

City of Rochester Hills
1000 Rochester Hills Drive
Rochester Hills, MI 48309
(248) 656-4660

For Official Use Only
File No. 14-011.2
Date: _____

RECEIVED

ZONING BOARD OF APPEALS APPLICATION
(Use Variance)

DEC 12 2014

PLANNING DEPT.

1. Property Information:

Address of Affected Property: No address assigned. Property is vacant - undeveloped

Lot No. and Subdivision Name: N/A

Tax I.D. No./Sidwell Number: 70-15-24-326-008 and 70-15-24-302-007

Zoning District: R4

Current Use: None. Property is vacant and undeveloped

2. Request: Use Variance

Ordinance Section: 138-4.100; 138-4.200; 138-4.300; 138-5.100
(Variance being requested from)

Brief Description of Request:

Applicant's property is not suited to subdivision into individual lots. Hence, Applicant seeks a variance to (1) allow up to 6.5 residential sites per acre on its property, in variance of 138-4.100, which only allows one single family dwelling to be erected on each property, and (2) allow the residential sites to be rented out instead of subdividing the property into separate lots. The zoning ordinance 138-5.100, Table 6, pertains to minimum lot size, yard setback and maximum lot coverage. None of these restrictions would apply if the variances are allowed.

3. Criteria for Use Variance:

A **use variance** is a variance that allows a property to be used in a way for which the Ordinance does not otherwise permit in the Zoning District where the property is located. To obtain a use variance, an applicant must present proof that an unnecessary hardship exists, and the unnecessary hardship must relate to a unique circumstance of the property, which prevents the applicant from reasonably using the property for a permitted purpose. *A use variance may not be applied for without first attempting to rezone the property.*

- a) **Reasonable use.** Describe how the affected property cannot be reasonably used or cannot yield a reasonable return on a prudent investment if only used for a purpose allowed in the Zoning District.

The property is zoned R4, but is unsuitable for regularly constructed houses due to soil conditions resulting from former use as a municipal landfill. Because it is a former landfill, individual private ownership of individual lots is impractical, as many people would be reluctant to incur the potential liability associated with this past use, and banks are unlikely to loan money on such lots. The only viable solution is to rent sites upon which privately owned dwellings will be placed. This approach requires a higher density than regular sites to be economical.

- b) **Unique circumstance.** Describe how the request results from a special or unique circumstances peculiar to the affected property and not to general neighborhood conditions.

The property is a former landfill, and is subject to the Brownfield development incentives unique to these sorts of properties. The city passed its Brownfield development ordinance in order to encourage the private sector to step forward and think "outside of the box" and come up with ways to somehow put these properties back into productive use. Toward this end, the Brownfield ordinance allows easier rezoning and variances from zoning statutes than traditional properties.

- c) **Essential Character.** Describe how the use to be authorized by the variance will not alter the essential character of the area and locality.

The surrounding area is a combination of residential (to the east, west and north), and light industrial (to the south). By developing the property as residential it will keep the existing character of the area. In addition, city building codes and ordinances will apply to the residences, since no variance is being sought from these. Hence, the city will be able to ensure that the new residences will not alter the essential character of the area. In fact, it is likely that the new residences will be of a higher quality than surrounding residences.

- d) **Not Self-created.** Describe how the alleged hardship has not been created by the actions of the applicant or any person having a current interest in the property.

The property was operated as a landfill on and off until approximately 1982. Both of the current owners acquired title many, many years after the landfill was closed. They had no involvement whatsoever with the operation of the landfill, did not know it was a landfill when they acquired their interests in the property, and did not take any actions which would have exacerbated the problems associated with the past use as a landfill.

- e) **Public Safety and Welfare.** Describe how the request would not be materially detrimental to the public welfare or materially injurious to this property or other properties or premises in the zone or district in which the property is located.

All design plans and engineering work to be done on the property will have to meet with the approval of the Michigan Department of Environmental Quality. This will ensure protection of the health and welfare of the general public, as well as the future residents of the property.

