

williams&works

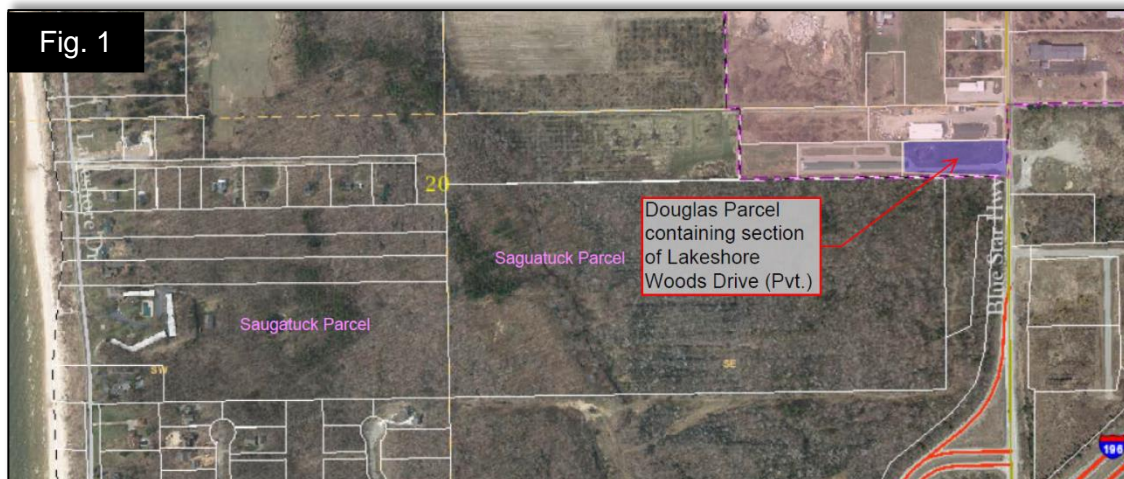
engineers | surveyors | planners

MEMORANDUM

To: City of The Village of Douglas Planning Commission
Date: May 4, 2023
From: Tricia Anderson, AICP
Andy Moore, AICP
RE: Lakeshore Woods Private Road Review

Background. Mr. Andrew Milauckas, property owner, has submitted an application for a proposed private road that is planned to access the Lakeshore Resort from Blue Star Highway. The subject parcel is located at 2862 Blue Star Highway and is 1.83 acres in size. The parcel is currently occupied by an existing self-storage facility and contains an access road with an approach onto Blue Star Highway. The proposed private road is planned to use this existing access road with the existing approach, as approved by the Allegan County Road Commission. The private road application has been reviewed pursuant to Article 18, Access Control and Private Roads, and reviewed by the City Attorney and the City Engineer.

Jurisdiction. The proposed private road is intended to create an access point to the Lakeshore Resort from Blue Star Highway. As dune and beach erosion slowly create the potential to impact the reliability of Lakeshore Drive, property owners, and public agencies are seeking ways to access the lakeshore from the east. This proposed private road is a bit unique, as it crosses the jurisdictional line between Douglas and Saugatuck Township and is only proposed on one small parcel in the Douglas jurisdiction as shown in Figure 1. The review of this proposed private road was a joint effort between both jurisdictions, however, the Planning



Commission is tasked with providing a recommendation to the City Council for the approval of *only* the portion of the private road that runs through the Douglas parcel (referred to as “Tranquil Parcel” on site plan). Saugatuck Township has jurisdiction over reviews and approval of the majority of the proposed private road.

Application and Process. Section 18.02.11 requires an application to be submitted pursuant to Section 23.03(4), Permit Procedures and Regulations. The process for approval of private roads requires the City Attorney and City Engineer to forward their recommendations to the Planning Commission and City Council. As noted above, the Planning Commission is tasked with providing a recommendation to the City Council, based on the finding that the proposed private road complies with the requirements of Article 18. Once the City Council approves the private road plans, then the authorization for the construction of the road is issued by the Zoning Administrator.

Review. Section 18.02 provides requirements and standards for private road design. This section of the ordinance is provided for your reference. Since the road is only proposed on approximately 489’ of the parcel located in Douglas (shown on the plan as “Tranquil Parcel”), our review is limited to only that portion, however, we have worked with staff from Saugatuck Township to discuss the topics of future development of the Saugatuck parcels, as well as the potential for the road to be utilized by the public, should a catastrophic event cause Lakeshore Drive to become impassible. We have asked the property owner to address these topics within the required easement document/maintenance agreement that covers the entire road in both jurisdictions.

The site plan provided by the applicant dated April 11, 2023, has been reviewed against the requirements of Section 18.02. The applicable standards are below, along with our remarks.

18.02(4) Construction Standards.

- a. *A private road that serves three (3) or more parcels in a division of land other than subdivisions as defined by the Land Division Act of 1967, as amended, shall meet or exceed the cross-sectional construction standards established by the Allegan County Road Commission for public roads, except that the paving of a private road is not required unless the private road has two (2) or more connections to a public street, or seven (7) or more lots or dwelling units gain access from the private road.*

Remarks: The applicant has provided a separate set of construction drawings for the proposed road, however, cross-sectional details are not provided. These plans have been reviewed by the City’s engineer, who has provided review comments related to these standards. The private road, as proposed, does not connect to Lakeshore Drive, thus paving isn’t required at this time, however, the portion of the road on the Tranquil parcel is currently paved with a 25’ wide traveled surface. The road is planned as gravel throughout the Saugatuck parcels. Without the cross-section details, the City Engineer cannot ensure that

the existing access road meets the minimum requirements for private roads as-built.

- b. *For existing private roads with two (2) or more connections to a public street or which provide access for seven (7) or more lots which are not under the jurisdiction of a maintenance agreement specifying paving and/or repaving funding, the City Council may apportion the paving costs via a special assessment to all benefiting property owners or decide that all the costs should be borne by the developer of the private road, whichever under the circumstances, seems fair following a hearing at which each of the affected property owners is notified by mail at least fifteen (15) days before the hearing.*

Remarks: If the Saugatuck parcels are ever developed and there are additional users on the road, this standard will not apply, as it is not under the Douglas jurisdiction. However, the City does have an interest in ensuring the proposed private road has another connection to a public street even though any future connections would be located in Saugatuck Township. The private road maintenance agreement should reflect this.

18.02(5) Right-of-Way and Road Bed Width.

All private roads shall have a minimum right-of-way easement width of at least sixty-six (66) feet unless waived by the City Council. Waiver to a narrower width may be considered when seven (7) or less lots are involved, and is discretionary depending on public health, safety, emergency vehicle access, utility line extension and service considerations pertinent to both the property in question and the surrounding area. In no case shall a right-of-way easement width be less than thirty-three (33) feet in width. Road bed widths for private roads serving seven (7) or less lots shall be at least sixteen (16) feet. Road bed widths for private roads serving more than seven (7), but less than fifteen (15) lots, may not be less than nineteen (19) feet. Road beds for private roads serving fifteen (15) or more lots shall be not less than twenty-four (24) feet.

Remarks: The proposed right-of-way width does not currently meet the 66'. As indicated above, the private road would utilize the access road for the self-storage facility. The plan provides for a 56' wide easement across the self-storage access road, and a 20' wide "Claim of Interest in Easement" over the parcel immediately south of the "Tranquil parcel". The claim of interest in easement document, as reviewed by the City Attorney, does not grant an actual easement and will not be accepted unless the property owner grants the easement. There appears to be space on the "Tranquil parcel" to locate the full 66' easement.

18.02(7) Connection to Public Streets

Construction authorization from the Allegan County Road Commission is required for connection to County roads. When applicable, a permit is also required from the County under the Soil Erosion and Sedimentation Control Act, Act 347. At the discretion of the City Council, a proposed private road may be disapproved unless it connects to another private road or public street when necessary to provide safe traffic flow and/or emergency vehicle access.

Remarks: The existing access drive and its existing geometry is acceptable to the Allegan County Road Commission, according to the applicant. It connects to Blue Star Highway and the permit issued by the Allegan County Road Commission is attached.

18.02(9) Limit on Length

Private roads with only one connection to a public street or another approved private road meeting the requirements of this Ordinance shall not exceed one thousand three hundred and twenty (1,320) feet in length.

Remarks: The total length of the proposed private road far exceeds 1,320 feet. However, the majority of the road is proposed within Saugatuck Township, and their zoning regulations will apply.

18.02(11)(a) Road Maintenance Agreement (to be recorded): Must include:

- 1. A method of initiating and financing of such road in order to keep the road up to properly engineered specifications and free of snow or debris.*
- 2. A workable method of apportioning the costs of maintenance and improvements to current and future uses.*
- 3. A notice that if repairs and maintenance are not made, the City Council may bring the road up to established Allegan County Road Commission standards for public roads and assess owners of parcels on the private road for the improvements, plus an administrative fee in an amount not to exceed twenty-five (25) percent of total costs.*
- 4. A notice that no public funds of the City of the Village of Douglas are to be used to build, repair, or maintain the private road or road sign.*
- 5. Funding of the posting and maintenance of the road sign.*

Remarks: The most recent draft reviewed by the City Attorney was not acceptable. His report is included with this memorandum. Additional attention is required for several areas.

18.02(11)(b) Road Easement Agreement (to be recorded): Must include:

- 1. Easements to the public for purposes of emergency and other public vehicles for whatever public services are necessary.*

2. *A provision that the owners of any and all of the property using the road shall refrain from prohibiting, restricting, limiting or in any manner interfering with normal ingress and egress and use by any of the other owners. Normal ingress and egress and use shall include use by family, guests, invitees, vendors, tradesmen, delivery persons, and others bound to or returning from any of the properties having a need to use the road.*

Remarks: The required easement document and maintenance agreement document are combined into one document named “Declaration and Grant of Easements”. The City Attorney’s report should be referred to in whether these elements have been included in the combined document.

Final Thoughts. The applicant requested to be placed on the agenda, with the knowledge that there are specific areas indicated in both the City Engineer’s and the City Attorney’s reports, that must be addressed before they can make a favorable recommendation to the Planning Commission. In summary, the following items require attention and compliance before the applicant can return to the Planning Commission:

1. Core samples of the access road on the “Tranquil parcel” must be obtained and provided to the City Engineer for his review.
2. The language within the Declaration and Grant of Easements will need some changes as noted by the City Attorney.
3. The City Attorney has advised that the 20’ “Claim of Interest in Easement” does not suffice for the required 66’ easement.

Saugatuck Township provided an approval with conditions in January of this year, however, some of the issues related to the easement came about after the approval letter was distributed. Lynee Wells, Township Planner, has expressed a desire for the 66’ easement to be contained entirely on the “Tranquil Parcel”, as the “Mendoza Parcel” (containing the 20’ “Claim of Interest in Easement”) is in the Township, and there is an interest in that parcel being developed in the future.

Recommendations. Based on the findings indicated in this memorandum, we are recommending that the Planning Commission postpone any action on this item until such time that the applicant can address all the concerns stated by the City Attorney and City Engineer, as indicated in their respective reports.

