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## **HAGGERTY CORRIDOR CORPORATE PARK I – CONDOMINIUM AMENDMENT TO REVISE BOUNDARY BETWEEN UNIT 1 AND PARK "A" SP 08-10**

### **HAGGERTY CORRIDOR CORPORATE PARK I – CONDOMINIUM AMENDMENT TO REVISE BOUNDARY BETWEEN UNIT 1 AND PARK "A" SITE PLAN NUMBER 08-10**

Public Hearing of the request of Haggerty Partners for an amendment to the condominium plan. The subject property is located in Section 12, between Twelve Mile and Thirteen Mile, east of the M-5 Connector, in the OST, Planned Office Service Technology District. The applicant is proposing to modify the boundary between Unit 1 and Park A within Haggerty Corridor Corporate Park I, which would transfer approximately 1.03 acres from Park "A" to Unit 1.

#### **Required Action**

Approve/deny the condominium amendment to revise the boundary between Unit 1 and Park "A" of the Haggerty Corridor Corporate Park Phase I Condominium

<b>REVIEW</b>	<b>RESULT</b>	<b>DATE</b>	<b>COMMENTS</b>
Planning	Approval recommended	8.6.08	<b>Remaining issues to be addressed on revised Master Deed and Exhibit Bs</b>
Wetlands	See letter	4.15.08	<b>Potential wetland impacts would need to be properly mitigated as part of a site plan for development of this unit (see SP08-11 Hilton Homewood Suites)</b>

## **Motions**

### **Approval – Replat No. 4 (Exhibit B) and Fourth Amendment to Master Deed of the Haggerty Corridor Corporate Park Phase 1 Condominium**

In the matter of Haggerty Corridor Corporate Park Phase 1 Site Condominium, SP 08-10, motion to **approve** the amendment to the boundary between Unit 1 and Park "A", subject to the following:

- a. Address the outstanding issues in the planning review letter (dated August 6, 2008) and the legal review letter (dated July 31, 2008), regarding Replat No. 4, the Fourth Amendment to Master Deed, and other Master Deed-related items, and
- b. (additional conditions here if any)

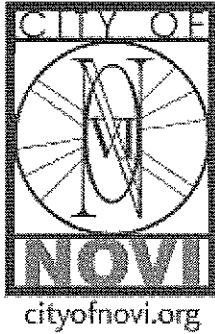
for the following reasons...(because it is otherwise in compliance with Article 23A, Article 24 and Article 25 of the Zoning Ordinance and all other applicable provisions of the Ordinance).

### **Denial - Replat No. 4 (Exhibit B) and Fourth Amendment to Master Deed of the Haggerty Corridor Corporate Park Phase 1 Condominium**

In the matter of Haggerty Corridor Corporate Park Phase 1 Site Condominium, SP 08-10, motion to **deny** the amendment to the boundary between Unit 1 and Park "A", for the following reasons...

**PLANNING REVIEWS**

**April 14, 2008 &  
August 6, 2008**



## **PLAN REVIEW CENTER REPORT**

August 6, 2008 (UPDATED from April 14, 2008)

### **Planning Review – Haggerty Corridor Corporate Park I**

Condominium Revision to modify the boundary  
between Unit 1 and Park A

Replat No. 4 (Exhibit B) and 4<sup>th</sup> Master Deed Amendment  
SP#08-10 (Original reviewed under SP#03-58)

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#### **Petitioner**

Northern Equities

#### **Review Type**

Replat No. 4 (Exhibit B) and the Fourth Amendment to the Master Deed

#### **Date of Replat No. 4**

Amended 7.10.08

#### **Property Characteristics**

- Site Location: Northwest corner of the existing HCCP I Condo, generally located at the southeastern corner of 13 Mile Road and M-5
- Site Zoning: OST, Planned Office Service Technology
- Adjoining Zoning: North, South & East: OST; West: RA (Across M-5)
- Site Use(s): Vacant Unit 1 and adjacent wetland that was preserved when HCCP I was originally approved.
- Proposed Use(s): A separate plan was submitted for a Hilton Homewood Suites on Unit 1. A portion of the preserved wetland area adjacent to Unit 1 ("Park A") would need to be added to the Unit 1 area, in order to provide sufficient acreage for the proposed hotel.
- Adjoining Uses: North: Haggerty Corridor Corporate Park Phase II (North side of 13 Mile Road); East: OST; West: M-5 Connector; South: Remainder of Haggerty Corridor Corporate Park Phase I
- Site Size: Transfer of 1.03 acres from Park A to Unit 1, which would expand Unit 1 from 3.58 acres to 4.61 acres

#### **Project Summary**

Replat No. 4 and the associated Fourth Amendment to Master Deed were drafted to address the proposed modification to the boundary between Unit 1 and Park A within Haggerty Corridor Corporate Park I (see all review letters for SP08-10 HCCPI). The boundary modification would transfer 1.03 acres to Unit 1 from Park A, to accommodate a proposed hotel development (see SP08-11 Hilton Homewood Suites). A significant portion of the subject acreage is wetlands, which were preserved when the Haggerty Corridor Corporate Park I Condominium was approved by the Planning

**Planning Review of Replat No. 4 (Exhibit B) and 4<sup>th</sup> Master Deed Amendment**

August 6, 2008

SP#08-10 (Original Master Deed reviewed under SP#03-58)

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Commission on February 25, 2004 (SP 03-58). The Planning Division notes that if the condominium modification is approved to include a portion of the wetland area within Unit 1, all proposed development plans for the unit would still be required to undergo the site plan review and approval process, including all required permitting that may be associated with any filling of wetlands or encroachment on the wetland buffer area. We note that while there are outstanding issues related to the Fourth Amendment to Master Deed and Replat No. 4, the submittal has addressed some of the outstanding items noted in the previous planning review letter of April 14, 2008, and the legal review, dated April 7, 2008.

**Recommendation**

The proposed Replat No. 4 (Exhibit B) and the Fourth Amendment to the Master Deed are **recommended for planning approval, subject to the issues noted below being addressed or clarified with a revised submittal.**

1. Submit all prior Master Deed amendments and replats that were not reviewed by the city, including the Third Amendment to Master Deed and the associated Replat No. 2, as well as Replat No. 3.
2. Per the Planning Commission motion from the original approval of the Haggerty Corridor Corporate Park Phase I Site Condominium, address all outstanding issues from the engineering review letter (dated February 2, 2004), planning review (dated February 9, 2004), planning review of the Master Deed and By-Laws (dated April 13, 2004), and the city attorney's letter of July 1, 2004 (which was most recently updated on July 31, 2008).
3. Address the outstanding issues noted in the City Attorney's letter dated July 31, 2008.
4. Address the remaining Comments in this Planning Review Letter.

The staff and city attorney had a meeting on June 12, 2008, to discuss these issues and are working toward resolution of all outstanding Master Deed aspects. Some of the issues have been resolved, and some have not been resolved. This letter identifies the remaining discrepancies noted in the review of the Master Deed.

**Comments**

1. The proposed Replat No. 4 notes that Unit 3 was omitted. A plan was submitted for review, proposing to divide Unit 3 in order to create Units 11 and 12 (SP 07-52 for LaSalle North and LaSalle South). While Stamping Sets were recently submitted for this project, they have not yet been stamped. The proposed Fourth Amendment to Master Deed notes that a Third Amendment to Master Deed was recorded on April 16, 2008. Replat No. 2 was attached to the Third Amendment, per the City Attorney's Review. We are unaware when a Replat No. 3 may have been recorded, or what it may include. The Third Amendment to Master Deed, Replat No. 2, and the possible Replat No. 3 were not reviewed and approved by the City prior to being recorded. These should be submitted for review prior to approval of the Fourth

**Planning Review of Replat No. 4 (Exhibit B) and 4<sup>th</sup> Master Deed Amendment**

August 6, 2008

SP#08-10 (Original Master Deed reviewed under SP#03-58)

Page 3 of 4

Amendment to Master Deed and Replat No. 4. Also, the Third Amendment to Master Deed and Replat No. 2 must be submitted for review prior to the SP07-52 plans being stamped.

2. Sheet 4 of 18 on Replat No. 4 indicates "Original Limits of Unit 1, omitted and revised per 3/24/08". This modification to Unit 1, which is being reviewed as part of this submittal, would need to be approved by the City prior to recording the documents. Also, the Master Deed includes a revised legal description for Unit 1, but does not include a revised legal description for Park "A".
3. It appears two unit envelopes are shown for Unit 1 on Sheet 4 of 18. Please clarify.
4. The condominium includes Parks A, B, & C, but the proposed "Park" definition appears to reference only Park B. Please address this issue on revised plans.
5. Per the standards of Section 2407 - Site Condominiums of the Zoning Ordinance, the following standards apply to the reviews:

*Section 2407.2. Approval under this Section shall be required as a condition to the right to construct, expand or convert a site condominium. The approval process shall comply with those procedures for site plan review provided in this Ordinance. The Planning Commission shall conduct its review in accordance with the public hearing requirements set forth in Section 3006 of this Ordinance. At the time of final site plan review, the developer shall provide a copy of the proposed master deed and any additional documentation to be recorded with the Register of Deeds, for review and approval by legal counsel, with respect to all matters subject to regulation by the City, including, without limitation, ongoing preservation and maintenance of drainage, retention, woodland, wetland and other natural areas and common areas in the project.*

*Section 2407.3.G. Any proposed amendment of a master deed which would involve any subject matter reviewed or reviewable under this Section shall be reviewed and approved by the Planning Commission prior to recordation.*

6. The Planning Commission approved the Haggerty Corridor Corporate Park Phase I Condominium (SP 03-58) on February 25, 2004, with the following motion:

*In the matter of Haggerty Corridor Corporate Park Phase I Condominium, SP03-58, motion to grant approval of a site condominium subject to: 1) The conditions and items listed in the Staff and Consultant review letters; 2) The Applicant's agreement to permanently preserve the area between Siemens and Cabot South in its natural state, with a Master Deed amended as per the language on page three of three of the Plan Review Center report dated February 9, 2004; and 3) The City Attorney's review of the documents; for the reason that the proposal meets the requirements of the City Ordinances and is in compliance with the Master Plan. Motion carried 8-0.*

Per the Planning Commission motion and Section 2407 of the Zoning Ordinance (noted above), all outstanding issues from the engineering review letter (dated February 2, 2004), planning review (dated February 9, 2004), planning review of the Master Deed and By-Laws (dated April 13, 2004), and the city attorney's letter of July 1, 2004 (which was most recently updated on July 31, 2008) must be completed prior to final approval

**Planning Review of Replat No. 4 (Exhibit B) and 4<sup>th</sup> Master Deed Amendment**

August 6, 2008

SP#08-10 (Original Master Deed reviewed under SP#03-58)

Page 4 of 4

of Replat No. 4 and the Fourth Amendment to Master Deed. (See letters from SP03-58).

