

**CHARTER TOWNSHIP OF COMMERCE
REGULAR BOARD OF TRUSTEES MEETING
August 8, 2017
2009 Township Drive
Commerce Township, Michigan 48390**

CALL TO ORDER: David Scott, Supervisor, called the meeting to order at 7:00 p.m. and introduced the members of the Board.

PLEDGE OF ALLEGIANCE TO FLAG

ROLL CALL: Present: David Scott, Supervisor
Melissa Creech, Clerk
Robert Berkheiser, Trustee
John Hindo, Trustee
Vanessa Magnier, Trustee
Rick Sovel, Trustee

Absent: Molly Phillips, Treasurer (excused)

Also Present: Phillip Adkison, Township Attorney
Jason Mayer, Giffels Webster Engineers
Hans Rentrop, Township Attorney

APPROVAL OF MINUTES

MOTION by Sovel, supported by Berkheiser, to approve the July 11, 2017 Regular Township Board of Trustees Meeting minutes and the July 17, 2017 Special Township Board of Trustees Meeting minutes, as submitted.

MOTION CARRIED UNANIMOUSLY

PRESENTATIONS:

None

PETITIONS:

None

ITEM 1:8-8 APPROVAL OF AGENDA

MOTION by Sovel, supported by Magnier, to approve the August 8, 2017 Agenda with the addition of "Relocating Billboard on M5" under Item 12 New Business I. and "Crossing Guard at Oakley Park Elementary School" under Item 12 New Business J.

MOTION CARRIED UNANIMOUSLY

ITEM 2:8-8 PUBLIC COMMENTS

Pete Webster, Dickinson Wright Attorneys, representing K&S Fuel Ventures, Inc., inquired if he will have an opportunity speak on Item 11:8-8 Old Business A. K&S Fuel Ventures, Inc. Conditional Rezoning Agreement. Supervisor Scott answered yes he will be able to discuss this when it comes up on the agenda.

ITEM 3:8-8 PUBLIC HEARINGS

None

ITEM 4:8-8 BOARD APPOINTMENTS

None

ITEM 5:8-8 CONTRACT AWARDS AND AGREEMENTS

A. Huron Cemetery Maintenance Contract

Michael Willenberg, President, Huron Cemetery Maintenance, was present to answer any questions the Board may have regarding the contract. He expressed his interest to continue cemetery maintenance for Commerce Township.

MOTION by Sovel, supported by Berkheiser, to approve the Huron Cemetery Maintenance Contract for 3 years commencing on January 1, 2018 and terminating on December 31, 2020, as per the attached schedule.

MOTION CARRIED UNANIMOUSLY

B. Phragmites Contract – Parks and Recreation Department

Emily England, Senior Director, advised the Board that the Parks and Recreation Committee recommends approval to contract with Aquatic Services to remove phragmites in Long Park, along the pathway on S. Commerce Road and the corner of Dodge (Commerce & S. Commerce Roads) for \$5,500.00.

MOTION by Berkheiser, supported by Sovel, to approve Aquatic Services to complete the maintenance for the years 2017 and 2018 for the removal of phragmites, as presented in their proposal at Long Park, along the corner of Commerce and S. Commerce Roads and along the bike path on S. Commerce Road at a cost of \$5,500.00. Funds to come from the Parks Ground Maintenance Fund.

MOTION CARRIED UNANIMOUSLY

ITEM 6:8-8 INTRODUCTIONS

None

ITEM 7:8-8 ADOPTIONS

A. An Ordinance to Amend the Code of Ordinance to be known as Code Amendment Ordinance No. 1.032 – Michigan Air Line Trail

MOTION by Magner, supported by Creech, to Adopt an Ordinance to Amend the Code of Ordinances, Charter Township of Commerce, Oakland County, Michigan to be known as Code Amendment Ordinance No. 1.032. Post and publish according to law.

MOTION CARRIED UNANIMOUSLY

ITEM 8:8-8 SITE CONDOMINIUMS AND PLATS

None

ITEM 9:8-8 CONSENT AGENDA

- A. Special Liquor License – Multi-Lakes Good Old Days**
- B. Act 152 Compliance of 80/20 Employee Health Care**

MOTION by Berkheiser, supported by Magner, to approve the Consent Agenda.

MOTION CARRIED UNANIMOUSLY

ITEM 10:8-8 PURCHASES

None

ITEM 11:8-8 OLD BUSINESS

A. K&S Fuel Ventures, Inc. Conditional Rezoning Agreement

David Campbell, Planning Director, updated the Board on the Planning Commission's findings.

