



CITY of NOVI CITY COUNCIL

**Agenda Item I
May 18, 2015**

SUBJECT: Acceptance of a pathway easement as a donation from Novi Town Center Investors, LLC, along the south side of 11 Mile Road, west of Town Center Drive for construction of the 11 Mile Road Pathway (parcel 22-23-126-014).

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

CITY MANAGER APPROVAL: *[Signature]*

BACKGROUND INFORMATION:

The 11 Mile Road Pathway project includes construction of pathways along both sides of 11 Mile Road between Town Center and Meadowbrook Road. The project design requires one permanent pathway easement and two temporary construction permits to facilitate the construction of the pathway. Engineering staff has acquired one of the temporary grading permits and is working on the final one.

One of the property owners, Novi Town Center Investors, LLC, which owns the property on the south side of 11 Mile Road just east Town Center Drive, has offered to donate a pathway easement to facilitate construction of the project.

The pathway easement was prepared by Engineering staff and was reviewed and approved by the City Attorney (see attached letter from Beth Saarela). The design of the 11 Mile Road Pathway Construction project is nearing completion. It is anticipated that construction will commence in summer 2015 once all of the required easements have been obtained.

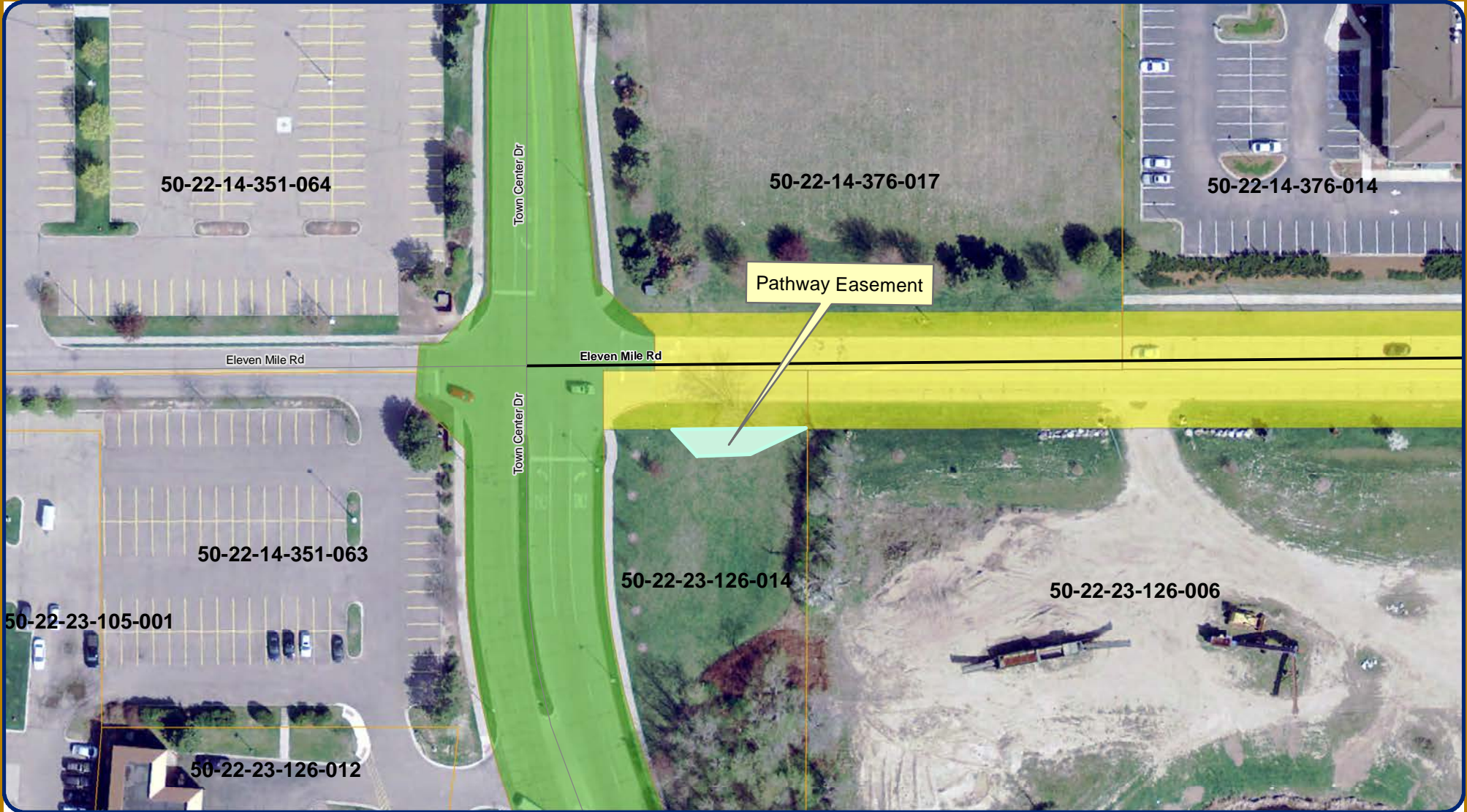
RECOMMENDED ACTION: Acceptance of a pathway easement as a donation from Novi Town Center Investors, LLC, along the south side of 11 Mile Road, west of Town Center Drive for construction of the 11 Mile Road Pathway (parcel 22-23-126-014).

