

DECLARATION OF BUILDING AND LAND USE RESTRICTIONS  
REQUIRED BY GOVERNMENTAL AGENCIES

GLEN VALLEY ESTATES NO. 6

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 it is the desire of said owner 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 190 through 221, inclusive, Glen Valley Estates No. 6, 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, as defined by elevation 767.0 (NGV Datum) encroaches on Lots 205 through 211, inclusive, 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 767.0 (NGV Datum).

ARTICLE II RESTRICTIONS PURSUANT TO THE REQUIREMENTS OF THE KENT COUNTY DRAIN COMMISSIONER:

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 and the Emmons Lake Drain District have been dedicated to both Drain Districts. 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 drainage and floodway. 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 are shown on the block grading plan, attached Exhibit "B". For benchmark locations and elevations contact Exxel Engineering Inc. at (616) 531-3660.

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

LOT #	MIN. BASEMENT FLOOR ELEV.	MIN. OPENING ELEVATION	LOT #	MIN. BASEMENT FLOOR ELEV.	MIN. OPENING ELEVATION
190	-	773.5	205-211	768.5	768.5
191-193	-	774.5	212	-	791.5
194	-	775.5	213	-	792.0
195	-	777.0	214	-	791.5
196-198	-	777.5	215	-	792.0
199	-	780.5	216	-	800.0
200	-	778.5	217	-	803.5
201	-	777.0	218, 219	-	204.0
202	-	777.5	220	-	202.5
203	-	774.0	221	-	798.5
204	-	772.5			

Because of clay soil conditions, all of the lots in the subdivision, except Lots 207 through 211, inclusive, 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, The Emmons Lake 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.

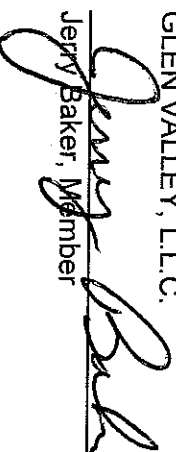
Inconsistencies. In the event of any inconsistencies among the foregoing restrictions, the more stringent restrictions shall govern.

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 768.0 (NGV Datum).

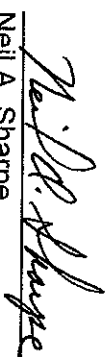
IN WITNESS WHEREOF, the parties hereto have caused this Declaration of Governmental Restrictions to be executed as of this 24<sup>th</sup> day of April, 2006.

GLEN VALLEY, L.L.C.

  
Jerry Baker, Member

STATE OF MICHIGAN )  
 )SS  
COUNTY OF KENT )

