

Statement of Conditions

Pursuant to Act 110 of the Public Acts of 2006

This Statement of Conditions is made this ____ day of ____ 2020, by Oliver Brothers & W3T, limited liability corporations, the address of which is P.O. Box 140, Prudenville, MI 48651, (hereinafter referred to as “OWNERS”).

WHEREAS, OWNERS own the real estate described herein which is located in the Township of Cherry Grove in Wexford County, Michigan; and,

WHEREAS, OWNERS made an offer of conditional rezoning to the Township of Cherry Grove as part of their application to rezone the land described herein from Resort and Residential 2 districts to the Commercial District; and,

WHEREAS, OWNERS now desire to enter into this Statement of Conditions to give record notice of the existence of said Conditions.

NOW, THEREFORE, this Statement of Conditions shall be incorporated by attachment or otherwise as an inseparable part of the ordinance adopted by the Township of Cherry Grove to accomplish the rezoning of the land described herein to the Commercial District.

1. Lands Subject to the Statement of Conditions:

Legal Descriptions – Exhibit A

Wexford County

Parcel Tax Numbers: 2110-12-4101

2110-12-4102

2110-12-MPK-234

2. Statement of Conditions of Development and Use of the Subject Land

- A. The parcels subject to the conditions of this statement will be used for Retail Trade, Real Estate Rental & Leasing, & Dwellings in accordance with the current Wexford Joint Planning Commission (WJPC) Zoning Ordinance and in accordance with the Conceptual Plan presented to the WJPC at its public hearing for the rezoning attached hereto as Exhibit B.
- B. The uses portrayed on the Conceptual Site will be installed in phases and will be subject to Medium Site Plan Review by the WJPC for each phase.
- C. The planned order of phases is:
 - a. Real Estate Rental & Leasing – new storage buildings and additions to the existing storage building.
 - b. Real Estate Rental & Leasing – Contractor & Professional offices & storage building.

- c. Retail Trade & Dwellings – Two-story commercial building with dwellings, storage, and heated storage.
- d. Dwellings – senior housing.

Each phase will be completed within three years.

- D. Landscaping for each phase will be installed as part of the construction for that phase. Landscaping for the project as a whole will be installed along M-55 at the commencement of the project. Screening for the storage buildings will be installed as buildings are constructed.
- E. Uses on the property that require sewer will be connected to the Lake Mitchell Sewer Authority system in accordance with Wexford County Health Department requirements.
- F. The wetlands area of the property will be reserved as a natural area.
- G. Minor changes to the Conceptual Plan may be made by the Owners in collaboration with the WJPC administrator and /or the WJPC.

3. Statement of Conditions Runs with Land

OWNERS hereby acknowledge this Statement of Conditions runs with the land and is binding upon any successor owners of the land.

4. Recording of the Statement of Conditions

This Statement of Conditions may be recorded by the Township of Cherry Grove with the Wexford County Register of Deeds Office.

5. Verification of Ownership

OWNERS hereby certify that they voluntarily offer and consent to the provisions contained within this Statement of Conditions.

IN WITNESS WHEREOF, OWNERS have executed this Statement of Conditions on the date set forth below.

Dated: _____

OWNERS

 William Oliver II for
 Oliver Brothers, LLC
 W3T, LLC

State of Michigan)
)
 County of _____)

This foregoing instrument was acknowledged before me this _____ day of _____, 2020, by William Oliver II of Oliver Brothers, LLC & W3T, LLC.

 Notary Public
 _____ County, Michigan
 Acting in _____ County, Michigan
 My Commission Expires: _____

Prepared By:
 Lapham Associates, 515 E. Fifth Street, PO Box 33, Clare, MI 48617

EXHIBIT A

PARCEL 1:

The Northeast one-quarter (1/4) of the Southeast one-quarter (1/4) of Section 12, Township 21 North, Range 10 West, Cherry Grove Township, Wexford county, Michigan, EXCEPT That part of the Southeast ¼ of Section 12, Township 21 North Range 10 West, Cherry Grove Township, Wexford County, Michigan AND Part of the Vacated Jean Avenue, relocated and Part of vacated Cherry Grove Avenue, described as commencing at the East ¼ corner of Said Section 12; thence North 88°52'00" West 1266.03 feet along the East – West ¼ line to the Point of Beginning; thence South 00°21'00" West 313.46 feet; thence South 88°52'32" East 97.00 feet; thence South 00°21'00" West 277.44 feet; thence North 88°52'25" West 163.00 feet to the East 1/8 line; thence North 00°21'00" East 590.09 feet; thence North 23°29'03" West 90.13 feet along the Westerly line of Vacated Jean Avenue relocated to the Southerly line of M-55; thence North 66°30'57" East 66.00 feet along said southerly line of M-55; thence South 23°29'03" East 104.06 feet along the Easterly line of vacated Jean Avenue, relocated; thence South 00°21'00" West 14.82 feet to the Point of Beginning.

