TYRONE TOWNSHIP
REGULAR BOARD MEETING AGENDA
MARCH 6, 2018 - 7:00 P.M.

CALL TO ORDER – PLEDGE OF ALLEGIANCE – 7:00 P.M.

ROLL CALL

PUBLIC HEARING
The purpose of the public hearing is to review the proposed 2018-2019 Fiscal Year Township Budget. The property tax millage rate proposed to be levied to support the proposed budget will be a subject of this hearing.

APPROVAL OF AGENDA – OR CHANGES

APPROVAL OF CONSENT AGENDA
Regular Board Meeting Minutes- February 20, 2018
Clerk's Warrants and Bills

COMMUNICATIONS
4. Livingston County Wastewater Advisory Committee Meeting Minutes- January 16, 2018.
6. Tyrone Township Fire Run Report- January 2018

PUBLIC REMARKS

UNFINISHED BUSINESS

NEW BUSINESS
1. Resolution to establish policies and fees for REU connection fees under deferral payments.
2. Resolution to adopt the 2018-2019 fiscal year budget by department totals.
3. Rex - Panfil Boundary Realignment.
4. Rex Land Division and Shared Private Driveway.

MISCELLANEOUS BUSINESS

PUBLIC REMARKS

ADJOURNMENT

* * * * * * * * * * *

Supervisor Mike Cunningham        Clerk Marcella Husted

Please note: The Public Remarks section appears twice on the agenda - once after Communications and once before Adjournment. Anyone wishing to address the Township Board may do so at these times. The Tyrone Township Board of Trustees has established a policy limiting the time a person may address the Township Board at a regular or at a special meeting during the Public Remarks section of the agenda to three minutes. The Board reserves the right to place an issue under the New Business section of the agenda if additional discussion is warranted or to respond later either verbally or in writing through an appropriately appointed Township Official. Individuals with disabilities requiring auxiliary aids or services should contact the Tyrone Township Clerk at (810) 629-8631 at least seven days prior to the meeting.
CONSENT AGENDA
CALL TO ORDER
Supervisor Cunningham called the meeting of the Tyrone Township Board to order with the Pledge of Allegiance on February 20, 2018 at 7:00 p.m. at the Tyrone Township Hall.

ROLL CALL

APPROVAL OF AGENDA – OR CHANGES
Trustee Pool moved to approve the agenda as amended. (Trustee Schultz seconded.) The motion carried; all ayes.

The amendment was as follows:

Added New Business #7 Quote from Ronald's Tree Service.

APPROVAL OF CONSENT AGENDA
Regular Board Meeting Minutes – February 6, 2018
Treasurer's Report

Trustee Pool moved to approve the consent agenda as presented. (Trustee Schultz seconded.) The motion carried; all ayes.

COMMUNICATIONS
None.

PUBLIC REMARKS
None.

UNFINISHED BUSINESS
None.

NEW BUSINESS
1. Request of Ashlee Frazee to waive fire service charge.

The request to waive the fire service charge was tabled in order to obtain further information requested from Ms. Frazee's insurance company in order to cover the charge.

2. Authorization to release PEG fees for grant applications.

Trustee Schultz moved to authorize the release of PEG fee funds in the amount of $47,665.74 to Fenton, Lake Fenton, Linden and Hartland schools and the FACT Consortium as requested. (Trustee Pedersen seconded.) The motion carried; all ayes.
3. Request of the Treasurer to attend the MMTA 2018 Basic Institute.

Trustee Schultz moved to approve the Treasurer's request to attend the Michigan Municipal Treasurers Association (MMTA) Basic Institute. (Trustee Pool seconded.) The motion carried; all ayes.

4. Request of the Planning Commission to hold a monthly workshop meeting.

Trustee Pool moved to approve the Planning Commission's request to hold monthly workshops in addition to their regular meetings. (Trustee Schultz seconded.) The motion carried; all ayes.

5. Proactive Managed Antivirus quote.

Treasurer Eden moved to authorize the purchase of Proactive managed antivirus software for $580, which is in addition to the regular antivirus software. (Trustee Schultz seconded.) The motion carried; all ayes.


The board reviewed the proposed 2018-2019 budget. Supervisor Cunningham will prepare the budget presentation for the March hearing.

7. Quote from Ronald's Tree Service for oak tree in front of township hall.

Trustee Pedersen moved to accept the quote from Ronald's Tree Service for $2100 for tree trimming and clean up on township property.

MISCELLANEOUS BUSINESS
None.

PUBLIC REMARKS
None.

ADJOURNMENT
Trustee Pool moved to adjourn. (Trustee Pedersen seconded.) The motion carried; all ayes. The meeting adjourned at 8:04 p.m.
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**001 TOTALS:**
Total of 23 Checks: 17,796.75
Less 0 Void Checks: 0.00
Total of 23 Disbursements: 17,796.75

**Bank 022 STATE BANK - PUBLIC SAFETY checking**

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**Bank 108 TAX FUND FLAGSTAR**

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- 02/07/2018 108 2397 HARTLAND CONSOLIDATED SCHOOLS W2017 TAX RECD 1/16/18 TO 1/31/18 | 43,952.52 |

- 02/07/2018 108 2398 LINDEN COMMUNITY SCHOOLS IFT W2017 TAX RECD 2/1/18 TO 2/15/18 S2017 TAX RECD 1/16/18 TO 1/31/18 W2017 TAX RECD 1/16/18 TO 1/31/18 | 37,892.80 |

- 02/07/2018 108 2399 LIVINGSTON COUNTY TREASURER IFT W2017 TAX RECD 2/1/18 TO 2/15/18 S2017 TAX RECD 1/16/18 TO 1/31/18 W2017 TAX RECD 1/16/18 TO 1/31/18 | 26,153.20 |

- 02/07/2018 108 2400 MICHAEL PENN CPA 2017 Sum Tax Refund 4704-02-201-023 | 437.15 |

- 02/07/2018 108 2401 MOTT COMMUNITY COLLEGE IFT W2017 TAX RECD 2/1/18 TO 2/15/18 W2017 TAX RECD 1/16/18 TO 1/31/18 | 48,103.14 |

- 02/07/2018 108 2402 STATE OF MICHIGAN IFT W2017 TAX RECD 2/1/18 TO 1/15/18 | 49,352.28 |

- 02/07/2018 108 2403 TYRON TOWNSHIP - COMMON ACCT IFT W2017 TAX RECD 2/1/18 TO 2/15/18 | 748.98 |

- 02/07/2018 108 2404 CROMAINE LIBRARY W2017 TAX RECD 2.1.18 TO 2.13.18 | 437.17 |

- 02/07/2018 108 2405 FENTON SCHOOLS W2017 TAX RECD 2.1.18 TO 2.13.18 | 27,367.69 |

- 02/07/2018 108 2406 GISD | 225,983.61 |

- 02/07/2018 108 2407 GLORIA LAHOUD 2017 Win Tax Refund 4704-03-203-032 | 55,858.04 |

- 02/07/2018 108 2408 HARTLAND CONSOLIDATED SCHOOLS W2017 TAX RECD 2.1.18 TO 2.13.18 | 56,188.55 |

- 02/21/2018 108 2407 GLORIA LAHOUD 2017 Win Tax Refund 4704-03-203-032 | 1,292.00 |

- 02/21/2018 108 2408 HARTLAND CONSOLIDATED SCHOOLS W2017 TAX RECD 2.1.18 TO 2.13.18 | 155,810.58 |
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**108 TOTALS:**
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- Less 0 Void Checks: 0.00
- Total of 19 Disbursements: 955,329.08

**Bank 203 TRUST & AGENCY 701 CKG**

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**203 TOTALS:**
- Total of 3 Checks: 3,780.75
- Less 0 Void Checks: 0.00
- Total of 3 Disbursements: 3,780.75

**REPORT TOTALS:**
- Total of 49 Checks: 1,072,906.94
- Less 0 Void Checks: 0.00
- Total of 49 Disbursements: 1,072,906.94
COMMUNICATION #1
TYRONE TOWNSHIP PLANNING COMMISSION
REGULAR MEETING SYNOPSIS
February 13, 2018  7:00 p.m.

Note – The meeting was recessed at 7:30 p.m. for a public hearing.

Present:  Mark Meisel, Kurt Schulze, Dave Wardin, Cam Gonzalez, Al Pool, Ron Puckett, and Bill Wood.

Absent:  None

Approved the agenda as amended.

APPROVAL OF THE MINUTES:

OLD BUSINESS:
1) Detached Accessory Structures on Adjacent Lots – Was reviewed and will be further discussed during the Workshop meeting on 2/21/18.

NEW BUSINESS:
1) Rex - Panfil Boundary Realignment – Was recommended for Township Board approval with conditions.
2) Rex Land Division and Shared Private Driveway – Was recommended for Township Board approval.
3) Durocher Special Land Use Application – Was tabled to allow time for the applicant to submit additional documentation required to comply with the Zoning Ordinance.
4) Review and Recommendations for Proposed Zoning Amendments:
   a. Elimination of Land Division Open Space Requirement – Forward to Township Board for adoption consideration.
   c. Rebuilding of Nonconforming Structures after a Disaster – Deemed ready for public hearing.
5) Planning Commission Bylaws Amendment – Was adopted as presented.

MISCELLANEOUS BUSINESS:
1) Scheduled a Workshop Meeting for February 21st at 6 P.M.

ADJOURNMENT:  The meeting adjourned at 10:35 P.M.
COMMUNICATION #2
CALL TO ORDER (7:03 PM): By Chairman Meisel.

PLEDGE OF ALLEGIANCE (7:04 PM):

CALL TO THE PUBLIC (7:05 PM): No comments were received

APPROVAL OF THE AGENDA (7:05 PM):

Chairman Meisel explained that there had been several revisions made to the agenda since the
time it had been published. The November meeting minutes would need to be deferred until the
following meeting and application for the Shannon Glen Land Division Review (New Business
item #2) was withdrawn by the applicant.

Al Pool made a motion to approve the agenda as amended. Ron Puckett supported the motion.
The motion carried by unanimous voice vote.

APPROVAL OF THE MINUTES (7:06 PM): November 14, 2017

The November 14, 2017 Regular Meeting and Public Hearing minutes were deferred until the
next regular meeting. The Planning & Zoning Administrator was unable to complete the
meeting minutes in time for the December meeting.

OLD BUSINESS # 1 (7:07 PM): Recreational Uses in the FR District

Brian Keesey introduced the topic with a brief explanation of the agenda item. He explained that
there are a number of uses in the Farming Residential (FR) zoning district, existing and
proposed, that have unique characteristics which are not addressed by the current Township
Zoning Ordinance #36. Some of these uses are seasonal/temporary in nature, whereas others are
long-term/permanent operations. Chairman Meisel stated that there are a number of residents
who would like to obtain approval for land uses which the Zoning Ordinance, as currently
written, does not accommodate. Brian Keesey stated that the Planning Commission had
previously been discussing the duration of operations, specifically how much time should be
permitted to pass before an operation would be considered a Special Land Use. He referenced
his memo which includes all proposed revisions to the Zoning Ordinance text, and indicated that
he had updated the timeframe to state operations that exceed fifteen (15) consecutive days or
thirty (30) days within a one (1) year period would be considered Special Land Uses. Chairman Meisel stated that there is still ongoing discussion on the actual duration of events, and the dates included in the memo simply provide the framework for continuing discussion.

Brian Keesey continued to work through his memo, indicating changes that have been made since the last discussion. He stated that he modified the section which refers to compatibility of uses, specifically; liability insurance, parking assistance, safety/security, duration, and refuse disposal. He stated that he included a statement that the time involved in setup and cleanup be excluded from the total duration of an operation. He stated that parking requirements have been extensively discussed during previous meetings and, based on those discussions, he found that the general consensus was to be more lenient with off-street parking requirements for seasonal recreational uses versus permanent/long-term operations. He continued, stating that the language in the memo would require applicants to meet the minimum parking standards in Article 25 of the Zoning Ordinance, but the Planning Commission and/or Township Board would have the authority to modify parking requirements on a case-by-case basis, depending on the nature and intensity of the use.

Brian Keesey continued through his memo. He stated that the last significant revision he made since the last discussion was language on deviations. He explained that the purpose of including text regarding deviations is due to the broad range of uses that could potentially be categorized as recreational. He stated that the standards would allow the Planning Commission to determine specific requirements that should apply to certain special land uses and not to others, depending on the nature of each proposed use. He stated that his proposed decision criteria for deviations are based on the criteria for Zoning Board of Appeals (ZBA) variances.

Brian Keesey stated that during a previous discussion he indicated that a colleague of his is the Professional Planner for the Holly and handles the permitting process for the annual Renaissance Festival. The Planning Commission had requested that Brian Keesey discuss some of the details regarding how the municipality reviews and manages the Renaissance Festival and other unique land uses. He stated that he had a discussion with his colleague and began explaining what he had learned from his discussion to the Planning Commission. He stated that Holly does not have formal criteria that is applied uniformly to all recreational special land uses. Chairman Meisel stated that he is very surprised that there are not specific review standards, especially because Mount Holly is also located within their jurisdiction and the scale and duration of the Renaissance Festival is significant. Brian Keesey elaborated further, explaining that the Township treats the Renaissance Festival as an ongoing review, recognizing the benefits and working with the festival organizers on an annual basis to modify the operation where needed. He stated that each year they hold a series of informal meetings leading up to a formal review to obtain the necessary approvals. Chairman Meisel asked Brian Keesey how they are able to grant formal approvals if they are not based on any established standards. Brian Keesey stated that the operation is considered a special land use and is permitted based on standards that the Township establishes based on the specific details of the operation. He continued, stating that the Township will review the overall operation from the previous year, identifying known/potential problem areas, and create standards to address them. Chairman Meisel stated that it is an interesting method for permitting a dynamic special land use. He asked Brian Keesey if there are any elements that Tyrone Township can use from Holly Township’s annual review process for
recreation special land uses. Brian Keesey stated that the draft he is working on for recreational special land uses already provides a decent amount of flexibility, but he could try to work the annual review process requirement into the standards to allow additional flexibility where needed. He stated that many special land uses, such as mining operations, are already required to submit documentation on an annual basis and go through review when necessary.

Ron Puckett stated that parking seems to be a significant issue with the Renaissance Festival. Brian Keesey agreed, stating that it is one of the most frequently reviewed topics during the annual review. He stated that the parking area is constantly being relocated, and they generally utilize trash receptacles strung with rope to delineate parking areas and drive lanes. Chairman Meisel stated that he likes the idea of an annual report from applicants and review where necessary regarding certain recreation special land uses. He continued, stating that without some kind of consistent means to keep up on the specific factors involved in each recreational special land use, there would be no way to adequately regulate them. Chairman Meisel instructed Brian Keesey to draft some language regarding the requirement for annual reports from the applicant for approved recreation special land uses. Brian Keesey asked whether they Planning Commission would prefer the annual reports are submitted directly to them or if they should be submitted to the Zoning Administration who could make a determination regarding whether or not additional formal review is necessary. Chairman Meisel asked what his opinion is on whether the annual report should be handled formally or administratively. Brian Keesey stated that these types of reports are typically submitted to the Zoning Administrator and handled administratively. Chairman Meisel and Al Pool agreed that the reports should be submitted to the Zoning Administrator annually and reviewed by the Planning Commission when necessary, depending on the content of the report. Chairman Meisel asked if everyone was on board with the proposed annual report requirement and asked if there were any questions. Cam Gonzalez stated that he agreed with the proposed requirement.

The item was closed at 7:30 pm.

As a result of a late commissioner joining the meeting, Cam Gonzalez made a motion to reapprove the amended agenda (with a quorum present). Al Pool supported the motion. The motion carried by unanimous voice vote.

The regular meeting was suspended at 7:32 pm for a scheduled public hearing regarding the proposed Sanctuary at Tyrone Site Condominium Private Road Application.

PUBLIC HEARING (7:32 PM): Proposed Sanctuary at Tyrone Site Condominium Private Road

Chairman Meisel summarized the purpose of the public hearing. He explained that the main purpose of the hearing is to review the proposed private road design for a proposed site condominium development located off of Runyan Lake Road south of Center Road. He read the public notice that was mailed to property owners within three hundred feet (300’) of the proposed site condominium boundaries, posted on the Tyrone Township website, and published in the Tri-County Times newspaper. He then suggested that the applicants give a brief overview of their proposed site condominium to give the public in attendance a better understanding of the
proposal. He suggested that they should show the general layout of the proposed site
condominium and explain some of the details regarding the private road design, open space
layout, etc...

Dan Boss introduced himself and his colleagues in attendance before summarizing their
proposed site condominium development. He stated that he would like to cast a vision of their
proposed development to the public in attendance. He described the location of the proposed
development and stated that they intend to design it with single family dwellings beginning in
the mid three hundred thousand-dollar ($300,000) price range (he specified that would be
towards the low end of the price spectrum). He stated that they would be designed as minimum
one (1) acre lots, located entirely on private curb and gutter, roads. He stated that curb and gutter
roads are not required, but they wanted to include them as part of the development to appeal to
an up-scale customer base. He stated that fifty (50) percent of the total development area would
be dedicated as permanent open space which could not be developed, emphasizing that there
would be a great deal of buffering between existing adjacent developments. He stated that the
property is currently heavily wooded, and they intend to preserve as much of the wooded area as
possible through the use of open space. He stated that the development would utilize a
community septic system and pointed to the location on the preliminary site plan to show the
public in attendance. He stated that they would use community mailboxes located in a
consolidated area so the individual units would not have personal mailboxes in front of each
dwelling. He also indicated that there would be designated areas where snow from the roads
would be moved to during winter months. He stated that they intend to permit outbuildings for
the storage of recreational vehicles and prohibit the outdoor storage of said vehicles. He stated
that they would only permit side-entry garages so garage doors would not be visible when
driving into the development. He stated that, in terms of dwelling sizes, ranch homes would start
at a minimum of sixteen hundred (1,600) square feet and two-story dwellings starting at two
thousand (2,000) square feet. He stated that they would require a certain percentage of dwelling
exteriors to incorporate brick and/or stone, specifically on the front and sides, to maintain the
overall appearance of the development. He stated that they would not permit fences on
individual units. He stated that all driveways would be paved and any dwelling with basements
would be required to configure them in a way that they are not exposed. He stated that they do
not want to permit any outdoor parking or storage in the development. Dan Boss summarized
the proposal and stated that he would be happy to answer any questions regarding it.

Chairman Meisel thanked Dan Boss for his overview and suggested that Brian Keesey read
through the review letter he had prepared based on the application that was received. Brian
Keesey stated that the application is for a site condominium development consisting of single-
family dwelling units, which is a permitted use in the Farming Residential (FR) zoning district,
so no special land use permit(s) would need to be obtained. He continued, stating that there are
mechanisms built in to the Zoning Ordinance to help the Township require preservation of
natural features, specifically the Cluster Development Option (CDO). The CDO allows for
slightly reduced minimum lot sizes in exchange for additional open space area to preserve
natural features and maintain adequate buffer areas. He stated that another mechanism the
Township has is the Site Condominium review process. He stated that the application submitted
is for a site condominium development, which is a commonly used development option in the
State of Michigan. He then explained that the Township requires a review process consisting of...
several steps; preliminary/concept plan review, agency reviews, and final site plan review. He briefly described the approval processes for each step in the overall site condominium review. He stated that the public hearing is required based on the location of the [southernmost] proposed access drive, since it would be located within fifty feet (50’) of the southern property boundary. He continued, stating that any access drive/easement located 50’ or less from adjacent property/properties requires a public hearing because they have the potential to impact adjacent parcel(s). He elaborated further on the proposed private road design, explaining where the primary access point would be located and the purpose of the secondary access drive being for emergency access only. Chairman Meisel explained that the Township and Fire Department require a minimum of two access points for developments of this scale for safety reasons. He said that the secondary access drive would be gated and locked with a locking mechanism accessible to the fire department in case of an emergency. Brian Keesey summarized, stating that the Planning Commission would appreciate feedback on potential traffic and/or safety concerns based on the proposed private road design.

Chairman Meisel briefly explained that site condominium developments are very similar to subdivisions in the sense that they consist of individual, single-family lots. He stated that many people get confused when they hear the term “site condominium” because they automatically think of high-density, multi-family (attached) residential condominiums, which are designed similarly to apartments. He stated that the site condominium process is utilized as a way for developers to obtain approvals more quickly than traditional platted subdivisions, but they have several other advantages over platted subdivisions as well. He stated that site condominium developments need to establish an association, a master deed, and bylaws to govern the use, standards, and maintenance of single family units and common elements within the development. He said that these requirements are arguably advantageous, as they force the developer to design restrictions and requirements that would later be carried out by a legally-established association to ensure consistent compliance and maintenance of the development.

Chairman Meisel opened the floor to receive public comments on the proposed road design for the proposed development.

Rick Klemett (10064 Center Road) asked whether the southernmost proposed access drive would be blocked off at all times, except in the case of an emergency. Chairman Meisel confirmed that the southernmost access drive would be gated and only accessible by the Fire Department if they require secondary access during an emergency. He used the emergency access drive in the Cider Mill Crossings Manufactured Home Community as an existing example of what the proposed access drive would look like and how it would function. Another resident [name not stated] asked what the distance from the access drive to the southernmost property boundary would be. Chairman Meisel stated that it would be located approximately thirty feet (30’) from the boundary, as currently proposed. The resident also asked whether trees were going to be preserved on a particular area of the site which abuts her property. Brent LaVanway of Boss Engineering, representing the applicant, explained that the area in question would be designated as open space and the trees would be preserved. The resident asked if the developer would be cleaning up some of the brush and fallen trees in the existing wooded areas or if they would be leaving it as it exists. Brent LaVanway stated that most of the wooded open space areas would remain natural.
Tiffany Reese (8424 Indian View Trail) asked if the required open space area could be
designated as a conservation easement to ensure it would remain as undeveloped land. Chairman
Meisel explained that, through the Cluster Development Option (CDO) process, the required
open space would be required to be maintained in perpetuity, essentially accomplishing the same
thing that a conservation easement would. Tiffany Reese asked if the open space on individual
lots would also be preserved and whether or not that would ensure the areas could not be
filled/graded or be used for outdoor storage/parking. It was explained the lot open space for
individual units would also be designated as preservation areas where grading and outdoor
storage would not be permitted. Brian Keesey added that the Township would not permit
grading, building, or storage within dedicated open space areas.

John Murphy (8395 Carole Lane) stated that he understands the public hearing is intended to
receive public comments regarding the proposed road design, but would like to know when the
Planning Commission would receive comments regarding other aspects of the proposed
development. Chairman Meisel stated that the Planning Commission is willing to take
comments at this time. John Murphy stated that he was concerned about the proposed location
of the community septic system because it would be located near his property. He asked how the
Township would determine if there are any potential issues with the location or design of the
septic system. Chairman Meisel explained that the Livingston County Health Department
(LCHD) would perform review(s) to ensure the location and design would be adequate for the
proposed use. He continued, adding that the County would look for things such as percolation
tests, proximity to wells (distance separation), and a number of other factors to determine the
feasibility of the proposed community septic system. John Murphy thanked Chairman Meisel for
the explanation. Chairman Meisel stated that it is a fair question that has come up frequently
during reviews of other developments utilizing community septic systems. He explained that the
Michigan Department of Environmental Quality (MDEQ) encourages the use of community
septic systems as an alternative to individual septic systems because they reduce the risk for
contamination through consolidation and requirements for consistent monitoring and
maintenance. Brian Keesey encouraged the residents in attendance to keep updated on the
meeting agendas for the Township and County agencies to stay informed on the status of the
proposed development since there will not likely be another public hearing unless significant
alterations to the concept plan [that fall within a category that would prompt a public hearing] are
proposed.

Mark Klumpp (8353 Carole Lane) stated that he is not particularly in favor of such a high-
density development located between much lower-density single family properties. He said that
although he is not in favor, he is impressed with the overall layout of the proposed development,
specifically how the locations of open space areas are designed to provide significant buffers
between adjacent properties, maintaining the rural character of the area as much as possible. He
stated that he was concerned about the proposed location of the community septic system and
wanted to know how it would be operated and maintained long-term. He also asked how the
storm water management system (storm sewers) would disperse the surface water from the
private road system. Brent LaVanway explained that the community septic system would be
regulated through the local health department (LCHD). He stated that the LCHD has higher
maintenance standards for community septic systems versus individual septic systems including
the requirement for a certified operator.  He continued, stating that the Condominium Master Deed and Bylaws would also require regular inspections and maintenance of the community septic system. Chairman Meisel added that community septic systems are operated and maintained much like a small scale sanitary sewer system to a certain degree. Brent LaVanway stated that they are not maintained to as high of standards as sanitary sewer systems, but they are the next best thing, and they are certainly maintained better than individual septic systems. Brent LaVanway then addressed the question regarding storm water management. He stated that the design for the storm water management system is intended to follow the natural drainage patterns that exist on the site prior to development. He stated that they wanted to design the storm sewers in a way that would allow the surface water to flow into the natural wetland areas that exist on the site to reduce the likelihood of creating drainage problems. He pointed out the Livingston County Drain Commissioner (LCDC) will be performing an in-depth review of site drainage and the Township will use their engineering consultant for additional review, if necessary.

Sharon Murphy (8395 Carole Lane) stated that they have regulated wetlands present on their property (which is adjacent to the proposed development) and wanted to know how the site condominium would impact them. Brent LaVanway explained that the proposed storm water management system would divert water into the areas where surface water already settles, therefore, the development should have little to no impact to wetlands on adjacent properties. Sharon Murphy stated that the course of the water, even if not significantly changed, could potentially impact the regulated wetlands because the water would be coming from road surfaces that could contain pollutants. She stated that there could be a significant environmental impact to the existing wetlands from salt, chemicals, and other pollutants traveling through the storm water management system into the wetland areas. Brent LaVanway stated that the LCDC has specific standards and requirements for storm water treatment to mitigate the potential pollution of the existing wetlands. Chairman Meisel stated that any development creates potential impacts to the flow and quality of water on site. He continued, stating that the purpose of the formal review by the Township and Livingston County is to identify potential risks and require modifications to plans where necessary to reduce the likelihood of creating negative impacts to the sites or the adjacent properties. Brian Keesey asked Brent LaVanway whether they intend to utilize an oil separator at each cul-de-sac or if they would use the sediments in the retention basin for storm water treatment. Brent LaVanway stated that there would be storm sewer gutters along the road frontage which would carry storm water to pretreatment tanks before being deposited into the detention basin.

Mike Suchodolski (8417 Carole Lane) asked about how the community septic system would function and the size of the storage tanks. Brent LaVanway explained that the waste would flow from each dwelling through gravity systems to a sewer main located along the road frontage, which would then carry waste to the septic tanks where the waste would be treated before being dispersed into the drain field. Mike Suchodolski asked how many septic tanks would be used for the community septic system. Brent LaVanway stated that they intend to use a series of three (3) large septic tanks to ensure adequate separation of the waste before being dispersed into the drainage field. Mike Suchodolski asked about who would be responsible for monitoring and maintaining the community septic system. Brent LaVanway explained that the Condominium Association would be responsible for operating and maintaining the septic system. He stated that the Condominium documents will require the Association collect the necessary funds from
residents to pay for a licensed operator and continuous maintenance associated with the community septic system. Mike Suchodolski then asked how enforcement for outdoor storage would be handled since it was previously stated it would not be permitted within the development. Brent LaVanway stated that the Association would be the initial enforcement mechanism and the Township would also have some enforcement authority. Chairman Meisel stated that the Township would only have the authority to enforce outdoor storage if it violates the Zoning Ordinance. Chairman Meisel and Ross Nicholson elaborated further to provide clarification.

Art Palaian (8101 Older Lane) stated that he had a number of questions to ask. He asked what the existing wooded wetland area closest to Runyan Lake Road would be used for. Brent LaVanway stated that the area would be used for storm water management and preserved as open space. Art Palaian asked if the brush and lumber generated through clearing/developing the site would be burned or buried. Brent LaVanway stated that the debris would definitely not be buried and if any is burned it would be done so in a responsible manner. Art Palaian asked what material would be used for lining the detention ponds. Brent LaVanway stated that they do not intend to line the ponds with clay or synthetic materials, but instead utilize the existing sediment basin to mimic the natural drainage conditions of the site. Art Palaian asked if they would be taking steps to separate salt, debris, and other waste from the storm water before it settles back into the ground. Brent LaVanway stated that they would utilize a process that meets LCHD standards. Art Palaian asked whether the roads would be concrete or asphalt. Brent LaVanway stated that the road material has not yet been determined but he anticipate they will probably use asphalt. Art Palaian asked how the roads would be maintained. Chairman Meisel stated that site condominium developments are required to record private road maintenance agreements to establish a mechanism for associations to fund and maintain their internal private road systems. He added that developers typically include enforcement mechanisms in the condominium documents to ensure consistent maintenance of the roads. Art Palaian asked if they had communicated with any utility companies to inquire about service to the proposed development. Brent LaVanway stated that they have not yet contacted any utility companies. Dan Boss added that they intend to go with the best cable provider available. Art Palaian asked about a particular area on the preliminary site plan which shows a wetland area encroaching on one of the proposed lots. He wanted to know whether the future owner of said lot would be able to fill in a portion of the wetland area if they desired. Brent LaVanway stated that they would not be able to fill in the wetland area because it would be dedicated as lot open space, which would be preserved in perpetuity. Art Palaian asked if a particular [smaller] wetland area near the center of the proposed development would be filled. Brent LaVanway explained that the wetland area in question is not regulated by the MDEQ, and the intent would be to fill it so the area could be developed. Art Palaian asked whether or not they have contacted the MDEQ to obtain permits for modifications to the wetland areas that are regulated. Brent LaVanway stated that they have not yet contacted the MDEQ, but it will be the next step in the approval process following concept plan approval. He continued, stating that most of the wetlands on the site are unregulated and he does not anticipate they will need any MDEQ permits for the development, as it is currently proposed. Art Palaian stated that Runyan Lake Road is in a state of disrepair and anticipates that the construction traffic from the development of the site would damage it even further. He asked who would be responsible for repairing Runyan Lake Road. Chairman Meisel stated that the Livingston County Road Commission (LCRC) will typically evaluate the
road surface prior to development and post development. The LCRC will request reimbursement for a portion of the road repair from the developer or they will make the repairs with existing funds, depending on how much damage was caused by construction traffic. Art Palaian directed a question to John Murphy. He asked whether John Murphy has any concerns with the proposed design of the community septic system. John Murphy did not have any notable concerns. Chairman Meisel stated that if any residents do have any concerns with the design/configuration of the community septic system he would encourage them to communicate with the developer.

Jake Frazee (8175 Older Lane) asked what the distance is from the nearest lot in the site condominium development to the eastern property boundary. Brent LaVanway stated that the distance would be approximately four hundred feet (400’). Jake Frazee stated that he had previously lived in a site condominium development and explained that he experienced a number of issues. He stated that the association did not function as it was originally intended to and bylaws were continuously amended to suit their personal needs instead of the development as a whole, defeating the purpose of the bylaws. He asked if there are any mechanisms that can be utilized to ensure the bylaws for the proposed development will be maintained. Chairman Meisel stated that at some point ownership of the development is transferred from the developer to the association and asked the applicants their thoughts on how the issue could potentially be addressed. Dan Boss stated that in instances when a development is struggling financially due to failure to sell enough lots within a certain timeframe, bylaws are usually modified to be less restrictive as a way to attract potential buyers. He stated that he has not personally been involved with any developments that have significantly altered dwelling design standards from those originally established, but there is a potential that it can happen depending on a broad range of factors. Chairman Meisel stated that there is usually a change mechanism in the bylaws which would allow modification of standards if necessary, however, the permitted modifications are generally limited to a certain extent until the association is transferred from the developer to the property owners. Jake Frazee stated that he is not in favor of the proposed development, however, he understands the developer’s right to develop the property as permitted. He stated that he would like to see as much preservation of natural resources as possible. Chairman Meisel stated that the developer is required to preserve a minimum of fifty percent (50%) of the total development area as open space because they are utilizing the CDO to reduce the minimum lot sizes. He continued, stating that no development is perfect, but the developer, in this instance, is taking steps to minimize the impact of the development on the existing wildlife, natural resources, and adjacent properties.

Tiffany Reese (8424 Indian View Trail) stated that she has significant drainage issues on her property to the extent that she is unable to mow her lawn most of the time. She stated that the wetland area identified on the preliminary site plan as “Retention Pond B” currently drains directly on to her property. She stated that she does not want the proposed development to result in increased drainage problems on her property. Chairman Meisel stated that the LCDC will review the proposed drainage plan a little further along in the approval process. He added that if the drainage plan is prepared to LCDC standards and is followed during development, there should be no change to the drainage from the site to her property.

Rick Klemett (10064 Center Road) asked if outbuildings would only be permitted in the rear yard, if they would require Township approval, and whether they could be built within areas
designated as open space. Chairman Meisel stated that the outbuilding size, setbacks, and yard
location would need to be approved by the Township. He explained that under the Zoning
Ordinance for the FR zoning district, the outbuildings would be permitted in the side or rear yard
and could not be located within open space. He continued, stating the condominium documents
can include restrictions greater than the Zoning Ordinance requirements, but not less. For
example, the bylaws can restrict outbuildings to be located in the rear yard only, but not the front
yard as it would be prohibited by the Township Zoning Ordinance. He explained that the
building envelopes which show where structures can be erected would be clearly indicated on the
final site plan. Brent LaVanway stated that they wanted to design the building envelopes so the
majority of lots could build outbuildings in the rear yards. He used the preliminary site plan to
demonstrate the size and location of proposed building envelopes to provide better clarification
to the public in attendance. Rick Klemett asked if the developers intend on mandating paved
driveways to any outbuildings that are erected. Dan Boss stated that a paved outbuilding
driveway requirement has not yet been determined. Chairman Meisel stated that it is common to
have no access driveway to outbuildings.

Art Palaian (8101 Older Lane) asked what the approximate timeframe for completion of the
development would be. Dan Boss stated that they would, ideally, like to complete the general
infrastructure (roads, septic system, utilities, common areas, etc.) within about one (1) to one and
a half (1.5) years. Art Palaian asked Chairman Meisel if the Township could assist himself and
other residents on Older Lane to convince the cable company to provide service to their
properties. Chairman Meisel explained that the Township has run into a number of problems in
the past regarding cable providers. A brief discussion followed. Chairman Meisel suggested that
residents should frequently check in with the Township to see if they could provide any
assistance in negotiations with cable companies.

Rick Klemett (10064 Center Road) asked if natural gas will be provided to residents in the area.
Chairman Meisel stated that the gas company has been expanding their service area and will
likely serve most of the Township in the near future, however, he could not speak on their behalf
to guarantee when it might happen.

Tiffany Reese (8424 Indian View Trail) stated that she has gathered based on the discussion that
the developer’s intent is to see the development through from start to finish instead of obtaining
the approvals and selling immediately (flipping the property). Dan Boss stated that their intent is
to see the project through completion. He continued, stating that if they do flip the property they
would first ensure that they put mechanisms in place to maintain the overall design and character
of the development, as it was originally intended. Chairman Meisel stated that if the property
transfers ownership after the proposed development is approved, the new owner(s) would need to
comply with the approved site plan and condominium documents or submit a new application
and start over from scratch.

Chairman Meisel inquired if there were any additional public comments. No comments were
received. He asked the Planner and Planning Commission if they had any questions or
comments. No additional questions or comments were received.

Chairman Meisel closed the public hearing at 8:47 pm.
Cam Gonzalez made a motion to suspend the order of business, placing New Business #1 ahead of all other agenda items. Kurt Schulze supported the motion. The motion carried by unanimous voice vote.

NEW BUSINESS # 1 (8:49 PM): The Sanctuary at Tyrone Site Condominium Concept Plan Approval

Chairman Meisel opened the discussion and requested that Brian Keesey read through the review letter he had prepared for the application that was received.

Brian Keesey began reading through his review letter. He stated the plans submitted meet the requirements to develop the property utilizing the CDO. He stated that the proposed access would be sufficient for the proposed development. He stated that the section of Runyan Lake Road that the development would use for access has a relatively low average traffic count. He stated that the latest data provided by SEMCOG indicates the average traffic count is approximately twelve hundred (1,200) vehicle per day. He stated that the national average for number of trips per single-family residence per day is approximately twenty (20). He stated that the dwelling unit calculations and minimum lot sizes proposed would be sufficient under cluster development standards.

Brian Keesey then moved to discuss Site Plan Review standards. He stated that the application fulfills most of the requirements for Site Plan Review, but there are several items where clarification will need to be provided prior to final approval. He stated that the plans do not include information on floodplains. He explained that the floodplains should be included on the site plan, and if none are present, a statement indicating that should be included. He continued, stating that additional clarification for phasing of the development will be required, which can be submitted as a written statement describing proposed phases of development.

Brian Keesey moved on to discuss the site condominium approval process requirements. He stated that the current plan contains a number of lots which do not meet the minimum lot width requirement for newly created parcels in the FR zoning district. He said that there are mechanisms which can be used to modify the minimum lot width requirement, which he will discuss in detail later on. He continued, stating that all proposed lots would meet the minimum front and side yard setbacks for the FR zoning district, however, the proposed rear yard setbacks vary significantly and all lots would not meet the minimum setback, as currently presented. Chairman Meisel stated that the primary function of rear yard setbacks is to ensure adequate buffering/separation distance between dwellings. He added that the proposed development would have a significant amount of dedicated open space located around the perimeter which would act as a natural buffer, reducing or eliminating the need for all lots to meet the minimum rear yard setbacks. He added that the site plan for the development, if approved, would clearly show the established building envelopes for each lot, so any lots that do not specifically meet the minimum rear yard setbacks for the FR zoning district would be considered conforming.

Brian Keesey then brought up the mechanisms that could be utilized to modify the site condominium approval standards mentioned previously; the minimum lot width and rear yard...
setbacks. He stated that Section 21.43.D (Modification of Design Standards) of the Zoning
Ordinance allows the Planning Commission to modify certain dimensional requirements for lots
within site condominium developments if they can demonstrate that the modified dimensions
would still meet the original intent of the Ordinance. He stated that the proposed location of the
open space, functioning as a natural buffer to adjacent properties, should be sound justification
for reducing the minimum required lot width. He added that the proposed lot widths are
consistent with developments of similar density in other zoning districts, such as R-1 (Single
Family Residential). Chairman Meisel stated that allowing minimized lot widths in this instance
can, arguably, be justified, but he would consider the reduction to be reasonable but not ideal.
He stated that the strongest argument to modify the requirement is probably the preservation of
existing wooded areas as open space being used as a natural buffer between the proposed
development and adjacent properties. Brian Keesey stated that the other mechanism that could
potentially be used to modify the dimensional requirements would be to establish a Planned Unit
Development (PUD).

Brian Keesey then read through the table in the Zoning Ordinance which lists the basic
application requirements for preliminary/concept approval of site condominiums. He stated that
the application meets the minimum requirements for concept plan approval and he would
recommend that the Planning Commission recommends approval to the Township Board. He
added that the Planning Commission should make note of the three (3) items previously
discussed that should be addressed prior to final approval.

Chairman Meisel commended the applicants on the quality of their preliminary plans and the
overall application. He thanked them for their attention to detail and regard for adjacent property
owner’s concerns.

Chairman Meisel addressed the Planning Commission, stating that they have three options;
recommend approval, recommend denial, or table the item/take no action. Cam Gonzalez
commended the applicants on their presentation of the proposed development. Cam Gonzalez
made a motion to recommend approval of the proposed Sanctuary at Tyrone Site Condominium
Development Concept Plan to the Township Board. Kurt Schulze supported the motion. The
motion carried by unanimous voice vote.

*The item was closed at 9:06 pm.*

*There was a brief discussion amongst the Planning Commission regarding the feasibility of
expanding the sanitary sewer system to service properties on the east side of US-23 and
Residential Equivalency Unit (REU) transfers between properties.*

**NEW BUSINESS #3 (9:21 PM): Response to Township Board’s Request for Information
Regarding Open Space Elimination**

Chairman Meisel introduced the topic with a brief summary of the Township Board’s comments
regarding the proposed Zoning Ordinance text amendments to eliminate the open space
requirement for newly created parcels in residential zoning districts. He stated that the topic was
discussed during the last joint meeting between the Planning Commission and Township Board.
He noted that several other proposed Zoning Ordinance text amendments were discussed during the same meeting; Registered Designer Requirements and Cemetery Access Standards. There were very few comments and several suggested revisions to the proposed text for these items, but several significant concerns regarding the proposed Open Space amendments.

Chairman Meisel continued, stating that one significant comment made by the Township Board regarding the proposed Open Space amendments was that they had concerns about the amount of open space required when utilizing the Cluster Development Option (CDO) and/or Open Space Preservation Option (OSP) for residential developments. Chairman Meisel indicated that the Zoning Ordinance currently permits a fifty percent (50%) reduction in minimum lot sizes as long as at least fifty percent (50%) of the total development area is preserved in perpetuity as Open Space under CDO and OSP. Chairman Meisel stated that the Michigan Zoning Enabling Act requires townships to require that at least 50% of the total parent parcel area be preserved as open space to utilize the CDO or OSP. He referenced Section 125.3506 (Open Space Preservation) of the Zoning Enabling Act and read the first several paragraphs (provided below).