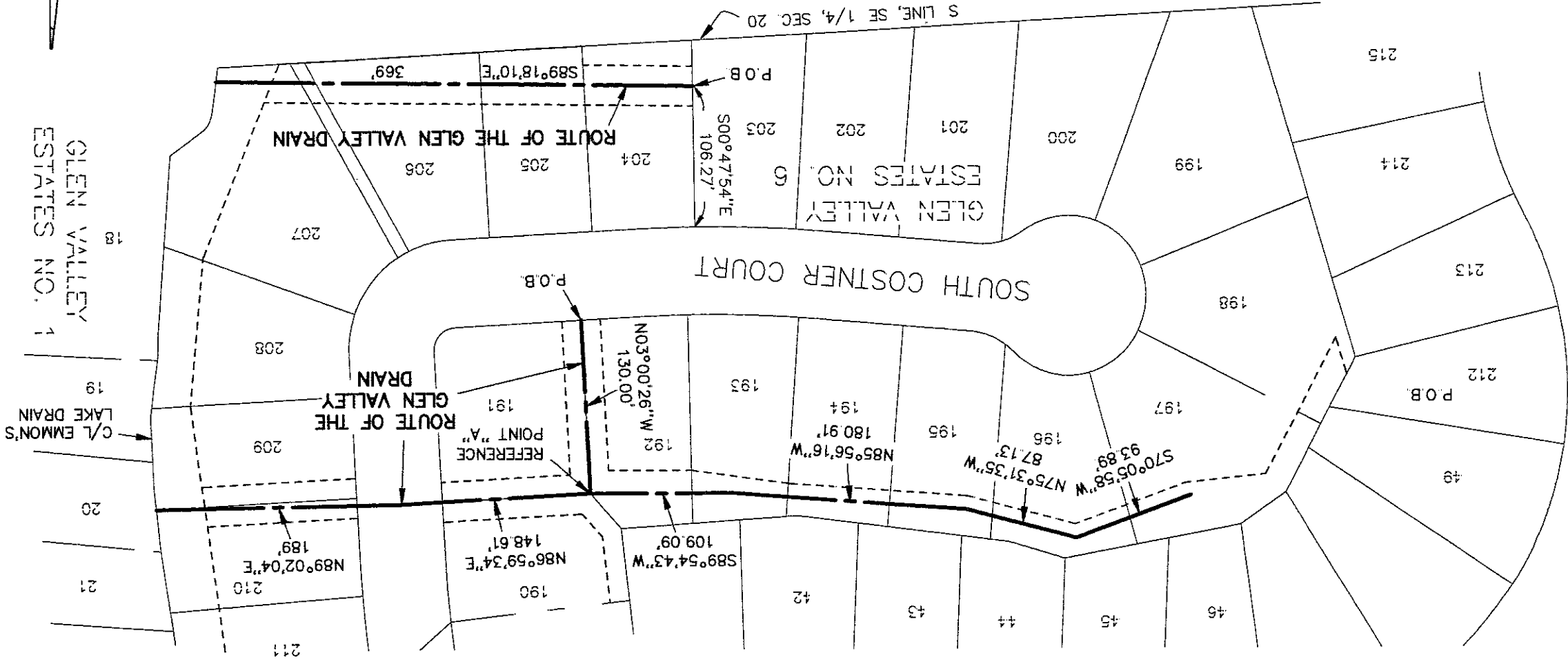
On this 24 day of April, 2006, before me, a Notary Public in and for said county, personally appeared the above named Jerry Baker, Member of Glen Valley, L.L.C., a Michigan Limited Liability Company, and who executed the above instrument on behalf of said Limited Liability Company.

  
Neil A. Sharpe  
Notary Public, Montcalm County, Michigan  
My commission expires 9/17/12

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

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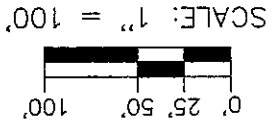
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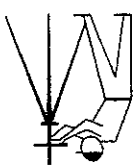


Description of the Route of the Glen Valley Drain:  
 That part of the SE 1/4, Section 20, T5N, R10W, Village of Caledonia, Kent County, Michigan described as: Beginning at a point on the Westerly line of Lot 204, Glen Valley Estates No. 6 which is  $S00^{\circ}47'54''E$  106.27 feet from the Northwest corner of Lot 204; thence  $S89^{\circ}18'10''E$  369 feet to the centerline of the Emmons Lake Drain and the place of ending of the route of the Glen Valley Drain.

Also, that part of the SE 1/4, Section 20, T5N, R10W, Village of Caledonia, Kent County, Michigan described as: Beginning at the Southwest corner of Lot 191, Glen Valley Estates No. 6; thence  $N03^{\circ}00'26''W$  130.00 feet to Reference Point "A"; thence  $S89^{\circ}54'43''W$  109.09 feet; thence  $N85^{\circ}56'16''W$  180.91 feet; thence  $N75^{\circ}31'35''W$  87.13 feet; thence  $S70^{\circ}05'58''W$  93.89 feet to the place of ending; also, re-commencing at said Reference Point "A", thence  $N86^{\circ}59'34''E$  148.61 feet; thence  $N89^{\circ}02'04''E$  189 feet to the centerline of the Emmons Lake Drain and the place of ending of the route of the Glen Valley Drain.

