



**THE CITY OF THE VILLAGE OF DOUGLAS  
PLANNING COMMISSION  
THURSDAY, JUNE 15, 2023 AT 7:00 PM  
86 W CENTER ST., DOUGLAS MI**

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**AGENDA**

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To attend and participate in this remote meeting of the City of the Village of Douglas Planning Commission, please consider joining online or by phone.

Join online by visiting: <https://us02web.zoom.us/j/81198885752>

Join by phone by dialing: +1 (312) 626-6799 | Then enter "Meeting ID": 811 9888 5752

**1. CALL TO ORDER**

**2. ROLL CALL**

**A.** Approval of June 15, 2023 Agenda (additions/changes/deletions)

**B.** Approval of May 11, 2023 Minutes (additions/changes/deletions)

*Motion to approve: June 15, 2023 Agenda and May 11, 2023 Minutes. (Roll Call Vote)*

**3. PUBLIC COMMUNICATION - VERBAL (LIMIT OF 3 MINUTES)**

**4. PUBLIC COMMUNICATION - WRITTEN**

**A.** Marc Newman - Written Communication

**5. NEW BUSINESS (Westshore PUD Amendment to be Rescheduled)**

**6. UNFINISHED BUSINESS**

**A.** Lakeshore Woods Private Road Review

**7. REPORTS**

**A.** Planning and Zoning Administrator Report

**B.** Planning Commissioner Remarks (limit 3 minutes each, please)

**8. PUBLIC COMMUNICATION – VERBAL (LIMIT OF 3 MINUTES)**

## 9. ADJOURNMENT

**Please Note – The City of the Village of Douglas (the “City”) is subject to the requirements of the Americans with Disabilities Act of 1990. Individuals with disabilities who plan to attend this meeting and who require certain accommodations in order to allow them to observe and/or participate in this meeting, or who have questions regarding the accessibility of this meeting or the facilities, are requested to contact Pamela Aalderink, City Clerk, at (269) 857-1438, or [clerk@douglasmi.gov](mailto:clerk@douglasmi.gov) to allow the City to make reasonable accommodations for those persons. CITY OF THE VILLAGE OF DOUGLAS, ALLEGAN COUNTY, MICHIGAN**



**THE CITY OF THE VILLAGE OF DOUGLAS  
PLANNING COMMISSION  
THURSDAY, MAY 11, 2023 AT 7:00 PM  
86 W CENTER ST., DOUGLAS MI**

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**MINUTES**

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**1. CALL TO ORDER**

**2. ROLL CALL**

PRESENT

Secretary Kelli Heneghan

Commissioner John O'Malley

Commissioner Neal Seabert

Chair Paul Buszka

Vice-Chair Louise Pattison

Commissioner Gregory Freeman

Commissioner Matt Balmer

Deputy Clerk, Laura Kasper

Interim Planning & Zoning Administrator, Tricia Anderson, of Williams & Works

City Planning and Zoning Administrator, Joe Blair

A. Approval of May 11, 2023 Agenda

B. Approval of March 9, 2023 and April 20, 2023 Minutes -

***Motion by Seabert, seconded by O'Malley, to approve the March 9, 2023 and April 20, 2023 Minutes. Motion carried by unanimous roll call vote.***

C. Approval of the Remaining 2023 Planning Commission Schedule -

***Motion by Balmer, Seconded by Seabert, to approve the remaining 2023 amended Planning Commission Schedule with the June, July, August, and November dates moved to the second Thursday of the month. Motion carried by unanimous roll call vote.***

**3. PUBLIC COMMUNICATION - VERBAL (LIMIT OF 3 MINUTES)**

- Olaf Huebner, Douglas resident who lives across from Centre Collective stated concerns with the plan regarding short-term rentals, sidewalks and safety, and privacy landscaping.
- Debbie Larson, 3071 May Street, stated Center Street concerns with traffic and pedestrian safety.

**4. PUBLIC COMMUNICATION – WRITTEN - None**

**5. NEW BUSINESS -**

A. **Lakeshore Woods Private Road Review -**

Chair Buszka asked Ms. Anderson to brief the Planning Commission on the application.

Ms. Anderson indicated that the applicant was not present for the meeting, Ms. Anderson explained that the proposed private road is intended to create an access point to the Lakeshore Resort from Blue Star Highway as a benefit to the owners and/or users of the resort. She added that it could also serve as a potential connection between Blue Star and the lakeshore, as the beach erosion slowly creates the potential to impact the reliability of Lakeshore Drive. Review of the proposed private road was a joint effort between both Saugatuck Township and the City of Douglas; however, the Planning Commission is tasked with providing a recommendation to the City Council for the approval of only the portion of the private road that runs through the Douglas parcel, called the “Tranquil Parcel”. Saugatuck Township has jurisdiction over reviews and approval of the majority of the length of the proposed private road. Ms. Anderson indicated that the City Attorney reviews the private road easement/maintenance documents, and the City Engineer reviews the physical specifications of the proposed road. The applicant is still working to meet ordinance standards and language deemed satisfactory in the easement/maintenance agreement, however, the applicant insisted on being kept on the Planning Commission agenda. She noted that it is recommended that the Planning Commission postpone any action on this item until such time that the applicant can address all the concerns stated by the City Attorney and City Engineer, that were indicated in the provided reports.

Chair Buszka asked Commissioners for their comments on the item.

Pattison stated Allegan County Road Commission permit appears to be issued in 2020 and should check to see if the permit is still active.

O’Malley questioned how busy the road will be, and what is the timeline for development on the vacant parcels that may be developed that would have access from the road. He also questioned if the public use it.

Freeman questioned why they don’t use the parcel to the south to access the private road. Heneghan stated it was very forward-thinking and glad they have access away from the Lakeshore.

Seabert stated he was ok with the private drive width.

Chair Buszka stated security concerns, and that the applicant should consider a gate or other security feature to prevent unwanted users of the road. He also believes that the tranquil parcel has enough width to accommodate the full 66’ easement.

Chair Buszka asked for a motion.

***Motion by Seabert, seconded by Pattison, to table the item until such time that the applicant can address all the concerns stated by the City Attorney and City Engineer, as indicated in their respective reports.***

***Motion carried by unanimous roll call vote.***

B. **Centre Collective Preliminary Condominium Site Plan Review –**

Chair Buszka invited the applicant to speak regarding the proposed changes to the project.

Applicant, Jeff Kerr presented his project, along with Andy Brooks from Callen Engineering. Mr. Kerr thanked the Planning Commission and Tricia Anderson for their patience and tenaciousness. He asked the members to formally move to take Ms. Andersons conditions presented in the agenda packet

memorandum. Andy Brooks addressed the public comments regarding sidewalks and vegetation against the boat storage buildings on Hamilton Street.

Chair Buszka asked for Ms. Anderson's comments.

Ms. Anderson gave a brief history of the prior reviews with the Planning Commission and stated the Commission should take into consideration the proposed changes, along with the comments from the City Engineer's memorandums, as well as any additional information from the applicant. She noted that the site condo proposes 22 condos as opposed to 23 in the previous plan. She also spoke to the potential solution to avoid tree root conflict in the public utility easement and asked that the trees instead be placed on the private property since the ordinance requires plantings "along" the right-of-way, and not "in" the right-of-way. Other changes included more gathering spaces within the development and a gazebo. The cul-de-sac had some truck turning templates tested to ensure that the geometry could support a fire apparatus. She also added that she supports not requiring a sidewalk along Westshore Drive, even though this is usually the best opportunity for the City to require sidewalks. She assured the Planning Commission that the conditions included in her memorandum specify next steps for the applicant and though there may seem like a lot, they are thorough in the sense that they serve as guidance for the next steps from Council review to zoning permits.

Ms. Anderson recommended that the Planning Commission forward a favorable recommendation to the City Council for the review of the final site condominium plan, subject to the 12 conditions presented in the Williams & Works memorandum provided in the agenda packet.

Chair Buszka asked the Planning Commission for their comments.

Freeman is opposed to the units being used as short-term rentals and would ask that language be added to the master deed to reflect this.

Heneghan would like to require the sidewalk on Westshore. She is also concerned with no screening proposed between the industrial buildings and the west property line and would like to add a condition to address this.

Seabert would also like to see sidewalks along Westshore Drive.

Pattison stated concerns with the St. Peters/Blue Star intersection. She would also like to see a restriction on short-term rentals. She was unsure about requiring sidewalks along Westshore Drive but would like to see a path leading from the development to Westshore Drive.

Balmer Spoke to the comments made by the public and that City Council has the authority to require or not require sidewalks.

Chair Buszka mentioned the last condo development included a section in their master deed that restricts short-term rentals, and he encouraged the applicant to do the same, recognizing that the Planning Commission does not have the authority to *require* it. He also wanted to ensure that the smaller lots could be built on. He added that the master deed should be revised to change the timeframe for the developer to have full control over the architecture of the homes, including an exit plan for when the developer moves out of the picture and HOA takes control.

Chair Buszka asked for a motion.

***Balmer moved, seconded by Freeman, to forward a favorable recommendation to the City Council***

**for the approval of the Centre Collective Preliminary Condominium and Site Plan Review, subject to the following conditions as outlined and amended to add the new condition number one in the William's & Works Memorandum to the City of Douglas Planning Commission dated May 3rd, 2023:**

- 1. The applicant shall pursue the vacation of the existing unimproved right of way of Pleasant Street from the St. Peter's subdivision plat to the satisfaction of the City Attorney and the applicant's title company, in order to lawfully occupy the area.**
- 2. The applicant shall address all conditions required by the City Engineer in the memorandum dated 4/28/2023.**
- 3. The applicant shall work with the Allegan County Drain Commission to satisfy stormwater management design standards and receive approval, prior to the City Council's review of the final condominium plan.**
- 4. The applicant shall work with the City Engineer and DPW as it relates to the implementation of recommended improvements to the signal timing and taper lanes along St. Peters.**
- 5. The applicant shall adhere to and address any and all recommendations made by the Saugatuck-Douglas Fire Department.**
- 6. The applicant shall insert language into the Master Deed and bylaws regarding the trees proposed trees along the rear yards of lots 13-17 that prohibit their removal unless dead or diseased.**
- 7. Upon approval of the final site condominium plan, the applicant shall submit a final draft of the Master Deed to be reviewed by the City Attorney prior to recordation. The Master Deed shall be recorded prior to the issuance of a zoning permit for any of the units.**
- 8. The applicant shall provide a construction timeline satisfactory to the City Engineer's recommendations, pertaining to the sequence of grading, installation of storm and utility infrastructure, sidewalks and pedestrian pathways, and landscaping, prior to the City Council's review of the final condominium plan**
- 9. The applicant shall construct individual homes in accordance with the MBO table shown on the approved grading and soil and sedimentation control plan dated 4/26/23.**
- 10. The applicant shall provide the City with a recorded copy of the stormwater maintenance agreement, prior to the issuance of any zoning permits for the construction of individual units.**
- 11. Upon approval of the final condominium plan by the City Council, the developer shall pay all fees and escrows associated with required permits related to utilities, construction plan review, and inspections.**
- 12. Upon the City Council's approval of the final condominium plan, the developer shall work with the City Engineer to meet the minimum standards for road design, inspection, approval, and maintenance for all proposed public streets. No construction of road infrastructure is permitted until construction plans are approved by City Engineer.**

**13. The applicant is encouraged to seek cooperation from the neighboring property owners on Hamilton Street that about the site condo to install a vegetative buffer between the boat storage buildings and the site condominium.**

***Motion carried by unanimous roll call vote.***

**C. Public Hearing, Sign Ordinance Draft –**

Chair Buszka asked for Ms. Anderson’s comments on the proposed sign ordinance.

Ms. Anderson reported that at the April 20<sup>th</sup>, 2023 meeting, the Planning Commission was largely accepting of the revised draft and with the Commission’s further additions incorporated as advised. She informed the Commission that the draft was sent to the City Attorney for review and will not be placed on the City Council’s agenda until after it has been reviewed.

***Motion by Pattison, seconded by Seabert, to open the public hearing.***

***Motion carried by unanimous roll call vote.***

**a. Public Comments - None**

**b. Staff Remarks –** Tricia Anderson acknowledged the additions provided by Commissioners at the prior meeting and provided the markups in the agenda packet.

**c. Commissioner Questions –** Commissioners discussed Temporary Signs and setting an allowance for only two per property. Chair Buszka reminded the Commission that they cannot foresee every use, but they may be amended later if necessary.

Balmer stated that two of these signs would be acceptable, and City Council can always kick the item back to the Commission if they do not like it.

Pattison stated the need for enforcement and follow through was important.

Heneghan thanked Ms. Anderson for her work and noted that it has been several years that the sign ordinance has been reviewed for amendments

***Motion by Balmer, seconded by Heneghan, to Close Public Hearing.***

***Motion carried by unanimous roll call vote.***

***Motion by Balmer, seconded by O’Malley, to Recommend the draft sign ordinance as amended to the City Council for their consideration, with the condition of City Attorney review prior.***

***Motion carried by unanimous roll call vote.***

**D. Planning Commission Bylaws Amendment with Resolution – RESOLUTION NO. 11-2023 A  
RESOLUTION TO ADOPT AN AMENDMENT TO THE PLANNING COMMISSION BYLAWS -**

Chair Buszka read Resolution No. 11-2023 into the record for formal approval, and asked Ms. Anderson for her comments.

Ms. Anderson indicated that the Planning Commission has expressed a desire to include additional language in their bylaws which would preclude members of the Planning Commission from having ex-parte contact with an applicant of an in-process development application or a future development application. The Planning Commission has also expressed a desire to ensure impartiality in its consideration of development proposals. She added that she wanted to keep the amendment short and to the point, so she added Section 6 to Article 9, Meetings, which reads:

*“Members of the Planning Commission, as individuals, a quorum, or as a group of less than a quorum, shall only discuss submitted or potential development applications in the public meeting setting. An exception is the Chair of the Planning Commission, along with staff or consultants present, may meet with an applicant to discuss a scheduled agenda item or a potential agenda item”*

Members of the Planning Commission were comfortable with this language and Chair Buszka asked for a motion.

***Balmer moved, seconded by Pattison, to approve Resolution No. 11-2023, an amendment to the Planning Commission bylaws.***

***Motion carried by unanimous roll call vote.***

**6. UNFINISHED BUSINESS** – Chair Buszka introduced the new Zoning Administrator. City Planning and Zoning Administrator Joe Blair gave a brief introduction of his prior background and experience and Chair Buszka encouraged Commissioners to meet with him to aid in his transition.

**7. REPORTS**

- A. **Planning and Zoning Administrator Report** – Ms. Anderson gave an update on the items for next month’s agenda, which will include Westshore PUD, and the Lakeshore Woods private road. She also mentioned that Forest Gate is in limbo between the Planning Commission and City Council, as they work to meet the set conditions. She added that she will continue to offer transitional support to the new Planning and Zoning Administrator.
- B. **Planning Commissioner Remarks** – Commissioners welcomed Joe Blair to the City, and thanked Ms. Anderson for her continued work. Balmer mentioned the joint meeting with Council and Brownfield held the prior week addressing affordable housing, and that a follow-up meeting will be held in the future. Chair Buszka mentioned that the joint meeting video is available to view on the website, and the Planning Commission may be tasked with some of the strategies discussed then.

