

## GREEN SPACE PROPERTY DONATION AGREEMENT

This **GREEN SPACE PROPERTY DONATION AGREEMENT** (“*Agreement*”) is made and entered into on \_\_\_\_\_, 2018, by and between **MOLLIE L. MEYER**, as Trustee of the Mollie L. Meyer Living Trust u/a/d 08/07/2012, as amended and including all subsequent amendments, whose address is 3514 South Livernois Road, Rochester Hills, Michigan 48307 (“*Donor*”) and **THE CITY OF ROCHESTER HILLS**, whose address is 1000 Rochester Drive, Rochester Hills, Michigan 48309 (“*City*”, and Donor and City collectively, the “*Parties*”, and individually, each a “*Party*”)

**WHEREAS**, Donor owns an approximately 6.84 acre parcel of real estate located in the City of Rochester Hills, County of Oakland, State of Michigan more particularly described on *Exhibit A* and depicted on *Exhibit D-1* (the “*Vacant Property*”);

**WHEREAS**, Donor owns an approximately 1.6 acre parcel of real estate located in the City of Rochester Hills, County of Oakland, State of Michigan more particularly described on *Exhibit B* and depicted on *Exhibit D-1* (the “*Current Homestead Property*”);

**WHEREAS**, City owns an approximately 9.12 acre parcel of real estate located in the City of Rochester Hills, County of Oakland, State of Michigan more particularly described on *Exhibit C* and depicted on *Exhibit D-1* (the “*City Property*”);

**WHEREAS**, Donor desires to donate and dedicate the Donation Property (as defined herein) to the City, and the City gratefully desires to accept ownership of and maintenance responsibility for the Donation Property (as defined herein) on the terms and conditions set forth herein.

**THEREFORE**, in consideration of the mutual promises and covenants herein contained, the Parties agree as follows:

1. **DONATION AND DELIVERY OF DONATION PROPERTY.** Subject to the terms hereof, Donor agrees to donate and transfer, and City agrees to accept, ownership of the Donation Property. Possession of the Donation Property shall be delivered to City at closing.
2. **PARCEL RECOMBINATION.** At closing, City and Donor shall cause a parcel combination and split (the “*Recombination*”) of the Vacant Property, Current Homestead Property, and City Property to occur such that (i) the Donor shall own a property constituting (a) that certain portion of the Vacant Property more particularly depicted and described as *Parcel “B”* on *Exhibit D-9* and *Exhibit D-10* (b) all of the Current Homestead Property, which combined property is depicted and described as *Parcel “2”* on *Exhibit D-2*, *Exhibit D-11*, and *Exhibit D-13* (the “*New Homestead Property*”) and (ii) the City shall own a property constituting that certain portion of the Vacant Property not within the New Homestead Property more particularly depicted and described as *Parcel “A”* on *Exhibit D-9* and *Exhibit D-10* (the “*Donation Property*”) and all of the City Property, which combined property is more particularly depicted and described as *Parcel “1”* on *Exhibit D-2*, *Exhibit D-12*, and *Exhibit D-13* (the “*Green Space Property*”).
3. **CONVEYANCE OF DONATION PROPERTY.** To effect the Recombination, an estate in land to the Donation Property shall be conveyed at closing by quit claim deed (the “*Deed*”). At closing, the Deed shall convey to Grantor fee simple subject to a special limitation (fee simple determinable) such that the estate vested in the City to the Donation Property as contemplated under this Agreement shall exist *so long as* the Green Space Property is used for the purposes set forth in Section 10, and when the Green Space Property is no longer so used and not so restored to such use within thirty (30) days of City’s receipt

of notice thereof, the Donation Property shall revert to Donor. The grant of the Donation Property shall be subject to real estate taxes not then delinquent, and covenants, conditions, restrictions, easements, and rights-of-way of record. The Deed shall include a restrictive covenant acceptable to Donor in her sole discretion binding the City and all future owners of the Property to the use set forth in Section 9 herein in perpetuity.

4. **TITLE AND SURVEY** As of the date hereof, City has not examined the title to Donation Property. If an examination of the title to the Donation Property discloses any title defects or conditions which, in City's judgment, may interfere with City's intended ownership and use of the Donation Property, then, prior to closing, City shall provide written notice thereof to Donor. In such event, if Donor is unable or unwilling to remedy any such title defects or other conditions, then City, at its election, may either accept ownership of the Donation Property subject to the title defect or condition or may terminate this Agreement without further liability to either Party.

Prior to closing, City shall, at its expense, obtain a boundary survey of the Green Space Property and all properties appurtenant thereto owned by Donor.

5. **PROPERTY TAXES AND ASSESSMENTS**. Donor shall pay all property taxes, special assessments and utility and capital charges that have become a lien on the Green Space Property. Current taxes shall be prorated to the date of the closing, on a due date basis. The parties assume there will be no transfer taxes based on the charitable nature of the transaction as a donation and the fact that City is tax exempt; provided, however, that if any transfer taxes are due and payable then the City shall be responsible for the payment of such transfer taxes at Closing.

6. **CLOSING DATE**. Closing shall occur on or before \_\_\_\_\_, 2018 at a location to be mutually agreed by Donor and City.

7. **SUCCESSORS AND ASSIGNS**. This Agreement shall inure to the benefit of and be binding on the parties hereto and their respective successors and assigns; provided, however, that City shall not have the right, without the consent of Donor, to assign this Agreement.

8. **NOTICES**. All notices shall be in writing and shall be deemed given when such notices are hand delivered or deposited in a U.S. Mail receptacle addressed to the receiving Party with postage prepaid at the following addresses (which may be changed by either Party by written notice delivered to the other):

If intended for **Donor**:

Ms. Mollie Meyer  
3514 South Livernois Road  
Rochester Hills, MI 48307

With a copy to:

John P. Gonway, Esq.  
Dickinson Wright PLLC  
2600 West Big Beaver Road, Suite 300  
Troy, Michigan 48084

If intended for **City**:

Mayor Bryan K. Barnett  
City of Rochester Hills  
1000 Rochester Hills Drive  
Rochester Hills, MI 48309

9. **GREEN SPACE PROPERTY RESTRICTIONS.** As an integral component of this transaction, the use of the Green Space Property shall be restricted in perpetuity to the following purpose:

Use of the Green Space Property by City shall be consistent with and limited to the purpose and permissible uses of the Green Space Millage Proposal approved by the Rochester Hills electorate on September 13, 2005, and revised with approval of the electorate on November 5, 2013, restated herein as follows:

Said real property and its natural features shall be permanently preserved, protected and maintained by the City as public Green Space. City shall maintain the Green Space Property in its primarily natural state. There shall be no permanent sports or recreation fields, courses, grids, diamonds or pools established or built upon said Green Space. For the sake of specificity rather than restriction, City may establish trails to and within said Green Space. One or more benches may be placed on the Green Space. Methods of ingress and egress as well as reasonable parking facilities (provided such parking facilities shall be constructed with gravel, crushed stone, or other pervious aggregate and not asphalt, concrete, or other impervious material) and signage (for identification, wayfinding, and safety purposes) may be installed on the Green Space.

10. **POST-CLOSING COOPERATION.** The Parties agree that the Recombination, the Donor's donation of the Donation Property, and the ongoing preservation and maintenance of the Green Space Property by City is a benefit to the Donor and to the City and its residents. Therefore, Donor and City hereby agree to reasonably cooperate with each other post-closing for the purpose of preservation and maintenance of the Green Space Property.

11. **DEFAULT.** In the event City fails to perform its obligations in accordance with the terms of this Agreement, Donor shall provide City with a written notice describing the nature of the default. Upon receipt of the written notice, City shall have thirty (30) days to cure such default.

12. **MISCELLANEOUS PROVISIONS.** The foregoing Agreement contains the entire understanding between Donor and City relative to the subject matter hereof and no oral representations heretofore made by any Party to the others shall be binding upon either of them. The agreements and representations made herein shall survive the closing and shall not be merged in the closing. This Agreement shall be binding upon and inure to the benefit of the parties, their respective heirs, successors and permitted assigns. This Agreement shall be governed by Michigan law.

13. **CHARITABLE GIFT.** The Donation Property is being donated by Donor to the City as a charitable gift. The City intends to use the Green Space Property exclusively for public purposes within the meaning of Internal Revenue Code Sec. 170(c)(1) and as set forth particularly herein.

[SIGNATURE PAGES FOLLOW]

**IN WITNESS WHEREOF**, Donor has executed and delivered this Agreement on the day and year first above written.

**DONOR:**

\_\_\_\_\_  
Mollie L. Meyer,  
as Trustee of the Mollie L. Meyer Living Trust  
u/a/d 08/07/2012, as amended and including  
all subsequent amendments

Date: \_\_\_\_\_, 2018

STATE OF MICHIGAN        )  
  )  
COUNTY OF OAKLAND     )

The foregoing was acknowledged before me on \_\_\_\_\_, 2018, by Mollie Meyer, as Trustee of the Mollie L. Meyer Living Trust u/a/d 08/07/2012, as amended and including all subsequent amendments.

