

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

BEDFORD PARTNERS LLC, a Michigan  
Limited Liability Company

Plaintiff,

v.

BEDFORD TOWNSHIP, a Michigan  
Municipal Corporation,

Defendant.

Case No. 05-20841-CH

HON: Michael W. LaBeau

Susan K. Friedlaender (P41873)  
HONIGMAN MILLER SCHWARTZ  
& COHN LLP  
Attorneys for Plaintiff  
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(248) 566-8448

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David B. Landry (P32055)  
NEMIER, TOLARI, LANDRY, MAZZEO  
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Attorney for Defendant  
37000 Grand River, Suite 300  
Farmington Hills, MI 48335  
(248) 476-6900

A TRUE COPY

*Heri Allen*  
COUNTY CLERK

**JUDGMENT AND ORDER**

At a session of said Court, held in the County  
Courthouse in the City of Monroe, County of Monroe,  
State of Michigan, on \_\_\_\_\_, 2007

PRESENT: HONORABLE MICHAEL W. LABEAU, CIRCUIT COURT JUDGE

The Court held a bench trial in this matter on Monday, February 26, 2007, Tuesday,  
February 27, 2007 and Wednesday, February 28, 2007, and after hearing the testimony of

witnesses, viewing the evidence, hearing argument of counsel, and otherwise being informed, rules as follows:

A. The Court DECLARES, ADJUDGES AND ORDERS THAT the Plaintiff, Bedford Partners LLC, is entitled to a declaratory judgment under Count I, Violation of Substantive Due Process, of its Complaint because Defendant Bedford Township's AG ordinance as applied to Plaintiff's Property is arbitrary, capricious and unreasonable, no legitimate difference of opinion exists concerning the validity of the ordinance as applied to Plaintiff's Property and for the reasons stated on the record at the February 28, 2007 hearing.

B. The Court further DECLARES, ADJUDGES AND ORDERS that the Plaintiff's proposed use of the Property is reasonable.

C. The Court further ORDERS that the Defendant shall be enjoined from interfering with or obstructing the Plaintiff's development of its Property, as fully described in Exhibit A, which is incorporated in this Judgment and made part of it, in substantial conformance with the Development Plan shown on Exhibit B, which also is incorporated in this Judgment and made a part of it. Plaintiff shall be permitted to develop the Property for up to a maximum of 450 residential units. In developing the Property, Plaintiff shall be permitted to develop a minimum of forty-two (42) lots depicted as being one hundred (100') feet in width which shall be developed in conformance with the provisions of the R-2-A zoning classification. Plaintiff shall also be permitted to develop lots depicted as being eighty (80') feet in width in accordance with the R-2-A zoning classification and no more than one hundred thirty-three (133) lots depicted as being seventy (70') feet in width which shall be developed in conformance with the provisions of the R-3 zoning classification. Plaintiff shall further be permitted to develop no more than one hundred forty-nine (149) condominium units depicted

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as being on approximately 16.7 acres more or less which shall be developed in conformance with the provisions of the RM-1 zoning classification. Plaintiff shall provide a minimum setback for the Multiple Family portion of the development of a minimum of fifty (50') feet from the adjacent Single-Family Residential development known as Village Meadows. Plaintiff shall be permitted to develop the multifamily portion of the plan with minimum front yard setbacks of 30 feet and minimum rear yard setbacks of 35 feet so long as such distances are in compliance with the Township Fire Code.

D. The Court further GRANTS the Defendant's Motion for Directed Verdict regarding Count III of the Plaintiff's Complaint and ORDERS that the Plaintiff's Inverse Condemnation/Regulatory Taking claim is dismissed for the reasons stated on the record at the February 28, 2007 hearing.

E. The Court further GRANTS the Defendant's Motion for Summary Disposition on Plaintiff's claim for damages under Count I of its Complaint for the reasons stated on the record at the March 27, 2007 hearing on the Defendant's Motion.

This Order constitutes a Final Order of the Court pursuant to MCR 7.202(6)(a)(i).

