



CITY of NOVI CITY COUNCIL

**Agenda Item P
February 29, 2016**

SUBJECT: Acceptance of a sidewalk easement as a donation from HCP/HBAS Building, LLC from Cabot Drive to 13 Mile Road as part of the approved site plan for Harman Becker (parcel 22-01-400-032).

SUBMITTING DEPARTMENT: Department of Public Services, Engineering Division *BTC RJA*

CITY MANAGER APPROVAL: *[Signature]*

BACKGROUND INFORMATION:

HCP/HBAS Building, LLC requests approval of a sidewalk easement as part of the Harman Becker site plan located at the northwest corner of Cabot Drive and 13 Mile Road. Construction of the sidewalk and dedication of the corresponding sidewalk easement through the site by HCP/HBAS Building, LLC satisfies their requirement to provide a non-motorized connection between Cabot Drive and 13 Mile Road as stipulated by the resolution to establish an Industrial Development District for Harman Becker (see attached map). Constructing sidewalk segments along 13 Mile Road from Harman's south entrance to Cabot Drive, and along Cabot Drive from 13 Mile to the Harman's east entrance was deemed not feasible because of extensive wetlands that would need to either be traversed with boardwalk and/or filled and mitigated to accommodate a paved pathway.

The sidewalk easement has been favorably reviewed by the City Attorney (Beth Saarela's October 25, 2015 letter, attached) and is recommended for approval.

RECOMMENDED ACTION: Acceptance of a sidewalk easement as a donation from HCP/HBAS Building, LLC from Cabot Drive to 13 Mile Road as part of the approved site plan for Harman Becker (parcel 22-01-400-032).

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

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

Harman Becker

Location Map



Proposed Sidewalk Easement

Thirteen Mile Rd

Cabot Dr

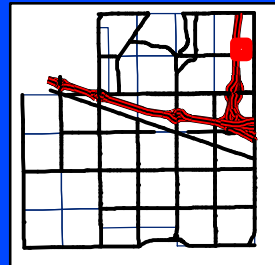
Cabot Dr

Map Author: A. Wayne
Date: 2/17/2016
Project:
Version #:

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 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



1 inch = 200 feet





JOHNSON ROSATI SCHULTZ JOPPICH PC

27555 Executive Drive Suite 250 ~ Farmington Hills, Michigan 48331
Phone: 248.489.4100 | Fax: 248.489.1726

Elizabeth Kudla Saarela
esaarela@jrsjlaw.com

www.jrsjlaw.com

October 29, 2015

Rob Hayes, Public Services Director
CITY OF NOVI
Department of Public Services
Field Services Complex
26300 Lee BeGole Drive
Novi, MI 48375

**Re: Harman Becker JSP 14-0037
Review for Acceptance – Utilities**

Dear Mr. Hayes:

We have received and reviewed, and enclosed please find, the following documents for the Harman Becker site:

- Water System Easement – On-Site – **Approved**
- Water System Easement- Off-Site – **Approved**
- Sanitary Sewer System Easement – On-Site – **Approved**
- Sanitary Sewer Access Easement – On-Site – **Approved**
- Bill of Sale – On-Site – **Approved**
- Bill of Sale – Off-Site - **Approved**
- Sidewalk Easement – **Approved**
- Maintenance and Guarantee Bond - **Approved**
- Title Commitment – On-Site
- Title Commitment – Off-Site

We have the following comments relating to the above-named documents:

Water and Sanitary Sewer System Easements

HCP Land and HCP/HBAS Building, LLC, seek to convey the on-site and off-site water system easements and facilities and sanitary sewer easements serving the subject property. We have reviewed and approve the format and language of the above on and off-site Water System Easements and corresponding Bills of Sale. We also approved the format and content of the Sanitary Sewer Easement and corresponding Bill of Sale. The City's Consulting Engineer has reviewed and approved the exhibits to the Water and Sanitary Sewer Easement documents. The standard Maintenance and Guarantee Bond has been provided, in cash form, to guarantee parts and workmanship on the water main and sanitary sewer for two years from the date of acceptance. All easement exhibits have been approved by the City's Consulting Engineer.