\_\_\_\_\_  
Notary Public,  
\_\_\_\_\_ County, Michigan  
Acting in \_\_\_\_\_ County, Michigan  
My Commission Expires:

**IN WITNESS WHEREOF**, City has executed and delivered this Agreement on the day and year first above written.

**CITY OF ROCHESTER HILLS:**

\_\_\_\_\_  
Bryan K. Barnett, Mayor

Date: \_\_\_\_\_, 2018

STATE OF MICHIGAN     )  
  )  
COUNTY OF OAKLAND    )

The foregoing was acknowledged before me on \_\_\_\_\_, 2018, by Bryan K. Barnett, Mayor of the City of Rochester Hills, on behalf of the City of Rochester Hills.

\_\_\_\_\_  
Notary Public,  
\_\_\_\_\_ County, Michigan  
Acting in \_\_\_\_\_ County, Michigan  
My Commission Expires

**EXHIBIT A**

**LEGAL DESCRIPTION OF VACANT PROPERTY**

Land situated in the City of Rochester Hills, County of Oakland, State of Michigan, described as follows:

COMMENCING AT A POINT ON THE NORTH LINE OF THE SOUTHEAST 1/4 OF SECTION 33, TOWN 3 NORTH, RANGE 11 EAST, AVON TOWNSHIP, OAKLAND COUNTY, MICHIGAN, SAID POINT BEING 33.63 FEET NORTH 88 DEGREES 11'50" WEST OF THE CENTER LINE OF LIVERNOIS ROAD; THENCE SOUTH 09 DEGREES 36'50" EAST AND PARALLEL TO SAID CENTERLINE 200.00 FEET TO A POINT; THENCE NORTH 88 DEGREES 23'04" WEST 482.49 FEET TO A POINT; THENCE SOUTH 01 DEGREE 36'56" WEST 145.28 FEET TO A POINT; THENCE NORTH 88 DEGREES 23'04" WEST 607.93 FEET TO A POINT; THENCE NORTH 01 DEGREES 36'56" EAST 344.85 TO A POINT; THENCE SOUTH 88 DEGREES 11'60" EAST 1051.51 FEET TO THE POINT OF BEGINNING.

also surveyed as:

BEGINNING AT A POINT ON THE NORTH LINE OF THE SOUTHEAST 1/4 OF SECTION 33, TOWN 3 NORTH, RANGE 11 EAST, CITY OF ROCHESTER HILLS, OAKLAND COUNTY, MICHIGAN, SAID POINT BEING 33.66 FEET NORTH 88 DEGREES 11 MINUTES 50 SECONDS WEST OF THE EAST 1/4 CORNER OF SAID SECTION 33; THENCE ALONG A LINE PARALLEL TO THE CENTERLINE OF LIVERNOIS ROAD (WIDTH VARIES), SOUTH 09 DEGREES 32 MINUTES 14 SECONDS EAST 200.00 FEET TO A POINT; THENCE NORTH 88 DEGREES 20 MINUTES 51 SECONDS WEST 482.49 FEET TO A POINT; THENCE SOUTH 01 DEGREE 38 MINUTES 54 SECONDS WEST 145.84 FEET TO A POINT; THENCE NORTH 88 DEGREES 20 MINUTES 51 SECONDS WEST 607.93 FEET TO A POINT; THENCE NORTH 01 DEGREES 40 MINUTES 04 SECONDS EAST 344.80 TO A POINT ON SAID NORTH LINE OF THE SOUTHEAST 1/4 OF SECTION 33; THENCE ALONG SAID NORTH LINE OF THE SOUTHEAST 1/4 OF SECTION 33, SOUTH 88 DEGREES 11 MINUTES 50 SECONDS EAST 1,051.51 FEET TO THE POINT OF BEGINNING.

Commonly known as: V/L Livernois Road, Rochester Hills, Michigan 48307  
Tax Parcel No.: 70-15-33-426-001

**EXHIBIT B**

**LEGAL DESCRIPTION OF CURRENT HOMESTEAD PROPERTY**

Land situated in the City of Rochester Hills, County of Oakland, State of Michigan, described as follows:

T3N, R11E, SEC 33 PART OF SE 1/4 BEG AT PT DIST N 88-11-50 W 33.67 FT, TH S 09-36-50 E 200.0 FT FROM E 1/4 COR, TH S 09-36-50 E 148.11 FT, TH N 88-23-04 W 511.33 FT, TH N 01-36-56 E 145.28 FT, TH S 88-23-04 E 482.49 FT TO BEG

also surveyed as:

COMMENCING AT A POINT ON THE NORTH LINE OF THE SOUTHEAST 1/4 OF SECTION 33, TOWN 3 NORTH, RANGE 11 EAST, CITY OF ROCHESTER HILLS, OAKLAND COUNTY, MICHIGAN, SAID POINT BEING 33.66 FEET NORTH 88 DEGREES 11 MINUTES 50 SECONDS WEST OF THE EAST 1/4 CORNER OF SAID SECTION 33; THENCE ALONG A LINE PARALLEL TO THE CENTERLINE OF LIVERNOIS ROAD (WIDTH VARIES), SOUTH 09 DEGREES 32 MINUTES 14 SECONDS EAST 200.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID LINE PARALLEL TO THE CENTERLINE OF LIVERNOIS ROAD, SOUTH 09 DEGREES 32 MINUTES 14 SECONDS EAST 148.67 FEET; THENCE NORTH 88 DEGREES 20 MINUTES 51 SECONDS WEST 511.33 FEET TO A POINT; THENCE NORTH 01 DEGREE 38 MINUTES 54 SECONDS EAST 145.84 FEET TO A POINT; THENCE SOUTH 88 DEGREES 20 MINUTES 51 SECONDS EAST 482.49 FEET TO THE POINT OF BEGINNING.

Commonly known as: 3514 Livernois Road, Rochester Hills, Michigan 48307

Tax Parcel No.: 70-15-33-426-002

## EXHIBIT C

### LEGAL DESCRIPTION OF CITY PROPERTY

Land situated in the City of Rochester Hills, County of Oakland, State of Michigan, described as follows:

THE LAND IS SITUATED IN THE CITY OF ROCHESTER HILLS, COUNTY OF OAKLAND, STATE OF MICHIGAN, AS FOLLOWS: PART OF THE SOUTHEAST 1/4 OF SECTION 33, TOWNSHIP 3 NORTH, RANGE 11 EAST, CITY OF ROCHESTER HILLS, OAKLAND COUNTY, MICHIGAN, DESCRIBED AS FOLLOWS: BEGINNING AT A POINT DISTANT SOUTH 87 DEGREES 22 MINUTES 00 SECONDS EAST 629.20 FEET FROM THE CENTER OF SAID SECTION 33; THENCE SOUTH 87 DEGREES 22 MINUTES 00 SECONDS EAST 629.97 FEET; THENCE SOUTH 02 DEGREES 06 MINUTES 00 SECONDS WEST 683.58 FEET; THENCE NORTH 87 DEGREES 24 MINUTES 00 SECONDS WEST 597.42 FEET (R), 603.42 FEET (C); THENCE NORTH 00 DEGREES 07 MINUTES 30 SECONDS WEST 684.70 FEET TO THE POINT OF BEGINNING.

EXCEPT THAT PART DESCRIBED AS FOLLOWS:  
BEGINNING AT A POINT DISTANT SOUTH 87 DEGREES 22 MINUTES 00 SECONDS EAST 1259.17 FEET AND SOUTH 02 DEGREES 36 MINUTES 00 SECONDS WEST 675.39 FEET FROM THE CENTER OF SECTION 33; THENCE SOUTH 02 DEGREES 36 MINUTES 00 SECONDS WEST 8.19 FEET ALONG THE EAST LINE OF SAID PARENT PARCEL; THENCE NORTH 87 DEGREES 24 MINUTES 00 SECONDS WEST 597.42 FEET (R), 603.42 FEET (C); ALONG THE SOUTH LINE OF SAID PARENT PARCEL; THENCE NORTH 00 DEGREES 07 MINUTES 30 SECONDS WEST 12.84 FEET ALONG THE WEST LINE OF SAID PARENT PARCEL; THENCE SOUTH 87 DEGREES 10 MINUTES 08 SECONDS EAST 19.83 FEET; THENCE SOUTH 86 DEGREES 57 MINUTES 11 SECONDS EAST 584.15 FEET TO THE POINT OF BEGINNING.

also surveyed as:

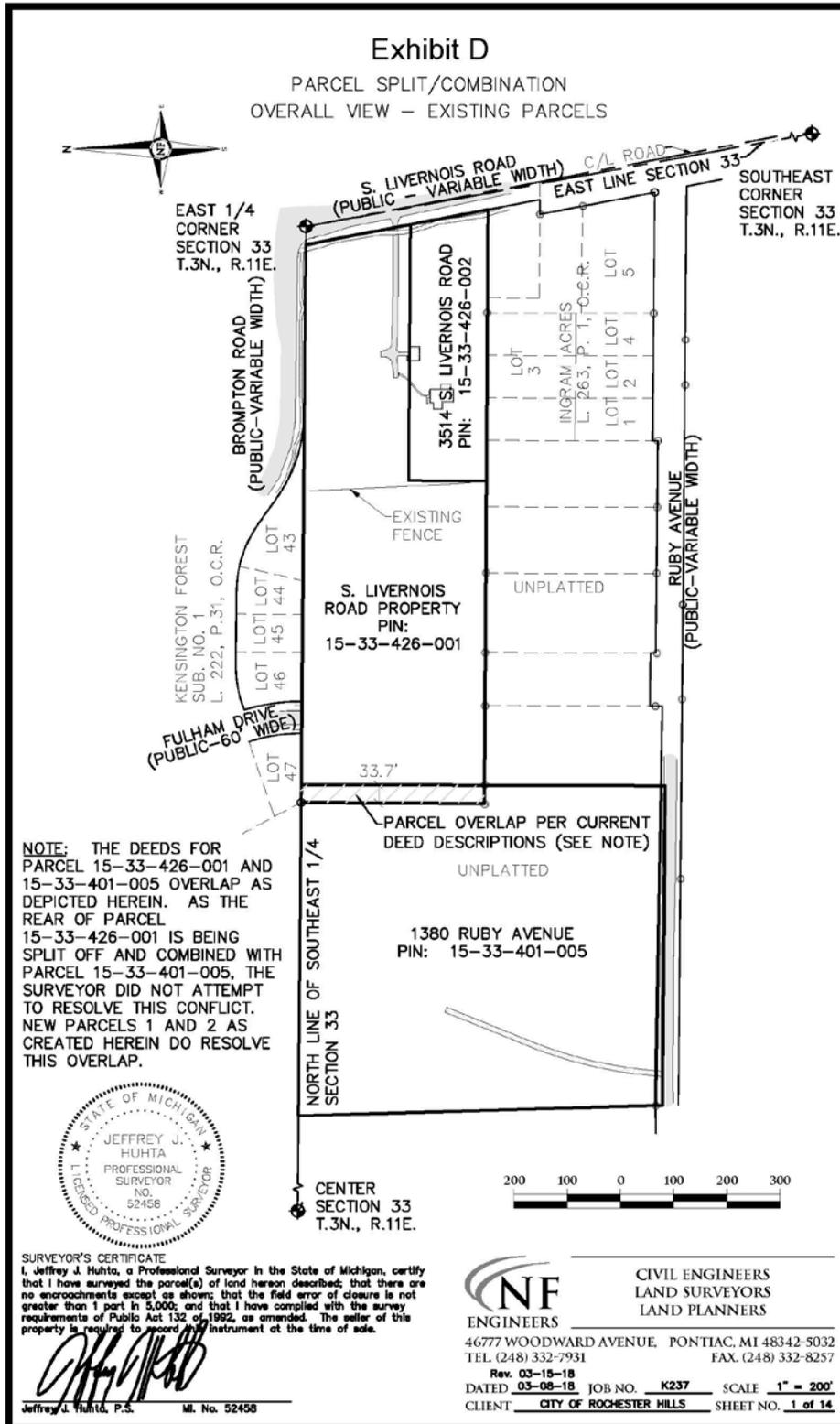
BEGINNING AT A POINT ON THE NORTH LINE OF THE SOUTHEAST 1/4 OF SECTION 33, TOWN 3 NORTH, RANGE 11 EAST, CITY OF ROCHESTER HILLS, OAKLAND COUNTY, MICHIGAN, SAID POINT BEING 1051.93 FEET NORTH 88 DEGREES 11 MINUTES 50 SECONDS WEST OF THE EAST 1/4 CORNER OF SAID SECTION 33; THENCE SOUTH 01 DEGREES 28 MINUTES 19 SECONDS WEST 676.42 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF RUBY AVENUE (WIDTH VARIES); THENCE ALONG SAID NORTH RIGHT-OF-WAY LINE, NORTH 87 DEGREES 42 MINUTES 35 SECONDS WEST 582.78 FEET TO A POINT; THENCE CONTINUING ALONG SAID NORTH RIGHT-OF-WAY LINE, NORTH 87 DEGREES 59 MINUTES 58 SECONDS WEST 19.83 FEET TO A POINT; THENCE NORTH 00 DEGREES 20 MINUTES 01 SECONDS WEST 671.85 FEET TO A POINT ON SAID NORTH LINE OF THE SOUTHEAST 1/4 OF SECTION 33, SAID POINT BEING 628.54 FEET SOUTH 88 DEGREES 11 MINUTES 50 SECONDS EAST OF THE CENTER OF SAID SECTION 33; THENCE ALONG SAID NORTH LINE OF THE SOUTHEAST 1/4 OF SECTION 33, SOUTH 88 DEGREES 11 MINUTES 50 SECONDS EAST 623.72 FEET TO THE POINT OF BEGINNING.