7. After the Planning Commission's review of the proposed amendment, the Exhibit B and Master Deed documents will need to be revised and submitted for final plan review, addressing all of the comments in the review letters and the comments made by the Planning Commission.

*Karen F. Reinowski*

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Reviewed by Karen F. Reinowski, AICP, PCP at 248-347-0484 or  
[kreinowski@cityofnovi.org](mailto:kreinowski@cityofnovi.org)



## PLAN REVIEW CENTER REPORT

April 14, 2008

### Planning Review

Haggerty Corridor Corporate Park I (HCCP I) –  
Condominium Revision to modify the boundary  
between Unit 1 and Park A  
SP #08-10

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#### Petitioner

Haggerty Corridor Partners

#### Review Type

Preliminary Site Plan of Modification to Exhibit "B" of HCCP Condominium Phase 1;  
Master Deed to be reviewed by City Attorney

#### Property Characteristics

- Site Location: Northwest corner of the existing HCCP I Condo, generally located at the southeastern corner of 13 Mile Road and M-5
- Site Zoning: OST, Planned Office Service Technology
- Adjoining Zoning: North, South & East: OST; West: RA (Across M-5)
- Site Use(s): Vacant Unit 1 and adjacent wetland that was preserved when HCCP I was originally approved.
- Proposed Use(s): A separate plan was submitted for a Hilton Homewood Suites on Unit 1. A portion of the preserved wetland area adjacent to Unit 1 ("Park A") would need to be added to the Unit 1 area, in order to provide sufficient acreage for the proposed hotel.
- Adjoining Uses: North: Haggerty Corridor Corporate Park Phase II (North side of 13 Mile Road); East: OST; West: M-5 Connector; South: Remainder of Haggerty Corridor Corporate Park Phase I
- Site Size: Expansion of Unit 1 from 3.58 acres to 4.61 acres
- Plan Date: Amended 2.22.08

#### Project Summary

The applicant is proposing to modify the boundary between Unit 1 and Park A within Haggerty Corridor Corporate Park I, in order to add acreage to Unit 1 to accommodate a proposed hotel development (see SP08-11 Hilton Homewood Suites). It appears a significant portion of the subject acreage is wetlands, which were preserved when the Haggerty Corridor Corporate Park I Condominium was approved by the Planning Commission on February 25, 2004 (SP 03-58). The Planning Division notes that if the condominium modification is approved to include a portion of the wetland area within Unit 1, all proposed development plans for the unit would still be required to undergo



the site plan review and approval process, including all required permitting that may be associated with any filling of wetlands or encroachment on the wetland buffer area.

**Recommendation:**

Approval of the Preliminary Site Plan is **not recommended, unless the outstanding issues related to the Master Deed and associated Exhibits are satisfactorily addressed prior to consideration of the plan by the Planning Commission, and the Planning Commission makes a positive recommendation for approval of the condominium revision.** The quantity of land (including regulated wetlands) that would be removed from Park A and added to Unit 1 is significant (1.03 total acres, including approximately 0.29 acres of impact to regulated wetlands per ECT's review dated April 15, 2008). While any development on Unit 1 or impact to the wetland buffer or wetlands would need to be approved separately if Unit 1's boundaries are modified, an approval of the modification provides the "first step" towards reducing the quantity of wetlands and/or open space that were preserved when the HCCP I Condominium was approved. Also, there are outstanding issues related to the condominium plan and the Master Deed language that were not reviewed and approved by the City. All outstanding issues need to be addressed prior to consideration of the revision by the Planning Commission.

**Comments:**

The Preliminary Site Plan was reviewed according to the standards of Article 23A, Planned Office Service Technology District; Section 2400, the Schedule of Regulations; and other sections of the Zoning Ordinance, as noted. Items underlined below need to be addressed by the applicant or the Planning Commission at the time of Preliminary Site Plan Review:

1. The plan proposes transferring 1.03 acres of land from Park A to Unit 1, in order to provide additional acreage for the proposed Hilton Homewood Suites (SP 08-11).
2. Applicant must provide a survey sketch and legal description of both the existing Unit 1 and "Park A" to compare with the proposed Unit 1 and "Park A". (The acreage noted in this plan review was taken from the Stamping Sets).
3. The proposed revision to the condominium plans notes that Unit 3 was omitted. A plan was submitted for review, proposing to divide Unit 3 in order to create Units 11 and 12 (SP 07-52 for LaSalle North and LaSalle South). This plan has not received final approval from the Planning Division, as Stamping Sets have not been submitted for consideration. If the Stamping Sets for SP 07-52 are not finalized prior to any potential final approval of this plan, then it should be removed from the Exhibit "B" drawings.
4. It appears two building envelopes are shown for Unit 1 on Sheet 4 of 18. Please clarify.

5. The Engineering Department reviewed the plans, and noted that the east-west segment of the sanitary sewer extending east from the 15-inch sanitary no longer exists, or is no longer in service. The sanitary sewer shall be updated to reflect the existing layout.

6. Per the standards of Section 2407 - Site Condominiums of the Zoning Ordinance, the following standards apply to the reviews:

Section 2407.2. Approval under this Section shall be required as a condition to the right to construct, expand or convert a site condominium. The approval process shall comply with those procedures for site plan review provided in this Ordinance. The Planning Commission shall conduct its review in accordance with the public hearing requirements set forth in Section 3006 of this Ordinance. At the time of final site plan review, the developer shall provide a copy of the proposed master deed and any additional documentation to be recorded with the Register of Deeds, for review and approval by legal counsel, with respect to all matters subject to regulation by the City, including, without limitation, ongoing preservation and maintenance of drainage, retention, woodland, wetland and other natural areas and common areas in the project.

Section 2407.3.G. Any proposed amendment of a master deed which would involve any subject matter reviewed or reviewable under this Section shall be reviewed and approved by the Planning Commission prior to recordation.

7. The Planning Commission approved the Haggerty Corridor Corporate Park Phase I Condominium (SP 03-58) on February 25, 2004, with the following motion:

*In the matter of Haggerty Corridor Corporate Park Phase I Condominium, SP03-58, motion to grant approval of a site condominium subject to: 1) The conditions and items listed in the Staff and Consultant review letters; 2) The Applicant's agreement to permanently preserve the area between Siemens and Cabot South in its natural state, with a Master Deed amended as per the language on page three of three of the Plan Review Center report dated February 9, 2004; and 3) The City Attorney's review of the documents; for the reason that the proposal meets the requirements of the City Ordinances and is in compliance with the Master Plan.*

*Motion carried 8-0.*

The legal review for "Haggerty Corridor Corporate Park Condominium - Proposal to Modify Unit 1," dated April 7, 2008, notes that the Master Deed for the condominium was not approved by the City (as required in the Planning Commission motion of February 25, 2004 and Section 2407 of the Zoning Ordinance – both noted above). Also, we do not have any documentation to indicate that the outstanding engineering issues from the review letter (dated February 2, 2004) or the planning review (dated February 9, 2004) were addressed. We note the planning review states that the Master

Deed must be reviewed and commented by all appropriate city departments, and a planning review of the Master Deed and By-Laws, including several issues to be addressed on a revised submittal, was completed on April 13, 2004. These outstanding issues must be addressed prior to consideration of the plan by the Planning Commission.

8. **Response Letters:** The applicant is asked to provide a response letter to the Planning Division, responding to all issues raised in each review letter, including the legal review, prior to the site plan being heard by the Planning Commission. After the Planning Commission's review, the plans will need to be revised and submitted for Final Site Plan submittal, addressing all of the comments in the review letters and including and those comments made by the Planning Commission.

*Karen F. Reinowski*

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Reviewed by Karen F. Reinowski, AICP, PCP at 248-347-0484 or  
[kreinowski@cityofnovi.org](mailto:kreinowski@cityofnovi.org)

## WETLAND REVIEW



Environmental Consulting & Technology, Inc.

