



CITY of NOVI CITY COUNCIL

www.cityofnovi.org

**Agenda Item 2
January 8, 2007**

SUBJECT: Appeal for denial of land division from Michael Soave, parcels 50-22-29-376-003 and 50-22-29-376-010.

SUBMITTING DEPARTMENT: City Clerk's Office

CITY MANAGER APPROVAL: *Ch*

EXPENDITURE REQUIRED	N/A
AMOUNT BUDGETED	N/A
APPROPRIATION REQUIRED	N/A
LINE ITEM NUMBER	N/A

BACKGROUND INFORMATION: The applicant, Michael Soave, applied for a land split which was denied by the City Assessor on November 30, 2006. He is now appealing the denial. The documentation supplied by the applicant for the appeal has been routed to City departments for review. The department responses are as follows:

Assessor: Original denial is attached.

Engineering: Denial recommended.

Planning: Denial recommended.

Building: No objection noted in comments.

Department of Public Works: Comments concerning wetlands, water and sewer.

City Attorney: Referral to the Zoning Board of Appeals is recommended, as only the Zoning Board of Appeals is authorized to grant a variance from the flag lot limitations of the zoning ordinance.

RECOMMENDED ACTION: Referral to the Zoning Board of Appeals is recommended, as only the Zoning Board of Appeals is authorized to grant a variance from the flag lot limitations of the zoning ordinance.

	1	2	Y	N
Mayor Landry				
Mayor Pro Tem Capello				
Council Member Gatt				
Council Member Margolis				

	1	2	Y	N
Council Member Mutch				
Council Member Nagy				
Council Member Paul				



Greg L. Ash, P.L.S.
Lee P. Rausch, P.E.
9800 West Ann Arbor Rd. • Plymouth, MI 48170

[734] 416-9650
Fax: [734] 416-9657
www.glasurveyor.com

Request for Consideration

City Council Members
City of Novi
45175 West 10 Mile Road
Novi, MI 48375

Dear Council Member:

In accordance with the City of Novi Zoning Ordinance and per the instruction of the City of Novi Staff, please accept the attached documents for Land Division Appeal per the process outlined by the City of Novi City Clerk's Office.

The parcels of land in question are located off of 9 Mile Road between Beck Road and Garfield Road. The parcel of land bordering 9 Mile Road consists of 1.50 acres and is approximately 82 feet wide by approximately 1,250 feet long. Said dimensions make this parcel of land undevelopable by current City of Novi standards with regard to parcel frontage and buildable area. To further complicate matters, said parcel (Parcel 1) provides the sole access point for the second parcel in question (Parcel 2), consisting of approximately 3.74 acres. To repeat, Parcel 2 is completely landlocked with Parcel 1 being the sole access point to a public access.

Given the configuration of the two parcels mentioned above, it is our proposal to join the two parcels and then divide them in the configuration proposed in the Exhibit A drawings attached. In this way, access can be granted to both new parcels while obeying the precepts of the Land Division Act.

Access to the two parcels is proposed to be a shared, 15-foot wide decorative stone driveway extending from 9 Mile Road to the larger western portions of the newly created Parcels A and B. Said driveway has been determined to be the most convenient, least intrusive method of access based on a number of factors.

Firstly, the areas through which the driveway must pass are lightly wooded shading to heavily wooded as the driveway proceeds in a westerly direction. Most of the trees (see attached Tree Survey performed by Brooks Williamson and Associates) in these areas are of good quality and in good condition and therefore minimal disturbance of these trees is greatly desired. We believe this would also be in accordance with the stated objectives of the City of Novi Tree Preservation Initiative. The proposed shared driveway would provide the path of

least disturbance to the larger areas on the western side of the Parcels. For comparison purposes, Exhibit C has been included demonstrating the destruction that a private road would cause were it constructed on this site. Said private road has been laid out per City of Novi standards for private road development. It is clear that the decorative stone driveway will allow greater ability to protect and preserve the woodlands on this site.

Secondly, there are several wetland areas in parcels A and B that must be taken into consideration when deciding upon means of access. As can be seen on Exhibit B, the proposed 15-foot wide decorative stone driveway is able to weave around the delineated wetlands, thus minimizing or completely eliminating any disturbance to these protected areas. When compared to Exhibit C, it can be seen that a private road would impinge on no less than two of the four on site wetlands, causing damage to well-developed wetland environments that will take years to mitigate. It is clear that the driveway access option is the better of the two.

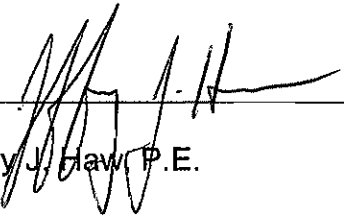
Thirdly, the 15-foot wide decorative stone driveway will have minimal impact on the storm drainage characteristics of the site. The decorative stone will allow almost immediate infiltration into the permeable subbase of the proposed drive and there will be very little, if any, additional storm water runoff generated as a result of the proposed driveway. The private road, on the other hand, will generate a significant amount of additional drainage. The compacted nature of the private road materials as mandated by the City of Novi construction standards indicate that there will be little infiltration into the road's substrate and that the runoff will drain to the wetlands if allowed to drain freely. This is, of course, unacceptable and a detention basin will be required to detain the developed runoff. Said detention basin must logically be placed at the low point of the site (see Exhibit C) and will therefore result in an even more significant impingement on the on-site wetlands. It can be seen that, without doubt, the 15-foot wide decorative stone driveway will have the least impact on the drainage characteristics of the site.

Finally, it should be noted that the access route for the two proposed Parcels would serve only two homes, both single family residential. From a purely aesthetic point of view, the 15-foot decorative stone driveway will have a much more salutary affect on the landscape and surrounding property values. It can only be a benefit to a currently undeveloped parcel. The private road option, on the other hand, will disrupt the lives of the surrounding residents for months during construction, will be much less aesthetically pleasing and will serve no useful purpose given that the access route will only be used by two or three families. The driveway option (Exhibit B) is clearly the better of the two choices.

In short, the proposed lot split should be approved as shown on the attached Exhibit A documents. It is the only configuration that makes sense given the landlocked position of Parcel 2 and its sole access point through Parcel 1. Access to the newly created parcels should be via the proposed 15-foot wide decorative stone shared driveway. It will preserve more trees, have little to no wetland impact, will result in minimal storm water runoff and will be far more aesthetically pleasing to the surrounding residents and future home owners. Thank you for your attention.

Sincerely,

GLA SURVEYORS & ENGINEERS



Jeffrey J. Haw, P.E.

Cc: Mandalay Properties/Michael Soave, Owner/Developer
File



November 30, 2006

Mr. Michael Soave
33611 Plymouth Road
Livonia, MI 48150

Re: Parcels 22-29-376-003 & -010

Dear Sir:

Please be advised that the request to divide the above referenced parcels is denied. The division, as requested, would violate Section 2400 of the City of Novi Zoning Ordinance. Your request would create "flag lots" which is a direct violation of 2400(a)(1). The zoning in that area requires a minimum parcel width of 150 at the setback line. As proposed, the width of each parcel would only be approximately 40 feet wide.

Please find included with this letter, one of your two submissions. The second packet and the review fee will be retained by the City of Novi.

If you wish to appeal this determination, please refer to the instructions on page four of the returned application.

If you have any questions in this matter, feel free to call me at (248) 347-0492.

Sincerely,

A handwritten signature in black ink that reads "D. Glenn Lemmon". The signature is written in a cursive, flowing style.

D. Glenn Lemmon, Assessor
City of Novi

RECEIVED DEC 05 2006

CITY OF NOVI LAND DIVISION INSTRUCTIONS

All applications for land division in the City of Novi must be in compliance with Section 32 of the City of Novi Code of Ordinances and with the Land Division Act, P.A. 288 of 1967 as amended by P.A. 591 of 1996 and P.A. 87 of 1997.

Items 1. or 2. through 8. of this Application for Land Division shall be completed and this application shall be notarized on page two. The application, as submitted, shall comply with items A. through C. on page three of this application.

This application shall be submitted to the city assessor accompanied by a processing fee that is determined by the city council. The city assessor will approve or deny the application within forty-five (45) days. Notice of the decision will be mailed to the applicant.

If the application is approved, the city assessor shall process the division through Oakland County Property Description. Oakland County Property Description will create tax descriptions and parcel numbers for the new parcels. The descriptions and numbers will be in effect for the next tax billing period. A proration of the current assessed and taxable values will be in place for the remainder of the assessment year.

If the application is denied, the date of denial will be noted on page four of the application. The city assessor will promptly return the application to the applicant along with a letter stating all reasons for denial. An aggrieved applicant may appeal the assessor's determination by appearing before the city council. This appeal is initiated by contacting the city clerk within twenty (20) days of the assessor's denial and requesting placement on the next available agenda. THIS LAND DIVISION APPLICATION ALSO SERVES AS THE APPEAL FORM. This application, along with items A. through C. on page three of this application are filed with the city clerk. The application is reviewed by all of the departments on the routing schedule for concerns and comments. The application is then presented to city council for review and consideration.

The city council shall grant or deny the appeal within thirty (30) days of the appearance before city council. City council approval of the variance shall be indicated on this application, which the city clerk shall promptly file with the Oakland County Register of Deeds.

Note: Michigan State Tax Commission forms L-4260 and L-4260a are available at the City of Novi Assessing Department. Michigan Department of Treasury forms T-1056 (Homestead Exemption), T-1067 (Request to Rescind Homestead) and T-1063 (Farmland Exemption) are also available at the City of Novi Assessing Department.

CITY OF NOVI
45175 Ten Mile Road
Novi, MI 48375

APPLICATION FOR LAND DIVISION

TO THE CITY ASSESSOR OF THE CITY OF NOVI, OAKLAND COUNTY, MICHIGAN:
I (We) the undersigned, do hereby make application to the City Assessor to divide, combine, or otherwise reconfigure the parcel(s) herein described. In support of this application, the following facts are shown:

Is this division for the purpose of sale, lease of more than one year, or building development?

Yes

No

FILL OUT ITEM #1 FOR PLATTED LOTS OR ITEM #2 FOR ACREAGE PARCELS

1. The property to be divided is part of a recorded plat located in Section ____, having an address of _____, and is known as Lot(s) _____ of _____ Subdivision.

2. The property to be divided is acreage, is not part of a recorded plat, and is located in Section ____, having an address of _____
Parcel Identification Number 50-22-29-376-003 Original Acreage 3.74
Parcel Identification Number 50-22-29-376-010 Original Acreage 1.50

3. It is requested that the above referenced parcel(s) be divided into ____ new parcels.

4. THE PROPERTY TO BE DIVIDED IS OWNED BY:

NAME: Michael Soave, Owner
ADDRESS: 33611 Plymouth Road
CITY, ST, ZIP: Livonia, MI 48150
PHONE: (734) 261-1835 DATE: 10/20/06
OWNER SIGNATURE: [Signature] 10/31/06

I (We), the above signed, are the legal owner(s) of the above referenced property, and hereby request the division of said property per the attached surveys.

This application must be signed by all persons who have any legal or equitable interest in the parent parcel(s). Attach additional ownership information and signatures as necessary.

5. Petitioner Information (if different from the owner)

Michael SOAVE [Signature] 10/31/06
Petitioner Name Petitioner Signature and Date
City, State, Zip code Livonia MI 48150

6. TAX BILLING INFORMATION

Please indicate the name and address information for each new parcel.

A. Michael Soave B. Michael Soave
33611 Plymouth Road 33611 Plymouth Road
Livonia, MI 48150 Livonia, MI 48150
C. D.

- 7. Will a transfer(s) of ownership occur as the result of this division? No
If yes, complete and attach Michigan State Tax Commission form(s) L-4260.
- 8. Will the parent parcel(s) have any unallocated divisions under the land division act? 2
If yes, complete and attach Michigan State Tax Commission form L-4260a.

STATE OF MICHIGAN)
) SS:
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this 31 day of October 2006

My commission expires:
01/09/2013

[Signature] Notary Public Oakland County, Michigan

Mary Ann Schires
Notary Public of Michigan
Oakland County
Expires 01/09/2013
Acting in the County of Oakland County

**ALL APPLICATIONS MUST INCLUDE THE FOLLOWING INFORMATION.
(APPEALS TO CITY COUNCIL SHALL ALSO INCLUDE THIS INFORMATION.)**

- A. Signed and sealed surveys (two copies) by a Registered Civil Engineer or Licensed Land Surveyor of the existing and proposed properties. The surveys shall depict the following:
1. Surveys shall be at least 8 1/2" x 14" and at a scale of not less than 1"= 100' and show all property irons and monuments found or placed on the parcel(s).
 2. Surveys shall include accurate legal descriptions. Parcel areas shall be shown to the nearest 100th of an acre. For parcels less than one acre, parcel area shall be shown to the nearest square foot.
 3. Surveys shall be dated, including the dates of any revisions.
 4. Surveys shall show the existing zoning and the front, rear and sideyard setbacks of each parcel.
 5. Surveys shall show all existing structures, roadways, bodies of water, floodplains, and easements within fifty (50) feet of the parcel(s) to be divided. Distances from existing structures to proposed parcel lines shall be shown.
- B. Proof of fee ownership (i.e. deed) for all of the property to be divided and a current title insurance commitment for all of the parent parcels.
- C. An letter from the engineer or land surveyor indicating that the land division, as requested, does not violate the Land Division Act, P.A. 288 of 1967 as amended by P.A. 591 of 1996 and P.A. 87 of 1997.

HOMESTEAD AND FARMLAND EXEMPTIONS

The division of a property will delete the Homestead Exemption or the Farmland Exemption that may currently be in place. In order to continue an exemption from some school operating taxes, a Michigan Department of Treasury form must be submitted to the City of Novi Assessing Department. These forms are available at the City of Novi Assessing Department.

APPEAL FROM CITY ASSESSOR'S DETERMINATION

The city assessor shall approve or deny a land division application within forty-five (45) days after receipt of an application package that conforms to Section 32 requirements, and shall promptly notify the applicant of the decision and all of the reasons for denial. Any person or entity aggrieved by the decision of the assessor may, within twenty (20) days of said decision, appeal the denial to the city council by contacting the city clerk and securing an appointment on the next available agenda. Notice of the date, time and location of the appointment shall be mailed to the persons adjacent to the property to be divided. The mailing shall be sent to the persons as they appear on the assessment roll. The city council shall, whenever possible, resolve such appeal by a majority vote at its next regular meeting or session. The city council shall have jurisdiction over appeals and shall conduct a *de novo* review of the application and determine whether permission to divide or combine shall be granted.