"125.3506 Open space preservation.

Sec. 506. (1) Subject to subsection (4) and section 402, a qualified local unit of government shall provide in its zoning ordinance that land zoned for residential development may be developed, at the option of the landowner, with the same number of dwelling units on a smaller portion of the land than specified in the zoning ordinance, but not more than 50% for a county or township or 80% for a city or village, that could otherwise be developed, as determined by the local unit of government under existing ordinances, laws, and rules on the entire land area, if all of the following apply: (a) The land is zoned at a density equivalent to 2 or fewer dwelling units per acre or, if the land is served by a public sewer system, 3 or fewer dwelling units per acre. (b) A percentage of the land area specified in the zoning ordinance, but not less than 50% for a county or township or 20% for a city or village, will remain perpetually in an undeveloped state by means of a conservation easement, plat dedication, restrictive covenant, or other legal means that runs with the land, as prescribed by the zoning ordinance."

Chairman Meisel stated that the wording of the text in the Zoning Enabling Act is written in a way that is difficult to interpret and the areas that reference the percentages permitted can come across as contradictory. He explained that the first part of the statement refers to the maximum reduction in minimum lot sizes (increase in density) townships can permit and the second part refers to the minimum percentage of open space townships must require to permit the reduction in minimum lot sizes/increase in density. Brian Keesey agreed with Chairman Meisel’s interpretation of the State requirements. There were no objections from the Planning Commission.

Chairman Meisel stated that the second significant concern the Board had with the proposed Open Space amendments was the increase in minimum lot sizes to compensate for the absence of open space. He continued, stating that the topic spurred extensive discussion on what minimum lot sizes for residential zoning districts should be, especially in the FR (Farming Residential) district. Chairman Meisel stated, in his opinion, that the current minimum lot size in FR is too small since parcels can be created that would not allow animal units and the minimum lot sizes are already significantly smaller than residential/agricultural zoning districts in most other semi-
rural communities. He stated that the Planning Commission should discuss the topic to
determine why minimum lot sizes should be increased from two (2) acres to three (3) acres if the
open space requirement is eliminated. Chairman Meisel stated that Section 4 of the Zoning
Ordinance (FR Farming Residential) indicates that the intent of the district is “to protect lands
best suited to agricultural uses from the encroachment of incompatible uses, while designating an
area appropriate to the type of single family residential development that does not alter the
general agricultural character of the district.” He added that he feels, based on formal and
informal interactions with residents (including during public hearings for higher density
developments in FR), that many people residing in FR tend to prefer larger lots/lower density
developments for various reasons including; privacy, agricultural uses, separation from high-
density developments, nature/wildlife, etc.). Based on the intent of FR described in the Zoning
Ordinance, public opinions, and agricultural/residential use zoning districts in similar
communities, it could be argued that the current FR minimum lot sizes are less than adequate. He
stated that a few potential options to resolve the issue could be to increase the minimum lot sizes
in FR or a new zoning district focused on mixed agricultural and residential uses (with larger
minimum lot size requirements) could be established. He added that the minimum acreage
requirements for properties to have animal unit(s) could also be discussed to determine whether
or not the three (3) acre minimum for one (1) animal unit is sufficient and to ensure the safety
and welfare of animals and residents. Ron Puckett stated that he believes animal units should be
reviewed since there are many properties that have at least three (3) acres but not enough area for
animals to graze due to existing natural features such as wetlands. He explained that he feels any
property under ten (10) acres could be problematic for the keeping of animals since, even if the
entire property was usable pasture, there would not be enough vegetation to sustain animals for
very long. He continued, stating that those situations where the land is not suitable for grazing
due to topography, size, or other factors, management of food and waste can become difficult
and potentially problematic for the animals and adjacent properties. He stated that he feels the
FR zoning district should not be called Farming Residential if the minimum lot sizes are less
than three (3) acres because, in most cases, parcels within the district cannot actually be used for
agriculture of any kind. Chairman Meisel agreed with Ron Puckett’s statement. He explained
that one argument for reducing the minimum lot size in FR to less than three (3) acres is that
“Residential” is in the name of the zoning district. He stated that continued discussion would be
beneficial because there are conflicting opinions on both sides of the issue that need to be
worked through.

Chairman Meisel had prepared a draft that he wanted to run past the Planning Commission
regarding their collective opinions on why they determined the minimum lot sizes in FR should
be increased from two (2) to three (3) acres if the open space requirement is eliminated. He
presented the draft to the Planning Commission to receive feedback. He stated that dividing
property in FR with the intent to create the maximum number of parcels possible leads to higher-
density single-family developments which are not conducive to the intended purpose of the
zoning district. He explained that it would eliminate the agricultural character of the district by
creating properties that are inadequate in size for animal units and/or other agricultural uses.
This would likely lead to a number of incompatibilities between the residential and agricultural
uses permitted in the district. Chairman Meisel stated that another piece of the question is
determining whether or not the minimum lot sizes in FR are competitive with other local
communities, such as Deerfield Township. He stated that Deerfield Township has mixed use
residential/agricultural districts separated into three (3) categories; general agriculture (large commercial farms), small farms (hobby/small commercial farms), and another small farm category (geared more towards residential than agriculture- similar to the RE Rural Estate zoning district in Tyrone Township). He mentioned that Deerfield Township requires larger minimum lot sizes than Tyrone Township, and noted that their Zoning Ordinance includes additional language designed to discourage high-density developments and preserve large parcels in zoning districts intended to function similarly to FR (mixed residential and agricultural uses). Ron Puckett stated that maintaining small minimum lot sizes in FR not only conflicts with the intent of the district described in the Zoning Ordinance, but would also violate the Master Plan.

Brian Keesey brought up a spreadsheet he had prepared which compares the minimum lot sizes for different zoning districts in other local municipalities with Tyrone Township’s. He stated that his intent was to give the Planning Commission a visual aid to help demonstrate how the Township’s zoning districts compare to those of similar local communities. He briefly explained some of the notable differences and similarities. He concluded that nearly all of Tyrone Township’s minimum lot size requirements are smaller than those of most other local municipalities. Chairman Meisel stated that most of the communities being compared have very similar zoning districts to Tyrone Township, however, many also have districts that are primarily agricultural. He continued, explaining that a number of large commercial agricultural operations exist in Tyrone Township that, under the current minimum lot size requirements, could be converted into high-density residential developments, arguably leading to significant compatibility issues. He suggested that there may be justification to establish an additional zoning district as a way to help ensure compatibility between uses.

Chairman Meisel stated that he will work with the Planning Commission and Planner to prepare a statement summarizing the Planning Commission’s findings and thoughts on the proposed Open Space amendments. A brief discussion amongst the Planning Commission regarding agricultural land uses followed.

The Planner and Planning Commission came to the conclusion that they should present their statement to the Township Board during a joint meeting and/or workshop meeting. The intent is to have an interactive discussion to finalize the proposed Open Space amendments and begin discussing the revision of the Township Master Plan.

The item was closed at 10:15 pm.

MISCELLANEOUS BUSINESS: NONE

1) Planning and Zoning Administrator’s Report: None
2) Other Business Items: None
3) Township Board Actions: None
4) ZBA Report: None
5) Future Items: N/A
6) Correspondence: N/A

ADJOURNMENT (10:16 PM): By Chairman Meisel
COMMUNICATION #3
February 5, 2018

Mike Cunningham, Supervisor
Tyrone Township
10408 Center Rd.
Fenton, MI 48430

Enclosed you will find our 2017 Annual Report. This past year was another exciting year at the senior center. We expect the current trend of growth to continue into 2017 and beyond. During the month of February we will be surveying our members to learn more about their reasons for participating as well as to inquire about any unmet needs we should focus on during the upcoming year.

Please thank the members of the Tyrone Township board for their continued support of the Hartland Senior Activity Center. Financial assistance from the Township allows us to continue offering affordable services and activities to our local senior residents.

Thank you for your past, current and future support.

Sincerely,

Kim Konarski
Director
Annual Report Hartland Senior Center 2017

The Hartland Senior Activity Center had another successful year in 2017 with an average of 200 people checking in every day! Not only did we recognize 1,437 paid members, additionally we had over 1,000 guests check in. Volunteerism is a huge part of why our senior center continues to grow. With over 70 volunteers giving their time each week (over 6,000 hours for the year) and another 40-50 volunteering during our special events, we couldn’t do it without them! If you equate our volunteer hours with personnel salaries, the amount would top $60,000 a year. What an incredible resource – we are so fortunate to have such a strong volunteer base.

Senior Outreach Program

Carol Ringle, our Senior Resource Advocate, provided information and assistance to 382 individuals in 2017. In addition Carol is MMAP (Medicare/Medicaid Assistance Program) certified and attends monthly trainings, completes MMAP paperwork (computer client entries), and offers presentations to senior communities (outside the senior center, i.e. Village Manor). Prior to the loss of our AAA 1-b funding, Carol also supervised our Tax Program* through AARP which assisted 351 individuals with filing their income taxes in 2017. *Our volunteer office staff has now taken over this task.

Senior Transportation

The center’s transportation program continues to provide medical transportation to area residents. We also transport folks to grocery stores, area businesses and to the senior center. Our drivers put 28,000 miles on our vehicles and provided 2,688 rides. We are happy to report we are still offering transportation 5 days a week with 2 regular drivers and one sub.

Wellness Programs

Enhance Fitness, an evidenced-based older adult fitness program, was introduced at the senior center in January 2013. The class continues to meet twice a week and attendance has remained strong throughout 2017. We have had to limit class size to 28 participants in order to maintain a safe environment for our room size. In 2017 we had 87 people attend EF classes 1,741 times.

The center continues to offer the following fitness classes: dance aerobics, yoga, tai chi, walk-fit, drumming, stretching, line dance, and sit & fit. We have a great working relationship with both Advanced Physical Therapy and ATI Physical Therapy who provide physical therapists to teach strength and balance classes in addition to offering presentations regarding fall prevention and the importance of physical activity for older adults.

Each day many people use our building to walk the hallways (230 people with 5,471 visits) and our well-equipped weight room is utilized daily by our members (169 members for 1,669 times in 2017). We have several volunteers who help keep the room clean, offer orientations and inform us of any equipment issues. Each year we hire a firm to check equipment for safety or maintenance problems. In 2018 we will be purchasing a new treadmill to replace one of our older models (at least 10 years old).

Each year we partner with University of Michigan to offer a Flu Shot clinic and mostly recently with our local Walgreen’s as an additional option. In 2017, 97 people came to our center for a flu shot. We also partnered with the Red Cross to offer a blood drive in December where we collected 26 pints.
The center hosts the local T.O.P.S. (Take Off Pounds Sensibly) group and 26 people attended this healthy eating support group. In 2014, they were challenged by Hands on Health Chiropractic to lose as much weight as possible. In 2017, he donated $200 to the senior center.

Social and Recreation

The senior center provides opportunities for fun through many social activities. The following card games are scheduled weekly: euchre, pinochle, bridge, Mah Jong, cribbage and Skipbo. In 2017, we received a very nice donated ping pong table to replace one of our much older models in the hopes of this program growing in popularity. We also encourage members to participate in the local senior bowling league at Striking Lanes in the fall/winter and golf leagues in the spring/summer held at Hartland Glen Golf Course.

In 2014 we added a Cycling group to our offerings. The group has approximately 12 members who meet on Wednesday mornings around the area (during good weather) and have partnered with the Loose Senior Center in Linden to ride together. The group dwindled slightly with injuries and vacations affecting ridership.

Several years ago the center helped organize a senior softball league and this coming season the Tri-County Senior Softball league will field 8 teams from Livingston, Genesee and Oakland counties. Games and practices are currently held at TAGS sport complex but that may change for the 2018 season. In 2014, an All-Star softball team competed in the Michigan Senior Olympics and moved on to the National Senior Olympics in Minnesota in 2015 where they took the silver medal in their age group!

Pickleball, a fast growing racket sport, continues to be a popular center sport. Open-indoor play is scheduled 4 times a week from October through May while Outdoor play is available all summer June – September. Our pickleball players also host two tournaments each year that bring players from Michigan, Indiana, Ohio and Canada to our area. Our 2017 tournaments earned a net profit of over $7,000 to help maintain our outdoor courts, indoor nets and supplies as well as general senior center operations.

Arts, Dance and Music

A variety of painting classes are scheduled throughout the year and our Hartland Area Woodcarvers meet every Wednesday. Tap dance classes for beginners through advanced dancers are scheduled weekly – these are our recycled Rockettes. The popularity of this group has grown so much that they now perform in their own dance revue held in July. The 2017 show raised over $5,600!

One of our biggest groups is our SAGE members which encompasses everyone who is part of our big Fall Show. We have men’s and women’s choirs, band, hand chimes and acoustical group. These 5 groups consist of about 80 people who have music in their hearts and love to perform. From this group, our HSAC Cabaret group was created by one of our members. The Cabaret performers visit other senior communities (Village Manor, Howell Senior Center, Quality Care of Howell) to share their love of music and entertain the crowd as well as participating in community events such as Hartland’s Winterfest and Fowlerville’s Fall Fest. There is no fee for our CABARET group to perform but we do ask for $100 donation for a 1 hour performance to benefit the upkeep of our sound equipment and tech supplies.
Public concerts are scheduled for our musical groups each year as fundraisers with our annual music comedy show held each October is our largest fundraiser. The 2017 Fall Show consisted of 80 seniors who acted, sang, performed, worked backstage, ran the lights, and worked the lobby. This year's show netted almost $10,000 which again helps keep program costs affordable.

In 2017, 1,300 seniors participated at the Center in the following ways:

<table>
<thead>
<tr>
<th>Category</th>
<th>Participants</th>
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<tbody>
<tr>
<td>Fitness</td>
<td>20,195</td>
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<tr>
<td>Health Screening</td>
<td>770</td>
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<tr>
<td>Social and Recreation</td>
<td>19,403</td>
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<td>Lunch</td>
<td>6,166</td>
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<td>Resource Office</td>
<td>393</td>
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<tr>
<td>Arts &amp; Education</td>
<td>1,238</td>
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</tbody>
</table>

*The numbers above represent the total number of occurrences. For example, one individual senior who attends dance aerobics one day a week all year long, would represent 52 of the total Fitness count of 20,195.

**Moving Forward**

In 2018 our goal is to continue increasing our program offerings and create more educational opportunities for our membership.

Our Events Committee is helping create new events as well as support existing annual events. Additionally we have several members who have stepped forward to help with marketing the senior center as a whole in addition to our larger events/concerts. Upcoming scheduled programs and events include:

- **Super “Bowl of Chili Cookoff”** – January 31
- **Who Dunit w/ Sherlock** – Clues and riddles to catch a Thief! – February 7
- **Battle of the Sexes Trivia Event** – February 13
- **Lifeline Screening** – February 20
- **Irish Dinner** – March 13
- **Red Hats & Friends Trip to Frankenmuth** – April 24
- **Matter of Balance through Kidney Foundation** – May 1-24
- **Overnight – 6 day trip to New Orleans** April 7 - 13
- **Spring Music Concert** at the Hartland Performing Arts Center – May 9
- **“Motown” Recycled Rockettes** – July 26
- **Free Hot Dog Friday for Father’s Day** – June 15
- **Ice Cream Social with Village Manor Retirement** – July 11
- **“Feelin’ Groovy: Sing and Dance your Way through the 60s”** – October 24, 25, 26
Membership Breakdown - funding partners

<table>
<thead>
<tr>
<th>Township</th>
<th>Number of Members</th>
</tr>
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<tbody>
<tr>
<td>Brighton Township</td>
<td>122</td>
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<tr>
<td>Deerfield Township</td>
<td>27</td>
</tr>
<tr>
<td>Hartland Township</td>
<td>456</td>
</tr>
<tr>
<td>Oceola Township</td>
<td>112</td>
</tr>
<tr>
<td>Tyrone Township</td>
<td>78</td>
</tr>
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</table>

Memberhip Numbers - nearest to the senior center

<table>
<thead>
<tr>
<th>Location</th>
<th>Number of Members</th>
</tr>
</thead>
<tbody>
<tr>
<td>City of Brighton (all twps)</td>
<td>231</td>
</tr>
<tr>
<td>City of Howell (all twps)</td>
<td>425</td>
</tr>
<tr>
<td>Hartland Township (all cities)</td>
<td>456</td>
</tr>
</tbody>
</table>

Number of Members

- City of Brighton (all twps)
- City of Howell (all twps)
- Hartland Township (all cities)
COMMUNICATION #4
Office of the Livingston County Drain Commissioner
Livingston County Regional Wastewater Treatment Advisory Board
Minutes
Tuesday, January 16, 2018

Meeting was held at the Tyrone Township Hall

Advisory Committee
Members Present: Mike Cunningham Tyrone Township, Supervisor
                  Bob Demyanovich Deputy Drain Commissioner, Livingston County

Board Members Absent: Robert West Hartland Township-Dept. of Public Works

Others Present: Ross Nicholson Zoning Administrator, Tyrone Township
                Rob Spaulding DPW & Solid Waste Coordinator
                Shelly Messing LCDC

1. Meeting Commenced at 8:07 a.m.

Items handed out this morning

- Agenda
- December 19, 2017 Minutes
- Budget & Expenditure Tracking Reports 2017 (w/grinder pump detail)
- Budget 2018
- Livingston Regional Status Report Dated 01/04/2018

2. Agenda – Approved – Received and Filed

3. Minutes – Approved - December 19, 2017 – Received and filed

4. Budgets: - Received and Filed

2017 LRSS O&M Budget:

2018 LRSS O&M Budget: Townships request copy of the 2018 budget

5. Review and discussion of the operations report—by Demyanovich.

- The Preserve just received their Non Domestic Permit. They will be installing a duplex grinder.
- Plug Valve @ Nimphic pump station was rebuilt.
- Three plug Valve @ Clyde will be redone.
- Heritage Meadows – both pumps were pulled and adjusted
- Received repair bill for abused pump we recently sent out the abuse letter on.
- Wireless network has a camera now at Nimphic Road
- Temperature change causes problems with Miltronics level control at pump stations with small wetwells. Floats were changed out at several pump stations. These were the high alarm floats that are suspended in the H2S laden wet well atmosphere. Submerged floats last longer as they are not exposed to atmospheric H2S.
- The Ballfield control panel installed cost was approximately $36,000.
6. Other Items:

7. Next meeting to be held on Tuesday, February 20, 2018 at 8:00 a.m. at the Tyrone Township Hall.

8. Adjournment at 8:28 a.m. *Approved*

submitted by: Bob Dennyovich
01/17/2018
COMMUNICATION #5
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<th>Nature</th>
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<td>ABANDONED VEHICLE</td>
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<tr>
<td>ALARM</td>
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<tr>
<td>ANIMAL COMPLAINT</td>
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<tr>
<td>ASSAULT REPORT ONLY</td>
<td>1</td>
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<tr>
<td>ASSIST EMS</td>
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<td>ASSIST FIRE DEPARTMENT</td>
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<td>ASSIST OTHER AGENCY</td>
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<td>BURGLARY REPORT ONLY</td>
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<tr>
<td>CARDIAC/RESPIRATORY ARREST</td>
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</tr>
<tr>
<td>CHOKING</td>
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<tr>
<td>CITIZEN ASSIST</td>
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<td>CIVIL COMPLAINT</td>
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<tr>
<td>CRIMINAL SEXUAL CONDUCT REPORT</td>
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<tr>
<td>DISTURBANCE/TROUBLE</td>
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<tr>
<td>DOMESTIC PHYSICAL IN PROGRESS</td>
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<tr>
<td>DOMESTIC VERBAL</td>
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<tr>
<td>FRAUD</td>
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<tr>
<td>GENERAL NON CRIMINAL</td>
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<tr>
<td>HAZARD</td>
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<tr>
<td>INTIMIDATION THREATS HARASSMEN</td>
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<tr>
<td>LARCENCY</td>
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<tr>
<td>LOST/FOUND ANIMAL INFORMATION</td>
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<td>MDOP</td>
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<tr>
<td>MOTORIST ASSIST</td>
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<td>OVERDOSE/INGESTION</td>
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<td>PERSONAL INJURY ACCIDENT</td>
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<td>ROAD RUNOFF</td>
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<td>SHOTS FIRED</td>
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<td>STRUCTURE FIRE</td>
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<td>SUICIDAL SUBJECT</td>
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<td>SUSPICIOUS PERSON</td>
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<td>Trespassing, Loitering</td>
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<td>Unattended Death/Investigation</td>
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<td><strong>Total</strong></td>
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LIVINGSTON COUNTY SHERIFF'S OFFICE
JANUARY 2018 CALLS FOR SERVICE

MICHIGAN STATE POLICE
JANUARY 2018 CALLS FOR SERVICE
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<td>NUMBER OF CALLS 11:00PM - 3:00PM</td>
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<td>HOWELL</td>
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**Apr-17**
- 1 excp + 12 (3) $17360
- 8 (1) $11280
- 8 (1) $11240
- $39,920.00
- 4
- $4615

**May-17**
- 1 E+1 M = 16 (6) $21575
- 7 (1) $9835
- 12 (1) $16860
- $48,270.00
- 7
- $9835

**Jun-17**
- 13 (3) $18265
- 4
- $5,620
- 4
- $5,620
- $29,505.00
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- $5620

**Jul-17**
- 1 excp + 11 (2) $15955
- 10 (5) $14050
- 12 (2) $16860
- $46,865.00
- 9
- $11640

**Aug-17**
- 2 excp + 10 (4) $15050
- 4
- $5,620
- 7
- $9,835
- $30,505.00
- 4
- $5620

**Sep-17**
- 2 excp +10 (2) $15050
- 7 (1) $9835
- 3 (1) $4215
- $29,160.00
- 4
- $5620

**Oct-17**
- 12 (3) $16860
- 6 (2) $8430
- 8
- $11,240.00
- $36,530.00
- 5
- $7025

**Nov-17**
- 17 (5) $23885
- 1
- $1,405
- 8 (2) $11240
- $36,530
- 7
- $9835

**Dec-17**
- 8 (2) $11240
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- $2,810
- 12 (2) $16860
- $30,910
- 4
- $5620

**Jan-18**
- 18 (4) $25290
- 6
- $8,430
- 12 (2) $16860
- $50,580.00
- 6
- $8430

**Feb-18**

**Mar-18**

**Excpt**

**MED**

**YTD TOTALS**
- $180,530
- $77,275
- $120,830.00
- $369,840.00
- $73,860

**YTD RUNS**
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## MARCH 2018
## WRITE OFFS

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NEW BUSINESS #1
RESOLUTION #180301
TYRONE TOWNSHIP, LIVINGSTON COUNTY

RESOLUTION ESTABLISHING POLICIES AND FEES
FOR (REU) CONNECTION FEE UNDER DEFERRAL PAYMENTS

WHEREAS, Tyrone Township Ordinance No. 43, Section 17 requires a property owner to pay a connection fee to connect to available municipal sewer system;

WHEREAS, the connection fee is based upon the appropriate number of REU’s (residential equivalent unit) for the designated use at the rate per REU established by Tyrone Township;

WHEREAS, Tyrone Township Ordinance No. 43, Section 17 provides that the entire connection fee is due upon connection;

WHEREAS, Tyrone Township Ordinance No. 43, Section 17 authorizes Tyrone Township to grant a deferral in the payment of the connection fee;

WHEREAS, Tyrone Township Ordinance No. 43, Section 17 provides that the Township Board establish policies to recover costs and expenses incurred in the course of a deferral payment for purchase of additional REU’s by establishing the deferral period and interest rate on the deferred payment;

NOW, THEREFORE BE IT RESOLVED AS FOLLOWS:

Hardship Deferment.

Upon receipt of evidence of hardship, the Township of Tyrone may defer partial or total payment of a sewer tap fee.

Hardship.

Includes, but is not limited to, those persons who reasonably are unable to pay all or part of the sewer connection or tap fee by reason of permanent unemployment, substandard income, substandard fixed income, extraordinary financial obligations on the part of the person applying for said deferment or extraordinary illness on the part of the person or a member of the family of the party applying for the deferment.

No deferment or partial payment for a connection or tap fee shall be made until such time as the Township receives written evidence of said hardship, and/or other evidence as may be requested by the Township from time to time.

Hardship deferment may be granted if:
1. Capacity for the sewer system must be available.

2. Additional REU's will be determined by the Equivalent User Table established in the Sewer Use & Rate Ordinance #43.

3. In addition to the basic permit fee, applicants shall pay the costs and expenses for an REU at the approved current rate per REU including the following terms and conditions as stated:
   (a) 20% down payment;
   (b) Short Term secured loan of 5 years maximum;
   (c) Interest Rate of 5.5% or at current market lending rates if higher than 5.5% as of date of agreement;
   (d) Township is named Lien holder as 1st or after bank mortgage;
   (e) Signed Contract;
   (f) Township provides Annual Payments Amortization Table for Principal & Interest amounts due each annual payment;
   (g) No Penalties for early payoff;
   (h) Non-Refundable;

4. The Township Clerk shall maintain accurate records regarding the expenditures made on behalf of the applicant in accordance with standards imposed by the State of Michigan and those compatible to certified public accounting procedures.

5. Additional fees may apply to Livingston Co. and are not covered by this agreement.

6. The terms contained in this resolution may be later modified by an appropriate Township Board resolution.

RESOLVED BY:
SUPPORTED BY:

VOTE:

ADOPTION DATE: March 6, 2018

CERTIFICATION OF THE CLERK

The undersigned, being the duly qualified and acting Clerk of Tyrone Township, Livingston County, Michigan, hereby certifies that (1) the foregoing is a true and complete copy of a resolution adopted by the Township Board at a regular meeting, held on March 6, 2018, at which meeting a quorum was present and remained throughout, (2) the original thereof is on file in the records in my office, (3) the meeting was conducted, and public notice thereof was given, pursuant to and in full compliance with the Open Meetings Act (Act No. 267, Public Acts of Michigan, 1976, as amended) and (4) minutes of such meeting were kept and will be or have been made available as required thereby.

_______________________________

Marcella Husted
Tyrone Township Clerk
NEW BUSINESS #2
RESOLUTION #180302
TYRONE TOWNSHIP, LIVINGSTON COUNTY

RESOLUTION TO ADOPT 2018-2019 BUDGET FOR THE GENERAL FUND

<table>
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<th>2018-19 PROPOSED BUDGET</th>
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**DEPARTMENT EXPENSES**

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<tr>
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**TOTAL DEPARTMENT EXPENSES** | **$1,468,285**

**Surplus/Deficit** | **105,931**
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**RESOLVED BY:**

**SUPPORTED BY:**

**VOTE:**

**ADOPTION DATE:** March 6, 2018

**CERTIFICATION OF THE CLERK**

The undersigned, being the duly qualified and acting Clerk of Tyrone Township, Livingston County, Michigan, hereby certifies that (1) the foregoing is a true and complete copy of a resolution adopted by the Township Board at a regular meeting, held on March 6, 2018, at which meeting a quorum was present and remained throughout, (2) the original thereof is on file in the records in my office, (3) the meeting was conducted, and public notice thereof was given, pursuant to and in full compliance with the Open Meetings Act (Act No. 267, Public Acts of Michigan, 1976, as amended) and (4) minutes of such meeting were kept and will be or have been made available as required thereby.

____________________________________
Marcella Husted
Township Clerk

Resolution #180302
Adoption of 2018-2019 Budget for the General Fund
NEW BUSINESS #3
February 28, 2018

Township Board
Tyrone Township
10408 Center Road
Fenton, MI 48430-9439

Subject: Agenda Request: Rex – Panfil Boundary Realignment

Dear Township Board Members:

During our meeting on February 13, 2018, we reviewed the Rex – Panfil Boundary Realignment application. Kurt Shulze made a motion to recommend Township Board approval of the Rex – Panfil Boundary Realignment, conditional upon the applicant correcting certain section numbers on the submitted drawing, and agreeing to waive the requirement that structures within 50 feet of the property lines be shown, noting none are actually present. Dave Wardin supported the motion. The motion carried by unanimous voice vote.

Referencing the McKenna review memo, ".....the proposed land transfer from Parcel 4707-27-300-018 to Parcel 4704-27-300-009 meets the dimensional requirements of the FR District and achieves the standards defined in the Township Land Division Ordinance and the State Land Division Act." Referencing page 3 of the McKenna memo, item 1 is noted as a condition for approval in the motion, item 2 has been addressed in the motion, and item 3 was determined addressed on the provided survey, referencing the legal description of the recorded easement found in Liber 527, page278.

The applicant has since submitted amended drawings with the corrected section numbers (27 versus 22). The conditions set forth in the motion have therefore been satisfied.

The Planning Commission recommends your consideration and approval of the requested boundary realignment since it complies with our Land Division and Zoning Ordinance regulations.

Respectfully submitted,

Tyrone Township Planning Commission
Mark Meisel
Chairman
February 6, 2018

Planning Commission
Tyrone Township
10408 Center Road
Fenton, MI 48430

Subject:  Rex-Panfil Boundary Realignment - Parcel 4704-27-300-018
Parcel 4704-27-300-009
Application received 01-10-18, survey dated 11-29-2017

Dear Commissioners:

The authorized agent and applicant, Mr. Wayne Perry, has proposed to transfer 10 acres of land from Parcel 4704-27-300-018 to the adjacent Parcel 4704-27-300-009.

We have reviewed the site plan application in accordance with the Township's Land Division ordinance, the State Land Division Act, the regulations of the FR District, and sound planning and zoning principles. We offer the following comments for your consideration.

**Land Division General Requirements**
The Tyrone Township Land Division Ordinance, Section 17.254, lists required application information for land divisions.

**Section 4.A.1. Proof of Ownership.**
Parcel 4704-27-300-018 is owned by John Rex. The Township has been provided the tax bill receipt showing that he was billed and paid taxes on the property in December of 2017.

**Section 4.A.2-5. Scaled Site Drawings with Dimensions, Property Lines, and legal descriptions.**
Scaled and dimensioned plans have been provided. Legal descriptions have been provided for the existing and proposed parcel boundaries related to Parcel 4704-27-300-018 and its divisor. We request the correction of a discrepancy between the Survey and the Legal Description – Subsequent to Survey for Parcel 4704-27-300-009. Both refer to a Section line that lies at the "South East-West 1/8 line" of a section but the Survey labels that section Section 22 (Sheet 1) and the Legal Description labels it Section 27 (Sheet 3), Section should be verified and corrected.
The legal descriptions provide currently recorded descriptions, "as-surveyed" descriptions (titled "Legal Descriptions Subsequent to Survey), a description of the land to be transferred, and the resultant parcel descriptions. The information is thoroughly descriptive, and although the existing and new layouts are shown on one sheet, it is apparent what is proposed and what the resultant configuration will be.

The plan shows existing easements but does not include the location of structures or utilities. It is apparent from the recent County aerial imagery that the property to be transferred is vacant and should not introduce any nonconforming situation in regards to the number of structures permitted on a property per the Zoning Ordinance. We have no concern if the Planning Commission determines it is appropriate to waive the requirement to show all structures within 50 feet of the property boundary.

Section 4.A.7. Wetlands and Natural Features.
The plan shows both wetlands and woodlands on the site. Neither wetlands nor woodlands appear to be impacted by this division and subsequent realignment.

No new lot is being created as a result of this realignment, so the requirement to designate open space does not apply.

The plan shows locations and widths of existing roads. The plan shows an easement to Consumers Energy or Parcel 4707-27-300-018. The easement is not described in the legal description for Parcel 4707-27-300-018. If there exists a description of this easement appended to the legal description for Parcel 4707-27-300-018, it should be provided.

The proposal to transfer Parcel B from Parcel 4704-27-300-018 to Parcel 4704-27-300-018 should not alter the flow of water across the property; no property improvements are proposed in association with the transfer. Contours of the site are shown in the plan and are available from Livingston County GIS.

Standards for Approval (Section 17.255)
We find the following:

Zoning District Dimensional Requirements. The proposed plan shows that the new lot configurations will be compliant with the dimensional standards of the Ordinance. Both exceed the FR District requirements for a minimum width of 250 feet and minimum site size of 2 acres.

Tax Status. Proof that taxes are paid and up-to-date has been provided.

Length to Width Ratio. The proposed parcels will comply with the 4:1 lot depth to width ratio.
Land Division Recommendation

Based on our comments herein, we find that the proposed land transfer from Parcel 4707-27-300-018 to Parcel 4704-27-300-009 meet the dimensional requirements of the FR District and achieves the standards defined in the Township Land Division Ordinance and the State Land Division Act.

Identified herein, there are some outstanding issues that must be addressed:

1. The Survey (Sheet 1) and the Legal Description (Sheet 3) must reconcile the Section number as described above.

2. Structures within 50 feet of the property boundary lines are not shown on the plan, but Planning Commission may waive this requirement if it deems the structure locations not applicable to this realignment.

3. If a description of the Consumers Power easement is recorded with Parcel 4704-27-300-018, it should be included with the legal descriptions included in this application.

The above-noted information is relatively minor in scope and can be easily addressed. We recommend approval of the proposed boundary realignment, conditioned on the satisfactory resolution of the three (3) items listed above.

Please let us know if you have any questions. We look forward to discussing our findings with you.

Respectfully submitted,

Brian Keesey, AICP
Senior Planner

Molly Redigan
Assistant Planner
TYRONE TOWNSHIP
PLANNING COMMISSION REVIEW APPLICATION

Property Address / Location
A) Vacant land, Germany Road, Fenton  B) 11201 Faussett Road, Fenton

Parcel ID/Zoning District
4704-27-300-009

Property Owner(s)
A) Rex Holdings, LLC   B) James Panfil and Stacey Panfil

Street: Address
A) 2211 Aspenwood Lane  B) 11201 Faussett Road

City
A) Columbus, Ohio 43235  B) Fenton, Michigan 48450

Authorized Agent
Wayne M. Perry, Desine Inc.

Street Address
2183 Pless Drive

City
Brighton, Michigan 48114

Telephone:

Cell Phone:

FAX or E-Mail:

Type of Review:

- Boundary Realignment
- Open Space Relocation
- Site Plan Review
- Concept Review
- Planned Unit Development
- Site Visit
- Conditional Zoning
- Private Road/Shared Drive
- Special Land Use
- Home Occupation
- Public Hearing
- Special Meeting
- Land Division
- Rezoning
- Subcommittee Meeting
- Open Space Preservation
- Site Condominium
- Subdivision Plat
- Other

Project Description:

No additional or future land division rights are conveyed with the transfer of this parcel.

No land division, or new parcel, is created by the proposed land transfer.

Planning Commission applications should be filed with the Planning Commission Recording Secretary at least 14 days (21 days for land divisions/realignments) prior to review. Applications will not be scheduled for review until all information has been received. This Signature constitutes the applicant's acknowledgement of the application requirements and permission for site inspection by Tyrone Township representatives.

Signature of Owner(s) or Authorized Agent

Date

Tax Status

Fees: 011-000000-407-000

Exemptions: 011-000000-283-

Received By:

Z-Application - 12.2.19

View the Tyrone Township Ordinances at <tyronetownship.us>
January 10, 2018

Mr. Ross Nicholson
Planning & Zoning Administrator
Tyrone Township Hall
10408 Center Road
Fenton, Michigan 48430

Re: Panfil boundary line adjustment
Parcel No. 04-27-300-009

Dear Mr. Nicholson,

Please be advised that James Panfil, owner of the above referenced real property located in Tyrone Township, does hereby grant Wayne M. Perry, PE Esine Inc., authorization to sign and submit to Tyrone Township an application for a boundary line adjustment of the above referenced property and to act as my representative with regard to said application.

Should you have any questions, please contact me at your convenience.

Respectfully,

James Panfil
11201 Fausett Road
Fenton, MI 48430
LEGAL DESCRIPTIONS OF RECORD
Situated in the Township of Tyrone, County of Livingston and State of Michigan, and described as follows:

PARCEL No. 4744-27-300-009
Reference: Warranty Deed as recorded in Document No. 2009R-028271,
Livingston County Records.
The West 795.3 feet of the Southeast 1/4 of the Southwest 1/4 of Section 27, Town 4 North,
Range 6 East.
EXCEPTING THEREFROM, premises situated in the Township of Tyrone, County of Livingston and
State of Michigan to wit:
Part of the Southeast 1/4 of the Southwest 1/4 of Section 27, T4N, R6E, described as follows:
BEGINNING at a point on the South line of Section 27 which bears East 1317.94 feet from the
Southwest Corner of Section 27; thence along the South line of said Section 27 East 77.70 feet to
the centerline of a branch of North Ore Creek; thence Northly and Westerly along the centerline of
said creek 405 feet more or less to the intersection of said creek with West North-South 1/8 line of
Section 27; thence along the West North-South 1/8 line of said Section 27, S00°36'30"E 391.59 feet
to the Point of Beginning.
Also known as: 11201 Faussett Road, Fenton, Michigan

PARCEL No. 4744-27-300-018
Reference: Tax Roll 2017
Part of the Southeast 1/4 of the Southwest 1/4 of Section 27, Town 4 North, Range 6 East, Tyrone
Township, Livingston County and described as follows:
BEGINNING at the West 1/4 Corner of said Section 27; thence N88°10'00"E 663.00 feet; thence S01°E
240 feet; thence N88°10'00"E 473.27 feet; thence N25°W 262.07 feet; thence N88°10'00"E 994 feet; thence
South 1320 feet; thence West 2655 feet; thence North 100 feet; thence West 1010 feet; thence
North 520 feet; thence East 217 feet; thence North 321 feet; thence West 217 feet; thence North 372
feet to the Place of Beginning.
Also known as: Vacant Land, Germainy Road, Fenton, Michigan

LEGAL DESCRIPTIONS SUBSEQUENT TO SURVEY
Situated in the Township of Tyrone, County of Livingston and State of Michigan, and described as follows:

PARCEL No. 4744-27-300-009 23.66± Acres
Commencing at the Southwest Corner of Section 27, said corner being distant 2686.79 feet
S02°54'05"E from the West 1/4 Corner of said Section 27;
thence N87°19'02"E (record East) 1317.94 feet along the South line of said Section 27 to the
Southwest corner of the Southeast 1/4 of the Southwest 1/4 of said Section; thence continuing along
said Section line N87°19'02"E 77.70 feet to the centerline of Ore Creek and the PLACE OF
BEGINNING; thence Northly and Westerly 386 feet (record 405 feet) along said centerline of Ore
Creek to the Point "A" lying on the West North-South 1/8 line of said Section 27 (as established by
previous surveys), said Point "A" being distant 374.69 feet N02°55'08"W (record 381.50 feet
N06°36'30"W) from said Southwest corner of the Southeast 1/4 of the Southwest 1/4 of Section 27;
thence N02°55'08"W 945.79 feet along said West North-South 1/8 line of said Section 27; thence
N87°09'43"E (record East) 734.59 feet along the South East-West 1/8 line of said Section 27 (as
established by previous surveys); thence S02°47'06"E 1322.62 feet; thence S07°19'02"W 713.80
feet along the South line of said Section 27, also being the nominal centerline of Faussett Road
(33 foot wide 1/2 Right-of-Way) to the Place of Beginning. Being a part of the Southwest 1/4 of
Section 27, Town 4 North, Range 6 East, Tyrone Township, Livingston County, Michigan.
Containing 23.66 acres of land, more or less. Situated in the rights of the public over that portion
thereof occupied by Faussett Road (33 foot wide 1/2 Right-of-Way), also subject to the rights (if any)
of the public and the other riparian owners in the waters of Ore Creek, also subject to and together
with all easements and restrictions affecting title to the above described premises.
PARCEL No. 4704-27-300-018 115.18± Acres

BEGINNING at the West 1/4 Corner of Section 27, Town 4 North, Range 6 East, Tyrone Township, Livingston County, Michigan, said corner being distant 2636.79 feet N02°54'05"W from the Southwest Corner of said Section 27; thence N86°51'58"E (record N88°E) 633.00 feet along the East-West 1/4 line of said Section 27 and the nominal centerline of Germany Road (33 foot wide 1/2 Right-of-Way); thence S93°07'57"E (record S01°E) 246.00 feet; thence N86°51'58"E (record N88°E) 473.27 feet; thence N26°43'53"W (record N25°W) 20.97 feet; thence along said East-West 1/4 line of Section and said nominal centerline of Germany Road the following two courses:
(1) N86°51'58"E (record N88°E) 1620.18 feet to the Center Post of said Section 27 and
(2) continuing N86°51'58"E (record N88°E) 1326.65 feet to a point being distant 1326.62 feet S88°51'58"W from the East 1/4 Corner of said Section 27;
thence S02°52'25"E 1334.63 feet (record South 1320 feet); thence the following five courses along the South-East-West 1/8 line of said Section 27 (as established by previous surveys):
(1) S87°01'07"W 687.98 feet,
(2) S87°01'45"W 325.74 feet,
(3) S87°01'17"W 258.80 feet,
(4) S86°31'12"W 612.58 feet, and
(5) S87°09'43"W 1116.12 feet
(record West 2255 feet);
thence N02°54'05"W 93.42 feet (record North 100 feet); thence S87°22'27"W 996.00 feet (record West 1010 feet); thence N02°54'05"W (record North) 530.00 feet along the West line of said Section 27 and the nominal centerline of Hartland Road (33 foot wide 1/2 Right-of-Way); thence N86°51'58"E (record East) 217.00 feet; thence N02°54'05"W (record North) 321.00 feet; thence S86°51'58"W (record West) 217.00 feet; thence N02°54'05"W 371.77 feet (record North 372 feet) along said West line of Section 27 and nominal centerline of Hartland Road to the Place of Beginning. Being a part of the Southeast and Southwest 1/4 of Section 27, Town 4 North, Range 6 East, Tyrone Township, Livingston County, Michigan. Containing 115.18 acres of land, more or less. Subject to the rights of the public over that portions thereof occupied by Germany Road (33 foot wide 1/2 Right-of-Way) and Hartland Road (33 foot wide 1/2 Right-of-Way), also subject to and together with all easements and restrictions affecting title to the above described premises.

