

Heritage Estates / Heritage Place

- **Initial Road Development Plan and Conveyance of Responsibility**
- **Declaration of Deed Restrictions and Covenants**
- **Pre and Post Construction Requirements**

PREAMBLE

Heritage Estates is a private community consisting of 6, 2+ acre lots located off Gumwood Road in Milton Township, Cass County Michigan.

Initial Road Development Plan and Conveyance of Responsibility, Declaration of Deed Restrictions and Covenants, Pre and Post Construction Requirements, are established and contained herein. Currently, Heritage Estates is not a Planned Community and is not in compliance with the State of Michigan statutes governing planned communities. The *Initial Road Development Plan* will be the sole responsibility of the Developer, and the final responsibility of the road conveyed as specified herein to all Landowners. *The Declaration of Deed Restrictions and Covenants* are for the purpose to maintain neighborhood integrity. *Pre and Post Construction Requirements* are to protect the investments of all Landowners in the community. The Heritage Estates, *Declaration of Deed Restrictions and Covenants, Pre and Post Construction Requirements* will be a condition of purchase and legally binding to all Landowners and part of their Original Sales Purchase Agreement. All Landowners must sign this agreement and abide these rules in perpetuity unless amended or cancelled by all landowners collectively.

DEFINITIONS

Development – 6 lots subdivided commonly referred to as Heritage Estates, representing a collective group of properties on Heritage Place intersecting Gumwood Road, Cass County, Milton Township, Niles, Michigan.

Property – Individual lots within the development of Heritage Estates

Private Road – Heritage Place

Landowner – Owner of individual lots within the development

Developer – Komplex LLC and Linduh LLC

Home Building Contractor – Falcon TL or assigned Michigan Licensed Homebuilding contractor by exemption.

State, County and Local – State of Michigan, Cass County, Milton Township

PROPERTIES SUBJECT TO THIS DECLARATION

Whereas described by Cass County in the State of Michigan and identified as follows:

Physical Address	Parcel ID
31972 Heritage Pl Niles, MI 49120	14-070-016-021-03
31896 Heritage Pl Niles, MI 49120	14-070-016-021-04
31864 Heritage Pl Niles, MI 49120	14-070-016-021-05
31820 Heritage Pl Niles, MI 49120	14-070-016-021-06
31863 Heritage Pl Niles, MI 49120	14-070-016-021-07
31829 Heritage Pl Niles, MI 49120	14-070-016-021-08

INITIAL ROAD DEVELOPMENT PLAN AND CONVEYANCE OF RESPONSIBILITY

The initial private road construction of Heritage Place will be the sole responsibility of the Developer. Developer agrees to permit and install asphalt road in compliance with CASS county road standards that are friendly to emergency services. The private road construction will be completed by Developer in 2 phases, a basecoat and final topcoat.

The Developer will ensure initial compliance of the private road and assumes full responsibility to maintain condition clearing and access of the road up until, and from 1 year after all lots in the development are sold. Although the Developer agrees to maintain the private road 1 year after all lots are sold, landowners shall be responsible to repair any damage at their cost to the main road caused by themselves or hired contractors for the purposes of constructing or improving their property.

The Developer will in good faith delay final topcoat to allow completion of construction of development homes for a period of up until 1 year (365 days) after all lots are sold. Either within or at one year (365 days) from the sale of all lots, whichever comes first, developer will install a final asphalt topcoat. Developer will notify Landowners in writing of the final topcoat completion and conveyance of responsibility and landowners will accept full responsibility for ownership and maintaining the road and the official date of private road transfer. Upon transfer, Developer will not be responsible for any warranties or transferred warranties related to the private road.

DECLARATION of DEED RESTRICTIONS and COVENANTS

Private Road Maintenance and Land Usage. The private road is to be used for private, non-commercial use only and not designed for commercial vehicle operations for the purpose of running any kind of business within the development. No tractor trailers, commercial vehicles or trucks, commercial equipment, business related equipment is to be stored temporarily or permanently within the community. After the sale of all lots in the development, Landowners agree to maintain the private road and 66-foot easement used

commonly by the development. Each landowner must agree to work collaboratively to keep road clear from snow and obstructions and abide by the specific land usage requirements outlined in this agreement. Landowners are highly encouraged to form an agreement amongst all homeowners to maintain the road after all construction is completed.