Commonly known as: 1380 Ruby Avenue, Rochester Hills, Michigan 48307

Tax Parcel No.: 70-15-33-401-005

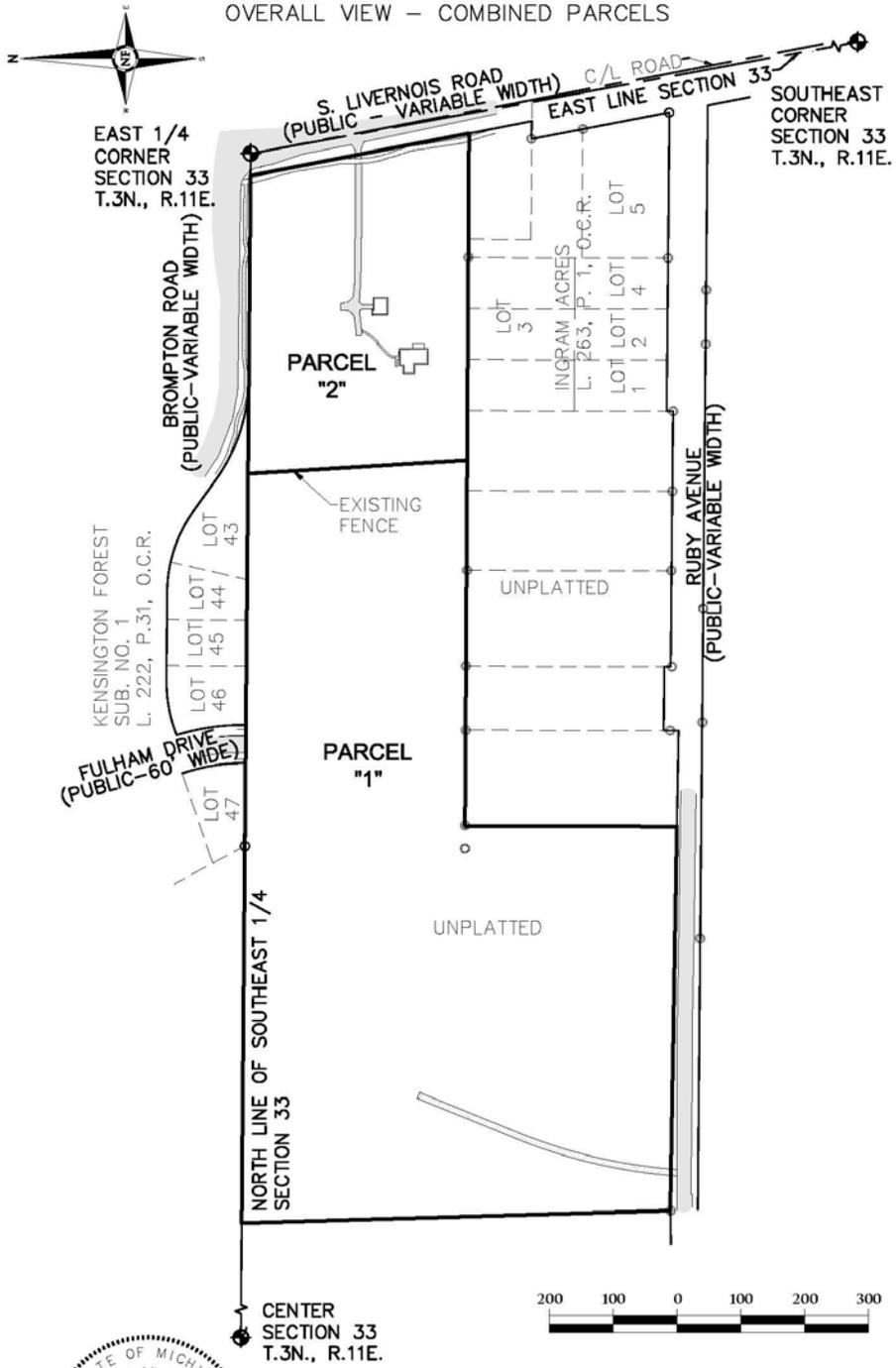
**EXHIBIT D**

**DEPICTIONS OF RECOMBINATION**



# Exhibit D

PARCEL SPLIT/COMBINATION  
OVERALL VIEW - COMBINED PARCELS



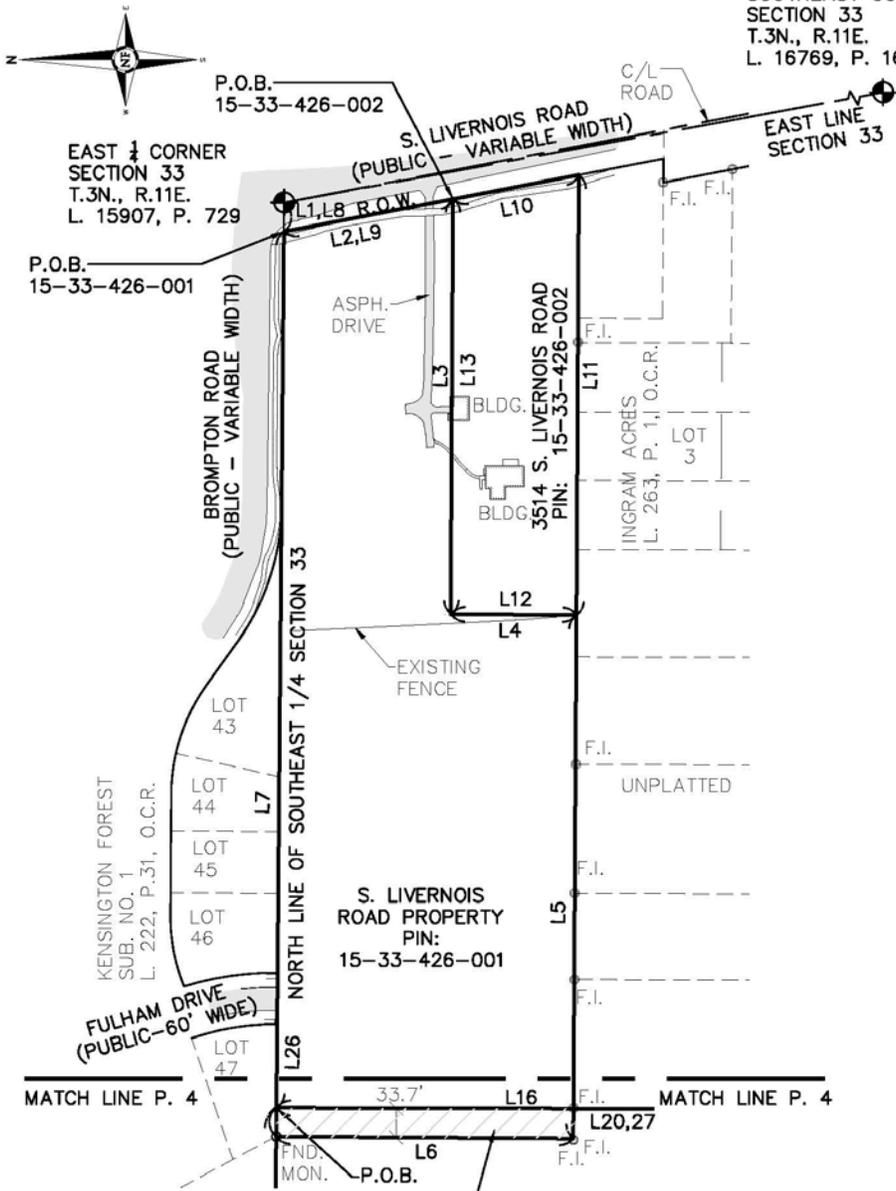
STATE OF MICHIGAN  
JEFFREY J. HUHTA  
PROFESSIONAL SURVEYOR  
NO. 52103  
FOR THE STATE OF MICHIGAN

**NF**  
ENGINEERS  
CIVIL ENGINEERS  
LAND SURVEYORS  
LAND PLANNERS  
46777 WOODWARD AVENUE, PONTIAC, MI 48342-5032  
TEL (248) 332-7931 FAX (248) 332-8257  
Rev. 03-15-18  
DATED 03-08-18 JOB NO. K237 SCALE 1" = 200'  
CLIENT CITY OF ROCHESTER HILLS SHEET NO. 2 of 14

# Exhibit D

PARCEL SPLIT/COMBINATION - EXISTING PARCELS

SOUTHEAST CORNER  
SECTION 33  
T.3N., R.11E.  
L. 16769, P. 162



PARCEL OVERLAP PER  
CURRENT DEED  
DESCRIPTIONS

F.I. = FOUND IRON  
FND. MON. = FOUND MONUMENT  
S.I. = SET IRON



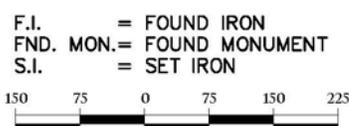
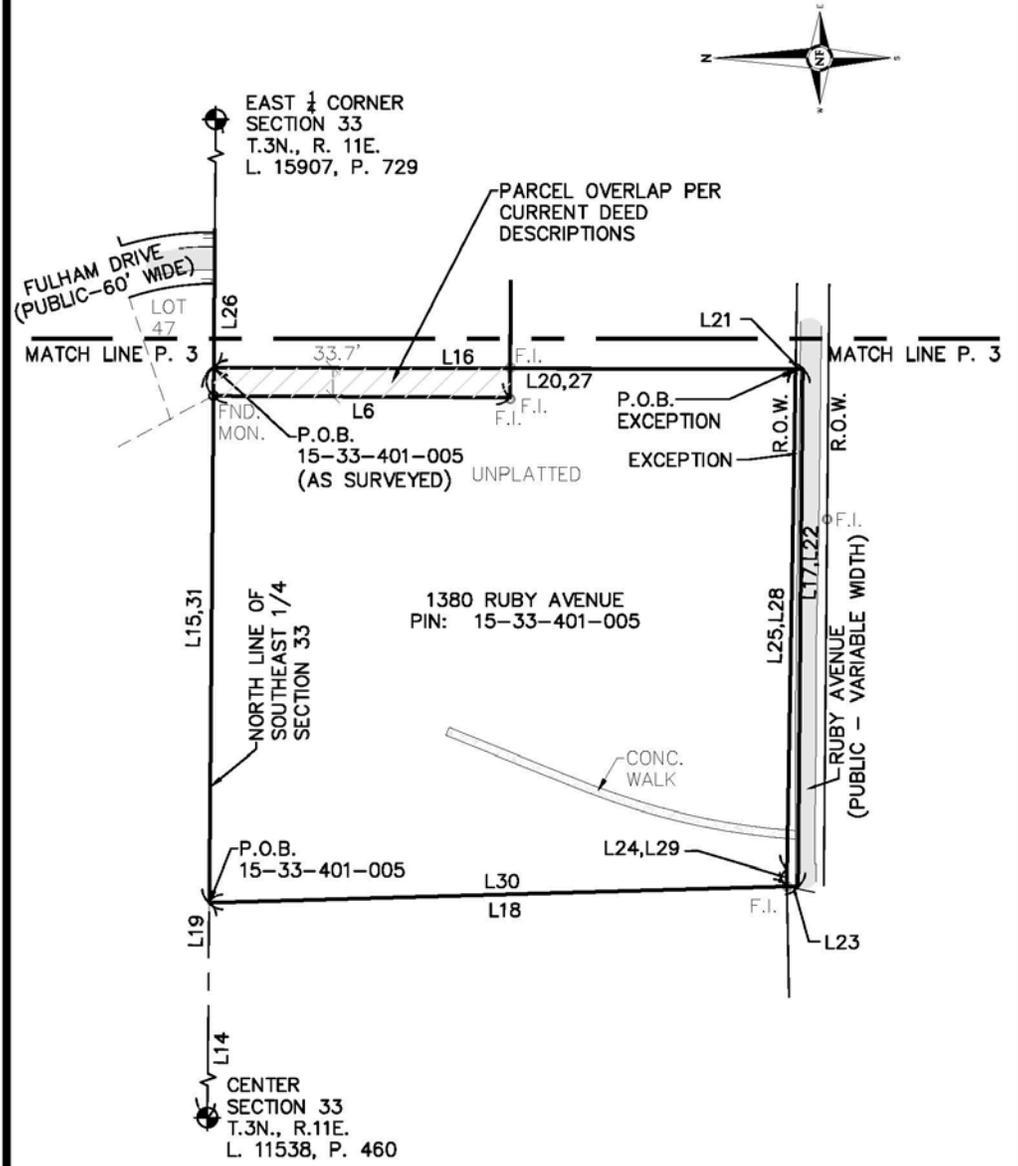
CIVIL ENGINEERS  
LAND SURVEYORS  
LAND PLANNERS

46777 WOODWARD AVENUE, PONTIAC, MI 48342-5032  
TEL. (248) 332-7931 FAX. (248) 332-8257

Rev. 03-15-18  
DATED 03-08-18 JOB NO. K237 SCALE 1" = 150'  
CLIENT CITY OF ROCHESTER HILLS SHEET NO. 3 of 14

# Exhibit D

## PARCEL SPLIT/COMBINATION - EXISTING PARCELS



STATE OF MICHIGAN  
 JEFFREY J. HUHTA  
 PROFESSIONAL SURVEYOR  
 NO. 52000  
 LICENSED

**NF**  
 ENGINEERS  
 CIVIL ENGINEERS  
 LAND SURVEYORS  
 LAND PLANNERS  
 46777 WOODWARD AVENUE, PONTIAC, MI 48342-5032  
 TEL. (248) 332-7931 FAX. (248) 332-8257  
 Rev. 03-15-18  
 DATED 03-08-18 JOB NO. K237 SCALE 1" = 150'  
 CLIENT CITY OF ROCHESTER HILLS SHEET NO. 4 of 14

