

COHOCTAH TOWNSHIP
LIVINGSTON COUNTY, MICHIGAN

APPLICANT'S NAME DONALD STRUBLE
MAILING ADDRESS 5862 HAYNER RD DATE 2-7-06
FOWLERVILLE MI ZIP 48836
223-8268 Home
TELEPHONE NUMBER 517 881-8698 Cell APPLICATION NUMBER 1186

FEES: CONCEPTUAL FEE (due with app) \$400 pd 2/8/06
PRELIMINARY & FINAL REVIEW FEE (due before prelim meeting) \$850 pd 3/7/06
CONTINGENCY FESS (due before prelim meeting-refundable).. \$800+ pd 3/7/06
LAND DIVISION FEE (\$50 PER PARCEL, due before final meeting) \$~~200~~ 200 pd 3/23/06

PLEASE NOTE: THIS APPLICATION AND FEE SCHEDULE DOES NOT INCLUDE LAND USES OR SITE PLAN REVIEW FOR PRIVATE ROADS AND/OR CONSOMINIUMS.

APPLICATION FOR OPEN SPACE AND RURAL PRESERVATION DEVELOPMENT

RETURN TO:
COHOCTAH TOWNSHIP CLERK
1459 W COHOCTAH RD
PO BOX 278
COHOCTAH MI 48816-0278

REVISED
(#12) 3/2/06
\$ (#10)

- 1. Property owner (attach deed, land contract, or other evidence of ownership). DONALD STRUBLE
- 2. Tax I.D. number(s) 4702-18-100-005
- 3. Legal description of the property (attach if necessary) (Attached - Tax bill)
- 4. Number of splits currently available on parent parcel 4
- 5. Location of property (address or intersection) 5862 HAYNER RD
- 6. Zoning District AR

7. Parcel area in acres or square feet 16 ACRES
8. If any lakes, ponds, rivers, streams, water courses, wetlands, or drainage ways abut or pass through the property, please provide the following:
- a) Describe the type of water source POND
- b) Dimensions from water to boundary lines 75' from W + 200' from N line of Parcel #3
9. Percentage of parcel dedicated to open space 8 ACRES 50% SHARED 3 WAYS DS
10. Describe intended ownership (16.50 4D&E) ALL TO PARCEL #1
11. Describe the intended use of open space (16.50 6C) MOWED OR LEFT FOR WILDLIFE.
12. Describe how open space will be dedicated and set aside. (16.50 C4) REVISED ~~DEDICATED TO PARCEL #1~~ SHARED 3 WAYS DS.
13. Number of single family dwellings proposed 2 NEW + 1 EXISTING
14. Access to homes by driveways or private road DRIVEWAYS
15. Is the project anticipated to be a condominium? NO

Please initial the following:

16. Applicant shall attach a conceptual drawing that identifies the following: DS
- a) buildable land areas
 - b) proposed open space
 - c) any unique features
 - d) residential building sites, including all current buildings and improvements
 - e) location of all neighboring homes contiguous to the parent parcel
17. Applicant shall have property corners staked by a surveyor prior to conceptual review. DS.
18. Applicant shall provide a full survey prior to the scheduled preliminary meeting. Surveyor _____ Job Number _____ DS.
19. Applicant shall provide documentation of dedicated open space for preliminary meeting. DS.
20. Applicant acknowledges that permits may be required from Livingston County's Drain Commission, Health Department, Road Commission, or the Michigan Department of Environmental Quality. DS
21. All applications, documents, fees, and supporting data must be received at least 10 working days prior to the scheduled meeting. DS

22. Applicant hereby grants consent to members or representatives of Cohoctah Township to enter onto the undersigned's property for purposes of inspection for conceptual review and for compliance with the zoning ordinance requirements.

D.S.

