

DATE: September 13, 2005

TO: John Szerlag, City Manager

FROM: Brian Murphy, Assistant City Manager/Services
Douglas J. Smith, Real Estate and Development Director
Steve Vandette, City Engineer
Mark F. Miller, Planning Director

SUBJECT: AGENDA ITEM – FINAL SITE CONDOMINIUM REVIEW –
Chesapeake Grove Site Condominium, north side of Square Lake
Road, east of John R, Section 1 – R-1D

RECOMMENDATION

On January 10, 2005, City Council granted preliminary approval of the proposed 27-unit site condominium. The applicant has revised the application and now proposes a 26-unit site condominium.

The Engineering Department granted approval of the engineering plans based upon the City's Development Standards; therefore, the development will not cause or exacerbate drainage problems on contiguous properties, due to surface run-off from the proposed development. In addition, the petitioner executed a contract for installation of municipal improvements and provided the required escrow deposits and cash fees. The proposed site condominium complies with all applicable ordinance requirements. The applicant has received a permit from the Michigan Department of Environmental Quality (MDEQ) to fill in State-regulated wetlands on the property. City Management recommends approval of the Final Plan for Chesapeake Grove Site Condominium.

GENERAL INFORMATION

Name of Owner / Applicant:

The owner and applicant is Joseph Maniaci of Mondrian Properties Chesapeake Grove Development LLC.

Location of subject property:

The property is located on the north side of Square Lake Road, east of John R, in section 1.

Size of subject parcel:

The parcel is approximately 8.03 acres in area.

Description of proposed development:

The applicant is proposing a 26-unit site condominium. The development will have two points of ingress/egress, with connections to Square Lake Road and Dryden Road.

Current use of subject property:

Two single family homes presently sits on the property.

Current use of adjacent parcels:

North: Single family residential.

South: Single family residential.

East: Troy School District Nature Preserve.

West: Single family residential.

Current zoning classification:

The property is currently zoned R-1D One Family Residential.

Zoning classification of adjacent parcels:

North: R-1D One Family Residential.

South: R-1D One Family Residential.

East: R-1D One Family Residential.

West: R-1D One Family Residential.

Future Land Use Designation:

The property is designated on the Future Land Use Plan as Low Density Residential.

ANALYSIS

Compliance with area and bulk requirements:

Lot Area: The minimum required lot area is 8,500 square feet. The applicant is utilizing the lot averaging option that permits a 10% reduction in lot area to 7,650 square feet, provided the lots average at least 8,500 square feet in area.

Lot Width: The minimum required lot width is 75 feet. The applicant has utilized the lot averaging option, which permits a 10% reduction in lot widths to 67.5 feet.

Height: 2 stories or 25 feet.

Setbacks: Front: 25 feet.
Side (least one): 8 feet.
Side (total two): 20 feet.
Rear: 40 feet.

Minimum Floor Area: 1,000 square feet.

Maximum Lot Coverage: 30%.

The applicant meets the area and bulk requirements of the R-1D One Family Residential District.

Off-street parking and loading requirements:

The applicant will be required to provide 2 off-street parking spaces per unit.

Environmental provisions, including Tree Preservation Plan:

A Tree Preservation Plan was submitted as part of the application. A wetlands determination was prepared by King & MacGregor on November 5, 2004. The report identifies four separate small wetlands on the property. The wetlands range in size from 0.05 acres to 0.22 acres and total 0.54 acres. The report indicates that wetland A and B are likely state-regulated as they appear to be contiguous to Plum Brook. The applicant has received a permit from the MDEQ to fill the wetland (Permit No. 05-63-0012).

Stormwater detention:

The applicant is proposing to utilize the existing detention basin located in Square Lake Subdivision to the west.

Natural features and floodplains:

The Natural Features Map indicates there are wetlands and woodlands located on the property.

Subdivision Control Ordinance, Article IV Design Standards

Blocks: A double-loaded street is proposed.

Lots: The applicant proposes 26 site condominium units.

Topographic Conditions: The parcel is relatively flat. There are three small pockets of wetlands located on the site.

Streets: The applicant is proposing a 28-foot wide paved street within a 60-foot wide public right-of-way. The street will connect to both Square Lake Road and Dryden Road.

