



CITY of NOVI CITY COUNCIL

Agenda Item K
March 26, 2018

SUBJECT: Acceptance of a Storm Drainage Facility Maintenance Easement Agreement as part of the Meadowbrook Medical Office Building development located on the east side of Meadowbrook Road and south of Eleven Mile Road (Parcel 22-24-100-001).

SUBMITTING DEPARTMENT: Department of Public Services, Engineering Division

CITY MANAGER APPROVAL: 

BACKGROUND INFORMATION:

Approximately 10 years ago, Here to Stay, LLC was the developer for the Meadowbrook Medical Office Building site located on the east side of Meadowbrook Road and south of Eleven Mile Road. The developer had requested approval of the Storm Drainage Facility Maintenance Easement Agreement (SDFMEA) for the storm water management system associated with the project. Unfortunately, the documents were inadvertently misfiled and never presented to City Council for approval at that time.

The SDFMEA is a requirement of the Storm Water Management Ordinance and details the responsibilities of the property owner to properly maintain their privately owned on-site storm water system. The agreement also contains a provision that permits the City to perform maintenance of the privately owned on-site storm water system should the property owner fail to do so at the expense of the property owner.

In this particular case, the property owner retains and agrees to maintain two storm water oil/gas separators and is providing the City with the appropriate ingress/egress easements. The owner is also responsible for maintaining the pipes, storm sewer structures and open channels leading to the off-site storm water management system.

The enclosed agreement has been favorably reviewed by the City Attorney (Beth Kudla, March 28, 2008) and is recommended for approval.

RECOMMENDED ACTION: Acceptance of a Storm Drainage Facility Maintenance Easement Agreement as part of the Meadowbrook Medical Office Building development located on the east side of Meadowbrook Road and south of Eleven Mile Road (Parcel 22-24-100-001).

Meadowbrook Medical Office Building

Location Map

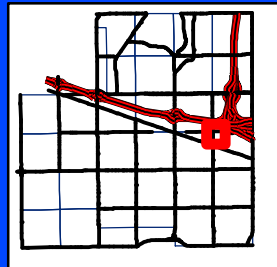


Map Author: Theresa Bridges
 Date: March 13, 2018
 Project:
 Version #:

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 = 315 feet



March 28, 2008

CITY OF NOVI
CITY CLERK'S OFFICE

2008 MAR 31 P 1:58

30903 Northwestern Highway
P.O. Box 3040
Farmington Hills, MI 48333-3040
Tel: 248-851-9500
Fax: 248-851-2158
www.secrestwardle.com

Maryanne Cornelius, Clerk
CITY OF NOVI
45175 West Ten Mile Road
Novi, Michigan 48375-3024

Elizabeth M. Kudla
Direct: 248-539-2846
bkudla@secrestwardle.com

**Re: Meadowbrook Medical Office Building, SP04-26
Utilities Review for Acceptance
Our File No. 660016.NOV1**

Dear Ms. Cornelius:

We are forwarding the following original documents pursuant to our February 29, 2008 review report to Rob Hayes with respect to the Meadowbrook Office Building Property:

- Sanitary Sewer System Easement *Recorded 4/14/08*
- Water System Easement *" "*
- Bill of Sale
- Storm Drainage Facility Maintenance Easement Agreement
- Maintenance and Guarantee Bond
- Policy of Title Insurance
- Affidavit Towards Acceptance of Utilities

The City should record the Sanitary Sewer and Water System Easements with the Oakland County Register of Deeds in its usual manner. The Bill of Sale, Maintenance and Guarantee Bond, Title Insurance Policy and Affidavit should remain in the City's file. The Storm Drainage Facility Maintenance Easement Agreement should be placed on the next available City Council Agenda for approval and once executed, recorded with the Oakland County Register of Deeds.

Please feel free to contact me with any questions or concerns in regard to this matter.

Very truly yours,


ELIZABETH M. KUDLA

EMK
Enclosures (Originals)
C: Sue Troutman (w/o Enclosures)
Thomas R. Schultz, Esquire (w/o Enclosures)

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SIDEWALK EASEMENT

NOW ALL MEN BY THESE PRESENTS, that HEFCO Meadowbrook Office Building, LLC, a Michigan limited liability company, whose address is 33533 W. 12 Mile Road, Suite 190, 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, 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 walkway over across and through property located in Section 14, T.1N., R.8E., City of Novi, Oakland County, State of Michigan, more particularly described as follows:

{See attached and incorporated Exhibit A – Property Description Exhibit}

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

{See attached and incorporated Exhibit B – Sidewalk Easement Area}

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

Grantee may install, 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 binding 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 binding and inure to the benefit of the parties hereto, their heirs, representatives, successors and assigns.