APPEALS TO CITY COUNCIL

Date of city assessor denial Nov 30, 2006 ^(agl) Date appeal filed _____
 Next available agenda date _____ Payment of \$25 appeal fee _____

ROUTING FOR APPEAL TO CITY COUNCIL

Date	Department	Attachment		Signature
		Yes	No	
<input type="checkbox"/>	Assessing	Yes	No	_____
<input type="checkbox"/>	Attorneys	Yes	No	_____
<input type="checkbox"/>	Building	Yes	No	_____
<input type="checkbox"/>	Community Dev	Yes	No	_____
<input type="checkbox"/>	Engineering	Yes	No	_____
<input type="checkbox"/>	Planning	Yes	No	_____
<input type="checkbox"/>	Public Services	Yes	No	_____

CITY COUNCIL ACTION

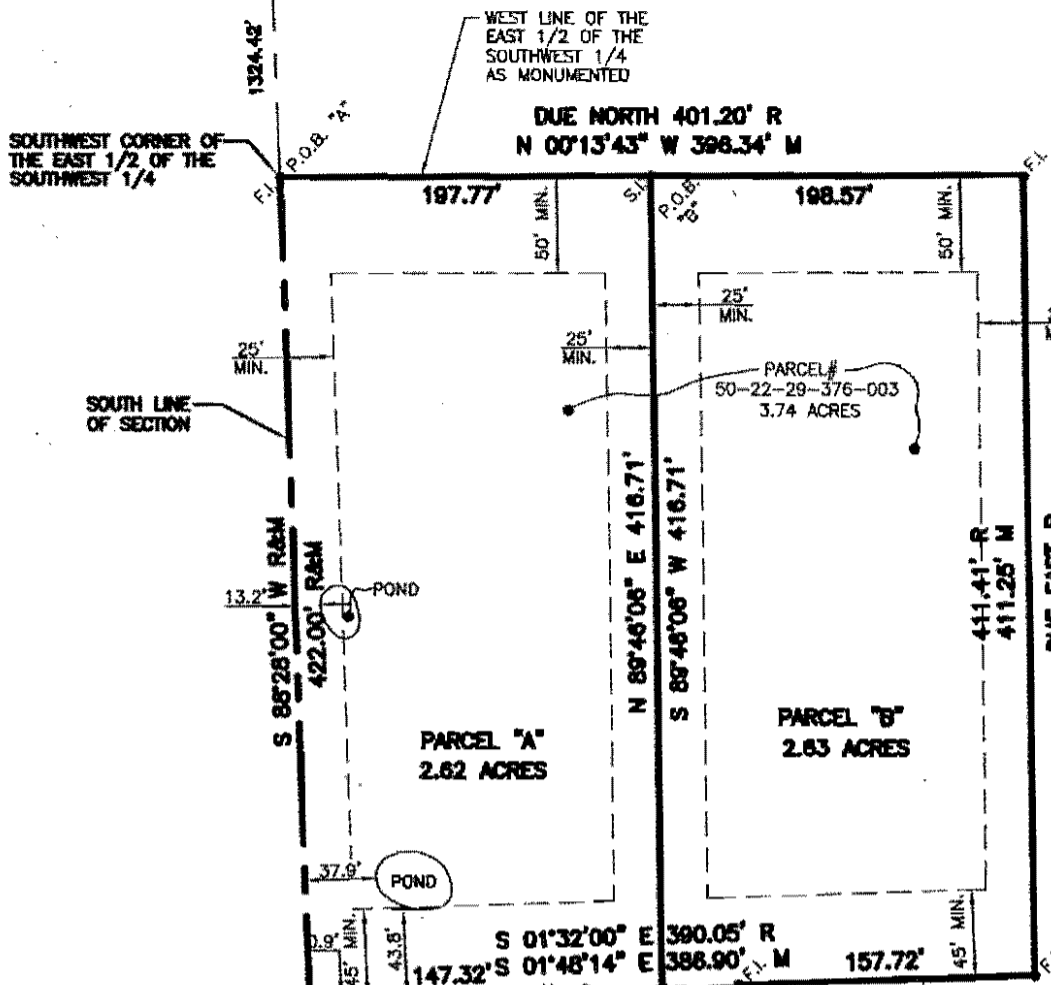
_____ Denied
 Approved with Motion # _____ Attached

I hereby certify that the foregoing has been adopted by the City Council of the City of Novi at a regular meeting held on this _____ day of _____, _____.

 Maryanne Cornelius, City Clerk
 City of Novi, Oakland County, Michigan

CERTIFICATE OF SURVEY

S.W. CORNER,
SECTION 29,
T. 1 N., R. 8 E.,
CITY OF NOMA,
OAKLAND CO., MI



ZONING & SETBACKS

ZONED: R-A (RESIDENTIAL ACREAGE)

SETBACK REQUIREMENTS:
FRONT: 45 FEET
REAR: 50 FEET
SIDES: 20 FEET (50 FEET TOTAL)

LOT SIZE REQUIREMENTS:
MINIMUM LOT AREA: 1.00 ACRE
(43,560 SQ. FT.)
MINIMUM LOT WIDTH: 150 FEET

S 1/4 COR.
OF SECTION 29,
T. 1 N., R. 8 E.,
CITY OF NOMA,
OAKLAND CO., MI

BASIS OF BEARINGS

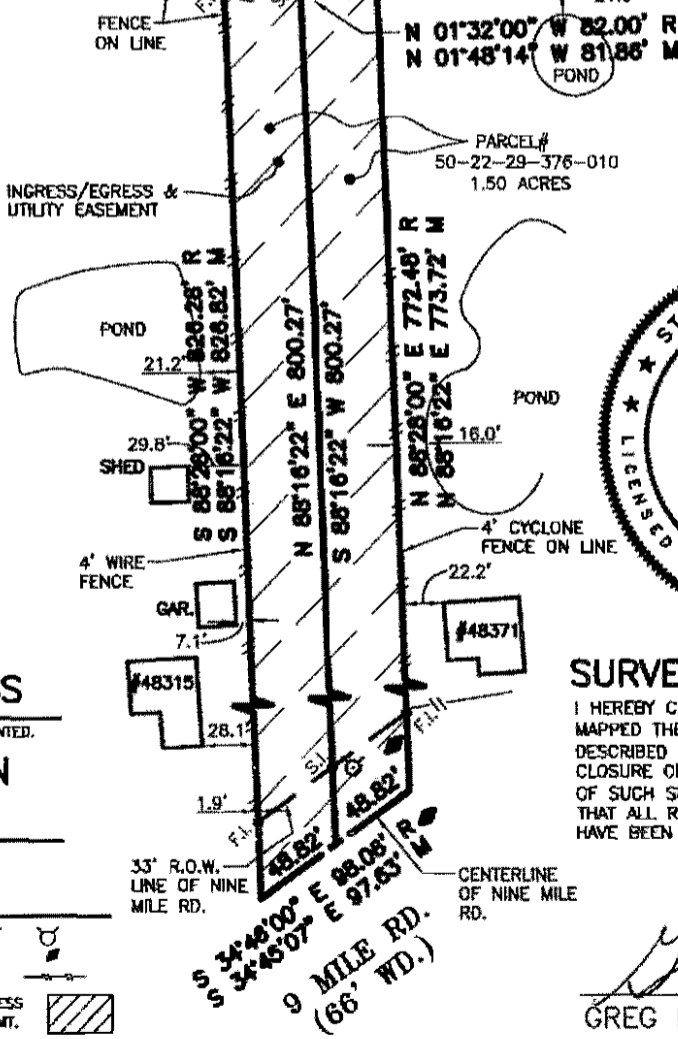
THE SOUTH LINE OF SECTION 29, AS MONUMENTED.

LEGAL DESCRIPTION & WITNESSES

SEE ATTACHED.

LEGEND

RECORDED	R.	FIRE HYDRANT	
MEASURED	M.	CULVERT	
SET IRON	S.I.	FENCE	
FOUND IRON	F.I.		
FOUND CONC. MON.	F.C.M.	INGRESS/EGRESS & UTILITY ESMT.	
POINT OF BEGINNING	P.O.B.		



SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT I HAVE SURVEYED AND MAPPED THE LAND ABOVE PLATTED AND/OR DESCRIBED ON 05/05/08 AND THAT THE RATIO OF CLOSURE ON THE UNADJUSTED FIELD OBSERVATIONS OF SUCH SURVEY WAS LESS THAN 1/5000 AND THAT ALL REQUIREMENTS OF P.A. 132 OF 1970 HAVE BEEN COMPLETED WITH.

Greg L. Ash
GREG L. ASH, P.L.S. #28400



9800 ANN ARBOR RD. W.
PLYMOUTH, MI 48170
PHONE: (734) 416-9650
FAX: (734) 416-9657
www.glasurveyor.com

CLIENT:
SOAVE HOMES
33611 PLYMOUTH ROAD
LIVONIA, MI 48150

DATE: 11/15/06
JOB NO.: 2582-002
FILE NO.: 2582-002CS

SCALE: 0' 100' 200'
1" = 100'

SHEET:
1 OF 5

DRAWN BY:
JGB

**Original Legal Description
as surveyed**

Parcel 50-22-29-376-003

Part of the Southwest $\frac{1}{4}$ of Section 29, T. 1 N., R. 8 E., City of Novi, Oakland County, Michigan being described as:

BEGINNING at the Southwest corner of the East $\frac{1}{2}$ of the Southwest $\frac{1}{4}$ of said Section 29 as monumented, said corner being N. $88^{\circ} 28' 00''$ E. 1324.42 feet from the Southwest corner of said section and S. $88^{\circ} 28' 00''$ W. 1318.82 feet from the South $\frac{1}{4}$ corner of said section; thence N. $00^{\circ} 13' 43''$ W. 396.34 feet (described as: North 401.20 feet) along the West line of the East $\frac{1}{2}$ of the Southwest $\frac{1}{4}$ of said section as monumented; thence N. $89^{\circ} 46' 06''$ E. 411.25 feet (described as: East 411.41 feet); thence S. $01^{\circ} 48' 14''$ E. 386.90 feet (described as: S. $01^{\circ} 32' 00''$ E. 390.05 feet) to a point on the South line of said section; and thence S. $88^{\circ} 28' 00''$ W. 422.00 feet to the POINT OF BEGINNING. Containing 3.74 acres of land, more or less. Subject to any and all easements or rights of way of record, if any.

Also

Parcel 50-22-29-376-010

Part of the Southwest $\frac{1}{4}$ of Section 29, T. 1 N., R. 8 E., City of Novi, Oakland County, Michigan being described as:

Commencing at the Southwest corner of the East $\frac{1}{2}$ of the Southwest $\frac{1}{4}$ of said Section 29 as monumented, said corner being N. $88^{\circ} 28' 00''$ E. 1324.42 feet from the Southwest corner of said section and S. $88^{\circ} 28' 00''$ W. 1318.82 feet from the South $\frac{1}{4}$ corner of said section; thence N. $88^{\circ} 28' 00''$ E. 422.00 feet along the South line of said section; thence N. $01^{\circ} 48' 14''$ W. 147.32 feet (described as: N. $01^{\circ} 32' 00''$ W. 150.00 feet) to the POINT OF BEGINNING; thence N. $01^{\circ} 48' 14''$ W. 81.86 feet (described as: N. $01^{\circ} 32' 00''$ W. 82.00 feet); thence N. $88^{\circ} 16' 22''$ E. 773.72 feet (described as: N. $88^{\circ} 28' 00''$ E. 772.48 feet) to a point on the centerline of Nine Mile Road (66 feet wide); thence S. $34^{\circ} 45' 07''$ E. 97.63 feet (described as: S. $34^{\circ} 46' 00''$ E. 98.06 feet) along said centerline; and thence S. $88^{\circ} 16' 22''$ W. 826.82 feet (described as: S. $88^{\circ} 28' 00''$ W. 826.28 feet) to the POINT OF BEGINNING. Containing 1.50 acres of land, more or less. Subject to the rights of the public over the Easterly 33 feet for Nine Mile Road. Also subject to any and all easements or rights of way of record, if any.

**Parcel 50-22-29-376-003 and
50-22-29-376-010 combined
as surveyed**

Part of the Southwest $\frac{1}{4}$ of Section 29, T. 1 N., R. 8 E., City of Novi, Oakland County, Michigan being described as:

BEGINNING at the Southwest corner of the East $\frac{1}{2}$ of the Southwest $\frac{1}{4}$ of said Section 29 as monumented, said corner being N. $88^{\circ} 28' 00''$ E. 1324.42 feet from the Southwest corner of said section and S. $88^{\circ} 28' 00''$ W. 1318.82 feet from the South $\frac{1}{4}$ corner of said section; thence N. $00^{\circ} 13' 43''$ W. 396.34 feet along the West line of the East $\frac{1}{2}$ of the Southwest $\frac{1}{4}$ of said section as monumented; thence N. $89^{\circ} 46' 06''$ E. 411.25 feet; thence S. $01^{\circ} 48' 14''$ E. 157.72 feet; thence N. $88^{\circ} 16' 22''$ E. 773.72 feet to a point on the centerline of Nine Mile Road (66 feet wide); thence S. $34^{\circ} 45' 07''$ E. 97.63 feet along said centerline; thence S. $88^{\circ} 16' 22''$ W. 826.82 feet; thence S. $01^{\circ} 48' 14''$ E. 147.32 feet to a point on the South line of said section; and thence S. $88^{\circ} 28' 00''$ W. 422.00 feet along said South line of section to the POINT OF BEGINNING. Containing 5.25 acres of land, more or less. Subject to any and all easements or rights of way of record, if any.

Parcel A

Part of the Southwest $\frac{1}{4}$ of Section 29, T. 1 N., R. 8 E., City of Novi, Oakland County, Michigan being described as:

BEGINNING at the Southwest corner of the East $\frac{1}{2}$ of the Southwest $\frac{1}{4}$ of said Section 29 as monumented, said corner being N. $88^{\circ} 28' 00''$ E. 1324.42 feet from the Southwest corner of said section and S. $88^{\circ} 28' 00''$ W. 1318.82 feet from the South $\frac{1}{4}$ corner of said section; thence N. $00^{\circ} 13' 43''$ W. 197.77 feet along the West line of the East $\frac{1}{2}$ of the Southwest $\frac{1}{4}$ of said section as monumented; thence N. $89^{\circ} 46' 06''$ E. 416.71 feet; thence N. $88^{\circ} 16' 22''$ E. 800.27 feet to a point on the centerline of Nine Mile Road (66 feet wide); thence S. $34^{\circ} 45' 07''$ E. 48.82 feet along said centerline; thence S. $88^{\circ} 16' 22''$ W. 826.82 feet; thence S. $01^{\circ} 48' 14''$ E. 147.32 feet to a point on the South line of said section; and thence S. $88^{\circ} 28' 00''$ W. 422.00 feet along said South line of section to the POINT OF BEGINNING. Containing 2.62 acres of land, more or less. Subject to any and all easements or rights of way of record, if any. Also subject to an ingress/egress and utility easement described as:

Commencing at the Southwest corner of the East $\frac{1}{2}$ of the Southwest $\frac{1}{4}$ of said Section 29 as monumented, said corner being N. $88^{\circ} 28' 00''$ E. 1324.42 feet from the Southwest corner of said section and S. $88^{\circ} 28' 00''$ W. 1318.82 feet from the South $\frac{1}{4}$ corner of said section; thence N. $88^{\circ} 28' 00''$ E. 422.00 feet along the South line of said section; thence N. $01^{\circ} 48' 14''$ W. 147.32 feet to the POINT OF BEGINNING; thence continuing N. $01^{\circ} 48' 14''$ W. 81.86 feet; thence N. $88^{\circ} 16' 22''$ E. 773.72 feet to a point on the centerline of Nine Mile Road (66 feet wide); thence S. $34^{\circ} 45' 07''$ E. 97.63 feet along said centerline; and thence S. $88^{\circ} 16' 22''$ W. 826.82 feet to the POINT OF BEGINNING.

Parcel B

Part of the Southwest ¼ of Section 29, T. 1 N., R. 8 E., City of Novi, Oakland County, Michigan being described as:

Commencing at the Southwest corner of the East ½ of the Southwest ¼ of said Section 29 as monumented, said corner being N. 88° 28' 00" E. 1324.42 feet from the Southwest corner of said section and S. 88° 28' 00" W. 1318.82 feet from the South ¼ corner of said section; thence N. 00° 13' 43" W. 197.77 feet along the West line of the East ½ of the Southwest ¼ of said section as monumented to the POINT OF BEGINNING; thence continuing N. 00° 13' 43" W. 198.57 feet along said West line; thence N. 89° 46' 06" E. 411.25 feet; thence S. 01° 48' 14" E. 157.72 feet; thence N. 88° 16' 22" E. 773.72 feet to a point on the centerline of Nine Mile Road (66 feet wide); thence S. 34° 45' 07" E. 48.82 feet along said centerline; thence S. 88° 16' 22" W. 800.27 feet; and thence S. 89° 46' 06" W. 416.71 feet to the POINT OF BEGINNING. Containing 2.63 acres of land, more or less. Subject to any and all easements or rights of way of record, if any. Also subject to an ingress/egress and utility easement described as:

Commencing at the Southwest corner of the East ½ of the Southwest ¼ of said Section 29 as monumented, said corner being N. 88° 28' 00" E. 1324.42 feet from the Southwest corner of said section and S. 88° 28' 00" W. 1318.82 feet from the South ¼ corner of said section; thence N. 88° 28' 00" E. 422.00 feet along the South line of said section; thence N. 01° 48' 14" W. 147.32 feet to the POINT OF BEGINNING; thence continuing N. 01° 48' 14" W. 81.86 feet; thence N. 88° 16' 22" E. 773.72 feet to a point on the centerline of Nine Mile Road (66 feet wide); thence S. 34° 45' 07" E. 97.63 feet along said centerline; and thence S. 88° 16' 22" W. 826.82 feet to the POINT OF BEGINNING.

