

AUGUSTA CHARTER TOWNSHIP  
Introduction of Amendment to Zoning Ordinance

Please take notice that the Augusta Charter Township Board of Trustees will consider an amendment to the Augusta Township zoning ordinance at the Board of Trustee's meeting to be held on **Tuesday, June 27, 2006 at 7:00 p.m.** at the Augusta Township Hall located at 8021 Talladay Road, Whittaker, Michigan 48190.

The Augusta Township Planning Commission recommended approval to rezone the following property **from (AR) Agricultural-Residential to (SR-1) Single Family Residential-1 under the Conditional Rezoning Development Agreement for the project known as Autumn Ridge.**

The legal description is as follows:

A parcel of land in the Southeast 1/4 of Section 1, Town 4 South, Range 7 East, Augusta Township, Washtenaw County, State of Michigan, more particularly described by Darrell Hughes, Michigan Registered Land Surveyor No. 19834, as beginning at a point on the South line of Section 1 and the center line of Willis Road, said point being distant South 89 degrees 36 minutes 34 seconds East 615.73 feet, along the South line of Section 1 and the center line of Willis Road, from the South 1/4 corner of Section 1; proceeding thence, from said point of beginning, North 00 degrees 06 minutes 50 seconds East 316.00 feet; thence North 89 degrees 36 minutes 34 seconds West 154.00 feet; thence North 00 degrees 06 minutes 50 seconds East 119.00 feet; thence North 89 degrees 36 minutes 34 seconds West 328.69 feet; thence North 00 degrees 07 minutes 12 seconds East 449.96 feet, being 133 feet Easterly of, as measured normal to and parallel with the North and South 1/4 line of Section 1; thence North 51 degrees 27 minutes 32 seconds East 1604.83 feet, along the Southeasterly right-of-way of the Norfolk Southern Railroad, 115 feet wide; thence South 00 degrees 05 minutes 31 seconds West 1893.44 feet, along the East 1/8 line of Section 1; thence North 89 degrees 36 minutes 34 seconds West 771.35 feet, along the South line of Section 1 and the center line of Willis Road, to the point of beginning, containing 35.585 acres. Subject to the rights of the public over that part used for Willis Road. Subject to a private road easement as recorded in Liber 3946, Pages 81-82, Washtenaw County Records. Subject to all other easements and restrictions of record.

A copy of the proposed site plan and development agreement is available for review and copying at the Augusta Township Hall, 8021 Talladay Road Whittaker, Michigan, during business hours. A copy of the proposed development agreement is available on the township website at <http://www.augustatownship.org/>, at Clerk's Office/Public Notices.

Written comments regarding the proposed amendment should be directed to the Augusta Charter Township, Attention: Kathy Giszczak, Clerk at 8021 Talladay Road, PO Box 100, Whittaker, MI 48190.

The Charter Township of Augusta encourages persons with disabilities to participate and will provide necessary auxiliary aids and services, such as signers for the hearing

impaired and audio tape of printed materials being considered at the meeting to individuals with disabilities upon Seven (7) days notice to the Township Clerk.

Kathy Giszczak, Clerk  
Augusta Charter Township

**Posted 6/06/06, Published 06/15/06, Web Posted 06/15/06**

**AUGUSTA CHARTER TOWNSHIP  
WASHTENAW COUNTY, MICHIGAN**

**ORDINANCE NO# 01-ZA-1**

THE BOARD OF AUGUSTA CHARTER TOWNSHIP OF WASHTENAW COUNTY,  
MICHIGAN, HEREBY ORDAINS THAT AUGUSTA CHARTER TOWNSHIP  
ZONING ORDINANCE BE AMENDED AS FOLLOWS:

**SECTION I**

Augusta Charter Township zoning ordinance adopted February 20, 1990 and effective April 22, 1990, as amended, and the zoning district map attached thereto and made a part thereof, are hereby amended by rezoning the following described property in Augusta township, Washtenaw County, Michigan, from the present A-R to (SR-2) Single Family Residential with conditions pursuant to MCL 125.286i:

A parcel of land in the Southeast 1/4 of Section 1, Town 4 South, Range 7 East, Augusta Township, Washtenaw County, State of Michigan, more particularly described by Darrell Hughes, Michigan Registered Land Surveyor No. 19834, as beginning at a point on the South line of Section 1 and the center line of Willis Road, said point being distant South 89 degrees 36 minutes 34 seconds East 615.73 feet, along the South line of Section 1 and the center line of Willis Road, from the South 1/4 corner of Section 1; proceeding thence, from said point of beginning, North 00 degrees 06 minutes 50 seconds East 316.00 feet; thence North 89 degrees 36 minutes 34 seconds West 154.00 feet; thence North 00 degrees 06 minutes 50 seconds East 119.00 feet; thence North 89 degrees 36 minutes 34 seconds West 328.69 feet; thence North 00 degrees 07 minutes 12 seconds East 449.96 feet, being 133 feet Easterly of, as measured normal to and parallel with the North and South 1/4 line of Section 1; thence North 51 degrees 27 minutes 32 seconds East 1604.83 feet, along the Southeasterly right-of-way of the Norfolk Southern Railroad, 115 feet wide; thence South 00 degrees 05 minutes 31 seconds West 1893.44 feet, along the East 1/8 line of Section 1; thence North 89 degrees 36 minutes 34 seconds West 771.35 feet, along the South line of Section 1 and the center line of Willis Road, to the point of beginning, containing 35.585 acres. Subject to the rights of the public over that part used for Willis Road. Subject to a private road easement as recorded in Liber 3946, Pages 81-82, Washtenaw County Records. Subject to all other easements and restrictions of record.

**SECTION II**

This ordinance shall be published in a newspaper circulated within the Township of Augusta within thirty (30) days following the final adoption thereof. This ordinance shall become effective on the eighth day following this publication or such later date as provided by law. All ordinances or parts or ordinances in conflict herewith are hereby repealed.

### SECTION III

I, Kathy Giszczak, Clerk of the Charter Township of Augusta, Washtenaw County, Michigan, hereby certify that this is a true copy of an ordinance adopted by the Augusta Charter Township Board upon first reading at a regular meeting held on May 23rd, 2005, and a second reading at a regular meeting held on June 27, 2006.

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Kathy Giszczak, Clerk  
Augusta Charter Township

## **DEVELOPMENT AGREEMENT**

This Development Agreement (the "Agreement") is made this \_\_\_ day of \_\_\_\_, 2006, by and between Medallion Homes Limited Partnership, 41000 W. Seven Mile Road, Suite 110, Northville, Michigan 48167 ("Medallion"), and Augusta Charter Township, a Michigan municipal corporation, whose address is 8021 Talladay Road, Whittaker, Michigan 48190 (the "Township").

### RECITATIONS:

A. This Agreement covers two parcels of land containing approximately 35.6 acres, which are located on the north side of Willis Road between McKean and Rawsonville Roads (the "Property"). The Property is more particularly described in Exhibit 1 attached hereto and consists of Parcel Nos. 20-01-400-010 and 20-01-400-033.

B. The current owners of the Property are the Wilma Louise Maxwell Trust & Bobby Maxwell and The Geoffrey Schrock Living Trust (the "Owners"). Medallion's principals and the Owners have entered into agreements pursuant to which Medallion agrees to buy and Owners agree to sell to Medallion, the Property.

C. Medallion has petitioned for a rezoning of the Property under the Township's Zoning Ordinance (the "Zoning Ordinance"), seeking to reclassify the Property from the AR (Agricultural Residential) district, to the SR-1 (Single Family Residential) district, for the purpose of developing a residential housing project containing 132 duplex residences. Medallion has also submitted a request for Tentative Preliminary Site Condominium approval under the Township's Condominium Ordinance for the housing project.

D. In proposing the rezoning to the Township, Medallion has represented that it will develop the Property in strict conformance with the Township's utility ordinance, engineering standards, utility master plan and certain other conditions and undertakings set forth in this Agreement below. The Owners are executing this Agreement in order to bind their Property to the terms hereof to the extent they continue to have an interest in the Property.

E. The Township, after holding all required public hearings and after considering all of the information submitted by Medallion, members of the public and Township consultants, has agreed to rezone the Property to the SR-1 zoning classification, subject to the conditions set forth below and the Township's utility ordinance, engineering standards and utility master plan.

F. This Agreement is made pursuant to, among other things, the Township Zoning Act, MCL 125.286i.

NOW, THEREFORE, for the mutual consideration reflected in this Agreement, the parties agree as follows:

1. If improved under the SR-1 zoning classification established under this Agreement, the Property shall be developed only in a manner consistent with the undertakings and conditions set forth below (the "Conditions"), which Conditions are hereby approved and accepted by the Township:

a. No use shall be allowed on the Property except detached for-sale single-family dwellings and/or for-sale duplex dwellings.

b. If developed for duplex housing rather than single family dwellings, Medallion may develop the Property with 132 residential duplex dwelling units (or 66 duplex structures, each containing 2 residential dwelling units).

c. The duplex development shall be developed in substantial conformance with a Final Site Plan as finally approved, a Preliminary Site Plan is attached hereto as Exhibit 2, which Preliminary Site Plan has been given Tentative Preliminary Site Condominium approval by the Township under the Township's Condominium Ordinance.

d. Set-backs for the duplex buildings shall satisfy the following minimum requirements:

Front Yard (Back of Curb to Building): 38 feet  
Between Buildings in Side Yards: 25 feet  
Between Buildings in Rear Yards: 60 feet  
Between Buildings and the Property Line: 30 feet

e. The roads within the development shall be private and shall be constructed as shown in the Final Site Plan. The private roads shall be 28 feet from back of curb to back of curb and the cross sections of the road shall meet the Township's Private Road Ordinance. To the extent the road layout, turning radii, width and other features as shown in the Site Plan vary from any of the requirements of the Private Road Ordinance, the Township hereby acknowledges that variances from the Private Road Ordinance are hereby approved as also reflected in the approval of the Final Site Plan.

f. Medallion shall pursue the duplex development as a condominium and shall pursue all applicable Township requirements for approval of the condominium site plan, except to the extent modified by the terms hereof.

g. The residential development shall be served by municipal sewer and water facilities currently located at the entrance of the Augusta Commons development. All improvements necessary to serve the site required by the

Augusta Township Ordinances, the Washtenaw County Drain Commissioner, the Washtenaw County Road Commission and all state and federal agencies having jurisdiction over the project shall be the sole financial responsibility of Medallion or its assigns, successors or purchasers. The Township agrees to allocate and reserve 132 water taps and 132 residential equivalent units (REU's) of sanitary sewer treatment plant capacity to the Property for the development. Medallion agrees to pay to the Township the sum of \$141.00 per REU annually, beginning one (1) year after the date on which Medallion receives final engineering approval for the development under Section 3.8 of the Township's Site Condominium Ordinance, or three (3) years after the date of this Agreement, whichever first occurs. This sum represents the carrying costs charged to the Township by YCUA to reserve sanitary sewer treatment plant capacity at the treatment plant under the Augusta Township/YCUA sanitary sewer contract. This sum will be due from Medallion on December 31<sup>st</sup> of each year (which payment shall cover the next 12 months) beginning on December 31<sup>st</sup> of the year in which the obligation to pay commences as described above. Any amounts due for the period between the date of commencement of the payment obligation and December 31<sup>st</sup>, shall be pro-rated and paid within ten (10) days after the obligation to pay has commenced. This charge is due for each REU which has been reserved for Medallion for this development, but not yet paid for; consequently, this charge shall be reduced annually equal to the number of sewer taps paid for by Medallion for the year ending on December 31<sup>st</sup>. Nothing contained herein shall prevent Medallion from pre-paying for some or all of the sewer and water taps reserved hereunder.

2. The Conditions have been voluntarily offered by Medallion in order to provide for an enhanced use and value of the Property, and to protect the public safety and welfare, and to induce the Township to rezone the Property to the SR-1 zoning classification so as to provide benefits and development options to Medallion and the Township.

3. All of the Conditions represent actions, improvements and/or forbearances that are directly beneficial to the Property and the Township.

4. If Medallion, or its successors or assigns, proceeds with development of the Property in a manner that violates the Conditions, the Township may, following notice and reasonable opportunity to cure, have the right and option to take action using the procedure prescribed by law for rezoning property to return the zoning of the Property to the AR zoning classification, and neither Medallion, or its successors and assigns, shall have any vested rights in the SR-1 zoning classification, and they shall be estopped from objecting to the rezoning. This Agreement shall be deemed null and void and of no further force and effect if Medallion does not complete the acquisition of the Property.

5. By execution of this Agreement, Medallion and the Owners acknowledge that they have acted in consideration of the Township approving the SR-1 rezoning of the Property, and Medallion and the Owners agree to be bound by the provisions of this Agreement. After consulting with their legal counsel, Medallion and the Owners





STATE OF MICHIGAN        )  
  ) SS  
COUNTY OF WASHTENAW)

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2006, by \_\_\_\_\_, Supervisor of Augusta Charter Township, a Michigan municipal corporation, on behalf of the Township.

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

STATE OF MICHIGAN        )  
  ) SS  
COUNTY OF WASHTENAW)

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2006, by \_\_\_\_\_, Clerk of Augusta Charter Township, a Michigan municipal corporation, on behalf of the Township.

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

**THE WILMA LOUISE MAXWELL TRUST**

By: \_\_\_\_\_

Its: Trustee

STATE OF MICHIGAN )  
 ) SS  
COUNTY OF \_\_\_\_\_)

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2006, by \_\_\_\_\_, Trustee on behalf of the Wilma Louise Maxwell Trust.

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

**THE GEOFFREY SCHROCK LIVING TRUST**

By: \_\_\_\_\_

Its: Trustee

STATE OF MICHIGAN )  
 ) SS  
COUNTY OF \_\_\_\_\_)

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2006, by \_\_\_\_\_, Trustee of The Geoffrey Schrock Living Trust.

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

**DRAFTED BY AND WHEN  
RECORDED RETURN TO:**

Alan M. Greene, Esq.  
Dykema Gossett PLLC  
39577 Woodward Avenue  
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Bloomfield Hills, MI 48304  
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