I/we understand that prior to the issuance of a land use permit, the owner/developer must submit to Cohoctah Township a copy of the recorded documents required by Section 16.50(7)C including the affidavit that sets forth the full legal description of the property specifying the date of Township approval and that all improvements will be carried out in accordance with the approved final site plan as well as any and all deed restrictions, easements, and any other documents necessary to be recorded to comply with the Cohoctah Township Zoning Ordinance and with the state law.

I/we hereby declare that all the above statements and information contained in this application and any attachments submitted herewith are true and accurate and I/we shall immediately inform Cohoctah Township in the event there is a change in any such information.

Donald Stuebel date 2-8-04
signature of applicant

signature of owner, if different from applicant date _____

TOWNSHIP USE ONLY

Application number 1186

Date completed application received 2/8/06, by Deann M. Shurmer
Cohoctah Township Clerk

Date submitted to Planning Commission 2/9/06

On site review observations: visited site on 2-19-06

All 4 corners of parent parcel were staked.
35% of open space parcel wooded, with the
remainder rolling field.

by: Ron Smith P.C.
VICKI ATKINSON P.C.
Todd Thomas 2A.

date: 2-19-06

Conceptual meeting date: 3/2/06

Preliminary meeting date: 3-21-06

Action taken: Needs to unmake open space at
tract 8.01 acres.

Initiated #10 to show ownership
to be shared.

Final meeting date: April 6, '06

FINAL APPROVAL OF APPLICATION NUMBER 1186:

Chairman signature Kranni Palmator date 4-6-06

Secretary signature Debra M Rainey date 4-6-06

P.C. ACTION: approve

9. Does the project meet the following standards of Section 16.50(8)(A-F)?

- A. The overall design and land uses proposed in connection with an Open Space and Rural Preservation development are consistent with its concept, and the specific design standards set forth herein. yes
- B. Open space should include irreplaceable natural features located on the parcel, such as, but not limited to, stream beds, wetlands, significant stands of trees and individual trees of significant size. The protection of these natural features complies with applicable environmental protection laws and regulations. yes
- C. Diversity and originality in lot layout and individual building design achieves the best possible relationship between the development and the land. yes
- D. The Open Space and Rural Preservation development is designed to minimize the impact of traffic generated by the proposed development on surrounding uses. yes
- E. The proposed Open Space and Rural Preservation development complies with all applicable federal, state, and local regulations to the best of our understanding. yes
- F. The proposed development is in compliance with the requirements of the provisions of the Open Space and Rural Preservation Development Ordinance. yes

Planning Commission Action Motion By Charlotte to
approve final for Struble Open Space
per check out, initial #1 of declaration
stating open space to be 8.01, land crew
survey to be recorded as exhibit A.
Support by Atkinson. Motion
Carried.

COHOCTAH TOWNSHIP
OPEN SPACE AND RURAL PRESERVATION

FINAL APPROVAL CHECKLIST

(FOR PLANNING COMMISSION USE)

APPLICANT STRUBLE APPLICATION NUMBER 1186

FINAL MEETING DATE 4-6-06

1. Have the following issues from the preliminary meeting been addressed or has preliminary site plan approval been granted?

① at least 8.01 AC in Open Space

✓

② initial # 10 - shared ownership

✓

on "declaration of open space"
we had from initial #1 to
read 8.01

✓

2. Have land split applications been submitted and fees paid?

yes

3. Have necessary documents been submitted to verify irrevocable conveyance of open space, and do such documents meet the approval of the Planning Commission and the township attorney?

yes

4. Do documents adequately provide for upkeep, maintenance, and costs for open space?

yes

5. Are private road or site condo approval processes completed?

N/A

6. Do documents adequately provide for upkeep, maintenance, and costs for shared driveways, roadways, and accessways?

N/A

7. Have final surveys and legal descriptions been submitted and reviewed?

yes

8. Does open space exclude any area devoted to a residential dwelling, minimum lot size, accessory use, vehicle access, parking, or roadway?

yes

RECORDED

The Grantor(s) PAULA R. STRUBLE, a married woman, whose address is 5862 Hayner Road, Fowlerville, Michigan 48836 quit-claim(s) to PAULA R. STRUBLE and DONALD W. STRUBLE, husband and wife whose address is 5862 Hayner Road, Fowlerville, MI 48836

Nov 1 1 03 PM '88

NANCY HAVILAND REGISTER OF DEEDS LIVINGSTON COUNTY, MI 48843

the following described premises situated in the Township of Cohoctah, County of Livingston and State of Michigan:

The South 1320 feet of the East 528 feet of the West half of the Northwest fractional quarter of Section 18, Town 4 North, Range 4 East, Michigan.

