



# CITY of NOVI CITY COUNCIL

## Agenda Item 1 November 26, 2018

**SUBJECT:** Consideration to approve variance relief as to maximum depth-to-width ration in order to allow a land division and combination relating to two parcels, located on Bernstadt Street that would take a portion of the parcel at 114 Bernstadt (Parcel No 22-03-454-013) and add it to the parcel located at 118 Bernstadt (Parcel No. 22-03-454-014).

**SUBMITTING DEPARTMENT:**

**CITY MANAGER APPROVAL:** PA

### **BACKGROUND INFORMATION:**

The City Council is being asked to grant a variance from certain requirements of the City's Code of Ordinances that resulted in the denial of a lot split and combination by the City Assessor's Office. The proposal is to take a small portion of what is now 114 Bernstadt Street and combine it with 118 Bernstadt Street, which is currently a nonconforming lot due to its small size (it contains less total area than is required under the Zoning Ordinance).

The City staff generally supports the proposed split and combination. However, while adding the proposed 40' x 40' area to the back end of 118 Bernstadt would make it bigger and less nonconforming as to its size/area, doing so would unfortunately also create a new nonconformity by increasing the depth-to-width ratio of the resulting lot to greater than 3 to 1 (i.e., it would become deeper but not wider). The depth-to-width ratio requirements for parcels is not in the Zoning Ordinance, but rather in Appendix C to the Code of Ordinances, relating to the Subdivision of Land. That provision of the ordinance generally states, at Section 4.02.A.6, that "Excessive lot depth in relation to width shall be avoided. A depth-to-width ratio of 3 to 1 shall normally be considered a maximum." On the basis of that language, the City Assessor (as he was required to do) denied the request.

Because the depth-to-width requirement is in the City Code and not the Zoning Ordinance, the Zoning Board of Appeals is not involved in this review. The City's Subdivision of Land Ordinance, Chapter 32 of the Code of Ordinances, provides that appeals and requests for variances of the City Assessor's determination be heard by the City Council. That language is in Section 32-38, Variances, which states:

Sec. 32-38. - Variances.

- (a) The city council may, upon appeal, authorize a variance from the strict application of the provisions of this chapter where such strict application would result in practical difficulties or undue hardship to the applicant. Relief from the strict application of this chapter may be granted in cases where the result is not a substantial detriment to the public good and does not impair the intent and purpose of the chapter. In granting a variance, the city council may attach conditions deemed reasonable to the purpose of this chapter. The relief granted

shall, in no instance, be greater than necessary to relieve the practical difficulty or undue hardship to the applicant.

- (b) The city council shall grant or deny an appeal within thirty (30) days of the appearance before the city council. City council approval of the variance shall be indicated on the application, which the city clerk shall promptly file with the Oakland County Register of Deeds.
- (c) The city assessor shall maintain an official record of all approved and accomplished land divisions, combinations or transfers.

Again, the City Assessor was obligated to deny the proposed split and combination because it exceeded the 3 to 1 ratio but has no specific issues with it other than the failure to comply with the depth-to-width ratio. The City's Community Development Department also staff do not object to the proposed split and combination, since the "receiving" lot is generally being improved by the addition and the lot that the land is being removed from still meets ordinance requirements. (We should note that the maximum depth-to-width ratio in the State Land Division Act is 4 to 1, which this proposal would appear to meet.)

**RECOMMENDED ACTION:** Approval of variance relief as to maximum depth-to-width ration in order to allow a land division and combination relating to two parcels, located on Bernstadt Street that would take a portion of the parcel at 114 Bernstadt and add it to the parcel located at 118 Bernstadt, because the variance would increase the size of the parcel at 114 Bernstadt in a manner that is harmonious with adjacent properties and that does not result in a parcel that is unusually long and narrow, since it would still comply with the depth-to-width ratio required by state law, and the parcel at 118 Bernstadt would continue to meet ordinance requirements.

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October 23, 2018

City of Novi  
Attn: City Council  
45175 W. Ten Mile Road  
Novi, Michigan 48375

Re: Lot Split and Re-Combination Request for Appeal  
114 and 118 Bernstadt Street, Novi


Dear Council Members,

This letter is pursuant to my clients, Daphne Smith-Osmun and Terry Osmun's appeal of the decision of the Township Assessor denying my clients Land Division Application. The Land Division Application was filed on September 25, 2018, and was denied by letter on October 4, 2018. We appeal this denial to the City Council and request a variance from the applicable Subdivision Ordinance cited in the Assessor's denial letter, allowing for a resultant lot depth to width ration of four to one.

