

Received
ISABELLA COUNTY, MI
08-04-2014 10:54 am

Instrument Liber Page
201400005930 1674 43
201400005930
Filed for Record in
ISABELLA COUNTY, MI
KAREN R. JACKSON
08-04-2014 At 11:04:45 am.
RESTRICTION 41.00
Liber 1674 Page 43 - 52

201400005930
ARCADIS
28550 CABDT DR
NOVI MI 48377

DECLARATION OF RESTRICTIVE COVENANT FOR A RESTRICTED NON-RESIDENTIAL CORRECTIVE ACTION

MDEQ Reference No. RC-RRD-213-14-103

This Declaration of Restrictive Covenant (Restrictive Covenant) has been recorded with the Isabella County Register of Deeds to protect public health, safety, and welfare, and the environment by prohibiting or restricting activities that could result in unacceptable exposure to environmental contamination present at the Property located at 305 East Wright Avenue, County of Isabella, Village of Shepherd, State of Michigan and legally described in the attached Exhibit 2 (Legal Description of the Property) that are inconsistent with the environmental conditions at the Property. Exhibit 3 (Survey of the Property) provides a survey of the Property that is subject to the land and/or resource use restrictions specified in this Restrictive Covenant.

The Property is associated with the former Amoco Service Station, site #7033, FID #00032899 for which a Closure Report (CR) was completed under Part 213, Leaking Underground Storage Tanks, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA), MCL 324.21301 *et seq.* Corrective actions that were implemented to address environmental contamination are fully described in the CR. A copy of the CR is available from the Michigan Department of Environmental Quality (MDEQ) Remediation and Redevelopment Division (RRD) District Office.

The Property described contains regulated substances in excess of the concentrations developed as the unrestricted residential cleanup criteria under Section 21304a(2) of the NREPA. The MDEQ recommends that prospective purchasers or users of this Property undertake appropriate due diligence prior to acquiring or using this Property, and undertake appropriate actions to comply with the requirements of Section 21304c of the NREPA.

Part 213 of NREPA requires the recording of this Restrictive Covenant with the Isabella County Register of Deeds based upon the corrective action activities for the site to: (1) restrict unacceptable exposures to regulated substances located on the Property; (2) assure that the use of the Property is consistent with the exposure assumptions used to develop cleanup criteria under Section 21304a(2) of the NREPA; and (3) assure the exposure control measures relied upon in the CR are effective.

Buyers Initials


05/18/23
12:18 PM EDT

Sellers Initials

OR LIB 1674 PG 47

IN WITNESS WHEREOF, BP Products North America, Inc. has caused this Restrictive Covenant, RC-RD-213-14-103, to be executed on this 30th day of July, 2014.

BP Products North America, Inc.

By: Randal Coll

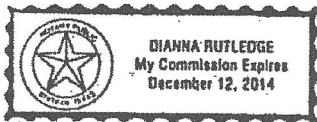
Name: Randal Coll

Title: Contracts Manager

STATE OF TEXAS
COUNTY OF HARRIS

Acknowledged before me in Harris County, Texas, on July 30, 2014 by Randal Coll, Contracts Manager, Atlantic Richfield Company, on behalf of its affiliate, BP Products North America, Inc., a Delaware Corporation.

Dianna Rutledge
Notary Public Signature



(Print, type, or stamp name of notary public)

Notary Public, State of Texas

County of Harris

My commission expires: December 12, 2014

Acting in the County of Harris

Prepared by:
Randy Christensen, ARCADIS US, Inc. - 10559 Citation Drive, Suite 100, Brighton, MI 48116

When recorded return to:
ARCADIS US, Inc. Attn: Randy Christensen - 10559 Citation Drive, Suite 100, Brighton, MI 48116

Buyers Initials

KP
05/18/23

Sellers Initials

OR LIB 1674 PG 49

EXHIBIT 2

LEGAL DESCRIPTION OF PROPERTY


Property Address: 305 East Wright Avenue, Shepherd, Michigan 48883

Parcel ID: 31-080-00-024-00

Legal Description:

A parcel of land in the Village of Shepherd, known as Lots 1, 2, 3 and the South 10 feet of Lot 10, in Block 2 of Millers Addition to Salt River as recorded in Liber 3 of Plats, Page 342, Isabella County Records.

Buyers Initials



05/18/23

12:18 PM CDT

Sellers Initials

PREPARED FOR:
ARCADIS US, INC.

RESTRICTIVE COVENANT DIAGRAM

SITE #7033
305 EAST WRIGHT AVENUE
SHEPHERD, MICHIGAN

LEGAL DESCRIPTION:

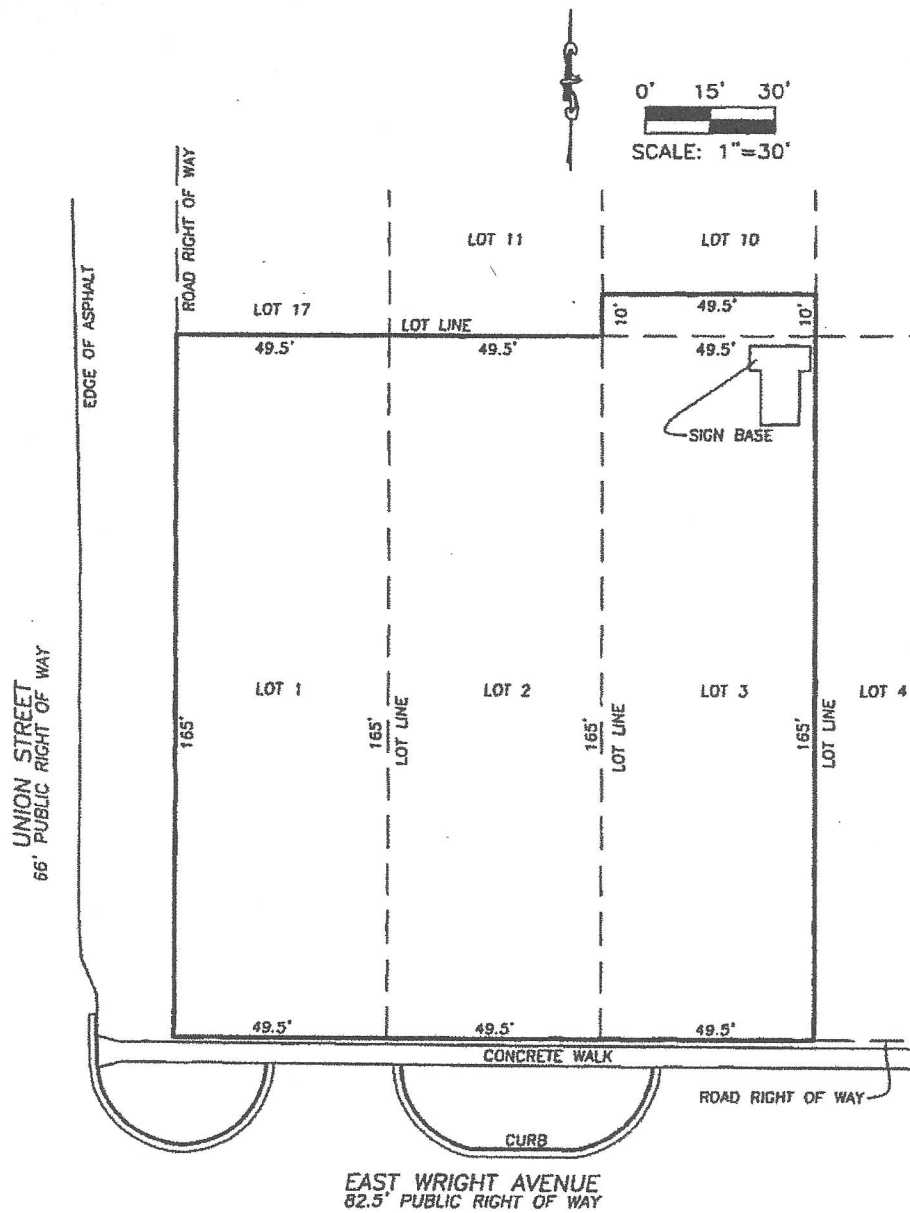
A parcel of land in the Village of Shepherd, known as Lots 1, 2, 3 and the South 10 feet of Lot 10, in Block 2 of Millers Addition to Salt River as recorded in Liber 3 of Plats, Page 342, Isabella County Records.



Buyers Initials



Sellers Initials



GEODETIC DESIGNS INCORPORATED
 2300 N. GRAND RIVER AVE.
 LANSING, MI 48906
 PHONE: (517) 908-0008
 FAX: (517) 908-0009
 www.geodeticdesigns.com




REVISION DATE:	
FIELD: -	DRAWN BY: djv
DATE: 7 MAY 2014	
FILE: S125-2014	
SHEET 1 OF 1	

EXHIBIT 4
DESCRIPTION OF ALLOWABLE USES

Nonresidential Land Use: This land use is characterized by any use which is not residential in nature and is primarily characterized by industrial and commercial uses. Industrial uses typically involve manufacturing operations engaged in processing and manufacturing of materials or products. Other examples of industrial uses are utility companies, industrial research and development, and petroleum bulk storage. Commercial uses include any business or income-producing use such as commercial warehouses, lumber yards, retail gas stations, auto dealerships and service stations, as well as office buildings, banks, and medical/dental offices (not including hospitals). Commercial uses also include retail businesses whose principal activity is the sale of food or merchandise within an enclosed building and personal service establishments which perform services indoors such as health clubs, barber/beauty salons, photographic studios, etc.

Any residential use is specifically prohibited from the non-residential land use category. This would include the primary use of the Property for human habitation and includes structures such as single family dwellings, multiple family structures, mobile homes, condominiums, and apartment buildings. Residential use is also characterized by any use which is intended to house, educate, or provide care for children, the elderly, the infirm, or other sensitive populations, and therefore could include day care centers, educational facilities, hospitals, elder care facilities, and nursing homes. The use of any accessory building or portion of an existing building as a dwelling unit permitted for a proprietor or storekeeper and their families, located in the same building as their place of occupation, or for a watchman or caretaker is also prohibited. Any authority that allows for residential use of the Property as a legal non-conforming use is also restricted per the prohibitions contained in this restrictive covenant.

Sellers Initials


05/18/23
12:18 PM CDT

Sellers Initials