April 11, 2023
2221119

Ms. Tricia Anderson
Williams&Works
549 Ottawa Ave., NW Ste. 310
Grand Rapids, MI 49503

RE: Lakeshore Woods Private Road
Engineering Review Comments

Dear Tricia:

On behalf of the City of Douglas, our office has reviewed the *revised* drawings dated *April 11, 2023* and received *April 11, 2023* for the above referenced project. Our comments regarding the *revised submittal for the* project are *in red* as follows: (*Previous review was completed December 27, 2022.*)

1. A meeting was held with Saugatuck Township, the Fire Department, and Allegan County Road Commission which I attended on behalf of City of Douglas. The points of that meeting included the following:
 - a. Both the Fire Department and Allegan County Road Commission were generally ok with the plan as it did provide another route in the event something happened to Lakeshore Drive. (ACRC has granted a permit for this project on February 14, 2022. We recommend the Fire Department also have the opportunity to grant their approval.) *No additional comments.*
 - b. Saugatuck Township will approve the plan but planned to add a statement that if any changes were made in the development (e.g. more lots added) the developer would need to submit to other agencies for review (i.e. Allegan County Road Commission and City of Douglas.) *The City attorney should verify this was included.*
 - c. The 25-foot easement for ingress, egress, and utilities within City of Douglas was discussed. Per the City's ordinance Section 18.02 (5) the easement width shall be 66 feet unless waived by the City Council. We note 66 foot is shown on a draft easement exhibit dated March 3, 2022, but it appears a portion of this is on a parcel not owned by the developer and it leaves no room on the north side of the road. *An email from you dated March 24, 2023 indicated that the developer may ask for a waiver for a reduced width. It appears from the most recent submittal a minimum of 66 foot easement will be provided (56 on the access site and 20 feet on the site to the south of the access site.) It should be verified the right documents and wording are for both easements.*

Ms. Tricia Anderson

April 11, 2023

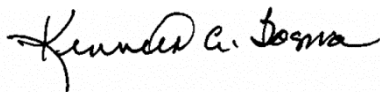
Page 2

2. As noted by the City attorney via email on November 6, 2022, the draft easement agreement does not provide for maintenance of portions of the proposed Private Road and Easement located on the Self-Storage Parcel (or Tranquil Parcel as shown in the easement agreement), which would seem to violate Ordinance Section 18.02 (3). The City attorney shall approve the agreement before it is recorded. *No additional comments.*
3. The City's attorney should address if the Third Party Beneficiary section of the easement agreement is adequate. We suggest that language be added that allows the City to add an administrative fee as noted in the City ordinance Section 18.02 (11a 3) *No additional comments.*
4. Section 18.02 (4a) states that if the private road serves more than three parcels, the road shall meet the cross-section of ACRC. We are not aware of the current cross-section of the road. *No information was provided that the current road meets the cross-section requirements.*
5. We recommend wording for funding for posting and maintenance of the road signs be included in the easement agreement. (See Section 18.02 (11a 5).) *We believe that this language may have been added to a new draft agreement dated March 6, 2023.*
6. The developer is responsible for all review fees.
7. The developer is responsible for obtaining all permits and approvals required for this project.

If you have any questions or comments regarding the above, please feel free to call me.

Sincerely,

Prein&Newhof



Kenneth A Bosma, P.E.

KAB/kab

cc: Ms. Jenny Pearson, City of Douglas



April 20, 2023

VIA EMAIL ONLY: Anderson@williamsworks.com

City of the Village of Douglas, Michigan
c/o Ms. Tricia Anderson
Williams & Works, Planning Consultants to the City

RE: Lakeshore Woods Private Road

Dear Ms. Anderson:

You have requested that Plunkett Cooney, acting in its capacity as City Attorneys for the City of the Village of Douglas (the "City"), advise the Planning Commission and Council, as is required by section 18.02 12) of the Zoning Ordinance, whether a revision dated April 12, 2023, to the Applicant's proposed Declaration and Grant of Easements (the "Easement Agreement") between and among Tranquil Road, LLC ("Tranquil"); Lake Shore Resorts, LLC ("Lakeshore"); and the Joseph J. Milauckas Jr, Trust (the "Trust"; and, collectively, for the purposes of this Opinion, the "Applicant") satisfies the requirements of section 18.02 of the City Zoning Ordinance. For the reasons stated below, we conclude that it does not.

The most recent (dated February 14, 2023) drawings prepared by Applicant's engineer are proposed as an Exhibit A to the Easement Agreement and, consequently, are included as a basis of our Opinion. The proposed Exhibit A show a proposed private road easement and gravel road bed of approximately 3750 feet in length, 66-feet in width, predominantly located within Saugatuck Township, but crossing a parcel located within the City of Douglas (the "Tranquil Parcel") and culminating at an intersection with Blue Star Highway.

We conclude that the Applicant has not demonstrated to our satisfaction that the Easement Agreement satisfies the following requirements of Section 18.02 of the Zoning Ordinance:

1. The Applicant is believed to be requesting that Council waive the 66-foot easement minimum width requirement of Section 18.02 5) of the Zoning Ordinance as to that portion of the private road easement that will lie within the parcel owned by Applicant Tranquil and located within the City (the "Tranquil Parcel"). (Exhibit A shows a proposed Tranquil Parcel easement width of 56-feet to be granted to Lakeshore and the Trust.) Apparently in an effort to avoid having to secure that Council waiver, the Applicant asserts ownership of an adjacent easement across an adjoining Saugatuck Township parcel owned of record by an unrelated person.

We have reviewed the recorded instrument, entitled "Claim of Interest in Easement for Ingress and Egress", as well as the recorded Warranty Deed upon which the former is based. By recording the former instrument, the Trust sought to protect its

ATTORNEYS & COUNSELORS AT LAW

claim to a 20-foot wide ingress and egress easement over the portion of the adjacent Saugatuck Township parcel in question. Unfortunately, (i) the grantor who created this easement by Warranty Deed expressly denied any and all warranties, including warranty of title, to the ingress and egress easement, and (ii) the Applicant has offered no evidence that the record owner of the burdened parcel acknowledges its existence. Finally, the Applicant has not provided a title policy or title opinion which would cause the City to conclude that the easement is both valid and owned (as opposed to merely "claimed") by the Trust as the successor-in-interest to the Warranty Deed grantees. Accordingly, we conclude that the Planning Commission and Council must interpret the Applicant's request as seeking approval of a 56-foot wide easement across the Tranquil Parcel and a waiver of the section 18.02 5) minimum width requirement.

2. Although the Easement Agreement assigns among the parties the financial responsibility for the initial construction subsequent maintenance, improvement or expansion of the proposed private road, and also requires that the private road be maintained in accordance with Allegan County Road Commission standards and the requirements of, as applicable, the City and Saugatuck Township, we do not believe that the Easement Agreement OBLIGATION to maintain pursuant to a workable methodology for the apportionment of the expense of maintenance and improvement to current and future uses [(section 18.02 11) a)] is illusory because it is dependent in each instance upon a subsequent agreement among a majority of the Parcel Owners served by the private road, in the absence of which agreement either the City, or Saugatuck Township, may only intervene and perform maintenance at such time as the private road demonstrably ceases to meet those standards and requirements. We are not satisfied that the maintenance obligation of the Easement Agreement is sufficiently robust as to satisfy the intent of section 18.02 11).
3. We have noted the most recent comments of the City Engineer and support his apparent conclusion that the proposed gravel roadbed has not been demonstrated to satisfy Allegan County Road Commission cross-sectional construction standards, as is required by section 18.02 4) a) of the Zoning Ordinance.

PLUNKETT COONEY

/s/ Philip A. Erickson

Philip Erickson
Plunkett Cooney, City Attorneys



David S. Keast
Of Counsel, Plunkett Cooney

cc: Rich Labombard, City of Douglas Manager

ANN ARBOR
CHICAGO
COLUMBUS
GRAND RAPID
INDIANAPOLIS
ST. LOUIS

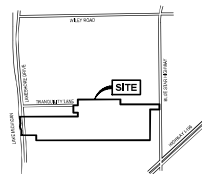
Lake Shore Resort
P.O. Box 121
Saugatuck, MI 49453

Tbl: Renewed Per Owner			
Drawn WGS	Checked MJB	Date	2022/03/01
Tbl: Renewed Per Owner			
Drawn WGS	Checked MJB	Date	2022/03/01
Tbl: Renewed Per Owner			
Drawn WGS	Checked MJB	Date	2022/03/29
Tbl: Renewed Per Owner			
Drawn WGS	Checked MJB	Date	2022/03/29
Tbl: Renewed			
Drawn WGS	Checked MJB	Date	2022/05/28
Tbl: ADGC Submit			
Drawn WGS	Checked MJB	Date	2022/10/28
Tbl: Renewed Per Owner			
Drawn WGS	Checked MJB	Date	2022/10/28
Tbl: Renewed Per Suggah's Tap, Fire District			
Drawn WGS	Checked MJB	Date	2022/12/20
Tbl: Renewed Encumbrance			
Drawn WGS	Checked MJB	Date	2023/04/11

Overall Site Map

2985 Lakeshore Drive
PART OF SECTION 20, T3N, R16W,
SAIGATICK TOWNSHIP, ALLEGAN COUNTY, MICHIGAN

SHEET NO:
C-100



LOCATION MAP



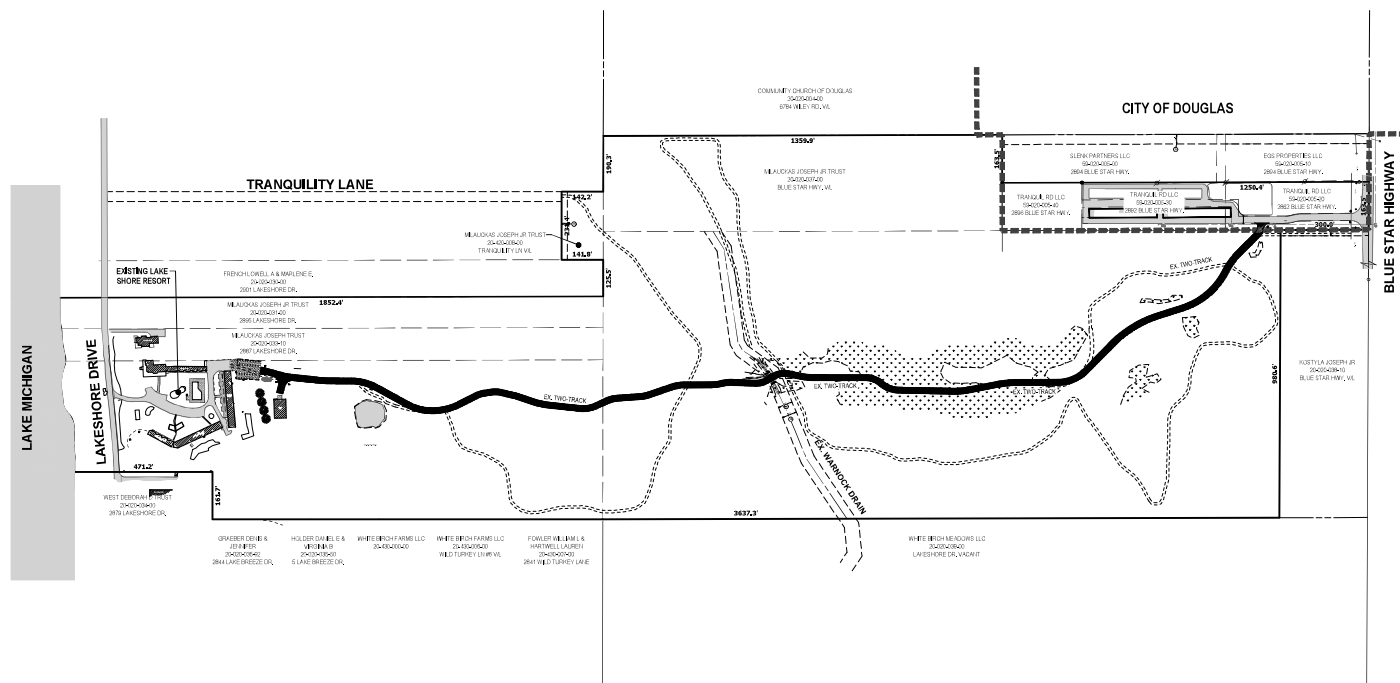
0' 100' 200' 400'

SCALE: 1" = 200'

BENCHMARK #6511 ELEV. = 645.20 (NAVD88)
Set cotton gin spindle in South side 30" tree. Located
21' East of the centerline of Lakeshore Drive & 9'
South of the drive entrance to Lakeshore Resort.