As noted by the Assessor in her denial letter, the lot as it sits is a non-conforming lot, albeit a grandfathered non-conforming lot. When viewing the aerial photographs with the lot line layout (provided with this appeal), one can see that the current lot which is located at 118 Bernstadt Street, Novi, Michigan, is smaller comparative to other, similarly situated lots in the subdivision. In fact, the requested variance, if granted, would simply put the subject lot and the surrounding lots in closer symmetry with one another.

Currently, the portion of 114 Bernstadt Street, Novi, Michigan, which is proposed to be split and combined to 118 Bernstadt Street, Novi, Michigan, is an unimproved, vacant section of backyard. If the City approves this variance, this portion will remain unimproved. The applicants simply would like to have a backyard that more closely resembles their neighbors' backyard in size and would only move their existing fence from the border of the current yard, to the border of the resulting yard. We request your consideration in this appeal and shall answer any further questions you may have either prior to, or during the upcoming City Council meeting.

Respectfully Submitted,



Nicholas J. Tatro

## CITY OF NOVI LAND DIVISION INSTRUCTIONS

All applications for land division in the City of Novi must be in compliance with Chapter 32 of the City of Novi Code of Ordinances and with the Land Division Act, P.A. 288 of 1967 as amended by P.A. 591 of 1996 and P.A. 87 of 1997.

Items 1 or 2 through 8 of this Application for Land Division shall be completed and this application shall be notarized on page two. The application, as submitted, shall comply with items A. through C. on page four (4) of this application.

This application shall be submitted to the city assessor accompanied by a processing fee that is determined by the city council (\$300.00). The city assessor will approve or deny the application within forty-five (45) days. Notice of the decision will be mailed to the applicant.

If the application is approved, the city assessor shall process the division through Oakland County Property Description. Oakland County Property Description will create tax descriptions and parcel numbers for the new parcels. The descriptions and numbers will be in effect for the next tax billing period. A proration of the current assessed and taxable values will be in place for the remainder of the assessment year.

If the application is denied, the date of denial will be noted on page four of the application. The city assessor will promptly return the application to the applicant along with a letter stating all reasons for denial. An aggrieved applicant may appeal the assessor's determination by appearing before the city council. This appeal is initiated by contacting the city clerk within twenty (20) days of the assessor's denial and requesting placement on the next available agenda. THIS LAND DIVISION APPLICATION ALSO SERVES AS THE APPEAL FORM. This application, along with items A through on C page four (4) of this application are filed with the city clerk. The application is reviewed by all of the departments on the routing schedule for concerns and comments. The application is then presented to city council for review and consideration.

The city council shall grant or deny the appeal within thirty (30) days of the appearance before city council. City council approval of the variance shall be indicated on this application, which the city clerk shall promptly file with the Oakland County Register of Deeds.

Note: Michigan State Tax Commission forms L-4260 and L-4260a are available at the City of Novi Assessing Department. Michigan Department of Treasury forms T-1056 (Homestead Exemption), T-1067 (Request to Rescind Homestead) and T-1063 (Farmland Exemption) are also available at the City of Novi Assessing Department.



CITY OF NOVI  
45175 Ten Mile Road  
Novi, MI 48375

APPLICATION FOR LAND DIVISION/COMBINATION

TO THE CITY ASSESSOR OF THE CITY OF NOVI, OAKLAND COUNTY, MICHIGAN:  
I (We) the undersigned do hereby make application to the City Assessor to divide, combine, or otherwise reconfigure the parcel(s) herein described. In support of this application, the following facts are shown:

Is this division for the purpose of sale, lease of more than one year, or building development?

Yes

No

FILL OUT ITEM #1 FOR PLATTED LOTS OR ITEM #2 FOR ACREAGE PARCELS

1. The property to be divided/combined is part of a recorded plat located in Section 3, having an address of 118 Bernstadt Street, Novi, MI 48377 (combined); 114 Bernstadt Street, Novi, MI 48377 (Split), and is known as Lot(s) 94-97 (except S 40ft of 94-96) (Split) of Idlemere Park Subdivision.

S 40ft of 94-96 (Combined)

2. The property to be divided/combined is acreage, is not part of a recorded plat, and is located in Section     , having an address of     .  
Parcel Identification Number      Original Acreage       
Parcel Identification Number      Original Acreage     

3. It is requested that the above referenced parcel(s) be divided/combined into 2 new parcels.

4. THE PROPERTY TO BE DIVIDED/COMBINED IS OWNED BY:

NAME: Laura and Brian Hilfinger  
ADDRESS: 114 Bernstadt Street  
CITY, ST, ZIP: Novi, MI, 48377  
PHONE: ( )      DATE: September 25, 2018  
OWNER SIGNATURE: X Laura Hilfinger

I (We), the above signed, am the legal owner(s) of the above referenced property, and hereby request