April 15, 2008

Ms. Barbara McBeth  
Deputy Director of Community Development  
City of Novi  
45175 West Ten Mile Road  
Novi, MI 48375

Re: HCCP Phase I Condo Revision SP #08-10 - Wetland Review

Dear Ms. McBeth:

Environmental Consulting & Technology, Inc. (ECT) has reviewed the proposed HCCP Phase I Condo Revision (SP #08-10) (Revision) project engineering plans (Plan) prepared by Alpine Engineering, Inc. and dated (amended) February 22, 2008. ECT has also previously visited the site to verify the wetland boundary found at the north end of the property, including Parcels 1, 2 and Park "A." The Plan was reviewed for conformance with the City of Novi Wetland and Watercourse Protection Ordinance and the natural features setback provisions in the Zoning Ordinance.

#### **Proposed Boundary Revision and Wetland Impacts**

ECT understands that the applicant is proposing to reconfigure the parcel boundaries associated with Parcel 1 and Park "A." The reconfiguration of this portion of the HCCP Phase I Condo is apparently requested in order to build the proposed Hilton Homewood Suites (SP# 08-11). The Hilton Homewood Suites project, as currently proposed would require wetland impacts of approximately 0.29-acre. The proposed wetland impacts would fill a relatively low-quality wetland dominated by cattail (*Typha angustifolia*), and Reed Canary Grass (*Phalaris arundinaceae*). These impacts would be outside of the HCCP Phase I parcel boundaries previously approved by the Novi Planning Commission. ECT believes that the proposed wetland impacts would require a Novi Non-Minor Use Wetland Permit and an MDEQ Wetland Permit.

Non-Minor Use Permits require approval from the Novi Planning Commission.

#### **Recommendation**

ECT was not present during the original review for the HCCP Phase I Condo project, and, therefore, does not believe it prudent to make a recommendation that override or modify the original determination made by the Novi Planning Commission, the City Planning Department, and its consultants.

If the City decides to reconsider the proposed Revision, ECT believes that the proposed wetland impacts could be reasonably mitigated with proper wetland mitigation design, construction and monitoring.

Thank you for the opportunity to review these plans and if you have any questions regarding the contents of this letter, please contact us.

Respectfully,

**ENVIRONMENTAL CONSULTING & TECHNOLOGY, INC.**

John A. Freeland, Ph.D., PWS  
Environmental Scientist

cc: Angela Pawlowski

**LEGAL REVIEWS**

**April 7, 2008 &  
July 31, 1008**



July 31, 2008

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Elizabeth M. Kudla  
Direct: 248-539-2816  
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Barb McBeth, Deputy Community Development Director  
City of Novi  
45175 West Ten Mile Road  
Novi, Michigan 48375-3024

**Re: HCCP Phase I  
SP03-58 Master Deed Amendment  
Third and Fourth Amendment to Master Deed  
Our File No: 660144 NOV1**

Dear Ms. McBeth:

We have received and reviewed the following documents pertaining to Haggerty Corridor Corporate Park, Phase I:

- Third Amendment to Master Deed (Recorded)
- Fourth Amendment to Master Deed (unexecuted)

We have the following comments regarding the above named documents:

#### **Third Amendment to Master Deed**

The Third Amendment to Master Deed has been recorded for the purpose of eliminating Unit 3 of the Condominium for the purpose of creating new Units 11 and 12 pursuant to the LaSalle Technology Centre lot split. Subject to review and approval of (1) Replat No. 2 (attached to the Third Amendment) and (2) the "stamping set" of the site plan by the City's Community Development Department, the Third Amendment to Master Deed is acceptable for this purpose.

#### **Fourth Amendment to Master Deed**

The primary purpose of the proposed Fourth Amendment to Master Deed is to modify the configuration of Unit 1 of the Condominium to expand Unit 1 into the existing "Park A" created by the original Master Deed for Haggerty Corridor Corporate Park, Phase I. We have the following comments relating to the proposed Fourth Amendment to Master Deed:

1. The Fourth Amendment to Master Deed must also address the issues set forth in our July 1, 2004 review report relating to the

original Master Deed which were not addressed by the Developer prior to recording. The proposed Forth Amendment satisfactorily addresses Items 5, 11 and 15 of the July 1, 2004, subject to modification of the preservation language on Sheet 3 of Replat No. 3 to be consistent with the preservation language set forth on Sheet 6. A copy of the Haggerty Corridor Corporate Park Phase I Minutes has been enclosed along with a City Planner's report dated February 9, 2004 relating to the Condominium Parks.

2. Relating to Item 1, above, Sheet 13 of 18 of the Replat No. 3 appears to have a dashed line indicating that the area to be preserved adjacent to Unit 8 is a proposed area of expansion. It is our understanding that pursuant to the above Minutes and Planner's Report, Park B is required to be preserved. This issue requires clarification.
3. Items 6, 7, 9, and 12 of the July 1 2004 Review Report have still not been addressed. Sections 7.1, 8.1, 8.7 and 11.2 of the original Master Deed provide that various boundaries of the Condominium may be modified by the Developer. However, modifications of the nature described in those Sections would likely require a site plan amendment and/or new site plan proposals. Therefore, the language in each one of those provisions should be subject to the following qualification:

Any proposed amendment to or modification of the boundaries of Units and/or Common Elements within the Condominium Master Deed, including but not limited to, contraction, withdrawal, expansion, or redefinition, shall be submitted to the City for review and approval prior to recording, subject to the requirements of all applicable laws and ordinances relating to (but not limited to) site plan review, woodlands and/or wetlands, and/ or roads and utilities.

4. Section 11.5 of the original Master Deed should be amended to include reference to Section 4.1 (N) of the Master Deed as being subject to review and approval of the City in the event of proposed modification to its terms.
5. The City's Planner has noted that Sheet 4 of Replat No. 3 contains the following statement, which appears to be inaccurate:

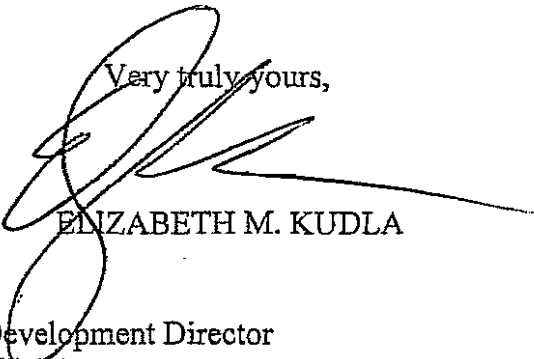


Original limits of Unit 1 omitted and revised per  
3/24/08 Amendment

We note that the City is currently considering the Fourth Amendment to Master Deed for the purpose of Developer's proposed modification of Unit 1 of the Condominium in connection with the Hilton Homewood Suites site plan. However, it should be noted that even if the Hilton Homewood Suites site plan is not approved as submitted, the issues set forth above must still be addressed for compliance with Site Plans 03-58 and 03-55.

Please feel free to contact us with any questions or concerns in regard to this matter.

Very truly yours,



ELIZABETH M. KUDLA

EMK

C: Maryanne Cornelius, Clerk  
Steve Ruple, Community Development Director  
Charles Boulard, Building Official  
Glenn Lemmon, Assessor  
Karen Reinowski, Planner  
Sarah Marchioni, Building Permit Coordinator  
John Freeland, ECT Environmental  
David Beschke, Landscape Architect  
Matt Sosin, Northern Equities  
Mark Krysinski, Esquire  
Clay Thomas, Esquire  
Kristin Bricker Kolb, Esquire  
Thomas R. Schultz, Esquire



April 7, 2008

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Barbara McBeth, Deputy Community Development Director  
CITY OF NOVI  
45175 West Ten Mile Road  
Novi, Michigan 48375

**Re: Haggerty Corridor Corporate Park Condominium  
Proposal to Modify Unit 1  
Our File No. 660144.NOVI**

Dear Ms. McBeth:

We have received and reviewed a proposed Replat No. 3 of the Haggerty Corridor Corporate Park Condominium in connection with the Developer's request to modify the boundaries of Unit 1 within the Condominium to include portions of an adjacent park area. We have reviewed our file including Master Deed materials, City Consultant's Reports, and Planning Commission Minutes pertaining to the park areas within the Haggerty Corridor Corporate Park. We note that the preservation of wetland and upland park area within the Haggerty Corridor Corporate Park was a condition of site plan approval for not only the Haggerty Corridor Corporate Park Condominium (SP03-58), but also the Cabot South Technology Centre (SP03-55). Minutes for both projects highlighting the preservation requirements have been enclosed.

You will note that the minutes for both site plans require that the preservation language must be included within the Master Deed for the Haggerty Corridor Corporate Park Condominium and must be approved by the City Attorney.

Based on a review of the Master Deed materials in our file, and those on record with the Oakland County Register of Deeds, it appears that the Master Deed for Haggerty Corridor Corporate Park was recorded by the Developer without obtaining City approval, in direct contravention of the recommendations made in our review report dated July 1, 2004.

We initially reviewed and issued a report regarding the Master Deed for the Haggerty Corridor Corporate Park Condominium on April 14, 2004. The Developer provided a revised Master Deed on June 21, 2004, which we reviewed and commented upon on July 1, 2004. The revised Master Deed failed to address several comments from our initial review letter. Items 4, 5, 9, 11, 12, and 15 of July 1, 2004 review letter pertain specifically to language regarding preservation of park areas.

Barbara McBeth, Deputy Community Development Director  
April 7, 2008  
Page 2

With respect to the Developer's failure to address these issues, we are enclosing a copy of an e-mail from Developer's Attorney, Jason Hillman, refusing to address several Master Deed issues, including but not limited to, Developer's rejection of language recommended by the City Attorney's Office pertaining to preservation of the parks.

