

Wexford Joint Planning Commission

% Cherry Grove Township
4830 E. M-55
Cadillac, Michigan 49601

www.wexfordjpc.org

Email: planningandzoning@wexfordjpc.org
(231)775-1138x6

May 6, 2020

Subject: Conditional Rezoning Request
May 18th, 2020

Contents:

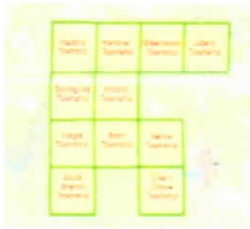
1. Staff Report
 - a. Staff Recommendation - page #5
2. Planner Memo
3. Minutes - Cherry Grove Township
 - a. March 11th, 2020
4. Application

Submitted by:

A handwritten signature in blue ink that reads "Robert (Bob) Hall".

Robert (Bob) Hall
Planning and Zoning Administrator

WEXFORD JOINT PLANNING COMMISSION STAFF REPORT



Wexford Joint Planning Commission

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4830 E. M-55

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Cadillac, Michigan 49601

planningandzoning@wexfordjpc.org

Staff Report – Conditional Rezoning / Site Plan Review

1. Application

Owner: Oliver, Bill – Oliver Brothers, LLC and W3T, LLC

Mailing Address: P.O. Box 140, Prudenville, Michigan 48651

Parcel #: 2110-12-4101, 2110-12-4102, and 2110-MPK-234

Applicant(s): SEE ABOVE

Address: SEE ABOVE

Phone: 989-366-9425

Email: bholiver724@gmail.com

Contact: Bill Oliver

Property Zoned: 2110-12-4101 [RESORT]

2110-12-4102 [RESORT]

2110-MPK-234 R-2 [RESIDENTIAL]

Site Plan Type: MEDIUM

2. Development Proposal

2.1 Property Legal Description: Parcel #2110-12-4101, 2110-12-4102, and 2110-MPK-234

2110-12-4101: NE 1/4 OF SE 1/4 EXC PAR COM AT E 1/4 COR OF SEC; W 1266.03 FT TO POB: S 313.46 FT; E 97 FT; S 277.44 FT; W 163 FT; N 590.9 FT; N23D29M03S W 90.13 FT; N66D30M57S E 66 FT; S23D29M03S E 104.06 FT; S 14.82 FT TO POB. SUB TO EASMT L375 P975 '00 --38.68 A M/L-- CG. SEC. 12 T21N R10W

2110-12-4102: COM AT E 1/4 COR OF SEC; W 1266.03 FT TO POB: S 313.46 FT; E 97 FT; S 277.44 FT; W 163 FT; N 590.9 FT; N23D29M03S W 90.13 FT; N66D30M57S E 66 FT ALG S'LY LN M-55; S23D29M03S E 104.06 FT; S 14.82 FT TO POB. --1.67 A M/L-- CG SEC 12 T21N R10W

2110-MPK-234: THAT PART OF LOT 221 LYING S & W OF A LINE COM 439 FT S44D10'W & 27.5 FT S34D30'E OF NE COR, TH RUNNING S34D30' E TO N LINE OF CHERRY GROVE AVE. BOUND- ED ON N-SIDE BY M-55 R/W & W-SIDE BY RELOCATED JEAN AVE. & VAC STREETS L524 P498 PLAT OF MITCHELL PARK CG. SEC. 12 T21N R10W

WEXFORD JOINT PLANNING COMMISSION STAFF REPORT

- 2.2 Action Report / Request:** The applicant(s) request the conditional rezoning of ALL three of the subject parcels (#2110-12-4101, 2110-12-4102, and 2110-MPK-234) from their respective zoning district classification(s) of:

2110-12-4101 RESORT

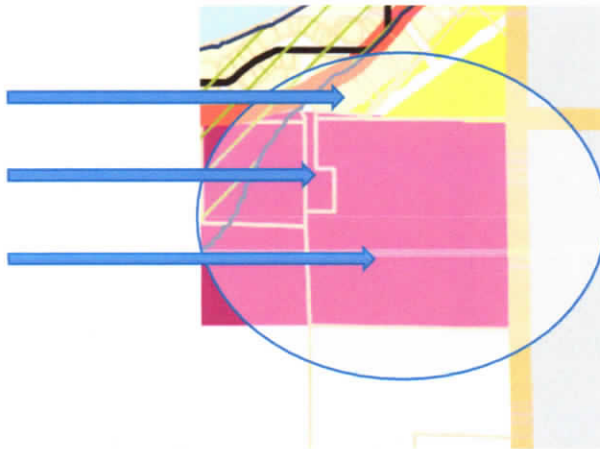
2110-12-4102 RESORT

2110-MPK-234 R-2 RESIDENTIAL

to: **COMMERCIAL** for the specific purpose / uses for Retail Trade [44-45] *except Motor Vehicle and Parts Dealer [441], and Gasoline Stations [447]*, Real Estate Rental and Leasing [53], and Dwellings, as 'Permitted' in Article 55, Section 5502 of the Wexford Joint Zoning Ordinance and further defined and described within the respective *North American Industry Classification System, United States, 1997* titles and description of industries.

- 2.3 Existing / Proposed Use Description / Classification:**

Current Zoning
Resort and R-2



Former Wexford County Zoning
Resort Residential



3. Current Narrative (History):

- 3.1** The office of the Wexford Joint Planning Commission has responded to multiple inquiries over the past several years regarding the properties subject to this conditional rezoning request. In general, the inquiries focused on how and why the zoning changed, and how this effected the use and potential uses of the property(ies).
- 3.2** The applicant(s) submitted the initial rezoning application and requisite fee on March 6th, 2020
- 3.3** The applicant(s) appeared before the Cherry Grove Township Board on March 10th, 2020 in compliance with Article 9802.C.2 and presented their conceptual ideas. The approved minutes of the March 10, 2020 Cherry Grove Township Board meeting are attached and delineate the township concerns for the future proposed uses of the property subject to the conditional rezoning request.

WEXFORD JOINT PLANNING COMMISSION STAFF REPORT

- 3.4 During the application process the Governor of the State of Michigan signed Executive Order No. 2020-21 [***Temporary requirement to suspend activities that are not necessary to sustain or protect life***] causing the Wexford Joint Planning Commission to be deemed 'non-essential'. The regularly scheduled March 23rd, 2020 and April 27th, 2020 meetings were not held due to a lack of a quorum to conduct business
- 3.5 At the call of the Chair of the Wexford Joint Planning Commission, a special meeting was published, posted, and noticed for Monday, May 11th, 2020 but the Executive Order was extended until at least May 15th, 2020. The May 11th, 2020 meeting was ultimately canceled.
- 3.6 On May 1, 2020 a new public notice was published for the required public hearing to be conducted at the regularly scheduled meeting on May 18th, 2020 for the conditional rezoning request. In addition, 300' notices were mailed out and notices of the public hearing were sent to the Clerks of all participating municipalities.

PROPOSED CONDITIONAL REZONING

4. **Specific requested Zoning Map amendment:**

- 4.1 Section 2.2 of this report lists the three parcels requested to be rezoned 'conditionally' to commercial for the same listed specific uses.
- 4.2 Article 98, Section 9802.E of the Wexford Joint Zoning ordinance outlines the hearing and decision process for a zoning amendment; in this particular case, a map amendment (conditional rezoning) for specified uses only.
- 4.3 **Excerpt from Wexford Joint Zoning Ordinance (Article 98, Section 9802.E)**

"Following the hearing, the Commission shall consider each proposal for amendment in terms of its own judgement on particular factors related to the individual proposal and in terms of the most likely effect on the community's physical development."

Staff Comments:

On the following page is an excerpt of Article 98, Section 9802.E of the Wexford Joint Zoning Ordinance in its entirety listing the only review process to be taken by the Wexford Joint Planning Commission. ***Staff has inserted comments where appropriate to be used as guidance / findings to support any planning commission decision.***

WEXFORD JOINT PLANNING COMMISSION STAFF REPORT

Excerpt from Wexford Joint Zoning Ordinance (Article 98, Section 9802.E)

E. Hearing and Decision [*May 18th, 2020*]

1. The Commission shall hold a public hearing to receive input on the proposed Zoning Amendment.

2. Following the hearing, the Commission shall consider each proposal for amendment in terms of its own judgement on particular factors related to the individual proposal and in terms of the most likely effect on the community's physical development. The Commission may recommend any additions or modification to the original amendment proposal. **The Commission shall review the proposed amendment:**

a. For compliance with formal adopted plans adopted pursuant to P.A. 33 of 2008, as amended, (being the Michigan Planning Enabling Act, M.C.L. 125.3801 et seq.) upon which this Ordinance is based: [*Wexford Joint Master Plan – see planners' memo for comments*]

(1) **If** it is found to comply with formal adopted plan [*see planners' comments*] **and** receives favorable Commission judgement, **then it shall** recommend to each of the participating municipalities for adoption.