PARCEL "B" (Transfer Parcel) 10.00± Acres

Part of Parcel No. 4704-27-300-018 to be combined with Parcel No. 4704-27-300-009

Commencing at the West 1/4 Corner of Section 27, Town 4 North, Range 6 East, Tyrone Township, Livingston County, Michigan; thence S02°54'05"E (record South) 1222.77 feet along the West line of said Section 27; thence N87°22'27"E 996.00 feet (record East 1010 feet) to the PLACE OF BEGINNING; thence N02°54'05"W 416.58 feet; thence N87°30'43"E 854.60 feet; thence S02°50'17"E 510.00 feet; thence S87°43'43"W (record West) 853.94 feet along the South-East-West 1/8 line of said Section 27 (as established by previous surveys); thence N02°54'05"W 93.42 feet (record North 100 feet) to the Place of Beginning. Being a part of the Southwest 1/4 of Section 27, Town 4 North, Range 6 East, Tyrone Township, Livingston County, Michigan. Containing 10.00 acres of land, more or less. Subject to and together with all easements and restrictions affecting title to the above described premises.

PARCEL "A" 105.18± Acres

Parcel No. 4704-27-300-018, Except Transfer Parcel "B"

BEGINNING at the West 1/4 Corner of Section 27, Town 4 North, Range 6 East, Tyrone Township, Livingston County, Michigan, said corner being distant 2636.79 feet N02°54'05"W from the Southwest Corner of said Section 27; thence N86°51'58"E (record N88°E) 683.00 feet along the East-West 1/4 line of said Section 27 and the nominal centerline of Germany Road (33 foot wide 1/2 Right-of-Way); thence S03°07'57"E (record S01°E) 246.00 feet; thence N86°51'58"E (record N88°E) 473.27 feet; thence N26°43'53"W (record N25°W) 20.97 feet; thence along said East-West 1/4 line of Section and said nominal centerline of Germany Road the following two courses:
Continuing "Parcel A":

(1) N88°51'58"E (record N68°5'E) 1620.19 feet to the Center Lot of said Section 27 and
(2) continuing N88°51'58"E (record N88°5'E) 1326.65 feet to a point being distant 1232.62 feet
S86°51'58"W from the East 1/4 Corner of said Section 27;

thence S02°52'23"E 1334.63 feet (record South 1320 feet); thence the following line courses along
the South East-West 1/8 line of said Section 27 (as established by previous surveys):

(1) S87°01'07"W 667.96 feet;
(2) S87°09'46"W 325.74 feet;
(3) S87°34'17"W 258.90 feet;
(4) S85°38'12"W 912.58 feet, and
(5) S87°09'45"W 262.15 feet

(record West);

thence N32°50'17"W 510.00 feet; thence S87°09'43"W 854.50 feet; thence N02°54'05"E 416.58
feet; thence S87°22'22"W 986.00 feet (record West 1010 feet); thence N02°54'05"W (record North)
530.00 feet along the West line of said Section 27 and the nominal centerline of Hartland Road
(33 foot wide 1/2 Right-of-Way); thence N86°51'58"E (record East) 217.00 feet; thence
N02°54'06"W (record North) 321.00 feet; thence S86°51'58"W (record West) 217.00 feet; thence
N02°54'06"W 371.77 feet (record North 372 feet) along said West line of Section 27 and nominal
centerline of Hartland Road to the Place of Beginning. Being a part of the Southeast and
Southwest 1/4 of said Section 27, Town 4 North, Range 6 East, Tyrone Township, Livingston County,
Michigan. Containing 105.18 acres of land, more or less. Subject to the rights of the public over that
portion thereof occupied by Germany Road (33 foot wide 1/2 Right-of-Way) and Hartland Road
(33 foot wide 1/2 Right-of-Way), also subject to and together with all easements and restrictions
affecting title to the above described premises.

PARCEL "C" 33.666 Acres
Parcel No. 4704-27-300-008 and Transfer Parcel "B" Combined

Commencing at the Southwest Corner of Section 27, said corner being distant 2636.79 feet
S02°54'05"E from the West 1/4 Corner of said Section 27;

thence N67°18'02"E (record East) 1317.94 feet along the South line of said Section 27 to the
Southwest corner of the Southwest 1/4 of the Southwest 1/4 of said Section; thence continuing along
said Section line N87°19'02"E 77.70 feet to the centerline of Ore Creek and the PLACE OF
BEGINNING; thence Northwesterly and Westerly 385 feet (record 405 feet) along said centerline of Ore
Creek to the Point "A" tying on the West North-South 1/8 line of said Section 27 (as established by
previous surveys), said Point "A" being distant 374.69 feet N02°56'08"W (record 381.50 feet
N00°36'30"W) from said Southwest corner of the Southwest 1/4 of the Southwest 1/4 of Section 27;
thence N02°55'03"W 946.79 feet along said West North-South 1/8 line of Section 27; thence
S87°09'43"W (record West) 321.54 feet; thence N02°54'05"W 510.00 feet, thence N87°09'43"E
854.50 feet; thence S02°50'17"E 510.00 feet; thence N87°09'43"E (record East) 262.18 feet along
the South East-West 1/8 line of said Section 27 (as established by previous surveys); thence
S02°47'06"E 1322.62 feet; thence S87°19'02"W 713.80 feet along the South line of said
Section 27, also being the nominal centerline of Faussell Road (33 foot wide 1/2 Right-of-Way) to
the Place of Beginning. Being a part of the Southwest 1/4 of Section 27, Town 4 North, Range 6
East, Tyrone Township, Livingston County, Michigan. Containing 33.66 acres of land, more or less.
Subject to the rights of the public over that portion thereof occupied by Faussell Road (33 foot
wide 1/2 Right-of-Way), also subject to the rights (if any) of the public and the other riparian owners
in the waters of Ore Creek, also subject to and together with all easements and restrictions
affecting title to the above described premises.
REFERENCES:

Deeds (Parcel No. Order):
1a) Quit Claim Deed as recorded in Liber 2152, Page 16, L.C.R. (Parcel No. 4704-27-100-005)
2a) Warrantly Deed as recorded in Liber 3756, Page 900, L.C.R. (Parcel No. 4704-27-100-023)
3a) Quit Claim Deed as recorded in Liber 5068, Page 479, L.C.R. (Parcel No. 4704-27-100-025)
4a) Fiduciary Deed as recorded in Liber 4975, Page 860, L.C.R. (Parcel No. 4704-27-100-034)
5a) Warrantly Deed as recorded in Liber 4157, Page 750, L.C.R. (Parcel No. 4704-27-100-035)
6a) Warranty Deed as recorded in Document No. 2011R-010449, L.C.R.
   (Parcel No. 4704-27-200-004)
7a) Quit Claim Deed as recorded in Document No. 2016R-008080, L.C.R.
   (Parcel No. 4704-27-300-007)
8a) Warranty Deed as recorded in Document No. 2009R-026271, L.C.R.
   (Parcel No. 4704-27-300-009)
9a) Quit Claim Deed as recorded in Liber 1108, Page 522, L.C.R. (Parcel No. 4704-27-300-012)
10a) Quit Claim Deed as recorded in Liber 2033, Page 426, L.C.R. (Parcel No. 4704-27-300-013)
11a) Affidavit Covenant Deed as recorded in Document No. 2010R-028330, L.C.R.
   (Parcel No. 4704-27-300-019)
13a) Quit Claim Deed as recorded in Document No. 2016R-005899, L.C.R.
   (Parcel No. 4704-27-400-003)
14a) Quit Claim Deed as recorded in Document No. 2014R-006384, L.C.R.
   (Parcel No. 4704-27-400-009)
15a) Warranty Deed as recorded in Document No. 2013R-024131, L.C.R.
   (Parcel No. 4704-27-400-011)
16a) Warranty Deed as recorded in Document No. 2010R-032765, L.C.R.
   (Parcel No. 4704-27-400-013)
17a) Warranty Deed as recorded in Liber 1708, Page 555, L.C.R. (Parcel No. 4704-27-400-014)
18a) Warranty Deed as recorded in Document No. 2015R-022056, L.C.R.
   (Parcel No. 4704-27-400-015)
20a) Quit Claim Deed as recorded in Document No. 2006R-016863, L.C.R.
   (Parcel No. 4704-27-400-026)

Surveys and Drawings:
1b) Sketch of Survey prepared by John C. Miller, for Mrs. Iva B. Elston,
Unfaded – Unrecorded (Parcels 4704-27-400-009, 015 & 016)
2b) Sketch of Survey prepared by John C. Miller, for Mrs. Iva B. Elston,
Dated June 1980 – Unrecorded (Parcel No. 4704-27-300-006)
3b) Sketch of Survey prepared by John D. Albright, Job No. 70-146-A,
Dated December 11, 1970 – Unrecorded (Part of Parcels 4704-27-300-007 & 009)
4b) Sketch of Survey prepared by F.E. Anderson & Associates, Inc., Job No. 78-350,
Dated November 3, 1979 – Unrecorded (Parcel No. 4704-27-400-009)
5b) Certified Land Survey prepared by Richard L. Smith, Job No. 64-108-A,
Dated July 11, 1964 – Unrecorded (Parcel No. 4704-27-300-006)
6b) Certified Land Survey prepared by CHMP, Inc., Job No. 28686,
7b) Sketch of Survey as recorded in Liber 928, Page 205, L.C.R.
   (Parcels 4704-27-400-002, 011, 013 & 014)
8b) Certified Land Survey No. 5516, as recorded in Liber 1769, Page 650, L.C.R.
   (Part of Parcels 4704-27-100-023 & 025)
9b) Certified Land Survey No. 5583, as recorded in Liber 1811, Page 12, L.C.R.
   (Parcel 4704-27-400-028)
10b) Certified Land Survey No. 7459, as recorded in Liber 3694, Page 890, L.C.R.
    (Parcels 4704-27-100-034 & 035)
11b) "Houghton's Acres," according to the plat thereof,
as recorded in Liber 8 of Plats, Page 46, L.C.R.
NOTES:
1) Bearings are related to grid North, Michigan coordinate system of 1983, South Zone (as defined in MCL 54.235a(c)) and have been obtained by GPS RTK observations of site control points. The NOAA NOS published point (designated as DJ8903 (Parshallville CORS ARP)) has been used for location determination.
2) Legal description of record provided by client. Surveyor was not supplied with a Title Search at this time. Refer to the current policy for title insurance for proof of ownership and all encumbrances affecting title to the surveyed parcel.

WITNESSES FOR CORNERS OF SECTION 27
Town 4 North, Range 6 East
Tyrone Township, Livingston County, Michigan

West 1/4 Corner (G-10) - Found Brass Disk Stamped "Livingston Co. Monumentation Corner"
Ref: L.C.R.C., L.S.C. #1134M
N39°E 81.78' Nail in the Southeast Side of a Power Pole
S56°E 49.80' Nail & Tag* in the Northeast Side of a 22" Maple
S97°W 39.75' Nail & Tag* in the Northeast Side of a 28" Maple
N45°W 40.27' Nail & Tag* in the Northeast Side of a 28" Maple

Southwest Corner (G-11) - Found Brass Disk Stamped "Livingston Co. Monumentation Corner"
Ref: L.C.R.C., L.S.C. #222M
N50°W 56.14' Brass Cap Stamped "Livingston Co. Remonumentation Witness"
S40°W 73.97' NE Corner of a Concrete Post on East Side of House #6317
N77°E 63.20' Spike in the West Side of a Power Pole
S56°E 62.20' Set Spike in the West Side of a Twin 12" Elm

Center of Section (H-10) - Set Iron Rod with Cap Stamped "MLL 38119"
2.0's North of the Centerline of Germany Road
N73°E 68.23' Set Nail & Tag "Desire" in the South Side of a 16" Maple
S73°E 69.16' Set Nail & Tag "Desire" in the Southwest Side of a 16" Oak
S9°E 26.12' Set Nail & Tag "Desire" in the East Side of an 8" Hickory
N66°E 65.15' Top of a MBT Box

South 1/4 Corner (H-11) - Found Brass Disk Stamped "Livingston Co. Monumentation Corner"
Ref: L.C.R.C., L.S.C. #225M
S80°W 50.36' Brass Cap Stamped "Livingston Co. Remonumentation Witness"
N72°W 58.33' Spike in the South Side of a Power Pole
N75°E 79.35' Nail & Tag in the South Side of a Power Pole
S65°E 50.50' Set Nail & Tag* in the Southwest Side of a 24" Cottonwood

East 1/4 Corner (I-10) - Found Brass Disk Stamped "Livingston Co. Monumentation Corner"
Ref: L.C.R.C., L.S.C. #1137M
N65°E 175.09' Nail & Tag* in the South Side of a Power Pole
S60°E 87.21' Nail & Tag* in the North Side of a Twin Cherry Tree
S36°W 78.50' Nail & Tag in the North Side of a 5' Twin Elm
N20°W 63.83' Nail & Tag in the East Side of a Power Pole

Southeast Corner (I-11) - Found Brass Disk Stamped "Livingston Co. Monumentation Corner"
Ref: L.C.R.C., L.S.C. #227M
N45°W 35.00' Nail & Tag* in the Southwest Side of a Power Pole
N33°E 28.20' Nail & Tag* in the West Side of a Power Pole
S85°W 65.70' Centerline Top of Phone Box
S25°E 37.20' Set Nail & Tag "Desire Inc" in the West Side of a 14" Locust

(*) = Tag Stamped "Liv. Co. Survey Witness"

SURVEYOR'S CERTIFICATE
I HEREBY CERTIFY THAT I HAVE SURVEYED AND MAPPED THE LAND HERIN PLATTED AND/OR DESCRIBED AND THAT THE RATIO OF CLOSURE OF THE UNADJUSTED FIELD OBSERVATION IS NO GREATER THAN 1 in 5000 AND THAT ALL OF THE REQUIREMENTS OF PUBLIC ACT NO. 132, OF 1970 (AS AMENDED) HAVE BEEN COMPLIED WITH.

CIVIL ENGINEERS
LAND SURVEYORS

PREPARED FOR

REX HOLDINGS LLC

SECTION 27, TOWN 4 NORTH, RANGE 6 EAST
TYRONE TOWNSHIP, LIVINGSTON COUNTY, MICHIGAN

Job No. 1-01-27-173130 DATE: 11/29/17
Dwg 173326-132 DRAWN LMC SHEET 7 OF 7

MARIUSZ L. LUKOWICZ
PROFESSIONAL SURVEYOR NO. 30818

MARIUSZ L. LUKOWICZ
PROFESSIONAL SURVEYOR NO. 30818
TYRONE TOWNSHIP
PLANNING COMMISSION REVIEW APPLICATION

<table>
<thead>
<tr>
<th>Property Address / Location</th>
<th>Parcel ID\Zoning District</th>
</tr>
</thead>
<tbody>
<tr>
<td>A) Vacant land, Germany Road, Fenton</td>
<td>B) 11201 Faussett Road, Fenton</td>
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<thead>
<tr>
<th>Property Owner(s)</th>
<th>Telephones</th>
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<tbody>
<tr>
<td>A) Rex Holdings, LLC</td>
<td>B) James Panfil and Stacey Panfil</td>
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<table>
<thead>
<tr>
<th>Street Address</th>
<th>City</th>
<th>State and Zip Code</th>
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<tbody>
<tr>
<td>A) 2211 Aspenwood Lane</td>
<td>A) Columbus, Ohio 43235</td>
<td>Brighton, Michigan 48114</td>
</tr>
<tr>
<td>B) 11201 Faussett Road</td>
<td>B) Fenton, Michigan 48430</td>
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<tr>
<th>Authorized Agent</th>
<th>Cell Phone</th>
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<tr>
<td>Wayne M. Perry, Desine Inc.</td>
<td>810-227-9533</td>
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<tr>
<th>Street Address</th>
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<tbody>
<tr>
<td>2183 Pless Drive</td>
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<tbody>
<tr>
<td>Boundary Realignment</td>
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<tr>
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<td>Private Road/Shared Drive</td>
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<tr>
<td>Transfer a 10.00 acre parcel from 4704-27-039-016, owned by Rex Holdings LLC, to parcel 4704-27-030-009, owned by James R. Panfil and Stacey Panfil, as depicted in a Certified Land Survey prepared by Desine Inc. dated 11/30/17.</td>
</tr>
<tr>
<td>No additional or future land division rights are conveyed with the transfer of this parcel.</td>
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<tr>
<td>No land division, or new parcel, is created by the proposed land transfer.</td>
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Planning Commission applications should be filed with the Planning Commission Recording Secretary at least 14 days (21 days for land divisions/realignments) prior to review. Applications will not be scheduled for review until all information has been received. This signature constitutes the applicant's acknowledgement of the application requirements and permission for site inspection by Tyrone Township representatives.

Signature of Owner(s) or Authorized Agent

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<th>Escrow</th>
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<tr>
<td>01/10/2018</td>
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</tr>
<tr>
<td>Received By: R N</td>
<td>Per TD</td>
<td>$400</td>
<td>$1000</td>
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View the Tyrone Township Ordinance at <tyronetownship.us>
May 3, 2017

Mr. Ross Nicholson
Planning & Zoning Administrator
Tyrone Township Hall
10408 Center Road
Fenton, Michigan 48430

Re: Rex Holdings, LLC
Parcel No. 04-27-300-018

Dear Mr. Nicholson:

Please be advised that Rex Holdings, LLC, owner of the above reference real property located in Tyrone Township, does hereby grant Wayne M. Perry, P.E., Desjardins Inc., authorization to sign and submit to Tyrone Township an application for land division and/or boundary line adjustment on the above referenced property.

Should you have any questions, please contact me at your convenience.

Respectfully,

John Rex
Rex Holdings, LLC
2211 Aspenwood Lane
Columbus, Ohio 43235
Home: (614) 766-4672
Cell: (614) 436-5515
### **CURRENT PAYMENT**

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**Total Paid:** 1,181.88

**DETAILED BREAKDOWN OF BILLING/PAYMENTS FOR 4704-27-300-018**

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Admin Fee: 10.95  Interest/Fee: 0.00  Over Payments: 0.00

**TOTALS ---------**

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<td>04-01-17 - 03-31-18</td>
<td>07-01-17 - 09-30-18</td>
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**Property Description**

27 TFM RED, CORN W 1/4 CORNER OF SEC 27 TH N 86D E 653.06, TH S 00D E 240 FT, TH N 88D E 473.27 FT TH E 25D W 262.97 FT, TH N 18D E 2944 FT, TH S 1320 FT, TH N 88D E 473.27 FT TH E 25D W 262.97 FT, TH N 18D E 2944 FT, TH S 1320 FT, TH N 88D E 473.27 FT TH E 25D W 262.97 FT, TH N 18D E 2944 FT, TH S 1320 FT, TH N 88D E 473.27 FT TH E 25D W 262.97 FT

**Addr:** GERMANY RD

I HEREBY CERTIFY THAT APPLICATION WAS MADE TO PAY ALL TAXES, SPECIAL ASSESSMENTS AND SURCHARGES, DUE AND PAYABLE AT THIS OFFICE ON THE DESCRIPTION SHOWN IN THIS RECEIPT EXCEPT THOSE AMOUNTS SHOWN IN THE 'BALANCE' COLUMN ABOVE.

Treasury
Cashier JOANNE
CIVIL ENGINEERS
LAND SURVEYORS

PREPARED FOR

REX HOLDINGS LLC

SECTIONS 27, 28, 29, 30, 31, 32, 33, 34, 35, 36
TYRONE TOWNSHIP, LIVINGSTON COUNTY, MICHIGAN

(810) 227-9503
EMAIL: desine@desine.com
2933 PLESS DRIVE
BRIGHTON, MICHIGAN 48114

JAN 10 2018
TYRONE TOWNSHIP
PLANNING & ZONING

MARIUSZ L. LUHONICZ
PROFESSIONAL SURVEYOR No. 36119

LEGAL DESCRIPTIONS OF RECORD
Situated in the Township of Tyrone, County of Livingston and State of Michigan, and described as follows:

PARCEL No. 4704-27-300-009
Reference: Warrant Deed as recorded in Document No. 2029R-252781,
Livingston County Records
The West 795.3 feet of the Southwest 1/4 of the Southwest 1/4 of Section 27, Town 4 North,
Range 6 East,
EXCEPTING THEREFROM, premises situated in the Township of Tyrone, County of Livingston and
State of Michigan to wit.
Part of the Southwest 1/4 of the Southwest 1/4 of Section 27, T4N, R6E, described as follows:
BEGINNING at a point on the South line of Section 27 which bears East 1317.94 feet from
the Southwest Corner of Section 27; thence along the South line of said Section 27 East 37.90
feet to the centerline of a branch of North Ore Creek; thence Northerly and Westerly along the
centerline of said creek 405 feet more or less to the intersection of said creek with West North-South
1/8 line of Section 27; thence along the West North-South 1/8 line of said Section 27, South
361.50 feet to the Point of Beginning.

Also known as: 11201 Faussett Road, Fenton, Michigan

PARCEL No. 4704-27-300-018
Reference: Tax Roll 2017
Part of the Southeast 1/4 of the Southeast 1/4 of Section 27, Town 4 North, Range 6 East, Tyrone
Township, Livingston County, Michigan and described as follows:
BEGINNING at the West 1/4 Corner of said Section 27; thence N88° 06' 00" E 663.00 feet; thence
S91° 06' 20" W 779.70 feet to the Southeast Corner of said Section 27; thence South 88° 06' 20" W
374.60 feet; thence South 88° 06' 20" W 1322.62 feet; thence South 88° 06' 20" W 783.60
feet to the Centerline of North Ore Creek; thence Westerly and Northerly 685 feet (record 405 feet)
along said Centerline of Ore Creek to the Point "A" lying on the West North-South 1/8 line of said
Section 27 as established by previous surveys, said Point "A" being distant 374.60 feet S02° 54' 00"
W (record 381.50 feet N06° 36' 30" W) from said Southwest corner of the Southeast 1/4 of the
Southeast 1/4 of Section 27; thence North 88° 06' 20" W 945.79 feet along said West North-South
1/8 line of Section 27; thence North 88° 06' 20" W 794.58 feet along the South East-West 1/8 line
of said Section 27 (as established by previous surveys); thence S09° 15' 00" E 1322.62 feet; thence
S09° 15' 00" E 783.60 feet along the South line of said Section 27, also being the nominal
centerline of Faussett Road (33 feet wide 1/2 Right-of-Way) to the Place of Beginning. Being a part
of the Southwest 1/4 of Section 27, Town 4 North, Range 6 East, Tyrone Township, Livingston
County, Michigan.

Containing 23.65 acres of land, more or less. Subject to the rights of the public over that portion
thereof occupied by Faussett Road (33 feet wide 1/2 Right-of-Way), also subject to the rights (if any)
of the public and the other riparian owners in the waters of Ore Creek, also subject to and together
with all easements and restrictions affecting title to the above described premises.

LEGAL DESCRIPTIONS SUBSEQUENT TO SURVEY
Situated in the Township of Tyrone, County of Livingston and State of Michigan, and described as
follows:

PARCEL No. 4704-27-300-009 23.65± Acres

Commanding at the Southwest Corner of Section 27, said corner being distant 2636.79 feet
S02° 54' 00" W from the West 1/4 Corner of said Section 27;

thence N87° 19' 32" E (record East) 1317.94 feet along the South line of said Section 27 to the
Southwest corner of the Southwest 1/4 of the Southwest 1/4 of said Section; thence continuing along
said Section line N87° 19' 32" E 77.70 feet to the centerline of Ore Creek and the PLACE OF
BEGINNING; thence Northerly and Westerly 385 feet (record 405 feet) along said centerline of Ore
Creek to the Point "A" lying on the West North-South 1/8 line of said Section 27 as established by
previous surveys, said Point "A" being distant 374.60 feet S02° 55' 08" W (record 381.50 feet
N06° 36' 30" W) from said Southwest corner of the Southeast 1/4 of the Southwest 1/4 of Section 27;

thence N02° 55' 36" W 945.79 feet along said West North-South 1/8 line of Section 27; thence
N87° 09' 43" E (record East) 794.58 feet along the South East-West 1/8 line of said Section 27 (as
established by previous surveys); thence S02° 47' 08" E 1322.62 feet; thence S02° 47' 08" W 783.60
feet along the South line of said Section 27, also being the nominal centerline of Faussett Road
(33 feet wide 1/2 Right-of-Way) to the Place of Beginning. Being a part of the Southwest 1/4 of
Section 27, Town 4 North, Range 6 East, Tyrone Township, Livingston County, Michigan.

Containing 23.65 acres of land, more or less. Subject to the rights of the public over that portion
thereof occupied by Faussett Road (33 feet wide 1/2 Right-of-Way), also subject to the rights (if any)
of the public and the other riparian owners in the waters of Ore Creek, also subject to and together
with all easements and restrictions affecting title to the above described premises.
PARCEL No. 4704-27-300-018  115.18± Acres

BEGINNING at the West 1/4 Corner of Section 27, Town 4 North, Range 6 East, Tyrone Township, Livingston County, Michigan, said corner being distant 2636.79 feet N02°54'05"W from the Southwest Corner of said Section 27; thence N86°51'58"E (record N86°E) 663.00 feet along the East-West 1/4 line of said Section 27 and the nominal centerline of Germany Road (33 feet wide 1/2 Right-of-Way); thence S03°07'57"E (record S01°E) 240.00 feet; thence N86°51'58"E (record N86°E) 473.27 feet; thence N26°48'58"W (record N26°W) 262.07 feet; thence along said East-West 1/4 line of said Section and said nominal centerline of Germany Road the following two courses:

(1)  N86°51'58"E (record N86°E) 1520.19 feet to the Center Post of said Section 27 and
(2)  continuing N86°51'58"E (record N86°E) 1326.65 feet to a point being distant 1326.62 feet S96°51'58"W from the East 1/4 Corner of said Section 27; thence S02°52'25"E 1334.83 feet (record South) 1320 feet; thence the following five courses along the South-East/West 1/8 line of said Section 27 (as established by previous surveys):

(1)  S87°10'07"W  667.96 feet,
(2)  S87°39'46"W  325.74 feet,
(3)  S87°34'17"W  258.80 feet,
(4)  S87°39'12"W  612.58 feet, and
(5)  S87°39'43"W  1116.12 feet

(record West 2955 feet);

thence N02°54'05"W  93.42 feet (record North 100 feet); thence S78°22'27"W  996.00 feet (record West 1010 feet); thence N02°54'05"W (record North) 530.00 feet along the West line of said Section 27 and the nominal centerline of Hartland Road (33 feet wide 1/2 Right-of-Way); thence N86°51'58"E (record East) 217.00 feet; thence N02°54'05"W (record North) 321.00 feet; thence S86°51'58"W (record West) 217.00 feet; thence N02°54'05"W 371.77 feet (record North 372 feet) along said West line of Section 27 and nominal centerline of Hartland Road to the Place of Beginning. Being a part of the Southeast and Southwest 1/4 of said Section 27, Town 4 North, Range 6 East, Tyrone Township, Livingston County, Michigan. Containing 115.18 acres of land, more or less. Subject to the rights of the public over that portion thereof occupied by Germany Road (33 feet wide 1/2 Right-of-Way) and Hartland Road (33 feet wide 1/2 Right-of-Way), also subject to and together with all easements and restrictions affecting title to the above described premises.

PARCEL "B" (Transfer Parcel) 10.00± Acres

Part of Parcel No. 4704-27-300-018 to be combined with Parcel No. 4704-27-300-009

Commencing at the West 1/4 Corner of Section 27, Town 4 North, Range 6 East, Tyrone Township, Livingston County, Michigan; thence S02°54'05"E (record South) 1222.77 feet along the West line of said Section 27; thence N87°22'27"E 996.00 feet (record East 1010 feet) to the PLACE OF BEGINNING; thence N02°54'05"W 416.58 feet; thence N87°08'43"E 854.50 feet; thence S02°50'17"E 310.00 feet; thence S87°08'43"W (record West) 853.94 feet along the South-East/West 1/8 line of said Section 27 (as established by previous surveys); thence N02°54'05"W 93.42 feet (record North 100 feet) to the Place of Beginning. Being a part of the Southwest 1/4 of Section 27, Town 4 North, Range 6 East, Tyrone Township, Livingston County, Michigan. Containing 10.00 acres of land, more or less. Subject to and together with all easements and restrictions affecting title to the above described premises.

PARCEL "A" 105.18± Acres

Parcel No. 4704-27-300-018, Except Transfer Parcel "B"

BEGINNING at the West 1/4 Corner of Section 27, Town 4 North, Range 6 East, Tyrone Township, Livingston County, Michigan, said corner being distant 2836.79 feet N02°54'05"W from the Southwest Corner of said Section 27; thence N86°51'58"E (record N86°E) 663.00 feet along the East-West 1/4 line of said Section 27 and the nominal centerline of Germany Road (33 feet wide 1/2 Right-of-Way); thence S03°07'57"E (record S01°E) 240.00 feet; thence N86°51'58"E (record N86°E) 473.27 feet; thence N26°48'58"W (record N26°W) 262.07 feet; thence along said East-West 1/4 line of Section and said nominal centerline of Germany Road the following two courses:

Parcel "A" continues...
Continuing Parcel "A"...

(1) N88°51'58"E (record N88°E) 1620.19 feet to the Center Post of said Section 27
(2) continuing N88°51'58"E (record N88°E) 1326.65 feet to a point being distant 1326.42 feet
S88°51'58"W from the East 1/4 Corner of said Section 27;
thench S02°52'28"E 1334.63 feet (reck South 1320 feet); thence the following five courses along
the South East-West 1/8 line of said Section 27 (as established by previous surveys):

(1) S87°01'07"W 667.06 feet,
(2) S87°03'46"W 326.74 feet,
(3) S87°34'17"W 295.80 feet,
(4) S86°33'12"W 612.88 feet, and
(5) S87°00'43"W 262.18 feet

(reck West);
thench N02°50'17"W 510.00 feet; thence S87°09'43"W 854.50 feet; thence S02°54'05"E 416.58 feet;
thence S88°22'27"W 996.00 feet (reck West 1010 feet); thence N02°54'05"W (reck North) 530.00 feet along
the West line of said Section 27 and the nominal centerline of Hartland Road
(33'6" foot wide 1/2 Right-of-Way); thence N88°51'58"E (reck East) 217.00 feet; thence
N02°54'06"W (reck North) 321.00 feet; thence S86°61'55"W (reck West) 217.00 feet; thence
N02°54'06"W (reck North) 571.77 feet (reck North 372 feet) along said West line of Section 27 and nominal
centerline of Hartland Road to the Place of Beginning. Being a part of the Southeast and
Southwest 1/4 of Section 27, Town 4 North, Range 8 East, Tyrone Township, Livingston County,
Michigan. Containing 105.18 acres of land, more or less. Subject to the rights of the public over that
portion thereof occupied by Germany Road (33 foot wide 1/2 Right-of-Way) and Hartland Road
(33 foot wide 1/2 Right-of-Way), also subject to and together with all easements and restrictions
affecting title to the above described premises.

PARCEL "C" 33.68± Acres
Parcel No. 4704-27-300-009 and Transfer Parcel "B" Combined

Commencing at the Southwest Corner of Section 27, said corner being distant 2636.79 feet
S02°54'05"E from the West 1/4 Corner of said Section 27;
thence N87°19'02"E (reck East) 1317.94 feet along the South line of said Section 27 to the
Southwest corner of the Southwest 1/4 of the Southwest 1/4 of said Section; thence continuing along
said Section line N87°19'02"E 77.70 feet to the centerline of Ore Creek and the PLACE
OF BEGINNING; thence Northerly and Westerly 385 feet (reck 405 feet) along said centerline of Ore
Creek to the Point "A" lying on the West North-South 1/8 line of said Section 27 (as established by
previous surveys), said Point "A" being distant 374.69 feet N02°55'08"W (reck 381.50 feet
N00°56'30"W from said Southwest corner of the Southwest 1/4 of the Southwest 1/4 of Section 27;
thence N02°55'08"W 945.79 feet along said West North-South 1/8 line of Section 27; thence
S87°09'43"W (reck West) 321.54 feet; thence N02°54'05"W 510.00 feet; thence N87°09'43"E
854.50 feet; thence S02°50'17"E 510.00 feet; thence N87°09'43"E (reck East) 292.18 feet along
the South East-West 1/8 line of said Section 27 (as established by previous surveys); thence
S02°47'06"E 1322.62 feet; thence S87°19'02"W 713.80 feet along the South line of said
Section 27, also being the nominal centerline of Faussett Road (33 foot wide 1/2 Right-of-Way) to the
Place of Beginning. Being a part of the Southwest 1/4 of Section 27, Town 4 North, Range 6
East, Tyrone Township, Livingston County, Michigan. Containing 33.68± acres of land, more or less.
Subject to the rights of the public over that portion thereof occupied by Faussett Road (33 foot
wide 1/2 Right-of-Way), also subject to the rights (if any) of the public and the other riparian owners
in the waters of Ore Creek, also subject to and together with all easements and restrictions affecting
title to the above described premises.

RECEIVED

JAN 10 2018
TYRONE TOWNSHIP
PLANNING & ZONING

CIVIL ENGINEERS
LAND SURVEYORS

PREPARED FOR

REX HOLDINGS LLC

SECTION 27, TOWN 4 NORTH, RANGE 8 EAST
TYRONE TOWNSHIP, LIVINGSTON COUNTY, MICHIGAN

JCB No. 1-01-27-173138 DATE 11/29/17
DGW 173326-132 DRAWN LMC SHEET 5 OF 7

MARIUSZ L. LUKOWICZ
PROFESSIONAL SURVEYOR No. 38119

DESIGN INC
(810) 227-6833
EMAIL: designinc@desincinc.com
288 PLISS DR
BRIGHTON, MICHIGAN 48114

STATE OF MICHIGAN
LICENSED PROFESSIONAL SURVEYOR
LUC rv 38119
REFERENCES:

Deeds (Parcel No. Order):
1a) Quit Claim Deed as recorded in Liber 2152, Page 15, L.C.R. (Parcel No. 4704-27-100-006)
2a) Warranty Deed as recorded in Liber 3756, Page 900, L.C.R. (Parcel No. 4704-27-100-023)
3a) Quit Claim Deed as recorded in Liber 5068, Page 479, L.C.R. (Parcel No. 4704-27-100-025)
4a) Fiduciary Deed as recorded in Liber 4975, Page 860, L.C.R. (Parcel No. 4704-27-100-034)
5a) Warranty Deed as recorded in Liber 4157, Page 750, L.C.R. (Parcel No. 4704-27-100-035)
6a) Warranty Deed as recorded in Document No. 2011R-019449, L.C.R.
       (Parcel No. 4704-27-200-004)
7a) Quit Claim Deed as recorded in Document No. 2016R-008880, L.C.R.
       (Parcel No. 4704-27-300-007)
8a) Warranty Deed as recorded in Document No. 2009R-028271, L.C.R.
       (Parcel No. 4704-27-300-009)
9a) Quit Claim Deed as recorded in Liber 1108, Page 522, L.C.R. (Parcel No. 4704-27-300-012)
10a) Quit Claim Deed as recorded in Liber 2033, Page 426, L.C.R. (Parcel No. 4704-27-300-013)
11a) Affidavit Covenant Deed as recorded in Document No. 2010R-028330, L.C.R.
       (Parcel No. 4704-27-300-019)
13a) Quit Claim Deed as recorded in Document No. 2016R-005819, L.C.R.
       (Parcel No. 4704-27-400-003)
14a) Quit Claim Deed as recorded in Document No. 2014R-005384, L.C.R.
       (Parcel No. 4704-27-400-009)
15a) Warranty Deed as recorded in Document No. 2013R-024131, L.C.R.
       (Parcel No. 4704-27-400-011)
16a) Warranty Deed as recorded in Document No. 2010R-033785, L.C.R.
       (Parcel No. 4704-27-400-013)
17a) Warranty Deed as recorded in Liber 1708, Page 955, L.C.R. (Parcel No. 4704-27-400-014)
18a) Warranty Deed as recorded in Document No. 2015R-023096, L.C.R.
       (Parcel No. 4704-27-400-015)
20a) Quit Claim Deed as recorded in Document No. 2006R-019663, L.C.R.
       (Parcel No. 4704-27-400-026)

Surveys and Drawings:
1b) Sketch of Survey prepared by John C. Miller, for Mrs. Iva B. Elston,
       Undated – Unrecorded (Parcels 4704-27-400-009, 015 & 016)
2b) Sketch of Survey prepared by John C. Miller, for Mrs. Iva B. Elston,
       Dated June 1960 – Unrecorded (Parcel No. 4704-27-300-008)
3b) Sketch of Survey prepared by John D. Albright, Job No. 70-146-A,
       Dated December 11, 1970 – Unrecorded (Part of Parcels 4704-27-300-007 & 009)
4b) Sketch of Survey prepared by E.E. Anderson & Associates, Inc., Job No. 79-350,
       Dated November 3, 1979 – Unrecorded (Parcel No. 4704-27-400-009)
5b) Certified Land Survey prepared by Richard L. Smith, Job No. 84-109-A,
       Dated July 11, 1984 – Unrecorded (Parcel No. 4704-27-300-009)
6b) Certified Land Survey prepared by CHWP, Inc., Job No. 29865,
       Dated July 26, 1989 – Unrecorded (Parcel No. 4704-27-300-013)
7b) Sketch of Survey as recorded in Liber 628, Page 205, L.C.R.
       (Parcels 4704-27-400-002, 011, 013 & 014)
8b) Certified Land Survey No. 5916, as recorded in Liber 1750, Page 650, L.C.R.
       (Part of Parcels 4704-27-100-023 & 025)
9b) Certified Land Survey No. 5783, as recorded in Liber 1911, Page 12, L.C.R.
       (Parcel 4704-27-400-028)
10b) Certified Land Survey No. 4199, as recorded in Liber 3994, Page 830, L.C.R.
     (Parcels 4704-27-100-034 & 035)
11b) "Houghton's Acres," according to the plat thereof,
     as recorded in Liber 8 of Plats, Page 45, L.C.R.
NOTES:
1) Bearings are related to grid North, Michigan coordinate system of 1983, South Zone (as defined in MCL 54.235a[c]) and have been obtained by GPS RTK observations of site control points. The NOAA/NGS published point (designated as DJ8903 (Parshallville CORS ARP) has been used for locations determination.

2) Legal description of record provided by client. Surveyor was not supplied with a Title Search at this time. Refer to the current policy for title insurance for proof of ownership and all encumbrances affecting title to the surveyed parcel.