Despite our July 1, 2004 letter rejecting the Master Deed language as proposed as non-compliant with the conditions of site plan approval, Developer recorded the Master Deed on November 15, 2004. In that regard, it appears that Developer is not currently in compliance with the conditions of site plan approval for the Haggerty Corridor Corporate Park Condominium, SP03-58.

Additionally, the Developer's failure to revise the Haggerty Corridor Corporate Park Master Deed is also in conflict with the conditions of site plan approval for the Cabot South Technology Centre. The minutes specifically indicate that Mr. Sosin indicated that, "the preserved park will be documented in the Master Deed of the Condominium that will be coming before Planning Commission in the near future." Further, the minutes state that the Master Deed language must be approved by the City Attorney.

In sum, it appears that the Master Deed for Haggerty Corridor Corporate Park must be amended and considered in connection with the applicant's request for site plan approval. Additionally, it appears necessary to consider the Cabot South Technology Centre site plan in connection with the proposed amendment to Unit 1 of Haggerty Corridor Corporate Park.

Should you have any questions or concerns in regard to the above issues, please feel free to contact us.

Very truly yours,



ELIZABETH M. KUDLA

EMK

Enclosures

C: Maryanne Cornelius, Clerk (w/Enclosures)  
Karen Reinowski, Planner (w/Enclosures)  
John A. Freeland, ECT Environmental (w/Enclosures)  
David Beschke, Landscape Architect (w/Enclosures)  
Jane Schimf, Community Development (w/o Enclosures)  
Matt Sosin, Northern Equities (w/Enclosures)  
Kristin Bricker Kolb, Esquire (w/Enclosure)  
Thomas R. Schultz, Esquire (w/Enclosure)

**APPLICANT RESPONSE LETTER(S)**

August 8, 2008

City of Novi  
45175 W. Ten Mile Rd.  
Novi, MI 48375

Attn: Ms. Karen Reinowski

Re: Condominium Revision to modify the boundary  
Site Plan Review # 08-10 (originally reviewed under SP #03-58)

The following are responses to comments for the listed review items. Please note the item numbers used correspond to the item numbers of each original comment.

**City of Novi – Planning Review – August 6, 2008**

1. All Replats and Amendments to the Master Deed will be submitted to the City for review as outlined.
2. Replat No. 4 has not and will not be recorded until the City has approved the plans. A revised legal description for Park "A" will be added to the plans.
3. The original envelope will be removed from the plans.
4. Park "B" had additional limitations placed on it in regards to the wetlands and woodlands, these limitations did not apply to the other park areas. Notes on the plans will be revised to clarify this issue.
5. We are aware of the ordinance requirements and will comply.
6. We are aware of the review letters and believe the required revisions to the plans and Master Deed have been completed. Plans will be submitted for City review.
7. The Exhibit "B" and Master Deed documents will be submitted for review.

Please call to discuss any items that may still be of concern.

Sincerely,



Jason D. Sutton, P.E.  
A.R. Decker & Associates

cc: Mr. Matthew Sosin



27777 FRANKLIN ROAD, SUITE 2500 • SOUTHFIELD, MICHIGAN 48034-8214  
PHONE 248.351.3000 • FAX 248.351.3082  
www.jaffelaw.com

Clay B. Thomas  
cthomas@jaffelaw.com

August 6, 2008

Barb McBeth, Deputy Community Development Director  
City of Novi  
45175 West Ten Mile Road  
Novi, Michigan 48375-3024

Re: HCCP Phase I  
SP03-58 Master Deed Amendment  
Third and Fourth Amendment to Master Deed

Dear Ms. McBeth:

We are in receipt of the July 31, 2008 letter from Beth Kudla regarding the legal and planning review of the Third and Fourth Amendments to the Haggerty Corridor Master Deed. We have the following responses and comments:

**Third Amendment to Master Deed**

We understand the Third Amendment is undergoing final review and approval, but is otherwise acceptable.

**Fourth Amendment to Master Deed**

The Fourth Amendment to the Master Deed intends to modify the boundaries of Unit 1 and various other modifications. Our responses, in order of Ms. Kudla's letter, are as follows:

1. The engineer is in the process of revising Sheet 3 of Replat No. 3 to be consistent with Sheet 6 with respect to the preservation language.
2. The engineer is in the process of revising Sheet 13 of Replat No. 3 to clarify that the boundaries of Park B will not be changed without City review and approval.
3. The requested changes in item 3 would make any boundary change within Haggerty Corridor subject to City review and approval. It is our contention that this was never agreed to by the Developer and never intended by the City. The past discussions and agreements between the City and the Developer have centered around Park B and its boundaries, not all of the Units with the development. The Fourth Amendment to the Master Deed provides that the Developer may not alter the boundaries of Park B without City review and approval. Of course, no development within any areas, including the

August 6, 2008

Page 2

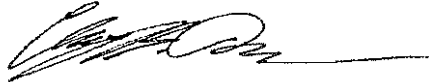
wetlands, will occur without the proper submission of a site plan to the City for review and approval.

4. The draft Fourth Amendment to Master Deed will be revised to include the requested amendment to Section 11.5.
5. The engineer is in the process of revising Sheet 4 of Replat No. 3 as indicated.

We look forward to discussing the above with you at the Planning Commission meeting on August 13, 2008. Feel free to contact me should you have any questions.

Sincerely,

**Jaffe, Raitt, Hener & Weiss**  
Professional Corporation



Clay B. Thomas

cc: Elizabeth M. Kudla  
Matt Sosin, Northern Equities  
Mark P. Krysinski, Esquire  
Karen Reinowski, Planner

**EXCERPT FROM THE  
MASTER DEED RECORDED  
NOVEMBER 15, 2005**

**SURVEY PLAN OVERALL  
DETAIL OF UNIT 1 AND PARK A**

**(ENTIRE MASTER DEED AVAILABLE IN  
PLANNING DEPARTMENT,  
IF NEEDED FOR REVIEW)**







**REVIEW LETTERS FOR  
ORIGINAL APPROVAL  
OF THE CORPORATE PARK**



# HAGGERTY CORRIDOR CORPORATE PARK, PHASE I CONDOMINIUM SP 03-58

## HAGGERTY CORRIDOR CORPORATE PARK PHASE I CONDOMINIUM, SITE PLAN NUMBER 03-58

Consideration of the request of the Northern Equities Group for approval of a Site Condominium. The subject property is located in Section 12, on both sides of Cabot Drive between Twelve and Thirteen Mile Roads in the OST (Office Service Technology) District. The subject property is approximately 34.67 acres. The applicant is proposing an office condominium.

### Required Action

Approval/denial of the Site Condominium

REVIEW	RESULT	DATE	COMMENTS
Planning	Meets requirements	2/9/04	Items to be addressed at the time of Final Site Plan submittal
Engineering	Meets requirements	2/2/04	Legal Description corrections required at the time of Final Site Plan submittal

### Motions

#### Approval

In the matter of Haggerty Corridor Corporate Park, Phase I Condominium, Site Plan 03-58, motion to grant **approval** of the Site Condominium, subject to:

- a. The conditions and items listed in the staff and consultant review letters, *for the following reasons...*

#### Denial

In the matter of Haggerty Corridor Corporate Park, Phase I Condominium, Site Plan 03-58, motion to **deny** the Site Condominium, *for the following reasons....*

## PLANNING REVIEW



## PLAN REVIEW CENTER REPORT

February 9, 2004

### Planning Review

Haggerty Corridor Corporate Park Condominium, Phase I  
SP #03-58

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#### Petitioner

Northern Equities Group (Matt Sosin)

#### Review Type

Preliminary Site Plan

#### Property Characteristics

- Site Location: West side of Cabot Drive, between Twelve and Thirteen Mile Roads
- Site Zoning: OST, Office Service Technology
- Adjoining Zoning: OST Zoning in all directions
- Site Size: 38.05 acres for entire development (See Below)
- Plan Date: Site Plan 12/16/03

#### Project Summary

The applicant is proposing a condominium plan, covering much of the existing and future Haggerty Corridor Corporate Park. The condominium is being proposed in order to comply with requirements of the Land Division Act and to allow for future sales and splits of property to occur. **No buildings or construction are proposed at this time.** The applicant is asking for Planning Commission's approval of the Site Condominium, which is the first step to allow for the condominium plan to be filed with Oakland County and then recognized by the City Assessing Department for tax purposes.

#### Recommendation

Approval of the Condominium Plan is **recommended at this time, subject to some items being clarified at the time of Final Site Plan submittal.**

#### Review Standards

The proposal was reviewed under the standards located in Article 23A (OST Zoning District), Article 24 (Schedule of Regulations), and Article 25 (General Provisions).

### **Property Ownership**

There are four property ownership items that need clarification with the next submittal. Each item is listed below, with a brief description.

1. The applicant is asked to clearly delineate the Detroit Edison Property. Under the current drawings, it appears that the Edison property is an undefined area to the east of the proposed condominium.
2. The land designated as "Future Expansion" is not owned by the applicant. This area should be removed as a future expansion area and all applicable notes removed from the plans, or the property owner for this property should notify the Planning Department, in writing, that they wish to be a joint applicant for this proposal. The City Attorney will need to clarify whether or not these areas can be included in the proposed condominium.
3. The lots designated as Lot 1 through Lot 5 (including three unmarked lots further east) should be removed from the plans, or clearly delineated that they are not a part of this proposal.
4. It is unclear as to the status of the parcels for HCOC 1, 2, and 3, Cabot Technology Center, and the vacant land along Twelve Mile Road. The applicant should indicate whether or not these developments are to be a part of this condominium plan or whether they will remain separate.

