

5/22/24

Emily and Cooper Heston  
Falling Waters Lodge  
200 A Ave  
Leland, MI 49654  
[thefallingwaterslodge@gmail.com](mailto:thefallingwaterslodge@gmail.com)  
(231)256-9832

March 28, 2024

To whom it may concern,

Built in the 1960's, the hotel Falling Waters Lodge is now a staple in both Leland and Leelanau County. The current owners, Emily and Cooper Heston are dedicated to being good stewards of this property and its place in the county. It is with that in mind that they're requesting the title transfer of the small parcel at the far edge of their property above the dam, as per current legal description in the most recent survey. There is erosion that has been happening, increasingly, for years. The transfer of that title would allow Emily and Cooper Heston to replace the seawall at the edge of the existing land, alleviating the loss of land currently occurring. Without a transfer, Emily and Cooper Heston would have to place the seawall at the perimeter of their land, which would allow the land beyond it to erode into the water above the dam, with harmful consequences to the environment there.

Included for your reference in this document are the applicable reference survey as well as the quit claim deed.

The attorney for the Heston's is Gary Popovits. He can be reached at his email, [gpopovits@bfarlaw.com](mailto:gpopovits@bfarlaw.com), or by phone at (231)929-3450. His law office is at 600 E Front St STE 102, Traverse City, MI 49686.

Sincerely,

Emily and Cooper Heston

## QUIT CLAIM DEED

The **Grantor**, Leelanau County, 8527 E Government Center Drive, Suite 103, Suttons Bay, Michigan 49682, **CONVEYS AND QUIT CLAIMS** to the **Grantee**, Newby Company, Inc., d/b/a Falling Waters Lodge, a Foreign profit corporation, whose address is 200 W. Cedar Street, P.O. Box 345, Leland, Michigan 49654, the following described premises situated in the Village of Leland, County of Leelanau, and State of Michigan, to wit:

Part of Lot 3 of Block 4 of E.E. Chandler's Second Addition to the Village of Leland, according to the plat thereof as recorded in Liber 1 of Plats, Page 29, Leelanau County Records, Section 9, Town 30 North, Range 12 West, Leland Township, Leelanau County, Michigan, described more fully as follows: Commencing at the Southeast Corner of Lot 1 of Block 2 (being also the Southwest Corner of Lot 3 of Block 4) of said plat; thence S68°39'00"E (also recorded as S68°30'00"E), along the South Line of said Lot 3, 23.00 feet for the Point of Beginning; thence N50°05'00"E, along the line established per H.H. Brehmer Plat of Survey File No. 26x18-69, as revised September 13, 1944, 19.23 feet to a point in the Leland River; thence within the Leland River the following coursings: S40°18'16"E, 5.66 feet; S39°44'15"W, 11.50 feet; S74°08,45"W, 5.40 feet to said south lot line; thence N68°39'00"W (also recorded as N68°30'00"W), along said south lot line, 6.30 feet to the Point of Beginning. The described parcel contains 116.6 square feet of land and includes part of the bottomland of the Leland River.

Subject to and together with any easements, restrictions and reservations of record.

The Grantor grants to the Grantee the right to make all permissible divisions under Section 108 of the Land Division Act, Act No. 288 of the Public Acts of 1967.

This property may be located within the vicinity of farmland or a farm operation. Generally accepted agricultural and management practices which may generate noise, dust, odors and other associated conditions may be used and are protected by the Michigan Right to Farm Act.

**The drafter of this instrument has not examined title to the lands conveyed and renders no opinion as to marketability of title or whether the conveyance complies with the Land Division Act, 1996 P.A. 591, as amended.**

**THIS INSTRUMENT IS EXEMPT FROM TRANSFER TAX PURSUANT TO MCL 207.505(a) and MCL 207.526(a).**

For the sum of **ONE DOLLAR (\$1.00)** and no other valuable consideration.

**EXECUTED** this \_\_\_\_\_ day of August, 2020.

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

STATE OF MICHIGAN            )  
  ) ss  
COUNTY OF LEELANAU        )

On this \_\_\_\_\_ day of August, 2020, before me personally appeared \_\_\_\_\_, to me known and known to me, who being duly sworn, did depose and say that he/she is the \_\_\_\_\_ of Leelanau County, a \_\_\_\_\_, the corporation described in and which executed the foregoing instrument, and that he signed his/her name thereto by order of the Board of Directors of said corporation, as and for his/her voluntary act and deed and as and for the voluntary act and deed of said corporation.