**ALL APPLICATIONS MUST INCLUDE THE FOLLOWING INFORMATION.  
(APPEALS TO CITY COUNCIL SHALL ALSO INCLUDE THIS INFORMATION.)**

- A. Signed and sealed surveys (two copies) by a Registered Civil Engineer or Licensed Land Surveyor of the existing and proposed properties. The surveys shall depict the following:
1. Surveys shall be at least 8 1/2" x 14" and at a scale of not less than 1"= 100' and show all property irons and monuments found or placed on the parcel(s).
  2. Surveys shall include accurate legal descriptions. Parcel areas shall be shown to the nearest 100th of an acre. For parcels less than one acre, parcel area shall be shown to the nearest square foot.
  3. Surveys shall be dated, including the dates of any revisions.
  4. Surveys shall show the existing zoning and the front, rear and side yard setbacks of each parcel.
  5. Surveys shall show all existing structures, roadways, bodies of water, floodplains, and easements within fifty (50) feet of the parcel(s) to be divided. Distances from existing structures to proposed parcel lines shall be shown.
- B. Proof of fee ownership (i.e. deed) for all of the property to be divided and a current title insurance commitment for all of the parent parcels.
- C. An letter from the engineer or land surveyor indicating that the land division, as requested, does not violate the Land Division Act, P.A. 288 of 1967 as amended by P.A. 591 of 1996 and P.A. 87 of 1997.
- 

**HOMESTEAD AND FARMLAND EXEMPTIONS**

The division of a property will delete the Homestead Exemption or the Farmland Exemption that may currently be in place. In order to continue an exemption from some school operating taxes, a Michigan Department of Treasury form must be submitted to the City of Novi Assessing Department. These forms are available at the City of Novi Assessing Department.

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**APPEAL FROM CITY ASSESSOR'S DETERMINATION**

The city assessor shall approve or deny a land division application within forty-five (45) days after receipt of an application package that conforms to Section 32 requirements, and shall promptly notify the applicant of the decision and all of the reasons for denial. Any person or entity aggrieved by the decision of the assessor may, within twenty (20) days of said decision, appeal the denial to the city council. Applicant must submit to the city clerk A- B & C above, letter addressed to the city council outlining the reason for appeal, and payment of the \$200.00 appeal fee (payable to the City Of Novi). The city clerk will then secure an appointment on the next available council agenda. Notice of the date shall be mailed to the persons adjacent to the property to be divided. The mailing shall be sent to the persons as they appear on the assessment roll. The city council shall, whenever possible, resolve such appeal by a majority vote at its next regular meeting or session. The city council shall have jurisdiction over appeals and shall conduct a *de novo* review of the application and determine whether permission to divide or combine shall be granted.

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**APPEALS TO CITY COUNCIL**

Date of city assessor denial \_\_\_\_\_ Date appeal filed \_\_\_\_\_  
 Next available agenda date \_\_\_\_\_ Payment of \$200 appeal fee \_\_\_\_\_

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**ROUTING FOR APPEAL TO CITY COUNCIL**

Date	Department	Attachment Yes No	Signature
☐	Assessing	Yes No	_____
☐	Attorneys	Yes No	_____
☐	Building	Yes No	_____
☐	Community Dev	Yes No	_____
☐	Engineering	Yes No	_____
☐	Planning	Yes No	_____
☐	Public Services	Yes No	_____

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**CITY COUNCIL ACTION**

\_\_\_\_\_ DENIED  
 \_\_\_\_\_ Approved with Motion # \_\_\_\_\_ Attached

I hereby certify that the foregoing has been adopted by the City Council of the City of Novi at a regular meeting held on this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

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Cortney Hanson, City Clerk  
 City of Novi, Oakland County, Michigan

**ADDENDUM TO APPLICATION FOR LAND DIVISION/COMBINATION**

Pursuant to private sale, the purchase price of which is \$12,000.00, the owners of 118 Bernstadt Street, Novi, MI 48377, Daphne Smith and Terry Osmun, are purchasing a small portion of the backyard of their neighbors' parcel, from Laura and Brian Hilfinger, who are the owners of 114 Bernstadt Street, Novi, MI 48377. At present, the portion of land being purchased contains no improvements. After purchase, the purchasers intend only to move their current fence bordering their current property to match the border of the resulting property, no other improvement is planned for the purchased portion at this time. The purpose of this proposed land division and combination is to slightly increase the back yard of 118 Bernstadt Street, Novi, MI 48377, to match the size and shape of neighboring yards in the subdivision. The portion of property to be divided and combined is identified in the enclosed survey, along with the descriptions for the resulting parcels. Should the city or assessor have any further questions regarding the proposed lot split and combination, please contact the undersigned, or their attorney, Nicholas J. Tatro, Linnell & Associates, PLLC at (248) 977-4182.

