

**DECLARATION OF BUILDING AND LAND USE RESTRICTIONS  
REQUIRED BY GOVERNMENTAL AGENCIES**

**GLEN VALLEY ESTATES NO. 5**

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 Rapid, 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 148 through 189, inclusive, Glen Valley Estates No. 5, 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 148 through 150, inclusive, as shown on the final plat drawing. The 100 year flood plain limits for the outlet drain from Emmons Lake very uniformly from elevation 765.8 (NGV Datum) at the upstream limits (Lot 148) to 765.4 (NGV Datum) at the downstream limit (Lot 150) 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.

D. Portion of Lots 148 and 149 were originally located in the floodplain area but have been filled to elevate them above the flood elevation.

**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 dedicated to the Glen Valley Drainage District. The location of the aforesaid easements 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 roadway. 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 the overland flow of stormwater. 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, 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
148-150	767.5	767.5	171	-	790.5
151	-	768.0	172	-	794.5
152	-	769.5	173	-	792.5
153	-	771.0	174	-	790.5
154	-	773.5	175	-	789.5
155	-	775.5	176	-	788.0
156	-	778.0	177	-	786.5
157	-	780.5	178	-	785.7
158	-	782.0	179	-	784.7
159	-	784.0	180	-	783.7
160	-	785.5	181	-	782.5
161-163	-	786.5	182	-	781.5
164-165	-	788.0	183	-	778.5
166	-	788.5	184-186	-	776.5
167,168	-	788.0	187	-	775.5
169	-	788.5	188	-	774.5
170	-	789.5	189	-	774.0

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

Because of clay soil conditions, all of the lots in the subdivision, except Lots 148, 149 and 150 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.

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.

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 Commissioner are to be perpetual and shall run with the land. Drain restrictions may not be amended or modified without prior written approval of the Michigan Department of Environmental Quality and the Kent County Drain Commissioner and properly recorded at the Kent County Register of Deeds. A waiver from elevations may be granted by the Kent County Drain Commissioner following receipt of a certification from a registered professional engineer demonstrating that the proposed elevation does not pose a risk of flooding, however, under no circumstances shall any opening elevation or basement floor be lower than 1.0 feet above the highest 100 year floodplain elevation shown on the final plat for that lot.

IN WITNESS WHEREOF, the parties hereto have caused this Declaration of Governmental Restrictions to be executed as of this \_\_\_\_\_ day of \_\_\_\_\_, 2003.

GLEN VALLEY, L.L.C.

Jerry Baker, Member

NATIONAL CITY BANK OF MICHIGAN/ILLINOIS

Kathy L. Nugent, Assistant Vice President

STATE OF MICHIGAN )  
 )SS  
COUNTY OF KENT )

On this \_\_\_\_\_ day of \_\_\_\_\_, 2003, 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.