BENCHMARK #5836 ELEV. = 653.05 (NAVD88)
Set cotton gin spindle in west side of utility pole. Located
450± East of the centerline of Lakeshore Drive & 20±
South of the South line of North-South hotel building.

BENCHMARK #5836 ELEV. = 653.05 (NAVD88)
Set cotton gin spindle in west side of utility pole. Located
450± East of the centerline of Lakeshore Drive & 20±
South of the South line of North-South hotel building.



Know what's **below**.
CALL before you dig.

UTILITY LOCATIONS ARE DERIVED FROM ACTUAL MEASUREMENTS OR AVAILABLE RECORDS. THEY SHOULD NOT BE INTERPRETED TO INDICATE LOCATION NOR SHOULD IT BE ASSUMED THAT THEY ARE THE ONLY UTILITIES IN THE AREA.

NOTES:
EXISTING UTILITIES AND SERVICE LINES EXEMPTED AS "PLAIN" WERE
OBTAINED FROM AVAILABLE AS-BUILT RECORD DRAWINGS. THE
CONTRACTOR SHALL VERIFY THE LOCATION, DEPTH AND STATUS OF ALL
UTILITIES AND SERVICE LINES PRIOR TO ANY CONSTRUCTION.



Know what's below.
CALL before you dig.

811 LOCATIONS ARE DERIVED FROM ACTUAL MEASUREMENTS OF
UNDERGROUND UTILITIES. THEY SHOULD NOT BE RELIED UPON TO
DETERMINE THE EXACT LOCATION OF UTILITIES. THE USER OF THIS
INFORMATION ASSUMES ALL LIABILITY FOR ANY DAMAGE TO PERSONS OR
PROPERTY.

NOTE:
FOR ALL UTILITIES AND SERVICES, CALL 811 OR VISIT 811.MI.GOV
FOR MORE INFORMATION. A FEE MAY BE CHARGED FOR THIS SERVICE.
THE INFORMATION PROVIDED BY 811 IS FOR INFORMATIONAL PURPOSES
ONLY AND IS NOT A GUARANTEE OF THE LOCATION OF UTILITIES.

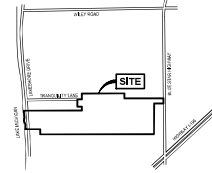


SCALE: 1" = 40'

BENCHMARKS

BENCHMARK #5511 ELEV. = 646.20 (NAVD83)
Set cotton gin spindle in South side 30" tree. Located
27' East of the centerline of Lakeshore Drive & 5' S of
South of the drive entrance to Lakeshore Resort.

BENCHMARK #5516 ELEV. = 653.25 (NAVD83)
Set cotton gin spindle in west side of utility pole. Located
450' East of the centerline of Lakeshore Drive & 20' S of
South of the South line of North-South hotel building.



LOCATION MAP

NOT TO SCALE



www.nederveld.com
800.222.1868

HOLLAND

347 North 18th St.
Holland, MI 48423

ANN ARBOR

COLUMBUS

CHICAGO

INDIANAPOLIS

ST. LOUIS

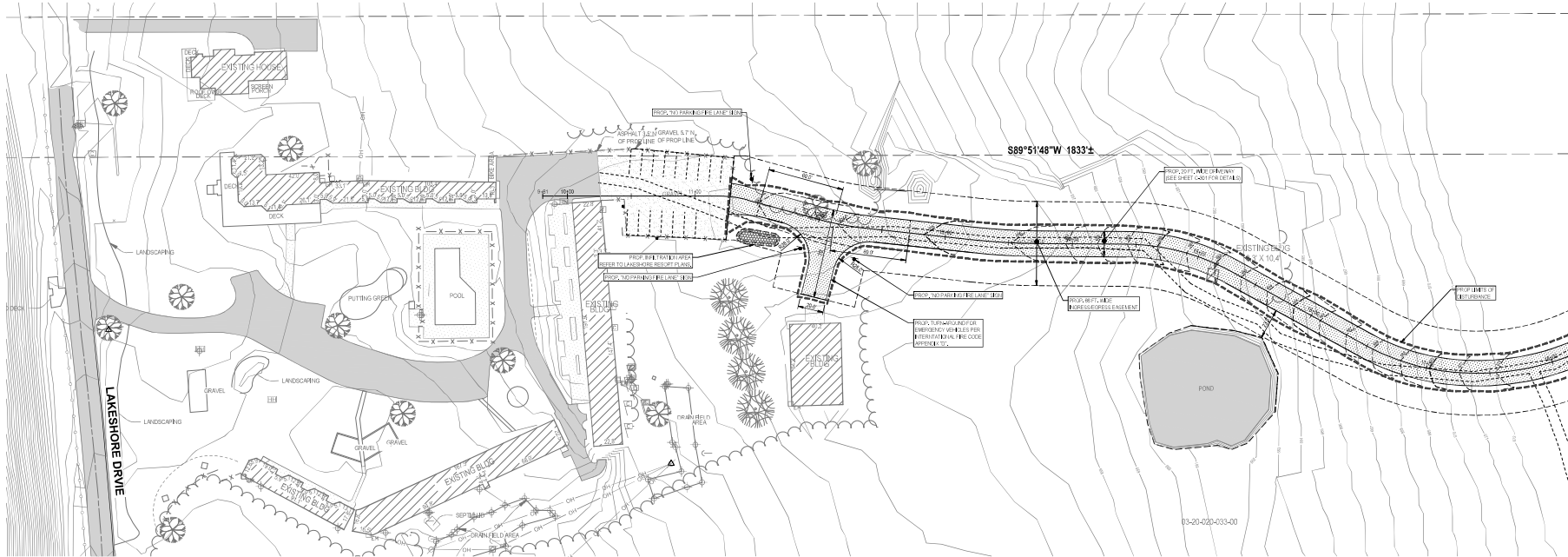
PREPARED FOR:

Lake Shore Resort

P.O. Box 121
Saugatuck, MI 49453

REVISIONS:

TITLE	Revised Per Owner
Drawn	WDS
Checked	MJB
Date	2022/05/20
TITLE	Revised Per Owner
Drawn	WDS
Checked	MJB
Date	2022/05/19
TITLE	Revised Per Owner
Drawn	WDS
Checked	MJB
Date	2022/05/25
TITLE	Revised Per Owner
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Date	2022/05/26
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Date	2022/05/20
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Date	2022/05/20
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Drawn	WDS
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Date	2022/05/20
TITLE	Revised Per Designer/Per Owner
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Date	2022/05/20
TITLE	Revised Per Designer/Per Owner
Drawn	WDS
Checked	MJB
Date	2022/05/20
TITLE	Revised Per Designer/Per Owner
Drawn	WDS
Checked	MJB
Date	2022/05/21



LAKE SHORE WOODS DRIVE (PVT.)

Grading Plan

2885 Lakeshore Drive
PART OF SECTION 26, T3N, R3W,
SAUGATUCK TOWNSHIP, ALLEGAN COUNTY, MICHIGAN

STAMP:

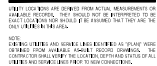


PROJECT NO:

20200220

SHEET NO:

C-300



BENCHMARK #5511 ELEV. = 645.20 (NAVD88)
Set cotton gin spindle in South side 30' tree. Located
21' East of the centerline of Lakeshore Drive & 9'±
South of the drive entrance to Lakeshore Resort.

BENCHMARK #5836 ELEV. = 653.25 (NAVD88)
Set cotton gin spindle in west side of utility pole. Located
450'± East of the centerline of Lakeshore Drive & 20'±
South of the South line of North-South hotel building.

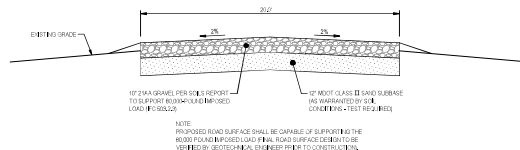
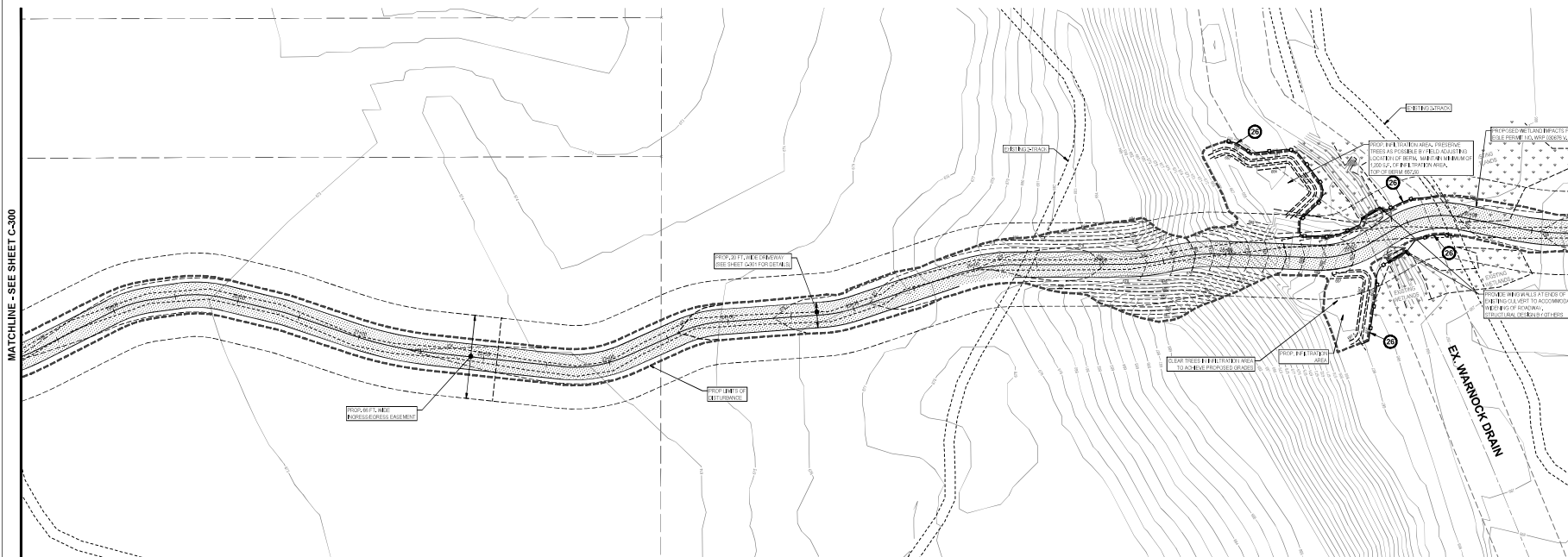