Pete Webster, Dickinson Wright Attorneys, representing K&S Fuel Ventures, Inc., was present to answer questions by the Board. He is aware that the Planning Commission recommends the Board find there was a breach of the Conditional Rezoning Agreement Contract. He advised the Board that there is no evidence that K&S Fuel had any knowledge of the use of the property. When it was brought to their attention, they immediately took steps to rectify the situation by removing the tenant from the premises and made improvements to comply with residential code. They are waiting for final inspection and approval by the Building Department. He stated the Planning Commission never supported the project from the beginning and that is why they recommend the Township Board find there is a violation of the Conditional Rezoning Agreement. He stated there is no reason to pursue prosecution. He asks the Township Board to find there was no breach of contract.

Berkheiser – Has a hard time comprehending how the owners did not know what was going on in the house when they are at the business at least 18 hours a day.

Pete Webster, Dickinson Wright Attorneys, said there would be a breach of contract if the gas station was used for something other than a gas station. Again, he reminded the

ITEM 11:8-8 OLD BUSINESS (K&S Fuel Ventures, Inc. Conditional Rezoning Agreement continued)

Township Board that the owners did not know what was going on in the house and when they became aware of it, they rectified the situation immediately.

Supervisor Scott – Thanked everyone. He is insulted that anyone would think he believes the owners did not know what was going on in the house. They gave the house to an individual to rent without any supervision of the property. He feels there is enough evidence to show there was a breach of contract.

MOTION by Scott, supported by Berkheiser, to revert the zoning classifications of the properties subject to the Conditional Rezoning Agreement between the Charter Township of Commerce and K & S Fuel Ventures, Inc. to those zoning classifications in existence prior to the Agreement. This motion is based upon the Township Planning Commission having found there to have been a breach of the Agreement by K & S Fuel Ventures, Inc. and having recommended that the Township revert the zoning classification.

Discussion:

Sovel – This allows the Township an opportunity to clean up the village area.

Berkheiser – Asked the Planning Director if there are any other options available to K&S Fuel Ventures. Dave Campbell, Planning Director, answered they may be able to separate the residential house from the gas station. He is willing to work with the owners to discuss other options aside from this agreement. He stated this particular agreement cannot come back before the Township Board for at least 365 days.

ROLL CALL VOTE

AYES: Scott, Berkheiser, Hindo, Magner, Creech

NAYS: Sovel

ABSENT: Phillips

MOTION CARRIED

ITEM 12:8-8 NEW BUSINESS

A. Request for Property Transfer Penalty Waiver

Treasurer Phillips' memo explained that Ms. Abbo filed her property transfer affidavit on August 25, 2016, within the 45 day requirement to avoid a transfer penalty. Oakland County determined she was late in filing the paperwork, but this is not the case.

MOTION by Sovel, supported by Berkheiser, to approve the Resolution to waive the \$200.00 penalty fee for failure to file a property transfer affidavit assessed to Jessica Abbo for Parcel No. 17-04-226-143. **MOTION CARRIED UNANIMOUSLY**

B. Hickory Glen Bridge Replacement

Emily England, Senior Director, advised the Board that the Parks and Recreation Committee recommends replacing the bridge in Hickory Glen Park by Rousseaux's Excavating, Inc. for \$19,750.00.

ITEM 12:8-8 NEW BUSINESS (continued)

MOTION by Berkheiser, supported by Hindo, to contract with Rousseaux Excavating, Inc. to remove and replace the bridge at Hickory Glen Park for \$19,750.00, funds to come from pathway maintenance account.

MOTION CARRIED UNANIMOUSLY

C. Maple Glen Concrete Walk

Emily England, Senior Director, advised the Board that the Parks and Recreation Committee recommends installing two 4 inch poles in the concrete in the new section of Maple Glen Park; this will be at the walkway up from the roundabout.

MOTION by Berkheiser, supported by Sovel, to contract with Rousseaux Excavating Inc. to install two 4" poles in the concrete in the new section of Maple Glen Park at the walkway up from the roundabout at a cost of \$1,500.00. Funds to come from the Parks Millage.

MOTION CARRIED UNANIMOUSLY

D. Special Projects No. 41 Intention Resolution

MOTION by Sovel, supported by Creech, to approve the Resolution of the Township Board of the Charter Township of Commerce, Tentatively Declaring its Intention to Establish a Special Assessment District to be known as Special Projects No. 41

MOTION CARRIED UNANIMOUSLY

E. Medical Marihuana Legislation Update

Hans Rentrop, Township Attorney, gave an update.

MOTION by Scott, supported by Berkheiser, to direct the Township Attorney to draft an Ordinance to prohibit any State licensed medical marihuana facilities from locating in the Township.

MOTION CARRIED UNANIMOUSLY

F. Abandonment of Easement Rights Resolution – Haggerty Road Industrial Park

Hans Rentrop, Township Attorney, explained the Resolution.

MOTION by Scott, supported by Hindo, to approve the Resolution of the Township Board of the Charter Township of Commerce to abandon, terminate, extinguish, vacate, and release any and all right, title and interest of the Township in and to the Drainage Easement Stub pursuant to the Plat, the Maintenance Agreement and/or the Restrictions.

