

'94 SEP 1 PM 2 14

DECLARATION OF RESTRICTIVE COVENANTS  
WEST POINTE PLAT*Jerry W. Zander*  
REGISTERED

**1. FLOODPLAIN CONTROL:** The 100 year flood plain elevation for Lake Diane is 953.0 NVG 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 on Lots 17, 18, and 19 shall have lower floors, including basements not lower than the flood plain elevation. Any building used or capable of being used for residential purposes and occupancy on Lots 1 through 16, inclusive, and on Lot 20 within or affected by the flood plain shall have lower floors, excluding basements not lower than 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 in 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 which are watertight and designed to withstand hydrostatic pressures 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 A construction and Chapter 6 for Class 1 loads found in the publication entitled "Flood Proofing Regulations," EP 1665 2 314, prepared for the Office of the Chief of Engineers, United States Army, Washington D.C., June 1972. Figure 5 on Page 14-5 of the regulation show 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 the 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 wastewater 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. **GUIDELINES RELATED TO BUILDING AND USE:** These guidelines specifically relate to "West Pointe Plat", a 20 lot subdivision located in the southern portion of Hillsdale County, Michigan. Items 3 through 8 of these Restrictive Covenants are not meant to be rigidly inflexible, but to guide, allowing for creativity and individuality. Variances will be allowed provided the applicant for the variance can meet the criteria set forth herein. The procedures for properly filing an application for a variance are found within these guidelines.

4. **USE OF GUIDELINES:** The requirements, objectives, standards and procedures contained in these guidelines are intended to establish a harmonious community. Through these guidelines and the design review process, a consensus is achieved between individual aesthetic judgment and the broader interest of community standards. These covenants establish the Architectural Review Committee and require the Committee's approval before any change to a site or building exterior is made. The Committee is composed of three members appointed by the developer. The initial committee as appointed by the developer shall consist of Harley Carter, Hal Hendrick, and Fred Lemons. The initial committee members shall serve for a period of ten (10) years. Subsequent to that initial ten (10) year period, or in the event that a committee member does not fulfill his term, new members shall be appointed by the Board of Directors of the West Pointe Plat Property Owners Association.

5. **RESPONSIBILITIES:** The committee's responsibility is to ensure the harmonious high quality of West Pointe Plat. The primary goal of the committee is to review the applications, plans, specifications, materials and samples submitted to determine if the proposed structures conform in appearance and construction criteria with the standards and policy as set forth by the committee.

6. **DESIGN REVIEW PROCEDURE:** In order to obtain Architectural Review Committee review of proposed site or building construction, the Purchaser/Builder Applicant initiates the review process by submitting an application to the Committee. The Committee meets as necessary to review applications within 7 days of receipt and will render a decision on an application within 10 days from the date of submittal. Two copies of the Required Information must be submitted. One copy will remain on file with the Committee and one copy, with comments will be returned to the Applicant. The following information is "Required Information":

1. Name of applicant
2. Address and phone number of applicant
3. Description of proposed construction
4. Builder's name, address, phone number
5. Construction schedule (start and completion)
6. Site plan drawing showing lot lines, location of house, drives, walks, etc.
7. Set of blueprints for proposed housing construction with complete written building specifications
8. A sample of house siding with proposed stain or paintcolor, or any exterior brick or other masonry to be used, including trim
9. A written statement of type and color of roofing to be used
10. Elevation drawings of all sides of the house

The purpose of the Architectural Review Committee is to ensure consistent application of these guidelines. The guidelines are designed to promote the qualities in "West Pointe Plat" which will bring value to individual properties and will promote the attractiveness and functional utility of the community. Those qualities include a harmonious relationship among structures, vegetation, topography, and overall design of the community.

7. DESIGN GUIDELINES: These guidelines set forth very specific criteria to site development and housing construction and represent the standards which will be applied by the Committee in reviewing proposed construction.
- a) Lot grading - The applicant is required to replace any topsoil removed from lot during construction. Any changes to grading shall be approved by the committee. No new grading shall divert water onto the properties or alter existing drainage patterns.
  - b) Building restrictions/use - Lots 2 through 19, inclusive are to be used for residential purposes only. Lots 1 through 4, inclusive, and Lot 20 may be used for non-residential purposes, subject to the review and approval of the Architectural Review Committee.
  - c) Dwelling Size - All one-family dwellings shall have a living area of at least one-thousand two hundred and eighty (1280) square feet, exclusive of garages, carports, porches (enclosed or not), patios, accessory buildings and basements.
  - d) Setbacks - Unless otherwise noted, the minimum setbacks for all buildings shall be as follows:
    - Residential buildings and garages
    - Front: 25 feet
    - Side: 10 feet
    - Rear: 25 feet
    - Non-residential buildings
    - As approved by the Architectural Control Committee
  - e) Sidewalks - The applicant (property owner/builder) will be required to construct concrete sidewalks from house to concrete drive.
  - f) Driveways - All driveways must extend from the street to garage and be of concrete construction.
  - g) Garages - All residential buildings shall have garages with the capacity for at least two cars.