Lake Shore Resort
P.O. Box 121
Saugatuck, MI 49453

Tb6	Revised Per Owner		
Drawn: WDS	Checked: MJB	Date: 2022/07/30	
Tb6	Revised Per Owner		
Drawn: WDS	Checked: MJB	Date: 2022/07/30	
Tb6	Revised Per Owner		
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Tb6	Revised Per Owner		
Drawn: WDS	Checked: MJB	Date: 2022/07/30	
Tb6	Revised		
Drawn: WDS	Checked: MJB	Date: 2022/08/20	
Tb6	AOC Submittal		
Drawn: WDS	Checked: MJB	Date: 2022/08/26	
Tb6	Revised Per Owner		
Drawn: WDS	Checked: MJB	Date: 2022/08/20	
Tb6	Revised Per Slaughter/Top-File Direct		
Drawn: WDS	Checked: MJB	Date: 2022/08/22	
Tb6	Revised Easement/Title		
Drawn: WDS	Checked: MJB	Date: 2023/04/11	

PART OF SECTION 20, T3N, R16W,
SAUGATUCK TOWNSHIP, ALLEGAN COUNTY, MI

SHEET NO:
C-301



1475

1. A MINIMUM CLEAR HEIGHT OF 13'-4" SHALL BE MAINTAINED OVER FIRE ACCESS ROUTES PER IFD STANDARDS.
2. CENTERLINE GRADE SHALL NOT EXCEED 10% LONGITUDINAL SLOPE.
3. FIRE ROUTES TO BE MAINTAINED FREE OF SNOW AND ICE TO PROVIDE ALL WEATHER DRIVING CAPABILITY.

[illegible]

1) CONTRACTOR SHALL POSSESS THE SOIL EROSION AND SEDIMENTATION CONTROL PERMIT ISSUED TO STATE OF MA. EARTH/MOBY/

- 2) CONTRACTOR SHALL NOTIFY THE LOCAL, REGIONAL AND SEDIMENTATION CONTROL PLANS TO SHOW THE ADDITIONAL CONTROL MEASURES REQUIRED TO BE USED DURING CONSTRUCTION, SUBMIT NOTIFICATIONS TO THE CONSULTING AGENCY, THE OWNER, AND THE ENGINEER.
- 3) EROSION/SEDIMENTATION SHALL BE PREVENTED AT ALL STORM SEWER JUNCTS AND ALL OTHER DRAIN PASSES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE EXISTING STORM SEWER SYSTEM.
- 4) REFER TO THE MANUAL, "LOCAL, REGIONAL AND SEDIMENTATION CONTROL MANUAL," (JULY 2009) FOR ADDITIONAL INFORMATION.
- 5) THE ENTIRE STORMSEWER SYSTEM SHALL BE CLEANED AND FLUSHED FOLLOWING CONSTRUCTION AND PAID RECEPT THEREON PROVIDED TO THE ENGINEER AND COUNTY SIEG AGENCY PRIOR TO FINAL PAYMENT TO THE CONTRACTOR OR FINAL ACCEPTANCE OF THE CONSTRUCTION BY THE OWNER.
- 6) THE CONTRACTOR SHALL BE RESPONSIBLE TO IMPROVE, TAKE CORRECTIVE ACTION AND MAINTAIN ALL TEMPORARY SIEG MEASURES DAILY AND AFTER EACH RAINFALL EVENT UNTIL COMPLETION AND ACCEPTANCE OF THE WORK.

■ Land Planning ■ Landscape Architecture ■ Civil Engineering ■ Land Surveying ■ High Definition Scanning ■ Forensic Engineering ■ Fire Investigation

DECLARATION AND GRANT OF EASEMENTS

This Declaration and Grant of Easements (the “**Agreement**”) is made March __, ~~2022~~2023, by **TRANQUIL ROAD, LLC**, a Michigan limited liability company, whose address is PO Box 121, Saugatuck, Michigan 49453 (“**Tranquil**”), Joseph J. Milauckas Jr, as Trustee of the **JOSEPH J. MILAUCKAS JR. TRUST**, whose address is also PO Box 121, Saugatuck, Michigan 49453 (the “**Trust**”) and **LAKE SHORE RESORTS, LLC**, a Michigan limited liability company, whose address is also PO Box 121, Saugatuck, Michigan 49453 (“**Lake Shore**”).

This conveyance is exempt from County Real Estate Transfer Tax under MCL 207.505(a) and from State Real Estate Transfer Tax under MCL 207.526(a). The value of the consideration is less than \$100.

Background

A. Tranquil owns of certain land located in the City of the Village of Douglas, Allegan County, Michigan described and depicted on the attached Exhibit A as the **Tranquil Parcel**.

B. The Trust owns certain adjoining land located in Saugatuck Township, Allegan County, Michigan described and depicted on the attached Exhibit A as the **Trust Parcel**.

~~C.~~ **C.** The Trust also owns certain adjoining land located in Saugatuck Township, Allegan County, Michigan described and depicted on the attached Exhibit A as **Parcel D**.

~~D.~~ **D.** Lake Shore owns certain adjoining land located in Saugatuck Township, Allegan County, Michigan, described and depicted on the attached Exhibit A as the **Lake Shore Parcel**.

~~D.E.~~ **D.E.** Tranquil, the Trust, and Lakeshore desire to grant to each other, and their successors and assigns, non-exclusive, perpetual, private easements over certain portions of the Tranquil Parcel, Trust Parcel, Parcel D, and Lakeshore Parcel (individually a “Parcel” and collectively the “Parcels”) pursuant to the terms and conditions of this Agreement.

Terms and Conditions

NOW, THEREFORE, in consideration of the mutual covenants contained in this Agreement, and other good and valuable consideration, the receipt and sufficiency of which is acknowledged, the parties make this Declaration and Grant of Easements.

1. Declaration of Easements.

(a) **Reciprocal Roadway and Utilities Easement.** Tranquil, the Trust and Lakeshore, as owners of their respective Parcels, declare and grant to the Trust and Lakeshore, and their respective successors and assigns, as easements appurtenant to the Trust Parcel and Lake

Shore Parcel, non-exclusive, perpetual, private easements (the “**Private Road and Utilities Easement**”) for vehicular ingress to and egress from Blue Star Highway, (including for emergency services for local police, sheriff and fire departments), and public and private utilities on, over, across, and under those parts of the Parcels as described and depicted as “the Private Easement for Ingress, Egress & Utilities” on the attached Exhibit A (the “**Road Easement Area**”).

Included within this Private Road and Utilities Easement is the right to construct, install, maintain, repair, replace, reinstall, operate, and inspect driveway improvements, and water, sanitary sewer, telephone, cable television, electric, gas, and other similar utility lines (“**Utility Lines**”), over, across, and under the Road Easement Area.

The easements are to be for purposes of (i) pedestrian and vehicular ingress and egress to and from Blue Star Highway, including access for emergency services, including the Saugatuck Township Fire District, and local police and Sheriff departments, (ii) using, maintaining, repairing, reconstructing, improving, replacing and removing the Utility Lines, (iii) servicing any buildings and improvements upon the Parcels, (iv) fire protection, (v) security, and (vi) related uses.

2. Construction and Maintenance Obligations. The parties to this Agreement shall have the following construction and maintenance obligations with respect to the Private Road and Utilities Easement (together the “**Easements**”):

(a) **Private Road Improvements.** Lake Shore shall initially construct on and in the Road Easement Area gravel roadway improvements for the use of the Lake Shore Parcel, Parcel D, and the Trust Parcel (the “**Private Road**”). Decisions regarding maintenance of the improvements within the Road Easement Area shall require approval of a majority of the Parcel Owners. Each Parcel Owner shall have one vote for each linear foot of frontage on the Road Easement Area on their respective Parcels. All subsequent costs of construction and maintenance of the Private Road, including the costs for posting and maintaining any road signs, shall be paid by the owners of the Lake Shore Parcel and Trust Parcel in proportion to the linear footage of the Private Road on their respective parcels, which costs will include but not be limited to costs for: expanding or paving the roadway; resurfacing and repairs; snow, leaf and debris removal; and tree trimming and tree removal required for construction or maintenance of the roadway improvements. Notwithstanding the foregoing, any damage to the road or utilities located within the Private Road and Utilities Easement caused by the owner of any parcel, or the respective owner’s family members, guests, invitees, or agents, shall promptly be repaired by such owner at the owner’s sole expense.

The Private Road shall be maintained in a good and useful condition, and shall at all times be owned, constructed, used, maintained, and repaired in compliance with the applicable Saugatuck Township Zoning Ordinance or City of the Village of Douglas Zoning Ordinance, or other applicable law or ordinance.

(b) **Utility Improvements.** Each Parcel Owner shall be responsible for the costs to construct, repair, replace and maintain any utilities located with the Road Easement Area that serve that parcel exclusively. The costs to construct, repair, replace or maintain utilities serving more than one Parcel shall be paid by the Parcel Owners benefitting from such utility in

equal shares.

3. Method of Construction. The construction obligations shall be performed in accordance with applicable laws, ordinances and regulations of all governmental authorities, specifically including (without limitation) Saugatuck Township and the City of the Village of Douglas. Roadway improvements shall be constructed in accordance with the quality standards and specifications of Saugatuck Township, the City of the Village of Douglas, and Allegan County, Michigan. All construction shall be completed in a good, workmanlike, and expeditious fashion and shall be performed free of any and all construction liens.

4. Private Road Notice. The Private Road will not be maintained by the Allegan County Road Commission, Saugatuck Township nor The City of the Village of Douglas. No public funding is available or will be used to construct, reconstruct, maintain, repair, improve or snowplow the Private Road. If repairs and maintenance of the private road are not made so as to maintain the road in reasonably good and usable condition, either Saugatuck Township or the city of the Village of Douglas shall have the authority, but not the obligation, to repair and maintain the road and assess owners of the parcels having frontage on the private road for the total cost, plus an administrative fee in the amount of 10% of the total cost of the repairs and maintenance. Any person purchasing a parcel having frontage on the private road shall be deemed to have petitioned for the repair and maintenance of the private road specified in this subsection as provided by Public Act No. 188 of 1954 (MCL 41.721 et. seq.) authorizing the special assessment by Saugatuck Township or the City of the Village of Douglas of the cost of the maintenance and repair of the private road, and to have consented in all respects to the imposition of a special assessment pursuant to such act for the cost for Saugatuck Township or the City of the Village of Douglas to repair and maintain the private road.

4.5. Rights and Remedies. If any owner of the Trust Parcel or Lake Shore Parcel fails to perform or commence to perform any obligation hereunder and such failure continues for ten (10) days (or shorter if necessity requires) following written notice specifying the default, the non-defaulting owner shall have the right (but not the obligation) to cure such default and take such action as may be necessary to do so including, without limitation, entering upon the land owned by the defaulting owner to effect such cure. If any sums are paid by the non-defaulting owner pursuant to this paragraph, the defaulting owner shall be liable to the non-defaulting owner for all sums expended by such non-defaulting owner in accordance with the provisions of this paragraph until such sums are repaid in full. Such amounts shall bear interest from the date of delinquency at the rate of three (3%) percent per annum in excess of the prime rate of interest published in The Wall Street Journal, adjusting and changing as such prime rate changes, and such amounts, including interest and the costs of collection shall constitute a lien on defaulting owner's parcel. The parties agree, for themselves, their successors and assigns, that such liens constitute a consensual agreement to encumber real property pursuant to MCL 565.25(3)(c).

