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CHIPPewa COUNTY - STATE OF MICHIGAN
SHARON H. KENNEDY, REGISTER OF DEEDS

DEED RESTRICTIONS
FOR JACEK SUBDIVISION

WE, Stanley R. Jacek and Carol M. Jacek, husband and wife of 5542 W. Cedar Drive, Sault Ste Marie, Michigan; Gary Jacek and Patricia A. Jacek, husband and wife of 5506 W. Cedar Drive, Sault Ste Marie, Michigan; the proprietors of Jacek Subdivision hereby establish covenants, conditions, restrictions, uses and limitations which apply to all lots within the subdivision upon recording hereof and which shall be deemed to run with the land and be a burden and a benefit to any persons acquiring or owning an interest in said real property, their grantees, successors, heirs, executors, administrators and assigns.

ARTICLE I- RESTRICTIONS IMPOSED BY DISTRICT HEALTH DEPARTMENT

The following restrictions are imposed upon the project by the Chippewa County Health Department, and shall not be subject to amendment without the express written approval of the Chippewa County Health Department. (See Attachment "A").

ARTICLE II – BUILDING RESTRICTIONS IMPOSED BY THE PROPRIETORS AND THE MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY.

- A. One story homes shall be not less than 1,500 square feet of enclosed living area, main floor, which shall not include decks, porches or garages. One and one-half story, two story, or multiple level dwellings shall be not less than 1,700 square feet of enclosed living area, which shall not include decks, porches or garages.
- B. Garages and basements without a finished house shall not be used as living quarters at any time.
- C. No mobile home shall be placed, stored, occupied, constructed or maintained upon any lot.
- D. Not more than one (1) single family residence may be constructed upon any lot. Guest quarters above garage of not less than 200 square feet with bathroom are permitted.
- E. Burying of any garbage or trash is prohibited. All garbage containers are to be kept in an enclosed area, shed, or garage and all garbage and waste shall be disposed of in a manner that conforms to health department requirements.
- F. No unlicensed snowmobiles, motorcycles, boats, trailers, cars, trucks, vans, or motorhomes shall be stored upon any lot.
- G. No animals, livestock, or poultry of any kind shall be raised, bred, or kept on any lot. Dogs and cats may be kept provided that they are not bred for any commercial purpose, and further provided that such pets do not create a nuisance.
- H. All utilities are to be buried underground, including, but not limited to, cable television, telephone, and electric services. All fuel storage tanks (including L/P gas tanks) are to be kept above ground and such tanks shall be screened with shrubs, bushes, or decorative fencing.



- I. No firearm hunting or the discharge of any firearm is allowed on any lot.
- J. Large vehicles, such as dump trucks, tractors with front-end loaders and/or backhoes, tractor-trailer rigs, flatbed trailers and other similar equipment shall not be kept on any lot, except during the construction of the residence and garage upon the lot.
- K. All buildings and the use of all building areas within the subdivision shall be subject to the restrictions of the District Health Department and in compliance with the Soo Township Zoning Regulations. State, federal, county and township regulations regarding the protection of wetlands and environmentally sensitive areas are to be observed. The use of any lot for the outdoor storage of equipment and/or material used for business or trade is prohibited.
- L. Driveways for each lot will be located only where approved by the electric utility company servicing the subdivision if the proposed driveway is to cross an existing electric line.
- M. The waterfront lots of this plat are affected by a floodplain. The floodplain elevation has been determined to be at 604.4 feet N.G.V. Datum by the Department of environmental Quality. No filling or occupation of the floodplain area will be allowed without prior written approval from the Department of Environmental Quality.
- N. Any building used, or capable of being used, for residential purposes and occupancy within or affected by the floodplain, shall comply with subdivision rule R560.304 (2). The restrictions for lots 1 through 5 shall include sections (c) through (g) of that rule. See Attachment "B" for a copy of this Rule.
- O. Restrictions M. and N. as noted above are being imposed by the Michigan Department of Environmental Quality and shall run in perpetuity, excluded from any time limitations set forth in the declaration, and may not be amended without approval of the Department of Environmental Quality.

ARTICLE III – EASEMENTS

- A. Easements – The proprietors reserve for their benefit and their agents, employees, guests, invitees, independent contractor, successors, heirs, executors, administrators, and assigns, a perpetual easement for the unrestricted use of the roads or streets and drainage ditches now or hereafter located in the subdivision for the purposes of:
 - 1. Ingress and egress from all or any portion of the subdivision or any other land in the vicinity of the subdivision;
 - 2. For complying with any governmental regulation, or installing and servicing the roads, streets, drains shown on the plat.
- B. No changes will be made in the grading of areas used for drainage ditches without the prior written approval of the proprietors, their successors, heirs, executors, administrators, and assigns.



