

DECLARATION OF BUILDING AND USE  
RESTRICTIONS AND PROTECTIVE COVENANTS  
FOR  
CROSSWINDS NO. 2  
LOCATED IN  
GEORGETOWN TOWNSHIP, OTTAWA COUNTY, MICHIGAN

WHEREAS, WESTON PROPERTY MANAGEMENT, LLC, a Michigan limited liability company, at 7748 Fawn Meadow, Hudsonville, MI 49426, being owners of land located in Georgetown Township, Ottawa County, Michigan, known as Crosswinds No. 2, described as follows:

Lots 13 through 24, inclusive, Crosswinds No. 2, part of the SW Fractional 1/4, Section 18, T6N, R13W, Georgetown Township, Ottawa County, Michigan, according to the recorded plat thereof,

do hereby for themselves, their assigns and heirs, record among the land records and make part of the terms and conditions of any deed or deeds executed or recorded hereafter, the following restrictions and covenants which shall run with the land.

WITNESSETH: It is hereby agreed that the following set of building and use restrictions and protective covenants shall be recorded as blanket encumbrances against all of the lots above described, and the above signed for themselves, their assigns and heirs, do hereby agree as follows:

1. All lots in said plat shall be known and described as residential single family lots with dwellings not to exceed 2 1/2 stories in height and an attached garage for at least two (2) cars, but not more than three (3) cars on the main floor level. Lower level storage area or garage below the main level garage is permissible.

2. It being the intention and purpose of these covenants to assure that all dwellings shall be of a quality of workmanship and materials substantially the same as or better than that being used to produce the construction under way in the plat at the time of recording these covenants.

3. No building shall be erected, placed, or altered on any lot until the construction plans and specifications, and a site plan showing the location of the structure on the lot, have been approved by Weston Property Management, LLC, Attn: Kyle Billin at 7748 Fawn Meadow, Hudsonville, MI 49426, as to quality of workmanship and materials, and harmony of exterior design with existing structures.

4. No dwelling shall be located on any residential site nearer than 40 feet from the front or rear lot lines, nor nearer than 10 feet from any side line. Where a lot is bound by two streets, the front yard requirement shall be met for each street.

5. No dwelling shall be erected or placed on any lot having a width of less than 95 feet at the minimum building setback line. No dwelling shall be erected or placed on any lot having less than 13,300 square feet.

6. No noxious or offensive trade or activity shall be carried on upon any site nor shall anything be done thereof which may be or may become an annoyance or nuisance to the neighborhood.

7. No existing structure shall be moved onto any lot in this plat from an offsite location. Nor shall any pre-built, manufactured, modular or log home be allowed in this plat.

8. No commercial vehicle shall be parked outside of a garage in this plat except when it is being used for delivery or service to a residential home in said plat.

9. No dwelling shall be erected on the lots in this plat with a square foot area of the main structure (exclusive of one-story open porches and garages) of less than the following:

- One story = 1350 sq. ft. ground floor area
- 1 1/2 story = 1800 sq. ft. combined main floor and 2<sup>nd</sup> floor
- 2 story = 1800 sq. ft. combined main floor & 2<sup>nd</sup> floor

10. Construction once started on a building site, including sidewalk along all street frontage must be completed within 12 months and landscaping of the site must be completed within 12 months of the completion of the building.

11. The exterior of buildings shall be of wood, brick, stone, aluminum, vinyl or a combination of these or comparable material. No exposed concrete block or asbestos cement shingles will be permitted. All residential driveways shall be a hard surface of concrete, asphalt or paving bricks extending from the street to the garage.

12. Accessory buildings shall be of the same architectural style, materials, and color combination used for the home on the lot where said accessory building is to be constructed, and said accessory building is to be in strict compliance with Georgetown Township zoning ordinance.

13. No vehicles shall be permitted on any lot in this plat which have been non-operating for a period in excess of fifteen (15) days. All such vehicles shall be parked on paved surfaces.