The non-defaulting owner may enforce collection by foreclosure of the lien securing payment by the means set forth in the Michigan Foreclosure by Advertisement statute, being MCL 600.3201, et. seq., as amended, or by other legal or equitable proceedings as permitted by law or by judicial foreclosure. Alternatively, the non-defaulting owner may enforce collection of such amount by a suit at law for money judgment. The parties agree that prior to such enforcement action the non-defaulting party shall provide written notice to the defaulting party's lender of

record, if any. The expenses incurred in connection with collecting unpaid amounts, including statutory interest, costs and reasonable attorneys' fees (actual, not limited to statutory), shall also be chargeable to the defaulting owner.

5.6. Barriers. No Parcel owner shall at any time construct any barrier, fence, or other obstruction which will inhibit or restrict ingress, egress, and use of the Private Road by other Parcel owners or their family members, guests, invitees, agents, contractors, or emergency vehicles bound to or returning from any of the Parcels.

6.7. No Public Funding. No public funding is available or will be used to construct, re-construct, maintain, repair, or improve the Private Drive or to remove snow and ice from the Private Drive.

7.8. Third Party Beneficiary. All Parcel Owners and all the Owner' successors and assigns agree that Saugatuck Township and the City of the Village of Douglas shall be considered third party beneficiaries with respect to this Agreement and as such shall have the right to enforce the terms, conditions, responsibilities, duties, and obligations set forth in those sections.

8.9. Binding Effect. This Agreement shall, to the extent permitted by law, run with the land which comprises the Parcels, shall not be subject to termination except upon the written mutual agreement of the parties to this Agreement or their respective successors and assigns (in which case such parties will execute and record a release of this Agreement in recordable form, whereupon all rights, duties and liabilities created hereby shall automatically terminate), and shall inure to the benefit of the Trust Parcel and Lake Shore Parcel, and be binding upon the owners of the Parcels and their respective successors, assigns, transferees, licensees, invitees, servants, designees, and mortgagees, and each person or entity owning, occupying, or using the Parcels or any portion of them.

9.10. Liability. The owner of each Parcel agrees to defend, indemnify, and hold harmless ~~the others,~~ Saugatuck Township, the City of the Village of Douglas, the other Parcel Owners and their successors, and assigns, from and against all liens, claims, suits, or causes of action, that may be based upon any injury or alleged injury to person or property, which may be caused by or which may arise from any construction, maintenance, or use of or to the Private Road and Utilities Easement by that party, its successors and assigns, or its employees, agents, contractors, customers, guests or invitees.

10.11. Miscellaneous. Time is of the essence. Invalidation of any one of the provisions contained in the Agreement by judgment, court order, or otherwise shall not invalidate or otherwise affect any other provision in this Agreement, all of which shall remain in full force and effect. Whenever a transfer of ownership of any of the Parcels occurs, liability of the transferor for the breach of any obligation under this Agreement occurring after the transfer shall automatically terminate. The easement grant shall be given a reasonable construction so that the intention of each party to confer a usable right of enjoyment is carried out.

11.12. Scope. This Agreement is being entered into for the sole use and benefit of the Trust Parcel and Lake Shore Parcel. This Agreement, and the rights under this Agreement, shall not be transferred or assigned by the parties, except appurtenant to the property owned by them. None of the rights contained in this Agreement may be conveyed or granted by either party to real estate other than the Parcels.

12.13. Relationship of Parties. Nothing contained in this Agreement, nor any act of the parties, shall be deemed or construed by any party or by any third party to create the relationship of principal and agent, of partnership, of joint venture, of joint enterprise, or of any association between the parties hereto, nor shall anything contained in this Agreement or any act of the parties be construed to render any party liable for the debts or obligations of any other party.

13.14. Amendment, Waiver, Modification, or Cancellation. Any amendment, waiver, alteration, or modification of any of the provisions of this Agreement, or cancellation or replacement of this Agreement (in whole or in part), shall be effective only if in writing and signed by the parties to this Agreement, and only upon receiving the written approval of Saugatuck Township and the City of the Village of Douglas.

14.15. Cumulative Remedies. All rights, remedies, and recourse under this Agreement or otherwise are separate and cumulative and may be pursued separately, successively, or concurrently, are non-exclusive and the exercise of any one or more of them shall in no way limit or prejudice any other legal or equitable right, remedy, or recourse to which any party may be entitled.

15.16. Interpretation. No provision in this Agreement is to be interpreted for or against any party because that party or that party's legal representative drafted the provision.

16.17. Construction. This Agreement shall be governed by and construed according to the laws of the State of Michigan.

17.18. Entire Agreement. This Agreement contains the entire understanding between the parties relating to the rights granted and the obligations assumed. This Agreement may not be amended, except in writing and signed by all parties to this Agreement, their heirs, personal representatives, successors or assigns.

TRANQUIL:

Tranquil Road, LLC

By: _____
Joseph J. Milauckas
Its Member

Acknowledged before me in _____ County, _____, on March __,

~~2022~~2023, by Joseph J. Milauckas, as Member of Tranquil Road, LLC, a Michigan limited liability company, on behalf of the company.

Notary Public, State of _____, County of _____

Acting in the County of _____

My Commission Expires: _____

TRUST:

Joseph J. Milauckas Jr, as Trustee of the
Joseph J. Milauckas Trust

Acknowledged before me in _____ County, _____, on March ____,
~~2022~~2023, by Joseph J. Milauckas Jr, as Trustee of the Joseph J. Milauckas Trust.

Notary Public, State of _____, County of _____

Acting in the County of _____

My Commission Expires: _____

LAKE SHORE:

Lake Shore Resorts, LLC

By: _____
Joseph J. Milauckas
Its Member

Acknowledged before me in _____ County, _____, on March ____,
~~2022~~2023, by Joseph J. Milauckas, as Member of Lake Shore Resorts, LLC, a Michigan limited

liability company, on behalf of the company.

Notary Public, State of _____, County of _____

Acting in the County of _____

My Commission Expires: _____

Drafted by and when recorded return to:

William A. Sikkel, IV, esq.

Sikkel & Associates, PLC

42 East Lakewood Blvd.

Holland, Michigan 49424

(616) 394-3025

Exhibit A

Survey

APPLICATION AND PERMIT

to construct, operate, maintain, use and/or
remove within a county road right-of-way


Board of County Road Commissioners of Allegan County, Michigan
ADDRESS: 1308 Lincoln Road, Allegan, MI 49010-9762
PHONE: (269)673-2184 FAX (269)673-5922
EMAIL: jsharp@alleganroads.org

ROAD COMMISSION USE ONLY

Permit Number: 22-20-20-029
Issuance Date: 2/14/2022
New/Annual: **NEW CONSTRUCTION**

If applicant hires a contractor to perform the work, BOTH must complete this form and BOTH assume responsibility for the provisions of this Application and Permit.

APPLICANT	CONTRACTOR
Name: <u>Joseph Milauckas</u>	Name: _____
Mailing Address: <u>P.O. Box 121, Saugatuck, MI 49453</u>	Mailing Address: _____
Telephone No: <u>616 994-2617</u>	Telephone No: _____
Email address: <u>LSR@WMOL.COM</u>	Email address: _____

Applicant's Signature: <u></u>	Applicant's Signature: _____
Print Name: <u>Joseph Milauckas</u>	Print Name: _____
Title: <u>Property Owner</u> Date: <u>1/25/2022</u>	Title: _____ Date: _____

FINANCIAL REQUIREMENTS	ATTACHMENTS REQUIRED
Application Fee \$ _____	Plans and Specs _____
Permit Fee \$ <u>200.00</u>	Bond _____
Est. Inspect Fee \$ _____	Proof of Insurance <input type="checkbox"/> Yes <input type="checkbox"/> No
Bond \$ _____	P.I. \$ <u>200.00</u> P.D. \$ _____
Deposit \$ _____	Other <u>CX 201639</u>
Other \$ _____	
To Be Billed \$ _____	
Receipt Number _____	
Dated _____	

APPLICATION

Applicant and/or Contractor request a permit for the purpose indicated in the description of work below and attached plans and specifications at the following location:

TOWNSHIP Saugatuck SECTION 20 NAME OF ROAD "Lake Shore Woods" between Blue Star Highway
and Lake Shore Drive for a period beginning 1/25/2022 and ending permanent and agrees to the terms of the permit.

This is a request for a permit to access Blue Star Hwy from a new private road that will start in the City of Douglas at Blue Star Highway and located on and shared with the existing 22' wide asphalt curb cut driveway that presently accesses Saugatuck Self Storage. The road will continue west on the existing drive approximately 350' then turn left onto my parcel #20-020-038-00 and continue to my business, Lake Shore Resort located at 2885 Lakeshore Drive. Private Road approvals will be obtained from the Saugatuck Twp and Douglas as required. No construction in the Blue Star Hwy right of way unless required. The 20' ingress/egress easement to south will be used for construction access until road completed.

PERMIT

A permit is granted in accordance with the foregoing application for the period stated above subject to the following terms agreed to by the Permit Holder. When Applicant hires a Contractor, the "Permit Holder" is the Applicant and the Contractor.

RECOMMENDED FOR ISSUANCE:

Investigator: 
Title: Traffic and Safety
Date: 2/14/22

BOARD OF COUNTY ROAD COMMISSIONERS
ALLEGAN COUNTY, MICHIGAN

By: 