  
Daphne Smith

Phone: 248 205 8854

  
Terry Osmun

Phone: 248-308-0650

  
Laura Hilfinger

Phone: 248-231-0423

  
Brian Hilfinger

Phone: 248 675-9434



OAKLAND COUNTY TREASURERS CERTIFICATE  
I HEREBY CERTIFY that there are no TAX LIENS or TITLES held by the state or any individual against the within description and all TAXES on same are paid for five years previous to the date of this instrument as appears by the records in the office except as stated.

LIBER 42306 PG 645

AUG 18 2010

1.00 P<sup>d</sup> ANDREW E. MEISNER, County Treasurer  
Sec. 135, Act 206, 1893 as amended

150514  
LIBER 42306 PAGE 645  
\$10.00 DEED - COMBINED  
\$4.00 REINUMENTATION  
\$705.20 TRANSFER TX COMBINED  
08/23/2010 08:56:43 A.M. RECEIPT# 62691

PAID RECORDED - OAKLAND COUNTY  
RUTH JOHNSON, CLERK/REGISTER OF DEEDS

011357

Covenant Deed

KNOW ALL MEN BY THESE PRESENTS: HSBC Bank USA, National Association as Trustee for MANA 2007-OAR3 ("Grantor") whose address is: 2711 N. Haskell St., Ste 900, Dallas, TX 75024

Convey(s) to: Terry Osmun and Daphne Smith, husband and wife ("Grantee") whose address is: 685 Church St., Grass Lake, MI 49240.

The following described premises situated in the City of Novi, County of Oakland; and State of Michigan, to-wit:

The South 40 feet of Lots 94, 95 and 96, <sup>Idemore</sup> Idemore Park Subdivision as recorded in Liber 17, Page 29 of Plats Oakland County Records

Commonly Known as: 118 Bernstadt St, Novi, MI 48377  
Parcel ID: Tax ID: 22-03-454-014

17029

For the full consideration of Eighty Two Thousand and 00/100 Dollars (\$82,000.00)

Subject to zoning ordinances and to restrictions and easements of record, if any, existing reservations, or leases of oil, gas, or mineral rights, zoning limitations, and apparent and beneficial easements. The Grantor covenants and agrees that the grantor has not previously done or committed or willingly suffered to be done or committed any act, matter, or thing that would cause the premises or any part of them to be charged or encumbered in title, estate, or otherwise.

Dated: 8-27-10

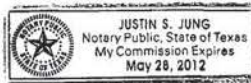
\*Print name below signature in black ink only.

HSBC Bank USA, National Association as Trustee for  
MANA 2007-OAR3.

State of: Texas )  
County of: Dallas ) SS

*Jammy Davis*  
Jammy Davis

The foregoing instrument was acknowledged before me on 2 day of Aug, 2010 by Jammy Davis its PM 1:30 of HSBC Bank USA, National Association as Trustee for MANA 2007-OAR3.



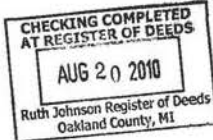
Notary Public: [Signature]  
Notary County: Dallas, State: TX  
Commission Expires: 5-28-2012  
Acting In: Dallas

PLP  
OS  
ATT

Instrument Drafted by:  
HSBC Bank USA, National Association as Trustee for MANA 2007-OAR3  
Assisted by Attorneys Title Agency, LLC  
c/o J. Roberson  
31440 Northwestern Hwy, Suite 150  
Farmington Hills, MI, 48334

Send subsequent tax bills and recorded deed to:

Terry Osmun and Daphne Smith  
118 Bernstadt St.  
Novi, MI 48377



O.K. - L.G.

2010 AUG 20 PM 1:38  
REGISTER OF DEEDS  
OAKLAND COUNTY  
RECEIVED

14705.20 = 719

Attorneys Title Agency, LLC  
STATE OF MICHIGAN REAL ESTATE TRANSFER TAX  
OAKLAND 8/23/2010 62691  
\$30.20 CO  
\$615.00 SY  
619429

OAKLAND COUNTY TREASURERS CERTIFICATE  
I HEREBY CERTIFY that there are no TAX LIENS or TITLES held by the state or any individual against the within description and all TAXES on same are paid for five years previous to the date of this instrument as appears by the records in the office except as stated.