# EXHIBIT "A"





**exxel engineering inc.**  
 5252 CLYDE PARK, S.W. • GRAND RAPIDS, MI. 49509  
 PHONE (616) 531-3660 FAX (616) 531-2121

FILE NO.: 032804E DATE: 03/22/2006


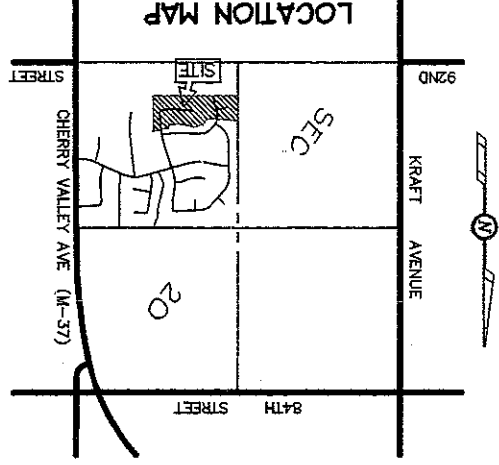
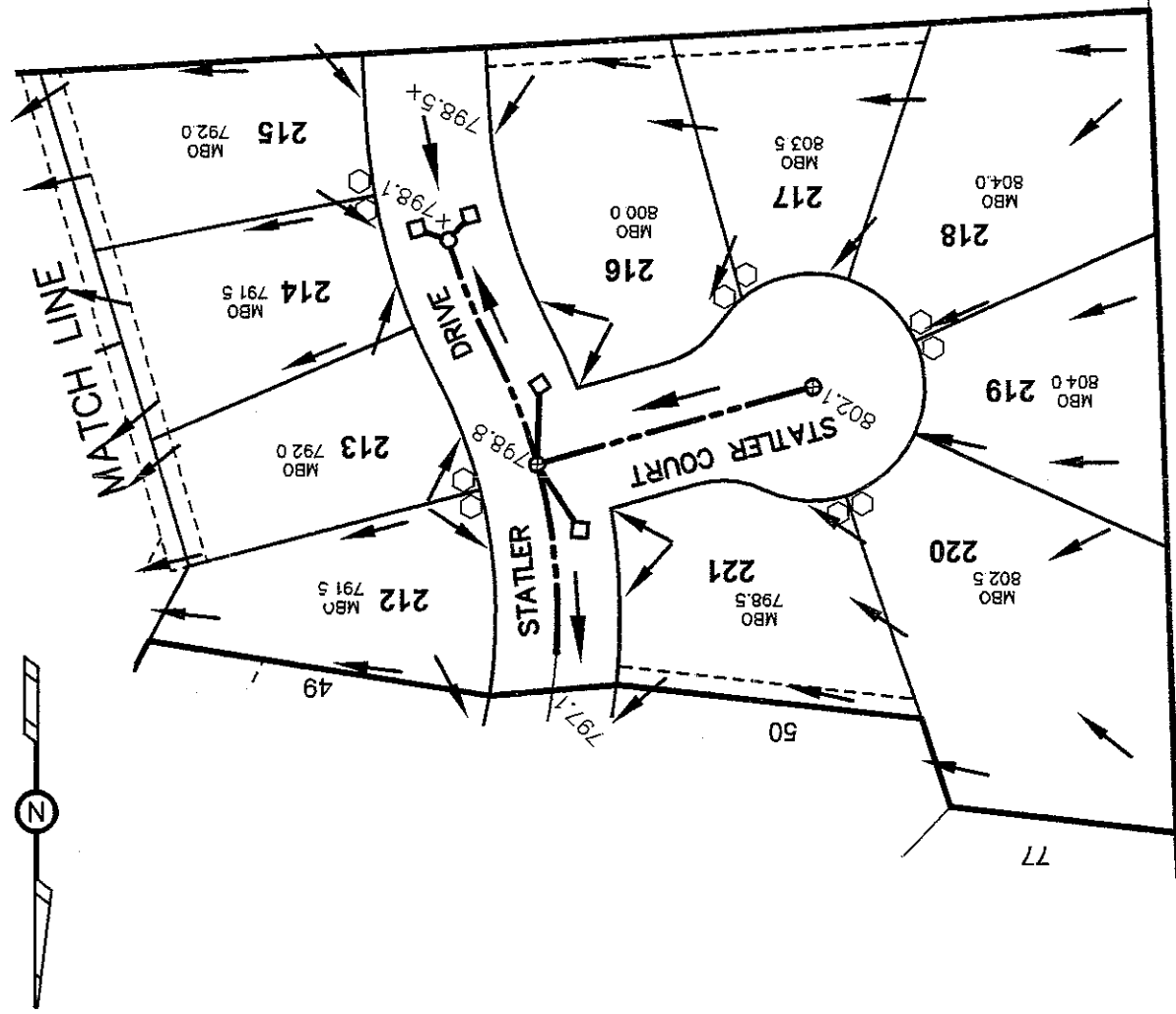
<b>BLOCK GRADING PLAN</b>	
<b>GLEN VALLEY ESTATES NO. 6</b>	
IN: PART OF SEC. 20, T5N, R10W VILLAGE OF CALEDONIA, KENT COUNTY, MI	
 <b>exxel engineering inc.</b> 5252 LYNNE PARK S.W. • GRAND RAPIDS, MI 49509 PHONE (616) 531-3660	
DATE: 10/26/05	DRAWN BY: DGB
APPROVED BY: NS	FILE NO.: 032804E
SHEET 1 OF 2	