Landowner Pre-Construction Requirements and Architectural Review

To maintain neighborhood integrity and uniformity, all landowners may not begin any type of construction or excavation without prior written consent to plans review of the Developer, including a concept and site plan drawing review by adjacent property owners. Landowners must provide 3 copies of a concept rendering to the developer which will be distributed to each adjacent landowner prior to the approval of excavation. Adjacent landowners will have 15 days to review and comment on any potential issues or violations and submit these to the developer by email or in-person. Each dwelling must be in harmony with the existing neighborhood with respect to the type and quality of material, type of siding, windows and doors and exterior colors. Construction materials must be of high quality with 2" X 6" outside structural walls and no vinyl siding. Post frame, pole barn construction and slab foundations are strictly prohibited for the primary, main structure. Prefabricated or offsite housing is prohibited. Landowners must provide a complete set of prints, including site plan and framing drawings, including the materials lists prior to the beginning of any new construction. Application for building permit must be obtained only by a Michigan Licensed Homebuilder and permitting approved by Milton Township. Landowners must the requirement for CASS county soil testing and plan approval before any excavation can begin.

Landowner Pre / Post Construction Requirements

Well and Septic Installation of a well and septic system must be permitted and approved by the CASS County health department prior to construction. Dry wells, cisterns, wastewater mound systems, leech fields, open drainage areas, large ponds, are strictly prohibited unless approved by state and local authorities.

Zoning and Land Division The property within heritage estates is currently zoned as "Rural Residential." Individual properties may not be sub-divided unless they comply with the Michigan Land Division Act and approved by state and local authorities.

Minimum Dwelling Size Requirements Landowners may only construct a Single-Family Dwelling on the properties purchased in accordance with state, county and local zoning requirements and building codes. The primary dwelling must be of new construction with a minimum main floor square feet of 2600 ft.2. with full basement, walkout or lookout. Ranch style homes will be permitted but must include a finished ready basement type foundation. Existing home relocations, trailers, modular homes, temporary structures, mini structures are strictly prohibited. All new construction, additions, and alterations must be architecturally reviewed, permitted and inspected.

Outbuildings, Barns and Secondary structures must be in compliance with state, county and local building codes. Landowner must comply with all required setback and lot line easements. Landowners are required to build all building structures, primary and secondary under an exclusive build agreement by FalconTL LLC, a licensed General Contractor in the state of Michigan.

Homebuilder Exemptions Landowners may request to have the exclusive agreement reassigned to a Michigan Licensed Home Builder of their choice upon written approval of the developer by filing a waiver for exemption and approval with FalconTL. The construction plans will undergo architectural review and must be approved by Developer to ensure compliance with Landowner deeds and restrictions prior to permitting.

Peaceful and Quiet Enjoyment Landowners will strictly abide by acceptable noise level standards established by State, County and Local noise related statutes, regulations, and policies. Landowners shall not construct dirt tracks or trails for motorcycle or ATV usage that are a noise nuisance to neighboring properties and the development. State, County and Local Law enforcement should be the authorities to ensure compliance.

Outdoor Pools and Fencing All pools must be inground, permanent type construction only, NO above ground pools, and have required fencing as applicable by state and local ordinances. Constructed fencing must be set back a minimum of 150 feet from the private road. Privacy fences must meet required construction code specifications of Milton Township and must be permitted to ensure legal easement and setback requirements, as provided by law. Homeowners will take into consideration and consult with adjacent property landowners when selecting the type of fence to be installed.

Driveways All driveways are the responsibility of landowners and shall be permitted and constructed of materials consistent with Cass County driveway requirements. This includes crushed concrete, 22A base gravel with topcoat, asphalt or concrete. Drainage at the beginning of the driveway easement must be appropriately constructed by Landowner using a 12-inch culvert consisting of reinforced metal. Water diversion may not encroach onto the private road.