**8. PUBLIC COMMUNICATION – VERBAL (LIMIT OF 3 MINUTES) - None**

**9. ADJOURNMENT -**

***Motion by Seabert, seconded by Pattison, to adjourn.***

Submitted by Laura Kasper, Deputy Clerk



**Marc L. Newman**  
**745 Golfview Drive**

June 7, 2023

City of Douglas  
Planning Commission

**Re: WestShore PUD Amendment**

Dear Members of the Planning Commission:

I, together with my wife, am the owner of the residence located at 745 Golfview. By way of introduction, I have been a property owner in Douglas since 2016 and purchased our home on Golfview in 2022. My principal residence is in the Detroit area, where I am employed as a commercial litigation attorney. Throughout my career, I have represented a number of property owners and developers in various land-use and zoning disputes.

I am writing in advance of the June 15, 2023 Planning Commission meeting. I would like my submission to be made part of the public record. I have reviewed the 810-page submission by BDR as well as Article 27 (Planned Unit Development District) of the City's Ordinance. I have several concerns about the preliminary site plan that I would like the Planning Commission to address. My concerns are related to three primary issues: density, traffic impact, and visual and sound buffering.

**Density.** Article 27.03(2) of the Ordinance provides that overall density of a PUD shall not exceed those permitted in the underlying zone. The underlying zoning of the subject parcel is R1. Under Article 4, R1 zoning calls for "very low density residential purposes" with minimum lot frontage of 100 feet. The site plan has an implied lot frontage of 82 feet (62 feet per building plus 20 feet between them). While Article 27.03(2) permits clustering on smaller lots than R1 permits, there must be a showing that "doing so better achieves the open space preservation objective of this Article." It is unclear if that requirement has been achieved. Further, while lot dimensions in a PUD can be modified under Article 27.04(5), this can be done only if the smaller lot sizes result in higher quality layout. Again, it is unclear whether this is merely an unsupported conclusion by the developer, or if an alternative layout has been considered.

Most importantly, under Article 27.04(6), maximum density of the underlying zoning (R1) is permitted only if the proposed density does not unreasonably affect road capacity and traffic, among other things. The density of the planned development directly impacts traffic, which is a major concern of the surrounding residents. I understand that no traffic studies have been commissioned. The Planning Commission should carefully consider the impact to traffic (pedestrian, biking and vehicular) resulting from both the high density of this proposed development and from a single ingress/egress to this development on McVea.

**Traffic.** The impact on traffic (both pedestrian and vehicular) is a major concern. A single ingress/egress is obviously problematic for homes in the McVea Platt and along Campbell and Ferry, but also along Lakeshore Drive, given its proximity and accessibility to McVea. The amount of traffic generated from this proposed site is unknown since no traffic studies have been performed. Purely based on my observations, the incremental traffic created by this development will be profound, not only from residents of the homes, but also from incidental traffic including guests of the residents (homes with close proximity to the Lake are conducive for large gatherings), and possible short term rentals (depending on the City's final determination on that issue), as well as delivery (Amazon, UPS, Fed Ex) and service vehicles.

Several prior site plans show ingress/egress to Center Street directly adjacent to West Shore Woods. It is not clear why the Center Street access has been eliminated in the current preliminary site plan, but it should be better understood whether Center Street access is viable, consistent with prior versions of the plan, as ingress/egress on Center Street would likely alleviate traffic impacts to McVea, Ferry and Lakeshore roads.

In addition, there will be an impact on traffic (pedestrian, biking and vehicular) to the intersections of Campbell/Ferry and Center/Ferry. These intersections have pedestrian traffic (something encouraged under the Master Plan), particularly on weekends, as well as wildlife roaming the area. Despite the recent reconstruction of Campbell Road, there is no bike lane or walking path, and pedestrian traffic is often difficult to see when turning (uphill) westbound onto Campbell from Ferry. Turning on to southbound Ferry from Campbell can be challenging, especially at peak (sunset) hours.

Traffic at Center and Ferry is exceptionally busy, especially during business hours, with pedestrian traffic and cars backing in and out of spaces, with the openings of Outside Coffee and the Root Beer Barrell, as well as other new businesses along Center. This area has become a major draw for the area, and the quaint neighborhood retail environment is encouraged by the Master Plan. These intersections have changed, fairly dramatically, since the developer's original PUD was approved, including as a result of the additional homes built as part of earlier phases of the PUD. Additionally, cars tend to cut through St. Peters Drive to avoid the intersection at Blue Star and Center (Google and Waze both recommend this route), but that is likewise dangerous, and new construction and additional housing being added along St. Peters Drive, will likely force even more traffic onto the intersection at Center and Ferry.

I do not profess to be a traffic engineer. My statements are based solely on my own empirical observations. A traffic study by a reliable traffic engineer should be a basic requirement of consideration of any plan, given the popularity and increased traffic in this area.

In addition, Ferry Road, north of the Ferry Street Frontage Area of the PUD, can be dangerous for biking and walking. The Ferry Street public path (built by the developer as part of the Ferry Street Frontage phase of development) stops just north of this development. This forces all bike and pedestrian traffic onto Ferry, toward the bottom of the hill, where cars tend to speed up. There is no shoulder, and the road tends to narrow in this area. As a result, it can be hazardous for pedestrians and bike traffic. These public safety concerns are readily apparent

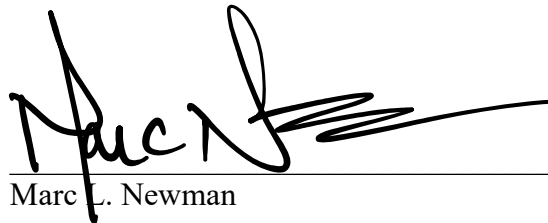
from the significant increase in police presence on Ferry, near West Shore Ct., to discourage motorists from speeding.

To comply with the express intent of the Zoning Ordinance (and the Master Plan), the Planning Commission should consider a requirement for an extension of the Ferry Street public path from Artisan Row to Campbell, or at least consider the feasibility for such purpose. Under Article 27.03(9), the Planning Commission is entitled to require road improvements contiguous to the site that would improve traffic safety and reduce congestion as a condition of development approval.

**Visual and Sound Privacy.** Article 27.04(11) of the Ordinance provides that the “design of a [PUD] shall provide visual and sound privacy” for dwellings within and surrounding the development. “Fences, walks and landscaping shall be used in the site design to protect the privacy of dwellings.” The site plan proposes the minimum set back requirement (25 feet) along with the proposed trail, and (except for existing wetlands) there is no attempt to provide visual and sound buffering between the trail and adjacent properties, and no attempt to provide buffering from the trail to newly constructed residences. The trail also appears to breach the 25’ setback buffer at McVea Plat sites 14-16.

The plan also seeks to remove extensive trees (some are 100-year-old trees) and makes minimal attempt to replace them. Other than the trail, there is no new buffering proposed between the PUD and existing residents. The Planning Commission should require the developer to submit a plan, consistent with the Ordinance, that seeks to maximize visual and sound privacy, and for replacement of trees.

I hope the Planning Commission shares my concerns and will appropriately address all these issues.



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Marc L. Newman

# williams&works

engineers | surveyors | planners

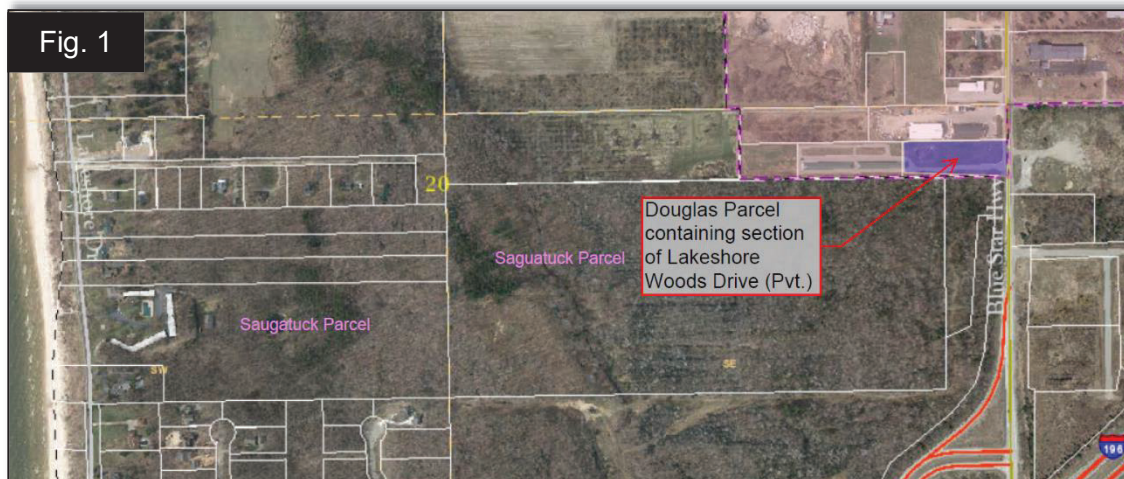
## MEMORANDUM

**To:** City of The Village of Douglas Planning Commission  
**Date:** June 8, 2023  
**From:** Tricia Anderson, AICP  
**RE:** Lakeshore Woods Private Road Review (Tabled on May 11, 2023)

This memorandum has been updated to reflect additional information received after the May 11, 2023, Planning Commission meeting. Updates are shown in red.

**Background.** Mr. Andrew Milauckas, property owner, has submitted an application for a proposed private road that is planned to access the Lakeshore Resort from Blue Star Highway. The subject parcel is located at 2862 Blue Star Highway and is 1.83 acres in size. The parcel is currently occupied by an existing self-storage facility and contains an access road with an approach onto Blue Star Highway. The proposed private road is planned to use this existing access road with the existing approach, as approved by the Allegan County Road Commission. The private road application has been reviewed pursuant to Article 18, Access Control and Private Roads, and reviewed by the City Attorney and the City Engineer.

**Jurisdiction.** The proposed private road is intended to create an access point to the Lakeshore Resort from Blue Star Highway. As dune and beach erosion slowly create the potential to impact the reliability of Lakeshore Drive, property owners, and public agencies are seeking ways to access the lakeshore from the east. This proposed private road is a bit unique, as it crosses the jurisdictional line between Douglas and Saugatuck Township and is only proposed



on one small parcel in the Douglas jurisdiction as shown in Figure 1. The review of this proposed private road was a joint effort between both jurisdictions, however, the Planning Commission is tasked with providing a recommendation to the City Council for the approval of *only* the portion of the private road that runs through the Douglas parcel (referred to as “Tranquil Parcel” on the site plan). Saugatuck Township has jurisdiction over reviews and approval of the majority of the proposed private road. **Update: The Saugatuck Township Planner has provided an updated conditional approval letter based on the revised plans and draft easement agreement.**

**Application and Process.** Section 18.02.11 requires an application to be submitted pursuant to Section 23.03(4), Permit Procedures and Regulations. The process for approval of private roads requires the City Attorney and City Engineer to forward their recommendations to the Planning Commission and City Council. As noted above, the Planning Commission is tasked with providing a recommendation to the City Council, based on the finding that the proposed private road complies with the requirements of Article 18. Once the City Council approves the private road plans, then the authorization for the construction of the road is issued by the Zoning Administrator. In this case, the portion of the proposed private road has already been constructed in conjunction with the existing self-storage facility use, thus construction authorization for the remainder of the road would be under the jurisdiction of Saugatuck Township.

**Review.** Section 18.02 provides requirements and standards for private road design. This section of the ordinance is provided for your reference. Since the road is only proposed on approximately 489’ of the parcel located in Douglas (shown on the plan as “Tranquil Parcel”), our review is limited to only that portion, however, we have worked with staff from Saugatuck Township to discuss the topics of future development of the Saugatuck parcels, as well as the potential for the road to be utilized by the public, should a catastrophic event cause Lakeshore Drive to become impassible. We have asked the property owner to address these topics within the required easement document/maintenance agreement that covers the entire road in both jurisdictions.

The site plan provided by the applicant dated ~~April 11, 2023~~ **June 7, 2023**, has been reviewed against the requirements of Section 18.02. The applicable standards are below, along with our remarks.

**18.02(4) Construction Standards.**

- a. *A private road that serves three (3) or more parcels in a division of land other than subdivisions as defined by the Land Division Act of 1967, as amended, shall meet or exceed the cross-sectional construction standards established by the Allegan County Road Commission for public roads, except that the paving of a private road is not required unless the private road has two (2) or more connections to a public street, or seven (7) or more lots or dwelling units gain access from the private road.*

**Remarks:** The applicant has provided a separate set of construction drawings for the proposed road, however, cross-sectional details are not provided. These plans have been reviewed by the City's engineer, who has provided review comments related to these standards. The private road, as proposed, does not connect to Lakeshore Drive, thus paving isn't required at this time, however, the portion of the road on the Tranquil parcel is currently paved with a 25' wide traveled surface. The road is planned as gravel throughout the Saugatuck parcels. Without the cross-section details, the City Engineer cannot ensure that the existing access road meets the minimum requirements for private roads as-built. **Update:** The applicant provided the City Engineer with the existing road cross-section details on May 16, 2023. Those reports are attached, along with the City Engineer's recommendation to include in the easement agreement the acknowledgment that the aggregate and sand found in the existing road on the Tranquil parcel do not meet MDOT standards, but that the samples were found to "generally meet" the City's standards for construction. The applicant has incorporated the recommended statement within the draft easement agreement. The Planning Commission may find this standard is met.

- b. *For existing private roads with two (2) or more connections to a public street or which provide access for seven (7) or more lots which are not under the jurisdiction of a maintenance agreement specifying paving and/or repaving funding, the City Council may apportion the paving costs via a special assessment to all benefiting property owners or decide that all the costs should be borne by the developer of the private road, whichever under the circumstances, seems fair following a hearing at which each of the affected property owners is notified by mail at least fifteen (15) days before the hearing.*

**Remarks:** **Update:** A condition of Saugatuck Township's approval is for the applicant to pave the road if additional users are to access the road in the future, or if the road becomes available for public use.

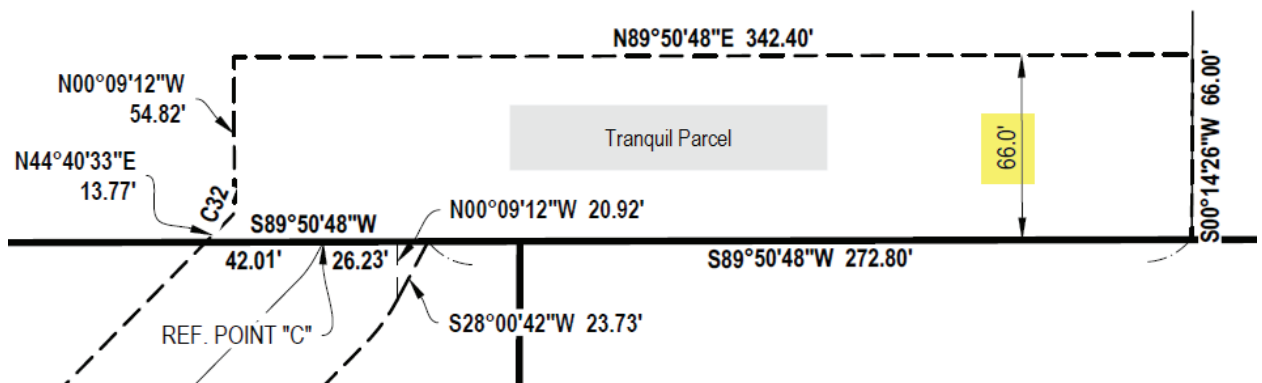
4. The use of Lake Shore Woods Drive shall be for vehicles of hotel guests only and only in the event Lakeshore Drive is declared impassible. Should use other than by hotel guests be desired, such as for the general public, or should use expand to a time when Lakeshore Drive is passable, the roadway shall be fully paved per construction plans.