14. No excess dirt or fill may be removed from this development without permission of plat owners.

15. No campers, trailers, motorhomes, boats or any kind of recreational vehicle may be stored or parked on any lot (except within a garage located thereon) for a period longer than a cumulative total of fourteen days during any one calendar year or for more than 48 hours consecutively.

16. All lot owners shall keep and maintain the exterior of their residence and all improvements, including lawn and landscaping clean, neat and attractive and in good repair. In addition, Lots 21 through 24 shall maintain the drainage and storm water detention easement areas within their respective lots in a similar manner and shall not allow these areas to become overgrown with weeds or brush.

17. Fences shall be erected in areas where required per current Georgetown Township Zoning Ordinance, however, under no circumstances will fences be allowed in the front yard. In the case of corner lots, the lot will be considered to have a front yard along each street.

18. No savage or dangerous animal shall be kept in the plat. Any pets or other animals kept in the plat shall have such care and restraint so as not to be obnoxious or offensive on account of noise, odor or unsanitary conditions.

19. **Restrictions Pursuant to the Requirements of Georgetown Township:**

A. As part of the initial construction, all homes within the plat are to connect a sanitary sewer lateral from the lateral provided at the road right of way into the basement of the home at an appropriate location for future connection. Provide a temporary riser with a glued joint cap for a water tight seal.

B. In the future, when the sanitary sewer within the plat is connected to the Township's system, the homeowner will be required to make the necessary internal connections to the sanitary lateral and abandon use of the septic / drainfield system. All appropriate hookup fees will be invoiced by the township to the homeowner.

20. **Restrictions Pursuant to the Requirements of the Ottawa County Department of Public Health:**

A. Drainfields must be installed in the locations shown on the approved Schematic Drainfield Plan, revised date 10/09/2018, and stamped "Approved 10/24/2018".

B. Utilities must be installed as shown on the approved Schematic Drainfield Plan, revised date 10/09/2018, and stamped "Approved 10/24/2018". If utilities are not installed in these locations, they must be relocated to ensure adequate room for an initial and reserve drainfield.

C. There must be at least a 3 foot vertical isolation distance from the bottom of the drainfield stone to the seasonal high water table.

D. Maximum drainfield size varies by lot and space available:

a. Lots 17, 18, and 21 through 24 have an estimated 900 square feet based on space available for an initial and reserve area after the setbacks to house and property lines are taken into account. A 900 square foot drainfield would serve a 3000-4000 square foot home with 4 bedrooms and basement lift pump.

b. Lots 13 through 16, 19 and 20 have an estimated 800 square feet based on space available for an initial and reserve area after the setbacks to house and property lines are taken into account. A 800 square foot drainfield would serve a 2000-3000 square foot home with 4 bedrooms and basement lift pump.

c. If the space available for sewage disposal systems does not meet the size requirements for the proposed home, the home must be reduced in size/number of bedrooms until space for both an initial and reserve system exists and all isolation distances can be met.

E. Because of limited available area for septic tanks and initial/reserve drainfields, homes will not be able to utilize the entire property building envelope identified in the "Lot Layout (typical)" on the preliminary plat.

F. Sewage disposal system permits must be acquired before any dirt work or building begins on a site to ensure adequate space is available for sewage disposal system.

G. Lots 20 through 24 will have a 100' isolation distance from the edge of the drainfield to the channel that is located in the detention pond. It is anticipated that this channel will contain water at least seasonally.

H. The drainfields as shown on the approved Schematic Drainfield Plan, revised date 10/09/2018, and stamped "Approved 10/24/2018" are located as though there are no footing drains across the front of the home. If footing drains are present, the drainfield must be 25 feet away, and the area available for a sewage disposal system will be smaller in size, thus limiting the size of the home that the sewage disposal system serves.

I. Any footing drains will have to be located a minimum of 25' from the sewage disposal system.

J. Restrictions pursuant to the requirements of the Ottawa County Department of Public Health are to be observed in perpetuity, excluded from any time limitation paragraph set forth in the declaration and may only be waived by the Ottawa County Department of Public Health.