(2) **If** it is found to comply with formal adopted plan [*see planners' comments*] and receives unfavorable Commission judgement, **then it shall** recommend to each participating municipalities not to be adopted.

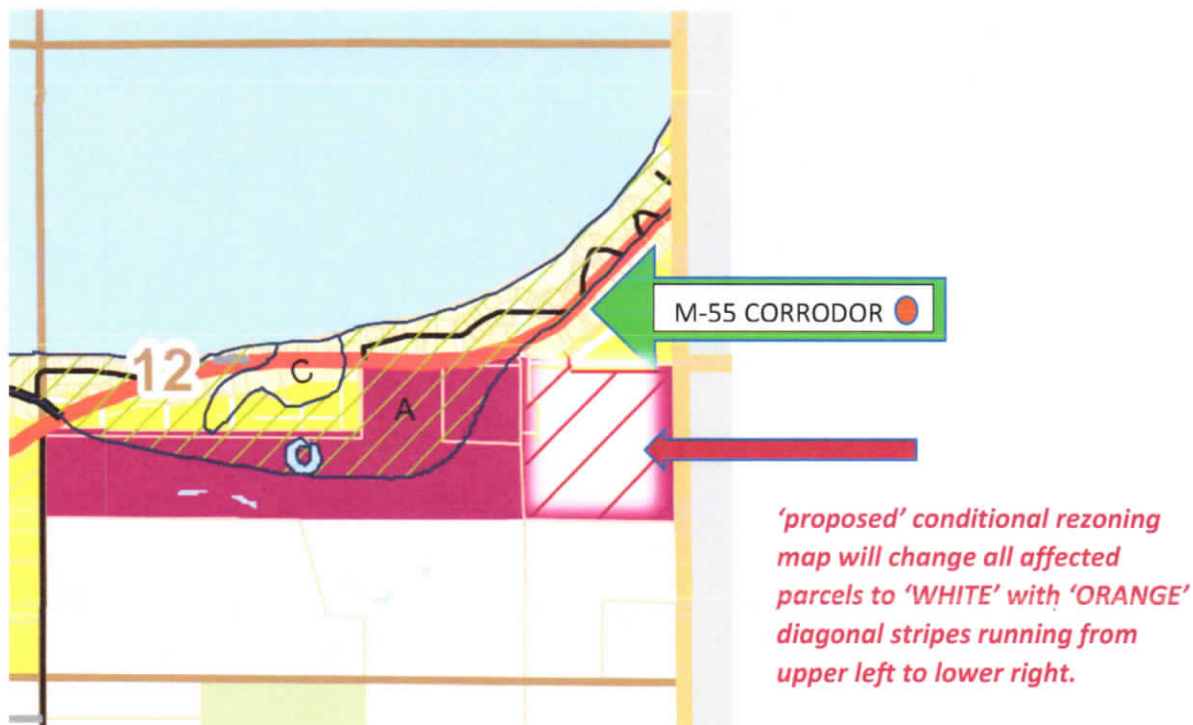
(3) **If** it is found **not** to comply with formal adopted plan [*see planners' comments*], then further steps to adopt the amendment shall cease until the formal adopted county plans adopted pursuant to P.A. 33 of 2008, as amended, (being the Michigan Planning Enabling Act, M.C.L. 125.3801 et seq.), upon which this Ordinance is based, is first or simultaneously amended so that the Commission can find the proposed zoning complies with the plan.

b. Whether all of the uses allowed under the proposed rezoning would be compatible with other zones and uses in the surrounding area; [*the Wexford Joint Zoning Ordinance lists Retail Trade [44-45] except Motor Vehicle and Parts Dealer [441], and Gasoline Stations [447], Real Estate Rental and Leasing [53], and Dwellings, as 'Permitted' in Article 55, Section 5502 of the Wexford Joint Zoning Ordinance and further defined and described within the respective North American Industry Classification System, United States, 1997 titles and description of industries*].