This area is not under Douglas's jurisdiction. However, the City does have an interest in ensuring the proposed private road has another connection to a public street even though any future connections would be located in Saugatuck Township. The private road maintenance agreement should reflect this. **This standard is not applicable, since the portion in Douglas is currently paved.**

**18.02(5) Right-of-Way and Road Bed Width.**

All private roads shall have a minimum right-of-way easement width of at least sixty-six (66) feet unless waived by the City Council. Waiver to a narrower width may be considered when seven (7) or less lots are involved, and is discretionary depending on public health, safety, emergency vehicle access, utility line extension and service considerations pertinent to both the property in question and the surrounding area. In no case shall a right-of-way easement width be less than thirty-three (33) feet in width. Road bed widths for private roads serving seven (7) or less lots shall be at least sixteen (16) feet. Road bed widths for private roads serving more than seven (7), but less than fifteen (15) lots, may not be less than nineteen (19) feet. Road beds for private roads serving fifteen (15) or more lots shall be not less than twenty-four (24) feet.

**Remarks:** The proposed right-of-way width does not currently meet the 66'. As indicated above, the private road would utilize the access road for the self-storage facility. The plan provides for a 56' wide easement across the self-storage access road, and a 20' wide "Claim of Interest in Easement" over the parcel immediately south of the "Tranquil parcel". The claim of interest in easement document, as reviewed by the City Attorney, does not grant an actual easement and will not be accepted unless the property owner grants the easement. There appears to be space on the "Tranquil parcel" to locate the full 66' easement. **Update: The applicant has revised the plans to locate the entire 66' easement on the Tranquil parcel. See below. The Planning Commission may find this standard met.**



**18.02(7) Connection to Public Streets**

Construction authorization from the Allegan County Road Commission is required for connection to County roads. When applicable, a permit is also required from the County under the Soil Erosion and Sedimentation Control Act, Act 347. At the discretion of the City Council, a proposed private road may be disapproved unless it connects to another private road or public street when necessary to provide safe traffic flow and/or emergency vehicle access.

**Remarks:** The existing access drive and its existing geometry is acceptable to the Allegan County Road Commission, according to the applicant. It connects to Blue Star Highway and the permit issued by the Allegan County Road Commission is attached. **No changes. The Planning Commission may find this standard met.**

#### **18.02(9) Limit on Length**

*Private roads with only one connection to a public street or another approved private road meeting the requirements of this Ordinance shall not exceed one thousand three hundred and twenty (1,320) feet in length.*

**Remarks:** The total length of the proposed private road far exceeds 1,320 feet. However, the majority of the road is proposed within Saugatuck Township, and their zoning regulations will apply. **No changes – not applicable.**

#### **18.02(11)(a) Road Maintenance Agreement (to be recorded):** Must include:

1. *A method of initiating and financing of such road in order to keep the road up to properly engineered specifications and free of snow or debris.*
2. *A workable method of apportioning the costs of maintenance and improvements to current and future uses.*
3. *A notice that if repairs and maintenance are not made, the City Council may bring the road up to established Allegan County Road Commission standards for public roads and assess owners of parcels on the private road for the improvements, plus an administrative fee in an amount not to exceed twenty-five (25) percent of total costs.*
4. *A notice that no public funds of the City of the Village of Douglas are to be used to build, repair, or maintain the private road or road sign.*
5. *Funding of the posting and maintenance of the road sign.*

**Remarks:** The most recent draft reviewed by the City Attorney was not acceptable. His report is included with this memorandum. Additional attention is required for several areas. **Update: The applicant has revised the Private Road Maintenance to address the concerns expressed by the City Attorney and the City Engineer related to items 1-5 above. Correspondence containing approvals is included in your packet. The Planning commission may find this standard met.**

#### **18.02(11)(b) Road Easement Agreement (to be recorded):** Must include:

1. *Easements to the public for purposes of emergency and other public vehicles for whatever public services are necessary.*
2. *A provision that the owners of any and all of the property using the road shall refrain from prohibiting, restricting, limiting or in any manner interfering with normal ingress and egress and use by any of the other owners. Normal ingress and egress and use shall include use by family, guests, invitees, vendors, tradesmen, delivery persons,*



*and others bound to or returning from any of the properties having a need to use the road.*

**Remarks:** The required easement document and maintenance agreement document are combined into one document named “Declaration and Grant of Easements”. The City Attorney’s report should be referred to in whether these elements have been included in the combined document. **Update:** *The Declaration and Grant of Easements contains a section titled Barriers, which indicates the following:*

**6. Barriers.** *No Parcel owner shall at any time construct any barrier, fence, or other obstruction which will inhibit or restrict ingress, egress, and use of the Private Road by other Parcel owners or their family members, guests, invitees, agents, contractors, or emergency vehicles bound to or returning from any of the Parcels.*

**The City Attorney must determine whether this statement satisfies the requirement in 18.02(11)(b).1. which specifically requires that easement must be granted to the public for the purpose of emergencies. We believe the statement satisfies the requirement detailed in Section 18.02(11)(b).2. The Planning Commission may find this standard met upon confirmation from the City Attorney that the statement meets the intent of the ordinance requirement.**

**Final Thoughts.** The applicant requested to be placed on the agenda, with the knowledge that there are specific areas indicated in both the City Engineer’s and the City Attorney’s reports, that must be addressed before they can make a favorable recommendation to the Planning Commission. In summary, the following items require attention and compliance before the applicant can return to the Planning Commission:

1. Core samples of the access road on the “Tranquil parcel” must be obtained and provided to the City Engineer for his review.
2. The language within the Declaration and Grant of Easements will need some changes as noted by the City Attorney.
3. The City Attorney has advised that the 20’ “Claim of Interest in Easement” does not suffice for the required 66’ easement.

Saugatuck Township provided an approval with conditions in January of this year, however, some of the issues related to the easement came about after the approval letter was distributed. Lynee Wells, Township Planner, has expressed a desire for the 66’ easement to be contained entirely on the “Tranquil Parcel”, as the “Mendoza Parcel” (containing the 20’ “Claim of Interest in Easement”) is in the Township, and there is an interest in that parcel being developed in the future. **Update:** *These items have all been addressed in the revised submittal. The area noted above related to emergency access must still be addressed.*

**Recommendations.** At the upcoming meeting, the Planning Commission should carefully consider comments and information provided at the meeting by the applicant, members of the public, and fellow Planning Commissioners. Based on the findings noted in this memorandum, we are recommending that the Planning Commission forward a favorable recommendation to the City Council for the approval of the Lakeshore Woods Private Road, subject to the following conditions and any others deemed necessary by the Planning Commission:

1. The applicant shall address any issues outlined by the Saugatuck-Douglas Fire Department.
2. The applicant shall work with the City Attorney to address any additional changes to the Declaration and Grant of Easement document, as it relates to emergency access, prior to the final review by the City Council.
3. The applicant shall work with Saugatuck Township to satisfy any requirements related to the Declaration and Grant of Easement document that may not be addressed in the Douglas Zoning Ordinance.
4. Upon Council approval, the applicant shall record the Declaration and Grant of Easements prior to use of the private road, and provide the City with a recorded copy.

June 6, 2023

Joe Milauckas  
P.O. Box 121  
Saugatuck, MI 49453

Re: Private Road Conditional Approval, Lake Shore Woods Drive from Blue Star to Lake Shore Resort  
Parcels: 202-033-00, 020-038-00, 0359-020-005-20

Dear Mr. Milauckas,

You have submitted a request for Private Road. We reviewed this request in March, 2023. Subsequent to our review, your plans were modified, and new plans have been reviewed and submitted concurrent with review and comment by the City of Saugatuck. A redlined easement agreement was also reviewed and dated May 23, 2023.

Copies of relevant permits by reviewing agencies are on file including the EGLE wetland permit and driveway permit from the Allegan County Road Commission. The private road is approved with the following conditions:

1. Copies of applicable review letters and permitting issued by the City of the Village of Douglas for the private road shall be provided to the Township prior to road use.
2. Review and approval of easement documents and maintenance agreement by the Township's Attorney shall be required prior to road construction, and the agreed upon easements and maintenance agreement be recorded prior to C of O for new proposed Lakeshore Motel Lakeview and Forest View units.
3. Any proposed gate shall be reviewed and approved by the Saugatuck Township Fire District.
4. The use of Lake Shore Woods Drive shall be for vehicles of hotel guests only and only in the event Lakeshore Drive is declared impassible. Should use other than by hotel guests be desired, such as for the general public, or should use expand to time when Lakeshore Drive is passable, the roadway shall be fully paved per construction plans.
5. Any building permits or other land use approval (such as land division or site condo) for the aforementioned parcels shall require review and approval of Lake Shore Woods Private Road by the Planning Commission if required per the Township Zoning Ordinance, as amended. Similarly, should use of roadway change from item #4 above, a major amendment of the site plan for Lakeshore Motel shall be required.

Should you have questions, please reach out.

Sincerely,

*Lynce Wells* (via email)

Lynce Wells, AICP  
Township Planner



# SAUGATUCK TOWNSHIP FIRE DISTRICT

Proudly serving : Douglas | Saugatuck | Saugatuck Township



3342 Blue Star Highway  
Saugatuck, MI 49453  
269 857-3000 / Fax: 269 857-1228  
E-mail: [info@saugatuckfire.org](mailto:info@saugatuckfire.org)

December 21<sup>st</sup>, 2022

Nederveld  
c/o Mike Baker  
347 Hoover Blvd.  
Holland, MI 49423

Re: Lakeshore Woods Drive – Proposed Private Road – Site Plan Review #2 for Prj# 20200220 for  
Sheets: C-100, C-300, C-301, C-302, C-303 for drawings dated 2022.10.20, rev. 2022.12.02

Dear Mr. Baker

We are in receipt of the site plan for the Lakeshore Woods Private Road received 12/2/2022. We reviewed the plans using the International Fire Code (IFC) 2015 edition. Please see the result of the fire department review listed **below**.

1. Vehicle impact protection required by this code shall be provided by posts that comply with Section 312.2 or by other approved physical barriers that comply with Section 312.3. (312.1) **Not applicable.**
2. Dead end driveways and access roads in excess of 150 feet in length shall be provided with an approved area for turning around with fire apparatus (IFC 503.2.5) **Approved, turnaround as shown adjacent to existing barn complies with the minimum requirements.**
3. “No Parking Fire Lane” signage shall be installed at the dead end of the turnaround. (IFC 503.3) **Approved, “No Parking Fire Lane” Signage is shown on Sheet C-300 in revised submittals.**
4. No parking shall be allowed within the turnaround. The area must be clear and unobstructed for turnaround at all times. (IFC 503.4)
5. Fire apparatus access roads and driveways shall have an unobstructed width of not less than 20 feet, exclusive of shoulders. (IFC 503.2.1) **Approved, width is shown as 20 feet.**
6. Minimum clear height shall be 13’6” across the entire 20ft width of driveway. (IFC 503.2.1) **Approved, height clearance is noted as 13’6” in plans provided**
7. Road shall not exceed the 10% maximum grade. (IFC 503.2.7) **Approved, grade is shown as less than 10% in plans provided.**
8. The driveway shall be installed with asphalt, concrete, or other approved driving surfaces capable of supporting the 80,000-pound imposed load of our heaviest apparatus and be installed to provide emergency access prior to commencement of building construction. (IFC 503.2.3) **Approved, weight capacity is noted as capable of supporting 80,000lbs on Sheet C-301 of revised submittals.**
9. The road shall be maintained free of snow and ice to provide all weather driving capabilities. (IFC 503.2.3) **Approved, road is noted to be maintained free of snow and ice to provide all weather driving capability.**
10. Fire department access roads shall be constructed and maintained for all construction sites. (IFC 3310.1) **Not applicable to the private road project.**



# SAUGATUCK TOWNSHIP FIRE DISTRICT

Proudly serving : Douglas | Saugatuck | Saugatuck Township



Item 6A.

11. The installation of security gates across a fire apparatus access road shall be approved by the fire chief. Where security gates are installed, they shall have an approved means of emergency operation. The security gates and the emergency operation shall be maintained operational at all times. Electric gate operators, where provided, shall be listed in accordance with UL 325. Gates intended for automatic operation shall be designed, constructed and installed to comply with the requirements of ASTM F 2200. (IFC 503.6) **No gate is listed in the plans provided, however if it is installed in the future, a Knox Key switch or Knox padlock is required for emergency access and activation**
11. New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. (IFC 505.1) **Not applicable to the private road project.**
12. Streets and roads shall be identified with *approved* signs. Temporary signs shall be installed at each street intersection when construction of new roadways allows passage by vehicles. Signs shall be of an *approved* size, weather resistant and be maintained until replaced by permanent signs. (IFC 505.2) **Approved, street signage for "Lakeshore Woods Drive" is noted at the intersection of Blue Star Highway / Lakeshore Woods Drive in revised submittals.**
13. Where access to or within a structure or an area is restricted because of secured openings or where immediate access is necessary for life-saving or fire-fighting purposes, the fire code official is authorized to require a key box to be installed in an approved location. The key box shall be of an approved type listed in accordance with UL 1037, and shall contain keys to gain necessary access as required by the fire code official. (IFC 506.1) **Not applicable to the private road project.**
14. All new buildings shall have approved radio coverage for emergency responders within the building based upon the existing coverage levels of the public safety communication systems of the jurisdiction at the exterior of the building. This section shall not require improvement of the existing public safety communication systems. (IFC 510.1) **Not applicable to the private road project.**
15. An approved water supply capable of supplying the required fire flow for fire protection shall be provided to premises upon which facilities, buildings, or portions of buildings are hereafter constructed or moved into or within the jurisdiction. (IFC 507.1) **Not applicable to the private road project.**
16. The fire code official shall be notified prior to the water supply test. Water supply tests shall be witnessed by the fire code official, or approved documentation of the test shall be provided to the fire code official prior to final approval of the water supply system. (IFC 507.4) **Not applicable to the private road project.**
17. A hydrant is required within 400 ft. of any exterior portion of a non-sprinklered building or 600 ft. for an R-3 occupancy or sprinklered building. (IFC 507.5.1) **Not applicable to the private road project.**
18. An approved water supply for fire protection, either temporary or permanent, shall be made available as soon as combustible material arrives on the site. (IFC 3312.1) **Not applicable to the private road project.**
19. With respect to hydrants, driveways, buildings and landscaping, fire department connections shall be so located that fire apparatus and hose connected to supply the system will not obstruct access to the buildings for other fire apparatus. The location of fire department connections shall be approved by the fire chief. (IFC 912.2) **Not applicable to the private road project.**
20. Upon completion of construction, physical testing with apparatus will be required. If the apparatus is unable to navigate the completed road and driveway in a safe and efficient manner, modifications may be required.



