



CITY of NOVI CITY COUNCIL

Agenda Item I
February 9, 2015

SUBJECT: Acceptance of a warranty deed from the Charneth Fen Condominiums Association for the dedication of the master planned 43-foot right-of-way along the south side of 12 ½ Mile Road as part of the Charneth Fen development.

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

CITY MANAGER APPROVAL: *[Signature]*

BACKGROUND INFORMATION:

The Charneth Fen Condominiums Association is requesting acceptance of the warranty deed conveying the master planned 43-foot right-of-way for 12 ½ Mile Road along the frontage of the development. Charneth Fen is located on 12 ½ Mile Road west of Novi Road (see attached map). The Condominiums Association is offering the donation of the master planned right-of-way for 12 ½ Mile Road as part of the approved site plan.

The enclosed warranty deed has been favorably reviewed by the City Attorney (Beth Saarela's January 20, 2015 letter, attached) and is recommended for approval.

RECOMMENDED ACTION: Acceptance of a warranty deed from the Charneth Fen Condominiums Association for the dedication of the master planned 43-foot right-of-way along the south side of 12 ½ Mile Road as part of the Charneth Fen development.

	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				

Charneth Fen Right-of-Way Dedication

50-22-10-280-007

Twelve 1/2 Mile Rd

Proposed ROW

50-22-10-400-021

50-22-10-400-022

50-22-10-400-020

50-22-10-400-023

50-22-10-400-024

Traci Trl

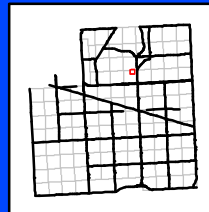
Melanie Ln

Map Author: A. Wayne
Date: January 30, 2015
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

Feet
0 20 40 80 120 160

1 inch = 103 feet



JOHNSON ROSATI SCHULTZ JOPPICH PC

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Phone: 248.489.4100 | Fax: 248.489.1726

Elizabeth Kudla Saarela
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www.johnsonrosati.com

January 20, 2015

Rob Hayes, Public Services Director
CITY OF NOVI
45175 Ten Mile Road
Novi, Michigan 48375

**Re: Charneth Fen Condominium JSP 13-0051
Review for Acceptance – Utilities**

Dear Mr. Hayes:

We have received and reviewed, and enclosed please find, the following documents for the Charneth Fen Condominium:

1. Water System Easement
2. Sanitary Sewer System Easement
3. Bill of Sale for Water and Sanitary Sewer System
4. Title Insurance Policy
5. Maintenance and Guarantee Bond Waiver
6. **Warranty Deed for 12 ½ Mile ROW**

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

Water System and Sanitary Sewer System Easements

Robertson Charneth Fen, LLC seeks to convey the water and sanitary sewer system facilities serving the Charneth Fen Condominium. We have reviewed and approve the format and language of the above Water and Sanitary Sewer System Easements and corresponding Bill of Sale. The exhibits have been reviewed and approved by the City's Engineering Division.

A copy of City Council Minutes for the May 11, 2011 meeting waiving the requirement for posting a Maintenance and Guarantee Bond based on the age and function of the utilities is attached.

12 ½ Mile ROW

The Developer has provided a Warranty Deed for the right-of-way for 12 ½ Mile Road pursuant to Article VIII, Section 3 of the Master Deed, which provides for right-of-way dedications to be completed by the Association. The Warranty Deed is acceptable in the format provided. The legal description has been reviewed and approved by the City's Engineering Division. It should be noted that the construction mortgage for the property pertains to specific units and does not encumber the general common elements, therefore, a discharge of mortgage is not required to convey the subject right-of-way to the City.

The Water System and Sanitary Sewer System Easements may be accepted by Affidavit of the City Engineer. The Warranty Deed for 12 ½ Mile right-of-way may be placed on an upcoming City Council Agenda for acceptance.

Upon acceptance by Affidavit of the City Engineer the Water System Easement and Sanitary Sewer System Easement, and acceptance of the Warranty Deed by City Council, the documents should be recorded with the Oakland County Register of Deeds. The Bills of Sale, Maintenance and Guarantee Bond and Title Insurance Policy should remain 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/Original 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)
Adam Wayne, Construction Engineer (w/Enclosures)
Aaron Staup, Construction Engineering Coordinator (w/Enclosures)
Sarah Marchioni, Building Permit Coordinator (w/Enclosures)
Sue Troutman, City Clerk's Office (w/Enclosures)
James V. Clarke, Robertson Charneth Fen (w/Enclosures)
Kim Shierk, Esquire (w/Enclosures)
Thomas R. Schultz, Esquire (w/Enclosures)

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS: That Charneth Fen Condominiums Association, a Michigan non-profit corporation, whose address is 6905 Telegraph Road, Suite 200, Bloomfield Hills, Michigan 48301-3159 Conveys and warrants to the City of Novi, a Michigan Municipal Corporation, whose address is 45175 W. Ten Mile Road, Novi, MI 48375, the following described premises situated in the City of Novi, County of Oakland and State of Michigan, to-wit:

A 43 foot Road Right-Of-Way Dedication, located in a part of the Southeast 1/4 of Section 10, 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 10; thence North 89°01'34" West, 805.22 feet, along the East and West 1/4 line of said Section 10 and the centerline of 12 1/2 Mile Road, to a point on the east line of the Subject Property, for a POINT OF BEGINNING; thence South 00°42'26" West, 43.00 feet, along the east line of Subject Property; thence North 89°01'34" West, 280.00 feet, to a point on the Easterly line of "Carlton Forest", Oakland County Condominium Plan No. 1241; thence North 00°42'38" East, 43.00 feet, along the Easterly line of said "Carlton Forest", to a point on the East and West 1/4 line of said Section 10 and the centerline of said 12 1/2 Mile Road (said point being South 89°01'34" East, 1621.14 feet, from the Center of said Section 10); thence South 89°01'34" East, 280.00 feet, along the East and West 1/4 line of said Section 10 and the centerline of said 12 1/2 Mile Road, to the Point of Beginning.

for the full consideration of One Dollar (\$1.00)

This deed is exempt from the tax imposed pursuant to MCLA 207.505(a) and MCLA 207.526(a).

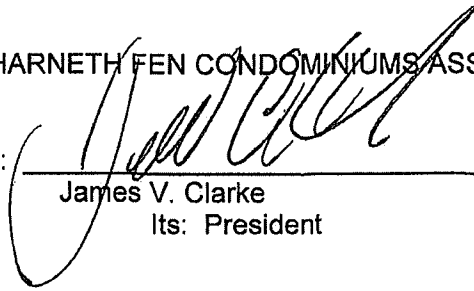
The grantor grants to the grantee the right to make -0- divisions under Section 108 of the Land Division Act, Act No. 288 of the Public Acts of 1967.

This property may be located within the vicinity of farmland or a farm operation. Generally accepted agricultural and management practices which may generate noise, dust, odors, and other associated conditions may be used and are protected by the Michigan right to farm act.

Subject to building and use restrictions and easements if any. Grantor's real estate tax obligation shall be up to and including the date of this Deed.

Dated this 19 day of January, 2015

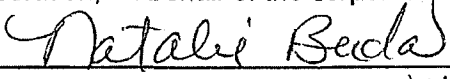
CHARNETH FEN CONDOMINIUMS ASSOCIATION

By: 
James V. Clarke
Its: President

STATE OF MICHIGAN)
) SS.
COUNTY OF OAKLAND)

On this 19 day of January, 2015, in Oakland County, Michigan, the foregoing was acknowledged before me by James V. Clarke, the President of Charneth Fen Condominiums Association, a Michigan non-profit corporation, on behalf of the corporation.

NATALIE BUDA
NOTARY PUBLIC, STATE OF MI
COUNTY OF WAYNE
MY COMMISSION EXPIRES Apr 6, 2016
ACTING IN COUNTY OF
oakland


Wayne
Notary Public, State of Michigan, ~~Oakland~~ County
My commission expires: 4-5-15
Acting in Oakland County, Michigan

DRAFTED BY:
C. Kim Shierk
WILLIAMS, WILLIAMS, RATTNER & PLUNKETT, P.C.
380 North Old Woodward Avenue, Suite 300
Birmingham, Michigan 48009
AFTER RECORDING RETURN TO GRANTEE