[This deed is exempt from Michigan Realty Transfer Tax pursuant to M.S.A. §7.456(5)[(a) and (o)].

for the sum of No dollars and 00/100 (\$0.00)

Dated this 28th day of October, 19 88

Signed in presence of: Barbara B. Spellman

• BARBARA B. SPELLMAN

Susan A. Blonde

• SUSAN A. BLONDE

Signed by: Paula R. Struble

• PAULA R. STRUBLE

STATE OF MICHIGAN, } COUNTY OF INGHAM } SS.

The foregoing instrument was acknowledged before me this 28th day of October, 19 88, by Paula R. Struble

Barbara B. Spellman

• BARBARA B. SPELLMAN Notary Public, Eaton acting in Ingham County, Michigan

My commission expires: FEBRUARY 12, 1990

Table with 3 columns: When Recorded Return To, Send Subsequent Tax Bills To, Drafted By. Includes fields for Name, Street Address, City and State, and Business Address.

Tax Parcel # 02-18-100-005-401-47030 Recording Fee Transfer Tax

• TYPE OR PRINT NAMES UNDER SIGNATURES.

Print Date: 12/28/2005
Recpt Date: 12/28/2005

2005
Official Winter Tax Receipt
COHOCTAH
4702-18-100-005

Recpt No: 00000734

COHOCTAH TOWNSHIP
TAMI BOCK, TREASURER
6153 BYRON ROAD
HOWELL MI 48855

Received of:
STRUBLE, DONALD W & PAULA R
5862 HAYNER RD
FOWLERVILLE MI 48836

TAXABLE: 82,164, SEV: 126,100, SCHL: 47030
P.R.E.: 100.0000 CLASS: 401

Previous Payments		Previous Payments			
Date	Chk #	Amount	Date	Chk #	Amount

** CURRENT PAYMENT **					
Date	Chk #	Amount			
12/28/2005	7275	1,431.50			

Total Recvd 1,431.50

DETAILED BREAKDOWN OF BILLING/PAYMENTS FOR 4702-18-100-005

Heading	Mills	Tax Billed	Total Paid	Balance
COUNTY ALLOCATED	2.27170	186.65	186.65	0.00
COUNTY AMBULANCE	0.27990	22.99	22.99	0.00
HCMA - PARKS	0.21460	17.63	17.63	0.00
COHOCTAH ALLOC	0.87020	71.49	71.49	0.00
COHOCTAH ROADS	1.44040	118.34	118.34	0.00
FO SCHOOL OPER	18.00000	0.00	0.00	0.00
FO SCHOOL DEBT	8.34000	685.24	685.24	0.00
LIVINGSTON ISD	2.35070	193.14	193.14	0.00
FO LIBRARY	0.40730	33.46	33.46	0.00
HO FIRE AUTH	1.07580	88.39	88.39	0.00
Admin Fee		14.17	14.17	0.00
Interest/Pen		0.00	0.00	0.00
Over Payments		0.00	0.00	0.00
Totals----->	35.25060	1,431.50	1,431.50	0.00

