

May 31, 2007

To our Rochester Hills City Council Members:

I have asked that the attached document be included in your packet for the meeting that will address the Steep Slope Issue.

Twenty-seven (27) years ago, an agreement was made between Heartpeace Hills Subdivision and the Erb Lumber Company that the area, now recognized as a Steep Slope area, be left AS IS. In turn, the neighbors adjacent to this Steep Slope area would not stand in the way of the rezoning from Single-Family to Cluster.

Attached is a copy of this agreement.

Lynn Rizzo
1360 New Life Lane
Rochester Hills, MI 48309

DECLARATION OF
COVENANTS, CONDITIONS, LIMITATIONS AND RESTRICTIONS

WHEREAS, EVA Associates, a Michigan Co-Partnership, is the owner of a certain parcel of land located in the Township of Avon, Oakland County, Michigan, more fully described on Exhibit "A" attached hereto and made a binding part hereof by reference; and

WHEREAS, a portion of said property is zoned for multiple family development and other portions thereof are zoned for single family residential development; and,

WHEREAS, EVA Associates has petitioned the Township of Avon to rezone the single family portions, consisting of 6.28 acres and 4.60 acres, to multiple family development for purposes of constructing a condominium project (File No. 80-149); and,

WHEREAS, EVA Associates desires to provide a proper transition and buffer zone between the existing Heartpeace Hills single family subdivision, lots 2 through 5, adjacent to the subject property and the proposed multiple family condominium development; and,

NOW, THEREFORE, in order to permanently and for all time achieve said proper transition and buffer between the existing Heartpeace Hills single family residential subdivision and the proposed multiple family condominium project, EVA Associates hereby declares the following covenants, conditions, limitations and restrictions to run with all of the aforesaid land described on Exhibit "A" and to be binding upon the owner herein and all other persons and parties claiming through the owner herein and for the benefit of and limitation upon all future owners of said land and premises, as follows:

1. The immediate area of the multiple family condominium development adjacent to Heartpeace Hills subdivision shall be completed substantially in accordance with the site plan revised December 12, 1979, subject to alteration imposed by Avon Township upon request for site plan approval.
2. No portion of any of the proposed multiple family condominium units shall be constructed nearer than 100 feet from the adjacent Heartpeace Hills single family residential subdivision rear property lines.
3. The topography of the subject land immediately adjoining Heartpeace Hills subdivision will be maintained to the extent reasonably possible.

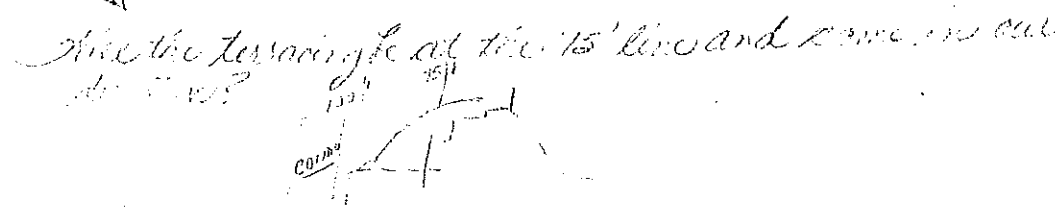
Necessary adjustments in the grade thereof to effect storm water drainage will be accomplished by the construction of retaining walls wherever practical.

Such adjustments will be at least 75 feet from the Heartpeace Hills rear property line.

4. The existing greenbelt of trees (of at least 6" diameter) on the subject area immediately adjoining Heartpeace Hills subdivision will not be altered within 75 feet of the Heartpeace Hills rear property line.

*was the site plan
done at the
time of the
development*

*there are not 6" in
diameter trees -
therefore, they can
take it all.*



The Declaration of Covenants, Conditions, Limitations and Restrictions
on this _____ day of September, 1980.

WITNESSES:

EVA ASSOCIATES, a Michigan
Co-Partnership

By: _____

John A. Theisen, Sr. Vice-Pres.
Erb Lumber Co.
a Partner

STATE OF MICHIGAN)
)SS
COUNTY OF OAKLAND)

On this _____ day of September, 1980, before me a Notary Public
in and for the State of Michigan and County of Oakland personally appeared John A.
Theisen, Sr. Vice-Pres. of Erb Lumber Co., a Partner of EVA Associates, a
Michigan Co-Partnership, who made oath that it is a Partner of said Partnership
and that said instrument was signed on behalf of said partnership by authority of
its partnership agreement; and the said John A. Theisen acknowledged the said
instrument to be the free act and deed of said partnership.

Notary Public
Oakland County, Michigan
My commission expires:

DRAFTED BY: James A. Williams, Attorney
525 Woodward Avenue, Suite 1200
Bloomfield Hills, MI. 48013
(313) 642-0333

After Recording Return To:

EVA Associates
P. O. Box 439
Birmingham, MI. 48012