

DECLARATION OF BUILDING AND LAND USE RESTRICTIONS  
REQUIRED BY GOVERNMENTAL AGENCIES

GLEN VALLEY ESTATES NO. 4

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 115 through 147, inclusive, Glen Valley Estates No. 4, 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 137 through 147, 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 766.1 (NGV Datum) at the upstream limits (Lot 147) to 765.4 (NGV Datum) at the downstream limit (Lot 137) 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. Have lower floors, excluding basements, not lower than the elevation defining the floodplain limits.

D. Have openings into the basement not lower than the elevation defining the floodplain limits.

E. Have basement walls and floors, if below the elevation defining the floodplain limits, that are watertight and designed to withstand hydrostatic pressures from a water level equal to the elevation of the contour defining the floodplain limits following methods and procedures outlined in Chapter 5 for Type A construction and Chapter 6 for Class 1 loads found in the publication entitled "Flood Proofing Regulations," EP 1165 2 314, prepared by the office of the chief of engineers, United States Army, Washington, DC, March, 1992. Figure 6 on page 14-5 of the regulations shows typical foundation drainage and waterproofing details. This document is adopted by reference in these rules and is available, at no cost, from the Department of Environmental Quality, Land and Water Management Division, P.O. Box 30458, Lansing, MI 48909-7958 or the Department of the Army, Corps of Engineers, Publications Depot, 890 S. Pickett, Alexandria, Virginia 22304.

F. Be equipped with a positive means of preventing sewer backup from sewer lines and drains that serve the building.

G. Be properly anchored or weighted to prevent flotation.

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. 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 "A" attached hereto.

B. Private Easements for the Glen Valley County Drain have been granted to the Glen Valley Drainage District. The location of which are shown on the final plat.

C. Most all of the lots in the subdivision are subject to the aforesaid private easements for drainage and/or storm water ponding. No development grading, or construction is permitted within these private easements for drainage. This includes, but is not limited to, swimming pools, sheds, garages, patios, decks or any other permanent structure or landscaping feature that may interfere with the drainage system or pond. 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 "B" 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 and the Emmons Lake Drain Outlet, the lot owners shall keep the lowest door or window sill/ and/or basement floor above the minimum opening elevations listed below. The opening elevations listed below together with benchmarks set within the plat are shown on the block grading plan, attached Exhibit "B"

LOT #	MIN. BASEMENT FLOOR ELEV.	MIN. OPENING ELEVATION	LOT #	MIN. BASEMENT FLOOR ELEV.	MIN. OPENING ELEVATION
115	762.8	770.5	135	767.0	776.0
116	763.6	771.5	136	767.0	775.0
117	767.0	772.5	137	767.0	774.5
118	767.0	771.5	138	767.0	774.0
119-121	767.0	772.5	139	767.0	772.0
122,123	767.0	774.0	140	767.0	770.0
124	767.0	774.5	141	767.0	768.0
125-127	767.0	775.5	142-144	767.0	767.0
128	767.0	778.5	145	763.8	767.0
129-133	767.0	777.0	146	763.2	767.0
134	767.0	776.5	147	762.8	767.0

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

F. Because of clay soil conditions, all of the lots not adjacent to the Emmons Lake Drain outlet except for Lot 136 have been provided with footing drain connections to the storm sewer. The connection to the footing drain provided or to an overland outlet 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 "B" The top layer of backfill around the house foundation shall be of a clay material sloping away from the house.

G. Each lot owner waives his claim against The Glen Valley Drain District, The Village of Caledonia, Kent County Drain Commissioner, his employees and agents, The Village, 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 767.0 (NGV Datum).

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

GLEN VALLEY, L.L.C.

\_\_\_\_\_  
Jerry Baker, Member

NATIONAL CITY BANK OF  
MICHIGAN/ILLINOIS

\_\_\_\_\_  
Kathy L. Nugent, Member

STATE OF MICHIGAN )  
                                  )SS  
COUNTY OF KENT )

On this \_\_\_\_\_ day of \_\_\_\_\_, 2002, 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.