MOTION CARRIED UNANIMOUSLY

G. Consent Judgment Amendment – Comfort Care at 14 Mile and Decker Roads

Dave Campbell, Planning Director, explained the Consent Judgment Amendment to the Board. An Amendment is needed because the current zoning does not allow B2 zoning.

MOTION by Berkheiser, supported by Hindo, to approve language for inclusion in First Amendment to Second Amended Consent Judgment affecting property at the Northeast corner of Decker Road and 14 Mile Road to permit construction of a senior living facility as proposed by Comfort Care and pursuant to a site plan and subject to conditions

ITEM 12:8-8 NEW BUSINESS (continued)

recommended by the Planning Commission giving authority to the Township Supervisor to sign a final version of the First Amendment to Second Amended Consent Judgment after all conditions recommended by the Planning Commission have been met.

MOTION CARRIED UNANIMOUSLY

H. Township Hall Security Upgrade

Supervisor Scott explained the security system proposals for the Township Hall.

MOTION by Sovel, supported by Hindo, to contract with Sonitrol for the security upgrade in the amount of \$23,000.00. Funds to come from the Building Department Fund.

MOTION CARRIED UNANIMOUSLY

I. Relocating the Billboard on M5 Michigan Railway Trail Easement

Phillip Adkison, Township Attorney, is requesting the Township Board give him the authority to amend the Consent Judgment to move the billboard west to a point near where Crumb Road crosses the railway. He will obtain permission from the Trail Way Council.

MOTION by Sovel, supported by Berkheiser, to approve Adams Outdoor moving the billboard from its current location to its new location near Crumb Road, remaining in the trail way right of way.

MOTION CARRIED UNANIMOUSLY

J. Crossing Guard at Oakley Park Elementary School.

Supervisor Scott advised the Board that for the past 10 years the City of Walled Lake Police Department provided the crossing guard at Oakley Park Elementary School. They will no longer handle this. The Township needs to find someone to act as the crossing guard. The Walled Lake Consolidated School District will reimburse the Township 100%.

No action taken

ITEM 13:8-8 ORDERS AND ADD-ONS

MOTION by Sovel, supported by Magner, to approve the Orders and Add-ons.

Discussion:

\$401.40 was the cost to repair a vehicle that ran over an ax that fell out of a fire truck on M5, funds to come from the Fire Department Fund.

The first page shows a \$992.77 discrepancy, Clerk Creech did not authorize this and will follow up.

MOTION CARRIED UNANIMOUSLY

ITEM 14:8-8 OTHER MATTERS

Supervisor Scott – The Fire Department used the old Eric's Market for a successful training drill. There needs to be asbestos testing prior to demolition. There were two

ITEM 14:8-8 OTHER MATTERS (continued)

bids received and he recommends G2 Consulting Group at a cost of \$2,500.00.

MOTION by Sovel, supported by Creech, to approve the Asbestos Survey Contract to G2 Consulting Group for an amount not to exceed \$2,700.00. Funds to come from the Sewer Fund.
MOTION CARRIED UNANIMOUSLY

Don Green, Huron Valley Youth Assistance, sent a letter to the Township saying they provided a service to the lakes area and 11% of those who received assistance were Commerce residents. They are requesting the Township fund 11%, or \$3,113.00, of their budget for the year 2017. Magner would like to take a copy of the letter to the Lakes Area Youth Assistance Board Meeting tomorrow night. She is a member of the Board. She believes Commerce residents should receive assistance from Lakes Area Youth Assistance and not from Huron Valley Youth Assistance.

MOTION by Magner, supported by Sovel, to Table Huron Valley Youth Assistance letter from Don Green.
MOTION CARRIED UNANIMOUSLY

Berkheiser –

- The pavilion at Long Lake Park should be repaired next month.
- The statute may change whether fire fighters should be exempt from CDL requirements. Do we want this to happen?
- Asked for budget meeting dates. (September 19 and 26 and every Tuesday in October)

Emily England, Senior Director, asked where classes could be held while the Richardson Center is being worked on. Supervisor Scott said they can hold the classes at the Township Hall. Berkheiser said the church across the street will allow them to hold classes there and it may be more convenient for the seniors.

MOTION by Berkheiser, supported Sovel, to approve the Richardson Center renting Shepard of the Lakes Church facilities to hold classes on Mondays and Fridays for \$200 a month until the end of the year 2017.
MOTION CARRIED UNANIMOUSLY

Supervisor Scott

- Advised the Board that Chuck Kummer will conduct an analysis of a generator for the Richardson Center.
- Library 1st quarter water bill was \$10,000.00.
- The control panel for the sprinkler system should be inside the building, not on the outside where someone could tamper with it. We should also look into getting a second water meter. Berkheiser asked about an irrigation well. Supervisor Scott will check if that is a good option.

Magner asked if the DDA will conduct a financial analysis (projection). The last one was approximately 4 or 5 years ago. Supervisor Scott will follow up with Treasurer Phillips.