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

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

11 Mile Pathway Easement

50-22-23-126-014



Map Author: PK
 Date: 5/12/15
 Project: 11 Mile Pathway Easement
 Version #: 1

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.

Legend

- Easement
- Right of Way
- Dedicated
- Prescriptive
- Private



City of Novi
 Department Division
 Department Name
 45175 W Ten Mile Rd
 Novi, MI 48375
 cityofnovi.org





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.johnsonrosati.com

May 12, 2015

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

Re: Town Center Drive Reconstruction Project – Highway Easements
Novi Town Center Investors

Dear Mr. Coburn:

We have received and reviewed the following documents provided by Novi Town Center Investors for the Town Center Drive Reconstruction Project:

- Highway Easement (Parcel 22-14-376-009)
- Highway Easement (Parcel 22-14-176-014)
- Highway Easement (Parcel 22-15-351-063)
- Pathway Easement (Parcel 22-14-176-014)

The format and content of the Highway Easements and Pathway Easement are in the City's standard format and are acceptable.

Our review of title to the parcels shows that the following issues should be addressed prior to finalizing the easements:

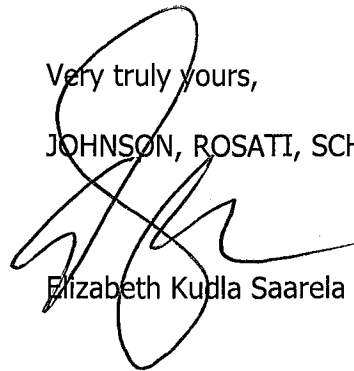
1. Parcels 22-15-351-063 and 22-14-376-009 may currently be subject to a mortgage issued by Bank of New York Mellon that requires the lender to consent to any easements created on the parcels.
2. Parcel 22-115-351-063 appears to have been quit claimed from Novi Town Center Investors, LLC to Novi Town Center Investors I, LLC.

Brian Coburn, Engineering Manager
May 12, 2015
Page 2

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.

A handwritten signature in black ink, appearing to read 'Elizabeth Kudla Saarela', is written over the typed name. The signature is stylized with large loops and a long horizontal stroke at the end.

Elizabeth Kudla Saarela

EKS

Enclosures

C: Maryanne Cornelius, Clerk
Ben Croy, Civil Engineer
Matthew C. Quinn, Esquire
Thomas R. Schultz, Esquire

PATHWAY EASEMENT

NOW ALL MEN BY THESE PRESENTS, that Novi Town Center Investors LLC, a Michigan limited liability company, whose address is 2515 McKinney Ave., Suite 800, Dallas, TX 75201 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. 50-22-23-126-014

{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 23 day of March, 2015.

GRANTOR

Novi Town Center Investors LLC, a Delaware limited liability company

By: TPI REIT Operating Partnership LP,
A Delaware limited partnership
Its: Sole Member

By: TPI REIT Operating Partnership GP LLC,
A Delaware limited partnership

Its: [Signature] (MCQ)

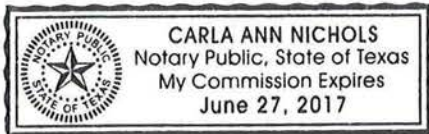
By: Richard Zalatoris
Its: Director

STATE OF TEXAS)
)SS

COUNTY OF DALLAS)