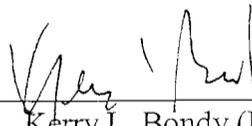
April 30 2007



Hon. Michael W. LaBeau  
Circuit Court Judge

Approved as to form for entry with the Court.

April 30, 2007



Kerry L. Bondy (P42786)  
Co-counsel for Plaintiff

April 30, 2007

Susan K. Friedlaender  
Susan K. Friedlaender (P41873) *w/ perm. by KLB*  
Co-Counsel for Plaintiff

April 27, 2007

David B. Landry  
David B. Landry (P32055) *w/ perm. by KLB*  
Attorney for Defendant *See attached signature*

Order Drafted By:  
Kerry L. Bondy (P42786)  
PETRANGELO & BONDY P.C.  
214 E. Elm Avenue  
Suite 208  
Monroe, MI 48162  
(734) 241-6470

# LEGAL DESCRIPTION

PART OF THE NORTHWEST 1/4 OF SECTION 14, TOWN 8 SOUTH, RANGE 7 EAST,  
BEDFORD TOWNSHIP, MONROE COUNTY, MICHIGAN

Part of Parcel No. 58-02-014-036-00  
Parcel No. 58-02-014-036-00 described as:

## PARCEL SPLIT B

A PARCEL OF LAND IN THE NORTHWEST 1/4 OF SECTION 14, TOWN 8 SOUTH, RANGE 7 EAST, BEDFORD TOWNSHIP, MONROE COUNTY, MICHIGAN. SAID PARCEL OF LAND IS FURTHER DESCRIBED AS FOLLOWS:

COMMENCING AT THE WEST 1/4 CORNER OF SAID SECTION 14 AT A FOUND IRON PIPE IN A MONUMENT BOX AS RECORDED IN LIBER 5, PAGE 9, MONROE COUNTY REGISTER OF DEEDS; THENCE N00°03'24"E, ALONG THE WEST LINE OF SAID SECTION 14 AND THE CENTERLINE OF LEWIS AVENUE, 66 FEET WIDE, A DISTANCE OF 404.86 FEET; THENCE N89°35'21"E, A DISTANCE OF 279.82 FEET TO THE EASTERLY LINE OF A 100 FOOT WIDE PARCEL OF LAND TO THE ANN ARBOR RAILROAD AND THE POINT OF BEGINNING,

THENCE N18°21'17"W, ALONG SAID EASTERLY LINE, A DISTANCE OF 346.86 FEET;

THENCE N89°35'21"E, A DISTANCE OF 1,164.01 FEET TO THE NORTH-SOUTH 1/8 LINE OF SAID NORTHWEST 1/4 OF SECTION 14, THENCE S00°02'58"E, ALONG SAID NORTH-SOUTH 1/8 LINE, A DISTANCE OF 330.00 FEET;

THENCE S89°35'21"W, A DISTANCE OF 1,055.08 FEET TO THE POINT OF BEGINNING.

CONTAINING 8.405 ACRES OF LAND, MORE OR LESS.

SUBJECT TO A 50 FOOT WIDE BUCKEYE PIPELINE COMPANY EASEMENT AS RECORDED IN LIBER 350, PAGE 473, MONROE COUNTY REGISTER OF DEEDS.

ALSO SUBJECT TO A 15 FOOT WIDE WATER AND SANITARY EASEMENT AS RECORDED IN LIBER 765, PAGE 432, MONROE COUNTY REGISTER OF DEEDS.

ALSO SUBJECT TO ANY ADDITIONAL EASEMENTS AND RESTRICTIONS OF RECORD, IF ANY.

INTEC ENGINEERING, INC.

