
CITY OF ROCHESTER HILLS

Assessing
Department

Kurt A. Dawson, Director

DATE: October 18, 2006

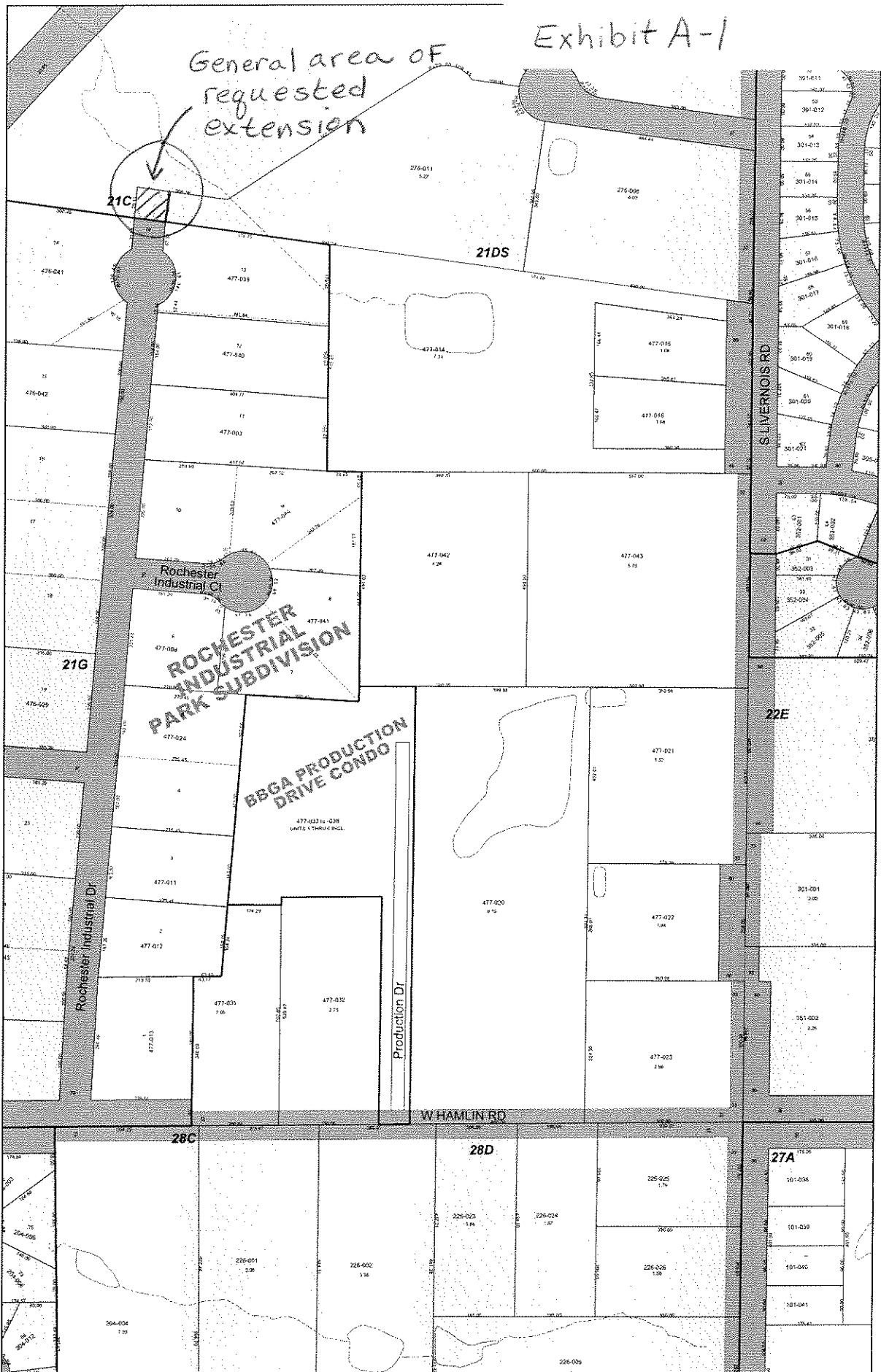
TO: City of Rochester Hills City Council

RE: Request for Rochester Industrial Dr
Extension

Chronological history:

- April 13, 2004 Application received from Eaton Corporation to divide southern portion of parcel #15-21-276-010. Approximately 9.62 acres.
- May 7, 2004 Applicant was notified that land division request was denied because the new parcel did not front any road
- June 4, 2004 Eaton Corporation (through their Attorney – Thompson Hine) sent a request to extend Rochester Industrial Dr.
Original request was not placed on Council Agenda for action, Council President and Staff determined that additional research was needed prior to placement on agenda.
- January/February
2006 Additional staff discussion regarding the subject Land Division
- May 12, 2006 Received “draft” letter from Eaton Corporation Attorney – Cameron Piggott to City Council requesting extension of Rochester Industrial Drive.
- June 21, 2006 Notified Attorney Piggott to forward his request to City Council
- July 2006 Additional staff discussion on subject land division request
- August 2006 Staff met to outline potential concerns, problems and resolutions
August 17, 2006 Letter sent to Attorney Piggott identifying issues and concerns.
- Sept. 8, 2006 Letter from Attorney Piggott responding to issues and concerns brought up in letter of Aug. 17, 2006.
- Sept. 13, 2006 Staff met with Attorney Piggott, representatives from Eaton Corp. and from Atwell Hicks Development Consultants. Finalized acceptable resolution to remaining issues and concerns.
- Sept. 22, 2006 Received a letter from Attorney Piggott outlining final resolution to all issues and concerns.