## Exhibit D

### PARCEL SPLIT/COMBINATION – EXISTING PARCELS

Line Table Existing Parcel 15-33-426-001		
Line #	Direction	Length
L1	N88°11'50"W (R&M)	33.63'(R) 33.66'(M)
L2	S09°36'50"E(R) S09°32'14"E(M)	200.00'(R&M)
L3	N88°23'04"W(R) N88°20'51"W(M)	482.49'(R&M)
L4	S01°36'56"W(R) S01°38'54"W(M)	145.28'(R) 145.84'(M)
L5	N88°23'04"W(R) N88°20'51"W(M)	607.93'(R&M)
L6	N01°36'56"E(R) N01°40'04"E(M)	344.85'(R) 344.80'(M)
L7	S88°11'50"E(R&M)	1051.51'(R&M)

EXISTING PARCEL LEGAL DESCRIPTION (PER DEED)  
 15-33-426-001 - VACANT LAND LIVERNOIS ROAD

THE LAND IS LOCATED IN THE CITY OF ROCHESTER HILLS, COUNTY OF OAKLAND, STATE OF MICHIGAN, AND DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT ON THE NORTH LINE OF THE SOUTHEAST 1/4 OF SECTION 33, TOWN 3 NORTH, RANGE 11 EAST, AVON TOWNSHIP, OAKLAND COUNTY, MICHIGAN, SAID POINT BEING 33.63 FEET NORTH 88 DEGREES 11'50" WEST OF THE CENTER LINE OF LIVERNOIS ROAD; THENCE SOUTH 09 DEGREES 36'50" EAST AND PARALLEL TO SAID CENTERLINE 200.00 FEET TO A POINT; THENCE NORTH 88 DEGREES 23'04" WEST 482.49 FEET TO A POINT; THENCE SOUTH 01 DEGREE 36'56" WEST 145.28 FEET TO A POINT; THENCE NORTH 88 DEGREES 23'04" WEST 607.93 FEET TO A POINT; THENCE NORTH 01 DEGREES 36'56" EAST 344.85 TO A POINT; THENCE SOUTH 88 DEGREES 11'50" EAST 1,051.51 FEET TO THE POINT OF BEGINNING.

EXISTING PARCEL LEGAL DESCRIPTION (AS SURVEYED)  
 15-33-426-001 - VACANT LAND LIVERNOIS ROAD

LAND LOCATED IN THE CITY OF ROCHESTER HILLS, COUNTY OF OAKLAND, STATE OF MICHIGAN, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTH LINE OF THE SOUTHEAST 1/4 OF SECTION 33, TOWN 3 NORTH, RANGE 11 EAST, CITY OF ROCHESTER HILLS, OAKLAND COUNTY, MICHIGAN, SAID POINT BEING 33.66 FEET NORTH 88 DEGREES 11 MINUTES 50 SECONDS WEST OF THE EAST 1/4 CORNER OF SAID SECTION 33; THENCE ALONG A LINE PARALLEL TO THE CENTERLINE OF LIVERNOIS ROAD (WIDTH VARIES), SOUTH 09 DEGREES 32 MINUTES 14 SECONDS EAST 200.00 FEET TO A POINT; THENCE NORTH 88 DEGREES 20 MINUTES 51 SECONDS WEST 482.49 FEET TO A POINT; THENCE SOUTH 01 DEGREE 38 MINUTES 54 SECONDS WEST 145.84 FEET TO A POINT; THENCE NORTH 88 DEGREES 20 MINUTES 51 SECONDS WEST 607.93 FEET TO A POINT; THENCE NORTH 01 DEGREES 40 MINUTES 04 SECONDS EAST 344.80 TO A POINT ON SAID NORTH LINE OF THE SOUTHEAST 1/4 OF SECTION 33; THENCE ALONG SAID NORTH LINE OF THE SOUTHEAST 1/4 OF SECTION 33, SOUTH 88 DEGREES 11 MINUTES 50 SECONDS EAST 1,051.51 FEET TO THE POINT OF BEGINNING.

CONTAINS 300,225 SQUARE FEET OR 6,892 ACRES OF LAND.

**BASIS OF BEARING NOTE**

ALL BEARINGS ARE REFERENCED TO THE RECORD LEGAL DESCRIPTIONS FOR PARCELS 15-33-426-001 AND 15-33-426-002 IN WHICH THE NORTH LINE OF THE SOUTHEAST 1/4 OF SECTION 33, TOWN 3 NORTH, RANGE 11 EAST, CITY OF ROCHESTER HILLS, OAKLAND COUNTY, MICHIGAN, HAS A BEARING OF SOUTH 88 DEGREES 11 MINUTES 50 SECONDS EAST.



**NF**  
 ENGINEERS

CIVIL ENGINEERS  
 LAND SURVEYORS  
 LAND PLANNERS

46777 WOODWARD AVENUE, PONTIAC, MI 48342-5032  
 TEL (248) 332-7931 FAX (248) 332-8257

Rev. 03-15-18  
 DATED 03-08-18 JOB NO. K237 SCALE N/A  
 CLIENT CITY OF ROCHESTER HILLS SHEET NO. 5 of 14

## Exhibit D

### PARCEL SPLIT/COMBINATION – EXISTING PARCELS

Line Table Existing Parcel 15-33-426-002		
Line #	Direction	Length
L8	N88°11'50"W (R&M)	33.67'(R) 33.66'(M)
L9	S09°36'50"E(R) S09°32'14"E(M)	200.00'(R&M)
L10	S09°36'50"E(R) S09°32'14"E(M)	148.11'(R) 148.67'(M)
L11	N88°23'04"W(R) N88°20'51"W(M)	511.33'(R&M)
L12	N01°36'56"E(R) N01°38'54"E(M)	145.28'(R) 145.84'(M)
L13	S88°23'04"E(R) S88°20'51"E(M)	482.49'(R&M)

EXISTING PARCEL LEGAL DESCRIPTION (PER DEED)  
15-33-426-002 - 3514 LIVERNOIS ROAD

T3N, R11E, SEC 33 PART OF SE 1/4 BEG AT PT DIST N 88-11-50 W 33.67 FT, TH S 09-36-50 E 200.0 FT FROM E 1/4 COR, TH S 09-36-50 E 148.11 FT, TH N 88-23-04 W 511.33 FT, TH N 01-36-56 E 145.28 FT, TH S 88-23-04 E 482.49 FT TO BEG

EXISTING PARCEL LEGAL DESCRIPTION (AS SURVEYED)  
15-33-426-002 - 3514 LIVERNOIS ROAD

LAND LOCATED IN THE CITY OF ROCHESTER HILLS, COUNTY OF OAKLAND, STATE OF MICHIGAN, DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT ON THE NORTH LINE OF THE SOUTHEAST 1/4 OF SECTION 33, TOWN 3 NORTH, RANGE 11 EAST, CITY OF ROCHESTER HILLS, OAKLAND COUNTY, MICHIGAN, SAID POINT BEING 33.66 FEET NORTH 88 DEGREES 11 MINUTES 50 SECONDS WEST OF THE EAST 1/4 CORNER OF SAID SECTION 33; THENCE ALONG A LINE PARALLEL TO THE CENTERLINE OF LIVERNOIS ROAD (WIDTH VARIES), SOUTH 09 DEGREES 32 MINUTES 14 SECONDS EAST 200.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID LINE PARALLEL TO THE CENTERLINE OF LIVERNOIS ROAD, SOUTH 09 DEGREES 32 MINUTES 14 SECONDS EAST 148.67 FEET; THENCE NORTH 88 DEGREES 20 MINUTES 51 SECONDS WEST 511.33 FEET TO A POINT; THENCE NORTH 01 DEGREE 38 MINUTES 54 SECONDS EAST 145.84 FEET TO A POINT; THENCE SOUTH 88 DEGREES 20 MINUTES 51 SECONDS EAST 482.49 FEET TO THE POINT OF BEGINNING.

CONTAINS 72,470 SQUARE FEET OR 1.664 ACRES OF LAND.

#### BASIS OF BEARING NOTE

ALL BEARINGS ARE REFERENCED TO THE RECORD LEGAL DESCRIPTIONS FOR PARCELS 15-33-426-001 AND 15-33-426-002 IN WHICH THE NORTH LINE OF THE SOUTHEAST 1/4 OF SECTION 33, TOWN 3 NORTH, RANGE 11 EAST, AVON TOWNSHIP, OAKLAND COUNTY, MICHIGAN, HAS A BEARING OF SOUTH 88 DEGREES 11 MINUTES 50 SECONDS EAST.