Dated this 12th day of October, 2009.

Signed by:

HEFCO Meadowbrook Office Building, LLC, a Michigan limited liability company

By: HEFCO Management, Inc., its Manager

By: 
Howard Friedlaender, its President

STATE OF MICHIGAN)
) SS
COUNTY OF OKLAHOMA)

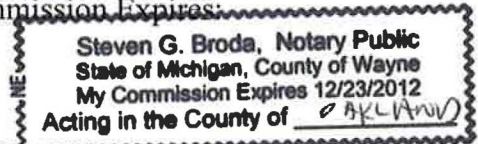
The foregoing instrument was acknowledged before me this 12 day of October, 2009, by Howard Friedlaender, the President of HEFCO Management, Inc., on behalf of HEFCO Meadowbrook Office Building, LLC, a Michigan limited liability company.



Notary Public

County, Michigan

My Commission Expires:



Drafted by:
Elizabeth M. Kudla
30903 Northwestern Hwy
Farmington Hills, MI 48334

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

CONSENT TO EASEMENT

As the holder of a ground lessee interest in and to the property referenced in the Sidewalk Easement, dated Oct 12, 20 09 attached hereto and incorporated as Exhibit B, whereby HEFCO Meadowbrook Office Building, LLC grants 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 agreed to be superior to the interest of the undersigned 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 12th day of October, 2009

HEFCO Meadowbrook Site, LLC, a
Michigan limited liability company


By: HEFCO Property Holdings, LLC, its
sole Member

By: HEFCO Management, Inc., its Manager

By: 
Howard Friedlaender, its President

STATE OF MICHIGAN)
) ss.
COUNTY OF OAKLAND)

The foregoing Consent to Easement was acknowledged before me this 12 day of October, 2009 by Howard Friedlaender, the President of HEFCO Management, Inc., on behalf of HEFCO Meadowbrook Site, LLC, a Michigan limited liability company.



Notary Public
_____ County, MI
My commission expires: _____

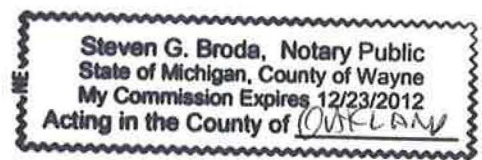


EXHIBIT A

PARCEL DESCRIPTION (BY OTHERS)

PART OF THE NORTHEAST QUARTER OF SECTION 14, T.1N., R.8E., NOVI TOWNSHIP, OAKLAND COUNTY, MICHIGAN BEING DESCRIBED AS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 14; THENCE ALONG THE EAST LINE OF SAID SECTION 14 AND THE CENTERLINE OF MEADOWBROOK ROAD S.00°01'05"E., 372.40 FEET TO THE POINT OF BEGINNING OF THE PARCEL TO BE DESCRIBED; THENCE CONTINUING ALONG THE EAST LINE OF SAID SECTION 14 AND THE CENTERLINE OF MEADOWBROOK ROAD S.00°01'05"E., 155.60 FEET; THENCE S.89°24'35"W., 510.00 FEET; THENCE N.00°35'25"W., 417.98 FEET; THENCE ALONG THE SOUTH LINE OF 12 MILE ROAD N.89°24'35"E., 189.16 FEET; THENCE N.00°01'04"W, 8.00 FEET TO THE SOUTH LINE OF 12 MILE ROAD; THENCE ALONG THE SOUTH LINE OF 12 MILE ROAD N.89°24'35"E., 232.01 FEET; THENCE ALONG THE SOUTH LINE OF 12 MILE ROAD S.45°18'15"E., 70.36 FEET; THENCE ALONG THE WEST LINE OF MEADOWBROOK ROAD S.00°01'05"E., 220.40 FEET; THENCE N.89°24'35"E., 43.00 FEET TO THE POINT OF BEGINNING. CONTAINING 4.68 ACRES, MORE OR LESS.

SUBJECT TO THE RIGHTS OF THE PUBLIC OVER THE EXISTING 12 MILE ROAD AND MEADOWBROOK ROAD, AND TO ANY AND ALL EASEMENTS OR RESTRICTION OF RECORD.