Sidewalks: The applicant proposes an 8-foot wide sidewalk along Square Lake Road and a 5-foot wide sidewalk on both sides of the street.

Utilities: The parcel is served by public water and sewer.

Attachments:

1. Maps
2. Unplatted Residential Development Levels of Approval
3. Comparison Between Site Condominiums and Plats
4. City Council Minutes from January 10, 2005
5. Contract for Installation of Municipal Services
6. MDEQ Permit No. 05-63-0012

Prepared by RBS/MFM/PPB

cc: Applicant
File/Chesapeake Grove Site Condominium

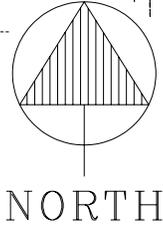
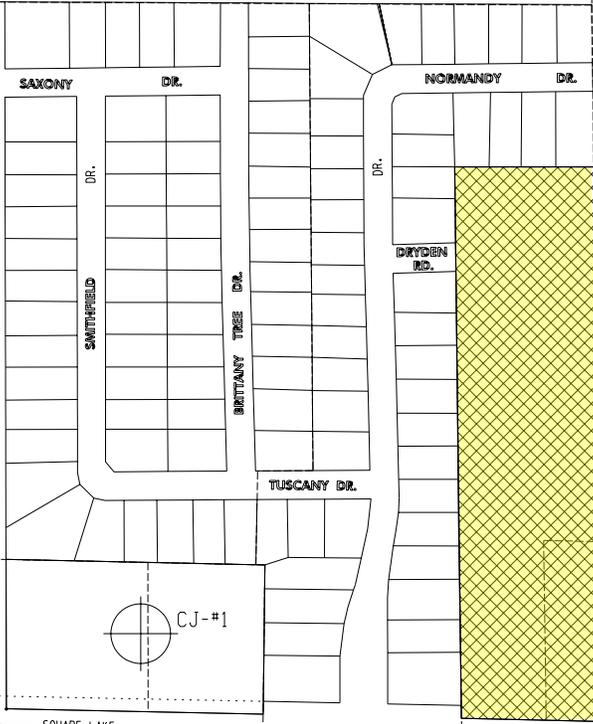
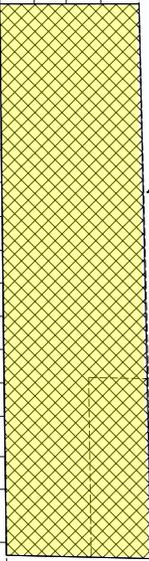
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CITY OF TROY



R-1D

SITE PLAN REVIEW
Proposed Chesapeake Grove
Site Condominium



SITE PLAN REVIEW
PROPOSED CHESAPEAKE GROVE
SITE CONDOMINIUM
N SIDE OF SQUARE LAKE, E OF SILVERSTONE
SEC. 1 (27 UNITS/LOTS)



SITE PLAN REVIEW
PROPOSED CHESAPEAKE GROVE
SITE CONDOMINIUM

TROY SCHOOL DISTRICT PROPERTY

0 50 100 200 300 400 Feet



UNPLATTED RESIDENTIAL DEVELOPMENT LEVELS OF APPROVAL

Preliminary Plan Approval

A sign is placed on the property informing the public of the proposed development.

Adjacent property owners are notified by mail

Public meeting held by **Planning Commission** for review and recommendation to City Council
City Council reviews and approvals plan

The following items are addressed at Preliminary Plan Approval:

- Street Pattern, including potential stub streets for future development
- Potential development pattern for adjacent properties
- Fully dimensioned residential parcel layout, including proposed building configurations
 - Number of lots
 - Building setbacks
 - Lot dimensions
 - Locations of easements
- Preliminary sanitary sewer, storm sewer, and water main layout
- Environmental Impact Statement (if required)
- Location(s) of wetlands on the property

Final Plan Approval

Notice sign is posted on site

City Council review and approval of:

- Final Plan
- Contract for Installation of Municipal Improvements (Private Agreement)

The following items are addressed at Final Plan Approval:

- Fully dimensioned plans of the total property proposed for development, prepared by registered Civil Engineer or Land Surveyor
- Corners of all proposed residential parcels and other points as necessary to determine that the potential parcels and building configurations will conform with ordinance requirements
- Warranty Deeds and Easement documents, in recordable form for all ROW. and easements which are to be conveyed to the public
- Construction plans for all utilities and street improvements, prepared in accordance with City Engineering Design Standards:
 - Sanitary and Storm sewer
 - Water mains
 - Detention / Retention basins
 - Grading and rear yard drainage
 - Paving and widening lanes
 - Sidewalk and driveway approaches
- Approval from other government agencies involved with the development
- Verification of wetlands and M.D.E.Q. permit if necessary
- Financial guarantees to insure the construction of required improvements and the placement of proper property and parcel monuments and markers shall be furnished by the petitioner prior to submittal of the Final Plan to the City Council for review and approval
- Floor Plans and Elevations of the proposed residential units

COMPARISON BETWEEN SITE CONDOMINIUMS AND PLATS

The site condominium is a form of development that closely resembles the more traditional form of land subdivision known as a “subdivision” or a “plat”. Although both types of development have the same basic characteristics, site condominiums are a newer form of development and are not, therefore, as familiar to homebuyers and neighbors as the more customary plats. An important concept related to any type of condominium development is that condominiums are a form of OWNERSHIP, not a type of physical development.

The following summary is intended to compare and contrast the two types of development.

1. **Comparisons between site condominiums and plats.**
 - a. **Statutory Basis** – Site condominium subdivisions first became possible under the Michigan Condominium Act, which was adopted by the Michigan Legislature in 1978. Plats are created under the Michigan Land Division Act, formerly the Michigan Subdivision Control Act of 1967.
 - b. **Nature and Extent of Property Ownership** – An individual homesite building in a platted subdivision is called a “lot”. In a site condominium, each separate building site or homesite is referred to by the Condominium Act as a “unit”. Each unit is surrounded by “limited common area”, which is defined as common elements reserved in the master deed for the exclusive use of less than all of the co-owners”. The remaining area in the site condominium is “general common area”, defined as the common elements reserved in the master deed for the use of all of the co-owners. The nature and extent of ownership of a platted lot and a condominium unit, with the associated limited common area, are essentially equivalent from both a practical and legal standpoint.
 - c. **Compliance with Zoning Ordinance** – Both site condominiums and subdivisions are required to comply with the minimum requirements of the City of Troy Zoning Ordinance for area and bulk, including minimum lot size, lot width, setbacks and building height. Essentially, site condominiums and subdivisions in Troy must “look” similar.
 - d. **Creation/Legal Document** – A site condominium is established by recording in the records of the county in which the land is located a master deed, bylaws and condominium subdivision plan (“plan”). A platted subdivision is created by the recording of a subdivision plat (“plat”), usually coupled with a declaration of easements, covenants, conditions and restrictions. The plan depicts the condominium units and limited and general common areas, while the plat defines the lots. Both have

substantially the same geometrical appearance and characteristics. The master deed and bylaws on the one hand and the declaration on the other have essentially the same functions with respect to the site condominium or platted subdivision, namely, establishment of: (i) building and use restrictions; (ii) rights of homeowners to use common areas; (iii) financial obligations of owners; and, (iv) procedures for operation of the subdivision.

- e. **Home Maintenance and Real Estate Taxes** – Each unit and lot, as respectively depicted on a condominium plan or subdivision plat, together with any home located thereon, are required to be individually maintained by the owner. Likewise, separate real estate taxes are assessed on each condominium unit or platted lot and paid individually by each homeowner.
- f. **Roads and Utilities** – In most plats, roads are dedicated to the public and maintained by the county road commission or the municipality in which the subdivision is located. Site condominium roads can be either public or private. Sanitary sewer and water supply are public in both. Storm water detention can vary between public and private dedication in both platted and condominium subdivisions.
- g. **Common Areas** – In a site condominium, general common areas, such as open space, entrance areas and storm drainage system, are owned by condominium unit owners in common as an incident of ownership of each unit. In a platted subdivision, legal title to common areas is owned by a homeowners association. In both forms of development, a homeowners association administers the common areas for the benefit of all homeowners equally.
- h. **Homeowners Association** – It is important in both types of development to incorporate a homeowners association comprised of all lot owners or unit owners, as the case may be, to maintain common areas, enforce restrictions and regulations, collect assessments and otherwise administer the common affairs of the development. Because the Condominium Act confers special enforcement powers upon homeowner associations, which are not characteristic of platted subdivision associations, it is generally thought that the condominium form is superior from the standpoint of enforcing rules and regulations of the private community.
- i. **Financial Obligations of Homeowners** – In both types of development, the homeowners association is given the power to assess property owners to pay for maintenance of all common areas and other expenses of administration. Failure to pay give rise to a lien on the defaulting owner's homesite thus providing financial security that the common areas will be properly maintained for the benefit of all homeowners.