LIBER 47563 PAGE 452  
\$13.00 DEED - COMBINED  
\$4.00 REMONUMENTATION  
\$1,634.00 TRANSFER TX COMBINED  
11/03/2014 11:36:42 AM RECEIPT# 110112  
PAID RECORDED - Oakland County, MI  
Lisa Brown, Clerk/Register of Deeds

Nov 03, 2014

1.00 E-FILE

Sec. 135, Act 206, 1893 as amended  
ANDREW E. MEISNER, County Treasurer

STATE OF MICHIGAN REAL ESTATE TRANSFER TAX



OAKLAND	\$209.00 CO
11/03/2014	\$1,425.00 ST
110112	000967264

★  
★  
★  
★  
★

WARRANTY DEED

File No. cen92089-STG

The Grantor(s) Joseph E. Klecha and Elizabeth A. Alvarez, husband and wife, whose address is 114 Bernstadt St., Novi, MI 48377 convey(s) and warrant(s) to Brian N. Hilfinger, a single man and Laura L. Vaughn, a single woman, whose address is 811 South Lake Dr, Novi, MI 48377

the following described premises situated in the City of Novi, County of Oakland and State of Michigan:

Lots 94, 95 and 96, except the South 40 feet of each lot, also all of Lot 97, IDLEMERE PARK SUBDIVISION, according to the Plat thereof as recorded in Liber 17 of Plats, Page(s) 29, Oakland County Records.

Commonly Known As: 114 Bernstadt St, Novi MI 48377  
Sidwell No. 2014-22-03-454-013

For the sum of One Hundred Ninety Thousand and 00/100 Dollars (\$190,000.00)  
Subject to easements and building and use restriction of record, if any.

RECEIVED  
OAKLAND COUNTY  
REGISTER OF DEEDS  
2014 OCT 30 AM 10:15

2P  
R  
CS  
Cert

OK - LG

Dated: October 24, 2014

File No. cen92089-STG

Signed in presence of:

Signed by:

Witness

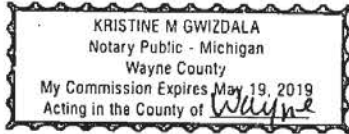
Joseph E. Klecha

Elizabeth A. Alvarez

Witness

STATE OF MICHIGAN  
COUNTY OF WAYNE

The foregoing instrument was acknowledged before me on October 24, 2014, by Joseph E. Klecha and Elizabeth A. Alvarez, husband and wife.



Sign Kristine M. Gwizdala  
Print Kristine M. Gwizdala  
Notary Public, \_\_\_\_\_ County, MI  
My commission expires \_\_\_\_\_

Drafted by:  
Mary Beth Kaljian / Keller Williams  
459 S. Main Street  
Plymouth, MI 48170

Acting in the County of Wayne  
Keller Williams  
1<sup>st</sup> State Title, LLC  
28345 Beck Road  
Suite 108B  
Wixom, MI 48393