Attachment to Application for Zoning Use Variance
of
Six Star Investments, LLC and DNL Property Holding LLC
for Parcel Nos.
70-15-24-326-008 and 70-15-24-302-007

Ordinance Section 138-2.408(B) - Remedies Exhausted

B. Remedies Exhausted. An application for a use variance shall not be submitted or considered unless the applicant has first received a written determination from the building department that the proposed land use is not permitted under this ordinance in the district where the property is located, and, second has received a final decision from the City Council denying a rezoning of the property to a zoning district where the proposed land use would be permitted under this ordinance.

The Building Department issued a letter of denial on November 6, 2014 (attached), stating that construction on the properties proposed in the Zoning Variance Application cannot be accomplished within current building restrictions. The City Council issued a final decision denying applicants' Rezoning Application at a meeting of the full council on September 8, 2014. As such, available alternative remedies to a zoning variance have been pursued and exhausted.

Ordinance Section 138-2.408(C) - Unnecessary Hardship

C. Unnecessary Hardship. A use variance shall not be granted unless the Zoning Board of Appeals finds, on the basis of substantial evidence presented by the applicant, that there is an unnecessary hardship in the way of carrying out the strict letter of this ordinance.

There is an unnecessary hardship to applicants under the current zoning of the properties for the following reasons:

1. The properties in question cannot be reasonably used or cannot yield a reasonable return on a prudent investment if the properties are used only for a purpose allowed in the zoning district. The properties are currently zoned R-4, which is the default zoning for all Brownfield properties. Because it is a "default" zoning, the city's master use plan anticipates that this zoning will not be economically viable and will have to be changed at some future time.

Residential housing in the traditional sense is not an available option, since (1) subsidence and methane issues prevent the building of houses with regular brick and mortar construction, and (2) the property cannot be subdivided into lots, since most (possibly all) banks will not lend money to buy a lot or construct a home on a former landfill. Mortgages are secured by real estate, and banks do not want to take possession of landfill property, and hence there is no security for any mortgage backed loans. Also, the Planning Department acknowledged in its written report to the Planning Commission that the property could not be developed as R-4.

Alternative uses, such as commercial or light industrial, have not been feasible. Due to the economy or location (or both), efforts to develop the properties for these purposes have been unsuccessful.

2. The limited marketability of the properties is due to unique circumstances peculiar to the properties and not to general neighborhood conditions. The properties are part of the former Stan's Trucking landfill. Their problems arise from this condition, which is unique to them and none of the surrounding properties.

3. The use to be authorized by the variance will not alter the essential character of the area and locality. The surrounding neighborhoods are residential. Placing a residential development into this sort of a setting is the least likely to alter the character of the neighborhood. If anything, it would improve the residential quality of the neighborhood, since current manufactured housing units are nicer and more expensive than the homes in the immediate neighborhood. In addition, since the city would retain control of the permitting process for the development (since it would not be rezoned as a manufactured housing community subject to state regulation), steps could be taken to ensure that only quality housing went into the development.

4. The problem is not self-created. The owners of both properties have no ties whatsoever to Stan's Trucking, which is the entity that caused the environmental issues plaguing the properties.

5. The spirit of this ordinance will be observed, public safety and welfare secured, and substantial justice done. The zoning variance sought would allow construction of residential housing in keeping with the character of the neighboring communities, in a manner which would protect the public safety and welfare. Due to the Brownfield nature of the properties, the Michigan Department of Environmental Quality would have to approve any work done to the site, and anything built on the site. This would provide further assurances to the city that public safety and welfare will be preserved.

Ordinance Section 138-2.400.B - Review Considerations. There is compliance with the standards set forth in *Section 138-2.400.B*, which states:

B. Review Considerations. In consideration of all appeals and all proposed variances to this ordinance the Zoning Board of Appeals shall, before granting any variance to this ordinance in a specific case, first determine that the proposed variance will not impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets or increase the danger of fire or endanger the public safety or unreasonably diminish or impair established property values within the surrounding area or in any other respect impair the public health, safety, comfort, morals, or welfare of the inhabitants of the City.

The amount of air and light available to neighboring properties will not be affected by the zoning variance, since (1) the housing proposed to be placed on the properties would be subject to city ordinances for residential dwellings, and hence could not exceed two stories in height, and would in all likelihood be single story structures, and (2) there are no residential dwellings immediately adjacent to the properties, and hence there is no one to be directly impacted by the addition of new residential units.