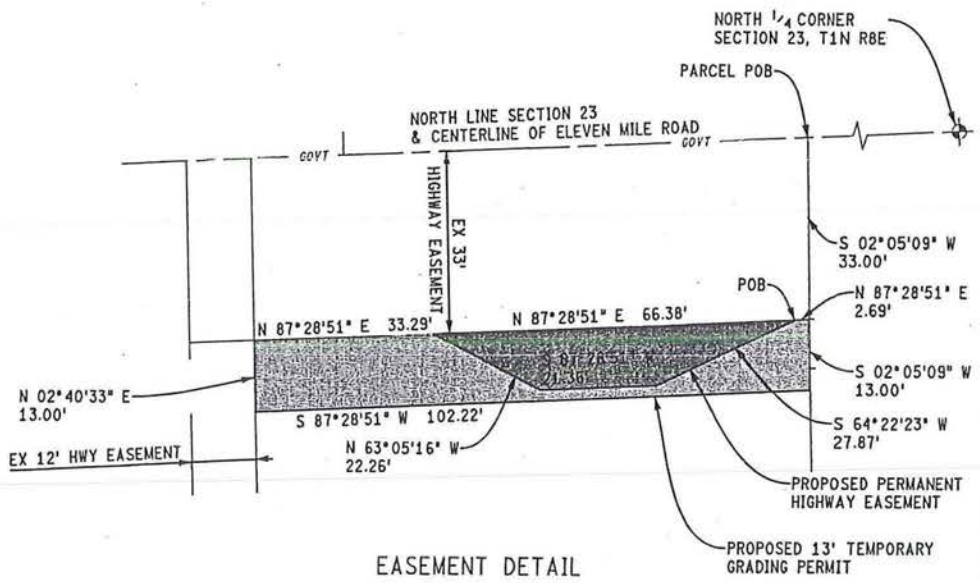
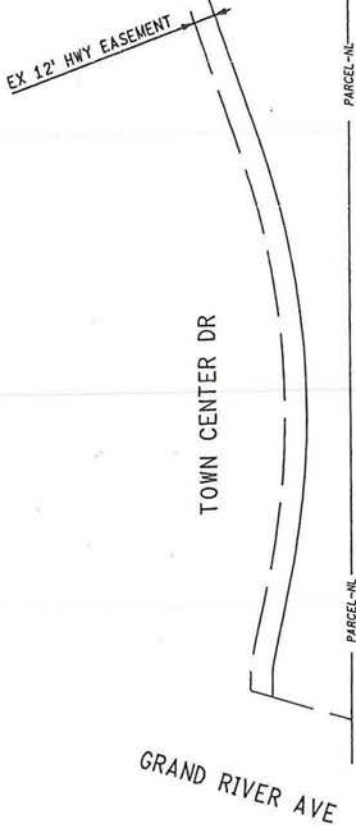
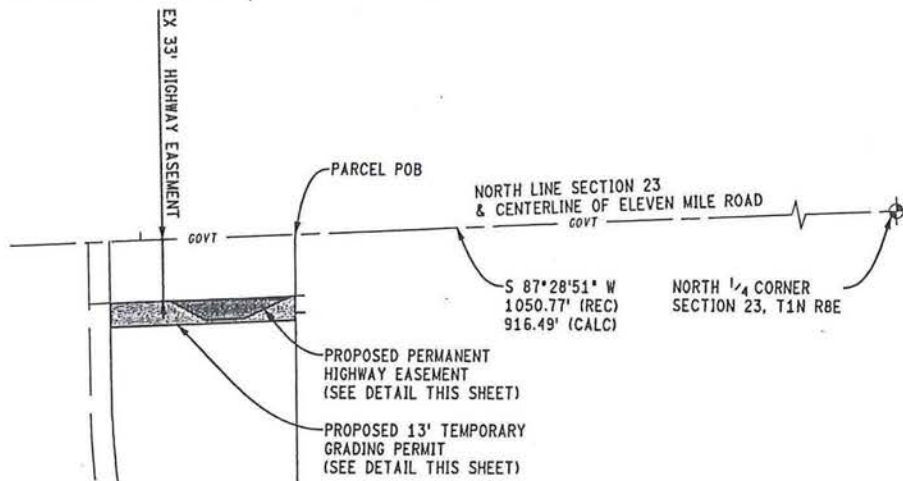
The foregoing instrument was acknowledged before me this 23rd day of March, 2015 by Novi Town Center Investors LLC, a Delaware limited liability company By: TPI REIT Operating Partnership LP, a Delaware limited partnership, Its: Sole Member by: TPI REIT Operating Partnership GP LLC, a Delaware limited partnership, Its: General Partner, by Richard Zalatoris, Its: Director.

[Signature]
Notary Public



Dallas County, Texas
My commission expires: June 27, 2017
Acting in Dallas County
When recorded return to:
Maryanne Cornelius, Clerk
City of Novi
45175 W. Ten Mile Road
Novi, MI 48375

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



NOTE:
 THE PARCEL DESCRIPTION SHOWN WAS OBTAINED FROM THE CITY OF NOVI ASSESSOR. THE EASEMENT DESCRIPTION IS WRITTEN BASED UPON THE FURNISHED DESCRIPTION OF THIS OVERALL PARCEL. URS HAS NOT PERFORMED A BOUNDARY SURVEY OF THIS PARCEL.

