

ORDINANCE NO.

AN ORDINANCE TO AMEND CHAPTER 138, ZONING, OF THE CODE OF ORDINANCES OF THE CITY OF ROCHESTER HILLS, OAKLAND COUNTY, MICHIGAN, TO REZONE THE PROPERTY DESCRIBED HEREIN FROM ORT (OFFICE, RESEARCH, TECHNOLOGY) TO B-2 (GENERAL BUSINESS) AND TO PRESCRIBE PENALTIES FOR THE VIOLATION THEREOF. (12.4 acres)

THE CITY OF ROCHESTER HILLS ORDAINS:

Section 1. The zoning classification of the following described property shall be amended as follows:

12.4 acres zoned **from** ORT (OFFICE, RESEARCH, TECHNOLOGY) **to** B-2 (General Business)

SITE DESCRIPTION:

Legal Description for Land in the City of Rochester Hills, Oakland County, Michigan, described as:

Parcel A: A PARCEL OF LAND IN THE NORTHWEST ¼ OF SECTION 11, TOWN 3 NORTH, RANGE 11 EAST, CITY OF ROCHESTER HILLS, OAKLAND COUNTY, MICHIGAN, DESCRIBED AS: COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 11; THENCE EAST 150.00 FEET ALONG THE NORTH LINE OF SAID SECTION 11 AND ALONG THE CENTERLINE OF TIENKEN ROAD (VARIABLE WIDTH) FOR A PLACE OF BEGINNING; THENCE CONTINUING EAST 505.93 FEET ALONG SAID NORTH LINE AND ALONG SAID CENTERLINE; THENCE SOUTH 327.25 FEET; THENCE NORTH 89 DEGREES 40 MINUTES 00 SECONDS WEST 596.49 FEET; THENCE NORTH 00 DEGREES 05 MINUTES 51 SECONDS EAST 174.11 FEET; THENCE NORTH 31 DEGREES 05 MINUTES 32 SECONDS EAST 174.78 FEET TO THE NORTH LINE OF SAID SECTION 11 AND THE SAID CENTERLINE OF TIENKEN ROAD AND TO THE PLACE OF BEGINNING CONTAINING 4.30 ACRES OF LAND, MORE OR LESS, SUBJECT TO EASEMENTS, EXCEPTIONS, CONDITIONS AND REQUIREMENTS, IF ANY.

Parcel B: A PARCEL OF LAND IN THE NORTHWEST ¼ OF SECTION 11, TOWN 3 NORTH, RANGE 11 EAST, CITY OF ROCHESTER HILLS, OAKLAND COUNTY, MICHIGAN, DESCRIBED AS: COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 11 AND ALONG THE CENTERLINE OF TIENKEN ROAD (VARIABLE WIDTH) FOR A PLACE OF BEGINNING; THENCE CONTINUING EAST 203.57 FEET ALONG SAID NORTH LINE AND ALONG SAID CENTERLINE TO THE NORTHWEST CORNER OF "JUNCTION LAND COMPANY'S SUBDIVISION" AS RECORDED IN LIBER 22, PAGE 28, OAKLAND COUNTY RECORDS; THENCE SOUTH 328.43 FEET ALONG THE WEST LINE OF SAID SUBDIVISION; THENCE NORTH 89 DEGREES 40 MINUTES 00 SECONDS WEST 203.59 FEET; THENCE NORTH 327.25 FEET TO THE NORTH LINE

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OF SAID SECTION 11 AND THE SAID CENTERLINE OF TIENKEN ROAD AND TO THE PLACE OF BEGINNING, CONTAINING 1.53 ACRES OF LAND, MORE OR LESS, SUBJECT TO EASEMENTS, EXCEPTIONS, CONDITIONS AND REQUIREMENTS, IF ANY.

Parcel C: A PARCEL OF LAND IN THE NORTHWEST ¼ OF SECTION 11, TOWN 3 NORTH, RANGE 11 EAST, CITY OF ROCHESTER HILLS, OAKLAND COUNTY, MICHIGAN, DESCRIBED AS: COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 11; THENCE EAST 859.50 FEET ALONG THE NORTH LINE OF SAID SECTION 11 AND ALONG THE CENTERLINE OF TIENKEN ROAD (VARIABLE WIDTH) TO THE NORTHWEST CORNER OF "JUNCTION LAND COMPANY'S SUBDIVISION" AS RECORDED IN LIBER 22, PAGE 28, OAKLAND COUNTY RECORDS; THENCE SOUTH 328.43 FEET ALONG THE WEST LINE OF SAID SUBDIVISION FOR A PLACE OF BEGINNING, THENCE CONTINUING SOUTH 320.49 FEET ALONG THE WEST LINE OF SAID SUBDIVISION; THENCE SOUTH 89 DEGREES 55 MINUTES 43 SECONDS WEST 864.641 FEET TO THE WEST LINE OF SECTION 11; THENCE NORTH 00 DEGREES 27 MINUTES 00 SECONDS EAST 397.99 FEET ALONG SAID WEST LINE; THENCE NORTH 31 DEGREES 05 MINUTES 32 SECONDS EAST 119.53 FEET; THENCE SOUTH 00 DEGREES 05 MINUTES 51 SECONDS WEST 174.11 FEET; THENCE SOUTH 89 DEGREES 40 MINUTES 00 SECONDS EAST 800.06 FEET TO THE NORTH LINE OF SAID SECTION 11 AND THE SAID CENTERLINE OF TIENKEN ROAD AND TO THE PLACE OF BEGINNING, CONTAINING 6.59 ACRES OF LAND, MORE OR LESS, SUBJECT TO EASEMENTS, EXCEPTIONS CONDITIONS AND REQUIREMENTS, IF ANY.

Commonly known as: Southeast Corner of Rochester and Tienken Roads.
Parcel Identification Nos. 15-11-101-027, 15-11-101-029 and 15-11-101-030

Section 2. **Section 3.01.** Boundaries, and the Zoning Map attached to the Zoning Ordinance, shall be amended to depict the amendment to the zoning classification for the property described herein from ORT (Office, Research, Technology) to B-2 (General Business).

Section 3. **Severability.** This Ordinance and each article, section, subsection, paragraph, part provision, sentence, word and any portion thereof are hereby declared to be severable, and if they or any of them are declared to be invalid or unenforceable for any reason by a court of competent jurisdiction, it is hereby provided that the remainder of this Ordinance shall not be affected thereby.

Section 4. **Penalty.** All violations of this ordinance shall be municipal civil infractions and upon a determination of responsibility therefor shall be punishable by a civil fine of not more than \$500.

Section 5. **Repeal, Effective Date and Adoption.**

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- (1) Repeal. All regulatory provisions contained in other City ordinances which are inconsistent with the provisions of this ordinance, are hereby repealed.
- (2) Effective Date. This ordinance shall become effective on Friday, March 12, 2004, the day following its publication in the *Clarion-Eccentric* on Thursday, March 11, 2004.
- (3) Adoption. This Ordinance was adopted by the City Council of the City of Rochester Hills at a meeting thereof held on February 18, 2004.

Pat Somerville, Mayor

CERTIFICATE

I hereby certify that the foregoing Ordinance was adopted by the City Council of the City of Rochester Hills at a meeting thereof held on February 18, 2004.

Beverly A. Jasinski, City Clerk

Accepted for First Reading: 02/11/04