Traffic congestion would not be increased beyond what would be expected with any residential

development. There would be no commercial or industrial traffic impacting the city beyond the initial construction phase.

There would be no increased risk of fire, since spacing between units would ensure that fires could not readily spread. Also, the housing units would be subject to current building and fire codes, and would be more resistant to fire than existing housing stock in the area.

Finally, property values in the surrounding area would not be negatively impacted. In fact, it is likely that they would benefit from the development. The new units placed in the development would likely cost more than current market values of nearby homes. As such, they would improve the values of neighboring properties. In addition, current residential property values in the area are undoubtedly depressed due to being located near a former landfill. Converting this landfill into an attractive and safe residential community will undoubtedly have a positive impact on neighboring property values. The property as it currently stands is a blight upon the city. That is precisely why this site and surrounding properties were placed in a Brownfield redevelopment zone, designated the Landfill Planning Area in the Master Land Use Plan. The city recognizes that the development of this site into a productive part of the city can only have a positive impact on the neighborhood as well as the overall city's growth and potential.

Ordinance Section 138-2.302 - Discretionary Decisions. There is compliance with the standards for discretionary decisions as contained in Section 138-2.302 of this Ordinance, which states:

“For decisions on conditional uses referred to in subsection (a) of this section and in all other instances in this ordinance where discretionary decisions must be made by a board, commission or official, including decisions on site plans, the requirements and standards as particularly set forth in this ordinance concerning the matter for decision shall be followed, and such discretionary decision shall also be based upon the findings that the conditional use will” promote the intent and purposes of the city’s ordinances.

- A. The discretionary decisions which the city is being asked to make as part of this application would promote the city’s ordinances, as discussed in Section 6, above.
- B. The development would be designed, constructed, operated, maintained and managed so as to be compatible, harmonious and appropriate in appearance with the existing or planned character of the general vicinity, adjacent uses of land, the natural environment, the capacity of public services and facilities affected by the land use, and the community as a whole. This has also been discussed at length in Section 6, above.
- C. The development would be served adequately by essential public facilities and services, such as highways, streets, police and fire protection, drainage ways, refuse disposal, or that the persons or agencies responsible for the establishment of the land use or activity shall be able to provide adequately any such service. Water, electric, gas, telephone and cable/internet will be supplied to each unit site. The owner of the residential unit will be responsible for hook up and payment of the utilities. No utilities will be paid for by the two owners of the sites being rented.

Special steps will be taken by an engineering firm to ensure that the site will be safe for human habitation and address construction challenges of the properties. Such steps are expected to include (i) extra thick and reinforced cement roads to compensate for subsidence, (ii) flexible water main and sewer pipes to compensate for subsidence, (iii) passive venting of underground gasses, possibly through specially designed street lights, (iv) extra thick and reinforced cement slabs underneath the unit sites to compensate for subsidence, (v) impermeable barriers underneath the cement slabs to prevent migration of underground gasses into the homes, (vi) limiting homes to manufactured housing, since such homes are more rigid and therefore better able to accommodate subsidence, (vii) requiring passive ventilation underneath the manufactured homes to prevent buildup of underground gasses, (viii) re-capping of property to current landfill standards, (ix) installation of suitable landscaping to prevent erosion of the new landfill cap, and (x) enforcement of rules requiring tenants to maintain suitable landscaping on their units to prevent erosion of the new landfill cap.

The proposed development will be directly across the street from Borden Park. This is one of the major parks in Rochester Hills, and includes the following facilities: 143-acre park/sports complex; 4 lighted softball/baseball fields; 5 full-size soccer fields with lighted World Cup field; 7 small-size soccer fields; 1 multipurpose field; 4 tennis courts; 3 basketball courts; 7-station softball/hardball batting cages; 2 roller hockey rinks; play structure; picnic tables; 30 acres wooded wetlands/nature area; 3 measured fitness loops; vending machines. City sponsored activities include: baseball/softball; soccer; tennis; basketball; batting cages; roller hockey; hiking/fitness loop. The Clinton River Trail for hiking and bicycling is also nearby. All of these recreational facilities and activities will be within easy walking and bicycling distance from the proposed development, and is one of the major advantages of this location.