**21. Restrictions Pursuant to the Requirements of the Ottawa County Water Resources Commissioner:**

A. In accordance with Section 280.433 of the Michigan Drain Code (Act 40 of the Public Acts 1956, as amended) special assessment drainage districts have been created to provide for the maintenance of the Crosswinds Drain. This Drainage 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 Crosswinds Drain. The route of the Drain is shown on Exhibit "A" attached hereto.

B. Easements for Surface Drainage:  
Private Easements for the Crosswinds Drain have been dedicated to the Crosswinds Drain

Drainage District. The locations of the aforesaid easements are shown on the final plat. These easements for drainage are for the benefit of upland lots within the subdivision and any construction, development, or grading that occurs within these easements will interfere with the drainage rights of those upland lots. Easements for Drainage are for the continuous passage of surface drainage and each lot owner will be responsible for maintaining the surface drainage system across their property. The Ottawa County Water Resources Commissioner's Office does not permit structures in Drainage Easements. This includes, but is not limited to, swimming pools, sheds, garages, patios, decks, fences or other permanent structures or landscaping features. No dumping of grass clippings, leaves, brush or other refuse is allowed within the drainage easement. These items obstruct drainage, restrict flow and plug culverts. This can lead to higher maintenance costs and cause flooding situations.

C. Block Grading Plan:

The block grading plan, attached on Exhibit "B", shows the direction of flow for the surface drainage for all lots. It is the lot owner's 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 nor concentrate the flow of surface drainage. No changes will be made in the grading of any lot areas used for drainage which would later affect surface run-off drainage patterns without the prior written consent of the Ottawa County Water Resources Commissioner for all portions of the drainage system.

D. Minimum Opening Elevation Restrictions:

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 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".

The lowest allowable opening elevations are set 1' or more above the 100-year floodplain or hydraulic gradeline of the storm system. These elevations are set to reduce the risk of structural damage and the flooding of residential interiors. A waiver from elevations may be granted by the Ottawa County Water Resources Commissioner following receipt of a certification from a registered professional engineer demonstrating that the proposed elevation does not pose a risk of flooding.

Minimum building opening elevations for the following lots are:

<u>LOT #</u>	<u>MIN. OPENING ELEVATION</u>	<u>MIN. FLOOR ELEVATION</u>
13 - 20	668.8	665.5
21 - 24	668.3	665.0

Benchmarks:

BM #1 TBD:

BM #2 TBD:

E. Soil Erosion and Sedimentation Control:

Each individual lot owner will be responsible for the erosion control measures necessary on each lot to keep loose soil from their construction activities out of the street, catch basins and off of adjacent property. If any sedimentation in the street, catch basins, or adjacent lots is a direct result of construction for a particular site, it is the responsibility of that lot owner to have this cleaned up. This applies to ALL lot owners.

F. Footing Drains & Sump Pumps:

Because of a potential of seasonal high ground water, it is recommended that all homes contain a sump pump. The pump will discharge through a check valve system to the backyard of the lot. Under no circumstance shall a gravity connection to the footing drain be allowed. While the on-site sanitary sewer system is functional, no direct connection to surface water or the storm sewer system is allowed.

Laundry facilities or other similar features shall not be connected to a footing drain or pump system discharging to footing laterals and the storm sewer system. Laundry facilities and sewage lift pumps must be drained to the sanitary sewage disposal system.

All gutters and eave troughs with downspouts connected to an underground piping system shall be directed to a point in the rear yard so that the discharge point will not drain onto or adversely affect a neighboring lot. If none of these can be accomplished, then splash plates at the gutter downspouts near the residence will be the only alternative.

G. Miscellaneous

Each lot owner waives his claim against the Crosswinds Drainage District, Ottawa County Water Resources Commissioner, his employees and agents, Georgetown Township, the Engineer, and the Developer from any and all claims, damage and obligation arising from the existence or operation of the drainage system.

Restrictions pursuant to the requirements of the Ottawa County Water Resources Commissioner to be perpetual and shall run with the land. Drain restrictions may not be amended or modified without prior written approval of the Ottawa County Water Resources Commissioner and properly recorded at the Ottawa County Register of Deeds. A waiver of building elevations may be granted by the Ottawa County Water Resources Commissioner following receipt of a certification from a registered professional engineer demonstrating that the proposed elevation change does not pose a risk of flooding.