### **Building Frontage (Section 2407.3.A)**

Each of the proposed units has frontage onto Cabot Drive, which is a public road. Any future expansions of the condominium will also have this requirement. It should be noted that the M-5 Connector does not qualify as meeting the frontage requirements.

Also, a note should be added to the plans indicating that Unit 1 will front onto Thirteen Mile Road, as the applicant is proposing a park that will prevent Unit 1 from having access onto Cabot Drive.

### **Minimum Lot Area and Width (Section 2400)**

In the OST zoning district, there are no requirements for minimum lot size or width. Therefore, each of the units within the park can be any size the applicant deems appropriate. Those units proposed where construction has already occurred **must** match exactly the lot that was portrayed at the time of site plan approval. Otherwise, the applicant will be self-creating non-conforming lots.

### **Overall Project Description and Individual Units**

The applicant should include a legal description of the overall project. In addition, in place of the unit descriptions on page 2 of the plan set, the applicant should include individual descriptions of each proposed unit and each proposed park, to ensure that these descriptions match the underlying parcel description, as necessary from the previous paragraph.

**Condominium Parks**

As part of the Cabot South Technology Center approval, the applicant has agreed to permanently preserve the area between Siemens and Cabot South in its natural state. This includes area designated as parkland and area considered upland. The applicant has indicated a desire not to produce conservation easements covering this area and the parkland, therefore, the Planning Department is recommending that the following notes be added to the plans and Master Deed, where applicable.

"The area between the southern property line for the Cabot South Technology Center and the northern property line for parcel 50-22-12-400-027 shall be maintained throughout the existence of the condominium in its natural state and no trees removed or wetlands altered without the express written consent of the City of Novi."

"All areas designated as parkland in the Haggerty Corridor Corporate Park Condominium shall be maintained throughout the existence of the condominium in its natural state and no trees removed or wetlands altered without the express written consent of the City of Novi."



This language is still subject to the City Attorney's review and approval. The Planning Commission may wish to further consider the use of a conservation easement in this situation and the applicant should be prepared to discuss this item at the Planning Commission meeting.

**Master Deed**

The Master Deed for this condominium will be submitted for review at the time of Final Site Plan submittal. The condominium will not be approved until such time as all appropriate City Departments have reviewed and commented on the Master Deed and Bylaws.

Planning Review by Tim Schmitt, (248) 347-0484





## **PLAN REVIEW CENTER REPORT**

April 13, 2004

### **Planning Review**

Haggerty Corridor Corporate Park- Phase I  
Master Deed and Bylaws

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#### **Petitioner**

Northern Equities (Matt Sosin)

#### **Review Type**

Master Deed and Bylaw

#### **Property Characteristics**

- Site Location: Both side of Cabot Drive, between Twelve and Thirteen Mile Roads
- Site Zoning: OST, Office Service Technology
- Adjoining Zoning: Surrounding zoning is OST in all directions
- Site Use(s): High Tech Office Park
- Site Size: Phase I totals 46.21 acres

#### **Project Summary**

The applicant is proposing a site condominium plan to allow for the sale and further construction of buildings with the Haggerty Corridor Corporate Park. The proposal involves no construction, only a condominium plan to define ownership boundaries. This review will cover the proposed Master Deed and Bylaws for the Corporate Park. The applicant should note that comments will also be provided by the City Attorney, City Engineer, Woodland, and Wetland Consultants.

#### **Comments**

The Planning Department offers the following comments on the proposed Master Deed and Bylaws, including the attached Exhibit B.

1. The applicant has indicated two "Open Areas" on the Exhibit B drawings, although throughout the notes on the plans and the master deed documents, these areas are referred to as parkland. To avoid any future confusion, the applicant should revise the Exhibit B drawings, changing the "Open Area" designations to "Park" designations, consistent with the remainder of the documents and drawings. In addition, the "Open Area" designation should be changed in the percentage of value, Schedule 5.2.

2. There are two "Open Area A" on the cover sheet. Please change the southernmost designation to "Park C," consistent with comment number 1, addressing the park designation.
3. The unit boundaries appear to be in line with the previously approved parcel boundaries for each of the existing and proposed buildings. No changes are necessary in the legal descriptions.
4. Article 2, Legal Description- The applicant should consider, for clarity and continuity between the Master Deed and Exhibit B, revising the legal descriptions to include only one unit or park per description. Although this request is not an ordinance requirement, it would provide consistency between the Exhibit B drawings, which show a legal description for each unit, and the Master Deed.
5. Article 4, Common Elements- There is a definition listed in this section for a "Pond" between 13 Mile Road and M-5, although no pond appears on the Exhibit B drawings. The applicant should clarify what this refers to or remove the definition from the Master Deed.
6. Article 8, Contraction of Condominium- The second line of this section refers to nine units, although the applicant is showing ten units throughout the plans. This reference should be revised.

In addition, the last line of Section 8.1 is somewhat confusing and appears to be two sentences pasted together. The applicant should review this language to ensure that it is portraying the correct intent for the paragraph.

7. Article 8, Section 8.2, Expansion of Condominium- The very last sentence of this section makes reference to no units in the area of future expansion being created in an area restricted to residential use. There are no residential uses in this area, so this sentence does not make sense from a Planning standpoint. The applicant should review this language to determine if in fact it should be removed from the document.
8. Article 12- The first sentence authorizes the developer to maintain storage areas on the premises as they deem necessary for sales. The applicant should clarify the intent of this statement or remove the storage area reference, as storage is not permitted in the OST district.

The applicant should review these, and any other changes from other review letters, and make the appropriate changes. The Exhibit B drawings should then be resubmitted for stamping set approval by the Planning Department. Please contact Donna Jernigan at (248) 735-5631. Stamping sets **will not be accepted** without contacting the Planning Department prior to submitting them.

Planning Review by Tim Schmitt, (248) 347-0484

# ENGINEERING REVIEW



## PLAN REVIEW CENTER REPORT

February 2, 2004

### Engineering Review

Haggerty Corridor Corp Park Phase I Condo  
SP #03-58

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#### Petitioner

Northern Equities Group

#### Review Type

Preliminary Site Plan

#### Property Characteristics

- Site Location: Cabot Drive
- Site Size: 34.67 acres
- Date Received: December 19, 2003

#### Project Summary

- Applicant is applying for a site condominium layout over the subject parcels. No construction is proposed at this time.

#### Recommendation

Approval of the Preliminary Site Plan is recommended.

#### Comments:

1. Review and revise the legal descriptions as necessary for each of the six sections listed in the document to correct errors and conflicting directional descriptions. The following errors were noticed within the text descriptions.
  - a. Legal Description (Unit 8 & Park) –Missing segment following S212948E, 27.15 Feet.
  - b. Legal Description (Unit 1,2 & Park) – Incorrect directional indicator in N873442W.
  - c. Legal Description (Unit 3) – Conflicting directional indicator in S023839W/E. Incorrect directional indicator in 872121E.
2. Only a limited review of the legal descriptions was performed. Therefore, a complete review should be performed and any further errors that may exist should be corrected prior to the next submittal.
3. All easements shown are assumed to be existing.

Please contact Benjamin Croy, P.E. at (248) 735-5635 with any questions or concerns.

cc: Nancy McClain; City Engineer  
Tim Schmitt; Planning

**PLANNING COMMISSION  
REGULAR MEETING  
WEDNESDAY, FEBRUARY 25, 2004 7:30 P.M.**

**COUNCIL CHAMBERS - NOVI CIVIC CENTER**

**45175 W. TEN MILE, NOVI, MI 48375 (248) 347-0475**

**CALL TO ORDER**

The meeting was called to order at or about 7:30 p.m.

**ROLL CALL**

**Present:** Members Avdoulos, Cassis, Gaul, Kocan, Markham, Pehrson, Shroyer, Sprague

**Absent:** Member Ruyle (excused)

**Also Present:** David Evancoe, Director of Planning; Tim Schmitt, Planner; Lance Shipman, Landscape Architect; Ben Croy, Civil Engineer; Tom Schultz, City Attorney

**PUBLIC HEARINGS**

**1. HAGGERTY CORRIDOR CORPORATE PARK PHASE I CONDOMINIUM,  
SITE PLAN 03-58**

The Public Hearing was opened on the request of Northern Equities for approval of a Site Condominium. The subject property is located in Section 12, on both sides of Cabot Drive between Twelve Mile and Thirteen Mile in the OST (Office Service Technology) District. The subject property is approximately 34.67 acres. The Applicant is proposing an office condominium.

Planner Tim Schmitt located the project on an aerial photo. He said other projects in this corridor are HCOC Buildings 1 through 5, Cabot Tech and Cabot North. The area is zoned OST in all directions. Two small parcels to the south are zoned B-3 and one is zoned B-2. To the west of M-5 the properties are zoned R-A, residential acreage. The area is master planned for an office development and single-family development is master planned for the other side of M-5. He pointed out the various wetlands and woodlands.

The Engineering Review indicated some legal descriptions need to be cleaned up. The Planning Review asked for an overall legal description as well as the descriptions for each of the units, so they can be matched up with the parcels that have been previously approved for development. There are no minimum lot

area or widths for properties in the OST District, therefore all of the lots do comply. The parks in this condominium are to be preserved in some way, either through a conservation easement or through notation in the Condominium Documents. This includes the area between Cabot South Technology Center and the northern property line for Parcel 22-12-400-027 (Siemens). This was the area that the Applicant agreed to preserve in perpetuity in their negotiations with the Planning Commission for Cabot South approval. The language for the conserved areas and the Master Deed are subject to review by the City Attorney, Planning and Engineering Departments at the time of Final Site Plan submittal.