PARCEL I.D. NO. 50-22-14-200-039

LEGAL DESCRIPTION OF SUBJECT PROPERTY - EXHIBIT A

HEFCO PROPERTIES

5138 VILLAGE COMMONS DRIVE
WEST BLOOMFIELD, MI 48322
PH: (248) 788-4500

**MEADOWBROOK
OFFICE BUILDING**

DATE
7-12-05

DRAWN BY
LAS

PROJECT No.
0432

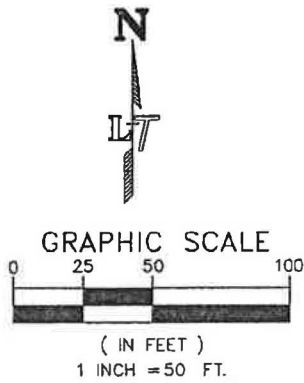
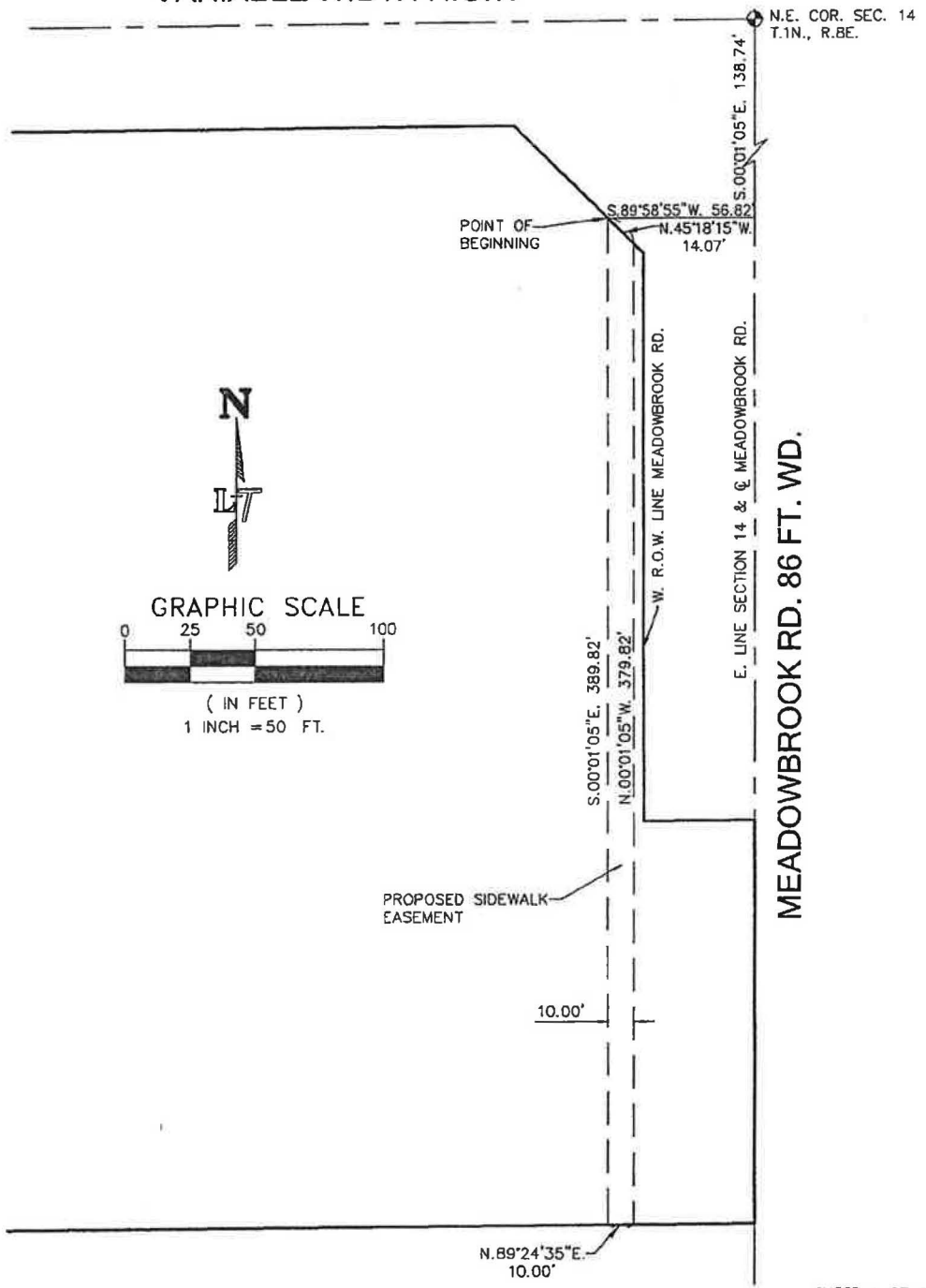
SCALE
1" = 100'



