

July 23, 2012

City of Rochester Hills
Planning Commission

Re: Rezoning Application on Parcel No. 15-34-227-031

Dear Commission Members:

Please be advised that Petro Service Inc., the owner of the above parcel, has no objection to the rezoning of the parcel to B-2 to accommodate the redevelopment of the parcel along with the adjacent property, Parcel No. 15-34-227-037. The officers of Petro Service Inc. are Chirco Kaakarli, President and Secretary, and M. Nassar Kaakarli, Treasurer, 3010 S. Rochester Rd, Rochester Hills, 48307.

The legal description of the property is attached to this letter. I hereby authorize the employees and representatives of the City of Rochester Hills to enter and conduct an investigation of the property, and I authorize Doraid Markus to sign the rezoning application on our behalf.

Sincerely,

Petro Service Inc.,

By Chuck

Print Name: Chirco Kaakarli

Its: President

COUNTY OF Oakland)
-) SS
STATE OF MICHIGAN)

On this 23rd day of July, 2012, Chirco Kaakarli executed the foregoing document before me and, being duly sworn, stated that he is the President of Petro Service Inc, with its full authority and as its free act and deed.

Eva Esmann
Notary Public EVA ESMAN
My commission expires: MAY 12 2015
Macomb County, Michigan
Acting in the County of Oakland

EVA ESMAN
Notary Public, State of Michigan
County of Macomb
My Commission Expires May, 12, 2015
Acting in the County of Oakland

RECEIVED
JUL 23 2012

Legal Description of the Property

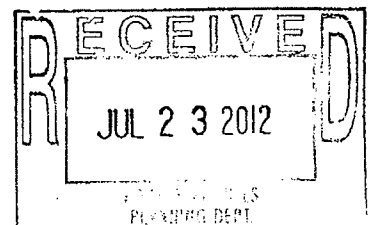
Parcel 1:

Part of Lot 10, Avoncrofts Subdivision, of part of the Northeast 1/4 of Section 34, Town 3 North, Range 11 East, City of Rochester Hills, Oakland County, Michigan according to the plat thereof as recorded in Liber 19, Page 15 of Plats, Oakland County Records more particularly described as: Beginning at the point of intersection of the South line of Auburn Road (66 feet wide) with the West line of Rochester Road (66 feet wide), being the Northeast corner of said Lot 10; thence South 0 degrees 02 minutes 20 seconds West along the West line of Rochester Road (being the East line of said Lot 10), 101 feet to the Southeast corner of said Lot 10, thence due West along the South line of said Lot 10, 214.06 feet to the Southwest corner of said Lot 10; thence North 02 degrees 20 minutes 20 seconds East along the West line of said Lot 10, 101.17 feet to a point on the South line of Auburn Road, being the Northwest corner of said Lot 10; thence South 89 degrees 58 minutes 40 seconds East along the South line of Auburn Road (being the North line of said Lot 10), 210 feet to the point of beginning. Together with all rights, reversionary or otherwise in said abutting roads. Subject to a permanent easement consisting of the North 20.0 feet of said Lot 10, as acquired by condemnation proceedings by the County of Oakland in Circuit Court Case 78-172095, filed October 12, 1978.

Parcel 2:

The Northerly 50.00 feet of Lot 9, Avoncrofts Subdivision, as recorded in Liber 19, Page 15 of Plats, Oakland County Records, being more particularly described as: Beginning at a point on the Westerly line of Rochester Road (M-150), 66 feet wide, said point being South 0 degrees 02 minutes 20 seconds West, 101.00 feet from the intersection of the Westerly line of Rochester Road with the Southerly line of Auburn Road (M-59) 66 feet wide; thence South 0 degrees 02 minutes, 20 seconds West along said Westerly line of Rochester Road 50.00 feet to a point; thence due West, 216.07 feet to a point; thence North 2 degrees 20 minutes 20 seconds East, 50.04 feet to a point; thence due East, 214.06 feet to the point of beginning.

