

THOMAS R. SCHULTZ
tschultz@rsjalaw.com

27555 Executive Drive, Suite 250
Farmington Hills, Michigan 48331
P 248.489.4100 | F 248.489.1726
rsjalaw.com



ROSATI | SCHULTZ
JOPPICH | AMTSBUECHLER

March 14, 2024

**CONFIDENTIAL CORRESPONDENCE
ATTORNEY-CLIENT PRIVILEGE**

Mayor Fischer and City Council
City of Novi
45175 Ten Mile Road
Novi, MI 48375

RE: 8 Mile Property Purchase – Adjacent to ITC Sports Park

Dear Mayor Fischer and Council Members:

Tomorrow, March 15, 2023, is the day by which the City would need to inform the seller of the 8 Mile Property that it does not want to proceed with the purchase given either the environmental conditions on the property or the results of the ALTA survey. While I was not at the closed session discussion on Monday, March 4, 2024, it is my understanding that City Council was generally comfortable with the draft report from the City's environmental consultant with regard to the condition of the property. The draft report did say that some additional testing was still outstanding, and the City is still waiting for that information, which should be available by tomorrow. The preliminary indication from the environmental consultant, however, is that they are unlikely to change the draft result. Again, the consultant's position at this point is that, with a baseline environmental assessment (BEA) and appropriate Due Care Plan, the City should be able to make use of the property for park-related purposes and potentially other purposes as well.

With respect to the survey, we will not be able to have the title company and our surveyor reconcile the legal descriptions before closing. However, the title company has indicated that it will accept the ALTA survey but add an "exception" for the gaps and overlaps that were found and are described by the survey—meaning that claims related to gaps or overlaps would not be covered under the City's title insurance. Our office does not believe that this exception should prevent the City from closing on the property. The gaps actually occur on the west side of the property, adjacent to the City's park property, so ownership of that area should not be subject to any sort of dispute (because the City would own both pieces of property). The potential overlaps are on the east side of the property, along the line with the private owner to the east. The City could always approach the owner of that property after closing to determine whether they are interested in settling the boundary line with some sort of legal document (e.g., a quit claim deed). Again, given the expected use by the City of this property, resolution of the property line issue is not an immediate concern for the City, but is something that can be worked on over time.

March 14, 2024

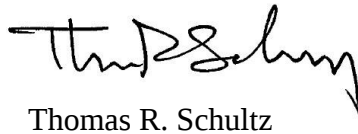
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Based on the foregoing, we **expect** to let the 14-day period to notify the seller of the City's intention to possibly back out of the closing to lapse. Once that date passes, we would expect the City to take all necessary action to close on and purchase the property under the terms set forth in the Purchase Agreement.

If you have any questions regarding the above, please don't hesitate to call.

Very truly yours,

ROSATI SCHULTZ JOPPICH
& AMTSBUECHLER PC

A handwritten signature in black ink, appearing to read "Th R Schultz", written over the printed name.

Thomas R. Schultz

TRS/jah

cc: Victor Cardenas, City Manager
Cortney Hanson, City Clerk
Charles Boulard, Community Development Director
Barb McBeth, City Planner