Sovel requested the DDA submit their budget in advance.

Lieutenant Gerald Schroeder, Oakland County Sheriff's Office, advised the Board that

ITEM 14:8-8 OTHER MATTERS (continued)

MI Vehicle Code 257.613(c) stated school crossing guards shall be the responsibility of the law enforcement within the district.

Jason Mayer, Giffels Webster Engineers, will meet with the DEQ regarding the sidewalk paving and the bridge. They have a package prepared for the paving and will complete the bridge at a later date.

ITEM 15:8-8 CLOSED SESSION


None

ITEM 16:8-8 ADJOURNMENT

As there were no other matters to come before the Board.

MOTION by Berkheiser, supported by Creech, to adjourn the meeting at 9:28 p.m.

MOTION CARRIED UNANIMOUSLY



Melissa Creech, CMMC
Clerk, Charter Township of Commerce

**RESOLUTION OF THE TOWNSHIP BOARD
OF THE CHARTER TOWNSHIP OF COMMERCE
APPROVING CONSENT AGENDA**

At the regular Meeting of the Township Board of the Charter Township of Commerce, County of Oakland, State of Michigan, held on the 8th day of August, 2017, in the Township Hall at 7:00p.m.

PRESENT: Scott, Creech, Berkheiser, Hindo, Magner, Sovel

ABSENT: Phillips

The following resolution approving the Consent Agenda of August 8, 2017, Board of Trustees Meeting of the Charter Township of Commerce was offered by Berkheiser and supported by Magner.

NOW, THEREFORE, BE IT RESOLVED THAT THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF COMMERCE:

- A. Special Liquor License – Multi-Lakes Good Old Days
- B. Act 152 Compliance of 80/20 Employee Health Care

AYES: Scott, Creech, Berkheiser, Hindo, Magner, Sovel

NAYS: None

ABSENT: Phillips

**RESOLUTION DECLARED
ADOPTED STATE OF MICHIGAN**

)
)s.
COUNTY OF OAKLAND)

I, the undersigned duly qualified Township Clerk of the Charter Township of Commerce, Oakland County, Michigan, do hereby certify the foregoing is a true and complete copy of the proceedings taken by the Township Board of the Charter Township of Commerce at a Meeting held on the 8th day of August 2017.



**Melissa Creech, CMMC
Clerk, Charter Township of Commerce**

Dated: 8-9-2017

**RESOLUTION OF THE TOWNSHIP BOARD
OF THE CHARTER TOWNSHIP OF COMMERCE,
TENTATIVELY DECLARING ITS INTENTION
TO ESTABLISH A SPECIAL ASSESSMENT DISTRICT
TO BE KNOWN AS
*Special Projects No. 41***

At the regular meeting of the Township Board of the Charter Township of Commerce, County of Oakland, Michigan, held on the 8th day of August, 2017, in the Township Hall at 7:00 p.m.

PRESENT: David E. Scott, John Hindo, Melissa Creech, Vanessa Magner, Rick Sovel, Robert Berkheiser

ABSENT: Molly Phillips

The following preamble and resolution were offered by Rick Sovel and supported by Melissa Creech.

WHEREAS, the Charter Township of Commerce, Oakland County, Michigan, has received a petition requesting the establishment of a special assessment district to finance capital and other miscellaneous charges related to connection to the public water and sewer systems, and;

WHEREAS, the Charter Township of Commerce has caused to be prepared plans showing the improvement, the location thereof and an estimate of the cost thereof, and;

WHEREAS, the Charter Township of Commerce is in receipt of such plans and estimates of costs, the same having been filed with the Township Clerk.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. In accordance with Public Act 188 of 1954, as amended, the Township Board of the Charter Township of Commerce, Oakland County, Michigan, hereby tentatively declares its intention to finance capital and other miscellaneous charges related to connection to the public water and sewer systems to provide service to that portion of the Township described in attached Exhibit A. The Township Board tentatively designates the Special Assessment District against which the cost of the improvement is to be assessed as being that portion of the Charter Township of Commerce described in "Exhibit A" attached hereto and made a part hereof.
2. The Township Board of the Charter Township of Commerce, Oakland County, Michigan, will meet on the 12th day of September, 2017 at 7:00 p.m. in the Township Hall, located at 2009 Township Drive, Commerce Township, Michigan, 48390, to receive public comments

regarding the project, the petitions filed, and the creation of a Special Assessment District to pay costs associated with this improvement project.

3. The Township Board of the Charter Township of Commerce tentatively designates this proposed Special Assessment District as: *Special Projects No. 41*.
4. In order to appeal the amount of any special assessment, affected owners or parties with an interest must protest the proposed assessment. This may be done by appearing in person at the hearing, having an agent appear at the hearing on behalf of an owner or party in interest or by filing a protest by the hearing date, by letter addressed to the Township Clerk at 2009 Township Drive, Commerce Township, Michigan, 48390. An owner or party having an interest in the real property affected by the special assessment may file a written appeal of the special assessment with the Michigan Tax Tribunal within 30 days after the confirmation of the special assessment roll if that special assessment is protested at the hearing held for the purpose of confirming the special assessment roll.