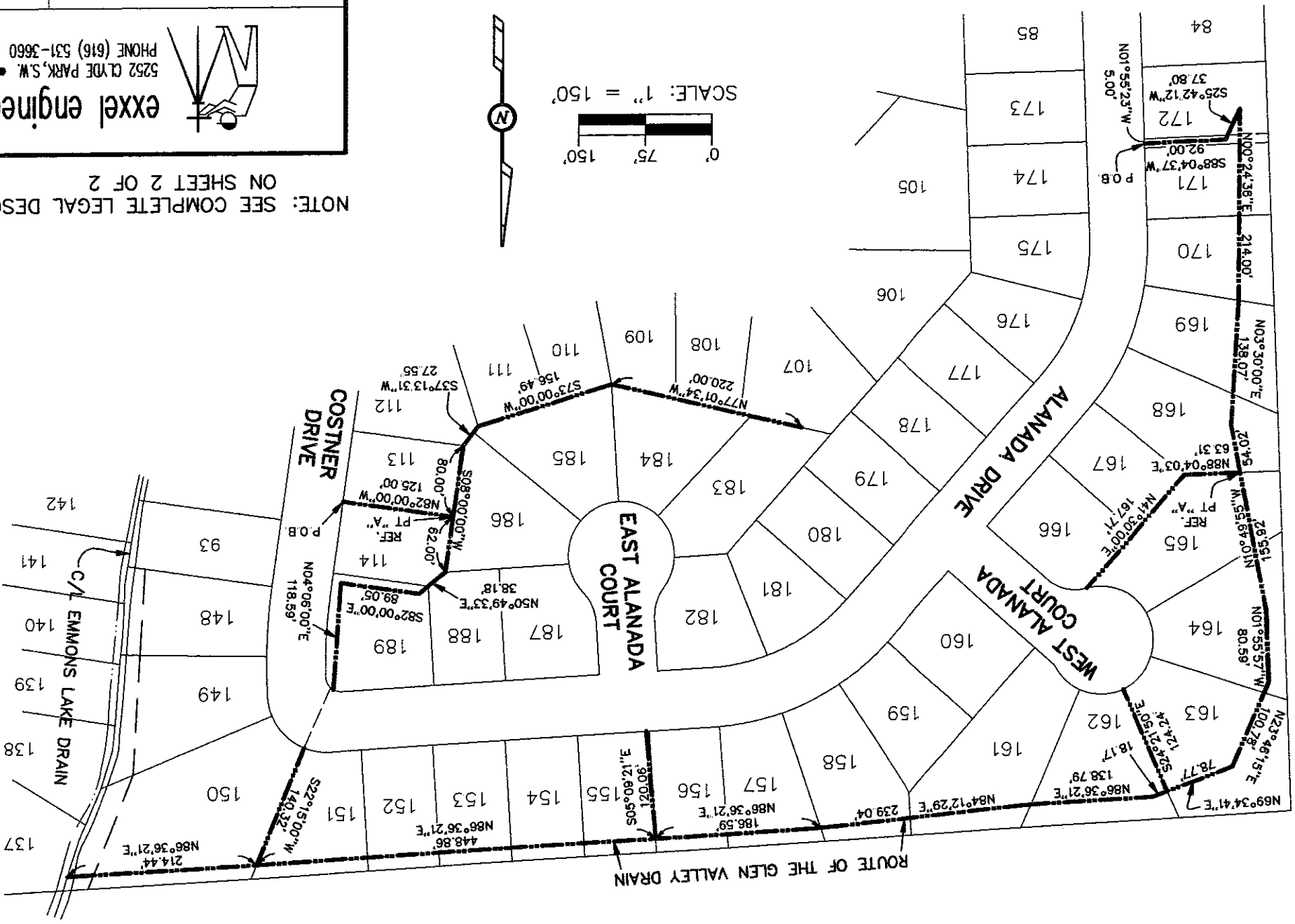
Neil A. Sharpe  
Notary Public, Kent County, Michigan  
My commission expires 9/17/05

STATE OF MICHIGAN )  
 )SS  
COUNTY OF KENT )

On this \_\_\_\_\_ day of \_\_\_\_\_, 2003, before me, a Notary Public in and for said county, personally appeared the above named Kathy L. Nugent, Assistant 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



NOTE: SEE COMPLETE LEGAL DESCRIPTIONS  
ON SHEET 2 OF 2

FILE NO.: 022230E DATE: JULY 31, 2003

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

**exxel engineering inc.**

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: BEGINNING at a point which is N01°55'23"W 5.00 feet from the NE corner of Lot 172, Glen Valley Estates No. 5; thence S88°04'37"W 92.00 feet; thence S25°42'12"W 37.80 feet; thence N00°24'36"E 214.00 feet; thence N03°30'00"E 138.07 feet; thence N10°49'55"W 54.02 feet to Reference Point "A"; thence N10°49'55"W 155.92 feet; thence N01°55'57"W 80.59 feet; thence N23°46'15"E 100.78 feet; thence N69°34'41"E 78.77 feet; thence S24°21'50"E 124.24 feet; thence N24°21'50"W 124.24 feet; thence N69°34'41"E 18.17 feet; thence N86°36'21"E 138.79 feet; thence N84°12'29"E 239.04 feet; thence N86°36'21"E 186.59 feet; thence S05°09'21"E 120.06 feet; thence N05°09'21"W 120.06 feet; thence N86°36'21"E 448.86 feet; thence S22°15'00"W 140.32 feet; thence N22°15'00"E 140.32 feet; thence N86°36'21"E 214.44 feet to the centerline of Emmons Lake Drain and the place of ending of said route; thence re—commencing at the aforesaid Reference Point "A"; thence N88°04'03"E 63.31 feet; thence N41°30'00"E 167.71 feet to the place of ending of said route of the Glen Valley Drain.

