

DECLARATION OF BUILDING AND USE RESTRICTIONS  
AND PROTECTIVE COVENANTS FOR  
TWO OAKS

WHEREAS, B.A.T. Development Group, LLC, (DEVELOPER) a Michigan Limited Liability Company, at 6601 Wilshere Drive, Jenison, MI 49428, being owners of land located in Georgetown Township, Ottawa County, Michigan, known as Two Oaks, described as follows:

Lots 1 through 15, inclusive, Two Oaks, part of the SW 1/4 of Section 9, 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 single family residential 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.

2. Each house and garage built on a lot shall be constructed of new material only. Approved materials include brick, brick veneer, steel, stone, aluminum siding, vinyl siding, stucco or frame or any combination thereof. Each building must have a finished exterior. The color of each surface of material used on the exterior of a building and visible after installation must be approved by DEVELOPER. All exterior foundation walls shall be of brick, brick veneer, stone, concrete or stucco. Concrete block or tile construction above grade level is prohibited unless the exterior surface is covered with an approved material. B.A.T. Development Group, LLC has the right to approve or disapprove of proposed building materials based on colors, aesthetics, and compatibility with other structures existing or proposed within the plat and any other factors deemed material by B.A.T. Development Group, LLC. Approval by B.A.T. Development Group,

LLC in one or more cases will not obligate B.A.T. Development Group, LLC to grant approval in any other cases. B.A.T. Development Group, LLC may approve the use of materials and/or colors other than those listed or described above.

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 B.A.T. Development Group, LLC, 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 30 feet from the front and rear lot lines, nor nearer than 5 feet (15 feet total) from any side line, except that no building will be located nearer than 30 feet from any side street line per strict compliance with the ordinances of the Township of Georgetown, County of Ottawa, pertaining thereto and the statutes of the State of Michigan in such cases made and provided.

5. No dwelling shall be erected or placed on any lot having a width of less than 70 feet at the minimum building setback line. No dwelling shall be erected or placed on any lot having less than 7,700 square feet.

6. No tree four (4) inches or larger in diameter at the base (measured one (1) foot above natural ground level) shall be moved from a lot, except for the construction of a residence or driveway, without the prior written consent of B.A.T. Development Group, LLC. Each lot owner shall be responsible for planting not less than one (1) leaf tree, which tree shall be approved by B.A.T. Development Group, LLC and shall be a least two and one-half (2 ½) inches in diameter at the base (measured one foot above natural ground level), upon the front yard of his or her lot within six (6) months of occupancy of the residence. The location of each tree on each lot shall be approved by B.A.T. Development Group, LLC.

7. 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.

8. 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.

9. 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.

10. 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 = 950 sq. ft. main floor area
- & Bi Level
- 1 1/2 story = 1550 sq. ft. combined main floor and 2<sup>nd</sup> floor  
with 775 sq. ft. minimum on the main floor
- 2 story = 1550 sq. ft. combined main floor & 2<sup>nd</sup> floor  
with 775 sq. ft. minimum on the main floor

11. Construction, once commenced, shall be completed and ready for occupancy

within eight (8) months after the date of the commencement of construction. Prior to occupancy, the owner of the lot shall construct, at owner's cost, a sidewalk along the public road along which their lot fronts, which sidewalk shall conform in all respects with Georgetown Township's specifications. Within six (6) months after completion of construction of the house on the lot, the lot will be graded, landscaped, and will be covered with four (4) inches of fertile topsoil and supplied with sufficient perennial grass seed (or sod) over the lot. Prior to occupancy, the owner of a lot shall submit a landscaping plan to B.A.T. Development Group, LLC for its review and approval.

12. 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.

13. 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.

14. 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.

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

16. 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.

17. 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.

18. 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, without written permission from B.A.T. Development Group, LLC. In the case of corner lots, the lot will be considered to have a front yard along each street. Fences shall be iron, vinyl or vinyl coated in nature. No fences made of wood or non-vinyl coated chain link materials will be allowed without written permission from B.A.T. Development Group, LLC.

19. No animals, except household pets, may be kept on any lot. Such pets may not be kept or bred for any commercial purpose and shall have such care and restraint so as not to be obnoxious or offensive on account of noise, odor or unsanitary conditions. No savage or dangerous animal shall be kept on any lot. No more than two (2) household pets may be kept without written permission from B.A.T. Development Group, LLC.

## 20. RESTRICTIONS PURSUANT TO THE REQUIREMENTS OF THE OTTAWA COUNTY WATER RESOURCES COMMISSIONER

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 Two Oaks Drain. The Drainage District consist 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 Two Oaks Drain. The routes of the Drain are shown on Exhibit "A" attached hereto.

