



TO: Mayor and Members of Troy City Council
FROM: Lori Grigg Bluhm, City Attorney *LGB*
Susan M. Lancaster, Assistant City Attorney *SML*
DATE: September 12, 2006
SUBJECT: Karagiannakis and Garrett Family Ltd. v. City of Troy et. Al

Enclosed please find a copy of a lawsuit that was recently served on the City of Troy. The Plaintiffs, Nick and Leslie Karagiannakis, are the owners of property that is designated as "Outlot B" in the Troy Villas Subdivision No. 1 (north of Square Lake Road, west of Rochester Road). The Co-Plaintiff, Garrett Family Limited Partnership (hereinafter "Garrett") has a purchase agreement with the Karigiannkis family for a portion of this property, which has or will be combined with the rear portions of other parcels that front on Square Lake Road. Garrett proposes to build a 12-unit site condominium on this approximately 6.04 acre parcel, which is currently landlocked and is located behind several homes that front on Ottawa and Donaldson.

The plat for the property, Troy Villas Subdivision No. 1, does not expressly designate a public roadway easement that would allow for a roadway to be constructed over the property owned by the co-defendants Arthur and Delphine Lubiarez (480 Ottawa Drive). The plat instead grants only a 43- foot private easement over that property. In 1981, a private driveway agreement over this 43- foot private easement allowed for the construction of the Karagiannaksi residence (500 Ottawa, City of Troy, MI 48085). However, this agreement is extremely limited, and authorizes only a private driveway to a single- family residence. It could not be used to service a 12-unit condominium site. The only way to convert the private easement over the Lubiarez property to a public road is to amend the plat and obtain a 43-foot wide public road easement, which could then be combined with the 17- foot wide public road easement of the recently re-platted Golf Estates Subdivision to provide the required 60 feet for a public road. This adjoining property is currently owned by the other co-defendants, James and Cynthia Smith (536 Ottawa, Troy, MI).

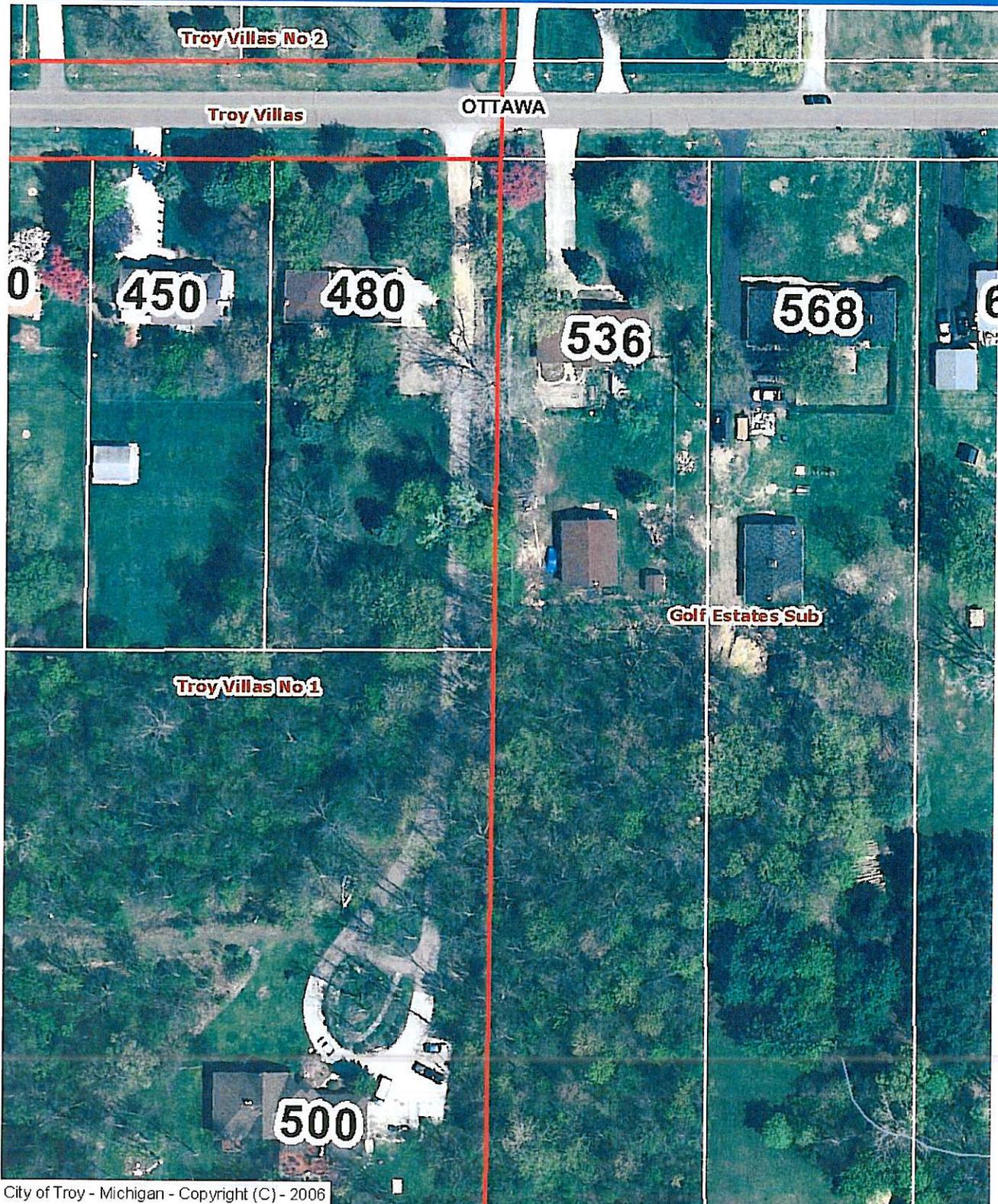
Under the Michigan Subdivision Control Act, the Plaintiffs must file a lawsuit to amend a plat. According to the state statute, all persons having an interest that may be impacted by a revision to the plat must be joined as defendants. This includes the State of Michigan, Oakland County, the City of Troy, the Drain Commissioner, and other utilities, as well as all owners of record of each lot within the subdivision and within 300 feet of the property. If the co-defendants do not contest the amendment to the plat, then the Court will generally enter an order amending the plat. However, in this case, the neighboring property owners are likely to object to the amendment of the plat, since the private single- family residential driveway would then be converted to a public road servicing 12 condominium units.