# SAUGATUCK TOWNSHIP FIRE DISTRICT

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Item 6A.

21. Anything omitted in this plan review is subject to field inspection. (IFC 105.4.4)

***You have site plan approval from the fire department to begin construction on the Lakeshore Woods Private Drive project in Saugatuck Township if you are in agreement with the above-mentioned items. Please ensure you receive the appropriate permits from Saugatuck Township, City of Douglas, and other agencies prior to commencement of construction.***

Respectfully Yours,

*Chris Mantels*

Deputy Chief / Fire Inspector

Cc: Greg Janik – Fire Chief (via email)  
Lynee Wells – Zoning Administrator - Twp (via email)  
Tricia Anderson – Zoning Administrator - Douglas (via email)  
Joe Milauckas – Property Owner (via email)  
Andrew Milauckas – Property Owner (via email)

## APPLICATION AND PERMIT

to construct, operate, maintain, use and/or  
remove within a county road right-of-way

**ROAD COMMISSION USE ONLY**

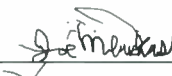
Item 6A.

Permit Number: 22-20-20  
 Issuance Date: 2/14/2022  
 New/Annual: **NEW CONSTRUCTION**

Board of County Road Commissioners of Allegan County, Michigan  
 ADDRESS: 1308 Lincoln Road, Allegan, MI 49010-9762  
 PHONE: (269)673-2184 FAX (269)673-5922  
 EMAIL: jsharp@alleganroads.org

If applicant hires a contractor to perform the work, BOTH must complete this form and BOTH assume responsibility for the provisions of this Application and Permit.

APPLICANT	CONTRACTOR
Name: <u>Joseph Milauckas</u>	Name: _____
Mailing Address: <u>P.O. Box 121, Saugatuck, MI 49453</u>	Mailing Address: _____
Telephone No: <u>616 994-2617</u>	Telephone No: _____
Email address: <u>LSR@WMOL.COM</u>	Email address: _____

Applicant's Signature: <u></u> Print Name: <u>Joseph Milauckas</u> Title: <u>Property Owner</u> Date: <u>1/25/2022</u>	Applicant's Signature: _____ Print Name: _____ Title: _____ Date: _____
---	---

FINANCIAL REQUIREMENTS	ATTACHMENTS REQUIRED
Application Fee \$ _____ Permit Fee \$ <u>200.00</u> Est. Inspect Fee \$ _____ Bond \$ _____ Deposit \$ _____ Other \$ _____ To Be Billed \$ _____ Receipt Number _____ Dated _____	Plans and Specs _____ Bond _____ Proof of Insurance <input type="checkbox"/> Yes <input type="checkbox"/> No P.I. \$ <u>200.00</u> P.D. \$ _____ Other <u>CS 201639</u>

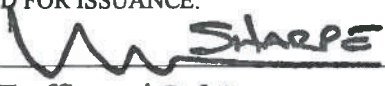
### APPLICATION

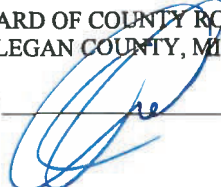
Applicant and/or Contractor request a permit for the purpose indicated in the description of work below and attached plans and specifications at the following location:  
 TOWNSHIP Saugatuck SECTION 20 NAME OF ROAD "Lake Shore Woods" between Blue Star Highway  
 and Lake Shore Drive for a period beginning 1/25/2022 and ending permanent and agrees to the terms of the permit.

This is a request for a permit to access Blue Star Hwy from a new private road that will start in the City of Douglas at Blue Star Highway and located on and shared with the existing 22' wide asphalt curb cut driveway that presently accesses Saugatuck Self Storage. The road will continue west on the existing drive approximately 350' then turn left onto my parcel #20-020-038-00 and continue to my business, Lake Shore Resort located at 2885 Lakeshore Drive. Private Road approvals will be obtained from the Saugatuck Twp and Douglas as required. No construction in the Blue Star Hwy right of way unless required. The 20' ingress/egress easement to south will be used for construction access until road completed.

### PERMIT

A permit is granted in accordance with the foregoing application for the period stated above subject to the following terms agreed to by the Permit Holder. When Applicant hires a Contractor, the "Permit Holder" is the Applicant and the Contractor.

RECOMMENDED FOR ISSUANCE:  
 Investigator:   
 Title: Traffic and Safety  
 Date: 2/14/22

BOARD OF COUNTY ROAD COMMISSIONERS  
 ALLEGAN COUNTY, MICHIGAN  
 By: 


1. **Specifications.** All work performed under this permit must be done in accordance with the plans, specifications, maps, and Statements filed with the Commission and must comply with the Commission's current requirements and specifications on file at its offices and M.D.O.T. specifications.
2. **Fees and Costs.** Permit Holder shall be responsible for all fees incurred by the Commission in connection with this permit and shall deposit estimated fees and costs as determined by the Commission, at the time the permit application is submitted.
3. **Bond.** Permit Holder shall provide a cash deposit, letter of credit, or bond in a form and amount acceptable to the Commission at the time permit is issued.
4. **Insurance.** Permit Holder shall furnish proof of liability and property damage insurance in the amount stated on this permit naming the Commission as an insured. Such insurance shall cover a period not less than the term of this permit and shall provide that it cannot be cancelled without ten (10) days advance written notice by certified mail with return receipt required to the Commission.
5. **Indemnification.** Permit Holder shall hold harmless and indemnify and keep indemnified the Commission, its officers and employees from all claims, suits, and judgments to which the Commission, its officers, or employees may be subject and for all costs and actual attorney fees which may be incurred on account of injury to persons or damage to property, including property of the Commission, arising out of the work under this permit, or in connection with work not authorized by this permit, or resulting from failure to comply with the terms of this permit, or arising out of the continued existence of the work products which is the subject of this permit.
6. **Miss Dig.** The Permit Holder must comply with the requirements of Act 53 of Public Acts of 1974, as amended. CALL MISS DIG AT (800)482-7171 AT LEAST TWO (2) FULL WORKING DAYS, BUT NOT MORE THAN TWENTY ONE (21) CALENDAR DAYS, BEFORE YOU START WORK. Permit Holder assumes all responsibility for damage to or interruption of underground utilities.
7. **Notification of Start and Completion of Work.** Permit Holder must notify the Commission at least 48 hours before starting work and must notify the Commission when work is completed.
8. **Time Restrictions.** All work shall be performed Mondays through Fridays between 8:00 a.m. and 5:00 p.m. unless written approval is obtained from the Commission, and work shall be performed only during the period set forth in this permit. No work will be allowed between November 15 and March 31.
9. **Safety.** Permit Holder agrees to work under this permit in a safe manner and to keep the area affected by this permit in a safe condition until the work is completed. All work site conditions shall comply with Michigan Manual of Uniform Traffic Control Devices.
10. **Restoration and Repair of Road.** Permit Holder agrees to restore the road and right-of-way to a condition equal to or better than its condition before the work began; and to repair any damage to the road right-of-way which is the result of the facility whenever it occurs or appears.
11. **Limitations of Permit.** This permit does not relieve Permit Holder from meeting other applicable laws and regulations of other agencies. Permit Holder is responsible for obtaining additional permits or releases which may be required in connections with this work from other governmental agencies, public utilities, corporations and individuals, including property owners. Permission may be required from the adjoining property owners.
12. **Revocation of Permit.** The permit may be suspended or revoked at will, and the Permit Holder shall surrender this permit and alter, relocate, or remove its facilities at its expense at the request of the Commission.
13. **Violation of Permit.** This permit shall become immediately null and void if Permit Holder violate the terms of this permit, and the Commission may require immediate removal of Permit Holder's facilities, or the Commission may remove them without notice at Permit Holder's expense.
14. **Assignability.** This permit may not be assigned without the prior approval of the Commission. If approval is granted, the assignor shall remain liable and the assignee shall be bound by all the term of this permit.
15. This permit is subject to supplemental specifications on file with the Road Commission and Act 200 of Public Acts of 1969.



**From:** [Keast, David](#)  
**To:** [Ken Bosma](#)  
**Cc:** [Anderson, Tricia](#); [Joe Blair](#)  
**Subject:** Re: [External] Revised plans - Lakeshore Woods Pvt. Rd.  
**Date:** Monday, May 22, 2023 10:15:53 AM  
**Attachments:** [image002.png](#)

Looks like both Ken and I are satisfied with the 5/16 changes to the Lakeshore Woods private road easement. You may let the Applicant know.

Dave


**David S. Keast**  
 Plunkett Cooney  
 Attorneys & Counselors at Law  
 T 248.901.4051 C 586.212.5443  
[bio](#) | [office](#) | [vcard](#) | [web](#) | [linkedin](#)

On May 22, 2023, at 3:46 AM, Ken Bosma <[KBosma@preinnewhof.com](mailto:KBosma@preinnewhof.com)> wrote:

**[EXTERNAL]**

Yes, we are good with the road.

**Kenneth A. Bosma, P.E.**

**Prein&Newhof**

t. 616-394-0200 d. 616-432-6691

f. 616-364-6955

[Website](#) | [Blog](#) | [LinkedIn](#)

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**From:** Keast, David <[DKeast@plunkettcooney.com](mailto:DKeast@plunkettcooney.com)>  
**Sent:** Sunday, May 21, 2023 12:57 PM  
**To:** Ken Bosma <[KBosma@preinnewhof.com](mailto:KBosma@preinnewhof.com)>  
**Cc:** Anderson, Tricia <[Anderson@williams-works.com](mailto:Anderson@williams-works.com)>; Joe Blair <[pzadmin@DouglasMI.gov](mailto:pzadmin@DouglasMI.gov)>  
**Subject:** RE: [External] Revised plans - Lakeshore Woods Pvt. Rd.

Ken,

The 5/16 changes appear to meet your core sample concern. My only remaining concern is that Bill Sikkel has not reconciled the "Schedule X-1" vs "Schedule X-2" reference discrepancy. However, before responding, I wish to

make sure that you are satisfied in all respects with the “Existing Road” as no immediate changes or construction to the Existing Road is contemplated by the Easement Agreement.

Dave

<image001.jpg>

**David S. Keast**

Plunkett Cooney  
Attorneys & Counselors at Law  
T 248.901.4051 C 586.212.5443

[bio](#) | [office](#) | [vcard](#) | [web](#) | [linkedin](#)

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**From:** Ken Bosma <[KBosma@preinnewhof.com](mailto:KBosma@preinnewhof.com)>  
**Sent:** Tuesday, May 16, 2023 3:44 PM  
**To:** Keast, David <[DKeast@plunkettcooney.com](mailto:DKeast@plunkettcooney.com)>; Anderson, Tricia <[Anderson@williams-works.com](mailto:Anderson@williams-works.com)>; Lynee Wells <[lwells@saugatucktownship.org](mailto:lwells@saugatucktownship.org)>; Rich LaBombard <[rlabombard@douglasmi.gov](mailto:rlabombard@douglasmi.gov)>; Jennifer Pearson <[Douglas@douglasmi.gov](mailto:Douglas@douglasmi.gov)>; Joe Blair <[pzadmin@DouglasMI.gov](mailto:pzadmin@DouglasMI.gov)>; Chris Mantels <[cmantels@saugatuckfire.org](mailto:cmantels@saugatuckfire.org)>  
**Subject:** RE: [External] RE: Revised plans - Lakeshore Woods Pvt. Rd.

**[EXTERNAL]**

As to item 3, we assume that item 2(a) addresses the issue as construction will need to meet Douglas zoning ordinance. Please note in our previous email (May 12, 2023), we suggested the agreement also address Code of Ordinances for Acceptance of Private Roads. This will address if there are more parcels added that use this road.

Let me know if this answers your concerns.

**Kenneth A. Bosma, P.E.**  
**Prein&Newhof**  
t. 616-394-0200 d. 616-432-6691  
f. 616-364-6955  
[Website](#) | [Blog](#) | [LinkedIn](#)

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**From:** Keast, David <[DKeast@plunkettcooney.com](mailto:DKeast@plunkettcooney.com)>  
**Sent:** Tuesday, May 16, 2023 2:56 PM  
**To:** Anderson, Tricia <[Anderson@williams-works.com](mailto:Anderson@williams-works.com)>; Lynee Wells <[lwells@saugatucktownship.org](mailto:lwells@saugatucktownship.org)>; Ken Bosma <[KBosma@preinnewhof.com](mailto:KBosma@preinnewhof.com)>; Rich LaBombard <[rlabombard@douglasmi.gov](mailto:rlabombard@douglasmi.gov)>; Jennifer Pearson

<[Douglas@douglasmi.gov](mailto:Douglas@douglasmi.gov)>; Joe Blair <[pzadmin@DouglasMI.gov](mailto:pzadmin@DouglasMI.gov)>; Chris Mantels <[cmantels@saugatuckfire.org](mailto:cmantels@saugatuckfire.org)>

**Subject:** [External] RE: Revised plans - Lakeshore Woods Pvt. Rd.

**Caution:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. When in doubt, contact your IT Department.

The revised Lakeshore Woods private road documents received by Tricia Anderson and distributed for review on May 12 are satisfactory to the City of the Village of Douglas attorney with the following exceptions:

1. The Road Easement Area is defined by reference to “Schedule X-1” on the proposed Exhibit A drawings. We believe that the correct reference should be to “Schedule X-2”.
2. The Easement Agreement only mentions “Parcel D” in Construction of Improvements paragraph 2(a), where it is granted the right to utilize the private road bed. Parcel D is NOT granted an easement over the Road Easement Area in Parcel 1(a), and, although defined in “Background” paragraph C, it is not mentioned in any other provision of the Easement Agreement. It is not clear to us whether the Applicant wishes to grant easement and road rights and responsibilities to Parcel D at this time, and this must be clarified; if so, Parcel D certainly should be granted an easement over the Tranquil and Lake Shore Parcels in the same manner as the “Trust Parcel”, and the Applicant then should consider whether Parcel D should be included when describing the allocation of construction, maintenance and repair costs, and the imposition of a lien in the event the Trust or its successors do not pay as agreed. Finally, I recommend that, if Parcel D will remain a beneficiary to the easement and private road, that approval by Douglas Council (and perhaps the Township) be expressly subject to a reserved right of review should the private road at some future date be utilized by a platted or condominium subdivision developed on Parcel D.
3. Although not a legal concern relative to this Application, we note that the portion of the Road Easement Area located on the Tranquil Parcel now includes the entire width of the Tranquil Parcel. As we understand that there may be / in the future may be competing “local” uses and traffic on the Tranquil Parcel, including perhaps the Self-Storage facility to the West, we would defer to the City Engineer for direction as to how these may be safely managed on the Tranquil Parcel.