A Sanitary Sewer Access Easement has also been provided to allow access to the monitoring manhole for the private sewer lead. The format and content of the Sanitary Sewer Access Easement is acceptable for this purpose.

Sidewalk Easement

We have reviewed and approve the format and language of the Sidewalk Easement for the Novi Road frontage. The exhibits have been reviewed and approved by the City's Consulting Engineer.

Upon acceptance of the Water System, Sanitary Sewer, and Sanitary Sewer Access Easements by Affidavit of the City Engineer, the easements should be recorded in the usual manner by the City Clerk's Office. The Sidewalk Easement must be accepted by City Council prior to recording with Oakland County Records. Copies of the title commitment, the original Bill of Sale and the Maintenance and Guarantee Bond should be retained 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

EMK

Enclosures

C: Maryanne Cornelius, Clerk (w/Enclosures)
Charles Boulard, Community Development Director (w/Enclosures)
Barb McBeth, Deputy Community Development Director (w/Enclosures)
Sheila Weber, Treasurer's Office (w/Enclosures)
Kristin Pace, Treasurer's Office (w/Enclosures)
Aaron Staup, Construction Engineering Coordinator (w/Enclosures)
Adam Wayne, Construction Engineer (w/Enclosures)
Sarah Marchioni, Building Permit Coordinator (w/Enclosures)

Rob Hayes, Public Services Director

October 29, 2015

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Brittany Allen and Ted Meadows, Spalding DeDecker (w/Enclosures)

Sue Troutman, City Clerk's Office (w/Enclosures)

Julie Barnard, Northern Equities

Thomas R. Schultz, Esquire (w/Enclosures)

SIDEWALK EASEMENT

KNOW ALL MEN BY THESE PRESENTS, that HCP/HBAS Building LLC, a Michigan limited liability company 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.

Signed by:

HCP/HBAS Building LLC, a Michigan limited liability company,

By: Haggerty Corridor Partners LLC, a Michigan limited liability company, its sole member

By: . FG 38 Corporation, a Michigan corporation, its manager

By:


Matthew S. Sosin

STATE OF MICHIGAN)
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this 20th day of October, 2015, by Matthew S Sosin, Manager, FG 38 Corporation, Sole Member, Haggerty Corridor Partners LLC, a Michigan limited liability company, HCP/HBAS Building LLC, a Michigan limited liability company.

JULIE A. BARNARD
NOTARY PUBLIC, STATE OF MI
COUNTY OF OAKLAND
MY COMMISSION EXPIRES Nov 17, 2017
ACTING IN COUNTY OF Oakland

Julie A. Barnard
Notary Public
County, Michigan

My Commission Expires: _____

Drafted by:
Elizabeth M. Saarela
Johnson, Rosati, Schultz & Joppich, PC
34405 W. Twelve Mile Road
Suite 200
Farmington Hills, MI 48331

And when recorded return to:
Maryanne Cornelius, City Clerk
City of Novi
45175 W. Ten Mile Rd
Novi, MI 48375

EXHIBIT A LEGAL DESCRIPTIONS

LEGAL DESCRIPTION – PARCEL No. 22-01-400-025:

(PER OAKLAND COUNTY ON-LINE PROPERTY GATEWAY)

PARCEL NO. 22-01-400-025

Town 1 North, Range 8 East, Section 1, City of Novi, Oakland County, Michigan, Part of the East 1/2 of said Section, Beginning at a point distant N02°30'06"W 90.22 feet & S87°29'54"W 1085.33 feet & S77°54'36"W 89.62 feet from the Southeast section corner; thence S77°54'36"W 28.57 feet; thence along a curve to the right, having a radius of 5639.58 feet, a chord bearing S78°55'26"W 176.08 feet, a distance of 176.08 feet; thence N02°54'28"W 708.68 feet; thence S85°15'02"W 90.05 feet; thence S02°54'28"E 716.54 feet; thence along a curve to the right, having a radius of 5639.58 feet, a chord bearing S83°15'33"W 495.88 feet, a distance of 496.04 feet; thence N04°27'15"W 15.08 feet; thence along a curve to the right, having a radius of 5624.58 feet, a chord bearing S86°44'01"W 173.34 feet, a distance of 173.35 feet; thence S87°17'58"W 163.56 feet; thence N02°26'23"W 516.95 feet; thence S87°39'29"W 49.67 feet; thence N02°28'25"W 710.54 feet; thence along a curve to the right, having a radius of 11320.16 feet, a chord bearing N01°07'47"E 1417.30 feet, a distance of 1418.24 feet; thence N86°37'42"E 710.98 feet; thence S02°57'07"E 1446.10 feet; thence along a curve to the left, having a radius of 455 feet, a chord bearing S30°23'13"E 419.27 feet, a distance of 435.73 feet; thence along a curve to the right, having a radius of 395 feet, a chord bearing S26°33'27"E 410 feet, a distance of 431.08 feet; thence S04°25'26"W 195.42 feet; thence along a curve to the left, having a radius of 257.94 feet, a chord bearing S03°34'23"E 71.77 feet, a distance of 72 feet; thence S11°13'28"E 130.75 feet to the Point of Beginning.