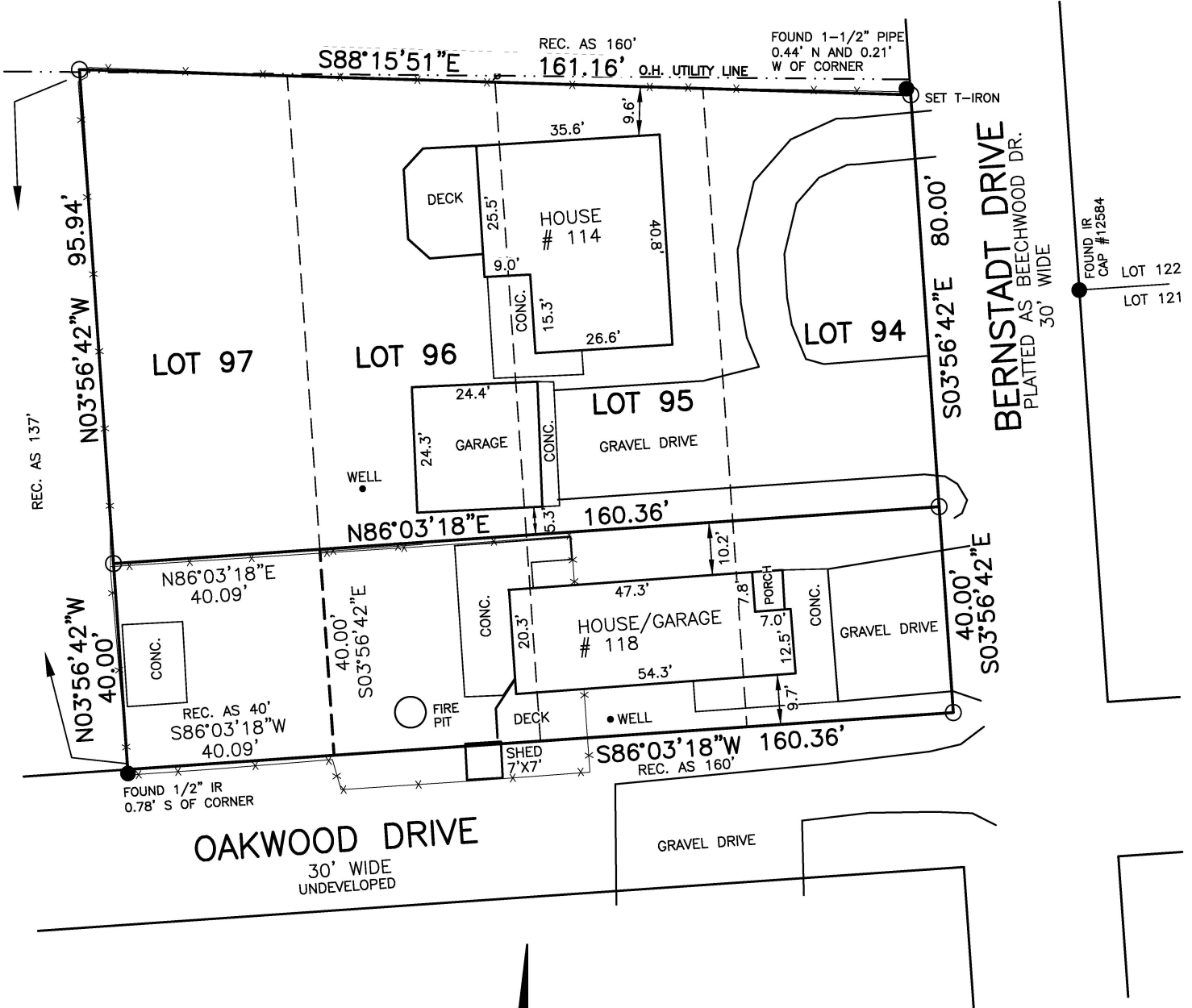
Recording Fee \$18.00

Transfer Tax \$1,634.00

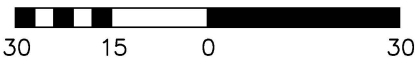
# CERTIFICATE OF SURVEY

SHEET 1 OF 2

LOTS 94, 95, 96 & 97  
**IDLEMERE PARK**, LI 17, PG 29  
 PART OF SEC. 3, T1N, R8E  
 NOVI, OAKLAND COUNTY, MI



SCALE 1" = 30'



- SET T-IRON W/CAP #21566
- FOUND IRON
- × × × × FENCE



## ZONED R-4 ONE-FAMILY RESIDENTIAL

BEARINGS ARE RELATIVE TO THE MICHIGAN COORDINATE SYSTEM, SOUTH ZONE (2113) AS DEFINED BY MICHIGAN P.A. 9 OF 1964 AND AMENDED BY P.A. 154 OF 1988 (NAD 83 [2011]). DISTANCES SHOWN ARE AT GROUND LEVEL.

I HEREBY CERTIFY THAT THE SURVEY HEREON DELINEATED IS TRUE AND CORRECT, THAT THE ACCURACY IS WITHIN 1:5000, AND IT COMPLIES WITH P.A. 132-1970, AS AMENDED.

LAWRENCE R. FEINDT, PS NO. 21566



advancedgeomatics.com

48800 W. 10 MILE RD.  
 NOVI, MI 48374-2708  
 (248) 344-2077  
 FAX (248) 305-8030

6121 MAPLE GROVE RD.  
 CHARLEVOIX, MI 49720  
 (231) 547-9901

FOR: TERRY OSMUN & DAPHNE SMITH

FIELDWORK: LRF-IJZ

COMPUTED BY: LRF

COMPUTER #: 16223.DWG

CHECKED BY: LRF

DRAWN BY: FAF

REV.: 10-4-18 sheet 2

DATE: SEPTEMBER 12, 2018

JOB NO.: 16223



# CERTIFICATE OF SURVEY

Description of property to be conveyed, being a part of PIN 22 03 454 013

Situated in the City of Novi, Oakland County, Michigan; the South 40 feet of Lot 97 of "Idlemere Park", as recorded in Liber 17 of Plats, Page 29 Oakland County Records, being in Section 3, Township 1 North, Range 8 East, and being more particularly described as follows: BEGINNING at the southwest corner of said Lot 97; thence along the west line of said lot, North 03°56'42" West 40.00 feet to a T-iron stake; thence parallel with the south line of said Lot 97, North 86°03'18" 40.09 feet to the east line of said Lot 97; thence along the east line of said Lot 97, South 03°56'42" East 40.00 feet to the southeast corner of said Lot 97; thence along the south line of said Lot 97, South 86°03'18" West 40.09 feet to the Point of Beginning. The bearings set forth in this description are relative to the Michigan Coordinate System, South Zone (2113) as defined by Michigan P.A. 9 of 1964, as amended by P.A. 154 of 1988 (NAD 83 [2011]). Dimensions are at ground level.

The above described parcel contains 1,603 square feet.