David S. Keast

**David S. Keast**

Plunkett Cooney  
 Attorneys & Counselors at Law  
 T 248.901.4051 C 586.212.5443

[bio](#) | [office](#) | [vcard](#) | [web](#) | [linkedin](#)

**From:** Anderson, Tricia <[Anderson@williams-works.com](mailto:Anderson@williams-works.com)>

**Sent:** Friday, May 12, 2023 12:21 PM

**To:** Lynee Wells <[lwells@saugatucktownship.org](mailto:lwells@saugatucktownship.org)>; Ken Bosma <[KBosma@preinnewhof.com](mailto:KBosma@preinnewhof.com)>; Keast, David <[DKeast@plunkettcooney.com](mailto:DKeast@plunkettcooney.com)>; Rich LaBombard <[rlabombard@douglasmi.gov](mailto:rlabombard@douglasmi.gov)>; Jennifer Pearson <[Douglas@douglasmi.gov](mailto:Douglas@douglasmi.gov)>; Joe Blair <[pzadmin@DouglasMI.gov](mailto:pzadmin@DouglasMI.gov)>; Chris Mantels <[cmantels@saugatuckfire.org](mailto:cmantels@saugatuckfire.org)>

**Subject:** Revised plans - Lakeshore Woods Pvt. Rd.

**[EXTERNAL]**

All,

These were sent over on Monday. The Planning Commission discussed this item at their meeting last night, as requested by the applicant, however, no one on behalf of the applicant was in attendance at the meeting.

I would anticipate their request to be placed on the June PC agenda, thus I would ask that you review the revised plans and provide your written comments by June 1<sup>st</sup>. Please feel free to reach out with any questions!

Lynee, I'm wondering if your approval letter needs to be updated to reflect the most recent plan set with the 66' easement being entirely on the tranquil parcel? If you would also forward to the Twp attorney for review of the revised easement agreement, it would be appreciated. Thank you!

Have a great weekend!

Tricia Anderson, AICP  
 Planner + Project Manager

**williams&works**

(616) 224-1500 | (800) 224-1590

[williams-works.com](http://williams-works.com)

**From:** Bill Sikkel <[BSikkel@sikkellaw.com](mailto:BSikkel@sikkellaw.com)>

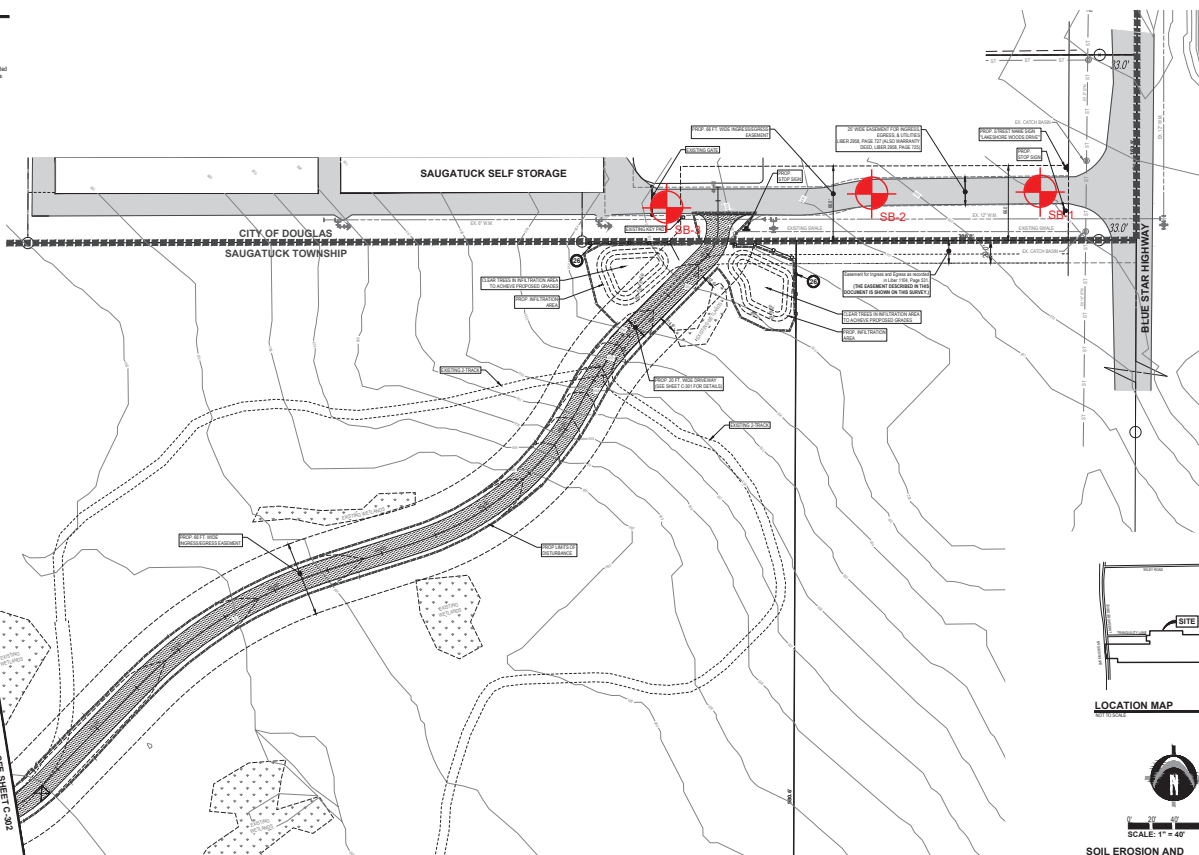
**Sent:** Monday, May 8, 2023 5:05 PM

Experience... the Difference

**BENCHMARKS**

**BENCHMARK #811 ELEV = 640.20 (NAVD83)**  
 Set collar pin north in South side 30" dia. Located  
 27'x East of the intersection of Lakeshore Drive & 27'x  
 South of the drive entrance to Lakeshore Resort.

**BENCHMARK #818 ELEV = 635.85 (NAVD83)**  
 Set collar pin north in west side of utility pole. Located  
 40'x East of the intersection of Lakeshore Drive & 27'x  
 South of the South line of North-South total building.



**NEDERVELD**  
 www.nederveld.com  
 800.222.1868  
 2811 Lawrence Drive  
 Holland, MI 48423  
 Phone 616.221.9495

ANN ARBOR  
 CHICAGO  
 COLUMBUS  
 GRAND RAPIDS  
 INDIANAPOLIS  
 ST. LOUIS

**PREPARED FOR:**  
 Lake Shore Resort  
 P.O. Box 121  
 Saugatuck, MI 49483

**REVISIONS:**

No.	Description	Checked	Date
1	Issue	Checked	2022.02.01
2	Issue	Checked	2022.02.01
3	Issue	Checked	2022.02.01
4	Issue	Checked	2022.02.01
5	Issue	Checked	2022.02.01
6	Issue	Checked	2022.02.01
7	Issue	Checked	2022.02.01
8	Issue	Checked	2022.02.01
9	Issue	Checked	2022.02.01
10	Issue	Checked	2022.02.01
11	Issue	Checked	2022.02.01
12	Issue	Checked	2022.02.01
13	Issue	Checked	2022.02.01
14	Issue	Checked	2022.02.01
15	Issue	Checked	2022.02.01
16	Issue	Checked	2022.02.01
17	Issue	Checked	2022.02.01
18	Issue	Checked	2022.02.01
19	Issue	Checked	2022.02.01
20	Issue	Checked	2022.02.01

**LAKE SHORE WOODS DRIVE (P.V.T.)**  
 Private Access Drive  
 2881 Lawrence Drive  
 SAUGATUCK TOWNSHIP, INDIANAPOLIS, INDIANAPOLIS, IN

**STAMP:**

**PROJECT NO:**  
2200220

**SHEET NO:**  
**C-303**

**SOIL EROSION AND SEDIMENTATION CONTROL SCHEDULE**

Activity	2022		2023	
	Start	End	Start	End
3				
14				
20				
28				

**SOIL EROSION AND SEDIMENTATION CONTROL NOTES**

- CONTRACTOR SHALL MAINTAIN THIS SOIL EROSION AND SEDIMENTATION CONTROL PLAN THROUGH THE DURATION OF THE PROJECT.
- CONTRACTOR SHALL MAINTAIN THIS SOIL EROSION AND SEDIMENTATION CONTROL PLAN THROUGH THE DURATION OF THE PROJECT. SHOULD ANY CHANGES BE REQUIRED TO THE CONTROL PLAN, THE CONTRACTOR SHALL SUBMIT A REVISION TO THE CONTROL PLAN TO THE ENGINEER FOR REVIEW AND APPROVAL.
- SOIL EROSION AND SEDIMENTATION CONTROL SHALL BE MAINTAINED THROUGHOUT THE CONSTRUCTION OF THE PROJECT. THE CONTRACTOR SHALL MAINTAIN THIS SOIL EROSION AND SEDIMENTATION CONTROL PLAN THROUGHOUT THE DURATION OF THE PROJECT.
- CONTRACTOR SHALL MAINTAIN THIS SOIL EROSION AND SEDIMENTATION CONTROL PLAN THROUGHOUT THE DURATION OF THE PROJECT. SHOULD ANY CHANGES BE REQUIRED TO THE CONTROL PLAN, THE CONTRACTOR SHALL SUBMIT A REVISION TO THE CONTROL PLAN TO THE ENGINEER FOR REVIEW AND APPROVAL.
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- CONTRACTOR SHALL MAINTAIN THIS SOIL EROSION AND SEDIMENTATION CONTROL PLAN THROUGHOUT THE DURATION OF THE PROJECT. SHOULD ANY CHANGES BE REQUIRED TO THE CONTROL PLAN, THE CONTRACTOR SHALL SUBMIT A REVISION TO THE CONTROL PLAN TO THE ENGINEER FOR REVIEW AND APPROVAL.



### AGGREGATE INSPECTION DAILY REPORT

PROJECT NAME Lake Shore Woods Drive				JOB NO. 2023.0728				REPORT NO. 1				PAGE 1		Specification <b>22A</b>													
								DATE TESTED 5/4/2023		OF 1																	
PIT NAME			PIT NO.		PRODUCER				CLIENT Lake Shore Resort																		
TEST NO.	SPECIFICATION	SAMPLE NO.	SAMPLED FROM: <input type="checkbox"/> Mini Stockpile <input type="checkbox"/> Shipping Face <input checked="" type="checkbox"/> On the Grade	CUMULATIVE PERCENT PASSING SPECIFICATION REQUIREMENTS													FINENESS MODULUS	CRUSHED MATERIAL	CLAY IRON-STONE	(1) SOFT PARTICLES INCL. CLAY-IRON-	(2) CHERT	SUM OF SOFT PARTICLES AND CHERT					
				SIEVE OPENINGS - INCHES OR SIEVE NUMBER																							
				6"	3"	2-1/2"	2"	1-1/2"	1"	3/4"	1/2"	3/8"	4	8	16	30							50	100	200		
1	22A	2303429	Site	100	100	100	100	100	100	91	77	71	57	46	39	33	22	13	10		50						
2																											
3																											
4																											
5																											
6																											
7																											
8																											
9																											
10																											
11																											
12																											
13																											
<b>AVERAGE:</b>				100	100	100	100	100	100	91	77	71	57	46	39	33	22	13	10		50						

REMARKS Material does not meet MDOT 22A specifications.

THIS MATERIAL	<input type="checkbox"/> DOES	<input checked="" type="checkbox"/> DOES NOT	MEET SPECIFICATION	AGGREGATE INSPECTOR (Signature)	DATE
IT IS	<input type="checkbox"/> ACCEPTED	<input checked="" type="checkbox"/> NOT ACCEPTED		B. Fritz (102780-0127)	5/11/2023

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### AGGREGATE INSPECTION DAILY REPORT

PROJECT NAME Lake Shore Woods Drive				JOB NO. 2023.0728				REPORT NO. 1				PAGE 1		<b>Specification Class II</b>													
								DATE TESTED 5/4/2023				OF 1															
PIT NAME			PIT NO.		PRODUCER				CLIENT Lake Shore Resort																		
TEST NO.	SPECIFICATION	SAMPLE NO.	SAMPLED FROM: <input type="checkbox"/> Site Stockpile <input type="checkbox"/> Shipping Face <input checked="" type="checkbox"/> On the Grade	CUMULATIVE PERCENT PASSING SPECIFICATION REQUIREMENTS														FINENESS MODULUS	CRUSHED MATERIAL	CLAY IRON-STONE	(1) SOFT PARTICLES INCL. CLAY-IRON-	(2) CHERT	SUM OF SOFT PARTICLES AND CHERT				
				SIEVE OPENINGS - INCHES OR SIEVE NUMBER																							
				6"	3"	2-1/2"	2"	1-1/2"	1"	3/4"	1/2"	3/8"	4	8	16	30	50							100	200		
1	Class II	2303428	Job Site	100	100	100	100	100	100	100	100	99	98	98	97	96	75	38	13								
2																											
3																											
4																											
5																											
6																											
7																											
8																											
9																											
10																											
11																											
12																											
13																											
<b>AVERAGE:</b>				100	100	100	100	100	100	100	100	99	98	98	97	96	75	38	13								

REMARKS: Material does not meet MDOT Class II specifications.

THIS MATERIAL <input type="checkbox"/> DOES <input checked="" type="checkbox"/> DOES NOT MEET SPECIFICATION IT IS <input type="checkbox"/> ACCEPTED <input checked="" type="checkbox"/> NOT ACCEPTED	AGGREGATE INSPECTOR (Signature) B. Fritz (102780-0127)	DATE 5/11/2023
---	---	-------------------

**Ann Arbor • Muskegon • Traverse City • Upper Peninsula  
(800) 933-3959**

**Project Name:** Lake Shore Woods Drive      **Project Number:** 2023.0728 TS  
**Project Location:** Douglas, Michigan      **Logged By:** D.Neimczak      **Reviewed By:** J.Veeneman  
**Client:** Lake Shore Resort      **Survey Datum:** NAD 1983 StatePlane Michigan South      **Hole Depth:** 3.00  
**Date Started:** May 04 2023      **Completed:** May 04 2023      **Latitude:**      **Longitude:**      **Elevation:**      **Frost Depth**      \_\_\_\_\_  
**Drilling Method:** Hand Auger






**Notes:** Boring located 60' W of Blue Star Highway.

**Ground Water Levels**



End of Drilling


May 04 2023 - Water not encountered.





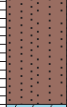

Depth	Graphic	Material Description	Moisture Content	Hand Penetrometer	Blow Counts	DCP										USCS			
						5	10	15	20	25	30	35	40	45					
0.0 - 0.5		ASPHALT - (3.5")																	
0.5 - 1.0		GRAVEL																	
1.0 - 2.0		SAND - light brown fine																	
2.0 - 2.5		SAND - dark brown fine																	
2.5 - 3.0		SAND - light brown fine																	
3.0 - 3.5																			
3.5 - 4.0																			
4.0 - 4.5																			
4.5 - 5.0																			
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14.0 - 14.5																			
14.5 - 15.0																			



**Project Name:** Lake Shore Woods Drive      **Project Number:** 2023.0728 TS  
**Project Location:** Douglas, Michigan      **Logged By:** D.Neimczak      **Reviewed By:** J.Veeneman  
**Client:** Lake Shore Resort      **Survey Datum:** NAD 1983 StatePlane Michigan South      **Hole Depth:** 3.00  
**Date Started:** May 04 2023      **Completed:** May 04 2023      **Latitude:**      **Longitude:**      **Elevation:**      **Frost Depth**      \_\_\_\_\_  
**Drilling Method:** Hand Auger  
**Notes:** Boring located 210' W od Blue Star Highway.