AYES: David E. Scott, John Hindo, Melissa Creech, Vanessa Magner, Rick Sovel,
Robert Berkheiser

NAYS: None

ABSENT: Molly Phillips

RESOLUTION DECLARED ADOPTED.

STATE OF MICHIGAN)
)ss.
COUNTY OF OAKLAND)

I, the undersigned duly qualified Township Clerk of the Charter Township of Commerce, Oakland County, Michigan, do hereby certify the foregoing is a true and complete copy of the proceedings taken by the Township Board of the Charter Township of Commerce at a meeting held on the 8th day of August, 2017.



MELISSA CREECH, Clerk
Charter Township of Commerce
Dated: August 9, 2017

EXHIBIT A

Water

17-10-257-008

Sewer

17-01-452-008

17-02-227-017

17-10-377-020

17-10-257-008

**RESOLUTION OF THE TOWNSHIP BOARD
OF THE CHARTER TOWNSHIP OF COMMERCE**

At a regular meeting of the Township Board of the Charter Township of Commerce, County of Oakland, Michigan, held on the 8th day of August, 2017, in the Township Hall at 7:00 p.m.

PRESENT: David E. Scott, John Hindo, Melissa Creech, Vanessa Magner, Rick Sovel, Robert Berkheiser

ABSENT: Molly Phillips

The following preamble and resolution were offered by David E. Scott and supported by John Hindo.

WHEREAS, a 24-lot industrial subdivision was created in the Charter Township of Commerce by the recording of the Plat of Haggerty Road Industrial Park, dated September 3, 1980, recorded in Liber 175, Pages 14 and 15 of Plats, Oakland County Records (“Plat”); and

WHEREAS, the Plat provided for a certain “20 WIDE PUBLIC DRAINAGE EASEMENT” (“Drainage Easements”) throughout certain areas of the Plat, including the property described on the attached Exhibit A, which is owned by the Commerce Township Downtown Development Authority (“Property”); and

WHEREAS, a certain Agreement for Maintenance of Drainage Easements dated July 7, 1977 and recorded September 5, 1980 in Liber 7851, Page 771, Oakland County Records (“Maintenance Agreement”) was entered into between the Township, and Dominick L. Marotta and Concetta R. Marotta and Community National Bank of Pontiac, a Michigan corporation, collectively as the developer, wherein the developer granted a right to each lot owner in the Plat to use the Drainage Easements for surface water accumulation, and which provides that each lot contributes an equal share for the maintenance of the Drainage Easements, and that the Township is authorized to maintain the Drainage Easements and assess the lot owners for such maintenance if they fail to do so; and

WHEREAS, Section 6 of the Maintenance Agreement provides that “The ‘drainage easements’ shall be used for no other purpose than storm water runoff from said described parcel until such time that the Township of Commerce may determine that there is no further need for this facility.”; and

WHEREAS, a certain Subdivision Restrictions and Conditions dated December 15, 1978, recorded on September 5, 1980 in Liber 7851, Page 763, Oakland County Records (“Restrictions”) requires the maintenance of the Drainage Easements by the lot owners in the Plat and enables the Township to maintain the Drainage Easements and assess the lot owners for such maintenance if they fail to do so; and

WHEREAS, the presence of a certain portion of the Drainage Easements on the Property as depicted and described on the attached Exhibit B (“Drainage Easement Stub”) is interfering with the intended development of the Property; and

WHEREAS, the three parcels adjacent to the western boundary of the Property are developed and do not utilize the Drainage Easement Stub for drainage purposes, and the vacant parcel adjacent to the northeast boundary of the Property (which is also owned by the Commerce Township Downtown Development Authority) borders and has access to drainage facilities in the rights of way of Haggerty Road and Oakley Park Road and has no need to utilize the Drainage Easement Stub, and therefore no parcel in the Plat utilizes or has the need to utilize the Drainage Easement Stub for drainage purposes; and

WHEREAS, the Property will not utilize the Drainage Easement Stub, and the intended development of the Property will provide for storm water drainage in accordance with Township Ordinances; and

WHEREAS, the Township engineers have determined that the Drainage Easement Stub is no longer necessary and may be abandoned.

NOW, THEREFORE, BE IT RESOLVED, that the Township abandons, terminates, extinguishes, vacates, and releases any and all right, title and interest of the Township in and to the Drainage Easement Stub pursuant to the Plat, the Maintenance Agreement and/or the Restrictions.

AYES: David E. Scott, John Hindo, Melissa Creech, Vanessa Magner, Rick Sovel, Robert Berkheiser

NAYS: None

ABSENT: Molly Phillips

RESOLUTION DECLARED ADOPTED.

