

MEMORANDUM



cityofnovi.org

TO: MEMBERS OF THE PLANNING COMMISSION
FROM: KRISTEN KAPELANSKI, AICP, PLANNER *Kristen*
THRU: BARBARA MCBETH, AICP, COMMUNITY DEVELOPMENT
SUBJECT: NOVI MAINSTREET CONDOMINIUM REVISIONS SP11-33
DATE: AUGUST 5, 2011

The applicant (TCF Bank) has proposed a revision to the existing Main Market condominium (SP95-53) to eliminate Unit 3 from the condominium. See the attached figure highlighting the properties included in the existing condominium, including Unit 3, which is located on the south side of Main Street.

Modifications to a condominium may require review and recommendation by the Planning Commission, following the public hearing procedures, as provided in Zoning Ordinance.

City staff and the City Attorney's office have begun to review the proposed revisions and have uncovered several outstanding issues to be resolved prior to consideration or approval of the revised condominium. At this time, reviews are still underway.

The public hearing was advertised for the August 10th, 2011 Planning Commission meeting in the Novi News and notices were sent to all property owners within 300 feet of the subject properties. Due to the wide advertisement of this public hearing, staff recommends the Planning Commission hold the public hearing allowing any interested members of the public to comment as has been advertised. Following public comment, staff recommends that the Planning Commission postpone action on this matter until the September 7th Planning Commission meeting so that outstanding issues can be addressed prior to the Planning Commission making a recommendation to the City Council.

If any Commissioner has any questions related to this request, do not hesitate to contact Kristen Kapelanski, in the Community Development Department at (248) 347-0586 or kkapelanski@cityofnovi.org.

Novi Main Street Condominium Revisions SP11-33

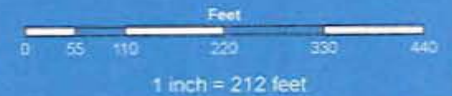
Location



Map Legend

-  Main Market Condo
-  Unit 3 Main Market Condo

*Condominium boundaries are approximate and are in the process of being verified by staff.



City of Novi
Planning Division
Community Development Dept.
45175 W Ten Mile Rd
Novi, MI 48375
cityofnovi.org

Map Author: Kristen Kapelanski
Date: August 3, 2011
Project: Main Market Condo Revisions SP11-33
Version #: 1.0

MAP INTERPRETATION NOTICE

Map information depicted is not intended to replace or substitute for any official or primary source. This map was intended to meet National Map Accuracy Standards and use the most recent, accurate sources available to the people of the City of Novi. Boundary measurements and area calculations are approximate and should not be construed as survey measurements performed by a licensed Michigan Surveyor as defined in Michigan Public Act 132 of 1970 as amended. Please contact the City GIS Manager to confirm source and accuracy information related to this map.



Proposed
Draft

SECOND AMENDMENT TO MASTER DEED
MAIN MARKET CONDOMINIUM

This Second Amendment to Master Deed of Main Market Condominium (this "Second Amendment") is made and executed on July ____, 2011, by TCF National Bank, a national banking association, the address of which is 17440 College Parkway, Livonia, Michigan 48152, the successor in interest to Triangle Main Street, L.L.C., a Michigan limited liability company, and the owner of Unit 3 of Main Market Condominium, a condominium established pursuant to the Master Deed dated January 18, 2001, recorded March 9, 2001, in Liber 23438, Pages 682 – 731 inclusive, Oakland County Records and known as Oakland County Condominium Subdivision Plan Number 1366, as amended by First Amendment to Master Deed of Main Market Condominium dated August 2, 2007, recorded August 6, 2007, in Liber 39453, Pages 230 – 239 inclusive, Oakland County Records (the "Master Deed"), hereby amends the Master Deed of Main Market Condominium, pursuant to the provisions of the Michigan Condominium Act (being Act 59 of the Public Acts of 1978, as amended) and pursuant to the authority reserved in Article VII of the Master Deed.

The Master Deed is amended in the following manner:

1. Unit 3 and its appurtenant Limited Common Elements are hereby withdrawn from the Condominium Project.

2. The land described as follows:

[Insert Legal Description]

is hereby withdrawn from the Condominium Project.

3. The Condominium Subdivision Plan is amended to be in the form of attached Exhibit B.

4. Capitalized terms used in this Second Amendment without an associated definition have the meanings given to them in the Master Deed of Main Market Condominium.

In all other respects, other than as hereinabove indicated, the Master Deed of Main Market Condominium, including the bylaws and the condominium subdivision plan, respectively attached thereto as Exhibits A and B, recorded as aforesaid, is hereby ratified, confirmed and declared.

[Signatures appear on following page]

Proposed
Draft

Signature page to Second Amendment to Master Deed of Novi Main Street Condominium.

TCF National Bank

By: _____

Name: _____

Title: _____

By: _____

Name: _____

Title: _____

STATE OF MICHIGAN
COUNTY OF WAYNE

Acknowledged before me on July _____, 2011, by _____, the _____, and _____, the _____ of TCF National Bank, a national banking association, on behalf of the association.