c. Whether any public services and facilities would be significantly adversely impacted by a development or use allowed under the requested rezoning; [*see APPROVED march 11, 2020 minutes of the Cherry Grove Township Board of Trustees – one of the primary concerns is sewer capacity; this capacity would need to formally be demonstrated during each site plan presentation of each 'proposed' phase of construction*].and

d. Whether the uses allowed under the proposed rezoning would be equally or better suited to the area than uses allowed under the current zoning of the land. [*WJPC staff and Cherry Grove Township officials have been answering general inquiries regarding the M-55 corridor between M-115 in Clam Lake Township and the Cherry Grove Township offices. This 'corridor encompasses approximately a one mile stretch of M-55 across Section 12.'*] (see next page)

WEXFORD JOINT PLANNING COMMISSION STAFF REPORT



Staff Recommendation:

Staff recommends that based upon support of and compliance with the Wexford Joint Master Plan, and based upon the concerns of Cherry Grove Township being documented and on the record, and based upon the proposed uses all being permitted (the least objectionable uses) within the proposed 'conditional' rezoning district of commercial, that the Wexford Joint Planning Commission recommend to each of the participating municipalities, that parcels #2110-12-4101, 2110-12-4102, and 2110-MPK-234 be 'conditionally' rezoned as commercial for the specific purposes of:

- (1) Retail Trade [44-45] *(except Motor Vehicle and Parts Dealer [441], and Gasoline Stations [447]),
- (2) Real Estate Rental and Leasing [53], and
- (3) Dwelling, duplex, apartment building on second and above floors

as 'Permitted' in Article 55, Section 5502 of the Wexford Joint Zoning Ordinance and further defined and described within the respective North American Industry Classification System, United States, 1997 titles and description of industries.

*(Motor Vehicle and Parts Dealer and Gasoline Stations are explicitly excluded as permitted uses in the commercial zoning district)

Respectfully submitted,

Robert Hall



Grobbel Environmental & Planning Associates

PO Box 58 Lake Leelanau Michigan 49653

May 2, 2020

Wexford Joint Planning Commission
c/o Cherry Grove Township
4830 E. M-55 Highway
Cadillac, MI 49601

RE: Proposed Conditional Rezoning Guidance

Dear Wexford Joint Planning Commission,

Per the request of Bob Hall, Wexford Joint Planning Commission (WJPC) Zoning Administrator, please find the following conditional rezoning guidance to assist the WJPC in the application of Section 9802A of the Wexford Joint Zoning Ordinance.¹

Conditional Rezoning Requests

Michigan Zoning Enabling Act (MZEA)² authorizes local units of government to accept and act upon “conditional rezoning” requests. Conditional rezoning allows an applicant to propose rezoning a specific parcel with attached conditions intended to make the rezoning request more acceptable to the community. For example, typical conditions for property rezoning may include limiting the property to a specific land use, allowing a limited commercial land use in a non-commercial district adjacent to a commercial district, voluntary height restrictions, cleanup of junk/blight conditions, specific landscaping and screening plans, etc. Landowners voluntarily offer to undertake certain actions in exchange for the rezoning of a parcel, and the municipality then considers the request. In approving conditional rezoning

¹ Wexford Joint Zoning Ordinance, effective December 31, 2016.

² Section 125.3405, Michigan Public Act 110 of 2006, as amended, effective July 1, 2006.

actions a local unit of government may establish a time period during which the conditions apply to the parcel. Unless an extension is granted, if the conditions are not satisfied within the specified timeframe the parcel shall revert to its former zoning classification. Moreover, if a property owner fails to comply with the rezoning conditions within the required timeframe, it is recommended that the municipality initiate rezoning the parcel back to its original zoning classification.

It is also very important to note that any rezoning decision must be based on whether the proposed rezoning meet the recommendations of the community's adopted Master Plan. Applicants should also provide detailed information/documentation as to how they intend to use the property after the conditional rezoning, as they shall be obligated to conform to such limitations as a conditional rezoning approval.

While conditional rezoning is not specifically addressed within the Wexford Joint Master Plan,³ support can be found in the following Master Plan's Part E Overall Plan: Chapter E1 #5; Part F Land Use Plan: Chapter F1 Goal #1; Part F3: Commercial: Goal #1 and Goal #3; Part F10" Transition Areas: Goal #1 and Goal #2.

