

82-30047

G159764

AMENDMENT TO

LI19622PA249

SUBDIVISION OPEN SPACE AGREEMENT

This Agreement dated this 26th day of October 1976, by and between the TOWNSHIP OF PLYMOUTH, Wayne County, Michigan 42350 Ann Arbor Trail, Plymouth, Michigan, hereinafter called the "Township" and DOVER HOMES COMPANY, a Michigan Corporation, 2900 W. Maple Road, Troy, Michigan, hereinafter called the "Declarant".

WITNESSETH:

WHEREAS, on the 9th day of April, 1975 the Township and the Declarant entered into a certain "SUBDIVISION OPEN SPACE AGREEMENT" which was thereafter on the 14th day of April, 1975, recorded with the Wayne County Register of Deeds in Liber 19070, pages 814 through 821 inclusive; and

G159764

WHEREAS, the said SUBDIVISION OPEN SPACE AGREEMENT provided for the dedication and maintenance of the Open Space Areas in Trailwood Parks "A" and "B", as designated in the plat of Trailwood Subdivision No. 2, Plymouth Township, Wayne County, Michigan, and as recorded in Liber 95, pages 52 through 54 of plats, Wayne County Records; and

WHEREAS, paragraph 10 of the said SUBDIVISION OPEN SPACE AGREEMENT provides for its amendment by the Declarant without lot owners consent for the purpose of adding an Open Space Area which is part of an adjacent subdivision being developed by the Declarant, to be known as Trailwood Subdivision No. 3, which amendment may be accomplished...

"by recording an appropriate instrument, signed by the Declarant and the Township of Plymouth and said instrument shall provide that all of the Open Space Areas in each of said subdivisions shall be for the use and enjoyment of all residents of TRAILWOOD SUBDIVISION No. 2 and TRAILWOOD SUBDIVISION NO. 3."; and

WHEREAS, the said Declarant has developed said TRAILWOOD SUBDIVISION NO. 3, and is the owner of all of the lots therein, being described as: Lots 372 through 561 inclusive, Trailwood Subdivision No. 3, of part of the N.E. 1/4 of Sec. 33 and part of the N.W. 1/4 of Sec. 34, T. 1 S., R. 8 E., Plymouth Township, Wayne County, Michigan, according to the plat thereof, as recorded in Liber 97, pages 4 5 and 6, Wayne County Records; and

WHEREAS, contained within said subdivision is an Open Space Area shown and designated upon the recorded plat of said Subdivision as: "TRAILWOOD PARK C, 9.8046 acres (Private Park), see Attachment "A" attached hereto and hereby made a part hereof; and

RECORDED JAN 11 1977 AT 938
FOREST E. YOUNGBLOOD, Register of Deeds
WAYNE COUNTY, MICHIGAN 48226

WHEREAS, the Declarant wishes to dedicate the said Trailwood Park C for the use and enjoyment of the lot owners in TRAILWOOD SUBDIVISION NO. 2 and TRAILWOOD SUBDIVISION NO. 3, as well as to dedicate TRAILWOOD PARKS A & B located in TRAILWOOD SUBDIVISION NO. 2, for the use and enjoyment of the owners of Lots 372 through 561 inclusive, of TRAILWOOD SUBDIVISION NO. 3, and to provide for the maintenance of TRAILWOOD PARKS A, B, & C by all lot owners in TRAILWOOD SUBDIVISION NO's. 2 & 3.

NOW THEREFORE, for the purpose of fulfilling the objectives outlined above, and in consideration of the mutual promises contained herein, the parties hereto agree to amend the said SUBDIVISION OPEN SPACE AGREEMENT in the following manner:

1. Paragraph One of the said Agreement is amended to read as follows:

"1. The Declarant hereby dedicates and conveys to each of the lot owners of:

Lots 186 through 371 inclusive, Trailwood Subdivision No. 2, and
Lots 372 through 561 inclusive, Trailwood Subdivision No. 3

a right and easement of enjoyment in and to the areas shown and designated upon the recorded plat of TRAILWOOD SUBDIVISION NO. 2, as:

Trailwood Park A, 9.377 acres (Private Park) and
Trailwood Park B, 0.4304 acres (Private Park)

and upon the recorded plat of TRAILWOOD SUBDIVISION NO. 3 as:

Trailwood Park C, 9.8046 acres (Private Park)

and hereby covenants for itself, its heirs and assigns that it has conveyed fee simple title to the Subdivision Association hereinafter described, free and clear of all encumbrances and liens except easements of record, the SUBDIVISION OPEN SPACE AGREEMENT (as amended) and Declaration of Restrictions (as amended) referred to herein and that all responsibility and liability with respect to the property conveyed, including by way of illustration and not limitation, payment of taxes, assessments, and maintenance, rests upon and has been assumed by the Grantee Association and its members in accordance with the Membership obligations as herein elsewhere set forth and in the Declaration of Covenants, Conditions and Restrictions, Association By-laws, Rules and Regulations provided therefor."

2. Paragraph Three of the said Agreement is amended by the addition of the following sentence to the existing paragraph:

"Declarant also agrees to supply each owner with a copy of this Amendment to the Subdivision Open Space Agreement and a schematic of the development plans for the Open Space Area (a copy of which is attached hereto and made a part hereof as Attachment A) at the time of entering into a Purchase Agreement.

3. Paragraph Seven of the said Agreement is amended by the addition of the words "and TRAILWOOD SUB. NO. 3." after the words "TRAILWOOD SUB. NO. 2" at the end of the second line in said paragraph.

4. Paragraph Thirteen of the said Agreement is amended by the addition of the words "and/or TRAILWOOD SUBDIVISION NO. 3," after the words "TRAILWOOD SUBDIVISION NO. 2" on the fourth line in said paragraph.

5. Paragraph Fifteen of said Agreement is amended by the addition of words "and TRAILWOOD SUBDIVISION NO. 3" after the words "TRAILWOOD SUBDIVISION NO. 2" on the third line in said paragraph.

6. The said Agreement is further amended by the addition of the following paragraph: LI 19622 PA251

"24. The Declarant will submit to the Township for its approval, amendments to the approved Declaration of Covenants, Conditions and Restrictions, which are dated April 9, 1975, and recorded with the Wayne County Register of Deeds, in Liber 19070, pages 831 through 840 which Amendments will cause TRAILWOOD SUBDIVISION NO. 3 to be included therein, and which Amendments will be recorded and will constitute restrictions running with the land applicable to said TRAILWOOD SUBDIVISIONS NO's 2 and 3.

7. All other terms and conditions of the said Subdivision Open Space Agreement shall remain in full force and effect and without any change or modification whatsoever, except only as to those changes set forth hereinabove.

IN WITNESS WHEREOF, the respective parties have hereunto affixed their hands and seals the day and year first above written.

WITNESSED BY:

Barbara S. Prady
BARBARA S. Prady
Mary Ellen Kenyon
Mary Ellen Kenyon

PLYMOUTH TOWNSHIP

By: J. D. McLaren
J. D. McLaren, Supervisor
By: Helen I. Richardson
Helen I. Richardson, Clerk

DOVER HOMES COMPANY,
a Michigan Corporation

WITNESSED BY:

Gilbert L. Franklin
Gilbert L. Franklin
Jane M. Graham
Jane M. Graham

By: Phillip Stollman
Phillip Stollman, Secretary

STATE OF MICHIGAN)
COUNTY OF WAYNE) SS

On this 26th day of October, 1976 before me the subscriber, a Notary Public in and for said County, appeared J. D. McLaren and Helen I. Richardson who being by me duly sworn did say that they are the Supervisor and Clerk respectively, of the Township of Plymouth, a Municipal Corporation, and that said instrument was signed in behalf of the Township of Plymouth, by authority of the Township Board of Trustees, acknowledged said instrument to be the free act and deed of the Township.