WITNESSES FOR CORNERS OF SECTION 27
Town 4 North, Range 6 East
Tyrone Township, Livingston County, Michigan

West 1/4 Corner (G-10) – Found Brass Disk Stamped "Livingston Co. Monumentation Corner"
Ref: L.R.C.R., L.S.C. #1134M
N39°E 81.78'   Nail in the Southeast Side of a Power Pole
S55°E 49.80'   Nail & Tag* in the Northeast Side of a 22' Maple
S57°W 39.75'   Nail & Tag* in the Southeast Side of a 28' Maple
N45°W 40.27'   Nail & Tag* in the Northeast Side of a 28' Maple

Southwest Corner (G-11) – Found Brass Disk Stamped "Livingston Co. Monumentation Corner"
Ref: L.R.C.R., L.S.C. #222M
N60°W 56.14'   Brass Cap Stamped "Livingston Co. Remonumentation Witness"
S40°W 73.97'   NE Corner of a Concrete Porch on East Side of House #6517
N77°E 63.20'   Spike in the West Side of a Power Pole
S56°E 62.20'   Set Spike in the West Side of a Twin 12" Elm

Center of Section (H-10) – Set Iron Rod with Cap Stamped "MLL 38119"
2.0± North of the Centerline of Germany Road
N73°E 68.23'   Set Nail & Tag "Desine" in the South Side of a 16" Maple
S73°E 59.16'   Set Nail & Tag "Desine" in the Southwest Side of a 16" Oak
S09°E 26.12'   Set Nail & Tag "Desine" in the East Side of an 8" Hickory
N66°W 66.15'   Top of a MBT Box

South 1/4 Corner (H-11) – Found Brass Disk Stamped "Livingston Co. Monumentation Corner"
Ref: L.R.C.R., L.S.C. #225M
S60°W 50.36'   Brass Cap Stamped "Livingston Co. Remonumentation Witness"
N72°W 98.33'   Spike in the South Side of a Power Pole
N75°E 79.35'   Nail & Tag in the South Side of a Power Pole
S65°E 60.30'   Set Nail & Tag "Desine" in the Southwest Side of a 24" Cottonwood

East 1/4 Corner (I-10) – Found Brass Disk Stamped "Livingston Co. Monumentation Corner"
Ref: L.R.C.R., L.S.C. #1137M
N88°E 175.08'  Nail & Tag* in the South Side of a Power Pole
S60°E 87.21'   Nail & Tag* in the North Side of a Twin Cherry Tree
S35°W 78.80'   Nail & Tag in the North Side of a 5' Twin Elm
N20°W 63.93'   Nail & Tag in the East Side of a Power Pole

Southeast Corner (I-11) – Found Brass Disk Stamped "Livingston Co. Monumentation Corner"
Ref: L.R.C.R., L.S.C. #227M
N45°W 35.00'   Nail & Tag* in the Southwest Side of a Power Pole
N30°E 25.20'   Nail & Tag* in the West Side of a Power Pole
S65°W 65.70'   Centerline Top of Phone Box
S25°E 37.20'   Set Nail & Tag "Desine Inc" in the West Side of a 14" Locust

(*) = Tag Stamped "Liv. Co. Survey Witness"

SURVEYOR'S CERTIFICATE
I HEREBY CERTIFY THAT I HAVE SURVEYED AND MAPPED THE LAND HEREIN PLATTED AND/OR DESCRIBED AND \nTHAT THE RATIO OF CLOSURE OF THE UNADJUSTED FIELD OBSERVATION IS NO GREATER THAN 1 IN 5000 AND \nTHAT ALL OF THE REQUIREMENTS OF PUBLIC ACT NO. 132, OF 1979 (AS AMENDED) HAVE BEEN COMPLIED WITH.

PREPARED FOR
REX HOLDINGS LLC
SECTION 27, TOWN 4 NORTH, RANGE 6 EAST
TYRONE TOWNSHIP, LIVINGSTON COUNTY, MICHIGAN
JOB No. 1-01-27-173135   DATE 11/29/17
DWG 17.328-152   DRAWN LMC SHEET 7 OF 7

CIVIL ENGINEERS
LAND SURVEYORS

MARIUSZ L. LUKÓWICZ
PROFESSIONAL SURVEYOR
PROFESSIONAL SURVEYORS No. 38119
Tyrone Township Escrow Agreement

This Escrow Agreement is for the cost of review, inspection and monitoring of the project of the Applicant. This includes, but not limited to:

a) The cost of the review of applications for approvals and variances;
b) Site Plan Reviews;
c) Any Planning Commission meetings;
d) Special meetings;
e) Reviews by Township Attorney and preparation of appropriate approving resolutions or ordinances;
f) Reviews by Township planner and/or engineer;
g) Publications and notices of public hearings or meetings;
h) Traffic studies;
i) Environmental impact studies;
j) Engineering Construction Reviews
k) Zoning administrator inspections and involvement;
l) Any other services or expenses relating to the application, inspection or monitoring processes incurred by the Township that are necessary and incident to the completion of the work or project.

Accordingly the Applicant shall pay, simultaneously with the execution of this Agreement, the sum of $ 1,000.00 to be held in escrow by the Township to cover the aforementioned costs and expenses. The escrow deposits shall bear no interest.

If, during the project, the escrow balance falls below the amount necessary to complete the project, the Applicant shall make additional deposits sufficient to cover any deficit.

Any excess funds remaining in any escrow account after the project completion will be refunded to the Applicant less any administrative fees.

If the project costs and expenses exceed the amount remaining in the escrow after final project approval, the Township shall send the Applicant a statement for such additional costs. Until the Applicant pays for such costs, no further Township permits or approvals shall be issued.

TYRONE TOWNSHIP

By: [Signature]

Its: Planning & Zoning Administrator

APPLICANT

[Signature]

Wayne M. Pery, P.E., Desline Inc.

12/5/11
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**TENDERED:** CHECKS 20009 1,000.00

**RECEIVED**

JAN 10 2018
TYRONE TOWNSHIP
PLANNING & ZONING
TYRONE TOWNSHIP

10408 CENTER ROAD
FENTON, MI 48430
810-629-8651
WWW.TYRONETOWNSHIP.US
Payment for:
02/13/19 MEETING

Cashier:  TDORSCH
Received Of:  DESINE INC.

2183 PLESS DR
BRIGHTON MI 48114-9463

The sum of:  400.00

BDINV  09011020

104-000.620.000  400.60
Total  400.00

TENDERED:  CHECKS  20005  400.00

RECEIVED

JAN 10 2018
TYRONE TOWNSHIP
PLANNING & ZONING

Signed:  ____________________
NEW BUSINESS #4
February 28, 2018

Township Board
Tyrone Township
10408 Center Road
Fenton, MI 48430-9439

Subject: Agenda Request: Rex Land Division and Shared Private Driveway

Dear Township Board Members:

During our meeting on February 13, 2018, we reviewed the Rex Land Division and Shared Private Driveway application. Dave Wardin made a motion to recommend Township Board approval of the Rex Land Division and Shared Private Driveway application without conditions, noting there are no regulated wetlands on the property, there are no structures present and therefore none are shown, and the open space locations being provided within the setbacks meet the explicit intent of our open space preservation regulations. Al Pool supported the motion. The motion carried by unanimous voice vote.

There are two elements to this application – the establishment of a shared private driveway, and the proposed land division.

The shared private driveway does not require a public hearing since its proximity to adjacent parcels exceeds that required for a public hearing. To address the concern on page 5 of the McKenna review memo, the LCRC amended their Site Distance Review to correct the parcel ID, therefore this item was addressed. It was also noted there did not appear to be horizontal alignment for the driveway shown. Upon magnification of the submitted drawing, the horizontal alignment markings were visible, thus addressing that concern. Questions regarding the detention basin design were addressed by demonstration of the excess capacity and elevation. All questions and concerns regarding the shared private driveway were satisfactorily addressed.

The proposed land division had several concerns. The allocation of future division rights was addressed by a rather educational explanation regarding statutory requirements when an original parcel of land resides within two municipalities. In this case one must consider the fact the property in question abuts the northern Hartland Township line, and the historic configuration of the parcel. This detail will be captured in the meeting minutes for future reference since this situation did offer great insight and may be of use in the future. The Planning Commission is satisfied the future division rights are properly allocated. The open space locations proposed by the applicant are intended to protect large areas of well-established hardwoods the applicant wishes to preserve and finds of great value. This meets the explicit intent of open space preservation. The net area of the open space questioned by McKenna was deemed of no concern since the applicant is willingly providing more open space than is required by our ordinance. The detention basin slope concern was found to comply with the LCDC requirements. The building envelopes are shown on Sheet A1. The Planning Commission therefore determined items 1 – 7 on page 4 of the McKenna memo had been adequately addressed.

The Planning Commission recommends your consideration and approval of the requested land division and establishment of a shared private driveway since they comply with our Land Division and Zoning Ordinance regulations.

Respectfully submitted,

Tyrone Township Planning Commission

Mark Meisel
Chairman

Tyrone Township Planning Commission
10408 Center Road Fenton, MI 48430-9439 (810) 629-8631

Mark Meisel, Chairman  Kurt Schalte, Vice Chair  David Wardin, Secretary  Cam Gonzalez  Al Pool  Ron Puckett  Bill Wood
February 6, 2018

Planning Commission
Tyrone Township
10408 Center Road
Fenton, MI 48430

Subject: Rex Land Division and Shared Private Driveway Review
Application received 01-10-18, survey dated 12-20-2017

Dear Commissioners:

The authorized agent and applicant, Mr. Wayne Perry, has proposed a land division of Parcel 4704-34-300-001, a 59.96-acre parcel owned by Rex Holdings LLC, into seven (7) parcels. A shared private driveway is proposed for access to parcels C3, C4, and C6.

Based on the Michigan Land Division Act, the proposed 59.96-acre parent parcel could achieve eight (8) land divisions, seven (7) of which would be utilized with this proposed plan. The plans indicate that an additional split is intended to be allocated to parcel C8 by considering a larger tract of land under the same ownership. We recommend further discussion with the applicant or their representatives to determine the long-term plan for utilizing the available splits. A shared private driveway will only allow access for up to four (4) parcels, so we want to ensure the applicants plans are feasible for future use in accordance with the Zoning Ordinance and Land Division Act. We do not have any specific objection to the request in general, but there is not adequate information describing where the division rights are being allocated from, nor is there a recordable description of where the rights will be allocated.

We have reviewed the site plan application in accordance with the Township’s Land Division ordinance, the State Land Division Act, the regulations of the FR District, and sound planning and zoning principles. We offer the following comments for your consideration.

Land Division General Requirements
The Tyrone Township Land Division Ordinance, Section 17.254, lists required application information for land divisions.

Section 4.4.1. Proof of Ownership.
Parcel 4704-34-300-001 is owned by John Rex. Mr. Rex has provided the tax bill receipt showing that he was billed and paid taxes on the property in December of 2017.

Section 4.4.2.5. Scaled Site Drawings with Dimensions, Property Lines, and Legal Descriptions.
Scaled and dimensioned plans have been provided for the existing and proposed conditions. The designated open spaces are delineated on the plan. Each proposed parcel has a separate legal description. Descriptions of open spaces and the proposed shared driveway are also included in the legal descriptions.
The plan does not show existing structures, utilities, or easements that are within 50 feet of the property line on adjacent properties. The Planning Commission may find this information is not relevant on this largely vacant site and should provide guidance to the applicant.

Section 4.A.7. Wetlands and Natural Features.
The plan shows no wetlands or woodland as existing on the site. Aerial imagery shows the existence of stands of trees in the northwest quadrant of the property, and some standing water in the lower 1/3rd of the site; these features should be shown in order to determine the relationship to the proposed property boundaries and the easement for the shared private drive. The contour information on Sheets A1-A3 do not provide a clear indication regarding the boundaries of standing water and if the intent is to fill the areas.

Consistent with Section 21.51.G of the Township Zoning Ordinance, an open space calculation table has been provided.

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<th>Gross Area (Acres)</th>
<th>Net Area (Excluding ROW) (Sq. Ft)</th>
<th>Developable Area (Sq. Ft)</th>
<th>Open Space Required (Sq. Ft)*</th>
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* Required open space calculation based on Section 20.02.AA: "The required open space shall be in addition to any developable area and shall be equal to one half (1/2) of the developable area for each lot, parcel or condominium unit.*

The required open space appears to be calculated in accordance with the ordinance with the exception of Parcel C6. By our calculations, the area of the access easement for the proposed shared driveway location is not subtracted from the gross area for C6. The proposed calculations erroneously show more net area than is defined by the ordinance, and in turn incorrectly requires more open space than is necessary to achieve compliance with the Zoning Ordinance. The net area for C6 should be amended to not include the area within the proposed access easement.

Further, the open space requirement for proposed Parcels C3, C6, and C7 appear to be off slightly, perhaps due to rounding errors. These open space requirements should be verified.

Finally, the drawings clearly indicate defined open space boundaries which are described in the included legal descriptions. In order to permit the open space location within the required setback areas, the Planning...
Commission must find the location of the open space supportive of the intent of open space preservation. Per the Township's Zoning Ordinance, where open space is permitted along property boundaries, the required building setbacks must be calculated from the edge of the open space. Sheets 2-5 should be revised to indicate the true building envelope that will result when current setbacks are applied.

The plan shows locations and widths of existing roads as well as the location and width of the proposed shared driveway that could serve Parcels C3, C4, and C6. It is important to note there is no indication as to whether Parcels C3 and C4 will take access from this easement; both retain frontage on Hartland Road and could take their access from Hartland Road. See our comments below on the Shared Private Driveway design.

The land division will not directly impact drainage on the site but will result in increased density and potentially more impervious surfaces that will impact natural runoff patterns. There is no cut or fill indicated outside of that necessary for the installation of the road.

Also, the proposed shared driveway may change the velocity and direction in which water flows across the site. There is a proposed stormwater retention basin intended to accommodate changes to drainage courses on the site due to the shared drive. A section drawing and the calculations for the proposed retention basin are on Sheets A2 and A3 of the plans. The Livingston County Drain Commissioner and Township Engineer should comment on the adequacy of the stormwater controls to ensure that changes to stormwater direction and velocity can be mitigated by the proposed retention basin in their review of the shared private driveway (see driveway-specific notes in this review). The steep 5:1 slope of the proposed detention basin is cause for concern in regards to human safety and the slope should be amended where possible to achieve a more gradual slope.

2-foot contours of the site are shown on the plan.

Standards for Approval (Section 17.255)
We find the following:

Zoning District Dimensional Requirements.
The proposed plan shows that the resultant lots are compliant with the dimensional standards of the Ordinance. All parcels exceed the FR District requirements for a minimum width of 250 feet and minimum site size of 2 acres after accounting for open space requirements.

Open Space Location.
See our notes above. The location of the open space must be found to be consistent with the intent and purposes of the open space preservation ordinance and approved by the Township.

Tax Status.
Proof that taxes are paid and up-to-date has been provided.

Length to Width Ratio.
The proposed parcels comply with the 4:1 depth-to-width ratio required by the Zoning Ordinance and Michigan Land Division Act.
Land Division Comments and Recommendation

Based on our comments herein, we find that the proposed land division of Parcel 4704-34-300-001 into seven (7) distinct lots meets the dimensional requirements of the FR District and achieves the standards defined in the Township Land Division Ordinance and the State Land Division Act. This is a feasible plan that is supportive of the intent of the FR district to provide for single-family residential parcels of a variety of parcel sizes.

The following items should be addressed prior to consideration for approval:

1. It is unclear at this time the reason for the requested dedication of land division rights from the greater tract of land to the parent parcel. This request should be discussed, a resolution agreed upon by the applicant and the Planning Commission, and appropriate documentation shown.

2. Since the driveway approvals issued by the Road Commission were granted with the consideration of a shared driveway for Parcels C3, C4, and C6, approval of the land division should only be granted upon approval of the shared driveway in accordance with Chapter 24 of the Zoning Ordinance. Alternately, the land division could be approved with an amended approval from the County allowing a private driveway for each of the proposed units.

3. Nearby structures and utilities should be included on the plan, or this requirement must be waived by the Township based on the finding that it is not necessary to make a determination on the application.

4. The open space table should be updated to account for the proposed access easement and to verify accurate open space calculations are indicated on the plan.

5. Planning Commission finds the allocation of open space along the proposed property lines appropriate and supportive of the intent of open spaces as defined by the Ordinance.

6. Building envelopes should be included on the plans, indicating appropriate setbacks from the property lines and open space boundaries.

7. Detention basin slopes are steep and should be amended to allow easy egress in the event a person was to fall into the basin.

The drawings should be revised and resubmitted to address these concerns and any others raised by the Planning Commission.
Shared Private Driveway Approval Requirements
(Section 24.05)
The plan proposes a new private shared driveway for Parcels C3, C4 and C6. As a shared private driveway, the proposed plan must meet the requirements and standards of Sections 24.05 and 24.06 of the Zoning Ordinance.

Sight Distance.
Livingston County Road Commission approved the Land Split/ Sight Distance Review for the proposed shared driveway and found that it complies with Site Distance and Clear Vision standards. **It is of note that the Sight Distance review includes a typo: where the shared private driveway will serve C3, C4, and C6, the review says it approved a drive for C3, C4, and C5.** It is clear the intent is to approve the location of the drive as proposed in the plans; perhaps it is of value to procure a corrected approval from the County.

Maintenance Agreement.
An easement maintenance agreement was supplied for the proposed shared driveway. This agreement meets the requirements of Section 24.05(B). It defines the allocation of costs, voting procedures, and standards of maintenance and use.

The agreement must be recorded with the Livingston County Register of Deeds and a copy of the registration must be provided to the Township Clerk. Each homeowner who is served by the shared drive must be provided with certification that the road maintenance is the responsibility of the homeowners per the maintenance agreement.

Public Hearing.
A public hearing is not required. The proposed shared driveway is more than fifty (50) feet from the property line of any adjacent property that is not served by the drive.

Shared Private Driveway Design Standards (Section 24.06)
Driveway Design.
Shared private driveways are subject to the design standards for the Livingston County Road Commission unless otherwise modified. Sheet A2 provides the vertical alignment of the road and shows the areas of required cut and fill. While sheets A2 and A3 indicate proposed changes to the existing grade, **there is no indication of the horizontal alignment of the road.** This information should be provided for Drain Commission and Engineering review. A road cross-section shows a crowned compacted gravel (22A) road with a surface width of 20 feet, with shoulders of indeterminate width, which meets the minimum requirements of the ordinance.

Drainage.
The proposed shared driveway may change the velocity and direction in which water flows across the site. The proposed retention basin will accommodate changes to drainage courses on the site due to the shared drive. A section drawing and calculations for the proposed retention basin are on Sheets A2 and A3 of the plans. The Livingston County Drain Commissioner should review the plan to ensure that changes to stormwater direction and
velocity can be mitigated by the proposed retention basin. Concurrently, volume of the basin should be deemed adequate.

**Sight distance.**
Sight distance approval was granted on December 08, 2017. See notes above regarding a typo in the County’s approval.

**Minimum Easement Width.**
The entirety of the shared private driveway has a proposed 66-foot wide access easement. The proposed shared driveway meets the required minimum width of sixty-six (66) feet.

**Minimum Finished Surface Width.**
The driveway cross section on Sheet A2 of the plans shows a crowned compacted gravel (22A) surface of twenty (20) feet in width minimally, thus meeting the ordinance requirements.

**Shared Private Driveway Construction Materials.**
The driveway cross section on Sheet A2 of the plans shows a six (6) inch compacted gravel surface for the proposed shared driveway, with no indication of the base material. The plans do note that the surface will meet Livingston County Road Commission standards, which satisfies the intent of the Zoning Ordinance.

**Maximum Length and Units.**
The length of the proposed shared drive will not exceed the 1,200 feet maximum length limit. The number of dwelling units served will not exceed the maximum number of four (4).

**Turnarounds.**
No turnaround is required as the proposed driveway does not serve more than three (3) units.

**Intersection Design Standards.**
The proposed driveway will intersect with Hartland Road at a ninety (90) degree angle.

**Intersection Offsets from Streets.**
Based on the dimensions of the proposed parcels, the proposed shared driveway is offset well over 250 feet from the nearest intersection.

**Vertical Clearance.**
The ordinance requires fifteen (15) feet of vertical clearance over the private road to ensure adequate access by emergency vehicles.

**Signs.**
Regulatory signage for the private roads must be installed and maintained in accordance with the Michigan Manual of Uniform Traffic Control Devices standards.

**Shared Private Driveway Comments**
The shared private driveway review and approval process is required to be completed concurrently with the proposed land division, per Section 24.05(A) of the Zoning Ordinance.
The shared private driveway appears feasible and should provide adequate ingress and egress to the three parcels it is intended to serve. Our one substantive concern is the need for commentary from the County Drain Commissioner’s office and/or Township Engineer on the appropriateness of the private driveway design and detention basin. Comment and recommendation of approval should be granted as appropriate prior to approval of this proposed drive; at a minimum, it should be a condition of approval.

Any consideration of approval will be contingent upon the following conditions:

1. Review and approval from the Livingston County Drain Commissioner’s office and/or the Township Engineer regarding the proposed shared driveway’s design and potential impacts on stormwater management and the efficiency of the proposed retention basin in mitigating any changes.

We look forward to discussing this information with you. Please let us know if there are questions or concerns regarding the statements in this review.

Respectfully submitted,

Brian Keesey, AICP
Senior Planner

Molly Redigan
Assistant Planner
DECLARATION OF EASEMENT

THIS DECLARATION OF EASEMENT (the “Declaration”), is made this ___ day of ___, 2018, by REX HOLDINGS L.L.C., a Michigan limited liability company, whose address is 2211 Aspenwood Lane, Columbus, Ohio 43235 (the “Declarant”);

WHEREAS, the Declarant is the title holder of certain real property located in the Township of Tyrone, County of Livingston, State of Michigan, more particularly described in Exhibit A (the “Benefitted Parcels”), attached to and made a part of this Declaration, and as set forth in a certain survey performed by Desine Inc. dated December 20, 2017; and

WHEREAS, it is the desire of the Declarant to establish a permanent easement for the construction, keeping and maintenance of a shared private residential driveway over, upon and across certain property situated in the Township of Tyrone, Livingston County, Michigan, and is specifically described in Exhibit B (the “Easement”), attached to and incorporated in this Declaration; and

WHEREAS, the Declarant desires to create an easement to run with the land for the purpose of establishing a shared driveway easement and maintenance agreement required for construction of a single family residential driveway providing access to the Benefitted Parcels.

NOW, THEREFORE, in consideration of the covenants and benefits contained in this Declaration,

IT IS HEREBY COVENANTED as follows:

EASEMENT DECLARATION

1. The Declarant establishes and declares a non-exclusive, perpetual easement for ingress and egress, improved or unimproved, and for location of public and private utilities, over, under and across and for the benefit of the parcels described in the attached EXHIBIT A said easement being more particularly described in EXHIBIT B attached hereto and made a part hereof. The easement is hereby established as an easement for the public for purposes of emergency and other public vehicles.

Page 1
2. The Grantors herein specifically reserve unto themselves, their respective heirs, executors, administrators, personal representatives, successors and assigns, the easement and the easement rights set forth herein in the described easement, for the benefit of the properties more particularly described in the attached EXHIBIT A and for any further divisions thereof, including the rights to use said easement and to subsequently convey said easement and easement rights with said properties and any divisions thereof.

3. The easement described in the attached EXHIBIT B shall run with the land and title, and shall be appurtenant thereto.

4. The property described in the attached EXHIBIT A is provided access over, across and through a shared private drive easement and said easement is not maintained by the Board of County Road Commissioners.

EASEMENT MAINTENANCE

5. The owner or owners of each parcel shall share with and in the cost of maintaining and/or improving the shared private drive easement. Such share of the cost shall be based upon the respective number of Maintenance Units assigned to each parcel. Each Maintenance Unit shall have one (1) vote and shall constitute a separate share or unit for the purpose of distributing the cost of maintenance of the shared private drive. Each parcel provided access by the shared private drive shall be assigned a minimum of one (1) Maintenance Unit, subject to the conditions and definitions hereinafter set forth.

6. The minimum number of Maintenance Units for the shared private drive easement shall be three (3). Maintenance Units for each parcel described in EXHIBIT A, are initially assigned are as follows:

- Parcel C3 One (1) Maintenance Units
- Parcel C4 One (1) Maintenance Units
- Parcel C6 One (1) Maintenance Unit

7. At the time of approval of a land division or sub-division of any parcel described in EXHIBIT A, the Owner shall designate the number of Maintenance Units assigned to each resulting parcel, provided each resulting parcel shall be assigned not less than one (1) Maintenance Unit. Assignment of Maintenance Units as a part of the division, sub-division or combination of any parcel(s) shall not result in a reduction in the total number of assigned Maintenance Units.

8. Prior to any costs being incurred for normal maintenance of said easement, a simple majority of Maintenance Units from improved parcels shall agree to such normal
maintenance being performed and the cost thereof. "Normal maintenance" shall include, but not be limited to snow removal, grading, re-graveling, and repair as necessary, the cost of which shall not exceed ONE THOUSAND FIVE HUNDRED ($1,500.00) DOLLARS per occurrence. "Simple majority" shall be determined by the total number of Maintenance Units for improved parcels, each Maintenance Unit having One (1) vote. "Improved parcel" or "improved property" shall include any parcel on which construction of any building, house or other improvement has commenced, and access to such "improved parcel" or "improved property" is gained from said easement.

9. Prior to any costs being incurred for major capital improvements for said easement, a minimum of seventy percent (70%) of the total Maintenance Units, improved or unimproved, shall agree to such capital improvement and the cost thereof. "Major capital improvement" shall include, but not be limited to, grading, re-grading, graveling, re-graveling, paving repaving and repair the cost of which is in excess of ONE THOUSAND FIVE HUNDRED ($1,500.00) DOLLARS per occurrence. Each Maintenance Unit shall be liable for one (1) equal share of the total cost of such improvement, such share being based on the total number of Maintenance Units having rights in said easement.

10. Any costs incurred for normal maintenance or major capital improvements of said easement as described herein shall be a burden upon the land with a lien therefore against any parcel for which such costs have to be paid by the owner or owners of any such parcel. Any such lien shall attach upon the filing and recording of an affidavit by the owners of any two or more of the remaining parcels which are subject to and liable for such cost. Such affidavit shall set forth the description of the parcel or property against which the lien is claimed, whether the expenditure is for normal maintenance or for major capital improvement, the total amount of the expenditure, the portion attributable to such parcel or property, and the date or dates of such expenditures. A copy of such affidavit shall be sent to the owner or owners of such parcel against which the lien is claimed by regular mail, with postage prepaid, at the last known address of such owner or owners.

11. The owner or owners of each parcel shall be separately responsible to repair and for the costs thereof, of any damage caused to the easement due to extraordinary use. "Extraordinary use" shall include, but not be limited to, movement of construction equipment, moving vans, commercial trucks, or other heavy loads, movement of recreational vehicles or increased usage not ordinarily consistent with normal traffic. The owner or owners of such parcel or parcels, whether improved or unimproved, shall not be responsible for such repair or costs until such time as said easement is used by them or construction is commenced on such parcel. In the event that any owner or owners or their agents, employees or invitees cause the type of damage described herein shall fail to make the necessary repairs, the remaining parcel owners may do so after notice to such owner or
owners, and any costs so expended shall be a burden upon the land of such owner or owners with a lien enforceable as set forth herein.

**EASEMENT USE AND CONDITIONS**

12. The owner or owners of each parcel shall not interfere with any usage of the easement for ingress, egress and public utilities, and said owner or owners of each parcel shall not limit the usage of said easement area in any manner, shape or form without the written consent and permission of Tyrone Township and the owners of each parcels herein described.

13. Any division, subdivision or combination of parcels, and/or modification to the shared private drive easement description shall be subject to Tyrone Township Board approval.

14. This agreement shall be in addition to any and all governmental restrictions or requirements that may be applicable to the maintenance and repair of said easement. The owner or owners of each parcel state and acknowledge that maintenance of the easement is a private not public responsibility.

15. The owner or owners of each parcel shall exclusively be entitled to and obligated equally to maintain repair and improve the described shared private driveway and easement area. In the event that the parties, their successors, and assigns, hereto are unable to agree as to the type of maintenance work to be performed, the regularity of the work to be performed, the costs thereof or the participation in the payment of costs thereof by the parties, their successors, or assigns, the parties shall submit their differences, claims, or objections to binding arbitration. Arbitration fees for resolution of differences, claims, or objections shall be divided equally, between all parties and paid directly by each party involved in the claim or dispute.

16. The parties further acknowledge that the aforesaid covenants are deed restrictions that are to be applicable to the aforesaid described parcels and are being granted, in part, to avoid future problems on said parcels that will arise if additional structures were to be constructed on portions thereof.

17. If any part of this agreement is determined to be invalid for any reason then it shall not affect the remaining provisions and the balance of this agreement shall remain in effect.
This Declaration shall run with the land and be binding on all future grantees, owners, heirs, successors and assigns in title.

IN WITNESS WHEREOF, the parties hereto have executed this agreement and covenant on this _______ day of __________________, 2018.

REX HOLDINGS L.L.C.,
a Michigan limited liability company

________________________________________
John Rex
Its: Manager

STATE OF MICHIGAN { }
ss.
COUNTY OF LIVINGSTON { }

On this _____ day of __________________, 2018, before me a Notary Public in and for said county, personally appeared John Rex who is known to me to be the same person described herein, and who executed the within instrument as Manager of REX HOLDINGS L.L.C., a Michigan limited liability company.

________________________________________
Notary Public
County, Michigan

My Commission Expires:

Instrument prepared by:
Wayne Perry
Design Inc.
2183 Pless Drive, Brighton, MI 48114

When recorded return to:
John Rex
Rex Holdings, LLC
2211 Aspenwood Lane
Columbus, Ohio 43235

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EXHIBIT A

PARCEL C3 – 15.86± Acres

Commencing at the Southwest Corner of Section 34, Town 4 North, Range 6 East, Tyrone Township, Livingston County, Michigan; thence N02°57'31"W 1403.49 feet along the West line of said Section 34 to the PLACE OF BEGINNING; thence continuing N02°57'31"W 316.00 feet along said West line of Section 34 and the nominal centerline of Hartland Road (33 foot wide 1/2 Right-of-Way); thence N87°02'29"E 600.00 feet; thence N02°57'31"W 250.00 feet; thence N87°02'29"E 729.87 feet; thence S02°54'47"E 653.92 feet along the East line of the West 1/2 of the Southwest 1/4 of said Section 34 as previously established and monumented; thence S87°02'29"W 579.35 feet; thence S02°57'31"E 162.08 feet; thence S87°02'29"W 150.00 feet along the Northerly line of a 66 foot wide shared driveway easement for Parcels C3, C4 and C6 as described below; thence N02°57'31"W 250.00 feet; thence S87°02'29"W 600.00 feet to the Place of Beginning; Being a part of the West 1/2 of the Southwest 1/4 of Section 34, Town 4 North, Range 6 East, Tyrone Township, Livingston County, Michigan. Containing 15.86 acres of land, more or less. Subject to the rights of the public over that part thereof taken for Hartland Road (33 foot wide 1/2 Right-of-Way), also together with a 66 foot wide shared driveway easement for Parcels C3, C4 and C6 as described below, also subject to and together with all easements and restrictions affecting title to the above described premises.

PARCEL C4 – 3.44± Acres

Commencing at the Southwest Corner of Section 34, Town 4 North, Range 6 East, Tyrone Township, Livingston County, Michigan; thence N02°57'31"W 1153.49 feet along the West line of said Section 34 to the PLACE OF BEGINNING; thence continuing N02°57'31"W 250.00 feet along said West line of Section 34 and the nominal centerline of Hartland Road (33 foot wide 1/2 Right-of-Way); thence N87°02'29"E 600.00 feet; thence S02°57'31"E 250.00 feet; thence S87°02'29"W 600.00 feet along (in-part) the Northerly line of a 66 foot wide shared driveway easement for Parcels C3, C4 and C6 as described below to the Place of Beginning. Being a part of the West 1/2 of the Southwest 1/4 of Section 34, Town 4 North, Range 6 East, Tyrone Township, Livingston County, Michigan. Containing 3.44 acres of land, more or less. Subject to the rights of the public over that part thereof taken for Hartland Road (33 foot wide 1/2 Right-of-Way), also together with a 66 foot wide shared driveway easement for Parcels C3, C4 and C6 as described below, also subject to and together with all easements and restrictions affecting title to the above described premises.
EXHIBIT A

PARCEL C6 – 15.10± Acres

Commencing at the Southwest Corner of Section 34, Town 4 North, Range 6 East, Tyrone Township, Livingston County, Michigan; thence N02°57'31"W 729.17 feet along the West line of said Section 34 to the PLACE OF BEGINNING; thence continuing N02°57'31"W 424.32 feet along said West line of Section 34 and the nominal centerline of Hartland Road (33 foot wide 1/2 Right-of-Way); thence N87°02'29"E 750.00 feet along (in-part) the Northerly line of a 66 foot wide shared driveway easement for Parcels C3, C4 and C6 as described below; thence N02°57'31"W 162.08 feet; thence N87°02'29"E 579.35 feet; thence S02°54'47"E 586.40 feet along the East line of the West 1/2 of the Southwest 1/4 of said Section 34 as previously established and monumented; thence S87°02'29"W 1328.88 feet to the Place of Beginning. Being a part of the West 1/2 of the Southwest 1/4 of Section 34, Town 4 North, Range 6 East, Tyrone Township, Livingston County, Michigan. Containing 15.10 acres of land, more or less. Subject to the rights of the public over that part thereof taken for Hartland Road (33 foot wide 1/2 Right-of-Way), also subject to and together with 66 foot wide shared driveway easement for Parcels C3, C4 and C6 as described below, also subject to and together with all easements and restrictions affecting title to the above described premises.
EXHIBIT B

66 FOOT WIDE SHARED DRIVEWAY EASEMENT FOR PARCELS C3, C4 AND C6

A 66 foot wide shared driveway easement for Parcels C3, C4 and C6, lying in its entirety in aforementioned PARCEL C6 and more particularly describe as follows: Commencing at the Southwest Corner of Section 34, Town 4 North, Range 6 East, Tyrone Township, Livingston County, Michigan; thence N02°57'31"W 1153.49 feet along the West line of said Section 34; thence N87°02'29"W 413.98 feet along a the North line of said PARCEL to the PLACE OF BEGINNING; thence continuing N87°02'29"E 336.02 feet along (in-part) a line common to said PARCELS C4 and C6 and also (in-part) a line common to said PARCELS C3 and C6; thence S02°57'31"E 66.00 feet; thence S87°02'29"W 336.02 feet; thence Westerly 111.35 feet along the arc of a 197.00 foot radius curve to the left, through a central angle of 32°23'11" and having a chord bearing S70°50'54"W 109.88 feet; thence S54°39'18"W 100.17 feet; thence Westerly 148.66 feet along the arc of a 263.00 foot radius curve to the right, through a central angle of 32°23'11" and having a chord bearing S70°50'54"W 146.69 feet; thence S87°02'29"W 50.00 feet; thence N02°57'31"W 66.00 feet along the Easterly line of Hartland Road (33 foot wide 1/2 Right-of-Way); thence N87°02'29"E 50.00 feet; thence Easterly 111.35 feet along the arc of a 197.00 foot radius curve to the left, through a central angle of 32°23'11" and having a chord bearing N70°50'54"E 109.88 feet; thence N54°39'18"E 100.17 feet; thence Easterly 148.66 feet along the arc of a 263.00 foot radius curve to the right, through a central angle of 32°23'11" and having a chord bearing N70°50'54"E 146.69 feet to the Place of Beginning. Being a part of the West 1/2 of the Southwest 1/4 of Section 34, Town 4 North, Range 6 East, Tyrone Township, Livingston County, Michigan.
LEGAL DESCRIPTIONS OF RECORD

Situated in the Township of Tyrone, County of Livingston and State of Michigan, and described as follows:

PARCEL No. 4704-34-300-001
Reference: Quit Claim Deed as recorded in Libar 2001, Page 622, Livingston County Records

The North 70 acres of the West half of the Southwest 1/4 of Section 34, Town 4 North, Range 6 East, Tyrone Township, Livingston County, Michigan. Except the North 10.1 acres thereof. Being a part of the Southwest 1/4 of Section 34, Town 4 North, Range 6 East, Tyrone Township, Livingston County Records. Subject to the rights of the public over that part thereof taken for Hartland Road (33 foot wide 1/2 Right-of-Way) and Parishville Road (33 foot wide 1/2 Right-of-Way), also subject to and together with all easements and restrictions affecting title to the above described premises.

LEGAL DESCRIPTION SUBSEQUENT TO SURVEY

All parcels situated in the Township of Tyrone, County of Livingston and State of Michigan, and described as follows:

PARCEL No. 4704-34-300-001 69.96 Acres

Commencing at the Southwest Corner of Section 34, Town 4 North, Range 6 East, Tyrone Township, Livingston County, Michigan;
thence N02°57'3"W 370.85 feet along the West line of said Section 34 to the PLACE OF BEGINNING;
thence continuing N02°57'31"W 1974.54 feet along said West line of Section 34 and (in-part) the nominal centerline of Hartland Road (33 foot wide 1/2 Right-of-Way), to a point being 330.30 feet S02°57'31"E from the West 1/4 Corner of said Section 34;
thence N87°02'26"E 1330.17 feet along the South line of the North 10.1 acres of the West 1/2 of the Southwest 1/4 of said Section 34 as previously established and monumented;
thence S02°54'47"E 1960.26 feet along the East line of said West 1/2 of the Southwest 1/4 of Section 34 as previously established and monumented;
thence along the South line of the North 70 acres of said West 1/2 of the Southwest 1/4 of Section 34 as previously established and monumented the following four courses:

1)  S87°01'46"W 835.52 feet,
2)  S02°53'44"E 13.67 feet,
3)  S86°54'45"W 150.08 feet and
4)  S87°02'42"W 243.00 feet to the Place of Beginning.

Being a part of the West 1/2 of the Southwest 1/4 of Section 34, Town 4 North, Range 6 East, Tyrone Township, Livingston County, Michigan. Containing 69.96 acres of land, more or less. Subject to the rights of the public over that part thereof taken for Hartland Road (33 foot wide 1/2 Right-of-Way), also subject to and together with all easements and restrictions affecting title to the above described premises.

CIVIL ENGINEERS
LAND SURVEYORS

PREPARED FOR
REX HOLDINGS LLC

SECTION 34, TOWN 4 NORTH, RANGE 6 EAST
TYRONE TOWNSHIP, LIVINGSTON COUNTY, MICHIGAN

JOB No. 1-01-34-1731-38 DATE 12/20/17
DWS 1731-132 DRAWN LJC SHEET 6 OF 18

MARIUSZ L. LUKOWICZ
PROFESSIONAL SURVEYOR No. 38119

MARIUSZ L. LUKOWICZ
PROFESSIONAL SURVEYOR No. 38119
PARCEL C1 3.44± Acres

Commencing at the Southwest Corner of Section 34, Town 4 North, Range 6 East, Tyrone Township, Livingston County, Michigan;

thence N02°57’31”W 1869.49 feet along the West line of said Section 34 to the PLACE OF BEGINNING;

thence continuing N02°57’31”W 250.00 feet along said West line of Section 34 and the nominal centerline of Hartland Road (33 foot wide 1/2 Right-of-Way);

thence N87°02’29”E 600.00 feet;

thence S02°57’31”E 250.00 feet;

thence S87°02’29”W 600.00 feet to the Place of Beginning.

Being a part of the West 1/2 of the Southwest 1/4 of Section 34, Town 4 North, Range 6 East, Tyrone Township, Livingston County, Michigan. Containing 3.44 acres of land, more or less. Subject to the rights of the public over that part thereof taken for Hartland Road (33 foot wide 1/2 Right-of-Way), also subject to and together with all easements and restrictions affecting title to the above described premises.

Parcel C1 Open Space 1.08± Acres

Commencing at the Southwest Corner of Section 34, Town 4 North, Range 6 East, Tyrone Township, Livingston County, Michigan;

thence N02°57’31”W 1869.49 feet along the West line of said Section 34;

thence N87°02’29”E 33.00 feet along the Southerly line of aforementioned PARCEL C1 to the PLACE OF BEGINNING;

thence N02°57’31”W 25.00 feet along the Easterly line of Hartland Road (33 foot wide 1/2 Right-of-Way);

thence N87°02’29”E 472.50 feet;

thence N02°57’31”W 200.00 feet;

thence S87°02’29”W 472.50 feet;

thence N02°57’31”W 25.00 feet along said Easterly line of Hartland Road;

thence along the boundary lines of aforementioned PARCEL C1 the following three courses:

(1) N87°02’29”E 567.00 feet,

(2) S02°57’31”E 250.00 feet and

(3) S87°02’29”W 567.00 feet to the Place of Beginning.

Being a part of the West 1/2 of the Southwest 1/4 of Section 34, Town 4 North, Range 6 East, Tyrone Township, Livingston County, Michigan. Containing 1.08 acres of land, more or less. Subject to and together with all easements and restrictions affecting title to the above described premises.
PARCEL C2 3.44± Acres

Commencing at the Southwest Corner of Section 34, Town 4 North, Range 6 East, Tyrone Township, Livingston County, Michigan;

thence N02°57'31"W 1719.49 feet along the West line of said Section 34 to the PLACE OF BEGINNING;

thence continuing N02°57'31"W 250.00 feet along said West line of Section 34 and the nominal centerline of Hartland Road (33 foot wide 1/2 Right-of-Way);

thence N87°02'29"E 600.00 feet;

thence S02°57'31"E 250.00 feet;

thence S87°02'29"W 600.00 feet to the Place of Beginning.

Being a part of the West 1/2 of the Southwest 1/4 of Section 34, Town 4 North, Range 6 East, Tyrone Township, Livingston County, Michigan. Containing 3.44 acres of land, more or less. Subject to the rights of the public over that part thereof taken for Hartland Road (33 foot wide 1/2 Right-of-Way), also subject to and together with all easements and restrictions affecting title to the above described premises.