Also, BEGINNING at the SE corner of Lot 114, Glen Valley Estates No. 5; thence N82°00'00"W 125.00 feet to Reference Point "A"; thence S08°00'00"W 80.00 feet; thence S37°13'31"W 27.55 feet; thence S73°00'00"W 156.49 feet; thence N77°01'34"W 220.00 feet to the place of ending of said route; thence re—commencing at the aforesaid Reference Point "A"; thence N08°00'00"E 62.00 feet; thence N50°49'33"E 38.18 feet; thence S82°00'00"E 89.05 feet; thence N04°06'00"E 118.59 feet to the place of ending of said route of the Glen Valley Drain.


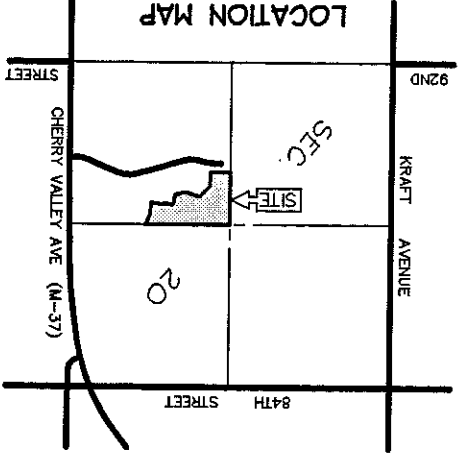










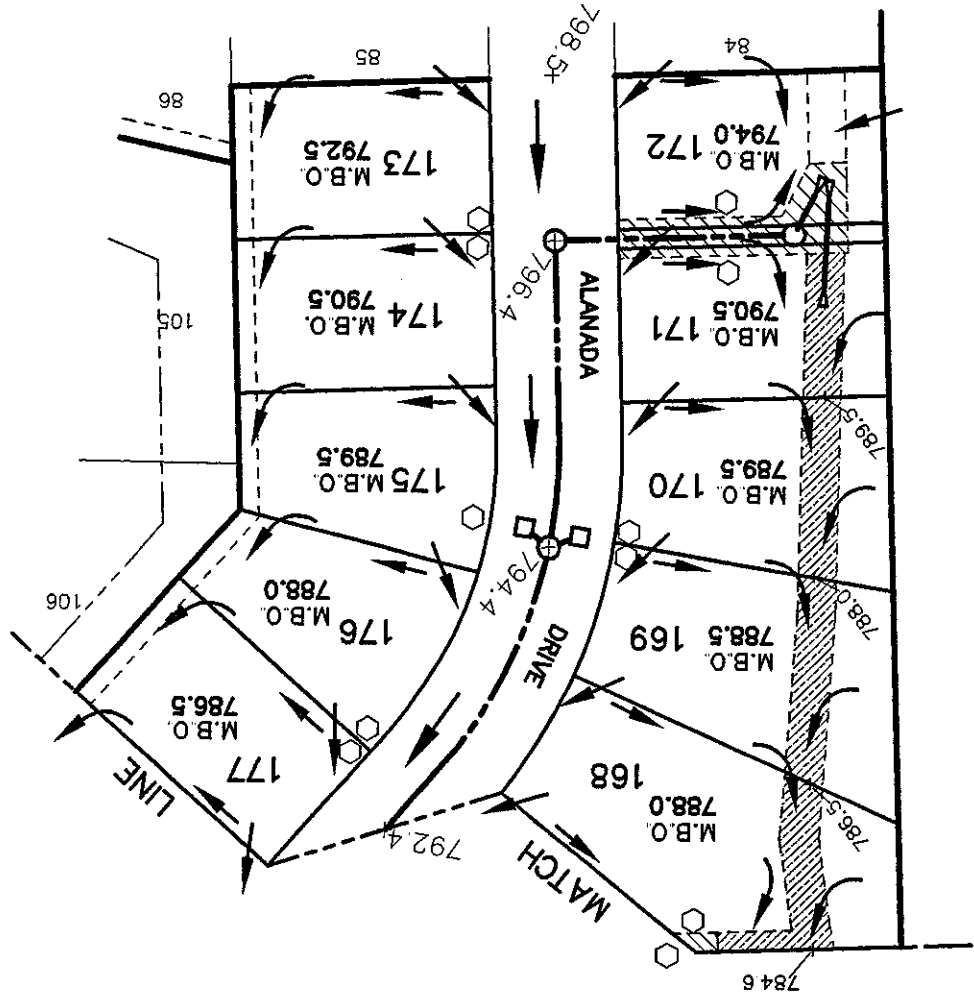
BLOCK GRADING PLAN		GLEN VALLEY ESTATES NO. 5		IN: PART OF SEC. 20, T5N, R10W		VILLAGE OF CALEDONIA, KENT COUNTY, MI		REVISIONS:
DRAWN BY: DGB		APPROVED BY: NS		DATE: 6/25/03		SHEET 1 OF 3		
FILE NO.: 022230E		DGB		NS		6/25/03		
 exxel engineering inc. 5252 CLYDE PARK S.W. • GRAND RAPIDS, MI 49509 PHONE (616) 531-3660								