My commission expires:
Sept. 18, 1979

Jane M. Graham
Jane M. Graham Notary Public
Oakland County, Michigan

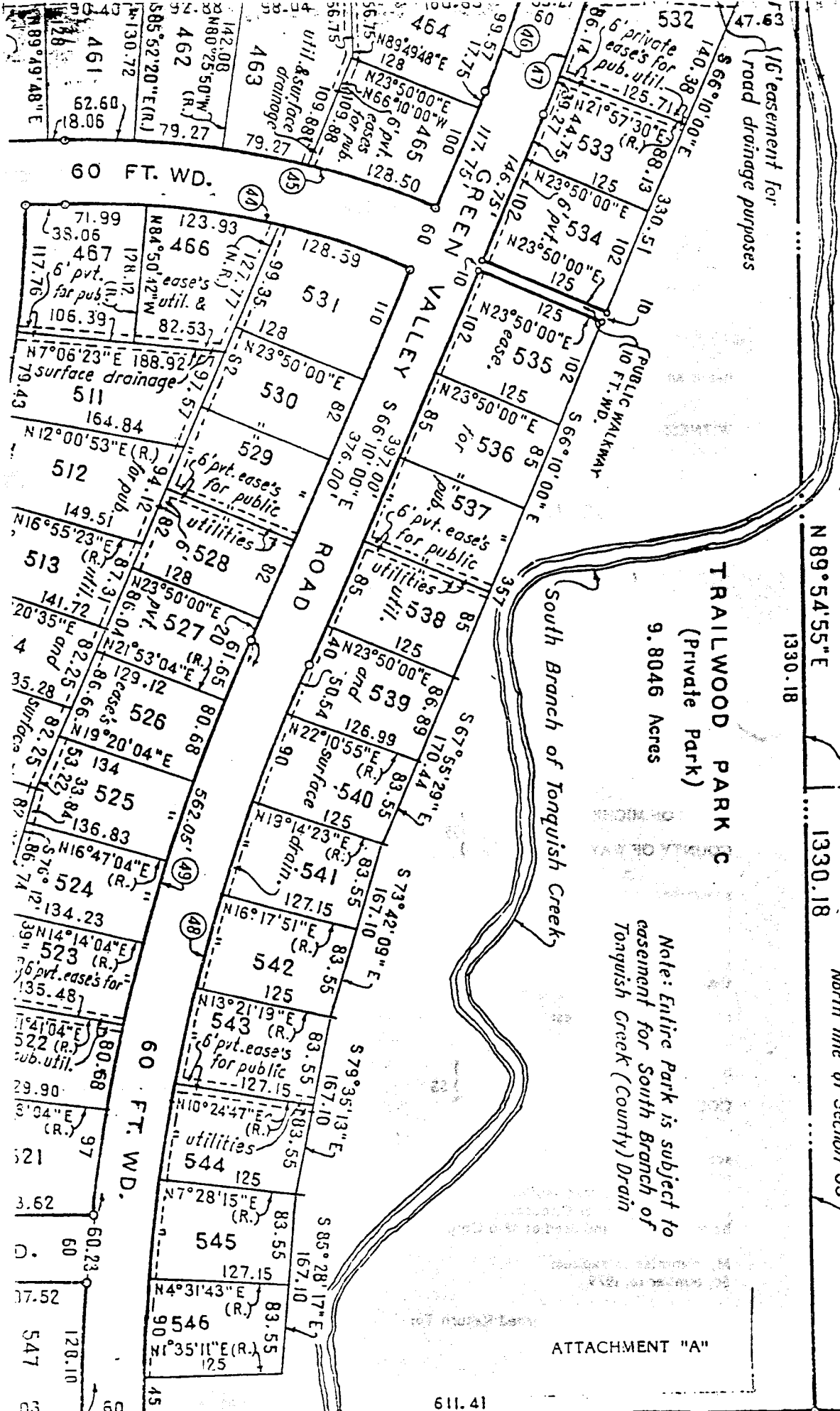
STATE OF MICHIGAN)
COUNTY OF OAKLAND) SS

On this 26th day of October, 1976 before me the subscriber, a Notary Public in and for said County, appeared Phillip Stollman who being by me duly sworn did say that he is the Secretary of Dover Homes Company, a Michigan Corporation, and that said instrument was signed in behalf of said corporation, by authority of its Board of Directors, and Phillip Stollman acknowledged said instrument to be the free act and deed of said Corporation.