### *Easements for Surface Drainage*

Private Easements for the Two Oaks Drain have been dedicated to the Two Oaks 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.

### *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.

### *Minimum Opening Elevation Restrictions*

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.

The minimum opening elevations listed below, together with benchmarks set within the plat, are shown on the block grading plan, attached Exhibit "B".

Minimum building opening elevations for the following lots are:

<u>LOT #</u>	<u>MIN. OPENING ELEVATION</u>	<u>LOT #</u>	<u>MIN. OPENING ELEVATION</u>
1	641.0	9	643.0
2	641.0	10	642.0
3	642.5	11	641.5
4	642.5	12	641.5
5	642.5	13	641.5
6	643.0	14	641.5
7	645.0	15	641.5
8	644.5		

Benchmarks:

BM #1 TBD: Top of SE flange bolt under "E" on hydrant lying 64' North and 30' East of 28<sup>th</sup> Avenue and Two Oaks Court.

BM #2 TBD: Top of \_\_\_ flange bolt under "E" on hydrant at NE corner of Two Oaks Ct. and Fox Hill Drive.

BM #3 TBD: Top of \_\_\_ flange bolt under "E" on hydrant at Lot line 6 & 7.

*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.

*Footing Drains & Sump Pumps*

Because of a potential of seasonal high ground water or clay soil conditions, Lots 3 through 15 have been provided with footing drain connections to the storm sewer. For all lots having standard or view-out basements, 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. A gravity connection to the footing drain provided, or to an overland outlet, will be allowed for lots with walk-out basements. 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.

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 connected to the footing drain connection provided for that lot or to 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. De-chlorinated swimming pool water shall be drained to the footing drain or directed into the street.

### *Miscellaneous*

Each lot owner waives his claim against the Two Oaks Drain Drainage District, the 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 are 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.

21. 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 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 B.A.T. Development Group, LLC, so long as B.A.T. Development Group, LLC holds fee simple title to any lot in this plat, except for restrictions pursuant to the requirements of the Ottawa County Water Resources Commission (OCWRC) are to be perpetual and shall run with the land. These restrictions may not be amended or modified without prior written approval of the OCWRC and properly recorded at the Ottawa County Register of Deeds, however, modification of building opening elevations need only prior written approval of the OCWRC. 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.

22. 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 \_\_\_\_\_, 2020.

B.A.T. DEVELOPMENT GROUP, LLC  
a Michigan limited liability company

\_\_\_\_\_  
Todd Ponstein, Managing Member

STATE OF MICHIGAN     )  
  )SS  
COUNTY OF KENT        )

Personally came before me this \_\_\_\_\_ day of \_\_\_\_\_, 2020, the above named Todd Ponstein, Managing Member of B.A.T. Development Group, LLC, a Michigan limited liability company, on behalf of said limited liability company.

\_\_\_\_\_  
James A. Swanson  
Notary Public, Kent County, Michigan  
My Commission Expires: 1/09/2027

Prepared by and Return to:  
Todd Ponstein  
B.A.T. Development Group, LLC  
6601 Wilshere Drive  
Jenison, MI 49428