STATE OF MICHIGAN)
)ss.
COUNTY OF OAKLAND)

I, the undersigned duly qualified Township Clerk of the Charter Township of Commerce, Oakland County, Michigan, do hereby certify the foregoing is a true and complete copy of the proceedings taken by the Township Board of the Charter Township of Commerce at a meeting held on the 8th day of August, 2017.



MELISSA CREECH, Clerk
Charter Township of Commerce
Dated: August 9, 2017

PREPARED BY/WHEN RECORDED, RETURN TO:

**EXHIBIT A
LEGAL DESCRIPTION OF PROPOSED PARCEL**

PROPOSED PARCEL DESCRIPTION:

Lands in the Northeast 1/4 of Section 24, Town 2 North, Range 8 East, Commerce Township, Oakland County, Michigan, described as part of Lots 3 thru 7, inclusive, "Haggerty Road Industrial Park", as recorded in Liber 175, Pages 14 and 15, Oakland County Records, more particularly described as:

Commencing at the Northeast Corner of said Section 24; thence along the North line of said Section 24, S87°10'28"W, 503.59 feet; thence S02°49'32"E, 60.00 feet to the intersection of the South line of Oakley Park Road (60 foot half width) and the Southwesterly line of a 75 foot wide gas easement in favor of Michigan Consolidated Gas Company, recorded in Liber 3031, Page 441, Oakland County Records and the **POINT OF BEGINNING**; thence along said Southwesterly line, S47°19'20"E, 528.19 feet to the South line of said Lot 3; thence along the South line of said Lots 3, 5 and 6, S87°20'25"W, 373.92 feet to the East line of said Lot 7; thence along said East line, N02°49'32"W, 97.03 feet; thence S87°58'10"W, 100.01 feet to the West line of said Lot 7; thence along said West line N02°49'32"W, 277.25 feet to the aforementioned South line of Oakley Park Road; thence along said South line, N87°10'28"E, 103.73 feet to the **POINT OF BEGINNING**.

Containing ±2.27 acres of land.



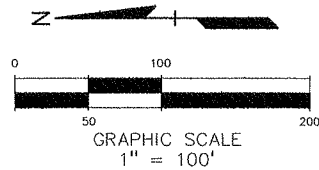
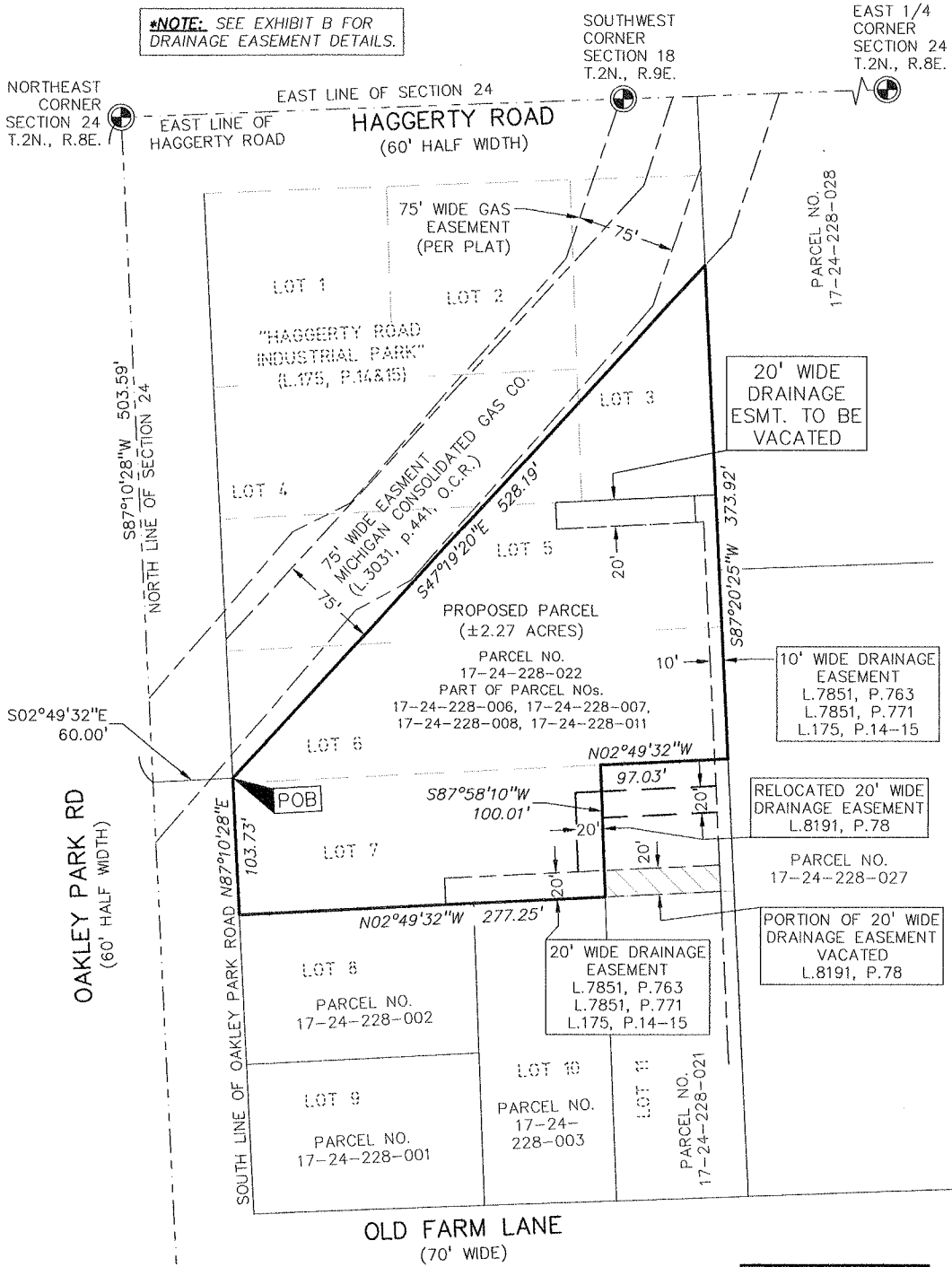
PEA, Inc.