Witnesses

Southwest corner of Section 29, T. 1 N., R. 8 E., City of Novi, Oakland County.
Found Oakland County brass remonumentation cap on ½" rod 8"± below surface of gravel road.

- N. 75° W. 79.65' Found PK with remonumentation tag in South side of 14" Maple.
- N. 75° E. 54.55' Found PK with remonumentation tag in South side of 14" Maple.
- S. 85° E. 64.16' Found PK with remonumentation tag in South side of twin 12" Maple.
- S. 70° W. 21.18' Found PK with remonumentation tag in Northwest side of 12" Maple.

South ¼ corner of Section 29, T. 1 N., R. 8 E., City of Novi, Oakland County.
Found Oakland County brass remonumentation cap on iron.

- Due West 51.52' Found PK with remonumentation tag in North side of twin 6" Apple.
- N. 45° E. 6.40' Found PK with remonumentation tag in West side of 12" Oak.
- S. 10° W. 25.10' Found PK with remonumentation tag in East side of 28" Oak.
- S. 10° E. 32.90' Found PK with remonumentation tag in West side of power pole.

Ingress/Egress and Utility Easement

Part of the Southwest $\frac{1}{4}$ of Section 29, T. 1 N., R. 8 E., City of Novi, Oakland County, Michigan being described as:

Commencing at the Southwest corner of the East $\frac{1}{2}$ of the Southwest $\frac{1}{4}$ of said Section 29 as monumented, said corner being N. $88^{\circ} 28' 00''$ E. 1324.42 feet from the Southwest corner of said section and S. $88^{\circ} 28' 00''$ W. 1318.82 feet from the South $\frac{1}{4}$ corner of said section; thence N. $88^{\circ} 28' 00''$ E. 422.00 feet along the South line of said section; thence N. $01^{\circ} 48' 14''$ W. 147.32 feet to the POINT OF BEGINNING; thence continuing N. $01^{\circ} 48' 14''$ W. 81.86 feet; thence N. $88^{\circ} 16' 22''$ E. 773.72 feet to a point on the centerline of Nine Mile Road (66 feet wide); thence S. $34^{\circ} 45' 07''$ E. 97.63 feet along said centerline; and thence S. $88^{\circ} 16' 22''$ W. 826.82 feet to the POINT OF BEGINNING.

OAKLAND COUNTY TRUSTEES CERTIFICATE
HEREBY CERTIFY that the said TAX LIENS or TITLES
held by the state or any individual against the within description
and all TAXES thereon are paid for five years previous to the
date of this instrument as appears by the records in the office
except as stated

LIBER 37272 PG 141

OCT 30 2005

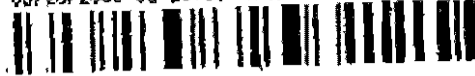
002539

PATRICK M. DOHANY, County Treasurer
Sec. 135, Act 200, 1893 as amended

1.00
BS

CHECKING COMPLETED
AT REGISTER OF DEEDS
MAR - 7 2006
Ruth Johnson Register of Deeds
Oakland County, MI

70690
LIBER 37272 PAGE 141
\$13.00 DEED - COMBINED
\$4.00 REINUMENTATION
\$1,462.00 TRANSFER TX COMBINED
03/20/2006 09:26:39 A.M. RECEIPT# 32071



PAID RECORDED - OAKLAND COUNTY
RUTH JOHNSON, CLERK/REGISTER OF DEEDS

Covenant Deed

STATE OF MICHIGAN REAL ESTATE
TRANSFER TAX
OAKLAND 3/20/2006 32071
\$175.00 CO
\$1,275.00 ST
414453

The Grantor, Republic Bank, a Michigan Banking Corporation

Whose Street Number and Post Office Address is 31155 Northwestern Hwy. Ste. 200, Farmington Hills, MI 48334

Sells and conveys to Michael Soave and Anthony Calo, on behalf of entity to be formed

Whose street Number and Post Office address is, 33611 Plymouth Livonia, MI, 48150

The following described Real Estate in the City of Novi, Oakland County, Michigan, described as:
PARCEL A: A parcel of land located in and being a part of the East 1/2 of the Southwest 1/4 of Section 29, Town 1 North, Range 8 East, more fully described as follows: Beginning at a point distant North 88 degrees 28 minutes 00 seconds East, 422.00 feet and North 01 degrees 32 minutes 00 seconds West, 150.00 feet from the Southwest corner of the East 1/2 of the Southwest 1/4 of Section 29; continuing thence from said point of beginning, North 01 degrees 32 minutes 00 seconds West, 82.00 feet; thence North 88 degrees 28 minutes 00 seconds East, 772.48 feet to the center of the highway (Nine Mile Rd., so-called); thence South 34 degrees 46 minutes 00 seconds East, 98.06 feet; thence South 88 degrees 28 minutes 00 seconds West, 826.28 feet to the point of beginning. TAX ID No: 22-29-376-010

PARCEL B: A parcel of land located in and being a part of the East 1/2 of the Southwest 1/4 of Section 29, Town 1 North, Range 8 East, more fully described as follows: Beginning at the Southwest corner of the East 1/2 of the Southwest 1/4 of Section 29 and proceeding North along the North-South 1/8 line 401.20 feet; thence East 411.41 feet; thence South 01 degrees 32 minutes 00 seconds East, 390.05 feet to the South line of said Section 29; thence South 88 degrees 28 minutes 00 seconds West, 422.00 feet to the point of beginning. TAX ID No: 22-29-376-003

Commonly known as: 48345 W. Nine Mile Rd. Northville, MI 48167
Together with the tenements, hereditaments, improvements, and appurtenances thereunto belonging and appertaining, together with easements of record, and subject to easements and building and use restrictions of record, and Grantor does hereby covenant that Grantor has not, through its own act, error or omission, impaired the marketability of title to premises conveyed.

For the sum of One Hundred Seventy Thousand and 00/100 Dollars, (\$170,000.00)

Dated: 01/17/06

Witnesses:

Susan L Fisher

SUSAN L. FISHER

RECEIVED
FEB 01 2006
Ruth Johnson Register of Deeds
Oakland County, MI

RECEIVED
MAR 07 2006
Ruth Johnson Register of Deeds
Oakland County, MI

2P
R
CS

Grantor:

Republic Bank

BY: Thomas Eickemeyer, Its: Vice President

FEB 23 2006

CHECKING COMPLETED
AT REGISTER OF DEEDS
FEB 01 2006
Ruth Johnson Register of Deeds
Oakland County, MI

OAKLAND COUNTY TRUSTEES CERTIFICATE
HEREBY CERTIFY that the said TAX LIENS or TITLES
held by the state or any individual against the within description
and all TAXES thereon are paid for five years previous to the
date of this instrument as appears by the records in the office
except as stated

FEB 13 2006

PATRICK M. DOHANY, County Treasurer
Sec. 135, Act 200, 1893 as amended

1.00
BS

STATE OF MICHIGAN)
COUNTY OF OAKLAND)SS.

O.K. - MH

The foregoing instrument was acknowledged before me this 17th day of January, 2006, by Thomas Eickemeyer of Republic Bank, a Michigan Banking Corporation, on behalf of said corporation.

Susan L Fisher

Notary Public Oakland County Michigan

Acting in Oakland County

RECEIVED MAR 28 2006

SUSAN L. FISHER
NOTARY PUBLIC, Oakland County, MI
My Commission Expires 02/08/2007

CHECKING COMPLETED
AT REGISTER OF DEEDS
FEB 24 2006

VICE
PRESIDENT

12/05/2006 14:21 FAX 7342611881

SOAVE HOMES INC.

010/015

LIBER 37272 P3142

My Commission Expires:

Drafted by: **Thomas Eickemeyer**
31155 Northwestern Hwy. Ste. 200, Farmington Hills, MI 48334

Tax I.D. No.: 22-29-376-010 (PARCEL A)

Recording Fee: \$15.00

Transfer Tax: County: \$187.00

State: \$1,275.00

Tax ID No: 22-29-376-003 (PARCEL B)

File No. FA05091607SG

Return to and Send Tax Bills to:

**Michael Soave, 33611 Plymouth Livonia, MI
48150**

ID #	Species Name	Common Name	DBH	Condition	Notes
1	<i>Prunus serotina</i>	Black cherry	16.1	1	
2	<i>Acer rubrum</i>	Red maple	9.6	1	
3	<i>Prunus serotina</i>	Black cherry	16.1	1	
4	<i>Prunus serotina</i>	Black cherry	16.6	1	
5	<i>Acer rubrum</i>	Red maple	18.0	1	
6	<i>Prunus serotina</i>	Black cherry	24.3	1	Multiple stems
7	<i>Quercus rubra</i>	Red oak	9.6	1	
8	<i>Prunus serotina</i>	Black cherry	21.0	1	
9	<i>Prunus serotina</i>	Black cherry	8.9	1	
10	<i>Prunus serotina</i>	Black cherry	8.3	1	
11	<i>Prunus serotina</i>	Black cherry	13.0	1	
12	<i>Prunus serotina</i>	Black cherry	30.8	1	
13	<i>Prunus serotina</i>	Black cherry	17.5	1	
14	<i>Prunus serotina</i>	Black cherry	13.5	1	
15	<i>Acer rubrum</i>	Red maple	8.8	1	
16	<i>Prunus serotina</i>	Black cherry	20.0	1	
17	<i>Acer rubrum</i>	Red maple	9.5	1	
18	<i>Acer rubrum</i>	Red maple	12.7	1	
19	<i>Acer rubrum</i>	Red maple	19.7	1	
20	<i>Prunus serotina</i>	Black cherry	12.5	1	
21	<i>Acer rubrum</i>	Red maple	17.5	1	
22	<i>Acer rubrum</i>	Red maple	29.2	1	
23	<i>Prunus serotina</i>	Black cherry	14.1	1	
24	<i>Prunus serotina</i>	Black cherry	14.6	1	
25	<i>Prunus serotina</i>	Black cherry	16.2	1	
26	<i>Prunus serotina</i>	Black cherry	14.8	1	
27	<i>Prunus serotina</i>	Black cherry	14.7	1	
28	<i>Prunus serotina</i>	Black cherry	17.3	1	
29	<i>Quercus rubra</i>	Red oak	26.9	1	
30	<i>Prunus serotina</i>	Black cherry	13.7	1	
31	<i>Prunus serotina</i>	Black cherry	10.1	1	
32	<i>Quercus rubra</i>	Red oak	14.5	1	
33	<i>Prunus serotina</i>	Black cherry	21.2	3	
34	<i>Quercus alba</i>	White oak	25.1	1	
35	<i>Quercus rubra</i>	Red oak	10.3	1	
36	<i>Quercus rubra</i>	Red oak	10.4	1	
37	<i>Quercus alba</i>	White oak	12.1	1	
38	<i>Quercus alba</i>	White oak	18.6	1	
39	<i>Quercus alba</i>	White oak	9.4	1	
40	<i>Quercus alba</i>	White oak	8.3	1	
41	<i>Quercus alba</i>	White oak	19.1	1	Multiple stems
42	<i>Quercus rubra</i>	Red oak	20.4	1	Multiple stems
43	<i>Quercus rubra</i>	Red oak	22.3	1	
44	<i>Quercus rubra</i>	Red oak	10.6	1	
45	<i>Quercus alba</i>	White oak	12.6	1	
46	<i>Quercus alba</i>	White oak	25.6	1	
47	<i>Quercus rubra</i>	Red oak	12.5	1	Multiple stems
48	<i>Quercus rubra</i>	Red oak	20.0	1	Multiple stems
49	<i>Quercus rubra</i>	Red oak	13.3	1	Multiple stems
50	<i>Quercus rubra</i>	Red oak	21.5	1	
51	<i>Quercus rubra</i>	Red oak	19.0	1	

06-116 Nine Mile Road Tree Survey

52	<i>Quercus alba</i>	White oak	12.8	1	
53	<i>Quercus rubra</i>	Red oak	18.3	1	
54	<i>Quercus alba</i>	White oak	11.8	1	Multiple stems
55	<i>Quercus alba</i>	White oak	11.7	1	
56	<i>Quercus alba</i>	White oak	13.7	1	
57	<i>Quercus alba</i>	White oak	13.3	1	Multiple stems
58	<i>Quercus rubra</i>	Red oak	14.7	1	
59	<i>Quercus alba</i>	White oak	10.4	1	
60	<i>Quercus alba</i>	White oak	18.9	1	
61	<i>Quercus rubra</i>	Red oak	19.7	1	
62	<i>Quercus alba</i>	White oak	14.8	1	
63	<i>Prunus serotina</i>	Black cherry	18.4	1	
64	<i>Ulmus americana</i>	American elm	9.7	1	
65	<i>Sassafras albidum</i>	Sassafras	12.0	1	
66	<i>Sassafras albidum</i>	Sassafras	8.9	1	
67	<i>Sassafras albidum</i>	Sassafras	13.5	1	
68	<i>Sassafras albidum</i>	Sassafras	10.9	1	
69	<i>Sassafras albidum</i>	Sassafras	13.0	1	
70	<i>Sassafras albidum</i>	Sassafras	10.3	1	
71	<i>Populus grandidentata</i>	Big-tooth aspen	11.3	2	
72	<i>Prunus serotina</i>	Black cherry	13.1	1	
73	<i>Sassafras albidum</i>	Sassafras	10.9	1	Multiple stems
74	<i>Quercus rubra</i>	Red oak	10.9	1	
75	<i>Sassafras albidum</i>	Sassafras	12.7	1	
76	<i>Quercus rubra</i>	Red oak	17.6	1	Multiple stems
77	<i>Quercus rubra</i>	Red oak	19.0	1	
78	<i>Acer rubrum</i>	Red maple	14.9	1	Multiple stems
79	<i>Quercus rubra</i>	Red oak	24.0	1	
80	<i>Populus grandidentata</i>	Big-tooth aspen	11.5	1	
81	<i>Quercus rubra</i>	Red oak	18.9	1	
82	<i>Quercus rubra</i>	Red oak	16.6	1	
83	<i>Quercus rubra</i>	Red oak	17.5	1	
84	<i>Populus grandidentata</i>	Big-tooth aspen	11.5	1	
85	<i>Quercus rubra</i>	Red oak	21.0	1	
86	<i>Quercus rubra</i>	Red oak	13.7	1	Multiple stems
87	<i>Populus grandidentata</i>	Big-tooth aspen	12.3	2	
88	<i>Populus grandidentata</i>	Big-tooth aspen	11.2	2	
89	<i>Quercus velutina</i>	Black oak	21.4	1	
90	<i>Prunus serotina</i>	Black cherry	8.9	1	
91	<i>Quercus rubra</i>	Red oak	23.7	1	
92	<i>Quercus rubra</i>	Red oak	8.5	1	
93	<i>Acer saccharinum</i>	Silver maple	11.1	1	
94	<i>Sassafras albidum</i>	Sassafras	14.1	1	
95	<i>Sassafras albidum</i>	Sassafras	11.1	1	
96	<i>Acer saccharinum</i>	Silver maple	11.2	1	
97	<i>Ulmus americana</i>	American elm	10.5	1	
98	<i>Acer saccharinum</i>	Silver maple	17.0	1	
99	<i>Acer saccharinum</i>	Silver maple	13.0	1	
100	<i>Acer saccharinum</i>	Silver maple	10.4	1	
101	<i>Prunus serotina</i>	Black cherry	17.1	1	
102	<i>Prunus serotina</i>	Black cherry	18.1	1	
103	<i>Ulmus americana</i>	American elm	11.6	1	