The development will be approximately 2 miles away from both Hamlin Elementary School, and also Reuther Middle School. It is around one-half mile away from the ACE adult continuing education facility. It is within easy commuting distance to Oakland University, Oakland Community College and Rochester College. The universities all have library facilities. In addition, the Rochester Hills Public Library is only a little more than 3 miles away.

The proposed site is near both Crittenton Hospital and Beaumont Troy Hospital. There are also numerous physician offices in the area.

D. The development will not be detrimental, hazardous, or disturbing to existing or future neighboring uses, persons, property or the public welfare. The reasons for this are enumerated at length above in subparts (A) - (C).

E. The development will not create additional requirements at public cost for public facilities and services that will be detrimental to the economic welfare of the community. Any development will always affect city costs. This cannot be helped, and is a part of growth. However, this cost is normally offset through increased tax revenues, which would also be the case here. Tax revenues to the city will increase greatly after the Brownfield financing has been repaid through future taxes. These future taxes will, more than offsetting any added cost to the city.

The Six Star site is currently has a taxed assessed value of \$70,010. The DNL Property site has a tax assessed value of \$68,750. After development, the assessed values of these properties will be much greater. Avon on the Lake (with 616 RMH sites) has a tax assessed value of \$4,802,870 (\$7,797/site). Rochester Estates (with 775 RMH sites) has a tax assessed value of \$6,669,330 (\$8,606/site). It is reasonable to presume that the proposed development will have similar assessed values. If these examples are applied to the proposed site, the new development will have a tax assessed value of at least \$4,216,940 (460 sites x \$8,606/site = \$3,958,760). This is an increase in assessed value of almost \$4 million (\$3,958,760 - \$70,010 - \$68,750 = \$3,820,000). Currently, total annual taxes are 4.7% of assessed value. The projected *total increase* in tax revenue from the project could be approximately \$191,674.46/yr ($\$3,820,000 \times 0.047 = \$179,540/\text{yr}$). These additional tax revenues can be used to pay for the development's share of public costs once the Brownfield tax-incremental-financing (TIF) has been repaid..



innovative *by* nature

Bryan K. Barnett
Mayor

November 6, 2014

City Council

Stephanie Morita
District 1

Adam Kochenderfer
District 2

Greg Hooper
District 3

Thomas W. Wiggins
District 4

Kevin S. Brown
At-Large

Mark A. Tisdell
At-Large

Michael Webber
At-Large

Six Star Investments, LLC & DNL Property Holding LLC
37000 Woodward Ave., Suite 250
Bloomfield Hills, MI. 48304
Attn: Kenneth Frantz

RE: Application for Building Permits / Site Plan
Parcel 70-15-24-326-008 and Parcel 70-15-24-302-007

Dear Mr. Frantz;

We are in receipt of your application for building permits to construct manufactured housing at the above referenced locations. However, your application does not meet the requirements as set forth in the City's Zoning Ordinance, Section 138-4.200 RE, R-1, R-2, R-3, and R-4 One Family Residential Districts.

RE, R-1, R-2, R-3 and R-4 One-Family Residential Districts are designed to provide for one-family, low density dwelling sites and residentially related uses in keeping with the Master Plan for residential development in the City. The uses permitted by right and on special condition as conditional uses are intended to promote a compatible arrangement of land uses for homes, with the intent to keep neighborhoods relatively quiet and free of unrelated traffic noises.

The proposed development plan that you provided with your building permit applications has not been approved by the City based on the standards for an R-4 Zoning District. Therefore, we are unable to approve your building permit applications and are issuing this letter of denial. You may revise your proposed development plan and building permit applications, however in order for the Building Department to issue a building permit, the home site must be a lot of record since the land is zoned R-4 and intended for Single-Family Detached Homes. The proposed development plan you submitted to the Building Department would need to be revised, approved, and recorded before a building permit could be issued.

An appeal of this denial or variance may be requested of the Rochester Hills Zoning Board of Appeals. If you decide to take this matter before the Zoning Board of Appeals, a filing fee and your application for a public hearing before the Zoning Board of Appeals must be submitted to the Planning Department within forty-five days of the date of this letter. Your application will then be placed on the next available agenda.

If you seek a variance, it is necessary to show a practical difficulty or unnecessary hardship in the way of carrying out the strict letter of the ordinance. In determining whether a practical difficulty or unnecessary hardship exists, the Zoning Board of Appeals **MUST** find that:

1. The property in question cannot be reasonably used or cannot yield a reasonable return on a prudent investment if the property would be used only for a purpose allowed in the zoning district.
2. The plight is due to unique circumstances peculiar to the property and not to general neighborhood conditions.
3. The use to be authorized by the variance will not alter the essential character of the area and locality.
4. The problem is not self-created.
5. The spirit of the ordinance will be observed, public safety and welfare secured, and substantial justice done.
6. There is compliance with the standards set forth in Section 138-2.400B.
7. There is compliance with the standards for discretionary decisions as contained in Section 138-2.302 of this Ordinance.

If you have any questions regarding the above, please feel free to contact me at 248-656-4615.

Sincerely,

BUILDING DEPARTMENT



Kelly M. Winters
Deputy Director

CC: John Staran – City Attorney
Scott Cope – Director
Ed Anzek – Director of Planning



innovative by nature

Bryan K. Barnett
Mayor

August 21, 2014

City Council

Stephanie Morita
District 1

Adam Kochenderfer
District 2

Greg Hooper
District 3

Thomas W. Wiggins
District 4

Kevin S. Brown
At-Large

Mark A. Tisdell
At-Large

Michael Webber
At-Large

Mr. Kenneth Frantz
Six Star Investments, LLC
37000 Woodward Ave., Suite 250
Bloomfield Hills, MI 48304

Re: Rezoning Request – City File No. 14-011
Parcel Nos. 15-24-326-0080 and 15-24-302-007

Dear Mr. Frantz,

The motion below was passed at the August 19, 2014 Planning Commission. Your request for a Rezoning from R-4, One Family Residential to RMH, Manufactured Housing Park was recommended for denial with two findings:

MOTION by Kaltsounis, seconded by Schroeder, in the matter of City File No. 14-011 (Six Star Investments Rezoning) the Planning Commission **recommends denial** to City Council of the proposed rezoning of parcel nos. 15-24-326-008 and 15-24-302-007 from R-4 to RMH with the following findings.

Findings:

1. Approval of RMH zoning would increase the potential for development with trip generation that is unsuitable for the area.
2. Approval of RMH zoning would not be compatible with its surroundings.

Voice Vote: All Ayes

This recommendation will be forwarded to City Council for action, and you will be notified when it is scheduled on a City Council agenda.

If you have any questions, please feel free to contact me.

Sincerely,

Ed Anzek, AICP, Director
Planning and Economic Development Dept.

i:\pla\development reviews\2014\14-011 six star rezoning\summary letter 8-19-14.doc

SIX STAR INVESTMENTS, LLC
37000 WOODWARD AVE., SUITE 250
BLOOMFIELD HILLS, MICHIGAN 48304

November 18, 2014

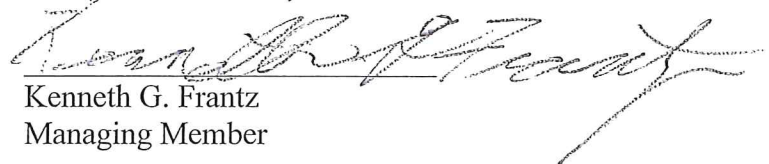
City of Rochester Hills
Planning and Economic Development Department
1000 Rochester Hills Drive
Rochester Hills, Michigan 48309

Re: Application for Zoning Variance

Dear Sir/Madam:

In compliance with the rules for submitting applications for zoning variances, please be advised that Six Star Investments actively supports the granting of a zoning variance for its property in Rochester Hills identified by tax parcel ID number 70- 15-24-326-008, commonly known as vacant property located on the South side of School Rd., West of Parke Street. A copy of the quiet title order conferring title to Six Star Investments is attached.