22. These covenants are to run with the land and shall be binding on all parties and all persons claiming under them for a period of fifteen (15) years from the date these covenants are recorded. These covenants shall automatically be extended for a successive periods of ten (10) years. Changes or modification of any provision contained herein to carry out the spirit or intent of these covenants, shall be permitted solely by a written instrument executed by the owners of two-thirds of lots in said plat, and Weston Property Management, LLC, so long as Weston Property Management, LLC holds fee simple title to any lot in this plat. If said owners, their successors or assigns, or any other person shall violate or attempt to violate any of the covenants herein contained, it shall be lawful for any other person or persons owning any real

property situated in said plat to prosecute by law or in equity against the offender. Such actions are to prevent the violators from changing or modifying these restrictions or to recover damages for such violations. PROVIDED, HOWEVER, that the provisions set forth in Paragraphs 19, 20 and 21 relating to the requirements of Georgetown Township, the Ottawa County Department of Public Health and the Ottawa County Water Resources Commissioner shall be perpetual and shall not be changed, amended or modified except as stipulated in Paragraphs 19, 20 and 21.

23. Invalidation of any of these covenants by judgment or court order shall in no way affect any of the other provisions which shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have executed this agreement this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

**WESTON PROPERTY MANAGEMENT, LLC**  
a Michigan limited liability company

By: \_\_\_\_\_  
Brett M. Honderd, Member

STATE OF MICHIGAN        )  
  )SS  
COUNTY OF KENT         )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2019, by Brett M. Honderd, Member of Weston Property Management, LLC, a Michigan limited liability company on behalf of said limited liability company.

\_\_\_\_\_  
James A. Swanson  
Notary Public, Kent County, Michigan  
My Commission Expires: 1/09/2020

Prepared by and return to:  
Brett M. Honderd  
Weston Property Management, LLC  
7748 Fawn Meadow Drive  
Hudsonville, MI 49426