Description of balance of Property, PIN 22 03 454 013 after conveyance

Situated in the City of Novi, Oakland County, Michigan; Lots 94, 95, 96, and 97, excepting therefrom the South 40 feet of each of "Idlemere Park", as recorded in Liber 17 of Plats, Page 29 Oakland County Records, being in Section 3, Township 1 North, Range 8 East, and being more particularly described as follows: BEGINNING at a T-iron stake at the northeast corner of said Lot 94; thence along the east line of said Lot 94, South 03°56'42" East 80.00 feet to a T-iron stake on the north line of the south 40 feet of said Lot 94; thence parallel with the south lines of Lots 94, 95, 96 and 97, South 86°03'18" West 160.36 feet to a T-iron stake on the west line of said Lot 97; thence along the west line of said Lot 97, North 03°56'42" West 95.65 feet to a T-iron stake at the northwest corner of said Lot 97; thence along the north lines of said Lots 97, 96, 95 and 94, South 88°15'51" East 161.16 feet (recorded as 160.00 feet) to the Point of Beginning. The bearings set forth in this description are relative to the Michigan Coordinate System, South Zone (2113) as defined by Michigan P.A. 9 of 1964, as amended by P.A. 154 of 1988 (NAD 83 [2011]). Dimensions are at ground level. The above described parcel contains 14,108 square feet.

Description of recipient Property after conveyance, Original PIN 22 03 454 014

Situated in the City of Novi, Oakland County, Michigan; the south 40 feet of Lots 94, 95, 96, and 97 of "Idlemere Park", as recorded in Liber 17 of Plats, Page 29 Oakland County Records, being in Section 3, Town 1 North, Range 8 East, and being more particularly described as follows: BEGINNING at a T-iron stake at the southeast corner of said Lot 94; thence along the south lines of said Lots 94, 95, 96 and 97, South 86°03'18" West 160.36 feet to the southwest corner of said Lot 97; thence along the west line of said Lot 97, North 03°56'42" West 40.00 feet to a T-iron stake; thence parallel with the south lines of said Lots 97, 96, 95 and 94, North 86°03'18" East 160.36 feet to a T-iron stake on the east line of said Lot 94; thence along the east line of said Lot 94, South 03°56'42" East 40.00 feet to the Point of Beginning. The bearings set forth in this description are relative to the Michigan Coordinate System, South Zone (2113) as defined by Michigan P.A. 9 of 1964, as amended by P.A. 154 of 1988 (NAD 83 [2011]). Dimensions are at ground level.

The above described parcel contains 6,414 square feet.

BEARINGS ARE RELATIVE TO THE MICHIGAN COORDINATE SYSTEM,  
SOUTH ZONE (2113) AS DEFINED BY MICHIGAN P.A. 9 OF 1964  
AND AMENDED BY P.A. 154 OF 1988 (NAD 83 [2011]).  
DISTANCES SHOWN ARE AT GROUND LEVEL.

I HEREBY CERTIFY THAT THE SURVEY HEREON DELINEATED IS  
TRUE AND CORRECT, THAT THE ACCURACY IS WITHIN 1:5000, AND  
IT COMPLIES WITH P.A. 132-1970, AS AMENDED.

LAWRENCE R. FEINDT, PS NO. 21566



48800 W. 10 MILE RD.  
NOVI, MI 48374-2708  
(248) 344-2077  
FAX (248) 305-8030

6121 MAPLE GROVE RD.  
CHARLEVOIX, MI 49720  
(231) 547-9901

FOR: TERRY OSMUN & DAPHNE SMITH	
FIELDWORK: LRF-IJZ	COMPUTED BY: LRF
COMPUTER #: 16223.DWG	CHECKED BY: LRF
DRAWN BY: FAF	REV.: 10-4-18 sheet 2
DATE: SEPTEMBER 12, 2018	JOB NO.: 16223



**TITLECITY  
PROPERTY SEARCH  
REPORT**

**FILE NO: 181434**

EFFECTIVE DATE: September 3, 2018

Title to the **Fee Simple** estate or interest in the land is at the Effective Date vested in:

**Brian N. Hilfinger and Laura L. Vaughn**

The land referred to in this Commitment is situated in the City of Novi, County of Oakland and State of Michigan, described as:

**The South 40 feet of Lots 94, 95 and 96, Idlemere Park Subdivision, according to the Plat thereof as recorded in Liber 17 of Plats, Page(s) 29, Oakland County Records**

More commonly known as: 118 Bernstadt St., Novi, MI 48377 – Tax I.D.: 50-22-03-454-014

**CHAIN OF  
TITLE**

Title of Document:	<b>Sheriff's Deed</b>
Grantor:	Sheriff in and for Oakland County, Michigan
Grantee:	HSBC Bank USA as Trustee for Mana 2007-OAR 3
Document Recorded:	July 21, 2009 in Liber 41346, Page 657