Instead of filing a re-plat action, the Plaintiffs instead filed this action against only the City of Troy and the owners of the property on either side of the proposed new public roadway. Plaintiffs seek a Declaratory Judgment from the Court, which would convert the private easement to a public road easement, and allow for the proposed development.

The City Attorney's Office will represent the City's interest in this lawsuit, absent objection from City Council. Please let us know if we can provide additional information.



Geographical Information Systems Online



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Note: The information provided by this application has been compiled from recorded deeds, plats, tax maps, surveys, and other public records and data. It is not a legally

Approved, SCAO

06-077072-CZ

STATE OF MICHIGAN

JUDICIAL DISTRICT
6th JUDICIAL CIRCUIT
COUNTY PROBATE

SUMMONS AND COMPLAINT



CLARENCE JUDGE EDWARD SOSNICK
COUNTY KARAGIANNAKIS V TROY CITY

no.

Court address

COURTHOUSE TOWER, 1200 N. TELEGRAPH RD, DEPT 404, PONTIAC, MI 48341

248-858-1000

Plaintiff name(s), address(es), and telephone no(s).
NICK KARAGIANNAKIS & LESLIE KARAGIANNAKIS,
HUSBAND & WIFE and
GARRETT FAMILY LIMITED PARTNERSHIP,
A MICHIGAN LIMITED PARTNERSHIP

v

Defendant name(s), address(es), and telephone no(s).
CITY OF TROY, MICHIGAN
ARTHUR S. LUBIARZ AND DELPHINE J.
LUBIARZ, HUSBAND & WIFE and
JAMES E. SMITH AND CYNTHIA A. SMITH,
HUSBAND & WIFE
CITY OF TROY: 500 W. Big Beaver, Troy, MI 48084
M/MR LUBIARZ: 480 Ottawa, Troy, MI 48098
M/MR SMITH: 536 Ottawa, Troy, MI 48098

Plaintiff attorney, bar no., address, and telephone no.
HUTSON, SAWYER, REILLY, RUPP &
SCHROEDER
By: THOMAS G. SAWYER, (P-19929)
292 TOWN CENTER DRIVE
TROY, MI 48084-1774

SUMMONS NOTICE TO THE DEFENDANT: In the name of the people of the State of Michigan you are notified:

1. You are being sued.
2. **YOU HAVE 21 DAYS** after receiving this summons to file an answer with the court and serve a copy on the other party or to take other lawful action (28 days if you were served by mail or you were served outside this state).
3. If you do not answer or take other action within the time allowed, judgment may be entered against you for the relief demanded in the complaint.

Issued **AUG 30 2006** this summons expires **NOV 29 2006** Court clerk

*This summons is invalid unless served on or before its expiration date.

RUTH JOHNSON

COMPLAINT Instruction: The following is information that is required to be in the caption of every complaint and is to be completed by the plaintiff. Actual allegations and the claim for relief must be stated on additional complaint pages and attached to this form.

Family Division Cases

- There is no other pending or resolved action within the jurisdiction of the family division of circuit court involving the family or family members of the parties.
 - An action within the jurisdiction of the family division of the circuit court involving the family or family members of the parties has been previously filed in _____ Court.
- The action remains is no longer pending. The docket number and the judge assigned to the action are:

Docket no.	Judge	Bar no.
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General Civil Cases

- There is no other pending or resolved civil action arising out of the same transaction or occurrence as alleged in the complaint/
 - A civil action between these parties or other parties arising out of the transaction or occurrence alleged in the complaint has been previously filed in _____ Court.
- The action remains is no longer pending. The docket number and the judge assigned to the action are:

Docket no.	Judge	Bar no.
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VENUE

Plaintiff(s) residence (include city, township, or village) TROY, MI	Defendant(s) residence (include city, township, or village) TROY, MI
Place where action arose or business conducted TROY, MI	

August 30, 2006

Date

Thomas G. Sawyer
Signature of attorney/plaintiff

If you require special accommodations to use the court because of a disability or if you require a foreign language interpreter to help you to fully participate in court proceedings, please contact the court immediately to make arrangements.

STATE OF MICHIGAN
CIRCUIT COURT FOR THE
COUNTY OF OAKLAND

Nick Karagiannakis and Leslie Karagiannakis,
husband and wife, and
Garrett Family Limited Partnership,
a Michigan Limited Partnership,

Plaintiffs,

V.

City of Troy, Michigan, a Michigan Municipal Corporation,
Arthur S. Lubiartz and Delphine J. Lubiartz, husband and wife and
James E. Smith and Cynthia A. Smith, husband and wife

Defendants



Case No.

HUTSON, SAWYER, REILLY, RUPP & SCHROEDER
By: Thomas G. Sawyer, (P-19929)
292 Town Center Drive
Troy, MI 48084-1774
Phone: (248) 689-5700
Fax: (248) 689-5741
Attorneys for Plaintiffs

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DEPUTY COUNTY CLERK

COMPLAINT FOR DECLARATORY JUDGMENT
UNDER MCR 2.605

NOW COME the Plaintiffs, by their attorneys, HUTSON, SAWYER, REILLY,
RUPP & SCHROEDER, and for their Complaint For Declaratory Judgment state:

1. Plaintiffs, Nick Karagiannakis and Leslie Karagiannakis, husband and wife,
are each residents of Troy, Oakland County, Michigan (herein together "Plaintiffs

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Karagiannakis”) and are the owners of Outlot “B”, Troy Villas Subdivision No. 1, a subdivision plat as recorded on April 5, 1960, in Liber 100 of Plats, Page 35, Oakland County Records. A copy of the plat of Troy Villas Subdivision No. 1 is attached as Exhibit “1”.