My commission expires:
September 18, 1979

Jane M. Graham
Jane M. Graham, Notary Public
Oakland County, Michigan

Drafted by and When Recorded Return To:
Gilbert L. Franklin
Attorney at Law
2900 W. Maple Road
Troy, Michigan 48067



(Recorded as S89°56'28"W)

N 89° 54' 55" E

1330.18

SECTION

1330.18

T. 33 N. R. 30 E. S. 33

North line of Section 33

16' easement for road drainage purposes

TRAILWOOD PARK C
(Private Park)
9.8046 Acres

Note: Entire Park is subject to easement for South Branch of Tonguish Creek (County) Drain

ATTACHMENT "A"

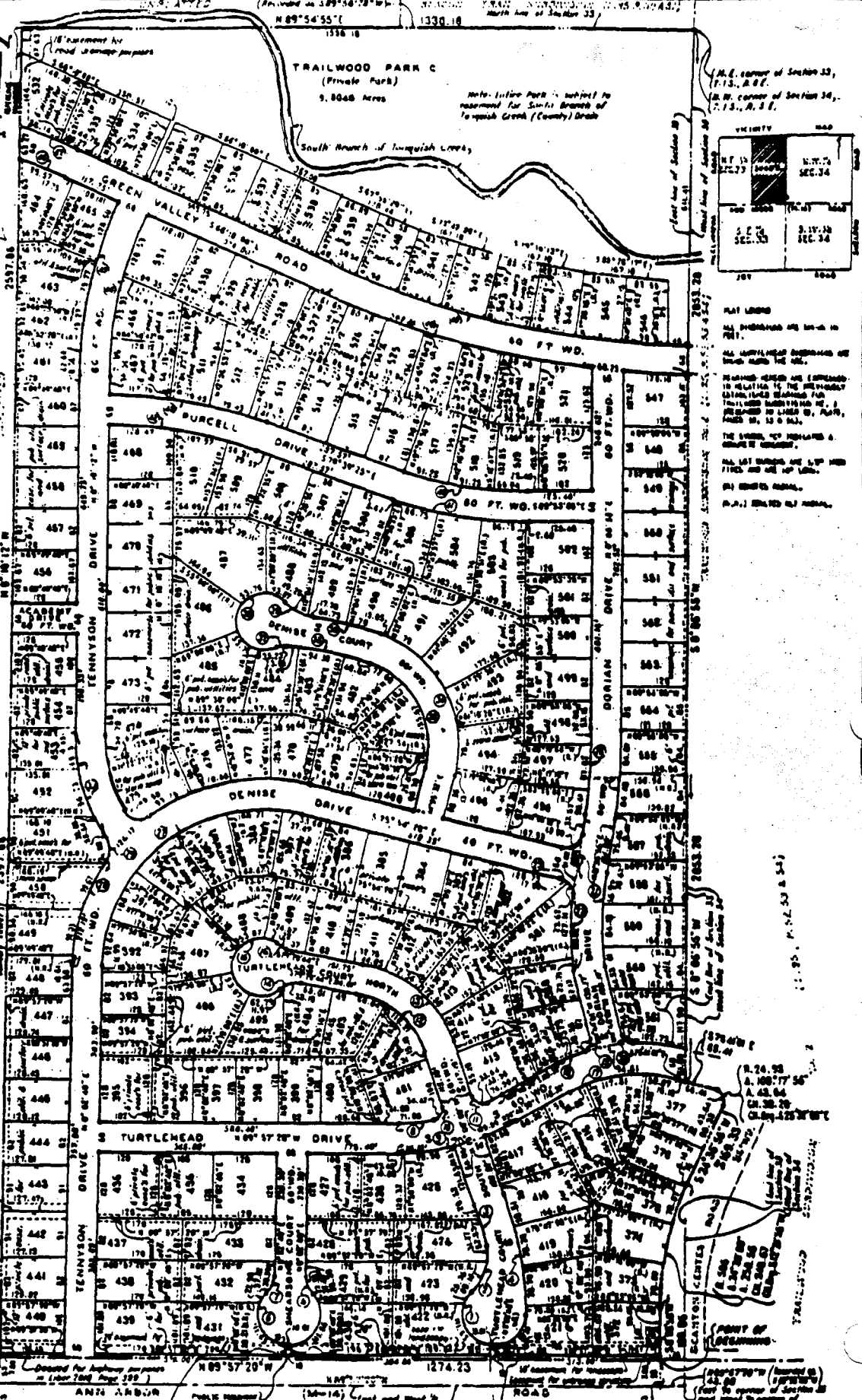
TRAILWOOD SUBDIVISION No. 3.

