

DECLARATION OF RESTRICTIVE COVENANTS
EAST POINTE PLAT

LIBER 656 PAGE 461

1. **FLOODPLAIN CONTROL:** The 100 Year Flood Plain Elevation for Lake Diane is 953.0 NGV Datum. The Flood Plain Area is shown on the final plat documents. Any building used or capable of being used for residential purposes and occupancy within or affected by the flood plain shall comply with the following restrictions:
 - a. No filling or occupation of the flood plain shall take place without prior written approval from the Michigan Department of Natural Resources;
 - b. The flood plain restrictions are to be observed in perpetuity, excluded from any time limitations set forth in this declaration and may not be amended;
 - c. Any building used or capable of being used for residential purposes and occupancy within or affected by the flood plain shall have lower floors, excluding basements not lower than the contour defining the flood plain limits;
 - d. Any building used or capable of being used for residential purposes and occupancy within or affected by the flood plain shall have openings into the basement not lower than the contour defining the flood plain limits;
 - e. Any building used or capable of being used for residential purposes and occupancy within or affected by the flood plain shall have basement walls and floors, if below the contour defining the flood plain limits, which are watertight and designed to withstand hydrostatic pressure from a water level equal to the elevation of the contour defining the flood plain limits following methods and procedures outlined in Chapter 5 for type 1 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 D.C., June 1972. Figure 5 on Page 14-5 of the regulations shows typical foundation drainage waterproofing details. This document is available at no cost from the Department of Natural Resources, Land and Water Management Division, Stevens T. Mason Building, P.O. Box 30028, Lansing, Michigan 48909 or Department of the Army, Corps of Engineers, Publications Depot, 890 South Pickett, Alexandria, Virginia 22304;
 - f. Any building used or capable of being used for residential purposes and occupancy within or affected by the flood plain shall be equipped with a positive means of preventing sewer backup from sewer lines and drains which serve the building;
 - g. Any building used or capable of being used for residential purposes and occupancy within or affected by the flood plain shall be properly anchored to prevent flotation.
2. **SANITARY SEWERAGE AND WATER SUPPLY:**
 - a. All domestic waste water will be disposed of through the public sewer system;
 - b. Before a well is installed or a building permit is obtained, the property owner must apply for a Water Well Construction Permit from the Branch-Hillsdale-St. Joseph District Health Department. The property owner may be required to provide a site plan showing the location of the house, septic tank, sewer line and property lines when applying for a Water Well Construction Permit;
 - c. All wells will be installed by a Michigan licensed well driller and have a well casing diameter of at least four (4) inches. Construction of wells and pump installations must meet state and local codes;
 - d. All wells must be isolated at least 50 feet from septic tanks, 10 feet from sewer lines, 10 feet from lot lines and 50 feet from all surface waters for single family dwellings and an increase to 75 feet between well and septic tank for two family dwellings;
 - e. All wells must be developed beneath the available protective clay overburden with an anticipated depth of approximately 100 feet.