2430 Rochester Ct, Ste 100
Troy, MI 48063-1872
t: 248.669.9090
f: 248.669.1044
www.peainc.com

CLIENT: NORTH POINT DEVELOPMENT 4825 NW 14th STREET, SUITE 500 RIVERSIDE, MO 64150	SCALE: 1"= 100'	JOB No: 2017-184
	DATE: 08/03/2017	DWG. No: 1 of 2

EXHIBIT A
SKETCH OF PROPOSED PARCEL

***NOTE:** SEE EXHIBIT B FOR DRAINAGE EASEMENT DETAILS.



PEA, Inc.
2430 Rochester Ct, Ste 100
Troy, MI 48063-1672
T: 248.689.9090
F: 248.689.1044
www.peainc.com

CLIENT: NORTH POINT DEVELOPMENT 4825 NW 14th STREET, SUITE 500 RIVERSIDE, MO 64150	SCALE: 1" = 100'	JOB No: 2017-184
	DATE: 08/03/2017	DWG. No: 2 of 2

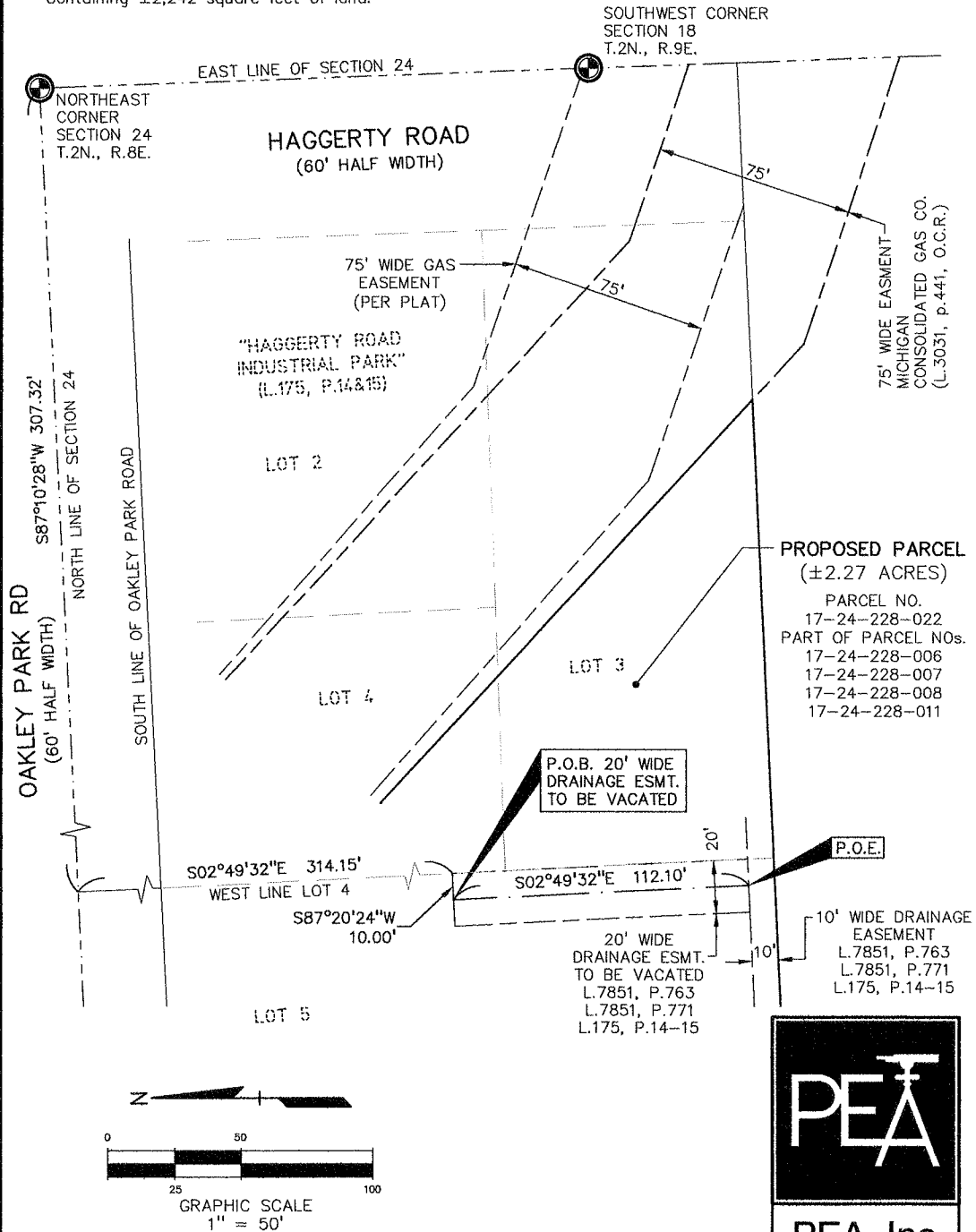
EXHIBIT B LEGAL DESCRIPTION AND SKETCH OF PROPOSED EASEMENT VACATION

LEGAL DESCRIPTION – PART OF A 20' WIDE DRAINAGE EASEMENT TO BE VACATED

Part of a Drainage Easement as recorded in Liber 7851, Page 763, Liber 7851, Page 771 and Liber 175, Pages 14–15, Oakland County Records, **TO BE VACATED**, said easement being over part of the previously described parcel, the centerline of said easement to be vacated being more particularly described as;

Commencing at the Northeast Corner of Section 24, Town 2 North, Range 8 East; thence along the North line of said Section 24, S87°10'28"W, 307.32 feet to the northerly extension of the west line of Lot 4 of "Haggerty Road Industrial Park", as recorded in Liber 175, Pages 14 and 15, Oakland County Records; thence along west line of said Lot 4, S02°49'32"E, 314.15 feet; thence S87°20'24"W, 10.00 feet to the **Point of Beginning**; thence along said centerline S02°49'32"E, 106.10 feet to the **Point of Ending**.

Containing ±2,242 square feet of land.



CLIENT:
NORTH POINT DEVELOPMENT
4825 NW 14th STREET, SUITE 500
RIVERSIDE, MO 64150

SCALE: 1" = 50'
JOB No: 2017-184