PART OF THE N.E. 1/4 OF SEC. 33 AND PART OF THE N.W. 1/4 OF SEC. 34, T. 1 S., R. 8 E.,

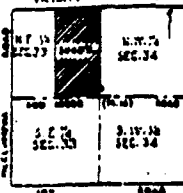
PLYMOUTH TOWNSHIP, WAYNE COUNTY, MICHIGAN

SCALE: ONE INCH=100 FEET.

Lot No.	Area (Ac.)	Area (Sq. Ft.)	Remarks
1	0.01	350	
2	0.01	350	
3	0.01	350	
4	0.01	350	
5	0.01	350	
6	0.01	350	
7	0.01	350	
8	0.01	350	
9	0.01	350	
10	0.01	350	
11	0.01	350	
12	0.01	350	
13	0.01	350	
14	0.01	350	
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100	0.01	350	

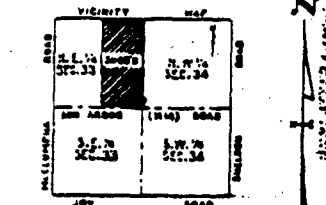


N.E. corner of Section 33, T. 1 S., R. 8 E.
 S.W. corner of Section 34, T. 1 S., R. 8 E.



PLAT LEGEND
 ALL DIMENSIONS ARE SHOWN IN FEET.
 ALL CURVILINEAR DIMENSIONS ARE SHOWN ALONG THE ARC.
 BEARING DIMENSIONS ARE EXPRESSED IN RELATION TO THE PREVIOUSLY ESTABLISHED BEARING FOR TRAILWOOD SUBDIVISION NO. 2 (RECORDED IN LITER 95, PLAT 203, 23 & 24).
 THE SYMBOL "R" INDICATES A CURVILINEAR BEARING.
 ALL LOT DIMENSIONS ARE SHOWN WITH DIMENSIONS AND ARE "P" DIMENSIONS.
 (A) DIMENSIONS SHOWN.
 (N.A.) DIMENSIONS NOT SHOWN.

Lot No.	Area (Ac.)	Area (Sq. Ft.)	Remarks
101	0.01	350	
102	0.01	350	
103	0.01	350	
104	0.01	350	
105	0.01	350	
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196	0.01	350	
197	0.01	350	
198	0.01	350	
199	0.01	350	
200	0.01	350	



PLAT LEGEND
 ALL DIMENSIONS ARE SHOWN IN FEET.
 ALL CURVILINEAR DIMENSIONS ARE SHOWN ALONG THE ARC.
 BEARING DIMENSIONS ARE EXPRESSED IN RELATION TO THE PREVIOUSLY ESTABLISHED BEARING FOR TRAILWOOD SUBDIVISION NO. 2 (RECORDED IN LITER 95, PLAT 203, 23 & 24).
 THE SYMBOL "R" INDICATES A CURVILINEAR BEARING.
 ALL LOT DIMENSIONS ARE SHOWN WITH DIMENSIONS AND ARE "P" DIMENSIONS.
 (A) DIMENSIONS SHOWN.
 (N.A.) DIMENSIONS NOT SHOWN.