06-116 Nine Mile Road Tree Survey

104	<i>Prunus serotina</i>	Black cherry	22.9	1	
105	<i>Quercus velutina</i>	Black oak	25.5	1	
106	<i>Quercus velutina</i>	Black oak	26.9	1	
107	<i>Quercus velutina</i>	Black oak	14.5	1	
108	<i>Quercus rubra</i>	Red oak	16.8	1	
109	<i>Quercus alba</i>	White oak	15.8	1	
110	<i>Quercus alba</i>	White oak	14.7	1	
111	<i>Quercus velutina</i>	Black oak	25.5	1	
112	<i>Quercus alba</i>	White oak	15.7	1	
113	<i>Quercus alba</i>	White oak	11.8	1	
114	<i>Prunus serotina</i>	Black cherry	16.0	1	
115	<i>Quercus rubra</i>	Red oak	10.6	1	
116	<i>Quercus alba</i>	White oak	13.1	1	
117	<i>Ulmus americana</i>	American elm	9.2	1	
118	<i>Quercus rubra</i>	Red oak	24.8	1	
119	<i>Prunus serotina</i>	Black cherry	17.2	2	Multiple stems
120	<i>Prunus serotina</i>	Black cherry	19.6	1	
121	<i>Quercus rubra</i>	Red oak	14.5	2	
122	<i>Quercus rubra</i>	Red oak	12.6	1	
123	<i>Prunus serotina</i>	Black cherry	12.5	1	
124	<i>Quercus rubra</i>	Red oak	22.3	1	
125	<i>Acer rubrum</i>	Red maple	10.5	1	Multiple stems
126	<i>Acer saccharinum</i>	Silver maple	9.6	1	
127	<i>Acer saccharinum</i>	Silver maple	17.7	1	
128	<i>Acer saccharinum</i>	Silver maple	12.7	2	
129	<i>Populus deltoides</i>	Eastern cottonwood	21.7	1	
130	<i>Populus deltoides</i>	Eastern cottonwood	24.0	1	
131	<i>Acer saccharinum</i>	Silver maple	9.3	1	
132	<i>Populus deltoides</i>	Eastern cottonwood	9.0	1	
133	<i>Acer rubrum</i>	Red maple	16.2	1	
134	<i>Acer rubrum</i>	Red maple	8.3	1	
135	<i>Acer rubrum</i>	Red maple	27.3	1	
136	<i>Prunus serotina</i>	Black cherry	15.0	1	
137	<i>Prunus serotina</i>	Black cherry	13.2	1	
138	<i>Prunus serotina</i>	Black cherry	9.7	1	
139	<i>Acer rubrum</i>	Red maple	9.9	1	
140	<i>Prunus serotina</i>	Black cherry	12.8	1	
141	<i>Prunus serotina</i>	Black cherry	9.1	1	
142	<i>Quercus rubra</i>	Red oak	23.4	1	Multiple stems
143	<i>Quercus rubra</i>	Red oak	15.1	1	
144	<i>Prunus serotina</i>	Black cherry	20.2	1	
145	<i>Prunus serotina</i>	Black cherry	18.2	1	
146	<i>Prunus serotina</i>	Black cherry	16.5	1	
147	<i>Acer rubrum</i>	Red maple	11.7	1	
148	<i>Acer saccharinum</i>	Silver maple	23.6	1	
149	<i>Prunus serotina</i>	Black cherry	11.3	1	
150	<i>Acer saccharinum</i>	Silver maple	17.2	1	
151	<i>Acer saccharinum</i>	Silver maple	20.0	1	
152	<i>Acer saccharinum</i>	Silver maple	15.3	1	
153	<i>Acer saccharinum</i>	Silver maple	15.9	1	
154	<i>Populus deltoides</i>	Eastern cottonwood	25.3	1	
155	<i>Acer saccharinum</i>	Silver maple	19.8	1	

06-116 Nine Mile Road Tree Survey

156	<i>Acer saccharinum</i>	Silver maple	15.2	1	
157	<i>Acer saccharinum</i>	Silver maple	12.8	1	
158	<i>Acer saccharinum</i>	Silver maple	11.9	1	
159	<i>Acer saccharinum</i>	Silver maple	8.6	1	
160	<i>Acer saccharinum</i>	Silver maple	9.8	1	
161	<i>Acer saccharinum</i>	Silver maple	14.8	1	
162	<i>Acer saccharinum</i>	Silver maple	18.3	1	
163	<i>Prunus serotina</i>	Black cherry	14.7	1	Multiple stems
164	<i>Acer rubrum</i>	Red maple	12.3	1	
165	<i>Prunus serotina</i>	Black cherry	9.1	1	
166	<i>Quercus rubra</i>	Red oak	18.4	1	
167	<i>Prunus serotina</i>	Black cherry	18.4	1	
168	<i>Quercus rubra</i>	Red oak	17.9	1	
169	<i>Quercus rubra</i>	Red oak	21.0	1	
170	<i>Acer saccharinum</i>	Silver maple	19.2	1	
171	<i>Acer saccharinum</i>	Silver maple	17.2	1	
172	<i>Acer saccharinum</i>	Silver maple	13.1	1	
173	<i>Populus deltoides</i>	Eastern cottonwood	40.2	1	
174	<i>Populus deltoides</i>	Eastern cottonwood	27.7	1	
175	<i>Acer saccharinum</i>	Silver maple	8.3	1	
176	<i>Acer saccharinum</i>	Silver maple	13.2	1	
177	<i>Acer saccharinum</i>	Silver maple	21.5	1	
178	<i>Acer saccharinum</i>	Silver maple	13.6	1	
179	<i>Acer saccharinum</i>	Silver maple	9.5	1	
180	<i>Acer saccharinum</i>	Silver maple	14.3	1	
181	<i>Populus deltoides</i>	Eastern cottonwood	27.7	1	
182	<i>Acer saccharinum</i>	Silver maple	10.6	1	
183	<i>Acer rubrum</i>	Red maple	10.0	1	
184	<i>Acer rubrum</i>	Red maple	12.9	1	
185	<i>Acer saccharinum</i>	Silver maple	15.4	1	
186	<i>Acer saccharinum</i>	Silver maple	16.5	1	
187	<i>Acer saccharinum</i>	Silver maple	13.9	1	
188	<i>Ulmus americana</i>	American elm	9.7	1	
189	<i>Acer saccharinum</i>	Silver maple	10.9	1	
190	<i>Populus deltoides</i>	Eastern cottonwood	15.2	1	
191	<i>Prunus serotina</i>	Black cherry	9.4	1	
192	<i>Acer rubrum</i>	Red maple	14.2	1	
193	<i>Prunus serotina</i>	Black cherry	17.5	1	
194	<i>Acer rubrum</i>	Red maple	10.0	1	
195	<i>Prunus serotina</i>	Black cherry	17.1	1	
196	<i>Acer rubrum</i>	Red maple	10.0	1	
197	<i>Acer rubrum</i>	Red maple	20.1	1	
198	<i>Acer rubrum</i>	Red maple	16.9	1	
199	<i>Acer rubrum</i>	Red maple	15.2	1	
200	<i>Acer rubrum</i>	Red maple	12.7	1	
201	<i>Acer rubrum</i>	Red maple	10.7	1	
202	<i>Acer saccharinum</i>	Silver maple	23.7	2	
203	<i>Acer saccharinum</i>	Silver maple	14.7	1	
204	<i>Acer saccharinum</i>	Silver maple	14.5	1	
205	<i>Acer saccharinum</i>	Silver maple	11.3	1	
206	<i>Prunus serotina</i>	Black cherry	15.0	1	
207	<i>Acer rubrum</i>	Red maple	16.8	1	

06-116 Nine Mile Road Tree Survey

208	<i>Prunus serotina</i>	Black cherry	12.3	1	
209	<i>Quercus rubra</i>	Red oak	17.3	1	Multiple stems
210	<i>Prunus serotina</i>	Black cherry	10.2	1	
211	<i>Prunus serotina</i>	Black cherry	8.2	1	
212	<i>Quercus alba</i>	White oak	18.3	1	Multiple stems
213	<i>Prunus serotina</i>	Black cherry	15.6	2	Multiple stems
214	<i>Prunus serotina</i>	Black cherry	8.9	1	
215	<i>Prunus serotina</i>	Black cherry	11.0	1	
216	<i>Prunus serotina</i>	Black cherry	15.1	1	
217	<i>Prunus serotina</i>	Black cherry	9.7	1	
218	<i>Prunus serotina</i>	Black cherry	17.3	1	Multiple stems
219	<i>Acer saccharinum</i>	Silver maple	8.1	1	
220	<i>Acer saccharinum</i>	Silver maple	9.3	1	
221	<i>Prunus serotina</i>	Black cherry	16.6	1	
222	<i>Prunus serotina</i>	Black cherry	14.5	1	
223	<i>Acer saccharinum</i>	Silver maple	8.1	1	
224	<i>Acer saccharinum</i>	Silver maple	10.5	1	
225	<i>Prunus serotina</i>	Black cherry	20.3	1	
226	<i>Acer saccharinum</i>	Silver maple	15.3	1	Multiple stems
227	<i>Ulmus americana</i>	American elm	12.3	3	
228	<i>Acer rubrum</i>	Red maple	17.0	1	
229	<i>Acer saccharinum</i>	Silver maple	16.9	1	
230	<i>Acer saccharinum</i>	Silver maple	17.1	1	
231	<i>Acer saccharinum</i>	Silver maple	13.9	1	
232	<i>Acer saccharinum</i>	Silver maple	19.8	1	
233	<i>Acer saccharinum</i>	Silver maple	16.1	1	
234	<i>Acer saccharinum</i>	Silver maple	14.9	1	
235	<i>Acer saccharinum</i>	Silver maple	14.9	1	
236	<i>Acer rubrum</i>	Red maple	9.9	2	
237	<i>Acer saccharinum</i>	Silver maple	12.2	1	
238	<i>Acer saccharinum</i>	Silver maple	11.8	1	
239	<i>Acer saccharinum</i>	Silver maple	17.2	1	
240	<i>Acer saccharinum</i>	Silver maple	8.2	1	
241	<i>Acer saccharinum</i>	Silver maple	14.8	1	
242	<i>Acer saccharinum</i>	Silver maple	10.0	1	
243	<i>Acer saccharinum</i>	Silver maple	11.5	1	
244	<i>Acer saccharinum</i>	Silver maple	23.6	1	
245	<i>Acer saccharinum</i>	Silver maple	13.7	1	
246	<i>Acer saccharinum</i>	Silver maple	9.2	1	
247	<i>Acer saccharinum</i>	Silver maple	13.1	1	
248	<i>Acer saccharinum</i>	Silver maple	14.9	1	
249	<i>Acer saccharinum</i>	Silver maple	14.8	1	
250	<i>Acer saccharinum</i>	Silver maple	10.9	1	
251	<i>Acer saccharinum</i>	Silver maple	15.0	1	
252	<i>Acer saccharinum</i>	Silver maple	14.9	1	
253	<i>Acer saccharinum</i>	Silver maple	10.8	1	
254	<i>Populus deltoides</i>	Eastern cottonwood	23.5	1	
255	<i>Acer saccharinum</i>	Silver maple	17.7	1	
256	<i>Acer saccharinum</i>	Silver maple	17.1	1	
257	<i>Acer saccharinum</i>	Silver maple	19.1	1	
258	<i>Populus deltoides</i>	Eastern cottonwood	29.0	1	
259	<i>Acer saccharinum</i>	Silver maple	12.9	3	

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260	<i>Acer saccharinum</i>	Silver maple	13.1	1	
261	<i>Acer saccharinum</i>	Silver maple	16.9	1	
262	<i>Populus deltoides</i>	Eastern cottonwood	30.0	2	
263	<i>Acer saccharinum</i>	Silver maple	9.8	1	
264	<i>Acer saccharinum</i>	Silver maple	8.5	1	
265	<i>Acer saccharinum</i>	Silver maple	18.1	1	
266	<i>Acer saccharinum</i>	Silver maple	8.7	1	
267	<i>Acer saccharinum</i>	Silver maple	8.3	1	
268	<i>Acer saccharinum</i>	Silver maple	15.4	1	
269	<i>Acer saccharinum</i>	Silver maple	17.9	1	
270	<i>Acer saccharinum</i>	Silver maple	24.9	1	Multiple stems
271	<i>Acer saccharinum</i>	Silver maple	15.7	1	
272	<i>Populus deltoides</i>	Eastern cottonwood	26.5	1	
273	<i>Acer saccharinum</i>	Silver maple	21.5	1	Multiple stems
274	<i>Ulmus americana</i>	American elm	8.7	1	
275	<i>Acer saccharinum</i>	Silver maple	16.2	1	
276	<i>Acer saccharinum</i>	Silver maple	15.3	1	
277	<i>Acer saccharinum</i>	Silver maple	12.8	1	
278	<i>Ulmus americana</i>	American elm	11.0	1	
279	<i>Acer saccharinum</i>	Silver maple	21.2	1	
280	<i>Acer saccharinum</i>	Silver maple	24.0	1	
281	<i>Acer saccharinum</i>	Silver maple	16.9	1	
282	<i>Acer saccharinum</i>	Silver maple	11.6	1	
283	<i>Acer saccharinum</i>	Silver maple	10.6	1	
284	<i>Acer saccharinum</i>	Silver maple	12.0	1	
285	<i>Acer saccharinum</i>	Silver maple	10.4	1	
286	<i>Acer saccharinum</i>	Silver maple	11.3	2	
287	<i>Acer saccharinum</i>	Silver maple	12.7	1	
288	<i>Acer saccharinum</i>	Silver maple	9.7	1	
289	<i>Acer saccharinum</i>	Silver maple	11.9	1	Multiple stems
290	<i>Acer saccharinum</i>	Silver maple	19.6	1	
291	<i>Quercus velutina</i>	Black oak	15.0	1	
292	<i>Acer saccharinum</i>	Silver maple	18.9	1	
293	<i>Acer saccharinum</i>	Silver maple	22.8	1	
294	<i>Acer saccharinum</i>	Silver maple	11.6	1	
295	<i>Acer saccharinum</i>	Silver maple	19.8	1	
296	<i>Acer saccharinum</i>	Silver maple	16.9	1	
297	<i>Acer saccharinum</i>	Silver maple	14.9	1	
298	<i>Acer saccharinum</i>	Silver maple	16.2	1	
299	<i>Acer saccharinum</i>	Silver maple	16.9	1	
300	<i>Acer saccharinum</i>	Silver maple	15.9	1	
301	<i>Acer saccharinum</i>	Silver maple	15.5	1	Multiple stems
302	<i>Acer saccharinum</i>	Silver maple	11.2	1	
303	<i>Acer saccharinum</i>	Silver maple	15.4	1	
304	<i>Acer saccharinum</i>	Silver maple	22.5	1	Multiple stems
305	<i>Ulmus americana</i>	American elm	18.0	2	
306	<i>Acer saccharinum</i>	Silver maple	19.6	1	
307	<i>Acer saccharinum</i>	Silver maple	8.5	1	
308	<i>Acer saccharinum</i>	Silver maple	11.3	1	
309	<i>Acer saccharinum</i>	Silver maple	18.3	1	
310	<i>Acer saccharinum</i>	Silver maple	20.9	1	
311	<i>Acer saccharinum</i>	Silver maple	20.2	1	