General area of requested extension



1 inch equals 200 Feet
 0 100 200 400 Feet

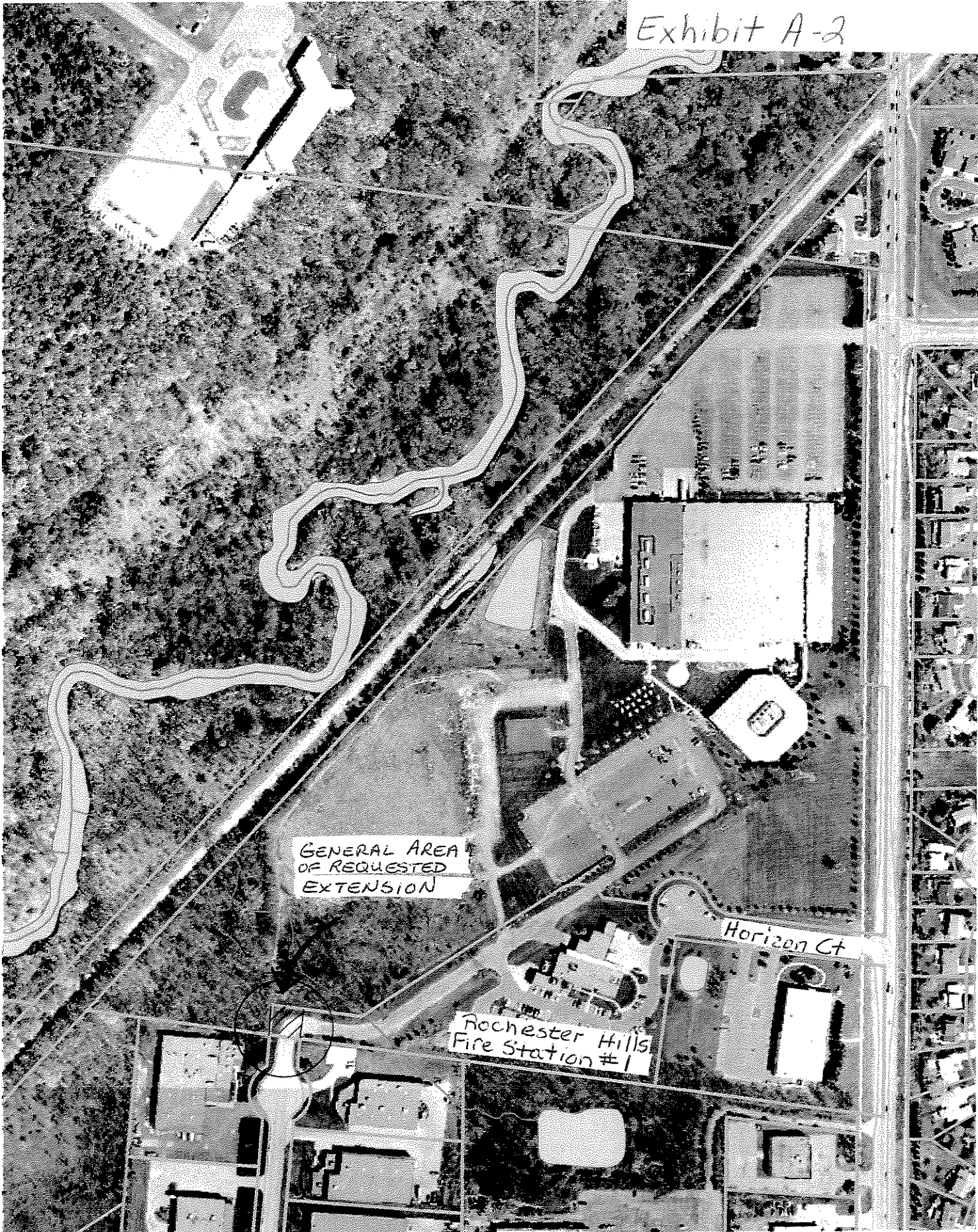
E Part of SE 1/4 of Sec. 21 - 21H

CH 16 ROCHESTER HILLS



February 9, 2005

Exhibit A-2



GENERAL AREA
OF REQUESTED
EXTENSION

Horizon Ct

Rochester Hills
Fire Station #1

Exhibit B

9.62 Acres

CERTIFICATE OF SURVEY PARCEL "A" & "B"

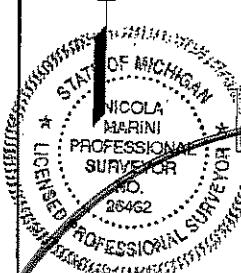
NOTE: THE BASE OF BEARINGS IS THE EAST SECTION LINE



GRAPHIC SCALE
1" = 300'

LEGEND

- ☒ IRON SET
- IRON FOUND
- SPRINKLER @ PROPERTY CORNER



EASEMENT FOR RAILROAD SPUR PURPOSES AND FOR INSTALLATION OF UTILITIES
L. 5818, P. 145

20' WIDE WATERMAIN EASEMENT
L.16579, P.144
L.16578, P.165

20' WIDE WATERMAIN EASEMENT
L.16579, P.144
L.16578, P.165

20' WIDE WATERMAIN EASEMENT
L.16579, P.128

IRON
0.53 NORTH
0.52 WEST

N.E. CORNER
SECTION 21
T.3N., R.11E.
(L.14992, P.082)

10' EASEMENT TO OAKLAND COUNTY
L.5483, P.35

DETROIT EDISON EASEMENT
L.7123, P.461

PARCEL "A"

RD No. 15-21-276-010

N 84°53'32" W
109.96'

L = 183.26'
R = 70.00'
DELTA = 150°00'00"
CH BEARING =
S 80°06'30" W
135.23'

INGRESS/EGRESS EASEMENT
L.10117, P.130

1527.57'

N 02°27'24" E

3172.16'

N 02°27'25" W

LIVERNOIS ROAD
(VARIABLE R.O.W.)

S 02°27'24" E

358.71'

N 84°53'32" W

353.90'

N 02°27'24" W

358.71'

EAST 1/4 CORNER
SECTION 21
T.3N., R.11E.
(L.14992, P.083)

S01°49'58" W
70.11'

N 84°53'32" W
420.50'

LOT 14

ROCHESTER INDUSTRIAL DRIVE

INGRESS/EGRESS EASEMENT
L.10117, P.130

LOT 13

S54°34'50" W
28.48'

S 54°34'50" W
514.25'

N 84°53'32" W
206.15'

P.O.B. PARCEL "B"

90' WIDE DETROIT EDISON EASEMENT
NO RECORD

INGRESS/EGRESS EASEMENT
L.10117, P.130

S 55°28'25" W
621.73'

S 35°28'25" E
621.73'

N 39°54'26" E
1067.23'

N 39°54'26" E
1284.08'

N 39°54'26" E
1284.08'

"ROCHESTER INDUSTRIAL PARK SUB"
L. 476, P. 11 & 12

I, NICOLA MARINI, a Registered Land Surveyor in the State of Michigan, certify that I have surveyed the parcel(s) of land herein described; that there are no encroachments except as shown; that the field error of closure is 1 part in 1770,000; and that I have complied with the survey requirements of Public Act 132 of 1970, as amended. The seller of this property is required to record this instrument of the time of sale.

Nicola Marini
NICOLA MARINI R.L.S. 28462
AGENT FOR PEA, INC.

PROFESSIONAL
ENGINEERING
ASSOCIATES
2430 Rochester Ct. Suite 100
Troy, MI 48063-1872
(248) 689-9090

CLIENT: ROTH & ASSOCIATES 554 EAST MAPLE S-200 TROY, MICHIGAN 48063	SCALE: 1" = 300'	JOB No: 2004-024
	DATE: 02-27-04	DWG. No: 3 of 4



Dykema Gossett PLLC
400 Renaissance Center
Detroit, Michigan 48243
WWW.DYKEMA.COM
Tel: (313) 568-6800
Fax: (313) 568-6701
Cameron H. Piggott
Direct Dial: (313) 568-6575
Email: CPIGGOTT@DYKEMA.COM
VIA E-MAIL

September 22, 2006

Ms. Laurie A. Taylor
Chief Appraiser
City of Rochester Hills
1000 Rochester Hills Drive
Rochester Hills, Michigan 48309

Re: Request for Extension of Rochester Industrial Drive

Dear Laurie:

Initially, I would like to thank you and the other City officials that were kind enough to meet with our client, Eaton Corporation, and me on Wednesday to close out any remaining issues pertaining to the above request. The discussion at that meeting was helpful in understanding the City's concerns in reaching agreement on how they may be addressed. As agreed at the conclusion of the meeting, I am writing to confirm the resolution of the issues pertaining to this request from an administrative perspective, although everyone recognizes that the approval of the City Council is still required.