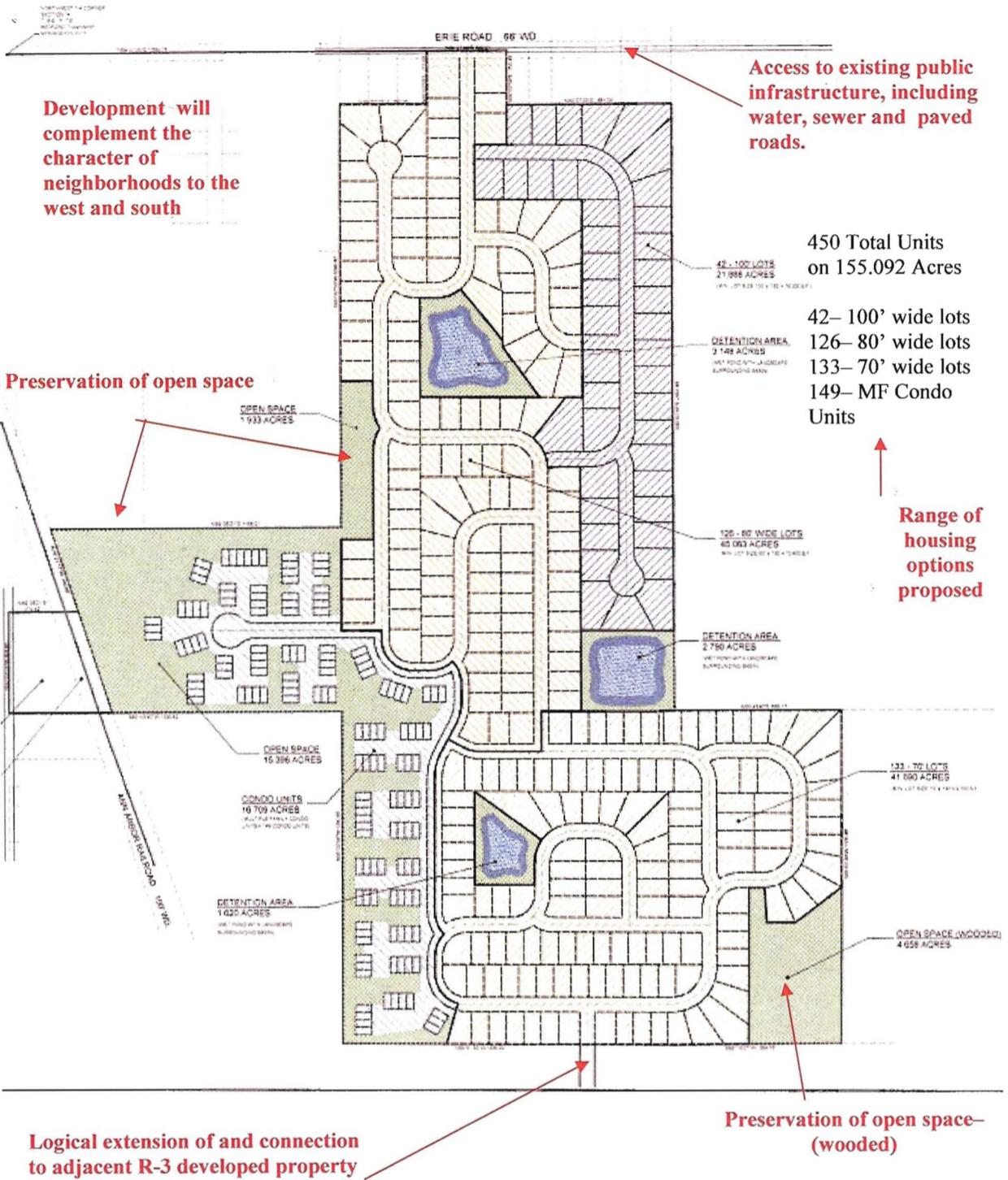
CONSULTING ENGINEERS / LAND SURVEYING

1761 West Samaria Road • P.O. Box 86

Samaria, Michigan 48177 • Phone: (734) 856-6200

WRITTEN BY:	DATE:
JJP	02-17-05
CHECKED BY:	DATE:
JJP	02-18-05
CLIENT:	BRANT
PROJECT NO.:	04-1150
SCALE:	N/A
2 of 5	

Figure 7 : Conceptual Layout for "Albring Farms Subdivision"



Source: Intec Engineering Inc.

Birchler Arroyo Associates, Inc.