Animals Livestock, small and large animals including cows, pigs, goats, emus, horses, skunks, exotic game, ferrets or similar animals are strictly prohibited. Laying hens for personal egg consumption will be permitted and must be confined to a coupe and limited to 12 birds located visually out of site to neighboring properties. Dangerous attack dogs and breeds trained to kill or injure people are strictly forbidden. Nuisance dogs that bark constantly are forbidden. No outdoor kenneling, beekeeping or animal husbandry of any kind will be permitted.

Trash and Waste Disposal All landowners agree to have trash and waste removed from a specialty service such as Waste Management or similar. Landowners may not burn or bury trash or waste on their properties. Landowners agree not to collect outside of their

dwelling, unsightly products such as broken appliances, disabled vehicles or anything similar that is deemed inappropriate.

Outdoor Open Fires and Burning. Landowners should avoid outdoor burning and agree not to start any outdoor fire that would endanger the safety of the neighborhood. Contained, small fires are permitted only in accordance with applicable state, county and local laws.

Local Civil Ordinances as applicable, are exhibited at the Milton Township website miltontwpmi.gov and will be strictly enforced. The legal and Michigan statute basis for a township to enact civil or municipal ordinances are based on [MCL Act 246 of 1945](#). The following ordinances are applicable at the time of construction as well as any addendums.

- [Anti-Noise Ordinance](#)
- [Basic Cable TV Rate Regulation Ordinance](#)
- [Dangerous Building Ordinance](#)
- [Enforcement Officer Ordinance](#)
- [Escrow Fund Requirement Ordinance](#)
- [Fireworks Ordinance](#)
- [Litter Ordinance](#)
- [Medical Marijuana Moratorium Ordinance](#)
- [Municipal Violations Bureau Ordinance](#)
- [Nuisance Abatement Ordinance](#)
- [Planning Commission](#)
- [Septage Waste Disposal Ordinance](#)
- [Site Condominium Development Ordinance](#)
- [State Construction Code Enforcement Ordinance](#)
- [Subdivision Development Ordinance](#)
- [Township Owned Property Parking Lot Ordinance](#)
- [Vehicle Storage Ordinance](#)

Electrical and Natural Gas Utility Access For the convenience and cost savings to landowners, Developer agrees to provide and only pay for electrical access using Indiana Michigan Power (IMP) at the private road. Natural gas will be available at the private road to individual landowner lots if desired for a \$7500.00 impact fee paid to developer and installation completed prior to dwelling construction. Landowners are financially responsible for underground line and connection charges from the private road connection point to their private dwelling build site. All lines run within the neighborhood and landowner property must be underground and permitted.

Severability of Covenants Invalidation of any of the covenanted items within this document from a court of law will not invalidate any other portion of this document unless specified by a court order.

Enforcement and Corporate Governance This document as an instrument of legal record, will be filed with CASS County and a copy provided to Milton Township. A corporate entity is required to enforce the Deed Restrictions and Covenants. Initially, Landowners agree to assign the developer temporary responsibility for governance up until the time the properties are conveyed to all individual landowners. At the time all lots are sold and finish coat on private road completed; the Developer will notify all residents in writing that the Developer no longer has corporate interest or responsibility. It will be incumbent on all landowners to form a corporate entity to ensure the Deed Restrictions and Covenants are enforced and maintained. All Landowners signing this agreement, agree to relieve the Developer from any further responsibilities, liabilities or warranties and agree to actively participate in this process of forming their own corporate governance.

By signing this agreement, you acknowledge that you have read and understand and agree to abide by all requirements herein. Parties to this document are hereby agreed upon and signed:

Charles Jones - Komplex LLC

Linda Sokol - Linduh LLC

Date _____

Landowner Signature

Address: _____ Heritage Pl Niles, MI

Co-Landowner Signature

ACKNOWLEDGMENT

Before me, a **Notary** Public in and for the **State of Michigan**, County of _____ (or acting in the County of _____), known to me either from personal knowledge or from satisfactory evidence, Notary Public

Notary's Name: _____ My Commission expires on

_____.

Notarized on this Date: _____

By: _____

<u>Physical Addresses</u>	<u>Legal Parcel ID</u>
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