1. Responsibility for Costs and for Permits. Eaton Corporation is willing to pay all costs associated with extending the road and understands that it will be required to obtain all applicable permits.
2. Access/Security Concerns. To eliminate the need for a separate gate, the 9.62 acre site will be developed without a secondary entrance onto the existing easement road. If the City requires a second entrance for safety, planning or other reasons, Eaton Corporation will install a gate for such secondary entrance and will provide City's police and fire department with a means to open that gate in the case of an emergency.
3. Existing Sewer Line. Eaton Corporation understands that it is the City's preference to have the existing sewer line dedicated as a public sewer if it is in good and operable condition. To this end, Eaton Corporation will have the sewer line "scoped" with a video camera to determine its existing condition, and will provide the opportunity for the City to review such condition. If the condition of the sewer line is acceptable to the City, Eaton Corporation will cause the sewer line to be dedicated to the City as a public sewer line, including granting an easement in favor of the City for such purpose. Eaton Corporation (or a subsequent owner) would then tap in off that sewer line to serve a new facility. If the condition of the sewer line is not acceptable for the City, Eaton Corporation will grant an easement in favor of Exhibit Enterprises to continue to use the existing sewer line as a private sewer line, and any new facility

Ms. Laurie A. Taylor
September 22, 2006
Page 2

on the 9.62 acre parcel would be served by tapping into the existing public sewer line in Rochester Industrial Court and extending a lead to the new facility.

4. Water Line. Eaton Corporation will dedicate the existing water line on the 9.62 acre parcel to the City as a public water line, including by granting an easement in favor of the City for such purpose.

5. Wetlands. Eaton Corporation has provided the City with a copy of its Wetland Determination Report from Atwell Hicks, Inc., and is filing a wetlands application and paying the \$1,000 deposit. It also has contacted Atwell Hicks, Inc. to verify that the wetland area is still flagged. If it is not still flagged, Atwell Hicks, Inc. will flag it again. It is our understanding that the City will have its wetlands consultant review the Wetland Determination Report and walk the property to confirm the location of the wetland. If the wetland is as indicated in the Report, it is clear that an access drive can be installed without impacting the wetland. If Eaton Corporation (or a subsequent owner) decides to install an access drive that crosses the wetland, it recognizes that it will be responsible for obtaining any state or municipal permits required for such activities. However, such a permit would not be a condition to the land division.


In terms of timing, it is Eaton Corporation's understanding that the road improvements to extend Rochester Industrial Court may be completed at any time following City Council approval. However, the road improvements do not have to be installed until development of the 9.62 acre parcel takes place so long as Eaton Corporation posts a bond or other security to ensure that the road is ultimately extended.

I hope that the foregoing accurately summarizes the results of our meeting. As we discussed I will send proposed resolutions under separate cover.

Please call if you have any questions or comments. Thank you again for all your cooperation. We look forward to bringing this to a successful resolution before the City Council.

Very truly yours,

DYKEMA GOSSETT PLLC


Cameron H. Piggott

CHP:akl

enc.

cc: Annette Kellogg
Kurt Beleck

DET02\235239.1
ID\CHP



Dykema Gossett PLLC
400 Renaissance Center
Detroit, Michigan 48243
WWW.DYKEMA.COM
Tel: (313) 568-6800
Fax: (313) 568-6701
Cameron H. Piggott
Direct Dial: (313) 568-6575
Email: CPIGGOTT@DYKEMA.COM
VIA E-MAIL

September 8, 2006

Ms. Laurie A. Taylor
Chief Appraiser
City of Rochester Hills
1000 Rochester Hills Drive
Rochester Hills, Michigan 48309

Re: Request for Extension of Rochester Industrial Drive

Dear Laurie:

Thank you for your letter of August 17, 2006, which raised several points pertaining to the request of our client, Eaton Corporation, for a short extension of Rochester Industrial Drive. The extension will allow the development of the 9.62 acre parcel identified in my letter of June 23, 2006. For ease of reference, I am attaching the drawing sent with that letter, which identifies the two parcels on the so-called Lectron Products property.

Eaton has authorized me to submit the following responses to these points, which are presented in the order of the points set forth in your letter:

1. Eaton understands that all costs of extending the road to serve the 9.62 acre parcel will be its responsibility. This includes responsibility for obtaining all applicable permits from the City and/or the Michigan Department of Environmental Quality.

2. As indicated in my letter of June 23, under the existing ingress/egress easement agreement the City is obligated to maintain the existing road easement in "first class condition". Hence, the security concerns raised in your letter regarding the Public Safety Complex are essentially inherent in the original arrangements. Notwithstanding this fact, Eaton is willing to waive any right to enforce this requirement to the extent of its interest in the 9.62 acre parcel. However, Exhibit Enterprises and perhaps other parties have rights under the easement agreement. Moreover, it may be appropriate to leave the existing road in place both to provide a secondary access to the 9.62 acre parcel and to provide the City's emergency vehicles with direct access to Rochester Industrial Drive. For these reasons, Eaton submits that the optimal solution is to install a gate on the east side of the existing road at the point it connects to the parking lot of the Public

Ms. Laurie A. Taylor
September 8, 2006
Page 2

Safety Complex. The gate would be controlled by the City. Eaton is willing to split the cost of installing this gate. If Eaton decides to use the existing road as a secondary access, it will install a separate gate on its own property at its own expense.

3. With respect to the sanitary sewer line, Eaton is willing to grant an easement to allow Exhibit Enterprises to continue to use the existing private sanitary sewer. Any building on the 9.62 acre parcel will be served by public sanitary sewer from Rochester Industrial Drive. Eaton understands that it (or an end user) will be responsible for the cost of extending the sewer.

4. With respect to the water line, Eaton is prepared to grant an appropriate easement to allow Exhibit Enterprises to continue to use the water line.