2. Plaintiff, Garrett Family Limited Partnership, is a Michigan limited partnership, with its offices in Troy, Oakland County, Michigan (herein “Plaintiff Garrett”), and has acquired rights to purchase part of Outlot “B” in Troy Villas Subdivision No. 1.

3. Defendant, City of Troy, Michigan, is a Michigan municipal corporation, with its offices in Troy, Oakland County, Michigan (herein “Defendant Troy”), and has certain jurisdiction over the streets, roadways, public easements, easements for road purposes and dedicated rights-of-way, in Troy Villas Subdivision No. 1, and Golf Estates Subdivision, Troy, Oakland County, Michigan, as Golf Estates was recorded on April 21, 1947, in Liber 58 of Plats, Page 23, Oakland County Records.

4. Defendants, Arthur S. Lubiarcz and Delphine J. Lubiarcz, husband and wife, are, upon information and belief, residents of the City of Troy, Oakland County, Michigan (herein jointly and severally “Defendants Lubiarcz”), and are, upon information and belief, the owners of Lot 69, Troy Villas Subdivision No. 1, Troy, Oakland County, Michigan, except for the West 13 feet, as recorded in Liber 100 of plats, page 35, Oakland County Records, commonly known as 480 Ottawa Drive.

5. Defendants, James E. Smith and Cynthia A. Smith, husband and wife, are, upon information and belief, residents of the City of Troy, Oakland County, Michigan,

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(herein jointly and severally "Defendants Smith"), and are, upon information and belief, the owners of that part of Lot 18. Golf Estates Subdivision, Troy, Oakland County, Michigan, described as follows:

Lot 18, except the East 381 feet of Golf Estates Subdivision, according to the plat thereof, which plat was recorded on May 7, 1947, in Liber 58 of Plats, Page 23, Oakland County Records, commonly known as 536 Ottawa Drive.

6. When Golf Estates Subdivision was platted on May 7, 1947, the plat reserved a 43 foot easement along the west side of Lot 18. A copy of the plat of Golf Estates Subdivision is attached as Exhibit "2"

7. In 1947, when Troy was a township, it was, upon information and belief, the practice, policy and procedure of the Oakland County Road Commission, Troy Township and other townships in Oakland County, when property was being platted, but where dedicated streets were not necessarily being installed at that time, to require 43 foot wide easements on each side of the 1/2 section line for future road purposes; this explains the requirement in the plat of Golf Estates Subdivision that it set aside and provide a 43 foot easement along the westerly side of Lots 17, 18 and 63 of Golf Estates Subdivision which was intended for future roadway purposes.

8. While regulations may have contemplated road rights-of-way to be 86 feet in width for specified purposes, under current circumstances the regulations of the City of Troy and most municipalities in Oakland County require road rights-of-way for single family residential development to be 60 feet in width.

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9. On December 21, 1964, an Order Vacating Easement and Correcting Description was entered in Oakland County Circuit Court, whereby the 43 foot easement along the westerly boundary of Lot 18 of Golf Estates was vacated, except that the westerly 17 feet of the easement was not vacated, but was "dedicated to the City of Troy by petitioners herein for road purposes", and objections raised, as stated in the Order against "the vacation of the easterly 26 feet of said easement are withdrawn".

10. The result of the December 21, 1964 Order was to establish a 17 foot easement for road purposes dedicated to the City of Troy abutting the westerly side of Lot 18 of Golf Estates, and, combined with the 43 foot easement described above, the required 60 foot easement for single family development was thereby preserved in order to assure the opportunity to develop Outlot "B", Troy Villas Subdivision No. 1. A copy of the Court Order is attached as Exhibit "3".

11. When Troy Villas Subdivision was platted on February 3, 1955, as part of Troy Township, as recorded in Liber 77 of plats, Page 26, Oakland County Records, it also required a 43 foot easement along the East line of the subdivision, which was intended for future roadway purposes. Although the plat did not state specifically that the easement was granted for roadway purposes, this was the reason why it was 43 feet wide in accordance with the policy and procedure of Oakland County Government at that time for 1/2 section lines.

12. When Troy Villas Subdivision No. 1 was platted on April 5, 1960, at which time Defendant Troy had become a City, it was established by platting Outlot A of Troy

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Villas Subdivision into Troy Villas Subdivision No. 1, and provided a 43 foot easement "for road purposes" along the East line of the subdivision.

13. In 1981, the then owners of Outlot B sought permission from Defendant Troy to utilize the 43 foot easement for road purposes as shown on the plat of Troy Villas No. 1 for a driveway granting access to Outlot "B", and the Troy City Council, by resolution, directed its City Attorney to prepare an agreement "to grant said use of road easement, while maintaining the authority of the City over the right-of-way". A copy of that resolution is attached as Exhibit "4".

14. The City Attorney prepared such an agreement which was signed by Defendant Troy and the owners of Outlot "B", and in the terms of the agreement repeatedly referred to the road easement on the plat as being a "public easement for road purposes", and as a "public easement which was 43 feet wide", and that the City Grantor "shall retain authority over said public road easement right-of-way". A copy of that Agreement is attached as Exhibit "5".

15. The foregoing agreement clearly recognized that the 43 foot easement for road purposes was intended as a public road easement right-of-way available to the public for its use.

16. Recently, Plaintiffs Karagiannakis and Plaintiff Garrett have sought through Defendant Troy to utilize this 43 foot public road easement in Troy Villas No. 1 Subdivision, when combined with and added to the 17 foot dedicated easement for road purposes in Golf Estates Subdivision to establish a 60 foot wide public roadway easement which would permit public access to and for construction of a site condominium project

on Outlot "B" of Troy Villas No. 1 Subdivision utilizing such 60 foot wide public roadway easements.