1. **Specifications.** All work performed under this permit must be done in accordance with the plans, specifications, maps, and Statements filed with the Commission and must comply with the Commission's current requirements and specifications on file at its offices and M.D.O.T. specifications.
2. **Fees and Costs.** Permit Holder shall be responsible for all fees incurred by the Commission in connection with this permit and shall deposit estimated fees and costs as determined by the Commission, at the time the permit application is submitted.
3. **Bond.** Permit Holder shall provide a cash deposit, letter of credit, or bond in a form and amount acceptable to the Commission at the time permit is issued.
4. **Insurance.** Permit Holder shall furnish proof of liability and property damage insurance in the amount stated on this permit naming the Commission as an insured. Such insurance shall cover a period not less than the term of this permit and shall provide that it cannot be cancelled without ten (10) days advance written notice by certified mail with return receipt required to the Commission.
5. **Indemnification.** Permit Holder shall hold harmless and indemnify and keep indemnified the Commission, its officers and employees from all claims, suits, and judgments to which the Commission, its officers, or employees may be subject and for all costs and actual attorney fees which may be incurred on account of injury to persons or damage to property, including property of the Commission, arising out of the work under this permit, or in connection with work not authorized by this permit, or resulting from failure to comply with the terms of this permit, or arising out of the continued existence of the work products which is the subject of this permit.
6. **Miss Dig.** The Permit Holder must comply with the requirements of Act 53 of Public Acts of 1974, as amended. CALL MISS DIG AT (800)482-7171 AT LEAST TWO (2) FULL WORKING DAYS, BUT NOT MORE THAN TWENTY ONE (21) CALENDAR DAYS, BEFORE YOU START WORK. Permit Holder assumes all responsibility for damage to or interruption of underground utilities.
7. **Notification of Start and Completion of Work.** Permit Holder must notify the Commission at least 48 hours before starting work and must notify the Commission when work is completed.
8. **Time Restrictions.** All work shall be performed Mondays through Fridays between 8:00 a.m. and 5:00 p.m. unless written approval is obtained from the Commission, and work shall be performed only during the period set forth in this permit. No work will be allowed between November 15 and March 31.
9. **Safety.** Permit Holder agrees to work under this permit in a safe manner and to keep the area affected by this permit in a safe condition until the work is completed. All work site conditions shall comply with Michigan Manual of Uniform Traffic Control Devices.
10. **Restoration and Repair of Road.** Permit Holder agrees to restore the road and right-of-way to a condition equal to or better than its condition before the work began; and to repair any damage to the road right-of-way which is the result of the facility whenever it occurs or appears.
11. **Limitations of Permit.** This permit does not relieve Permit Holder from meeting other applicable laws and regulations of other agencies. Permit Holder is responsible for obtaining additional permits or releases which may be required in connections with this work from other governmental agencies, public utilities, corporations and individuals, including property owners. Permission may be required from the adjoining property owners.
12. **Revocation of Permit.** The permit may be suspended or revoked at will, and the Permit Holder shall surrender this permit and alter, relocate, or remove its facilities at its expense at the request of the Commission.
13. **Violation of Permit.** This permit shall become immediately null and void if Permit Holder violate the terms of this permit, and the Commission may require immediate removal of Permit Holder's facilities, or the Commission may remove them without notice at Permit Holder's expense.
14. **Assignability.** This permit may not be assigned without the prior approval of the Commission. If approval is granted, the assignor shall remain liable and the assignee shall be bound by all the term of this permit.
15. This permit is subject to supplemental specifications on file with the Road Commission and Act 200 of Public Acts of 1969.



SAUGATUCK TOWNSHIP FIRE DISTRICT

Proudly serving : Douglas | Saugatuck | Saugatuck Township



3342 Blue Star Highway
Saugatuck, MI 49453
269 857-3000 / Fax: 269 857-1228
E-mail: info@saugatuckfire.org

December 21st, 2022

Nederveld
c/o Mike Baker
347 Hoover Blvd.
Holland, MI 49423

Re: Lakeshore Woods Drive – Proposed Private Road – Site Plan Review #2 for Prj# 20200220 for
Sheets: C-100, C-300, C-301, C-302, C-303 for drawings dated 2022.10.20, rev. 2022.12.02

Dear Mr. Baker

We are in receipt of the site plan for the Lakeshore Woods Private Road received 12/2/2022. We reviewed the plans using the International Fire Code (IFC) 2015 edition. Please see the result of the fire department review listed **below**.

1. Vehicle impact protection required by this code shall be provided by posts that comply with Section 312.2 or by other approved physical barriers that comply with Section 312.3. (312.1) **Not applicable.**
2. Dead end driveways and access roads in excess of 150 feet in length shall be provided with an approved area for turning around with fire apparatus (IFC 503.2.5) **Approved, turnaround as shown adjacent to existing barn complies with the minimum requirements.**
3. "No Parking Fire Lane" signage shall be installed at the dead end of the turnaround. (IFC 503.3) **Approved, "No Parking Fire Lane" Signage is shown on Sheet C-300 in revised submittals.**
4. No parking shall be allowed within the turnaround. The area must be clear and unobstructed for turnaround at all times. (IFC 503.4)
5. Fire apparatus access roads and driveways shall have an unobstructed width of not less than 20 feet, exclusive of shoulders. (IFC 503.2.1) **Approved, width is shown as 20 feet.**
6. Minimum clear height shall be 13'6" across the entire 20ft width of driveway. (IFC 503.2.1) **Approved, height clearance is noted as 13'6" in plans provided**
7. Road shall not exceed the 10% maximum grade. (IFC 503.2.7) **Approved, grade is shown as less than 10% in plans provided.**
8. The driveway shall be installed with asphalt, concrete, or other approved driving surfaces capable of supporting the 80,000-pound imposed load of our heaviest apparatus and be installed to provide emergency access prior to commencement of building construction. (IFC 503.2.3) **Approved, weight capacity is noted as capable of supporting 80,000lbs on Sheet C-301 of revised submittals.**
9. The road shall be maintained free of snow and ice to provide all weather driving capabilities. (IFC 503.2.3) **Approved, road is noted to be maintained free of snow and ice to provide all weather driving capability.**
10. Fire department access roads shall be constructed and maintained for all construction sites. (IFC 3310.1) **Not applicable to the private road project.**



SAUGATUCK TOWNSHIP FIRE DISTRICT

Proudly serving : Douglas | Saugatuck | Saugatuck Township



11. The installation of security gates across a fire apparatus access road shall be approved by the fire chief. Where security gates are installed, they shall have an approved means of emergency operation. The security gates and the emergency operation shall be maintained operational at all times. Electric gate operators, where provided, shall be listed in accordance with UL 325. Gates intended for automatic operation shall be designed, constructed and installed to comply with the requirements of ASTM F 2200. (IFC 503.6) ***No gate is listed in the plans provided, however if it is installed in the future, a Knox Key switch or Knox padlock is required for emergency access and activation***
11. New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. (IFC 505.1) ***Not applicable to the private road project.***
12. Streets and roads shall be identified with *approved* signs. Temporary signs shall be installed at each street intersection when construction of new roadways allows passage by vehicles. Signs shall be of an *approved* size, weather resistant and be maintained until replaced by permanent signs. (IFC 505.2) ***Approved, street signage for "Lakeshore Woods Drive" is noted at the intersection of Blue Star Highway / Lakeshore Woods Drive in revised submittals.***
13. Where access to or within a structure or an area is restricted because of secured openings or where immediate access is necessary for life-saving or fire-fighting purposes, the fire code official is authorized to require a key box to be installed in an approved location. The key box shall be of an approved type listed in accordance with UL 1037, and shall contain keys to gain necessary access as required by the fire code official. (IFC 506.1) ***Not applicable to the private road project.***
14. All new buildings shall have approved radio coverage for emergency responders within the building based upon the existing coverage levels of the public safety communication systems of the jurisdiction at the exterior of the building. This section shall not require improvement of the existing public safety communication systems. (IFC 510.1) ***Not applicable to the private road project.***
15. An approved water supply capable of supplying the required fire flow for fire protection shall be provided to premises upon which facilities, buildings, or portions of buildings are hereafter constructed or moved into or within the jurisdiction. (IFC 507.1) ***Not applicable to the private road project.***
16. The fire code official shall be notified prior to the water supply test. Water supply tests shall be witnessed by the fire code official, or approved documentation of the test shall be provided to the fire code official prior to final approval of the water supply system. (IFC 507.4) ***Not applicable to the private road project.***
17. A hydrant is required within 400 ft. of any exterior portion of a non-sprinklered building or 600 ft. for an R-3 occupancy or sprinklered building. (IFC 507.5.1) ***Not applicable to the private road project.***
18. An approved water supply for fire protection, either temporary or permanent, shall be made available as soon as combustible material arrives on the site. (IFC 3312.1) ***Not applicable to the private road project.***
19. With respect to hydrants, driveways, buildings and landscaping, fire department connections shall be so located that fire apparatus and hose connected to supply the system will not obstruct access to the buildings for other fire apparatus. The location of fire department connections shall be approved by the fire chief. (IFC 912.2) ***Not applicable to the private road project.***
20. Upon completion of construction, physical testing with apparatus will be required. If the apparatus is unable to navigate the completed road and driveway in a safe and efficient manner, modifications may be required.



SAUGATUCK TOWNSHIP FIRE DISTRICT

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21. Anything omitted in this plan review is subject to field inspection. (IFC 105.4.4)

You have site plan approval from the fire department to begin construction on the Lakeshore Woods Private Drive project in Saugatuck Township if you are in agreement with the above-mentioned items. Please ensure you receive the appropriate permits from Saugatuck Township, City of Douglas, and other agencies prior to commencement of construction.

Respectfully Yours,

Chris Mantels

Deputy Chief / Fire Inspector

Cc: Greg Janik – Fire Chief (via email)
Lynee Wells – Zoning Administrator - Twp (via email)
Tricia Anderson – Zoning Administrator - Douglas (via email)
Joe Milauckas – Property Owner (via email)
Andrew Milauckas – Property Owner (via email)

From: [Mike Baker](#)
To: [Anderson, Tricia](#); [Bill Sikkel](#); [Lynee Wells](#); [andrew.milauckas.com](#); [Joe Milauckas](#)
Cc: [Township Manager](#); [Dana Burd](#); [Cindy Osman](#); [Chris Mantels](#); [Greg Janik](#); [Craig Atwood](#); [Nick Curcio](#)
Subject: Lake Shore Woods Drive (pvt.)
Date: Tuesday, April 11, 2023 1:01:13 PM
Attachments: [image001.png](#)
[20200220 Lake Shore Woods Drive 2023.04.11.pdf](#)
[LSW Dr. C-303 Exhibit.pdf](#)

Hi Tricia,

Here are the latest plans for Lake Shore Woods Drive (note proposed street name). These were last revised in December 2022 per the Fire Dept. review as follows:

- "No parking Fire Lane" signage was added on sheet C-300 (at the west end near the turnaround).
- The gravel road surface was revised to support 80,000 lb. imposed load (on sheet C-301)
- Street signage for "Lake Shore Woods Drive" was added at the intersection with Blue Star Highway (see sheet C-303)

The existing 20 foot wide ingress egress easement is identified as before on the parcel directly south of the parcel in Douglas (see sheet C-303).

Today I updated the Liber and Page reference note for the existing easement per the information Bill Sikkel has provided.

I've also highlighted the C-303 again to clarify the easement geometry at the east end near Blue Star.

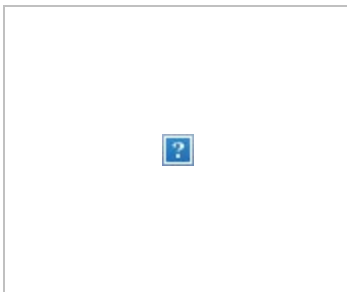
Please let me know if you have any questions or need anything else.

