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ROSATI | SCHULTZ
JOPPICH | AMTSBUECHLER

MEMORANDUM

Privileged and Confidential Correspondence from City Attorney

To: Mayor Fischer and City Council

From: Beth Saarela and Tom Schultz

RE: Request to Purchase part of Water Tower Park (Novi Road/Trans-X Drive)

Date: January 31, 2025

Dear Mayor Fischer and Councilmembers:

As previously discussed on April 22, 2024, Novi Industrial, LLC, the property owner located at 25425 Trans-X Road wants to buy a portion of the City's adjacent property from the City to place a sand silo on the a portion of the property. Temperform, its lessee, has already placed the base of the tower on the City's property under the belief that it was part of its leased parcel.

After meeting with the City and investigating options for relocating the tower to a location on the Temperform/Novi Industrial, LLC site, Temperform determined that placement on the current Temperform site would require variances from the Zoning Board of Appeals. Temperform indicates that even with variances, however, the tower will not fit properly on its own site.

Temperform/Novi Industrial has obtained an appraisal of the City-owned property which is attached. The appraised value of the portion Temperform wants to purchase is \$68,000. They have also provided an updated survey showing the proposed new parcel lines. The survey includes additional information requested by Assessing to adjust the parcel boundaries.

Since the last update, City staff, including Jeff Muck and Barb McBeth, met onsite with consultants including our office and Spalding DeDecker to determine the best location for the City to reserve an ingress/egress access easement to allow the City and its tower lessees permanent access to the base of the City's Water Tower from the property to be conveyed to Novi Industrial, LLC. Based on that meeting, our office prepared the Declaration of Easement for Ingress and Egress and Utilities. Spalding DeDecker prepared the attached Exhibit C. Counsel for Novi Industrial, LLC has confirmed that Novi Industrial, LLC will take the property subject to the Declaration of Easement for Ingress and Egress and Utilities.

We are enclosing the following additional information for your consideration:

- Temperform's proposed site plan for the sand silo
- An aerial photo of the property
- The City's original survey of the property from its purchase.
- Temperform's appraisal of the property
- Declaration of Easement for Ingress and Egress and Utilities
- The proposed Purchase Agreement which was prepared by our office and was reviewed and approved by Counsel for Novi Industrial, LLC.

We look forward to discussing the proposal with you on February 10, 2025 and answering any remaining questions you may have.

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

Very truly yours,

ROSATI SCHULTZ JOPPICH
& AMTSBUECHLER PC



Elizabeth Kudla Saarela

EKS

C: Victor Cardenas, City Manager
Cortney Hanson, Clerk
Charles Boulard, Community Development Director
Barb McBeth, City Planner
Jeff Muck, Director of Parks & Recreation
Thomas R. Schultz, Esquire