**Ground Water Levels**

 End of Drilling      May 04 2023 - Water not encountered.

Depth	Graphic	Material Description	Moisture Content	Hand Penetrometer	Blow Counts	DCP										USCS				
						5	10	15	20	25	30	35	40	45						
0.0 - 0.3		ASPHALT - (3.0")																		
0.3 - 0.5		GRAVEL																		
0.5 - 1.0		ASPHALT - (1.5")																		
1.0 - 1.5		GRAVEL																		
1.5 - 3.0		SAND - light brown fine																		
3.0 - 3.00		CLAY - brown with gray mottling																		
4.0																				
5.0																				
6.0																				
7.0																				
8.0																				
9.0																				
10.0																				
11.0																				
12.0																				
13.0																				
14.0																				
15.0																				

**Project Name:** Lake Shore Woods Drive      **Project Number:** 2023.0728 TS  
**Project Location:** Douglas, Michigan      **Logged By:** D.Neimczak      **Reviewed By:** J.Veeneman  
**Client:** Lake Shore Resort      **Survey Datum:** NAD 1983 StatePlane Michigan South      **Hole Depth:** 3.00  
**Date Started:** May 04 2023      **Completed:** May 04 2023      **Latitude:**      **Longitude:**      **Elevation:**      **Frost Depth**      \_\_\_\_\_  
**Drilling Method:** Hand Auger





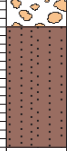
**Notes:** Boring located 360' W of Blue Star Highway.

**Ground Water Levels**



End of Drilling

May 04 2023 - Water not encountered.

Depth	Graphic	Material Description	Moisture Content	Hand Penetrometer	Blow Counts	DCP										USCS		
						5	10	15	20	25	30	35	40	45				
0.0 - 0.3		ASPHALT - (3.0")																
0.3 - 1.0		GRAVEL																
1.0 - 1.3		ASPHALT (3.0")																
1.3 - 2.0		GRAVEL																
2.0 - 3.0		SAND - light brown fine																
3.0 - 3.5																		
3.5 - 4.0																		
4.0 - 4.5																		
4.5 - 5.0																		
5.0 - 5.5																		
5.5 - 6.0																		
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12.5 - 13.0																		
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13.5 - 14.0																		
14.0 - 14.5																		
14.5 - 15.0																		

**From:** [Ken Bosma](#)  
**To:** [Mike Baker](#); [Anderson, Tricia](#); [Bill Sikkel](#); [Keast, David](#); [Rich LaBombard](#); [Jennifer Pearson](#); [Chris Mantels](#)  
**Cc:** [Lynee Wells](#); [Joe Milauckas](#); [andrew@milauckas.com](mailto:andrew@milauckas.com); [Joe Blair](#)  
**Subject:** RE: [External] Existing road test results - Lake Shore Woods Drive Pvt.  
**Date:** Tuesday, May 16, 2023 2:49:04 PM  
**Attachments:** [image001.png](#)

Reviewing the submittal, the only issue is the aggregate and sand do not meet MDOT standards. They both have more fines than allowed. Generally the pavement section would meet the City of Douglas's standards. I would recommend that the applicants include in their agreement that the core samples were taken on the existing road and found to generally meet City of Douglas's standards with the exception there is more fines in the gravel and sand subbase than is allowed by MDOT. Knowing that all parties acknowledge this and not this could impact the life expectancy of the road.

Let me know if you have any other questions.

**Kenneth A. Bosma, P.E.**

**Prein&Newhof**

t. 616-394-0200 d. 616-432-6691

f. 616-364-6955

[Website](#) | [Blog](#) | [LinkedIn](#)

**From:** Mike Baker <mbaker@nederveld.com>

**Sent:** Tuesday, May 16, 2023 11:52 AM

**To:** Anderson, Tricia <Anderson@williams-works.com>; Bill Sikkel <BSikkel@sikkellaw.com>; Ken Bosma <KBosma@preinnewhof.com>; Keast, David <DKeast@plunkettcooney.com>; Rich LaBombard <rlabombard@douglasmi.gov>; Jennifer Pearson <Douglas@douglasmi.gov>; Chris Mantels <cmantels@saugatuckfire.org>

**Cc:** Lynee Wells <wells@alignedplanning.org>; Joe Milauckas <lsr@wmol.com>; andrew@milauckas.com; Joe Blair <pzadmin@DouglasMI.gov>

**Subject:** [External] Existing road test results - Lake Shore Woods Drive Pvt.

**Caution:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. When in doubt, contact your IT Department.

Ken,

Here are the test results on the existing roadway for your review.

See attached:

1. Core and auger logs (showing material thickness)
2. Core location map
3. Sieve analysis of the sand (Class II) and gravel (22A)

Please let me know if you have any questions.

**Mike Baker PE**

800.222.1868

EXHIBIT "A"

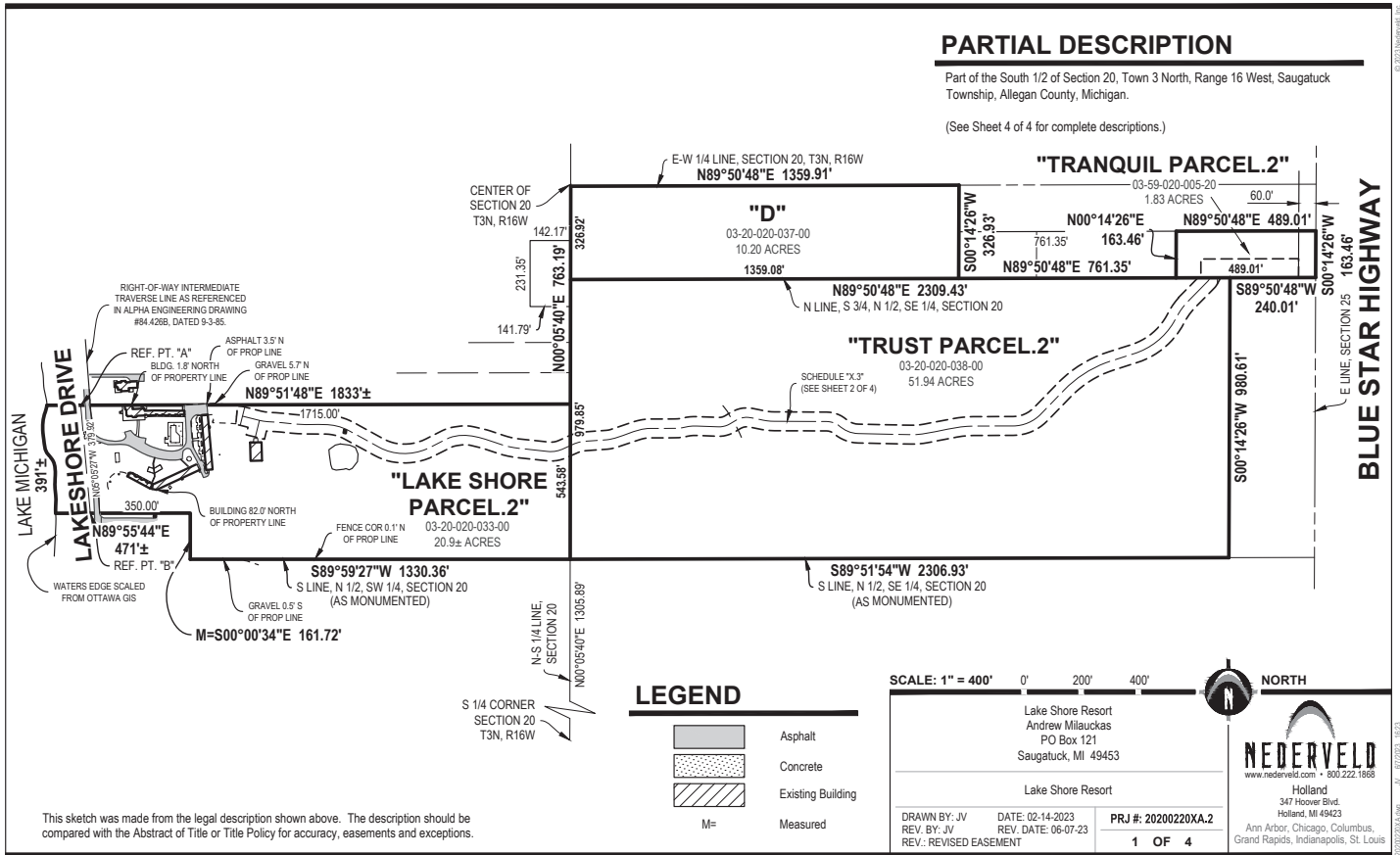


EXHIBIT "A"

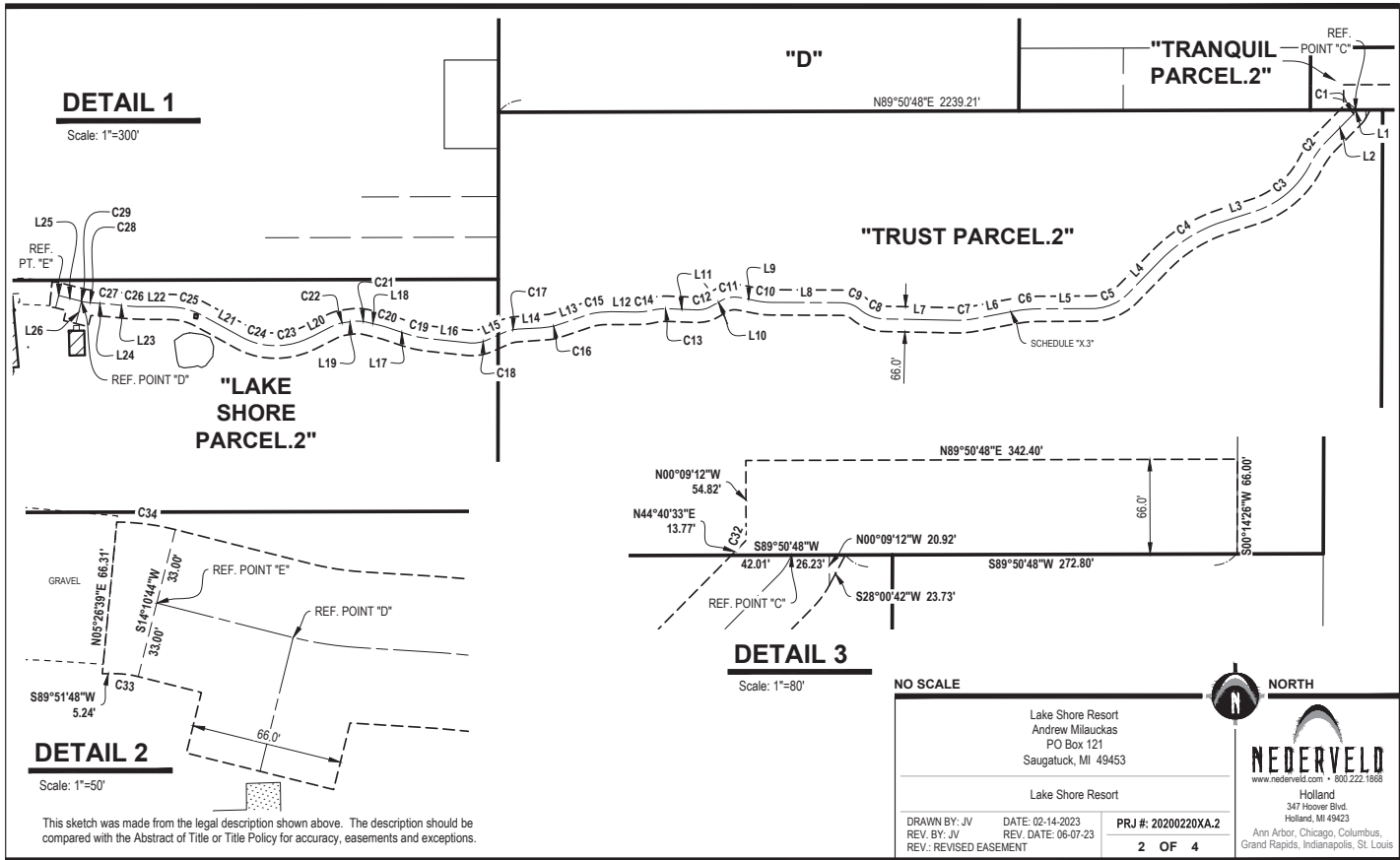


EXHIBIT "A"

CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD LENGTH
C1	10.18'	35.00'	16°39'51"	S36°20'38"W	10.14'
C2	76.59'	250.00'	17°33'15"	S35°53'56"W	76.29'
C3	197.50'	250.00'	45°15'51"	S49°45'14"W	192.41'
C4	197.11'	400.00'	28°14'02"	S58°16'08"W	195.12'
C5	107.48'	135.00'	45°37'04"	S66°57'39"W	104.67'
C6	64.55'	350.00'	10°34'00"	S84°29'11"W	64.46'
C7	52.20'	250.00'	11°57'52"	S85°11'07"W	52.11'
C8	69.03'	100.00'	39°32'55"	N69°03'30"W	67.66'
C9	53.00'	75.00'	40°29'34"	N69°31'49"W	51.91'
C10	38.42'	200.00'	11°00'20"	N84°16'26"W	38.36'
C11	55.06'	75.00'	42°03'47"	S80°11'50"W	53.83'
C12	43.22'	75.00'	33°01'05"	S75°40'29"W	42.63'
C13	41.09'	150.00'	15°41'38"	S84°20'13"W	40.96'
C14	34.86'	150.00'	13°18'49"	S83°08'49"W	34.78'
C15	48.22'	150.00'	18°25'01"	S80°35'43"W	48.01'
C16	25.36'	100.00'	14°31'55"	S78°39'10"W	25.30'
C17	34.92'	100.00'	20°00'35"	S75°54'50"W	34.75'
C18	52.73'	100.00'	30°12'35"	S81°00'50"W	52.12'

CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD LENGTH
C19	65.23'	300.00'	12°27'28"	N77°39'08"W	65.10'
C20	8.80'	100.00'	5°02'34"	N73°56'41"W	8.80'
C21	37.41'	100.00'	21°25'57"	N87°10'57"W	37.19'
C22	33.00'	100.00'	18°54'30"	S72°38'50"W	32.85'
C23	118.88'	200.00'	34°03'20"	S80°13'15"W	117.13'
C24	65.65'	175.00'	21°29'33"	N72°00'18"W	65.26'
C25	86.50'	175.00'	28°19'19"	N75°25'11"W	85.63'
C26	49.82'	500.00'	5°42'33"	N86°43'34"W	49.80'
C27	22.97'	500.00'	2°37'57"	N85°11'16"W	22.97'
C28	29.07'	160.00'	10°24'33"	N81°17'57"W	29.03'
C29	0.76'	160.00'	0°16'25"	N75°57'28"W	0.76'
C32	1.56'	2.00'	44°49'45"	N22°15'41"E	1.53'
C33	10.49'	42.00'	14°18'56"	N82°58'44"W	10.47'
C34	25.77'	108.00'	13°40'21"	S82°39'26"E	25.71'

LINE TABLE		
LINE	BEARING	LENGTH
L1	S28°00'42"W	6.06'
L2	S44°40'33"W	92.98'
L3	S72°23'10"W	83.05'
L4	S44°09'07"W	117.73'
L5	S89°46'11"W	139.70'
L6	S79°12'11"W	103.86'
L7	N88°49'57"W	184.18'
L8	N89°46'36"W	182.64'
L9	N78°46'16"W	44.51'
L10	S59°09'57"W	23.86'
L11	N87°48'58"W	75.64'
L12	S89°48'13"W	87.42'
L13	S71°23'13"W	83.63'

LINE TABLE		
LINE	BEARING	LENGTH
L14	S85°55'08"W	80.01'
L15	S65°54'33"W	45.84'
L16	N83°52'52"W	102.44'
L17	N71°25'24"W	51.64'
L18	N76°27'58"W	43.82'
L19	S82°06'05"W	21.60'
L20	S63°11'35"W	64.17'
L21	N61°15'32"W	120.40'
L22	N89°34'50"W	69.75'
L23	N83°52'17"W	32.30'
L24	N86°30'14"W	28.35'
L25	N75°49'16"W	60.43'
L26	S13°54'19"W	60.00'

NO SCALE



Lake Shore Resort  
Andrew Mitauckas  
PO Box 121  
Saugatuck, MI 49453

Lake Shore Resort

DRAWN BY: JV DATE: 02-14-2023  
REV. BY: JV REV. DATE: 06-07-23  
REV.: REVISED EASEMENT

PRJ #: 20200220XA.2  
3 OF 4

This sketch was made from the legal description shown above. The description should be compared with the Abstract of Title or Title Policy for accuracy, easements and exceptions.