Commonly known as 3010 Rochester Road
Tax Idem No. 15-34-227-031



July 23, 2012

City of Rochester Hills
Planning Commission

Statement Indicating Why Change Is Requested
Re: Rezoning Applications on Parcel Nos. 15-34-227-031 and -037

Dear Commission Members:

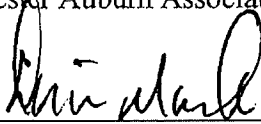
I am the Managing Member of Rochester Auburn Associates LLC.

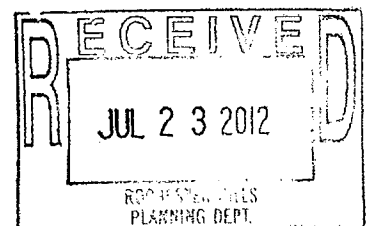
The change is requested in these applications to facilitate the proposed commercial redevelopment of the property, which includes the removal of the existing gas station and vacant auto dealership. The redevelopment will improve aesthetics and circulation on the properties, and will reduce the number of accesses to Rochester and Auburn Roads from 7 to 3, greatly enhancing traffic safety at the intersection. The B-2 zoning requested is consistent with the City Master Land Use Plan for the property, as well as the surrounding and nearby properties containing similar uses. The B-2 zoning also provides a less intense zoning transition to the neighboring residentially zoned property.

Thank you for your consideration of these rezoning requests. I look forward to addressing any questions you may have at the hearing.

Sincerely,

Rochester Auburn Associates LLC

By: 
Doraid Markus
Managing Member



July 23, 2012

City of Rochester Hills
Planning Commission

Letter of Intent Re: Rezoning Applications on
Parcel Nos. 15-34-227-031 and -037

Dear Commission Members:

I am the Managing Member of Rochester Auburn Associates LLC. Please be advised that our intent is to develop a commercial restaurant and retail site on the existing gas station and former auto dealership sites consistent with the attached renderings. We plan to construct a retail center with tenant units of 1,500-4,000 square feet (Building A), a McDonalds restaurant (Building B), and a Tim Horton's restaurant (Building D). Building C is concept only at this time, and is reserved for future development.

Thank you for your consideration of these rezoning requests. I look forward to addressing any questions you may have at the hearing.

Sincerely,

Rochester Auburn Associates LLC

By: 

Doraid Markus
Managing Member

LIBER 21204 PAGE 372
\$9.00 DEED - COMBINED
\$2.00 REINUMENTATION
\$2,795.00 TRANSFER TX COMBINED
03/17/2000 02:32:35 P.M. RECEIPT# 21147
PAID - RECORDED - OAKLAND COUNTY
BY WILLIAM CADWELL, CLERK/REGISTER OF DEEDS

WARRANTY DEED - CORPORATION - Statutory Form

KNOW ALL MEN BY THESE PRESENTS: That Lisa Ray Inc., a Michigan Corporation

whose address is 46040 Private Shore Drive, Chesterfield, MI 48047,
Convey(s) and Warrant(s) to Petro Service, Inc., a Michigan Corp.

whose address is 3010 Rochester Road, Rochester, MI 48063
the following described premises situated in the city
of Rochester Hills County of Oakland and State of Michigan, to-wit:
Parcels 1 and 2. See continuation attached.

Continued

Tax Item No. 15-34-227-031

More commonly known as: 3010 South Rochester

for the full consideration of THREE HUNDRED TWENTY FIVE THOUSAND & NO/100 DOLLARS
(\$325,000.00)

subject to any applicable building and use restrictions, and to any easements
affecting the land. Also subject to acts and omissions of persons other than
Grantors herein, or their assigns, since April 9, 1997, which is the date of a
certain Land Contract Amendment between Grantors and Grantees herein, and/or their
Assignors herein.
Dated this 11th day of February, 2000.

