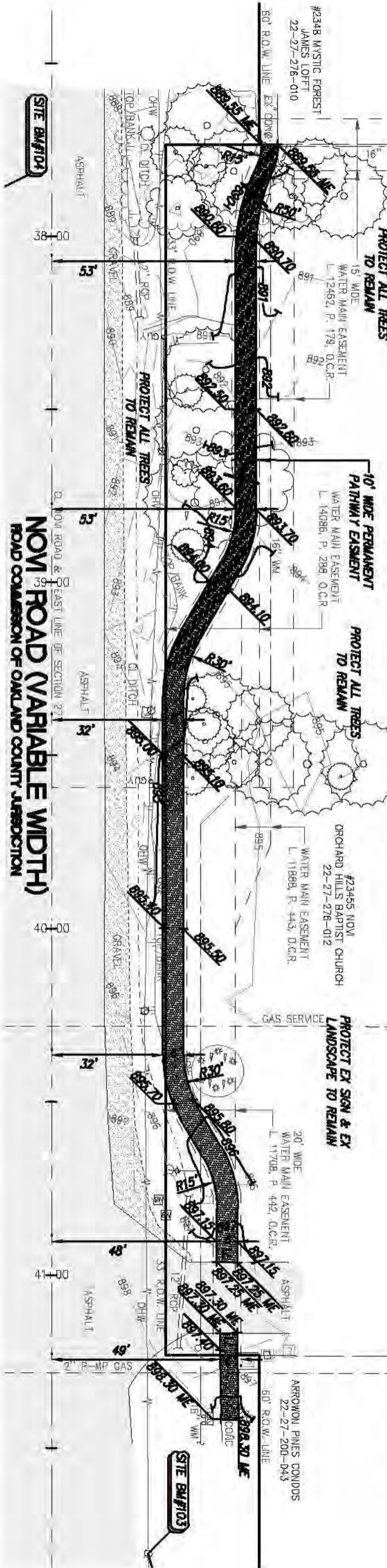
STATE OF MICHIGAN)
) SS
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this 1st day of February, 2013, by Dale Myers, the Trustee of Orchard Hills Baptist Church, a Michigan Ecclesiastical Corporation.

Lisa DeMeco
Notary Public
Wayne County, Michigan
My Commission Expires: 1-10-2015

Drafted by:
Benjamin Croy, PE
City of Novi
45175 W Ten Mile Road
Novi, MI 48375

LISA DE MECO
NOTARY PUBLIC, STATE OF MI
COUNTY OF WAYNE
MY COMMISSION EXPIRES Jan 10, 2015
ACTING IN COUNTY OF oakland



- STA. 37+67.9, 14" PINE TREE (25 FT SPREAD), 44.8' LT
- STA. 37+70.4, 22" STUMP, 27.6' LT
- STA. 37+75.6, 8" PINE TREE (15 FT SPREAD), 35.8' LT
- STA. 37+79.6, 8" PINE TREE (12 FT SPREAD), 44.6' LT
- STA. 37+81.1, 16" PINE TREE (25 FT SPREAD), 52.5' LT
- STA. 37+81.3, 18" PINE TREE (20 FT SPREAD), 75.5' LT
- REMOVE TREE** STA. 37+88.1, 16" PINE TREE (25 FT SPREAD), 58.5' LT
- STA. 37+88.2, 17" PINE TREE (25 FT SPREAD), 84.2' LT
- STA. 37+88.3, 11" PINE TREE (20 FT SPREAD), 69.3' LT
- STA. 37+91.8, 2 STEMS (18" AVG. CALIPER) DECIDUOUS TREE, 36.2' LT
- STA. 38+00.4, 12" CONC CULVERT IE=887.53, 24.2' LT

- STA. 38+23.2, 12" CONC CULVERT IE=887.62, 25.3' LT
- STA. 38+28.2, GUY, 32.2' LT
- STA. 38+38.4, 20" PINE TREE (25 FT SPREAD), 44.4' LT
- STA. 38+44.6, 9" CEDAR TREE (10 FT SPREAD), 38.7' LT