Conditional Rezoning Guidance


In short, conditional rezoning is where a property owner/Applicant wishes to petition to change zoning of a parcel. If the property owner/Applicant offers conditions they must be in writing, and as part of the rezoning a Michigan community may authorize the rezoning based on conditions. These are known as "conditional rezonings," and are allowed only when the conditions are offered voluntarily by the owner/Applicant (i.e., rezoning conditions cannot be unilaterally imposed by the jurisdiction) and conditions arrived upon by the community are proportional to the rezoning requested. For instance, a landowner seeks to rezone a residential property to commercial in order to develop an office – a use that typically results in less traffic and noise than other commercial land uses. The owner/Applicant may request a rezoning based on the condition that upon rezoning, the property will only be developed as an office. No other commercial uses may be developed after the conditional rezoning.

³ The WJPC incorporated the Wexford County Comprehensive Plan, May 19, 2004.

As a general rule of thumb, it is important to consider and apply such conditional rezoning decisions conservatively and proportionally. Also, specific standards within any land use stemming from a conditional rezoning decision are subject to site plan review by the WJPC pursuant to Article 94 of the Wexford Joint Zoning Ordinance.

If you have any questions regarding these findings, please feel free to contact me at cgrobbel@grobbelenvironmental.com or 231-499-7165. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "C. Grobbel". The signature is fluid and cursive, with the first letter "C" being large and prominent.

Christopher P. Grobbel, Ph.D.
Sr. Planner

Cherry Grove Township

4830 E. M-55
Cadillac, MI 49601
231-775-1138

Minutes

March 11, 2020 5:30 P.M.

1. **Call to Order:** Adams 5:30 P.M.
2. **Pledge, Present:** Nixon, Vaughan, Adams, Pullen. **Absent:** Hanus
3. **Set/Amend Agenda:** add VRBO's. Move Benson Rd. First.
4. **Approve regular Minutes February 12, 2020.** Pullen made a motion to approve the regular minutes as presented. Vaughan supported. **Upon Roll Call Vote** Motion Carried unanimously.
5. **Public Comment:** None
6. **Cash Summary Report:** supplied
7. **Approval of Bills:** Nixon made a motion to approve payment of the bills as presented. Pullen supported. **Upon Roll Call Vote** motion carried unanimously.
8. **Fire/Medical Report:** No report
9. **Board Member Comments:** Vaughan stated that he will not run again for trustee. He will be available for support if we need him. He would like to continue with the ZBA. Vaughan suggested that we run an ad in the paper for supervisor and trustee position opening.

Unfinished Business

1. **Benson Rd. Project:** Preliminary costs for the repaving project are; Road Commission portion would be \$116,000.00, Property owners \$58,000 and Township \$58,000.00. Vaughan made a motion to preliminarily support the paving project as presented. Pullen supported. **Upon Roll Call Vote** motion carried unanimously.
2. **LMSA:** Pullen reported that they had another break in the system and it was reported to the DEQ and the emergency cost was over \$12,000.00 just for excavation. By laws were cleaned up to allow a bigger pool of candidates to serve on the LMSA board. Current members were reappointed and terms are current and staggered. Cherry Grove sewer funds were once again discussed. Proportionate shares were not in Selma Townships representatives favor.
3. **VRBO:** Currently we are working with zoning and waiting on supreme court hearing to get regulations on this matter.

New Business

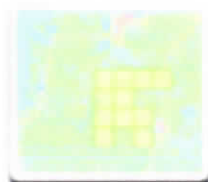
1. **Don Hamilton (representing the Oliver Brothers)– Presentation on Conditional Rezoning of M-55:** They are asking that the zoning be changed from resort to commercial. A colored map of the proposed project was handed out to the board. This is a 40 acres area that they would like to develop for storage, retail, and possible residential purposes. **Board concerns were;** sewer availability, how long will phases of the project take, Outside storage and will it be blocked from view on M-55, Landscaping, no outside storage. Board will not approve the project without the Lake Mitchell Sewer Authority's approval stating that the capacity is available and they are able to hook up.

2. **Set Budget Workshop dates:** March 25th at 5:15 P.M. first budget workshop for 2020-2021 budget.
3. **Public Comment:** Jay was concerned with the amount of reu's available. Address this availability before the board approves this project. Nixon was concerned about approving the project without having the sewer capacity availability. Bob Hall made it clear that all this boards concerns will be addressed at the JPC meeting.

Adjourn: Vaughan made a motion to adjourn at 6:28 P.M. Pullen supported. All in favor unanimously.