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Rev. 03-15-18  
DATED 03-08-18 JOB NO. K237 SCALE N/A  
CLIENT CITY OF ROCHESTER HILLS SHEET NO. 6 of 14

## Exhibit D

### PARCEL SPLIT/COMBINATION – EXISTING PARCELS

Line Table Existing Parcel 15-33-401-005		
Line #	Direction	Length
L14	S87°22'00"E(R) S88°11'50"E(M)	629.20'(R) 628.54'(M)
L15	S87°22'00"E(R) S88°11'50"E(M)	629.97'(R) 623.72'(M)
L16	S02°06'00"W(R) S01°28'19"W(M)	683.58'(R) 684.61'(M)
L17	N87°24'00"W(R) N88°09'38"W(M)	597.42'(R) 602.15'(M)
L18	N00°07'30"W(R) N00°20'01"W(M)	684.70'(R) 684.69'(M)
L19	S87°22'00"E(R) S88°11'50"E(M)	1259.17'(R) 1252.26'(M)
L20	S02°36'00"W(R) S01°28'19"W(M)	675.39'(R) 676.42'(M)
L21	S02°36'00"W(R) S01°28'19"W(M)	8.19'(R&M)
L22	N87°24'00"W(R) N88°09'38"W(M)	597.42'(R) 602.15'(M)
L23	N00°07'30"W(R) N00°20'01"W(M)	12.84'(R&M)
L24	S87°10'08"E(R) S87°59'58"E(M)	19.83'(R&M)
L25	S86°57'11"E(R) S87°42'35"E(M)	584.15'(R) 582.78'(M)
L26	N88°11'50"W(M)	1051.93'(M)
L27	S02°36'00"W(R) S01°28'19"W(M)	675.39'(R) 676.42'(M)
L28	N86°57'11"W(R) N87°42'35"W(M)	584.15'(R) 582.78'(M)
L29	N87°10'08"W(R) N87°59'58"W(M)	19.83'(R&M)
L30	N00°07'30"W(R) N00°20'01"W(M)	671.86'(C) 671.85'(M)
L31	S87°22'00"E(R) S88°11'50"E(M)	629.97'(R) 623.72'(M)



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CLIENT CITY OF ROCHESTER HILLS SHEET NO. 7 of 14

## Exhibit D

### PARCEL SPLIT/COMBINATION – EXISTING PARCELS

EXISTING PARCEL LEGAL DESCRIPTION (PER DEED)  
15-33-401-005 - 1380 RUBY AVENUE

THE LAND IS SITUATED IN THE CITY OF ROCHESTER HILLS, COUNTY OF OAKLAND, STATE OF MICHIGAN, AS FOLLOWS: PART OF THE SOUTHEAST 1/4 OF SECTION 33, TOWNSHIP 3 NORTH, RANGE 11 EAST, CITY OF ROCHESTER HILLS, OAKLAND COUNTY, MICHIGAN, DESCRIBED AS FOLLOWS: BEGINNING AT A POINT DISTANT SOUTH 87 DEGREES 22 MINUTES 00 SECONDS EAST 629.20 FEET FROM THE CENTER OF SAID SECTION 33; THENCE SOUTH 87 DEGREES 22 MINUTES 00 SECONDS EAST 629.97 FEET; THENCE SOUTH 02 DEGREES 06 MINUTES 00 SECONDS WEST 683.58 FEET; THENCE NORTH 87 DEGREES 24 MINUTES 00 SECONDS WEST 597.42 FEET (R), 603.42 FEET (C); THENCE NORTH 00 DEGREES 07 MINUTES 30 SECONDS WEST 684.70 FEET TO THE POINT OF BEGINNING.

EXCEPT THAT PART DESCRIBED AS FOLLOWS:  
BEGINNING AT A POINT DISTANT SOUTH 87 DEGREES 22 MINUTES 00 SECONDS EAST 1259.17 FEET AND SOUTH 02 DEGREES 36 MINUTES 00 SECONDS WEST 675.39 FEET FROM THE CENTER OF SECTION 33; THENCE SOUTH 02 DEGREES 36 MINUTES 00 SECONDS WEST 8.19 FEET ALONG THE EAST LINE OF SAID PARENT PARCEL; THENCE NORTH 87 DEGREES 24 MINUTES 00 SECONDS WEST 597.42 FEET (R), 603.42 FEET (C); ALONG THE SOUTH LINE OF SAID PARENT PARCEL; THENCE NORTH 00 DEGREES 07 MINUTES 30 SECONDS WEST 12.84 FEET ALONG THE WEST LINE OF SAID PARENT PARCEL; THENCE SOUTH 87 DEGREES 10 MINUTES 08 SECONDS EAST 19.83 FEET; THENCE SOUTH 86 DEGREES 57 MINUTES 11 SECONDS EAST 584.15 FEET TO THE POINT OF BEGINNING.

EXISTING PARCEL LEGAL DESCRIPTION (AS SURVEYED)  
15-33-401-005 - 1380 RUBY AVENUE

LAND LOCATED IN THE CITY OF ROCHESTER HILLS, COUNTY OF OAKLAND, STATE OF MICHIGAN, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTH LINE OF THE SOUTHEAST 1/4 OF SECTION 33, TOWN 3 NORTH, RANGE 11 EAST, CITY OF ROCHESTER HILLS, OAKLAND COUNTY, MICHIGAN, SAID POINT BEING 1051.93 FEET NORTH 88 DEGREES 11 MINUTES 50 SECONDS WEST OF THE EAST 1/4 CORNER OF SAID SECTION 33; THENCE SOUTH 01 DEGREES 28 MINUTES 19 SECONDS WEST 676.42 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF RUBY AVENUE (WIDTH VARIES); THENCE ALONG SAID NORTH RIGHT-OF-WAY LINE, NORTH 87 DEGREES 42 MINUTES 35 SECONDS WEST 582.78 FEET TO A POINT; THENCE CONTINUING ALONG SAID NORTH RIGHT-OF-WAY LINE, NORTH 87 DEGREES 59 MINUTES 58 SECONDS WEST 19.83 FEET TO A POINT; THENCE NORTH 00 DEGREES 20 MINUTES 01 SECONDS WEST 671.85 FEET TO A POINT ON SAID NORTH LINE OF THE SOUTHEAST 1/4 OF SECTION 33, SAID POINT BEING 628.54 FEET SOUTH 88 DEGREES 11 MINUTES 50 SECONDS EAST OF THE CENTER OF SAID SECTION 33; THENCE ALONG SAID NORTH LINE OF THE SOUTHEAST 1/4 OF SECTION 33, SOUTH 88 DEGREES 11 MINUTES 50 SECONDS EAST 623.72 FEET TO THE POINT OF BEGINNING.

CONTAINS 413,136 SQUARE FEET OR 9.484 ACRES OF LAND.

#### BASIS OF BEARING NOTE

ALL BEARINGS ARE REFERENCED TO THE RECORD LEGAL DESCRIPTIONS FOR PARCELS 15-33-426-001 AND 15-33-426-002 IN WHICH THE NORTH LINE OF THE SOUTHEAST 1/4 OF SECTION 33, TOWN 3 NORTH, RANGE 11 EAST, AVON TOWNSHIP, OAKLAND COUNTY, MICHIGAN, HAS A BEARING OF SOUTH 88 DEGREES 11 MINUTES 50 SECONDS EAST.



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Rev. 03-15-18  
DATED 03-08-18 JOB NO. K237 SCALE N/A  
CLIENT CITY OF ROCHESTER HILLS SHEET NO. 8 of 14

# Exhibit D

PARCEL SPLIT/COMBINATION – SPLIT PARCELS

SOUTHEAST CORNER  
SECTION 33  
T.3N., R.11E.  
L. 16769, P. 162



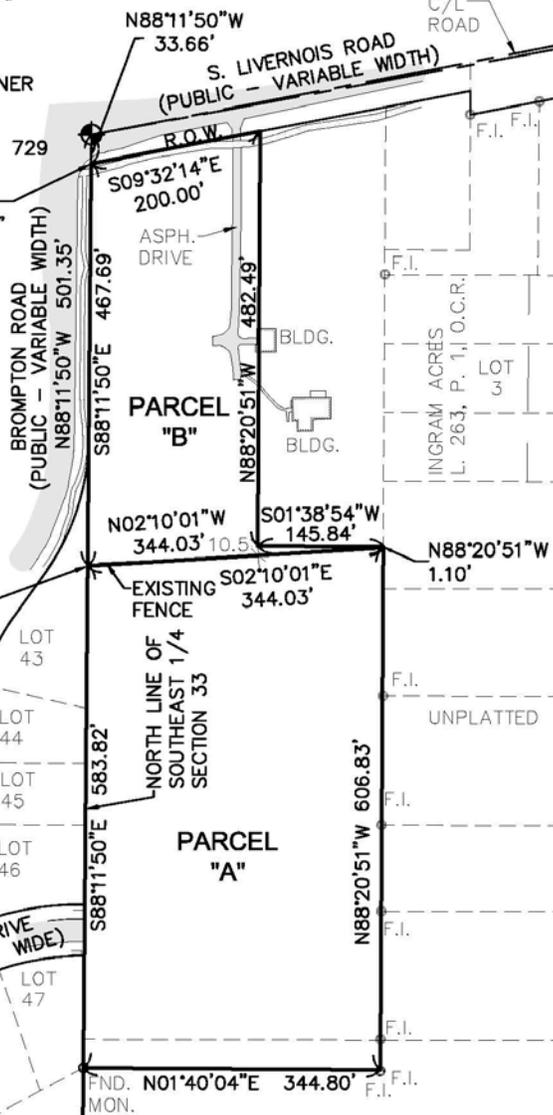
EAST 1/4 CORNER  
SECTION 33  
T.3N., R.11E.  
L. 15907, P. 729

P.O.B.  
PARCEL "B"

P.O.B.  
PARCEL "A"

KENSINGTON FOREST  
SUB. NO. 1  
L. 222, P.31, O.C.R.