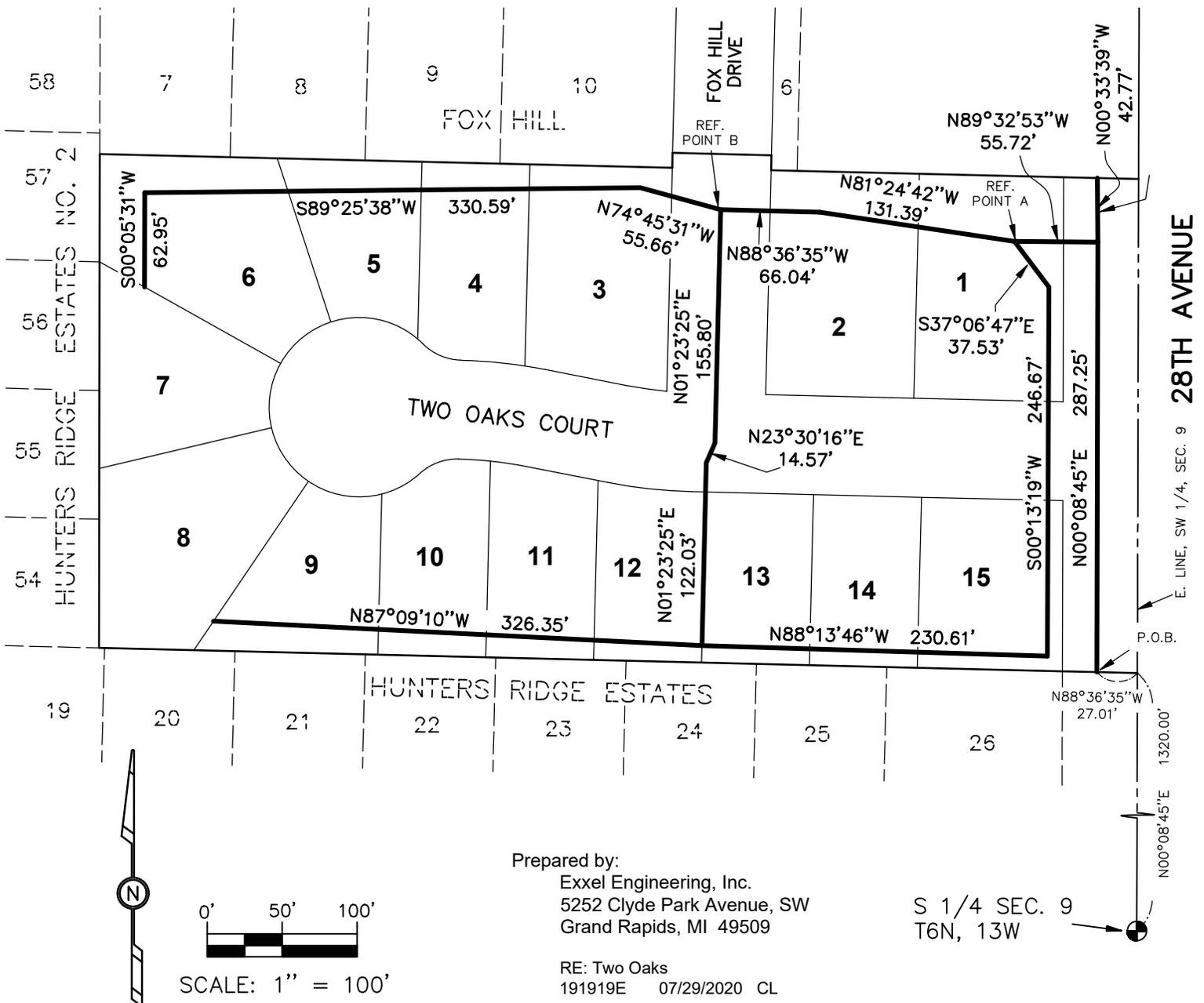
# EXHIBIT A

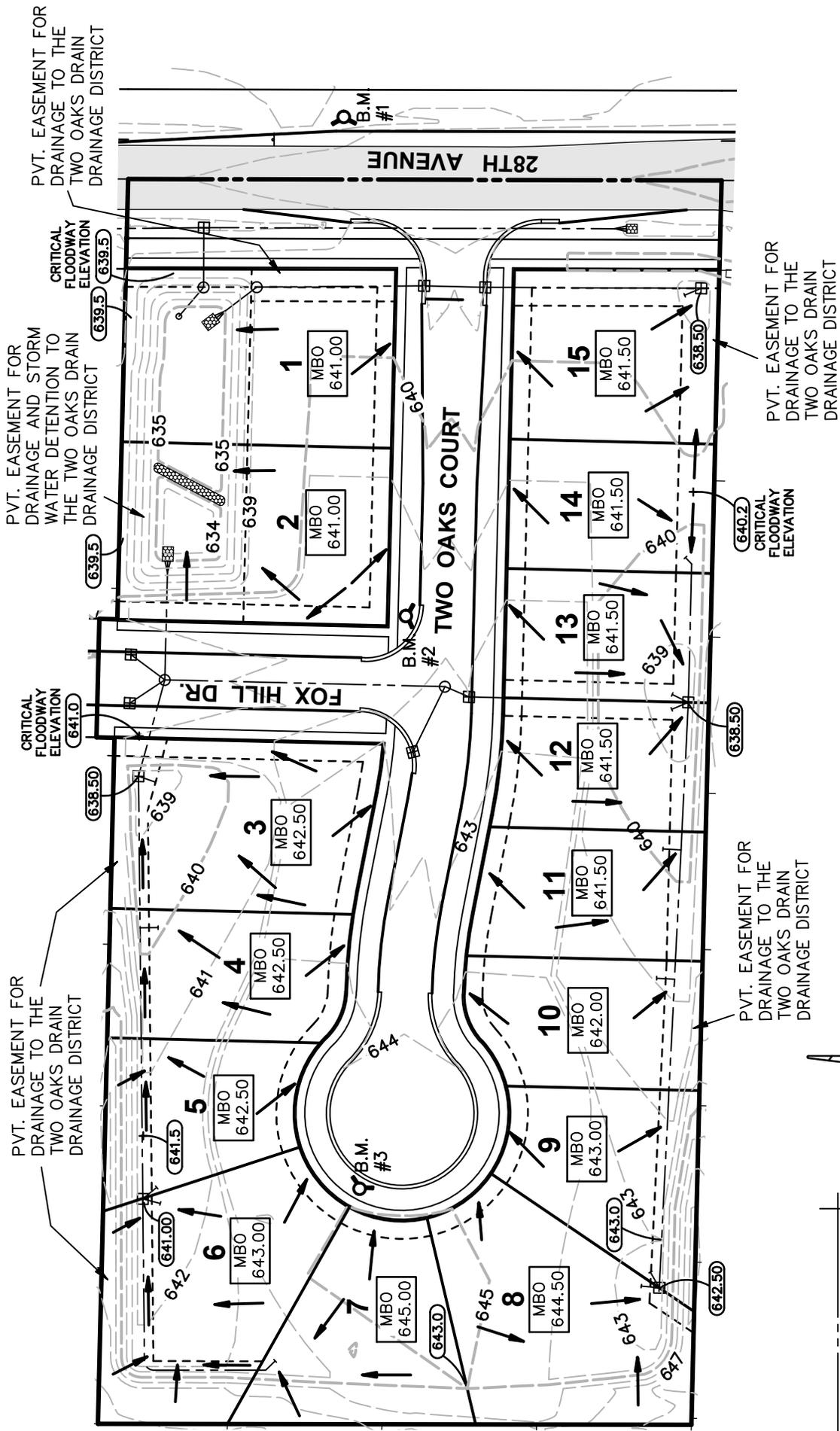
## ROUTE OF THE TWO OAKS DRAIN

### Description of the Route of the Two Oaks Drain:

Part of the SW 1/4 of Section 9, T6N, R13W, Georgetown Township, Ottawa County, Michigan, described as: Commencing at the South 1/4 corner of said Section 9; then N00°08'45"E 1320.00 feet along the East line of said SW 1/4; then N88°36'35"W 27.01 feet to the PLACE OF BEGINNING of this description; then N00°08'45"E 287.25 feet; then N00°33'39"W 42.77 feet to the North line of the South 1650 feet of the East 1/2 of the East 1/2 of said SW 1/4; then S00°33'39"E 42.77 feet; then N89°32'53"W 55.72 feet to Reference Point A; then N81°24'42"W 131.39 feet; then N88°36'35"W 66.04 feet to Reference Point B; then N74°45'31"W 55.66 feet; then S89°25'38"W 330.59 feet; then S00°05'31"W 62.95 feet to the Place of Ending.