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312	<i>Acer saccharinum</i>	Silver maple	12.3	1	
313	<i>Acer saccharinum</i>	Silver maple	9.7	1	
314	<i>Acer saccharinum</i>	Silver maple	28.3	1	Multiple stems
315	<i>Acer saccharinum</i>	Silver maple	8.3	1	
316	<i>Acer saccharinum</i>	Silver maple	15.0	1	
317	<i>Acer saccharinum</i>	Silver maple	8.7	1	
318	<i>Acer saccharinum</i>	Silver maple	12.9	1	
319	<i>Acer saccharinum</i>	Silver maple	12.7	1	
320	<i>Acer saccharinum</i>	Silver maple	8.3	1	
321	<i>Acer saccharinum</i>	Silver maple	15.3	1	
322	<i>Acer saccharinum</i>	Silver maple	15.9	1	Multiple stems
323	<i>Acer saccharinum</i>	Silver maple	17.5	1	
324	<i>Acer saccharinum</i>	Silver maple	12.8	1	Multiple stems
325	<i>Acer saccharinum</i>	Silver maple	8.1	1	
326	<i>Acer saccharinum</i>	Silver maple	10.2	1	
327	<i>Acer saccharinum</i>	Silver maple	11.1	1	
328	<i>Acer saccharinum</i>	Silver maple	20.7	1	Multiple stems
329	<i>Acer saccharinum</i>	Silver maple	16.0	1	
330	<i>Acer saccharinum</i>	Silver maple	9.4	1	Multiple stems
331	<i>Acer saccharinum</i>	Silver maple	18.2	1	Multiple stems
332	<i>Acer saccharinum</i>	Silver maple	9.7	1	
333	<i>Acer saccharinum</i>	Silver maple	11.1	1	
334	<i>Acer saccharinum</i>	Silver maple	10.6	1	
335	<i>Acer saccharinum</i>	Silver maple	21.4	1	
336	<i>Acer saccharinum</i>	Silver maple	24.6	1	
337	<i>Acer saccharinum</i>	Silver maple	16.0	1	
338	<i>Acer saccharinum</i>	Silver maple	17.0	1	
339	<i>Acer saccharinum</i>	Silver maple	10.0	1	
340	<i>Acer saccharinum</i>	Silver maple	16.0	1	
341	<i>Acer saccharinum</i>	Silver maple	33.0	1	
342	<i>Acer saccharinum</i>	Silver maple	13.2	1	
343	<i>Acer saccharinum</i>	Silver maple	10.9	1	
344	<i>Acer saccharinum</i>	Silver maple	11.7	1	
345	<i>Prunus serotina</i>	Black cherry	25.3	1	
346	<i>Prunus serotina</i>	Black cherry	14.1	1	
347	<i>Quercus rubra</i>	Red oak	15.5	1	
348	<i>Acer rubrum</i>	Red maple	12.4	1	
349	<i>Acer rubrum</i>	Red maple	12.3	1	
350	<i>Acer saccharinum</i>	Silver maple	9.8	1	
351	<i>Acer saccharinum</i>	Silver maple	12.3	1	
352	<i>Acer saccharinum</i>	Silver maple	11.9	1	
353	<i>Acer saccharinum</i>	Silver maple	27.1	1	
354	<i>Acer saccharinum</i>	Silver maple	9.2	1	
355	<i>Acer saccharinum</i>	Silver maple	9.5	1	
356	<i>Acer saccharinum</i>	Silver maple	10.3	2	
357	<i>Acer saccharinum</i>	Silver maple	18.5	1	
358	<i>Acer saccharinum</i>	Silver maple	8.4	1	
359	<i>Acer saccharinum</i>	Silver maple	17.2	1	
360	<i>Acer saccharinum</i>	Silver maple	16.6	1	
361	<i>Acer saccharinum</i>	Silver maple	14.3	1	
362	<i>Acer saccharinum</i>	Silver maple	9.0	1	
363	<i>Ulmus americana</i>	American elm	9.0	1	

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364	<i>Acer saccharinum</i>	Silver maple	19.3	1	Multiple stems
365	<i>Acer saccharinum</i>	Silver maple	19.3	1	
366	<i>Acer saccharinum</i>	Silver maple	17.0	1	
367	<i>Acer saccharinum</i>	Silver maple	13.9	1	
368	<i>Acer saccharinum</i>	Silver maple	15.4	1	
369	<i>Acer saccharinum</i>	Silver maple	17.9	1	
370	<i>Acer saccharinum</i>	Silver maple	10.4	1	
371	<i>Acer saccharinum</i>	Silver maple	9.4	1	
372	<i>Acer saccharinum</i>	Silver maple	22.0	1	Multiple stems
373	<i>Acer saccharinum</i>	Silver maple	17.2	1	Multiple stems
374	<i>Acer saccharinum</i>	Silver maple	19.7	1	
375	<i>Acer saccharinum</i>	Silver maple	9.9	1	
376	<i>Acer saccharinum</i>	Silver maple	20.1	1	Multiple stems
377	<i>Acer saccharinum</i>	Silver maple	14.5	1	
378	<i>Acer saccharinum</i>	Silver maple	9.0	1	
379	<i>Acer saccharinum</i>	Silver maple	14.3	1	
380	<i>Acer saccharinum</i>	Silver maple	12.6	1	
381	<i>Acer saccharinum</i>	Silver maple	12.5	1	Multiple stems
382	<i>Acer saccharinum</i>	Silver maple	11.1	1	
383	<i>Acer saccharinum</i>	Silver maple	16.8	1	Multiple stems
384	<i>Acer saccharinum</i>	Silver maple	11.0	1	
385	<i>Acer saccharinum</i>	Silver maple	12.7	1	
386	<i>Acer saccharinum</i>	Silver maple	15.1	1	
387	<i>Acer saccharinum</i>	Silver maple	18.5	1	
388	<i>Acer saccharinum</i>	Silver maple	8.6	1	
389	<i>Acer saccharinum</i>	Silver maple	21.8	1	
390	<i>Acer saccharinum</i>	Silver maple	13.4	1	
391	<i>Acer saccharinum</i>	Silver maple	13.1	1	
392	<i>Prunus avium</i>	Sweet cherry	12.0	1	
393	<i>Acer saccharinum</i>	Silver maple	13.3	1	
394	<i>Acer saccharinum</i>	Silver maple	17.9	1	
395	<i>Acer saccharinum</i>	Silver maple	8.8	1	
396	<i>Acer saccharinum</i>	Silver maple	12.4	1	
397	<i>Acer saccharinum</i>	Silver maple	11.9	1	
398	<i>Acer saccharinum</i>	Silver maple	10.8	1	
399	<i>Acer saccharinum</i>	Silver maple	20.3	1	
400	<i>Acer saccharinum</i>	Silver maple	10.6	1	
401	<i>Acer saccharinum</i>	Silver maple	17.7	1	
402	<i>Acer saccharinum</i>	Silver maple	10.3	1	
403	<i>Acer saccharinum</i>	Silver maple	13.0	1	
404	<i>Acer saccharinum</i>	Silver maple	12.6	1	
405	<i>Acer saccharinum</i>	Silver maple	9.4	1	
406	<i>Acer saccharinum</i>	Silver maple	10.2	1	Multiple stems
407	<i>Acer saccharinum</i>	Silver maple	8.2	1	
408	<i>Acer saccharinum</i>	Silver maple	8.3	1	
409	<i>Acer saccharinum</i>	Silver maple	12.5	1	
410	<i>Quercus rubra</i>	Red oak	12.9	1	
411	<i>Quercus macrocarpa</i>	Bur oak	13.8	1	
412	<i>Prunus serotina</i>	Black cherry	17.0	1	
413	<i>Prunus serotina</i>	Black cherry	15.5	2	
414	<i>Quercus macrocarpa</i>	Bur oak	13.7	1	
415	<i>Quercus macrocarpa</i>	Bur oak	21.4	1	

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416	<i>Quercus macrocarpa</i>	Bur oak	11.8	1	
417	<i>Acer rubrum</i>	Red maple	11.0	1	
418	<i>Quercus macrocarpa</i>	Bur oak	10.1	1	
419	<i>Acer rubrum</i>	Red maple	8.0	1	
420	<i>Quercus macrocarpa</i>	Bur oak	19.6	1	
421	<i>Prunus serotina</i>	Black cherry	15.2	1	
422	<i>Acer saccharinum</i>	Silver maple	10.3	1	
423	<i>Acer saccharinum</i>	Silver maple	17.8	1	
424	<i>Prunus serotina</i>	Black cherry	19.4	1	
425	<i>Acer saccharinum</i>	Silver maple	25.2	1	
426	<i>Populus deltoides</i>	Eastern cottonwood	11.6	1	
427	<i>Populus deltoides</i>	Eastern cottonwood	11.8	1	
428	<i>Acer negundo</i>	Box elder	10.0	1	Multiple stems
429	<i>Acer saccharinum</i>	Silver maple	12.9	1	Multiple stems
430	<i>Acer saccharinum</i>	Silver maple	8.2	1	
431	<i>Acer saccharinum</i>	Silver maple	13.7	1	
432	<i>Acer saccharinum</i>	Silver maple	11.8	1	Multiple stems
433	<i>Populus deltoides</i>	Eastern cottonwood	8.9	1	
434	<i>Populus deltoides</i>	Eastern cottonwood	8.5	1	
435	<i>Populus deltoides</i>	Eastern cottonwood	12.3	1	
436	<i>Populus deltoides</i>	Eastern cottonwood	11.7	1	
437	<i>Populus deltoides</i>	Eastern cottonwood	8.6	1	
438	<i>Populus deltoides</i>	Eastern cottonwood	12.3	1	
439	<i>Populus deltoides</i>	Eastern cottonwood	9.1	1	
440	<i>Populus deltoides</i>	Eastern cottonwood	10.9	1	
441	<i>Acer saccharinum</i>	Silver maple	12.9	1	
442	<i>Acer saccharinum</i>	Silver maple	13.4	1	Multiple stems
443	<i>Ulmus americana</i>	American elm	13.2	1	
444	<i>Picea abies</i>	Norway spruce	28.1	1	
445	<i>Thuja occidentalis</i>	Northern white cedar	17.4	1	
446	<i>Pinus resinosa</i>	Red pine	11.6	1	
447	<i>Ulmus pumila</i>	Siberian elm	9.9	1	
448	<i>Acer negundo</i>	Box elder	18.8	1	
449	<i>Acer negundo</i>	Box elder	38.0	1	
450	<i>Picea abies</i>	Norway spruce	24.2	1	
451	<i>Juglans nigra</i>	Black walnut	14.6	1	

9 Mile Road Site

Wetland Delineation and Determination of Jurisdiction

Part of the SW $\frac{1}{4}$, Section 29, T.1N, R.8E
The City of Novi
Oakland County, Michigan

August 2006

9 Mile Road Site

Wetland Delineation and Determination of Jurisdiction

Part of the SW ¼, Section 29, T.1N, R.8E
the City of Novi
Oakland County, Michigan

August 2006

Prepared For:

Mr. Lee Rausch

GLA Surveyors & Engineers

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Plymouth, MI 48170

Prepared By:

Brooks Williamson and Associates, Inc.

30366 Beck Road

Wixom, Michigan 48393

EXECUTIVE SUMMARY

This document with associated field mapping is a determination of the existence and extent of any wetlands, ponds, lakes, or streams on a parcel of property located in the City of Novi, Oakland County, and is a determination of their regulatory status under the following:

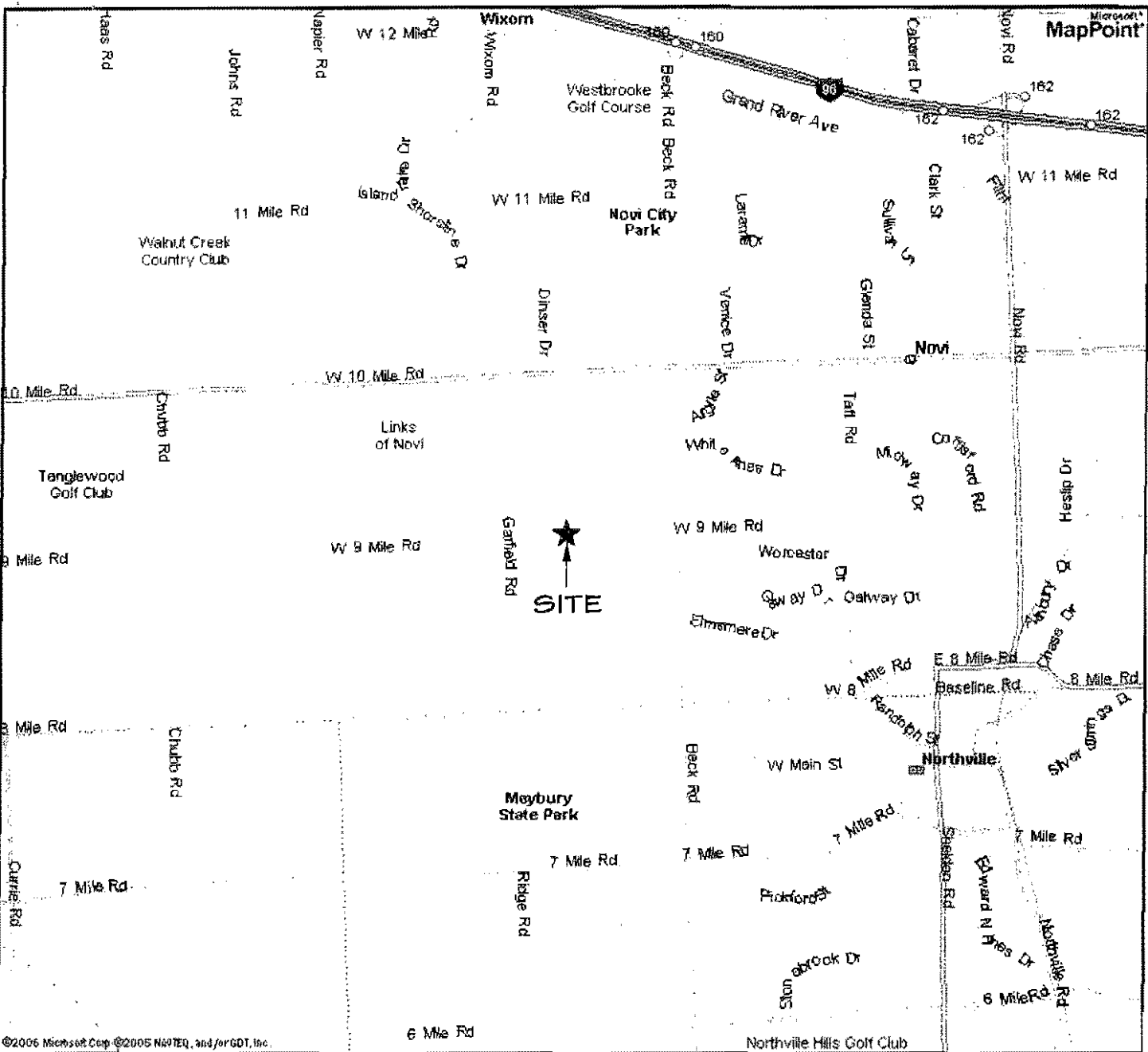
- a) Natural Resources and Environmental Protection Act (1994 P.A. 451),
 - Part 301, Inland Lakes and Streams Protection;
 - Part 303, Wetland Protection;
- b) Regulation of any wetland and water features by the City of Novi

The wetland and water features on the parcel were delineated at the request of Mr. Lee Rausch of GLA Surveyors & Engineers. This work revealed that four wetlands are present on the parcel. It is our opinion that three of these wetlands are subject to regulation by the Michigan Department of Environmental Quality (MDEQ). It is likely that all four wetlands will be considered essential, and therefore regulated by the City of Novi. Permits will be required for construction activities involving regulated areas.

These findings represent the opinion of Brooks Williamson and Associates, Inc. Wetland delineation in the field conforms to currently accepted State wetland definitions and procedures. A detailed description of methods and site conditions follows.

SITE LOCATION

The site is located in Part of the SW ¼, Section 29, T.1N, R.8E, the City of Novi, Oakland County, Michigan (Figure 1). The site is situated on the west side of Nine Mile Road, east of Beck Road.