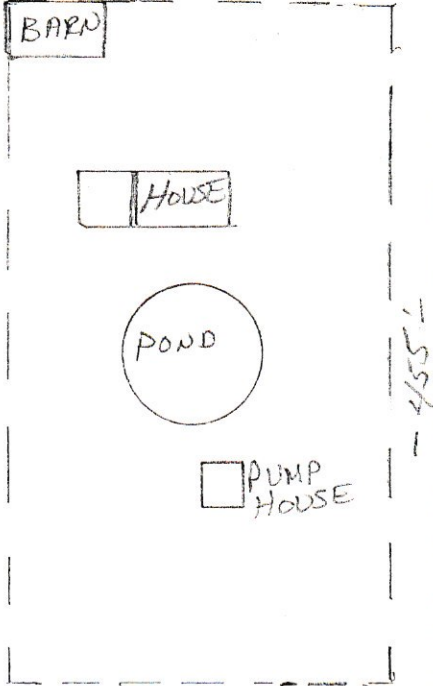
Addr: 5862 W HAYNER RD

Property Description:
SEC 18, T4N,R4E, THE S 1320 FT OF E 528 FT OF W 1/2 OF NW 1/4 16 AC M/L

To:STRUBLE, DONALD W & PAULA R
5862 HAYNER RD
FOWLERVILLE MI 48836

320

2.61 AC.
PARCEL #3



-528'-
PARCEL #4
OPEN SPACE

16 AC. TOTAL
8 AC. OPEN SPACE
9 AC. WOODS
7 AC. ROLLING

-895'-

-455'-

-250-

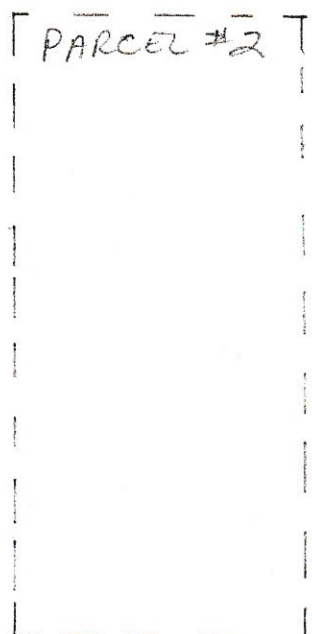
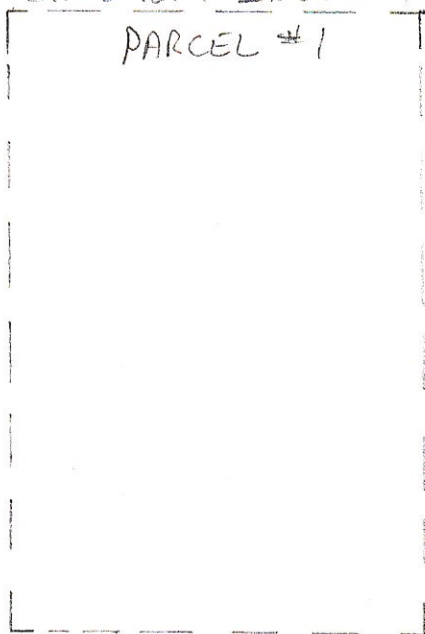
-184-

-1021-

-462-

3.38 AC.
EASEMENT INCLUDED
PARCEL #1

1.95 AC.
PARCEL #2



-545-

-425-

HOUSE ON EAST
SIDE - BOB
HOISINGTON



DON STROBLE
5862 HAYNER RD
FOWLERVILLE, MI
48836
HOME 223-8268
CELL 517 881-9622

-66'-

-262-

-113- DRIVE

-200'-

75' DRIVE

← OWOSSO RD 500' W.

HAYNER RD

DECLARATION OF OPEN SPACE RESTRICTIONS

This Declaration of Open Space Restrictions is made this 23 day of March, 2006, by Donald W. Struble and Paula R. Struble, husband and wife, ("Strubles") whose address is 5862 Hayner Road, Fowlerville, Michigan 48836, Owner and Developer.

RECITALS

WHEREAS, Strubles are the Owner and Developer of certain real property consisting of 16.01 acres more or less located in Cohoctah Township, Livingston County, Michigan, as more particularly described hereinafter in attached Exhibit "A".