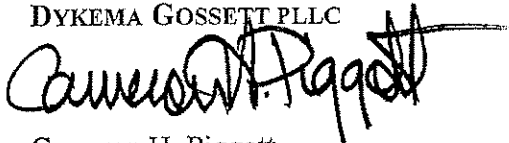
5. Attached to this letter is a drawing that shows a proposed building, including an access drive from Rochester Industrial Drive to the building. Under separate cover I will send a Wetland Determination Report from Eaton's consultant, Atwell Hicks, Inc., which defines the boundaries of the wetland. The wetland as so delineated is denoted on the drawing by the faint outline that lies immediately to the east of the driveway. The bottom line is that a driveway can be placed so as to avoid the wetland altogether. Hence, a project can be developed on the 9.62 acre parcel without obtaining a permit for crossing the wetland and the issuance of a wetlands permit should not be a condition to final approval of the road extension. This having been said, Eaton understands that crossing the wetland may make sense in order to straighten the driveway. If Eaton or an ultimate end user prefers to have a straighter driveway, Eaton recognizes that it will have to obtain a crossing permit.

I hope that the foregoing is responsive to the points raised by the various departments of the City. To expedite a final resolution of all issues, Eaton would like to schedule a meeting with the appropriate City representatives. Please advise as to the earliest practical time for such a meeting.

Thank you very much for your cooperation.

Very truly yours,

DYKEMA GOSSETT PLLC



Cameron H. Piggott

DyKEMA

Ms. Laurie A. Taylor
September 8, 2006
Page 3

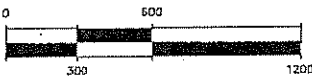
CHP:ak1
enc.

cc: Annette Kellogg
William Burlingame
Kurt Beleck

DET02\233905.1
ID\CHP

**CERTIFICATE OF SURVEY
PARCEL "A" & "B"**

NOTE: THE BASE OF BEARINGS IS THE EAST SECTION LINE



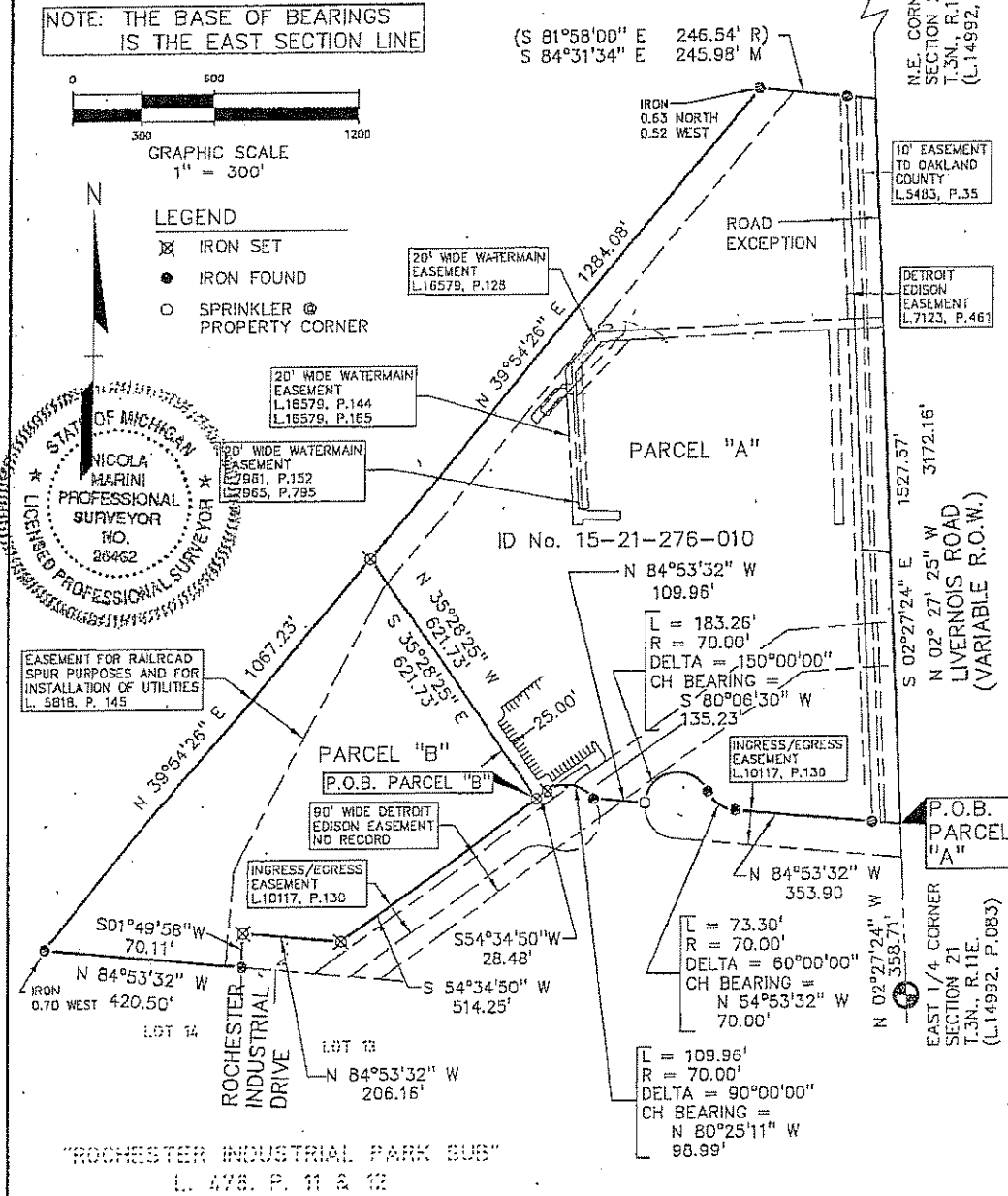
GRAPHIC SCALE
1" = 300'

LEGEND

- ⊗ IRON SET
- IRON FOUND
- SPRINKLER @ PROPERTY CORNER



EASEMENT FOR RAILROAD SPUR PURPOSES AND FOR INSTALLATION OF UTILITIES
L. 581B, P. 145



"ROCHESTER INDUSTRIAL PARK BUS"
L. 478, P. 11 & 12

I, NICOLA MARINI, a Registered Land Surveyor in the State of Michigan, certify that I have surveyed the parcel(s) of land hereon described; that there are no encroachments except as shown; that the field error of closure is 1 part in 1720,000; and that I have complied with the survey requirements of Public Act 132 of 1970, as amended. The seller of this property is required to record this instrument of the time of sale.