Thank you,

Mike Baker PE

800.222.1868

www.nederveld.com



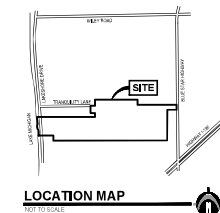
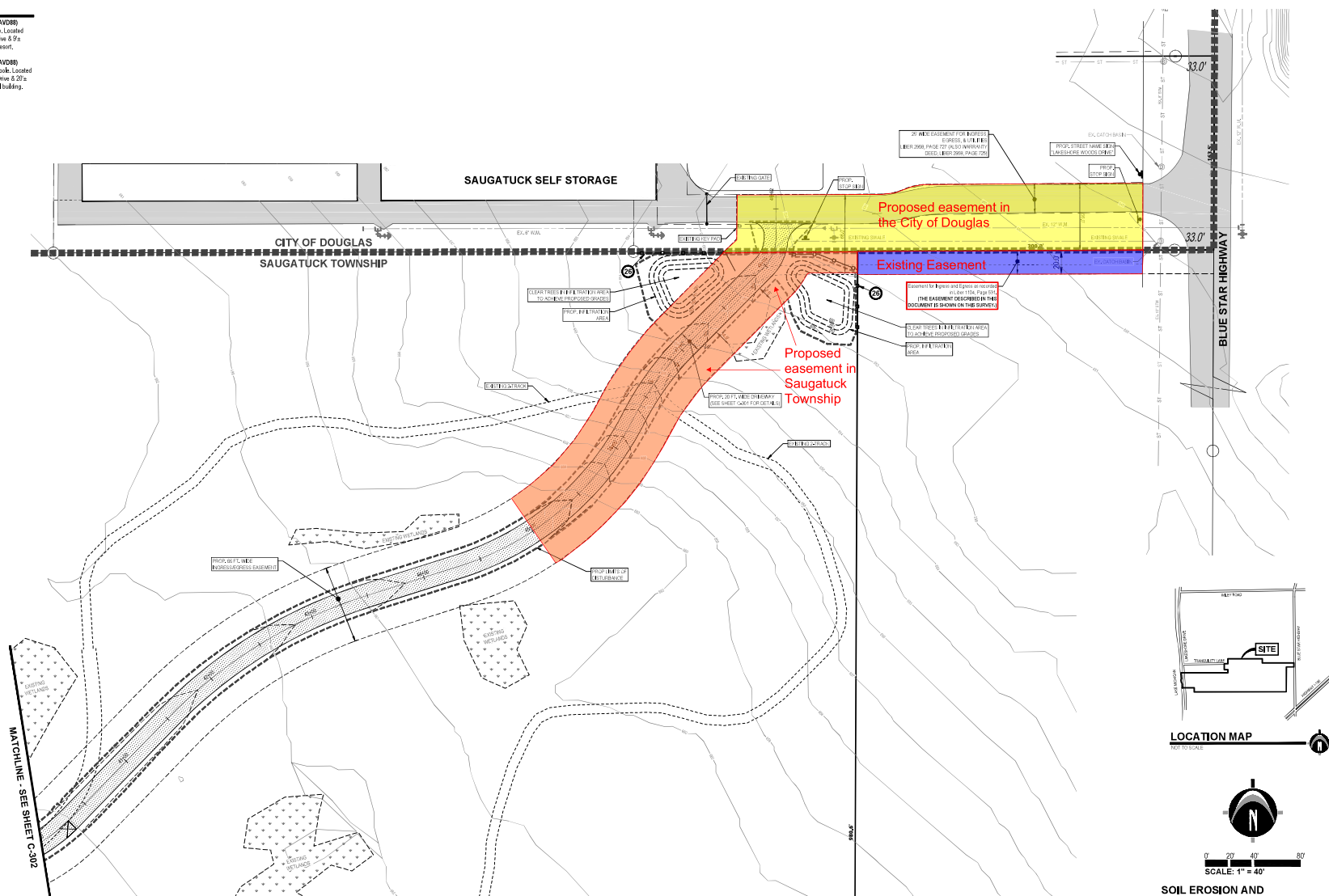
From: Anderson, Tricia <Anderson@williams-works.com>

Sent: Tuesday, April 11, 2023 9:01 AM

BENCHMARKS

BENCHMARK #5511 ELEV. = 645.20 (NAVD8)
Set cotton gn spike in South side 30" tree. Located 21'± East of the centerline of Lakeshore Drive & 9'± South of the drive entrance to Lakeshore Resort.

BENCHMARK #5536 ELEV. = 651.05 (NAVD8)
Set cotton gn spike in west side of utility pole. Located 450'± East of the centerline of Lakeshore Drive & 20'± South of the South line of North-South hotel building.



SOIL EROSION AND SEDIMENTATION CONTROL NOTES

- CONTRACTOR SHALL POSSESS THE SOIL EROSION AND SEDIMENTATION CONTROL PLAN PRIOR TO START OF ANY EARTHWORK.
- CONTRACTOR SHALL NOTIFY THE SOIL EROSION AND SEDIMENTATION CONTROL PLANT TO SHOW THE SOIL EROSION AND SEDIMENTATION CONTROL PLAN TO THE SOIL EROSION AND SEDIMENTATION CONTROL PLANT.
- SOIL EROSION AND SEDIMENTATION CONTROL MEASURES SHALL BE INSTALLED AT ALL EARTHWORK AREAS AND OUTLETS ALL DRAINAGE AREAS SHALL BE STABILIZED WITH SEEDING.
- REFER TO THE SOIL EROSION AND SEDIMENTATION CONTROL PLAN FOR THE SOIL EROSION AND SEDIMENTATION CONTROL MEASURES.
- THE SOIL EROSION AND SEDIMENTATION CONTROL MEASURES SHALL BE MAINTAINED AND MONITORED THROUGHOUT THE CONSTRUCTION PERIOD. THE SOIL EROSION AND SEDIMENTATION CONTROL MEASURES SHALL BE MAINTAINED AND MONITORED THROUGHOUT THE CONSTRUCTION PERIOD.
- THE CONTRACTOR SHALL BE RESPONSIBLE TO IMPROVE THE SOIL EROSION AND SEDIMENTATION CONTROL MEASURES AND TO MAINTAIN THE SOIL EROSION AND SEDIMENTATION CONTROL MEASURES THROUGHOUT THE CONSTRUCTION PERIOD.

SOIL EROSION CONTROL SCHEDULE

2022 | 2023

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811 is a national emergency number that can be used to report a suspected underground utility or to request a utility location. It is important to call 811 before any excavation work is done to avoid damage to underground utilities and to ensure the safety of workers and the public.



www.nederveld.com

800.222.1868

HOLLAND

347 North 18th St.

Holland, MI 48123

Phone: 519.202.2449

ANN ARBOR

CHICAGO

COLUMBUS

GRAND RAPIDS

INDIANAPOLIS

ST. LOUIS

PREPARED FOR:

Lake Shore Resort

P.O. Box 121

Saugatuck, MI 49453

REVISIONS:

DATE	REVISION	BY	CHKD
01/15/2022	1.0	TR	TR
01/15/2022	1.1	TR	TR
01/15/2022	1.2	TR	TR
01/15/2022	1.3	TR	TR
01/15/2022	1.4	TR	TR
01/15/2022	1.5	TR	TR
01/15/2022	1.6	TR	TR
01/15/2022	1.7	TR	TR
01/15/2022	1.8	TR	TR
01/15/2022	1.9	TR	TR
01/15/2022	2.0	TR	TR
01/15/2022	2.1	TR	TR
01/15/2022	2.2	TR	TR
01/15/2022	2.3	TR	TR
01/15/2022	2.4	TR	TR
01/15/2022	2.5	TR	TR
01/15/2022	2.6	TR	TR
01/15/2022	2.7	TR	TR
01/15/2022	2.8	TR	TR
01/15/2022	2.9	TR	TR
01/15/2022	3.0	TR	TR

LAKE SHORE WOODS DRIVE (PVT.)

Private Access Drive

2885 Lakeshore Drive
PART OF SECTION 20, T34N, R18W,
SAUGATUCK TOWNSHIP, ALLEGAN COUNTY, MICHIGAN

STAMP:



PROJECT NO:

20200220

SHEET NO:

C-303



January 3, 2023

Joe Milauckas
P.O. Box 121
Saugatuck, MI 49453

Re: Private Road Conditional Approval, Lake Woods Drive from Blue Star to Lake Shore Resort
Parcels: 202-033-00, 020-038-00, 0359-020-005-20

Dear Mr. Milauckas,

You have submitted a request for Private Road dated March, 2002 with revised plans dated October 20, 2022. Copies of relevant permits by reviewing agencies are on file including the EGLE wetland permit and driveway permit from the Allegan County Road Commission. The private road is approved with the following conditions:

1. Copies of applicable review letters and permitting issued by the City of the Village of Douglas for the private road shall be provided to the Township prior to road use.
2. Review and approval of easement documents and maintenance agreement by the Township's Attorney prior to C of O for new proposed Lakeshore Motel Lakeview and Forest View units.
3. Any proposed gate shall be reviewed and approved by the Saugatuck Township Fire District.
4. Use of private road for vehicles of hotel guests only in the event Lakeshore Drive is declared impassible. Should other use be desired, such as for the general public or should use expand to time when Lakeshore Drive is passable, the roadway shall be fully paved per construction plans.
5. Any building permits or other land use approval (such as land division or site condo) for the aforementioned parcels shall require review and approval of Lakewoods Private Road by the Planning Commission if required per the Township Zoning Ordinance, as amended. Similarly, should use of roadway change from item #4 above, amendment of the site plan for Lakeshore Motel shall be required per the Zoning Ordinance, as amended.

Should you have questions, please reach out.

Sincerely,

Lynee Wells (via email)

Lynee Wells, AICP
Township Planner

ARTICLE 18: ACCESS CONTROL AND PRIVATE ROADS

Section 18.01 Access Controls

1) Curb Cuts and Driveways: Curb cuts, driveways, and passing lanes for other than one (1) lot single family or two family dwellings shall be located only upon the approval of the City Engineer; provided, however, such approval shall not be given where such curb cuts and driveways shall cause an unreasonable increase in traffic hazards, including but not limited to allowing adequate sight distance for ingress and egress.

- a) All plans for structures to be erected, altered, moved or reconstructed, and the use of premises within the City shall contain a plan for the proposed driveway access to the premises. Said plan shall be approved by the Zoning Administrator prior to the issuance of a building permit. No such plan shall be approved unless such driveway access is onto a public street or an approved private road. Driveways shall, at a minimum, meet the following standards:
 - 1. All driveways shall enter perpendicular to a public street or approved private road and no closer than ten (10) feet from the lot line of an adjoining parcel; except in the C-2 District, where driveways shall be no closer than 60 feet from the lot line of an adjoining parcel.
 - 2. No portion of the driveway entrance within the right-of-way shall have a grade of greater than seven (7) percent (7 foot vertical rise in one hundred (100) feet of horizontal distance).
 - 3. The driveway shall meet clear vision standards of Section 16.31.
 - 4. Residential driveways shall be a minimum of forty (40) feet from the nearest right-of-way line of an intersecting road or street except on platted lots existing as of September 15, 2007.
 - 5. Non-residential driveways shall be a minimum of sixty (60) feet from the nearest right-of-way line of an intersecting road or street except on platted lots existing on the effective date of this Ordinance.
 - 6. Driveways on major thoroughfares shall be limited to one driveway per lot, and said driveways shall be designed such that a vehicle is not forced to back out onto the street right-of-way. Said driveways shall permit the entrance and exit movement of vehicles and shall be limited to one ingress lane and one egress lane, except in the C-2 District, where a 3-lane configuration may be permitted by the Planning Commission as part of the site plan review process.
 - 7. One way double drives (U shape) are permitted provided the distance between the center lines of the two drives is greater

than fifty (50) feet, except in the C-2 District, where this distance shall be at least one hundred fifty (150) feet. These dimensions shall be measured at the right-of-way line. Directional signs or arrows may be required designating the entrance and exit drives, up to a certain square footage as stipulated by the Planning Commission.