Witnesses:
T. Robertson
T. ROBERTSON
Vicki J. Healy
VICKI J. HEALY

Signatures:
Lisa Ray Inc. (L.S.)
By Richard Yezbick
its President
By _____
its _____

2P
L
CC
ST

STATE OF MICHIGAN } ss.
COUNTY OF OAKLAND

The foregoing instrument was acknowledged before me this 11th day of February, 2000

- (1) by Richard Yezbick
(2) President
(3) of Lisa Ray Inc., a Michigan Corporation
(4) a Michigan Corporation on behalf of the said corporation.

Note: Insert at (1) name(s) of officer(s) (2) title(s) of officers (3) name of corporation (4) name of incorporation

Drafted By: Philip R. Seaver
2700 N. Woodward
Bloomfield Hills, MI 48304

T. Robertson
Notary Public - T. Robertson
Oakland County, Michigan

My commission expires: October 12, 2002

CITY TREASURER'S CERTIFICATE

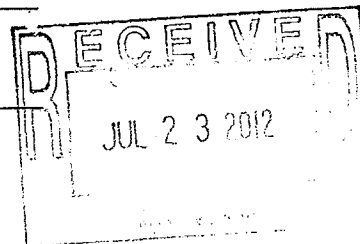
STATE OF MICHIGAN REAL ESTATE TRANSFER TAX
OAKLAND 3/17/2000 21147
\$357.50 CO
\$2,437.50 ST
83991

O.K. - ML

Recording Fee: 10.00
State Transfer Tax: 2,795.00
Send subsequent tax bills to: grantee

Return to: Petro Service, Inc.
3010 Rochester Road
Rochester, MI 48063

23699157 PHILIP R. SEAVAR TITLE COMPANY, INC. MAR 10 2000
2700 N. Woodward, Bloomfield Hills, Michigan 48304 (248) 338-7135
2806.00



This is Page Two of Two Pages of a Warranty Deed dated February 11, 2000 between Lisa Ray Inc., a Michigan Corporation, as Grantor(s), to Petro Service, Inc., as Grantee(s).

Continuation of Legal Description

City of Rochester Hills

Parcel 1:

Part of Lot 10, Avencrofts Subdivision, of part of the Northeast 1/4 of Section 34, Town 3 North, Range 11 East, City of Rochester Hills, Oakland County, Michigan according to the plat thereof as recorded in Liber 19, Page 15 of Plats, Oakland County Records, more particularly described as: Beginning at the point of intersection of the South line of Auburn Road (66 feet wide) with the West line of Rochester Road (66 feet wide), being the Northeast corner of said Lot 10; thence South 0 degrees 02 minutes 20 seconds West along the West line of Rochester Road (being the East line of said Lot 10), 101 feet to the Southeast corner of said Lot 10; thence due West along the South line of said Lot 10, 214.06 feet to the Southwest corner of said Lot 10; thence North 02 degrees 20 minutes 20 seconds East along the West line of said Lot 10, 101.17 feet to a point on the South line of Auburn Road, being the Northwest corner of said Lot 10; thence South 89 degrees 58 minutes 40 seconds East along the South line of Auburn Road (being the North line of said Lot 10), 210 feet to the point of beginning. Together with all rights, reversionary or otherwise in said abutting roads, Subject to a permanent easement consisting of the North 20.0 feet of said Lot 10, as acquired by condemnation proceedings by the County of Oakland in Circuit Court Case 78-172095, filed October 12, 1978.

Parcel 2:

The Northerly 50.00 feet of Lot 9, Avencrofts Subdivision, as recorded in Liber 19, Page 15 of Plats, Oakland County Records, being more particularly described as: Beginning at a point on the Westerly line of Rochester Road (M-150), 66 feet wide, said point being South 0 degrees 02 minutes 20 seconds West, 101.00 feet from the intersection of the Westerly line of Rochester Road with the Southerly line of Auburn Road (M-59) 66 feet wide; thence South 0 degrees 02 minutes 20 seconds West along said Westerly line of Rochester Road 50.00 feet to a point; thence due West, 216.07 feet to a point; thence North 2 degrees 20 minutes 20 seconds East, 50.04 feet to a point; thence due East, 214.06 feet to the point of beginning.