17. Upon information and belief, based upon consultation with a retired Michigan civil engineer and surveyor, and a senior management representative of the Oakland County Road Commission, it has been determined that, it was historically, a common practice, policy and procedure in rural communities such as Troy Township (and later the City of Troy) when plats were approved by the municipality, by the Oakland County Plat Board, by the Oakland County Road Commission and by the Auditor General of the State of Michigan, to seek to reserve easements 43 feet wide on each side of a 1/2 section line (a total of 86 feet wide) to assure that there would be land reserved for construction of public roadways along these 1/2 section lines

18. The governmental entities didn't necessarily require that the roadways be dedicated or that road improvements be installed at the time of platting, but required that the plat would preserve 43 feet of land by easement for future road use. This is the reason why the earlier plats in Troy Township and later the City of Troy either make reference to easements for road or street purposes or reserve 43 foot easements along the 1/2 section lines.

19. Defendant Troy, or its predecessor Township, have utilized these types of reserved road easements in plats to establish public roadways in other instances that Plaintiffs are aware of.

20. Under current regulations, the Oakland County Road Commission, the City of Troy and most municipalities in Oakland County, the practice of requiring an easement

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for right-of-way purposes has been changed, and such entities now require the fee interest in a road right-of-way.

21. Upon information and belief, Defendant Troy now is concerned that even though the plat of Troy Villas No. 1 Subdivision refers specifically to a 43 foot easement for "road purposes", that the plat does not state that the easement for road purposes is dedicated to the public, and that Defendant Troy will require a dedicated public street right-of-way in order to allow this roadway to be installed, even though at the time when Troy Villas No. 1 and Golf Estates Subdivision were platted it was not the practice to require specific dedication of the land on which the 43 foot easement was established and reserved for future road use.

22. It would be extremely difficult if not impossible to dedicate this roadway easement for public roadway since the platting occurred over 45 years ago and if the roadway easement was to be dedicated it should have been done at that time.

23. The establishment of right-of-way easements, rather than fee interests for the 17 foot easement and 43 foot easement in question as undertaken pursuant to the then prevailing requirements, included the policy, practice and procedure for road rights-of-way by the governmental entities then having jurisdiction.

a. Such establishment of what is now a 60 foot easement right-of-way, rather than a 60 foot fee interest, was, therefore, undertaken in reliance upon such governmental requirements.

b. Plaintiffs' predecessors in interest then, relying upon the then existing governmental entities having jurisdiction, materially changed their position and

irrevocably conveyed the fee interests in such right-of-way, and no longer have such interests.

c. Although there has been a change in regulations now requiring road rights-of-way to be in fee interest, Plaintiffs are unable to provide such interest based upon their actions taken in reliance upon the governmental regulations of the entities having jurisdiction.

d. Accordingly, it would be unfair and inequitable to now require Plaintiffs to produce the fee interests in the right-of-way because Plaintiffs (through their predecessors) divested themselves of all interest in excess of the easement interest in reliance upon the City and its predecessor, the Oakland County Road Commission, and the Court should exercise its power of equity based upon estoppel and other applicable equitable principles to declare that the easement interest is adequate and appropriate for purposes of the 60 foot right-of-way in question.

24. Upon information and belief, Defendant Troy is not necessarily opposed to the use of this 43 foot road easement in Troy Villas No. 1, combined with the 17 foot dedicated roadway abutting it in Golf Estates, for a total of 60 feet, to establish a public roadway meeting Defendant Troy requirements, but it is presently concerned that it may not have the legal authority or capacity to grant such use for a public roadway without there having been a specific platted dedication of this easement to the public for road purposes.

25. Plaintiffs believe, and therefore allege, that the intent of Defendant Troy in approving the plat of Troy Villas No. 1 for recording in 1960, as well as the intent of other

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governmental agencies approving the plat, was to reserve this 43 foot easement for road purposes for a public roadway in the future, together with the 43 foot easement reserved along the westerly side of Golf Estates Subdivision, both easements being located along the 1/2 Section line of Section 3, City of Troy, Michigan.

26. Further evidence of Defendant Troy's intent to establish a future roadway at this location, is evidenced by the fact that on December 21, 1964, Defendant Troy consented to a court order specifically agreeing to vacate a 26 foot portion of the 43 foot easement in Golf Estates Subdivision, in exchange for a dedication of the westerly 17 feet of that easement for road purposes. The only logical reason for dedicating the 17 feet was to tie it in directly with the 43 foot easement reserved for roadway in Troy Villas No. 1, thereby establishing a total of 60 feet for a future public roadway along the 1/2 section line intended to be known as Montclair Street.

27. Without the availability of a public roadway 60 feet wide serving Outlot B of Troy Villas Subdivision No. 1, Plaintiffs Karagiannakis and/or Plaintiff Garrett would be arbitrarily and unreasonably prohibited, without the achievement of any legitimate governmental interest, and contrary to the public policy encouraging the productive use of land, from utilizing all of Outlot B for a permitted use and development as intended when that subdivision was platted.

28. Under the facts of this case, this Court has the authority to enter a declaratory judgment under MCR 2.605 determining that Defendant Troy has an existing public roadway in the form of the 60 foot wide easement (created by combining the 17 foot easement and the 43 foot easement, as aforementioned), and Plaintiffs and Plaintiffs'

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successors are the benefited parties to such easement, which should be permitted to be improved and utilized to provide public access for all customary purposes to Plaintiffs Karagiannakis' property, being Outlot "B" of Troy Villas Subdivision No. 1.

29. Without a determination by this Court of the existence of this public road right-of-way 60 feet wide, Plaintiffs Karagiannakis are deprived of a public access roadway to permit them and/or Plaintiff Garrett to develop the remainder of Outlot B into a site condominium project, or for other comparable residential use, and Plaintiffs would thereby be deprived of their property rights, as anticipated at the time of platting the subdivision, without due process of law and in violation of the Takings Clause of the Fifth Amendment to the United States Constitution and Article 10, Section 2 and Article 1, Section 23 of the Michigan Constitution.