EXHIBIT "B"

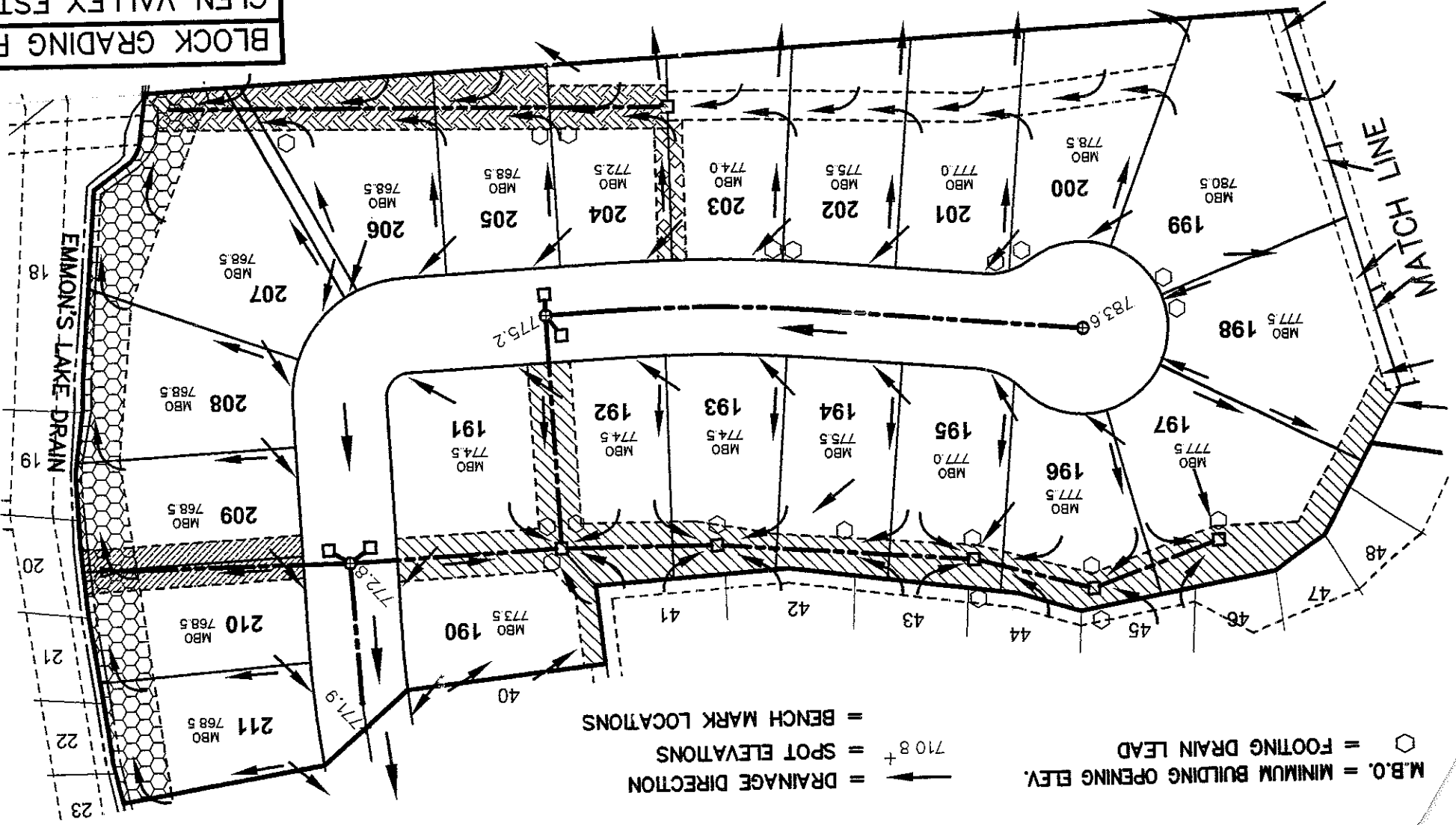
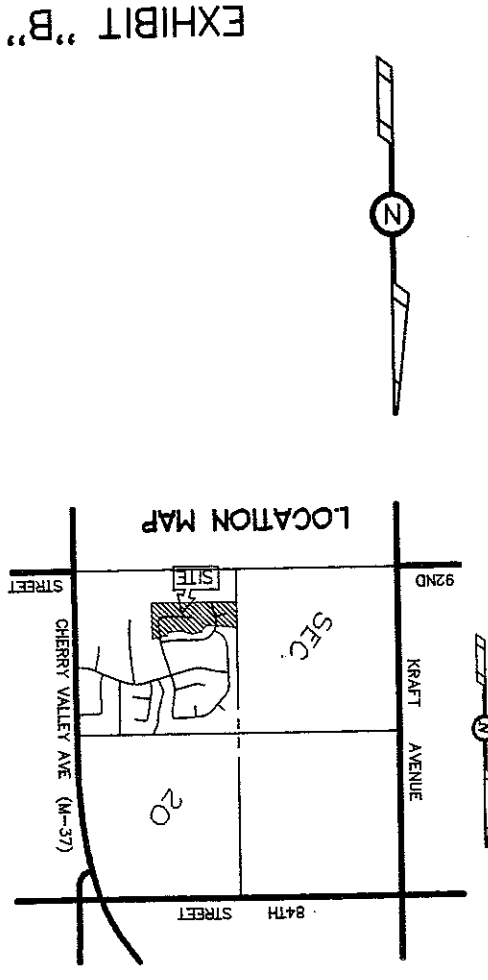