- STA. 38+56, 15" PINE TREE (25 FT SPREAD), 41.7' LT
- STA. 38+62.1, UT POLE, 31.9' LT
- STA. 38+64.7, SETUP TP 30, 121.2' LT
- STA. 38+65.3, ROCK, 38.7' LT
- STA. 38+65.8, ROCK, 40.4' LT
- STA. 38+68.3, 2 STEMS (8" AVG. CALIPER) DECIDUOUS TREE, 38.5' LT
- STA. 38+69.6, ROCK, 33' LT
- REMOVE TREE** STA. 38+70, 19" ASH TREE (30 FT CROWN), 54.8' LT
- STA. 38+78.8, 21" PINE TREE (30 FT SPREAD), 41.2' LT
- STA. 38+80.4, SROCK, 38.9' LT

- STA. 38+89.2, 13" CEDAR TREE (10 FT SPREAD), 39.2' LT

- STA. 39+33.5, 8" CEDAR TREE (8 FT SPREAD), 40.7' LT
- STA. 39+37, UT POLE, 28.6' LT
- STA. 39+37.6, PHONE RISER, 27.6' LT
- STA. 39+38.3, 15" PINE TREE (25 FT SPREAD), 47.5' LT
- STA. 39+39.9, 11" PINE TREE (20 FT SPREAD), 59.8' LT
- STA. 39+40.9, 13" CEDAR TREE (10 FT SPREAD), 43.9' LT
- STA. 39+45.9, 12" PINE TREE (18 FT SPREAD), 44.2' LT
- STA. 39+51.9, 17" PINE TREE (25 FT SPREAD), 62.6' LT
- STA. 39+51.9, 13" PINE TREE (15 FT SPREAD), 52.6' LT
- STA. 39+52.4, 18" PINE TREE (30 FT SPREAD), 73.7' LT
- STA. 39+52.5, 16" PINE TREE (25 FT SPREAD), 89.8' LT
- STA. 39+56, 8" CEDAR TREE (8 FT SPREAD), 83.3' LT
- STA. 39+56.5, 10" CEDAR TREE (10 FT SPREAD), 40.6' LT
- STA. 39+57.5, GUY, 28.6' LT

**STA. 37+74 TO STA. 40+87
4" CONCRETE SIDEWALK
1,975 SF**

- STA. 40+23.7, UT POLE, 26.8' LT
- STA. 40+35.5, 1 FT HIGH JUNIPER SHRUB (2 FT SPREAD), 48.1' LT
- STA. 40+37, ROCK, 46' LT
- STA. 40+37.2, ROCK, 50' LT
- STA. 40+38.1, 1 FT HIGH JUNIPER SHRUB (2 FT SPREAD), 43.3' LT
- STA. 40+38.3, 1 FT HIGH JUNIPER SHRUB (2 FT SPREAD), 52.2' LT
- STA. 40+43.7, 1 FT HIGH JUNIPER SHRUB (2 FT SPREAD), 43.2' LT
- STA. 40+44.1, 1 FT HIGH JUNIPER SHRUB (2 FT SPREAD), 51.5' LT
- STA. 40+44.7, SROCK, 45.6' LT
- STA. 40+44.8, ROCK, 49.6' LT
- STA. 40+46, 1 FT HIGH JUNIPER SHRUB (2 FT SPREAD), 47.4' LT

- STA. 40+69.6, HYDRANT, 33.7' LT
- STA. 40+70, WATER STOP BOX, 36.1' LT
- STA. 40+77.3, 12" CONC CULVERT IE=895.37, 39.4' LT
- STA. 40+78.4, MAILBOX, 30.8' LT
- STA. 40+82.8, MAILBOX, 32.9' LT

**STA. 41+17 TO STA. 41+42
4" CONCRETE SIDEWALK
125 SF**

**STA. 41+22 TO STA. 41+42
REMOVE CONCRETE SIDEWALK
105 SF**

- STA. 41+21, 12" CONC CULVERT IE 896.02, 36.6' LT
- STA. 41+21.2, 4" WOOD POST, 42.2' LT
- STA. 41+22.1, ELEC TRANS PAD, 68.3' LT
- STA. 41+23.3, ELEC RISER, 62.1' LT
- STA. 41+24.9, ELEC TRANS PAD, 56.7' LT

- STA. 41+40.5, PHONE ACCESS HH, 45.7' LT
- STA. 41+42.5, PHONE ACCESS HH, 45.7' LT

EXHIBIT A