\_\_\_\_\_  
Neil A. Sharpe  
Notary Public, Kent County, Michigan  
My commission expires 9/17/05

STATE OF MICHIGAN )  
                                  )SS  
COUNTY OF KENT )

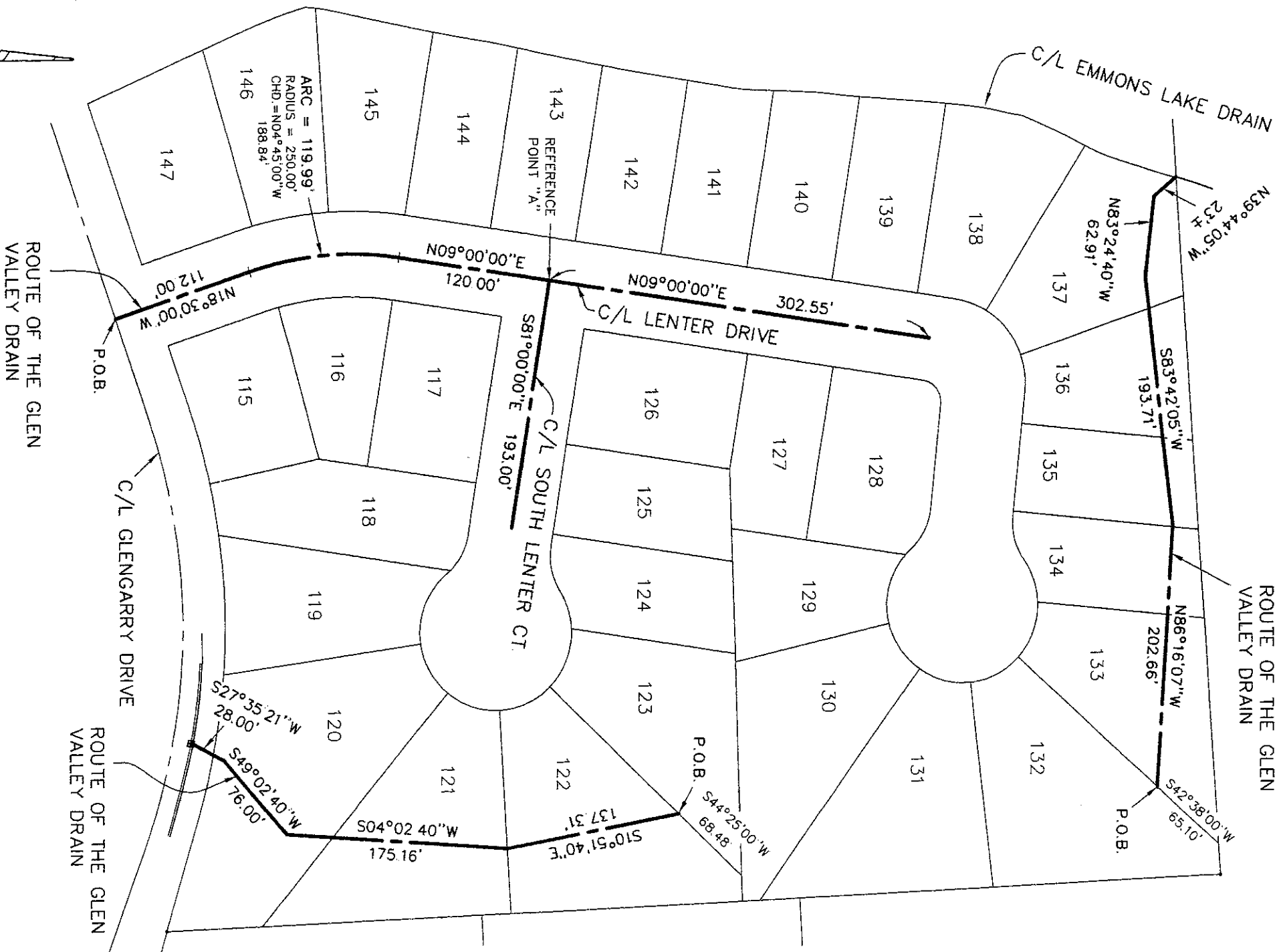
On this \_\_\_\_\_ day of \_\_\_\_\_, 2002, before me, a Notary Public in and for said county, personally appeared the above named Kenneth R. Danhoff, Vice President of National City Bank of Michigan/Illinois, a National Banking Association, and who executed the above instrument on behalf of said National Banking Association.