- j. **Public Relations** – The same types of public health, safety and welfare regulations apply to both forms of development. Procedurally, the methods of applying for and obtaining plat or condominium plan approval are similar at the municipal level.
- k. **Unique Characteristics of Condominium Unit Purchase** – The Condominium Act provides special benefits for site condominium unit purchasers: (i) a 9-day period after signing a purchase agreement within which a purchaser may withdraw without penalty; and (ii) a requirement that all condominium documents, supplemented by an explanatory disclosure statement, be furnished to all purchasers at the time of entry into a purchase agreement. There are no similar benefits to purchasers provided under the Land Division Act.
- l. **Local and State Review** – Both development types require City Council approval, following a recommendation by the Planning Commission. Unlike subdivisions, site condominiums do not require the review and approval of the Michigan Department of Consumer and Industry Services. For this reason it can sometimes take a substantially shorter period of time to obtain necessary public approvals of site condominiums than platted subdivisions.

2. Reason for choosing one form versus another.

Developers and municipalities often prefer the site condominium approach because of better control of market timing. It should be emphasized that the site condominium choice never sacrifices any public protections that would otherwise be present in the case of a platted subdivision under similar circumstances.

3. Conclusion.

The platted subdivision approach and the newer site condominium technique are two different statutory methods of reaching essentially the same practical and legal result of dividing real estate into separate residential building sites. Both methods are required to meet substantially the same public health, safety and welfare requirements. The site condominium is sometimes chosen over the platted subdivisions because of perceived benefits to purchasers, homeowners, and developers.

F-4 Preliminary Site Condominium Review – Chesapeake Grove Site Condominium, North Side of Square Lake Road, East of John R, Section 1-R-1D

Resolution #2005-01-030

Moved by Lambert

Seconded by Stine

RESOLVED, That the Preliminary Plan as submitted under Section 34.30.00 of the Zoning Ordinance (Unplatted One-Family Residential Development) for the development of a One-Family Residential Site Condominium known as Chesapeake Grove Site Condominium, and as recommended for approval by City Management and the Planning Commission, located on the north side of Square Lake Road, east of John R, in Section 1, including 27 home sites, within the R-1D zoning district, being 8.03 acres in size, is hereby **APPROVED**.

Yes: Eisenbacher, Howrylak, Lambert, Stine, Beltramini, Broomfield

No: None

Absent: Schilling

MOTION CARRIED

September 13, 2005

TO: John Szerlag, City Manager

FROM: Brian Murphy, Assistant City Manager/Services
Steven Vandette, City Engineer

SUBJECT: Agenda Item - Private Agreement for Chesapeake Grove Site
Condominiums - Project No. 04.935.3

The Engineering Department has reviewed and approved plans for this project, which includes sanitary sewer, storm sewer, detention, water main, sidewalks, soil erosion, landscaping and paving.

The Owner has provided a letter of credit for escrow and cash fees in the amount of the estimated cost of public improvements, as required.

Approval is recommended.

CC: Tonni Bartholomew, City Clerk (Original Agreement)
James Nash, Financial Services Director
Carol Anderson, Director of Parks and Recreation
Mark Miller, Planning Director
Nino Licari, City Assessor
Timothy Richnak, Director of Public Works
William Jawlik, Inspector Supervisor.
Mondrain Properties

Prepared by: G. Scott Finlay, P.E.
Civil Engineer

Enclosed Private Agreement, Detailed Summary, Sketch and Suggested Resolution

**CONTRACT FOR INSTALLATION OF MUNICIPAL IMPROVEMENTS
(PRIVATE AGREEMENT)**

PROJECT NO. 04.935.3

PROJECT LOCATION:

SW ¼ Sec 1

RESOLUTION NO.