Parcel C2 Open Space 1.08± Acres

Commencing at the Southwest Corner of Section 34, Town 4 North, Range 6 East, Tyrone Township, Livingston County, Michigan;

thence N02°57'31"W 1719.49 feet along the West line of said Section 34;

thence N87°02'29"E 33.00 feet along the Southerly line of aforementioned PARCEL C2 to the PLACE OF BEGINNING;

thence N02°57'31"W 25.00 feet along the Easterly line of Hartland Road (33 foot wide 1/2 Right-of-Way);

thence N87°02'29"E 472.50 feet;

thence N02°57'31"W 200.00 feet;

thence S87°02'29"W 472.50 feet;

thence N02°57'31"W 25.00 feet along said Easterly line of Hartland Road;

thence along the boundary lines of aforementioned PARCEL C2 the following three courses:

(1) N87°02'29"E 587.00 feet,

(2) S02°57'31"E 250.00 feet and

(3) S87°02'29"W 587.00 feet to the Place of Beginning.

Being a part of the West 1/2 of the Southwest 1/4 of Section 34, Town 4 North, Range 6 East, Tyrone Township, Livingston County, Michigan. Containing 1.08 acres of land, more or less. Subject to and together with all easements and restrictions affecting title to the above described premises.
PARCEL C3 15.86± Acres

Commencing at the Southwest Corner of Section 34, Town 4 North, Range 6 East, Tyrone Township, Livingston County, Michigan;
then N02°57’31”W 1403.49 feet along the West line of said Section 34 to the PLACE OF BEGINNING;
then continuing N02°57’31”W 316.00 feet along said West line of Section 34 and the nominal centerline of Hartland Road (33 foot wide 1/2 Right-of-Way);
then S87°02’29”E 666.00 feet;
then N02°57’31”W 250.00 feet;
then N87°02’29”E 726.87 feet;
then S02°54’47”E 653.92 feet along the East line of the West 1/2 of the Southwest 1/4 of said Section 34 as previously established and monumented;
then S87°02’29”W 579.35 feet;
then S02°57’31”E 182.08 feet;
then S87°02’29”W 150.00 feet along the Northerly line of a 66 foot wide shared driveway easement for Parcels C3, C4 and C6 as described below;
then N02°57’31”W 250.00 feet;
then S87°02’29”W 600.00 feet to the Place of Beginning;
Being a part of the West 1/2 of the Southwest 1/4 of Section 34, Town 4 North, Range 6 East, Tyrone Township, Livingston County, Michigan. Containing 15.86 acres of land, more or less.
Subject to the rights of the public over that part thereof taken for Hartland Road (33 foot wide 1/2 Right-of-Way), also together with a 66 foot wide shared driveway easement for Parcels C3, C4 and C6 as described below, all subject to and together with all easements and restrictions affecting title to the above described premises.

Parcel C3 Open Space 5.21± Acres

Commencing at the Southwest Corner of Section 34, Town 4 North, Range 6 East, Tyrone Township, Livingston County, Michigan;
then N02°57’31”W 1403.49 feet along the West line of said Section 34;
then N87°02’29”E 33.00 feet along the Southerly line of aforementioned PARCEL C3 to the PLACE OF BEGINNING;
then N02°57’31”W 316.00 feet along the Easterly line of Hartland Road (33 foot wide 1/2 Right-of-Way);
then along the boundary lines of aforementioned PARCEL C3 the following five courses:

(1) N87°02’29”E 567.00 feet;
(2) N02°57’31”W 250.00 feet;
(3) N87°02’29”E 726.87 feet;
(4) S02°54’47”E 653.92 feet along the East line of the West 1/2 of the Southwest 1/4 of said Section 34 as previously established and monumented and
(5) S87°02’29”W 154.77 feet;
then N02°54’47”W 623.92 feet;
then S87°02’29”W 545.08 feet;
then S02°57’31”E 250.00 feet;
then S87°02’29”W 303.52 feet;
then S02°57’31”E 256.00 feet;
then S87°02’29”W 293.48 feet along the Southerly line of said PARCEL C3 to the Place of Beginning.

Being a part of the West 1/2 of the Southwest 1/4 of Section 34, Town 4 North, Range 6 East, Tyrone Township, Livingston County, Michigan. Containing 5.21 acres of land, more or less.
Subject to and together with all easements and restrictions affecting title to the above described premises.
PARCEL C4 3.44± Acres

Commencing at the Southwest Corner of Section 34, Town 4 North, Range 6 East, Tyrone Township, Livingston County, Michigan;

thence N02°57'31"W 1163.49 feet along the West line of said Section 34 to the PLACE OF BEGINNING;

thence continuing N02°57'31"W 250.00 feet along said West line of Section 34 and the nominal centerline of Hartland Road (33 feet wide 1/2 Right-of-Way);

thence N87°02'29"E 600.00 feet;

thence S02°57'31"E 250.00 feet;

thence S87°02'29"W 600.00 feet along (in-part) the Northerly line of a 66 foot wide shared driveway easement for Parcels C3, C4 and C6 as described below to the Place of Beginning.

Being a part of the West 1/2 of the Southwest 1/4 of Section 34, Town 4 North, Range 6 East, Tyrone Township, Livingston County, Michigan. Containing 3.44 acres of land, more or less. Subject to the rights of the public over that part thereof taken for Hartland Road (33 foot wide 1/2 Right-of-Way), also together with a 66 foot wide shared driveway easement for Parcels C3, C4 and C6 as described below, also subject to and together with all easements and restrictions affecting title to the above described premises.

Parcel C4 Open Space 1.08 acres

Commencing at the Southwest Corner of Section 34, Town 4 North, Range 6 East, Tyrone Township, Livingston County, Michigan;

thence N02°57'31"W 1463.49 feet along the West line of said Section 34;

thence N87°02'29"E 33.00 feet along the Northerly line of aforesaid PARCEL C4 to the PLACE OF BEGINNING;

thence along the boundary lines of said aforesaid PARCEL C4 the following three courses:

1) N87°02'29"E 657.00 feet;
2) S02°57'31"E 250.00 feet and
3) S87°02'29"W 94.50 feet;

thence N02°57'31"W 200.00 feet;

thence S87°02'29"W 472.60 feet;

thence N02°67'31"W 50.00 feet along the Easterly line of Hartland Road (33 foot wide 1/2 Right-of-Way) to the Place of Beginning.

Being a part of the West 1/2 of the Southwest 1/4 of Section 34, Town 4 North, Range 6 East, Tyrone Township, Livingston County, Michigan. Containing 1.08 acres of land, more or less. Subject to and together with all easements and restrictions affecting title to the above described premises.
PARCEL C5 8.04± Acres

Commencing at the Southwest Corner of Section 34, Town 4 North, Range 6 East, Tyrone Township, Livingston County, Michigan;

thence N02°57'31"W 2219.49 feet along the West line of said Section 34 to the PLACE OF BEGINNING;

thence continuing N02°57'31"W 128.00 feet along said West line of Section 34 and the nominal centerline of Hartland Road (33 foot wide 1/2 Right-of-Way), to a point being distant 333.50 feet S02°57'31"E from the West 1/4 Corner of said Section 34;

thence N87°02'29"E 1330.17 feet;

thence S02°54'47"E 376.00 feet along the East line of the West 1/2 of the Southwest 1/4 of said Section 34 as previously established and monumented;

thence S87°02'29"W 729.87 feet;

thence N02°57'31"W 250.00 feet;

thence S87°02'29"W 600.00 feet to the Place of Beginning.

Being a part of the West 1/2 of the Southwest 1/4 of Section 34, Town 4 North, Range 6 East, Tyrone Township, Livingston County, Michigan. Containing 8.04 acres of land, more or less.

Subject to the rights of the public over that part thereof taken for Hartland Road (33 foot wide 1/2 Right-of-Way), also subject to and together with all easements and restrictions affecting title to the above described premises.

Parcel C5 Open Space 2.65± Acres

Commencing at the Southwest Corner of Section 34, Town 4 North, Range 6 East, Tyrone Township, Livingston County, Michigan;

thence N02°57'31"W 2345.49 feet along the West line of said Section 34;

thence N87°02'29"E 33.00 feet along the Northerly line of aforementioned PARCEL C5 to the PLACE OF BEGINNING;

thence along the boundary lines of said PARCEL C5 the following three courses:

(1) N87°02'29"E 1297.17 feet;

(2) S02°54'47"E 376.00 feet along the East line of the West 1/2 of the Southwest 1/4 of said Section 34 as previously established and monumented and

(3) S87°02'29"W 154.77 feet;

thence N02°54'47"W 326.00 feet;

thence S87°02'29"W 1142.36 feet;

thence N02°57'31"W 59.00 feet along the Easterly line of Hartland Road (33 foot wide 1/2 Right-of-Way) to the Place of Beginning.

Being a part of the West 1/2 of the Southwest 1/4 of Section 34, Town 4 North, Range 6 East, Tyrone Township, Livingston County, Michigan. Containing 2.65 acres of land, more or less.

Subject to and together with all easements and restrictions affecting title to the above described premises.
PARCEL C6 15.10± Acres

Commencing at the Southwest Corner of Section 34, Town 4 North, Range 6 East, Tyrone Township, Livingston County, Michigan;
then N02°67'3"W 729.17 feet along the West line of said Section 34 to the PLACE OF BEGINNING;
then continuing N02°57'31"W 424.32 feet along said West line of Section 34 and the nominal centerline of Hartland Road (33 foot wide ±1/2 Right-of-Way);
then S87°02'29"E 750.00 feet along (in-part) the Northerly line of a 66 foot wide shared driveway easement for Parcels C3, C4 and C6 as described below;
then N02°57'3"W 162.08 feet;
then S87°02'29"E 576.35 feet;
then S02°54'47"E 566.46 feet along the East line of the West 1/2 of the Southwest 1/4 of said Section 34 as previously established and monumented;
then S87°02'29"E 1328.88 feet to the Place of Beginning.

Being a part of the West 1/2 of the Southwest 1/4 of Section 34, Town 4 North, Range 6 East, Tyrone Township, Livingston County, Michigan. Containing 15.10 acres of land, more or less.

Subject to the rights of the public over that part thereof taken for Hartland Road (33 foot wide ±1/2 Right-of-Way), also subject to and together with 56 foot wide shared driveway easement for Parcels C3, C4 and C6 as described below, also subject to and together with all easements and restrictions affecting title to the above described premises.

Parcel C6 Open Space 4.93± Acres

Commencing at the Southwest Corner of Section 34, Town 4 North, Range 6 East, Tyrone Township, Livingston County, Michigan;
then N02°57'31"W 729.17 feet along the West line of said Section 34;
then N87°02'29"E 326.68 feet along the Southerly line of aforementioned PARCEL C6 to the PLACE OF BEGINNING;
then N02°57'31"W 260.00 feet;
then N87°02'29"E 433.00 feet;
then S02°54'47"E 254.56 feet;
then N02°02'29"E 307.06 feet;
then N02°54'47"W 506.40 feet;
then along the boundary lines of said PARCEL C6 the following three courses:

(1) N87°02'29"E 80.00 feet,
(2) S02°54'47"E 566.40 feet along the East line of the West 1/2 of the Southwest 1/4 of said Section 34 as previously established and monumented and
(3) S87°02'29"W 1000.00 feet to the Place of Beginning.

Being a part of the West 1/2 of the Southwest 1/4 of Section 34, Town 4 North, Range 6 East, Tyrone Township, Livingston County, Michigan. Containing 4.93 acres of land, more or less.

Subject to and together with all easements and restrictions affecting title to the above described premises.
PARCEL C7 10.62 Acres

Commencing at the Southwest Corner of Section 34, Town 4 North, Range 6 East, Tyrone Township, Livingston County, Michigan;

thence N02°57'31"W 370.85 feet along the West line of said Section 34 to the PLACE OF BEGINNING;

thence continuing N02°57'31"W 358.32 feet along said West line of Section 34;

thence N87°02'25"E 1326.88 feet;

thence S02°54'47"E 343.94 feet along the East line of the West 1/2 of the Southwest 1/4 of said Section 34 as previously established and monumented;

thence along the South line of the North 70 acres of the West 1/2 of the Southwest 1/4 of said Section 34 as previously established and monuments the following four courses:

(1) S87°01'48"W 935.52 feet,
(2) S02°56'44"E 12.87 feet,
(3) S87°04'46"W 150.08 feet and
(4) S87°02'42"W 243.00 feet to the Place of Beginning.

Being a part of the West 1/2 of the Southwest 1/4 of Section 34, Town 4 North, Range 6 East, Tyrone Township, Livingston County, Michigan. Containing 10.62 acres of land, more or less. Subject to the rights of the public over that part thereof taken for Hartland Road (33 foot wide 1/2 Right-of-Way), also subject to and together with all easements and restrictions affecting title to the above described premises.

Parcel C7 Open Space 3.47 Acres

Commencing at the Southwest Corner of Section 34, Town 4 North, Range 6 East, Tyrone Township, Livingston County, Michigan;

thence N02°57'31"W 370.85 feet along the West line of said Section 34;

thence N87°02'42"E 19.94 feet along the Southerly line of aforementioned PARCEL C7 to the PLACE OF BEGINNING;

thence Northerly 94.27 feet along the arc of a 7790.00 foot radius curve to the left, through a central angle of 00°4'13" and having a chord bearing N00°00'40"E 94.25 feet along the Easterly line of Hartland Road (3 foot wide 1/2 Right-of-Way) as constructed;

thence N87°01'48"E 550.00 feet;

thence S02°57'31"E 50.00 feet;

thence N87°01'48"E 700.31 feet;

thence N02°54'47"W 283.95 feet;

thence S87°02'23"W 1243.65 feet;

thence Northerly 50.00 feet along the arc of a 7790.00 foot radius curve to the left, through a central angle of 00°22'04" and having a chord bearing N02°05'38"W 50.00 feet along said Easterly line of Hartland Road;

thence along the boundary lines of said PARCEL C7 the following six courses:

(1) N87°02'25"E 1296.43 feet,
(2) S02°54'47"E 343.94 feet along the East line of the West 1/2 of the Southwest 1/4 of said Section 34 as previously established and monumented;

(3) S87°01'48"W 935.52 feet,
(4) S02°56'44"E 12.87 feet,
(5) S80°64'46"W 150.08 feet and
(6) S87°02'42"W 223.06 feet to the Place of Beginning.

Being a part of the West 1/2 of the Southwest 1/4 of Section 34, Town 4 North, Range 6 East, Tyrone Township, Livingston County, Michigan. Containing 3.47 acres of land, more or less. Subject to and together with all easements and restrictions affecting title to the above described premises.
A 66 foot wide shared driveway easement for Parcels C3, C4 and C6, lying in its entirety in aforementioned PARCEL C8 and more particularly described as follows:
Commencing at the Southwest Corner of Section 34, Town 4 North, Range 6 East, Tyrone Township, Livingston County, Michigan;
thence N02°57'31"W 1153.49 feet along the West line of said Section 34;
thence N87°02'29"W 413.88 feet along the North line of said PARCEL to the PLACE OF BEGINNING;
thence continuing N87°02'29"E 336.02 feet along (in-part) a line common to said PARCELS C4 and C6 and also (in-part) a line common to said PARCELS C3 and C6;
thence S02°57'31"E 66.00 feet;
thence S87°02'29"W 336.02 feet;
thence Westerly 111.35 feet along the arc of a 197.00 foot radius curve to the left, through a central angle of 32°23'11" and having a chord bearing S70°50'54"W 109.88 feet;
thence S64°39'18"W 100.17 feet;
thence Westerly 148.66 feet along the arc of a 263.00 foot radius curve to the right, through a central angle of 22°23'11" and having a chord bearing S70°50'54"W 146.69 feet;
thence S87°02'29"W 59.00 feet;
thence N02°57'31"W 66.00 feet along the Easterly line of Hartland Road (33 foot wide 1/2 Right-of-Way);
thence N87°02'29"E 50.00 feet;
thence Easterly 111.35 feet along the arc of a 197.00 foot radius curve to the left, through a central angle of 32°23'11" and having a chord bearing N70°50'54"E 109.88 feet;
thence N64°39'18"E 100.17 feet;
thence Easterly 48.66 feet along the arc of a 263.00 foot radius curve to the right, through a central angle of 32°23'11" and having a chord bearing N70°50'54"E 146.69 feet to the Place of Beginning.
Being a part of the West 1/2 of the Southwest 1/4 of Section 34, Town 4 North, Range 6 East,
Tyrone Township, Livingston County, Michigan.

NOTES:

1) Bearings are related to grid North, Michigan coordinate system of 1983, South Zone (as defined in MCL 54.235a(c)) and have been obtained by GPS RTK observations of site control points. The NOAA/NGS published point (designated as DJ6933 (Parshallville CORS ARP) has been used for locations determination.

2) Legal description of record provided by client. Surveyor was not supplied with a Title Search at this time. Refer to the current policy for title insurance for proof of ownership and all encumbrances affecting title to the surveyed parcel.
REFERENCES:
L.C.R. = Livingston County Records

Deeds (Parcel No. Order):

1a) Quit Claim Deed as recorded in Liber 2001, Page 822, L.C.R.
    (Parcel No. 4704-34-300-001)
2a) Warranty Deed as recorded in Document No. 2014R-010786, L.C.R.
    (Parcel No. 4704-34-300-004)
3a) Warranty Deed as recorded in Document No. 2015R-032817, L.C.R.
    (Parcel No. 4704-34-300-007)
4a) Warranty Deed as recorded in Liber 1782, Page 128, L.C.R.
    (Parcel No. 4704-34-300-008)
5a) Warranty Deed as recorded in Liber 2070, Page 231, L.C.R.
    (Parcel No. 4704-34-300-009)
6a) Warranty Deed as recorded in Document No. 2008R-015081, L.C.R.
    (Parcel No. 4704-34-300-011)
7a) Quit Claim Deed as recorded in Liber 4996, Page 579, L.C.R.
    (Parcel No. 4704-34-300-014)
8a) Warranty Deed as recorded in Liber 4289, Page 782, L.C.R.
    (Parcel No. 4704-34-300-020)
9a) Special Warranty Deed as recorded in Document No. 2011R-023376, L.C.R.
    (Parcel No. 4704-34-300-021)
10a) Warranty Deed as recorded in Document No. 2015R-027064, L.C.R.
     (Part ofParcel No. 4704-34-300-023)
11a) Quit Claim Deed as recorded in Document No. 2014R-000724, L.C.R.
     (Part ofParcel No. 4704-34-300-023)
12a) Warranty Deed as recorded in Liber 1180, Page 835, L.C.R.
13a) Warranty Deed as recorded in Liber 2515, Page 265, L.C.R.

Surveys and Drawings:

1b) Certified Land Survey as recorded in Document No. 2015S-0042, L.C.R.
2b) Certified Land Survey as recorded in Document No. 2017S-0068, L.C.R.
WITNESSES FOR CORNERS OF SECTION 34
Town 4 North, Range 6 East
Tyrone Township, Livingston County, Michigan

West 1/4 Corner (G-12) — Found Brass Disk Stamped “Livingston Co. Monumentation Corner”
Ref: L.C.R.C., L.S.C. #223M
N80°E 46.00’ Spike in the West Side of a 16’ Oak
N45°W 34.26’ Spike in the South Side of a 20’ Hickory
S72°E 47.62’ Spike in the North Side of a 16’ Hickory
S50°W 28.48’ Spike in the East Side of a 12’ Hickory

Southwest Corner (G-13) — Found Brass Disk Stamped “Livingston Co. Monumentation Corner”
Ref: L.C.R.C., L.S.C. #224M
N60°E 63.50’ Set Nail & Tag* in the Northwest Side of a 14’ Pines
South 64.54’ Set Nail & Tag* in the West Side of a 14’ Tri Maple
N30°W 78.85’ Set Nail & Tag* in the Southeast Side of a 36’ Oak
S60°E 94.78’ Set Nail & Tag* in the West Side of a Power Pole

Center Post (H-12) — Found Concrete Monument
Ref: Certified Land Survey prepared by Richard L. Smith,
West: 19.20’ Nail & Tag in the North Side of a 24’ Oak
East: 6.50’ Nail & Tag in the South Side of a 28’ Cherry
N80°E 6.46’ Nail & Tag in the North Side of a 28’ Cherry

South 1/4 Corner (H-13) — Found Brass Disk Stamped “Livingston Co. Monumentation Corner”
Ref: L.C.R.C., L.S.C. #226M
North 23.60’ Nail & Tag* in the East Side of a 12’ Cherry
South 31.50’ Nail & Tag* in the West Side of a 30’ Oak
S60°W 43.18’ Nail & Tag* in the Northwest Side of a 30’ Twin Oak
N35°E 32.60’ Nail & Tag* in the South Side of a 16’ Cherry

WITNESS FOR CORNER OF SECTION 3
Town 3 North, Range 6 East
Harland Township, Livingston County, Michigan

Northwest Corner (G-01) — Found Brass Disk Stamped “Livingston Co. Monumentation Corner”
N25°E 65.92’ Nail & Tag* in the South Side of a 26’ Oak
S46°E 123.10’ Nail & Tag* in the Southwest Side of a 10’ Multi Maple
N72°W 94.55’ Nail & Tag* in the Northeast Side of a 33’ Cherry
S82°W 83.20’ Nail & Tag* in the West Side of a 36’ Oak
North 0.37’ Amended Corner G-01


SURVEYOR’S CERTIFICATE
I HEREBY CERTIFY THAT I HAVE SURVEYED AND MAPPED THE LAND HEREIN PLATTED AND/OR DESCRIBED AND
THAT THE RATIO OF CLOSURE OF THE UNAJUSTED FIELD OBSERVATION IS NO GREATER THAN 1 IN 5000 AND
THAT ALL OF THE REQUIREMENTS OF PUBLIC ACT NO. 132, OF 1970 (AS AMENDED) HAVE BEEN COMPLIED WITH.

CIVIL ENGINEERS
LAND SURVEYORS
PREPARED FOR

REDINE INC

REX HOLDINGS LLC
SECTION 34, TOWN 4 NORTH, RANGE 6 EAST
TYRONE TOWNSHIP, LIVINGSTON COUNTY, MICHIGAN
JOB No. 1-01-34-173138 DATE 12/20/17
DAW 173138-132 DRAWN L.M. SHEET 16 OF 18

MARIusz L. LUKOWICZ
PROFESSIONAL SURVEYOR No. 38119

810-227-9023
EMAIL: desine@desineinc.com
2183 PLEAS DRIVE
BRIGHTON, MICHIGAN 48116

MARIusz L. LUKOWICZ
PROFESSIONAL SURVEYOR No. 38119
**LIVINGSTON COUNTY ROAD COMMISSION**

**LAND SPLIT / SIGHT DISTANCE REVIEW**

**Review Number** 1715-005REV

**Property Owner and Applicant Information**
- **Owner:** Rex Holdings LLC
- **Street Address:** 2211 Aspenwood Lane
- **City, State, ZIP:** Columbus, OH 43235
- **Day Phone:** (614) 768-4672
- **Applicant:** Wayne Perry
- **Company:** Desine, Inc
- **Address:** 2183 Pless Dr
- **City, State:** Brighton MI, 48114
- **Applicant Phone:** (810) 227-9533
- **Fax:**

**Location**
- **Township:** Tyrone
- **Section:** 34
- **Development:** Residential
- **Approach Type:** Residential
- **Speed Limit (if posted):** 45
- **Speed Factors (if any):** Unposted gravel road
- **Roadway On:** Hartland Road
- **Side of Street:** East

**Field Measurements**
- **Location of existing property corners from nearest crossroad:** 377 and 2350 feet North of Parshall

<table>
<thead>
<tr>
<th>Parcel</th>
<th>Property/Easement Corners</th>
<th>Access Point(s)</th>
<th>Sight Distance Req. Std</th>
<th>Sight Distance Measured</th>
<th>Sight Distance Comply</th>
<th>Clear Vision Comply</th>
<th>Neighbor Consent Required</th>
<th>Approve</th>
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<td>602</td>
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<td>500 North 500 South</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
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</table>

**Comments:**
A new residential driveway approach application will be required for each driveway approach. A certified survey sketch and clear vision area will be required before the issuance of a residential driveway approach permit. See the LCRC specification booklet, and contact this office for further requirements.

**Inspection Date:** 12/6/2017

**Inspector:** [Signature]

[Note: This is not a Driveway Permit.]

[Signature]
Location and Directions: HARTLAND RD

Applicant
DESINE INC
2183 PLESS DR
BRIGHTON MI 48114
PH1 810-227-9533

Owner
REX HOLDINGS LLC
2211 ASPENWOOD LANE
COLUMBUS OH 43235

SOIL DESCRIPTION

<table>
<thead>
<tr>
<th>Boring #</th>
<th>Soil Type</th>
<th>Desc</th>
<th>Bag Depth</th>
<th>End Depth</th>
<th>SWT</th>
<th>WT Depth</th>
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Suitable with Special Restrictions

Oversizer: N
Comments:

Conditions
Locate the system in the exact area of the approved soil borings, #11 & #12.
100% Cutdown to sand at +/- 9.5 ft, then back fill with a clean sharp sand then lay stone and tile, 24" max., 12" min. cover.
Install a septic tank filter on the outlet end of the septic tank.
** Note: Maintain enough area for a future replacement septic area.

Met? Date
N 6/21/17
N 6/21/17
N 6/21/17
N 6/21/17

BCF
Beau C. Forgette
Environmental Health Representative

June 21, 2017

Soils evaluation based on criteria stated in Livingston County Sanitary Code, effective January 4, 1993.

This is NOT a permit. A suitable soils rating is NOT a guarantee that a permit to construct an on-site subsurface sewage disposal system will be granted. Changing conditions that might result in permit denial are explained in more detail on the reverse side.
Location and Directions: HARTLAND RD

Applicant
DESINE INC
2183 PLESS DR
BRIGHTON MI 48114
PH 810-227-9533

Owner
REX HOLDINGS LLC
2211 ASPENWOOD LANE
COLUMBUS OH 43235

SOIL DESCRIPTION

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<th>Being #</th>
<th>Soil Type</th>
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Suitable with Special Restrictions

Oversize: N
Comments:

Conditions
Locate the system in the exact area of the approved soil borings, #30 & #31.
100% Cutdown to sand at +/- 6.5 - 8.5 ft, then back fill with a clean sharp sand then lay stone and tile, 24" max., 12" min. cover.
Install a septic tank filter on the outlet end of the septic tank.
** Note: Maintain enough area for a future replacement septic area.

Met? Date
N 6/22/17
N 6/22/17
N 6/22/17
N 6/22/17
N 6/22/17

BCF Beau C. Forgette Environmental Health Representative

June 22, 2017 Date

Soils evaluation based on criteria stated in Livingston County Sanitary Code, effective January 4, 1993.
This is NOT a permit. A suitable soils rating is NOT a guarantee that a permit to construct an on-site subsurface sewage disposal system will be granted. Changing conditions that might result in permit denial are explained in more detail on the reverse side.
# Soil Evaluation for Sub-Surface Sewage Disposal Systems

**Location and Directions:** HARTLAND RD

**EAST SIDE OF HARTLAND ROAD, APPROXIMATELY 1,500 FEET NORTH OF PARSHALL ROAD**

**Applicant:** DESINE INC

2183 PLESS DR

BRIGHTON MI 48114

PH 810-227-9533

**Owner:** REX HOLDINGS LLC

2211 ASPENWOOD LANE

COLUMBUS OH 43235

## Soil Description

<table>
<thead>
<tr>
<th>Boring #</th>
<th>Soil Type</th>
<th>Desc</th>
<th>Bag Depth</th>
<th>End Depth</th>
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</table>

**Suitable with Special Restrictions**

Within 900 feet of a potential or known source of contamination: No

**Conditions:**

Prior to the issuance of a permit, soil borings must be located on a certificate of survey.

Locate the system in the exact area of the approved soil borings, #41, 42, 44 & 45.

100% Cutoff to sand at +/- 2.0 ft., then backfill with a clear sharp sand then lay stone and tile, 24" max., 12" min. cover.

Install a septic tank filter on the outlet end of the septi tank.

**Note:** Maintain enough area for future replacement septic area.

**BCF**

Beau C. Forgette

Environmental Health Representative

December 14, 2017

Date

This is NOT a permit. A suitable soils rating is NOT a guarantee that a permit to construct an on-site subsurface sewage disposal system will be granted. Changing conditions that might result in permit denial are explained in more detail on the reverse side.
Livingston County Health Department
Environmental Health Division
2300 E. Grand River * Suite 102 * Howell, MI 48843
Fax (517) 546.9853 * Phone (517) 546.9858
http://co.livingston.mi.us/health

SOILS EVALUATION FOR SUB-SURFACE SEWAGE DISPOSAL SYSTEMS

Location and Directions: HARTLAND RD

Applicant
DESINE INC
2163 PLESS DR
BRIGHTON MI 48114
PH1 810-227-9533

Owner
REX HOLDINGS LLC
2211 ASPENWOOD LANE
COLUMBUS OH 43235
PH1 614-766-4672

SOIL DESCRIPTION

<table>
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<tr>
<th>Boring #</th>
<th>Soil Type</th>
<th>Desc</th>
<th>Beg Depth</th>
<th>End Depth</th>
<th>SW/WT Depth</th>
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<td>17 Clay,Loam</td>
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<tr>
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</table>

Suitable with Special Restrictions

Oversize: N
Comments:

Conditions:
Locate the system in the exact area of the approved soil borings, #18 & #19.
100% Cutoff to sand at +/- 3.5 - 5.0 ft, then back fill with a clean sharp sand then lay stone and tile, 24" max., 12" min. cover.
Install a septic tank filter on the outlet end of the septic tank.
** Note: Maintain enough area for a future replacement septic area.

Met? Date
N 6/22/17
N 6/22/17
N 6/22/17

BCF Beau C. Forgette
Environmental Health Representative

June 22, 2017

Soils evaluation based on criteria stated in Livingston County Sanitary Code, effective January 4, 1993.

This is NOT a permit. A suitable soils rating is NOT a guarantee that a permit to construct an on-site subsurface sewage disposal system will be granted. Changing conditions that might result in permit denial are explained in more detail on the reverse side.
**SOIL DESCRIPTION**

<table>
<thead>
<tr>
<th>Boring #</th>
<th>Soil Type</th>
<th>Desc</th>
<th>Begin Depth</th>
<th>End Depth</th>
<th>SWT</th>
<th>WT Depth</th>
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<tbody>
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**SKETCH**

- Suitable with Special Restrictions
- Within 800 feet of a potential or known source of contamination
- No
- Alternative Review: No

**Conditions**

- Locate the system in the exact area of the approved soil borings.
- 100% Cutoff to sand at +/- 3.5 - 6 ft., then back fill with a clean sharp sand then lay stone and tile, 24" max., 12" min.
- Install a septic tank filter on the outlet end of the septic tank.
- **Note:** Maintain enough area for a future replacement septic area.
- Prior to the issuance of a permit, soil borings must be located on a certificate of survey.

**BCF**

Beau C. Forgette
Environmental Health Representative

**Date**

December 12, 2017

---

Soils evaluation based on criteria stated in Livingston County Sanitary Code, effective January 4, 1993.

This is NOT a permit. A suitable soils rating is NOT a guarantee that a permit to construct an on-site subsurface sewage disposal system will be granted. Changing conditions that might result in permit denial are explained in more detail on the reverse side.
Location and Directions: HARTLAND RD
EAST SIDE OF HARTLAND ROAD, APPROXIMATELY 1,500 FEET NORTH OF PARSHALL ROAD

Applicant: DESINE INC
2183 PLESS DR
BRIGHTON MI 48114
PH 810-227-8533

Owner: REX HOLDINGS L L C
2211 ASPENWOOD LANE
COLUMBUS OH 43235

<table>
<thead>
<tr>
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<th>Soil Type</th>
<th>Desc</th>
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<th>End Depth</th>
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Suitable with Special Restrictions: Yes
Oversize: N

Comments:

Within 800 feet of a potential or known source of contamination: No

Alternative Review: No

December 13, 2017

Bo Lea. Fogett
Environmental Health Representative
SOILS EVALUATION FOR SUB-SURFACE SEWAGE DISPOSAL SYSTEMS

<table>
<thead>
<tr>
<th>Conditions</th>
<th>Met?</th>
<th>Date</th>
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<tbody>
<tr>
<td>Locate the system in the exact area of the approved soil borings, #37 &amp; #40.</td>
<td>N</td>
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<tr>
<td>100% cutdown to sand at +/- 3 ft., then lay stone and tile, 24&quot; max., 12&quot; min. cover.</td>
<td>N</td>
<td>12/13/17</td>
</tr>
<tr>
<td>Install a septic tank filter on the outlet end of the septic tank.</td>
<td>N</td>
<td>12/13/17</td>
</tr>
<tr>
<td><strong>Note: Maintain enough area for a future replacement septic area.</strong></td>
<td>N</td>
<td>12/13/17</td>
</tr>
<tr>
<td>Locate the system in the exact area of the approved soil borings, #52 &amp; #53.</td>
<td>N</td>
<td>12/13/17</td>
</tr>
<tr>
<td>100% Cutdown to sand/sandy loam at +/- 6 ft., then back fill with a clean sharp sand then lay stone and tile, 24&quot; max., 12&quot; min. cover.</td>
<td>N</td>
<td>12/13/17</td>
</tr>
<tr>
<td>Due to heavier soil structure witnessed on this property, this system shall be enlarged.</td>
<td>N</td>
<td>12/13/17</td>
</tr>
<tr>
<td>Install a septic tank filter on the outlet end of the septic tank.</td>
<td>N</td>
<td>12/13/17</td>
</tr>
<tr>
<td><strong>Note: Maintain enough area for a future replacement septic area.</strong></td>
<td>N</td>
<td>12/13/17</td>
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</table>

Prior to the issuance of a permit, soil borings must be located on a certificate of survey.
Location and Directions: HARTLAND RD
EAST SIDE OF HARTLAND ROAD, APPROXIMATELY 1,500 FEET NORTH OF PARSHALL ROAD

Applicant: DESINE INC
2183 PLESS DR
BRIGHTON MI 48114
PHI 810-227-9633

Owner: REX HOLDINGS LLC
2211 ASPENWOOD I AVE
COLUMBUS OH 43235

SOIL DESCRIPTION

<table>
<thead>
<tr>
<th>Boring #</th>
<th>Soil Type</th>
<th>Desc</th>
<th>Bag Depth</th>
<th>End Depth</th>
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Suitable with Special Restrictions

Oversize: N
Comments:

Conditions

- Locate the system in the exact area of the approved soil borings, #56 & #60.
- 100% Cutoff to sand +/- 5.5 - 6.5 ft., then back fill with a clean sharp sand then lay stone and tile, 24" max., 12" min. cover.
- Install a septic tank filter on the outlet end of the septic tank.
- ** Note: Maintain enough area for a future replacement septic area.
- Prior to the issuance of a permit, soil borings must be located on a certificate of survey.

Met? Date

<table>
<thead>
<tr>
<th>Met?</th>
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</table>

BCF Beau C. Forgette
Environmental Health Representative

December 14, 2017

This is NOT a permit. A suitable soils rating is NOT a guarantee that a permit to construct an on-site subsurface sewage disposal system will be granted. Changed conditions that might result in permit denial are explained in more detail on the reverse side.
**TYRONE TOWNSHIP**
**PLANNING COMMISSION REVIEW APPLICATION**

<table>
<thead>
<tr>
<th>Property Address / Location</th>
<th>Parcel / Zoning District</th>
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<tbody>
<tr>
<td>Vacant land, Hartland Road, Fenton</td>
<td>4704-34-300-001</td>
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<table>
<thead>
<tr>
<th>Property Owner(s)</th>
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<tbody>
<tr>
<td>Rex Holdings, LLC</td>
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<table>
<thead>
<tr>
<th>Street Address</th>
<th>City</th>
<th>State and Zip Code</th>
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<tbody>
<tr>
<td>2211 Aspenwood Lane</td>
<td>Columbus, Ohio 43235</td>
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<table>
<thead>
<tr>
<th>Authorized Agent</th>
<th>Telephone</th>
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<tbody>
<tr>
<td>Wayne M. Perry, Desine Inc.</td>
<td>810-227-9533</td>
</tr>
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<table>
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<tr>
<th>Street Address</th>
<th>City</th>
<th>State and Zip Code</th>
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<tr>
<td>2183 Pless Drive</td>
<td>Brighton, Michigan 48114</td>
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**Type of Review:**
- Boundary Realignment
- Concept Review
- Conditional Zoning
- Home Occupation
- Land Division
- Open Space Preservation
- Open Space Relocation
- Planned Unit Development
- Public Hearing
- Rezoning
- Site Condominium
- Site Plan Review
- Site Visit
- Special Land Use
- Special Meeting
- Subcommittee Meeting
- Subdivision Plat

**Project Description:**
Land division of a 59.96 acre parcel, 4704-34-300-001, owned by Rex Holdings LLC, into seven parcels as depicted in a Certified Land Survey prepared by Desine Inc. dated 12/20/17.

Two additional future land division rights are to be conveyed to Parcel C3.

A shared driveway is proposed for access to parcels C3, C4 & C6.

Planning Commission applications should be filed with the Planning Commission Recording Secretary at least 14 days (21 days for land divisions/realignments) prior to review. Applications will not be scheduled for review until all information has been received. This Signature constitutes the applicant's acknowledgement of the application requirements and permission for site inspection by Tyrone Township representatives.

**Signature of Owner(s) or Authorized Agent**

**Date**
01/10/2018

**Tax Status**
✓

**Fees**
Fees: 101-000000-607-008

**Receipt**
Received By: RN
Per TD

**Amount**
$1,900.00
$2,000

View the Tyrone Township Ordinance at <tyronetownship.us>
May 3, 2017

Mr. Ross Nicholson  
Planning & Zoning Administrator  
Tyrone Township Hall  
10408 Center Road  
Fenton, Michigan 48430

Re: Rex Holdings, LLC  
Parcel No. 04-34-300-001

Dear Mr. Nicholson:

Please be advised that Rex Holdings, LLC, owner of the above referenced real property located in Tyrone Township, does hereby grant Wayne M. Perry, P.E., Desine inc., authorization to sign and submit to Tyrone Township an application for land division and/or boundary line adjustment on the above referenced property.

Should you have any questions, please contact me at your convenience.

Respectfully,

John Rex  
Rex Holdings, LLC  
2211 Aspenwood Lane  
Columbus, Ohio 43235  
Home: (614) 766-4672  
Cell: (614) 436-5515

173138/Tyrone Twp. Sec. 34 Authorization Letter 05-03-17.doc
2017
Official Winter Tax Receipt
TYRONE TOWNSHIP
4704-34-300-001

TAXABLES: 52,646 SEV: 114,700 SCHL: 47060
PRE/MBT: 100,000 CLASS: 102

RECEIVED
JAN 18 2018
TYRONE TOWNSHIP
PLANNING & ZONING

PREVIOUS PAYMENTS

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** CURRENT PAYMENT **

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Total Recvd: 690.55

DETAILED BREAKDOWN OF BILLING/PAYMENTS FOR 4704-34-300-001

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Admin Fee       6.09  6.09  0.00
Interest/Fee    0.00  0.00  0.00
Over Payments   0.00  0.00  0.00

TOTALS --------- 11.57710 690.55 690.55 0.00

CMNT: 01-01-17 - 12-31-17
SCHL: 07-01-17 - 06-30-18

Property Description
SEC 34 TAN, R6E, N 70 A. OF N 1/2 OF SW 1/4 EXC THE N 10.1 A.

To: REX HOLDINGS L L C
2211 ASPENWOOD LANE
COLUMBUS OH 43235

Adnr: 10340 MARYLAND RD
I HEREBY CERTIFY THAT APPLICATION WAS MADE TO PAY ALL TAXES, SPECIAL ASSESSMENTS AND SURCHARGES, DUE AND PAYABLE AT THIS OFFICE ON THE DESCRIPTION SHOWN IN THIS RECEIPT EXCEPT THOSE AMOUNTS SHOWN IN THE 'BALANCE' COLUMN ABOVE.

TREASURER
Cashier JOANNE
**LIVINGSTON COUNTY ROAD COMMISSION**

**LAND SPLIT / SIGHT DISTANCE REVIEW**

**Review Number:** 1715-005REV

**Property Owner and Applicant Information**

**Owner:** Rox Holdings LLC  
**Street Address:** 2211 Aspenwood Lane  
**City, State, ZIP:** Columbus, OH 43235  
**Day Phone:** (614) 766-4672  
**Applicant:** Wayne Perry  
**Company:** Desline, Inc  
**Address:** 2163 Pless Dr  
**City, State:** Brighton WI, 48114  
**Applicant Phone:** (810) 227-9933  
**Fax:** (810) 227-9460

**Location**

**Township:** Tyrone  
**Section:** 34  
**Development:**
**Approach Type:** Residential  
**Speed Limit (if posted):** 45  
**Speed Factors (if any):** Unposted gravel road

**Roadway On:** Hartland Road  
**Side of Street:** East

**Field Measurements**

Location of existing property corners from nearest crossroad: 377 and 2350 feet North of Parshall

<table>
<thead>
<tr>
<th>Parcel</th>
<th>Property/ Easement Corners</th>
<th>Access Point(s)</th>
<th>Sight Distance Req.</th>
<th>Sight Distance Measured</th>
<th>Sight Distance Comply</th>
<th>Clear Vision Comply</th>
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<tr>
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**Comments:**
A new residential driveway approach application will be required for each driveway approach. A certified survey sketch and clear vision area will be required before the issuance of a residential driveway approach permit. See the LCRC specification booklet, and contact this office for further requirements.