\_\_\_\_\_  
Neil A. Sharpe  
Notary Public, Kent County, Michigan  
My commission expires 9/17/05

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

R012735E

Description of the Route of the Glen Valley Drain:  
 Part of the SE 1/4, Section 20, T5N, R10W, Village of Caledonia, Kent County,  
 Michigan. (See Page 2 of 2 for complete legal description)



SCALE: 1" = 100'

EXHIBIT "A"  
 PAGE 1 OF 2

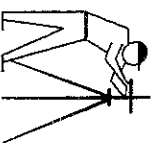
	<b>exxel engineering inc.</b>	
	5252 CLYDE PARK, S.W. • GRAND RAPIDS, MI. 49509 PHONE (616) 531-3660	
FILE NO.:	012735E	DATE:
		MAY 17, 2002

Description of the Route of the Glen Valley Drain:

Part of the SE 1/4, Section 20, T5N, R10W, Village of Caledonia, Kent County, Michigan, described as: The route of the Glen Valley Drain which BEGINS at the intersection of Glengarry Drive and Lenter Drive; thence N18°30'00"W 112.00 feet along the centerline of Lenter Drive; thence Northwesterly 119.99 feet along said centerline on a 250.00 foot radius curve to the right, the chord of which bears N04°45'00"W 118.84 feet; thence N09°00'00"E 120.00 feet along said centerline to Reference Point "A"; thence N09°00'00"E 302.55 feet along said centerline to the place of ending of said route; thence re-commencing at the above described Reference Point "A"; thence S81°00'00"E 193.00 feet along the centerline of South Lenter Court to the place of ending of said route of the Glen Valley Drain.

ALSO, part of Lots 120-123, Glen Valley Estates No. 4, part of the SE 1/4, Section 20, T5N, R10W, Village of Caledonia, Kent County, Michigan, described as: Commencing at the NE corner of said Lot 123; thence S44°25'00"W 68.48 feet along the Easterly line of said Lot 123 to the PLACE OF BEGINNING of the route of the Glen Valley Drain; thence S10°51'40"E 137.31 feet; thence S04°02'40"W 175.16 feet; thence S49°02'40"W 76.00 feet; thence S27°35'21"W 28.50 feet to the place of ending of said route of the Glen Valley Drain.

ALSO, part of Lots 132-137, Glen Valley Estates No. 4, part of the SE 1/4, Section 20, T5N, R10W, Village of Caledonia, Kent County, Michigan, described as: Commencing at the NE corner of said Lot 133; thence S42°38'00"W 65.10 feet along said Easterly line of said Lot 133 to the PLACE OF BEGINNING of the route of the Glen Valley Drain; thence N86°16'07"W 202.66 feet; thence S83°42'05"W 193.71 feet; thence N83°24'40"W 62.91 feet; thence N39°44'05"W 23 feet, more or less, to the centerline of Emmons Lake Drain and the place of ending of the route of the Glen Valley Drain.



**exxel engineering inc.**

5252 CLYDE PARK, S.W. • GRAND RAPIDS, MI. 49509  
PHONE (616) 531-3660

FILE NO.:

012735E

DATE:

MAY 17, 2002

**EXHIBIT "A"**

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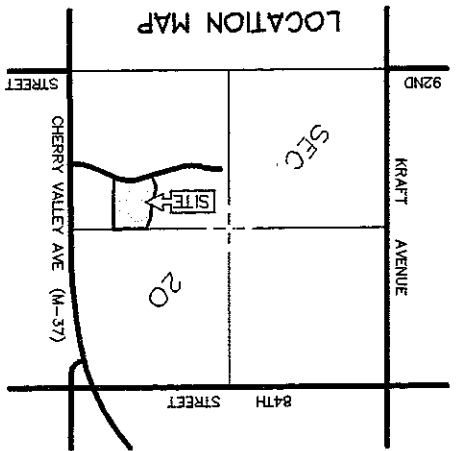








BLOCK GRADING PLAN		GLEN VALLEY NO. 4		IN: PART OF SEC. 20, T5N, R10W CALEDONIA TWP., KENT COUNTY, MICHIGAN.	
DRAWN BY: DGB		APPROVED BY: NS		DATE: 5/17/02	
FILE NO.: 012735E		SHEET 1 OF 1		REVISIONS:	
 exxel engineering inc. 5252 CLYDE PARK, S.W. • GRAND RAPIDS, MI 49509 PHONE (616) 531-3650					

EXHIBIT "B"



-  = PRIVATE EASEMENT FOR DRAINAGE TO THE GLEN VALLEY DRAIN DISTRICT
-  = PRIVATE EASEMENT FOR DRAINAGE TO THE EMMONS LAKE DRAIN DISTRICT
-  = PRIVATE EASEMENT FOR DRAINAGE
- M.B.O. = MINIMUM BUILDING OPENING ELEV.
- M.B.F. = MINIMUM BASEMENT FLOOR ELEV.
-  = STORM SEWER ROUTE
-  = FOOTING DRAIN LEAD
-  = DRAINAGE DIRECTION
-  710.8+ = SPOT ELEVATIONS
-  700.0 = CRITICAL DRAINAGE ELEV.
- = BENCH MARK LOCATIONS