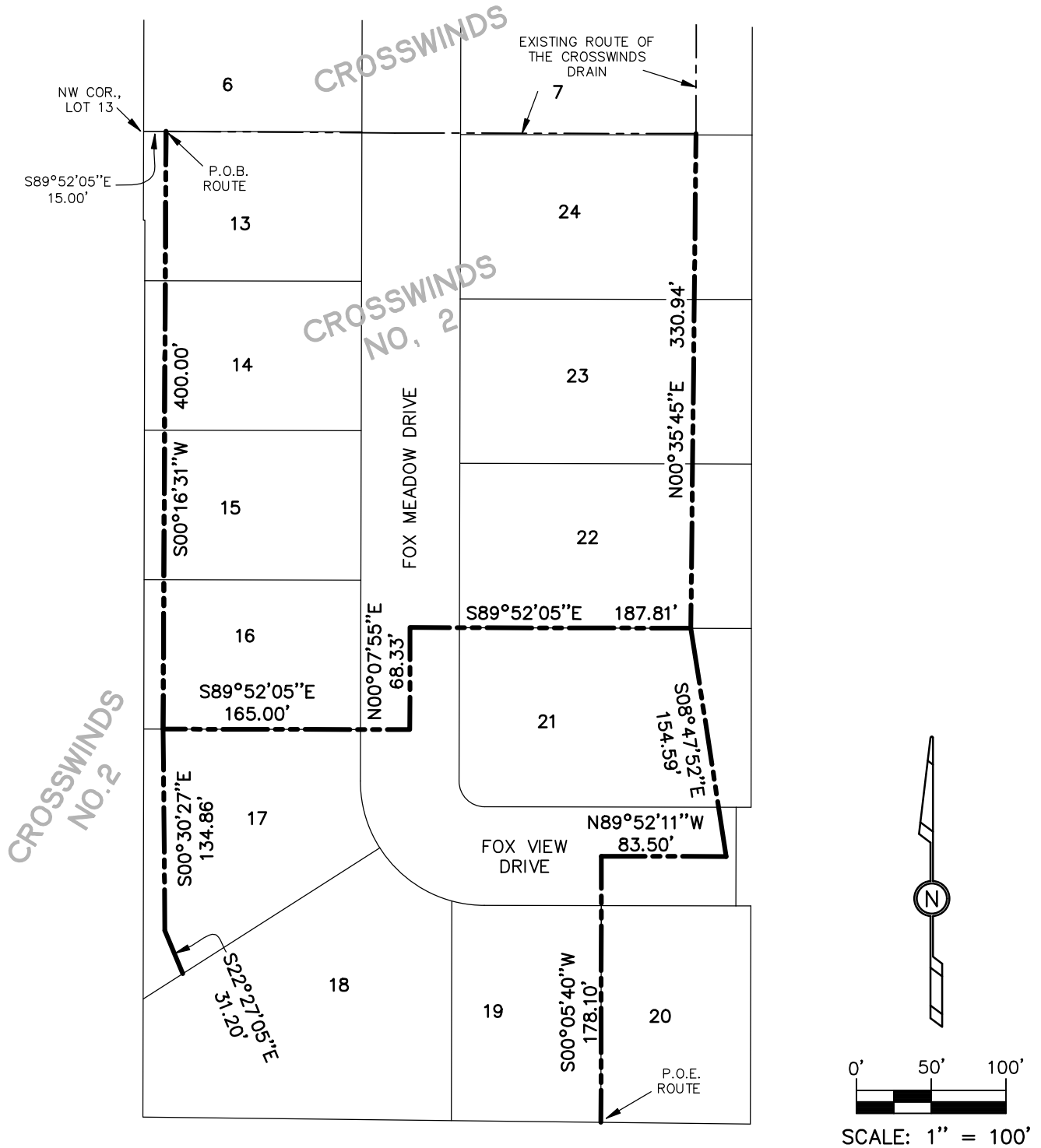
# EXHIBIT A

## ROUTE OF THE CROSSWINDS DRAIN

PAGE 1 OF 2

Description of Route to be added to the Crosswinds Drain:

Part of the SW fractional 1/4 of Section 18, T6N, R13W, Georgetown Township, Ottawa County, Michigan. See page 2 of 2 for complete legal description.