PARCEL 2:

That part of the Southeast ¼ of Section 12, Township 21 North Range 10 West, Cherry Grove Township, Wexford County, Michigan AND Part of the Vacated Jean Avenue, relocated and Part of vacated Cherry Grove Avenue, described as commencing at the East ¼ corner of Said Section 12; thence North 88°52'00" West 1266.03 feet along the East – West ¼ line to the Point of Beginning; thence South 00°21'00" West 313.46 feet; thence South 88°52'32" East 97.00 feet; thence South 00°21'00" West 277.44 feet; thence North 88°52'25" West 163.00 feet to the East 1/8 line; thence North 00°21'00" East 590.09 feet; thence North 23°29'03" West 90.13 feet along the Westerly line of Vacated Jean Avenue relocated to the Southerly line of M-55; thence North 66°30'57" East 66.00 feet along said southerly line of M-55; thence South 23°29'03" East 104.06 feet along the Easterly line of vacated Jean Avenue, relocated; thence South 00°21'00" West 14.82 feet to the Point of Beginning.

PARCEL 3:

A part of Lot 221, Mitchell Park Plat; commencing at the East quarter corner of Section 12, Township 21 North, Range 10 West, Cherry Grove Township, Wexford county Michigan; thence North 88°52'00" West 893.36 feet along the East – West quarter line to the Southerly line of Cherry Grove Avenue; thence North 62°41'01" West 74.88 feet to the North line of Cherry Grove Avenue and the Point of Beginning, thence North 88°52'00" West 256.21 feet along the North line; thence North 43°43'25" East 288.83 feet; thence South 34°30'00" East 192.68 feet; thence South 43°43'25" West 76.11 feet to the Point of Beginning.

AND

A part of Lot 221, Mitchell Park Plat; commencing at the East quarter corner of Section 12, Township 21 North, Range 10 West, Cherry Grove Township, Wexford county, Michigan; thence North 88°52'00" West 893.36 feet along the East – West quarter line to the Southeasterly line of Charry Grove Avenue; thence North 62°41'01" West 74.88 feet to the North line of Cherry Grove Avenue; thence along said North line North 88°52'00" West 313.99 feet to a point, said point being the intersection of Jean Avenue as re-located and the North line of Cherry Grove Avenue; thence North 23°29'03" West 18.94 feet along the Easterly line of the relocated Jean Avenue to the Point of Beginning; thence continuing North 23°29'03" West 65.14 feet to the Southerly right of way line of M-55;

thence along said right of way on a curve to the left with a radius of 1697.28 feet and a chord bearing a distance of North 62°12'07" East 189.47 feet; thence South 43°43'25" West 204.93 feet along the centerline of M-55 extended to the Point of Beginning.

AND

That part of Lot 221, Mitchell Park Plat, commencing at the East quarter corner of Section 12, Township 21, North, Range 10 West, thence North 88°52'00" West, 893.36 feet along the East – West quarter line to the Southeasterly line of Cherry Grove Avenue; thence North 62°41'01" West 74.88 feet to the North line of said Avenue; thence North 88°52'00" West 256.21 feet to the Point of Beginning; thence continuing along the North line of said Cherry Grove Avenue, North 88°52'00" West 57.78 feet to the intersection with the East line of Jean Avenue as relocated; thence North 23°29'03" West 18.94 feet along the East line of Jean Avenue; thence North 43°43'25" East 204.93 feet to the Southeasterly line of M-55; thence along said right of way on a curve to the left with a radius of 1697.28 feet and a chord bearing a distance of North 56°53'00" East 125.52 feet; thence South 34°30'00" East 32.10 feet; thence South 43°43'00" West 288.83 feet to the Point of Beginning.

AND

That part of Cherry Grove Avenue and Jean Avenue (relocated) in the Plat of Mitchell Park, Section 12, Township 21 North, Range 10 West, Cherry Grove Township, Wexford County, Michigan, Described as commencing at the East ¼ corner of said Section 12; thence North 88°52'00" West 959.25 feet along the East-West ¼ line to the Point of Beginning; thence continuing North 88°52'00" West 372.8 feet to the 1/8 corner; thence North 23°29'03" West 90.13 feet along the West line of Jean Avenue (relocated) to the South line of M-55; thence Northeasterly 66.00 feet on a curve to the left with a radius of 1697.28 feet and a chord bearing of North 67°21'07" East 66.00 feet; thence South 23°29'03" East 64.14 feet along the East line of Jean Avenue (relocated); thence continuing South 23°29'03" East 18.94 feet to the North line of Cherry Grove Avenue; thence South 88°52'00" East 313.99 feet; thence North 54°17'36" East 133.73 feet along the Northerly line of Cherry Grove Avenue to the Westerly line of a parcel recorded in Liber 67, at page 334; thence South 44°09'55" West 154.89 feet more or less to the Point of Beginning.

EXHIBIT B