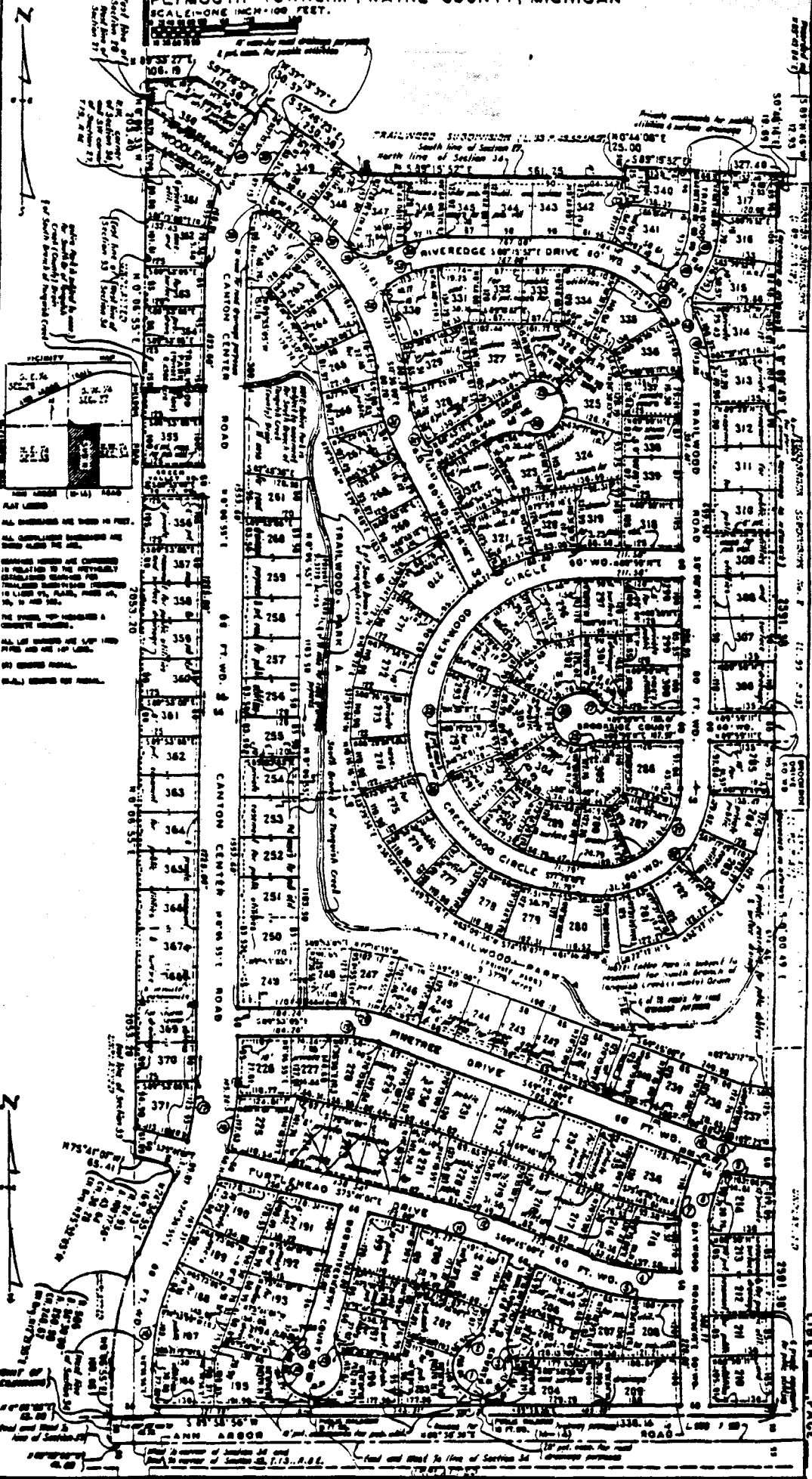
Wayne, Corbett & Adams, Inc.,
 Civil Engineers and Land Surveyors,
 18525 W. 14th Mile Road,
 Detroit 48219

Recorded for Anthony's purposes in Liter 7467 Page 199
 N 89° 57' 20" W 1274.23'
 UNPLATTED
 PUBLIC RECORDS 10 FT. W.D.
 (M-14) Land and Water Use
 20' easement for
 (not subject for
 public drainage purposes)
 65.00'

Survey Commission
City Engineer and Land Surveyor
1000 N. W. Michigan Street
Detroit, Mich. 48229

TRAILWOOD SUBDIVISION No. 2.

PART OF THE S. W. 1/4 OF SEC. 27, PART OF N. E. 1/4 OF SEC. 33 AND
PART OF THE N. W. 1/4 OF SEC. 34, T. 15, R. 8, E.
PLYMOUTH TOWNSHIP, WAYNE COUNTY, MICHIGAN
SCALE—ONE INCH=100 FEET.



ALL LOTS
ALL DIMENSIONS ARE GIVEN IN FEET.
ALL DIMENSIONS AND BEARINGS ARE
BASED UPON THE SURVEY.
STREETS ARE TO BE OPENED
AND LOTS TO BE PLACED
IN ACCORDANCE WITH THE
PLANS AND SPECIFICATIONS
HEREON.
THE OWNER OF EACH LOT
SHALL BE RESPONSIBLE FOR
THE OPENING AND
MAINTENANCE OF HIS
LOT.
S.A. ENGINEERING

NOTE: Other parts in subject
required for North Drive
Intersecting Greenway Drive
at 1/2 mile for road
through park.