8. The maximum driveway approach width for two-way drives is twenty four (24) feet and eighteen (18) feet each for one-way drives.
9. One driveway is permitted on public streets other than major thoroughfares and private roads. A single driveway shall permit the entrance and exit movement of vehicles. One way double drives (U shape) are permitted provided the distance between the center lines of the two drives is greater than fifty (50) feet. Directional signs or arrows may be required designating the entrance and exit drives, up to a certain square footage as stipulated by the Planning Commission..
7. No driveway shall serve more than one (1) dwelling except where shared access is otherwise permitted in this Ordinance (e.g., multiple family dwellings).
8. New driveways shall align with existing or planned driveways, crossovers, turn lanes or other access features. This shall only be required if the resulting alignment provides safe access and if all requirements of this Ordinance and the City Engineer are met.
9. The location of new driveways shall conform with road improvement plans or corridor plans that have been adopted by the City or County Road Commission or Michigan Department of Transportation, as applicable.
10. Driveways shall be designed to minimize runoff and erosion.
11. Culverts shall be installed in line with and on the same grade as the road ditch.
12. Driveways shall be maintained at a minimum width of twelve (12) feet with a permanent durable and dustless surface and shall be graded to prevent standing water.

- b) The Zoning Administrator or designated Building Inspector shall inspect the driveway as developed for compliance to the above standards prior to issuance of a certificate of occupancy.

2) Nonresidential Access: No access to a nonresidential use of land shall cross residentially-zoned property.

3) Lots to Have Access: All parcels or lots hereinafter created in the City shall have frontage on a public street, or an approved private road or recorded easement, and take their lot access from such frontage so as to provide safe, convenient access for

fire protection, other emergency vehicles, and any required off-street parking. Except that corner lots shall take their access from an approved private road or public street in a platted subdivision or condominium subdivision. Wherever a corner lot exists at the intersection of two (2) major thoroughfares, then access shall be taken from the thoroughfare presenting the least hazard in the opinion of the City Engineer.

Section 18.02 Private Roads

1) Private Roads Permitted: Private roads are permitted provided they conform to the requirements of this Section.

2) Existing Road Width: Where a private road in existence prior to September 15, 2007 has no recorded easement width, the easement width will be considered to be forty (40) feet for the purposes of establishing setbacks and measured equal distance from the midpoint of the road surface.

3) Access required: All private road easements shall include maintenance agreement provisions and shall be approved by the City Attorney before being recorded with the County Register of Deeds.

4) Construction Standards.

- a) A private road that serves three (3) or more parcels in a division of land other than subdivisions as defined by the Land Division Act of 1967, as amended, shall meet or exceed the cross-sectional construction standards established by the Allegan County Road Commission for public roads, except that the paving of a private road is not required unless the private road has two (2) or more connections to a public street, or seven (7) or more lots or dwelling units gain access from the private road.
- b) For existing private roads with two (2) or more connections to a public street or which provide access for seven (7) or more lots which are not under the jurisdiction of a maintenance agreement specifying paving and/or repaving funding, the City Council may apportion the paving costs via a special assessment to all benefiting property owners or decide that all the costs should be borne by the developer of the private road, whichever under the circumstances, seems fair following a hearing at which each of the affected property owners is notified by mail at least fifteen (15) days before the hearing.

5) Right-of-Way and Road Bed Width: All private roads shall have a minimum right-of-way easement width of at least sixty-six (66) feet unless waived by the City Council. Waiver to a narrower width may be considered when seven (7) or less lots are involved, and is discretionary depending on public health, safety, emergency vehicle access, utility line extension and service considerations pertinent to both the property in question and the surrounding area. In no case shall a right-of-way

easement width be less than thirty-three (33) feet in width. Road bed widths for private roads serving seven (7) or less lots shall be at least sixteen (16) feet. Road bed widths for private roads serving more than seven (7), but less than fifteen (15) lots, may not be less than nineteen (19) feet. Road beds for private roads serving fifteen (15) or more lots shall be not less than twenty-four (24) feet.

6) Dedication of Rights-of-Ways or Easements: While not required to be dedicated to the public, no structure or development activity shall be established within approved rights-of-way or easements of a private road.

7) Connection to Public Streets: Construction authorization from the Allegan County Road Commission is required for connection to County roads. When applicable, a permit is also required from the County under the Soil Erosion and Sedimentation Control Act, Act 347. At the discretion of the City Council, a proposed private road may be disapproved unless it connects to another private road or public street when necessary to provide safe traffic flow and/or emergency vehicle access.

8) Cul-de-sacs: Cul-de-sacs shall meet City cross-section specifications and the following requirements:

- a) Any cul-de-sac shall terminate at the property line, except when precluded by a natural barrier or when the cul-de-sac terminates at a lot or parcel within the development that fronts upon the cul-de-sac.
- b) Frontage measurements for cul-de-sac lots shall be from the curve tangent that meets both side lot lines. See Figure 18.3. Frontage on a lot on a cul-de-sac may not be less than eighty (80) percent of the minimum lot width required for the zoning district in which it is located.
- c) Not more than four (4) lots or parcels shall have frontage on a cul-de-sac.
- d) The minimum radius of cul-de-sacs shall meet Allegan County Road Commission standards.

9) Limit on Length: Private roads with only one connection to a public street or another approved private road meeting the requirements of this Ordinance shall not exceed one thousand three hundred and twenty (1,320) feet in length.

10) Maximum Number of Lots Served: A private road in a development with more than twenty-five (25) lots or units shall have at least two (2) points of intersection with another private road and/or public street, so as to protect existing and future residents in case of an emergency or in the event of blockage of an access point and to promote safe traffic flow.

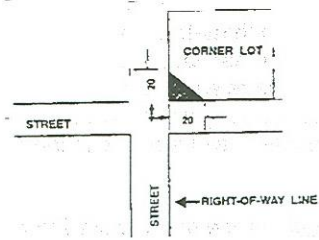


Figure 18-1

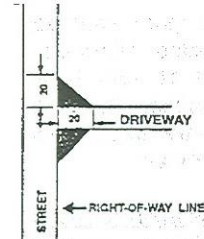


Figure 18-2

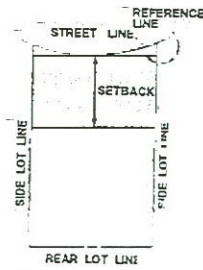


Figure 18-3

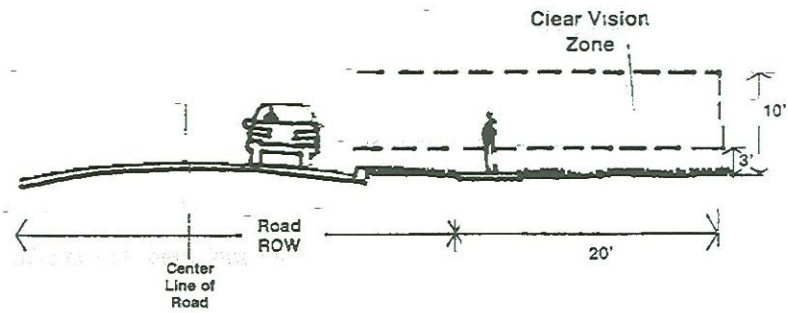


Figure 18 - 4

11) Private Road Construction Application: Application for road construction shall either be made at the same time as for a proposed land division or at least thirty (30) days prior to the meeting date for which the applicant requests consideration. Prior to approval by the City Council, the applicant shall prepare and provide eight (8) sets of a general property development plot plan complying with the requirements of Section 23.03(4)c unless the development requires a site plan pursuant to the requirements of Section 24.02 of this Ordinance. The following additional information shall be submitted:

- a) Road maintenance agreement signed by applicant/owner(s) to be recorded with the City and Allegan County Register of Deeds providing for:
 - 1. A method of initiating and financing of such road in order to keep the road up to properly engineered specifications and free of snow or debris.
 - 2. A workable method of apportioning the costs of maintenance and improvements to current and future uses.
 - 3. A notice that if repairs and maintenance are not made, the City Council may bring the road up to established Allegan County Road Commission standards for public roads and assess owners of parcels on the private road for the improvements, plus an administrative fee in an amount not to exceed twenty-five (25) percent of total costs.
 - 4. A notice that no public funds of the City of the Village of Douglas are to be used to build, repair, or maintain the private road or road sign.
 - 5. Funding of the posting and maintenance of the road sign.
- b) Road easement agreement signed by the applicant/owner(s) to be recorded with the City and Allegan County Register of Deeds providing for:
 - 1. Easements to the public for purposes of emergency and other public vehicles for whatever public services are necessary.
 - 2. A provision that the owners of any and all of the property using the road shall refrain from prohibiting, restricting, limiting or in any manner interfering with normal ingress and egress and use by any of the other owners. Normal ingress and egress and use shall include use by family, guests, invitees, vendors, tradesman, delivery persons, and others bound to or returning from any of the properties having a need to use the road.

12) Application Review and Approval or Rejection:

- a) The Zoning Administrator shall send the plans for the private road to the City Engineer for review and comment; and the proposed road maintenance agreement and road easement agreement shall be sent to the City Attorney for review and comment.
- b) City Engineer and City Attorney recommendations shall be forwarded to the Planning Commission and City Council.

- c) The private road shall be reviewed by the Planning Commission and a recommendation as to conformance or nonconformance with this Ordinance shall be supplied in writing to the City Council. Said review may be conducted as part of a site plan review process, or at the applicant's discretion, separately if no other development approvals from the City are needed.
- d) If the private road plans are approved by the City Council, construction authorization will be issued by the Zoning Administrator. If the application is rejected, the reasons for the rejection and any requirements for approval shall be given in writing to the applicant.
- e) The Zoning Administrator will arrange for inspections by the City Engineer during construction of, and upon completion of the private road.
- f) The City Engineer's reports shall be forwarded to the City Council.

13) Issuance of Permit for Structures Served by Private Roads: No building or certificate of occupancy shall be issued for a structure or use provided access by a private road until such private road is approved by the City Council.

14) Performance Guarantee: The City Council shall require that a performance guarantee meeting the requirements of Section 23.06 in an amount necessary to cover the cost of any remaining improvements needed at the time the City Council grants approval.

15) Failure to Perform: Failure by the applicant to begin construction of the private road according to approved plans on file with the City within one (1) year from the date of approval shall void the approval and a new plan shall be required by the City subject to any changes made herein or subject to any changes made by the Allegan County Road Commission or the City in its standards and specifications for road construction and development. The private road shall be completed within one and one-half (1 1/2) years of the date of approval of the private road.

16) Posting of Private Roads: All private roads shall be designated as such and shall be clearly posted with a clearly readable name which can be easily seen in an emergency and which conforms with standards used to create City street signs. The sign shall be paid for, posted, and thereafter maintained by the property owner's association or developer. The Zoning Administrator shall check with the County to avoid a duplicate of road names and give approval of same if the Council did not do so.

17) Notice of Easements: All purchasers of property where a private road provides access to the premises shall, prior to closing of the sale, receive from the seller a notice of easement, in same form that it has been recorded with the County Register of Deeds, substantially conforming to the following:

"This parcel of land has private road access across a permanent easement which is a matter of record and a part of the deed.

This notice is to make Purchaser aware that this parcel of land has egress and ingress over this easement only.

Neither the County nor City has any responsibility for maintenance or upkeep of any improvement across this easement. This is the responsibility of the owners of record. The United States mail service and the local school district are not required to traverse this private improvement and may provide service only to the closest public access. (Michigan P.A. 134 of 1972, as amended.)”

18) Fees: Application fee for review of a proposed private road is to be established by the City Council. Said fee could be separate from or combined with review fees for special uses, planned unit development or site plan review.