EXHIBIT "A"

DESCRIPTIONS

PARCEL "D" DESCRIPTION: Part of the Southeast 1/4 of Section 20, Town 3 North, Range 16 West, Saugatuck Township, Allegan County, Michigan, described as: Commencing at the South 1/4 corner of said Section; thence N00°05'40"E 2285.74 feet along the North-South 1/4 line of said Section to the Point of Beginning; thence continuing N00°05'40"E 326.92 feet along said North-South 1/4 line to the Center of said Section; thence N89°50'48"E 1359.91 feet along the East-West 1/4 line of said Section; thence S00°14'26"W 326.93 feet; thence S89°50'48"W 1359.08 feet along the North line of the South 3/4 of North 1/2 of the Southeast 1/4 of said Section to the Point of Beginning. Contains 10.20 acres. Subject to easements, restrictions and rights-of-way of record.

"TRANQUIL PARCEL 2" DESCRIPTION: Part of the Southeast 1/4 of Section 20, Town 3 North, Range 16 West, Saugatuck Township, Allegan County, Michigan, described as: Commencing at the South 1/4 corner of said Section; thence N00°05'40"E 2285.74 feet along the North-South 1/4 line of said Section; thence N89°50'48"E 2120.43 feet along the North line of the South 3/4 of the North 1/2 of the Southeast 1/4 of said Section to the Point of Beginning; thence N00°14'26"E 163.46 feet, parallel with the East line of said Section; thence N89°50'48"E 489.01 feet; thence S00°14'26"W 163.46 feet along said East line; thence S89°50'48"W 489.01 feet to the Point of Beginning. Contains 1.83 acres. Subject to easements, restrictions and rights-of-way of record. Also subject to highway right-of-way for Blue Star Highway over the most Easterly 33.00 feet thereof. Also subject to and together with easement described in Schedule "X.3".

"TRUST PARCEL 2" DESCRIPTION: Part of the Southeast 1/4 of Section 20, Town 3 North, Range 16 West, Saugatuck Township, Allegan County, Michigan, described as: Commencing at the South 1/4 corner of said Section; thence N00°05'40"E 1305.89 feet along the North-South 1/4 line of said Section to the Point of Beginning; thence continuing N00°05'40"E 979.85 feet along said North-South 1/4 line; thence N89°50'48"E 2309.43 feet along the North line of the South 3/4 of the North 1/2 of the Southeast 1/4 of said Section; thence S00°14'26"W 980.61 feet, parallel with the East line of said Section; thence S89°51'54"W 2306.92 feet along the South line of the North 1/2 of the Southeast 1/4 of said Section (as monumented) to the Point of Beginning. Contains 51.94 acres. Subject to easements, restrictions and rights-of-way of record. Also subject to and together with easement described in Schedule "X.3".

"LAKE SHORE PARCEL 2" DESCRIPTION: Part of the Southwest 1/4 of Section 20, Town 3 North, Range 16 West, Saugatuck Township, Allegan County, Michigan, described as: Commencing at the South 1/4 corner of said Section; thence N00°05'40"E 1305.89 feet along the North-South 1/4 line of said Section to the Point of Beginning; thence continuing N00°05'40"E 543.58 feet along said 1/4 line; thence S89°51'48"W 1715.00 feet to a point referred to as Reference Point "A"; thence continuing S89°51'48"W 118 feet, more or less, to the shoreline of Lake Michigan; thence Southerly along said shoreline 391 feet, more or less, to a point that is S89°55'44"W 121 feet, more or less, from Reference Point "B"; Reference Point "B" being located S05°05'27"E 379.92 feet from aforementioned Reference Point "A"; thence N89°55'44"E 121 feet, more or less, to Reference Point "B"; thence continuing N89°55'44"E 350.00 feet; thence S00°00'34"E 161.72 feet; thence N89°59'27"E 1330.36 feet along the South line of the North 1/2 of the Southwest 1/4 of said Section (as monumented) to the Point of Beginning. Contains 20.9 acres, more or less. Subject to easements restrictions and rights-of-way of record. Also subject to and together with easement described in Schedule "X.3".

SCHEDULE "X.3" DESCRIPTION: An easement over part of the South 1/2 of Section 20, Town 3 North, Range 16 West, Saugatuck Township, Allegan County, Michigan, described as: Lying 33.00 feet on either side of the following described centerline: Commencing at the South 1/4 corner of said Section; thence N00°05'40"E 2285.74 feet along the North-South 1/4 line of said Section; thence N89°50'48"E 2239.21 feet along the North line of the South 3/4 of the North 1/2 of the Southeast 1/4 of said Section to Reference Point "C"; being the Point of Beginning of said centerline; thence S28°00'42"W 6.06 feet; thence Southwesterly 10.18 feet along a 35.00 foot radius curve to the right, said curve having a central angle of 16°39'51", and a chord bearing S36°20'38"W 10.14 feet; thence S44°40'33"W 92.98 feet; thence Southerly 76.59 feet along a 250.00 foot radius curve to the left, said curve having a central angle of 17°33'15", and a chord bearing S35°53'56"W 76.29 feet; thence Southwesterly 197.50 feet along a 250.00 foot radius curve to the right, said curve having a central angle of 45°15'51", and a chord bearing S49°45'14"W 192.41 feet; thence S72°23'10"W 83.05 feet; thence Southwesterly 197.11 feet along a 400.00 foot radius curve to the left, said curve having a central angle of 28°14'02", and a chord bearing S58°16'08"W 195.12 feet; thence S44°09'07"W 117.73 feet; thence Southwesterly 107.48 feet along a 135.00 foot radius curve to the right, said curve having a central angle of 45°37'04", and a chord bearing S66°57'39"W 104.67 feet; thence S89°46'11"W 139.70 feet; thence Westerly 64.55 feet along a 350.00 foot radius curve to the left, said curve having a central angle of 10°34'00", and a chord bearing S84°29'11"W 64.46 feet; thence S79°12'11"W 103.86 feet; thence Westerly 52.20 feet along a 250.00 foot radius curve to the right, said curve having a central angle of 11°57'52", and a chord bearing S85°11'07"W 52.11 feet; thence N88°49'57"W 184.18 feet; thence Northwesterly 69.03 feet along a 100.00 foot radius curve to the right, said curve having a central angle of 39°32'55", and a chord bearing N69°03'30"W 67.66 feet; thence Northwesterly 53.00 feet along a 75.00 foot radius curve to the left, said curve having a central angle of 40°29'34", and a chord bearing N69°31'49"W 51.91 feet; thence N89°46'36"W 162.64 feet; thence Westerly 38.42 feet along a 200.00 foot radius curve to the right, said curve having a central angle of 11°03'02", and a chord bearing N84°16'25"W 38.36 feet; thence N78°46'16"W 44.51 feet; thence Westerly 55.06 feet along a 75.00 foot radius curve to the left, said curve having a central angle of 42°03'47", and a chord bearing S80°11'50"W 53.83 feet; thence S59°09'57"W 23.86 feet; thence Southwesterly 43.22 feet along a 75.00 foot radius curve to the right, said curve having a central angle of 33°01'05", and a chord bearing S75°40'29"W 42.63 feet; thence N87°48'58"W 75.64 feet; thence Westerly 41.09 feet along a 150.00 foot radius curve to the left, said curve having a central angle of 15°41'38", and a chord bearing S84°20'13"W 40.96 feet; thence Westerly 34.86 feet along a 150.00 foot radius curve to the right, said curve having a central angle of 13°18'49", and a chord bearing S83°08'49"W 34.78 feet; thence S89°48'13"W 87.42 feet; thence Westerly 48.22 feet along a 150.00 foot radius curve to the left, said curve having a central angle of 18°25'01", and a chord bearing S80°35'43"W 48.01 feet; thence S71°23'13"W 83.63 feet; thence Westerly 25.36 feet along a 100.00 foot radius curve to the right, said curve having a central angle of 14°31'55", and a chord bearing S78°39'10"W 25.30 feet; thence S85°55'08"W 80.01 feet; thence Southwesterly 34.92 feet along a 100.00 foot radius curve to the left, said curve having a central angle of 20°00'35", and a chord bearing S75°54'50"W 34.75 feet; thence S65°54'33"W 45.84 feet; thence Westerly 52.73 feet along a 100.00 foot radius curve to the right, said curve having a central angle of 30°12'35", and a chord bearing S81°00'50"W 52.12 feet; thence N83°52'52"W 102.44 feet; thence Westerly 65.23 feet along a 300.00 foot radius curve to the right, said curve having a central angle of 12°27'28", and a chord bearing N77°39'08"W 65.10 feet; thence N71°25'24"W 51.64 feet; thence Northwesterly 8.80 feet along a 100.00 foot radius curve to the left, said curve having a central angle of 05°02'34", and a chord bearing N72°56'41"W 8.80 feet; thence N76°27'58"W 43.82 feet; thence Westerly 37.41 feet along a 100.00 foot radius curve to the left, said curve having a central angle

of 21°25'57", and a chord bearing N87°10'57"W 37.19 feet; thence S82°06'05"W 21.60 feet; thence Southwesterly 33.00 feet along a 100.00 foot radius curve to the left, said curve having a central angle of 18°54'30", and a chord bearing S72°38'50"W 32.85 feet; thence S63°11'35"W 64.17 feet; thence Westerly 118.88 feet along a 200.00 foot radius curve to the right, said curve having a central angle of 34°03'20", and a chord bearing S80°13'15"W 117.13 feet; thence Northwesterly 65.65 feet along a 175.00 foot radius curve to the right, said curve having a central angle of 21°29'33", and a chord bearing N72°00'18"W 65.26 feet; thence N61°15'32"W 120.40 feet; thence Northwesterly 86.50 feet along a 175.00 foot radius curve to the left, said curve having a central angle of 28°19'19", and a chord bearing N75°25'11"W 85.63 feet; thence N89°34'50"W 69.75 feet; thence Westerly 49.82 feet along a 500.00 foot radius curve to the right, said curve having a central angle of 05°42'33", and a chord bearing N86°43'34"W 49.80 feet; thence N83°52'17"W 32.30 feet; thence Westerly 22.97 feet along a 500.00 foot radius curve to the left, said curve having a central angle of 02°37'57", and a chord bearing N85°11'16"W 22.97 feet; thence N86°30'14"W 28.35 feet; thence Westerly 29.07 feet along a 160.00 foot radius curve to the right, said curve having a central angle of 10°24'33", and a chord bearing N81°17'57"W 29.03 feet to Reference Point "D"; thence Northwesterly 0.76 feet along a 160.00 foot radius curve to the right, said curve having a central angle of 00°16'25", and a chord bearing N75°57'28"W 0.76 feet; thence N75°49'16"W 60.43 feet to Reference Point "E" and the Point of Ending of said centerline.

ALSO, beginning at said Reference Point "C"; thence S89°50'48"W 42.01 feet along said North line of the South 3/4 of the North 1/2 of the Southeast 1/4 of said Section; thence N44°40'33"E 13.77 feet; thence Northerly 1.56 feet along a 2.00 foot radius curve to the left, said curve having a central angle of 44°49'45", and a chord bearing N22°15'41"E 1.53 feet; thence N00°09'12"W 54.82 feet; thence N89°50'48"E 342.40 feet; thence S00°14'26"W 66.00 feet, parallel with the East line of said Section; thence S89°50'48"W 272.80 feet along said North line; thence S28°00'42"W 23.73 feet; thence N00°09'12"W 20.92 feet; thence S89°50'48"W 26.23 feet along said North line to the Point of Beginning.

ALSO, lying 33.00 feet on either side of the following described centerline: Beginning at said Reference Point "D"; thence S13°54'19"W 60.00 feet to the Point of Ending of said centerline.

ALSO, beginning at said Reference Point "E"; thence S14°10'44"W 33.00 feet; thence Westerly 10.49 feet along a 42.00 foot radius curve to the left, said curve having a central angle of 14°18'56", and a chord bearing N82°58'44"W 10.47 feet; thence S89°51'48"W 5.24 feet; thence N05°26'39"E 66.31 feet; thence Easterly 25.77 feet along a 108.00 foot radius curve to the right, said curve having a central angle of 13°40'21", and a chord bearing S82°39'26"E 25.71 feet; thence S14°10'44"W 33.00 feet to the Point of Beginning.

NO SCALE



Lake Shore Resort Andrew Milauckas PO Box 121 Saugatuck, MI 49453		 www.nederveld.com • 800.222.1888 Holland 347 Hoover Blvd. Holland, MI 49423 Ann Arbor, Chicago, Columbus, Grand Rapids, Indianapolis, St. Louis
DRAWN BY: JV REV. BY: JV REV.: REVISED EASEMENT	DATE: 02-14-2023 REV. DATE: 06-07-23	
Lake Shore Resort		PRJ #: 20200220XA.2 4 OF 4

This sketch was made from the legal description shown above. The description should be compared with the Abstract of Title or Title Policy for accuracy, easements and exceptions.

## DECLARATION AND GRANT OF EASEMENTS

This Declaration and Grant of Easements (the “**Agreement**”) is made May \_\_, 2023, by **TRANQUIL ROAD, LLC**, a Michigan limited liability company, whose address is PO Box 121, Saugatuck, Michigan 49453 (“**Tranquil**”), Joseph J. Milauckas Jr, as Trustee of the **JOSEPH J. MILAUCKAS JR. TRUST**, whose address is also PO Box 121, Saugatuck, Michigan 49453 (the “**Trust**”) and **LAKE SHORE RESORTS, LLC**, a Michigan limited liability company, whose address is also PO Box 121, Saugatuck, Michigan 49453 (“**Lake Shore**”).