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SITE LOCATION MAP

NO SCALE

(BWA FILE 00-116)

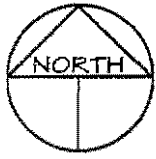


FIGURE 1

AVAILABLE MAPPING

County Soil Survey

The Oakland County Soil Survey was reviewed prior to the site inspection. Six soil mapping units are shown on the parcel (Figure 2). These are Fox sandy loam (18B), Sebewa loam (19), Houghton and Adrian mucks (27), Blount loam (32B), Lenawee silty clay loam (33), and Matherton sandy loam (54A). The Sebewa, Houghton and Adrian, and Lenawee series are listed by the U.S. Department of Agriculture as hydric soils. A hydric soil is a soil that is saturated, flooded, or ponded long enough during the growing season to develop anaerobic conditions that favor the growth and regeneration of hydrophytic (wetland) vegetation.

According to the technical definition used by the Natural Resources Conservation Service (NRCS) the following soils are hydric:

1. All Histosols except Folists; or
2. Soils in Aquic suborders, great groups, or subgroups, Albolls suborder, Aquisalids, Pachic subgroups, or Cumulic subgroups that are:
 - a. Somewhat poorly drained with a water table equal to 0.0 foot (ft) from the surface during the growing season, or
 - b. poorly drained or very poorly drained and have either:
 - (1) water table equal to 0.0 ft during the growing season if textures are coarse sand, sand, or fine sand in all layers within 20 inches (in),
 - or for other soils
 - (2) water table at less than or equal to 0.5 ft from the surface during the growing season if permeability is equal to or greater than 6.0 in/hour (h) in all layers within 20 in, or
 - (3) water table at less than or equal to 1.0 ft from the surface during the growing season if permeability is less than 6.0 in/h in any layer within 20 in, or
3. Soils that are frequently ponded for long duration or very long duration during the growing season, or
4. Soils that are frequently flooded for long duration or very long duration during the growing season.

The Sebewa and Lenawee series are considered to be a hydric soils because they are poorly to very poorly drained and have a water table less than or equal to one foot from the surface during the growing season. They have a permeability less than six inches per hour in any layer located within twenty inches of the surface. In addition, they are frequently ponded for long or very long duration during the growing season.

The Houghton and Adrian series are listed as hydric because they are Histosols other than Folists and they are frequently ponded for long to very long duration during the growing season.

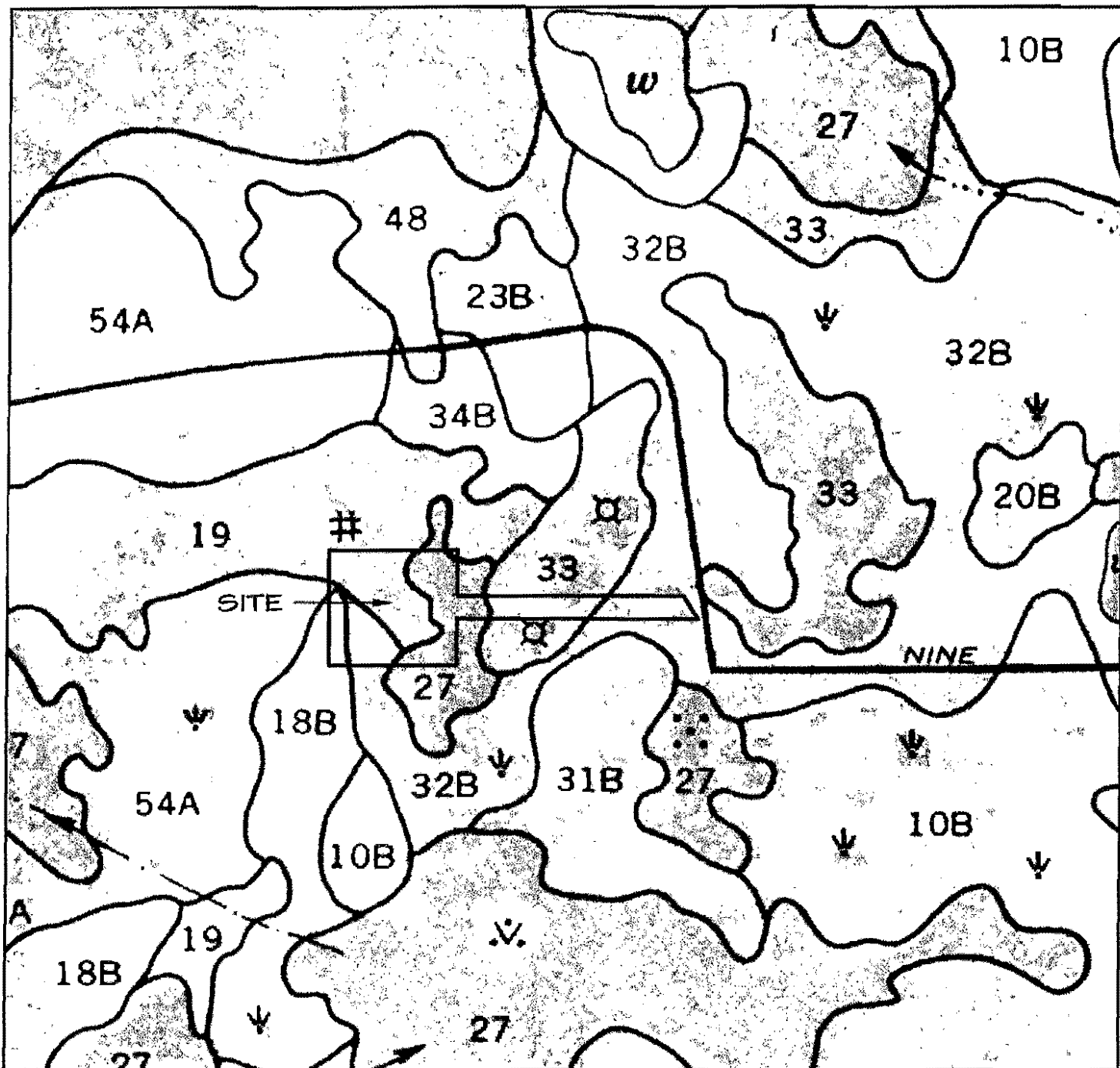
In a natural or unaltered condition, the hydric soils shown on a parcel typically support wetland vegetation. Therefore, the soil survey information provides an idea of what may be expected on the property in question.

U.S. Geological Survey Map (USGS)

The USGS Quadrangle map for this area (Figure 3) shows wetland present on the majority of the property, specifically in the western portion of the site. These maps typically show only the more distinct wetland and water features, and should be utilized for preliminary analysis only. Actual field mapping is necessary to determine the actual existence, type, and boundaries of wetland on a given site.

National Wetland Inventory (NWI)

The NWI map for this area (Figure 4) shows a palustrine, forested, deciduous, seasonally saturated wetland (PFOIY) on the majority of the property. The entire western portion of the site is shown as wetland. Please note that NWI maps are compiled from aerial photography and may not show all wetlands in a given area, nor accurately characterize all wetlands shown. These maps should be used only for preliminary analysis.



- 10B Fox sandy loam
- 19* Sebewa* loam
- 27* Houghton* and Adrian* mucks
- 32B Blount loam
- 33* Lenawee* silty clay loam
- 54A Matherton sandy loam

* (Hydric soil)

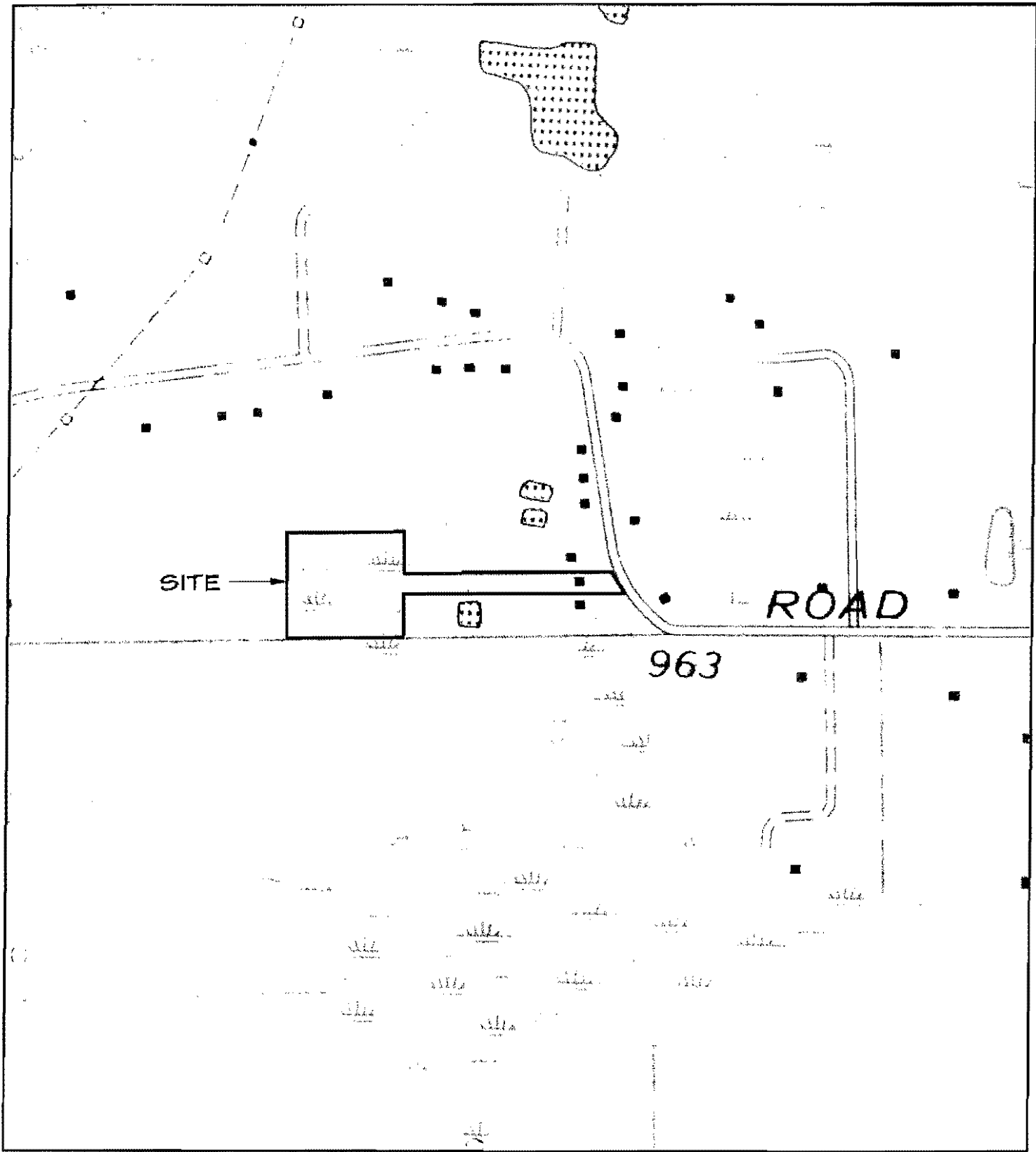
OAKLAND COUNTY SOIL SURVEY

SCALE: 1" = 500'

(BWA FILE 06-116)



FIGURE 2



U.S.G.S. QUADRANGLE

'SALEM' QUAD

SCALE: 1" = 500'

(BWA FILE 08-116)

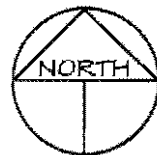
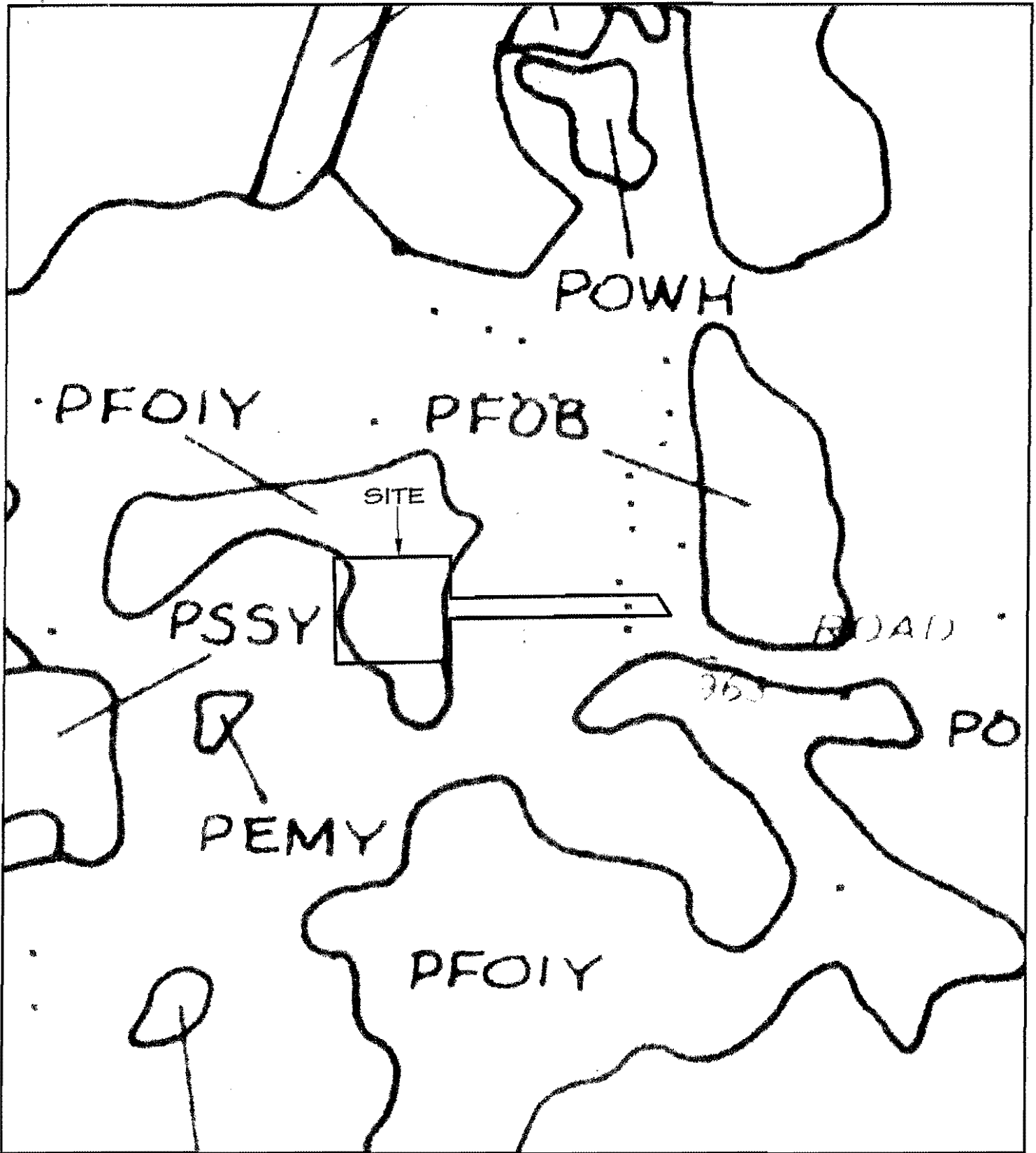


FIGURE 3



NATIONAL WETLANDS INVENTORY (N.W.I.)

'SALEM' QUAD

SCALE: 1" = 500'

(DWA FILE 06-116)

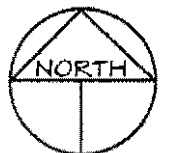


FIGURE 4

METHODOLOGY

Wetland areas are defined by P.A. 451 of 1994, Part 303, Wetland Protection, as:

"... land characterized by the presence of water at a frequency and duration sufficient to support and that under normal circumstances does support wetland vegetation or aquatic life and is commonly referred to as a bog, swamp, or marsh ..."

The methodology used in defining the location of wetland areas within the parcel was that established by Rule 4 of the rules promulgated pursuant to the Act and by the Michigan Department of Environmental Quality: A Technical Manual for Identifying Wetlands in Michigan (March, 2001). When questions arose regarding the proper location of the line, the Corps of Engineers Wetlands Delineation Manual, 1987, and supporting documents were used.

