

DECLARATION OF BUILDING AND LAND USE RESTRICTIONS  
REQUIRED BY GOVERNMENTAL AGENCIES

GLEN VALLEY ESTATES NO. 3

KNOW ALL MEN BY THESE PRESENTS, that GLEN VALLEY, L.L.C., a Michigan Limited Liability Company whose address is 4380 Brockton Drive, SE, Suite 1, Grand Rapids, MI 49512, being the fee simple title holder of certain real property, hereinafter described; and NATIONAL CITY BANK of MICHIGAN/ILLINOIS, a National Banking Association organized and existing under the laws of the United States of America, whose address is 171 Monroe, NW; Grand Rapids, MI 49503, being the mortgagee of certain real property, hereinafter described, and it is the desire of said owner and mortgagee to impose the following Building and Land Use Restrictions upon the following described real property located in the Village of Caledonia, Kent County, Michigan:

Lot 93 through 114, inclusive, Glen Valley Estates No. 3, Section 20, T5N, R10W,  
Village of Caledonia, Kent County, Michigan, according to the recorded plat thereof.

NOW THEREFORE, said real property shall be subject to building and land use restrictions as follows:

ARTICLE I RESTRICTIONS IMPOSED PURSUANT TO THE REQUIREMENTS OF THE  
MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY

A. The 100 year floodplain of the outlet drain from Emmons Lake encroaches on Lots 93 through 98, inclusive, as shown on the final plat drawing. The 100 year flood plain limits for the outlet drain from Emmons Lake vary uniformly from elevation 766.0 (NGV Datum) at the upstream limits (Lot 98) to 765.8 (NGV Datum) at the downstream limit (Lot 93) as shown on the final plat drawing.

B. No filling or occupation of the floodplain area will be allowed without prior written approval of the Department of Environmental Quality and to insure that no further encroachment occurs and to protect future construction from flood damage, the following restriction is imposed on the construction of any building used or capable of being used for residential purposes and occupancy within or affected by the floodplain.

C. No building shall have a lower floor, including basements, which shall extend below one foot above the highest floodplain elevation indicated for that lot as shown on the final plat.

ARTICLE II RESTRICTIONS PURSUANT TO THE REQUIREMENTS OF THE KENT  
COUNTY DRAIN COMMISSION

A. In accordance with Section 280.433 of the Michigan Drain Code (Act 40 of the Public Acts 1956, as amended) a special assessment drainage district has been created to provide for the maintenance of the Glen Valley County Drain. The Drain District consists of all lots within the plat, the boundary of which is shown on the attached Exhibit "A". At some time in the future, the lots within the Drainage District will be subject to a special assessment for the improvement or maintenance of the Glen Valley County Drain. The route of which is shown on Exhibit "B" attached hereto.

B. Private Easements for the Glen Valley County Drain have been granted to the Glen Valley Drainage District. The rights and obligations of said easements are recorded with the Kent County Register of Deeds office.

C. All of the lots in the subdivision are subject to the aforesaid private easements for drainage. No development, grading, or construction is permitted within these private easements for drainage. This includes swimming pools, sheds, garages, patios, decks or any other permanent structure or landscaping feature that may interfere with the drainage system. Each lot owner will be responsible for maintaining the surface drainage system across his property.

D. The direction of flow for the surface drainage for all lots is shown on the block grading plan, Exhibit "C" attached hereto. It is the lot Owners responsibility to ensure that the final grading of the lot is in accordance with the block grading plan. During the final lot grading and landscaping, the owner shall take care to ensure that the installation of fences, plantings, trees and shrubs do not interfere with the surface drainage from one lot onto the next lot.

E. To eliminate the potential of structural damage due to flooding from rear yard drainage, the lot owners shall keep the lowest door or window sill/ and/or basement floor above the minimum opening elevations listed below. The elevations listed below are shown on the block grading plan, attached Exhibit "C", and are based on N.G.V. Datum and bench marks are located within the plat. For information on the location of current "bench mark" elevations, call Exxel Engineering, Inc. at (616) 531-3660. Building opening elevations may be amended only with prior written approval of the Kent County Drain Commission.