Re: 3010 Rochester

Tax Item No. 15-34-227-031

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

Grantor represents and warrants that he has transferred no "split rights" to a party other than the Grantee. The Grantor grants to the Grantee the rights to make divisions under Section 108 of the Land Division Act, Act No. 288 of the Public Acts of 1997.

Recorder Will Pick Up & Forward

LIBER 43518 PG 378

OAKLAND COUNTY TREASURERS CERTIFICATE
I HEREBY CERTIFY that there are no TAX LIENS or TITLES held by the state or any individual against the within description and all TAXES on same are paid for five years previous to the date of this instrument as appears by the records in the office except as stated.

OCT 03 2011

1.00

ANDREW E. MEISNER, County Treasurer
Sec. 135, Act 206, 1893 as amended

014007

198126
LIBER 43518 PAGE 378
\$10.00 DEED - COMBINED
\$4.00 REMONUMENTATION
10/28/2011 03:32:15 P.M. RECEIPT# 87931
PAID RECORDED - OAKLAND COUNTY
BILL BULLARD JR, CLERK/REGISTER OF DEEDS

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS: That VIVIANO LAND COMPANY, L.L.C., a Michigan limited liability company, whose address is: 3050 S Rochester Rd, Rochester Hills, MI 48307

Conveys and Warrants to ROCHESTER AUBURN ASSOCIATES, LLC, a Michigan limited liability company, whose address is: ~~6606 Leytonstone Blvd, West Bloomfield, MI 48322~~ 6750 OAK HILLS DR. Bloomfield, MI 48301

the following described land situated in the City of Rochester Hills, County of Oakland, State of Michigan, described as:

Lots 7 and 8, also Lot 9 except the North 50 feet thereof, Lots 11, 12 and 13 and also the North 100 feet of Lots 21, 22 and 23, Avoncrofts Subdivision, according to the Plat thereof, as recorded in liber 19, Page 15 of Plats, Oakland County Records.

Commonly known as: 3050 S. Rochester Road
Tax ID: 15-34-227-037

19015

for the sum of REAL ESTATE TRANSFER TAX VALUATION AFFIDAVIT FILED

subject to existing building and use restrictions, easements of record, and zoning ordinances, if any;

Dated this 16th day of September, 2011.

VIVIANO LAND COMPANY, L.L.C.,
a Michigan limited liability company

By: Salvatore P. Viviano
Salvatore P. Viviano, Member

By: Mary A. Viviano
Mary A. Viviano, Member

By: Anthony F. Viviano
Anthony F. Viviano, Member

By: Elizabeth Viviano Roberts
Elizabeth Viviano Roberts

RECEIVED
OAKLAND COUNTY
REGISTER OF DEEDS
2011 OCT 13 PM 3:39

CHECKING COMPLETED
AT REGISTER OF DEEDS
OCT 14 2011
Register of Deeds
Oakland County, MI

State of Michigan
County of Oakland

Acknowledged before me in Oakland County, Michigan, on this 16th day of September, 2011, by Salvatore P. Viviano, Mary A. Viviano, Anthony F. Viviano and Elizabeth Viviano Roberts, the Members of Viviano Land Company, L.L.C., a Michigan limited liability company, for the company.

Douglas S Proctor
Notary Public, _____ County, MI
Acting in _____ County, MI
My Commission expires _____

DOUGLAS S PROCTOR
Notary Public - Michigan
Wayne County
My Commission Expires Aug 6, 2018
Acting in the County of OAKLAND

IPB
TWT

OK - MH

TWTC-11075073
After recording return to:
Fadie Hakim
606 Leytonstone Blvd 6750 OAK HILLS DR
West Bloomfield, MI 48322 Bloomfield, MI 48301

Drafted by:
Nino Viviano
3050 S. Rochester Road
Rochester Hills, MI 48307

REVENUE TO BE AFFIXED
AFTER RECORDING

RECEIVED
JUL 23 2012
ROCHESTER HILLS
PLANNING DEPT.