EXHIBIT "B"



-  = PRIVATE EASEMENT FOR DRAINAGE AND FLOODWAY TO THE GLEN VALLEY DRAIN DISTRICT.
-  = 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
-  = SPOT ELEVATIONS 710.8+
-  = CRITICAL DRAINAGE ELEV. 700.0
-  = BENCH MARK LOCATIONS



BLOCK GRADING PLAN		GLEN VALLEY ESTATES NO. 5		IN: PART OF SEC. 20, T5N, R10W VILLAGE OF CALEDONIA, KENT COUNTY, MI	
REVISIONS:					
DRAWN BY: DGB		APPROVED BY: NS		DATE: 6/25/03	
FILE NO.: 022230E		SHEET 2 OF 3			


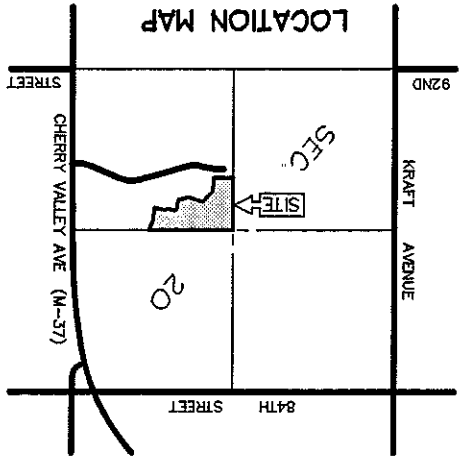


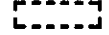

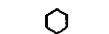
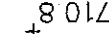