Minimum building opening and/or basement floor elevations for the following lots are:

<u>LOT NUMBER</u>	<u>MINIMUM BASEMENT FLOOR ELEVATION</u>	<u>MINIMUM OPENING ELEVATION</u>
93-98	767.0	768.0
99	-	773.0
100	-	776.0
101	-	778.0
102	-	780.0
103	-	783.0
104,105	-	783.5
106-108	-	782.5
109	-	780.0
110	-	776.0
111-114	-	774.0

F. Because of a potential of clay soil conditions, a few of the lots in the subdivision have been provided with footing drain connections to the storm sewer. The connection is to be made from the sump pump through a check valve system to the footing drain provided. Under no circumstance shall a gravity connection to the footing drain be allowed. The footing drain location for each lot is indicated on the Block Grading Plan on attached Exhibit "C".

G. Each lot owner waives his claim against The Glen Valley Drain District, Kent County Drain Commissioner, his employees and agents, The Village of Caledonia, the Engineer, and the Developer from any and all claims, damage and obligation arising from the existence or operation of the drainage system.

H. Inconsistencies. In the event of any inconsistencies among the foregoing restrictions, the more stringent restrictions shall govern.

### ARTICLE III DURATION

Restrictions pursuant to the requirements of the Michigan Department of Environmental Quality and the Kent County Drain Commission are to be perpetual and shall run with the land. The foregoing restrictions may not be amended or modified without the prior written approval of the Michigan Department of Environmental Quality and/or the Kent County Drain Commissioner and properly recorded at the Kent County Register of Deeds except, building opening elevations may be amended or modified only with prior written approval of the Kent County Drain Commissioner, however, under no circumstances shall any opening elevation be lower than 768.0 (NGV Datum) or basement floor elevation extend below elevation 767.00 (NGV Datum).

IN WITNESS WHEREOF, the parties hereto have caused this Declaration of Governmental Restrictions to be executed as of this \_\_\_\_\_ day of \_\_\_\_\_ 1999.

WITNESSES:

Jillanne K. Waner  
Jillanne K. Waner

Neil A. Sharpe  
Neil A. Sharpe

Jerry Baker  
GLEN VALLEY, B.C.  
Jerry Baker, Member

Kenneth R. Danhoff  
NATIONAL CITY BANK OF  
MICHIGAN/ILLINOIS  
Kenneth R. Danhoff, Vice President

Jillanne K. Waner  
Jillanne K. Waner

Neil A. Sharpe

STATE OF MICHIGAN )  
COUNTY OF KENT )SS

On this \_\_\_\_\_ day of \_\_\_\_\_, 1999, before me, a Notary Public in and for said county, personally appeared the above named Jerry Baker, Member of Glen Valley, L.L.C., a Michigan Limited Liability Company, and who executed the above instrument on behalf of said Limited Liability Company.

Jillanne K. Waner  
Jillanne K. Waner  
Notary Public, Kent County, Michigan  
My commission expires 12/31/00