Determination of the possible existence, extent, or distance of any off-site wetlands, ponds, lakes, streams, or other features is based on publicly available information including aerial photographs, U.S. Geological Survey maps, National Wetland Inventory maps, and County Soil Surveys.

At the time the site was delineated, the wetland definition utilized by the City of Novi was similar to the State definition. There is currently no delineation manual produced by the City of Novi. Therefore, the State methodology was used. Our experience has shown that this methodology has been accepted in the past.

DESCRIPTIONS OF WETLAND AND WATER FEATURES

The site was inspected and delineated August 15, 2006. Four wetlands were identified on the property. The wetland–upland boundaries were flagged with fluorescent pink and blue survey ribbon. A preliminary map of the general location and size of the wetland areas is included as Figure 5. Please note that this map shows only an approximate location of wetland–upland boundaries, and any ponds, lakes, or streams. We recommend that the delineated wetland boundaries be surveyed and incorporated into the site plan. A sketch showing flag numbering for identification in the field is included as Figure 6.

The wetland areas are briefly described below:

Wetlands #1 - #4

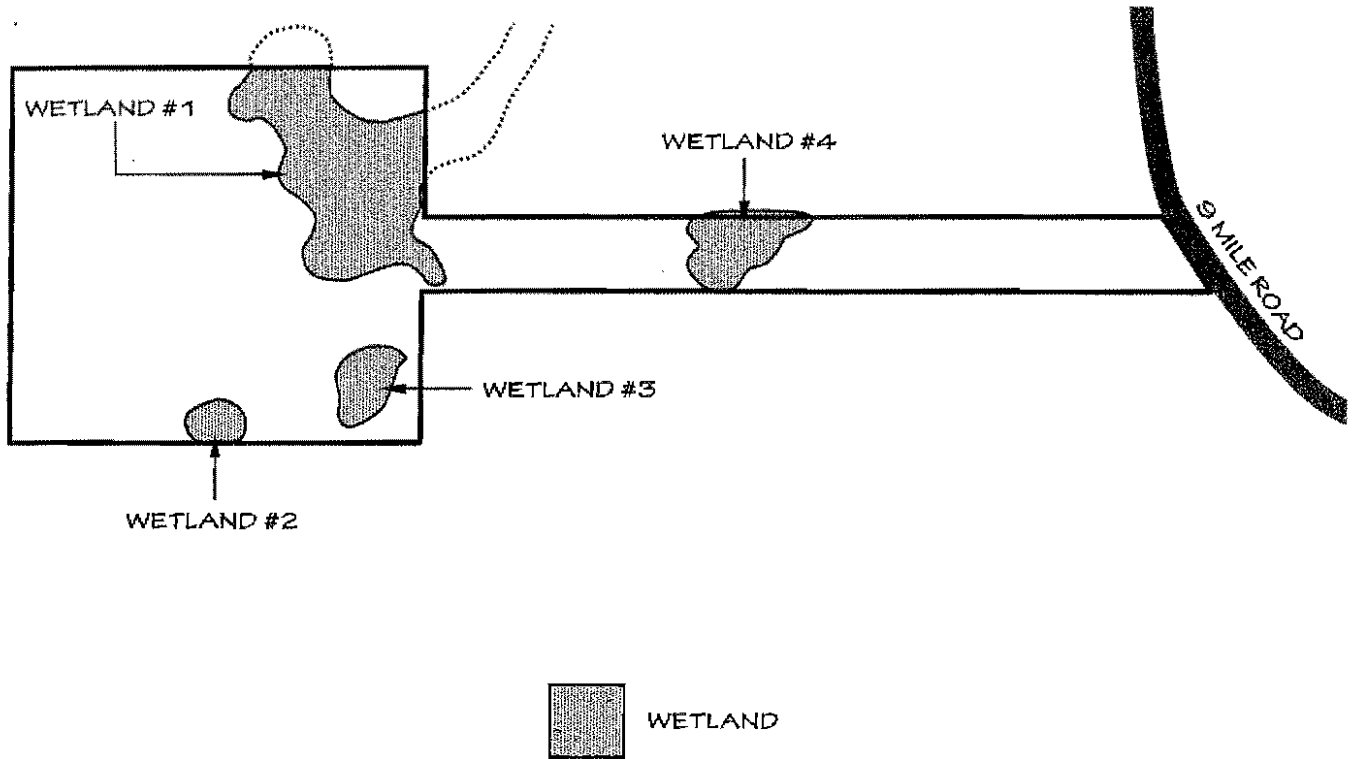
These areas are isolated, forested wetlands. Common vegetation found includes silver maple (*Acer saccharinum*), cottonwood (*Populus deltoides*), false nettle (*Boehmeria cylindrica*), and spotted touch-me-not (*Impatiens capensis*). The *Impatiens* was found on both sides of the wetland line, it is the dominant plant found throughout the entire site. The shaded forest canopy and rich soil conditions appear favorable for the *Impatiens* to grow outside of the wetlands. Wetland hydrology was demonstrated by buttressed tree roots and bare soil areas where vernal pools were present in the spring.

Adjacent Uplands

As mentioned above, spotted touch-me-not (*Impatiens capensis*) is also the most common plant in the upland areas. The upland areas were distinguished by the presence of other upland vegetation such as black cherry (*Prunus serotina*), garlic mustard (*Alliaria petiolata*), enchanter's nightshade (*Circaea lutetiana*), jumpseed (*Polygonum virginianum*) and Virginia creeper (*Parthenocissus quinquefolia*) growing with the *Impatiens*.

BROOKS WILLIAMSON
AND ASSOCIATES, INC.
30366 BECK ROAD
WIXOM, MICHIGAN 48393
TEL: 248 624-9100
FAX: 248 624-3963

THIS IS ONLY AN ESTIMATE OF
THE WETLAND LINE. FLAGGED
LINES MUST BE SURVEYED FOR
ACCURATE LOCATION AND
PLANNING PURPOSES.



PRELIMINARY WETLANDS MAP

SCALE: 1" = 200'

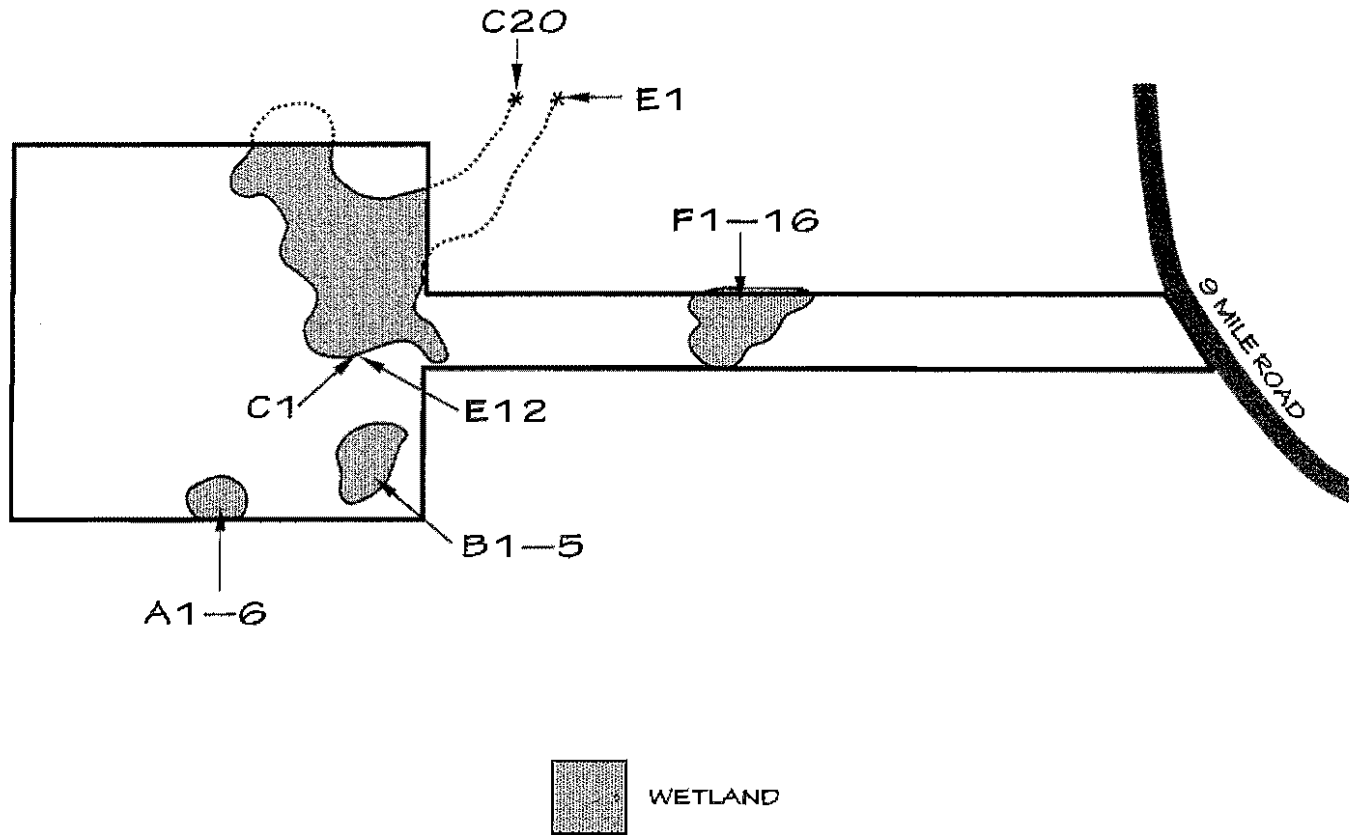
(BWA FILE 06-116)



FIGURE 5

BROOKS WILLIAMSON
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PRELIMINARY WETLANDS MAP (FLAG NUMBERS)

SCALE: 1" = 200'

(BWA FILE 08-116)



FIGURE 6

REGULATION OF WETLAND AND WATER FEATURES

Regulation of Inland Lakes and Streams by the State of Michigan

Inland lakes and streams are protected under Part 301 of 1994 P.A. 451, Inland Lakes and Streams Protection. The Michigan Department of Environmental Quality (MDEQ) assumes authority over natural or artificial inland streams that have definite banks, a bed, and visible evidence of a continued flow or continued occurrence of water; and natural or artificial lakes or ponds with a surface area of five acres or greater. The Great Lakes and Lake St. Clair are not considered to be inland lakes under this act.

No lakes or streams were identified during the site inspection.

Wetland Regulation by the State of Michigan

Wetlands are protected under Part 303 of 1994 P.A. 451, Wetland Protection. The Michigan Department of Environmental Quality (MDEQ) assumes authority over wetlands that are contiguous to an inland lake, pond, or stream, within 500 feet of an inland lake, pond, or stream, or within 1,000 feet of a Great Lake, Lake St. Clair, the St. Clair River, or the Detroit River. Isolated wetlands five acres in size or greater are also regulated in counties with a population of greater than 100,000 per the most recent Federal census. The population of Oakland County was in excess of 100,000 at the time of the most recent Federal census (2000).

The MDEQ may also exert regulatory control over isolated wetlands less than five acres in size "...if the department determines that protection of the area is essential to the preservation of the natural resources of the state from pollution, impairment, or destruction and the department has so notified the owner".

The Wetland Protection Rules state that upon the request of a property owner or his or her agent, the department shall determine if there is no surface or groundwater connection that meets the definition of contiguous under R.281.921(1)(b)(iii). Thus the MDEQ may decline regulatory jurisdiction over a wetland less than 5 acres in size which is initially considered to be regulated because it is located within 500 feet of an inland lake, pond, or stream. A wetland area may not be subject to regulation if it is isolated, less than 5 acres, and has no surface water or groundwater connection to a lake, pond, or stream. The Department may decline jurisdiction of such a wetland if

field inspection suggests that no surface connection is present and additional hydrogeologic investigation, including survey and soil studies, indicate that no sub-surface connection exists due to lack of groundwater movement. Although the Department has accepted this type of information in the past, recent unwritten policy is to consider all wetlands within 500 feet to have a groundwater connection.

Wetland #1 - #3

These wetlands are subject to regulation by the MDEQ because they are located within 500 feet of a pond. The pond is located off-site to the southwest. The distance to the pond was estimated using an aerial photograph.

Wetlands #4

This wetland is not subject to regulation by the MDEQ because it is isolated, less than five acres in size, and is located greater than 500 feet from an inland lake, stream, or pond.

Please note that the following activities are prohibited within regulated wetlands without a MDEQ permit:

1. The placement of fill material;
2. Dredging;
3. Construction within; and/or
4. The draining of surface water from a wetland.

Regulation by the City of Novi

The City of Novi regulates all wetlands and watercourses regardless of size and proximity to inland lakes and streams. The City must grant a use permit for non-contiguous wetlands less than two acres in size unless it finds that such a wetland is essential to the preservation of the natural resources of the City. In making this determination, at least one of the following must exist at the particular site:

1. The site supports State or Federal endangered or threatened plants, fish, or wildlife appearing on a list specified in Section 6 of the Endangered Species Act of 1974, Act No. 203 of the Public Acts of 1974, being Section 299.226 of the Michigan Compiled Laws.
2. The Site represents what is identified as a locally rare or unique ecosystem.
3. The site supports plants or animals of an identified local importance.
4. The site provides groundwater recharge documented by a public agency.

5. The site provides flood and storm control by the hydrologic absorption and storage capacity of the wetland.
6. The site provides wildlife habitat by providing breeding, nesting, or feeding grounds or cover for forms of wildlife, waterfowl, including migratory water fowl and rare, threatened, or endangered wildlife species.
7. The site provides protection of subsurface water resources and provision of valuable watersheds and recharging groundwater supplies.
8. The site provides pollution treatment by serving as a biological and chemical oxidation basin.
9. The site provides erosion control by serving as a sedimentation area and filtering basin, absorbing silt and organic matter.
10. The site provides sources of nutrients in water cycles and nursery grounds and sanctuaries for fish.

In addition, the City of Novi requires a 25 foot setback from the boundary of a wetland, and a 25 foot setback from the ordinary high water mark of a watercourse.

Wetland #1 & #4

These wetlands are subject to regulation under local ordinance because the City of Novi regulates all wetlands regardless of size. It is likely that these wetlands will be considered essential under the local ordinance.

Wetland #2 & #3

These wetlands are subject to regulation under local ordinance because the City of Novi regulates all wetlands regardless of size. It is likely that these wetlands will not be considered essential under the local ordinance.

All of these wetlands are isolated, less than two acres in size, and not directly connected to any inland lakes, streams, or ponds. We recommend that Brooks Williamson and Associates be present during any on-site confirmation to discuss any regulatory issues that may arise

CONFIRMATION BY REGULATORY AGENCIES

Numerous natural environmental factors and human induced changes may cause changes in the extent of wetland on a parcel over a period of time. Identification of wetland or water features on the property represents what this firm believes the MDEQ and the City of Novi would consider to be a wetland, pond, lake, or stream based on the condition of the site at the time of inspection and recent regulatory policies and attitudes. Please note that the Department and the City of Novi have the final decision in matters of jurisdiction and delineation.

We recommend that this delineation report be forwarded to the MDEQ for confirmation or corrections, should any questions arise. Purchase or detailed planning should generally be considered only after receiving written confirmation.



CITY OF NOVI
Engineering Division

MEMORANDUM

To: Rob Hayes, P.E.; City Engineer
From: Brian T. Coburn, P.E.; Civil Engineer *BTC*
Date: December 27, 2006
Re: Application for Land Division
Soave/Mandlay 22-29-376-003 & 22-29-376-010

The above application has been reviewed for compliance with the requirements of the Design and Construction Standards (Chapter 11 of the Novi Code of Ordinances) prior to consideration by City Council. The applicant are requesting a combination and split of two parcels resulting in two "flag" parcels with 48.82 feet of frontage on Nine Mile Road. The applicants are proposing to serve the two created parcels with a shared driveway that would be 15-feet wide and paved with decorative stone.