DATE: 08/03/2017
DWG. No: 1 of 1



PEA, Inc.
2430 Rochester Ct, Ste 100
Troy, MI 48063-1872
t: 248.689.9080
f: 248.689.1044
www.peainc.com

**RESOLUTION OF THE TOWNSHIP BOARD
OF THE CHARTER TOWNSHIP OF COMMERCE**

At a regular meeting of the Township Board of the Charter Township of Commerce, County of Oakland, Michigan, held on the 8th day of August, 2017, in the Township Hall at 7:00 p.m.

PRESENT: David E. Scott, John Hindo, Melissa Creech, Vanessa Magner, Rick Sovel, Robert Berkheiser

ABSENT: Molly Phillips

The following preamble and resolution were offered by Rick Sovel and supported by Robert Berkheiser.

WHEREAS, Jessica Abbo requested the Charter Township of Commerce waive a \$200 penalty for failure to timely file a property transfer affidavit for certain property identified as Parcel No. 17-04-226-143 for a transfer that occurred on August 8, 2016, and;

WHEREAS, the Township Board has been informed of the circumstances surrounding the transfer for which the property transfer affidavit was filed.

NOW, THEREFORE, BE IT RESOLVED THAT:

The \$200 penalty for failure to file a property transfer affidavit is waived.

AYES: David E. Scott, John Hindo, Melissa Creech, Vanessa Magner, Rick Sovel, Robert Berkheiser

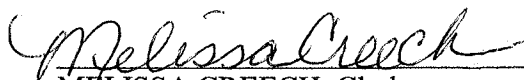
NAYS: None

ABSENT: Molly Phillips

RESOLUTION DECLARED ADOPTED.

STATE OF MICHIGAN)
)ss.
COUNTY OF OAKLAND)

I, the undersigned duly qualified Township Clerk of the Charter Township of Commerce, Oakland County, Michigan, do hereby certify the foregoing is a true and complete copy of the proceedings taken by the Township Board of the Charter Township of Commerce at a meeting held on the 8th day of August, 2017.



MELISSA CREECH, Clerk
Charter Township of Commerce
Dated: August 9, 2017