No one from the public wished to speak. Member Avdoulos noted that a letter was received by Vincent Lee, 28455 Haggerty Road, who voiced support for the project. Chair Markham closed the Public Hearing.

Member Sprague asked what the best way to document the preservation would be. City Attorney Tom Schultz said that his colleague, Beth Kudla, will review the language and they will accept the preservation language being placed in the Master Deed and on the plan as opposed to a separate conservation easement if that can't be done. Northern Equities has stated that they don't want a separate easement.

Member Sprague asked whether the motion should be subject to the City Attorney's approval of the language. Mr. Schultz responded yes.

Moved by Member Sprague, seconded by Member Cassis:

**In the matter of Haggerty Corridor Corporate Park Phase I Condominium, SP03-58, motion to grant approval of a site condominium subject to: 1) The conditions and items listed in the Staff and Consultant review letters; 2) The Applicant's agreement to permanently preserve the area between Siemens and Cabot South in its natural state, with a Master Deed amended as per the language on page three of three of the Plan Review Center report dated February 9, 2004; for the reason that the proposal meets the requirements of the City Ordinances and is in compliance with the Master Plan.**

## **DISCUSSION**

Member Shroyer confirmed that ten sites are proposed for this park. Three are under construction now. There is an expansion area next to M-5. It is also anticipated that the park will extend north of Thirteen Mile and possibly east on Lewis Drive. The existing Siemens and Cabot Tech will be part of the condominium complex for a total of fifteen units. Matt Sosin, Northern Equities, stated that PayChex and Omron are not part of the condominium complex. It would have been too difficult to add them as they already have permanent loans.

Member Shroyer asked when the proper time is to design a road system that will reduce or eliminate the need for spacing waivers. Mr. Schmitt said that the Planning Department has been proactive in requiring the Applicant to demonstrate their ability to provide driveways in locations where issues may arise. The "penciled-in" driveways will likely become official as the sites come forward.

Member Kocan asked for clarification on the preservation language. Mr. Schultz responded that the conservation easement is typically a stand-alone document. The Master Deed is also a recorded document that can house the preservation language; the City Attorney asked that the language also be put on the plans so that the information doesn't get buried in a lengthy Master Deed. The easement can provide the City with access and cover maintenance issues or it can be just preservation language. It can require the Applicant to maintain the property but give the City the right to maintain the property if the Applicant fails to do so. Mr. Schultz said that the agreement to maintain the property in its natural state is the language this City uses to say that the property is not going to be developed without further City approval. The Applicant may not actually do any physical maintenance. If the City needed access to the area for stormwater drainage, for example, that could be written into the language. At this time it does not seem necessary to add that kind of language. Mr. Schultz said that Ms. Kudla will confer with the engineers and planners to ensure that all the necessary language has been provided.

Member Sprague added, "...subject to... **the City Attorney's review of the documents.**" to the motion. Member Cassis agreed to the addition.

**ROLL CALL VOTE ON HAGGERTY CORRIDOR CORPORATE PARK PHASE I CONDOMINIUM, SP03-58, MOTION MADE BY MEMBER SPRAGUE AND SECONDED BY MEMBER CASSIS:**

**In the matter of Haggerty Corridor Corporate Park Phase I Condominium, SP03-58, motion to grant approval of a site condominium subject to: 1) The conditions and items listed in the Staff and Consultant review letters; 2) The Applicant's agreement to permanently preserve the area between Siemens and Cabot South in its natural state, with a Master Deed amended as per the language on page three of three of the Plan Review Center report dated February 9, 2004; and 3) The City Attorney's review of the documents; for the reason that the proposal meets the requirements of the City Ordinances and is in compliance with the Master Plan.**

**Motion carried 8-0.**

**FOURTH AMENDMENT TO MASTER DEED**  
**HAGGERTY CORRIDOR CORPORATE PARK CONDOMINIUM – PHASE I**

Drafted by and When  
Recorded Return to:

Mark P. Krysinski, Esq.  
Jaffe, Raitt, Heuer & Weiss,  
Professional Corporation  
27777 Franklin Road, Suite 2500  
Southfield, Michigan 48034



## FOURTH AMENDMENT TO MASTER DEED

THIS FOURTH AMENDMENT TO MASTER DEED (this "Amendment") is made this \_\_\_ day of \_\_\_\_\_, 2008, by Haggerty Corridor Partners LLC, a Michigan limited liability company (the "Developer"), whose office is situated at 39000 Country Club Drive, Farmington Hills, Michigan 48331. The Developer, being the developer of Haggerty Corridor Corporate Park Condominium – Phase I (the "Condominium"), a Condominium Project established pursuant to that Master Deed recorded on November 15, 2004, in Liber 34421, Page 115, Oakland County Register of Deeds, as amended by that certain First Amendment to Master Deed recorded on March 30, 2005, in Liber 35225, Page 448, as further amended by that certain Second Amendment to Master Deed recorded on July 12, 2005, in Liber 35834, Page 239, as further amended by that certain Third Amendment to Master Deed recorded on April 16, 2008, in Liber 40223, Page 217, and known as Oakland County Condominium Subdivision Plan No. 1679 (collectively, the "Master Deed"). This Amendment hereby amends the Master Deed and Exhibit B thereto pursuant to the authority reserved in Articles 6, 7 and 10 of the Master Deed for the purposes of changing the legal description of Unit 1 of the Condominium and revising portions of the Master Deed regarding preservation and maintenance of parks and open space. All capitalized terms used herein and not otherwise defined shall have the meanings given to them in the Master Deed. Upon the recording of this Amendment in the Office of the Oakland County Register of Deeds, said Master Deed and Exhibit B thereto shall be amended in the following manner:

1. The legal description of the land identified specifically as Unit 1 of the Condominium as set forth in Section 2.1 of the Master Deed is hereby deleted and replaced with the following legal description:

### LEGAL DESCRIPTION (UNIT 1 REVISED)

A PARCEL OF LAND BEING PART OF THE NORTHEAST 1/4 OF SECTION 12, TOWN 1 NORTH, RANGE 8 EAST, CITY OF NOVI, OAKLAND COUNTY, MICHIGAN, DESCRIBED AS COMMENCING AT THE NORTH 1/4 CORNER OF SECTION 12; THENCE N.85°30'26"E., 410.30 FEET ALONG THE NORTH 1/4 LINE, ALSO BEING THE CENTERLINE OF 13 MILE ROAD; THENCE S.02°25'18"E., 114.65 FEET TO THE POINT OF BEGINNING; THENCE N.87°33'25"E., 138.29 FEET; THENCE N.87°31'40"E., 50.00 FEET; THENCE S.02°28'20"E., 20.00 FEET; THENCE N.87°31'40"E., 23.06 FEET; THENCE 163.38 FEET ALONG A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 5,849.58 FEET, AND A CHORD BEARING N.86°43'32"E., 163.38 FEET; THENCE S.02°28'20"E., 173.66 FEET; THENCE N.87°31'40"E., 110.74 FEET; THENCE S.02°28'20"E., 94.51 FEET; THENCE S.43°20'56"W., 135.62 FEET; THENCE S.87°31'40"W., 58.49 FEET; THENCE S.02°28'20"E., 91.25 FEET; THENCE S.48°36'49"W., 58.70 FEET; THENCE S.87°34'42"W., 68.56 FEET; THENCE S.30°52'01"W., 36.95 FEET; THENCE S.51°58'04"W., 24.72 FEET; THENCE S.87°34'42"W., 63.22 FEET; THENCE N.73°58'34"W., 42.03 FEET; THENCE N.44°47'48"W., 77.82 FEET; THENCE N.02°25'18"W., 54.29 FEET; THENCE S.87°34'42"W., 20.00 FEET; THENCE N.02°25'18"W., 428.54 FEET TO THE POINT OF BEGINNING, CONTAINING 4.61 ACRES MORE OR LESS AND SUBJECT TO ANY AND ALL EASEMENTS AND RESTRICTIONS OF RECORD.

2. Section 4.1(N) of the Master Deed is hereby deleted and replaced with the following language:

**Park.** The boundary lines of the Park area south of and adjacent to Unit 8, as shown on the Condominium Site Plan, shall not be altered without first obtaining City review and approval, such approval not to be unreasonably withheld or delayed. Additionally, no trees may be removed or wetlands altered in the Condominium Project including, without limitation, the Park areas as shown on the Condominium Site Plan, unless done in compliance with all applicable laws, including applicable laws of the City of Novi.

3. The first sentence of the second paragraph of Section 4.3(B) of the Master Deed is hereby deleted and replaced with the following:

In the event the City in its reasonable discretion, believes that the Association has failed to carry out the responsibilities above with respect to the storm water detention and retention facilities, private roadways and walkways, parks, open space, and landscaped open space, the City may serve written notice upon the Association setting forth the deficiencies in maintenance and/or preservation.

4. Section 11.5 of the Master Deed is hereby deleted and replaced with the following language:

**City Approval.** Notwithstanding anything in this Master Deed or the Bylaws of the Condominium to the contrary, there shall be no amendment to or termination of Article 4, Section 4.1(N), Section 4.3(B), or any other provision which affects or limits the rights of the City of Novi as provided within the Master Deed, Exhibit B or Bylaws, without first obtaining City review and approval of any such amendment, such approval not to be unreasonably withheld.