This conveyance is exempt from County Real Estate Transfer Tax under MCL 207.505(a) and from State Real Estate Transfer Tax under MCL 207.526(a). The value of the consideration is less than \$100.

### Background

- A. Tranquil owns of certain land located in the City of the Village of Douglas, Allegan County, Michigan described and depicted on the attached Exhibit A as the **Tranquil Parcel**.
- B. The Trust owns certain adjoining land located in Saugatuck Township, Allegan County, Michigan described and depicted on the attached Exhibit A as the **Trust Parcel**.
- C. The Trust also owns certain adjoining land located in Saugatuck Township, Allegan County, Michigan described and depicted on the attached Exhibit A as **Parcel D**.
- D. Lake Shore owns certain adjoining land located in Saugatuck Township, Allegan County, Michigan, described and depicted on the attached Exhibit A as the **Lake Shore Parcel**.
- E. Tranquil, the Trust, and Lakeshore desire to grant to each other, and their successors and assigns, non-exclusive, perpetual, private easements over certain portions of the Tranquil Parcel, Trust Parcel, and Lakeshore Parcel pursuant to the terms and conditions of this Agreement.

### Terms and Conditions



NOW, THEREFORE, in consideration of the mutual covenants contained in this Agreement, and other good and valuable consideration, the receipt and sufficiency of which is acknowledged, the parties make this Declaration and Grant of Easements.

**1. Declaration of Easements.**

(a) **Reciprocal Roadway and Utilities Easement.** Tranquil, the Trust and Lakeshore, as owners of their respective Parcels, declare and grant to the Trust and Lakeshore, and their respective successors and assigns, as easements appurtenant to the Trust Parcel, Parcel D, and Lake Shore Parcel (individually a “**Parcel**” and collectively the “**Parcels**”), non-exclusive, perpetual, private easements (the “**Private Road and Utilities Easement**”) for vehicular ingress to and egress from Blue Star Highway (including for emergency services for local police, sheriff and fire departments), and public and private utilities on, over, across, and under those parts of the Parcels as described and depicted as “Schedule X.2” on the attached Exhibit A (the “**Road Easement Area**”).

Included within this Private Road and Utilities Easement is the right to construct, install, maintain, repair, replace, reinstall, operate, and inspect driveway improvements, and water, sanitary sewer, telephone, cable television, electric, gas, and other similar utility lines (“**Utility Lines**”), over, across, and under the Road Easement Area.

The easements are to be for purposes of (i) pedestrian and vehicular ingress and egress to and from Blue Star Highway, including access for emergency services, including the Saugatuck Township Fire District, and local police and Sheriff departments, (ii) using, maintaining, repairing, reconstructing, improving, replacing and removing the Utility Lines, (iii) servicing any buildings and improvements upon the Parcels, (iv) fire protection, (v) security, and (vi) related uses.

**2. Construction and Maintenance Obligations.** The parties to this Agreement shall have the following construction and maintenance obligations with respect to the Private Road and Utilities Easement (together the “**Easements**”):

(a) **Construction of Private Road Improvements.** Tranquil previously constructed certain road improvements located within that portion of the Road Easement Area within the Tranquil Parcel (the “**Existing Road**”). Lake Shore shall initially construct on and in the remainder of the Road Easement Area gravel roadway improvements with a minimum bed width of 20 feet for the use of the Lake Shore Parcel, Parcel D, and the Trust Parcel (the “**New Road**”). The construction of the New Road shall comply with all applicable provisions of the Saugatuck Township Zoning Ordinance, City of the Village of Douglas Zoning Ordinance, and/or applicable Allegan County Road Commission standards. All subsequent construction costs to the Existing Road or New Road (collectively the “**Private Road**”) shall be paid by the owners of the Lake Shore Parcel and Trust Parcel in proportion to the linear footage of the Private Road on their respective parcels, which costs shall include expanding or paving the Private Road.

The parties acknowledge that a core sample was taken of the Existing Road. The

core sample showed that the Existing Road generally meets the City of Douglas's standards with the exception that there are more fines in the gravel and sand subbase than allowed by MDOT. As a result, this could impact the life expectancy of the Existing Road.

**(b) Maintenance of Private Road Improvements.** The Private Road shall at all times be maintained in a good and useful condition, and shall be owned, constructed, used maintained, and repaired in compliance with established Allegan County Road Commission Standards for public roads, and in compliance with the applicable Saugatuck Township Zoning Ordinance or City of the Village of Douglas Zoning Ordinance, or other applicable law or ordinance.

Decisions for matters such as approval of contractors or bids shall require approval of a majority of the Parcel Owners. Each Parcel Owner shall have one vote for each linear foot of frontage on the Road Easement Area on their respective Parcels.

For so long as Parcel D remains a vacant parcel with no access to the Private Road, all maintenance and repair costs, including costs for posting and maintaining any road signs, shall be paid by the owners of the Lake Shore Parcel and Trust Parcel in proportion to the linear footage of the Private Road on their respective parcels, which costs shall also include but not be limited to costs for: paving the roadway; resurfacing and repairs; snow, leaf and debris removal; and tree trimming and tree removal required for construction or maintenance of the roadway improvements. At such time that a road is constructed providing access to the Private Road from and to Parcel D, the Parcel D Owner shall then be responsible to contribute 5% of all costs to maintain and repair the Private Road, with the balance of such costs paid by the owners of the Lake Shore Parcel and Trust Parcel in proportion to the linear footage of the Private Road on their respective parcels.

Notwithstanding the foregoing, any damage to the road or utilities located within the Private Road and Utilities Easement caused by the owner of any parcel, or the respective owner's family members, guests, invitees, or agents, shall promptly be repaired by such owner at the owner's sole expense.

**(c) Utility Improvements.** Each Parcel Owner shall be responsible for the costs to construct, repair, replace and maintain any utilities located with the Road Easement Area that serve that parcel exclusively. The costs to construct, repair, replace or maintain utilities serving more than one Parcel shall be paid by the Parcel Owners benefitting from such utility in equal shares.

**3. Method of Construction.** The construction obligations shall be performed in accordance with applicable laws, ordinances and regulations of all governmental authorities, specifically including (without limitation) Saugatuck Township and the City of the Village of Douglas. Roadway improvements shall be constructed in accordance with the quality standards and specifications of Saugatuck Township, the City of the Village of Douglas, and Allegan County, Michigan. All construction shall be completed in a good, workmanlike, and expeditious fashion and shall be performed free of any and all construction liens.

**4. Private Road Notice.** The Private Road will not be maintained by the Allegan County Road Commission, Saugatuck Township nor The City of the Village of Douglas. No public funding is available or will be used to construct, reconstruct, maintain, repair, improve or snowplow the Private Road. If repairs and maintenance of the private road are not made so as to maintain the road to established Allegan County Road Commission standards for public roads, either Saugatuck Township or the city of the Village of Douglas shall have the authority, but not the obligation, to repair and maintain the road and assess owners of the parcels having frontage on the private road for the total cost, plus an administrative fee not to exceed 25% of the total cost of the repairs and maintenance. Any person purchasing a parcel having frontage on the private road shall be deemed to have petitioned for the repair and maintenance of the private road specified in this subsection as provided by Public Act No. 188 of 1954 (MCL 41.721 et. seq.) authorizing the special assessment by Saugatuck Township or the City of the Village of Douglas of the cost of the maintenance and repair of the private road, and to have consented in all respects to the imposition of a special assessment pursuant to such act for the cost for Saugatuck Township or the City of the Village of Douglas to repair and maintain the private road. The United States mail service and the local school district are not required to traverse this private improvement and may provide service only to the closest public access. (Michigan P.A. 134 of 1972, as amended.)

**5. Rights and Remedies.** If any owner of the Trust Parcel or Lake Shore Parcel fails to perform or commence to perform any obligation hereunder and such failure continues for ten (10) days (or shorter if necessity requires) following written notice specifying the default, the non-defaulting owner shall have the right (but not the obligation) to cure such default and take such action as may be necessary to do so including, without limitation, entering upon the land owned by the defaulting owner to effect such cure. If any sums are paid by the non-defaulting owner pursuant to this paragraph, the defaulting owner shall be liable to the non-defaulting owner for all sums expended by such non-defaulting owner in accordance with the provisions of this paragraph until such sums are repaid in full. Such amounts shall bear interest from the date of delinquency at the rate of three (3%) percent per annum in excess of the prime rate of interest published in The Wall Street Journal, adjusting and changing as such prime rate changes, and such amounts, including interest and the costs of collection shall constitute a lien on defaulting owner's parcel. The parties agree, for themselves, their successors and assigns, that such liens constitute a consensual agreement to encumber real property pursuant to MCL 565.25(3)(c).

The non-defaulting owner may enforce collection by foreclosure of the lien securing payment by the means set forth in the Michigan Foreclosure by Advertisement statute, being MCL 600.3201, et. seq., as amended, or by other legal or equitable proceedings as permitted by law or by judicial foreclosure. Alternatively, the non-defaulting owner may enforce collection of such amount by a suit at law for money judgment. The parties agree that prior to such enforcement action the non-defaulting party shall provide written notice to the defaulting party's lender of record, if any. The expenses incurred in connection with collecting unpaid amounts, including statutory interest, costs and reasonable attorneys' fees (actual, not limited to statutory), shall also be chargeable to the defaulting owner.

**6. Barriers.** No Parcel owner shall at any time construct any barrier, fence, or other obstruction which will inhibit or restrict ingress, egress, and use of the Private Road by other Parcel

owners or their family members, guests, invitees, agents, contractors, or emergency vehicles bound to or returning from any of the Parcels.

**7. No Public Funding.** No public funding is available or will be used to construct, re-construct, maintain, repair, or improve the Private Drive or to remove snow and ice from the Private Drive.

**8. Third Party Beneficiary.** All Parcel Owners and all the Owner' successors and assigns agree that Saugatuck Township and the City of the Village of Douglas shall be considered third party beneficiaries with respect to this Agreement and as such shall have the right to enforce the terms, conditions, responsibilities, duties, and obligations set forth in those sections.

**9. Binding Effect.** This Agreement shall, to the extent permitted by law, run with the land which comprises the Parcels, shall not be subject to termination except upon the written mutual agreement of the parties to this Agreement or their respective successors and assigns (in which case such parties will execute and record a release of this Agreement in recordable form, whereupon all rights, duties and liabilities created hereby shall automatically terminate), and shall inure to the benefit of the Trust Parcel and Lake Shore Parcel, and be binding upon the owners of the Parcels and their respective successors, assigns, transferees, licensees, invitees, servants, designees, and mortgagees, and each person or entity owning, occupying, or using the Parcels or any portion of them.

**10. Liability.** The owner of each Parcel agrees to defend, indemnify, and hold harmless Saugatuck Township, the City of the Village of Douglas, the other Parcel Owners and their successors and assigns, from and against all liens, claims, suits, or causes of action, that may be based upon any injury or alleged injury to person or property, which may be caused by or which may arise from any construction, maintenance, or use of or to the Private Road and Utilities Easement by that party, its successors and assigns, or its employees, agents, contractors, customers, guests or invitees.

**11. Miscellaneous.** Time is of the essence. Invalidation of any one of the provisions contained in the Agreement by judgment, court order, or otherwise shall not invalidate or otherwise affect any other provision in this Agreement, all of which shall remain in full force and effect. Whenever a transfer of ownership of any of the Parcels occurs, liability of the transferor for the breach of any obligation under this Agreement occurring after the transfer shall automatically terminate. The easement grant shall be given a reasonable construction so that the intention of each party to confer a usable right of enjoyment is carried out.

**12. Scope.** This Agreement is being entered into for the sole use and benefit of the Trust Parcel and Lake Shore Parcel. This Agreement, and the rights under this Agreement, shall not be transferred or assigned by the parties, except appurtenant to the property owned by them. None of the rights contained in this Agreement may be conveyed or granted by either party to real estate other than the Parcels.

**13. Relationship of Parties.** Nothing contained in this Agreement, nor any act of the parties, shall be deemed or construed by any party or by any third party to create the relationship of principal and agent, of partnership, of joint venture, of joint enterprise, or of any association between the parties hereto, nor shall anything contained in this Agreement or any act of the parties be construed to render any party liable for the debts or obligations of any other party.

**14. Amendment, Waiver, Modification, or Cancellation.** Any amendment, waiver, alteration, or modification of any of the provisions of this Agreement, or cancellation or replacement of this Agreement (in whole or in part), shall be effective only if in writing and signed by the parties to this Agreement, and only upon receiving the written approval of Saugatuck Township and the City of the Village of Douglas.

**15. Cumulative Remedies.** All rights, remedies, and recourse under this Agreement or otherwise are separate and cumulative and may be pursued separately, successively, or concurrently, are non-exclusive and the exercise of any one or more of them shall in no way limit or prejudice any other legal or equitable right, remedy, or recourse to which any party may be entitled.

**16. Interpretation.** No provision in this Agreement is to be interpreted for or against any party because that party or that party’s legal representative drafted the provision.

**17. Construction.** This Agreement shall be governed by and construed according to the laws of the State of Michigan.

**18. Entire Agreement.** This Agreement contains the entire understanding between the parties relating to the rights granted and the obligations assumed. This Agreement may not be amended, except in writing and signed by all parties to this Agreement, their heirs, personal representatives, successors or assigns.

**TRANQUIL:**

Tranquil Road, LLC

By: \_\_\_\_\_  
Joseph J. Milauckas  
Its Member

Acknowledged before me in \_\_\_\_\_ County, \_\_\_\_\_, on May \_\_, 2023, by Joseph J. Milauckas, as Member of Tranquil Road, LLC, a Michigan limited liability company, on behalf of the company.

\_\_\_\_\_  
Notary Public, State of \_\_\_\_\_, County of \_\_\_\_\_  
Acting in the County of \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

**TRUST:**

\_\_\_\_\_  
Joseph J. Milauckas Jr, as Trustee of the  
Joseph J. Milauckas Trust

Acknowledged before me in \_\_\_\_\_ County, \_\_\_\_\_, on May \_\_, 2023, by Joseph J. Milauckas Jr, as Trustee of the Joseph J. Milauckas Trust.

\_\_\_\_\_  
Notary Public, State of \_\_\_\_\_, County of \_\_\_\_\_  
Acting in the County of \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

**LAKE SHORE:**

Lake Shore Resorts, LLC

By: \_\_\_\_\_  
Joseph J. Milauckas  
Its Member

Acknowledged before me in \_\_\_\_\_ County, \_\_\_\_\_, on May \_\_, 2023, by Joseph J. Milauckas, as Member of Lake Shore Resorts, LLC, a Michigan limited liability company, on behalf of the company.

\_\_\_\_\_  
Notary Public, State of \_\_\_\_\_, County of \_\_\_\_\_  
Acting in the County of \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

Drafted by and when recorded return to:  
**William A. Sikkell, IV, esq.**

Sikkel & Associates, PLC  
42 East Lakewood Blvd.  
Holland, Michigan 49424  
(616) 394-3025

**Exhibit A**  
**Survey**