Oliver Brothers Conditional Rezoning Request

Wexford Joint Planning Commission
Cherry Grove Township



Wexford Joint Planning Commission

4830 E. M-55

Cadillac, Michigan 49601

(231) 775-1138 x6 www.wexfordjpc.org

Rezoning Application

Property Information

Street Address 5758 E M-55, Cadillac, Michigan	
Parcel Identification Number(s) 2110-12-4101, 2110-12-4102, 2110-MFX-234	Platted Lot (if applicable) Subdivision Mitchell Park Lot No
Land Area (acres) +/- 40 Acres	Property Dimensions Width at Road Frontage +/- 500' Depth +/- 1,500'
Current Use(s) Storage Barn	Current Zoning Resort/R2
Proposed Zoning Commercial	
Purpose for Rezoning Development of Property for Retail Trade & Real Estate Rental & Leasing, & Dwellings	

Applicant Information ☐ Check here if same as above

Name Bill Oliver, Oliver Brothers, LLC & WBT, LLC		
Address P.O. Box 140		
City Prudenville	State MI	Zip 48651
Phone (989) 366-9425	Email bholiver724@gmail.com	

Applicant's/Property Owner's Signature

I (we) do certify that all information contained in this application, accompanying plans are complete and accurate to the best of my (our) knowledge.		
I (we) authorize the administrators and representatives of the Wexford Joint Planning Commission to enter and conduct an investigation of the above referenced property.		
Applicant's Signature	Applicant's Printed Name	Date
Property Owner's Signature	Property Owner's Printed Name	Date

Office Use Only

Date Filed	File #	Escrow #
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The Oliver Brothers are offering the following conditions for use and development of their properties:

EXISTING PROPERTIES



The proposed uses for the properties include a two-story building of approximately 22,000 s.f. for “Retail Trade” and “Dwelling,” an approximately 7,000 s.f. building for “Professional and Technical Services” contractors’ offices, an area of approximately 65,000 s.f. for “Real Estate Rental & Leasing,” with seven new buildings for personal or business storage (+/- 215 units), a 6,400 s.f. expansion of the existing 10,000 s.f. pole barn for rental and leasing, and one and a half acres for approximately 66 senior housing units. (This area may be used for outdoor storage until the housing units are constructed).

Mr. Robb Munger of Grand Rapids, Michigan will purchase and develop the subject properties when rezoning occurs. The existing pole barn has been used for commercial (furniture) and personal storage for over 40 years. It is a sound and functional structure. It is our assessment that the proposed uses will provide needed facilities and services for the community and will serve as a model for development and redevelopment in this area on M55 from the Cherry Grove Event Center to the City of Cadillac commercial area of M55 & M115.

We have reviewed the planning being done around the M115/M55 corridor summarized in the "Community Forum – M115/M55." We agree with an opening statement in the report that this area "has lost its luster and appears tired...The opportunity to improve the area through public and private investment is considerable as the natural amenities offer a unique quality and character to the area while being easily accessible."