LEGAL DESCRIPTION – PARCEL No. 50-22-01-400-032:

(Per Professional Engineering Associates)

Land in part of the Southeast 1/4 of Section 1, Township 1 North, Range 8 East, City of Novi, Oakland County, Michigan, being more particularly described as:

Commencing at the Southeast Corner of said Section 1; thence L1) N02°30'06"W, 90.22 feet along the East line of said Section 1; thence L2) S87°29'54"W, 1085.33 feet; thence L3) S77°54'36"W, 89.62 feet to the intersection of the West line of Cabot Drive (60 feet wide) and the North line of 13 Mile Road (width varies); thence along said North line the following two (2) courses:

1. L4) S77°54'36"W, 28.57 feet and;
2. C1) 176.08 feet along the arc of a non-tangent curve to the right, having a radius of 5639.58 feet, and a chord bearing S78°55'26"W, 176.08 feet;

thence non-tangent to said curve L5) N02°54'28"W, 708.68 feet to the POINT OF BEGINNING;

thence L6) S85°15'02"W, 90.04 feet; thence L7) S02°54'28"E, 115.00 feet;
thence L8) S87°31'35"W, 135.71 feet; thence L9) S02°28'25"E, 351.48 feet;
thence L10) S87°31'35"W, 152.56 feet;

thence C2) 52.49 feet along the arc of a non-tangent curve to the right, having a radius of 197.00 feet, and a chord bearing S25°43'29"W, 52.33 feet;

thence C3) 174.94 feet along the arc of a curve to the left, having a radius of 280.00 feet, and a chord bearing S15°27'32"W, 172.10 feet;

thence L11) S02°26'23"E, 71.92 feet to the aforementioned North line of 13 Mile Road;

thence along said North line C4) 75.08 feet along the arc of a non-tangent curve to the right, having a radius of 5639.58 feet, and a chord bearing S84°54'01"W, 75.08 feet;

thence non-tangent to said curve L12) N02°26'23"W, 225.23 feet;

thence L13) S87°33'38"W, 141.99 feet; thence L14) N29°13'41"W, 337.92 feet;

thence L15) S87°39'29"W, 141.69 feet to the East line of M-5 Highway (AKA Haggerty Connector – variable width);

thence along said East line L16) N02°28'25"W, 631.50 feet;

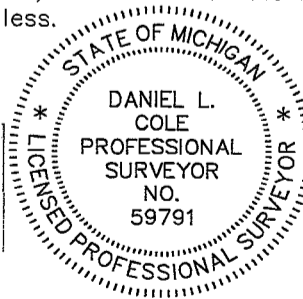
thence L17) N87°31'35"E, 816.33 feet to the aforementioned West line of Cabot Drive;

thence along said West line the following two (2) courses:

1. C5) 376.89 feet along the arc of a non-tangent curve to the left, having a radius of 455.00 feet, and a chord bearing S34°05'22"E, 366.21 feet and;
2. C6) 22.98 feet along the arc of a curve to the right, having a radius of 395.00 feet, and a chord bearing S56°09'20"E, 22.97 feet;

thence non-tangent to said curve L18) S35°30'40"W, 99.13 feet to the POINT OF BEGINNING, containing ±16.500 acres of land, more or less.