FULHAM DRIVE  
(PUBLIC-60' WIDE)



F.I. = FOUND IRON  
FND. MON. = FOUND MONUMENT  
S.I. = SET IRON



**NF**  
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Rev. 03-15-18  
DATED 03-08-18 JOB NO. K237 SCALE 1" = 150'  
CLIENT CITY OF ROCHESTER HILLS SHEET NO. 9 of 14

## Exhibit D

### PARCEL SPLIT/COMBINATION – SPLIT PARCELS

#### PROPOSED PARCEL "A" (SPLIT FROM 15-33-426-001)

LAND LOCATED IN THE CITY OF ROCHESTER HILLS, COUNTY OF OAKLAND, STATE OF MICHIGAN, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTH LINE OF THE SOUTHEAST 1/4 OF SECTION 33, TOWN 3 NORTH, RANGE 11 EAST, CITY OF ROCHESTER HILLS, OAKLAND COUNTY, MICHIGAN, SAID POINT BEING 501.35 FEET NORTH 88 DEGREES 11 MINUTES 50 SECONDS WEST OF THE EAST 1/4 CORNER OF SAID SECTION 33; THENCE SOUTH 02 DEGREES 10 MINUTES 01 SECONDS EAST 344.03 FEET TO A POINT; THENCE NORTH 88 DEGREES 20 MINUTES 51 SECONDS WEST 606.83 FEET TO A POINT; THENCE NORTH 01 DEGREES 40 MINUTES 04 SECONDS EAST 344.80 FEET TO A POINT ON SAID NORTH LINE OF THE SOUTHEAST 1/4 OF SECTION 33; THENCE ALONG SAID NORTH LINE OF THE SOUTHEAST 1/4 OF SECTION 33, SOUTH 88 DEGREES 11 MINUTES 50 SECONDS EAST 583.82 FEET TO THE POINT OF BEGINNING.

CONTAINS 204,803 SQUARE FEET OR 4.702 ACRES OF LAND.

#### PROPOSED PARCEL "B" (SPLIT FROM 15-33-426-001)

LAND LOCATED IN THE CITY OF ROCHESTER HILLS, COUNTY OF OAKLAND, STATE OF MICHIGAN, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTH LINE OF THE SOUTHEAST 1/4 OF SECTION 33, TOWN 3 NORTH, RANGE 11 EAST, CITY OF ROCHESTER HILLS, OAKLAND COUNTY, MICHIGAN, SAID POINT BEING 33.66 FEET NORTH 88 DEGREES 11 MINUTES 50 SECONDS WEST OF THE EAST 1/4 CORNER OF SAID SECTION 33; THENCE ALONG A LINE PARALLEL TO THE CENTERLINE OF LIVERNOIS ROAD (WIDTH VARIES), SOUTH 09 DEGREES 32 MINUTES 14 SECONDS EAST 200.00 FEET TO A POINT; THENCE NORTH 88 DEGREES 20 MINUTES 51 SECONDS WEST 482.49 FEET TO A POINT; THENCE SOUTH 01 DEGREES 38 MINUTES 54 SECONDS WEST 145.84 FEET TO A POINT; THENCE NORTH 88 DEGREES 20 MINUTES 51 SECONDS WEST 1.10 FEET TO A POINT; THENCE NORTH 02 DEGREES 10 MINUTES 01 SECONDS WEST 344.03 FEET TO A POINT ON SAID NORTH LINE OF THE SOUTHEAST 1/4 OF SECTION 33; THENCE ALONG SAID NORTH LINE OF THE SOUTHEAST 1/4 OF SECTION 33, SOUTH 88 DEGREES 11 MINUTES 50 SECONDS EAST 467.69 FEET TO THE POINT OF BEGINNING.

CONTAINS 95,422 SQUARE FEET OR 2.190 ACRES OF LAND.

#### BASIS OF BEARING NOTE

ALL BEARINGS ARE REFERENCED TO THE RECORD LEGAL DESCRIPTIONS FOR PARCELS 15-33-426-001 AND 15-33-426-002 IN WHICH THE NORTH LINE OF THE SOUTHEAST 1/4 OF SECTION 33, TOWN 3 NORTH, RANGE 11 EAST, AVON TOWNSHIP, OAKLAND COUNTY, MICHIGAN, HAS A BEARING OF SOUTH 88 DEGREES 11 MINUTES 50 SECONDS EAST.



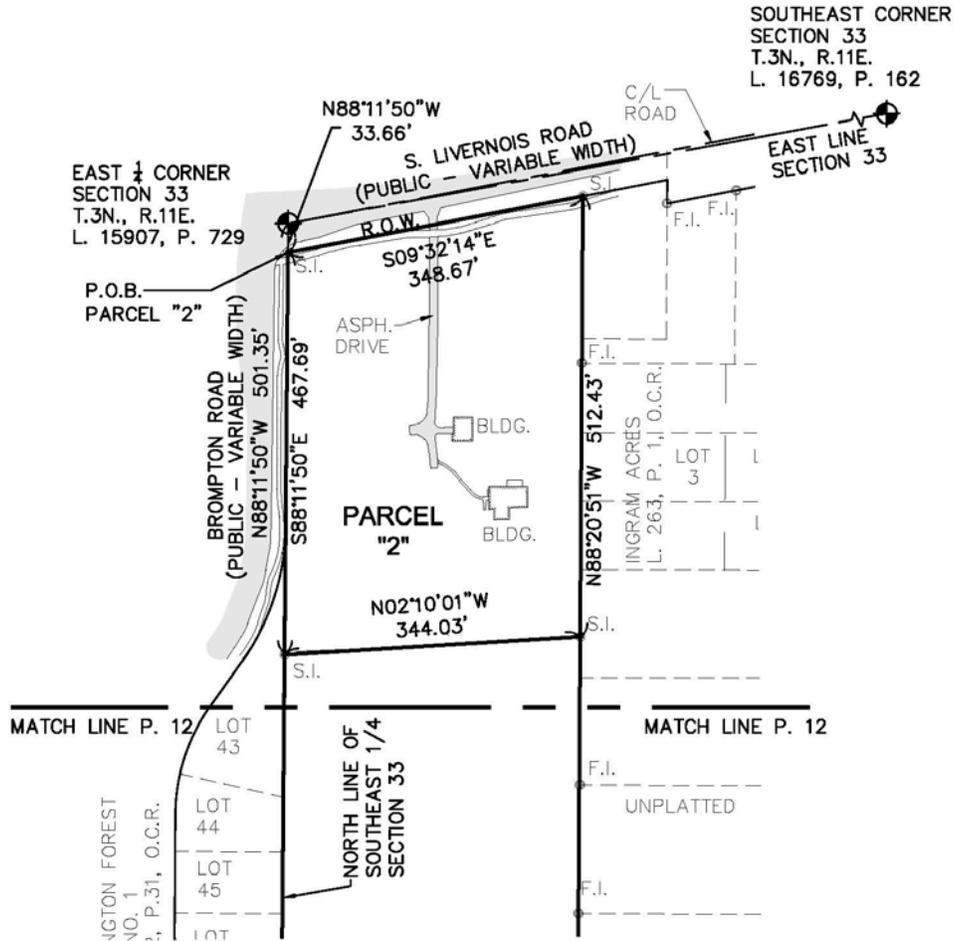
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LAND PLANNERS

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DATED 03-08-18 JOB NO. K237 SCALE N/A  
CLIENT CITY OF ROCHESTER HILLS SHEET NO. 10 of 14