**Inspection Date:** 12/08/2017  
**Inspector:** Kim Hilier
SOILS EVALUATION FOR SUB-SURFACE SEWAGE DISPOSAL SYSTEMS

Location and Directions: HARTLAND RD

Applicant:
DESINE INC
2183 PLESS DR
BRIGHTON MI 48114
PH: 810-227-8533

Owner:
REX HOLDINGS LLC
2211 ASPENWOOD LANE
COLUMBUS OH 43235

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<th>INT Depth</th>
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RECEIVED

JAN 16 2018
Tyrone Township Planning & Zoning

Suitable with Special Restrictions

Within 500 feet of a potential or known source of contamination: No

Alternative Review: No

Conditions:
Locate the system in the center area of the approved soil boring, #11 & #12.
100% Cutdown to sand at +/- 8.5', then back fill with a clean sharp sand then lay stone and tile, 24' max., 12' min. cover.
Install a septic tank filter on the outlet end of the septic tank.

Notes:
Maintain enough area for a future replacement septic area.

BCF
Beau C. Forrest
Environmental Health Representative

June 21, 2017

Soils evaluation based on criteria stated in Livingston County Sanitary Code, effective January 1, 1993.

This is NOT a permit. A suitable soil rating is NOT a guarantee that a permit to construct an on-site sub-surface sewage disposal system will be granted. Changing conditions that might result in permit denial are explained in more detail on the reverse side.
SOILS EVALUATION FOR SUB-SURFACE SEWAGE DISPOSAL SYSTEMS

Location and Directions: HARTLAND RD

Applicant
DEGENE INC
2193 PLESS DR
BRIGHTON MI 48114
PH1 810-227-9533

Owner
TEX HOLDINGS LLC
2211 ASPENWOOD LANE
COLUMBUS OH 43236

SOIL DESCRIPTION

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<th>End Depth</th>
<th>SHY WT Depth</th>
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SKETCH

RECEIVED
JAN 1 0 2018
TYRONE TOWNSHIP
PLANNING & ZONING

Suitable with Special Restrictions

Over: N
Comments:

Conditions
Locate the system in the exact area of the approved soil bidege, #30 & #31.
100% Cutdown to sand at 1/4 _6.5 - 8.5_depth, then back fill with a clean sharp sand and then lay stone and tile, 24" max., 12" min. cover.
Install a septic tank filter on the outlet end of the septic tank.
** Note: Maintain enough area for a future replacement septic area.

BCF Beau C. Forgette
Environmental Health Representative

June 22, 2017

This is NOT a permit. A suitable soils rating is NOT a guarantee that a permit to construct an onsite subsurface sewage disposal system will be granted. "Changing conditions that might result in permit denial are explained in more detail on the reverse side."
SOILS EVALUATION FOR SUB-SURFACE SEWAGE DISPOSAL SYSTEMS

Location and Directions: HARTLAND RD
EAST SIDE OF HARTLAND ROAD, APPROXIMATELY 1,500 FEET NORTH OF PARSHALL ROAD

Applicant: DESINE INC
2183 PLESS DR
BRIGHTON MI 48114
PH: 810-227-9533

Owner: REX HOLDINGS LLC
2211 ASPENWOOD LANE
COLUMBUS OH 43235

SOIL DESCRIPTION

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<th>Soil Type</th>
<th>Desc</th>
<th>Depth</th>
<th>End</th>
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</table>

Suitable with Special Restrictions

Oversize: N
Comments:

Conditions
Prior to the issuance of a permit, soil borings must be located on a certificate of survey.
Locate the system in the exact area of the approved soil borings, #41, 42, 44 & 45.
100% Cutdown to sand at +4 ft. to 5 ft., then back fill with a clean sharp sand then lay stone and tile, 24" max., 12" min. cover.
Install a septic tank filter on the outlet end of the septic tank.
** Note: Maintain enough area for a future replacement septic area.

Received:

January 6, 2018

Tyrone Township Planning 
Date
December 14, 2017

Approved by:

BCF
Environmental Health Representative

This is NOT a permit. A suitable soils rating is NOT a guarantee that a permit to construct on-site subsurface sewage disposal system will be granted. Changing conditions that might result in permit denial are explained in more detail on the reverse side.
Livingston County Health Department  
Environmental Health Division  
2800 E. Grand River * Suite 102 * Howell, MI 48843  
Fax (517) 546.9853 * Phone (517) 546.9858  
http://co.livingston.mi.us/health  

SOILS EVALUATION FOR SUB-SURFACE SEWAGE DISPOSAL SYSTEMS

**Location and Directions:** HARTLAND RD

**Applicant:** DESINE INC  
2183 PLESS DR  
BRIGHTON MI 48114  
PH: 810-227-8533

**Owner:** REX HOLDINGS LLC  
2211 ASPENWOOD LANE  
COLUMBUS OH 43235  
PH: 614-766-4672

<table>
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<tr>
<th>Soil Description</th>
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</table>

Suitable with Special Restrictions  

<table>
<thead>
<tr>
<th>Conditions</th>
</tr>
</thead>
</table>
| Locate the system in the exact area of the approved soil borings, #19 & #18.  
100% Cutdown to sand at +/- 3 ft., then back fill with a clean sharp sand then lay stone and tile, 24" max., 12" min. cover.  
Install a septic tank filter on the outlet end of the septic tank.  
**Note: Maintain enough area for a future replacement septic area.** |

**Oversize:** N

**Comments:**

**Sketch:**

Within 800 feet of a potential or known source of contamination: No  
Alternative Review: No

RECEIVED  
TYRONE TOWNSHIP  
PLANNING & ZONING  
June 22, 2017

<table>
<thead>
<tr>
<th>BCF</th>
<th>Beau C. Forgette</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>Environmental Health Representative</td>
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Soils evaluation based on criteria stated in Livingston County Sanitary Code, effective January 4, 1983.

This is NOT a permit. A suitable soils rating is NOT a guarantee that a permit to construct an on-site sub-surface sewage disposal system will be granted. Changing conditions that might result in permit denial are explained in more detail on the reverse side.
**Soil Description**

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</table>

**Suitable with Special Restrictions**

- **Oversize**: N
- **Comments**: Within 500 feet of a potential or known source of contamination: No
- **Alternative Review**: No

**Conditions**

Locate the system in the exact area of the approved soil borings.

- 100% Coverage in sand at 4-5.5 - 8.0 ft. and backfill with a clean sharp sand then a layer of stone andfiltro, 24" max., 12" min. cover.
- Install a septic tank filter at the outlet of the septic tank.

**Note**: Maintain sufficient area for a future replacement septic area.

Prior to the issuance of a permit, soil borings must be located on a certificate of survey.

**BCF**

December 12, 2017

Environmental Health Representative

This is NOT a permit. A suitable soils rating is NOT a guarantee that a permit to construct an on-site subsurface sewage disposal system will be granted. Conditions that might result in permit denial are explained in more detail on the reverse side.
**Soils Evaluation for Sub-Surface Sewage Disposal Systems**

**Location and Directions:** HARTLAND RD

**Applicant:** DECK INC
2163 PLESS DR
BRIGHTON MI 48114
PH 810-227-9533

**Owner:** REX HOLDINGS L L C
2211 ASPENWOOD LANE
COLUMBUS OH 43235

**Soil Description**

<table>
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<tr>
<th>Boring #</th>
<th>Soil Type</th>
<th>Description</th>
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**Suitable with Special Restrictions**

**Comments:** Within 800 feet of a potential or known source of contamination: No

**Received:** JAN 3, 2013

**Tyrone Township Planning & Zoning**

**BCF**
Beau C. Forgetten
Environmental Health Representative

**December 13, 2017**

**Soils evaluation based on criteria stated in Livingston County Sanitary Code, effective January 4, 1993.**

This is **NOT** a permit. A suitable soil rating is **NOT** assurance that a permit to construct an on-site subsurface sewage disposal system will be granted. On-site conditions which might result in permit denial are explained in more detail on the reverse side.
Conditions

Locate the system in the exact area of the approved soil borings, #37 & #40.
100% cutoff to sand at 4'-3'-L, then 3' stone and tile, 24" max., 12" min. cover.
Install a septic tank filter on the outlet end of the septic tank.

** Note: Maintain enough area for a future replacement septic area.

OR

Locate the system in the exact area of the approved soil borings, #52 & #53.
100% Cutoff to sand/sandy loam at 4'-9'-R, then backfill with a clean sharp sand then 3' stone and tile, 24" max., 12" min. cover.
Due to heavier soil structure witnessed on this property, this system shall be enlarged.
Install a septic tank filter on the outlet end of the septic tank.

** Note: Maintain enough area for a future replacement septic area.

Prior to the issuance of a permit, soil borings must be located on a certificate of survey.
SOILS DESCRIPTION

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Suitable with Special Restrictions

Oversize: N
Comments: Within 800 feet of a potential or known source of contamination

Conditions

Locate the system in the area of the approved soil borings, #65 & #56.
100% Cutoff to sand at -5.5 - 8.0 ft., then back fill with clean sand and fill in size gravel. 24" max. 12" min. cover.
Install a septic tank filter on the outlet end of the septic tank.
** Note: Maintain enough area for a future replacement septic area.
Prior to the issuance of a permit, soil borings must be located on a certificate of survey.

BCF  Beau C. Forgette
Environmental Health Representative

December 14, 2017

This is NOT a permit. A septic system design is NOT a substitute to a permit to construct a septic disposal system. A permit is required.

SOILS EVALUATION FOR SUB-SURFACE SEWAGE DISPOSAL SYSTEMS

HARTLAND RD
EAST SIDE OF HARTLAND ROAD, APPROXIMATELY 1,500 FEET NORTH OF PARSHALL ROAD
Applicant: DESING INC
2183 PLESS DR
BRIGHTON MI 48114
PH: 810-227-9533

Owner: REX HOLDINGS L L C
2211 ASPENWOOD LANE
COLUMBUS OH 43235

Tyrone Township
Planning & Zoning

Received: JAN 10 2018

December 14, 2017
DECLARATION OF EASEMENT

THIS DECLARATION OF EASEMENT (the "Declaration"), is made this ___ day of ___, 2018, by REX HOLDINGS L.L.C., a Michigan limited liability company, whose address is 2211 Aspenwood Lane, Columbus, Ohio 43235 (the "Declarant");

WHEREAS, the Declarant is the title holder of certain real property located in the Township of Tyrone, County of Livingston, State of Michigan, more particularly described in Exhibit A (the "Benefitted Parcels"), attached to and made a part of this Declaration, and as set forth in a certain survey performed by Destine Inc. dated December 20, 2017; and

WHEREAS, it is the desire of the Declarant to establish a permanent easement for the construction, keeping and maintenance of a shared private residential driveway over, upon and across certain property situated in the Township of Tyrone, Livingston County, Michigan, and is specifically described in Exhibit B (the "Easement"), attached to and incorporated in this Declaration; and

WHEREAS, the Declarant desires to create an easement to run with the land for the purpose of establishing a shared driveway easement and maintenance agreement required for construction of a single family residential driveway providing access to the Benefitted Parcels.

NOW, THEREFORE, in consideration of the covenants and benefits contained in this Declaration,

IT IS HEREBY COVENANTED as follows:

EASEMENT DECLARATION

1. The Declarant establishes and declares a non-exclusive, perpetual easement for ingress and egress, improved or unimproved, and for location of public and private utilities, over, under and across and for the benefit of the parcels described in the attached EXHIBIT A said easement being more particularly described in EXHIBIT B attached hereto and made a part hereof. The easement is hereby established as an easement for the public for purposes of emergency and other public vehicles.
2. The Grantors herein specifically reserve unto themselves, their respective heirs, executors, administrators, personal representatives, successors and assigns, the easement and the easement rights set forth herein in the described easement, for the benefit of the properties more particularly described in the attached EXHIBIT A and for any further divisions thereof, including the rights to use said easement and to subsequently convey said easement and easement rights with said properties and any divisions thereof.

3. The easement described in the attached EXHIBIT B shall run with the land and title, and shall be appurtenant thereto.

4. The property described in the attached EXHIBIT A is provided access over, across and through a shared private drive easement and said easement is not maintained by the Board of County Road Commissioners.

EASEMENT MAINTENANCE

5. The owner or owners of each parcel shall share with and in the cost of maintaining and/or improving the shared private drive easement. Such share of the cost shall be based upon the respective number of Maintenance Units assigned to each parcel. Each Maintenance Unit shall have one (1) vote and shall constitute a separate share or unit for the purpose of distributing the cost of maintenance of the shared private drive. Each parcel provided access by the shared private drive shall be assigned a minimum of one (1) Maintenance Unit subject to the conditions and definitions hereinafter set forth.

6. The minimum number of Maintenance Units for the shared private drive easement shall be three (3). Maintenance Units for each parcel described in EXHIBIT A, are initially assigned as follows:

   Parcel C3    One (1) Maintenance Units
   Parcel C4    One (1) Maintenance Units
   Parcel C6    One (1) Maintenance Unit

7. At the time of approval of a land division or sub-division of any parcel described in EXHIBIT A, the Owner shall designate the number of Maintenance Units assigned to each resulting parcel, provided each resulting parcel shall be assigned not less than one (1) Maintenance Unit. Assignment of Maintenance Units as a part of the division, sub-division or combination of any parcel(s) shall not result in a reduction in the total number of assigned Maintenance Units.

8. Prior to any costs being incurred for normal maintenance of said easement, a simple majority of Maintenance Units from improved parcels shall agree to such normal
maintenance being performed and the cost thereof. “Normal maintenance” shall include, but not be limited to snow removal, grading, re-graveling, and repair as necessary, the cost of which shall not exceed ONE THOUSAND FIVE HUNDRED ($1,500.00) DOLLARS per occurrence. “Simple majority” shall be determined by the total number of Maintenance Units for improved parcels, each Maintenance Unit having One (1) vote. “Improved parcel” or “improved property” shall include any parcel on which construction of any building, house or other improvement has commenced, and access to such “improved parcel” or “improved property” is gained from said easement.

9. Prior to any costs being incurred for major capital improvements for said easement, a minimum of seventy percent (70%) of the total Maintenance Units, improved or unimproved, shall agree to such capital improvement and the cost thereof. “Major capital improvement” shall include, but not be limited to, grading, re-grading, graveling, re-graveling, paving repaving and repair the cost of which is in excess of ONE THOUSAND FIVE HUNDRED ($1,500.00) DOLLARS per occurrence. Each Maintenance Unit shall be liable for one (1) equal share of the total cost of such improvement, such share being based on the total number of Maintenance Units having rights in said easement.

10. Any costs incurred for normal maintenance or major capital improvements of said easement as described herein shall be a burden upon the land with a lien therefore against any parcel for which such costs have to be paid by the owner or owners of any such parcel. Any such lien shall attach upon the filing and recording of an affidavit by the owners of any two or more of the remaining parcels which are subject to and liable for such cost. Such affidavit shall set forth the description of the parcel or property against which the lien is claimed, whether the expenditure is for normal maintenance or for major capital improvement, the total amount of the expenditure, the portion attributable to such parcel or property, and the date or dates of such expenditures. A copy of such affidavit shall be sent to the owner or owners of such parcel against which the lien is claimed by regular mail, with postage prepaid, at the last known address of such owner or owners.

11. The owner or owners of each parcel shall be separately responsible to repair and for the costs thereof, of any damage caused to the easement due to extraordinary use. "Extraordinary use" shall include, but not be limited to, movement of construction equipment, moving vans, commercial trucks, or other heavy loads, movement of recreational vehicles or increased usage not ordinarily consistent with normal traffic. The owner or owners of such parcel or parcels, whether improved or unimproved, shall not be responsible for such repair or costs until such time as said easement is used by them or construction is commenced on such parcel. In the event that any owner or owners or their agents, employees or invitees cause the type of damage described herein shall fail to make the necessary repairs, the remaining parcel owners may do so after notice to such owner or
owners, and any costs so expended shall be a burden upon the land of such owner or owners with a lien enforceable as set forth herein.

EASEMENT USE AND CONDITIONS

12. The owner or owners of each parcel shall not interfere with any usage of the easement for ingress, egress and public utilities, and said owner or owners of each parcel shall not limit the usage of said easement area in any manner, shape or form without the written consent and permission of Tyrone Township and the owners of each parcels herein described.

13. Any division, subdivision or combination of parcels, and/or modification to the shared private drive easement description shall be subject to Tyrone Township Board approval.

14. This agreement shall be in addition to any and all governmental restrictions or requirements that may be applicable to the maintenance and repair of said easement. The owner or owners of each parcel state and acknowledge that maintenance of the easement is a private not public responsibility.

15. The owner or owners of each parcel shall exclusively be entitled to and obligated equally to maintain, repair and improve the described shared private driveway and easement area. In the event that the parties, their successors, and assigns, hereby are unable to agree as to the type of maintenance work to be performed, the regularity of the work to be performed, the costs thereof or the participation in the payment of costs thereof by the parties, their successors, or assigns, the parties shall submit their differences, claims, or objections to binding arbitration. Arbitration fees for resolution of differences, claims, or objections shall be divided equally, between all parties and paid directly by each party involved in the claim or dispute.

16. The parties further acknowledge that the aforesaid covenants are deed restrictions that are to be applicable to the aforesaid described parcels and are being granted, in part, to avoid future problems on said parcels that will arise if additional structures were to be constructed on portions thereof.

17. If any part of this agreement is determined to be invalid for any reason then it shall not affect the remaining provisions and the balance of this agreement shall remain in effect.
This Declaration shall run with the land and be binding on all future grantees, owners, heirs, successors and assigns in title.

IN WITNESS WHEREOF, the parties hereto have executed this agreement and covenant on this _____ day of __________________, 2018.

REX HOLDINGS L.L.C.,
a Michigan limited liability company

_______________________________________
John Rex
Its: Manager

STATE OF MICHIGAN   }  
COUNTY OF LIVINGSTON }  

On this _____ day of __________________, 2018, before me a Notary Public in and for said county, personally appeared John Rex who is known to me to be the same person described herein, and who executed the within instrument as Manager of REX HOLDINGS L.L.C., a Michigan limited liability company.

_______________________________________
Notary Public
County, Michigan
My Commission Expires:

Instrument prepared by:
Wayne Perry
Davins Inc.
2183 Pless Drive, Brighton, MI 48114

When recorded return to:
John Rex
RX Holdings, LLC
2211 Aspenwood Lane
Columbus, Ohio 43225

RECEIVED

JAN 10, 2018
TYRONE TOWNSHIP
PLANNING & ZONING

Page 5
PARCEL C3 – 15.86± Acres

Commencing at the Southwest Corner of Section 34, Town 4 North, Range 6 East, Tyrone Township, Livingston County, Michigan; thence N02°57'31"W 1403.49 feet along the West line of said Section 34 to the PLACE OF BEGINNING; thence continuing N02°57'31"W 316.00 feet along said West line of Section 34 and the nominal centerline of Hartland Road (33 foot wide 1/2 Right-of-Way); thence N87°02'29"E 600.00 feet; thence N02°57'31"W 250.00 feet; thence N87°02'29"E 729.87 feet; thence S02°54'47"E 653.92 feet along the East line of the West 1/2 of the Southwest 1/4 of said Section 34 as previously established and monumented; thence S87°02'29"W 579.35 feet; thence S02°57'31"E 162.08 feet; thence S87°02'29"W 150.60 feet along the Northerly line of a 66 foot wide shared driveway easement for Parcels C3, C4 and C6 as described below; thence N02°57'31"W 250.00 feet; thence S87°02'29"W 600.00 feet to the Place of Beginning; Being a part of the West 1/2 of the Southwest 1/4 of Section 34, Town 4 North, Range 6 East, Tyrone Township, Livingston County, Michigan. Containing 15.86 acres of land, more or less. Subject to the rights of the public over that part thereof taken for Hartland Road (33 foot wide 1/2 Right-of-Way), also together with a 66 foot wide shared driveway easement for Parcels C3, C4 and C6 as described below, also subject to and together with all easements and restrictions affecting title to the above described premises.

PARCEL C4 – 3.44± Acres

Commencing at the Southwest Corner of Section 34, Town 4 North, Range 6 East, Tyrone Township, Livingston County, Michigan; thence N02°57'31"W 1153.49 feet along the West line of said Section 34 to the PLACE OF BEGINNING; thence continuing N02°57'31"W 250.00 feet along said West line of Section 34 and the nominal centerline of Hartland Road (33 foot wide 1/2 Right-of-Way); thence N87°02'29"E 600.00 feet; thence S02°57'31"E 250.00 feet; thence S87°02'29"W 600.00 feet along (in-part) the Northerly line of a 66 foot wide shared driveway easement for Parcels C3, C4 and C6 as described below to the Place of Beginning. Being a part of the West 1/2 of the Southwest 1/4 of Section 34, Town 4 North, Range 6 East, Tyrone Township, Livingston County, Michigan. Containing 3.44 acres of land, more or less. Subject to the rights of the public over that part thereof taken for Hartland Road (33 foot wide 1/2 Right-of-Way), also together with a 66 foot wide shared driveway easement for Parcels C3, C4 and C6 as described below, also subject to and together with all easements and restrictions affecting title to the above described premises.
EXHIBIT A

PARCEL C6 – 15.10± Acres

Commencing at the Southwest Corner of Section 34, Town 4 North, Range 6 East, Tyrone Township, Livingston County, Michigan; thence N02°57'31"W 729.17 feet along the West line of said Section 34 to the PLACE OF BEGINNING; thence continuing N02°57'31"W 424.32 feet along said West line of Section 34 and the nominal centerline of Hartland Road (33 foot wide 1/2 Right-of-Way); thence N87°02'29"E 750.00 feet along (in-part) the Northerly line of a 66 foot wide shared driveway easement for Parcels C3, C4 and C6 as described below; thence N02°57'31"W 162.08 feet; thence N87°02'29"E 579.35 feet; thence S02°54'4"E 556.40 feet along the East line of the West 1/2 of the Southwest 1/4 of said Section 34 as previously established and monumented; thence S87°02'29"W 1328.88 feet to the Place of Beginning. Being a part of the West 1/2 of the Southwest 1/4 of Section 34, Town 4 North, Range 6 East, Tyrone Township, Livingston County, Michigan. Containing 15.10 acres of land, more or less. Subject to the rights of the public over that part thereof taken for Hartland Road (33 foot wide 1/2 Right-of-Way), also subject to and together with 66 foot wide shared driveway easement for Parcels C3, C4 and C6 as described below, also subject to and together with all easements and restrictions affecting title to the above described premises.
EXHIBIT E
TYRONE TOWNSHIP
PLANNING & ZONING

66 FOOT WIDE SHARED DRIVEWAY EASEMENT
FOR PARCELS C3, C4 AND C6

A 66 foot wide shared driveway easement for Parcels C3, C4 and C6, lying in its entirety in
aforementioned PARCEL C6 and more particularly describe as follows: Commencing at the
Southwest Corner of Section 34, Town 4 North, Range 6 East, Tyrone Township, Livingston
County, Michigan; thence N02°57'31"W 1153.49 feet along the West line of said Section 34;
thence N87°02'29"W 413.98 feet along a the North line of said PARCEL to the PLACE OF
BEGINNING; thence continuing N87°02'29"E 336.02 feet along (in part) a line common to
said PARCELS C4 and C6 and also (in part) a line common to said PARCELS C3 and C6;
thence S02°57'31"E 66.00 feet; thence S87°02'29"W 336.02 feet; thence Westerly 111.35
feet along the arc of a 197.00 foot radius curve to the left, through a central angle of
32°23'11" and having a chord bearing S70°50'54"W 109.88 feet; thence S54°39'18"W
100.17 feet; thence Westerly 148.66 feet along the arc of a 263.00 foot radius curve to the
right, through a central angle of 32°23'11" and having a chord bearing S70°50'54"W 146.69
feet; thence S87°02'29"W 50.00 feet; thence N02°57'31"W 66.00 feet along the Easterly
line of Hartland Road (33 foot wide 1/2 Right-of-Way); thence N87°02'29"E 50.00 feet;
thence Easterly 111.35 feet along the arc of a 197.00 foot radius curve to the left, through a
central angle of 32°23'11" and having a chord bearing N70°50'54"E 109.88 feet; thence
N54°39'18"E 160.17 feet; thence Easterly 148.66 feet along the arc of a 263.00 foot radius
curve to the right, through a central angle of 32°23'11" and having a chord bearing
N70°50'54"E 146.69 feet to the Place of Beginning. Being a part of the West 1/2 of the
Southwest 1/4 of Section 34, Town 4 North, Range 6 East, Tyrone Township, Livingston
County, Michigan.
LEGAL DESCRIPTIONS OF RECORD

Situated in the Township of Tyrone, County of Livingston and State of Michigan, and described as follows:

PARCEL No. 4704-34-300-001
Reference: Quit Claim Deed as recorded in Liber 2001, Page 822, Livingston County Records

The North 70 acres of the West half of the Southwest 1/4 of Section 34, Town 4 North, Range 6 East, Tyrone Township, Livingston County, Michigan. Except the North 10.1 acres thereof. Being a part of the Southwest 1/4 of Section 34, Town 4 North, Range 6 East, Tyrone Township, Livingston County Records. Subject to the rights of the public over that part thereof taken for Hartland Road (33 foot wide 1/2 Right-of-Way) and Pashaliville Road (33 foot wide 1/2 Right-of-Way), also subject to and together with all easements and restrictions affecting title to the above described premises.

LEGAL DESCRIPTION SUBSEQUENT TO SURVEY

All parcels situated in the Township of Tyrone, County of Livingston and State of Michigan, and described as follows:

PARCEL No. 4704-34-300-001 59.96 Acres

Commencing at the Southwest Corner of Section 34, Town 4 North, Range 6 East, Tyrone Township, Livingston County, Michigan;

thence N02°57'31"W 370.85 feet along the West line of said Section 34 to the PLACE OF BEGINNING;

thence continuing N02°57'31"W 1974.64 feet along said West line of Section 34 and (in-part) the nominal centerline of Hartland Road (33 foot wide 1/2 Right-of-Way), to a point being 330.30 feet S02°57'31"E from the West 1/4 Corner of said Section 34;

thence N87°02'28"E 1330.17 feet along the South line of the North 10.1 acres of the West 1/2 of the Southwest 1/4 of said Section 34 as previously established and monumented;

thence S02°54'47"E 1960.26 feet along the East line of said West 1/2 of the Southwest 1/4 of Section 34 as previously established and monumented;

thence along the South line of the North 70 acres of said West 1/2 of the Southwest 1/4 of Section 34 as previously established and monumented the following four courses:

1) S87°01'49"W 935.52 feet,
2) S02°56'44"E 13.87 feet,
3) S86°54'48"W 150.08 feet and
4) S87°02'42"W 243.00 feet to the Place of Beginning.

Being a part of the West 1/2 of the Southwest 1/4 of Section 34, Town 4 North, Range 6 East, Tyrone Township, Livingston County, Michigan. Containing 59.96 acres of land, more or less. Subject to the rights of the public over that part thereof taken for Hartland Road (33 foot wide 1/2 Right-of-Way), also subject to and together with all easements and restrictions affecting title to the above described premises.

RECEIVED
1 JAN 2018
TYRONE TOWNSHIP
PLANNING & ZONING

CIVIL ENGINEERS
LAND SURVEYORS

(210) 227-8003
FAX (210) 227-8460
EMAIL: desline@deslineinc.com
2183 PLESS DRIVE
BRIGHTON, MICHIGAN 48114

PREPARED FOR

REX HOLDINGS LLC

SECTION 34, TOWN 4 NORTH, RANGE 6 EAST
TYRONE TOWNSHIP, LIVINGSTON COUNTY, MICHIGAN

JOB No. 1-01-34-173138 DATE 12/20/17
Dwg. 173138-132 DRAWN LM SHEET 6 OF 16

MARIUSZ L. LUKOWICZ
PROFESSIONAL SURVEYOR No. 38119
PARCEL C1 3.44± Acres

Commencing at the Southwest Corner of Section 34, Town 4 North, Range 6 East, Tyrone Township, Livingston County, Michigan;
then see N02°57'31"W 1999.49 feet along the West line of said Section 34 to the PLACE OF BEGINNING;
then continue N02°57'31"W 250.00 feet along said West line of Section 34 and the nominal centerline of Hartland Road (33 foot wide 1/2 Right-of-Way);
then see N87°00'29"E 600.00 feet;
then see S02°57'31"E 250.00 feet;
then see S87°00'29"W 600.00 feet to the Place of Beginning.
Being a part of the West 1/2 of the Southwest 1/4 of Section 34, Town 4 North, Range 6 East, Tyrone Township, Livingston County, Michigan. Containing 3.44 acres of land, more or less.
Subject to the rights of the public over that part thereof taken for Hartland Road (33 foot wide 1/2 Right-of-Way), also subject to and together with all easements and restrictions affecting title to the above described premises.

Parcel C1 Open Space 1.08± Acres

Commencing at the Southwest Corner of Section 34, Town 4 North, Range 6 East, Tyrone Township, Livingston County, Michigan;
then see N02°57'31"W 1999.49 feet along the West line of said Section 34;
then see N87°00'29"E 33.00 feet along the Southerly line of aforementioned PARCEL C1 to the PLACE OF BEGINNING;
then see N02°57'31"W 25.00 feet along the Easterly line of Hartland Road (33 foot wide 1/2 Right-of-Way);
then see N87°00'29"E 475.20 feet;
then see N02°57'31"W 200.00 feet;
then see S87°00'29"W 475.20 feet;
then see N02°57'31"W 25.00 feet along said Easterly line of Hartland Road;
then along the boundary lines of aforementioned PARCEL C1 the following three courses:
(1) S87°00'29"W 567.00 feet;
(2) S02°57'31"E 250.00 feet and
(3) S87°00'29"W 567.00 feet to the Place of Beginning.
Being a part of the West 1/2 of the Southwest 1/4 of Section 34, Town 4 North, Range 6 East, Tyrone Township, Livingston County, Michigan. Containing 1.08 acres of land, more or less.
Subject to and together with all easements and restrictions affecting title to the above described premises.
PARCEL C2 3.44± Acres

Commencing at the Southwest Corner of Section 34, Town 4 North, Range 6 East, Tyrone Township, Livingston County, Michigan;

thence N02°57'31"W 1719.49 feet along the West line of said Section 34 to the PLACE OF BEGINNING;

thence continuing N02°57'31"W 250.00 feet along said West line of Section 34 and the nominal centerline of Hartland Road (33 foot wide 1/2 Right-of-Way);

thence N87°02'29"E 600.00 feet;

thence S02°57'31"E 250.00 feet;

thence S87°02'29"W 600.00 feet to the Place of Beginning.

Being a part of the West 1/2 of the Southwest 1/4 of Section 34, Town 4 North, Range 6 East, Tyrone Township, Livingston County, Michigan. Containing 3.44 acres of land, more or less. Subject to the rights of the public over that part thereof taken for Hartland Road (33 foot wide 1/2 Right-of-Way), also subject to and together with all easements and restrictions affecting title to the above described premises.

Parcel C2 Open Space 1.08± Acres

Commencing at the Southwest Corner of Section 34, Town 4 North, Range 6 East, Tyrone Township, Livingston County, Michigan;

thence N02°57'31"W 1719.49 feet along the West line of said Section 34;

thence N87°02'29"E 33.00 feet along the Southerly line of aforementioned PARCEL C2 to the PLACE OF BEGINNING;

thence N02°57'31"W 25.00 feet along the Easterly line of Hartland Road (33 foot wide 1/2 Right-of-Way);

thence N87°02'29"E 472.50 feet;

thence N02°57'31"W 200.00 feet;

thence S87°02'29"W 472.50 feet;

thence N02°57'31"W 25.00 feet along said Easterly line of Hartland Road;

thence along the boundary lines of aforementioned PARCEL C2 the following three courses:

(1) N87°02'29"E 567.00 feet,

(2) S02°57'31"E 250.00 feet and

(3) S87°02'29"W 567.00 feet to the Place of Beginning.

Being a part of the West 1/2 of the Southwest 1/4 of Section 34, Town 4 North, Range 6 East, Tyrone Township, Livingston County, Michigan. Containing 1.08 acres of land, more or less. Subject to and together with all easements and restrictions affecting title to the above described premises.

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TYRONE TOWNSHIP
PLANNING & ZONING
PARCEL C3 15.86± Acres

Commencing at the Southwest Corner of Section 34, Town 4 North, Range 6 East, Tyrone Township, Livingston County, Michigan;

thence N02°57'31"W 1403.49 feet along the West line of said Section 34 to the PLACE OF BEGINNING;

thence continuing N02°57'31"W 316.00 feet along said West line of Section 34 and the nominal centerline of Hartland Road (33 foot wide 1/2 Right-of-Way);

thence N87°02'29"E 600.00 feet;

thence N02°57'31"W 250.00 feet;

thence N87°02'29"E 729.87 feet;

thence S02°54'47"E 653.92 feet along the East line of the West 1/2 of the Southwest 1/4 of said Section 34 as previously established and monumented;

thence S87°02'29"W 579.35 feet;

thence S02°57'31"E 162.06 feet;

thence S87°02'29"W 150.00 feet along the Northerly line of a 66 foot wide shared driveway easement for Parcels C3, C4 and C6 as described below;

thence N02°57'31"W 250.00 feet;

thence S87°02'29"W 600.00 feet to the Place of Beginning;

Being a part of the West 1/2 of the Southwest 1/4 of Section 34, Town 4 North, Range 6 East, Tyrone Township, Livingston County, Michigan. Containing 15.86 acres of land, more or less. Subject to the rights of the public over that part thereof taken for Hartland Road (33 foot wide 1/2 Right-of-Way), also together with a 66 foot wide shared driveway easement for Parcels C3, C4 and C6 as described below, also subject to and together with all easements and restrictions affecting title to the above described premises.

Parcel C3 Open Space 5.21± Acres

Commencing at the Southwest Corner of Section 34, Town 4 North, Range 6 East, Tyrone Township, Livingston County, Michigan;

thence N02°57'31"W 1403.49 feet along the West line of said Section 34;

thence S87°02'29"E 33.00 feet along the Southerly line of aforementioned PARCEL C3 to the PLACE OF BEGINNING;

thence N02°57'31"W 316.00 feet along the Easterly line of Hartland Road (33 foot wide 1/2 Right-of-Way);

thence along the boundary lines of aforementioned PARCEL C3 the following five courses:

(1) N87°02'29"E 567.00 feet;

(2) N02°57'31"W 250.00 feet;

(3) N87°02'29"E 729.87 feet;

(4) S02°54'47"E 653.92 feet along the East line of the West 1/2 of the Southwest 1/4 of said Section 34 as previously established and monumented and

(5) S87°02'29"W 154.77 feet;

thence N02°54'47"W 623.92 feet;

thence S87°02'29"W 545.08 feet;

thence S02°57'31"E 250.00 feet;

thence S87°02'29"W 303.52 feet;

thence S02°57'31"E 286.66 feet;

thence S87°02'29"W 293.48 feet along the Southerly line of said PARCEL C3 to the Place of Beginning.

Being a part of the West 1/2 of the Southwest 1/4 of Section 34, Town 4 North, Range 6 East, Tyrone Township, Livingston County, Michigan. Containing 5.21 acres of land, more or less. Subject to and together with all easements and restrictions affecting title to the above described premises.

CIVIL ENGINEERS
LAND SURVEYORS

REX HOLDINGS LLC

PREPARED FOR

STATE OF MICHIGAN

MARIUSZ LUKOWICZ

PROFESSIONAL SURVEYOR No. 38119

38119

MARIUSZ LUKOWICZ

PROFESSIONAL SURVEYOR

38119
PARCEL C4 3.44± Acres

Commencing at the Southwest Corner of Section 34, Town 4 North, Range 6 East, Tyrone Township, Livingston County, Michigan;
thence N02°57'31"W 1153.49 feet along the West line of said Section 34 to the PLACE OF BEGINNING;
thence continuing N02°57'31"W 250.00 feet along said West line of Section 34 and the nominal
centerline of Hartland Road (33 foot wide 1/2 Right-of-Way);
thence N87°02'29"E 600.00 feet;
thence S02°57'31"E 250.00 feet;
thence S87°02'29"W 600.00 feet along (in-part) the Northerly line of a 66 foot wide shared driveway
easement for Parcels C3, C4 and C6 as described below to the Place of Beginning.
Being a part of the West 1/2 of the Southwest 1/4 of Section 34, Town 4 North, Range 6 East,
Tyrone Township, Livingston County, Michigan. Containing 3.44 acres of land, more or less.
Subject to the rights of the public over that part thereof taken for Hartland Road (33 foot wide 1/2
Right-of-Way), also together with a 66 foot wide shared driveway easement for Parcels C3, C4
and C6 as described below, also subject to and together with all easements and restrictions
affecting title to the above described premises.

Parcel C4 Open Space 1.08 acres

Commencing at the Southwest Corner of Section 34, Town 4 North, Range 6 East, Tyrone
Township, Livingston County, Michigan;
thence N02°57'31"W 1403.49 feet along the West line of said Section 34;
thence N87°02'29"E 33.00 feet along the Northerly line of aforementioned PARCEL C4 to the
PLACE OF BEGINNING,
thence along the boundary lines of said aforementioned PARCEL C4 the following three courses:
(1) N87°02'29"E 557.00 feet,
(2) S02°57'31"E 250.00 feet and
(3) S87°02'29"W 94.50 feet;
thence N02°57'31"W 200.00 feet;
thence S87°02'29"W 472.50 feet;
thence N02°57'31"W 50.00 feet along the Easterly line of Hartland Road (33 foot wide 1/2 Right-of-
Way) to the Place of Beginning.
Being a part of the West 1/2 of the Southwest 1/4 of Section 34, Town 4 North, Range 6 East,
Tyrone Township, Livingston County, Michigan. Containing 1.08 acres of land, more or less.
Subject to and together with all easements and restrictions affecting title to the above described
premises.

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JAN 1 0 2018
TYRONE TOWNSHIP
PLANNING & ZONING
PARCEL C5 8.04± Acres

Commencing at the Southwest Corner of Section 34, Town 4 North, Range 6 East, Tyrone Township, Livingston County, Michigan;
then to N02°57'31"W 2219.49 feet along the West line of said Section 34 to the PLACE OF BEGINNING;
then continuing N02°57'31"W 126.00 feet along said West line of Section 34 and the nominal centerline of Harland Road (33 foot wide 1/2 Right-of-Way), to a point being distant 330.30 feet S02°57'31"E from the West 1/4 Corner of said Section 34;
then to N87°02'29"E 1330.17 feet;
then to S02°54'47"E 376.00 feet along the East line of the West 1/2 of the Southwest 1/4 of said Section 34 as previously established and monumented;
then to S87°02'28"W 729.87 feet;
then to N02°57'31"W 250.00 feet;
then to S87°02'29"W 600.00 feet to the Place of Beginning.
Being a part of the West 1/2 of the Southwest 1/4 of Section 34, Town 4 North, Range 6 East, Tyrone Township, Livingston County, Michigan. Containing 8.04 acres of land, more or less. Subject to the rights of the public over that part thereof taken for Harland Road (33 foot wide 1/2 Right-of-Way), also subject to and together with all easements and restrictions affecting title to the above described premises.

Parcel C5 Open Space 2.65± Acres

Commencing at the Southwest Corner of Section 34, Town 4 North, Range 6 East, Tyrone Township, Livingston County, Michigan;
then to N02°57'31"W 2345.49 feet along the West line of said Section 34;
then to N87°02'29"E 33.00 feet along the Northerly line of aforementioned PARCEL C5 to the PLACE OF BEGINNING;
then along the boundary lines of said PARCEL C5 the following three courses:
  (1) N87°02'29"E 1297.17 feet,
  (2) S02°54'47"E 376.00 feet along the East line of the West 1/2 of the Southwest 1/4 of said Section 34 as previously established and monumented and
  (3) S87°02'29"W 154.77 feet;
then to N02°54'47"W 326.00 feet;
then to S87°02'28"W 1142.38 feet;
then to N02°57'31"W 50.00 feet along the Easterly line of Harland Road (33 foot wide 1/2 Right-of-Way) to the Place of Beginning.
Being a part of the West 1/2 of the Southwest 1/4 of Section 34, Town 4 North, Range 6 East, Tyrone Township, Livingston County, Michigan. Containing 2.65 acres of land, more or less. Subject to and together with all easements and restrictions affecting title to the above described premises.