Daniel Cole



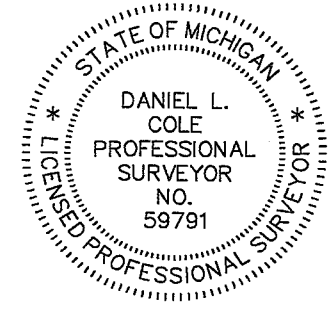
PROFESSIONAL
ENGINEERING
ASSOCIATES

CLIENT: NORTHERN EQUITIES GROUP 39000 COUNTRY CLUB DRIVE FARMINGTON HILLS, MI 48331	SCALE: NO SCALE DATE: 9-29-14	JOB No: 2014109 DWG. No: 1 of 3	2430 Rochester Ct. Suite 100 Troy, MI 48083-1872 (248) 689-9090
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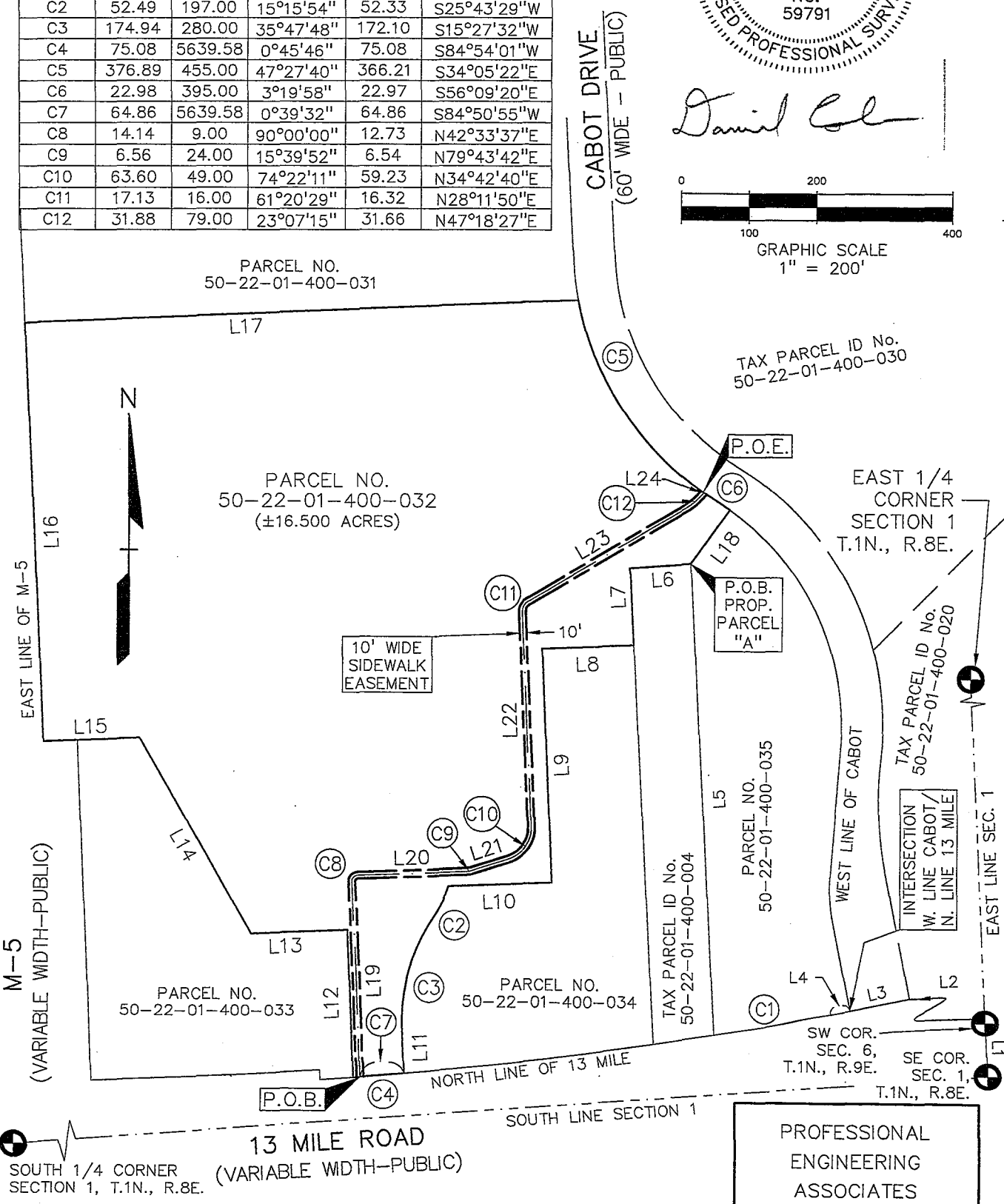
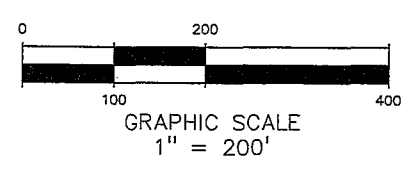
EXHIBIT B - SKETCH OF 10 FOOT WIDE SIDEWALK EASEMENT