30. An actual controversy exists because Plaintiffs believe that they have the legal right to utilize the existing 43 foot public roadway easement established in Troy Villas No. 1 and the abutting 17 feet in Golf Estates dedicated for public roadway purposes for public and legal access to and for development of all of Outlot B in Troy Villas No. 1.

For these reasons, Plaintiffs pray that the Court grant the following relief, pursuant to MCR 2.605:

A) Make a declaration of rights and determine that the 43 foot easement for road purposes in Troy Villas No. 1 when combined with the 17 foot dedicated roadway in Golf Estates together constitute a public roadway or roadway easement 60 feet wide, which is within the jurisdiction and control of Defendant Troy and

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which meets the requirements of the City of Troy to establish a 60 foot improved public roadway which can be developed by Plaintiffs or others in accordance with Defendant Troy's standards for an improved public roadway, to allow reasonable and efficient use and development of Outlot B in Troy Villas Subdivision No. 1.

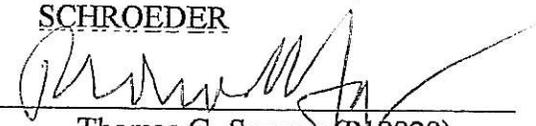
B) Any such road improvements to be constructed within such 60 feet wide public roadway or roadway easement shall be constructed at the cost of Plaintiffs or their successors.

C) That this Declaratory Judgment shall be binding upon all of the parties to this litigation and shall constitute a Declaratory Judgment determination that the above reserved roadway easement 43 feet wide, together with the abutting dedicated 17 feet for roadway purposes is a public roadway within jurisdiction and control of Defendant City of Troy, in the same manner as if all of such area had been dedicated to such use.

D) That such further necessary or proper relief based on a Declaratory Judgment be granted to Plaintiffs after reasonable notice and hearing.

Dated: August 30, 2006

HUTSON, SAWYER, REILLY, RUPP &
SCHROEDER

By: 

Thomas G. Sawyer (P19929)
Attorneys for Plaintiffs
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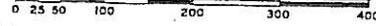
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"TROY VILLAS NO. 1"

A PART OF THE SW. 1/4 OF SEC. 3, T-2-N, R-11-E,
CITY OF TROY, OAKLAND COUNTY, MICHIGAN.

JANUARY 1959

SCALE: 1" = 100'



ALL DIMENSIONS ARE GIVEN IN FEET AND DECIMALS THEREOF.
CURVE DISTANCES SHOWN ARE MEASURED ALONG ARC OF CURVE.

EXAMINED AND APPROVED

Date: Jan 19 1959

Otis M. Smith

OTIS M. SMITH

AUTHOR GENERAL

By: *D. L. MacGregor*
D. L. MacGregor - Plat Engineer

DESCRIPTION OF LAND PLATTED

The land embraced in the annexed plat of "Troy Villas No. 1", a part of the S.W. 1/4 of Section 3, T-2-N, R-11-E, City of Troy, Oakland County, Michigan, being a replat of Outlot "A" of Troy Villas, is described as follows: Beginning at a point on the N. & S. 1/4 line of Section 3, T-2-N, R-11-E, City of Troy, Oakland County, Michigan, said point being 3.01°21'07"W., 963.57 feet from the center post of said Section 3; thence 3.01°21'07"W., along the said N. & S. 1/4 line, 699.94 feet; thence N. 89°32'29"W., 718.95 feet; thence N. 16°43'39"W., 430.41 feet; thence along the arc of a curve to the left, said curve having a radius of 333.55 feet and long chord bearing N. 51°52'40"E., 96.63 feet, an arc distance of 100.0 feet; thence N. 43°17'20"E., 285.08 feet; thence along the arc of a curve to the right, said curve having a radius of 58.06 feet and long chord bearing N. 66°55'58"E., 46.57 feet, an arc distance of 47.92 feet; thence S. 89°25'23"E., 542.66 feet to the point of beginning, containing 7 lots and 1 outlot.

DEDICATION

KNOW ALL MEN BY THESE PRESENTS, That we Max Rosenfeld and Fannie Rosenfeld, his wife as proprietors, have caused the land embraced in the annexed plat to be surveyed, laid out and platted, to be known as "Troy Villas No. 1", a part of the S.W. 1/4 of Section 3, T-2-N, R-11-E, City of Troy, Oakland County, Michigan, and that the streets as shown on said plat are hereby dedicated to the use of the public and all easements indicated as "Private Easements" are not dedicated to the use of the public but the right to use such private easements is hereby reserved for public utilities and for any uses designated hereon and no permanent structures are to be erected within the limits of said easements.

Signed and Sealed in the Presence of:

ROSEANN MALCOLM	Witness	<i>Max Rosenfeld</i>	(L.S.)
JUNE ELMETCALF	Witness	<i>Fannie Rosenfeld</i>	(L.S.)

ACKNOWLEDGEMENT

STATE OF MICHIGAN, ss.
County of _____ ss.

On this _____ day of _____ 19____, before me, a Notary Public in and for said county, personally came the above named Max Rosenfeld and Fannie Rosenfeld, known to me to be the persons who executed the above dedication, and acknowledged the same to be their free act and deed.

ROSEANN MALCOLM
Notary Public _____ Co., Mich.

My Commission expires _____

MUNICIPAL APPROVAL

This plat was approved by the _____ City of Troy,
of the _____ County _____ of Oakland
at a meeting held _____

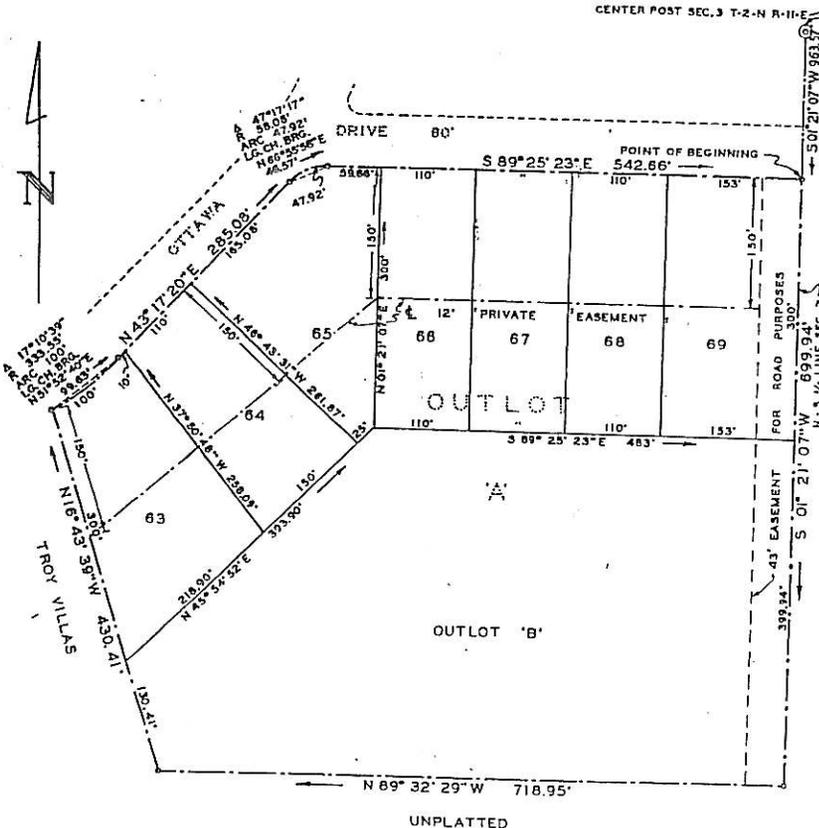
J. Lawson Lockhart
J. LAWSON LOCKHART
SURVEYOR'S CERTIFICATE

I hereby certify that the plat hereon delineated is a correct one and that permanent metal monuments consisting of bars not less than one-half inch in diameter and 36 inches in length, or shorter bars of not less than one-half inch in diameter lapped over each other at least 6 inches with an over-all length of not less than 36 inches, encased in a concrete cylinder at least 4 inches in diameter and 36 inches in depth have been placed at points marked thus (O) as thereon shown at all angles in the boundaries of the land platted, at all the intersections of streets, intersections of alleys, or of streets and alleys, and at the intersections of streets and alleys with the boundaries of the plat as shown on said plat.

E. J. Giffels, Registered Professional Engineer

Plat approved pursuant to provisions of Act 172 of P. A. of 1929, as amended, this _____ day of _____ 19____
OAKLAND COUNTY PLAT BOARD

Delia H. Hickey, Chairman - Chm. Bd. of Surveyors
Daniel F. Murcher, Jr., County Clk. - Sec. of Deeds
Dean J. W. Barry, County Drain Commissioner
R. F. Moore, Chm. Board of Auditors
J. C. Adams, Vice-Chm. Board of Auditors
R. E. Ulfly, Secretary Board of Auditors



ORIGINAL

"GOLF ESTATES"

A SUBDIVISION OF A PART OF THE SE 1/4 OF SEC. 3 T. 2 N. R. 11 E.

TROY TWP

OAKLAND COUNTY, MICH

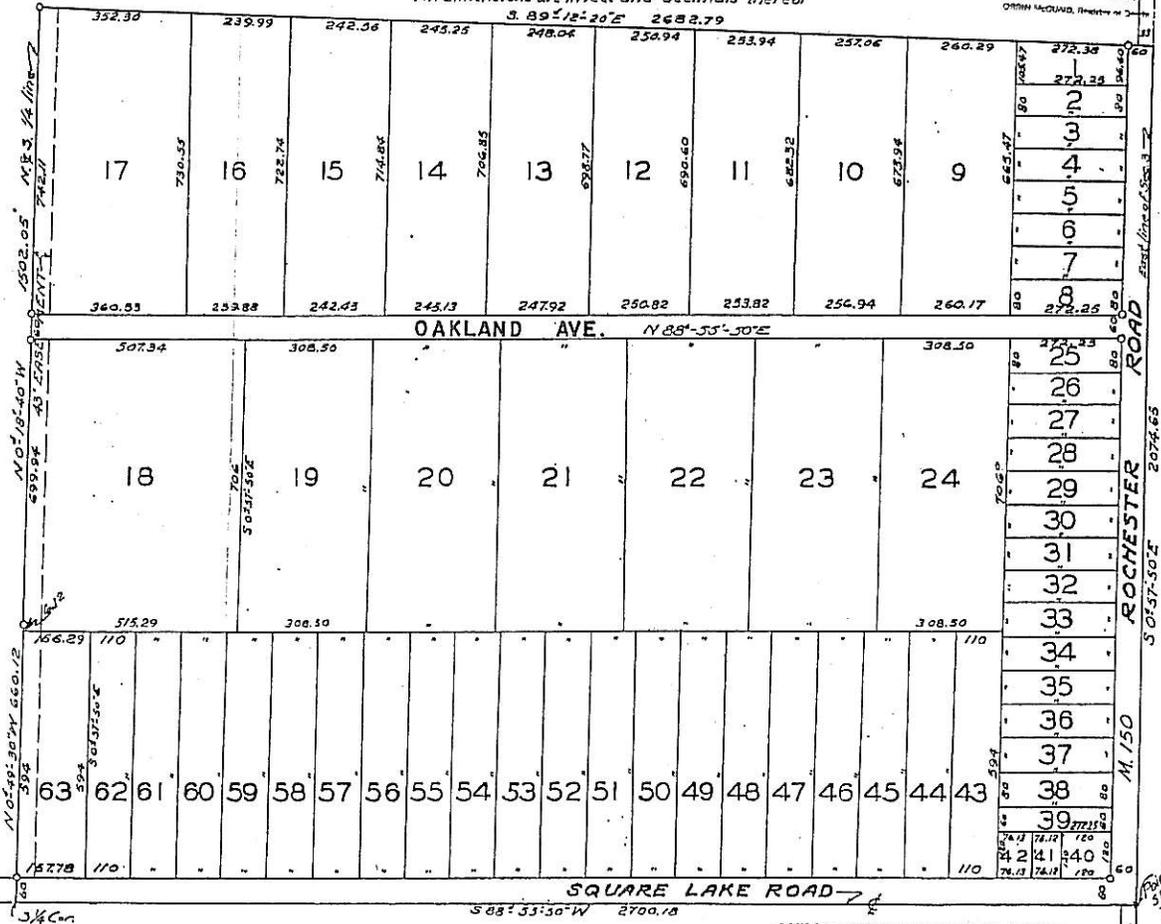
SCALE 1 inch = 200 ft.