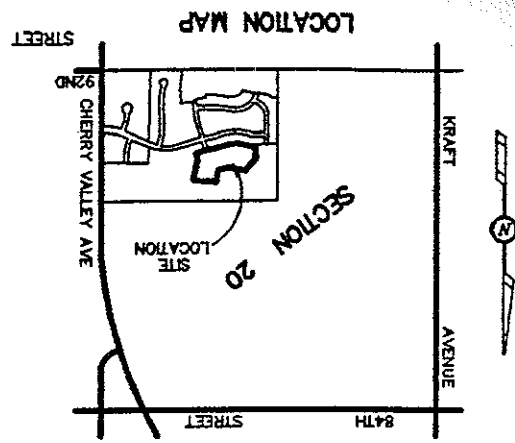
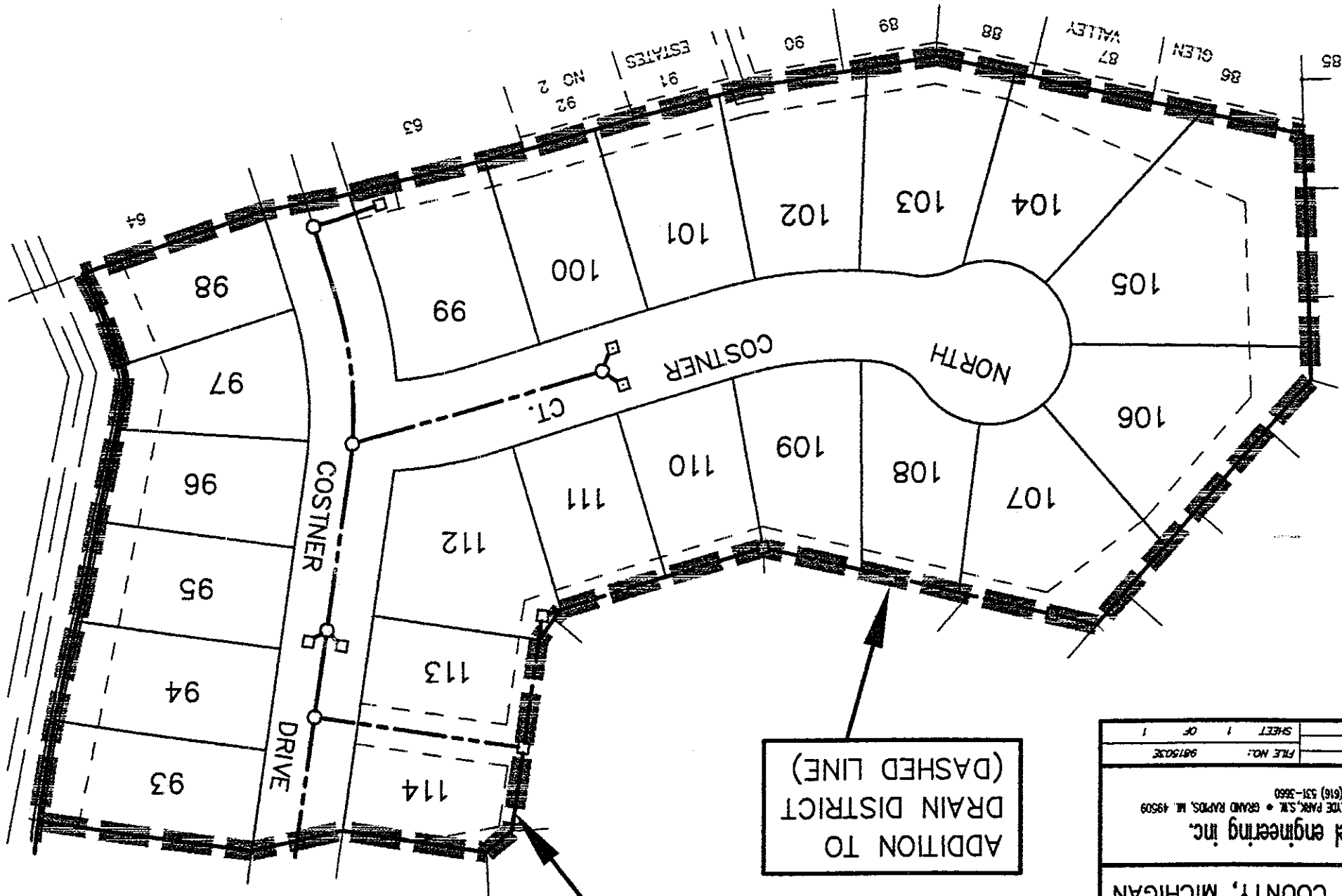
STATE OF MICHIGAN )  
COUNTY OF KENT )

On this \_\_\_\_\_ day of \_\_\_\_\_, 1999, before me, a Notary Public in and for said county, personally appeared the above named Kenneth R. Danhoff, Vice President of National City Bank of Michigan/Illinois, a National Banking Association, and who executed the above instrument on behalf of said National Banking Association.