- [ ] = PRIVATE EASEMENT FOR DRAINAGE
- M.B.O. = MINIMUM BUILDING OPENING ELEV.
- = STORM SEWER ROUTE
- = FOOTING DRAIN LEAD
- ← = DRAINAGE DIRECTION
- + = SPOT ELEVATIONS
- = = BENCH MARK LOCATIONS



BLOCK GRADING PLAN		DATE: 10/26/05
GLEN VALLEY ESTATES NO. 6		APPROVED BY: NS
IN: PART OF SEC. 20, T5N, R10W		DRAWN BY: DGB
VILLAGE OF CALEDONIA, KENT COUNTY, MI		FILE NO.: 032804E
		REVISIONS:
EXHIBIT "B"		SHEET 2 OF 2

- = PRIVATE EASEMENT FOR DRAINAGE TO THE EMMONS LAKE DRAIN DISTRICT
- = PRIVATE EASEMENT FOR ACCESS TO THE GLEN VALLEY DRAIN DISTRICT
- = STORM SEWER ROUTE
- = PRIVATE EASEMENT FOR DRAINAGE TO THE GLEN VALLEY DRAIN DISTRICT
- = PRIVATE EASEMENT FOR DRAINAGE & PONDING TO THE GLEN VALLEY DRAIN DISTRICT
- = PRIVATE EASEMENT FOR DRAINAGE & FLOODWAY TO THE GLEN VALLEY DRAIN DISTRICT



- = DRAINAGE DIRECTION
- 710.8 = SPOT ELEVATIONS
- = FOOTING DRAIN LEAD
- = MINIMUM BUILDING OPENING ELEV.