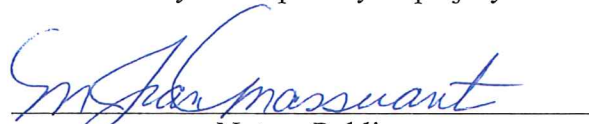
Very truly yours,
Six Star Investments, LLC


Kenneth G. Frantz
Managing Member

State of Michigan

County of Oakland

On November 18, 2014, personally appeared before me Kenneth G. Frantz, known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to this letter and acknowledged to me that he executed this letter in his authorized capacity as Managing Member of Six Star Investments, LLC. I certify under penalty of perjury that the foregoing paragraph is true and correct.



, Notary Public

My commission expires:

M. JEAN MASSERANT Notary Public, State of Michigan County of Macomb My Commission Expires Mar. 29, 2019 Acting in the County of <u>Oakland</u>
--

COPY

STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF OAKLAND

SIX STAR INVESTMENTS, LLC,
a Michigan limited liability company

Plaintiff,

Case No. 99-016540-CK

Hon. John J. McDonald

vs

STAN'S TRUCKING INC., a lapsed Michigan corporation
THOMAS KASZUBSKI (Personal Representative
of the Estate of Stanley Kaszubski), TAHOE LAND CO.
TRI-S CO. LLC, and B&B GROUP, L.L.P.

RECEIVED FOR FILING
CLERK

273764
LIBER 29395 PAGE 865
\$16.00 MISC RECORDING
\$4.00 REINDEXATION
06/02/2003 09:17:43 A.M. RECEIPT# 4550
PAID RECORDED - OAKLAND COUNTY
G.WILLIAM CADDELL, CLERK/REGISTER OF DEEDS

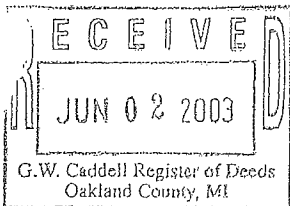
Defendants.

BY _____
DEPUTY COUNTY CLERK

Kenneth G. Frantz (P29249)
Simon, Galasso & Frantz, PLC
Attorneys for Plaintiff/Appellant
2401 W. Big Beaver Rd., Suite 520
Troy, Michigan 48084
(248) 649-1400

Steve Sowell. (P38149)
Attorney for Defendant B&B Group, L.L.P.
2 Crocker Blvd., Suite 301
Mount Clemens, MI 48043
(586) 465-9529

ORDER QUIETING TITLE



At a session of said Court held in the City of Pontiac,
County of Oakland, State of Michigan on

MAR 26 2003

Present: John J. McDonald
Circuit Court Judge

This matter having come before this Court on March 26, 2003, on Plaintiff's Motion for Entry of Order Quieting Title, pursuant to MCR 2.119(A)(1), and the Court having reviewed the documents in the file, and the Court having heard oral arguments, and being otherwise fully advised in the premises:

IT IS ORDERED that Six Star Investments, LLC's Motion for Entry of Order Quieting Title is granted for the reasons set forth on the record, and

IT IS FURTHER ORDERED that Plaintiff Six Star Investments, LLC is the owner in fee simple title of the following described real estate as against all ^{defendants} persons:

CITY OF ROCHESTER HILLS, OAKLAND COUNTY, STATE OF MICHIGAN

TOWN 3 NORTH RANGE 11 EAST SECTION 24E 1/2 OF SW 1/4 EXC BEG AT S 1/4 COR, TH N 89 D 21M 00S W 1325.12 FT TH N 00D 15M 20S E 656.59 FT TH S 88D 08M 40S E 1326.45 FT, TH S 00D 20M 20S W 628.72 FT TO BEG, ALSO EXC BEG AT PT DIST N 00D 11M 04S W 2766.95 FT & N 87D 44M 46S W 786.17 FT FROM S 1/4 COR TH SWLY 830 FT ALG CEN LINE OF HONEYWELL DRAIN TH N 87D 44M 66S W 23 FT TO TRAVERSE POINT 'A', SD POINT 'A' LOCATED DIST N 87D 44M 46S W 53.00 FT & S 52D 09M 55S W 165.28 FT & S 03D 07M 16S W 140.85 FT & S 23D 28M 06S W 196.70 FT & S 50D 05M 19S W 189.63 FT & S 09D 58M 51S W 75.75 FT ALG TRAVERSE LINE FROM PT OF BEG TH N 87D 44M 46S W 124.32 FT TH N 00D 11M 24S W 217.76 FT TH N 00D 05M 52S W 415.79 FT, TH S 87D 44M 46S E 554.16 FT ALG E & W 1/4 LINE TO BEG, ALSO EXC ALL THAT PART OF N 43 FT OF E 1/2 OF SW 1/4 WHICH LIES E OF CEN LINE OF HONEYWELL DRAIN, ALSO EXC S 10 FT OF N 53 FT OF E 1/2 OF SW 1/4 WHICH LIES W OF LINE 30 FT E OF & MEAS AT RIGHT ANG & PARA TO CEN LINE OF HONEYWELL DRAIN. 59.17 ACRES.

Commonly known as vacant property located on the South side of School Rd., West of Dequindre Rd. Tax Parcel # 15-24-326-008

IT IS FURTHER ORDERED that all title, interest and claim of right of Defendants as captioned above are hereby conveyed to Plaintiff; and Defendants' interest and rights are otherwise extinguished.

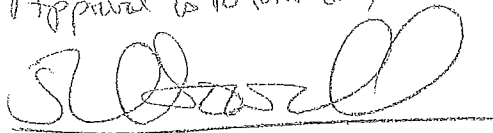
IT IS FURTHER ORDERED that a certified copy of this Order shall be recorded in the Oakland County Register of Deeds, and its recording shall operate to ^{extinguish} convey all title, interest and claims of right of the above referenced Property to Plaintiff ^{of Defendants}.

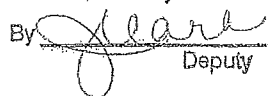
In accordance with MCR 2.602(A)(3), entry of this order resolves the last pending claim and closes the case.

IT IS SO ORDERED.

JOHN J. McDONALD

Hon. John J. McDonald
Circuit Court Judge

Approval as to form only:

Steve Sewell

A TRUE COPY
G. WILLIAM CADDELL
Oakland County Clerk-Register of Deeds
By  Deputy

DNL PROPERTY HOLDING LLC
25680 SHORELINE DRIVE
NOVI, MICHIGAN 48374

November 18, 2014

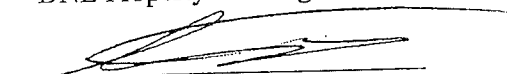
City of Rochester Hills
Planning and Economic Development Department
1000 Rochester Hills Drive
Rochester Hills, Michigan 48309

Re: Application for Zoning Variance

Dear Sir/Madam:

In compliance with the rules for submitting applications for zoning variances, please be advised that DNL Property Holding LLC actively supports the granting of a zoning variance for its property in Rochester Hills identified by tax parcel ID number 70-24-302-007, commonly known as vacant property located on the North side of Hamlin Road, East of Gravel Ridge Rd. A copy of the quiet title order conferring title to DNL Property Holding LLC is attached.

Very truly yours,
DNL Property Holding LLC

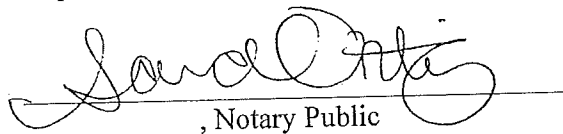


Lixing Cao
Managing Member

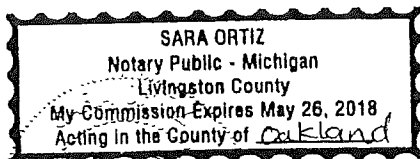
State of Michigan

County of Oakland

On November 18, 2014, personally appeared before me Lee Cao, known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to this letter and acknowledged to me that he executed this letter in his authorized capacity as Managing Member of DNL Property Holding LLC. I certify under penalty of perjury that the foregoing paragraph is true and correct.