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TYRONE TOWNSHIP
PLANNING & ZONING
PARCEL C6 15.10± Acres

Commencing at the Southwest Corner of Section 34, Town 4 North, Range 6 East, Tyrone Township, Livingston County, Michigan;

thence N02°57'31"W 729.17 feet along the West line of said Section 34 to the PLACE OF BEGINNING;

thence continuing N02°57'31"W 424.32 feet along said West line of Section 34 and the nominal centerline of Hartland Road (33 foot wide 1/2 Right-of-Way);

thence N87°02'29"E 760.00 feet along (in-part) the Northerly line of a 68 foot wide shared driveway easement for Parcels C3, C4 and C6 as described below;

thence N02°57'31"W 162.08 feet;

thence N87°02'29"E 579.55 feet;

thence S02°54'47"E 586.40 feet along the East line of the West 1/2 of the Southwest 1/4 of said Section 34 as previously established and monumented;

thence S87°02'29"W 1326.88 feet to the Place of Beginning.

Being a part of the West 1/2 of the Southwest 1/4 of Section 34, Town 4 North, Range 6 East, Tyrone Township, Livingston County, Michigan. Containing 15.10 acres of land, more or less. Subject to the rights of the public over that part thereof taken for Hartland Road (33 foot wide 1/2 Right-of-Way), also subject to and together with 68 foot wide shared driveway easement for Parcels C3, C4 and C6 as described below, also subject to and together with all easements and restrictions affecting title to the above described premises.

Parcel C6 Open Space 4.93± Acres

Commencing at the Southwest Corner of Section 34, Town 4 North, Range 6 East, Tyrone Township, Livingston County, Michigan;

thence N02°57'31"W 729.17 feet along the West line of said Section 34;

thence N87°02'29"E 328.86 feet along the Southerly line of aforementioned PARCEL C6 to the PLACE OF BEGINNING;

thence N02°57'31"W 230.00 feet;

thence N87°02'29"E 433.00 feet;

thence S47°57'31"E 254.56 feet;

thence N87°02'29"E 307.06 feet;

thence N02°54'47"W 506.40 feet;

thence along the boundary lines of said PARCEL C6 the following three courses:

(1) N87°02'29"E 80.00 feet,

(2) S02°54'47"E 586.40 feet along the East line of the West 1/2 of the Southwest 1/4 of said Section 34 as previously established and monumented and

(3) S87°02'29"W 1000.00 feet to the Place of Beginning.

Being a part of the West 1/2 of the Southwest 1/4 of Section 34, Town 4 North, Range 6 East, Tyrone Township, Livingston County, Michigan. Containing 4.93 acres of land, more or less. Subject to and together with all easements and restrictions affecting title to the above described premises.

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TYRONE TOWNSHIP
PLANNING & ZONING

CIVIL ENGINEERS
LAND SURVEYORS

PREPARED FOR

REX HOLDINGS LLC

SECTION 34, TOWN 4 NORTH, RANGE 6 EAST
TYRONE TOWNSHIP, LIVINGSTON COUNTY, MICHIGAN

JOB No. 1-01-34-173138 DATE 12/20/17

DWG 173138-132 DRAWN BY SHEET 12 OF 16

MARIUSZ L. LUPOWICZ
PROFESSIONAL SURVEYOR No. 38118

MARIUSZ L. LUPOWICZ
PROFESSIONAL SURVEYOR No. 38118

(810) 277-9033
FAX (810) 227-9460
EMAIL: dosine@dosineinc.com
2163 PLESS DRIVE
BRIGHTON, MICHIGAN 48114
PARCEL C7  10.62± Acres

Commencing at the Southwest Corner of Section 34, Town 4 North, Range 6 East, Tyrone Township, Livingston County, Michigan;
then N02°57'31"W  370.85 feet along the West line of said Section 34 to the PLACE OF BEGINNING;
then continuing N02°57'31"W  358.32 feet along said West line of Section 34;
then N87°02'29"E  1328.88 feet;
then S02°54'47"E  343.94 feet along the East line of the West 1/2 of the Southwest 1/4 of said Section 34 as previously established and monumented;
then along the South line of the North 70 acres of the West 1/2 of the Southwest 1/4 of said Section 34 as previously established and monuments the following four courses:
   (1) S87°01'48"W  935.52 feet,
   (2) S02°56'44"E  13.87 feet,
   (3) S86°54'46"W  150.08 feet and
   (4) S87°02'42"W  243.00 feet to the Place of Beginning.

Being a part of the West 1/2 of the Southwest 1/4 of Section 34, Town 4 North, Range 6 East, Tyrone Township, Livingston County, Michigan. Containing 10.62 acres of land, more or less. Subject to the rights of the public over that part thereof taken for Hartland Road (33 foot wide 1/2 Right-of-Way), also subject to and together with all easements and restrictions affecting title to the above described premises.

Parcel C7 Open Space  3.47± Acres

Commencing at the Southwest Corner of Section 34, Town 4 North, Range 6 East, Tyrone Township, Livingston County, Michigan;
then N02°57'31"W  370.85 feet along the West line of said Section 34;
then N87°02'42"E  19.94 feet along the Southerly line of aforementioned PARCEL C7 to the PLACE OF BEGINNING;
then Northerly 94.27 feet along the arc of a 7790.00 foot radius curve to the left, through a central angle of 00°41’36” and having a chord bearing N00°00'46"E  94.25 feet along the Easterly line of Hartland Road (33 foot wide 1/2 Right-of-Way) as constructed;
then N87°01’48"E  550.00 feet;
then S02°57’31"E  50.00 feet;
then N87°01’48"E  700.31 feet;
then N02°54’47"W  263.96 feet;
then S87°02’29"W  1243.65 feet;
then Northerly 50.00 feet along the arc of a 7790.00 foot radius curve to the left, through a central angle of 00°22’04” and having a chord bearing N02°05’38"W  50.00 feet along said Easterly line of Hartland Road;
then along the boundary lines of said PARCEL C7 the following six courses:
   (1) N87°02’29”E  1296.43 feet,
   (2) S02°54’47”E  343.94 feet along the East line of the West 1/2 of the Southwest 1/4 of said Section 34 as previously established and monumented,
   (3) S87°01’48”W  935.52 feet,
   (4) S02°56’44”E  13.87 feet,
   (5) S86°54’46”W  150.08 feet and
   (6) S87°02’42”W  223.06 feet to the Place of Beginning.

Being a part of the West 1/2 of the Southwest 1/4 of Section 34, Town 4 North, Range 6 East, Tyrone Township, Livingston County, Michigan. Containing 3.47 acres of land, more or less. Subject to and together with all easements and restrictions affecting title to the above described premises.
66 FOOT WIDE SHARED DRIVEWAY EASEMENT FOR PARCELS C3, C4 AND C6

A 66 foot wide shared driveway easement for Parcels C3, C4 and C6, lying in its entirety in aforementioned PARCEL C6 and more particularly described as follows:

Commencing at the Southwest Corner of Section 34, Town 4 North, Range 6 East, Tyrone Township, Livingston County, Michigan;

thence N02°57'31"W 1153.49 feet along the West line of said Section 34;

thence N87°02'29"W 413.98 feet along the North line of said PARCEL to the PLACE OF BEGINNING;

thence continuing N87°02'29"E 336.02 feet along (in-part) a line common to said PARCELS C4 and C6 and also (in-part) a line common to said PARCELS C3 and C6;

thence S02°57'31"E 66.00 feet;

thence S87°02'29"W 336.02 feet;

thence Westerly 111.35 feet along the arc of a 197.00 foot radius curve to the left, through a central angle of 32°23'11" and having a chord bearing S70°50'54"W 109.88 feet;

thence S54°39'16"W 100.17 feet;

thence Westerly 148.66 feet along the arc of a 263.00 foot radius curve to the right, through a central angle of 32°23'11" and having a chord bearing S70°50'54"W 148.66 feet;

thence S87°02'29"W 50.00 feet;

thence N02°57'31"W 66.00 feet along the Easterly line of Hartland Road (3 foot wide 1/2 Right-of-Way);

thence N87°02'29"E 50.00 feet;

thence Easterly 111.35 feet along the arc of a 197.00 foot radius curve to the left, through a central angle of 32°23'11" and having a chord bearing N70°50'54"E 109.88 feet;

thence N54°39'16"E 100.17 feet;

thence Easterly 148.66 feet along the arc of a 263.00 foot radius curve to the right, through a central angle of 32°23'11" and having a chord bearing N70°50'54"E 148.66 feet to the Place of Beginning.

Being a part of the West 1/2 of the Southwest 1/4 of Section 34, Town 4 North, Range 6 East, Tyrone Township, Livingston County, Michigan.

NOTES:

1) Bearings are related to grid North, Michigan coordinate system of 1983, South Zone (as defined in MCL 54.235a(c)) and have been obtained by GPS RTK observations of site control points. The NOAA/NGS published point (designated as DJ8903 (Parshallville CORS ARP) has been used for locations determination.

2) Legal description of record provided by client. Surveyor was not supplied with a Title Search at this time. Refer to the current policy for title insurance for proof of ownership and all encumbrances affecting title to the surveyed parcel.

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JAN 10 2018
TYRONE TOWNSHIP
PLANNING & ZONING
REFERENCES:
L.C.R. = Livingston County Records

Deeds (Parcel No. Order):

1a) Quit Claim Deed as recorded in Liber 2001, Page 822, L.C.R.
    (Parcel No. 4704-34-300-001)
2a) Warranty Deed as recorded in Document No. 2014R-010785, L.C.R.
    (Parcel No. 4704-34-300-004)
3a) Warranty Deed as recorded in Document No. 2016R-032617, L.C.R.
    (Parcel No. 4704-34-300-007)
4a) Warranty Deed as recorded in Liber 1782, Page 129, L.C.R.
    (Parcel No. 4704-34-300-008)
5a) Warranty Deed as recorded in Liber 2570, Page 231, L.C.R.
    (Parcel No. 4704-34-300-009)
6a) Warranty Deed as recorded in Document No. 2008R-015081, L.C.R.
    (Parcel No. 4704-34-300-011)
7a) Quit Claim Deed as recorded in Liber 4995, Page 579, L.C.R.
    (Parcel No. 4704-34-300-014)
8a) Warranty Deed as recorded in Liber 4299, Page 782, L.C.R.
    (Parcel No. 4704-34-300-020)
9a) Special Warranty Deed as recorded in Document No. 2011R-023376, L.C.R.
    (Parcel No. 4704-34-300-021)
10a) Warranty Deed as recorded in Document No. 2015R-027084, L.C.R.
     (Part of Parcel No. 4704-34-300-023)
11a) Quit Claim Deed as recorded in Document No. 2014R-000724, L.C.R.
     (Part of Parcel No. 4704-34-300-023)
12a) Warranty Deed as recorded in Liber 1180, Page 835, L.C.R.
13a) Warranty Deed as recorded in Liber 2515, Page 265, L.C.R.

Surveys and Drawings:

1b) Certified Land Survey as recorded in Document No. 2015S-0042, L.C.R.
2b) Certified Land Survey as recorded in Document No. 2017S-0058, L.C.R.

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JAN 10 2018
TYRONE TOWNSHIP PLANNING & ZONING

CIVIL ENGINEERS LAND SURVEYORS

PREPARED FOR

REX HOLDINGS LLC

SECTION 34, TOWN 4 NORTH, RANGE 6 EAST
TYRONE TOWNSHIP, LIVINGSTON COUNTY, MICHIGAN
JOB No. 1-01-34-173138 DATE 12/20/17
DWG 123138-132 DRAWN LMG SHEET 15 OF 18

MARIUSZ L. LUKOWICZ
PROFESSIONAL SURVEYOR No. 38119

38119
WITNESSES FOR CORNERS OF SECTION 34
Town 4 North, Range 6 East
Tyrone Township, Livingston County, Michigan

West 1/4 Corner (G-12) – Found Brass Disk Stamped “Livingston Co. Monumentation Corner"
Ref: L.C.R.C., L.S.C. #223M
N60°E 46.00'  Spike in the West Side of a 16' Oak
N45°W 34.28'  Spike in the South Side of a 20' Hickory
S72°E 47.82'  Spike in the North Side of a 16' Hickory
S50°W 28.48'  Spike in the East Side of a 12' Hickory

Southwest Corner (G-13) – Found Brass Disk Stamped “Livingston Co. Monumentation Corner"
Ref: L.C.R.C., L.S.C. #224M
N60°E 63.50'  Set Nail & Tag* in the Northwest Side of a 14' Pine
South 84.54'  Set Nail & Tag* in the West Side of a 14' Tri Maple
N30°W 78.85'  Set Nail & Tag* in the Southeast Side of a 36' Oak
S80°E 94.78'  Set Nail & Tag* in the West Side of a Power Pole

Center Post (H-12) – Found Concrete Monument
Ref: Certified Land Survey prepared by Richard L. Smith,
West 19.20'  Nail & Tag in the North Side of a 24" Oak
East 6.50'  Nail & Tag in the South Side of a 28' Cherry
N80°E 6.48'  Nail & Tag in the North Side of a 28' Cherry

South 1/4 Corner (H-13) – Found Brass Disk Stamped “Livingston Co. Monumentation Corner"
Ref: L.C.R.C., L.S.C. #226M
North 23.80'  Nail & Tag* in the East Side of a 12' Cherry
South 31.50'  Nail & Tag* in the West Side of a 30' Oak
S90°W 43.18'  Nail & Tag* in the Northwest Side of a 30' Twin Oak
N35°E 32.60'  Nail & Tag* in the South Side of a 16' Cherry

WITNESS FOR CORNER OF SECTION 3
Town 3 North, Range 6 East
Hartland Township, Livingston County, Michigan

Northwest Corner (G-01) – Found Brass Disk Stamped “Livingston Co. Monumentation Corner"
N25°E 56.92'  Nail & Tag* in the South Side of a 25' Oak
S46°E 123.10'  Nail & Tag* in the Southwest Side of a 10' Multi Maple
N72°W 94.55'  Nail & Tag* in the Northeast Side of a 33' Cherry
S02°W 88.20'  Nail & Tag* in the West Side of a 36' Oak
North 0.37'  Amended Corner G-01


SURVEYOR’S CERTIFICATE
I HEREBY CERTIFY THAT I HAVE SURVEYED AND MAPPED THE LAND HEREIN PLATTED AND/OR DESCRIBED AND THAT THE RATIO OF CLOSURE OF THE UNADJUSTED FIELD OBSERVATION IS NO GREATER THAN 1 IN 5000 AND THAT ALL OF THE REQUIREMENTS OF PUBLIC ACT NO. 132, OF 1870 (AS AMENDED) HAVE BEEN COMPLIED WITH.

CIVIL ENGINEERS
LAND SURVEYORS
PREPARED FOR

REX HOLDINGS LLC
SECTION 34, TOWN 4 NORTH, RANGE 6 EAST
Tyrone Township, Livingston County, Michigan
JOB No. 1-01-12-173/36
DATE 12/20/17
DWG 173378-132 DRAWN LAC SHEET 16 OF 16

MARIUSZ LUKOWICZ
PROFESSIONAL SURVEYOR No. 38119
MARIUSZ LUKOWICZ
PROFESSIONAL SURVEYOR

(810) 227-9533
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2783 PEABEE DRIVE
BRIGHTON, MICHIGAN 48114

RECEIVED
JAN 18 2018
TYRONE TOWNSHIP
PLANNING & ZONING
NEW BUSINESS #5
February 28, 2018

Township Board
Tyrone Township
10408 Center Road
Fenton, MI 48430-9439

Subject: Agenda Item: Recommended Zoning Ordinance Amendments – Open Space Elimination

Dear Township Board Members:

During our Planning Commission meeting held October 10, 2017, Dave Wardin made a motion to recommend approval of the proposed Zoning Ordinance amendments and forward them to the Livingston County Planning Department for review and recommendation. Al Pool supported the motion. The motion carried by unanimous voice vote.

The required public hearing was held on October 10, 2017, and the proposed amendment was reviewed and recommended for approval by the Livingston County Planning Commission on November 15, 2017.

During your workshop meeting on November 21, 2017, we discussed the proposed elimination of open space requirements for newly created lots in single family residential districts. The following are our responses to questions and concerns discussed during that meeting.

Cluster Development Option (CDO) required open space. Question: Why did the Planning Commission recommend 50% open space be required when the CDO option is utilized? Response: Per the Michigan Zoning Enabling Act, PA 110 of 2006, the following is required:

**125.3506 Open space preservation.**

Sec. 506. (1) Subject to subsection (4) and section 402, a qualified local unit of government shall provide in its zoning ordinance that land zoned for residential development may be developed, at the option of the landowner, with the same number of dwelling units on a smaller portion of the land than specified in the zoning ordinance, but not more than 50% for a county or township or 80% for a city or village, that could otherwise be developed, as determined by the local unit of government under existing ordinances, laws, and rules on the entire land area, if all of the following apply:

(b) A percentage of the land area specified in the zoning ordinance, but not less than 50% for a county or township or 20% for a city or village, will remain perpetually in an undeveloped state by means of a conservation easement, plat dedication, restrictive covenant, or other legal means that runs with the land, as prescribed by the zoning ordinance.

As currently proposed and recommended by the Planning Commission, the CDO or Open Space Preservation (OSP) option would allow the maximum increase in density (50%) and the minimum amount of required open space (50%) as set forth in the Act. The Township has no ability to increase density further, and the amount of open space required cannot be further reduced.

Farming Residential Minimum Lot Size. Question: Is the proposed increase in minimum lot size consistent and compatible with the intended land uses in FR? Response: According to Section 4.0 of our Zoning Ordinance: “The intent of the FR Farming Residential District is to protect lands best suited to agricultural uses from the encroachment of incompatible uses, while designating an area appropriate to the type of single family residential development that does not alter the general agricultural character of the district. Moreover, the intent also is to protect vital natural resources, including wetlands, inland lake water quality, groundwater supplies, fertile and stable soils, and significant stands of wood lots and vegetative cover. Lands in the FR District are not likely to be served with centralized public water and sewer facilities.”

Tyrone Township Planning Commission
10408 Center Road Fenton, MI 48430-9439 (810) 629-8631
Mark Meisel, Chairman Kurt Schulze, Vice Chair David Wardin, Secretary Cam Gonzalez Al Pool Ron Puckett Bill Wood
The current trend of dividing FR parcels into as many 2 acre parcels as possible does not keep the lands best suited for agricultural uses, rather it creates higher density single family subdivisions which are generally not compatible with adjacent agricultural uses, which eliminates the general agricultural character of the area, and does not meet the minimum land area for animal units, further creating incompatibility with the intended agricultural and farming uses.

Question: Is the proposed and recommended FR minimum lot size competitive with surrounding communities, such as Deerfield? Response: The Planning Commission, with assistance from McKenna, has compared residential minimum lot size standards for Tyrone, Deerfield, Hartland, Rose, Holly, and Argentine Townships. Referencing the provided “Residential District Minimum Lot Size Comparison” chart, specifically the blue Rural Estate rows, even after adoption of the recommended minimum lot size increases, Tyrone Township would still have smaller minimum lot size requirements for its Rural Estate and Farming Residential districts than the other comparison townships. Once again referencing our Farming Residential intent statement, “The intent of the FR Farming Residential District is to protect lands best suited to agricultural uses from the encroachment of incompatible uses, while designating an area appropriate to the type of single family residential development that does not alter the general agricultural character of the district.” Of note, Deerfield Township has the following requirements for their similar district: “A parcel of no less than 2 acres may be created for each 40 acres contained in the parcel to be divided, provided the total number of such parcels shall not exceed 6.” There is clearly intent to minimize the number of newly created lots in this district, and to limit lots which are 2 acres in size. Their zoning ordinance further states, “Intent: It is the primary intent of the Small Farm Districts to encourage and provide opportunities for the continuation of farming in the Township while also providing opportunities for comparatively low-density residential development. The Small Farms Districts are intended to provide greater opportunities for residential development than the more preservation-based A-1 (General Agriculture) District while still enabling landowners to freely pursue commercial and hobby farming pursuant to this Ordinance and other applicable law. In response to market conditions and in order to provide the Township with reasonable discretion to determine the most appropriate lots sizes and densities adjacent to A-1 or other Districts, three Small Farms Districts are established and provide for lots sizes of ten acres (A-2), five acres (A-3) and two acres (A-4).”

The A-4 district is comparable to Tyrone Township's RE district, and is intended to be a transition zone to their single family districts. Tyrone Township’s zoning approach has been to combine agricultural, farming, and residential uses in the FR district with intent to maintain an agricultural character, with RE being established to maintain open spaces in areas transitioning to higher density single family residential while preserving natural resources and significant natural features. FR is Tyrone Township’s agricultural and farming district, and continuing to allow the creation of lots which are not compatible with agricultural/farming uses and animal units is inconsistent with the intent statement of the district. The Planning Commission also notes the land area required to support a single grazing animal generally well exceeds the current 3 acre minimum for animal units. The proposed increase to the minimum lot size in FR to 3 acres is still arguably smaller than necessary to fulfill the development and use objectives set forth in the FR intent statement.

Historically, Tyrone Township Zoning Ordinance #2 of 1965 included an AR (Agricultural & Residential) district which appears was intended to function similarly to FR. According to the Zoning Map from that time, AR was the largest zoning district and encompassed most of the area which is now FR. This district was established as shown in the below extract. Per standard #2, there was a clear intent to allow farming and the keeping of farm animals. While increasing the minimum lot area in FR to 3 acres does not generally provide enough space to keep farm animals, it would at least establish a minimum lot area compatible with our minimum lot size for animal units. As stated by the FR district intent statement, and consistent with similar uses in Deerfield Township, FR is the historically designated area in Tyrone Township for farming and agricultural uses. 2 acre lots are not compatible with these uses, and the current land division trend should be abated by increasing the minimum lot size to something more compatible. It should be noted the increase to 3 acre minimums would result in the same number of lots being created through land divisions as is currently done with the current open space requirement. For situations deemed desirable by a developer, the CDO option would still exist in the FR district to increase density while providing the means to establish buffering to maintain some compatibility with adjacent agricultural or farming uses. Larger lot sizes would clearly be preferred in the FR district.
ARTICLE VIII—AGRICULTURAL AND RESIDENTIAL DISTRICT

Sec. 8.01: USBF: In an Agricultural and Residential District no building and land except as otherwise provided in this ordinance, shall be erected or used except for one or more of the following specified purposes:

(1) Any use permitted in an R-1 or R-2 District.

(2) General farming, housing of, and pasturing of animals.

(3) Public hospitals (but not including institutions for the care of the feeble minded or insane).

(4) Community buildings, and when permitted by the Planning Commission, fraternal lodges, or similar civic or social clubs (but not a residential club or one separated as a commercial enterprise), provided such uses do not impair the natural appearance of such land or tend to produce noise or annoyance to surrounding properties.

(5) The use of open land and waters for privately owned and operated parks, picnic groves, golf courses, or similar facilities for outdoor exercise and recreation only when permitted by the Township Planning Commission and provided such use does not impair the natural appearance of such land or tend to produce noise or annoyance to the surrounding properties.

(6) Except as herein otherwise provided, the use of trailer coaches, tents, or portable dwellings shall not be considered either as a dwelling as herein defined and permitted nor as a legal accessory use in this district if the same are used for human habitation nor shall the same be used for the shelter of animals; further, trailer coach parks are not permitted in this district.
During the last two months the Planning Commission has revisited the amendments developed which would eliminate the requirement to establish open space when land divisions are performed for residentially zoned land. After a more than three year effort, the Planning Commission members unanimously conclude the recommended amendments being forwarded for your consideration represent the best option available to reasonably maintain the intended development patterns and standards set forth in our Zoning Ordinance and Master Plan while eliminating the open space requirement. These amendments would result in the following:

- FR – Farming Residential District: Increase the minimum lot size from 2 to 3 acres.
- RE – Rural Estates District: Increase the minimum lot size from ~1.5 acres to 1.75 acres.
- R1 – Single Family Residential District: Increase the minimum lot size from 30,000 square feet to 1 acre. This increase is necessary to ensure newly created lots are compatible with the minimum area needed to establish a viable private septic system.
- R2 – Single Family Residential District: Rezone the two north east parcels to R1 to ensure newly created lots are compatible with the minimum area needed to establish a viable private septic system. Retain the underlying R2 zoning present at the Cider Mill Crossings site.
- LK1 - Lake Front Single Family Residential District: These areas are built out and platted to the extent land divisions are not practical. No change to the current ½ acre minimum lot size is therefore proposed.

Recognizing these minimum lot size increases would increase the number of nonconforming lots, the proposed amendments also set forth that lots legally established prior to the effective date would be considered conforming lots of record and be able to maintain and develop their lots within the currently applicable building envelopes. We also note there was no objection raised during our public hearing of these proposed amendments.

The Planning Commission recommends your consideration and approval of the requested zoning amendments.

Respectfully submitted,

**Tyrone Township Planning Commission**

*Mark Meisel*

Chairman
Zoning Map
Tyronne Township, Livingston County, Michigan

Zoning District
- FR: Farming Residential
- RE: Rural Estate
- R-1: Single Family Residential
- R-2: Single Family Residential
- RM-1: Multiple Family Residential
- LK-1: Lake Front Residential
- MHP: Manufactured Home Park
- B-1: Local Business
- B-2: Community Business
- OS: Office Service
- ES: Expressway Service
- M-1: Light Manufacturing
- M-2: Heavy Industrial
- ROM: Research-Office-Manufacturing
- EI: Extractive Industry
- PUD: Planned Unit Development
- PCS: Planned Commercial Services
- PCI: Planned Commercial Industrial
- PIRO: Planned Industrial Research and Office
- Township Boundary
- Consent Judgment

NOTE
This map represents generalized zoning district boundaries. Exact zoning district boundaries should be confirmed by parcel descriptions and detailed maps that accompany rezoning ordinances and that are maintained as separate by Tyronne Township.

CERTIFICATION
I, MARCELLA HUSTED, CLERK OF THE TOWNSHIP OF TYRONNE, LIVINGSTON COUNTY, DO HEREBY CERTIFY THAT THIS IS A TRUE COPY OF THE MAP ADOPTED BY THE TOWNSHIP BOARD OF THE TOWNSHIP OF TYRONNE ON OCTOBER 21, 2003, AS WELL AS THOSE AMENDMENTS MADE AS OF REVISION DATE.

MARCELLA HUSTED, CLERK, TYRONNE TOWNSHIP

Date: ____________________

REVISION DATES
- December 3, 2013
- January 6, 2015
- October 17, 2003

Base Map Source: Tyrone Township, Livingston County, 2014

July 20, 2017
### Residential District Minimum Lot Size Comparison

<table>
<thead>
<tr>
<th>District</th>
<th>Tyne</th>
<th>Minimum Lot Size</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Conservation Agriculture</strong></td>
<td><strong>P-1</strong> (Natural Resource Protection)</td>
<td>20 acres</td>
<td>10 acres for SF home; 3 acres for SR home</td>
</tr>
<tr>
<td><strong>Rural</strong></td>
<td><strong>A-1</strong> (General Agriculture)</td>
<td>20 acres</td>
<td>10 acres for SR home; 6 acres for SR home; AGRP Agriculture and Rural Preserve</td>
</tr>
<tr>
<td><strong>Suburban</strong></td>
<td><strong>R-1</strong> (SF Residential)</td>
<td>1 acre</td>
<td>1.5 acres; 1 (public sewer)</td>
</tr>
<tr>
<td><strong>Urban</strong></td>
<td><strong>R-1</strong> (SF Residential)</td>
<td>1 acre</td>
<td>1.5 acres; 1 (public sewer)</td>
</tr>
<tr>
<td><strong>Urban</strong></td>
<td><strong>M-1</strong> (Mobile Family)</td>
<td>3 acres</td>
<td>8,400 sq. ft.</td>
</tr>
<tr>
<td><strong>Mobile Home</strong></td>
<td><strong>MHP</strong> (Manufactured Home Park)</td>
<td>15 acres</td>
<td>15 acres</td>
</tr>
</tbody>
</table>

**Notes**

- * Required open space allocation
- ** Removal of Open Space Requirement
- * A-1 and P-1 have 5-acre Open space Development option
- ** Other districts are a character match standard
- * 28,000 cluster option when served by sewer
- 35,000 where County certifies soils suitable for primary and reserve drainfield
- * Allow clustering, but bonuses not defined
- * (0.5 acre cluster bonus)
- * (5-acre cluster bonus)
MEMO

To: Planning Commission
Tyrone Township, Michigan

From: Sara J. Hodges, AICP, Senior Vice President
Brian Keesey, Senior Planner

Date: April 21, 2016

Subject: FR District Parcel Area Analysis

Based on discussion and your comments from the April 12th Planning Commission meeting and your direction, we have performed an area analysis on all FR Farming Residential District parcels. The purpose of this analysis is to determine the location and number of parcels that are under three (3) acres in area. We have also included the number of parcels that are below two (2) acres in area for your reference. Please find the analysis attached to this memo.

We look forward to discussing this with you. Please let us know if you have any questions prior to that time.
359 parcels of the 1,082 (33.2%) that are zoned FR Farming Residential are less than 3 acres in area.

135 parcels of the 1,082 (12.5%) that are zoned FR Farming Residential are less than 2 acres in area.
MEMO

To: Planning Commission
   Tyrone Township, Michigan

From: Brian Keesey, Senior Planner
      Sara J. Hodges, AICP, Senior Vice President

Date: May 5, 2016

Subject: Parcel Area Analysis in the RE, R-1, and R-2 Districts

Based on discussion and your comments from the April 26th Planning Commission meeting and your direction, we have performed an area analysis on parcels in the RE Rural Estate, R-1 Single-Family Residential, and R-2 Single-Family Residential districts. Similar to the analysis of the FR district, we have determined the number of parcels which fall within specified size thresholds for each district. These analyses describe how many parcels would become non-conforming if the open space requirement was removed and minimum parcel size was increased. Please find the analyses attached to this memo.

We look forward to discussing this with you. Please let us know if you have any questions prior to that time.
194 parcels of the 4,472 (4.3%) that are zoned RE Rural Estate are less than 60,000 square feet in area. That is 0.7% of all RE area.

211 parcels of the 4,472 (4.7%) that are zoned RE Rural Estate are less than 1.5 acres in area. That is 0.8% of all RE area.

246 parcels of the 4,472 (5.5%) that are zoned RE Rural Estate are less than 1.75 acres in area. That is 1.1% of all RE area.
665 parcels of the 1,632 (40.7%) that are zoned R-1 Residential are less than 30,000 square feet in area. That is 20.8% of all R-1 area.

1,127 parcels of the 1,632 (69.1%) that are zoned R-1 Residential are less than 37,500 square feet in area. That is 41.1% of all R-1 area.

1,264 parcels of the 1,632 (77.5%) that are zoned R-1 Residential are less than 1 acre in area. That is 48.6% of all R-1 area.
The R-2 District consists of 2 large parcels, totaling 93.1 acres.

- Parcels Zoned R-2, Less than 0.5 acres
- Parcels Zoned R-2, Less than .75 acres
- Parcels Zoned R-2, Less than 1 acre
- All R-2 Parcels
1. **FR Farming Residential Zoning District**
   a. **Current Conditions**
      i. Minimum lot size is 2 acres
      ii. Open space amounting to 50% of the newly created lot(s) is required
      iii. 2 acre minimum does not permit animal units in FR, an interesting conflict with the current zoning regulations which results in the creation of FR lots that cannot be permitted to hold farm animals.
   b. **Recommendation**
      i. Minimum lot size of 3 acres
      ii. No requirement for open space
      iii. Lots created now compatible with minimum animal unit lot size requirements
      iv. Number of conforming lots that would become nonconforming is minimal

2. **RE Rural Estates Residential Zoning District**
   a. **Current Conditions**
      i. Minimum lot size is 60,000 square feet (just under 1.5 acres)
      ii. Open space amounting to 50% of the newly created lot(s) is required
      iii. Large number of parcels of sufficient size remain that can be divided
      iv. 94.5% of all RE parcels (4226 of 4472) are greater than 1.75 acres
   b. **Recommendation**
      i. Minimum lot size of 1.75 acres
      ii. Eliminate space requirement
      iii. Many of the remaining parcels have natural features which should be preserved or the land is otherwise unusable. Increasing the minimum lot size will accommodate these needs or conditions.
      iv. Increasing the minimum lot size will result in approximately 246 parcels (5.5%) becoming nonconforming.

3. **R-1 Residential Zoning District**
   a. **Current Conditions**
      i. Minimum lot size is 30,000 square feet
      ii. 41% of existing R-1 lots are less than 30,000 square feet
      iii. Several large parcels remain which could be split
   b. **Recommendation**
      i. Minimum lot size of 1 acre better address the space needed for a primary and reserve septic field given Tyrone Township’s generally poor soil conditions.
      ii. Eliminate open space requirement
      iii. Increasing the minimum lot size would result in nearly 78% of the existing parcels being nonconforming. Language will be included to establish these lots as “conforming” as long as they were legally created under prior lot area standards.
4. R-2 Residential Zoning District
   a. Current Conditions
      i. Minimum lot size is 21,780 square feet (1/2 acre)
      ii. District is made up of 3 large parcels
          1. Two north east parcels totaling 93.1 acres under consent judgement and operating as EI
             a. Fenton Sand and Gravel
             b. Parcel to west containing old truck road (portion east of Hartland Road)
                i. Lots abut R-1 to the north and south (subdivisions), and RE to the east and west (developed)
          2. One south parcel containing Cider Mill Crossing, under a consent judgement and operating as an MHP district.
   b. Recommendation
      i. Rezone the two north east parcels to R-1 (1 acre minimum) to address septic field concerns
      ii. No open space requirement
      iii. Results in developed density more compatible with existing adjacent uses
      iv. Encourage CDO or PUD development due to topography constraints
         1. Topography and other existing features will occupy the required open space
         2. If developed as a subdivision the area will need common areas
      v. Retain underlying R-2 zoning for south parcel. Nothing will change in foreseeable future.

5. LK-1 Lake Front Single Family Zoning District
   a. Current Conditions
      i. No open space is currently required
      ii. Minimum lot size for new development is 0.5 acres
      iii. Available undeveloped lots or parcels are small in size and therefore do not warrant open space being required
   b. Recommendation
      i. No changes

6. Article 8 – OSP Open Space Preservation Option
   a. Current Conditions
      i. Antiquated requirements
   b. Recommendation
      i. Update to comply with the State of Michigan CDO Cluster Development Option requirements

Last revised 9-12-2017
TYRONE TOWNSHIP PLANNING COMMISSION
PUBLIC HEARING AGENDA
October 10, 2017    7:30 p.m.

The notice below was published in the Tri-County Times on Sunday, September 24, 2017, in compliance with the Open Meetings Act.

PLANNING COMMISSION
NOTICE OF PUBLIC HEARING

Notice is hereby given the Tyrone Township Planning Commission will hold a Public Hearing on Tuesday, October 10, 2017, beginning at 7:30 at the Tyrone Township Hall, 10408 Center Road, Fenton, Michigan 48430. The purpose for the Public Hearing is:

To receive public comments regarding proposed amendments to Zoning Ordinance #36:
1. Remove Certain Open Space Requirements: Article 4 FR and RE Residential District, Article 5 R-1 Single Family Residential District, Article 6 R-2 Single Family Residential District, Article 8 Open Space Preservation (OSP) Option, Article 20 Schedule of Regulations, and Article 26 Nonconformities, to modify open space requirements;
2. Article 21, Section 21.43 – Condominium Development Standards and Site Plan Review, to include reference to the Michigan Condominium Act (Act 59 of 1978, as amended);
3. Article 22, Section 22.05.C – Cemeteries, to update cemetery special land use requirements regarding Access, Road Design, Setbacks, and Fencing.;
4. Article 23 – Site Plan Review and Impact Assessment, to update registered designer requirements;
5. Add Section 26.10 – Open Space Dependent Properties, to address properties created when open space was required as part of the land division.

To receive public comments regarding proposed amendments to the following Regulatory Ordinances related to the proposed zoning amendments above:
1. Amendments to Ordinance #16, Subdivision Control Ordinance, to update legal basis, definitions, procedures, specifications, and requirements;
2. Amendments to Ordinance #25, Article 5, Section 4.B.2 – Land Division Ordinance, to update registered designer requirements.

Additional information is available at the Tyrone Township Clerk’s Office, 10408 Center Road, Monday through Thursday, 9 a.m. to 5 p.m. Individuals with disabilities requiring auxiliary aids or services should contact the Tyrone Township Clerk, at (810) 629-8631, at least seven days prior to the meeting.

Mark Meisel, Chairman
Tyrone Township Planning Commission

PUBLIC HEARING AGENDA:
1) Open the Public Hearing
2) Reading of the Public Notice
3) Review of the Proposed Regulatory and Zoning Amendments
4) Receive Public Comments
5) Planning Commission and Planner Comments
6) Close the Public Hearing
TYRONE TOWNSHIP PLANNING COMMISSION
REGULAR MEETING & PUBLIC HEARING MINUTES
October 10, 2017 at 7:00 p.m.

PRESENT: Mark Meisel, Dave Wardin, Cam Gonzalez, Al Pool, Ron Puckett, Kurt Schulze, and Bill Wood.

ABSENT: None.

OTHERS PRESENT: Tyrone Township Planner Brian Keesey, Tyrone Township Planning & Zoning Administrator Ross Nicholson.

CALL TO ORDER (7:00 PM): By Chairman Meisel.

PLEDGE OF ALLEGIANCE (7:01 PM):

CALL TO THE PUBLIC (7:02 PM): No comments received.

APPROVAL OF THE AGENDA (7:03 PM):

Dave Wardin made a motion to approve the agenda as presented. Kurt Schulze supported the motion. The motion carried by unanimous voice vote.

APPROVAL OF THE MINUTES (7:05 PM): September 12th, 2017

Several revisions were made to the September 12th, 2017 meeting minutes draft. Cam Gonzalez made a motion to approve the September 12th, 2017 meeting minutes, as amended. Dave Wardin supported the motion. The motion carried by unanimous voice vote.

The regular meeting was adjourned at 7:35 pm for a scheduled public hearing regarding proposed ordinance text amendments.

Chairman Meisel addressed the public in attendance and inquired if they would be agreeable if the Planning Commission waived the reading of the public hearing notice. There was only one person in attendance, who agreed she would have no objection to the reading of the public hearing notice being waived.

The purpose of the public hearing is to receive public comment on various ordinance text amendments in the Zoning Ordinance #36, the Subdivision Control Ordinance #16, and the Land Division Ordinance #25. The proposed amendments include: The removal of certain open space requirements and increasing the minimum lot sizes in certain single-family zoning districts; Inclusion of a reference to the Michigan Condominium Act (Act 59 of 1978, as amended); The modification of cemetery special land use requirements regarding access, road design, setbacks, and fencing; Updating registered designer requirements for Site Plan Review and Impact Assessment; The addition of Open Space Dependent Properties, to address properties created when open space was required as part of the land division; Updating the Subdivision Control...
Ordinance #16 to update legal basis, definitions, procedures, specifications, and requirements; And amend the Land Division Ordinance #25 to update registered designer requirements.

PUBLIC HEARING (7:36 PM): Remove Certain Open Space Requirements

Chairman Meisel summarized the proposed text amendments to: Article 4 FR and RE Residential District, Article 5 R-1 Single Family Residential District, Article 6 R-2 Single Family Residential District, Article 8 Open Space Preservation (OSP) Option, Article 20 Schedule of Regulations, and Article 26 Nonconformities. The purpose of the proposed text amendments is to eliminate the open space requirement for newly created parcels in the FR, RE, R-1, and R-2 zoning districts and increase the minimum lot sizes to compensate for the land area that would have been dedicated as permanent open space under the current Zoning Ordinance requirements. The minimum lot area for newly created parcels would essentially be the same as the current requirements, but with no open space requirement. This would allow property owners of newly created Parcels [under the proposed text, if adopted] to utilize more of their land for building or similar uses. Chairman Meisel inquired if anyone had any questions or comments regarding the removal of open space requirements and increase in minimum lot sizes. No questions or comments were received.

Chairman Meisel continued summarizing the proposed open space amendments. In Article 8 of the Zoning Ordinance #36, Open Space Preservation (OSP) Option, several changes were proposed. Most of the proposed changes are minor updates to ensure the text reflects the current State Act and regulations. The Cluster Development Option (CDO) calculation table in Article 8 would also be revised to reflect the new minimum lot sizes in the applicable zoning districts and several minor revisions to text regarding sanitary waste disposal requirements to improve clarity.

Dave Wardin brought up a concern regarding the requirement for a minimum parent parcel size to qualify for development utilizing the CDO. A brief discussion amongst the Planning Commission followed. The Planning Commission concluded that the current minimum parent parcel size of ten (10) acres would not be necessary because the amount of newly created parcels in a CDO development is already dictated by the total parent parcel area and the zoning district regulations. It was decided that Brian Keesey would revise the proposed ordinance text draft to eliminate the requirement that a parent parcel is at least ten (10) acres in size to qualify for a CDO development.

Chairman Meisel then summarized the proposed amendments in Article 20, Schedule of Regulations, and Article 26, Nonconformities. In Article 20, the Table of Schedule of Regulations Dimensional Requirements would be updated to reflect the proposed minimum lot sizes for each applicable zoning district. In Article 26, new text would be added to address open space dependent properties. The proposed text would provide property owners of land containing open space the ability to eliminate the open space as long as they provide evidence that it can be done legally.