Also, BEGINNING at aforementioned Reference Point A; then S37°06'47"E 37.53 feet; then S00°13'19"W 246.67 feet; then N88°13'46"W 230.61 feet; then N87°09'10"W 326.35 feet; then S87°09'10"E 326.35 feet; then N01°23'25"E 122.03 feet; then N23°30'16"E 14.57 feet; then N01°23'25"E 155.80 feet to Reference Point B and the Place of Ending.





SHEET 1 OF 1 EXHIBIT "B"

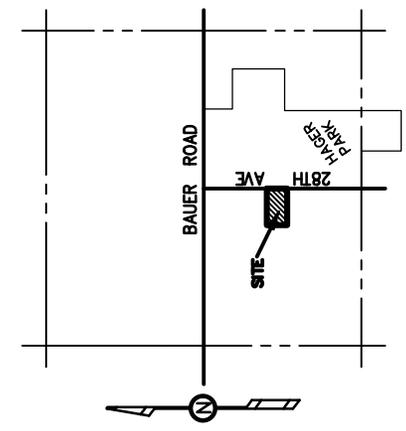
**BLOCK GRADING PLAN**

**TWO OAKS**

5252 Clyde Park, S.W. • Grand Rapids, MI 49509  
Phone: (616) 531-3660 • www.exxelengineering.com

- = SURFACE DRAINAGE DIRECTION
- ▣ = YARD DRAIN OR STREET CATCH BASIN
- B.M.# = BENCHMARK HYDRANT
- (600.0) = SPOT ELEVATION
- MBO 641.50 = MINIMUM BUILDING OPENING ELEVATION

SCALE: 1" = 80'  
1' CONTOUR INTERVAL



LOCATION MAP