DATE OF COUNCIL APPROVAL:

KNOW ALL MEN BY THESE PRESENT; That the City of Troy, a Michigan Municipal Corporation of the County of Oakland, State of Michigan, hereinafter referred to as "City" and Mondrain Properties Chesapeake Development LLC whose address is 1111 W. Long Lake, Suite 103, Troy, MI 48098 and whose telephone number is 248-833-0242 hereinafter referred to as "Owners".

WITNESSETH, FIRST: That the City agrees to allow the installation of Sanitary sewer, storm sewer, water main, detention, paving, sidewalks and soil erosion in accordance with plans prepared by Fenn & Associates, Inc. whose address is 13399 West Star Dr., Shelby Twp., MI 48315 and whose telephone number is 586-254-9577 and approved prior to construction by the City specifications of the City shall be complied with for this construction.

SECOND: That the Owners agree to contribute the approximate contract price of \$ 375,475.00. This amount will be transmitted to the City Clerk for installation of said improvements in the form of (check one):

- Cash
- Certificate of Deposit
- Irrevocable Bank Letter of Credit
- Check
- Performance Bond & 10% Cash

Said funds shall be placed on deposit with the City upon the execution of this contract and shall be disbursed to the owner by the City only upon presentation of duly executed waivers of lien and sworn statements satisfactory to the City, and after final inspection and approval by the Engineering Department for the City. In addition, the owners agree to deposit and contribute \$95,389.00 cash fee per the attached **Detailed Summary of Required Escrow Deposits Cash Deposits and Cash Fees.**

CONTRACT FOR INSTALLATION OF MUNICIPAL IMPROVEMENTS
(PRIVATE AGREEMENT)

PROJECT NO. 04.935.3

PROJECT LOCATION:

SW ¼ Sec 1

RESOLUTION NO.

DATE OF COUNCIL APPROVAL:

THIRD: The owners may contract for construction of said improvement or may have the City advertise for bids. In the even the Owners select their own contractor, such contractor shall be subject to prior written approval by the City and completed contract documents shall be submitted to the City.

Owners agree to arrange for a pre-construction meeting with the City Engineer and the contractor prior to start of work. All municipal improvements must be completely staked in the field under the direct supervision of a registered civil engineer or registered land surveyor, according to the approved plans.

FOURTH: Owners hereby acknowledge the benefit to their property conferred by the construction of the aforementioned and agree and consent to pay the total sum of \$470,864.00 for the construction of said public utilities in lieu of the establishments of any special district by the City. Further, owners acknowledge that the benefit to their property conferred by the improvement is equal to, or in excess of, the aforementioned amount.

FIFTH: Owners agree that if, for any reason, the total cost of completion of such improvement shall exceed the sum deposited with the City in accordance with Paragraph SECOND hereof, that Owners will immediately remit such additional amount to the City upon request and City will disburse such additional amount in accordance with Paragraph SECOND hereof. In the event the total cost of completion shall be less than the sum deposited with City in accordance with Paragraph SECOND hereof, City will reimburse to the Owners the excess funds remaining after disbursement of funds.

SIXTH: Owners agree to indemnify and save harmless City, their agents and employees, from and against all loss or expense (including costs and attorneys' fees) by reason of liability imposed by law upon the City, its agents and employees for damages because of bodily injury, including death, at any time resulting therefrom sustained by any person or persons or on account of damage to property, including work, provided such injury to persons or damage to property is due or claimed to be due to negligence of the Owner, his contractor, or subcontractors, employees or agents, Owner further agrees to obtain and convey to the City all necessary easements for such public utilities as required by the City Engineer.

**CONTRACT FOR INSTALLATION OF MUNICIPAL IMPROVEMENTS
(PRIVATE AGREEMENT)**

PROJECT NO. 04.935.3

PROJECT LOCATION:

SW ¼ Sec 1

RESOLUTION NO.

DATE OF COUNCIL APPROVAL:

IN WITNESS WHEREOF, the parties hereto have caused this agreement to be executed in duplicate on this _____ day of _____, 20_____.