5. Amended sheets 1 through 18 of the Condominium Subdivision Plan, as attached hereto and made a part hereof, shall replace and supersede sheets 1 through 18 of the Condominium Subdivision Plan originally recorded as Exhibit B to the Master Deed, in their entirety.

6. Except as expressly amended by this Fourth Amendment to Master Deed, the Master Deed, including the Bylaws, and each and every one of its terms and conditions are hereby ratified and reconfirmed, shall remain unchanged and in full force and effect and are incorporated herein by reference as though herein set forth in full.


*[Signature on Following Page]*

IN WITNESS WHEREOF, the undersigned has executed this Fourth Amendment to Master Deed as of the 7<sup>th</sup> day of August, 2008.

**DEVELOPER:**

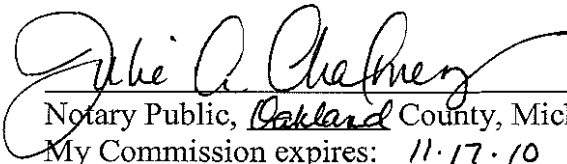
HAGGERTY CORRIDOR PARTNERS LLC, a Michigan limited liability company

By: FG 38 Corporation, a Michigan corporation,  
Its: Manager

By:   
Matthew S. Sosin, President

STATE OF MICHIGAN     )  
  ) ss.  
COUNTY OF                    )

On this 7<sup>th</sup> day of August, 2008, the foregoing Fourth Amendment to Master Deed was acknowledged before me by Matthew S. Sosin, the President of FG 38 Corporation, a Michigan corporation, the manager of Haggerty Corridor Partners LLC, a Michigan limited liability company, on behalf of said limited liability company.

  
Notary Public, Oakland County, Michigan  
My Commission expires: 11.17.10  
Acting in Oakland County, Michigan

**MAPS**

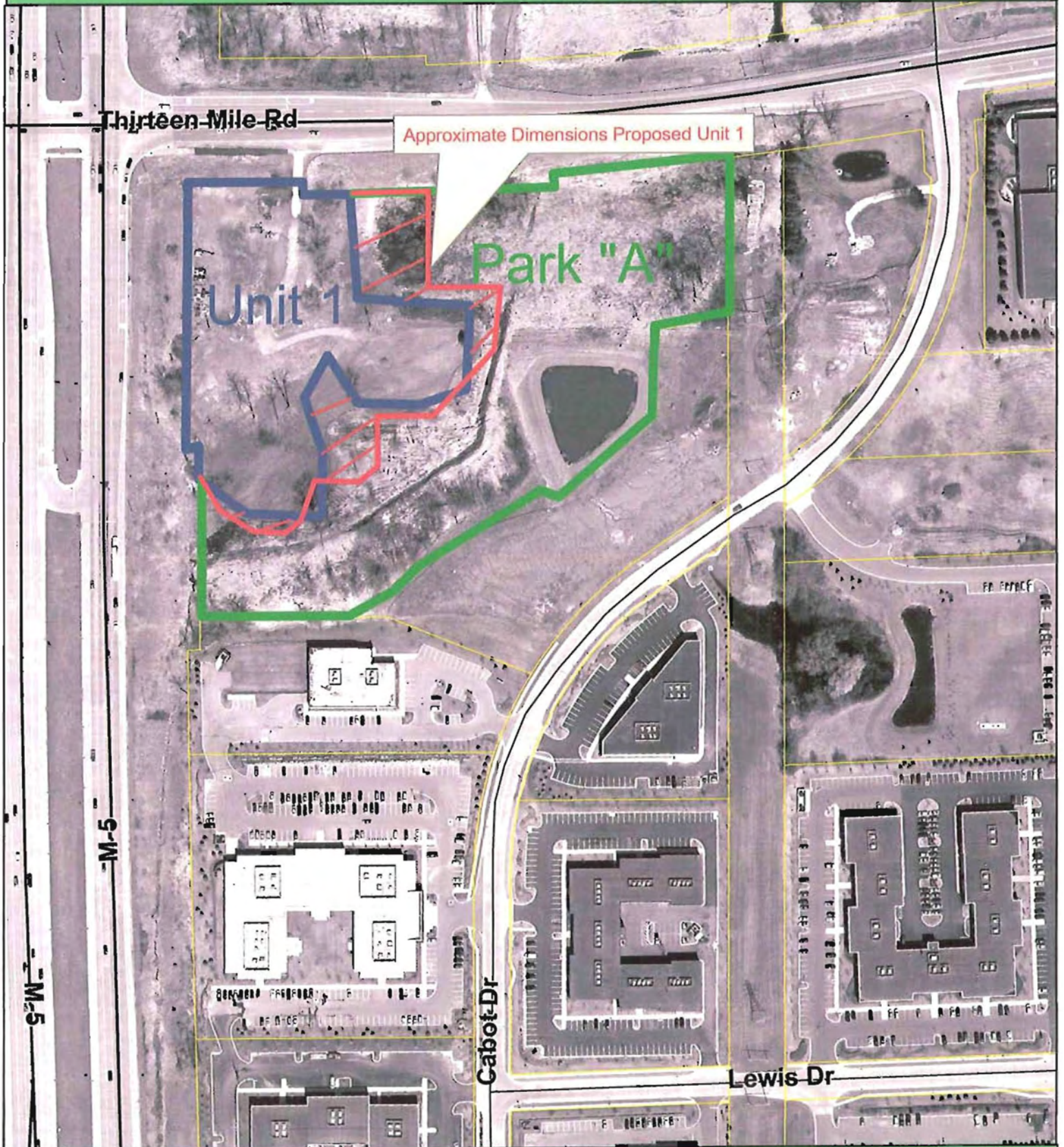
**Location/Air Photo**

**Zoning**

**Future Land Use**

**Wetlands and Regulated Woodlands**

# 08-10 Haggerty Corridor Corporate Park Condominium Phase 1 Location Map



## CITY OF NOVI

DEPARTMENT OF COMMUNITY DEVELOPMENT

45175 W. TEN MILE ROAD  
NOVI, MI 48375-3024  
(248) 347-0415

MAP AUTHOR: Karen F. Reinowski, AICP, PCP



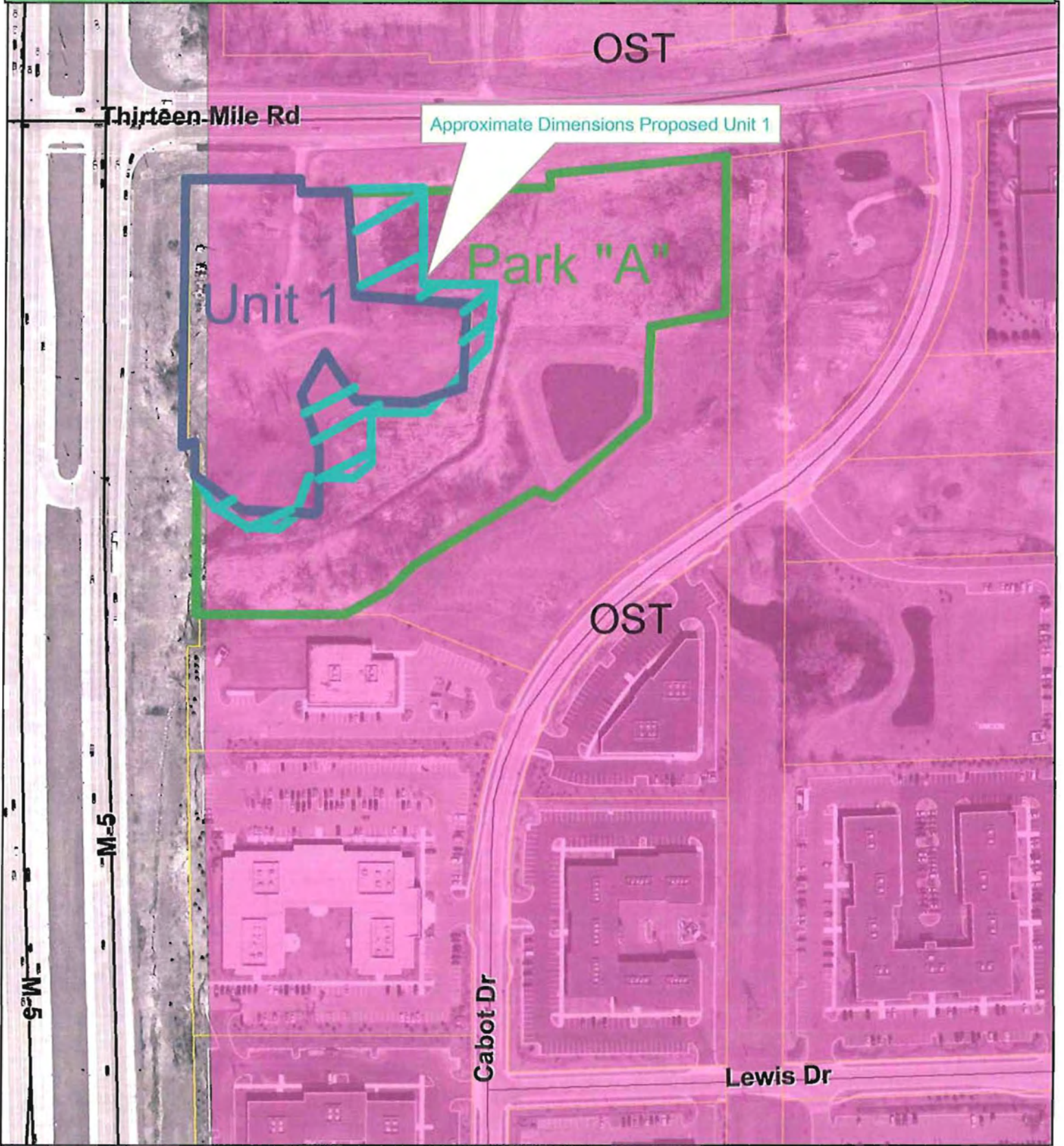
1 INCH EQUALS 216 FEET

MAP PRINT DATE: July 24, 2008

### MAP INTERPRETATION NOTICE

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# 08-10 Haggerty Corridor Corporate Park Condominium Phase 1 Zoning Map