ATTACHMENT "A" to Deed Restrictions for
Jacek Subdivision

The following restrictions are imposed by the Chippewa County Health Department and shall run in perpetuity and may not be amended without the express written approval of that Department:

1. Permits for installation of onsite water supply and sewage disposal systems shall be obtained from Chippewa County Health Department prior to any construction. Areas proposed for drainfields must not be disturbed until a site evaluation has been conducted by Chippewa County Health Department.
2. For sewage systems, a minimum of 48 inches of vertical separation must be provided between the bottom of the drainfield and the seasonal high water table. A six foot backhoe cut or auger boring must be provided to determine depth to water table on individual lots at the time of development. The backhoe cut must be provided on the precise location of the proposed drainfield. Backhoe cuts or auger borings must be provided by the proprietor, project surveyor, excavating contractor, or lot owner. Fill will be required on those sites that the water table is within 48 inches of the ground surface.
3. Locations that show a seasonal high water table less than 24 inches from the ground surface will not be approved for fill. Each lot has been determined to contain at least one area of approximately 2000 square feet that meets the minimum criteria of a water table 24 inches or more below existing grade. Preliminary plat drawings indicating the locations of these areas are available at the Chippewa County Health Department for review.
4. If proposed construction upon any lot is to disturb any slopes in excess of 12% the Chippewa County Health Department may require the owner or prospective buyer to submit a detailed development plan prepared by a Professional Engineer, Professional Surveyor, Registered Sanitarian, or another Professional approved by the Department.
5. Wells are to be drilled by a well driller licensed in the State of Michigan and must meet or exceed the requirements set forth by the Chippewa County Health Department. Isolation distance from wells to sewage disposal systems must be a minimum of 50 feet.

The restrictions noted above are approved.

Witnesses:

Lee Mason
LEE MASON

Sara J. Jones
SARA J. JONES

David Martin
DAVID MARTIN

STATE OF MICHIGAN)

) ss.

County of Chippewa)

Subscribed and sworn to before me, a Notary Public, on this 24TH day of APRIL, 2003 by DAVID MARTIN, Chippewa County Health Department.

Sara J. Jones
SARA J. JONES Notary Public
Chippewa County, Michigan

SARA J. JONES
Notary Public, Chippewa County, MI
My Commission Expires Apr. 23, 2005

My Commission Expires: 4/23/05



Attachment "B"

To Deed Restrictions for Jacek Subdivision

R 560.304 Building in areas affected by floodplains. Rule 304. (1) The purpose of this rule is to prescribe minimum standards for a new development for residential purposes and occupancy within or affected by a floodplain.

(2) A proprietor shall file and record with the final plat restrictive deed covenants that state, in perpetuity, that no filling or occupation of the floodplain area will be allowed without approval of the department of environmental quality and that any building used or capable of being used for residential purposes and occupancy within or affected by the floodplain shall comply with all of the following requirements:

- (a) Be located on a lot having a minimum buildable site of 3,000 square feet of its area at its natural grade above the elevation of the line defining the floodplain limits. The buildable site shall exclude all setbacks and easements.
- (b) Be served by streets within the proposed subdivision having surfaces not lower than 1 foot below the elevation defining the floodplain limits.
- (c) Have lower floors, excluding basements, not lower than the elevation defining the floodplain limits.
- (d) Have openings into the basement not lower than the elevation defining the floodplain limits.
- (e) Have basement walls and floors, if below the elevation defining the floodplain limits, that are watertight and designed to withstand hydrostatic pressures from a water level equal to the elevation of the contour defining the floodplain 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 1165 2 314, prepared by the office of the chief of engineers, United States Army, Washington, DC, March 1992. Figure 6 on page 14-5 of the regulations shows typical foundation drainage and waterproofing details. This document is adopted by reference in these rules and is available, at no cost, from the Department of Environmental Quality, Land and Water Management Division, P.O. Box 30458, Lansing, Michigan 48909-7958, or the Department of the Army, Corps of Engineers, Publications Depot, 890 S. Pickett, Alexandria, Virginia 22304.
- (f) Be equipped with a positive means of preventing sewer backup from sewer lines and drains that serve the building.
- (g) Be properly anchored or weighted to prevent flotation.