OWNERS

CITY OF TROY

By:

By:



JOSEPH MANIACI, MEMBER
Please Print or Type

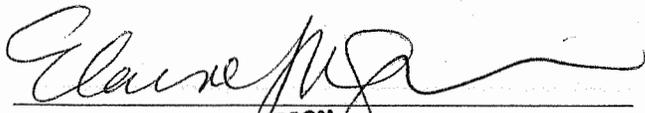
Louise E. Schilling, Mayor

Please Print or Type

Tonni Bartholomew, City Clerk

STATE OF MICHIGAN, COUNTY OF OAKLAND

On this 7th day of SEPTEMBER, A.D. 2005, before me personally appeared JOSEPH MANIACI known by me to be the same person(s) who executed this instrument and who acknowledged this to be his/her/their free act and deed.



ELAINE M. SIMPSON
Notary Public, Oakland County, MI
My Commission Expires Dec. 25, 2007

NOTARY PUBLIC, Oakland County, Michigan

My commission expires: DEC. 25, 2007

Detailed Summary of Required Escrow Deposits or Performance Bond, Cash Fees & Deposits
 Chesapeake Grove Site Condominium
 26 Units - Section 3

ESCROW DEPOSITS:

Sanitary Sewers	\$56,330
Water Mains	\$62,880
Storm Sewers	\$42,986
Rear Yard Drains	\$31,677
Pavement - CONCRETE	\$90,800
Grading	\$10,000
Detention Basin	\$20,000
Soil Erosion Control Measures	\$10,816
Monuments and Lot Corner Irons	\$830
Deceleration and/or Passing Lane - MAJOR ROAD	\$18,000
Sidewalks - ON SITE	\$2,220
Sidewalks - OFF SITE	\$6,336
Street Light	\$7,000
Deposit for the Repair of Damage to Existing Public Streets Used for Access	\$15,600

TOTAL ESCROW DEPOSITS (REFUNDABLE): \$375,475

CASH FEES (NON-REFUNDABLE):

Water Main Testing and Chlorination (PA2)	\$695
Street Name and Traffic Signs (SUB 4)	\$696
Maintenance of Detention Basin (20 year)	\$5,450
Soil Erosion and Sedimentation Control Permits (SUB 10)	\$939
Testing Services (SUB 11)	\$5,632
Engineering Review and Inspection (PA 1)	\$27,222

(PA 3) TOTAL CASH FEES (NON-REFUNDABLE): \$40,634

CASH DEPOSITS (REFUNDABLE):

Sidewalk Closures	\$324
Wetland Mitigation	\$23,400
Deposit for Maintenance & Cleaning of Ex. Public Streets Used for Access	\$5,200
Landscape Deposit	\$10,350
Punchlist & Restoration Deposit	\$15,481

(PA 3) TOTAL CASH DEPOSITS (REFUNDABLE): \$54,755

Engineer: Fenn & Associates
 Developer: Mondrian Properties Chesapeake Development LLC

Approval of Contract for the Installation of Municipal Improvements (Private Agreement) for Chesapeake Grove Site Condominiums, Project No. 04.935.3

RESOLVED, that the Contract for the Installation of Municipal Improvements (Private Agreement) between the City of Troy and Mondrain Properties Chesapeake Development, LLC is hereby approved for the installation of sanitary sewer, storm sewer, detention, water main, sidewalks, soil erosion, landscaping and paving on the site and in the adjacent right of way, and the Mayor and City Clerk are authorized to execute the documents, a copy of which shall be attached to the original Minutes of this meeting.

04.955.3

MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY PERMIT

Mondrian Properties
Chesapeake Development LLC
1111 West Long Lake Road Ste 1111
Troy, MI 48098

Permit No. 05-63-0012-P
Issued April 1, 2005
Extended
Revised
Expires December 31, 2007

Under the provisions of the Natural Resources and Environmental Protection Act 451, PA 1994, as amended and specifically:

- | | |
|--|--|
| <input type="checkbox"/> Part 301 Inland Lakes and Streams | <input type="checkbox"/> Part 315 Dam Safety |
| <input type="checkbox"/> Part 325 Great Lakes Submerged Lands | <input type="checkbox"/> Part 323 Shorelands Protection and Management |
| <input checked="" type="checkbox"/> Part 303 Wetland Protection | <input type="checkbox"/> Part 353 Sand Dune Protection and Management |
| <input type="checkbox"/> Part 31 Floodplain/Water Resources Protection | |

Permission is hereby granted, based on permittee assurance of adherence to State requirements and permit conditions to:

Permitted Activity:

Place up to 450 cubic yards of clean fill within 0.10 acre of wetlands associated with condominium development.