All dimensions are in feet and decimals thereof

Examined and Approved
Mary G. MacDonald
1947

REGISTER OF DEEDS
Oakland County, Mich.
Received for record
1947

Orin McDaniel
ORIN MCDANIEL, Register of Deeds



DEDICATION

KNOW ALL MEN BY THESE PRESENTS, that we
 THE GOLF ESTATES SUBDIVISION COMPANY
 MICHIGAN
 corporation by LEWIS G. ERB
 President, and MARY G. MACDONALD
 Secretary, as proprietor, have caused the land embraced in the annexed plat to be surveyed, laid out and platted to be known as "GOLF ESTATES" a subdivision of a part of the SE 1/4 of Section 3, T. 2 N. R. 11 E. Troy Township, Oakland County, Michigan
 and that the streets and alleys as shown on said plat are hereby dedicated to the use of the public.

DESCRIPTION OF LAND PLATTED

The land embraced in the annexed plat of "GOLF ESTATES" a subdivision of a part of the SE 1/4 of Section 3, T. 2 N. R. 11 E. Troy Township, Oakland County, Michigan
 is described as follows:

Beginning at the SE corner of said section 3, thence S 88° 55' 50" W on the South Section line 2700.18 ft. to the S 1/4 corner, thence N 0° 49' 30" W on the N and S 1/4 line 660.12 ft., thence N 0° 18' 40" W on the 1/4 line 1502.05 ft., thence S 89° 12' 20" E. 2682.79 ft. to the East section line, thence S 0° 57' 50" E on the East section line 2074.65 ft. to the point of beginning.

OAKLAND COUNTY TREASURER'S CERTIFICATE

I HEREBY CERTIFY that there are no TAXES or other claims against the above described land or any part thereof which are due to the State or to any other authority as provided by law.

Charles M. Ziegler
CHARLES M. ZIEGLER
State Highway Commissioner

Signed and Sealed in the Presence of:

John C. Austin
JOHN C. AUSTIN (Witness)
Clare J. Jurek
CLARE J. JUREK (Witness)

Lewis G. Erb
LEWIS G. ERB (President)
Mary G. MacDonald
MARY G. MACDONALD (Secretary)

APPROVAL BY BOARD OF COUNTY AUDITORS

Approved by the Board of County Auditors of Oakland County, Michigan, this 2nd day of April, 1947

Robert Y. Moore (Chairman)
John C. Austin
W. H. Morley

APPROVAL BY BOARD OF COUNTY ROAD COMMISSIONERS

This plat has been examined and was approved on the 19th day of July, 1947, by the Oakland County Board of Road Commissioners

Lee O. Brooks (Chairman)
Luther D. Allen (Member)
Sgt. Luntz (Member)

ACKNOWLEDGMENT

STATE OF MICHIGAN) ss.
 County of Oakland)
 On this 1st day of April, 1947, before me, a Notary Public in and for said county appeared LEWIS G. ERB, ANA, MARY G. MACDONALD, to me personally known, who being each by me duly sworn did say that they are the President and Secretary respectively of the GOLF ESTATES SUBDIVISION COMPANY, a Michigan corporation, and that said instrument was signed in behalf of said corporation by authority of its Board of Directors and said LEWIS G. ERB, ANA, MARY G. MACDONALD, acknowledged said instrument to be the free act and deed of said corporation. Corporation has no corporate seal.

Clare J. Jurek
CLARE J. JUREK
Notary Public, Oakland County
My Commission expires: APRIL 22, 1952

MUNICIPAL APPROVAL

This plat was approved by the Township Board of the Troy Township of Troy, Michigan, at a meeting held on the 1st day of April, 1947.

Norman R. Barnard (Chairman)

APPROVED
Charles M. Ziegler
State Highway Commissioner

SURVEYOR'S CERTIFICATE

I hereby certify that the plat hereon delineated is a correct one and that permanent monuments consisting of bars not less than one-half inch in diameter and 48 inches in length, or shorter bars of not less than one-half inch in diameter lapped over each other at least 6 inches with an over-all length of not less than 48 inches, encased in a concrete cylinder at least four inches in diameter and 48 inches in depth have been placed at points marked thus (o) as thereon shown at all angles in the boundaries of the land platted, and all intersections of streets with the boundaries of the plat as shown on said plat.

Earl L. Clark
EARL L. CLARK
Registered Land Surveyor

ROCHESTER ROAD
M. 150
Point of Beginning
SE 1/4 of Sec. 3
T. 2 N. R. 11 E.

Sheet 58 p. 25

94551

UNDER 11570 PAGE 2577

2-11/3

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF OAKLAND
1964 DEC 21 AM 10 58

IN RE: PETITION TO VACATE EASEMENT
IN GOLF ESTATES SUBDIVISION AND
TO CORRECT DESCRIPTION OF
ROCHESTER ROAD.

RECEIVED
OAKLAND COUNTY REGISTER OF DEEDS RECORDS
DEC 21 10 58

TELES LONGTIN and WAHNEETA LONGTIN,
his wife,

Plaintiffs,

NO. 17343

AUDITOR-GENERAL, et al.