WHEREAS, the Owner and Developer in conjunction with development of said real estate are desirous of reserving an open space area with restrictive use in respect to said development of Parcels 1-3.

NOW, THEREFORE, in consideration of the mutual benefits to be received by the Owner, Developer, successors and assigns and all intended purchasers and future owners of the various parcels, mortgagees and lenders, Owner, Developer hereby grants and imposes these use restrictions in respect to the described real property described in Exhibit "A".

RESTRICTIONS

1. *Use.* The area described as open space in Exhibit "A" containing ^{8.01 DS}~~8.005~~+ acres is hereby restricted to non-development and it shall be perpetually preserved in its present condition for the purpose of conservation of the natural or scenic resources and shall be used for walking and hiking purposes and no other use is allowed.
2. *Maintenance.* The open space area shall be maintained as reasonable and necessary to promote the intended purpose of conservation of the natural and scenic resources. In the event that any maintenance is necessary, decisions for such maintenance shall be made by a majority vote of owners of Parcels 1-3 and any cost associated with maintenance shall be pro-rationally divided amongst said owners.
3. *Reciprocal Rights.* It is intended that the open space area be a reciprocal benefit with reciprocal rights to Parcel owners 1-3 and any one of such parcel owners shall have the right to enforce the provisions of these use restrictions and the responsibilities set forth in

this instrument shall be perpetual and shall run with the land and may be modified or amended only by written instrument signed by all of the owners of the Parcels. No amendment to these restrictions can affect a right of Cohoctah Township without the Township's consent.

IN WITNESS WHEREOF the undersigned have executed this Declaration of Open Space Restrictions as of this 23 day of March, 2006.

Donald W. Struble
Donald W. Struble

Paula R. Struble
Paula R. Struble

STATE OF MICHIGAN)
) SS.
COUNTY OF LIVINGSTON)

On the 23 day of March, 2006, before me personally appeared Donald W. Struble and Paula R. Struble, husband and wife, being first duly sworn depose and state that they have read the foregoing DECLARATION OF OPEN SPACE RESTRICTIONS by them subscribed and that they sign same as their own free act and deed .

Elaine L. Struble
Notary Public,
Livingston County, Michigan
Acting in Livingston County, Michigan
My Commission Expires: 8-2-08

ELAINE L. STRUBLE
NOTARY PUBLIC - STATE OF MICHIGAN
COUNTY OF INGHAM
My Commission Expires Aug. 2, 2008
Acting in the County of Ingham

Prepared by:
Alan J. Czekaj, Esq.
PO Box J
New Hudson, MI 48165

When Recorded Return to:

USE AND BUILDING RESTRICTIONS

This Declaration of Use and Building Restrictions is made this 23 day of March, 2006, by Donald W. Struble and Paula R. Struble, husband and wife, ("Strubles") whose address is 5862 Hayner Road, Fowlerville, Michigan 48836, Owner and Developer.

RECITALS

WHEREAS, Strubles are the Owner and Developer of certain real property consisting of three (3) parcels and an open space area located in Cohoctah Township, Livingston County, Michigan, and described in Exhibit "A" attached hereinafter.

WHEREAS, the Owner and Developer is desirous of recording certain Use and Building Restrictions in respect to said development for Parcels 1-3.

NOW THEREFORE, in consideration of mutual benefits to be received by the Owner, Developer, successors and assigns and all intended purchasers, future owners of the various parcels, mortgagees and lenders, Owner, Developer hereby grants and imposes these use and building restrictions in respect to the described real property described in Exhibit "A" (Parcels 1 through 3).

SECTION 1 USE AND BUILDING RESTRICTIONS

- 1.1 *Residential use.* Parcels and divisions thereof shall be used solely for the construction of one (1) single-family residence and shall be limited in use to single-family residential purposes. No dwelling shall be erected on any parcel unless it is constructed with an attached garage for at least two (2) cars.
- 1.2 *Area of Dwellings.* The dwellings to be erected on each parcel shall have the minimum square footage of living area, to wit:

Dwellings of one story	1400 square feet
Dwellings of two stories	2000 square feet

Attached two-car garage is mandatory.