Water Course Affected: wetlands

Property Location: Oakland County, City of Troy, Section 1

Subdivision, Lot **Town/Range** 2N, 11E **Property Tax No.** 20-01-353-010, 20-01-353-011

Authority granted by this permit is subject to the following limitations:

- A. Initiation of any work on the permitted project confirms the permittee's acceptance and agreement to comply with all terms and conditions of this permit.
- B. The permittee in exercising the authority granted by this permit shall not cause unlawful pollution as defined by Part 31, Floodplain/Water Resources Protection of the Natural Resources and Environmental Protection Act 451, PA 1994, as amended.
- C. This permit shall be kept at the site of the work and available for inspection at all times during the duration of the project or until its date of expiration.
- D. All work shall be completed in accordance with the plans and the specifications submitted with the application and/or plans and specifications attached hereto.
- E. No attempt shall be made by the permittee to forbid the full and free use by the public of public waters at or adjacent to the structure or work approved herein.
- F. It is made a requirement of this permit that the permittee give notice to public utilities in accordance with Act 53 of the Public Act of 1974 and comply with each of the requirements of that act.
- G. This permit does not convey property rights in either real estate or material, nor does it authorize any injury to private property or invasion of public or private rights, nor does it waive the necessity of seeking federal assent, all local permits or complying with other state statutes.
- H. This permit does not prejudice or limit the right of a riparian owner or other person to institute proceedings in any circuit court of this state when necessary to protect his rights.
- I. Permittee shall notify the Department of Environmental Quality within one week after the completion of the activity authorized by this permit, by completing and forwarding the attached, preaddressed post card to the office addressed thereon.
- J. This permit shall not be assigned or transferred without the written approval of the Department of Environmental Quality.
- K. Failure to comply with conditions of this permit may subject the permittee to revocation of permit and criminal and/or civil action as cited by the specific State Act, Federal Act and/or Rule under which this permit is granted.
- L. Work to be done under authority of this permit is further subject to the following special instructions and specifications:

All work shall be completed in accordance with the attached, DEQ approved, plans and the specific terms and conditions of this permit. Approved plans are those prepared by Fenn & Associates, Inc., dated October 21, 2004, with revisions dated November 30, 2004, and March 24, 2005.

Authority granted by this permit does not waive permit requirements under Part 91, Soil Erosion and Sedimentation, Natural Resources and Environmental Protection Act (1994, PA 451 as amended) or the need to acquire applicable permits from the County Drain Commissioner.

As a primary condition of this permit a statement of "No Effect" must be obtained from the Michigan Department of Natural Resources, Wildlife Division, to ensure no harm to state threatened or endangered species will occur as a result of this project. You should contact Ms. Lori Sargent, Wildlife Division – Natural Heritage Program, P.O. Box 30180, Lansing, MI, 48909 for further information.

The authority to conduct the activity as authorized by this permit is granted solely under provisions of the governing act as identified above. This permit does not convey, provide or otherwise imply approval of any other governing act, ordinance or regulation, nor does it waive the permittee's obligation to acquire any additional local, county, state, or federal approvals or authorizations necessary to conduct the activity.

Should this permit result in an unreasonable encroachment, interference with adjacent riparians or the public trust, permittee agrees in exercising the authority granted herein, to make adjustments in the project as ordered by the Department of Environmental Quality.

Non-compliance with these terms and conditions, and/or the initiation of other regulated activities not specifically authorized by this permit shall be cause for the modification, suspension or revocation of this permit, in whole or in part. Further, the Department of Environmental Quality may initiate criminal and/or civil proceedings as may be deemed necessary to correct project deficiencies, to protect natural resource values, and secure compliance with statutes.

The property owner, contractor and/or any agent in obtaining this permit are held responsible to insure the project is constructed in accordance with all plans and specifications contained in this permit.

Fill shall consist of clean inert material which does not contain soluble chemicals, organic matter, pollutants or contaminants

Permittee is responsible for controlling all authorized fill material including soils graded on site and shall prevent same from entering any surface water or wetland except as otherwise specified by this permit. NO fill shall be allowed to escape from the area(s) specified to receive fill either by willful intent, neglect or faulty maintenance of erosion controls. Fill which has been authorized by this permit which leaves the specified fill area constitutes a violation of this permit.

This permit is limited to authorizing the construction as specified above and carries with it no assurances or implications that any associated wetland area can be developed or serviced by the structures authorized by this permit.

Any modification or revision to the attached authorized plans must be approved IN WRITING by the Department of Environmental Quality prior to construction.

Permittee is cautioned against commencing work in unacquired right of ways or easements. This permit does not convey any interest in property or property rights in either real estate or material. Permittee is responsible for acquiring all necessary easements or right of ways before commencing any work.

If the project, or any portion, is stopped and lies uncompleted for any length of time other than that encountered in a normal work week, every precaution shall be taken to protect the uncompleted work from erosion, including the placement of temporary sandbag riprap or other acceptable temporary protection.

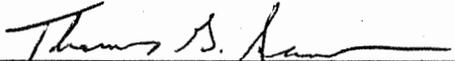
In issuing this permit, the Department of Environmental Quality has relied on the information and data which permittee has provided in connection with the permit application. If, subsequent to the issuance of this permit, such information and data prove to be false, incomplete, or inaccurate, the Department may modify, revoke, or suspend the permit, in whole or in part, in accordance with the new information.

The permittee shall indemnify and hold harmless the State of Michigan and its departments, agencies, officials, employees, agents and representatives for any and all claims or causes of action arising from acts or omissions of the permittee, or employees, agents, or representatives of the permittee, undertaken in connection with this permit. This permit shall not be construed as an indemnity by the State of Michigan for the benefit of the permittee or any other person.

Unless specifically authorized by this permit no soil or other material from the project may be deposited in or allowed to enter by neglect, lack of maintenance or willful intent any wetlands or surface water. All excess soil material shall be placed on upland (non-wetland, non-floodplain) site sodded or mulched and seeded to prevent erosion into surface waters or wetlands.

All raw areas resulting from the permitted construction activity shall be promptly and effectively stabilized with sod or seed and mulch) or other technology specified by this permit) in sufficient quantity and manner so as to prevent erosion and any potential siltation to surface waters or wetlands.

Steven E. Chester, Director
Department of Environmental Quality

By 
Thomas G. Sampson
District Representative
Land and Water Management Division

cc: Oakland CEA
City of Troy Clerk
Mr. Woody Held, King & MacGregor Environmental, Inc.
Ms. Lori Sargent, MDNR

Notice of Authorization

Permit Number 05-63-0012-P

Issued: 4/1/2005

Expiration Date: 12/31/2007

The Michigan Department of Environmental Quality, Land and Water Management Division, Southeast Michigan District Office, 27700 Donald Court, Warren, Michigan 48092-2793, 734-953-8905, has issued a permit for the activity described below, under provisions of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, and specifically:

- Part 31 Floodplain/Water Resources Protection.
- Part 301 Inland Lakes and Streams.
- Part 303 Wetland Protection
- Part 315 Dam Safety.
- Part 325 Great Lakes Submerged Lands
- Part 323 Shorelands Protection and Management
- Part 353 Sand Dune Protection and Management

Authorized activity:

Permitted Activity:

Place up to 450 cubic yards of clean fill within 0.10 acre of wetlands associated with condominium development.

To be conducted at property located: Oakland County, Waterbody: wetlands
Section 1 , Town 2N, Range 11E, City of Troy

Permittee: Mondrian Properties
Chesapeake Development LLC
1111 West Long Lake Road Ste 103
Troy, MI 48098

Steven E. Chester, Director
Department of Environmental Quality

Thomas Sampson
District Representative

*This notice must be displayed at the site of work
in such a way that it can be seen from the road*

Please refer to the above Permit Number with any questions or concerns