29000 Inbeter Road, Suite 110
Southfield, MI 48034
(248) 357-7900
Fax (248) 357-3646

EXHIBIT B

12 MILE ROAD (DIVIDED ROAD)
VARIABLE WIDTH R.O.W



SHEET 1 OF 2

SIDEWALK EASEMENT SKETCH - EXHIBIT B

HEFCO PROPERTIES
5138 VILLAGE COMMONS DRIVE
WEST BLOOMFIELD, MI 48322
PH: (248) 788-4500

**MEADOWBROOK
OFFICE BUILDING**

DATE
7-12-05

DRAWN BY
LAS

PROJECT No.
0432

SCALE
1" = 50'



29000 Inkster Road, Suite 120
Southfield, MI 48034
(248) 357-7900
Fax (248) 357-3546

EXHIBIT B

A 10.00 FOOT WIDE STRIP OF LAND FOR THE INSTALLATION AND MAINTENANCE OF SIDEWALK, LOCATED IN THE N.E. 1/4 OF SECTION 14, T.1N., R.8E., NOVI TOWNSHIP, OAKLAND COUNTY, MICHIGAN, BEING DESCRIBED AS COMMENCING AT THE N.E. CORNER OF SAID SECTION 14; THENCE ALONG THE EAST LINE OF SAID SECTION AND THE CENTERLINE OF MEADOWBROOK ROAD (86.00 FEET WIDE) S.00°01'05"E. 138.74 FEET; THENCE S.89°58'55"W. 56.82 FEET TO THE POINT OF BEGINNING; THENCE S.00°01'05"E. 389.82 FEET; THENCE N.89°24'35"E. 10.00 FEET; THENCE N.00°01'00"W. 379.82 FEET TO THE WEST RIGHT-OF-WAY LINE OF SAID MEADOWBROOK ROAD; THENCE ALONG SAID RIGHT-OF-WAY LINE N.00°01'05"W. 220.40 FEET; THENCE N.45°18'15"W. 19.26 FEET TO THE POINT OF BEGINNING. CONTAINING 3,848 S.F. OF 0.09 ACRES OF LAND, MORE OR LESS.

SHEET 2 OF 2

SIDEWALK EASEMENT - EXHIBIT B
HEFCO PROPERTIES
 5138 VILLAGE COMMONS DRIVE
 WEST BLOOMFIELD, MI 48322
 PH: (248) 788-4500



**MEADOWBROOK
 OFFICE BUILDING**

DATE
 7-12-05

PROJECT No.
 0432

DRAWN BY
 LAS

SCALE
 1" = 50'

29000 Inkster Road, Suite 110
 Southfield, MI 48034
 (248) 357-7900
 Fax (248) 357-3648

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, that HEFCO Meadowbrook Office Building, LLC, a Michigan limited liability company, whose address is 33533 W. 12 Mile Road, Suite 190, Farmington Hills, Michigan 48331, being title holder to the following described parcel of land, bearing parcel identification number 50-22-14-200-039, to-wit:

[See attached Exhibit "A" attached hereto and made a part hereof]

Hereby conveys and warrants to the City of Novi, a Michigan Municipal Corporation, whose address is 45175 West Ten Mile Road, Novi, Michigan 48375, the following described Meadowbrook Road Right of Way premises situated in the City of Novi, County of Oakland, State of Michigan, to wit:

[See attached Exhibit "B" attached hereto and made a part hereof]

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, for the sum of One and no/100-----Dollars (\$1.00).

THE PROPERTY CONVEYED BY THIS DEED MAY BE LOCATED WITHIN THE VICINITY OF FARM LAND 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.

Dated this 12th day of October, 2009.

Signed by

HEFCO Meadowbrook Office Building,
LLC, a Michigan limited liability company

By: HEFCO Management, Inc., its Manager

By: 
Howard Friedlaender, its President

EXHIBIT "A"

PARCEL DESCRIPTION AS PROVIDED:

Part of the Northeast 1/4 of Section 14, T1N-R8E, Novi Township, Oakland County, Michigan, being described as: Commencing at the Northeast Corner of said Section 14; thence along the East line of said Section 14 and the centerline of Meadowbrook Road, S 00°01'05" E, 372.40 feet, to the POINT OF BEGINNING of the Parcel to be described; thence continuing along the East line of said Section 14 and the centerline of Meadowbrook Road, S 00°01'05" E, 155.60 feet; thence S 89°24'35" W, 510.00 feet; thence N 00°35'25" W, 417.98 feet; thence along the South line of 12 Mile Road, N 89°24'35" E, 189.16 feet; thence N 00°01'04" W, 8.00 feet to the South line of 12 Mile Road; thence along the South line of 12 Mile Road, N 89°24'35" E, 232.01 feet; thence along the South line of 12 Mile Road, S 45°18'15" E, 70.36 feet; thence along the West line of Meadowbrook Road, S 00°01'05" E, 220.40 feet; thence N 89°24'35" E, 43.00 feet, to the POINT OF BEGINNING. Containing 4.68 acres, more or less.

Subject to the rights of the public over the existing 12 Mile Road and Meadowbrook Road, and to any and all easements or restriction of record.

Parcel I.D. No. 50-22-14-200-039

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October 2, 2009

Job Number: 08152-1
Sheet: 1 OF 1

BOSS ENGINEERING
ENGINEERS & SURVEYORS

3121 E. Grand River Ave. Howell, MI 48843
Phone (517)546-4836 • Fax (517)548-1670



CHRISTOPHER S. FERGUS, P.S.

EXHIBIT "B"

DESCRIPTION OF RIGHT OF WAY AREA TO BE DEDICATED TO THE CITY OF NOVI:

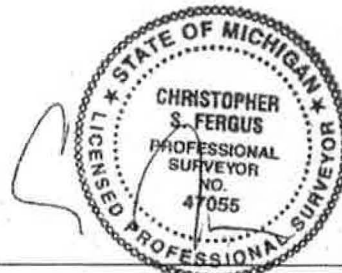
Part of the Northeast 1/4 of Section 14, T1N-R8E, Novi Township, Oakland County, Michigan, more particularly described as follows: Commencing at the Northeast corner of Section 14; thence along the centerline of Meadowbrook Road and the East line of Section 14, S 00°01'05" E, 372.40 feet, to the POINT OF BEGINNING of the right-of-way to be described; thence continuing along the centerline of Meadowbrook Road and the East line of Section 14, S 00°01'05" E, 155.60 feet; thence S 89°24'35" W, 60.00 feet; thence N 00°01'05" W, 393.00 feet; thence S 45°18'15" E, 23.92 feet; thence S 00°01'05" E, 220.40 feet; thence N 89°24'35" E, 43.00 feet, to the POINT OF BEGINNING.

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October 2, 2009

Job Number: 08152-1
Sheet: 2 OF 2

 **BOSS ENGINEERING**
ENGINEERS & SURVEYORS

3121 E. Grand River Ave. Howell, MI 48843
Phone (517)546-4836 • Fax (517)548-1670



CHRISTOPHER S. FERGUS, P.S.

PARTIAL DISCHARGE OF MORTGAGE

INDEPENDENT BANK CORPORATION, a Michigan banking corporation (formerly known as Independent Bank East Michigan), whose address is 201 W. Big Beaver Road, Suite 125, Troy, Michigan 48084, hereby releases and discharges the mortgage made and executed by HEFCO Meadowbrook Site, LLC, a Michigan limited liability company, whose address is 33533 W. 12 Mile Road, Suite 190, Farmington Hills, Michigan 48331 and HEFCO Meadowbrook Office Building, LLC, a Michigan limited liability company, whose address is 33533 W. 12 Mile Road, Suite 190, Farmington Hills, Michigan 48331, as to a portion of the Property described below which has been conveyed to the City of Novi as public Road Right of Way. Such mortgage having been executed on November 10, 2006 and recorded on November 13, 2006, in Liber 38381, Page 39, Oakland County Records, which Property is located in the City of Novi, County of Oakland, State of Michigan, commonly known as: 41555 Twelve Mile Road, having a parcel identification number of 50-22-14-200-039, and legally described as:

[See attached and incorporated Exhibit A]

Such mortgage shall be discharged only as to the portion of the Property consisting of the Meadowbrook Road Right of Way, and legally described as:

[See attached and incorporated Exhibit B]

MORTGAGEE

INDEPENDENT BANK

By: SGM
(Print Name: Steven Gubrona)

Its: Vice President

ACKNOWLEDGMENT

STATE OF MICHIGAN)
)SS
COUNTY OF OAKLAND)

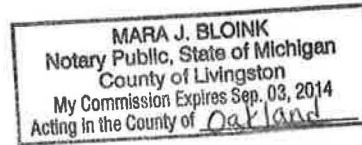
This Partial Discharge of Mortgage was acknowledged before me on this 12th day of October, 2009, by Steven G. Broda, the Vice President of Independent Bank on its behalf.

Mara J. Bloink

Notary Public

_____ County, Michigan

My Commission Expires: _____



Drafted by:
Elizabeth M. Kudla, Esq.
30903 Northwestern Hwy., Ste. 3040
Farmington Hills, Michigan 48333-3040

When recorded return to:

Maryanne Cornelius
City Clerk
City of Novi
45175 W. Ten Mile Road
Novi, MI 48375

EXHIBIT "A"

PARCEL DESCRIPTION AS PROVIDED:

Part of the Northeast 1/4 of Section 14, T1N-R8E, Novi Township, Oakland County, Michigan, being described as: Commencing at the Northeast Corner of said Section 14; thence along the East line of said Section 14 and the centerline of Meadowbrook Road, S 00°01'05" E, 372.40 feet, to the POINT OF BEGINNING of the Parcel to be described; thence continuing along the East line of said Section 14 and the centerline of Meadowbrook Road, S 00°01'05" E, 155.60 feet; thence S 89°24'35" W, 510.00 feet; thence N 00°35'25" W, 417.98 feet; thence along the South line of 12 Mile Road, N 89°24'35" E, 189.16 feet; thence N 00°01'04" W, 8.00 feet to the South line of 12 Mile Road; thence along the South line of 12 Mile Road, N 89°24'35" E, 232.01 feet; thence along the South line of 12 Mile Road, S 45°18'15" E, 70.36 feet; thence along the West line of Meadowbrook Road, S 00°01'05" E, 220.40 feet; thence N 89°24'35" E, 43.00 feet, to the POINT OF BEGINNING. Containing 4.68 acres, more or less.

Subject to the rights of the public over the existing 12 Mile Road and Meadowbrook Road, and to any and all easements or restriction of record.

Parcel I.D. No. 50-22-14-200-039

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October 2, 2009

Job Number: 08152-1
Sheet: 1 OF 1

BOSS ENGINEERING
ENGINEERS & SURVEYORS

3121 E. Grand River Ave. Howell, MI 48843
Phone (517)546-4836 • Fax (517)548-1670



CHRISTOPHER S. FERGUS, P.S.

EXHIBIT "B"

DESCRIPTION OF RIGHT OF WAY AREA TO BE DEDICATED TO THE CITY OF NOVI;

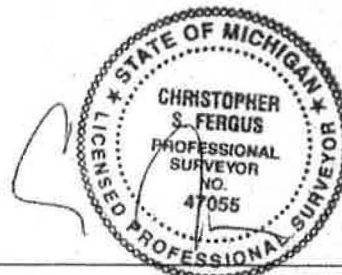
Part of the Northeast 1/4 of Section 14, T1N-R8E, Novi Township, Oakland County, Michigan, more particularly described as follows: Commencing at the Northeast corner of Section 14; thence along the centerline of Meadowbrook Road and the East line of Section 14, S 00°01'05" E, 372.40 feet, to the POINT OF BEGINNING of the right-of-way to be described; thence continuing along the centerline of Meadowbrook Road and the East line of Section 14, S 00°01'05" E, 155.60 feet; thence S 89°24'35" W, 60.00 feet; thence N 00°01'05" W, 393.00 feet; thence S 45°18'15" E, 23.92 feet; thence S 00°01'05" E, 220.40 feet; thence N 89°24'35" E, 43.00 feet, to the POINT OF BEGINNING.

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October 2, 2009

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Sheet: 2 OF 2

 **BOSS ENGINEERING**
ENGINEERS & SURVEYORS

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Phone (517)546-4836 • Fax (517)548-1670



CHRISTOPHER S. FERGUS, P.S.