LINE TABLE			LINE TABLE			LINE TABLE		
LINE	BEARING	DIST.	LINE	BEARING	DIST.	LINE	BEARING	DIST.
L1	N02°30'06"W	90.22	L10	S87°31'35"W	152.56	L19	N02°26'23"W	296.81
L2	S87°29'54"W	1085.33	L11	S02°26'23"E	71.92	L20	N87°33'38"E	161.33
L3	S77°54'36"W	89.62	L12	N02°26'23"W	225.23	L21	N71°53'46"E	57.43
L4	S77°54'36"W	28.57	L13	S87°33'38"W	141.99	L22	N02°28'25"W	323.98
L5	N02°54'28"W	708.68	L14	N29°13'41"W	337.92	L23	N58°52'04"E	274.57
L6	S85°15'02"W	90.04	L15	S87°39'29"W	141.69	L24	N35°44'49"E	2.01
L7	S02°54'28"E	115.00	L16	N02°28'25"W	631.50			
L8	S87°31'35"W	135.71	L17	N87°31'35"E	816.33			
L9	S02°28'25"E	351.48	L18	S35°30'40"W	99.13			

CURVE TABLE					
CURVE	ARC LENGTH	RADIUS	DELTA	CHORD	CHORD BEARING
C1	176.08	5639.58	1°47'20"	176.08	S78°55'26"W
C2	52.49	197.00	15°15'54"	52.33	S25°43'29"W
C3	174.94	280.00	35°47'48"	172.10	S15°27'32"W
C4	75.08	5639.58	0°45'46"	75.08	S84°54'01"W
C5	376.89	455.00	47°27'40"	366.21	S34°05'22"E
C6	22.98	395.00	3°19'58"	22.97	S56°09'20"E
C7	64.86	5639.58	0°39'32"	64.86	S84°50'55"W
C8	14.14	9.00	90°00'00"	12.73	N42°33'37"E
C9	6.56	24.00	15°39'52"	6.54	N79°43'42"E
C10	63.60	49.00	74°22'11"	59.23	N34°42'40"E
C11	17.13	16.00	61°20'29"	16.32	N28°11'50"E
C12	31.88	79.00	23°07'15"	31.66	N47°18'27"E



Daniel Cole



CLIENT: NORTHERN EQUITIES GROUP 39000 COUNTRY CLUB DRIVE FARMINGTON HILLS, MI 48331	SCALE: 1"=200'	JOB No: 2014109	2430 Rochester Ct. Suite 100 Troy, MI 48083-1872 (248) 689-9090
	DATE: 9-29-14	DWG. No: 2 of 3	

EXHIBIT B - Pg 2 of 2
LEGAL DESCRIPTIONS

LEGAL DESCRIPTION – 10 FOOT WIDE SIDEWALK EASEMENT:

(Per Professional Engineering Associates)

A 10 foot wide sidewalk easement over part of Parcel No. 50-22-01-400-032, being Land in part of the Southeast 1/4 of Section 1, Township 1 North, Range 8 East, City of Novi, Oakland County, Michigan, being more particularly described as: Commencing at the Southeast Corner of said Section 1; thence L1) N02°30'06"W, 90.22 feet along the East line of said Section 1; thence L2) S87°29'54"W, 1085.33 feet; thence L3) S77°54'36"W, 89.62 feet to the intersection of the West line of Cabot Drive (60 feet wide) and the North line of 13 Mile Road (width varies); thence along said North line the following two (2) courses:

1. L4) S77°54'36"W, 28.57 feet and;
2. C1) 176.08 feet along the arc of a non-tangent curve to the right, having a radius of 5639.58 feet, and a chord bearing S78°55'26"W, 176.08 feet;

thence non-tangent to said curve L5) N02°54'28"W, 708.68 feet;
thence L6) S85°15'02"W, 90.04 feet; thence L7) S02°54'28"E, 115.00 feet;
thence L8) S87°31'35"W, 135.71 feet; thence L9) S02°28'25"E, 351.48 feet;
thence L10) S87°31'35"W, 152.56 feet;
thence C2) 52.49 feet along the arc of a non-tangent curve to the right, having a radius of 197.00 feet, and a chord bearing S25°43'29"W, 52.33 feet;
thence C3) 174.94 feet along the arc of a curve to the left, having a radius of 280.00 feet, and a chord bearing S15°27'32"W, 172.10 feet;
thence L11) S02°26'23"E, 71.92 feet to the aforementioned North line of 13 Mile Road;
thence along said North line C7) 64.86 feet along the arc of a non-tangent curve to the right, having a radius of 5639.58 feet, and a chord bearing S84°50'55"W, 64.86 feet to the centerline of the aforementioned 10 foot sidewalk easement and the POINT OF BEGINNING.
thence along the centerline of said 10 foot sidewalk easement the following eleven (11) courses:

L19) N02°26'23"W, 296.81 feet and;
C8) 14.14 feet along the arc of a curve to the right, having a radius of 9.00 feet, and a chord bearing N42°33'37"E, 12.73 feet and;
L20) N87°33'38"E, 161.33 feet and;
C9) 6.56 feet along the arc of a curve to the left, having a radius of 24.00 feet, and a chord bearing N79°43'42"E, 6.54 feet and;
L21) N71°53'46"E, 57.43 feet and;
C10) 63.60 feet along the arc of a curve to the left, having a radius of 49.00 feet, and a chord bearing N34°42'40"E, 59.23 feet and;
L22) N02°28'25"W, 323.98 feet and;
C11) 17.13 feet along the arc of a curve to the right, having a radius of 16.00 feet, and a chord bearing N28°11'50"E, 16.32 feet and;
L23) N58°52'04"E, 274.57 feet and;
C12) 31.88 feet along the arc of a curve to the left, having a radius of 79.00 feet, and a chord bearing N47°18'27"E, 31.66 feet and;
L24) N35°44'49"E, 2.01 feet to the POINT OF ENDING; Containing ±12,494 square feet or ±0.287 acres of land.



Daniel Cole

PROFESSIONAL
ENGINEERING
ASSOCIATES
2430 Rochester Ct. Suite 100
Troy, MI 48083-1872
(248) 689-9090

CLIENT: NORTHERN EQUITIES GROUP 39000 COUNTRY CLUB DRIVE FARMINGTON HILLS, MI 48331	SCALE: NO SCALE	JOB No: 2014109
	DATE: 9-29-14	DWG. No: 3 of 3

CONSENT TO EASEMENT

As the holder of a mortgagee interest in and to the property referenced in the Sidewalk Easement, dated October 30 2015 attached hereto and incorporated as Exhibit A, whereby ~~The Huntington National Bank~~ 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 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 30 day of October, 2015.

, a
Michigan _____

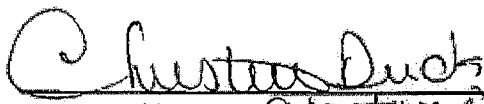
By: Kristine Dobbeck
(Print Name) Authorized Signer

Its: _____

STATE OF MICHIGAN)
) ss.
COUNTY OF OAKLAND)

The foregoing Consent to Easement was acknowledged before me this 30th day of OCTOBER, 2015 by Kristine Dobbeck, the Authorized Signer of Huntington National Bank Michigan National BANKING Association

CHRISTINE DUDA
NOTARY PUBLIC - MICHIGAN
MACOMB COUNTY
MY COMMISSION EXPIRES JULY 31, 2018
ACTING IN OAKLAND COUNTY


Notary Public Christine Duda
Acting in OAKLAND County, MI
My commission expires: 7-31-18