ORDER VACATING EASEMENT AND
CORRECTING DESCRIPTION

Defendants.

At a session of the aforesaid Court held in the
City of Pontiac, County and State above named on the
day of DEC 21 1964, A. D., 1964.

PRESENT: HONORABLE PHILIP PRATT
Circuit Judge

The petition in this cause having been filed by Teles Longtin and
Wahneeta Longtin his wife, under oath, and several hearings having been held
in open Court with proceedings recorded in the usual manner, and petitioners
having produced satisfactory evidence of the statutory methods of service,
and the parties hereto having reached an amicable settlement of this
matter,

IT IS HEREBY ORDERED, that the relief prayed for in said Petition
is granted, and that said plat, being the plat of Golf Estates, a subdivision
of part of the Southeast 1/4 of Section 3, Town 2 North, Range 11 East,
Troy Township, Oakland County, Michigan, as recorded in Plats, Liber 58,
Page 23, Oakland County Records, and the restrictions thereto as recorded

Let to -
MALCOLM M. HENRY
ATTORNEY AT LAW
WASHINGTON SQUARE BLDG.
ROYAL OAK, MICHIGAN
CI. 13566

REF: 4868 PAGE 258

In Liber 2129, Pages 326 through 328, Oakland County Records, are hereby amended so that the misdescription of Rochester Road is removed hereby from said Lot 18, except the east 381 feet, and that the 43 foot easement appearing in said plat and restrictions is hereby vacated as to said Lot 17, except the East 381 feet and the title to the same is hereby vested in the owners of said lot; except that the westerly 17 feet of said easement is not vacated, but is dedicated to the City of Troy by petitioners herein for road purposes. The Court hereby recognizes that all objections heretofore raised against the vacation of the easterly 26 feet of said easement are withdrawn.

PHILIP PRATT
Circuit Judge

APPROVED AS TO FORM AND
SUBSTANCE AND OBJECTIONS
WITHDRAWN:

/s/
Stanley E. Durke
Attorney for the City of Troy
960 E. Maple Road
Birmingham, Michigan
644-2336

/s/
Donald Wm. Sargent
Attorney for Joseph Billicki, et al
1141 E. Seven Mile Road
Detroit 3, Michigan
Tw. 1-1000

A TRUE COPY

DAVID R. CALHOUN
Oakland County Clerk, Registrar, Deeds
By: David R. Calhoun
Deputy

MALCOLM M. HESER
ATTORNEY AT LAW
WASHINGTON SQUARE BLDG
ROYAL OAK, MICHIGAN

RESOLUTION TO APPROVE STREET USE AGREEMENT - OTTAWA TO OUTLOT B, TROY
VILLAS SUBDIVISION

C-9

Resolution #81-308
Moved by Taucher
Supported by Pallotta

RESOLVED, That the request from Ladds, Inc.- Hometrend, to use the road easement from Ottawa Street to Outlot B, Troy Villas Subdivision, for driveway access to the site, is hereby granted; and

BE IT FURTHER RESOLVED, That the City Attorney is directed to prepare an agreement to grant said use of road easement, while maintaining the authority of the City over the right-of-way.

Yeas: All-6
Absent: Doyle

Ex 3-303
4/13/51

PUBLIC ROAD EASEMENT USE AGREEMENT

THIS AGREEMENT, made and entered into this 25th day of April, 1981, by and between the CITY OF TROY, a Michigan municipal corporation, (hereinafter called the "Grantor") and Dale McWilliams and _____, his wife (hereinafter called the "Grantees"),

WITNESSETH:

WHEREAS, the Grantees own an interest in the following described premises located in the City of Troy, County of Oakland, State of Michigan, to-wit:

outlot "B"; Troy Villas Subdivision #1
and

WHEREAS, access to said premises can only be obtained through the public easement for road purposes which runs along the Easterly edge of Grantees' land; and

WHEREAS, it is Grantor's desire to grant permission to Grantees to use said public easement for the common use of Grantees, members of their families and households, their guests, visitors, invitees and licensees for the purpose of ingress and egress to and from Grantees' land;

NOW, THEREFORE, in consideration of the premises and the covenants and under takings hereinafter contained, and for Ten (\$10.00) Dollars, receipt of which is hereby acknowledged, Grantor and Grantees mutually agree as follows:

1. Grant of Permission. Grantor hereby grants permission to use said public easement to Grantees as follows:

Grantor grants to, and creates for the benefit of Grantees permission to use the 43 foot strip of land running along the Easterly boundary of Grantees' land and extending North from the Northerly border of Grantees' land to Ottawa Street.

2. Limited Use of Public Easement for Road Purposes. The use of said public easement shall be limited to the following purposes: constructing, maintaining and repairing, altering, and/or replacing a driveway of suitable material for the purpose of providing Grantees with ingress and egress to and from their land; and doing all work necessary for the construction of said driveway.

3. Obligation for Costs and Expenses. Grantees shall be responsible for the payment of any and all costs and expenses incurred in and arising out of any use of said easement for any of the purposes described in paragraphs 1 and 2 of this Agreement.

4. Indemnification of Grantor. Grantees shall indemnify Grantor against, and shall hold Grantor harmless from, any and all losses, injuries or damages of any kind whatsoever which shall be caused by or arise out of any use of said easement by Grantees, members of their family or household, their guests, visitors, invitees and licensees including the inability of the Grantor to provide the above described premises with police, fire and other municipal services as a result of inadequate access to said premises.

5. Notification of Subsequent Purchasers. Grantees shall notify any purchaser from them of said premises of the existence of this Agreement and consent to the marking of tax bills and records showing the nature of the use of said easement and the obligations hereunder.

6. Recordation. Grantees shall pay the cost of recording this Agreement in the Tract Index of the Oakland County Register of Deeds and furnish a copy to the Troy City Clerk's Office.

7. Other Conditions.

A. Grantor shall retain authority over said public road easement right-of-way.