PUBLIC HEARING (8:06 PM): Condominium Standards and Site Plan Review

Brian Keesey opened the discussion. He explained that the only significant proposed text amendment in the Zoning Ordinance regarding Condominium Standards and Site Plan Review (Article 21, Section 21.43) is an update to reference the current Michigan Condominium Act (Act 59 of 1978, as amended). Chairman Meisel stated that there are also several proposed amendments to the Subdivision Control Ordinance #36. He mentioned that the Ordinance is
somewhat antiquated. Several typos would be corrected, the Planned Unit Development (PUD) definition would be updated to improve clarity, and the references to the Michigan Condominium Act would be updated to reflect the current version.

Dave Wardin suggested that the Planning Commission should verify the road design standards in the Zoning Ordinance and Subdivision Control Ordinance to ensure they reflect the current Livingston County Road Commission standards. It was decided that the information would be verified.

Chairman Meisel mentioned the proposed amendment to change all references to the Livingston County Health Department (LCHD) to the Livingston County Department of Health (LCDH) to ensure the department is referred to by the correct name. He brought up the Livingston County website to verify which title would be correct. The website indicated that the department is referred to both ways. It was decided that the information would be verified.

The Planning Commission briefly discussed other potential future revisions to the Subdivision Control Ordinance. Chairman Meisel stated that the Ordinance is regulatory and is not bound to the same amendment process as zoning ordinance amendments, therefore the topic can be discussed in the future and further amendments can be made, if deemed necessary. The Planning Commission agreed to move on with the remaining agenda items and revisit the topic at a later date.

**PUBLIC HEARING (8:36 PM): Site Plan Review and Impact Assessment**

Chairman Meisel opened the discussion with a summary of the proposed text amendments to Article 23 of the Zoning Ordinance #36. One amendment would be a minor update to reference the types of registered professionals qualified to prepare surveys or drawings for Site Plan Review and Impact Assessments. Another suggested amendment would be to update the requirement that drawings/surveys include a raised seal and signature to comply with the current Michigan law which permits the recording of electronically transmitted documents without a raised seal.

**PUBLIC HEARING (8:43 PM): Cemeteries**

Chairman Meisel introduced the topic with an explanation of why amendments to the cemetery special land use standards (Article 22, Section 22.05.C) are being proposed. He explained that the Planning Commission had received a special land use application for a cemetery earlier in the year, which brought to light several outdated requirements that should be updated to ensure the proposed use would be reviewed thoroughly (utilizing modern design standards).

He stated that the first proposed amendment is to change the access requirement. The current Ordinance text requires that all cemeteries containing structures shall have direct access on an arterial road with at least two (2) access drives spaced at least two hundred (200) feet apart along the road frontage. The proposed amendment is to eliminate the minimum driveway spacing requirement and require that the location and number of ingress and egress driveways shall be designed in accordance with the Township Access Management Standards in Section 21.54 of
the Zoning Ordinance and be subject to the requirements and recommendations of the regulatory body responsible for the road from which access is planned. In addition to the modification of the access standards, additional road design standards would be included for the purpose of ensuring the internal road system design is built to current Township and County specifications. Additional requirements for increased minimum setbacks and fencing requirements would also be included in the amended text.

There was a brief discussion amongst the Planning Commission regarding the possibility of including acceleration and or deceleration lanes for cemeteries. Chairman Meisel explained that the Township alone would not have the authority to require acceleration or deceleration lanes. The Livingston County Road Commission would be responsible for reviewing the proposed access point to determine whether or not acceleration and or deceleration lanes would be necessary depending on a number of factors including sight distance, traffic volume, traffic speed, frequency and duration of funerals, and etc.

Chairman Meisel summarized the public hearing items that had been discussed and closed the public hearing at 9:07 pm.

NEW BUSINESS # 1 (9:10 PM): Review Comments from Public Hearing

No comments had been received.

NEW BUSINESS # 2 (9:11 PM): Recommendation for Proposed Zoning Amendments

Dave Wardin made a motion to recommend approval of the proposed Zoning Ordinance amendments and forward them to the Livingston County Planning Department for review and recommendations. Al Pool supported the motion. The motion carried by unanimous voice vote.

NEW BUSINESS # 3 (9:13 PM): Solar Farm Regulations

Chairman Meisel introduced the topic and explained that the reason solar farm regulations are being discussed is due to several inquiries from potential developers who may be interested in purchasing or leasing land within the Township for the purpose of constructing and operating a solar farm. He mentioned that the Zoning Ordinance currently would only permit solar farms as a special land use in the PIRO-C (Planned Industrial Research Office- General Industry) and PIRO-B (Planned Industrial Research Office- Light Industry) zoning districts. Due to the recent inquiries received by the Township, it was determined that the current solar production facility standards should be revisited to determine whether or not they adequately cover all aspects of a solar farm or similar facility and to determine whether or not solar and similar “green” energy production facilities could be permitted in the FR (Farming Residential) zoning district. Due to the recent inquiries received by the Township, it was determined that the current solar production facility standards should be revisited to determine whether or not they adequately cover all aspects of a solar farm or similar facility and to determine whether or not solar and similar “green” energy production facilities could be permitted in the FR (Farming Residential) zoning district. The Planning Commission briefly discussed the topic of potential locations for a solar energy production facility. One significant factor involved in determining the best suited location(s) is whether or not the proposed site(s) are within the sewer district. It could be argued that requiring a low-impact operation such as a solar farm in a zoning district that could accommodate larger commercial and industrial land uses would be nonsensical since the amount of developable real estate within the Commercial and Industrial zoning districts is relatively limited. Solar energy
production facilities typically do not require any full-time employees on site and therefore most
do not include commercial structures other than the panels, mounting equipment, and wiring.
For that reason, there would be little to no benefit for a solar farm or similar facility to be located
within the sewer district. Due to the low-impact nature of solar production facilities, it could be
argued that they could be permitted as a special land use outside of the commercial/industrial
zoning districts.

Brian Keesey presented some information on residential and commercial solar energy production
equipment to be used for reference by the Planning Commission when developing or modifying
the existing regulations for commercial and residential solar energy production
equipment/facilities. The Planning Commission briefly discussed the current solar panel
technology and capabilities. Efficiency, cost, potential applications, placement of equipment,
and similar details were included in the discussion.

It was decided that the topic would be discussed in more detail in the future. No action was
taken.

*The Planning Commission briefly discussed the possible topics to discuss at the next workshop
meeting on 10/18/2017.*

**MISCELLANEOUS BUSINESS: NONE**

1) Planning and Zoning Administrator's Report: None
2) Other Business Items: None
3) Township Board Actions: None
4) ZBA Report: None
5) Future Items: N/A
6) Correspondence: N/A

**ADJOURNMENT** (9:42 PM): By Chairman Meisel
To: Planning Commission  
Tyrone Township, Michigan

From: Brian Keesey, AICP  
Senior Planner

Date: October 19, 2017

Subject: Amendments to Remove Certain Open Space Requirements

After many months of discussion, the Planning Commission’s has recommended amendments to the Zoning Ordinance to remove the open space preservation regulations in favor of larger minimum lot sizes. These recommendations are based on many factors and research endeavors, including spatial GIS analysis, realistic lot minimum requirements for septic systems, the Township’s animal unit requirements, and others. There is also extensive language proposed to ensure any nonconformities created by these amendments do not negatively impact a landowner’s ability to develop their land in a fashion similar to conforming parcels.

The following reflects the amendments as recommended to the Township Board by the Planning Commission. Please let us know if you have any questions.

Respectfully Submitted,  
McKenna Associates

[Signature]

Brian Keesey, AICP  
Senior Planner
Section 4.00 Intent – FR and RE District Regulations
The intent of the FR Farming Residential District is to protect lands best suited to agricultural uses from the encroachment of incompatible uses, while designating an area appropriate to the type of single family residential development that does not alter the general agricultural character of the district. Moreover, the intent also is to protect vital natural resources, including wetlands, inland lake water quality, groundwater supplies, fertile and stable soils, and significant stands of wood lots and vegetative cover. Lands in the FR and RE District are not likely to be served with centralized public water and sewer facilities.

The intent of the RE Rural Estate District is to provide a transitional area between the FR District and other more intense land utilization districts. However, the RE District will generally maintain the same types of land uses permitted in the FR District. The primary difference between the two districts is that the RE District permits the creation and use of smaller lots than the FR District. When land is divided into lots in the FR and RE Districts, open space area is required to be established in accordance with the standards of Sections 20.02.AA and 21.51. In order to preserve natural features and to provide design flexibility in the FR and RE Districts, cluster development shall be permitted as described in Article 8.

It is the intent of the Township to retain property values and continued investment in land, and recognizes that updated dimensional zoning regulations create a situation in which previously approved parcels can no longer meet the Ordinance standards for minimum lot size. It is not the intent of the Township to create nonconforming parcels; therefore, Tyrone Township recognizes that parcels and lots created prior to (date of adoption) with an associated open space were permitted based on the zoning regulations in effect at the time of their creation, and shall be henceforth be considered in accordance with Article 26.10, Open Space Dependent Properties.

Section 5.00 Intent – R-1 District Regulations
In general, the R-1 single family zoning districts will occupy land areas deemed acceptable for medium density residential uses by the soils suitability analysis performed in concert with the Tyrone Township Master Plan. The intent of this district is to establish and preserve single family home neighborhoods free from other uses, except those which are normal accessory, compatible, and supportive uses convenient to the residents of such a district. The district will provide a transition from strictly agricultural use areas to suburbanized residential uses. The provision of public sewer and water is not expected in the foreseeable future. When land is divided into lots in the R-1 District, open space area is required to be established in accordance with the standards of Sections 20.02.AA and 21.51. In order to preserve natural features and to provide design flexibility in the R-1 District, cluster development shall be permitted as described in Article 8.

It is the intent of the Township to retain property values and continued investment in land, and recognizes that updated dimensional zoning regulations create a situation in which previously approved parcels can no longer meet the Ordinance standards for minimum lot size. It is not the
intent of the Township to create nonconforming parcels; therefore, Tyrone Township recognizes that parcels and lots created prior to (date of adoption) with an associated open space were permitted based on the zoning regulations in effect at the time of their creation, and shall be henceforth be considered in accordance with Article 26.10, Open Space Dependent Properties.

Section 6.00 Intent – R-2 District Regulations
The intent of the R-2 district is the same as in the R-1 district, except that the district is intended for areas served with public sewer and water, or locations adjacent to urbanizing centers in which public sewer and water is expected in the foreseeable future. When land is divided into lots in the R-2 District, open space area is required to be established in accordance with the standards of Sections 20.02.AA and 21.51. In order to preserve natural features and to provide design flexibility in the R-2 District, cluster development shall be permitted as described in Article 8.

It is the intent of the Township to retain property values and continued investment in land, and recognizes that updated dimensional zoning regulations create a situation in which previously approved parcels can no longer meet the Ordinance standards for minimum lot size. It is not the intent of the Township to create nonconforming parcels; therefore, Tyrone Township recognizes that parcels and lots created prior to (date of adoption) with an associated open space were permitted based on the zoning regulations in effect at the time of their creation, and shall be henceforth be considered in accordance with Article 26.10, Open Space Dependent Properties.

Article 8 – Open Space Preservation (OSP) Option
Section 8.00 Intent
The intent of open space development is to provide a procedure for residential development that will result in concentrated and enhanced living environments OSP development can permit more economical residential development and encourage a variety of architectural types and styles for residential dwellings. It will provide a basis for ingenuity and originality in residential lot and street design and development and will preserve open space to serve recreational, scenic, and public service purposes. The provisions have been modified in compliance with Public Act 177 of 2001—the Michigan Zoning Enabling Act, P.A. 110 of 2006, as amended.

Section 8.02(A) Minimum Land Area Required. The minimum land area required for the cluster development shall be ten (10) acres. Reserved.

Section 8.02(D) Sanitary Sewer Required in R2 and LK-1ments
1. **RE and R-1 Zoning Districts.** Cluster development will only be permitted when community septic systems or public sanitary sewer systems are available to service all lots at the reduced lot size.
2. **R-2 and LK-1 Zoning Districts.** Within R-2 districts, single family detached residential dwellings and two-family attached residential dwellings may be permitted. Sanitary sewer service must be available for any development utilizing cluster development in the R-2 and LK-
Section 8.02(E) Modification of Requirements. Modification of lot area, width and yard setback requirements.

1. Lots may be reduced in area below the lot size required by the residential zoning district in which the subdivision is located. Lot area reductions may be up to sixty (60) percent in the FR and RE Districts, and approximately twenty-five (25)-fifty (50) percent in the FR, RE, R-1, R-2, and LK-1 Districts according to the following schedule:

<table>
<thead>
<tr>
<th>Zoning District</th>
<th>Minimum Lot Area in Zoning District</th>
<th>Proposed Minimum Lot Area with Cluster Option</th>
<th>Minimum Open Space Required per Proposed Lot with Cluster Option</th>
</tr>
</thead>
<tbody>
<tr>
<td>FR</td>
<td>3 acres</td>
<td>1.5 acres</td>
<td>1.5 acres</td>
</tr>
<tr>
<td>RE</td>
<td>1.75 acres</td>
<td>.875 acres</td>
<td>.875 acres</td>
</tr>
<tr>
<td>R-1</td>
<td>1 acre</td>
<td>.5 acres</td>
<td>.5 acres</td>
</tr>
<tr>
<td>R-2</td>
<td>21,780 sq. ft.</td>
<td>10,890 sq. ft.</td>
<td>10,890 sq. ft.</td>
</tr>
<tr>
<td>LK-1</td>
<td>21,780 sq. ft.</td>
<td>10,890 sq. ft.</td>
<td>10,890 sq. ft.</td>
</tr>
</tbody>
</table>

2. All land remaining after lot area reductions shall be compensated for by at least an equivalent amount of land in additional open space to be preserved and maintained in perpetuity for its scenic value or for recreation and conservation purposes. Such open space shall be protected to remain as open space by a conservation easement, plat dedication, restrictive covenant, or other legal mechanism that runs with ownership of the land.

Section 8.03 Open Space Preservation Design Standards
Open space preservation areas shall be provided in compliance with the provisions of Section 21.51. All open space areas preserved under these provisions must meet the requirements of the Township Zoning ActMichigan Zoning Enabling Act, P.A. 110 of 2006, as amended. In particular, open space areas must be preserved in an undeveloped state as defined in the Township Zoning ActMichigan Zoning Enabling Act, P.A. 110 of 2006, as amended, which excludes golf course development on open space preserved by these provisions.

Article 20 – Schedule of Regulations
Section 20.01 (Table)
Amend “Minimum Site and Lot Area” values in the regulation table, Section 20.01, as follows:

- FR District – 3-acre minimum (was 2 acres)
- RE District – 1.75-acre minimum (was 60,000 sq. ft.)
• R-1 District – 1-acre minimum (30,000 sq. ft.)

Remove reference to Footnote AA in “Minimum Site and Lot Area” row of regulation table in Section 20.01.

Section 20.02 Footnotes to Schedule of Regulations

Footnote AA. For every lot created in the FR, RE, R-1, and R-2 Districts, a designated open space area shall be permanently established consistent with the requirements in Section 21.51. The required open space area shall be in addition to any developable area and shall be equal to one half (1/2) of the developable area for each lot, parcel, or condominium unit. The developable area must satisfy the minimum area requirements of the zoning district. The following equation shall yield the minimum required open space area:

\[
\text{Developable Area} / 2 = \text{Minimum Required Open Space Area}
\]

The required open space must be located within the boundaries of the newly created lot, parcel, or condominium unit. However, the Planning Commission may allow the required permanent open space to be transferred from the newly created parcel to the parent parcel or other created parcel(s) for reasons consistent with the open space concept.

The property owner shall provide necessary assurances and mechanisms to insure that the open space shall remain limited to open space uses, as defined herein, in perpetuity through a binding legal instrument. Such binding legal instrument may be a deed restriction to run with the land to forever prohibit the development of the land for any purpose other than for an open space use. Where new parcels or lots are proposed to be created adjacent to areas of previously designated permanent open space, the new open space dedications should be contiguous to the previously established open space and may not include any previously designated open space area. Reserve.

Article 26 – Nonconformities

Section 26.00 (Summary Table)

Add the following rows to the summary table:

<table>
<thead>
<tr>
<th>Nonconforming Situations</th>
<th>Requirements</th>
<th>Section</th>
</tr>
</thead>
<tbody>
<tr>
<td>Open Space Dependent Properties</td>
<td>Considered conforming subject to conditions</td>
<td>26.10</td>
</tr>
<tr>
<td>Boundary realignment of Open Space Dependent Properties</td>
<td>Permitted subject to conditions</td>
<td>26.10.C</td>
</tr>
</tbody>
</table>

Section 26.10 Open Space Dependent Properties (New Section)

A. Intent. It is the intent of the Township to retain property values and continued investment in land, and the Township recognizes updated dimensional zoning regulations in the FR, RE, R-1, and R-2 Districts create a situation in which previously approved parcels can no longer meet the Ordinance standards for minimum lot size. It is not the intent of the Township to create nonconforming parcels; therefore, Tyrone Township recognizes that dependent properties created prior to (date of adoption) were permitted based on the zoning regulations in effect at the time of their creation.
The Township will consider all open space dependent properties conforming in terms of minimum lot size that were legally created and recorded with an associated dedicated open space, regardless of their ability to achieve current minimum lot size standards. Parcels, units, and lots that were dimensionally nonconforming under previous regulations remain nonconforming unless they can achieve all current standards governing land in the Township.

B. Open Space Dependent Properties. Open space dependent properties are parcels, lots, or units created with dedicated open space, as required by the Ordinance of the time, which is internal to, contiguous with, or detached from the property.

C. Boundary Realignment of Open Space Dependent Properties. Boundary realignment to distribute open space among dependent properties may be considered when all properties resulting from the realignment achieve the minimum lot sizes required by the zoning district, in accordance with the Tyrone Township Land Division Ordinance. Further, the open space conservation easement, plat dedication, restrictive covenant, or other legal mechanism that runs with the land must be appropriately disposed of to the satisfaction of the Township. In no case shall overall development density be increased unless otherwise permitted by this Ordinance.
MEMORANDUM

TO: Livingston County Planning Commissioners and the Tyrone Township Board of Trustees

FROM: Robert Stanford, Principal Planner

DATE: November 1, 2017

SUBJECT: Z-40-17 Amendments to Zoning Ordinance Articles -

• ARTICLE 4: FR and RE RESIDENTIAL DISTRICT
• ARTICLE 5: R-1 SINGLE FAMILY RESIDENTIAL DISTRICT
• ARTICLE 6: R-2 SINGLE FAMILY RESIDENTIAL DISTRICT
• ARTICLE 8: OPEN SPACE PRESERVATION (OSP) OPTION
• ARTICLE 20: SCHEDULE OF REGULATIONS

Tyrone Township proposes to amend the following language to its Township zoning ordinance regarding modification of open space requirements:

ARTICLE 4
FR - FARMING RESIDENTIAL DISTRICT
RE - RURAL ESTATE RESIDENTIAL DISTRICT

SECTION 4.00 INTENT

The intent of the FR Farming Residential District is to protect lands best suited to agricultural uses from the encroachment of incompatible uses, while designating an area appropriate to the type of single family residential development that does not alter the general agricultural character of the district. Moreover, the intent also is to protect vital natural resources, including wetlands, inland lake water quality, groundwater supplies, fertile and stable soils, and significant stands of wood lots and vegetative cover.
Lands in the FR and RE District are not likely to be served with centralized public water and sewer facilities.

The intent of the RE Rural Estate District is to provide a transitional area between the FR District and other more intense land utilization districts. However, the RE District will generally maintain the same types of land uses permitted in the FR District. The primary difference between the two districts is that the RE District permits the creation and use of smaller lots than the FR District. When land is divided into lots in the FR and RE Districts, open space area is required to be established in accordance with the standards of Sections 20.02.AA and 21.51. In order to preserve natural features and to provide design flexibility in the FR and RE Districts, cluster development shall be permitted as described in Article 8.

**It is the intent of the Township to retain property values and continued investment in land, and recognizes that updated dimensional zoning regulations create a situation in which previously approved parcels can no longer meet the Ordinance standards for minimum lot size. It is not the intent of the Township to create nonconforming parcels; therefore, Tyrone Township recognizes that parcels and lots created prior to (date of adoption) with an associated open space were permitted based on the zoning regulations in effect at the time of their creation, and shall be henceforth be considered in accordance with Article 26.10, Open Space Dependent Properties.**

**ARTICLE 5**  
**R-1 SINGLE FAMILY RESIDENTIAL DISTRICT**  

**SECTION 5.00 INTENT**

In general, the R-1 single family zoning districts will occupy land areas deemed acceptable for medium density residential uses by the soils suitability analysis performed in concert with the Tyrone Township Master Plan. The intent of this district is to establish and preserve single family home neighborhoods free from other uses, except those which are normal accessory, compatible, and supportive uses convenient to the residents of such a district. The district will provide a transition from strictly agricultural use areas to suburbanized residential uses. The provision of public sewer and water is not expected in the foreseeable future. When land is divided into lots in the R-1 District, open space area is required to be established in accordance with the standards of Sections 20.02.AA and 21.51. In order to preserve natural features and to provide design flexibility in the R-1 District, cluster development shall be permitted as described in Article 8.

**It is the intent of the Township to retain property values and continued investment in land, and recognizes that updated dimensional zoning regulations create a situation in which previously approved parcels can no longer meet the Ordinance standards for minimum lot size. It is not the intent of the Township to create nonconforming parcels; therefore, Tyrone Township recognizes that parcels and lots created prior to (date of adoption) with an associated open space were permitted based on the zoning regulations in effect at the time of their creation, and shall be henceforth be considered in accordance with Article 26.10, Open Space Dependent Properties.**
regulations in effect at the time of their creation, and shall be henceforth be considered in accordance with Article 26.10, Open Space Dependent Properties.

ARTICLE 6
R-2 SINGLE FAMILY RESIDENTIAL DISTRICT

SECTION 6.00 INTENT

The intent of the R-2 district is the same as in the R-1 district, except that the district is intended for areas served with public sewer and water, or locations adjacent to urbanizing centers in which public sewer and water is expected in the foreseeable future. When land is divided into lots in the R-2 District, open space area is required to be established in accordance with the standards of Sections 20.02.AA and 21.51. In order to preserve natural features and to provide design flexibility in the R-2 District, cluster development shall be permitted as described in Article 8.

It is the intent of the Township to retain property values and continued investment in land, and recognizes that updated dimensional zoning regulations create a situation in which previously approved parcels can no longer meet the Ordinance standards for minimum lot size. It is not the intent of the Township to create nonconforming parcels; therefore, Tyrone Township recognizes that parcels and lots created prior to (date of adoption) with an associated open space were permitted based on the zoning regulations in effect at the time of their creation, and shall be henceforth be considered in accordance with Article 26.10, Open Space Dependent Properties.

ARTICLE 8
OPEN SPACE PRESERVATION (OSP) OPTION

SECTION 8.00 INTENT

The intent of open space development is to provide a procedure for residential development that will result in concentrated and enhanced living environments OSP development can permit more economical residential development and encourage a variety of architectural types and styles for residential dwellings. It will provide a basis for ingenuity and originality in residential lot and street design and development and will preserve open space to serve recreational, scenic, and public service purposes. The provisions have been modified in compliance with Public Act 177 of 2001, the Michigan Zoning Enabling Act, P.A. 110 of 2006, as amended.

SECTION 8.02 CLUSTER DEVELOPMENT OPTION

Section 8.02(A) **Reserved.** **Minimum Land Area Required.** The minimum land area required for the cluster development shall be ten (10) acres.
Section 8.02(D)  

Sanitary Sewer Required in R2 and LK-1 Districts

1.  RE and R-1 Zoning Districts. Cluster development will only be permitted when community septic systems or public sanitary sewer systems are available to service all lots at the reduced lot size.

2.  R-2 and LK-1 Zoning Districts. Within R-2 districts, single family detached residential dwellings and two-family attached residential dwellings may be permitted. Sanitary sewer service must be available for any development utilizing cluster development in the R-2 and LK-1 Districts. In the event that sanitary sewer is not available to service proposed dwellings in an R-2 or LK-1 District, cluster development shall not be allowed for those dwellings.

Section 8.02(E)  

Modification of Requirements. Modification of lot area, width and yard setback requirements.

1. Lots may be reduced in area below the lot size required by the residential zoning district in which the subdivision is located. Lot area reductions may be up to sixty (60) percent in the FR and RE Districts, and approximately twenty-five (25) fifty (50) percent in the FR, RE, R-1, R-2, and LK-1 Districts according to the following schedule:

<table>
<thead>
<tr>
<th>Zoning District</th>
<th>Minimum Lot Area in Zoning District</th>
<th>Proposed Minimum Lot Area with Cluster Option</th>
<th>Minimum Open Space Required per Proposed Lot with Cluster Option</th>
</tr>
</thead>
<tbody>
<tr>
<td>FR</td>
<td>3 acres</td>
<td>1.5 acres</td>
<td>1.5 acres</td>
</tr>
<tr>
<td></td>
<td>2 acres</td>
<td>≥1 acre</td>
<td></td>
</tr>
<tr>
<td>RE</td>
<td>1.75 acres</td>
<td>.875 acres</td>
<td>.875 acres</td>
</tr>
<tr>
<td></td>
<td>60,000 ft²</td>
<td>30,000 ft²</td>
<td></td>
</tr>
<tr>
<td>R-1</td>
<td>1 acre</td>
<td>.5 acres</td>
<td>.5 acres</td>
</tr>
<tr>
<td></td>
<td>30,000 ft²</td>
<td>22,500 ft²</td>
<td></td>
</tr>
<tr>
<td>R-2</td>
<td>21,780 sq. ft.</td>
<td>10,890 sq. ft.</td>
<td>10,890 sq. ft.</td>
</tr>
<tr>
<td>LK-1</td>
<td>21,780 sq. ft.</td>
<td>10,890 sq. ft.</td>
<td>10,890 sq. ft.</td>
</tr>
</tbody>
</table>

* Permitted only when a conventional septic system or public sanitary sewer system is available to service all resulting lots at this reduced size.
2. All land remaining after lot area reductions shall be compensated for by at least an equivalent amount of land in additional open space to be preserved and maintained in perpetuity for its scenic value or for recreation and conservation purposes. Such open space shall be protected to remain as open space by a conservation easement, plat dedication, restrictive covenant, or other legal mechanism that runs with ownership of the land.

SECTION 8.03 OPEN SPACE PRESERVATION DESIGN STANDARDS

Open space preservation areas shall be provided in compliance with the provisions of Section 21.51. All open space areas preserved under these provisions must meet the requirements of the Township Zoning Act, Michigan Zoning Enabling Act, P.A. 110 of 2006, as amended. In particular, open space areas must be preserved in an undeveloped state as defined in the Township Zoning Act Michigan Zoning Enabling Act, P.A. 110 of 2006, as amended, which excludes golf course development on open space preserved by these provisions.

ARTICLE 20
SCHEDULE OF REGULATIONS

SECTION 20.00 SCHEDULE OF REGULATIONS

SECTION 20.01 (Table)

<table>
<thead>
<tr>
<th>District</th>
<th>FR</th>
<th>RE</th>
<th>R-1</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Site and Lot Area</td>
<td>3-acres</td>
<td>1.75 acres (NOTE: = 76,230 sq. ft.)</td>
<td>1 acre (NOTE: 43,560 sq. ft.)</td>
</tr>
<tr>
<td>2-acres</td>
<td></td>
<td>60,000 sq. ft.</td>
<td>30,000 sq. ft.</td>
</tr>
</tbody>
</table>

SECTION 20.02
FOOTNOTES TO SCHEDULE OF REGULATIONS

The descriptive elements contained herein are referenced as footnotes in the table of Schedule of Regulations, Section 20.01.

Footnotes:

Footnote AA. Reserved.

For every lot created in the FR, RE, R-1, and R-2 Districts, a designated open space area shall be permanently established consistent with the requirements in Section 21.51. The required open space area shall be in addition to any developable area and shall be equal to one half (1/2) of the developable area for each lot, parcel, or condominium unit. The developable area must satisfy the minimum area requirements of the zoning district. The following equation shall yield the minimum required open space area:
Developable Area / 2 = Minimum Required Open Space Area

The required open space must be located within the boundaries of the newly created lot, parcel, or condominium unit. However, the Planning Commission may allow the required permanent open space to be transferred from the newly created parcel to the parent parcel or other created parcels(s) for reasons consistent with the open space concept.

The property owner shall provide necessary assurances and mechanisms to insure that the open space shall remain limited to open space uses, as defined herein, in perpetuity through a binding legal instrument. Such binding legal instrument may be a deed restriction to run with the land to forever prohibit the development of the land for any purpose other than for an open space use. Where new parcels or lots are proposed to be created adjacent to areas of previously designated permanent open space, the new open space dedications should be contiguous to the previously established open space and may not include any previously designated open space area.

STAFF COMMENTS: According to correspondence with the Township Planning Commission Chair, the township is proposing to eliminate the current requirement that open space be created and preserved when land divisions occur in single family residential districts. Instead Tyrone Township proposes increasing the minimum lot area requirement for most of the districts. Related to this proposal, the Township’s contracted Planner performed an extensive spatial analysis and review on two of the Township’s zoning districts.

Background: According to the correspondence between Planning Staff and the Township Planning Commission Chair, the township has continued to receive complaints from residents doing, or wanting to do land divisions, claiming the required open space in the zoning ordinance is a taking of property. When the township then looked at how the open space was being used, and if it truly was being used for buffering or true open space to maintain a rural character, they found that this was not consistently successful. Finally, when the township then looked at their minimum lot area requirements they identified a few concerns.

(1) Land divisions in the FR zoning district were almost always done to result in 2 acre lots, the minimum area required. The township requires a minimum of 3 acres to have animal unit rights, so a land division in FR really changed the intended farming residential atmosphere to an R-1 single family residential setting. If township increased the minimum lot area to 3 acres, a divided 10 acre parcel results in the same number of created lots, they are simply larger, with animal units, so one could argue this better preserves the developmental intent.

(2) For the R-1 zoning district, the township determined, with their typically poor soils (from a perk point of view) lots under 1 (one) acre were difficult or impossible to build on due to the required primary and reserve septic field areas. While much of R-1 is built out, the township decided that they should protect future lot development by ensuring the lots created were buildable without a public sewer connection, since the undeveloped R-1 parcels are not within the township’s sewer district.

(3) For the RE zoning district, the township increased the minimum lot size by 0.25 acre to better accommodate significant natural features found on many of the parcels rather than continue with an open space requirement that was largely not achieving the intended goal of buffering.
## TOWNSHIP ELIMINATION OF OPEN SPACE REQUIREMENTS ANALYSIS:

<table>
<thead>
<tr>
<th>ZONING DISTRICT</th>
<th>CURRENT CONDITIONS</th>
<th>RECOMMENDATION</th>
</tr>
</thead>
</table>
| **FR** Farming Residential | - Minimum lot size is 2 acres.  
- Open space amounting to 50% of the newly created lot(s) is required.  
- 2 acre minimum does not permit animal units in FR, an interesting conflict with the current zoning regulations which results in the creation of FR lots that cannot be permitted to hold farm animals. | - Minimum lot size of 3 acres.  
- No requirement for open space.  
- Lots created now compatible with minimum animal unit lot size requirements.  
- Number of conforming lots that would become nonconforming is minimal. |
| **RE** Rural Estates Residential | - Minimum lot size is 60,000 square feet (just under 1.5 acres).  
- Open space amounting to 50% of the newly created lot(s) is required.  
- Large number of parcels of sufficient size remain that can be divided.  
- 94.5% of all RE parcels (4,226 of 4,472) are greater than 1.75 acres | - Minimum lot size of 1.75 acres.  
- Eliminate space requirement.  
- Many of the remaining parcels have natural features which should be preserved or the land is otherwise unusable.  
- Increasing the minimum lot size will accommodate these needs or conditions.  
- Increasing the minimum lot size will result in approximately 246 parcels (5.5%) becoming nonconforming. |
| **R-1** Residential | - Minimum lot size is 30,000 square feet.  
- 41% of existing R-1 lots are less than 30,000 square feet  
- Several large parcels remain which could be split. | - Minimum lot size of 1 acre better address the space needed for a primary and reserve septic field given Tyrone Township's generally poor soil conditions.  
- Eliminate open space requirement.  
- Increasing the minimum lot size would result in nearly 78% of the existing parcels being nonconforming.  
- Language will be included to establish these lots as "conforming" as long as they were legally created under prior lot area standards. |
Z-40-17: Tyrone Township
Amendments to Articles 4-6, 8, 20: Modification of Open Space Requirements
November 1, 2017
Page 8

<table>
<thead>
<tr>
<th>ZONING DISTRICT</th>
<th>CURRENT CONDITIONS</th>
<th>RECOMMENDATION</th>
</tr>
</thead>
</table>
| R-2 Residential        | • Minimum lot size is 21,780 square feet (1/2 acre).  
  • District is made up of 3 large parcels.  
  • Two northeast parcels totaling 93.1 acres under consent judgement and operating as EI-Extractive Industrial:  
  • Fenton Sand and Gravel.  
  • Parcel to west containing old truck road (portion east of Hartland Road).  
  • Lots abut R-1 to the north and south (subdivisions), and RE to the east and west (developed):  
  • One south parcel containing Cider Mill Crossing, under a consent judgement and operating as an MHP district.                                                                                                                                                  | • Rezone the two north east parcels to R-1 (1 acre minimum) to address septic field concerns.  
  • No open space requirement.  
  • Results in developed density more compatible with existing adjacent uses.  
  • Encourage CDO or PUD development due to topography constraints:  
  • Topography and other existing features will occupy the required open space.  
  • If developed as a subdivision the area will need common areas.  
  • Retain underlying R-2 zoning for south parcel. Nothing will change in foreseeable future.                                                                                                                                               |
| LK-1 Lake Front Single Family | • No open space is currently required.  
  • Minimum lot size for new development is 0.5 acres.  
  • Available undeveloped. Lots or parcels are small in size and therefore do not warrant open space being required.                                                                                                                                                                                                 | • No changes.                                                                                                                                                                                                |
| OSP OpenSpace Preservation Option | • Antiquated requirements                                                                                                                                                                                                                                                                                                                                 | • Update to comply with the State of Michigan CDO Cluster Development Option requirements.                                                                                                                                                                          |

Subsequent to a GIS spatial analysis and review conducted by the township planning commission and township planner, the township determined that the proposed changes would result in the following outcomes:

a. For the FR District: Farming residential district, the minimum lot size would be 3 acres, which is the minimum lot size to result in animal units being allocated. This better aligns the FR district with its intent – farming, or farming related activities, versus the current trend, which is to divide FR parcels into two acre lots having no animal units.
b. **For the R-1 District:** Low density single family residential district, the minimum lot size would increase to 1 acre. Due to the poor soils found throughout our R-1 designated areas, it is often difficult or not possible to establish acceptable primary and reserve septic field areas on lots smaller than 1 acre. The majority of R-1 lots do not have access to sewer services.

c. **For the R-2 District:** Medium density single family residential district parcels currently being used by the Fenton Sand and Gravel operation under a consent judgement – those parcels would be rezoned to R-1 under the same logic as item (b) above. This also better aligns these parcels with the densities currently existing on adjacent land to the east, south, and west.

d. **Lots that are currently conforming, but that would become nonconforming as a result of these changes, would be established as conforming lots under prior development standards.** As long as the lots were legally created, they would be grandfathered and not adversely affected by the new minimum lot area requirements.

e. **Lots created that have open space tied to them, could have the open space vacated or abandoned, as long as the property owner can demonstrate to the Township’s satisfaction they have identified a legal mechanism to take such action.**

   *Tyrone Township is currently not aware if such action could be legally taken, and they have no intent to pursue research on this matter.*

**STAFF COMMENT:** For items "d" and "e" above, refer also to Livingston County Planning Case Z-44-17.

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**Township Recommendation:** **Approval.** The Tyrone Township Planning Commission recommended Approval of the text amendments at their October 10, 2017 meeting. There were no public comments.

**Staff Recommendation:** **Approval.** Staff acknowledges that through this long and laborious process, the township planning commission took every effort to protect both the value of resident's property as well as the intent of the township’s open space preservation ideal. Considering the many variables that have the capability of affecting the outcome of such a process, both positive and negative, it appears that the proposed text amendments are the most reasonable and appropriate approach the township could utilize in order to accomplish its goals in this regard.
MEMORANDUM

TO: Livingston County Planning Commissioners and the Tyrone Township Board of Trustees

FROM: Robert Stanford, Principal Planner

DATE: November 1, 2017

SUBJECT: Z-44-17 Amendments to Zoning Ordinance Articles -

- ARTICLE 26: NONCONFORMITIES/OPEN SPACE DEPENDENT PROPERTIES

The Tyrone Township Planning Commission proposes to add a new amendment to the township zoning ordinance regarding nonconformities, specifically: Article 26: Nonconformities.

NOTE: When existing (current) text are utilized in this review for illustrative purposes, additions (or newly proposed text) are noted in underlined bold font while deletions to existing text are noted in strikethrough font (Times New Roman). Planning Staff comments are noted in bold italic underline fashion (Arial).

Tyrone Township proposes to add the following language to its township zoning ordinance regarding nonconformities:

ARTICLE 26
NONCONFORMITIES

SECTION 26.00 (SUMMARY TABLE)

Add the following rows to the summary table:

Summary of Nonconforming Regulations

<table>
<thead>
<tr>
<th>Nonconforming Situations</th>
<th>Requirements</th>
<th>Section</th>
</tr>
</thead>
<tbody>
<tr>
<td>Open Space Dependent Properties</td>
<td>Considered conforming subject to conditions</td>
<td>26.10</td>
</tr>
<tr>
<td>Boundary realignment of Open Space Dependent Properties</td>
<td>Permitted subject to conditions</td>
<td>26.10.C</td>
</tr>
</tbody>
</table>
Add the following New Section to Article 26:

Section 26.10 Open Space Dependent Properties

A. Intent.

It is the intent of the Township to retain property values and continued investment in land, and the Township recognizes updated dimensional zoning regulations in the FR, RE, R-1, and R-2 Districts create a situation in which previously approved parcels can no longer meet the Ordinance standards for minimum lot size. It is not the intent of the Township to create nonconforming parcels; therefore, Tyrone Township recognizes that dependent properties created prior to (date of adoption) were permitted based on the zoning regulations in effect at the time of their creation.

The Township will consider all open space dependent properties conforming in terms of minimum lot size that were legally created and recorded with an associated dedicated open space, regardless of their ability to achieve current minimum lot size standards. Parcels, units, and lots that were dimensionally nonconforming under previous regulations remain nonconforming unless they can achieve all current standards governing land in the Township.

B. Open Space Dependent Properties.

Open space dependent properties are parcels, lots, or units created with dedicated open space, as required by the Ordinance of the time, which is internal to, contiguous with, or detached from the property.

C. Boundary Realignment of Open Space Dependent Properties.

Boundary realignment to distribute open space among dependent properties may be considered when all properties resulting from the realignment achieve the minimum lot sizes required by the zoning district, in accordance with the Tyrone Township Land Division Ordinance. Further, the open space conservation easement, plat dedication, restrictive covenant, or other legal mechanism that runs with the land must be appropriately disposed of to the satisfaction of the Township. In no case shall overall development density be increased unless otherwise permitted by this Ordinance.

STAFF COMMENTS: This new article relates directly to the amendments presented in Livingston County Planning Case Z-40-17, regarding the removal of open space preservation requirements in the township zoning ordinance in favor of larger minimum lot sizes. The new text proposed for this particular section attempts to ensure that any nonconformities created by these amendments do not negatively impact a landowner's ability to develop their land in a fashion similar to conforming parcels.
The proposed amendments explain that the intent of the new regulations is not to create nonconformities, however, some parcels will undoubtedly become nonconforming if the proposed text amendments are adopted. It establishes a new a definition for any newly nonconforming properties as “open space-dependent properties”, which would be considered conforming (similar to existing legal nonconforming or “grandfathered” properties that do not meet the minimum lot size for the zoning district in which they are located). The proposed text would also contains language which allows residents who own “open space-dependent” properties a means to effectively abandon the existing open space on their property if they can provide a legal mechanism to do so. If a property owner is able to prove to the Planning Commission that the open space can legally be abandoned, they can approve it through a boundary realignment. Allowing property owners to abandon open space should result in properties that have more usable land that are fully-conforming or closer to conformity than before.

Correspondence received by County Planning Staff from the Township Planning Chair further explains the outcomes of these proposed regulations further, in the following manner:

“Lots that are currently conforming that would become nonconforming as a result of these changes would be established as conforming lots under prior development standards. As long as the lots were legally created they would be grandfathered and not adversely affected by the new minimum lot area requirements.”

“Lots created that have open space tied to them could have the open space vacated or abandoned, as long as the property owner can demonstrate to the Township’s satisfaction they have identified a legal mechanism to take such action. Tyrone Township is currently not aware if such action could be legally taken, and we have no intent to pursue research on this matter.”

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