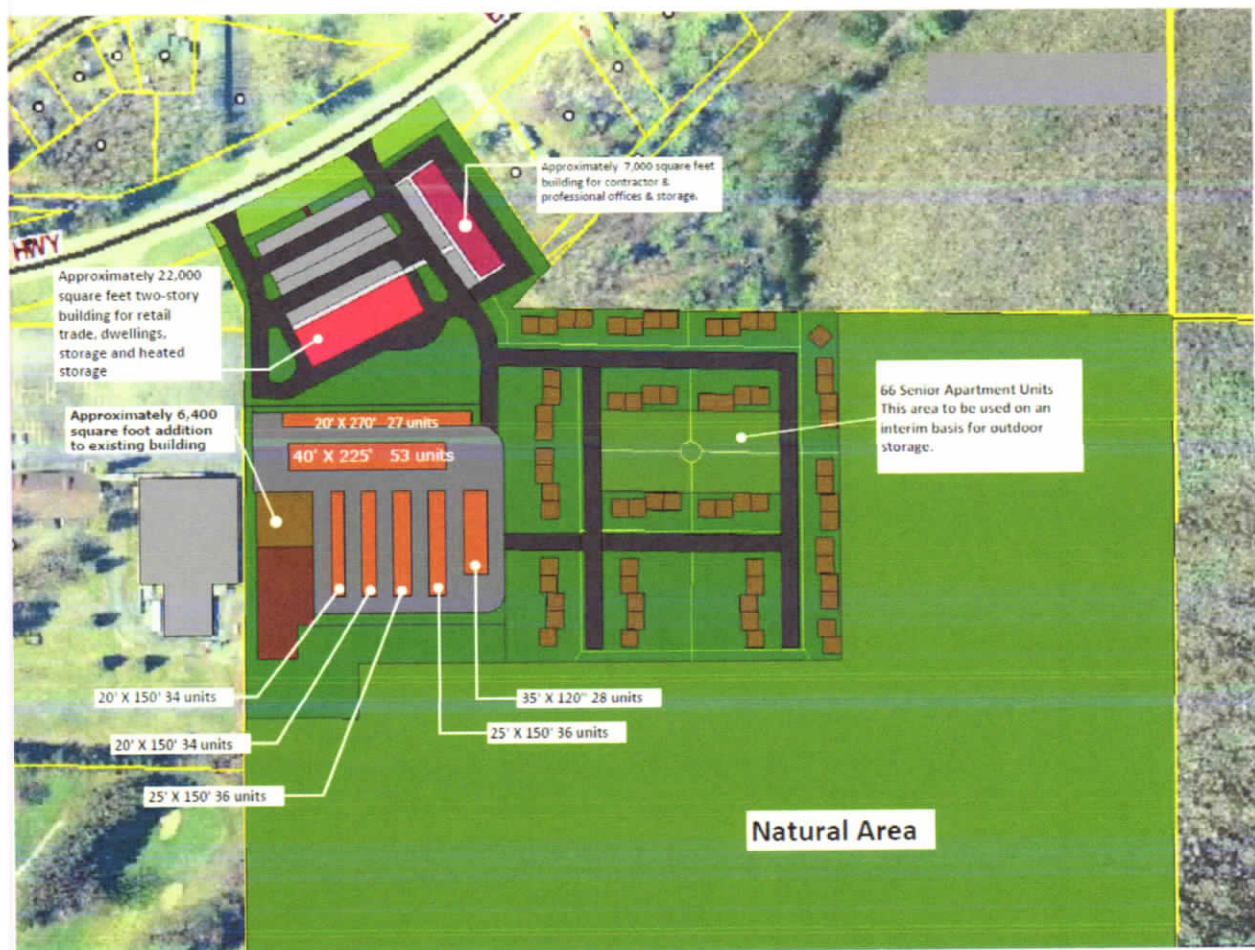
We believe that a reason for the poor conditions of the structures on the south side of M-55 east of the subject property is that the current zoning designation is not appropriate. This area is not really an R-2 residential area. The existing zoning is not producing the quality of development desired. M55 in this area has an Annual Daily Traffic of 7,000 vehicles, many being commercial long-haul trucks. Just beyond the Cherry Grove Township boundary, the City of Cadillac Future Land Use Designation is "Tourist Services," and the existing uses are commercial in nature. The City is currently revising its zoning ordinance to allow more appropriate uses and flexibility to encourage redevelopment of properties in this area of the city.

The investment in and design of the proposed development for the Oliver Brothers properties would be a spur to rejuvenate the area. It would exploit under-utilized properties and would draw residents and visitors to the West Cadillac area prompting additional business growth and activity in the area. The retail development could serve the residents west of Cadillac and tourists both passing through and staying in the area. The contractors' offices would provide much needed facilities for

professionals and tradesmen on the west side of town. The storage buildings would provide warehousing for both seasonal and full-time residents goods, especially tourist and water related items encouraging more people to stay and return yearly to the area. The senior housing would meet a critical need for this type of housing in the Cadillac area. The "Statement of Conditions" for the Oliver Brothers rezoning sets forth the uses as stated above and the proposed phasing of the project. Each phase will be subjected to Medium Site Plan Review as spelled out in the WJPC Zoning Ordinances, Section 9802A Conditional Zoning Map Amendment & Article 94 Site Plan.

DEVELOPMENT DESIGN & LAYOUT

Proposed Uses & Layout



The community is actively addressing the challenges in the M115/M55 corridor area. This is the time to act and to begin to redevelop the area. We believe our proposed development will be in harmony with the desired vision for the corridor and set a standard for redevelopment of the area.

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

- 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 _____)

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 1/4 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 1/4 corner of Said Section 12; thence North 88°52'00" West 1266.03 feet along the East – West 1/4 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 1/4 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 1/4 corner of Said Section 12; thence North 88°52'00" West 1266.03 feet along the East – West 1/4 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

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