It is our recommendation that the land division application be denied for the following reasons:

- Per Sections 11-192, 11-212 and 11-237, only a single structure can be served by a "driveway", however any road or drive which provides access to more than one (1) residential unit is considered a private road.
- Per Section 11-191 private roads are intended to meet the same standards as public roads. As such, Table VIII-A of the Design & Construction Standards requires a road width of 28 feet (back of curb to back of curb) to serve the proposed parcels with vehicular access. The private roadway must have a cul-de-sac per city standards and cannot exceed 1500 feet in length in R-A zoning. The private road must be paved with asphalt or concrete and have concrete curb and gutter. (Decorative stone is not an allowed material under Section 11-193(a)).

At such time as the applicant proposes a private road or public street meeting the requirements of the ordinance to serve the proposed parcels, we could reconsider our recommendation following a review of the revised plan.

Although not relevant to the application for land division, the applicant should be aware that if they intend to serve the site with City water supply, that a public water main must be extended to the site. Per Section 11-68(i)(2), the maximum length of water lead should be less than 100 feet unless there is a hardship to due building placement on the site, which in this case may be self-imposed.

Please let me know if you require additional information in this regard.



MEMORANDUM

TO: Debra Blashfield, Deputy City Clerk

FROM: Timothy R. Schmitt, A/CP, Planner

DATE: December 20, 2006


SUBJECT: **Michael Soave/Mandalay Properties Land Division
Parcels Nos. 50-22-29-376-003 and 010**

The Planning Department has reviewed the proposed land division for Michael Soave/Mandalay Properties. The properties in question are located on the south side of Nine Mile Road. Of the two properties in question, one is currently landlocked and the other is a long, narrow parcel that would provide access to the other. The applicant is proposing to combine the properties and build a 15-foot wide decorative stone driveway, providing access to two proposed lots for single-family homes.

The Planning Department does not recommend approval of the proposal, for the following reasons:

1. Section 2517 of the Zoning Ordinance states *"no lot or parcel of land shall be used for any purpose permitted by this Ordinance unless said lot or parcel shall front directly upon a public street, unless otherwise provided for in this Ordinance."* The applicant is not proposing to build a public street to service the rear parcels, nor is he proposing to build a private road and split the land with a condominium, only a driveway is proposed that cannot be dedicated to the public.
2. The lots being proposed do not meet the minimum lot width requirements, as measured at the front yard setback line. Section 2400 requires a minimum of 150 feet of public road frontage for all lots in the RA, Residential Acreage district.
3. The subdivision ordinance prohibits lots that exceed a depth-to-width ratio of 3:1. In this case, the depth-to-width ratio is 24:1.

Interoffice Memo

Date: January 3, 2007
To: Deb Blashfield
Cc:
From: John Hines 
RE: **Request for review of Application for Land Division Michael Soave/Mandalay Properties**
50-22-29-376-003
50-22-29-376-010

Our Department has reviewed the proposed Land Division. All setbacks and square footages of the lots comply with Article 24 of the Novi Zoning Ordinance. One entrance is proposed. The distance from the road to the lot is less than 800'. Therefore, only one entrance is needed.

Since these requirements are in compliance with the Zoning Ordinance, the Building Department has no objection to this request for these two parcels of land.

John Hines

Deputy Building Official

Blashfield, Deb

From: Clark, Gary
Sent: Friday, December 29, 2006 10:34 AM
To: Blashfield, Deb
Subject: FW: Emailing: Lot Spit NoviMap458593.pdf

Attachments: Print of water and sewer on Novi Road 20061229093702713.pdf; Lot Spit NoviMap458593.pdf



Lot Spit
/iMap458593.pdf (3)

Debra,

Steve Printz is looking at the Nine Mile Road lot split plans since trees are involved. He'll send them back via intercity mail when he is done. Below are our comments from DPW.

-----Original Message-----

From: Sikma, Tim
Sent: Friday, December 29, 2006 9:56 AM
To: Clark, Gary; McCusker, Benny; Norman, Lynn
Subject: Emailing: Lot Spit NoviMap458593.pdf

Hi Gary

We have reviewed the plans for the lot split for 48345 Nine Mile. Although the largest issue is the wet land areas surrounding the property, water and sewer department does have some concerns. The water tap for this property is only a 1 1/2 inch service. With the distance of at 500 to 600 feet we do not believe that a single service would be able to support two homes. This would mean that an additional water tap from the mainline located in the middle of Nine Mile (See Print).

In addition, the sewer that runs along Nine mile is a 6 inch force main. The homeowners would both need to install separate grinder pumps and tap into the sewer main on Nine Mile Road.

If this project is accepted by City Council, we would like to see the water and sewer plans that would show how these services were to be connected to the City's mainlines. The mainlines are located under the pavement on Nine Mile Road.

Tim Sikma
Water and Sewer Manager

The message is ready to be sent with the following file or link attachments:

Lot Spit NoviMap458593.pdf

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled.

2 Ea Tree, Rem. 6 inch to 18 inch
 4 Ton HMA Approach
 15 Ft Curb and Gutter, Conc. Det F6

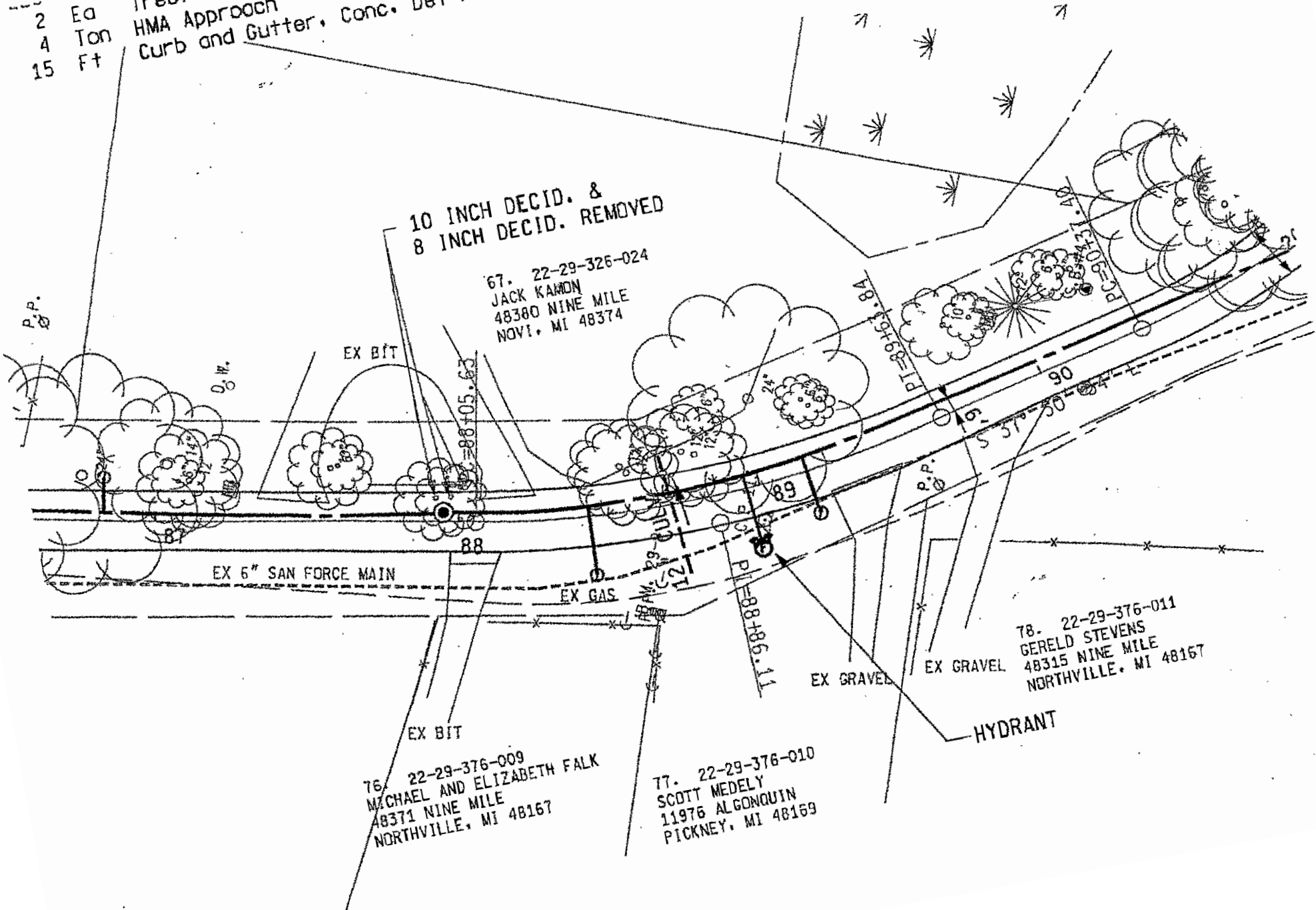
10 INCH DECID. &
 8 INCH DECID. REMOVED

67. 22-29-326-024
 JACK KAMON
 48380 NINE MILE
 NOVI, MI 48374

78. 22-29-376-011
 GERELD STEVENS
 48315 NINE MILE
 NORTHVILLE, MI 48167

76. 22-29-376-009
 MICHAEL AND ELIZABETH FALK
 48371 NINE MILE
 NORTHVILLE, MI 48167

77. 22-29-376-010
 SCOTT MEDELY
 11976 ALGONQUIN
 PICKNEY, MI 48169



December 29, 2006

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Fax: 248-851-2158
www.secrestwardle.com

Thomas R. Schultz
Direct: 248-539-2847
tschultz@secrestwardle.com

Maryanne Cornelius
City of Novi
45175 West Ten Mile Road
Novi, MI 48375

RE: *Appeal of Michael Soave/Mandalay Properties*
Application for Land Division (22-29-376-003 and -010)
Our File No. 55142 NOV

Dear Ms. Cornelius:

You asked our office to review the above application to the City Council appealing the denial of a land division by the City Assessor. The reason stated by the Assessor for the denial is that the proposed division would result in the creation of parcels of land that do not meet certain standards of the City's zoning ordinance. Specifically, the proposed division would create two "flag lot" parcels that do not have the required width of 150 feet measured at the setback line. See zoning ordinance Section 2400(a)(1). Under the Land Division Ordinance, Section 32-36, the Assessor was required to deny the proposed split.

While there is provision in the Land Division Ordinance for both an *appeal* to the City Council from the decision of the Assessor in the event the property owner feels the decision was incorrect (Section 32-37), and also for a *variance* to be granted by Council from the requirements of the Land Division Ordinance (Section 32-38), *the City code does not confer authority on the Council to vary the terms of the zoning ordinance that formed the basis for the denial of the proposed division.* Only the Zoning Board of Appeals is authorized to grant a variance from the flag lot limitations of the zoning ordinance. Therefore, *even if* the Council were to grant either the appeal from the Assessor's decision or the variance from the Land Division Ordinance requirements, it would *still* be necessary for the property owner to go before the Zoning Board of Appeals to secure the variances from the zoning provisions that are not met. Should he succeed before the Zoning Board of Appeals, there would be no need for the City Council to grant relief.

In our opinion, then, the property owner should appropriately seek relief from the Zoning Board of Appeals, rather than the City Council. The denial of the proposed land division by the City Assessor's office is sufficient to vest jurisdiction in the Zoning Board of Appeals without requirement for City Council action. No action should be taken on this matter by the City Council unless and

Ms. Maryanne Cornelius
December 29, 2006
Page 2

until the Zoning Board of Appeals has acted with regard to the zoning ordinance issue.

If you have any questions regarding the foregoing, please do not hesitate to call.

Very truly yours,

Thomas R. Schultz

TRS/jes
Enclosures
cc:

Clay Pearson, City Manager
Pam Antil, Assistant City Manager
Barb McBeth, Director of Planning
Glenn Lemmon, City Assessor

January 5, 2007

30903 Northwestern Highway
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Fax: 248-851-2158
www.secretwardle.com

Maryanne Cornelius
City of Novi
45175 West Ten Mile Road
Novi, MI 48375

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

RE: *Appeal of Michael Soave/Mandalay Properties*
Application for Land Division (22-29-376-003 and -010)
Our File No. 55142 NOV

Dear Ms. Cornelius:

It is our understanding that this matter will go before City Council on Monday, January 8, 2007 for the purpose of the property owner's appeal of the Assessor's denial of a land division of the subject property. We are writing to further clarify the issues raised in our December 29, 2006 letter with respect to the application for appeal.

With respect to the subject property, the basis for the City Assessor's denial was that the land division would create two parcels of land that do not meet certain standards of the City's Zoning Ordinance by creating two "flag lot" parcels that do not have the required width of 150 feet measured from the setback line as required by Section 2400(a)(1) of the City of Novi Zoning Ordinance. Because the property does not meet the requirements of the Zoning Ordinance, Section 32-36 (a)(2) of the Land Division Ordinance requires the applicant to appeal to the ZBA for a variance from that Section of the Zoning Ordinance. It appears from the application provided that the property owner was seeking an appeal pursuant to either Section 32-37 or 32-38 of the Land Division Ordinance. Alternatively, the applicant should have sought a variance from the Zoning Ordinance pursuant to Section 3102 of the Zoning Ordinance.

Application Considered as a "Variance" from Land Division Ordinance

If the application by the property owner is considered to be in the nature of a request for a "variance" from the strict requirements of the Land Division Ordinance, we note that, like other land division variance cases that have come before City Council proposing the creation of a new parcel that does not comply with the Zoning Ordinance, we believe that City Council action is premature when the ZBA has not yet addressed the Zoning Ordinance deficiency—in this case, the proposed Parcels having inadequate width at the setback line. The property is already non-conforming in that regard. The split would tend to expand the non-conformity in contravention of the Zoning Ordinance.

Ms. Maryanne Cornelius
January 5, 2007
Page 2

The appeal correspondence provided to City Council by the property owner's engineer appears in the form of an argument for practical difficulty in developing the parcels in accordance with Zoning Ordinance requirements.

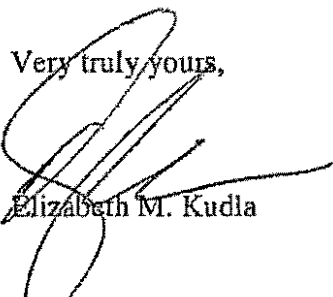
As we have advised the City Council in other instances (e.g., the Miras, Forker, and Calvas properties), City Council cannot grant a variance from the *Zoning Ordinance*. Even if the Council were to grant a variance under the Land Division Ordinance, allowing the creation of parcels with inadequate widths at the setback, the parcel would remain unbuildable under the Zoning Ordinance. Only the ZBA can grant a variance to make the parcels buildable without adequate widths at the setback line.

With respect to this application for appeal, as with the other applications, it is our position that, if the property owner wants to expand the existing nonconformity with respect to the width of the proposed parcels, the matter should go to the ZBA *first*, to determine whether they would permit the development of the resulting parcels. *Reversing that process runs the risk of Council allowing the creation of a parcel on which development might later not be permitted, which raises the specter of a taking or inverse condemnation of the parcel created.* At a ZBA hearing, the property owner could present its "practical difficulty" claim. The denial of the proposed land division by the City Assessor's office is sufficient to vest jurisdiction in the ZBA without requirement for City Council action.

In summary, to the extent the application is merely an appeal from the City Assessor's determination, we see no basis set forth in the application materials establishing an error on the part of the City Assessor. To the extent the application could be construed as a request for variance relief, we suggest that the ZBA is the more appropriate body to make the *first* determination with regard to inadequate width at the setback line.

If you have any questions regarding the above, please do not hesitate to call.

Very truly yours,



Elizabeth M. Kudla

EMK

cc: Clay Pearson, City Manager
Pam Antil, Assistant City Manager
Barb McBeth, Planning Director
Glenn Lemmon, City Assessor
Thomas R. Schultz, Esquire