Title of Document:	<b>Covenant Deed</b>
Grantor:	HSBC Bank USA, National Association as Trustee for MANA 2007-OAR3
Grantee:	Terry Osmun and Daphne Smith, husband and wife
Document recorded:	August 23, 2010 in Liber 42306, Page 645

**MISCELLANEOUS**

Title of Document:	<b>None</b>
Document recorded:	

**OPEN MORTGAGES**

Title of Document:	<b>Mortgage</b>
Document recorded:	April 9, 2013 in Liber 45635, Page 533

**LIENS/BANKRUPTCY**

Title of Document:	<b>None</b>
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**TAX INFORMATION**

Tax I.D.: 50-22-03-454-014

2017 Winter PAID \$152.76

2018 Summer PAID \$3,043.15

Special Assessments: DUE \$53.25 for W. Lake Impr. 177

Homestead: 0%



By: \_\_\_\_\_

Kimberly Morris  
Titlecity, LLC  
5445 Corporate Drive  
Troy, MI 48098  
(248) 912-6100

This title search report was performed in accordance with generally accepted standards and is for informational purposes only. The liability of the Company is limited to the premium paid for said title search.

**TITLECITY  
PROPERTY SEARCH  
REPORT**

**FILE NO: 181433**

EFFECTIVE DATE: September 3, 2018

Title to the **Fee Simple** estate or interest in the land is at the Effective Date vested in:

**Brian N. Hilfinger and Laura L. Vaughn**

The land referred to in this Commitment is situated in the City of Novi, County of Oakland and State of Michigan, described as:

**Lots 94, 95 and 96, except the South 40 feet of each Lot, also all of Lot 97, Idlemere Park Subdivision, according to the Plat thereof as recorded in Liber 17 of Plats, Page(s) 29, Oakland County Records**

More commonly known as: 114 Bernstadt St., Novi, MI 48377 – Tax I.D.: 50-22-03-454-013

**CHAIN OF  
TITLE**

Title of Document:	<b>Warranty Deed</b>
Grantor:	Kori E. Martini
Grantee:	Joseph E. Klecha
Document Recorded:	march 29, 2006 in Liber 37323, Page 260

Title of Document:	<b>Warranty Deed</b>
Grantor:	Joseph E. Klecha and Elizabeth A. Alvarez, husband and wife
Grantee:	Brian N. Hilfinger and Laura L. Vaughn
Document recorded:	November 3, 2014 in Liber 47563, Page 452

**MISCELLANEOUS**

Title of Document:	None
Document recorded:	

**OPEN MORTGAGES**

Title of Document:	<b>Mortgage</b>
Document recorded:	April 20, 2016 in Liber 49284, Page 279

**LIENS/BANKRUPTCY**

Title of Document:	<b>None</b>
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**TAX INFORMATION**

Tax I.D.: 50-22-03-454-013

2017 Winter PAID \$179.73, including \$81.12 Trash Fee

2018 Summer PAID \$3,259.40, including \$82.74 Trash Fee

Homestead: 100%



By: \_\_\_\_\_

\_\_\_\_\_

Kimberly Morris  
Titlecity, LLC  
5445 Corporate Drive  
Troy, MI 48098  
(248) 912-6100

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Lawrence R. Feindt, PS

Amy C. Feindt, PS

[www.advancedgeomatics.com](http://www.advancedgeomatics.com)

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*A Division of Charlevoix Abstract & Engineering Co.*

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September 18, 2018

Terry Osmun & Daphne Smith  
118 Bernstadt St.  
Novi, MI 48377

Dear Mr. Osmun & Ms. Smith:

Subject: Proposed Land Division and Parcel Reallocation  
Property:

118 Bernstadt St. - 50-22-03-454-014 (Osmun/Smith)  
S 40 ft of Lots 94, 95 & 96

114 Bernstadt St. - 50-22-03-454-013 (Hilfinger)

Lots 94, 95 & 96 exc. S 40 ft of each. Also all of Lot 97  
all in "Idlemere Park" as recorded in L17 of Plats, Pg. 29, Oakland County records.  
City of Novi, Oakland County

It is proposed to split the S 40 ft of Lot 97 from parcel 50-22-03-454-013 to be joined to the west end of parcel 50-22-03-454-014. See copy of boundary survey certified by me and dated September 12, 2018, JN 16223 for reference.

I hereby certify to whomever it may concern that, to the best of my knowledge, the proposed land division (realignment of the division between the two subject parcels) does not violate the Land Division Act, P.A. 288 of 1967 as amended by P.A. 591 of 1996 and P.A. 87 of 1997.

Sincerely,

Lawrence R. Feindt, PS  
Vice-President