Jillanne K. Waner  
Jillanne K. Waner  
Notary Public, Kent County, Michigan  
My commission expires 12/31/00

Prepared by:  
Neil A. Sharpe  
Exxel Engineering, Inc.  
5252 Clyde Park, S.W.  
Grand Rapids, MI 49509


R981503E

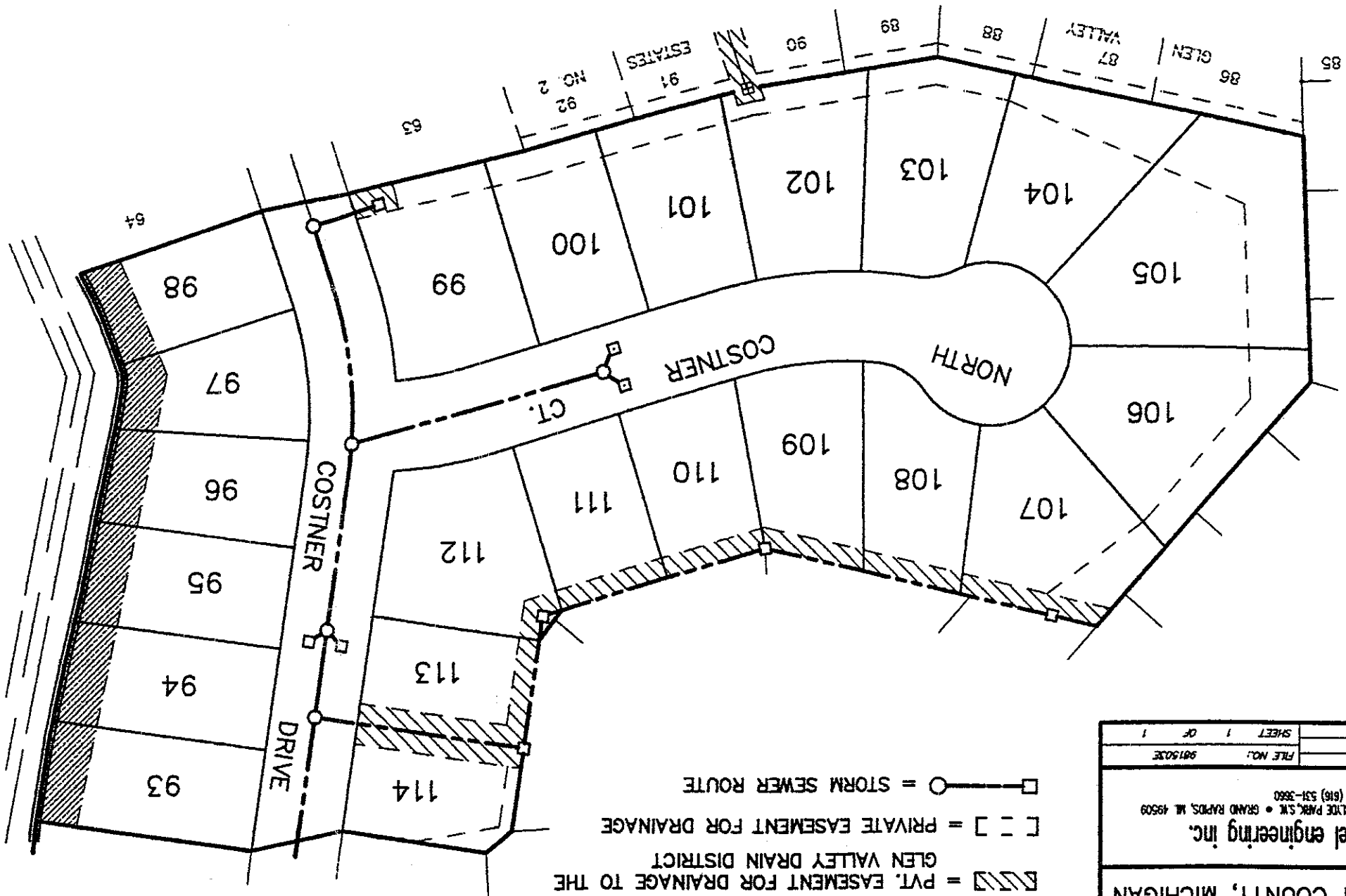


ADDITION TO  
DRAIN DISTRICT  
(DASHED LINE)