## CITY OF NOVI

DEPARTMENT OF COMMUNITY DEVELOPMENT

45175 W. TEN MILE ROAD  
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MAP AUTHOR: Karen F. Reinowski, AICP, PCP



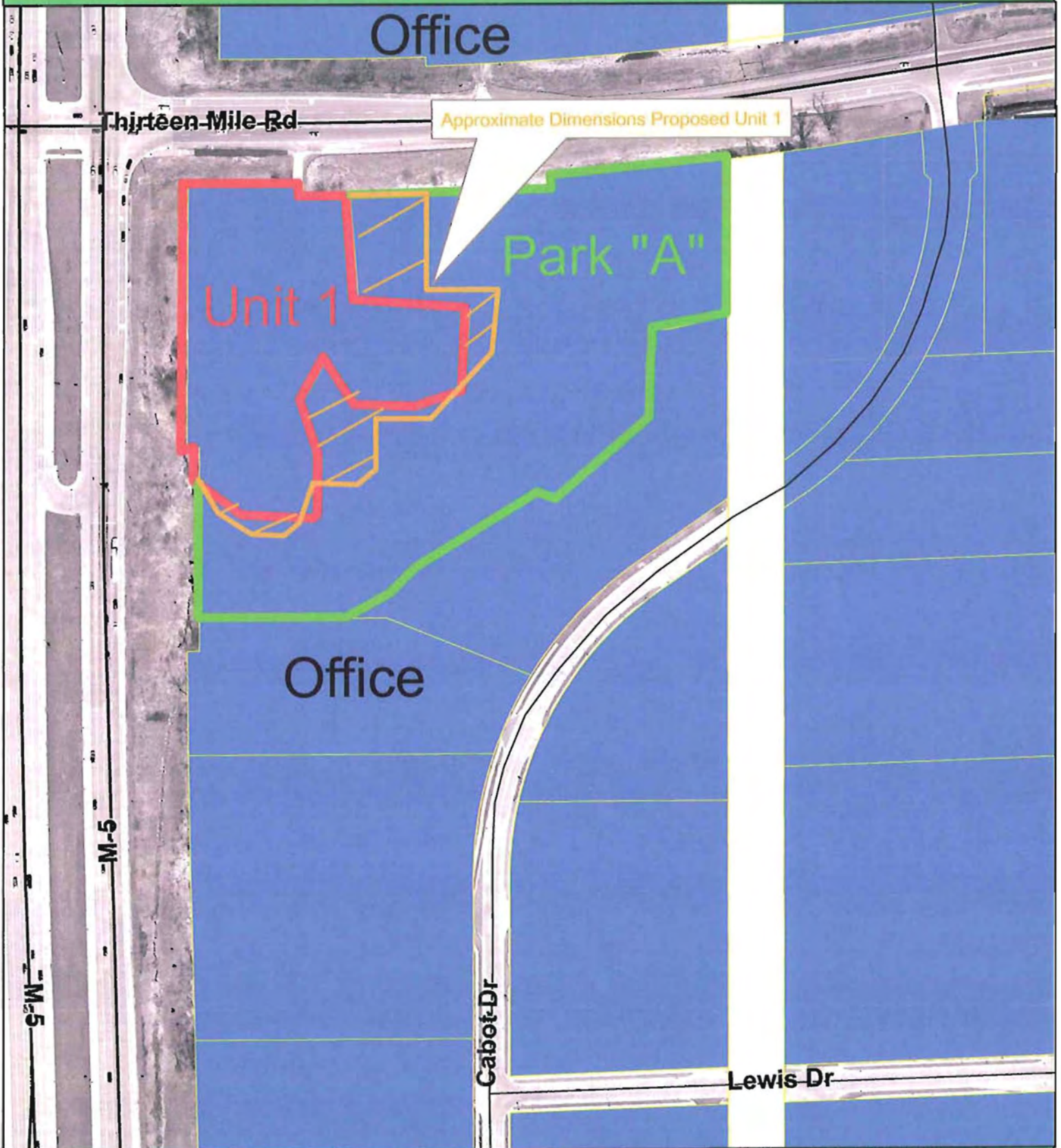
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# 08-10 Haggerty Corridor Corporate Park Condominium Phase 1 Future Land Use Map



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MAP AUTHOR: Karen F. Reinowski, AICP, PCP



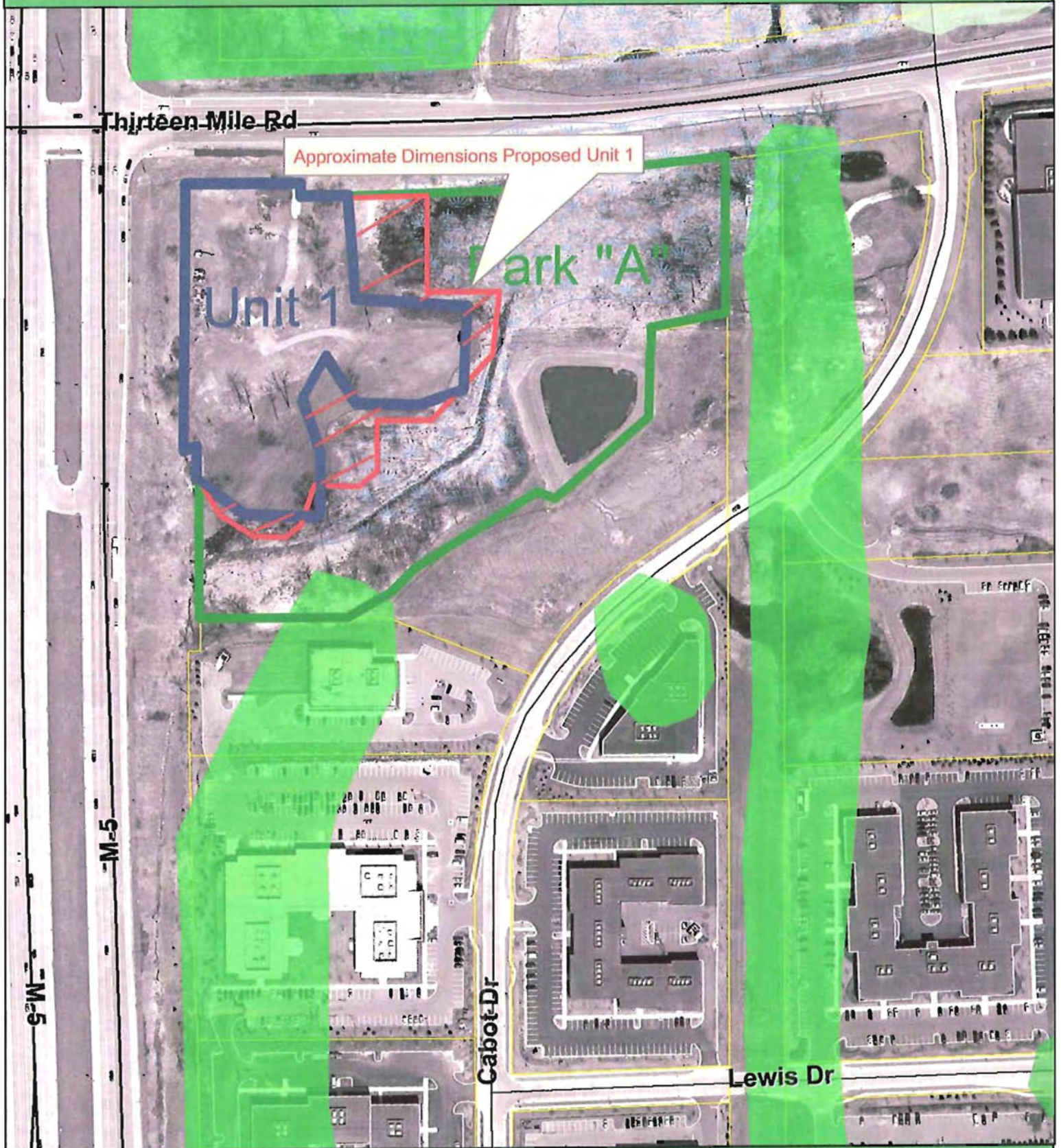
1 INCH EQUALS 216 FEET

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# 08-10 Haggerty Corridor Corporate Park Condominium Phase 1 Wetlands and Regulated Woodlands Map



## CITY OF NOVI

DEPARTMENT OF COMMUNITY DEVELOPMENT

45175 W. TEN MILE ROAD  
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MAP AUTHOR: Karen F. Reinowski, AICP, PCP



0 85 170 340 510

FEET

1 INCH EQUALS 216 FEET

MAP PRINT DATE: July 24, 2008

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Plans available for viewing at the  
Community Development Department.



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