HIGHWAY EASEMENT & GRADING PERMIT

DESIGNED BY: **URS**
 Surface Transportation
 Grand Rapids . Southfield . Traverse City



PARCEL 50-22-23-126-014

DRAWN BY: TRW	CHECKED BY: LND	DATE 02/26/15	SCALE 1"=100'	SHEET NUMBER 2 OF 2	PROJECT NUMBER 12944292
------------------	--------------------	------------------	------------------	------------------------	----------------------------

PARENT PARCEL DESCRIPTION:

Part of the Northwest ¼ of Section 23, Town 1 North, Range 8 East, City of Novi, Oakland County, Michigan, described as:

Beginning at a point distant South 87 degrees 28 minutes 51 seconds West, 1050.77 feet from the North ¼ corner of said Section 23; thence South 02 degrees 05 minutes 09 seconds East, 613.51 feet; thence North 74 degrees 16 minutes 33 seconds West, 58.24 feet; thence North 01 degrees 10 minutes 45 seconds West, 12.80 feet; thence North 10 degrees 00 minutes 00 seconds East, 45.93 feet; thence along a curve to the left, radius of 435.50 feet, chord bears North 05 degrees 40 minutes 33 seconds West, 235.34 feet, distance of 238.30 feet; thence North 21 degrees 21 minutes 06 seconds West, 100 feet; thence along a curve to the right, radius 364.50 feet, chord bears North 12 degrees 00 minutes 50 seconds West, 118.29 feet, distance of 118.81 feet; thence North 02 degrees 40 minutes 33 seconds West, 91.33 feet; thence North 87 degrees 28 minutes 51 seconds East, 114.71 feet to the point of beginning.

PROPERTY OWNER:

Novi Town Center Investors
PO Box 1368
Carlsbad, CA 92018

TAX ID:

50-22-23-126-014

PROPOSED HIGHWAY EASEMENT LEGAL DESCRIPTION:

Part of the Northwest ¼ of Section 23, Town 1 North, Range 8 East, City of Novi, Oakland County, Michigan described as:

Commencing at the North ¼ corner of said Section 23; thence South 87 degrees 28 minutes 51 seconds West along the north line of said Section 23, 1050.77 to the northeast corner of Grantors parcel; thence South 02 degrees 05 minutes 09 seconds East along the east line of Grantors parcel, 33.00 feet, to a point on the existing 11 Mile Road Highway Easement line; thence South 87 degrees 28 minutes 51 seconds West along the existing 11 Mile Road Highway Easement line, 2.69 feet to the Point of Beginning; thence South 64 degrees 22 minutes 23 seconds West, 27.87 feet; thence South 87 degrees 28 minutes 51 seconds West, 21.36 feet; thence North 63 degrees 05 minutes 16 seconds West, 22.26 feet; thence North 87 degrees, 28 minutes, 51 seconds East, 66.38 feet to the Point of Beginning, and containing 480 square feet (0.011 acres) of land, more or less.

PROPOSED GRADING PERMIT:

Part of the Northwest ¼ of Section 23, Town 1 North, Range 8 East, City of Novi, Oakland County, Michigan described as:

Commencing at the North ¼ corner of said Section 23; thence South 87 degrees 28 minutes 51 seconds West along the north line of said Section 23, 1050.77 to the northeast corner of Grantors parcel; thence South 02 degrees 05 minutes, 09 seconds East along the east line of Grantors parcel, 33.00 feet, to a point on the existing southerly 11 Mile Road Highway Easement line and the Point of Beginning; thence continuing South 02 degrees 05 minutes 09 seconds East along the east line of Grantors parcel 13.00 feet, thence South 87 degrees 28 minutes 51 seconds West, 102.22 feet; thence North 02 degrees 40 minutes 33 seconds West along the easterly highway easement line of Novi Town Center Road, 13.00 feet to a point on the existing southerly highway easement line of Eleven Mile Road; thence North 87 degrees 28 minutes 51 seconds East; 33.29 feet; thence South 63 degrees 05 minutes 16 seconds East, 22.26 feet; thence North 87 degrees 28 minutes 51 seconds East, 21.36 feet; thence North 64 degrees 22 minutes 23 seconds East, 27.87 feet, thence North 87 degrees 28 minutes 51 seconds East along the existing 11 Mile Road Highway Easement line, 2.69 feet to the Point of Beginning, and containing 850 square feet (0.020 Acres) more or less.

HIGHWAY EASEMENT & GRADING PERMIT

DESIGNED BY:

URS

Surface Transportation
Grand Rapids . Southfield .
Traverse City



PARCEL 50-22-23-126-014

DRAWN BY:	CHECKED BY:	DATE	SCALE	SHEET NUMBER	PROJECT NUMBER
TRW	LND	02/26/15	1" = NA	1 OF 2	12944292