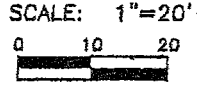
\_\_\_\_\_  
Notary Public,  
For Leelanau County, Michigan  
Acting in Leelanau County, Michigan  
My Commission Expires: \_\_\_\_\_

Prepared by and when recorded, return to:  
Gary D. Popovits, Esq., Pezzetti, Vermetten & Popovits, P.C., 600 E. Front Street, Suite 102 - P.O. Box 5817, Traverse City, Michigan 49696-5817; (231) 929-3450

Send Subsequent Tax Bills To:     GRANTEE HEREOF

# CERTIFICATE OF SURVEY

BEARINGS SHOWN ON THIS SURVEY WERE DETERMINED IN THE FOLLOWING MANNER:  
Based on the plat of E. E. Chandler's 2nd Addition to the Village of Leland.

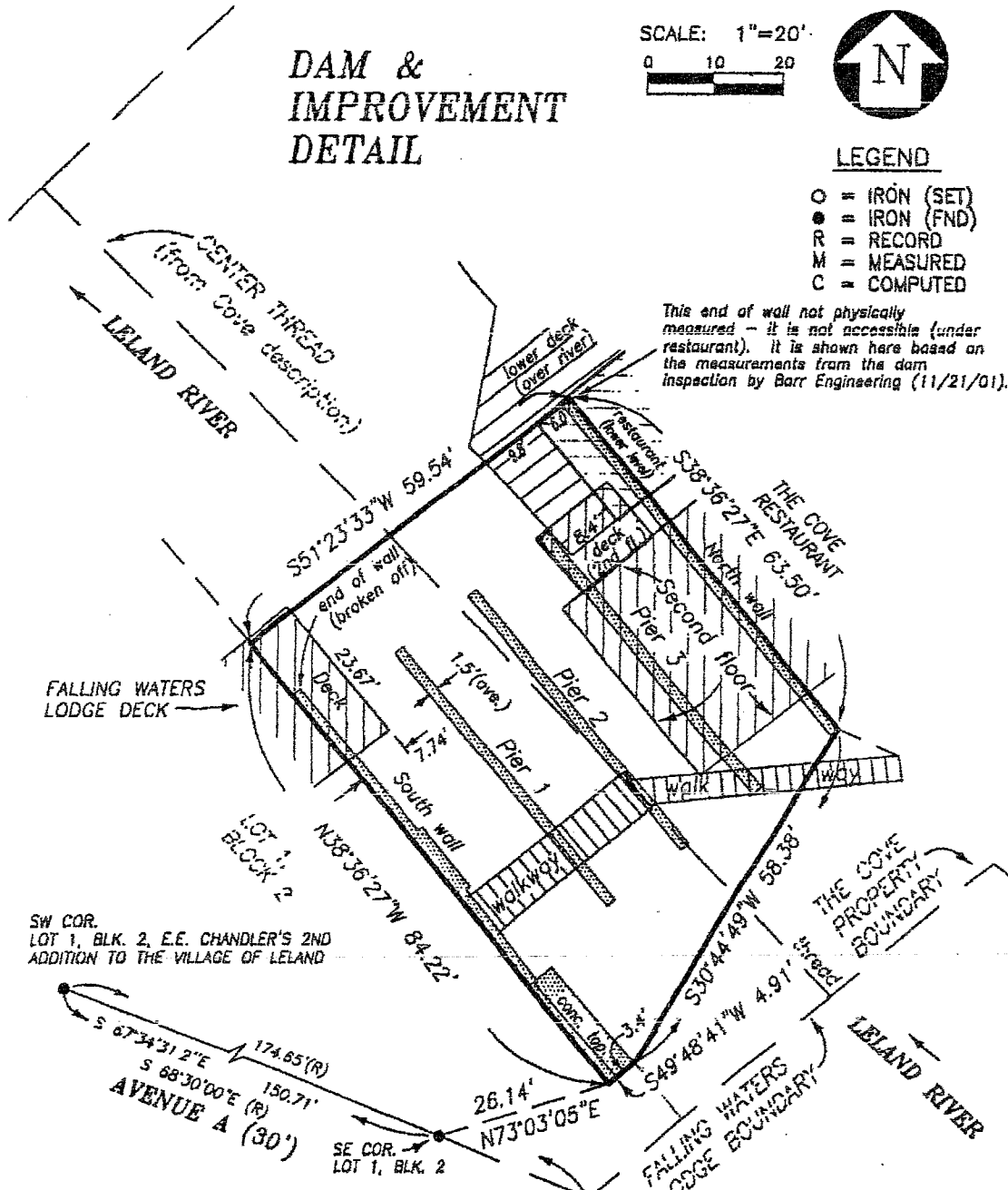


## DAM & IMPROVEMENT DETAIL

### LEGEND

- = IRON (SET)
- = IRON (FND)
- R = RECORD
- M = MEASURED
- C = COMPUTED

*This end of wall not physically measured - it is not accessible (under restaurant). It is shown here based on the measurements from the dam inspection by Barr Engineering (11/21/01).*

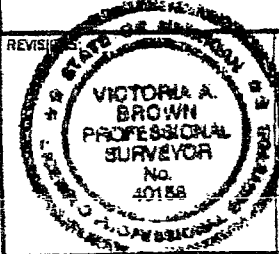


SW COR.  
LOT 1, BLK. 2, E.E. CHANDLER'S 2ND  
ADDITION TO THE VILLAGE OF LELAND

SE COR.  
LOT 1, BLK. 2

I hereby certify that I have surveyed and mapped the land above platted and/or described on October 23, 2002 and that the ratio of closure of the unadjusted field observations of such survey was 1/5,000+ and that all of the requirements of P.A. 132, 1970 as amended have been complied with.

by: Victoria A. Brown  
LICENSED LAND SURVEYOR  
LIC. #40158



REVISION: PART OF BLOCKS 2 & 4,  
E.E. CHANDLER'S 2ND ADD.  
TO LELAND, SEC. 9, T30N,  
R12W, LELAND TWP., LEELANAU  
CO., MICHIGAN.