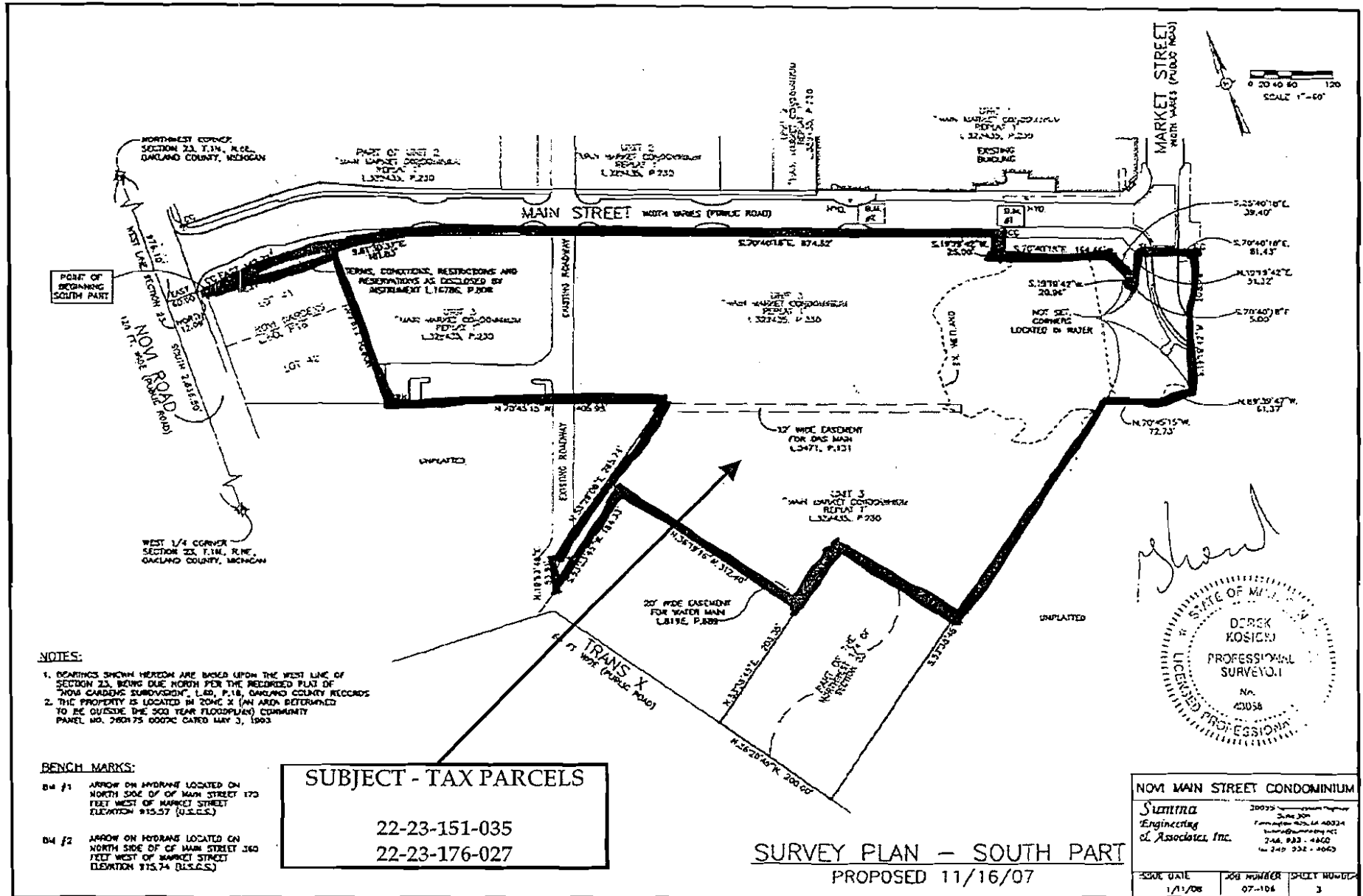
Name: _____

Notary Public, State of Michigan, County of _____

My Commission Expires: _____

Acting in the County of _____

Drafted by and when recorded return to:
Douglas M. Kilbourne
Miller, Canfield, Paddock and Stone, P.L.C.
150 West Jefferson, Suite 2500
Detroit, Michigan 48226



NOTES:

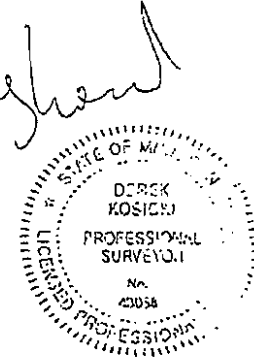
1. BEARINGS SHOWN HEREON ARE BASED UPON THE WEST LINE OF SECTION 23, BEING DUE NORTH PER THE RECORDED PLAN OF 'NOW GARDENS SUBDIVISION', L.80, P.18, OAKLAND COUNTY RECORDS.
2. THE PROPERTY IS LOCATED IN ZONE X (AN AREA DETERMINED TO BE OUTSIDE THE 500 YEAR FLOODPLAIN) COMMUNITY PANEL NO. 780175 00076 DATED MAY 3, 1993

BENCH MARKS:

- BM #1 ARROW ON HYDRANT LOCATED ON NORTH SIDE OF OF MAIN STREET 170 FEET WEST OF MARKET STREET ELEVATION 915.57 (D.S.G.S.)
- BM #2 ARROW ON HYDRANT LOCATED ON NORTH SIDE OF OF MAIN STREET 160 FEET WEST OF MARKET STREET ELEVATION 915.74 (D.S.G.S.)

SUBJECT - TAX PARCELS
 22-23-151-035
 22-23-176-027

SURVEY PLAN - SOUTH PART
 PROPOSED 11/16/07



NOVI MAIN STREET CONDOMINIUM		
Summa Engineering & Associates, Inc.		
20072	20072	20072
Formal Order No. 40324	746, 833, 4460	11/16/07
1/1/08	07-106	3