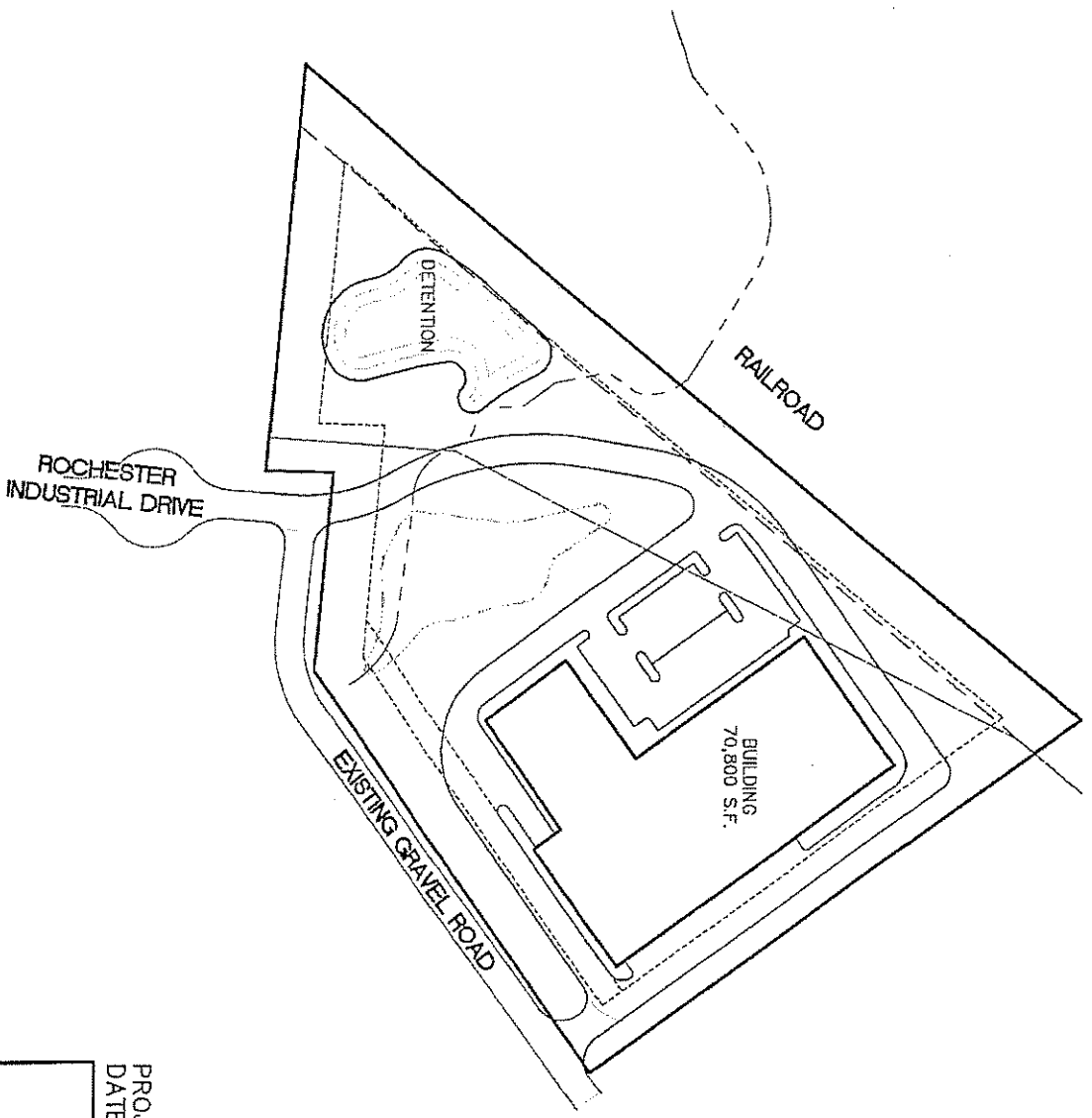
Nicola Marini
NICOLA MARINI R.L.S. 28462
AGENT FOR PEA, INC.

**PROFESSIONAL
ENGINEERING
ASSOCIATES**

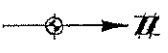
2430 Rochester Ct. Suite 100
Troy, MI 48063-1872
(248) 689-8080

CLIENT: ROTH & ASSOCIATES 564 EAST MAPLE S-200 TROY, MICHIGAN 48083	SCALE: 1" = 300'	JOB No: 2004-024
	DATE: 02-27-04	DWG. No: 3 of 4

CONCEPTUAL LAYOUT PLAN



DR: CHM
 CMB FILE: 05000746NS-CT-A



SCALE: 1" = 100'

SITE DATA:

GROSS AREA: 9.6 AC
 BUILDING: 70,800 S.F.

SETBACKS:

FRONT: 75' BUILDING
 FRONT: 50' PARKING
 SIDE: 50', 100' TOTAL
 REAR: 50'



PARKING:

REQUIRED: 71 SPACES
 PROVIDED: 86 SPACES

NOTES:

- 1) THIS PLAN HAS NOT BEEN SURVEYED.
- 2) IT WAS ASSUMED THAT THE RAILROAD SPUR EASEMENT COULD BE ABANDONED AND REDUCED TO THE ROW REQUIRED FOR THE ACTIVE RAIL LINE.
- 3) THE BUILDING IS CONCEPTUAL AND DOES NOT REFLECT A SPECIFIC FLOORPLAN.
- 4) THE PARKING REQUIREMENTS ARE BASED ON A 6,550 S.F. WAREHOUSE BUILDING.

PROJECT NO.: 05000746
 DATE: 9-07-2006

ATWELL-HICKS

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 MICHIGAN ILLINOIS OHIO FLORIDA

Bryan K. Barnett, Mayor

City Council Members: Erik Ambrozaitis Jim Duistermars Barbara L. Holder Greg Hooper Linda Raschke James Rosen Ravi Yalamanchi

**DEPARTMENT OF
ASSESSING**

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248.656.4605
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taylorl@rochesterhills.org

Homestead Exemption
& Property Transfer
Affidavit Forms

Boards of Review
*March, July &
December*

Land Divisions

House/Property
Information
Sales
Valuation Records

Economic Development
Corporation

August 17, 2006

Dykema Gossett PLLC
Att: Cameron Piggott
400 Renaissance Center
Detroit, MI 48243

Re: Request for Extension of Rochester Industrial Dr.

Dear Mr. Piggott:

Your request for extension of Rochester Industrial Drive was forwarded to the City of Rochester Hills City Council. During agenda review, the Council President referred your request back to staff to identify issues and concerns that need to be addressed.

Several staff members from all affected Departments met to discuss your extension request/land division and to compile a list of concerns and issues that may need to be addressed or agreed to as part of Council's acceptance. The task requested of staff was to identify issues that may affect the site's viability for development and any impacts with the City's Public Safety Complex. They are as follows:

If City Council were agreeable to extension of the road, the work would require the applicant to obtain construction plan approval, a right-of-way use permit, a land improvement permit and the road would have to be constructed and accepted. All costs associated would be the responsibility of your client.

The Public Safety Complex is located at the easterly end of an ingress/egress easement. The easement is located on City owned property. Because of increased security concerns, it is suggested that the access easement be eliminated.

Recommendation:

- a. Vacate the ingress/egress easement
- b. Eaton Corporation to escrow funds to be allocated for the installation of a remotely controlled security gate at the easterly boundary of the newly extended Rochester Industrial Drive, thereby allowing fire personnel the ability to respond via Rochester Industrial Drive while eliminating unauthorized access.

The existing 10" sanitary sewer that runs through in a northerly direction through the western side of the parent property is private and may not meet public sewer standards. For the division to occur, this private sewer must become public and meet public standards. A public sanitary sewer must serve Exhibit Enterprise to the north and the proposed southerly parcel.

Recommendation:

- a. Provide proof that the existing sewer system meets the public sewer standards. Provide verification via Camera that the existing sewer system is functional, of the correct minimum slope and free of blockages.
- b. A sewer main easement in acceptable recordable form must be provided to the City.

The existing 12" water main that runs through the western side of the parent property is not in an easement conveyed to the City of Rochester Hills.

City Hall
General Information
248.656.4600

Bryan K. Barnett
Mayor
248.656.4664

August 17, 2006
Dykema Gossett PLLC
Page 2

Recommendation:

- a. A water main easement in acceptable recordable form must be provided to the City.

To be able to develop the proposed southern parcel, it appears that a driveway would need to be constructed through the wetland. Sec. 122-28, Division or Partitioning of Land in part states, *"All resulting parcels shall be buildable sites, having sufficient upland area outside of wetlands, and required buffer, and floodplains to meet minimum structure setback, floor area, parking, sewage disposal, and accessory building and use requirements, unless prior to submitting the land division request a wetland or floodplain use permit is obtained allowing construction in the wetland, or required buffer, or floodplain"*

Recommendation:

- a. The applicant must provide field verification of the wetlands by a qualified wetland consultant or utilize ASTI, the City's Environmental Consultant. If you choose to utilize your own consultant the City will require ASTI to verify your consultant's work at your expense
- b. The applicant would need to provide evidence that a wetland use permit can be obtained from MDEQ and from the City of Rochester Hills if the wetland area is regulated.
- c. The applicant must demonstrate that there is sufficient upland area to support a buildable parcel, respective of setbacks for the I-1 Industrial District.

Please feel free to contact me if you have questions or want to discuss this matter.

Thank you,

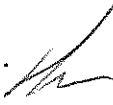


Laurie A. Taylor
Chief Appraiser

cc: Mayor Bryan Barnett
John Staran, City Attorney
Chief Ron Crowell
Kurt Dawson, Assessor
Roger Moore, City Surveyor
Ed Anzek, Director, Planning and Development

CITY OF ROCHESTER HILLS

Public
Services

Roger P. Moore, P.S.
Ext. 2496 

DATE: July 18, 2006

TO: Kurt Dawson, Assessing

RE: **Request for extension of
Rochester Industrial Drive
& Land Division Application
Parcel #15-21-276-010**

The Department of Public Services has reviewed Eaton Corporation's "Request for Extension of Rochester Industrial Drive".

According to the request letter from Mr. Cameron Piggott, the purpose for the extension is to provide suitable access to allow for the division of Parcel 15-21-276-010 into two parcels. Section 122-28, Division or Partitioning of Land (5) Access states, "*Every resultant parcel shall abut a public road, or, if there is no public road, there shall be a private road constructed and approved pursuant to section 122-31 prior to any division or partition.*"

The Department of Public Services previously reviewed the proposed division and recommended against the division, as the southern parcel would not have access to a public road. Issues that would need to be addressed prior to the Department of Public Services not objecting to the proposed division are listed as follows:

1. The 70-foot wide Rights-of-Way for Rochester Industrial Drive would need to be extended and the road improved to the City's industrial road standards. Thus, after constructing the road extension, the proposed northern parcel (Exhibit Enterprises Inc.) would have access off of Livernois Road, and the proposed southern parcel (vacant) would have public road frontage and access from the extension of Rochester Industrial Drive. This is the purpose of Eaton Corporation's request.

However, it is my understanding that the City is not obligated to permit this extension if the proposed southerly parcel is not desired by the City Council. If City Council is agreeable to extension of the road, the work would require the applicant to obtain construction plan approval, a right-of-way use permit, a land improvement permit, and the road would have to be constructed and accepted.

2. Approving the land division request will create an additional site for development and possible additional drives, resulting in increased traffic to the ingress and egress easement. Future development of the proposed southerly parcel could increase the amount of traffic on the private drive located on the ingress and egress easement across the Fire Station No. 1 property. It is suggested that an approval of the southerly parcel creation be conditioned upon limiting or eliminating access to the existing ingress/egress easement across the Fire Station No. 1 property.

3. The existing 10” sanitary sewer that runs through the western side of the parent property is private, and it does not appear to meet the public sewer standards. For the division to occur, a public sanitary sewer must serve the northerly Exhibit Enterprise property and proposed southerly parcel.
4. The existing 12” water main that runs through the western side of parent property is not in an easement conveyed to the City of Rochester Hills. Prior to the land division, water main easements in acceptable recordable form must be provided to the City for the existing water main on the parent parcel.
5. To be able to develop the proposed southern parcel, it appears that a driveway would need to be constructed through the wetland. The applicant would need to provide evidence that a wetland use permit can be obtained from MDEQ and from the City of Rochester Hills. Sec. 122-28, Division or Partitioning Of Land in part states, *“All resulting parcels shall be buildable sites, having sufficient upland area outside of wetlands, and required buffer, and floodplains to meet minimum structure setback, floor area, parking, sewage disposal, and accessory building and use requirements, unless prior to submitting the land division request a wetland or floodplain use permit is obtained allowing construction in the wetland, or required buffer, or floodplain.”*

RPM/jfd

c: Laurie Taylor, Assessing
Paul Davis, P.E., City Engineer
Ed Anzek, Director; Planning & Development
Chief Ron Crowell, Fire Department
File

CITY OF ROCHESTER HILLS

Fire
Department

DATE: July 19, 2006

TO: Kurt Dawson

RE: Extension of Rochester Industrial
Drive

Ronald D. Crowell, Fire Chief

This memo is in response to the request from Dykema Gossett, PLLC to split the Lectron/Eaton property at the north end of Rochester Industrial Drive. Listed below are concerns the Fire Department has:

The use of Horizon Court through the fire station lot to avoid the traffic signal at Livernois & Hamlin is not acceptable. The fire department parking lot is used for training purposes and cut-through traffic will affect fire department operations and jeopardize the safety of our firefighters.

The increased traffic on the access road to exit Enterprise off Rochester Industrial Drive will not only affect our response when responding out to Rochester Industrial Drive, but will also compromise the security of the fire station.

RDC/dlh

CITY OF ROCHESTER HILLS

Planning and
Development

ED ANZEK



DATE: July 13, 2006

TO: See Distribution List

RE: Ext. of Rochester Industrial Dr.

Distribution:

City Council
Mayor Barnett
Kurt Dawson, Assessing
Doug Walther, Assessing
Laurie Taylor, Assessing
Paul Davis, P.E. City Engineer
Roger Moore, P.L.S. City Surveyor
Chief Ron Crowell, Fire Department

In response to the Dykema Gossett, PLLC, request to split 9.62 acres of the Lectron/Eaton property and create frontage on a public road by extending Rochester Industrial Drive (under City ownership) I'll offer the following.

- The property is Master Land Use Planned for Light Industrial.
- The property is zoned I-1 Light Industrial.
- Setbacks: If Rochester Industrial would be extended that would determine the front yard. The front yard setback is 75 feet, side yard a minimum of 50 feet for one and a combined minimum of 100 feet. The rear yard setback is 50 feet as well.
- Because the lot is irregular in shape the actual side/rear yard configuration would be determined at time of concept review.
- No buffer requirements are required to the north, east, or south. To the west is the Clinton River Trail (100' width) and then the environmental lands around City Hall both owned by the City. The ordinance is not clear whether a Type "A" buffer is required. However, a type "A" calls for a 50 foot buffer that matches the setback. A modification may be in order given the natural growth along the trail plus the environmental area around City Hall.
- Others would determine availability of adequate infrastructure.
- The wetlands would need to be field verified by ASTI as the City's consultant.

To extend Rochester Industrial Drive the City would have to agree to sell or provide additional lands to extend the street and require those additional lands to be dedicated public right-of-way.

There are no known issues with development standards at this time other than wetlands that would hinder development of this site.

End of document

DyKEMA

Dykema Gossett PLLC
400 Renaissance Center
Detroit, Michigan 48243

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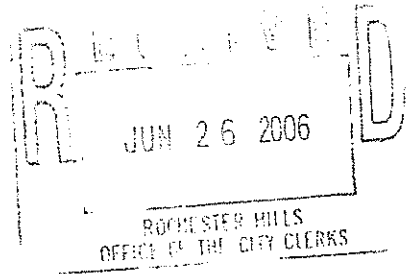
Cameron H. Piggott

Direct Dial: (313) 568-6575

Email: CPIGGOTT@DYKEMA.COM

**Via Facsimile and
Regular Mail**

June 23, 2006



City of Rochester Hills
City Council
1000 Rochester Hills Drive
Rochester Hills, Michigan 48309

Re: Request for Extension of Rochester Industrial Drive

Dear City Council:

This firm represents Eaton Corporation. We are writing to request that the City allow Eaton Corporation to extend Rochester Industrial Drive a very short distance so that Eaton Corporation may gain access to certain property retained by it. The history of this is as follows:

- The property in question is the so-called Lectron Products facility located on the west side of Livernois Road just south of Avon Road. At the present time this property consists of just under thirty six (36) acres. The main access is off of Livernois, but as noted below access also is available off of Rochester Industrial Drive (a public road).
- In late 2004 Eaton Corporation sold off a majority (approximately 26.36 acres) of this property. The portion sold abuts Livernois and includes the existing buildings and parking areas. However, Eaton Corporation retained rights to a 9.62 acre parcel of vacant land to the west and south of the 26.36 acre parcel. For your reference, we are enclosing a Certificate of Survey that shows the overall parcel and the 9.62 acre parcel, as well as a drawing by Atwell-Hicks, Inc. that depicts the 9.62 acre parcel and the location of Rochester Industrial Drive.
- These parcels are immediately north of the City's facilities on Livernois. In fact, the City purchased at least a part of its current property from Lectron Products in 1987. In connection with that purchase, Lectron Products reserved ingress and egress easements pursuant to an Easement Agreement dated as of September 8, 1987 and recorded in Liber 10117, Pages 130 *et seq.*, Oakland County Records. We understand that the City officials referred to below have copies of this Easement Agreement in their files.
- The Easement Agreement contemplated that access to the 36 acre parcel would be available from Rochester Industrial Drive via a private easement road that the City is obligated to maintain "in first class condition." There is an old road that
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*Council
C. Paul Skonieczka
Mayor*



City of Rochester Hills
City Council
June 23, 2006
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extends beyond Rochester Industrial and appears to get occasional use, but it is not in very good condition.

- In connection with the 2004 transaction, Eaton Corporation attempted to divide the 9.62 acre parcel from the 26.36 acre parcel under the City's Land Division Ordinance. Its original request was denied in May 2004 on the ground that the 9.62 acre parcel does not "abut" a public road. That request was handled by prior counsel for Eaton Corporation.
- Prior counsel also applied to the City Council in late 2004 for an extension of Rochester Industrial Drive to achieve access to the 9.62 acre parcel, but the request was withdrawn due to concerns about possible wetlands on a part of the 9.62 acre parcel.
- In the intervening time Eaton Corporation retained Atwell-Hicks, Inc. to perform a comprehensive wetlands survey of the 9.62 acre parcel. That survey makes clear that an access drive can be achieved off of Rochester Industrial Drive by either avoiding the wetland altogether or by obtaining a "minor" crossing permit from the Michigan Department of Environmental Quality.

Irrespective of the 1987 Easement Agreement, the current thinking is that the optimal access to the 9.62 acre parcel is to continue Rochester Industrial Drive in a northerly direction so that it dead ends into the 9.62 acre parcel. This represents an extension of approximately seventy (70') feet within the shaded area on the attached drawing from Atwell-Hicks. (The actual road would be the same width as Rochester Industrial Drive). We submit that this is preferable to both Eaton Corporation and the City from a number of perspectives:

1. The 9.62 acre parcel is currently vacant. Without appropriate access, this parcel can't be improved and can't provide any significant amount of tax revenues, jobs or development opportunities for the City.
2. This extension provides a direct, convenient and safe means of access to the 9.62 acre parcel. The access route contemplated by the 1987 Easement Agreement was somewhat circuitous.
3. The City already owns the property that is necessary for this extension. This property also is subject to the 1987 Easement Agreement.
4. Eaton Corporation will agree to pay all costs associated with extending Rochester Industrial Drive to the property line of the 9.62 acre parcel. All that is being

DyKEMA

City of Rochester Hills
City Council
June 23, 2006
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requested by the City is to dedicate and accept the underlying property and the road improvements as public roads.

5. As noted above, under the 1987 Easement Agreement the City has an obligation to maintain the access road referred to in that Agreement. Granting this request would obviate the necessity for the City to construct or maintain that access road as a means of serving the 9.62 acre parcel.

6. If the City improves the access road under the 1987 Easement Agreement, members of the public will be more likely to use that road as a means of getting to Livernois by cutting through the City's parking lot. It is our understanding that the City does not want members of the public cutting through its parking lot.

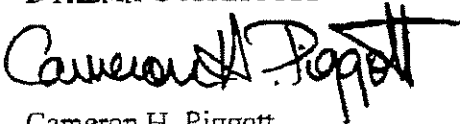
In short, this request will put a parcel of land to productive use and create additional jobs and property tax revenues at no cost to the City. It also will allow Eaton Corporation to sell the 9.62 acre parcel to a third party upon approval of the land division.

Needless to say, Eaton Corporation would be happy to discuss this matter further with appropriate City officials. We already have met with representatives from the Assessment Department, the Planning Department and the Engineering Department, and it is our understanding that they are receptive to this request.

Please contact us if you require any additional information or have any other questions. Your consideration of the foregoing is appreciated.

Very truly yours,

DYKEMA GOSSETT PLLC



Cameron H. Piggott

Cc: Ms. Annette Kellogg
Mr. Kurt Beleck

DET02\226092.3
ID\CHP

June 4, 2004

VIA OVERNIGHT DELIVERY

City of Rochester Hills
City Council
1000 Rochester Hills Drive
Rochester Hills, MI 48309

Re: Request for Council Action Relative to Extension of Rochester Industrial Drive

Ladies and Gentlemen:

I am writing you on behalf of Eaton Corporation, which recently attempted to obtain approval for a land division of its Rochester Hills, Michigan property into two separate tracts. The Land Division was denied on the basis that the proposed "new" lot did not abut a public road. A copy of the letter of denial ("Denial") from Mr. Walther's office is attached.

As you are probably aware, the Eaton Corporation's property is commonly referred to as the Lectron Products facility, and is located on the West side of Livernois Road, just South of Avon Road. Primary access to the facility is off Livernois, but there is also secondary access to the facility on a private drive that runs north from the termination of Rochester Industrial Drive at its cul-de-sac. Use of that private drive is established by ingress/egress easement, over property which is owned by the City of Rochester Hills. Rochester Hills employees are the primary users of the private drive, since it serves as access to the rear/employee parking lot of the Rochester Hills public service building adjacent to the Eaton properties.

Eaton applied for the Land Division in connection with its sale of the main part of the facility to an affiliate of Exhibit Enterprises. Exhibit Enterprises is purchasing the main buildings and parking areas which are located on approximately 26 acres, but has not purchased what the survey refers to as "Parcel B" which is a vacant parcel consisting of approximately 10 acres.

Our understanding is that Parcel B meets all requirements for existence as a free-standing lot, with the exception that it does not "abut a public road" as may be required by the Rochester Hills Ordinances. When you review the survey of the site, you will see that the property line of Parcel is shown with a bold line, and in fact, it only touches Rochester Industrial Drive at one point. If an extension of Rochester Industrial Drive were to occur on the City owned property along the path of the existing private drive for a short distance, then we understand that the frontage requirement would be satisfied, thus permitting the Land Division Application to be approved; Parcel B to exist as a free-standing lot; and, among other things, the transaction between Eaton Corporation and the affiliate of Exhibit Enterprises to be concluded.

Dave.Salisbury@ThompsonHine.com Phone 216.566.5507 Fax 216.566.5800

skc 10994705.1

June 4, 2004

Page 2

Dedication of such an extension should not involve an expenditure by the City, in that the dedication is over land already owned by the City and any improvement of the existing private drive would not be expected to be funded with public funds.

We would appreciate your consideration of this request, as we believe that this is the simplest, most cost-effective solution. We look forward to working with you and the Administration to address this, and thank you in advance for your cooperation.

Sincerely yours,



David W. Salisbury

Cc: Hon. Pat Somerville, Mayor
Douglas G. Walther, Deputy Director Assessing Dept.
Denise M. Ritossa, Eaton Corporation
Sarah Clarkson, Counsel for Exhibit Enterprises

City of ROCHESTER HILLS

1000 Rochester Hills Drive, Rochester Hills, Michigan 48309-3033

Pat Somerville, Mayor

City Council Members: Bryan K. Barnett John Dalton Jim Duisternars Melinda Hill Barbara L. Holder Linda Raschke Gerald Robbins

DEPARTMENT OF ASSESSING

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Director
248.841.2416
dawsonk@rochesterhills.org

Douglas G. Walther
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248.841.2415
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Homestead Exemption
& Property Transfer
Affidavit Forms

Boards of Review
March, July &
December

Land Divisions

House/Property
Information
Sales
Valuation Records

Economic Development
Corporation

City Hall
General Information
248.656.4600

Pat Somerville
Mayor
248.656.4664

May 7, 2004

Eaton Corporation
Attn.: Ms. Denise M. Ritossa
1111 Superior Ave.
Cleveland, OH 44114

Re: Land Division
Parcel # 15-21-276-010

Dear Ms. Ritossa:

The City of Rochester Hills has reviewed your Land Division Application for the above referenced parcel and it has been **DENIED**.

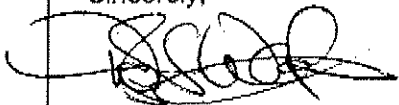
The reasons for denial are:

- 1. Proposed parcel A has access to Livernois Road with an existing 120' road right-of-way. Proposed parcel B does not front on any road, per City of Rochester Hills Ordinance Article II, Section 122-28 b (5) "Every resultant parcel shall abut a public road, or, if there is no public road, there shall be a private road constructed and approved pursuant to Section 122-31 prior to any division or partition."**

Details for denial are outlined on the attached memorandum dated April 19, 2004 from the Department of Public Services. Please review the comments made by this department.

If you have any further questions in regard to the land division application, please call me at (248) 656-4605.

Sincerely,



Douglas G. Walther, Deputy Director
Assessing Department

DGW/laf

Enclosures: Review comments from DPS/Engineering Services

c: Karen Grant Building Department
Roger Moore, DPS/Eng
File: denyltr.doc

D.M. RITOSSA
MAY 13 2004
RECEIVED

CITY OF ROCHESTER HILLS

Public
Services

Roger P. Moore, P.S. *RPM*
Ext. 2496

DATE: April 19, 2004

TO: Doug Walther, Assessing

RE: Land Division Application
Parcel #15-21-276-010

The Department of Public Services has reviewed the Land Division Application for the above referenced parcel and offers the following comments:

1. There are structures on proposed parcel A, whether they will remain has not been indicated on the survey. .
2. An on-site 12" water main currently exists on both the proposed parcels. A public water system is available to proposed parcel A, the 16" water main is located on the east side of Livernois Road.
3. A 10" on-site sanitary sewer system is available to both proposed parcels. A public sanitary sewer is available to proposed parcel A, the 8" sanitary sewer is located on the west side of Livernois Road.
4. Water and sanitary sewer currently run through the middle of proposed parcel B. Proof of acceptance and conveyance of water and sanitary sewer must be shown before connection permits can be issued for proposed parcel B.
5. On-site storm sewer is available to proposed parcel A for site drainage purposes. Surface drainage for proposed parcel B appears to flow to the Clinton River.
6. It appears proposed parcel B may contain some wetland area, however, there does appear to be sufficient upland buildable area.
7. Proposed parcel A has access to Livernois Road with an existing 120' road right-of-way. Proposed parcel B does not front on any road, per City of Rochester Hills Ordinance Article II, Section 122-28 b (5) *"Every resultant parcel shall abut a public road, or, if there is no public road, there shall be a private road constructed and approved pursuant to Section 122-31 prior to any division or partition."*

Based on our review and the comments above, DPS/Engineering does not recommend approval of the proposed division. Once a road is constructed by City of Rochester Hills standards, DPS/Engineering would have no objection to the division.

RPM/mpr/sdm

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