, Notary Public



My commission expires: *May 26th, 2018*

LIBER 42457 PG 812

RECEIVED
OAKLAND COUNTY
REGISTER OF DEEDS

2010 OCT 12 AM 8:54

183145
LIBER 42457 PAGE 812
\$10.00 DEED - COMBINED
\$4.00 REMONUMENTATION
10/13/2010 12:06:12 P.M. RECEIPT# 78667



PAID RECORDED - OAKLAND COUNTY
RUTH JOHNSON, CLERK/REGISTER OF DEEDS

QUIT CLAIM DEED

KNOW ALL MEN BY THESE PRESENTS; BROOK PROPERTY HOLDING LLC

whose address is: 24750 Bethany Way, Novi, MI 48375

Quit claim to: DNL PROPERTY HOLDING LLC

whose address is: 24750 Bethany Way, Novi, MI 48375

the following-described premises situated in the City of Rochester Hills, County of Oakland, and State of Michigan, to-wit:

70 15-24-302-007
T3N, R11E, SEC 24 FERRYVIEW HOMELANDS OUTLOT A EXC E 337 FT OF S 350 FT

27000

Parcel Identification No. 70 15-24-302-007
Commonly known as: NONE AVAILABLE

together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining.
This instrument is exempt from County Transfer Tax under MCLA 207.505 (X).
This instrument is exempt from State Transfer Tax under MCLA 207.526 (X).

IP
R
E

Dated this 5 day of October, 2010.

Signed in the presence of:

Signed by:
BROOK PROPERTY HOLDING LLC

LIXING CAO

TITLE: CHIEF EXECUTIVE OFFICER

STATE OF MICHIGAN)
COUNTY OF Oakland

The foregoing instrument was acknowledged before me this 5 day of October, 2010, by Lixing Cao, Chief Executive Officer of Brook Property Holding LLC

Natalie Greenough, Notary Public
Oakland County, Michigan
My commission expires: 1-5-2017

WHEN RECORDED RETURN TO:
LIXING CAO
24750 BETHANY WAY
NOVI, MI 48375

DRAFTED BY:
LIXING CAO
24750 BETHANY WAY
NOVI, MI 48375

OK - MH

0157130

LIBER 42335 PAGE 176
\$10.00 DEED - COMBINED
\$.00 REMONUMENTATION
09/01/2010 05:00:43PM RECEIPT #65961
PAID RECORDED - OAKLAND COUNTY
RUTH JOHNSON, CLERK/REGISTER OF DEEDS

DEED PURSUANT TO ACT 123 OF 1999

The grantor, Andrew E. Meisner, Oakland County Treasurer, whose address is 1200 N. Telegraph Road, Building 12E, Dept. 479, Pontiac, Michigan 48341, conveys in fee simple interest to BROOK PROPERTY HOLDING LLC

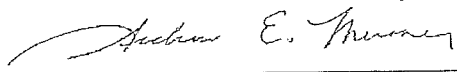
whose address is: 24750 BETHANY WAY
NOVI, MI 48375

the following described premises situated in the CITY of Rochester Hills
County of Oakland and State of Michigan.
T3N, R11E, SEC 24 FERRYVIEW HOMELANDS OUTLOT A EXC E 337 FT OF S 350 FT

Parcel Number: 15-24-302-007

for the sum of \$62000.00
subject to easements and building restrictions of record and those enumerated special assessments and liens set forth in MCL 211.78k(5)(c), as amended.
This transfer is exempt pursuant to MCL 207.505(h)(I) and MCL 207.526(h)(I)


Dated this 24th day of AUGUST 2010



Andrew E. Meisner
Oakland County Treasurer

State of Michigan
County of Oakland

The foregoing instrument was acknowledged before me this 24th Day of AUGUST 2010
By Andrew E. Meisner, Oakland County Treasurer



Darlene Marie Rice
Notary Public Oakland County, Michigan, Acting in Oakland County
My Commission expires: December 16, 2011

Instrument drafted by:
Chief - Tax Administration
Oakland County Treasurer's Office
1200 N. Telegraph Road, Bldg. 12E Dept. 479
Pontiac, MI 48341

When recorded return to: Grantee
Send subsequent tax bills to: Grantee