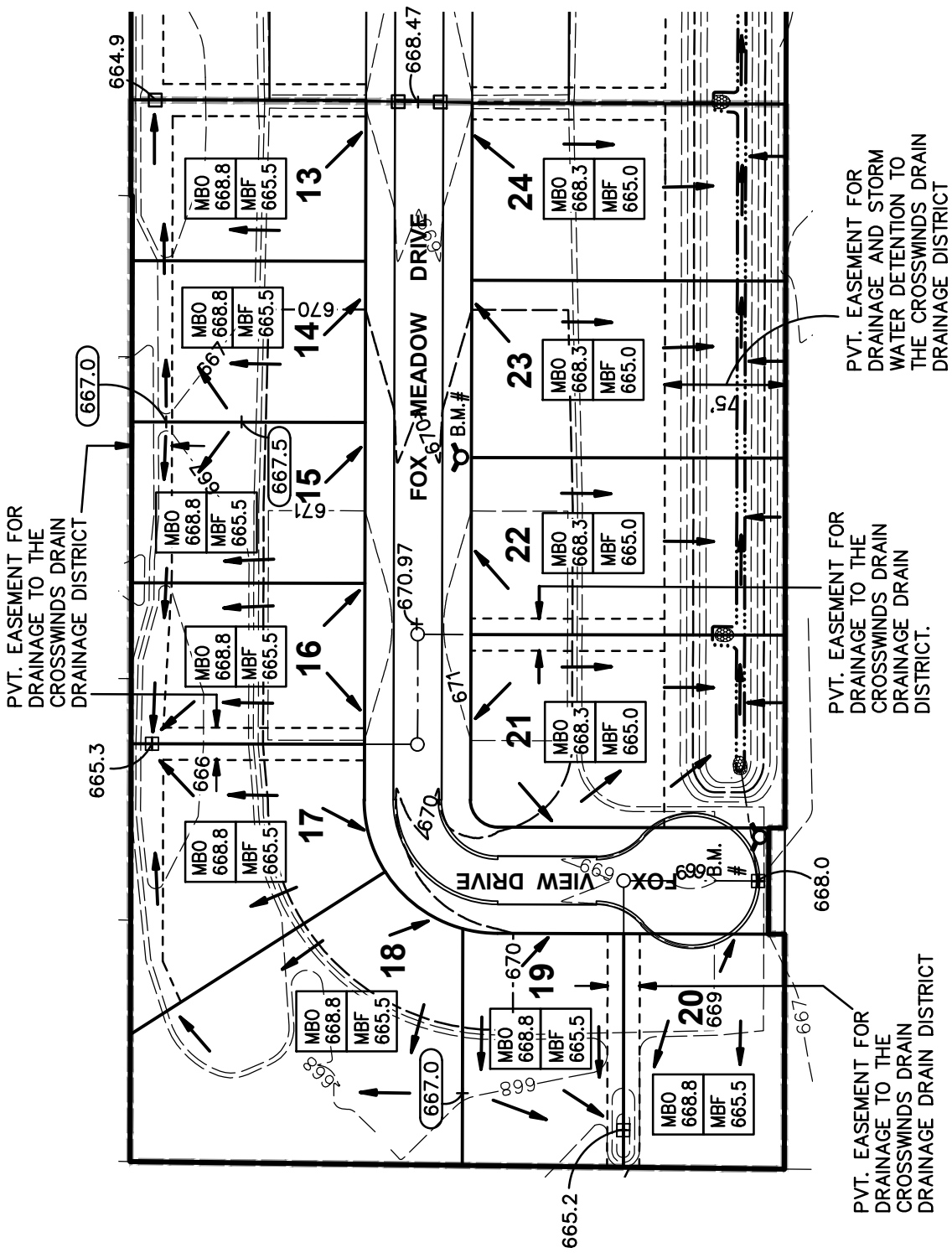
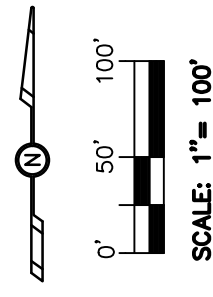
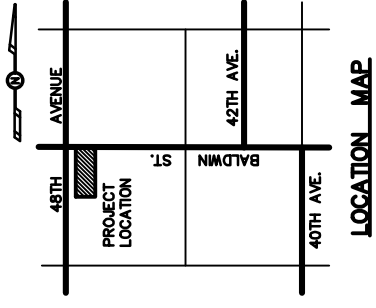


Prepared by:

Exxel Engineering, Inc.  
5252 Clyde Park Avenue, SW  
Grand Rapids, MI 49509

RE: Crosswinds No. 2  
171723E drain route  
01/21/2019 CRL





PVT. EASEMENT FOR DRAINAGE TO THE CROSSWINDS DRAIN DRAINAGE DISTRICT

PVT. EASEMENT FOR DRAINAGE AND STORM WATER DETENTION TO THE CROSSWINDS DRAIN DRAINAGE DISTRICT

PVT. EASEMENT FOR DRAINAGE TO THE CROSSWINDS DRAIN DRAINAGE DISTRICT

PVT. EASEMENT FOR DRAINAGE TO THE CROSSWINDS DRAIN DRAINAGE DISTRICT

- = DRAINAGE DIRECTION
- M.B.O. = MINIMUM BUILDING OPENING ELEVATION
- ⊞ = YARD DRAIN OR STREET CATCH BASIN
- ⊙ = BENCHMARK HYDRANT
- (ELEV.) = CRITICAL FLOODWAY ELEVATION

SHEET 1 OF 1  
EXHIBIT "B"

**BLOCK GRADING PLAN**  
**CROSSWINDS NO. 2**

**exxel engineering, inc.**  
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