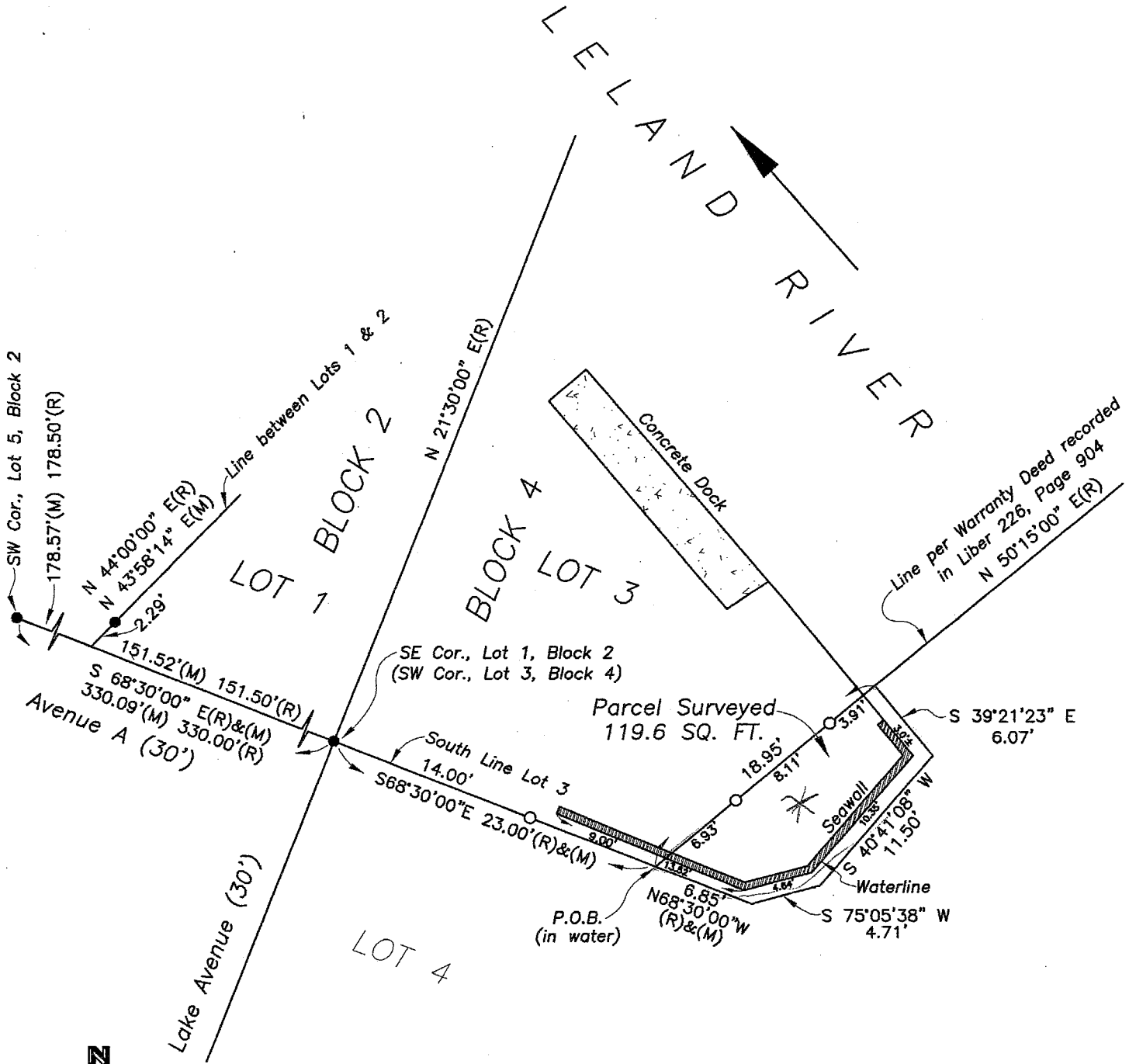
LEELANAU LAND SURVEYING  
P.O. BOX 701  
LELAND, MI. 49654  
(231) 256-7352

CLIENT: LEELANAU COUNTY

DRAWN: JLH	DATE: 11-25-02	SHEET: 1 of 3	JOB No: 02117
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01 783/225  
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# CERTIFICATE OF SURVEY



N



1"=10'

### LEGEND

- = Fd. IRON STAKE
- = SET 1/2" REROD & CAP
- (M) = MEASURED
- (R) = RECORD PER PLAT
- P.O.B. = POINT OF BEGINNING

THE PROPOSED PARCEL DIVISION IS SUBJECT TO TOWNSHIP APPROVAL PURSUANT TO THE 'LAND DIVISION ACT', P.A. 591 OF 1996, AS AMENDED.

Reference: N.M. O'Non Cert. of Survey File No. 2001144-9L3012, March 4, 2002.

Reference: Quit Claim Deed recorded in Liber 783, Pages 222-225, Leelanau County Records.

I, Nicholas M. O'Non, being a Licensed Professional Surveyor, hereby certify that I have surveyed and mapped the hereon described parcel(s) of land, that the relative positional precision of each corner is within the limits accepted by the practice of professional surveying, and that all the requirements of Act 132, P.A. 1970, as amended, have been complied with.

BEARING BASIS: Record per plat.

NICHOLAS M. O'NON  
 P.S. NO. 4001028420

PART OF LOT 3 OF BLOCK 4, E.E. CHANDLER'S SECOND ADDITION TO THE VILLAGE OF LELAND, SECTION 9, TOWN 30 NORTH, RANGE 12 WEST, LELAND TOWNSHIP, LEELANAU COUNTY, MICHIGAN.	NICHOLAS M. O'NON O'NON LAND SURVEYING 105 BROADWAY, P.O. BOX 277 SUTTONS BAY, MI 49682 (231) 271-3255 ononsurveying@gmail.com
CLIENT: Baldwin Homes & Land P.O. Box 10, Suttons Bay, MI 49682	DATE: October 2, 2019 REVISED: March 2, 2022
FILE NO.: 2019030-9L3012-R	SHEET 1 OF 2