



PINE TRACE GOLF CLUB

June 12th, 2014

William F. Boswell, Chairperson
Rochester Hills Planning Commission
City Municipal Offices
1000 Rochester Hills Dr.
Rochester Hills, MI 48309

Dear Mr. Boswell and Commission Members,

I would like to update you on the progress being made between representatives of the Villas at Shadow Pines and Pine Trace Golf Club. As you know, pursuant to the Rochester Hills Planning Commission Meeting of May 20, 2014, we were asked to seek solutions that would eliminate safety concerns for the future residents of the Villas of Shadow Pines, in particular to the proposed units adjacent the 11th hole at Pine Trace Golf Club.

Since that meeting, I have met on two occasions with Mr. Jim Polyzois, as well as once with his partner Mr. Mark Gesaule. In addition, I have met with the Mayor of the City of Rochester Hills, Brian Barnett and the city's legal council, Mr. John Starin. I also had the opportunity to meet with the City of Rochester Hills council liaisons to Pine Trace Golf Club, Mr.'s. Mark Tisdale and Michael Webber. These meetings have been very cordial and approached with great sincerity by all involved.

Mr.'s. Polyzois and Gesaule have made it clear that they cannot or will not relocate any of the proposed units and would prefer that amendments to the 11th hole solve this issue. We were clear in stating that the proposed changes would not lead to a secure environment for those units closest to number 11. Both architects, Mr. Steve Forrest and Mr. Jim Wilczynski, agreed that the only hundred percent solution was the installation of netting.

This week, Mr. Polyzois asked me to please consider a new plan that incorporated a greater number of much larger trees than previously proposed. In an effort to find a solution short of the installation of netting, I agreed to keep an open mind to such a plan. To date, I have not received that plan, but do anticipate it soon.

However, if Pine Trace and Shadow Pines are unable to mutually agree upon (a) changes to the locations of the proposed condominium units, (b) the installation of landscaping barriers, or (c) modifications to Pine Trace's 11th hole, then Pine Trace will still be facing

the very real health and safety concerns that prompted its involvement in this approval process, along with the genuine liability concerns that inherently flow from these safety hazards.

If an agreement is not reached, then I expect that Pine Trace will have to undertake its own efforts to reduce the risk of harm to its neighbors and its own potential liability. In all likelihood, this will involve my installation of safety netting along the boundary line separating Pine Trace from Shadow Pines. While netting is not my first choice for remedying these issues, it certainly will provide the greatest protection for those living in or visiting the Shadow Pines development.

But netting is costly. Still, given the inevitable harm that would be visited on residents and guests at Shadow Pines because of errant golf balls, I am convinced that Pine Trace would have no other choice than to have it installed.

If it becomes necessary, I would anticipate that both the City and Shadow Pines would work with us on this project. And to that end, I would expect that Shadow Pines would agree to bear the cost of installing and maintaining the netting.

Shadow Pines previously pledged up to \$60,000 toward course modifications in effort to protect its residents from harm. I would expect that pledge would extend to pay the costs of installing and maintaining safety netting.

I also expect that Shadow Pines will, as a good neighbor, strive to minimize any liability that Pine Trace may be exposed to because of errant shots. This can be accomplished by Shadow Pines, its owners, and the condominium association each providing Pine Trace with an ongoing indemnity against any claims that might arise from errant golf balls – whether those claims arise from damages to people or property. Not only will these indemnities demonstrate the good faith of the Shadow Pines' parties, but will also demonstrate they are willing to stand behind their earlier statements that the development, as proposed, will be safe despite the location of some units so close to Pine Trace's 11th hole.

This is where this issue stands at the moment. Please see an accompanying letter from Steve Forrest of Arthur Hills, Steve Forrest and Associates.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael Byler". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Michael Byler