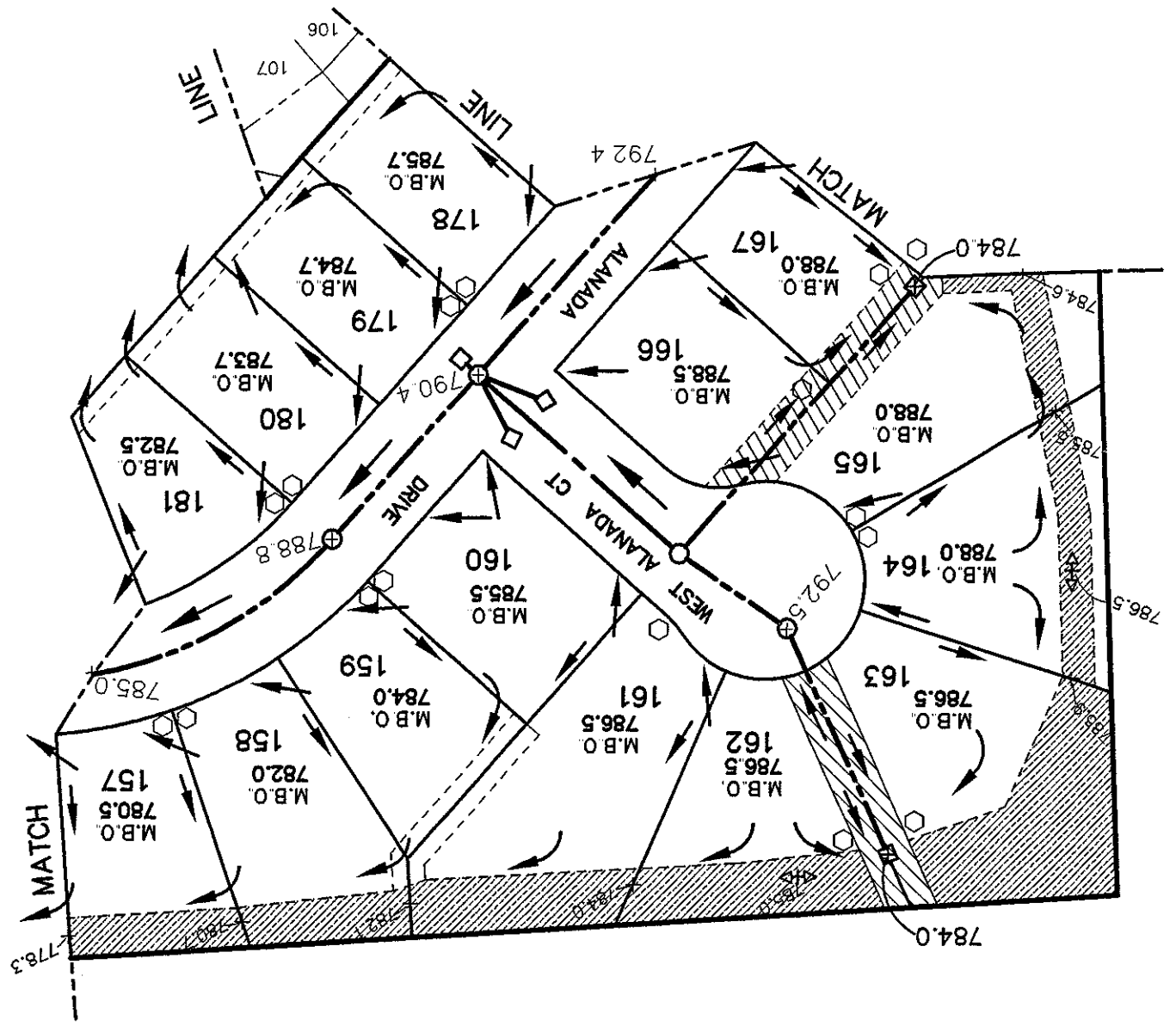

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EXHIBIT "B"

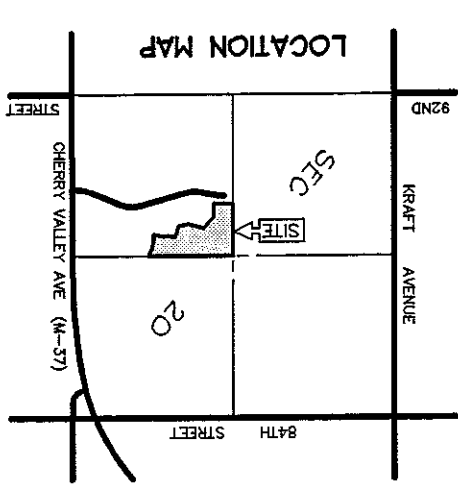


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BLOCK GRADING PLAN	
GLEN VALLEY ESTATES NO. 5	
IN: PART OF SEC. 20, T5N, R10W VILLAGE OF CALEDONIA, KENT COUNTY, MI	
REVISIONS:	
DRAWN BY: DGB	FILE NO.: 022230E
APPROVED BY: NS	DATE: 6/25/03
SHEET 3 OF 3	

EXHIBIT "B"



- EXISTING EASEMENT FOR DRAINAGE TO THE GLEN VALLEY DRAIN DISTRICT.
- PRIVATE EASEMENT FOR DRAINAGE TO THE EMMONS LAKE DRAIN DISTRICT.
- PRIVATE EASEMENT FOR DRAINAGE AND FLOODWAY TO THE GLEN VALLEY DRAIN DISTRICT.
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