BERRY REYNOLDS & ROGOWSKI, PC

ATTORNEYS AND COUNSELORS

33493 W. 14 MILE ROAD, SUITE 100
FARMINGTON HILLS, MI 48331-1587
Telephone (248) 851-3434
Facsimile (248) 851-4743
www.brllawyers.com

Ronald E. Reynolds
Joseph M. Rogowski, II
David H. Oermann, *Of Counsel*

David W. Berry (1948-2008)

July 23, 2012

City of Rochester Hills
Planning Commission
1000 Rochester Hills Dr.
Rochester Hills, MI 48309

Hand Delivered

Dear Commissioners:

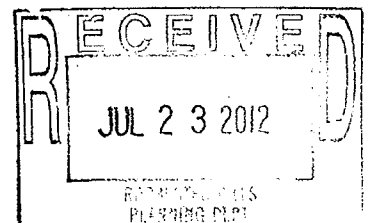
In conjunction with the rezoning applications filed by Rochester Auburn Associates LLC on parcels 15-34-227-031 and -037, I reviewed the Title Commitments on each property and ALTA surveys performed by two different engineering firms on the properties. The only deed restriction that was identified is the attached Restriction Agreement between certain Avoncroft subdivision land contract purchasers filed at Liber 18 Page 77. I note that the restrictions did not prevent the previous commercial development of a gas station and auto dealership on the subject properties.

I certify that there were no additional deed restrictions identified in the titlework or ALTA surveys reviewed. Please let me know if you have any questions.

Very truly yours,



Ronald E. Reynolds



Mary B. Adams et al

to

Avoncrofts Subdivision

19-15
Restriction Agreement
Dated September 20, 1926
Acknowledged May 8, 1928
Recorded May 9, 1928
Liber 18 Miscellaneous Records,
Page 77

We, the undersigned, owners or purchasers on land contract of pieces or parcels of land, situated in the Township of Avon, County of Oakland, State of Michigan, known and described as lots of Avoncrofts Subdivision of part of the Northeast 1/4 of Section 34, Town 3 North, Range 11 East, according to the plat thereof recorded in Liber 19 of Plats, on page 15 in the Office of the Register of Deeds of said Oakland County, do hereby mutually agree for ourselves, our respective heirs, executors, administrators, and assigns, that the equitable restriction as to building contained in the land contracts for the purchase of lots in the said subdivision, to wit:-

"It is further agreed that all lots shall be used for residence purposes only, which residence shall cost not less than \$2500. and shall not be set nearer than 50 feet to the front or lot line of said premises, shall be modified to read as follows:

"It is hereby agreed that all lots excepting lots 1-10, both inclusive, 25, 64, 65, and 66, fronting on the Rochester Road, shall be used for residence purposes only, which residence shall cost not less than -- Dollars and shall not be set nearer than 50 feet to the front or lot line of said premises, and that the above mentioned lots (1-10, 25, etc.) may be used for business purposes, provided that each building so erected shall have a front of brick, stone, or stucco, and shall cost not less than \$3000."

Signed and acknowledged by Claud Miers, Mrs. L. Grace Miers, Liptn C. Ladd (who acknowledged Liptn c. Ladd), Laura M. Ladd, Chester Classer, Stanley Ladd, Norma C. Hackett, Mrs. Marie Bechtel, Elger Bechtel, Mary B. Adams, E. A. Tucker, Mrs. Paul L. Moeser, Ray F. Myers, and Mrs. Ray F. Myers, Frank D. Shoup, Fohanna Aronld, and Paul L. Moeser

* * *

Any covenant, condition or restriction in this document indicating a preference, limitation or discrimination based on race, color, religion, sex, handicap, age, familial status or national origin is omitted as provided in 42 U.S.C. § 3607, unless and only to the extent that the restriction (a) is not in violation of state or federal law, (b) is exempt under 42 U.S.C. § 3607, or (c) relates to a handicap, but does not discriminate against handicapped people.