In computing the minimum total living area, porches, breezeways, terraces, basements and garages shall not be included. No single family residence which does not meet the BOCA Building Code shall be erected or placed on any parcel. All roof pitches will be a minimum of five/twelve (5/12) pitch.

Detached accessory buildings will be permitted upon each parcel, provided that the accessory building complies with the Accessory Building Provisions, Cohoctah Township Zoning Ordinance; and provided further, that the accessory building be built of similar siding and roof material as the single family residence.

- 1.3 *Zoning Compliance.* All dwellings and any other structures shall be in compliance with a Lot line setback requirements and all other applicable requirements of the Cohoctah Township Zoning Ordinance, as amended, as it is in existence at the time of construction, or any other applicable municipal zoning requirements substituted therefore as well as restrictions stated herein.
- 1.4 *Maintenance.* Each parcel owner shall maintain the exterior of all improvements on any parcel and the parcel itself in a neat and attractive manner and in good condition and repair.
- 1.5 *Landscaping.* The owner of each lot shall develop a landscape treatment which will tend to enhance, complement and harmonize with adjacent property. New planting should complement and enhance the character of the existing vegetation, topography and structures.
- 1.6 *Repair of Damaged Buildings.* In the event that any building is damaged or destroyed by fire or other casualty, the building shall either be repaired or removed within six (6) months after the occurrence of such damage or destruction.
- 1.7 *Signs and Billboards.* No sign or billboard shall be placed or maintained on any residential lot except that one sign advertising the lot, or house and lot for sale or lease, and having not more than 8 square feet of surface, and not exceeding 4 feet in height above the ground may be erected and maintained on any lot.
- 1.8 The purpose of these restrictions are to maintain the value of the parcels in a manner consistent with environmental, aesthetic and residential standards. To accomplish this, these building and use restrictions, covenants and conditions are contained upon and for the benefit of said parcels. All buyers and subsequent owners must accept such parcels subject to these restrictions and conditions. These restrictions shall run with the land and shall be binding upon the heirs, administrators, executors, successors and assigns of the owners of such parcels as indicated hereinabove.

SECTION 2 AMENDMENTS

- 2.1 The Use and Building Restrictions and responsibilities set forth in this instrument shall be perpetual and shall run with the land and may be modified or amended only by a written instrument signed by the owners of at least two-thirds (2/3) of the parcels, as well as the Developer, if the Developer still owns any of the parcel, and any governmental body or government agency having jurisdiction. No amendment to these restrictions can affect a right of Cohoctah Township without the Township's consent.
- 2.2 All descriptions contained herein are made pursuant to Garlock-Smith Professional Surveyors dated February 27, 2006.

IN WITNESS WHEREOF the undersigned have executed this USE AND BUILDING RESTRICTIONS as of this 23 day of March, 2006.

Donald W. Struble
Donald W. Struble
Paula R. Struble
Paula R. Struble

STATE OF MICHIGAN)
) SS.
COUNTY OF LIVINGSTON)

On the 23 day of March, 2006, before me personally appeared Donald W. Struble and Paula R. Struble, husband and wife, being first duly sworn depose and state that they have read the foregoing USE AND BUILDING RESTRICTIONS by them subscribed and that they sign same as their own free act and deed .

Elaine L. Struble
Notary Public,
Livingston County, Michigan
Acting in Livingston County, Michigan
My Commission Expires: 8-2-2008

ELAINE L. STRUBLE
NOTARY PUBLIC - STATE OF MICHIGAN
COUNTY OF INGHAM
My Commission Expires Aug. 2, 2008
Acting in the County of Ingham

Drafted By:
Alan J. Czekaj
PO Box J
New Hudson, MI 48165

When recorded return to:

