

MANISTEE CITY PLANNING COMMISSION

Meeting of Thursday, August 2, 2012
7:00 p.m. - Council Chambers, City Hall, 70 Maple Street,
Manistee, Michigan

AGENDA

I Call to Order

II Roll Call

III Approval of Agenda

At this time the Planning Commission can take action to approve the August 2, 2012 Agenda.

IV Approval of Minutes

At this time Planning Commission can take action to approve the July 12, 2012 meeting Minutes.

V Public Hearing

None

VI Public Comment on Agenda Related items

VII New Business

PC-2012- 05 Harbor Village at Manistee Beach – a nonprofit corporation and Manistee Village Properties, LLC – Parcel Split and Combination

On April 7, 2011 the Planning Commission approved a parcel split that removed the former sales office at Harbor Village creating a new parcel #51-202-335-00. It has been determined that another portion of property should have been transferred with the Sales Office. A request has been received from Harbor Village at Manistee Beach – a nonprofit corporation for a Parcel Split and Combination that would remove parcel A as shown on the survey submitted with the application and combine it with parcel 51-202-335-00 owned by Manistee Village Properties, LLC.

At this time the Planning Commission could make a recommendation to City Council to split parcel A as shown on the survey prepared by Abonmarche Job No. 11-0713 from parcel 51-202-300-00 and combine it with parcel 51-202-335-00.

VIII Old Business

IX Public Comments and Communications

At this time the Chair will ask if there are any public comments.

X Correspondence

At this time the Chair will ask if any correspondence has been received to be read into the record.

XI Staff/Sub-Committee Reports

At this time the Chair will ask Staff for their report.

At this time the Chair will ask if any of the Sub-Committees have anything to report.

XII Members Discussion

At this time the Chair will ask members of the Planning Commission if they have any items they want to discuss.

XIII Adjournment

CITY OF MANISTEE PLANNING COMMISSION

70 Maple Street
Manistee, MI 49660

MEETING MINUTES

July 12, 2012

A meeting of the Manistee City Planning Commission was held on Thursday, July 12, 2012 at 7pm in the Council Chambers, City Hall, 70 Maple Street, Manistee, Michigan.

Meeting was called to order at 7:00 pm by Chair Yoder

Welcome new member Mark Wittlief

Roll Call:

Members Present: Maureen Barry, Bill Dean, Ray Fortier, Eric Gustad, Marlene McBride, Mark Wittlief, Roger Yoder

Members Absent: Linda Albee (excused), David Crockett (excused),

Others: Jon R. Rose (Community Development Director) and Denise Blakeslee (Planning & Zoning)

APPROVAL OF AGENDA

Motion by Ray Fortier, seconded by Maureen Barry that the agenda be approved as prepared.

With a Roll Call vote this motion passed 7 to 0.

Yes: Barry, Dean, Fortier, Gustad, McBride, Wittlief, Yoder

No: None

APPROVAL OF MINUTES

Motion by Ray Fortier, seconded by Maureen Barry that the minutes of the June 14, 2012 Planning Commission Meeting be approved as written.

With a Roll Call vote this motion passed 7 to 0.

Yes: Dean, Fortier, Barry, Gustad, McBride, Wittlief, Yoder

No: None

PUBLIC HEARING

None

PUBLIC COMMENT ON AGENDA RELATED ITEMS

None

NEW BUSINESS

None

OLD BUSINESS

Zoning Amendments

Section 1813 Bed & Breakfast

As discussed at the June Meeting, staff prepared a draft Zoning Amendment that would delete Item B.h from Section 1813 Bed and Breakfast.

The Commission reviewed the language and directed staff to schedule a public hearing. The Public Hearing will be scheduled in September due to noticing requirements.

Motion by Eric Gustad, seconded by Bill Dean that staff prepare the necessary notices for a Public Hearing to be held on September 6, 2012 for a Zoning Amendment that would delete Item B.h from Section 1813 Bed and Breakfast.

With a Roll Call vote this motion passed 7 to 0.

Yes: Gustad, McBride, Wittlief, Dean, Fortier, Barry, Yoder

No: None

Section 502 Uses, Spatial and Physical Requirements Item D.

The Commission continued their discussion on amending the Zoning Ordinance to allow a reduction in the front yard setback to three (3) feet for porches subject to Section 513 Clear Vision Areas. Also how outdoor play sets should be permitted without a permit. The proposed amendment would also result in adding a definition for Porch and Outdoor Playset.

The Commission reviewed aerial photos of three neighborhoods.

Motion by Maureen Barry, seconded by Marlene McBride that staff prepare the necessary notices for a Public Hearing to be held on September 6, 2012 for a Zoning Amendment that would amend Section 502 Uses, Spatial and Physical Requirements Item D and add definitions for Porch and Outdoor Playset.

With a Roll Call vote this motion passed 7 to 0.

Yes: Wittlief, Dean, Fortier, Barry, Gustad, McBride, Yoder
No: None

PUBLIC COMMENTS AND COMMUNICATIONS

None

CORRESPONDENCE

None

STAFF/SUB-COMMITTEE REPORTS/ MEMBERS DISCUSSION

None

The Planning Commission does not have a Worksession scheduled for July.

The next regular meeting of the Planning Commission will be held on Thursday, August 2, 2012.

ADJOURNMENT

Motion by Ray Fortier, seconded by Marlene McBride that the meeting be adjourned. MOTION PASSED UNANIMOUSLY.

Meeting adjourned at 7:20 pm

MANISTEE PLANNING COMMISSION

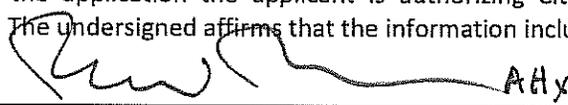
Denise J. Blakeslee, Recording Secretary



Planning & Zoning, City Hall
 70 Maple Street, P.O. Box 358,
 Manistee, MI 49660
 231.398.2806 (phone)
 231.723.1546 (fax)

Parcel Split Request Form

Please Print

Parcel Combination Requirements	
<p>Any Split of a Parcel within the City of Manistee requires review and approval of the Planning Commission and City Council. Even if the Parcel contains platted lots approval is still required. Requests are reviewed for compliance with the Zoning Ordinance. If a request meets all of the requirements of the Zoning Ordinance it will be forwarded to the City Planning Commission. The Planning Commission reviews the request and makes recommendation to the City Council. Notification will be mailed to applicants regarding City Council's determination. Requests must include the fee of \$100.00 for the first split and \$50.00 for each additional split. Incomplete requests will be returned to the applicant. <i>Must be submitted 15 days prior to the Planning Commission meeting to be placed on the agenda.</i></p>	
<p>To update their property taxes the property owner should send a copy of the determination to:</p> <p style="text-align: center;">Equalization Department County Courthouse 415 Third Street Manistee, MI 49660</p>	
<p>If the parcel involves a principal residence or homestead it is up to the applicant to notify the City Assessor at (231) 398-2802 to update their Homestead Exemption.</p>	
Property Information	
Address: 100 Marina Drive	Parcel # 51-202-300-00
Applicant Information	
Name of Owner: Harbor Village at Manistee Beach - a non profit corporation	
Address: PO Box 522, Manistee, MI 49660	
Phone #: 231-929-4878	Cell#: _____ e-mail: rparker@shrr.com
Project Information	
Reason for Request: Realignment of boundary to reflect historic usage. (See attachments)	
Site Plan Requirements	
<p>The applicant is responsible to provide a survey and legal descriptions of the proposed parcels (unless waived by the Zoning Administrator). If buildings or structures are located on a parcel a site plan showing set-backs is required. Requests are reviewed for compliance with the Zoning Ordinance. The Zoning Administrator reserves the right to require additional information necessary to meet the requirements of the Zoning Ordinance.</p>	
Authorization	
<p>By signing the application the applicant is authorizing City Staff permission to make site inspections as necessary. The undersigned affirms that the information included in this application is correct.</p>	
Signature: <u></u> AHx Date: <u>7/18/12</u>	
<input checked="" type="checkbox"/> Fee of \$100.00 for the first split and \$50.00 for each additional split enclosed and Site Plan for project attached (permit cannot be issued without site plan)	
Office Use Only	
Fee: <input type="checkbox"/> \$50.00 <u>PC-2012-05</u>	Receipt # <u>260368</u>
Notes:	
Signature: _____ Date: _____	



SMITH HAUGHEY
RICE & ROEGGE

ATTORNEYS AT LAW
101 N. Park St., Ste. 100
Traverse City, MI 49684
Phone: 231-929-4878 Fax: 231-929-4182

Robert W. Parker
Direct: 231-486-4504
rparker@shrr.com

July 18, 2012

Mr. Jon R. Rose
City of Manistee
PO Box 358
Manistee, MI 49660

RE: Harbor Village
100 Marina Drive
Parcel #51-202-300-00
Our File No. 101099

Dear Mr. Rose:

Enclosed please find the Parcel Split Request Form and check for \$100. If you have any questions or concerns, please do not hesitate to contact me. Thank you.

Sincerely,

Robert W. Parker

RWP:lpz
Enclosures

361 First Street
Manistee, MI 49660
T 231.723.1198
F 231.723.1194

Benton Harbor, MI
South Haven, MI
South Bend, IN
Fort Wayne, IN

CERTIFICATE OF SURVEY

I, PATRICK G. BENTLEY, A LICENSED PROFESSIONAL SURVEYOR, NUMBER 47944, IN MICHIGAN, CERTIFY THAT THIS DRAWING IS AN ACCURATE REPRESENTATION OF A BOUNDARY SURVEY PERFORMED UNDER MY DIRECTION FOR THE FOLLOWING DESCRIBED PARCEL OF LAND:

PARCEL "A"

A PARCEL OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 2, TOWNSHIP 21 NORTH, RANGE 17 WEST, CITY OF MANISTEE, MANISTEE COUNTY, MICHIGAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTH QUARTER CORNER OF SAID SECTION; THENCE SOUTH 89°35'57" WEST, 269.96 FEET ALONG THE SOUTH LINE OF SAID SECTION; THENCE NORTH 00°24'03" WEST, 914.63 FEET BEING PERPENDICULAR TO SAID SOUTH SECTION LINE; THENCE NORTH 29°55'18" EAST, 106.04 FEET TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE NORTH 51°27'42" WEST, 47.99 FEET; THENCE NORTH 25°57'47" EAST, 27.64 FEET TO A POINT OF INTERSECTION WITH A NON-TANGENT CURVE, SAID CURVE HAVING A RADIUS OF 10.09 FEET, AND A CENTRAL ANGLE OF 084°26'10"; THENCE ALONG THE ARC OF SAID CURVE TO THE RIGHT, A DISTANCE OF 14.87 FEET, SAID ARC SUBTENDED BY A CHORD WHICH BEARS NORTH 77°13'57" EAST, A DISTANCE OF 13.56 FEET TO A POINT OF INTERSECTION WITH A NON-TANGENT CURVE, SAID CURVE HAVING A RADIUS OF 8.83 FEET, AND A CENTRAL ANGLE OF 040°57'58"; THENCE ALONG THE ARC OF SAID CURVE TO THE RIGHT, A DISTANCE OF 6.32 FEET, SAID ARC SUBTENDED BY A CHORD WHICH BEARS SOUTH 37°09'38" EAST, A DISTANCE OF 6.18 FEET TO A POINT OF INTERSECTION WITH A COMPOUND CURVE, SAID CURVE HAVING A RADIUS OF 176.83 FEET, AND A CENTRAL ANGLE OF 001°33'39"; THENCE ALONG THE ARC OF SAID CURVE TO THE RIGHT, A DISTANCE OF 4.82 FEET, SAID ARC SUBTENDED BY A CHORD WHICH BEARS SOUTH 15°53'49" EAST, A DISTANCE OF 4.82 FEET TO A POINT OF INTERSECTION WITH A NON-TANGENT CURVE, SAID CURVE HAVING A RADIUS OF 71.65 FEET, AND A CENTRAL ANGLE OF 008°40'50"; THENCE ALONG THE ARC OF SAID CURVE TO THE LEFT, A DISTANCE OF 10.86 FEET, SAID ARC SUBTENDED BY A CHORD WHICH BEARS SOUTH 24°04'41" EAST, A DISTANCE OF 10.85 FEET TO A POINT OF INTERSECTION WITH A NON-TANGENT CURVE, SAID CURVE HAVING A RADIUS OF 27.14 FEET, AND A CENTRAL ANGLE OF 028°41'59"; THENCE ALONG THE ARC OF SAID CURVE TO THE RIGHT, A DISTANCE OF 13.60 FEET, SAID ARC SUBTENDED BY A CHORD WHICH BEARS SOUTH 20°36'19" EAST, A DISTANCE OF 13.46 FEET; THENCE SOUTH 04°26'35" WEST, 25.77 FEET TO THE POINT OF BEGINNING. CONTAINING: 0.03 ACRES OF LAND, MORE OR LESS.

EASEMENT

AN EASEMENT LOCATED IN THE SOUTHWEST QUARTER OF SECTION 2, TOWNSHIP 21 NORTH, RANGE 17 WEST, CITY OF MANISTEE, MANISTEE COUNTY, MICHIGAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTH QUARTER CORNER OF SAID SECTION; THENCE SOUTH 89°35'57" WEST, 269.96 FEET ALONG THE SOUTH LINE OF SAID SECTION; THENCE NORTH 00°24'03" WEST, 914.63 FEET BEING PERPENDICULAR TO SAID SOUTH SECTION LINE; THENCE NORTH 09°01'21" EAST, 13.40 FEET TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE NORTH 51°35'27" WEST, 26.41 FEET; THENCE NORTH 51°28'13" WEST, 9.95 FEET; THENCE NORTH 51°30'39" WEST, 10.31 FEET; THENCE NORTH 46°22'36" WEST, 4.04 FEET; THENCE NORTH 53°09'32" WEST, 3.70 FEET; THENCE NORTH 70°55'06" WEST, 17.03 FEET; THENCE NORTH 69°18'15" WEST, 24.16 FEET TO A POINT OF INTERSECTION WITH A NON-TANGENT CURVE, SAID CURVE HAVING A RADIUS OF 15.73 FEET, AND A CENTRAL ANGLE OF 021°48'33"; THENCE ALONG THE ARC OF SAID CURVE TO THE LEFT, A DISTANCE OF 5.99 FEET, SAID ARC SUBTENDED BY A CHORD WHICH BEARS NORTH 74°25'38" WEST, A DISTANCE OF 5.95 FEET; THENCE NORTH 79°50'58" EAST, 13.37 FEET; THENCE NORTH 78°23'55" EAST, 20.25 FEET TO A POINT OF INTERSECTION WITH A NON-TANGENT CURVE, SAID CURVE HAVING A RADIUS OF 59.44 FEET, AND A CENTRAL ANGLE OF 045°54'58"; THENCE ALONG THE ARC OF SAID CURVE TO THE LEFT, A DISTANCE OF 47.63 FEET, SAID ARC SUBTENDED BY A CHORD WHICH BEARS SOUTH 40°31'34" EAST, A DISTANCE OF 46.37 FEET; THENCE SOUTH 51°27'42" EAST, 27.95 FEET TO A POINT OF INTERSECTION WITH A NON-TANGENT CURVE, SAID CURVE HAVING A RADIUS OF 5.00 FEET, AND A CENTRAL ANGLE OF 046°54'37"; THENCE ALONG THE ARC OF SAID CURVE TO THE RIGHT, A DISTANCE OF 4.09 FEET, SAID ARC SUBTENDED BY A CHORD WHICH BEARS SOUTH 28°09'27" EAST, A DISTANCE OF 3.98 FEET TO THE POINT OF BEGINNING.



Patrick G. Bentley
PATRICK G. BENTLEY
LICENSED PROFESSIONAL SURVEYOR No. 47944
ABONMARCHE CONSULTANTS, INC.

11-7-11
DATE OF CERTIFICATE

THIS SURVEY COMPLIES WITH THE REQUIREMENTS OF ACT 132 OF THE PUBLIC ACTS OF 1970, AS AMENDED AND WAS PERFORMED WITH AN ERROR OF CLOSURE NO GREATER THAN 1 IN 5000. ACT 288 OF MICHIGAN PUBLIC ACTS OF 1967, AS AMENDED, SHOULD BE CHECKED TO SEE THAT ANY PROPERTY CONVEYANCE DOES NOT VIOLATE THIS ACT. THIS SURVEY WAS BASED ON THE INCLUDED LEGAL DESCRIPTION AS IT APPEARS ON A DEED OR TITLE INSURANCE POLICY PROVIDED TO US BY THE PERSON TO WHOM THE SURVEY IS CERTIFIED, AND SHOULD BE COMPARED WITH THE ABSTRACT OF TITLE OR TITLE INSURANCE POLICY FOR ACCURACY, EASEMENTS OR EXCEPTIONS. ANY WRITTEN OR UNWRITTEN RIGHTS OF ADJOINERS ARE UNKNOWN UNLESS SPECIFICALLY NOTED. THE SURVEYOR'S LIABILITY FOR ANY AND ALL CLAIMS, INCLUDING BUT NOT LIMITED TO THOSE ARISING OUT OF THE SURVEYOR'S PROFESSIONAL SERVICES, GROSS MISCONDUCT, WARRANTIES OR MISREPRESENTATIONS SHALL BE DEEMED LIMITED TO AN AMOUNT NO GREATER THAN THE SERVICE FEE.

PREPARED FOR: NICK BAKER	DRAWN BY: PGB	SECTION 2
	APPROVED BY: PGB	TOWNSHIP 21 NORTH
	DATE: NOVEMBER 7, 2011	RANGE 17 WEST
	SCALE: N/A	SHEET 2 OF 2

QUIT CLAIM DEED

THE GRANTOR, HARBOR VILLAGE AT MANISTEE BEACH, a Michigan non-profit corporation whose address is PO Box 522, Manistee, MI 49660

CONVEYS AND QUIT CLAIMS to MANISTEE VILLAGE PROPERTIES, LLC, a Michigan limited liability company whose address is 298 Lakeshore Drive North, Manistee, MI 49660, the following described premises situated in the City of Manistee, County of Manistee, State of Michigan:

SEE ATTACHED LEGAL DESCRIPTION FOR "PARCEL A".

The grantor grants to the grantee the right to make nodivisions under Section 108 of the land division act, being Act No. 288 of the Public Acts of 1967.

This property may be located within the vicinity of farmland or a farm operation. Generally accepted agricultural and management practices which may generate noise, dust, odors, and other associated conditions may be used and are protected by the Michigan Right to Farm Act.

Exempt from Michigan transfer tax pursuant to MCL 207.526 (a) and MCL 207.505 (a).

for the sum of less than One Hundred (\$100.00) Dollars.

Dated this 17 day of May, 2012.

Harbor Beach Village at Mainistee Beach
Robert W. Kasperek
By: Robert Kasperek, Its President

STATE OF MICHIGAN)
) ss.
COUNTY OF WAYNE)

On this 17th day of May, 2012, before a Notary Public in and for said County and State, personally appeared Robert Kasperek, President of Harbor Beach Village at Manistee Beach to me known to be the same person described in, and who executed the within instrument, who acknowledged the same to be his free act and deed.

Della A. Hall
DELLA A. HALL, Notary Public
MACOMB County, Michigan
Acting in WAYNE County, Michigan
My Commission Expires: 8-9-2013

When recorded return to: **GRANTEE**

Send subsequent tax bills to: **GRANTEE**

Prepared by: Robert W. Parker, Attorney, Smith Haughey Rice & Roegge, 101 N. Park Street, Suite 100,
Traverse City, MI 49684, 231-929-4878

The drafter of this instrument has not examined title to the lands conveyed and renders no opinion as to marketability of title or whether the conveyance complied with the Land Division Act, 1996 P.A. 591, as amended.

DECLARATION OF RESTRICTIVE COVENANTS AND GRANT OF EASEMENT

This Declaration is made this 23rd day of May, 2012, by **Manistee Village Properties LLC.**, a Michigan limited liability company whose address is 298 Lakeshore Drive North, Manistee, Michigan, 49660 (the "Owner") and **Harbor Village at Manistee Beach**, a Michigan non-profit corporation located at P.O. Box 522, Manistee, Michigan, 49660 (the *Master Association*).

I. Background.

A. The Owner owns the real property which is described below (hereinafter referred to as the *Property*).¹ This document is intended to provide for certain restrictive covenants which shall burden and run with the *Property*.

B. The *Property* is surrounded by a residential development known as Harbor Village at Manistee Beach which consists of a number of residential condominium developments.

C. The property owners within the various condominium developments, recognizing that they have a shared interest in assuring that future development of Harbor Village is harmonious and consistent with the overall development scheme for Harbor Village and the practicality of a central body to provide maintenance of shared common elements, formed the Harbor Village at Manistee Beach Master Association (the "*Master Association*"), which is a Michigan non-profit corporation whose members consist of representatives of the various condominium owner's associations.

D. The Master Association is the owner of certain amenities such as an outdoor pool, indoor pool, and playground, open spaces, (the *Improvements*) which are used by and benefit the property owners within the various condominium developments.

E. Utility meters and other electrical equipment such as wires, cables, conduit and transmission lines which service utilities located on adjacent property owned by the *Master Association* are actually located on the *Property* and attached to a structure located on the *Property*. In addition, there is an underground sprinkler system owned by the *Master Association* located on the *Property*.

II. Declaration of Restrictive Covenants:

On behalf of itself and its successors, assigns and grantees and with the intent of creating a restrictive covenant which will burden and run with the *Property*, the Owner hereby declares:

¹ The term *Property* shall mean not only the property described below but property, contiguous to the *Property* which may later be acquired by the Owner.

- (i) The Owner and all future owners of the *Property* shall become a member of the Master Association. The Owner and future owners shall be entitled to one (1) vote as member similar to what other members have;
- (ii) The Owner and future owners of the *Property*, shall not pay monthly dues to the Master Association, however the Owner shall be afforded all the privileges and rights as other members of the Master Association. Nevertheless, the Owner shall pay for any special assessments levied by the Master Association. Failure to pay any special assessments when due shall result in the Owner, or its successor, being unable to use the *Improvements* and unable to vote as a member of the Master Association.
- (iii) The Owner has purchased the *Property* and is developing it to be used as a single family residential property which may be rented on a daily or weekly basis or used as a year around residence. The Owner acknowledges that the *Property* is within and subject to a Special Land Use Permit issued by the City of Manistee which restricts development of the Property and how properties may be used within the area comprising the Special Land Use district. The Owner agrees that it will not change the use of the *Property* from that of a single family residence such as to a commercial or industrial use without the consent of the Master Association.

III. Duration of Restrictions.

The above provisions, covenants, and restrictions shall run with the land which comprises the *Property* and shall be binding upon all future Owners and occupants of the *Property* or any division of the *Property* and all assigns and persons claiming under or through any Owner or occupant unless sooner terminated or amended pursuant to agreement between the Owner and the Master Association. The provisions, covenants and restrictions shall be deemed to benefit the Master Association and the individual owners within the various condominium developments which are its members, the properties which the Master Association owns or may own and such benefit shall be deemed to run with those properties owned by the Association.

IV. Grant of Easement.

The Owner hereby grants to the Master Association, its successors and assigns, an easement over the *Property* sufficient to accommodate the current placement of utility meters, wires, cables, conduit, transmission lines and other electrical equipment along with an underground sprinkler system on the *Property* and to allow persons to read the meters and upgrade, repair and replace the electrical equipment and sprinkler system as necessary. Following any upgrade, repair or replacement work the area around the electrical equipment or sprinkler system will be restored, as feasible, to its condition prior to the upgrade, repair and replacement work.

V. Description of Property

The following is the legal description for the *Property* :

A parcel of land located in the Southwest one-quarter of Section 2, Township 21 North, Range 17 West, City of Manistee, Manistee County, Michigan, more particularly described as follows:

Commencing at the South one-quarter post of Section 2, Township 21 North, Range 17 West, City of Manistee, Manistee County, Michigan; thence South 89 degrees 35 minutes 55 seconds

West 269.96 feet; thence North 00 degrees 24 minutes 03 seconds West 914.63 feet to the point of beginning of herein described parcel; thence North 09 degrees 41 minutes 31 seconds East 12.16 feet to the point of curvature of a tangent curve, said curve having a radius of 5.00 feet and central angle of 61 degrees 09 minutes 20 seconds; thence Northerly along the arc of said curve to the left, and distance of 5.34 feet, said arc subtended by a chord which bears North 20 degrees 53 minutes 02 seconds West, a distance of 5.09 feet; thence North 51 degrees 27 minutes 42 seconds West 27.95 feet to the point of curvature of a non-tangent curve, said curve having a radius of 59.44 feet and a central angle of 45 degrees 54 minutes 50 seconds; thence Northwesterly along the arc of said curve to the right, a distance of 47.64 feet, said arc subtended by a chord which bears North 40 degrees 31 minutes 34 seconds West, a distance of 46.37 feet to the point of curvature of a non-tangent curve, said curve having a radius of 128.10 feet and a central angle of 38 degrees 49 minutes 49 seconds; thence Northeasterly along the arc of said curve to the left, a distance of 86.81 feet, said arc subtended by a chord which bears North 52 degrees 01 minute 13 seconds, a distance of 85.16 feet; thence South 51 degrees 27 minutes 42 seconds East 54.56 feet to the point of curvature of a tangent curve, said curve having a radius of 7.50 feet and a central angle of 45 degrees 43 minutes 41 seconds; thence Southeasterly along the arc of said curve to the right a distance of 5.99 feet, said arc subtended by a chord which bears South 28 degrees 35 minutes 52 seconds East, a distance of 5.83 feet; thence South 05 degrees 44 minutes 02 seconds East 24.36 feet; thence North 84 degrees 15 minutes 58 seconds East 7.00 feet; thence South 05 degrees 44 minutes 02 seconds East 23.99 feet to the point of curvature of a tangent curve, said curve having a radius of 27.00 feet and a central angle of 76 degrees 53 minutes 03 seconds; thence Southwesterly along the arc of said curve to the right, a distance of 36.23 feet, said arc subtended by a chord which bears South 32 degrees 42 minutes 30 seconds West, a distance of 33.57 feet; thence South 71 degrees 09 minutes 01 second West 10.83 feet to the point of curvature of a tangent curve, said curve having a radius of 90.00 feet and a central angle of 28 degrees 32 minutes 37 seconds; thence Westerly along the arc of said curve to the right, a distance of 44.84 feet, said arc subtended by a chord which bears South 85 degrees 25 minutes 20 seconds West, a distance of 44.37 feet to the point of beginning.

Parcel ID: 51-202-300-00

Street Address: 100 Marina Drive, Manistee

The undersigned hereby executes this agreement on the date first above written.

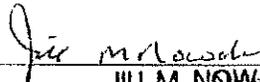
OWNER:

Manistee Village Properties LLC

By: Shirley Smith Baker Shirley Smith Baker
Rachel M. Baker RACHEL M. BAKER
Its: Oliverius / Member

STATE OF MICHIGAN)
) ss.
COUNTY OF Manistee)

On this _____ day of May, 2012, before a Notary Public in and for said County and State, personally appeared Shirley Smith Ballie Ralph N Baker of Manistee Village Properties LLC to me known to be the same person described in, and who executed the within instrument, who acknowledged the same to be his free act and deed.



JILL M. NOWAK Public
NOTARY PUBLIC STATE OF MICHIGAN
COUNTY OF MANISTEE
Acting in Commission exp. 01/1/2016
My Commission expires 01/01/2016
Acting in the County of Manistee

MASTER ASSOCIATION:

Harbor Beach Village at Mainstee Beach

Robert D. W. Kasperek
By: Robert Kasperek, President

STATE OF MICHIGAN)
) ss.
COUNTY OF WAYNE)

On this 17th day of May, 2012, before a Notary Public in and for said County and State, personally appeared Robert Kasperek, President of Harbor Beach Village at Manistee Beach to me known to be the same person described in, and who executed the within instrument, who acknowledged the same to be his free act and deed.

Della A. Hall
DELLA A. HALL, Notary Public
Macomb County, Michigan
Acting in WAYNE County, Michigan
My Commission Expires: 8-9-2013

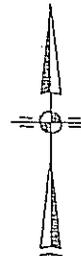
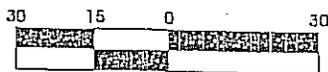
Prepared by:
Robert W. Parker, Esq.
Smith Haughey Rice & Roegge
101 N. Park Street, Suite 100
Traverse City, Michigan 49684
(231) 929-4878

CERTIFICATE OF SURVEY

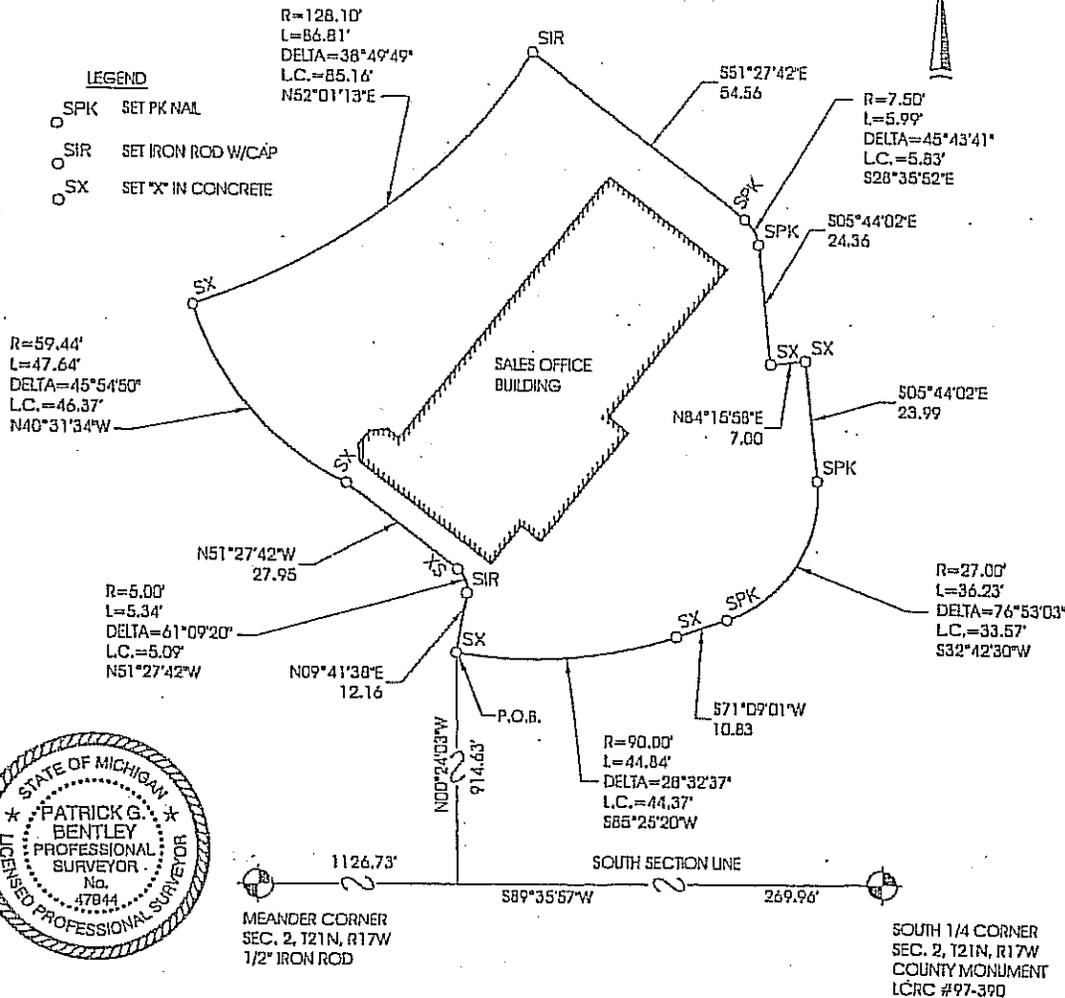
I, PATRICK G. BENTLEY, LICENSED PROFESSIONAL SURVEYOR NO. 47944 IN MICHIGAN, CERTIFY THAT THIS DRAWING IS AN ACCURATE REPRESENTATION OF A BOUNDARY SURVEY PERFORMED UNDER MY DIRECTION FOR THE FOLLOWING DESCRIBED PARCEL OF LAND.

SEE SHEET 2 OF 2 FOR LEGAL DESCRIPTION.

NOTE:
THE BEARINGS ARE BASED ON THE SOUTH LINE OF SECTION 2 AS RECORDED IN THE DEED - DOCUMENT NUMBER: 2009RD05463.



- LEGEND**
- SPK SET PK NAIL
 - SIR SET IRON ROD W/CAP
 - SX SET "X" IN CONCRETE



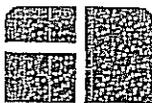
Patrick G. Bentley
 PATRICK G. BENTLEY
 LICENSED PROFESSIONAL SURVEYOR No. 47944
 ABONMARCHÉ CONSULTANTS, INC.

7-2-10
 DATE OF CERTIFICATE

THIS SURVEY WAS BASED ON THE INCLUDED LEGAL DESCRIPTION AS IT APPEARS ON A DEED OR TITLE INSURANCE POLICY PROVIDED TO US BY THE PERSON TO WHOM THE SURVEY IS CERTIFIED, AND SHOULD BE COMPARED WITH THE ABSTRACT OF TITLE OR TITLE INSURANCE POLICY FOR ACCURACY, EASEMENTS OR EXCEPTIONS. ANY WRITTEN OR UNWRITTEN RIGHTS OF ADJOINERS ARE UNKNOWN UNLESS SPECIFICALLY NOTED. THE SURVEYOR'S LIABILITY FOR ANY AND ALL CLAIMS, INCLUDING BUT NOT LIMITED TO THOSE ARISING OUT OF THE SURVEYOR'S PROFESSIONAL SERVICES, NEGLIGENCE, GROSS MISCONDUCT, WARRANTIES OR MISREPRESENTATIONS SHALL BE DEEMED LIMITED TO AN AMOUNT NO GREATER THAN THE SERVICE FEE.

PREPARED FOR:

FIRST
 MICHIGAN
 BANK



361 First Street
 Monstee, MI 49660
 T 231.723.1198
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 www.abonmarche.com

ENGINEERING
 ARCHITECTURE
 MARINA/WATERFRONT
 SURVEYING
 LANDSCAPE ARCHITECTURE
 PLANNING

Confidence By Design BENTON HARBOR, MI. SOUTH BEND, IN. FORT WAYNE, IN.

DATE: JUNE 30, 2010	SCALE: 1" = 30'
DRAWN BY: PGB	SEC. 2 T. 21N. R. 17W.
APPROVED BY: -	TWP: -

JOB NO. 10-0414

CERTIFICATE OF SURVEY

I, PATRICK G. BENTLEY, LICENSED PROFESSIONAL SURVEYOR NO. 47944 IN MICHIGAN, CERTIFY THAT THIS DRAWING IS AN ACCURATE REPRESENTATION OF A BOUNDARY SURVEY PERFORMED UNDER MY DIRECTION FOR THE FOLLOWING DESCRIBED PARCEL OF LAND.

PARCEL 1: FROM DEED RECORDED IN DOCUMENT NUMBER 2009R006463, MANISTEE COUNTY RECORDS.

PART OF SECTION TWO (2), TOWNSHIP TWENTY-ONE (21) NORTH, RANGE SEVENTEEN (17) WEST DESCRIBED BELOW:

A PARCEL OF LAND LOCATED IN THE SOUTHWEST ONE-QUARTER OF SECTION 2, TOWNSHIP 21 NORTH, RANGE 17 WEST, CITY OF MANISTEE, MANISTEE COUNTY, MICHIGAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH ONE-QUARTER POST OF SECTION 2, TOWNSHIP 21 NORTH, RANGE 17 WEST, CITY OF MANISTEE, MANISTEE COUNTY, MICHIGAN; THENCE SOUTH 89°35'57" WEST 269.96 FEET; THENCE NORTH 00°24'03" WEST 914.63 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL; THENCE NORTH 09°41'38" EAST, 12.16 FEET TO THE POINT OF CURVATURE OF A TANGENT CURVE, SAID CURVE HAVING A RADIUS OF 5.00 FEET AND A CENTRAL ANGLE OF 61°09'20"; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE TO THE LEFT, A DISTANCE OF 5.34 FEET, SAID ARC SUBTENDED BY A CHORDS WHICH BEARS NORTH 20°53'02" WEST, A DISTANCE OF 5.09 FEET; THENCE NORTH 51°27'42" WEST, 27.95 FEET TO THE POINT OF CURVATURE OF A NON-TANGENT CURVE, SAID CURVE HAVING A RADIUS OF 69.44 FEET AND A CENTRAL ANGLE OF 45°54'50". THENCE NORTH-WESTERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT, A DISTANCE OF 47.64 FEET, SAID ARC SUBTENDED BY A CHORD WHICH BEARS NORTH 40°31'34" WEST, A DISTANCE OF 46.37 FEET TO THE POINT OF CURVATURE OF A NON-TANGENT CURVE, SAID CURVE HAVING A RADIUS OF 128.10 FEET AND A CENTRAL ANGLE OF 38°49'49"; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE TO THE LEFT, A DISTANCE OF 86.81 FEET; SAID ARC SUBTENDED BY A CHORD WHICH BEARS NORTH 52°01'13" EAST, A DISTANCE OF 85.16 FEET; THENCE SOUTH 51°27'42" EAST 54.56 FEET TO THE POINT OF CURVATURE OF A TANGENT CURVE, SAID CURVE HAVING A RADIUS OF 7.50 FEET AND A CENTRAL ANGLE OF 45°43'41"; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT, A DISTANCE OF 5.99 FEET, SAID ARC SUBTENDED BY A CHORD WHICH BEARS SOUTH 28°35'52" EAST, A DISTANCE OF 5.83 FEET; THENCE SOUTH 05°44'02" EAST, 24.36 FEET; THENCE NORTH 84°15'58" EAST, 7.00 FEET; THENCE SOUTH 05°44'02" EAST, 23.99 FEET TO THE POINT OF CURVATURE OF A TANGENT CURVE, SAID CURVE HAVING A RADIUS OF 27.00 FEET AND A CENTRAL ANGLE OF 76°53'03"; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT, A DISTANCE OF 36.23 FEET, SAID ARC SUBTENDED BY A CHORD WHICH BEARS SOUTH 32°42'30" WEST, A DISTANCE OF 33.57 FEET; THENCE SOUTH 71°09'01" WEST, 10.83 FEET TO THE POINT OF CURVATURE OF A TANGENT CURVE, SAID CURVE HAVING A RADIUS OF 90.00 FEET AND A CENTRAL ANGLE OF 28°32'37"; THENCE WESTERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT, A DISTANCE OF 44.84 FEET, SAID ARC SUBTENDED BY A CHORD WHICH BEARS SOUTH 85°25'20" WEST, A DISTANCE OF 44.37 FEET TO THE POINT OF BEGINNING.



Patrick G. Bentley

PATRICK G. BENTLEY
LICENSED PROFESSIONAL SURVEYOR No. 47944
ABONMARCHE CONSULTANTS, INC.

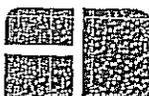
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CONFIDENCE BY DESIGN

BENTON HARBOR, MI SOUTH BEND, IN FORT WAYNE, IN

DATE: JUNE 30, 2010

SCALE: N.A.

DRAWN BY: PGB

SEC. 2 T. 21N. R. 17W.

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