PLAT BOUNDARY  
(SOLID LINE)

EXHIBIT "A"

DRAIN DISTRICT MAP		GLEN VALLEY ESTATES NO. 3		IN: PART OF SEC. 20, T5N, R10W VILLAGE OF CALEDONIA, KENT COUNTY, MICHIGAN	
 excell engineering inc. 5222 CLYDE PARK, S.W. • GRAND RAPIDS, MI 49509 PHONE (616) 531-3660		DRAWN BY: DGB FILE NO.: 981503E APPROVED BY: NS DATE: 9/9/99	REVISIONS:		



- ▨ = PVT. EASEMENT TO THE EMMONS LAKE DRAIN
- ▧ = PVT. EASEMENT FOR DRAINAGE TO THE GLEN VALLEY DRAIN DISTRICT
- ▤ = PRIVATE EASEMENT FOR DRAINAGE
- — □ = STORM SEWER ROUTE

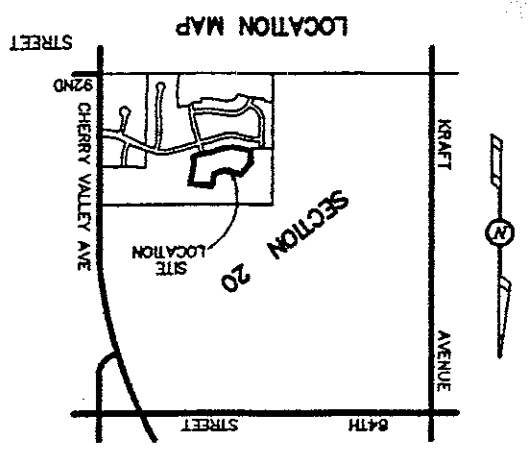

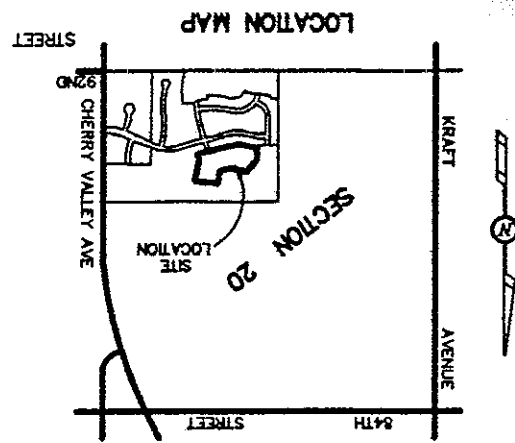
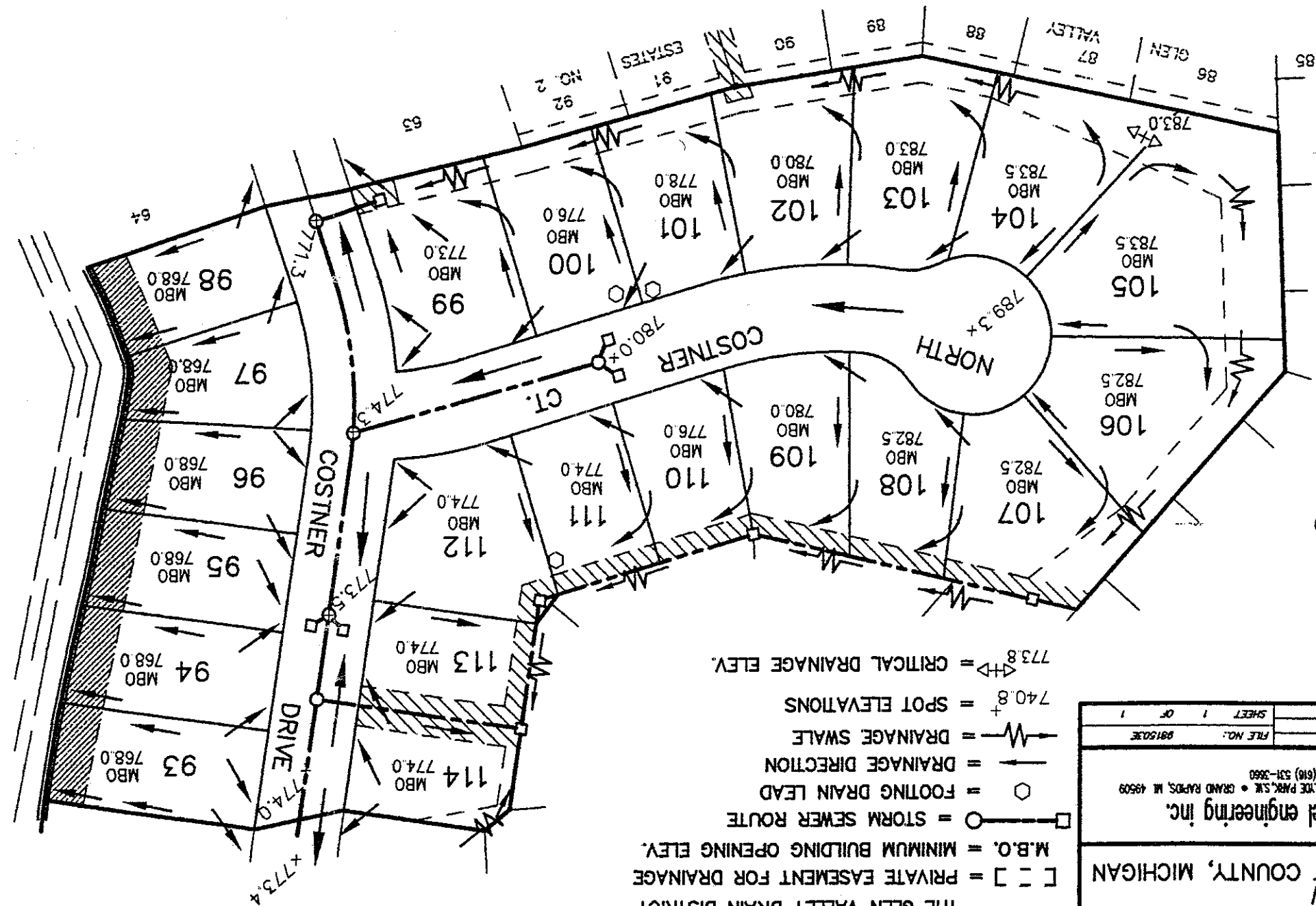


EXHIBIT "B"


DRAIN ROUTE MAP		GLEN VALLEY ESTATES NO. 3		IN: PART OF SEC. 20, T5N, R10W VILLAGE OF CALEDONIA, KENT COUNTY, MICHIGAN	