# Exhibit D

PARCEL SPLIT/COMBINATION – COMBINED PARCELS



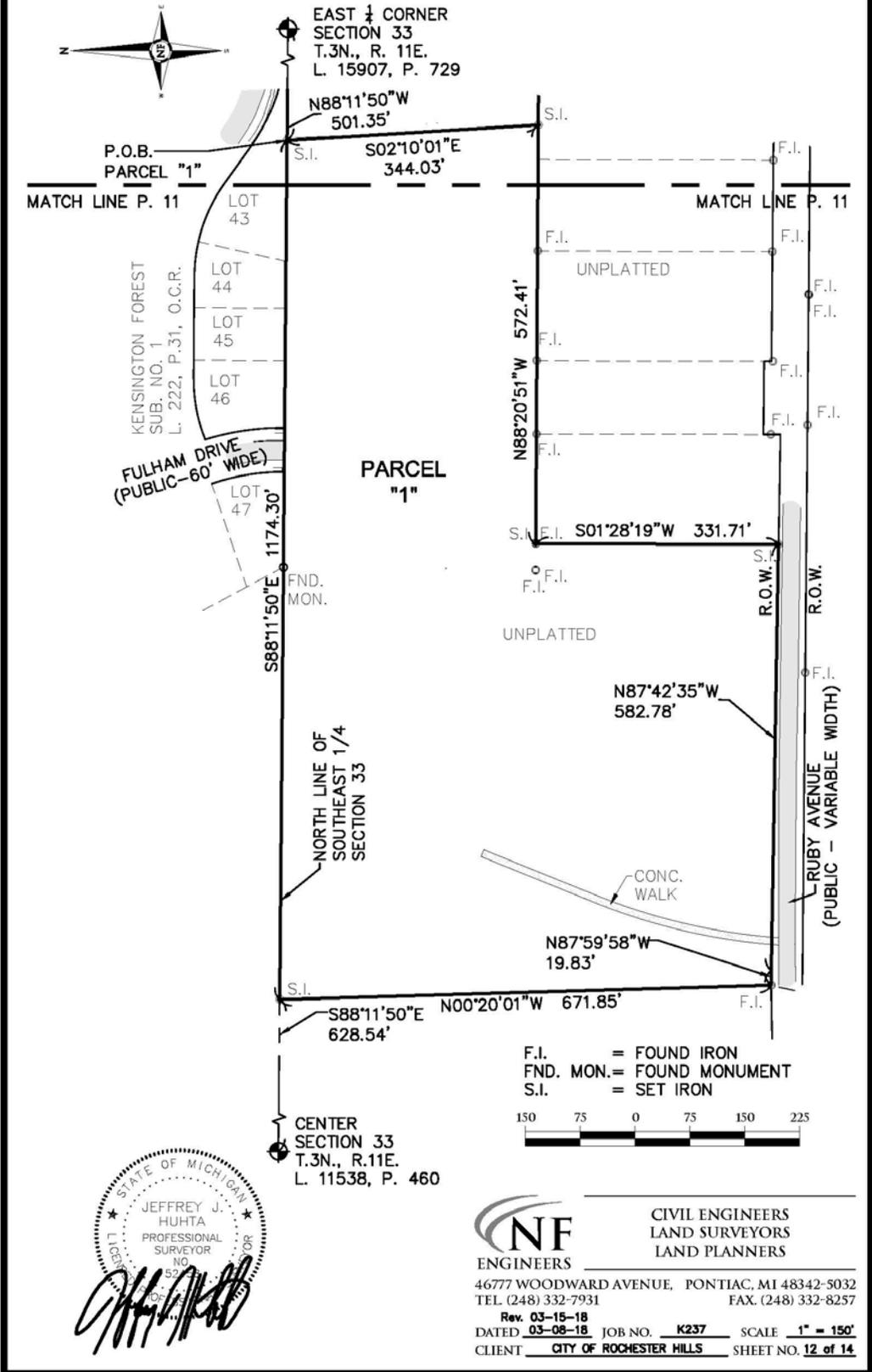
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DATED 03-08-18 JOB NO. K237 SCALE 1" = 150'  
CLIENT CITY OF ROCHESTER HILLS SHEET NO. 11 of 14

# Exhibit D

PARCEL SPLIT/COMBINATION - COMBINED PARCELS



## Exhibit D

### PARCEL SPLIT/COMBINATION – COMBINED PARCELS

#### PROPOSED PARCEL "1" (PARCEL "A" COMBINED WITH 15-33-401-005)

LAND LOCATED IN THE CITY OF ROCHESTER HILLS, COUNTY OF OAKLAND, STATE OF MICHIGAN, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTH LINE OF THE SOUTHEAST 1/4 OF SECTION 33, TOWN 3 NORTH, RANGE 11 EAST, CITY OF ROCHESTER HILLS, OAKLAND COUNTY, MICHIGAN, SAID POINT BEING 501.35 FEET NORTH 88 DEGREES 11 MINUTES 50 SECONDS WEST OF THE EAST 1/4 CORNER OF SAID SECTION 33; THENCE SOUTH 02 DEGREES 10 MINUTES 01 SECONDS EAST 344.03 FEET TO A POINT; THENCE NORTH 88 DEGREES 20 MINUTES 51 SECONDS WEST 572.41 FEET TO A POINT; THENCE SOUTH 01 DEGREES 28 MINUTES 19 SECONDS WEST 331.71 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF RUBY AVENUE (WIDTH VARIES); THENCE ALONG SAID NORTH RIGHT-OF-WAY LINE, NORTH 87 DEGREES 42 MINUTES 35 SECONDS WEST 582.78 FEET TO A POINT; THENCE CONTINUING ALONG SAID NORTH RIGHT-OF-WAY LINE, NORTH 87 DEGREES 59 MINUTES 58 SECONDS WEST 19.83 FEET TO A POINT; THENCE NORTH 00 DEGREES 20 MINUTES 01 SECONDS WEST 671.85 FEET TO A POINT ON SAID NORTH LINE OF THE SOUTHEAST 1/4 OF SECTION 33, SAID POINT BEING 628.54 FEET SOUTH 88 DEGREES 11 MINUTES 50 SECONDS EAST OF THE CENTER OF SAID SECTION 33; THENCE ALONG SAID NORTH LINE OF THE SOUTHEAST 1/4 OF SECTION 33, SOUTH 88 DEGREES 11 MINUTES 50 SECONDS EAST 1174.30 FEET TO THE POINT OF BEGINNING.

CONTAINS 606,276 SQUARE FEET OR 13.918 ACRES OF LAND.

#### PROPOSED PARCEL "2" (PARCEL "B" COMBINED WITH 15-33-426-002)

LAND LOCATED IN THE CITY OF ROCHESTER HILLS, COUNTY OF OAKLAND, STATE OF MICHIGAN, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTH LINE OF THE SOUTHEAST 1/4 OF SECTION 33, TOWN 3 NORTH, RANGE 11 EAST, CITY OF ROCHESTER HILLS, OAKLAND COUNTY, MICHIGAN, SAID POINT BEING 33.66 FEET NORTH 88 DEGREES 11 MINUTES 50 SECONDS WEST OF THE EAST 1/4 CORNER OF SAID SECTION 33; THENCE ALONG A LINE PARALLEL TO THE CENTERLINE OF LIVERNOIS ROAD (WIDTH VARIES), SOUTH 09 DEGREES 32 MINUTES 14 SECONDS EAST 348.67 FEET TO A POINT; THENCE NORTH 88 DEGREES 20 MINUTES 51 SECONDS WEST 512.43 FEET TO A POINT; THENCE NORTH 02 DEGREES 10 MINUTES 01 SECONDS WEST 344.03 FEET TO A POINT ON SAID NORTH LINE OF THE SOUTHEAST 1/4 OF SECTION 33; THENCE ALONG SAID NORTH LINE OF THE SOUTHEAST 1/4 OF SECTION 33, SOUTH 88 DEGREES 11 MINUTES 50 SECONDS EAST 467.69 FEET TO THE POINT OF BEGINNING.

CONTAINS 167,892 SQUARE FEET OR 3,854 ACRES OF LAND.

#### BASIS OF BEARING NOTE

ALL BEARINGS ARE REFERENCED TO THE RECORD LEGAL DESCRIPTIONS FOR PARCELS 15-33-426-001 AND 15-33-426-002 IN WHICH THE NORTH LINE OF THE SOUTHEAST 1/4 OF SECTION 33, TOWN 3 NORTH, RANGE 11 EAST, AVON TOWNSHIP, OAKLAND COUNTY, MICHIGAN, HAS A BEARING OF SOUTH 88 DEGREES 11 MINUTES 50 SECONDS EAST.



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CLIENT CITY OF ROCHESTER HILLS SHEET NO. 13 of 14

## Exhibit D

### PARCEL SPLIT/COMBINATION

#### SECTION CORNER WITNESSES

##### EAST 1/4 CORNER OF SECTION 33, T.3N., R.11E.

Found 3/4" iron rod with P.A. 345 Brass Cap Stamped #17632

Due East - 52.22' witness tag on north face guy pole  
S 50° E - 51.96' witness tag on north face utility pole  
N 80° W - 33.63' witness tag on south face utility pole  
N 30° W - 128.61' witness tag on southeast face utility pole

Per LCRC (David Pawlaczyk) L.15907, P. 729, O.C.R.

##### CENTER OF SECTION 33, T.3N., R.11E.

Found 5/8" rered with O.C. Remonumentation brass cap.

S 48° W - 61.69' PK/remon tag southeast side power pole  
S 62° E - 81.56' PK/remon tag northeast side power pole  
N 36° E - 107.64' PK/remon tag southeast side power pole  
N 36° W - 77.23' PK/remon tag southwest side power pole

Per LCRC (David Pawlaczyk) L.11538, P. 460, O.C.R.

##### SOUTHEAST CORNER SECTION 33, T.3N., R.11E.

Found 3/4" iron rod with P.A. 345 Brass Cap Stamped #17632

Due West - 22.90' 1/2" iron in mon. box  
N 45° W - 92.79' PK nail and OCR wit/tag in east face utility pole  
N 04° E - 92.19' C/L T/nut fire hydrant  
S 11° E - 41.00' C/L T/nut fire hydrant  
S 66° W - 73.16' PK nail and OCR wit/tag in northeast face utility pole

Per LCRC (John Redash) L.16769, P. 162, O.C.R.



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