- f. The sanitary sewerage and water supply restrictions are to be observed in perpetuity, excluded from any time limitations set forth in this declaration and may not be amended without the District Health Department's approval.
3. **ARCHITECTURAL CONTROL:** Prior to July 1, 1997, no building shall be erected, placed, or altered on the premises described herein until the building plans, specifications, and lot plans showing location of such building has been approved in writing by the Architectural Control Committee as to conformity and harmony of external design with existing structures, and as to the location of the buildings with respect to topography and finished ground elevation. In the event said committee or its designated representatives fails to approve or disapprove said plans, specifications and lot plans within 30 days after said documents have been submitted to it, or in any event, if no suit to enjoin the erection of such building or buildings, or the making of such alterations, have been commenced prior to the completion thereof, such approval will not be required and this covenant will be deemed to have been fully complied with. From and after July 1, 1997, Architectural Control Committee approval will not be necessary.
 4. **ARCHITECTURAL CONTROL COMMITTEE:** The Architectural Control Committee shall be composed of Harley Carter, Jr. and Delbert White. The committee may designate a representative to act for it and in the event of a death or resignation of any member, the remaining member shall have full authority to appoint a successor. All members are to serve without compensation for services rendered.
 5. **USE:** The property or any parcel thereof shall be used for residential purposes, except as otherwise provided herein. No structure shall be erected, altered, placed or permitted to remain on any parcel other than one attached dwelling, a private garage, guesthouse, servants quarters and other outbuildings normally incidental to the residential use of the premises. No lot or any portion thereof shall be used for any commercial or manufacturing purpose whatsoever.
 6. **DWELLING, TYPE, SIZE AND CONSTRUCTION:** Any dwelling structure erected on the premises shall have a ground floor area of the main structure, exclusive of porches, garages, patios, basements and carports of a least 960 square feet. Two story structure or structure with a full walk-out basement shall have a minimum main ground floor area of 960 square feet. Any garage erected on the premises must conform in appearance to the main residential structure. All structures shall be completed on the exterior within twelve (12) months from the start of construction. All construction material must be new.
 7. **TEMPORARY STRUCTURES AND STORAGE:** No motorhome or trailer shall be used as a temporary residence within the subdivision.
 8. **SETBACKS:** All structures erected on any lot within the subdivision must be setback not less than 25 feet from the street right-of-way. The minimum side yard setback shall be 10 feet. The minimum front yard setback from the water's edge of Lake Diane shall be 50 feet for all structures to be located within the subdivision.
 9. **UNLICENSED VEHICLES:** No unlicensed vehicles (motorized or not) shall be allowed on the premises;
 10. **GARBAGE OR TRASH:** No garbage or trash shall be allowed to accumulate on the premises. No unsightly receptacle for the storage or disposal of garbage or trash shall be placed on any lot in the subdivision.
 11. **ANIMALS:** No animals other than normal domestic house pets under leash or other control will be allowed to be housed or otherwise maintained on any lot within the subdivision.
 12. **DOCKS:** No boathouse or any other structure of any kind except docks shall be permitted to be built into the water.

13. **INVALIDATION:** Covenants 3 through 12 shall run with the land and shall be binding on all parties or persons claiming under them for a period of ten (10) years and shall be extended for successive periods of ten (10) years, unless and prior to the expiration of any such ten (10) year period, an instrument signed by the Owners of record of a majority of lots in the subdivision has been recorded changing or modifying said covenants in whole or in part. Invalidation of any one of these covenants by judgment or decree shall in no way affect any other provisions hereof which shall remain in full force and effect.

Signed in the presence of:

SOUTHERN REGIONAL DEVELOPMENT CO., INC.

Evelyn Cook
* EVELYN COOK

Delbert White
Delbert White,
President

Gerald E. Osborne
* Gerald E. Osborne

Harley Carter, Jr.
Harley Carter, Jr.
Secretary-Treasurer

STATE OF MICHIGAN)
County of Hillsdale) ss.

On this 7th day of May, 1992, before me, a Notary Public, in and for said County, personally appeared Delbert White, to me personally known, who being by me duly sworn, did say that he is the President of Southern Regional Development Co., Inc., and Harley Carter, Jr., to me personally known, who being by me duly sworn, did say that he is the Secretary-Treasurer of Southern Regional Development Co., Inc., and that the seal affixed to the foregoing instrument is the corporate seal of said Southern Regional Development Co., Inc., and that said instrument was signed and sealed on behalf of said Southern Regional Development Co., Inc., by authority of its Board of Directors and that said corporation acknowledged said instrument to be the free and lawful deed of said Southern Regional Development Co., Inc.

Unofficial Copy

Evelyn Cook
* EVELYN COOK
Hillsdale County, Michigan
Commission Expires: Oct 17, 1994

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HILLSDALE CO. MICH.

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Judy VanZandt
REG. OF DEEDS

PREPARED BY:

Charles E. Fricke
Licensed Land Surveyor No. 21781
3214 Abington NW
Grand Rapids, Michigan 49504

616-784-3280

1300 ✓
Harley Carter, Jr.
2237 Minkley Lane
Camden, MI 49232