

SECRET WARDLE

STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF OAKLAND

CITY OF NOVI, a Michigan municipal corporation,

Plaintiff,

v

Case No. 09-103645-CZ

BLOMFIELD SUBDIVISION LAKE ACCESS
ASSOCIATION, a Michigan non-profit corporation,

Honorable Rae Lee Chabot

Defendant.

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JUDGMENT

THIS MATTER HAVING COME before the Court on the Plaintiff's Complaint seeking declaratory relief and the Court having considered motions for summary disposition and motions for reconsideration and having issued opinions, including an Order regarding Plaintiff's Motion for Reconsideration dated June 26, 2012, and being otherwise fully advised in the premises, NOW THEREFORE:

IT IS HEREBY ORDERED AND ADJUDGED that the Defendant, BLOMFIELD SUBDIVISION LAKE ACCESS ASSOCIATION, owns the property known as Lot 3 of the Bentley Subdivision, a vacant residential lot fronting Walled Lake of approximately 0.09 acres, legally

described as T1N, R8E, SEC BENTLEY SUB LOT 3, parcel number 50-22-03-155-013, subject to a pedestrian right of way over the property, which is limited to pedestrian travel to and from the lake, and a prescriptive easement over Lot 3 of the Bentley Subdivision, which is further described below, possessed by certain property owners within the Blomfield Subdivision.

IT IS FURTHER ORDERED AND ADJUDGED that the Defendant Association may not use the subject property as a lakefront park, as that term is defined by the City's Lakefront Protection Ordinance, for the benefit of its members unless and until it satisfies the area and frontage requirements of the Ordinance.

IT IS FURTHER ORDERED AND ADJUDGED that the Court finds that, notwithstanding the City's Lakefront Protection Ordinance, certain owners of lots within the Blomfield Subdivision may use Lot 3 pursuant to their express pedestrian right of way for pedestrian access to and from the waters of Walled Lake as well as pursuant to their prescriptive easement, which this Court finds predated the City's Lakefront Protection Ordinance, and which preexisting prescriptive easement is limited to use by lot owners within the Blomfield Subdivision for: the launching and retrieving of watercraft, ⁽¹⁾ the mooring of watercraft, limited to two (2) boats for any overnight period when tied to the wooden dock only, and ⁽²⁾ the maintenance of a small wooden or similar material dock of no more than twenty (20) feet in length and approximately thirty (30) inches in width, as previously existed, unless a further length of dock is required to satisfy the purpose of the easement, but in no case shall the dock be more than thirty (30) feet in length as measured from the shoreline.

SECRET WARDLE

IT IS FURTHER ORDERED AND ADJUDGED that the prescriptive easement is limited to use between the hours of 8:00 a.m. and 7:00 p.m. during the week and from 8:00 a.m. until dusk on weekends.

IT IS SO ORDERED AND ADJUDGED.

This Judgment resolves the last pending claim and closes the case.

Dated: AUG 29 2012

Hon. /s/ Rae Lee Chabot
Rae Lee Chabot

JK

Approved as to Form:

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