 <b>excel engineering inc.</b> 5252 OLYE PARK, S.W. • GRAND RAPIDS, MI 49509 PHONE (616) 531-3860		REVISIONS _____ _____ _____ _____ _____ _____	DRAIN BY: DGB FILE NO.: 981503E APPROVED BY: NS DATE: 9/9/99 SHEET 1 OF 1		



FOR BENCH MARK INFORMATION  
CONTACT EXCEL ENG. (531-3660)

EXHIBIT "C"

- ▨ = PVT. EASEMENT TO THE EMONS LAKE DRAIN
- ▨▨ = PRIVATE EASEMENT FOR DRAINAGE TO THE GLEN VALLEY DRAIN DISTRICT
- [ ] = PRIVATE EASEMENT FOR DRAINAGE
- M.B.O. = MINIMUM BUILDING OPENING ELEV.
- = STORM SEWER ROUTE
- = FOOTING DRAIN LEAD
- = DRAINAGE DIRECTION
- = DRAINAGE SWALE
- + = SPOT ELEVATIONS
- △ = CRITICAL DRAINAGE ELEV.

<b>BLOCK GRADING PLAN</b>	
GLEN VALLEY ESTATES NO. 3	
IN: PART OF SEC. 20, T5N, R10W, KENT COUNTY, MICHIGAN	
 <b>excel engineering inc.</b> 5252 CLYDE PARK, S.W. • GRAND RAPIDS, MI 49509 PHONE (616) 531-3660	
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